



THE UN CONVENTION AGAINST CORRUPTION: Implications for Bangladesh – What Next?

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I. INTRODUCTION

Bangladesh acceded to the UN Convention against Corruption (UNCAC) on February 27, 2007. The accession was a manifestation of the realization by the Government of Bangladesh that UNCAC is an international instrument to promote a key national interest, which is to create an institutional and policy environment in which corruption will be effectively controlled. This reflects the expectations of the citizens at large - everyone who shares a vision of Bangladesh in which transparency, integrity and accountability will be established in government, politics, business, civil society so that daily lives of the people would be free of corruption.

What does this accession imply for Bangladesh? What are the commitments made? Who are the stakeholders in meeting these commitments? What progress has been made? What is the way forward? These are some of the questions raised in this paper.

UNCAC Background

The United Nations General Assembly adopted in 1996 the UN Declaration against Corruption and Bribery in International Commercial Transactions. Subsequently the UN Convention on Transnational Organized Crime was successfully negotiated which came into force in September 2003. Corruption was a key focus of both. However, by then in view of the growing international concern about widespread corruption and its adverse effects on peoples and societies the UN was already actively recognizing the need to establish a separate comprehensive instrument against corruption. In December 2000 the General Assembly established an Ad-hoc Committee to negotiate an anti-corruption convention which would be universal, binding, effective and efficient on the one hand, and flexible enough on the other, so as to take into account the legal, social, cultural, economic and political differences between member countries.

After two years of negotiations the General Assembly adopted on October 31, 2003 the United Nations Convention against Corruption (UNCAC), which was subsequently signed on 9 December

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2003, in Merida, Mexico. The Convention entered into force on 14 December 2005, when the requisite number of ratifications was achieved. Till date 140 countries have signed the Convention, which 104 countries have become State Parties either through ratifications or accession. The Convention is the first global legally binding instrument on corruption and a comprehensive document that includes measures on prevention, criminalisation and international cooperation. Representing an international response to corruption as a "transnational phenomenon that affects all societies and economies, making international cooperation to prevent and control it essential" (Preamble), the UNCAC breaks new ground in many of its provisions. It emphasizes prominently on the commitment of the States Parties to promote multi-sectoral institutional, legal and policy reforms at respective national levels as well as citizens participation as the keystone to creating a strong and sustainable basis for controlling corruption. It recognizes the cross-border dimension of corruption and affirms that international cooperation is essential to prevent and control the same.

II. WHY HAS BANGLADESH ACCEDED TO THE UNCAC?

Bangladesh acceded to the UNCAC because, together with other States Parties to the Convention Bangladesh is convinced and concerned about (Preamble):

- the seriousness of problems and threats posed by corruption to the stability and security of the societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law,
- the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering,
- cases of corruption that 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,
- transnational nature of corruption that affects all societies and economies, making international cooperation to prevent and control it essential,
- the need for a comprehensive and multidisciplinary approach to prevent and combat corruption effectively,
- implications of illicit acquisition of personal wealth, which can be particularly damaging to democratic institutions, national economies and the rule of law,
- the need to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery,
- the upholding of fundamental principles of due process of law in criminal proceedings and in civil or administrative proceedings to adjudicate property rights,
- the fact that prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts in this area are to be effective, and
- the principles of proper management of public affairs and public property, fairness,

responsibility and equality before the law and the need to safeguard integrity and to foster a culture of rejection of corruption.

The objectives Bangladesh expects to achieve by acceding to the UNCAC, are to:

- promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
- promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;
- promote integrity, accountability and proper management of public affairs and public property.

III. IMPLICATIONS OF UNCAC FOR BANGLADESH

a) Preventive Measures

The Convention recognizes that while corruption can be prosecuted after it takes place, prevention is highly important. Accordingly, the UNCAC provides for specific preventive measures directed at both the public and private sectors. With regard to the public sector, it calls for the establishment of anti-corruption bodies and enhanced transparency in political finance. It stresses on public service safeguards such as merit-based recruitment, codes of ethics and disclosure of assets. An important provision to address the issue of conflict of interest is restrictions on the employment of retired public officials in the private sector.

