



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

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## Implementation Review Group

### Second resumed tenth session

Abu Dhabi, 17 and 18 December 2019

Agenda item 3

### Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

## Progress on the implementation of resolution 7/4 of the Conference of the States Parties to the United Nations Convention against Corruption on enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption

### Report of the Secretariat

#### I. Background

1. In its resolution 6/1, adopted at its sixth session, the Conference of the States Parties to the United Nations Convention against Corruption called upon the Secretariat to continue to explore and enhance synergies, in coordination and cooperation with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption.
2. At its seventh session, the Conference adopted resolution 7/4 on enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption. In that resolution, the Conference requested the Secretariat, inter alia, to continue its dialogue with States parties and with the secretariats of other relevant multilateral mechanisms and to report on the work undertaken in this regard to the Implementation Review Group of the United Nations Convention against Corruption. The present report contains an overview of the activities carried out in furtherance of resolution 7/4.
3. The present report builds on the conference room paper submitted at the ninth session of the Implementation Review Group (CAC/COSP/IRG/2018/CRP.1).

#### II. Overview of the participation of States parties in other relevant multilateral mechanisms

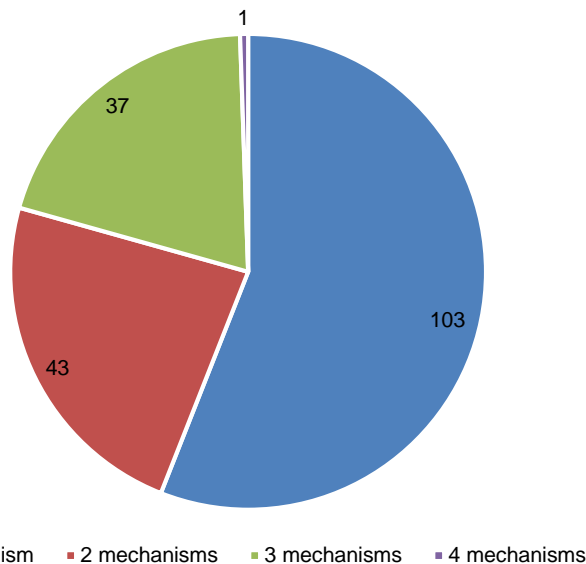
4. While 56 per cent of States parties participate only in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, 44 per cent of States parties take part in one, two or even three additional peer review



mechanisms in the field of anti-corruption, namely, the Working Group on Bribery in International Business Transactions of the Organization for Economic Cooperation and Development (OECD), the Group of States against Corruption of the Council of Europe and the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption of the Organization of American States (OAS).

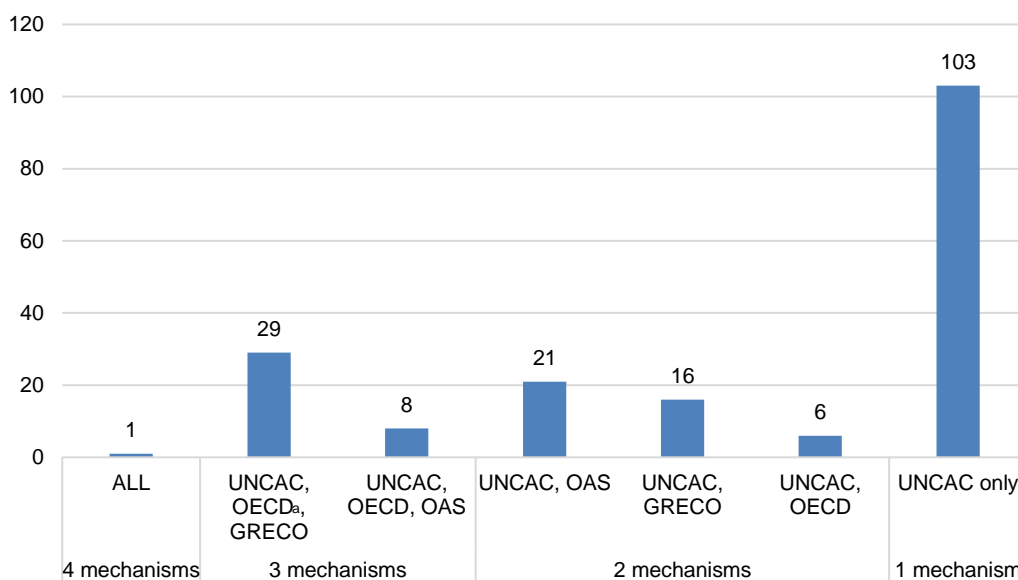
5. Forty-three States parties to the Convention participate in one additional mechanism, while 37 take part in three mechanisms and one participates in all four mechanisms (see figure 1).

