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SUCSESSES AND FAILURES OF CORRUPTION PREVENTION ACTIVITIES IN MONGOLIA

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Distinguished participants, guests, ladies and gentlemen, Good morning

First and foremost I express my deep thanks and compliments to the Public Governance Programme of OECD/KOREA Policy Centre for the invitation to this Multi-Country Study Mission on Public Governance and for giving me an opportunity to make a presentation.

Mongolia's ratification of the United Nations Convention against Corruption in April of 2005 has allowed for a wide range of possibilities to put contemporary anti-corruption concepts into national legislation and to elevate the fight against corruption to a new level that meets international standards.

The establishment of IAAC was a direct consequence of Mongolia's ratification of the United Nations Convention against Corruption.

IAAC is a special independent state body, charged with five main functions nationwide:

- to rise anti-corruption public awareness and education;
- to implement corruption prevention measures;
- to carry out intelligence operations and investigations in detecting corruption related offenses;
- to review and inspect the assets and income declaration of the public officials;
- to study the extent, types and causes of corruption.

The parliament approves appointment and organizational structure of IAAC.

IAAC consists of 4 departments and 4 units.

The four departments divide into Prevention and Public awareness department, Inspection and analysis department, Investigation department and Administration department. As you can see from our organizational structure, apart from the investigation department we have an intelligence unit that is responsible for intelligence gathering on corruption cases and to conduct various types of undercover controlled operations in order to detect high profile corruption cases. Such organizational structure allows us to carry out an intelligence based proactive investigation in current practice.

The Law against Corruption provides the free and independent status of the agency and also formulates the principles of reporting and accountability. The IAAC submits reports on implementation on anti-corruption legislation annually to the Parliament and the Special Supervisory Sub-Committee monitors the implementation of the Law on Undercover Operations by the IAAC. According to Provision 8 of Article 25 of the Constitution of Mongolia, Parliament is authorized to monitor and examine the implementation of the laws in IAAC's operation.

Since its establishment in 2007, during the past three years, IAAC has experienced and encountered following difficulties and actual problems in corruption prevention field:

1. In Mongolia, the first Anti-Corruption Law was adopted in 1996, and the first National Anti-Corruption Programme was approved in 2002. However, corruption prevention activities had been never efficiently implemented in the public sector; and accurate experience of such kind of work had not been accumulated in the past.
2. There is still a fundamental misunderstanding about the real purposes and functions of our organization in the society that IAAC is responsible solely for detecting and investigating corruption cases. Such misunderstanding really decreases the effectiveness of corruption prevention work. For example, when IAAC tries to collaborate with the Government in corruption prevention sector, the vast majority of the public and the mass media criticize that IAAC colluding with the corrupt state officials instead to send them to jail.
1. The present Anti-Corruption Law determines that corruption prevention work is one of the common and basic duties of the society as well as public sector organizations. Unfortunately some parts of the public sector organizations are reluctant to respond corruption prevention initiatives and still think that corruption prevention is a task of only IAAC.
2. There is a lack of political will to fight against corruption among the high profile public sector officials.
3. IAAC has a real challenge to deliver corruption prevention campaign to local and provincial level, because it still has no local branches.

In order to overcome aforementioned difficulties and challenges and to initiate appropriate corruption prevention works in the public sector, IAAC has taken the following series of measures and actions:

- To develop a general model programme for corruption prevention and enhancing public sector integrity and transparency
- To provide all level of public sector organizations with corruption prevention trainings

- In a initial stage of implementing corruption prevention programme in the public sector organizations, IAAC prefers to give recommendations to the public sector organizations on any occasions failure or non-compliance with the corruption prevention programme, rather than to punish them.

While legally the IAAC is totally independent from the executive branch, in reality we should appropriately collaborate with the government in order to effectively implement nation-wide anti-corruption activities. For this reason, the IAAC stipulates appropriate participation of both the government and the civil society in anti-corruption initiatives by establishing a three-sided agreement among the IAAC, Government Cabinet, and the representatives of civil society organizations for collaborating efforts against corruption.

IAAC cooperates with governmental agencies and legal control authorities.

The IAAC works with governmental organizations in efforts to combat corruption. Quite a few measures have been taken towards this end, specifically:

A working group consisting of representatives of governmental organizations and the IAAC was established by a directive of the Mongolian Prime Minister. This working group is presided by the Head of the Cabinet Secretariat. The working group works in corruption prevention and education areas and its annual operational plan is approved by the Prime Minister.

The operational plan of the joint working group stipulates the introduction of anti-corruption action plans in governmental organizations. Therefore, in 2008 our organization organized a first ever anti-corruption action planning workshop under auspices of the Prime Minister in collaboration with the Cabinet Secretariat. As a result of this workshop all ministries and major line agencies, in total 26 organizations, adopted their anti-corruption action plans. The second Prime Minister workshop was organized in April, 2009 with a focus to standardize the planning. As a result of which, not only all ministries, but all agencies, in total 55 organizations approved their anti-corruption action plans. The IAAC continually provides technical and methodological support to ministries and agencies in implementing their anti-corruption plans.

