



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

Distr.: General
12 September 2011

Original: English

Fourth session

Marrakech, Morocco, 24-28 October 2011

Item 2 of the provisional agenda*

**Review of the implementation of the United Nations
Convention against Corruption: criminalization and law
enforcement and international cooperation**

Overview of the review process**

Note by the Secretariat

Summary

The present note contains an overview of issues of process relating to the first year and the start of the second year of the work of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/1.

* CAC/COSP/2011/1.

** The present note was submitted late owing to consideration of information available as at 12 September 2011.



I. Organization and conduct of country reviews in the first year

A. Drawing of lots

1. In accordance with paragraph 14 of the terms of reference of the Review Mechanism, the 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 the 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. At the first session of the Implementation Review Group, held in Vienna from 28 June to 2 July 2010, 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 (see CAC/COSP/IRG/2010/7).¹ In some cases, the drawing of lots had to be carried out or repeated at the Group's intersessional meeting, held in Vienna on 23 August 2010 (see CAC/COSP/IRG/2010/10).

1. Selection of States parties under review

Deferrals

3. 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. At the first session of the Implementation Review Group, it was decided that in case a State party decided to defer its participation to the second year, the selection of the two reviewing States parties would be carried out or repeated at the time of the drawing of lots for the second year.

2. Consequences of a deferral on the reviews of other States parties

4. As a result of deferrals of States parties selected to undergo review in the first year of the review cycle, the number of States parties of each regional group to undergo review proved to be lower than the proportional number of States parties for the first year (26 reviews), and the number for the second year increased correspondingly (41 reviews). 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 to indicate whether they wished to take the place of the deferring State party.

¹ The updated list of country review pairings is available from the United Nations Office on Drugs and Crime website (www.unodc.org/documents/corruption/Microsoft_Word_-_Country_pairings_-_Year_1-4.pdf).

3. Selection of reviewing States parties

Selection of the reviewing States parties

5. 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 were therefore used for the drawing of lots: one containing lots bearing the names of all States parties from the same regional group and a second one containing the names of States parties without consideration of regional groups.

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

6. 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 drawing of lots during the first session of the Implementation Review Group, 94 States parties had submitted their list of experts, and the question was raised how that would affect the drawing of lots for reviewing States parties. Several States parties drawn to undergo review in the first year of the cycle did not consider the absence of such a list to be a reason to request a redraw and allowed additional time for the reviewing States parties to submit their lists.

7. Sixty-four States parties were selected to conduct a review in the first year of the review cycle, of which 16 States parties had not submitted a list of governmental experts for the purpose of the Review Mechanism at the time of the drawing of lots.

8. Of those 16 States parties, six had complied with the requirement to submit a list of governmental experts one month after the drawing of lots. At the end of August 2010, three additional States parties had submitted a list of governmental experts to participate in the Review Mechanism.

9. Of the States parties that had submitted their list of experts by 2 July 2010, approximately half amended their list between the Group's first session and its intersessional meeting held on 23 August 2010.

B. Schedule and conduct of country reviews

10. The guidelines for governmental experts and the secretariat in the conduct of country reviews set out indicative timelines for country reviews in order to ensure the consistency and efficiency of the review process. The purpose of the present section is to give an overview of the schedule of country reviews conducted in the first year.²

² Unless indicated otherwise, the present data are based on the 26 confirmed country reviews at the time of the resumed second session of the Implementation Review Group on 7-9 September 2011.

1. Initial steps of country reviews

Confirmation of readiness to undergo review

11. At the first session of the Implementation Review Group, 34 States parties were selected by drawing of lots to undergo review in the first year of the review cycle.

12. Of those 34 States parties, 19 had indicated their readiness to undergo review by the adjournment of the first session, on 2 July 2010 and six States parties had notified the Implementation Review Group that they wished to defer their participation to the following year in accordance with paragraph 14 of the terms of reference. Four States parties selected to undergo review in the second year volunteered to advance their review, thus taking the place of deferring States parties from the same regional group.

13. The Implementation Review Group requested the secretariat to inform those States parties selected for review during the first year of the cycle but not present at the first session that they should indicate within two weeks after the drawing of lots their readiness for such a review. Of those nine States parties, three had notified the secretariat of their readiness to undergo review in the first year of the review cycle and three had indicated their wish to defer their participation to the following year as of the time of the Group's intersessional meeting held on 23 August 2010. One additional State party communicated in October 2010 its wish to defer its review.

