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IMPLEMENTATION REVIEW GROUP MEETING

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Civil Society Coalition Statement
Delivered by Vincent Lazatin, Chairman

Mr. Chairman, ladies and gentlemen, good morning. I am Vincent Lazatin of the Transparency and Accountability Network in the Philippines and I speak as chairman of the Civil Society Coalition on the UNCAC. On behalf of the Civil Society Coalition for the UNCAC, I would like to thank you for this opportunity to speak at this Implementation Review Group meeting. It is my distinct honor and privilege to be here as chairman of the UNCAC Coalition and to address the first-ever civil society briefing from the IRG of the Convention's States Parties.

In 2006, after successfully advocating for the ratification of the UNCAC in the Philippines, my organization, the Transparency and Accountability Network, was invited to attend the first Conference of States Parties in the Dead Sea, Jordan, along with many other civil society organizations from around the world. I almost did not make it to Jordan, because the Philippine Government blocked my participation, invoking Rule 17 of the Rules of Procedure. After some back channel negotiations with the Philippine Government I was eventually allowed to attend. Nearly six years later, I stand here before you, representing the Civil Society Coalition for the UNCAC. It has been 6 years and 4 Conference of States Parties for us to make it here.

My journey to the IRG meeting in Vienna in 2012 is symbolic of the journey that CSOs all over the world have made to have a place at the table. It has been a long and hard fought battle, and even if there is always more room for improvement, we are grateful to be addressing you in this unprecedented event. We know that the decision to allow us to be here was the result of a long process of negotiation, taking into account the various views, concerns and apprehensions expressed by many countries. We thank all States Parties for allowing our foot in the door.

Someone reminded us that we should behave. Well, we've traded in our placards and slogans for suits and speeches. But, we have not left behind our cause. I think you will find after the day is over, you will agree that we can behave, and still make our point. We can engage constructively...and not look too bad wearing a suit.

For too long the language between NGOs and governments has been "we" and "they". We stand here before you as partners in the fight against corruption in the hope that NGOs and governments become the "we", fully recognizing that the enemy is not each other, but rather, the crippling effects of corruption. Only with common purpose can we defeat this menace.

The over 330 members of the Coalition strongly support the United Nations

Convention against Corruption and its implementation in our respective countries. The Coalition represents a broad range of civil society and non-government organizations in different areas such as trade unions, grassroots organizations, social development, human rights, and of course good governance and anti-corruption. It is our individual and collective desire to constructively participate in the battle against corruption. The UNCAC has become a unifying convention that has brought together civil society organizations and non-government organizations together with their governments for a singular goal: to rid our world of corruption.

We are strong allies in the fight against corruption, especially in the UNCAC official peer review process. Many of our organizations have spent years in hard work in partnership with our governments to make sure that such a review was put in place.

The review is what creates credibility and momentum for the treaty and we want to make sure that this remains so at the highest level possible. This is crucial because the Convention represents our collective commitment to fighting corruption and our joint basis for dialogue about how we will achieve that.

Today, as partners, we highlight several concerns about UNCAC regarding implementation. We believe that States Parties must take action on these concerns to address the common findings among many of the reviews for better implementation of UNCAC. The first set of issues are cross cutting challenges, particularly in the areas of access to information, enforcement of anti-corruption laws and the related issue of protection of reporting persons, commonly known as “whistleblowers”. Second, are specific, procedural recommendations that we believe will improve the review’s transparency and accountability. Allow us to speak about them one by one.

On access to information: Access to information is absolutely fundamental to good governance and fighting corruption. Citizens from country to country have experienced repeatedly and consistently, a serious lack of access to information in countries under review. This cuts down not only on the effectiveness of the review process, but also throws into doubt the very review process itself. It goes against the very spirit of transparency and accountability of the UNCAC.

Lack of access to information is a persistent hindrance to citizens' ability to assess their own government's efforts to curb corruption.

In research conducted recently, we found that there is an inability by those responsible to adequately gather and make available data about corruption cases that are being investigated or prosecuted. This lack of public data about crimes related to corruption keeps us all in the dark about commitment and compliance. It is important that better data collection and dissemination be promoted by the UNCAC review process and associated technical assistance.

On enforcement: We find that many countries are satisfactorily passing legislation and standards that fight corruption. That is good. However, in many of the same countries there is a failure to adequately implement and enforce those laws. Having laws that are not uniformly and evenly implemented and enforced is almost as bad as not having a law at all. Merely passing legislation is not enough; standards and laws against corruption must be enforced for a country to meet the requirements of UNCAC. This should be emphasized in the UNCAC review process and associated technical assistance.

On protection for reporting persons: We have data that countries are failing to enact or implement laws that protect reporting persons, also known as “whistleblowers”. Without these protections and adequate reporting channels, citizens cannot be expected engage in the national fight against corruption that UNCAC seeks to inspire. Again, our recommendation is that this should receive attention in the UNCAC review process.

The second major area of concern we would like to share are the specific, procedural changes that can improve transparency and accountability in the review process itself.

First, as some of my colleagues will elaborate on later, the participation of society in the review process creates public buy in and support. As is implied under Article 13 of the Convention, States Parties should take action to allow more complete participation in the review process by members of civil society.

And while some countries have chosen to invite non-governmental groups to participate in some way in the official review process, countries under review are not consistently open and inclusive to the citizens of their own countries about the review process and findings.

Second, review teams should meet with civil society representatives and other stakeholders as part of the review process. They should be transparent about the timetable for country reviews, including timing of country visits of reviewers. For instance, the IRG could provide UNODC with a clear mandate for such publication. We were going to recommend that UNODC to create a one-stop shop location for making accessible self-assessments, executive summaries and other review documents. We are happy to see that this is already being addressed.

The allocation of this special briefing day for civil society representatives at this IRG meeting is a positive and unprecedented step forward. However, we hope that you can respect that we will continue to push forth the idea that we can be most effective as partners if we would eventually be accorded NGO observer status in the IRG. It is an ongoing struggle, but we are sure you will respect our desire to be fully integrated into this process.

We would also like you to listen to and consider the positive examples that will be presented of the benefits of including citizens and citizen groups in the evaluation. The experience has been positive and governments have benefited from better relations with their citizens. I speak from direct experience as the Philippines has improved much in this area.

I have outlined some overarching concerns and possible solutions to UNCAC implementation and the review process. My colleagues will share with you more specific examples of both the successes and challenges that they face at the country level.

Mr. Chairman, with mutual respect, we would again like to express our gratitude for providing us generous time today to share with you our own observations and recommendations for the way forward.

Thank you and good day.