

GROUP 3

GENERAL PREVENTIVE MEASURES AGAINST THE CORRUPT ACTIVITIES OF PUBLIC OFFICIALS

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I. INTRODUCTION

A public official is a position of trust with the duty to always act for the public interest. Therefore, the ultimate loyalty of public officials shall be for the public interest of their country, as expressed through the democratic institutions of government. Public officials should be honest, fair and impartial in the performance of their functions and in dealing with the public. They should, at no instance, demonstrate undue preferential treatment to any particular group or individual, or improperly discriminate against any group or individual, or otherwise abuse and misuse the power and authority vested in them.

In so doing, public officials can avoid being publicly criticized. Corrupt activities by public officials, however, have persisted in many countries for years. Furthermore, the magnitude and complexity of corruption has been observed to be increasing recently. Sophisticated methods have been used to avoid detection and

enhance this illegal activity. To make matters worse, corruption has been expanded into a transnational crime, respecting no borders.

Corrupt activities by public officials undoubtedly distorts their integrity and neutrality in performing their official duties. It also breeds a feeling of distrust and discontent by the public towards their government. As a consequence, these activities by public officials may ultimately weaken or collapse the administration of government and the economic structure of a country. It undermines good governance and causes a great damaging effect to the country.

As corruption becomes a global concern, effective preventative measures must be taken both at the domestic and international level. Critical use of such measures is deemed effective to deter further corrupt activities. Since most preventive measures used to address corruption in government are reactive, this report will attempt to focus on proactive

measures and to hit the problem right at the determined inception point.

II. ESTABLISHING A MANAGEMENT SYSTEM OF PERSONNEL AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS

The measures for deterring corrupt activities among public officials will be discussed here from the viewpoint of a management system of personnel; recruitment, training, rotation of personnel and staff; improving working environments; promotion systems; and discretionary power. In addition, a discussion on the importance of a code of ethics will be taken up.

A. Recruitment

At the very stage of recruiting government officials, two situations are identified that have bearing on the possibility of corruption. The first one is corrupt activities at the selection stage of government applicants. Presumably, some new government entrants are recruited through the practice of nepotism and bribe giving. The act of nepotism is itself taboo in government service, and bribe-giving is unlawful, hence, at the initial stage, it already constitutes corruption and a violation of law. To leave this practice unnoticed is both dangerous and costly to government. To preempt this problem, a fair and impartial process of recruitment should be established. The following measures are therefore suggested:

- (i) The screening body or recommendation panel to be separate and distinct from the recruiting body or panel. This rationale is to ensure that each body or panel performs their task or obligation professionally, with utmost diligence, and to further ensure checks and balances.

Furthermore, a system or procedure of screening applicants should be properly in place for strict adherence by the members. Likewise, it is proposed that recruitment policies and standards be established.

- (ii) It is also recommended that interview procedures be determined. Instead of a single interviewer, a panel or an interview board may be organized by officers with a wide range of expertise. Hence, this could be one way of avoiding prejudice and bias from among the members of the board or panel.

The second situation is when the new government entrant succumbs to corrupt activities once they are in government service. Under the presumption that the new government entrants lawfully passed all the stages in the processing, without resorting to the first situation as stated above, this event may happen in the future. Those who may be blinded with fame and power are likely to be corrupt. Though his/her situation seems complicated, considering the time period or elements involved when that official starts to become dishonest or inept, and considering also the magnitude of factors such as environment, peer pressure, family problems, lifestyles, etc, this group favorably endorses the following points for consideration:

- (i) Aside from qualifications and experience, it is also necessary that all government applicants are thoroughly screened, including extensive background or character checks in all areas of his/her public and private life. Verification of personal records such as records from the police, organizations where he/she belongs, former employers or co-employees, teachers, community leaders and others should be

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conducted, preferably before his/ her probation period expires.

- (ii) Psychiatric and/or psychological testing may be conducted to further help in detecting those who have the tendency to change their attitude and character once in the service, with ready access to government resources and information.

B. Training

Provision of regular training to public officials is also encouraged. While training serves many purposes, such as improving skills and knowledge, it is also useful in redirecting attitudes and changing values, thus in a way deterring public officials from engaging in corrupt activities. To ensure the provision of effective training, the following are suggested:

- (i) Morals and ethics are recommended to be the main subjects in the training program.
- (ii) Initial training and in-service training should be made mandatory for all public officials.
- (iii) Refresher training is likewise needed for obvious reasons, such as to emphasize the sense of accountability, responsibility and transparency in the performance of his/her duties.
- (iv) Institutional training should be supplemented with on-the-job training to hasten professionalism, develop discipline, improve skills and enhance community interactions and relations.

C. Rotation of Personnel and Staff

Corrupt activities tend to occur when a public official remains in a particular unit or section in the organization for a long period of time. The longer he/she remains in the unit/section, the more he/she becomes a target of manipulators or the

more intense the tendency to commit a wrong becomes. Then, the chances of compromising his/her position with undesirable elements within and outside of the organization become imminent.

