

6 February 2009

TI RECOMMENDATIONS FOR THE UNCAC REVIEW MECHANISM



The United Nations Convention against Corruption (UNCAC) was adopted in 2003 and heralded a major breakthrough by creating a global framework for combating corruption. However, an effective review mechanism for this convention has yet to be put in place. Recommendations for such a monitoring mechanism were prepared by TI for consideration by the Intergovernmental Working Group on Implementation Review, which held its first meeting in September 2008 and is tasked with preparing proposed terms of reference for the mechanism to present to the Third Conference of States Parties in November 2009. The Working Group will meet again on 11-13 May 2009. The TI proposals are outlined below.

I. Organisation of Review Mechanism:

- The **Conference of States Parties (CoSP)** should be responsible for setting policies and priorities, and providing oversight of the review process.
- The **Secretariat** should be responsible for the day-to-day management of the review process.
- An **Implementation Review Group** should be established to provide technical advice and assistance to the CoSP and the Secretariat on the organisation and operation of the review process. It should be composed of about 15 experts selected from a wide range of institutions, including governments, international organisations, and universities. The Group will help assure credibility and fairness of the process.
- **Review teams** of two to three government-appointed experts should conduct country reviews with support from the Secretariat.

II. Processes:

- **Different review methods:** The review methods should include self-assessment surveys, expert and peer reviews and country visits. The choice of methods to be employed should vary in accordance with the articles being reviewed and the stage of the review process, (i.e. at the initial or later stages). The review process should be *flexible* and be allowed to *evolve over time*.
- **Priority areas:** UNCAC reviews should initially concentrate on articles where UNCAC has a unique worldwide role, including the areas of *preventive measures, international cooperation and asset recovery*. Additionally, the first round of reviews should cover key articles relating to criminalisation.
- **Funding:** Adequate and dependable long-term funding for the review process should be provided from *the regular UN budget*.
- **Transparency and civil society participation:** In the spirit of UNCAC Articles 10 and 13, questionnaires, government responses and reports on country reviews should be made *public promptly*. Civil society and the private sector should have access to *formal channels* for making written submissions and for participating in consultations with reviewers.
- **Review process should start promptly:** Surveys and country reviews should start in mid-2009.

The establishment of an *effective* review mechanism at the Third CoSP is an *urgent* priority. It is the most vital step in enabling the UNCAC to move from words to deeds and build the momentum and public credibility needed to make global progress in overcoming corruption.