

# INTERNATIONAL ANTI-CORRUPTION CONFERENCE 2024

Vilnius, Lithuania 18-21 June 2024

## SESSION REPORT

**Workshop name:** Strengthening the UNCAC's Monitoring Mechanism to Increase Accountability & Promote Civic Space

**Date:** 18 June 2024

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### Report prepared by:

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- Corinna Gilfillan  
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- Tetiana Khutor  
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- Nikhita Godbole  
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[US Department of State](#)
- Umar Yakubu  
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### Share the thematic focus of the session, its purpose and corruption risks?

International commitments like the UN Convention against Corruption (UNCAC) promote human rights and accountability. However, the UNCAC's Implementation Review Mechanism (IRM) lags behind others in transparency, inclusiveness, and follow-up. The session aimed to develop concrete recommendations to influence decisions on the IRM's next phase, with States aiming to reach a decision at CoSP11 in 2025.

People are entitled to know how their government is performing in accordance with their international commitments. Whilst the adoption of the IRM was a success for civil society, the IRM has many shortcomings concerning transparency and civil society participation. Strengthening global anti-corruption review mechanisms lays the groundwork for a strong and effective anti-corruption system at the national level that functions in theory and practice.

The UNCAC Coalition is working to facilitate civil society participation in the IRM. Civil society should have space to provide substantive input rather than fighting for space to participate. Thus, the panel's purpose was to create space for civil society and other stakeholders to discuss advocacy approaches and develop concrete recommendations for a strong next phase of the IRM.

The UNCAC Coalition is prioritizing working with governments and civil society over the next year to push for a more transparent, inclusive, and efficient IRM that holds governments accountable.

### **Summary of panelists' contributions & discussion points (please be as detailed as possible) – 3 topical interventions per panelist**

*Nikhita Godbole on US CoSP presidency priorities related to civic space and the need to strengthen the IRM, especially now that States are starting to discuss the future of the UNCAC review mechanism.*

Civil society voices are crucial to shaping the future of the IRM and working towards collective anti-corruption goals. The US prioritizes civil society engagement in all their work, including on the UNCAC, seeing how imperative discussions like this are with civil society and non-governmental partners. In December 2023, the US hosted and assumed the CoSP10 presidency. The CoSP10 had an unprecedented amount of civil society, academics, youth, and the private sector present, making it the most attended and inclusive CoSP.

One of the US's main priorities during the CoSP presidency is championing civil society's role in the fight against corruption. In the lead-up to the CoSP, the US organized the first anti-corruption civil society forum, which enhanced dialogue between States Parties, civil society, and other stakeholders and provided useful civil society expertise for negotiations during the week.

Insecure governments fearing criticism go to great lengths to silence critics, especially civil society. There have been disturbing trends of increasing civil society restrictions, making it crucial to support civil society's ability to ensure accountability and improve the operation and outcomes of anti-corruption efforts. The US is committed to defending civil society's crucial role and, through a multilateral front, is working with allies to ensure civil society participation.

The US secured the consensus-based adoption of the Atlanta declaration, the first CoSP resolution promoting accountability. The US is pushing for efforts to address impunity and protect non-governmental stakeholders and is working with UNODC to strengthen civil society involvement in the IRM, including at the NGO briefing in Vienna in September.

The US strongly supports the IRM, which provides insights and recommendations to governments on how they can strengthen their own anti-corruption frameworks. It is a powerful tool and useful aid for improving UNCAC implementation. This should not be a box-

checking exercise; there is a need to ensure governments are responsive and accountable to international obligations and standards.

Transparency and inclusivity are foundational tenets in the fight against corruption, and the government needs civil society's expertise and experience. The US continues to advocate for meaningful civil society engagement in the review process, as this ensures the validation of information during the IRM and provides accountability for IRM follow-up.

***Tetiana Khutor*** on how the Institute of Legislative Ideas has been involved in the UNCAC review process in Ukraine, with examples of good collaboration between the government and ILI on anti-corruption reforms.

