



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

Distr.: Limited
12 December 2019

Original: English

Eighth session

Abu Dhabi, 16–20 December 2019

Item 2 of the provisional agenda*

Review of the implementation of the United Nations Convention against Corruption

United States of America: draft resolution

Promoting effective implementation of domestic and international obligations to prevent and combat bribery of national and foreign public officials and officials of public international organizations

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

Recognizing that the bribery of national and foreign public officials and officials of public international organizations can threaten political stability and the sustainable development of States,

Recognizing also that those who engage in corrupt acts, whether natural or legal persons, should be held accountable by their domestic authorities, consistent with domestic law and the requirements of the United Nations Convention against Corruption,¹

Reaffirming that chapter III of the Convention obligates all States parties to criminalize and punish acts of corruption as defined by the Convention, including acts of domestic and foreign bribery, and reaffirming also the commitment of States parties to giving effect to those obligations,

Welcoming the progress made by States parties in giving effect to chapter III of the Convention, in particular regarding the criminalization of domestic and foreign bribery, while recognizing that further efforts must be made to achieve universal and effective implementation and, in particular, enforcement,

Recognizing the critical importance of effective international cooperation in efforts to investigate and prosecute acts of domestic and foreign bribery,

Acknowledging the role that the private sector can play in preventing and combating domestic and foreign bribery, and the importance of promoting cooperation between corruption prevention agencies, law enforcement agencies and relevant private entities in that regard, in accordance with domestic law,

* [CAC/COSP/2019/1](#).

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.



Noting the crucial role that the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions² of the Organization for Economic Cooperation and Development has played in strengthening international efforts by parties to that Convention to prevent and combat foreign bribery,

Noting also the efforts of other international and regional organizations and forums to prevent and combat domestic and foreign bribery, including, inter alia, the Istanbul Anti-Corruption Action Plan of the Organization for Economic Cooperation and Development, the Asia-Pacific Economic Cooperation Principles on Prevention of Bribery and Enforcement of Anti-Bribery Laws, the Group of 20 Anti-Corruption Action Plan, the Group of 20 Guiding Principles on Enforcement of the Foreign Bribery Offence and the Group of 20 Guiding Principles to Combat Solicitation,

1. *Calls upon* States parties to fulfil their obligations under articles 15 and 16 of the United Nations Convention against Corruption,¹ in accordance with their terms, to criminalize the bribery of national public officials, as well as foreign public officials and officials of public international organizations, including the solicitation and acceptance of bribes by a national public official, and to strengthen their efforts to effectively enforce those laws;

2. *Also calls upon* States parties to the Convention to fulfil their commitments under article 26, in accordance with its terms, to establish the liability of legal persons for participation in the offences established in the Convention, including acts of domestic and foreign bribery, and to effectively enforce those laws with effective, proportionate and dissuasive criminal or non-criminal sanctions;

3. *Further calls upon* States parties to the Convention to fulfil their commitments, under articles 12 and 13, to prevent corruption involving the private sector, including the bribery of national and foreign public officials and officials of public international organizations, by taking measures in accordance with their domestic law and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing, and calls upon States parties to effectively enforce those measures;

4. *Urges* States parties to implement recommendations from the first implementation review cycle to strengthen implementation of the mandatory provisions of articles 15 and 16 of the Convention, encourages States parties to use the Implementation Review Group to update each other on their efforts to do so, and invites the Secretariat to collect good practices and lessons learned in this regard;

5. *Stresses* the importance of sustained and enhanced political will and the commitment of all States parties, consistent with the Convention, to criminalize and to hold accountable those who commit domestic and foreign bribery offences;

6. *Urges* States parties to be proactive in preventing and detecting domestic and foreign bribery offences, ensuring that credible allegations of bribery of domestic and foreign officials, including the solicitation and acceptance of bribes by domestic officials, are referred in a timely fashion to law enforcement authorities responsible for investigating and prosecuting such crimes;

7. *Also urges* States parties to encourage their law enforcement authorities to be proactive in effectively investigating and prosecuting credible allegations of bribery of domestic and foreign public officials, including acts of solicitation and the acceptance of bribes by domestic officials;

8. *Encourages* States parties to conduct training and awareness-raising activities, consistent with articles 7 and 13 of the Convention, to enhance the familiarity of both public officials and the general public with domestic and foreign bribery laws, including laws on the solicitation of bribes, with a view to stopping bribery and the solicitation and acceptance of bribes;

² *Corruption and Integrity Improvement Initiatives in Developing Countries* (United Nations publication, Sales No. E.98.III.B.18).

9. *Stresses* the importance of international cooperation and the sharing of information between States parties in the investigation and prosecution of transnational bribery cases involving the bribery of domestic and foreign public officials and officials of public international organizations, as set forth in articles 43 and 48 of the Convention, and encourages States parties to work together to determine the appropriate jurisdictions for prosecution in multi-jurisdictional foreign bribery cases;

10. *Encourages* States parties to conclude appropriate bilateral or multilateral agreements or arrangements for the use of special investigative techniques in the context of international cooperation to investigate and prosecute transnational bribery cases, as set forth in article 50 of the Convention;

11. *Also encourages* States parties to make full use of existing provisions and domestic law in order to transmit information relating to foreign bribery to interested competent authorities of other States parties, in line with article 46, paragraph 4, of the Convention, when they believe that such information could assist those authorities, before seeking mutual legal assistance;

12. *Invites* States parties to take measures as may be necessary to encourage, in accordance with their domestic law, the effective cooperation of the private sector with official investigations related to domestic and foreign bribery, in line with article 39 of the Convention, and recommends that States parties consider, in accordance with their domestic legal systems, establishing confidential complaint systems and effective programmes and measures for the protection of witnesses and reporting persons, consistent with articles 32 and 33 of the Convention;

13. *Strongly encourages* States parties to raise awareness within the private sector on the need to establish and implement appropriate anti-corruption ethics and compliance programmes, and to provide appropriate incentives for the implementation of such programmes;

14. *Invites* States parties, in accordance with domestic law, to consider the possibility of providing appropriate incentives for effective cooperation with official investigations involving foreign bribery;

15. *Calls upon* States parties to continue the exchange of best practices and precise information on successful cases of cooperation between different States parties relating to the implementation of provisions of the Convention related to domestic and foreign bribery;

16. *Decides* that the Implementation Review Group should include as a topic for 2020 best practices and lessons learned by States parties in investigating and enforcing their laws on domestic bribery, including solicitation, and foreign bribery involving the bribery of public officials and officials of public international organizations.