

## **NEW AND EMERGING FORMS OF CORRUPTION AND EFFECTIVE COUNTERMEASURES**

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### **I. RAISING THE ROLE OF PREVENTING AND COMBATING CORRUPTION IN THE NEW ERA**

Corruption is a crime that occurs in the organizations of the public sector, a great danger that affects and delays the socio-economic development of each country in the world. Corruption is a threat to the stability of both public and private organizations, causing unrest, injustice in society, undermining the strength, trust and value of the society towards various administrative institutions and organizations. Corruption diverts money from the national budget in various development projects of the state and the income of the collectives as well as the citizens in many ways and in the most subtle ways which makes the quality of those projects low, the state and citizens lose a lot of income every year. Corruption is also an open expression of violation of laws and regulations of the state and the lack of virtue, lack of ethics of civil servants, soldiers, police in public and private organizations, causing groups, clans, and families, neighborhoods and relatives to share economic and political interests and lead to disunity, causing disunity in leadership and society. The behaviours of corruption have been expressed in many different and complicated forms. It exists in a narrow circle of individuals or groups of people and widens out to organizations, groups of people, government officials, private individuals and entrepreneurs with transnational activities and others.

### **II. PROVISION OF ANTI-CORRUPTION**

Preventing and combating corruption in the Lao PDR is aimed at ensuring that the property of the state or the rights and interests of citizens and society are not damaged, embezzled or defrauded, and to protect the innocent, aiming to make government organizations, mass organizations and social organizations strong and transparent, ensure that the country has political stability, stable economic growth, and a peaceful, orderly and fair society. Therefore, preventing and combating corruption is the duty of all party, state and social organizations that must work together and also practice the political virtues, revolutionary moral qualities of party members, especially the party leadership.

### **III. ACTIVITIES TO PREVENT AND COMBAT CORRUPTION**

To prevent corruption, it is important to:

- *Limit, fight and solve the phenomenon* of corruption by increasing and improving the quality of coordination between law enforcement organizations and government administration authorities at each level.

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- *Find, eliminate and solve the phenomenon* of corruption that occurs gradually by using the measures, rules, regulations and laws in the prosecution of corruption cases strictly, sincerely and fairly.
- *Limit the behaviours* of officials who abuse their powers, positions and duties to embezzle, cheat, accept bribes, and give bribes and engage in other behaviours.

State anti-corruption inspection work is the duty of party committees, administrative authorities, social organizations and inspection committees at each level, and party members and citizens have obligations as defined in the law on anti-corruption.

#### **IV. CAUSES OF CORRUPTION**

There are many causes of corruption in the state, including factors that depend on the actual environment, policies and problems related to socio-economics, customs and culture, which indicate some of the following factors:

1. Mechanisms, policies, regulations and laws are not focused and complete, and there are still many gaps, but additional improvements have been delayed;
2. The organizing and performance of the political system in general, in the party-state organization, in particular, there are still many weaknesses. Quality and efficiency are not high. The roles, duties and rights of some organizations are not clearly defined and are repeated and scattered. Solving the problem of party members who violate the laws in some sectors is sympathized which causes correction according to regulations, and laws are not strict enough;
3. Among party committees, board of directors, governing body and party members, some have not fully understood their roles, duties and rights, and have not yet been role models in organizing. Set to implement the rules of the party, state laws, leading by example, leadership is not well oriented, monitoring and inspection are not regular and continuous, some places have plans to monitor and inspect but have not yet been implemented, making the summary of the good/weak aspects in the implementation of the policy plan of the party, resolutions, orders and laws of the state do not correspond to reality, when creating plans, programmes, there are only expectations, not based on reality, causing gaps of corruption;
4. Monitoring, inspection and management of the activities of party members have not been done well. The party committee and a number of leadership committees have not yet acknowledged the number of staff and party members under their management. Education in political virtue is just done in an overall style. Resolutions, orders, regulations, laws and important documents of the party-state are not yet deep enough. A number of employee-party members are lacking in political ideas, virtues, qualities, revolutionary morals, lifestyles and lack of leading as role models for the masses.

