



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

Distr.: General
4 October 2019

Original: English

Eighth session

Abu Dhabi, 16–20 December 2019

Item 4 of the provisional agenda*

Prevention

Progress on the activities of the Open-ended Intergovernmental Working Group on the Prevention of Corruption

Note by the Secretariat

I. Introduction

1. At its third session, held in Doha from 9 to 13 November 2009, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 3/2, entitled “Preventive measures”. In that resolution, the Conference decided to establish an interim open-ended intergovernmental working group, in accordance with article 63, paragraph 7, of the Convention and rule 2, paragraph 2, of the rules of procedure of the Conference, to advise and assist the Conference in the implementation of its mandate on the prevention of corruption.

2. To that end, the Conference decided that the Working Group would perform the following functions:

(a) Assist the Conference in developing and accumulating knowledge in the area of prevention of corruption;

(b) Facilitate the exchange of information and experience among States on preventive measures and practices;

(c) Facilitate the collection, dissemination and promotion of best practices in corruption prevention;

(d) Assist the Conference in encouraging cooperation among all stakeholders and sectors of society in order to prevent corruption.

3. The Conference also decided that the Working Group would meet during the sessions of the Conference and, as appropriate, would hold at least two intersessional meetings within existing resources.

4. At its fourth and fifth sessions, respectively, the Conference adopted resolutions 4/3, entitled “Marrakech declaration on the prevention of corruption”, and 5/4, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, in which it decided that the Working Group would continue its work to advise and assist the Conference in the implementation of its mandate on the

* CAC/COSP/2019/1.



prevention of corruption. It also decided that the Group would follow a multi-year workplan up to 2015 to discuss different thematic subjects during its meetings.

5. At its sixth session, held in Saint Petersburg, Russian Federation, from 2 to 6 November 2015, the Conference adopted resolution 6/1, entitled “Continuation of the review of implementation of the United Nations Convention against Corruption”, by which it launched the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, which included the review of the implementation of chapter II (Preventive measures) of the Convention. In that context, the Conference requested that the Secretariat structure the provisional agendas of the Implementation Review Group of the United Nations Convention against Corruption and of other subsidiary bodies established by the Conference, such as the Working Group, in such a way as to avoid the duplication of discussions, while respecting their mandates.

6. In its resolution 7/6, entitled “Follow-up to the Marrakech declaration on the prevention of corruption” and adopted by the Conference at its seventh session, held in Vienna from 6 to 10 November 2017, the Conference welcomed the ongoing efforts of the Working Group to facilitate the sharing of information between States parties and underlined the importance of the conclusions and recommendations adopted by the Group at its meetings held in Vienna from 22 to 24 August 2016 and from 21 to 23 August 2017. The Conference requested that States parties continue to share information and that the Secretariat, subject to the availability of extrabudgetary resources, continue its work as an international observatory, including by updating the thematic web page of the Group with relevant information.

7. The present note has been prepared to inform the Conference of progress in activities for implementing the mandate of the Working Group. It is aimed at assisting the Conference in its deliberations and in determining guidance and future activities for the Group.

II. Overview of the discussions and recommendations of the Working Group at its ninth and tenth meetings

8. In its resolution 7/5, entitled “Promoting preventive measures against corruption”, the Conference decided that the topics for discussion at the ninth meeting of the Working Group, in 2018, would include conflicts of interest (art. 7 (4) of the Convention) and the use and effectiveness of asset declaration systems (art. 8 (5)), while the topic for discussion at the tenth meeting, in 2019, would be lessons learned on the development, evaluation and impact of anti-corruption strategies (art. 5).

9. At the ninth and tenth meetings of the Working Group, and with regard to the development and accumulation of knowledge in the area of prevention of corruption, States parties and several intergovernmental organizations shared their relevant activities and experiences in the course of three thematic discussions. The Secretariat presented background notes, summarizing and analysing the input received from the States parties on the topics of discussion.

