

## **PREVENTION OF CORRUPTION**

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### **I. THE IMPORTANCE OF PREVENTING CORRUPTION AND THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)**

Corruption undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish. Fighting corruption is of utmost importance to ensure that the State's funds are used to improve people's quality of life through the delivery of basic services and the establishment of a good business environment and, hence, to reduce poverty and achieve sustainable development. This was also acknowledged by the United Nations General Assembly, during the High-Level Meeting on the Millennium Development Goals in September 2010. The Assembly supported urgent and decisive steps to continue to combat corruption in all of its manifestations, and urged all States to consider ratifying or acceding to the United Nations Convention against Corruption and to begin its implementation.<sup>2</sup>

The UNCAC is the first and only all-inclusive, legally-binding anti-corruption instrument that encompasses the comprehensive and multidisciplinary approach needed to successfully counter corruption. To date, more than four countries out of five all

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<sup>2</sup> A/Res/65/1 (19 October 2010).

around the world have ratified it, signalling that the world considers it as the suitable framework to prevent and fight corruption.

The Convention devotes an entire chapter to the prevention of corruption, highlighting that although corruption needs to be investigated and prosecuted, first and foremost, it requires preventive action. The Convention requires States parties to introduce effective anti-corruption policies and practices. It calls for the introduction of a variety of measures concerning both the public and the private sectors. Such measures range from institutional arrangements, such as the establishment of a specific anti-corruption body, to codes of conduct and policies promoting good governance, the rule of law, transparency and accountability. The Convention pays special attention to the issue of public procurement, as a sector proven to be particularly prone to corruption. It further contains measures to promote transparency and accountability in the management of public finances. Significantly, the Convention underscores that each of us, individually and collectively, can and must contribute to a culture of integrity.

These preventive measures, together with the Convention's provisions on criminalization and law enforcement as well as international cooperation and asset recovery, make it a valuable tool in protecting the public purse. If properly implemented, the Convention can help to curtail illicit financial flows and stop leakages of public resources, thereby making more resources available for basic services, such as education, health care, clean water and sanitation.

Considerable progress has been made since the adoption of the Convention in October 2003, and its entry into force in December 2005. With 158 States parties having

adhered to the Convention,<sup>3</sup> it has nearly reached universal application. Much work, however, remains to be done to translate the text of Convention into reality on the ground and to achieve an effective global regime against corruption.

## **II. IMPLEMENTATION OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION**

### **A. The Conference of the States Parties**

The Conference of the States Parties to the Convention aims to improve the capacity of, and cooperation between, States parties to achieve the objectives of the Convention and promote and review its implementation.<sup>4</sup> The United Nations Office on Drugs and Crime (UNODC) acts as Secretariat to the Conference of the States Parties to the Convention. The Conference has held four sessions to date and established working groups to assist it in its work in the fields of review of implementation, asset recovery, and prevention.

The fourth session of the Conference, held from 24 to 28 October 2011 in Marrakech, was attended by 125 countries, by 28 intergovernmental organizations and 200 delegates representing non-governmental organizations. In addition to its main agenda, the conference hosted nineteen side events, which were very well frequented and contributed significantly to raising the profile of the Conference as the main international anti-corruption event.

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<sup>3</sup> Status 25 November 2011, <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>

<sup>4</sup> Article 63, UNCAC.

One of the key outcomes from the fourth session of the Conference is the adoption of resolution 4/3 entitled “Marrakech declaration on the prevention of corruption”.<sup>5</sup> The resolution, while recognizing that the implementation of the Convention is the responsibility of States parties, reiterated that the promotion of a culture of integrity, transparency and accountability is a responsibility to be shared by all stakeholders, including civil society and the private sector. The resolution requests the Secretariat, among other things, to:

- Continue to assist the Open-ended Intergovernmental Working Group on Prevention;<sup>6</sup>
- Continue to function, subject to voluntary contributions, as an observatory of good practices in preventing corruption;
- Continue to assist in promoting awareness of the principles of the Convention among the business community;
- Create opportunities for the involvement of young people as key actors in the prevention of corruption;
- Promote the responsible and professional reporting of journalists on corruption;
- Continue to cooperate with UN DESA (Department for Economic and Social Affairs) in the prevention of corruption, in particular with regard to the UN Public Service Awards;
- Continue to provide technical assistance for the implementation of Chapter II of the Convention.

