



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

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Implementation Review Group

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Draft report

IV. Performance of the mechanism for the Review of Implementation of the United Nations Convention against Corruption

A. Progress report

1. A representative of the secretariat provided an update on the progress made in the country reviews of the first and second review cycles. She highlighted the fact that, at the time of reporting, 182 of the 184 States parties under review in the first cycle had submitted their responses to the self-assessment checklist, 172 direct dialogues (159 country visits and 13 joint meetings) had taken place, and 168 executive summaries had been finalized. The finalization of several other executive summaries was imminent.

2. The representative further informed the Group that, under the second review cycle, all 77 States parties under review in the first and second years had nominated their focal points. Also during the first two years of the second cycle, 67 States had submitted responses to the self-assessment checklist and 46 direct dialogues (45 country visits and 1 joint meeting) had taken place, while several other country visits were at various stages of planning. At the time of reporting, 25 executive summaries had been finalized and several additional executive summaries were being completed. Owing to the organization of training events early in the review cycle, the majority of States parties under review in the second and third years of the second cycle had nominated their focal points well before the start of their reviews, and therefore had the opportunity to undertake the early preparation of their self-assessment checklists. It was noted that, for the third year of the second cycle, 33 of the 36 States parties had nominated their focal points and 13 States parties had submitted self-assessment checklists.

3. The representative of the secretariat drew the attention of the Group to some of the practical challenges encountered in the conduct and completion of country reviews, while also highlighting the positive impact of the Mechanism on the anti-corruption efforts undertaken by States.

4. Speakers reiterated their Governments' commitment to the implementation of the Convention and support for the Implementation Review Mechanism. Reference was made to the positive impact of the Mechanism in promoting the effective implementation of the Convention, including by strengthening States' efforts to



address existing challenges in the implementation of the Convention, and by providing a forum for the exchange of experiences and lessons learned. In this regard, reference was also made by many speakers that the Mechanism had exceeded expectations, triggered legislative and institutional amendments and fostered international cooperation. Reference was further made to the need for States parties to effectively implement the recommendations emanating from the Implementation Review Mechanism. One speaker called for UNODC to have a coordinating role in matters relating to anti-corruption cooperation at the global level, using the United Nations Convention against Corruption as a basis.

5. Some speakers referred to challenges with respect to progress made in the operation of the Mechanism, including delays in the completion of country reviews. One speaker referred to the particular implications arising from the second cycle and proposed that a recommendation be adopted by the Group, requesting UNODC to provide an update at the resumed session of the Group, as well as at the eighth session of the Conference on progress made in completing the first and second cycles, as compared to the targets that had been set for those cycles, with the statistical data disaggregated by year. The speaker also proposed that UNODC provide information on whether any multi-year trends were identifiable. Another speaker expressed the view that the reviews placed an excessive burden on States parties and proposed that the self-assessment checklist be further streamlined and the communication between all the States parties involved in a review be strengthened.

6. A number of speakers emphasized the importance and added value of conducting country visits as part of the reviews, as they, *inter alia*, allowed the reviewing States parties to better understand the national situation. Some speakers referred to the importance of involving civil society organizations in country visits.

7. While highlighting the role played by civil society organizations in anti-corruption activities at the national level, one speaker noted that, as a confidence-building measure, the Group may consider for civil society organizations to participate in the parts of sessions when agenda items related to technical assistance are discussed. Some speakers emphasized the intergovernmental nature of the Mechanism and of the subsidiary bodies of the Conference.

8. A number of speakers stressed that the forthcoming eighth session of the Conference of the States Parties would provide the opportunity to take stock of the performance of the Mechanism, discuss the work of the Implementation Review Group to date and consider the future of the Mechanism. In this regard, it was noted that the future development of the Mechanism should be in conformity with its terms of reference and that the Mechanism should take into account the sovereignty of States while also bearing in mind its intergovernmental nature.

9. National efforts to prevent and combat corruption, including those pertaining to the implementation of chapters II and V of the Convention, which were under review during the second review cycle, were highlighted by several speakers. Speakers shared information on national measures to, *inter alia*, develop national anti-corruption strategies, increase transparency, strengthen measures for the identification of beneficial ownership, prevent and fight against money-laundering, establish systems to protect whistle-blowers, and to enhance international cooperation, including, in particular, in the area of asset recovery. A number of speakers reported on measures that they had taken either in follow-up to the recommendations that emanated from the first review cycle or in preparation and follow-up to their countries' second cycle reviews.

10. Several speakers expressed appreciation to UNODC for its work in assisting States parties in fulfilling their obligations under the Convention and its Implementation Review Mechanism and its central role in providing technical assistance and facilitating the exchange of information, lessons learned and best practices. Several speakers emphasized the role of UNODC in implementing chapter V of the Convention and noted that UNODC should continue providing assistance to both requesting and requested States in order to facilitate the

implementation of chapter V and the return of stolen assets to the country of origin. Several speakers referred to the importance of the work carried out and assistance provided by the joint UNODC/World Bank Stolen Asset Recovery (StAR) Initiative.

11. One speaker proposed that, in the framework of the second review cycle, the secretariat offer training on the Review Mechanism not only to the focal points and governmental experts nominated for country reviews under the Mechanism, but also to representatives of other sectors involved in the implementation of the substantive provisions of the Convention under review and that trainings be organized in different locations and in-country, in order to strengthen consultation and interaction with many agencies and actors in States parties.

