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

Open-ended Intergovernmental Working Group on the Prevention of Corruption
Tenth session
Vienna, 4–6 September 2019

Draft report

Addendum

III. Implementation of Conference resolutions 7/5, entitled "Promoting preventive measures against corruption", and 7/6, entitled "Follow-up to the Marrakech declaration on the prevention of corruption", and of the recommendations agreed upon by the Working Group at its meeting held in September 2018

A. Thematic discussion on lessons learned in the development, evaluation and impact of anti-corruption strategies (article 5 of the United Nations Convention against Corruption)

1. The Chair introduced the substantive discussion of the item, for which the Secretariat had prepared a background paper (CAC/COSP/WG.4/2019/2).

2. The Secretariat thanked States parties for the information they had provided in advance of the meeting which formed the basis of the background paper. The Secretariat emphasized the importance of lessons learned in the development, evaluation and impact of anti-corruption strategies. The representative of the Secretariat stated that, in their submissions, States had recognized the importance of anti-corruption policies and strategies to broader approaches to fighting organized crime, promoting good governance and sustainable development. Many States underlined the need for the process of developing such strategies to be inclusive of a wide range of stakeholders to ensure successful implementation and coordination. The need to identify high-quality indicators of impact as part of a monitoring, evaluation and reporting system had been referred to in many submissions.

3. A panellist from Qatar delivered a presentation on the achievements and way forward in the implementation of national anti-corruption preventive policies. He outlined the vision, mission, methodology, pillars and institutional framework of the National Transparency and Integrity Strategy, which was developed in a comprehensive and inclusive manner, with the support of technical assistance provided by UNODC. He also described forthcoming legislative and procedural amendments, particularly in the areas of whistleblower protection and mutual legal assistance. A new initiative regarding an integrity charter for public officials was also

described. This is designed to strengthen integrity, promote respect among public officials and enhance the confidence of service recipients in public institutions. Through positive reinforcement and an emphasis on strengthening relations among public officials and with the public, the integrity charter is aimed to both inform the community of the standards of conduct to expect from public officials and, in turn, promote an environment of mutual trust and ethics. He thanked UNODC for technical assistance provided in support of Qatar's corruption prevention efforts and in the development of the national strategy.

4.   A panellist from Serbia outlined the progress made and challenges faced during the implementation of the national anti-corruption strategy for 2013–2018. He explained how monitoring and evaluation of the strategy, conducted by the anti-corruption agency, allowing for civil society organizations' alternative reports and harnessing an electronic reporting mechanism that welcomed further input, contributed to the production of an annual assessment, which included relevant data, identified challenges and provided recommendations for the coming year. He described the development of sector-based anti-corruption strategies and measures, noting as an example the strategy for the Ministry of Interior to prevent corruption in the police service. He also discussed how national priorities and a model anti-corruption plan developed by the anti-corruption agency had inspired the development of local anti-corruption plans that brought corruption prevention measures to municipalities and communities, based on their specific context, challenges and priorities. These local plans helped foster meaningful participation in the implementation process of local civil society organizations, trade unions, the private sector and the broader community.

5.   A panellist from Italy discussed the role of the national anti-corruption authority in overseeing a "cascade model" to anti-corruption strategies, based on a three-year national anti-corruption plan and complemented by three-year anti-corruption and transparency programmes adopted by each public institution. She reported that this approach provided significant advantages in overall synergies of priorities as well as ownership at the institutional level, leading to concrete measures and sector-specific achievements. She also reported on the key contribution that monitoring and evaluation had made to subsequent measures taken under the anti-corruption plan. In addition, she spoke about Italy's legal framework on the protection of whistleblowers in the public and private sectors. She described four communication channels as well as an electronic platform used by public employees to report misconduct, along with applicable confidentiality protection levels. She informed the Group that as a result, the number of reports received had more than doubled over the past two years.

6.   A panellist from Sri Lanka delivered a presentation on the national action plan for combating bribery and corruption, and described the series of consultations undertaken during the development process to ensure a comprehensive and inclusive approach. He described four strategies incorporated into the national action plan, including prevention measures, strengthening value-based education and community engagement, institutional strengthening and legal and policy reform. He further identified several achievements, including rules related to gifts, conflicts of interest, integrity and potential legislative amendments. He emphasized that a key component of the national action plan was the monitoring and evaluation methodology, with the objectives to monitor progress in implementation, ensure periodical oversight and evaluate the impact of its implementation on reducing corruption. He thanked UNODC for its technical assistance and support to the development and implementation of corruption prevention measures.

7.   During the ensuing discussion, one speaker outlined his country's national anti-corruption strategy, which included numerous recommendations and measures to prevent corruption and strengthen integrity under the oversight and coordination of the anti-corruption authority. The speaker described how the national strategy was developed through a consultative and inclusive approach, resulting in the identification of priorities and challenges to be addressed during the implementation process. It was noted that monitoring and evaluation was integral to the strategy's

implementation, and included input received from implementation partners as well as academia, civil society and citizen participation. The speaker noted the importance of identifying and using indicators in monitoring and evaluation, and assessing the impact of measures taken.