In 2008, jointly with the Cabinet Secretariat, we reviewed implementation of the 2008 plans of ministries and agencies. The results of the review were presented to the Government. The main emphasis was on the results of plan implementation: which works were implemented well and which works were not implemented. In addition, we presented on the achievements and mistakes made by the organizations in combating corruption. We also presented what measures should be taken in order to improve planning of ministries and agencies. Relevant decisions were then made by the Government session.

The notes of the Cabinet sessions contain instructions given to the members of the Government Cabinet and agency heads to pay attention to the following matters:

1. Plan corruption prevention activities more tangibly and realistically based on research and evidence, set realistic yardsticks to evaluate implementation, and take measures to improve reporting;
2. Standardize approval of anti-corruption plan implementation in the activities of relevant sectors and organizations, and monitor and report on aggregated results.

The review conducted in 2008 revealed that ministries and agencies are diverse in planning practice, implementation and reporting of anti-corruption plans. Some ministries planned 10 works whereas other ministries planned 20 works which made comparison difficult. When one ministry would be evaluated with 50 percent performance, implementing 10 out of 20, the other would be evaluated with 100 percent performance by carrying out all ten works planned even though the amount of work performed would be equally 10. Therefore, review concluded that planning should be standardized. For this reason in April 2009 when the next workshop was organized under auspices of the Prime Minister, the management of ministries and agencies were presented with a plan template. The template was approved after two days of discussions. Thus, in 2009 all ministries have approved their plans according to the anti-corruption plan template.

Ministries and agencies report twice a year to both the IAAC and the Cabinet Secretariat on the implementation of their plans. The IAAC then conducts an analysis on the reports of the ministries and agencies and organizes specific works to render methodological assistance to the organizations with poor performance in plan implementation.

This year examined the implementation of the 2009 operational plans of ministries and agencies through the 1st of April. The examination results were submitted to the Government session on April 10th.

We organized the 3rd Prime Minister's workshop this April to develop and discuss monitoring and evaluation methodology for the action plans.

This year we are going to include all 21 provincial Governors in the workshop so that they learn how to develop anti-corruption plans and how to adopt them for implementation at the regional level.

By doing this, all ministries, agencies and regional administrations shall adopt and start implementing anti-corruption plans nationally which is an introduction of one of the mechanisms to prevent corruption.

The IAAC worked to have the Government include in its Governmental Action Plan directions to be implemented to combat corruption. For instance, the Plan of Action of the Government stipulates the following works:

- Develop and adopt a draft of a mid-term program to prevent and combat corruption.
- Make amendments to the relevant legislation of Mongolia to bring it in line with the UN convention against corruption
- Develop and pilot standards for state organizations in their service rendered to citizens
- Implement jointly with relevant authorities measures to prevent and educate on corruption and conflict of interest among civil servants and improve laws regulating these areas.

Besides this, the IAAC's Department for Prevention and Education has concluded and implemented tripartite contracts with provincial governors and a network of NGOs. This contract incorporates implementation of corruption prevention and education measures in the local area and collaboration with local NGOs. The contract implementation is monitored by the Cabinet Secretariat and the IAAC.

Previously, many governmental organizations sent the IAAC requests to conclude Memorandums to cooperate on corruption prevention. However, our organization believes that there is no need to establish such memorandums with all state organizations but only with the Cabinet Secretariat. Therefore, the IAAC and Cabinet Secretariat are currently developing a draft Memorandum to collaborate on all aspects of combating corruption. We expect this Memorandum shall help improve and intensify our collaboration.

For intensifying the public sector corruption prevention activities, IAAC has launched "Integrity Campaign 2010" on nation-wide basis which will be continue until 9 December 2010-International Anti-Corruption Day. Many public sector organizations have expressed their willingness to engage in the campaign.

In order to improve planning of corruption prevention work we are taking following measures:

IAAC has issued respective corruption indices for all 21 provinces and 13 governmental ministries. Based on these respective indices, specific corruption prevention programme will be developed for each provinces and ministries.

Currently such specific corruption prevention programmes already have been developed for the Ministry of Mineral Recourses and Energy, the Ministry of Health, and two provinces that have the worst corruption indices.

As a result of recent anti-corruption initiatives, the anti-corruption activities of Mongolia are very extensive at levels both nationally and internationally never seen

before. IAAC of Mongolia is looking forward to develop more closer cooperation with all foreign counterparts and international organizations in the field of fighting against corruption.

Thank you very much for your attention

I will be pleased to answer any further questions and inquires you may have. You may reach me via E-mail at gbbatzorig@iaac.mn