

UN CONVENTION AGAINST CORRUPTION

Global anti-corruption efforts began almost two decades ago, when an initial group including a dozen "international jurisdictions" met in 1983 in Washington, D.C., to facilitate information flows on the prevention and investigation of corruption. The major themes were accountability of managers and employees, cooperation between agencies and jurisdictions, and prevention. The conferences grew steadily in size and influence, with seven more meetings around the world by 1997. In that year, the World Bank and the Inter-American Development Bank joined in, and Transparency International assumed the role of an international clearing house to coordinate anti-corruption efforts.

Joyce Blalock, "International anti-corruption conference: Present at the beginning", The Journal of Public Inquiry, A Publication of the Inspector-Generals of the United States, **Fall/Winter 2001**, pp. 43-44.

The UN had long been active in crime and justice policy matters, eventually including some anti-corruption efforts, and for several decades the United Nations has held global congresses on these topics. At the 1995 global congress, Secretary-General Butros Ghali stated that the UN would "continue to play a major catalytic role in this field" and work to "reinforce ... national efforts" An ECOSOC resolution asked him to undertake joint international activities against mounting corruption problems, and provided a draft international code of conduct for public office holders.

"Rising crime is impairing development and well-being of humanity, states Secretary-General in message to Ninth UN Crime Congress", UN document SG/SM/95/105 of **28 April 1995**, and "Action against corruption", and Annex "Draft international code of conduct for public office holders", Economic and Social Council resolution 1995/14 of **24 July 1995**.

Subsequently, however, the UN concentrated on technical cooperation and advisory services in crime prevention and criminal justice. Global anti-corruption leadership largely passed to the World Bank, civil society groups like Transparency International, and the Organization for Economic Cooperation and Development (OECD). Initiatives were also taken by regional conventions as in Latin America, country level anti-corruption coalitions, and growing attention to global problems of money-laundering.

"Stop the rot: A new treaty ... is just the beginning of the fight against corruption", and "A global war against bribery", Economist, January 16th, 1999, pp. 19-23 and 25,

Stuart C. Gilman, "An idea whose time has come: The international experience ... in developing anticorruption systems", Public Integrity, **Spring 2000**, pp. 135-155,

"The war on corruption", A Publication of the Inspector-Generals of the United States, The Journal of Public Inquiry, **Fall/Winter 2001**, pp. 1-62,

WBI Governance & Anti-Corruption Resource Center of the World Bank Institute at the World Bank, found at www.worldbank.org/wbi/governance/

Transparency International, found at www.transparency.org, and CORISweb, its web portal on corruption and good governance, and

for The Organization for Economic Co-operation and Development (OECD) and its Corruption and Anti-Bribery Convention of 1999 topics, see under "By topic" at www.oecd.org/home/.

In 1999, however, the UN was pressed to exert its universality and become more involved in international anti-corruption efforts. A UN Global Programme Against Corruption (GPAC) was launched in what is now the UN Office on Drugs and Crime in Vienna. It seeks to aid Member States in strengthening their legal and institutional anti-corruption framework, supporting international groups strengthening judicial integrity, developing anti-corruption policies and tools, and enhancing interagency anti-corruption coordination. The UNDP also established Accountability, Transparency and Anti-corruption and Access to Justice efforts, as part of its practice area of promoting democratic governance through reform.

The UNODC Global Programme Against Corruption is found at www.unodc.org/unodc/en/corruption.html, and

the UNDP efforts are found at www.undp.org/governance/index.htm.

In October 2000, the U.S. Congress passed an International Anti-Corruption and Good Governance Act, which included international initiatives for combating corruption and improving accountability, international diplomacy initiatives, and resources to strengthen institutions and reduce the instability that corruption brings, especially through the establishment of anti-corruption agencies.

Donna Rosa, "The Anti-Corruption and Good Governance Act", The Journal of Public Inquiry, **Fall/Winter 2001**, pp. 1-2, and

"Report to Congress pursuant to the International Anticorruption and Good Governance Act (Public Law 106-309):, section II.D. "Global anticorruption diplomacy in the United Nations", US Dept. of State, **2001**.

The 10th UN Crime Congress urged that a convention against transnational organized crime (the UNCTOC, which has subsequently entered into force) should include provisions to criminalize acts of corruption involving public officials, and an *ad hoc* committee of countries then agreed to seek a separate international legal

instrument. In December 2000 the General Assembly established negotiating procedures. The Crime Commission analysed existing instruments in 2001, which were followed by negotiations in Vienna in 2002.

