



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

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Prevention

Morocco: draft resolution

Follow-up to the Marrakech declaration on the prevention of corruption

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

Recalling paragraph 52 of the outcome document of the high-level plenary meeting of the General Assembly on the Millennium Development Goals,¹ in which the Assembly stressed that corruption diverts resources away from activities that are vital for poverty eradication, the fight against hunger and sustainable development, and urged all States that had not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption,²

Recognizing the corrosive impact that corruption has on the development of the rule of law by eroding the legitimacy and effectiveness of key public institutions,

Highlighting the prominence that the Convention has given to the prevention of corruption as part of a comprehensive approach to fighting corruption by devoting its entire chapter II to measures to prevent corruption,

Welcoming the progress made by States parties and the Secretariat of the United Nations in the implementation of resolution 4/3, entitled “Marrakech declaration on the prevention of corruption”,

Acknowledging the crucial importance of technical assistance in building institutional and human capacity in States parties so as to facilitate the implementation of the provisions of chapter II,

* CAC/COSP/2013/1.

¹ General Assembly resolution 65/1.

² United Nations, *Treaty Series*, vol. 2349, No. 42146.



Underlining, in view of the forthcoming review of chapter II of the Convention during the second cycle of the Mechanism for the Review of Implementation of the Convention, the importance of building legislative and institutional frameworks consistent with the requirements of that chapter,

Recalling its resolution 3/2, by which the Conference established an interim Open-ended Intergovernmental Working Group on the Prevention of Corruption to advise and assist the Conference in the implementation of its mandate on the prevention of corruption,

Welcoming the conclusions and recommendations of the Working Group at its third and fourth meetings,³

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,

1. *Encourages* States parties to promote universal adherence to the United Nations Convention against Corruption,⁴ and urges States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;

2. *Decides* that the Open-ended Intergovernmental Working Group on the Prevention of Corruption shall continue its work to advise and assist the Conference in the implementation of its mandate on the prevention of corruption and shall hold at least two meetings prior to the sixth session of the Conference;

3. *Also decides* that the Working Group shall continue to follow the multi-year workplan for the period up to 2015, when the second cycle of the Implementation Review Mechanism begins, as agreed by the Working Group;

4. *Requests* the Secretariat to continue to assist the Working Group in the performance of its functions;

5. *Notes with appreciation* the achievements of the Working Group in facilitating the sharing between States parties of information on their initiatives and good practices on the topics considered at the third and fourth meetings of the Group, and encourages States parties to continue to share with the Secretariat new as well as updated information on such initiatives and good practices;

6. *Welcomes* the efforts of the Secretariat in the performance of its functions as an international observatory for good practices in the field of corruption prevention through gathering, systematizing and disseminating among States parties relevant practices, including through the development of the new thematic website for the Working Group;

7. *Requests* the Secretariat, subject to the availability of extrabudgetary resources, to continue to perform the functions of an international observatory and, at the request of the Working Group or the Conference, to provide information on lessons learned and the adaptability of good practices, as well as related technical assistance activities, which could be offered to States parties upon request;

³ See CAC/COSP/WG.4/2012/5 and CAC/COSP/WG.4/2013/5.

⁴ United Nations, *Treaty Series*, vol. 2349, No. 42146.

8. *Requests* Member States, with the assistance of the Secretariat and in collaboration with relevant regional and international organizations, as appropriate, to promote bilateral, regional and international activities to prevent corruption, including workshops for the exchange of relevant experiences and good practices;
9. *Strongly encourages* States parties to integrate anti-corruption policies in broader crime prevention and criminal justice reform strategies, public sector reform plans and development programmes, strategies and action plans;
10. *Welcomes* the initiative of the Secretariat and the United Nations Development Programme to integrate the prevention of corruption in the broader development agenda, including through the United Nations Development Assistance Framework, and requests that efforts be continued in this regard;
11. *Highlights* the importance of the development and implementation of effective, coordinated anti-corruption policies, consistent with article 5 of the Convention, and requests the Secretariat to identify and disseminate good practices among States parties regarding the development of national anti-corruption strategies and to provide assistance in this regard upon request;
12. *Recognizes* the importance of ensuring that anti-corruption bodies have the necessary independence to enable them to carry out their functions effectively and free from any undue influence and, in this regard, takes note of the Jakarta Statement on Principles for Anti-Corruption Agencies developed by the International Conference on Principles for Anti-Corruption Agencies held from 26 to 27 November 2012 in Jakarta;
13. *Notes* that 83 States parties have informed the Secretary-General of the designation of competent authorities that may assist other States parties in developing and implementing specific measures for the prevention of corruption, as required under article 6 of the Convention, and calls upon States parties that have not yet done so to provide this information and to update existing information where needed;
14. *Calls upon* States parties to devote special attention to strengthening integrity across the entire criminal justice system, including the police service, prosecution, defence counsel, judiciary court administration and prison service, and notes with appreciation the assistance provided by the Secretariat to States parties upon request in the integration of anti-corruption measures in institutions of the criminal justice system;
15. *Welcomes* the initiative taken by the Secretariat to develop a guide and evaluative framework for article 11 of the Convention to support States parties in the implementation of measures to strengthen judicial integrity and independence and prosecutorial integrity;
16. *Urges* States parties to ensure that their public service is based on the principles outlined in the Convention including, inter alia, efficiency, transparency and objective criteria in recruitment, the promotion of integrity, honesty and responsibility and adherence to codes of conduct for public officials;
17. *Requests* States parties to promote training and education at all levels of the public and private sectors in the prevention of corruption and to make such

training and education an integral part of national anti-corruption strategies and plans;

