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Implementation Review Group

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Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

Implementation of resolution 7/4 of the Conference of the States Parties to the United Nations Convention against Corruption: Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption

Report prepared by the Secretariat

Summary

At its seventh session, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 7/4 on “Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption”. In that resolution, the Conference requested the Secretariat, inter alia, to report on the work undertaken in this regard to the Implementation Review Group. This report by the Secretariat, therefore, contains an overview of the activities carried out in furtherance of resolution 7/4.

* [CAC/COSP/IRG/2018/1](#).



I. Background

1. On 22 and 23 September 2016, the relevant secretariats of the Organization of American States (OAS), the Organization for Economic Cooperation and Development (OECD), the Council of Europe (CoE) and UNODC held a joint workshop on enhancing synergies and sharing good practices in the conduct of international anti-corruption peer reviews. The workshop was organized pursuant to a mandate in resolution 6/1 of the Conference of the States Parties to the United Nations Convention against Corruption to “continue exploring and, where appropriate, enhancing synergies, in coordination and cooperation with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption” (see resolution 6/1, operative paragraph 8).
2. The other secretariats present were the OAS’s Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC); the CoE’s Group of States against Corruption (GRECO); the OECD’s Working Group on Bribery in International Business Transactions (WGB) and the Anti-Corruption Network for Eastern Europe and Central Asia/Istanbul Action Plan (ACN) (hereafter: “partner secretariats”).
3. Recalling resolution 6/1 and noting the initiative of UNODC to organize the aforementioned workshop, the Conference adopted, at its seventh session, resolution 7/4 on “Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption”. In that resolution, the Conference requested the Secretariat, inter alia, to continue its dialogue with States parties and with the secretariats of other relevant multilateral mechanisms, and to report on the work undertaken in this regard to the Implementation Review Group.
4. For ease of reference, the following overview of the work undertaken in furtherance of resolution 7/4 is structured in accordance with the substantive topics addressed in the operational paragraphs of that resolution.

II. Overview of the work undertaken in furtherance of Resolution 7/4

A. Continuing dialogue between the secretariats

5. Pursuant to operational paragraph 1, the Secretariat was requested to “continue its dialogue with States parties and with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption”. This dialogue is now well under way and has taken many forms, including joint side events at the Conference of the States Parties and regular attendance at each other’s meetings.

Joint side events at the Conference

6. During the seventh session of the Conference, a large number of special events were organized by Governments, Departments and Agencies of the United Nations, Intergovernmental and Non-Governmental Organizations and UNODC. In particular, two events were organized by UNODC jointly with partner secretariats.
7. A side event on “Interest and asset disclosures by public officials: what works and what does not? Latest insights from anti-corruption monitoring bodies” examined whether and how the deliverables of interest and asset disclosures by public officials corresponded to the objectives set for those systems when designed initially and ascertained what has worked best and why. The side event gave fresh momentum to the global dialogue on interest and asset disclosures by ascertaining the true functionality of such disclosures and their actual role and place in a holistic national anti-corruption strategy and in the promotion of public sector integrity, specifically by highlighting the potential and actual impact of interest and asset disclosures for more forceful prevention and detection of corruption and public perception thereof.

8. Also in the margins of the Conference, UNODC and partner secretariats organized a special event entitled “Enhancing the cooperation between the secretariats of international anti-corruption peer review mechanisms”. The event was conceived as a follow-up to the workshop held previously at OECD headquarters in Paris in September 2016. The side event featured a panel with representatives of GRECO, the OECD (both the WGB and the ACN) and UNODC, as well as representatives of countries that are active in two or more review mechanisms (Austria, Belgium, France, Greece, Israel, Mexico, the Netherlands and the Russian Federation). Most panellists emphasized the advantages of participating in various anti-corruption reviews, which they regarded as being important, inter alia, for maintaining anti-corruption high on the domestic agenda. One panellist recalled the idea that the secretariat act as a “clearing house” for technical assistance needs and delivery. While some panellists noted that the reviews were very time-consuming for the experts who had to perform these functions in addition to their day-to-day work, another panellist highlighted that each of the mechanisms had its own value, its strengths and advantages. Therefore, he was not convinced that cooperation for the sake of cooperation alone made sense. Rather, it was up to the States parties to avoid duplication of work and to organize themselves accordingly. If there was indeed an overlap of questionnaires, it was relatively easy for respondent States to copy/paste answers from one to the other. Panellists agreed on the need for cooperation and coordination of the work of the various review mechanisms in order to harvest possible synergies. However, they also acknowledged the limits to such cooperation, stemming from the different memberships, mandates, and procedures of the mechanisms, and they highlighted the different strengths and specificities of each of them.

