



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

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## Implementation Review Group

### Second Session

Vienna, 30 May-3 June 2011

## Draft report

### Addendum

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

### Drawing of lots

1. The Chair of the meeting opened item 2 on Review of Implementation of the United Nations Convention against Corruption and provided an overview of the procedure of the drawing of lots in accordance with paragraphs 14 and 19 of the terms of reference. He reported that the lots with States parties' names had been placed in the appropriate boxes in the presence of the Bureau in order to save time in the meeting. The Chair recalled that each State party must have performed a minimum of one review and a maximum of three reviews by the end of each review cycle. He further recalled that States parties selected for review in the second year could make use of their right to defer serving as a reviewing State party that same year.

2. With a view to establish a consistent practice for the drawing of lots in future sessions, the Group agreed that the name of the State party drawn as a reviewer would be put back in the box to be drawn again only if the State party expressly requested this. The Group further agreed that a State party drawn to perform more than one review in the same year would be asked whether it was in a position to do so before considering the draw final. Furthermore, the Group agreed that if a State party was selected as a reviewer for more than one review, then it had the possibility to defer the second or subsequent selections as a reviewer.

3. While conducting the drawing of lots for the reviewing States parties for the second year, each State party under review was first asked whether it wished to exercise its right to defer its review to the following year. States parties selected for review were also reminded that they could request that the drawing of lots be repeated a maximum of two times, without justification. It was agreed that for each



redraw, States parties had the possibility to redraw either one or both of their reviewing states.

4. In the case where States under review in the second year chose to defer, States under review in the third year could potentially come forward voluntarily to take their place in the corresponding regional group.

5. It was also foreseen that the Group could conduct a second drawing of lots at its sixth meeting of the session on Wednesday 1 June and a third on the last day of the session in order to allow sufficient time to States under review for consultations on whether they were ready to confirm their readiness to undergo the review or whether they wished to request a redraw.

6. A final decision by one State party that requested a second deferral was still outstanding and the issue will be revisited at the resumed session.

7. The Executive Director of UNODC drew the first set of reviewers. Representatives of the regional groups and the secretariat drew the rest of the reviewing States parties. The Group agreed to a request by the Russian Federation to mix the boxes containing lots from the Asian Group and the Eastern European Group to draw their reviewing State party from the geographical region.

### **Lessons learned**

8. For its consideration of agenda item 2, the Group had before it document CAC/COSP/IRG/2011/2, Note by the secretariat on country reviews: lessons learned from year 1 of the current review cycle, and document CAC/COSP/IRG/2011/CRP.3, Note on average time required for country reviews conducted in year 1 of the current cycle of the Review Mechanism. The Secretary of the Conference of the States Parties provided an update on process issues related to the first year of the work of the Mechanism. He reported that from the initially selected 34 States Parties under review, following deferrals and voluntary advancements within regional groups, 26 States Parties had confirmed their readiness to undergo review in the first year. 25 States Parties had submitted their self-assessment checklist by the date of the review, and 46 reviewing States parties submitted the outcome of their desk review to the Secretariat for transmission to the State party under review. Twenty States parties under review had indicated that they would request or consider requesting further means of direct dialogue: 13 country visits and one joint meeting in Vienna had been held; further, in 7 cases, dates were being finalized to hold a country visit after the second session of the IRG. The Secretary highlighted that the indicative timelines contained in the Guidelines for Governmental Experts and the Secretariat in the Conduct of Country Review had been frequently extended. States parties under review submitted complete responses to the self-assessment checklist within an average 4.5 months (and not 2 months) and their desk reviews in 1,5 months (and not 1 month).

9. States Parties involved in the work of the Mechanism in its first year applauded the constructive cooperation among States parties in the country reviews. It was noted that while there was room for improvement, the work of the Review Mechanism had gotten off to a good start. The need for flexibility in accomplishing the indicative timelines contained in the guidelines for reviews, in particular those with translation requirements, was noted. Noting that one State party selected in the first year had not yet communicated its readiness to undergo review, despite the

repeated efforts from the President of the Conference of the States Parties and the Secretariat to obtain such communication, speakers underlined the importance of responsiveness and cooperation and expressed the hope that such cases would be avoided in future. Speakers also called upon the States parties that had not yet done so to submit their lists of governmental experts.

