

Forum: The Second General Assembly

Issue: Strengthening regulations to limit and prevent corruptive practices, including bribery

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Introduction

In current global issues, corruption strives to be one of the most powerful factors leading to the economic downfall of a country. Corruption has been a long-standing problem and is more apparent in countries that possess a weak judicial system. There is no one definition of corruption as it can take place in many forms, including bribery. But one universally recognized form is the “misuse of entrusted power (by heritage, education, marriage, election, appointment etc.) for private gain”. In today’s Global scenario, corruption is largely inevitable, reasons of which may be several- ranging from materialistic desires, Political instability, Gender inequality, and of course poverty

The global effects of corruption include distortion of electoral processes(such as in countries like Pakistan), embezzlement and fraud in institutional schemes and the creation of bureaucratic hazards and loopholes. On the other hand, prevalent corruptive practices are usually ascribed to LEDCs, though It is inevitable that MEDCs have their own share of corruption related hurdles and barriers.

Transparency International defines corrupt activities on the part of civil servants or politicians as that in which they illegally enrich themselves by the mistreatment of the public authority delegated to them. The Asian Development Bank defines corruption more broadly as involving “behavior on the part of officials in the public and private sectors, in which they improperly and unlawfully enrich themselves and/or those close to them, or induce others to do so, by misusing the position in which they are placed.”

In this report, we will be trying to analyse the reasons and causes behind corruption and bribery, and its effects on the overall bureaucratic practice and development of a nation. We will also analyse previous attempts by nations and organisations to resolve the issue by attacking at its root core, and through critical analyzing them and their loopholes, we shall attempt to look for better means to resolve this termite eating up the polity and bureaucracy of a nation.

Definition of Key Terms

Corruption

Corruption is a form of dishonest or unethical conduct by a person entrusted with a position of authority, often to acquire personal benefit.

Financial crime

Financial crime is when wealth is generated through the deceit of individuals, companies or whole economies with use of bribery, identity theft, tax evasion and the likes.

Bribery

The act of giving an individual/body incentives such as money, gifts or power in order to influence their judgement or behaviour in one's favour, even when going against the law. Also called kickback.

Democracy

A system of government run by the whole population or all the eligible members of a state, typically through elected representatives.

Larceny

Taking away of goods or property without the consent and against the will of the owner or possessor.

Capitalism

Capitalism is a financial and diplomatic system where a country's trade and industry are dominated by private owners for profit, instead of the state.

Nepotism (Cronyism)

Selecting family, friends or members of the same group for jobs and contracts because of the personal relationship, not because they are the best for the position.

Kleptocracy

This is a term applied to a government seen as having a particularly severe and systemic problem with officials or a ruling class taking advantage of corruption to extend their personal wealth and

political power. Typically this system involves the embezzlement of state funds at the expense of the wider population, sometimes without even the pretence of honest service.

Transparency

A lack of hidden agendas or conditions, accompanied by the availability of full information required for collaboration, cooperation, and collective decision making.

Background Information

Epitomised by the defilement of social fabrics and government bodies, corruption is a cunning scourge breeding a multitude of corroded societies on a global scale. Proceeding with iniquitous subtlety, corruption undermines the collaborative power of democratic populations, disregards the rule of law, leads to human rights violations, handicaps markets, depreciates the quality of life in all nations under its subjection and permits the exponential growth of crime, terrorism and other threats to global human safety.

These acts of corruption can arise due to a variety of reasons, including but not limited to: poverty, gender inequality, poor education, deprivation of safe drinking water, political instability, contagion of inhabited countries from corrupt neighbours, low national Democracy Indices, weak civil participation and little-to-no involvement between government bodies and the public. These have warranted the establishment of the sustainable development goal 16, “Peace, Justice and Strong Institutions”, aiming to eradicate the increasing prominence of these dilemmas and advocating a prosperous future for all - on economic, environmental and social bases.

One of the difficulties in identifying corruption is that it often functions under the guise of good public policy; Corruption can be considered in two general facets, although there may exist some variations within these categories and the two may often be entwined due to characteristic overlaps. These facets constitute administrative (petty) corruption and political (grand) corruption, commonly referred to as ‘state capture’.

