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

**Fifth session**

Panama City, 25-29 November 2013

Agenda item 2

**Review of the implementation of the United Nations Convention against Corruption**

**Panama Declaration**

**Paper submitted by the Government of Panama**

The Government of Panama wishes to bring to the attention of the Conference, for its information, the results of the Seventh Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities, which was held in Panama City, Panama, from 22 to 24 November 2013.

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**THE SEVENTH ANNUAL CONFERENCE AND  
GENERAL MEETING  
OF THE INTERNATIONAL ASSOCIATION OF  
ANTI-CORRUPTION AUTHORITIES**

**Panama, 22-24 NOVEMBER 2013**

**PANAMA DECLARATION**

We, the Representatives of the Anti-Corruption Authorities of 97 Member States of the United Nations and regions, and of 8 International Organizations, gathered in Panama, Panama for the Seventh Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA) devoted to the “rule of law and anti-corruption: challenges and opportunities”

*Recalling* General Assembly resolution 58/4, by which the Assembly adopted the United Nations Convention against Corruption and established 9 December as the International Anti-Corruption Day,

*Recalling* also all relevant United Nations General Assembly and Economic and Social Council resolutions calling for the expeditious ratification and full implementation of the United Nations Convention against Corruption (UNCAC),

*Recalling* further our Beijing, Bali, Kiev, Macao, Marrakech and Kuala Lumpur Declarations, as well as the recommendations made by the side-event of the Conference of the States Parties to the UNCAC (CoSP) held in Amman and co-organized by the United Nations Office on Drugs and Crime (UNODC) and IAACA,

*Aware* of the importance of the Resolutions adopted by the CoSP, at its First, Second, Third and Fourth sessions held respectively at Amman, Nusa Dua, Doha and Marrakech,

*Convinced* that relevant government agencies, civil society and relevant professional organizations can individually and collectively make significant contributions to the effective implementation of the UNCAC,

1. *Express* our gratitude to National Authority for Transparency and Access to Information of Panama for hosting the Seventh Annual Conference and General Meeting of IAACA, as well as our deepest appreciation to the Government and People of Panama for their warm hospitality;

2. *Express* also our appreciation to the Government of India and in particular the Central Vigilance Commission for hosting the meeting of the Executive Committee of the Association in New Delhi in April 2013;

3. *Emphasize* the crucial importance of effectively implementing measures supporting and promoting the rule of law in anti-corruption law enforcement, in compliance with the provisions contained in Chapter II and III of UNCAC, as a major obligation and responsibility of States Parties, as well as a crucial complement to the preventive and criminal law measures of the Convention;

4. *Recognize* that anti-corruption measures can be effectively pursued only in the context of an independent, modern, transparent, fair, efficient and humane criminal justice system based on the rule of law;

5. *Recognize* the key role played by national rule of law institutions such as the prosecution authorities, the judiciary and other law enforcement bodies for the success of the fight against corruption;

6. *Welcome* with satisfaction the fact that 167 countries have ratified or acceded to the UNCAC and urge the countries that have not yet done so to expedite the required internal procedures in order to ratify or accede to the Convention as soon as possible, in order to attain the goal of universal adherence to the Convention;

7. *Welcome* with appreciation the important decisions of the CoSP in its four sessions held to date, and look forward to further progress in the implementation of its mandate through its Fifth session, to be held in Panama from 25 to 29 November 2013;

8. *Reiterate* our call to the Executive Committee of IAACA, in consultation with the Secretariat of the CoSP, to seek appropriate ways to establish closer collaboration between IAACA and the CoSP in order to enhance the involvement and contribution of IAACA and its members in properly and effectively implementing the recommendations made by the CoSP;

9. *Pledge* our full support to the ongoing efforts and welcome the recommendations of the Open-ended Intergovernmental Implementation Review Group of the United Nations Convention against Corruption, established to overview the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention;

