## Outcome of the first intersessional meeting on preparations for the special session of the General Assembly against corruption
2-4 September 2020

### Item 1.  Opening of the meeting and adoption of the agenda

1. H.E. Mr. Harib Saeed Al Amimi, the President of the Conference of the States Parties to the United Nations Convention against Corruption at its eighth session welcomed participants to the first intersessional meeting of the Conference on preparations for the special session of the General Assembly against corruption (UNGASS 2021). The meeting adopted its agenda, as recommended by the extended Bureau of the Conference.

### Item 2.  Preparations for the special session of the General Assembly against corruption in 2021

2. Under this item, the President recalled that, in its resolution 73/191, entitled "Special session of the General Assembly against corruption", the General Assembly had decided to convene in the first half of 2021 a special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation. The General Assembly had also decided that, at that special session, it shall adopt a concise and action-oriented political declaration, agreed upon in advance by consensus through intergovernmental negotiations under the auspices of the Conference and invited the Conference to lead the preparatory process for the special session by addressing all organizational and substantive matters in an open-ended manner. Furthermore, the General Assembly requested the United Nations Office on Drugs and Crime to provide substantive expertise and technical support.

3. The President also recalled that, at its eighth session in December 2019, the Conference had approved a draft resolution entitled "Special session of the General Assembly against corruption", for adoption by the General Assembly, which the Assembly subsequently adopted as resolution 74/276 on 1 June 2020.

4. In his opening remarks, Mr. John Brandolino, the Director of the Division for Treaty Affairs of UNODC, inter alia, emphasized that the special session would provide a rare opportunity to galvanize the political will of States and would present an excellent opportunity for the international community as a whole to advance the fight against corruption.  He also emphasized that the Conference played a central role in improving the capacity of and cooperation among States parties in preventing and combating corruption and was therefore in a unique position to lead the preparatory process for the special session. He added that UNODC stood ready to provide all the necessary technical and substantive support to this process, as mandated by the General Assembly.  Moreover, Mr. Brandolino outlined the efforts that the UN system as a whole had undertaken in preparation for the special session, in particular the development by the Global Task Force on Corruption of the "UN Common Position to Address Global Corruption – towards UNGASS 2021".  The UN Common Position set forth shared principles and direction for action for the United Nations system outlining corruption challenges at the global, regional and national levels.

## *(a) Status of preparations for the special session*

5.  The President recalled that, in its resolution 74/276, the General Assembly had, inter alia, reiterated the importance of an inclusive preparatory process, including extensive substantive consultations and invited the Conference to hold up to three intersessional meetings to advance such consultations. He also recalled that, in line with the workplan adopted by the Conference in December, the first intersessional meeting was the first in a series of three meetings and that its substantive focus was on prevention and law enforcement and criminalization.

6.  Furthermore, the President recalled that, in the same resolution, the General Assembly:
(a)    had reiterated its invitation to the Conference of the States Parties to lead the preparatory process for the special session by addressing all organizational and substantive matters in an open-ended manner;
(b)    had requested the extended Bureau of the Conference of the States Parties to organize all actions to be taken by the Conference in preparation for the special session and to address all organizational and substantive matters in an open-ended and transparent manner, including by appointing facilitators for the informal consultations on the draft political declaration;
(c)    had requested the extended Bureau of the Conference of the States Parties, in consultation with Member States, to develop a workplan and timeline to advance consultations on the draft political declaration;
(d)    also had requested the Conference to produce, in due time, a concise and action-oriented political declaration agreed upon in advance by consensus through intergovernmental negotiations under the auspices of the Conference for adoption by the General Assembly at its special session.

7. The President also informed the meeting that, in accordance with the General Assembly resolution 74/276, the extended Bureau of the Conference: (a) had agreed on a timeline and workplan on the preparations for the special session (on the understanding that it may be adjusted, as required); (b)  appointed H.E. Mr. Eric Anderson Machado, the Permanent Representative of Peru, and H.E. Mr. Hamad Al Kaabi, the Permanent Representative of the United Arab Emirates, as co-facilitators for the informal consultations on the draft political declaration.

8.  The Secretary of the Conference informed the meeting, inter alia, that on 31 August 2020, the General Assembly had adopted decision 74/568, in which it decided to hold the special session from 2 to 4 June 2021.  She also informed the meeting that, in preparation for the informal consultations on the draft political declaration, the co-facilitators had worked, with the support of the secretariat, on a "zero" draft of the political declaration, which had been circulated via special message to all permanent missions in Vienna on 17 August 2020.

