



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

Distr.: Limited  
22 June 2012

Original: English

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## Implementation Review Group

### Third session

Vienna, 18-22 June 2012

## Draft report

### 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 paragraph 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 Group should hold meetings at least once a year in Vienna.

3. In its resolution 4/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference endorsed the guidelines for governmental experts and the secretariat in the conduct of country reviews and the blueprint for country review reports as finalized by the Group at its first session.

4. Also in the same resolution, the Conference recalled its decision, contained in its resolution 3/1, by which the Group was charged with following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance, and taking into account the fact that, pursuant to paragraph 11 of the terms of reference, one of the goals of the Mechanism is to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance.



5. In its resolution 3/4 entitled “Technical assistance to implement the United Nations Convention against Corruption”, the Conference took note of the recommendations of the Open-ended Intergovernmental Working Group on Technical Assistance contained in the report of the Secretariat on the work of that Working Group.<sup>1</sup>

## **II. Organization of the meeting**

### **A. Opening of the meeting**

6. The Implementation Review Group of the United Nations Convention against Corruption held its third session in Vienna from 18 to 22 June 2012.

7. The first to the fourth, and sixth to the eighth meetings of the Implementation Review Group were chaired by Eugenio Curia (Argentina), and the fifth meeting was chaired by Simona Marin (Romania). In his introductory remarks, the Chair recalled resolution 3/1 of the Conference of the States Parties to the Convention against Corruption containing the Terms of Reference of the Mechanism to Review the Implementation of the United Nations Convention against Corruption (hereinafter Review Mechanism). The work of the Review Mechanism was launched at the first session of the Implementation Review Group (hereinafter Group) held in June 2010. The Group held a resumed first session in November 2010, a second session in June 2011, a resumed second session in September 2011, and finally a session on the margins of the Conference held in Marrakech in October 2011. At its fourth session held in Marrakech, the Conference was able to consider for the first time the work of the Mechanism. The discussions were rich with exchange of experiences and information, and the Conference endorsed in its resolution 4/1 the action taken by the Group.

8. The Chairperson invited the Director of the Division for Treaty Affairs to make opening remarks.

9. The Director of the Division for Treaty Affairs highlighted the adoption by the Conference of the innovative peer review mechanism to help countries identify and address gaps in national anti-corruption frameworks. At its fourth session, the Conference took stock of the lessons emerging from the country review process and the action taken by the Group in its resolution 4/1. This resolution endorsed the Guidelines for governmental experts and the secretariat as well as the practice followed by the Group on the drawing of lots. The Conference also endorsed the Group’s resolution on resource requirements and considered its recommendations on technical assistance. The Conference decided in its resolution 4/5 that the Group would include signatories, non-signatories, entities and intergovernmental organizations in its work. Following the adoption of resolution 4/6, non-governmental organizations were also invited to participate in the first ever briefing for NGOs on the work of the Mechanism to be held at the margins of this session. As the country reviews progress, the secretariat was capturing the information, good practices, challenges and technical assistance needs that had been identified and considered. He noted that one of the major features of the Mechanism

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<sup>1</sup> CAC/COSP/2009/8.

was the opportunity it created to assist States on meeting the identified technical assistance needs and encouraged donors and recipients alike to take full advantage of this opportunity. A strong sense of ownership of the Convention had also been forged through the collaborative effort undertaken in the work of the Mechanism.

10. The Minister for Institutional Integrity and Fight against Corruption of the Plurinational State of Bolivia reported on the measures taken in her country, highlighting that the anti-corruption reform agenda of the country was based on the Convention. In the application of the new national anti-corruption legislation, she observed significant progress in the prosecution and adjudication of corruption cases, but also in the areas of prevention and asset recovery. The Minister expressed concern on the current state of international cooperation in criminal matters within the framework of the Convention, in particular on extradition, and called upon all States Parties to fully implement the provisions of the Convention.

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

11. The Chair called upon the secretariat to provide clarification on the proposed organization of work. The Secretary noted that the proposed organization of work contained in the annex of CAC/COSP/IRG/2012/1 reflected the guidance provided to the secretariat by the extended Bureau of the Conference. The Group agreed that the third day of the present session of the Group would be devoted to holding trilateral meetings for the country reviews, informal consultations and the briefing for non-governmental organizations foreseen by resolution 4/6. Consequently, agenda item 5 entitled "Other matters" would not appear in the programme of work for that day. It was the understanding of the Group that interpretation was provided at the present session for the briefing for non-governmental organizations due to the availability of resources. This would not constitute a precedent.

12. On 18 June, the Implementation Review Group adopted the following agenda:

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

### C. Attendance

13. The following States parties to the Convention were represented at the meeting of the Implementation Review Group: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malawi, Maldives, Mexico, Montenegro, Morocco, Namibia, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

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

15. In accordance with Rule 1 of resolution 4/5 entitled "Participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group" adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its fourth session, held in Marrakech, Morocco, from 24 to 28 October 2011, the Conference decided that States signatories shall be entitled to participate in the Implementation Review Group.

16. The following States signatories to the Convention were represented by observers: Czech Republic, Germany, Japan.

17. In accordance with Rule 3 of resolution 4/5, the Conference decided that non-signatory States would be invited to attend the deliberations of the Implementation Review Group provided that such a State has notified the Group, through the secretariat, of its intention or decision to ratify, accept, approve or accede to the Convention in accordance with its article 67, paragraphs 3 and 4.

18. The following observer State was represented: Oman.

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

20. Also in accordance with Rule 2 of resolution 4/5, the Conference decided that intergovernmental organizations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, specialized agencies and other organizations of the

United Nations system may be invited to participate in the sessions of the Implementation Review Group.

21. The following intergovernmental organizations were represented by observers: Arab Interior Ministers Council, Asian-African Legal Consultative Organization, Council of Europe, International Anti-Corruption Academy, Organization for Economic Cooperation and Development.

22. The following Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, specialized agencies and other organizations of the United Nations system were represented by observers: United Nations Development Programme, Basel Institute on Governance.

23. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

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