# 12. Corruption

# Commitment [#143]:

"We will lead by example in key areas as detailed in the Anti-Corruption Action Plan, including: to accede or ratify and effectively implement the UN Convention against Corruption and promote a transparent and inclusive review process."

Seoul Summit Document

Country	Lack of Compliance	Work in Progress	Full Compliance
Argentina		0	
Australia		0	
Brazil			+1
Canada		0	
China			
France		0	
Germany	-1		
India		0	
Indonesia			+1
Italy			+1
Japan	-1		
Korea			+1
Mexico			+1
Russia			+1
Saudi Arabia	-1		
South Africa			+1
Turkey			+1
United Kingdom			+1
United States		0	
European Union			+1
Average Score		+0.35	

# Assessment:

# **Background:**

The G20 has promoted the United Nations Convention against Corruption (UNCAC) as one of the key instruments for combating corruption. The UNCAC sets out standards as well as legal and regulatory systems, designed to prevent and punish corruption, and to facilitate "international cooperation and technical assistance in the prevention of and fight against corruption, including asset recovery."<sup>1160</sup>

On 28 January to 1 February 2008, the the Bali Conference to Strengthen Integrity and Fight Corruption took place in Indonesia, in the attendance of over 100 UNCAC member states.<sup>1161</sup> The Bali Conference emphasized the responsibility states have to each other in the fight against

<sup>1161</sup> Bali Conference to Strengthen Integrity and Fight Corruption. United Nations Office on Drugs and Crime (Vienna) 15 January 2008. Date of Access: 1 November 2009. http://www.unodc.org/unodc/en/press/releases/2008-01-15.html.

<sup>&</sup>lt;sup>1160</sup> United Nations Convention against Corruption. United Nations Office on Drugs and Crime (Vienna) September 2004. Date of Access: 1 November 2009.

http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\_E.pdf.

corruption and highlighted the need for further international cooperation.<sup>1162</sup> During the Conference, Antonio Maria Costa, Executive Director of the United Nations Office on Drugs and Crime, highlighted the importance of the proposed review mechanism, stating: "An effective review mechanism will ensure that this powerful piece of international law lives up to its potential."<sup>1163</sup>

The UNCAC review mechanism was proposed in 2006, at the first session of the Conference of States Parties to the UNCAC in Amman, Jordan, to help members assess their progress in implementing the treaty.<sup>1164</sup> The leaders established an intergovernmental working group that since 2006 has met several times, and reported back to the Second Conference of States Parties to the UNCAC early in 2008. The working group met again in September and December of 2008, as well as in May 2009.<sup>1165</sup> The third session of the Conference of States Parties to the UNCAC was held in Doha, Qatar from 9 to 13 November 2009.<sup>1166</sup> After a week of negotiations, member states agreed to a mechanism to monitor the implementation of the UNCAC and issued the Doha Resolutions as an unofficial document that is not edited yet.<sup>1167</sup>

Table 10 shows the G20 members' commitment to the UNCAC.

# **Commitment Features:**

This is a two-part commitment calling G20 members to (1) ratify the UNCAC, have they already not done so, and (2) promote a transparent and inclusive UNCAC implementation review process. Since ratifying the UNCAC is not an incremental process, but a one-off action, ratifications that took place before the Seoul Summit are counted as compliance. Thus for full compliance, the G20 members must ratify (or have already ratified) the UNCAC and promote a transparent and inclusive UNCAC implementation review process.

For countries, that have not ratified the UNCAC, its ratification should be considered as compliance. For countries that have already ratified the UNCAC, only the adoption of an effective, transparent, and inclusive mechanism during the third Conference of the Parties in Doha should be considered as compliance. Since information on voting is unavailable, member's position at the Doha Conference will be monitored by analyzing statements of the country's officials and official documents. The UNCAC adoption will be monitored in both national and the respective international organisations' sources, as the fact of ratification can be reflected by the UN Office on Drugs and Crime with a delay.

<sup>&</sup>lt;sup>1162</sup> Bali Conference to Strengthen Integrity and Fight Corruption, United Nations Office on Drugs and Crime (Vienna) 15 January 2008. Date of Access: 1 November 2009. http://www.unodc.org/unodc/en/press/releases/2008-01-15.html.

<sup>&</sup>lt;sup>1163</sup> Bali Conference to Strengthen Integrity and Fight Corruption. United Nations Office on Drugs and Crime (Vienna) 15 January 2008. Date of Access: 1 November 2009.

http://www.unodc.org/unodc/en/press/releases/2008-01-15.html.<sup>1164</sup> Open-ended Intergovernmental Working group on the Review of the Implementation of the United

Nations Convention against Corruption, United Nations Office on Drugs and Crime (Vienna). Date of Access: 1 November 2009. <u>http://www.unodc.org/unodc/en/treaties/CAC/working-group1.html</u>.

<sup>&</sup>lt;sup>1165</sup> Open-ended Intergovernmental Working group on the Review of the Implementation of the United Nations Convention against Corruption, United Nations Office on Drugs and Crime (Vienna). Date of Access: 1 November 2009. <u>http://www.unodc.org/unodc/en/treaties/CAC/working-group1.html</u>.

