

## Key Actions Coming out of 9<sup>th</sup> CoSP Resolutions & Decisions

Compiled in January 2022 by the UNCAC Coalition

### **Resolution 9/1 - Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery**

**Sponsors:** Armenia, Brazil, Burkina Faso, Colombia, Dominican Republic, Egypt, Honduras, Jordan, Lebanon, Saudi Arabia, State of Palestine, United Arab Emirates and Yemen

**Aims of the Resolution:** To take measures to strengthen international cooperation in the fight against corruption during times of emergencies and crisis, including through monitoring the impact of the Covid-19 Pandemic, using the full force of UNCAC to improve and strengthen anti-corruption measures and promoting the active participation of civil society.

- **Encourages States Parties to monitor impact of Covid-19 Pandemic** on corruption-related trends, improve and strengthen anti-corruption policies and strategies, ensure continued independence of supreme audit institutions during times of crisis and encourage implementation of other aspects of the Convention during times of crisis. (Operative paragraphs 1, 2, 3)
- **Urges Parties to establish and “further strengthen through the whole procurement cycle, transparent, competitive and objective public procurement systems** conducted by electronic means”. (paragraph 5)
- **Have sufficient internal audit systems in place** to monitor allocation and distribution of emergency relief, implement corruption risk management processes, especially those institutions involved in crisis response and recovery. (paragraph 6)
- **Encourages States Parties to have transparency and accountability measures** in place for managing public finances in times of crisis. (paragraph 7)
- **Reaffirms commitments to promote beneficial ownership disclosures and transparency, such as through appropriate registries**, and encourages States Parties to take such measures during times of emergencies and crisis. (paragraph 11)
- **Urges States Parties to promote the active participation of civil society, NGOs, community-based organizations and the private sector** in the fight against corruption and to raise awareness about corruption. Consider involving individuals and groups in technical assistance programs and make efforts so that the conditions are present for their effective contribution to achieving UNCAC objectives, including the ability to operate independently and without fear of reprisal. (paragraph 16)
- **Establish and strengthen “confidential complaint systems and protected reporting systems that are accessible and inclusive”** to promote the timely reporting of offenses under the UNCAC and “to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds” on information on offenses under the Convention, including as they relate to the provision of emergency relief. (paragraph 17)

### **Working Group on the Prevention of Corruption:**

- **Promote international cooperation in tackling corruption during times of crisis.** This should include collecting information on best practices and challenges in promoting international cooperation on corruption prevention during times of crisis. (paragraph 23)
- **Analyze the information received to develop non-binding guidelines** for strengthening international cooperation to prevent, investigate and prosecute corruption at times of crisis and put this topic on the agenda for its next meeting. (paragraphs 23 & 24)

### **Resolution 9/2 – Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthening international cooperation: follow-up to the special session on the General Assembly against corruption**

**Sponsors:** Brazil, Colombia, Dominican Republic, Egypt, Lebanon, Mexico, Paraguay, Peru, Saudi Arabia and United Arab Emirates

**Aims of the Resolution:** to follow up and build on the UNGASS political declaration in an inclusive manner, calling on the Conference, its subsidiary bodies and the UNODC to take appropriate measures to ensure follow-up.

### **The Conference:**

- **Commits to following up and building on the UNGASS political declaration and directs its subsidiary bodies to take appropriate measures to follow up on the political declaration.** (paragraphs 2 & 4)
- **Hold a follow-up intersessional meeting of the Conference,** preferably in 2022 and prior to the 10<sup>th</sup> CoSP, on the achievements of the political declaration. (paragraph 5)
- **Recalls the importance of an inclusive follow-up process to UNGASS** and encourages the UN system and relevant international and regional organizations, **civil society**, academia and other stakeholders to contribute to the follow-up process. UNODC should collect these contributions and make them available to the Conference. (preamble paragraph 7 includes a paragraph noting the inclusive process and the contributions of civil society and other stakeholders).
- **Improve coordination** with relevant international and regional organizations and mechanisms and with NGOs through exploring activities, procedures and methods of work. Avoid duplication and promote effective cooperation & implementation of the Convention and promote synergies among all of them. (paragraph 12)
- **Identify any gaps and challenges with UNCAC implementation as identified through the Implementation Review Mechanism (IRM),** as well as any gaps and challenges within the international anti-corruption framework (repeats language in the political declaration). Consider any recommendations from States Parties to address the gaps and challenges identified to improve UNCAC and its implementation. (paragraph 14)
- **Organize a special session on asset recovery** after the findings and evaluation of the second review are completed. This special session of the conference should focus on all aspects of the asset recovery and return process to “consider all options available under the convention,

