



Anti-corruption Expertise

Introducing South Korea's 15 years of experience

16 April 2021, Kazakhstan

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+ Highlights on this presentation

1. How it positions within anti-corruption environment
2. How ACRC operates the policy tool
3. How it integrates anti-corruption into government functions
4. Lessons learned from ACRC's implementation

1-1. Anti-corruption Structure in Korea

Explicit (direct) Anti-corruption Policy

 **Anti-corruption laws and regulations** have been adopted as well as **operation of ACA**.

- Anti-corruption Law, Whistle-blower protection Law, Anti-graft Law, Public Ethics Act, The Act on Prohibition of False Claims, the Code of Conduct, etc.

 Try to ensure **law enforcement and proper sanctions** and raise awareness by strengthening **anti-corruption training and public promotion**.

 **Public-Private partnership** has provided an arena of civic participation and **E-government** has enhanced transparency and accountability.

Anti-corruption in All Government Functions

Make sure a high level of integrity in every **government agency** by **Integrity Assessment (IA)** and **Anti-corruption Initiative Assessment (AIA)**.

- IA aims to measure the level of integrity by conducting survey, while AIA targets on pushing forward anti-corruption activities.

Make sure a high level of integrity in every **government function** by **corruption risk management** and **anti-corruption expertise**.

- The government's assumption is that no matter how anti-corruption policy system is put in place, without this effort, to achieve anti-corruption is hard to succeed.

1-2. Why Anti-corruption Expertise ?

Eliminate and Prevent Corruption Risks

 Prevent corruption by **rooting out corruption causing factors** in legislation so that ensure **rule of law principle**.

- Control discretion of public officials and increase predictability of citizens to public administration.
- Ensure transparency, accountability and integrity in legislation that is ground of government functions.

 As a practical, low-cost and effective policy tool, contribute to raising **anti-corruption awareness** in respective public agencies.

- Strengthen integrity of public officials who might engage in corruption for private gains.

Ensure Integrity in Public Institutions and Sectors

Enable **each public body to necessarily participate** in corruption prevention activities.

- Help public institutions understand the fact that anti-corruption cannot be achieved only by ACA.

Integrated anti-corruption into all government sectors including economy, education, health, culture, technology and environment.

- Through this mechanism, national development agendas, reflect SDGs, could be implemented in a transparent and accountable manner.

Improve **corruption prevention capacity** in the public sector by supporting legislative process.

2-1. Overview of Anti-corruption Expertise by ACRC

Components	How it is implemented
Responsible body	<u>ACRC's Anti-corruption Bureau</u> (13 staff members)
Target institution	<u>All Public institutions</u> that draft laws and bylaws (Line ministries, Local governments, Public enterprises, etc.)
Legislation subjected	<u>Draft and Existing laws and bylaws</u> (Presidential decree, ordinances, internal rules, etc.)
Key approach	Examination of <u>any ambiguous factors</u> presented, and <u>any omissions</u> to ensure integrity in legislation

* ACRC Korea adopted this tool into the Law on Anti-corruption (provision 12 and 28, elaborated in the Enforcement decree) in 2006.

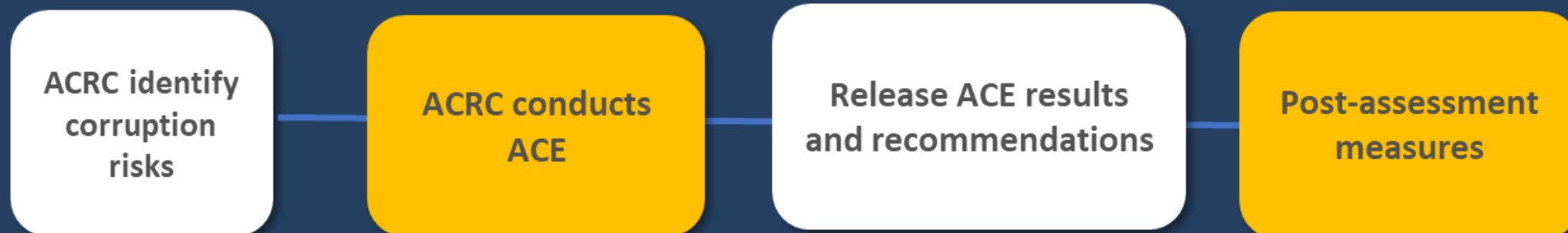
2-2. Procedure of Anti-corruption Expertise (ACE)

Draft legislation



* Along with the request, public bodies execute pre-announcement legislation for stakeholders to provide opinions regarding the draft.

