

2nd UNCAC Intersessional Meeting, 19 November 2020
Statement by David Banisar, Senior Legal Counsel, Article 19

Thank you, Mr. Chair,

I'm here speaking on behalf of ARTICLE 19, the global campaign on freedom of expression and information. We are a member of the UNCAC Coalition.

We would like to thank the panelists for their discussion, especially identifying the issue of beneficial ownership transparency as a practical measure that can be used to detect and tracing of assets to ensure their recovery.

However, we remained concerned that the informal discussions that are actually negotiating on the outcome document have been focusing on *not* making that information public in an easy to use manner. Even in EU member states, there is a wide range of means of access, registration requirements and other barriers.

It is clear that governments alone do not have the resources, and in many cases, the political will, to identify and locate corruption and its proceeds. As we have seen with the Panama Papers and other releases, journalists and civil society are quite able to take on some of this work and identify wrongdoings at high levels of government if the information is available. And making this public enables Articles 10 and 13 on information and CS participation and engagement in the Convention. The EITI requires this for extractives, and many states require it for public procurement. Let's move forward from them. Who really believes that secret companies set up to avoid taxes or launder stolen money is a benefit to mankind?

Of particular importance is the transparency of mechanisms for asset recovery as set out in the GFAR Principles, the Oslo Statement, and more recently by the Office of High Commissioner for Human Rights in their "[Draft OHCHR Guidelines on a Human Rights Framework for Asset Recovery](#)." I would recommend delegations to look at the draft principles, which is currently open for review for another ten days.

Further, we believe that it is quite important to look at the bigger picture beyond beneficial ownership, as it is part of a large info ecology where public access to information and data is important. It includes wider public access to corporate registers, the transparency of asset disclosures of public officials, both elected, and appointed, public procurement, and budgets and spending.

And much of it relates into the general obligation that countries adopt laws presuming public access to information, which is available in over 120 countries.

Finally, we would like to remind delegations of the importance of those who are actually using this information, and placing their lives in danger: the journalists and civil society groups on the ground and internationally. And who also face harassment, both physical and judicial, through baseless legal threats - SLAPP suits, shutting down organisations and arresting journalists.

I would urge the delegations, as this is a UNGA resolution, to look at best practices from other bodies, such as the UNEP in Nairobi, which has set up an environmental defenders protection mechanism, to assist environmental defenders who are threatened. It has a rapid response mechanism when someone is threatened for working to protect the environment. Or the UNECE, which is considering setting up a special rapporteur for environmental defenders. The UNODC could set up a similar mechanism for anti-corruption actors, both governmental and non-governmental.

Like my colleagues yesterday, I'd like to urge that delegations look outside the narrow confines of CoSP declarations. Many have urged for "action oriented documents." I don't see a lot of action in this, even for a UN declaration. Where are commitments to do something here?

So let me close by looking forward, not backwards, and seeing how the UNGASS will make real change, and strengthen international and national efforts to fight corruption.

Thank you.