



American Model United Nations

**Commission on Crime Prevention and Criminal
Justice**

**Report to the Economic and Social Council
on Ratification and implementation of the
United Nations Convention against
Corruption**

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Executive Summary

1 The Commission on Crime Prevention and Criminal Justice (CCPCJ) presents to the
2 Economic and Social Council (ECOSOC) its report on the topic of the Ratification and
3 Implementation of the United Nations Convention Against Corruption (UNCAC).
4

5 The first chapter of this report includes draft resolutions, which the Commission presents
6 to the Economic and Social Council requesting the Council seriously consider the
7 resolutions for adoption. The resolutions pertain to the fight of corruption with a strong
8 focus on the implementation of education. An informal subgroup was formed within the
9 Commission, focusing specifically on educational programs. Through these programs,
10 further implementation of the UNCAC could result through increasing public access to
11 information and empowering civil society to make informed decisions. Additionally, the
12 resolutions request the expansion of preventative actions, specifically through a
13 recommendation to use mechanisms such as Tools and Resources for Anti-Corruption
14 (TRACK).
15

16 Chapter two of the report outlines the discussions that occurred during debate of agenda
17 item 1. The second chapter also includes the voting record for the resolution adopted by
18 the Commission.
19

20 In the third chapter of the report, one resolution is included that was adopted by the
21 CCPCJ. This resolution recognizes that corruption is a global issue and data on
22 corruption is not always accurate. In addition, the resolution urges the ratification of the
23 United Nations Convention Against Corruption. The resolution invites Member States to
24 collaborate on previous efforts in combating corruption, while also remaining receptive to
25 the creation of new measures.

Chapter I:

Matters calling for action by the United Nations Economic and Social Council

A. Draft resolutions for adoption by the Economic and Social Council

26 The Commission on Crime Prevention and Criminal Justice recommends to the
27 Economic and Social Council the adoption of the following draft resolutions:

Draft resolution I/2

The *Economic and Social Council*,

28 *Recognizing* that the United Nations Convention against Corruption (UNCAC)
29 will lack full effectiveness in implementation until a general consensus is established
30 concerning the far reaching impact of corruption in all Nations,
31

32 *Reminding* Member States of Article 13 section A and B of the UNCAC which
33 stresses the obligations of Member States to facilitate participation of society,
34

35 *Keeping in mind* the commitment of the international community in partnering
36 with bilateral and multilateral agencies in addressing issues of corruption,
37

38 *Noting* the effectiveness of Tools and Resources for Anti-Corruption Knowledge
39 (TRACK) in disseminating information pertaining to all countries efforts in combating
40 corruption,
41

42 *Noting with concern* that natural resources are an emanating source of corruption
43 in natural resource dependent nations,
44

45 *Observing* the success of Austria's Academy of Anti-Corruption in addressing
46 pertinent international concerns,
47

48 1. *Requests* the expansion of preventative actions in both the public and private
49 communal sectors to include educational programs that inform citizens of the legal
50 ramifications regarding acts of corruption as well as their protected rights;
51

52 2. *Urges* all Member States to increase the availability of information regarding
53 the expenditures of their State's natural resources in a manner that is comprehensible and
54 actively promotes public debate and dialogue;
55

56 3. *Calls upon* Member States to utilize TRACK more effectively in order to
57 promote transparency in governments while increasing the awareness of citizens
58 concerning their respective State's anti-corruption efforts;
59

60 4. *Emphasizes the need* for Member States to implement educational models similar to
Austria's endeavors in a manner conducive to said State's cultural specificities;
51

52 5. *Encourages* an inclusive approach involving non-State actors, Non-
53 Governmental Organizations, community or faith-based groups to diversify international
54 partnerships in funding training programs for both civil society and governmental
55 officials;
56

57 6. *Reminds* all Member States of their commitment under the UNCAC to work
58 towards eradicating corruption and their responsibility to take the necessary steps towards
59 implementing objectives domestically.
60

Chapter II:

Consideration of Ratification and implementation of the United Nations Convention against Corruption

62 At its 2013 session, the Commission considered agenda item one, Ratification and
63 implementation of the United Nations Convention against Corruption.

64

65 For its consideration of this item, the Commission had before it the following documents:

66

(a) The United Nations Convention against Corruption (A/Res/58/4)

67

(b) The Universal Declaration of Human Rights (217A III)

68

(c) The International Covenant on Civil and Political Rights (2200A XXI)

69

(d) The United Nations Convention Against Transnational Organized Crime

70

(A/Res/55/25)

71

(e) Strengthening of International Cooperation to Promote the Analysis of Trends

72

in Transnational Organized Crime (A/HRC/22/5)

73

(f) Preventing and combating corrupt practices and the transfer of proceeds of

74

corruption, facilitating asset recovery and returning such assets to legitimate

75

owners, in particular to the countries of origin, in accordance with the United

76

Nations Convention against Corruption (A/Res/67/192)

A. Deliberations

77

The issue of corruption hinders economic development and undermines democracy and
78 the rule of law. The monetary losses resulting from corruption prevents the development
79 of national infrastructure while also decreasing the quality of life within a state. In
80 addition, corruption is linked to transnational organized crime and terrorism; specifically
81 human trafficking and drug trafficking.

