

Distr.: General
7 December 2021

English only

Ninth session

Sharm el-Sheikh, Egypt, 13–17 December 2021

Statement submitted by the UNCAC Coalition, a non-governmental organization not in consultative status with the Economic and Social Council*

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UNCAC Coalition

Association for the Implementation of the
UN Convention against Corruption



UNGASS Follow-up: Turning Commitments into Practice

Submission by the
UNCAC Coalition
to the 9th Session of the UNCAC Conference of States Parties

1 December 2021

The first-ever UN General Assembly Special Session (UNGASS) against Corruption with its Political Declaration adopted in June 2021 serves as an important milestone in the global efforts to prevent and combat corruption. From a civil society perspective, it is clear that governments need to go beyond the consensus of measures agreed in the Political Declaration in their anti-corruption efforts.¹

However, the UNGASS Political Declaration will only create meaningful momentum and advance the global anti-corruption agenda, if a follow-up process to the commitments States made is put in place. As the UNCAC COSP was “invited to follow-up and build on the declaration”, it is now up to the States Parties to operationalize the commitments during the 9th UNCAC COSP.

We ask States Parties to ensure that agreed COSP resolutions at the minimum reflect the consensus reached in the Political Declaration, and further build on them to strengthen and advance global efforts to advance anti-corruption efforts, transparency and accountability.

The following submission discusses aspects that are crucial for the effective implementation of these commitments that are particularly important:

Recommendations on UNGASS follow-up

Since the Political Declaration lacks a clear follow-up mechanism, States Parties should, preferably through a UNCAC COSP resolution:

- **Adopt a concrete work plan** to discuss the effective implementation of the commitments made in the UNGASS Political Declaration;
- Ensure that **UNGASS follow-up is integrated into the agendas of all COSP subsidiary bodies**, including through UNGASS-follow-up dedicated agenda items;

¹ UNCAC Coalition press release, “UN General Assembly Special Session against Corruption: World Leaders Urged to Take Bold Action to Advance Transparency and Anti-Corruption Action”. 2 June, 2021:

https://uncaccoalition.org/ungass2021_statement_02-06-2021/.

- Establish **thematic intersessional meetings** that include all relevant stakeholders, in particular civil society, focusing on the challenges and progress made in implementing the commitments;
- Call on **States Parties to report on the challenges, good practices and information on their UNGASS implementation efforts in a standardized and publicly accessible manner**;
- **Invite other relevant stakeholders**, including civil society, international organizations and other UN entities, **to contribute** to the UNGASS follow-up process.

Following established practice, UNODC could set up an UNGASS implementation web portal that could compile all relevant stakeholder contributions and share important information regarding follow-up activities and events in a transparent, standardized, and easily accessible manner.

Importance of an inclusive follow-up process

In the lead-up to the UNGASS, the General Assembly reiterated the “importance of an inclusive preparatory process” and civil society was “encouraged to fully contribute”.² Civil society organizations submitted many written contributions³ and actively participated in the thematic intersessional meetings. Dozens of CSOs observed the June 2021 special session (while only a few were able to deliver statements), organized side events (most of them in collaboration with Member States), and closely followed the plenary high-level statements.

In line with the established practice, **civil society should also be an integral part of any follow-up process**. The UNGASS on the world drug problem (2016) serves as a good reference for a meaningful inclusion of civil society: Member States were invited to implement the operational recommendations made therein “in close partnership” with civil society.⁴ Civil society representatives were invited to speak in panel discussions of the following intersessional meetings and have published written contributions on the post-UNGASS 2016 website.⁵ At the national level, civil society should be aware of, and included in, States Parties’ efforts to implement the commitments, in line with UNCAC articles 5, 10 and 13, and paragraphs 21 and 66 of the UNGASS Political Declaration.

Substantive aspects of the UNGASS follow-up

As the latest global consensus on anti-corruption, the **UNGASS commitments should now be operationalized through the adoption of focused COSP resolutions**.

First and foremost, the Political Declaration called for stronger UNCAC implementation. The declaration also went beyond the Convention in some aspects, and, despite including many

² UN General Assembly resolution 74/276: “Special session of the general assembly against corruption”, 2 June 2020: <https://undocs.org/en/A/RES/74/276>.

