

STRATEGIC RESEARCH CENTRE

**UNDER THE PRESIDENT OF THE REPUBLIC OF
TAJIKISTAN**

**UNITED NATIONS DEVELOPMENT PROGRAM IN
THE REPUBLIC OF TAJIKISTAN**

REPORT ON

CORRUPTION IN THE REPUBLIC OF TAJIKISTAN

(A PUBLIC OPINION SURVEY)

DUSHANBE - 2006

DEAR READER,

This is the second Corruption Survey Report produced by the Strategic Research Center under President of the Republic of Tajikistan and the United Nations Development Program. The goal of the Survey was to ascertain public opinion on the relevance and acuteness of corruption in Tajikistan. Interviews and focus groups' discussions were held in order:

- to identify the impact which corruption has on the development of state and private sectors as well as on the general efficiency of government;
- to assess of public perception of corruption in the country;
- to study of public's tolerance of and participation in corruptive behavior
- to identify the interrelation of poverty and corruption;

- to survey public opinion about the methods used towards reduction of corruption practices and the perceived results.

Information on perception of and experience with corruption are of critical importance for the development of anti-corruption measures in the country. The present survey, devoted to the identification of the most corrupted sectors, can and should become a catalyst of the anti-corruption reform. The change in the public's perceptions of the predominance of corruption is an important indicator of the success of the Government anti-corruption policy and initiatives.

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The SRC team expresses its gratitude to the “Promoting Accountability Project” staff, Nargis Nurullo-Khoja, Anahita Niyatbekova for their assistance and constructive support that made this survey possible.

We are most grateful to our respondents and participants of focus-group discussions, who due to confidentiality of interviews we cannot name. We are also thankful to our experts – M.Z. Shahidi,

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We are grateful to our colleagues from different countries – Kyrgyzstan, Russia, Bulgaria as well as from the international organizations, such as Transparency International, and many others who, although unaware, have oriented us based on their experience they had gained in similar surveys.

The views expressed in this report do not necessarily represent the UNDP opinions and views. Moreover, UNDP does not ensure the accuracy of the data included in the report and is not responsible for its implications.

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¹ These experts wrote the part *Transparency and Anti-Corruption Criteria in Islamic Culture*

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List of abbreviations:

DRS – Districts of Republican Subordination

GDP – Gross Domestic Product

GBAO – Gorno-Badakhshan Autonomous Oblast

MS – Ministry of National Security

NDS - value added tax

UN – United Nations

UNDP – United Nations Development Program

MCM - mass communication media

SSSR – Union of Soviet Socialistic Republics

CC – Index of corruption control

CSR – Center of Strategic Research under President of RT

TI – Transparency International

INTRODUCTION

Corruption is both, a phenomenon as old as history itself and, at the same time, a current social problem in any modern society. History is full of examples of bribery and nepotism; however, the academic study of corruption did not begin until the end of the 20th century. While historians have registered details of various scandals and events, the social view is formed as by public consent, corruption is seen as a deviation from the norm, which may even have criminal components.

Majority of contemporary researchers view corruption as a curse of the post-communist economy and politics, which, with poverty, accompanies the development of the modern state, seeing individual prosperity and absolute integration in public life as an idealistic reflection, which is neither practical nor realistic. Elimination of corruption in society is an idle dream. However, a conscientious attitude toward the problem – both in the East and the West – makes people less tolerant to corruption and its consequences. Corruption charges become more relentless and demonstrate the unique potential for rebellions and riots.

Many international organizations and financial institutions are now focusing on issues of corruption. The United Nations' agencies, the World Bank, Swedish International Development Agency (SIDA) as well as others are party to the established consensus that has declared corruption to be the main cause of poverty and a serious barrier to the development of many countries in the world.

The economists put forward reasoned evidence of corruption's impact on the development of national economies². Corruption

² There are numerous World Bank reports on the issue as well as the works of local economists that correspond to this statement.

corrodes democracy³ by undermining its fundamental principles. The most common explanation of corruption is reduced to the concept of *anomie* derived by Emille Durkheim and later developed by Robert Merton. The literal sense of this concept is the absence of norms. With regard to a society, it means an unhealthy condition created when social norms have been weakened. *Anomie* is most evident during transition periods. It includes:

- a weakness of the government machinery and even its collapse during abrupt changes or revolutions;
- a legal vacuum resulting from a situation when the old legal norms have lost their legitimacy and the new ones have not yet appeared;
- a dilution of restraints associated with the existing societal moral and traditions.

It is clear that all of these conditions may lead to corruption, in which case, corruption is one of the effects and indicators of a certain chaos⁴.

Fatalists may argue that corruption has always been and will always be with us; it penetrates human nature in the same way as does greed; and is, therefore, impossible to control. Greed does continuously accompany society; however, political and economic structures and processes do play important roles in finding methods to restrict this feature. There can be significant differences relating to corruptive behavior both within continents and regions. The situation in Sweden is quite different from that in Tajikistan as is the situation in Lithuania, despite its shared Soviet experience

In previous years, corruption in our country has become wide spread leading to negative economic effects and social consequences, including the degradation of the society. In particular the demand of

³ Rose-Ackerman, S. (1999), *Corruption and Government. Causes, Consequences and Reform*, (Cambridge: Cambridge University Press).

⁴ See: G. A. Satarov, *Corruption and Transit Economy. Economy Bulletin on the Issues of Transit Economy, #2*, April-June, 2004

large amounts of money in the interaction of corrupt officials with entrepreneurs and citizens of the Republic not only results in the direct social damages, but, also, destroys the constitutional foundations of society by violating the principles of equality.

The Government of the Republic of Tajikistan, which, beyond any doubt, is fully aware of the levels of corruption, repeatedly emphasizes the fact that the process of democratization has become especially vulnerable because of the increasing scale of corruption. President of the Republic of Tajikistan said that *“such a negative phenomenon as corruption is, one is of the gravest obstacles in the development of our society. We must conduct a comprehensive study and analyze factors and causes of corruption and mobilize all sound forces of our society to put corruption under restraint and reduce its level”*.⁵

The decrease in the standard of living and the increase of corruption are caused by the synthesized stratification of the recent civil war,⁶ and the lack of financial resources. These are accompanied by:

- a lack of experience and professionalism in the government of the newly formed sovereign state;
- unfavorable economic conditions;
- a lack of understanding and support of some of the population;
- a lack of political will and fear of critical changes that have been brought about by the different market reforms.

According to the statistics of the Anti-Corruption Department of the General Prosecutor's Office of the Republic of Tajikistan, there are a

⁵ Speech of President E. Sh. Rakhmonov: “For the supremacy of law, state interests and citizens' rights” – presentation at the meeting of law enforcement bodies dedicated to the 80th Anniversary of General Prosecutor's Office of the RT, “Narodnaya Gazeta”, 2005, #1.

⁶ The war that cost the national economy damages in the amount of \$7 billion. In 1992-1996, the GDP in Tajikistan dropped by over 3 times; indicators of the real economy – by 2-10 times; inflation grew by several thousand times.

number of court cases accusing government officials of bribery, power abuse, and unlawful use of office for personal benefit. There are extensive networks that have been involved in illegal operations, corruption, and organized crime. There are also some alliances between professional criminals and particular politicians, political parties, high-ranking government officials, and military personnel.

There is no doubt that the problem of corruption in the Republic of Tajikistan is both systemic and individual, since enormous opportunities for the development of corruption first appeared under the Soviet Union. This argument connects corruption with communism based on two main criteria, one related to Tajik norms of behavior and the other tied to the management principles of the economy of the communist regime that created an incentive system requiring giving and/or receiving pay. It is important to point out that the overwhelming and long-term practices in the society led to a situation where they have become aspects of cultural norms and practices. We believe that the period of transition, while strengthening democracy and the market economy failed to reduce the scale of corruption in the country. Cultural benchmarks change quite slowly and do not follow rational political and institutional transformation. It would be fair to say that the Western interpretation of corruptive practices differs from the local one. This is not because making gifts to local officials is a normal thing to do; rather, it is this cultural and social phenomenon that has diluted the concept of corruption depending on the country's characteristics, religion, and social relations.

Therefore, the present survey is of the opinion that cultural inertness and official opportunities have caused an increase in corruption in the post-communist society of Tajikistan. Moreover, the absence of accountability, transparency, and competition becomes a natural result of these developments.

Corruption impacts each sector and level of government, from the top management of the executive, legislative, and judicial powers

down to the regional and local structures, including the police, financial organizations, and banks. Even those organizations working with the government, that proudly call themselves donors, can raise suspicions.⁷ The volume and type of corruption vary respectively. The recent survey of the Government sector and anti-corruption activity conducted by the World Bank⁸ produced an interesting list of corruption practices, including both patronage and nepotism, bureaucratic administering such as licensing, permissions, and the elite's influence on laws, politics, and policies. That survey report also mentioned corruption in the procurement of the goods and services for all types and levels of the Government, budget machinations, privatization processes, and tenders within the government leadership.

Many researchers estimate corruption cases using legal, institutional, economic, political, social, and ethical categories showing that:

- Major causes of corruption within the legal field are the laws that inadequately reflect the current picture of Tajikistan's realities;
- Grounds for institutional corruption were created because Tajikistan has no anti-corruption strategy; and lacks transparency in decision-making at higher levels of power.
- The causes of economic corruption are the low salaries of civil servants that present them with a dilemma: to be honorable or to survive;
- The political causes of corruption include the hidden interests of selected groups in their attempts to restore the previous regime or to create new regimes.
- The social and ethical causes of corruption are in the erosion of the values of politicians, the irregular and untimely

⁷ Shuhrat Mirzoev Allocative (In)Efficiency of Grants in Tajikistan: Corruption and International Organizations; October 2006.; Master's dissertation.

⁸ «Country Financial Accountability Assessment», World Bank, 2005

coverage of corruption in mass media, and, finally, the public tolerance of corruption.

One must admit that corruption in the Republic of Tajikistan has turned into an unwritten public norm of behavior for both its citizens and its entrepreneurs. It has formed models of mutually agreed procedural “enforcement” and understanding under the informal logo – “something is not allowed – someone has a great wish – then it is allowed” – in accordance with the existing price list for the “shadow” service of officials.

The most significant is the phenomenon of the government corruption in the Republic, involving officials and civil servants with access to other people’s resources by making, or not making the right decisions.

The survey shows that the Tajik public refers to the law enforcement system as the most corrupted national institution and has serious doubts about the capacity of the law enforcement system to deal with it. As a result, we are witnessing wide spread distrust in almost all government institutions. The public dissatisfaction, caused by its concern over corruption, is fed up by the common feeling that the judicial system is neither interested in nor capable of solving this problem. This conclusion is based on the absence of cases of state prosecution and punishment of corrupted officials.

It is obvious from the above-mentioned circumstances that the fight against corruption in Tajikistan is one of the key current and future tasks. The President and Government of the Republic pay constant attention to this problem. Especially active and systemic anti-corruption measures have been taken since 1999. In previous years, the legislative and institutional base for fighting corruption has been established and improved.

Legislative acts specifically aimed at prevention of corruption, the punitive measures for corrupt behavior, and anti-corruption activities include:

1. *The Anti-Corruption Law of the Republic of Tajikistan* # 875 issued on December 11, 1999;
2. *The Criminal Code of the Republic of Tajikistan*, which came into force on September 1, 1998 (sections on “*Crimes against the interests of civil service*”, “*Crimes in the sphere of economic activity*”, “*Property crimes*”, etc.);
3. *The Decree of the President of the Republic of Tajikistan* “*On additional measures aimed at strengthened crime fighting in the sphere of economy and corruption*” issued on July 21, 1999, #1262.

The measures aimed at corruption constraint are also contained in the laws “*On the State Service*”, “*On the State Financial Control*”, “*On Auditing*”, “*On the State Support and Development of Entrepreneurship*”, “*On Privatization of the State Property*”, as well as in *Tax, Customs, and Civil Codes*, other legislative acts as well as in the decrees of the President and Government Resolutions of the Republic of Tajikistan.

Identification and investigation of corruption offences is assigned to organs of prosecutor’s office, internal affairs, security, tax police, customs, military administration, border control, and Drug Control Agency under their respective statutory jurisdictions. *The Criminal Code of the Republic of Tajikistan* stipulates the different types of punitive measures for corruption crimes dependent on the degree of guilt and personality of offenders.

Joint international actions, such as the adoption of the *UN Convention on Fighting Corruption* by the *United Nations General Assembly* which was signed by 140 countries on the *International*

Day of Fighting Corruption (December 9) are real successes. Tajikistan is among the countries that signed this Convention.⁹

History confirms that fighting corruption always clears the way for dictatorship. The paradox is that upon establishment, the dictatorship promotes corruption, increases its scale, and spoils the power. Finally, societies in transit from totalitarianism, or from a long dictatorship to democracy keep the virus of totalitarian revenge under the logo “to struggle against the downside of democracy,” of which corruption is one of priorities. There is only one alternative to this situation; it is the development and implementation of a national government anti-corruption strategy or program based on the consolidation of the majority of political forces in close cooperation with the existing institutions of civil society.

Valid anti-corruption strategies are developed on the basis of presented geographical models. There is a shared opinion that African anti-corruption models in Tanzania, Nigeria, and Botswana failed while Asian models in Hong Kong, Brunei, Bangladesh, and Indonesia, succeeded. The level of democratic development can explain this, because the establishment of an effective anti-corruption agency is dependent on the political culture, the level of social values and economic growth, and the confidence in law enforcement bodies and lawmaking institutions. It is their high-quality work that directly or indirectly influences activities of the anti-corruption agency.

A few words on the international corruption rating

It will be fair to mention availability of different methodologies and means of measuring the level of corruption. Paolo Mauro and Philip Keefer used the first one in 1995. They applied the corruption risk assessment method of private firms. Data published in the International Country Risk Guide (ICRG) and received with the

⁹ Signed in New York on September 25, 2006

application of this method became most popular among corruption researchers.¹⁰ Indicators used in the International Country Risk Guide show the probability of the event at which officials in one or another country may ask for a bribe.

According to the second method, used, in particular, for the identification of the Corruption Perception Index (CPI) by Transparency International (TI), corruption scale is assessed based on the estimation of people acting in the corruption field¹¹. Besides, there is also the method of “Control of Corruption” (CC)¹², which uses a wider meaning of corruption, as well as the method of International Crime Victims Surveys (ICVS) applied by the UN. These two methods use telephone and personal interviews with victims and witnesses of blackmailing.

In this survey, it was not intended to measure corruption in the country, rather the survey is meant to start a discussion of this subject through the initiation of a public dialogue. The survey team will promote the dissemination of information in order to make it public with the intention of starting active, integrated, and targeted anti-corruption activity in the Republic.

¹⁰ Tajikistan is not included in the list of the ICRG.

¹¹ According to the TI statistics, Tajikistan occupied the following lines in the list: 128 in 2003, 138 in 2004, and 150 in 2005 — www.transparency.org

¹² According to the data received with the use of the Control of Corruption (CC) method, the first place in the list of most corrupted countries is occupied by Equatorial Guinea, the second by Haiti, followed by Iraq, Democratic Republic of Congo, Myanmar (Burma), Afghanistan, Nigeria, Laos, Paraguay, Turkmenistan, and Tajikistan.

METHODOLOGY

The present sociological survey was held at the national level and it covered twenty-four cities and districts of Tajikistan. The survey analyzed data received from **2,054** respondents. The number of interviewed citizens was **1,769**, and, also there were interviewed **285** entrepreneurs. These numbers include **40** experts from among civil servants, staff of law enforcement bodies, journalists, and businessmen.

The map below provides a broad picture of the percentage ratio with regard to the total population in each of the target districts.



The CSS used a specially developed survey methodology. Data entry and analysis were also performed by the Center. **Interviewers carried out the quantitative part of the field survey and data collection in each target district.**

All districts were approached with the same survey methodology, including unified tools, and similar sample parameters. Such an

approach made it possible to collect data that could be transferred to the whole aggregate of similar phenomena in different areas of the country and to make an effective comparative analysis.

The survey was aimed at the following objectives:

- 1) to describe a broad picture of corruption;
- 2) to study corruptive practices (both domestic, which involves citizens, and administrative, which involves entrepreneurs and businessmen);
- 3) to study characteristic features of corruptive behavior;
- 4) to study specific characteristics of corruption in the country;
- 5) to identify the causes of corruption;
- 6) to identify the conditions and environments that facilitate or prevent corruption;
- 7) to identify the legal and moral estimations of corruption;
- 8) to study corruption-associated values and respondents' perceptions, and terminology;
- 9) to study the interrelations between the socio-psychological characteristics of respondents and corruptive behavior;
- 10) to identify anti-corruption methods and their efficiency;
- 11) to develop the key recommendations of anti-corruption policy for the Republic of Tajikistan based on the obtained data and conclusions.

