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Statement submitted by the AWTAD Anti-Corruption Organization, a non-governmental organization not in consultative status with the Economic and Social Council*

The following document is being circulated in accordance with paragraph 1 (i) of resolution 4/6 of the Conference of the States Parties to the United Nations Convention against Corruption and rule 17, paragraph 3 (b), of the rules of procedure for the Conference.

* The present document is processed in the form in which it was received.
This proposal was submitted by:

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The date November 25, 2023.

As a non-governmental civil society organization specialized in combating corruption, cybercrime and related transnational organized crimes, and through our experience and expertise acquired for more than ten years in relation to the implementation of UNCAC, we submit this intervention to CoSP10 - UNCAC

During the period between the ninth and tenth sessions, our organization prepared a parallel civil society report to evaluate our country’s compliance with UNCAC. As non-governmental organizations, we adhere to impartiality and credibility as much as possible in our reports, based on our goals for the benefit of our countries and peoples in achieving real progress in anticorruption efforts, and maintaining our public property.

We call on States Parties, the UNODC Compliance Assessment Team, and international and regional organizations to pay attention to the findings and recommendations we have reached.

After reviewing similar reports in other countries suffering from conflicts and crises, what we have concluded is that the international community and the states parties to UNCAC must deal more seriously and effectively in international cooperation and provide technical assistance to implement UNCAC to countries suffering from conflicts on the one hand, and take adequate measures to evaluate and verify the credibility of law enforcement authorities in legal and implementation compliance with UNCAC on the other hand.
There are several points that we believe are important, which we point out as follows:

First: Recovering looted assets held under international or foreign sanctions:

There are many sanctions issued by the United Nations, regional organizations, and many state parties interested in achieving peace and stability in countries and regions of conflict and political crises. The most important of these sanctions is freezing the funds and property of people and groups that obstruct peace in many countries, but it is only a temporary freeze as a tool for pressure and to limit From using those funds and properties to finance the conflict, before those sanctions are lifted and the freeze on funds and properties is ended in the event that peace initiatives and ending the conflict are reached in those areas.

However, much of this frozen property is proven to have been obtained from illegal sources, especially through incidents of corruption, plundering of public wealth, exploitation of influence, or from the proceeds of transnational organized crimes and others, and therefore they are subject to UNCAC, UNTOC, the StAR Initiative to Recover Stolen Funds, and decisions and charters. Relevant human rights, which must be confiscated and restored to the countries that were stolen or obtained from them.

Therefore, lifting the freeze on property - which has been verified as having been acquired through corruption - is considered a serious violation of UNCAC, and significantly reduces the compliance of relevant States Parties with their obligations to UNCAC.

What must actually be done is to confiscate these properties and return them to their countries, establish funds to absorb them, and develop a transparent and practical mechanism to harness them in financing the sustainable development of those countries.

We therefore propose that this issue be addressed in the discussions that will take place during CoSP10, and we call on the Secretariat and the participating States Parties to support our demands to confiscate this property and return it to their countries.

There is no need to mention that these properties are the result of a crime and are subject to control, and if they are not confiscated, they are a tool for wealth laundering and corruption, which is against international human rights, especially the right to peace, and international anti-corruption treaties, especially the UN Convention against Corruption.

In addition, the new initiatives proposed by the AWTAD Organization for Combating Corruption, whose focus is to recover looted assets held under international or foreign sanctions, demand to confiscate this property and return it to their countries, because the idea of confiscating this property is a tool to achieve peace and stability in many countries, and to ensure that the countries that were stolen or obtained from them are not used for corruption.

Which confirm that the interest of these properties is to achieve peace and stability in many countries, and to ensure that the countries that were stolen or obtained from them are not used for corruption.
Second: Corruption in relief and development aid and grants provided to countries suffering from conflicts and disasters:

In addition to corruption scandals around the world related to high-cost projects and grants allocated to confront the Covid-19 pandemic, the period between the ninth and tenth sessions witnessed the publication of many investigative reports and the opening of investigations into incidents of major corruption related to relief and development aid and grants provided to peoples and groups affected by conflict, crises and disasters. nature around the world.

Unfortunately, donor countries and institutions direct all their aid to the relief, humanitarian and development fields, and completely ignore supporting good governance and anti-corruption programs in conflict and disaster areas, at a time when corruption is devouring and wasting the bulk of that aid.

We call on the Secretariat, States Parties and multi-stakeholders to consider this issue with interest

We propose that a portion of the aid provided to areas of conflict and disasters be allocated to finance good governance and anti-corruption programs, and to activate the role of civil society and non-governmental organizations in this field.

Third: Confronting green corruption related to the environment and climate in conflict and disaster areas:

Armed conflicts result in the creation of an environment suitable for the negative use of the environment and climate, and the difficult-to-control spread of corruption incidents linked to environmental destruction and climate damage.

Such as embezzling funds and aid allocated to environmental and climate programmes, using bribery in environmental inspections and the permit system to facilitate trade in wildlife and other natural resources and increasing carbon emissions, which leads to the depletion of natural resources and pollution of the environment. Corruption also contributes to the development of policies and practices harmful to the environment and climate and to unfair allocation. for environmental resources

ثانياً: الفساد في المساعدات والمنح الإغاثية والتنموية المقدمة للدول التي تعاني من الصراعات والآفات:

كما ساهمت في تفعيل التفتيش في جهاز كوفيد-19، فقد شهدت الفترة ما بين الدورتين التاسعة والعشيرة نشر الكثير من التحقيقات الاستقصائية وفتح تحقيقات لوقائع فساد كبير في العديد من دول ومناطق الصراعات والآفات المتعلقة بالمساعدات والمنح الإغاثية والتنموية المقدمة للشعب والآفات المضرة من الصراعات والآفات والكوارث الطبيعية.

