



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

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## Prevention

### Belgium and France: revised draft resolution

**Preventing and combating corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment] [, its financing and strengthening international cooperation for the return of proceeds of these crimes]**

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

*Recognizing* that combating corruption in all its forms is a priority, and reiterating its concerns regarding the seriousness of the problems and threats posed by corruption,

*Recognizing also* the purposes of the United Nations Convention against Corruption<sup>1</sup> and, in this regard, its important role, and that one of its purposes is to promote, facilitate and support international cooperation and technical assistance in the prevention of and the fight against corruption, as outlined in article 1, subparagraph (b), of the Convention,

*Recalling* the second preambular paragraph of the Convention, in which States parties expressed concern about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, and the fifth preambular paragraph of the Convention, in which States parties expressed their conviction that a comprehensive and multidisciplinary approach is required to prevent and combat corruption effectively,

*Reaffirming* its resolution 7/6 of 10 November 2017, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, in which it called upon States parties to use the Convention as a framework for the development of tailored anti-corruption safeguards, including in specific vulnerable areas,

*Taking note* of the report[s] entitled [*the State of Knowledge of Crimes That Have Serious Impact on the Environment*, published by United Nations Environment Programme and UNICRI,] *Environment, Peace and Security: A Convergence of Threats*, published by the International Criminal Police Organization (INTERPOL) and the United Nations Environment Programme, on the interlinkages between [environmental crime/crimes that have [significant/an] impact on the

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



environment/crimes that affect the environment/crimes impacting the environment] and other serious crimes, including corruption and financial crime, [as well as the study entitled *Illegal Logging, Fishing and Wildlife Trade: The Costs and How to Combat It*, published by the World Bank,] [which stresses the considerable costs of environmental crime for Governments, recognizes corruption as a pervasive facilitating factor in [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment] and highlights that without corruption, organized criminal networks involved in this criminal activity would not be able to function,]

[*Alternative paragraph*] [Considering the strong research and evidence that show the considerable cost of [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment] for Governments, and recognizing corruption as a pervasive facilitating factor in [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment],]

[*Noting with concern* the role that corruption can play in [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment], which may constitute a growing source of profits for organized criminal groups,][and recognizing that sustainable development, fostered by international cooperation and free of international impediments such as unilateral coercive measures, is fundamental and highly conducive to the elimination of corruption and the protection of the environment, in particular combating trafficking in wildlife and forest crimes][and a growing threat that undermines national sovereignty, security, good governance, the rule of law and sustainable development, inter alia, by damaging the environment, biodiversity, ecosystems, public health and safety and by depriving populations of their livelihoods and habitats,]

*Concerned* that money-laundering may be used to disguise and/or conceal the sources of illegally generated proceeds, as well as to facilitate [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment], and can generate wider criminality,

*Emphasizing* that efforts by States parties to implement the Convention are mutually reinforcing and contribute to their efforts to implement the 2030 Agenda for Sustainable Development, adopted by the General Assembly in its resolution 70/1 of 25 September 2015, and recalling the Agenda's Sustainable Development Goals, including Goal 16, which is 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,

*Stressing* that corruption is a global phenomenon affecting all societies and economies, making international cooperation to prevent and combat it essential, based on a comprehensive and multidisciplinary approach, including through the recovery and return of proceeds of crime, and recalling in this context its resolution 7/2 of 10 November 2017, and taking note of the note by the Secretariat on preventing and combating corruption involving vast quantities of assets,<sup>2</sup>

*Recalling*, in this regard, 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,<sup>3</sup> in paragraph 9 (e) of which Member States undertook to adopt effective measures to prevent and counter the serious problem of crimes that have an impact on the environment by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts aimed at, inter alia, dealing with transnational organized

<sup>2</sup> CAC/COSP/2019/13.

<sup>3</sup> General Assembly resolution 70/174, annex.

crime, corruption and money-laundering linked to such crimes, and recalling also paragraph 10 (e) of the Doha Declaration, in which Member States undertook to raise public confidence in criminal justice by preventing corruption and promoting respect for human rights, as well as enhancing professional competence and oversight in all sectors of the criminal justice system, thus ensuring that it is accessible and responsive to the needs and rights of all individuals,

[*Emphasizing* the necessity of preserving licit economic activities related to the management [, trade and commercialization] of natural resources and [management of] waste from corruption and economic crime, including money-laundering, and acknowledging that the security and integrity of legal supply chains need to be enhanced to prevent organized criminal groups from exploiting their vulnerabilities for illicit trafficking and laundering purposes,]