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<sup>5</sup> <http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session4.html>

<sup>6</sup> See Chapter C below.

## **B. The Implementation Review Mechanism**

The Conference at its third session in Doha in November 2009 adopted landmark resolution 3/1 on the review of the implementation of the Convention.<sup>7</sup> It established a review mechanism aimed at assisting countries to meet the objectives of the Convention through a peer review process. Under the new mechanism, which is now fully operational, all States parties are reviewed on the fulfillment of their obligations under the Convention. This further enhances the potential of the Convention, by providing the means for countries to assess how they are doing in implementation, identify potential gaps in national anti-corruption laws and practices, and develop action plans to strengthen the implementation of the Convention domestically. There are two review cycles of five years each: The current cycle addresses the implementation of the Chapters on (i) criminalization and law enforcement and (ii) international cooperation in criminal matters. The second cycle, starting in 2015, will then focus on (iii) prevention and (iv) asset recovery.

Reviews are based on responses to the self-assessment checklist submitted by countries under review. Countries do not have to wait until they are up for review; neither do they have to limit themselves to the chapters on criminalization and law enforcement and international cooperation, which are under review during the current review cycle. The self-assessment checklist also covers the chapters on preventive measures and asset recovery. Some States parties have started, on a voluntarily basis, a comprehensive assessment and gap analysis, in accordance with the Guidance note on UNCAC self-assessments “Going beyond the minimum”, developed jointly by UNDP and UNODC, along with a number of other partners.

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<sup>7</sup> <http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session3.html>

The Implementation Review Mechanism is meant to become the main interface for review and delivery of technical assistance in the field of anti-corruption. Its basic objective is to determine priorities and strategies to that effect and to promote and facilitate technical assistance provision. The Mechanism also has a great potential in measuring the impact of assistance provided.

The Convention itself, as well as resolutions by the Conference, the General Assembly and the Economic and Social Council have mandated UNODC to support Member States in the ratification and implementation of the provisions of the Convention, in particular in strengthening legal, institutional, and operational capacities at the domestic level, and to promote international cooperation among States parties. UNODC has been developing a series of technical assistance services to meet the growing demands of Member States in this field,<sup>8</sup> including through its Anti-Corruption Mentors

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<sup>8</sup> An indicative list of such services includes, inter alia, the following:

- Provision of advice and expertise to support the development of a wide range of policies and programmes to ensure the effective implementation of the UNCAC provisions on the prevention of corruption, including national anti-corruption strategies and action plans, codes of conduct, asset declaration systems, conflict of interest policies and human resource management systems based on principles of efficiency, transparency and objective criteria;
- Provision of advice and expertise to support the development of domestic legislation aiming at ensuring full compliance with the provisions of UNCAC. In addition to legal advisory services, the development of such tools as legislative guides, model legislation and electronic libraries is another pillar of legal assistance provided by UNODC;
- Provision of assistance to States parties in enhancing the integrity, accountability and oversight of their criminal justice and security institutions with a view to enhancing their capacities to effectively carry out their mandate, implement the provisions of UNCAC and reduce their vulnerability to corrupt practices;
- Conduct of corruption risk assessments and strengthening of national capacities to carry out these assessments, in order to acquire a profound knowledge and understanding of the challenges posed by corruption (scope, nature, causes and contributing factors) as well as of the weaknesses of the laws, institutions, and policies in any given country;
- Provision of support to Governments in raising awareness about the negative impact of corruption through targeted information campaigns and effective work with the media;
- Supporting elements of civil society in strengthening the demand for good governance through the International Anti-Corruption Day campaign, including raising awareness about the negative impact of corruption in daily life and encouraging a more active stand against corruption;

Programme. These anti-corruption advisors provide a broad range of policy and technical advice and day-to-day support for the implementation of the Convention, such as conducting gap assessments, assisting in establishing anti-corruption institutions and policies, providing training in investigation and prosecution of corruption offenses, providing legislative assistance and advising on asset recovery strategies.

