



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

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

Progress report on the implementation of the mandates of the Implementation Review Group

Note by the Secretariat**

I. Organization and conduct of country reviews in the first and second years of the first review cycle

A. Drawing of lots

1. In accordance with paragraph 14 of the terms of reference of the Review Mechanism (hereinafter “the terms of reference”), “[t]he selection of States parties participating in the review process in a given year of a review cycle shall be carried out by the drawing of lots at the beginning of each review cycle”. Furthermore, paragraph 19 provides that “[t]he selection of the reviewing States parties shall be carried out by the drawing of lots at the beginning of each year of the cycle, with the understanding that States parties shall not undertake mutual reviews”.

2. 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.

* CAC/COSP/IRG/2012/1.

** The submission of the present document was delayed in order to include recently available information. The present document provides an update to CAC/COSP/2011/8, and a conference room paper containing further information, in the form of statistics, will be issued before the session.



Selection of States parties under review

3. At the first session of the Implementation Review Group (hereinafter IRG), held in Vienna from 28 June to 2 July 2010,¹ a drawing of lots was carried out to determine the States parties under review in each year of the first review cycle, as well as the reviewing States parties for the first year.²
4. In accordance with the terms of reference, a State party selected for review in a given year, may, with a reasonable justification, defer participation to the following year of the review cycle. Eleven States parties deferred their reviews from the first to the second year of the review cycle. Three States parties deferred from the second to the third year.
5. When a selected State party exercised its right to defer, the States parties from the same regional group selected to be reviewed the following year were invited by the Group to indicate whether they wished to take the place of the deferring State party. Four States did so in the first year and none in the second.
6. The total number of States under review was therefore 27 for the first year and 41 for the second year. There are 40 States parties foreseen for review in the third year, barring any deferrals.
7. States ratifying or acceding to the Convention after the drawing of lots would be reviewed in the last year of the first review cycle. Since the drawing of lots for States parties to be reviewed in the first cycle, 16 States have become parties to the Convention.

Selection of reviewing States parties*Drawing of lots*

8. Paragraph 19 of the terms of reference provides that one of the two reviewing States parties shall be from the same geographical region as the State party under review. Two distinct boxes are used for the drawing of lots: the first contains all States parties from the same regional group and the second contains all States parties.
9. At the first session of the IRG, held in Vienna from 28 June to 2 July 2010, a drawing of lots was carried out to determine the reviewing States parties for the first year. Some drawings were repeated during an intersessional meeting of the Group held on 5 August 2010. Fifty-one States parties were selected to conduct a review in the first year of the review cycle.
10. At its second session, held from 30 May to 2 June 2011, the IRG drew lots for the reviewing States parties for the second year of the first review cycle, with the result that 77 States parties perform reviews in the second year.
11. To date, four States parties have performed 3 reviews; 27 States parties have performed two reviews; and, 67 States parties have performed one review. With the current number of States parties at 160, there are 62 States parties that have not yet performed any reviews. Paragraph 20 of the terms of reference requires each State

¹ CAC/COSP/IRG/2010/7.

² A link to the updated list of country review pairings is available on the UNODC website: www.unodc.org/documents/corruption/Microsoft_Word_-_Country_pairings_-_Year_1-4.pdf.

party to have performed a minimum of one and a maximum of three reviews by the end of each review cycle. In order to ensure compliance with this requirement, the extended Bureau of the Conference invited the Group to consider excluding States parties which had already performed two reviews from the drawing of lots at its third session. Furthermore, the Group may wish to consider a first round of drawing of lots for reviewing States parties which would include those States parties which have never performed a review. This would particularly alleviate the burden for new States parties (see para. 7 above) which could find themselves necessarily under review and having to perform a review in year 4 in order to comply with the requirements of the terms of reference.

States parties that had not submitted a list of governmental experts at the time of the drawing of lots

12. In accordance with paragraph 21 of the terms of reference, each State party shall appoint up to 15 governmental experts for the purpose of the review process. At the time of writing this report, 139 States parties had submitted their list of governmental experts. Notes verbales are sent to the remaining States parties before every drawing of lots with a request to submit a list of governmental experts in accordance with paragraph 21 of the terms of reference and the secretariat undertakes extensive efforts to ensure that such lists be submitted. In its resolution 4/1, the Conference called upon States parties that had not yet done so to submit their lists of governmental experts well ahead of the drawing of lots, and reminded them to keep the lists up to date. At the time of writing this report, 21 States parties had not submitted their lists, of which seven had become parties since the previous drawing of lots.

