



Mr Tim Steele
Corruption and Economic Crime Branch
United Nations Office on Drugs and Crime
Vienna International Centre, PO Box 500
1400, Vienna
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14 June 2019

Dear Mr Steele,

With this letter, we would like to submit some comments and reflections regarding the participation of civil society in the "Regional Anti-Corruption Conference for South America and Mexico Contributing to Fast-Tracking the UNCAC Implementation" and the official UNODC outcome document.

In the past two and a half decades, the fight against corruption has been established in the international agenda, generating important policies and regulatory frameworks at a global, regional and national level that seek to prevent, detect and/or punish acts of corruption in their different manifestations. Nevertheless, there is still a lot of work to be done to guarantee the effective implementation of these frameworks and compliance with the existing rules and commitments, as well as to avoid a setback in the achievements made so far.

In May of this year, representatives of governments and civil society attended the "Regional Anti-Corruption Conference for South America and Mexico Contributing to Fast-Tracking the UNCAC Implementation". As a result of this meeting, representatives of 24 Civil Society Organizations (CSOs) from ten countries of the region agreed on a [document](#) with clear and concrete recommendations to advance the fight against corruption at the regional level and to accelerate the implementation of the United Nations Convention against Corruption (UNCAC), fifteen years after the United Nations General Assembly adopted the Convention.

In parallel, government representatives drafted a recommendation document and invited CSOs to provide comments to it. In response to this request, the CSOs that attended the conference want to highlight the recommendations contained in the civil society outcome [document](#) and invite all stakeholders to take them as a point of further reflection.

Likewise, we are convinced that facing corruption is a shared responsibility, recognising that states require the collaboration of other actors to control a phenomenon that does not respect borders and that expresses itself in changing and sophisticated ways. It is crucial to seek new models of democratic governance to build bridges between actors of the private sector, civil society, academia, and others. Above all, these models need to enable states to operate in a coordinated and integrated manner, based on the conviction that a state with low levels of corruption is a state that manages to put citizens at the centre of public value.

That is why we call on all governments participating in the conference to:

1. Ensure effective participation of civil society

UNCAC follow-up meetings with governments must allow for active involvement of civil society. They need to be constructive, i.e. based on deliberation and advocacy, with the participation of actors such as the private sector, other relevant sectors and technical specialists. The inclusion should not be limited to parallel processes or the consultation of documents previously discussed only by one of the actors, mainly governments. CSOs bring experts of different areas together to provide solutions to significant global challenges, including corruption. Most importantly, these meetings need to generate confidence to leverage the changes that the region needs. Conducting meetings where the actors are divided and separated, instead of allowing them to work together to build trust, weakens the fight against corruption.

However, as evidenced in the recent conference and on many occasions in different international and national settings, CSOs are only invited to participate in order to comply with the formal requirement of consultation, preventing effective participation. Therefore, we believe that the outcome document should fully reflect the recommendations of civil society, even when they are different from those formulated by governments, and accept these differences as an invitation to governments to be more ambitious and concrete in their results.

For these reasons, and also because it is an explicit mandate of Article 13 of the UNCAC, we believe that both, UNODC and governments, must assume the responsibility to create conditions for effective participation of civil society, guaranteeing at least:

- a. The timely delivery of agendas, lists of participants and minutes of meetings;
- b. The possibility for CSOs to present documents and to distribute them in time and due form to the delegations;
- c. The possibility of dialogue and exchange among participants from different sectors, by ensuring a broad representation of CSOs and providing an enabling environment for CSOs at the meeting;
- d. The possibility that CSO representatives work together with government representatives to collaboratively develop proposals and identify areas where there are differences of opinion to be discussed;

- e. Granting CSOs invited to a meeting access to the drafts of the documents being discussed there;
- f. CSO participation in thematic sessions to allow for dialogue and a real exchange of views, instead of a single plenary session with government and civil society.

We note that the limited space given to civil society within the UNCAC is in contrast to other international initiatives, including the Inter-American Convention against Corruption.

2. Progress in implementing commitments

Despite numerous commitments made in the fight against corruption, including the UNCAC, the pace of implementation is, at best, slow. Hence, it is necessary for countries to prioritize specific commitments and develop concrete implementation methodologies, which should include solid and transparent metrics and indicators. All the information related to the implementation of these commitments must be considered public and, therefore, has to be published in a timely and appropriate manner.

As a consequence of the limited involvement of civil society in the conference, the outcome document prepared by the governments ends up being redundant by recommending broad and sometimes less ambitious measures than those found in other international instruments.

3. Ensure that the adopted commitments pursue the highest standards of transparency and control of corruption

We note that some of the proposals raised are a step backwards compared to already existing standards. This is the case, for example, with the protection of whistleblowers. It seems that the measures taken in some countries and other international standards were not taken into account (see [here](#), [here](#) and [here](#)). These already guarantee the protection of whistleblowers in the public and private sector and form a clear path to advance in the implementation at the country level.

In particular, we consider that the commitments of States Parties must comply with the highest standard of obligation and compliance in order to achieve concrete results in the control of corruption in the region.

We, the signatory organisations, express our interest in contributing to a process of substantive collaboration that allows us to give new impetus to the adoption of the Convention in our countries and on our continent. Our organisations and the different global networks in which we operate maintain our commitment to advance, in a coordinated manner with all international organisations, the agenda of the fight against corruption.

Yours sincerely,

Asociación Chilena de Voluntarios- Chile
Chile Transparente
Datasketch - Colombia
Fundación Ciudadanía y Desarrollo – Ecuador
Fundación para el Desarrollo de Políticas Sustentables (Fundeps)
Fundación Poder Ciudadano - Capítulo Argentino de Transparencia Internacional
Fundar, Centro de Análisis e Investigación AC-México
Instituto de Derecho y Economía Ambiental - IDEA. Paraguay
Instituto Prensa y Sociedad IPYS
MCCE - Movimento de Combate a Corrupção Eleitoral
Proética - Capítulo Peruano de Transparencia Internacional
Semillas para la Democracia-Paraguay
Transparência Internacional - Brasil
Transparencia Mexicana
Transparencia por Colombia
UNCAC Coalition (Juanita Olaya Garcia, President)
Uruguay Transparente