

**Forum:** General Assembly 6 (Legal)

**Issue:** Promoting transparency and accountability amongst elected government representatives

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## Introduction

Transparency, often credited for generating government accountability, is one of the major reducing factors of corruption in governments. A transparent, democratic, open government is expected to make its documents, discussions and processes public, thus holding individuals and wider government bodies accountable with the aim of strengthening civil society, improving government processes, and reducing corruption.

Promoting transparency and accountability, especially amongst those elected by the public, is imperative in a democracy and has the benefit of significantly reducing corruption, a major barrier to sustainable development. Effective policies of transparency and accountability will involve the participation of civil society and civil society organizations (CSOs), non-governmental organizations (NGOs) such as Transparency International and United Nations (UN) bodies – however, ensuring transparency and accountability within these agencies themselves remains an issue.

Considerable efforts have been made to create anti-corruption legislation and criminalize corruption in all its forms worldwide. Organizations – including various NGOs and UN affiliates – and conventions fighting corruption in the public sector and the private sector have been created to end and eradicate corruption, many focused on issues of transparency and accountability, but not enough. However, the lack of implementation and enforcement of these laws in many countries is the reason why corruption remains such a big issue and transparency remains so limited, especially in developing countries.

## Definition of Key Terms

### Accountability

The assumption of responsibility by a member of government – or a wider governmental body – for particular actions, decisions and policies. This includes administration, governance and implementation, which theoretically in most cases should be information that is publicly accessible. Accountability ensures that elected officials and the groups they represent are answerable for how they carry out the duties of the role that has been delegated to them by the public, a key part in reducing corruption.

### Civil Society

Civil society is comprised of groups or organizations working in the interests of citizens, but outside the public and private sector. It is also referred to as the civil sector to government's public sector and business's private sector. Components of civil society include NGOs, CSOs, labour unions, non-profit organizations, churches and service agencies; these groups are typically reliant on donations and volunteers. Civil society plays an instrumental role in monitoring government processes, ensuring accountability and promoting transparency.

### Corruption

The definition of corruption is varied, but widely defined as the misuse of public power or position for personal gain. It refers to the decisions made by politicians, public bureaucrats, civil servants, and other representatives elected by the people or appointed by the government. When these decisions are made for personal gain rather than to fulfil the duties of an authority, this is considered corruption. Other issues such as embezzlement, fraud and bribery originate from corrupt individuals but are not considered 'corruption' as such.

### Corruption Perception Index (CPI)

Transparency is measured by different organizations through sets of indicators, most notably the Corruption Perception Index (CPI) researched and published by Transparency International each year, a quantitative measure of corruption that makes it possible to compare countries. The CPI measures perceived corruption in the public sectors of 168 countries, as of the CPI 2015. Each country is given a score out of a maximum of 100, assigned based on the views of analysts, businesspeople and experts.

### Transparency

A government's fulfillment of their obligation to be forthcoming about information regarding laws and decision-making processes to the general public (or lack thereof) is how transparent that government is. The openness and subsequent accountability of governments, their elected and appointed staff, and civil servants allow for civil society where the public can participate in government processes, scrutinize government decisions, and hold government officers accountable.

## Background Information

### Importance of transparency and accountability

Transparency is integral to reducing corruption and holding elected representatives responsible for their actions. It also allows taxpayers to see how their money is being spent, to monitor government decision-making processes and to be aware of the progress (or lack thereof) made by their government in fulfilling the duties they are obliged to complete and the promises made during campaigns and while in office. When this information is accessible and comprehensible, the public can scrutinize the government and demand better, inducing accountability, whilst also fostering trust between the ruling authority and its people. Accountability in particular is important in ensuring that governments work in the interest of those they are serving.

