

ACRC Korea Transparency Newsletter (Aug. 2023)

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The “Completion of the Youngju Multipurpose Dam,” Delayed for Seven Years Due to the Cultural Assets Project, Resolved through Mediation

- It is expected to foster the local economy by promoting waterfront tourism business and road construction with the completion of the dam

(Aug. 29, 2023, ACRC)

The construction of Youngju multipurpose dam, which had been delayed for seven years due to the relocation and restoration of cultural assets, is nearing completion by virtue of the mediation by the Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II). It is expected to facilitate the development project around the dam.

On August 9, the ACRC hosted an on-site mediation meeting, presided over by Chairperson Kim Hong-II, at the Youngju Dam Office of the Korea Water Resources Corporation and conducted mediation efforts to ensure the completion of the dam by settling the project costs associated with the relocation and restoration of cultural assets.

The construction* of the Youngju multipurpose dam began in 2009 and was finished in 2016, with the purposed of ensuring a reliable water supply and preventing flood damage. However, there has been a seven-year delay in the completion of the dam resulting from the delay in settling project costs for the relocation and restoration of cultural assets, which is an affiliated project.

* The total project cost for the Youngju multipurpose dam amounts to 1 trillion and 103 billion won (the project cost for the relocation and restoration of cultural assets is 31.2 billion won)

In February, 33,434 residents in Youngju-si filed a collective complaint with ACRC regarding the challenges in implementing Youngju-si's eight long-cherished follow-up projects (a project cost of 380.9 billion won) related to the development of nearby areas of the dam, including waterfront tourism business and the road construction, arising from the prolonged delay in the completion of the dam.

ACRC facilitated residents and relevant agency in reaching a consensus on the final mediated recommendation through multiple on-site investigations and consultations with the relevant agencies.

According to the mediated recommendation by ACRC, Youngju-si and the Korea Water Resources Corporation have decided to settle the project costs incurred to date associated with the relocation and restoration of cultural assets and transfer the follow-up work to Youngju-si.

The Ministry of Environment and the Korea Water Resources Corporation have agreed to initiate the administrative procedure for approving the completion of the dam as soon as the project costs are settled.

Gyeongsangbuk-do and Youngju-si have stated that they will implement the necessary administrative measures and procedures to ensure the smooth execution of the relocation and restoration of cultural assets.

ACRC Chairperson Kim Hong-Il said, "It is extremely fortunate that the recent mediation has brought the dam construction near completion, which had been delayed for a considerable period, following the settlement of the project costs for the relocation and restoration of cultural assets by the relevant agencies. We anticipate that the completion of the Youngju multipurpose dam will contribute to fostering the local economy and addressing the inconveniences faced by local residents by facilitating long-cherished local projects."

Sharing Korea's Anti-Corruption Policies at the G20 Anti-Corruption Ministerial Meeting

*- Strengthening international mutual assistance and cooperation for
the prevention and fight against corruption*

(Aug. 11, 2023, ACRC)

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) participated in the G20 Anti-Corruption Ministerial Meeting, which was held on August 12 in Kolkata, India. ACRC engaged in discussions on promoting international cooperation in the prevention and fight against corruption and introduced Korea's anti-corruption policies during the meeting.

The G20 Anti-Corruption Ministerial Meeting is the second in a series following the initial meeting held in 2020*, convened under the Indian Presidency.

* The first meeting (a virtual meeting) was convened under the G20 Presidency of Saudi Arabia in 2020, commemorating the 10th anniversary of the establishment of the G20 Anti-Corruption Working Group (ACWG).

High-level officials from G20 member countries, invitee countries, such as Singapore and Mauritius, and international organizations, including UNODC and OECD, were present at the meeting. ACRC Vice Chairperson and Secretary General Chung Seung Yun attended the meeting, representing Korea.

At the meeting, the G20 Anti-Corruption Ministerial Meeting Outcome Document and Chair's Summary was adopted, emphasizing collaborative global efforts in combating corruption. Additionally, the G20 ACWG Accountability Report on Mutual Legal Assistance and the Compendium of Good Practices on enhancing the role of auditing in tackling corruption were presented.

Vice Chairperson Chung delivered a speech emphasizing the need for

international cooperation in the prevention and fight against corruption and introduced Korea's efforts in international anti-corruption cooperation and major anti-corruption policies.

