



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

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Implementation Review Group
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Report of the Implementation Review Group on its second resumed ninth session, held in Vienna from 12 to 14 November 2018

I. Introduction

1. The Implementation Review Group was established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/1, entitled “Review mechanism”, as an open-ended intergovernmental group of States parties to operate under its authority and report to it. The Group is 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.

II. Organization of the session

A. Opening of the session

2. The Implementation Review Group held its second resumed ninth session in Vienna from 12 to 14 November 2018.

3. The Group held six meetings, which were chaired by Maria Consuelo Porras Argueta (Guatemala), President-designate of the Conference of the States Parties to the United Nations Convention against Corruption at its seventh session.

B. Attendance

4. The following States parties to the Convention were represented at the session: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kiribati, Kuwait, Lebanon, Lesotho, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mexico, Morocco, Myanmar, Namibia, Nepal, Netherlands, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines,



Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sri Lanka, State of Palestine, Sudan, Switzerland, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

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

6. In accordance with rule 2 of its 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 could be invited to participate in the sessions of the Implementation Review Group.

7. 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 Mission in South Sudan and World Bank.

8. The following intergovernmental organizations were represented by observers: Cooperation Council for the Arab States of the Gulf, International Anti-Corruption Academy and International Criminal Police Organization.

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

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

10. A representative of the secretariat provided an update on the progress made in the country reviews of the first and second review cycles. She highlighted the fact that, at the time of reporting, 180 States parties under review in the first cycle had submitted their responses to the self-assessment checklist, 172 direct dialogues (158 country visits and 14 joint meetings) had taken place, and 166 executive summaries had been finalized. The finalization of several other executive summaries was imminent.

11. The representative further informed the Group that, under the second review cycle, all 77 States parties under review in the first and second years had nominated their focal points. Also during the first two years of the second cycle, 65 States had submitted responses to the self-assessment checklist and 39 direct dialogues (37 country visits and 2 joint meetings) had taken place, while several other country visits were at various stages of planning. At the time of reporting, 12 executive summaries had been finalized and several additional executive summaries were being completed. Owing to the organization of training events early in the review cycle, the majority of States parties under review in the second and third years of the second cycle had nominated their focal points well before the start of their reviews, and therefore had the opportunity to undertake the early preparation of their self-assessment checklists. It was noted that four States parties had submitted self-assessment checklists for the third year of the second cycle.

12. The representative of the secretariat drew the attention of the Group to some of the practical challenges encountered by the secretariat in maintaining the list of governmental experts. She outlined the proposal of the secretariat on streamlining the procedures regarding the nomination of experts while continuing to ensure the

availability of relevant information to States parties, in accordance with the terms of reference for the Mechanism. Those procedures would include an invitation to States parties to submit to the secretariat completed, accurate lists of governmental experts, in either English or French, the working languages of the Secretariat. Those lists would then be made available in the form in which they had been received. The representative added that a note verbale containing the new detailed guidelines on the submission of nominations would be circulated after the session.

13. One speaker highlighted the key role of the Group in steering the Implementation Review Mechanism and in processing its outcomes. He noted that the meetings of the Group provided an opportunity for collective learning and networking for the anti-corruption community. At the same time, he stressed that the potential of the Group had not been fully realized and that it could become more focused, interactive and efficient. He referred to a conference room paper on the agenda and working methods of the Group (CAC/COSP/IRG/2018/CRP.18) that his Government had circulated as a basis for further discussions with a view to building consensus and possibly formulating conclusions. The speaker referred to his Government's proposals to restructure the existing agenda by reordering the items into three clusters, namely, procedural, analytical and technical assistance and follow-up measures, while also continuing to provide an opportunity for States to report on measures taken after the completion of country reviews. He also referred to the need to keep the meetings of the Group focused, and noted that information on panels and interactive discussions should be provided in advance, in order to facilitate the participation of substantive experts. He also called for the development of a new multi-year workplan that would, inter alia, entail the organization of fewer but more focused sessions.

