



# 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

## Report of the Implementation Review Group on its tenth session, held in Vienna from 27 to 29 May 2019

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## **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 tenth session in Vienna from 27 to 29 May 2019.

3. The Group held six meetings. The 1st to 6th meetings of the Group were chaired by Maria Consuelo Porrás Argueta (Guatemala), President-designate of the Conference of the States Parties to the United Nations Convention against Corruption at its seventh session. Part of the 6th meeting was chaired by Ignacio Baylina Ruiz (Spain). The session included two meetings held jointly with the Open-ended Intergovernmental Working Group on Asset Recovery on 29 May.

4. A minute of silence to honour the memory of Dimitri Vlassis was observed at the opening of the session.

5. The Director of the Division for Treaty Affairs made an introductory statement.

6. The representative of the European Union made a statement on behalf of the European Union and its member States, in which he noted, inter alia, that corruption was a threat to democracy, good governance and fair competition, that it undermined the rule of law and the fundamental values on which societies were based and created a climate in which crimes and impunity prospered. In that regard, he also noted that political will was essential for the success of anti-corruption policies and referred to the importance of achieving the 2030 Agenda for Sustainable Development, in particular its Goal 16. The representative outlined the wide range of actions undertaken by the European Union and its member States in the areas of prevention, criminalization and freezing, confiscation and recovery of assets, as well as international cooperation. He referred to the measures taken by the European Union to protect whistle-blowers, which would contribute to the prevention and deterrence of fraud and other illegal activities and to the effective application of its rules in a wide range of policy areas, including public procurement, financial services and anti-money-laundering. Moreover, the representative stressed the important role played by the United Nations Convention against Corruption in the global fight against corruption and welcomed its focus on preventive measures and on asset recovery. At the same time, he underlined the need to keep the work transparent, inclusive and cost-efficient, while avoiding unnecessary administrative burdens and duplication of work. The representative confirmed the commitment of the European Union to the review process and noted that discussions had started with the United Nations Office on Drugs and Crime (UNODC) on how the future review of the implementation by the European Union of the Convention could be organized.

7. The Minister of Law, Justice and Parliamentary Affairs of Bangladesh noted that his Government pursued a policy of zero-tolerance to corruption and he outlined the legislative and administrative measures taken by his Government to fight corruption, which were consistent with many of the provisions of the Convention against Corruption. He provided information on the participation of Bangladesh in the Implementation Review Mechanism and, in that regard, referred to the positive impact that participation had made on national anti-corruption efforts and expressed

appreciation to UNODC for the support it had provided during the process. The Minister highlighted his Government's efforts to address the issue of asset recovery and noted that his country's legal regime was consistent with the relevant provisions of the Convention against Corruption. The Minister also reiterated his Government's commitment to the fight against corruption.

## **B. Adoption of the agenda and organization of work**

8. On 27 May, the Implementation Review Group adopted the following 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.
9. Prior to the adoption of the agenda, one speaker proposed that the scheduling of meetings of Vienna-based bodies in consecutive order should be avoided in order to facilitate the work of delegations. In response, another speaker, speaking under item 3 of the agenda, expressed appreciation for the holding of meetings of such bodies back-to-back, as it facilitated the participation of experts from capitals in those meetings.

## **C. Attendance**

10. The following States parties to the Convention were represented: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Netherlands, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sri Lanka, State of Palestine, Switzerland, Thailand, Timor-Leste, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

11. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the session.
12. 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.
13. The following 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 were represented by observers: Basel Institute on Governance and World Bank.
14. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Cooperation Council for the Arab States of the Gulf, Group of States against Corruption (GRECO), International Anti-Corruption Academy, International Criminal Police Organization, League of Arab States, Organization for Security and Cooperation in Europe, Parliamentary Assembly of the Mediterranean and World Customs Organization (WCO).
15. The Sovereign Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

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

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

16. In its resolution 6/1, the Conference requested the Group to, inter alia, 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.
17. In accordance with Conference resolution 6/1, an intersessional meeting of the Group open to all States parties was held on Friday, 24 May 2019.
18. With regard to the second cycle of the Mechanism, lots were drawn for the selection of the reviewing States parties for the fourth year of the second cycle. The selection of the reviewing States parties was carried out pursuant to paragraphs 19 and 20 of the terms of reference of the Mechanism. For each State party selected to be reviewed, one of the two reviewing States was selected from the same regional group and the second reviewing State was selected from a pool of all States parties (see annex).<sup>1</sup>
19. Some States deferred serving as reviewing States or requested redraws for the first and second review cycles, in line with the terms of reference of the Mechanism. Those redraws were carried out during the tenth session of the Group.

#### **B. First review cycle**

20. A representative of the secretariat introduced the 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 United Nations Convention

<sup>1</sup> The updated country pairings for the first and second cycles will be made available in a conference room paper entitled "United Nations Convention against Corruption: Country pairings for the first and second cycles of the Implementation Review Mechanism" (CAC/COSP/IRG/2019/CRP.8).

against Corruption ([CAC/COSP/IRG/2019/3](#)). The document had been prepared in accordance with Conference resolution 6/1, in which the Conference had requested the Group to analyse the outcomes of the first cycle country reviews in terms of identified successes, good practices, challenges, observations and technical assistance needs, considering the thematic implementation reports, 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. 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 ([CAC/COSP/2017/5](#)). The note by the Secretariat ([CAC/COSP/IRG/2019/3](#)) was based on an analysis of more than 6,000 individual recommendations and more than 1,000 good practices identified in 167 country reviews completed under the first cycle, including 18 reviews that had been newly completed since the Group's second resumed ninth session, in November 2018, during which the set of non-binding recommendations and conclusions had been approved in principle. The note also reflected written submissions received from 27 States parties that provided comments in response to two notes verbales sent by the secretariat on 7 January 2019 and 29 June 2017. Overall, both in their written submissions and during the previous sessions of the Group, States parties expressed support for the set of non-binding recommendations and conclusions, bearing in mind that the recommended measures were non-binding in nature and intended to be practical options for policymakers to consider, in accordance with the fundamental principles of their legal systems and taking into account national priorities. The representative of the secretariat reiterated that the non-binding recommendations and conclusions provided a mere summary of the main observations, recommendations, conclusions and good practices identified in the country reviews under the first cycle, taking into account the levels of obligation of the Convention.