What should be done to those who have over-lived in a particular unit or section? The answer is simple. The government is recommended to have a program of personnel and staff rotation within the functional positions in the organization or within the geographical location of the offices. With this measure, public officials would find it hard to establish strong connections with outside groups such that potential bribers may think otherwise before arrangements are made with officials. Similarly, rotation also deters the development of close attachments with all people and hence, special favors or preferential treatment with close associates may be avoided.

However, it may be difficult to find an alternative appropriate position for some personnel and/or staff. The number of positions which use his/her special skills and knowledge, may be restricted. Considering family members, some may hesitate to be transferred to organizations located at a different place. In the above case, at least, it is recommended that those who are responsible for the subordinate's behavior supervise his/her behavior more closely, considering the above risk.

D. Improving Work Environments

Public officials must be provided with proper and adequate work conditions in order to ensure a decent living for them and their families. Mostly lower and middle level public officials in some developing countries are low paid, compared with those employed in private business. In a situation like this, public officials may have the tendency to succumb to the temptation of committing dishonest acts in return for

a favor that has to do with the discharge or performance of his/her official duties. In consonance with this presumption, the provision of adequate salaries and facilities is recommended as long as the limit of government budget permits. By so doing, there is a possibility that need-based corruption at the lower and middle level will be minimized, if not totally reduced.

Additionally, the installation of a grievance system within the organization is also one way of ensuring effective communication among officials. It is helpful in improving working relationships and inducing a healthy work environment. Through this system senior officials will also be more careful in all their official dealings, for fear of being charged by subordinates or exposed unnecessarily. Furthermore, work simplification (including streamlining of the bureaucracy) is important. This not only reduces costs on the part of the government, but also contributes to easing the workload of each public official who has a backlog of work.

E. Promotion System

Since promotion encompasses an increase in salary and higher status in the organization, it is understandable that every person in an organization looks forward to his/her promotion. Promotion motivates public officials to work hard and continue to struggle to maintain their status or be promoted again. However, if a public official feels deprived of this privileged in the organization where he/she belongs, not because of his/her own ability but due to a lack of vacancies, he/she may seek alternative means of earnings. Those means could be illegal. The intensity of dissatisfaction with the higher-ups may tend to accelerate further if special favors or preferential treatment have been detected or are known to have been applied by the promoting authorities. To resolve this dilemma, adherence to existing

standard procedures and criteria for promotion is most highly recommended. Some of the important factors to consider for promotion are:

- (i) Seniority (the length of service in the organization)
- (ii) Merit (the activities worthy of praise or reward; achievement)
- (iii) Competence (the ability, skill or knowledge to do what is needed at work)

However, if promotion is strictly seniority based, officials promoted may not have the capability or competence required for the position. Therefore, seniority criteria should not be given much emphasis.

At the stage of conducting an evaluation of potential promotees, applicant officials may resort to utilizing undue influence or perhaps apply grease money to be favorably considered. This dirty tactic will again ruin or distort the established standard procedure, resulting in decisions with partiality and bias. To exclude bias in promotion, the following suggestions are forwarded:

- (i) The criteria used to award promotion be spelt out clearly.
- (ii) That selection of promotees shall be done objectively and in consonance with the established standard.
- (iii) The system to ensure fairness shall be observed at all times.
- (iv) An appropriate internal body shall be established to address and attend to complaints pertaining to unfairness and bias in promotion.

F. Discretionary Power

Wide discretionary powers granted to public officials always have the tendency to corrupt the said public official. So, in order to exercise due prudence in the performance of their official duties, public

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officials are suggested to have only limited discretionary power, subject to such limitation as may be authorized by law. The more power an official has, the stronger the tendency to corrupt that power. In other words, people may exert influence on public officials who have wide discretionary authority, in order to gain preferential favors as in the awarding of contracts of works/projects or of delivery contracts of materials and supplies, and others.

For countermeasures, it is proposed that the scope of administrative discretion is clarified by legislation and enabling laws. In addition, fairness and transparency in the administrative procedure have to be pursued. Necessity for restrictions and the rationale of subsidies has to be reviewed periodically. Moreover, information disclosure and transparency in policymaking processes have to be advanced.

G. Code of Ethical Standards

An international Code of Conduct for Public Officials has been formulated and approved by the participating countries during the 1996 United Nations General Assembly. More so, some countries have their own Codes of Conduct for Public Officials fully institutionalized and implemented. Generally, these codes prescribe the conduct guidelines for officials holding public office.

A Code of Ethics is considered to be one effective tool in instilling discipline and harmonizing the job performance of public officials, and strict compliance or adherence to its provisions is a sure way of guaranteeing efficient and honest public service. When a country makes a code, the following are highly recommended to be considered:

1. Declaration of Income and Assets

A statement of income and assets is a document that would help to detect the disproportionate income of a government official. However, arguments were raised as to the extent of disclosure of income and assets, and whether a family member's income and assets should also be included. In some countries, all public officials are required to file their income and assets annually, while others file it every two years. Similarly in other countries, only high level government officials are required or mandated to file their income and assets to the government. From the standpoint of cost effectiveness, we need to determine the level/position of officials in the hierarchy who should be required to file. Disclosure of income and assets of all family members, in some instances, may show or indicate an unusual accumulation of wealth not proportionate to the official's legal income. In this regard, each country may consider such an act as an infringement of privacy, which may violate their constitutional rights.

