

12th IACC
WORKSHOP SHORT REPORT FORM
FOR RAPPORTEURS

Number and title of workshop _1.3 How can UNCAC monitoring be made to work? _____

Date and time of workshop Thursday 16 November, 15:00 _____

Moderator (Name and Institution) Jean-Pierre Vidon, Ambassador of France responsible for the fight against organised crime _____

Rapporteur (Name and Institution) Gillian Dell, Transparency International _____

Panellists (Name, institution, title)

Fritz Heimann, Senior Adviser on Conventions, Transparency International
 Martti Antola, Adviser for Global Governance, Ministry of Foreign Affairs, Finland
 Christophe Speckbacher, Administrative Officer, GRECO
 Pauline Tamesis, Democratic Governance Practice Manager, UNDP

Main Issues Covered

- Requirements for an effective monitoring system?
- Benefits of a monitoring system
- Key challenges to the development and introduction of an effective system of review or monitoring
- Some of the options in the near term and medium term for UNCAC monitoring?
- The relationship with other monitoring mechanisms?
- The relationship between monitoring and technical assistance?
- The role of civil society in UNCAC monitoring?
- The prospects for first steps at the Conference of States Parties (CoSP)?

Main Outcomes

- (1) The benefits of UNCAC monitoring are
—sharing experience
---establishing guidance
---holding governments to their commitments
---maintaining momentum
- (2) The obstacles are
----number of countries
----breadth of Convention
----concerns about cost
----concerns about aid conditionality calling for
- (3) TI has developed proposals on UNCAC monitoring, contained in a TI Report on UNCAC Monitoring, which received support in the workshop. These call for (a) a prompt start to monitoring; (b) a strong secretariat with adequate funding from dependable sources; (c) wide range of monitoring methods; (d) a transparent process

- with civil society input. TI calls for the CoSP to decide on (a) a 2007 survey of implementation, including identification of technical assistance needs; (b) a working group of UNODC and donors to ensure adequate funding and set up a coordination process; (c) serious pilot programmes in 2007 on a voluntary basis.
- (4) In advance of the CoSP, governments have been discussing options regarding monitoring, technical assistance and asset recovery. This has been in progress for some time, partly thanks to the by TI's Report on UNCAC Monitoring, which stimulated discussion. Most recently, at the end of October there was a meeting in Buenos Aires which reached a considerable degree of agreement on some points. That meeting (a) recognised the need to discuss how to gather information and how to prioritise; (b) recognised that the monitoring should involve experts and that peer review would be useful for the subjects of international cooperation and asset recovery; (c) recognised that the Secretariat would need predictable and sustainable funding and that its functions and requirements need to be reviewed; (d) considered the possibility of a pilot voluntary group of countries involved in monitoring for a limited period and then reporting back to the CoSP; (e) noted the importance of both long term capacity building and short term assistance. Performance indicators or benchmarks would allow prioritisation of TA needs. (f) expressed views that the criminalisation provisions might be the starting point of discussions and/ or asset recovery and those preventive measures unique to UNCAC.
- (5) Monitoring methods can include (a) self-evaluation; (b) independent experts; (c) assessment done by staff of IGOs; (d) peer mechanisms; (e) a combination of all of these. The sources of information can be (a) questionnaire; (b) NGOs; (c) private sector; (d) onsite visits. Monitoring should come up with individual recommendations for improvement. Onsite visits are the most effective. Monitoring covers the legal framework, institutions, practices, working culture.
- (6) There is an issue of evaluation fatigue and a problem of overloaded national agencies. Also the greater the number of evaluations, the higher the risk of contradictions. Coordination of monitoring systems requires compromise. Coordination is exemplary in the anti-money laundering field i.e. with FATF and regional FATFs. Another example is World Bank and IMF coordination on evaluations. Some proposals on the table include: (a) procedure for cooperation, with regional meetings and pooling of experts; (b) UN monitoring focusing on MLA, asset recovery and cross-border bribery and extortion; (c) regional mechanisms taking responsibility for UNCAC monitoring; (d) cooperation between UN and other institutions on monitoring.
- (7) Anti-corruption is not the mandate of only UNODC within the UN system. UNDP is trying to institutionalize its cooperation with UNODC. UNDP is trying to integrate UNCAC into its democratic governance programme, using democratic governance indicators. The same is true of donors.

Recommendations, Follow-up Actions

- (1) It is essential that the CoSP adopt a multiyear monitoring programme.
- (2) UNCAC monitoring requires a strong secretariat with adequate and secure funding.
- (3) UNCAC monitoring should be transparent and conducted with civil society input.
- (4) In 2007 there should be a survey of implementation, based on country responses to a questionnaire, identifying implementation priorities, plans and problems and, in developing countries, technical assistance needs.
- (5) There should also be a pilot programme or programmes in 2007 on a voluntary basis.
- (6) Coordination of monitoring programmes is needed to avoid duplication.
- (7) Technical assistance is needed for developing countries not only for implementation but also for responding to questionnaire.
- (8) A coordination system within the UN is needed, with mainstreaming of the UNCAC. There should be inter-agency coordination with an action programme.
- (9) Pending intergovernmental monitoring, civil society organizations should begin

monitoring. It would be desirable for them to agree on a comprehensive framework.

Workshop Highlights (including interesting quotes)

Implementation requires strong political commitment and prolonged efforts. Monitoring maintains the momentum.

The focus of monitoring should be on continuous progress not complete compliance.

Peer review can be ambitious or it can be modest.

Proposals on monitoring should avoid turnkey solutions for the Conference of States Parties.

Performance indicators would allow the prioritization of technical assistance needs.

Signed _____