21. The representative of the secretariat also introduced the explanatory note by the Secretariat 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 United Nations Convention against Corruption ([CAC/COSP/IRG/2019/6](#)). The explanatory note contained additional information elaborating on the good practices identified in the country reviews of the first cycle that had been summarized in the set of non-binding recommendations and conclusions. The note had been prepared pursuant to a request made to the secretariat during the second resumed ninth session of the Group to elaborate on the conclusions reached and, in particular, the good practices identified in the first cycle country reviews, which would assist States in further clarifying the information, in line with the corresponding provisions of the Convention.

22. During the ensuing discussion, speakers welcomed the set of non-binding recommendations and conclusions, which represented important results of the Group's collective work, and noted its advanced state, having undergone several rounds of consultations during the seventh session of the Conference and prior sessions of the Group. Speakers emphasized that States would benefit from drawing on the non-binding recommendations and conclusions, which demonstrated the positive impact of the Review Mechanism. The view was expressed that, although the recommendations and conclusions were non-binding in nature and did not create additional obligations for countries, States should consider putting them into practice, as they reflected common good practices and presented opportunities to enhance the implementation of the Convention. In that regard, several speakers noted that the recommendations and conclusions went beyond the provisions of the Convention in that they described good practices in the implementation of the Convention, which was seen as one of the benefits of the Mechanism. It was suggested that States could draw on specific measures described in the document in furtherance of domestic reforms and national priorities. Speakers highlighted the usefulness of specific recommendations and conclusions in the context of their national legal systems in that regard.

23. Several speakers recounted how their legal and institutional frameworks had been brought into line with the described measures and summarized the steps their countries had taken in response to the outcomes of the first cycle reviews. Speakers reported on national reforms and developments, such as the establishment of specialized anti-corruption authorities, the strengthening of anti-corruption capacity in public institutions and the judiciary, the development and strengthening of laws and mechanisms to counter corruption (including specialized legislation, criminal and penal procedure laws, sanctions and penalty mechanisms, measures to protect witnesses, victims and reporting persons, regulations on the liability of legal persons, statutes of limitations, and laws on extraterritorial jurisdiction and mutual legal assistance), the strengthening of procedures for inter-agency coordination, and the enhancement of measures on international cooperation. Those developments had further contributed to the strengthening of national frameworks to prevent corruption and the dissipation of criminal proceeds abroad. In one State, consequent to the recommendations made in the first review cycle, a constitutional amendment had been adopted recognizing the Convention and entrusting the anti-corruption authority with implementing its provisions. In another State, the recommendations made in the first cycle had informed a set of reforms, including the extension of non-conviction-based confiscation tools to corruption offences. As a measure of the success of those reforms, the ability to provide a wide range of international assistance in conviction and non-conviction-based confiscation proceedings was noted as a good practice in the second cycle review of that State.

24. One speaker referred to a recent regional conference held in Colombia on fast-tracking the implementation of the Convention in Latin America and the Caribbean. The conference was aimed at building regional platforms and promoting initiatives to improve the implementation of the Convention, including in relation to systems of integrity in the public sector, asset declarations, liability of legal persons, corporate governance, whistle-blowing and international cooperation. The outcomes of that conference included the adoption by the participating States of a declaration committing to specific measures in those areas and a discussion on steps to be taken to implement the declaration.

25. Commenting specifically on the set of non-binding recommendations and conclusions, some speakers suggested that the recommendation on the procedure for extradition and mutual legal assistance (art. 44, para. 9, and art. 46, para. 24, of the Convention) could be further refined, in the light of countries' existing treaty obligations and due process requirements. In that context, another speaker expressed the view that the issue of simplifying procedures and evidentiary requirements related to international cooperation should be further stressed in the recommendations. In response, the representative of the secretariat noted that the language of the recommendation mirrored the text of article 44, paragraph 9, of the Convention.

26. In regard to the scope of the measures described, one speaker suggested that the document should also cover the outcomes of the second review cycle, while others emphasized the need to focus on the outcomes of the first cycle achieved to date, to ensure their continued relevance.

27. That was also in line with the decision of the Conference to review chapters III and IV of the Convention in the first cycle. In response, the secretariat referred to the mandate contained in Conference resolution 6/1, in which the Conference requested the Group 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. One speaker positively noted that the observations and good practices had been formulated in order to make them more broadly applicable to a wider range of country-specific situations, without changing their overall content and meaning. He suggested that the document could be consolidated with the accompanying explanatory note by the Secretariat on good practices in relation to the set of non-binding recommendations and conclusions ([CAC/COSP/IRG/2019/6](#)) and submitted to the Conference as a single document.

28. Some speakers suggested that the Group should finalize the set of non-binding recommendations and conclusions and submit them to the Conference for its consideration, approval and further action, in line with resolution 6/1, in the form of a draft resolution or decision, which could be discussed at the next meeting of the Group. Some speakers noted the non-binding nature of the set of conclusions and recommendations, which gave States the opportunity to exercise their prerogative not to follow all of the measures and good practices described. Some speakers stressed that transmitting the document in the form of a draft resolution or decision would not be the appropriate way to present the recommendations to the Conference, given their non-binding nature.

29. It was suggested by some speakers that there should be further discussions in the period leading up to the Conference on the most appropriate method of transmission and on any remaining substantive points. In that context, one speaker referred to States parties' obligations under article 65 of the Convention and emphasized that the purpose of the Conference as provided for under article 63 was to promote and review the implementation of the Convention and to acquire the necessary knowledge of the measures taken by States parties in implementing the Convention and the difficulties encountered by them in doing so. Accordingly, the speaker emphasized that, pursuant to resolution 6/1, it was necessary for the Group to transmit the document to the Conference for its further action, and that it was within the remit of the Conference to determine the most appropriate course of action.