10. At its ninth meeting, in 2018, under the topic of exchange of information and experience among States on preventive measures and practices, the Working Group discussed the experiences of States in the areas of prevention of corruption through the effective management of conflicts of interest, introduction of asset and interest disclosure systems and development and implementation of anti-corruption policies. Several speakers reported on the various measures that their countries had taken to implement the provisions of chapter II of the Convention in order to strengthen the prevention of corruption, such as those to prevent money-laundering, strengthen audit and internal control measures and public procurement, increase transparency and access to public information and develop new codes of conduct.

11. Speakers noted the challenges posed by balancing the strengthening of asset and interest disclosure systems with the protection of privacy and the confidentiality of

personal data and requested the Secretariat to consider providing guidance or facilitating the exchange of experiences on that issue.

12. The Working Group acknowledged the progress that had been made by States parties in the prevention and management of conflicts of interest and in the development and implementation of anti-corruption policies and strategies, and it stressed the need to continue those efforts. The Group encouraged States to prioritize initiatives to manage conflicts of interest and to support one another in the development and implementation of such initiatives, including through the exchange of good practices and experiences.

13. The Working Group noted the breadth of approaches and measures that had been taken to strengthen integrity in public administration through the introduction of asset and interest disclosure systems, reflected in the submissions received from States. Similarities were noted across many jurisdictions in terms of the goals and main elements of the respective systems. In addition, a number of innovative approaches were highlighted that could be drawn upon, where appropriate, by other States parties that were considering such measures.

14. The Working Group recommended that it further explore the topic of conflict of interest by considering the interlinkages between conflicts of interest and illicit enrichment, asset and interest disclosure systems and reporting persons. In addition, it was suggested that the topic be also considered in the context of balancing such disclosures with measures to protect privacy and the confidentiality of personal data.

15. The Working Group noted the importance of the topics of recruitment, hiring and promotion of public officials under article 7 and of measures to strengthen the objectivity and transparency of public procurement under article 9.

16. The Working Group encouraged States parties to continue to strengthen the exchange of information and good practices on the approaches and measures taken to ensure the effective verification of asset and interest declarations and strengthen the accountability of public officials and the development and implementation of anti-corruption policies and strategies.

17. The Working Group requested that the United Nations Office on Drugs and Crime (UNODC) continue its efforts, subject to the availability of extrabudgetary resources, to support States parties in the implementation of the relevant articles of the Convention. The Group further requested that UNODC continue its efforts to gather information on good practices related to the prevention and management of conflicts of interest and to the introduction and functioning of asset and interest disclosure systems, in particular in the context of the second cycle of the Implementation Review Mechanism.

18. At its tenth meeting, in 2019, the Working Group recommended that the Conference adopt at its eighth session a multi-year workplan for the Group and proposed a variety of topics for its consideration. It also recommended that informal meetings be held in advance of the session to discuss the workplan.

19. The Working Group also recommended continuing the practice of holding joint meetings with the Implementation Review Group to enhance the sharing of information between the two groups, including on the thematic report on the implementation of chapter II of the Convention.

20. The Working Group further recommended that the States Parties provide to the Secretariat, for its compilation and dissemination, a list of the open data initiatives and sources that they maintained.

21. The Working Group recommended that, to avoid duplication of efforts and increase effectiveness during the eighth session of the Conference, States parties combine and coordinate efforts when considering tabling resolutions related to the prevention of corruption.

22. The Working Group welcomed the work of the Secretariat in performing the functions of an international observatory gathering information on good practices in the prevention of corruption and making it available on the thematic web page of the Group, and it requested the Secretariat to continue its efforts to gather information on good practices by States with regard to anti-corruption initiatives.

23. The Working Group urged States parties to continue to use the information available on the thematic web page of the Group on policies, practices and measures implemented to prevent corruption, including through the development of national anti-corruption strategies. Moreover, the Group encouraged States parties to continue to share with the Secretariat information on their efforts to prevent corruption, for posting on the same web page.

24. The Working Group recognized the efforts of the Secretariat to support States parties in implementing the Convention and requested UNODC to continue to provide technical assistance, upon request, in coordination with bilateral and multilateral technical assistance providers, in particular in developing countries.

