

monitor

Published by the Coalition of NGOs supporting the UN Anti Corruption Convention

Dead Sea, Jordan. 11th December 2006

First Conference of State Parties (CoSP) to the United Nations Convention Against Corruption.



Act Now!!!!

International Anti-Corruption Conference (IACC) held in Guatemala calls on the CoSP Delegates to take action.

Over a thousand participants from 115 countries convened for the 12th International Anti-Corruption Conference (IACC) in Guatemala, last November 15/17th. This year the conference posed the question: "Towards a Fairer World: Why is Corruption Still Blocking the Way?"

During the event, six presidents – from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, along with representatives from Belize and the Dominican Republic signed the Guatemala Declaration that commits them to fight corruption and promote transparency.

In addition, the Conference unanimously adopted a resolution calling on the Conference of States Parties to the United Nations Convention against Corruption (UNCAC) to adopt an effective follow-up monitoring programme meeting in Amman, Jordan.

The resolution reads: "The 12th International Anti-Corruption Conference in Guatemala City calls on the Conference of States Parties to the United Nations Convention against Corruption (UNCAC) to adopt an effective follow-up monitoring programme at its 10-14 December 2006 meeting in Amman, Jordan."

UNCAC has the unique potential to become the global framework for combating corruption, a major step beyond prior conventions. Ratification by 80 countries in less than three years shows that UNCAC has impressive momentum.

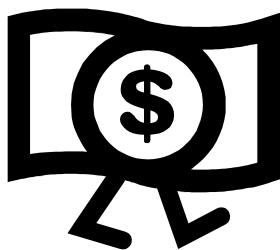
UNCAC's unifying legal framework provides strong leverage for civil society to press for greater transparency and accountability, including public access to information on government finances, open procurement and whistleblower protection. UNCAC includes ground-breaking provisions on the recovery of stolen

(Continued on page 4)

"When we arrived in Guatemala, we asked a fundamental question: why is corruption still blocking the way towards a fairer world? The 12th IACC has made clear that there are no simple answers," said the Honourable Justice Barry O'Keefe, Chairman of the International Anti-Corruption Conference Council. "But three simple truths emerged: countries cannot afford to be complacent about corruption; they must now move beyond expressions of political will to take concrete actions; the people must demand accountability."

Show me the Money

Asset repatriation proposal by the Netherlands



The Netherlands government is one of the few to arrive at the Dead Sea with a concrete plan of action for asset recovery.

Chapter 5 of the Convention allows for asset recovery but many states face the hurdle of scarce domestic legal expertise and weak legal infrastructure.

The asset recovery proposal submitted by the Netherlands recognises the obstructive consequences of these issues.

The Netherlands proposal recommends establishing a trust fund to provide legal expertise for countries that require such assistance in order to undertake legal procedures necessary to recover assets.

In its proposal, the Netherlands has raised two fundamental issues for state parties to consider: – the anomaly of donor countries providing assistance to developing countries; not assisting them to recover their stolen assets, and many countries' lack of capacity

to pursue laundered cash overseas.

It is finding a solution to these issues that State Parties should consider when contemplating the Netherlands proposal.

Monitor welcomes this initiative and the contribution it makes towards attacking a culture of impunity and graft.

You are out...no, you are in...

Rule 17 initially rules out NGO from CoSP

For more information and publications on NGO initiatives on anti corruption, visit the Civil Society Exhibition Stand in the Conference Hall, downstairs in the main hall of the Sea Floor.

Many civil society organizations have expressed fears that Rule 17 of the UN Convention against Corruption which sets out the terms of access for civil society participation at the Conference of State Parties (CoSP) may be used by national governments as an 'exclusion tool' to deal with 'unfriendly NGOs.' The recent ordeal of Transparency and Accountability Network (TAN), Philippine's largest anti corruption network seems to have confirmed such fears. On 27 November, United Nations Office of Drugs and Crime (UNODC) informed TAN that an objection was raised to its participation as an observer at the first CoSP in Jordan. But on 4 December, UNODC informed TAN that

there was a 'misunderstanding' and that it could participate in the Jordan Conference. TAN was kept in the dark on the little matter of who raised the objection and why it was raised.

Monitor can reveal however that there was no 'misunderstanding.' There was an actual objection to TAN's participation and the speculation is that it was the Philippine government that did so. While TAN prefers to partner with government agencies in combating corruption, it has of late been critical of the handling of a highly controversial anti-corruption case. It seems that the Philippine government, perhaps aware that its action may

adversely affect its image was persuaded to withdraw its objection.