لذا، فإن الدول والمؤسسات المعنية توجه كل المساعدات إلى المجال الإغاثي والتنموي، وتتجاهل تماماً دعم برامج الحكم الرشيد ومكافحة الفساد في مناطق الصراعات والكوارث، في الوقت الذي يقوم فيه الفساد بالتهيّد وإهدار الجزء الأكبر من تلك المساعدات.

ندعو الأمة المتحدة والدول الأطراف وأصحاب المصلحة المعنيين إلى النظر بإحترام إلى هذا الموضوع.

يقترح أن يخصص جزء من المساعدات التي تقدم في المناطق الصراعات والآفات وذلك لمكافحة الحكم الرشيد ومكافحة الفساد، وتفعيل دور المجتمع المدني والمنظمات غير الحكومية في هذا المجال.

ثالثاً: التصدي للفساد الأخضر المرتبط بالبيئة والمناخ في مناطق الصراعات:

ينتبه عن الصراعات السلبية خلخ بيئة مناسبة لإستخدام البنية البيئية والمناخ، وانتشار بسبب السيطرة عليه لوقائع الفساد المرتبطة بتدمير البيئة والإضرار بالمناخ.

إلى جانب الأمور والمساعدات المخصصة للبرامج البيئية والمناخية، واستخدام الرشوة في عمليات التشكيل البيئي ونظام التصاريح لتسهيل الاتجار بالحياة البرية والمواد الطبيعية الأخرى، وغيرها الكثير من الاستعراضات البيئية والثنائيات، ويعود الفساد أيضًا في تطوير سياسات ومارسات ضارة بالبيئة والمناخ في التخصص غير العادل للموارد البيئية.
International cooperation, tightening border controls and preventive measures from state parties neighboring conflict countries will contribute greatly to reducing corruption crimes related to the environment and climate.

We suggest that one of the tools for assessing states parties’ compliance with UNCAC should be to criminalize green corruption within its legislation and call on states parties to increase their support and technical assistance to law enforcement authorities and non-governmental organizations in conflict and disaster areas in order to address this type of corruption incidents.

Obliging the States Parties neighboring conflict areas to adopt appropriate preventive measures to combat smuggling and illegal trade in wildlife and natural resources coming from countries and areas of conflict.

Fourth: Providing support and assistance to multiple stakeholders in conflict areas:

Events, reports, and research have proven that the level of authorities’ compliance with combating corruption in conflict areas is declining significantly, their ability to enforce the law is declining, and they are suffering from the fragility of the political and security conditions, which negatively affects the exercise of their powers.

Therefore, the important role of multi-stakeholders, especially independent non-governmental organizations, emerges here, which can play a strong role in combating corruption during periods of conflict and crisis.

To achieve this, it requires providing a set of factors and assistance to local stakeholders in those countries, the most important of which are:

- Encouraging civil society to prepare parallel and impartial reports to evaluate states’ compliance with the implementation of UNCAC according to professional and technical standards consistent with international standards, paying attention to their outputs and providing the opportunity and support to review them in conferences of states parties to UNCAC.

- Providing the necessary funding for operational expenses and to finance the purposeful activities of non-governmental organizations from international donors.

- Providing technical assistance to non-governmental organizations and their cadres and developing their capabilities in exercising community oversight and promoting transparency and good governance.
Fifth: Placing the fight against corruption on the agenda of political conflicts and crises, and the duplication of law enforcement authorities within one state party:

Anti-corruption efforts must be independent and impartial, and not be placed on the agenda of political conflicts and crises in the party countries, because this leads to a significant decline in those countries’ compliance with UNCAC.

All parties to the conflict raise the slogan of combating corruption as one of the tools to attract the largest possible number of citizens and civil society to support and join it. It is just a kind of camouflage and deception, as reality proves exactly the opposite. Rather, all parties seek to harness anti-corruption and law enforcement bodies and authorities as a weapon against their enemies. All parties are exercising many forms of interference and pressure to achieve this.

In some countries suffering from civil wars and divisions, there is more than one governmental authority specialized in combating corruption, in all the local regions under the control of each party, and there is no cooperation or coordination between any of them, which has resulted in duplication of anti-corruption bodies and law enforcement authorities within. The same state party to UNCAC.

We have noticed a very strange phenomenon. Corrupt people take advantage of the tense situations in their countries not only to escape justice, but also to start another round of corruption incidents.

Those involved in corruption crimes in areas under the control of one of the parties to the conflict flee to areas under the control of the hostile parties, where they are received as national heroes and appointed to important government positions, opening a new page of corruption within their countries, with protection provided to them.

Placing the fight against corruption on the agenda of political conflicts and crises is considered a dangerous phenomenon that must be addressed firmly. We hope that CoSP10 will issue instructions to countries suffering from conflicts and crises obligating them to maintain the neutrality and independence of government bodies and authorities concerned with combating corruption, and to take sufficient measures to oblige all parties to the conflict not to protect the corrupt.

Sincere regards

AWTAD Organization for Combating Corruption