13. Of the 41 country reviews in the second year, 38 started on 15 June 2011, following the drawing of lots at the second session and three started on 26 September 2011 following a redraw at the resumed session of the IRG which had become necessary in two cases due to the unresponsiveness of the previously selected reviewing States parties and in one case due to the late decision to defer serving as a reviewer by one State party which was also under review in the second year.

B. Schedule and conduct of country reviews

14. In its resolution 4/1, the Conference endorsed the guidelines for governmental experts and the secretariat in the conduct of country reviews (hereinafter “the guidelines”) that had been finalized upon its request by the Group. The guidelines set out indicative timelines for country reviews in order to ensure the consistency and efficiency of the review process. The purpose of this section is to give an overview of the schedule of country reviews conducted in the first and second years.

Initial steps of country reviews

Confirmation of readiness to undergo review

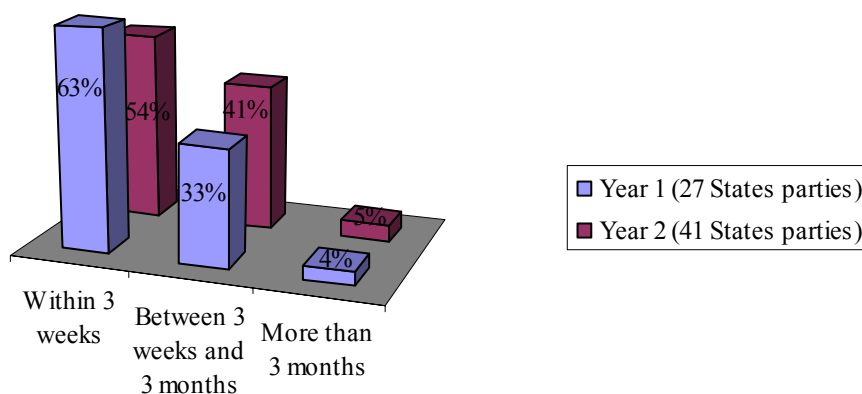
15. Some delays have been experienced in the first year due to countries taking time to communicate their readiness to undergo review. No such delays were experienced in the second year.

Appointment of a focal point to coordinate the participation of a State party under review

16. In accordance with paragraph 17 of the terms of reference and paragraph 13 of the guidelines, a State party under review, within three weeks of officially being informed, shall appoint a focal point — and shall inform the secretariat accordingly — to coordinate its participation in the review. Late nominations of focal points have caused considerable delays in the country reviews concerned.

17. In order to undertake early preparations, the secretariat sent notes verbales before the drawing of lots encouraging States under review to nominate focal points at an early stage. Over half of the States parties under review in the second year availed themselves of this possibility, thereby also ensuring that the focal points participated in the training workshops held immediately after the second session of the IRG. By the time of the fourth session of the Conference, 40 of 41 focal points of the States under review in the second year had been nominated and the last nomination was received in April 2012. The secretariat has followed the same early procedure for the third session of the IRG. To date, eleven States have notified the secretariat of the nomination of their focal point and several States have been in contact with the secretariat to seek assistance in the completion of their responses to the self-assessment checklist.

