

Key takeaways Detailed summary

Intersessional Meeting of the UNCAC CoSP on follow-up to the UN General Assembly Special Session against Corruption (UNGASS)

5-8 September 2022
Vienna

Disclaimer: This document is not meant to be a comprehensive summary of all government interventions and discussions at the Intersessional Session. We have focused on highlighting interventions that relate to the UNCAC Coalition's priority issues. We have done this to the best of our ability based on what we were able to hear at the plenary sessions.

General overview:

- States Parties reported on actions they have taken to implement commitments in the UNGASS political declaration and to share good practices, challenges, opportunities, and areas for cooperation to further advance anti-corruption measures as laid out in the political declaration.
- Panel discussions were held where governments and one civil society organization presented on their countries' efforts to implement the commitments in the political declaration related to corruption prevention, criminalization and law enforcement, international cooperation, asset recovery, anti-corruption as an enabler for advancing the 2030 Agenda for Sustainable Development and advancing a forward-looking anti-corruption agenda and framework.
- UN Office on Drugs and Crime (UNODC) highlighted the launch of the UNGASS [TRACK platform](#), an online knowledge hub where States Parties, civil society, academia, international and regional organizations and other stakeholders can report on efforts to implement the commitments in the political declaration.
- Only twenty-six countries (out of 189 parties) have made submissions so far on their efforts to implement the UNGASS political declaration, which are publicly available on the UNODC portal. Actions taken by States Parties include efforts to establish and implement beneficial ownership transparency laws, improving anti-money laundering frameworks, advancing the recovery and confiscation of stolen assets, protecting whistleblowers and publishing a database on corruption cases, investigations, and prosecutions. Some of these submissions are well-structured and helpful, providing summaries of the initiative, the agencies responsible, lessons learned through implementation, challenges, and links to relevant information.
- The **UNCAC Coalition** welcomed that some States Parties have made submissions to the UNODC portal on actions they have taken to implement the UNGASS political declaration and called on all States Parties to report publicly and in a structured manner on follow-up actions they have taken.

Civil society protection and participation:

- Many States Parties highlighted the vital role and contributions of civil society in efforts to prevent corruption and cited specific ways in which civil society has contributed, including by raising awareness of the problem, detecting corruption, finding solutions and helping to get reforms passed.
- **United States** recognized the commitment in the UNGASS political declaration to ensure that the conditions are present for non-governmental stakeholders to operate independently without the fear of reprisals. As the host of the next CoSP, the **United States** will defend the role of non-governmental stakeholders and highlight the expertise that these stakeholders bring. It also cited the critical need to protect journalists, who are the target of lawsuits, and efforts to create an insurance fund to pay for legal actions against independent journalists.
- One civil society organization, **Open Contracting Partnership**, gave a [presentation](#) on combating corruption in public procurement through open contracting. The **United States** stated its hope that the civil society participation on panels will be continued in UNCAC subsidiary bodies as well.
- The **UNCAC Coalition** highlighted the importance of ensuring a safe and enabling environment for civil society organizations, whistleblowers and the media to report on and uncover corruption. It welcomed that a civil society expert was able to speak on a panel, an important practice that the CoSP should build on which demonstrated the importance of non-governmental participation.

Preventive measures:

- The **Slovak Republic** presented on its [Public Sector Partners Register](#) that it launched following corruption scandals. The **Slovak Republic** created this register to verify companies wanting to do business with the state and countries must approach a 'gatekeeper' to verify ownership. Slovakia emphasized the crucial importance of publicly available beneficial ownership registers to allow the public to contribute to the monitoring of the information. Using gatekeepers and having effective sanctions were highlighted as other ways to make beneficial ownership registries effective.
- The **Open Contracting Partnership**, a civil society organization, presented on combating corruption in the public procurement sector. A stand-alone UNCAC CoSP resolution on public procurement should go beyond the political declaration focusing on the gaps, including looking at dispute and complaint mechanisms in more detail, how to flag things that go wrong in a more timely and effective manner and the role of civil society and media in monitoring public procurement drawing on the many best practice examples. There is a need to update the UNCAC Guidance on Public Procurement, especially on technology and data such as AI and machine learning and new areas such as sustainability and green procurement.
- **United States** reported that it had tried to extensively engage civil society actors and the degree of access and transparency granted to civil society actors is high, but there is always more than can be done. One interesting aspect is that civil society has a clear idea of problems with private sector actors and has expertise on deficiencies in anti-corruption measures.
- Many States Parties reported on efforts to develop and implement whistleblower reporting and protection mechanisms and cited challenges to sufficiently protect whistleblowers. States Parties reported taking various measures to establish whistleblowers laws, ensure anonymous

reporting, improve the protection of whistleblowers and utilize technologies to enable reporting through various communication channels.