30. The representative of the secretariat welcomed the suggestions and comments and indicated that there would be further opportunities at the Group's next session and in the period leading up to the Conference to discuss the most appropriate modalities of transmission of the document to the Conference, as well as any further substantive issues. The representative also clarified that any additional observations and good practices suggested by States in their written comments that were not reflected in the main body of the document had been summarized in its introduction, to the extent that they had not been identified in the country reviews themselves.

### C. Second review cycle

31. A representative of the secretariat presented an update on the most common and relevant information on successes, good practices and challenges identified and observations made, based on the thematic report prepared by the Secretariat on implementation of chapter V (Asset recovery) of the Convention (CAC/COSP/IRG/2019/4). She informed the Group that the thematic report was based on 20 finalized executive summaries and that initial trends in both challenges and good practices were emerging. Almost all countries with completed reviews had received recommendations relating to article 52, and more than half of the countries under review had received recommendations relating to articles 53, 54, 55 and 57. The greatest number of recommendations, 50 or more per article, had been issued in relation to articles 52, 54 and 57. The greatest number of good practices had been identified as relating to article 52.

32. In addition, the representative of the secretariat reported on challenges of common concern and good practices identified in relation to each article of chapter V. She reported that many States had little experience in asset recovery, had not received international cooperation in the recovery of assets, and had neither received nor issued any requests for mutual legal assistance as at the time of the conclusion of the review. In particular with regard to the return of assets, few States had reported on practical experiences. Furthermore, many States had reported on the use of various networks and agreements to facilitate international cooperation for asset recovery. In that connection, the secretariat encouraged States to continue their efforts to implement chapter V and to continue to share examples and statistics with the secretariat.

33. In reference to the implementation of chapter V of the Convention, several speakers referred to their countries' national legislation, mechanisms and practices related to asset recovery, including, inter alia, those relating to easing the statute of limitations for corruption offences, the establishment of a dedicated office for asset tracing and recovery, and the use of non-conviction-based confiscation. Furthermore, a number of speakers mentioned that specialized asset recovery offices or asset forfeiture units had been established in their countries. One speaker indicated that amendments to the legislation on anti-money-laundering and proceeds of crime had been introduced in his country to enhance the capacity of financial intelligence units to trace assets. Another speaker shared information on the peer-to-peer technical assistance in asset recovery provided by her country to other States. In addition, some speakers referred to the significance of international cooperation in asset recovery in line with the Convention, in particular in relation to mutual legal assistance, and called on States to afford one another the widest measure of international cooperation in that regard.

**Panel on challenges, good practices and lessons, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction**

34. A panel discussion was held on challenges, good practices, and lessons, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction. A representative of the secretariat made an introductory statement on good practices and procedures enabling the confiscation of proceeds of corruption without a criminal conviction, which had been identified in a number of country reviews, either as good practices or as issues on which States parties required additional guidance. It was noted that, in many States, non-conviction-based confiscation mechanisms had a decisive role to play in confiscating the proceeds of corruption and addressing unexplained wealth. The representative also drew the attention of the Group to the note by the Secretariat on mutual recognition of non-conviction-based freezing orders and confiscation judgments (CAC/COSP/WG.2/2019/CRP.1), which had been prepared for the consideration of the Open-ended Intergovernmental Working Group on Asset Recovery at its thirteenth meeting.

35. The panellist from China made a presentation on her country's national legislation on confiscation, assets subject to confiscation, types of confiscation orders, and international cooperation and return of assets. She highlighted that, pursuant to article 54, paragraph 1 (c), of the Convention, the country's special confiscation procedure had been incorporated into the national Criminal Procedure Law. In addition, she explained the specific rules governing the application of the procedure, including those concerning its scope, applicability, the types of property subject to it, executing authorities, due process-related protections and procedural requirements. The panellist referred to compatible judicial interpretations in the application of criminal procedure law that were applicable to corruption-related crimes of a serious nature. The special confiscation procedure could be applied to suspects or defendants who escaped or died, on the basis of applications made by the people's procuratorates to the courts of intermediate level or by the police through the procuratorates, which played an important role.

36. The panellist from Guatemala reported on a newly introduced law governing non-conviction-based confiscation proceedings. The law established a national commission for confiscation, chaired by the Vice-President of Guatemala and including representatives from the Supreme Court of Justice, the Office of the Attorney General and the Office of Legal Counsel. The law covered all the relevant aspects of seizure, confiscation, administration and management of seized and confiscated assets. Owing to the new legislation, public prosecutors from a special prosecutor's office were able to more effectively seize assets. The national commission determined whether the property could eventually be subject to confiscation. The panellist also reported that, owing to the new legislation, national authorities had seized and confiscated a large amount of illicit proceeds. The panellist



highlighted the practical issues related to the management of seized assets and asset recovery at the national and international levels.

37. The panellist from the Russian Federation made a presentation on measures taken in his country to monitor the expenses of public officials and their family members with a view to detecting any discrepancies between their income and expenses. A detailed overview of the process, including the procedure to apply for the monitoring of expenses of public officials, the scope of public officials covered, the temporal scope of the monitoring, and the ways for competent authorities to receive information on relevant expenses, was provided. The application for monitoring was regulated by civil procedure rules and the measures taken had successfully survived constitutional challenges. He noted that the Constitutional Court had made references to the Convention against Corruption. An example of international cooperation based on the new measures, transmitted pursuant to article 43 of the Convention, was highlighted. The panellist provided statistical information on the measures and outlined the steps that the authorities intended to take to strengthen them.