14. Another speaker expressed the view that, since the Group was nearing the end of a decade since its establishment, it was important to examine successes and challenges posed by practices and working methods to date. She noted that the Group should consider preserving those working methods that had proved useful and modify those that had not, while adhering to the terms of reference for the Mechanism.

15. A number of speakers expressed the commitment of their Governments to the Mechanism and commended the United Nations Office on Drugs and Crime for its efforts to support the review process, including the organization of training seminars for focal points and governmental experts.

16. One speaker highlighted the complementary character of chapters II and V of the Convention, which were under review in the second cycle of the Mechanism and were crucial for the implementation of the Convention and for achieving the necessary balance between putting in place effective systems to prevent corruption and recovering the proceeds of corruption. In that regard, reference was made to the need to use those recovered assets for the purpose of financing sustainable development initiatives. The speaker commended the work and activities of the StAR initiative.

17. Several speakers highlighted the importance of the Convention and of the Mechanism and referred to the positive impact of the fight against corruption at the national, regional and international levels. Several speakers referred to the measures that their Governments had taken to implement the relevant provisions of the Convention. Some speakers stressed the intergovernmental and binding nature of the Mechanism.

18. One speaker acknowledged the efforts made by all States parties and the secretariat in the framework of the Mechanism and encouraged States parties to share lessons learned from the reviews. Referring to the experience of his country's review, he also stressed the value of the diverse mix of reviewing States parties, which enriched the review process, and noted the need to improve the response times by the States parties under review and the reviewing States parties by using, for example, modern information and communications technology. The speaker stressed the importance of promoting synergies between international conventions and mechanisms as well as regional initiatives. He emphasized the need to improve cooperation and coordination, including with other intergovernmental organizations

and initiatives, in order to avoid duplication of effort, reduce costs and improve the mobilization of resources for technical assistance.

19. Some speakers noted the important contribution made by the Convention and its Implementation Review Mechanism to the achievement of the 2030 Agenda for Sustainable Development.

20. The Secretary of the Conference welcomed and expressed his gratitude for the increased and constant interest of States parties in improving efficiency and effectiveness as a way to enhance the impact of the Mechanism. He reiterated that in discussions on improving the functioning of the Group, there should be no compromise in terms of the quality and depth of the Mechanism, while strict compliance with the terms of reference for the Mechanism should be ensured. The Secretary also highlighted the fact that the Mechanism had been exceeding expectations and that it was incumbent on States parties to ensure that it continued to do so. He added that the Conference at its eighth session would begin the discussion of the second phase of the Mechanism, with the final decision expected to be made at the ninth session.

21. At its 5th meeting, on 14 November 2018, the Group continued its consideration of item 3 of the agenda and considered a conference room paper submitted by Switzerland on the agenda and the working methods of the Implementation Review Group, reflecting the outcome of the informal consultations convened by Switzerland on 13 November 2018 (CAC/COSP/IRG/2018/CRP.18/Rev.1).

22. Following an introduction by the representative of Switzerland, speakers expressed their appreciation to Switzerland for its initiative and welcomed the efforts to continue improving the organization and methods of work of the Group, starting with its eleventh session, to be held in 2020. Several speakers welcomed the proposal set out in the conference room paper as a good first step towards improving the effectiveness of the work of the Group, with some speakers expressing the readiness of their delegations to approve it. A number of speakers welcomed the proposal, but stressed that more time and additional consultations with their Governments would be required in order to consider any amendments to the agenda and the organization of work. Several speakers noted that the Group could continue its consideration of the proposal at its tenth session. Some speakers noted that their consideration of the proposal was impeded by its availability in English only and requested that the document be translated into all of the official languages of the United Nations. Other speakers expressed their support for further consultations but suggested the partial adoption of the proposal, in particular those parts that had been endorsed by the Group and already implemented by the secretariat at the second resumed ninth session.

