12th International Anticorruption Conference

Long Report
Workshop1.1: The implementation puzzle: how to apply anticorruption conventions

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Background:
This workshop aimed at enhancing the understanding of the participants, namely civil society organizations and parliamentarians, on international and regional anticorruption instruments – such as the United Nations Convention Against Corruption (UNCAC) – to increase awareness of the tools and methodologies available to monitor and advocate for implementation of said conventions in their respective countries.

I. Main issues covered

• **The United Nations Convention Against Corruption (UNCAC):**
  o The Convention came into force on 14 December 2005 after the 30ieth country ratified it. Today 140 countries are signatories, of which 80 have ratified UNCAC. It is one of the most comprehensive conventions addressing corruption and also the only UN convention that addresses civil service reform.
  o Countries that have ratified UNCAC are required to undertake substantial measures to address corruption in their respective countries. The four main pillars of the Convention (Preventive measures, Criminalization of offences, Law enforcement, and International Cooperation) offer very concrete measures that can be implemented to this purpose.
  o The Conference of State Parties is scheduled to be held 10-14 December 2006 where the modalities of implementation and monitoring (scope, cost, benchmark and action for non-compliance) will be agreed on by the state parties to the Convention, hence providing the teeth that will allow for full impact of the provisions of this document.

• **Civil Society guides to Conventions:**
  o Civil Society Organisations (CSOs) have an important role to play in upholding governments to their promises to fight corruption. This role is recognized in article

13 of UNCAC. CSOs could assist in educating the public about the negative impact of corruption and encouraging increased public participation in this fight, as in many countries, the public is not aware of the existence of this Convention. Furthermore, CSOs could work hands-in-hand with the public to exert pressure on governments.

o In light of the above, and n order to assist CSOs in their monitoring and advocacy efforts and to enhance their understanding and knowledge on how to use these various conventions, several guides were developed laying out the strengths and gaps of the various conventions

- UNODC has produced several guides in different languages for use by CSOs and these guides are made available free of charge online at their website www.unodc.org .

- Transparency International has produced CSO Advocacy Guides to clarify the importance of anticorruption efforts, the use and importance of anticorruption Conventions as well as their applicability. These guides also contains monitoring tools and examples that could be used as a basis. These are available free of charge on their website www.transparency.org .

- **Strategies for country audit of compliance with anticorruption conventions**:
  o Transparency International Nigeria has produced advocacy tools for CSOs to use in order to advocate for compliance with anticorruption conventions. One of these tools are country audits.
  o The aims of this audit tool is to make an assessment of the following:
    - status of ratification and domestication of provisions;
    - existence of a National Action Plan against corruption;
    - review of the conventions;
    - review of relevant domestic instruments and policies;
    - review of relevant environmental issues such as
      - state of institutions such as the judiciary and police;
      - political structure of the country and implications for the issue; and
      - political Will to combat corruption
  o This country audit will help to identify gaps in the system where CSOs could produce shadow report on the report of progress on implementation of UNCAC and offers recommendations for improvement.

- **Shadow Reporting as an effective mechanisms to monitor implementation and ratification status of anticorruption conventions.**

  o State Party reports are periodic reports by States that are party to a treaty which they have adopted for the purpose of giving effect to the provisions of the treaty, and on the progress made to implement the treaty. These reports are submitted to a treaty body which is usually created by the treaty to which such State is party to. Outside of the government process, Civil Society can also play a role in the State Party reporting process by producing shadow or alternative reports. Shadow reporting is intended to provide the civil society perspective, in respect of State obligations, and efforts and progress made towards the domestication and enforcement of the treaties on corruption, whilst highlighting gaps and omissions that may have been made in a State Party report. Shadow reports aim to influence the decisions of treaty bodies, which influence will have an impact on concluding observations and recommendations made by the respective treaty bodies.

  o *Steps of producing the shadow reporting:*

- **Information Gathering:** the first entry point is to collect available government document. However, this might face some difficulties because of the suspicion of the government on the roles of civil society organizations. Another way is to use the general comments or observations of Treaty Committees as a basis. Other stakeholders such as media, parliament, civil society organizations, anticorruption bodies could also be a source of information.
- **Coordination**: a working committee of civil society organizations working on anticorruption should be set up. This committee should work closely with other organizations who might be accredited with the relevant treaty body. The committee should be divided up into sub-committee on specific tasks such as data collection, and report writing. It should also have clear targets and goals.
- **Organization of the report**: the report should be best organized according to the articles of conventions or by the government's report format so that it make the comparative analysis more easy and reader-friendly.

II. Main Outcomes

- The discussion focused primarily on.......

- Eventually the three main outcomes of the workshop were:

1. Participants have gained better understanding of UNCAC and other regional instruments for fighting corruption, especially roles and responsibilities of state party and engagement of civil society in monitoring the compliance of the conventions. Moreover, they were also aware of: 1) various methodologies for monitoring the implementation of UNCAC; 2) Experiences and lessons learned from the implementation of UNCAC and its challenges.

2. Participants were well sensitized that Anticorruption Conventions will only be a piece of paper if no active participation of stakeholders (civil society and government) to make it implemented. UNCAC is an instrument that empowers people to act to protect their society, livelihood and enhance good governance. It provides an opportunity for people and civil society to engage in building up clean society and it encourages civil society organizations to join efforts to address corruption. Currently, there are many civil society organizations involve in the fight against corruption while there are many more that still needed to be mobilized.

3. In a fight against corruption, it is crucial to establish alliance of various civil society organizations around the globe. Furthermore, it is necessary to set up a forum where civil society and government agencies can be brought to the table for discussing on common issues. The three main points that came out of the discussion in this workshop included:

   o There is a need for more measurement and monitoring government's compliance of anticorruption conventions;
   o Role of civil society organization and government in combating corruption is strongly acknowledged;
   o Vulnerability assessment (to assess the level of potential damages to a country as result of corruption and non-compliance with conventions) should be part of anticorruption initiatives.

III. Main Outputs

The workshop provided an opportunity for participants to enhance their knowledge and understanding of UNCAC and tools that they could use for advocating decision makers and other stakeholders in their own countries to implement anticorruption conventions. Manual and toolkits for fighting corruption were also distributed in this workshop.

IV. Recommendations and follow-up actions

The participants strongly believed that in order to have an effective implementation of UNAC and other regional conventions, it is imperative to:

1. set up sectoral coalitions of NGOs and civil society organizations to share knowledge and experiences in a particular thematic areas.
2. Have a structure of engagement with NGOs, CSOs and private sector to advocate the government for increasing its effort in a fight against corruption.