

MONGOLIA HIGHLIGHTS

A partner in Promoting Justice, Accountability and Prosperity in Mongolia

OBSTACLES TO ANTI-CORRUPTION AGENCY INVESTIGATIONS REMOVED

Since its creation in late 2006, the Mongolian Anti-corruption Agency (ACA) has added staff and built capacity, but it has not had the authority to investigate corruption due to legal technicalities. These technicalities were swept away in August when the Criminal Procedures Code was amended, and the ACA was added to the list of state bodies authorized to conduct investigations.* When Parliament ratified the Criminal Procedures Code Amendments the door was opened for the ACA to implement the full complement of activities including investigations and intelligence gathering, asset and income disclosure, and public awareness and education.

“Although the Agency could not investigate corruption-related complaints or crimes until the amendments were ratified, the ACA used the time wisely to recruit and train staff for the 90 positions that were approved by Parliament,” explained ACA Deputy Commissioner Sunduisuren in his meeting with Keith Luse, Professional Staff Member to the U.S. Senate Foreign Relations Committee, on the occasion of the latter’s visit to Ulaanbaatar.

* The other investigative bodies previously authorized to conduct investigations under the Criminal Procedures Code are the Criminal Police, the Central Intelligence Agency, and the Special Investigative Unit under the General Prosecutor’s Office.



Mr. Tony Kwok’s one of many trainings for ACA staff in March, 2007.

As of mid-August, 78 staff had been hired, including 27 investigators who currently comprise the Investigations Department. With Asia Foundation support, ACA investigative staff were trained by foreign experts with lengthy senior-level experience in regional anti-corruption bodies, such as Hong Kong’s Independent Commission Against Corruption (ICAC). Mr. Tony Kwok, who served as ICAC Deputy Commissioner during a distinguished two-decade long career, traveled to Mongolia several times in 2007. He assisted the ACA with broad issues, such as defining an organizational structure for the Investigations Department, as well as delivering technical assistance on more specific topics associated, for instance, with the establishment of a formal complaint mechanism.

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According to the Asset and Income disclosure forms, the average net worth of 228 state and government high position authorities was 765.2 million MNT (\$640,000).

In 2006 one Member of Parliament reported net worth of 21.71 billion MNT (\$18.5 million).

42.1% of respondents’ average net worth is held in the form of housing, construction and other buildings.

The complaint mechanism provides citizen's access to report corruption, and according to Kwok, "is among the principal tools Anti-corruption Agencies use to combat corruption." Integrity in the operation of the hotline is essential. Callers must be assured that confidentiality will be protected, and that there will be follow-through. The Foundation has developed a procedures manual that will be adopted for all hotline operators. Such training ensures that calls are handled professionally, and that complaints are referred efficiently and expeditiously for investigation. In addition, confidentiality is stressed in the manual and in the training, and is enforced through a supplementary attestation that all operators must sign. In addition to training, the Foundation is mounting a major publicity and awareness campaign to promote the hotline, and also the ACA itself.

When Parliament ratified amendments to the Criminal Procedures Code, it also approved a supplemental budget request which boosted the ACA's first-year budget from approximately \$300,000 to nearly \$1.65 million. The hike was critically important in setting a high water mark, because under the Anti-corruption Law subsequent years' budgets can never be less than that appropriated in the prior year. "With enabling legislation and financing now in place, the ACA will work actively to combat corruption," according to the Deputy Commissioner.

Having now moved into a newly-refurbished Ulaanbaatar Office, which the Agency occupied on August 6th, the ACA has a well-equipped premise from which to implement its mandate. This includes investigations, and also the implementation of mandatory asset and income disclosure that is required for over 42,000 civil servants.

On June 15th, forms were due, and the results were "astonishing," according to the ACA. 97.6% of all forms that were due were filed on time. More impressive: All but one of the senior-most 252 government officials, which includes the President, Prime Minister, Ministers and Parliamentarians, were filed by the due date. The one individual who did not file was in the process of retiring. These senior-most disclosure forms are now publicly available for review and scrutiny by any interested party.

With clear expression of government will and commitment as evidenced by ratification of the Criminal Procedures Code Amendments, and the dramatic hike in the ACA's annual budget, the Agency is now poised to implement its mandate. "Corruption is a hidden crime and we need high-tech intelligence gathering equipment, but we have a new office, and a growing staff to combat corruption," said Mr. Sunduisuren. Through the Complaint Mechanism, corruption will be identified and perpetrators will be investigated and prosecuted. As evidence of what is within the realm of possible, Mr. Luse described the significant accomplishment realized by Sen. Lugar in motivating transparency, asset and income disclosure, and increasing corruption awareness among the multi-lateral development banks.

"The effectiveness of your efforts are directly connected to levels of trust that people have in the Agency. With public trust, you won't be stopped."

*- Mr. Keith Luse, Professional Staff
Member to the U.S. Senate
Foreign Relations Committee*