

ANA GOMES

18.2.2021

Preparation of UNGASS 2021 - UN GA Special Session against Corruption

I welcome this **IPU** discussion in preparation of UNGASS 2021.

Addressing your specific questions to this panel:

Does UNCAC go far enough

1. to make **BENEFICIAL OWNERSHIP** transparent?
2. to protect Whistleblowers?
3. to prevent corruption in Financing of Politics?

My answer to the 3 questions is **NO**.

But the problem is not with the UNCAC - it is the result of the lack of political will and poor leadership, at national and international level, to enforce UNCAC and to tackle effectively corruption, tax evasion, organized crime and kleptocracy.

Let's not be naïf: All these scourges are the consequence of how the economic, financial and political systems work and as a result of all the neoliberal and deregulatory theories that keep proliferating "Tax-havens" and "Freeports", offshore in "paradise islands", and onshore in the USA and EU Member States and the UK.

Despite the EU Anti Money Laundering and Countering Terrorism Financing Directives and UNCAC, the FATF, the OECD Anti-Bribery Convention, The Council of Europe GRECO reports, etc...

Just read Financial Times journalist Tom Burgis, who wrote the book "**The Looting Machine**" about the worldwide networks that enable the plunder of African natural resources. His most recent book "**Kleptopia**" is about the global kleptocracy that is being enabled to transition ill gotten assets, families and passports from the South and East to the West by the current system, based on the underlying links between authoritarian states and those democratic jurisdictions which anonymize stolen money and assets on an industrial scale, enabling the massive inflows of revenue from poor and developing countries to the more developed ones. This not just involves the responsibility of oligarchs and governments, but armies of bankers, auditors, accountants, lawyers, PR executives and the capture of politicians in democratic States.

This is about the 2030 Agenda for Sustainable Development, about Human Rights - specially of women -, the Rule of the Law and, actually, the salvation of Democracy: We see in Europe and the USA nazi and fascist forces preying upon the revolt of people against massive corruption, the widening of inequalities and the impoverishing of the middle classes.

I believe that an important achievement of UNGASS should be the one proposed by **Transparency International**: a new multilateral agreement, as a protocol to UNCAC, on asset recovery, which would impose obligations on transparency, real protection for whistleblowers, a mechanism for return of ill gotten assets and illicit financial flows, including those resulting from organized crime and tax fraud and tax evasion.

Tackling tax fraud and tax evasion at the global level is more crucial and urgent than ever - it is about trillions being robbed from development and social progress. This is even more pressing as the monstrous wealth inequalities that the combination of big tech, MNCs and the pandemics have even exponentially increased. A UN kind of OECD BEPS initiative, but global and mandatory, is vital to counter the kleptocracy and illicit financial flows armies.

I come from Portugal, the country that was exposed in "Luandaleaks" as functioning as a huge money laundering machine for the Angolan kleptocracy. Among other kleptocrats, still to be uncovered.

The country where Rui Pinto, the whistleblower of "LuandaLeaks" and "FootballLeaks" was jailed and is being tried. And where a former Prime Minister and the CEO of collapsed Banco Espírito Santo, both suspected of large scale corruption and money laundering, including in enabling the Angolan kleptocracy, go on their 7th year without facing trials!!!

Portugal is also a country that still keeps enabling money laundering schemes to operate, namely via its GoldenViSA scheme.

It is the country where, despite promised cooperation at the judicial level with Angola, there may never be any assets to return: the Portuguese Asset Recovery system is hyper-garantist, requiring a criminal conviction, and time passing obviously works in favor of the criminals.

(Also, the custodian system for judicially frozen assets does not guarantee their preservation, but actually facilitates mismanagement, dissipation and the recovery of assets by the original criminals via shell companies and straw men.

Finally, and not by chance, no effective mechanism has ever been enacted in Portugal to impose transparency and effectively control the financing of political parties: not only the existing formal mechanism has no human and other resources, but the practice of revolving doors and overlapping legislative office and private interests are legal and common. Lack of transparency is the norm in procurement and other public contracts, rendering public scrutiny extremely difficult) - *paragraph only submitted in writing.*

Briefly, I suggest, based in my experience as an MEP who worked on these matters:

- **A Global Assets Registry and National Central Public Registers of Companies and Trusts** must be made mandatory by the UN and must be properly adopted as global standards by organizations such as OECD, FATF, EU, AU, etc..

- **Protection of whistleblowers** must go beyond what is in the EU directive: must include any person, even from outside an organization, that submits relevant information to

authorities or makes public disclosures to force authorities to act. SLAPP legislation must be tackled since it obstructs the exposure of corruption.

-UNGASS should establish a **UN Financial Investigative Unit** with global outreach, as a mechanism for international cooperation specializing in the fight against corruption, kleptocracy, tax havens, financial illicit flows and assisting in asset recovery and return.