The initial survey period envisaged sub-division of all respondents into four main categories:

1. Civil servants
2. Military servicemen
3. Average citizens
4. Entrepreneurs

SAMPLE PARAMETERS:

The Category of Civil Servants:

	Number	%
High and mid-level officials	166	9.4
Specialists with higher education	663	37.5
Total:	829	46.9

The Category of the Average Citizens

The representatives of the population were divided into three groups depending on income levels: low income, mid-income and high-income citizens. Division was also made with regard to urban and rural areas dependent on the average salary of 85.8 somoni (in 2006 – 102.8 somoni) and the consumer basket – 36.4 somoni in 2005 and 44.7 somoni in 2006.

	Low income	Middle income	High income
Khudjand	32	30	3
Chkalovsk	46	22	1
B. Gafurov district	58	12	6
Isfara district	63	8	3
Spitamen district	52	10	2
Istravshan district	47	28	5
Penjikent district	58	17	1
Kuliab	28	27	18
Dangara district	70	4	0
Khovaling district	47	16	11
Kurgan-Tube	17	32	23
Bokhtar	24	27	25
Shaartuz	40	22	13
Khorog	41	28	3
Darvaz district	60	16	0
Tursun-Zade	40	17	21
Gissar	58	18	3

Rudaki	52	24	4
Rasht	48	25	3
Faizabad	49	26	0
Somoni	8	24	44
Sino	46	22	4
Shohmansur	20	27	22
Firdausi	56	6	6
Total	1060	488	221

The Category of Entrepreneurs

The total number of interviewed entrepreneurs was 285 people or 13.9% of big, medium and small business owners in respective proportions.

Small business	146 people	Turnover up to 1,500 somoni
Medium business	103 people	Turnover up to 15,000 somoni
Big business	36 people	Turnover up to 300,000 somoni

Gender aspect

Participants of the sociological survey included both men and women (in proportion similar to their percentage ratio in the country population¹³). The total number of men was 1,195 people or 58% and women – 862 people or 42%. Among representatives of the business sector, 176 people were male and 113 female.

¹³ Reference to the state statistics year 2000

Age of respondents:

Respondents were divided into two age groups:

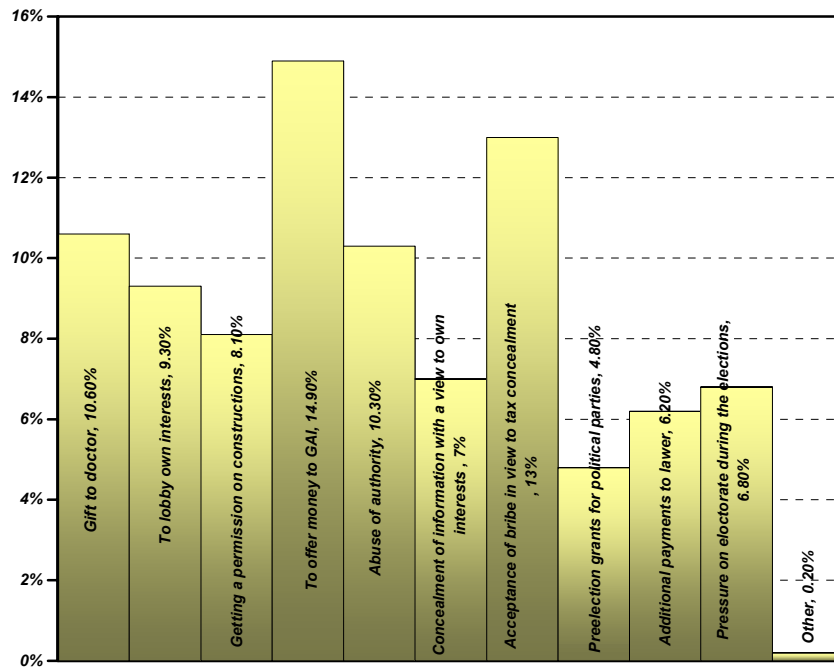
- one group, aged 15-40, included 1,710 people;
- the other one, aged 41-95, included 344 people.

TOOLS

The survey was based on specially developed questionnaires prepared for each age group. The survey team collected valuable data related to the respondents' personal experiences. Very interesting life examples were received that are related to various forms of corruption as well as to information on corruption in public institutions. An attempt was made to define the causes of corruption and the possible ways and means to reduce corruption in the country.

The focus-group discussions were audio and videotaped and were reviewed later on by specialists; their shorthand reports were also used for a more detailed analysis. The survey team ensures accuracy of respondents' opinion and adequacy of the performed analysis.

CHAPTER 1: Perception of corruption



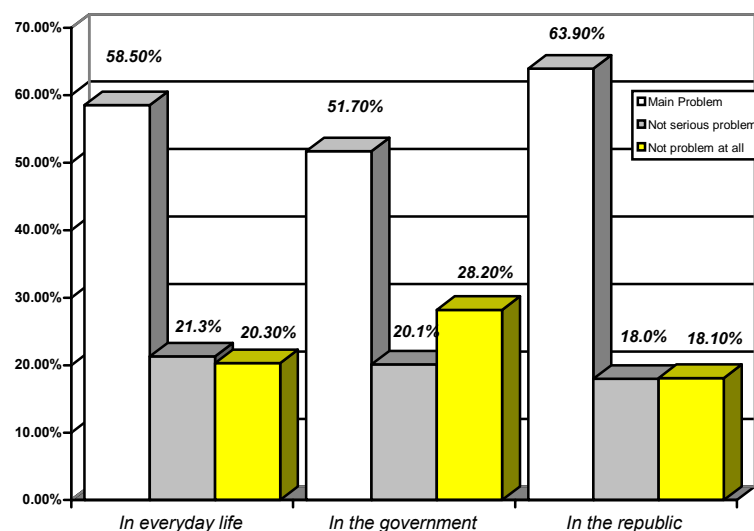
The survey and the above diagram illustrate that these deeds can be defined as corruptive practices; the highest index of 14.9% relates to “offering money to traffic police officers to avoid penal sanctions”. A similar growing trend relates to “acceptance of money by officials aimed at concealment of taxes or reduction of tax fees” – 13%.

According to survey results, corruption is definitely wide spread; this is confirmed not only by the choice of multiple positions by respondents but also by the percentage ratio. Moreover, these figures speak dramatically of the escalation of various forms of corruption and its manifestations. This creates a certain tension within the society and forms negative social attitudes.

It is important to point out that among all forms of corruption in the table; the most frequent are bribery of civil servants, traffic police officers and gifts to tax officers. We did not pursue the objective to

give multiple characteristics to this particular phenomenon. It is rather a difficult task, which may become a goal of a separate survey. It would be fair to say that when a judge takes a bribe, the whole judicial system is undermined, and this is much more serious than the case of a surgeon unofficially paid for an urgent operation.

Is corruption an important problem or there is no such problem in Tajikistan?

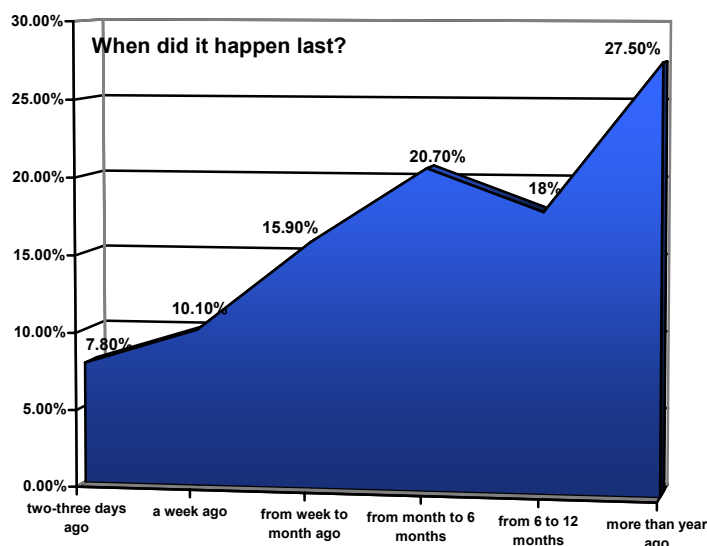


According to the majority of respondents (58.5%), corruption is the main problem of everyday life. It was named the key problem by 51.7% of Government respondents. Of the total number of interviewed people, 63.9% believe that corruption is the priority problem.

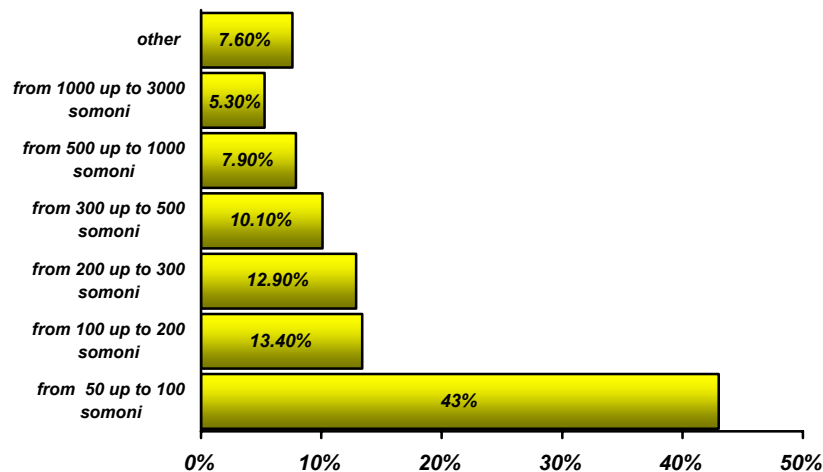
Code:421.32.2; 15:00. *“I believe that corruption is the main problem for my family because this year I could not afford a new school uniform for my little daughter – we had to pay a handsome amount of money for the operation of my elder son...”*

Code: 541.91.6; 18:00 *“In my opinion, corruption is not the key problem of the state development; it is much more important to help people resolve their everyday problems. Personally, I have never faced corruption.”*

The survey data proves that in the course of time, citizens of Tajikistan have to deal with this problem quite often: When asked to “remember the last case and what exactly it took place”, 27% of the respondents answered that it was over a year ago; 20.7% that it was between one and six months ago; 18% said that it has happened somewhat further in the past – in between six and twelve months; 15.9% that it happened one to four weeks ago; and 10.1% of respondents said that it happened no longer than a week ago, and even 7.8% that it was just one or two days ago.



Could you remember how much you spent on this bribe (gift, etc.)?



The presented figures illustrate a rather developed service market of everyday corruption. It is interesting to note that the amount of money between one and three thousand somoni was mainly given for a land certificate, for a draft deferment, or for a delay of a legal procedure.

According to businessmen, bribery is their everyday reality. In this regard they face corruption much more often than other population groups. Following are corruptive practices faced by businessmen:

- Starting a new business
- Resolving an accountant problem
- Acceleration of the decision-making process while the decision is anyway the responsibility of the government authority
- Softening requirements of inspection bodies
- Protection of one's property and business against rivals' invasion

- Overcoming administrative barriers impeding business development
- Getting a state order
- Providing a desirable judicial decision
- Winning in the struggle for acquisition of property
- Getting an advantage in a competitive struggle
- Obtaining a government position for business representative
- Promotion of desirable legislative and/or administrative decisions
- Receiving the government authorities' protection and favor for one's business, including from the law enforcement bodies.

This list suggests that the corrupted agencies include all government organizations dealing with entrepreneurship. We can come to the conclusion that corruption has become institutionalized and conceptually legal. There are "right" offices that resolve specific problems with the state bodies.

Describing the public environment, which promotes corruption, respondents of all categories unanimously mentioned the low salaries of civil servants, a poor social safety net at retirement, and the lack of legal protection. The amount of money required from the ordinary citizens for services from corrupt officials is growing from one year to another. This is clearly shown by the respondents' disclosure of specific problems that were resolved through bribery and its high volume. Again, we can only come to the conclusion that corruption in the Republic of Tajikistan has entered its formation stage.

According to this pool of public opinion it is quite normal to thank the "useful" person for the service by giving him/her flowers, a box of chocolates, or a bottle of cognac. Approximately 58% of the interviewed people do not consider this demonstration of gratitude as a bribe. Almost three fifth of respondents do not see it as bribery to have a drink or dinner with the person who can help to resolve existing problems. The same number of respondents said that there is nothing wrong for physicians or teachers to receive gifts from their

patients or students' parents. Only one third of respondents find it wrong to use connections and acquaintances for the professional advancement.

In terms of participating in bribery, most respondents share a negative attitude. Even 91.5% of the respondents find it improper to bribe an official to speed problem solving. Only 8.5% called bribing an appropriate thing to do. However, 25% of respondents believe it is inadmissible to bribe officials to suppress or evade unpleasant handlings and bureaucratic procedures in the interests of their organizations or firms.

The respondents also condemned tax concealment. Almost four fifth stated that tax evasion is inadmissible and only one tenth of people do not criticize people avoiding payment of taxes.

The fact that over a half of respondents (51%) find it appropriate to report a bribe-taker through a "hot line" demonstrates that today's population could become a good ally in combating corruption. At the same time, one third of citizens were against reporting, and one fifth of respondents chose not to respond on the issue.

The survey team believes that the most dangerous effect of corruption is its impact on people's consciousness, rooting the idea in people's mind that these practices of government officials are the norm of behavior, and that no problem can be solved without bribes and the different types of personal connections.

Sideway comments:

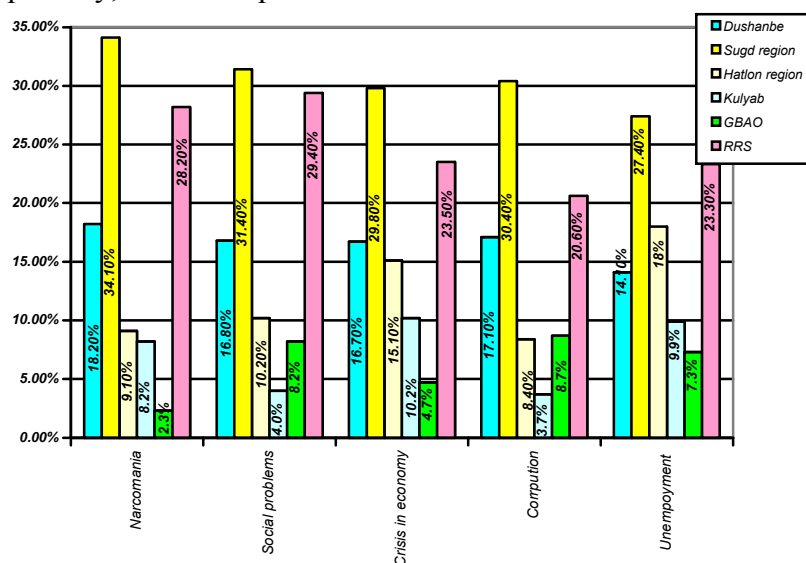
Three countries require special attention in the list of top twenty identified by Transparency International; these are: Singapore (5th place), Hong Kong (14th place), and Chile (20th place) which have shown considerable improvement during the past few years in the quality of state institutions. Singapore and Hong Kong deserve special attention because in the past they also were not free from corruption; however after just one generation they were able to improve considerably the situation by establishing politically independent anti-corruption commissions with clear tasks, ample powers and adequate budgets. 1

Expert evaluation:

*Our survey shows that people all over the world believe that corruption has deep roots in their countries. When a low-income young mother is sure that the government puts its own interests higher than the interests of her child or that meeting priority childcare needs such as health care service requires additional “informal” payment, she loses the hope for the future. Yet even deeply rooted corruption can be overcome in a joint effort aimed at changing the system that generates this corruption.*¹⁴

Question: What is in your opinion the biggest/most important problem of the Republic of Tajikistan at the current development stage?

Geographically, the above problems look as follows:



¹⁴ Ugett Label, Transparency International Chairman of Board, Press release of Transparency International, Berlin, December 9, 2005.

The survey shows a difference of opinions. For example, for 18.2% of respondents from Dushanbe the priority problem is drug abuse, while for residents of RRS and GBAO it is not the most important one.

Our respondents named "Economic crisis" and unemployment as the most urgent issues, although it is quite obvious that this situation was created by the high level of corruption in the society. *At the initial stage, corruption tries to hide itself behind the socio-political background; however, when this hidden policy becomes dominate in the regime, any analysis that ignores this development results in wrong conclusions. It is important to ask "how this situation impacts power distribution within the political system, how it distorts formal assurances of the government policy and how it impacts the character and composition of political elites in due time"*¹⁵.

