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ECOSOC: Fighting Corruption as a Prerequisite for Good Governance

Introduction

"Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government's ability to provide basic services, feeding inequality and injustice, and discouraging foreign investment and aid".¹

„Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life, and allows organized crime, terrorism and other threats to human security to flourish.“²

Kofi Annan, Former United Nations Secretary-General

The evil phenomenon of general corruption can be found in all countries all over the world.³ Independent from the countries' size, economic conditions and political dimensions every state nowadays suffers from this phenomenon. Thus, one can say that developing countries are affected most by the destructive effects caused by corruption. Throughout fraud and bribery not only trade and industry are weakened but also Governance on a national and international level is highly demoralized.

Reaffirming to the United Nations founders' basic ideas of international peace and security the term of Good Governance plays a key role in putting those ideas into force. Therefore, establishing fair and transparent political and economical arrangements, as a part of Good Governance, is unavoidably required.

These two concepts of fighting corruption and constituting Good Governance are highly linked. Under poor Governance one has a greater incentives and larger scope for corruption. Thus, the promotion of Good Governance helps combat corruption. It goes together with efforts that aim on fighting corruption more directly, such as raising public awareness and strengthening the enforcement of anti-corruption legislation. And vice versa

¹ <http://www.unodc.org/unodc/en/corruption/index.html>

² <https://www.unodc.org/unodc/en/treaties/CAC/background/secretary-general-speech.html>

³ <https://www.unodc.org/unodc/en/treaties/CAC/background/secretary-general-speech.html>

Governance is undermined by corruption to the extent that it distorts policy decisions and their implementation.⁴

Definition

Corruption: The term of corruption is generally used for the mistreatment of power for other purposes. It is also often defined as the abuse of public authority or trust for private benefit. Attempts to develop such a definition invariably encounter legal, criminological and, in many countries, political problems. Corruption undermines democratic institutions, retards economic development and contributes to government instability.⁵ Corruptions also implies the terms of bribery, fraud, money laundering, illicit trafficking, organized crime, embezzlement and graft.

Governance: The term Governance, as generally used, encompasses all aspects of the way a country is governed, including its economic policies and regulatory framework.

Fight against Corruption

„Around the globe, people are demanding accountability from their governments; citizens are clamoring for the removal of corrupt leaders; and businesses are looking for level playing fields“⁶

Since the problem of corruption has been increasingly weakened the international peace, security and stability the United Nations has ever been aware of this problematic issue. The topic of corruption used to be discussed within United Nations Convention against Transnational Organized Crime (GA/RES/55/22, Annex I) but is nowadays recognized as a matter of the United Nations Office on Drugs and Crime (UNODC). This quite useful Office was established in 1997 by combining the United Nations International Drug Control Programme (UNDCP) and the Crime Prevention and Criminal Justice Division.⁷

In order to enhance the effectiveness of the worldwide fight against corruption, the General Assembly recognized the necessity of an international legal instrument being independent from the United Nations Convention against Transnational Organized Crime (GA/RES/55/25). Therefore, an ad hoc Committee was established to elaborate such an instrument. After negotiations the outcome was named United Nations Convention against Corruption (UNCAC) ratified by the General Assembly (GA) of the United Nations (UN) in October of 2003 through the resolution GA/RES/58/4. This document provides a detailed and task-oriented guide to preventing and fighting corruption in State governments as well as providing guidance on issues, which often cross borders.⁸ Within the United Nations Convention against Transnational Organized Crime one highlighted several subsections such as Prevention, Criminalization, International Cooperation, Asset Recovery and Implementation Mechanisms.⁹

The implementation of the UNCAC is supported by the UNODC's Global Programme against Corruption (GPAC) which therefore provides the practical assistance and build technical capacity. This will include the establishment of preventive anti-corruption

⁴ http://www.imf.org/external/np/gov/guide/eng/index.htm#P17_850

⁵ <http://www.unodc.org/unodc/en/corruption/index.html>

⁶ <http://www.unodc.org/>

⁷ <http://www.unodc.org/unodc/en/treaties/CAC/background/index.html>

⁸ <http://www.unodc.org/unodc/en/treaties/CAC/background/index.html>

⁹ <http://www.unodc.org/unodc/en/treaties/CAC/background/index.html>

frameworks. The main areas of work include besides technical cooperation and international coordination, the attempt to raise and outreach of public awareness. In addition to that the GPAC offers assistance in the field of policy development and research which includes the UN-Anti- Corruption Toolkit.¹⁰