8.   Speakers emphasized the importance of anti-corruption strategies and policies to the successful prevention of corruption. It was noted by several speakers that the identification of the necessary elements to be included in national anti-corruption strategies should be grounded in the framework of the Convention. Speakers emphasized that national anti-corruption strategies should be ambitious, but realistic in what could be achieved during the designated time period. Specific priorities identified for incorporation into such strategies included codes of ethics and strengthening integrity in the public service, values-based education, legislative reform, public procurement, transparency and access to public information, digitalization, open government, anti-corruption academies and training centres, awareness-raising activities, corruption risk assessments, codes of corporate governance and prevention of corruption in the private sector. Some speakers emphasized a zero tolerance policy with maximum deterrence measures and strict enforcement of anti-corruption criminal legislation as effective measures for the prevention of corruption.

9.   Speakers noted the importance of including elements of national and international cooperation in national strategies, particularly in terms of sharing evidence and intelligence pertaining to corruption investigations. Reference was made to resolutions 5/1 and 6/4 of the Conference of the States Parties, pertaining to international cooperation, in this regard. Emphasis was placed on prohibitions against public officials from holding assets, shares or bank accounts outside of the national jurisdiction to prevent conflict of interests. It was noted that financial audits to ensure compliance with such prohibitions relied on effective and efficient international assistance, particularly from international financial institutions.

10.   Speakers described a range of approaches to the development and implementation of national anti-corruption strategies. Several speakers noted the importance of an initial assessment and diagnosis of the corruption risks and challenges present in the country as an initial step in the development of a national anti-corruption strategy, which could be achieved through experience-based surveys. In addition, the value of an inclusive, participatory approach to both the development and implementation process was emphasized by many speakers, including the participation by civil society organizations, academia, youth, women, the private sector, the general public and other non-governmental stakeholders. Several speakers noted the importance of political will and context to combat corruption, including in some cases a Constitutional mandate, in order to ensure support for the development and implementation process. Speakers described the value of lessons learned from the experience of other States parties, as well as the engagement of international organizations in the development and implementation of national anti-corruption strategies.

11.   One speaker described the value of developing separate strategies for the prevention of corruption and the investigation and prosecution of corruption, given the different stakeholders involved and challenges addressed. Sector-specific and stakeholder-specific anti-corruption strategies were also described, in particular in terms of education, youth and women. Other speakers remarked on the value of distinct anti-corruption strategies at the national, regional and local levels, which would address various context-specific challenges and priorities. In this regard, the de-centralization of anti-corruption strategies was noted to carry advantages of specialized interventions and capacities to target concrete corruption priorities and avoid conflicting or overlapping mandates among various public institutions. In addition, the de-centralized approach implied that each institution acted autonomously, free of external pressures, responsible for its own budget and accountable for its integrity programme. The importance of identifying implementation partners, including in the private sector, was identified as important

to the achievement of the concrete measures set forth in anti-corruption strategies. One speaker highlighted the need for flexibility in the implementation of national strategies so as not to stifle creative tools that managers and leaders of various government institutions devised to respond specifically to the unique situations, priorities, vulnerabilities and needs of their offices.

12. The importance of the identification of appropriate indicators to systematically evaluate the implementation progress, as well as the impact of measures taken in effectively preventing and fighting corruption, was noted by several speakers. Speakers noted that indicators should be tailored to the legal, social and cultural context of the country. In addition, it was mentioned that monitoring and evaluation systems could be supported by relevant stakeholders, such as the private sector and civil society organizations. One speaker highlighted entering into bilateral arrangements for this purpose. Speakers emphasized that an integral component of monitoring and evaluation was the production of reports, often on an annual or quarterly basis, on progress made and challenges encountered during implementation. It was noted that these reports were often mandated by law and made available to the public. Speakers reported that regular evaluation of the state of implementation of the strategy was helpful in order to make adjustments to the strategy's goals, outcomes and timelines, and be able to respond to emergent challenges and priorities.

13. Several speakers highlighted challenges encountered during the implementation process, and described how lessons learned during the implementation process informed subsequent anti-corruption strategies. In particular, ensuring the allocation of sufficient resources to carry out implementation activities under the strategy was highlighted. One common challenge noted by many speakers was the effective coordination of a wide range of implementation stakeholders, including the division of roles and responsibilities. Another common challenge highlighted by speakers was the identification of appropriate indicators to measure implementation progress and impact. In this regard, speakers noted the significant resource implications necessary to collect data relevant to the indicators identified, as well as for the analysis of the information collected. One speaker noted the significant value of experience-based indicators as opposed to perception-based indicators.

14. Speakers thanked UNODC for collecting and distributing good practices and lessons learned in the implementation of article 5 of the Convention, and for providing technical assistance to requesting States parties in this area.