The UNCAC requires transparency and accountability in public finance and public procurement, and other critical areas of the public sector, such as the judiciary.

The Convention attaches special importance to the promotion by States Parties of civil society participation in fight against corruption, awareness-raising among the public about the problem being a key task. It also requires that the public is given effective access to information, and channels for reporting offences. Of practical importance is the requirement that States Parties are to provide protection to whistleblowers (informers) and witnesses.

With regard to the private sector, the UNCAC requires that measures be taken by States Parties to enhance accounting and auditing standards, with adequate penalties for failure to comply. Among other preventive measures are promotion of private sector codes of conduct; obligations of disclosure by corporate entities of the identities of those involved in their business establishment and management; and prevention of the misuse of procedures regarding subsidies and licences granted by public authorities for commercial activities. States Parties are also required under the Convention to institute a comprehensive regulatory and supervisory regime in order to detect and deter money laundering. Specific implications in terms of preventive measures that Bangladesh has committed to:

Policies and practices (Art 5)

As a State Party Bangladesh shall:

- Develop and implement or maintain effective, coordinated anticorruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.
- Establish and promote effective practices aimed at the prevention of corruption.
- Periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.
- Collaborate with other States Parties and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.

Anti-corruption body or bodies (Art 6)

- Ensure the existence of a body or bodies, as appropriate, that prevent corruption and grant such body or bodies the necessary independence and resources – material and human - to carry out the functions effectively and free from any undue influence.

Public sector (Art 7)

- Endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials ensuring:
 - o principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;
 - o provisions for capacity building including education and training;
 - o adequate remuneration and equitable pay scales;
- Adopt appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to:
 - o prescribe criteria concerning candidature for and election to public office;
 - o enhance transparency in the funding of candidatures for elected public office and funding of political parties; and
 - o to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

Codes of conduct for public officials (Art 8)

- Promote integrity, honesty and responsibility among its public officials;
- Apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.
- Take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.
- Establish measures and systems to facilitate the reporting by public officials of acts of

corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.

- Establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.
- Take disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.

Public procurement and management of public finances (Art 9)

Bangladesh shall take necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in application, shall ensure:

- public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;
- establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;
- use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;
- effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;
- measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

As a State Party, Bangladesh shall take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

- Procedures for the adoption of the national budget;
- Timely reporting on revenue and expenditure;
- A system of accounting and auditing standards and related oversight;
- Effective and efficient systems of risk management and internal control; and
- Where appropriate, corrective action in the case of failure to comply with above.

Bangladesh also pledged to take such civil and administrative measures as may be necessary, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.

Public reporting (Art 10)

Bangladesh shall take such measures as may be necessary to enhance transparency in public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

- Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;
- Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and
- Publishing information, which may include periodic reports on the risks of corruption in its public administration.

Judiciary and prosecution services (Art 11)

Bangladesh shall take measures to ensure independence and strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

Private sector (Art 12)

Bangladesh shall take measures to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures. Such measures may include, inter alia:

- Promoting cooperation between law enforcement agencies and relevant private entities;
- Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;
- Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;
- Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;
- Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;
- Ensuring that private enterprises, taking into account their structure and size, have sufficient internal auditing controls to assist in preventing and detecting acts of corruption and that the

accounts and required financial statements of such private enterprises are subject to appropriate auditing and certification procedures.

To promote private sector integrity Bangladesh shall also take such measures as may be necessary, regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

- Establishment of off-the-books accounts;
- Making of off-the-books or inadequately identified transactions;
- Recording of non-existent expenditure;
- Entry of liabilities with incorrect identification of their objects;
- Use of false documents; and
- Intentional destruction of bookkeeping documents earlier than foreseen by law.

Participation of society (Art 13)

Bangladesh shall:

- Take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:
 - Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
 - Ensuring that the public has effective access to information;
 - Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;
 - Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
 - o For respect of the rights or reputations of others;
 - o For the protection of national security or *ordre public* or of public health or morals.

