

Anti-Corruption Policies in Asia and the Pacific *Self-Assessment Report Cambodia*

Over the last decade, societies have come to realize the extent to which corruption and bribery has undermined their welfare and stability. Governments, the private sector and civil society alike have consequently declared the fight against corruption to be of highest priority.

In the Asia-Pacific region, twenty-one countries have expressed their commitment to fight corruption by endorsing an anti-corruption action plan within the framework of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, a first-of-its-kind partnership between all stakeholders of Asian and Pacific countries. The Action Plan comprehensively promotes the regions' objectives and needs for reform to develop effective and transparent systems for public service, to strengthen anti-bribery initiatives, to promote integrity in business operations, and to support citizens' involvement.

In order to gain a comprehensive and structured overview of the endorsing countries' legal and institutional framework in place to ensure and enhance transparency in the public sector, combat bribery and promote transparency in business operations, and facilitate public involvement in the fight against corruption, endorsing countries of the Action Plan have decided to take stock of their relevant legal and institutional provisions in place.

The following report reflects the Anti-Corruption Policies that Cambodia has reportedly in place as of October 2003. Organized along the topics of the Anti-Corruption Action Plan for Asia and the Pacific, it outlines the legal and institutional framework governing each of its issues, the respective implementing agencies and recent of planned reforms.

Self-assessment reports provided by the other countries that have endorsed the Anti-Corruption Action Plan for Asia-Pacific as well as a summarizing overview of the anti-corruption policies in the region are available at the Initiative's website (www1.oecd.org/daf/asiacom/stocktaking.htm). For further information about the Anti-Corruption Initiative for Asia-Pacific and its work, please refer to www1.oecd.org/daf/asiacom/.



Pillar I: Developing Effective and Transparent Systems for Public Service

Action Plan objective	Regulatory or legal framework (pls. corresponding document or legal text)	Institution in charge of implementation (i.e. ministry, department, independent internal or external oversight body etc.)	Relevant recent or planned reforms in this area, i.e. their objectives, implementation stages, outputs and timeframe.
Integrity in Public Service: Establish systems of government hiring of public officials that assure openness, equity, and efficiency and promote hiring of individuals of the highest levels of competence and integrity through:			
a/ Development of systems for compensation adequate to sustain appropriate livelihood and according to the level of the economy of the country in question	<ul style="list-style-type: none"> - Government Political Program and Strategies. - Law on common Statute of Civil Servant - Royal decree on basic salary and allowances of the Civil Servant 	<ul style="list-style-type: none"> - Supreme Council for State Reform - Council for Administrative Reform - Ministry of Economy and Finance - State Secretariat for the Civil Service 	<ul style="list-style-type: none"> - New classification and remuneration regimes were introduced - Salaries are being increased per approved strategy in ways that are sustainable with domestic resources - Extensive study program underway to accelerate pay and employment reforms - Implementation of Priority Mission Groups to empower target teams of officials
b/ Development of systems for transparent hiring and promotion to help avoid abuses of patronage, nepotism, and favoritism, help foster the creation of an independent civil service; and help promote a proper balance between political and career appointments	<ul style="list-style-type: none"> - Program of Administrative Reform - Law on common statute of Civil Servant - Rule and Regulation on recruitment and appointment of Civil Servant 	<ul style="list-style-type: none"> - State Secretariat for Public Service. - Council for Administrative Reform 	<ul style="list-style-type: none"> - Review and streamlining of procedures, practices and processes to hire and manage staff
c/ Development of systems to provide appropriate oversight of discretionary decision and of personnel with authority to make discretionary	<ul style="list-style-type: none"> - Law on Audit 	<ul style="list-style-type: none"> - National Audit Authority - Ministry of Relations with National Assembly, Senate and Inspection 	<ul style="list-style-type: none"> - Strengthening of NAA and inspection services



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decisions		-National Council Against Corruption (to be established)	
d/ Development of personnel systems that include regular and timely rotation of assignments to reduce insularity that would foster corruption	- Common Statute - Particular Statutes -Internal Rules and Regulations	- Council for Administrative Reform - State Secretariat for the Civil Service -Relevant Ministry or Institution.	HRMIS under development. Applications to manage hiring, promotions and transfer in place. Work is proceeding on complementary applications.
Integrity in Public Service: Establish ethical and administrative codes of conduct that proscribe conflicts of interest, ensure the proper use of public resources, and promote the highest levels of professionalism and integrity through:			
a/ Prohibitions or restrictions governing conflicts of interest	-Law on Common Statute of Civil Servant - Particular Statutes - Manual on the Obligations of Civil Servants	-Council for Administrative Reform -State Secretariat for Public Service -Department of Inspection in each Ministry or Institution	- Implementation of existing statutes and regulations - Code of Ethics under development
b/ Systems to promote transparency through disclosure and/or monitoring of, for example, personal assets and liabilities	-Anti-Corruption Law (already submitted to the National Assembly for approval)	-Secretariat of the National Council Against corruption (to be established)	- A-C Law (including provisions for the declaration of assets) to be reviewed and approved by the National Assembly and the Senate
c/ Sound administrative systems which ensure that contact between government officials and business services users, notably in the area of taxation, customs and other corruption-prone areas, are free from undue and improper influence	-Law on Investment -Law on Taxation -Law on Accountability and Audit of private Enterprise -Custom Code (to be adopted)	-Ministry of Economy and Finance -Council for Development of Cambodia	- Provisions of various laws and regulations are being implemented - Comprehensive program is being finalized with partners
d/ Promotion of codes of conduct taking due account of the existing	-Law on Common Statute of Civil Servant	-Council for Administrative Reform	-Capacity building of Civil Servant



