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## THE EXPERIENCE OF COMBATING CORRUPTION IN COUNTRIES WITH DEVELOPED ECONOMY

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On the base of review of corruption level in countries occupying different positions in the ranking of corruption, is being proved transnationality and systematic structure of corruption, typical for the current moment. Here is noted a national characteristic of combating corruption in China, which struggles against corrupt officials but not with the sources of corruption. Offers an idea about the supremacy of international institutions in organizing combating against corruption.

**Keywords:** corruption, manifestations of corruption, combating against corruption, anticorruption activity, prevention of corruption.

It is generally recognized that corruption - this is one of the most serious threats not only to economic and social development of individual countries, but also for national and international security in general. Corruption is a disease of the State power, which undermines the rule of law and weakens the institutional foundations of political stability, social cohesion and hinders economic development.

Fighting corruption is conducted by majority of the States of the world. In recent years, to the research the causes of corruption and development methods for its prevention and overcoming have joined many international and national governmental and non-governmental organizations and prominent academics. Moreover, unlike the recent past, more attention is paid to the developed industrial countries. However, in effective overcoming corruption only very few countries can achieve tangible results in practice.

In this connection special interest represent the States which have attained some success in fighting corruption. The idea of extraction the anti-corruption

programs that have proven their effectiveness in practice represents enormous potential for borrowing the positive international experience.

Quite pure in respect of corruption the countries that are in the top ten or top twenty according to the rating of corruption, which at the State level have formed anti-corruption strategy are Finland, Denmark, New Zealand, Iceland, Singapore, Sweden, Canada, Netherlands, Luxembourg, Norway, Australia, Switzerland the United Kingdom, Hong Kong, Austria, Israel, USA, Chile, Ireland, Germany, and Japan.

Some features of the organization of anti-corruption activities in the above-mentioned relatively healthy countries are as follows. Corruption is perceived by governments of these countries as a serious national security problem. At the same time corruption is seen as external and internal threats. Clearly separated the two aspects of corruption: political and economic. The development of political corruption can lead to uncontrollable political situation in the country and poses a threat to democratic institutions and the balance of the various branches of government. Economic corruption reduces the effectiveness of market institutions and regulatory activities of the State. It is important that efforts to restrict corruption in these countries, as a rule, institutionalized, and is impressive in its scope.

On the results the CPI (Corruption Perceptions Index, IVK in Russian) in 2010, Singapore took 1 (first) place (9.3 points) among 180 countries in the world, sharing it with Denmark and New Zealand.

The main idea of anti-corruption policy in Singapore is in an attempt to minimize or eliminate conditions that create an incentive and opportunity to induce the person to commit corrupt actions. The central part in the fight against corruption is a permanently functioning special body - Corrupt Practices Investigation Bureau (CPIB), which prevents and investigates corruption in the public and the private sector in Singapore. The functional responsibilities of the Bureau include: reviewing and investigating complaints on corruption violations, both among civil servants and private sector; investigation the violations and abuses of power by civil n t.o commit corrupt acts. servants; prevention of corruption by improving the activity of state bodies and administrative procedures to minimize opportunities for committing corruption crimes. The Bureau consists of three divisions: investigation, reference and information, support.

As an important criterion for anti-corruption policy has been put forward the idea of transparency of case and the inevitability of punishment.

Legislative base - Prevention of Corrupt Activity (PCA) - dictates strict measures: the life of the accused beyond his means or the possession of objects of

property is interpreted as the actual proof of receiving a bribe. In addition, in accordance with current legislation, any person who offers, accepts, or receives a bribe, could be sentenced to a fine of up to 100 thousand SGD or imprisonment up to five years, or subjected to both types of sentences at a time. If the corruption affects government contracts or involves - a Member of Parliament the period of imprisonment may be extended up to 7 years.

In addition, the Court obliges the offender to return to the State the equivalent of bribe.

The main instrument of anti-corruption policy in Singapore is the high wages of state employees, where are used market-based methods in the calculation of salary to ministers and officials.

Singapore Civil Service operates on the basis of meritocracy (a system of individual merit), neutrality, public accountability, honesty and anti-corruption discipline.

China - a typical example of a country with economies in transition, where is preserved a strong centralized power, which, however, cannot restrain corruption in the force of objective circumstances related to the transition period, so in 2010, China took 78 place in the ranking of corruption.

Currently in China there are two kinds of indication of corruption and, accordingly, two levels of perception:

- criminal-legal significance. Corruption-bribery.
- political and moral significance. Corruption-decomposition. This concept applies to almost all anti-social and venal actions of officials at all levels who use their official position for the acquisition of excessive and unwarranted privileges, benefits and bonuses, misappropriation, or extortion of material assets, receiving material assets, wealth, property benefits, and etc. in person or through an intermediary.

