

# Next Steps

after the

## UNCAC Second Conference of States Parties

*1 February 2008, Bali, Indonesia*

### **Ratification**

1. Signatory governments that have not yet ratified<sup>1</sup> should do so and non-signatory governments should accede.

### **Review of implementation**

2. The mechanism should:
  - a. be coordinated with regional review mechanisms and reflect the political will that resulted in the African peer review mechanism and the Inter-American Convention;
  - b. be supported by a well-resourced secretariat;
  - c. be assisted by an independent board of experts;
  - d. use an appropriate mix of review methods (country reports, visits, peer review);
  - e. monitor mandatory and non-mandatory provisions;
  - f. be participatory, engaging all stakeholders, including civil society organisations;
  - g. be transparent, based on the publication of all review documents;
  - h. be financed by the UN's regular budget.
3. All governments should meet their legal obligations and complete the checklist and make these responses public. To date, only 65 countries have completed their checklists: African Group, 7; Asia 8; Eastern Europe, 13; Latin American and Caribbean 16; Western European and other groups 12.
4. Expand the scope of the checklist and involve civil society in the analysis and follow-up and include UNCAC non-mandatory provisions.
5. Develop the pilot project in a transparent and participatory manner.

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<sup>1</sup> Afghanistan, Bahrain, Barbados, Belgium, Bhutan, Brunei Darussalam, Cape Verde, Comoros, Côte d'Ivoire, Cyprus, Czech Republic, Ethiopia, Germany, Greece, Guinea, Haiti, India, Iran, Ireland, Israel, Italy, Jamaica, Japan, Laos, Liechtenstein, Malaysia, Mali, Malta, Mozambique, Myanmar, Nepal, New Zealand, Korea, Saudi Arabia, Singapore, Sudan, Swaziland, Switzerland, Syria, Thailand, Timor Leste, Tunisia, Ukraine, Venezuela, Viet Nam. Source [www.unodc.org](http://www.unodc.org)

## **Asset recovery**

6. States Parties should prioritise:
  - a. creating asset declaration systems;
  - b. ensuring that anti-corruption bodies are independent and adequately resourced (with their own investigators and prosecutors);
  - c. ensuring the independence of the Attorney General;
  - d. making publicly known the competent authority for Mutual Legal Assistance;
  - e. tackling banking secrecy in Offshore Centres.
7. Funding should be provided to meet litigation costs of asset recovery cases, either through the StAR initiative or some other mechanism.

## **Technical assistance**

8. Donor countries should ensure that adequate resources are available to meet the long-term technical assistance needs of states and donors should publish “what they pay”.
9. Donor countries should take immediate steps to coordinate and improve aid effectiveness at the country level (in accordance with recent agreements of the OECD-DAC).
10. There is a need to develop targeted, transparent and participatory tools to identify needs, priorities and institutional arrangements for Technical Assistance.
11. Governments should ensure that Technical Assistance is provided to public/legislative bodies, civil society and private sector stake holders, in addition to anti-corruption bodies.

## **Private sector**

12. The Business Coalition that met at the 2<sup>nd</sup> CoSP in Bali should work towards aligning their business principles with the values enshrined in the UNCAC and report back at the third CoSP on the efforts made to develop mechanisms to review companies' compliance with the realigned principles.

## **Protecting whistleblowers, activists and investigators**

13. Governments should guarantee the security of whistleblowers and activists. Articles 13, 32 and 33 of UNCAC should be incorporated into the self-assessment checklist and urgent steps be taken to implement these provisions.
14. The United Nations should establish a procedure within the UN system, such as the appointment of a Special Rapporteur on the Protection of Anti-Corruption Advocates, or a Working Group on the Protection of Anti-Corruption Advocates.
15. Governments should provide protection and security of tenure for anti-corruption reformers working for anti-corruption agencies in accordance with the provisions of UNCAC.

## **Participation at the next CoSP**

16. Governments should ensure that there is high level representation at the CoSP. A number of countries were either not represented or under-represented at the second CoSP in Bali.
17. All countries should play an active role in the negotiations of CoSP Resolutions.