<sup>&</sup>lt;sup>1166</sup> Third session of the Conference of the States Parties to the United Nations Convention against Corruption, United Nations Office on Drugs and Crime (Vienna). Date of Access: 11 January 2010. http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session3.html <sup>1167</sup> Doha Resolutions, United Nations Office on Drugs and Crime.

http://www.unodc.org/documents/treaties/UNCAC/COSP/session3/Doha resolutions unofficial.pdf

Table 10. Ratification of the Onited Nations Convention against Corruption			
G20 Member	UNCAC Signature / Ratification, Approval (a) <sup>1168</sup>		
Argentina	10 December 2003 / 28 August 2006		
Australia	9 December 2003 / 7 December 2005		
Brazil	9 December 2003 / 15 June 2005		
Canada	21 May 2004 / 2 October 2007		
China	10 December 2003 / 13 January 2006		
France	9 December 2003 / 11 July 2005		
Germany	9 December 2003 /		
India	9 December 2005 / 1 May 2011		
Indonesia	18 December 2003 / 19 September 2006		
Italy	9 December 2003 / 5 October 2009		
Japan	9 December 2003 /		
Korea	10 December 2003 / 27 March 2008		
Mexico	9 December 2003 / 20 July 2004		
Russia	9 December 2003 / 9 May 2006		
Saudi Arabia	9 January 2004 /		
South Africa	9 December 2003 / 22 November 2004		
Turkey	10 December 2003 / 9 November 2006		
United Kingdom	9 December 2003 / 9 February 2006		
United States	9 December 2003 / 30 October 2006		
European Union	15 September 2005 / 12 November 2008 (a)		

Table 10: Ratification of the United Nations Convention against Corruption

The second commitment feature comprises measures undertaken by the member states for promotion of a review process. Participation in the second session of the Implementation Review Group of the UNCAC in Vienna on 30 May – 3 June 2011 will be considered as compliance.<sup>1169</sup>

# **Scoring Guidelines:**

0			
-1	Member does not ratify and implement the UNCAC AND does not promote a		
	transparent and inclusive review process.		
0	Member ratifies or has already ratified the UNCAC the UNCAC BUT does not		
	promote a transparent and inclusive review process.		
+1	Member ratifies or has already ratified the UNCAC AND promotes a transparent and		
	inclusive review process.		

# Argentina: 0

Argentina has partially complied with the commitment to combat corruption.

Argentina signed the United Nations Convention against Corruption (UNCAC) on 10 December 2003 and ratified it on 28 August 2006.<sup>1170</sup>

Argentina participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1171</sup>

<sup>&</sup>lt;sup>1168</sup> United Nations Convention against Corruption

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>&</sup>lt;sup>1169</sup> United Nations Convention against Corruption. UN Office on Drugs and Crime. http://www.unodc.org/unodc/en/corruption/index.html. <sup>1170</sup> United Nations Convention against Corruption, United Nations Office on Drugs and Crime 31 March

<sup>2011.</sup> Date of access: 3 April 2011. http://www.unodc.org/unodc/en/treaties/CAC/signatories.html

No facts on UNCAC implementation during the compliance cycle have been registered. Thus Argentina is awarded a score of 0.

Analyst: Polina Arkhipova

# Australia: 0

Australia has partially complied with the commitment to combat corruption.

On 7 December 2005, Australia ratified the United Nations Convention against Corruption (UNCAC).<sup>1172</sup>

Australia participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1173</sup>

No facts of UNCAC implementation during the compliance period have been registered. Thus Australia has been awarded a score of 0.

Analyst Svetlana Nikitina

# Brazil: +1

Brazil has fully complied with the commitment to combat corruption

Brazil signed the UNCAC on 9 December 2003 and ratified it on 15 June 2005.<sup>1174</sup>

On 9 December 2010, the Transparency Portal was expanded with a new function. The major new function is the possibility of downloading from the Transparency Portal detailed information about each budget of the federal government by any users. The portal was also more convenient for users to display information in the form of graphs and tables.<sup>1175</sup> Such measures conform to articles 9, article 10 of UNCAC.

On 13 December 2010, The United Nations Office on Drugs and Crime (UNODC) and the Federal Prosecutor's Office of Brazil signed a memorandum of understanding that provides for more effective punishment of transnational organized crime on the basis of cooperation, exchange of experiences and development of actions to strengthen punishment of transnational organized crime, through the implementation of international instruments set in the United Nations

<sup>1174</sup> United Nations Convention Against Corruption

<sup>&</sup>lt;sup>1171</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-<u>1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST OF PARTICIPANTS.pdf</u>. <sup>1172</sup>United Nations Convention against Corruption

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>&</sup>lt;sup>1173</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed\_IRG - LoP - FINAL\_LIST\_OF\_PARTICIPANTS.pdf.

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html. <sup>1175</sup> CGU launches new measures to prevent corruption, The Office of the Comptroller General (CGU) 9

December 2011. Date of Access: 10 April 2011.

http://www.cgu.gov.br/Imprensa/Noticias/2010/noticia15010.asp.