Our survey insists that the incidence of corruptive behavior – whether it is a bribe, a benefit, nepotism, or something of the kind – is less important than the way in which corruption distorts the work of the political, economic, and social system of the country. As described by Susanne Rose-Akermann, bureaucrats try to behave as monopolists receiving profits from artificial increase of prices. Or, in the words of Robert Klitgaard, "corruption prospers on disorganization"¹⁶. Chaos and confusion, or "economic crisis" also protects a corrupt person in the case of an investigation; thus bureaucrats interested in further enrichment are also interested in maintaining this situation. The very fact that "economic crisis" was chosen by 63.9% of the respondents, in the list of government issues, identifies the need for a closer and more systematic study.

¹⁵ James C. Scott, *Comparative Political Corruption* (Englewood Cliffs, NJ: Prentice Hall, 1972), p. 2.

¹⁶ Robert Klitgaard. Finance and Development, March 2002

There is no consensus in the society as to the concept of corruption and its manifestations. Its interpretation has multiple meanings. However, as was already pointed out, despite the existing difference in the interpretation of corruption and its manifestations, the overwhelming majority of respondents in the target areas recognize that corruption is the key problem for the country, for the national Government, for everyday life, and for human environment. It not only slows down the implementation of political and socio-economic reforms, but also leads to the moral degradation of the society. Additionally, there is a common understanding that any delay in political and economic reforms creates a favorable ground for various forms of corruption, holds back the development of economy and business, and confuses public perceptions. It is important to point out that of all the target groups, the government officials, that is, civil servants were most aware of the signs and features of corruption. Corruption was recognized by the very same social group that is interested in maintaining of its controlling and regulating position in the society, which allows it to receive its “status rent” (“bribe-tax”).

At the same time, public consciousness divides officials on the different levels depending on their participation in corruption; higher officials have a more significant relationship to corruption than do insignificant civil servants.

Corruption is stimulated less by apathy of sanctions and more by existing perspectives.

As a Tajik saying goes: *Феъли бад – коҳиши ҷон,*
 Нафси бад – балои ҷон
 (Vicious customs - illness of soul)

This supports the saying of the British historian, Lord Aston: *Power is disposed to corruption, and absolute power is absolutely corrupted.*¹⁷

Code: 721. 41.2 15:00. It seems to me that drug abuse is currently as important a problem for Tajikistan as corruption is. What do the young people do? I hate to leave my family, my small sisters and earn living somewhere else...

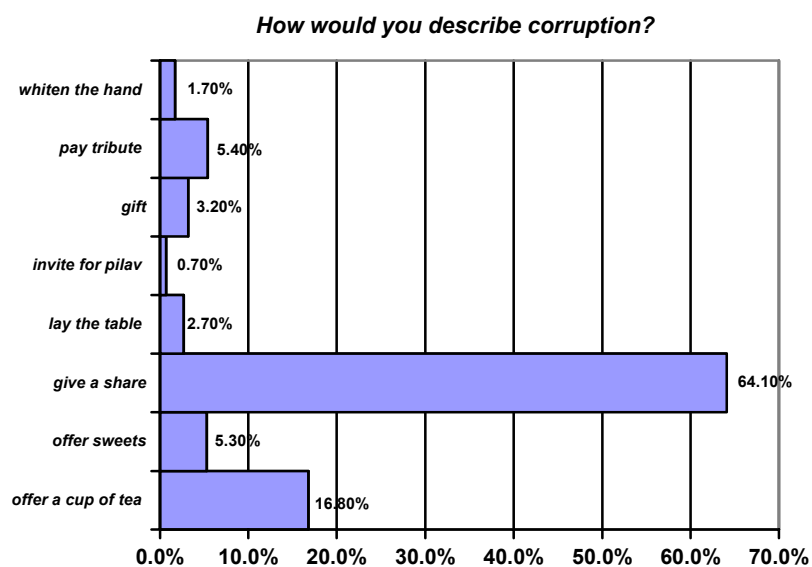
Code: 211.54.4 19:00. In my opinion, the problem of corruption today is the most urgent because the development of my business directly depends on the decision of several officials, and all of them are interested only in money.

¹⁷ P. 77 Leslie Palmier Corruption in context in the book *Fighting Corruption in Asia*, World Scientific New-Jersey-ondon-Singapore-Hong-Kong; pp. 73 – 89

CHAPTER 2: Modern interpretation or how we Call “Corruption”

Availability of various terminological concepts of corruption proves not only the “ancient age” of corruption as a pathology but also the “ancient age” of its definitions. In the modern Tajik language and its local dialects, there are quite a number of different definitions of the word “corruption”.

To identify various existing terminological approaches to corruption, the survey asked the following questions: “Corruption” and “bribery” are differently described in different parts of the country, although sometimes people use one and the same word or phrase.



The diagram shows that there are most different types/definitions of corruptive practices. However, the word “to share” proves how spread corruption is among government officials.

It is this expression that reflects the essence of a “bribe” in the Tajik language and its social position. The “share”, that is something that undoubtedly belongs to the official, is his “price”, his “cost”, something he counts on or something he used to get his position.

Expert opinion:

Unvoiced demand of payment can also be called corruption along with an open blackmail, especially if rejection of a bribe means that you will not receive medicine you need to survive.¹⁸

Definition of corruption given by respondents:

GBAO

Khorog	Vanch district
offer a cup of tea (як пиёла чой кардан);	draw (канда гирифтан);
offer sweets (дахонро ширин кардан);	thank (хурсанд кардан);
give a share (доля додан);	make happy (хурсанд кардан);
lay the table (дастархон кушодан);	usury (ришвахури);
invite for pilav (як табак ош);	parasitism (муфтхури)
gift (тухфа);	

¹⁸ Ugett Label, Transparency International Chairman of Boar,. Press-release of Transparency International, Berlin, December 9, 2005.

pay tribute (хақ додан);	
whiten the hand (сафедии даст);	

KHATLON REGION

Shaartuz district:	Kuliab:
меҳмони <i>invite to one's house;</i>	порахури <i>bribery;</i>
як чи додан <i>give something;</i>	ба як пиёла чой даъват кардан <i>invite for a cup of tea;</i>
treat (ташкили кардан);	
Shurobad district:	Bokhtar district:
беинсофи <i>injustice</i>	stake (ставка);
доля <i>share;</i>	gratitude (миннатдорӣ);
фасодӣ; лойша биёр <i>impurity; "bring mud";</i>	мафия <i>mafia</i>
мо чӣ кор кунем? <i>what do we do?</i>	
give your brother a share (хақи аката бӯте);	

REGIONS OF REPUBLICAN SUBORDINATION (RRS)

Rasht district	Faizabad district:
саломии хушкӯи холи беалейк аст; <i>go around-come round</i>	шапка додан; <i>give a hat</i>
даст меҳорад, даст сик мезанад; <i>hand prickle</i>	сухтан; burn
рахмат дар хонаи ҳудаш, ин хонаи дигар; <i>keep your thanks in your house, this is another house</i>	меҳмондори <i>invite to one's house</i>

SOGD REGION

Khudjand	
Кома дар хушкӣ намеравад <i>Some wheels need to be greased</i>	Доли акота те <i>Give your brother a share</i>

Philosophier`s comments:

A survey of corruption reminds us of our mountainous terrain with its lack of space and crowding, and since we cannot put our landscape in a civilized order, we at least need flora and fauna landmarks. This pushed out survey team to look for an exact definition that would precisely characterize this phenomenon. At the same time, there is no need, at least now, to look for the most precise one; it is sufficient to say that they are as numerous as plants in Tajikistan mountains and that they also differ in types, plasticity, and location. In other words, we would like to stress that a definition of corruption is like a marriage proposal – it can be rejected or accepted – although the proposal itself cannot be defined as true or false. It is not the true or false nature of definitions that is important but the declaration of one or another definition is interpreted according to accepted standards. It is like environment: we feel that we cannot define it yet we know it when we see it.

Many respondents know that the word “corruption” comes from the Latin “corruptio” which means bribery, vendibility and venality of public and political officials, state servicemen and civil servants. A certain number of respondents used the Explanatory Dictionary of the Tajik Language (Farhangi Zaboni Tojiki) and defined corruption as bribery and venality of government officials. Explaining the essence of the literary and commonly used meaning of “corruption” as “rishva” (bribery) and “pora” (bribe), respondents call corruption an “abuse of power” “in personal interests”, “enrichment of their close relatives” and “improvement of their socio-economic life”.

The Sociologist' view:

The social phenomenon of, so-called the "self-sale," (from official venality to the marriage swindlers and prostitution - in the sphere of politics, science, skills, journalism, or - sexual relations) is possible in the society of the developed commodity-monetary relations, when "the ability of all products, activities, relations toward exchange to something the third, the estate, to something such, which in turn can be exchanged to everything without the selection, i.e., the development of exchange values (and of money relations) - is identical to universal self-sale, and corruption".

The money (commodity-monetary) essence of prostitution as self-sale was substantiated by G. Zimmelem (Oldenburg, Ph. Middlemen in Third World Corruption. Eorld Politics, 1987; 508). He noted that nature of prostitution and nature of money were analogous, that, under the conditions for the commodity-monetary, estate (property), and detached personal relations, prostitution becomes the symbol of relations among people. Money ruins nature of things by one their touch.

It is important to point out that the main form of corruption in the Republic of Tajikistan is closely connected with nepotism, kinship and regionalism, as well as with manipulations with the state property. There is a shared opinion that the prevailing form of corruption is bribery. People know from their personal experience that bribes are given in the form of money envelopes, gift packages, etc. Among other forms, people often mentioned a corruption "barter" or "scratch my back and I'll scratch yours" (here we are speaking of unlawful services) or "coverage" of criminal cases.

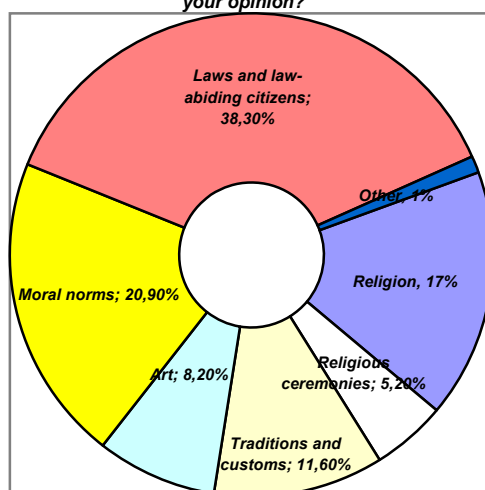
In order to identify national traditions that in one way or another, influence the development or limitation of corruption, respondents were asked the following question: **What cultural and traditional factors, in your opinion, prevent the development of corruption?** The answer to this question implied the full list of

phenomena that are most illustrative of the life of Tajik people and sum up with something that we call culture.

That is, by culture we understood the summary of knowledge, beliefs, art, morals, laws, customs, and some other capacities and habits that are obtained by a human being as a member of the society. Often survey participants emphasized the cultural and historical causes of corruption.

Most experts say that the Tajik national material and spiritual culture, that is, knowledge, art, beliefs, legal and ethical norms, impede the development and extension of corruption since they are at opposite poles. At the same time, it was pointed out that while cultural elements fight corruption, biases and prejudices promote its development.

Which cultural and traditional factors humper the corruption behaviour by your opinion?



Thus, 38.3% of respondents believe that the development of corruption is opposed by laws and law-abiding citizens; 20.9% - by ethical norms; 17% thought of religion; 11.6% - of traditional

customs; 8.2% - of art; 5.2% - of religious rites, and only 1% - of other things.

Most of focus-group participants were of the opinion that many cultural traditions of the Tajik people form a background for preventing the development of corruption practices; these are faith, traditional moral and ethical norms, knowledge, customs, etc.

Obtained results demonstrate that respondents are unanimous in saying that culture and traditions of the Tajik people possess many factors that may and shall prevent corruptive developments.

However, in the opinion of respondents, survivals of past times and other cultural factors still actively facilitate corruption.

TRANSPARENCY AND ANTI-CORRUPTION CRITERIA IN ISLAMIC CULTURE

Transparency and anti-corruption are subject matters of social sciences based on Koran. However, political topicality of these concepts has not worked out in the recent period. Today, when Islam as a fully developed knowledge system is becoming an active participant of globalization, updating these concepts is actually a conscientious transfer to a civil society.

Where did these concepts come from? How were they perceived by people of Arabia and how did they expand in time and space – these are questions to be discussed in the present chapter.

The cradle of Islam is in Arabia where under the conditions of dissociated tribes and the need for new relations, Muhammad the Prophet called upon worshipping one God. Muhammad was illiterate, however he proved to be a genial politician who possessed the divine revelation. A correct assessment of the socio-political situation and theoretical foundations of Islam are intervened with the complex interrelation of the main factors. This work covers two of them:

First is the need for a new, unifying thinking of nomadic tribes, different people and nations of that time. Of them, Arabs, Persians, and Turks actively promoted the dissemination of this new thinking.

Second is the principle of understanding and coverage of the majority of people following criteria based on the rules of honor, conscience and dignity. This principle formed the core of the Muslim society and was later on transformed into standard concepts of a civil society. It is worth noting that the main idea of this transformation was a dream of a new world – free from violence, deceit and immorality.

Innovations contained in the text of Koran, Hadiths, new laws and rules of behavior made a great influence on literary, legal, and social ideas and had been gradually reflected in art, architecture, life, and well-being of ordinary people. Muhammad's teaching was understood everywhere because it expressed new ideas not only in the name of God but also in the name of many peoples of the time.

Many religious ideas, previously wandering around the Middle East, found their place in his sermons and sayings in simplified and clear forms. The most significant provisions and regulation in Koran verses and Prophet's sermons praised good human deeds and rejected violence, cauterized such things as graft, bribery, corruption and formed public opinion.

The popularity of these ideas was accounted for by the fact that they were reflected in poetry and prose and were easily perceived by people; gradually they entered traditions of many tribes and nations.

The basics of the legal ground and Shari'ah attitude to solving problems associated with graft and bribery were reflected in the sacred Muslim book Koran, and their practical implementation is shown in Prophet's Hadiths¹⁹. The statement of this problem in

¹⁹ The best experts in Hadith were scholars from Maveranahr, and one of the most famous of them was Imam Muhammad ibn Ismail Abu Abdallah al-Jufi al-Bukhori (810-870).

Koran verses and Prophet's Hadiths is expressed in the following chronological order:

Verse 188, surah (2:188) says: "Do not waste your property. And do not use it to bribe judges to wrongfully obtain the share of others, knowing in your heart that it is wrong"¹. Therefore, in this verse God urges not to waste one's good things on other people and bribery of judges because this sin promotes bribery and oppression of people. This equals to taking food in the month of Ramazan. It also says that the unjustified waste of commodities is not allowed and equals to taking food in the month of Ramazan. The book containing "Comments of al-Bagavi" says that this verse was sent with regard to cases of Imriilkais ibn al-Kindi. A certain Rabia ibn Adnan al-Hazrami complained to the Prophet that Imriilkais seized his land. Therefore, the phrase "do not waste your property" indicates numerous bad deeds, such as land seizure, deceit, waste, lies and renting a female singer. All this leads to bribery and treachery. The book "Brief Code on the Interpretation of Respected Koran" says with regard to this verse: "do not waste your wealth in ways prohibited by the Shari'ah – treachery, force, plunder, gambling, and do not bribe rulers so that they cannot steal other people's property".

Verse 42, surah Maidah (5:42) takes a grave view towards bribe-takers. The verse sounds as follows: "They readily listen to the lies and (greedily) devour things prohibited by Allah. But if they come to you (to your trial), judge between them or turn away; and if you turn away from them they will not harm you. If you judge them, do it equitably. God loves only just people". Analyzing this verse and comparing it with the previous one, we can easily see that God warned the Prophet on the main characteristic features of unbelievers – they speak with their tongue but do not believe in their heart. The character of those who devour prohibited things (bribers) is compared with the similar feature of unbelievers that should be judged fairly or you should turn away from them.

This appeal is still valid in our time because the fear of God and a correct scientific evaluation of this phenomenon show a way out. In verses, the Arab word “suht” is used in the meaning of “devouring what is forbidden”. In “Comments to Kurtubi”, the book says that “suht” or “devouring what is forbidden” reduces human mercy. And cruelty is characteristic only of unbelievers. Ibn Masud says: “Suht is a bribe”. Omar ibn al-Hattab also points out that “suht” is a bribe taken by a ruler, that is, it is “devouring what is forbidden”. Omar also refers to the Prophet’s Hadith: “Each part of a human body grown from devouring of what is forbidden goes to Hell”.

Here the issue becomes socially important and a briber is recognized as a dangerous society member. This unwelcome feature turns him into a cruel, impious unbeliever.

However, among those who admit the verdict, human life still depends on right actions; following this dangerous habit may result in a social instability. It is worth noting that the analysis and consideration of this issue in all books devoted to Islamic Hadith were carried out on the basis of the above verses and their practical implementation.