14. As of the time of the Group's resumed first session, held from 29 November to 1 December 2010, two States parties had not officially informed the secretariat of their decision. As reflected in paragraph 15 of the report of the resumed first session, the Group decided that a letter of the Bureau should be sent to unresponsive States parties through their permanent missions (CAC/COSP/IRG/2010/7/Add.1, para. 15). The States parties concerned would be requested to inform the Bureau of their decision in the shortest possible time. One of the States responded thereafter, indicating its decision to defer its review to the following year, and the other State responded during the Group's resumed second session, confirming its willingness to be reviewed in the first year.

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

15. 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 being officially informed, shall appoint a focal point — and shall inform the secretariat accordingly — to coordinate its participation in the review.

16. For the 26 States parties that had indicated their readiness to undergo review in the first year of the review cycle as at 24 March 2011, the time period from the beginning of the review to the official notification of the appointment of a focal point was as follows:

Less than three weeks.....	17 States
From three to five weeks.....	4 States
Over five weeks.....	5 States

Communication of contact details of governmental experts by reviewing States parties

17. 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. The 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. The contact details of governmental experts had to be transmitted to the secretariat separately from the curricula vitae of the governmental experts. All experts performing reviews are on the lists of governmental experts and, where appropriate for the purposes of conducting reviews, reviewing States parties have added experts to their lists using the same procedure. States parties under review have been notified of the relevant changes.

18. The time period from the beginning of the review to the communication of contact details of governmental experts designated to participate in the individual country review was as follows:

Less than three weeks.....	33 States
From three to five weeks.....	12 States
Over five weeks.....	7 States

Organization of the initial teleconference

19. In accordance with paragraph 16 of the guidelines as outlined above, the secretariat is to organize a teleconference for the purpose of an initial introduction of the reviewing States parties, the State party under review and the staff member of the secretariat assigned to the country review, as well as for general orientation. A standard draft agenda was prepared by the secretariat for circulation to the focal point of the State under review and the designated governmental experts of the reviewing States outlining the items for the schedule of the country review process, including the tentative date of submission of the complete response to the self-assessment checklist and the working languages of the country review.

20. For all reviews of the first year, telephone conferences were conducted or other introductions took place in the margins of the training workshops or the sessions of the Implementation Review Group, where agreed to by the country under review.

2. Self-assessment

21. 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.

22. 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. Some States parties under review also subsequently requested an extension of the timeline for submission and/or submitted first a tentative response covering part of the provisions under review. Delays in the completion of the self-assessment in the first year of the review cycle were partly due to the fact that States parties under review had no possibility to prepare in advance, unlike States parties under review already selected to undergo review in the following years of the review cycle, and the fact that training of the focal points and governmental experts had been organized relatively late in the first year.

23. For the 26 States under review in the first year of the review cycle, the time period from the beginning of the review process to the submission of the complete and final response to the self-assessment checklist was as follows:

Less than two months.....	1 State
From two to three months.....	5 States
From three to four months.....	9 States
From four to five months.....	3 States
From five to six months.....	2 States
From six to eight months.....	3 States
More than eight months.....	3 States

24. The average length of time required to complete the self-assessment checklist for those 23 countries that submitted the self-assessment checklist within eight months, that is, prior to or in April 2011, was 19 weeks. Considering that one State party had not submitted a complete response as of 12 September 2011, the calculated average required time for completion by all States for the first year of the review cycle will be significantly longer.

25. The length of complete responses to the self-assessment checklist (excluding attachments) mostly ranged between 250 and 300 pages.

26. In 11 cases where the State party was a member of a competent international organization whose mandate covered anti-corruption issues or a regional or international mechanism for combating and preventing corruption, information relevant to the implementation of the United Nations Convention against Corruption produced by that organization or mechanism was submitted for the consideration of the reviewing experts in accordance with subparagraph 27 (c) of the terms of reference. In line with paragraph 6 of the guidelines, governmental experts were

reminded to bear in mind that, while such reports were to be taken into account, they shall make their own analysis of the facts provided by the State party under review.

3. Desk review

27. In accordance with 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.

28. During the initial introductions and in accordance with the guidelines, reviewing experts were invited to take a decision on how to divide up tasks and issues among themselves, taking into account their respective fields of expertise. In 10 cases the reviewing 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 implementation of both chapters III and IV of the Convention.