Convention against Corruption and the United Nations Convention against Transnational Organized Crime and its protocols.<sup>1176</sup>

On 8 December 2010, President of Brazil Luiz Inacio Lula da Silva signed the decree on holding the first National Conference of Transparency and Social Control on 13-15 October 2011.<sup>1177</sup> The conference has a significant value for a dialogue between society and authority. Despite the fact that conference will be held on October 2011, representatives of government institutes, civil society and national council are working regularly together in preparation for the event. In two meetings held on 1 March 2011<sup>1178</sup> and on 4 April 2011<sup>1179</sup> the National Organizing Committee of the first National Conference on Transparency and Social Control discussed issues of transparency and role of society in this process and adopted the conference's charter. These actions comply with article 13, article 60 p 6, article 61 p 1, 2 of UNCAC.

Brazil participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1180</sup>

Brazil has ratified the UNCAC, implemented it and contributed to promotion of a transparent and inclusive UNCAC review process. Thus Brazil has been given a score of +1.

Analyst: Pavel Zhdanov

# Canada: 0

Canada has partially complied with the commitment to combat corruption.

On 2 October 2007, Canada ratified the UNCAC.<sup>1181</sup>

Canada participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1182</sup>

<sup>&</sup>lt;sup>1176</sup> UNODC and the Federal Prosecutor's Office of Brazil Intensify Efforts to Combat Transnational Organized Crime, United Nations Office on Drugs and Crime 13 December 2011. Date of Access: 10 April 2011. <u>http://www.unodc.org/southerncone/en/frontpage/2010/12/13-unodc-e-mpf-unem-esforcos-para-</u>combater-o-crime-organizado-transnacional.html.

<sup>&</sup>lt;sup>1177</sup> Decree of President of Brazil on 8 December 2010 to convene the first National Conference on Transparency and Social Controle – Consocial, and other measures, The Office of the Comptroller General (CGU). Date of Access: 17 April 2011. <u>http://www.cgu.gov.br/consocial/arquivos/decreto-de-</u> <u>convocacao.pdf</u>.

<sup>&</sup>lt;sup>1178</sup> Held the First Meeting of the National Organizing Committee of the 1<sup>st</sup> Consocial, The Office of the Comptroller General (CGU) 1 March 2011. Date of Access: 10 April 2011. http://www.cgu.gov.br/consocial/divulgacao/noticia001.asp.

<sup>&</sup>lt;sup>1179</sup> Approved charter 1<sup>st</sup> Consocial, The Office of the Comptroller General (CGU) 4 April 2011. Date of Access: 10 April 2011. http://www.cgu.gov.br/consocial/divulgacao/noticia003.asp.

<sup>&</sup>lt;sup>1180</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST OF PARTICIPANTS.pdf.

<sup>&</sup>lt;sup>1181</sup> UNCAC Signature and Ratification Status as of 31 March 2011, United Nations Office on Drugs and Crime 31 March 2011. Date of Access: 10 April 2011.

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>&</sup>lt;sup>1182</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST OF PARTICIPANTS.pdf.

No facts of UNCAC implementation during the compliance period have been registered. Consequently, for ratification of the UNCAC and promotion of its transparent and inclusive review process Canada has been awarded a score of 0.

Analyst: Vitaly Nagornov

# China: +1

China has fully complied with the commitment to combat corruption.

On 13 January 2006, China ratified the United Nations Convention against Corruption.<sup>1183</sup>

On 15 December 2010, China adopted an amended anti-corruption regulation in which it sets out unprecedented penalties that include imposing punishments for corrupt Party officials, including those that left their posts or retired.<sup>1184</sup>

On 23 December 2010, China's National Audit Office vowed to strengthen auditing and supervision of major state-funded projects to prevent corruption.<sup>1185</sup>

On 29 December 2010, China released its first ever White Paper on the nation's anti-graft efforts, expressing its resolve to strengthen the fight against corruption.<sup>1186</sup>

China participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1187</sup>

China has ratified the UNCAC and taken actions to implement and promote a transparent and inclusive UNCAC review process. Thus China was given a score of +1.

Analyst Svetlana Nikitina

#### France: 0

France has partially complied with the commitment to combat corruption.

On 11 July 2005, France ratified the UNCAC.<sup>1188</sup>

France participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1189</sup>

<sup>&</sup>lt;sup>1183</sup>United Nations Convention against Corruption

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>&</sup>lt;sup>1184</sup>China upgrades anti-corruption regulation, Chinese Online Information Service 15 December 2010. Date of Access: 15 December 2010. <u>http://news.xinhuanet.com/english2010/china/2010-</u> 12/15/c 13650663.htm

<sup>&</sup>lt;sup>1185</sup> China vows to audit major projects to curb graft, Government of China 23 December 2010. Date of Access: 23 December2010. <u>http://english.gov.cn/2010-12/23/content\_1771879.htm</u>

<sup>&</sup>lt;sup>1186</sup> China issues first anti-corruption white paper, pledging firmer actions, Government of China 29 December2010. Date of Access: 29 December2010. <u>http://english.gov.cn/2010-12/29/content\_1775348.htm</u>

<sup>&</sup>lt;sup>1187</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST\_OF\_PARTICIPANTS.pdf.

<sup>&</sup>lt;sup>1188</sup> UNCAC Signature and Ratification Status as of 31 March 2011, United Nations Office on Drugs and Crime 31 March 2011. Date of Access: 28 April 2011.

