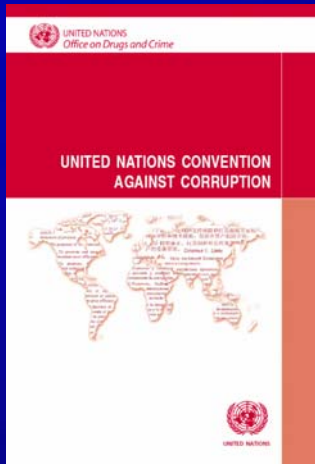




UNITED NATIONS
Office on Drugs and Crime

The United Nations Convention Against Corruption: A Fundamental Tool to Prevent Conflict of Interest



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Conflict of interest...

...arises from a situation in which the public official has a private interest which is such to influence, or appears to influence, the impartial and objective performance of his or her official duties.

(Council of Europe, 2000)

... a conflict between the public duty and private interests of a public official, in which the public official has private-capacity interest which could improperly influence the performance of their official duties and responsibilities.
(OECD, 2003)



...not an offence, yet conducive to mistrust and corruption

“A situation that looks like a conflict of interest may be enough to undermine public confidence, even if in fact there is no conflict or it has already been resolved”. (OECD, 2005)

“Most of the time, corruption appears where a prior private interest improperly influenced the performance of the public official ...*conflict of interest prevention* has to be part of a broader policy to prevent and combat corruption”*

“The *prevention of conflict of interest* becomes one of the most important keys of corruption prevention”. (Council of Europe, Conference Octopus Interface about *Corruption and Democracy*, Strasbourg, 20-21 Nov.2006 2006)

International framework: the emphasis on prevention

- Inter-American Convention against Corruption (art. 3 "Preventive measures")
- The Economic Community of West African States Protocol on the Fight against Corruption (art. 5 "Preventive measures")
- The African Union Convention on Preventing and Combating Corruption (art. 7 "Fight against corruption and related offences in the public service")
- The United Nations Convention against Corruption (Chapter II, Preventive measures)
- International Code of Conduct for Public Officials (art. II, "Conflict of interest and disqualification")
- The Organization for Economic Co-operation and Development: Guidelines for Managing Conflict of Interest in the Public Service; Public Sector Transparency and Accountability
- The Council of Europe: Model Code of Conduct for Public Officials (art. 13 "Conflict of Interest")

The UN Convention against Corruption: a fundamental preventive tool

➤ *Public sector* (art.7 §3): Each State Party shall endeavour to adopt, maintain and strengthen systems that promote transparency and prevent *conflicts of interest*

➤ *Codes of conduct for public officials* (art. 8 §6): Each State Party shall take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in General Assembly resolution 51/59 of 12 December 1996... and endeavour to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding their outside activities, employment, investments, assets and substantial gifts or benefits from which a *conflict of interest* may result with respect to their functions as public officials.

➤ *Public procurement and management of public finances* (art. 9 §1): Each State Party shall take necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective in preventing corruption. Such systems shall address...measures to regulate matters regarding personnel responsible for procurement, such as *declaration of interest* in particular public procurements, screening procedures and training requirements.

➤ *Private sector* (art. 12 §2): Each State Party shall take measures to prevent corruption involving the private sector. Measures to achieve these ends may include...the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of *conflicts of interest*, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State.

When not prevented, conflict of interest may lead to

Embezzlement,
misappropriation
or other diversion of property
in the public sector
(art. 17)

Trading in
influence
(art. 18)

Abuse of
function
(art. 19)



Obstruction of
justice
(art. 25)

Embezzlement
in the
private sector
(art. 22)

Illicit
enrichment
(art. 20)

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***THANK YOU FOR YOUR
ATTENTION***