29. As at 12 September 2011, 44 of the 49 reviewing States parties had submitted the outcome of their desk review. 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. In several cases, the State party under review expressed its readiness to host a country visit before formally receiving the outcome of the desk review, taking into consideration the language requirement in the preparation of the desk review and the timing preferred by the State party under review. In those cases, the outcome of the desk review was generally presented by the experts on the first day of the country visit.

30. For the 21 country reviews in which the complete response to the self-assessment checklist had been submitted and translated as at 12 September 2011, the time period from the circulation of the self-assessment (after translation, where appropriate) to the submission of comments by governmental experts was as follows:

Less than one month.....	18 States
From one to two months.....	20 States
From two to three months.....	6 States
From three to four months.....	1 State
Desk review ongoing.....	3 States
Not available (country visit was held during the desk review).....	4 States

4. Further means of direct dialogue

31. 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.

32. In the 26 country reviews, as at 12 September 2011, the following further means of direct dialogue foreseen in the terms of reference had been used:

Country visit held.....	20 country reviews
Joint meetings at the United Nations Office at Vienna.....	1 country review
Country visit requested.....	2 country reviews
No indication given.....	3 country reviews

33. 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. In most cases, the State party under review invited reviewers and the secretariat to comment upon the draft agenda. Country visits lasted on average three to four days and included meetings with a variety of national stakeholders. While reviewing States parties were generally represented by one to two governmental experts each during country visits, some countries designated additional experts to attend. Two staff members of the secretariat participated in each country visit. The joint meeting was held in Vienna for three days and included two governmental experts from each reviewing State party and three focal points from the State party under review.

34. In addition to those further means of direct dialogue, informal trilateral meetings were held with the agreement of the State party under review in the margins of sessions of the Implementation Review Group and the meetings of the Working Group on Asset Recovery and the Working Group on the Prevention of Corruption.

5. Outcome of the country review process

35. 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.

36. As at 12 September 2011, four country reviews had been finalized. A further 12 executive summaries were expected to be ready by the fourth session of the Conference.

37. 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 that stage in order to seek clarification or further information.

C. Role of the secretariat of the Mechanism

38. In accordance with 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.

1. Training workshops

39. 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 with the substantive provisions of the Convention and the methodology of the review process. These workshops were funded through voluntary contributions and were organized, grouping States on a regional and/or linguistic basis. Eight workshops were held for the first year of reviews, thus ensuring that all States parties under review and reviewing States parties for the first year of the review cycle had an opportunity for training, with over 200 participants in total. National workshops and ad hoc training courses were also offered, where appropriate.

40. In the workshops, focal points and governmental experts participated in interactive exercises on the substantive provisions of chapters III and IV of the Convention, in order to gain a deeper understanding of their content and with a view to using the *Travaux Préparatoires of the negotiations for the elaboration of the United Nations Convention against Corruption*³ and the *Legislative Guide for the Implementation of the United Nations Convention against Corruption*,⁴ as appropriate. The participants performed mock reviews covering every aspect of the country review process: filling out the self-assessment checklist for selected articles using the omnibus software; analysing responses to the checklist and preparing a desk review; engaging in dialogue, including further means of direct dialogue; and preparing and agreeing on a report drafted using the blueprint for country review reports.

41. Secretariat staff delivered the training workshops, which in some cases were attended by staff of the United Nations Development Programme and representatives of bilateral technical assistance providers. The participants were requested to fill out evaluation questionnaires in each workshop, thus providing the secretariat with an assessment of the workshops, including their delivery and content, as well as lessons learned for future workshops.

2. Role in the conduct of country reviews

42. Subsequent to the selection of States parties under review in the first year of the review cycle, two staff members of the secretariat were assigned to each country review, taking into consideration, inter alia, the agreed working languages of the reviews. Those staff members were introduced during the initial introductions and assisted the focal points and governmental experts for the duration of the country reviews. The initial steps of the country review process required extensive

³ United Nations Publication, Sales No. E.10.V.13.

⁴ United Nations Publication, Sales No. E.06.IV.16.

coordination and follow-up in order to ensure the timely achievement of the different stages set out in the terms of reference and the guidelines. That included, inter alia, securing nominations of focal points and transmittal of the contact details of governmental experts, planning for training opportunities for those experts and organizing the initial introductions as mandated by the guidelines.