2. Obligation to Official Duties

In principle, public officials are expected to devote their time only to official duties and functions. If a public official engages in income generating jobs directly or indirectly related to his/her official function, their official function might be placed in jeopardy or be compromised. In this regard, public officials have to refrain from engaging in other vested interest activities outside of their government function, to preserve their integrity and avoid conflicts of interest. Checking the risk of a potential conflicts of interest situation, or of compromising their official position, the unit head should make the decision of permission.

The following are some provisions that may be incorporated in formulating a Code of Ethics in each country:

- (i) Public officials shall not be engaged in other paid employment unless the head of the organization approves it, considering the risk of a potential conflict of interest or compromise of their official function.
- (ii) Public officials shall not ask for or accept any benefit in the course of or by reason of their official position.
- (iii) Public officials, upon taking an oath of office, shall declare to the government all personal assets and liabilities, to include (possibly) that of their spouse and children.
- (iv) Public officials shall not misappropriate public funds.
- (v) Public officials shall not use their position for the benefit of themselves and /or their family.
- (vi) Public officials shall take an oath of secrecy and loyalty.
- (vii) Public officials shall not hold any personal interest in any business enterprise that conducts business for profit with the government. We term this 'divestment of interest'.
- (viii) Public officials (except certain posts such as assumed by politicians) shall not be engaged in politics.
- (ix) Public officials shall not allow their official integrity or personal integrity to be compromised.

III. INTERNAL INSPECTION AND DISCIPLINARY ACTIONS

Running a big organization may be a rather difficult task for management. If public officials eagerly seek means for their own convenience, this attitude may lead to engaging in corrupt activities to satisfy such own personal interests while in the public service. However, if other people have a way of monitoring such behavior, their selfish intent may be deterred. For this purpose, inspection and disciplinary action takes on important role. So, in the following discussion, we will deal more with

the mechanism or system of installing internal inspection procedures and disciplinary actions.

A. Internal Inspection

Every organization should take the responsibility of regulating the behavior of each member. If unworthy behavior has been noticed, immediate and appropriate measures are suggested to be taken. In order to address this situation, internal inspection measures or systems are suggested to regulate and monitor the functioning of the organization. The other purpose of this is to check administrative problems in the organization, including determination of work efficiency and possible irregularities in their duties and functions. The following areas of concern are hereby discussed in this report.

1. Procedure of Internal Inspection

The procedure of internal inspection should be clearly established and formulated. Likewise, a standard should be determined and adhered to strictly, and be made known to all members of the organization. Keeping the members aware of the existing procedures will eventually guide them to behave in the manner expected of them by the regulations.

2. Internal Inspection Units

Establishment of an internal inspection unit is also necessary to carry out these functions. The unit should be an independent body, not controlled by anyone in the organization except the head. Interference from other sub-heads of the organization may make the unit ineffective and inefficient. In this regard, such units should be attached to the office of the head of the organization.

3. Internal Inspectors

Internal inspectors are expected to be professionally knowledgeable in all aspects of the trade, such as knowledge of the basic

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law, research strategies, effective report writing, investigation techniques and procedures, record keeping, and other similarly required skills. They are also expected to possess the necessary attitude and character to perform the job with diligence and utmost honesty or impartiality. Furthermore, training for inspectors is also important. Preliminary training or orientation is necessary for them to initially acquire the qualities required of inspectors. In addition, it is also equally important to emphasize the inspectors' accountability and responsibility for their job in the course of the orientation or training.

4. Powers and Authority

Since this is an internal system, the powers and authority of internal inspectors should be as provided for in the organizations' internal administrative regulations, or as may be prescribed by a higher authority such as the head of the government agency or ministry, or by a national law.

5. Duties

The following may be some of the duties of an internal inspector:

- (i) Audit the expenditure of the organization.
- (ii) Ensure propriety in procurement procedures or systems.
- (iii) Ensure observance of public tender or bidding procedures.
- (iv) Ensure internal security policy on classified materials.
- (v) Check on abuse or misuse of power by officials or employees.
- (vi) Check on misuse or misapplication of the organization's resources.
- (vii) Point out problems encountered during inspection work.
- (viii) Other matters of interest.

6. Reporting

After the conduct of inspection, inspectors are required by regulations to submit results of the inspection to the head of the agency concerned or to where the inspection was conducted. The report needs to indicate all the important areas or aspects of the inspection as prescribed by the regulations, such as the answers to "Who? What? When? Where? and How?". More specifically, a pre-determined standard format should be proposed. Findings of grave concern involving serious violations of law should be known immediately by the head of the organization for his/her immediate and appropriate action.

7. Sources of Information

The conduct of internal inspections could be determined in many ways and could be initiated under the following circumstances or sources:

- (i) Suggestion boxes.
- (ii) Hotlines (telephone, computer etc).
- (iii) Persons responsible for keeping sensitive records.
- (iv) Informers or informants that provide information for free and for a fee.