[*Alternative paragraph*] [*Encourages* States parties, where appropriate and in accordance with the fundamental principles of their legal systems, to take measures to assess and mitigate corruption risks along the value chains to prevent and counter offences covered by the Convention, and requests the United Nations Office on Drugs and Crime to support States parties, upon request and subject to the availability of extrabudgetary resources, in this regard,]

[*Recalling* article 4 of the Convention, according to which States parties shall carry out their obligations under the Convention in a manner consistent with the principles of the sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States, and recognizing the sovereign right of States to adopt appropriate measures in order to protect their own natural resources,]

[*Alternative paragraph one*] [*Reaffirming* that every State has, and shall freely exercise, full permanent [sovereignty/sovereign rights] over all its natural resources,]

[*Alternative paragraph two*][*Emphasizing* that the principles of the sovereign equality and territorial integrity of States and the non-intervention in the domestic affairs of other States should be fully respected in preventing and combating corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment],]

*Concerned* about the corrupt practices facilitating the persisting use of forged or illegally issued permits and certificates or the fraudulent use of authentic permits and certificates to mask trade in illegally obtained natural resources or illicitly trafficked waste, or to launder such illegally obtained natural resources or illicitly trafficked waste,

*Acknowledging* the central role played by States parties, with the assistance of the United Nations Office on Drugs and Crime, in the prevention of and the fight against corruption,

*Acknowledging also* the important contribution made by the United Nations Office on Drugs and Crime through the development of technical assistance programmes aimed at or contributing to preventing and combating corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment], including through the production of resource guides for Governments, the private sector, and other relevant stakeholders on addressing corruption in the wildlife, timber and fisheries sectors, with a focus on promoting adequate integrity policies and assessing and mitigating corruption risks along the value chain,

*Reaffirming* that, while the implementation of the Convention is the responsibility of States parties, corruption not only affects Governments but also has a significant impact on the private sector, impeding economic growth, distorting competition and presenting serious legal and reputational risks, and noting that the promotion of integrity, transparency and accountability and the prevention of

corruption are responsibilities [of States and] [to be shared by all relevant stakeholders] [they must cooperate with one another with the support and cooperation of groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts in this area are to be effective/to be shared by all sectors of society/of the States parties, and in this regard encouraging the States parties to involve other relevant stakeholders/to be shared by all relevant stakeholders],

*Recalling* article 12 of the Convention, which recognizes the need to prevent corruption involving the private sector, including by preventing the misuse of procedures regulating private entities, including procedures regarding licenses and subsidies granted by public authorities for commercial activities,

*Highlighting*, in this context, the contributions of intergovernmental organizations and the important role of the media, civil society, academia and private sector entities in the prevention of and the fight against corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment], and recalling article 63 of the Convention, which, inter alia, provides for cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations,

[*Recognizing* that the [new] terminology introduced below regarding [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment] [is intended to apply [only] within the scope of the Convention] [are [only] used for the purposes of the implementation of the present resolution],]

[*Alternative paragraph one*] [*Noting/underlining*] that [when referring to [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment], [this terminology applies only to the scope of] the present resolution and its] terminology are intended only to support the application of the Convention by States parties where it is relevant to their efforts to prevent and counter [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment],]

[*Alternative paragraph two*] [*Underlining* that the present resolution and its terminology are intended [expressly/only] to support the application of the Convention by States parties where it is also relevant to their efforts to prevent and counter [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment],]

1. *Affirms* that the United Nations Convention against Corruption<sup>1</sup> constitutes an effective tool and an important part of the legal framework for preventing and combating corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment] and for strengthening international cooperation in this regard;

2. *Urges*, in this regard, all States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;

3. *Urges* States parties to implement the Convention in accordance with their domestic legislation and to ensure respect for its provisions, with a view to making best use of the Convention to prevent and combat corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment] [and the recovery of proceeds of crime affecting the environment to the requesting States];

4. *Also urges* States parties to enhance the application of the Convention, in accordance with its terms, in order to effectively prevent, investigate and prosecute

corruption offences established in accordance with the Convention, including in circumstances where they may be linked to [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment], as well as to freeze, seize, confiscate and return the proceeds of crime, in accordance with the Convention, and to consider measures criminalizing the attempt to commit such corruption offences, as provided in article 27 of the Convention, including when organized criminal groups are involved;

5. *Calls upon* States parties to make use, to the greatest extent possible, of other relevant legal instruments available at the national, regional and international levels to tackle corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment], including through legislation related to money-laundering, corruption, fraud, racketeering and financial crime;

6. *Also calls upon* States parties, in accordance with the fundamental principles of their legal systems, to strengthen anti-corruption frameworks, and to promote ethical practices, integrity and transparency, and to endeavour to prevent conflicts of interest, with the aim of preventing corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment];