Considering China's corruption, it should be recognized that this phenomenon belongs to the so-called "Asian model" of corruption, where it is a familiar and socially acceptable cultural and economic phenomenon associated with the functioning of the state. In China, it is compounded by the fact that this state has a thousand-year tradition of the existence of the bureaucracy as a special, privileged, structured, self-perpetuating group, to belong to which was very prestigious. In addition, China has traditionally struggled with the symptoms of the problem, but not the problem, i.e., with corruptors, and not the sources of corruption.

Today, the problem of combating corruption and decay rises on virtually every serious party meeting; constantly emphasizes the fundamental importance and

complexity of the tasks of the party. Beijing is increasingly developing international cooperation in the fight against corruption and is eager to bring its anti-corruption legislation in line with the “UN Convention against Corruption.”

Combating against violation of party discipline and other manifestations of “decomposition” in the ongoing anti-corruption campaign in China now takes one of the priority directions. Not surprisingly, in all statements and resolutions of the Government of the PRC phenomenon of “corruption” is almost always mentioned along with the term “decomposition”, and often these concepts are fully merged. However, the problem of violation of Party discipline by members of the CPC and the abuse of power is a separate and very serious issue in life of modern China.

The decisive actions of the Chinese leadership have significantly changed the situation on combating corruption for the better. Emphasis is placed simultaneously on two branches of government – legislative and judicial branches. It should be noted that the Chinese themselves often explain the need for tough measures against corrupt officials, citing the well-known parable “to cut a chicken to scare a monkey.” Since even seemingly minor financial crimes of officials can entail substantial deprivations for millions of people.

In the first place, in addition to existing agencies on combating corruption, namely the Central Commission for Discipline Inspection of the CPC Central Committee and the Ministry of control, was established a new body - the State Administration of Anti-Corruption. Thus, the creation of anti-corruption system in China began with the formation of a centralized structure on combating corruption.

In China, traditionally believed that society should be governed not only by the rule of law, but also by the norms, rules of conduct, ethical beliefs and the force of example. Deeply respected by all in China, Confucius urged: “Do not worry about that you do not have a high rank. Worry about whether you deserve it.”

Arab Republic of Egypt on the results of the CPI - 2010 takes 98<sup>th</sup> place with 3.1 points.

As measures to strengthen the fight against corruption Parliament of Egypt on February 25, 2005 ratified the Convention against Corruption. Another component in the combating against corruption is a tightening of laws against money laundering, illegal financial transactions by legal entities and physical persons, as well as creating conditions of more rapid response in case of theft of funds of the national treasury.

The legal base for combating corruption and money laundering in Egypt is the Law on Combating Money Laundering No. 80 of 2002. Article 8 of this normative act stipulates that financial institutions are obliged to report any suspicious

transactions that may fall under the “money laundering”, as well as to establish a system that will provide the information on the personal identification and legal status of the client.

In accordance with Articles 10 and 17, the person providing information on suspicious financial transfers, cannot be held liable. Culprit of the crime on laundering money should be freed from punishment, if he will report to the competent authorities about committing of a crime. He is also exempt from the punishment if the competent authorities were aware of the crime, but getting information from the person allowed to identify and arrest other offenders or confiscate money, which became the object of the crime.

The Republic of Namibia on the results of the CPI-2010 is on 56<sup>th</sup> place with a score of 4.4.

In order to counter corruption the Republic of Namibia has ratified the international documents to combat corruption, namely the UN Convention against Corruption and Transnational Organized Crime, and established its national database aimed at the criminal legal combating corruptors. In light of this, in Namibia in 2004, was adopted the law No. 29 on the Prevention of Organized Criminality, in 2007 the law No. 3 on the Financial Intelligence and Creation of an Advisory Council to Combat Money Laundering.

In 2003, Namibia adopted the Law No. 8 on Combating Corruption. On the basis of this acts the Anti-Corruption Commission which is endowed with the following functions: initiation, revealing and investigation of corruption facts, implementation of international cooperation and exchange of information on the issues of combating corruption, informing the public on corruption issues, etc. In accordance with the law on combating corruption in Namibia as corruption offenses deemed unlawful adopting of satisfaction, bribing an official, as well as foreign government officials, corrupt actions in the field of tenders, sports events, auctions. Separate crime is a failure to report about corrupt transactions.

Positive aspect of Namibia’s anti-corruption legislation is the protection of witnesses and informants. During the trial should not be disclosed the identity or address of the person assisting the Commission in investigating the facts of corruption.