#### **V. PREVENTION OF CORRUPTION**

In order to prevent corruption in the government and in the areas of government officials, party members to be transparent, strong, limit and fight back various scandals in the future, we must pay attention to implement some measures to prevent and fight corruption as follows:

1. Party committees and governing organizations at each level must pay attention to the party's policies, rules, requirements, laws on anti-corruption, the dangers of corruption to party workers-members, improve the state administration mechanism to be consistent, effective and transparent. At the same time, employee-party members must also be leaders who train themselves and serve as examples in respecting and following rules and laws.
2. Defining and implementing clearer policies to the staff-party members of each level and to ensure that their lives are resolved appropriately and must consider the task of inspecting, preventing and fighting corruption as an important and regular duty of the party-state and the entire Lao people in the mission of protecting and building the nation in order to simultaneously prevent and resolutely defeat corruption;
3. Party committees and governing organizations continue to improve and implement the mechanisms, policies, regulations of the state and employees in a focused manner, they also implement the work of the employees in a democratic, open, and transparent manner, especially in the selection, recruitment, placement, appointments, transfers, reshuffle, evaluations, praises, disciplinary actions for employees and other issues in a timely manner;
4. Continue to improve the legal system, monitoring, inspection, verification, investigation and consistent solution methods, the management system for the economy and society to be focused, promote the people, the media and social organizations to participate in the prevention and fight against corruption widely and strictly;
5. Increasing the coordination, monitoring and inspection activities of the sectors, the National Assembly, and the Provincial People's Council for the prevention and anti-corruption work. Enhance the role of the Lao National Front and political-social organizations, the media, and people to participate in the monitoring and inspection widely;
6. Continue to improve the state administration system and work plans, create measures, list of job positions and the number of positions in every sector to be complete; Enhancing sanctity in state management and managing society with laws to suppress and anti-corruption.

## **VI. THE SUMMARY OF ANTI-CORRUPTION IMPLANTATION/PRACTICES IN THE PREVIOUS PHASE**

In the ranks of party members, workers have been educated in politics – the idea of organizing and improving political life within the party, conducting political life within each level of the party regularly to survey themselves and send messages to help each other within the party with sincerity to help prevent and solve such problems, so that party members, civil servants, soldiers and police can see that they maintain political virtues, good revolutionary morals, and love the party for the party, for the nation, for the rights and interests of the nation, and for the people.

Recently, especially from 2016-2020, anti-corruption laws have been strictly enforced. The party committee, leadership, management organization and inspection committee at each

level have paid attention to monitoring and inspecting the state management at their level with many goals, in which civil servants were found to violate party regulations, state laws and corruption. In these cases, the staff were disciplined as follows: 749 people (Government employees: 639 people, companies: 99 people, employees of state enterprises: 3 people, individuals: 8 people). Proceedings 130 people (Government employees 93 people, companies 26 people, State enterprise employees 3 people, 8 people); Summary of the case sent to the prosecutor: 93 people (Government employees 64 people, companies 24 people, employees of state enterprises 3 people, 2 people); The court has decided 79 people (Government employees 64 people, companies 19 people, employees of state enterprises 3 People); Fix all administrative aspects 619 people, (Government employees 546 people, companies 73 people); Found all the damage 746, 27 billion kip, 362, 10 million baht, 14, 21 A million dollars and can be recovered 391, 95 billion kip, 25, 16 million baht and 10,000 dollars.

Specific year 2020 Proceeding all corruption cases 5 A list of cases in which there are those who have been prosecuted 24 people (government employees 16 people, companies 2 people, 6 people); Damaged value 208, 13 billion kip, 331, 83 million baht, 14, 3 million dollars; Cleared already 14.04 billion kip, more than 14 million baht; Requests and proposals received 4.817 Edition, in which research has been considered and corrected 1.524 Version, sent to other parties to correct 1.581 version, inform the relevant parties 155 version, collect to track 273 version, pending 1.284 Version.