The key is how to motivate people to offer information. At least, we must guarantee the confidentiality of the informer or informant. In addition, it is recommended to find easy and/or handy methods which let people offer information.

8. Conduct of Inspection

Inspections can be conducted either by schedule or randomly. Depending on the purpose and timing, such types of inspection can be adopted by any government agency or organization. Regular or scheduled inspections may have the important purpose of determining the efficiency of the performance of officials in terms of resource utilization or regular

administrative functions. On the other hand, the conduct of unscheduled inspections may detect misbehavior amongst officials, or react to reports or complaints of irregularities.

Areas for inspection must also be considered. Offices that are highly vulnerable or prone to corruption, e.g. finance or logistic sections, should be considered for frequent inspection, to ensure the efficient and effective use of organizational resources.

9. Manuals

The publication of a manual for internal inspection would greatly help in the smooth conduct of inspections, and guide users accordingly.

B. Disciplinary Action

1. Regulations

Internal administrative disciplinary action is an important deterrent measure in curbing corruption in the public service. However, disciplinary actions may inflict damage to the reputation of public officials if discriminately administered. In this context, regulations for disciplinary action should be established. The recommended disciplinary process is shown in the schematic diagram annexed to this report. In this process, opportunity for the accused to appeal is guaranteed if he/she feels deprived of his/her rights. It also provides an avenue or a system of compensation for damages to those who are victims of wrongful accusation.

2. Sanctions

The head of the organization should be held responsible for whatever his/her subordinate officials do. This is the essence of responsibility endowed upon all heads of agencies or organizations in government. In consonance with this authority, he/she also has the inherent power to impose disciplinary sanctions or punishment to

his/her subordinates who have been found to have acted irregularly in the performance of his/her official duties and functions. The extent of that authority may be determined by internal regulations or by law. Penalty should be based on the gravity of the offence. Examples of the types of administrative disciplinary sanctions are as follows:

- (i) Reprimand
- (ii) Admonition
- (iii) Censure
- (iv) Reduction of pay
- (v) Reduction in salary rank or grade
- (vi) Forced retirement
- (vii) Demotion
- (viii) Dismissal

3. Devices for Effective Application of Disciplinary Action

Firstly, if the offence or misconduct committed is so grave that the internal disciplinary machinery or administrative sanctions are deemed inappropriate, collaboration with other appropriate government agencies must be sought. In the case of criminal offences noted, the law enforcement agency must immediately be provided with the necessary information on the nature of the offence. In this regard, an appropriate system or procedure should be established to facilitate the referral of cases of this nature.

Secondly, it is important to consider that sanctions imposed on any erring public officials, the nature of any cases and what the organization has done must be given according space in newsletters or news bulletins, to serve as a deterrent to would-be violators. To be clarified, naming the official will bring him/her disadvantages, but it will prevent vague rumors which may lead other officials to unrest.

**IV. INTRODUCING AUDITING AND
OMBUDSMAN SYSTEMS
DISCOURAGE CORRUPTION;
ACCESS TO INFORMATION; AND
ACTIVITIES TO INCREASE PUBLIC
AWARENESS**

In this portion of the report, we shall look into three topics. First, we will discuss the audit system and ombudsman system as a means to reduce or discourage corruption in the public service. Secondly, we will discuss the means for the public to have access to government information. Finally, we will look into some measures in order to increase awareness regarding the ills of corruption, and how to prevent it.

A. Auditing System

We acknowledge that the purpose of an audit inspection is to ensure that there is transparency and accountability within the organization. In order to attain this, a body shall conduct an audit of accounts, revenue and expenditure of an organization. This is to ensure that expenditures have been recorded properly and within the scope, procedures and limitations established by law. Through an audit system, organizational funds are safeguarded against abuse and misuse. It also discourages would-be offenders in the organization from abusing their positions. So auditors here act as whistle-blowers. As we acknowledge the importance and the sensitivity of the work involved, we believe that the auditor must be given the necessary powers and independence to carry out their duties without fear or favor. Along this explanation, suggestions to improve the work of an auditor must be looked into. We, therefore, look at two models in this paper, the Bangladesh and Japan audit systems, as an example.

1. Bangladesh

Bangladesh has a Controller/Auditor General. Their independence is

guaranteed by the Constitution (Art.127 of Constitution). The President appoints the head of the organization. He/she holds office up to the age of 60 years. Their main duty is to audit state organizations' accounts of expenditure and revenue, and to submit findings to the President, who then releases the report to parliament. The auditor has the power to access to all property that the government possesses. The main role is to audit the financial accounts of government agencies and submit a report to Parliament. There may be some variation in the methods used in carrying out the audit work. However, the work is to serve one purpose, that is, to audit the financial accounts of the government agency.

2. Japan

Japan has its Board of Audit. The body was established based on the provisions of Article 90 of the Japanese Constitution. This provides that the final accounts on the expenditure and revenue of the State shall be audited by a Board of Audit and submitted by Cabinet to the Diet, together with the statement of audit during the fiscal year.