7. *Further calls upon* States parties to ensure integrity throughout the entire crime prevention and criminal justice system, including by promoting integrity among customs and border control services, without prejudice to judicial independence and in accordance with the fundamental principles of the legal systems of States parties;

[8. *Recognizes* the importance for States parties, in cooperation with the United Nations Office on Drugs and Crime, of taking appropriate measures within their means, in accordance with article 13 of the Convention and 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 corruption, and to raise public awareness regarding the existence and causes of, and the gravity of the challenge posed by, corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment], and encourages States parties to enhance their capacity in this regard;]

9. *Urges* States parties to take measures to ensure that legal and natural persons are held accountable for corruption offences, in accordance with chapter III of the Convention, in particular its article 26;

10. *Also urges* States parties to strengthen cooperation in criminal matters in this regard, in accordance with chapter IV of the Convention, and to afford one another the widest measures of mutual legal assistance in investigations, prosecutions and judicial proceedings;

11. *Expresses concern* that the financial flows of proceeds of crime and money-laundering which may derive from corruption [facilitating/related to] [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment], and urges States parties to investigate and prosecute those offences, including by using financial investigation techniques, and to strive to eliminate incentives for the transfer abroad of the proceeds of crime, and to afford one another the widest measures of cooperation and assistance to recover and return proceeds of crime consistent with chapter 5 of the Convention;

12. *Encourages* States parties, bearing in mind, in particular, articles 8, 32 and 33 of the Convention and in conformity with national legislation, to consider establishing and developing, where appropriate, confidential complaint systems, whistle-blower protection programmes, including protected reporting systems, and effective witness protection measures, and to increase awareness of such measures;

13. *Welcomes* the work undertaken by the United Nations Office on Drugs and Crime in the development of technical assistance programmes aimed at or contributing to preventing and combating corruption, including when it facilitates [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment];

14. *Requests* the United Nations Office on Drugs and Crime, in close cooperation with States parties and relevant international and regional organizations, subject to the availability of extrabudgetary resources, to conduct scientific-based research on the topics identified in the scope of this resolution and to report to the Open-ended Intergovernmental Working Group on the Prevention of Corruption;

15. *Takes note with appreciation* of the publication by the United Nations Office on Drugs and Crime of resource guides for Governments and other stakeholders on addressing corruption in the wildlife, timber and fisheries sectors, with a focus on assessing and mitigating corruption risks along the value chain, encourages States parties to make use of those tools, and invites the United Nations Office on Drugs and Crime, in close cooperation with Member States and subject to the availability of extrabudgetary resources, to continue developing similar guides on addressing corruption in other economic sectors related to the management of natural resources and waste, in accordance with its mandate;

16. *Invites* States parties to provide information to the United Nations Office on Drugs and Crime on the issues contained in the present resolution, in the interests of identifying appropriate technical assistance needs and, together with the Office, to consider the possibility of whether and how the Office can assist in collecting appropriate information on institutional policy and programme-related developments regarding efforts to prevent and fight corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment];

17. *Also invites* States parties to share with the United Nations Office on Drugs and Crime, for further dissemination through the knowledge management portal known as Sharing Electronic Resources and Laws on Crime and use in capacity-building training, their legislation and case laws regarding corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment];

18. *Requests* the United Nations Office on Drugs and Crime, within its mandate and subject to the availability of extrabudgetary resources, to continue, in cooperation with relevant international and regional organizations, partners and donors and in close consultation with States parties, to develop technical assistance programmes, research, studies, training materials, guides and tools for Governments, and to disseminate information and good practices, which could help to inform possible future measures to prevent and combat corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment];

19. *Welcomes*, consistent with article 63 of the Convention, the work done by other relevant regional and international organizations and mechanisms to prevent and combat corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment];

20. *Urges* the United Nations Office on Drugs and Crime, within its mandate, to strengthen its cooperation and coordination with other relevant international and regional organizations, [such as INTERPOL, the World Bank, the World Customs Organization, the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Financial Action Task Force and the Organization for Economic Cooperation and Development,] in providing States parties with support, as well as data and analyses, which [is/may be] useful for [possible future efforts in] [preventing and combating/the prevention and combating

of] corruption facilitating [environmental crime/crimes that have [significant/an] impact on the environment/crimes that affect the environment/crimes impacting the environment];

21. *Requests* the secretariat of the Conference of the States Parties to report, within existing resources, on the implementation of the present resolution to the Conference at its ninth session and to its relevant subsidiary bodies;

22. *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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