25. The Working Group underlined the urgency of providing sufficient extrabudgetary resources to UNODC to provide such technical assistance and called upon States parties and other donors to reconfirm their commitment to the prevention of corruption, for example, by providing soft-earmarked and multi-year financial contributions.

26. The Working Group acknowledged the progress made in the development, evaluation and impact of anti-corruption policies and strategies and underlined the need to maintain those efforts, including by using the method outlined in the UNODC publication entitled *National Anti-Corruption Strategies: A Practical Guide for Development and Implementation*.

III. Update on the status of implementation of the recommendations of the Working Group made at its ninth and tenth meetings

A. Development and accumulation of knowledge in the area of prevention of corruption

1. Recommendation

27. At its ninth meeting, the Working Group requested that UNODC continue its efforts to gather information on good practices related to the prevention and management of conflicts of interest and to the introduction and functioning of asset and interest disclosure systems, in particular in the context of the second cycle of the Implementation Review Mechanism.

Action taken

28. UNODC continued to develop global knowledge products. The knowledge tools and publications were prepared on the basis of accumulated global and regional experience, and the Implementation Review Mechanism continued to be one of the key sources to identify areas where tools were needed. The reviews also served to collect information and examples and allowed UNODC to both validate and update laws in the legal library on the Tools and Resources for Anti-Corruption Knowledge portal.¹

29. As part of the policy or advocacy efforts, UNODC publications were widely disseminated at relevant conferences, workshops and training events, as well as to

¹ Available at www.track.unodc.org.

counterparts and other stakeholders during country visits or on other occasions. They are also available on the UNODC website.²

2. Recommendation

30. At its ninth meeting, the Working Group recommended that it further explore the topic of conflict of interest by considering the interlinkages between conflicts of interest and illicit enrichment, asset and interest disclosure systems and reporting persons. In addition, it was suggested that the topic be also considered in the context of balancing such disclosures with measures taken to protect privacy and the confidentiality of personal data.

Action taken

31. In March 2018, UNODC held consultations with several national stakeholders in Viet Nam on the actual practices for implementing the asset declaration system, in order to understand potential gaps and ways to strengthen the existing system. Those consultations included a dialogue with relevant civil society organizations.

32. In cooperation with the Stolen Asset Recovery Initiative, UNODC organized a two-day training workshop on reforming the asset declaration and conflicts of interest systems in Sri Lanka, in March 2018. UNODC also held a workshop on conflicts of interest and asset declaration systems for the Anti-Corruption Commission of Bangladesh, in May 2018.

33. UNODC delivered a training programme on auditing asset declarations to build the capacity of officials of the Integrity Commission, the Audit Department and the Office of the Director of Public Prosecution of Grenada to identify cases of illicit enrichment, in December 2017 and April 2018.

B. Exchange of information and experience on preventive measures and practices among States

1. Recommendation

34. At its ninth meeting, the Working Group encouraged States parties to continue to strengthen the exchange of information and good practices on the approaches and measures taken to ensure the effective verification of asset and interest declarations and strengthen the accountability of public officials.

Action Taken

35. UNODC supported the Anti-Corruption Unit of Cambodia in the development of a code of conduct for public officials. Representatives of UNODC delivered a presentation at a workshop on balancing prevention and sanctions in conflict of interest regimes, held in that country in November 2017. In March 2018, UNODC also held consultations with the Anti-Corruption Unit to assess the implementation of the asset declaration system, understand the procedures in place and identify gaps. As part of the assessment, representatives of civil society were consulted in order to integrate their perspective on the asset declaration system.

2. Recommendation

36. At its ninth meeting, the Working Group requested that UNODC continue its efforts, subject to the availability of extrabudgetary resources, to support States parties in the implementation of the relevant articles of the Convention. The Group also requested that UNODC continue its efforts to gather information on good practices related to the prevention and management of conflicts of interest and to the

² See www.unodc.org/unodc/en/corruption/publications.html.

introduction and functioning of asset and interest disclosure systems, in particular in the context of the second cycle of the Implementation Review Mechanism.

