



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

Distr.: Limited
5 November 2015

Original: English

Sixth session

St. Petersburg, Russian Federation, 2-6 November 2015

Agenda item 2

Review of implementation of the United Nations Convention against Corruption

Switzerland: revised draft resolution

Continuation of the review of implementation of the United Nations Convention against Corruption

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

Reaffirming the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, and in particular the guiding principles and characteristics of the Mechanism as enshrined in chapter II of the terms of reference,

Reaffirming its resolution 3/1 of 13 November 2009, which constitutes the basic foundation document for the Implementation Review Mechanism and in which it decided, inter alia, to review during the second review cycle chapters II (Preventive measures) and V (Asset recovery) of the United Nations Convention against Corruption,¹

Recalling its resolutions 4/1, 4/5 and 4/6 of 28 October 2011, in which the Conference provided further guidance on the Mechanism and on the work of the Implementation Review Group, and its decision 5/1 of 29 November 2013 on preparations for its performance assessment,

Acknowledging that a high number of States that were parties to the Convention at the start of the first review cycle have completed their country reviews and that several others are in the advanced stages of the process,²

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

² As at the date of the adoption of this resolution [...] States that were parties to the Convention at the start of the first review cycle had completed their country reviews.



Noting that in many States parties that acceded to the Convention after the start of the first review cycle, the review of implementation of chapters III and IV is still ongoing, while others have completed their country reviews,

Emphasizing the need to ensure that the Mechanism is effectively applied by all States parties,

Noting with appreciation the commitment of States parties to the country review process and the information gathered through the review of implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention,

Mindful that in the second review phase, each State party shall submit information on progress achieved in connection with the observations contained in its previous country review reports and on whether technical assistance needed and requested in relation to its country review report has been provided,

Recognizing that the outcomes of the country review process should also be used to promote and facilitate technical cooperation between States parties in need of technical assistance and the providers of such assistance,

Reaffirming its endorsement of country-led and country-based, integrated and coordinated technical assistance programme delivery as an effective vehicle for furthering implementation of the Convention, pursuant to its resolution 3/4 of 13 November 2009,

Recognizing the need to facilitate the broadest possible participation of governmental experts from all States parties in the meetings of subsidiary bodies,

Appreciating the ongoing efforts by States parties still under review, their reviewing States parties and the Secretariat to expedite and complete the review of chapters III and IV of the Convention,

1. *Launches* the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, pursuant to paragraph 13 of the terms of reference of the Mechanism and consistent with resolution 3/1;

2. *Requests* the Implementation Review Group to proceed, at the beginning of its seventh session, to the selection of reviewed and reviewing States parties for the second review cycle by the drawing of lots in accordance with paragraphs 14 and 19 of the terms of reference of the Mechanism;

3. *Calls upon* States parties still under review and their reviewing States parties to continue cooperating towards completing the review of implementation of chapters III and IV of the United Nations Convention against Corruption,¹ and requests the Secretariat to continue providing effective and timely assistance to them in this regard;

[4. *Requests* the Secretariat, in consultation with States parties and under the guidance of the Implementation Review Group, to continue improving the comprehensive self-assessment checklist for the second cycle of the Implementation Review Mechanism, without prejudice to its comprehensiveness and to the methodology applied during the first cycle;]

5. *Requests* the Implementation Review Group to hold intersessional meetings open to all States parties, for the purpose of the drawing of lots in accordance with paragraph 19 of the terms of reference of the Mechanism and without prejudice to the right of a State party to request that the drawing of lots be repeated at the Group's subsequent intersessional meeting or regular session;

6. *Decides* that one fifth of the States parties shall be reviewed in each of the five years of the second review cycle;

7. *Also decides* that States acceding to the Convention after the sixth session of the Conference should complete the review of implementation of chapters III and IV of the Convention no later than two years after the deposit of their instrument of accession, and should participate in the review of implementation of chapters II and V of the Convention during the final year of the second review cycle;

8. *Calls upon* the Secretariat to continue exploring and, where appropriate, enhancing synergies, in coordination and cooperation with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption, in full accordance with paragraphs 5, 27 (c) and 31 of the terms of reference, paragraph 6 of the guidelines for governmental experts, and article 64 of the Convention, and to report to the Implementation Review Group on actions undertaken in this regard;

9. *Requests* the Secretariat to structure the provisional agendas of the Implementation Review Group and of other subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions, while respecting their mandates,³ and to schedule meetings in five periods of five working days each during the period before the seventh session of the Conference, considering the possibility of scheduling meetings back to back when they are expected to be attended by the same governmental experts;

10. *Requests* the Implementation Review Group to consider adopting a multi-year workplan to continue its analytical work during the period 2016-2019, designating the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of one of the four chapters II, III, IV and V of the Convention as the main topic for each session or reconvened session;

11. *Also requests* the Implementation Review Group to analyse the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of the first review cycle, considering the thematic implementation report prepared in accordance with paragraph 35 of the terms of reference, 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 at its seventh session;

12. *Encourages* States parties to continue voluntarily sharing information on good practices, experiences and relevant measures taken after the completion of their country review reports, including information related to technical assistance,

³ As contained in Conference resolutions 1/4, 3/1, 3/2 and 4/2.

and to consider providing such information to the Secretariat for publication on its website;

13. *Calls upon* States parties to use the outcome of their country reviews to strengthen their anti-corruption framework, including through technical assistance, where requested;

14. *Encourages* States parties to develop or revise, where appropriate and in conformity with their national legal systems, national anti-corruption strategies and/or action plans addressing, inter alia, the needs identified during their country reviews, and to promote such strategies and/or action plans as a tool for country-led and country-based, integrated and coordinated technical assistance programming and delivery;

15. *Invites* States parties under review and the Secretariat to jointly inform the local representatives of international, bilateral and multilateral technical assistance providers and donors, as well as relevant non-governmental organizations, where appropriate, about the technical assistance needs identified in the country review;

16. *Underscores* the importance of addressing the technical assistance priorities identified in the country reviews, and invites technical assistance providers to consider those priorities for either new technical assistance programmes or for incorporating them into ongoing programmes;

17. *Requests* the Secretariat to further examine the shortfall identified in the [note] by the Secretariat on resource requirements for the functioning of the Mechanism, to determine whether the shortfall can be addressed through cost-efficiencies or voluntary contributions and to take that shortfall into account when submitting the proposed programme budget for the biennium 2018-2019, in accordance with section VII of the terms of reference.