

**YANGON UNIVERSITY OF ECONOMICS  
DEPARTMENT OF APPLIED ECONOMICS  
MASTER OF PUBLIC ADMINISTRATION PROGRAMME  
(NAY PYI TAW CAMPUS)**

**A COMPARATIVE STUDY OF ANTI-CORRUPTION  
EFFORTS IN CAMBODIA AND MYANMAR**

**THEIN HTIKE WIN  
EMPA – 37 (18<sup>th</sup> BATCH)**

**OCTOBER, 2022**

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**A COMPARATIVE STUDY OF ANTI-CORRUPTION  
EFFORTS IN CAMBODIA AND MYANMAR**

A thesis submitted as a partial fulfillment towards the requirements for the  
degree of Master of Public Administration

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**OCTOBER, 2022**

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## **ABSTRACT**

This thesis investigates the anti-corruption efforts and situations of Myanmar and Cambodia during the period of 2005 to 2020 using the secondary data. It is found that petty corruptions are prevalent in the both countries. Based on the corruption perception indicators of international organization, two countries are not very much difference in the anti-corruption results but Myanmar left behind in the Index of Public Integrity and GCB results on bribery. Thus, Myanmar should learn Asset Declaration System of Cambodia to end up public sector corruption and call for the cooperation with Cambodia ACU by signing MoU. Moreover, to end up the petty corruption in the public services, Myanmar has to make more efforts to implement PFP mechanism in every public service offices so as to get public feedback on the services delivery and try to end loop holes in the rules and regulations of public service offices.

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## LIST OF ABBREVIATIONS

1. ACA - Anti-Corruption Academy
2. AC Law - Anti-Corruption Law
3. ACCM - Anti-Corruption Commission, Myanmar
4. ACI - Anti-Corruption Institution, Cambodia
5. ACU - Anti-Corruption Unit, Cambodia
6. ACRC - Anti-Corruption & Civil Rights Commission, Korea
7. ADB - Asian-Development Bank
8. ASEAN - Association of Southeast Asian Nations
9. ASEAN-PAC - ASEAN Parties Against Corruption
10. BTI - Bertelsmann Stiftung's Transformation Index
11. CAFIU - Cambodian Financial Intelligence Unit
12. CEOs - Chief Executive Officers
13. CoC - Code of Conduct
14. COSP - Conference of the State Parties, UNCAC
15. CPI - Corruption Perception Index, TI
16. CPP - Cambodian People's Party, Cambodia
17. CPUs - Corruption Prevention Units, Myanmar
18. CRA - Corruption Risk Assessments
19. E4J - Education for Justice, UNODC
20. GAN - GAN Integrity (the business anti-corruption portal, New York)
21. GCB - Global Corruption Barometer, TI
22. GDP - Gross Domestic Product
23. GIV - Government Inspectorate of Vietnam
24. IAACA - International Association of Anti-Corruption Authorities
25. IACA - International Anti-Corruption Academy
26. IGI - IGI Global (independent academic publisher of international scientific research organization, USA)
27. IMD - International Institute for Management Development, Switzerland
28. IMF - International Monetary Fund
29. IPI - Index of Public Integrity

- 30. IRG - Implementation Review Group , UNCAC
- 31. LoI - Letter of Intent
- 32. M&E - Monitoring and Evaluation
- 33. MoI - Ministry of Interior, Cambodia
- 34. MoU - Memorandum of Understanding
- 35. MPF - Myanmar Police Forces, Myanmar
- 36. NACC - National Anti-Corruption Commission of Thailand
- 37. NACS - National Anti-Corruption Strategy
- 38. NCAC - National Council Against Corruption
- 39. NGO - Non-Government Organization
- 40. NSDP - National Strategic Development Plan
- 41. OECD - Organization of Economic Cooperation and Development
- 42. OWSO - One Window Service Office
- 43. OWSU - One Window Service Unit
- 44. PBE - Proactive Beneficiary / Citizen Engagement
- 45. PFP - Public Feedback Programme
- 46. PRS - Political Risk Services
- 47. RGC - Royal Government of Cambodia
- 48. SAC - State Administration Council, Myanmar
- 49. SDGs - Sustainable Development Goals
- 50. SIAA - State Inspection and Anti-Corruption Authority, Lao
- 51. SMEs - Small and Medium Enterprises
- 52. SoG - School of Governance, Cambodia
- 53. SOPs - Standing Operating Procedures
- 54. TI - Transparency International
- 55. TOR - Terms of Reference
- 56. UACP - Unit Against Corruption Practices
- 57. UCSB - Union Civil Service Board
- 58. UNCAC - United Nations Convention against Corruption
- 59. UNDP - United Nations Development Programme
- 60. UNODC - United Nations Office on Drug and Crime
- 61. UNTAC - United Nations Transitional Authority in Cambodia
- 62. USAID - United States Agency for International Development
- 63. USD - United States Dollar

- 64. WB - World Bank
- 65. WGI - Worldwide Governance Indicators
- 66. WJP - World Justice Project

# **CHAPTER I**

## **INTRODUCTION**

### **1.1 Rationale of the study**

Corruption is one of the greatest challenges of the 21<sup>st</sup> century which is the most destructive and a fundamental problem for all nations and people even problem causing wastage of public resources, widens economic and social inequality, creates public dissatisfactions and undermines the public trusts on the government institutions while exacerbating the disparity and poverty among the public. Corruption gives negative effects on public welfare and income distribution. Also, decreases equal opportunity for social, economic and political participation (ACC, 2019). Moreover, also the major hindrance to upholding the rule of law; to preventing and combating transnational crimes; to preserving cultural heritage, precious stones, mineral, gas and natural resources, forest, wildlife and environment; to ensuring effective socio-economic and infrastructure development and also endeavoring for fair rights of political parties and fair electoral system (ACC, 2008).

A wide-ranging effects: distortion of human judgment, warp the organizational culture of business and government institutions, undermine economic and political development, increase poverty, compromise human rights, corrode the integrity of economic and political systems, cause extreme inequalities, destroy public confidence in government and markets, and undercut environmental protection and climate change policies. Undermining the justice system and legitimacy of the government while delaying the government provisions and weakens the three pillars of the government; administrative, legislative and judicial (UNODC, 2019).

Rent-seeking distorts the decision-making process and adversely affect long-term economic growth through its impact on investment, taxation, public expenditure and human development. Also, corruption effects the equitable distribution of resources across the population, increasing income inequalities, undermining the effectiveness of social welfare programmes and ultimately resulting in lower levels of human development while effecting the country's human capital (Chene, 2014).



In contract, corruption is a threat to the Development, Democracy and Stability of the state while distorting the institutions, markets and economy by discouraging the Foreign Direct Investment. Thus, in term, Anti-Corruption may enhance the Development, Democracy and Stability while shaping the Good Governance and Clean Government. Developing countries may also face the challenges of the corruption while shaping their countries towards a developed one. Cambodia and Myanmar are the developing countries facing the negative effects of corruption.

An enacting the Suppression of Corruption Act in 1948 and the Bureau of Special Investigation Act in 1951, Myanmar started its anti-corruption efforts followed by formation of the Special Investigation Administrative Board under the direct administration of Prime Minister. The Bureau of Special Investigation has been formed under the Ministry of Home Affairs in 1963 and renamed as the Special Investigation Department with the mandate of tackling widespread bribery in 1972. In order to eliminate the bribery, the Action-Committee against Bribery was formed on 8<sup>th</sup> January 2013 (ACCM, 2021).

After the United Nations Convention against Corruption ratification in 2012, the Anti-Corruption Law (AC Law) was enacted in 2013. The Anti-Corruption Law was amended for four times. The Anti-Corruption Commission (ACCM) was formed in 2014. ACCM is an independent organization and is responsible to the president under the section 7 (b) of the AC Law. To combat corruption more effectively, the Anti-Corruption Commission was reformed in 2017. The third commission was reformed in 2021 under the governance of the State Administration Council (SAC). The Anti-Corruption Office has four branches; (i) the Commission Office, (ii) Administration Department, (iii) International Affairs and Prevention Department, and (iv) Investigation Department.

In 1992, the Royal Government of Cambodia has paid great attention to adopt the regulation against widespread corruption and adopted the Criminal Law Act including three articles related to corruption, embezzlement, bribe taking and offering. The Anti-Corruption Mechanism was first established in 1999 called the Unit Against Corruption Practices (UACP) and it was restructured and renamed the Anti-Corruption Unit (ACU) in 2006 (Lina, 2019). Cambodia ratified UNCAC on 5<sup>th</sup> September 2007 (Oudom, 2019).

The first separate Anti-Corruption Law (AC Law) was promulgated on 17<sup>th</sup> April 2010 in Cambodia based on the Code or Criminal Procedure 2007 and the Criminal Code 2009. The Anti-Corruption Institution (ACI) was established by the Anti-Corruption Law. ACI has two bodies; the National Council Against Corruption (NCAC), which plays the

role as an advisory body giving advice, recommendations and setting out the strategies on the fight against corruption while the Anti-Corruption Unit (ACU) plays a role as an implementing body to independently undertake its duties. The AC Law was amended on 1<sup>st</sup> August 2011 for the first time giving ACI to have an independent budget and mandate (Oudom, 2019). The Anti-Corruption Unit (ACU) was formed on 10<sup>th</sup> January 2011 signed by the Prime Minister under the Constitution of the Kingdom of Cambodia (ACU, 2011). In 2012, the Public Procurement Law was promulgated giving the ACU to investigate and file corruption-related cases in court (Oudom, 2019).

Myanmar and Cambodia are members of ASEAN as well as ASEAN Parties Against Corruption \_ ASEAN-PAC. The situation of corruption within the countries and the government efforts and emphasis on the anti-corruption efforts are not very much different. Within the ASEAN regions, these two countries are the lowest situations in the perception of international organizations. Most situations in these countries are nearly the same, thus this thesis aims to study the comparison between their anti-corruption efforts.

### **Objectives of the Study**

This thesis aims to investigate the anti-corruption efforts and situations of Myanmar and Cambodia during the period of 2005 to 2020.

### **1.3 Method of Study**

The study is used by the descriptive method of using secondary data for Myanmar which were taken from ACCM website, ACCM annual reports, Code of Conduct, CPI index of TI, World Bank data, articles, research papers and other websites' data. The data for the Cambodia were taken from the ACU website, TI Cambodia, CPI index of TI, World Bank data, articles, research papers and other websites' data.

### **1.4 Scope and limitations of the Study**

All data were taken from World Bank, TI and websites of ACCM and ACU as secondary data for corruption perception and other anti-corruption efforts. The data sources for the economic situation were taken from World Bank. Investigation of corruption data for Myanmar can only focus (2014-2021) neglecting before 2014. Also, the Cambodia data can only focus (2014-2021) neglecting before 2014 and the investigation of corruption data were neglected.

## **1.5 Organization of the Study**

The study is organized into six chapters. Chapter I is the introduction part of the study composing five sub-titles; rationale of the study, objectives of the study, method of study, scope and limitations of the study, and organization of the study. Chapter II is mainly focused on literature review; nature and definition of corruption, international anti-corruption agencies, and review on previous studies. Chapter III is for the overview on the anti-corruption efforts of Cambodia and Chapter IV is for the overview on the anti-corruption efforts of Myanmar including Background and Overview, Legal and Institutional Framework, Anti-Corruption Strategies and Policies, Work Plan, International Cooperation, Prevention of Corruption, and Perception and Index of international organization like World Bank and Transparency International (TI) on Corruption. Chapter V is the comparative study of two countries. Chapter VI is Conclusion part of the study with the findings and recommendations part of the Study.

## **CHAPTER II**

### **LITERATURE REVIEW**

#### **2.1 The origin and the definition of the corruption**

The term of corruption in fact the scene in ancient Rome and takes its origin from the Latin **corrumpere**: “**cor**” is meaning "with, together," and “**rumpere**” is meaning "to break." which meant, in a broader sense, an unhealthy action, a system in deterioration and slipping into decay. Corruption "break" or destroy someone's trustworthiness and good reputation with others and is the fraudulent behavior or actions of a public official willing to take money or gifts from vested interests or any other benefits in exchange favors performed or granted to the benefactor in question. (Brioschi, 2017).

The Oxford Dictionary defines corruption as dishonest or fraudulent conduct by those in power (the Oxford Dictionary, 2021) and the Merriam-Webster Dictionary defines corruption as dishonest or illegal behavior especially by powerful people (the Merriam-Webster Dictionary, 2021). Transparency International- TI defines corruption as the abuse of entrusted power for private gain and it can erode trust, weaken democracy, hamper economic development and further exacerbate inequality, poverty, social division and the environmental crisis (TI, 2021). Asian-Development Bank- ADB defines corruption as the abuse of public or private office for personal gain (ADB, 2021). World Bank - WB defines corruption as the abuse of public office for private gain which covers a wide range of behavior, from bribery to theft of public funds (WB, 2021). Organization of Economic Cooperation and Development - OECD defines corruption as active or passive misuse of the powers of Public officials (appointed or elected) for private financial or other benefits (OECD, 2021). International Monetary Fund - IMF, that is associated with lower growth and investment and higher inequality, defines corruption as abuse of public office for private gain (IMF, 2021). United Nations Office on Drug and Crime - UNODC defines corruption as a complex social, political and economic phenomenon that affects all countries (UNODC, 2021).

According to the article 3 (a) of the Anti-Corruption Law of Myanmar defines corruption as below (ACC, 2018);

Corruption refers to any of the following acts:

- (i) giving and attempting to give to, or taking or attempting to take any gratification directly or indirectly from a person concerned by abuse of position or otherwise in order to do something illegal, avoid doing something legal, or to give or deprive any person of any rights to which they are entitled;
- (ii) causing loss of or damage to State-owned finance or property by violating any existing rules, regulations or procedures while managing State-owned finance in government departments, government organizations, public organizations or other organizations, or claiming, acquiring, administration or liquidation of their assets, or entering into or executing any agreement relating to them.

According to the article 32 (a) of the Anti-Corruption Law of Cambodia defines corruption offences as bribe taking by employees, bribe offered to employees, bribe taking by governor, criminal responsibility by legal entity (under article 283, 409, 519, 559 and 625 of Criminal Code), sentence to be served (under article 405, 559 and 600 of Criminal Code), improper bidding, money laundering offences, aggravating, bribe taking by judges, bribe offered to judges, bribe taking by witnesses for false testimony, bribe offered to witnesses, bribe taking by interpreter, bribe offered to interpreter, bribe taking by experts, bribe offered to experts, misappropriation, bribe taking, passive business influence, embezzlement, favoritism, intentional destruction and dishonest embezzlement, bribe offering, active business influence, extortion, destruction and embezzlement, bribe offered to person who has competence to issue false certificate, bribe taking by member of professional board of medicine to issue false certificate, execution of misdemeanor under the Criminal Code (ACU, 2010).

## **2.2 Types of Corruption**

Corruption may generally classify into two main types; “Petty Corruption” which is really happens in the grass root level and “Grand Corruption” which is higher ranking officials’ corruption. There may be a well know type of corruption for democratic nation; political corruption which is happen in the electoral system.

### **2.2.1 Petty Corruption**

UNCAC defines "petty corruption" as isolated instances of corruption that do not involve the upper echelons of government leadership or economic power structures (UN,

2004). TI defines “petty corruption” as everyday abuse of entrusted power by public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies (TI, 2021). Petty Corruption is the lowest form of corruption, typically involving low-level public servants, or managers who abuse the limited authority of their positions for personal gain. Petty corruption frequently involves the abuse of entrusted power in exchange favors or small sums of money (Gan Integrity, 2021). IGI refers to everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens who are often trying to access basic goods or services in places like hospitals, schools, police departments, and other agencies (IGI Global, 2021).

### **2.2.2 Grand Corruption and State Capture**

UNCAC defines "Grand corruption" as the corrupt actions of the upper echelons of government leadership or economic power structures. Social elites (usually economic elites) co-opt the government for their own purposes against those of the public and it can lead to more institutionalized forms of corruption as “State Capture” which create the situation of “where legislation, formally developed and properly passed by the legislature or parliament, grants benefits in a corrupt manner”. The term was initially linked to business elites taking advantage of state resources for private gain. Powerful interests from the private sector can influence (or bribe) officials and parliaments to write legislation. State capture can occur regardless of a country's regime-type, but is more likely to happen in transitional economies where States are in the process of (re-)building institutions. Nevertheless, state capture can also occur in well-developed and mature democracies, especially in cases involving lobbyists that work on behalf of companies or industry associations. Hellman and Kaufmann (2001) defined state capture as "the efforts of firms to shape the laws, policies, and regulations of the state to their own advantage by providing illicit private gains to public officials". Grand Corruption involves major political or executive actors whose illegal activities subvert the legal, political, and economic aims of entire countries or corporations. Incidents of grand corruption capture international headlines, but they are less common than acts of petty corruption which take place on a regular basis (Gan Integrity, 2021).

Sometimes, State can be captured by political elites for their own private gain. Fazekas and Toth (2016, p. 320) understand state capture as "a distinct network structure in which corrupt actors cluster around parts of the state allowing them to act collectively

in pursuance of their private goals to the detriment of the public good". Levitsky and Ziblatt (2018, p. 78) use the analogy of football referees to explain how political elites capture state institutions. The referees - like state institutions - must work in an independent and neutral manner to ensure that all players play fair and respect the rules of the game. However, if some players (in this case, political elites) collude with the referees, they can easily cheat during the game (UNODC, 2019).

### **2.2.3 Political Corruption**

Political corruption refers generally to the corruption of public institutions and public officials. Some cases of political corruption affect the electoral process, including vote-buying, and election-rigging, but there are also more subtle forms of improper influence, such as the already mentioned private financing of electoral campaigns. United States Agency for International Development (USAID) global report concluded that "payback of campaign debts in the form of political favors breeds a type of corruption that is commonly encountered around the world" (UNODC, 2019). According to the TI expression, Political corruption or Malpolitics is the use of powers by government officials or their network contacts for illegitimate private gain. Forms of corruption vary, but can include bribery, lobbying, extortion, cronyism, nepotism, parochialism, patronage, influence peddling, graft, and embezzlement (TI, 2021).

Banerjee and Pande (2009) found a high correlation between political corruption and "voter ethnicization" (voter preference for the party representing their ethnic group). Johnston (2005) describes how such exchanges can become a syndrome of corruption he calls "influence market corruption". This pattern of corruption "revolves around the use of wealth to seek influence within strong political and administrative institutions - often, with politicians putting their own access out for rent".

### **2.3 Effects of Corruption**

Corruption distorts democratic institutions, slows down economic development and contributes to governmental instability and attacks the foundation of democratic institutions. Also, foreign direct investment is discouraged and small businesses within the country often find it impossible to overcome the "start-up costs" required because of corruption while undermining the justice system and legitimacy of government (UNODC, 2019).

A disproportionate impact on the poor and most vulnerable, increasing costs and reducing access to services, including health, education and justice, procurement of drugs and medical equipment drives up costs and can lead to sub-standard or harmful products and the unofficial payments can have a negative effect on poor people. Eroding trust in government and undermining the social contract causing for concern across the globe. Moreover, corruption impedes investment, with consequent effects on growth and jobs. Confronting corruption use their human and financial resources more efficiently, attract more investment, and grow more rapidly (WB, 2021).

### **2.3.1 Undermining the Sustainable Development Goals (SDGs)**

The adoption of Sustainable Development Goals (SDGs) aims to create “a better and more sustainable future for all” but it to be undermined by corruption. Creating a condition of diminished state capacity and the failing to eradicate poverty and thus may not be able to secure health care and strong education and so on. Goal-16 of the SDG’s aims “Peace, Justice and Strong Institutions” but the corruption may divert this aims (UNODC, 2019).

The three targets of SDG-16 (16.4, 16.5 and 16.6) are only the ways to specifically call for reducing all forms of corruption, strengthening the recovery and return of stolen assets, and developing transparent institutions. In the other hand, corruption diverts the realization of SDGs which aims to improve living standards by increasing access to justice and services like housing, health, education, security and water etc (UNODC, 2019).