Attendance of meetings

9. In order to further the dialogue with its partner secretariats, UNODC also continued its practice of attending more regularly their meetings. Accordingly, a representative of the Secretariat attended the meetings of the OECD’s Working Group on Bribery in International Business Transactions in Paris on 14–15 March 2018 and on 14–15 December 2017, respectively. UNODC briefed the WGB on the cooperative efforts among the secretariats to enhance synergies and coordination among the mechanisms, and on the outcomes of the seventh session of the Conference, in particular resolution 7/4.

10. Likewise, representatives of the Secretariat attended the plenary meetings of the Council of Europe’s Group of States against Corruption in Strasbourg on 19–23 March 2018 and 4–8 December 2017. At the 78th plenary session, GRECO held an exchange of views on resolution 7/4 and, more generally, on ways to increase synergies and coordination among the international anti-corruption peer review mechanisms. GRECO also took note of several proposals put forward during the meeting on ways to enhance synergies, including a suggestion which would have involved a change in the GRECO statute to permit a sharing of responses to self-assessment questionnaires by GRECO member States.

11. These proposals were subsequently consolidated in a draft document by the GRECO secretariat (Greco(2018)3-rev). At the 79th plenary session, delegations welcomed the proposals for enhancing synergies contained in that document, which was prepared by the GRECO secretariat in the light of the discussions held on this item at the previous plenary session, subsequent contributions sent by delegations and discussions held with the Secretariats of the OECD and UNODC on 31 January 2018. The document has been submitted as a conference room paper to the present session of the IRG (CAC/COSP/IRG/2018/CRP.8) and is briefly summarized below.

GRECO proposal Greco(2018)3-rev

12. The document recalls the background and the objectives of enhanced cooperation and lists actions already under way to ensure synergies and coordination. It also highlights the main differences in the operations of the international

anti-corruption monitoring bodies, including different legal frameworks; different topics currently covered in the UNCAC, OECD (both WGB and ACN), OAS, and GRECO evaluation cycles; different timings of evaluation cycles; different membership/geographical scope; different composition of plenaries and country delegations; and the fact that not all monitoring bodies have a technical assistance mandate.

13. In addition to continuing and intensifying the existing actions, additional measures were proposed in the document, including the signing of new cooperation arrangements or memorandums of understanding, better coordination of organizational aspects; more efficient data collection, availability and sharing; and enhancing performance through joint training. In particular, it was proposed to consider possibilities for joint/back-to-back country visits or participation of experts/secretariats in each other's evaluations as appropriate and with the agreement of the country under review; where applicable consider a common approach in cases of non-compliance situations;¹ invite the secretariats of other monitoring mechanisms to contribute to the drafting of the respective questionnaires ahead of the launch of a new evaluation round when the topics coincide; identify common challenges, good practices and regulation models and consider relying on other mechanisms' expertise and engaging them directly into technical assistance projects.

14. At the 79th plenary session, delegations requested the GRECO secretariat to revise the document in the light of the comments made by delegations and to discuss this matter at the next GRECO plenary meeting (18–22 June 2018).

Coordination of organizational aspects

15. Concerning a better coordination of organizational aspects, the partner secretariats already undertake a number of actions to ensure synergies and coordination, including:

- Inter-secretariat meetings;
- Sharing information about schedules, monitoring reports and guidance;
- Ensuring coordination in the scheduling of meetings and on-site visits wherever possible;
- Desk-to-desk contacts on country-specific evaluations;
- References to other monitoring bodies' findings, where appropriate; and
- Ensuring as much as possible that recommendations across monitoring bodies do not contradict one another but are consistent and reinforce each other.

16. In particular, the partner secretariats have agreed to share, as early as possible, the dates of meetings in order to avoid clashes. For UNODC, the dates for 2018–2019 are available and were published in document CAC/COSP/2017/CRP.6 (annex I). This exchange is already being implemented. However, in practice it is not always possible to avoid clashes as the dates have to be agreed by the respective States parties.

17. With regard to the scheduling of reviews and on-site visits, GRECO plans to share with the GRECO plenary at an early stage of each evaluation round a general outline of the anticipated schedule (by year) of GRECO evaluations, so that Members can start early to compare potential review schedules with the other mechanisms and take steps to avoid overlap, where possible. With regard to UNODC, the year of the country visit is determined by a drawing of lots at the beginning of each review cycle and made available on the UNODC website. However, the exact date of the country visit within this year can usually only be fixed a few weeks or months beforehand depending on the progress of the country review and the availability of all three States parties involved in the review.

¹ This was only applicable to the OECD WGB and the Council of Europe GRECO, as the UNCAC Implementation Review Mechanism did not foresee a non-compliance procedure.

B. Avoidance of duplication of efforts

18. The avoidance of duplication of effort is mentioned more than once in resolution 7/4. Indeed, this can refer to efforts both by States parties and by the Secretariat. The issue is often raised with regard to questionnaires, on-site visits and the development of anti-corruption tools and products.