The Board is comprised of the Audit Commission, which is the decision-making body, and the General Executive Bureau, which is the executive responsible for the operation. The Audit Commission consists of three (3) commissioners appointed by Cabinet with the consent of both houses of the Diet (upper and lower houses). The Emperor attests the appointment, which is for a period of seven years.

The General Executive Bureau is comprised of a secretariat and five bureaus. They are responsible for carrying out audit work under the direction and supervision of the Audit Commission. The jurisdiction of the Board of Audit extends to all state accounts and public corporations.

3. Recommendations

Participants from Indonesia, Papua New Guinea, Philippines, St. Vincent and Vietnam agreed that the nature of the auditors work in their countries is similar to that of the two countries mentioned above. This observation tends to confirm that the role and function of the auditor are similar in most ways in most countries, especially countries represented in this discussion. The current trend caused by the massive increase of corruption cases involving public officials, suggests the necessity to strengthen the workings of auditors. In making these recommendations, we are mindful of the laws and legislation varying from country to country concerning the auditors' role, their powers, and independence:

(a) *Appointment*

The President of the country, the Prime Minister or equivalent high ranking official/organ may appoint the auditor. The national auditor shall appoint field auditors.

(b) *Composition*

There shall be at least one auditor, who should be the head of the national audit bureau and assisted by deputies and audit inspectors. The appointment of these officers may be within the scope of responsibility of the auditor.

(c) *Independence*

The auditors' independence should be guaranteed by the constitution. That is to say, the office of the auditor should be prescribed by provision of the constitution so that it is not subject to direction or control by anyone.

(d) *Powers*

The auditor shall also be given powers to exercise in the performance

of its functions. Thus, he/she is expected to conduct inspections of all records of the organization specifically on the use of government funds and resources. If anomalies are discovered during the course of audit work, the auditor shall refer the matter to the head of the organization and to other appropriate government agencies. The auditor shall summon anyone within and outside of the organization to appear and produce evidence relating to the matters being looked into. He/she has the power to direct individuals and organizations to cease, withdraw or terminate any transaction considered disadvantageous to the government. He/she can also recommend disciplinary actions against public officials for breach of organizational rules and regulations, misuse of power and abuse of discretion.

(e) *Functions*

The primary function of the auditor is to carry out audit inspection of all government organizations, including its subsidiaries and statutory bodies. Findings with recommendations shall be reported to the government at the appropriate time.

B. Ombudsman System

The term "ombudsman" is a Swedish word for "attorney" or "representative", indicating their official role as a public protector. The institution was set up in the 17th century by the Swedish King, Charles XII with the official title of Hogsta Ombudsman (Supreme Royal Ombudsman). The job was to "Keep an eye on royal officials" and supervise the execution of the laws. Sometimes, the King would allow the Ombudsman to represent him/her in some official functions. To this day, a number of countries have adopted the Swedish ombudsman system and have

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developed the institution. In some countries, the ombudsman has their independence guaranteed by the constitution. In this report, we introduce the current ombudsman system in Papua New Guinea and the Philippines. In addition, we likewise consider the system adopted in Vietnam, as that with a function similar to the ombudsman.

1. Papua New Guinea

The ombudsman in PNG has two main divisions: the Complaints Division, that receives normal complaints from the citizens; and the Leadership Division, that deals mainly with the high-ranking government officials. It does not cover the lower bracket of public service machinery. This is left for the police to handle.

The ombudsman has investigative powers but does not have prosecution powers such as in the Philippines. Rather it refers its investigation files to the public prosecutor who initiates prosecution before what we call a 'Leadership Tribunal'. The Tribunal is made up of a judge of the National Court who is the chairman, and two members from the Magisterial Service, all appointed by the Chief Justice. The ombudsman does not adjudicate on other organization's disciplinary matters. These are internal matters for the respective organizations to handle.

The functions of the ombudsman, among other things, include ensuring leaders do not place themselves in a position in which they could have a conflict of interest or might compromise their position when discharging their duties; to ensure they do not use their office for personal gain or favor for themselves or for other persons; and to examine the annual declaration of assets and liabilities, income, business connections, positions etc.

2. Philippines

The ombudsman is a constitutional body. Its independence is guaranteed in the Philippine Constitution and has the power of investigation and prosecution. It has broad and comprehensive powers to institute reforms in the bureaucracy and prosecute erring government officials. It has a Special Prosecutor's Office, which prosecutes cases brought before a special court known as the "*Sandiganbayan*" which is coined from the Filipino words "*sandigan*" meaning "something to lean" on and "*bayan*" meaning "country".

The President, on the recommendation of the Judicial Bar Council, appoints the ombudsman and the members of the *Sandiganbayan*. It is a fixed term of office of seven years without reappointment; removable from office only by impeachment. As the dispenser of justice, the ombudsman administratively sanctions erring government officials. It also criminally charges and prosecutes them, including private persons found to have conspired with them.

