Institutional arrangements to address corruption: Art. 6 – UNCAC

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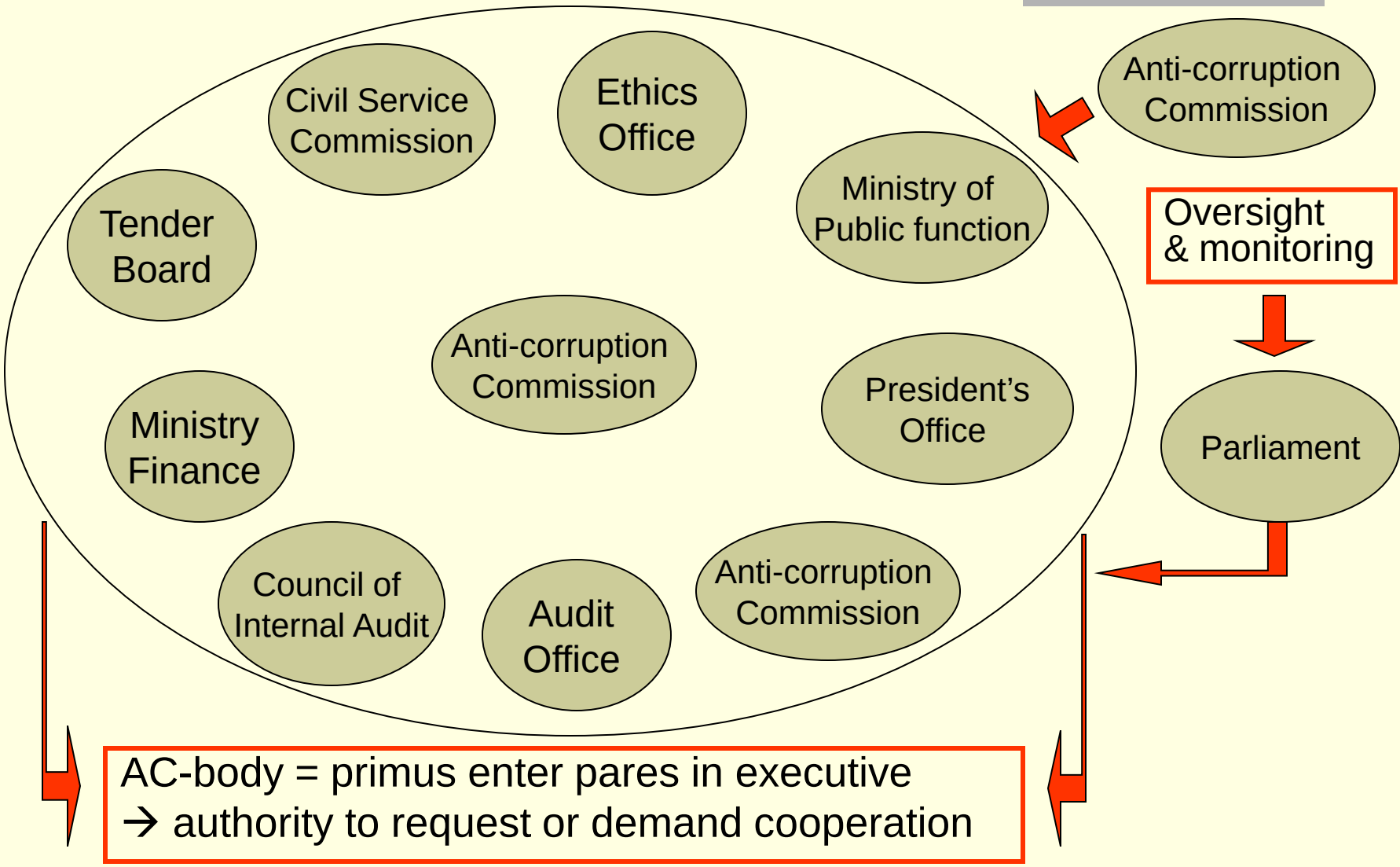
Institutional arrangements – what for?

- Art. 6: Ensure the existence of a ***body or bodies*** that prevent corruption by such means as:
  - ***Implementing*** the ***policies*** referred to in article 5 of UNCAC and ***overseeing*** and ***coordinating*** the implementation of those ***policies***
    - National anti-corruption policy, strategy or plan
    - Specific "issue" policies (recruitment & promotions; codes of conduct; procurement; financial management; judiciary; access to information; money laundering; etc.)
  - Increasing and disseminating ***knowledge*** about the prevention of corruption.
- Art. 6 and Art. 5 intimately linked → gateway to preventive measures in Chapter II of UNCAC

Form follows function: define what you want to do first

Many options for institutional arrangements to prevent corruption



How to address which type/risk of corruption?

CORRUPTION

Bribes	Embezzlement	Nepotism
Extortion	Theft	Position buying

- Criminal investigation & prosecution
- Administrative investigation and disciplinary measures
- Political consequences

→

- Attorney General; FIU; Special AC body/unit; criminal courts; etc.
- Line ministry/agency; administrative court; etc.

Specialized AC-body could take over complaint handling and case-follow-up function

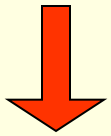
Independence revisited…

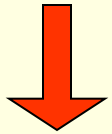
… to be adapted to different functions

Function	Type of Independence
Policy implementation	Mainly financial, some functional
Coordination of implementation	Financial and functional
Policy oversight:	Functional and financial, organisational desirable
Coordination of oversight	Financial and functional
Knowledge management (including monitoring of progress)	Organisational and functional desirable

Key issues to consider for UNCAC States Parties

- Art. 6 and 5. together call for a range of preventive policies and implementing organs
- Crucial functions lacking for a robust AC framework need to be identified (e.g. knowledge management, monitoring of results)
- Existing institutional arrangements should be clarified and strengthened
- If new specialized body(ies) desired, clear and targeted function(s) should be given → diversification can be protection
- The level of independence must be defined in light of function





A range of different institutional arrangements is possible (and desirable)