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

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Open-ended Intergovernmental Working Group on the Prevention of Corruption
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Future priorities

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

Background paper prepared 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.   The Conference also 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;

    (d)   Assist the Conference in encouraging cooperation among all stakeholders and sectors of society in the collective fight against corruption.

3.   The Conference further 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, in accordance with article 63, paragraph 7, of the United Nations Convention against Corruption, and rule 2, paragraph 2, of the rules of procedure of the Conference of the States Parties.

4.   At subsequent sessions, the Conference reaffirmed that resolution in its resolution 4/3, entitled "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 prevention of corruption,

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    * CAC/COSP/WG.4/2020/1.

and resolution 5/4, entitled "Follow-up to the Marrakech declaration on the prevention of corruption", in which it decided that the Working Group would continue to follow the multi-year workplan for the period up to 2015 to discuss different thematic subjects during its meetings.

5. At its sixth session, held in St. 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 chapter II of the Convention (Preventive measures). In that context, it requested that the Secretariat structure the provisional agendas of the Implementation Review Group of the Convention 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 8/8, entitled "Follow-up to the Marrakech declaration on the prevention of corruption", adopted by the Conference at its eighth session, held in Abu Dhabi from 16 to 20 December 2019, the Conference welcomed the ongoing efforts of the Working Group to facilitate the sharing of information between States parties on their initiatives and good practices relating to the topics considered at its meetings held in Vienna from 5 to 7 September 2018 and 4 to 6 September 2019, and underlined the importance of the conclusions and recommendations of the Working Group at those meetings. The Conference requested States parties to continue to share information and requested the United Nations Office on Drugs and Crime to continue to provide and develop capacity-building initiatives, including new knowledge products and technical tools, upon request and subject to the availability of extrabudgetary resources, on measures to prevent corruption, to identify comparative good practices, and to facilitate the exchange of expertise and lessons learned among States parties. The Conference also requested the Secretariat, subject to the availability of extrabudgetary resources, to continue its work as an international observatory of good practices in preventing corruption, including by updating the thematic website of the Working Group with relevant information.

7. The present background paper has been prepared to inform the Working Group at its eleventh meeting of progress in the implementation of its mandate. It is aimed at assisting the Group in its deliberations and in determining its future activities.

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, para. 4, of the Convention); and the use and effectiveness of asset declaration systems (art. 8, para. 5, of the Convention); 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 (article 5 of the Convention).

9. At the ninth and tenth meetings of the Working Group, 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 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 such issues as conflict of interest management, the introduction of assets and interest disclosure systems and the development and implementation of

anti-corruption policies. Several speakers reported on the different 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, internal controls 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. 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 also be 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 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; strengthen the accountability of public officials; and develop and implement anti-corruption policies and strategies.

17.   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 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, to guide its work, 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 of chapter II of the Convention.

20. The Working Group further recommended that the States parties provide to the Secretariat, for 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, the States parties combine and coordinate efforts when considering the submission of draft 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 that work.

23. The Working Group also urged States parties to continue to use the information available on the thematic web page, in particular as it related to 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 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 that had been 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 guide 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 tenth meeting

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

Recommendations

27. The Working Group recommended that the Conference of the States Parties 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.

28. 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 chapter II of the Convention.

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

Action taken

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

31.   Two new publications were completed and are to be launched in 2020, namely, a resource guide to address corruption in the forestry sector and a practical guide to corruption risk assessment and management in public organizations.

32.   Moreover, UNODC collected information from States parties on the open data initiatives and sources that they maintained and made that information available through a thematic webpage.

33.   As part of policy or advocacy efforts, UNODC publications were widely disseminated at relevant conferences, workshops and training events, as well as to counterparts and other stakeholders during country visits or on other occasions. They are also available on the UNODC website.[2] Detailed information in that regard is provided in the report of the Secretariat on the status of implementation of resolutions 7/5 and 7/6 of the Conference of the States Parties to the United Nations Convention against corruption (CAC/COSP/2019/2).

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

Recommendations

34.   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.

