

monitor

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

From words to action

2003—20... ?

Thousands of miles separate the Dead Sea from Nusa Dua, but maybe we haven't come that far since the last Conference. Since obtaining a basic consensus on the need for a review mechanism, all momentum threatens to evaporate.

Monitor recalls the commitment expressed by States Parties at the 2006 Conference of States Parties (CoSP) held in Jordan where Resolution 1/1 was passed agreeing to "establish an appropriate and effective mechanism to assist in the review of the implementation", convinced that the "effective and efficient review of the implementation of the Convention ... is of paramount importance and urgent"

The success of this 2nd CoSP will be largely measured by progress made on this one main issue. A review mechanism is essential for ensuring that governments turn words into action and that UNCAC makes a difference on the ground.

When governments decided that a review mechanism was "urgent" at the 1st CoSP in Jordan in 2006, they postponed making a decision on what such mechanism would look like, instead charging an intergovernmental working group to make proposals to the 2nd CoSP in Bali. The Conference also established a self-

Need for action - now!

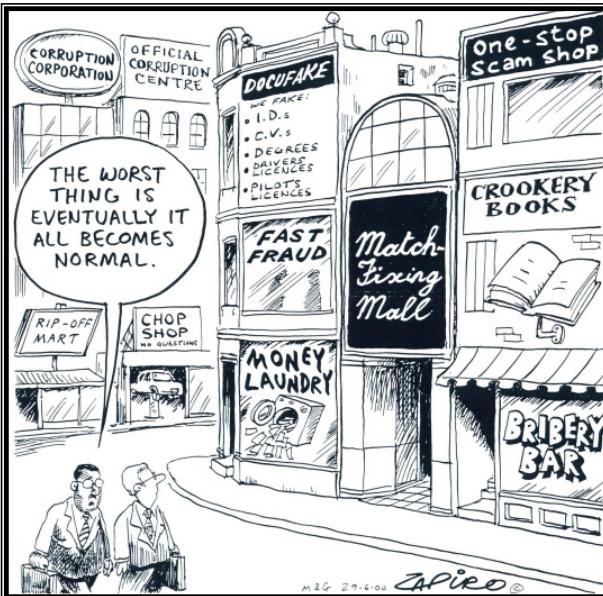
This Conference must decide on the structure of the review mechanism. It must agree to set up the structure within the next six months and set out a plan of action for the period until the 3rd CoSP. In the meantime, the pilot project should be expanded to include more countries and be conducted with civil society participation and the outputs made public.

All States Parties that have not undertaken the self assessment exercise, should meet their legal obligations and return the current checklist. In the next round, the checklist should be expanded to cover more provisions, the responses made public and civil society participation and transparency made an integral part of the process.

Technical Assistance

The provision of technical assistance is key for the implementation of UNCAC. Donor countries should

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The Coalition of Civil Society Friends of UNCAC has launched a website with news, blogs, forums and much more. Visit us at: www.uncaccoalition.org

1,2,3 check (today's food for thought)

The food...

1. 140 States signed UNCAC; 107 countries have ratified UNCAC to date.
2. Just 65 States completed the self-assessment checklists.
3. Only 2 States have included civil society representatives in their delegations to this Conference.

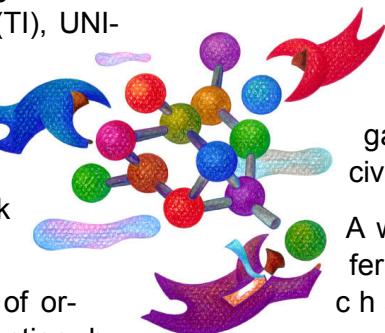


The thoughts...

1. Three G8 countries have failed to ratify UNCAC (Germany, Italy, Japan), despite commitments to do so made at G8 summits, including Gleneagles and Heiligendamm.
2. Countries have a legal obligation under UNCAC to report on implementation.
3. Many countries have a long established practice of incorporating CSO representatives in their delegations to other UN Convention Conferences but this is not reflected in the case of UNCAC.

About the Coalition of Civil Society Friends of UNCAC

Established in mid-2006, the Coalition is a loose strong and diverse civil society voice in support of network of over 50 civil society organisations UNCAC is heard both at the Conference itself committed to promoting ratification, implementation and throughout the post-Conference activities. To tion and monitoring UNCAC. Among the mem- that end, the Coalition is keeping a regular up- bers are Transparency International (TI), UNI- date of the Conference pro- CORN, Christian Aid, CAFOD, ceedings, as well as participat- Article 19, Global Witness, Tax ing in the plenary sessions, Justice Network, Institute for Secu- organising side events and issuing a rity Studies, SAHRIT, the Transparency and Accountability Network (TAN), TIRI and others.



The Coalition includes a wide range of organisations with a focus on anti-corruption, human rights, development, environment, access to information and many more. The Coalition is open to new members and is steadily growing.

A website has been launched to offer a space for information exchange and advocacy www.uncaccoalition.org where Coalition members are posting news, commenting current events in daily blogs and sharing documents and photos about this CoSP.

The Coalition is determined to ensure that a

Remember this? Article 13 of UNCAC: Each State Party shall take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organisations and community organisations, in the prevention and fight against corruption...

From Words to Actions — 2003–20...?

