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How to make the UN Convention against Corruption's Implementation Review Mechanism more effective

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The United Nations Convention against Corruption has signatories from 98.5% of UN member states. As its second review cycle ends, now is the time to assess what an efficient follow-up process should include. To formulate recommendations, we interviewed representatives from government and non-governmental organisations, and benchmarked anti-corruption review mechanisms. Improving UNCAC's Implementation Review Mechanism would help countries complete their reports and implement their commitments.

Main points

- To meet the goals of the United Nations Convention against Corruption (UNCAC), its Implementation Review Mechanism (IRM) must be reformed. While there is consensus that the IRM's second phase should look back to experiences in the first phase, and UNCAC's Terms of Reference allude to a follow-up process, the IRM does not yet include ways to make this happen.
- With the second review cycle ending, now is the time to advocate for the terms of a follow-up process. An improved IRM would enable countries to better implement UNCAC and complete their reporting duties. Promoting positive examples of good practice could help to achieve this.
- To find other solutions, we benchmarked several anti-corruption review mechanisms to compare best practice. We also interviewed seven government officials and non-governmental organisation (NGO) representatives from six countries committed to the Convention.
- We found that some of the more forceful measures used by other anti-corruption mechanisms go beyond UNCAC's non-punitive spirit and scope. However, as 98.5% of UN countries are signatories, UNCAC is the most complete anti-corruption convention, and its wide scope could also be its greatest asset in creating the potential for change.
- Suggested improvements for the next IRM phase include to radically improve transparency throughout the reporting process, and enhancing visibility on key milestones to ensure follow-up and accountability. We also add extra steps of developing an action plan and a platform to match countries with technical assistance to fill gaps and meet implementation commitments.

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For the [United Nations Convention against Corruption \(UNCAC\)](#) to live up to its potential, stakeholders have pointed out the need to reform some elements of its Implementation Review Mechanism (IRM). While crucial to meeting the Convention's goals, systematised follow-up measures are not yet in place in the IRM. This is despite an urgent request [by civil society actors](#) in 2023.

To contribute to feasible changes that could be adopted in the next phase of the IRM, we interviewed seven government officials and non-governmental organisation (NGO) representatives from six different countries that are committed to the Convention. We also conducted a desk review to identify features of other anti-corruption mechanisms that are seen to add to ¹ The mechanisms that have been used as benchmarks are the [OECD's Anti-Bribery Convention](#), the [Financial Action Task Force \(FATF\)](#), the [Group of States against Corruption of the Council of Europe \(GRECO\)](#), and the [Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption \(MESICIC\)](#).

UNCAC's first review is currently underway. It has two cycles: the first covers Chapters III and IV of the Convention; and the second covers Chapters II and V. A follow-up process can guarantee that the IRM's next phase will explicitly address the recommendations made in the first phase. This process is also like an intra-cycle follow-up, where a country commits to submit updates on the status of the implementation of recommendations after a fixed period, regardless of a new phase being ²

The Convention foresees a follow-up process between phases. The IRM's [Terms of Reference \(ToR\)](#) explicitly state that, in the subsequent review phase, state parties should submit information on 'progress achieved in connection with the observations contained in its previous country review reports' (ToR, Chapter IV, §40). No further specific guidance has been published.

Discussions that aim to reassess part of the IRM's framework for the next phase have been held within UNCAC's formal structures. The Convention's Secretariat – the United Nations Office on Drugs and Crime (UNODC) – commissioned [studies](#) to assess the lessons learned from other peer review mechanisms on topics related to anti-corruption. In October 2023, UNODC published a [note](#) analysing the IRM's performance, with considerations on the future of the mechanism. Also, the [Political Declaration of the General Assembly against corruption \(UNGASS\)](#) commits to 'fully and effectively following up on the conclusions and observations from the review

1. Our interviewees' identities will remain anonymous. They were five government officials from three different countries (from Europe, Latin America, and Africa), and four NGO representatives (from Asia and global organisations).

2. GRECO anticipates this kind of follow-up, with a 'situation report' submitted by the reviewed parties 18 months after the recommendations were published.

process', and welcomes 'the efforts by the Conference of the States Parties to the Convention to assess the performance of the Mechanism and adapt, where appropriate, procedures and requirements for the follow-up'. There is a consensus that the second phase of the IRM should consider the experiences, challenges and shortcomings observed during the first phase of the mechanism.

Learning from other anti-corruption reviews

To see the potential changes that UNCAC's IRM could adopt, we looked at other review mechanisms on anti-corruption – in particular, the specific features that other mechanisms contribute to enhancing the effectiveness of their respective conventions. However, some characteristics are distinctive to UNCAC and will frame any discussion about reform. First, the Convention establishes principles of transparency, efficiency, non-intrusiveness, inclusiveness, and impartiality as its cornerstones. The tone of these principles is to be non-punitive. This means that some of the more forceful measures adopted by other mechanisms – such as the Organisation for Economic Co-operation and Development's (OECD's) Anti-Bribery Convention and the FATF – fall beyond UNCAC's spirit and scope of action.

