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# COSP OBSERVER

**NEWS AND VIEWS FROM CIVIL SOCIETY ORGANIZATIONS  
OBSERVING THE 9TH COSP**



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

## COSP9 Needs to Advance Beneficial Ownership Transparency

*By Mathias Huter, UNCAC Coalition*

Opaque global networks of shell companies continue to be used to launder and hold proceeds of corruption, the recent Pandora Papers have highlighted. The 9th UNCAC CoSP, starting today, needs to deliver on advancing transparency of company ownership. States should be called upon to establish central registries with verified information on the ultimate owners and beneficiaries of all legal entities. These registries should not only be accessible to domestic law enforcement and tax authorities, but also to the general public. Public access would greatly facilitate and speed up international investigations and would facilitate due diligence and investigations by the private sector, NGOs and journalists.

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

### **What is your Anti-Corruption Wish for 2022?**

Write your wish on the UNCAC Coalition light net outside the NGO lounge. We will share the wishes at the end of the week!

We also expect the CoSP to follow-up on the commitments States made in the Political Declaration adopted at the first-ever UN General Assembly Special Session against Corruption in June 2021, including by ensuring that there is no backtracking in commitments made in the resolutions adopted by the CoSP, by creating a mechanism for States to publicly report on their UNGASS implementation.

Civil society participation in anti-corruption efforts is a key principle of the UNCAC. However, States can anonymously object against the participation of NGOs without providing any reasons. This opaque process has resulted in one State objecting against the participation of eight NGOs in CoSP9, without any factual substance for these objections. The shrinking space for civil society at the CoSP – NOGs are also excluded from observing CoSP subsidiary bodies – undermines the impact of the UNCAC and threatens its legitimacy. It is high time to take action!

## A right not a privilege - civil society participation at UNCAC fora and beyond

Spaces for civil society have been shrinking – a worrying development that affects UNCAC fora, the Convention's implementation and global anti-corruption efforts in general. In 2020, more than 330 human rights defenders were killed, with no fewer than 20 of them working on anti-corruption. Across the globe, a number of governments in recent years have imposed restrictions that have limited civic space, seeking to delegitimize CSOs and erode their capacity to carry out work. In many countries, those who uncover, expose and report on corruption and hold governments to account fear for their lives.

### UNCAC Coalition written submissions to the CoSP 9

The UNCAC Coalition made several written submissions to the CoSP:

- **Thematic submissions on:**
  - Making UNCAC Work, an overview of key asks and all the submissions from the UNCAC Coalition,
  - **UNGASS Follow-Up:** Turning Commitments into Practice
  - Promoting an Inclusive, Transparent and Effective UNCAC Implementation Review Mechanism
  - Growing **Civic Space**
- **Working group submissions on:** Advancing Asset Recovery, Recognizing Victims of Corruption and Tackling Corruption related to Environmental Crimes
- **Regional anti-corruption priorities** in the: Asia-Pacific Region, European Region, Latin America, the Middle East & North Africa, and Sub-Saharan Africa.
- **Executive summaries of civil society parallel reports** on UNCAC implementation: Argentina, Armenia, Benin, Cambodia, Colombia, Costa Rica, Ecuador, Ghana, Honduras, Madagascar, Pakistan, Papua New Guinea and Zimbabwe.

Check them out online:



Or come pick up a hard copy at our booth at the NGO lounge!

Especially during emergencies, timely and effective access to information is essential to ensure accountability of government actions and the use of public funds. Information flows are critical for effective efforts to respond to the pandemic and ‘build back better’ in partnership with civil society organizations present on the ground, which are key to establishing networks of trust and representing marginalized voices. Combining their technical expertise with local knowledge, civil society organizations can play a crucial role in complementing the anti-corruption efforts and policies of their governments. This is only possible if there is an enabling environment for civil society.