The Effects of Corruption to SDGs 17 Goals are summarized as below in UNODC anti-corruption modules series (UNODC, 2019);



Table (1.1) Affects of Corruption on SDGs Goals

SDG Goals		Affects of Corruption on SDG Goals	Remarks
1	No poverty	Corruption reduces the amount of aid that reaches the poor. The poor lose a larger percentage of their income to bribery and extortion than other groups.	
2	Zero hunger	Because corruption impedes investment and the development of infrastructure, and kleptocracy concentrates a country's wealth, resulting in famine and malnourish- ment.	
3	Good health and well-being	In more corrupt countries, hospitals lack the necessary medicines due to embezzlement or overpriced purchase agreements; access to beds or care is based on willingness to pay, even in countries with ostensibly free health care.	
4	Quality education	Corrupt administrators charge illicit "registration fees" or "maintenance fees" for access to "free" public education, excluding families unable to pay. Teachers are hired based on their political connections or bribery, so the quality of education is lower than it should be. Funds are embezzled, so even dedicated teachers lack the necessary resources, materials and infrastructure.	

5	Gender equality	Women are disproportionately victims of sextortion. Gender relations in some countries exclude women from corrupt networks (and, therefore, from the resources offered by those networks).	
6	Clean water and sanitation	Firms bribe inspectors to allow them to dump chemicals illegally rather than dispose of them safely. Firms and farms bribe or lobby lawmakers to write pollution- friendly laws. Organized crime groups sometimes "win" sanitation contracts.	
7	Affordable and clean energy	Oil and coal lobbies engage in bribery or exchange of favours to fight programmes designed to promote alternative energies.	
8	Decent work and economic growth	Especially in resource-rich countries, embezzlement or kleptocracy results in rich countries with poor communities because no effort is made to generate quality jobs. Populist policies keep kleptocrats in power and transnational firms enjoy access to resources with little or no commitment to provide decent work for local workers. Corruption also facilitates money-laundering, and vice versa. In financial/ tax havens or secrecy jurisdictions, the inflow of vast amounts of hard currency appreciates the local currency, suppressing other types of exports.	

9	Industry innovation and infrastructure	Corruption (kickbacks or conflicts of interest) leads the government to subsidize the wrong industries and undertake unnecessary infrastructure projects, rather than the ones that would support increases in productivity.	
10	Reduced inequalities	There is a vicious circle between corruption and inequality: less equal societies are more corrupt and more corruption causes more inequality (You & Khagram, 2005).	
11	Sustainable Cities and Communities	Bribery by the petroleum and coal industries undermines programmes to promote clean energy. The petroleum industry alone generates billions of dollars in bribes and embezzlement in many countries, so there are few incentives to abandon petroleum.	
12	Responsible Consumption and Production	Corruption distorts market forces, so that the wrong kinds and quantities of goods and services are produced and consumed. In some cases, corruption guarantees monopolies where competition would promote more responsible production.	
13	Climate action	Corruption allows firms and individuals to pollute in excess of legal limits, and to exploit resources (such as trees and mines) beyond the sustainable limit.	
14	Life below water	Corruption contributes to overfishing, destruction of habitat, and dumping chemicals or other materials into the sea.	

15	Life on land	Illegal logging destroys habitat. Illegal dumping of chemicals damages ecosystems.	
16	Peace, Justice, and Strong Institutions	Corruption undermines justice systems and the legitimacy of government; it enables and fuels organized crime and terrorism; and allows violations of human rights to go unpunished.	
17	Partnerships for the Goals	Countries must work together to combat corruption and promote integrity and good governance, as also laid out in the United Nations Convention against Corruption (UNCAC).	

Source: Anti-Corruption Modules (UNODC)

### 2.3.2 Economic Loss and Inefficiency

According to the Anti-Corruption Modules of university modules series of E4J (UNODC), the African Union estimates that 25 % of African’s Gross Domestic Product (GDP) is lost to corruption. International Monetary Fund (IMF) estimated in its 2016 report that the cost of bribery alone is to be between \$1.5 trillion to \$2 trillion per year. This represents a total economic loss of approximately 2% of global GDP. And yet it does not take into account the economic cost of all other forms of corruption. When jobs (or contracts) are given to people (or companies) who offer bribes or share a personal connection, this occurs to the detriment of competition. The result is that more qualified candidates and firms are turned down. Investment in physical capital and human capital is reduced as resources are diverted from their most beneficial use.

According to the message by the Secretary-General of the UN Security Council; António Guterres on the International Anti-Corruption Day (2019), “ every year, trillions of dollars \_ the equivalent of more than five percent of global domestic product (GDP) – are paid in bribes or stolen through corrupt practices that seriously undermine the rule of law and abet crimes such as the illicit trafficking of people, drugs and arms” adding that “ tax evasion, money laundering and other illicit flows divert much-needed resources from

schools, hospitals and essential infrastructure; funds that are essential to advancing the Sustainable Development Goals”.

Citing World Economic Forum Data, he added that “the global cost of corruption is at least \$ 2.6 trillion, or 5 % of the global gross domestic product (GDP), and according to the World Bank, businesses and individuals pay more than \$ 1 trillion in bribes every year”. He also expressed that “whether falling under the label of political cronyism, crony capitalism, political party cartels, oligarchy, plutocracy and even kleptocracy, widespread patterns of private and public corruption construct social systems that are rigged in the private interest. Whether offered by the public or private sectors, the quality of goods and services decrease, and the process of obtaining them becomes more expensive, time consuming and unfair” (United Nations, 2019).

UNODC executive director Ghada Waly’s message at the International Anti-Corruption Day 2021 highlighted that “Corruption costs the world trillions of dollars, while enabling crime, exploitation and exclusion, endangering people and planet, and compromising our recovery from the pandemic. By preventing corruption and returning stolen assets, we are unlocking resources for growth and new jobs, building resilience to future emergencies, empowering women and young people, and laying the foundations for a fairer future” (UNODC, 2021).

UNDP Administrator expressed that “corruption is also draining vital resources from countries that are needed to power the socio-economic recovery and it is fueling the loss of our natural world” in the same event (UNDP, 2021). According to the expression by the Cecilie Wathne and Matthew C. Stephenson in the research article “the credibility of corruption statistics” as U4 Issue 2021:4: they expressed the following ten corruption statistics based on the expressions of United Nations officials and agencies, including UN Secretary-General, UNODC, UNDP, OECD, UN Global Compact, U4 publications and other official statistics (Wathe & Stephenson, 2021);

1. Approximately US\$ 1 trillion in bribes is paid worldwide every year.
2. Approximately US\$ 2.6 trillion in public funds is stolen/embezzled every year.
3. Corruption costs the global economy approximately US\$ 2.6 trillion, or 5% of global GDP, each year.
4. Corruption, together with tax evasion and illicit financial flows, costs developing countries approximately US\$ 1.26 trillion each year.

5. Approximately 10%–25% of government procurement spending is lost to corruption each year.
6. Approximately 10%–30% of the value of publicly funded infrastructure is lost to corruption each year.
7. Approximately 20%–40% of spending in the water sector is lost to corruption each year.
8. Up to 30% of development aid is lost to fraud and corruption each year.
9. Customs-related corruption costs World Customs Organization members at least US\$ 2 billion per year.
10. Approximately 1.6% of annual deaths of children under the age 5 years (over 140,000 deaths per year) are due in part to corruption.

#### **2.3.4 Diminished State Legitimacy and Capacity**

The widespread corruption, created the situation in which people must be paid to receive medical attention, obtain a building permit, pick up a package, or enjoy phone services. A judge may rule against a party, not based on the facts of the case, but because the opponent paid a bribe, knows a power broker, or comes from the same racial or ethnic background. A person is beaten, detained or subject to a higher fine because he or she refuses to pay a bribe solicited by a police officer. Retirement funds are lost to fraudsters or tied up in a money-laundering scheme. State-owned enterprises and industries are structured to enrich government officials instead of pursuing innovation and efficiencies. This can lead to the situation lack of trust on the government (UNODC, 2019).

People can no longer count on prosecutors and judges to do their jobs when the corruption is prevalent. Corruption increases inequality, decreases popular accountability and political responsiveness, and thus produces rising frustration and hardship among citizens, who are then more likely to accept (or even demand) hard-handed and illiberal tactics. If citizens were to adamantly demand that the problems listed above be addressed, corruption undermines the power of politics. As an example, to the extent that bribery, trading in influence and state capture are widespread, political systems become incapable of addressing social problems whose resolution would threaten vested interests (UNODC, 2019).

## 2.4 Measuring Corruption

According to the UNODC Anti-Corruption Modules, there are two methods of measuring corruption:

- (i) **Direct methods of measuring corruption** which collecting evidence-based information on corruption through statistical and standardized procedures. They measure actual experiences of corruption, rather than perceptions of corruption and can include official data (such as reported cases of corruption, conviction figures, and electoral scrutiny findings) and experience-based sample surveys (which collect data on the experience of representative samples of a given population).
- (ii) **Indirect methods of measuring corruption** do not gauge the actual occurrence of corruption, but are rather based on perceived levels of corruption. They are often used because actual occurrences of corruption are difficult to measure. Indirect methods can be based on expert assessments (where selected experts are asked to assess corruption trends and patterns in a given country or group of countries) or other types of surveys that focus on perceived levels of corruption rather than on actual levels. They are sometimes composite measurements or "surveys of surveys" combining a variety of statistical data into a single indicator.

The indirect methods are usually based on subjective opinions and perceptions of levels of corruption among citizens, business representatives, civil servants or other stakeholders in a given country. The most widely known perception-based composite index is the Corruption Perception Index (CPI) of Transparency International (TI), which lists countries along a continuum of perceived levels of corruption. It is a composite index of 13 other indices. Global Corruption Barometer (GCB) report is another type of indicators which illustrates the situation of anti-corruption of the countries which is officially launched by the Transparency International in 2003. (TI, 2021)

The Manual on Corruption Surveys considers them as "the most reliable approach to producing the detailed information on corruption necessary for policymaking purposes (e.g., identifying corruption-prone areas, procedures or positions at risk, or monitoring trends over time)". The experience-based surveys attempt to measure actual personal experience of corruption by, for example, asking citizens or businesses if they have paid a bribe or were involved in other forms of corruption.

Other methods of measuring corruption include public expenditure tracking surveys; focus groups involving dialogues between ordinary people; the Delphi method featuring opinions from researchers and experts; interviews of police officers, journalists, judges, and anti-corruption NGOs; content analysis of newspaper articles or NGO reports over a particular time span; statistical analysis of actual cases of corruption; and the proxy approach, which measures not corruption but the efforts being undertaken to combat it as an indication of how seriously political elites and active citizens take corruption. The auditing of governments and corporations is another method for measuring corruption.

The Worldwide Governance Indicators (WGI) is a type of Indirect method of measuring corruption, based on over 30 individual data sources produced by a variety of survey institutes, think tanks, NGO, INGO and private sector firms. It accesses over 200 countries for the following six dimensions (World Bank, 2021);

- (i) Voice and Accountability;
- (ii) Political Stability and Absence of Violence;
- (iii) Government Effectiveness;
- (iv) Regulatory Quality;
- (v) Rule of Law;
- (vi) Control of Corruption.

The index of public integrity is the another research and report for the corruption perception indicators based on the years of researches and evaluation of the efforts of different societies based on the six dimensions; Judicial Independence, Administrative Burden, Trade Openness, Budget Transparency, E-Citizenship and Freedom of the Press (IPI, 2021).

Another data source of World Bank is the World Justice Project, which is illustrating the rule of law index for 139 countries through survey to 138,000 households and 4,200 legal persons (WJP, 2021). Bertelsmann Stiftung's Transformation Indexes is the collaboration of nearly 300 countries and regional experts from universities and think tanks worldwide. It based on the 17 criteria for the 137 countries.

The Trace Bribery Risk Index access the risk of encountering public sector bribery in 194 countries based on the following bribery risks:

- Business Interactions with Government;
- Anti-Bribery Deterrence and Enforcement;
- Government and Civil Service Transparency; and
- Capacity for Civil Society Oversight.



## **2.5 Positive Effects of Anti-Corruption Measure**

According to the UN Secretary General expression on the International Anti-Corruption Day 9 December 2021, “corruption affects all areas of society. Preventing corruption unlocks progress towards the Sustainable Development Goals, helps protect our planet, creates jobs, achieve gender equality, and secure wider access to essential services such as health care and education”. During the time of Covid-19 crisis all valuable resources for victims are stealing away by misconduct and wrong doing of corrupt officials. Thus, United Nations Convention Against Corruption (UNCAC) calls for the state parties to fight against corruption together (UN,2021).

As for the business sector and cooperations, a strong anti-corruption stance helps to prevent monetary fines, loss of contracts, debarments form lucrative markets, criminal liability and negative press. Companies that have a good anti-corruption programme benefits from risk reduction, cost savings and sustainable growth that will make competitive advantages pursuing the loyal customers showing that they are getting the best deal and their employees that the company is clean (TI, 2016).

According to the Module 7 Corruption and Human Rights of UNODC university module series, “corruption and human rights are closely associated with each other. Corruption is detrimental to all areas and aspects or human well-being, in particular the human rights held by all individuals. Thus, the effective protection and guarantee of human rights necessarily includes mitigating systemic problems such as corruption”. Thus, the mitigating the corruption may enhance the human rights (UNODC, 2019).

Corruption generally links to the other forms of crimes, in particular organized crime and economic crime including money laundering. Thus, the dedicating the corruption may enhance the government mechanism on the economic development and mitigating the money laundering. Cases of corruption generally involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, and that threaten the political stability and sustainable development of those States. Thus, the anti-corruption may enhance the political stability and sustainable development (UN, 2004).

## **2.6 Reviews on Previous Studies**

Risk & Compliance Portal (GAN Integrity – August 2020) highlights that the corruption is rampant in Cambodia. Companies will also meet with the red tape to obtain licenses and business permits. The judiciary system is facing lacks of resources and insufficient budget which lead to widespread corruption and decline in foreign

investment. As for the legal basis, Anti-Corruption Law is enacted with the international standard but still need for the enforcement and public officials are to engage with the corrupt practices. Active and passive bribery is also criminalized under the Criminal Code. More than half of Cambodians perceive the police as corrupt. There are cases in which public officials, including police officers, have received kickbacks from owners of illegal businesses to keep their businesses operating. The public services sector suffers from high corruption levels. More than three out of five businesses indicate they expect to give gifts to get an electrical connection or to ‘get things done’. Cambodia suffers from extensive land grabbing, exacerbating the issues of corruption and impunity among public officials. Kickbacks and gifts to procurement officers are highly common. Nearly nine out of ten businesses indicate that they expect to give gifts in order to secure government contracts (GAN Integrity, 2020).

Sher Hann Chua and Nwe Oo (2018) illustrate that all sectors are affected by corruption in Cambodia. Enforcement still scares and corruption takes all forms and shapes, ranging from small unofficial payments to speed up to an administrative process or pay off a speeding ticket, to allegations of corruption in million-dollar investments. Cambodia is an attractive South East Asia Destination for foreign direct investment as it is experiencing strong economic growth and has a pro-business government. But, investors and their counsel may aware of the risks by corruption and corruption presents a major risk for a foreign direct investment (Chua & Oo, 2018).

Schoeberlein (2020) highlights “the Cambodia is among the poorest in the region but has made significant strides in recent years”. The poverty rate more than halved between 2007 and 2014 and the average GDP growth rate is 8 % between 1988 and 2018 as the fastest growing economies in the world. But corruption remains a significant challenge, largely due to the country’s serve governance defects. According to the country’s latest National Integrity System assessment, Cambodia’s legal framework was considered comparatively robust and comprehensive. The main anti-corruption agency ACU is tasked with the implementing the law through education, awareness raising and other preventive measures but “81 per cent of respondents in Cambodia said they had either never heard of their country’s anti-corruption agency or heard the name but did not know what they do” according to the 2020 GCB results” (Schoeberlein, 2020).

Risk & Compliance Portal (GAN Integrity – September 2020) overview for Myanmar that corruption is as like the endemic in Myanmar which let companies to facing with the high risk of corruption. Business people will meet a weak rule of law and

complex and opaque licensing systems as serious barrier to investment and trade in Myanmar. High level corruption is rampant across all sectors while government is increasingly addressing corruption issues but corruption is still remaining in all sectors. As for the legal basis, Anti-Corruption Law is enacted which criminalized active and passive public sector in the public sector, abuse of office and attempted corruption. The security apparatus in Myanmar presents high corruption risks. Nearly half of citizens believe most or all police officers are corrupt. The government does not effectively maintain control over the country's security forces and police forces act with impunity. There is a very high risk of corruption when dealing with public services in Myanmar. More than a third of businesses expect to give gifts to get an operating license, nearly half expect to give gifts to get a construction permit, and more than a third expect the same when applying for an electrical connection. Nearly half of firms indicate they expect to give gifts to obtain a construction permit. Foreign investors can enter into long-term leases with private land lords or relevant government agencies. Businesses, however, report insufficient confidence in the government's ability to protect property rights in the country (GAN Integrity, 2020).

Sher Hann Chua and Nwe Oo (2018) found that Myanmar has been a country largely closed to the scrutiny of and cooperation with the world and little domestic or international focus has, in the past, been placed on the improvement and enforcement of corrupt practices comparing to other developing nations which impact on the perception of corruption in Myanmar. Myanmar is a dynamic foreign investment destination with its valuable natural resources, large and youthful domestic population, and a concerted focus by the government on the liberalization of its economy, it is expected that the robust interest will increase. But uncertainty remains in some regulatory and enforcement sectors despite a clear long-term commitment to improving anti-corruption efforts (Chua & Oo 2018).

Schoeberlein (2020) highlights Myanmar that the Anti-Corruption Law does not criminalize the offering of bribes, and regulations on corporate donations are inadequate, which has result in the practice of business setting up foundations with the express purpose to fund the endeavors of lawmakers and public officials. Bureaucratic corruption affects the private sector through significant licensing requirements and serves inadequacies in the country's business environment due to policy shortcomings. Due to the prevalence of armed groups and their involvement in the shadow economy, illicit financial flows are high and the country's underground economy is estimated to be

sizeable. The most notable progress is to the amendments of the anti-corruption law in 2018 which gives the ACCM more political support, and result the authority to launch preliminary investigations base on the tips or suspicions of unusual wealth. Also Myanmar introduced Corruption Prevention Units (CPUs) in 2019 which is across 22 Union Government Ministries Schoeberlein (2020).

Mathias Bak (2019) highlights that anti-corruption has become a national priority in Myanmar, and the government has worked towards implementing an anti-corruption framework. Nonetheless, corruption is still rampant, rule of law is weak, and many of the systematic issue that enable corruption and organized crime are yet to be addressed. In some conflict area where armed grouped ruled, taxation and public service are still need to governor. Every day facility payment is prevalent and rent-seeking behavior pervades most public institutions and affects both small, everyday interactions as well as larger tendering process. 40 percentages of public paid a bribe when accessing a basic service (GCB 2017). Judicial Sector is also suffered from systemic failure, impunity and 2<sup>nd</sup> lack of public trust after Police. Therefore, Myanmar is likely to face challenges while tackling corruption in spite of trends that could be interpreted as genuine attempts to tackle corruption issues in some sectors (Bak, 2019).

## **CHAPTER III**

### **OVERVIEW ON THE ANTI-CORRUPTION EFFORTS OF CAMBODIA**

#### **3.1 Corruption in Cambodia**

Corruption permeates every aspect of the Cambodian fabric of society; the elite has monopolised procurement, land concessions and access to resources through the establishment of patron-client networks. A kleptocratic bureaucracy thrives on red tape, while the population is disillusioned with governance institutions (Rahman, 2018).

The most significant example of abuse of public office for private gain is the political sphere in Cambodia. Global Corruption Barometer 2013 expresses that 28% of respondents believed that the political parties were “extremely corrupt”. According to the Global Integrity 2012 report, the lack of legislation regulating financial contributions to political parties or a party’s campaign finance creates opacity in governance that is immensely challenging to overcome.

According to the Freedom House 2016 report, paying bribes to gain access to essential public services, such as school grades, health care, permits, licences, and birth and marriage certificates, is commonplace and deprives citizens of essential public services. Moreover, nepotism and patronage are twin scourges in the bureaucracy, responsible for undermining the crucial functions of public services.