Consequently, for ratification of the UNCAC and promotion of a transparent UNCAC review process France has been awarded a score of 0.

Analyst: Vitaly Nagornov

# Germany: -1

Germany has not complied with the commitment to combat corruption.

On 9 December 2010, German State Secretary Hans-Jürgen Beerfeltz on the occasion of International Anti-Corruption Day conducted a meeting with all relevant players from the government and private sectors, and civil society at the German Federal Ministry for Cooperation and Development. State Secretary Beerfeltz stated that Germany would continue efforts to prevent and reduce corruption in developing countries. According to his speech Germany ensures that its procedures and instruments are free from corruption, supports partner countries in pursuing anti-corruption reforms nationally and internationally, and cooperates with the United Nations, World Bank, EU, and OECD.<sup>1190</sup>

Germany has not ratified the UNCAC and has not either implemented it or conducted an inclusive review process. Therefore, Germany has been given a score of -1.

Analyst: Marina Klintsova

#### India: 0

India has partially complied with the commitment to combat corruption.

India ratified the UNCAC on 1 May 2011.<sup>1191</sup>

India participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010 as observer.<sup>1192</sup>

Thus India ratified the UNCAC and and contributed to the development of its inclusive review process, thus it has been awarded a score of 0.

Analyst: Alexey Mironov

#### Indonesia: +1

Indonesia has fully complied with the commitment to combat corruption.

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>&</sup>lt;sup>1189</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST OF PARTICIPANTS.pdf.

<sup>&</sup>lt;sup>1190</sup> New anti-corruption activities in German development cooperation, Federal Ministry for Cooperation and Development of Germany 9 December 2010. Date of Access: 10 April 2011.

http://www.bmz.de/en/press/aktuelleMeldungen/2010/december/20101209 pm 180 antikorruptionstag/ind

ex.html. <sup>1191</sup> UNCAC Signature and Ratification Status as of 31 March 2011, United Nations Office on Drugs and Crime 31 March 2011. Date of Access: 10 April 2011.

<sup>&</sup>lt;sup>1192</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST OF PARTICIPANTS.pdf.

Indonesia ratified the UNCAC on 19 September 2006.<sup>1193</sup>

On 23 February 2011, the Indonesian authorities announced establishment of a working group to monitor implementation of the law of 1999 which requires officials of central and local governments to report their earnings before and after taking office.<sup>1194</sup>

On 14 March 2011, a special group to consider the UNCAC implementation was formed in Corruption Eradication Commission (KPK). The Commission Chairman Busyro Muqoddas stated that the review was expected to contribute to improving the implementation of the UNCAC in Indonesia.<sup>1195</sup>

Indonesia participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1196</sup>

Indonesia has ratified the UNCAC and has taken measures to implement the UNCAC and promote a transparent and inclusive UNCAC review process. Thus it has been awarded a score of +1.

Analyst: Elena Martynova

# Italy: +1

Italy has fully complied with the commitment to combat corruption.

Italy ratified the UNCAC on 5 October 2009.<sup>1197</sup>

On 25-26 November 2010, the Anti-corruption and Transparency Service (ServizioAnticorruzione e Trasparenza, SAET) and the United Nations Development Programme (UNDP) held an advanced course on prevention and repression of corruption in the Public Administration. The course named "Advanced Training on Prevention of Corruption – Techniques and Methodologies" aimed at analysing the strategies and the rules for prevention of corruption and bad administration.<sup>1198</sup>

http://www.kpk.go.id/modules/news/article.php?storyid=1885

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST\_OF\_PARTICIPANTS.pdf.

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>&</sup>lt;sup>1193</sup>UNCAC Signature and Ratification Status as of 31 March 2011, United Nations Office on Drugs and Crime 31 March 2011. Date of Access: 10 April 2011.

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>&</sup>lt;sup>1194</sup> Optimalisasi Pokja untuk Tingkatkan Kepatuhan LHKPN, Komisi Pemberantasan Korupsi Republik Indonesia 23 Februari 2011 Date of Access: 11 March 2011

<sup>&</sup>lt;sup>1195</sup> KPK dan UNODC Tinjau Ulang Konvensi PBB Antikorupsi 14 March 2011 Date of Access: 31 March 2011 <u>http://www.kpk.go.id/modules/news/article.php?storyid=1930</u>

<sup>&</sup>lt;sup>1196</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

<sup>&</sup>lt;sup>1197</sup> UNCAC Signature and Ratification Status as of 31 March 2011, United Nations Office on Drugs and Crime 31 March 2011. Date of Access: 10 April 2011.

<sup>&</sup>lt;sup>1198</sup> Concluso il corso avanzato sulla prevenzione e la repressione della corruzione nella pubblica amministrazione, Anti-corruption and Transparency Service 26 November 2010. Date of Access: 10 April 2011. http://www.anticorruzione.it/site/ArtId\_\_837/355/DesktopDefault.aspx\_\_\_\_\_\_

On 1 March 2011, the Council of Ministers has approved the bill<sup>1199</sup> containing "Dispositions for prevention and repression of corruption and illegality in public administration." The bill foresees the National anticorruption plan to reduce anticorruption risks in Public Administration implementing one of the provisions of article 5 "Preventive anti-corruption policies and practices" of the UNCAC. The measures on transparency focus on the three areas most liable to corruption – contracts, contributions, employments. The bill also provides for establishment of the institution of the Observatory on corruption and other illicit activities against the Public Administration.<sup>1200</sup>

Italy participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1201</sup>

Consequently, for ratification of the UNCAC, implementation of its provisions and participation in the review process Italy has been awarded a score of +1.

