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United Nations Convention against Corruption

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Interview with Dr. Ognian Shentov

***Chairman of the Centre for the Study of Democracy,
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How serious is corruption in Bulgaria and how does it affect people's lives?

In addition to the more traditional effects that corruption has on the general public as a type of informal taxation, in the context of prolonged transition in Bulgaria, it is having an impact in developmental terms. This includes areas such as education and health care, and the establishment of illicit monopolies in key sectors of the economy through drug trafficking.

How important is a well functioning judicial and law enforcement system in building a corruption-free society?

The problem most acutely faced by Bulgaria is the interaction between law enforcement in its investigative and policing work and the courts in adjudicating corruption cases. Unless

the two operate in harmony, the friction could be used by offenders to work around the system. These issues are addressed in Bulgaria's Judicial Anti-Corruption Programme, developed by the Centre for the Study of Democracy (CSD).

What are ways that individuals and/or NGOs can help combat corruption?

Coalition 2000, a Bulgarian public-private partnership against corruption initiated by the CSD, has long advocated that civil society has a key role to play in the fight against corruption. One of the contributions of Coalition 2000 is the ability to engage government from the expert to the policy level, providing the public sector with ways of being part of the solution. A successful product of this engagement is the annual *Corruption Assessment Report*, produced by joint task forces of government and NGO experts.

What is the significance of the adoption and signing by Member States of the United Nations Convention against Corruption?

The Convention will be the first global legal instrument in anti-corruption and will face significant challenges in benchmarking developments in this

area. It could make a considerable contribution to monitoring corruption by moving away from the peer review system established under the European anti-corruption conventions. Bulgaria has a lot to offer in the field of corruption monitoring, as we have operated an advanced national level watchdog system for five years.

What kind of steps has Bulgaria taken to reduce corruption?

How will the Convention enhance these steps?

As a result of a combination of government and civil society efforts, everyday bribery has been reduced by almost 50 per cent in the past three years. Bulgaria has continued to improve its ranking in the *Transparency International Corruption Perceptions Index*—to 45th out of 102 countries in 2002, up from 66th place in 1998. The main problem with anti-corruption efforts in a transition environment is the lack of sustainability of political commitment. Sensible policies and relevant institutions often fail because of volatile government will. The United Nations Convention could be particularly helpful in providing a mechanism for technical assistance in areas where reformist governments need external support.

Useful links:

Bulgaria's Judicial Anti-Corruption Programme (www.csd.bg/law/devanticor.htm)
Coalition 2000 (www.anticorruption.bg)



Highlights of the United Nations Convention against Corruption

The Ad Hoc Committee established by the General Assembly to carry out the negotiations on the first United Nations Convention against Corruption began its work in January 2002 and completed negotiations on 1 October 2003. At the core of the process was the desire of all delegations to find a balance between prevention, criminalization, international cooperation and asset recovery.

Convention highlights

■ **Prevention.** Measures such as the establishment of anti-corruption bodies and enhanced transparency in the financing of election campaigns and political parties address both the public and private sectors. Requirements are also established for the prevention of corruption in the judiciary and in public procurement. The Convention calls on countries to actively promote the involvement of non-governmental and community-based organizations, as well as other elements of civil society, to raise public awareness of corruption.

■ **Criminalization.** Countries are required to establish criminal and other offences to cover a wide range of acts of corruption. This includes not only basic forms of corruption, such as bribery and

"It is a Convention with strong enforcement power, a true global response to the global challenge posed by corruption."

**Antonio Maria Costa,
Executive Director
of UNODC.**



the embezzlement of public funds, but also trading in influence and the concealment and "laundering" of the proceeds of corruption.

■ **International cooperation.** Countries agree to cooperate in the fight against corruption, including prevention and investigation activities, and the prosecution of offenders. The Convention also binds countries to render specific forms of mutual legal assistance in gathering and transferring evidence for use in court and to extradite offenders. Countries must also undertake measures to support the tracing, freezing, seizure and confiscation of the proceeds of corruption.

■ **Asset recovery.** This is an important issue for many developing countries where high-level corruption has plundered the national wealth, and where resources are badly needed for reconstruction and the rehabilitation of societies under new governments. Measures include the prevention and detection of transfers of illicitly acquired assets, the recovery of property, and the return and disposition of assets.

■ **Implementation mechanisms.** The Convention needs 30 ratifications to come into force. A Conference of the States Parties is established to review implementation and facilitate activities required by the Convention.

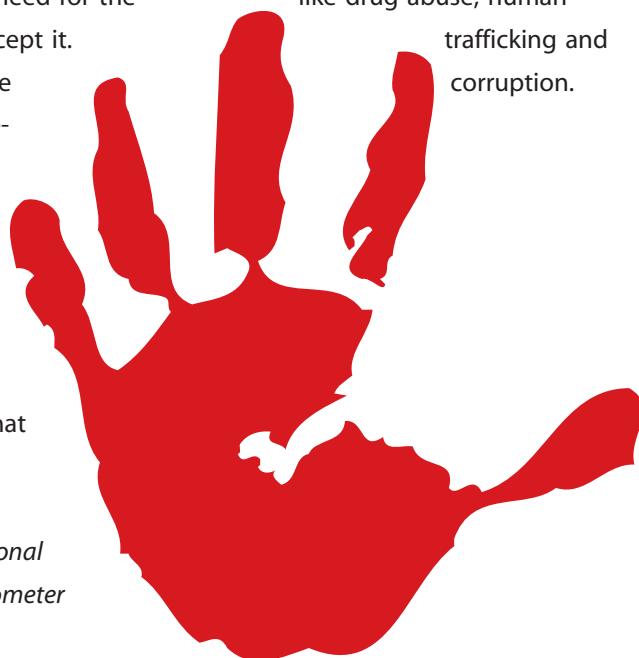
"Corruption hurts the poor disproportionately—by diverting funds intended for development, undermining a government's ability to provide basic services, feeding inequality and injustice, and discouraging foreign investment and aid."

Kofi Annan, United Nations Secretary-General
*in his statement on the adoption by the General Assembly of
the United Nations Convention against Corruption*

Corruption hurts us all

UNODC has produced two new video spots in conjunction with the Signing Conference for the United Nations Convention against Corruption. The video spots are designed to raise global awareness about corruption, its social and financial costs, and of the need for the public to refuse to accept it. The spots focus on the provision and procurement of public services, such as health, water, roads and electricity, and on the judiciary—areas where people worldwide perceive that corruption flourishes, according to the Transparency International Global Corruption Barometer Survey 2003.

The spots will be distributed in early 2004 to international networks, and to national television partners. Prevention and awareness campaigns are core actions for raising public awareness about the negative impact of issues like drug abuse, human trafficking and corruption.



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