

COMPLETION REPORT

Combating Corruption: A Comparative Research on Enforcement of Anti-Corruption Laws in Japan and Mongolia

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A) Reforms at country level by developing a comprehensive strategy

Reform of the judiciary is one of the most powerful anti-corruption measures. There are major differences between prosecution and adjudication in Japan and Mongolia. This is due to differences in the nature of those offices, differences that are reflected in the manner in which cases are prosecuted and adjudicated. In Japan, both prosecutors and judges are career public officials. Both have been trained in the elite Legal Training and Research Institute (Shihoo Kenshousho), the only law school in Japan, to which only about 3% of its applicants are admitted. In Mongolia, however, the only requirement to become a judge or a prosecutor is to have graduated from an accredited law school, of which there are hundreds with significant differences in quality, and to have passed the bar exam. Supreme Court judges in Mongolia serve "during good behavior," meaning for life.

B) Signing up to and effective implementation of international conventions

Another positive trend is the increased attention governments give to ratifying anti-corruption conventions. Every country report indicates which conventions a country has signed and ratified.

The UN Convention against Corruption, signed in Mexico in December 2003, has now attained the minimum 30 ratifications required and is expected to enter into force in early 2006. All OECD countries have ratified the 1997 OECD Anti-Bribery Convention, which makes overseas bribery a criminal offence for companies in their home countries, but its enforcement has been weak in many countries (including Japan). A further problem, is the astonishingly low level of awareness of the Convention among the business community. Thus, the governments of the countries should work on increasing awareness of international conventions among business entities.

C) Reduce corruption by raising salaries if country can afford to do so

It is important to reduce the incentive for corruption among public officials by ensuring that their salaries and fringe benefits are competitive with the private sector. This recommendation is especially important to Mongolia. Other things being equal, a civil servant or political leader will be more vulnerable to corruption if his salary is low, or not commensurate with his position and responsibilities. However, governments might not be able to raise salaries unless there are economic growth and adequate financial resources.

D) Implementation of efficient mass media campaign against corruption

In order for the population in a country to perceive corruption as a "high risk, low reward" activity, the incumbent government must publicize through the mass media the detection of corrupt behavior among civil servants and politicians and their punishment according to the law if they are found guilty. In this connection, some researchers have stressed the crucial role of the communications media, which reduces corruption by exposing it as corruption "thrives in secrecy, and withers in the light". If the media emphasizes the harmful effects of corruption and publicizes the punishment of public officials for their corrupt offenses, such negative publicity can serve as an effective deterrent against corruption. Indeed, according to Singapore's former Prime minister, Lee Kuan Yew, "The strongest deterrent is in a public opinion which censures and condemns corrupt persons, in other words, in attitudes which make corruption so unacceptable that the stigma of corruption cannot be washed away by serving a prison sentence".

E) More equality between women and men

Gender equality is very important in combating corruption. According to some studies carried out in different countries, women are less corrupt than men. In Zimbabwe, for example Head of Traffic Police employed more women than men, and the result was brilliant –corruption in the police system has been significantly reduced.

F) Japan should establish an Anti-Corruption Agency independent from the police

The anti-corruption agency must be removed from the police as soon as possible as its location within the police prevents it from functioning effectively, especially when the police forces are corrupt. This can be seen in the case of Singapore and Hong Kong which became more effective in fighting corruption after the ACB and ACO was removed from the police forces in both countries. In Japan, the fight against corruption has been made more difficult and less effective before of the police's involvement in anti-corruption activities.

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