### **C. Working Group on Prevention**

At its third session, the Conference of the States Parties to the Convention decided to establish an open-ended intergovernmental working group to advise and assist it in the implementation of its mandate on the prevention of corruption. The Conference also decided that the working group should perform the following functions:

- Assist the Conference in developing and accumulating knowledge in the area of prevention of corruption;
- Facilitate the exchange of information and experience among States on preventive measures and practices;
- Facilitate the collection, dissemination and promotion of best practices in corruption prevention;
- Assist the Conference in encouraging cooperation among all stakeholders and sectors of society in order to prevent corruption.<sup>9</sup>

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• Building and strengthening partnerships between the public and the private sector against corruption, and promoting, in this regard, the business community's engagement in the prevention of corruption by, inter alia, developing initiatives to promote and implement public procurement reform and identifying elements of optimal self-regulation in the private sector (<http://www.unodc.org/unodc/en/corruption/private-sector.html>).

<sup>9</sup> See <http://www.unodc.org/unodc/en/treaties/CAC/working-group4.html>.

At its most recent meeting, held from 22 to 24 August 2011, the Working Group noted with appreciation that many States parties had shared before the meeting information on their initiatives and good practices regarding the key topics on the agenda, namely: (i) awareness-raising policies and practices with special reference to articles 5, 7, 12 and 13 of the Convention; and (ii) the public sector and prevention of corruption; codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention). With regard to the latter issue,<sup>10</sup> most States parties reported to have developed codes of conduct, equivalent public statements or conduct standards for their public officials to clarify what is expected, as well as the disciplinary consequences, if such standards were violated. Many States parties reported on systems and measures to increase transparency within their public administrations. Those measures guarantee the legal right of citizens to access information on public management and provide citizens with tools for such access. The tools commonly reported on are electronic online systems facilitating e-government, e-administration and e-procurement systems.

The Working Group requested States parties to continue to share with the secretariat updated information on initiatives and good practices related to Chapter II of the Convention.

The Working Group will at its next session, which will be held in August 2012, address, among others, the following topic: Conflicts of interest, reporting acts of corruption and asset declarations, particularly in the context of articles 7-9 of the Convention.

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<sup>10</sup> See background paper prepared by the Secretariat: CAC/COSP/WG.4/2011/3.

As decided by the Conference at its fourth session, the Working Group will then also discuss a multi-year workplan for the period up to 2015, when the second cycle of the Mechanism for the Review of Implementation of the Convention begins.

### **III. EFFECTIVE MEASURES TO PREVENT CORRUPTION AND TO RAISE AWARENESS**

#### **A. A Sector-Based Approach**

Recognizing that the prevention and fight against corruption is a gradual process, the sectoral approach can help States to set priorities for the implementation of the Convention at the national level. The anti-corruption work in specific sectors that are of prime relevance to citizens, such as health care, education or water, provides relatively fast and concrete results, allowing citizens to feel the change directly and develop confidence in the broader anti-corruption agenda.

It is worth emphasizing here the importance of the criminal justice sector to public service delivery in health care, education and water, among other areas. Without a fair, transparent and professional justice system to protect rights and resolve disputes, anti-corruption efforts in other sectors are not sustainable in the long term.

#### **B. Judicial Integrity and Capacity**

The establishment of an independent and effective justice system that safeguards human rights, facilitates access to all and provides transparent and objective recourse is a core value held the world over. As a result, judicial and legal reform is consistently a priority on the agendas of countries regardless of their state of development.

Article 11 of the Convention requires each State party, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, to take measures to strengthen integrity and prevent opportunities for corruption among members of the judiciary. In addition, similar measures may be introduced and applied within the prosecution services where such entity operates in a posture of independence similar to that of the judicial service.

UNODC has provided technical assistance to the justice sectors in many countries to help strengthen integrity mechanisms. Moreover, in 2011, UNODC completed a Resource Guide on Strengthening Judicial Integrity and Capacity,<sup>11</sup> with the purpose to support and inform those who are tasked with reforming and strengthening the justice systems of their countries, as well as development partners, international organizations and other providers of technical assistance who provide support to this process<sup>12</sup>. The guide intends to contribute to the existing literature by providing a guide to target the core areas identified by the expert group as priorities in justice sector reform. The guide touches on a broad set of issues ranging from judicial recruitment and selection practices, to the timeliness of decisions, to the openness and transparency of the process, to the accessibility of these systems for those seeking justice and the protection of their rights.