- Many States Parties highlighted civil society involvement in efforts to prevent corruption including delegates from **Algeria, Colombia, Ecuador, Italy, Liechtenstein, Norway, and Sierra Leone**.
- States Parties highlighted the importance of establishing beneficial ownership registries to combat corruption and reported on their efforts to do, sharing information on best practices and challenges. **France** raised how it provides access to information on public businesses, and how public access is part and parcel to punishing corruption, highlighting the importance of sharing best practices and challenges related to setting up beneficial ownership registers.
- **Australia** is working to establish a transparent and independent National Anti-Corruption Commission by the end of 2022. The new federal body will have broad powers to investigate, hold public hearings and refer [corruption](#) cases to judicial authorities.
- **Indonesia**, as co-chair of the G20, has identified anti-corruption priorities, which among them are managing corruption in the renewable energy sector.
- **Mexico** stated that one of its priorities is to strengthen policies and strategies related to the differential impact of corruption on men and women.
- **Honduras** highlighted the role of the Court of Auditors in corruption prevention. To implement the political declaration, it is near the end stages of developing a national anti-corruption strategy together with civil society and UNODC and will also focus on implementing recommendations from its 2nd cycle review.

Asset recovery:

- **Argentina** described its efforts to advance asset recovery, including through establishing regional agreements through the Organization of American States (MERCOSUR – The Southern Common Market), being part of 18 bilateral treaties for MLA and a similar number for extradition requests, with many more under negotiation. It called for providing reparations to the victims of crime and the need to strengthen asset recovery so that criminals can see that crime does not pay.
- Panelist from **Switzerland** highlighted the successful confiscation of assets related to the Petrobras case involving Switzerland and Brazil. Criminal proceedings took place in Brazil and there was Mutual Legal Assistance going both ways that was crucial for success in both countries. Mirror proceedings allowed active requests from both states, allowing proactive disclosures from both states. Switzerland sees mirror proceedings as a best practice.
- **Italy** announced its intention to explore a new approach to asset recovery, citing that the process is usually complex, lengthy and often involves cross-border corruption. This would involve a new way of using stolen assets by making them available for use by transnational organizations, UNODC, or similar. **France** and **Cote d'Ivoire** welcomed this proposal.
- **Nigeria** recognized the important monitoring role of civil society in the return of assets. Its [Open Treasury Portal](#) is open to the public, civil society and the media for scrutiny. Post-UNGASS, laws have been passed in 2022 to improve and strengthen the country's anti-corruption action and to fill the gaps in the existing anti-corruption architecture. Nigeria now has four recognized routes (administrative measures, direct measures, civil recovery measures (NCB recovery method) and criminal forfeiture measures), to recover assets.

- **Pakistan** emphasized the need to enhance cooperation to close loopholes, especially on illegal financial proceeds and proposed an additional protocol for UNCAC asset return to close gaps related to mutual assistance and legal norms.
- States Parties described recent efforts to advance asset recovery efforts in their country to meet political declaration commitments, including:
 - **Korea** and **Thailand** held a high-level conference in Thailand this August to discuss challenges and solutions of Mutual Legal Assistance (MLA) and to develop and adopt recommendations to address challenges
 - **Kyrgyzstan** has developed a first-time project with international partners and donors to support identifying and seizing ill-gotten gains.
 - **Ecuador** has established a national coordination committee to combat money laundering and recover assets and to undertake a project to identify illicit flows, and the
 - **United States** announced that it has filed cases in court to recover over US\$1.7 billion and helped with foreign recovery to others of US\$1.6 billion.

Anti-Corruption as an enabler for the 2030 Sustainable Development Agenda:

- Several States Parties raised the links between gender and corruption, and how women and men are impacted differently from corruption. Governments expressed support for continued efforts to address this issue building on commitment in the UNGASS Political Declaration, including through mainstreaming gender policies in anti-corruption, tackling sextortion and promoting the participation of women in the public and private sectors.
- Panelist from **U4** raised the question of how our current investments in development finance are protected from corruption and ensuring development finance is not transformed into finance for anti-development. He highlighted how the persistence of safe havens (Panama Papers as an example) are undermining our own good investments in development.
- **Kuwait** described how it has consulted civil society for the development of its anti-corruption strategy and that its new access to information law was developed together with civil society, with which they have held workshops to ensure the proper understanding of the law.
- **Kenya** launched a National anti-corruption campaign, focused on citizen empowerment. To implement the campaign, they established civilian committees fully absent of government officials, providing citizens with support mechanisms to monitor the spending of public money as well as how to conduct social audits (including monitoring the budget process).
- **Ukraine** released a report on illicit enrichment thanks to information and contributions received from civil society and the media.

