USA Response: Request for Input Regarding the Structure and Content of the UN General Assembly Special Session on Corruption Political Declaration

The United States is pleased to provide the following response to the request for input regarding the structure and content of the political declaration to be adopted UN General Assembly Special Session (UNGASS) on corruption.

Political Declaration Structure

The United States believes the structure of the political declaration adopted by the UNGASS on corruption should be based on the five major chapters of the UN Convention against Corruption (UNCAC). These chapters include: Preventive measures; Criminalization and law enforcement; International cooperation; Asset recovery; and Technical assistance and information exchange. The UNCAC chapters provide a comprehensive framework for how Member States must work individually and collectively to prevent and combat corruption effectively. As such, it provides a logical structure that can encompass the variety of issues and actions agreed to by the participating stakeholders. The sequencing of the UNCAC chapters also places the necessary prominence on the prevention of corruption, which should be the priority of every Member State.

Further, the mandate of the UNGASS is to address the challenges and measures necessary to prevent and combat corruption and strengthen international cooperation. With 187 States parties, the UNCAC remains the preeminent international anticorruption framework. The obligations contained in the Convention’s articles provide a clear roadmap of the laws, policies, and practices needed to prevent and combat corruption effectively. Structuring the UNGASS political declaration around the chapters of UNCAC will reaffirm the importance of the existing international anticorruption architecture and the underlying need for all Member States to focusing attention and resources on effectively implementing existing obligations and commitments.

Structuring the political declaration around the major chapters of UNCAC is also conducive to the workplan for informal negotiations adopted by the Conference of States Parties in Abu Dhabi. With the informal negotiations scheduled around the thematic UNCAC working groups on prevention, asset recovery, and international cooperation, structuring the substantive sections of the political declaration around these same issues will ensure relevant experts and practitioners are able to participate in the informal negotiations. This will ensure the political declaration reflects the challenges and practical solutions needed to effectively prevent and combat corruption.

Political Declaration Content

In addition to recommitting Member States to implement their existing domestic and international anticorruption obligations, the United States firmly believes the UNGASS political declaration should promote three key principles. The UNGASS should:
Address the full lifecycle of corruption and promote a holistic and balanced approach to this challenge. Emphasis must be placed on prevention, criminalization, enforcement, international cooperation, asset recovery, and technical assistance. In this regard, the political declaration should avoid focusing only on what actions Member States should take after corrupt acts are committed. Instead, priority should be given to what Members States must do to prevent corruption from occurring in the first place. Promoting effective implementation of Chapter II of UNCAC is critical to these efforts. Encouraging and supporting States parties to the UNCAC to follow through on these commitments is an important responsibility for the UNGASS.

Reaffirm the idea of “common and shared responsibility” to work together against corruption. No country can effectively combat corruption alone; it requires all countries fulfilling their obligations and working together where necessary. The political declaration should reiterate this point and place equal responsibility on all Member States to adopt and enforce anticorruption laws. It cannot place the majority of responsibility to fight corruption on one group of countries, such as major financial centers. It must also avoid confrontational approaches and political finger-pointing, and instead promote international cooperation.

Focus on real challenges facing anticorruption practitioners, such as developing and maintaining prevention policies and practices or investigating and prosecuting foreign bribery. The UNGASS should advance practical tools and training for public officials; identify and respond to new and modern challenges; reinforce common standards for transparency, ethics, integrity, accountability, and the rule of law; and gather best practices from all corners of society, including civil society and the private sector. In this regard, UNODC, serving as the Secretariat for UNCAC, can provide helpful input on the challenges and best practices gleaned from the UNCAC Implementation Review Mechanism.

The United States also firmly believes the political declaration must be consistent with the mandate given to the UNGASS to focus on corruption. Consequently, the content of the declaration should be clearly linked to corruption, and avoid addressing overly broad issues, such as “economic crime” or ill-defined terms that lack consensus, such as “illicit financial flows.” Additionally, the political declaration should be “concise and action-oriented” as stated in UNGA Resolution 73/191. Keeping the political declaration concise will help ensure the content is focused on the major challenges facing Member States and the necessary solutions to overcome them.

**Drafting Process**

There should be a clear understanding of how the drafting and negotiation process will proceed. Determining the drafting and negotiation process could be the responsibility of the extended Bureau. To facilitate a streamlined drafting process, United States would support giving a designated State party or parties responsibility to serve as the facilitator for the drafting and negotiation process.