

UNCAC CoSP9 –Plenary on implementation review mechanism -15 December 2021

Statement by Gillian Dell, Transparency International

Thank you, Mr. President,

Like previous speakers, Transparency International would like to commend the United Nations Office on Drugs and Crime (UNODC) for the excellent and tireless work of its staff in support of the UNCAC Implementation Review Mechanism and the valuable analysis they regularly provide of the implementation review results.

Concerning the mechanism itself, as delegates know, both transparency and the participation of civil society were made optional in its terms of reference. And as we have often expressed in the past, this is not consistent with the letter and spirit of UNCAC provisions such as Article 10 and Article 13. It is also inconsistent with international human rights norms, such as the right to access to information and the right to take part in the conduct of public affairs.

Nevertheless, we have been obliged to work with the unsatisfactory Implementation Review Mechanism rules. Therefore, we call on all States Parties to voluntarily exercise the options for transparency and civil society participation in the process, as so many of you have already done. This means including a wide range of stakeholders in reviews and releasing the full review reports. To make clear your commitment on that score, we encourage you to sign the UNCAC Coalition's Transparency Pledge, if you have not done so already.

The UNCAC review process stands out in being the only active one where there is no formal follow-up to reviews. It seems that States Parties are waiting for the completion of the 2nd cycle of reviews before initiating a follow-up process.

However, the second cycle of reviews is delayed many years beyond what was originally foreseen. The end to the second cycle is not in sight, not by the end of the extended deadline. But the first of the first cycle country reviews were completed in 2011 and the first cycle is virtually complete. Moreover, UNODC already conducted a comprehensive review of implementation in 2017 based on the first review cycle. It is time to be pragmatic and to stop waiting for the end of the second cycle in order to start following up on recommendations of the first cycle.

We believe this Conference should initiate follow-up reviews at the latest at its next session. At the very least follow up on the subjects of criminalisation of money laundering and of international cooperation could be done in collaboration with the review process for the UN Convention on Transnational Organized Crime (UNTOC) since the UNCAC provisions on those subjects are the same or similar to those in UNTOC. Those provisions could and should be considered together in joint UNCAC-UNTOC reviews.

Concerning links between UNCAC and UNTOC, let me take this opportunity to cordially invite delegates to a special event we have organised on this subject on Friday midday.

Thank you, Mr. President.