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¹ The present document is processed in the form in which it was received.



Corruption in International Laws & Judgments

Submission on behalf of the UNCAC Coalition for the consideration of States Parties to the UNCAC

International agreements, judgments by international tribunals, and domestic recognition and enforcement of international obligations prevent corruption by fostering the rule of law. Disregard for international laws and judgments not only undermines the rule of law, but is a bellwether of corruption. It signals the misuse of domestic government institutions — including police and courts — to silence dissent, punish political enemies, enhance corrupt spheres of influence and enrich corrupt officials. Such disregard for international obligations and the related misuse of domestic institutions in fact fosters ongoing cycles of corruption.

Human rights conventions give substance and structure to individual rights. International agreements that include anti-corruption provisions provide a context in which the rule of law can flourish. Judgments by international tribunals — like the UN Commission on Human Rights and the European Court of Human Rights — give that structure and context the force of law. Too often, however, the corrupt conduct of political actors cause these international rights mechanisms to fail. This is particularly dangerous in countries where a corrupt executive exercises political dominion over a pliant judiciary.

In corrupt environments, bad actors can control or manipulate domestic institutions. Regime opponents — whether opposition parties, the press or citizens attempting to call out corruption — are silenced without recourse. Corrupt officials can leverage the threat of domestic prosecution on trumped-up charges to obtain bribes or other political advantages. And this can be accomplished no matter how transparently improper the motivation might be to objective international observers. In such cases, international law stands as a defence against suppression of dissenting views, punishment of political enemies, bribery and even extortion.

Because of their critical role preserving human rights and the rule of law, international human rights and anti-corruption agreements, and the mechanisms for their enforcement, require attention from member states and international institutions like the UNCAC.

States must be incentivized to respect international law and court decisions, to apply international human rights norms and to abide by anti-corruption obligations. The tools available to ensure these goals include not only the enforcement of international judgments, but peer review by co-signatory states and application of other enforcement provisions in international agreements themselves. Success depends upon transparent, honest evaluation of compliance as the price of the benefits to international cooperation, for example through mutual legal assistance. If states do not abide by their international obligations and to comply with international judgments, appropriate sanctions should be considered.

Corruption will thrive, the rule of law will suffer and human rights will be undermined where international law and the judgments of international tribunals are ignored. Avoiding this consequence requires diligence from the entire international community. We need to take international agreements and related obligations seriously, but also must give serious thought to how best to: (a) incentivize cooperation, and, (b) design and implement enforcement mechanisms for when those incentives fail.