Measures to prevent money-laundering (Art 14)

Bangladesh shall:

- Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;
- Ensure that administrative, regulatory, law enforcement and other authorities dedicated to

combating money-laundering have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall strengthen the financial intelligence capacity for the collection, analysis and dissemination of information regarding potential money-laundering.

- Implement feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital.
- Implement appropriate and feasible measures to require financial institutions, including money remitters to:
 - o include on forms for the electronic transfer of funds and related messages accurate and meaningful information on the originator;
 - o maintain such information throughout the payment chain; and
 - o apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator. Use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.
- Develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

b) Criminalisation and law enforcement

The Convention requires States Parties to incorporate a wide range of corrupt actions as criminal offences. These include basic forms of corruption such as bribery and the embezzlement of public funds, and at the same time other acts like trading in influence, concealment, abuse of functions, illicit enrichment and laundering of the proceeds of corruption. Subject to criminalisation are acts in support of corruption like obstructing justice. The Convention goes deeper and wider by including in its scope corruption within the private sector and makes provisions for States Parties to criminalise private-to-private bribery and embezzlement, although some offences in this arena are kept as optional due to differences in national law. Another form of bribery that will be treated as criminal are bribery of foreign public officials and officials of public international organizations.

Bangladesh has committed to adopt such legislative and other measures as may be necessary to establish as criminal offences the following acts: bribery of national public officials (Art 15); bribery of foreign public officials and officials of public international organizations (Art 16); embezzlement, misappropriation or other diversion of property by a public official (Art 17); trading in influence (Art 18); abuse of functions (Art 19); Illicit enrichment (Art 20); bribery in the private sector (Art 21); embezzlement of property in the private sector (Art 22); laundering of proceeds of crime (Art 23); concealment (Art 24); and obstruction of justice (Art 25).

Article 30 provides that as a State Party, Bangladesh shall consider establishing procedures through which a public official accused of an offence established in accordance with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate authority, bearing in mind respect for the principle of the presumption of innocence. Where warranted by the gravity of the

offence, Bangladesh shall establish procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

- Holding public office; and
- Holding office in an enterprise owned in whole or in part by the State.

Witness Protection and Compensation

The Convention has also made detailed provision for protection of witnesses, experts and victims (Art 32); and protection of reporting persons (Art 33). It also commits under Art 34 for compensation for damage - to take such measures as may be necessary to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.

Article 36 Specialized authorities

Bangladesh shall ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.

c) International cooperation

A key aspect of the Convention is that States Parties agree to cooperate with one another in every aspect of the fight against corruption. These include prevention, investigation, and the prosecution of offenders. It also obliges States Parties that they must render to each other specific forms of legal assistance in gathering and transferring evidences for judicial use, and to facilitate extradition of offenders. Of particular importance is the requirement that the States Parties undertake measures for tracing, freezing, seizure and confiscation of the proceeds of corruption. It should be noted that legal assistance may be refused on a number of grounds, specially if the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security and/or other national interest.

Bangladesh is entitled under Article 43 to international cooperation and assistance from other States Parties in investigations of and proceedings in civil and administrative matters relating to corruption. A range of tools have been provided for cooperation in other areas such as extradition (Art 44), transfer of sentenced persons (Art 45), transfer of criminal proceedings (Art 47), and training and technical assistance (Art 60). Of particular importance is the provision for mutual legal assistance (Art

46) which covers such areas as:

- Taking evidence or statements from persons;
- Effecting service of judicial documents;
- Executing searches and seizures, and freezing;
- Examining objects and sites;
- Providing information, evidentiary items and expert evaluations;
- Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
- Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;
- Facilitating the voluntary appearance of persons in the requesting State Party;
- Any other type of assistance that is not contrary to the domestic law of the requested State Party;
- Identifying, freezing and tracing proceeds of crime in accordance with the provisions of this Convention; and
- Recovery of assets.

Another important area is law enforcement cooperation (Art 48) under which Bangladesh can get cooperation to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. The article provides a range of possible areas of such cooperation including exchange of information, inquiries of offences, identification whereabouts of offenders, movement of proceeds of crime including property and documents, and coordination between competent authorities.

