

**UNITED NATIONS CONVENTION AGAINST CORRUPTION  
CIVIL SOCIETY STATEMENT  
TO THE FIRST CONFERENCE OF THE STATES PARTIES  
10<sup>th</sup> -14<sup>th</sup> December 2006, Amman, Jordan**

The United Nations Convention against Corruption (UNCAC) presents a unifying legal framework that provides a unique opportunity to tackle the root causes and consequences of global corruption. We (the representatives of civil society organisations from around 30 countries meeting in Jordan under the umbrella of the *Coalition of Civil Society Friends of UNCAC*) applaud governments for their comprehensive approach and for their efforts to prevent and punish corruption and to prevent the concealment of its illicit gains and hereby issue the following statement:

### **Participation of non-governmental actors and citizens**

Civil society has a crucial role to play in translating the ambition contained in UNCAC into reality. Corruption is a failure of systems that should be serving the public and safeguarding public assets. Corruption is a violation of public and citizens' trust. Who better to act as guardians of the public interest than those citizens?

UNCAC itself recognises the central role to be played by civil society. In the words of Antonio Maria Costa of UNODC, "*UNCAC belongs to the people*".

Strong civil society participation at the Conference of the States Parties (CoSP) is in line with the spirit of the Convention. Governments should support maximum participation of civil society organizations (CSOs), including their critics, permit access to plenary and non-plenary meetings and allow oral and written statements.

### **Protecting whistleblowers**

There is evidence from all regions of the world that civil society activists have a crucial role in promoting transparency and accountability. They need to be supported and protected. We note with deep concern that in many countries activists and others who report or denounce corruption are harassed, physically attacked or prosecuted.

We welcome the commitments made under UNCAC to protect *all* whistleblowers.

We call on governments to incorporate protection from retaliation, for those who report corruption, under their domestic legal systems.

### **Access to information**

The public's right to access information needs to be respected to fight effectively against corruption. It underpins all the UNCAC provisions and is essential for public participation in decision-making.

We call on governments to recognize the principle of maximum disclosure and implement effective and enforceable domestic legal instruments through which information is produced and disseminated. Information should be pro-actively disclosed in ways that are timely, accessible and understandable.

We also call on international organizations, including UNODC, to provide greater access to information through the prompt adoption of a public information policy.

## **Monitoring**

UNCAC requires states parties to provide the CoSP with their programmes, plans and legislative measures for implementing the Convention. Experience from other conventions shows early and effective follow-up monitoring to be fundamental to success.

We call on governments to support the early establishment of an effective monitoring system financed by the UN's regular budget and supported by a well-resourced secretariat:

In 2007:

- an implementation survey by all states parties to cover mandatory and non-mandatory provisions;
- a pilot monitoring programme as a first step towards comprehensive monitoring;
- participation of CSOs in the design of the survey and pilot monitoring system, as well as in the monitoring process.

In all phases of follow-up monitoring:

- include mandatory and non-mandatory provisions of UNCAC;
- submit country reports prepared and/or reviewed by independent experts and make arrangements for evaluating states parties that fail to provide inputs;
- require states to report on the national structures created for involving CSOs and reporting to Parliament;
- conduct regional peer review, using existing mechanisms, and where these are weak, strengthen them;
- make recommendations and provide for follow-up;
- ensure the timely dissemination and translation of questionnaires and country reports;
- provide for the formal submission of reports from CSOs and the creation of an alternative reporting mechanism to enable CSOs that are afraid to speak out to make their reports;
- cooperate with other intergovernmental organizations.

We also urge governments to identify the body which is designated as the focal point for the UNCAC and to make this information widely available.

## **Asset recovery**

We applaud governments for establishing the return of assets as a fundamental principle of UNCAC. We note that the process for returning stolen assets has to date been characterized by high costs, lengthy delays, inadequate mutual legal assistance (MLA), non-cooperative jurisdictions and in many cases political impediments. We welcome the promise this improved legal framework holds for ensuring that stolen property is returned to its rightful owner and for curbing the worldwide plunder of billions of dollars of national wealth.