"Vienna: 10th UN Crime Congress: Making concerted efforts to combat organized crime", International Herald Tribune, **14 April 2000**,
John Brandolino, "Fighting corruption: The role of diplomacy and international agreements", The Journal of Public Inquiry, Fall/Winter 2001, pp. 9-12,

In late 2003, after much effort, the UN General Assembly adopted the global Convention Against Corruption:

"... a landmark anti-corruption treaty ...

The treaty ... adopted by consensus, spells out measures to prevent corruption in the public and private sectors and requires governments to cooperate in the investigations and prosecutions of offenders.

'The adoption of the [UN] Convention against Corruption sends a clear message that the international community is determined to prevent and control corruption,' Secretary-General Kofi Annan said.

'And it reaffirms the importance of core values, such as honesty, respect for the rule of law, accountability and transparency, in promoting development and making the world a better place for us all."

Edith M. Lederer, "U.N. Assembly OK's anti-corruption treaty," AP, **October 31, 2003**. [emphasis added.]

In May 2004 over 600 delegates at the annual crime commission session in Vienna reviewed the activities of the UNODC and *inter alia*:

"... called [on] countries to ratify the UN Convention against Corruption, and give UNODC the necessary resources to promote its entry into force, and to provide technical assistance to developing countries ... to allow them to ratify and implement the treaty.

So far 108 countries have signed and two have ratified the Convention, which seeks to combat corruption worldwide ... It will enter into force when ratified by 30 countries."

"Fighting terrorism and corruption among resolutions adopted at UN crime commission", UN News Service, **21 May 2004**.

[Note: the Convention itself can be found at www.unodc.org/unodc/crime_convention_corruption

The UNODC website on the Global Corruption Programme notes that as of April 2004 106 countries had already signed the convention, which:

"... indicates both an acute awareness of the severity of the problem, as well as a remarkable political commitment to tackle it. This commitment must be harnessed. UNODC has limited resources: building on the framework of the Convention, it must lever (?) changes in areas where it has acquired expertise and experience and in societies where the problem is most severe. And, critically, it must work with others to ensure a unified response that maximizes the impact of international assistance. The Convention marks a major step forward in international cooperation against corruption."

"About the UN Global Programme", at
www.unodc.org/unodc/en/corruption.html .

The new Convention is a big step forward, although implementing it will be an enormous task. But at present the UN is gravely handicapped in its leadership and advisory roles by its own weak corruption-fighting activities, and thus wide open as well to charges of hypocrisy. This is underscored by all the topics in the preceding section on The UN, Alone and UNaccountable , and especially the subsection on Corruption characteristics, of which the UN has many. It is also hampered by the struggles of the UNODC itself, as described in the preceding topic on the problems of its very own Top corruption fighter corrupted .

The UN thus has another major problem to overcome. It wants to lead the international community with a "clear message" of "determination to prevent and control corruption", and to "reaffirm the core values such as honesty, respect for the rule of law, accountability and transparency ... to make the world a better place", as Mr. Annan emphasized in his speech above. To do so, however, the UN must start at home, by radically strengthening its own corruption-fighting programme, determination, credibility, and reputation.

It must build that credibility with its staff as well. Once again, as the June 2004 UN integrity survey found, from its more than 6,000 staff respondents:

"A new survey of ... [UN integrity perceptions has found that] while structures for reporting and combating corruption exist, most staff members are either unaware of how to use them or afraid to do so for fear of high-level retaliation.

... [The study] is being made public at a time when Secretary-General Kofi Annan has been forced by the widespread publicity [about corruption in the Iraq oil-for-food program] to appoint a high-level panel to look into [it] ...

The new study records relatively high levels of worker satisfaction ... but its most negative findings have to do with ingrown leadership and the lack of response to reports of corruption.

'Get rid of the old boy network,' one staff member ... [says.] 'That network is wide, tenacious and powerful. ... So long as you can wind your way into that network, you are OK. ... Opposing the network is certainly the end of a UN career.'

Warren Hoge, "Report criticizes the way UN fights corruption", International Herald Tribune, June 16, 2004. [emphasis added.]

[Note: The actual survey is "United Nations organizational integrity survey", Final Report, prepared by Deloitte Consulting LLP, **June 2004.**

It can be found at <http://www.un.org/News/ocg/sg/index.shtml> .]

The UN can of course meet this anti-corruption challenge if its leadership is now finally prepared to act. A reasonable,

urgent, and essential way ahead is A real UN fraud prevention programme , which is proposed as the first topic of the next major subsection, Answers: A Starting Point .