Nomination of focal points

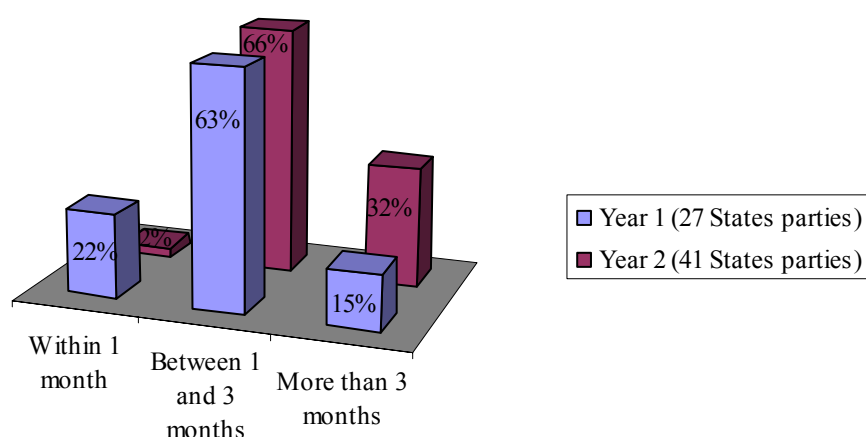


18. In terms of background of the focal points for the first and second year of reviews, one third were from national anti-corruption bodies, one third from Ministries of Justice and one third from other national authorities, including Ministries for Foreign Affairs or Modernization.

Communication of contact details of governmental experts by reviewing States parties and organization of the initial teleconference

19. Paragraph 16 of the guidelines provides that a telephone conference shall be organized within one month after the State party under review has officially been informed of the beginning of the conduct of the country review. This telephone conference involves the State party under review, the reviewing States parties and the secretariat staff assigned to the country review. With a view to organizing the initial telephone conference, the secretariat requested reviewing States parties to designate contact persons among the governmental experts and to communicate their contact details. Several country reviews were delayed by the late receipt of contact details or changes in reviewing experts after the beginning of the review.

Timeframe for initial teleconference



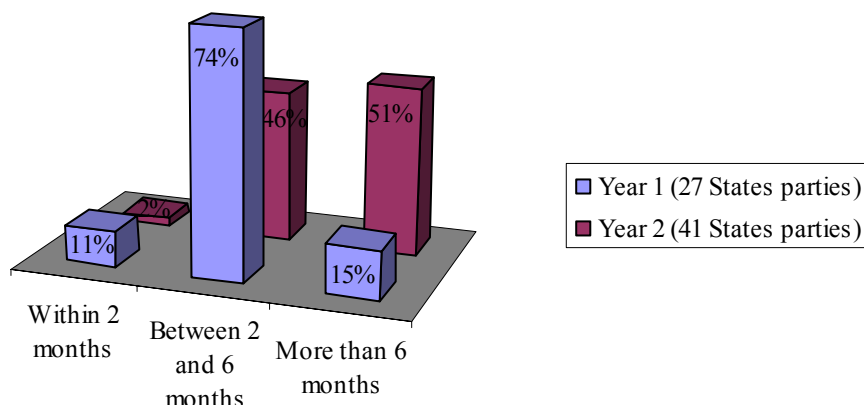
Self-assessment

20. According to paragraph 15 of the guidelines, the State party under review, within two months of being officially informed of the beginning of the conduct of the country review, shall provide to the secretariat its response to the comprehensive self-assessment checklist. The date for submission of the self-assessment checklist was discussed during initial telephone conferences. In several cases, States parties under review indicated that they would require a longer time period to complete the self-assessment, taking into account, inter alia, technical constraints and the need for inter-agency coordination.

21. Among the 41 reviews that were initiated for the second year of the current review cycle, one State party had submitted a partial response to the self-assessment checklist within the timeline. At time of writing, 35 complete responses were received which equals 85 per cent. The rest were still pending and active follow-up was being undertaken to ensure the submission of these responses, including by providing assistance through UNODC's field offices and partners. Several States parties had sought assistance from the secretariat in order to complete their self-assessment responses.

22. States parties under review in year 2 took longer to complete their responses to the self-assessment checklist. At the same time, it should be mentioned that in general, the self-assessment responses contained more complete information than in year 1 and thus, it could be possible that during the active dialogue phase less time will be spent on gathering missing data. However, it is too early to conclude this with certainty.

Submission of self-assessment response



23. With regard to consultations with national stakeholders and publications of the responses to the self-assessment checklist, two States parties informed the secretariat of consultations with stakeholders for year 1 and eight States parties for year 2. In year 1, five States parties had requested UNODC to post their responses to the self-assessment checklist on its website and two had done so in the second year. Several others had posted their responses for comment on their own government websites.

Desk review

24. According to paragraph 21 of the guidelines, within one month of the receipt of the response to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review, governmental experts shall submit to the secretariat the outcome of the desk review.

