Corruption Impact Assessment

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Corruption Impact Assessment

A. Meanings & Functions
B. Background
C. How to Work
D. Laws to be Assessed
E. Corruption—Causing Factors
F. Achievements
A. Meanings & Functions

A–1. CIA: Legal Analysis

• find out and remove Corruption–Causing Factors (CCFs)

• from the beginning of the legislation
A. Meanings & Functions

- the laws

all forms of legislation enacted/enforced by

- Executive Organizations (EOs),
- Local Governments (LGs),
- Public Service-Related Organization (PSOs)
A. Meanings & Functions

- the laws

such as:

- (EO) acts, presidential decrees, ordinances, directives/notifications
- (LG) bylaws/regulations
- (PSO) rules/regulations
A–2. CIA: Legislative Procedure

• EO submits the drafts to the ACRC

• ACRC recommends the EO to get rid of CCFs, if any
A. Meanings & Functions

A-3. CIA: Evaluation System

- improve the effectiveness of anti-corruption polices
- by preventing the laws from being corrupted
B. Background

B-1. Detection & Punishment: In General

- not always be the best policy
- could be justified only when the legal basis is just & correct
B. Background

B-2. CIA: The New Approach

- laws could be corrupt or tainted
- set up by the ACRC in April 2006
- keep the laws corruption-free
C. How to Work

1. Request (Executive Organizations)
2. Assess (ACRC)
3. Amend (Executive Organizations)
4. Monitor & Feedback (ACRC)
D. Laws to be Assessed

**Governmental Organizations**

- **National Organizations**
  - the Executive Power: Ministries, Commissions,…
  - the Legislative Power: the National Assembly
  - the Judiciary Power: the Supreme Court,…

- **Local Governments**
  - Metropolitan Cities, Provences,…

**Public Organizations**

- PSOs (Public Service – Related Organizations)
- Non-PSOs
**E. Corruption—Causing Factors**

<table>
<thead>
<tr>
<th>Aspects</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ease of Compliance (Demand)</td>
<td>① Adequacy of the Burden of Compliance</td>
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<tr>
<td></td>
<td>② Adequacy of the Level of Sanctions</td>
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<tr>
<td></td>
<td>③ Possibility of Preferential Treatment</td>
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<tr>
<td>Adequacy of Operational Standards (Supply)</td>
<td>④ Concreteness and Objectiveness of Discretional Regulation</td>
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<td></td>
<td>⑤ Adequacy of the Standards of Delegation and Entrustment</td>
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<td></td>
<td>⑥ Clarity of Financial Support Standards</td>
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<tr>
<td>Transparency of Administrative Procedure (Procedure)</td>
<td>⑦ Accessibility and Openness</td>
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<td></td>
<td>⑧ Predictability</td>
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<td></td>
<td>⑨ Possibility of a Conflict of Interest</td>
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</table>
E. Corruption—Causing Factors

E-1. Adequacy of the Burden of Compliance

- the level of costs/efforts to comply with legal obligations should be appropriate
- or else, people would bribe officials
E. Corruption—Causing Factors

E–2. Adequacy of the Level of Sanctions

- level of sanctions should be appropriate
- too lenient, don’t stop violating
- too severe, buy off officials
E. Corruption—Causing Factors

E-3. Possibility of Preferential Treatment

• must not benefit unfairly/disproportionately
E-4. Concreteness and Objectivity of Discretional Regulation

- the scope of discretion must be defined clearly
- avoid abuse of authority
E. Corruption—Causing Factors

E-5. Adequacy of the Standards of Delegation and Entrustment

• standards should be defined clearly

• assure the responsibilities of the trustee
E. Corruption—Causing Factors

E-6. Clarity of Financial Support Standards

- transparency in selecting the recipients
E. Corruption—Causing Factors

E−7. Accessibility and Openness

• guarantee the participation of the people

• set up information disclosure system
E–8. Predictability

• make it easy:
  – to understand the procedures
  – to predict the possible results
E. Corruption—Causing Factors

E-9. Possibility of a Conflict of Interest

- exclusion, recusal and avoidance
- enactment of “conflict of interest act for public office holders” is under way
## F. Achievements

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>need amending</th>
<th>recommendations</th>
<th>passed as drafted</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>609 (100.0%)</td>
<td>119 (19.5%)</td>
<td>[359]</td>
<td>490 (80.5%)</td>
</tr>
<tr>
<td>2007</td>
<td>1,168 (100.0%)</td>
<td>259 (22.2%)</td>
<td>[737]</td>
<td>909 (77.8%)</td>
</tr>
<tr>
<td>2008</td>
<td>1,368 (100.0%)</td>
<td>269 (19.7%)</td>
<td>[496]</td>
<td>1,099 (80.3%)</td>
</tr>
<tr>
<td>2009</td>
<td>1,394 (100.0%)</td>
<td>229 (16.4%)</td>
<td>[508]</td>
<td>1,165 (83.6%)</td>
</tr>
<tr>
<td>2010</td>
<td>1,269 (100.0%)</td>
<td>182 (14.3%)</td>
<td>[403]</td>
<td>1,087 (85.7%)</td>
</tr>
<tr>
<td>2011</td>
<td>1,666 (100.0%)</td>
<td>264 (15.8%)</td>
<td>[505]</td>
<td>1,402 (84.2%)</td>
</tr>
<tr>
<td>2012</td>
<td>1,593 (100.0%)</td>
<td>192 (12.1%)</td>
<td>[508]</td>
<td>1,401 (87.9%)</td>
</tr>
<tr>
<td>2013</td>
<td>1,325 (100.0%)</td>
<td>169 (12.8%)</td>
<td>[357]</td>
<td>1,156 (87.2%)</td>
</tr>
<tr>
<td>2014</td>
<td>1,889 (100.0%)</td>
<td>137 (7.3%)</td>
<td>[230]</td>
<td>1,752 (92.7%)</td>
</tr>
<tr>
<td>2015(Jan.-Mar.)</td>
<td>339 (100.0%)</td>
<td>26 (7.7%)</td>
<td>[71]</td>
<td>313 (92.3%)</td>
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</tbody>
</table>

**Total** 12,620 (100.0%) 1,846 (14.6%) [4,174] 10,774 (85.4%)
F. Achievements

• acceptance ratio: over 93%
  “yes, we will amend”

• main reason for non-acceptance
  “later, not now”
F. Achievements

- easy to start and cheap to operate
- most officials can do it, if trained
- get help from experts/professionals
  “20 standing advisors in 4 fields”
CIA Worth the Effort

Thank You

www.acrc.go.kr