3. Vietnam

Vietnam operates on a system that is similar to that of an ombudsman. However, it comes under a ministry and is controlled by a cabinet minister. It has offices set up in the districts and receives complaints from the citizenry. Vietnam has a Civil Ordinance on Civil Complaints and Denunciation, which was endorsed by the President in May 1991. The purpose of the Ordinance is to "*ensure the civil right to complain, to strengthen the law, promote socialist democracy, defend the interest of the state, the lawful rights a group/ community and the interests of the citizen.*"

4. Recommendations

One of the major functions of an ombudsman is corruption prevention. It prevents the commission of an act by

ordering or stopping the implementation of government contracts that are found to be disadvantageous to the government. It likewise files charges and prosecutes cases in court against public officials or private persons found to have connived with him/her. It also holds disciplinary authority over all government functionaries, except the President of the Republic or the Prime Minister and other elective officials, or those officials removable only from office by impeachment. These broad powers are inherently provided for in the Philippine ombudsman. So, it is for these reasons that the creation of an ombudsman is favorably considered as an effective means of preventing corruption in government. The Papua New Guinean and the Philippine ombudsmen could be cited here as operating effectively in their respective countries.

C. Access to Government Information

People in many countries contend only accessing part of the government's information through publications such as annual reports. These publications are helpful for people to understand government activities. However, these publications only include limited information on the government. What citizens want to know may be excluded in these official reports.

Since the mission of government officials is for public service, disclosing information possessed by the government should be promoted for the public as a matter of obligation of the government and as of right to the citizen. In other words, citizen's rights to access government information should be guaranteed as a basic right. Without information as to the governments' activities, a person cannot make a meaningful contribution on matters of government, especially on government policies and programs. Therefore, the

degree to which citizens are allowed access to the information of the government, is a manifestation of a truly democratic system of governance. However, in some countries of the world, this right is basically restricted, sanitized and regulated.

In most cases, the right to have access to government information may influence government officials to attend to their duties honestly and fairly. Conscious of people watching or monitoring government officials through this right, people in government become cautious, thus this indirectly contributes to avoiding the commission of irregularities or abuse of power. Similarly, the sense of accountability and responsibility of government officials is enhanced and improved.

Of course, not all government information can be made available to the people. The law must protect some information that is considered sensitive in nature. Examples of the type of information that a country may wish to consider non-disclosable are;

- (i) Matters relating to national security, defence and international relations with the government of any other country or with an international organization.
- (ii) Trade secrets and privileged or confidential commercial or financial information obtained from a person or body.
- (iii) Matters to protect law enforcement interests, such as the ongoing investigation and prosecution of crimes.
- (iv) Matters to maintain personal privacy and security of a person.

However, the wider the range of non-disclosable information becomes, the less the civilian's right to have access to

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government information is guaranteed. It is interesting that law concerning the access to information held by administrative organs in Japan prescribes that even non-disclosable information stipulated under this law may be disclosed when it is deemed of public interest.

In addition, non-disclosable information should be prescribed and clarified in detail by the laws or regulations of the country. If we leave the range to someone's discretion, he/she may be pressured not to disclose the information by those who feel it is inconvenient to publicize that information. Furthermore, it is also important to establish an organization, such as an information disclosure review board, who would determine what other information could be disclosed to the public.

D. Measures to Increase Public Awareness

As government officials are considered public servants of the people, the public should monitor whether government officials perform their duties in pursuit of the public interest or not. Irresponsible activities by public officials may be unavoidable if the public has no interest in government activities, and leave public officials without the public's monitoring. In this instance, knowledge of how corruption works, the methods used in corruption, and areas where corruption tends to occur, may be useful for the public so as to detect corrupt activities amongst public officials.

It is said that Hong Kong has successfully recovered from the serious disease of corruption amongst public officials. The Independent Commission Against Corruption (ICAC), established to fight corruption, has contributed significantly to reducing corrupt activities by public officials in Hong Kong. It has regarded education on combating corruption as one of the secrets of their

success. The ICAC is composed of three departments: the Operations Department, Corruption Prevention Department, and Community Relations Department. The Community Relations Department is in charge of public education efforts. The successful experience of Hong Kong may encourage us to educate people as a countermeasure for the corrupt activities of public officials.

While government needs to take responsibility to encourage public awareness, the body or unit in charge of this responsibility is not restricted only to the anti-corruption section of the organization. To promote public awareness, it is imperative that government take the initiative to encourage people to actively involve themselves in government affairs of public interest. The following means and activities are suggested in order to increase public awareness.

1. Educational Program in Schools

This program envisions stirring the consciousness of the youth and imbuing in them the profound sense of responsibility as dynamic participants of the society by encouraging them to undertake research and studies on prevention and control. The Ministry or Department of Education may develop instructional materials that will make the students aware of and understand the ills of corruption, and the means of deterring the same. Lectures and discussions inside classrooms may be supplemented with study-tours to government agencies, anti-corruption bodies, NGOs and other organizations, to further broaden the youths' knowledge of their functions and responsibilities.

2. Media

Media is a powerful tool for bringing news and information to the people. It takes the form of both written and audio-

visual media such as television, newspapers, radio, computer internet, and magazines of local, national, and international publications. As a tool or instrument for information dissemination, and as the source for such information, press freedom should not be abridged nor curtailed by government when used to expose anomalous activities or the ineptitude of government officials. As such, all media services available in the country may be fully utilized to bring a clear message to the public on the evils of corruption and its impact on good governance.