In “Sahih al-Bukhori”, the quintessence of this issue is contained in two books - the Book of Rent and the Book of Gift. The Book of Rent contains 16 chapters and 27 (2260-2286) Hadiths. The Book has Hadiths associated with this problem; its context makes clear the Prophet’s attitude to the inadmissibility of graft and bribery. For instance, in Hadith 2261, the Prophet’s attitude to those who seek position by all means, sounds as follows: “We will never appoint him who seeks the position on his own”. In chapter 16, Ibn Sirina says that it is allowed paying the distributor, and he adds: “People say that “suht” (illegal income) is considered a bribe by the Shari’ah, and it was given to define the amount of fruit”. Hadith 2282 speaks of situations when it is prohibited to take fees: “The Prophet prohibited taking money for a dog, to pay a prostitute and tip a priest”. Judging by these Hadiths, one can guess that the Prophet was absolutely against solving problems through graft and bribery. The context of

these Hadiths implies that if these problems cannot be resolved by offering money and a certain fee, there is no place for a bribe.

Islam has a pronounced socio-political position and believes that solving problems in such a way contradicts the Shari'ah. Everything gained this way is considered illegal in Islam. All people who take and offer bribes and those who intercede between them and have illegal incomes, according to the Shari'ah, will go to Hell. In exceptional cases, a group of respected religious scholars can take a verdict based on *ijma* – a collective decision with regard to some cases.

For example, if a high-ranking official is taken hostage and a bribe is demanded to release him, this requires a decision of a group of religious leaders. Both Koran and Sunnah can also be used as guidelines.

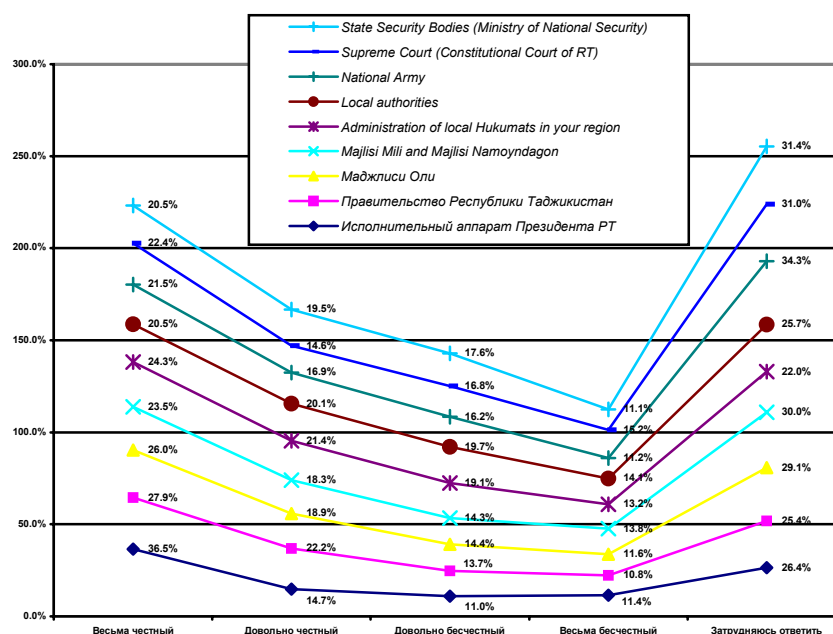
Till 1920, the attitude to this problem on the territory of contemporary Tajikistan was based on fundamental guidelines of Koran and Sunnahs. However, after the dissolution of Buhara Emirate and the formation of the Communist regime, new laws and legislation was developed, and people, to some extent, moved away from their national customs and tradition. Ideological changes of the new regime influenced people's attitudes to what is allowed and what is not, as well as the difference between gifts and bribes. The new legal procedure of the Soviet system to some extent was forced. If until 1950, the analysis and review of legal issues took into account national and Islamic traditions of the Tajik people, starting from the second half of the XX century, a new legal space became dominating in the Soviet Union where there was no room for religious concepts. May be, the ignorance of people in these issues had become one of the causes of the fratricidal war of 1992-1993.

For 15 years already, Tajikistan lives as an independent state. Its independent development, along with some advantages, has certain negative factors, one of which is corruption. Considering the seriousness of the issue, on July 25, 2005, the Government adopted

the Anti-Corruption Law of the Republic of Tajikistan that determines key tasks in this sphere. The availability of various terminological concepts of corruption proves the “old age” of this bad habit. Therefore, in the modern Tajik language and its dialects, there is a great many words to explain corruption. This is proved by the outcomes of the recent sociological survey. Indeed, different country regions use different terms and phrases to define “corruption”, “bribe”, and “graft”. However, one thing is really true: consideration of religious-ethical views is most important in the identification and assessment of the corruption problem at the current stage may help find remedies to treat this plague.

CHAPTER 3: Corruption of Government Institutions and Organizations

To identify the level of corruption within different government organizations and institutions, all categories of respondents were asked the same question:



“What is your estimation of the following government agencies, organizations, and social groups with regard to their corruption level?”

In respondents’ opinion, the most corrupted of the above list are courts, local administration, and law enforcement bodies. The second and the third places are shared by the Ministry of Security, Majlisi Namoyndagon, the National Army, Majlisi Oli (the

Parliament), the Government, local majlisis (parliaments), and Executive Office of President.

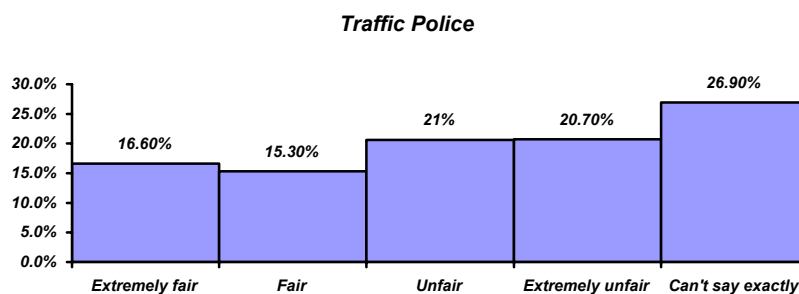
The analysis shows the leading position of two types of response: an extremely negative attitude (oriented primarily at power institutions, such as local administration, courts, etc.) and indifference/satisfaction. Therefore, there are quite a number of abstained respondents. It is very important that such a response as loathing was expressed by respondents living in cities and district centers, highly active, educated, having no trust for power and with a good understanding of corruption. This demonstrates how corruption increases protests within the society, irregardless of respondents' political likes and dislikes.

Thus, according to the survey results, corruption is spread at different levels of power structures and practically in all government sectors. Respondents are unanimous that there is not a single government body that would be completely free of corruption. This is accounted for by the fact that all of them have one or another regulatory function and resources creating a favorable background for corruption. The present survey cannot identify any significant statistical interrelation between the level of payment of civil servants and the level of corruption in the country. Moreover, it is much easier to identify yet another dependency: in less corrupted countries, the state machinery is characterized by less employment costs.

This is explained by objective laws: increased government efficiency reduces corruption and at the same time increases the public wealth – the latter is growing up so rapidly that relative government employment costs go down. No wonder that the interrelation between the employment costs in the government and corruption comes up in parallel with the government efficiency. The conclusion is quite simple: increased payment of government officials brings up positive effects only if accompanied by measures aimed at improved government efficiency.

To receive reliable information, questionnaires for civil servants and citizens included a variety on state enterprises and institutions, such as administration and staff of notary's offices, traffic police, tax services, passport offices, communal services, electricity and gas supplies companies.

The survey shows that corruption offences on part of these organizations have trespassed all legal limits. According to respondents, the most offensive bribe-takers work exactly in these spheres. They have a well-proven (from the Soviet times) mechanism of bribery, and each of them has valid instruments of pressure.



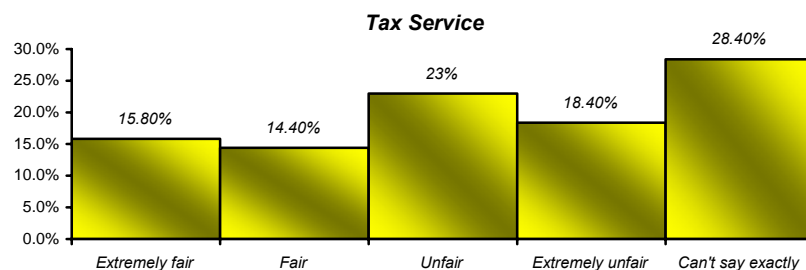
Of the total number of respondents, 53% consider Traffic Police the most corruptive and ignominious institution.

The same opinion has been created of the tax service. According to the survey, 41.4% of respondents find this service ignominious and dishonest.

The tax service is responsible for a huge income difference in business and civil service. The absence of control, simplified decision-making procedures, poor performance of the law enforcement system and general moral degradation – all these factors impact not only tax officers but also staff of notary's offices, communal services and electricity/gas companies, as well as many others.

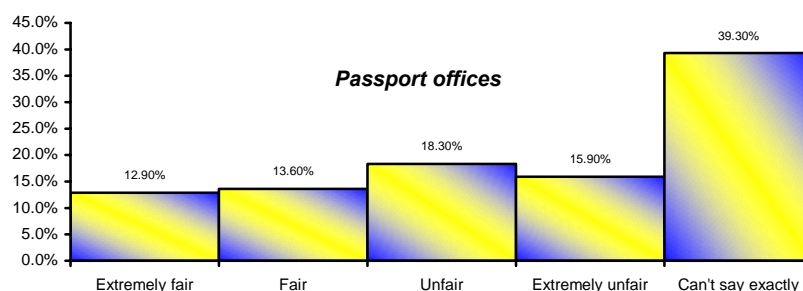
The survey shows that most respondents call for the reformation of these organizations. A sound reform may result in an increased GDP input from these institutions.

Other corrupted bodies, in respondents' opinion, are passport offices. Processing of any type of document costs money paid to the staff of these offices; e.g., to receive a passport, many respondents had to pay from 20 to 100 somoni.

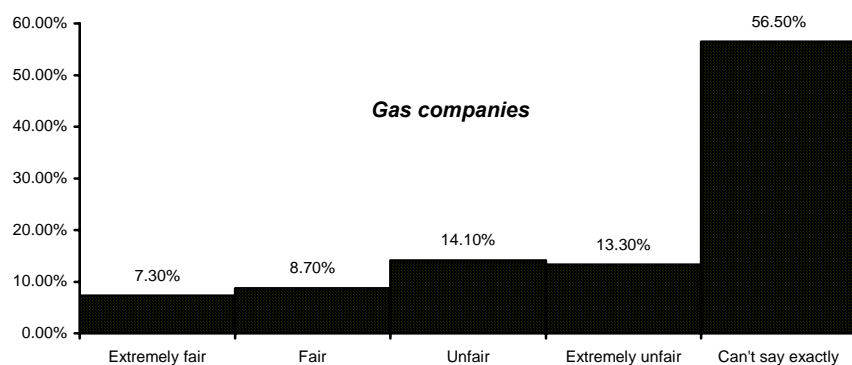
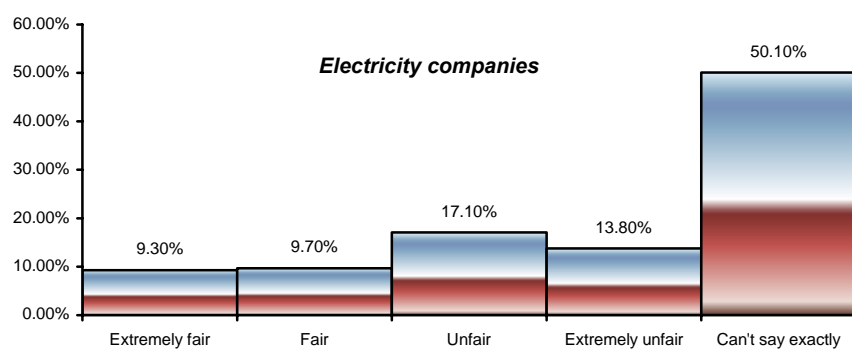


According to the survey, 38.1% of interviewed people believe that staff of these offices is most dishonest.

Communal services also have a bad reputation. In the opinion of 34.2% of respondents, they are also corrupted.



Besides, the list of corrupted offices includes electricity and gas companies that received 30.9% and 27.7%, respectively.



It is worth noting that in respondents' opinion, corruption in public associations is much less compared with the state bodies: in trade unions – 27%; in political parties and movements – 20%; in non-governmental environmental organizations – 21%; in mosques – 25%.

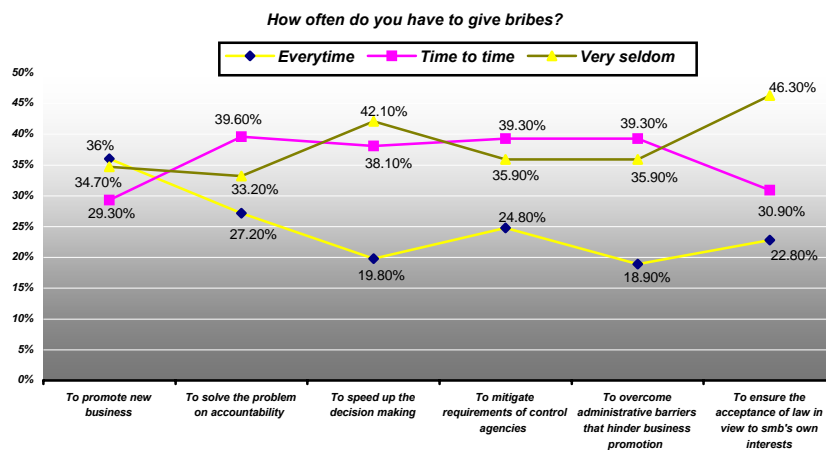
The View of the Political Scientist:

Supremacy of the bureaucracy: why people in the authority are more important than are such establishments? Present bureaucracy is itself puff-pastry of the pirogues, where different stereotypes and ideas are capriciously mixed. Almost no one, from those now ruling elites, does not consider itself Communist, but many are rarely opened, and more frequently, they secretly confess, even from itself, the "moderate Stalinism," i.e., the ideology of the authoritarian supremacy of the elite above the people, and of skillful manipulation with its own consciousness. In other words, communism as ideology disappeared, but as the mechanism of supremacy, it still remains.

CHAPTER 4: Corruption in the Opinion of Entrepreneurs

As part of the survey, many entrepreneurs continually stressed that despite the adoption of an anti-corruption law, they could not resolve many burning problems related to the development of their businesses. In their opinion, it is the poor execution of this law that is one of the reasons of the growing corruption scale in the country economy. They say that institutional corruption reproduces itself. If, for instance, the manager of Limited Liability Company (LLC) “A” often loses to LLC “B” which is guided by unvoiced rules and “shares” with power-wielding officials, LLC “A” naturally tries to follow or submit itself to the current standards. Then it comes to a more visible coalition of corrupted politicians, law enforcement officers and tax services.

Thus, corrupted leaders allow corruption flow from one power institute to another. This flow is either welcome since corruption brings its benefits without considerable expenses or imposed as a means of successful competition. One could say that corruption in the country is spreading even more intensely and goes beyond political domineering.



(All the time – From time to time – Very seldom)

Many entrepreneurs mentioned the need to discuss new laws openly and in more detail. At present, not a single form of corruptive offences received a sufficient theoretical explanation. Today, this process is still at its very beginning. Usually, classification of corruptive deeds very much depends on the adoption of an anti-corruption law which defines corruption, classifies its different forms and describes sanctions following commitment of these deeds.

According to Article 12 of the Anti-Corruption Law of the Republic of Tajikistan (#875) issued on 11 December, 1999, corruption is expressed in the following forms:

- a) *interference with the affairs of other governmental and non-governmental agencies if this goes beyond their authority and is not statutory;*
- b) *use of one's status at resolving issues of personal interests or interests of one's close relatives or friends;*
- c) *favoring legal or physical persons in making or taking decisions;*
- d) *participating as solicitors of physical or legal persons in the matters of their employment agency or subordinate agencies which they supervise;*
- e) *use of information received in the process of civil service in personal or group interests if this information is subject for promulgation;*
- f) *use of expertise paid from non-governmental budgets, including budgets of special non-governmental funds created for the assistance of government agencies, in personal interests;*
- g) *denial of information to physical and legal persons, access to which is guaranteed by legal acts; information delay or transfer of false or incomplete information;*
- h) *demand of information from physical or legal persons if the delivery of information to these persons is not stipulated by law;*

- i) transfer of state financial and material resources to fighting funds of selected candidates and public associations;*
- j) violation of procedures established by law for the administration of appeals of physical and legal persons and resolving other issues under their jurisdiction;*
- k) donating gifts or providing off-duty services to higher-ranking officials with the exception of symbolic courtesies and symbolic souvenirs during protocol and other official events;*
- l) participating in money or property gambling with higher or lower ranking officials or those dependant in work or service;*
- m) transfer to non-governmental agencies, organizations, and public associations of financial and material resources belonging to state funds, state economy entities and economy entities with a summary or communal share of property constituting at least fifty percent;*
- n) artificial creation of barriers to physical or legal persons in the execution of their rights and legitimate interests.*

Code 146.11.3 15.00 Opinion of an entrepreneur: “Despite some of the existing laws and provisions regulating the relations between the state and a legal person, the number of unplanned inspections is annually increased. As a result, enterprises’ (entrepreneurs) operational costs spent on forced payments also considerably increase”.