43. As follow-up to the training workshops organized pursuant to the terms of reference, several States parties under review requested further assistance from the secretariat to complete the self-assessment checklist, as foreseen by paragraph 15 of the guidelines. The Implementation Review Group might wish to consider the availability of opportunities for training at the national level on the self-assessment checklist for States parties under review, in view of the Group's mandate on technical assistance for the implementation of the Convention.

44. 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. Responses were immediately circulated to the reviewing experts working in the language of submission. At the same time, responses were submitted for translation, as appropriate, with the assistance of United Nations Office on Drugs and Crime field offices.

45. The time required for the translation of responses to the self-assessment checklist was as follows:⁵

From two to four weeks.....	8 country reviews
From four to six weeks.....	3 country reviews
From six to eight weeks.....	2 country reviews

46. In several cases, the secretariat also ensured translation and/or interpretation during the desk review in order to facilitate the coordination between governmental experts from both reviewing States parties. In order to support the desk review and the ensuing dialogue, it was agreed that, in several cases where the Conference secretariat had the relevant language capacity, the secretariat would assist by drafting a consolidated version of the outcome of the desk review upon receipt of comments from the governmental experts. That consolidated version was then submitted to the reviewing States parties for approval, where appropriate, and communicated to the State party under review, after translation where required. As indicated above, the consolidated version of the desk review was often used during the country visits in order to present the outcome of the desk review.

47. Where the State party under review requested further means of direct dialogue, that is, a country visit or joint meeting at the United Nations Office at Vienna, in accordance with paragraph 29 of the terms of reference and paragraph 24 of the guidelines, the secretariat secured funding from voluntary contributions for one of those means of direct dialogue. If required and within available resources, the participation of up to two governmental experts per reviewing State party was funded. However, the cost estimates submitted to the Implementation Review Group

⁵ A total of 13 responses to the self-assessment checklist received as at 12 September 2011 required translation from and into working languages of the Mechanism.

at its first session were based on the assumption that country visits or joint meetings would be requested in approximately half of the reviews. This assumption proved not to be accurate for the first year of the first cycle, as most countries requested either a country visit or a joint meeting in Vienna. For country visits and joint meetings in Vienna, the secretariat facilitated practical arrangements pursuant to paragraph 24 of the guidelines.

48. The secretariat was requested in most country reviews, in accordance with paragraph 30 of the guidelines, to assist governmental experts in drafting the country review report and executive summary at the final stage of the process, thus ensuring that the review of implementation was conducted in a consistent, coherent and comprehensive manner. As indicated above, the draft country review reports and executive summaries were translated into the working languages of the country review before being approved and finalized.

3. Follow-up with States parties

49. The secretariat followed up with States parties on the procedural requirements set out in paragraphs 13 and 14 above through contacts with the respective Permanent Missions and official communications, as needed. Special efforts were undertaken through the permanent missions at United Nations Headquarters with regard to the two cases described in paragraph 14 above, which were referred to the Group at its resumed first session. It was also the secretariat's role to encourage all parties involved in the country reviews to meet the timelines set for the submission of the various inputs, for example, the response to the self-assessment checklist and comments from governmental experts.

D. Language issues

50. In accordance with paragraph 51 of the terms of reference, the 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.

51. Pursuant to paragraphs 12 to 14 of Conference resolution 3/1, the Implementation Review Group considered the resource requirements of the Review Mechanism at its first session. In its resolution 1/1, on resource requirements for the functioning of the Review Mechanism for the biennium 2012-2013, the Implementation Review Group welcomed the voluntary contributions received so far, which cover partially the operational requirements of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption for the biennium 2010-2011, including the costs of communication and translation from and into the working language or languages of the Mechanism designated for individual reviews, travel and daily subsistence allowance for representatives of least developed countries to attend the annual sessions of the Implementation Review Group, training and general operating expenses, as well as country visits, joint meetings in Vienna, and translation and interpretation into languages other than the six working languages of the Mechanism, if requested by a State party under review, and requested the United Nations Office on Drugs and Crime, in

accordance with the terms of reference of the Review Mechanism, to seek voluntary contributions to cover costs of the Mechanism not covered by the regular budget.

