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English only

**Conference of the States Parties to the United Nations
Convention against Corruption**

Fourth session

Marrakech, Morocco, 24-28 October 2011

Agenda item 2

**Review of the implementation of the United Nations Convention
against Corruption: criminalization and law enforcement and
international cooperation**

Marrakech Declaration

Paper submitted by the Government of Morocco

The Government of Morocco wishes to bring to the attention of the Conference, for its information, the results of the Fifth Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities, which was held in Marrakech, Morocco, from 22 to 23 October 2011.

* Reissued for technical reasons on 21 November 2011.



**THE FIFTH ANNUAL CONFERENCE AND GENERAL MEETING OF
THE INTERNATIONAL ASSOCIATION
OF ANTI-CORRUPTION AUTHORITIES**

MARRAKECH, MOROCCO 22 -23 OCTOBER 2011

MARRAKECH DECLARATION

We, the representatives of Anti-Corruption Authorities of 91 Member States of the United Nations and regions and of 9 International Organizations, gathered in Marrakech, Morocco, for the Fifth Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA) devoted to “Asset Recovery” (Chapter V of United Nations Convention Against Corruption - UNCAC):

Recalling United Nations General Assembly Resolution 58/4, by which the Assembly adopted the UNCAC and established International Anti-Corruption Day as the 9th of December each year,

Recalling also all relevant United Nations General Assembly and Economic and Social Council Resolutions calling for the expeditious ratification and full implementation of the UNCAC,

Recalling further our Beijing, Bali, Kiev and Macao Declarations, as well as the recommendations made by the side-event of the Conference of the States Parties to the UNCAC (CoSP) held in Amman and co-organized by United Nations Office on Drugs and Crime (UNODC) and IAACA,

Aware of the importance of the resolutions adopted by the CoSP, at its First, Second and Third sessions held respectively at Amman, Nusa Dua and Doha,

Convinced that relevant government agencies, civil society and relevant professional organizations can individually and collectively make significant contributions to the effective implementation of the UNCAC,

1. Express our gratitude to the Central Authority for Corruption Prevention of Morocco for hosting the Fifth Annual Conference and General Meeting of IAACA, as well as our deepest appreciation to the Government and People of Morocco for their warm hospitality;
2. Extend our appreciation to the Government of Qatar and in particular the Attorney General’s Office for hosting the Executive Committee meeting of the IAACA held in Doha in May 2011;

3. Extend also our appreciation to the Government of Singapore and the Corrupt Practices Investigation Bureau in particular for hosting, in January 2011 in Singapore, the meeting of the Task Force mandated by the Macao Declaration to develop a revised Work Plan for the Association;
4. Recognize and re-affirm asset recovery as one of the main objectives and a fundamental principle of the UNCAC, and an integral part of the overall effort in fighting corruption;
5. Stress the importance of fully and effectively implementing asset recovery measures, in compliance with the provisions contained in Chapter V of UNCAC, as a major obligation and responsibility of States Parties;
6. Urge States Parties to afford one another the widest measure of cooperation and assistance, in the prevention and detection of transfers of proceeds of corruption, confiscation and the return and disposal of assets;
7. Encourage States Parties to consider concluding bilateral or multilateral arrangements to enhance the effectiveness of international cooperation in matters pertaining to asset recovery;
8. Pledge our full support to the ongoing efforts and recommendations of the Open-ended Intergovernmental Working Group on Asset Recovery, established to advise and assist the CoSP in the implementation of its mandate on the return of proceeds of corruption, in developing cumulative knowledge, encouraging cooperation, facilitating the exchange of information and identifying capacity building needs;
9. Re-emphasize the crucial role of the joint UNODC and World Bank StAR (Stolen Asset Recovery) Initiative as a driving force in the asset recovery agenda, and call upon States Parties to continue to actively support the Initiative in its work;
10. Underline the importance of capacity building to equip policy makers, practitioners and relevant personnel with the requisite knowledge and skills for asset recovery and request the Executive Committee of IAACA to accord priority and devote sufficient resources, where appropriate in collaboration with other stakeholders, to this area of work through the sharing of expertise and the organization of specialized training;
11. Further call upon the Executive Committee to devote attention to develop measures, including strengthening legal and institutional frameworks and enhancing cooperation at national and international levels, that assist Governments to prevent the transfer of proceeds of corruption, to trace financial flows linked to corruption, to restrain and seize assets derived from corruption and to return those assets;
12. Welcome with satisfaction the fact that 154 countries have ratified or acceded to the UNCAC and urge the Governments of those countries that have not yet done so to move swiftly and with conviction to ratify or accede to the Convention, in order to achieve the goal of universal adherence to the Convention;

