Introduction

The United Nations Convention against Corruption was adopted in Merida, Mexico, in December 2003. Ecuador became the thirtieth country to ratify the Convention on 15 September this year, and, as a result, it entered into force on 14 December. As the first legally binding, international anti-corruption instrument, this Convention provides a unique opportunity to mount a global response to the vast problem of corruption.

Prevention

The Convention dedicates a chapter to prevention, which includes wide-ranging measures directed at both the public and private sectors.

Measures proposed include model preventive policies, such as the establishment of anti-corruption bodies and enhanced transparency in the financing of election campaigns and political parties. Furthermore, States must ensure that their public services are subject to safeguards that promote efficiency, transparency and recruitment based on merit. And once recruited, public servants should be subject to stringent codes of conduct.

In an attempt to prevent the laundering of corruption proceeds, the Convention proposes that States set up mechanisms to review suspicious transactions, analyse financial data and exchange information.

Transparency and accountability in matters of public finance must also be promoted. For example, specific requirements should be established for the prevention of corruption in particularly critical areas of the public sector, such as procurement.

Citizens have the right to expect a high standard of conduct from their public servants. However, citizens also have to participate in preventing corruption themselves. For this reason, the Convention calls on countries to actively encourage and promote the involvement of non-governmental and community-based organizations, as well as other elements of civil society, and to raise public awareness of corruption and what can be done about it.

Criminalization

The Convention requires countries to criminalize a wide range of acts of corruption, if these are not already crimes under domestic law. For example, it calls for criminalizing bribery, embezzlement of public funds, money-laundering and obstruction of justice.

Moreover, the Convention contains a range of provisions to support criminalization. Among these are measures to promote cooperation between law enforcement agencies and other relevant bodies, and to encourage the development of standards and procedures to safeguard the integrity of private entities. The Convention also discusses the issue of transparency in the private sector.

Asset Recovery

In a major breakthrough, countries agreed on asset recovery, which is stated explicitly as “a fundamental principle of the Convention.”

Identifying and recovering stolen assets is a major challenge. This is a particularly important issue for many developing countries where high-level corruption has eroded sorely needed public resources.

Reaching agreement on this chapter involved intensive negotiations, as the

www.unodc.org
needs of countries seeking illicit assets had to be reconciled with the legal and procedural safeguards of the countries whose assistance is sought. Several provisions specify how cooperation and assistance will take place.

In particular, in the case of embezzlement of public funds, the confiscated property will be returned to the State requesting it; in the case of proceeds of any other offence covered by the Convention, the property will be returned provided there is proof of ownership or that the country where the funds are located recognizes the damage to the requesting State; in all other cases, priority consideration will be given to the return of confiscated property to the requesting State, to the return of such property to the prior legitimate owners or to compensation of the victims.

Effective asset recovery provisions support the efforts of countries to redress the worst effects of corruption while sending a message to corrupt officials that there will be no place to hide their illicit assets.

**International Cooperation**

Eliminating corruption would be next to impossible without certain laws and practices that apply to countries and governments all over the world. This is where the Convention against Corruption comes in.

With this Convention, countries have agreed to cooperate with one another in every aspect of the fight against corruption, including prevention, investigation, asset recovery and the prosecution of offenders. The idea is to leave criminals nowhere to hide. Individuals will no longer be able to escape their home countries and live without fear of prosecution. Countries are bound by the Convention to render specific forms of mutual legal assistance in gathering and transferring evidence for use in court and to extradite offenders. Countries are also required to undertake measures that will support the tracing, freezing, seizure and confiscation of the proceeds of corruption.

**Implementation Mechanisms**

A conference of States parties will be established to oversee the implementation of the Convention in areas such as mobilization of technical assistance, training, prevention, criminalization of corruption and information exchange. The first meeting will be held in late 2006.

In addition, UNODC’s Global Programme against Corruption (GPAC) will address the anticipated increase in demand for technical assistance once the Convention enters into force. This need is especially acute because of the broad mandate in the prevention chapter. The primary goal of the GPAC is to provide practical assistance and build technical capacity to effectively implement the Convention. The GPAC does this through global programmes and specific country projects. For example, UNODC acts as a secretariat for the International Group for Anti-Corruption Coordination, a body made up of multilateral organizations, international financial institutions, oversight bodies and non-governmental organizations. The GPAC currently has country projects in South Africa, Brazil, Colombia, Cambodia, Nigeria, and Kenya.

The International Day against Corruption, 9 December, should also be seen as an opportunity to re-dedicate ourselves to fighting this crime. It is a day when we should all recognize that we have a personal responsibility to help end corruption.

For further information: [www.unodc.org](http://www.unodc.org)