52. Of the 26 country reviews conducted in the first year of the review cycle, 10 reviews were conducted in one language, 14 reviews in two languages, and two reviews in three languages. While the translation of the complete response to the self-assessment checklist was ensured, States parties under review were requested to select the most relevant supporting documents to be submitted for translation as well. In accordance with paragraph 52 of the terms of reference, the secretariat also provided translation from and into two languages that are not working languages of the Mechanism.

53. Translation requirements had to be accommodated throughout the review process. In addition to the translation of the response to the self-assessment checklist and the final country review report, additional translation and interpretation were 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.

54. The secretariat continued to submit information on resource requirements and expenditures to the Implementation Review Group and has prepared for the Conference at its fourth session a note on resource requirements for the functioning of the Mechanism (CAC/COSP/2011/4).

II. Lessons learned from the first year of country reviews

55. The following are some lessons learned from the conduct of the country reviews carried out in the first year as well as actions taken by the secretariat to address challenges that arose. The Conference may wish to consider how to provide guidance to the Implementation Review Group and through it to the focal points of States parties under review, governmental experts of reviewing States parties and the secretariat, in order to further enhance the implementation of the terms of reference and the guidelines.

1. Updated version of the software for the self-assessment checklist

56. Pursuant to its endorsement by the Conference 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. Given the innovative nature of this self-assessment tool, the familiarization of focal points with the checklist software was one of the key objectives of the training workshops organized by the secretariat. Building on the experience gained during these workshops and in the country reviews, as well as on comments from several States parties over the course of the first year of reviews, an updated version of the software was developed to address and resolve technical issues and thus enhance the user-friendliness and effectiveness of the software. The updated version of the software is meant to facilitate the compilation of the self-assessment reports by States parties under review, as well as the analysis by governmental experts.

57. As background knowledge about the State party under review was identified as a requisite for effective review, the introductory part of the self-assessment checklist, entitled “General information”, was further expanded in order to provide governmental experts with an understanding of the country’s legal, institutional and political system. A question on previous assessments of the effectiveness of anti-corruption measures was added to this section of the self-assessment checklist. Similarly, questions relating to possible draft laws or measures under consideration were placed under this heading.

58. The amendments do not affect substance but streamline the flow of questions so as to avoid duplication. Several generic questions of the self-assessment checklist were therefore rephrased and further adapted to the specific requirements of the provisions under review. Where appropriate, sections on related subparagraphs of articles of the Convention were merged so that they could be reviewed jointly. Moreover, questions relating to technical assistance were moved from the paragraph level to the article level, thus avoiding the repetition of identical technical assistance needs for the implementation of the various paragraphs of a given article, while maintaining the possibility to indicate such specific needs.

59. The self-assessment checklist contains hyperlinks to excerpts of the *Legislative Guide* providing additional information on the requirements of individual provisions. In the updated version, various hyperlinks appearing in the text of provisions were merged into a single “Legislative Guide” button for each provision. The excerpts of the *Legislative Guide* provided citations of the *Travaux Préparatoires*.

60. The self-assessment checklist includes cross references to provisions of other anti-corruption instruments, thus facilitating the consideration of previous assessments carried out in the framework of relevant international or regional organizations or mechanisms. Whereas the cross references formerly covered only those conventions to which the State party conducting the self-assessment was a party, the updated version of the software lists all instruments relevant to a given provision regardless of their ratification status.

61. In order to facilitate the review conducted by governmental experts on the basis of responses to the self-assessment checklist, references to documents attached by the State party under review automatically appear under the relevant provisions in the self-assessment report generated by the software.

62. Given the need for follow-up procedures, as foreseen by paragraph 40 of the terms of reference, compatibility between the versions of the self-assessment checklist had to be ensured in the above-mentioned process, thus allowing States parties to import previous self-assessment reports into the updated version of the software. Compatibility was generally maintained, with certain limitations due to structural changes in a few cases. As a result of the consideration of technical assistance needs at the article level rather than the provision level, only information provided under the first provision of each article is imported into the technical assistance section of the updated version.

2. Initial steps of the review process

63. 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 resulted in delays in the submission of the response to the self-assessment checklist. States parties under review in the second and subsequent years are strongly urged to nominate their focal points as soon as practicable. Several States parties under review in the second year have already informed the secretariat of ongoing preparations, and they should be further encouraged in that regard.