³ UNODC’s UNGASS 2021 website: “Contributions from civil society, academia, and other relevant stakeholders”: <https://ungass2021.unodc.org/ungass2021/en/contributionsStakeholders.html>.

⁴ UNODC, “Outcome Document of the 2016 UNGASS on the World Drug Problem, para 9, 19-21 April, 2016: <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf>.

⁵ UNODC’s Post-UNGASS 2016 website, Stakeholders Submissions: <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf>.

caveats, added important details and expanded on a number of UNCAC provisions, and addressed issues that have emerged since the adoption of the Convention in 2003. Member States have, inter alia, committed to:

- Increasing transparency and accountability **during the whole public procurement cycle**, and strengthening data-collection systems and accessible and user-friendly open databases;
- Enhancing **beneficial ownership transparency** by ensuring that adequate, accurate, reliable and timely beneficial ownership information is available and accessible to competent authorities and by **promoting beneficial ownership disclosures and transparency**, such as through appropriate registries;
- Ensuring that the public has **effective access to information**; Increasing the transparency of decision-making processes, adopting procedures or regulations and designating and enhancing bodies responsible for facilitating access to information, as well as through the use of digital tools and open data to help make information more accessible;
- Providing a safe and enabling environment to those who **expose, report and fight corruption** including their relatives and other persons close to them; Enabling confidential complaint systems, protected reporting systems and programmes for the protection of reporting persons;
- Improving the understanding of the linkages between **gender and corruption** and promoting gender equality and the empowerment of women, including by mainstreaming it in relevant legislation, policy development, research, projects and programmes;
- Promoting a safe and **enabling environment for civil society, guaranteeing the safety of anti-corruption activists, witnesses, whistleblowers, journalists and others who uncover and report on corruption**, and by actively facilitating the **participation of civil society** and other non-state stakeholders in national, regional and international anti-corruption efforts;
- Recognizing that Member States are responsible for ensuring **transparent, free and fair elections**; Promoting and implementing measures that protect the integrity and accountability of the electoral process and promote its accountability to voters, transparency and impartiality in domestic electoral institutions and oversight mechanisms, and **transparency in the funding of candidatures** for elected public office, **political parties and electoral campaigns**;
- Strengthening efforts to prevent, identify and manage **conflicts of interest**, including by assessing and mitigating corruption risks and through effective and transparent financial disclosure systems, with information disclosed by appropriate public officials made available as widely as possible, including through the use of innovative and digital technology;
- In the field of **Asset Recovery**, Members States committed to strive to ensure that it is done in a transparent and accountable manner; to allocate such proceeds to the national revenue fund or the State treasury, reinvest funds for special purposes and **compensate victims of the crime**, including through the social reuse of assets for the benefit of

communities; to strengthen and return assets when employing alternative legal mechanisms and non-trial resolutions, including **settlements**.

- In the context of the **UNCAC Implementation Review Mechanism**, Member States committed to fully and effectively following up on the conclusions and observations from the review process, and welcomed the efforts of the COSP to assess the performance of the Mechanism and adapt procedures and requirements for the follow-up (of the review mechanism).

Implementation of a forward-looking framework

On the international level, the UNGASS commitments should guide UNODC's and other relevant UN-entities' actions, such as the development of updated anti-corruption guides, the delivery of technical assistance and capacity-building programs for Member States, as well as to lay out the foundations for further expert discussions on anti-corruption issues that require elaboration and concretization.

Unfortunately, some of the forward-looking commitments included in the Political Declaration remain vague. No consensus was reached on new normative frameworks, such as in the field of asset recovery or ways to tackle impunity in grand corruption cases.

Member States also failed to make strong links between corruption and environmental crimes, as well as other forms of organized crime. However, some important forward-looking commitments were made, among them:

- To identify gaps and challenges in UNCAC-implementation and within the international anti-corruption framework, and in this regard, to consider States Parties recommendations to address such gaps;
- To hold a General Assembly Special Session on asset recovery after the conclusion of the second review cycle, including exploring ways to improve the asset recovery global framework;
- UNODC is requested to prepare a comprehensive report on the state of UNCAC implementation after the current review phase is concluded, including conducting surveys on gaps, challenges, lessons learned and best practices.

We call on States Parties to operationalize relevant aspects of the UNGASS Political Declaration and to establish a follow-up framework that ensures progress towards the implementation of commitments made at the UNGASS.