23. In response to the questions raised during the debate, the Secretary of the Conference, after expressing his gratitude to delegations, shared with the Group the secretariat's understanding regarding the contents of the conference room paper:

(a) The secretariat intended to continue to ensure effectiveness and efficiency in the operation of the Implementation Review Mechanism, as well as high-quality delivery in terms of its work, and to live up to the high expectations of States parties;

(b) The secretariat always kept in mind the core mandates of the Group and the need to avoid duplication of work by the Group and the thematic subsidiary bodies of the Conference, while ensuring that the Group continued to perform its functions within existing resources;

(c) With reference to the organization of work of the Group and the thematic subsidiary bodies of the Conference, in line with the current multi-year workplan, the Secretary took note of the wish expressed by delegations to continue to improve the methods of work of those bodies;

(d) The secretariat understood the proposal as being mostly organizational in nature and considered that restructuring the standing items on the agenda of the Group into three clusters was feasible and would entail only the reformulation of the

organization of work of each session, to be included in the annotated agendas for future meetings of the Group;

(e) On the matter of making the discussions more interactive, the Secretary noted that the informal process whereby the secretariat identified panellists functioned well in its current format. He noted with appreciation the active engagement of delegations during the panel discussion held under agenda item 4, as well as at past sessions. In that regard, the Secretary referred to the need to identify and bring to the fore pertinent examples and experiences through the organization of panels. The Secretary stressed that formalizing the process of nominating panellists would not be conducive to fostering advance preparations and interactive discussions;

(f) The Secretary took note of the proposal to prepare guiding questions for consideration by the Group in advance of the sessions, which could be achieved by the secretariat with the support of States parties, but noted that it could not give rise to new documentation, owing to financial implications;

(g) The Secretary noted that the current multi-year workplan, which also covered the thematic subsidiary bodies of the Conference, extended until the eighth session of the Conference of the States Parties. He noted that the secretariat would continue to endeavour to avoid duplication of work, while making full use of existing resources;

(h) On the matter of encouraging the participation of thematic experts in the Group's analytical work, the Secretary stated that, although that information could be included in the invitations to sessions issued by the secretariat, it was incumbent on States parties to decide on the composition of their delegations. He also noted that successful coordination with other bodies in terms of the scheduling of meetings would require the proactive cooperation of the secretariats of those bodies;

(i) In conclusion, the Secretary noted that it was the understanding of the secretariat that the proposal could, if agreed to by States parties, provide guidance to it on improving the methods of work of the Group and that the Group could revert to the discussion at its tenth session if it felt that it needed to formulate more formal and specific recommendations for the Conference of the States Parties at its eighth session.

IV. Financial and budgetary matters

24. The Secretary provided information on the expenditures incurred for the operation of the first and second cycles of the Review Mechanism as at 31 July 2018, on projected expenditures for the completion of the first cycle, and on projected expenditures for the operation of the first two years of the second cycle. The Secretary also provided details on the resources received from both the regular budget of the United Nations and voluntary contributions.

25. With regard to the regular budget resources for the Review Mechanism in the biennium 2018–2019, the Secretary recalled that the establishment of three additional posts had been approved by the General Assembly in support of the second cycle of the Mechanism to be financed from the regular budget, and noted that, with the establishment of the three posts, the regular budget requirements were now capped and would not increase further.

26. With respect to the first cycle of the Mechanism, the Secretary informed the Group that the extrabudgetary resource requirements of \$10,119,300 were fully covered and that the total extrabudgetary expenditures in support of operating the first cycle had amounted to \$9,695,600 as at 31 July 2018.

27. With respect to the second cycle of the Mechanism, the Secretary informed the Group that the projected resource requirements for the first and second year amounted to \$4,010,900 and for the third and fourth year to \$3,454,000, while noting that as at 31 July 2018, total extrabudgetary expenditures had amounted to \$2,594,505.

28. Expressing his appreciation for the voluntary and in-kind contributions made by States to support the Mechanism, the Secretary drew attention to the extrabudgetary funding gap. Taking into account pledges that UNODC had received since 1 August 2018, the first two years of the second cycle were fully financed, whereas with respect to the third and fourth year of the second cycle a funding gap of \$2,478,100 remained. The Secretary stressed that it was therefore of the utmost importance that the Group continue its efforts to ensure adequate financing of the entire second cycle.