including possible areas for improvement to the international asset recovery framework.” This repeats the commitment in the political declaration. (paragraph 14)

#### UNODC:

- **Provide expertise and technical support** to the Conference and the subsidiary bodies on the follow-up process to the political declaration. This includes creating and maintaining a repository of all the voluntary submissions made by States Parties on the implementation of UNCAC and the political declaration. This should be put on the TRACK portal-*Tools and Resources for Anti-Corruption Knowledge portal* (good practices, progress made on using international cooperation mechanisms). (paragraph 6)
- **Coordinate follow-up to the political declaration** among relevant United Nations entities, including through the UN Global Task Force on Corruption. (paragraph 8)
- **Continue to raise awareness of corruption** through global outreach and information exchange and by launching global corruption prevention campaigns. (paragraph 9)
- **Lead efforts to promote continued coordination and cooperation** on anti-corruption with UNDP and the wider UN system. Focus on promoting implementation of the 2030 Agenda on Sustainable Development and UN Sustainable development Cooperation Framework. Promote stronger cooperation with the UN Department of Political and Peacebuilding Affairs and the Secretariat’s Department of Peace Operations to strengthen the rule of law in peacebuilding efforts. (paragraph 11)
- **Improve coordination with international and regional organizations, mechanisms and NGOs** in line with the Convention and make use of relevant information produced by other mechanisms focused on corruption to enhance synergies and avoid duplication. (paragraph 12)
- **Encourages States Parties to develop and share a “comprehensive, scientifically sound and objective statistical framework”** to support States in measuring corruption and its impacts and in preventing corruption to “inform and strengthen evidence-based anti-corruption policies and strategies”. UNODC to coordinate with the Statistical Commission and other UN agencies. Refers to paragraph 80 of the Political declaration: (paragraph 13)
- **Prepare a comprehensive report for the Conference on the state of UNCAC implementation**, considering the gaps, challenges, obstacles, lessons learned and best practices since the Convention entered into force in corruption prevention, international cooperation and asset recovery. Carry out the necessary surveys to assess this. The report should be prepared once the current review phase is completed. (paragraph 16 & 17)
- **Prepare a report to the Conference** on the activities it carries out to support the implementation of the political declaration. (paragraph 18)

**Resolution 9/3 – Follow-up to the Abu Dhabi declaration on enhancing collaboration between the supreme audit institutions and anti-corruption bodies to more effectively prevent and fight corruption, and the use of information and communications technologies**

**Sponsors:** Colombia, Dominican Republic, Egypt, Honduras, Iran (Islamic Republic of), Lebanon, Saudi Arabia and the United Arab Emirates.

**Aims of the Resolution:** to promote the effectiveness and independence of supreme audit institutions and to promote greater collaboration between supreme audit institutions and anti-corruption bodies in the fight against corruption. To promote the use of technology to combat corruption and promote greater accountability, transparency, integrity and citizen participation.