A number of financial assets damaged by corruption have been recovered and returned to the state. Those who violate the law are disciplined and punished according to the law. As well as raising consciousness of respect and implementing party discipline, state laws for party workers-members and citizens are gradually improving.

## VII. THE CONTENTS OF THE ANTI-CORRUPTION STRATEGY

The government of Lao PDR has defined an anti-corruption strategy. In order to define it in more detail, the State Inspection and Anti-Corruption Authority has created programmes to implement the anti-corruption strategy, which includes 4 plans and 16 projects. In order to implement the anti-corruption strategy of the government, aiming to achieve results, the prevention and anti-corruption work have been transformed in a more proactive direction, whereby the State Inspection Agency has determined a strategic implementation plan. Each phase is detailed below:

### **Programme 1: Education on civic knowledge and creating awareness of law**

- **Project 1: Education on general political ideas** (policy guidelines, party resolutions, regulations and regulations of the state) that are issued from time to time. This is a task that needs to be done regularly and continuously;
- **Project 2: Education for law enforcement officers on laws related to the prevention of corruption** such as Law on Anti-corruption, Criminal Law, Criminal Procedure Law, Laws and other provisions by selecting the content related to the prevention of corruption. The Ministry of Justice, the State Inspection Agency, the Party Committee and various governing bodies are responsible;

- **Project 3: Recommend and organize an assessment to integrate the contents of the anti-corruption strategy.** State inspection agency, Ministries-organizations and other local parties are responsible.

The State Inspection Agency is responsible for the integration and implementation of recommendations; Party Committee of Ministries-Organizations and Localities, Department of Inspection and the inspection committee at each level is the organizer of integration and actual implementation. The period of integration and development is detailed for each ministry-agency and locality;

- **Project 4: Turn the prevention and anti-corruption content into curriculum for students and specialized schools at various levels.** The Ministry of Education and Sports, National Political-Government Institute and other institutions are responsible for coordination with the State Inspection and Anti-corruption Agency. Start taking teaching-learning courses from the 2014-2015 school year onwards;
- **Project 5: Study/review the regulations of the government, ministries-organizations, localities and police departments,** especially the requirements, regimes-regulations related to the prevention and anti-corruption. It is the duty of the leaderships of ministries-organizations, localities and various police departments which must be done regularly and continuously.

## **Programme 2: Research, improve and create legislation on prevention and anti-corruption**

- **Project 1: Review and revise the laws that have been promulgated.** Law on Anti-corruption, Law on Handling of Petitions, Decree on Anti-Money Laundering and Counter-Financing of Terrorism, Law on State Inspection. The State Inspection Agency and the Ministry of Justice are responsible;
- **Project 2: Review the creation of new government legislation.** Executive order of the Prime Minister on property declaration and income; The requirements of the Central Party Inspection Committee on the application-proposal regulations; The Prime Minister's Department of State for monitoring and supervising government projects; The provisions of the Party Central Secretariat regarding the coordination regime of the party's inspection with the state inspection and the people's inspection. The Party Central Inspection Committee Inspection Organization and the Ministry of Justice are responsible.

Terms of the Party Central Secretariat that the mechanism for mass organizations, social organizations, media and citizens to participate in the inspection; Responsible for the requirements of the Prime Minister regarding the subsidy policy regime for inspection workers and inspection participants. Responsible inspection agency;

- **Project 3: Revising old legislation and creating new legislation at the ministry-organization and local level.** Review and revise the laws that have been promulgated in order to be in line with the anti-corruption strategy, guarantee management-protection of employees-civil servants in their sector from corruption;

Research and create new legislation that is seen as necessary to prevent and fight corruption. The specifics of each ministry-organization and its locality. Responsible organizations: Ministries-organizations and Local.