25. During the initial introductions and in accordance with the guidelines, reviewing experts were invited to take a decision on how to divide tasks and issues among themselves, taking into account their respective fields of expertise. In most reviews the experts agreed to divide their work according to the two chapters under review and in others they decided that both sets of reviewing experts would work on both chapters III and IV. In a few cases, the work was divided according to specific clusters of provisions.

26. At time of writing, 20 desk reviews of the 35 responses to the self-assessments of the second year had been completed. In many cases, governmental experts informed the State party under review and the secretariat that they would need an extension of the timeline foreseen by the guidelines in order to thoroughly review the information submitted.

Further means of direct dialogue

27. Pursuant to paragraph 24 of the guidelines, if agreed by the State party under review, the desk review should be complemented with any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna.

28. Out of the 27 States parties in the first year of reviews, 24 had requested country visits. One joint meeting at the United Nations Office at Vienna had been held. In the second year of reviews, 11 country visits had been held to date, and another 16 had been agreed to and were in planning stages. Several States under review had either not yet discussed the possibility of further means of direct dialogue or indicated that they would take a decision on further means of direct dialogue after having received the desk review. Two States parties under review had agreed to hold joint meetings in Vienna. It can be estimated that on average a similar percentage of countries as in year 1 will opt for a country visit or a joint meeting in Vienna.

29. In accordance with paragraph 24 of the guidelines, the country visit is to be planned and organized by the State party under review. Focal points drafted the agenda and submitted it to the reviewers and the secretariat prior to the country visit. Based on the experience of the first year and following the preference indicated during meetings of the IRG, the agenda for country visits included preparation time for coordination before the beginning of the meetings as well as longer debriefing sessions at the end of the visit where possible.

30. Where country visits were held in the first year, in accordance with paragraph 30 of the terms of reference, the majority of them had included sessions with other stakeholders. The same has been the case for reviews in the second year to date.

Outcome of the country review process

31. Pursuant to paragraph 33 of the terms of reference and paragraph 30 of the guidelines, the reviewing governmental experts are to prepare a country review report and executive summary, in close cooperation and coordination with the State party under review and assisted by the secretariat. The report shall identify successes, good practices and challenges, and make observations for the implementation of the Convention. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving the implementation of the Convention.

32. In several country reviews, translation of the draft country review reports and executive summaries in the agreed working languages of the review proved to be necessary, although the guidelines did not make provision for the additional time needed. Governmental experts and the secretariat continued to liaise with the focal points of States under review at this stage in order to seek clarification or further

information. Furthermore, in several cases, agreement was found on the findings contained in the draft executive summary before finalization of the full-fledged country review report.

C. Role of the secretariat of the Mechanism

33. According to paragraph 49 of the terms of reference, the secretariat shall perform all tasks required for the efficient functioning of the Mechanism, including providing technical and substantive support, upon request, to States parties in the course of the functioning of the Mechanism.

Training workshops

34. In accordance with the terms of reference and the guidelines, the secretariat organized training workshops to familiarize focal points of States parties under review and governmental experts of reviewing States parties with the substantive provisions of the Convention and the methodology of the review process. These workshops were funded through voluntary contributions and based on a linguistic distribution of States parties. For the second year of reviews, four training workshops had been held following the second session of the IRG, gathering 74 participants from 37 countries under review and reviewing countries in order to provide training to the focal points and governmental experts participating in the second year of reviews. One more workshop took place immediately before the resumed second session of the IRG with over 70 participants from over 35 countries. A further workshop was held at the margins of the Conference and ad hoc training and assistance was offered to those focal points and governmental experts who were unable to attend any of the workshops.

Role in the conduct of country reviews

35. Two staff members of the secretariat are assigned to each country review, with consideration, inter alia, to the agreed working languages of the reviews. Internal arrangements were made in order to ensure a smooth and consistent operation of the Mechanism, in particular secretariat staff are tasked with the overview of country review processes and preparations for the procedural requirements of the reviews and the IRG, as well as with ensuring the submission of executive summaries in line with documentation rules and consistent with the executive summary template (CAC/COSP/2012/2) as well as harmonization across the different country reviews.

36. In order to support the desk review and the ensuing dialogue, the secretariat assisted in most country reviews where in-house language capacity existed by drafting a consolidated version of the outcome of the desk review upon receipt of comments from the governmental experts. This document was updated as further exchanges between the focal point and experts went on, and was used as the basis for work during the means of direct dialogue.