**States Parties:**

- **Promote the independence of supreme audit institutions** and implement policies to ensure the effective operation of supreme audit institutions consistent with the principles and standards of the International Organization of Supreme Audit Institutions, particularly in ensuring proper management of public finances and public property, including in areas such as public procurement. (paragraph 1)
- **Urges States Parties to promote transparency and accountability in the management of public finances**, including through a system of accounting and auditing standards and related oversight. Urges that States Parties ensure that audited entities respond to the findings of audit reports, implement recommendations of supreme audit institutions and take corrective actions, including criminal prosecution. (paragraph 2 & 3)
- **Encourages the involvement of the supreme audit institutions and internal audit units in country reviews** under the 2<sup>nd</sup> cycle of the UNCAC Review Mechanism, including in review visits and in particular in reviewing Chapter II implementation. (paragraph 4)
- **Encourages the application of codes of conduct in supreme audit institutions** and to consider aligning these codes of conduct with the Code of Ethics promulgated by the International Organization of Supreme Audit Institutions to promote compliance with the highest standards of professional ethics and to prevent conflict of interests. (paragraph 5)
- Recognizes the importance of effective anti-corruption policies that **promote the participation of society** (paragraph 6)
- **Enhance transparency, accountability and good governance in the management of supreme audit institutions** and ensure that supreme audit institutions can perform their roles in fighting corruption in times of national crises and emergencies, especially related to management of public finances and public procurement. It notes the importance of **partnerships between the public and private sectors and other relevant stakeholders**. (paragraphs 8 and 9)
- **Encourages States Parties to build and strengthen relations between national legislatures and supreme audit institutions**. (paragraph 10)
- **Improve the exchange of information between anti-corruption bodies, supreme audit institutions and other governmental bodies** including for consultative purposes and consider **publishing periodic reports on risks of corruption** in public administration. (paragraph 12)

- **Raise awareness about the dangers of corruption**, including through education and training programs for young people and engaging with relevant individuals and **groups outside the public sector, including civil society, non-governmental organizations (NGOs)**, community-based organizations and academia. (paragraph 15)
- **Continue to engage society in the development of policies, strategies, tools and programs** to prevent and combat corruption. (paragraph 16)

#### **Working Group on the Prevention of Corruption:**

- **Include the following topics for discussion at its future meetings:** strengthening the role of supreme audit institutions in the fight against corruption and how to promote the use of information and communications technologies for UNCAC implementation. (paragraph 17 & 18)

#### **UNODC/Secretariat:**

- **Continue to collect, analyze and disseminate information on good practices** in development, access and use of information and communication technologies in fighting corruption and report to relevant subsidiary bodies on these efforts. (paragraph 19)
- **Continue to provide technical assistance to States Parties** to implement the relevant provisions of this resolution, in close cooperation with bilateral and multilateral technical assistance providers. (paragraph 20)

### **Resolution 9/4 - Strengthening the implementation of the UNCAC at regional levels**

**Sponsors:** Angola, Brazil, Dominican Republic, Egypt, Honduras, Kiribati, Lebanon, Morocco, Mozambique, Portugal, Saudi Arabia and Switzerland.

**Aims of the Resolution:** To strengthen efforts to promote effective UNCAC implementation at regional levels, including through the provision of technical assistance, promoting and fostering international and regional cooperation and promoting the active participation of civil society and other actors outside the public sector in the fight against corruption.

- **Recognize the importance of technical assistance to strengthen national capacities** and for accelerated action at all levels and by all technical service providers. Notes the importance of technical assistance priorities including those identified in country reviews. (paragraph 2, references paragraph 53 of the UNGASS political declaration)
- **Encourages States Parties to continue building “regional platforms for countries to fast-track effective implementation”** of the UNCAC. (paragraph 3)
- **Take measures to promote the active participation of individuals and groups outside the public sector**, including civil society, NGOs, community-based organizations in fighting corruption and to raise public awareness. (paragraph 6)

#### UNODC:

- **Continue to provide technical assistance** to States Parties, including regionally, promote coordination and cooperation with other relevant international and regional organizations. (paragraph 4)
- **Focus technical assistance in the following areas:** fostering international and regional cooperation, supporting development of stronger procurement systems, improving transparency, accountability and integrity of public institutions, fostering financial investigations, and helping states parties to incorporate into the legal system measures to provide protection against any unjustified treatment for whistleblowers. (paragraph 5)
- **Continue and expand its regional approach and further establish regional platforms** as requested by states parties to build partnerships with other relevant technical assistance providers; avoid duplicating efforts.

