



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

Distr.: General
26 September 2013

Original: English

Fifth session

Panama City, 25-29 November 2013

Item 2 of the provisional agenda*

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

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

Note by the Secretariat

Summary

The present note contains updated information on the conduct of country reviews in the first review cycle of the Mechanism to Review the Implementation of the United Nations Convention against Corruption, and on activities of the Implementation Review Group in its function of overseeing the review process and submitting policy recommendations to the Conference of the States Parties to the Convention for its consideration and approval.

* CAC/COSP/2013/1.



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

A. Drawing of lots

1. In accordance with paragraph 14 of the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, 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 of the terms of reference 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. In its resolution 4/1, the Conference endorsed the practice followed by the Implementation Review Group with regard to the procedural issues arising from the drawing of lots.
3. At its fourth session, the Group requested the secretariat to prepare a compilation of the procedural requirements for the drawing of lots and the practice followed by the Group. That compilation will be contained in document CAC/COSP/2013/16; the present note provides only an update on the drawing of lots for the fourth year of the first cycle with a view to conducting a repeat drawing at the resumed fourth session of the Group, to be held in Panama City.
4. Sixty-two country reviews began on 1 July 2013 following the drawing of lots held at the first part of the fourth session of the Implementation Review Group. However, one State became party to the Convention shortly thereafter, meaning that there are now 63 States under review in the fourth year, and there will possibly be more by the time of the fifth session. A drawing of lots for new States parties and for those States under review wishing to repeat the drawing of lots will need to be held at the fifth session of the Conference. There are six States that have not yet performed a review in the first cycle.
5. 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 the writing of the present report, seven States parties had not yet submitted their list of governmental experts, almost all of which had recently ratified or acceded to the Convention. Communication was ongoing with all of those States.

B. Schedule and conduct of country reviews

6. In its resolution 4/1, the Conference endorsed the guidelines for governmental experts and the secretariat in the conduct of country reviews, which had been finalized upon the request of the Implementation Review Group. The guidelines set out indicative timelines for country reviews in order to ensure the consistency and efficiency of the review process. The purpose of the present section is to give an overview of the schedule of country reviews conducted in the first to fourth years.

7. There were 27 reviews in the first year and 41 reviews in the second year. Of the 35 country reviews in the third year, 29 started on 20 July 2012, following the drawing of lots at the third session of the Group, and six started on 14 December 2012, following a redraw at the resumed third session, which had been requested in six cases owing to the unresponsiveness of the previously selected reviewing States parties. The 62 States under review in the fourth year were officially informed that their reviews would begin on 1 July 2013.

Initial steps of country reviews

Confirmation of readiness to undergo review

8. Some delays were experienced in the first year owing to the time taken by countries to communicate their readiness to undergo review. No such delays were experienced in the second year. In the third year, out of five States that had deferred their review to the following year, three informed the Group during the third session of their decision to do so, and two more informed the secretariat by the resumed third session.