Technical assistance and information exchange:

- **United States** pointed out that the UNGASS political declaration encourages countries to publish country reports from the IRM and encouraged countries to sign up to the **UNCAC Coalition's** Transparency Pledge.
- Many governments raised the important role of civil society in efforts to combat corruption and as partners in technical assistance, including as a watchdog to ensure proper use of public funds and to advance transparency and accountability. **Norway** outlined its support for the **UNCAC Coalition** and other civil society organizations.
- Panelist from **France** described how it has an integrated approach to bring all areas of governance to strengthen state and civil society capacity on governance issues, including transparency, public institutions, democratic control and oversight, contracts and procurement.

Technical assistance programs include focus on civil society, media, influencers and bloggers and they will continue to support civil society working on transparency and accountability.

- Panelist from **Malaysia** presented on a program under the Asia-Pacific Economic Cooperation (APEC) that is looking at the linkages between gender and corruption and developing policy recommendations to address it. Actions taken include a stocktaking survey and plenary sessions with international experts and the development of eight policy recommendations on gender mainstreaming and women empowerment to end corruption.
- **Germany** spoke on the important role of civil society as a watchdog to ensure proper use of public funds and to give legitimacy to the IRM reviews. Human rights, climate change and gender aspects should also be part of anti-corruption programs.

Advancing a forward-looking agenda and framework:

- **Norway** outlined a forward-looking agenda to include key elements such as procurement, beneficial ownership transparency, standards for legal financial and other professions to prevent them from enabling corruption, a framework for asset return, a framework to counter impunity and tackling illicit financial flows. There needs to be increased cooperation with civil society and the public sector. It also highlighted the need to emphasize a system of transparency, implementation and monitoring and reporting back when in the context of the next review phase of the UNCAC's Implementation Review Mechanism (IRM).
- **Egypt** highlighted that it wanted to follow up and promote implementation of the Sharm el Sheik resolution including the 3rd phase of the review process.
- The **Netherlands** highlighted the preliminary findings of a high-level roundtable joint initiative with **Canada** and **Ecuador** on how to tackle grand corruption, summarizing the key inputs so far that includes that the IRM focus more on implementation and enforcement, that a regional or international anti-corruption court be established to close the gap if national authorities are unwilling or unable to prosecute grand corruption crimes. The three-country team has been conducting consultations with governments, international organizations, civil society, academia, and other stakeholders and the results of this first round of consultations have been summarized in draft briefs.
- Panelist from **Chile** highlighted that the role of Supreme Audit Institutions has been crucially strengthened through the political declaration. The regional network of Supreme Audit Institutions in Latin America, [OLACEFS](#), met in Panama in 2022 to outline priorities for a regional anti-corruption policy.
- **United States** raised that the UNGASS encouraged the conference to improve collaboration with non-governmental organizations (NGOs) and intergovernmental organizations (IGOs). We should live up to our commitment to ensure the CoSP remains inclusive.
- The panelist from **Nigeria** highlighted that the Code of Conduct Bureau Bill is currently before the National Assembly and includes provisions for public disclosure of assets and online asset declarations. This is now accessible to the public. Furthermore, a whistleblower and witness protection bill is before the National Assembly, which was non-existent before.
- The panelist from **Romania** highlighted that all of Romania's anti-corruption draft strategies benefitted from interinstitutional and consultations with civil society. The feedback of NGOs has been crucial, and the government has always encouraged a vibrant dialogue in these areas.
- The delegate from **Italy** shared that Italy is considering a proposal for a resolution for following and implementing the Sharm el Sheik Declaration to combat transnational organized crime and corruption. **Honduras** will co-sponsor this resolution.

- The **UNCAC Coalition** stated that it is important for the IRM to be strengthened in its next phase to make it more effective, inclusive and transparent and to focus more on implementation of recommendations as the Netherlands has proposed. The Coalition encouraged States Parties to operationalize commitments in the political declaration.

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