3.

Why Many Anti-Corruption Policies Do Not Function Well

The combination of strong Anti-Corruption strategies and measures, political will, and depoliticization results in effective implementation of Anti-Corruption policies. In the author's view, an over-emphasis on investigation, rather than prevention, of some Anti-Corruption agencies' strategies may be a factor in malfunctioning.

Corruption is a very sensitive issue because it can lead to criminal investigation, persecution and punishment. This poses threats to high-level public officials who may have to be held responsible for corruption cases in their respective organizations. Therefore, while heads of public institutions agree with the importance of Anti-Corruption, they may be reluctant to prioritize Anti-Corruption policies in practice. Without addressing these concerns, Anti-Corruption efforts will therefore be met with resistance and opposition within the public sector.

In other words, while factors such as the lack of independence and limited expertise of Anti-Corruption agencies are often regarded as malfunctioning, Anti-Corruption policies cannot succeed without addressing this "people factor (genuine political will of the heads of public institutions)."

Moreover, when Anti-Corruption strategy is used as a political 'tool' to suppress or attack political opponents, its original purpose (i.e. increasing transparency and integrity of the government) becomes vague. This can make the public question the integrity and performance of Anti-Corruption policies, thereby reducing the political support for Anti-Corruption policies.

4.

Fight against Corruption: Korea's Experience

Korea is one of the few countries that has successfully built a vibrant democracy and forged socio-economic development after World War II. It also transformed itself from an Official Development Assistance (ODA) recipient to a donor country. However, Korea suffered for decades not only from extreme poverty, but also from entrenched and prevalent corruption.

Bribery was wrongly regarded as a part of culture, and public awareness on corruption was almost non-existent for a long time. Then, how did Korea manage to overcome such challenges? There are several key explanations for this:

1 *Enhancement of accountability through corruption-free recruitment system*

First and foremost, the corruption-free recruitment system of public officials enabled the Korean government to have the most competent people in its organizations. The government established a highly competitive recruitment procedure in which candidates must take written exams to be eligible for employment in all government agencies. As candidates were shortlisted solely based on their exam score, corruption risks were minimized. Consequently, the number of proficient employees increased in the public sector and this contributed to Korean government's ability to achieve positive economic outcomes in a short period of time. At the same time, the government could embark on various infrastructure projects to build and improve highways, the public transportation system, communication networks and more.

2 *Information and Communication Technology (ICT) utilization*

Korea's initiative on ICT and other advanced technologies that began as early as in the 1980s contributed to the increased efficiency and transparency of the government.

By introducing ICT into the government work system and communication channels, the Korean government effectively reduced corruption cases that mainly occurred during face-to-face interactions of administrative processes.[3] Moreover, using ICT to publicize and distribute government information and data enhanced transparency.

[3] Korea was ranked first on the E-Government Development Index in 2010, 2012 and 2014 and also on the E-Participation iIndex in 2018. For more information, please refer to: https://www.unescap.org/sites/default/files/E-Government%20Survey%202018_FINAL.pdf

3 *Effective implementation of Anti-Corruption law and policy*

With support from the civil society, the Korean government implemented systematic Anti-Corruption laws and policies. In 2001, the Anti-Corruption Act was passed, followed by the establishment of Korea's first Anti-Corruption watchdog, the Korea Independent Commission Against Corruption (KICAC), in 2002. The government also exerted strong political will to implement the Anti-Corruption policies at the national level.

In terms of tackling corruption, the Korean government has consistently strived to improve not only transparency but also efficiency and capability of the nation as a whole. By doing so, socio-economic development of Korea could be accelerated, establishing a range of corruption prevention policies.

As demonstrated by the linkages between the International Institute for Management Development (IMD)'s world competitiveness rankings and Transparency International's Corruption Perception Index, Anti-Corruption is closely related to national competence.

Practitioner's Note
No.1

Recommendations for Effective Corruption Prevention Strategies

1. Establish a Sound Framework for Corruption Prevention

The previous chapter highlighted the importance of corruption prevention and presented the author's view on the key causes of successful Anti-Corruption policy implementations, followed by an analysis of Korea's case. Taking these factors into account and learning from Korea's experience, the following are four steps to take in building a basic framework on corruption prevention:

Step 1 Establish a strong legal and institutional framework in line with international standards

The most important groundwork that must be laid before implementing any Anti-Corruption policy is the legal and institutional framework. Corruption preventive strategies often fail despite the existence of an Anti-Corruption agency due to the absence of the relevant laws necessary for its success.[4]

Agencies are unlikely to succeed in enforcing their Anti-Corruption policies without strong and clear legal backing which is also in accordance with international standards. Therefore, the government is recommended to enact a set of laws which includes:

- A comprehensive Anti-Corruption law which entails the definition of corruption and scope of application (public/private sector) and provides a legal basis for the establishment of an Anti-Corruption agency, procedure of corruption report and investigation, and instructions on corruption prevention and education.
- In addition, specific laws and regulations as United Nations Convention against Corruption (UNCAC) which include provisions on conflicts of interest, asset declaration (Financial disclosure- FD), whistleblower protection, and code of conduct for public officials. [5]

[4] John R. Heilbrunn, "Anti-Corruption Commissions Panacea or Real Medicine to Fight Corruption?" (2004)
[5] For some of RoK reference on this, please visit ACRC's resources at: Whistleblower Protection: http://www.acrc.go.kr/en/board.do?command=searchDetail&method=searchDetailViewInc&menuId=020504&confId=64&conConfId=64&conTabId=0&currPageNo=1&boardNum=53330
Code of Conduct for Public Officials: https://elaw.klri.re.kr/kor_service/lawView.do?hseq=49321&lang=ENG

Step 2

Establish a competent and independent Anti-Corruption agency

Article 6 of the UNCAC states the need for each country to establish a "preventive Anti-Corruption body in accordance with the fundamental principles of its legal system." The Anti-Corruption agency should be a permanent government-funded agency that prevents and combats corruption. It is essentially separate from other government agencies but should still report to the Parliament. Its main role is to centralize information on domestic corruption which is circulated to the media and other law enforcement agencies, and is recognized by, and accessible to, the public. As an important institutional pillar of national Anti-Corruption strategy, the Anti-Corruption agency must act as an independent watchdog that investigates all corruption cases impartially, without fear or favor, regardless of the position, status or political affiliation of those being investigated. In addition, the Jakarta Principles for Anti-Corruption Agencies and the Colombo Commentary provide clear guidance on establishing or strengthening Anti-Corruption agencies.

Step 3

Develop practical approaches and feasible measures

It is impossible to eradicate corruption all at once. Hence, it is necessary to employ a practical approach with feasible measures that will not overburden the Anti-Corruption agencies. In other words, it is effective to develop corruption prevention actions which Anti-Corruption agencies, using the existing budget and human resources, can introduce and implement.

Step 4

Launch a national-level initiative and a control tower (intergovernmental coordination mechanism) for Anti-Corruption

While Anti-Corruption agencies have an important role in eradicating corruption, the role of the national government remains crucial. To be sure, differences in institutional structures and contextual specificities across countries would need to be taken into account In order to push the Anti-Corruption agenda with strong political will, it is best for government to build a national-level intergovernmental coordination mechanism (i.e. National Corruption Control Committee - NCCC), with the President as the Chair. Meetings should be held regularly, with representatives from key government agencies present to discuss, review and provide feedback on their respective Anti-Corruption efforts. At the same time, all agencies must be required to recruit integrity inspection officers to follow up on and execute NCCC's decisions. Lastly, it should initiate partnerships with the private sector to encourage Anti-Corruption efforts in their corporate social responsibility (CSR) strategies.

2.

Make Integrity and Anti-Corruption a Performance Indicator for Public Officials

For Anti-Corruption efforts to succeed, it is critical to have the commitment of high-level officials. However, generating political will is not always easy. Based on Korea's experience, the government can build political will by promoting Anti-Corruption policies as a means of enhancing the reputation and evaluating the performance of high-level officials. If high-level officials send clear and consistent messages to their subordinates that their integrity is being monitored for their performance and promotion, government employees will pay attention to Anti-Corruption because it will affect them personally. With this chain of corruption awareness, the notion of Anti-Corruption can more easily spread throughout the government and public institutions.

Furthermore, integrity evaluation should be conducted during the review of candidates for promotion. Employees should be informed that it is virtually impossible to be promoted if there is any record of corrupt behavior. In particular, departments that have comparatively greater authority must conduct the annual integrity evaluation of all candidates. Furthermore, as a part of the learning and development scheme, new recruits, who have been employed for less than a year, should be required to participate as assessors to evaluate candidates for promotion. The new employees can gain more practical insights by participating in the process and learn that their career depends on their level of integrity.

3.

Employ Measures that Reduce Organizational Resistance and Increase Incentives (Measures of Anti-Corruption Agencies)

Once the basic framework for Anti-Corruption is established, the next step is to sustain the effort to prevent corruption by adopting strategic measures to ensure continued progress.

To increase the efficiency and impact of Anti-Corruption policies, the agencies should prioritize strategies that seek to reduce the resistance of target organizations. As illustrated in the previous chapter, Anti-Corruption strategies that only focus on heavy investigation and prosecution will be difficult to implement due to the fear of high-level officials in target organizations. The objective should be to improve integrity, not to send another official to prison. Therefore, Anti-Corruption strategies that emphasize prevention over accusation must be planned at the initial stage.

