

Annex B

A Global Compact Against Corruption

Why a global compact?

Existing international legally binding conventions against corruption (e.g. the OECD's Convention on Combating Bribery of Foreign Public Officials, the Council of Europe's Criminal Law Convention on Corruption and the Inter-American Convention Against Corruption) are all significant instruments attesting to the growing international commitment to fight corruption with legally enforceable measures. However, these conventions are not universal and vary widely in terms of their scope (e.g. the OECD Convention does not cover acts of bribery in relation to foreign political parties). In terms of geographical coverage, many countries – most of them developing countries in the African, Asian and Pacific regions – are presently not participating in any international arrangements or mechanisms to combat corruption. There is therefore a need to develop, particularly with the active participation of developing countries, a truly global compact against corruption. This would fill gaps in existing instruments and be universal in its scope, thus creating a level playing field for all countries and eliminating any double standards in the campaign against corruption.

What form should it take and what will be its scope?

It is proposed that the global compact should take the form of a universal, legally binding inter-governmental instrument against corruption. It would specify obligations for governments, which would include measures affecting the roles of other key players in international society: multilateral development and finance institutions; the private sector (especially multinational corporations), and the independent sectors (e.g. NGOs). The framework for Commonwealth principles to fight corruption, which the Expert Group has proposed for the consideration of Commonwealth Heads of Government, could provide a basis for shaping the specific content and provisions of the global compact, in addition to existing international conventions and examples of good practice. Based on the fundamental objective of zero-tolerance for corruption, the broad aims of the global compact will be to:

- ◆ Require all the key players to abide by minimum standards and rules (in the case of non-state actors, these would apply through

legislative and other measures adopted by governments) which will promote good governance and reduce corruption; these standards and rules should be general enough to accommodate political, social, economic and legal diversity but without compromising the objective of zero-tolerance for corruption.

- ◆ Reduce opportunities in international financial transactions for the laundering of financial gains from corruption and strengthen international co-operation for the swift confiscation and repatriation of the proceeds of corruption.
- ◆ Reduce the scope for corruption in the international trade in armaments.
- ◆ Establish an independent and impartial mechanism to monitor compliance with the global compact, as well as monitor and report regularly on corruption and governance issues.
- ◆ Establish an impartial mechanism to arbitrate international disputes on corruption issues.
- ◆ Facilitate technical assistance and capacity building to assist countries in need of such help to adopt and enforce effective national anti-corruption strategies.

How would it be promoted and negotiated?

If the Commonwealth sees merit in the idea of a global compact and consultations with key governments, international organisations and non-governmental organisations reveal that there is broad international support for a global compact, as a next step. It could work with other interested parties to promote an initiative at the UN for the establishment of an intergovernmental negotiating committee. This body, under the auspices of the UN, would begin time-bound negotiations on a legally binding global instrument to combat corruption. Although the negotiations will be conducted by governments, adequate provisions should be made to enable representatives of multilateral finance and development institutions, the private sector and the independent sectors (i.e. NGOs) to contribute to the development of the global compact.