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COSP OBSERVER

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



Above: Civil society organizations and State Party delegations stand together against the exclusion of 8 highly regarded CSOs from CoSP9.



We strongly condemn the unfounded exclusion of 8 CSOs from CoSP9

A Statement from the UNCAC Coalition and Transparency International

Transparency International and the UNCAC Coalition strongly condemn the exclusion of prominent civil society organizations from participating in the 9th session of the UNCAC Conference of the States Parties (CoSP), currently underway in Sharm El-Sheikh, Egypt. The CoSP plenary on the morning of 15 December 2021 failed to overturn the unfounded objections by the Turkish government.

Many countries from the European Union and broader Europe, Canada, the US and States from other regions spoke out in support of the affected NGOs.

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).

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

The barred organizations include Access Info Europe, Spain and Transparency International Georgia. In total, the Turkish government opposed the participation of eight civil society organizations from 7 countries – none from Turkey. Despite calls to reverse the decision, the plenary failed to reject the obscure objections.

Helen Darbishire, Chair of the UNCAC Coalition and Executive Director of Access Info Europe, one of the excluded organizations, said:

“As the global anti-corruption community meets at the CoSP, it is unacceptable that there is a veto on the participation of some organizations based on opaque allegations by just one government. This hugely reduces space for civil society in UNCAC processes and undermines the effectiveness of an event crucial to advancing action on anti-corruption.”

Delia Ferreira Rubio, Chair of Transparency International said:

“Both the objections and the outcomes are of profound concern and should set off alarm bells. We see here yet another sign of shrinking civic space worldwide, a very dangerous trend that does not bode well for international anti-corruption efforts. We call on States to urgently develop appropriate guidelines for the objection process to prevent the same arbitrary exclusions at the next CoSP.” Several weeks ago, the chairs of Transparency International and the UNCAC Coalition wrote to the President of the CoSP, Egypt’s Hassan Abdel-Shafi. They asked for the objections to be overturned, explaining that the arbitrary objection process used to exclude eight civil society organizations from the UNCAC CoSP is inconsistent with the UN Convention against Corruption and with UN values and standards. They also called on governments to revise the objection procedures for future CoSPs and to bring them in

line with applicable international standards and principles of due process.

Decisive Action Needed to Prevent Corruption

The UNCAC Coalition in an oral statement to the CoSP plenary on Thursday highlights that States need to step up their efforts to prevent corruption globally and to implement the commitments made under the UNCAC and the UNGASS Political Declaration.



We would like to highlight several areas for priority actions where we see an urgent need for action:

- 1. Transparency of company ownership:** The journalistic reporting around the Pandora Papers has once again highlighted the role of obscure shell companies in facilitating corruption and money laundering. We call on all States Parties to ensure that information on companies, including their directors, direct owners and beneficial owners, is made freely and publicly accessible online to ensure that everybody can track who owns and controls companies and use this information to identify possible corruption risks. If you are sincere about preventing corruption, make this information available to the public;
- 2. Advancing open contracting:** Procurement remains governments’ number one corruption risk. Governments should ensure full transparency of public procurement and public contracting,

including privatization, the award of subsidies, grants, concessions and licenses, by publishing all documents and data online in easily accessible and standardized formats;

3. **Access to information:** More than 130 States have adopted access to information legislation, an important tool to prevent corruption. But citizens' right of access to information is often not respected in practice. States should ensure effective access to information, including by establishing and strengthening independent Information Commissioners or Commissions overseeing the implementation of legislation, and by publishing documents and information of public interest online by default;
4. **Asset declarations:** A powerful tool to hold public officials to account are comprehensive annual declarations of their interests, income and assets; States should ensure that declaration requirements are put in place; that this information is independently verified; that non-compliance is sanctioned and that the information is published in easily accessible formats to ensure public accountability;
5. **Independence of anti-corruption bodies:** In several countries, we see that the political independence of anti-corruption bodies is under threat and that the work of anti-corruption bodies is hampered by inadequate resources and mandates. States should take action to uphold their UNCAC commitments and strengthen the capacity and independence of State bodies involved in preventing corruption;
6. **Inclusion of civil society:** Corruption prevention measures should be developed, implemented, reviewed and strengthened in an inclusive manner. States need to ensure that civil society is able to participate in the development

