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India's G20 presidency and anti corruption working group

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Abstract

Corruption is common global enemy of humanity so it requires the global cooperation in strong fight with this menace in the era of unprecedented connectivity of the world. The world community, through the medium of multilateral organizations, is leading this task. G20 which has significantly broadened its scope has also included the agenda of corruption in its ambit very seriously. G20 has created Anti Corruption Working Group as a creative group with the task of coming up with innovative and practical solutions of corruption. Emphasis has also been given on preventing from duplication of work of other organizations. The role of India is very crucial in global cooperation for fight against corruption.

Keywords: Corruption, G20, anti corruption working group, India

Introduction

Relations among nation states in the international sphere is very complex and complicated in which nation-states, international organizations, international Non Governmental Organizations and Multinational corporations are key players. International organizations are formed to promote collective interest of the states and these interests can be in the form of national security and economic interests. Trade has always been important part of relations among nation states. The ideology of globalization led to the greater integration of economies which benefitted many countries but one of the disadvantages is that connected economies become vulnerable to economic crisis in other country. Financial stability in the international system becomes very much important. International Monetary Fund is the most important organization in this regard. G7, a group of advanced economies came into existence for financial cooperation and maintenance of stability but over the period of time its inadequacy was realized in ensuring economic stability and preventing economic crisis as there was economic crisis in Asia. Need for addressing such financial crisis and better representation of world economy was realized.

It was in the year 1999 when one such economic cooperation group named G20 was created. The group comprises 19 states namely Argentina, Australia, Brazil, Canada, China, France, Germany, India, Italy, Japan, Republic of Korea, Mexico, Russia, Saudi Arabia, South Africa, Turkey, United Kingdom and United states and one grouping that is European Union. Initially it was an informal forum of the Finance Ministers and Central Bank Governors of the most industrialized and developing economies for international economic cooperation and financial stability. In 2009, The G20 was upgraded to the level of Heads of states/ Government due to the global economic and financial crisis of 2007. This group represents around 85% of the global GDP, over 75% of the global trade, and about two-thirds of the world population. G20 has not permanent secretariat and its presidency is rotated annually and the selection of presidency is done from one of the five groupings of G20. Assuming G20 presidency is of great responsibility and also opportunity as the agenda of G20 is decided by G20 presidency.

Organizational structure of G20

G20 has two tracks one is Sherpa track and other is Finance track. Under the Sherpa track twelve working groups are functional namely Agriculture working group, Anti Corruption Working Group, Culture Working Group, Development working Group, Digital Economy Working Group, Disaster Risk Working Group, Education Working Group, Employment

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Working Group Energy Transitions Working Group, Environment and Climate Sustainability Working Group, Health Working Group, Tourism Working Group and Trade and Investment Working Group. Sherpa track is headed by Sherpa who is representative of the leader. Another track is Finance track which is headed by the Finance Ministers and Central Bank Governors. The finance track generally meet four times a year, with two meetings being held on the side –lines of WB/ IMF meetings. There are eight sub organizations working under it namely Framework Working Group, International Financial Architecture Working Group, Infrastructure Working Group, Sustainable Finance Working Group, Global partnership for Financial Inclusion, Joint Finance and Health Task Force, International Taxation Issues and Financial Sector Issues.

Global anti corruption effort and anti corruption working group

Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish. This evil phenomena is found in all countries –big and small, rich and poor- but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government’s ability to provide government services, feeding inequality and justice and discouraging foreign aid and investment. Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development. Various international organizations have come up with various commitments and documents to fight the evil of corruption. Some examples are the Inter – American Convention against corruption, adopted by the Organization of American States on 29 March 1996, the convention on the fight against corruption involving officials of the European Communities or Officials of Member States of the European Union, adopted by the council of European Union on 26 May 1997, the convention combating Bribery of Foreign Public Officials in International Business Transactions, adopted by the organization for economic cooperation and development on 21 November 1997, the criminal law convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 27 January, the Civil Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 November 1999, and the African Union Convention on Preventing and Combating Corruption, adopted by the Heads of the State and Government of the African Union on 12 July 2003. One of the most important document against anti corruption is United Nations Convention Against Corruption which came into existence in 2003. This document has total eight chapters and seventy one articles. This is the only globally legally binding instrument against Mechanisms for implementation and Final provisions. United Nations Convention Against corruption has mainly three purposes as mentioned in the article one of the convention are to promote and strengthen measures and combat corruption more efficiently and effectively, to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in

asset recovery, to promote integrity, accountability and proper management of public affairs and public property.