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relevant international standards as well as each country's traditional cultural standards, and regular education, training and supervision of officials to ensure proper understanding of their responsibilities	- Program of Administrative Reform	- State Secretariat for Public Service	- Human Resource training - Information/sensitization campaigns to follow-up on past efforts
e/ Measures which ensure that officials report acts of corruption and which protect the safety and professional status of those who do	- Draft Anti-Corruption Law - Common Statutes	National Council Against Corruption (to be established) Ombudsman Office (to be established)	- Implementation of Anti-Corruption Law when approved - Establishment of NCAC and Ombudsman Office
Accountability and Transparency: Safeguard accountability of public service through effective frameworks, management practices, and auditing procedures through			
a/ Measures and systems to promote fiscal transparency	- Law on Taxation	- Ministry of Economy and Finance	Program is being finalized with partners to follow through on progress to date
b/ Adoption of existing relevant international standards and practices for regulation and supervision of financial institutions	- Program of Reform of Public Finance	- Ministry of Economy and Finance	Program is being finalized with partners to follow through on progress to date
c/ Appropriate auditing procedures applicable to public administration and public sector, and measures and systems to provide timely public reporting on performance and decision making	- Law on Audit	- National Audit Authority - Department of Inspection of concerned Ministry or Institution	Program to strengthen capacity is underway



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d/ Appropriate transparent procedures for public procurement that promote fair competition and deter corrupt activity, and adequate simplified administration procedures	- Sub-Decree on Public Procurement	- Ministry of Economy and Finance - Ministries and agencies	- Enforcement by ministries is underway - Program to strengthen capacity is underway
e/ Enhancing institutions for public scrutiny and oversight	- Law on Audit	- National Audit Authority	- Program to strengthen capacity is underway
f/ Systems for information availability including on issues such as application processing procedures, funding of political parties and electoral campaigns and expenditure	- Law on political parties - Various laws, decrees and sub- decrees governing elections	- Ministry of Interior - National Election Committee	- Programs to enhance transparency are underway
g/Simplification of the regulatory environment by abolishing overlapping, ambiguous or excessive regulations that burden business.	-Establish one-step service for enterprise registration	-Inter-ministerial Task Force to provide recommendations and Action Plan to the Government.	- Ongoing consultations with the private sector are underway - Program to streamline the regulatory framework is underway and will be accelerated following WTO accession



Pillar II: Strengthening Anti-bribery Actions and Promoting Integrity in Business Operations

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Effective Prevention, Investigation and Prosecution: Take effective measures to actively combat bribery by			
a/ Ensuring the existence of legislation with dissuasive sanctions which effectively and actively combat the offence of bribery of public officials	<ul style="list-style-type: none"> -Anti-Corruption Law (to be adopted) -Transitional Civil and Penal Codes - Draft Penal Code/Procedures - Draft Civil Code/Procedures 	<ul style="list-style-type: none"> -Supreme Council of Magistracy -National Council against corruption (to be established after adoption of the Anti-Corruption Law) 	<ul style="list-style-type: none"> - Approval of the Anti-Corruption Law is pending - Submission of the draft Penal Code and Procedures for adoption by the National Assembly and the Senate - Submission of the draft Civil Code and Procedures for adoption by the National Assembly and the Senate
b/ Ensuring the existence and effective enforcement of anti-money laundering legislation that provide for substantial criminal penalties for the laundering of the proceeds of corruption and crime consistent with the law of each country.	<ul style="list-style-type: none"> - Transitional Penal Code -Draft Penal Code -Draft Civil Code -Law on drug control 	<ul style="list-style-type: none"> -Ministry of Justice -National Authority for Combating Drugs -National Bank -Courts 	<ul style="list-style-type: none"> - Program to strengthen capacity is underway
c/ Ensuring the existence and enforcement of rules that bribery offences are thoroughly investigated and prosecuted by competent authorities, these authorities should be empowered to order that bank, financial or	<ul style="list-style-type: none"> -Anti-Corruption Law (to be adopted) -Law on Audit 	<ul style="list-style-type: none"> -National Council Against Corruption (to be established) -National Audit Authority - Inspection units in various ministries 	<ul style="list-style-type: none"> Implementation of the Anti-Corruption Law once approved by the National Assembly and the Senate



