



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

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### Draft report

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### Addendum

## II. Organization of the session

### F. General discussion

1. At the 1st to 5th meetings, on 16 and 17 December 2019, the Conference of the States Parties considered agenda item 1 (f), entitled “General discussion”. The President of the Conference and Ms. Okeke, in her capacity as Vice-President of the Conference, chaired the discussion.

2. The representative of Egypt, speaking on behalf of the Group of 77 and China, emphasized that corruption continued to be one of the major challenges to security, stability, the rule of law and the sustainable socioeconomic development of societies, reiterated the need to prevent and eradicate corruption more effectively by further promoting the full implementation of the United Nations Convention against Corruption, and underlined the critical role of the Conference of the States Parties in that regard. He noted that the Group of 77 and China was looking forward to the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Kyoto, Japan, in April 2020, and the special session of the General Assembly against corruption to be held in 2021. In that regard, he expressed the Group’s appreciation for the outcome of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and efforts 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 to Promote the Rule of Law at the National and International Levels, and Public Participation. He reiterated the importance of developing and promoting effective policies and practices aimed at preventing corruption in accordance with chapter II of the Convention and underlined the importance of Conference resolution 4/3. He expressed regret that barriers and challenges to asset recovery processes appeared to be increasing and underscored that the return of assets was a fundamental principle of the Convention and outlined multiple factors that continued to impede effective international cooperation in the area of asset recovery. Moreover, he underlined the importance of technical assistance and capacity-building activities as cross-cutting issues and called for sufficient and stable funding for those purposes.

3. The representative of Thailand, speaking on behalf of the Group of Asia-Pacific States, emphasized the utmost importance of preventing and combating corruption



and the devastating effects that corruption had on society, good governance, the rule of law, peace and security. He highlighted the transnational nature of corruption and the need to employ multilateral approaches to counter corruption. In that regard, the steady strides by Member States towards universal adoption of the Convention was positively noted. He noted that corruption undermined the achievement of the 2030 Agenda for Sustainable Development, in particular, Goal 16. He stressed the importance of the follow-up to the Doha Declaration and the upcoming special session of the General Assembly against corruption, to be held in 2021. On behalf of the Group, he acknowledged the important role of the Implementation Review Mechanism and welcomed the progress made in the second review cycle. He emphasized that asset recovery was a fundamental principle of the Convention and highlighted the need to more effectively counter illicit financial flows and facilitate the return of stolen assets to countries of origin. He called upon States parties to take concrete measures to strengthen international cooperation, to hold persons who committed corruption offences accountable and to deny safe havens to persons engaged in corruption and the proceeds of crime.

4. The representative of the European Union noted that corruption was a threat to democracy and undermined fundamental values on which societies were based. He emphasized that preventing and fighting corruption was a precondition for upholding the rule of law, peace and security, achieving sustainable development and respect for human rights and respecting fundamental freedoms. He observed that countering corruption occupied a central place in the internal and external policies of the European Union and that the European Union was constantly striving to ensure the highest possible standards in the fight against corruption. He noted, among other developments, the adoption of European Union-wide standards for protecting whistle-blowers and legislation to promote the transparency of beneficial ownership information and facilitate access to and the exchange of financial and other information among States members. He stressed the importance of multilateralism and international cooperation in the fight against corruption. He welcomed the progress made in the second cycle of the Implementation Review Mechanism and reaffirmed the commitment of the European Union to the Mechanism. He noted that discussions had started with UNODC on how to organize the future review of implementation of the Convention by the European Union. He also reiterated the European Union's call for more effective involvement of civil society in the review process and in the Conference and its subsidiary bodies. He welcomed the decision to convene a special session of the General Assembly against corruption in 2021 and emphasized the need to take a firm political stance and renew global commitments in the collective fight against corruption. He commended the efforts of UNODC in facilitating the implementation review process and recognized the work of UNODC in technical assistance and capacity-building, including with the support of the European Union.

