



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

Distr.: Limited  
3 November 2017

Original: English

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## Seventh session

Vienna, 6-10 November 2017

Item 4 of the provisional agenda\*

## Prevention

### Argentina, France and Romania: draft resolution

### Promoting preventive measures against corruption

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

*Concerned* about the seriousness of the threats that corruption poses to the stability of societies by eroding the legitimacy and effectiveness of key public institutions and values of democracy and by jeopardizing sustainable development and the rule of law,

*Highlighting* the prominence that the United Nations Convention against Corruption<sup>1</sup> has given to the prevention of corruption as part of a comprehensive approach to fighting corruption by having its entire chapter II devoted to measures to prevent corruption,

*Welcoming* the adoption of the 2030 Agenda for Sustainable Development,<sup>2</sup> and recalling that the 2030 Agenda addresses the need to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

*Welcoming also* the progress made by States parties and the Secretariat of the United Nations in the implementation of its resolutions 5/4 of 29 November 2013 and 6/6 of 6 November 2015, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”,

*Underlining*, in view of the ongoing review of chapter II, one of the chapters under review during the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, the importance of building legislative and institutional frameworks consistent with the requirements of that chapter and the fundamental principles of their legal systems,

*Recalling* its resolution 3/2 of 13 November 2009, by which it established an interim open-ended intergovernmental working group to advise and assist it in the implementation of its mandate on the prevention of corruption,

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\* [CAC/COSP/2017/1](#).

<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>2</sup> General Assembly resolution [70/1](#).



*Welcoming* the conclusions and recommendations of the meetings of the Open-ended Intergovernmental Working Group on the Prevention of Corruption held in Vienna from 22 to 24 August 2016 and from 21 to 23 August 2017,<sup>3</sup>

*Acknowledging* the crucial importance of technical assistance in building institutional and human capacity in States parties so as to facilitate the implementation of the provisions of chapter II of the Convention,

*Welcoming* the input of the United Nations Office on Drugs and Crime, supported by Qatar, to implement the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and Promote the Rule of Law at the National and International Levels, and Public Participation,<sup>4</sup> in terms of enhancing judicial integrity through the establishment of the Global Judicial Integrity Network,

*Acknowledging* the importance of public- and private-sector companies in preventing and combating corruption and in promoting a culture of integrity, transparency and accountability in accordance with its resolution 4/3 of 28 October 2011, entitled “Marrakech declaration on the prevention of corruption”, and recalling its resolution 6/5 of 6 November 2015, entitled “St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption”,

*Recalling* the importance of States parties taking appropriate measures, within their means and in accordance with the fundamental principles of domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental and community-based organizations, the private sector and academia, in the prevention of and fight against corruption, and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption,

1. *Encourages* States parties to promote universal adherence to the United Nations Convention against Corruption,<sup>1</sup> and urges all States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;

2. *Calls upon* States parties to continue implementing and to reinforce the effective implementation of the preventive measures outlined in chapter II of the Convention and in the resolutions of the Conference of the States Parties;

3. *Decides* that the Open-ended Intergovernmental Working Group on the Prevention of Corruption, at its next intersessional meetings, should include as the topic for 2018 the use and effectiveness of asset declaration systems and conflicts of interest (article 7, paragraph 4, and article 8, paragraph 5, of the Convention) and as the topic for 2019 lessons learned on the development, evaluation and impact of anti-corruption strategies (article 5), while recognizing the recommendation by the Working Group to leave room within its agenda to add or amend topics of discussion to maximize the cross-fertilization of the discussions held by the Working Group and the Implementation Review Group;

4. *Calls upon* States parties to ensure that anti-corruption bodies have the necessary independence and competence, in accordance with the fundamental principles of their legal systems, as well as the material resources and specialized staff, and the training that such staff may require to carry out their functions effectively and free from undue influence, in accordance with article 6, paragraph 2, of the Convention;

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<sup>3</sup> See [CAC/COSP/WG.4/2016/5](#) and [CAC/COSP/WG.4/2017/4](#).

<sup>4</sup> General Assembly resolution 70/174, annex.

5. *Calls upon* each State party to ensure the existence of a body or bodies, in accordance with the fundamental principles of its legal system, as appropriate, that prevent corruption by such means as:

(a) Implementing the policies referred to in article 5 of the Convention and, where appropriate, overseeing and coordinating the implementation of those policies;

(b) Increasing and disseminating knowledge about the prevention of corruption;

6. *Encourages* States parties, in accordance with their domestic law, to establish measures to encourage cooperation between national authorities and the private sector in order to better prevent and detect corruption;

7. *Also encourages* States parties to consider, where appropriate and in accordance with the fundamental principles of their domestic law, promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions, and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;

8. *Reiterates* the importance of continuing to strengthen public-private partnerships in the prevention of and fight against corruption by, inter alia, encouraging the organization of meetings and events for the exchange of relevant experiences and good practices in this area;

9. *Encourages* States parties to promote, in accordance with the fundamental principles of their legal systems, the adoption, maintenance and strengthening of systems that promote transparency and prevent conflicts of interest, where appropriate making use of innovative and digital instruments in this field;

10. *Recognizes* the importance of including the prevention of corruption in the broader development agenda, including through the implementation of Sustainable Development Goal 16 and other relevant Goals contained in “Transforming our world: the 2030 Agenda for Sustainable Development”,<sup>2</sup> and through other initiatives aimed at strengthening the coordination and exchange of such information with development partners;

11. *Encourages* States parties to the Convention to ensure judicial integrity, without prejudice to judicial independence and in accordance with the fundamental principles of their legal systems, including, as appropriate, by developing innovative ways of enhancing judicial integrity, such as through the Global Judicial Integrity Network;

12. *Recommends* that States parties to the Convention raise awareness of the importance of the development of internal anti-corruption compliance mechanisms and standards by public sector organizations, in compliance with international standards and domestic law;

13. *Encourages* States parties to take measures within their means and in accordance with the fundamental principles of their domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, the private sector, academia, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption, and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;

14. *Requests* the Secretariat to continue, in close cooperation with multilateral, regional and bilateral assistance providers, recognizing the importance of cooperation, including South-South cooperation, to provide technical assistance to States parties, in particular developing countries, upon request and subject to extrabudgetary resources, with a view to advancing the implementation of chapter II

of the Convention, including in the form of tailored assistance for participation in the review process for chapter II;

15. *Also requests* the Secretariat to report, within existing resources, on the implementation of the present resolution to the Conference at its eighth session and to its relevant subsidiary bodies;

16. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

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