Action taken

37. UNODC participated in and supported a number of regional workshops held by regional organizations to foster the exchange of relevant experiences and good practices among countries in the region. Those events were also aimed at assisting participants in preparing for the discussions on the prevention of corruption during the eighth session of the Conference.

38. Four regional platforms for fast-tracking the implementation of the Convention have been launched, with the aim of establishing regional priorities and finding common regional solutions for strengthening the implementation of the Convention.

C. Collection, dissemination and promotion of good practices in the prevention of corruption

Recommendations

39. At its ninth meeting, the Working Group recalled resolution 7/6, in which the Conference requested that the Group hold at least two meetings prior to the eighth session of the Conference, and requested UNODC, subject to the availability of extrabudgetary resources, to continue its work as an international observatory, including by updating the thematic web page of the Group with relevant information.

40. In addition, the Working Group recalled Conference resolution 7/5, identifying as the topic for the tenth meeting of the Group lessons learned in the development, evaluation and impact of anti-corruption strategies (relating to art. 5 of the Convention).

41. At its tenth meeting, the Working Group urged States parties to continue to use the information available on the thematic web page of the Group on policies, practices and measures implemented to prevent corruption, including through the development of national anti-corruption strategies. Moreover, the Group encouraged States parties to continue to share with the Secretariat information on their efforts to prevent corruption, for posting on the thematic web page.

Action taken

42. UNODC continued to gather information and make available on the thematic web page of the Working Group all information provided by States parties ahead of each Working Group meeting, as well as presentations made during the meetings, relevant reports and links to resource material.³

43. In implementing resolution 7/5 and the recommendations of the Working Group, UNODC prepared a report (CAC/COSP/WG.4/2019/2) on the basis of information provided by Governments on the implementation of article 5 of the Convention in response to the note verbale of the Secretary-General dated 18 March 2019 and the reminder note verbale dated 26 April 2019. As at 4 June 2019, submissions had been received from 23 States. The submissions received from the following countries contained information relating to the discussion topic: Algeria, Armenia, Austria, Brazil, Bulgaria, Colombia, Cuba, Hungary, Iraq, Lebanon, Lithuania, Mexico, Montenegro, Myanmar, Pakistan, Qatar, Romania, Saudi Arabia, Serbia, Slovakia, Tajikistan, Ukraine and the United States of America.

44. Eleven additional countries submitted information before the tenth meeting of the Working Group: Bolivia (Plurinational State of), Burkina Faso, Burundi, China, Côte d'Ivoire, Djibouti, Egypt, Italy, Russian Federation, Spain and Sri Lanka.

³ See www.unodc.org/unodc/en/corruption/WG-Prevention/working-group-on-prevention.html.

45. With the agreement of the countries concerned, the full text of the submissions has been made available on the Working Group web page.⁴

D. Cooperation among stakeholders and sectors of society in order to prevent corruption

Recommendation

46. At its ninth meeting, the Working Group recommended that the topic of prevention of corruption in the private sector under article 12 of the Convention be included in its workplan, specifying that the discussion could address, inter alia, measures to prevent the solicitation of bribes, information on private sector compliance programmes, bookkeeping standards and voluntary self-reporting, and could involve the participation of representatives from the private sector as panellists.

Action taken

47. UNODC continued to support regional and global efforts to strengthen public and private sector standards, in partnership with the Alliance for Integrity, the Global Business Coalition, the Group of 20 Anti-Corruption Working Group, the World Economic Forum Partnering against Corruption Initiative, the Association of Southeast Asian Nations, the Asia-Pacific Economic Cooperation, Transparency International and the Organization for Economic Cooperation and Development, including the Anti-Corruption Task Team of its Development Assistance Committee.

48. Complete information on the activities of the Working Group and the Secretariat in support of the implementation of chapter II of the Convention is provided in the report on the implementation of Conference resolutions 7/5 and 7/6 (CAC/COSP/2019/2).

⁴ See www.unodc.org/unodc/en/corruption/WG-Prevention/session10.html.