



Strengthening the Public Council to fight Corruption in Mongolia

CSO:	Globe International (GI)
Years:	2008 - 2009
Country:	Ulaanbaatar, Mongolia
Amount:	\$ 25,000 USD
Sector:	Anti-Corruption Institutions

Corruption Problem:	Weak formal institutionalization of accountability institutions and lack of empowerment
Tools:	Advocacy, Legal Reform, Media
Employed:	Campaign, Capacity Building

Weak institutionalization of the Public Council (PC), a domestic accountability institution originally foreseen to guarantee effective participation of civil society in the fight against corruption in Mongolia, has led a local CSO, Globe International (GI), to take action and build a strong coalition of advocates to constructively enhance the conditions of institutionalizing and strengthening the PC, empowering its members and educating the public.

Corruption Problem Addressed

The Mongolian Parliament passed its first Anti Corruption law in 1995. In response to public clamor for a yet stronger anti-corruption law and for the creation of a truly independent Anti-Corruption body that would function independently from Parliament, Mongolia's State Great Khural passed a far-reaching and conceptually more effective Anti-Corruption law in 2005, establishing the Independent Agency Against Corruption of Mongolia (IAACM) in 2006.

Since its inception, the IAACM has worked toward ending corruption by identifying and addressing corruption's underlying issues, accepting some beneficial and indispensable Anti-Corruption principles such as the participation of civil society. Chapter 27 of the law obliges the establishment of the Public Council to be situated within the IAACM. The PC's main function is to guarantee civil society voice and participation, issuing recommendations and suggestions regarding

instances of corruption as well as supporting the IAACM to implement the Anti-Corruption law.

Although the provisions establishing the PC called for politically independent members of high moral standing, the IAACM first nominated and the Mongolian President later appointed members who were either allies of the President, pro-government, or representing pro-post-communist NGOs. In addition, many of the newly appointed members had no prior Anti-Corruption background. Civil Society could not effectively participate and nominate its own representatives.

In August 2007 the President approved the working rules of the Public Council, which gave no legal power to the PC and limited its powers to merely supporting the IAACM. The PC was prohibited to participate in internal affairs and its members were furthermore prohibited to disclose any secrets relating to IAACM activities. While the PC could issue recommendations and calls to the public, organizing meetings or promote activities of the IAACM, there was no provision for long-term engagement of the PC. The public was not sufficiently informed about the Public Council and thus by and large not aware of the body's existence.

Actions Taken by GI

Globe International initiated forming a coalition of key players working together to constructively enhance parameters prohibiting the Public Council to best fulfill its envisioned role. The Public Council Empowerment



Team (PCET) consisted of seven members, representing the IAACM, the PC, two NGOs (Zorig Foundation, Human Rights and Security), and GI. The PCET took collaborative decisions on further actions, coordinated all the project activities and carried out the following activities:

- PCET conducted three civil society consultative meetings to improve the legal environment of the PC, with a focus to setting the parameters of what an effective PC ought to, including strengthening the PC's working rules, tackling current problems and discussing recommendations on amending the Anti-Corruption Law. The coalition endorsed recommendations for capacity building within the PC and formulated a PC action plan, all of which were then communicated to the Office of the President and the IAACM.
- PCET commissioned an international expert from Transparency International Latvia to undertake a comparative study of 13 countries with effective PCs to identify fundamental principles, organizational structures and beneficial relationships, evaluating and recommending international best practice. The report "Public Councils or Similar Bodies for Cooperation with Society of Anti-Corruption Institutions"* became the foundation for the training of 24 participants from IAACM and PC on alternate PC models.
- Furthermore and in close cooperation with IAACM, PCET established and institutionalized the cooperation between the PC and the CSO/NGO community, which also included training of the PC and other CSOs nationwide on the nature and different manifestations of corruption, the role of civil society and the importance of lessons learned from effective civil society engagement.
- PCET also implemented the Public Council at Work** media campaign to increase public awareness and citizen participation in PC activities, motivating and mobilizing the public. The media campaign included the production and distribution of educational fliers; the airing of four television programs; and four interviews with PC members published by 3 newspapers. In addition, there was

publicity harnessed through major media outlets covering the civil society consultative meetings and the training.

