Short Session Report

Session Title: Panama's Independent Experts Committee Report and Country's Vision Moving Forward
Date & Time: 18:30 - 20:00
Report prepared by: Casey Kelso,

Session coordinated by: Roberto Perez Rocha, TI

Moderated by: Amado Philip de Andrés - Regional Representative UNODC, based in Panama

Experts:

Roberto Artavia, independent Experts Committee chair.
Dr Domingo La Torracca, member of the committee.
Ian Castillero Minister of foreign affairs

Main issues raised in kick off remarks. What’s the focus of the session?

Technical Decree 94 of April 29, 2016 by Panama’s President Varela established an independent expert committee to examine how Panama wants to establish itself as a service platform by using best practices to achieve transparency as demanded by the international community and by all. The panel discussed the relative small size of Panama’s potential contribution to secret shell companies, measures that have since been taken against money laundering, and conclusions of this committee’s recommendations in its report.

What initiatives have been showcased? Briefly describe the Game Changing strategies/ ideas (if applicable)

Internal reforms by the public sector, and the committee’s strategizing for future reforms and development of human and technological capital to deal with illicit financial flows in the future.

Briefly describe the highlights including the thematically interesting questions and ideas that were generated from the discussion or from the floor, and session quotes.
Question: What about access to public registers to facilitate access to civil society? Some countries facilitate public access to shareholders and director? And if not, why not?

Answer: “It is not a public access registry. You can have access when you have a good reason.”

“... the reality is that having access to the final beneficiary publically creates problems for the legitimate search for privacy. Lots of people want to avoid political risk, economic extortion, having their kids kidnapped. So we look for the middle line so that when authorities want that info, we give it to them, but we recognize that citizens want privacy.”

Ian Castillero answers: “From my perspective, when standards continue to advance, we will get there but jumping ahead now would block certain other activities. It’s a discussion that could have no end.”

Domingo LaTorracca: “The reality of Panama is that it is not located in Europe, nor in the center of United States, but in central America so there are very important reasons for privacy.”

Queston: It’s strange that you have not mentioned Mossec Fonseca. How will Panama be investigating?

Roberto Artavia answers: “It would be the gold standard if we could all have this information. That is what we would like, as you say. But there are huge security problems if it was open in a regular manner as you suggest. It would put in danger the investigations of the attorney general, distort or unbalance. Panama has advanced a lot more than when the committee was called. We created the conditions for a lot more transparency over the last year. When I talk about laws, and institutions today, we have to understand that it can’t be implemented tomorrow. It takes time to create the security mechanisms and other appropriate conditions, and to even try to implement public register then that would be irresponsible of the government.”

Ian Castillero: “It is impossible to discuss publicly the information that we are giving and sharing with other jurisdictions.”
What are the key recommendations, follow-up Actions (200 words narrative form)

Four priority areas identified by the speakers to complement what reforms already stated:

1. Strengthen the legal and regulatory standards
2. Pro-active supervision to ensure compliance with international expectations
3. Training and education for the private sector
4. Recovery and analysis of data, to improve reports

Two priority areas identified by the questioners for future reforms:

1. Making the registers public so that civil society can participate as partners in anti-corruption monitoring
2. Ensuring that the Panamanian people, particularly domestic civil society, are also included in the strategic planning and implementation of anti-corruption reforms— as equal partners along with business and public sector actors.

Key Insights that could be included in the IACC Declaration
Rapporteur’s name and date submitted: Casey Kelso on 3 December 2016

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