

14 October 2011

English and Spanish only

**Conference of the States Parties to the United Nations
Convention against Corruption****Fourth session**

Marrakech, Morocco, 24-28 October 2011

Item 4 of the provisional agenda**Comments received by the Secretariat in response to note
verbale CU 2011/177 of 30 September 2011 on the proposal
for a possible multi-year workplan for the Open-Ended
Intergovernmental Working Group on Prevention for the
period up to 2015****Note prepared by the Secretariat**

1. In its resolution 3/2, the Conference of the States Parties to the United Nations Convention against Corruption (the Convention) decided to establish an interim open-ended Intergovernmental Working Group, in accordance with article 63, paragraph 7, of the UNCAC, and rule 2, paragraph 2 of the rules of procedure of the Conference of the States Parties, to advise and assist the Conference in the implementation of its mandate on the prevention of corruption.
2. The Working Group on Prevention, at its second session held from 22-24 August 2011 in Vienna, considered that its future meetings follow a multi-year workplan for the period up to 2015 when the second cycle of the Implementation Review Mechanism begins, and recommended to the Conference to discuss this matter at its fourth session. Further to that recommendation, and to initiate discussion at the Fourth Session of the Conference of the States Parties, the Secretariat prepared a note entitled "Proposal for a possible multi-year workplan for the Open-Ended Intergovernmental Working Group on Prevention for the period up to 2015" (CAC/COSP/2011/CRP.4) as a basis for discussion.
3. The note was circulated for comments by States parties and Signatories to the Convention through Note Verbale CU 2011/177 of 30 September 2011. The Secretariat wishes to bring to the attention of the Conference the comments received in response to the note.



4. Comments have been received from the following States parties and Signatories to the Convention by 14 October 2011:
 - Israel (pages 3-5);
 - Nicaragua (pages 6-7);
 - Sweden (page 8);
 - Venezuela (page 9).
5. The submissions are reflected as received for information purposes only.

October 11, 2011

United Nations Office on Drugs and Crime

Reference: CU 2011/177

Israel Comments on the Draft Proposal for a Possible Multi-Year Workplan for the Open-Ended Intergovernmental Working Group on Prevention for the period up to 2015

Israel thanks the Secretariat of the Conference of the States Parties to the United Nations Convention against Corruption for the preparation of the draft "Proposal for a possible multi-year work plan for the Open-Ended Intergovernmental Working Group on Prevention for the period up to 2015" (the "**Proposal**").

Israel notes that the Proposal is consistent with the resolutions that were adopted during previous session of the Working Group, and believes that the selected topics are appropriate for discussions for the 2012-2015 period. However, we would like to propose slight re-adjustments in the order of certain topics, in a manner such that the topics involving a common theme would be discussed together.

For example, under the current Proposal, the topic "public sector legislative and administrative measures, including measures to enhance transparency in the funding of candidatures for public office" is slated for discussion in 2014, but it appears that this topic could more appropriately be discussed concurrently with "conflicts of interest, codes of conduct/statements of integrity, public reporting and declarations of assets", since both these topics deal broadly with prevention measures in connection with the various activities of public officials. Similarly, the topic "public-private partnership-related prevention measures" could be discussed at the same time as "money-laundering measures", since both have a strong private sector/business component.

Israel believes that grouping the topics thematically can yield more robust discussions and analysis, in that each will comprehensively cover a given theme in its entirety, rather than only a subset of that theme. In addition, this approach enables each country's designated research and reporting staff to focus its efforts on a single issue rather than split its resources to research two separate topics with relatively little in common with each other.

By way of illustration only, a suggested re-arrangement of the topics is attached as an annex to this letter.

Israel thanks the Secretariat for the opportunity to comment on the Proposal, and looks forward to continuing its cooperation with the Secretariat.

Annex

Suggested Re-Arrangement of the Order of Topics

2012: **[Accountability of public officials]**

- Conflicts of interest, codes of conduct/statements of integrity, public reporting and declarations of assets (articles 7 to 9)
- Public sector legislative and administrative measures, including measures to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties (articles 5 and 7)

2013: **[Processes and measures at the government/institutional level]**

- Integrity in public procurement processes, public reporting and transparency and accountability in the management of public finances (article 9 and 10)
- Public education, engagement of children and young people, and the role of mass media and the Internet (article 13)

2014: **[Processes and measures at the judiciary level]**

- Mandates, jurisdiction and investigation capacity of anti-corruption agencies and other bodies (articles 6 and 36)
- Integrity in the judiciary, judicial administration and prosecution services (article 11)

2015: **[Processes and measures with respect to the private sector]**

- Measures to prevent money laundering (article 14)
- Public-Private Partnerships (article 12)

*Representación Permanente de Nicaragua
ante las Organizaciones Internacionales en Viena*

UNODCnv23/2011

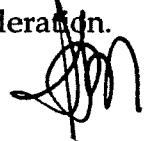
Note Verbale

The Permanent Mission of the Republic of Nicaragua to the International Organizations of the United Nations in Vienna presents its compliments to the Secretariat of the Conference of State Parties to the United Nations Convention against Corruption (UNCAC), United Nations Office on Drugs and Crime (UNODC) and has the honour to refer to its note CU 2011/177 from September 30th, 2011 and the decision taken during the second Meeting of the Open-ended Intergovernmental Working Group on Prevention, which met from August 22nd to 24th, 2011.