10. At the initial stages of the review process, speakers underscored the crucial role of the focal point appointed under paragraph 17 of the terms of reference to coordinate the process, both in terms of preparation of responses to the self-assessment and for communications with the experts and the secretariat. On the side of the reviewing States, speakers reported that they had set up teams with a broad range of expertise to comment on the review. Some speakers regretted that not all experts could participate in country visits as financial constraints in covering the participation of developing countries in the visits had obliged the Secretariat to limit relevant support to two participants per country. Speakers welcomed the assistance provided by the Secretariat throughout the review process, starting with the training opportunities provided to focal points and reviewing experts, which were viewed as crucial to their work in the reviews.

11. A representative of the Secretariat presented the updated version of the self-assessment checklist software. The updates sought to address the challenges faced by States under review in the first year by enhancing its technological user-friendliness as well as streamlining questions, while preserving the substantive content of the tool as endorsed by the Conference. Speakers made reference to the self-assessment checklist as a useful information-gathering tool and advocated for its wide use and dissemination, especially for the analysis of technical assistance needs. Speakers referred to their experiences in having completed or analysed the responses to the self-assessment checklist and reported on areas for improvement, both technically and substantively. While noting that the wealth of information provided could pose a challenge, speakers also highlighted the need to maintain a certain level of detail allowing for a substantive review. Where translation was required, speakers emphasized the need to ensure a high quality throughout the process. Some speakers reported on their efforts to involve relevant stakeholders by posting or circulating the responses online. Speakers called upon the States under review in the subsequent years to initiate preparations for completing the self-assessment checklist at an early stage.

12. Speakers highlighted the importance of working to achieve the outcome of the desk review, including with a view to preparing country visits or joint meetings in Vienna, where requested. The organization of tele- and videoconferences and e-mail exchanges at that stage was seen as valuable. Technical challenges, especially with the clarity of communication in some conference calls were noted.

13. Positive experiences were also reported with regard to the dialogue phase, including exchange of views by telephone or videoconferences and further means of direct dialogue. Some speakers reported that country visits had shown great potential for deepening the understanding of the submitted information and allowing for the development of accurate and comprehensive country reports. Some speakers reported on the involvement of relevant national stakeholders, such as civil society organizations, the private sector and academia during the dialogue phase and the drafting of the report. One speaker mentioned that the review process may have financial implications for reviewing countries, referring to the example of validation

workshops at the national level. Speakers noted the need to prepare well in advance of country visits or joint meetings in Vienna in order to maximize their usefulness with a view to elaborating the country review report. Circulating questions or comments from reviewers ahead of time to the stakeholders they were to meet was seen as useful in order for those stakeholders to prepare. The opportunity presented by country visits to engage in meaningful exchange of experience and discussion of good practices with the reviewers was also highlighted. One speaker reported on the positive experience of the joint meeting in Vienna that had been held in one of the country reviews, while noting that this prevented the opportunity to engage a wider spectrum of national stakeholders. Speakers also highlighted the usefulness of debriefings during the country visits both among the reviewing experts and with the focal points of the States under review in order to take full advantage of the opportunities of direct dialogue. Having noted that a country visit presented an excellent opportunity to not only engage with the country under review, but also for the reviewing States parties to agree on findings and observations, one speaker proposed to extend the length of country visits beyond the current practice of 2-3 days.

14. It was reported that language barriers had presented challenges in some reviews. The importance of flexibility, cooperation and sufficient funding for translation and interpretation was highlighted. The importance of ensuring quality translation and interpretation throughout the review process was noted and speakers welcomed the efforts of the secretariat to provide accurate and timely translation of written materials. One proposed solution was to include a standard set of relevant domestic laws in UNODC's Legal Library, thus ensuring their availability during the reviews.

15. With regard to the outcome of the reviews, some speakers referred to the recommendations made in the report or during the dialogue phase and reported that some had meanwhile been addressed within their domestic systems. Speakers stressed that the review process would enable them to enhance the implementation of the Convention. One speaker raised the question how country review reports should, apart from mandatory provisions of the Convention, also take non-mandatory provisions and evolving good practices as reference points for recommendations. Noting the need to ensure consistency among the various reports, it was also recognized that the reports were agreed between the country under review and the reviewing States. While it was recognized that the self-assessment checklist provided for a certain level of detail that could be useful in the analysis and full understanding of the information, one speaker stressed the need to summarize information in the course of the review in order to develop readable reports. Several speakers informed the Group of their intention to publish their final country review reports.

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