#### Resolution 9/5 – Enhancing international anti-corruption law enforcement cooperation

**Sponsors:** Lebanon, Morocco, Pakistan, Russian Federation, Saudi Arabia, State of Palestine and the United Arab Emirates.

**Aims of the Resolution:** To promote, facilitate and support international law enforcement cooperation in the fight against corruption, including in asset recovery.

#### States Parties:

- **Encourage their anti-corruption law enforcement authorities to join and participate in the UNODC's Global Operational Network of Anti-Corruption Law Enforcement Authorities** (GlobE Network) and to participate in other opportunities for cooperation through international organizations, networks and entities such as the Stolen Asset Recovery (StAR) Initiative. (paragraphs 2 & 3)
- **Share information in a timely and proactive manner between anti-corruption law enforcement authorities without a prior request**, where such information could assist with inquiries and criminal proceedings or could result in the formulation of a mutual legal assistance request. (paragraph 4)

#### UNODC/Secretariat:

- **Inform development of the GlobE Network's "online one-stop hub"** by consulting with international organizations, practitioner networks (INTERPOL, StAR Initiative, Global Focal Point Network on Asset Recovery), and Member States and their anti-corruption authorities with relevant expertise. The hub should provide a forum for cooperation. (paragraph 6)
- **Collect information from States Parties** on progress made and challenges with implementing this resolution to the Conference and relevant subsidiary bodies. (paragraph 7)

## **Resolution 9/6 - Follow-up to the Marrakech declaration on the prevention of corruption**

**Sponsors:** Armenia and Costa Rica on behalf of G77 and China.

**Aims of the Resolution:** To effectively implement preventive measures to combat corruption (including Chapter II and other provisions of the UNCAC) and promote the active participation of groups outside the public sector in these efforts.

### **States Parties:**

- The 4<sup>th</sup> paragraph in the preamble specifically references the “role of all individuals and groups outside the public sector engaged in prevention as one of the main pillars in the fight against corruption.”
- **Effectively implement preventive measures** in Chapter II, including by addressing recommendations from the Implementation Review Mechanism (IRM) and the CoSP resolutions and adopting conclusions and recommendations of the Working Group on the Prevention of Corruption. Periodically evaluate relevant legal instruments and administrative measures to determine their adequacy for preventing corruption. (paragraphs 2, 3 & 7)
- **Encourages States Parties to assess the impact of Covid-19 pandemic** on the effectiveness of implementing national anti-corruption policies, particularly related to corruption prevention. (paragraph 7)
- **Encourages States Parties to develop, revise and update national anti-corruption strategies & action plans** that address the needs identified during their country reviews, and promote those efforts as a tool for country-led and country based technical assistance programming and delivery. (paragraph 11)
- **Ensure the independence of anti-corruption bodies, supreme audit institutions** and other oversight bodies. This should include ensuring that these bodies are able to carry out their functions “effectively and free from any undue influence.” (paragraphs 12 & 13)
- **Implement other aspects of the UNCAC**, including enhancing integrity, transparency and accountability and the rule of law in public administration, promote integrity, accountability and independence of criminal justice systems and prevent, investigate and prosecute acts of corruption involving members of national parliaments. Coordinate with the Inter-Parliamentary Union to strengthen interparliamentary dialogue and cooperation. (paragraphs 15, 16 & 17)
- **Strengthen measures to prevent corruption in the public procurement process** and management of public finances and **ensure adequate access to information**. (paragraph 18)
- **Encourages States Parties to include anti-corruption provisions in contracts and when awarding public procurement contracts** to take into account whether natural or legal persons have committed acts of corruption and consider establishing registries. (paragraph 19)
- **Encourage States Parties to implement corruption risk management processes**, particularly in public institutions and other institutions focused on public finance. (paragraph 22)



