

# STRENGTHENING ACTIONS FOR EFFECTIVE IMPLEMENTATION OF ANTI-CORRUPTION MEASURES:

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## **Abstract**

The theme of the Global Forum IV in Brasilia, Brazil in 2005 was on the challenge "From Words to Deeds". The various international conventions against corruption and money laundering, conflict of interest, public procurement, corruption measurement, e-government, political party and campaign financing, the role of the media, ombudsman offices, border protection agencies and law enforcement were extensively discussed in GFIV. This was building on the areas covered by the three earlier Global Forums which identified the causes and effects of corruption and the effective methods and strategies to combat the scourge of corruption.

The theme of the GFV which is "Fulfilling our commitments: Effective action against corruption" puts emphasis on implementation and application of anti-corruption measures identified in the earlier three Global Forums. The various Global Forums, which are attended by mainly representatives of governments, including anti-corruption and law enforcement agencies, MPs, international organisations, civil society and research institutions, are still at the level of searching for a solution against corruption. Their composition is mainly ex officio, similar to that of the earlier IACCs. The GFs do not have established organizing and oversight structures.

The IACC, which is the premier global anti-corruption forum, on the other hand brings together all those who in their work come into contact with corruption in its many forms, and who are concerned with prevention, investigation or prosecution of corrupt practices. The IACCs are attended by the same category of people as the GFs, with civil society organisations playing a bigger role than in the GFs. Commitment to the fight against corruption is an important consideration in the IAAC attendance. The IAAC Council, which was established in 1996 with Transparency International as its Secretariat, is responsible for the oversight of the IAAC series. The main responsibilities of the Council are to provide advice and assistance to the host country of each conference and to ensure that each conference is conducted in accordance with the IACC guiding principles namely "...to stimulate the global exchange of experience and methodology in controlling corruption and foster international cooperation among citizens and institutions from all parts of the world".

The theme of the 12th IACC held in November 2006 in Guatemala was "Towards a Fairer World: Why is Corruption still blocking the way?" This was in a way an admission of failure by the anti-corruption movement that corruption continues to ruin the lives of millions of people, denying them access to education, health care, clean water and other essential services. The struggle against corruption has been going on for quite sometime now. So why does corruption persist in all its forms and varieties? There is therefore need to understand what works by undertaking a stock-taking exercise of the successes, failures and challenges of the last two decades of the anti-corruption struggle.

Some strides have been made in raising awareness about the damage caused by corruption to the welfare of the people; its negative impact on economic development and environment; that it undermines the legitimacy of political leaders and leads to disaffection with government, thus causing instability in a country. Corruption also facilitates such other problems as drug trafficking, money laundering and other serious crimes.

The awareness of these negatives effects has led to strong statements by political leaders on the need for cleaner government and pledges to improve governance. Political leaders have committed their governments to eliminate corruption by signing anti-corruption conventions, protocols, laws and regulations. Some have declared their assets and income, sometimes in public ceremonies. Anti-corruption strategies and tactics have been developed and funded by the international community. Anti-corruption campaigns have been launched, numerous commissions of inquiry and more and more anti-corruption institutions have been created and new laws and new codes of conduct have been passed by parliaments.

These initiatives have had little or no impact and are generally regarded as expedient ways to ward off pressure from all corners to do something about corruption. They are substitutes for fundamental and systemic governance reforms. Zero tolerance to corruption has been declared so many times that it has become a cliché. The success so far has been limited to exposing corruption, particularly of previous regimes or of people who have fallen out of favour. Regrettably the measures to bring real change, if any, have been far between. The public everywhere is generally disappointed, and rightly so, about the seriousness of the fight against corruption. There is, therefore, universal demand to move from rhetoric to action. There is an urgent need to reflect and regroup and energize the fight against corruption. We need to look beyond the established coalitions, find new voices and new faces to strengthen the ability of the anti-corruption movement to act efficiently and effectively against corruption by analysing the stumbling blocks that impede the reduction of corruption. Let us see how the declarations of the two recent IAAC and GF conferences have treated the issue of corruption.

#### GF / IACC Declarations:

The declarations of both global anti-corruption conferences overlap in many areas but also differ in emphasis on the strategies to control corruption. Whereas the declarations of the GFs are made by the Heads of Delegation, the IACC declaration is of the delegates not their heads. The IAAC declaration is more comprehensive and specific whereas the GF declaration is a brief diplomatic document sensitive to the composition of the GF. The two types of conferences are complementary to each other in the sense that the IAAC is composed of committed anti-corruption activist who address their concerns to governments, civil society and business who are the main participants in the GF conferences and who also have the ability to take practical actions against corruption.