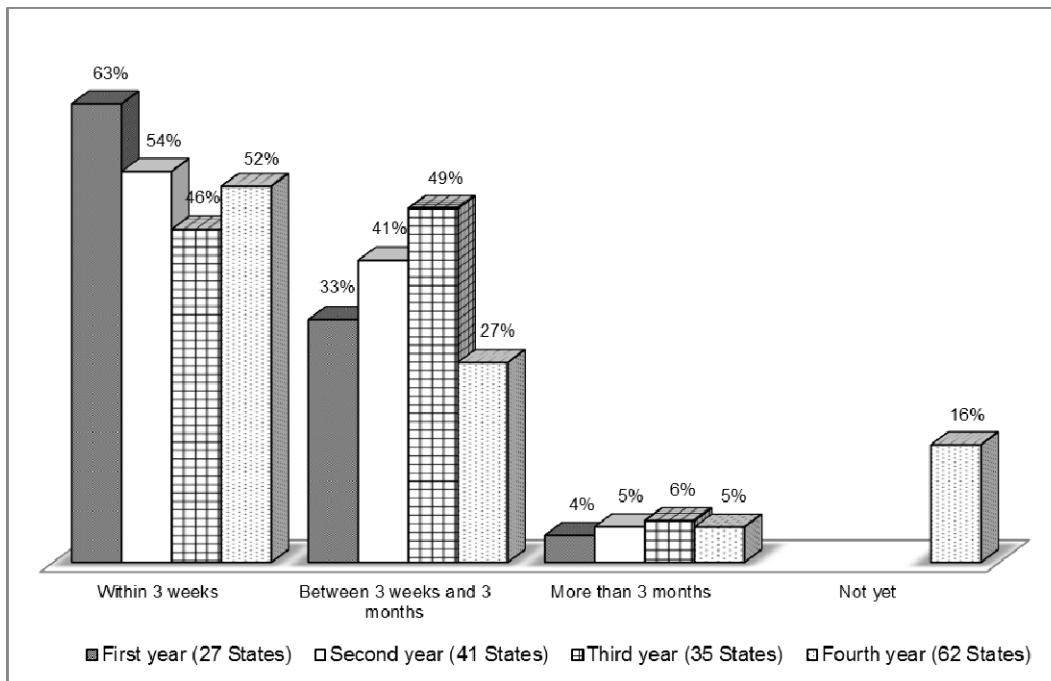
9. Of the 62 States whose reviews were scheduled to be in the fourth year, while in accordance with the terms of reference they could not defer their reviews, some have expressed their need to delay preparations for their reviews because either they are new States parties or they wish to take advantage of being reviewing States first in order to gain experience.

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

10. In accordance with paragraph 17 of the terms of reference and paragraph 13 of the guidelines, a State party under review, within three weeks of officially being informed, shall appoint a focal point, and shall inform the secretariat accordingly, to coordinate its participation in the review. Late nominations of focal points have caused considerable delays in country reviews. In resolution 4/1, the Conference urged States parties under review to ensure the timely nomination of their focal points in accordance with the guidelines.

11. In order to make early preparations, the secretariat sends notes verbales before the drawing of lots, encouraging States under review to nominate focal points at an early stage. Over half of the States parties under review in the second and third years and 25 States in the fourth year availed themselves of that possibility, thereby also ensuring that the focal points participated in the training workshops held immediately after the sessions of the Group.

Figure I
Nomination of focal points



12. All focal points appointed in the third year were offered training, and 30 availed themselves of the opportunity. In a few cases, the focal point had a coordinating rather than a substantive or technical role and designated another person to undergo training.

13. In addition, a few States changed their focal points after the review had begun, prompting delays, as the initial steps had to be reorganized.

14. For the fourth year, in February 2013 the secretariat again sent notes verbales regarding the nomination of focal points; 25 States had appointed their focal points before the fourth session of the Group. Several States had already initiated work on their responses to the self-assessment checklist.