Analyst: Anna Vekshina

# Japan: -1

Japan has not complied with the commitment to combat corruption.

Japan has not ratified the UNCAC yet.<sup>1202</sup> However, on 13 April 2011, at the 20th Session of the Commission on Crime Prevention and Criminal Justice Japanese Representative in the International Organizations in Vienna Tsutomu Osawa confirmed Japan's commitment to work towards a prompt conclusion of the UNCAC. He noted that most of the UNCAC provisions had been incorporated into the Japanese legislation and were successfully enforced. "Japan is willing to contribute to the review mechanism, which ensures implementation of UNCAC, in an appropriate manner," he added.<sup>1203</sup>

Under Comprehensive Economic Partnership Agreement between Japan and the Republic of India signed on 16 February 2011, the parties agreed to take appropriate measures to prevent and combat corruption of its public officials regarding matters covered by the Agreement.<sup>1204</sup>

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>&</sup>lt;sup>1199</sup> "DDL Anticorruzione," Italian Government 1 March 2011. Date of Access: 10 April 2011. http://www.governo.it/GovernoInforma/Dossier/anticorruzione\_ddl/Brunetta\_anticorruzione.pdf

<sup>&</sup>lt;sup>1200</sup> Anticorruzione: via libera del governo DDL, Anti-corruption and Transparency Service 2 March 2010. Date of Access: 10 April 2011.<u>http://www.anticorruzione.it/site/ArtId\_822/355/DesktopDefault.aspx</u>

<sup>&</sup>lt;sup>1201</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-<u>1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST OF PARTICIPANTS.pdf</u>. <sup>1202</sup> UNCAC Signature and Ratification Status as of 31 March 2011, United Nations Office on Drugs and

<sup>&</sup>lt;sup>1202</sup> UNCAC Signature and Ratification Status as of 31 March 2011, United Nations Office on Drugs and Crime 31 March 2011. Date of Access: 10 April 2011.

<sup>&</sup>lt;sup>1203</sup> 20th Session of the Commission on Crime Prevention and Criminal Justice: Statement by Ambassador Tsutomu OSAWA of Japan Under the Agenda Item 5 (a), (b), Permanent Mission of Japan to the International Organizations in Vienna 13 April 2011. Date of access: 18 July 2011. www.vie-mission.embjapan.go.jp/Statements/s20110411\_20100513/s20110413.html
<sup>1203</sup> 20th Session of the Commission on Crime Prevention and Criminal Justice: Statement by Ambassador Tsutomu OSAWA of Japan Under the Agenda Item 5 (a), (b), Permanent Mission of Japan to the International Organizations in Vienna 13 April 2011. Date of access: 18 July 2011. www.vie-mission.embjapan.go.jp/Statements/s20110411\_20100513/s20110413.html
<sup>1204</sup> Comprehensive Economic Partnership Agreement Between Japan and the Republic of India, Ministry

<sup>&</sup>lt;sup>1204</sup> Comprehensive Economic Partnership Agreement Between Japan and the Republic of India, Ministry of Foreign Affairs of Japan 16 February 2011. Date of access: 11 April 2011. http://www.mofa.go.jp/region/asia-paci/india/epa201102/pdfs/ijcepa ba e.pdf

However, Japan was scored -1 for its non-compliance since it still has to ratify UN Convention against Corruption and demonstrate more determination in its implementation and promotion of the review process.

Analyst: Ekaterina Maslovskaya

# Korea: +1

Korea has fully complied with the commitment to combat corruption.

On 10 December 2003, Korea signed the UNCAC; and on 27 March 2008 ratified it.<sup>1205</sup>

On 13 January 2011, the Anti-Corruption and Civil Rights Commission (ACRC) presented the guidelines on the anti-corruption and integrity policies for 2011. According to the guidelines, enhancing integrity of high-ranking officials will be the ACRC's top priority in 2011. The Commission planned to complete the development of a standard model for integrity assessment on high-ranking officials by February 2011. Furthermore, the ACRC will monitor unfair employment of family, relatives, or campaign strategists of a public official in affiliated organizations, and the acts of giving undue benefits such as a private contact to a public official's relatives or retired officials. The Commission will also keep tabs on intervention in granting concessions, diversion of government budget for other purposes, and private use of public properties. To implement those primary tasks, the ACRC has intended to conduct "Clean Hands Korea" campaign jointly with local governments and public companies.<sup>1206</sup>

Korea participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1207</sup>

Korea has ratified the UNCAC, taken measures to implement it and contributed to promotion of the UNCAC review mechanism. Thus the country has been awarded a score of +1.

Analyst: Anna Vekshina

#### Mexico: +1

Mexico has fully complied with the commitment to combat corruption.

