

## Legal Committee

*“Tackling corruption in Cambodia”*

“Corruption within the country's education system is reportedly rampant.”- *IRIN News*

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## Context & Historical Background

Corruption in Cambodia has been a standard practice for the last decade. Major companies have to deal with major red tapes in order to obtain most of their licenses and paperwork. The Judiciary branch of the government is well understaffed and is also considered to be the most corrupt institution within the country. Although the country's judiciary branch is independent it faces massive amounts of corruption. Furthermore, a majority of nationals claim their judiciary branch to be inefficient. Alongside the Judiciary branch the police is also known to be very corrupt.

After a 2014 survey over 50% of Cambodians perceive their police as corrupt. More than three out of five businesses indicate they expect to give gifts to get an electrical connection or to 'get things done'. Likewise, around a quarter of Cambodians perceive local government councillors to be corrupt. There is a very high risk of corruption in Cambodia's land administration. Cambodia suffers from extensive land grabbing, exacerbating the issues of corruption and impunity among public officials. In one illustrative case, the head of the Preah Vihear Provincial Department of Mines and Energy admitted to illegally selling a government plot of land for USD 62,400 in profit. "Enforcement of Cambodia's anti-corruption legislation is weak, and public officials act with impunity. Any form of corruption is criminalized under the country's criminal code, which forbids actual and attempted corruption conducted by any political official, civil servant, military personnel or official agent for the Cambodian parties. Active and passive bribery, abuse of office for private gains, extortion, and accepting bribes in the form of donations or promises are also criminalized. Foreign bribery is not covered by the Criminal Code (NortonRoseFulbright, Sept. 2014). Gifts are not limited in value but are prohibited if given with the intention of bribery, and facilitation payments are forbidden; there is an exception for officials employed by the Anti-Corruption Unit (ACU), who may only accept gifts not exceeding USD 25 in value. Anti-corruption laws in Cambodia cover both public sector and private sector bribery." (UNCAC2014)

**Effects:**

Due to the high level of corruption the country faces foreigners are reluctant to invest in the country. The majority of large companies depended on private security rather than having to deal with the police. Corruption is a high risk in Cambodia's tax administration and is cited as a major deterrent for foreign investment. Because of its unstable economy and low wages the cycle persists in perpetuating itself because of the lack of change offered by the government. The corruption has caused even local companies to move their businesses abroad. The issue has taken such an importance that even the United Nations has begun involving itself. The country's unemployment rate has increased over the last decade. It moved from an exceptional 1.03% up to 2.50%. Although those values are both significantly better than most other countries in the world the increase in unemployment is caused by the corruption occurring within the government.

## United Nations Involvement

Cambodia alongside 139 other nations have ratified the UNCAC. The UNCAC is the United Nations Convention Against Corruption. It was discussed for the first time in 2004 and launched in December 2015. The UNCAC covers a wide range of corruption issues including: domestic influence, and money laundering.



Below is an overview of the UNCAC:

**Prevention**

Countries are obligated to take anti-corruption measures in public and private sectors. These can include establishing anti-corruption bodies and enhancing transparency in political financing. States must take measures to ensure public services are subject to safeguards that promote transparency, efficiency and merit-based recruitment. Public servants should be subject to codes of conduct, financial disclosures and disciplinary measures. Transparency and accountability in public finance must be promoted, and specific anti-corruption and foreign bribes, embezzlement, trading in requirements, especially in the judiciary and in public procurement, must be established. Countries are called to promote the involvement of civil society, to promote awareness of corruption and to promote practices aimed at preventing corruption.

### **Criminalisation**

Countries are required to establish a wide range of criminal offences, including basic forms of corruption (like bribery and embezzlement), trading in influence and the concealment and laundering of the proceeds of corruption. The UNCAC offences deal with public and private-sector corruption.

### **International Cooperation**

Countries agree to cooperate with one another in every aspect of the fight against corruption and are required to give mutual legal assistance in gathering information for use in court. Countries are also required to undertake measures to support the tracing, freezing, seizure and confiscation of corrupt assets.

### **Asset Recovery**

Asset recovery is a fundamental principle of the UNCAC that requires the needs of countries seeking illicit assets to be reconciled with the legal safeguards of the countries whose assistance is sought. Provisions specify how cooperation and assistance will be rendered and aim to return assets to the country of origin. Effective asset-recovery provisions send the message that there is no place to hide illicit asset

## Key Terms & Phrases

**Asset Recovery:** Asset recovery, also known as investment or resource recovery, is the process of maximizing the value of unused or end-of-life assets through effective reuse or divestment. While sometimes referred to in the context of a company that is being liquidated, Asset recovery is also used to describe the process of liquidating excess inventory, refurbished items, and equipment returned at the end of a lease.

Asset recovery can also refer to the task of recovery of assets that have been wrongfully taken either stolen, fraudulently misappropriated or otherwise disposed of to remove them from their rightful owner.

**Bribe:** Dishonestly persuade (someone) to act in one's favour by a gift of money or other inducement.

**Embezzlement:** Theft or misappropriation of funds placed in one's trust or belonging to one's employer.

**Money Laundering:** The concealment of the origins of illegally obtained money, typically by means of transfers involving foreign banks or legitimate businesses.

**Corruption:** Dishonest or fraudulent conduct by those in power, typically involving bribery. (All definitions come from the UN website or Merriam Webster Dictionary 2015)

## Bibliography & Useful Sources

World Bank Group: Doing Business 2017.

US Department of State: Investment Climate Statement 2017.

Natural Resource Governance Institute: Cambodia 2017.

Transparency International: Business Brief 2017.

The Phnom Penh Post: "Corrupt Officials Admit Selling Government Land for Profit", 28 June 2017.

The Cambodia Daily: "government Probes NGO Behind Damming Timber Racket Report", 23 June 2017.

Mongabay: "Long Plagued by Illegal Logging, Cambodia Faces Accusations of Corruption", 12 June 2017.

Khmer Times: "Police Chief Sacked in Corruption Scandal", 27 March 2017.

World Economic Forum: Global Competitiveness Report 2016-2017.

World Economic Forum: Global Enabling Trade Report 2016.

Bertelsmann Foundation: Transformation Index 2016.

US Department of State: Human Rights Practices 2016.

World Bank: Enterprise Survey 2016.

Freedom House: Freedom in the World 2016.

Global Investigations Review: "Cambodia: Anti-Corruption", 20 September 2016.

Freedom House: Freedom of the Press 2015.

Transparency International: Global Corruption Barometer 2015.

TIME: "This Country Just Made It Legal for Cops to Keep 70% of All the Traffic Fines They Collect", 29 July 2015.

Norton Rose Fulbright: Business Ethics and Anti-corruption Laws: Cambodia 2014.

Transparency International: Cambodia National Integrity Assessment 2014.

Phnom Penh Post: 'ACU to police public tender process', 23 December 2014.

New York Times: 'Cambodia's subservient judiciary', 6 June 2014.

Phnom Penh Post: 'Customs' taxing dilemma', 21 November 2013.