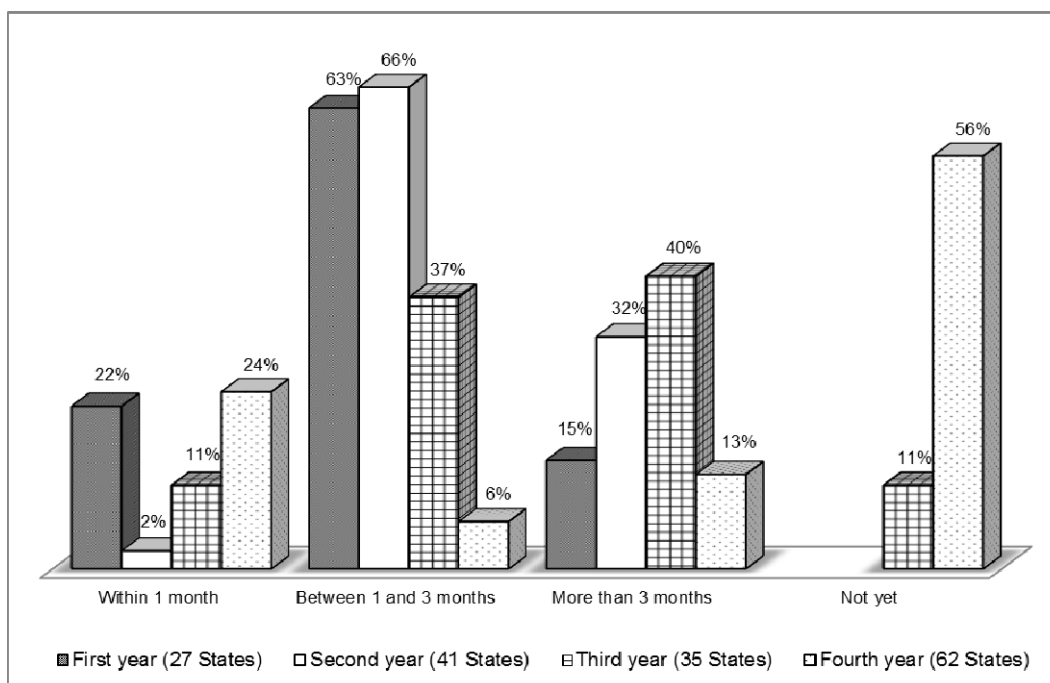
15. With regard to the background of the focal points, they were from national anti-corruption bodies, ministries of justice and other national authorities, including ministries for foreign affairs or modernization. In the second, third and fourth years, several States established interministerial or coordination committees to oversee and conduct the review process at the national level. Several focal points made their contact details available at the national level.

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

16. Paragraph 16 of the guidelines provides that a telephone conference shall be held 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.

Figure II
Initial teleconference organized



17. In the third year there were six redraws, owing to the unresponsiveness of the selected reviewing States parties to the secretariat's communications. In addition, several country reviews were delayed by the late receipt of contact details or changes in reviewing experts after the beginning of the review. It is expected that some redraws will take place for the fourth year.

18. In most reviews, delays were experienced in the organization of the initial teleconference. Such delays were due, inter alia, to the late communication of contact details of the governmental experts, who, while officially nominated prior to the drawing of lots, had to be designated for the purpose of the particular review in question. However, where feasible, introductions took place on the margins of the sessions of the Group. The initial teleconferences were a useful first step in the review process, and the secretariat drafted minutes of the introductions as well as a table containing the list of contacts for circulation to all those involved in order to facilitate communication and dialogue.

Self-assessment

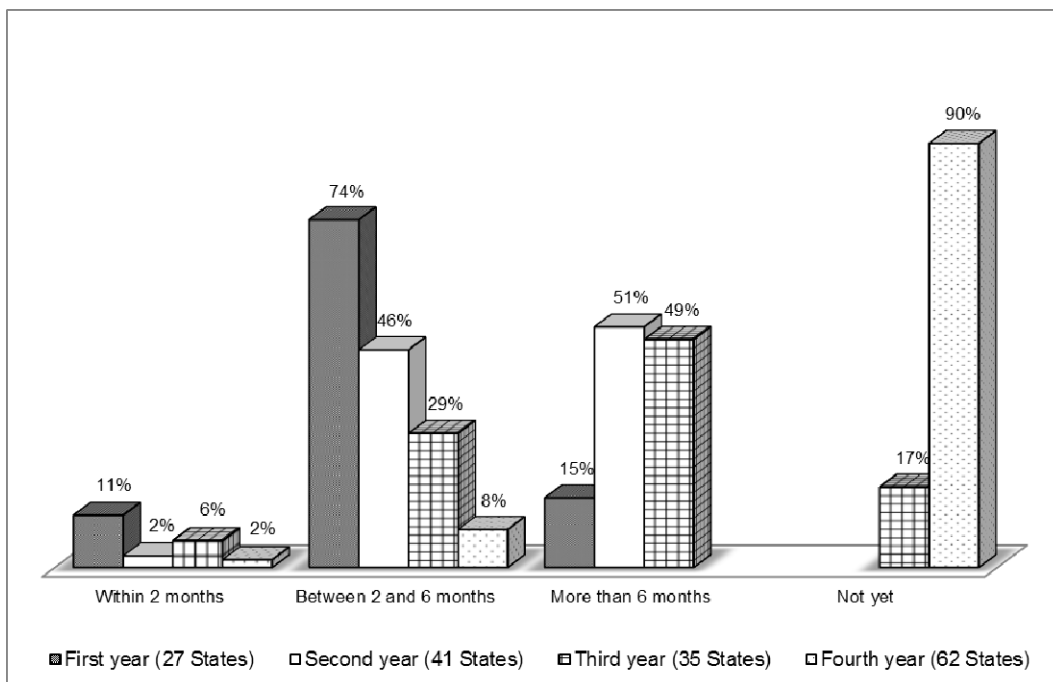
19. According to paragraph 15 of the guidelines, the State party under review, within two months of being officially informed of the beginning of the conduct of the review, is to provide the secretariat with its response to the comprehensive self-assessment checklist. The date for the submission of the self-assessment

