

Topic 1: ENHANCING TRANSPARENCY IN THE CIVIL SERVICE

INTRODUCTION

The way in which the public administration operates, provides or restricts information, delivers services in an equitable or discriminatory manner and provides or prevents opportunities for people's voice in the policy making debate has a direct impact on the way citizens perceive the degree of legitimacy of the democratic system.

The Rectangular Strategy 2004 of the Royal Government of Cambodia states that Good Governance is the most important precondition to economic development with sustainability, equity and social justice. Good governance requires wide participation, enhanced sharing of information, accountability, transparency, equality inclusiveness and the rule of law. Good governance requires that corruption be reduced to minimum, the views of minorities and the voice of the most vulnerable in society be fully heard and considered in decision making process.

FOUR PILLAR OF GOOD GOVERNANCE

Accountability is the extent to which public officials are answerable for government behavior. In a country with good governance, public officials are responsive to the entity from which they receive their authority; in democratic societies, that is ultimately the people in the country. Accountability also means that public institutions are held responsible for actions that damage the nation or individuals or violate laws. Bad governance means that public officials do not answer to the people for decisions made or actions taken.

Participation is the extent to which people are involved in the policy-making and development process. Good governance implies that public officials facilitate and promote an environment in which people can participate meaningfully in the development process. Bad governance means that public authority excludes people from decision-making in the development process.

Predictability is the extent to which a rule-based decision-making system operates. Establishing the Rule of Law is a critical element to enhancing predictability. Operationally, this implies that new laws, regulations and policies are consistent with the rules and procedures stipulated in existing laws and the Constitution; are made available to people in a transparent and simple way; and are applied fairly and consistently for all people.

Transparency is the extent to which information on public sector decision-making, policies, actions and performance is available to people. In states with good governance, rules and regulations are accessible to all people. This includes not only laws, but also the schedule of fees for public services, inventory of public property, rules for public procurement, and statistical data about the economy and society collected by the public sector. New laws, regulations, and policies are announced publicly so that people are aware of their existence.

INTER-LINKAGES AMONG FOUR PILLARS OF GOVERNANCE

Conceptually, the four elements of governance indicate above tend to be mutually supportive and reinforcing. Accountability is often related to participation, and is also the ultimate safeguard of predictability and transparency. In the absence of accountability to affected groups, even predictable decision making of autonomous government agencies may result in the latter placing agency interest above those of the former. Similarly, transparency and information openness cannot be assured without legal frameworks that balance the right to disclosure against the right of confidentiality, and without institutions that accept accountability. Again, predictability in the functioning of the legal framework would be helpful for ensuring the accountability of public institutions. At the same time, predictability also requires transparency, because without information about how similarly placed individuals have been treated, it may be difficult to ensure adherence to the rule of equality before the law. Finally, a transparency system facilitates governmental accountability, participation, and predictability of outcome.

FIGHTING CORRUPTION

The Royal Government of the third legislature (2003-2008) has taken numerous practical measures to tackle corruptions. In this regards, even in the absence of the Anti-Corruption Law, the Royal Government has vigorously combated corruption through the introduction of Governance Action Plan and the adoption and implementation of a number of measures such as Law on Public Financial System, Law on Customs, Sub-decree on Public Procurement, Order on the Management of Non-tax Revenues, and Code of Conduct and Ethics for Customs Officials. Along with this, the control mechanisms of the National Audit Authority and of inspection were strengthened, and internal audit mechanisms have been established in all ministries/institutions. The Anti-Corruption body has been strengthened and administrative and legal actions have been taken against officials found indulging in corrupt practices and punishment meted out.

Fighting corruption continues as a high priority for the Royal Government of the fourth legislature (2008-2013). We are aware that the Anti-Corruption Law provides an important legal instrument to fight corruption effectively. In this context, the Royal Government is strongly committed to develop and adopt beforehand. This well sequenced process will ensure coherence and consistency among different laws and their effective implementation.