5. The representative of Egypt, speaking on behalf of the Group of African States, noted that the Group associated itself with the remarks made on behalf of the Group of 77 and China. On behalf of the Group of African States, he stressed the negative impact of corruption on sustainable economic development, in particular in developing countries. He considered asset recovery to be a fundamental principle of the Convention and encouraged States parties to comprehensively implement the provisions of chapters IV and V of the Convention. He welcomed the special session of the General Assembly against corruption, to be held in 2021, and stressed the need to address, inter alia, corruption involving large quantities of assets and foreign bribery. He noted the need for adequate and effective technical assistance for requesting States but noted with concern the lack of adequate resources for such technical assistance, and called on donor States to provide additional extrabudgetary contributions to UNODC and other assistance providers to meet the identified needs. He welcomed the focus on combating illicit financial flows at the High-Level Dialogue on Financing for Development to be convened by the General Assembly in September 2019, building on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development. He noted that there was a

need to address illicit financial flows, asset recovery and the full, effective and unconditional return of stolen assets. The Group called upon States parties to reaffirm commitments in areas covered in chapter V of the Convention in order to better facilitate the recovery and return of stolen assets by overcoming legal and procedural challenges. The Group welcomed the work of the Conference's subsidiary bodies related to asset recovery and prevention, along with the work of the UNODC/World Bank Stolen Asset Recovery (StAR) Initiative.

6. The representative of Azerbaijan, speaking on behalf of the Non-Aligned Movement, stressed the negative impact that corruption had on peace and security, the rule of law and sustainable development. He welcomed the ratifications of the Convention by States parties that had been made since the last session of the Conference, and urged Member States that had not yet done so to ratify the Convention. He underlined the importance of asset recovery and the identification, tracing, seizure and return of stolen assets. He condemned the unilateral sanctions imposed on members of the Non-Aligned Movement, in violation of United Nations procedures, and urged that such measures be ended. He stressed that preventive measures were one of the most important means of countering corruption and urged States parties to effectively implement the requirements of chapter II of the Convention, in line with Conference resolution 4/3. He encouraged States parties to share good practices in countering corruption and welcomed the technical assistance provided to States in effectively implementing the Convention. He noted that, while implementation of the Convention was the obligation of States parties, the obligation to fight corruption must be shared by all parts of society and that technology can play a role in increasing access to information and strengthening transparency.

7. Speakers stressed the transnational nature of corruption and its devastating effects on political, economic and social development, as well as on democratic governance, the rule of law, human rights, equality (including gender equality) and security. Speakers noted that corruption impeded sustainable economic and social development, drained necessary resources from an array of public services, distorted markets, increased political instability, undermined democratic institutions and values, eroded public trust in government institutions, violated human rights principles and norms, fostered injustice and inequality, contributed to conflict, facilitated environmental damage and impeded the ability of States to deliver public services and to address climate change and poverty. Speakers also highlighted the negative effects that corruption has on sectors such as education, health and access to justice. Speakers emphasized the linkages between corruption and organized crime, terrorism, smuggling and other serious criminal activity, and noted that the response of the international community was too often slow and weak. It was emphasized that States parties should seek to resist and counter corruption in all of its many forms. Moreover, speakers stressed that there should be no safe haven for corrupt officials or the proceeds of corruption.

8. Speakers welcomed the recent ratifications of and accessions to the Convention by States and emphasized that the Convention remained the only comprehensive global legally binding framework for the prevention of and the fight against corruption. They considered the Conference and its subsidiary bodies to be important forums for exchanging experiences and good practices, strengthening their shared commitment and reaching decisions for the future by consensus. Several speakers referred to the 2030 Agenda for Sustainable Development, especially Sustainable Development Goal 16, which provided a welcome impetus in the fight against corruption by linking anti-corruption efforts with the broader, cross-cutting objectives of sustainable development. Some speakers emphasized the importance of gender equality and empowering women and girls as fundamental for the achievement of the Sustainable Development Goals, including the prevention of corruption.

9. Speakers welcomed the preparations for the upcoming special session of the General Assembly against corruption to be held in 2021. Some speakers called for innovative ways to end impunity, including by establishing a dedicated international anti-corruption court to address multinational, complex, large-scale corruption

investigations and prosecutions, and identify and facilitate the return of what were often vast quantities of stolen assets. Another speaker mentioned that the political declaration to be adopted at the special session should contain three key elements: a call for the full implementation of the existing international framework, a holistic and balanced approach to implementation of the Convention, and an acknowledgement that the prevention of and the fight against corruption is a common and shared responsibility. One speaker emphasized that anti-corruption efforts should not be used as an excuse for infringing on the sovereignty of States parties. Another speaker called for measures to strengthen the International Anti-Corruption Academy (IACA). Another speaker called for the Convention to be added to and updated in order to reflect current challenges. Other speakers called for a strengthened international, shared, holistic and coordinated effort to detect, investigate and prosecute complex multilateral corruption cases, including by means of the effective implementation of existing Convention obligations.