Ukraine is in the process of the 2<sup>nd</sup> cycle review, which started in 2019. The country visit was postponed due to COVID-19 and the full-scale invasion. Now, Ukraine is waiting for experts and reviewers to come for a country visit, hopefully later this year, either online or offline. Institute of Legislative Ideas (ILI) saw the UNCAC as a good working instrument that can provide and ensure a transparent public administration and economic development, and show investors that they can invest in Ukraine's economy.

The UNCAC Coalition provided ILI with the methodology to produce a parallel report on UNCAC implementation in Ukraine. ILI is a think tank working on anti-corruption and sanctions but is not an expert in specific anti-corruption topics, so it was crucial to involve all expert organizations. ILI conducted more than 50 in-depth analytical interviews with civil society organizations, interviewed anti-corruption activists and journalists throughout Ukraine, and shared the first draft of the report with TI Ukraine for feedback, all with the aim to be as objective as possible.

The National Agency on Corruption Prevention (NACP) is the government focal point for UNCAC implementation in Ukraine. ILI approached the NACP for more context and information on UNCAC implementation in Ukraine, which they shared. Involving the NACP to include the government perspective was important to come up with the most objective report possible. ILI also decided to create a [monitoring platform for Ukraine's international anti-corruption commitments](#), including the UNCAC, to update the report information systematically, and the NACP agreed to present their assessment and government position on the same platform. ILI's [parallel report on UNCAC implementation in Ukraine](#) was published on June 17, having been over three years in the making. NACP has not yet provided its final report for the monitoring platform.

This is an example of an option for government agency cooperation and the need for civil society to cooperate with governments where possible. The more information available, the bigger the impact. Having an online platform with updated information incentivizes governments to cooperate with civil society, as they cannot use the excuse that the report's data is outdated when questioned on their UNCAC implementation.

***Umar Yakubu*** on how the Center for Fiscal Transparency and Public Integrity (CeFTPI) has been involved in the UNCAC review process in Nigeria, including examples of good collaboration between the authorities and civil society on anti-corruption reforms.

Nigeria has completed both review cycles and [actively published both reports](#), including the self-assessment checklist, on the government's website, which is open to the public. CeFTPI has just started working on a parallel report with the UNCAC Coalition. Most UNCAC review

processes are inter-governmental, and civil society is not very involved. CeFTPI advocated to be more involved in the UNCAC review process in Nigeria, and civil society was fully involved in the process of developing the Nigerian national anti-corruption strategy, whose implementation it is now actively supporting. Civil society has also pressured the inclusion of measurable objectives in the strategy. Civil society has successfully advocated for the Nigerian government to actively publish UNCAC reports and is also part of a technical team reviewing UNCAC implementation in Nigeria, whereby all government agencies came to give a report on the implementation of anti-corruption reforms together with civil society and parliament.

*Corinna Gilfillan on shortcomings of the UNCAC's implementation review mechanism and recommendations to strengthen ongoing reviews and the next review phase.*

There are five significant shortcomings of the IRM:

1. **Lack of inclusiveness and civil society participation in the process.** According to the terms of reference of the IRM, states are not required to consult or engage civil society actors in the UNCAC review. They are encouraged, for example, to involve civil society in the development of the self-assessment checklist or country visit, but are not required to do so. Therefore, there are varying levels of engagement depending on the country's context. Another obstacle is that important information on reviews is often not publicly available, such as the timeline, country visits, or regular updates on focal points within the government who are in charge of the review. Even where civil society is consulted, it is still a challenge to try to ensure meaningful civil society participation in reviews. Sometimes, civil society organizations are not given adequate notice of meetings, making it difficult for them to meaningfully participate, or the government under review sits in on the meeting, and civil society groups feel under pressure and cannot speak openly. There is also a question of whether the NGOs involved are independent of the government. At the global level, civil society is not allowed to participate as observers in the UNCAC Implementation Review Group (IRG), which oversees implementation, so we do not know what is going on. The IRG, unlike in other monitoring mechanisms, does not focus on specific country reviews, so it does not focus on transparency. It follows a general agenda, but it is not meaningfully used to discuss country reviews and follow-up activities.
2. **Lack of transparency.** Countries do not have to publish the self-assessment checklist and full country report and can opt to publish a much shorter executive summary that does not reflect the full report findings, preventing important anti-corruption information which is useful to civil society, donors, and international organizations from getting into the public domain. The IRM makes it difficult for civil society to give input or make a submission to the reviewers, and the country under review needs its permission for the peer reviewers to accept civil society input. In some cases, the country under review agrees, but others do not. We need to change this for meaningful reviews.
3. **The IRM is inefficient.** There are long delays in carrying out and completing reviews. Originally, reviews were foreseen to take 6 months. On average, the UNODC cited a couple of years ago that a country review takes 32 months, and maybe more now. Some take 3-4 years. An effective, efficient, and timely review mechanism is crucial, as otherwise, such long processes are not effective or up to date.
4. **There are no systematic follow-up processes.** Since 2010, there has been no requirement for follow-up or studies on whether countries implement recommendations to improve UNCAC frameworks and implementation, so there is little accountability.