At the same time, agencies should make strategic use of publicity to exert their influence without direct involvement. A useful strategy for the agency is to focus on fact-finding of corrupt practices in the public sector, inform the relevant organization of its corruption issues accordingly. As corruption issues become widely publicized, the agency can also fight corruption with stronger support.

Another effective strategy is to employ evaluative mechanisms. With the cooperation of all of the government and public institutions, the Anti-Corruption agency can use various assessment methods to encourage the organizations to make voluntary efforts in enhancing integrity and minimizing corruption risks. Below are two suggested assessment tools based on Korea's tested-and-proven experience:

1 *Integrity Assessment (IA)* [6]

The Anti-Corruption and Civil Rights Commission (ACRC) of Korea has conducted the Integrity Assessment (IA) for more than 19 years to evaluate the level of integrity in the government and public organizations. The results highlight areas where corruption is the most severe, and the scores are disclosed to the public through the media, leading the target organizations to make voluntary efforts in Anti-Corruption. At the same time, in contrast to investigations by the prosecutors or police, IA is not legally binding and thus reduces resistance from the target organizations.

A high integrity score is regarded as a great achievement by the heads of the target organizations who wish to receive a positive evaluation during their tenure. Elected officials of the local governments are also very motivated to receive high scores in order to win the next election. With less burden to the heads of the organizations, IA effectively raises awareness on corruption and encourages the target organizations to embark on strategic Anti-Corruption initiatives.

In conducting IA, target organizations are first categorized into different groups based on organization type. The categorization is further subdivided to take into account the size and characteristics of target organizations. These organizations are then evaluated separately, with the criteria and indicators applied differently. For instance, organizations with relatively less power will be categorized in the same group, while organizations with higher authority such as the Prosecutor's Office, Police Office and Tax Office will be categorized in another group to be compared with other more powerful organizations.

At the same time, IA can be conducted by the target organizations themselves to evaluate their sub-agencies and internal divisions. This will be especially useful for the heads of target organizations who fear losing their own position and reputation because of their subordinates' corrupt actions. For example, in the Public Procurement Service, IA can be conducted in its regional offices. Each division officer can implement a strong Anti-Corruption strategy to enhance the integrity of his or her division. The police and prosecutors can also directly conduct an integrity assessment of the local police offices, the local public prosecutors' offices, or inter-police and prosecutors' offices in various regions.

[6] More information is available at:
http://www.acrc.go.kr/en/board.do?command=searchDetail&method=searchList&menuId=0203160302

IA is a useful strategy with high impact at low cost. In order for IA to succeed, it is necessary to prevent illegitimate actions such as the manipulation or concealment of the evaluation results. In addition, IA should be conducted mandatorily for government (including local government) and public institutions, national and public universities, and general hospitals. The private sector may be involved as well. In particular, large-scale construction companies involved in public infrastructure projects along with privatized electricity, gas and water companies must be considered for evaluation.

It is more effective to conduct the assessment of selected organizations by announcing the target organizations only later in the year. This will make the assessment process harder to predict, which will keep all the organizations "on their toes". In other words, the anti-corruption agency could announce at the beginning of the year that the evaluation would be targeted at all the public organizations. However, the agency would not reveal which organizations exactly they would select and roll out the actual evaluation process until the second half of the year. Therefore, all the organizations will continuously make efforts to receive a positive evaluation on their integrity level. This strategic selection can efficiently reinforce IA's ultimate goal, which is to encourage all of the government and public institutions to proactively plan and carry out their own anti-corruption initiatives and raise awareness on anti-corruption, rather than to focus on the evaluation result itself.

2 *Corruption Risk Assessment (CRA)* [7]

Corruption Risk Assessment is a useful tool to prevent corruption by identifying and removing corruption risks in bills, laws and regulations. CRA entails a comprehensive evaluation in all stages of policymaking, which includes planning, enforcing and managing. All central administrative departments are subject to CRA when enacting or revising laws, presidential decrees or departmental ordinances.

ACRC analyzes corruption risk factors with 11 different criteria (Rationality of compliance costs, Adequacy of disciplinary regulations, Risk of granting preferential treatment, Concreteness and objectivity of the basis of decision-making, Transparency and accountability of entrustment/commissioning, Risk of misallocation or misuse of government support, Accessibility, Openness, Clarity in public service delivery and administrative processes, Risk of conflict of interest and Necessity of enhancing Anti-Corruption mechanisms) and specific checklist questions from the stage of developing a bill for legislation, then recommends the relevant government departments to amend provisions that have the potential of causing corruption.

[7] For more information, please see:
http://www.acrc.go.kr/en/board.do?command=searchDetail&method=searchList&menuId=0203160304