These principles frame what is known as the [Vienna Spirit of Consensus](#), which marks the “willingness of delegates to work towards consensus even on difficult topics”. However, these principles make it difficult for topics viewed as controversial by some state members to move forward in the reform agenda. Therefore, reaching a consensus among 190 signatory parties can be challenging.

With its large number of signatories, UNCAC is the most complete anti-corruption convention.

UNCAC's most challenging feature is its wide reach, which could cause its IRM to be less effective than other anti-corruption mechanisms. However, this scope is also where its greatest potential for change lies. [UNCAC was able to establish a global consensus on anti-corruption](#), allowing countries to be held accountable on a quasi-universal reach (98.5% of UN countries are signatories). Its universality makes it a distinctively legitimate mechanism, and the fact that it is driven by member states adds to this legitimacy. As the legally binding anti-corruption convention of the UN – the most representative of the multilateral organisations – it enjoys high-level representation. With its large number of signatories, it is the most complete anti-corruption convention.

While other anti-corruption mechanisms tend to focus on more specific themes, UNCAC has the advantage of covering a wide range of topics. The commitments celebrated under UNCAC also have immense potential for scalability. This could add additional challenges when it comes to passing bold and ambitious reform ideas. However, it is important to keep these ideas on the discussion agenda, to gradually generate consensus on their validity among all relevant stakeholders.

With the second review cycle slowly coming to an end (albeit delayed), it is a good time to advocate for the terms to followup in the next phase. A better-suited and more effective IRM should aim to enable willing countries to better implement the Convention by incentivising and facilitating their reporting duties, rather than penalising them. This could be achieved by gaining positive publicity for examples of good practice.

UNCAC's wide reach is where its greatest potential for change lies.

Guiding principles for our reform suggestions

Here are some suggestions that could be implemented in the IRM's next phase.

The following suggestions are based on information compiled from the interviews and desk research. They reflect approaches we consider feasible and effective, given the nature of UNCAC's IRM. They are based on three guiding principles:

- Establishing a standardised follow-up process is key to the fulfilment of the Convention.
- Facilitating the review process for government staff will result in better quality reports.
- Enhancing the visibility of the process will raise the chances of actions being followed up.

Standardising follow-up can ensure that accountability to final recommendations is not voluntary, but rather a part of the formal process, and something that all member states comply to. However, government interviewees reported that rigid standardised frameworks are one of the elements that make reporting burdensome. We take this to mean those reporting activities that are repetitive, not relevant, or seen as adding no value to the process. One hypothesis is that this worsens the overall quality of the reports. Therefore, the goal should be to radically improve transparency throughout the reporting process. Some of these elements might be difficult to reach consensus on, so we propose to enhance visibility on some key milestones to ensure follow-up and accountability.

Current Implementation Review Mechanism steps

The review cycle for each state party to the Convention is currently:

1. Set up the review process

Each country nominates a focal point. The two reviewer countries are randomly selected, as are the reviewed countries and their order in the process.

2. Self-assessment checklist

Reviewed countries fill out a self-assessment checklist using Omnibus software.

3. Country visit

Country visits are optional. However, they have become the norm.

4. Country reports

Reviewer countries present draft reports with input from the self-assessment checklist and the country visit, (when applicable). The reports focus on assessing whether a legal framework was implemented. Reviewed countries respond to the report with clarifications, observations, or contestations. Reviewer countries then submit preliminary reports, taking responses into account. Reviewed and reviewer countries agree on the text for the final country report. The full country report remains at the discretion of the country under review. The UNCAC secretariat drafts an executive summary of the report and publishes it online.

Suggestions for the next review phase

With the three guiding principles in mind, we firmly believe that some adaptations should be adopted in the next phase of the IRM. Their implementation will contribute to UNCAC's effectiveness, and prevent countries from paying lip service to their commitment to the Convention. Here is a more detailed breakdown of the step-by-step process.

1. During the review process set-up

Challenges in the current way of working

Focal points nominated by each reviewed country are currently not disclosed publicly. There is usually no proper team or unit dedicated to UNCAC in the reviewed countries – only a sole civil servant. This may affect the review process in a few ways: understaffing leaves the process vulnerable – when other priorities emerge, the sole reporter can be distracted from the work; staff rotation might lead to discontinuity; lengthy questionnaires in the report are seen as adding a significant amount of work for the one reporter; and reviewer countries delays in submitting their reports can add time to reporting cycles.

Suggestions for the next phase

1. UNODC should disclose focal points' names on the country profile page to enhance transparency.
2. To show reporting status, a review tracker should be included in the country profiles on UNODC's website. This should also include a calendar with relevant dates highlighted for events such as country visits. This would enhance transparency on the current status of the review, and allow for civil society to actively become involved with the review process. The FATF has a good example of a transparent review calendar.
3. To accelerate the overall process, governments should consider ways to expand the review teams.

