Forum: General Assembly Fourth Committee

Issue: The Question of Reducing Corruption and Bribery in Governments

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Introduction[1]

Corruption means abuse of power for private gain, usually defined as dishonest or fraudulent acts by those in power. Most common ways of corruption are bribery, extortion, embezzlement, fraud, nepotism, and favoritism.

Even though corruption is often considered to be more of a problem in LEDCs, it can be found all over the world. For example, nepotism has been associated with both the US and Russian presidents. Studies show, that bribery is more common in countries where compensation and wage levels in the public sector are low, and especially where governance and institutions are weak, or the political system is under transformation.[2]

The effects of corruption are severe. Corruption decreases the growth of the country's economy, increases income inequality, and decreases the quality of life of the poor more than the wealthy. Corruption diminishes the trust in the public sector. Perception of corrupt government can reduce tax revenues, and thus reduce the level of public services. Highly corrupt states are prone to be more fragile, where the probability of a conflict is higher.[3] In politics, corruption erodes democracy, and diminishes good governance. Corruption in elections reduces accountability and representation. Corruption in the legal system undermines the law, and therefore also human rights.

Due to the severity of the effects, and the widespread nature of the problem, both local and international measures are needed to correct these issues. On both the local and international level, transparency, integrity and free press are good ways of reducing corruption. On the local level, proper laws against corruption must be put into place, and impunity must end for the wrongdoers to face justice. On the international scale, for example conventions and agreements like the UNCAC (United Nations Convention Against Corruption) are definitely a good idea.

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[1] For definitions of terms, please see pages 2-3.

[2] Why corruption matters: understanding causes, effects and how to address them, UK Department for International Development, January 2015, Accessed 14.11.2018

[3] Why corruption matters: understanding causes, effects and how to address them, UK Department for International Development, January 2015, Accessed 14.11.2018

Definition of Key Terms

Corruption

Corruption means abuse of power for private gain, usually defined as dishonest or fraudulent acts by those in power. Most common ways of corruption are bribery, extortion, embezzlement, fraud, nepotism, and favoritism.

Asset recovery

Asset recovery, linked with corruption relates to the tracking, freezing, and recovering of assets, most commonly in the form of currency. According to the Stolen Asset Recovery Initiative's (StAR) Asset Recovery Handbook[4], "Developing countries lose between US$20 to US$40 billion each year through… corrupt practices. … However, to date, only US$5 billion in stolen assets have been recovered." Due to the complexity and overlapping jurisdictions on this worldwide issue, the process of asset recovery is difficult and extremely lengthy.

Bribery

Bribery is defined by the Merriam-Webster dictionary[5] as "Money or favor given or promised in order to influence the judgement or conduct of a person in a position of trust."

Whistleblowing

Whistleblowing means the act of revealing wrongdoing and corruption to the public, or to those with authority to end the ongoing corruption.

LEDC

LEDC refers to Less Economically Developed Countries, colloquially known as third world countries, or developing countries.

UNCAC

United Nations Convention Against Corruption, also known as the UNCAC, is a legally binding, universal anti-corruption mechanism. It's followed by a vast majority of United Nations Member States.[6]

Implementation Review Mechanism (IRM)

Implementation Review Mechanism is a peer review mechanism established to help the United Nation's (UN) member states to implement the UN Convention against corruption.[7] Each member state

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[4] StAR Stolen asset recovery handbook, Accessed 15.11.2018
[5] Merriam-Webster dictionary, Accessed 13.11.2018
[6] Information about the UNCAC, Accessed 14.11.2018
[7] UNODC, IRM, Accessed 12.11.2018

is reviewed by two peer states. The mechanism provides information on the implementation status and the difficulties faced, thus identifying specific needs for assistance. The mechanism also promotes international collaboration, sharing information and good practises.

Nepotism

Nepotism means favoritism or partiality based on family ties or friendship rather than job performance and merit.

Political corruption

Political corruption is the use of power by government officials or people running for public offices, for illegal private gain, or the gain of a common group, such as a political party.

Transparency International's Corruption Perception Index (CPI)

The CPI, made annually by Transparency International is a map of the world, where every country is given a score for their perceived corruption, and a color ranging from dark red to light yellow to go with it. The higher the score, the better, and the lighter the color.

Supreme audit institutions (SAIs)

Supreme audit institutions (SAIs) are highest audit institutions of a country carrying out the external audit of the administrative and financial management of state organisations, independently of the executive branch. They promote transparency and accountability of the public sector.