3. Posters

The use of posters can also be very effective in sending messages to the people. Illustrations in the posters can convey many messages. When posters are all over, the message will surely register in the minds of the people fast and easily. In addition, such posters reach out even to illiterates, so they can understand what the message is all about. Intricately designed posters with anti-corruption slogans are surely eye-catchers, and thus attract the interest and attention of the public. With this method, the people are made aware of whatever agenda the poster intends to convey. The public will either start to react or may remain unperturbed or passive.

4. Workshops, Seminars, and Public Forums/Dialogues

People can acquire knowledge and deepen their understanding on government activities by attending workshops, seminars, and public forums/dialogues. In this regard, the public are encouraged to attend. To do that, topics of interest affecting them and their government should be widely published or broadcast beforehand. Some prominent speakers of known probity from the public and private sectors, NGO's, labor unions, religious sects, the academe and other organizations,

such as the ICAC, community leaders or business sector leaders, may be invited to be the resource persons. Active involvement of all sectors of the community in government affairs, especially in exposing or criticizing abuses in government by public officials, or discussing publicly contemplated government projects or programs they foresee to be disadvantageous, manifest awareness of the public in government operations.

5. Invitation to Join Prize Contests

This means that the public are enticed to join prize contests such as slogan making contests, essay contests, or poster-making contests, all with the central topic of the evils of corruption or preventive measures to stamp out corruption or any other related subjects. This is done to arouse interest, motivate, and encourage people to participate actively on the subject of corruption. This method may elicit suggestions, new ideas, concepts and opinions from the people. Thus, it could possibly aid legislators in making improvements to the existing laws or to creation of new laws or regulations that would improve efficiency in government service.

6. People's Day

This new approach called "People's Day" is actually practiced in the Philippines. It was purposely installed as a system for encouraging the public to be involved in government, and to consider public officials as public servants always ready to assist and provide efficient public service. This practice provides the general public with the opportunity of getting immediate assistance and action, directly from the head of the government agency or functionaries, on matters which were often not acted on by subordinates, or on complaints of wrongdoing against his/her own staff or personnel. Through this

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system, government records, exclusive of those categorized as top-secret or strictly confidential and non-disclosable under the laws of the land, are made public and people can ask for information or records right there and then. In this way, the government can practice transparency.

Not only the government itself but also civilian organizations such as NGOs plan these activities. In this regard, the government should provide encouragement and extend utmost support to these activities. People in government should arrange for media interviews to allow free discussion of topics of public concern, and to let the people know what their government is doing.

V. CONCLUSION

Corruption is indeed endemic in most societies of the world. It knows no borders and spreads like a virus or illness. If its impact is so deep, a country is placed in a no-win situation and loses structurally, institutionally and economically. Along this line, this group endeavored to pinpoint and determine possible preventive measures that a country can adapt or implement to eventually eradicate the evils of corruption.

Management systems for personnel and establishing ethical standards for public officials has been given emphasis, along with the concepts involving activities at the recruitment stage of public officials, training, rotation of personnel and staff, promotion systems, improvement of work environments, limiting the discretionary power of officials, and the formulation of a Code of Ethics for each country. The existence of ethical standards for public officials is also a meaningful way of embodying better performance from public officials and regulating behavior in the public service. We opined that corruption

in government should be addressed at the stage of inception, rather than simply apply reactive measures to prevent it.

Countermeasures to prevent corrupt activities can also be addressed through the conduct of internal inspections in government agencies and functionaries. As such, any instance of ensuing illegal activities or irregularities among public officials can easily be detected and prevented. Inspections could be done either on a scheduled basis or by random, as the need arises. These measures are sure ways of deterring the commission of irregularities. Officials found guilty of misbehavior can be immediately subject to disciplinary action by the respective heads of their organization. In addition, the sanctions to be imposed may range from mere reprimand to dismissal from government service.

Introducing an ombudsman system in each country is perhaps an act that needs political will if such a system is to have broad powers of investigating and prosecuting all government officials accused of misdemeanors in public service, such as the acts of corruption and bribery. In some countries like Papua New Guinea and the Philippines, their ombudsman system is so powerful that a number of public officials have been charged and punished accordingly, as provided for by law. Similarly, an auditing system can be a supplemental system to further check and correct inefficiencies by government officials.

Finally, the freedom of the press and the people's right to have access to government information should not be abridged or curtailed by the government. Creating public awareness regarding corruption and irregularities in government is also one way of preventing the incidence of corruption. In this regard, the group

considers some measures to enhance public involvement in creating public awareness, such as educational programs in schools, use of the media and posters, conduct of workshops, dialogues or forums, the concept of a People's Day and others.