Thanks to the UNCAC, Bangladesh can also consider entering into bilateral, regional or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies for joint investigations (Art 49) and Special investigative techniques (Art 50),

Recovery of Assets

Recovery of assets has been recognized as a fundamental principle of the Convention. This is a key issue for many developing countries that experience substantial plundering of resources with the participation or connivance of corrupt officials. The ground-breaking aspect of the agreement on this issue meant that the needs of countries seeking the return of assets were reconciled with the procedural safeguards of the countries whose assistance is sought. Consequently a range of provisions are in place specifying how cooperation and assistance should be rendered. While these provisions have great potentials for the States Parties to redress the worst effects of corruption, these also send a strong signal to corrupt individuals that there will be no place to hide their illicit assets.

The Convention is particularly strong on its provisions for asset recovery (Art 51), with a range of instruments and processes for prevention and detection of transfers of proceeds of crime (Art 52), direct recovery of property (Art 53), cooperation for purposes of confiscation (Art 54), return and disposal of assets (Art 57),

Trend Analysis and Monitoring

Commitment under Art 61 include analysing trends in corruption as well as the circumstances in which corruption offences are committed; developing and sharing with other States Parties and through international and regional organizations statistics, analytical expertise concerning corruption and information with a view to developing, insofar as possible, common definitions, standards and methodologies, as well as information on best practices to prevent and combat corruption. As a State Party Bangladesh shall also monitor its policies and actual measures to combat corruption and make assessments of their effectiveness and efficiency.

IV. WHAT NEXT?

Progress of Implementation: Bangladesh as a State Party to the UNCAC shall take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention. We are also under obligation to report on implementation to the conference of States Parties established for the parties. To the second conference on implementation due in the end of January 2008 Bangladesh is expected to submit its report on implementation.

As evident from the above analysis, stakeholders to the Convention is everyone - Government, political parties and political leaders, pillars of the national integrity system, the UN and other international actors – development partners, bilateral, multilateral, multi-nationals, and citizens - NGOs, CBOs, CSOs – people at large

Transparency International Bangladesh, undertook in October 2007 an assessment of the status of implementation of UNCAC in Bangladesh in consultation with various stakeholders. Since the accession took place as late as February 2007, it was too early to measure much specific developments except the legal and institutional reforms undertaken after the transition of January 11, 2007, nearly all of which are consistent with the UNCAC commitments. Nevertheless, the following preliminary observations are in order.

In terms of the strengthening of the legal basis for fighting corruption, the Anti-corruption Act of 2004 and its amendments since the transition of January 11, 2007 are worthwhile positive developments. But significant weaknesses and contradictions in the Act remain. According to Article 3(2) of Anti Corruption Commission Act-2004, for instance, the “Commission shall be independent and impartial”, but Article 30 states that the Commission’s organizational structure and budget will be determined by the Government, which poses limits to the Commission’s independence, which was reportedly under active consideration of the Government for necessary amendment.

The Anti Corruption Commission in its new incarnation is widely believed to be working effectively, filing suits against persons allegedly involved in corruption. As a part of its preventive function the Commission has also commenced an outreach and communication programme to increase public awareness and participation.

There is no national integrity strategy (NIS) or anti-corruption policy. Asian Development Bank's project on developing an NIS has been moving at much slower pace than planned and its fate remained uncertain. ACC is stipulating to propose enactment of a comprehensive anti-corruption law consisting of all relevant laws.

Although significant progress has been made recently in efforts to promote integrity in public procurement including the Public Procurement Act of 2006 and prior to that Public Procurement Regulation of 2003, the Draft Rules for Public Procurement 2007 following upon the new Act are yet to be approved.

Under the Money Laundering Prevention (Amendment) Ordinance 2007 of July 4 2007, acts offences of money laundering has been included in the jurisdiction on the ACC. The trial jurisdiction has also been shifted to Special Judges Court from Session Judges Court.

