

Anti-graft crusade

The missing aspects

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Aspate of recent swoops, after a long painful hiatus, by the anti-graft body has raised people's spirits. Filing of cases against 22 officials of electricity authority including its executive director at the Special Court for alleged corruption of Rs 420 million in the purchase of transformers has sent tremors across the bureaucracy. The arrest of more than three dozen officials from immigration and foreign employment departments just a few weeks back deserves cautious appreciation. In the light of what the anti-graft agency has been doing in recent months, it would be interesting to see what actually went wrong in the fight against corruption in the past two decades.

Nepal was the first country in the region to have a powerful constitutional body to tackle corruption. But, political patronization and politicization of corruption made prosecution in graft cases naught for some years. According to Global Corruption Barometer-2013, 70 per cent of Nepali people feel that political parties are the most corrupt institutions in the country, followed by bureaucracy with 63 per cent. This is

largely due to many politicians known as 'big fish' hardly got nabbed and prosecuted. Over two decades of democratic practice, only half a dozen former ministers were netted and prosecuted on charges of graft. Political corruption virtually remained a no-go area. Thus, the Commission for the Investigation of Abuse of Authority (CIAA) must look into possible involvement of 'big fish' in corruption cases like the transformer scam to make anti-graft crusade inclusive and secular. It must also brave up to investigate more than 500 graft complaints against politicians which are lying at the CIAA for years.

Regionally, Nepal's anti-graft agency enjoys exclusive mandate (ombudsman, investigator and prosecutor) to investigate and prosecute major branches of the government. Yet, we have not been able to make much of a dent on corruption. This paradox tells us that anti-corruption laws and institutions may prove ineffective unless they are backed up by strong political will. The CIAA, despite being a powerful agency, fell prey to predatory political executives and functioned without its head for over six years. Excess of political in-



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fluence in appointments thus became a deadly culprit in the fight against corruption.

The other hurdle in tackling corruption in Nepal is poor institutional integrity. The integrity reform agenda never drew political attention. Since 1990s, we always tried to empower one particular state institution completely overlooking reforms in the other sectors.

This has taught us a lesson that unless we introduce far-reaching reforms in national integrity system; one-sector reform approach will not prove to be of impact on systemic corruption.

Integrity reform is a diagnostic instrument to corruption and bad governance. Effective integrity system looks at corruption as a 'high risk, low reward' activity whereas weak in-

tegrity system perceives corruption as 'low risk, high reward' deal.

On the contrary, civil servants and politicians in Nepal regard graft as 'low-risk, high reward' business. Thus, it has become the fastest and easiest way of accumulating wealth in a country like Nepal where there is a relatively low level of detection and penalty. Comparison of prosecution rate in both Hong Kong and Singapore shows that a corrupt civil servant and politician are 35 times more likely to be detected and punished than his counterpart in other Asian countries like Nepal.

For effective detection and punishment, the anti-graft body and the court must collaborate together with 'zero tolerance' approach. Anti-graft body's effectiveness is mostly guided and driven by the efficient adjudicative process and capability of the special courts. Therefore, failure to synchronize institutional capacity and performance of these two most important institutions undermined our anti-graft efforts in the past.

January 2006 to July 2008 is considered as the gloomiest chapter in the history of Nepal's anti-corruption movement. During this pe-

riod, the Special Court gave clean chits and scrapped 35 out of 62 graft cases filed by the CIAA. These scrapped cases included political heavy-weights Govinda Raj Joshi, Khum Bahadur Khadka and Rabinendra Nath Sharma including three former police chiefs Prajwal Shumsher Rana, Motilal Bohara and Achyut Krishna Kharel, among others. Their cases were scrapped on 'statute of limitations' thereby setting a bad precedent.

Thus, the policy makers in Nepal must cultivate a common understanding that corruption cannot be fought by 'stand alone reform' strategies. The government should formulate national integrity plan to reinforce overall integrity system to sustain the fight against corruption. We must also understand that the problem of dealing with systemic corruption in Nepal is poor integrity and the problem of creating political will to enforce what Nepal already has in place. In the absence of real political commitment, sustainably fighting corruption becomes a big challenge despite having a strong law and a powerful entity.

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