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United Nations Office on Drugs and Crime

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The Secretary-General of the United Nations presents his compliments to the and has the honour to draw the attention of the Government to the recommendations of the Open-ended Intergovernmental Working Group on Prevention, established by the Conference of States Parties to the United Nations Convention against Corruption in its resolution 3/2 entitled “Preventive Measures”.

At its second intersessional meeting held in Vienna from 22 to 24 August 2011, the Working Group recommended that it should continue to focus on a manageable number of specific substantive topics relevant to the implementation of the articles in Chapter II of the Convention (CAC/COSP/WG.4/2011/4, paragraph 11). The Working Group also considered that its future meetings should follow a multi-year workplan for the period up to 2015. In response to these outcomes of the Working Group, 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) and circulated the note for comments by State parties and signatories to the Convention through Note Verbale CU 2011/177 of 30 September 2011. Following receipt of comments from States parties and signatories, the Secretariat circulated a proposed change to the multi-year workplan through Note Verbale 2011/213 of 3 January 2012. Having received contrasting responses from States parties and signatories, the Secretariat wishes to inform States parties and signatories that the proposed change will not take effect and can confirm that the topics for discussion at the third intersessional meeting of the Working Group to be held in Vienna from 27 to 29 August 2012 will remain:

- (a) Implementation of article 12 of the Convention, including the use of public-private partnerships;
- (b) Conflicts of interest, reporting acts of corruption and asset declarations, particularly in the context of articles 7 – 9 of the Convention.

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The Secretariat will include an agenda item at the third intersessional meeting at which the proposed multi-year workplan can be discussed further by States parties and signatories.

The Working Group also considered at its second intersessional meeting that in advance of each future meeting of the Working Group, States parties should be invited to share their experiences of implementing the provisions under consideration, preferably by using the self-assessment checklist and including, where possible, successes, challenges, technical assistance needs, and lessons learned in implementation (CAC/COSP/WG.4/2011/4, paragraph 12).

The United Nations Office on Drugs and Crime therefore seeks the cooperation of all States parties and signatories to the Convention in providing pertinent information on their relevant initiatives and practices to the Secretariat in relation to the topics for discussion at the third intersessional Working Group meeting as outlined above.

In order to assist States parties and signatories in the provision of the requested information, the Secretariat has produced a Guidance Note (attached at Annex I) outlining the type of information States parties and signatories may wish to provide in advance of the Working Group in relation to each topic under consideration.

The Secretary-General would be grateful if the Government would send any pertinent information to the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, A-1400 Vienna, Austria, Fax: +43 1 26060 6711 or to e-mail uncac.cop@unodc.org, at its earliest convenience, **but not later than 6 April 2012**.

27 February 2012



Annex I

Guidance Note for the provision of information by States parties for the third intersessional meeting of the Working Group on Prevention on 27 – 29 August 2012;

1. The Secretariat has produced this Guidance Note to assist States parties and Signatories in providing information as to initiatives and practices they have implemented regarding the two topics under consideration at the third intersessional meeting of the Working Group on Prevention taking place on 27 – 29 of August 2012.
2. The Secretariat wishes to recall paragraph 12 of the report of the second intersessional meeting of the Working Group on Prevention, which noted that in advance of each meeting States parties should be invited to share their experiences of implementing the provisions of the Convention under consideration, preferably by using the self-assessment checklist.
3. In furtherance of this, the Secretariat outlines below a selection of self-assessment checklist questions that States parties may wish to use as a guide when providing information regarding the two topics under consideration. These questions have been annotated by the Secretariat so as to highlight the key points that States parties may wish to address when providing the requested information. States parties are encouraged to view the questions below only as guidance and remain free to provide any information they believe may be relevant to the topics under consideration.