The TAN experience has again raised serious concerns on Rule 17 which:

- Enables one state party to raise objections to the admission of an NGO. The rules for other UN Conventions provide that the objection be submitted by at least one third of state parties;
- Grants civil society observers access to plenary meetings only;
- Precludes NGOs from submitting 'their views in writing to the Conference' whereas, under Rule 16,

(Continued on page 4)

The *Monitor* Awards

Monitor will recognize States Parties and individuals making a special contribution to the Conference of State Parties.

Civil Society organizations will nominate a number of State Parties and officials who have promoted the spirit and the letter of the convention, in particular in the areas of monitoring and implementation, technical assistance and asset

recovery.

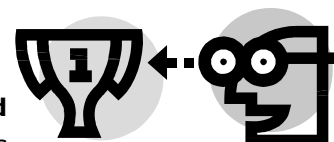
The awards will also make a special mention of those State Parties and officials who have championed the role of civil society at the CoSP.

Dr Antonio Maria Costa, Executive Director of UNODC has been already been tipped as a potential winner of the award, after his comments describing civil society as

the 'eyes, ears and conscience' at this Convention during his opening speech.

Monitor encourages delegates and civil society to submit proposals for nominees to this award.

Nominations will be published in the upcoming issues of *Monitor*.



Special Invitation:

**Join us at the Civil Society &
Private Sector side meeting**

Monday, Dec 11th,

08.45 - 18.00 Mount Nebo Hall 1/2

NGO Friends of the UNCAC meet in Amman

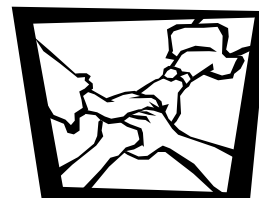
The Civil Society preparatory meeting for the CoSP fittingly took place on World Anti Corruption Day – the anniversary of the signing of the UN Convention.

The full day conference hosted by TI Jordan was attended by 80 civil

society advocates from some 40 countries. The diverse audience was welcomed by Dr Muhyieddeen Touq, President of Jordan Institute of Diplomacy, who discussed UNCAC and the role NGOs can play, an issue also highlighted by guest speakers Dimitri Vlassis and Stu-

art Gilman of UNODC.

Representatives discussed draft civil society recommendations on asset recovery, monitoring and technical assistance. The recommendations will be published during the CoSP.



شكرا

Jordanian Hospitality Appreciated

Monitor and its participant organizations express their thanks to our hosts, the Jordanian government, for its hospitality and good will. The warm welcome on arrival was greatly appreciated by civil society participants at the Conference of State Parties.

(Continued from page 1)

assets.

Transforming conventions into action programmes is a difficult challenge, requiring strong commitment and prolonged effort. This challenge is particularly difficult in view of UNCAC's comprehensive scope and its signature by 140 countries.



Follow-up monitoring is the key to success. Adoption of a follow-up monitoring programme at the Conference of States Parties will send a clear message that the parties are committed to making UNCAC work as the world's pre-eminent weapon against corruption. Failure to approve a monitoring programme would undermine UNCAC's momentum.

An effective UNCAC monitoring programme will require a strong secretariat with dependable funding from

the UN budget. Monitoring should be conducted transparently, with civil society involvement. Close coordination with monitoring programmes of other anti-corruption conventions will help avoid duplication of efforts.

The monitoring programme should begin in 2007 with a survey of implementation, including technical assistance needs and with pilot programmes to encourage implementation of UNCAC's provisions on asset recovery, transparent public finance and open procurement.

Technical assistance to enable developing countries to implement the Convention must be funded by the international donor community. A working group with donor agencies should be organized to encourage adequate and coordinated funding.

Because corruption is a global threat, only a global instrument will fully address it. The UN Convention against Corruption will become that global instrument through real implementation ensured by effective monitoring." For more on the IACCC, go to www.12iacc.org

monitor

Civil Society Newsletter published by the Coalition of NGOs supporting the UN Anti Corruption Convention.

Production Team

Andrea Figari,
Andie Lambe
Babatunde Olugboji,
Betham Emmett,
Cecelia Burgman,
John Devitt

Provisional "Office" located at the Lounge at the Sea Floor King Hussein Conference Center
Dead Sea,
Jordan

Contact Information:

Monitor phone while in Jordan: 0795.146.002

You are out...no, you are in...

(Continued from page 2)

intergovernmental organizations (IGOs) are granted this right;

TAN decried the complete lack transparency in the processes and procedures relating to the exclusion of civil society organizations. The treatment of TAN is contrary to the spirit and intent of UNCAC regarding the participation of non-state actors as stated in Article 13 of UNCAC on participation of Society, which requires states parties to take action 'to promote the active participation of individuals and groups outside the public sector...including measures such as 'enhancing the transparency of and promoting the contribution of the public to decision-making processes.'

Join the debate and post your comments in the new anti-corruption blog

<http://stopcorruption.wordpress.com>