

Second day of the Twenty-First Meeting
MC(21) Journal No. 2, Agenda item 7

DECISION No. 5/14 PREVENTION OF CORRUPTION

The Ministerial Council,

Reaffirming the OSCE commitments on combating corruption, in particular the relevant provisions of the Charter for European Security adopted in 1999 at the OSCE Summit in Istanbul, the OSCE Strategy Document for the Economic and Environmental Dimension adopted in Maastricht in 2003, Ministerial Council Decision No. 11/04 on combating corruption adopted in Sofia in 2004 and the Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism adopted in Dublin in 2012,

Recognizing that corruption at all levels is a potential source of political tension that undermines the stability and security of participating States, threatens the OSCE's shared values, and facilitates criminal activity,

Convinced that more effective prevention of corruption promotes good governance in all public sectors, reinforces trust in public institutions, increases corporate social responsibility in the private sector, enhances economic growth and contributes to social stability and security,

Reaffirming that freedom of information and access to information foster openness and accountability in public policy and procurement and enable civil society, including the media, to contribute to preventing and combating corruption, the financing of terrorism, money-laundering and its predicate offences,

Underlining the central role played by law enforcement bodies and judicial institutions in preventing and combating corruption,

Recognizing that the ability of an independent media to investigate and to publish the results of that investigation, in accordance with national legislation and international commitments, without fear of prosecution, persecution or physical harm is fundamental to preventing and combating corruption at all levels and in all sectors,

Acknowledging that efficient, accessible, accountable, and transparent public service delivery is one of the key components in building an anti-corruption environment in the public sector,

Recognizing the importance of capacity-building efforts for effectively preventing and combating corruption,

Recognizing the importance of international co-operation between national anti-corruption bodies for the exchange of best practices, further development of anti-corruption measures and exchange of knowledge among anti-corruption practitioners,

Welcoming the fact that almost all the participating States have ratified or acceded to the United Nations Convention against Corruption (UNCAC) and are working towards meeting their commitments deriving from the Convention,

Highlighting the importance of co-operation with other relevant international organizations in preventing and combating corruption,

Encourages the participating States to:

- Further develop and implement preventive anti-corruption legislation and policies, and establish and promote practical measures and tools to address all forms and levels of corruption for both the private and the public sectors, and for other stakeholders;
- Take measures to enhance transparency, accountability and the rule of law in public administration, in accordance with the fundamental principles of their legal systems, including through the introduction of effective measures facilitating public access to information and the promotion of effective public service delivery;
- Adopt, maintain and strengthen systems that prevent conflicts of interest in the public sector, including, for example, by addressing conflicts of interest through enforceable codes of conduct and by establishing and strengthening asset declaration systems applicable to public officials and politically exposed persons, in accordance with the fundamental principles of their domestic law, and to provide for a fair and competitive environment for recruitment in the public sector, so as to increase transparency and integrity in public administration;
- Foster the involvement of the private sector, civil society organizations, the media and academia, including through the support of the OSCE executive structures, in accordance with their mandates, in developing national anti-corruption strategies and policies and to support their subsequent implementation;
- Promote a culture of integrity, transparency and accountability, across all sectors of society in order to contribute to the prevention of corruption;
- Recognize the important role whistle-blowers play in identifying and preventing corruption and defending public interest, and intensify individual national efforts to provide sufficient protection for whistle-blowers;
- Contribute to strengthening awareness-raising measures with respect to corruption throughout all sectors of society, by providing training and educational programmes in the area of corruption prevention and integrity, with special attention being given to

youth, and recognizing the role played in this regard by an engaged and well-informed civil society and an independent, free and pluralistic media;

- Take the necessary steps, in accordance with the fundamental principles of their legal systems, to establish or enhance appropriate systems of public procurement that are based on transparency, competition and objective criteria in decision-making, that are effective in preventing corruption;
- Support measures to strengthen the integrity of the judiciary and to prevent opportunities for corruption among members of the judiciary and prosecution services;
- Implement and adhere to the relevant international standards to fight corruption, such as those prescribed by the United Nations Convention against Corruption and, where appropriate, by the OECD and the Council of Europe conventions on corruption and contribute to intensifying the involvement of civil society in their implementation as laid out in these conventions;
- Establish and implement effective, proportionate, and dissuasive sanctions and administrative penalties to penalize corruption for natural as well as, where appropriate, legal persons, with a view to discouraging and stemming corruption;
- Facilitate the recovery of stolen assets as part of national measures as well as in the framework of international and, where appropriate, regional co-operation and ensure beneficial ownership transparency;
- Make use of available OSCE tools, guidelines and projects in combating and preventing corruption;

Encourages the relevant OSCE executive structures, including, where appropriate, field operations, in accordance with their mandates and within existing resources, to facilitate the exchange of best practices in the prevention of corruption among participating States upon their request;

Tasks the OSCE executive structures, in particular the Office of the Co-ordinator for OSCE Economic and Environmental Activities (OCEEA) and, where appropriate, field operations, in co-operation with relevant international partners, *inter alia*, the United Nations Office on Drugs and Crime (UNODC), the Organisation for Economic Co-operation and Development (OECD), the World Bank (WB), the United Nations Development Programme (UNDP), the Council of Europe (CoE), and the International Anti-Corruption Academy (IACA), to assist participating States, within existing resources and upon their request, in the implementation of their commitments within the UNCAC and in the formulation of national policies, in the exchange of best practices and in the delivery of capacity-building activities and projects in the area of preventing and combating corruption;

Tasks the OSCE executive structures, in particular the OCEEA and, where appropriate, the OSCE field operations, to promote, within their available resources and mandates, the available OSCE tools and guidelines on combating and preventing corruption;

Tasks the OCEEA to explore, within its available resources and mandates, the opportunities for co-operation with national, regional and international initiatives, promoting the principles of transparency, citizen participation and accountability;

Tasks the Economic and Environmental Committee, with input and contributions from the OSCE Secretary General and the OSCE field operations, to present a report to the Permanent Council no later than 1 June 2015 providing options for strengthening the current OSCE capacity on combating and preventing corruption and for enhancing co-ordination among the OSCE executive structures in that field, taking available resources into consideration;

Encourages the Partners for Co-operation to voluntarily implement the provisions of this decision.

MC.DEC/5/14
5 December 2014
Attachment

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Azerbaijan:

While joining the consensus on the Ministerial Council Decision on Prevention of Corruption, the Delegation of the Republic of Azerbaijan would like to make an interpretative statement under paragraph IV.1(A)6 of the Rules of Procedure of the OSCE.

“The Delegation of Azerbaijan has been actively engaged in the discussions on the adopted Decision since the very beginning by contributing to its draft with numerous constructive proposals which had been included to the final text of just adopted Decision.

As reflected in this Decision, corruption is among the factors which facilitates criminal activities. Azerbaijan proceeds from the understanding that criminal activities referred to in the adopted Decision are those identified in the OSCE Strategy Document for the Economic and Environmental Dimension adopted in Maastricht in 2003, which includes terrorism, violent extremism, transnational organized crime, and illegal economic activities, including money-laundering, trafficking of all kinds, and illegal migration.

The Ministerial Council Decision welcomes the fact that almost all participating States have ratified the United Nations Convention against Corruption (UNCAC) and are working towards meeting their commitments deriving from the Convention. Azerbaijan hopes that implementation of UNCAC by the OSCE participating States will be in compliance with their commitment in accordance with Article 4 of the Convention, which underlines the necessity of implementation of obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.”

We request that this statement be attached to the Decision adopted and be included in the journal of today’s meeting.