5. **There is an inadequate focus on action implementation.** What are the outcomes of achieving the goals of reducing corruption? Other mechanisms include concrete follow-up requirements on implementation, so there needs to be more focus on this in the future. The UNCAC Coalition and members found this challenging, so they launched various tools to promote civil society participation, increase transparency, and increase review effectiveness. These include the [UNCAC review status tracker](#), the [Access to Information Campaign](#), and [parallel reports on UNCAC implementation](#) in collaboration with national civil society organizations and [follow-up activities](#) to these.

A growing number of countries are also supporting greater transparency and inclusivity in the review. The UK IRM initiative, endorsed by over 60 countries, commits signatory governments to publishing reports, including civil society in reviews and follow-up activities, and publishing a timeline for reviews to increase transparency. The UNCAC Coalition also has the [Transparency Pledge](#) with 39 countries signed up.

**Nikhita Godbole** on what an effective next phase of the review mechanism would look like and why it is so important to strengthen it.

The IRG is one of the subsidiary COSP bodies currently discussing an effective next phase. Last week in Vienna, States Parties formally discussed the scope and thematic sequence of the next phase.

The following are a few suggestions of US – many coming from other review mechanism experiences:

- It is important to look at both processes and substance. The IRM is most useful to states if it is timely. The US hopes to make the next phase more efficient and feasible, as the sooner recommendations are received, the more relevant they are. Substantively, this involves considering a narrower scope and smaller review. The Inter-American Convention Against Corruption (MESICIC) and the Group of States against Corruption (GRECO) are both very efficient, in part due to their size and scope. MESICIC only reviews four provisions, making it easier to adhere to the given period of performance. Therefore, one suggestion is to narrow the scope of UNCAC articles under review. One option would be to review one chapter per cycle and have more cycles, as two chapters per cycle is too much.
- States Parties should build on the recommendations that came out of the first phase reviews. For example, if they have already examined whether legislative and regulatory frameworks are in place, the next phase should examine whether laws are being implemented efficiently. Most other review mechanisms do this. States Parties are generally in agreement on the need for follow-up activities, but the exact modalities are still in the air.

**Tetiana Khutor's** organization, together with the Ukrainian government, developed an [online tool to monitor Ukraine's implementation of international anti-corruption commitments](#) such as the UNCAC. How was this established and are there already examples of impact of the monitoring tool?

The main idea behind the tool is to keep the information updated. It is available in both Ukrainian and English. The NACP also agreed to join this platform; however, they have not yet added the relevant information as they have not finished their part of the work and still need to get information from all government authorities.

*Umar Yakubu's organization developed a similar [civil society monitoring mechanism of Nigeria's implementation of the UNCAC](#), identifying gaps and providing concrete recommendations. How was this tool established, and are there already examples of impact?*

Civil society should proactively fill gaps and develop its own mechanisms for monitoring implementation and follow-up. It needs to look at the gaps, what has been done or not, and the effectiveness of laws and institutional frameworks. It also needs to examine the impact of laws and institutions on reducing different elements of corruption. This tool also gives recommendations on what civil society thinks should be done and is measurable.

Regular monitoring is an important part of such tools. More civil society organizations are stepping up and being proactive, developing platforms that look at UNCAC implementation on the ground despite there being no official follow-up mechanism in place. Thus, civil society can play an important role here in holding governments accountable.