#### *Civil society*

The participation of the public in government processes is an important part of transparency. Civil society groups (CSOs) are vital in reviewing government data, engaging in dialogue with government bodies when dissatisfied, promoting accountability and forcing governments to be as transparent as possible. Although the influence of civil society is limited, especially in countries where democratic processes are undermined by ruling authorities, without public scrutiny from CSOs transparency would mean governments have less reason to strive for transparency. Local and inter-governmental NGOs play a part in this, but the insistence on accountability and transparency must continue without their influence.

### Transparency in different governments

Transparency and accountability have always been applied in many different ways to different government systems of elected representatives. Democracies, dictatorships, monarchies, and other systems of government prioritize transparency and accountability differently. Legal and regulatory frameworks vary, either supporting or suppressing efforts to enhance transparency

#### *Democracies*

A democratic government calls for accountability and transparency. In a democracy, the public have a meaningful vote and government officials are either elected or appointed by elected representatives, meaning all government staff hold an obligation to the electorate to perform their duties; the public also has the right to scrutinize the decisions and actions made by those in government and the right to access such information. Nonetheless, democracies are still susceptible to corruption and a lack of transparency. Data can be manipulated to simulate better achievements of governments in order to, for example, meet international agreements, standards and conventions – obligations necessary for certain channels of funding. In other cases, cultures of political pursuit can lead to corruption when prestige and power are valued above integrity;

alternatively, typically in less economically developed countries (LEDCs), there can exist a culture of corruption on local levels that is a trickle-down effect from the central, national authority that mean government officials are not held to as high a standard as they would be otherwise.

### **Dictatorships**

By definition, a dictatorship is a country controlled by an individual or a small group, meaning civil society loses its influence, elections are not meaningful and the ruling authorities have no constitutional obligations they deem unnecessary. This leaves an opportunity for the said authority to withhold all data from the public, which means there is no accountability outside the ruling authority since there is no obligation to transparency. Lack of transparency in processes such as elections leave the people with little to no in choice in matters of government. CSOs and NGOs have considerably less success in promoting transparency in such cases, and the CPI of 2007 linked dictatorships with rising corruption.

### **Monarchies**

Countries with a monarchy in place today vary significantly in terms of the control of the monarchy over governmental processes and decisions. In the United Kingdom, a democratic monarchy is in place where government representatives are elected to make decisions and the royal family have no significant political influence. This means transparency falls to elected representatives who can be held accountable, promoting governmental transparency. However, in Saudi Arabia, elections are historically rare and have no real impact on the ruling authority. The Saudi monarchy rules with impunity and lack transparency and accountability, leading to potential corruption and increased inequalities. Meanwhile Bhutan, a country that has historically been a monarchy but 8 years ago shifted to a democracy at the order of the King, holds elections and observes democratic practices while the loyalty of the government remains to the King. These are three examples of how social and cultural factors have influenced transparency and accountability.

## **Key Issues**

### **Barriers to transparency and accountability**

Despite efforts to make government processes, data and archives universally accessible, there remain many barriers to this being fully implemented. Even in democratic countries, access to information is not always easy, even with the increasing connectivity of most citizens to the internet, and the comprehensibility of such large quantities of information is limited. In other countries, a different problem is the ineffective dissemination of this information to the public, either because of a lack of civil society or of free media.

## ***Digitalization***

Governments worldwide have moved towards digitalizing their archives, laws and legislation, debates and other decision making processes, and general government data with the aim of creating universal access to this information and subsequently promote transparency and accountability. However, the digitalization of archives is often not a government priority. Additionally, data on digital platforms leaves open the possibility of third parties hacking government websites and changing information.

## ***Accessibility and comprehensibility***

Although there has been a significant shift towards the digitalization of government data that is intended to be accessible by the general public in order to promote universal access, there remains the issue of finding information within government sites, and how easy this data is to understand. In the case of both public information offices and government websites, the sheer quantity of data available can often be mismanaged and inadequately organized, making it difficult for members of civil society to find information they seek.

