

monitor

Published by the UNCAC Coalition

www.uncaccoalition.org

NUMBER 3 DOHA, QATAR **THIRD CONFERENCE OF STATES PARTIES (CoSP) TO THE**
11 NOVEMBER 2009 **UNITED NATIONS CONVENTION AGAINST CORRUPTION**



Still time for a happy end?

The UNCAC Coalition of Civil Society welcomes the efforts of all State Parties that have contributed to preparing the Working Paper on the mechanism for review of implementation of the UNCAC. However, the Coalition has a number of serious concerns that relate to the effectiveness, transparency and inclusiveness of the proposed review mechanism.

On transparency:

Reports and recommendations from country reviews must be made public. The present text is seriously insufficient concerning the transparency of the review process and its outcomes.

- Public release is an obligation to citizens of the country under review, and a failure to do so is contrary to Article 10 *Public reporting*, and Article 13 *Participation of society*, of the Convention
- Publication is an essential pillar in promoting “non-tolerance of corruption” (Article 13), and building transparency and accountability
- Publication is key to the developing mutual learning and best practice in the fight against corruption. Failure to publish reports will erode public confidence in the process and jeopardize the credibility of the Convention.
- The language of this draft and previous resolutions of the Conference have called for a “transparent” Mechanism (see L.3/L.4 - Article 3 (a))

On inclusiveness:

The Coalition welcomes the inclusion of 7bis in the Working Paper, but would like to see consistent language in other relevant provisions, specifically concerning the self assessment checklist, constructive dialogue

and country visits.

- Active inputs by civil society, private sector and other non-government organizations is essential to the fairness, effectiveness and credibility of the review process, and is consistent with Article 13 of the Convention.

On country visits

Country visits by review teams are an essential element of the review process. The decision whether a country visit is necessary should not be left to the discretion of the country under review.

- Desk reviews alone cannot assess whether anti-corruption measures are really working
- There has been extensive experience with country reviews under other anti-corruption conventions, and the majority of the Parties to UNCAC have participated in such reviews, building mutual confidence and trust in the outcomes (e.g. OECD, FATF, GRECO)

On Implementation Review Group

An open-ended group would be practically unmanageable. The review group should be of limited size (20-40) in order to function as a cohesive body and ensure personal commitment of the members.

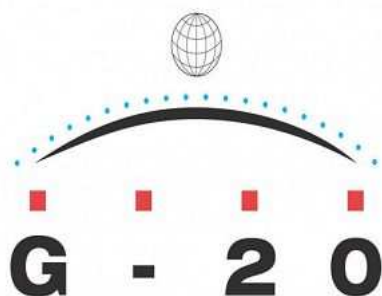
- The Implementation Review Group should be composed of experts in the professional disciplines relevant to the Convention.

GUEST COLUMNIST: BY TOBY MENDEL, ARTICLE 19.**TO BE OR NOT TO BE...PUBLIC.
GLOBAL DEVELOPMENTS ON THE RIGHT TO INFORMATION**

It is widely, probably universally, accepted that openness is an important part of any strategy to combat corruption. The UN Convention Against Corruption recognises this in Article 13, which calls on States Parties to ensure that “the public has effective access to information” and to respect and promote the right to seek and receive information and ideas. This is widely understood as a call to adopt right to information or freedom of information legislation, giving individuals a right to access information held by public bodies.

Not all participants at this Conference may be aware that access to information held by public bodies is also a fundamental human right, part of the right to freedom of expression, which includes the right to seek and receive, as well as to impart, information and ideas. The right to information has been recognised by international courts, as well as numerous authoritative international players, including the special mandates for freedom of expression at the UN, OSCE, OAS and African Commission on Human and Peoples’ Rights. This right has been given effect in national right to information legislation in around 85 countries around the world.

In light of these clear international standards, including in UNCAC itself, it is somewhat surprising that the Conference is engaged in tough negotiations around the question of whether or not the country review reports should be made public. It seems very unlikely that these reports will contain anything that could legitimately be withheld under the national right to information laws that UNCAC calls on countries to adopt (anyway, any such material could be redacted and the rest of the report released). It is a hardly encouraging that some States are arguing for an approach towards the key implementation mechanism that breaches the very standards set out in the Convention Against Corruption.

**G-20 CALLS FOR ADOPTION OF REVIEW
MECHANISM IN DOHA**

At their last meeting in Pittsburgh on September 24-25 2009, the Group of 20 met to discuss common actions to confront the global economic crisis. The statement issued by the G20 Heads of Governments at the conclusion of the meeting included a strong call for action in Doha.

Leaders called for “the adoption and enforcement of laws against transnational bribery, such as the OECD Anti-Bribery Convention, and the ratification by the G-20 of the UN Convention against Corruption (UNCAC) and the adoption during the third Conference of the Parties in Doha of an effective, transparent, and inclusive mechanism for the review of its implementation.”



“Seal
the
deal in
Doha”

Antonio M. Costa

Monitor

**11. Nov. 2009.
Issue 3**

Newsletter published by
the UNCAC Coalition

www.uncaccoalition.org

Production Team
Andrea Figari
Susan Cote Freeman
Gillian Dell

Published at the Sheraton
Doha Conference Center

Contact Information:
Monitor phone
+974-612-4811
E.Mail: info@uncaccoalition.org

