

In preparation for the next Conference of States Parties in Doha on 9–13 November 2009, governments are in the final stages of negotiating the components of a review mechanism for the UN Convention against Corruption (UNCAC). This policy note addresses some of the key concerns and issues on the discussion table.



Civil Society Participation is Essential for UNCAC Review

Civil society participation is essential to ensure the credibility of the review process that is being proposed for the UN Convention against Corruption (UNCAC). With discussions underway by Convention signatories about the structure of the process, it is critical that they support and endorse the role of civil society in reviewing UNCAC implementation.

The aim of the review process is to provide a balanced, informed and expert assessment of country progress in implementing UNCAC obligations. In this process, as in national and international efforts to combat corruption, involvement of civil society is crucial for success. The importance of civil society participation is clearly recognised in the UNCAC, including in the preamble and its articles.

The question of CSO participation in the review process will be addressed in important negotiations that will take place in Vienna from 25 August to 2 September 2009. Denial of the role of civil society in the review mechanism would constitute a repudiation of the UNCAC and represent a dangerous step backwards from standard practices for reviewing other international conventions and agreements.

Current status of discussions

The role of civil society in the proposed UNCAC review mechanism is strongly supported by many governments and is standard practice for other monitoring systems. The UNCAC itself explicitly calls on States Parties to promote the participation of civil society in the prevention of and fight against corruption (Article 13). However, a number of influential governments have rejected the idea of giving civil society a role in the review process.

What is the right way for civil society to participate?

It is expected that country review teams will assess country progress in implementing the UNCAC. They will require a range of information relevant to Convention implementation, including information about laws, regulations and policies, often complex and context-specific. They will also need to evaluate whether laws and actual practice are in line with UNCAC requirements. One source of information is government self-assessments. But a process relying only on these inputs would not be credible.

CSOs, research institutes and private sector associations working on anti-corruption issues within the country are well placed to provide key local insights on these subjects, based on research and first-hand experience. In almost all countries, there are organisations that have the ability to engage with review teams. They should be able to meet with the evaluation teams and submit written inputs to them during country visits. UNODC and governments should publish civil society written submissions online together with the country review reports. Where civil society actors can provide specific levels of expertise, they should be included on review teams and in the review process.

Do other monitoring systems include civil society participation?

The review mechanisms for the Anti-Bribery Convention of the Organisation for Economic Co-operation and Development (OECD), the Council of Europe Criminal and Civil Law Conventions and the Inter-American Convention against Corruption of the Organization of American States (OAS) all allow for and take into account civil society inputs. Monitoring processes for other international treaties also provide for civil society participation. These review mechanisms allow for written submissions and oral presentations to be made by CSOs to the country review teams and oversight body. They also publish online the Rules of Procedure and the review schedule for countries.

Nearly all countries that are parties to the UNCAC are also covered by and have accepted other monitoring systems that provide for civil society participation. It is hard to see why this established standard should be lowered for a convention that explicitly calls for civil society to have a role in the process.

Why are some governments objecting?

Some governments are concerned that civil society inputs to review teams will be inaccurate, biased or maligning. Others fear that the review team will be unable to distinguish between correct and incorrect information and the difference between justified and unjustified views.

However, experience with monitoring other anti-corruption conventions shows that such problems have not materialised. CSOs have presented valuable expert assessments, governments have been given the opportunity to refute views they disagreed with, and reviewers have been able to assess the claims made. Experience shows that the credibility of the Convention and its review process is enhanced by CSO participation.

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