13. Welcome with appreciation the important decisions of the CoSP as a result of the three sessions, held to date and endorsed by the United Nations General Assembly, and look forward to further progress through the Fourth session to be held in Marrakech between 24 and 28 October 2011;
14. Commend UNODC for its exceptional work and commitment in serving as the Secretariat of the CoSP and its subsidiary bodies and in implementing the resolutions of the CoSP;
15. Reiterate the significant role of the CoSP and our call to the Executive Committee of IAACA, in consultation with the Secretariat of the CoSP, to seek appropriate ways to establish closer collaboration between IAACA and the CoSP in order to enhance the involvement and contribution of IAACA and its members in implementing recommendations made by the CoSP;
16. Feel encouraged by the satisfactory operation of the Implementation Review Mechanism, which is instrumental in ensuring compliance with the UNCAC, urge States Parties to continue to fully participate in and render support to the ongoing review process, and look forward to the outcome of the review;
17. Welcome the decision of the CoSP at its third session to integrate technical assistance in the work of the Implementation Review Group and emphasize the use of the Comprehensive Self-Assessment Checklist for the identification of technical assistance requirements of States Parties, especially those of anti-corruption authorities;
18. Fully support also the trend followed by a number of States Parties to use the Checklist for the conduct of comprehensive gap analyses and the development of national strategies and plans of action to fill those gaps;
19. Call upon IAACA Members to appeal to their respective Governments to institute relevant reforms that promote the required professionalism of their anti-corruption authorities, including law enforcement and prosecutorial bodies, the independence and integrity of the Judiciary, the prevention of conflict of interest in public office, freedom of access to information, transparency and accountability in public administration, as these elements are essential pillars to prevent and combat corruption effectively;
20. Pledge our joint action and support to Governments to expeditiously establish and implement laws and policies required to ensure that anti-corruption authorities, including those bodies duly constituted to combat corruption through law enforcement, are able to function with the necessary independence, secure and stable funding and specialized staff with professional training, in order to operate effectively and free from any undue influence, in accordance with articles 6 and 36 of the UNCAC;
21. Urge anti-corruption authorities to proactively promote with their respective Governments and legislative bodies the development and implementation of appropriate programmes of work in order to maintain, sustain and strengthen the

momentum generated by the UNCAC, especially in the periods between the regular sessions of the CoSP;

22. Urge also anti-corruption authorities to devote continued attention to both their vital preventative role and crucial law enforcement functions, which are fundamental for the application of relevant provisions of the UNCAC and for enhanced international cooperation;

23. Recommend once again that anti-corruption authorities actively participate in efforts to develop and refine methods to measure corruption by gathering accurate and objective data relating to the occurrence and impact of corruption, and invite UNODC to support this process;

24. Strongly encourage UNODC to continue to provide developing countries and countries with economies in transition, upon request and in response to their specific requirements, a wide range of capacity building assistance, technical expertise and policy advice, and recommend multilateral and bilateral providers of technical assistance to include the objectives of the UNCAC as an integral part of their annual commitments and to increase the amount of resources needed to support developing countries to implement the Convention, in close cooperation with UNODC and IAACA;

25. Urge Member States as well as relevant international organizations and financial institutions, on the basis of the principle of shared responsibility and collective global action, to generously provide the required additional resources to support such efforts, including by contributing to the UNODC special account a percentage of the money or of the corresponding value of proceeds of crime or property confiscated in accordance with the provisions of UNCAC, in line with Article 62(c) of the Convention;

26. Express our deepest appreciation to relevant international and professional organizations, civil society and the media in raising public awareness of UNCAC and the destructive effect of corruption in its many and varied forms, extending support and cooperation to IAACA and to the CoSP, and underscore the importance of protection of witnesses, experts, victims, prosecutors, judges and those other persons engaged in the fight against corruption;

27. Express also our appreciation to Members of the Task Force that met in Singapore in January 2011 to deliberate and finalize the revised Work Plan of the Association that focuses on raising awareness, knowledge management, training and tool development, which was further reviewed and agreed upon by the Executive Committee in Doha in May 2011;

28. Endorse unanimously the revised Work Plan submitted by the Executive Committee to the Fifth General Meeting and as annexed to this Declaration, and mandate the Executive Committee to take the necessary steps, including the establishment of task forces where appropriate, to ensure that the Work Plan is implemented in an effective, structured and sustained manner;

