

monitor

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

Cha-Cha-Cha

One step forward, two steps back

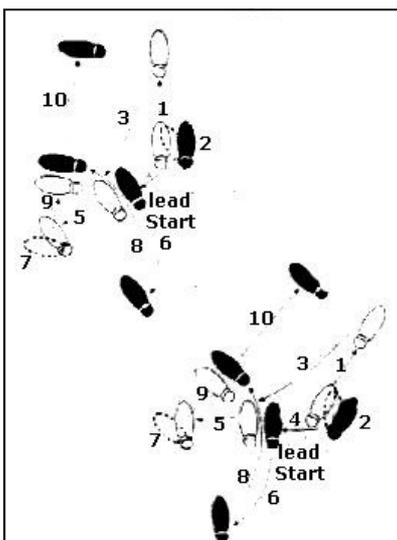
The final results are still to come in, but it appears that the Second Conference of the States Parties (CoSP) in Bali has failed to make real progress on what is considered to be key to the effective implementation of UNCAC – the establishment of transparent and inclusive review mechanism to monitor implementation.

Instead it is likely that the Conference will give the intergovernmental Working Group a mandate to prepare the terms of reference for discussion and possible adoption at the next CoSP (Qatar 2009).

During the Conference many speakers at the sessions came out against embracing a review mechanism that was transparent and inclusive of civil society – in essence supporting the draft resolution proposed by the Group of 77 countries (G77) and China – with fewer speaking out favour of the provisions for transparency and participation provided for in the resolution proposed by EU, Canada and the USA and which called for the creation of a review mechanism at the 3rd CoSP.

It is worth noting, however, that there were rumours of divisions within the G77 group on the issues of transparency, civil society participation

and the importance of a strong review mechanism. The positions of the African Group and GRULAC (the block of Latin American States) are believed to have been very much more progressive, so bridging the gap between the two proposals on the table, in the light of their experience of implementing regional anti-corruption conventions.



The Civil Society Coalition of Friends of UNCAC strongly believes - and Article 13 confirms - that no government will be able to fight effectively corruption at national or global level without public support and participation.

Unless the final Resolution reflects both the letter and the spirit of UNCAC, providing for a “transparent” and “open” review process, with the publication of country reports and a clear role for non-governmental actors, including the formal consideration of information provided by actors other than States Parties - (i.e. NGOs, trade unions, business, professional associations, etc) and unless a time a timetable to ensure that a review mechanism based on transparency and participation is created at the next CoSP then the answer to the question “has there been progress?” will most certainly be a resounding “NO”...

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

Invest Money to Recover Money

Everyone agrees that the recovery of stolen assets is a good thing. This is a positive starting point to build consensus and move forward on concrete actions. Unfortunately, this CoSP, has achieved little beyond this consensus and there has been a disappointingly low level of agreement on how to move this key provision forward.

The World Bank and UNODC point proudly to the newly launched Stolen Assets Recovery Initiative (StAR) as a key platform for the provision of technical assistance to countries seeking to pursue recovery efforts. The G77 countries, which might be thought to include those most likely to benefit from StAR, have greeted the initiative with some reservations.

They are fearful of the strings that may be attached to asset recovery-related funding and are campaigning for the creation of an independent pool of experts to assist countries with asset recovery, a plan that some of the richer countries oppose.



Photo: www.flickr.com/photos/daniel_starrason

The two schemes have their merits but both fail to address a fundamental problem: the recovery of stolen assets is most often a long and expensive process. The thieves can well afford to employ the best lawyers and financial advisors to successfully block and delay

those who are on their trail. Any country engaging in asset recovery litigation must have at its disposal the funding required for a protracted legal battle. If asset recovery is to work it is critical that funding be made available to countries that need the additional resources. For this to happen donors should be less concerned about

granting case-specific funding and the countries that need the financial assistance should be less prickly about accepting it. Only then will real progress be made.

BANGLADESH'S GAP ANALYSIS: raising up the bar

Following the good example set by Indonesia at CoSP 1 by presenting a substantive gap Analysis for implementation of UNCAC, Bangladesh has now followed suit, raising the standard a notch higher: the high quality study was prepared in record time, with input and participation of civil society such as the BRAC University, Transparency International Bangladesh and others. Transparency Bangladesh commended the report, while at the same time expressing disappointment about the weak recommendations to strengthen participation of civil society, a sector largely involved at local level in Bangladesh in the fight against corruption.