Thus, the policy of the Republic of Namibia aims to develop and strengthen the mechanism of prevention, revealing, punishment and eradication of corruption, regulation international cooperation, development and harmonization of policy to combat corruption.

One of the main directions of anti-corruption policy of Tanzania is prophylaxis corruption, conducted by the Bureau on prevention and combating corruption. The objectives of preventive measures are contained in the National Anti-Corruption Strategy and Action Plan (NACSAP II) is the inclusion of all interested persons in the combating against corruption. Instrument for achieving this goal are the mechanisms and processes of transparency and openness of economic and political governance.

In order to implement the UN Convention against corruption, as well as the convention of the African Union on prevention and combating corruption in Tanzania was adopted the law No. 11 of 2007 on Prevention and Combating Corruption, which has significantly expanded the range of anti-corruption, including corruption in the private sector.

Tanzanian law enforcement authorities are paying great attention to the professionalism of their investigators conducting an investigation for the facts of corruption. As was noted at the conference, the problems faced by many law enforcement agencies include, firstly, the low level of investigators, and secondly, the low level prosecutors. The important principle in the fight against corruption must be impartial, decisive, objective attitude of law enforcement agencies to the process of investigating corruption.

Great attention is paid by the Government of Tanzania to international cooperation in the combating against corruption and asset return. However, it is emphasized that the fight against corruption is complicated by the facts of lengthy legal procedures to provide legal assistance and the lack of information sharing at the international level.

According to research conducted by non-governmental organization Transparency International Greece takes 78<sup>th</sup> place. In 2009, the amount of corruption in the administration of the State amounted to 787 million euros. Currently, the Hellenic Republic actively participates in EUROPOL, EUROJUST, as well as in the European Judicial Network, which was established by the Council of the European Union in 1998.

Greece ratified the European Convention on Legal Assistance, signed treaties on legal assistance with many countries around the world. A great step forward in combating against corruption was the ratification of the UN Convention against Corruption, which allowed developing the anti-corruption program based on international transparency and responsibility through the creation of a controlling mechanism.

Deserve attention the problems identified by deputy prosecutor of Athens

in matters of criminal prosecution and extradition for corruption offenses, namely: differences in national legislations and legal systems; lack of coordination in conducting interrogations; the attitude to the elements of proof. Overcoming these problems is impossible without joint efforts focused on a common goal - an effective combating against corruption.

Israel is one of rather corruption-free countries. This is provided by the system of a certain duplication of monitoring possible corrupt actions. It is carried out by government agencies and special police units, the Department of the State Controller, which is independent from ministries and government departments, and by public organizations such as the Department for the purity of the government.

These organizations are investigating possible corruption point, and if find out it they inform the investigating authorities. Moreover, the information must necessarily be made available to the public. The independence of these organizations from the heads of ministries and agencies, whose officials may be involved in corruption, is very important.

Management to combat corruption, included in the administration of Prime Minister, is charged with the duty to constantly educate the officials to prevent possible corruption and coordinate the work of the various intradepartmental services on struggle for purity of government authorities.

An important role is also played by MASS MEDIA. According to the words of one of the major political figures of this country, the most dangerous to his political career are charges of corruption that can appear in a respected newspaper.

It should be noted that in Israel, due to significant social benefits for civil servants and their merciless punishment upon detection of corruption, local corruption is virtually absent.

At the present stage corruption is characterized by transnationality and systematicity. Corruption does not recognize national borders. It is ubiquitous, the scale of the phenomenon has reached the international level.

In the complex of legal anti-corruption means at the international level are of particular importance those that focus on ensuring the effectiveness of counter transnational corruption, achieving the quality of prevention and suppression of the most dangerous for individual states and the international community actions, which would guaranteed international standards for qualification of corruption offenses , uniform jurisdictional parameters, the inevitability of prosecution and punishment of offenders, as well as fair compensation of harm for victims.

Important role in the unification of common approaches of national legislation of different countries in the fight against corruption is played by international organizations of UN, Council of Europe, World Bank, Organization of American States, Organization for Economic Cooperation and Development (OECD) and other international organizations.

Within of eyeshot of UN the issue of corruption has been remaining for more than two decades. And that understanding of the international nature of the corruption phenomenon and its transnationality requires global measures at the international level to neutralize the threat it poses to the security of the entire world community. Therefore no coincidence there is a problem of corruption in the spotlight of global programs undertaken within the framework of the UN Program on Crime Prevention and Criminal Justice.

In the framework of the Global Program UN assists countries in detecting, preventing and stopping corruption. In particular, the program has developed mechanisms contributing greater transparency and reporting in field of government procurement and international commercial transactions.