Mexico signed the UNCAC on 9 December 2003 and ratified it on 20 July 2004.<sup>1208</sup>

On 2 March 2011, Mexican President Felipe Calderón submitted a bill to strengthen the legal framework aimed at fighting corruption, simplifying the procedures for making denunciations and encouraging public participation.<sup>1209</sup>

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02\_-Resumed\_IRG\_-LoP\_-FINAL\_LIST\_OF\_PARTICIPANTS.pdf.

<sup>&</sup>lt;sup>1205</sup> United Nations Convention against Corruption, UNCAC signature and ratification status as of 31 March 2011, United Nations Office on Drugs and Crime 31 March 2011. Date of Access: 10 April 2011. http://www.unodc.org/unodc/en/treaties/CAC/signatories.html

 <sup>&</sup>lt;sup>1206</sup> ACRC issues guidelines for 2011 Anti-Corruption Policy, the Anti-Corruption and Civil Rights
 Commission 11 February 2011. Date of access: 10 April 2011. <u>http://www.acrc.go.kr/eng\_index.html</u>
 <sup>1207</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1
 December 2010. Date of Access: 10 April 2011.

<sup>&</sup>lt;sup>1208</sup> United Nations Convention against Corruption, United Nations Office on Drugs and Crime 31 March 2011. Date of access: 3 April 2011. <u>http://www.unodc.org/unodc/en/treaties/CAC/signatories.html</u>

On 2 June 2011, regional Centre of Excellence for Latin America and the Carribean was established in Mexico by National Institute for Statistics and Geography (INEGI) in cooperation with United Nations Office on Drugs and Crime. The Centre is aimed at monitoring government crime as well as promoting international cooperation in the respective area. The working plan for 2011-2012 concentrates on combating corruption and other priorities.<sup>1210</sup>

Mexico participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1211</sup>

Thus Mexico has been awarded a score of +1.

Analyst: Polina Arkhipova

#### Russia: +1

Russia has fully complied with the commitment to combat corruption.

Russia ratified the UNCAC on 9 May 2006.<sup>1212</sup>

On 21 January 2011, Russian President approved a list of instructions issued following a meeting of the Council for Countering Corruption. Russian Prosecutor General was instructed to check whether the information submitted by public servants on their incomes and assets is "complete and authentic."<sup>1213</sup>

On 28 April 2011, Russian President submitted to the State Duma draft federal law On Amendments to Certain Legislative Acts of the Russian Federation in Connection with Improving Public Anti-Corruption Management. Several federal laws would be amended to improve "the mechanism for anti-corruption expert investigations."<sup>1214</sup>

Russia participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1215</sup>

http://www.presidencia.gob.mx/index.php?DNA=88&page=1&Contenido=63620

1210 INAUGURAN INEGI Y UNODC CENTRO REGIONAL DE EXCELENCIA PARA AMÉRICA LATINA Y EL CARIBE, United Nations Office on Drugs and Crime Mexico, Central America and the Carribean, 2 June 2011. Date of Access: 17 July 2011.

http://www.unodc.org/mexicoandcentralamerica/frontpage/index.html

<sup>1211</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST\_OF\_PARTICIPANTS.pdf.

<sup>1212</sup> United Nations Convention against Corruption, UNCAC signature and ratification status as of 31 March 2011, United Nations Office on Drugs and Crime 31 March 2011. Date of Access: 10 April 2011. http://www.unodc.org/unodc/en/treaties/CAC/signatories.html

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL\_LIST\_OF\_PARTICIPANTS.pdf.

<sup>&</sup>lt;sup>1209</sup> Bills to Strengthen Legal Framework to Combat Corruption, Presidencia de la Republica, México 3 March 2011. Date of Access: 5 April 2011.

<sup>&</sup>lt;sup>1213</sup> Presidential instructions following meeting of the Council for Countering Corruption, President of Russia 21 January 2011. Date of Access: 10 April 2011. <u>http://eng.kremlin.ru/news/1662</u>.

<sup>&</sup>lt;sup>1214</sup> Draft law to improve public anti-corruption management submitted to State Duma, President of Russia 28 April 2011. Date of Access: 29 April 2011. <u>http://eng.kremlin.ru/news/2148</u>.

<sup>&</sup>lt;sup>1215</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

Thus it has been awarded a score of +1.

Analyst: Mark Rakhmangulov

#### Saudi Arabia: -1

Saudi Arabia has failed to comply with the commitment to combat corruption.

On 9 January 2004, Saudi Arabia signed the UNCAC, but has not yet ratified it.<sup>1216</sup>

Thus Saudi Arabia has not ratified the UNCAC and has neither implemented it or carried out an inclusive review process, hence it has been awarded a score of -1.

Analyst: Anna Vekshina

#### South Africa: +1

South Africa has fully complied with its commitment on fighting corruption.

