

UNGASS2021 – The UN General Assembly Special Session against Corruption

Briefing for our Coalition network members – 10 February 2021

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About the UNCAC Coalition

- A global network of over 110 CSOs and individual members and an additional 200+ groups in its wider network in more than 100 countries
- Committed to advancing the ratification, implementation and monitoring of the UN Convention against Corruption (UNCAC) to combat corruption
- Founded in 2006 as an informal network
- Coalition opened its permanent office in Vienna in 2019, now 5 team members

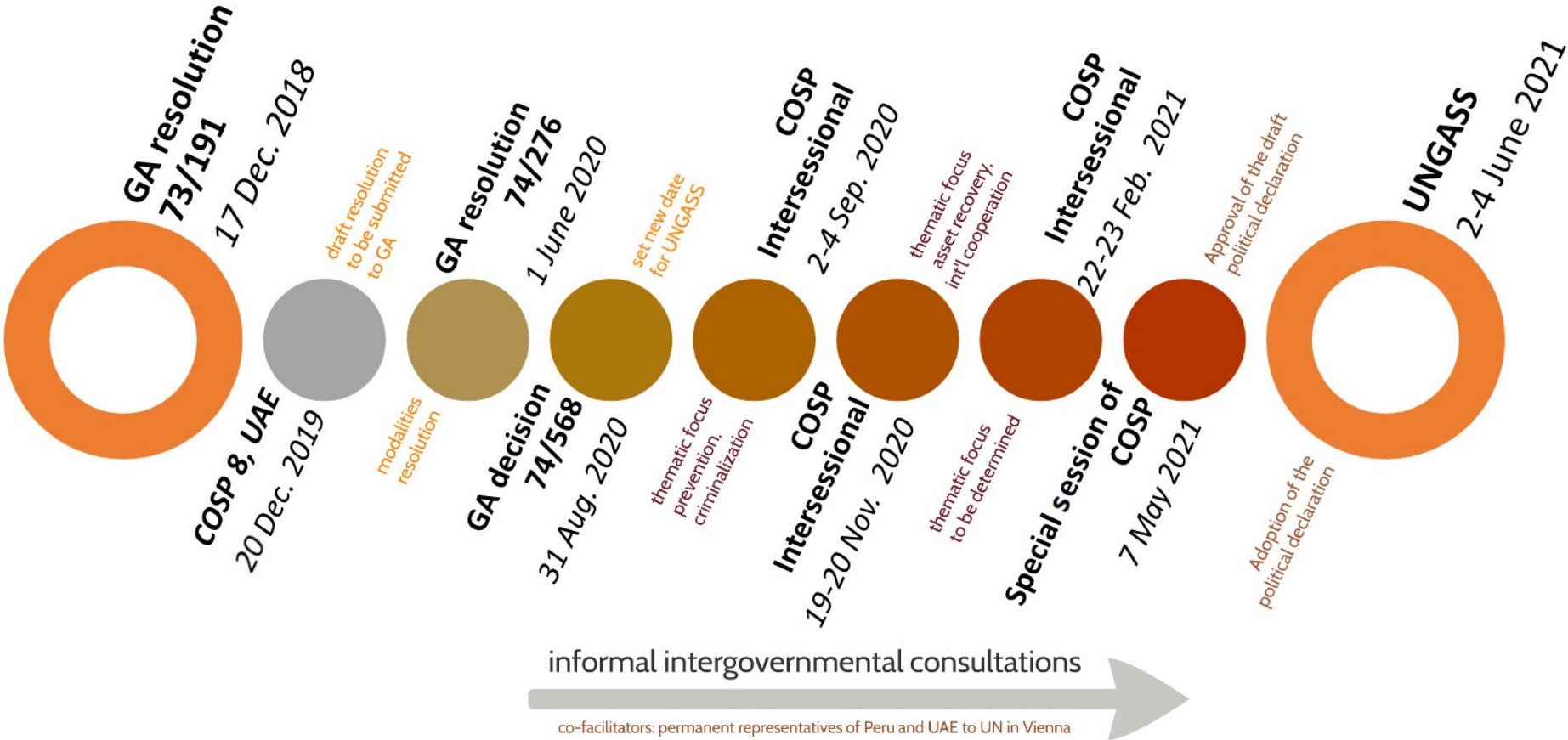
About the UNCAC Coalition

- Ensure that the voice of civil society is heard in UNCAC fora
- Advocacy for policy priorities and civic space
- Facilitation of joint advocacy, networking and coordination among civil society groups
- Support to civil society groups engaging in the UNCAC review process
 - Support and funding for parallel reports
 - Transparency Pledge signed by 25 governments
- Regular engagement with delegations in Vienna
 - Sharing of good practices and civil society asks