The International Organisation of Supreme Audit Institutions (INTOSAI) acts as an umbrella organization for the country level supreme audit institutions.[8]

Explanation of the Question

Corruption and bribery in governments can take many forms. It also has many negative consequences. There are anti-corruption measures to reduce corruption and bribery in government, however, those are not always easy to implement. Good measures of stopping corruption include for example ending impunity, promoting transparency, and access to information.

Examples of corruption and bribery in governments

As mentioned previously, corruption can be found all over the world. Some of the most egregious examples, according to Transparency International's Corruption Perception Index (CPI)[9] are found in

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[8] About SAIs, INTOSAI, http://www.wgei.org/about-sais/, Accessed 13.11.2018
[9] Transparency International, Corruption Perception Index 2017, Accessed 12.11.2018

Somalia and South Sudan. Other example cases of corruption are the United States and the Russian Federation.

Somalia was placed 180 out of the 180 countries on the aforementioned corruption perception index[10] (CPI), with a score of 9 out of 100. Paul Banoba, Transparency International's East Africa expert was quoted as saying "Somalia is only beginning to emerge from a long period of state collapse and is therefore faced with the typical corruption challenges that affect countries in post-conflict contexts." Somalia was ravaged by a civil war between the years of 1986 and 1992. This left the country in a vulnerable state, and a decade and a half later, the country plunged into a second civil war, which it is still trying to overcome. Somalia had a presidential election in 2017, during which corruption and scandals were abundant. It was reported by the New York Times[11], that at least $20 million had changed hands during the election, as an attempt to buy votes. They also reported, that "Outside forces like Turkey, Sudan, the United Arab Emirates and Qatar are widely believed to have been buying off presidential candidates to land juicy business deals."

South Sudan was placed 179 out of the 180 countries on the CPI, with a score of 12 out of 100. As the country with the second most corruption in the world, it has had its fair share of scandals. South Sudan gained self-rule in 2005, and became fully sovereign in 2011. However, as the BBC notes in their country profile of South Sudan[12], "Independence did not bring conflict in South Sudan to an end. Civil war broke out in 2013 when the president fell out with his then vice president, leading to a conflict that has displaced some 4 million people." Business Anti-Corruption Portal's, which is endorsed by the European Commission, report of South Sudan[13] mentions a lot of issues in the country's judicial system, police, public services, legislation and more. About the country's judicial system, for example, they write: "Corruption undermines the courts in South Sudan, which are also perceived as ineffective and overburdened. Almost two-thirds of citizens find the courts to be corrupt. The South Sudanese constitution guarantees the judiciary's independence; however, in practice, it is influenced by the executive branch."

United States was placed 16 out of the 180 countries on the CPI, with a score of 70 out of 100. Even though it's quite high on the list, it has had it's fair share of corruption scandals over the years, especially during the current administration. The United States is quite different, yet oddly similar to other places where corruption can be found. An example of this would be the amount of bribes that the average citizen needs to pay in their everyday life. In the United States, those bribes are nearly nonexistent. Nepotism, however, runs rampant at the executive branch of the government. President Donald Trump has given the highest levels of access to for example his son-in-law and his daughter, neither of which had any real merit for the job, and who have gained a lot from the nominations in other

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[10] Transparency International, Corruption Perception Index 2017 Accessed 12.11.2018
[11] New York Times, Fueled by Bribes, Somalia's Election Seen as Milestone of Corruption Accessed 13.11.2018
[12] BBC, Country Profile of South Sudan Accessed 14.11.2018
[13] South Sudan Corruption report Accessed 12.11.2018

ways as well. As the Guardian reported in their article about President Trump's corruption[14], Ivanka Trump, the president's daughter had won multiple Chinese patents, after Trump himself promised to save ZTE, a major Chinese telecommunications company from bankruptcy. There is also a lot of mistrust among the general public in the government in general. As a study from the Transparency International[15] notes, 44% of Americans believe that corruption is pervasive in the White House, and 70% believe that the government is failing to fight corruption.