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

36.   The Working Group also 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 also be considered in the context of balancing such disclosures with measures taken to protect privacy and the confidentiality of personal data.

Action taken

37.   UNODC participated in and supported a number of workshops organized 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.

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[1]   Available at www.track.unodc.org.
[2]   See www.unodc.org/unodc/en/corruption/publications.html.

38.   In the context of a project to fast-track implementation of the Convention, UNODC created a regional platform for Southern Africa, conducting a mapping mission and establishing baseline data for Zambia.

39.   In Burkina Faso, Mali and the Niger, UNODC carried out an assessment of the information technology needs of the specialized judicial chambers responsible for financial and economic crimes.

40.   UNODC provided assistance to the Government of Honduras to strengthen and customize the asset declaration system for the Superior Accounts Tribunal, building on the information collected by means of interviews with stakeholders.

41.   In Kenya, UNODC engaged with the Office of the Attorney General, the executive of the presidentially-led Building Bridges Initiative (including the former Attorney General of Kenya) and the Kenya Young Parliamentarians Association on the status of the Whistle-Blower Protection Bill. Moreover, UNODC engaged with the Building Bridges initiative task force (gazetted by the President of Kenya, Uhuru Kenyatta, in December 2019) on potential capacity-building support for whistle-blower protection.

42.   Further detailed information on all the action taken to address those recommendations is provided in the report of the Secretariat on the status of implementation of resolutions 7/5 and 7/6 of the Conference (CAC/COSP/2019/2).

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

Recommendations

43.   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 the Secretariat, subject to the availability of extrabudgetary resources, to continue its work as an international observatory, including by updating the thematic website of the Working Group with relevant information.

44.   The Working Group also urged States parties to continue to use the information available online 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. The Group encouraged States parties to continue to share with the Secretariat information on their efforts to prevent corruption, to be published on the thematic web page.

Action taken

45.   UNODC continued to gather and make available on the thematic web page of the Working Group all the 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]

46.   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. At the time of drafting of the present background paper, 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 United States of America.

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

47.   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.

48.   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

49.   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. The discussion could address, inter alia, measures to prevent the solicitation of bribes, information on private sector compliance and integrity programmes, bookkeeping standards and voluntary self-reporting, and could involve the participation of representatives from the private sector as panellists.

Action taken

50.   UNODC continued to support regional and global efforts to strengthen public and private sector integrity 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 (PACI), the Association of Southeast Asian Nations, Asia-Pacific Economic Cooperation and the Organization for Economic Cooperation and Development, including the Anti-Corruption Task Team of its Development Assistance Committee.

51.   UNODC participated in the first meeting of the Group of 20 Anti-Corruption Working Group, under the presidency of Saudi Arabia, and in a side event to commemorate the 10-year anniversary of the Group. UNODC delivered presentations on corruption measurement, development, implementation and evaluation of anti-corruption policies and strategies, mutual legal assistance, corruption and gender, as well as asset recovery. Moreover, UNODC provided an update to the Group of 20 Anti-Corruption Working Group on the outcomes of the eighth session of the Conference and the preparations for the special session of the General Assembly against corruption, to be held in 2021.

52.   In Kenya, UNODC participated in an awareness-raising campaign launched on International Anti-Corruption Day 2019 and forged a new partnership with the Blue Company Initiative, aimed at fighting corruption in the private sector by means of a media outreach campaign.

53.   In Kyrgyzstan, UNODC held meetings with civil society organizations and the private sector, providing information about ways to contribute to the implementation of the Convention.

54.   In Senegal, on the occasion of International Anti-Corruption Day, UNODC participated in a workshop organized by the national anti-corruption authority (Office National de la Lutte Contre la Fraude et la Corruption) on the role of the private sector in the fight against corruption.

55.   Detailed information on all the action taken to address the recommendation is provided in the report of the Secretariat on the status of implementation of resolutions 7/5 and 7/6 of the Conference (CAC/COSP/2019/2).

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[4] Available at www.unodc.org/unodc/en/corruption/WG-Prevention/session10.html.