(Continued from page 1)

ensure the provision of sufficient funds to meet technical assistance needs. The expanded checklist should seek to collect more detailed information on technical assistance needs. Donor should act now to put in place systems at country level to secure coordination and coherence between UNCAC technical assistance and existing relevant development assistance.

Asset Recovery

The provisions of Chapter V of UNCAC on asset recovery have been heralded as ground-breaking and innovative. The process of recovering assets is complex and requires close cooperation between all actors: the banking community, law enforcement agencies and judiciary in both requested and requesting States. This Conference should take steps to address a major obstacle to the recovery of assets — the lack of funding to finance the costs of expensive and protracted asset recovery cases and set up an international asset recov-

ery fund.

Otherwise the return of assets to their rightful owners will remain a promise

Civil Society Participation

Fighting corruption requires all stakeholders to play their role. Clearly governments are responsible for mustering the political will to make the needed reforms. UNCAC (Article 13 see Box, page 2) recognises that civil society participation is key to the successful fight against corruption. This role is not yet widely recognised by many UNCAC signatories that carry out business behind closed doors with almost no input from citizens. Furthermore, much of the business of UNCAC is also conducted behind closed doors without the disclosure of documents between CoSP meetings and with limited access by, and no input from, civil society. This is regrettable in the context of a Convention aimed at supporting transparency and participation. Civil Society organizations call on the Conference to maximise the space given to civil society in its deliberations.

Thank you, Indonesia!

The coalition of civil society friends of UNCAC thanks the government of Indonesia for its hospitality. We also compliment its actions towards a more environmentally sound CoSP by reducing the volume of paper produced and turning to electronic documentation.

Terima kasih, Indonesia!

Gabungan Masyarakat sipil rekanan dari UNCAC mengucapkan terima kasih kepada Pemerintah Indonesia atas keramahan dan kerjasamanya untuk menciptakan suascina. Yang lebih kondusif dengan mengurangi banyaknya penggunaan volume kertas dan merubahnya dalam bentuk dokumen elektronik

Transparency International calls the CoSP to act

During its last membership meeting, which took place in Bali in October 2007, TI members issued the following Resolution to be presented to the 2nd Conference of States Parties.

"TI's Annual Membership Meeting calls on the 2nd Conference of States Parties to launch an asset recovery programme promptly and to establish a mechanism for review of implementation. The TI AMM was attended by 200 people representing TI National Chapters in 81 countries.

Asset recovery: The Conference of States Parties should ask all parties to give highest priority to implementation of the asset recovery chapter of UNCAC because:

- Funds deposited abroad by corrupt officials amount to several hundred billion dollars
- Recovery would substantially increase resources for development programmes
- Effective asset recovery would provide a strong deter-

rent to corruption

An asset recovery fund should be established because protracted and costly litigation will be required before substantial recoveries can be obtained. This fund should cover investigative and litigation costs and should be replenished from successful recoveries.

In cases where frozen funds are tied up in protracted litigation, arrangements should be made to transfer the funds to an independent institution and not remain in the bank in which the funds were originally deposited.

Mechanism for review of implementation: Establishment of an effective implementation review process is essential for the success of UNCAC and particularly for the asset recovery programme. The review mechanism should have three components: (1) The Conference of States Parties (CoSP) should establish policies and priorities for the review process at its biennial meetings (2) The Secretariat (UNODC) should be responsible for day-to-day management of the review process (3) A Board of distinguished experts should be established to

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TI calls on the UNCAC Conference to take action (cont'd)

(Continued from page 3)

provide advice and assistance to the CoSP and the Secretariat for the planning and conduct of reviews.

It is essential that the implementation review process should be transparent and should involve participation by civil society and the private sector. Information-gathering and pilot review programmes should continue in 2008 - 2009, to facilitate the launch of country reviews beginning in 2010. An effective implementation review process is essential for the success of the asset recovery programme because unless all banking centres implement consistent asset recovery provisions funds would be diverted to states with inadequate asset recovery regimes.

NGOs are not only advocates: they are the eyes and the ears, even the conscience of the world. When they demand transparency, openness and integrity, there is a reason — they know where the malfeasance is and who is part of it

**UNODC Director, Antonio Maria Costa
Opening speech at 1st CoSP, Dead Sea, Jordan**

UPCOMING EVENTS

29.01 Whistleblowers and anti-corruption activists in hostile environments

Where: Nusantara Room 1 **When:** from 9.00 to 18.00

All delegates and media are cordially invited to attend the session where discussions will focus on the experiences of whistleblowers and anti/corruption activists who face extreme adverse consequences as a result of their civic engagement and existing support networks.

Uncovering the face of corruption



When: 29th Jan.

While the faces of the millions of victims of corruption are well known to us through countless images, the face of corruption remains elusive as its perpetrators profit from obscurity and a lack of transparency.

The Coalition of Civil Society Friends of UNCAC plans to uncover the face of corruption. **Check out the next edition of Monitor to find out where and when.**

About the Coalition

More than 70 civil society representatives from 34 countries have made their way to Bali, to represent citizens views, with high expectations that this Conference will take steps to make UNCAC a successful instrument to fight corruption.

The Coalition members can be found at the NGO Lounge on the ground floor of the exhibition hall.

Information material is also available from tables in the conventions center.

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