38. The panellist from the United Kingdom reported on unexplained wealth orders, a new civil confiscation tool introduced in 2018 that was designed to address challenges in obtaining evidence in specific suspicious cases, many of which were related to mutual legal assistance requests from other States, corruption and organized crime. The orders required the respondent to provide information or evidence on lawful ownership of specific property and the means used to obtain it. Based on the response to the order, or lack thereof, competent authorities could decide whether to pursue a criminal investigation or civil recovery. With regard to the latter, the panellist described in detail the relevant court proceedings and available interim measures that could be applied to the property to secure its eventual confiscation. He highlighted that the tool had a number of other potential uses in corruption cases, including in relation to individuals entrusted with prominent public functions and assets.

39. The panellist from Germany described the recent reform of the country's asset recovery legislation, which was aimed at significantly strengthening and streamlining the effective confiscation of assets under criminal law. The reform introduced a new form of non-conviction-based confiscation in cases of serious crime such as money-laundering or the concealment of unlawfully obtained financial benefits. Assets of uncertain origin could now be confiscated without evidence of a specific criminal offence and without a conviction if they were seized in proceedings brought for the suspicion of serious crime and if the court determined that the assets had been derived from an unlawful act. The Code of Criminal Procedure of Germany provided guidance to the courts on making such a determination on the basis of, inter alia, a major disparity between the value of the seized assets and the legal income of the person concerned. The panellist referred to several successful ongoing cases in which the new legislation had been applied.

40. In the ensuing discussion, speakers stressed that corruption remained a global challenge and reported on a wide range of measures taken by their countries to implement the requirements of the Convention. Speakers welcomed the thematic report by the Secretariat on the implementation of chapter V of the Convention, and encouraged States to adopt further measures to strengthen the chapter's practical implementation. It was noted that the lack of political will, differences in legal systems, and strict dual criminality requirements and limitation periods for the recoverability of assets must be urgently addressed in a common-sense manner, and that onerous conditions for the tracing of confiscated assets and their return to the requesting countries continued to hinder the effective recovery of assets.

41. Reference was made to the need to introduce non-conviction-based confiscation mechanisms, in order to more effectively fight corruption. Several speakers described how the concept of confiscation was understood and applied in law and practice in their countries and urged States to ensure that non-conviction-based confiscation mechanisms were consistent with the internationally recognized rights of the accused, as well as of victims, in particular the principle of the presumption of innocence. They

also stressed the importance of distinguishing different approaches to confiscation proceedings, which could be either punitive or restorative.

42. One speaker expressed concern over the limited practice of applying article 54, paragraph 1 (c), of the Convention, regarding non-conviction-based confiscation, as well as the difficulties faced by requesting countries, even in cases where the article was being implemented, in particular with regard to the costs and complexity of related procedures. The speaker requested the secretariat to prepare a report on good practices and possible ways to strengthen the implementation of that provision of the Convention.

43. In response to questions raised, the panellists described the measures adopted by their countries in greater detail, which included a number of important safeguards to ensure that due process was followed when applying provisional measures and issuing confiscation orders.

44. Speakers requested that the presentations by the panellists be made available to both the Implementation Review Group and the Working Group on Asset Recovery.

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

### **A. Progress report**

45. 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 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.

46. The representative also 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. Moreover, during the first two years of the second cycle, 67 States had submitted responses to the self-assessment checklist, 46 direct dialogues (45 country visits and 1 joint meeting) had taken place and 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 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 under review had nominated their focal points and 13 States parties had submitted self-assessment checklists.

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

48. 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 the Mechanism had made 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, as well as to the importance of multilingualism. In that regard, many speakers noted that the

Mechanism had exceeded expectations, triggered legislative and institutional amendments and fostered international cooperation. To that end, States parties were encouraged to follow the recommendations emanating from the country review reports. Reference was also 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 cooperation at the global level in the fight against corruption, using the Convention against Corruption as a basis.

49. Some speakers referred to challenges related 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 the Group should request UNODC to provide an update at the first resumed tenth session of the Group, as well as at the eighth session of the Conference, on progress made in completing the first and second review cycles with respect to the targets that had been set for those cycles, with the statistical data disaggregated by year. The speaker also proposed that UNODC should 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 communication between all the States parties involved in the reviews be strengthened.

50. 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. Specifically in relation to chapter II of the Convention, the importance of mobilizing a wide range of experts at the national level was also highlighted. Some speakers referred to the importance of involving civil society organizations in country visits.

51. While highlighting the role played by civil society organizations in anti-corruption activities at the national level, one speaker suggested that, as a confidence-building measure, the Group may wish to consider inviting civil society organizations to participate in the discussions held at the sessions under agenda items relating to technical assistance. Some speakers emphasized the intergovernmental nature of the Mechanism and the subsidiary bodies of the Conference, which was in accordance with paragraph 42 of the terms of reference of the Mechanism.

52. 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 that regard, the view was expressed 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, as well as its intergovernmental nature.

53. National efforts to prevent and combat corruption, including those pertaining to the implementation of chapters II and V of the Convention, which was 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 their countries had taken either in follow-up to the recommendations that emanated from the first review cycle or in preparation for and follow-up to their countries' second cycle reviews.

54. 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 for 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 expressed the view that UNODC should continue to provide assistance to both requesting and requested States in order to facilitate the implementation of chapter V and the return of stolen assets to their countries 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.

55. One speaker proposed that, in the framework of the second review cycle, the secretariat should 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 training sessions should be organized in different locations, including in-country, in order to strengthen consultation and interaction with multiple agencies and actors in States parties.

56. Support was expressed for the work of UNODC anti-corruption advisers, who played a valuable role in helping countries to effectively participate in the Mechanism and to bring together all relevant stakeholders.

57. One speaker referred to a meeting held in May 2019 on international instruments and mechanisms related to the prevention of and fight against corruption and gave an overview of the main conclusions and recommendations emanating from the meeting, which had included the need to strengthen international cooperation and the fight against corruption, and the crucial role of the Convention in that regard; the continuing adverse effects of corruption on the rule of law, the administration of justice and sustainable development, as well as on the public trust in institutions, despite existing efforts at the national, regional and global levels; and the added value of regional conventions and mechanisms. Furthermore, at the meeting, reference had been made to the need for the objective collection and analysis of data and information and the establishment of adequate anti-corruption indicators. The speaker also referred to the need to incorporate and promote a gender perspective in anti-corruption efforts.