18. *Calls upon* States parties to use the Convention as a framework for the development of specific and tailored anti-corruption safeguards in sectors that may present an increased vulnerability to corruption;

19. *Urges* States parties, in accordance with article 8, paragraph 5, of the Convention, to establish and strengthen asset declaration systems applicable to public officials, aimed at the identification and resolution of conflicts of interest, and requests the Secretariat to continue its support to States parties in this regard;

20. *Calls upon* States parties to put effective processes in place to promote transparency, competition and objective decision-making in public procurement systems, in line with article 9 of the Convention, and to take into consideration the recommendations contained in the United Nations Commission on International Trade Law Model Law on Public Procurement;

21. *Urges* States parties, in accordance with articles 10 and 13 of the Convention, to continue to take measures to enhance transparency in public administration, including through the introduction of laws facilitating access by the public to information, and requests the Secretariat to provide technical assistance upon request to States parties seeking to introduce or enhance measures in this area;

22. *Also urges* States parties, in accordance with article 13 of the Convention, to continue promoting the participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption, and encourages States parties to enhance the capacity of such individuals and groups in this regard;

23. *Reaffirms* that States parties should continue to strengthen awareness-raising measures throughout all sectors of society and that special attention should be devoted to work with young people and children as part of a strategy to prevent corruption;

24. *Notes* the steps taken by States parties to promote, at various levels of the education system, programmes that instil concepts and principles of integrity, and encourages further efforts in this regard;

25. *Welcomes* the progress made by the Secretariat under the Anti-Corruption Academic Initiative, in cooperation with relevant partners, to develop comprehensive anti-corruption academic materials for universities and other academic institutions, and requests the Secretariat to continue its support to States parties in this field;

26. *Notes* the development by the Secretariat of an academic course on the Convention, and encourages States parties to facilitate the incorporation of this course into the curricula of their national academic institutions;

27. *Notes with appreciation* the development of a resource tool for Governments and journalists on reporting on corruption on the basis of the Convention, and requests the Secretariat, upon request and subject to the availability of extrabudgetary resources, to further support States parties and journalists in this regard;

28. *Welcomes* the initiative taken by the Secretariat to develop a compendium of good practices on protection measures for reporting persons, as well as witnesses, victims and experts;

29. *Welcomes* the report produced by the Secretariat through the Institutional Integrity Initiative, in cooperation with the members of the United Nations System Chief Executives Board for Coordination, on promoting the consistency of the integrity and anti-corruption policies of the United Nations system with the principles of the Convention;

30. *Notes* the initiative taken by the Secretariat to simplify and streamline the self-assessment checklist for the review of the implementation of chapter II of the Convention, and welcomes the additional guidance provided with regard to the information States parties are requested to provide;

31. *Encourages* States parties to strive towards early reporting on the implementation of chapter II of the Convention, using the self-assessment checklist, with emphasis on evaluation of the effectiveness of existing prevention measures, the compilation of good practices and the identification of technical assistance needs;

32. *Requests* the Secretariat, in close cooperation with multilateral and bilateral assistance providers, to continue to provide technical assistance to States parties, upon request and subject to extrabudgetary resources, in support of the implementation of chapter II of the Convention, including those areas identified in the present resolution and during the review process;

33. *Calls upon* development partners to intensify their cooperation and coordination in the provision of technical assistance in preventing corruption;

34. *Encourages* States parties to provide sufficient financial resources to effectively meet the technical assistance needs identified by States parties for the implementation of chapter II of the Convention, and underlines the importance of the guidance materials and expertise available at the United Nations Office on Drugs and Crime in this regard;

35. *Underlines* the importance of providing the United Nations Office on Drugs and Crime with sufficient and adequate funding to be able to respond to the increasing demand for its services, and encourages Member States to make adequate voluntary contributions to the account referred to in article 62 of the Convention, operated within the United Nations Crime Prevention and Criminal Justice Fund,⁵ for the provision to developing countries and countries with economies in transition of the technical assistance that they may require to build their capacities to implement chapter II of the Convention;

36. *Requests* the Secretariat to submit a report on the implementation of the present resolution to the Working Group at its intersessional meetings and to the Conference at its sixth session.

⁵ See General Assembly resolution 58/4, para. 4.