The Royal Government will continue to pursue strict strategic measures to eliminate the roots of corruption through interrelated actions as follow:

Preventative measures: The Royal Government will continue to raise awareness about the all aspect of corruption, including it causes, impacts and consequences to encourage public participation in preventing and fight corruption. Concrete measures will be pursued to encourage all levels of government officials to adhere to dignity, mortality, professionalism and responsibility in fulfilling their duties.

Strengthening accountability and institutional capacity: The Royal Government will focus on improving its effectiveness in avoiding conflict between the public and private interests by adhering to the principle of incompatibility between functions, especially in incompatibility between political and public servant positions; and between

political or public servant positions and private activities. The Royal Government will also reduce and eliminate the use of public position, influence and power which blur or bias the decision-making process.

Public support and participation: Public support and participation is sine qua non for effectively preventing, reducing and fighting corruption. For this, the Government will continue to further promote and protect the freedom to seek to obtain to disseminate information on corrupt cases in the media. However, this should be done in a credible and responsible manner by respecting the right, honor and dignity of people involved while protecting national security and public order.

Private sector participation: The Royal Government will continue to develop and pursue implementation of policies, legal and regulatory framework and procedure to protect the integrity of the private sector in order to prevent collusion and to ensure fair competition between private companies/enterprises by ensuring proper behavior, honorable conduct and dignity in all business transactions. The Royal Government will safeguard the balance between the rights and interest in the contracts made between the public and private sector.

Strengthening of law enforcement: The Royal Government will take strict legal measure against the culprits in order to eliminate the culture of impunity, reduce corruption and increase public confidence.

CHALLENGES

Lack of independent accountability institutions. The presence of well-functioning independent accountability institutions such as courts and audit offices is one important prerequisite of good governance. These institutions play a critical roles as “checks and balances” to the authorities holding power. They contribute significantly to the accountability and transparency of public institutions are in place and carrying out their assigned responsibilities properly. Within the Executive branch, the Cambodian Government has two levels of accountability institutions: (i) a newly established Ministry of Parliamentary Relations and Inspection; and (ii) inspection departments within each ministry. Despite their important functions, these institutions have only limited independent audit authority with powers to carry out external audits of Government.

Low salary scale and lack of organizational for service delivery. The problem of low salaries has a devastating impact on the functioning of the public sector, and spillover effects on other domains such as civil society and media. Likewise, it has serious implications for ongoing public sector reforms since inadequate public salaries affect all sectors. If the low salary scale issues is not addressed properly in the overall reform process, there is a high risk that this will remain a major structural issue. In addition to raising salaries of civil servants, civil administrative needs sound organizational structures and institutional arrangements if its service delivery is to be more effective and efficient.

Transparency in law and regulations remains weak. Increasing transparency greatly reduces transaction costs for business, provides a level playing field for all players, including small business, and facilitates private sector development. Cambodia’s private sector encounters major difficulties in acquiring laws and regulations, particularly

administrative order (Sub-decrees, decisions, and circulars) issued by the government. Indeed, most regulations are issued without prior notice to the public.

Limited interface between the public sector and civil society. Developing mechanisms for more consistent, productive interaction with civil society is one critical responsibility of the public sector. The participation of civil society promotes accountability and transparency in the public sector. It also gives people opportunities to voice opinions, and provides important sources of skills and knowledge for policy-making. The emergence of civil society appears to be gradually influencing the dynamics of decision-making in the public sector. Although more needs to be done, there are some good examples of recent positive change.

CONCLUSION

This paper illustrates the effort of the Royal Government of the Kingdom of Cambodia in promoting transparency in its 3rd and 4th Legislature. The four pillars of the Good Governance are important in policy-making process. Furthermore, the most critical issue is fighting against corruption; it is because the awareness and participation of relevance stakeholders is strengthening the enforcement of law. Finally, challenges are always presence when we implement a policy. Hence to overcome those challenges, resources and time are needed to tackle them.