In this regard the Permanent Mission of Nicaragua is pleased to forward the input and proposal of the Attorney General of the Republic of Nicaragua concerning the draft conference room paper "proposal for a possible multi-year workplan for the Open-ended Intergovernmental Working Group on Prevention for the period up to 2015".

The Permanent Mission of Nicaragua to the International Organizations of the United Nations in Vienna avails itself of this opportunity to renew to the United Nations Office on Drugs and Crime the assurances of its highest consideration.

Vienna, October 5th, 2011



Secretariat of the Conference of the State Parties
Corruption and Economic Crime Branch
UNODC
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MEDIDAS PREVENTIVAS

La República de Nicaragua, al igual que el resto de países hermanos consideramos que la Convención de las Naciones Unidas contra la Corrupción abre las puertas para fortalecer nuestro régimen jurídico y desarrollar mejores políticas. En estos términos, el Capítulo II de la Convención, consagra un conjunto de medidas preventivas requeridas para la viabilidad de una sociedad libre de la corrupción, con particular hincapié para este foro, aquellas disposiciones que guardan una estrecha vinculación con la adopción de políticas y prácticas adecuadas dentro de la función pública (arts. 5 y 6); asegurar la plena vigencia de principio y criterios de equidad, mérito, igualdad, eficiencia y transparencia en la gestión del personal del sector público; establecer y aplicar Códigos de Conducta que, respetando los principios fundamentales del Derecho Interno de cada Nación, susciten la integridad, honestidad y responsabilidad dentro del funcionariado público (art. 8); prevenir la corrupción y mejorar las normas contables y de auditoría en el sector privado, así como prever sanciones civiles, administrativas o penales eficaces, proporcionadas y disuasivas en caso de incumplimiento de estas medidas (art. 12); fomentar la participación activa de personas y grupos que no pertenezcan al sector público, como la sociedad, civil, las organizaciones no gubernamentales y las organizaciones con base en la comunidad, en la prevención y la lucha contra la corrupción.

Preocupa a Nicaragua la "dispersión" de los diversos esfuerzos que a nivel internacional se han venido desarrollando que nos obliga a revisar los mecanismos que emplea la llamada Sociedad Civil las que con regularidad desvían los objetivos aprobados para intereses políticos y oportunistas.

Compartimos la necesidad de que sea la Conferencia de Estados Partes a la que corresponda articular las redes e instancias y que estas respondan no al interés de un país o grupo de países en particular pues eso dará mayor legitimidad y reconocimiento de nuestros pueblos en la lucha contra el flagelo de la corrupción. Iniciativas fragmentadas y sectorizadas de la prevención a la corrupción si bien, elevan el umbral moral de los diversos agentes intervinientes (gubernamental, empresarial, sociedad civil), la dispersión la hace mas vulnerables a los intereses de algún país.

[Received by e-mail, 13 October 2011]

With reference to the attached Note from the UNODC, Sweden would like to provide the following comments to the multi-year workplan for the period up to 2015, proposed by the Open-ended Intergovernmental Working Group on Prevention of Corruption.

As regards para. 8 of the workplan, in general, Sweden would prefer that general matters be discussed as a base, before specific solutions are discussed. For example, Integrity in the judiciary, judicial administration and prosecution services (article 11) and Public sector legislative and administrative measures, including measures to enhance transparency in the funding of candidatures for elected public office (articles 5 and 7), should preferably be discussed before matters such as Public-Private Partnerships (article 12).

We would also prefer that the second bullet point under 2015: "Integrity in public procurement processes, public reporting and transparency and accountability in the management of public finances (article 9 and 10)" be moved from year 2015 to 2012.

Further, we would prefer that "Conflicts of interest, codes of conduct/statements of integrity, public reporting and declarations of assets (articles 7 to 9)" remain under 2012.

[Received by e-mail on 14 October 2011]

On instructions from Eyra Brito, Director of International Technical Cooperation of the Comptroller General of the Bolivarian Republic of Venezuela, after reading the draft dated September 30, 2011 issued by the Secretariat of the Conference of States Parties to the United Nations Convention against Corruption and subsequent referral to the **“Proposal for a possible Multi-Year Work Plan for the Open-Ended Intergovernmental Working Group on Prevention for the period up to 2015”**, we appropriately consider getting our findings:

- The eight meetings, two for each year from 2012 to 2015, are an effort of organization, technical meeting and analysis that will delineate strategies for institutional and policy support to the ***Multi-Year Work Plan for the Intergovernmental Working Group***.
- Considerations about the State's interests, to safeguard public affairs, in relation to private interests derived from the figures formed by joint ventures, strategic alliances and public works contracts, among others, are estimated to be very cautious as point of analysis to refine the proposals of transparency, probity, efficiency and effectiveness that should govern the complex relation Public-Private Partnerships.
- Judicial administration, the speed of processes, integrity in the handling of cases and efficiency in decisions with protection by the stipulations of the law constitute a guarantee for the State on how to deal with functional and procedural deviations that do not allow satisfy the citizens and communities at large awaiting for a technical, professional and transparent action by the rectors of the Judiciary.
- We own the concern of the Conference about the need to provide a comprehensive public education that include children and young people in the integral formation processes as a conducive way to enhance the citizen behavior and an effective participation of the individual in all social, economic and cultural instances of the State when developing plans, policies and strategies in these areas. Equally concerned about the role to be assumed by mass media in the development and dissemination of such economic and socio-cultural plans.

We welcome the holding of this conference with the recognition of prospective sense in dealing for each year until 2015, themes and strategies that will successfully combat the tangible and intangible manifestations of corruption arising in the exercise, at any level of government, regardless of the State.