The Russian Federation was placed 135 out of the 180 countries on the CPI, with a score of 29 out of 100. As the Business Anti-Corruption noted in their Russia corruption report[16], "Corruption is endemic in Russia's law enforcement. Credible evidence suggests that police officers arbitrarily imposed heavy fines or extorted bribes from unregistered persons." In Russia's political climate, many opposition leaders and other political opponents have found themselves arrested or murdered, with the same happening to many reporters and other media personalities not under president Putin's thumb. An example of this is the story of Mikhail Khodorkovsky, a Russian businessman, philanthropist and oligarch who was arrested and charged with fraud and embezzlement. There was international concern that the whole ordeal was politically motivated, due to a lack of due process.

Negative consequences of corruption and bribery in governments

There are many effects to corruption and bribery, all of them negative for the country in question. In his paper "Causes and effects of corruption: What has past decade's empirical research taught us? A survey"[17] dr. Eugen Dimant mentions some of the effects of corruption; "High levels of corruption will reduce a country's growth levels... and can also lead to lower levels of infrastructure, thus deteriorating the investment climate of a nation." If we are to pair this school of thought and knowledge to the fact that corruption happens most in LEDCs, we can see a vicious cycle. In LEDCs the infrastructure is already poor, a positive investment climate is vital, and what they need is steady, high growth levels, all of which corruption affects negatively.

Means to reduce corruption and bribery in governments

The UNCAC obligates all member states to have effective anti-corruption policies and practices embedded in the legislation, and in the legal system. It also mandates that integrity, transparency and accountability are to be promoted. Active citizenship is also to be encouraged. Proper law enforcement,

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[14] the Guardian, Trump's corruption Accessed 13.11.2018

[15] Transparency International, US corruption Accessed 13.11.2018

[16] Russia Corruption Report, Accessed 13.11.2018

[17] Dr. Eugen Dimant: Causes and effects of corruption: What has past decade's empirical research taught us? A survey" Accessed 13.11.2018

and criminalization of corruption are mandatory measures of anti-corruption. Each member state needs to promote practices that prevent corruption, as well as have a regular system to evaluate legal instruments and administrative measures to ensure prevention of corruption. Enhancing transparency by public reporting, easy access to information and simplifying administrative processes are part of anti-corruption measures. Each member state must also cooperate with other states in enforcing anti-corruption laws, as well as assisting each other in returning assets which have been obtained via corruption.[18]

Implementation Review Mechanism (IRM) has identified successful measures of fighting corruption. Examples of these have been legislative changes in the anti-corruption legal frameworks, prioritizing the fight against corruption as a high governmental priority in many member countries, and allocating substantial resources to it. There have also been concrete cases in the criminalization of corruption, even at the high levels of governance. It also seems that the officials in different countries are sharing information and good practises, which will help the implementation of the Convention even further.[19]
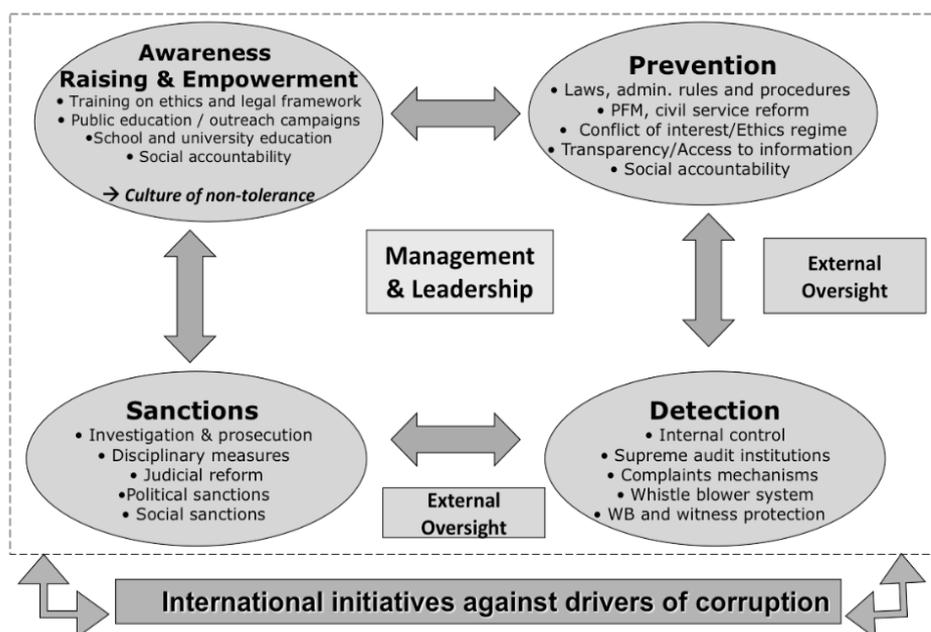
Successful measures to fight corruption have been identified to include preventive practises, in addition to laws being in place to criminalize corruption. One of the most important ones is public awareness building in society, and thus building intolerance towards corruption. Risk assessment is also vital in recognizing corruption risks. Transparency of public administration is key; the administration must be accountable to the citizens, there can not be conflicts of interest, and the rules of operations must be clear. Transparent reporting on any dependencies of governmental officials need to be in place, e.g. reporting on the sources of funding of election campaigns.[20]