Existing legislation



2-3. How Anti-corruption expertise reduces risks in legislation

How corruption risks are generated

Legislation might have **vulnerabilities** that can open an opportunity of corruption.

Presented

- Ambiguous and unclear provisions
- Lack of concreteness
- Conflicting each other, etc.

Non-presented

- Lack of measures for transparency and accountability
- Lack of monitoring and oversight mechanism, etc.

Fraudulent people might exploit such opportunities, and engage in **corruption, fraud, waste of funds and power abuse.**

How the risks could be reduced and prevented

☑ Adopted **the ACE criteria** under the 4 key areas.

Compliance	<ul style="list-style-type: none">• Burden of compliance• Adequacy of disciplinary regulations• Risk of granting preferential treatment
Implementation	<ul style="list-style-type: none">• Concreteness/objectivity of decision-making• Risk of misallocation of government support• Transparent and accountable entrustment
Administrative Procedure	<ul style="list-style-type: none">• Accessibility for public monitoring• Openness for access to information• Clarity in service delivery and process
Corruption controls	<ul style="list-style-type: none">• Risk of conflict of interest• Robustness of anti-corruption mechanism

3-1. Examples of Recommendation across the sectors

Sectors	Target Institutions	Key elements of recommendation
Stream water usage and management	Ministry of Land and Transportation, Provincial local governments	<ul style="list-style-type: none"> • Specify the calculation of water usage fee and reduction of fee • Strengthen supervision over illegal water intake
Entrusted operation of local government's public parking lot	235 local governments	<ul style="list-style-type: none"> • Elaborate conditions and fees for entrustment • Improve transparency by conducting assessment when renewing contract
Residential programs for power transmission , airport and landfill	Ministry of Trade and Industry, Ministry of Environment, etc.	<ul style="list-style-type: none"> • Prevent omitting interest earnings by managing working expenses • Ensure objectivity in the operation by strengthening the subsidy management
Energy Industry	Energy related public enterprises	<ul style="list-style-type: none"> • Put in place specific internal regulations for private contract including strengthening measures on conflict of interests • Strengthen transparency in forming and operating committees

3-2. How Anti-corruption Expertise contributes to SDGs

Assessed 22,168 legislation and provided 6,131 recommendations during 2006–2020.



Legislation	6,451	2,527	2,431	6,140	900	3,999
Recommendation*	1,304	790	487	1,989	389	1,256
	21.3%	12.9%	7.9%	32.4%	6.5%	20.5%

* According to types of legislation, laws/acts 10.4%, Presidential decree 66.9%, Ordinance of ministers 22.7%

4. Lessons Learned – Challenges vs. Responses

Possible challenges

 **Political commitment** is necessary because it allows ACA to join in legislative process. (stage of adoption)

 Anti-corruption expertise could be **designed not to be functioned**. (stage of structuring/designing)

- For instance, it needs broader scope of target institutions and legislation that cover government functions.
- In principle, recommendation of responsible bodies should be accepted by public institutions.

 **Lack of anti-corruption capacity could not enforce this tool as intended**. (stage of implementation)

- For instance, establishing criteria that lacks relevance in a particular context, not providing advisory support to public institutions when drafting and reviewing legislation.

Practical Responses

Promote that this tool can **accelerate reforms and development** by ensuring integrity in all functions.

Each component of anti-corruption expertise should be **designed in line with international standards** based on political commitment.

- It is very similar that asset declaration could not be functioned if it lacks one of the key elements.

Intensify its effort in **studying and training staff and support each public institution**, cooperated with the global anti-corruption community.

- ACRC and USPC have jointly shared knowledge on anti-corruption expertise with Kosovo, Myanmar and Colombia.

Key takeaway messages

Anti-corruption expertise is one of useful prevention tools.

Eliminating corruption risks in legislation is an effective way to address corruption.

Korea has integrated anti-corruption into sectors by this tool.

Integrity could be mainstreamed in the SDGs by national development goals.

Rule of law could be further strengthened.

Transparent and accountable legislation has a greater legitimacy in functioning.

An aerial photograph of a city at sunset. The sun is low on the horizon, casting a warm orange and yellow glow over the city and the water. A long bridge spans across the water, and the city lights are visible in the foreground and middle ground. The sky is a mix of orange, yellow, and blue. There are some vertical light streaks or artifacts in the image.

Thank you

Build forward better by proactive anti-corruption effort