9. The co-facilitators of the informal consultations on the draft political declaration informed the meeting that they had convened the first round of informal consultations to present the workplan and the timeline, and to discuss the structure of the political declaration.  They also noted that the "zero draft" had been based on contributions received from States and other parties to the Convention and had been circulated together with a compilation of the contributions received, to all the States parties to the Convention. The co-facilitators provided an overview of the comments on the structure and substance of the draft political declaration. They noted that 25 submissions from organizations in the United Nations

system, intergovernmental organizations, non-governmental organizations, academia and other relevant stakeholders had been made available on the UNGASS website to inspire the drafting process.

### (b) General discussion

10.  Speakers welcomed the holding of the special session of the General Assembly against corruption in 2021 as a unique opportunity to take stock of accomplishments and renew political commitment to, and shape the future of, the fight against corruption as a common and shared responsibility and a priority at the international level. Speakers commended the "zero draft" of the political declaration as a balanced and well-structured starting point and a solid foundation for the negotiation process.

11. Several speakers underscored the importance of facilitating virtual participation in the process leading up to UNGASS 2021 and highlighted the importance of innovation in this respect, to continue to ensure that the process is inclusive and transparent.

12. Speakers welcomed that the structure of the political declaration followed the chapters of the United Nations Convention against Corruption and noted the central role of the Convention as the only universal international legal framework for combating corruption. Speakers emphasized that the full and effective implementation of the Convention, and the good practices, challenges and gaps identified through the Implementation Review Mechanism, should be the key building blocks for the political declaration. As such, speakers stressed that the declaration should address the whole life cycle of corruption, be rooted in the existing anti-corruption framework and avoid both duplication and new unachievable commitments. In this regard, several speakers highlighted the importance of synergies between existing mechanisms while expressing concern that the political declaration included new mechanisms that may undermine the Implementation Review Mechanism and suggested that Member States wait until the end of the second review cycle before making conclusions on the effectiveness of the Convention.

13. Several speakers emphasized the importance of the special session and the political declaration for the achievement of the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16. Moreover, several speakers stressed that the political declaration should be guided by the principles of territorial integrity, sovereign equality and non-interference.

14. Many speakers described the negative impact of corruption and stressed the need to involve all stakeholders in the fight against corruption such as civil society, academia, the media, youth, and the private sector, including the financial sector, and to build partnerships between the public and the private sectors. Speakers also highlighted the need to include language in the political declaration regarding mechanisms to ensure a safe and enabling environment for all those who report acts of corruption.

15.  Speakers emphasized that the content of the political declaration should be multidisciplinary, concrete and ambitious and highlight the equal importance of preventing and combating corruption. Many speakers noted the important role played by prevention in increasing transparency, integrity and accountability, and by international cooperation as a necessary pre-requisite in the fight against corruption and asset recovery and return. Among other priorities suggested for the political declaration were the need for comprehensive and

effective national anti-corruption regulatory and policy measures, enhanced integrity in the public sector, strengthened interagency coordination at different levels, increased access to information, reinforced efforts in asset recovery, innovative solutions to counter corruption, including the use of new technologies and digitalization tools, and an increased focus on education, training and capacity-building, including integrity programmes, as well as public awareness on corruption and its negative impact.

16. Some speakers suggested that the political declaration further emphasize the need to prevent and counter bribery in all its forms, in particular tackling the supply side of foreign bribery. Some speakers proposed that the political declaration address the links between corruption and economic crime and organized crime, and measures to tackle illicit financial flows.

17. Speakers emphasized the importance of technical assistance and capacity-building, especially to address the challenges and gaps identified in domestic systems through the implementation reviews. Some speakers also stressed that the political declaration should take into account the specific interests and challenges of developing countries.

18. Some speakers noted the important role played by anti-corruption entities, including supreme audit institutions and other oversight institutions, in preventing and combating corruption and the need to ensure that such entities are independent. In addition, the role played by national parliaments and other legislative bodies in the fight against corruption was emphasized.

19. Some speakers underlined the new challenges posed by COVID-19 to international efforts to fight corruption and highlighted that the emergency created by the pandemic can provide ground for corruption to flourish, enhancing the need for accountable and effective institutions. Several speakers presented anti-corruption measures taken by their countries in response to the global pandemic and called for enhanced efforts at different levels and technical assistance in this regard.

20. Observers for international organizations and civil society organizations requested States to ensure that UNGASS and its preparatory process were transparent and inclusive, and invited States to effectively engage with civil society, academia, grassroots organizations, the media and the private sector. States were called on to be ambitious and to set the stakes high for the declaration. States were also encouraged to combat impunity, in particular as regards corruption involving vast quantities of assets. Moreover, speakers noted, inter alia, the need to address the linkages between corruption and other forms of crime, such as organized crime or wildlife trafficking, and suggested that a global platform be created for anti-corruption research and to serve as a repository of knowledge to study the root causes of corruption.

