

CALL FOR THE UNCAC IMPLEMENTATION REVIEW GROUP UNCAC STATES PARTIES AND UNODC TO ENSURE A TRANSPARENT AND PARTICIPATORY UNCAC REVIEW MECHANISM

The UNCAC Coalition, a global network of over 240 civil society organisations in 100 countries, calls on States Parties to the UN Convention against Corruption (UNCAC) and the UN Office on Drugs and Crime (UNODC) to ensure that the newly functioning UNCAC review mechanism is transparent and participatory.

Transparency and the participation of civil society are critical to the fight against corruption globally, as recognised in Article 13 and other provisions of the UN Convention against Corruption (UNCAC). Likewise, these are essential for an effective and publicly credible UNCAC review mechanism, as reflected in the Terms of Reference for the UNCAC Review Mechanism which call for a mechanism that shall be ‘transparent, efficient, non-intrusive, inclusive and impartial’ (Resolution 3/1 of the Conference of States Parties (CoSP, paragraph II.3(a)).

Civil society observers in Implementation Review Group

We call on States Parties to ensure transparency and inclusiveness in the UNCAC review mechanism through participation of civil society observers in the Implementation Review Group (IRG) which oversees the UNCAC review process and by enabling them to make submissions to the IRG.

Civil society participation is provided for in Rule 17 of the UNCAC Conference of States Parties (CoSP) Rules of Procedure which permits civil society groups to participate in meetings as observers and to make submissions. This rule also applies to the Implementation Review Group. The UN Office of Legal Affairs recently issued a legal opinion which states that:

- the rules adopted by the UNCAC CoSP shall apply to the IRG, as a subsidiary body of the UNCAC; and
- the IRG does not have authority to decide upon its own rules of procedure; if the IRG were to seek a different rule on the participation of observers it would have to revert to the CoSP for a decision¹

We call on the IRG to respect the conclusions of the UN Office of Legal Affairs and apply the CoSP Rules of Procedure.

Transparency and civil society involvement in the review process

Furthermore, we call on States to opt for transparency and civil society participation in individual country reviews. This should include providing information and encouraging the participation of civil society at all stages of the review process, in particular by:

- UNODC publishing online the list of government focal points to enable civil society to engage with government throughout the review;

¹ See www.unodc.org/unodc/en/treaties/CAC/IRG-session1-resumed.html See especially paragraphs 11, 12 and 16 of that opinion.

- UNODC publishing online all information relating to the review schedule, including whether countries have authorised a country visit and the schedule of such visits;
- Reviewed countries agreeing to the prompt publication online of the country responses to the self-assessment checklist;
- Reviewed countries permitting country visits by review teams and inviting civil society organisations for consultations with the review teams during these visits;
- Reviewing countries undertaking country visits where agreed to by reviewed countries
- Reviewed countries allowing UNODC to publish the full country reports online (not only the executive summary) to facilitate collaborative efforts to work towards the recommendations.
- The IRG and CoSP inviting civil society and the private sector to make submissions at their meetings.

By providing for these elements, States Parties will help to build a credible review process. This will serve the common goal of addressing “the problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardising sustainable development and the rule of law”. (UNCAC Preamble)

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