Figure I  
**Number of States participating in one, two, three or four multilateral mechanisms**



6. Among States participating in more than one mechanism, the largest number (29 States) participate in the Implementation Review Mechanism, the Working Group on Bribery and the Group of States against Corruption, while 21 States participate in the OAS Mechanism in addition to the Implementation Review Mechanism, and another 16 States participate in the Group of States against Corruption in addition to the Implementation Review Mechanism (see figure 2 below). These figures, however, do not reflect participation in the OECD Istanbul Anti-Corruption Action Plan or the monitoring mechanism to the African Union Convention on Preventing and Combating Corruption.

Figure II  
Specific multilateral mechanisms in which States participate



<sup>a</sup> Only the Working Group on Bribery was included in these statistics. Nine more States participate in an additional peer review mechanism under the Istanbul Anti-Corruption Action Plan.

Abbreviations: GRECO: Group of States against Corruption; UNCAC, United Nations Convention against Corruption.

### III. Overview of the work undertaken in furtherance of resolution 7/4

#### A. Continuing dialogue between the secretariats

7. In paragraph 1 of resolution 7/4, the Conference requested that the Secretariat continue its dialogue with States parties and with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption.

##### 1. Consultation and attendance of meetings

8. Regular dialogue takes place between the secretariats, especially in the form of attendance at their respective meetings and frequent informal consultations to discuss schedules and common issues and challenges, as well as to avoid duplication of work by the mechanisms. In 2018 and 2019, UNODC has continued its practice of attending the meetings of the other mechanisms. Accordingly, a representative of the Secretariat attended the meetings of the Working Group on Bribery in June and October 2018 and March, June and October 2019. Similarly, representatives of the Secretariat attended the plenary meeting of the Group of States against Corruption in June 2018, and two plenary meetings, as well as the High-level Conference marking the twentieth anniversary of the Group, in 2019. In 2018, representatives of both OECD and the Group of States against Corruption attended the ninth session of the Implementation Review Group. In 2019, the Group of States against Corruption was represented at the tenth session and first resumed tenth session of the Implementation Review Group, as well as at the tenth meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption.

9. In addition, the partner secretariats have begun to participate in training activities offered by the other secretariats, such as those for reviewing experts and evaluators. Subject to the availability of time and resources, this mutual training of staff could be expanded, as could the exchange of training materials.

10. In preparation for the second phase of the Implementation Review Mechanism, UNODC used the contacts and close working relationships established with the other bodies to collect information on their experience with assisting States parties in moving from an initial evaluation phase to a follow-up phase. This consultation is still ongoing, as not all review mechanisms have yet provided detailed information. Moving forward, it will be equally important to include in this assessment the views of governmental experts who take part in the review in several bodies.

11. The Secretariat has strengthened its dialogue with OAS. In September 2018, it participated in a plenary session of the meeting of the OAS Committee of Experts for the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption, and briefed the Committee on the Implementation Review Mechanism and the Secretariat's efforts to enhance synergies among the relevant mechanisms. In September 2019, during the thirty-third meeting of the Committee, the Secretariat, along with representatives of different anti-corruption mechanisms, participated in a panel discussion on international anti-corruption mechanisms and best practices of the member States of the respective mechanisms, with a view to exploring future occasions for meeting and strengthening mutual cooperation within the OAS Mechanism framework.

12. In May 2019, UNODC participated in a side event of the Group of 20 Anti-Corruption Working Group entitled "First meeting of international instruments and mechanisms related to the prevention and fight against corruption", and exchanged views on synergies with representatives of the secretariats of the Working Group on Bribery, the Group of States against Corruption, the OAS Mechanism, the Anti-Corruption and Transparency Experts Working Group of the Asia-Pacific Economic Cooperation forum and the African Union Advisory Board on Corruption.