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11 UNODC has also recently completed a handbook on police accountability, oversight and integrity, for use by policymakers and managers of police agencies. The handbook is available online at [http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability\\_Oversight\\_and\\_Integrity\\_10-57991\\_Ebook.pdf](http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability_Oversight_and_Integrity_10-57991_Ebook.pdf).

12 Work on the Resource Guide on Strengthening Judicial Integrity and Capacity began following the United Nations Economic and Social Council Resolution 23/2006, which endorsed the Bangalore Principles on Judicial Conduct and requested UNODC to convene an open-ended intergovernmental expert group, in cooperation with the Judicial Group on Strengthening Judicial Integrity and other international and regional judicial forums, to develop a technical guide on approaches to the provision of technical assistance aimed at strengthening judicial integrity and capacity.

The guide further offers recommendations, core ideas and case studies<sup>13</sup> for consideration in the development and implementation of national justice sector action plans, strategies and reform programmes. One of the issues covered is the definition of performance indicators: While measuring the performance of justice systems, careful consideration must be given to the selection of appropriate indicators. In doing this, a look at past experiences, lessons and guidelines can be helpful. The guide gives an overview of sets of indicators which have been developed by both national and international organizations to evaluate judicial reform projects, or measure the performance of the justice systems. While some of them have been designed to carry out specific investigations, or to investigate specific justice services, others have been designed to be just reference tools, easily customizable and adaptable according to the needs. Examples provided include the indicators developed by the UNODC Field Office in Nigeria, when it conducted an integrity and capacity assessment of the justice sector in the Federal Capital Territory and in eight Nigerian States with the aim of producing a clear and coherent picture of the country's justice system conditions.<sup>14</sup> In addition, UNODC's Criminal Justice Assessment Toolkit<sup>15</sup> provides a standardized set of tools designed to enable agencies, government

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13 One of the case studies covered in the Resource Guide on Strengthening Judicial Integrity and Capacity is the Centralized System for Selecting Court Support Personnel in France. The hiring and appointment of court personnel throughout France is overseen by the MOJ, which utilizes a uniform selection and appointment system. All court personnel positions are advertised nationally on a customized website, which includes position descriptions, education and experience requirements for candidates, and information on the applicable skills tests that are required. Potential applicants can then download a standardized application form and submit it to reserve their place in the next testing cycle.

14 [http://www.unodc.org/documents/corruption/publications\\_nigeria\\_assessment.pdf](http://www.unodc.org/documents/corruption/publications_nigeria_assessment.pdf). UNODC Project (FS/NIR/04/NIR/R81) on strengthening judicial integrity and capacity. The assessment has been designed to investigate seven justice system areas, and more in detail: 1. access to justice; 2. timeliness and quality of justice delivery; 3. independence, impartiality and fairness of the judiciary; 4. levels, locations, types and costs of corruption within the justice sector; 5. coordination and cooperation across the justice sector institutions; 6. the public's trust in the justice system; and 7. the functioning of the integrity safeguards.

15 <http://www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html?ref=menuaside>. The Criminal Justice Assessment Toolkit is designed to be a practical guide, organized as a dynamic set of documents that continue to meet assessment

officials engaged in criminal justice reform, as well as other organizations and individuals to conduct comprehensive assessments of criminal justice systems; to identify areas of technical assistance; to assist agencies in the design of interventions that integrate United Nations standards and norms on crime prevention and criminal justice; and to assist in training on these issues.

At the international level, the most comprehensive and well-known document on the topic of judicial integrity is the “*Bangalore Principles of Judicial Conduct.*”<sup>16</sup> In 2000, UNODC, in collaboration with Transparency International, convened a first meeting for chief justices and senior judges from eight Asian and African states with the purpose of considering ways of strengthening judicial institutions and procedures in the participating states and beyond. Initially, the Bangalore Principles were developed, drawing from 24 different codes of judicial conduct as well as eight documents elaborated at the international level, prevalently on the concept of judicial independence. Subsequently, the document underwent extensive consultations involving chief justices and senior judges from over 75 Member States. The Bangalore Principles are articulated around six basic values: “independence,” “impartiality,” “integrity,” “propriety,” “equality,” and “competence and diligence.” A short definition of the meaning of each of those values for the judiciary is also provided, as well as a list of the expected behaviour on the part of the judges in application of each of the six basic values. The Bangalore Principles are explicitly addressed to the national judiciaries that do not as yet have codes

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needs as they evolve. The Tools have been grouped according to four broad areas: Policing; Access to Justice; Custodial and Non-Custodial Measures; and Cross-Cutting Issues. The Tools are organized thematically, both to ensure ease of use and to assist the assessor in understanding the key issues confronting the system being assessed.