One must admit that tremendous additional expenses spent by entrepreneurs on the development of their businesses is not a temporary occurrence but a result of the new identification of economy entities’ rights in the form of restored old (Soviet) interaction schemes of controlling power and private sector going on in the country.

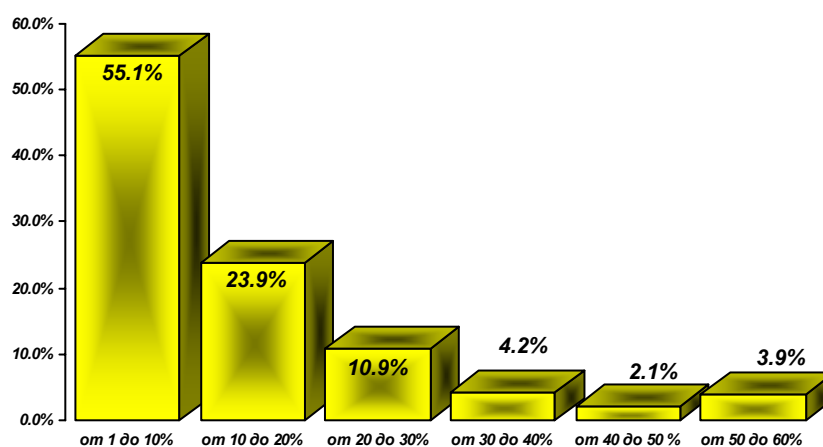
It is disguised by the justification of the growing social responsibility of business, although its content is substituted by the withdrawal of business resources in favor of the state sector. Additional demands

put forward in an indirect form are supported by penalties applied to companies that fail to follow the established rules.

Authorities (of a city or district) try to make their informal demands to business more stable. Among the forms aimed at attracting additional business resources are unexpected fees and “organized sponsorship”. If the former means additional payment to the local budget not stipulated by law, the latter (voluntary contribution) is a forced participation of business in funding of various administrative projects (in Dushanbe, e.g., street paving, etc.).

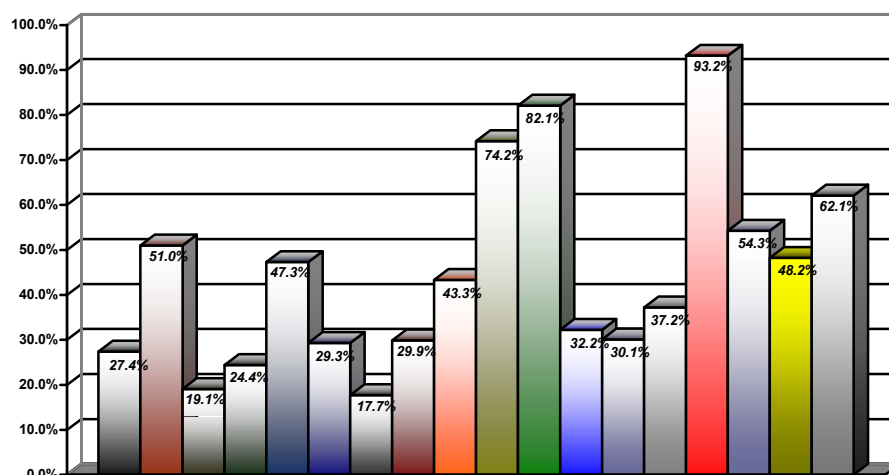
The interest of authorities in building this kind of informal relation with business is aimed at getting resources for the implementation of works for the sake of the “public benefit” and “full-blooded” functioning of power structures.

In this regard, the following question was asked of entrepreneurs: “What is your estimation of a monthly percentage of your business turnover that you have to spend on “stimulating” the activity of government officials in your district?”



Thus, in some cases, over 60% of entrepreneurs have to allocate

monthly expenses to bribes and “stimulation” of government officials. Discussion of this issue brought up interesting opinions. “To what extent the authorities impede your business development?”



During the research expansion 27,4 % of businessmen have counted, that the excessive control stirs their development; 51,0 % - complained on change of licensing; 19,1 % - creation of privileges tax to some certain firms; 24,4 % - patronage of officials of particular firms; 47,3 % - participation of officials in the management of the companies with regional or district's properties; 29,3 % participation in fake bankruptcies; 17,7 % - creation of imitation of monopolies for the firms; 29,9 % - bad cover for the private property; 43,3 % - bad work of arbitration courts; 74,2 % - bad work of courts of the general jurisdiction; 82,1 % - the request for the payments not stipulated by laws in the various funds created by authorities; 32,2 % - imposing people to work in a management of firms; 30,1% protectionism policy to the controled firms; 37,2 % - struggle of authorities for state's portion; 93,2 % - supervising over private business by officials or their relatives; 54,3 % - submission of authorities to the large private business companies in the regions; 48,2 % - pressure with the purpose to force to choose the "necessary" suppliers or customers of production; 62,1 % - authorities (including law-

enforcement) impose the protection, an opportunity to protect business (to give "roof").

This diagram demonstrates the existence of specific tools used in the interests of power structures. However, any conclusions or suggestions can be made only after a thorough and comprehensive study of the subject matter, as well as of the shadow economy.

Therefore, a theoretical formula implying that corruption depends on the changing reality is a lie. Corruption is universal. It can flourish and advertise itself at all levels of political and bureaucratic development. Some modern studies confirm that:

1. The corruption related "Protector-Client" connection can occur at any level of political development of its institutionalization.
2. Socio-economic and political inequity stimulates corruption.
3. In a consumer-oriented society, the link between a wish and possibilities to satisfy it becomes more and more spread.
4. Too little or too much institutionalization leads to the growth of corruption.
5. Expansion of government functions in less developed countries, such as Tajikistan, results in a wider-scale corruption.
6. Economic poverty and inflation may push ordinary citizens to criminal deeds.

Administrative well-being and controlling mechanism combined with the leaders' apathy and limited knowledge of corruption results in international corruption.

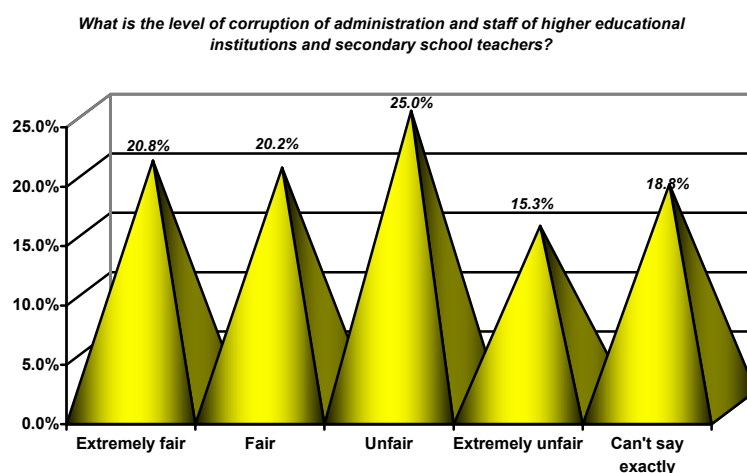
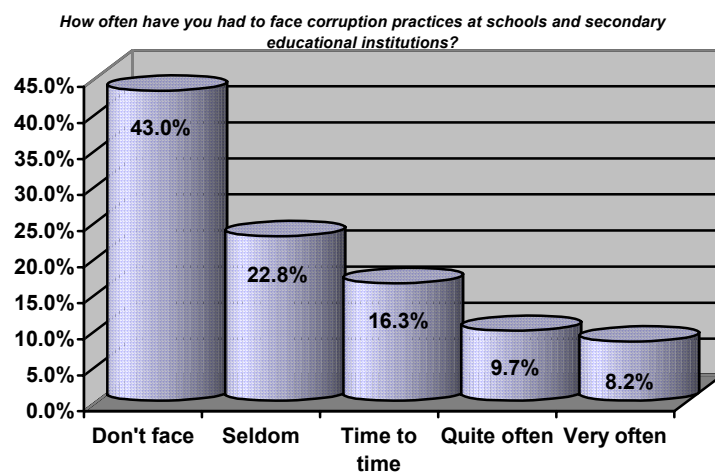
Today, anti-corruption activity is an integral part of increased efficiency of the government, its reduced and orderly functions of economic regulation. It seems that the administrative reform is not able to provide restructuring the system of government without improving the current legislation.

One has to admit that despite limited government attempts to improve the legislative base, its quality is still inadequate to the goals of anti-corruption public strategy of the republic. Points of weakness here include: inaccuracy of adopted laws and discrimination of law enforcement implied in most laws. All government officials know that laws are prepared by staff of interested agencies which eventually results in a law working strictly in institutional interests.

Although corruption cannot be completely eliminated, the goal of anti-corruption consensus of the government, citizens, entrepreneurs and public institutions should be an increased anti-corruption pressure with the participation of all civil society institutions, integration of effective mechanisms of institutional-legal regulation, and increased level of anti-corruption consciousness of the society.

CHAPTER 5: Corruption in Educational Sector

The diagram below shows the level of corruption in higher educational institutions and secondary schools (40.3%) which definitely deprives them of a perspective future.



The current educational and knowledge crisis in the republic has not resulted entirely from the civil war or economic problems; in the first place, it is caused by the cultural crisis and public attitude to the development and functioning of the society reflected not only in the unstable political structure of the educational system and in the lack of a sound economy but also in the frustration of public consciousness.

The current problems of the educational and knowledge system in Tajikistan reflect the sad outcomes of this strategy. The amount of state expenditures in education decreased from 8.9% of the GDP in 1991 to 3.2% in 2005, and, according to estimations, it constitutes 30% of the requirement. Past years are characterized by a growing gender gap in school attendance, especially in grades 9-11²⁰.

Despite the obvious progress in the dynamics of people's education in the Soviet period, it remained rather conservative with regard to its cultural arrangements and objective reality. National intellectuals also did not show any radicalism in this respect. In other words, neither the educational system itself nor the intellectuals were ready to the increased social pressure on education. As a result, the republic was overwhelmed by a crisis that covered all life spheres of the Tajik society and the educational system suffered most.

The alarming symptom of the low image and low value of knowledge in the Tajik society is the poor professional level of the working population as well as the moral and cultural decline resulting in strengthening of such negative trends as predisposition to conformity, social apathy and, eventually, corruption.

Statistics show that such data as the increased number of university students, post-graduates or the number of general secondary schools does not prove the value of knowledge in the society. It is not for nothing that people say: education reduces financial opportunities of

²⁰ NDS

people – the higher is the educational level, the lower is the living standard.

The survey respondents repeatedly stressed that the acute stratification of the society and the process of social differentiation to “the poor” and “the rich”, deterioration of living standards of the majority of population make a serious impact on young students. For most students, getting complete secondary or higher education has lost its sense or become impossible.

Therefore, the ranks of students are mostly replenished by those families who are part of power structures, shadow economy and universities. Students of prestigious specialties (economist, lawyer, manager, interpreter) come from new social classes/groups (families of civil servants, property owners, businessmen, etc.). There are more and more students coming from well-to-do or high-income families that can pay for their education.

However, quality characteristics of education among young people do not meet contemporary requirements. This is, first of all, obvious from limited capacities of various types of education that cannot guarantee the social progress of young people, from structural inertness and educational contents, from the low professional, cultural and moral level of university professors and what is most important – from students’ unwillingness to study and gain knowledge. Quite a limited number of students rely on education for future promotion or increased professional level.

All this shows a clear and fast devaluation of education in young people’s mind. The survey results prove that the existing forms of education do not meet human requirements under the current situation. This resulted in the occurrence of numerous social pathologies among educational staff and students. In their turn, these

resulted in serious problems faced not only by the young people, but also by their parents, the society and the country in general.

The time has come for a complete reform of educational system. The main problem is with the state funding of the educational system which makes a negative impact on the quality level of national education. All these resources are used absolutely ineffectively.

Interesting example:

The following web-page popular among students in Moldova (<http://www.student.md/>) can serve an interesting and cautionary example. Here one can find quite a number of students' confessions in paying bribes, including even the cost of tests and examinations in some of the universities. It is interesting that prices vary between \$50 and \$500. One can compare them with the official monthly salary in educational system of Moldova which is \$30 to see how attractive it makes bribery in educational sector.

Everyone who received or is going to receive higher education knows that it is practically impossible today to enter a prestigious university without expenses. The prestige value of a state university is a relative concept: some families give preference to one university, others – to another, although there are universities whose value status raises no doubts whatsoever. It is in these universities parents “thank” or give bribes to professor or university staff. Besides, parents seek assistance of tutors or paid training courses which quite often are just another form of a bribe.

Student's opinion:

We would like to propose a possibility to choose professors in our university. In reality, we are “fixed” to a certain professor and if our relations have gone wrong or we know that this professor usually claims additional payment for a test or a good mark or claims for a special attitude, we cannot be transferred to another professor, we have no right to complain because this way we will make our

situation even worse. There is no system in place for a confidential evaluation of the quality of education for students. A more flexible system could definitely resolve the problem of corruption in educational sector.

The trend reflecting a complete neglect to the level of applicants' knowledge in entering universities is relatively new; at least in the Soviet times it was not so obvious.

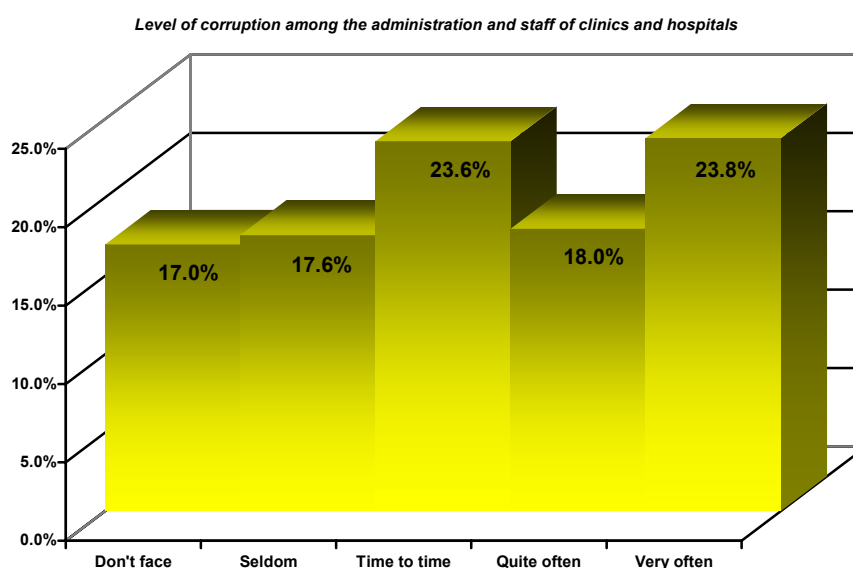
To find a way of the existing situation, it is necessary to conduct in-depth surveys of higher educational system in our republic. Decisions on its reformation should be taken only on the basis of objective information provided by these surveys and pilot studies.

Some educational experts and university professors propose the introduction of a centralized system of state testing. This subject matter has been actively discussed by both the Ministry of Education and interested public institutions of the country. The idea of having a pilot testing program has also been discussed by many international institutions, including the UN agencies, the World Bank. We are not entitled to discuss positive or negative aspects of this issue; however, the present survey proves that the educational system of the republic requires a serious reform.

CHAPTER 6. Corruption in the Health Care System

According to respondents from rural areas, most of the family budget is spent on food which often is not sufficient. The food ratio has decreased to a minimum (occasional meals); this concerns meat and dairy products so important for the normal human development. This is especially hard for young people. Of special concern is the food ratio of school-children. According to the survey and personal opinion of the survey team, up to 70% of children do not receive adequate nutrition during an academic year; among high-school students, this figure is even higher.

The deterioration of the socio-economic situation resulted in growing morbidity rates all over the country and in growing abusive practices on part of health care workers.