58. 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 Review Mechanism.

59. 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**

60. A representative of the secretariat briefed the Group on the activities carried out in furtherance of Conference resolution 7/4, entitled "Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption", and reported that 44 per cent of States parties were taking part in one, two or even three additional peer review mechanisms. She updated the Group on the ongoing dialogue with other secretariats, which included, inter alia, frequent attendance at 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 Working Group on Bribery in International Business Transactions of the Organization for Economic Cooperation and Development (OECD). In addition, UNODC had participated in a plenary session of the meeting of the Committee of Experts of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) and exchanged views on synergies at a side event held during a meeting of the G-20 Anti-Corruption Working Group with representatives of the secretariats of OECD, GRECO, MESICIC, the Anti-Corruption and Transparency Working Group of Asia-Pacific Economic

Cooperation and the African Union Advisory Board on Corruption. The speaker also informed the Group about a side event on foreign bribery that would be held jointly with partner secretariats on the margins of the upcoming Conference of the States Parties.

61. The representative of the secretariat also reported that UNODC had invited the other secretariats to share experiences and lessons learned with regard to moving from the initial evaluation phase to the follow-up phase. The secretariat had also invited the other secretariats to share legislation and other related information obtained in the course of the respective reviews or evaluations, with the aim of integrating that information into the resources of the UNODC legal library. To further facilitate access to all information provided by States, the secretariat had added the hyperlinks found on the Review Mechanism country profile web pages to the dedicated country pages on the websites of GRECO, MESICIC and OECD, including the dedicated pages of the Working Group on Bribery and the Istanbul Action Plan of OECD. In addition, the representative reminded the Group that the respective peer review mechanisms, the topics under review and the related questionnaires were decided on by States, which, to a certain degree, limited the abilities of the secretariats to control the content.

62. In the ensuing discussion, several speakers expressed their appreciation for the work done by the secretariat to increase 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, including in collaboration 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 enabled under other mechanisms had eased the burden of both the domestic counterparts engaged in the reviews and the reviewing experts. In that connection, she noted the obligatory inclusion of civil society representatives in the on-site visits of other monitoring bodies and the publication of full reports on the reviews of implementation and encouraged States parties participating in the Implementation Review Mechanism of the Convention to follow the same practices in order to increase the transparency of the reviews. Expressing appreciation for the secretariat's initiative to add hyperlinks to the country profile web pages on partner secretariats' websites, she suggested also including links to the mutual evaluations conducted by the Financial Action Task Force. In noting the challenges that had been 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 Working Group's experiences with respect to effectively implementing foreign bribery laws.

63. A representative of the GRECO secretariat provided an overview of the current activities of GRECO, highlighting the Group's twentieth anniversary, in 2019. Having already carried out four rounds of evaluations, GRECO was currently undertaking its fifth evaluation round, focusing on preventing corruption and promoting integrity in top-level executive functions of central government and in law enforcement agencies. In that regard, she noted that, although rules existed, their practical implementation remained challenging. The representative further pointed out that the GRECO compliance mechanism had proved to be increasingly demanding for both States and the GRECO secretariat. In closing, she thanked UNODC for its continuous efforts to maximize synergies between the mechanisms.

64. A representative of WCO stressed how UNODC and WCO shared the same values and also stressed how important international cooperation was in the fight against corruption. The customs administrations in the 184 member States of WCO 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 also highlighted the first global meeting of integrity experts, recently organized by the WCO secretariat.

## V. Technical assistance

65. At its meetings held jointly with the Working Group on Asset Recovery on 29 May 2019, the Implementation Review Group considered item 4 of its agenda, entitled “Technical assistance” and item 5 of the agenda of the Working Group on Asset Recovery, entitled “Forum for discussions on capacity-building and technical assistance”. The joint meetings were held in line with resolution 6/1 of the Conference, in which the Secretariat was requested to structure the provisional agendas of the Implementation Review Group and the other subsidiary bodies established by the Conference in such a way as to avoid duplication of discussions, while respecting their mandates, and pursuant to the workplan agreed for the period 2017–2019.<sup>2</sup>

66. A representative of the secretariat, in presenting the 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), provided an overview of the technical assistance needs that had been identified in the executive summaries of the 20 reviews published during the second cycle of the Implementation Review Mechanism. The continued importance of providing technical assistance to support the efforts of States parties to implement the recommendations emanating from the reviews was stressed. In addition, the representative of the secretariat described a number of regional initiatives, including in Eastern Africa and South-East Asia, that had been established to harness regional solutions to shared challenges, for example in the areas of the protection of reporting persons, public procurement and financial investigations. The representative also noted that UNODC had started working on the issue of the gender dimensions of corruption.

67. A representative of the StAR Initiative provided an oral update on the technical assistance and capacity-building provided under the StAR Initiative. The coordinator of the StAR Initiative explained that the Initiative worked in three areas: country engagements, policy influence and partnerships, and knowledge and innovation. He gave an overview of the technical assistance provided by the Initiative in 2018, reporting that, over the past year, the StAR Initiative had provided assistance to 22 countries, including technical assistance to 12 countries in the area of legislative reform, support to 2 countries in adopting new laws and amendments related to asset recovery, and support to 14 countries to improve domestic coordination processes for asset recovery. In addition, more than 850 people had been trained on the provisions of the Convention. Speakers referred to country-specific examples of various types of technical assistance provided and highlighted the Initiative’s work on policy influence and partnership, which included providing support to regional asset recovery networks and developing a new global directory of asset recovery networks.

68. The coordinator of the StAR Initiative elaborated on the Initiative’s work in the area of knowledge and innovation, which had included the updating of the database of asset recovery cases and the beneficial ownership guides. He highlighted forthcoming studies on the use of insolvency procedures for asset recovery, and on the collection of data on the volumes of assets that had been frozen, confiscated and recovered in international corruption cases.