National survey on youth perceptions and integrity carried out by Transparency International Cambodia in 2015 found that 60% of youth interviewed were willing to pay a kickback of 10% to 20% of their future salary to a person who secured them a job, even though 99% of the respondents agreed that corruption was a major impediment to national development.

According to the Global Integrity Report 2012, business inspections by government officials were often occurred in an ad hoc and arbitrary manner and were conducted to extract illicit payments or unofficial fees. According to the GAN Business Anti-Corruption Portal 2015 data, companies are assumed to pay bribes and make facilitation payments regularly to get construction permits and to establish electrical and water connections.

According to the Transparency International's Global Corruption Barometer 2013, Cambodian courts are regarded as being extremely corrupt by 60% of the respondents, while 68% of the respondents reported having paid a bribe to obtain justice. The Freedom House Report 2016 found that institutions in Cambodia are marred by inefficiency, corruption and a lack of independence. After the judiciary, the police are viewed as being the most corrupt institution; 65% of respondents to the Global Corruption Barometer reported paying bribes to the police.

According to the GAN Business Anti-Corruption Portal 2015 data, corruption is rampant in Cambodia's public financial management system, with procurement being a key weakness. Government decisions to award contracts are not transparent and subject to significant irregularities. A culture of corruption enabling impunity against prosecution legitimizes an atmosphere where fundamental human rights are regularly violated.

### **3.2 Anti-Corruption History of Cambodia**

The Royal Government of Cambodia (RGC) always considers corruption as obstacles to economic development, rule of law, democracy, social stability, as well as the main cause of poverty. In 1999 and 2006, the Royal Government issued a Sub-Degree on the establishment of Anti-Corruption Unit (ACU) under the management of the Office of the Council of Ministers, having a role as the implementing agency in fighting against corruption based on three key pillars: Education, Prevention, and Obstruction and Law Enforcement aiming to win support from the public using transitional law under United Nations Transitional Authority in Cambodia (UNTAC) as its tool. The Royal Government in its 4th Legislature set out the Rectangular Strategy, Phase II trying to promote and maintain peace, safety, stability, security, and public order, aiming to eliminate all forms of violence, culture of impunity, discriminations in all aspects in order to build a just, equitable, and corruption-free society, and try to ensure the freedom and dignity of citizens, reducing poverty, leading Cambodia toward sustainable economic development. Fighting against corruption, enhancing Public Financial Management, improving good governance are all important factors contributing to reducing poverty as well as to promoting the welfare of all citizens (RGC, 2013).

The RGC has started paid attention on anti-corruption adopting the Criminal Law Act in which three of its articles were related to corruption; embezzlement, bribe taking and bribe offering in 1992. In 1999, the mechanism for anti-corruption was introduced and established, it was called the Unit Against Corruption Practices to tackle corruption

under the mandate of Criminal Law Act (1992). In 2006, the Unit was restructured and renamed as ACU (Lina, 2019). After the political crisis in 2016, a democratic ruling party, the Cambodian People's Party (CPP) marched toward the democratic stability and the clean government while tackling corruption and tried to enact special law on anti-corruption.

In Cambodia, the first separate Anti-Corruption Law (AC Law) was promulgated on 17<sup>th</sup> April 2010 based on the Code of Criminal Procedure 2007 and the Criminal Code 2009. The Anti-Corruption Institution (ACI) was established by the Anti-Corruption Law. ACI has two bodies; the National Council Against Corruption (NCAC), which plays the role as an advisory body giving advice, recommendations and setting out the strategies on the fight against corruption while the Anti-Corruption Unit (ACU) plays a role as an implementing body to independently undertake its duties. The AC Law was amended on 1<sup>st</sup> August for the first time giving ACI to have an independent budget and mandate (Oudom, 2019). The Anti-Corruption Unit (ACU) was formed on 10<sup>th</sup> January 2011 signing by the Prime Minister under the Constitution of the Kingdom of Cambodia. In 2012, the Public Procurement Law was promulgated giving the ACU to investigate and file corruption-related cases in court (Lina, 2019).

According to the Transparency International 2021 report, Cambodia stands for the score of 23 out of 100 and ranked 157 out of 180 countries. It was the most corrupt country within its member organization of Association of South East Asia Nation (ASEAN) (TI, 2021). As mentioned in World Bank's 2020 data, the Control of Corruption score is 11.06 out of 100 score and ranked 102 out of 214 countries (WB, 2021). Global Corruption Barometer (GCB) captured public perception of 17 countries of Asia and reported its results in ASIA 2020 report. GCB interviewed nearly 20000 people with the Random Digital Dialing Method. 1000 adults (18+) in Cambodia were surveyed and 33 percentages of respondents said that corruption in the Cambodian Government is a big problem and 79 percentages of respondents claimed that the current government is fighting corruption very well and 67 percentages of respondents claimed that their anti-corruption agency; ACU is working very well while the regional average is 63 percentages (TI, 2020).

### **3.3 Legal and Institutional Framework**

Anti-Corruption Law (AC Law) was promulgated on 17<sup>th</sup> April 2010 based on the Code of Criminal Procedure 2007 and the Criminal Code 2009. The Anti-Corruption

Institution (ACI) was established by the Anti-Corruption Law. ACI has two bodies; the National Council Against Corruption (NCAC), which plays the role as an advisory body giving advice, recommendations and setting out the strategies on the fight against corruption while the Anti-Corruption Unit (ACU) plays a role as an implementing body to independently undertake its duties. The AC Law was amended on 1<sup>st</sup> August for the first time giving ACI to have an independent budget and mandate (Oudom, 2019). The ACU was formed on 10<sup>th</sup> January 2011 signing by the Prime Minister under the Constitution of the Kingdom of Cambodia. In 2012, the Public Procurement Law was promulgated giving the ACU to investigate and file corruption-related cases in court (ACU, 2011).

The RGC issued the sub-degree on the organization and functioning of the ACU signed by the prime minister on 10<sup>th</sup> January 2011. According to the article 2 of sub-degree, ACU is to lead the activities of fighting against corruptions in all forms, sectors and all levels through measure of education, prevention, obstruction and enforce of Anti-Corruption Law. ACU has five departments; General Department of Administration and Security, General Department of Operations, Internal Investigation Section, Provincial/Municipal Office of Anti-Corruption and Anti-Corruption Focal Points. General Department of Administration and Security is mainly responsible for the assets declarations and administration works for ACU. General Department of Operations is mainly responsible for the legal affairs, accepting complaints, investigating and collecting technical intelligence, conducting forensics, educating and disseminating, preventing, obstructing and international cooperating. According to the article 7 of Sub-Degree, all ministries, institutions and public unites are obligated to establish their respective focal points for at least a group to contribute the anti-corruption activities and Office of Anti-Corruption and Anti-Corruption Focal Points is mainly responsible for coordinating and implementing such activities (ACU, 2011).

According to the article 56 of Anti-Corruption Law, National Council Against Corruption (NCAC) have mandate to provide guidance and recommendations on anti-corruption work and is composed of 11 members and for a five-year term. Under article 8, the president of NCAC holds the rank of Deputy Prime Minister, the vice president holds the rank of Senior Minister and members hold the rank of Minister. Under the article 11 of the Anti-Corruption Law, ACU can establish independently to undertake its duties. The chair is also the member of NCAC and the vice-chair persons hold the rank of minister.



Officials of ACU are appointed as judicial police take charge of investigating corruption offences. In the framework of investigations and contradictory to article 85 (power of judicial police officials in flagrant offence investigation), article 91 (searching), article 94 (subpoena in the case of flagrant offence investigation) and the article 114 (subpoena for preliminary investigation) of code of criminal procedure, the Chairman of the ACU or officially assigned representative has the duty to lead, coordinate and control the mission of those officials instead of the role of prosecutor to the point of arresting a suspect (ACU, 2010).

Under article 26 of the Anti-Corruption Law, the Chairperson of the ACU can ask the concerned authority to suspend all functions of any individual who is substantially proven to be involved in a case of corruption offence. Under the mandate of article 28, the Chairperson of ACU can request to the Royal Government to issue the order for the General Prosecutor of the Appeals Court of Prosecutor of the Municipal/Provincial Court to freeze the assets of individuals who commit offences stated in Anti-Corruption law. The Chairperson of ACU can also ask the national and international institutions to cooperate in forensic examinations related to its investigation work under article 29 (ACU, 2010).

Budget constraints and allocation is essential for every organization while implementing their official works. Anti-Corruption Institution has separate budget for its own operation under the mandate of the sub-degree on the Budget Management and allocation of ACU of RGC signed by the prime minister on 10<sup>th</sup> January 2011. According to the article 3 of this sub-degree, separate budget for operations of ACI shall be accounted for 0.2% to 0.3% of National Budget current expenditure. This rate shall be re-examined every three years. In special case, ACU can propose an additional budget proposal from the Royal Government as per necessity. ACU examines and proposes annual budget plan of ACI to Ministry of Economy of Finance and no need to disclose the documents on special missions, intelligence and clandestine investigations of ACU (ACU, 2011).

According to the article 16 of the Anti-Corruption Law, ACI has a separate budget package for its operation and the package is within the budget package of the Office of the Council of Ministers and can receive needed resources from the Royal Government and has the right to receive donations or assistance from the national and international organizations but the assistance shouldn't lead to the conflict of interest (ACU, 2010).

### **3.4 Vision, Mission and Strategy of ACU**

ACU main goal and vision is to become an effective and successful institution which gathers broad participation from all sectors in fighting against corruption. The mission is focus on to seize with the mandate to conduct anti-corruption in every aspects, levels, and sectors in Cambodia nationwide through the means of Education, Prevention, and Obstruction, Law Enforcement and crackdown all corrupt offences with strong and active participation and cooperation from the public (ACU, 2021).

The RGC has a strong commitment to combating corruption, prioritized policies and programmes on anti-corruption are clearly specified in the Rectangular Strategy Phase I, Phase II and Phase III considering good governance as a core angle and anti-corruption is one of the priorities set (Oudom, 2019). The Core of the Rectangular Strategy—Good Governance and key reforms programs includes; (1) the fight against corruption, (2) legal and judicial reform, (3) public administration reform, and (4) reform of armed forces. The strategic objective of the Royal Government of the Fourth Legislature was to implement a set of interlocking and crosscutting measures through education, prevention, strengthened accountability and institutional capacity, public support and involvement, private sector participation and strengthened law enforcement. The Royal Government introduce anticorruption mechanisms both in terms of institutional arrangements and regulations such as: (1) Broad dissemination of anti-corruption law to all strata of society, especially line ministries and state institutions; (2) Establishing focal points in government agencies for coordination with the anti-corruption unit; (3) Requiring civil servants at regular intervals to declare their assets, as a preventive measure and for assuring their integrity; (4) Establishing the list of public service fees and time limit for service compliance by line ministries and state institutions aimed at eliminating unofficial payments and ensuring transparency and accountability and improving efficiency of public service delivery; and (5) Arrests of those who committed corrupted practices and sending them to court with firm evidence (RGC, 2013).

Also, the RGC adopted the National Strategic Development Plan \_ NSDP (2019-2023) in 2019. RGC emphasizes on the governance reform by strengthening accountability and integrity in the public administration in line with the Rectangular Strategy. The RGC is focusing on Strengthening educational awareness on the prevention, obstruction, and crackdown on corruption activities in line with the National

Anti-Corruption Strategy and its Action Plan under the slogan of “Not Daring, Unable and Unwilling” to commit corruption (RGC, 2019).

Under the NSDP, the ACU is to strengthen and enhance the effectiveness of the following three core measures (RGC, 2019):

- (i) Strengthening education to stop corrupt practices; To continue strengthening and expanding the scope of disseminating laws, and education to fight corruption in and out of school in all aspects of all sectors and at all levels and to continue expanding to higher education institutions to promote awareness of fighting corruption and a sense of integrity in work and livelihood. Promoting anti-corruption engagement will continue to be promoted through the establishment of a Competitive Knowledge Forum on Anti-Corruption,
- (ii) Preventing corruption; strengthening the integrity, good governance in public and private institutions is a key strategy in preventing corruption. Continue to promote, develop and implement anti-corruption plans in public institutions and anti-corruption programs in the private sector and create new joint initiatives on anti-corruption cooperation. To strengthen the efficiency of public service delivery, to increase the confidence on the RGC, to continue to implement through the participation, review, issue and revision of the Joint Declaration on the Public Service Delivery. Continue to prevent negative phenomena as well as regulatory violations through the participation of observers in the examinations of the recruitment of the civil servants, students, and the key roles of the ministries. Asset and debt declaration is a preventive measure to curb corruption and support an effective investigation that will continue to increase efficiency in delivering services in the form of assets and liabilities, especially to newly-appointed individuals who are finishing their mandate or retire and expand the scope of the declaration of assets and liabilities to the target to be announced in accordance with the Law on Anti-Corruption, and
- (iii) Suppression of crimes by referring all cases to court; To continue strengthening the mechanism of monitoring and analyzing complaints and going on to take strict actions against corrupt perpetrators without exception, as well as carrying on to strengthen their staff capacity through training both internally and externally on investigating allegations of money laundering, spy investigation, search for the seizure of corruption offenses.

RGC sets the key activities and indicators under NSDP as below (RGC, 2019);

Table (3.1) Key Activities and Indicator for tackling corruption under NSDP of Cambodia

<b>To strengthen the institutional framework to improve the effectiveness of operation of the anti-corruption institution.</b>	
<b>Key Activities</b>	<b>Indicators</b>
1. Expanding the scope of education on anti-corruption in higher education institutions and vocational training institutions.	1.1 There is a lesson on anti-corruption for higher education institutions and vocational training 1.2 Level of understanding and law compliance, value of integrity, morality and discipline among youths (survey)
2. Strengthening the dissemination on anti- corruption	2.1 Number of disseminations of information on anti-corruption in the media, public sector, private sector, higher education institutions, people and places vulnerable to corruption. 2.2 The number of people receiving the anti-corruption message.
<b>Preventing corruption</b>	
<b>Key Activities</b>	<b>Indicators</b>
1. Expanding the scope of the assets and liabilities declaration	1.1 Scope and the type of target to declare assets and liabilities
2. Promoting the continued implementation of the UNCAC implementation process in Cambodia	2.1 There is a second-round review of implementation of UNCAC in Cambodia
3. Strengthening regulatory frame-works and policies based on actual needs and circumstances	3.1 Regulations and policies approved and revised
4. Establishing an anti-corruption office in	4.1 Number of offices of anti-corruption

the capital and provinces	by province and region
5. Promoting the ethics, integrity and good governance in public institutions	5.1 Number of offices of anti-corruption by province and region
6. Strengthening the efficiency and transparency of public expenditure	6.1 The number of ministries, institutions, public entities, observers in public procurement and other matters related to state expenditure
7. Strengthening the efficiency and transparency in the delivery of public services	7.1 The number of public broadcasting announcements, penalties and bonuses that have been set and revised 7.2 Efficiency and transparency of public service delivery (survey of service users)
8. Expanding the engagement in clean business practices from the private sector	8.1 The number of private sectors committed to make businesses clean in various forms
<b>Suppression of crimes by referring all cases to court</b>	
<b>Key Activities</b>	<b>Indicators</b>
1. Increasing the effectiveness of monitoring and investigations 2. Strengthening the mechanisms to monitor complaints	1.1 Number of skill development programs 2.1 Improved complaint monitoring mechanisms
3. Strengthening the collaboration with relevant national ministries, national and international institutions on the pursuit and confiscation of the results offenses.	3.1 Collaborate with relevant national ministries, national and international institutions on the pursuit and confiscation of the results offenses.

Source: Cambodia's the National Strategic Development Plan (2019-2023)

Anti-Corruption Law was officially signed and promulgated on 17 April 2010. According to article 10, National Anti-Corruption Council has the duties to set out strategies and policy in fighting against corruption (Strategic Plan in fighting against

Corruption). In article 13, ACU has the duties to set out action plan in fighting against corruption in line with the Strategic Plan and Policy set by National Anti-Corruption Council. The national Strategy Against Corruption, phase III (2020-2025) was adopted by the National Council against Corruption (NCAC) in August 2020. In this third phase, Anti-Corruption Unit sets out 6 significant strategies: (i) Education Strategy covering 6 goals and 21 core activities; (ii) Prevention and Obstruction Strategy covers 5 goals and 12 core activities; (iii) Law enforcement Strategy covers 8 goals and 27 core activities; (iv) Good Governance Strategy covers 5 goals and 19 core activities; (v) National and International Cooperation Strategy covers 1 goal and 2 core activities; (vi) Policy, Law and Regulations; and (vii) Strengthening capacity and integrity of public institutions, Monitoring and Evaluation (M&E) on strategic plan (ACU, 2021).

- (i) Education Strategy covers the following goals;
  - 1) To Disseminate Anti-Corruption Law and Relevant Laws to raise public awareness to mitigate corruption offences and opportunities.
  - 2) To provide and disseminate anti-corruption related information to increase awareness and encourage public engagement in prevention and anti-corruption.
  - 3) To include anti-corruption related programs in the study curriculum from primary education to higher education to educate students on clean and good morale.
  - 4) To publicize the anti-corruption message in mixed media and through civil societies.
  - 5) To organize a contest and round-table discussion on anti-corruption to encourage the public to be aware of good moral practice.
  - 6) To organize the National Anti-Corruption Day which includes a special event to expand and enhance public awareness of anti-corruption.
- (ii) Prevention and Obstruction Strategy covers the following goals;
  - 1) To promote the prevention of corruption within target ministries and institutions.
  - 2) To expand and follow up the implementation of the anti-corruption action plan of the target ministries and institutions.
  - 3) To monitor the process of issuing licenses, contracts and procurements at target ministries and institutions.

- 4) To grade work performance and offer fidelity award in anti-corruption work to the target ministries and institutions.
  - 5) To create and implement the effective Assets Declaration System.
- (iii) Law enforcement Strategy covers the following goals;
- 1) To establish an effective system to receive complaints.
  - 2) To increase effectiveness in investigation and promote the efforts to suppress offences.
  - 3) To expand computerized forensic investigation.
  - 4) To create a special group to strengthen capacity to conduct expeditious investigation into the high profile and prioritized corruption related complaints.
  - 5) To create a safe and effective witness and complainant protective measures.
  - 6) To build an informant network to report on corruption.
  - 7) To enhance covert surveillance.
  - 8) To build and enhance capacity to set a trap.
- (iv) Good Governance Strategy covers the following goals;
- 1) To effectively conduct internal financial audit.
  - 2) To effectively conduct internal monitoring.
  - 3) To monitor and evaluate the implementation of this strategic plan for its effectiveness.
  - 4) To propose an effective annual budget plan.
  - 5) To strengthen the institutional framework to improve the effectiveness of operation of the anti-corruption institution.
- (v) National and International Cooperation Strategy covers the following goal;
- 1) To promote national and international cooperation.

### **3.5 International Cooperation**

According to the sub-degree on the organization and functioning of ACU, Department of Legal, Complaints and International Affairs is mainly responsible for international cooperation; activities under the UNCAC review mechanisms, ASEAN – PAC and other bilateral and multilateral cooperation. As promulgated under article 16, the department is responsible for the following objectives under International and Local Cooperation (ACU, 2011);

- (i) Coordinate on the work of legislation, order and legal instrument drafting related to anti-corruption work.
- (ii) Cooperate with other departments, competent authorities and judicial institutions at all levels so as to send the complaint cases and suspects to court.
- (iii) Assist the unit in legal mutual assistance with ASEAN related work.
- (iv) Coordinate and manage legal affairs with lawyers of anti-corruption unit.
- (v) Coordinate international affairs related to anti-corruption.
- (vi) Coordinate international assistance to strengthen the Anti-Corruption Institute, such as trainings of human resources and of technical tools.
- (vii) Make contact with national and international organizations and with Anti-Corruption Agencies of foreign countries.
- (viii) Cooperate with development partners so as to create mechanism through which assistance can be necessarily managed.
- (ix) Coordinate and organize mission abroad for the leadership and the delegation of anti-corruption institution.
- (x) Coordinate with administration department and other departments in organizing meetings and other programs related to international affairs.