<sup>16</sup>[http://www.unodc.org/pdf/corruption/corruption\\_judicial\\_res\\_e.pdf](http://www.unodc.org/pdf/corruption/corruption_judicial_res_e.pdf).

of judicial conduct, for the purpose of adoption and implementation. The behavioural implications of the values and expected judicial conduct which have been officially included in the Bangalore Principles have been further elaborated in an extended commentary<sup>17</sup> and have provided the basis for the development of a training manual on judicial ethics.<sup>18</sup> These materials might also be of assistance to the citizens and to those that might have an interest in the promotion of judicial ethics.

#### **IV. PUBLIC-PRIVATE PARTNERSHIPS IN PREVENTING CORRUPTION**

The private sector has a key role to play in enhancing integrity, accountability and transparency. The rapid development of rules of corporate governance around the world is prompting companies to focus on anti-corruption measures as part of their mechanisms to protect their reputations and interests of their shareholders. Internal checks and balances are increasingly being extended to include a range of ethics and integrity issues.

Article 12 of the UNCAC requires States parties to take measures to prevent corruption in the private sector, including through enhanced accounting and auditing standards. It also provides a menu of suggested measures to achieve these goals, including by promoting cooperation between the private sector and law enforcement agencies, promoting standards and procedures designed to safeguard the integrity of private entities (including codes of conduct and business integrity standards), promoting transparency among private entities, preventing conflicts of interest, and ensuring effective internal audit systems.

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<sup>17</sup> [http://www.unodc.org/documents/corruption/publications\\_unodc\\_commentary-e.pdf](http://www.unodc.org/documents/corruption/publications_unodc_commentary-e.pdf).

<sup>18</sup> [http://www.unodc.org/documents/corruption/publications\\_unodc\\_judicial\\_training.pdf](http://www.unodc.org/documents/corruption/publications_unodc_judicial_training.pdf).

Over the years, a number of regional and international initiatives, standards and principles have been developed to provide guidance for companies on how to fight corruption in their business operations while upholding enhanced integrity standards. However, the vast majority of such cross-industry guidelines pre-date the adoption (in 2003) and entry into force (in 2005) of the UNCAC. Moreover, these anti-corruption initiatives, standards and principles leave a lot to be desired in terms of their internal coherence and consistency with UNCAC. The need to align existing business principles to the values of UNCAC was recognized in January 2008, when representatives of the business community came together in the margins of the Conference of the States Parties to the Convention and adopted the so called “Bali Business Declaration”. As the guardian of UNCAC, UNODC is well placed to also assist private sector stakeholders in strengthening their legal and regulatory regimes to fight corruption, and to provide technical assistance on implementation. UNODC has developed strong partnerships with a number of private sector initiatives, such as The World Economic Forum Partnering against Corruption Initiative (PACI), the International Chamber of Commerce and Transparency International, and is working closely with these partners to harmonize the competing cross-industry guidelines and bring them in line with the universal principles of UNCAC.

A study published by UNODC and PricewaterhouseCoopers in 2008, entitled Anti-Corruption Policies and Measures of the Fortune Global 500<sup>19</sup>, shows that all companies of the Fortune Global 500 have adopted internal compliance programmes, which include measures to encourage staff and managers to report cases of wrongdoing

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<sup>19</sup> This study can be found at <http://www.unodc.org/unodc/en/corruption/anti-corruption-policies-and-measures-of-the-fortune-global-500.html>.

that they become aware of. Almost all such companies also sanction retaliation against so-called whistleblowers. However, the type of reporting that such programmes encourage and protect remains an internal matter and varies therefore from company to company.