29. In that context, the Secretary recalled that in preparation for the ninth session of the Group, which had been held in June 2018, the secretariat had reviewed and significantly lowered the projected resource requirements for the first four years of the second cycle. The Secretary also reminded the Group of the key cost-saving measures, after having explained that the reduced estimates were based on the assumption that the application of the cost saving measures would continue.

30. Speakers reiterated their appreciation for the Secretariat's transparent, comprehensive and useful financial reporting. While showing appreciation for the cost-saving measures, they expressed their concern about the funding shortfall, which could undermine its effectiveness. Speakers emphasized their commitment to the Review Mechanism and stressed its important role with regard to the implementation of the Convention against Corruption, as well as the creation of a level playing field for all. While upholding the commitment to the Mechanism's mixed funding model, they reported on voluntary contributions made by their countries in support of the Mechanism and encouraged other countries to provide extrabudgetary contributions to ensure robust and sustainable financing for the Mechanism.

V. Review of implementation of the United Nations Convention against Corruption

A. Drawing of lots

31. With regard to the second cycle of the Mechanism, Haiti and the Federated States of Micronesia had requested a redraw to replace their respective other reviewing States. The regional reviewing State for Saint Lucia had deferred acting as a reviewer, and a redraw was carried out in that regard. Chad was drawn as the other reviewing State for Haiti, while China was drawn as the other reviewing State for the Federated States of Micronesia. Nicaragua was drawn as the regional reviewing State for Saint Lucia.

32. In line with past practice, a provisional redraw was carried out in cases in which a newly selected reviewing State would have reason to defer. In this regard, Brazil was provisionally selected to act as regional reviewing State for Saint Lucia.

33. One speaker reiterated his country's commitment to fully participating in all aspects of the review process and to providing its contributions thereto.

B. First cycle: trends in reviews

34. A representative of the secretariat briefed the Group on good practices and experiences and relevant measures taken after the completion of the country reviews, including information related to technical assistance in the framework of the first cycle of the Mechanism. A conference room paper on the subject (CAC/COSP/IRG/2018/CRP.13) contained an update of the previous analysis, which had been presented to the Conference of the States Parties at its seventh session, in November 2017 (see [CAC/COSP/2017/12](#)). She noted that, in addition to the information provided by States regarding measures taken at the national level, the conference room paper also included information on regional and international initiatives, based on the findings of the Mechanism. In relation to chapter III of the

Convention, on criminalization and law enforcement, the representative referred to examples focused on witness protection and the protection of reporting persons, as well as to efforts made by States to enhance their investigative capacities. Regional initiatives in West and East Africa that focused on whistle-blower and witness protection were also highlighted. In relation to chapter IV, on international cooperation, she referred to several examples of financial investigations, which highlighted the frequent transnational nature of such investigative work. Examples of regional initiatives in relation to international cooperation were also provided. In concluding, she explained how the Implementation Review Mechanism had had an unquestionable impact on the fight against corruption at the domestic, regional and international levels, and stressed that the secretariat intended to continue to gather information from States on a voluntary basis on measures taken after the completion of the reviews, with a view to providing a more comprehensive analysis of the information to the Conference of the States Parties for consideration at its eighth session.

35. During the ensuing discussion, speakers welcomed the circulation of the conference room paper, which in their view proved that initial expectations for the Mechanism had been exceeded, and informed the Group about measures taken to address the findings of the first review cycle. Many speakers provided information on legislative amendments carried out in follow-up to the recommendations emanating from the first review cycle. Echoing the findings set out in the conference room paper, a number of speakers noted that their countries had enacted laws on the protection of reporting persons and had enhanced measures for financial investigations. One speaker reported on the introduction of a whistle-blower compensation policy, which encouraged the general public to disclose and report suspected wrongdoing and rewarded whistle-blowers with a percentage of any funds recovered. This had led to the recovery of large quantities of assets, including assets belonging to other countries.

36. The importance of international cooperation was highlighted by many speakers as key to successfully investigating and prosecuting corruption offences. Several speakers also provided information on measures taken to enhance international cooperation, including the ratification of new bilateral and multilateral instruments. One speaker, observing with interest the lack of differentiation by some States relating to the protection of witnesses and reporting persons, suggested that this be further discussed by the open-ended intergovernmental expert meetings on international cooperation under the United Nations Convention against Corruption.