Upcoming Special Events

Thursday 16 December:

- **15.30-16.30, El Fayrouz**
Strengthening the UNCAC Implementation Review Mechanism
- **19.00-20.00, Ste Catherine**
Civil society champions against corruption: Showcasing best regional practices

Friday 17 December:

- **09.00-10.00, Ste Catherine**
Environmental corruption as a roadblock to reaching the SDGs
- **09:10.00, Nile Valley**
Management of recovered assets in Africa: Challenges and opportunities
- **12.30-13.30, El Fayrouz**
Tackling transnational organized corruption: Linking UNTOC and UNCAC
- **12.30-13.30, Nile Valley**
Tackling corruption linked to environmental crime
- **16.00-17.00, Ste Catherine**
An international overview of whistleblower laws and best practices

of anti-corruption strategies, action plans and measures, in line with UNCAC provisions;

7. Finally, an **enabling environment for civil society and journalists** is essential for the prevention of corruption. In too many countries, we continue to see attacks against civil society representatives, journalists and whistleblowers. States need to step up their efforts to protect and defend freedom of speech and assembly, as well as ensure that those who report on and uncover corruption can, without fear of retaliation.

UNGASS 2021: How should states follow up?

The CoSP9 resolution on UNGASS follow-up actions is still being finalized

and will be discussed at the CoSP Committee of the Whole today before its formal adoption tomorrow.

The Special Session against Corruption (UNGASS) with its Political Declaration adopted in June 2021 serves as an important milestone in global anti-corruption efforts. **From a civil society perspective, governments should clearly go beyond the consensus of the agreed text.** Despite serving as the driving force for the process, new international legal frameworks to tackle impunity and strengthen asset recovery were not negotiated and the forward-looking section of the Declaration remains vague. Although States Parties called first and foremost for stronger UNCAC implementation, some of the UNGASS commitments did call for more far-reaching anti-corruption measures. The Declaration highlighted the importance of transparency, particularly, elaborating on **the need for more transparency in all stages of public procurement, declaration of assets, political financing, and beneficial ownership information. It also called for more effective access to information as well as the enabling of confidential systems for corruption reporting.**

This is all nice on paper, but the UNGASS will create real momentum only if a structured, transparent, inclusive and articulated follow-up process is put in place. As the UNCAC CoSP was “invited to follow-up and build on the declaration,” the expectation from States Parties is now to adopt CoSP resolutions which elaborate on

the follow-up process and operationalize the Political Declaration’s commitments.

One CoSP 9 resolution indeed lays out follow-up procedures. As it appears, **follow-up will include civil society as an important stakeholder in the process and encourage (but not oblige) States parties to publicly report on their implementation of UNGASS commitments.** However, it is unclear how discussions will take place in the context of the CoSP subsidiary bodies, and only one CoSP intersessional meeting has been scheduled in 2022 to discuss implementation of commitments. What is also concerning at this point is the fact that important **UNGASS commitments do not seem to be reflected in the soon to be adopted substantial CoSP 9 resolutions.** Draft resolutions do not include language in line with the UNGASS’ more advanced and articulated commitments on public procurement, declaration of assets, political financing, and the need to explore the links between gender and corruption.

The CoSP intersessional period and the UNGASS follow-up process should address these concerns and make sure that commitments will not be overlooked or watered down. **The cross-cutting emphasis on transparency in the political declaration should be reflected in future resolutions and eventually guide the CoSP in adopting effective anti-corruption measures** internationally, as well as at a country level. Without these next steps, the UNGASS Political Declaration will lose momentum and remain yet another weak product of the multilateral spirit of consensus.

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

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