41% of respondents all over the country believe that the health care system is corrupted. According to the report of “Transparency International” (2006), *“abuse of funds, bribery and blackmailing*

*deprive millions of people of medical assistance. Counterfeit drugs annually result in thousand victims and accelerate the spread of diseases resistant to medical treatment. Corruption in pharmaceutical industry and health care deprives vulnerable groups of basic medical aid and facilitates the spread of diseases resistant to treatment,” - says the report.*²¹

Comparing the size of payment in the health sector with an average salary in the sector of economy, we can see that the average pay of 102.8 somoni in this sector is regularly reduced. Therefore, a huge share of medical expenses is covered by patients. As other former republics of the Soviet Union, Tajikistan has a long history of informal payments for medical treatment. These payments existed behind the official health care funding, therefore, it is difficult to estimate their true value. Funds allocated from the state budget are not sufficient for the stable development and functioning of the health care system; since 1991, funding reduced from 4.5% of the GDP to 1.3% in 2005.²² At the same time, existing resources are not rationally used. *Health care system becomes more and more dependent on informal private payments for health services as well as on external assistance. In the past years, private payments constituted 70% of all expenses; budget allocations – 16%, and donor assistance 14%*²³. One of the consequences of this inefficient medical system is the growing corruption of health care workers.

Corruption has penetrated all health services, irregardless of public or private sector, simple or complex procedures: dishonest officials often manipulate health budgets in their personal interests.

²¹ Transparency International Global Corruption Report 2006.

²² NDS

²³ National Development Strategy

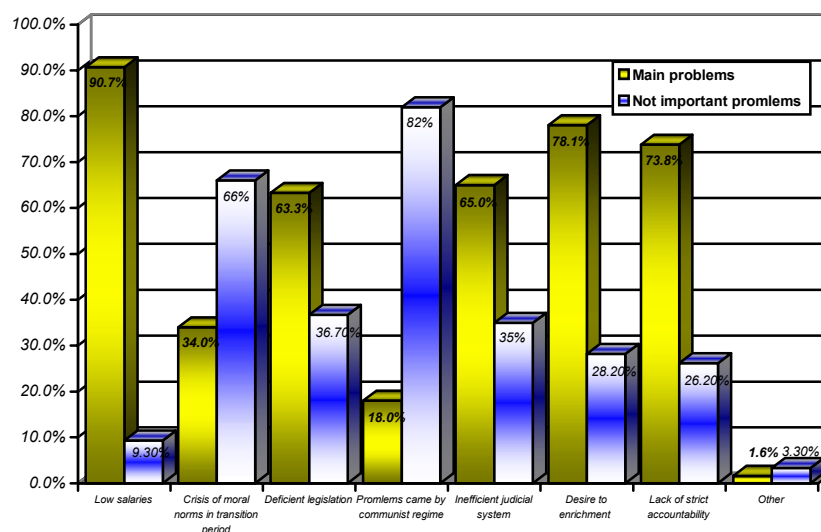
Code 398.41.5 13.00 In exchange to provided treatment, health staff receives informal fees or gifts in the amount from 20 to 100 somoni, and in some cases - up to 500-600 somoni.

In spite of an increase in the aid from the side of international organizations the effectiveness of medical system is reduced. The reason for this is a plunder of the funds that were allocated for public health. Where the international credits disappeared, those that were intended for the purchases of sanitary equipment, is another question. Sometimes, entire containers with the medical goods disappear for the night and no one takes the responsibility to explain the reason to itself. Civic community has not begun to operate by the plan of clarification and control of this type of activity. Government did not express readiness in the control of the task of the humanitarian assistance. The very limited information comes from the work of the Red Cross and Red Crescent in this direction.

Donor agencies could possibly encourage principles of transparency by demanding from the recipients to publicly announce how the humanitarian aid was used; this information should include not only the price and address but also the name of medical supplies and their physical value. This way interested agencies could trace distribution.

CHAPTER 7: Causes and effects of corruption

In order to study the causes of corruption, the survey team included the following questions aimed at citizens and businessmen:



The List of corruption causes presented by businessmen:

1. Availability of resources for distribution and re-distribution;
2. Complicated system of regulatory/customs procedures;
3. Unscrupulous competition;
4. Lack of bidding transparency; unwillingness or fear to claim transparency on part of businessmen;
5. Huge and inefficient government structure;
6. “The cause is within us; we brought corruption to life”;
7. Unawareness of businessmen in the issues of taxation;
8. Legislation shortcomings;
9. Non-fulfillment of the current legislation;
10. Lack of a civilized market;

It is very important that businessmen understand that very often they create corruption themselves. They both create corruption and corrupt government officials.

Social effects:

Received data makes it clear that corruption creates an additional, “informal” tax for the population. It has especially negative impact on vulnerable groups that lack political, social or economic power to protect themselves. Corruption and poverty are two sides of the coin; besides, corruption is the main cause of poverty of countries in transition. Therefore, reducing poverty with no due attention to corruption can influence the effect yet not the cause. Thus, resolving the problem of corruption means helping the poor population.

Effects in the sphere of political security:

We witness the formation of economic and political oligarchy which dictates its will to the society, paying no attention to the country needs. This results in reduced political support of small business and social needs which in its turn leads to an acute decrease of socio-economic funds of civil servants. Therefore, this process paralyzes the work of government institutions.

Environmental effects:

Environmental situation is also deteriorating due to the fact that the society is dominated by certain groups interested in the use of natural resources bringing immediate profits. These groups ignore long-term strategies that can bring a lot of good to the society in general. A very good example is cotton monopoly.

Economic effects:

Corruption facilitates the shadow economy and increases the cost of business arrangements. It reduces competitiveness, as well as investors' interest to Tajikistan and integration of innovative ideas. It

reduces economic efficiency and makes our country more vulnerable to economic crises.

Under current conditions, none of the government officials is sure how long they last. In respondents' opinion, quite often, government officials are not sure their qualifications will be in demand the next day and they will not find themselves unemployed. Respondents say that such a situation promotes the growth of corruption.

The current command economy is a breeding ground for corruption as the way of power existence. In this context, of great importance is the presence of solidarity among government officials. This explains how powers in most districts still commit "crimes without punishment". In the worst case scenario, they lose their "feed box" and are not brought to trial as it happens in many countries.

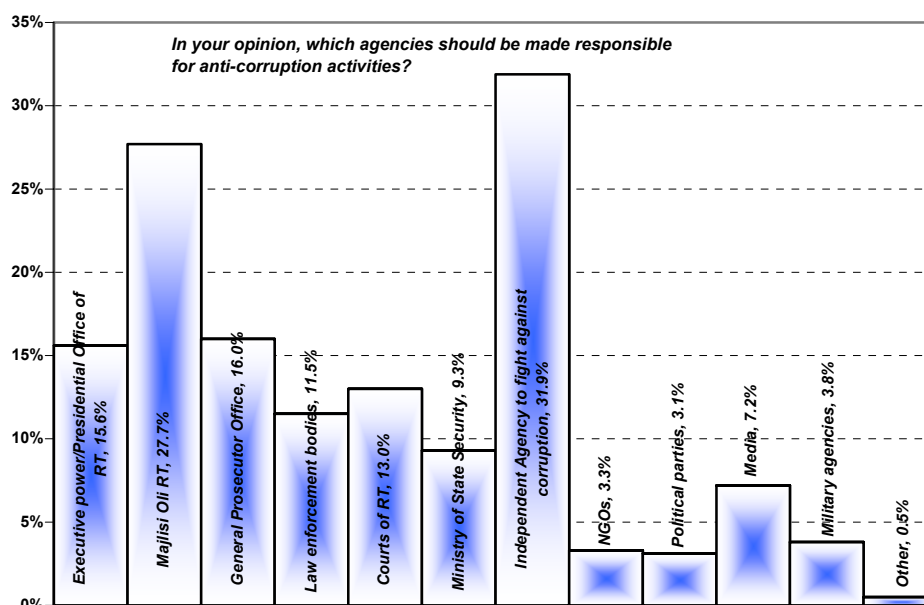
According to pilot study analysis of shadow economy in Tajikistan (preliminary survey data), the total volume of shadow GDP in 2006 constitutes 68.4% of the official economy.²⁴ The negative side of this phenomenon is the reduced budget; as a result, the state is unable to pay civil servants, integrate social aid programs, support education and health care. Eventually, it leads to the loss of confidence.

Additional to the above, corruption causes can also be explained by the low legal culture, wrongful tolerance of citizens to bribery and their willingness to give or take when an opportunity presents itself. It is not simply and solely the fault of government officials that corruption is corroding the power core from top to bottom. It is also the responsibility, even if unequal, of those who give (that is, provoke and encourage corruption).

²⁴ According to NGO "Sharq" that made an analysis of shadow economy in Tajikistan (preliminary survey data)

CHAPTER 8. State Anti-Corruption Bodies

Question: “In your opinion, which agencies of the Republic of Tajikistan should be made responsible for anti-corruption activities?”



Respondents' answers to this question look quite encouraging and rational:

The diagram above shows that the majority of respondents find it important to establish an independent anti-corruption institution. What is interesting – people say that strengthening of a repression mechanism results in the manifestation of new forms of corruption. At the same time, respondents express serious doubts that any good results can be achieved in fighting corruption in Presidential structures, the Government and local administration. It is worth noting that the low level of anti-corruption activity among government officials is explained by poorly performed preliminary

surveys. There has never been a single case when a politician was dismissed from office because of legal proceedings against him/her. Respondents believe that fighting corruption should start with the increased control over the state budget execution, increased accountability of officials, development of a transparency mechanism with regard to their incomes, and change of management.

According to respondents, the most effective ways to fight corruption include: high salaries, strict financial punishment, material incentives for informants, etc.

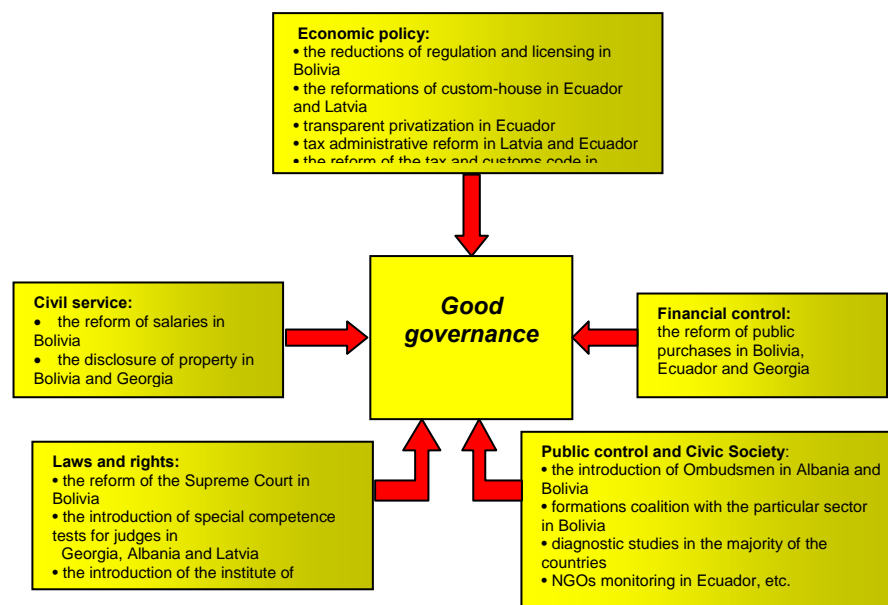
Proposed socio-psychological methods include: educating society in intolerance to corruption, anti-bribery campaigns, interviews and publication of their results, legal education of the population, bringing up a new generation of officials free from corruption.

The most effective criminal measures proposed by respondents include the prohibition to occupy positions in government institutions. What is more important, they think, is not the austerity of punitive measures but their inevitability. Besides, respondents are sure that confiscation of property and a long –term imprisonment will make an impression on corrupted officials.

Some of the respondents pointed out that it would be most rational to establish a state institution that could coordinate anti-corruption activities at public-state levels; however, when it comes to calling to account high-ranking authorities, this process should be concentrated and isolated by one single institution. There is also another argument in favor of an independent and specialized institution with wide powers: reformed legislative power and prosecutor's office in Tajikistan can strengthen procedures under their jurisdiction, while continued survey of corruption activities, prevention and early identification of corruptive behavior cannot be planned with continuous efforts of a specialized agency that will be able to assess

corruption precedents, analyze models and the whole nationwide picture.

Good governance/Anticorruption Strategy: Elements²⁵



²⁵ ECSPF World Bank Institution

COMMENTS ON ANTICORRUPTION STRATEGY

Characteristic features of anti-corruption initiatives are quite traceable and almost trivial: these are obligations and a coalition. None of the below descriptions of anti-corruption activities could be called successful if not for certain obligations on part of the government (e.g. Lithuania) and on part of other actors: civil society leaders and academicians (Bulgaria), journalists involved in the survey, audit agencies (Poland) and international donors (such as UNDP, the World Bank, etc.). Isolated actions and initiatives have no chances of success without a wide coalition of supporters. Obligations and coalitions ensure a good design and implementation of anti-corruption strategy. Due to the limited format of this report, we present a brief review of proposed strategies.

Chapter 11 of the Transparency International Source Book²⁶ says that *“corruption is becoming more and more refined and sophisticated, and traditional law enforcement bodies are becoming less and less capable to identify and prosecute complicated corruption cases in court. Moreover, within the system of endemic corruption, the law enforcement mechanism can conceal corrupted officers. In the last years, governments are seeking justification for the support of detection officers (or pretend they are doing it) through the establishment of “independent” anti-corruption agencies or commissions. It is possible to combine such agencies with the Ombudsman Institution (as was done in Uganda, and Papua New Guinea). Supporters of this plan assert that there is a clear role differentiation of these two institutions: that Ombudsman promotes administrative justice and this is done through gaining confidence of this very bureaucracy.*

The agency or commission has the right to carry out investigations and since it uses this function, civil servants are more scared by it. No one is speaking of trust here”. This is followed by the explanation

²⁶ TI Source Book 2000

of why the Hon Kong model was recognized the most effective: *“This happened not only due to the high quality and commitment of employees and the brilliant legal structure that facilitated their work but also because both concepts – prevention and punishment – were in the competence of this commission. Prevention was not the second in significance (as could be the second designer’s idea) in the law that stipulated their tasks. Prevention (plus community training and advocacy) was the main core of the Hon Kong model which was often based on the investigations carried out by law enforcement bodies. This made it possible for the commission to develop a logical, consistent, and coordinated strategy package that could be envied by many. Those who tried to copy the model failed to do so because they lacked this very logically consistent package and resources required for its implementation”.*

Speaking about countries with transit economies, there are already good examples of anti-corruptive agencies. Two of them exist in the Baltic States – Latvia and Lithuania have their Special Investigation Services that could serve an interesting example for our government experts. Both countries have the Soviet experience, a complicated system of ethnic problems, although in a different context.

Lithuania declared that corruption is the inheritance of the communist regime and therefore, fight against corruption should be waged as an integral part of the transitional development. Here, as in the Hon Kong model, the main legislative base served the precondition for authorizing staff of the Special Investigation Service to actively work against corruption. Lithuanian anti-corruption agents focused on accountability mechanisms looked through the prism of rational and justified lawmaking. It is worth noting that the independent anti-corruption agency is not meant to be isolated. Rather, it should be the source of initiatives for broader anti-corruption measures at the national level which is quite clearly illustrated by our Baltic colleagues.

Latvia can also serve an interesting example for the consideration of an independent authorized anti-corruption institution. They established a Bureau on the prevention and fighting corruption with approximately 600 staff. The Bureau has the mandated rule to provide the Cabinet of Ministers and the Parliament with a detailed report every six months (around 25-35 pages).

Description of these more successful (and less known) examples can be found in numerous publications as well as in the Internet. On the other hand, existing models cannot be simply replicated in another country since their legislative and social base is different.

The Lithuanian model can do more harm in case of Tajikistan if it were simply copied because the establishment of yet another force structure in such a fragile democratic environment with serious internal security problems may have quite negative effects. Therefore, one needs to take into account that “best practices” should have a respective context. In case of Tajikistan, the whole sense of fighting corruption should be recognized as a nationwide dilemma. And as a nationwide problem, it should involve numerous key partners and actors. The priority issues are the authorities of the anti-corruption agency that will play the key role in the formation and development of the anti-corruption strategy. The role of government will be to bring to effect legislative decisions. The Parliament should play the lead role in the adoption of necessary laws and the improvement of anti-corruption legislation.

The range of NGO anti-corruption measures is also wide. On the whole, they should exercise pressure and educate the general public. Of course, here is an important role for international donor and partner organizations which can provide technical assistance, share tested methodologies, technologies and knowledge of the best practices.

Unfortunately, one has to admit that in the Republic of Tajikistan, many of these actors are not yet strong and developed. Mass media, trade unions, civil and private sectors are still weak. Therefore, the country has yet to build sufficient capacities that could launch an effective fight against corruption.