2. Self-assessment checklist

Challenges in the current way of working

The extensive self-assessment questionnaire includes topics that are sometimes irrelevant to the review country's situation. The Omnibus reporting software also has limitations: it does not allow multiple parties – such as different civil servants or third parties from civil society – to work on the same document; if the same checklist is used in the first and second reporting cycles, some questions could be obsolete; and there is no space for respondents to comment on observations made in the first cycle.

Suggestions for the next phase

These changes aim to improve the efficiency and speed of the overall process, and reduce the barriers for government officials to involve other stakeholders in the reporting process. The self-assessment checklist should refer to recommendations made in the first review phase, including:

1. The status of implementation of the first reports, to make sure that state parties are held accountable to the previous recommendations
2. Whether or not recommendations made in the first phase remain valid, to guarantee relevance and actuality of the report.
3. Technical assistance needed for further implementation of the Convention's provisions, which could incentivise a broader adherence to UNCAC technical assistance

The follow-up self-assessment should focus on new developments and include important changes that have occurred since the first report, (which, in some cases, was finalised more than ten years ago). For example, see ³

Changes to the Omnibus software could improve the reporting duty and the quality of the reports. UNODC should adopt a more user-friendly software that allows for cross-references – for example, linking to other reports in the framework about other anti-corruption mechanisms, such as the MESICIC questionnaire that allows state parties to refer to information they have provided to other mechanisms. The software should also allow for contributions by different stakeholders, such as civil service organisations, on specific questions, as is the case with the software adopted

3. MESICIC's process is even more tailor-made, with additional questions added to the standard self-assessment questionnaire by the Secretariat, member countries, and other stakeholders. The OECD's Working Group on Bribery in International Business Transactions follows a similar route.

by the United Nations Convention against Transnational Organized Crime (UNTOC).

3. Country visit

Challenges in the current way of working

When the optional country visits do not take place, reviewers are left with a narrower view of countries' implementation of the Convention. The lack of information about country visits beforehand prevents interested non-state parties from engaging with the process.

Suggestions for the next phase

Country visits should:

1. Be mandatory (as is the case in GRECO, FATF, MESICIC, and the OECD's Anti-Bribery⁴)
2. Include mandatory consultations with non-governmental parties
3. Identify technical assistance needs to help countries overcome implementation challenges. Government officials interviewed for this research have found that country visits are beneficial to the final quality of the report. Guaranteeing a country visit as part of every country's review process would elevate the reporting standard, as would expanding the breadth of actors heard in the process.

4. Country reports

Challenges in the current way of working

The reports submitted largely focus on the legal framework and do not assess effectiveness. Also, the UNCAC process does not include a plenary discussion, unlike most other anti-corruption mechanisms.

Suggestions for the next phase

The country reports should:

1. Assess countries' compliance to the previous recommendations, indicating whether they were fully, partially, or not implemented (as currently in reports

4. UNCAC's ToR n. 29 states that "if agreed by the state party under review, the desk review should be complemented with any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna, in accordance with the Guidelines". The ToR would need to be amended to implement this.

submitted as part of the OECD's Anti-Bribery Convention, GRECO and MESICIC)

2. Point to new developments since the first report, including new or updated general and technical assistance recommendations
3. Assess the effectiveness of the changes implemented (for instance, FATF has a [methodology](#) to assess effectiveness)
4. Be presented and discussed at Implementation Review Group meetings, to shed light on best practices and lessons learned to promote mutual learning, as in the GRECO and FATF review ⁵
5. Disclose details on stakeholder engagement throughout the review process, such as which, when, and how stakeholders have been involved in the review. This will enable countries to show their commitment and accountability for their involvement of civil society. Stakeholder engagement should also be disclosed in the executive summary of the country report and on the country profiles.

5. Additional steps: developing and promoting an action plan

Challenges in the current way of working

The current review cycle ends with the completion of the full report. The final reports are very comprehensive documents, generally including numerous recommendations and observations for reviewed countries to follow up. Promotion of reports is optional. Reviewed countries are not required to make any clear statement about which recommendations they will prioritise. Technical assistance is provided either on a bilateral or an ad-hoc basis, and there is no record of where this is occurring.

We propose to enhance visibility on some key milestones to ensure follow-up and accountability.

Suggestions for the next phase

1. With the help of an external expert or official technical assistance, the reviewed country should draft an action plan based on the full report. The action plan should state what the priority recommendations are, with a committed timeframe for implementation. This document should not be a substitute for the review

⁵ In the case of GRECO, countries must submit their work to the plenary of member states before an evaluation report is adopted. For the FATF, reports are adopted by consensus during plenary meetings.

report; it should add to it. This would give countries a tangible, prioritised and tailor-made commitment to use for follow-up work. The focus would shift from merely describing the country's legislation to defined UNCAC implementation. As a reference, GRECO's and FATF's review processes include an extra step after the completion and adoption of the review reports.

2. As for the executive summary, this document should be made available to the public, and action plans should be launched with proactive outreach to media outlets.
3. A platform should be established to match countries with technical assistance to fill gaps and help them meet their implementation commitments.

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