64. Focal points were assisted in installing the software on their computers during the training workshops as well as remotely. Focal points of States parties under review should bear in mind the possibility of seeking assistance, including technical support, from the secretariat when completing the self-assessment checklist. In several cases, communications with the secretariat made it possible to address technical difficulties in a speedy manner, thus facilitating the self-assessment.

65. 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 cite only laws or other measures specifically relevant to the implementation of provisions under review. In addition, where the deadline for submission of responses has passed, focal points may wish to consider submitting the responses to the two chapters separately as each becomes available.

66. Issues regarding the submission of the list of governmental experts prior to the drawing of lots, where the absence of such a list could lead States parties under review to request redraws, have been outlined above. With a view to complying with paragraph 20 of the terms of reference, States parties should submit their lists as soon as possible.

67. As the communication of contact details of governmental experts is a prerequisite for the organization of the initial telephone conference, this introduction could not always be held within the time frame indicated in the guidelines. In addition, in cases where only one expert was nominated to conduct a review, a challenge was created for the organization of the various steps of the review and with respect to the burden of work.

68. Focal points and governmental experts were requested to inform the secretariat in a timely manner of their attendance of meetings of the Implementation Review Group, as well as those of the Working Group on Asset Recovery and the Working Group on Prevention of Corruption, in order to organize and schedule meetings with the reviewing experts, where requested by the State party under review. Face-to-face meetings, with videoconferences connecting any parties not present, proved to be a valuable and effective means of communication during the reviews.

3. Conduct of country reviews

69. During the initial introductions and in accordance with the guidelines, reviewing experts were invited to take a decision on how to allocate 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 that issue careful consideration and to amend the initial division of work where circumstances required.

70. In order to facilitate the experts' work in that respect, the outcome of the desk review was in most cases submitted to the secretariat in the form of free-form written observations or as a list, with reference to the relevant articles. The secretariat then organized the outcome of the desk review following the format provided in the blueprint for country review reports, when language capacity of the secretariat was available. Reviewing experts could also request the secretariat for any further assistance with the production of the outcome of the desk review. Preparing the desk review in the blueprint format prior to the country visits greatly contributed to focusing discussions during the visits and facilitated the finalization of the country review reports. The involvement of the secretariat throughout the review process contributed to the consistency of standards used by reviewers in their conclusions.

71. For the review of compliance with obligations, governmental experts were advised not only to analyse whether the State party under review had considered the measures foreseen by the relevant provisions but also to review the content of such measures, where appropriate. In several cases, States parties under review also submitted draft legislation and requested the experts to comment on it.

72. In accordance with paragraph 18 of the guidelines, reviewing experts shall establish open lines of communication with the State party under review, and the secretariat must be kept abreast of all these communications. Experts may wish to engage in such communication while preparing the outcome of the desk review, in particular if they have requests for additional materials or information, in order to gain time in their analysis.

73. Several States parties under review indicated at the outset or during the review process, depending on the timeline of each step foreseen in the terms of reference and the guidelines and in order to facilitate the work of the reviewing experts, that the outcome of the desk review could be presented during the conduct of further means of direct dialogue. This proved to be useful in particular where translation was required and where communications via e-mail and telephone were difficult due to logistical challenges, time differences and language.

74. With respect to further means of direct dialogue, most States parties requested a country visit at the time of the initial introduction and confirmed that request sufficiently ahead of time to plan and organize the country visit. One State party requested a joint meeting at the United Nations Office at Vienna. Debriefing meetings with the reviewing experts and the secretariat, and with the focal point where appropriate, were very useful to prepare the meetings and to gather information with a view to compiling and completing the draft country review report.

75. Technical assistance needs were highlighted in responses to the self-assessment checklist and taken up by the reviewing experts, but further work was often required in order to provide a comprehensive overview of needs with regard to implementation. In addition, several States parties wished to identify needs beyond those strictly related to implementation of the two chapters under review.

76. The completion of the final stages of the review process, namely, drafting of the country review reports and the executive summaries, took more time than was foreseen in the guidelines. This was due, inter alia, to language requirements for the

review and the need to effectively and accurately analyse the information included in the country review reports. Reaching agreement on the content of the country reports and the executive summaries often took longer than foreseen, in many cases owing to the use of different languages in the reviews, which necessitated translation of various versions of the reports. In several cases, clearance procedures in the State party under review involved action at high political levels, consultation among many relevant stakeholders and, in one case, parliamentary approval.

77. Several States under review in both the first and second years indicated early 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, the situation led to the staggering of reviews over the course of the review cycle.