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<sup>2</sup> Information on the panel discussion on technical assistance required and technical assistance provided in relation to the management of frozen, seized and confiscated assets, which was held during the joint meetings of the Working Group on Asset Recovery and the Implementation Review Group, is contained in the report of the thirteenth session of the Working Group on Asset Recovery.

69. To facilitate the Group's discussion, and in line with the thematic focus of the tenth session, a panel was held on technical assistance required and technical assistance provided in relation to chapter V of the Convention.

70. The panellist from Kyrgyzstan reported on a successful case of asset recovery that his country had recently experienced. He described the various challenges that his country had faced, including gaps in its technical capacity and the lack of working-level contacts with foreign counterparts. One challenge in particular had been the long duration of the case. The assets in question had been embezzled by high-ranking officials and a criminal group closely connected to the former president of the country. As a result of successful cooperation, the assets had been confiscated by a United States court and approved for return. The panellist made particular mention of the positive role played by the StAR Initiative in providing important assistance to Kyrgyzstan in its efforts to recover the assets, including by facilitating the initial discussions with relevant United States authorities. He also noted that, in recent years, his country's asset recovery framework had significantly improved.

71. The panellist from the United States noted the successful bilateral cooperation between her country and Kyrgyzstan in the case described by the panellist from Kyrgyzstan. It was highlighted that the United States authorities, in particular experts from the Kleptocracy Asset Recovery Initiative of the United States Department of Justice, assisted in the investigation linking the assets in question to the corruption offences in Kyrgyzstan. After the corresponding court decision was handed down, approximately \$4.6 million in confiscated funds were transferred to the Government of Kyrgyzstan. The panellist highlighted that the return arrangement had been in line with article 57, paragraph 5, of the Convention. She also noted that the repatriated assets would be used for the benefit of the Kyrgyz people, in line with the principles of transparency and accountability, with a focus on social projects, anti-corruption and transparency.

72. A representative of the StAR Initiative described the technical assistance that had been provided to Kyrgyzstan. The assistance had consisted of both facilitating the initial contacts between the authorities of Kyrgyzstan and foreign jurisdictions and building capacity. The assistance programme had also been instrumental in strengthening bilateral cooperation between the authorities in the requested and requesting States. Training had also been provided through the StAR Initiative on financial investigation and the preparation of mutual legal assistance requests and included consideration of the requirements of the United States for incoming mutual legal assistance requests.

73. During the ensuing discussion, several speakers underscored that technical assistance, information exchange and cooperation were crucial elements in enabling States to implement the Convention successfully. Several speakers highlighted that the Implementation Review Mechanism allowed for the identification of needs for technical assistance to enable States to meet global standards. Such needs, as well as gaps, could be identified by a reviewing State party during the review process, as well as by a State in the course of undertaking a national implementation review. Technical assistance providers were urged to take into account existing resources and documentation and to collaborate with UNODC in addressing the needs emanating from country reviews conducted under the Mechanism.

74. A number of speakers expressed the view that technical assistance should go beyond capacity-building to include longer-term and infrastructure support, such as support relating to digital forensic investigations and mentoring programmes. Other speakers explained that the outcomes of their reviews had served as a basis for national action plans and road maps. Several speakers made reference to assistance received and provided bilaterally, as well as through organizations. One speaker described how, following the receipt of technical assistance from development partners and international organizations, his country was able to deliver technical assistance. Another speaker noted the benefits of engaging regional organizations,

such as the African Union, the Economic Community of West African States and the Arab Maghreb Union, in the provision of technical assistance.

75. The high demand for technical assistance in relation to chapter V, in particular for legal advisory services and custom-tailored approaches, was highlighted. One speaker informed the Group about the support provided by his country for a joint project with UNODC on the organization of training for focal points and governmental experts of countries that were participating in the second cycle reviews of chapters II and V of the Convention. The speaker noted that his country would continue to support the organization of such training efforts in the coming year. Voluntary contributions to that effect would be provided by his Government, and the training would be conducted at the premises of the Prosecutor General of the Russian Federation.

76. Many speakers noted that the Convention, through its articles 53 and 57, facilitated the recovery and return of assets. Several speakers underscored the obligation to return stolen assets established under article 57, paragraph 3, of the Convention. Some speakers highlighted the usefulness of concluding agreements or mutually acceptable arrangements, on a case-by-case basis, for the final disposal of confiscated property in accordance with article 57, paragraph 5, of the Convention. In that regard, some speakers highlighted the need for additional standardized guidelines on the implementation of that provision and, in particular, requested that the Working Group on Asset Recovery further examine the implementation and interpretation of the provision. Several speakers noted that the return of stolen assets was a fundamental principle of the Convention.

77. One speaker noted that the report by the Secretariat on the implementation of chapter V (Asset recovery) of the Convention (CAC/COSP/IRG/2019/4), based on the results of concluded reviews, showed that few States had practical experience with the return of sizeable amounts of assets, as most States had indicated that no return of assets had been undertaken so far. The speaker suggested that the Group and the secretariat should look into the reasons why the practice of asset return pursuant to chapter V of the Convention was not materializing.

78. One speaker recommended that the secretariat continue collecting practices, in particular in relation to article 57 of the Convention, and that, on the basis of the data collected, examine common trends for the purpose of considering possible future action.

79. With regard to enhancing international cooperation for asset recovery, many speakers emphasized the importance of good communication and collaboration. A relationship of trust between the requesting and requested States was essential to achieving successes in mutual legal assistance. In addition to bilateral communication through various channels, including face-to-face communication, speakers highlighted the usefulness of regional and multilateral forums and networks for establishing and maintaining communication between States parties.