10. A number of speakers reported on positive outcomes from undergoing and participating in country reviews in both review cycles and expressed strong support for the Convention's Implementation Review Mechanism and its core principles. One speaker raised the issue of the future of the Mechanism beyond the second cycle, an issue to be addressed so that the Mechanism could continue to fulfil its pivotal role in the full and effective implementation of the Convention. One speaker cautioned that care should be taken to safeguard the non-political nature of the Mechanism. Some speakers called for the Implementation Review Mechanism to be funded from the regular budget of UNODC. Some speakers encouraged States parties to involve civil society in the review process and called on States parties to implement the recommendations identified.

11. Many speakers reported on the positive reforms that their countries had implemented as a result of recommendations emerging from the first review cycle, including the adoption or amendment of relevant criminal legislation, efforts to strengthen the rule of law, the establishment of specialized anti-corruption courts, the strengthening of witness and whistle-blower protection programmes, the adoption of legislation to authorize the use of special investigative techniques and the adoption of measures to facilitate access to justice and increase transparency in the criminal justice sector. Speakers also described measures that had been taken since the first review cycle to strengthen international cooperation, including the conclusion of bilateral and multilateral treaties and arrangements to facilitate mutual legal assistance and extradition.

12. Some speakers referred to measures taken to strengthen the administrative and financial independence of anti-corruption agencies. In that context, reference was made to the Jakarta Statement on Principles for Anti-Corruption Agencies. Furthermore, some speakers reported on results of measures taken, such as an increased numbers of prosecutions and larger amounts of confiscated and recovered assets. One speaker described the establishment in his country of a committee of international experts to address corruption at the country level.

13. Many speakers welcomed the progress made in completing the second cycle of the Implementation Review Mechanism, called on States parties to fully participate in the second cycle, and reported on activities and proactive measures to support the self-assessment process in advance of the review, including efforts to identify challenges and gaps.

14. One speaker noted the value and potential of creating synergies with other review mechanisms, which could maximize the impact of the Convention's Implementation Review Mechanism and its outcomes. Speakers mentioned the important role of the peer review processes of the Financial Action Task Force, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the OECD Istanbul Anti-corruption Action Plan for Eastern Europe and Central Asia, and the Group of States against Corruption (GRECO) of the Council of Europe.

15. Speakers described the work of national bodies, committees and specialized, independent agencies and commissions to develop, launch and implement national policies and strategies aimed at strengthening integrity, promoting good governance and countering corruption. Speakers noted the importance of providing such bodies with adequate financial and human resources to carry out their mandates. Some speakers noted the importance of ensuring that policies and strategies to counter corruption were inclusive and fostered citizen participation in both the development and the implementation processes. Such participation should include a broad range of stakeholders such as civil society, youth, academia, media and women's groups. Some speakers described sector-based anti-corruption strategies that targeted specific challenges that existed in high-risk sectors.

16. Many speakers highlighted that their Governments required technical assistance in order to be able to effectively implement the Convention. Tailored, country-led, integrated and coordinated approaches to technical assistance, based on the sharing of information and international good practices, were also welcomed. Many speakers noted with appreciation the tools developed and the technical assistance provided by UNODC and other bilateral donors and assistance providers, including the German Agency for International Cooperation (GIZ), IACA, the United Nations Development Programme (UNDP), OECD, the Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE), the United Nations Pacific Regional Anti-Corruption Project, the World Bank and the StAR Initiative, and called upon UNODC to continue to support such efforts, in particular in developing countries. Several speakers praised the initiative of establishing regional platforms across the world and highlighted their importance for fast-tracking the implementation of the Convention. Speakers highlighted the need for technical assistance in relation to legislative reform, capacity-building, conducting financial investigations, and establishing and strengthening systems on declarations of assets and interests, asset recovery and the management of seized assets. Several speakers called on States to provide additional extrabudgetary resources to UNODC and other assistance providers to ensure that technical assistance needs were met, in particular in developing countries and least developed countries.

17. Speakers concurred that all sectors of society had to work together in order for the fight against corruption to be successful. A number of speakers commended the participation of non-governmental organizations, including members of civil society and the media, in preventing and combating corruption. Several speakers acknowledged the importance of involving different sectors of society in preventing and raising awareness of corruption, and highlighted the role of youth, academia, parliamentarians and the media. In that context, several speakers reported on legislative reforms to facilitate the participation of civil society in the fight against corruption, including in the area of budget transparency. One speaker mentioned an initiative with an academic network, as well as the establishment of an anti-corruption index to monitor corruption at the national level. Speakers also described public outreach campaigns to strengthen public participation in anti-corruption activities.