82

83

In response to corruption in both private and public sectors, the United Nations drafted
84 the United Nations Convention Against Corruption (UNCAC) on the 31st of October,
85 2003. In compliance with Article 68 of the Convention, the UNCAC entered into force on
86 the 14th of December, 2005.

87

88

The UNCAC outlines four priorities regarding the issues of corruption: prevention,
89 criminalization, international cooperation, and asset recovery.

90

91

Regarding the priority of prevention, the Commission on Crime Prevention and Criminal
92 Justice (CCPCJ) discussed the following matter concerning the ratification and
93 implementation of the UNCAC:

94

95

The prevalence of various forms of corruption results from a disparity between the rule of
96 law and the knowledge of civil society. Therefore, the education of civil society is
97 imperative in combating corruption at communal, national, regional, and international
98 levels. Within the Commission, a subgroup convened regarding the importance of
99 education in ensuring effective implementation of the provisions as presented through the
100 UNCAC. Draft Resolution I/1 calls for the expansion of educational efforts which

101 warrant the accessibility of information concerning natural resource management as well
102 as anti-corruption legislation. This resolution encourages Member States to cooperate
103 with bilateral and multilateral agencies in providing a wide range of educational
104 programs with the intent of an increase in public awareness. Due to time constraints,
105 Draft Resolution I/1 did not enter into voting procedure.

106
107 Several countries in the Commission stressed their concerns on education in terms of
108 technical assistance, particularly starting at the community level. Representatives also
109 expressed concerns regarding the time frame in which requests of technical assistance are
110 addressed, stating “slow responses” detract from the effectiveness of implementation.

111
112 The nations of the United States of America and the Republic of Germany have agreed to
113 provide technical assistance and expertise where requested in our multilateral oriented
114 solutions.

115
116 Additional preventative measures were discussed regarding an increase of transparency
117 during elections and exchanges of governmental services, such as the issuance of an
118 identification card or a passport. Often, these hand-to-hand transactions result in
119 misplacement/misappropriation of funds.

120
121 During deliberations concerning the priority of criminalization, various representatives
122 suggested the requirement of governmental workers, both on a large and small scale, to
123 sign an agreement devoted to anti-corruption and transparency. Though this suggestion
124 gained some support, the matter was not discussed after the initial recommendation.
125 Additionally, in regard to the persecution of individuals and groups which commit crimes
126 of corruption, there were several suggestions that the crimes be prosecuted more
127 aggressively in accordance with individual domestic laws. Crimes of corruption are
128 outlined through Articles 15 through 42 of the UNCAC.

129
130 Many Member States expressed further concerns on different ideas as to how to
131 ameliorate the prevalence of corruption in private and public sectors. Representatives
132 recognized the need to promote international cooperation in order to appeal to the
133 interests of nations who have not yet ratified the Convention. The Commission highly
134 encourages Member States that have not yet ratified the Convention to do so as soon as
135 possible in order to increase the effectiveness of the UNCAC.

136
137 Each Member State has problems with corruption and many have been helpful as to
138 provide knowledge on the matter based upon experiences within their own territorial
139 boundaries. These Member States have divulged information as to what has or has not
140 been effective regarding the issue of corruption in an effort to provide other nations with
141 ideas as to what might be useful mechanisms for combating corruption.

142
143 Appreciating the cooperation of Member States with their knowledge and utilization of
144 mechanisms, Member States began to coordinate based upon the premise of deliberation
145 and caucusing, which concurrently led to the idea of a summit. This concept began to
146 develop rapidly as to how it would be organized and what would be accomplished in the
147 proposed summits.

148
149 Interests were gained and lost through the process of caucusing as not every point
150 pertained to certain nations. Through the progress of debate, the majority of nations in the
151 Commission began to recognize certain points of interest that could benefit their state.

152
153 Recognizing the severity of the situation and the strengthening of the cooperation
154 between nations, state sovereignty was called upon as well, mindful that Member States
155 would like to affirm their independence and liberty.

156
157 Emphasizing the issue of state sovereignty, the topic was regarded due to the idea of
158 transparency to fight against corruption. Countries showed their interests and beliefs as to
159 how transparency is a prominent issue, but must be approached efficiently so that it does
160 not intrude within a nation's sovereign rights.

