

monitor

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Fifth Conference of States Parties (CoSP) to the
United Nations Convention against Corruption

Happy Anniversary UNCAC! What does the future hold?



The UNCAC Coalition is calling on delegates to help end impunity for corruption

It's now ten years since UNCAC was adopted with the aim of eliminating the scourge of corruption. Today, as 1,500 delegates gathered from around the world in Panama City, the UNCAC civil society coalition called on them to step up their anti-graft efforts to end the impunity currently enjoyed by the corrupt.

The Coalition – a network of more than 350 public interest groups from around the world – is calling on governments to take concrete steps on prevention, criminalization and asset recovery. Specifically, the coalition is calling for **strong resolution language** in a range of areas including:

- I. Adopting public registers of the ultimate owners of companies (beneficial owners)
- II. Implementing comprehensive access to information laws
- III. Simplifying and speeding asset recovery procedures
- IV. Removing or sharply restricting immunity from prosecution for corrupt public officials
- V. Full civil society participation in the UNCAC Review Process.

The Coalition hopes the end results after negotiations this week will be meaningful and give momentum to the Convention rather than stopping at being mere declarations of good intent.

"Corruption is no ordinary crime. It destroys people's lives around the world and too many governments are acting agonizingly slowly," said Vincent Lazatin, chair of the Coalition. "Governments should get more serious about the UN Convention against Corruption. It's time to end impunity."



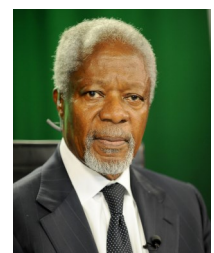
President Martinelli opened the 5th CoSP yesterday morning, ten years after UNCAC adoption.

For more information read our press release at: <http://uncaccoalition.org/learn-more/articles/303-end-impunity-for-corruption-says-global-ngo-network-at-un-summit>

Kofi Annan urges UNCAC COSP delegates to help end secret company ownership

Kofi Annan today urged UNCAC COSP delegates to endorse strong language to end the practice of secret company ownership which allows tax evaders, drugs smugglers and money launderers to hide their identities and launder dirty money.

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Flickr, ITU/Rowan Farrell

Kofi Annan urges UNCAC COSP delegates to help end secret company ownership (continued)

In a video message at a Coalition side event on Monday he stated: "I strongly urge each of the countries that are signatories to UNCAC to follow UK's example and consider creating public registries of companies and trusts. Such an action could, in one dramatic sweep, end the extensive web of secret corporate structures to hide illicit and unjust earnings.

But it can only work properly once a critical mass of countries act in unison."

Current international practice enables true owners to hide their real identities behind accounts and entities through anonymous shell companies and fake foundations and trust. This means financial institutions can't follow the rules on due diligence and knowing your customer requirements.

It also routinely stymies law enforcement investigations.

The issue of identifying the true or 'beneficial ownership' of a company has come to the fore in recent months when the G8 and G20 announced plans to clamp down on tax evasion and avoidance.

Since then, several countries have taken steps to pull back the veil of

secrecy surrounding control and beneficial ownership of companies.

The United Kingdom set a forceful example when it in October announced that it would make its registry of companies fully open to the public.

The UNCAC Coalition is calling for strong language on beneficial ownership in the Prevention, Private Sector and Asset Recovery resolutions.

Will the Implementation Review Group (IRG) admit an ECOSOC NGO to observe its session?

UNCAC's terms call for the participation of the public in the fight against corruption. The rules of procedure for meetings of the UNCAC oversight body (the Implementation Review Group) say they should be open to NGO observers, unless otherwise decided. Civil society organisations need to be present and follow the processes so they can make technical inputs and help disseminate information about the Convention But to date they have been blocked from attending.

Governments around the world recognise over and over again the expertise and contributions of NGOs on anti-corruption matters. In the UNCAC context, a majority of governments have invited NGOs to contribute to the current cycle of the UNCAC review process by arranging for them to meet with review teams. Several of them have invited NGOs onto national committees advising on the reviews. Some have included NGO representatives among their review experts and in their delegations to the IRG and COSP.