### **Programme 3: Improving the state management mechanism**

- **Project 1:** To improve the state administration mechanisms are:
  - 1.1. Research and improve the roles, duties, and rights of some ministries-organizations and local sectors to be clear and non-repetitive - step by step in accordance with the resolution 3 of the Political Department and the Prime Minister's State Department on work to create;
  - 1.2. Research and improve the organizational system at all levels in the direction of concise, reasonable, transparent, strong-highly effective, ensure that the work does not have a bargaining gap, drag, make the administration of the work quick, timely and transparent; and
  - 1.3. Improve various existing laws and create new laws such as the Administrative Law; Various regulations for administrative management and relations between the central and local governments, relations between sectors and others;
- **Project 2:** Research and improve various policy regimes for civil servants and soldiers, police, such as salary regimes, subsidies, internet, health care, and others that are deemed necessary. Responsibility: Ministry of Interior and other related organizations (responsible for both projects);
- **Project 3:** Research and determine the coordination regime between the inspection agency and the law enforcement agency. Responsible organization: the inspection agency in conjunction with law enforcement agencies.

### **Programme 4: To adjust the support of the organization and the staff working in the prevention and anti-corruption work**

- **Project 1:** To improve the organizational structure of inspection agencies and anti-corruption agencies both at the centre and locality:
  - 1.1. Research and improve roles, duties, scope of rights to be clear and in line with the law on state inspection and the law on anti-corruption;
  - 1.2. Determine the number of positions and the criteria for positions in accordance with the political functions of inspection and anti-corruption at each level;
  - 1.3. The internal rules and regulations of the inspection agency and the anti-corruption agency should be clear and focused. Responsible Inspection Organization in collaboration with Ministries-organizations and localities;
- **Project 2:** Improve public sector inspection and combat corruption in various ministries-organizations, institutions and government enterprises. Ministries-organizations are responsible in conjunction with the inspection agency.
- **Project 3:** Improvement and establishment of the Department of State Inspection and Anti-Corruption in all departments in provinces, capitals and district offices to

comply with the state inspection law (to be a special unit and have professional staff to do special inspection work). Ministries-line agencies and the party committee, the inspection committee of the province of the district as well as the relevant departments and offices in the province and in the district are responsible.

- **Project 4:** Improve the general inspection unit of various grassroots units linked to the inspection board or the inspection unit of the party at each grassroots party (the inspection board at each level is in charge of each grassroots unit of the party).
- **Project 5:** Build and organize training for inspection work, prevention and anti-corruption work for staff working on inspection and anti-corruption work:
  - 5.1. Collect-check and re-evaluate the employees who are doing inspection work in the country.
  - 5.2. Organize maintenance and upgrade for 3 months, 6 months, or shorter training for employees each stage of inspection is already available.
  - 5.3. Select and build staff that work in a systematic inspection at the National Institute of Politics and Administration and send them to study abroad. Practice starting from 2013 onwards. Responsible organization: Party Central Inspection Committee in conjunction with the Central Organizing Committee and the National Political-Government Institute.

### VIII. HOW TO IMPLEMENT

1. The Central Party Inspection Committee, the inspection organization will continue to investigate and organize into a detailed schedule for each job and coordinate with relevant ministries and local organizations to clearly define and divide responsibilities; Allocate in more detail the duration of the implementation to suit each task.
2. The programmes and projects defined as such, each ministry-organization and locality must be responsible for detailed research and implementation according to their roles and responsibilities.
3. The implementation of the strategy must be evaluated every year, starting with each ministry-organization and local area, summarizing, evaluating, learning lessons every 6 months (for each ministry-organization and local area, police department) and reporting to the State Inspectorate two times a year. To determine the implementation period of the organization State inspection summary and interpretation Draft strategic plan for the next phase.
4. Through actual implementation, if there is any difficulty, there must be a regular report and feedback from the upper level (in particular, the inspection agency in the coordinating place).

Corruption includes behaviours of employees, civil servants, soldiers, and police officers who abuse their power, position and duties to embezzle, defraud, accept bribes, give bribes and other behaviours defined in Article 11 of the Law on Anti-Corruption (2013) to gain

benefits for themselves, relatives, friends and other parties, which harm the interests of the state, collective, society or the legitimate interests of citizens.