Controls towards corruption, such as policing, detection and prosecution will disencourage corruption. Free press and media is needed to increase transparency, which in turn will reduce corruption in governments.

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[18] United Nations Convention Against Corruption, Accessed 12.11.2018
[19] State of implementation of the United Nations Convention against Corruption, 2017, Accessed 12.11.2018
[20] UNODC - Prevention of Corruption, Accessed 13.11.2018

Picture: A framework of anti-corruption efforts. U4[21]

Hindering factors of anti-corruption measures

Implementing the UNCAC, even some of the mandatory measures, has been problematic in many countries due to several reasons. This is due, in some countries to a lack of expertise, as well as lack of independence of specialized authorities. Sometimes there can be insufficient incentives for cooperation with law enforcement authorities. With some of the nations with long histories of corruption and conflicts, it can be more difficult than elsewhere to end or even reduce it, since that's all they know. It can also be, that the greed for personal gain and power of the wrongdoers is too great to be hindered by the UNCAC.

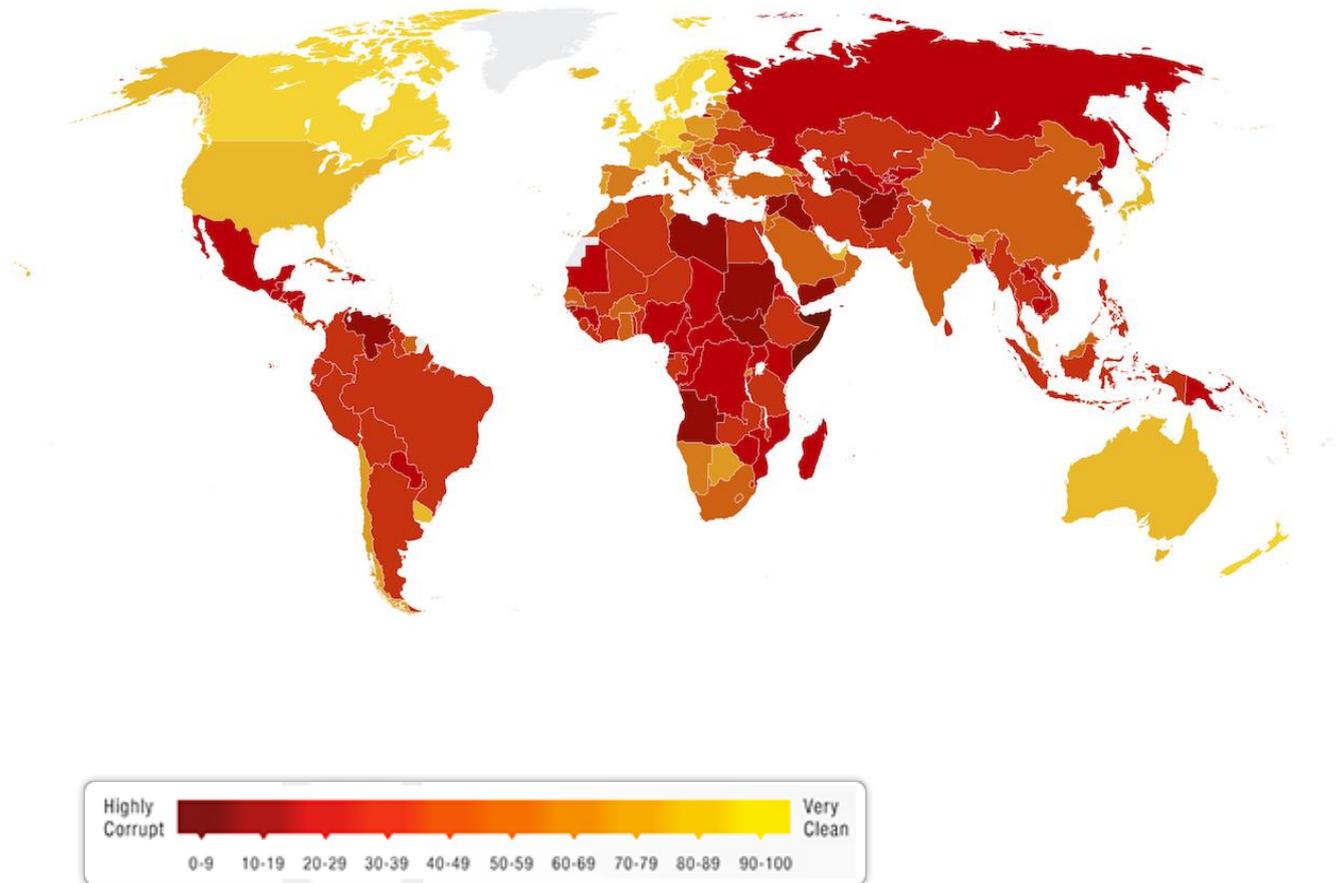## Key Member States and NGOs Involved and Their Views

