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

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Prevention

Argentina, France and Romania: revised 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 problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law,

Highlighting the prominence that the United Nations Convention against Corruption[1] 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,[2] 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 in accordance with the fundamental principles of each State party’s legal system,

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,

[1] United Nations, *Treaty Series*, vol. 2349, No. 42146.
[2] General Assembly resolution 70/1.

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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,[3]

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 work done by the United Nations Office on Drugs and Crime towards the establishment of the Global Judicial Integrity Network and to provide assistance to States parties to promote the integrity and accountability of criminal justice systems, in accordance with the Convention Against Corruption and consistent with the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, [4] adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice,

Acknowledging the importance of both the public and private sectors in preventing and combating corruption and in promoting a culture of integrity, transparency and accountability consistent with Conference resolution 4/3 of 28 October 2011, entitled "Marrakech declaration on the prevention of corruption", and recalling Conference 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,[1] 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, and also calls upon States parties to invite anti-corruption bodies to consider taking into account the Jakarta Statement on Principles for

[3] See CAC/COSP/WG.4/2016/5 and CAC/COSP/WG.4/2017/4.
[4] General Assembly resolution 70/174, annex.

Anti-Corruption Agencies, developed by the International Conference on Principles for Anti-Corruption Agencies, held in Jakarta on 26 and 27 November 2012;

5. *Reminds* States parties of their commitment under article 6 of the Convention, which states that each State party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, 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 consider taking measures to encourage cooperation between their competent authorities and the private sector and to endeavour to periodically evaluate these measures 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 exchange of relevant experience 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 and, where appropriate, to make 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,[2] and through other initiatives aimed at strengthening the coordination and exchange of such information with development partners;

11. *Encourages* States parties, without prejudice to judicial independence and in accordance with the fundamental principles of their legal systems, to take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary, including by developing rules with respect to the conduct of members of the judiciary and, as appropriate, by developing innovative ways of enhancing judicial integrity, and welcomes in this regard the ongoing development of the Global Judicial Integrity Network;

12. *Also 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;

13. *Requests* the Secretariat to continue, within its existing mandate and 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;

14. *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;

15. *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.