37. Where the State party under review requested further means of direct dialogue, i.e. a country visit or joint meeting at the United Nations Office at Vienna, in accordance with paragraphs 29 of the terms of reference and 24 of the guidelines, the secretariat secured funding from voluntary contributions for one of these means of direct dialogue. If required and within available resources, the participation of up

to two governmental experts per reviewing State party was funded. In the meeting of the extended Bureau held on 20 February 2012, the secretariat raised issues with regard to delays in confirmation of participation and to requests for funding for participation of governmental experts in means of direct dialogue from countries other than developing countries.

38. With a view to integrating the country reviews in broader programming and undertaking early preparations, activities related to country reviews have been foreseen in regional and country programmes carried out by UNODC. Among such activities, several countries have requested assistance to perform gap analyses with a view, *inter alia*, to have the bulk of responses to the self-assessment ready for updating when their reviews begin. Several countries have also requested national training workshops that include components on the work of the Mechanism in order to make coordination arrangements for preparation. The secretariat works closely with the UNODC Field Office Network in supporting requests, and other partners especially UNDP to respond to requests. This in turn enables follow-up on the outcome of the review process, including with technical assistance.

D. Language issues

39. In accordance with paragraph 51 of the terms of reference, “[t]he country review process may be conducted in any of the working languages of the Mechanism. The secretariat shall be responsible for providing the required translation and interpretation into any of the working languages of the Mechanism, as necessary for its efficient functioning.” According to paragraph 15 of the guidelines, the secretariat shall have responses to the self-assessment checklist translated, if necessary, and circulated to the governmental experts within one month.

40. Pursuant to paragraphs 12 to 14 of Resolution 3/1 of the Conference of the States Parties, the IRG considered the resource requirements of the Review Mechanism in its Resolution 1/1, entitled “Resource requirements for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption for the biennium 2012-2013”. The Conference endorsed this resolution at its fourth session.

41. From the 27 country reviews conducted in the first year of the review cycle, 48 per cent were conducted in one language, 45 per cent in two languages, and 7 per cent in three languages. In order to facilitate the reviews, experts agreed to work in the language of the State party under review or in English, thereby reducing the number of working languages in the reviews. Of the 41 reviews of the second year, 34 per cent are to be conducted in one language, 59 per cent in two languages and 7 per cent in three languages. Translation was required from a language other than one of the six official languages in two country reviews.

42. Translation requirements had to be accommodated throughout the review process. In addition to the translation of the response to the self-assessment checklist and of the final country review report, additional translation and interpretation was provided during the desk review for comments submitted by reviewing States parties, in the ensuing dialogue with the State party under review and for the agreement on the country review report.

II. Lessons learned and efforts to improve the review process

Organization of the Secretariat

43. Based on lessons learned from the conduct of the country reviews carried out in the first and second years, the secretariat has taken a range of actions to address challenges that arose.

44. Internal arrangements have been made in order to ensure a smooth and consistent operation of the Mechanism, in particular secretariat staff are tasked with the overview of country review processes and preparations for the procedural requirements of the reviews and the IRG, as well as with ensuring the submission of executive summaries in line with documentation rules and consistent with the executive summary template (CAC/COSP/2012/2) as well as harmonization across the different country reviews.

45. In view of the volume of translation requirements that exceeded in-house as well as increasingly the UNODC field office absorption capacity, and in view of the problems encountered with the consistency and quality of the final products, the secretariat has undertaken a bidding process for comprehensive translation services.

46. The secretariat has also revamped the pages dedicated to the Review Mechanism on the UNODC website and will demonstrate the new features during the third session of the Group.

Updated version of the software for the self-assessment checklist

47. Pursuant to its endorsement by the Conference of the States Parties at its third session and in accordance with the terms of reference of the Review Mechanism, the comprehensive self-assessment checklist was to be used by all States parties under review as the first step of the review process.

