



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

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Implementation Review Group

Resumed second session

Vienna, 7-9 September 2011

Draft report*

Addendum

I. Introduction

1. In its resolutions 1/1, 2/1 and 3/1, the Conference of the States Parties to the United Nations Convention against Corruption recalled article 63 of the Convention, in particular paragraph 7, according to which the Conference would establish, if it deemed it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.
2. In its resolution 3/1, and in accordance with article 42 of the terms of reference of the review mechanism, the Implementation Review Group shall be an open-ended intergovernmental group of States parties, which should operate under the authority of and report to the Conference. The Conference decided that the functions of the Implementation Review Group should be 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. The Conference also decided that the Implementation Review Group should hold meetings at least once a year in Vienna.
3. In the same resolution, the Conference decided that the Implementation Review Group shall be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance.
4. At its second session, which was held in Vienna from 30 May to 3 June 2011, the Implementation Review Group decided to hold a resumed session of three days' duration before the end of the year to continue its deliberations.

* The present document is being issued without formal editing.



II. Organizational matters

A. Opening of the session

5. The Implementation Review Group of the United Nations Convention against Corruption held its resumed second session in Vienna from 7 to 9 September 2011.

6. The resumed second session of the Group was chaired by John Brandolino (United States). The Chair recalled that the IRG had held its second session from 30 May to 3 June and started the second year of reviews by drawing lots for the reviewing States parties for countries under review in year 2. The Chair noted that the provisional agenda and proposed organization of work were contained in document CAC/COSP/IRG/2011/1/Add.1. The provisional agenda had been adopted by the IRG at its second session and the proposed organization of work was prepared by the Secretariat in line with the guidance provided by the IRG.

7. The Director of the Division for Treaty Affairs welcomed participants to the resumed second session of the Implementation Review Group. Member States had taken firm and decisive steps down the path of ratification and implementation of the Convention. He noted that as the first lessons emerge from the country review process, the Secretariat was capturing the information, good practices, challenges and technical assistance needs that had been identified. The Director urged States to continue sharing their experience of the review process, as well as efforts to implement the Convention.

B. Adoption of the agenda and organization of work

8. On 7 September, the Implementation Review Group adopted the following agenda:

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

C. Attendance

9. The following States parties to the Convention were represented at the meeting of the Implementation Review Group: Afghanistan, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belgium, Benin, Bolivia

(Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Cuba, Cyprus, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Greece, Guatemala, Guinea-Bissau, Haiti, India, Iran (Islamic Republic of), Iraq, Israel, Italy, Jordan, Kazakhstan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Papua New Guinea, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

10. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

11. At the conclusion of its first session, which was held in Vienna from 28 June to 2 July 2010, the Implementation Review Group decided that intergovernmental organizations would be invited to attend as observers for the resumed first session. It was also decided that participation of intergovernmental organizations be limited to the agenda item on technical assistance.

12. Also at the conclusion of the first part of its second session, which was held in Vienna from 30 May to 3 June 2011, the Implementation Review Group agreed that, pending a decision by the Conference of the States Parties on the participation of observers, invitations for the resumed second session would be extended in the same manner as for the second session.

13. The following States signatories to the Convention were represented by observers: Czech Republic, Germany, Saudi Arabia.

14. The following observer State was also represented: Oman.

15. Palestine, an entity maintaining a permanent observer mission to the United Nations, was represented.

16. The following Secretariat units, United Nations programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, were represented by observers: Office of International Oversight Services (OIOS), United Nations Commission on International Trade Law (UNCITRAL), United Nations Office on Drugs and Crime.

17. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, International Anti-Corruption Academy, International Criminal Police Organization.

18. The Sovereign Military 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

19. The Secretary of the Conference welcomed participants to the session and noted with appreciation that many delegations included the focal points from States under review as well as the governmental experts from the reviewing States who were carrying out these reviews in the first and second years of the current review cycle. He expressed gratitude for their active participation, commitment and hard work in the review process, that was beginning to show results. He also welcomed the new States parties who had ratified or acceded to the Convention, bringing the total number of parties to 154.

20. On process issues, the Secretary provided updates to document CAC/COSP/IRG/2011/2: Note by the secretariat on country reviews: lessons learned from year 1 of the current review cycle and introduced CAC/COSP/IRG/2011/CRP.3/Rev.1: Note by the secretariat on average time required for country reviews conducted in year 1 of the current review cycle. The Secretary urged all States parties that had not yet submitted lists of governmental experts to comply with this requirement.

21. On progress of reviews in the first year, 24 States parties under review had submitted complete responses to the self-assessment checklist as at April 2011. Forty-four of the 49 reviewing States parties submitted their outcome of the desk review to the Secretariat for transmission to the State party under review. Fifteen of these were submitted within the one month foreseen by the guidelines. Twenty country visits and one joint meeting in Vienna had been held. Two further country visits were planned. Four executive summaries had been finalized and another 12 were expected to be by the fourth session of the Conference.

22. Concerning the actual timelines for reviews in the first year, the Secretary briefed the Group on the length it took on average to complete the various steps of the review process prior to finalization of the country reports and executive summaries. For the second year of reviews, he provided statistics on the number of countries that had appointed governmental experts and focal points for the 41 reviews and highlighted that in several cases there were still no nominations received, which delayed the start of the review process. He also provided the Group with an update on the training courses for governmental experts participating in the second year of the current review cycle.

