

UN Convention Against Corruption (UNCAC)

UNITED
AGAINST
CORRUPTION





**When you don't take a stand
against corruption you
tacitly support it.**

Kamal Haasan



UNCAC



- Universal **legally binding** anti-corruption instrument
- **Far-reaching** approach
- **Comprehensive response to global problem**



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- **Promote and strengthen** measures to **prevent and combat** corruption more **efficiently and effectively**
- **Promote, facilitate and support** international cooperation and technical assistance in prevention of and fight against corruption (*including in asset recovery*)
- Promote **integrity, accountability, and proper management** of public affairs and property



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- **5 major areas:**

- 1. Prevention** Chapter II (Articles 5–14)
- 2. Criminalization and law enforcement measures**
Chapter III (Articles 15–42)
- 3. International cooperation** Chapter IV (Articles 43–50)



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- 4. **Asset recovery** Chapter V (Articles 51–59)
- 5. **Technical assistance and information exchange**
Chapter VI (Articles 60–62)



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- **Innovative** anti-corruption instrument
- Address **major manifestations** of corruption - *bribery and embezzlement*
- Also **acts** carried out in support of corruption - *obstruction of justice, trading in influence and concealment or laundering of proceeds of corruption*



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- Address corruption in **private-to-public** relationships (*business relationships with public officials, including state-owned enterprises*)
- Also **private-to-private** relationships (*relationships among companies*)



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- **Legally binding** on States that ratified or acceded to it
- **Implement** provisions through adoption and enforcement of **national** *legislation, policies and practices*



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- Provisions have **direct impact** on **corporate community**
- Serve as **inspiration** for companies adopting or reviewing anti-corruption policies



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- Adopted by **United Nations General Assembly** in **October 2003** (Resolution 58/4)
- Entered into force in **December 2005**
- As of June 2013 167 States parties



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- Avert **market distortions** and combat **unfair competition**
- **Article 12(1)** call on States parties to “... *take measures, in accordance with fundamental principles of domestic law, to prevent corruption involving private sector,*



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- *enhance **accounting** and **auditing** standards and, where appropriate, provide **effective, proportionate** and **dissuasive** civil, administrative or criminal **penalties** for failure to **comply** with such measures.”*



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- Other areas **directly relevant** to private sector:
- ***Public procurement*** (article 9)
- ***Money-laundering*** (article 14)
- ***Criminalization of offences of corruption*** (articles 15-19, 21-25)



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- ***Liability of legal persons (article 26)***
- ***Protection of witnesses, experts and victims (art. 32)***
- ***Protection of reporting persons (article 33)***
- ***Consequences of acts of corruption (article 34)***



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- *Cooperation with **law enforcement authorities** (article 37)*
- *Cooperation between **national authorities** and **private sector** (article 39)*
- ***Bank secrecy** (article 40)*



PRIVATE SECTOR



- **Vested interest** in contributing towards universal ratification and implementation of UNCAC
- Companies operating in **highly competitive markets** assured of **fairness** and **equity** of business relations



PRIVATE SECTOR



- **Working in partnership** with States and international organizations
- Achieve **competitive** but **fair markets**

**When the
whole world
is silent,
even one voice
becomes
powerful.**

