
Summary

At its fourth session, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 4/6 entitled “Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”. In this resolution, the Conference decided that briefings for non-governmental organizations would be conducted on the outcomes of the review process, including technical assistance needs identified. These briefings would be convened on the margins of the sessions of the Implementation Review Group (hereinafter Group) and conducted by the secretariat in cooperation with a member of the bureau. The briefings were to be based on the reports of the Group, and thematic implementation reports and regional supplementary addenda.

The Conference requested States parties and signatories to use the briefings and to draw on the discussions and proposals of its fourth session to continue constructive dialogue on the contribution of non-governmental organizations to the Mechanism. The Conference also encouraged non-governmental organizations to report to it and/or the Group, as appropriate, individually or collectively, on their activities and contributions to the implementation of the recommendations and conclusions of the Group approved by the Conference, including those related to meeting technical assistance needs and advancing capacity to effectively implement the Convention. The briefings would serve to further promote constructive dialogue with non-governmental organizations dealing with anti-corruption issues, while
recognizing the continuing deliberations to build confidence in the role of non-governmental organizations in the review process.

The first briefing for non-governmental organizations in accordance with Conference resolution 4/6 was held on the margins of the third session of the Group on 20 June 2012. A list of non-governmental organizations that had confirmed their attendance by the deadline contained in resolution 4/6 was circulated prior to the briefing. Furthermore, several written comments from non-governmental organizations received in accordance with resolution 4/6 were made available for the briefing. The briefing was chaired by the Vice-President of the Conference, Eugenio Maria Curia (Argentina). The Chair delivered introductory remarks, welcoming the decision taken by the Conference to involve non-governmental organizations in the work of the Mechanism. He noted that it marked a new stage in this work and called upon participants to make contributions.

The secretariat provided an introduction to the work of the Group since its first session as well as general information and statistics on the review process, based on the progress reports available to the Group. The secretariat also provided an overview of the key findings contained in the thematic reports on the implementation of Chapters III (criminalization and law enforcement) and IV (international cooperation). Reference was made to technical assistance needs identified through the review process as reflected in the background documents.

Noting that the briefing should provide an opportunity for dialogue among States Parties and civil society, the Chair opened the floor for interventions in the order of participants wishing to speak.

On the ratification and implementation of the Convention, several speakers noted the role that non-governmental organizations had played in advocating for States’ ratification or accession to the Convention. Article 13 of the Convention on the participation of society was referred to. One speaker called upon civil society to strengthen cooperation with oversight bodies at the national level. Access to information was also viewed as a key issue at the national level and several speakers reported on their organizations’ efforts to develop and implement legislation on this issue. Several speakers referred to the development and implementation of national anti-corruption plans, policies and strategies that included non-governmental organizations. The role of the private sector in the fight against corruption was also highlighted and speakers referred to the recent G20 declaration and the Open Government Partnership initiative.

On the implementation of the two chapters under review in the first review cycle (Chapters III and IV), some speakers made observations on the challenges encountered in implementing certain provisions. For instance, according to some speakers, adequate legislation was required to criminalize the offences contained in the Convention, but enforcement through investigation, prosecution and conviction was seen as lacking. Effective legislation on protection of whistle-blowers was needed. Some speakers noted international cooperation as an area for further work and assistance. Some speakers reported on their organizations’ activities in assisting States in implementation of the Convention, such as awareness-raising and providing input for the development of draft legislation.

Speakers noted the role that non-governmental organizations and civil society could play in the country review process, bearing in mind the intergovernmental nature of
the Mechanism. The different entry points for civil society in the review process were highlighted and several speakers reported on their experiences of the review process. At the preparatory stage, some speakers suggested that States parties under review could consider publishing the name and contact details of their focal point nominated to coordinate the review process. The focal point could also inform stakeholders of the schedule of and timelines for review. This was seen as facilitating communication and input provided by non-governmental organizations. Speakers also welcomed the training provided to non-governmental organizations on the review process and encouraged further opportunities in this respect.

At the stage of drafting and completing responses to the comprehensive self-assessment checklist, difficulties were encountered with the implementation of paragraph 28 of the terms of reference where the State party under review should endeavour to prepare these responses through broad consultations at the national level with all relevant stakeholders, including the private sector, individuals and groups outside the public sector. Speakers noted some methods that had been used to do so, such as validation workshops or posting the draft responses online to solicit input. One speaker referred to the experience of establishing a steering committee including civil society representatives to draft the responses.

Speakers provided information about the further means of direct dialogue that had been agreed to by States under review. Representatives of non-governmental organizations, as well as of the private sector, academia, and the media, had been invited to meetings with the reviewing experts in some reviews. Speakers noted the positive experience in this respect and the input provided on the articles under review. Further discussions could be held on how to optimize the engagement of national stakeholders during the direct dialogue phase.

Speakers welcomed the outcome of the briefing and noted that careful consideration should be given on how to structure better the briefings and maximize their potential. Some speakers called for further discussion on the status of non-governmental organizations in the work of the Group. The Group would consider the outcome of the briefing under the item on other matters of its agenda.