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THE ROLE OF THE UNITED NATIONS ANTI-CORRUPTION CONVENTION IN THE FIGHT AGAINST CORRUPTION

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ABSTRACT

The United Nations Convention Against Corruption (UNCAC), adopted in 2003 and enforced from 2005, represents a significant global effort to address and mitigate the pervasive issue of corruption. This comprehensive treaty outlines measures for prevention, criminalization, international cooperation, and asset recovery, aiming to harmonize anti-corruption policies across member states. UNCAC's preventive measures promote the establishment of anti-corruption bodies, transparency in public administration, and integrity within the private sector. Its criminalization provisions mandate the penalization of various corrupt activities, including bribery and money laundering. The convention also enhances international cooperation, facilitating mutual legal assistance and information exchange among nations. Furthermore, UNCAC's robust asset recovery framework ensures the return of illicitly acquired assets to their countries of origin, strengthening financial regulations and enforcement mechanisms.

By offering a thorough legal framework and encouraging international cooperation, the United Nations Convention against Corruption (UNCAC) is vital to the global fight against corruption. One of the first international legal tools against corruption, for instance, is UNCAC. It lays out a thorough framework for the avoidance, identification, prosecution, and punishment of crimes relating to corruption. The Convention includes principles like transparency, accountability, and integrity in both the public and private sectors and covers a wide range of corrupt practices like bribery, embezzlement, influence peddling, and money laundering. Moreover, UNCAC promotes international cooperation and mutual assistance in combating corruption. It establishes mechanisms for states to cooperate in areas such as extradition, asset recovery, legal assistance, and information sharing. UNCAC also encourages the exchange of best practices, technical assistance, and capacity-building support among states and international organizations to enhance their anti-corruption efforts. Besides that, UNCAC places a strong emphasis on prevention as a key component of anti-corruption efforts. The Convention requires States Parties to implement preventive measures such as codes of



conduct, financial disclosure requirements, and measures to promote transparency in public procurement and public financial management. The UNCAC also includes provisions for the recovery of assets obtained through corrupt practices, including mechanisms for the return of stolen assets to their rightful owners. In addition, UNCAC contributes to the promotion of good governance by strengthening institutions, increasing transparency and accountability, and promoting the rule of law. The Convention emphasizes the importance of effective anti-corruption measures in promoting sustainable development, reducing poverty, and promoting social justice and equality. Also, UNCAC includes a comprehensive review mechanism to monitor the implementation of its provisions by states parties. The Convention requires states to submit periodic reports on their anti-corruption efforts, which are reviewed by an independent expert body known as the Conference of the States Parties to UNCAC. This monitoring mechanism helps identify challenges and areas for improvement in the implementation of anti-corruption measures and provides support and assistance to states in addressing them. Overall, UNCAC plays a vital role in the global fight against corruption by providing a common legal framework, promoting international cooperation, and supporting efforts to prevent, detect, and prosecute corrupt practices. By ratifying and implementing UNCAC, state parties demonstrate their commitment to combating corruption and promoting transparency, integrity, and accountability in governance and society.

Corruption begets more corruption and fosters a corrosive culture of impunity. The United Nations Convention against Corruption is among our primary tools for advancing the fight. Sustainable Development Goal 16 and its targets also offer a template for action. Through the Convention's peer review mechanism, we can work together to build a foundation of trust and accountability. We can educate and empower citizens, promote transparency and strengthen international cooperation to recover stolen assets¹.

The United Nations Convention against Corruption (UNCAC) is a comprehensive international legal instrument that outlines a framework for preventing, detecting, prosecuting, and punishing corruption. The Convention consists of several key components, including:

- Preamble: The preamble of UNCAC sets out the purpose and objectives of the Convention, emphasizing the importance of preventing and combating corruption at the national and international levels. It reaffirms the commitment of state parties to promoting integrity, accountability, and transparency in public and private sector institutions.
- Chapters and Articles: UNCAC is divided into several chapters, each addressing specific aspects of corruption and anti-corruption measures. The Convention contains a total of 71 articles, covering a wide range of topics related to corruption, including criminalization and law enforcement, prevention, asset recovery, international cooperation, and monitoring and review.
- Criminalization and Law Enforcement: UNCAC includes provisions requiring states parties to criminalize various forms of corruption, such as bribery, embezzlement, trading in

¹ António Guterres UN Secretary-General, United Nations Convention against Corruption (UNCAC)
<https://www.unodc.org/unodc/en/treaties/CAC/>



influence, and money laundering. It also sets out measures for enhancing law enforcement efforts, including investigation, prosecution, and adjudication of corruption-related offences.