*Corinna Gilfillan on what we can learn from other review mechanisms on how to improve the UNCAC, and in particular, on monitoring and follow-up, and stakeholder engagement. Why is a strong follow-up mechanism of the UNCAC IRM so important?*

It is great that civil society is doing follow-up and monitoring; these are good practices that civil society can draw on for the IRM. There are many monitoring mechanisms in the anti-corruption and human rights fora involving peer reviews that provide important lessons and good practices.

On stakeholder engagement, other mechanisms offer important lessons and ideas for what the IRM could do in the next phase. They are all stronger in stakeholder engagement with more systematic consultation with civil society in reviews and country visits. MESICIC is part of the Organization of American States and the Inter-American Convention, which has a more participatory approach to try to engage civil society throughout the process. For example, civil society is encouraged to complete questionnaires that are given to governments on commitments. Committee experts of MESICIC also want to take civil society views into account in their reports, and civil society organizations can present before the committee findings on the country under review. The IRM and IRG could benefit from this in the next phase.

There is also the Istanbul Anti-Corruption Action Plan, which is a sub-regional peer review mechanism with a continuous monitoring program and includes civil society in the monitoring process. Civil society representatives can be active participants in plenary meetings discussing the country under review, can represent their views, and draft monitoring reports. They can also propose amendments to draft monitoring reports. Guidelines for visits say civil society should have meetings with the reviewers and that governments should abstain from participating.

Within the human rights fora, there are many good practices, such as soliciting a stakeholder approach, reflecting in reports, and having civil society groups able to present their findings. UNODC carried out a study looking at review mechanisms, including stakeholder engagement, and found it beneficial. It also helps improve the outputs of process and quality country reports and follow-up. Other mechanisms also publish country reports. The IRM is behind on this front.



In terms of structure, the IRM also falls behind. Other mechanisms have some structured follow-up to the process, and many have started looking at legal frameworks and moved to look at implementation in practice and are able to do it efficiently. Most also have a process of looking at recommendations from previous reviews and whether they have been implemented, such as the MESICIC annual progress reports on what has been done on implemented recommendations.

Some governments, like Ukraine and Nigeria, are doing such activities in the IRM, going beyond the requirements of the UNCAC, so we need to build on that for a stronger next phase.

***Tetiana Khutor:*** *Based on national-level experiences, what is important for the next follow-up phase of the UNCAC?*

Sometimes, the UNCAC is a toothless instrument, as it does not contain strict rules on how to make countries implement recommendations. There is a need to cooperate with the national anti-corruption agency to implement the UNCAC and anti-corruption strategies. There is a need for UNCAC implementation obligation tools to help with national plans. The NACP's task is to make other government officials and agencies do something and for parliament to adopt legislation. The second important recommendation is to determine the country's priorities and put these in line with the anti-corruption obligations. For example, Ukraine is working for EU integration, so we rewrote the name of the platform on anti-corruption obligations to show how UNCAC implementation can be combined with these other obligations that are more important to the government in this period of time to make them move forward faster. Finally, without civil society advocacy, not many things may be changed. Civil society needs to find space and try to push for change. It also needs to be engaged in legislation development.

Ukraine had no anti-corruption strategy for a long time. In 2022, the national anti-corruption strategy was adopted in response to the Russian invasion and the desire to join the EU. After the invasion, many of Ukraine's corruption indicators dropped down, but in 1.5 years, they rose again, as the government needed to show results. Ukraine has a great electronic system for asset declarations of public officials, which can be an example for many countries. After the invasion began, the database closed down for security reasons for over a year. However, civil society activists at the frontline published a petition to the president to reopen the database, resulting in parliament reopening the database and registering declarations of government officials. It was only through the push from civil society that this happened. Now, there is a lot of work for journalists and activists due to that push. Civil society has the power to implement recommendations in practice.