The UNODC is aiming at supporting UN member states in their fight against crime such as corruption. Therefore, the UNODC publishes the so called „The Global Programme Against Corruption - UN Anti-Corruption Toolkit“¹¹, which provides measures how to tackle this set of problems. The Toolkit is divided into the following nine subsections offering approaches:

1. Assessment of Corruption and Institutional Capabilities against Corruption

- Assessing the nature and extent of corruption
- Assessment of institutional capacities and responses to corruption

2. Institution Building

- Specialized anti-corruption agencies
- Auditors and audit institutions
- Ombudsmen
- Strengthening judicial institutions
- Civil service reform to strengthen service delivery
- Codes and standards of conduct
- National anti-corruption commissions, committees and similar bodies
- National integrity and action-planning meetings
- Anti-corruption action plans
- Strengthening local governments

3. Situational prevention

- Disclosure of assets and liabilities by public officials
- Authority to monitor public sector contracts
- Curbing corruption in the procurement process
- Integrity pacts
- Results- or fact-based management
- The use of positive incentives to improve employee culture and Motivation

4. Social prevention

- Access to information
- Mobilizing civil society through public education and awareness-raising
- Media training and investigative journalism
- Social control mechanisms
- Public complaints mechanisms
- Citizens' charters

5. Enforcement

- Guidelines for successful investigations into corruption
- Financial investigations and the monitoring of assets
- Integrity testing
- Electronic surveillance operations

¹⁰ <http://www.unodc.org/unodc/en/corruption/index.html>

¹¹ http://www.unodc.org/pdf/corruption/publications_toolkit_sep04.pdf

6. Anti-Corruption Legislation

- International and regional legal instruments
- National legal instruments
- Dealing with the past: amnesty and other alternatives
- Standards to prevent and control the laundering of corruption proceeds
- Legal provisions to facilitate the gathering and use of evidence in corruption cases.
- Whistleblower protection
- Service Delivery Surveys

7. Monitoring and Evaluation

- United Nations country assessment
- Mirror statistics as an investigative and preventive tool
- Measurable performance indicators for the judiciary

8. International Judicial Cooperation

- Extradition
- Mutual legal assistance

9. Reparation of illegal Funds

- Recovery of illegal funds

Because of the fact that corruption does have an effect on the economy of an affected country, the World Bank Group also developed measures aiming to reduce the harm resulting from corruption. The issue of minimizing corruption is generally taken care of within three levels by the World Bank Group: Bank-funded projects, at a country and at a global level.¹²

Due to the global problem of corruption not only the United Nations and its specialized agencies but also either regional or global organizations are engaged in this fight. For instance the European Union (EU) developed a Union Policy against Corruption including conventions and reforms. Non member Countries is offered assistance and to establish special anticorruption programs, particularly in the applicant countries of Eastern Europe. As well as the EU, the African Union (AU) and the Organization of American States (OAS) have also built up an own anti-corruption strategy.¹³

Good Governance: A possible solution to corruption?

After the 1970s the main actors in the field of development recognized, that the lack of progress was also due to the absence of a framework that could help establish a form of Governance in the developing countries that secures the fruitful use of the financial aid. Therefore the term of “Good Governance” was introduced which means an “efficient, accountable and well-functioning government and public administration.”¹⁴ In the very beginning the term Good Governance included just the public sector management, accountability and controls, decentralisation and transparency. Today the term has widened and has become one of the key terms of development policy. It includes also the interplay between the state and civil society.¹⁵

¹² www.worldbank.org/governance

¹³ <http://www1.worldbank.org/publicsector/anticorrupt/corruptn/cor08.htm>

¹⁴ Federal Ministry of Economic Cooperation and Development (<http://www.bmz.de/en/issues/HumanRights/demokratie/goodGovernance/index.html>)

¹⁵ <http://www.bmz.de/en/issues/HumanRights/demokratie/goodGovernance/index.html>

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The UNESCAP (United Nations Economic and Social Commission for Asia and the Pacific) points out 8 major characteristics of Good Governance (see diagram). These characteristics should assure that “corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making”¹⁶



Governance can be separated into three dimensions, which are intimately connected, namely security Governance, political-administrative Governance and socioeconomic Governance. The political-administrative Governance poses the question of the development of a political system that is legitimate, transparent, and as inclusive as possible.