UN General Assembly Special Session (UNGASS) against Corruption

- First-ever UNGASS against Corruption
 - Others on Covid-19 (2020), Drugs (2016),...
- „on challenges and measures to prevent and combat corruption and strengthen international cooperation“
- „...shall adopt a concise and action-oriented political declaration, agreed upon in advance by consensus through intergovernmental negotiations ...; (<https://undocs.org/en/A/RES/73/191>)
- Colombia as one of the key initiators, idea of an International Anti-Corruption Court
- High-level meeting (hopefully heads of State/government & ministers)

UNGASS2021: timeline



<https://ungass2021.unodc.org/ungass2021/en/preparatory-process.html>

UNGASS: what are our expectations?

- Bold, forward-looking political declaration that would advance the global anti-corruption agenda
- Clear commitments for reforms and actions
- UNGASS should trigger concrete next steps and provide a path forward
- Follow-up / public reporting on progress
- Address gaps in the current framework
 - Incorporate FACTI Panel recommendations
 - Path to tackling impunity
 - Advancing asset recovery and return
 - Raising the bar for prevention efforts
- Serve as the agreed basis for anti-corruption efforts (complementing UNCAC)

UNGASS: preparations

- UNODC has been holding an open consultation process
 - Inputs from all stakeholders available at:
<https://ungass2021.unodc.org/ungass2021/en/contributions.html>
- UNODC produced zero draft of Political Declaration based on government submissions
 - Negotiations started in September and are ongoing
 - Currently: Reading of the 2nd draft
- 3 UNCAC CoSP intersessional meetings to prepare the UNGASS
 - Final one upcoming in February (22./23.)
 - Only limited opportunity for civil society to participate
 - Appears to have limited impact on negotiations
- Format to be confirmed (hybrid/fully-virtual, side events, etc.)

UNGASS: preparations

- Who is taking part in the negotiations?
 - Country delegates based in Vienna (permanent missions: https://www.unodc.org/missions/bluebook_nsf/section1.jsp) – key positions come from capital
 - Some countries have anti-corruption experts in capital involved (often based in Ministries of Justice / Foreign Affairs), some also involve other government experts (Development Agencies, Anti-Corruption Bodies)
 - Many countries have not (yet) participated in the negotiations
 - 2 “facilitators”: Peru, UAE
 - No formal role for civil society

UNGASS: preparations

- How do negotiations work?
 - 1) Countries shared their priorities
 - 2) UNODC developed a “zero draft”
 - Covers key aspects of the Convention: Prevention, Asset Recovery, International Cooperation, plus a section on future steps
 - 3) Negotiations cover each paragraph, countries insert their suggested language, others support them, others ask for deletions or conflicting wording. Takes many days of negotiations to go through the whole document once
 - 4) Draft is revised according to input. Currently at the end of the “second reading”
 - 5) Negotiators start again on top of the document

General observations from the side-lines

- Limited involvement by governments in the negotiations
 - Some regions are underrepresented (e.g. Sub-Saharan Africa)
 - Many countries with success stories and good practices they could share, or with a progressive agenda, are not involved in negotiations
 - Several countries are taking conservative positions (e.g. EU countries are not seeking to scale minimum standards they already have committed to on Beneficial Ownership Transparency, Whistle-blower protection, etc.)
 - "Vienna Spirit of Consensus" will drag the lowest common denominator downwards
 - Many negotiators (especially Vienna-based delegations) are not aware of good practices in place in their own country
 - Most countries do not want new commitments but emphasise the need to first fully implement UNCAC provisions
 - Controversial issues include: FACTI Panel, references to illicit financial flows, role of civil society, gender, asset recovery (conditionality); forward-looking provisions

UNGASS: civil society priorities

- **Improved UNCAC review mechanism**

- Mandatory publication of self-assessment & full country review reports
- Inclusion of civil society and other stakeholders & transparent review process
- Mandatory follow-up
- Observer status for civil society in UNCAC CoSP subsidiary bodies

So far: Only a couple of countries seem to be supportive of stronger, more effective review process