29. Welcome with great satisfaction the important contributions and joint initiatives of IAACA Members already generated by the Work Plan, and strongly encourage other Members to get fully involved in its implementation, by undertaking initiatives, whether individually or jointly with other Members and in close collaboration with the IAACA Secretariat, with a view to realizing the ultimate goal of the Association in promoting the effective implementation of the UNCAC;

30. Extend all our appreciation to the People's Republic of China for hosting, and commend the efforts of the Supreme People's Procuratorate (SPP) for the successful conduct of the training seminar organized by IAACA in Shanghai in July 2011, which was attended by over 400 participants from 85 countries, as well as for its continuous support for organizing and hosting such training seminars, and encourage other IAACA Members to hold similar training events;

31. Appreciate the stewardship and direction shown by the founding and incumbent Presidents of the Association in continuously fostering cooperation and partnership among anti-corruption authorities and with relevant international, regional and national organizations and institutions in furtherance of the anti-corruption cause, and commend the Secretariat for providing energetic and highly professional support to the work of the Association; and

32. Decide that the text of this Declaration be widely circulated by the relevant anti-corruption authorities in respective countries and that it should be submitted to the CoSP, as well as to the United Nations General Assembly and other relevant bodies of the United Nations.

Annex

IAACA Work Plan

From its establishment, the IAACA has been instrumental in the fight against corruption. Its principal purpose has been to promote and support the implementation of the United Nations Convention Against Corruption (UNCAC), fostering constructive collaboration among its members in prevention, asset recovery and international cooperation. During its fourth annual conference and general meeting, the IAACA established a task force and held a special seminar on the work plan at the margins of the conference, as well as extensively soliciting opinions from participants. The task force reconvened in Singapore from 17 to 19 January 2011, hosted by the Corrupt Practices Investigation Bureau of Singapore, to further review the following elements of the work plan for consideration and appropriate action by the Executive Committee of the Association, as mandated by the Macao Conference. The list of participants is contained in Annex I, while the various proposals submitted by its members are contained in Annex II.

I. RAISING AWARENESS

Awareness-raising would serve two key purposes. First, it would help the IAACA develop gradually a global identity, thus increasing its recognition and attracting appropriate attention and broadening its outreach. Second, it would also serve as a means of pooling resources, expertise and ideas which would help the Association offer its members a standard, but adaptable to local exigencies, set of materials to be used for public campaigns, including but not limited to the International Anti-Corruption Day (9 December).

A. DEVELOPMENT AND DISSEMINATION OF BROCHURES AND OTHER INFORMATION MATERIAL

The IAACA Secretariat will collect experiences and materials on raising public awareness against corruption from different countries as well as relevant international organizations, which IAACA members will offer in their own languages and English, where feasible. The Secretariat will place such material and information on the IAACA website for dissemination. Thereafter, the IAACA Secretariat will endeavour to update the information regularly and analyse the effectiveness and usefulness of this tool.

B. NEWSLETTER

The IAACA will launch a periodic Electronic Newsletter, which will be disseminated among its members through the IAACA portal. The Newsletter will publish and report important events of the Association such as the Executive Committee Meetings, annual seminars, annual conferences and general meetings as well as important anti-corruption conferences or important anti-corruption activities organized by its organizational

members or international organizations. The IAACA Newsletter will also focus on raising public awareness against corruption between organizations and individual members.

C. WEB SITE RE-STRUCTURING AND MAINTENANCE

The IAACA will comprehensively revise and restructure its website, improving its functions and enriching its content, which will be pragmatic and service-oriented, providing more service to its members. IAACA website will also lodge an “ACA Forum”, with restricted access for IAACA members. This forum will provide a tool¹ to exchange consultations on various topics. A volunteer ACA will act as forum coordinator.

D. PRODUCTION OF PROMOTIONAL MATERIAL AND PUBLIC SERVICE ANNOUNCEMENT VIDEOS²

The IAACA will cooperate with its members to produce and share trailers and educational films on raising public awareness against corruption in different countries and regions. Subject to copyright considerations, where possible, IAACA members should provide to the IAACA Secretariat copies of documentary programmes or their internet location, which have been broadcast on their national television networks, for uploading to the IAACA website.

II. KNOWLEDGE MANAGEMENT

In an effort to promote the skills of anti-corruption institutions of different countries, as well as relevant international organizations, the IAACA Secretariat will attach great importance to the collection and analysis of experiences and lessons learnt on the application of anti-corruption legislation and law enforcement actions as well as the effectiveness of preventive measures.