13. In addition, more partners are joining the discussion on synergies. The Secretariat has been approached by the African Union Advisory Board on Corruption regarding lessons learned from the Implementation Review Mechanism that could be applied to the monitoring mechanism of the African Union Convention on Preventing and Combating Corruption. In the context of the discussions on the establishment of the new Mechanism for the Review of Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the Secretariat has also provided background information and lessons learned relating to the procedural and budgetary aspects of establishing and operating the Implementation Review Mechanism.

## **2. Synergies in substantive matters**

14. The secretariats are also joining forces on substantive matters to avoid duplication of efforts and to combine experience and knowledge. In June 2019, in Italy, OECD and UNODC co-held a seminar on the measurement of corruption and effectiveness of anti-corruption measures in the margins of a meeting of the Working Group on Bribery. The seminar was aimed at sharing experience and challenges in corruption measurement to deepen the knowledge of the extent and the facets of corruption in economic systems, with a view to strengthening the detection, prevention and sanctioning of corruption. UNODC and the International Monetary Fund are also discussing possible ways to improve cooperation and coordination with regard to the delivery of technical assistance. The Secretariat is in regular contact with other organizations, including other United Nations entities, to ensure synergies and avoid an overlap in service delivery. The World Bank-UNODC Stolen Asset Recovery Initiative is a concrete example of how synergies between organizations in one substantive area have led to a joint programme.

15. As part of the efforts to avoid duplication on substantive issues, UNODC was consulted on and provided input to the written public consultation on the review of the OECD Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions of 2009 with respect to areas that the Working Group on Bribery could provide added value to, such as on

corruption and gender, asset recovery and addressing the demand side of foreign bribery. In turn, the Group of States against Corruption supported the work of UNODC in establishing the Global Judicial Integrity Network, including by organizing a breakout session at the launch event of the initiative on the topic of transparency and how to demystify the work of courts. The Group of States against Corruption continues to support the activities of the Network, including through a breakout session on transparency and accountability of the highest bodies of the judiciary planned for the high-level meeting of the Network, set to take place in November 2019, in Doha.

16. In order to avoid duplication of efforts and make best use of available resources of the secretariats, further areas for coordination in the development and dissemination of anti-corruption tools and knowledge products are being explored. Donor agencies can also play an important role in encouraging organizations to work on joint knowledge products.

### **3. Coordination of organizational aspects**

17. Concerning improved coordination of organizational aspects, the secretariats of the relevant mechanisms continue to take a number of actions to ensure synergies and coordination, including:

(a) Sharing schedules and information about monitoring reports and guidance, and ensuring coordination in the scheduling of meetings and on-site visits wherever possible, including by exploring the possibility of joint country visits;

(b) Referring to the findings of other monitoring bodies, where appropriate and relevant;

(c) Ensuring as much as possible that recommendations across monitoring bodies reinforce one another.

18. The partner secretariats are publishing and sharing information about schedules as early as possible, to prevent overlap. During the ninth session of the Implementation Review Group, one speaker commended the practice of scheduling meetings by relevant forums consecutively to facilitate the travel of participants and ensure the presence of delegations at meetings.

19. To establish the timeline of the individual reviews, the Secretariat takes into account the schedules of the other mechanisms, especially the dates of country visits. Subject to the availability and agreement of the reviewing experts, the Secretariat facilitates the greatest possible flexibility to countries under simultaneous review by several mechanisms to avoid visits overlapping or being scheduled at the same time, or to facilitate joint visits by several mechanisms when requested by the State party under review.

20. So far, the Secretariat has facilitated two joint country visits upon request by the State party under review, one with the Istanbul Anti-Corruption Action Plan and one with the Working Group on Bribery. The latter joint visit was further facilitated by the partial overlap of reviewing experts, the overlapping thematic focus with the OECD phase 3 bis round of evaluations and the simultaneous availability of the reviewing experts. Owing to both substantive and procedural differences between the reviews of the Implementation Review Mechanism and evaluations of the Working Group on Bribery, logistical and substantive challenges arose, and no further State party under simultaneous review by several mechanisms has opted for joint visits so far. The secretariats remain open to the possibility of joint or back-to-back country visits.

