

## Main elements of an effective Anti-Corruption Strategy

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**Abstract:** Corruption is a complex social, political and economic phenomenon that affects all countries. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability. Corruption has different forms and manifestations. Although they vary from country to country according to the level of economic development, and attitudes to it differ from one culture to another, corruption is fundamentally the same evil wherever it occurs. It has grown at an alarming rate in recent years. Although specific needs vary from country to country but any effective Anti-Corruption Strategy should at least include some of the main and effective elements such as “the Rule of law, Transparency, Accountability, Developing a culture against corruption, The role of the Judiciary, The role of the Legislatures, Integrity in Police and Customs, and Establishment of a Specialized anti-corruption agencies, amongst others. At the same time, especial attention should also be given to the international standards and norms (including United Nations’ relevant conventions) in fighting corruption [Ali .H. Saryazdi. **Main elements of an effective Anti-Corruption Strategy.** *J Am Sci* 2012;8(12):503-506]. (ISSN: 1545-1003). <http://www.jofamericanscience.org>. 70

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### 1. Introduction

Corruption is a complex social, political and economic phenomenon that affects all countries. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability (Dreher A, Herzfeld T. (2005). Corruption attacks the foundation of democratic institutions by distorting electoral processes, perverting the rule of law and creating bureaucratic quagmires whose only reason for existing is the soliciting of bribes. Corruption is also one of the main feeding sources of organized crime and the criminals get a lot of benefits through corrupt practices and corrupted officials. We are witnessing that the crime of corruption not only hampers political stability, undermines economic and social foundations, unravels cultural and moral values but also has devastating effects on the rule of law and rendering of public services. Undoubtedly, the crime of corruption is a global phenomenon which occurs in both developed and developing countries alike and which requires a global response and strategy. Corruption has different forms and manifestations. Although they vary from country to country according to the level of economic development, and attitudes to it differ from one culture to another, corruption is fundamentally the same evil wherever it occurs. It has grown at an alarming rate in recent years due, in particular, to economic liberalization and globalization, the widespread introduction and use of new cyber technologies and the increasing role of multinational corporations in a rapidly evolving political and economic context (Herzfeld T, Weiss C.R (2003) . It is a matter of fact and experience that corruption may lead to political dissatisfaction

among citizens which itself could prepare the ground for national upheavals. The spread of corruption among public officials is an indication that the mechanisms of check and balance shall be revisited; at the same time, growing trend in corruption, if let unfettered, will pose grave dangers to democratic foundations of society; to put it in a nutshell, corruption is a serious barrier to sustainable development by undermining the rule of law, weakening the economy and diversion of public resources (Shleifer, A. and Vishny, R. 1993).

#### 1.1. Main elements of an effective Anti-Corruption Strategy

The goal of an effective Anti-Corruption Strategy is; to overcome corruption by addressing its root causes and the conditions conducive of its proliferation, to build a sound moral and psychological environment, which in turn, will power the attainment of sustainable democratic institutions, a civil society, a state based on the rule of law as well as the enhancement of free economic competition, economic development, and poverty reduction. The development and implementation of an effective anti-corruption strategy requires the integration and coordination of many disparate factors. Elements of a strategy must be internally integrated with one another to form a single, unified and coherent anti-corruption strategy. Strategies and their elements must also be integrated with external factors, such as the broader efforts within a country to bring about such things as the rule of law, sustainable development, political or constitutional reforms, major economic reforms, and even major criminal justice reforms. Although specific needs vary from country to country but any effective Anti-Corruption

Strategy should cover/include the following elements, amongst others:

### **1.2. Rule of law**

Effective rule-of-law structures are needed at an early stage. These include both legislative and judicial elements. Inadequate rule of law elements have been seen as a critical area which has limited the effectiveness of other reforms. Rule of law reforms are also viewed by most as a major priority because the necessary legal and judicial skills and expertise cannot simply be imported and they take time – in most cases ten to fifteen years – to be produced.

### **1.3. Transparency**

Transparency is widely viewed as a necessary condition both to effectively control corruption, and more generally for rule of law. Open information and understanding is also essential to public input and ownership of anti-corruption strategies (Peisakhin Leonid and Paul Pinto. 2010). A lack of transparency with respect to anti-corruption strategies is likely to result in public ignorance when in fact broad support and participation is needed. Transparency in public institutions, both in the form of public communications efforts and in broad, straightforward and timely access to information mechanisms is needed, both to ensure that the public understands what its government is doing and to ensure that the actions of government are credible.

