Draft UN Convention Against Corruption: A Model for Domestic Anti-Corruption Legislation?

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UN Resolutions on the Convention

• A/RES/55/61 in 2000: An Effective International Legal Instrument Against Corruption

• A/RES/55/186 in 2000: Preventing and Combating Corrupt Practices and Illegal Transfer of Funds and Repatriation of Such Funds to the Countries of Origin
Ad Hoc Expert Groups

- in 2001, set the Terms of Reference for negotiations
- 2002/3, the negotiation group of all participating Member States met 6 times
- Currently meeting for the 7th and last session
- Convention to be signed in December 2003 in Mexico
Model Anti-Corruption Law?

- UN Convention Against Corruption once in force will be binding
- Domestic legislative framework must reflect the provisions of the Convention
Outline of UN Convention

• Preamble
• General Provisions: purpose, definitions, scope
• Preventive Measures/Public Sector: ethics and anti-corruption policies, ethics and anti-corruption bodies, codes of conduct, public procurement and finance, public reporting, political party funding
Outline of UN Convention

• Preventive Measures/ Private Sector and Civil Society: accounting standards, combating money laundering, society participation

• Punishment of Corruption: identification and criminalization of corrupt acts, sanctions and remedies, confiscation and seizure, jurisdiction, liability of legal persons, protection of witnesses and victims, and law enforcement
Outline of UN Convention

• Promoting and strengthening international cooperation: mutual legal assistance, law enforcement cooperation, joint investigations

• Recovery of Assets: preventing money laundering, cooperation on confiscation and return of assets
Outline of UN Convention

Measures for international convention:

• Technical cooperation
• Monitoring implementation
United Nations
Office of Drugs and Crime

Contacts

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