10. *Pledge* also our full support to the ongoing efforts and welcome the recommendations of the Open-ended Intergovernmental Working Group on Prevention, established to advise and assist the CoSP in the implementation of its mandate on the prevention of corruption;

11. *Recognize* the continuing and valuable role of UNODC in developing the tools for the second cycle of the Review Mechanism, such as the updated self-assessment checklist and support its pilot testing by the Member States in anticipation of the launching of the second review cycle;

12. *Commend* UNODC for its exceptionally effective work and unwavering commitment in serving as the Secretariat of the CoSP and its subsidiary bodies, and in promoting the implementation of the Resolutions of the CoSP, including its efforts towards the practical and efficient delivery of technical assistance;

13. *Underline* the importance of collecting best practices of the review process accumulated during the first cycle of the review in order both to facilitate the conduct of the second cycle and to continue to promote the application of best practices;

14. *Take note* with appreciation of the adoption of the “Principles for Anti-Corruption Agencies” in Jakarta, Indonesia in November 2012, annexed to this Declaration, and invite anti-corruption authorities to consider taking into account these principles in order to promote and strengthen the independence and effectiveness of anti-corruption agencies, consolidate international action against

corruption and enable the Conference of the States Parties to the UNCAC to maximize its potential and impact;

15. *Reiterate* our call upon all Member States to institute relevant reforms that promote professionalism and effectiveness of anti-corruption authorities in preventing and combating corruption, the independence and integrity of the judiciary and prosecution service as appropriate, the prevention of conflict of interest in public office, freedom of access to information, and transparency and accountability in public administration, as well as to ensure and preserve the functional independence of all relevant anti-corruption authorities; and in this context, reiterate our appreciation of the achievements of the network of European Partners against Corruption (EPAC/EACN) in unanimously adopting the Universal Principles and Standards for Anti-Corruption Authorities and encourage all Member States to consider them favourably in their relevant work;

16. *Urge* anti-corruption authorities to proactively promote with their respective Governments and legislative bodies the development and implementation of appropriate legislative amendments in order to ensure that the criminal justice institutions responsible for maintaining the rule of law have sufficient resources and independence in order to carry out their respective roles effectively and fairly in line with article 7, article 11, article 30 and article 36 of UNCAC;

17. *Commend* UNODC efforts on supporting Member States on request to increase the efficiency and integrity of the judicial and prosecutorial process and welcome and the Implementation Guide for Article 11 of UNCAC aimed at assisting States in assessing whether their judicial and prosecutorial integrity systems meet the requirements of the Convention;

18. *Urge* Member States as well as relevant international organizations and financial institutions, on the basis of the principle of shared responsibility and collective global action, to consider providing additional resources to support such efforts, taking also into account the provisions of Article 62 of the UNCAC, in particular paragraph 2 (c);

19. *Express* our deepest appreciation to all relevant international and professional associations, intergovernmental and nongovernmental organizations, civil society and the media for raising public awareness of UNCAC and the destructive effect of corruption in its many and multifaceted forms, by extending their continuing support and cooperation to IAACA and to the CoSP, and underscore the importance of ensuring efficiency and transparency in the operations of the public sector, as well as in its interaction and interfaces with the private sector;

20. *Express also our appreciation to* the Executive Committee for implementing the initiatives agreed upon in the Work Plan of the Association, which resulted in the identification of new avenues for enhancing the rule of law in the fight against corruption, generating also a number of new and innovative ideas in our anti-corruption awareness campaigns and networking platform, request the Executive Committee to devote sufficient resources to ensure that the Work Plan is implemented fully in an effective, structured and sustained manner and also invites the Executive Committee to continue its revision of the Work Plan, taking into account the results so far achieved, with the view of submitting a revised version at the next Annual Conference for its approval;