- **Urges States Parties to prevent the bribery of foreign officials and officials of public international organizations, embezzlement, money-laundering and obstruction of justice** through implementing relevant UNCAC provisions. Consider adopting measures to “criminalize trading in influence, the abuse of functions and illicit enrichments”. Draw on the observations and best practices coming from IRM and go beyond the minimum to prevent and combat corruption. (paragraph 23)
- **Promote the adoption, maintenance and strengthening of systems that promote transparency and prevent conflicts of interest;** make use of innovative and digital instruments. (paragraph 28)
- **Reaffirms Article 13**, encouraging States Parties to promote the active participation of groups outside the public sector in the fight against corruption and the important role of the media in raising public awareness about corruption. (paragraph 33)

#### **Working Group on the Prevention of Corruption:**

- **Continue to advise and assist the Conference on corruption prevention** and hold at least two meetings prior to the 10<sup>th</sup> CoSP. (paragraph 4)
- Consider including the following topic for discussion at its 13<sup>th</sup> and 14<sup>th</sup> meetings: **the development and implementation of national and international innovative measures to prevent corruption** (good practices, lessons learned, challenges in periodically evaluating the efficiency and effectiveness of anti-corruption measures, policies and national responses). Also focus on interlinkages between preventive and law enforcement approaches; Secretariat should report on these topics. (paragraph 8)

#### **UNODC/Secretariat:**

- **Continue its work as an “international observatory”** (related to good practices in preventing corruption) and to update sections of the website on this. (paragraph 9)
- **Support States Parties on implementing corruption risk management processes.** (paragraph 22)
- **Continue to provide technical assistance** to States Parties to advance Chapter II implementation (particularly for developing countries) and **provide capacity-building initiatives**, including new knowledge products, guidance notes on Chapter II implementation, technical tools. (paragraphs 31 & 34)
- **Report to the Working Group** on implementation of this resolution at 13<sup>th</sup> and 14<sup>th</sup> meetings. (paragraph 37)



## **Resolution 9/7 - Enhancing the use of beneficial ownership information to facilitate the identification, recovery and return of proceeds of crime**

**Sponsors:** Burkina Faso, Colombia, Dominican Republic, Kenya, Nigeria, Pakistan, Peru, Saudi Arabia and the State of Palestine.

**Aims of the Resolution:** Promoting the collection, maintenance, access, use and accuracy of beneficial ownership information to enhance the use of this information to facilitate the recovery and return of the proceeds of crime.

### **States Parties:**

- **Ensure efficient access to adequate and accurate beneficial ownership information** on companies in a timely manner for domestic authorities, including financial intelligence units and tax administrations. (paragraph 1)
- **Collect and maintain beneficial ownership information** and cooperate closely with other states to promote the efficient exchange of information in a timely manner (paragraph 1 & 3)
- Adopt a “multipronged approach” to beneficial ownership transparency through **mechanisms such as registries** to facilitate the investigation and prosecution of corruption cases. (paragraph 4)
- **Use beneficial ownership information to investigate and prosecute corruption and money laundering**, consider further developing inter-agency or intergovernmental cooperation to promote this. (paragraphs 5 & 6)
- Encourages States Parties to **designate and make available points of contact** that are authorized to accept and respond to beneficial ownership information requests. (paragraph 12)
- Consider developing effective mechanisms for relevant domestic authorities to “**verify or check**” **beneficial ownership information**. (paragraph 13)
- Ensure that there are “**appropriate, effective, proportionate and dissuasive civil, administrative or criminal penalties**” for non-compliance with beneficial ownership regulations. (paragraph 14)
- **Promote consistency in beneficial ownership regimes** by promoting cooperation in the implementation of applicable international standards on beneficial ownership transparency. (paragraph 15)
- Encourages **establishing or enhancing channels of communication** to facilitate sharing/exchange of beneficial ownership information and promote broad domestic inter-agency collaboration in collection and use of beneficial ownership information, make use of multiple data sets. (paragraphs 18 & 20)
- **Provide examples of good practices** on promoting beneficial ownership transparency to promote recovery and return of proceeds of crime, and financial disclosure requirements for public officials (with the assistance of the Secretariat). Avoid duplication of these efforts. (paragraph 21)