On 9 December 2003, the Government of South Africa signed the UNCAC and ratified it on 22 November 2004.<sup>1217</sup>

On 10 February 2011, at the Joint Sitting of Parliament in his state of the nation address Jacob G Zuma, President of the Republic of South Africa, declared that Special Anti-Corruption Unit has been established in the Department of Public Service and Administration to handle corruption-related disciplinary cases involving public servants on 25 November 2010.<sup>1218</sup> According to the President, about ZAR44 million (USD6.68 million) had been recovered from public servants who were illegally benefiting from housing subsidies, while the cleaning of the social grants system of fraud was also continuing. The Special Investigating Unit was directed to probe alleged maladministration or corruption in various government departments, municipalities and institutions.<sup>1219</sup>

The South Africa participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1220</sup>

The South Africa has ratified the UNCAC and has taken measures to implement it and promote its review process. Thus it is awarded a score of +1.

Analyst: Yuriy Zaytsev

<sup>1217</sup> United Nations Convention against Corruption

<sup>&</sup>lt;sup>1216</sup> United Nations Convention against Corruption, UNCAC signature and ratification status as of 31 March 2011, United Nations Office on Drugs and Crime 31 March 2011. Date of Access: 10 April 2011. http://www.unodc.org/unodc/en/treaties/CAC/signatories.html

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>&</sup>lt;sup>1218</sup> Minister Baloyi on Special Anti-Corruption Unit launch, the official web site of the Department of Public Service and Administration, 25 November 2010. Date of access: 29 April, 2011. http://www.dpsa.gov.za/article.php?id=16

<sup>&</sup>lt;sup>1219</sup> State of the Nation Address By His Excellency Jacob G Zuma, President of the Republic of South Africa, at the Joint Sitting Of Parliament, Cape Town, the Department of International Relations and Cooperation of the Rupublic of the South Africa, 10 February 2011. Date of access: 28 April, 2011. http://www.dirco.gov.za/docs/speeches/2011/jzum0210.html

<sup>&</sup>lt;sup>1220</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL\_LIST\_OF\_PARTICIPANTS.pdf.

# Turkey: +1

Turkey has fully complied with the commitment on corruption.

On 9 November 2006, Turkey ratified the United Nations Convention against Corruption.<sup>1221</sup>

On 3 December 2010, at Grand National Assembly of Turkey, the Turkish government adopted the Law on the Court of Accounts.<sup>1222</sup>

On 26 December 2010, at Grand National Assembly of Turkey, the Turkish government adopted the Central Government Accountability Act.<sup>1223</sup>

Turkey participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1224</sup>

Turkey has ratified the UNCAC, taken actions to implement it and promote its review mechanism. Thus it has been awarded a score of +1.

Analyst: Victor Kobyletskiy

#### United Kingdom: +1

The UK has fully complied with the commitment to combat corruption.

On 9 February 2006, the UK ratified the UNCAC.

On 1 July 2011, the new Bribery Act, which received Royal Assent in April 2010, is planned to come into force in the UK. The UK is making preparations for this new Act to become effective. On 30 March 2011, the official Guidance on the Bribery Act with safeguards businesses can put in place to prevent bribery was published.<sup>1225</sup>

The UK is also participating in promotion of a transparent and inclusive review process. On 29 November-1 December 2011, British official representatives took part in the Conference of the State Parties to the United Nations Convention against Corruption in Vienna.<sup>1226</sup> On 2-4 February 2011, the UK Department for International Development also supported the first civil society training on the UNCAC review mechanism held by the UNODC and Transparency International

<sup>&</sup>lt;sup>1221</sup> United Nations Convention against Corruption, United Nations Office on Drugs and Crime 01 March 2011. Date of Access: 04 April 2011. <u>http://www.unodc.org/unodc/en/treaties/CAC/signatories.html</u>.

<sup>&</sup>lt;sup>1222</sup> Kanun No. 6085 of 3 December 2010, SAYIŞTAY KANUNU, Türkiye Büyük Millet Meclisi 3 December 2010. Date of Access: 9 April 2011. <u>http://www.tbmm.gov.tr/kanunlar/k6085.html</u>.

<sup>&</sup>lt;sup>1223</sup> Kanun No. 6092 of 26 December 2010, 2009 YILI MERKEZİ YÖNETİM KESİN HESAP KANUNU, Türkiye Büyük Millet Meclisi 26 December 2010. Date of Access: 9 April 2011. http://www.thmm.gov.tr/kanunlar/k6085.html

http://www.tbmm.gov.tr/kanunlar/k6085.html. <sup>1224</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST\_OF\_PARTICIPANTS.pdf.

<sup>&</sup>lt;sup>1225</sup> Uk Clamps Down on Corruption With New Bribery Act, Ministry of Justice 30 March 2011. Date of Access: 9 April 2011. <u>http://www.justice.gov.uk/news/newsrelease300311a.htm</u>

<sup>&</sup>lt;sup>1226</sup> List of Participants of the Conference of the State Parties to the United Nations Convention against Corruption, UN Office on Drugs and Crime 1 December 2010. Date of Access: 9 April 2011. <u>http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-</u> 1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST OF PARTICIPANTS.pdf

in Austria. This training aimed at strengthen the civil society's capacity to play an active role in the review process, including through dialogue with states parties.<sup>1227</sup>

The United Kingdom has ratified the UNCAC, implements the UNCAC developing new legislation and takes part in promotion of a transparent and inclusive review process. Thus it has been awarded a score of +1.

Analyst: Natalia Churkina

# **United States: 0**

The United States has partially complied with the commitment to combat corruption.

