



Highlights from The 2021 UNGASS

Parliamentary Briefing #01

GOPAC

GLOBAL ORGANIZATION OF PARLIAMENTARIANS AGAINST CORRUPTION
ORGANISATION MONDIALE DES PARLEMENTAIRES CONTRE LA CORRUPTION
ORGANIZACION MUNDIAL DE PARLAMENTARIOS CONTRA LA CORRUPCION
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The 2021 UN General Assembly Special Session (UNGASS) against Corruption, held on 2-4 June 2021, adopted a Political Declaration as its outcome. It is a set of commitments made by the Member States to strengthen, take stock, and push forward the national and international anti-corruption agenda.

It was the first-ever special session of the UN General Assembly (UNGA) focusing on corruption. The session provides momentum for the global parliamentary community to be recognized in the multilateral avenue against corruption. The UNGASS Political Declaration, is one of the most important documents in recognizing the role of parliament and parliamentarians in combatting corruption, following the adoption of the Conference of the State Parties to the United Nations Convention against Corruption's (CoSP UNCAC's) resolution [8/14](#) on promoting good practices in relation to the role of national parliaments and other legislative bodies in preventing and combating corruption in all its forms in 2019.

Several paragraphs of the 2021 UNGASS Political Declaration have referred to the important role of parliaments and other oversight or supervisory bodies in tackling corruption. Others implied that parliaments and parliamentarians could contribute to developing national policy or measures in certain areas.

GOPAC, as an inter-parliamentarian network exclusively combating corruption, took part in the lead up to UNGASS via its preparatory process, the inter-sessional meetings in 2020-21 and the special session of the CoSP UNCAC in May 2021. The organization also submitted its written [contribution](#) to the formulation of the Political Declaration.

What happened during the General Assembly Special Session?

The UNGA special session on challenges and measures to prevent and combat corruption and strengthen international cooperation was convened on 2-4 June 2021. Member States, Observers, and Relevant Organizations were invited to address the Plenary through physical attendance or pre-recorded video statements.

GOPAC had the opportunity to address the session via a pre-recorded video delivered by the Chair of the organization, HE Mr. Ahmed bin Abdullah bin Zaid Al Mahmoud.¹ In his address, he viewed the Political Declaration as a pledge document for Member States to work together on the fight against corruption.

UNGASS also hosted a select number of invited side-events held by various organizations, international partners, and states. GOPAC also organized its side event, on 2 June, in cooperation with the UNODC entitled "Parliament's Role in Implementing UNGASS." You may view the recorded event in our GOPAC Youtube account.

During the special session, the President of the General Assembly, HE Mr. Volkan Bozkir, also organized a High-Level Supporting Event on the margins of the special session on addressing corruption in the context of the COVID-19 pandemic.

The special session also marked the opportunity for the creation of the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network),² a cross-border cooperation to end corruption.

The GlobE Network provides a platform for peer-to-peer information exchange and informal cooperation to identify better, investigate and prosecute cross-border corruption offenses and recover stolen assets. The network is open to specialized authorities referred to in Article 36 of the Convention from all UN Member States and States Parties to the UNCAC.

The Political Declaration

The Plenary of the 2021 UNGA Special Session adopted a political declaration which was prepared and agreed by the special session of the CoSP pre-UNGASS on 7 May 2021. The political declaration is entitled "Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation."

These 18 pages of the declaration contain specific focuses, pledges, and commitments on preventive measures, criminalization and law enforcement, international cooperation, asset recovery, technical assistance and information exchange, anti-corruption measures as enablers for the SDGs, and the forward-looking anti-corruption agenda and framework.

The political declaration recognizes parliament and parliamentarians and other legislative bodies' roles in combating corruption. Some paragraphs explicitly mention parliaments or other legislative bodies and members of parliaments to be strongly connected to specific issues, while some may have or are closely related to the work and the outcome of the parliamentary mandates.

1. GOPAC Chair address to the plenary of the 2021 UNGASS starts from 3.05.15

2. More on the GlobE Network <https://globenetwork.unodc.org/globenetwork/en/index.html>

Below is a non-exhaustive list of issues from the Political Declaration which provides direct reference to the work of parliament and parliamentarians. However, as the Political Declaration was tasked to be a forward-looking document, this list of issues should not be construed as the only items that parliaments and parliamentarians can follow up after the special session of the UN General Assembly.

For instance, whenever a paragraph mentions the need to have a specific policy or measure, this does not mean that parliament and parliamentarians should not take further implementation to follow up the said policy and measure. Parliament and parliamentarians have an expanded role in their oversight duties by taking up all the issues covered by this declaration. Thus, they still have the responsibility to follow up further on the outcome of the UNGASS and the provisions provided by the Convention.

1.The application of public ethics.

The political declaration acknowledges the crucial application of anti-corruption obligations and measures, code of conduct, and other ethical standards for members of parliaments as part of a commitment to foster a culture of accountability, transparency, legality, integrity, and fairness in the public sectors (paragraph 6).