78. As at 12 September 2011, the final stages of the country review process, namely, drafting of country review reports and executive summaries, as well as agreement to them, were being completed for most reviews. 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 Conference at its fourth session.

III. Organization and conduct of country reviews in the second year

79. As at 12 September 2011, 132 States parties had submitted their list of governmental experts. Notes verbales were sent to the remaining States parties in February 2011 with a request to submit a list of governmental experts in accordance with paragraph 21 of the terms of reference before the second session of the Implementation Review Group, and the secretariat undertook extensive efforts to ensure that such lists be submitted.

80. At its second session, held from 30 May to 2 June 2011, the Implementation Review Group drew lots for the reviewing States parties for the second year of the first review cycle. Two States parties under review indicated their decision to defer their review until the following year. Thus, a total of 41 States parties would be reviewed in the second year of the first review cycle. In one case, a State party under review requested that its reviewing States parties be drawn from a box containing States parties from two regional groups, due to that State's specific regional, legal and linguistic characteristics.

81. The secretariat had initiated preparations of the second year of the review cycle in advance of the second session of the Implementation Review Group, *inter alia*, by advising States under review in the second year on the completion of the self-assessment checklist. In order to encourage timely submission of responses to the checklist, the secretariat called for early nomination of the focal points and organized a training workshop immediately following the Group's second session.

82. As at 12 September 2011, 39 of 41 focal points of the States under review in the second year had been nominated.

83. As at 12 September 2011, 73 of 77 reviewing States had communicated contact details of governmental experts designated to participate in the reviews of the second year. Several States parties drawn to perform reviews in the second year

had not submitted lists of governmental experts, and the secretariat was undertaking efforts to secure the nominations of reviewing governmental experts.

84. Eight telephone conferences and initial meetings had been held for the second year of the current review cycle prior to the resumed second session of the Implementation Review Group, and 14 telephone conferences or meetings were scheduled during or immediately after the Group's resumed second session.

85. Among the reviews that were initiated for the second year of the current review cycle, one State party had submitted its self-assessment checklist to the secretariat, and another State party had submitted a partial response as at 12 September 2011. Several States parties had sought assistance from the secretariat in order to initiate the completion of the responses to the self-assessment checklist.

86. As at 12 September 2011, four training workshops had been held, 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 further workshop took place immediately before the resumed second session of the Implementation Review Group, with over 70 participants from over 35 countries. A further workshop was scheduled for the remaining States, and ad hoc training is offered to those focal points and governmental experts who were unable to attend any of the workshops.

87. With respect to the reviews of the second year, as at 12 September 2011, 14 reviews were to be conducted in one language, 24 reviews in two languages, and three in three languages.

IV. Issues for consideration

88. The Conference may wish to provide guidance to the Implementation Review Group on the drawing of lots, including how to ensure that all States parties fulfil their duty to undergo review in each review cycle and to perform at least one review in each review cycle. The Conference may wish to advise the Implementation Review Group on steps to be taken in the case of States parties that are unresponsive in that respect.

89. The Conference may wish to call upon States parties involved in a given year of the review process to undertake procedural requirements in a timely manner in order to ensure a smooth operation of the work of the Mechanism. This includes timely nomination of focal points for States under review and timely communication of lists of governmental experts, as well as the contact details of those experts designated for specific reviews by the reviewing States parties.

90. The Conference may wish to encourage States parties to initiate preparations for their own reviews well in advance and request assistance from the secretariat for the completion of responses to the self-assessment checklist, where appropriate.

91. The Conference may wish to encourage States that have participated in the first and second years of work of the current review cycle to share their experiences of the review process and provide lessons learned and suggestions for improvement.

92. The Conference may wish to provide guidance to the Implementation Review Group on how to effectively carry out its functions in particular with regard to

overseeing the review process and ensuring that the indicative timelines are taken into account.

93. The Conference may wish to call upon States to provide adequate funding for the Mechanism to continue its work, in particular funding for those components that are subject to the availability of voluntary contributions such as training and translation requirements for individual country reviews.

94. The Conference may wish to appeal to States parties to make every possible effort to conclude reviews, if not within the foreseen time frame of six months, at least within 8 to 9 months of the start of the review year. A longer average time frame in the second and third years would create a backlog, which would cause problems in the fourth and fifth years of the current review cycle.
