

# **WS1.3: How can UNCAC monitoring made to work – Coordinating with other monitoring programmes**

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# What is monitoring ? What is to be monitored?

- **What is Monitoring?**

- To review on a continuous basis the situation in a country/group of countries as regards compliance with certain commitments
- Various methods: self evaluations, evaluations by independent experts/staff of internat. organisations, mutual evaluations, combined approach. Global evaluation vs selection of issues/priorities.
- Sources of information: countries (questionnaire), NGOs, journalistic material, private sector, intelligence (once validated) etc.
- Off-site / on-site evaluations

- **What is to be monitored?**

- Hard law (conventions), soft law (recommendations etc.)
- Legal framework, institutions, practices, working culture

**GRECO uses combination of various + individual recommendations for improvement + follow up**

**High profile approach is the most effective; adopted by most mechanisms so far (max membership below 50 countries)**

# Monitoring: crucial issues

## Requirements:

- confidence building: making evaluations accepted (peer pressure, role of Secretariat: consistency and quality of evaluations)
- Staffing (e.g. GRECO: 9 staff for 43 countries)
- Expertise (staff and national experts)
- Financial means
- Working capacity: on site / off site
- Quality of inputs: countries (variable), NGOs (variable; shadow evaluations and technical contributions are good practice; substantiated statements are expected)

# Multiplicity of monitoring mechanisms: challenges and risks

In Europe:

Corruption (CoE, EU, OECD, + sub-regional mechanisms); CoE instruments not limited to the region

Money laundering (FATF+regional groups like MONEYVAL, EURASIAN Group; many aspects potentially covered here too; universal AML/CFT methodology covers about 250 evaluation criteria

Issues observed: questionnaire and evaluation fatigue, overloaded national AC/AML agencies, need to avoid duplication and contradictions between evaluations

# Coordination possibilities

An exemplary approach: the anti-money laundering field:

- FATF and regional FATF-style regional bodies: no country overlapping in principle; sharing of pool of experts
- Global: World Bank and IMF: agreement to avoid duplication
- Global methodology and mutual recognition of evaluations

To be borne in mind in the anti-corruption field:

- A lot of information potentially available from anti-corruption **AND** anti-money laundering monitoring mechanisms on UNCAC Chapter II (preventive measures), III (criminalisation and law enforcement), IV (international cooperation – largely covered by AML evaluations), V (assets recovery – covered through AML evaluations), VI (technical assistance and information exchange)

# Proposals collected so far

- TI Report on follow-up process for UN Convention against corruption (12 Sept 2006) – Section X on coordinating UNCAC and other monitoring programmes:
  - A procedure for cooperation to be established (regular meetings to discuss planning, liaison representatives, exchange of information and data, pooling of experts on subjects of common interest)
  - Setting priorities specific in the global context: mutual legal assistance, asset recovery, cross-border bribery and extortion
  - Possibilities for regional mechanisms to take responsibility for UNCAC aspects
  - cooperation between OECD and UNCAC Secretariat to evaluate non OECD countries in respect of foreign bribery prohibitions
  - Cooperation between UNODC and FATF/FSRBs to evaluate anti-money laundering measures in non-FATF countries

For further information

[www.coe.int/greco](http://www.coe.int/greco)

[www.coe.int/moneyval](http://www.coe.int/moneyval)

[www.fatf-gafi.org](http://www.fatf-gafi.org)

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