One of the first international documents in this area is a resolution adopted on December 15, 1975 by the UN General Assembly, condemning "all forms of corruption", encourages the "governments within the framework of their national" jurisdiction to take all necessary measures to prevent such corruption and punish offenders.

In 1996 the General Assembly of the UN adopted a resolution "Combating Corruption", which calls for careful consideration the issues related to international aspects of corruption, especially in respect to international economic activities carried out by corporate organizations. Also known declaration of UN "On Fight against Corruption and Bribery in International Commercial Transactions" of 1996, according to which States undertake, inter alia, to consider as a criminal offense a bribery of foreign governmental officials and to cancel the exemption from taxation of amounts received as a bribe from any private or public corporation or physical person of UN member state by any state official or a person elected to the representative body of another country.

A great role in the fight against transnational, international corruption is played by the UN Convention against Corruption, which contains measures aimed at more efficient and effective prevention of corruption and fight against it, promotion, facilitating and support of international cooperation and technical assistance in the prevention corruption and the fight against it, including the adoption of measures to recover assets, promoting honesty, incorruptibility and



responsibility as well as proper management of public affairs and public property (Article 1).

The Convention introduces a comprehensive set of standards, measures and rules that all countries can use to strengthen its legal norms and regimes of state regulation in the field of combating against corruption. It urges to adopting measures to prevent corruption and declares outlaw prevailing forms of corruption in both public and private sector.

The Convention stresses on the need for manifestation political will on the part of the executive, legislative and judicial powers for the use of many-sided and serial measures of state and society to eliminate the causes and conditions that generate and support corruption in various spheres of life. In particular, the Convention highlights the need to create a specialized national body to combat corruption, what is regarded as a manifestation of political will. The Convention promotes taking and strengthen measures aimed at more effective prevention of corruption and deeds that are directly related to it, and combating with them.

Thus, UN has recognized the international nature of the problem of corruption and is trying to find a generally acceptable forms and methods of stopping of this phenomenon.

The Council of Europe approach to the fight against corruption has three interrelated aspects: the development of pan-European norms and standards, monitoring for their compliance and providing technical assistance and implementation the programs of targeted assistance to countries and regions.

In 1996 the Committee of Ministers of the Council of Europe adopted the Program of Action against Corruption, in which have been prepared and open for signature two conventions – Criminal Law Convention on Corruption of January 27, 1999 and the Civil Law Convention on Corruption of 4 November 1999.

Participants to the both conventions may be both invited European states that are not yet in the Council of Europe, and non-European countries (USA, Canada, Japan and some other countries have participated in their development).

The preamble to the Criminal Law Convention on Corruption emphasizes the need for a holding as a matter of priority general criminal policy aimed at protecting society from corruption, including the adoption of appropriate legislation and preventive measures. It also speaks of the threat posed by corruption to the rule of law, democracy, human rights, social justice, economic development, moral values. The purpose of the Convention is widening, activization and proper functioning of the international cooperation of Convention participating country in the field of criminal law, in order to prevent the threat to the rule of law, democracy

and human rights, effective state management, the principles of equality and social justice, competitiveness, economic development and the threats to the stability of democratic institutions and the moral foundations of society.

Group of States Against Corruption (GRECO) - international organization created by the Council of Europe in 1999. The main aim of the organization is supporting participant states in combating corruption.

GRECO establishes anti-corrupt standards (requirements) to a state's activity and monitors compliance of practice to these standards. The Group helps to detect disadvantages of a national anti-corrupt policy and offers necessary legislative, institutional and operative measures. GRECO provides for possibility for sharing the best solutions in the field of detecting and preventing corruption.

The Group consists of 49 states. The membership of GRECO is not limited by Europe, however, today the only not-European state in the composition of the Group is the USA.

Thus, during the analyses of national programs and acts of international organizations aimed on the combating corrupt offences, the conclusion that the core of the international anti-corrupt strategy is still on the stage of formation seems to be reasonable. Huge potential of legal means available to the major international organizations remains unclaimed enough, while the long overdue the need to work out in the UN and to put in place an universal international legal document preventing the development and spread of corruption in all spheres of life. This would improve the national anti-corruption legislation, as it is important that the efforts of this kind took place with the support of individual countries that in general can lead to a really effective anti-corruption mechanism.

In addition, relevant and useful would be a centralized educational and upbringing programs for the public servants at all levels of government and the civilian population which are held by international non-governmental organizations and national public funds. Everything must be subordinated to the goal of zero tolerance for corruption, compliance with the principles of the rule of law and justice, and moral regeneration of human behaviour.

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