

money”. These two verbs are spelled the same way but come from different roots.

Therefore, misdemeanour literally means “bad behaviour toward others.” This led to parallel usage as both general bad behaviour and legal bad behaviour. In American law, a misdemeanour is “a crime less serious than a felony.” A felony is defined as “a federal crime for which the punishment may be death or imprisonment for more than a year.” As misdemeanour became more specific, crime became the more general term for any legal offense.

The phrase “high crimes and misdemeanours,” found in Article Two, Section 4 of the Constitution, has been used in English law since the 14th century, as have other fixed phrases using synonymous terms, such as “rules and regulations” and “emoluments and salaries.” It can be very difficult to distinguish between any of these pairs of words, and their frequent use together renders them less technical in today’s highly specific legal vocabulary. “High crimes” are serious crimes committed by those with some office or rank, and was used in the language describing impeachment proceedings of members of the British Parliament in the 18th century.

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PREVENTING CORRUPTION AND BRIBARY IN NEW ZEALAND

New Zealand has already made significant ground in the fight against organised crime. However, organised crime remains challenging to detect and to counter. It is also highly adaptable, moving rapidly to take advantage of vulnerabilities that may appear in legal and market settings,

technology, trade and financial systems. The response needs to be equally adaptable if New Zealand's success to date against organised crime is to be continued.

The purpose of the enhanced measures outlined in this document is to deliver safe communities, maintain our status as a trusted international partner, and ensure the integrity of and confidence in our markets.

Reducing drug-related harm in New Zealand communities is of paramount importance, but a proportion of robberies, theft and fraud are also linked to organised crime. Organised crime persists in most part because it is profitable. Individuals and businesses can knowingly and unknowingly demand illegal and illegally-sourced goods and services, offering opportunities for criminal exploitation and gain. Organised criminals can actively target the distribution and marketing of products to vulnerable populations, such as youth and those with dependencies. Effective measures and responses will reduce people's desire for illegal and illegally sourced goods and services, reduce the price they are willing to pay, and increase the risk and effort involved with offending.

The corruption of public and private sector gatekeepers and decision makers can be instrumentally important in achieving organised criminal aims. For example, corruption and bribery may help to:

- Facilitate the commission of an offence in a clandestine manner (e.g. allow drug shipments to enter a country or a corrections facility «undetected»)
- Gain access to commercially sensitive information
- Influence administrative decision-making for the benefit of parties offering the bribe or their associates (e.g. awarding of public contracts)

Bribery and corruption are not visible behaviours and a bribery transaction can be difficult to detect. As the parties to the transaction each receive some form of benefit, there are limited incentives for either party to disclose the payment to authorities. Some forms of bribery and corruption involve a high degree of subtlety – the criminality (as opposed to unethical behaviour) can be potentially hard to identify (e.g. conflicts of interest).

New Zealand has benefited from well-established governance and accountability systems within the public sector which promote transparency and integrity in decision-making. By international measures, New Zealand is regarded as one of the least corrupt countries in the world and there are few prosecutions for corruption and bribery-related offences. However, recent data suggests the level of corruption and bribery may be increasing.

This is not surprising as similar opportunities exist in New Zealand to those that attract corruption and briber in other jurisdictions, for example, in areas of public administration of valuable contracts, and the granting of resource consents. Once a cycle of behaviour or expectation is in place it is difficult for either the payer of the bribe or recipient to alter their behaviour out of concern for their personal jeopardy. New Zealand companies operate in countries with endemic corruption, and like some companies elsewhere, risk engaging in illegal activity where the benefits appear to

outweigh the costs. In some cases, this may be seen as the inevitable cost of doing business in these particular markets and the criminality becomes normalised. Challenges include:

- Maintaining existing standards of integrity in public and private sector decision-making and avoiding complacency. The perception that New Zealand is corruption free may result in under-investment in internal controls, resulting in underidentification of risks and incidences of bribery and corruption

- Responding appropriately to incidents of corruption and ensuring that allegations are dealt with in appropriate forums (e.g. Courts as opposed to employment disciplinary processes). Treating corruption as an employment matter may downplay the seriousness of the incident and can contribute to perpetuation of the problem.

- Changing perceptions of criminality, promotion of whistleblowing and reporting of incidents of corruption

- Gaps in legal frameworks Actions underway to improve prevention and disruption of bribery and corruption include:

- Amending bribery and corruption offence provisions to align these with international standards and increase penalties for improved deterrence and criminal proceeds recovery

- Progressing ratification of UN Convention Against Corruption.

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PROVIDING INFORMATION SECURITY

In the conditions of modern global and regional information confrontations, destructive communicative influences, spread of information expansion and aggression, protection of the national information space and guarantee information security are becoming a priority strategic objectives of modern states in the system of global information relations [1, p. 28].

The principal provision of the Constitution of Ukraine (Law, 28.06.1996 №254к/96-ВР) in this area is art.17 that states, "The protection of the sovereignty and territorial integrity of Ukraine, provision of its economic and information security are the most important functions of the state, a matter of the whole Ukrainian nation" [2].

One could attempt to find some answers in the Law "On Information" (Law, 02.10.1992 №2657-ХІІ), which regulates relations