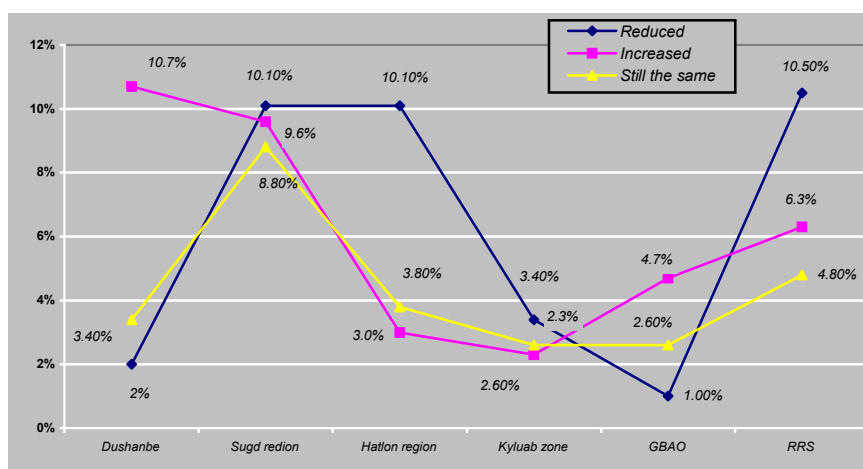
Anti-corruption measures form a set of economic, social, administrative and other means.

Among them are:

- general economic improvement;
- improved taxation system;
- creation of legislative base;
- transparency and accountability of the state budget;
- improved system of civil service;
- salary reform of civil servants;
- transparent privatization and bidding procedures;
- declaration of incomes;
- review of the criminal legislation and responsibility for corruption (prohibition to occupy government positions for those who have been found guilty of corruption; confiscation of property; imprisonment);
- change in people's outlook; mass awareness campaigns on the destructive corruption impact on the economy and society;
- promoting the society intolerance to corruption; conducting surveys followed by publication of their results; broad information campaigns; legal education of the population.

CHAPTER 9: Corruption scale

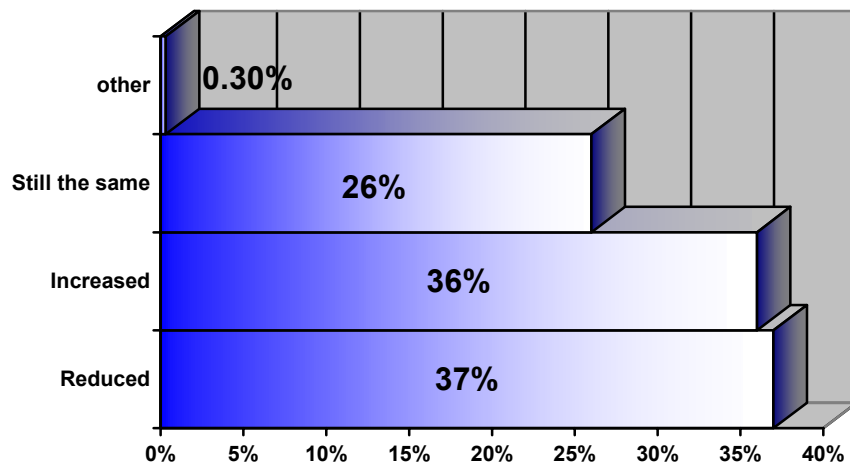
Question: “Do you think the level of corruption has decreased or increased since 2000 and what are possible reasons behind this development?”



It is clear that the corruption scale is the derivative of many factors generating corruption (political, cultural, social, economic, legal, etc.). Corruption scale is as higher as there are more conditions promoting its generation.

All survey participants mention the increase of corruption. All survey respondents believe that compared with 2000 and the times of the USSR, the level of corruption in the country has increased considerably and that there are as many corrupted people today as there were before the state political independence. Only 26% of the population asserts that the level of corruption in the country has not changed.

Do you think the level of corruption has decreased or increased since 2000?

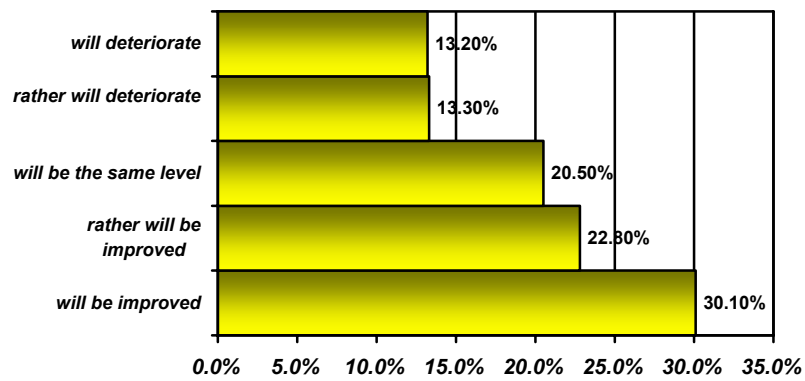


Question: “What will be in your opinion the situation with corruption in the next 3 (5-10) years?”

Theoretically, the occurrence and development of corruption is possible from the moment of the state formation and the establishment of controlling and regulatory bodies and government functions. It is in this case that an official (manager) has an opportunity to administer public resources and take decisions determining the vital activity of the society.

Is it possible to change the situation?

Unfortunately, the answers did not make us happy. Only 30% of respondents agree that the situation will improve; 22.8% believe are confirmed that nothing can be done with this evil and that the situation will hardly improve; and 13,3% of respondents are sure the situation will get even worse.



This is how it looks in a diagram:

26.5% of respondents believe that the situation will deteriorate. There is a clear need for the development of a comprehensive anti-corruption strategy.

PROPOSALS AND RECOMMENDATIONS

Basing on the analysis results, the survey team proposes the following:

1/Anti-corruption policy gradually becomes a sustainable part of the state policy. This is proved by lawmaking initiatives put forward by the Government of the Republic. However, the practical implementation leaves much to be desired. The main reason here is the inactivity of the civil society of Tajikistan. It is not easy to expect high anti-corruption activity on part of the Government when there are actually no real antic-corruption claims from the citizens. In countries, where for many years the state dominated weak economy, where the civil society demonstrated relatively scarce participation in political life, in countries subjected to an authority of a single person or a personality cult, where corruption is a form of survival and ethical and religious identity is destroyed, corruption easily overcomes the weak resistance of the newly formed civil society. Formation of an integral civil society is a lasting and absolutely important process. In this context, a special role is meant for NGOs, especially those working at the grass-root level.

The civil society in the country is still weak and immature. The level of civil society readiness depends on the cycle of objective and subjective factors: availability of certain democratic traditions of honor, culture, education, psychology, social and political conditions. The Government needs to develop an anti-corruption program that should be controlled by the society.

Anti-corruption movement in Tajikistan may have the following characteristics:

- Humanistic because corruption suppresses and oppresses human development and violates human rights;
- Democratic because corruption gets in the way of democracy;
- Ethical because corruption impedes the development of such a concept as the honor of the society;

- Practical because corruption creates a twisted form of market relations and deprives the society of potential benefits, and becomes an obstacle for the economic development and attraction of investments.

2/ Judicial and legal reform envisages the establishment of an independent judicial system following international standards.

The Anti-Corruption Law of the Republic of Tajikistan adopted by Majlisi Namoyondagon on December 11, 1999, became the foundation of the anti-corruption movement. Although it has some legal drawbacks, it definitely contains innovative ideas of a new quality aimed at corruption control in the country. At the same time, many specialists point out that corruptive practices prevalent in Tajikistan have not been reflected in the Law.

They include:

- participation of officials in commercial activity for personal benefit;
- use of official position for “pumping out” state funds into commercial structures for personal benefit with the help of counterfeits or relatives;
- granting benefits to commercial structures by officials in personal interests, etc.

3/ In 1999, President of the Republic of Tajikistan issued Decree on “Additional measures aimed at crime control and fighting corruption”. Due to the lack of implementation mechanisms, it turned out to be the most ignored decrees in the whole history of the state independence. It is clear that an opportunity to fearlessly combine civil service with commercial activity is not only a huge niche for corruption but also a motivation to occupy public positions with the purpose of illegal enrichment.

4/ The Law of the Republic of Tajikistan “On Civil Service” stipulating certain restrictive anti-corruption measure is also poorly executed. One of the reasons is the lack of implementation

mechanisms, procedures and norms. This disadvantage of our lawmaking is quite frequent and constantly creates new conditions favorable for the development of corruption.

5/ Of the total number of people convicted for bribery in 2004-2005, only 86 cases were passed to court for consideration, that is only 92% of total number of cases. If we compare this data with the data of the Prosecutor's Office of the RT and the number of "average" annual bribery cases, we will see that judgment of conviction is only passed to every second defendant and the probability to get behind bars is next to none. Such data proves again that it's just top of an "iceberg".

6/ Lack of coordination is almost an impassable barrier for an indictment in corruption since most evidence is contained in transaction documents. Law enforcement bodies, with the exception of the General Prosecutor's Office of the Republic of Tajikistan, lack qualified personnel to carry out an analysis of financial documentation; they also lack capacity for the interpretation of evidence presented by banks and inspection bodies. On the other hand, financial institutions and organs that exercise control over their activity lack special skills to process evidence required for conviction.

7/ The law enforcement system has practically no specialists understanding the nature of corruption at the contemporary level and therefore, methods aimed at fighting corruption. The majority of proposed measures are related to anti-corruption activities. This is demonstrated not only by the "Program of additional measures aimed at crime control in economy sector and fighting corruption" but also by draft anti-corruption programs developed by law enforcement institutions containing low-efficiency "measures of increased fight".

8/ One can undoubtedly say that the law enforcement system of the country does not fully implement its anti-corruption task. There are at least three reasons to it. First, criminal prosecution alone cannot destabilize positions of large-scale corruption; fighting corruption is

not a criminal but a system problem. Second, it is the poor professional quality of law enforcement bodies that are also “eaten” by corruption, and the poor professional level of general staff that does not correspond to the complexity of the task. Third, the law enforcement system cannot cope with this problem on its own; this problem should be resolved together with the civil society and the Government.

9/ The state sector should be more transparent and less politicized

- Reduced number of government officials through the introduction of a compulsory system of professional promotion on a competitive basis. Vacancies and may be even salary should be made public through media.
- Reduced conflict of interests through the actual introduction and strengthening of the Ethical Code of Civil Servants that should include regulation on the conflict of interests. It is also advisable to follow up on financial interests, property, gifts and other such like agreements. There should be Codes for different types of civil servants: for the police, customs officers, prosecutors, education and health care staff, personnel of khukmats and various ministries, Presidential Office, etc. It is also advisable for civil servants to sign the Ethical Code when getting the job.
- Possibility to develop a program for civil servants on the integration and expanded use of the Internet and basic economic management.

10/ Creation of Independent Mass Media

On the one hand, mass media has become a battle field of corruption intrigues. These materials are well done and are in demand. Since in the non-governmental mass media there is no exclusive group monopoly, this subject cannot be removed from the agenda. **On the other hand,** the business elite is aware of the media force and understands that political efficiency of serious investments

in media can bring positive economic benefits. As a result, we are witnessing struggle between economic clans for information channels (in the broad sense of the word). Irregularity of legal and economic relations between journalists and their “masters” brings about a wide spread of shadow and even corruptive relations in this sphere. In the end, non-governmental mass media is facing the risk of turning its role as a power civil society tool into an instrument of struggle between economic and bureaucratic clans.

11/ Business in the Republic of Tajikistan can be viewed as consisting of three unequal parts. The first and smallest part mainly includes key financial groups grown up on budget funds and access to administrative resources. On the one hand, while these groups are involved in a severe competition, the country is not facing the risk of turning into a completely oligarchic state. Anti-corruption reciprocal blows have lately become an important mode of struggle between these groups making it all clear to ordinary citizens and getting them ready for a serious fight with corruption. Besides, this kind of struggle fosters fear of the most audacious corruptive practices; it helps the natural selection of civil servants and of successful methods of business; it supports (still weak) anti-corruption government efforts. On the other hand, this “playing with fire” involves clans that attack each other with compromising materials and may have quite unexpected consequences: collapse of powerful (on the national scale) financial empires; the “boomerang effect” that strikes those who attack first; and an impressive downfall of promising bureaucratic carriers. All this is either happening or will soon happen.

The second group of business in the republic includes representatives of the “second echelon” which is not allowed to come close (and often not striving to – either of fear or disgust) to the budget feed-box is therefore interested in normal rule of economic play. Entrepreneurs who got on their feet under the conditions of a real competition are not interested in merging power and business which is a perfect

medium for corruption. However, this group of business is poorly consolidated and lacks effective mechanisms for upholding their interests. At the same time, according to the current tradition, power is interacting with representatives of the first, thin group of businessmen, ignoring entrepreneurs “at large” although they could become a real support in fighting corruption.

Finally, the third group of entrepreneurs, often called the “small and medium business”, that according to democratic standards should be the foundation of the middle class, is actually drowned in complete corruption. Corruption here is not only impeding the development of business but is also destroying the whole social group. This becomes the source of the growing social tension.

12/ Anti-Corruption Principles

Planning an anti-corruption program in the Republic of Tajikistan, one should consider the following preconditions:

a) absolute victory over corruption is not possible. Moreover, in a normal state of power and society, occasional corruption is a technologically useful sign warning of deficiencies in power execution;

b) there are no countries *a priori* doomed to a large-scale and chronic corruption, and Tajikistan is no exception from this rule;

c) fighting corruption cannot be a one-shot campaign. Any such campaign could be followed by a new, more horrible turn of corruption;

d) corruption cannot be stopped by legislative methods and anti-corruption measures alone. Moreover, under the conditions when corruption has reached larger scales and involves higher levels of power, it is more effective to fight against conditions leading to corruption than to simply attack its manifestations;

e) fighting corruption is successful if it is comprehensive, integrated and durable; when it takes all efforts of the government and the society;

f) anti-corruption program should be implemented at the highest level of the country political Government and with the maximum cooperation with the civil society institutions.

As mentioned above, the damage inflicted by corruption to the state and the society in the Republic of Tajikistan is so huge that any reasonable costs of an anti-corruption program will provide quick delivery of outcomes which will be tens times more precious.

The above analysis and data on public opinion lead to the conclusion that the anti-corruption policy of the republic should include measures aimed at the solution of the following problems:

- a) taking anti-corruption measures at all levels;
- b) narrowing conditional and environmental margins favorable for the development of corruption;
- c) reducing benefits for both parties of corruption transactions;
- d) increasing probabilities of investigating corruption practices followed by punitive measures for the inflicted damage;
- e) influencing motives of corruptive behavior;
- f) creating an atmosphere of public antagonism to corruption in all its manifestations. The main reason behind expanding corruption in the period of transition is the discrepancy between the new conditions of power execution and old mechanisms of this execution. Therefore, main efforts of the anti-corruption program should be aimed at the improved functioning of the government mechanism under new conditions. At the same time, it is important to introduce such system changes that would modify orientation, values, and behavior stereotypes of officials and other citizens.

13/ General measures

Since corruption is the consequence of overall country and society problems, fighting corruption should not be limited to the implementation of a narrow anti-corruption program. In this case, an anti-corruption program is also the means of additional realization of relevant measures in related programs. Besides, it also implies the need for coordination to avoid duplication and join the efforts.

14/ Economy and financial sphere

The above analysis of the national public opinion leads to a conclusion that improved mechanisms and the reasonable identification of the government space in economy must narrow grounds for corruption. The same effect is achieved by putting things to order in the sphere of state funding. For example, the transfer to realistic and executed budgets removes the deficit of budget funds that facilitates the sphere of “personal decisions” by officials (who gets it and who does not, who gets it earlier and who gets it later). Moreover, execution of contract rights, rights of property owners and stock-holders (and other similar measures) give entrepreneurs an opportunity to appeal to law and reduce situations resulting in bribery as a means to protect their commercial interests. Improved tax legislation reduces the shadow (and therefore more infected by corruption) economy and limits possibilities of catching entrepreneurs in the blackmailing gripe of tax officers.

Reduced cash flow, expanded modern electronic means of payment, introduction of modern forms of reporting make it easier to control the cash flow and make it difficult to give bribes in cash. This is especially important for the restriction of grass-root corruption.

15/ Social sphere

Commercialization of selected social (and communal) services and availability of a competition turn the corrupted shadow market of deficit services into a normal service market. Expanded practices of modern means of social payments with the use of electronic system of non-cash operations reduce citizens’ dependence on government officials and thus reduce corruption at the grass-root level.

