

## Statement Manzoor Hasan, UNCAC Coalition Chair to the UNCAC Implementation Review Group Briefing for NGOs in Vienna, Austria on 4 June 2015

Chair, distinguished delegates:

Good morning. Thank you for the opportunity to speak to you today on behalf of the UNCAC Coalition, a network of over 350 organisations in more than 100 countries committed to advancing the effective implementation and monitoring of the UN Convention against Corruption. My name is Manzoor Hasan and I am Chair of the Coalition. I am also an advisor to BRAC University Institute of Governance and Development in Bangladesh and the Executive Director of the South Asian Institute of Advanced Law and Human Rights Studies.

The international community faces huge economic, social, environmental and security challenges, caused or exacerbated by corruption. At the same time, people have lost trust in government and business, which are seen as unable or unwilling to provide leadership with integrity. This heightens the importance of the joint efforts of governments within the framework of the UN Convention against Corruption. The success of UNCAC is crucial for addressing other global problems.

We can see this in the fact that corruption and accountability targets have been included in the new Sustainable Development Goals and I particularly refer to the draft Goal 16. We can see it in the discussions of corruption and accountability issues ahead of this year's UN Climate Change Conference. We can see it in the increasing evidence about the links between corruption and organised crime. And it is also supported by several recent reports about the links between corruption and insecurity starting with a report last year from Transparency International. A recent report (*Peace and Corruption* by The Institute of Economics & Peace) demonstrated an inverse relationship between corruption and peace and argued that there are 64 countries at risk of falling into violent upheaval because of widespread fraud and bribery.

So as the UNCAC celebrates its 10<sup>th</sup> year since entry into force and approaches the end of its first five-year review it is a time to renew and strengthen the commitments adopted in 2003. It is most certainly not the time to think about cutting corners in global anti-corruption efforts or about cutting back on UNCAC implementation and monitoring efforts. The cost of effective implementation and monitoring is a bargain compared to the costs we face from a rising tide of corruption. Now is not the time to be thinking that 10 or even 100 million dollars is too much to pay for monitoring UNCAC and providing needed technical assistance. Those amounts are less than a single fine imposed in recent years on major banks and multinationals for their corruption at home and abroad. We stand to gain billions and trillions in savings from a relatively small investment.

The United Nations Secretary General Ban Ki Moon rightly stated in January 2009: "Our times demand a new definition of leadership - global leadership. They demand a new constellation of international cooperation - governments, civil society and the private sector, working together

for a collective global good." Likewise, we applaud the recent statement of the Executive Director of the UN Office on Drugs and Crime at the recent Crime Commission that "civil society is a crucial partner to member states in achieving the goals set out in the Doha Declaration".

For our part, our network of civil society organisations is committed to playing its role—the role envisaged by UNCAC Article 13-- and has been active at both national and international levels. Our member organisations have contributed in various ways to UNCAC reviews process. We have also carried out a wide range of anti-corruption work. That includes preparing studies and making policy recommendations; proposing and preparing draft legislation; making suggestions for improving institutions; providing training to government officials and non-governmental representatives; and disseminating information to other stakeholders and the wider public about UNCAC and the need for anti-corruption.

Our member groups work on a wide range of subjects covered by the convention, ranging from access to information to public sector financial management to criminal law enforcement to asset recovery. This year, the UNCAC Coalition has made two written submissions to this IRG session, one of them is our statement ahead of the upcoming Conference of States Parties and the other a letter about the UNCAC review process and about our access to UNCAC subsidiary bodies. I would like to highlight a few points in the statement and will address the points raised in the letter in a panel this afternoon.

The Coalition statement contains our suggestions for action on a range of topics at the next COSP. We believe the COSP should ensure momentum on these topics by highlighting them in COSP resolutions. I would like to emphasise here a few of the topics:

In the area of **prevention**, we urge States Parties to take the step of endorsing public registers of the beneficial ownership of companies and trusts, in line with Article 12. We also urge governments to consider ways to increase genuine civil society participation in line with Article 13.

In the area of **criminalisation and enforcement**, we put a new emphasis this year on the problem of impunity for grand corruption, which we believe should be recognised as a separate and serious crime requiring increased international efforts. We also recommend that the IRG prepare analysis and guidance on (1) settlements in corruption cases; (2) immunities; and (3) independence and resources for specialised enforcement bodies and the judiciary. We further recommend that States Parties improve their legislation, measures and mechanisms for whistleblower protection and commend UNODC's work to develop guidance material in this area.

With regard to **asset recovery**, we have a number of proposals for enhancing the process, as well as about increasing transparency and accountability in the return of assets.

Finally, we have a number of proposals regarding the UNCAC **review mechanism** and **subsidiary bodies**. One of these is that the Conference of States Parties should ensure respect for its Rules of Procedure 2 and 17 regarding admission of NGO observers to COSP subsidiary bodies. This would be consistent with the COSPs own rules but also with the spirit of Article 13 and with

international human rights standards. To that end, we have applied to the Bureau for observer status in the sessions of the Working Groups on Prevention and Asset Recovery meeting in August/ September and look forward to the response. Our inclusion in those groups would greatly contribute to the credibility the global level collective work to advance UNCAC.

We urge States Parties to continue to hold discussions on CSO access to the IRG and to any other subsidiary bodies from which CSOs are excluded.

We hope that the issue can be placed on the agenda of the 6<sup>th</sup>UNCAC Conference of States Parties so that steps can be agreed for making progress in this area.

We hope that you will find these observations and recommendations useful and look forward to continued discussion with you on how to improve implementation of the UNCAC.