Administrative corruption

Administrative corruption refers to acts of bribery (i.e. kickbacks and grease payments), where public officials extract payments from bodies who wish to implement certain decisions. This type of corruption purposes to apportion rents or profits accompanying a decision to consider more beneficiaries. A prime example of petty corruption exists when officials accept bribes for favouring particular contractors for public construction projects. Here, the officials imply a share in associated profits of the

contract between themselves and contractors. The main repercussion of such ordeals is the redistribution of income that in turn may have some unintended effect on resource allocation.

In discussions of transactional offences such as bribery, ‘active bribery’ which usually refers to the offering or payment of the bribe. For example, in 2016, a Chinese court found the head of a logistics company as guilty and was given the death penalty which was later suspended, as well as a fine of over 700,000 yuan (about U.S. \$100,000) for a deadly explosion at a chemical warehouse in Tianjin. It was reported that 99 firefighters and 11 police officers were killed, with a further 798 people being injured. Chairman Yu Xuewei bribed officials to get permission to store than 49,000 tons of sodium cyanide at the warehouse illegally. Whereas ‘passive bribery’ refers to the receipt of the bribe. In 2007, Two staff working at IKEA and a supplier were found guilty of £1.3m bribes case.

In common parlance of criminal law, the terms may be used to differentiate between a definite action against the law in comparison to an incomplete offence. For example, ‘active corruption’ would include all cases where payment and/or acceptance of a bribe had taken place. However, the term would not apply to cases where a bribe was offered but the transaction was incomplete. It is also worthwhile to notice that in the development of national anti-corruption strategies that utilise a combination of criminal justice and other judicial elements, the line between these two forms of bribery appear blurred. Nonetheless, care should be taken to avoid confusion between the two notions.

Grand corruption

Grand corruption occurs when political leaders provide incentive(s) towards project facilitation through monetary support or lawful ratification, such that either they or their colleagues are recipients of the benefits. Fraudulent political conduct, such as this, expresses complete disregard for the opinions of the populace, as it is typical that this strain of corruption ensues when the population’s disagreement with the subject matter has been anticipated. The corrupt elite’s profits stem from bribes or agreed sums in the projects that benefit from decisions made in favour of them, by the elite. Bribery amongst politicians exists in both industrialised and developing nations for example The former President of South Korea Park Geun Hye, who was sentenced to 24 years in jail due to her abuse of power and corruption. She was found guilty of using the nation’s budget to fund global-scale projects carried out by companies such as Samsung and other politicians to maintain her wealth. Another prime example of bribery amongst politicians is the Pakistan Muslim League (PML-N) which is a political party. The members of National Assembly and the Punjab Assembly were reported to have been paid “political bribes” by the PML-N government.

Grand corruption distorts the highest levels of a national Government, leading to widespread distrust and loss of confidence in good governance, the rule of law and economic stability. Petty corruption may involve extensive nepotism (and in some cases, cronyism in favour of associates), the

exchange of very small amounts of money with or between political bodies, or the granting of minor favours as a commitment to reciprocity.

Grand corruption differs from petty corruption such that the former involves the deformation of central government functions, whereas the latter ‘rears its ugly head’ within the scope of established governance and social structures.

Bribery

Bribery is the act of granting benefits in order to unjustifiably influence decisions. It can be instigated by any individual willing to be involved in the transaction, whether this person may be the solicitor or the offeror.

Bribery is probably the most recognised facet of corruption worldwide, such that descriptions of this act exist in the domestic laws of most countries and in academic publications.

Albeit rather disreputable, bribery posits an enticing ordeal for many due to its multifaceted benefits, including: money, material possessions, company shares, confidential information, sexual favours (amongst others), entertainment, political partisanship or guaranteed employment. Following a transaction, these benefits may be passed either directly or indirectly to the person bribed or to a third party, such as friends, relatives, associates, political parties or election campaigns. The bribe may warrant active involvement i.e. expressions of administrative support to companies or political assists towards a certain campaign. On the contrary, the deal may only require passive action i.e. overlooking some offense or obligation against a client. Moreover, bribes can be paid on any one occasion or may exist as a series of payments as part of a continuing relationship between the involved, in which benefits are regularly exchanged.

