

REPORT ON PREVENTION AND ANTI-CORRUPTION EFFORTS IN LAO P.D.R

Vilavong Phomkong and Thepphathai Phanka†*

Nowadays, the Government of Lao PDR is making efforts to play an important role in prevention and anti-corruption efforts, and to direct ministries and other agencies including local government. Inspection is the main of role of leaders at each level: “No inspection means no leadership”. The prevention and fight against corruption is work that needs to be integrated with every activity, done regularly and cannot be ignored, especially in terms of the impact of corruption on the condition of the market economy that is led and controlled by the state. Corruption is an issue facing all countries worldwide and international agencies, and activities to prevent and combat corruption can follow many models, methodologies and measures available in many countries. The establishment of the United Nations Convention Against Corruption, which aims to reduce corruption step by step, can control corruption cases that happen in different areas within countries. Because corruption is one of the insidious plagues that has a wide range of corrosive effects on societies, it undermines democracy and the rule of law, leads to the erosion of the quality of life and allows other threats to human security to flourish.

Sustainable development is the primary basis for socio-economic development. Although Lao PDR is progressing in this regard, an insidious plague is being encountered, especially corruption that happens in other areas such as state governance, construction management, state funds and property management, payroll, and abuse of position, power and duty to benefit oneself at several levels. Corruption is wide ranging and cannot be easily resolved. Thus, it is important that the Government of Lao PDR has adopted several the principles on preventing and combating corruption, as follows:

1. The main focus shall be on the prevention of corruption, while countering corruption shall be regarded as important;
2. Inspection of corruption phenomena shall be conducted immediately, strictly, independently, objectively, and accurately;
3. If there is an offence, the matter should be dealt with strictly, immediately, and with justice;
4. It must be ensured that there is no interference, obstruction, or threat from any individual or organization;
5. Individuals and organizations to be inspected shall cooperate and create conditions that facilitate the inspection;
6. The State shall create conditions for citizens, social organizations, and mass media to participate in the prevention and countering of corruption according to regulation.

This paper will consider a decade of combating and preventing corruption in Lao PDR, highlighting the practical developments of the State Inspection and Anti-Corruption Authority and

* Head of Internal Inspection, Department of Inspection, Office of the Supreme People’s Prosecutor, Lao PDR.

† Deputy Director General, Anti-Corruption Department, State Inspection Authority, Lao PDR.

the State Inspection Agencies at each level in the prevention and fight against corruption.

I. PREVENTION OF CORRUPTION

Prevention of corruption refers to protecting against corruption and preventing corruption from occurring in State organizations, political organizations, and social organizations by education campaigns, declaration of assets, inspection, implementation of policies and so on. The State Inspection and Anti-Corruption Authority has provided many lessons learned that can be applied to anti-corruption cases, such as to research and detail the content of the law to be the rule, principle, and measures for the prevention and countering of corruption to ensure that the property of the State, Society and the rights and interests of citizens are not damaged, embezzled, or swindled, to subject offenders to legal proceedings and protect those who are innocent, with the aims of strengthening State organizations, increasing transparency and the ability to conduct inspections at all times, and achieving political stability, a stable and progressive economy, public security, public order, and justice. These lessons include:

1. The resolution of the Central Party Committee No. 02 to supplement monitoring, inspection of prevention and anti-corruption efforts by new conditions on Government staff at all levels, especially the leaders shall act as role models in the strict implementation of laws and regulations, shall lead in having transparent lifestyles and shall not engage in corruption. Their main responsibilities are to educate the public to respect and strictly comply with the laws and regulations and to promote awareness among citizens and social organizations that corruption is an insidious plague;

2. To adopt the Decree of the President of Lao PDR on the promulgation of the Law on Anti-Corruption of 2005. The Government of Lao PDR agreed to improve the Anti-Corruption Law and promulgated the new text in 2013. Chapter 2, article 11 defines 12 acts that can constitute corruption;