37. Some speakers informed the Group that their countries had established committees to monitor the follow-up to the recommendations emanating from the reviews. In that regard, one speaker provided detailed quantitative information on the number of recommendations and proposed reforms that were being implemented. Several speakers also noted the usefulness of good practices identified during the first cycle and emphasized the importance of using the outcome of the reviews by some States to further enhance the effectiveness of national anti-corruption measures. The adoption of national anti-corruption strategies based on the findings of the first cycle reviews was an example mentioned by some speakers. Several speakers noted how lessons learned during the first cycle had contributed to the second cycle reviews.

38. Several speakers highlighted the importance of successfully fighting corruption by, *inter alia*, addressing the findings emanating from the reviews, in order to achieve the Sustainable Development Goals. In this regard, some speakers expressed their appreciation for the *Manual on Corruption Surveys* recently published by UNODC.

39. Some speakers underlined the importance of technical assistance received from development partners for addressing the findings emanating from the first review cycle. Several speakers emphasized how the Mechanism had exceeded expectations and underscored the usefulness of the analysis of the findings of the reviews provided by the secretariat.

C. Set of non-binding recommendations and conclusions emanating from the first cycle

40. A representative of the secretariat introduced the note by the Secretariat entitled “Set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the United Nations Convention against Corruption” (CAC/COSP/IRG/2018/9). She noted that the document had been prepared in accordance with Conference resolution 6/1, in which the Conference requested the Group to analyse the outcomes of the first cycle country reviews in terms of identified successes, good practices, challenges, observations and technical assistance needs, considering the thematic implementation reports, and to submit a set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention to the Conference for its consideration and approval. In its decision 7/1, the Conference took note of the set of non-binding recommendations and conclusions, as reviewed by the Implementation Review Group at its resumed eighth session and submitted to the Conference at its seventh session (CAC/COSP/2017/5). The representative of the secretariat informed the Group that the note by the Secretariat (CAC/COSP/IRG/2018/9) reflected written submissions received from 16 States parties, which had availed themselves of the opportunity to provide comments. Overall, both in their written submissions and during the deliberations at previous sessions of the Group, States parties had provided positive feedback, bearing in mind that the set of conclusions and recommendations were non-binding in nature and intended to be practical options for policymakers to consider when reviewing or adopting national anti-corruption measures in line with the Convention, consistent with the fundamental principles of their legal systems and taking into account national priorities.

41. During the ensuing discussion, speakers expressed their appreciation for the set of non-binding recommendations and conclusions, which reflected the comments of States parties. Several speakers reiterated that the conclusions and recommendations were useful options for policymakers to consider when reviewing and revising national policies, laws and administrative measures to counter corruption and strengthen institutional capacities, in line with the Convention and the fundamental principles of their legal systems, bearing in mind their non-binding nature.

42. A number of speakers highlighted the national measures that their countries had taken to address specific recommendations, challenges and good practices highlighted in the document, in areas such as the protection of witnesses, experts and reporting persons, sanctions or penalties for corruption offences, especially innovative mechanisms to calculate fines and sentences, the establishment, functioning and capacity of specialized anti-corruption authorities, cooperation with the private sector, the disqualification of convicted persons from holding public office, and cross-cutting issues such as the collection and availability of statistics and data on corruption, the scope of public officials covered by national anti-corruption measures and the allocation of resources for specialized anti-corruption authorities.

43. Several speakers raised the specific issue of how States parties’ obligations under article 16 of the Convention should be understood in the light of any immunities that foreign public officials or officials of public international organizations may enjoy under international law. The secretariat recalled that the issue had arisen in the context of several country reviews, and referred to the interpretive notes for the official records (*travaux préparatoires*) of the negotiation of the United Nations Convention against Corruption (see A/58/422/Add.1), which indicated that article 16 was not intended to affect any immunities that foreign public officials or officials of public international organizations may enjoy in accordance with international law and that the States parties noted the relevance of immunities in this context and encouraged public international organizations to waive such immunities in appropriate cases.