G20 Anti Corruption Working Group

G20 Anti Corruption Working Group was formed by Toronto Summit in the year 2010. It was mentioned in the point number forty of The G20 Toronto Summit Declaration. It was written as “We agree that corruption threatens the integrity of markets, undermines fair competition, distorts resource allocation, destroys public trust and undermines the rule of law. We call for ratification and full implementation by all G – 20 members of the United Nations Convention against Corruption (UNCAC) and encourage others to do the same. We will fully implement the reviews in accordance with the provisions of the UNCACy. Building on the progress made since Pittsburgh to address corruption, we agree to establish a Working Group to make comprehensive recommendations for consideration by Leaders in Korea on how the G-20 could continue to make practical and valuable international efforts to combat corruption and lead by example, in key areas that include, but are not limited to, adopting and enforcing strong and effective anti – bribery rules, fighting corruption in the public and private sectors, prevent access of corrupt persons to global financial systems, cooperation in visa denials, extradition and asset recovery, and protecting whistle-blowers who stand- up against corruption.” So it is evident that G20 aspires to contribute to global fight against corruption and for that purpose only Anti Corruption Working Group was formed. The role of this group is to give comprehensive recommendations which are considered by the leaders of G20. This group functions as per its own Action Plans. For each specified period normally for two years it comes with action plans. So far it has come up with eight plans. Its first action plan came in the year 2010 as G20 Anti- Corruption Action Plan 2011-2012, in 2012 as G20 Anti Corruption Action Plan 2013-2014, in 2014 as G20 Anti Corruption Action Plan 2015-2016, in 2014 as G20 Anti Corruption Action Plan 2015-2016, G20 Anti Corruption Implementation Plan 2015-2016, in 2015 as G20 Anti Corruption Action Plan 2017-2018, in 2016 as G20 Anti Corruption Action Plan 2017-2018, in 2018 as G20 Anti Corruption Action Plan 2019-2021, in 2021 as G20 Anti Corruption Action Plan 2022-2024. To comprehend the actions of G20 Anti Corruption Working Group under Indian Presidency of G20 it is imperative to understand the G20 Anti Corruption Action Plan 2022-24 as it is guided by this plan.

Anti Corruption Action Plan 2022- 2024

This action plan is guided by the political declaration of the first-ever special session of the United Nations General (UNGASS) against corruption as well as the as the first ever G20 Anti Corruption Ministerial Communiqué. This action plan is also informed by the “Think Pieces” developed by the Organisation for Economic Cooperation and Development (OECD), United Nations Office on Drugs and Crimes (UNODC), Financial Action Task Force (FATF), and the World Bank (WB) during the Saudi and G20 Presidencies in 2020 and 2021, which aim at stimulating the thinking and discussion on the promotion of international cooperation, in particular regarding (i) Asset recovery (ii) Law enforcement cooperation; (iii) Information sharing; (iv) Technology and (v) Denial of safe heaven/entry.

As per this plan it has mainly three objectives for the period between 2022-2022 (i) Promote the implementation of existing G20 commitments and treaty obligations to increase the impact of the international anti corruption agenda. (ii) Build on existing G20 anti corruption commitments by developing further targeted actions on the topics where the G20 Anti-Corruption Group (ACWG) can best add value through and joint contribution, and increase the impact of work in the wider international community, and (iii) Meet new corruption challenges identified by the international community and promote actions to prevent and counter corruption in related cases.

Strengthening the implementation of existing anti – corruption G20 commitments

The plan to achieve this is through compiling and reviewing all G20 anti corruption commitments on corruption, including those enshrined in High-Level Principles, to take stock of what has been achieved and where further action is needed, Making better use of the reformed, thematic approach to the annual Accountability report, developed under the Saudi Presidency, as a tool for self assessing the record of implementation made by G20 countries against specific sets of High Level Principles and other G20 anti corruption commitments also to encourage mutual learning of respective good practices and identify ways to improve their implementation, in accordance with domestic laws and taking into account countries context, Encouraging the dialogue with engagement groups to support the Accountability Report and other relevant stakeholders, including the academia, Continuing the discussion on improving the working methods of the ACWG, with a view to assessing and the impact of working and ensuring added value. Apart from this it also stresses on effectively implementing the United Nations Convention against Corruption as the most comprehensive legally binding universal instrument to prevent and combat corruption, Enhance the transparency and inclusivity of the UNCAC Implementation Review Mechanism by continuing to make use, on a voluntary basis, of the options in terms of reference, including hosting country visits, involving the private sector, academia and civil society, including by inviting them to country visits, publishing the full country review and self assessment checklists, Use UNCAC as a channel for global anti corruption cooperation, including by employing the convention as a legal basis for mutual legal assistance and extradition in corruption cases and the other offences covered by the convention and consistent with the its provisions and other applicable international obligations. Building on the Riyadh initiative towards the creation of a Global Network of Anti Corruption Law Enforcement Authorities, encourage engagement in the Globe Network of Anti Corruption Law Authorities. Ensure that each G20 county has a national law in force to criminalize bribery, including bribery of foreign public officials and bolster efforts to effectively prevent, detect, investigate actions towards criminalizing foreign bribery and enforcing foreign bribery legislation in line with article 16 of UNCAC, and with a view to possible adherence by all G20 countries to the OECD Anti- Bribery Convention.

Building on existing G20 anti corruption commitments

For this purpose it has three substantive priorities.