Under the National Anti-Corruption Strategy, ACU stands for the following two core activities for international cooperation (ACU, 2011);

- (i) To strengthen and build new relations with national and international ministries and institutions in the region and the world.
- (ii) To attend meetings, workshops on corruption related topics with national and international ministries and institutions.

In the trends of international relation ACU met with the following achievement (Lina, 2019);

- (i) Became a 19<sup>th</sup> country member of the ADB/OECD Anti-Corruption Initiative on 5 March 2003,
- (ii) United Nations Convention Against Transnational Organized Crime (UNTOC) on 12 December 2005,
- (iii) Rectified United Nations Convention Against Corruption (UNCAC) on 5 September 2007,
- (iv) Became a member of the ASEAN Parties Against Corruption (ASEAN-PAC) on 11 September 2007,



- (v) ASEAN Treaty on Mutual Legal Assistance in Criminal Matters on 26 January 2010,
- (vi) Became a member of the International Anti-Corruption Academy (IACA) on 14 December 2013,
- (vii) International Association of Anti-Corruption Authorities (IAACA) since 2006,
- (viii) MOU Cooperation with Thailand on 3 September 2014 and Lao on 15 November 2013.

### **3.5.1 United Nations Convention Against Corruption (UNCAC)**

Cambodia rectified United Nations Convention Against Corruption (UNCAC) on 5 September 2007. Under the UNCAC review mechanisms, Cambodia finished its 1<sup>st</sup> Cycle Review Process and nearly finished 2<sup>nd</sup> Cycle. Cambodia finished its 1<sup>st</sup> within the time frame of UNCAC from 2010 to 2015. With the 1<sup>st</sup> Cycle, Myanmar and Togo reviewed the anti-corruption activities of Cambodia especially for the UNCAC Chapter III (Criminalization and Law Enforcement) and Chapter IV (International Cooperation). UNODC released the executive summary for the UNCAC first Cycle of Cambodia on 29<sup>th</sup> January 2016 and uploaded on its official website. In the executive summary, 11 recommendations for the implementation for the Chapter III and 19 recommendations for the implementation for the Chapter IV of UNCAC were highlighted for Cambodia. In these recommendations, the following recommendations were directly concerned to ACU's anti-corruption activities (UNODC, 2021);

- (i) Amend legislation to include third-party beneficiaries as possible recipients of undue advantage,
- (ii) Adopt the draft law on the protection of witnesses, experts and victims and on the protection of reporting persons like Whistle Blower Protection,
- (iii) The Anti-Corruption Unit is encouraged to continue its close cooperation with counterparts in the region, to conclude more memorandums of understanding with them and to provide for ways of exchange case-related information.

For the 2<sup>nd</sup> Cycle, Thailand and Eswatini reviewed the anti-corruption activities of Cambodia especially for the UNCAC Chapter II (Preventive Measures) and Chapter V (Asset Recovery). In this regard, ACU is now drafting the Whistle Blower Protection Law with the technical assistance of UNODC.

### **3.5.2 Bilateral and Multilateral Cooperation**

The ACU signed Memorandum of Understanding (MoU) on anti-corruption with the State Inspectorate and Anti-Corruption Agencies of the Lao People's Democratic Republic (15 November 2013) and the National Anti-Corruption Commission of the Kingdom of Thailand (3 September 2014). The MoU focuses on promoting and developing international cooperation in the prevention of and fight against corruption through the efficient and effective sharing and exchange of information, intelligence, experience, knowledge, and best practices. The ACU also signed MoU on the exchange of financial information with the Cambodian Financial Intelligence Unit (CAFIU) of the National Bank of Cambodia (26 December 2014) (Oudom, 2019).

The milestone for the ACU is signing MoU with the Transparency International – TI on 5 July 2010 Launching Transparency International Cambodia as the fully-accredited local chapter of Transparency International. Phase I (2016-2020) of the MoU aimed at supporting the government in its efforts to strengthen the capacity of its institutions and agencies at both national and subnational levels on good governance, accountability, integrity and anti-corruption that in turn led to more transparent and accountable public service deliveries. A notable achievement of the collaboration has been the successful trainer training of officials from the Ministry of Interior (MoI) on knowledge and tools for promoting good governance. These officials have now become key trainers at the School of Governance (SoG). Phase I of the SoG project also led to a significant enhancement of the capacity of public service providers at the sub-national level on good governance in public services. For instance, over the course of Phase I, the SoG key trainers have provided three trainings to officials of One Window Service Unit (OWSU) in 25 capital/provinces, eight trainings to officials of One Window Service Office (OWSO) of 8 municipalities and one training to 52 target Municipal/District/Khan Ombudsmen. Overall, a total of 861 officials and citizens, 266 of whom were women, have benefitted from these capacity building trainings. The extension is an outcome of the successful implementation of the joint project on School of Governance – Phase I, ACU signed the extension of MoU between the Ministry of Interior (MoI) and Transparency International Cambodia (TI Cambodia) on 21 January 2021. The MoU extension provides a framework for both MoI and TI Cambodia to implement a joint project on School of Governance (SoG) – Phase II (2021-2025).

In addition to the action taken related to the prevention tasks through the collaboration with the public institutions, the ACU also focused on the private sector to

tackle corruption through the joint commitment and agreement under a form of signing MOUs with private national and international companies. The Anti-Corruption Unit has signed MOUs with 22 national and international companies. In December 2013, the Anti-Corruption Unit signed an MOU on cooperation in fighting corruption with the Cambodia Beverage Company Ltd. (Coca– Cola Cambodia Company), and through this MOU the collaboration and exchange of information related to corruption among the two institutions can be made. In addition, in early October 2014, the Anti-Corruption Unit also signed the same kind of MOU with Prudential (Cambodia) Life Assurance PLC, which is one of the leading international life insurance companies in Cambodia (Oudom, 2019).

The Objectives of Memoranda of Understanding are as below:

- (i) The company, in its going commitments to be a clean entity and to build a transparent culture, will continue to fully comply with all applicable laws and regulations relating to Anti-Corruption;
- (ii) The company will continue not to participate in any acts of corruption or bribery;
- (iii) The company will continue to educate all of its employees to promote a clean environment in dealing with government officials, suppliers, customers and other organizations or individuals;
- (iv) The company may take a proactive approach in keeping the Anti-Corruption Unit informed of any solicitations or improper payments demanded by government officials;
- (v) The Anti-Corruption Unit will keep absolute confidentiality of corruption-related information sources and take all necessary measures to keep the corruption whistleblowers secured and commence investigation; and
- (vi) The Anti-Corruption Unit will make its best efforts to cooperate with the company and to fulfill any reasonable requests from the company to contribute to the prevention and combating of corruption in Cambodia.

### **3.6 Prevention of Corruption**

ACU have been conducted through many forms of corruption prevention such as (i) declaration of assets and liabilities, (ii) direct observation at bidding, public procurement, and fee bargaining at ministries and institutions as well as joining in the observation at the recruitment examination of a new cadre of officials at public

institutions and the high school national examination, (iii) signing Memorandums of Understanding (MoU) on anti-corruption cooperation between the ACU and private national and international companies as well as compiling and publishing a Guidebook on Anti-Corruption Program for Business in Cambodia, which is available for the private sector to be widely used as the supporting document and guidance, and (iv) revising the standard of public services fees (Oudom, 2019).

In order to maintain the integrity, ethical behavior and legal compliance of the leaders and officials of the ACU as a whole, two internal bodies were established, namely, the Disciplinary and Internal Control Council and the Internal Investigation Body. The Disciplinary and Internal Control Council is mandated to ensure that each official had strictly complied with disciplinary, integrity, transparency and having to avoid all form of conflicts of interest set in the guidelines. In the process of the preparation of the internal regulations, disciplinary and internal control, the council has set out principle guidelines on the prevention of conflicts of interest, gift receiving, hospitality, and dining out with all concerned parties. In addition, the Internal Investigation Body is directly governed by the president of the ACU, and its duty is to observe and investigate the performance of officials of the ACU (Oudom, 2019).

### **3.6.1 Declaration of assets and liabilities**

According to the Article 17 of the Anti-Corruption Law, the following Persons shall require declaring assets and liabilities upon taking and leaving offices, in writing or electronic form, declare their assets and liabilities, regardless of whether those assets are inside or outside the country, and shall submit, in person, to Anti-corruption Unit (ACU, 2010):

- (i) Members of Senate, members of National Assembly, and Members of the Royal Government;
- (ii) Appointed public officials with a specific mandate;
- (iii) Members of the National Council Against corruption, chairperson, vice-chairpersons and all officials of the Anti-corruption Unit;
- (iv) Civil servants, police, military personnel and other public servants appointed by Royal Decrees or Sub-decrees;
- (v) Other officials appointed by Prakas and decided by Anti-corruption Unit 's list of declaration on assets and liabilities, after the consultation with National Council Against corruption;

- (vi) Trial judges, prosecutors, notary public, court clerks and bailiff;
- (vii) Leaders of civil society.

According to the Article 18, above persons shall declare their assets and shall declare their assets and liabilities every two years, in early January and no later than the thirty-first of January. According to the Article 19, after being investigated and receiving a decision from the Anti-corruption Unit, the suspect of corruption shall declare his/her assets and liabilities, in writing or electronic form, even though he/she is not included in the list to declare assets and liabilities as stated in Article 17 and Article 18 of this law.

### **3.6.2 Establishment of Public Service Deliveries**

In order to solve the problems faced by the private sector relating to illegal fees, the ACU has worked with 21 ministries/institutions to develop a list of public service fees with the joint efforts of the Ministry of Economy and Finance, through consultations with the private sector. The ACU, together with all the above-mentioned stakeholders, has worked to create the foundation for the effectiveness of all State public service deliveries at almost all ministries and government institutions. The standard of public service, which is set in the form of a joint proclamation between the Ministry of Economy and Finance and the relevant ministries/institutions, precisely determined the actual fee and time needed for the service to be delivered, the use of uniform receipts officially issued by the Ministry of Economy and Finance, the establishment of One Window Services, a complaint mechanism, the preparation of annual reports of revenues and expenditures, and in particular to give government officials incentives as a result of the public services fee collection work. This task has won applause from both ministries and institutions as the service providers and especially from the private sector as the service receivers who wish to see new development of the legal framework and the context of the country after the Law on Anti-Corruption has entered into force (Lina, 2019).

The Anti-Corruption Unit also engages in observing the bidding process run by the Government's ministries/institutions and NGOs when requested by the host ministry/institution. The role of the Anti-Corruption Unit is to observe from the first stage of announcing the bidding process, the opening of the bidding envelopes and the final stage of awarding the contract to the winning bidder. The companies taking part in the bidding gained more confidence and trust in the result and the bidding process as the process was transparently undertaken in front of all relevant parties (Lina, 2019).

The ACU also launched campaign to check public service provision on 10 December 2019 which aims to check promotes the implementation of a mechanism to receive feedback and address the complaints of service users, as well as strengthens effectiveness of following the work ethics of public services while engaging the public trust on the Public Administration Mechanisms (The Phnompenhpost Newspaper, 2019).

### **3.6.3 Developing Code of Conduct**

Cambodia adopted the Code of Conduct for Law Enforcement Officials including all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention in 17<sup>th</sup> December 1979. Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons. Under Article 7, Law enforcement officials shall not commit any of the following acts of corruption. They shall also rigorously oppose and combat all such acts (RGC, 1979):

- (i) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within agencies;
- (ii) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted;
- (iii) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

ACU is now stepping to the development of Code of Conduct for Public Officials.

### **3.6.4 Guide Book on the Anti-Corruption Program for Business in Cambodia**

ACU also published the Guide Book on the Anti-Corruption Program for Business in Cambodia on 16<sup>th</sup> February 2015 which describes types of business relationships and other measures that are required to deter and prevent corruption, was published and

distribute. The Guide Book is mainly aims for the Developing and Implementing the Anti-Corruption Program for the Business with the following key elements (Lina, 2019):

- (i) Support and commitment from senior management for the prevention of corruption;
- (ii) Developing an anti-corruption program;
- (iii) Oversight of the anti-corruption program;
- (iv) Clear, visible and accessible policy prohibiting corruption;
- (v) Detailed policies for particular risk areas;
- (vi) Application of the anti-corruption program for business partners;
- (vii) Internal controls and record keeping;
- (viii) Communication and training;
- (ix) Promoting and incentivizing ethics and compliance;
- (x) Seeking guidance - detecting and reporting violations;
- (xi) Addressing Violations;
- (xii) Periodic reviews and evaluations of the anti-corruption program.

### **3.6.5 Anti-Corruption Programme in Education**

With the government's long-term vision, the Anti-Corruption Unit collaborated with the Ministry of Education, Youth and Sports setting out policies and an anti-corruption education programme aiming to instill into younger generations a consciousness, clean mindset, disgust at corruption, love of justice, integrity, law abidance, and respect for themselves and others. The anti-corruption course books were developed and introduced into the school curriculum, including private schools. For High School (Grades 10-12), the curriculum is implemented in the academic year 2014-2015 onward and for Lower Secondary School (Grades 7-9) in the academic year 2015-2016 onwards (Lina, 2019).

### **3.6.6 Actual Corruption Cases in 2016**

On 13 July 2016, Mr. ECV, Chief of Bureau and Assistant to General Director, extorted 6,000 USD from KTS Company, which then reduced to 4,000 USD plus 100 USD (In total 4,100 USD) in order to obtain a VAT Exemption Letter for importing raw materials and chemical substances for the production of the company. This illegal claim started on 26 February 2016. At the same time, on 12 July 2016, Mr. ECV received an envelope from a customer with the amount of 800 USD and two other envelopes with the

amount of 40 USD and 50 USD in exchange for letters to export old water tanks without the obligation to pay tax. He was detained by ACU in a hotel on 13 July 2016.

ACU had traced his daily activities and searched for his residential address, office address and his vehicle information. ACU had launched a special operation to record his voice, video and activities, especially while receiving the money. Mr. ECV was sentenced to 2 years in prison and 2,000 USD of monetary fines for extortion committed in Phnom Penh on 13 July 2016 based on Art.-32 of Cambodia’s Anti-Corruption Law and Art-592, Art-107, and Art-108 of Cambodia’s Criminal Code. Mr. ECV was ordered to pay back the amount of 72, 000 USD to the state. All properties were seized as state property under Art-62 and Art-63 of the Criminal Code: First envelop with the amount of 800 USD, Second envelop with the amount of 50 USD and third envelop with the amount of 40 USD (Oudom, 2019).

### 3.7 Perception on Corruption of International Organization

Transparency International (TI) released Global Corruption Barometer ASIA 2020 on December 2021. This report based on the survey result of GCB which conducted in 17 Asian Countries interviewing to more than 20000 people in those countries within 2019 March to 2020 September. The result for the Cambodia based on the interviews results of 1000 adults (18+) on telephone. According to the result, change in level of corruption over the past years is decreasing in 2020 by claiming the 55 % of the respondents. But in 2016, the corruption has increased to 35 % which is greater than have in 2013 and 2020. 33 % of the respondents claim that the corruption in the Cambodian Government is the big problem. 79 % are sure that the current government fighting against corruption is very well. 67 % of the respondents are sure that Anti- Corruption Unit is working well and effective in tackling corruption (TI, 2020).

Table.3.2 Change in Level of Corruption over the past years

Year	2013	2016	2020
Decreased	50%	28%	55%
Stayed in the Same	25%	31%	29%
Increased	25%	35%	12%

Source: Website of TI Cambodia



In the views of citizens, police department is one of the greatest risks for the corruption followed by Local Government Councilors which recommended that the government should make priorities in these areas for tackling corruption. 68 percentages claimed that ordinary people can make a difference in fight against corruption.

Table.3.3 Perception of Corruption by institution (Proportion that think some, most or all people in these groups are corrupt)

<b>Institutions</b>	<b>Bankers</b>	<b>Religious Leaders</b>	<b>Business Executives</b>	<b>Non-Gov Organisations</b>	<b>Members of Parliament</b>	<b>office of President/ Prime Minister</b>	<b>Army Leader</b>	<b>Judges and Magistrates</b>	<b>Gov- Officials</b>	<b>Local - Gov Councilors</b>	<b>Police</b>
Some of Them are Corrupt	32%	45%	50%	50%	56%	58%	59%	61%	64%	68%	75%
Most or All of Them are Corrupt	2%	4%	4%	3%	6%	7%	7%	11%	8%	9%	14%

Source: Website of TI Cambodia

According to the survey result by GCB, 68 % of the respondents claimed that they can make a difference to the anti-corruption efforts of the government.

Table 3.4 Percentage on Ordinary People can make a difference on fight against corruption (TI, 2020)

Yes	68%
No	18%
Neither Yes Nor No	13%
Don't Know, Not Answer	2%

Source: Website of TI Cambodia

### 3.7.1 Corruption Perception on Small and Medium Enterprises of Cambodia

ACU with the TI Cambodia conducted a survey on the corruption perception on Small and Medium Enterprises of Cambodia in 2015 and launched the report. This research is based on desk research and interviews with 100 Chief Executive Officers (CEOs) of SMEs. According to the results, 57 % of the participants answered that corruption is one of the external factors impeding the progress of their company. 55% of the participants have shared that corruption has some kind of impact on their business.

Laws and tools have been adopted by the Government to tackle corruption but their limited implementation and the lack of knowledge on the SME's side, among other factors, result in the fact that these tools are not used. Furthermore, many participants have clearly stated that they would neither appeal the Anti-Corruption Unit, nor the anti-corruption hotline if faced with corrupt practices because they simply do not believe in those tools. Regarding how to tackle corruption, many SMEs, in addition to not knowing the existing tools, have not adopted any internal tool or procedure to use when facing with a problem. In most cases, only the owner or general manager will deal with the problems (TI, 2015).

### 3.7.2 A National Survey on Youth Perceptions of Corruption and Integrity in Cambodia

In Cambodia 65 per cent of the population are under the age of 30, and more than 30 % are youths aged 15 to 30. The Youth Integrity Survey (2015) is designed to understand and quantify attitudes and perception of integrity and corruption among this key demographic. ACU surveyed 1,200 people aged 15 to 30 nationwide, 99 %, agree that corruption is a major obstacle to national development. Key findings of the survey are as below (TI, 2015):

- (i) 98 % of respondents consider a person of integrity to be someone who never breaks a law (under any circumstances);
- (ii) But 40 % of those surveyed report that a person of integrity can participate in forms of corruption that are widely used to solve personal difficulties;
- (iii) Nearly 60 % of youths are willing to pay a kickback of 10-20 % of their future salary to a person who can secure them a job;
- (iv) Half of those surveyed believe it is acceptable to give an unofficial payment to a doctor or nurse to receive better medical treatment;
- (v) 99 % of those surveyed agree that corruption is a major barrier to national development;
- (vi) 71 % reported having no or very little information on government rules and regulations to prevent corruption and promote integrity;
- (vii) 46 % of those surveyed believe that the police and security forces are either very or somewhat corrupt;
- (viii) One in two youth has faced corruption while trying to get a document or permit, and while trying to pass an exam at school;
- (ix) Nearly 70 % of youth who had contact with the police in the 12 months prior to the survey experienced corruption;
- (x) 67 % say they are willing to report corruption.

The recommendations came out to the Government for Legal Framework is to develop an enabling environment for youth to report corruption by improving the platforms, tools and resources that allow them to do so like “whistle blower” protection legislation. For the corruption prevention is to develop specific anti-corruption curricula and integrate this into all levels of the education system, from primary school to university. Establishing a national programme to promote role models of integrity for youth may be required. To the Private Sector, Civil Society Organizations, and Development Partners In addition to providing necessary skills and knowledge to students, higher education institutions and professional schools should also focus on training students on the necessity of upholding integrity and ethics in their future careers.

### **3.7.3 A survey on Accountability and Transparency of Budget Process**

ACU with the TI Cambodia conducted the survey on Accountability and Transparency of Budget Process took place in October 2017, collecting responses from 1,596 individuals from 200 villages in 100 communes across all 25 provinces of

Cambodia. The main finding will focus on the providing evidence to relevant governmental and non-governmental organizations, as well as development partners, looking to deepen their understanding about citizens' perceptions of and attitudes toward budget and public finance management matters in Cambodia, both at the national and sub-national levels.