## ***Constitutional right to information***

The constitutions of more than 50 countries now grant access to the right to information, including Brazil, China, India, Indonesia, Russia and the USA, as well as most European and Central Asian countries, more than half of the countries in Latin America, over 12 countries in Asia and the Pacific, and a handful of countries in Africa and the Middle East. Countries without the right to information within their constitutions are more likely to be less transparent and minimize the accountability of elected representatives. However, the UN cannot force countries to change their constitution as this would breach national sovereignty, so the task of initiating this change falls to civil society within that country.

## ***Lack of free media***

Countries with the biggest transparency problems tend to be the ones with the most restrictions on mass media. The fourth estate is a crucial part of disseminating information to the public, both in terms of a large general audience and conveying important information about government processes in a comprehensible manner for citizens who are not experts. Free media is an essential part of democracy, and in many cases helps uphold democratic governance, promote transparency and demand accountability. Some countries, such as Belarus, Uzbekistan and China censor mass media considerably but some maintain some degree of free media. Other more drastic examples such as North Korea – the country tied with Somalia for the lowest score on the CPI 2015 – and Burma do not allow for any free media, and all media is controlled by the ruling authority.

## Corruption

Corruption is closely linked with transparency and accountability, as an increase in the latter two tends to result in a decrease of the former. Recently, corruption is an issue that has gained more and more traction with organizations such as the UN, and is regarded as a barrier to sustainable development and democratic governance. By promoting transparency and accountability, corruption will loosen its grip on governments currently unable to develop economically, socially or otherwise because of issues stemming from corruption.

### *Forms of corruption*

The most economically destructive forms of corruption, illicit financial flows and stolen assets, affect the entire population. When government funds are redirected from sectors such as education, health and infrastructure into the hands of a select few, the general living conditions to that government's country are compromised and economic development stagnates. Embezzlement, domestic and foreign bribery, and money laundering are all forms of corruption that were criminalized by the United Nations Convention Against Corruption (UNCAC) but are still present in many governments today. These impede development of all kinds and encourage a lack of transparency and of accountability.

### *Focus on anti-corruption legislation*

Although great efforts have been made in the past years by individual governments and larger groups to create anti-corruption laws and criminalize corruption in all its forms, this legislation has not been targeting transparency or accountability and has resulted in minimal effect on these issues. One example of this is the UNCAC, first adopted in 2003, which contains great detail on specifically anti-corruption measures but focuses very little on transparency, and even less on accountability.

## Major Parties Involved and Their Views

### NGOs

Non-governmental organizations play a key role as third parties to ensuring governmental transparency and accountability. Although local NGOs promoting transparency and anti-corruption as well as anti-corruption agencies exist in most countries, inter-governmental agencies that work internationally have had the highest success rate in improving transparency and accountability.

### ***Transparency International (TI)***

The most relevant and well-known NGO dealing specifically with issues of transparency, accountability and corruption, Transparency International is a key player in promoting transparency on a global scale. TI is an inter-government organization that publishes collected research and data on corruption, forcing countries to deal with the corruption within their governments. By raising awareness about corruption, empowering civil society, and providing opportunities to report corruption in co-operation with different anti-corruption agencies, TI has improved transparency and accountability both directly and indirectly.

### ***Open Society Foundations (OSF)***

Despite being less well known than Transparency International, another notable NGO in the promotion of transparency and accountability is Open Society Foundations. OSF works with governments and businesses to ensure transparency and advance good governance. Their main goal is help build functioning democracies whose governments can be held accountable to their citizens. Initiatives such as the Information Program widen access to information and empower civil society to participate in the democratic processes of its government.

## **UN bodies**

As one of the biggest and most influential global advocates for democracy, the UN has made efforts in various capacities to promote transparency and accountability. However, most of these efforts (particularly resolutions involving transparency) are specifically focused instead of wide-reaching general conventions on the transparency of governments and their officials. Additionally, the UN faces its own issues with transparency and accountability.