3. To adopt the Strategy of Anti-Corruption for the years leading up to 2020. The strategy emphasizes and divided responsibility to prevent and combat corruption to each level of the State Inspection Authorities, such as:

- To educate the public to respect and strictly comply with the laws and regulation and understand the evils of corruption;
- Incorporate legal texts deemed necessary into the educational curriculum from kindergarten to the high school level, technical colleges, and universities. Now we have succeeded in implementing educational curriculum from kindergarten to the high school level, and continue to the university level;
- To study, improve, and create legislation for the prevention and fight against corruption;
- To improve governance mechanisms to ensure that they are good, effective and transparent;
- To promote the public, mass media, and social organizations to participate in the prevention and countering of corruption according to regulation such as direct calls, mailboxes, promoting Anti-Corruption Day by printing of AC banners, pens, t-shirts, stickers (UNODC, local business), advocate through radio programmes twice a week at 99.7 MHz, Anti- Corruption journals, etc.

- To define and implement policies toward government staff at each level clearly and to ensure proper living conditions.

4. To adopt the Decree on Declaration of Assets and Income. We also have to apply the same rule of division of management, such as from the Central, ministerial, provincial and district levels, and started for the first time in 2014. Generally, there is a two-year declaration cycle in which officials are required to declare their assets and income before achieving a position, when they submit an application for election, and before they retire.

5. The Resolution of the Central Party Committee No. 022 on dealing with excessive use of position, power, and duty, prevention and anti-corruption, and other methods to ensure that the Government staff at all levels, administrative staff, technical staff, the staff of state enterprises, civil servants, soldiers, and police officers who have positions, power or duties in party organizations, State organizations, the Lao Front for National Construction, mass organizations, State-owned enterprises, State-mixed enterprises, State-partnerships, technical units, administrative units, and all forms of organization established by the state to engage in business, including those who are officially authorized and assigned to exercise any right or duties, are not engaged in corruption.

To implement prevention and to combat corruption, the State Inspection and Anti-Corruption Authority has divided responsibility to State Inspection Agencies at each level as follows:

- Central-level responsibility by the State Inspection and Anti-Corruption Authority;
- Ministry-level responsibility by Inspection Departments;
- Provincial-level responsibility by Provincial Inspection Departments; and
- District-level responsibility by District Inspection Offices.

The main methods aforementioned are the important tools to implement prevention and to combat corruption. The Anti-Corruption organizations at each level shall perform their duties objectively, with transparency, and correctly according to its scope of rights and duties and the procedures as stipulated in the laws, including being highly accountable for the conduct of its responsibilities under the laws and being subject to inspection by the National Assembly. Besides that, Party organizations, state organizations, Lao Front for National Construction, mass organizations, social organizations, mass media, and citizens all have the obligation to participate in the prevention and countering of corruption by the timely provision of cooperation, facilitation, information, and evidence to concerned organizations which have the rights and duties to deal with corruption.

II. ANTI-CORRUPTION EFFORTS

Countering corruption refers to eliminating, repressing, and suppressing all wrongful acts constituting corruption by inspection, education, implementation of discipline, and punishment as provided by the laws. So, the cases that result in conducting an inspection by the counter-corruption organization are as follows:

1. When firm information and evidence that an act constituting corruption has been committed are found;

2. When there is a notification, submission, proposal, report, or claim regarding corruption;
3. When any government staff member, or husband, wife or child under the charge of such government staff member, appears to be unusually rich.

Inspections in the aforementioned cases must be conducted according to the following procedure:

- Examine the notification, submission, proposal, report, or claim and, if deemed necessary, collect data in the field;
- Prepare and establish a plan for the actual inspection in coordination with concerned sectors and local administrations;
- Inspect all documents and assets of concerned individuals or organizations, especially to inspect the financial situation and accounts, revenue, and expenses, and the use of grants and loans;
- Call and invite the representative of the organization or the individual concerned to come to give explanations and clarification;
- Summarize, evaluate, and decide on the result of the inspection.

