



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

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## Third session

Doha, 9-13 November 2009

Agenda item 4

## Technical assistance

**Austria, Argentina, Brazil, Bulgaria, Finland, Indonesia, Jordan, Morocco, Netherlands, United Republic of Tanzania and United States of America: revised draft resolution**

### Preventive measures\*

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

*Recognizing* the prominence that the United Nations Convention against Corruption<sup>1</sup> has given to the prevention of corruption by devoting its entire chapter II to measures to prevent corruption in both the public and private sectors,

*Stressing* the importance of implementing articles 5 to 14 of the Convention to prevent and fight corruption,

*Recognizing also* that the prevention of corruption is an ongoing and gradual process, and aware that anti-corruption policies ought to be embedded into broader national crime prevention and criminal justice reform strategies as well as in public sector reform plans, recognizing the importance of principles of good governance, integrity and transparency,

*Recalling* article 61, paragraph 2, of the Convention, which stresses the importance of developing and sharing best practices in the prevention of corruption,

*Recalling also* article 63, paragraph 4, of the Convention, which, inter alia, refers to the need to facilitate the exchange of information among States on successful practices for preventing corruption and the objective of the Conference of the States Parties to the Convention to promote the implementation of the Convention, inter alia through facilitating the exchange of information among States on successful practices for preventing corruption,

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\* The present document has not been edited.

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



*Welcoming* the efforts made by States, the United Nations, other international organizations and other networks to develop appropriate policies and preventive measures, and acknowledging the need to build on such experiences with a view to developing more comprehensive, coherent, effective and efficient approaches in this field,

*Bearing in mind* the multiplicity and diversity of approaches to preventive measures, and that such approaches may require context based-, sector- or country-specific adaptation,

*Recognizing* that, while the implementation of the Convention is the responsibility of States parties, the promotion of a culture of integrity, transparency and accountability and the prevention of corruption are responsibilities to be shared by all stakeholders and sectors of society, in accordance with articles 7 to 13 of the Convention,

*Recognizing also* the role of national, regional and international donor organizations in delivering technical assistance in the prevention of corruption,

*Welcoming* the initiative of the International Criminal Police Organization, the United Nations Office on Drugs and Crime and the Government of Austria, with the support of the European Anti-Fraud Office and other partners, to work collaboratively towards the establishment of the International Anti-Corruption Academy, and *also welcoming* regional efforts to establish similar institutions,

*Recalling* the numerous initiatives undertaken by different sectors of society in the margins of the second session of the Conference, particularly the declaration of the peer-to-peer media forum and the Bali Business Declaration, which contains the commitment of the private sector entities present, inter alia, to work towards the alignment of business principles with fundamental values enshrined in the Convention, develop mechanisms to review company compliance and strengthen private-public partnerships for combating corruption,

1. *Takes note with appreciation* of the work carried out by the Secretariat to gather information on national efforts to implement the United Nations Convention against Corruption, including its provisions on prevention, through a self-assessment checklist on the implementation of the Convention, as reflected in the relevant reports prepared by the Secretariat;<sup>2</sup>

2. *Decides* to establish an interim open-ended intergovernmental working group, in accordance with article 63, paragraph 7, of the Convention, and rule 2, paragraph 2, of the rules of procedure of the Conference of the States Parties, to advise and assist the Conference in the implementation of its mandate on the prevention of corruption;

3. *Also decides* that the working group shall perform the following functions:

(a) Assist the Conference in developing and accumulating knowledge in the area of prevention of corruption, especially the implementation of articles 5 to 14 of the Convention;

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<sup>2</sup> CAC/COSP/2009/12 and CAC/COSP/2009/[...].

(b) Facilitate the exchange of information and experience among States on preventive measures and practices;

(c) Facilitate the collection, dissemination, and promotion of best practices in corruption prevention;

(d) Assist the Conference in encouraging cooperation among all stakeholders and sectors of society in order to prevent corruption;

4. *Requests* the Secretariat to collect, analyse and disseminate information on good practices in the field of prevention of corruption taking into account existing expertise within the United Nations system and other relevant organizations, focusing particularly on public procurement, management of public financing, integrity and transparency in public administration, awareness raising initiatives and partnerships between the public and private sectors to prevent corruption, and to report on such efforts to the working group;