18. Speakers highlighted the importance of education for the prevention of corruption, as well as the inculcation of moral values in young people, in order to strengthen integrity and accountability and establish a culture of lawfulness. Speakers described the development and implementation of educational curricula and the establishment of integrity units in educational institutions, and some speakers commended the curricula modules developed by UNODC. One speaker emphasized ongoing measures taken at the regional and international levels for the prevention of corruption in sport, with the technical support of UNODC. One speaker praised the work of UNODC to identify how corruption affected the most vulnerable populations, in particular women.

19. Some speakers noted the collaboration of their Governments with the private sector, including in the form of public-private partnerships. Some speakers noted how, through cooperation with the private sector entities specializing in, inter alia, technology, science and communications, Governments could strengthen their

capacities to prevent and counter corruption. In that context, the development and implementation of codes of conduct and business ethics for private sector entities were noted. Speakers emphasized the importance of preventing corruption in the private sector as a way of advancing economic development. One speaker described the development of a business integrity list to recognize private sector entities that had taken measures to prevent corruption. Another speaker called on multinational companies to refrain from looting public funds and soliciting bribes.

20. The importance of comprehensive codes of conduct for public servants, including for political leaders and politically exposed persons, was noted, as was the need to ensure adequate anti-corruption training for all public officials. Speakers noted the need for effective oversight and accountability mechanisms to ensure the appropriate addressing of misconduct and ethics violations by public officials. One speaker described the establishment of corruption prevention units within each government ministry. Several speakers emphasized that States should establish transparent, fair and merit-based recruitment practices throughout the public service. Some speakers emphasized that such measures were intended to establish a culture of zero tolerance of corruption throughout the public service. Speakers highlighted the importance of involving local governmental institutions in the prevention of corruption.

21. Some speakers noted measures taken to implement asset-disclosure and declaration systems, conduct lifestyle audits of senior public officials, prevent corruption and conflicts of interest, including in public procurement, and increase transparency and accountability in the management of public finances. Measures and challenges in the verification of asset disclosure submissions and the oversight of public expenditures were also described. Speakers noted the valuable role of supreme audit institutions, including courts of audit, in that regard. One speaker emphasized the importance of strengthening revenue collection efforts as a means of generating necessary resources to prevent and counter corruption. One speaker noted, however, that unilateral coercive measures applied to a State party would hinder that State's ability to dedicate adequate resources to the prevention of corruption.

22. Multiple speakers referred to measures promoting transparency of beneficial ownership, including by establishing public registries online, along with other measures to prevent money-laundering and regulate and monitor financial institutions and transactions, including transactions conducted through intermediaries and facilitators and through the use of cryptocurrencies. The important role of financial intelligence units was mentioned in that regard. The importance of the Open Government Partnership to strengthen transparency and access to information was also noted by some speakers. Some speakers also described measures to strengthen the transparency of the funding of elections and political parties. Others described measures to streamline administrative and bureaucratic procedures of public institutions and the delivery of public services, and the effectiveness that such measures had had in reducing opportunities for corruption, including in open-data procedures, online portals and e-government. It was noted that the use of information and communication technology could prove effective in that regard.

23. Speakers noted the importance of establishing mechanisms, in particular hotlines and online portals, for reporting instances of corruption. In that context, several speakers referred to measures taken to protect whistle-blowers and reporting persons, including protection of the identity of reporting persons and protection from retaliation. Several speakers announced the recent adoption of legislation or consideration of pending legislation regarding the protection of whistle-blowers.

24. Several speakers described the development and implementation of comprehensive corruption risk assessments for public and private sector institutions, which often led to targeted anti-corruption and integrity plans for particular ministries and public institutions. Speakers also presented measures to conduct research and studies on corruption and its causes and manifestations, which helped in choosing the priorities and effective interventions for the challenges identified. One speaker called

for a global study on the effectiveness of anti-corruption systems that could provide recommendations and good practices to States.

25. Ending impunity was considered to be one of the most important aims of the fight against corruption. Speakers described measures to strengthen the investigation and prosecution of corruption cases, and noted that the challenge of achieving sufficient capacity in that regard was still in the process of being addressed, in particular in financial investigations and forensic accounting. Speakers highlighted the need for investigators, prosecutors and the judiciary to have the necessary resources, independence and capacity to address corruption cases, notably, in the light of the emerging trends and increased use of new technologies by criminals. One speaker noted the need to ensure that victims of corruption had adequate recourse and appropriate restitution and compensation for losses suffered. Speakers also reported the use of technology in court proceedings, including case management and e-court mechanisms, as a means of strengthening transparency and the effectiveness of judicial proceedings. Speakers also described measures taken to strengthen the integrity and professionalism of the judiciary. One speaker called for a recommitment to judicial integrity and independence, and for reinforcing the centrality of the Bangalore Principles of Judicial Conduct. One speaker described measures taken to address and prevent state capture.

