

## Training to Strengthen Civil Society Capacity on the United Nations Convention against Corruption (UNCAC) and its review mechanism

Kuala Lumpur, Malaysia  
25-27 February 2014



Participants in the Training to Strengthen Civil Society Capacity on the United Nations Convention against Corruption

Mr. Nuno Jorge was invited to participate in the Training to Strengthen Civil Society Capacity on the United Nations Convention against Corruption (UNCAC) and its review mechanism in Kuala Lumpur, Malaysia on 25-27 February 2014. The training consists of assignments to reflect on the Anti-corruption law in Macau, and how NGOs can work along as the Civil Society during the review process.

The overall objective of this workshop is to develop the participants' capacity to contribute to the implementation of UNCAC and the work of its Implementation Review Mechanism, as well as to provide a platform for constructive dialogue between government focal points and various stakeholders. More specifically, the workshop seeks to:

- a) Equip participants with the requisite substantive expertise in UNCAC provisions to undergo and perform reviews;
- b) Inform participants about the methodology and tools for country reviews;

- c) Build capacity to reproduce workshop sessions at the national/regional level;
- d) Provide a platform for constructive dialogue and sharing of experiences.

As preparation, Mr. Jorge has filled in the assignment as the following:

(Reflecting on) The incidence on Articles 16, 18 and 21 (in Chapter III of the UNCAC Constitute)

*Has your country adopted and implemented the measure(s) in law and in practice? Please provide a brief explanation.*

- 1) Macau adopted much of these measures, but as Special Administrative Region of the Peoples' Republic of China, many of the local laws implementing this subject diverge from those of China; additionally, the Legislative Assembly of Macau SAR PRC, in cooperation with the Commission Against Corruption [CCAC], and it's small staff of 250, has the power to adapt the orientations from Convention [UNCAC] to what may be defined as the "Local Environment".



tuation in Macau

*Please cite and attach the applicable law(s), policy(ies), or other measure(s). (Up to 20 pages material) Or in case of non implementation, please provide an account of your country's efforts to date to implement the provision under review, if any steps have been undertaken.*

- 2) The laws and policies may be, thus, well-tailored to the relevant objectives, as are perceived. To illustrate this, the latest annual report from the CCAC, of August 2013 is attached, and in the back cover examples are displayed, such as a Medical Doctor engaged in the commerce of prescriptions, with one case of an officer of the Public Works Department [PWD] being prosecuted for bribery, albeit for a contract of 100 Million Patacas (about 10 Million Euros), but representing a "most firm and strong warning" to this important public sector of many, many Billions of Patacas. One's attention must be called to the fact that, for instance, revenues of gambling companies, alone, in 2013, grew to \$45 Billion USD, about 364 Billion MOP – which makes an academic study, published in the Macau Times, mentioning a volume of money laundering during the last 10 years of about 13 Trillion Hong Kong Dollars (about 13'000 Million Euros) seem unrealistic.

*How are these provisions enforced in practice? Please provide examples of cases and attach case law, if available.*

- 3) To see how these provisions are enforced in practice, may I refer to the well documented and complete report of the CCAC, mentioned in point (2) above, both in writing and in pictures, of all the many meetings and travels engaged by the Commission, to develop and perfect the necessary expertise, even as they were very concerned that the elections for the Legislative Assembly be a "clean election".

*Can you identify successes and good practices in implementing the article?*

4) Object examples of the most relevant concrete cases of success, such as reported by the press, are displayed in the said CCAC 2013 annual report, namely: (a) “Prison guard helps convicts get mobile phones”, (b) “Macau Foundation employee suspected of misusing official cars”, (c) “Prison guard suspected of smuggling goods (mobile phone, batteries, SIM card, guitar strings) to inmate”, (d) “Civil servant accused of abuse of power [in application procedures for building maintenance]” (e) “Gov’t hospital nurse suspected of forging documents for overtime compensation”, and similar cases, these being but just a few, selected by the Commission to illustrate their annual report and fundament the activity of the year.

*What challenges exist?*

5) As challenges, one will be paramount: the huge volume of moneys arriving, circulating and departing Macau. Then, the necessary infrastructures to accommodate the 36 Million annual visitors, which, by being urgent, massive and many, (some in the Billions of Patacas), are delayed many years, even as the designing, by necessity, to save time, is usually adjudicated without open tender, and with costs overrun three, four or, perhaps, even more than the original budgets.

*Please set out your recommendations.*

- 6) In such a situation, it is proved impractical to advance substantive suggestions which may have useful purposes, rather than just an academic exercise: whatever suggestion, to be productive, must be well received and considered by whom they may concern, in good spirit. Consequently, they shall await the right opportunity, if any, and be constructive, so as to be welcomed.



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In the program, it consists of introduction to key concepts of UNCAC and the IRM. In the opening ceremony, Ms. Mirella Dummar Frahi (in the picture on the left), head of the UNODC Civil Society Team moderated the opening remarks made by Malaysia Host Government, UNCAC Coalition, Transparency International and the UN Resident Coordinator. After that, she introduced the background, rationale and the objectives of the workshop, overview of the agenda and tour de table.

In the afternoon, the first session started with the initial overview of UNCAC and the Conference of States Parties, it is to enable participants to acquire basic and up to date information about UNCAC implementation and share developments in their respective countries.

The second session has the UNCAC Review Mechanism: Revisiting the Substantive Provisions of Chapter III and IV. It is to enable the in-depth exploration of the substantive requirements for implementing chapter III and IV of UNCAC (Criminalization and International Cooperation).

The third session is the continuation of the UNCAC Review Mechanism: Revisiting the Substantive Provision of Chapter II and V. It focused on the in-depth exploration of the substantive requirements for implementing chapter II and V of UNCAC, in the area of Prevention and Asset recovery.

The fourth session consisted of the UNCAC implementation and involvement of national stakeholders, considering avenues of multi-stakeholder cooperation in implementing UNCAC provisions.

The fifth session was about conducting the review by providing a methodology for national stakeholders on how to contribute to a comprehensive and participatory review of UNCAC implementation.

From the sixth session onwards, two groups are being divided to provide a platform for constructive dialogue on the different aspect of UNCAC implementation and review, and Macau falls into the group that is preparing to undergoing review. Review and exercises on self-assessment checklist are made.



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The seventh session is about exercises on the dialogue and reporting stage for those countries preparing or undergoing review.

The last one is the wrap-up session which comes up with conclusions from the two assessments.

On the last day, it was reserved for CSOs making a review of this training workshop.