44. Some speakers requested the secretariat to continue to review the document in the light of the newly completed reviews in the first cycle. One speaker requested the secretariat to prepare additional commentary, in a separate explanatory document, to elaborate on the conclusions reached, which would help to further clarify the information and, in particular, the good practices, in line with the corresponding provisions of the Convention.
45. One speaker suggested further differentiating the conclusions according to the levels of obligation of the Convention. Another speaker recommended specifying the good practice concerning the “designation of central authorities for extradition” to “designation of competent or central authorities for extradition”.
46. Some speakers also welcomed the general observations on the Mechanism contained in table 3 of the note by the Secretariat and emphasized that the issue of information-gathering would be relevant in the second phase of the Mechanism. One speaker suggested that discussions on the second phase should be started as soon as possible, perhaps by means of a note by the Secretariat on how other comparable review mechanisms had addressed the transition to a follow-up phase.
47. The secretariat took note of comments and suggestions made by delegations, in particular the request to continue to consolidate information on ongoing reviews to update the recommendations and conclusions, the proposal to explore the possibility of developing a separate explanatory note and the suggested note on the second phase of the Mechanism.
48. Based on the discussion, the group in principle approved the set of non-binding recommendations and conclusions contained in the note by the secretariat (CAC/COSP/IRG/2018/9) for transmission to the Conference of the States Parties, on the understanding that the document would be further reviewed and amended, as necessary, in the light of newly completed country reviews and again be circulated to States parties for further comment and made available to the Group at its tenth session. States parties were encouraged to share their comments as soon as possible.
49. One speaker noted that the set of non-binding recommendations and conclusions could be submitted to the Conference at its eighth session in the form of a draft resolution, containing the document as approved by the Group.

VI. Technical Assistance

50. A representative of the Secretariat noted that in its resolution 7/3, the Conference of the States Parties had called for the provision of a broad range of technical assistance activities to implement the recommendations emanating from the review of implementation of the Convention. She noted that the conference room paper (CAC/COSP/IRG/2018/CRP.13) highlighted good practices and experiences in connection with, and relevant measures taken after the completion of, the country reviews, including information related to technical assistance provided either in preparation for or in response to the reviews. The increase in both the numbers of States parties providing extrabudgetary contributions to enable technical assistance to be provided, as well as the number of States requesting technical assistance, was highlighted. The representative noted that UNODC, in addition to playing a direct role as a technical assistance provider, was increasingly playing a catalytic role in stimulating technical assistance by other service providers, as well as in South-South cooperation.
51. To facilitate the Group’s discussion and in line with the thematic focus of the second resumed session, a panel was organized on technical assistance in relation to chapters III and IV of the Convention.
52. The panellist from the United Kingdom described his country’s enhanced anti-corruption efforts following the 2016 Anti-Corruption Summit held in London, including the development of a national anti-corruption strategy. He introduced a new technical assistance programme, developed jointly with UNODC, the aim of which was to create regional platforms for the provision of demand-driven technical

assistance in support of countries' implementation of the recommendations emanating from the reviews. The platforms were to be designed as catalysts, identifying common areas of work and coordinating support by technical assistance providers. Furthermore, they would come to serve as forums for countries to share lessons learned and best practices and provide support to each other.

53. The panellist from Liberia outlined how the implementation review had provided numerous opportunities to improve existing national structures and had led to the revision of the country's Criminal Statute. In seeking further support to amend its laws, Liberia had approached UNODC for technical assistance, resulting in, inter alia, the organization of a meeting in Monrovia in September 2016, at which anti-corruption practitioners from 12 countries had gathered under the auspices of the Network of Anti-Corruption Institutions in West Africa. The discussions at the meeting had focused on common practices, experiences and threats in relation to the protection of witnesses and whistle-blowers in the region, including a review of the Economic Community of West African States framework on whistle-blower protection. Expressing his appreciation for the Mechanism, the panellist noted that Liberia had also benefited from its participation as a reviewing country for other States.