On 30 October 2006, the United States ratified the UN Convention against Corruption.<sup>1228</sup>

On 19 March 2011, the United States and Brazil announced their intention to establish a new framework for cooperation on international anti-corruption efforts.<sup>1229</sup>

The US participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1230</sup>

The U.S. ratified the UNCAC and contributed to development of its review process, but no significant facts of its implementation have been registered during the compliance period. Therefore the score is 0.

Analyst: Tatyana Lanshina

# **European Union: +1**

The European Union has partially complied with the commitment to combat corruption.

The European Union signed the UNCAC on 15 September 2005 and approved it on 12 November 2008.1231

On 18 February 2011, interim reports from the European Commission were presented to the European Parliament and the European Council on progress in Bulgaria<sup>1232</sup> and Romania<sup>1233</sup>

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.a

<sup>1229</sup> Fact Sheet on U.S. – Brazil Democracy, Human Rights, and Labor Cooperation, The White House, Office of the Press Secretary 19 March 2011, Date of Access: 11 April 2011.

http://www.whitehouse.gov/sites/default/files/uploads/Brazil\_Democracy\_Human\_Rights.pdf. <sup>1230</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL LIST OF PARTICIPANTS.pdf.

<sup>1231</sup> Signatories to the United Nations Convention Against Corruption, United Nations Office on Drugs and Crime (Vienna) 9 December 2009. Date of Access: 10 April 2011.

http://www.unodc.org/unodc/en/treaties/CAC/signatories.html.

<sup>1232</sup> Interim Report from the European Commission to the European Parliament and The Council on Progress in Bulgaria under the Co-operation and Verification Mechanism. European Commission 18 February 2011. Date of Access: 10 April 2010. http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0081:EN:HTML.

<sup>&</sup>lt;sup>1227</sup> UNODC-TI Training for CSOs on the UNCAC Review Process, UNCAC Coalition 7 March 2011. Date of Access: 9 April 2011. http://www.uncaccoalition.org/en/home/162-unodc-ti-training-for-csos-onthe-uncac-review-process.html

<sup>&</sup>lt;sup>1228</sup> United Nations Convention against Corruption, United Nations Office on Drugs and Crime status as of 31 March 2011, Date of Access: 8 April 2011.

under the Co-operation and Verification Mechanism. This mechanism was set up to help both countries "remedy shortcomings in the areas of judicial reform and the fight against corruption and to monitor progress in these areas through periodical reports."

On 17 March 2011, the European Commission published draft decision on reform of the European Anti-fraud Office (OLAF).<sup>1234</sup> The aim of OLAF reform is "to improve the efficiency and accountability of OLAF, while safeguarding its investigative independence." The proposed reform includes measures in the areas of reinforcing accountability, enhancing efficiency, and improving international and intra-EU cooperation of the OLAF.<sup>1235</sup>

On 13-14 April 2011, a conference on European Standards for European Partners against Corruption (EPAC) / European Anti-Corruption Network (EACN) members was held. Experts and representatives of state authorities discussed establishing standards of combating corruption at the EU level, which complies with article 60 p 6, article 61 p 1, 2.<sup>1236</sup>

The EU participated in the session of the UNCAC Implementation Review Group in Vienna from 29 November to 1 December 2010.<sup>1237</sup>

The EU has ratified the UNCAC, taken measures to implement it and promote a transparent and inclusive UNCAC review process. Thus it has been awarded a score of +1.

Analyst: Pavel Zhdanov

<sup>1233</sup> Interim Report from the European Commission to The European Parliament and the Council on Progress in Romania under the Co-operation and Verification Mechanism, European Commission 18 February 2011. Date of Access: 10 April 2010. <u>http://eur-</u>

lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0080:EN:HTML.

 <sup>&</sup>lt;sup>1234</sup> Commission Decision Amending its Decision (1999/352/EC/ECSC, Euratom) of 28 April 1999
 Establishing the European Anti-fraud Office, European Commission 17 March 2011. Date of Access: 10
 April 2011. <u>http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2011:0343:FIN:EN:PDF</u>.
 <sup>1235</sup> Commission Proposes Reform of European Anti-Fraud Office (OLAF), Portal Europa 17 March 2011.

<sup>&</sup>lt;sup>1235</sup> Commission Proposes Reform of European Anti-Fraud Office (OLAF), Portal Europa 17 March 2011. Date of Access: 10 April 2011.

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/321&format=HTML&aged=0&language=EN&guiLanguage=en.

<sup>&</sup>lt;sup>1236</sup> EPAC/EACN Project Conference on "European Standards for EPAC/EACN Members," Hungarian Presidency of the Council of the European Union 14 April 2011. Date of Access: 10 April 2011. http://www.eu2011.hu/event/epaceacn-project-conference-%E2%80%9Ceuropean-standards-epaceacn-members%E2%80%9D.

<sup>&</sup>lt;sup>1237</sup> Implementation Review Group. Final list of participants, United Nations Office on Drugs and Crime 1 December 2010. Date of Access: 10 April 2011.

http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/29Nov-1Dec2010/2010-12-02 - Resumed IRG - LoP - FINAL\_LIST\_OF\_PARTICIPANTS.pdf.