### (c) Panel on challenges and approaches to the prevention of corruption during times of crisis

21. In his introductory statement, a representative of the secretariat noted that the COVID-19 pandemic presented an unprecedented global crisis, which gave rise to increased levels of corruption. He highlighted that the temptation to forgo oversight and accountability in this urgent context was evident, but that the potential repercussions of such decisions may hinder progress in emergency response management or prolong and amplify the crisis. It was

of primary importance to consider mechanisms through which anti-corruption measures could be incorporated into ongoing programmes during both the crisis response and crisis recovery phases. In this regard, the representative mentioned the activities undertaken by UNODC in the context of the COVID-19 pandemic.

22. A panellist from Nigeria described her country's response to the COVID-19 crisis, including a range of national measures, such as the establishment of a high-level Presidential Task Force to coordinate most health-related procurement, the issuance of relevant guidelines on emergency procurement, as well as guidelines aimed at providing a single consolidated view of cash balances for ensuring accountability, and establishing a new line to track and report COVID-19 donations.

23. A panellist from the United Kingdom made a presentation on transparency in procurement during the pandemic and, in this regard, he emphasized two main policy areas: involving a higher number of small to medium-sized enterprises in public procurement, and creating a more competitive market by increasing transparency that enabled monitoring of how public money was spent. He noted that, during the pandemic, the scale of contracting had increased dramatically, while there had been also increased scrutiny by media and citizens.

24. A panellist from the Philippines highlighted the key strategies in the development of procurement policies, such as the need to ensure transparency and accountability; the importance of innovation in scaling up transparency and accountability technology; as well as the need for streamlined procurement processes and for proactively setting procurement policies in crisis situations. She elaborated on national initiatives and referred, in particular, to an online portal, where data on procurement of COVID-19 related goods and services was accessible to the general public.

25. A panellist from Paraguay, inter alia, referred to an emergency law linked to COVID-19, containing special administrative, financial and fiscal measures to increase transparency and accountability in the use of public funds, as well as to an online platform used to ensure transparency and effectiveness in all public institutions responsible for managing public funds for COVID-19-related procurement and benefits, which also allowed for citizens' monitoring of the use of funds.

26. A panellist from Saudi Arabia delivered a presentation on the G20 anti-corruption response to the COVID-19 pandemic. He highlighted the significant impact of the crisis on exacerbating corruption risks, notably in the emergency procurement of medical equipment and within economic responses involving vast amounts of financial aid. The panellist reported that the G20 Anti-Corruption Working Group prioritized two deliverables of anti-corruption work related to the crisis.

27. A panellist from Ecuador noted the challenge for States to maintain integrity in public policy during a crisis, in particular in health-related procurements, socio-economic rescue packages and international aid; and highlighted that there was a need to guarantee the necessary independence and resources of supreme audit institutions (SAIs) for them to ensure that public funds were correctly used. He also briefly mentioned the activities of OLASEF's Working Group on the Fight against Transnational Corruption in order to provide greater visibility to the efforts of supreme audit institutions during the pandemic. Finally, he highlighted the importance of ensuring that citizens had access to information and the need

for strategic perspective to ensure that, in times of multifaceted problems, the actions and results were in line with sustainable public policies.

28. During the ensuing discussion, speakers emphasized the urgent need for governments to prioritize anti-corruption measures as an integral aspect of all COVID-19 responses. This included strong legal, regulatory and policy frameworks and enforcement measures, including advance emergency response plans that were transparent, inclusive and effective.. They further stressed the importance of developing, strengthening and using technology and open data for all sectors of society to increase transparency, enable sound decision-making and ensure appropriate oversight and accountability. The importance of education and training for both public and private sectors in order to prevent corruption and ensure ethical decision making in times of crisis, was highlighted. Reference was made to the importance of public-private partnerships and the involvement of civil society, media and academia in anti-corruption efforts. Some speakers informed about legislative and institutional changes related to procurement legislation undertaken in their countries following the COVID-19 crisis.

29. Observers for civil society organizations, highlighted, inter alia, that access to information was an effective way to tackle corruption linked to COVID-19, and therefore encouraged States to adopt and implement legislation related to, among others, access to information, whistle blower protection, beneficial ownership and asset disclosure and advocated for the establishment of an international anti-corruption court.

### (d) Panel on ending impunity by effectively combating corruption

30. In his introductory statement, a representative of the secretariat noted that many States parties had expressed their interest in this cross-cutting theme covering topics under chapter III of the Convention pertaining to criminalization, law enforcement, sanctioning, and effective implementation. He highlighted that the importance of this topic was also demonstrated by the challenges faced by many countries in the design and implementation of effective criminalization and law enforcement frameworks, as evidenced by the outcomes of the first review cycle of the Implementation Review Mechanism.