12. Support was expressed for the work of UNODC's anti-corruption advisors who played a valuable role in assisting countries to effectively participate in the Implementation Review Mechanism and to bring together all relevant stakeholders.

13. One speaker referred to a meeting in May 2019, on international instruments and mechanisms related to the prevention and fight against corruption, and gave an overview of its main conclusions and recommendations, including the need to strengthen international cooperation and the fight against corruption and the crucial role of the United Nations Convention against Corruption in this regard; the continuing adverse effect of corruption on the rule of law, the administration of justice and sustainable development and the trust in institutions, despite existing efforts at national, regional and global levels; as well as the added value of regional conventions and mechanisms. The meeting further made reference to the need for the objective collection and analysis of data and information and the establishment of adequate anti-corruption indicators. Finally, the speaker also referred to the need to incorporate and promote a gender perspective in anti-corruption efforts.

14. In response to some interventions, the technical nature of the work of the Group was emphasized, as was its role as a forum for the exchange of experiences and good practices in line with its terms of reference, including its guiding principles and the non-adversarial nature of the Implementation Review Mechanism.

15. One speaker expressed her Government's strong support for the implementation of the Global Programme for the Implementation of the Doha Declaration and its one-year extension.

B. Synergies with the secretariats of other relevant multilateral mechanisms

16. A representative of the secretariat briefed the Group on the activities carried out in furtherance of Conference resolution 7/4 on "Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption" and described that 44 per cent of States parties take part in one, two or even three additional peer review mechanisms. She updated the Group on the ongoing dialogue with the other secretariats, including in the form of frequent attendance of each other's meetings and regular informal consultations and coordination. To further improve the dialogue with partner secretariats, UNODC had, in 2018 and 2019, continued its practice of regularly attending the meetings of GRECO and of the OECD Working Group on Bribery in International Business Transactions. In addition, UNODC had participated in a plenary session of the meeting of the MESICIC Committee of Experts and exchanged views on synergies at a side event of the meeting of the G20 Anti-Corruption Working Group with representatives of the secretariats of OECD, GRECO, OAS MESICIC, the APEC Anti-Corruption and Transparency Working Group and the African Union Advisory Board on Corruption. The speaker also informed the Group about a joint side event on foreign bribery with the partner secretariats at the upcoming Conference of the States Parties.

17. The representative of the secretariat further described that UNODC had invited the other secretariats to share experiences and lessons learned with regard to moving from an initial evaluation phase to a follow-up phase. The secretariat had further invited the other secretariats to share legislation and other secondary information obtained in the course of the respective reviews or evaluations, with the aim of integrating this information into UNODC's legal library. To further facilitate access to all information provided by States, the secretariat had added hyperlinks on the UNCAC country profile pages to the country pages of States parties on the websites of GRECO, MESICIC and OECD, both for the Working Group on Bribery and the Istanbul Action Plan. The speaker further reminded the Group that the respective peer review mechanisms, the topics under review and the questionnaires were decided on by States, which, to a certain degree, limited the abilities of the secretariats to control the content.

18. In the ensuing discussion, several speakers expressed their appreciation for the work done by the secretariat on increasing synergies with other review bodies and mentioned specific initiatives aimed at further increasing collaboration between the various monitoring mechanisms. One speaker expressed the view that the creation of synergies should be further expanded to include shared agendas and networks of common responsibility, also with actors from civil society, the private sector and academia. One speaker attested to the value of the peer review mechanisms in holding governments accountable. She noted that the sharing of information provided under other mechanisms had eased the burden of both domestic counterparts engaged in the reviews as well as of the reviewing experts. She noted the obligatory inclusion of civil society in on-site visits of other monitoring bodies and the publication of the full reports and encouraged States parties participating in the Implementation Review Mechanism of the Convention to do the same to increase the transparency of the reviews. In appreciation of the secretariat's initiative of adding hyperlinks on the country profile web pages, she suggested to also include links to the mutual evaluations conducted by FATF. In noting the challenges that were identified with respect to enforcing foreign bribery offences, the speaker suggested that the Chair of the OECD Working Group on Bribery could be invited to brief the Implementation Review Group on the experiences of that Group with respect to effectively implementing foreign bribery laws.

19. In highlighting GRECO's 20th anniversary this year, a representative of their secretariat provided an overview of its current activities. Having carried out four rounds of evaluations, GRECO was currently undertaking the fifth evaluation round, focusing on preventing corruption and promoting integrity in central government (top executive functions) and law enforcement agencies. She noted that, while rules existed, their practical implementation remained challenging. The representative further pointed out that GRECO's compliance mechanism proved increasingly demanding for both States as well as the GRECO secretariat. In closing, she thanked UNODC for its continuous efforts to maximize synergies between the mechanisms.

20. A representative of the World Customs Organization (WCO) stressed how UNODC and the WCO shared the same values and how important international cooperation was in the fight against corruption. The customs administrations in the 184 WCO member States processed 98 per cent of global trade and increasingly faced challenges such as illicit trade and illicit financial flows. He outlined a number of integrity support missions carried out by the WCO secretariat as well as its participation in subregional anti-corruption work. He further highlighted the First Global Meeting of Integrity Experts recently organized by the WCO secretariat.