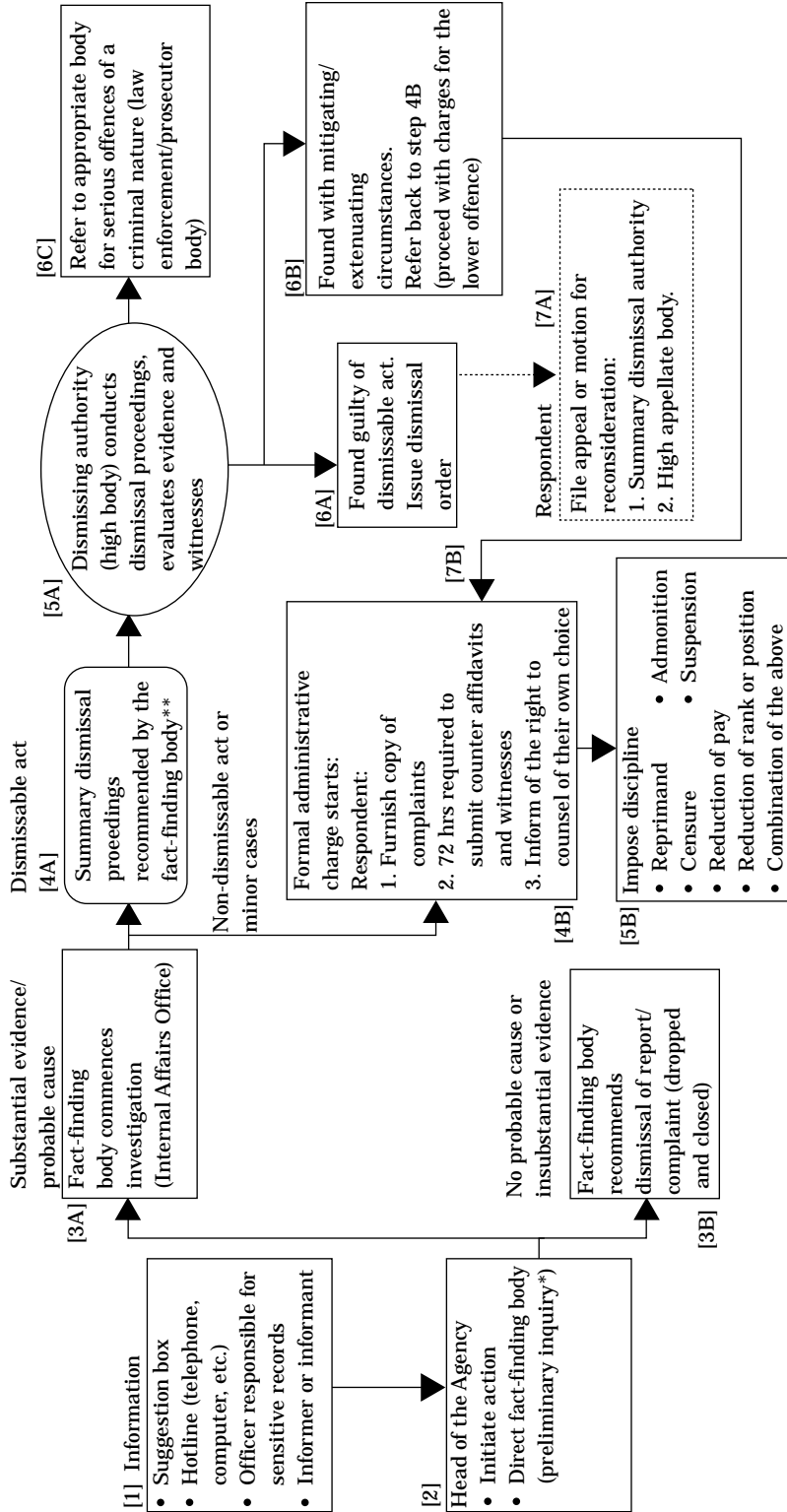
effectively to reform of their attitude towards corrupt activities.

While we suggest countermeasures to prevent corrupt activities among public officials in this paper, how we can guarantee implementation of these countermeasures is important. The device to manage personnel and internal inspections may contribute to deterring corrupt activities among middle and/or lower officials. However, to monitor corrupt activities among high-ranking officials within the government itself may be a rather difficult task.

Here, we suggest two methods to combat corrupt activities among high-ranking officials. One of them is to mobilize civilian pressure. Civilians need not be afraid of revenge for the result of their criticism of a high-ranking official's behavior. In this context, increased awareness of monitoring government activities among civilians is essential to deter corrupt activities. The other method is to utilize international conferences and international training on the topic of combating corruption. With rising global concern over the issue of the corrupt activities of public officials, there are various on-going efforts for preventing such activities through international organizations like the United Nations, OECD, Council of Europe etc. Attending these opportunities, high-ranking officials in each country would share ideas on the evil effects of corruption amongst public officials. Various recommendations and suggestions would help to facilitate the combat of corrupt activities. Some countries which have no or insufficient regulations and statutes on this subject may adopt these recommendations. The experiences of others would contribute very

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ANNEXURE I
SCHEMATIC DIAGRAM
ADMINISTRATIVE DISCIPLINARY PROCEEDINGS



* Preliminary inquiry - a proceeding whereby the complainant and the respondent are given the opportunity to be heard and submit their affidavits and counter-affidavits. Purpose is to establish a prima facie case.

** Summary dismissal proceedings - an administrative process of determining whether a factual or legal basis exists to dismiss the respondent.