From these problems, our state party has always taken importance and paid attention to the solution of crime, preventing and fighting corruption, by pointing out the danger of crime and corruption, and paying attention to prevent and solve this problem forever. Starting with political-ideological education, disseminating legislation on prevention and corruption, such as the law on anti-corruption, resolutions, orders and strategic plans to combat and prevent corruption, 9 prohibitions for party members; 14 prohibitions for civil servants at each level and other documents for party members, civil servants to understand and mobilize the masses to participate in combating and suppressing the crime and the widespread corruption problem.

In order to solve the problems to reduce corruption gradually, according to the author's point of view, the following points are important:

- 1) Continue to advance awareness and understanding of the evils and intractability of crime and corruption. First of all, starting from the strategic leadership staff, the leadership-management staff at each level must focus on correcting selfish thinking, private thinking, abusing the position for personal gain and paying attention to raising the leadership role of the party and the leadership role model of the party committee and party members.
- 2) To improve the mechanism, system and regulations regarding the prevention and treatment of crime and corruption, such as the system of the administrative plan and the working methods of the party committee and administrative staff at all levels; Regime, regulation and the content of political life is to conduct monthly and annual reviews of party committees and party members regularly, to ensure the nature of education, the nature of leadership and the nature of struggle, with mutual feedback and strictly creative, enhancing democracy, creating conditions for the lower level to form ideas, to direct the upper level; Research and improve the various policies of party workers-members, who have worked for the nation, for the revolution appropriately; Research legislation, regulations, such as management regulations and promote the creation of the family economy of employees, soldiers, police officers and other regulations that are not yet sufficient and oriented.
- 3) Increase the effectiveness of state management by law; The National Assembly, Provincial-Capital Council, State Audit Organization, Party Central Inspection Committee, State Inspection Organization and Anti-corruption Organization at each level must increase strictness and pay attention to the implementation of their roles and responsibilities to be higher, be the ones to monitor, inspect the implementation of party discipline, state laws regularly so that everyone, all organizations have a sense of respect and strictly implement the law.
- 4) To improve the organization of the party so that it is clear and strong, first of all, the role of the organization of the party must be improved at the central level ministries and local agencies, determining the content, rules and regulations for building the foundation of the party to be clear and in accordance with the role, which is from the grassroots area.



- 5) Respect and strictly adhere to the principles of inclusive democracy, organize as a committee, divide work into responsible individuals, discuss work democratically, the lower level must follow the upper level, the individual should follow the organization, the voice of the minority depends on the voice of the majority; Working closely with reality, sticking to the grassroots, being the master of the fight against and eradicating crime, solving the abuse of power that is a violation of the rules and principles of the party and violations of the laws and regulations of the state, correcting the situation of many meetings but the agreement to solve the problem is not clear, decisive, always easy, acting superficially, lacking responsibility, talking not in line with the actual action, talking more and doing less, solving problems not according to rules and principles, doing things according to others.
- 6) To increase the status of the party committee as a good role model, leadership, governing body and inspection committee at each level in carrying out the assigned political duties, leading a life of integrity, transparency, economy, and anti-fraud; Being directly responsible for the scandal, damage to property, violation of discipline and violation of the law of employees, party members under their management.
- 7) Hold importance and pay special attention to monitor and inspect areas that are at risk of corruption such as: revenue collection, tax evasion, tax, budget revenue-expenditure management, infrastructure investment, land use management, management and exploitation of natural resources, planning, procurement, hiring, etc.; Monitoring, inspecting and taking action against those who violate the law, abuse their position, their duties for personal gain, bribery, partying.
- 8) Paying attention to monitoring and inspecting party members, civil servants, including administrative and management staff at each level with unusual wealth, raising voices, reporting, and filing complaints from employees, party members and citizens. When examining problems related to abuse of office, corruption, they must be resolved carefully and promptly according to the scope of management rights at each level.

**References:**

- Law on Anti-corruption of Lao PDR (Amended in 2013)
- Law on the Office of the People's Prosecutor (Amended version 2017)
- Anti-corruption Strategic Plan of the State Inspection Authority
- Extract from the Inspective Magazine