checklist was discussed during initial telephone conferences. In several cases, States parties under review indicated that they would require more time to complete the self-assessment, taking into account, inter alia, technical constraints and the need for inter-agency coordination.

20. For the 35 reviews that were initiated for the third year of the current review cycle, 29 States parties under review had submitted completed responses to the checklist at the time of writing. The rest were still pending, and active follow-up was being undertaken to ensure their submission, including by providing assistance through United Nations Office on Drugs and Crime (UNODC) field offices and partners. Several States parties had sought assistance from the secretariat in order to complete their self-assessment responses. At the time of writing, five States to be reviewed in the fourth year had submitted their responses to the self-assessment checklist.

21. States parties under review in the second and third years took longer to complete their responses to the self-assessment checklist than those in the first year. However, in general, their self-assessment responses contained more complete information, including case law and statistics, where available. Thus, it is possible that during the active dialogue phase less time will be spent on gathering missing data. Several States had set up coordination committees and held drafting and validation workshops for their responses. Some States had conducted a gap analysis in anticipation of their review and used the outcome for their submission. Some States under review had requested the secretariat to post their responses to the self-assessment checklist under their profile page on the UNODC website.

Figure III
Self-assessment checklist submission



22. With regard to consultations with national stakeholders and publication of responses to the comprehensive self-assessment checklist, several States parties under review in the first to fourth years informed the secretariat of consultations with stakeholders. Several more had circulated their responses to relevant stakeholders and/or posted the responses on national websites for comment, or on the UNODC website. Several States had included national stakeholders in the national committees set up to coordinate and oversee the review process. Some States parties under review in the third year had undertaken to conduct consultations with the private sector on their responses. Other States informed the secretariat of collaboration with academia in drafting their responses.

Desk review

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

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

25. At time of writing, three desk reviews for the responses to the self-assessments of the second year were pending, owing to the late submission of information and translation difficulties. For the third year, seven desk reviews were pending. Several of those were in translation.

26. Overall, the desk reviews were increasingly being submitted in the blueprint format that, after insertion of the responses to the self-assessment checklist, had been prepared and circulated by the secretariat, thus allowing the reviewers and the secretariat to work on a single consolidated document. While this practice was welcomed by States, in cases where the review was carried out in more than one language, maintaining parallel language versions of working documents was at times not practicable. Reviewing experts were also encouraged to submit requests for additional information or documents both at the outset and pending completion of the desk review in order to facilitate the transmission and translation of documents.