Concerns over weak justice systems, grand corruption, impunity and shrinking space for civil society and the media reflect inconsistencies with several UNCAC provisions, including Article 10 on public reporting and Article 13 on civil society participation and access to information. Despite the Convention’s emphasis on civil society participation, the principle of inclusiveness is not consistently applied in the review mechanism or at global UNCAC fora.

We call on the UNCAC CoSP to urge States Parties to **engage meaningfully, proactively and constructively with civil society and to ensure a high level of transparency of State bodies, including through proactive disclosure of information and data**, in particular for anti-corruption bodies, which face high risks. We further urge States Parties and the UNCAC

## Upcoming Special Events

### Monday 13 December:

- **13.00-14.00: Ste Catherine**

*Multisectoral partnerships towards policy reform based on the Implementation Review Mechanism*

- **14.00-15.00: El Fayrouz**

*The fight against international corruption from Palermo to Merida: Challenges deriving from cryptocurrencies and new pathways to asset recovery*

### Tuesday 14 December:

- **09.00-12.00 & 14.00-17.30:  
Plenary 2, CRP 4**

*The Stolen Asset Recovery Initiative (StAR) Day, with sessions on:*

- 09.00-09.30: *The State of Play for Asset Recovery*
- 14.00-15.00: *Ending the Shell Game - Why Fighting Corruption & Going After Dirty Money Relies on Global Beneficial Ownership Transparency*
- 15.00-16.00: *Standing as Victim of Corruption & Damages*

Secretariat to broaden the space for civil society contributions in the UNCAC, including by **granting civil society observer status in UNCAC CoSP subsidiary bodies** and allowing civil society observers in informal negotiations, and **revising the no-objection approach under Rule 17 of the rules of procedure** to ensure that the mechanism cannot be used arbitrarily to limit civil society participation.

## Strengthening the IRM

A new report authored by the UNCAC Coalition shows that strong and urgent action is needed to strengthen the Implementation Review Mechanism (IRM). The report examines the shortcomings of the IRM with a particular focus on how States Parties are implementing Article 13 of the Convention. At a time of global crisis and declining democratic freedom, a robust review mechanism is crucial to ensure the credibility and effectiveness of the UNCAC. The IRM's main shortcomings are:

**The need for greater inclusiveness:** Despite Article 13, the principle of inclusiveness is not consistently applied in the review process or at global UNCAC fora. Our analysis found that minimal to no information on stakeholder engagement is disclosed in the majority of country review documents, making it difficult to know the extent to which independent civil society and other stakeholders are engaged.

**Lack of meaningful transparency:** States Parties are not required to publish critical information and documents such as country reviews. Only half of States Parties have voluntarily published their full country reports from the 1st review cycle and merely 20 States Parties so far have published them for the 2nd review cycle.

**Lack of a clear follow-up process:** Unlike other anti-corruption monitoring mechanisms, the IRM has no formal follow-up procedure in place to assess progress with implementing country review recommendations. Only 38 countries out of 188 States Parties have published follow-up actions for the 1st review cycle and only one country

has published them for the 2nd cycle.

**Stronger Article 13 implementation:** Our analysis of country review documents for the 2nd review cycle found that half of country reviews include recommendations to improve Article 13 implementation, many of which are focused on strengthening civil society engagement in UNCAC implementation.

The report recommends key actions by States Parties to create a more inclusive, transparent and effective Review Mechanism that enhances global efforts to prevent corruption:

- Provide public access to country review reports and other critical information related to the review process;
- Carry out inclusive and transparent country reviews to proactively engage civil society and non-governmental stakeholders at key stages of the review process, including in the follow-up process;
- Adopt a formal and transparent follow-up process to assess States Parties' progress on implementing country review recommendations;
- Promote the meaningful and active engagement of civil society and other stakeholders in UNCAC implementation and ensure a safe and enabling environment for them to carry out anti-corruption work.

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*You can find the UNCAC Coalition team at the NGO Lounge during CoSP9.*

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