We call on governments to:

- introduce early review of asset recovery processes as part of the overall monitoring system;
- establish a Working Group, with the participation of civil society, private sector and trade unions, to discuss country reviews and asset recovery cases and to publish case reports;
- provide assistance to countries for their asset recovery efforts, including the *immediate* establishment of an international fund for experts in legal cases and a global capacity-building programme, especially focused on the judiciary and law enforcement agencies – the administration of the fund should be transparent and subject to external audit;

- ensure transparency in the return of assets, involve civil society and establish guidelines including for the compensation of victims;
- use the UNCAC framework to facilitate the return of stolen assets where there is no MLA agreement between the relevant countries;
- put in place the following key UNCAC standards:
  - rapid (within 24 hours) freezing procedures;
  - reversed burden of proof;
  - non-conviction based forfeiture proceedings;
  - anticipated return procedures;
  - restrict multiple appeal possibilities.

## **Technical assistance**

We call on donor countries to commit to providing adequate support to all countries needing assistance in implementing UNCAC. Donors should recognise that corruption is a long-term problem requiring continued vigilance and that technical assistance (TA) should be an integral long-term component of UNCAC.

Technical assistance should help to fill implementation gaps and should be provided on the basis of nationally and locally owned frameworks and priorities. It should also be delivered in a way that seeks to work with and build local capacity and develop a body of comparative country knowledge and experiences that countries can draw on.

In implementing UNCAC-related TA, we urge governments to ensure close collaboration with CSOs that have the necessary technical expertise.

We call on donor countries to demonstrate their serious intent by addressing TA needs and fulfilling commitments:

### **Immediately, at the 2006 CoSP**

- sign up to a Donor Declaration, which commits to making immediately available earmarked resources to support developing countries in responding to the implementation survey, in identifying short and medium-term TA needs and in developing national action plans.

### **In 2007**

- conduct a survey of TA needs drawing on the implementation survey;
- start to mainstream UNCAC in their country TA strategies.

### **In the medium term - within five years**

- ensure that TA is coordinated in order to bring country-led and prioritized plans to fight corruption into line with the overall, agreed UNCAC framework; and update national action plans so that they reflect commitments made under UNCAC.

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UNCAC provides a real opportunity. The expectations of citizens around the world are high.

**We call on governments** to meet their legal, political and moral obligations and show the ambition required to ensure that UNCAC has a real and lasting impact on global corruption.

*UNCAC Conference of the States Parties, 13<sup>th</sup> December 2006*

**Signed by:**

<b>Algeria</b>	UNPC-SNAPAP
<b>Argentina</b>	Asociación Civil por la Igualdad y la Justicia Center for the Implementation of Public Policies Promoting Equity and Growth (CIPPEC) Poder Ciudadano Foundation
<b>Armenia</b>	TI-Armenia
<b>Brazil</b>	Transparencia Brasil
<b>Chile</b>	TI-Chile
<b>Timor Leste</b>	Luta Hamutuk
<b>Georgia</b>	Transnational Crime and Corruption Centre – Caucasus (TRACCC) TI-Georgia
<b>Guatemala</b>	TI-Guatemala
<b>India</b>	Commonwealth Human Rights Initiative (CHRI)
<b>Indonesia</b>	Indonesia Corruption Watch Partnership for Governance Reform in Indonesia
<b>Iraq</b>	Iraqi Center for Transparency and Corruption
<b>Ireland</b>	Dochas TI-Ireland
<b>Israel</b>	SHVIL (TI-Israel)
<b>Jordan</b>	Islamic Relief Worldwide TI-Jordan
<b>Korea</b>	K-Pact Council
<b>Liberia</b>	Centre for Transparency and Accountability in Liberia
<b>Lithuania</b>	TI-Lithuania
<b>Madagascar</b>	TI-Madagascar
<b>Mongolia</b>	Zorig Foundation
<b>Nigeria</b>	African Network for Environment and Economic Justice (ANE EJ) Gender and Development Action (GADA) Independent Advocacy Project (IAP) Publish What You Pay Nigeria Nigeria Extractive Industries Transparency Initiative TI-Nigeria Zero Corruption Coalition
<b>Palestine</b>	Arab Thought Forum – Citizen Rights Center (ATF)
<b>Papua New Guinea</b>	TI-Papua New Guinea
<b>Philippines</b>	Transparency and Accountability Network (TAN)
<b>UK</b>	CARITAS Christian Aid Global Witness Manchester Metropolitan University OXFAM UNICORN
<b>USA</b>	International Center on Nonviolent Conflict
<b>Venezuela</b>	TI-Venezuela
<b>Zambia</b>	TI-Zambia
<b>Zimbabwe</b>	Human Rights Trust of Southern Africa (SAHRIT)
<b>International</b>	Transparency International (TI-S)