Transparency International

Transparency International[22] is an international Non-Governmental Organisation (NGO) working in over 100 countries with governments and businesses to stop abuse of power and corruption. The

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[21] U4 Anti-corruption basic guide, Accessed 14.11.2018
[22] Transparency International , Accessed 13.11.2018

organisation releases a Corruption Perception Index annually, to showcase where corruption is most visible and abhorrent, and where work still needs doing.

The Corruption Perceptions Index 2017.[23]

U4 Anti-corruption Resource Center

U4 Anti-corruption Resource Center is a permanent centre at the Norwegian Chr. Michelsen Institute (CMI). CMI is a non-profit, multi-disciplinary research institute with social scientists specialising in development studies. U4 has studied how corruption threatens development outcomes since 2003. Together with global research networks and practitioners, it pursues emerging topics and advances the anti-corruption field.[24]

World Bank

The World Bank[25] is an international organization, which works in every major area of development. It also offers financial products and assistance, and helps countries with the challenges

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[23] Corruption Perception Index of 2017, Accessed 12.11.2018
[24] U4 Anti-corruption Resource Center Accessed 13.11.2018
[25] World Bank Accessed 14.11.2018

they face. One of its major goals is to end extreme poverty by 2030, and it sees corruption as one of the major things preventing that. The World Bank often partakes in summits and conferences about corruption, like the Anti-Corruption summit held in London in 2016.[26]

United States of America

The United States of America is one of the most powerful countries on earth and as such is often also seen as something of a word police. The United States' Department of state has made corruption a priority, and they have a three-pronged Anti-corruption efforts strategy that they are implementing.[27]

Russian Federation

While the Russian Federation is often perceived to be quite corrupt, most of the large national organizations have some sort of anti-corruption efforts. The nation also has quite thorough anti-corruption laws.[28] Russia's government has, however, been internationally accused of limiting the freedom of press, and murdering or otherwise going after political opponents and journalists.

Venezuela

Venezuela was ranked as the most corrupt country in the Americas by the CPI. The country has a long history of corruption. The previous president, Hugo Chavez, for example led a successful referendum which abolished presidential term limits[29]. Corruption has also been abundant in Venezuela in other sectors and areas as well, which has led to the country being in political, economic and humanitarian crisis.

Countries that obtained the lowest scores on the Transparency International's CPI[30] and are thus riddled with corruption

- Somalia
- South Sudan
- Syria
- Afghanistan
- Yemen
- Sudan
- Libya
- North Korea
- Guinea-Bissau
- Equatorial Guinea

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[26] London Anti-Corruption Summit Accessed 14.11.2018

[27] US State department anti corruption efforts, Accessed 12.11.2018

[28] Anti-corruption laws, Russia Accessed 14.11.2018

[29] Venezuela in crisis, CFR Accessed 15.11.2018

[30] Transparency International CPI Accessed 15.11.2018

Timeline of Events

Date	Description of event
December 17, 1997	Convention on Combating Bribery of Foreign Public Officials in International Business Transactions was adapted by OECD (Organisation for Economic Cooperation and Development) member countries and some non-member countries.
September 25, 2001	UN General Assembly recognized that there is a need for an international legal instrument against corruption
October 31, 2003	UNCAC adopted by the General Assembly

UN Involvement, Relevant Resolutions, Treaties and Events

In 2001 the UN General Assembly recognized that there is a need for an international legal instrument against corruption. This was the starting point of the United Nations Convention against Corruption (UNCAC), which was adopted by the General Assembly on 31 October 2003. The Convention is mandatory, and 140 countries have ratified the Convention as the local law. The UN Office on Drugs and Crime (UNODC) in Vienna serves as secretariat for the UNCAC.