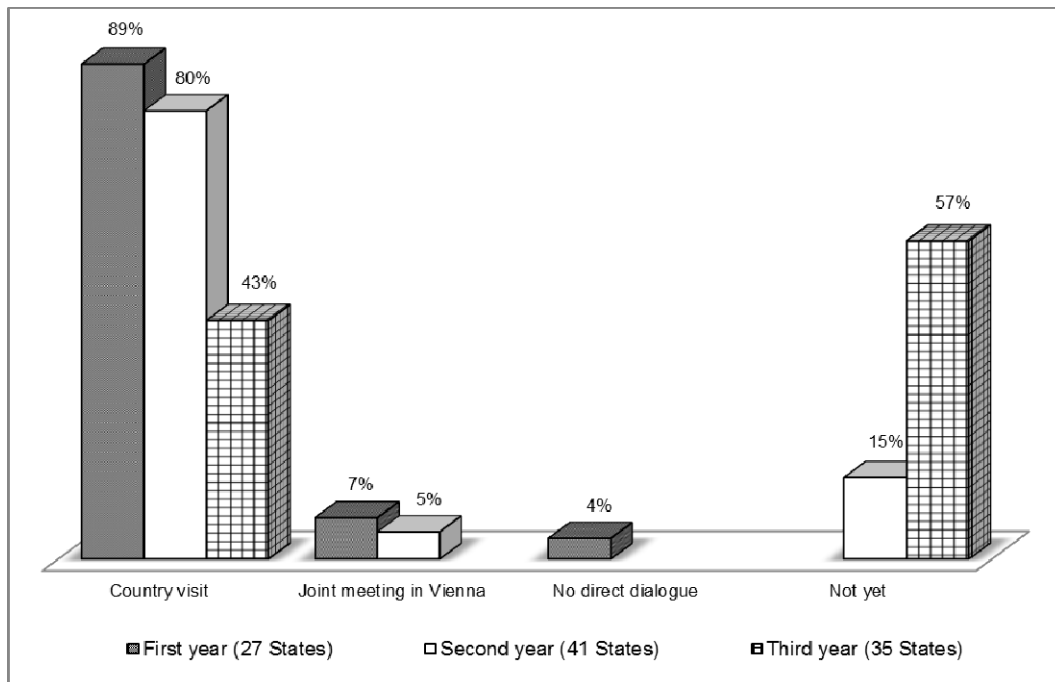
27. With regard to the presentation of the outcome of the desk review, in several cases the State under review eschewed the option of holding a second teleconference in favour of continued written exchanges. This was more effective, for instance, in cases where interpretation was required or where time differences between countries were too great.

Further means of direct dialogue

28. 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.

29. For the 27 States parties under review in the first year, 24 country visits and 2 joint meetings in Vienna had taken place. For the 41 States parties under review in the second year, 33 country visits and 2 joint meetings in Vienna had taken place, and another 6 States under review had agreed to means of direct dialogue, most of which were in the planning stages. For the 35 States parties under review in the third year, 15 country visits had taken place, and most States had agreed to further means of dialogue, of which several were in various stages of planning.