Although no specific date has been mentioned, the Government has recently made a commitment to enact the Right to Information Law, which will be highly conducive to fulfillment of most of the provisions of the Convention.

An inter-ministerial committee has been formed to coordinate the work of a Gap Analysis. However, lack of coordination between the various government ministries and departments appears to be the key problem. No particular Ministry or Division has yet been designated the focal point for coordination, nor any section or official has been designated as coordinator within the concerned ministries or departments.

There is a significant level of interest and enthusiasm among the various stakeholders about the UNCAC. However a real sense of ownership and responsibility for specific follow-up initiatives is yet to be developed.

Looking Ahead

Corruption exists in greater or lesser degree in all countries of the world, irrespective of political and economic system, big or small, developed or developing. What has been striking about Bangladesh is that in a context that was producing a 'culture of impunity' corruption was affecting daily lives of citizens.

The transition of January 11, 2007, has been widely viewed to have opened up an opportunity for a turnaround from the acute and pervasive corruption that has over the years bedevilled

Bangladesh's polity, economy and society. A series of high-profile initiatives has been taken by the Caretaker Government to criminalize corruption by prosecuting the allegedly corrupt individuals, irrespective of their political and other status in the society. While the fate of the cases including the high-profile ones would depend on the courts, the on-going anti-corruption drive could turn out to be the strongest ever signal in Bangladesh's history that corruption is a punishable offence.

Initiatives have been taken to reform the legal and institutional structures to strengthen some of the key institutions of democracy and national integrity system. The institutions that have already undergone substantive reforms include independence of the Judiciary, reconstitution of the Election Commission, the Anti-Corruption Commission and the Public Service Commission, which followed the Government's prompt decision to accession to the UN Convention against Corruption on 27 February 2007, within 6 weeks of taking power.

Whether or not the initiatives for institutional and policy reforms, which consciously or not are consistent with the UNCAC commitments, will take deep roots will depend on a number of factors. The politicians may be viewed to have in general lost the incentives to indulge in corruption for the time being. But it would be too early to assess whether or not this would translate into a genuine soul-searching by them resulting in an anti-corruption political will and commitment to be effectively carried forward beyond the elections of 2008.

Nothing substantial has happened yet to curtail incentives for corruption in the public service. On the contrary, at the service delivery end in various sectors, people continue to be victims of corrupt practices often through new techniques and innovations as well as added premiums. The issue of integrity in public service is crucial to addressing corruption because of their key role in public sector transparency and accountability. Whatever well-meaning may be the reforms in other sectors, these cannot bear fruits nor can any of those be sustained without convincingly establishing that appointments, promotions, postings and transfers in public service are based on performance and merit and not on political influence and bribery. So long as the scope remains for abuse of power with impunity, and as long as effective legal and ethical standards are not in place with enforcement mechanisms for zero tolerance of corruption, no true results can be expected or sustained.

No less important is the issue of salaries and benefits, inconsistency of which with cost of living is one of the main factors behind corruption in public service. The issue of salaries and benefits in public service can no longer be viewed as costs, but as investments for future. Much would depend on the extent to which anti-corruption values and ethics can be mainstreamed in the public service as a whole, which could be beset by problems of inertia and resistance to change.

In the embedded structure of corruption, a key actor in addition to politicians and public officials is the private sector which is the supply side of the win-win game in corruption, both in grand

and petty corruption. The sooner it is possible to mainstream anti-corruption values in the private sector the better is the prospect of implementation of UNCAC.

Turning around Bangladesh's pervasive corruption scene will be long and complicated. The institutional reforms mentioned above only mark the beginning of that process. Separation of the judiciary by itself does not guarantee its integrity, and any benefits thereof would come only in a long-drawn process. To enforce reforms for credible election free from the influence of corruption and black money the Election Commission will have to depend on the Government officials at local levels whose integrity will take long to take roots.

The fate of cases against those behind bars for alleged involvement in corruption remains wide open in a country that has hardly ever in the past experienced such high-level prosecutions for corruption. The most formidable part of the challenge here is to ensure that the law is allowed to take its due course. Abuse of power cannot be fought by abuse of power. Any deviation from the due judicial process is bound to be counterproductive not only for the cases per se but also for the anti-corruption drive as a whole.