Citizens' knowledge and understanding of the budget processes are very low. 99.7 % of the respondents cannot identify the total amount of Cambodia's national budget for the survey year 2017. 94.9 % cannot identify which state institutions prepare the draft budget law. 99.9% of citizens have never seen any official budget document prepared by the national government. The findings approve that the public participation lack behind the budget process. But 89 % of the survey respondents believe that the quality of services would be improved 89.0% if citizens could participate in national budget processes.

The survey outlines the following recommendations to the National Level Government to the budget transparency (TI, 2018):

- (i) Address low level of knowledge about budgets and the budgeting process;
- (ii) Enhance inclusivity of budget processes and allocations, especially for women;
- (iii) Provide better access to timely and clear budget information. Increase understanding of revenues and taxation.

### **3.8 Anti-Corruption efforts and its results**

Many types of corruption; monopoly, kleptocracy, red tape, abuse, nepotism, patronage and political corruption can be found within the Cambodia territory. Public Services are filling out with the bribery. These may be effects on the public trust on the government in shaping the national development. Youths also involved in the corruption and bribery. Business companies may pay bribes and facilitation payments regularly to get construction permits and to establish electrical and water connections. These may effect on the economic growth of the country and FDI. Public view on the judiciary; like police and court as corrupt institutions, may lead to weaken the rule of law.

Cambodia started its efforts on the anti-corruption since in 1999 with the establishment of ACU. In 1992, adopting the Criminal Law Act in which three of its articles was related to corruption; embezzlement, bribe taking and bribe offering. But its anti-corruption efforts more concrete and strong after the enactment of the first separate

Anti-Corruption Law (AC Law) promulgated on 17<sup>th</sup> April 2010 based on the Code of Criminal Procedure 2007 and the Criminal Code 2009. After that, the Anti-Corruption Institution (ACI), National Council Against Corruption (NCAC), and Anti-Corruption Unit (ACU) were found to tackle widespread corruption.

Cambodia pay attention on the international relation by collaborating with ADB/OECD Anti-Corruption Initiative, United Nations Convention Against Transnational Organized Crime (UNTOC), United Nations Convention Against Corruption (UNCAC) , ASEAN Parties Against Corruption (ASEAN-PAC), ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, International Anti-Corruption Academy (IACA), International Association of Anti-Corruption Authorities (IAACA) and signing MOU Cooperation with Thailand and Lao. The milestone for the ACU is signing MoU with the Transparency International – TI on 5<sup>th</sup> July 2010, launching Transparency International Cambodia as the fully-accredited local chapter of Transparency International.

Asset Declaration System was established in the agenda for prevention of public sector corruption and conflicts of interests and also launched campaign to check public service provision on 10<sup>th</sup> December 2019 engaging the public trust on the Public Administration Mechanisms. Cambodia adopted the Code of Conduct for Law Enforcement Officials in 1979 for the corruption prevention.

The Anti-Corruption Unit has signed MOUs with 22 national and international companies for private sector anti-corruption. In order to solve the problems faced by the private sector relating to illegal fees, ACU has worked with 21 ministries/institutions to develop a list of public service fees with the joint efforts of the Ministry of Economy and Finance, through consultations with the private sector. ACU also published the Guide Book on the Anti-Corruption Program for Business in Cambodia on 16<sup>th</sup> February 2015.

As a result, level of corruption is decreasing in 2020 by claiming the 55 % of the respondents according to the Transparency International (TI) survey conducted to the 1000+ adults in Global Corruption Barometer ASIA 2020 report on December 2021. Also, 68% of the respondent claimed that they can make a difference to the anti-corruption efforts of the government. This means that the ACU efforts on the anti-corruption were noticed.

But in the transparency, 99.7 % of the respondents cannot identify the total amount of Cambodia's national budget for the survey year 2017 of a survey on Accountability and Transparency of Budget Process by TI Cambodia. Thus, Cambodia

may need to do more efforts on the budget transparency. According to the Youth Integrity Survey in 2015, the government for legal framework is to develop an enabling environment for youth to report corruption by improving the platforms, tools and resources that allow them to do so like “whistle blower” protection legislation.

## **CHAPTER IV**

### **OVERVIEW ON THE ANTI-CORRUPTION EFFORTS OF MYANMAR**

#### **4.1 Corruption in Myanmar**

Since the transition towards democracy in 2011, Myanmar anti-corruption has become a national priority, and the government has worked towards implementing an anti-corruption framework. But, corruption is still rampant in Myanmar, rule of law is weak, and many of the systemic issues that enable corruption and organized crime are yet to be addressed. (Bak 2019)

According to the Transparency International help desk answer in 2019, in Myanmar, petty corruption in the bureaucracy, such as everyday facilitation payments, is prevalent. Rent-seeking behaviour pervades most public institutions and affects both small, everyday interactions as well as larger tendering processes.

According to Transparency International's Asia Pacific Global Corruption Barometer (2017), bribes are common to obtain permits, process applications or receive various forms of public services and the indicators in the reports shows that 40 per cent of people in Myanmar paid a bribe when accessing a basic service. The facilitation payments also are sometimes required to access basic services such as education and healthcare, and to register with authorities. Various social customs, such as gift-giving, and "tea money" further inculcate a culture of bribery in Myanmar's bureaucracy.

According to the Asian Barometer Survey 2016, the judiciary is the country's second least trusted institution (after the police), and only 32 per cent of citizens report that they have some trust in the courts. Myanmar Justice Survey 2017 survey claimed that 40 per cent of respondents believe that there is no affordable means of accessing justice through statutory institutions, a significant number of people do not trust their neutrality and the majority do not take legal action through statutory courts.

Corruption within courts is rife. Most cases in civil courts are handled not just by judges and lawyers but "brokers" who, in exchange for a fee, often agree with judges on a pre-defined settlement. Thus, we can assume that the Myanmar Judicial System is not free and fair. Another fundamental issue in overcoming corruption in Myanmar is the



denigration that decade of dictatorship and corrupt practices have brought to the legal profession.

According to the Global Witness Report in 2019, Myanmar, with little regulatory oversight, transparency or means of distributing revenue equitably, corruption is particularly rampant in Myanmar's extractive industries. Kachin state in particular, has the world's largest jade reserves, and the industry is worth billions of dollars. In 2014, 31 billion USD worth of Jade was extracted - equivalent to half of Myanmar's GDP.

According to the 2017 Global Corruption Barometer, 16 per cent of people who engaged with a school paid a bribe and this makes education the public service least affected by bribery. The education system in Myanmar faces serious challenges related to management, leadership and catching up to decades of underfunding.

Asian Barometer Survey (2016) found that the police are the least trusted institution in Myanmar with only 27 % of the population trusting the police "quite a lot" or "a great deal". Only 25 % of respondents believe they have access to services delivered by the police. This is by far the lowest number in any ASEAN country. There are also indications that slightly more than half of Myanmar's citizens accessing police services had to pay bribes (Transparency International 2017) The Myanmar Police Forces (MPF) play a very important political role and, in spite of its civilian status, is instrumental to the maintenance of the dominant political order and the status quo (Selth 2012).

## **4.2 Anti-Corruption History of Myanmar**

Myanmar started the anti-corruption efforts by enacting the Suppression of Corruption Act in 1948 and the Bureau of Special Investigation Act in 1951 followed by formation of the Special Investigation Administrative Board under the direct administration of Prime Minister. The Bureau of Special Investigation has been formed under the Ministry of Home Affairs in 1963 and renamed as the Special Investigation Department with the mandate of tackling widespread bribery in 1972. In order to eliminate the bribery, the Action-Committee against Bribery was formed on 8<sup>th</sup> January 2013. After the ratification of the United Nations Convention Against Corruption in 2012, the Anti-Corruption Law (AC Law) was enacted in 2013. The Anti-Corruption Law was amended for four times. The Anti-Corruption Commission (ACC), Myanmar was formed in 2014. ACC is an independent organization and is responsible to the president under the section 7 (b) of the AC Law. To combat corruption more effectively, the Anti-Corruption Commission was reformed in 2017 and the third Commission was reformed on 20<sup>th</sup>

February 2021. The third commission was reformed in 2021 under the governance of the State Administration Council (SAC). The Anti-Corruption Commission Office had two branches; (i) the Administration Department which plays an administrative role for the Commission; budget control, staff affairs and other duties, while (ii) the Investigation and Prosecution Department as a public awareness, investigation and prosecution. Now, the Anti-Corruption Commission Office was reformed with Commission Office and three branches; (i) Administration Department, (ii) International Affairs and Prevention Department, and (iii) Investigation Department. Anti-Corruption Rules is being drafted and it will be enacted in 2022. Whistle Blower Protection Law is under the pipe line condition and was submitted to the respective government regulatory bodies (ACCM, 2021)

### **4.3 Legal and Institutional Framework**

As the member of UNCAC, 1<sup>st</sup> Cycle Review Process has been made and the country review report came out with 15 recommendations for Chapter-3 (Criminalization and Law Enforcement) and 19 recommendations for Chapter-4 (International Cooperation) of the Convention (UNODC, 2021). Due to the results of 1<sup>st</sup> Cycle Review Process, Anti-Corruption Law was amended for its fourth time significant amendment on 21<sup>st</sup> June 2018 with the replacement of 26 sections and amendment of 9 sections. In line with this amendment, Anti-Corruption rules were also amending and the Whistle Blower Protection law is drafting. The significant 4<sup>th</sup> time amendment of Anti-Corruption law brought ACC to have more mandate for tackling widespread corruption clearly in these areas (ACC, 2018);

- (i) Taking action against causing loss or damage to the state-owned finance or properties by violating any existing rules, regulations or procedures,
- (ii) Considering credible information on corruption as a complaint,
- (iii) Coordinating with relevant departments and organizations about the corruption-related awareness lessons to start form primary education level,
- (iv) Inspecting the damage and loss of the state-owned finance, properties and assets due to violation of any existing law, and
- (v) Issuing an order to develop and apply a work-related code of conduct to any private entities for the prevention of corruption.

After the fourth time significant amendment of AC Law, action against political post holders, action for credible information and action for loss of state-owned finance

and properties are the measurable progresses of ACC. Moreover, distribution of teacher guide books for primary and secondary levels, publishing of awareness raising books for high school level, publishing and distributing of University Modules for Anti-Corruption and Ethics, Joint Declaration with the UMFCCI and the issuing an order to public entities on 19<sup>th</sup> Oct 2018 are also involved (ACC, 2018).

Under the 2<sup>nd</sup> Cycle Review Process of UNCAC, Myanmar has been recommended 12 recommendations for Chapter-2 (Preventive Measures) and 23 recommendations for Chapter-V (Asset Recovery) of the Convention. According to these recommendations, the Anti-Corruption Commission has amended the Anti-Corruption Law for 4 times. In order to effectively materialize the provisions of the 4<sup>th</sup> amendment of Anti-Corruption Law and to remedy some issues and weakness of the existing Rules experienced during its implementation and for technical needs, the AC Rules was revised and will promulgated soon (ACC, 2019).

According to the section 17 (j) of the Anti-Corruption Law, ACC has mandate “Coordinating with relevant government departments and organizations regarding protection of informers, witnesses, aggrieved persons or complainants in the case of revealing and taking action due to the valid information in respect of corruption or enrichment by corruption, and coordinating for presentation of specified reward money”. And thus, the workshop on Public Interest Whistle Blower Protection Law (Draft) was held with the participation of 30 Union-level Ministries and Organizations and other international organizations. Based on the suggestions of the participants, the Law (draft) was revised and after receiving legal opinion from the Union Attorney General Office, and then Law has been submitted to the Union Government Security; Peace and Stability; and Rule of Law Committee on 5-11-2019 (ACC, 2019).

The speech delivered by chairman of State Administration Council of the Republic of the Union of Myanmar Prime Minister Senior General Min Aung Hlaing at the International Anti-Corruption Day of 2021 as “the government needs to keenly adopt the policies for anti-corruption so as to solve the problems of corruption whereas the framework of the law is of great importance. So, our government has already enacted the anti-corruption rules and is implementing national anti-corruption strategies to raise the knowledge awareness of anti-corruption, preventive measures against corruption and taking action against the violators”. As such, we can see the government readiness to tackle corruption (ACC, 2021).

#### **4.3.1 Significant Factors of Anti-Corruption Law**

The objectives of the Anti-Corruption Law of Myanmar are as follows and these objectives will lead Myanmar to be free from corruption (ACC, 2018):

- (i) To carry out anti-corruption as a national responsibility;
- (ii) To be of benefit as a Clean Government and Good Governance;
- (iii) To enhance the integrity and accountability in the Public Governance;
- (iv) To protect the State-owned properties, humanity and rights and interest of the citizens by corruption;
- (v) To take effective action against persons who commit the corruption; and
- (vi) To be more transparency in Rule of Law and Governance sector and to develop the economy by domestic and foreign investment.

To accomplish the above objectives in line with the international standard, the fourth amendment of Anti-Corruption Law providing the expression of corruption refers the following acts according to the section 3 (a) of the Law:

- (i) giving and attempting to give to, or taking or attempting to take any gratification directly or indirectly from a person concerned by abuse of position or otherwise in order to do something illegal, avoid doing something legal, or to give or deprive any person of any rights to which they are entitled;
- (ii) causing loss of or damage to State-owned finance or property by violating any existing rules, regulations or procedures while managing State-owned finance in government departments, government organizations, public organizations or other organizations, or claiming, acquiring, administration or liquidation of their assets, or entering into or executing any agreement relating to them.

According to the section 3 (a) (i) and (ii) of the Anti-Corruption Law, the person who accept or give gratification will be punished and the actions which lead to the loss of state-owned finance and properties will be punished. According to the section 16 (p) of promulgated that “the commission shall investigate, if necessary, the damage and loss of state-owned finance, properties and asset due to violation of any existing law”. This expression shows that the Anti-Corruption Law covers to maintain the interests of the citizens as well as the state properties.

The Anti-Corruption Law of Myanmar is constituted with eleven chapters and 73 sections. According to the mandate of under the section 3 (a) (ii) of the Anti-Corruption Law, the Commission shall investigate the cases of causing loss of damage to state own finance and properties. In 2021, some prosecuted corruption cases are prosecution under this section. In respect of credible information on corruption, the Commission may investigate or make to investigate to be able to take legal action on “Credible information on corruption” according to the section 21 (d) of the Anti-Corruption Law and the Commission shall consider credible information on corruption as a complaint according to the section 17 (i) of the Anti-Corruption Law.

#### **4.3.2 Rules of Natural Justice and Anti-Corruption Law**

"Natural Justice is an important concept in Administrative Law, which is the name given to certain fundamental rules which are so necessary to the proper exercise of power that they are projected from the judicial to the administrative sphere. The principles of natural justice consist of two rules: the right to a fair hearing (*audi alteram partem* - listen to the other side) and the rule against bias (*nemo iudex in causa sua* - no man is a judge in his own cause). All these expressions can be seen in the Anti-Corruption Law of Myanmar.

Myanmar has been a common law country with a tradition of applying the principles of natural justice and we can see the expression of right to a fair hearing, the investigation board have to give the right of the accused person according to the section 25 of the Anti-Corruption Law as “when performing the investigation process, the Investigation Board shall inform the accused being complained to explain regarding the complaint and submit the evidence or witness within a time frame”. Section 64 also promulgated that “the person under investigation shall have the burden of proof how he has legally obtained the monies and properties or from what income they have been obtained with sound evidence”.

Under the promulgation of section 51 “the Commission shall assign the Preliminary Scrutiny Board to scrutinize and submit in connection with monies and properties owned by any competent authority who is enriched by corruption”. But under section 52 (b) “return the said monies and properties to the competent authorities if it can be proved by the competent authority that such monies and properties have been obtained by lawful means”. These provisions are only the provisions of the right to a fair hearing.

To be free from bias while investigating the corruption cases, section 24 of the Anti-Corruption Law clearly promulgated for comprising of investigation board as the following person shall not be comprised in the Investigation Board:

- (i) A person who has interest in the accusing complaint matter;
- (ii) A person who is prejudiced against the accused;
- (iii) A person who is related to the accuser or the accused;
- (iv) A person who has business relation with the accusing complainant or the accused who is being complained.

According to the Code of Conduct which was developed in 2018, there are clauses that lead to the universal/ natural justice while investigation to the corruption cases as “the commission members and staffs shall not work for other organization or individual under current investigation by the ACC after leaving ACC” and the clause for the expression of fairness on the decision of ACC “the presumption that a person is innocent until he/she is proved to be guilty must be the norm. Even after finding out that he/she is guilty, it is necessary to provide him/her legal protection as well as respect”. According to the above promulgation in Anti-Corruption Law and Code of Conduct is lead to the fairness and natural justice upon the corrupt investigation.

Transparency is the main function for the natural justice while accomplishing anti-corruption mandate and try to get public participation to the anti-corruption efforts. Article 16 (h) of the Anti-Corruption Law express that “submitting the annual report to the President, the Speaker of the Pyidaungsu Hluttaw, the Speaker of the Pyithu Hluttaw, and the Speaker of the Amyotha Hluttaw in accordance with the stipulations, and publicizing it”. ACCM launched its official website and Facebook page which is uploading the activities of the Commission except the secret information.

According to the section 42 of the Anti-Corruption Law, “The members of the Commission, Preliminary Scrutiny Board, Investigation Board, and the Inspectors shall, in exercising of their functions and duties under this Law, have the powers and exemptions of a police officer contained in any existing law”. This is the clear mandate for the investigation on corruption. Other promulgations are found at the section 64 as “The person under investigation shall have the burden of proof how he has legally obtained the monies and properties or from what income they have been obtained with sound evidence”, at the section 68 as “Notwithstanding anything contained in any other existing law, actions for corruption or enrichment by corruption or monies and properties under investigation, shall only be taken under this Law” and at the section 69 as “The offences

against which action may be taken under this Law shall be determined as cognizable offences”.

According to the section 67 of the Anti-Corruption Law, “No action shall be taken under civil or criminal proceeding or any other proceeding against the members of the Commission, the Preliminary Scrutiny Board or the Investigation Board, the Inspector, the member of the working team and the staff of the Commission Office, or the Commission, the Preliminary Scrutiny Board, the Investigation Board and any person who works for and on behalf of a member of the Commission Office in performing in good faith under the provisions of this law”, in this regard the investigation channel shall go through their investigation without fear for counter investigation on their action.

#### **4.4 Vision, Mission and Strategy of ACCM**

Vision of the Anti-Corruption Commission is “to promote public prosperity through combating widespread corruption in the country, hand in hand with the people”. Mission of the Commission is “to prevent, investigate and raise public awareness on corruption with the dedication of combating corruption as a national cause”. Under this vision and mission, the Anti-Corruption Commission is combating corruption through three main duties; prevention, investigation and awareness rising of Anti-Corruption (ACC, 2018).

In order to successfully combat the corruption arising in the country, the Anti-Corruption Strategic Plan (2018-2021) was developed and we have been implementing the mandate for anti- corruption activities. During the operation period, three Strategic Goals and five Thematic Areas are pursued to reduce the current corruption settings throughout the country. The 3 Strategic Goals are:

- (i) To reduce loss of public funds due to corruption in project development, construction, procurement of goods, receiving services, rentals and sales by government departments, organizations through enhancing transparency, accountability and due diligence;
- (ii) To reduce systemic corruption in public organizations;
- (iii) To get significant improvement in “Control of Corruption” Indicator, issued by the World Bank Group as part of its Worldwide Governance Indicators.

The Strategy Plan adopted with the following 5 thematic areas to be successfully combats the widespread corruption in cooperation and coordination with the stakeholders;

- Thematic Area (1): Establishment of effective and strong foundations for corruption prevention, investigation and prosecution;
- Thematic Area (2): Enhancement of integrity and professional capacity;
- Thematic Area (3): Improvement in cooperation with local and international organizations in corruption prevention and enforcement activities;
- Thematic Area (4): Effective protection of State monies, properties and rights and interests of citizens;
- Thematic Area (5): Emergence of corruption-free business environment (ACC, 2018).