MEDC vs LEDC

In today's day and age, it is evident that LEDCs are more vulnerable to corruption/corrupt practices than MEDCs. There are several reasons as to why this is so.

In densely populated countries (LEDC's), Statistics show literacy rates are directly related to corruption. Many children lack primary education. In Sub-Sub-Saharan Africa, “one in three adults cannot read and 32 million primary school aged children are not in school” as reported by UNESCO. Many people believe that education is a key in eradicating corruption. As more people are aware of these practices, they can be addressed and demolished.

Major Countries and Organizations Involved

India

Through an investigation held by Transparency International in 2005, statistics based on their study revealed that over 92% of the population in India have encountered at least once a circumstance in which they were involved in paying bribe or compensation to a public officer or figure to gain an advantage. A similar study in 2008 by Transparency International shows further statistics that reveal around 50% of the population have witnessed other people paying bribes or using their connections to gain cooperation from public offices. Corruption is a longstanding issue in the governmental office in India, directly affecting its economy in local, state and central levels of the country. It prevents India from developing and greatly decreases its chance to progress and improve other national difficulties.

In India, The Jan Lokpal Bill or also known as Citizen's Ombudsman Bill was an attempt to resolve the rooted corruption prevalent across the country. The bill was developed so that any citizen regardless of their social/economic status can contribute to it. The bill aimed to dissuade corruption, protect whistleblowers and amend any losses that the citizens had. The bill was intended to initiate a central government institution for anti corruption which will be overlooked by the cabinet secretary and the election commission so that there is no governmental influence. Unfortunately, the bill never truly came into effect, possibly because of the lack of will power in politicians and use of influence by corporates and industrialists. It is believed that if the bill truly came into effect, almost half the Indian polity could have been penalized.

Lithuania

"Lietuva yra giminių kraštas" is an expression that roughly translates to "Lithuania is a country of relatives": revealing an underlying message that nepotism is normal in their society. This issue may also explain why anti-corruption laws are not invoked as there is a minor group of people who think corrupt individuals should be punished as only 23% of them would actually report to authorities any corruption they have witnessed. In 2016, the study also showed that 73% of Lithuanians went through the experience of similar situation or more drastic corruption levels in comparison to in 2011, which implicates a lack of progressiveness within the country. The presence of this ignorance explains why Lithuania is one of the most corrupt of European countries in 2018 and according to Transparency International, they are 38th out of 180 countries in term of Corruption Perception Index in 2017. Surveys reflected that Lithuanian business individuals felt that corruption is a significant cause of decline of economic development and international competitiveness

Pakistan

Since its independence, Pakistan has had countless cases of corruption within its country. Owing to the constant power struggles between civilian institutions and the military regime, anti-corruption has been disrupted and no significant decrease in corruption has been recorded within the different governmental powers. Political divisions such as education, health care and taxation are just some that have been affiliated with corruptions and it is believed that most of the divisions have been involved in some dealings with corrupt leaders or government representatives. Nawaz Sharif, prime minister of Pakistan was removed from office and regarded as underqualified by the Supreme Court of Pakistan due to the alleged charges of corruption that were pitted against him. It led to several controversies due to lack of solid evidence, but ever since his removal in 2017 there are still some ongoing speculations about his corruption in the superior court.

Nigeria

The development of Nigeria has been greatly inhibited due to corruption as funds provided by organisations such as Global Fund have ceased or are delayed. This has a significant impact on decreasing the advancements of projects against HIV/AIDS and other various diseases such as tuberculosis and malaria. Last year, Global Fund cancelled their round 11 funding due to this very reason. Furthermore, in terms of education, there has been an incident in which \$250 million were stolen from a former governor from public repository which rendered the children in Nigeria vulnerable. As a struggling country, the vast quantity of that money could have potentially aided 400,000 children in educating themselves or pumps could have been provided by the government to up to 450,000 households in Nigeria. The U.K. Department for International Development has provided these statistics.