26. Some speakers shared experiences of successful asset recovery cases, but also challenges in the identification, seizure and return of stolen assets. Speakers noted that not enough was being done to ensure the effective and efficient recovery and return of stolen assets, emphasized the need for additional technical assistance in this area and called on States parties to continue to take measures to strengthen international cooperation, including through spontaneous information-sharing, as well as use of both formal and informal channels, to more effectively and efficiently identify and return stolen assets to the country of origin. In that regard, the importance of bilateral and multilateral agreements was highlighted, as were the benefits achieved by expressions of good will among States parties. Speakers emphasized that the Convention itself could be used as a basis for international cooperation in the absence of such agreements. Some speakers noted measures taken to clarify and streamline national legislation and mechanisms established to facilitate the recovery and return of assets, and some speakers stressed the importance of considering non-conviction-based forfeiture mechanisms and of having dedicated offices in the prosecution service to give effect to those measures. The value of peer-to-peer learning, joint investigations and law enforcement networks in facilitating international cooperation was also noted. One speaker referred to his country's membership in the International Anti-Corruption Coordination Centre, based in London, which could assist countries that experienced grand corruption and bring persons responsible to justice through accelerated intelligence-sharing. One speaker called for an additional protocol to the Convention on asset return. Speakers noted their contributions to, and benefits derived from, the StAR Initiative.

27. Many speakers referred to the importance of sharing experiences, information and good practices, including through regional organizations, initiatives and networks and of multi-stakeholder approaches. Regional bodies or forums were identified as playing an important role in building consensus and fostering strong political will in the fight against corruption. Such bodies noted included the African Union, the International Association of Anti-Corruption Authorities (IAACA), the Gulf Cooperation Council (GCC), the Group of 20, the South-East Asian Parties against Corruption, the European Partners against Corruption, the European contact-point network against corruption, the International Organization of Supreme Audit Institutions, GRECO, the Egmont Group of Financial Intelligence Units, the Financial Action Task Force (FATF), the Global Organization of Parliamentarians against Corruption and the Arab Anti-Corruption and Integrity Network. One speaker noted that the upcoming Fourteenth United Nations Congress on Crime Prevention and Criminal Justice would provide an opportunity to continue to share good practices to prevent and counter corruption.

28. The representative of UNDP highlighted that the Convention against Corruption was a foundation of the global action against corruption and noted the partnership of UNDP with UNODC to provide technical assistance and support to States to implement the Convention and achieve the Sustainable Development Goals. The representative of the World Bank described the Bank's approach to technical assistance in corruption prevention and asset recovery, including the StAR Initiative, and highlighted the role that facilitating agents and institutions played in corruption and money-laundering. The representative of the International Monetary Fund (IMF) described its methodology for assessing governance vulnerabilities in a series of priority areas, conducted in accordance with the standards of the Convention. The representative of IACA described the breadth of curricula and degrees offered in the areas of the prevention of corruption and the promotion of integrity, and reported on recent activities of the Academy. The representative of GRECO emphasized the role of GRECO in monitoring and following up on the development and implementation of policies to counter corruption and stressed that essential tools to fight corruption successfully, such as multidisciplinary approaches, legislation and law enforcement, the involvement of civil society and strong political will. The representative of the World Customs Organization (WCO) emphasized the relevance of integrity and good governance standards in customs administration for ensuring sustainable economic development and secure communities and the Organization's efforts to promote them further. The representative of the European Public Law Organization informed the Conference about the recently launched academic programme on anti-corruption for South-Eastern Europe, which was aimed at enhancing the capacity for regional cooperation. The representative of the UNCAC Coalition reiterated the important role of civil society in the prevention and fight against corruption and expressed concern at the lack of clarity with respect to the future of the Convention's Implementation Review Mechanism, and stressed the need for stronger partnership with civil society in the process. The representative of Transparency International stressed the need to focus on grand corruption, impunity, gender-related issues and the empowerment of women in further actions and to involve civil society, notably in the light of the upcoming special session of the General Assembly against corruption. The representative of the International Fishermen Development Trust highlighted particular challenges that corruption posed to fishermen and called for more effective preventive measures in that regard.

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