The Commission is yearly laid down its action plan in line with this strategic plan. Based on the first four years of Strategic Plan (2018-2021), the Strategic Plan for the second period of 2022-2025 is developed with the following strategic goals (ACCM, 2021):

- (i) To carry out its duties effectively in line with the laws, rules and regulations to emerge clean government and good governance;
- (ii) To reduce loss of public funds due to corruption in project development, construction, procurement of goods, receiving services, rentals and sales by government departments, organizations through enhancing transparency, accountability and due diligence;
- (iii) To reduce systemic corruption in public organizations;
- (iv) To get significant improvement in “Control of Corruption” Indicator, issued by the World Bank Group as part of its Worldwide Governance Indicators.

The Strategy Plan (2022-2025) adopted with the following 6 thematic areas to be successfully combats the widespread corruption in cooperation and coordination with the stakeholders;

- Thematic Area (1): Establishment of effective and strong foundations for corruption prevention, investigation and prosecution;
- Thematic Area (2): Enhancement of integrity and professional capacity;
- Thematic Area (3): Improvement in cooperation with local and international organizations in corruption prevention and enforcement activities;



- Thematic Area (4): Effective protection of State monies, properties and rights and interests of citizens;
- Thematic Area (5): Emergence of corruption-free business environment;
- Thematic Area (6): Reduce bribery and corruption in public services of governments departments and organizations.

#### **4.5 International Cooperation**

According to the section 16 (o) of the Anti-Corruption Law, ACC has mandate to “cooperate with international organizations, regional organizations and foreign countries for the purpose of anti-corruption”. ACC strengthens its international cooperation mechanism by entering to the international anti-corruption agencies, signing MoU/LoI with international organizations and agencies and participating to the international training and workshops for the anti-corruption. Brief activities of ACC are as below;

- i. Ratified UNCAC on 20.12.2012,
- ii. Entering to the ASEAN Parties Against Corruption (ASEAN-PAC) on 14-11-2014,
- iii. Signing bilateral MoU with Government Inspectorate of Vietnam (GIV) on 15-11-2015,
- iv. Signing bilateral MoU with National Anti-Corruption Commission of Thailand (NACC) on 1-1-2017,
- v. Signing bilateral MoU with State Inspection and Anti-Corruption Authority (SIAA) on 15-1-2018,
- vi. Signing bilateral MoU with Anti-Corruption & Civil Rights Commission of Korea (ARCR) on 30-5-2018,
- vii. Signing Letter of Intent (LoI) with the Embassy of Denmark on 30-11-2019, and
- viii. Signing bilateral MoU with Anti-Corruption Academy on 7-9-2020.

Also, Myanmar became a member of the International Anti-Corruption Academy which is an international intergovernmental institution providing professional skills in anti-corruption to the government agencies and government official on 30-11-2019 as the 79<sup>th</sup> member state.

##### **4.5.1 ASEAN Parties Against Corruption (ASEAN-PAC)**

Myanmar became a member of ASEAN Parties Against Corruption (ASEAN-PAC) on 14-11-2013, as member countries Myanmar participated ASEAN-PAC’s annual

principles' meetings and secretariat meetings since 2014. Myanmar hosted 12<sup>th</sup> principles' meetings and 13<sup>th</sup> secretariat meetings. ACCM participated ASEAN\_PAC 17<sup>th</sup> Secretariat Meeting which was held on 22<sup>nd</sup> September 2021 and 17<sup>th</sup> Principles' Meeting which was held on 30<sup>th</sup> November 2021. The results of these meetings will bring best practices of international anti-corruption authorities to Myanmar (Latt, 2021).

#### **4.5.2 United Nations Convention Against Corruption (UNCAC)**

Myanmar Ratified UNCAC on 20-12-2012, since that time Myanmar has been participating meeting of Review Mechanisms and other official meetings of UNCAC like; Conference of the State Parties to the UNCAC (COSP), Implementation Review Group (IRG), Open-ended inter-governmental Working Groups and so on. Myanmar has done 1<sup>st</sup> Cycle and 2<sup>nd</sup> Cycle of the Review Mechanisms of UNCAC. 1<sup>st</sup> Cycle Review Process has been made and the country review report came out with 15 recommendations for Chapter-3 (Criminalization and Law Enforcement) and 19 recommendations for Chapter-4 (International Cooperation) of the Convention. Under the 2<sup>nd</sup> Cycle Review Process of UNCAC, Myanmar has been recommended 12 recommendations for Chapter-2 (Preventive Measures) and 23 recommendations for Chapter-V (Asset Recovery) of the Convention. Among these recommendations, some are directly concerned to the ACC, like drafting the Whistle Blower Protection Law, Asset Declaration and Asset Recovery.

#### **4.5.3 Bilateral and Multilateral Cooperation**

For the purpose of jointly fostering international cooperation in the prevention of and fight against corruption through the effective and efficient sharing and exchange of information and best practices, ACCM signed MoU with GIV, NACC, SIAA, ACA and ACRC with the following objectives;

- I. Establishing and Strengthening cooperation,
- II. Developing, Promoting, and increasing the institutional capacity,
- III. Exchange information and documentations on the professional activities,  
and
- IV. Holding professional trainings and workshops.

#### **4.6 Prevention of Corruption**

According to the section 16 (k) of the Anti-Corruption Law, ACC is "Laying down and performing appropriate arrangements for public participation in prevention of

corruption, enhancing integrity of competent authorities and combatting corruption”. In line with Thematic Area 1 of the Anti-Corruption Strategy Plan (2018-2021), establishment of effective and strong foundations for corruption prevention, ACC is organizing to form Corruption Prevention Units (CPUs) in the respective ministries and organizations and launching Public Feedback Programme for to obtain public opinion and feedback on the public services (Latt, 2021).

#### **4.6.1 Formation of Corruption Prevention Units (CPUs) and Launching PFP**

##### **System**

For the implementation of Thematic Area (1) of the Anti-Corruption Strategy Plan (2018-2021), Corruption Prevention Units (CPUs) have been formed in ACC and government institutions to reduce petty corruption affecting the individual citizens and to better deliver public services as necessary. According to the speech by the chairman of the ACC at international anti-corruption day on 9<sup>th</sup> December 2021, 37 CPUs have been formed under the guidance of State Administration Council.

The first workshop on policy matter of CPUs was held on 19-1-2019 with the participation of 60 participants from the respective ministries and organizations, the following 3 missions were designated for CPUs (ACC, 2019):

- i. To identify bribery and related corruptive issues department-wise;
- ii. To solve the issues in accordance with the law; and
- iii. To make control and deterrence measures.

Two technical trainings for CPUs were organized in 2019, the following 6 action plans for CPUs has been formulated at the 2<sup>nd</sup> technical training as below:

- (a) To develop terms of reference (TORs) for the respective CPUs with the approval of respective Union Ministers and Heads of the Institutions;
- (b) To develop the Standing Operating Procedures (SOPs) for prevention of corruption, with the approval of respective Ministers and Heads of the Institutions and clearly display what the public should be aware of, in transparent manner at subordinate offices/branches and also inform through Websites;
- (c) To undertake CRA (Corruption Risk Assessments) and report to respective Union Ministers/Heads;
- (d) To scrutinize business enterprises that are associated with government departments whether they have developed Codes of Conduct to prevent

possible corruption and corruption risks and not to accept businesses that have not developed and complied code of conduct in buying, selling and construction matters;

- (e) To coordinate between the responsible departmental personnel and private enterprises for organizing forums and discussions on preventing corruption with the view to solve problems and misunderstandings between them;
- (f) To use CPU toolkit technology at subordinate offices under the guidelines of the Union Ministers, through mobile phones, by communicating citizens individually who receive public services in order to prevent petty corruption effectively.

Led by the Commission, with the technical assistance of the World Bank, the ICT-based Proactive Beneficiary / Citizen Engagement (PBE Mechanism) has been piloted as a CPU Toolkit in Corruption Prevention Units in 10 Union Ministries. The CPU Toolkit process was renamed the Public Feedback Program (PFP) as it was a form of public feedback on the service of government organizations. The PFP system is now used in 13 ministries / organizations; including the Commission (Latt, 2021).

#### **4.6.2 Developing Code of Conduct**

The Anti-Corruption Commission, (ACC) Myanmar is fighting corruption for public prosperity, with a strong belief that this is a national cause. Commission members and staff play as a vital role in this endeavor. Integrity is the most important principle to be upheld by the ACC, and organization established to protect the interest of people. Aiming to protect the interests of the people with genuine good will and high ethical standards, Code of Conduct for the commission members and staff has been launched on 3<sup>rd</sup> May 2018 with the following objectives (Latt, 2021):

- i. To provide guidance for proper ethical behavior and conduct in discharging duties;
- ii. To follow high ethical standards in addition to existing laws;
- iii. To carry out duties and responsibilities of the Commission ethically in accord with the Code of Conduct and to meet the expectations of the public;
- iv. To increase public trust by making the people understand the Code of Conduct of the Commission Members and Staff.

ACC is striving to have a zero tolerance for corruption, six basic principles; integrity, independence, accountability, transparency, fairness, and Inclusiveness were embedded in this COC.

Union Civil Service adopted Code of Conduct for Civil Service Personnel in 2017. According to this Code, Civil Service must respect to the public and deliver the services promptly. Also, they must be free from the unethical behavior. Also, to create ethical, merit-based, inclusive and responsive Civil Service, UCSB launched the Civil Service Reform (2017-2020). In this, one of the main functions of the reform is to shape “integrity and accountability enhanced across the Civil Service”. Merit based culture is also the essential for the reform.

The Union Civil Service Board issued the Ethical Values for Civil Service Personnel in exercise of the power conferred by the sub-section (b) of Section 27 of the Union Civil Service Board Law with the approval of the Republic of the Union of Myanmar, State Administration Council, Management Committee Meeting No, (6 / 2021) on 28<sup>th</sup> May 2021. These norms aim primarily to abide by norms of basic ethics such as transparency, responsibility and accountability, free from bias, free from corruption, and fairness in the functioning of the personnel (UCSB, 2021).

In line with the Sustainable Development Plans (SDGs), Goals 16.5 “substantially reduce corruption and bribery in all their forms”, Myanmar adopted Myanmar Sustainable Development Plans (2018-2030) in line with the international standards. In this, the indicator 1.4.5 is to “review and strengthen anti-corruption related legislation, enforcement measures and policies, including strengthening grievance and whistleblower mechanisms” (MOPF, 2018).

#### **4.7 Investigation of Corruption**

According to the Anti-Corruption Law, ACC mandate for the corruption investigation is promulgated under the article 16 and 17 as below (ACC, 2018);

- (i) Forming and assigning the Preliminary Scrutiny Board and the Investigation Board, as required, guiding and supervising the said boards;
- (ii) Conducting preliminary inquiries into the complaint or information relating to investigation of corruption cases, if necessary, and directing the Investigation Board and Preliminary Scrutiny Board to investigate and report;
- (iii) Accepting complaint letters after scrutiny, taking action after

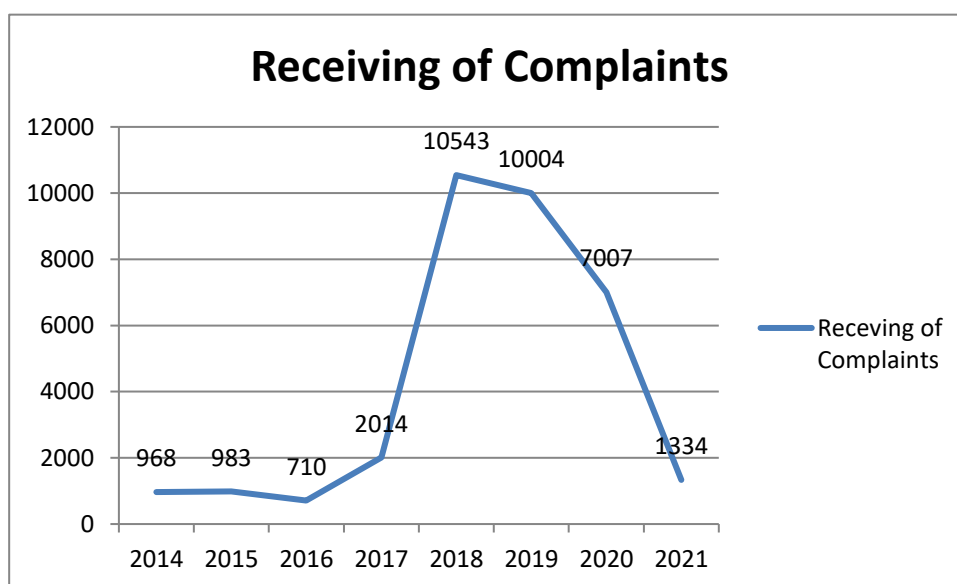
investigation, rejecting false complaint letters, taking action against any person making a false complaint in accordance with law, and transferring the complaint to the relevant department if the complaint action should be taken under the Civil Service Personnel Law.

- (iv) Regarding corruption, assigning duties to the Investigation Board and the Inspector to enter into a building or place and to conduct inspection, searching and seizing in accordance with the stipulations;
- (v) Considering credible information on corruption as a complaint;

#### 4.7.1 Handling the Corruption Complaints

According to the Article 44 of the Anti-Corruption Law, “Any person may, in accordance with the stipulations, submit information and complaints in respect of corruption or enrichment by corruption to the Commission or Commission Office or working committee, working team, Preliminary Scrutiny Board or any Investigation Board found under this Law or to any relevant government department and organization”. The commission amended its anti-corruption law in 2018, and then the complaint is reached to 10543 in 2018. According to the ACCM website data, the receiving of complaints from 2014 to 2021 is as below;

Fig 4.1. Receiving of Complaints from 2014-2021



Source: ACCM Website

According to the website data, the investigated and prosecuted persons in their respective positions/ranks in 2014-2021 are altogether 277. These data shows that the commission amended its anti-corruption law in 2018, the definition of corruption is more widely and the Commission take more action on causing loss of or damage to State-owned finance or property according to the article 3 (a) (ii). According to the data, it can be assumed that the petty corruption is more rampant in Myanmar. The investigated and prosecuted persons in their respective positions/ranks in 2014-2021 are as below;

Table 4.1. Action Taken in 2014-2021

Sr. No	Position/Rank	2014	2015	2016	2017	2018	2019	2020	2021
1	Political Post Holder					1	1		56
2	Senior Officials		1			9	3		4
3	Officials	4		4	8	13	23	15	6
4	Non-Officials	1	1	7	8	17	38	11	
5	Public Servants	1	2	1	12	6	1	2	
6	Other						15	3	3
Total		6	4	12	28	46	81	31	69

Source: ACCM website

According to the 4<sup>th</sup> Amendment Anti-Corruption Law, the Commission shall consider the credible information on corruption as a complaint according to the article 17 (i). The definition of Credible Information on Corruption is stipulated under the article 3 (c) as below;

“Credible Information on Corruption refers to any information spreading among the public where the Commission has reasonable belief that there is substantial evidence relevant to suspicious conduct of a person with respect to corruption as applicable in this Law”.

According to this article, in the criminal regular case No. 34/2018 filed by plaintiff U Thant Zin Oo against the suspects Than Htut Aung @ Thar Gyi and two others at the Yangon Eastern District Court for the death of celebrity Aung Ye Htwe, Yangon Eastern District Court passed the judgment of withdrawal. The Anti-Corruption Commission made investigations, as credible information. Upon findings on investigation, Yangon Region

Advocate General U Han Htoo, Yangon Region Prosecutor U Thein Zaw, District Prosecutor U Ko Ko Lay, Deputy District Prosecutor Daw Thit Thit Khin, Deputy District Judge U Aung Kyi and Police Lieutenant Chit Ko Ko (ID No. La 166954) were prosecuted at the Yangon Region High Court as liable to legal action under Anti-Corruption Law (ACC, 2018).

#### 4.8 Perception on Corruption of International Organization

According to the Global Corruption Barometer 2020 report, based on the 1000 public responses in Myanmar, 45 % confirmed that corruption in Myanmar has decreased within 2019 February to 2020 March.

Table.4.2 Change in Level of Corruption over the previous 12 months (2019 Feb - 2020 March) (TI, 2020)

Year	2013	2016	2020
Decreased	50%	28%	55%
Stayed in the Same	25%	31%	29%
Increased	25%	35%	12%

Source: GCB 2020 report

According to that report, percentage of people who think that most or all people involved in these institutions are corrupt will be seen as below. According to the results, the institution like Police, Business Executives are caring for their actions on public services. And they also assumed that the risk on the corruption may be higher in these institutions.



Table 4.3 Percentage who thinks that most or all people involved in these institutions are corrupt (TI, 2020)

<b>Institutions</b>	<b>Bankers</b>	<b>Religious Leaders</b>	<b>Business Executives</b>	<b>Non-Gov Organisations</b>	<b>Members of Parliament</b>	<b>office of President/ Prime Minister</b>	<b>Army Leader</b>	<b>Judges and Magistrates</b>	<b>Gov- Officials</b>	<b>Local -Gov Councilors</b>	<b>Police</b>
Some of Them are Corrupt	32%	45%	50%	50%	56%	58%	59%	61%	64%	68%	75%
Most or All of Them are Corrupt	2%	4%	4%	3%	6%	7%	7%	11%	8%	9%	14%

Source: GCB 2020 report

The participation of the public on the anti-corruption efforts is important, and also their perception or they believe that they can make a difference on the anti-corruption efforts of their countries. According to the GCB report, 84% of Myanmar respondents believe that they can make a difference on the anti-corruption efforts. Thus, Myanmar people have enough experiences and knowledge on the anti-corruption agendas.

Table.4.4 Percentage on Ordinary People can make a difference on fight against corruption (TI, 2020)

Yes	68%
No	18%
Neither Yes Nor No	13%
Don't Know, Not Answer	2%

Source: GCB 2020 report

According to the World Bank; Political Risk Services International Country Risk Guide (PRS) report, control of corruption in Myanmar is slightly improve after the ACCM is founded in 2014.

Table.4.5 Control of Corruption by PRS (o is lowest and 1 is highest) (WB,2020)

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
0.25	0.25	0.25	0.25	0.25	0.25	0.25	0.33	0.33	0.33	0.33	0.33

Source: PRS 2020 report

#### 4.9 Anti-Corruption efforts and its results

In Myanmar, petty corruption, everyday facilitation payments like gift-giving, “tea money”, and bribes to obtain permits, process applications or receive various forms of public services, are prevalent. Rent-seeking behavior pervades most public institutions and affects both small, everyday interactions and larger tendering processes. This may lead to the downfall of the public services and government basic infrastructures and tending to the lower public trust on the government institutions.

There is no affordable means of accessing justice, a significant number of people do not trust their neutrality and the majority do not take legal action through statutory courts and police. This may lead to lack of the rule of law. Due to the little regulatory oversight, transparency or means of distributing revenue equitably, corruption is

particularly rampant in Myanmar's extractive industries. Education system is also facing the serious challenges related to management, leadership and catching up to decades of underfunding and bribery.

After gained its independence, Myanmar started the anti-corruption efforts by enacting the Suppression of Corruption Act in 1948 and the Bureau of Special Investigation Act in 1951. In order to eliminate the bribery, the Action-Committee against Bribery was formed on 8<sup>th</sup> January 2013 (ACC, 2021). After the ratification of the United Nations Convention Against Corruption in 2012, the Anti-Corruption Law (AC Law) was enacted in 2013 and the Anti-Corruption Commission (ACC) Myanmar was formed in 2014 to tackle widespread corruption.

As for the international cooperation in fight against corruption, Myanmar ratified UNCAC in 2012 and enters to the ASEAN\_PAC in 2014. Also ACCM signed MoU with the international anti-corruption agencies like GIV (Vietnam), NACC (Thailand), SIAA (Lao), ACRC (Korea), ACA (India) and is the member of IACA.

For the prevention of corruption, ACC is organizing to form Corruption Prevention Units (CPUs) in the respective ministries and organizations and launching Public Feedback Programme for to obtain public opinion and feedback on the public services. 37 CPUs have been formed in Union Ministries and Organizations and 13 ministries / organizations; including the commission are using Public Feedback Program (PFP) as it was a form of public feedback on the service of government organizations.

