

CAC/COSP/2006/CRP.4
9 December 2006

English and French only

**Conference of the States Parties to the United Nations
Convention against Corruption**
First session
Amman, 10-14 December 2006

**Communication adopted by the Group of States against
Corruption of the Council of Europe on 8 December 2006,
on the review of implementation of the United Nations
Convention against Corruption in view of the first session of
the Conference of the States Parties to the United Nations
Convention against Corruption**

V.06-59144 (E)



The opening for signature of the United Nations Convention against Corruption (UNCAC) in Merida in 2003 marked a significant achievement in the global fight against corruption.

The short period of time in which the UNCAC has reached the minimum number of ratifications required for its entry into force and the current pace at which further ratifications occur, clearly indicate that the fight against corruption remains high on the international agenda.

It is to be hoped that all Council of Europe member States become party to this important instrument in due course. However, ratification is only one – but crucial – step towards determined and global anti-corruption measures which are as important for the progress and the security of the developing world as they are for the developed world.

Without proper review of implementation - and without appropriate and coordinated technical assistance to the most needy parties to the UNCAC to support implementation - there will be a risk that many of its provisions will remain ineffectual in practice, including those related to the repatriation of assets which is one of the key objectives of the convention.

In the European context the need for complementing the existing Council of Europe anti-corruption conventions¹ and other legal instruments² with a suitable and sustainable review mechanism was recognised at an early stage and led, in 1999, to the setting up of the Group of States against Corruption (GRECO). With 43 members on 1 December 2006 the Group encompasses nearly all European States as well as the United States of America.

GRECO's objective is to improve the capacity of its members to fight corruption by monitoring their compliance with Council of Europe anti-corruption standards through a dynamic process of mutual evaluation and peer pressure.

GRECO, through a number of its representatives and its secretariat, has followed with interest – and contributed to - the ongoing reflection on the review of the implementation of the UNCAC.

If the idea of establishing a fully-fledged review mechanism for the UNCAC is taken on board by the Conference of the States Parties, it should also be considered how to coordinate such a mechanism with already existing monitoring processes and systems, in order to avoid duplication and overlap and to ensure that different monitoring processes enhance each other (e.g. by making “appropriate use of the information produced by other international and regional anti-corruption mechanisms.”)³

¹ I.e. the 1999 Criminal and Civil Law Conventions on Corruption (ETS 173 and ETS 174) as well as the Additional Protocol (ETS 191) to the Criminal Law Convention. These conventions cover a vast array of subjects also addressed in the UNCAC.

² I.e. Resolution (97) 24 on the twenty guiding principles for the fight against corruption, Recommendation No. R (2000) 10 on codes of conduct for public officials and appended model code and Recommendation Rec(2003)4 on common rules against corruption in the funding of political parties and electoral campaigns.

³ Cf. Conference of the States Parties to the United Nations Convention against Corruption, *Methods for the review of the implementation of the United Nations Convention against Corruption*. Document CAC/COSP/2006/5, paragraph 5. In this connection, it is to be stressed that both GRECO evaluation and compliance reports contain a wealth of information and examples of good practice which are of relevance in the context of the efficient implementation, and effective review, of the United Nations Convention against Corruption.

This is all the more important as monitoring usually places a heavy burden on the countries concerned⁴; currently, there appear to be signs of monitoring-fatigue which must be taken seriously.

Finally, GRECO wishes to recall that, in the context of the opening for signature of the UNCAC, (Merida, December 2003), the Deputy Secretary General of the Council of Europe stated that the Organisation was prepared to contribute to this process in any way that may be deemed necessary.

GRECO is prepared to offer its expertise in the field of peer review and to support the implementation of the UNCAC to the extent possible.

⁴ In this connection attention should also be drawn to existing international anti-money laundering monitoring mechanisms which also deal with matters addressed by both the UNCAC and the Council of Europe Criminal Law Convention on Corruption.