Parliamentarians themselves are rightly subject to scrutiny, as the document also contains a commitment to take adequate measures at the domestic level to prevent, investigate and prosecute acts of corruption and related offenses involving members of national parliaments. The measures shall take into account the privileges and immunities to promote the highest degree of ethical standards as an essential element for maintaining public trust (paragraph 26).

2.The management of public finances.

Through the declaration, there is a commitment to strengthen the management of public finances and effective budget oversight conducted by parliaments or other legislative bodies. In connection with the role of parliaments in oversight and budgeting, it is also essential to build and even strengthen relations between national legislatures and supreme audit institutions, and other oversight bodies (paragraph 9).

3.Inter-parliamentary dialogue and cooperation measures.

Member States acknowledge the role of parliament in shaping and contributing the national policies against corruption through the exchange of good parliamentary practices. It was reflected by Member States' commitment to strengthen inter-parliamentary dialogue and cooperation, including with the Inter Parliamentary Union (IPU) and similar organizations to promote exchanges of good legislation practices, review and oversight controls in anti-corruption fight (paragraph 26).

3.The IPU enjoys specific status as Permanent Observer with the UN.

4. Universal ratification of UNCAC.

As expressed in the political declaration preambles, the UNCAC is already ratified by 187 States Parties, making the instrument close to achieving universal adherence. Yet, there are a few States who are yet to be a party to the Convention. Parliaments and members of those respective national parliaments can promote the universal ratification of UNCAC, making the instrument the universal recognized framework in combating corruption. The inter-parliamentary community can play a part in encouraging parliaments of the Member States, who have not yet ratified UNCAC, to ratify it through the exchanges of experiences on the benefit of becoming the party to the Convention and its process.

Note: As of 10 June 2021, at least 10 States have not yet ratified the Convention. These States are Barbados (signatory), Syria (signatory), Suriname, Eritrea, Andorra, Monaco, Saint Kitts and Nevis, Saint Vincent and the Grenadines, San Marino, and Somalia.

5. Criminalization of the offenses established by the Convention (Chapter III of UNCAC).

In paragraph 24, the political declaration urges Member States to adapt legislation and regulations to cover matters of criminalization as contained in chapter III of the Convention. These matters, in particular, are those related to the bribery of national public officials (article 15), bribery of foreign public officials and officials of public international organizations (article 16 paragraph 1), embezzlement, misappropriation or other diversion of property by public officials (article 17), laundering proceeds of crime (article 23), obstruction of justice (article 25), participation and attempt (article 27 paragraph 1).

6. Mainstreaming gender into relevant anti-corruption legislations

As the linkages between gender and corruption have been explored and long been studied by many, it is crucial to develop a full understanding of the impacts of gender equality on anti-corruption issues. It was reflected by the inclusion of a commitment to continue promoting gender equality and women's empowerment, including mainstreaming it in relevant legislation in paragraph 69.

7. A time-bound commitment for anti-bribery measures?

One interesting paragraph in the political declaration is about the provision of a time-bound commitment, contained in paragraph 74. This commitment is designed to substantially reduce corruption and bribery in all their forms by 2030. It commits to adopt as soon as possible legislative and other measures to establish as criminal offences the acts required by the Convention, including by criminalizing solicitation and the acceptance of bribes and the bribery of national public officials and foreign public officials.

8. Measures for direct recovery of property

Under the political declaration, Member States have committed to ensuring the implementation of article 53 of the Convention regarding direct recovery of property. Paragraph 46 of the declaration contains a commitment for the Member States to ensure their domestic legal frameworks allow States Parties to initiate legal proceedings in their courts to claim title to or ownership of property acquired through the commission of an offence established by the Convention.

Member States also committed to allow the recognition of other States parties harmed by an offence through judicial orders for compensation or damages and to enable the courts, during confiscation proceedings, to recognize the claim of another State party as a legitimate owner. As the commitments requiring the development of domestic legal frameworks, parliament and parliamentarians have their stake in balancing the measures needed by article 53 of the Convention with their domestic laws.

Worth mentioning

The 2021 UNGASS provided a platform of dialogue for the Member States in expressing their national positions, focuses, and concerns. For three days, countries all over the world took turn to deliver statements, both live and through a pre-recorded video. GOPAC takes stock of these issues to map what the global anti-corruption concerns are.

During the plenary, many States highlighted asset recovery issues, the return of the proceeds of crime, and international cooperation towards it. It means more of the international agenda will be devoted to achieve such aspirations.

They also stressed the need for a greater engagement of the public, the media, civil society, academia, business, in combating corruption including by enabling environment that support them to report any offences linked to corruption. Member States also highlighted the nexus between corruption and other transnational crimes, making both of the related Conventions crucial to be implemented with the same level of ambitions.

There were also funding pledge by Belgium at around € 3 million to the United Nations Office on Drugs and Crimes to prevent corruption in the environment and a commitment by the United States of America to host the 10th Conference of the State Parties (CoSP) to the Convention in 2023. Egypt is scheduled to host the 9th CoSP in December 2021 in Sharm el-Sheikh.

This Parliamentary Briefing is a product of GOPAC Secretariat. It is part of a larger effort by GOPAC to provide information and enhance parliamentary awareness on global anti-corruption and good governance agenda.

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