



Anti-Corruption Network for Transition Economies
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**5th Annual Meeting of the Anti-Corruption Network
for Transition Economies
10 - 12 September 2003
Istanbul**

**Regional Anti-Corruption Action Plan
for Armenia, Azerbaijan, Georgia, Russian Federation, Tajikistan and Ukraine**

**ADVISORY GROUP
10 September 2003, 17.00-18.30**

**Review of Status Reports
Terms of Reference**

These Terms of Reference for the review of national self-assessment Status Reports have been endorsed at the first meeting of the Advisory Group on 10th of September 2003 in Istanbul, Turkey.

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Objective

The principal objective of the review process is to identify the status of the legal and institutional framework for combating corruption in place in each Action Plan country. The results of the review will serve two purposes: firstly, they will assess strengths and weaknesses and identify the areas where improvements are needed and where assistance could be provided; secondly, they will serve a base line for monitoring and evaluating further progress.

For most Action Plan countries, this process will provide the first comprehensive international review in the area of fighting corruption (except Georgia, which is undergoing a similar exercise in the framework of GRECO).

Elements of the Review Process

The review process will include the following main elements:

- Preparing draft self-assessment Status Reports by each country following the Guidelines prepared by the ACN Secretariat;
- Establishing the Review Team for each country;
- Preparing the Review Meeting - preliminary consultations;
- Review Meeting - adopting the final Status Report with recommendations;
- Publishing country reports, including the final Status Report and recommendations.

Preparing Draft Status Report

The national governments will develop self-assessment Status Reports, describing current legal and institutional frameworks in place to fight corruption following the Guidelines prepared by the Secretariat and endorsed by the Advisory Group¹.

It is suggested that the governments establish special working groups involving key agencies engaged in anti-corruption activities or appoint co-ordinators to facilitate the preparation of the reports. Upon request, the Secretariat will provide countries with assistance from a legal advisor for the preparation of the Reports. This can include technical missions to the countries.

It is expected that the national governments will start preparations of the Status Reports immediately after the endorsement of the Guidelines, i.e. in mid-September. The draft self-assessment reports are expected to be submitted to the Secretariat by 31 October 2003. In case a country experiences specific difficulties in meeting this deadline, another submission time can be established in consultations with the Secretariat.

¹ For more information about the format and the content proposed for the reports, please refer to the Guidelines.

Establishing the Review Teams

The task of the Review Teams is to review the draft self-assessment reports submitted by the governments, to prepare comments and additional questions to these drafts, and to prepare preliminary recommendations for follow-up actions.

Members of the Review Teams should have expertise in one or more areas of the three pillars of the Action Plan (public governance, business ethics and public participation). Members can include experts from donor/OECD countries, Action Plan countries and other transition countries, which underwent similar assessment procedures in the past (e.g. the Baltic and South East European states). Members can also include experts from international organisations and from civil society organisations.

Each Team should have a minimum of three members. At least one member of each Team will come from the Action Plan countries, but a person nominated by a particular country cannot review the same country. One expert can participate in more than one country review.

Nominations can be made by any member of the Advisory Group and by the Secretariat. Review Teams will be selected by the Secretariat for each country. Before the appointment of the Review Team, the Secretariat will submit the list of proposed members to the examined country. In case of justified opposition from the country the Secretariat can amend the composition of a particular Review Team.

Each Review Team will be co-ordinated by a Team Leader; Team Leaders will be assigned from the Team members by the Secretariat; the Secretariat will support the work of the Review Team.

Nominations to the Review Teams should be submitted to the Secretariat by 31 October.

Preparing the Review Meeting

The draft self-assessment Status Reports will be sent to the members of the country Review Team for analysis. Within 14 days of the receipt of the draft report each member should provide the Team Leader with his or her initial comments, additional questions, suggestions and/or request for clarification and improvements of the report. The Team Leader will prepare combined list of comments and questions to be submitted to the countries. The countries will be invited to provide a revised draft and answers to the questions within 14 days. The revised draft will be circulated back to the Review Team.

The Team Leader at his/her discretion may consult experts outside the Review Team with the aim of clarification or verification the substance of the draft report. Exceptionally, a meeting of the Review Team or a visit of the Team to the examined country can be arranged to discuss outstanding issues.

On the basis of the revised draft, the members of the Review Team will prepare draft recommendations to be presented and discussed during the Review Meeting with any additional questions and/or issues for discussion.

Review Meeting

The draft Status Report finalised by the countries and the draft recommendations prepared by the Review Teams will be submitted to Review Meeting participants in advance of the Review Meeting.

Participants of the Review Meeting will include: government representatives of all Action Plan countries, other members of the Advisory Group (including international organisations and civil society representatives) and Review Teams. The Secretariat may decide to invite additional experts, e.g. from the OECD members states or following the recommendation of the Review Teams. International organisations and civil society groups not participating in the Advisory Group may be invited as observers.

The Review Meeting will be chaired by a Review Team Leader; specific sections of the Review Meeting can be chaired by other members of the Team. The review and consultation process on each Status Report will start with a brief presentation of the report by the representative of the examined government. It will be followed by the comments and draft recommendations by the Review Team. Representatives of the examined country may make general statements responding to the comments. The discussion on strengths and weaknesses of the national legal and institutional frameworks for fighting corruption and on the recommendations will follow. All participants, including the observers at the Review Meeting will be entitled to make comments and pose additional questions during the discussion.

The results of the Review shall be adopted by the Plenary of the Review Meeting by consensus of all members at the end of the discussion. The results will include the final Status Report and recommendations for each country.

If the participants of the Review Meeting cannot reach consensus on the results of the review, the Status Report and the recommendations will be published with a disclaimer specifying those participants who agreed with the results, and those who either opposed or abstained. The dissenting participants can provide supplementary written statements which may be added to the report with the consent of the Review Team.

In view of the large number of Action Plan states, and different level of preparedness for the elaboration of Status Reports, it might be practical to organise two Review Meetings. The first Review Meeting is tentatively scheduled for the end of 2003, the second meeting can be organised in January/February 2004 depending on the readiness of the reports.

Publication

The final Status Report and recommendations, following their adoption, will be made public. The Secretariat will arrange for its translation into English and Russian, editing, publication, and distribution. On request, the Secretariat will also make efforts to assist in the translation into other languages of the participating countries and presentation of the report on the national level.

Reports can be published within one-two months upon the completion of the Review Meetings; target date is March-May 2004.