UNITED NATIONS' OFFICE ON DRUGS AND CRIME (UNODC)

The United Nations' Office on Drugs and Crime (UNODC) administers assistance to the States (parties to the convention) by methods of preventing and creating an awareness through educating the youth. They also work to readjust and improve principles of the criminal justice system in the country in question. These procedures help to diminish issues and create a lasting, durable counter-attack to corruption. The UNODC interprets, analyses and employs measures to monitor and control corruption on a global-scale through programs like the United Nations Convention against Corruption, which is a legally binding document that implements a coordinated and all-inclusive response to a worldwide issue, which is corruption. An Initiative which goes by the name Education for Justice (E4J) aims to put a stop to crime and promote a community built on lawfulness through educational activities which are intended for primary, secondary and tertiary levels. Through these activities, personnel from E4J will be able to educate the future generation to realize and bring forth the dangers that threaten the law.

Timeline of Events

Date	Description of event
1907-1971	Haiti under François Duvalier
1909-1972	Nigeria under Kwame Nkrumah
1917-1989	Philippines under Ferdinand Edralin Marcos
1930-1997	Zaire under Mobutu Sese Seko
1925-2003	Uganda under Idi Amin
1993	Establishment of Transparency International (TI), a non-governmental organization that monitors and publicizes corporate and political corruption in international development.
16 November 1999	National Accountability Bureau Ordinance.
2006	Rental Power Projects (RPP) scam
2012	The United Nations Economic and Social Council high-level panel on accountability and transparency, where the importance of combating corruption was discussed.
4 November 2013	Khyber Pakhtunkhwa Right to Information Act, 2013
March 3rd, 2016	Hajj corruption case (Pakistan)

Relevant UN Treaties and Events

Below are a list of relevant UN treaties, resolutions, and events that have been enacted or taken place in attempts to solve the issue.

- United Nations Convention against Corruption (UNCAC) General Assembly resolution 58/4 of 31 October 2003
- Resolution 55/61 of 4 December 2000
- UNDP GLOBAL ANTI-CORRUPTION INITIATIVE (GAIN) 2014 – 2017

- On 6 November 1997, the Committee of Ministers of the CoE adopted the Twenty Guiding Principles for the Fight against Corruption
- Recommendation on codes of conduct for public officials, adopted on 11 May 2000
- Southern African Development Community Protocol against Corruption ('SADC Protocol') was signed on 14 August 2001
- The Economic Community of West African States Protocol on the Fight against Corruption ('ECOWAS Protocol') was signed on 21 December 2001

Previous Attempts to solve the Issue

Prevention of corruption acts: 1947, 1950 AND 1958

The system in Pakistan does not place everybody equally under it, government officials are treated differently compared to ordinary citizens. Hence, the first step was to reduce bureaucratic corruption. In 1947, the Prevention of Corruption was executed in the Dominion of Pakistan for the purpose of providing restrictions to bribery and the corruption of public servants, mainly towards the bureaucratic administration.

In 1950, the independent Princely State of Bahawalpur embraced a rendition of the act known as the Bahawalpur Prevention of Corruption Act. Five years later, Nawab Sadeq Mohammad Khan V and Lt Gen Ghulam Muhammad Malik signed a reconciliation which resulted in Bahawalpur becoming a member of the province of West Pakistan. Due to this change, it indicated that the initial act required modifications in order to incorporate Bahawalpur and the other regions which were formerly excluded from the act. Accordingly, in October 1958, an ordinance known as the Prevention of Corruption Act (West Pakistan Extension) Ordinance was delivered to enhance the awareness of the act to the entire province of West Pakistan. The outlook of the original expanding for the community of Karat, Kharan, Makran and Lasbela and the annulment of the Bahawalpur Prevention of Corruption Act was the result of this ordinance.

If you want to pass a law, you need to check whether it is compatible with the existing law, judiciary always manages to pass what is law and what is not. Pakistan has two judiciary, The subordinate court handles the lower judiciary and the legislation the Supreme high court are responsible for higher judiciary.

Lower courts are not enshrined in the constitution. The areas that are not constitutional parts of Pakistan would have to go to their own lower courts which themselves are not enshrined in the constitution. The main mechanism for laws to be checked are not in the constitution in the first place as the constitution itself is flawed. The very issue is the act can only address laws that are in the constitution

and since it is not in the constitution, it allows government officials to be ordinary citizens as they are not enshrined in the constitution. Due to these reasons the acts give rise to corruption.