I - Information requested from States parties in relation to conflicts of interest, reporting acts of corruption and asset declarations, particularly in the context of articles 7 – 9 of the Convention

1. Has your country adopted and implemented articles 7 – 9 of the UN Convention against Corruption?

States parties are encouraged to focus in particular on their implementation of policies and measures relating to conflicts of interest, the reporting of acts of corruption and the use of asset declarations.

2. Please cite, summarize and, if possible, provide copies of the applicable policy(ies) or measure(s):

In particular, the Secretariat would be grateful for information regarding policies or measures that:

- *identify and address potential conflicts between the professional duties and personal interests of civil servants or elected public officials.*
- *allow and encourage members of the civil service to report acts or suspected acts of corruption. States parties are encouraged to provide specific examples such as training, publicity campaigns, information on the existence and operation of whistleblower hotlines, etc.;*
- *require asset declarations from civil servants or those elected to public office (States parties are encouraged to provide examples of asset declaration forms where used).*

3. Please provide examples of the successful implementation of domestic measures adopted to comply with articles 7 – 9 of the Convention:

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States parties may wish to include case studies or specific examples of the following:

- *the successful identification of conflicts of interest between the professional duties and personal interests of public officials and the process used to resolve such conflicts.*
- *the reporting by a public official of an act of corruption through mechanisms established in accordance with the provisions of the Convention.*
- *the identification of potential conflicts of interest through the use of an asset declaration form and action taken as a result.*

4. Have you ever assessed the effectiveness of the measures adopted to implement articles 7 – 9? Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized.

States parties may wish, in particular, to provide information in relation to assessments of the effectiveness of measures aimed at:

- *identifying and resolving conflicts of interest in the public sector,*
- *the facilitation and promotion of the reporting of acts of corruption by public officials and*
- *the identification of potential conflicts of interest by requiring the completion of asset declarations by public officials.*

5. Which challenges and issues are you facing in (fully) implementing articles 7 – 9 of the Convention?

States parties may particularly wish to provide details of challenges faced when implementing practices or policies relating to conflicts of interest, reporting acts of corruption and the use of asset declarations including:

- *technical challenges such as the design, development or drafting of new policies, practices and measures.*
- *communication challenges such as the ability to disseminate, publicise and promote the new policy or practice both to public officials and the public more broadly.*
- *implementation challenges such as the ability to enforce or otherwise encourage adherence to new or existing policies or practices by public officials.*

6. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

States parties are encouraged to provide a description of any such assistance already being provided and by whom.

II - Information requested from States parties in relation to implementation of article 12 of the Convention (Private sector), including the use of public-private partnerships

1. Has your country adopted and implemented article 12 of the UN Convention against Corruption?

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States parties may wish to focus in particular on policies and measures which were implemented in collaboration with private sector entities (e.g. in the form of public-private partnership, corporate social responsibility or other cooperation models).

2. Please cite, summarize and, if possible, provide copies of the applicable measure(s) or policy(ies):

Please note that paragraph 2 of article 12 offers different examples of how corruption involving the private sector can be addressed, but does not limit the use of other approaches such as sector specific initiatives etc .

3. Please provide examples of the successful implementation of domestic measures adopted to comply with article 12.

States parties are encouraged to provide examples of anti-corruption initiatives carried out together with the private sector.

States parties may wish to include information on lessons learnt during the planning and/or implementation process as well as specific factors which led to the success of an initiative.

Moreover, the Secretariat would be grateful for information regarding the form of collaboration with the private sector (e.g. steering structure and processes, communication, financial aspects) and the main partners (e.g. private sector representative organizations, networks, individual companies, SMEs).

4. Have you ever assessed the effectiveness of the measures adopted to implement article 12? If so, please outline (or, if available, attach) the results (intended/unintended/positive/negative) of such an assessment including methods, tools and resources utilized.

States parties may wish, in particular, to provide information in relation to the effectiveness of measures implemented jointly with private sector entities.

5. Which challenges and issues are you facing in (fully) implementing the provision?

6. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

States parties are encouraged to provide a description of any such assistance already being provided and by whom it is being provided.