Relevant material will be included in the Legal Library and Knowledge Management Consortium, which is being developed by UNODC, with IAACA’s cooperation. Such inclusion will reduce greatly the efforts and resource requirements for the maintenance and updating of the products, thus achieving two purposes: firstly, creating value for members, and secondly, enriching the overall collection of essential material and information, as mandated by the Conference of the States Parties to the UNCAC.

Possible products include:

A. COLLECTION OF TERMS OF REFERENCE AND PROCEDURES OF ANTI-CORRUPTION AUTHORITIES³

This collection will complement the legislation included in UNODC’s Legal Library and provide knowledge on the choices countries make on the structure and mandate of Anti-Corruption Authorities.

¹ The Central Vigilance Commission of India has offered to support this activity (<http://www.blowyourwhistle.com>) by launching a portal provisionally called Team ONEWORLD.

² ICAC Hong Kong offered support for this activity.

³ Brazil and EPAC offered to support the Secretariat.

B. DIGEST OF CASES

Efforts will focus on creating a searchable digest of concluded and adjudicated cases in various countries, thus beginning to build a source of jurisprudence from around the world.

C. DIRECTORY OF ANTI-CORRUPTION AUTHORITIES⁴

As a tool for practitioners, the Directory of Anti-Corruption Authorities will aspire to be the most complete and authoritative compilation of anti-corruption authorities, which will facilitate the direct contact among such authorities in various countries and international organizations. The IAACA Secretariat will update the contact details of anti-corruption authorities on a continual basis.

D. DIGEST OF GOOD PRACTICES⁵

The Digest will endeavour to collect and systematize practices of Anti-Corruption Authorities operating under different legal systems.

III. TRAINING AND TOOL DEVELOPMENT

Seminars will be held in various forms, including global, regional, thematic or integrated seminars to improve law enforcement skills for officials from different countries and regions and promote implementation of UNCAC, based on the networking, as well as the collective expertise and resources of IAACA's membership.

A training base will be set up in China, which will be open to the staff of anti-corruption agencies of various countries and regions. Training courses will be held at capital cities or other big cities in mainland China annually. The hosts will be responsible for the accommodation and transportation of the delegates during their stay in China. Renowned experts and scholars will be invited to deliver speeches in the seminars. The training courses and seminars will cover current and specialized topics, and functions as forums for the exchange of experiences and lessons learnt, as well as on challenges of international cooperation against corruption.

The IAACA will actively support and participate in the training programmes of international anti-corruption education institutions, such as the International Anti-Corruption Academy.

The IAACA will establish a Training Committee to consider the needs of IAACA members.

The IAACA will endeavour to establish collaborative relationships with related academic and research institutions around the world and will explore the possibility together with the academy to organize an Academic Forum to bring academics and professionals together with anti-corruption experts.

⁴ Brazil and EPAC offered to support the Secretariat.

⁵ Brazil offered to support the Secretariat.

A. COORDINATION WITH IACA

All initiatives related with training will be fully discussed and coordinated with IACA, in order to bring synergies and avoid overlapping initiatives.

B. TRAINING COMMITTEE⁶

It is recommended that the Executive Committee set up a delegated Training Committee to propose, oversee and evaluate all training-related activities. The Training Committee will also be responsible to:

- Conduct Training Needs Analysis of the different ACA professionals and prioritise professional groups and topics to be targeted.
- Elaborate and/or approve contents, programs, and trainers of specialised courses and seminars.
- Select the training materials to be elaborated and their authors.
- Propose to the Executive Committee the signature of memorandums of understanding with universities and research centres.

As far as possible the Training Committee will maintain electronic relationship between its members.

C. TRAINING MATERIALS

The IAACA intends to invite renowned international experts in the field of fighting corruption to edit and publish a number of high-quality training materials and/or research papers to enhance the quality of the IAACA training courses.

D. DIRECTORY OF TRAINING OPPORTUNITIES

The IAACA Secretariat will endeavour to include in the website of the Association information on training opportunities available to Anti-Corruption Authorities around the world.

IAACA Secretariat will gather, with the collaboration of all members, information about courses and seminars on anti-corruption topics organised by other institutions all over the world; this information will be distributed through the IAACA Newsletter.