Some Good Steps Forward

The Coalition of Civil Society Friends of the Coalition thanks members of those delegations who made possible an open and frank discussion of ideas in the last few days, in particular the informal exchange and input around the issue of technical assistance – where Coalition members had the chance to present their views directly to the group discussing the draft resolution on the table.

We thank also those delegations who accepted our invitation to speak at our daily internal consultations to explain their positions and engage in con-



structive exchange.

A couple of States Parties have invited members of civil society organizations (CSOs) into their delegations –putting into practice the principle of participation and consultation enshrined in Article 13 of UNCAC. This has provided both CSOs and governments to enjoy a much closer exchange and has offered CSO a unique opportunity to contribute their views. We look forward to extend this to other countries, and to extend the consultation processes beyond the CoSP, in exchanges back home, with the CoSP 3 in sight.

Come Meet OGOH OGOH in the NGO Lounge At the Exhibition Hall

The World Bank Institute estimates that over 1 trillion USD dollars is paid in bribes each year. This represents approximately 3% of the global domestic product, or 10 times the amount spent annually on development assistance.

The statue –OGOHO OGOHO– shown in the projection at the exhibition hall was created by local Balinese artists for the Coalition of Civil Society Friends of the UNCAC to serve as a visual representation of the face of greed and callousness which underlies acts of corruption.

Unfortunately, the statue was prevented from entering the Nusa Dua compound for the programmed event on 29.01, due to tightened security measures. Despite all efforts undertaken by the Coalition, this decision could not be overturned.



Article 13 and the Challenge for CoSP 3 in Qatar

During his closing remarks, UNODC's director Antonio Maria Costa commended the presence of civil society organizations and called for "the same enthusiastic participation" during the next Conference of States Parties in Doha, Qatar.

The Coalition of States Parties takes these words as acknowledgement and encouragement but also as a challenge—as we continue our efforts to mobilize our civil society members. We will continue to engage and dialogue with delegations of our countries and seek to open new spaces with those with whom we haven't engaged as much yet.

Parliamentarians Warn Ministers Present at the CoSP



We always think that governments must be accountable to the people, must discuss and debate policy issues with civil society or must comply with provisions in international treaties. But we get carried away, and forget one other truth about accountability: the people, civil society or international organizations only rarely manage to overthrow a government. Parliamentarians are the only people, under almost any constitutional arrangement, that can sack cabinets any day—every day, if they so pleased...

But parliamentarians are not whimsical creatures to overthrow governments whenever they please! A good reason must exist for such a course of action to ensue. Would you think corruption is a good reason?

Look up the Declaration issued 30 Jan. 2008 by the Group of Parliamentarians Against Corruption--GOPAC. They are dead serious about living up to the expectations from the Dead Sea. Not only corruption is a good reason to sack a cabinet now, but also failure to implement effective/efficient anti-corruption policies! Moreover, GOPAC meets the expectations of the people, the civil society and international organiza-

tions when they identify sound anti-corruption measures with good governance. Therefore, ministers of the world, beware the power of your parliaments!

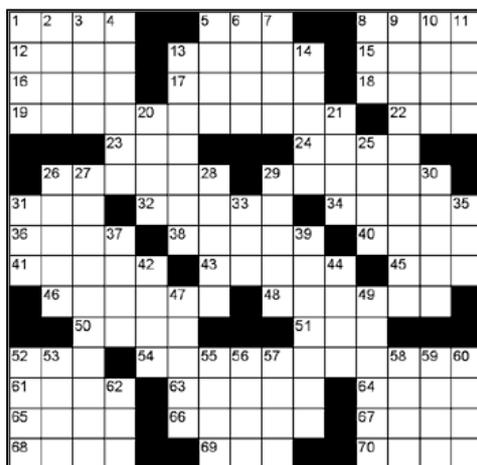
GOPAC urged the ministerial delegations at this CoSP to speedily decide on the review mechanism concerning the UNCAC implementation. On behalf of the peoples they represent, parliamentarians require transparency for the checklist responses in the pilot program. Parliaments need technical assistance in designing good-governance policies, in drafting proper anti-corruption legislation, in polishing mutual assistance programs on assets recovery. Aside from representation and legislation, parliamentarians are quite tough on oversight, and keen on seeing UNCAC fully ratified and implemented. Whistleblowers and anti-corruption activists the world over may have also found their best ally

(Continued on page 6)

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Filling the Gaps

Until Thursday, discussions of Technical Assistance (TA) had been overshadowed by debates on asset recovery and the establishment of a universal review mechanism. Nevertheless, the Coalition of Civil Society Organizations considers progress on the topic of TA an important- and indeed- necessary move forward for effective implementation of the Convention.



the establishment of a singular intermediary on TA in recipient countries might lead to unwarranted concentration of power and monopolization of resources.

