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**Statement submitted by African Center for Governance,
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non-governmental organization not in consultative status
with the Economic and Social Council****

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**Written Submission on Civil Society Protection And Participation In Anti-
Corruption Efforts**

By

**The African Center for Governance, Asset Recovery, and Sustainable
Development.**

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INTRODUCTION

This submission provides an overview of the civil society participation in anti-corruption specifically in the process of asset recovery and return. In June 2024, African Center for Governance, Asset Recovery, and Sustainable Development developed a *Guideline for Civil Society Organizations in the Management and Monitoring of Proceeds of Crime*¹ in collaboration with CLEEN Foundation, a civil society in Nigeria. In the Guideline, we provided an overview of how civil societies can assist in the transparent use of returned assets through both independent and collaborative method.

Resolution 10/1

One major highlight of the tenth session of the Conference of the States Parties (CoSP) to the United Nations Convention against Corruption(UNCAC) was the adoption of the resolution '*Atlanta 2023: promoting integrity, accountability and transparency in the fight against corruption*'. The resolution emphasizes the significance of asset recovery and calls for an improved UNCAC measures for asset recovery and return, international cooperation, mutual legal assistance, and civil society involvement in investigation, prosecution, and judicial proceeding for proceeds of crime. It also reiterates the need for transparency and accountability in the process.

CSO Participation in Anti-Corruption

Asset recovery and return has been noted to be a major anti-corruption strategy by the UNCAC. The process of returning illegally obtained public fund aims not only to deter perpetrators but to restore societal injustices and compensate victims of the crime. Best



practices through the years have shown that to effectively and efficiently recover and return stolen assets, key state actors and non-state actors must be actively involved.²

Civil society organizations are indispensable in the asset recovery and return process because their roles throughout the stages ensures transparency and accountability. Some of these roles include: creating awareness through campaigns, research, monitoring of returned assets to ensure compliance with legal frameworks, and public policy reforms.

UNCAC encourages State parties to take appropriate measures, within its means and by fundamental principles of its domestic law to promote active participation of individuals and groups such as CSOs, NGOs and community based organizations³. Additionally, it urges its CoSP to include non-governmental organizations in the UNCAC review processes.⁴ Other initiatives emphasizing CSO participation include the UNCAC Coalition⁵, Global Forum on Asset Recovery (GFAR) principles⁶, Civil society Principles for accountable Asset Return⁷.

Issues in CSO Participation

According to the 2023 UNODC report on the review of implementation of the Chapter II of the UNCAC⁸, challenges in the implementation of Article 13 of UNCAC include limited participation in decision-making processes and governmental efforts to prevent and combat corruption; inadequate measures for effective access to information due to insufficiency or lack of enforcement of legal frameworks; Inadequate measures for effective access to information.

Additionally, sometimes, non-state parties (CSOs) are not allowed to participate in key anti-corruption conferences. For instance during the 9th CoSP held in Sharm El-Sheikh, Egypt in 2021, eight CSOs including Access Info Europe and Transparency International Georgia were prevented from attending due to objections from the Governments. Attendance at these conferences is useful for promoting transparency of the proceedings.

Furthermore, CSOs and individuals involved in the fight against corruption face the risks of being harassed, harmed and compromised by powerful elites. CSO stakeholders often face police or judicial harassment. Other challenges, include long-term sustainability and



lack of funding. In some cases, the CSOs themselves become corrupt. Corruption scandals involving CSOs have occurred in many countries, e.g. Finland, Honduras, Nigeria, USA and others⁹.

An additional challenge to successful CSO participation is the use of CSOs as political instruments. This can occur, for example, where a public official or government member, or their relative operates an anti-corruption CSO. In such cases, a serious conflict of interest arises as such organizations tend to forego its primary objective of implementing reforms to contribute to more corruption.¹⁰

Recommendations

To address these issues, there is need for CSOs to be totally independent from State parties' manipulation. Active participation of CSO in governmental reforms, decision making and anticorruption process should be guaranteed by State parties. This can be done through provision of such participation in its domestic legal frameworks or policies. State parties should fully engage CSOs in the process of asset recovery and be open to the views and recommendation of CSOs.

State parties should also be willing to share basic information to CSOs. This would enable these CSOs work effectively and efficiently in reaching their goals. Lastly we recommend that the rights of CSOs to attend international conferences be protected by State parties. This will enable CSOs participate fully, proffer solutions and learn from these peer to peer engagements.

Conclusion

CSOs contribute greatly in the anticorruption efforts especially in the recovery, return and monitoring of asset recovery domestically and internationally. Their role should be highly encouraged by both the international and regional communities for effective implementation of the UNCAC and achievement of the sustainable development.

References



¹ African Center for Governance, Asset Recovery and Sustainable Development (2024) Guideline for Civil Society Organizations on Management and Monitoring of Proceeds of Crime Available at: <https://africancenterdev.org/wp-content/uploads/2024/07/GUIDELINE-FOR-CSOS-ON-MANAGEMENT-AND-MONITORING-OF-PROCEEDS-OF-CRIME.pdf>

² Ngozi Okonjo-Iweala, P. O.-K. (2011). The Role of Civil Society Organizations in Supporting Fiscal Transparency in African Countries. Available at: https://www.r4d.org/wpcontent/uploads/Ngozi-CSO_Paper_Revised_Version.pdf

³ Article 13 UNCAC, Article 12 African Union Convention on Preventing and Combating Corruption (AUCPCC)

⁴ Article 63 UNCAC

⁵ UNCAC Coalition (2024) About US Available at: <https://uncaccoalition.org/aboutus/about-the-coalition/>

⁶ GFAR Civil Society Statement in 2017 available at <https://star.worldbank.org/sites/star/files/gfar-civil-society-statement.pdf>

⁷ Transparency EU (2020), Civil Society Principles for Accountable Asset Recovery: Submission to the UNGASS Against Corruption. Available at: <https://transparency.eu/wpcontent/uploads/2020/11/joint-NGO-principles-for-responsible-asset-return.pdf>

⁸ Review of the Implementation of Chapter II (Preventive Measures) of United Nations Convention against Corruption Available at: <https://www.unodc.org/documents/treaties/UNCAC/COSP/session10/CAC-COSP-2023-4/2319167E.pdf>

⁹ UNODC: Module 10 Citizen Participation in Anti-Corruption Efforts Pdf Available at https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_10_Citizen_Participation_in_Anti-Corruption.pdf

¹⁰ Ibid endnote 9