54. The panellist from Malawi reported on challenges relating to law enforcement investigations, which had been identified by the first cycle review of his country. He emphasized that the national institutions would not have been able to identify such gaps. As an example, he explained how, when extracting data from seized information technology devices, Malawi had relied on other countries to support the process. In a bid to address the gap, technical assistance had been received to establish a forensic laboratory in Malawi, which was housed at the Anti-corruption Bureau but was available to all national law enforcement bodies. While noting that not all technical assistance needs from the first cycle had been met, he said that his country's prioritization of the needs meant that the most critical had been addressed.

55. Several speakers emphasized the fundamental role of technical assistance in implementing the recommendations stemming from the reviews and expressed appreciation for the efforts undertaken by UNODC and other development partners in that regard. One speaker reiterated how the Mechanism had served as a tool to help identify both technical assistance needs and assistance provision to enhance his country's implementation of the Convention. The specific examples presented by the panellists illustrated the impact of the Mechanism and showcased its importance in triggering reforms. All this was indisputable proof of the fact that the investment made by States parties in the Mechanism was producing tangible dividends. In thanking the panellists for their presentations, one speaker highlighted how they showcased the importance of the Mechanism in providing a basis for reforms. One speaker referred to a proposal made by her delegation at the seventh session of the Conference that the Convention's chapter on technical assistance should also be subject to review.

56. Many speakers welcomed the establishment of regional platforms to further promote the implementation of review recommendations, the coordination of support and the sharing of information and good practices among States. A number of speakers enquired whether there were plans to establish such platforms in other regions or, alternatively, whether countries could avail themselves of assistance provided by existing platforms. In response, the panellist from the United Kingdom and the representative of the secretariat emphasized that in certain regions the platforms were still in the pilot phase. At the same time, given the potential impact of such platforms, other donors were encouraged to provide funding for their establishment in regions that were not currently covered by the initiative. Several speakers drew attention to the fact that their countries' technical assistance support was based on the findings of the Mechanism. One speaker highlighted his country's recently pledged support, through UNODC, to a multi-year intervention in five African countries, in response to the specific needs of each country stemming from the reviews. One speaker enquired about the relationship between the regional platforms and the UNODC country and regional programmes, expressing the view that that relationship should be clarified.

57. Several speakers expressed appreciation to UNODC and other service providers for the technical assistance that was being provided, or was foreseen, and urged them to continue addressing the review findings. Several speakers highlighted the need for sustained support in view of the long-term nature of reform efforts. One speaker reflected on the importance of coordinated assistance, noting that a fragmented approach might lead to a deviation from national priorities, and called for using the outcomes of the reviews to provide a comprehensive framework for technical assistance programming at the national level. One speaker noted the possibility of creating synergies on cross-cutting issues with the recently established Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime.

58. One speaker noted, *inter alia*, that countries should specify whether they accepted the United Nations Convention against Corruption as a legal basis for international cooperation. He expressed his country's support for the role of the Secretariat in promoting dialogue among countries, including through the organization of workshops and instant communication methods, and urged increased efforts in the area of statistics and research. The secretariat was requested to develop thematic reports on extradition and mutual legal assistance and to set up specific databases on those topics on the UNODC website in order to facilitate access to further enhance such cooperation. Another speaker stressed the importance of utilizing the recommendations and observations identified in the country review process to inform technical assistance efforts and, in that regard, encouraged States parties to make their final country reports and responses to questionnaires publicly available.

Draft non-binding guidelines on the management of frozen, seized and confiscated assets

59. In its resolution 7/1, the Conference encouraged States parties and UNODC to continue sharing experiences on the management of frozen, seized and confiscated assets, identifying best practices as necessary and building on existing resources, and to consider developing non-binding guidelines on that issue. Accordingly, the secretariat developed draft non-binding guidelines on the management of frozen, seized and confiscated assets, which were presented to the Implementation Review Group for consideration at its ninth session and to the Open-ended Intergovernmental Working Group on Asset Recovery at its twelfth session.