### **1.4. Accountability**

Generally, this includes standards and rules governing conduct, and bodies or tribunals which deal with breaches of such standards. In holding individual members accountable, it should be borne in mind that those who hold elected office are politically as well as legally accountable. Holding elected members politically accountable requires that there be transparency with respect to the business and the conduct of elected members.

### **1.5. Developing a culture against corruption**

A professional, politically neutral and uncorrupted public service serves both as a means whereby corruption can be addressed, and as one of the fundamental objectives of anti-corruption strategies. Generally, establishing professionalism and neutrality will require a combination of legal standards and cultural reforms. The cultural reforms are needed both within the public service, whose members should be encouraged to adopt high standards of professionalism and integrity, and among the general population, which should be encouraged to expect such high standards of its public services and to complain or take action when the expected standards are not met.

### **6.1. Use of positive incentives**

Many elements of anti-corruption strategies can be described as “negative” incentives in the sense that they are intended to deter or punish corrupt conduct by increasing or unpleasant consequences, such as criminal prosecution or sanctions, for those involved. The establishment of positive incentives, such as increased remuneration or compensation, increased or enhanced professional status and general improvements in job, working conditions and similar matters, is also an important anti-corruption measure. Generally, positive incentives can prevent or combat corruption in many ways.

### **1.7. The role of the Judiciary**

A professional, unbiased and independent judiciary is particularly critical to the development and implementation of law enforcement and criminal justice measures, but has also been identified as necessary in other areas such as the making and enforcement of legal contracts and the use of civil litigation as a means of identifying, exposing and obtaining redress for corrupt practices. The reform or rebuilding of judicial institutions is often identified as a major priority in anti-corruption strategies because the courts play a critical role in ensuring that other elements are effective. Judicial independence is identified as a necessary condition for the effective rule of law. Commonly judicial independence is understood to require independence from undue influence by non-judicial elements of government or the state, but in practice, judicial independence requires the insulation of judicial affairs from all extrinsic influences. Any strategy for the reform of judicial institutions in a specific country should be carefully considered in light of the state of judicial independence in that country and the specific constitutional, legal and conventional measures used to protect it. Before anti-corruption reforms are instituted, it may be necessary to ensure that basic judicial independence from other elements of the State is in place and operating effectively.

### **1.8. The role of the Legislatures**

A legislature which is open and transparent, which formulates policy and creates laws in the public interest, and which provides a suitable role model for other institutions is needed to form the both a legal and political basis for an anti-corruption strategy. Importance should be given to the role legislatures play in areas which are critical to the fight against corruption. These include general areas such as transparency and accountability in government and specific areas such as the formulation and adoption of anti-corruption laws. While the focus is on anti-corruption efforts, it must be noted that such efforts are often closely linked to the broader concerns of legislatures in areas such as criminal justice and the rule of law.

Anti-corruption efforts in legislative bodies may be directed at the institutions themselves, or at the individuals who serve as elected members.

### **1.9. Integrity in Police and Customs**

Failure to deal with corruption at all levels in a coordinated manner will at best result in reforms which are only partly effective and at worst simply result in the displacement of corrupt activity away from levels where effective controls and countermeasures are in place and towards levels where they are not. For example a corrupt company which finds itself unable to bribe legislative officials to produce legislation it wants may simply resort to the bribery of local officials to ensure the legislation it opposes is not enforced. Therefore it is crucial to take necessary measures to fight corruption especially in relation to Police and Customs services/activities.

### **1.10. Whistle-blower Protection**

The purpose of whistle-blower protection is to encourage people to report crime, civil offences and miscarriages of justice by safeguarding them against victimization, dismissal, and other forms of reprisal. The culture of inertia, secrecy and silence breeds corruption. People are often aware of forms of misconduct but are frightened to report them. In some of these cases, victims may have been compensated but no one was held accountable for what happened. This culture persists because it is almost certain that the person who "blows the whistle" would be victimized. Therefore, to overcome this and to promote a culture of transparency and accountability, a clear and simple framework must be established that encourages "whistle-blowing" and protects them from victimization or retaliation.