The Coalition has listened with interest to explanations of different approaches to internal needs assessment. It recognizes the importance of establishing *national strategic frameworks* to ensure that co-operation achieves the desired impact. It knows that self-assessments and checklists

The Coalition has followed with great interest the evolution of discussions regarding the parameters for TA. It is pleased to note the emphasis on (much needed) *coordination*, since ground-level experiences in many regional contexts have shown that lack of information-sharing and project overlaps often diminish the effectiveness of projects and lead to useless waste of resources. The Coalition believes that country focal points could facilitate the exchange of information and therefore improve efficiency in TA. It is concerned, however, that

are not enough. The Coalition firmly believes that UNCAC-related TA will only create meaningful changes if it is linked to development and governance strategies in recipient countries and supports all the actors involved in them (civil society organizations, business sector, media, judiciary and national legislative bodies). Finally, the Coalition encourages the exchange and external financing of South-to-South cooperation.

In discussions regarding Technical Assistance, the Coalition urges delegates to take into account the following:

- Donor countries should ensure that adequate resources are available to meet the long-term TA needs of states and donors should “publish what they pay”
- Donor countries should take immediate steps coordinate and improve aid effectiveness (in accordance with recent agreements of the OECD-DAC)
- Recipient countries should develop targeted, transparent and participatory tools to identify needs, priorities and institutional arrangements for TA
- Governments should ensure that TA is provided to public/ legislative bodies, civil society and private sector stakeholders, in addition to anti-corruption bodies

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Llenando los espacios

Hasta el jueves, las discusiones sobre asistencia técnica (AT) se vieron desplazadas por los debates sobre recuero de activos y el establecimiento de un mecanismo universal de seguimiento. Sin embargo, un avance para la Coalición de Organizaciones de la Sociedad Civil avances en materia de la AT sería un paso no solo importante sino imprescindible para la efectiva implementación de la Convención.

La Coalición sigue con gran interés la evolución de las discusiones sobre parámetros para la AT. Observamos con satisfacción el énfasis que se ha dado al tema de la (muy necesaria) coordinación, ya que existen experiencias concretas en varias regiones que demuestran cómo la falta de intercambio de información y la superposición de proyectos disminuyen el impacto de la cooperación y contribuyen al uso injustificado de recursos. La Coalición cree que la existencia de “contactos” (focal points) nacionales podría facilitar el intercambio de información y, así, mejorar la eficiencia. Sin embargo, nos preocupa que el nombramiento de un intermediario único en los países

beneficiarios termine contribuyendo a la concentración indebida de poder y a la monopolización de recursos.

La Coalición ha escuchado con interés a los países miembros cuando explican sus distintos abordajes y sus metodologías para la evaluación de necesidades en cuanto al AT. Reconocemos la importancia del establecimiento de un marco estratégico nacional para asegurar que la cooperación logre el impacto deseado. Sabemos que la auto-evaluación y el checklist no serán suficientes. La Coalición cree firmemente que el la asistencia técnica para la implementación de la UNCAC resultará en cambios importantes y sostenibles si está vinculada con las estrategias de desarrollo y gobernabilidad en los países receptores y apoya activamente a todos los actores involucrados en las mismas tales como la sociedad civil, el sector empresarial, los medios, la justicia y los cuerpos nacionales legislativos. Finalmente, la Coalición apoya el intercambio y el financiamiento independiente u externo de la cooperación Sur-Sur.

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Des vides à combler

Cette semaine les discussions portant sur l'assistance technique (AT) sont demeurées au second plan des délibérations cédant la place aux questions de recouvrement des avoirs et la mise en place d'un mécanisme de suivi. La Coalition de la société civile considère néanmoins que des progrès sur la question de l'assistance technique constituent une étape essentielle à la mise en œuvre efficace de la Convention.

La Coalition a suivi avec intérêt l'évolution des discussions sur les paramètres de l'assistance technique. Nous notons avec satisfaction l'accent porté sur la coordination d'autant plus les expériences sur le terrain dans de nombreuses régions ont illustré que le manque d'information et l'exécution en parallèle des projets en réduit l'efficacité et mène à une mauvaise utilisation des ressources.

