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Preventing and managing conflicts of interest (article 7, paragraph 4, of the United Nations Convention against Corruption)

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intergovernmental Working Group on Prevention

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Background paper prepared by the Secretariat

- Document number CAC/COSP/WG.4/2018/2
- Purpose: collect information to support the deliberations of the Working group and facilitate exchange of information and good practices on preventing and managing conflicts of interest.



47 States parties submitted information

Until June 18, relevant information was received from 40 States parties: **Algeria, Argentina, Armenia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, China, Cuba, Czechia, Egypt, El Salvador, Georgia, Germany, Guatemala, Hungary, Indonesia, Italy, Japan, Kiribati, Kuwait, Lithuania, Montenegro, Norway, Oman, Panama, Peru, Poland, Portugal, Romania, Russian Federation, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Switzerland, Turkey and the United States of America.**

7 more countries submitted information before the meeting of the Working Group: **Brazil, Greece, France, Israel, Mauritius, Nepal and Saudi Arabia**



Public administration and corruption: the UNCAC perspective

- Impartiality and professionalism of public officials are prerequisite for the integrity and effectiveness of the public administration.
- The importance of building the public administration in accordance with the principles of integrity, transparency and accountability is underlined in chapter II of the Convention against Corruption, in particular in its articles 7 and 8.
- Article 7, paragraph 4: promote transparency and prevent conflicts of interest.
- Article 8, paragraph 5: make declarations on outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result.



Regulation of conflicts of interest –tools

- Specialized legislation: laws on conflict of interest, anti-corruption laws and regulations
- General legislation: laws on public administration and the civil service, internal instructions, disciplinary rules
- Codes of conduct
- Combined approach



Regulation of conflicts of interest – personal scope

- Politically appointed public officials and high-level civil servants;
- Public officials employed in the administration of the executive, legislative and judicial branches of power;
- Public officials with sensitive functions - procurement, customs, law enforcement or the judiciary



Sanctions

The trend : administrative or disciplinary measures, but also criminal sanctions for violations of a law

In some cases (aspirational codes of conduct) – no sanctions

Different approach: sanctions for being in a situation of conflict of interest, or sanctions for non-disclosure of a situation



Institutional framework

- Centralized model: Conflict of interest commissions
- Decentralized model: mainstreaming of ethics management



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Measures to prevent conflicts of interest

- Incompatibilities
- Guidance and training for public officials
- Disclosure



Conclusions

Most of the measures reported were a mix of legislation drafting and practical, organizational level administrative actions.

The Working Group may wish to give an overall appraisal of progress made so far in relation to preventing and managing conflicts of interest.

The Working Group may also wish to encourage States to prioritize conflict of interest management initiatives and to support each other in the development and implementation of such initiatives, including through the exchange of good practices and experiences, particularly in the light of the challenges and technical assistance needs that were reported.

The Working Group may wish to request UNODC to continue its efforts to gather information on good practices by States on the implementation of article 7, paragraph 4, of the Convention.



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Thank you

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