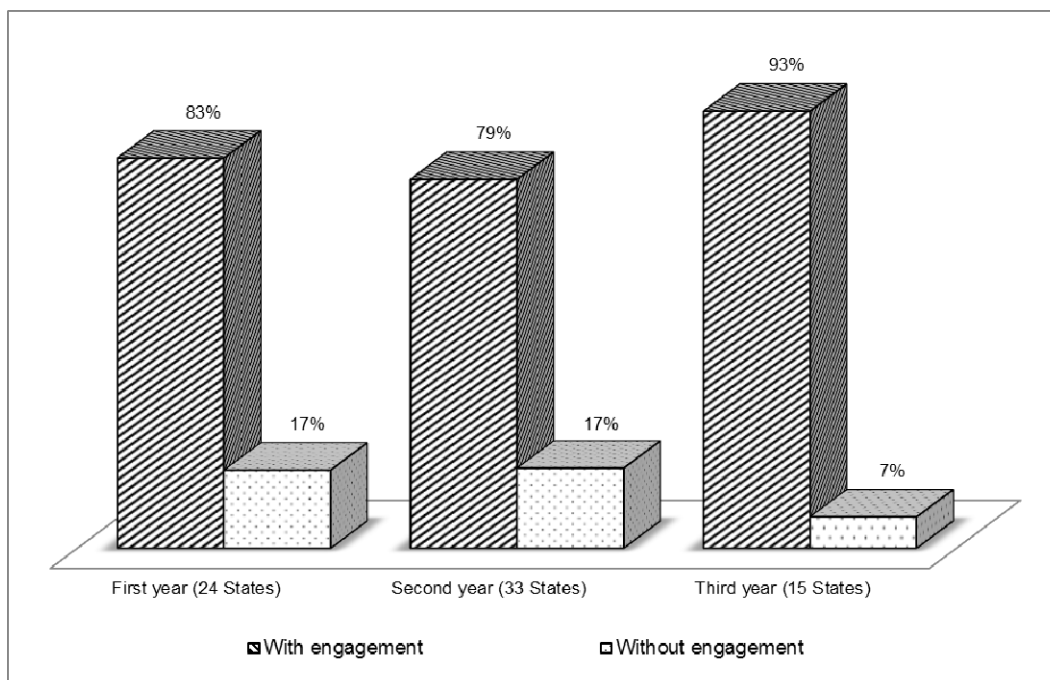
Figure IV

Further means of direct dialogue held

30. 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 have drafted the agenda and submitted it to the reviewers and the secretariat prior to a country visit. On the basis of the experience of the first year and following the guidance provided by the Group, the agenda for country visits has included preparation time for coordination before the beginning of the meetings, as well as debriefing sessions at the end of the visit, where possible, in order to agree on the main observations. Interpretation requirements have also affected the length of country visits and debriefing meetings.

31. Most country visits have included sessions with other stakeholders, in accordance with paragraph 30 of the terms of reference. Those sessions have in some cases been organized in the form of panels including representatives of civil society, the private sector, academia, trade associations and other national stakeholders. In other cases, other stakeholders have been represented as members of national coordinating committees.

Figure V
Engagement with stakeholders in country visits



Outcome of the country review process

32. 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 is to identify successes, good practices and challenges, and make observations for the implementation of the Convention. Where appropriate, the report will identify technical assistance needs for the purpose of improving the implementation of the Convention.

33. The executive summaries of the country review reports were placed online, both as part of the documentation of the Group and on the country profile page¹ for ease of reference. At the time of writing, 23 executive summaries had been finalized and made available to the Group for the reviews in the first year and the remaining four were in the process of being finalized. For reviews in the second year, 21 executive summaries had been finalized and made available to the Group, with several more to be submitted for processing. For the third year, two executive summaries had been finalized and made available to the Group. In several cases, agreement had been reached on the findings contained in the draft executive summary before finalization of the full-fledged country review report. The final agreement on the reports had been delayed in some cases by the need for further consultation at the national level, or validation by parliaments or councils of ministers.

¹ www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html.

34. 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 terms of reference and 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 clarifications or further information. In some cases, owing to the length of time necessary for agreement on the report, new or amended legislation or measures had become available, and where appropriate those were reflected in footnotes.

35. The length of country review reports, depending on the language and number of annexes, ranged from approximately 100 pages to over 500 pages. Several States had requested the secretariat to post their country review reports under their profile page on the UNODC website. Legislation contained in the final country review reports was also included in the Tools and Resources for Anti-Corruption Knowledge (TRACK) legal library.

C. Role of the secretariat of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

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

Training courses

37. In accordance with the terms of reference and the guidelines, the secretariat organized training courses 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. In its resolution 4/1, the Conference welcomed the training provided by the secretariat; to date, almost all States parties that have been involved in one or both review capacities have had participants in such training courses. An analysis of almost 250 questionnaires completed by participants since 2010 was undertaken in order to further refine the modules and delivery.

Role in the conduct of country reviews

38. Two staff members of the secretariat are assigned to each country review, taking into account, inter alia, the agreed working languages of the reviews. Internal arrangements were in place to ensure the smooth and consistent operation of the Mechanism. In particular, secretariat staff are tasked with the overview of country review processes and preparations for the procedural requirements of the reviews, as well as with ensuring the submission of executive summaries and consistency among the different country reviews.

