

THE OBSERVER

NEWS AND VIEWS FROM THE CIVIL SOCIETY COALITION ORGANISATIONS OBSERVING THE 8TH COSP



WE NEED TO TALK...ABOUT PARTICIPATION

By Gillian Dell, Transparency International

The Eighth session of the Conference of States Parties to the UN Convention against Corruption (UNCAC) CoSP, kicked off on Monday 16 December with over 60 civil society organisations (CSOs) registered as observers. States Parties will negotiate and adopt resolutions on a wide range of anti-corruption topics which sometimes have practical implications for them in key areas such as climate change or sustainable development. Some of these resolutions also will enlarge the understanding of the Convention or mandate Conference subsidiary bodies or the Conference Secretariat to take certain actions.

However, the level of involvement of civil society representatives remains an area for improvement, despite the fact that the UNCAC itself explicitly recognises in its

Article 13 the importance of participation of civil society in anti-corruption efforts.

A key example is discussion of the resolutions. Within the UNCAC forum, the discussion of draft resolutions takes place in meetings known as “informals” that are closed to CSO observers. The only way CSOs can gain access to and input to the resolutions is through friendly governments, who engage with them. CSO representatives may also be included in country delegations, which gives them access to all the closed door discussions.

Is this “just the way it is”? Is this how the United Nations operates, take it or leave it? Not at all. For example, the UN Human Rights Council (UNHRC) in Geneva, a UN body established by a General Assembly (UNGA) resolution, works with inclusion as the rule,

Continued on Page 2

WE NEED TO TALK...ABOUT PARTICIPATION (FROM PAGE 1)

exclusion as the exception. The resolutions that UNHRC adopts at its meetings are negotiated in informals during the Council meetings. A typical informal meeting includes civil society representatives at the table, together with government delegations. At the end of the discussion of a given paragraph, those representatives are invited to express their views. This is the norm.

The same countries that object to having CSOs participate in informals at the UNCAC CoSP and in meetings of CoSP subsidiary bodies, have no problem sitting together with them in informals at the UN Human Rights Council in Geneva. How can we make sense of this radically different positioning in two different UNGA-approved bodies? Is it the subject matter of corruption that leads some countries to reject an approach long established in Geneva? This would be a good topic for a PhD thesis. But meanwhile, comparing the Vienna approach to Geneva's reveals a disturbing lack of commitment to achieving the UNCAC's declared objective to promote the involvement and participation of society in anti-corruption efforts.

Apart from exclusion from informals, CSO representatives are also excluded from participating as observers in UNCAC subsidiary bodies, such as the working groups – even including the Working Group on Prevention which itself discusses participation of society in anti-corruption efforts, but without the benefit of advice and views from civil society. The same stark contrast with Geneva applies. At the UN HRC in Geneva, civil society representatives may participate in working groups unless states decide to hold a closed meeting. Access is the rule; exclusion is the exception.

[In October 2018, the Human Rights Council in Geneva adopted the Office of the High Commissioner for Human Rights Guidelines for States on the effective implementation of the right to participation in public affairs.](#) By way of reminder, that right is recognised in Article 25 of the Covenant on Civil and Political Rights.

Under the title “Right to participate at the supranational level, including in international organisations”, the Human Rights committee wrote: “in its general comment No. 25, recognised that the right to take part in the conduct of public affairs also covers the formulation and implementation of policy at the international and regional levels. Despite the importance of participation at the international level, the workings of international organisations continue to be opaque for most people” The Guidelines note that: “Decision-making at the regional and international levels may have a significant effect on the realisation of human rights, as such decision-making has an impact on national legislation, policies

and practices. It is thus necessary that such decisions are made in a transparent and accountable manner, with the participation of those who will be affected by those decisions.”

More than ever, citizens and civil society around the globe are claiming spaces for participation to address issues affecting their quality of life now and in the future. This is the time for opening spaces for dialogue, not closing them at national and international levels. The practices in Geneva show that this is possible.

WHAT IS YOUR 2020 ANTI-

CORRUPTION WISH? Write your wish

on the UNCAC Coalition light net at the NGO Lounge. We will share the wishes at the end of the week.

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The Observer is a publication by the UNCAC Coalition, a global network of over 300 civil society organisations in over 100 countries, committed to promoting the ratification, implementation and monitoring of the UN Convention against Corruption (UNCAC).

Established in August 2006, the Coalition mobilises civil society action for UNCAC at international, regional and national levels.

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You can find the UNCAC Coalition team at the NGO Lounge during the COSP8

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TUESDAY 17.12	TITLE	VENUE
11:30 - 13:00	PERSPECTIVES ON ASSET RETURN: MECHANISMS AND MONITORING	CR 1
15:30 - 17:00	GETTING SERIOUS ABOUT BENEFICIAL OWNERSHIP TRANSPARENCY	CR 1