5. *Strongly encourages* States parties to integrate anti-corruption policies to promote integrity and prevent corruption in broader crime prevention, and criminal justice reform strategies, as well as in public sector reform plans;

6. *Requests* the Secretariat to collect, analyse and disseminate information on existing regulation models for the public sector, including provision addressing conflict of interest and on professional codes of conduct;

7. *Calls upon* States parties that have not done so to ensure the existence of anti-corruption bodies in accordance with article 6 of the Convention and to strengthen the capacity and independence of such bodies in dealing with the prevention of corruption, to take steps in accordance with the fundamental principles of their legal systems, to safeguard the bodies from undue influence;

7 bis. *Calls* on all States parties who have not yet done so to inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States parties in developing and implementing specific measures for the prevention of corruption;

8. *Calls upon* States parties, in the context of the review mechanism for the implementation of the Convention, to conduct gap analyses of their national efforts related to the prevention of using the comprehensive self-assessment checklist developed to gather information on the implementation of the Convention;

9. *Requests* the Secretariat to collect and disseminate information on methodologies including evidence-based approaches for assessing special vulnerabilities of areas in the public sector and the corporate sector which are potentially or recurrently prone to corruption;

10. *Encourages* States parties to utilize, where appropriate, such types of methodologies to assess their vulnerabilities and to use the results to help strengthen their preventive measures including those related to article 12 of the Convention;

11. *Calls upon* States parties to promote the business community's engagement in the prevention of corruption by, inter alia, developing initiatives to promote and implement public procurement reform; working with the business community to address practices that generate vulnerability to corruption; identifying elements of optimal self-regulation in the private sector; and fulfilling the

commitments set forth in the Bali Business Declaration, which contains the commitment of the private sector entities present at the second session of the Conference, while taking into account existing self-regulation tools to avoid duplication of efforts;

12. *Requests* the Secretariat, where appropriate and at the request of States parties, to facilitate the dialogue, and bring the results of these efforts to the attention of the Working Group;

13. *Encourages* interested States parties, representatives of private sector entities and relevant international organizations to consult and collaborate with each other in order to share best practices with a view to ensuring, inter alia, that systems of public procurement align with the requirements set out in article 9 of the Convention;

14. *Invites* States parties to consider the use of computerized systems to govern public procurement and to track and identify suspect cases, and to consider, in accordance with the fundamental principles of their legal systems, the adoption and use of procedures to prohibit private sector entities involved in corrupt contracting practices from future participation in public tenders;

15. *Urges* States parties to raise public awareness about corruption, and laws and regulations against it as well as about the existing rights and possibilities of the general public to obtain information on the organization, functioning, and decision-making processes of their public administration; and about the responsibilities of public officials with respect to the performance of their functions, with due regard to the protection of privacy and personal data;

15 bis. *Calls upon* States parties to enhance dialogue and synergies with other stakeholders outside the public sector in order to promote the involvement and engagement of such groups in the development and implementation of broader national policies and plans for promoting integrity and preventing corruption;

16. *Calls upon* States parties, consistent with the fundamental principles of their educational and legal systems, to promote at various levels of schooling, educational programmes that instil concepts and principles of integrity;

17. *Requests* the Secretariat, in close collaboration with interested States parties and representatives of the media, to collect information on best practices for promoting responsible and professional investigation and reporting on corruption for journalists, and report to the Working Group;

18. *Calls upon* the Secretariat and national, regional, international donors and recipient countries to intensify their cooperation and coordination in the provision of technical assistance in preventing corruption;

19. *Encourages* the Secretariat to strengthen its efforts to make specific information about the Convention and its prevention commitments widely available to schools of public administration, law and criminal justice schools, business schools, academies and training institutions;

20. *Requests* the Secretariat to continue its efforts to assist international organizations with their adoption and implementation of the principles of the Convention, in particular through the Institutional Integrity Initiative, and *encourages* States parties, in their capacity as States Members of public

international organizations, to continue promoting and aligning anti-corruption policies and rules of these organizations with the principles of the Convention;

21. *Decides* that the interim open-ended intergovernmental working group referred to in paragraph 2 above shall meet during the sessions of the Conference and, as appropriate, shall hold at least two intersessional meetings within existing resources;

22. *Also decides* that the working group shall submit reports on all its activities to the Conference;

23. *Requests* the Secretariat to assist the working group in the performance of its functions, including by providing interpretation services in all official United Nations languages, within existing resources.

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