39. In order to support the desk review and the ensuing dialogue, the secretariat has been called upon to prepare a consolidated version of the outcome of the desk review upon receipt of comments from the governmental experts, updating the document after further exchanges between the focal point and experts, and

finalizing the drafting of the country review report and executive summary. Where in-house language capacity has existed, this has been done directly in the languages of the reviews, thereby minimizing the need for translation and allowing focal points and experts to engage in consultations and dialogue in their own languages.

40. Where the State party under review requested further means of direct dialogue, i.e. a country visit or joint meeting at the United Nations Office at Vienna, in accordance with 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.

D. Language issues

41. 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.” According to paragraph 15 of the guidelines, the secretariat is to have responses to the self-assessment checklist translated, if necessary, and circulated to the governmental experts within one month.

42. Of the 27 country reviews conducted in the first year of the review cycle, 48 per cent were conducted in one language, 45 per cent in two languages, and 7 per cent in three languages. In order to facilitate the reviews, experts agreed to work in the language of the State party under review or in English, thereby reducing the number of working languages in the reviews. Of the 41 reviews in the second year, 34 per cent were conducted in one language, 59 per cent in two languages and 7 per cent in three languages. Translation was required from a language other than one of the six official languages in two country reviews. Of the 35 reviews in the third year for which the language requirements had been determined or could be estimated, 40 per cent were to be conducted in one language, 54 per cent in two languages and 6 per cent in three languages.

43. Translation requirements had to be accommodated throughout the review process. In addition to the translation of the response to the self-assessment checklist and of the final country review report, additional translation and interpretation was provided during the desk review for comments submitted by reviewing States parties, in the ensuing dialogue with the State party under review and for the agreement on the country review report. As part of ongoing efforts to reduce the costs of translation and maximize the efficiency of the reviews, governmental experts were encouraged to use, when possible, the language of the State under review or a working language shared with the other reviewing State. In order to reduce costs incurred by translation, focal points and reviewing experts were encouraged to avoid requesting several rounds of translation over the course of the review.

II. Lessons learned and efforts to improve the review process

Organization of the secretariat

44. On the basis of lessons learned from the conduct of the country reviews carried out in the first to fourth years, the secretariat has taken a range of actions to address challenges that arose.

45. Internal arrangements to ensure the smooth and consistent operation of the Mechanism have been made; in particular, all six official languages of the United Nations can now be used as working languages by secretariat staff. The deployment of field-based advisers has improved the delivery of assistance to States, both those currently under review and those preparing for reviews, as well as follow-up on the outcome and possible technical assistance.

46. In view of the volume of translation requirements, which exceeded in-house capacity, as well as increasingly the UNODC field office absorption capacity, and in view of the problems encountered with the consistency and quality of the final products, the secretariat has issued contracts to six companies following a bidding process for comprehensive translation services conducted in accordance with United Nations rules on procurement.

Updated tools

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

48. As background knowledge about the State party under review was identified as a premise for effective review, the introductory part of the self-assessment checklist, entitled "General information", was further expanded to include, in addition to questions on the domestic legal, institutional and political system, previous assessments and possible draft laws or measures under consideration. States sometimes provided this information even before the submission of completed responses so as to facilitate the translation and initial review of the materials by the governmental experts.

49. The secretariat continued to refine the layout of the new country profile page for States parties to the Convention. The country profiles contain all the relevant information concerning the State's participation in the Mechanism, including the executive summary of the country review report made available in all official languages if it has been finalized, as well as links to legislation available on the TRACK portal and notification information in accordance with the Convention. Information in the portal was also updated and validated by States as their reviews were concluded. States parties could request the secretariat to post on its website their responses to the checklist and their final country review reports.

50. In order to facilitate the drafting of the country review reports, the secretariat developed with the UNODC Information Technology Service software enabling the transfer of the responses contained in the comprehensive self-assessment checklist to the blueprint for country review reports.

51. With a view to preparing for the review of implementation of chapters II (Preventive measures) and V (Asset recovery) during the second review cycle, to be launched in 2015, the secretariat was reviewing the question flow in the software in order to further tailor it to the substantive requirements for review and ensure its user-friendliness. A proposed question flow was submitted to Member States for comment.