Substantive priority 1: Public sector transparency, integrity and accountability. Exchange good practices to explore the possibilities offered by emerging technologies for enhancing the quality and accessibility of open government data, in line with the G20 Anti Corruption Open Data Principles and domestic laws. Foster greater inclusivity, openness and fair competition in public procurement, including by promoting accountable and transparent practices among suppliers and reliance on skilled procurers and buyers, and promoting data analysis, risk based approaches, appropriate due diligence and supporting robust and efficient multilevel review processes. In addition, welcome and encourage the efforts of international financial institution on procurement transparency and beneficial ownership. Promote the role of audit institutions and where allowed under domestic frameworks, the importance of collaboration with anti corruption bodies, to increase transparency, accountability, regulatory adherence, and efficiency in the management of public finances. Explore ways to raise awareness of corruption among youth and cultivate a culture of integrity, including, as appropriate and to the extent possible, anti corruption education and research, training and awareness raising activities.

Substantive priority 2: Private sector transparency, integrity and accountability, anti- money- laundering and beneficial ownership transparency Explore measures to strengthen transparency in the real estate sector with a view to preventing the laundering of proceeds of crime through real estate, in particular as regards transnational flows in the real sector. Promote good practices in business integrity and anti corruption ethics and compliance programmes, covering issues such as maintenance of books and records, financial statement disclosures, accounting and auditing, and taking appropriate remedial steps to address wrongdoing. Address the misuse of legal persons and arrangements such as shell companies for corruption, by sharing ways to strengthen domestic regulatory and supervisory regimes and by promoting relevant multilateral collaborative efforts. Support the FATF's ongoing project to revise the current recommendation on beneficial ownership transparency by sharing good practices on beneficial ownership transparency and technical assistance programmes, including at a side event with experts to consider the findings of the 2021 Accountability Report.

Substantive priority 3: International cooperation, denial of safe haven and asset recovery. Convene technical experts and relevant multilateral fora and networks to exchange good practices on legislation, cross border information sharing and operational procedures to better enable countries to engage in both informal and formal international cooperation and to explore ways to increase digitalization and interoperability in these processes. Encourage members to participate in and make full use of existing law enforcement networks, as appropriate, such as those originating from the G20 ACWG, including G20 Denial of Entry Experts Network and the Globe Network taking into consideration that useful networks in this regard include INTERPOL, CARIN, regional ARINs, the Egmont group, the FATF, the OECD Global Law Enforcement Network against transnational bribery and the OECD Working Group on Bribery Law Enforcement Officials.

Strengthen the availability of practical asset recovery information of G20 countries by G20 countries to update their Country step by step Guides on Asset Recovery for formal cooperation and promoting information on processes and procedures for informal cooperation, for example through engaging and effectively using the Globe Network.

Cross cutting areas the G20 ACWG can best add value

Corruption measurement

Raising awareness on the importance of promoting a collective and fruitful discussion on improving corruption measurement, ACWG members will reflect on ways to improving corruption measurement, the ACWG members will reflect on ways to improve the quality and reliability of existing corruption measurement frameworks, with a focus on evidence based and reliable indicators in both the public and private sector, while supporting the development of new, comprehensive and objective methods to measure corruption that complement existing indexes, without duplicating existing work.

Gender and corruption

The ACWG will continue to improve our understanding of the linkages between gender and corruption to identify ways to prevent and address it, including the ways in which corruption can affect women and men differently, and we will continue to promote gender equality and the empowerment of women including by mainstreaming it in relevant legislation, policy development, research, projects and programmes, a appropriate and in accordance with the fundamental principles of domestic law.

Trade and investments

In line with past commitments, and without duplicating work being undertaken elsewhere, the ACWG will strive to explore measures to prevent the misuse of trade and investment flows to conceal corruption and transfer the proceeds of and promote cooperation with the private sector on this topic and take appropriate measures to encourage the private sector to implement effective mitigation and compliance measures.

Anti Corruption Working Group Meeting under India's Presidency

Total three meetings of Anti Corruption Working Group took place in India. The first meeting was held in the Gurugram, Haryana from 1st to 3rd March, 2023. Second meeting of Anti Corruption Working Group took place in Rishikesh, Uttarakhand from 25-27 May and the last meeting took place in Kolkata from 09 – 11 August 2023. The focus areas of deliberations of first meeting were several issues such as Asset Recovery, Fugitive Economic Offenders, formal and informal channels of cooperation for information sharing, institutional frameworks for combating corruption and mutual legal assistance, among others. Apart from this, considerable progress has been made in discussing the High Level Principles on Improving Information sharing for fighting Corruption and related economic crimes, Strengthening Asset Recovery Mechanisms related to Corruption and related economic crimes, Strengthening Law Enforcement Cooperation for Action against corruption and related economic crimes, and Promoting Integrity and effectiveness of Public Bodies responsible for Preventing and Combating Corruption. In the second meeting same issues were discussed and

significant progress took place in those issues. In the third meeting, discussion was very fruitful and along with it all the three High Level Principles were also released.

Conclusion

G20 is one of the most important intergovernmental organizations which is vehemently fighting against corruption. It has a special Anti Corruption Working Group under the Sherpa track whose role is to come up with comprehensive documents for consideration of the leaders of G20. The issues which have been taken by the ACWG is actually very much in accordance with addressing the actual need of India specially information sharing and setting mechanism for denying the safe haven for corrupt people. It is also giving the strong message that no place is safe for them nor their property is safe abroad.

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