### **Working Group on Asset Recovery:**

- **Identify good practices and challenges** with beneficial ownership and how it can help in the effective recovery and return of the proceeds of crime (taking into consideration Article 63 of the Convention). Include this in the working group's workplan for 2022-2023. (paragraph 23)

### **UNODC:**

- **Provide information on States Parties that maintain a registry on beneficial ownership information** (in cooperation with StAR) or through other mechanisms along with information on how to make requests for such information. This should be made available on UNODC's *Tools and Resources for Anti-Corruption Knowledge portal*. (paragraph 19)
- Continue **providing technical assistance, capacity building and material report** to States Parties to establish and implement a domestic beneficial ownership information regime to promote the recovery and return of the proceeds of crime. (paragraph 22)

### **Resolution 9/8 - Promoting anti-corruption education, awareness-raising and training**

**Sponsors:** Angola, Indonesia, Iran, Lebanon, Russian Federation, Saudi Arabia, State of Palestine, Thailand and Venezuela.

**Aims of the Resolution:** To strengthen efforts to promote and support anti-corruption education and training and to raise public awareness of corruption and how to report it.

### **States Parties:**

- Recalls Article 13 requiring that States Parties "promote the active participation of individuals and groups outside the public sector, such as civil society, NGOs and community-based organizations" in the fight against corruption and to raise public awareness about corruption. (preamble paragraph 5)
- Further strengthen efforts to **support anti-corruption education and raise public awareness of corruption** and its negative impact through education programs involving all stakeholders. (paragraph 3)
- **Increase public awareness of how to report corruption** and ensure that the relevant anti-corruption bodies are visible and responsive to the public. Disseminate information on the rights of any person who reports corruption. (paragraph 4)
- Urges States Parties to **enhance the effectiveness of educational programs** at all levels, including civic education for youth, develop educational technologies and e-learning tools. (paragraph 5)
- Encourages States Parties to **focus on development or improvement of training programs for public officials**, especially those in positions vulnerable to corruption (the field of public procurement). (paragraph 8)

- Strongly encourages States Parties to **promote comprehensive interdisciplinary research on corruption patterns and trends** to inform policies and strategies and address emerging challenges, such as corruption risks during the Covid-19 Pandemic as well as how corruption can affect women and men differently. (paragraph 12)
- **Promote cooperation and exchange** at national, regional and international levels, and **share best practices and experiences** for promoting anti-corruption education and law enforcement capacities; consider engaging the private sector and civil society. (paragraph 17)

#### **Working Group on the Prevention of Corruption:**

- **Hold a panel discussion on challenges and good practices** in anti-corruption awareness-raising, education, training and research at the 13<sup>th</sup> meeting to be held in 2022. (paragraph 20)

#### **UNODC:**

- Continue to **promote anti-corruption training and educational programs & e-learning projects**. UNDP, International Anti-Corruption Academy and other relevant institutions are encouraged to cooperate with UNODC and each other to exchange knowledge and “develop cutting edge education and training programs and innovative research projects”. (paragraph 19)
- Secretariat should **prepare a background paper on challenges and good practices** related to anti-corruption awareness-raising, education, training and research for the Working Group on prevention to inform a panel discussion on the topic. (paragraph 20)

### Decisions adopted at the 10<sup>th</sup> CoSP

#### **Decision 9/1 - Submission of draft resolutions for the consideration of the Conference of the States Parties to the United Nations Convention against Corruption**

- States Parties will be strongly encouraged to submit draft resolutions no later than one month in advance of the session, starting with the 10<sup>th</sup> CoSP.

#### **Decision 9/2 – Venue for the tenth session of the Conference of the States Parties to the United Nations Convention against Corruption**

- Decides that the 10<sup>th</sup> CoSP will be held in the United States in 2023; acknowledges the firm commitment by the United States to ensure an inclusive CoSP session.