Political-administrative Governance comprises of the following areas:

- constitutional reform
- division of power and inter-ethnic cooperation
- group autonomy and vertical division of power through integrative decentralisation
- democratisation and elections
- rule of law and judicial reform
- remembrance and reconciliation
- efficient provision of services, combating corruption
- promotion of local communities

(For a detailed description of these areas please have a look on page 13-17 of the Discussion Paper “Promoting Good Governance in post conflict countries”: <http://www2.gtz.de/dokumente/bib/05-0032.pdf>)¹⁷

As Mrs. Peck of the Carnegie Commission on Preventing Deadly Conflict stated: “Sustainable peace will depend on the development of Good Governance at all levels—local, national, regional, and global” Good Governance is seen as one of the possibilities for sustainable peace.¹⁸ Rebuilding or building of capacities of the state and the (re-) establishment of credible, transparent, participatory and efficient Governance and public administration institutions are basic requests for any development. The regional actors and the international community play a crucial role within the establishment of Good Governance. The challenges for the external help are not only coordination and a long term view, but especially the cooperation with governmental institutions that are not fully democratically legalized. The challenge underlines the dilemma of the demand to these institutions to transform into a more democratic but often less powerful institution.¹⁹

Good Governance as key term for sustainable peace and development has been introduced in the programmes of the main donors, namely the International Monetary Fund (IMF) and the

¹⁶ <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>

¹⁷ <http://www2.gtz.de/dokumente/bib/05-0032.pdf>

¹⁸ <http://wwics.si.edu/subsites/ccpdc/pubs/role/toc.htm> (Chapter 13, 14)

¹⁹ <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan028332.pdf> (Section 4, 5, 6)

World Bank. These institutions define the two terms as different concepts, but with close links. If there is poor Governance, there is a higher possibility for corruption.²⁰

(For more detailed information on the measures by these main institutions have a look on the links of IMF and World Bank)

Summary and Key Questions

The problem of corruption and the concept of Good Governance are very complex concerns and therefore one has to considerate a variety of resolution methods. These issues are unavoidably linked and interrelated. On the one hand Good Governance does not exist as long as there is corruption and on the other hand one cannot fight corruption if there is no basis of Good Governance.

- What is your country's definition of good governance?
- What is the situation concerning good governance and corruption?
- Is good governance an opportunity (the only opportunity) for sustainable peace and stability?
- Did your state sign or even ratify the UNCAC? If yes, what measures has your Member State taken to implement fully the UNCAC? How performs your Member State in introducing or affirming these measures in their State? How does your State promote transparency in the public and private sector?
- How is corruption/transparency being dealt with and anti-corruption policies being implemented at national and local levels?
- What are regional organizations you state is member of doing to tackle the problem of corruption and promote good governance?

Other useful Links

African Union Convention on Preventing and Combating Corruption

<http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>

Good Governance and the role of the IMF

<http://www.imf.org/external/pubs/ft/exrp/govern/govindex.htm>

Good Governance: Rule of Law, Transparency and Accountability

<http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN010193.pdf>

Example for an UN Programme on Good Governance (Sudan)

<http://www.sd.undp.org/projects/dg1.htm>

Information Resources on Good Governance in Africa:

<http://www.uneca.org/itca/governance/Governance.htm>

The International Monetary Fund and Good Governance

<http://www.imf.org/external/np/exr/facts/gov.htm>

²⁰ <http://www.imf.org/external/np/gov/guide/eng/index.htm>

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United Nations Development Programme on Good Governance

<http://magnet.undp.org/policy/>

UNCAC Website

<http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>

UNODC Website

<http://www.unodc.org>

World Bank: Anti Corruption and Governance

[http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBIGOVANTCOR/0,,m
enuPK:1740542~pagePK:64168427~piPK:64168435~theSitePK:1740530,00.html](http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBIGOVANTCOR/0,,m
enuPK:1740542~pagePK:64168427~piPK:64168435~theSitePK:1740530,00.html)

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