The GFIV declaration of 10th June 2005 makes about four points, namely:

The heads of delegation reaffirmed their commitment to the implementation of the various anti-corruption conventions, particularly the UN Convention Against Corruption;

Emphasized the need for capacity building and enhancement of follow up mechanisms for the anti-corruption conventions in force;

Encourage governments to deny safe havens to corrupt person and their corruptly acquired assets and to cooperate on extradition and recovery and return of proceeds of corruption.

The heads of delegations selected South Africa as the venue of the next GF.

The 12IAAC declaration on the other hand starts with the central issue of the conference which was the respect for the law. The conference placed emphasis on education as a long term solution for corruption. It reaffirmed that faith based institutions should be involved in the anti-corruption fight and the consistent theme throughout the conference highlighting the need to enhance the role of civil society. Delegates expressed grave concern about government threats to the rights of assembly and freedom of expression of civil society organizations. The issue was highlighted by the arrest, on the eve of the IACC, of an anti-corruption activist in Congo-Brazzaville.

The IACC declaration then goes on to identify the critical challenges in the anti-corruption struggle, such as the "the threats to global security posed by extensive corruption in the arms trade" and "corruption undermines international humanitarian assistance efforts in major natural disasters, such as the Indian Ocean tsunami and the earthquake in Pakistan".

The 12IAAC addressed the ways to strengthen civil society – what has worked and what has failed – and ways to re-energize the fight against corruption. The conference also took stock of the progress made since the first IACC in 1983 in Washington DC. Many public and private sector organizations are establishing new policies and management strategies to reduce bribe-paying and bribe-taking.

The 12IAAC declaration then extensively considers "Corruption in Politics, Political Immunity, the Importance of Information". The conference noted that public information is a crucial tool for combating corruption. Delegates emphasized that transparency must remain a top priority for campaigners for better governance.

#### The Action Agenda:

The conference identified areas for action by governments, business and civil society embracing the following thirteen areas for practical actions:

Conventions; humanitarian Assistance; Human Rights; Environment; Natural Resources; Money (money laundering, repatriation of assets); Specific Projects e.g. small anti-corruption projects; Engaging youth; World Bank (urged WB to involve not executives but also parliament, the judiciary, business and trade associations, community leaders; civil society, academia and the media); Public Sector; Defence (corruption in this sector is a major threat to global security and an enormous misuse of public funds); Institutions (strengthened oversight by parliaments, transparency of institutions); Research (research in anti-corruption and refined measurement tools).

The Role of Parliament in the fight against Corruption:

The struggle against corruption has so far mainly involved the executive branch, civil society and the press. The role of parliament has been merely to pass laws to deal with corruption whenever required. Parliament and parliamentarians have generally been passive in this fight. In fact they are considered part of the problem than a solution. There is therefore need to move parliaments and parliamentarians to the position where they become part of the solution rather than remain part of the problem. Parliamentarians can play an important role in the fight against corruption through their oversight, legislative, financial (budget), and representative roles to strengthen systems of accountability, improve incentives for official probity and channel demands for integrity. Political will should not be expected to be located only in the head of state of a country or in the executive branch, it must also be located in the Legislature. Since corruption is of persons, systems and processes, no single arm of government can alone deal with it decisively. Therefore, there is need for cooperation and assistance by parliaments in order to comprehensively deal with this cancer.

The executive and the judiciary play an enforcement (investigation, prosecution and punishment) and preventive role in the fight against corruption. But Parliaments have a more preventive and public awareness role through the examination by parliamentary committees, of government budgets, policies, loans, auditor general's reports and the review of the procedures and work methods of government ministries, departments, agencies and state enterprises. However some parliaments do not pursue this oversight function vigorously enough because they fear being put in an adversarial relationship with the executive, particularly in parliaments dominated by the ruling party.

Conclusion:

After two decades of research, advocacy and reform corruption remains a huge problem. Daniel Kaufman of the World Bank Institute has suggested that we cannot continue working in the same way. Some countries have improved significantly, many have stagnated and others have deteriorated. Some strategies have worked and other strategies have not worked. Emphasis on more and more anti-corruption campaigns, more laws, more codes of conduct, additional rules and regulations, creation of more institutions, state enterprise reforms, blaming history, culture, moral degeneration, all these have not worked. What has seemed to work is first to recognize that governance (corruption is a governance issue) is multi-dimensional and therefore anti-corruption strategies must be multi-dimensional. Governance reforms relating to increasing transparency and accountability, focusing on incentives and prevention strategies, political party, campaign and electoral finance reforms, public disclosure of political campaign contributions and campaign expenditure, judicial reforms that make the judiciary independent thus guaranteeing successful prosecution, press freedom, freedom of information laws, transparent procurement, transparent budgeting, effective conflict of interest laws etc; a correct combination of these seems to work. More importantly where effective parliamentary oversight has been exercised, public accountability and transparency have been enforced. A stronger parliament ensures a stronger democracy and a stronger democracy ensures more accountability and less corruption.

## **Biography of Presenter**

Not Received