La Coalition soutient que les points de contact nationaux pourraient faciliter l'échange d'information et améliorer l'efficacité des projets. Elle croit de plus que la mise en place d'un intermédiaire unique pour l'assis-

tance technique dans les pays récipiendaires pourrait en résulter une concentration des décisions et un monopole des ressources non justifiées.

C'est avec intérêt que nous avons noté les explications portant sur les différentes approches possibles à l'évaluation des besoins nationaux et nous reconnaissons l'importance d'établir des stratégies nationales pour que la coopération produise les résultats souhaités. L'auto-évaluation et les listes de contrôle ne seront pas suffisantes. La Coalition croit fermement que l'assistance technique dans le cadre de la CNUCC ne mènera à des changements de fonds que si elle est liée aux stratégies de développement et de gouvernance dans les pays récipiendaires et qu'elle prévoit un appui à tous les acteurs (la société civile, le secteur privé, les médias, la justice, les parlements). Finalement, la Coalition encourage la coopération Sud-Sud et son financement par les pays externes.

Artists for Integrity: Eric Wainaina

At UNODCs initiative, Kenya’s Eric Wainaina delighted the CoSP participants with his music and shared his views on how music has been instrumental to involve Kenyans on anti-corruption issues.

At 28 years of age, he has been named as Kenya’s most successful musician and the success of many of his songs certainly back the claim. Eric’s lyrics, mostly in Kiswahili, picture stories of daily life, where Kenyans are faced with corruption even for the smallest steps, such as in his much acclaimed song ‘Nchi ya Kitu Kidogo, translated as Land of petty bribes. The song plays with a collection of all the euphemisms used to describe a petty bribe –empathizing with millions of Kenyans who hear these words every day, such as “chai” -translated as “tea” as well. In some of his lyrics, he says “If a policeman asks you for “chai” (tea/bribe) offer him a Fanta” -inspiring people to say NO to corruption and breaking the circle of lack of integrity. Eric has engaged in a number of projects to bring his message of peace and integrity –the newest being the develop-



ment of a music curricula for young students where these issues will be central to the learning process.

“Eric is one of the pre-eminent “musical messengers” for the good governance agenda in Kenya. He has grown from his early years singing mainstream music into an artist that manages to address the social conscience and reflect the common experience through music that remains, above all, entertaining. This, together with the high public regard that he enjoys, has been one of the reasons that he was chosen as the TI-Kenya Youth Ambassador; a role he undertakes with the utmost vigour and sincerity” said Lisa Aranja, acting Executive Director of Transparency International Kenya.

We commend him for his efforts to inspire millions of people with messages of peace and integrity, and wish him all the best –we look forward to hearing more of him. For more information visit <http://www.ericwainaina.net/>

(continued from page 3) for the 21st Century... Tufan Hóbak, Legal Adviser of the Turkish Foreign Ministry said “this is just a legal instrument. If countries don’t have vood governance, strong civil society and media –resulting from a strong middle class– then a single legal instrument cannot achieve this”

For more information on GOPAC, see their website:

<http://www.gopacnetwork.org/>



¿Quiénes somos? La Coalición de la Sociedad Civil de Amigos de la UNCAC

Establecida a mediados del 2006, la coalicion es una red informal de mas de 50 organizaciones de la sociedad civil comprometidas con la ratificacion, implementacion y revision de la UNCAC. Algunos de sus miembros son Transparency International (TI), UNICORN, Christian Aid, CAFOD, Article 19, Global Witness, Tax Justice Network, Institute for Security Studies, SAHRIT, the Transparency and Accountability Network (TAN), TIRI y otros.



La coalicion se propone asegurar que voces diversas y firmes en apoyo a la UNCAC sean escuchadas tanto en la Conferencia como en las actividades posteriores. A tal fin, la Coalicion man- tiene un registro regular de las deci- siones de la Conferencia, a la vez que participa en las reun- iones plenarias, organiza reun- iones de consulta y emite una declaracion de la sociedad civil.

La coalicion incluye a un amplio rango de organizaciones enfocadas en temas anti-corrupcion, derechos hu- manos, desarrollo, medio ambiente y acceso a la informacion entre otros. La Coalicion esta abierta a nuevos miem- bros y esta en crecimiento.

En 2008 se lanzó in sitio web para ofre- cer un espacio de intercambio de infor- macion www.uncaccoalition.org donde los miembros de la coalicion están re- portando noticias, compartiendo docu- mentos y comentando asuntos diarios en blogs.

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