Getting the most out of Review of Implementation (and follow up) of the

UNITED NATIONS CONVENTION AGAINST CORRUPTION
UNITED NATIONS

CONVENTION

IMPLEMENTATION (AND FOLLOW UP) OF THE
GETTING THE MOST OUT OF REVIEW OF

Office on Drugs and Crime
UNITED NATIONS
International anti-corruption regime: UNCAC

Why do we need an international anti-corruption regime? $1000B

Value of international norms

Need for international cooperation

United Nations Convention against Corruption (UNCAC)

Content of UNCAC
- Preventive measures
- Asset recovery
- Technical assistance & information exchange

General requirements
- Laws/policies/strategies
- Co-operation & implementation
- Public administration reform
- Ensuring the independence and impartiality of judicial officials
- No impunity & balanced immunities
- No safe haven

Spirit of these provisions
- A comprehensive and inclusive approach: prevention, law enforcement, asset recovery, etc.
- Broaden coverage:
  - Officials/private sector

UNCAC Review Mechanism: What, how, why?

Characteristics
- Transparent, efficient, non-invasive
- Inclusive & impartial
- Non-adversarial non-punitive, no ranking
- Assisted in implementation
- Diverse legal systems
- Share good practices & challenges

Basics
- Contributions & law enforcement
- International cooperation
- Preventive measures
- Asset recovery

First 3-year cycle
- Focusing on 2 Chapters
- Each year a number of State Parties
- Year 4 (starting in June 2013)

Draw of lots
- 2 peer review countries (one from the same region)

National process: Self-assessment

Peer review

Final report & follow up
- Entry points and role of different stakeholders at each stage

Timeline:
- Start
- 2 months
- 4 months
- 6 months
International anti-corruption regime: UNCAC

Why do we need an international anti-corruption regime?

Corruption & Development

Value of international norms

Need for international cooperation

United Nations Convention against Corruption (UNCAC)

Content of UNCAC

Preventive measures

Asset recovery

Criminalization & law enforcement

Technical assistance & information exchange

International cooperation

Implementation

General requirements

No impunity & balanced immunities

Broaden coverage: Officials/private sector/types of crimes/jurisdiction

Spirit of these provisions

UNCAC Review Mechanism: What, how, why?
Why do we need an international anti-corruption regime?

Corruption & Development

Value of international norms

Need for international cooperation

$1000B
Billions paid annually

Developments...
Relatively recent

No regional instrument in Asia-Pacific region
Developments...
Relatively recent

8th Crime Congress
1996 Convention Organisation of American States
1997 EU Convention
1999 Convention Council of Europe
1997 Convention OECD
GA Res.55/61 Ad-Hoc Cttee
GA Res.55/181 Asset recovery
UNTDOC negotiations
2001 ECOWAS Protocol
2003 Convention African Union
2009 UNCAC Rev Mechanism
Signing conference Merida
GA Res.58/4 Adoption UNCAC
2012 Arab Convention

No regional instrument in Asia-Pacific region
The Conference of the States Parties...

Adopted December 2003
Entry into force December 2005

Promote, Facilitate & Review Implementation
Make recommendations
Facilitate Information Exchange

CoSP 1
Dec 2006
Jordan

CoSP 2
Nov 2009
Qatar

CoSP 3
Jan-Feb 2008
Indonesia

CoSP 4
Oct 2011
Morocco

CoSP 5
Nov 2013
Panama

Working Group on Asset Recovery
Working group on prevention
Expert meetings on international cooperation
Implementation Review Group
United Nations Convention against Corruption (UNCAC)

Content of UNCAC

- Preventive measures
- Criminalization & law enforcement
- International cooperation

Asset recovery
Technical assistance & information exchange
Implementation

Spirit of these provisions

A comprehensive and inclusive approach: prevention, law enforcement, asset recovery, etc.

Broaden coverage: Officials/private sector/types of crimes/jurisdiction

No impunity & balanced immunities
No safe haven
No loophole

General requirements

- Laws/policies/strategies
- Cooperation & coordination
- Public admin reforms
- Institutions & actors involved (public, private, judiciary, etc.)
- Appropriate sanctions
- Criminal justice & procedure issues
Integrity, accountability and proper management of public affairs and property

Prevent and combat corruption more efficiently and effectively

International cooperation & technical assistance including asset recovery

Source: UNODC
Content of UNCAC

- Preventive measures
- Criminalization & law enforcement
- International cooperation

Spirit of these provisions

- Asset recovery
- Technical assistance & information exchange
- Implementation
General requirements

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- Appropriate sanctions
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- Public admin reforms
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- Diverse legal systems
- Share good practices & challenges
- A constructive approach

Basics
- Criminalization & law enforcement
- International cooperation
- Preventive measures
- Asset recovery

First 5-year cycle
- Focusing on 2 Chapters
- Each year a number of State Parties
- Year 4 (starting in June 2013)

Draw of lots
- 2 peer review countries (one from the same region)

National process: Self-assessment
- Peer review
- Final report & follow up

Entry points and role of different stakeholders at each stage

Start 2 months 4 months 6 months
Characteristics

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Non-adversarial, non-punitive, no ranking

Assist in implementation

Diverse legal systems

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Basics

Criminalization & law enforcement

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Start

2 months

4 months

6 months
Preparation of a Self-Assessment Checklist

using OMNIBUS...but government fully in charge of the process

However, a few...

Practical considerations

- Challenges of collection of data from different stakeholders
- Need for stakeholder consultations
- Value of focusing on the "process"

Political considerations

- Ensuring full participation
- Ownership & adoption of the report
- Political buy-in for future reforms/follow up

Best Practice:

A more elaborate methodology, with political support, based on broad consultations through a working group and/or steering committee (including non-governmental sector)
Benefits of a comprehensive "process"

- Detailed information for policymakers
- Shared understanding
- Policy & legal reform
- Cooperation of anti-corruption actors
- Technical assistance needs
- National dialogue/participation

Fulfill international obligation
UNODC support at regional and national levels on 14 November 2013 new Regional Programme for Southeast Asia was launched.
Main points:

- a quick overview of UNCAC and its review mechanism

1. Need for an international anti-corruption regime and development of UNCAC.
2. Overview of UNCAC and its requirements.
3. Overview of UNCAC Review Mechanism and entry points for different stakeholders.