

Andrew Ecclestone
Deputy Chair, New Zealand Council for Civil Liberties
fyi-request-17458-e223e836@requests.fyi.org.nz

Our ref: OIA 91918

Dear Mr Ecclestone

Official Information Act 1982 Request: United Nations Convention against Corruption review

Thank you for your email of 5 November 2021, in which you requested information concerning the United Nations Convention against corruption (UNCAC) review, under the Official Information Act 1982 (the Act). Your questions and my responses to them are below.

- 1. Please provide us with a copy of New Zealand's Self-Assessment Checklists created under the first and second cycle of the implementation review of the UN Convention against Corruption (UNCAC). If these documents are available in several languages, please provide them in all available languages. In case these documents are already publicly accessible online, please provide us with the link(s) to them.*

First cycle

New Zealand's first cycle review for the United Nations Convention Against Corruption (UNCAC) was undertaken in 2016/17. Our reviewing countries were Turkey and Cameroon, and a country visit was conducted in Wellington from 21-23 February 2017.

The self-assessment checklist for this cycle of review is available in English at:

www.unodc.org/unodc/en/corruption/country-profile/countryprofile.html#?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Fnzl.html.

Second cycle

New Zealand's second cycle review for UNCAC was originally scheduled for 2020, with lots drawn for reviewing countries at the UNCAC Implementation Review Group (IRG) meeting of June 2020. Our reviewing countries are Iceland and the Solomon Islands.

New Zealand submitted the second cycle self-assessment checklist in 2020. While New Zealand's review is substantively on hold due to the ongoing impacts of the COVID-19 pandemic, the review process is still underway. As such, releasing this information would prejudice or compromise New Zealand's ability to effectively negotiate our review. I am therefore refusing this portion of your request under Section 9(2)(j) of the Act.

2. *Please provide us with the full review reports on New Zealand's implementation of the UN Convention against Corruption from the first and second implementation review cycles. If available in several languages, please provide us with the documents in all available languages. In case these documents are already publicly accessible online, please provide us with the link(s) to them.*

First cycle

The full country report for New Zealand's first cycle of review is available in English, French, Spanish, Russian, Arabic and Chinese at: www.unodc.org/unodc/en/corruption/country-profile/countryprofile.html#?CountryProfileDetails=%2Funodc%2Fcorruption%2Fcountry-profile%2Fprofiles%2Fnzl.html.

Second cycle

As above, New Zealand's second cycle review is substantively on hold due to the ongoing impacts of the COVID-19 pandemic. As such, there is no report for this cycle of review. I am therefore refusing this part of your request under Section 18(e) of the Act.

3. *Did any representatives of civil society, non-governmental organisations or other non-state actors participate in, or contribute to, the first and second cycle of the implementation review of the UN Convention against Corruption?*

First cycle

During the country visit for the first cycle review a session was held with civil society and the reviewing team.

Second cycle

In 2020, the Ministry of Justice invited Transparency International New Zealand (TINZ) to review and comment on the government's draft self-assessment for the second cycle UNCAC review. Many of the comments TINZ provided were reflected in the self-assessment. Officials also met with representatives from TINZ to discuss the comments provided and how these would be incorporated into the final document.

- a. *If yes, please provide us with a list of the organisations, entities or non-State actors who participated in or contributed to the review processes, including information to which review cycle the respective person or organisation contributed to.*

First cycle

Civil society were invited to a session with the reviewers. There is no record of attendees, but official memory is that this session was attended by:

- TINZ
- Michael Macaulay (Victoria University of Wellington)
- Fiona Tregonning (MinterEllisonRuddWatts)

Second cycle

As above, in 2020 the Ministry of Justice invited TINZ to review and comment on the government's draft self-assessment for the second cycle UNCAC review.

- b. *Please provide us with available information on the form of their participation and contributions, and available information on how these contributions were invited or facilitated by the government (for example, if comments on documents were sought, if written contributions were received and if so, how many, if there was a meeting with the country reviewers and non-state actors, and if so, how many organisations and who participated).*

First cycle

The session with the reviewing team and civil society was structured as a roundtable discussion. No notes were kept by officials due to the goal of fostering an atmosphere of free and frank discussion. During the session civil society representatives sat with the reviewing team, with officials sitting at the back of the room to observe but not contribute.

Second cycle

TINZ provided a document with detailed feedback on each section of UNCAC subject to review and their comments on that section. This included their assessment of the initial government responses and additional comments for consideration. Many of these comments were integrated into the self-assessment. As above, officials also met with representatives from TINZ to discuss the comments provided and how these would be incorporated into the final document.

4. *Please provide us with information on the current status/stage of the second review cycle of the UN Convention against Corruption.*

As above, New Zealand's second cycle review is substantively on hold due to the ongoing impacts of the COVID-19 pandemic. No country visit is currently scheduled.

At the Resumed 12th session of the IRG, held from 6-10 September 2021, the Conference of States Parties to UNCAC extended the duration of the second cycle until June 2024 to allow for the completion of country reviews in response to the significant delays incurred. We anticipate resuming this work in 2022 (international travel ability permitting).

5. *Please provide us with the name and contact information (department, organisation and email) of the government's UNCAC focal point (the person coordinating the second cycle of the UNCAC implementation review).*

The focal point for the second cycle review is Alexandria Mark (Alexandria.Mark@justice.govt.nz), Senior Policy Advisor, Ministry of Justice.

6. *Please provide us with information and any relevant documents regarding actions that have been taken to discuss, address and implement findings and recommendations made in the first and second cycle of the implementation review process of the UN Convention against Corruption.*

I have appended to this letter a list of documents that fall within the scope of this request. Copies of the documents are enclosed.

I am satisfied there are no other public interest considerations that render it desirable to make the information withheld under section 9 of the Act available.

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'B. Gage', with a stylized flourish extending to the right.

Brendan Gage
General Manager, Criminal Justice Policy

#	Date	Document type	Title	Comments
1	29 June 2017	Email exchange with two attached documents	RE: Follow up items	Withhold in full under s 9(2)(a) and 9(2)(g)(i)
2	10 August 2017	Cabinet paper	Corruption in New Zealand: Risks and opportunities to respond	Release in full
2(a)	10 August 2017	Cabinet paper attachment (A)	CAB Appendix A - Agency responsibilities	Release in full
2(b)	10 August 2017	Cabinet paper attachment (B)	CAB Appendix B - Current anti-corruption work	Release in full
2(c)	10 August 2017	Cabinet paper attachment (C)	CAB Appendix C - Summary of draft report on international legislation	Release in full
2(d)	10 August 2017	Cabinet paper attachment (D)	CAB Appendix D - Anti-Corruption Work Programme Terms of Reference	Release in full