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<p>commercial records be made available or be seized and that bank secrecy be lifted</p> <p>d/ Strengthening of investigative and prosecutorial capacities by fostering inter-agency co-operation, by ensuring that investigation and prosecution are free from improper influence and have effective means for gathering evidence, by protecting those persons helping the authorities in combating corruption, and by providing appropriate training and financial resources</p>	<p>-Anti-Corruption Law (to be adopted)</p>	<p>- National Council Against Corruption (to be established) - National Audit Authority</p>	<p>Various capacity strengthening programs are underway for institutions and individuals involved</p>
<p>d/Strengthening bi-and multilateral cooperation in investigation and other legal proceedings by developing system which – in accordance with domestic legislation – enhance</p> <p>(i) effective exchange of information and evidence,</p> <p>(ii) extradition where expedient, and</p> <p>(iii) cooperation in searching and discovering of forfeitable assets as well as prompt international seizure and repatriation of these forfeitable assets</p>	<p>-Anti-Corruption Law (to be adopted)</p>	<p>-National Council Against Corruption (to be established) - Ministry of Interior - Ministry of Justice</p>	<p>Enforcement of the Anti-Corruption Law once approved - Enforcement of the Criminal Code and Procedures once approved - Enforcement of the Civil Code and Procedures once approved</p>



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Corporate Responsibility and Accountability : Take effective measures to promote corporation responsibility and accountability on the basis of existing relevant international standards through			
a/ Promotion of good corporate governance which would provide for adequate internal company controls such as codes of conduct, the establishment of channels for communication, the protection of employees reporting corruption, and staff training	-Sub-decree No 01 on the establishment of the Phnom Penh Chamber of Commerce	- Phnom Penh Chamber of Commerce	<ul style="list-style-type: none"> - Programs to enhance accounting and reporting practices are underway - Ongoing consultations with the private sector
b/ The existence and the effective enforcement of legislation to eliminate any indirect support of bribery such as tax deductibility of bribes	-Anti-Corruption Law (to be adopted)	-National Council Against Corruption (to be established)	- Enforcement of the Anti-Corruption Law once approved
c/ The existence and thorough implementation of legislation requiring transparent company accounts and providing for effective, proportionate and dissuasive penalties for omissions and falsifications for the purpose of bribing a public official, or hiding such bribery, in respect of the books, records, accounts and financial	-Law on corporate accounts, their Audit and the accounting profession	-National Accounting Council	Program underway with partners



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statements of companies			
d/ Review of law and regulations governing public licenses, government procurement contracts or other public undertakings, so that access to public sector contracts could be denied as a sanction for bribery of public officials.	-Sub-decree No 60 on Public Procurement	-Ministry of Economy and Finance (Procurement Department)	Program to streamline and enforce procedures is underway

Pillar III: Supporting Active Public Involvement

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Public Discussion of Corruption: Take effective measures to encourage public discussion of the issue of corruption through			
a/ Initiation of public awareness campaigns at different levels	Various RGC programs	-Council for Administrative Reform (Anti-Corruption Unit)	-Dissemination of Governance and Corruption Diagnostic Survey and Governance Action Plan through seminars. -Dissemination of Governance report by A D B
b/ Support of non-governmental organizations that promote integrity and combat corruption by, for example, raising awareness of corruption and its costs, mobilizing citizen support for	Various RGC programs	-Council for Development of Cambodia	-Forum Government-Private Sector (bi-annual) -Participation of Government officials, Members of parliament, judiciary etc... in Seminars on Anti-Corruption by NGO.



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clean government, and documenting and reporting cases of corruption			
c/ Preparation and/or implementation of education programs aimed at creating an anti-corruption culture	<ul style="list-style-type: none"> - Sub-Decree on the establishment of the Anti-Corruption Unit - Draft Anti-Corruption Law 	<ul style="list-style-type: none"> - National Council Against Corruption (to be established) 	
<p>Access to information : Ensure that general public and the media have freedom to receive and impart public information and in particular information on corruption matters in accordance with domestic law and in a manner that would not compromise the operational effectiveness of the administration or, in any other way, be detrimental to the interest of governmental agencies and individuals, through</p>			
a/ Establishment of public reporting requirements for justice and other governmental agencies that include disclosure about efforts to promote integrity and accountability and combat corruption	-Anti-Corruption law (to be adopted)	-National Council Against Corruption (to be established)	Implementation of Anti-Corruption Law
b/ Implementation of measures providing for a meaningful public right of access to appropriate information	<ul style="list-style-type: none"> - Press law - Anti-Corruption Law (to be adopted) 	<ul style="list-style-type: none"> -Ministry of Information - National Council Against Corruption (to be established) 	Implementation of relevant laws and regulations
c/ Co-operative relationships with civil society groups such as chambers of commerce, professional associations, NGOs, the media, and other organizations	<ul style="list-style-type: none"> - Press law - Anti-Corruption Law (to be adopted) 	<ul style="list-style-type: none"> - Ministry of Information 	Implementation of relevant laws, regulations and policies