In the period 2010-2011, the United Nations Global Compact and UNODC together developed an e-learning tool for the private sector to enhance understanding of Principle 10 of the Global Compact, which states: “Business should work against corruption in any form, including bribery and extortion,”<sup>20</sup> and its underlying legal instrument, the United Nations Convention against Corruption, as it applies to actors operating in the business community. The e-learning tool consists of six short interactive learning modules developed for use by anyone who acts on behalf of a company. They are based on real-life scenarios designed to provide guidance on how to deal with potential risks of corruption that people working in business may face in their daily work. Issues covered include: (a) receiving gifts and hospitality; (b) gifts and hospitality towards others; (c) facilitation payments and corruption; (d) the use of intermediaries and lobbyists; (e) corruption and social investments; and (f) insider information. The e-learning tool is publicly accessible and free of charge.<sup>21</sup>

In the first half of 2011, UNODC, with the support of the Siemens Integrity Initiative, launched three anti-corruption projects aimed at promoting the private sector’s engagement in anti-corruption efforts. One of those technical assistance projects, entitled “Public-Private Partnership for Probity in Public Procurement”, aims to reduce

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<sup>20</sup> There are ten principles in total, one of which relates to corruption. The full list can be found at <http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>.

<sup>21</sup> This tool can be found at <http://thefightagainstcorruption.unodc.org> or <http://thefightagainstcorruption.unglobalcompact.org>.

vulnerabilities to corruption in public procurement systems and to bridge knowledge and communication gaps between public procurement administrations and the private sector. The project will promote States' implementation of article 9 of the Convention and support private actors' efforts to comply with Principle 10 of the United Nations Global Compact.

The second project, entitled "Incentives to Corporate Integrity and Cooperation in Accordance with the United Nations Convention against Corruption", is intended to foster cooperation between the private sector and government authorities, especially law enforcement authorities. It aims to encourage business to report internal instances of corruption and to promote States' implementation of articles 26 (Liability of legal persons), 32 (Protection of witnesses, experts and victims), 37 (Cooperation with law enforcement authorities) and 39 (Cooperation between national authorities and the private sector) of the United Nations Convention against Corruption and to facilitate private actors' compliance with the Tenth Principle of the UN Global Compact. These first two projects are being piloted in India and Mexico and also encompass the compilation and dissemination of good practices and lessons learned.

The third project, entitled the "Outreach and Communication Programme", seeks to enhance companies' knowledge of how the Convention can make a difference in their daily work both internally, and in their interaction with public counterparts, and to encourage the business community to turn their anti-corruption commitments into action by bringing their integrity programmes in line with the universal principles of the Convention. The project also seeks to support learning institutions which have come to realize that they do have a role to play in preparing the next generation of public and

business leaders to the challenge of making right and ethical decisions. This will be achieved by: (a) creating and disseminating a structured outreach and communication programme that combines a global perspective with local contexts, reaching out to private companies, particularly the UN Global Compact business participants; and (b) developing a comprehensive academic learning course on the UNCAC and its implication for public administrators and private operators to be embedded in curricula of business, law and public administration schools.

## **V. RAISING PUBLIC AWARENESS AND INVOLVEMENT BY SOCIETY AT LARGE**

As already mentioned, one of the issues of focused attention during the second meeting of the intergovernmental open-ended Working Group on Prevention was awareness-raising policies and practices, acknowledging the importance of partnerships between the public sector, the private sector and civil society.

A background paper on awareness-raising policies and practices with special reference to articles 5, 7, 12 and 13 of the United Nations Convention against Corruption was presented by the Secretariat.<sup>22</sup> The paper describes the tasks of specialized anti-corruption agencies established by States parties to disseminate information about anti-corruption efforts and to act as coordinators of such activities on the national and international levels. Institutional cooperation between the public and private sectors, either in the form of community councils or under the umbrella of anti-corruption agencies, was viewed as essential to raising

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<sup>22</sup> The paper can be found at <http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2011-August-22-24/V1185011e.pdf>.

awareness. Reference was also made to the relevance of conferences organized by intergovernmental and regional organizations, and the usefulness of creating networks and platforms for collaboration between the private sector and governments.