- **Preventive Measures:** UNCAC emphasizes the importance of preventive measures in combating corruption. It requires state parties to implement measures to promote integrity, transparency, and accountability in public and private sector institutions. These measures may include the establishment of codes of conduct, financial disclosure requirements, and measures to prevent conflicts of interest and nepotism.
- **Asset Recovery:** UNCAC includes provisions for the recovery of assets obtained through corrupt practices. It requires state parties to take measures to identify, trace, freeze, and confiscate illicitly acquired assets and to facilitate the return of such assets to their rightful owners. UNCAC also promotes international cooperation in asset recovery efforts.
- **International Cooperation:** UNCAC promotes international cooperation and mutual assistance in combating corruption. It establishes mechanisms for states parties to cooperate in areas such as extradition, legal assistance, and information sharing. UNCAC also encourages the exchange of best practices, technical assistance, and capacity-building support among states and international organizations.
- **Monitoring and Review Mechanism:** UNCAC includes a comprehensive review mechanism to monitor the implementation of its provisions by state parties. The Convention requires states to submit periodic reports on their anti-corruption efforts, which are reviewed by an independent expert body known as the Conference of the States Parties to UNCAC. This monitoring mechanism helps identify challenges and areas for improvement in the implementation of anti-corruption measures. The structure of UNCAC reflects a comprehensive and integrated approach to combating corruption, addressing both the supply and demand sides of corruption and promoting international cooperation and coordination in anti-corruption efforts.

The United Nations Convention against Corruption (UNCAC) aims to combat corruption comprehensively by promoting integrity, accountability, and transparency in both the public and private sectors. For instance, UNCAC seeks to prevent corruption by promoting measures to enhance transparency, integrity, and accountability in public and private sector institutions. It encourages state parties to implement preventive measures such as codes of conduct, financial disclosure requirements, and measures to prevent conflicts of interest and nepotism. Secondly, UNCAC aims to criminalize corrupt practices and strengthen law enforcement efforts to detect, investigate, prosecute, and punish corruption-related offences. It requires state parties to adopt legislation criminalizing bribery, embezzlement, trading in influence, and money laundering, and to enhance the capacity of law enforcement agencies to combat corruption effectively. Besides that UNCAC promotes international cooperation and mutual assistance in combating corruption. It establishes mechanisms for state parties to cooperate in areas such as extradition, legal assistance, asset recovery, and information sharing. UNCAC also encourages the exchange of best practices, technical assistance, and capacity-building support among states and international organizations. Furthermore, UNCAC aims to recover assets obtained through corrupt practices and return them to their rightful owners. It requires state parties to take measures to identify, trace, freeze, and confiscate



illicitly acquired assets, and to facilitate the return of such assets through international cooperation and coordination efforts. Also, UNCAC contributes to the promotion of good governance by strengthening institutions, enhancing transparency and accountability, and promoting the rule of law. The Convention emphasizes the importance of effective anti-corruption measures in fostering sustainable development, reducing poverty, and promoting social justice and equality. Moreover, UNCAC supports capacity-building efforts and provides technical assistance to states parties to strengthen their anti-corruption institutions and implement anti-corruption measures effectively. It encourages the exchange of expertise, training, and resources among states and international organizations to enhance their capacity to combat corruption. The aims of UNCAC reflect a comprehensive and integrated approach to combating corruption, addressing both the root causes and consequences of corruption, and promoting cooperation and coordination among states and stakeholders at the national, regional, and international levels. By advancing these objectives, UNCAC seeks to contribute to the promotion of integrity, accountability, and transparency in governance and society worldwide.

The United Nations Convention against Corruption (UNCAC) has significant effects on state legal systems by influencing legislation, institutional frameworks, enforcement mechanisms, and international cooperation. Here are some key effects of UNCAC on state legal systems:

- UNCAC often prompts states to enact or revise their domestic laws to align with the Convention's provisions. This may involve criminalizing various forms of corruption, including bribery, embezzlement, trading in influence, and money laundering. States may also adopt measures to enhance transparency, accountability, and integrity in public and private sector institutions, such as establishing codes of conduct, financial disclosure requirements, and whistleblower protection mechanisms.
- UNCAC encourages states to establish or strengthen specialized anti-corruption institutions and bodies responsible for preventing, detecting, investigating, and prosecuting corruption-related offenses. This may include anti-corruption agencies, special prosecutor offices, anti-corruption commissions, and oversight bodies tasked with monitoring compliance with anti-corruption laws and standards.
- UNCAC requires states to enhance their law enforcement efforts to combat corruption effectively. This may involve strengthening the capacity of law enforcement agencies, judiciary, and other relevant authorities to investigate and prosecute corruption cases. States may also adopt measures to protect witnesses, whistleblowers, and victims of corruption and to ensure due process rights are upheld in corruption-related proceedings.
- UNCAC promotes international cooperation and mutual assistance in combating corruption. States parties are required to cooperate with each other in areas such as extradition, legal assistance, asset recovery, and information sharing. UNCAC also encourages states to participate in regional and international anti-corruption initiatives and to exchange best practices, expertise, and resources to enhance their capacity to combat corruption effectively.



– UNCAC includes a comprehensive review mechanism to monitor the implementation of its provisions by states parties. This involves submitting periodic reports on anti-corruption efforts, which are reviewed by an independent expert body known as the Conference of the States Parties to UNCAC. The monitoring mechanism helps identify challenges and areas for improvement in the implementation of anti-corruption measures and provides support and assistance to states in addressing them.

UNCAC has significant effects on state legal systems by promoting legislative reforms, institutional strengthening, enhanced enforcement mechanisms, international cooperation, and monitoring and review of anti-corruption efforts. By aligning their legal systems with UNCAC's provisions and participating actively in its implementation, states can strengthen their capacity to combat corruption effectively and promote integrity, transparency, and accountability in governance and society.

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