



FACT SHEET 2

CONVENTION AGAINST CORRUPTION: Q&A

After less than two years of negotiations, Member States of the United Nations finalized the text of a new international treaty, the United Nations Convention against Corruption. The Convention was agreed on by an Ad Hoc Committee, established by the General Assembly in December 2000. The Committee was serviced by the United Nations *Office on Drugs and Crime* (UNODC) in Vienna, Austria.

The Convention was then submitted to the General Assembly, which adopted it on 31 October 2003 and opened it for signature by Member States in Mérida, Mexico, from 9-11 December 2003. The Convention will enter into force when 30 countries have ratified it.

• Does the Convention define corruption?

The Convention has taken the approach that a comprehensive definition of corruption was neither necessary nor feasible. Corruption is a fluid concept, signifying different things to different people. More importantly, it is an evolving concept. The Convention is designed to function in a global environment and is geared towards the future. In light of those objectives, and in view of the multifaceted nature of the phenomenon and the consequent difficulty of constructing a legal definition, the Convention adopted a descriptive approach, covering various forms of corruption that exist now, but also enabling States to deal with other forms that may emerge.

• Why do we need a global Convention against Corruption?

In many countries, applicants for drivers' licences, building permits and other routine documents have learned to expect a "surcharge" from civil servants. At a higher level, larger sums are paid for public contracts, marketing rights or to sidestep inspections and red tape.

However, the consequences of such acts of corruption go further than fattening the bank accounts of a few public sector officials. Corruption causes reduced investment or even disinvestment, with many long-term effects, including social polarization, lack of respect for the rule of law and human rights, undemocratic practices and diversion of funds intended for development and essential services.

The diversion of scarce resources by corrupt parties affects a government's ability to provide basic services to its citizens and to encourage sustainable economic, social and political development. Moreover, it can jeopardize the health and safety of citizens through, for example, poorly designed infrastructure projects and scarce or outdated medical supplies.

Most importantly, corruption has the greatest impact on the most vulnerable part of a country's population, the poor.

• Where does the United Nations step in?

It is increasingly recognized that combating corruption is integral to achieving a more effective, fair and efficient government. More and more countries see that bribery and cronyism hold back development and are asking the United Nations to help them gain the tools to curb such practices.

Since the causes of corruption are different from one country to the next, preventive, enforcement and prosecutorial measures that work in some countries may not work in others. Also, some countries need help in implementing anti-corruption practises due to lack of resources.

• What makes the Convention against Corruption different from others like it?

The United Nations Convention against Corruption is the first global legally binding instrument. Other instruments that already exist are regional and designed to operate in a more limited environment. From a substance viewpoint, the new Convention breaks new ground with its provisions on asset recovery and prevention.

- **How does it work?**

Corruption impoverishes countries and deprives their citizens of good governance. It destabilizes economic systems, even of whole regions. Organized crime, terrorism and other illegal activities flourish. In many countries, corruption erodes basic public functions and the quality of life of people.

The treaty recognizes that the problem of corruption goes beyond criminal conduct. Therefore, the Convention contains a broad range of measures designed for preventive action at the national level or aimed at strengthening cooperation among countries in the area of prevention. The Convention complements these provisions with obligations that States Parties will undertake by ratifying the treaty to criminalize certain forms of conduct, such as bribery, embezzlement or money laundering.

An important part of the Convention is dedicated to fostering international cooperation with specific measures such as extradition and mutual legal assistance. An entirely new set of rules and measures contained in the Convention relates to asset recovery. Finally, the Convention includes provisions on technical cooperation to strengthen the capacity of developing countries in implementing its provisions.

- **What happens after the Convention is signed?**

The process of ratification by individual countries will start. The Convention will enter into force after 30 countries have ratified it. The work doesn't end once the Convention is ratified. A Conference of the States Parties has been established, which will promote and review implementation. The Conference will meet regularly and serve as a forum for reviewing the implementation by States Parties and facilitating activities required by the Convention.

- **A brief history**

The first session of the Ad Hoc Committee was held in January 2002. At its first and second sessions, the Committee concluded the first reading of the draft Convention. At the third and fourth sessions, the second reading was completed. At the fifth session, in March 2003, the Committee reached a preliminary agreement on a significant number of provisions.

The sixth session lasted a week longer than the previous five, including night sessions. After a debate lasting through to 3:50 a.m. on Saturday, 9 August 2003, delegates from the 128 Member States decided to continue working on the Convention on Corruption's final details in a short, three-day seventh session, which concluded on 1 October, 2003.

For further information:

www.unodc.org and **www.unis.unvienna.org**