In addition, Vice Chairperson Chung had a bilateral meeting with Dr. Jitendra Singh, Minister of State of the Ministry of Personnel, Public Grievances, and Pensions, a competent anti-corruption authority of India, the G20 Presidency. The meeting aimed to share anti-corruption policies implemented in respective countries and laid the foundation for mutual cooperation through international fora, such as the G20.

Furthermore, Vice Chairperson Chung had meetings with high-level officials from India's anti-corruption agencies, including Lokpal of India and the Central Vigilance Commission.

ACRC Vice Chairperson and Secretary General Chung Seung Yun said, "Corruption is a cross-border issue, and mutual assistance and international cooperation are essential to combat corruption. We are committed to further strengthening anti-corruption cooperation with the international community in solidarity."

**The Cabinet Passed Revision Bill of the Enforcement Decree
of the Improper Solicitation and Graft Act to
Enforce Starting Sep. 30**

- *The price ceiling for agricultural, livestock, fishery and related processed products to be raised (from 100,000 won to 150,000 won, from 200,000 won to 300,000 won during Lunar New Year and Chuseok holiday)*
- *Mobile gift vouchers and concert tickets to be included in the list of prohibited gifts under the revision*
- *During the period of Chuseok holiday (Sept. 5th – Oct. 4th), the value limits for agricultural, livestock, fishery and related processed products to be doubled*

(Aug. 29, 2023, ACRC)

The value limits for agricultural, livestock, fishery and related processed products that are permissible as exceptions for gifts public servants, etc. can receive under the Improper Solicitation and Graft Act will be raised from the current 100,000 won to 150,000 won (200,000 won to 300,000 won during Lunar New Year and Chuseok holiday season), and mobile gift vouchers and concert tickets will also be included in the list of prohibited gifts.

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) announced that a revision bill of the Enforcement Decree of the Improper Solicitation and Graft Act* to adjust the price ceilings for gifts was passed on Aug. 29 in the Cabinet meeting and that the revised Decree was promulgated and enforced starting Aug. 30.

* The Enforcement Decree of the Improper Solicitation and Graft Act stipulates the value limits on gifts, etc. offered for purposes of facilitating performance of duties, social relations, or aid

The major revisions include: first of all, raising the value limits on gifts that are agricultural, livestock and fishery products including processed products thereof. currently, public servants are allowed to accept gifts of agricultural, livestock and fishery products including related processed products the value of which falls within the limits of 100,000 won (200,000 won during Seollal and Chuseok) as exceptions, but from now on, the limits are raised to 150,000 won (300,000 won during Seollal and Chuseok).

The holiday season provision applies starting 24 days before Seollal and Chuseok holiday until five days afterward*. This year's Chuseok holiday is on Sept. 29, and the time period is applied from Sept. 5 to Oct. 4.

* In case where gifts are mailed during this period but received after it, the time period will be extended to the date of receipt of the gifts (Paragraph 2 of Article 17 of the Enforcement Decree of the Improper Solicitation and Graft Act)

In addition, the scope of acceptable gifts is expanded. Only goods were acceptable under the law before the revision, but from now on, goods/service vouchers other than goods are included in the list of permissible gifts, but gift certificates including those for department stores which can be cashed are not included in the list.

On Aug. 21, the ACRC held the Plenary Committee and passed the revision bill of the Enforcement Decree to adjust regulations that are isolated from changing socioeconomic situations and consumption patterns of the public such as a culture of untact gift-giving to be more rationalized with values of fairness and integrity embedded in the Improper Solicitation and Graft Act adhered.

This revision aims to support the agricultural, livestock and fisheries industries

struggling with difficulties arising from natural disasters such as deadly floods and typhoons which have become annual events, economic recession and inflation.

Public servants should be aware that they are prohibited from receiving any kinds of money, goods, or gifts, etc. in relation to their duties under the Improper Solicitation and Graft Act, unless such money, goods or gifts are offered for purposes of facilitating performance of duties, social relations or aid within the limits prescribed by law.

The ACRC plans to provide public servants, etc. with a guide so that they can fully understand the revision and avoid violations of the law, while actively promoting the revised bill to the public through various means such as media, broadcasting and SNS.

As a national corruption control tower in charge of general anti-corruption legislations in Korea, the ACRC is committed to exerting all-out efforts to make the Improper Solicitation and Graft Act established as an effective anti-corruption code of conduct in people's everyday lives by thorough monitoring the effectiveness of the legislation under the unwavering strict and stern stance based on the principle of zero-tolerance towards corruption and respecting the public aspiration to a fair and transparent society in pursuit of the value of integrity, which is the legislative purpose of the Improper Solicitation and Graft Act.