Questionnaires

19. In order to avoid the duplication of questionnaires (e.g. the comprehensive self-assessment checklist used by UNODC), it could be envisaged to invite the partner secretariats to contribute to the drafting of the respective questionnaires ahead of the launch of a new evaluation round, cycle or phase. However, this is only feasible to the extent that the topics coincide. In addition, for some bodies, including for the Implementation Review Mechanism, the questionnaires remain subject to the final approval by the respective States parties.

20. With regard to the ongoing reviews, the questions used on certain aspects of implementation varied. Even where questions were to a large degree seeking to solicit the same information, the information provided by States parties in the context of previous evaluations conducted by another review body, cannot simply be used, as, the legislative and institutional situation may have evolved in the meantime, making it necessary to repeat questions from other or previous questionnaires. It was therefore seen as the best way forward to alert States parties that they may have provided the same information in response to a previous evaluation by another body and that they may wish to retrieve that information.

Training

21. The partner secretariats have already started participating not only in each other's meetings but also in some training sessions, e.g. for reviewing experts/evaluators. For example, UNODC attended a training for evaluators organized by GRECO in Strasbourg in May 2017 and invited the partner secretariats to UNODC-led training of governmental experts (e.g. following the 9th session of the Implementation Review Group, 7–8 June 2018). Time and resources permitting, such exchanges for the training of experts and staff as well as the sharing of training manuals, materials and guidelines could be intensified and practised more coherently.

Joint on-site visits

22. Joint on-site visits are often mentioned as a way of avoiding duplication of effort. Indeed, UNODC has carried out two joint country visits: For the first-cycle review of Greece, a joint UNODC/OECD visit was organized; and for the first-cycle review of Uzbekistan, the country visit was jointly undertaken by UNODC and the OECD ACN.

23. Therefore, possibilities for joint or back-to-back country visits or participation of experts/secretariats in each other's evaluations could be considered whenever the country concerned proposes or agrees to it and the topics covered by the evaluation coincide. However, during the joint side event at the Conference, the co-organizer of the country visit to Greece highlighted that this joint visit had been made possible only by a number of coincidences: (i) the scheduling of the on-site visits at the same time; (ii) an overlapping thematic focus of the UNCAC first-cycle review and the OECD "3 bis" review; and (iii) the partially common identity of the reviewers, as one State party was a reviewing country in both reviews and had nominated the same governmental experts for both reviews. Still, the joint visit had presented logistical and substantive challenges. First, it had taken some time to develop a coherent agenda that took into account the needs of both organizations and the availability of the national authorities. Second, while the review groups benefited from each other, the UNCAC review was broader in scope while the OECD review went deeper

into specific thematic areas. Third, there had been also issues of consistency and conflicting interpretations.

Development of anti-corruption tools

24. In order to avoid duplication of effort and misallocation of resources of the secretariats, the development and dissemination of anti-corruption tools and knowledge products could be coordinated more coherently.

C. Cooperation arrangements

25. Operative paragraph 2 of resolution 7/4 invites the Secretariat, as necessary and in consultation with States parties, to explore the possibility of cooperation arrangements, including memorandums of understanding.

26. Such memorandums of understanding could develop a formal inter-institutional legal cooperation framework for a deeper substantial cooperation between the partner secretariats, extending beyond mere coordination of efforts. In discussions with the other secretariats, this was identified as a long term goal. The exact scope of areas of cooperation to be included in such cooperation agreements would need to be further elaborated with the secretariats of the other review bodies.

D. Data collection, availability and sharing

27. The resolution calls upon the Secretariat to continue its efforts to collect information from and share information with other secretariats, while upholding the confidential nature of that information, including on the costs of the different mechanisms (operative paragraph 3).

28. In order to implement this mandate, it could be envisaged to explore practical measures to exchange data (e.g. legislation, statistics, policy documents, official anti-corruption reports), including by setting up a common platform, similar to or building on UNODC's Legal Library. This platform could serve as a reference point for States parties who could validate the information contained on this platform and refer to the documentation contained therein. Any such efforts would be subject to voluntary contributions as none of the secretariats were in a position to fund the creation and maintenance of such a common platform. In the meantime, such publicly available information, in particular legislation, relevant to the reviews is already shared informally on a case-by-case basis among the secretariats.

29. With respect to the sharing of costs-related information, GRECO referred to pages 82–83 of document <https://rm.coe.int/council-of-europe-programme-and-budget-2018-2019/16807761cd> which includes information about GRECO's programme and budget for 2018 and 2019. The OECD WGB's programme of work and budget for the 2019–2020 biennium will be discussed at the next meeting in June.

III. Outlook

30. On the basis of resolution 7/4, the Secretariat will continue to strengthen its cooperation with the partner secretariats. As the resolution acknowledges in operative paragraph 4, the success of this endeavour will also depend on support by States parties. Indeed, the resolution called upon States parties that are members of different multilateral review mechanisms in the field of anti-corruption to encourage, within their respective organizations and with the governing bodies of those organizations, efficient and effective cooperation and coordination. It should be noted that some of the proposed measures also have cost implications and can only be implemented subject to available resources.