



Pacific Centre



Global and regional anti-corruption developments: UNCAC and other initiatives

9 December 2008



UNDP in the Pacific

- UNDP Pacific Centre
 - Technical advice for country programmes
 - Regional initiatives
- UNDP Country Offices
 - **Fiji Multi-Country Office**: Federated States of Micronesia, Fiji, Republic of the Marshall Islands, Palau, Vanuatu, Tuvalu, Tonga, Kiribati, Nauru
 - Solomon Islands Sub-Office
 - **Samoa MCO**: Samoa, Cook Islands, Tokelau and Niue
 - **Papua New Guinea CO**

UNDP anti-corruption work

- ***Support regional priorities***
 - Pacific Plan – Good Governance Pillar - Initiative 12.1
 - specifically on strengthening accountability institutions through regional & sub-regional mechanisms
 - PC commissioned 14 country accountability study
 - Identifying strengths and weaknesses of national accountability frameworks & institutions
 - Review with UNCAC framework in mind
 - Consider options for support

UNDP anti-corruption work

- ***Support regional priorities***
 - Support freedom of information
 - Cook Islands – only FOI law in the Pacific
 - Regional workshop for policy-makers in July-08
 - Follow up being planned nationally
 - Tonga, Palau, Vanuatu, Solomon Islands, Nauru
 - Sub-regional UNCAC workshop for Melanesia in early 2009
 - Fiji and PNG have ratified
 - Provide TA for national AC plans – upon request

UNCAC: An overview

- ***To date: 126 parties – 140 signatures***
- ***4 main chapters***
 - **Chpt 2: Prevention**
 - **Articles 5-14**
 - **Chpt 3: Criminalisation**
 - **Chpt 4: International Cooperation**
 - **Chpt 5: Asset Recovery**
- **Different levels of obligation**
 - **Mandatory - “Shall adopt”**
 - **Optional**
 - “Shall consider adopting or “shall endeavour”
 - “May adopt”

UNCAC: Chapter 2 - Prevention

- ***Art 5: Effective and coordinated anti-corruption policies***

- ***Art 6: AC bodies to:***
 - (i) Implement policies***
 - (ii) Disseminate knowledge***
 - independent
 - properly resourced
 - properly trained

UNCAC: Chapter 2 - Prevention

- ***Art 7: Public sector***
 - Civil servants recruitment, hiring, retention, promotion and retirement to be based on merit and aptitude
 - Special provisions for selection, rotation and training of positions esp. vulnerable to corruption
 - Training for public servants on AC and ethics
 - Transparency in funding of political parties and candidates
- ***Art 8: Codes of conduct***
 - Codes of conduct
 - Reporting of corruption
 - Disclosure of conflicts of interest
 - Disciplinary measures

UNCAC: Chapter 2 - Prevention

- ***Art 9: Public procurement***
 - Based on competition and objective criteria
 - Public distribution of tender docs / criteria / etc
 - Systems of review and appeal
 - Special training for procurement officers + COI
- ***Art 10: Public reporting (FOI?)***
 - Citizens to have ATI and decisions-making process of public administrations
 - Admin procedures to be simplified
 - Proactive disclosure of govt activities

UNCAC: Chapter 2 - Prevention

- ***Art 11: Judiciary***
 - Independence of judiciary
 - Independence of prosecution service
 - Special codes of conduct

- ***Art 12: Private sector***
 - Enhanced accounting and auditing standards
 - No tax exemption for bribes
 - Dissuasive civil, admin or criminal sanctions

UNCAC: Chapter 2 - Prevention

- ***Art 13: Public participation***
 - Ensure active participation of civil society
 - Provide public access to AC bodies
 - Encourage citizens to report on offences

- ***Art 14: Money laundering***
 - Proper regulation of banking / finance / non-banking sector
 - Ensure domestic and international cooperation

UNCAC: Chapter 3 - Criminalisation

- ***Mandatory Offences***

- Bribery of national public officials (Art 15)
- Active bribery of international public officials (Art 16) – [offering a bribe]
- Embezzlement, misappropriation and other diversion of funds (Art 17)
- Money laundering (Art 23)
- Obstruction of justice (Art 25)

UNCAC: Chapter 3 - Criminalisation

- ***Additional Offences***

- Passive bribery of foreign official (Art 16)
[receiving a bribe]
- Trading in influence (Art 18)
- Abuse of function (Art 19)
- Illicit enrichment (Art 20) – disproportionate wealth
- Bribery in private sector (Art 21)
- Embezzlement in private sector (Art 22)

UNCAC: Chapters 4 and 5

- **Chapter 4**
 - International cooperation
- **Chapter 5**
 - Asset recovery
 - Bring \$\$\$ back into the jurisdiction from which it was taken
 - Deals only with corrupt money
 - Not drugs, trafficking, etc



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Ms Charmaine Rodrigues
UNDP Regional Legislative
Strengthening Advisor
Pacific Centre, Suva

Ph: +679 330 0399 x208

Email: charmaine.rodrigues@undp.org