Transparency international

Organisations such as Transparency International utilises an array of frequent policies and regular management procedures for handling risks in terms of corruption. Aside from organisation-wide policy manuals towards human resources, procurement and finance, these include practices such as complaint mechanisms, codes of conduct for staff, transparency of information on entitlements and application of public committees, partition of duties and group decision-making, redistributing staff to work beyond their local communities, alternating key staff, setting coherent limits on the degree of authority and definitive staff contracts coordinated to particular abilities.

Possible Solutions

“Corruption, like cancer, has many manifestations. In the same way that different types of cancer require different treatments, fighting corruption requires different initiatives, tools and institutions.’

At the 2012 Economic and Social Council high-level panel on accountability and transparency, former U.N. Secretary-General Ban Ki-Moon emphasised the importance of combating corruption.

Promote transparency and access to information

Countries fortunate at constraining corruption hold a long ethic of government openness, flexibility of the press, transparency and access to information. Access to information escalates the impartiality of government individuals whilst having a beneficial outcome on the stages of public cooperation in a country. The Right to Information Act, In India was a prime example of where this has been implemented. In 2005, The Act was established so that any Indian citizen can request for information from the government who are obliged to reply within thirty days.

Establishment of an Anti Corruption Bureau in each nation

The establishment of an Anti Corruption Bureau in each nation, independent of political or even bureaucratic control, and purely handled by individuals appointed through regular democratic individuals or nominated by the Supreme Court of the nation. This would cause the corruption cases to reduce drastically as the Bureau is going to be monitored by a UN personnel. The Bureau could therefore take the necessary actions in relation to different sectors to implement stronger anti corruption laws that have

strict punishments for those found guilty of serious crimes including bribery and benefits in return for favours.

Empower citizens

Reinforcing citizens' insistence for anti-corruption and entitling them to take responsibility of government accountability is a viable approach which provides guidance in building mutual custody between residents and the government. For instance, community monitoring initiatives in some circumstances participated in the discovery of corruption, decreased leakages of funds and enhanced the quality and quantity of public services.

Education

Countries with the lowest world literacy rates and their corruption rankings

Countries With Lowest Literacy Rates	Literacy Rate	Corruption Ranking
1. South Sudan	27%	173/177
2. Mali	27.7%	127/177
3. Afghanistan	28.1%	175/177
4. Burkina Faso	28.7%	83/177
5. Niger	28.7%	106/177
6. Sierra Leone	35.1%	119/177
7. Chad	35.4%	163/177
8. Ethiopia	39%	111/177
9. Senegal	39.3%	77/177
10. Guinea	41%	150/177

Literacy Rates indicate the percentage of inhabitants over the age of 15 who can read and write.

As we can see there is a relationship between literacy rates and corruption ranking of the country. Education plays a key role in the eradication of corruption. Setting up campaigns and raising awareness in countries such as South Sudan could help the citizens realize how they can combat the corrupt systems and help empower them as previously mentioned.

Sports

Since sports such as football, basketball, cricket etc, are constantly growing by the day, everyone wants to be the best and in order to do that there are match fixings that take place and referees are bribed to be more strict to the opponents team. But since everything is constantly recorded, footage of such acts could be used to implement stricter laws and raise awareness stating what happened to individuals when they partake in corrupt acts. For example, If a team is caught bribing the referee before a match, then both the team and referee should pay a huge sum as well as be relegated to the lower division and be stripped from all big titled games. This is just an example on how sports could be used to get rid of corruption in the beautiful game. Using this as an example for the world, we can eradicate corruptive practices in different sectors such as industry.

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Appendix or Appendices

I. <http://www.corruptie.org/en/corruption/what-is-corruption/>

This is a great website for first-timers as it guides the delegate through the different forms of corruption and its reasons.

II. <https://www.corruptionwatch.org.za/learn-about-corruption/what-is-corruption/we-are-all-affected/>

This will help delegates write their opening speeches as well as get information which will strengthen their clauses.

III. <http://elaine.ie/2009/07/31/definitions-and-types-of-corruption/>

More detail on the different types of corruption.

IV. http://www.e-pao.net/epSubPageExtractor.asp?src=leisure.Essays.Essay_on_Faith_Spirituality.Corruption_Problems_Solutions

A site where delegates can get some ideas to write their operative clauses.