### ***UN Office on Drugs and Crime (UNODC) Corruption and Economic Crime Branch***

The UN body most directly involved with transparency is the sector of the UNODC that deals specifically with corruption and economic crime. UNODC's anti-corruption efforts have resulted in impactful global ramifications that are the beginnings of a significant reduction of corruption. Responsible for the UNCAC, this branch's efforts have been mainly focused on corruption. Regardless, even the UNCAC has had an (albeit limited) effect on transparency and accountability, though neither of these is the main focus of the convention. Although reducing corruption naturally leads to greater transparency as there is no need for elected representatives or other government officials to keep information from the public, the UNCAC and other efforts do not have sufficient immediate impact on governmental transparency and accountability to make a difference, particularly in the short-term.

## *The World Bank*

The World Bank, an inter-governmental organization (IGO), an important development bank and a part of the UN system, plays an important role in promoting both transparency and accountability, particularly in developing countries. Its Country Policy and Institutional Assessment (CPIA) Transparency, Accountability and Corruption in the Public Sector Rating offers an alternative view of the global scale of corruption to the CPI, and anti-corruption is an important aspect of all its projects. This includes regional and global initiatives that tackle the implementation of transparency and accountability efforts.

## Timeline of Relevant Resolutions, Treaties and Events

Date	Description of event
May 4, 1993	<p><b>Transparency International founded</b></p> <p>A group of ten individuals, led by retired World Bank official Peter Eigen, established a small organization called Transparency International with a secretariat in the restored capital of newly reunified Germany: Berlin.</p>
1993	<p><b>Open Society Foundations (OSF) founded</b></p> <p>George Soros, a business magnate, founded the Open Society Foundations (OSF) as a grantmaking network originally called the Open Society Institute dedicated to building tolerant democracies with growing economies and accountable governments.</p>
1995	<p><b>First Corruption Perception Index (CPI) published</b></p> <p>Transparency International published the first of its annual CPI reports in 1995, ranking 45 countries on the perceived corruption in their public sectors. Media attention raised public awareness of corruption, which before the mid-1990s had been a taboo topic, and began competition between countries to improve their scores.</p>
October 15, 2001	<p><b>First Global Corruption Report published</b></p> <p>Transparency International created the Global Corruption Report to produce an overview of the state of corruption on a global scale.</p>



### **Global Organization of Parliamentarians Against Corruption (GOPAC) founded**

October, 2002

Founded as a result of a Global Conference in Ottawa, the Global Organization of Parliamentarians Against Corruption (GOPAC) is an international network of parliamentarians focused solely on combatting corruption by ensuring accountability and transparency of governments and fostering cooperation between governments and civil society.

### **Adoption of the UN Convention Against Corruption (UNCAC)**

October 31, 2003

The first global effort to criminalize corruption, the UN's biggest contribution to anti-corruption and transparency efforts and a milestone in fighting corruption, the UN Convention Against Corruption (UNCAC) was adopted, a blueprint for reform and mechanisms to fight corruption.

### **First Global Corruption Barometer introduced**

2003

Another anti-corruption innovation from Transparency International, the Global Corruption Barometer instantly became the largest worldwide public opinion survey on corruption, an opportunity for civil society to express their views on corruption and how it affected them.

### **Entry into force of the UNCAC**

December 14, 2005

UNCAC entered into force with 140 signatories.

### **UN Sustainable Development Goals (SDGs) launched**

September 25, 2015

As a continuation of the idea behind the Millennium Development Goals, the UN Sustainable Development Goals were created to end poverty, fight inequality and injustice, and tackle climate change by 2030. Goal 16, addressing peace and justice, involves elements of accountability and transparency.