***Umar Yakubu:*** *Based on national-level experiences, what is important for the next follow-up phase of the UNCAC?*

The UNCAC is a tool for all countries to use to implement, but corruption is a national problem so it is the state's responsibility to implement the recommendations from the report. It is the responsibility of the country to develop the mechanism to see how to improve its own problems. UNCAC language does not push but rather recommends. The civil society monitoring tool draws from the UNCAC and the national anti-corruption strategy, which is measurable for successful impact and implementation. The civil society engages the government, which is quite cooperative in Nigeria, to show each year that civil society measures to ensure implementation without waiting for a UNCAC follow-up mechanism. Another good practice is parallel reports.

**Nikhita Godbole** on what governments can do to ensure that we strengthen transparency and participation in the next review phase of the IRM in the context of global shrinking civic space. What are specific opportunities for States, civil society and other non-governmental stakeholders like the private sector to engage?

For the US, the clearest way for civil society participation is during the country visit. States Parties last week discussed the creation of a schedule for country visits so that civil society and other governments get a better understanding of when the visit will take place so they can prepare. Another idea is creating the expectation that the country under review organizes meetings with civil society representatives during site visits and engages with governments, but there is also the idea to explore civil society meetings with reviewing countries in Vienna, to provide their analyses during the preliminary findings, to speak more freely than during the on-site visit.

The US also encourages the development of shadow reports to share civil society perspectives and should consider putting together side events for country reports on margins of IRG and CoSP for civil society to discuss avenues for implementation with States Parties, one per country report. The US hosted a meeting with US civil society following the completion of the GRECO, MESICIC, and IRM completion of the executive summary. They were able to elicit civil societies' views on the recommendations. IRM reviews would be more reliable, useful, and accountable sources if the data is made public. Therefore, the US urges all States Parties to sign the UNCAC Coalition Transparency Pledge and participating governments to publish their full reports. It would also be good to consider technical updates to the IRM to see how to make information easier to find, i.e., having dashboards on the UNODC website with points of contact, dates, status of the review, etc. The US wants to hear from civil society on how to strengthen transparency and participation in the next phase.

**Corinna Gilfillan** on what civil society can do to ensure the next phase of the IRM is transparent, inclusive, effective, and efficient, which will improve anti-corruption efforts on the ground.

Strengthen civil society engagement, to enable civil society to make submissions to the IRM and try to incorporate and promote civil society submissions and reflect this in reports. There is a need to increase the transparency overall, especially of documents from the review. It is important to adopt a structured follow-up process so that the IRM has teeth, and focus on assessing whether countries have implemented recommendations from previous reviews, and to look at current major corruption risks and what needs to be done to tackle them.

The UNCAC Coalition is launching a [campaign to strengthen the IRM](#), to make it fit for purpose in holding governments to account and for civil society participation. This is potentially an opener for civil society in countries with a narrow, obstructed civic space to have a chance to get in the door and have better commitments from their governments. The campaign aims to mobilize civil society organizations, think tanks, journalists, and anti-corruption experts to have a strong, unified civil society voice to ensure that the next phase has teeth and is fit for purpose. It aims to provide concrete actions, mobilize civil society to go to governments and advocate for change, and mobilize and have a coalition of the willing to make impactful changes in IRM. Civil society has the power to hold governments to account.



## **Main outcomes of the session (include quotes/highlights and interesting questions from the floor)**

### **The five main shortcomings of the UNCAC IRM are:**

1. Lack of inclusiveness and civil society participation in the process;
2. Lack of transparency;
3. Inefficiency;
4. No systematic follow-up processes;
5. Inadequate focus on action implementation.

### **Quotes:**

- *“Civil society has the power to hold governments to account.”*
- *“Civil society has the power to implement recommendations in practice.”*
- *“Transparency and inclusivity are foundational tenets in the fight against corruption, and the government needs civil society's expertise and experience.”*

### **Interesting interventions:**

- Having witnessed the previous review mechanism negotiations with strong opposition from states to make a strong mechanism, I want to emphasize the importance of the campaign that the UNCAC Coalition is launching and its importance for those caring about the IRM to join in and advocate towards governments for a stronger mechanism. It is important to mobilize and activate your government if you think that your government will be supportive.