Initial steps of the review process

52. The practice of holding training courses immediately after the meetings of the Group resulted in cost efficiencies in funding travel for least developed countries, as well as greater participation. Additional savings were realized by delivering training directly in all official languages. The secretariat continued the practice of issuing a note verbale to countries whose reviews were upcoming and assisting States when requested to do so by UNODC headquarters or regional advisers, or other partners.

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

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

55. Focal points and governmental experts were requested to inform the secretariat in a timely manner of their possible attendance at meetings of the Group, as well as those of the Working Group on Asset Recovery and the Working Group on the Prevention of Corruption, in order to organize and schedule meetings with the reviewing experts when requested to do so by the State party under review. Face-to-face meetings, with teleconferences connecting any parties not physically present, proved to be a valuable and effective means of communication during the reviews. Trilateral meetings were thus to be organized during sessions of the Group under its agenda item on review of Implementation of the Convention, using the resources available, when feasible.

Conduct of country reviews

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

57. Technical assistance needs were highlighted in responses to the checklist and taken up by the reviewing experts, but further work was often required to provide a

comprehensive overview of needs with regard to implementation.² Several States parties also wished to identify needs beyond those related to the implementation of the two chapters under review and submitted pertinent draft legislation or measures for the experts' consideration.

58. The completion of the final stages of the review process, i.e. the drafting of the country review reports and the executive summaries and the reaching of agreements thereto, was taking longer than foreseen in the guidelines. This was due, inter alia, to language issues that necessitated the translation of various versions of the reports and the need to effectively and accurately analyse the information in the reports. In addition, several States needed to go through approval processes at the national level, which were often lengthy.

59. Once the country review process was finalized, and where States had identified technical assistance needs, the secretariat sent a letter to the Government to initiate discussions on how best to fill gaps and ensure follow-up to the outcome of the review. For the follow-up, it had proved useful to have meetings organized with development partners and other multilateral agencies to bring the needs to their attention and encourage the provision of the corresponding assistance when the country under review agreed.

III. Implementation of Conference resolutions 4/5 and 4/6

60. At its fourth session the Conference adopted resolution 4/5, containing new rules on the participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Group. Those rules were implemented as from the third session of the Group.

61. Pursuant to the adoption by the Conference of resolution 4/6, entitled "Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption", briefings were organized on the margins of the third and fourth sessions of the Group.

62. According to guidance provided by the Group after the conduct of the first briefing, the secretariat was instructed to issue invitations to the relevant non-governmental organizations that contained specific language on expectations and the contributions to be made, and a copy of resolution 4/6 was to be attached to the invitation, in order to fully ensure compliance with its terms. When initiating the briefing, the secretariat was to remind participants to respect the terms of resolution 4/6. The briefing was to be structured in such a way as to allow participants from non-governmental organizations to make their contributions at the outset.

63. In order to achieve the broad participation of relevant non-governmental organizations at briefings held after the fifth session of the Conference, the Group requested the secretariat to work with the focal points of the States parties under review and permanent missions in order to allow for a wider range of relevant non-governmental organizations to be invited to the Conference of the States Parties at its fifth session.

² See CAC/COSP/2013/5.

IV. Possible issues for further consideration

64. The Conference may wish to consider providing guidance to the Group on the conduct of the country review process, with a view to successfully concluding the country reviews of the first cycle. In particular, the Conference may wish to explore ways to facilitate and expedite country reviews and encourage States parties and the secretariat to finalize the different steps of the review process, bearing in mind the need for comprehensive and quality information and dialogue.

65. In relation to the issue of technical assistance, the Conference may wish to provide guidance on ensuring follow-up for individual country reviews where needs have been identified. In this context, reference is made to document CAC/COSP/2013/4, on technical assistance in support of the implementation of the Convention, and document CAC/COSP/2013/5, on the analysis of technical assistance needs emerging from the review process.

66. The Conference may wish to consider providing guidance to the secretariat on proposals to improve the conduct of reviews with a view to preparing for the second cycle.