## **Relevant UN Treaties and Events**

Treaties and conventions that address transparency and accountability tend to be ones focused on anti-corruption measures, and resolutions involving transparency are usually focused on a very specific area or project. This means very few UN treaties directly promote transparency and accountability as their

main aim, but many include references to this issues and acknowledge them in the context of the focus of the treaty/resolution:

- UN Convention Against Corruption, 14 December 2005 (**A/RES/58/4**)
- Promoting the efficiency, accountability, effectiveness and transparency of public administration by strengthening supreme audit institutions, 22 December 2011 (**A/RES/66/209**)

## Evaluation of Previous Attempts to Resolve the Issue

The most obvious attempt at promoting transparency and accountability has been the UN Convention Against Corruption (UNCAC). It provides a detailed framework for countries can fight corruption and put in place mechanisms to prevent and end corruption within their governments. The UNCAC strongly encourages the participation of civil society and CSOs, particularly in the UNCAC review process wherein countries' implementation of the UNCAC is reviewed by themselves and by other countries. However, the UNCAC offers very little in terms of material focused on transparency and accountability, even less so amongst elected representatives specifically, the closest being a clause on "transparency in the funding of candidatures for elected public office". Although the UNCAC is has not resolved the issue at hand, it should be noted that it has resulted in some improvements in terms of the general state of corruption worldwide, which will eventually translate into the promotion of transparency and accountability.

Other attempts by the UN include the mention of transparency and accountability in Goal 16 of the Sustainable Development Goals (SDGs). Goal 16, to *promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*, includes aims of reducing corruption and, as outlined in Goal 16.6, *Develop effective, accountable and transparent institutions at all levels*. However, as the SDGs are an ongoing project, it will remain unknown whether this will be successful until 2030, when the goals are expected to have been reached. Considering the lack of success of the Millennium Development Goals, there is a chance this will not be effective, but the SDGs were designed with the shortcomings of the MDGs in mind.

Another attempt to resolve the wider issue of corruption has been the International Anti-Corruption Conference, which started in 1983, and is held every 2 years. The conference facilitates exchange between governments, who discuss the issues their countries face in terms of corruption and work towards measures to prevent and eradicate corruption. Unfortunately, not enough attention is directed towards transparency and accountability specifically, and so no major steps have been made through this conference. Nonetheless, this and the International Anti-Corruption Day held every December 9<sup>th</sup> raise awareness about corruption and help create a culture of intolerance towards corruption in all its forms, thus urging governments to be more transparent so that they can be held accountable.

## Possible Solutions

Solutions will revolve around **anti-corruption mechanisms that are focused on the promotion of transparency and accountability**, and the further inclusions of these topics in wider treaties and resolutions about corruption. This is essential in eradicating corruption whilst ensuring governmental focus on transparency. A wider movement towards **well-organized, protected digitalized government databases** could also be an effective way of promoting transparency.

The other key aspect of promoting transparency and especially accountability is **empowering civil society**. There are a number of ways this can be done, including wider dissemination of government data through media in order to educate the masses and encourage participation in government processes wherever possible. Free media is an essential part of this, but this can prove problematic in the cases of countries whose ruling authorities do not wish to give any influence to non-governmental media or civil society. It also means **supporting NGOs such as Transparency International** in their work and creating opportunities for more inter-governmental cooperation, using methods such as a peer review system like the one used in the UNCAC review process in order for governments to be able to assess transparency and accountability in other countries so as to facilitate an exchange of strategies for transparency and accountability between governments and for governments to have their transparency critically assessed by an external agent that is not a CSO.

**Accessibility and comprehensibility of government data must be improved**, in both digital format on official government websites and online databases and in public information offices. Governments should also strive to **digitalize the contents of government archives as well as current processes**, with an emphasis on universal access for maximum transparency. Discussions and procedures should also be public, which often means disseminating information through the mass media, official websites and public information offices. This allows for public contestation, where the populace can critically analyze the performance of their government, which is especially important in democratic processes such as elections. Accessible and comprehensible government data is key in ensuring political accountability and enables public choice and participation.

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