### **1.11. Establishing Specialized anti-corruption agencies**

Anti-corruption strategies will generally have to consider whether to establish separate institutions to deal exclusively with corruption problems. The major advantages of separate institutions include the high degree of specialization and expertise that can be achieved. It is the fact that a completely new institution enjoys a "fresh start" free from corruption and other problems which may be present in existing institutions, greater public credibility, better security protections; greater political, legal and public accountability; and greater clarity in the assessment of its progress, successes and failures. The creation of separate institutions may also allow for faster action against corruption. From a political standpoint, the establishment of specialized institutions or agencies sends a signal that the government takes anti-corruption efforts seriously, but may generate competing political pressures from

factions seeking similar priority for other crime-related subjects.

### **1.12. Mobilizing Civil Society through Public Education and Awareness Raising**

An important achievement for any anti-corruption program is to empower the public with the opportunity to oversee the state, to raise public awareness about the negative effects of corruption and to help ensure the public's right to service by government. The purpose of this measure is to increase the checks and balances by guaranteeing independence of the judiciary, legislative and executive and by empowering the civil society to oversee the state including the executive, legislative and the judiciary. The importance of public trust in the government and its anti corruption institutions is critical and often underestimated. Without a certain level of public trust, public complaints mechanisms are not going to work and witnesses are not going to come forward to facilitate prosecution of anti corruption cases in the courts.

### **1.13. The Role of mass-media**

The role of mass-media in providing information which allow members of the public to be informed about governance and other important matters is unique. The essence of political accountability, for example, depends on the presence of an informed and independent media to keep the electorate informed about what elected officials have done or not done while in office, and what they propose to do if elected or re-elected. More generally, the mass media ensure transparency in public affairs in general and the control of corruption in particular.

### **1.14. Access to Information**

Where government lies open its operating practices for all the public to see, citizens will have the information necessary to guard, and to enforce, their basic rights. This transparency is a valuable tool in curtailing corruption. Many countries, both in the North and the South, recognize this fact and have enacted appropriate legislation. Access to information is a powerful mechanism of accountability. Through this mechanism, government operating practices are controlled, decision-making processes are made transparent, opportunities for corruption and/or conflict of interest will be commensurately minimized and potentials for abuses of power will be reduced. Where there is accountability, the quality of decision making will also improve. It should be noted that strengths and weaknesses of each of the above elements, relate to the strengths and weaknesses of other elements. Attention may then be focused on setting priorities and addressing significant weaknesses first. Moreover, in deciding on and using the above elements, especial attention should also be given to

the international standards and norms in fighting corruption. The United Nations Convention against Corruption (UNCAC) is one of the main international instruments which aim to assist all countries to better prevent and criminalize corruption cases. In fact this convention, which is the first legally binding international instrument on the issue and more than 160 countries including those in Central Asia are already members to it, spells out how countries can improve their cooperation for combating corruption and makes clear that in order to succeed in efforts to eradicate corruption, the support and the involvement of both public and private sectors (at national and international level) are needed.

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#### References

1. Bhargava V & Bolongaita E. 2004. *Challenging corruption in Asia: case studies and a framework for action*. Washington DC: World Bank.
2. Crime Prevention and Criminal Justice Reform (2012 – 2015), United Nations Office on Drugs and Crime (UNODC), Vienna, Austria, June 2012.
3. Dreher A, Herzfeld T. (2005). The economic costs of corruption: a survey and new evidence. *Public Economics, EconWPA*.
4. Herzfeld T, Weiss C.R (2003). Corruption and legal (in) effectiveness: an empirical investigation. *European Journal of Political Economy* 19(3): 621–632.
5. Peisakhin Leonid and Paul Pinto. 2010. Is transparency an effective anti-corruption strategy? Evidence from a field experiment in India. *Regulation & Governance*. Volume 4, Issue 3, pages 261–280.
6. Rick Staphenurst and Sahr John Kpundeh, "Curbing Corruption: Toward a Model for Building National Integrity", Economic Development Institute of the World Bank, Washington D.C, United States, May 1999.
7. Shleifer, A. and Vishny, R. 1993. "Corruption," *Quarterly Journal of Economics*. Vol. 108, No. 3.
8. Standards & Norms on Crime Prevention and Criminal Justice, Compendium on the UN Standards & Norms in Crime Prevention and Criminal Justice, United Nations Office on Drugs and Crime (UNODC), Vienna, Austria, February 2012.
9. Susan Rose-Ackerman, "Corruption and Government: Causes, Consequences, and Reform", Cambridge University Press, United Kingdom, April 1999.
10. United Nations Convention against Corruption, United Nations Office on Drugs and Crime (UNODC), Vienna, Austria, December 2003.

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