23. On the thematic implementation reports (CAC/COSP/IRG/2011/CRP.5 and 6), the Secretary explained that they were structured according to theme and pointed out examples of good practices as noted in the country reviews. The reports would be submitted as full-fledged documents to the Conference at its fourth session in all official languages. The Secretary noted that the reports, despite the relatively limited sample of country reviews, highlighted patterns and nuances in implementation that were worth careful consideration and that the information that was emerging from the country review processes provided a sound basis for analytical work.

24. Speakers shared their experiences from the first and second years of reviews and noted that the Review Mechanism had already produced tangible and useful results. Speakers reinforced their commitment to the Review Mechanism and

considered it a fundamental pillar of the implementation of the Convention. They highlighted that strong commitment to the Review Mechanism was part of States Parties' commitment to the Convention and that in turn the Mechanism had significantly raised the profile of the Convention and supported countries in their efforts to implement it.

25. A number of speakers made reference to the documentation provided by the Secretariat on lessons learned from year 1 of the first review cycle. They noted with concern that in most country reviews the indicative timelines contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews had not been complied with. Speakers urged States parties to redouble their efforts to comply with the timelines for the country reviews. This was considered important also in order to secure that all reviews on chapter III and IV could be finalized within the cycle. In this regard, States that had not yet done so were urged to fulfil their basic obligations under the Review Mechanism, namely to submit their lists of governmental experts and timely designate their focal points.

26. Speakers discussed ways and means to conduct country reviews within the indicative timelines in the future. It was particularly highlighted that the drawing of lots for States parties under review was carried out for all four years with a view to allowing States parties to plan ahead. Speakers encouraged States in particular to start early with the completion of the self-assessment checklist. Governmental experts were urged to comply with agreed timelines when commenting on the documentation submitted. The Secretariat should continue to receive all possible support, including for the translation of documents. While acknowledging and reaffirming the importance of formal communication channels, a number of speakers stressed that direct communication between focal points and governmental experts in conformity with the Terms of Reference could greatly expedite and facilitate country review procedures.

27. The Chairman informed the Group that the following States parties had either not or not fully complied with paragraph 21 of the Terms of Reference which required each State party to appoint governmental experts for the purpose of the review process and provide the secretariat with information on their professional background, their current positions, relevant offices held, and activities carried out and their areas of expertise: Antigua and Barbuda, Bahrain, Botswana, Congo, Dominica, Gabon, Georgia, Guyana, Honduras, Iceland, India, Kyrgyzstan, Liberia, Mauritania, Mozambique, Papua New Guinea, Seychelles, Timor-Leste, United Arab Emirates, Vanuatu.

28. Some speakers expressed the view that the timelines were ambitious. However, it was noted by a number of speakers that as the Review Mechanism advanced and those participating in it gained experience, timelines would be complied with more easily. While recognizing the need to ensure timely preparation of responses to the self-assessment checklist, the quality of the self-assessment reports was mentioned as a decisive factor for the success of a country review. The need to provide case law and further evidence of implementation of domestic legislation as part of the response to the self-assessment was noted.

29. With regard to the final outcome of the reviews, the issue of homogeneity of executive summaries was raised, with some speakers welcoming a degree of

diversity of these summaries. One speaker stressed that the follow-up to potential recommendations should be ensured.

30. The IRG conducted a drawing of lots requested by four States parties under review where the review process could not start due to one of their reviewing States parties not yet having provided a list of governmental experts or the contact details of those experts. The Group proceeded in conformity with past practice to conduct a provisional redraw for those States on the understanding that if they had not complied with the requirements within two weeks of the end of the resumed session of the Group, the provisionally drawn reviewing State would take their place. Redraws were conducted for the following States parties: Honduras was drawn as a provisional reviewing State party for Colombia; Mauritania for Kazakhstan; Argentina for Uruguay; and, Guatemala for Azerbaijan.

31. The IRG discussed the possibility of meeting during the upcoming fourth session of the Conference in order to consider the thematic implementation reports in all official languages and possibly make recommendations to the Conference. Speakers made reference to the thematic reports on implementation of Chapters III and IV. While recognizing that these documents were based on a relatively low number of reports, speakers highlighted that they provided an interesting picture on implementation efforts. Several speakers suggested additional aspects to be added to the thematic reports, including an analysis of technical assistance needs and regional addenda. The Secretary pointed out that these reports were not anticipated to change to a large extent by the time of final submission to the Conference, due to document submission deadlines. The Secretary further indicated that regional addenda and an analysis of technical assistance needs could not be included at this stage as the country reports on which the thematic reports were based provided no critical mass of countries per region to prepare such analysis. Speakers noted that these reports would be ongoing analyses destined to grow and evolve as reviews were finalized and more information became available. Some speakers shared their views on the structure and content of the reports, for instance welcoming the text boxes containing good practices and asking that they be further developed. Further suggestions were that statistics could be developed where the information was more of a quantitative and not qualitative nature, and that case law could be included.

32. The IRG decided that it would hold informal discussions on the thematic reports and on any other outstanding issue at the fourth session of the Conference. Such informal discussions would be followed by a formal meeting of the Group to approve and properly transmit any recommendations which may emerge to the Conference. For these purposes, the Group would seek to avail itself of the resources available to the Conference for parallel sessions with interpretation into the six official languages. The IRG recommended that the Bureau of the Conference be requested to amend the programme of work of the Conference accordingly.