### **Interesting questions:**

- Is intentional cooperation the only option, or in which other areas are there opportunities to address the risk of promoting civic space?
  - Tetiana Khutor: Before the invasion of Ukraine, Ukrainian civil society addressed issues through international partners that Ukraine was financially dependent on. You need to understand who your government is dependent on. For example, if an international organization has influence, especially financial influence, this is an opening to negotiate with them.
- The UNCAC makes good provisions on prevention that are important in the defence and security sectors. However, these sectors are often exempt from UNCAC provisions due to security clauses that are vaguely applied. What can civil society do to ensure these are applied in these sectors?
  - Corinna Gilfillan: The question of ensuring that all relevant government agencies are involved speaks to the need to have more transparency and inclusiveness in the review process, as then that issue can be raised. If civil society is involved in follow-up efforts, they can do what has been done in Nigeria and Ukraine, make this a big issue in the follow-up, and ask for that to be changed as a recommendation. If the UNCAC IRM stays as it is, it will be difficult to use it as a lever to address gaps in the framework. Civil society can also use different monitoring mechanisms to mutually support or reinforce to address gaps in the IRM.

## **Key recommendations for the future and concrete follow-up actions**

### **Actions for civil society:**

- Civil society should proactively fill in the gaps and develop its own mechanisms for monitoring implementation and follow-up.

- For greater accountability, having an online platform with updated information on UNCAC implementation incentivizes governments to cooperate with civil society, as they cannot use the excuse that data is outdated when criticized.
- Civil society needs to advocate for greater involvement in the UNCAC review process and for the inclusion of measurable indicators in national anti-corruption strategies.
- Lobby governments to sign the UNCAC Coalition's [Transparency Pledge](#), and join the UK IRM initiative, which commits signatory governments to publishing reports, including civil society in reviews and follow-up activities, publishing a timeline for reviews to increase transparency.
- Join the [UNCAC Coalition campaign on the IRM](#) to join the consultation on making the IRM #FitForPurpose. Civil society should approach their government and advocate for a strong, transparent and inclusive next phase of the UNCAC IRM.
- Understand who the government is dependent on to advocate for greater transparency, accountability, and efficiency. For example, if an international organization has influence, especially financial, this is an opportunity to negotiate with them.

#### ***Actions for governments:***

- Join the UK IRM initiative, endorsed by over 60 countries. This initiative commits signatory governments to publishing reports, including civil society in reviews and follow-up activities, and publishing a timeline for reviews to increase transparency.
- Sign the UNCAC Coalition's [Transparency Pledge](#) and publish full country reports.
- Create the space for civil society participation during different stages of the UNCAC review process, especially the country visit. Inform civil society in advance to ensure their meaningful participation and ensure that the country under review is not present during the consultation of civil society with the reviewers.
- Put together side events with civil society for them to present civil society parallel country report findings on the margins of IRG and CoSP for civil society to discuss avenues for implementation with States Parties.
- Host meetings with national civil society following the completion of the IRM executive summary to elicit civil societies' views on the recommendations and develop a joint action plan for implementation.
- Start following up on UNCAC review recommendations once the reviews are completed, even before an official follow-up mechanism is in place, for instance, by reporting on measures taken since the completion of the review on the UNODC country profile page. Include information on how civil society will be involved in follow-up actions.

#### ***Suggestions for UNODC***

- Make technical updates to the IRM to see how to make information easier to find, i.e., having dashboards on the UNODC website with points of contact, dates, status of the review, etc.

#### ***Suggestions for improvement to the IRM:***

- The IRM needs to be timely. Substantively, narrowing the scope of UNCAC articles under review could increase efficiency, such as reviewing only one chapter per cycle and having more cycles.
- States Parties should build on previous phase reviews. For example, if they have already examined whether legislative and regulatory frameworks are in place, the next phase should examine whether laws are being implemented efficiently.

- Adopt a structured follow-up process so that the IRM has teeth. Focus on assessing whether countries implemented recommendations from previous reviews and look at current major corruption risks and what needs to be done to tackle them.
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## **Rapporteur's name**

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## **Date submitted**

19 June 2024

**Action!** This report needs to be emailed to [iacc-av@transparency.org](mailto:iacc-av@transparency.org) within 24 hours of the session. If you wish to update the report, please do so by 21 July. Thank you.