In 2015, countries adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals. Goal number 16 is called Peace, Justice and Strong Institutions, and it is also related to corruption.

Relevant Resolutions, treaties and events

- United Nations Convention against Corruption, 31 October 2003 (A/RES/58/4)[31]

- An effective international legal instrument against corruption, 22 January 2001 (A/RES/55/61)[32]

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[31] United Nations Convention against Corruption, Resolution 58/4, Accessed 13.11.2018
[32] An effective international legal instrument against corruption, Resolution 55/61, Accessed 13.11.3018

- Resolution on preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption, 18 December 2014(A/RES/69/199) [33]

- Sustainable Development Goal 16, Peace, Justice and Strong Institutions[34]

Possible Solutions

Promoting transparency and access to information as suggested by Transparency International[35], has been proven to be a powerful asset in the fight against corruption. Most countries with exceptionally low numbers of corruption and bribery in governments have extremely open and responsive governments with transparency even at the executive level, a free press, and access to information. Access to information especially has a positive effect on both the responsiveness of government bodies and public participation, both of which are vital when combating corruption.

One thing that helps and demands a certain level of transparency, are SAIs or Supreme Audit Institutions. They oversee the management of public finances, and therefore make corruption and bribery much harder to go unseen. As the U4 Organization's publication about SAIs[36] states,"Traditionally, the role of SAIs has been seen as promoting public sector transparency and accountability within a wider climate of good governance." SAIs are usually national-level institutions, but they can be organized at an international level, with the help of INTOSAI[37], the International Organization of Supreme Audit Institutions. One possible solution for corruption is mandating the presence of SAIs in all United Nation Member States, and making sure that they remain independent with no government oversight or control.

International and global acknowledgement and participation in these matters is also very important. As the World Bank noted[38], global and local action is very important. Incentives and sanctions are a good strategy from the international community, punishing corruption and promoting and rewarding correct behaviour. LEDCs and countries with ongoing conflicts are often at risk of forming corruption, since they don't have the required internal resources to combat it, and sometimes lack experience. Identifying ways of getting international resources to support and sustain good governance and clean governments could be one of the key pieces needed to stop corruption, especially in LEDCs. It is also vital for every United Nations Member State to acknowledge and behave in accordance with the

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[33] Resolution 69/199, Accessed 13.11.2018
[34] Goals for Sustainable Development 16: Peace, justice and strong institutions, Accessed 13.11.2018
[35] Transparency international, how to stop corruption: 5 key ingredients, Accessed 12.11.2018
[36] U4 The Role of Supreme Audit Institutions in Combating Corruption, Accessed 14.11.2018
[37] INTOSAI, Accessed 14.11.2018
[38] World Bank, 10 ways of fighting corruption, Accessed 12.11.2018

UNCAC. A good example of long-running international measures to counteract political corruption in elections are OSCE's (Organization for security and cooperation in Europe) international election observers.

The specific form of corruption, bribery, can be influenced positively by paying civil servants well, as World Bank again noted[39]. If they are underpaid, it will affect motivation in a negative way and they might be more susceptible to persuasion to bribery. It was also found, that there is definitely a causal relationship between the wages in the public sector and the incidence of bribery and corruption.

Another important thing in the fight against corruption, is making sure whistleblowers are protected and that there are proper channels and infrastructure in place both at the local and international level for whistleblowing. It is impossible to fight corruption, if there is no knowledge of where it is happening, in which whistleblowing helps. If whistleblowers aren't properly protected and if there aren't proper channels in place for them to use, it simply won't happen.

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9 & 10. **Transparency International Corruption Perception Index 2017**, **Accessed 12.11.2018**

11. New York Times, Somalia's Election, Accessed 13.11.2018

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[39] World Bank, six strategies to fight corruption, Accessed 12.11.2018

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18. **UN Convention against Corruption Accessed 12.11.2018**

19. State of Implementation of the UNCAC, 2017, Accessed 12.11.2018

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