Article 13 of the Convention requires States parties to take measures to promote the active participation of individuals and groups in the prevention of, and the fight against, corruption. Examples reflected in the above-mentioned background paper include anti-corruption advertisement campaigns launched through traditional marketing channels, such as television, radio, billboards and the Internet, as well as the creative use of other channels such as short message service (SMS) transmissions, airlines, stamps, religious gatherings, hotlines and electronic mail (e-mail) to reach society as a whole.

Many States parties to the Convention recognize the importance of focusing on youth and reported on the initiation of anti-corruption educational courses, summer and winter camps, integrity clubs and artistic and academic competitions and on measures taken to adapt university curricula or complement existing curricula with a course on anti-corruption.

Reference is to be made in this context to an initiative recently launched by the UNODC, in collaboration with a range of partner organizations and universities, to develop a comprehensive academic anti-corruption curriculum outline. This initiative involves a group of approximately 30 experts in the field of anti-corruption and higher education engaged in a consultative process aimed at developing an academic programme on anti-corruption for university students. The

backbone of the initiative is a comprehensive set of academic educational materials organized in modular form in a so-called ‘menu of courses’ (course topics). This structure is not intended to be a full-fledged curriculum per se, but rather a flexible compilation of teaching modules on different aspects of corruption, which can be taught separately or in sequence, and thus incorporated into existing curricula or syllabi as needed and as scope and teaching plans permit. The thematic outline or ‘menu’ will be annotated with a detailed bibliography and will ideally be complemented by case studies, taking into account the variety of legal systems and education models and traditions that exist, facilitating utmost adaptability to teaching styles across the globe. The idea is to make the material available as an open source tool online, accessible free of charge and open to amendments and further elaboration by teachers who use the material in order to keep it a living document. Pilot testing for the curricula is scheduled to begin in Spring 2012 with the completion and roll-out of the final tools scheduled to take place in Fall 2012.

Finally, another issue that deserves special attention is the role of the media in preventing corruption. This topic was discussed by the Working Group on Prevention at its first session from 13 to 15 December 2010, during which a background paper prepared by the Secretariat on best practices for promoting responsible and professional reporting on corruption for journalists was presented.<sup>23</sup> The Conference of the States Parties to the Convention at its fourth session in Marrakech took note of the efforts undertaken by the

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<sup>23</sup> This paper can be found at <http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2010-December-13-15/V1056937e.pdf>.

Secretariat to gather information on good practices on this matter, and requested the Secretariat to further collect and disseminate such information.<sup>24</sup>

## VI. EPILOGUE

The United Nations Convention against Corruption is a powerful manifestation of the collective political will of the international community to put in place a framework to successfully counter corruption. The Convention attaches great importance to the adoption and implementation of measures geared towards rendering criminal justice responses to corruption more efficient, both at the domestic and international levels. The Convention, however, also recognizes that “preventing is better than responding” and that a primary challenge for States parties is to put in place effective corruption prevention mechanisms that instill a culture of professional integrity in both the public and private sectors.

In conclusion, the words of Mr. Yury Fedotov, UNODC’s Executive Director, can be recalled, in the statement, delivered on his behalf, at the closing of the fourth session of the Conference of ‘the States Parties<sup>25</sup>: *“Yet, perhaps the defining feature of our journey from Doha to Marrakech has been the realisation that we cannot succeed in isolation. Others must join us, and we must all walk together if we are to combat corruption wherever it arises. [...] The reality is that we need governments, the private sector, parliamentarians, anti-corruption authorities, civil society organizations, young people and the media to cooperate in rejecting corruption at every level of society. [...] The Arab Spring has sparked rapid reforms and placed anti-corruption at the heart of the*

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<sup>24</sup> Resolution 4/3, operative paragraph 20.

<sup>25</sup> <http://www.unodc.org/unodc/en/marrakechspeech28.10.11.html>

*democratic agenda. As a result, it has become a symbol for the anti-corruption movement and we must heed the call it has issued. We must help individuals live in countries where prosecutions of instances of corruption are fair and where a citizen's daily interaction with the state and commerce are firmly anchored in professionalism, honesty and integrity. And we must provide strong political commitment at the international level. The Arab Spring, with its emphatic rejection of corruption, must last longer than a season, and become a model to promote integrity and transparency throughout the region and the rest of the world."*