

I. International legal frameworks for combating corruption



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**The keystone to justice is the
belief that the legal system treats
all fairly.**

Janet Reno

International Legal Frameworks

- Developed to tackle **corruption**
- **Global**
- ***United Nations Convention against Corruption (UNCAC): 2005***
- ***Convention on Combating Bribery of Foreign Public Officials in International Business: 1999***

International Legal Frameworks

- **Regional level:**
- ***Inter-American Convention Against Corruption 1997***
- ***African Union's Convention on Preventing and Combating Corruption 2003***
- ***Council of Europe's Criminal Law Convention on Corruption 1998***

International Legal Frameworks

- ***Civil Law Convention on Corruption*** 1999
- ***Convention against Corruption Involving European Officials or Officials of Member States of the European Union*** 1997

International Legal Frameworks

- Mandate States parties **criminalize** and **punish** variety of corrupt practices
- **Relevant domestic laws** have direct impact on business, especially in States parties to instruments that require establishment of **liability** of legal persons for **corrupt acts**

International Legal Frameworks

- Some require holding legal persons **liable** for corrupt practices (*UNCAC, OECD Anti-Bribery Convention, and Council of Europe Criminal Law Convention on Corruption*)
- Some promote **adoption by businesses of compliance programmes and codes of conduct**

International Legal Frameworks

- **OECD Recommendation** for further Combating Foreign Bribery (2009) ask Member countries to encourage **companies to develop and adopt** adequate internal controls, ethics and compliance programmes or measures for purpose of **preventing and detecting** foreign bribery

International Legal Frameworks

- **OECD** issued **Good Practice Guidance** on Internal Controls, Ethics, and Compliance
- **African Union Convention** require States parties to establish mechanisms to encourage **participation** by private sector in fight against **unfair competition, respect of tender procedures** and **property rights**

International Legal Frameworks

- **World Bank's** sanctions system **complement** international anti-corruption framework
- *Issue public letter of reprimand to sanctioned party*
- *Order **debarment** or demand **restitution** of ill-gotten gains to **government** or to **victim of corrupt act***
- *Impose conditional **non-debarment** and **debarment** with **conditional release***

**The world will not
be destroyed by
those who do evil,
but by those who
watch them without
doing anything.**