31. A panellist from Burkina Faso provided an overview of the framework against impunity for corruption cases established in his country since 2014, which required the adoption of strict norms at the national level, effective institutions, and the involvement of committed and proactive stakeholders in the fight against corruption. A major innovation consisted in providing the officials of the High Authority for State Control and Anti-Corruption with judicial police powers to undertake effective investigations. He underscored the role played by civil society and the prosecutor's office in ensuring corruption cases proceeded in the judiciary, while recognizing a number of remaining challenges, notably the lack of adequate financial and human resources.

32. A panellist from Kyrgyzstan shared information on his country's experience in ensuring an appropriate balance between immunities or jurisdictional privileges and the possibility of effectively investigating, prosecuting and adjudicating offences committed by high-level officials whose detention, search and prosecution require prior approval of the parliament. The panellist also noted that, taking into account of the outcomes of the country review in the context of the Implementation Review Mechanism, Kyrgyzstan was gradually

introducing the possibility of limiting the immunities and jurisdictional privileges to cases where it was necessary for ensuring the lawful exercise of functions of public officials.

33. A panellist from Lithuania made a presentation on the comprehensive and multidisciplinary approach to combat corruption more effectively, adopted by his country's main anti-corruption agency, the Special Investigation Service. The strategy was based on four aspects: (a) the independence and powers of the anti-corruption authority; (b) the analysis of various data sources for the identification of corruption risks; (c) the inclusion of administrative, prevention, educational and awareness-raising measures rather than a reliance on criminal prosecution; and (d) the use of these measures in a coherent and systemic manner, using the principle of subsidiarity, holding all institutions responsible for preventing corruption.

34. A panellist from Peru focused her intervention on the lessons learned from the high-profile case "Operation Car Wash" in Brazil and Peru, involving high-level officials and large national and foreign companies. She outlined the subsequent domestic reforms undertaken by Peru, such as introducing new techniques of investigations; the establishment of specialized courts, and the appointment of specialized prosecutors and ad-hoc prosecutors. She emphasized the importance of ensuring the independence of investigations as well as of international legal cooperation in the dismantling of criminal networks involving both the public and private sectors. She concluded by reiterating the importance of the following components: international cooperation facilitated by a national policy; the establishment of an effective whistleblowing mechanism and the adoption of effective anti-corruption policies that take into account measures to address large scale corruption cases.

35. A panellist from the United States stressed the significance of cooperation between national authorities in fighting corruption and shared his country's experience in responding to requests for mutual legal assistance, including information and evidence through formal channels as well as informally and in real-time, so that the information could be used immediately and effectively. By way of example, he made reference to the "Operation Car Wash" case, the resolution of which clearly demonstrated how assets had been returned to Brazil and Switzerland through information sharing and effective coordination.

36. A panellist from Ecuador referred to her country's efforts in combatting impunity for corruption crimes. She stressed the importance of inter-institutional cooperation and presented her country's evaluation system for ensuring the legitimacy and independence of judges for the National Court of Justice and provided some examples of disciplinary cases in the judiciary. She concluded by expressing concern regarding the high-risk corruption environment resulting from the pandemic COVID-19, especially in public health institutions.

37. A panellist from the Organisation for Economic Cooperation and Development (OECD) presented the mandate of the Organization's Working Group on Bribery, including its peer-review system in monitoring and strengthening the implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The panellist explained that the Working Group encouraged its members to introduce and maintain robust legislative frameworks for clear and explicit criminal law provisions on bribery of foreign public officials that cover all the key elements of such offences.

38. In the ensuing discussion, speakers underscored the importance of international cooperation in ending impunity for corruption offences. Some speakers emphasized the successes in international cooperation, while other speakers underscored the persistent

challenges to cooperation. One speaker noted the importance of coordination among the relevant UN entities. While highlighting the importance of establishing a robust domestic regulatory framework in line with chapter III of the Convention, another speaker observed that not all States parties had criminalized bribery of foreign public officials and encouraged States to do so. Speakers highlighted the challenges encountered in the use of formal channels of cooperation and advocated for the use of informal cooperation channels and existing tools and instruments. Speakers also noted the need for strengthening national capacities and international cooperation and underlined the importance of the independence of the judiciary, access to justice, participatory decision-making at various levels with the inclusion of women and minorities, and of ensuring the unconditional return of assets to victim States. Whereas some speakers stressed that the political declaration should be focused on the effective implementation of existing norms and instruments, one speaker noted that General Assembly resolution 73/191 did not prevent exploring other alternatives to foster international cooperation, and encouraged States to keep an open mind in this regard. An observer for a civil society organization suggested that, in the context of the informal consultations on the draft political declaration, a task force be established to review the international framework with the view to more effectively addressing impunity in connection with corruption involving vast quantities of assets.

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