In the elections of 2009, in the midst of project implementation, a new President was elected. The new President, having campaigned on an Anti-Corruption platform, acted expeditiously on the recommendations submitted by PCET and approved a new set of working rules that provided the PC with more substantial powers. These new working rules transformed the PC from being a "support body" to being an "advisory body" to the IAACM, with the power to provide advice on matters of policy and strategy for preventing corruption. Other recommendations amending the existing Anti-Corruption law were embedded in a package of four legislative proposals proposed by the President; this package is pending in Parliament. The new President also appointed a new slate of PC members and none of the old members remained.

Impact and Results Achieved

There are ample positive project outcomes that have had an impact in the fight against corruption. Some outcomes have had unintended effects that have nonetheless contributed significantly to achieving impact beyond the original scope of the project. There are also some unintended negative effects in the short-term. It is likely however that these developments will again be turned positively once the institutionalization of the Public Council makes further headway.

One outcome is the increased public awareness and public debate on corruption issues – achieved through strategic involvement of the media, capacity building and coalition-building efforts instigated by GI among CSOs, the PC and the IAACM. These results which are further strengthened by a generally strong Anti-Corruption movement within Mongolia have aided the introduction of four additional legislative Anti-Corruption proposals currently pending with Parliament. According to the Legal Adviser of the President, these packages include proposals from the PCET as submitted to the Office of the President.



The new slate of PC members, working on the basis of the new working rules, has shown a previously unknown aggressiveness toward fighting corruption leading to the imprisonment of the IAACM Chair and Vice Chair for misuse of public funds and abuse of authority. This move has created conflict and friction between the PC and the IAACM, endangering the previous constructive relationship between the two. The IAACM considers some powers bestowed by the new Working Rules as contrary to law, particularly the PC's attempt to monitor and take control over IAAC activities. The PC is thus facing public criticism that it is still a politically motivated body. The PC in turn bases its action on the interpretation of the same working rules. One of the proposed legislative bills now pending with Parliament should however settle the issue.

The new PC has furthermore brought about a more vigilant behavior and responsiveness from the IAAMC. For instance, the IAAMC reported increased efficiency in the processing of hotline calls received. Calls have also increased to about 500 calls a year.

On the basis of the new set of working rules, the PC has also started providing guidance to the public on what are corrupt practices and how the public can effectively file cases. During the assessment, the current Chairman of PC's Legal Sub-Council reported that the new PC has referred more than 20 cases to IAAMC for investigation. Securing feedback on these referred cases however has been difficult for PC as some of the PC's new vigilance has been directed against the IAAMC itself as depicted above.

Another result has been increased media coverage and increased media vigilance, providing more transparent and substantive coverage of corruption cases through investigative research. PC members, both old and new, attribute this improvement in media vigilance to the coverage of project events and the Public Council at Work media campaign.

Documentation

www.ptfund.org

Project completion reports (PCRs) and Project completion assessments (PCAs) can be accessed at ptfund.org under the "Where-we-work" tab.

The Globe International website can be accessed at <http://globeinter.org.mn/>

Empowering Public Council
<http://globeinter.org.mn/?cmd=Record&menuid=362>

First-ever consultative meeting of civil society held
<http://www.globeinter.org.mn/?cmd=Record&id=569&menuid=362>

Decree of the President of Mongolia
<http://www.globeinter.org.mn/?cmd=Record&id=571&menuid=362>

Empowering Public Council to Curb Government Corruption
<http://www.globeinter.org.mn/?cmd=Record&id=570&menuid=362>

Mongolian Civil Society contributes to curbing the corruption
<http://www.globeinter.org.mn/?cmd=Record&id=574&menuid=362>

Mongolian Civil Society supports the corruption legal reform
<http://www.globeinter.org.mn/?cmd=Record&id=586&menuid=362>

Completion report
<http://globeinter.org.mn/?cmd=Record&id=659&menuid=362>

*Public Councils or Similar Bodies for Cooperation with Society of Anti-Corruption Institutions
<http://www.globeinter.org.mn/images/upld/comparativereserach-aca-pc-200904.pdf>

**Public Council at Work
<http://www.globeinter.org.mn/?cmd=Record&id=632&menuid=362>