161
162 In regard to the priority of asset recovery, representatives consulted based upon the
163 suggestion of the expansion of the Stolen Assets Recovery Initiative (StAR). The
164 parameters of the expansion would involve the implementation of smaller branches of
165 StAR on a regional basis. In theory, this expansion of StAR could increase the amount of
166 assets recovered in a particular region in lieu of an all-encompassing system of asset
167 recovery. Though the StAR Initiative has recovered over five billion U.S. dollars since its
168 creation in in 2007, the purpose of the expansion would be to promote a continuation of
169 the positive results of StAR.

B. Action taken by the Commission

170 The Commission, during the process of discussing the Ratification and Implementation of
171 the United Nations Convention against Corruption, formed a separate committee devoted
172 to agenda item 2, International Cooperation for the Improvement of Access to Legal Aid
173 in Criminal Justice Systems, Particularly in Africa. The formation of the second
174 committee was to ensure that both agenda topics were discussed with equal importance.

175
176 Additionally, two draft resolutions were brought to the floor of the Commission: draft
177 resolutions I/1 and draft resolutions I/2. Resolution I/1 was adopted by a vote of 25-0-7.
178 Due to time constraints, draft resolution I/2 was not able to enter into voting procedure.

179
180 Also at this meeting, as the subject of education was especially important regarding the
181 effort of preventing/combating corruption, and an informal subgroup devoted to the topic
182 of education in civil society was established.

Chapter III:

Resolutions and Decisions Adopted by the Commission at its 2013 Session

Resolution I/1

The Commission on Crime Prevention and Criminal Justice,

- 183 *Recalling* the United Nations Convention Against Corruption (UNCAC),
184 *Considering* the members of this committee have unique experiences born of
185 legislation they have passed, the knowledge of which other Member States could benefit
186 from,
187 *Understanding* technical assistance to mean development aid or developmental
188 cooperation given by governments and other agencies to support the economic,
189 environmental, social and political development for Member States,
190 *Recognizing* that corruption is a multifaceted issue for which there is no one unilateral
191 solution,
192 *Further recognizing* the difficulty faced by some Member States in making available in a
193 timely manner or with accurate accounts the reports requested by the UNCAC,
194 *Acknowledging* the existence of Non-Governmental Organizations (NGOs) that have
195 objective, transparent methods of data gathering that could prove to be instrumental in
196 identifying, quantifying and subsequently combating corruption,
197 *Further acknowledging* the existence of regional bodies such as the African and European
198 Unions, the Arab League, and the Association of Southeast Asian Nations, established
199 under the notion that cooperation and informational exchange is beneficial to all Member
200 States,
201 1. *Strongly urges* the ratification of the UNCAC by all Member States and regional
202 economic bodies;
203 2. *Invites* all Member States to inform on a regular basis the international community on
204 how legislation they have enacted has affected corruption within that State and the
205 surrounding region;
206 3. *Suggests* that technical assistance should be the first option for any Member States or
207 regional body that wishes to provide support to another Member States or regional body;
208 4. *Recommends* the submission of a report every two years to the Economic and
209 Social Council (ECOSOC) on the state of corruption within Member States by those
210 States which would include:
211 (a) Methods being used within Member States in order to prevent corruption,
212 mitigate corruption, or to increase awareness of it;
213 (b) Instances of corruption and the punitive measures enforced to combat it;
214 5. *Urges* States to implement their own, unique solutions to issues of corruption that best
215 serve their own needs;
216 6. *Invites* NGOs to make available to the ECOSOC their modes of data gathering, to be
217 used for means such as but not limited to:
218 (a) Ensuring that countries are transparent and efficient in making their reports as
219 suggested by the UNCAC and recommended further by this document;
220 (b) Identifying instances where corruption within Member States could compromise the

221 state's ability to further the interests of the international community as outlined by the
222 UNCAC;
223 (c) Making more efficient the communication between international actors pursuant to the
224 address of corrupt activities on such an international scale;
225 7. *Encourages* regional economic bodies to adopt stances similar to that assumed
226 by the Commission on Crime Prevention and Criminal Justice with regards to the data
227 generated by NGOs such that they may:
228 (a) Better understand the problems plaguing their Member States;
229 (b) Better facilitate interaction between their Member States;
230 (c) Better legislate for their Member States.

Passed, Yes: 25 / No: 0 / Abstain: 7

Chapter IV:

Adoption of the Report

231 In its meeting in November 2013, the draft report of the Commission on Crime
232 Prevention and Criminal Justice on Ratification and Implementation of the United
233 Nations Convention Against Corruption was made available for consideration. The
234 Commission considered the report, and with no amendments, adopted the report by
235 consensus. The Member States Iran and China abstained.

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