

The United Nations Convention against Corruption (UNCAC)

The United Nations Convention against Corruption is a legally binding international anti-corruption instrument created under the auspices of the United Nations Office on Drugs and Crime; it entered into force on 14 December 2005. The main chapters of the Convention deal with:

Prevention (chapter II): commits States to establish and promote effective practices preventing corruption in both the public and private sectors. These include:

- Model preventive policies such as establishing anti-corruption bodies and enhancing financial transparency
- Measures to promote transparency and accountability, for example in public financing
- Measures that ensure public officials are subject to certain safeguards, such as financial disclosure
- Measures that raise awareness of corruption
- Specific requirements in critical areas, for example public procurement or the judiciary

Establishing criminal and other offences to cover acts of corruption that are not already crimes under domestic law (chapter III): States are

- Legally obliged to establish basic offences (such as bribery and embezzlement by public officials), or
- Required to consider establishing more sophisticated offences such as, trading in influence, abuse of functions and illicit enrichment).

The Convention deals with:

- Basic forms of corruption such as bribery and embezzlement
- Complex forms of corruption such as trading in influence, laundering of proceeds
- Offences committed in support of corruption such as money laundering or obstructing justice
- Private sector corruption

International cooperation in the prevention, investigation, and prosecution of offenders (chapter IV): states are to:

- Provide specific forms of mutual legal assistance, in prosecuting, judicial proceedings etc. (Article 46);
- Undertake measures that will support the tracing, freezing, seizure and confiscation of the proceeds of corruption (Article 54).

Asset-recovery is stated in Article 51 to be a fundamental principle of the Convention (chapter V). In this area, the treaty reconciled::

- The needs of countries seeking the illicit assets with
- Legal and procedural safeguards in the countries whose assistance is sought

- Several provisions specify how cooperation and assistance are to work:
 - Article 43 obliges state to extend the widest possible cooperation to each other in the investigation and prosecution of offences defined in the Convention.
 - Article 51 provides for the return of assets to countries of origin