ACRC to Conduct a Direct Survey of 270,000 officers and citizens Regarding Integrity Levels of Public Institutions

- Starting this year, a new survey method using the mobile application service KakaoTalk to be introduced

(Aug. 18, 2023, ACRC)

The 2023 Comprehensive Integrity Assessment (CIA) to which 629 public institutions across the nation are subject began in earnest.

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) announced that in Aug. it began to conduct a survey of approximately 270,000 public servants and citizens (policy customers) who have experienced major public administrative services of public institutions in order to assess the levels of integrity of public institutions.

Since 2022, the ACRC has introduced the revised comprehensive public institution integrity assessment integrating the Integrity Assessment based on a survey of integrity levels of public institutions and the Anti-Corruption Initiative Assessment which evaluated anti-corruption efforts and outcomes of public institutions. This year marks the second anniversary of its implementation.

The CIA consists of the following three areas of assessment to comprehensively reflect the level of integrity of each public institution without being biased towards certain factors: (1) Integrity Perception Level is assessed through a survey of perceptions and experiences of public service users and public servants of the public institution subject to the assessment; (2) Integrity Effort Level is evaluated according to public institutions' anti-corruption efforts and their performances on related assessment indicators; and (3) Corruption Realities are assessed through reflecting real corruption cases that have actually

occurred in public institutions such as corruption-related disciplinary actions and audits, etc.

* CIA score (100%) = Integrity Perception Level (60%) + Integrity Effort Level (40%) – Corruption Realities (up to 10% in max.)

The survey is conducted during the period from Aug. to Nov. and the assessment of anti-corruption effort outcomes will begin starting Oct until the mid-Dec., followed by the release of the final CIA grades for each public institution ranging from 1st grade to 5th grade in Dec. 2023.

The 2023 CIA covers 629 public institutions in total categorized into 16 types, an increase by 60 institutions in the number of targeted institutions from last year, and in particular, 92 local councils (17 in metropolitan areas, 75 in local provinces) were included for the first time this year in the CIA, strengthening the assessment of vulnerable areas.

<2023 CIA Target Institutions & Categorizations>

Total	Central Gov't Agencies [Ⓢ]		Local Gov't [Ⓢ]				Offices of Education [Ⓢ]	Public Service-related Org. [Ⓢ]					National Univ. [Ⓢ]	Public Medical Centers [Ⓢ]	Local Councils [Ⓢ]	
	I [Ⓢ] (Ministerial Level) [Ⓢ]	II [Ⓢ] (Vice-ministerial Level) [Ⓢ]	Metro-politan	Provincial [Ⓢ]				I [Ⓢ] (Public Corp.) [Ⓢ]	II [Ⓢ] (Quasi Gov't Org.) [Ⓢ]	III [Ⓢ] (Key Org.) [Ⓢ]	IV [Ⓢ] (Local Corp.) [Ⓢ]	V [Ⓢ] (Research centers) [Ⓢ]			Upper-level [Ⓢ]	Lower-level [Ⓢ] (Si) [Ⓢ]
				I [Ⓢ] (Si) [Ⓢ]	II [Ⓢ] (Gun) [Ⓢ]	III [Ⓢ] (Gu) [Ⓢ]										
629 [Ⓢ]	25 [Ⓢ]	21 [Ⓢ]	17 [Ⓢ]	75 [Ⓢ]	82 [Ⓢ]	69 [Ⓢ]	17 [Ⓢ]	32 [Ⓢ]	55 [Ⓢ]	45 [Ⓢ]	40 [Ⓢ]	21 [Ⓢ]	16 [Ⓢ]	22 [Ⓢ]	17 [Ⓢ]	75 [Ⓢ]

The assessment of integrity perceptions is conducted through mobile or online surveys until Nov. this year.

In particular, starting this year, the mobile survey utilizes the KakaoTalk mobile application service easily accessible to the public, in addition to the current method of using mobile text messages, to improve convenience for survey respondents and the rate of responses.

The integrity perceptions survey makes objective and accurate assessment of the levels of integrity of public institutions possible, as it directly asks public

service users who have firsthand experiences of services provided by a public institution and employees of the public institution about their perceptions and experiences of corruption during the survey period, unlike other general surveys conducted on multiple random respondents.

