The United Nations Convention against Corruption – The role of the Conference of the States Parties to the UNCAC and its Review of Implementation Mechanism

The Conference of the States Parties
Promote, Facilitate & Review Implementation
Make recommendations
Facilitate Information Exchange

CoSP 1
Dec 2006
Jordan

CoSP 2
Jan/Feb 2008
Indonesia

CoSP 3
Nov. 2009
Morocco

CoSP 4
Oct. 2011
Panama

CoSP 5
2013
Panama
The 4th session of the CoSP, Marrakech 24 – 28 October 2011 - Highlights

1. Consolidation of Review mechanism and relevance for technical assistance

2. Marrakech Declaration on Prevention

3. Int. Cooperation in Asset Recovery
Resolution 4/1 – Consolidation of the Review Mechanism

- Recognises the valuable role of TA and the importance of addressing TA in the mechanism
- IRG to decide priority areas for the provision of technical assistance based on outcomes of IRM
- Encourages State Parties to share experience on technical assistance annually during Group meetings
- Secretariat to continue work on thematic reports, deliver technical assistance and develop partnerships with other technical assistance partners
- Secretariat to produce an executive summary template

Resolution 4/3 - The Marrakech Declaration on Prevention

The resolution requests the Secretariat to:

- Continue to assist the Working group on Prevention;
- Continue to function as an observatory of good practices in preventing corruption;
- Create opportunities for the involvement of young people as key actors on the prevention of corruption;
- Promote the responsible and professional reporting by journalists on corruption;
- Continue to cooperate with UN DESA in the prevention of corruption;
- Report at the 5th session of the COSP on the Institutional Integrity Initiative of the Chief Executive Board;
- Continue to provide TA for the implementation of Chapter II
Resolution 4/5 – Participation of intergovernmental organizations in the work of the Implementation Group

- Int. Organisations with standing invitation from the General Assembly to participate in work of the UN may:
  - Attend sessions of the Implementation Working Group
  - Deliver Statements at the invitation of the Chair of the Group
  - Receive documents of the Group
  - Submit their views in writing to the Group

Resolution 4/6 – NGOs and the Review Mechanism

- Briefings for NGOs to take place on the margins of the Review Group
- NGOs encouraged to report to the Conference / the Review Group on their activities and contributions to the implementation of the recommendations and conclusions of the Review Group

Review mechanism - structure

I. Introduction
II. Guiding principles and characteristics of the Mechanism
III. Relationship with the Conference of the States Parties
IV. Review Process
   A. Goals
   B. Country review
   C. Implementation Review Group (IRG)
   D. CoSP
V. Secretariat
VI. Languages
VII. Funding
VIII. Participation of Signatories in the Mechanism
Terms of reference – main elements

- Peer review process
- Drawing of lots for each year of the review cycle
- One phase = two cycles of five years
  - First cycle: chapter III (Criminalization and law enforcement); and IV (International cooperation)
  - Second cycle: chapters II (Preventive measures); and V (Asset recovery)
- Desk review of self-assessment reports
- Dialogue between State under review and reviewing States
- Possibility of direct dialogue
- Outcome of review process (report) and executive summaries
- Role of the Secretariat
- Funding

Framework documents for the Mechanism

- UNCAC
- COSP resolutions
- Terms of Reference of the Review Mechanism
- Guidelines for governmental experts and the secretariat, adopted at COSP III and finalized by the Implementation Review Group
- Blueprint for country review reports
Guidelines – main elements

- General and specific guidance
- Indicative timelines
- General guidance: purpose of the review and confidentiality
- Specific guidance:
  - Process to follow during the different stages of review
  - Self-assessment
  - Outcome of desk review
  - Dialogue including direct dialogue
  - Draft report
  - Agreement on country review report
- Blueprint for country review reports and executive summaries

The Implementation Review Mechanism – Update

Emerging trends following analysis of country reviews in years 1 and 2

Implementation of Chapter III
(Criminalization and Law Enforcement)

Examples of challenges:

- Inconsistency in adopting constituent elements of the bribery offences in full compliance with the UNCAC requirements;
- Not equal standards regarding criminalization and sanctioning measures against bribery in the private sector;
- Introduction of procedures and measures to protect reporting persons (whistle-blowers)
The Implementation Review Mechanism – Update

Emerging trends following analysis of country reviews in years 1 and 2

Implementation of Chapter IV
(International Cooperation in Criminal Matters)

Examples of challenges:

- Need to strengthen channels of communication between competent authorities;
- Establishment of databases containing statistics and practical information on the implementation of the legal framework on extradition and MLA;
- More streamlined cooperation in conducting special investigative techniques;
- Allocation of additional resources to strengthen the efficiency and capacity of international cooperation mechanisms.
UNCAC Legal Library (TRACK)

- Collection, organization and online availability of:
  - Corruption-related laws;
  - National anti-corruption plans/strategies;
  - Anti-corruption bodies;
  - Corruption-related cases.

- Added benefits:
  - Practical implementation guidance;
  - Resource for national legislators, anti-corruption authorities, assistance providers;
  - Supporting analytical efforts;
  - Convertible into training and educational materials;
  - Promoting innovation.

TRACK: Tools and Resources for Anti-Corruption Knowledge
http://www.track.unodc.org/Pages/home.aspx

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