

05 June 2014

## **Coalition statement to IRG delivered by Coalition Chair Vincent Lazatin**

Mr Chairman, distinguished delegates,

Good morning. Thank you for the opportunity to speak to you today on behalf of the UNCAC Coalition. My name is Vincent Lazatin and I am Chair of the coalition. I am also Executive Director of the Transparency and Accountability Network in the Philippines, a member organisation of the UNCAC Coalition. The UNCAC Coalition is a network of over 350 organisations in more than 100 countries promoting the ratification, implementation and monitoring of the UN Convention against Corruption.

At the outset, let me say that the UNCAC Coalition is keen to support government efforts at national level to implement the Convention and we do that on an ongoing basis and in many ways. That includes contributing analysis and recommendations; proposing and preparing draft legislation; making suggestions for improvements to institutions; providing training to government officials; preparing case files and filing complaints; and raising awareness among other stakeholders and the wider public about the importance of UNCAC and its implementation. Our member groups work on a wide range of topics covered by the convention, from access to information, to public procurement to criminal law enforcement issues to asset recovery. They focus on different sectors affected by corruption from health and education to defence to natural resources. You will hear about some of their efforts in statements and panel discussions today.

We strongly support intergovernmental discussions such as those in this body, as well as in the Working Groups and of course also the deliberations of the Conference of States Parties. You may recall our two letters to the Implementation Review Group last year, dated 29 April 2013 and 16 May 2013 and our letter to the UNCAC Working Group on Prevention of 23 August 2013, as well as other submissions covering a range of topics relating to the review mechanism and the topics under review or to be reviewed in the next cycle.

We believe that the Implementation Review Group (IRG), other subsidiary bodies and the Conference of States Parties are called upon to ensure that the landmark UN Convention against Corruption (UNCAC) provides the necessary remedy to the damage inflicted by corruption, to the injustice and inequity it causes that is the subject of outrage in countries around the world, which has on several occasions erupted into mass protest.

In that regard, it is of key importance that the necessary resources be provided for a review process covering 171 diverse countries. It is also crucial to provide developing countries with financial and technical assistance that will assist them in meeting their Convention commitments, as well as providing public information about that assistance.

In this statement, I will refer to some of the observations and recommendations made in the UNCAC Coalition's letter to the IRG of 22 May 2014. Since our colleagues from Transparency

International will be making pertinent observations and recommendations about the UNCAC review process, I will only touch briefly on that area.

In that regard, the UNCAC Coalition commends States Parties and the UN Office on Drugs and Crime for the steady progress in the review process and the good rate of inclusion of non-state actors, but would like to encourage increased transparency. We would also like to recommend a review of the adequacy of resources for the review process as well as of the technical assistance provided for follow-up.

We would like to highlight today a number of priority implementation issues based on our experience in anti-corruption work. We believe these are critical for combating corruption and require greater attention from States. They are areas in which our members have provided to their governments and continue to do so.

In the area of **criminalisation and enforcement** we recommend that

- the IRG should prepare analysis and guidance regarding the key issues of (1) settlements/ plea bargains in corruption cases; (2) immunities; and (3) independence and resources for specialised enforcement bodies and the judiciary.

In addition, we recommend that States Parties should:

- improve their legislation, measures and mechanisms for whistleblower protection. We commend UNODC's work to develop guidance material in this area.

In the area of **prevention**, we recommend that:

- States Parties should adopt and implement comprehensive access to information legislation. The IRG should also pay special attention to the subject of access to information. Transparency is a keystone of the Convention, appearing in many of its articles.
- States Parties should collect beneficial ownership information through national public-level registers of companies and trusts maintained with current updated information.

Regarding **asset recovery** we recommend that States Parties should:

- introduce measures to enable proactive enforcement action;
- increase information exchange among countries with a potential interest in conducting or joining proceedings; and should adopt appropriate measures enabling compensation to countries harmed;
- ensure transparency and accountability in the return of assets.

In conclusion, I would like to say that we stand ready to assist this and other UNCAC subsidiary bodies in any way possible. We remain greatly disappointed at our exclusion from UNCAC subsidiary bodies. We maintain the position that excluding civil society observers from the main proceedings of the Implementation Review Group and Working Groups is inconsistent with the rules, values, and goals of the UNCAC and of the United Nations itself.

We understand that some countries have indicated that they require a period of trust-building before we are permitted to enter as observers in those bodies. We are interested to help build that trust and to demonstrate that our concern is with addressing the corruption problem rather than naming and shaming any country or countries.

We urge States Parties to continue to hold discussions on this subject and 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.