

Good Governance and Behavioral Change Workshop
organized by
IDP Education Australia,
CDI (Centre for Democratic Institutions, and
National Democratic Institute

Sunway Hotel, Phnom Penh
04/29-30/2004

I would like to express my thanks and appreciation to the organizers for inviting me to share my thoughts and ideas on the theme of “Anti-corruption Legislation: What Difference Does a Law Make?”.

I have also been asked to speak about “How Does the Law Influence the Behavior of People? What is Needed for the Law to be Enforced in Practice? Public Pressure, How to Get it?, and How Can we Anchor the Law to the Actual Behavior of People?”.

Generally speaking, the reason for having the anti-corruption law is to promote economic growth which leads to the well being of the people. But, based on current experiences, most of the laws in existence are not implemented, and/or not enforced.

To make the law work, there is a need to have three vital elements: (1) to have strong institutions, (2) to have people who adopt the democratic principles in their way of life, and (3) to have high moral standard leader(s) who can lead the country through the reform hardship.

Therefore, based on the above principles, I’ll reflect on the current successes and constraints. I would reverse the above order, and start first with the number 3 which is to have:

I. High Moral Standard Leader(s)

In the current context, increasing civil servant’s salaries may be used as the main pressure for government to fight corruption. Based on the CSD survey, 79% said that salary increase will stop corruption.

If handled properly, leader(s) may use this tool to gain people's confidence to successfully carry out the reform.

Leader(s) need to mobilize critical mass of "Force for Reform" by earning the trust of the civil servants, convincing them that what the leader(s) do is for the good of the nation and people.

But, to avoid the boomerang effects, enlighten leader(s) should make people feel that Government is serious to raise civil servant salary by tackling corruption. Once the people believe in it, leader(s) should take the risk of replacing the "Dead Wood" (usually good and powerful of the leaders) with people of integrity.

From there, it is easier for leader(s) to get support from the public and the international community, therefore easier to collect tax and diversify taxation to be able to raise the public servant salary. Usually, people are willing to forget the past and give chance to leader(s) if the latter strive to improve themselves.

For any reform to succeed, it is very crucial to embrace an active and meaningful role of the civil society, with proper procedures and mechanism to make the partnership between civil society and government work smoothly.

Another thought is that the boomerang effect of curbing corruption rapidly might lead to destabilization of the current social and political order. It means that the force to resist change is greater than the force for change. But, still, this cannot be used as an excuse not to fight corruption. Any enlighten leader might be able to start now knowing that it will be a long and difficult journey. For the benefit of Cambodia and its people this journey needs to start now.

INTERNATIONALLY

I would like now to speak briefly about the international aspect. 50% of the National Budget comes from Donors Country. Therefore there is a need for better Accountability and Transparency from the international institutions and donors countries, and better coordination among them. We also need Good Governance at that end.

The International Community's expectation is an agent for Change. But, the international community needs to be more explicit,

cohesive, and coherent. If not, the complacency and the conflicting message will not help Cambodia in its effort to fight corruption.

More pressure for the ASEAN industrialized countries to sign the OECD. Singapore example. If not, the international norms of the UN Convention Against Corruption are double standards purposes. Promote Transparency and Accountability concepts among the ASEAN Leaders. Recognition of Prime Minister Abdullah Ahmad Badawi who is courageous to tackle corruption issues in Malaysia right before the election. Need ASEAN leaders peer pressure to behave well, and perform well.

II. People Who Adopt the Democratic Principles as their Way of Life

First of all, people need to have a good understanding about what corruption means.

Corruption may be defined as the abuse of public position for personal gain or for the benefit of an individual or group to whom one owes allegiance, embezzlement, abuse of influence of function and illicit enrichment (abnormal enrichment), laundering and concealment of the proceeds of crime. Corruption occurs when a public official accepts, solicits, or extorts a payment, or when private agents offer a payment to circumvent the law for competitive or personal advantage.

Forms of Corruption:

Bribery, nepotism, patronage, theft of state assets, evasion of taxes, diversion of revenue and electoral fraud (campaign finance).

Nepotism, cronyism, loyalty, patronage, and gratitude to a certain extent are not bad in the Cambodian society where an important value is looking after the family. Then where do we need to draw the line? Unless these relationships create the demise of a regime? Economic crisis? Social and political unrest? The rising of the culture of impunity?

Anti-corruption legislation and policy needs to be adopted and disseminated so that all know the standards being set. This will help inform all about what behavior is acceptable, and moreover will put

people on notice that they will be held accountable to that standard of behavior.

The next point I would like to make is that:

Continuing education of civil society, both with lay-people as well as with the Monks, on how corruption negatively affects their daily lives and what they can do to combat it is essential:

- The connection between poverty, poor education, failing health systems etc. and corrupt practices must be made and demonstrated in simple ways.
- Continuing educational programs in formal and informal schools on set of values and ethics, based on Buddhist and traditional values
- A nation wide “Say No to Corruption” program (T-shirts, posters, stickers etc).

Make corrupt practice and behavior shameful, and risky both for the giver and taker.

Behavioral change for woman not to encourage the husband to be corrupted, to promote integrity, honesty, and accountability.

Reinforcing the Five Buddhist Principles of “No Killing, No Stealing, No Lying, No Drug, and No Adultery”. People need to believe that they will be better off without being in the corrupt environment.

Last, but not least, under this element is that we must work on changing the attitudes of the leaders and Civil Servant from being Masters of the people to “being servants of the people”. Provide educational programs for the public service on values and ethics, and an enforced code of conduct for all public servants.

III. Strengthening the Existing Institutions

- . National Audit Authority
- . Ministry of Public Relation with the Parliament and Investigation
- . Anti-corruption Unit at the Council of Ministers

The Strengthening of the division of the Three Powers: Legislative, Executive, and Judiciary

De-politicization of the administration: Adopt the mixed system of Proportional and Individual Election to decrease the influence of the political party leaders, nepotism and cronyism

Promote a more sustainable Freedom of Press, and Freedom of Expression. The international event of 9-11, 2000 and the local anti-Thai riot in 2003 indirectly and negatively affect these freedoms.

Develop the Freedom of Information Act

Become Full Member of the WTO (despite the ambiguity about joining it) will allow Cambodia to go by the rules of law. (KR killing of three foreigners and the anti-Thai riot in 2003).

Become Signatory of the UN Convention Against Corruption. This will attract trust from international investors.

Encourage the Media to Investigate and Report Individuals who abnormally enrich themselves. The media must be encouraged to play its role and be proactive in reporting corruption matters but it could also help by publishing educational materials about ways to combat corruption.

The Center for Social Development (CSD) is a non-government organization advocating good governance through the institutionalization of democratic values and principles. CSD support justice, social equity and sustainable, economic development by building citizen's participation in the democratic process.

Center for Social Development
House No. 19 Street 57
P.O. Box 1346 Phnom Penh, Kingdom of Cambodia
Phnone (855 23) 364 735 Fax (855 23) 364 736
Email: csd@online.com.kh Website: <http://www.online.kh/users/csd>