60. The representative of the secretariat explained that, as at those sessions of the Implementation Review Group and the Working Group on Asset Recovery, many speakers had welcomed the guidelines, and he expressed the view that more time should be allocated for holding discussions on them. In a note verbale dated 19 July 2018, the secretariat had invited States parties to provide their views on the draft non-binding guidelines.

61. The representative informed the Group that a conference room paper (CAC/COSP/IRG/2018/CRP.14) reflected some of the specific comments received by the secretariat. In addition, he presented concrete examples of the implemented modifications, including: (a) the adjustment of the guidelines in order to ensure that the wording reflect their non-binding nature and to make it clear that they would only focus on the domestic aspect of asset management; and (b) the change to guideline 2 to clarify that pre-confiscation sale should not be an option when the asset constitutes evidence in a criminal investigation.

62. During the ensuing debate, several speakers expressed appreciation to UNODC for its work on the revised draft non-binding guidelines, noting that the guidelines served as a set of available practices on the issue of asset management. Several speakers expressed the view that the non-binding nature of the guidelines should be clarified, and accordingly highlighted the need to continue adjusting the terminology used by, *inter alia*, mentioning the non-binding nature of the draft guidelines in the introduction and eliminating wording that might be interpreted as creating an obligation.

63. Several speakers provided information about their domestic legislation and measures on managing frozen, seized and confiscated assets, and stressed the similarities and the potential incompatibilities with the non-binding guidelines. Several speakers provided specific comments on the content of individual guidelines and requested that the comments be taken into account by the secretariat when preparing a revised version of the document.

64. Some speakers suggested that the non-binding guidelines should not only address the management of assets in domestic cases, but also refer to the management and disposal of returned assets in international cases. One speaker suggested the inclusion of an additional guideline on capacity-building and the promotion of international cooperation in that regard. Another speaker proposed the negotiation of a new asset recovery instrument that could also incorporate asset management elements, while other speakers considered the proposal to be premature, given that the second review cycle had not yet been completed and that the Convention sufficiently covered the issue.

65. Many speakers expressed the view that the Secretariat should continue to collect proposals and recommendations on the management of frozen, seized and confiscated assets from States, including as part of and until the end of the second cycle reviews of the Implementation Review Mechanism, with a view to making them more objective and representative of the diversity of practices and legal and institutional frameworks of States parties. The secretariat expressed its gratitude for all contributions and informed the Group that all comments and suggestions would be considered and incorporated into an updated document that would be submitted in all the official languages of the United Nations to the Implementation Review Group and the Working Group on Asset Recovery for consideration at their next sessions.

VII. Other matters

66. Referring to the dates currently foreseen for the eighth session of the Conference (16–20 December 2019), some speakers expressed concern regarding the timing, noting that the dates might pose difficulties for some delegations in terms of planning and travel arrangements. In his response, the Secretary took note of the observations made and indicated that the dates had been identified in close consultation with the host Government, the Conference Management Service of the United Nations Office at Vienna and the secretariats of other Vienna-based bodies. The Secretary also noted that the dates for the Conference would be confirmed only when the host country agreement, which was under negotiation, had been signed, which was expected in the first half of 2019, and that a note verbale would be circulated to inform all States parties accordingly. In addition, the Group was informed that the tenth session of the Implementation Review Group would be held from 27 to 29 May 2019.

VIII. Adoption of the report

67. On 14 November 2018, the Implementation Review Group adopted the report on its second resumed ninth session ([CAC/COSP/IRG/2018/L.1/Add.12](#), [CAC/COSP/IRG/2018/L.1/Add.13](#), [CAC/COSP/IRG/2018/L.1/Add.14](#), [CAC/COSP/IRG/2018/L.1/Add.15](#), [CAC/COSP/IRG/2018/L.1/Add.16](#) and [CAC/COSP/IRG/2018/L.1/Add.17](#)), as orally amended.

68. Upon the adoption of the report, the representative of Algeria expressed his delegation's appreciation to the President of the Conference for the manner in which she had conducted the meeting, while also expressing appreciation to the secretariat for the high-quality preparations for the meeting, including the documentation.