33,563 Complaints were received and the investigated and prosecuted persons in their respective positions/ranks in 2014-2021 are altogether 277 within 2014 to 2021. Commission shall consider the credible information on corruption as a complaint and there is a case which based on the credible information in 2018.

Myanmar is struggling for anti-corruption as she could, but public perception on the public services offices are still need to improve. According to the control of corruption data by PRS, Myanmar improved Control of Corruption index after the establishment of ACCM in 2014. Although it still needs to improve other indicators for anti-corruption.

**CHAPTER V**  
**COMPARATIVE ANALYSIS**

**5.1 Corruption Perception Indicators**

Both Myanmar and Cambodia are members of ASEAN as well as ASEAN Parties Against Corruption – ASEAN-PAC. Myanmar started new agenda for fighting against corruption by enacting Anti-Corruption Law in 2013 and opened Anti-Corruption Office in 2014. Cambodia enacted its Anti-Corruption Law in 2010 and founded Anti-Corruption Unit (ACU) in 2011. Myanmar ratified UNCAC in 2012 and Cambodia since 2007. Myanmar became a member of IACA in 2019 but Cambodia in 2013. Cambodia is also a member of United Nations Conventions Against Transnational Organized Crime in 2005 but Myanmar isn't.

Table (5.1) Enactment of Anti-Corruption Law and other activities

<b>Countries</b>	<b>Enacting AC Law</b>	<b>Amendment of AC Law</b>	<b>Establishment of Agency</b>	<b>Ratified UNCAC</b>	<b>ASEAN - PAC</b>	<b>IACA</b>
<b>Myanmar</b>	2013	4 times	2014	2012	2013	2019
<b>Cambodia</b>	2010	1 time	2011	2007	2007	2013

Source: ACCM and ACU websites

According to the above data, anti-corruption efforts like enacting separate Anti-Corruption Law and establishment of their Agency are not very much difference. But for the international cooperation of Myanmar is slightly left behind Cambodia. Thus, Myanmar should pay more attention on the international cooperation in the Anti-Corruption fields.

Corruption offences are clearly defined under article 3(a)(i) of the Anti-Corruption Law of Myanmar. Also under article 68, the mandate of ACC as notwithstanding anything contained in any other existing law, actions for corruption or enrichment by corruption or monies and properties under investigation, shall only be taken under the

Anti-Corruption Law. But in the Anti-Corruption Law of Cambodia, corruption offences refer to articles under the Criminal Code.

The highest penalties under the Anti-Corruption laws of the two countries are as below;

Table (5.2) highest penalties under the Anti-Corruption Laws of Myanmar and Cambodia

<b>Country</b>	<b>Article</b>	<b>Expression</b>	<b>Punishment</b>
<b>Myanmar</b>	56	Any Political Post Holder or former Political Post Holder who commits corruption	Not exceeding 15 years imprisonment and may also be liable to a fine.
<b>Cambodia</b>	33	Bribe taking by Foreign Public Officials of Public International Organizations	Sentenced from 7 to 15 years

Source: Anti-Corruption Law of ACCM and ACU

If the punishment for the corruption is low, the one may dare to commit the corruption cases easily. Thus, Cambodia should think and reconsider for the punishment in the Anti-Corruption Law.

To end the widespread corruption in various forms, firstly try to understand it. That's why international organizations like World Bank, TI and other Anti-Corruption agencies look at what causes corruption and what works against it. They use tools and methodologies to measure corruption as a vital first step to expose and ultimately reduce it and conduct rigorous and independent assessments of corruption around the world. Then they try to advocate for policies and laws to change the system, and build coalitions to drive national, regional and global change (TI, 2021).

## **5.2 Worldwide Governance Indicators (WGI) Index**

The Worldwide Governance Indicators (WGI) project reports aggregate and individual governance indicators for over 200 countries and territories over the period 1996–2021, for six dimensions of governance (WB, 2021):

- I. Voice and Accountability;
- II. Political Stability and Absence of Violence;

- III. Government Effectiveness;
- IV. Regulatory Quality;
- V. Rule of Law;
- VI. Control of Corruption.

These aggregate indicators combine the views of a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These are based on over 30 individual data sources produced by a variety of survey institutes, think tanks, non-governmental organizations, international organizations, and private sector firms. These data sources are rescaled and combined to create the six aggregate indicators using a statistical methodology known as an unobserved components model (WB, 2021).

Governance consists of the traditions and institutions by which authority in the country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them.

Among the six dimensions of the WGI indicators the following three dimensions are directly concerned to the government anti-corruption efforts and thus the comparison study for the Cambodia and Myanmar goes for this three dimension indexes:

- I. Control of Corruption;
- II. Government Effectiveness;
- III. Rule of Law.

### **5.2.1 Control of Corruption (World Bank)**

Control of corruption captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests. All the data is based on the indexes of the 22 organizations. According to the WGI, Myanmar ranked 212 and Cambodia ranked 193 among 214 countries in 2005. The score is also difference, Cambodia is ahead of Myanmar by 9.96 Score. But in 2012, the scores are nearly the same and the score of Myanmar is reached to 13.74. It means that the control of corruption in Myanmar is progress after the democratic transition in 2011. But both countries are increasing score after they have already established their anti-corruption institutions (WB, 2021).

Table.5.3 Comparison Data of Control of Corruption Index by World Bank (2005-2020) (0 is lowest and 100 is the highest)

<b>Year</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Cambodia</b>	<b>10.24</b>	<b>7.32</b>	<b>10.19</b>	<b>5.83</b>	<b>10.05</b>	<b>7.14</b>	<b>6.16</b>	<b>13.27</b>	<b>12.80</b>	<b>11.54</b>	<b>12.02</b>	<b>9.13</b>	<b>8.65</b>	<b>8.65</b>	<b>9.62</b>	<b>11.06</b>
<b>Myanmar</b>	<b>0.98</b>	<b>0.49</b>	<b>0.49</b>	<b>0.97</b>	<b>0.48</b>	<b>0.48</b>	<b>0.47</b>	<b>13.74</b>	<b>16.11</b>	<b>20.19</b>	<b>20.67</b>	<b>32.21</b>	<b>32.21</b>	<b>30.29</b>	<b>28.85</b>	<b>27.88</b>

Source: World Bank WGI index

Myanmar can make more progress on the control of corruption. This might be due to the legal frame work. Myanmar enacted its Anti-Corruption Law in 2013 and amended for four times. This leads to the progress on the Control of Corruption and it can be assumed that the Anti-Corruption Commission is working well for the anti-corruption.

### **5.2.2 Government Effectiveness Index (World Bank)**

Government effectiveness captures perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies. While we are tackling corruption, we can't forget the effectiveness of the Government in which their public freedom includes.

According to the WGI, Myanmar ranked 207 and Cambodia ranked 182 among 214 countries in 2005. The score is also different and Cambodia is ahead of Myanmar by 12.26 Score. In 2012, the country rank of Cambodia climbed up to 166 while Myanmar is stable at 206. We can assume that the Cambodia Government is heading toward democratization process than Myanmar. The scores for the Cambodia is steady increase while Myanmar is not stable.



Table. 5.4 Comparison Data of Government Effectiveness Index by World Bank (2005-2020) (0 is lowest and 100 is the highest)

<b>Year</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Cambodia</b>	<b>15.69</b>	<b>17.56</b>	<b>17.48</b>	<b>15.53</b>	<b>18.66</b>	<b>18.18</b>	<b>19.91</b>	<b>22.75</b>	<b>19.43</b>	<b>25.00</b>	<b>25.00</b>	<b>24.04</b>	<b>25.48</b>	<b>32.21</b>	<b>31.73</b>	<b>37.98</b>
<b>Myanmar</b>	<b>3.43</b>	<b>4.88</b>	<b>4.37</b>	<b>2.91</b>	<b>2.39</b>	<b>2.87</b>	<b>3.79</b>	<b>3.79</b>	<b>4.27</b>	<b>9.13</b>	<b>10.10</b>	<b>16.35</b>	<b>13.46</b>	<b>12.50</b>	<b>11.54</b>	<b>14.42</b>

Source: World Bank WGI index

Cambodia is more progress than Myanmar in the public services delivery. Royal Government of Cambodia sets out its anti-corruption strategy more formally than Myanmar. Myanmar has to reevaluate its anti-corruption strategy more emphasize on the prevention of petty corruption in the public services offices.

### **5.2.3 Rule of Law Index (World Bank)**

Rule of law captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. If we look from 2005, rule of law index for Myanmar is decreased after 2011 with the process of democratization and general election. But in Cambodia, government effort on rule of law is at the stable state and just improved a little while heading to Myanmar. Myanmar score is sliding down after 2016 which lighting signal to our government to be more emphasize on rule of law for another corner for tackling corruption.

Table. 5.5 Comparison Data of Rule of Law Index by World Bank (2005-2020) (0 is lowest and 100 is the highest)

<b>Year</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Cambodia</b>	<b>10.53</b>	<b>10.53</b>	<b>12.44</b>	<b>11.54</b>	<b>13.74</b>	<b>12.80</b>	<b>15.02</b>	<b>16.90</b>	<b>15.49</b>	<b>15.87</b>	<b>14.90</b>	<b>12.98</b>	<b>13.46</b>	<b>11.06</b>	<b>17.79</b>	<b>17.79</b>
<b>Myanmar</b>	<b>0.96</b>	<b>3.83</b>	<b>3.83</b>	<b>3.37</b>	<b>3.32</b>	<b>2.84</b>	<b>4.69</b>	<b>6.10</b>	<b>9.86</b>	<b>8.17</b>	<b>7.69</b>	<b>17.79</b>	<b>16.83</b>	<b>15.87</b>	<b>12.98</b>	<b>10.58</b>

Source: World Bank WGI index

Myanmar still needs to improve in the rule of law index than Cambodia. The police and the courts are essential for the rule of law. Thus, Myanmar have to consider think how to do institutional change for those institutions because Anti-Corruption process can't accomplish without rule of law.

### 5.3 Corruption Perception Index of Transparency International (CPI –TI)

Transparency International is an international organization which aims to stop corruption and promote transparency, accountability, and integrity at all levels and across all sectors of society. Transparency International (TI) is a global movement working in over 100 countries to end the injustice of corruption. TI used to illustrate its result based on the technicians' perceptive and survey results and represent with the score (0 is the worst corrupt and 100 is free corrupt) and country ranking. TI released its indicators since 1995, and usually 13 data sources of 12 organizations were used to construct the Corruption Perceptions Index (CPI) as below (TI, 2021);

1. African Development Bank Country Policy and Institutional Assessment
2. Bertelsmann Stiftung Sustainable Governance Indicators
3. Bertelsmann Stiftung Transformation Index
4. Economist Intelligence Unit Country Risk Service
5. Freedom House Nations in Transit
6. Global Insight Country Risk Ratings
7. IMD World Competitiveness Center's World Competitiveness Yearbook, Executive Opinion Survey
8. Political and Economic Risk Consultancy Asian Intelligence
9. The PRS Group International Country Risk Guide
10. World Bank Country Policy and Institutional Assessment
11. World Economic Forum Executive Opinion Survey
12. World Justice Project Rule of Law Index Expert Survey
13. Varieties of Democracy

TI based 7 indicators of 7 organizations for Myanmar; (i) World Bank Country Policy and Institutional Assessment, (ii) Global Insight Country Risk Ratings, (iii) Bertelsmann Stiftung Transformation Index, (iv) World Justice Project Rule of Law Index Expert Survey, (v) World Bank Country Policy and Institutional Assessment, (vi) Varieties of Democracy, and (vii) Economist Intelligence Unit Country Risk Service (ACC,2021). And 8 organizations' data were used for the Cambodia's CPI; (i) World Economic Forum Executive Opinion Survey, (ii) Global Insight Country Risk Ratings, (iii) Bertelsmann Stiftung Transformation Index, (iv) World Justice Project Rule of Law Index Expert Survey, (v) The PRS Group International Country Risk Guide, (vi) Varieties of Democracy, (vii) Economist Intelligence Unit Country, and (viii) Political and

Economic Risk Consultancy Asian Intelligence (TI, 2021). The data sources are not very much different.

Started from 2012, the CPI score and country ranking for Myanmar is steadily increased while Cambodia is at the stable state. But the score is little difference which highlights that anti-corruption efforts of both countries are still developing. Scores of both countries are under the average score of the Asia-Pacific region and the last ranking of the ASEAN-PAC member countries.

Table.5.6 Comparison Data of Corruption Perception Index by TI (2012-2021) (0 is lowest and 100 is the highest)

<b>Year</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Myanmar</b>	1.8	1.9	1.4	1.3	1.4	1.4	1.5	15	21	21	22	28	30	29	29	28	28
<b>Cambodia</b>	2.3	2.1	2	1.8	2	2.1	2.1	22	20	21	21	21	21	20	20	21	23

Source: Transparency International, Corruption Perception Index

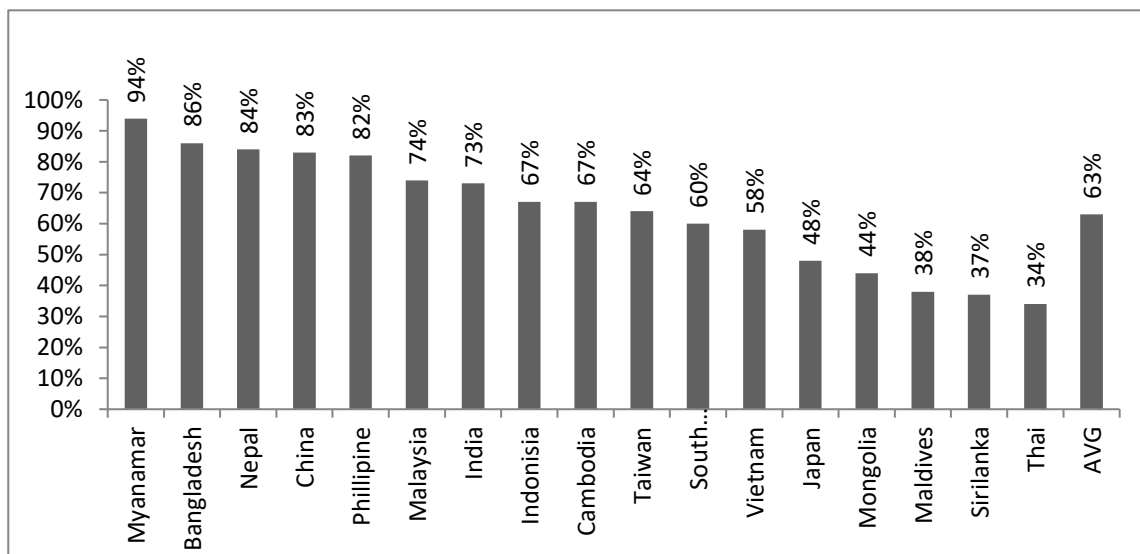
After 2011, both countries are increased in the CPI index. But Myanmar maintains its progress. It can be assumed that both Myanmar and Cambodia can make progress after the enactment of their Anti-Corruption Law and the establishment of their Anti-Corruption Agencies.

### 5.3.1 Global Corruption Barometer (GCB-TI)

GCB – TI introduced to the public in 2003 which is the channel of TI in which corruption survey and perception of the primary people were included. GCB conducted a survey from March 2019 to September 2020 altogether 20,000 people in 17 Asian countries and published its report in 2020. About 1000 people from Myanmar and Cambodia were surveyed and most were surveyed on phone. According to this report, Myanmar scored 94 percentages and Cambodia scored 67 percentages concerned with the public perception on the effectiveness of their anti-corruption agencies while tackling corruption. Two countries were scored above the regional average of 63 percentages. Also Myanmar was at the highest score and we can assume that the anti-corruption efforts of the Anti-Corruption Commission, Myanmar is working very well. Cambodia is still need to improve the activities of Anti-Corruption Unit.

Fig.5.1 Percentage of people who said their anti-corruption agency is doing well in the fight against corruption.

Source: Global Corruption Barometer 2020 report

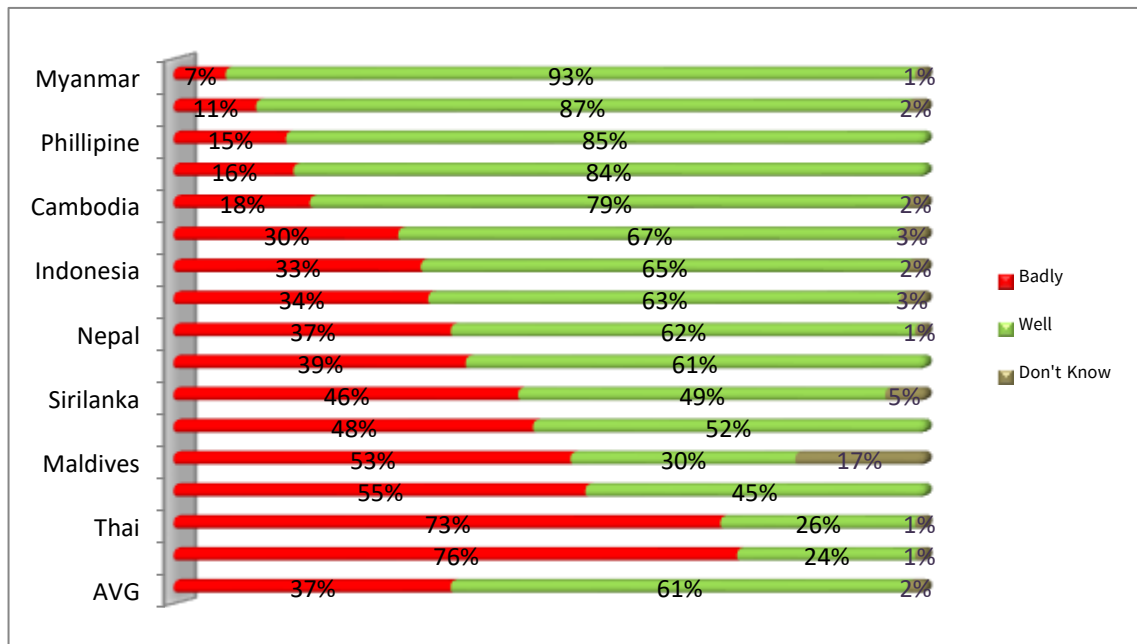


Myanmar just started its Anti-Corruption efforts in 2014 with the establishment of separate anti-corruption agency but it reached to the public in a short time how government is tackling corruption. Thus Myanmar should maintain the involvement and the great perception on the anti-corruption efforts.

According to the legal mandate, both countries are struggling on the anti-corruption efforts as much as they could. Within the region, Myanmar is at the podium concerned with the public perception on the government efforts of anti-corruption measures with the 93 percentages of respondents claimed. Cambodia can make effort to

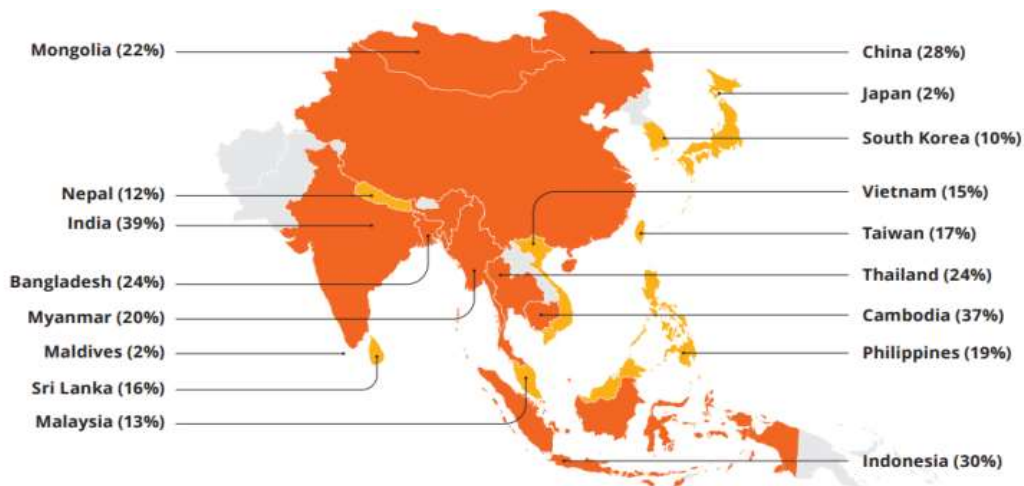
meet the 79 percentages of respondents which claim that the RGC is working well on anti-corruption measures.