What can NGOs contribute in the current review cycle? Twenty five NGOs, many of them national chapters of Transparency International, have produced national parallel country reports on criminalisation and enforcement to contribute to the UNCAC review process. (available on the UNCAC Coalition website.) NGO expertise on whistleblower protection was recognised at a panel discussion organised by the UNCAC Coalition for the IRG in June this year. For the 5th COSP Transparency International has submitted an executive summary of the 2013 Exporting Corruption report assessing foreign bribery enforcement in OECD countries. Transparency International researchers have also produced recommendations on statutes of limitations, developed guidelines on settlements and played a role in many other aspects of criminalisation and enforcement.

The family of NGOs is broad and includes the International Bar Association, the International Association of Prosecutors, the International Association of Anti-Corruption Authorities and the Global Organisation of Parliamentarians against Corruption. These groups include experienced anti-corruption experts.

Transparency International has applied for observer status in the IRG resumed session starting this afternoon. Will its interest and expertise in anti-corruption issues be welcomed?

No Resolutions

When representatives of the UNCAC Coalition and Transparency International arrived at the COSP conference centre on Monday, they went to collect documents and were told that UNODC had barred the document distribution centre from giving them any. Later in the day, UNODC relented and said they had decided to provide some documents. But by close of business on Monday, NGOs had still not received by official channels any draft resolutions submitted to the conference. This is the first time NGOs have had this problem



Go public!

Access to information has been recognised as a human right by the UN Human Rights Committee, as well as by the European Court of Human Rights and the Inter-American Court of Human Rights. In line with UNCAC articles, including Articles 10 and 13, States Parties should introduce and apply laws facilitating access by the public to information.

Asset recovery high on the agenda of the 5th CoSP

Delegations speaking in the opening plenary of the CoSP5 2013 have emphasized the importance of the asset recovery as a basic principle of the UNCAC Convention.

The regional groups spoke about the necessity to apply the widest measure of cooperation and assistance based on agile and simple procedures to facilitate a faster return of the assets; minimizing costs for asset recovery for the asking country by taking action in early stages of legal procedures.

Implementation of Chapter

V of the Convention, particularly on freezing, tracking and confiscation of assets and their return with no conditions to countries of origin and elimination of safe havens is a high priority challenged with overcoming bureaucratic processes, legal obstacles and lack of political will. The G77 plus China group recalled the role of the Open Ended Working Group on Asset Recovery and invited member states to enhance

early and spontaneous implementation of exchange of information and in the spirit of the convention to facilitate quick return of the assets.

The Asia Group emphasized the need for cooperation and return assets to legitimate owners and to increase capacity, knowledge and the will for international cooperation. The Government of Bangladesh pointed out that asset recovery is also an important issue in national legislation while China reported that an efficient asset recovery mechanism is a country priority.

Nigeria and the US table draft resolutions on asset recovery highlighting the concerns and difficulties and encouraging cooperation. The first informal consultation on US draft resolution took place yesterday with participation of state parties. While a lively discussion is going on the UNCAC Coalition has made a set of proposals for improving processes and calling on States Parties to ensure that the return of assets and their subsequent use are managed in transparent and accountable manner in line with Article 9 of the Convention.

Independent Institutions are the Foundation of Anti-Corruption Programs

Without sufficient resources and independence, anti-corruption authorities are incapable of reducing corruption. The UNCAC Coalition calls on States Parties to ensure the operational independence of specialised enforcement bodies and their resourcing. States Parties should also ensure independence and resourcing for the judiciary pursuant to Article 11 of the UNCAC.

The Global Organization of Parliamentarians against Corruption, special observer to the UNCAC Coalition, works with its members (current and former parliamentarians) throughout 48 national chapters to support and improve the capacity of elected officials to fight corruption. GOPAC is calling on delegations participating in the 5th CoSP to support resolutions to provided sufficient resources and independence to facilitate anti-corruption programs.



Come visit us upstairs

The UNCAC Coalition and Transparency International have set up booths with printed materials on the 1st floor of the conference centre.

Among the reports on display is Transparency International's 2013 UNCAC Progress Report, assessing the progress and results of the UNCAC Review Process.

Change of official programme:

UNODC advises that the Prevention plenary discussion will start on Wednesday instead of Thursday afternoon due to the large number of speakers in the general plenary session.

Today's Events

The Coalition is hosting a side event: "The UNCAC Review Process – Proposals for the Way Forward" at 13:00 today the BOQUETE room (1st floor).

At 14:00 the Coalition will be celebrating UNCAC's 10th anniversary - with cake and songs – outside the BOQUETE room.

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