48. As background knowledge about the State party under review was identified as a premise for effective review, the introductory part of the self-assessment checklist, entitled “General information”, was further expanded to include, in addition to questions on the domestic legal, institutional and political system, previous assessments and possible draft laws or measures under consideration. A list of laws, policies, measures etc. that are referred to in the responses is required as well as the provision of these by attachments. This feature avoids attaching the texts at the provision level, which proved to be redundant and increased the size of the responses. The request for States to attach if available any such materials in the other official languages of the United Nations in order to facilitate translation where required has been removed from the provision level and placed in the general information section, reducing the total volume of questions. It is expected that placing these questions together in the general information section will also enable States to undertake focused early preparations by considering these questions first and gathering the requisite information as a preliminary step.

Initial steps of the review process

49. The practice of holding trainings immediately after the meetings of the IRG enabled cost efficiencies in funding travel for LDCs as well as greater participation. Additional savings were realized by delivering training directly in four of the

six official languages and only requiring interpretation for one language. Several national training sessions were held upon request, including with partners and with the assistance of UNODC's field-based advisors.

50. As with the first year of reviews, the delay in appointing focal points affected the participation of States parties under review in training workshops organized by the secretariat to familiarize focal points with the Review Mechanism and it entailed delays in the submission of the response to the self-assessment checklist. The Conference called upon States parties to nominate their focal points early and the secretariat continued the practice of issuing a note verbale to countries whose reviews were upcoming in order to indicate the possibility of early nomination as well as to offer assistance and training. Several States parties under review in the third year have already informed the secretariat of ongoing preparations and are being assisted from UNODC headquarters as well as by UNODC's regional advisors and other partners.

51. Focal points were assisted in installing the software on their computers during the training workshops as well as remotely. All responses to the self-assessment for the first year, and all those received to date for the second year, were provided by the submission of XML/DAT and PDF files generated through the omnibus software. A feature enabling users to generate a word document was added to the software, thus enabling focal points to send only certain articles for input and then review and edit the responses, before input back into the software.

52. While the quality and thoroughness of responses to the self-assessment are crucial to the review process, focal points should bear in mind translation constraints in reviews conducted in two or more languages and quote only laws or other measures specifically relevant to the implementation of provisions under review. Several responses received in the second year were over 500 pages long, which raised difficulties in translation as well as analysis of responses.

53. The late communication of contact details of governmental experts continued to delay the organization of the initial teleconference and of the country reviews, and changes in the composition of the review teams impeded progress in a few reviews. Reviewing countries were encouraged to identify the experts on their lists who would perform the review at an early stage and undertake to keep them throughout the process including for participation in the means of direct dialogue, whenever relevant.

54. Focal points and governmental experts were requested to inform the secretariat in a timely manner of their possible attendance to meetings of the Implementation Review Group, as well as the working groups on asset recovery and prevention, in order to organize and schedule meetings with the reviewing experts where requested by the State party under review. Face to face meetings, with teleconferences connecting any missing parties, proved to be a valuable and effective means of communication during the reviews.

Conduct of country reviews

55. During the initial introductions and in accordance with the guidelines, reviewing experts were invited to take a decision on how to divide tasks and issues among themselves, taking into account their respective fields of competence. As the division of labour proved to be a crucial factor in how the country reviews were

conducted, governmental experts were encouraged to give this issue careful consideration and to amend the initial division where circumstances warranted.

56. As had been raised in sessions of the Group, country visits took into account the need for more time for the experts to coordinate and debrief. Additional time was allocated at the beginning of visits for meetings among the experts and with the focal point, and in-depth sessions were held at the end of the visits to consider the findings of the draft country review report and executive summary.

57. With regard to the consideration of technical assistance needs, such needs were highlighted in responses to the self-assessment checklist and taken up by the reviewing experts, but further work was often required to provide a comprehensive overview of needs with regard to implementation. Several States parties also wished to identify needs beyond the strict implementation of the two chapters under review and submitted draft legislation or measures for the experts' consideration.

58. The completion of the final stages of the review process, i.e. drafting of the country review reports and the executive summaries and agreement thereto was lengthier than foreseen in the guidelines. This was due, inter alia, to language issues which necessitated translation of various versions of the reports, and the need to effectively and accurately analyse the information included in the country review reports.

59. Several States under review both in the first and second years indicated early on in the process that they would not meet the indicative timelines set out in the guidelines. While countries were advised and requested to adhere as closely as possible to those timelines, this led to staggering reviews over the course of the review cycle.

60. The secretariat will provide updated information on the review process of the first and second years of the current review cycle in an oral update to the Group at its third session.