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## AGENDA ITEM

### INTERVENTION IN RESPECT OF THE SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION IN AFRICA

OBS /386

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HUMAN RIGHTS DEVELOPMENT INITIATIVE NPC

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Madame Chairperson, I make this intervention to address issues of access to information, transparency and accountability. Even though the context of the intervention is illicit financial flows, we deal specifically with access to information in this submission.

Earlier on, I listed the names and designations of 16 government officials, people related to government officials, judges, and so forth who have been named as shareholders, directors and members of shell companies in secret offshore jurisdictions in the Panama Papers.

Madame Chair, President Thabo Mbeki said, and I quote:

“The staggering amount of illicit practices and the large number of global actors exposed by the Panama Papers demonstrate that Governments of Africa and the rest of the world cannot avoid firm action against the Tax Havens/Financial Secrecy Jurisdictions.”<sup>1</sup>

Individuals and companies are only able to steal from Africa because they have a place where they can hide the money. They can hide these funds because of banking secrecy and the proliferation of shell and mailbox companies where the identity of the true owners are kept secret.

Madame Chairperson, we commend your work regarding access to information and the recognition it has gained throughout the African continent. We are all mindful of the fact that knowledge is power. Information is power. On the other side, power is limited in a context of secrecy and opacity.

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<sup>1</sup> <http://www.uneca.org/stories/panama-papers-high-level-panel%E2%80%99s-warnings-are-not-just-another-recommendation>



Madame Chairperson, at an international level strong efforts are being made for governments to share information across tax authorities through the MULTILATERAL COMPETENT AUTHORITY AGREEMENT ON THE EXCHANGE OF COUNTRY-BY-COUNTRY REPORTS. As at 4 February 2016 only three African countries have signed on to this agreement, namely Senegal, Nigeria and South Africa. We call upon your office to issue a press release urging the other member states to sign on to this agreement.

Many African states are in the process of increasing secrecy within their banking sector and company and tax regulations. We further request that you make an appeal to state parties to the Charter that are already classified as secrecy jurisdictions and those that are in the process of increasing secrecy within their jurisdictions to instead increase transparency, openness and accountability in their financial systems. We urge these state parties to consider the interests of all the people of Africa as opposed to the narrow interests of their own country.

I thank you.