80. In that regard, several speakers highlighted the role of the StAR Initiative, which had been helpful in building bridges to facilitate partnership and close cooperation between States parties. A number of speakers supported the Initiative's efforts to collect data on volumes of assets frozen, confiscated and recovered in international corruption cases and called on other States to make such data available. Speakers further noted that specialized domestic institutions for asset return were considered useful, as were effective domestic inter-agency coordination and the sharing of domestic requirements with requesting States parties.

81. In reference to case-by-case arrangements, some speakers noted that such arrangements were complementary in situations where no general standardized agreements existed. They also expressed the view that undertaking case-by-case arrangements should not be emphasized as the way forward and that article 57 contained provisions allowing for States to take action without resorting to case-by-case arrangements. Moreover, they noted that such arrangements might give rise to



special terms and conditions for the return and eventual use of assets, and highlighted the need to develop standardized procedural guidelines when such arrangements did not exist. Some speakers requested the secretariat to present ideas in that regard to the Group at its next session. Another speaker noted that the Convention provided for several ways to recover and return assets, each with distinct benefits and challenges. He also noted that the Convention explicitly allowed for case-by-case agreements. Another speaker expressed the view that further discussion on the interpretation of article 57, paragraph 5, was needed.

82. Some speakers referred to the important role played by civil society in their countries in ensuring the transparent return of assets.

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

83. A representative of the secretariat provided information on the expenditures incurred for the operation of the first and second cycles of the Implementation Review Mechanism as at 28 February 2019, 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 representative also provided details on the resources received from both the regular budget of the United Nations and voluntary contributions.

84. With regard to the regular budget resources for the Implementation Review Mechanism for the biennium 2018–2019, the representative recalled that the establishment of three additional posts had been approved by the General Assembly in support of the second cycle of the Mechanism, to be financed from the regular budget, and noted that, with that, the regular budget requirements under the mixed funding model of the Mechanism in line with the relevant resolutions of the Conference was now capped.

85. With respect to the first cycle of the Mechanism, the representative informed the Group that the extrabudgetary resource requirements in the amount of \$10,119,300 were fully covered and that the total extrabudgetary expenditures in support of operating the first cycle had amounted to \$9,704,000 as at 28 February 2019.

86. With respect to the second cycle of the Mechanism, the representative informed the Group that the projected resource requirements amounted to \$4,010,900 for the first and second year and to \$3,454,000 for the third and fourth year, also noting that, as at 28 February 2019, the extrabudgetary expenditures had totalled \$2,961,100.

87. Expressing his appreciation for the voluntary contributions and in-kind contributions made by States to support the Mechanism, the representative drew attention to the extrabudgetary funding gap. Taking into account pledges that UNODC had received since 28 February 2019, the first two years of the second cycle were fully financed, whereas with respect to the third and fourth year of the second cycle, a funding gap of \$1,198,600 remained. The representative stressed that it was therefore of utmost importance for the Group to continue its efforts to ensure adequate financing of the entire second cycle.

88. In that context, the representative recalled that, in preparation for the ninth session of the Group, in June 2018, the secretariat had reviewed and significantly lowered the projected resource requirements for the first four years of the second cycle. The representative also reminded the Group of the key cost-saving measures, after explaining that the reduced estimates had been based on the assumption that the application of the cost-saving measures would continue.

89. One speaker expressed support for the Implementation Review Mechanism and made reference to her country's voluntary contributions, which it would renew in the current year, and encouraged all countries that were able to do so to make voluntary contributions to the Mechanism. In addition, the speaker noted that it would make available the services of an associate expert to support the work carried out under the Mechanism, including technical assistance in response to its findings.

## VII. Other matters

90. In reference to the joint meetings of the Implementation Review Group and the Working Group on Asset Recovery held on 29 May 2019, one speaker recalled the intergovernmental nature of the Implementation Review Group, as stipulated in paragraph 42 of the terms of reference of the Mechanism. He noted that neither the Convention nor any of the other documents adopted within its purview provided for the participation of civil society in those meetings. He reminded the Group of the compromise reached by the Conference in its resolution 4/6, entitled “Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”. At the same time, he referred to the important role played by civil society organizations in anti-corruption efforts at the national level.

91. Another speaker reiterated her Government’s strong commitment to the Mechanism, referred to the effective visit to her country conducted within its framework and provided details on civil society participation in that visit. The speaker also reiterated her Government’s commitments to international standards and referred to, *inter alia*, her country’s completion of the mutual evaluation carried out in the framework of the Financial Action Task Force. She mentioned that her Government was particularly interested in how States parties could maximize synergies among related mechanisms and, potentially, accrue efficiency gains in relation to the Implementation Review Mechanism established under the Convention. Moreover, the speaker highlighted the need for timely and full international cooperation in relation to mutual legal assistance and outlined, *inter alia*, her Government’s efforts to recover proceeds of crime and review and improve the confiscation regime, as well as its continuing efforts to address serious organized crime and fight corruption.

92. Another speaker stressed the need to strengthen international cooperation in preventing and combating corruption and the threat posed by corruption to the stability of societies and economies. In that connection, she reiterated her Government’s commitment to the Convention and referred to the 2030 Agenda for Sustainable Development, noting that the eradication of bribery was one of its key objectives. The speaker stressed, *inter alia*, that States should fulfil their obligations under the Convention in a manner consistent with the principles of equality, territorial sovereignty and the integrity of States, as well as of non-intervention in the domestic affairs of other States. She also stressed the need to raise awareness and to pursue international cooperation and effective partnerships in order to share intelligence and best practices and trace stolen assets.

## VIII. Provisional agenda for the eleventh session

93. The Chair recalled the proposal submitted by Switzerland to include a new item on the provisional agenda for the eleventh session of the Implementation Review Group entitled “Voluntary exchange of information on national measures taken after the completion of country review reports”. That proposal had been brought to the attention of States parties through a note verbale circulated on 2 April 2019, as well as through a special message circulated on 13 May 2019.