E. SPECIALIZED COURSES (PROGRAM AND CURRICULUM DEVELOPMENT)

The IAACA Secretariat will endeavour, in cooperation with the International Anti-Corruption Academy and other relevant and interested institutions, to develop specialized training plans and arrange specialized training courses tailored to the needs of Anti-Corruption Authorities, so as to provide suitable anti-corruption experiences and theories and practical support for different countries and regions.

F. "ANTI-CORRUPTION AUTHORITIES IN A CHANGING WORLD: MANDATES, ORGANIZATION, STRUCTURE, PROCEDURES, SKILL SETS"

⁶ Malaysia, Anti-Fraud Office of Catalonia (Spain) and ICAC Hong Kong offered to form the Training Committee.

IAACA will endeavour to produce a major publication that will compile the experiences of various Anti-Corruption Authorities with the implementation of their divergent mandates. The publication will serve as a key handbook for training courses.

IV. NETWORKING

In order to enhance exchanges and contacts between organizational and individual members of the IAACA and promoting international cooperation against corruption, the IAACA plans to adopt the following measures to improve information exchanges between organizational and individual members.

A. ANNUAL CONFERENCES AND GENERAL MEETINGS

In order to strengthen the impact and value of the Annual Conferences and General Meetings, the IAACA Secretariat shall endeavour to reform such conferences and parallel meetings, and improve the quality of conference proceedings. For this purpose the IAACA Secretariat will identify and propose to the Executive Committee for its consideration specific themes and keynote speakers. The IAACA Secretariat shall compile the texts of the conference speeches, presentations and contributions every year so as to encourage organizational and individual members to share their valuable experiences and research achievements.

B. LINKS WITH OTHER INSTITUTIONS AND ORGANIZATIONS

The IAACA will gradually extend its contacts with relevant agencies and institutions and establish stable and regular working relationships.

C. E-MAIL LISTS

See “Directory of Anti-Corruption Authorities” above.

D. PUBLIC RELATIONS

The IAACA will explore the development of an appropriate public relations strategy, including the use of new media.

V. HOUSEKEEPING MATTERS

The Association is now entering a new phase in its existence. It would be advisable to take the time to explore and decide on the best way forward in terms of organizing itself in a way that would advance its aims and enable it to chart its future course. Several of the issues listed above relate directly to the matters raised below under “Implementation Modalities”.

A. STATUS OF THE ASSOCIATION

The Association will retain its Non-Governmental status according to its constitution and will seek ways to enhance its impacts and improve its influence.

B. RESOURCE MOBILIZATION

In order to maintain its vitality, IAACA would welcome suggestions from organizational and individual members regarding resource mobilization. The IAACA Secretariat will compile these suggestions and inform the membership at the next annual conference and general meeting for decisions, through the Executive Committee.

C. MEMBERSHIP FEES (STRUCTURE, CRITERIA, AMOUNT, COLLECTION MODALITIES, ACCOUNTABILITY)

The IAACA plans to collect membership fees. Information on the collection and disbursement of membership fees shall be published.

D. REVISION (AS NECESSARY) OF STATUTE AND PROCEDURES

According to the practical need of the development of the IAACA, the Constitution and related procedural rules can be amended accordingly.

E. SECRETARIAT SUPPORT

Currently the Secretariat of the IAACA is established in China, and is supported with human resources by the Supreme People's Procuratorate. The Secretariat encourages IAACA members to place staff to the Secretariat on secondment for specified periods of time. The Secretariat welcomes the offer of the International Anti-Corruption Academy to host a liaison office at its premises in Laxenburg and provide administrative and logistical support to that office.

VI. IMPLEMENTATION MODALITIES

In light of the current momentum of the anti-corruption movement globally, IAACA has great potential and will continue to be instrumental in promoting the implementation of UNCAC. Indeed, the work plan of the IAACA cannot be realized without the active support of its organizational and individual members. Therefore, IAACA welcomes the following:

A. SUPPORTING ACTIVITIES AND EVENTS

The IAACA welcomes offers from anti-corruption authorities to host its annual conferences and general meetings, Executive Committee meetings, Training Committee meetings, training courses, seminars and academic forums. The IAACA also welcomes financial support for the realization of the work programme from its members, other than membership fees.

B. REGIONAL COORDINATION MECHANISMS

Regional Coordination mechanisms will be established to promote the realization of the work plan of the IAACA.

C. TASK FORCE APPROACH

Individual Anti-Corruption Authorities are invited to volunteer to lead Task Forces which will undertake to implement the various components of the Work Programme.

D. COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS

The IAACA will actively explore effective cooperation with relevant international organizations.

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