UNGASS: civil society priorities

- **Beneficial ownership transparency**

- Introduction of centralised public registries of beneficial ownership
- Open & publicly accessible company registries
- Letter calling for company ownership transparency, endorsed by 400+ NGOs, research institutes, companies and academics:
<https://www.transparency.org/en/ungass-2021-commit-to-transparency-in-company-ownership-for-the-common-good>
- Good practices: UK, EU, Slovakia (BO disclosure for all domestic and foreign public sector partners) & pilots of OpenOwnership
- So far: some countries do not seem to want central & public registries, some focus on commitments in line with with FATF recommendations (which we think are not good enough)

UNGASS: civil society priorities

- **Public Procurement Transparency (incl. in COVID-19 context)**
 - Full, proactive disclosure of all documents and data of the public contracting process
 - Open Contracting Principles & Data Standard (Open Contracting Partnership)
 - Good practices: Georgia, Ukraine, Slovakia (contracts not in force until published online), open contracting pilots in many countries

- So far: references to open data, oversight and transparency, suggestions of a registry of convicted persons who cannot participate in procurement

UNGASS: civil society priorities

- **Access to Information**

- Reaffirming that ATI is a fundamental human right
- Commitment to adopting and strengthening legal frameworks to reach SGD 16.10
- Ensuring effective access to information in practice
- Independent oversight bodies for ATI
- Timely and comprehensive publication of information (open data portals, etc.)

UNGASS: civil society priorities

- **Advancing asset recovery**

- Increasing and speeding up asset recovery and their return
- Transparency and accountability in the return
 - Disclosure of data, cases, decisions, MoUs, transfers etc. by requested and requesting countries
 - Involvement of civil society throughout the process (legal standing to file AR cases, monitoring of the return, etc.)
- TI and Coalition suggested a new international mechanism to address barriers in asset recovery (see UNGASS consultation page)
- Recognition of **victims of corruption** and reparation for damages caused by corruption

UNGASS: civil society priorities

- **Whistleblower protection**

- Safe and enabling environment for all who identify, detect, testify on, report on corruption
- Secure and anonymous reporting channels
- Transparency of implementation, measures to provide free legal assistance, resources and educational materials
- Mechanisms for the resolution of whistleblower retaliation disputes

UNGASS: civil society priorities

- **Asset and interest declarations**

- Publication of declarations
 - Easy online access
 - Standardized & machine-readable
- Independent verification
- Dissuasive sanctions in case of non-compliance
- Address revolving door

- **Role of civil society**

- Safe and enabling environment to contribute to anti-corruption efforts
- Recognition of its role

UNGASS: civil society priorities

• **Political Finance Transparency**

- Development/endorsement of minimum standards to ensure transparency and accountability
 - E.g. ban on foreign donations
 - Mandating timely, disclosure of all contributions
 - Independent oversight
 - Spending caps
 - Dissuasive sanctions
 - Ensuring fair and transparent enforcement
- Building on recommendations of Expert Group Meeting and Global Expert Group Meeting on Corruption involving Vast Quantities of Assets (2019)

UNGASS: civil society priorities

- **Tackling grand corruption impunity**

- Process to discuss mechanisms to tackle impunity and strengthen international cooperation
- Idea of an International Anti-Corruption Court (Colombia) has very limited support from governments
- So far: End of the zero draft contained forward-looking provisions; will be negotiated at the end;
 - Enhancing review mechanism
 - Development and use of anti-corruption indicators, consider establishing an international observatory
 - We will explore the possibility of establishing an open-ended intergovernmental working group under the auspices of the General Assembly to address possible regulatory gaps in the Convention and, if it is deemed necessary, to develop an additional protocol for consideration by the tenth session of the Conference of the States Parties to the Convention
 - We will consider the creation of a monitoring mechanism to resolve disputes in the implementation of the provisions of the Convention. We will explore the need to further strengthen the international legal framework for asset recovery and will consider the establishment of a UN Special Committee on the international repatriation of proceeds of corruption

Conclusion

- Window of opportunity in the next 2 months for governments to push for progressive wording
- Need for more governments to become involved and contribute
- Risk of the UNGASS failing to ensure substantive progress
- Civil society can help create momentum

Opportunities for engagement

How can we build momentum?

- Contact your country's negotiators and advocate for your country to champion specific issues
 - Who? Vienna-based delegates, experts in MFA/MoJ
- Written submissions to the process: <https://ungass2021.unodc.org>
 - Do not necessarily reach negotiators – need to actively communicate them!
- UNGASS side events
 - Format & timeline for applications still unclear
- Participate in UNGASS
 - Format & timeline for applications still unclear
- Raising the pressure on governments to deliver
 - How can we best do that?

**For detailed questions and more details,
please get in touch directly:**

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<https://uncaccoalition.org/newsletter>