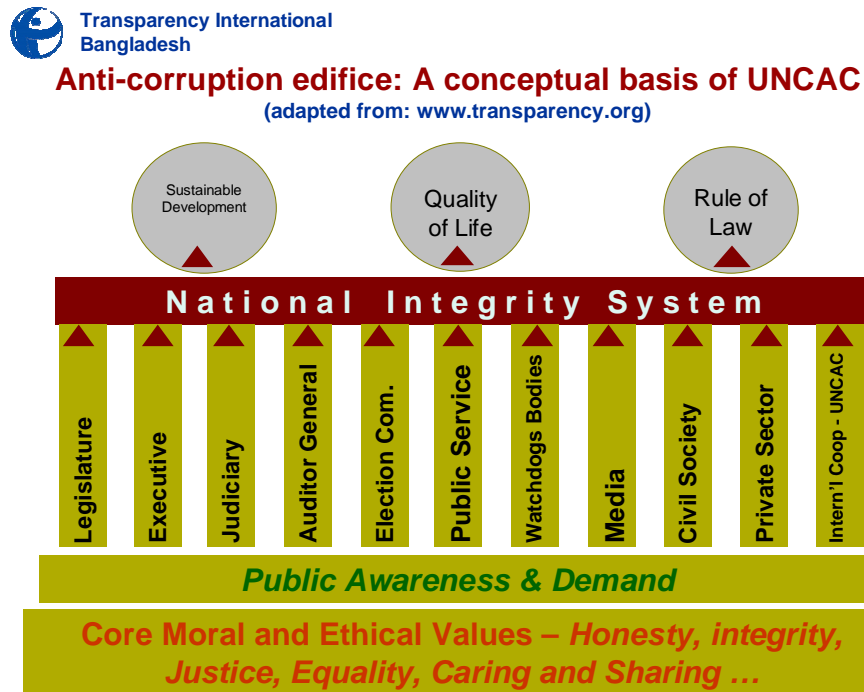
If the high-profile and high-speed anticorruption drive succeeds in creating a sustainable basis for effectively reducing corruption in Bangladesh, of which historical opportunities have been created, this will be a rare instance that a military-backed government has done so. The sceptics would look at examples where military-led anti-corruption drive eventually resulted into entrenchment in power by the military itself.

The war against corruption has enjoyed unprecedented popular support. But like any other war this fight against corruption is also likely to bring out increasing items and numbers in “collateral costs”. Implications of emergency in terms of human rights, public harassments and sense of insecurity especially at the local levels, which is typical of military operations and a shaky confidence in business with its implications especially on the market price – all taken together may speed up the process of erosion of public support and enthusiasm.

To sustain public support, the people must be convinced that in the end the anti-corruption drive is going to add value for them and reduce hardships in daily life. And among the indicators they would use are price level of essentials, and visible and invisible costs of access to key basic services like health, education, justice and rule of law.

It took a long process of leadership and institutional decay for Bangladesh to reach where it stands today in terms of corruption; it has not taken place overnight. It took time to entrench, it took connivance and participation of people in positions of power – people who are powerful politically, economically and socially - whether at the national or local levels, whether in the public sector or private. For the same reason it cannot also be addressed overnight without comprehensive efforts with

a strategic vision and without the fullest commitment of all key actors and stakeholders. Success of anti-corruption efforts is a function of the degree of the collective strength and effectiveness of the pillars of the national integrity system as in the following Greek-Temple structure, where every stakeholder has a due role to play. This comprehensive approach is also the conceptual basis of the UNCAC.



Critical to any effective anti-corruption strategy is systemic transformation. But the ultimate source of strength in anti-corruption movement is the people – their awareness, voice raising and participation in the form of a social movement with active support of all stakeholders, including the media. The main challenge is to create an environment in which corruption would be hated and rejected by everyone and pressures will come from all levels to generate the will and commitment of leaderships and strengthen the effectiveness of the key institutions.