Further, the confidentiality of respondents and their answers are thoroughly protected, and all relevant information are encrypted, allowing respondents to participate in the surveys without worries.

The ACRC Vice-chairperson and Secretary General Chung Seung Yun said, “The integrity perceptions survey conducted this time provides people with an opportunity to make Korean public sector clean and fair by directly participating in the assessment of the levels of corruption of public institutions,” adding that “their answers are thoroughly protected, so I would like to call for active participation in the survey.”

“Self-Investigation” to be Prohibited Where a Public Official or Family Members are Involved

- *ACRC prepared a detailed standard for prevention of conflicts of interest related to duties of public officials responsible for ‘investigation, audit, and inspection’*

(Aug. 9, 2023, ACRC)

Where the duty of a public official is related to investigation, audit and inspection, and the public official or his/her family members are involved in a reported or accused case of which he/she is in charge, he/she should report the fact that he/she has private interests in the case to the head of his/her institution, and apply for recusal in the case under the Act on Prevention of Conflict of Interest Related to Duties of Public Servants (hereafter, the Conflict of Interest Act).

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) has drawn up a guideline to prevent conflicts of interest related to duties of public servants from arising through self-investigation, audit or inspection as per their obligation to report privately interested parties and apply for recusal in the case which may give rise to conflicts of interest. The ACRC has distributed the guideline to more than 17,000 public institutions in the country.

This guideline has been produced based on opinions collected during the discussions in May and July attended by conflict-of-interest officers from 12 related organizations who are in charge of the matters of investigation, audit and inspection.

Article 5 of the Conflict of Interest Act stipulates that where a public official becomes aware that his/her duty-related person is his/her privately interested

person who are advantaged or disadvantaged directly by the performance of his/her duties, the public official should file a report on such fact with the head of the affiliated institution and apply for recusal of himself/herself.

Further, a public official can apply for recusal if he/she is concerned about impartial and disinterested performance of duties due to his/her personal relationships even if he/she is not obliged to report or recuse.

The major contents of the guideline are as follows: a public official is prohibited from being in charge of instigating into a case where the public official himself/herself or his/her privately interested person, including a member of his/her family, is a person who reported, accused or charged, or a person who was reported, accused or charged related to the case.

In particular, in case where a minister of a central government agency, or a member of his/her family, is investigated by an external institution and receives a report or commands instructions on the investigation, the minister becomes obliged to file a report on such fact and recuse himself/herself as it means that he/she is investigating a privately interested person.

In other words, where the minister's privately interested person is investigated by the external institution, the minister should file a report on the fact that he has a private interest in the investigation with the conflict-of-interest prevention officer of the central government agency and apply for recusal as he has an authority to direct and supervise the investigation carried out the external institution, unless it is obvious that the minister is not a duty-related person.

If a public official is put in charge of the duty of investigating a person whom the public official has personally accused or charged, he/she should apply for recusal from the duty, since he/she can impede the impartiality of the investigation and gain tangible or intangible benefits by influencing the scope or intensity of the investigation.

On the other hand, if a person who is being investigated by a public official

files a complaint, accusation or petition against the public official due to dissatisfaction with the investigation, the public official does not have an obligation to report or recuse as he/she is not a duty-related person who is directly advantaged or disadvantaged by investigating the case.

What the recusal of a public official from a duty means that the public official would not have a hand in matters which can affect the direction of decisions and the contents, etc. in relation to the duty.

Therefore, a public official should not be involved in the duty from which he/she recused, including through receiving a report or commanding instructions on the duty, and should completely avoid any matters ancillary to it to prevent unnecessary misunderstandings.

This obligation of recusal continues with the official until the case is closed with a final decision made in relation to the duty, and the official cannot withdraw his/her reporting and application for recusal after the head of the affiliated institution takes a measure.

The ACRC Vice-Chairperson and Secretary General Chung Seung Yun said, “The Conflict of Interest Act is an effective tool for corruption control to prohibit public officials from seeking private interests in a conflict-of-interest situation that can easily be led to corrupt practices,” adding that “the ACRC will do its best to establish a clear standard for the statutory interpretation and lay a foundation for the effective institutional operation, so that 2 million public officials subject to the Conflict of Interest Act would not have difficulties in understanding and complying with obligations under the Act.”