A. The Decision on the Result of Inspection

When the inspection procedure is completed, and firm evidence of corruption is found, the anti-corruption organization has the right to decide as follows:

- Proposal to related organizations in the case of a minor offence not causing substantial damage, as provided for in Articles 56 and 57 of the law, it shall submit the matter to concerned organizations which have the rights and duties to educate, warn or impose disciplinary measures on the offenders,
- In the case of a serious offence as provided for in Articles 58 to 61 of the law, an investigation must be conducted, and
- When there is firm or solid evidence, it should be summarized and sent to the public prosecutor to consider prosecuting the offenders in court.
 - i. Case proceedings, after the inspection and investigation, these appear to be solid information and evidence, the anti-corruption organization shall make a summary of the inspection result, complete the file of the case and then send it to the public prosecutor to consider bringing a prosecution in court.
 - ii. In the event that the public prosecutor fails, without reason, to prosecute the case in court, the anti-corruption organization has the right to submit to the higher level of public prosecutor to consider and deal with the issue.

Fighting corruption over a decade, the State Inspection and Anti-Corruption authorities at each level make efforts to conduct monitoring and inspect any case of corruption. Any individual who violates the anti-corruption law thereby causes damage to the interests of the State and society, and such persons are subject to education or disciplinary measures as provided by law or to penal

measures depending on the gravity of the offence, including having to pay compensation for the damage caused by such person. The activities include:

- 1) Education by Training-Anti-corruption 3 batches (46 graduates), short course 74 batches (4,157 participants), 5 batches in Viet Nam (77 participants);
- 2) Outreach Programme: Promoting Anti-Corruption Day by printing anti-corruption banners, pens, t-shirts, stickers (UNODC, local business), advocating through radio programmes twice a week at 99.7 MHz, Anti-Corruption journals, mailings, and direct calling;
- 3) Incorporate legal texts deemed necessary into the educational curriculum. Now we have successfully implemented educational curriculum from kindergarten through the high school level, and continue to technical colleges and universities;
- 4) Over 734 targets were inspected in the last 5 years, with some 1,800 civil servants found to have violated regulations and laws and been sanctioned for their misconduct, logging suspension in compliance with PM Order No. 15.

B. Protection of Witnesses and Reporting Persons

Officials who conduct counter-corruption operations, as well as those who participate in such operations such as: reporters, information providers, injured persons, witnesses, and experts, shall be protected from revenge, or threats to their lives, health, freedom, honour, reputation, and property.

C. International Cooperation

The State conducts relations and cooperates with foreign countries and international organizations on the prevention and countering of corruption, based on the laws and regulations of Lao PDR in compliance with international conventions and agreements that the Lao PDR has signed and is a party to. So, other fundamental tools and channels we use to fight corruption include the United Nations Convention Against Corruption (UNCAC) of which Laos is a party. We are also a State Party to the South East Asia Parties Against Corruption, or SEA-PAC, where we have regularly engaged in annual and secretarial-level meetings in order to share best practices, lessons and practical experiences from one another and apply locally as appropriate. Other than that, we have bilateral cooperation with our neighbouring countries, like Viet Nam, China, Cambodia and Thailand in the area of combating corruption.

Before I end my report, I would like to share with you some challenges we face and possible solutions.

- First, the dissemination of information, policies, laws and legislation related to anti-corruption solutions;
- Second, law enforcement against offences is not strong and decisive;
- Third, lack of knowledge, experience and financial resources. Also, the cooperation mechanism between social organizations, citizens and Government on prevention and against corruption good practice is not effective and efficient.

Since there are many challenges, we believe the solutions stated below should help strengthen our work:

- Strengthening the implementation of the laws and legislation related to fighting corruption to subject offenders to legal proceedings;
- Improving the existing laws so they are more comprehensive and transparent;
- Continuing to forge cooperation, exchange information, knowledge and good practices on prevention and anti-corruption enforcement with countries in the region and the world.

Finally, I would like to once again express deep appreciation to UNAFEI for holding this seminar which will contribute to the enhancement and collaboration between ASEAN member countries in their anti-corruption work.