94. The representative of Switzerland made an explanatory statement regarding his Government’s proposal to amend the provisional agenda for the eleventh session of the Group, to be held in 2020, and, in that regard, referred to the growing number of States that wished to update the Group on developments at the national level. He expressed his delegation’s appreciation for the exchange of information among States parties on reforms spurred by the Mechanism in many countries. The speaker expressed regret that the proposal and explanatory memorandum submitted by his Government had not been reflected in the provisional agenda for the eleventh session ([CAC/COSP/IRG/2019/L.2](#)) and that the note verbale containing the proposal and the explanatory memorandum had not been translated into all the official languages of

the United Nations, referring, in that regard, to rules 8 and 10 of the rules of procedure for the Conference. The representative requested the Secretariat to reissue the provisional agenda, amended to reflect his Government's proposal, and stated that the best way forward would be to postpone the consideration of agenda item 7 until the first resumed tenth session of the Group.

95. Several speakers welcomed the proposal by Switzerland, expressing the view that it should be discussed further during the first resumed tenth session of the Group. Speakers referred to the need to streamline the work of the Group, as well as to the need for discussions on the thematic reports and national experiences. In that regard, one speaker noted that the discussions under the new item proposed for inclusion on the agenda could be coordinated in advance by the secretariat.

96. One speaker, also speaking on behalf of two other States, expressed the view that the Group should carefully consider the best ways to strengthen its work and make the best use of the time and resources available to it. He noted that it was not always clear which items were being considered and that statements made did not always correspond to the items under consideration at the time. However, he also noted that the exchanges had been beneficial and that interventions by participants had been of interest. In addition, he proposed that, before the provisional agenda was approved, informal consultations could be organized during the intersessional period and proposals could be submitted to the Bureau of the Conference. Several speakers expressed support for that view.

97. One speaker outlined some specific issues to be considered in the organization of future meetings and, in that regard, noted that items 2 and 3 covered similar aspects. He also noted that his Government would prefer that separate items on best practices and lessons learned, and on technical assistance, be included on the provisional agenda, while also proposing that more discussions be held on substantive issues, such as, *inter alia*, case-by-case arrangements and non-conviction-based confiscation.

98. While some speakers stressed that there continued to be differences of opinion between States on how to proceed with the provisional agenda for the eleventh session and that the inclusion of a new item was controversial, other speakers expressed support for the provisional agenda as it stood.

99. In responding to comments made, the Secretary of the meeting noted that the working methods of the Group could be further improved and that the secretariat would be in a position to support informal consultations through the Bureau of the Conference. In reference to the comment made by Switzerland, the Secretary noted that the secretariat had followed past practice with respect to the items proposed for inclusion in the agenda of the Conference of the States Parties. She also noted that in view of the wish of the Group to continue discussions on the draft provisional agenda, a revised version of the document, including the new item proposed by Switzerland, would be issued to facilitate further discussion at the first resumed tenth session of the Group.

## **IX. Adoption of the report**

100. On 29 May 2019, the Implementation Review Group adopted the report on its tenth session ([CAC/COSP/IRG/2019/L.1](#), [CAC/COSP/IRG/2019/L.1/Add.1](#), [CAC/COSP/IRG/2019/L.1/Add.2](#), [CAC/COSP/IRG/2019/L.1/Add.3](#), [CAC/COSP/IRG/2019/L.1/Add.4](#) and [CAC/COSP/IRG/2019/L.1/Add.5](#)), as orally amended. The part of the report on item 7 of the agenda, entitled "Provisional agenda for the eleventh session", was adopted after the conclusion of the session, using the silence procedure.

## Annex

## Mechanism for the Review of Implementation of the United Nations Convention against Corruption: country pairings for the fourth year of the second review cycle

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
<b>Group of African States</b>	Sao Tome and Principe	Mauritius	Democratic Republic of the Congo
	Ethiopia	Egypt	Greece
	Zambia	Algeria	Central African Republic
	Seychelles	Gabon	Uruguay
	South Africa	Niger	Cook Islands
	Congo	Gambia	South Sudan
	Gabon	Chad	Libya
<b>Group of Asia-Pacific States</b>	Brunei Darussalam	United Arab Emirates	Marshall Islands
	United Arab Emirates	Myanmar	Kuwait
	Papua New Guinea	Kyrgyzstan	Burundi
	Yemen	Kiribati	Sri Lanka
	Vanuatu	Malaysia	Argentina
	Jordan	Turkmenistan	Lebanon
	Mongolia	Singapore	Burkina Faso
	Iraq	Niue	Cameroon
	China	Bahrain	Panama
	Turkmenistan <sup>a</sup>	Sri Lanka	Finland
	Pakistan <sup>b</sup>	Qatar	Kenya
Republic of Korea <sup>a</sup>	Samoa	Haiti	
<b>Group of Eastern European States</b>	Hungary	Azerbaijan	Palau
	Ukraine	Latvia	Paraguay
	Estonia	Lithuania	Hungary
	Romania	Slovakia	Afghanistan
	Montenegro	Estonia	Iraq
	Georgia <sup>a</sup>	North Macedonia	Malaysia
<b>Group of Latin American and Caribbean States</b>	Jamaica	Peru	Namibia
	Chile	Jamaica	Uzbekistan
	Brazil	Nicaragua [Mexico]*	Portugal
	Guatemala	Bahamas	Australia
	Colombia	Bolivia (Plurinational State of)	Mali
	Venezuela (Bolivarian Republic of) <sup>a</sup>	Cuba	Ireland
	Costa Rica <sup>b</sup>	Ecuador	Oman
<b>Group of Western European and other States</b>	Denmark	Spain	Benin
	Norway	Turkey	Timor-Leste
	Netherlands	Luxembourg	Vanuatu
	Sweden	Belgium	Lesotho
	Austria <sup>a</sup>	Germany	Viet Nam

In the fourth year, a total of 37 reviews will be conducted.

<sup>a</sup> Deferred from previous year of the cycle.

<sup>b</sup> Volunteered to advance its review from one of the following years of the second cycle.

\* Mexico was provisionally drawn as a reviewing State party during the tenth session of the Group, at its meeting on 28 May 2019.