Fig.5.2 Percentage of people who think their government is doing badly vs. well in tackling corruption.



Source: Global Corruption Barometer 2020 report

Fig.5.3 Percentage of public service users who paid a bribe in the previous 12 months



Source: Global Corruption Barometer 2020 report

Cambodia is 17 % ahead of Myanmar, the two institutions are fighting against corruption as much as they can. But both institutions still need to eliminate bribery in the public services.



And also the public service users who paid a bribe in the previous 12 months data will show that the corruption in Cambodia is widespread than Myanmar. According to the GCB (2020) Reports, most or all people involved in these. Myanmar institutions are more corrupt than that in Cambodia.

Table. 5.7 Percentage of who think that most or all people involved in these institutions are corrupt (Comparison Myanmar to Cambodia)

<b>Institutions</b>	<b>Bankers</b>	<b>Religious Leaders</b>	<b>Business Executives</b>	<b>NGOs</b>	<b>Members of Parliament</b>	<b>President/ Prime Minister</b>	<b>Army Leader</b>	<b>Judges and Magistrates</b>	<b>Gov- Officials</b>	<b>Local - Gov Councilors</b>	<b>Police</b>
Myanmar	11%	11%	26%	19%	14%	18%	21%	22%	19%	14%	33%
Cambodia	2%	4%	4%	3%	6%	7%	7%	11%	8%	9%	14%

Source: Global Corruption Barometer 2020 report

According to the data, Myanmar public services institutions should be more transparent while delivering their services. There should be also the complaint center for the public services. Myanmar should try to progress on the implementing PFP mechanism.

Table. 5.8 Percentage of People met bribery while they consuming public services within previous 12 months (2019, Feb – 2019, March)

Institutions	Public Schools	Public Clinics and Health Centres	Identity Documents	Utilities	Police
Myanmar	12%	17%	27%	4%	28%
Cambodia	18%	24%	40%	29%	38%

Source: Global Corruption Barometer 2020 report

According to the GCB (2020) report, corruption that arises from the personal connection is rampant in Myanmar than Cambodia.

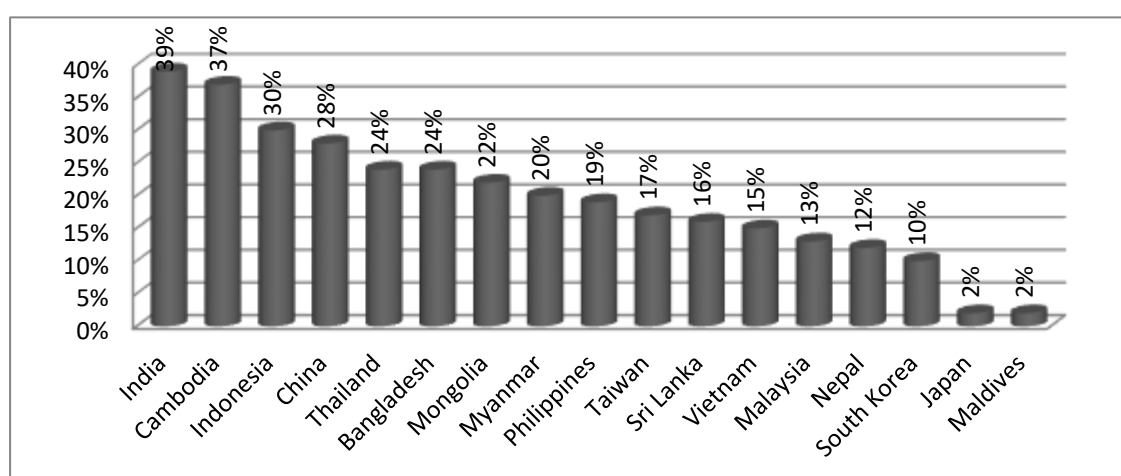
Table. 5.9 Percentage of People who use personal connection to smooth their work while they consuming public services within previous 12 months (2019, Feb – 2019, March)

Institutions	Public Schools	Public Clinics and Health Centre	Identity Documents	Utilities	Police
Myanmar	19%	21%	34%	9%	20%
Cambodia	5%	1%	6%	5%	2%

Source: Global Corruption Barometer 2020 report

According to the report, we can assume that public will meet corruption more in Cambodia than Myanmar.

Fig.5.4 Service User paid a bribe to at least one of six public services in the previous 12 months (2019 Feb - 2019 March)



Source: Global Corruption Barometer 2020 report

## 5.4 Index of Public Integrity

The Index of Public Integrity (IPI) takes a different approach. It assesses a society's capacity to control corruption and ensure that public resources are spent without corrupt practices. It is based on years of research and the evaluation of the efforts of different societies to make advances in the control of corruption. Based on extensive research, the IPI is made up of six individual and actionable components. They reflect the balance of measures that can contribute to effective control of corruption.

Table 5.10 Data by Index of Public Integrity - 0 is lowest, 10 is highest (2021)

Index	IPI	Judicial Independence	Administrative Burden	Trade Openness	Budget Transparency	E-Citizenship	Freedom of the Press
<b>Cambodia</b>	4.26	3.61	4.38	4.34	1.64	6.61	4.97
<b>Myanmar</b>	3.07	3.45	3.25	2.34	1.21	3.14	5.05

Source: Index of Public Integrity

According to the above data, most of the institutions in Cambodia have more integrity than in Myanmar. Thus, Myanmar needs to accomplish integrity education in public institutions.

## 5.5 World Justice Project (Rule of Law Index)

The World Justice Project is the great data source of World Bank, which is illustrating the rule of law index for 139 countries through survey to 138,000 households and 4,200 legal persons.

Table. 5.11 Rule of Law Index (Over All Score, 0 is lowest and 1 is highest)

overall score	2015	2016	2017-2018	2019	2020	2021
Myanmar	0.42	0.43	0.42	0.42	0.42	0.39
Cambodia	0.37	0.33	0.32	0.32	0.33	0.32

Source: World Bank, WJP index

According to the above data, Cambodia will need to emphasize in Rule of Law than Myanmar. But both countries still need to improve in Rule of Law. And the following data show that Myanmar is more corrupt than Cambodia.

Table. 5.12 Rule of Law Index (Absence of Corruption, 0 is lowest corrupt and 1 is highest corrupt)

<b>Absence of corruption</b>	<b>2015</b>	<b>2016</b>	<b>2017-2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Myanmar	0.42	0.24	0.47	0.47	0.46	0.44
Cambodia	0.27	0.44	0.25	0.24	0.24	0.23

Source: World Bank, WJP index

## 5.6 Bertelsmann Stiftung's Transformation Indexes

The Bertelsmann Stiftung's Transformation Index (BTI) is the result of the collaboration of nearly 300 countries and regional experts from leading universities and think tanks worldwide. The project analyzes and compares transformation processes towards democracy and inclusive market economy worldwide. The BTI aims to identify successful strategies for steering change. It analyzes and evaluates whether and how developing countries and countries in transition are steering social change toward democracy and market economy. Guided by a standardized codebook, country experts assess the extent to which a total of 17 criteria have been met for each of the 137 countries. According to the BST's indexes, both countries need to set for the government transformation for the anti-corruption measures in accordance with their respective laws, rules and regulations.

Table. 5.13 BTI Transformation Index (1 is lowest, 10 is highest)

<b>Year</b>	<b>2006</b>	<b>2008</b>	<b>2010</b>	<b>2012</b>	<b>2014</b>	<b>2016</b>	<b>2018</b>	<b>2020</b>	<b>2021</b>
<b>Myanmar</b>	1.88	1.96	1.59	1.7	2.57	2.98	3.38	3.28	3.2
<b>Cambodia</b>	4.29	4.48	4.41	4.18	4.12	6.65	4	4	3.86

Source: BTI website

According to the BTI's index, both countries need to make effort on the rule of law, especially for the anti-corruption measures. Also they still need to make effort on the reforms of good governance for the development of their country and to be free from corruption.

Table 5.14 BTI Rule of Law Index (1 is lowest, 10 is highest)

Year	2006	2008	2010	2012	2014	2016	2018	2020	2021
<b>Myanmar</b>	1	1	1	1	2	2.8	3	2.8	3
<b>Cambodia</b>	3	3	3	2.8	2.5	6.5	2	2	1.8

Source: BTI website

Myanmar is slightly increased after 2014. But Cambodia went upward in 2016, then fall down again.

Table 5.15 BTI Governance Index (1 is lowest, 10 is highest)

Year	2006	2008	2010	2012	2014	2016	2018	2020	2021
<b>Myanmar</b>	2.04	1.79	1.75	1.77	3.96	4.2	3.97	3.59	3.53
<b>Cambodia</b>	3.54	3.82	3.79	3.67	3.5	6.13	3.23	3.14	3.05

Source: BTI website

Both countries still need to emphasize on the good governance process. Political transformation and political will on the anti-corruption are much important. So, both countries still need to attempt on the political transformation.

Table. 5.16 BTI Political Transformation Index (1 is lowest, 10 is highest)

Year	2006	2008	2010	2012	2014	2016	2018	2020	2021
<b>Myanmar</b>	1.65	1.7	1.72	1.93	3	3.2	3.5	3.3	3.18
<b>Cambodia</b>	4	4.13	4.1	3.82	3.77	6.65	3.57	3.28	3.08

Source: BTI website

## 5.7 Trace Bribery Risk Index

The TRACE Matrix allows companies to gauge the risk of encountering public sector bribery in 194 countries, territories and autonomous regions and provides an overall risk score and risk scores in four domains deemed to be indicators of potential business bribery risk:

- Business Interactions with Government;
- Anti-Bribery Deterrence and Enforcement;
- Government and Civil Service Transparency; and
- Capacity for Civil Society Oversight.

According to the Trace Report (2021), Myanmar ranked 135 and Cambodia ranked 186 within 194 countries.

Table. 5.17 Trace Bribery Risk Index (1 is lowest risk, 100 is the highest risk)

<b>Index</b>	<b>Trace Bribery Risk</b>	<b>Opportunity Risk</b>	<b>Deterrence Risk</b>	<b>Transparency Risk</b>	<b>Oversight Risk</b>	<b>Country Rank in 194 Countries</b>
<b>Myanmar</b>	56	52	61	65	51	135
<b>Cambodia</b>	80	87	81	78	67	186

Source: TRACE Matrix

According to the TRACE index, both countries have a risk on the business sector. Thus, governments should need to tackle business sector corruption by adopting rules and regulations.

## 5.8 Freedom House Index

Freedom House works to defend human rights and promote democratic change, with a focus on political rights and civil liberties. According to the Freedom House Report, both countries still need to struggle for the political rights, civil liberties and internet freedom. But Cambodia is partially free for the internet users by 43 in 100.

Table. 5.18 Global Freedom Score by Freedom House ( 0-35 isn't free, 36-70 Partially Free, 71-100 Free)

<b>Index</b>	<b>Global Freedom Score(2021)</b>	<b>Political Rights (2021)</b>	<b>Civil Liberties (2021)</b>	<b>Internet Freedom (2021)</b>
Myanmar	9	0	9	17
Cambodia	24	5	19	43

Source: Freedom House Website

According to the data, Myanmar should try to improve more freedom on the internet connection. Furthermore, both countries still need to improve political freedom and civil liberties.

Both countries are trying to tackle corruption with their respective law as well as rules and regulations. ASEAN countries are also trying to eliminate corruption with the regional cooperation forming ASEAN Parties Against Corruption \_ ASEAN-PAC. Both

Myanmar and Cambodia are the members of ASEAN\_PAC, they still need to improve in every aspect of the anti-corruption and try to increase corruption perception indicators. Thus, these two countries should need to cooperate by signing MoU aims to cooperate in prevention and investigation of corruption to eliminate widespread corruption.

## **CHAPTER VI**

### **CONCLUSION**

#### **6.1 Findings**

Many types of Corruption like monopoly, kleptocracy, red tape, abuse, nepotism, patronage and political corruption can be found within Cambodia territory. Public Sector corruption is prevalent in Cambodia. Public view on the judiciary; like police and court, as corrupt institutions, may lead to weaken the rule of law. Thus, Cambodia established Asset Declaration System for prevention of public sector corruption and conflicts of interests. Cambodia launched campaign to check public service provision on 10<sup>th</sup> December 2019 engaging the public trust on the Public Administration Mechanisms. Cambodia adopted the Code of Conduct for Law Enforcement Officials in 1979 for the corruption prevention.

Business companies in Cambodia may pay bribes and facilitation payments regularly to get construction permits and to establish electrical and water connections. Thus, ACU has signed MOUs with 22 national and international companies for private sector anti-corruption and has worked with 21 ministries/institutions to develop a list of public service fees with the joint efforts of the Ministry of Economy and Finance, through consultations with the private sector. ACU also published the Guide Book on the Anti-Corruption Program for Business in Cambodia on 16<sup>th</sup> February 2015.

Cambodia started its efforts on the anti-corruption since 1999 with the establishment of ACU. In 1992, adopting the Criminal Law Act in which three of its articles was related to corruption; embezzlement, bribe taking and bribe offering. Furthermore, Cambodia try to make its anti-corruption efforts to be more concrete and stronger, the first separate Anti-Corruption Law (AC Law) was promulgated on 17<sup>th</sup> April 2010 based on the Code or Criminal Procedure 2007 and the Criminal Code 2009. After that The Anti-Corruption Institution (ACI), National Council Against Corruption (NCAC), and Anti-Corruption Unit (ACU) were founded to tackle widespread corruption.

Cambodia pay attention on the international relation by collaboration with ADB/OECD Anti-Corruption Initiative, United Nations Convention Against Transnational Organized Crime (UNTOC), United Nations Convention Against Corruption (UNCAC) , ASEAN Parties Against Corruption (ASEAN-PAC), ASEAN



Treaty on Mutual Legal Assistance in Criminal Matters, International Anti-Corruption Academy (IACA), International Association of Anti-Corruption Authorities (IAACA) and signing MOU with Thailand and Lao. The milestone for the ACU is signing MoU with the Transparency International – TI on 5<sup>th</sup> July 2010 Launching Transparency International Cambodia as the fully-accredited local chapter of Transparency International.

As a result of its anti-corruption, level of corruption is decreasing in 2020 by claiming the 55 % of the respondents according to the Transparency International (TI) survey conducted to the 1000+ adults in Global Corruption Barometer ASIA 2020 report on December 2021. Also, 68% of the respondent claimed that they can make a difference to the anti-corruption efforts of the government.

Petty corruption; everyday facilitation payments like gift-giving, “tea money” and bribes to obtain permits, process applications or receive various forms of public services, are prevalent in Myanmar. Rent-seeking behavior pervades most public institutions and affects both small, everyday interactions and larger tendering processes. Thus, ACC is organizing to form Corruption Prevention Units (CPUs) in the respective ministries and organizations and launching Public Feedback Programme to obtain public opinion and feedback on the public services. 37 CPUs have been formed in Union Ministries and Organizations, and 13 ministries / organizations; including the Commission are using Public Feedback Program (PFP) as it was a form of public feedback on the service of government organizations.

A significant number of people do not trust on the judiciary; courts and police. Due to the little regulatory oversight, transparency or means of distributing revenue equitably, corruption is particularly rampant in Myanmar’s extractive industries. Education system is also facing the serious challenges related to management, leadership and catching up to decades of underfunding and bribery.

After gained its independence, Myanmar started the anti-corruption efforts by enacting the Suppression of Corruption Act in 1948 and the Bureau of Special Investigation Act in 1951. In order to eliminate the bribery, the Action-Committee against Bribery was formed on 8<sup>th</sup> January 2013. After the ratification of the United Nations Convention Against Corruption in 2012, the Anti-Corruption Law (AC Law) was enacted in 2013 and the Anti-Corruption Commission (ACC), Myanmar was formed in 2014 to tackle widespread corruption.

As for the international cooperation in fighting against corruption, Myanmar ratified UNCAC in 2012 and entered to the ASEAN\_PAC in 2014. Also, ACCM signed MoU with the international anti-corruption agencies like GIV (Vietnam), NACC (Thailand), SIAA (Lao), ACRC (Korea), ACA (India) and is also a member of IACA.

For the investigation of corruption, 33,563 complaints were received and the investigated and prosecuted persons in their respective positions/ranks in 2014-2021 are altogether 277 within 2014 to 2021. Commission shall consider the credible information on corruption as a complaint and there is a case which based on the credible information in 2018.

According to the data, anti-corruption efforts; the time of enacting separate Anti-Corruption Law and establishment of Agencies in Myanmar and Cambodia, are not very much difference. But for the international cooperation of Myanmar is slightly left behind Cambodia. According to the World Bank's Control of Corruption index, Myanmar can make more progress on the control of corruption. But for the Government Effectiveness index, Cambodia is more progress than Myanmar in the public services delivery. Royal Government of Cambodia sets out its anti-corruption strategy more formally than Myanmar. With the comparison study of Rule of Law index by the World Bank, Myanmar still needs to improve in the rule of law index than Cambodia.

After 2011, both countries are increasing in the CPI index of Transparency International and Myanmar maintains its progress. It may be assumed that both Myanmar and Cambodia can make progress after the establishment of their Anti-Corruption Agencies. Myanmar just started its Anti-Corruption efforts in 2014 with the establishment of separate anti-corruption agency but it reached to the public in a short time how government is tackling corruption. Thus, Myanmar should maintain the involvement and the great perception on the anti-corruption efforts.

According to GCB 2020 report, Myanmar scored 94 percentages and Cambodia scored 67 percentages concerned with the public perception on the effectiveness of their anti-corruption agencies while tackling corruption. Myanmar was at the highest score and we can assume that the anti-corruption efforts of the Anti-Corruption Commission, Myanmar is working very well. Cambodia still needs to improve the activities of Anti-Corruption.

Cambodia is 17 % ahead of Myanmar in public bribery indicator, the two institutions are fighting against corruption as much as they can. But both institutions still need to eliminate bribery in the public services. According to the comparison data of

percentage of who think that most or all people involved in these public institutions of GCB 2020 report, Myanmar public services institutions should be more transparent while delivering their services.

In the view of comparison on Index of Public Integrity, both countries still need to emphasize on the good governance process. Political transformation and political will on the anti-corruption are much important. The two countries still need to make effort on the political transformation according to the BTI index. According to the TRACE index, both countries have a risk on the business sector. Thus, governments should need to tackle business sector corruption by adopting rules and regulations.

## **6.2 Recommendations**

According to the Corruption Perception Data by the International Organization, Myanmar and Cambodia aren't very much difference in the anti-corruption efforts and their results. Control of Corruption in Myanmar is increased after the establishment of ACCM and it should be kept in progress by analyzing anti-corruption law to strengthen legal framework.

Quality of public services in Myanmar is still need to increase the public trust on public services delivered by the government. Thus, all institutions in Myanmar should implement the PFP mechanism with the collaboration of the ACCM. Myanmar has to do more emphasize on the rule of law for another corner of tackling corruption. Myanmar should try to increase in the CPI indicator trying to open TI chapter like Cambodia so as to increase in the international collaboration and obtain the technical assistance to the Anti-Corruption Efforts.

Bribery is more rampant in Myanmar, thus government ministries should need to enact Code of Conduct, Gift Policy and other regulations for preventing bribery and corruption. Myanmar needs to accomplish integrity awareness in both public and private institutions. To end the public sector corruption, Asset Declaration is essential for the improving public integrity and preventing conflict of interests.

Thus, Myanmar should try to sign MoU with the Cambodia for the anti-corruption purpose. So, Myanmar can learn best practices of Cambodia in the implementation of Asset Declaration for public officials. Also, Cambodia may have the knowledge on the collaboration with the TI and conducting corruption surveys. Myanmar can learn the best practices of Cambodia by signing MoU and it must be the great input for the future anti-corruption efforts.

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