Thank you.

Fighting corruption to restore trust in government and improve development prospects



Inter-Parliamentary Union
For democracy. For everyone.

Annual Parliamentary Hearing

17 and 18 February 2021

9 am to 12 noon EST (New York time)
Held virtually on Interprefy



Programme

Moderated by Ms. Claire Doole

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| Wednesday, 17 February | |
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| 09:00 – 09:15 | Opening session |
| | <p>Mr. Volkan Bozkir, President of the 75th session of the General Assembly</p> <p>Mr. Duarte Pacheco, President of the Inter-Parliamentary Union</p> |
| 09:15 – 09:30 | Keynote speech |
| | <p>Ms. Delia Ferreira Rubio, Chair of the Board, Transparency International</p> <p><i>How corruption undermines democracy and development: the need for parliamentary engagement</i></p> |
| 09:30 – 11:10 | The Convention Against Corruption: building blocks and implementation challenges |
| | <p>Leading questions</p> <ul style="list-style-type: none"> • What difference has the 2005 United Nations Convention against Corruption (UNCAC) made? • How can the implementation of UNCAC be made more effective? • Have new issues emerged over the years that the UNGASS 2021 should address? • How to ensure that other emergencies including pandemics do not derail anti-corruption efforts? <p>Presenters</p> <ul style="list-style-type: none"> • H. E. Mr. Ahmad bin Abdulla Bin Zaid Al Mahmoud, Speaker of Shura Council State of Qatar, Chair of the Board, Global Organization of Parliamentarians Against Corruption (GOPAC) • Ms. Cynthia Lopez Castro, MP, Congress of Mexico, member of the Bureau of the Forum of Young Parliamentarians • H. E. Mr. Eric Anderson Machado, Permanent Representative of Peru to the United Nations Office at Vienna, and Co-facilitator for the Political Declaration of the UNGASS 2021 against corruption • Ms. Ghada Fathi Waly, Executive Director, United Nations Office on Drugs and Crime (UNODC) |

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| Video break | |
| 11:15 – 12:00 | <p>Corruption involving vast quantities of assets (VQA), aka “grand corruption”</p> <p>Presentation of a proposal to create an international anti-corruption court or other mechanism to prosecute corrupt leaders who may evade justice in their own countries.</p> <p>Leading questions</p> <ul style="list-style-type: none"> • Is a new anti-corruption court politically and practically feasible? • What other ways are there to ensure justice and the restitution of stolen assets in cases of “grand corruption”? <p>Presenters</p> <ul style="list-style-type: none"> • H. E. Ambassador Kjersti E. Andersen, Permanent Representative of Norway to the United Nations Office at Vienna • Justice Richard Goldstone (South Africa), Co-founder and Board Member, Integrity Initiatives International • Mr. Juan Fernando Lopez Aguilar, Member of the European Parliament, Chair of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) |
| Thursday, 18 February | |
| 09:00 – 10:15 | <p>Gender-sensitive anti-corruption policies</p> <p>Leading questions</p> <ul style="list-style-type: none"> • Does corruption affect women and men differently? • What are the gender impacts on corruption? • What measures can be taken to strengthen the gender dimension of anti-corruption efforts? <p>Presenters</p> <ul style="list-style-type: none"> • Senator Susan Kihika, Senate of Kenya, President of the Bureau of Women Parliamentarians and former prosecutor • H.E. Mr. Alie Kabba, Permanent Representative of Sierra Leone to the United Nations, President of the Executive Board of UN Women, member of the Gender Advisory Group of the President of the General Assembly • Dr. Anna Petherick, Blavatnik School of Government, University of Oxford, gender-corruption expert <p>Background reading: <i>The Time is Now: addressing the gender dimensions of corruption</i></p> |
| Video break | |
| 10:20 – 11:50 | <p>Key anti-corruption measures: assets disclosure and beneficial ownership, whistle-blowers, and financing of political parties/elections</p> <p>Leading questions</p> <ul style="list-style-type: none"> • Does UNCAC go far enough to make beneficial ownership transparent, protect whistle-blowers and prevent corruption in financing of politics? • What are some of the best practices at the national level? <p>Presenters</p> <ul style="list-style-type: none"> • Mr. Fadli Zon, MP, People’s Representative Council of Indonesia, and Chair of Southeast Asian Parliamentarians Against Corruption (SEAPAC) • Ms. Sanda Ojiambo, CEO and Executive Director, UN Global Compact • Ms. Ana Gomes, former Member of the European Parliament, former diplomat |

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| 11: 50 – 12:00 | Closing session |
| | Mr. Volkan Bozkir , President of the 75th session of the General Assembly Mr. Duarte Pacheco , President of the Inter-Parliamentary Union |