The United Nations Convention Against Corruption

Public Procurement and Public-Private Cooperation

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Latest accession: Guinea, May 2013 = 167th State party
Chapter II Preventive measures

Chapter III Criminalization & Law Enforcement

Chapter IV International Cooperation

Chapter V Asset Recovery
Chapter II – Preventive Measures

- 10 articles = entire chapter devoted to prevention
- Interlinked and mutually reinforcing measures
- PUBLIC and PRIVATE sectors addressed
- Key components: enhance **integrity**, **transparency** and **accountability**

**Chapter II**

- **Art 5** Policies & practices
- **Art 6** Preventive AC body
- **Art 7** Public sector
- **Art 8** Codes of conduct
- **Art 10** Procurement & finances
- **Art 11** Judiciary & prosecution
- **Art 12** Private sector
- **Art 13** Particip. of society
- **Art 14** Money-laundering
Article 9

Public Procurement and the Management of Public Finances
Article 9 of UNCAC: Public procurement and management of finances

1. Establish procurement systems based on transparency, competition and objective criteria.
   - Public distribution of information on procurement procedures and contracts
   - Advanced establishment and publication of conditions of participation
   - Use of objective and predetermined criteria for decisions
   - Effective system of appeal and legal recourse, in event rules are not followed
   - Where appropriate, regulation of personnel, such as through declaration of interest, screening and training
Article 9 of UNCAC: Public procurement and management of finances

2. Each State Party shall take steps to promote transparency and accountability in the management of public finances, such as:
   – Adoption of national budget
   – Reporting of revenue and expenditure
   – Accounting and auditing standards
   – Systems of risk management and internal control
   – Where appropriate, corrective action for failure to comply
Article 9 of UNCAC: Public procurement and management of finances

3. Each State Party shall take steps to preserve the integrity of accounting books, records, financial statements, and other documents concerning public expenditure and revenue.
How to implement article 9?

- UNODC developing checklist for review of Chapter 2 on Prevention in 2015 (internal and external guidance notes).
- UNODC developed new guidebook on global good practices to be launched at CoSP.
- UNCITRAL Model Law, OECD and World Bank guidelines
- Importance of considering related articles 10 (public reporting) and 12 (private sector) and 13 (participation of society)
PUBLIC-PRIVATE PARTNERSHIP
ANTI-CORRUPTION IN PUBLIC PROCUREMENT
UNODC Public Procurement Research in India and Mexico (public and private sectors)

Major Findings:

- Project design/market research/consultants
- Exceptional circumstances
- Lack of laws versus too many laws
- Laws versus day to day realities
- Challenge decisions/filing complaints
- Need for increased skills development and awareness in public and private sectors
UNODC Resources to be launched at CoSP Panama 24-29 November 2013

• UNODC/IACA Guidebook on anti-corruption in public procurement and the management of public finances
• UNODC/IACA PACT training (Public Procurement Anti-Corruption Training)
• UNODC/IACA Resource Guide for State Parties on Sanctions and Incentives for Corporate Integrity
• UNODC Anti-corruption Compliance Programmes: A Practical Guide
• UNODC Anti-Corruption in Major Public Events
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