21. *Welcome with great satisfaction* the important contributions and joint initiatives of IAACA Members towards the implementation of the Work Plan, and strongly encourage other Members to become fully involved in its further implementation, by contributing suggestions or undertaking initiatives, whether individually or jointly with other Members and in close collaboration with the IAACA Secretariat, with a view to supporting IAACA in realizing the ultimate goal of the Association in promoting the effective implementation of the UNCAC;

22. *Extend our appreciation* to the People's Republic of China for the successful conduct of the Fifth IAACA seminar held in June, 2013 in Jinan, China, as well as for its continuous support for organizing and hosting such training seminars, and encourage other IAACA Members to hold similar training events not only regionally or subregionally but also at the national level;

23. *Express our gratitude and deep appreciation for* the stewardship, leadership and vision demonstrated by the founding and incumbent Presidents of the Association in continuously fostering cooperation and partnership among anti-corruption authorities and with relevant international, regional and national organizations and institutions in furtherance of the anti-corruption cause, and highly commend the Executive Director of UNODC and his staff for providing energetic and highly professional support to the work of the Association; and

24. *Decide* that the text of this Declaration be widely circulated by the relevant anti-corruption authorities in their respective countries and that it should be submitted to the CoSP in its Fifth session and to the United Nations General Assembly.

## ANNEX

### Jakarta Principles

#### Jakarta Statement on Principles for Anti-Corruption Agencies

##### Jakarta, 26-27 November 2012

On 26-27 November 2012, current and former heads of anti-corruption agencies (ACAs), anti-corruption practitioners and experts from around the world gathered in Jakarta at the invitation of the Corruption Eradication Commission (KPK) Indonesia, the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) to discuss a set of “Principles for Anti-Corruption Agencies” to promote and strengthen the independence and effectiveness of ACAs.

The participants included several heads of ACAs and representatives of regional networks, notably the Network of National Anti-Corruption Institutions in West Africa, the Southeast Asian Parties Against Corruption, the Arab Anti-Corruption and Integrity Network, the Southern African Forum Against Corruption, the East African Association of Anti-Corruption Authorities, and the European Partners Against Corruption/European anti-corruption contact point network (EPAC/EACN).

Representatives from the United Nations Development Programme, the United Nations Office on Drugs and Crime, the United Nations Office of the High Commissioner for Human Rights and Transparency International took part in the proceedings. The Organization for Economic Cooperation and Development and the World Bank also submitted contributions to the Conference.

The participants reviewed and discussed country experiences from around the world, challenges faced by ACAs, and key requirements to ensure the independence and effectiveness of ACAs.

**Considering** that the Conference sought to discuss and elaborate guidance for ACAs as to how to promote and strengthen the independence and effectiveness of ACAs;

**Acknowledging** the diversity of ACAs around the world in combating corruption with some ACAs mandated to prevent corruption, others focused on investigation or prosecution, or a combination of these functions;

**Recalling** the international commitments and obligations at the regional and global level, including the United Nations Convention against Corruption (UNCAC), to ensure independence of ACAs;

**Recalling** the Marrakech Declaration by the International Association of Anti-Corruption Authorities (IAACA) adopted at its Fifth Annual Conference and General Meeting, in particular, the pledge to “joint action and support [...] to ensure that anti-corruption authorities [...] are able to function with the necessary independence, secure and stable funding and specialized staff with professional training, in order to operate effectively and free from any undue influence, in accordance with articles 6 and 36 of the UNCAC”;

**Recalling** also Resolutions 3/2, 3/3 and 4/4 adopted by the Conference of the States Parties of the UNCAC at its third and fourth sessions that acknowledge the “vital importance of ensuring the independence and effectiveness” of ACAs;

**Taking note with appreciation** of the Anti-Corruption Authority Standards developed by the European Partners Against Corruption/European anti-corruption contact point network (EPAC/EACN) as welcomed by the 6th Annual Conference and General Meeting of the IAACA;

