

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.



## **Transparency is Key in the UNCAC Review Mechanism**

One key issue to be resolved for the UN Convention against Corruption (UNCAC) is the transparency of the proposed review process. Of particular concern is whether individual country reports and recommendations will be made public. The outcome on this issue is of major importance to the credibility of the review process and of the Convention itself.

Transparency is key to tackling corruption, which thrives in an atmosphere of secrecy. The drafters of the UNCAC recognised this and set out explicit transparency objectives. Signatories should enhance transparency in decision-making processes and ensure that the public has effective access to information (Article 13).

The question of whether country reports will be published will be addressed in crucial negotiations that will take place in Vienna from 25 August to 2 September 2009. Transparency is a non-negotiable component of the UNCAC review mechanism. Without it, countries will effectively be repudiating the Convention's own provisions.

***Current status of discussions:***

Numerous governments from all regions have taken the position that it is essential for the UNCAC review mechanism to publish country reports that evaluate national progress on UNCAC implementation, including recommendations made by the review teams. However, a small number of vocal and influential countries oppose publication of individual country reports arguing that these reports should remain confidential and inaccessible to the public. This group proposes a general multi-country survey report instead, which would provide aggregated information on a regional or thematic basis but would not allow for a complete picture of any given country reviewed. But keeping reports confidential is inconsistent with the spirit and letter of UNCAC and is not in line with the standard practice under other review mechanisms.

***What kind of information should be published?***

In line with UNCAC requirements, country-level information on laws, regulations and policies, as well as assessments of their consistency with UNCAC requirements should be one important part of country review reports. Additionally, findings on enforcement of anti-corruption laws and the organisation of anti-corruption efforts in the country should also be included in the reports. There is nothing in such an evaluation that would warrant confidentiality. Information on active anti-corruption investigations that have not been made public would be the only area where discretion would be justified. Apart from country reports, the review mechanism should also publish the timetable for reviewing countries and the review questionnaire to which countries must respond.

***Why publish country reports?***

Publishing information about individual country performance enables states to understand and learn from each other. It permits countries and citizens to check that there is equitable treatment of all states being reviewed and assures UNCAC signatories that co-signatories are committed to fulfilling their obligations. Publication of reports also enables countries to make policy decisions to advance good governance and anti-corruption work in an informed way. At the national level, it allows the public to know how their governments are performing and to hold them to account. States can use the reports, which have been confirmed by international experts, to reassure citizens, media and the private sector of a strong commitment to anti-corruption efforts and to demonstrate that progress is being made.

***Do other monitoring systems publish country reports?***

Publication is normal practice in monitoring anti-corruption conventions and anti-money laundering standards, as well as in other monitoring systems. Individual country evaluation reports are published by the Council of Europe's Group of States against Corruption (GRECO) which monitors 46 countries; the OECD Working Group on Bribery, which evaluates 38 countries; the review mechanism of the Inter-American Anti Corruption Convention, which monitors 28 countries; and the Financial Action Task Force and its regional bodies, which evaluate 125 countries. A large majority of countries that are parties to the UNCAC are covered by these systems and have had a country report published. It is hard to see how the publication of UNCAC country reports, a convention that is based on transparency, could be called into question.

***Why are some countries objecting?***

Some governments fear that publishing country reports will politicise the review process, with some countries being unfairly singled out. Some have voiced concerns that critical findings will be used as a stick to beat them with or that evaluation reports will be used to create a ranking system to show some countries in a bad light. These concerns should be assuaged by ensuring that the review process remains impartial, expert and objective and that the process will not derive a ranking, as already agreed by the parties in successive resolutions of the Conference of States Parties. Transparency will tend to produce fair treatment, by ensuring that similar standards are applied across countries.

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To learn more about TI's work on the UNCAC, please visit: [www.transparency.org/global\\_priorities/international\\_conventions](http://www.transparency.org/global_priorities/international_conventions)

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