21. Assigning the same experts to these review mechanisms can facilitate the work of the experts and the review mechanisms. Where that is not possible, coordination among the national experts serving the different review mechanisms will allow them to build on the information provided by their colleagues in the context of other reviews and assist in the cross-fertilization of knowledge.

22. The different mandates, terms of reference and confidentiality requirements of the various mechanisms have been highlighted by the Implementation Review Group as limits to synergies. In addition to being wary of cost implications, the Group also underlined that enhanced cooperation should not place additional layers of bureaucracy or overburden the reviewed States.

#### **4. Limiting the burden on States parties**

23. In line with operative paragraph 3 of resolution 7/4, in which the Conference called upon the Secretariat to collect information from and share information with other secretariats, UNODC invited the other secretariats to share legislation and other secondary information obtained in the course of the respective reviews or evaluations, so that it could be uploaded to the UNODC legal library. The library could be used as a common platform and reference point for States parties to gain access to documentation, following the validation of the information by the States under review. In addition, the secretariats exchange non-sensitive information, such as legislation, on a case-by-case basis.

24. To further facilitate easy access to all information provided by countries, the Secretariat has added on the country profile pages of the website of the Implementation Review Mechanism hyperlinks to the equivalent country profile pages of the websites of the Group of States against Corruption, the OAS Mechanism, the Financial Action Task Force and OECD, both for the Working Group on Bribery and the Istanbul Anti-Corruption Action Plan, with a view to providing a central access point for national focal points and experts when searching and collecting information that has been provided by the country in the course of another review or evaluation. Members of the Implementation Review Group have highlighted how the sharing of information enabled under other mechanisms had eased the burden of both the domestic counterparts engaged in the reviews and the reviewing experts. National good practices highlighted by the Group in this regard include the establishment of a workplan to better follow up on the implementation of recommendations issued by the various review mechanisms, the designation of a national focal point for all peer review mechanisms and the development of methods to refer to answers already provided to other mechanisms in order to save time.

#### **B. Avoidance of duplication of efforts**

25. The secretariats work closely together to avoid the duplication of efforts, an issue which is referred to several times in resolution 7/4. However, as highlighted in the third preambular paragraph and in operative paragraph 1 of resolution 7/4, efforts by the secretariats must remain within their respective mandates and terms of reference. Thus, while there is a certain amount of overlap of substance in areas under review by the various mechanisms, the possibilities for the secretariats to avoid duplication are limited. The mechanisms, the topics under review and the questionnaires are chosen and designed by member States of the mechanisms. The secretariats, in turn, are bound by the decisions of the member States, limiting the potential for synergies between the secretariats in this regard.

26. To avoid overlap in thematic areas under review and in questionnaires, attention could be paid to the topics and questionnaires of the other mechanisms when designing a new questionnaire at the beginning of a new cycle, phase or evaluation round, such as through consultation with the other secretariats or through input by the States parties that are members of several mechanisms. Another option could be to integrate the results of the evaluation by another mechanism and make that result, subject to agreement by the parties, part of the review. Moreover, where appropriate, reviewers and States under review could agree to only review the recommendations made by another mechanism in certain areas. However, questions and questionnaires vary considerably between mechanisms, and the reviews have different levels of depth for certain topics. In addition, answers provided under one mechanism might be outdated by the time of a review by another mechanism, as legislation might have

been amended between the two reviews. These aspects could be considered by States parties in the design phase of the second phase of the Implementation Review Mechanism. In the meantime, to facilitate access by States parties to all information previously provided under other mechanisms, the Secretariat has added the hyperlinks described above.

#### **IV. Outlook**

27. In compliance with resolution 7/4, the Secretariat will continue to strengthen cooperation with the partner secretariats. As shown in the cases mentioned above, using the benefits of synergies that exist among the review mechanisms lies to a large degree within the realm of those States parties that participate in a number of review mechanisms. Indeed, in resolution 7/4, the Conference called upon States parties that were members of different multilateral review mechanisms in the field of anti-corruption to encourage, within their respective organizations and with the governing bodies of those organizations, efficient and effective cooperation and coordination. It should also be noted that some of the proposed measures have cost implications and could only be implemented subject to available resources.

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