**Taking note with appreciation** of the G20’s resolve to lead by example by “strengthen[ing] the effective functioning of anti-corruption bodies or enforcement authorities in the prevention and fight against corruption, [...] enabl[ing] these authorities to carry out their function free from undue influence”;

**Taking note with appreciation** of Transparency International’s efforts at the 15th International Anti-Corruption Conference in Brasilia to promote the independence and effectiveness of ACAs;

The participants:

1. **Recommend** the following principles to ensure the independence and effectiveness of ACAs:

- **MANDATE:** ACAs shall have clear mandates to tackle corruption through prevention, education, awareness-raising, investigation and prosecution, either through one agency or multiple coordinated agencies;
- **COLLABORATION:** ACAs shall not operate in isolation. They shall foster good working relations with State agencies, civil society, the private sector and other stakeholders, including international cooperation;
- **PERMANENCE:** ACAs shall, in accordance with the basic legal principles of their countries, be established by proper and stable legal framework, such as the Constitution or a special law to ensure continuity of the ACA;
- **APPOINTMENT:** ACA heads shall be appointed through a process that ensures his or her apolitical stance, impartiality, neutrality, integrity and competence;
- **CONTINUITY:** In the event of suspension, dismissal, resignation, retirement or end of tenure, all powers of the ACA head shall be delegated by law to an appropriate official in the ACA within a reasonable period of time until the appointment of the new ACA head;
- **REMOVAL:** ACA heads shall have security of tenure and shall be removed only through a legally established procedure equivalent to the procedure for the removal of a key independent authority specially protected by law (such as the Chief Justice);
- **ETHICAL CONDUCT:** ACAs shall adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime;
- **IMMUNITY:** ACA heads and employees shall have immunity from civil and criminal proceedings for acts committed within the performance of their

mandate. ACA heads and employees shall be protected from malicious civil and criminal proceedings;

- **REMUNERATION:** ACA employees shall be remunerated at a level that would allow for the employment of sufficient number of qualified staff;
- **AUTHORITY OVER HUMAN RESOURCES:** ACAs shall have the power to recruit and dismiss their own staff according to internal clear and transparent procedures;
- **ADEQUATE AND RELIABLE RESOURCES:** ACAs shall have sufficient financial resources to carry out their tasks, taking into account the country's budgetary resources, population size and land area. ACAs shall be entitled to timely, planned, reliable and adequate resources for the gradual capacity development and improvement of the ACA's operations and fulfilment of the ACA's mandate;
- **FINANCIAL AUTONOMY:** ACAs shall receive a budgetary allocation over which ACAs have full management and control without prejudice to the appropriate accounting standards and auditing requirements;
- **INTERNAL ACCOUNTABILITY:** ACAs shall develop and establish clear rules and standard operating procedures, including monitoring and disciplinary mechanisms, to minimize any misconduct and abuse of power by ACAs;
- **EXTERNAL ACCOUNTABILITY:** ACAs shall strictly adhere to the rule of law and be accountable to mechanisms established to prevent any abuse of power;
- **PUBLIC REPORTING:** ACAs shall formally report at least annually on their activities to the public;
- **PUBLIC COMMUNICATION AND ENGAGEMENT:** ACAs shall communicate and engage with the public regularly in order to ensure public confidence in its independence, fairness and effectiveness;

2. **Encourage** ACAs to promote the above principles within their respective agencies, countries and regional networks of ACAs;

3. **Encourage** ACAs to promote these principles to assist members of the executive and the legislature, criminal justice practitioners and the public in general, to better understand and support ACAs in carrying out their functions;

4. **Call upon** ACAs to appeal to their respective Governments and other stakeholders to promote the above principles in international forums on anti-corruption;

5. **Express** appreciation and gratitude to the Corruption Eradication Commission of Indonesia for hosting the International Conference "Principles for Anti-Corruption Agencies" with support from the United Nations Development Programme and the United Nations Office on Drugs and Crime to reflect and agree on principles for ACAs.