Delegating part of social tasks to civil society institutions (under the state control over the use of funds) is one of effective means to fight corruption. Public associations receiving the right to implement selected government functions on a competitive basis and following

the contract award are more subjected to public control and are less bureaucratized. Besides, they are really aimed at the solution of the main task and not at strengthening their institution as is the case with bureaucratic systems. This helps resolve three important tasks: to restrict corruption at the grass-root level; to raise efficiency of social functions of the state; and to increase public confidence to authorities.

16/ Strengthening of judicial system

This is one of the key tasks of the anti-corruption program which hardly needs any justification. This requires to:

- a) ensure a dignified support of judges and the whole judicial system;
- b) improve the system of staff selection and training;
- c) strengthen arbitrary courts and ensure their increased procedural and information reliability;
- d) develop administrative justice.

At the same time, it is necessary to drastically reduce possibilities for the corruption spread in the judicial system (see below).

17/ Strengthening local self-governance

Corruption at the grass-root level can be dealt with through the creation of a real dependence of the community service system on the community itself. This can be achieved by the formation of an effective local self-governance.

However, local self-governance should be developed along with fighting corruption and organized crime. Otherwise, local self-governance will get under the control of criminal groups.

18/ Strengthening of independent control structures

The most independent body in our country is Majlisi Oli (the Parliament). At present, its control functions are restricted by the Constitution. However, they can be introduced through the

legislation and under the condition of a strict procedural regulation of controlling functions. Otherwise, these functions may also become sources of corruption.

The Audit Chamber is in a sense a unique body within the government structure of Tajikistan. It is practically independent from President and executive power since it is funded straight from the budget. This body can be rightly called the second body independent from executive power. It is advisable to expand the authorities of the Audit Chamber. In particular, it is advisable to have a position of a special controller over the distribution of state orders, their competitiveness (when possible) and in the absence of bidding - their correspondence to specifications and standards

19/ Reform of executive power

- Dissemination of information on plans, decisions, and government actions among the population. The goal is to exercising control over the government. Possibilities for the people to receive information should be ensured by the legislation that obliges the government to provide this information and by meticulous sanctions for the violation of these obligations.

- Clear distinction of functions associated with the decision making, decision implementation, control, and service provision. Today, many government agencies combine these functions. This not only reduces the government efficiency but also promotes corruption.

- Introduction of personal responsibility of officials in dealing with funds and property. Today, unlike other countries, these decisions in the Republic of Tajikistan are taken collectively – by the Government or numerous commissions. Collective irresponsibility is a convenient shield for corruption.

- Integration of open competitions for state orders and procurement. Where this is not feasible, strict specifications and standards for goods and services should be in place.

- Reduced monopoly and creation of competitiveness in the sphere of state services. The market of corruption services is functioning according to the laws of “deficient economy”; therefore, it is necessary to improve people’s access to state services.

- Getting rid of out-of-budget funds for officials. Lack of budget funds for executive bodies makes them establish out-of-budget funds replenished through the contribution connected, as a rule, with the execution of original institutional functions (payments, fines, etc.). Out-of-budget funds are not so strictly controlled and this also promotes corruption.

- Improved constitutional checks and balances system. There is dependence (especially material) of legislative and judicial powers on the executive power while the Parliamentary control over executive power is also weak.

20/ Reform of civil service

A considerable increase of financial support of civil servants is recommended (which is especially important for mid and low level officials). Here we will have to overcome the natural inferiority complex: “How can we increase salaries when the country is in such a situation!”. In Singapore, that has successfully implemented an anti-corruption program, a considerable salary raise started long before the economic prosperity of the country and under the conditions of widely spread corruption.

Simultaneously with the increased financial support and the integration of the social security system it is important to get rid of the outdated system of institutional benefits related to officials’ everyday life.

It is important to “tune” the service mechanisms with the differentiation of the legal status of professional servants and “political appointees”. Establishment of limited quotas for executive managers to hire “political appointees” as their subordinates may

give a good effect. The presence of carrier officials who are independent from the will of their top manager reduces manifestations of his corruptive behavior.

The increased role of law in officials' performance inevitably ensures restricted corruption. Among other, the following measures may be required:

- a) differentiation in, and protection of, officials' competence;
- b) reduced sphere of personal will in decision-making;
- c) establishment of a strict interaction procedures between officials and citizens when citizens are fully aware of their rights and duties of government officials;
- d) introduction of criminal responsibility for officials in case of law violations (not only in case of evidence-based evil intent);
- e) tightening control over civil servants and increasing responsibility for the deviation from statutory behavior.

Increased prestige of civil service

It is time to get rid of the common evil myth – “everyone is stealing” – creating an additional favorable background for the spread of corruption. Mass media should help to “separate the wheat from the chaff”. It is also advisable to organize professional competitions at the grass-root level and corporative awards for honesty and professionalism at the middle and high bureaucracy levels. This will require both government efforts and activities of non-governmental organizations.

21/ Support of civil society institutions

Overcoming corruption is only possible with the involvement of civil society institutions because it is the civil society that is mostly interested in this victory. This is even more important under the conditions of a serious estrangement of the society from the government. Involving public organizations into a valid cooperation aimed at the solution of such a serious problem, the government gets

a chance to raise citizens' confidence and therefore a chance to achieve the set goals.

Without public involvement it is not possible to curb corruption at the grass-root level because at this level corruption is less responsive to power impacts coming from the top and can be pushed aside only when the impact comes from the bottom - that is from citizens and civil society institutions.

Therefore, while implementing an anti-corruption program, the government should effectively involve the wide public and in the first place – commercial and independent mass media. Special attention should be paid to the development of legal and civil consciousness and acquiring skills of behavior in a democratic legal society, including the skills of anti-corruptive behavior.

The above general measures cover many spheres of government activity and the activity of civil society. Their eventual impact is - reduced corruption.

It is necessary to ensure a ratio between strategic tasks, general measures and outcomes of the anti-corruption program implementation.

22/ Institutional measures

The anti-corruption program could be implemented by a standing public Anti-Corruption Agency. It is advisable to ensure its maximum independence in the implementation of practically all serious anti-corruption programs. This becomes possible if their development and implementation are regulated by law and the Head of Agency is appointed by the Parliament as advised by President.

Terms of Reference of the Anti-Corruption Agency:

a) development of specific projects under the anti-corruption program;

- b) representation in the power structures implementing internal anti-corruption programs;
- c) collection and analysis of data on corruption in the country; monitoring the activity of power structures and administrative procedures from the point of view of corruption;
- d) expertise of normative acts from the point of view of corruption;
- e) receiving and considering complaints relating to suspected corruptive practices, consulting citizens and organizations in preventing and restricting corruption;
- f) investigating all alleged and suspected corruption practices, cases of bribery and blackmailing, power abuse in personal interests in accordance with norms and procedures stipulated by law;
- g) participation in integrated teams involved in the investigation of the most serious corruption cases;
- h) establishing a legal protection service for victims of corruption, including standing “hot lines”;
- i) informing the wide public on the progress implementation of the anti-corruption program;
- j) arranging interaction with civil society institutions in fighting corruption.

It is important to make the Agency methods exemplary in the implementation of anti-corruption programs: transparency, competitiveness, high administrative and professional levels, use of anti-corruption mechanisms, etc.

Effective involvement of the wide public in anti-corruption activities can be ensured through the establishment of a public Anti-Corruption Agency that would include representatives of the most significant public associations engaged in anti-corruption activity. Following are selected functions of such an agency:

- a) development of a unified policy of public associations;
- b) coordinating activities of public associations;

- c) public control over the Anti-Corruption Agency and the implementation of the anti-corruption program;
- d) preparing and executing anti-corruption agreements between corporate associations and government authorities;
- e) working with communities under the framework of the anti-corruption program.

It is important to remember that the creation of such a structure is not a political fashion but one of the indispensable conditions of the successful implementation of an anti-corruption program.

23/ Direct anti-corruption measures

Let us look at specific measures aimed at the liquidation of obvious deficiencies of power institutions directly promoting corruption. These measures should be taken together with the implementation of general measures. Only this can raise hope that these changes will not have a facial character.

24/ Reduced corruption impact on politics

Task one – to reduce the impact of corruption on the election process. Combating for pure and transparent election procedures is absolutely pragmatic and is aimed at preventing blackmailing politicians after election campaigns, thus preventing the society from corruptive decisions that can be taken by these politicians in contradiction with the interests of the country and its citizens.

This requires reviewing the current election legislation and practices with the purpose to resolve the following objectives:

- a) increase the state and public control over election procedures;
- b) increase the admissible size of election funds making it compatible with the real costs of election campaigns;
- c) allow preliminary formation of party or election funds to collect citizens' contributions (it is not realistic to form such funds in

three months' time, therefore candidates often have to violate the law);

d) ensure tough control over financing procedures during election campaigns; punitive measures for respective violations should not be milder than punishment for the violation of traditional economic "rules of the game";

e) increase the role and independence of election commissions along with their increased transparency for public control.

Task two – reduce corruptive influence on the activity of legislative bodies. This requires simplification of criminal procedures for deputies/delegates. It might be necessary to strengthen control over the procedural side of lawmaking. It is also important to increase control over the performance of legislative bodies.

Quite often, corruption in legislative bodies is used for the replenishment of party funds. Therefore, at the latest stages, it is advisable to introduce a common practice of funding political parties out of the state budget combining this with the increased government control over the party activities under the Constitution and the national law. Ways and sources of funding political organizational and political actions should be absolutely transparent for the society.

It is important to motivate establishment of parties responsible before the voters, transparent for the voters, having political socialization of their candidates and bearing responsibility for them. Under the current Constitution, this should go along with the changes in the election system.

25/ Strengthening of law enforcement system

Corruption of law enforcement bodies, low professional level of staff involved in fighting corruption are main barriers in the implementation of the anti-corruption program. Therefore, improved

performance of these bodies and dismissal of corrupted staff are among priority tasks.

It requires to:

a) increase salaries of law enforcement staff (this category naturally includes tax and customs services). Eventually, their payment should be higher than that of “civil servants”;

b) increase the level of technical equipment of law enforcement bodies, integrate modern information technologies;

c) replace staff of law enforcement bodies associated with the reduced number of armed forces on the condition of an existing re-training network for dismissed military servicemen who should replenish staff of law enforcement bodies;

d) establish – under the auspices of the General Prosecutor’s Office of the Republic of Tajikistan – an inter-agency scientific and training center. Its tasks will include analysis and generalization of law enforcement practices of fighting corruption and advanced staff training involved in the solution of this problem in different institutions (including internal security services);

e) develop and publish special and training literature on fighting corruption for Law Universities and Departments;

f) arrange staff training in foreign countries where anti-corruption programs have been successfully implemented.

Since the government service is associated with the increased responsibility, it is important to consider the possibility of incorporating amendments in the Criminal Code for specific categories of officials and specific crimes. This development is aimed at the expansion of the evidence base for corruptive crimes by including materials received through the use of technical means of information gathering (e.g. audio and video tapes). It is most important to establish the guilt associated with such crimes as bribery.

Anti-corruption possibilities of courts are rarely used today. In the first place, it concerns civil proceedings; their specifics, compared with criminal proceedings, make them an effective anti-corruption tool. It is necessary to disseminate the practice of civil suits brought up by the government against officials caught in corruption and by firms against their competitors if the latter inflicted damage to the former through their corruptive activity. It may become necessary to introduce amendments into the Civil Code.

The main task is to put both parties of corruption transactions under the conditions of high financial risks caused by the unlawful activity. This can be done using the disaffection of corruption victims. Firms suffered from corruption, as well as corruption victims from government authorities, briber-givers forced into corruption may become enthusiastic allies in the implementation of anti-corruption measures. Other allies may include public associations – to the extent they understand that each corruption transaction inflicts damage to the whole society.

26/ Institutional anti-corruption programs

Each institution is characterized by its own specifics, its structure of corruption offenses and methods of their realization. Each of them should involve outside specialists who will design specific programs. Implementation of institutional anti-corruption programs should be carried out under the control of inspectors of the Anti-Corruption Agency (if established).

Institutional anti-corruption programs may contain a set of measures formed depending on objectives and specifics of each particular institution. The list of such measures may include, among other:

- a) practice of regular reassignment of officials to other agencies (re-training in this case costs less than damage caused by corruption);
- b) improved control efficiency of subordinate officials to their managers with the use of random monitoring schemes and the change

of focus from a formal performance control to the consistency control of officials and their tasks;

c) increased control and responsibility measures for a delayed provision of service to citizens;

d) reduced access problems to government services;

e) provision of special office hours for the reception of citizens (informing citizens of their rights, duties of officials, integration of performance accelerating technologies).

One of the main tasks of the design and implementation of anti-corruption programs is the elaboration of measures aimed at reducing “vertical” corruption (system of unlawful bottom-up payments).

It is also necessary to introduce the practice of regular updates of institutional anti-corruption programs every 3-5 years.

This includes auditing of governmental economic and social programs infected by corruption. The goal here is to close some of them and review others, changing their implementation mechanisms.

At the same time, it is important to introduce new procedures for the development, endorsement and implementation of state programs. These new procedures must include anti-corruption principles and mechanisms.

27/ Legislative measures

It seems useless to introduce the legal concept of corruption along with its specific manifestations (e.g. bribery) because any attempts to strictly bind this concept will result in getting corruptive practices beyond the jurisdiction of the Criminal Code or any other law. That is why it is also useless to limit anti-corruption activity with the anti-corruption law alone. It will be more efficient to resolve this task in a systematic way and fight corruption using the whole set of legislative acts.

This means that the implementation of the anti-corruption program following the above objectives should be strengthened by the

development and adoption of a number of legislative acts covering various regulative spheres, including:

- a) the law on lobbying;
- b) the law on the responsibility for legalization of criminal incomes;
- c) the law on the confiscation of property and incomes gained as a result of unlawful activities (similar legislation practices exist in Italy);
- d) the law on the state control over the consistency of large expenses to declared incomes;
- e) the law on the declaration of incomes and property by high-ranking government officials and civil servants. The objective of this law is to ensure the declaration of incomes by judges and elected members of legislative bodies at all levels, along with government officials;
- f) amendments to the basic legislation on civil service: introduction of restrictions for resigned civil servants to seek jobs in commercial structures that were previously controlled by them or were in their sphere of competence. Such a restriction should also cover persons elected to legislative bodies;
- g) amendments to the current legislation stipulating illegitimacy of transactions, agreements, licenses and permissions received from the government provided there is evidence of corruptive behavior;
- h) elective legislation;
- i) development of administrative legislation.

A special area of legislative activity is the revision of the acting legislation that should be carried out in the following directions:

- a) disentanglement and clarification of the acting legislation to avoid opportunities for arbitrary rule and corruption;
- b) “closing” numerous reference norms in the current laws;
- c) revision of punitive measures for corruption considering that excessive punishment often interferes with the crime evidence;

- d) differentiation of corruptive actions in the Criminal Code;
- e) review of the size of duties and fines, etc. (excessive fines are as ineffective as low fines since they stimulate avoidance through corruption).

It is advisable to tighten control over institutional rule-making and to introduce a standing “anti-corruption proof” expertise for legislation.

28/ Advocacy and education

This complex of measures should be implemented along the following lines:

- a) popularization of best practices within anti-corruption programs in other countries;

- b) media opposition to the myth of corruption fatality of the Republic of Tajikistan;

- c) stimulating activity of public associations tracing corruptive practices and methodologies in the country and disseminating received information;

- d) development, constant practical use and media publication of corruption index facilitating comparison of different regions, spheres, big enterprises, power decisions and activities of concrete power representatives;

- e) creating a system of “local publicity” to inform population of the actions of the “most prominent” representatives of grass-root corruption (mostly – through the efforts of public associations);

- f) continuous public information on the progress implementation of the anti-corruption program (publication of bulletins, information materials, etc).

An important role in fighting corruption belongs to mass media. It should not only inform the public of specific corruption cases but also advocate the anti-corruption program, cover its success stories, educate citizens in anti-corruption skills, and develop new norms of civil ethics. At the same time, mass media needs legal support. It might be advisable to review some of the current norms –

in particular, the norm on revealing information sources (or narrow the scope of application for the existing one).

It is necessary to change the situation in which state media depends exclusively on the executive power which is not the one and only state institution. Without it, it is not realistic to speak of open anti-corruption actions. It is necessary to introduce a parity control over state media with the participation of Majlisi Milli Majlisi Oli of the Republic of Tajikistan.

29/ International cooperation

If national corruption is based on general problems of a specific country, corruption brought about by international interactions is caused by the imperfection of these interactions. Therefore, it is important to take measures aimed at the improvement of interaction mechanisms. This work can be implemented in the following areas:

Legal sphere:

- a) approximation of basic legislation in the sphere of state presence in economy;
- b) accession to international assistance agreements on extradition;
- c) signing agreements with countries – partners in economic relations – on the denial of corruption as a competitive means to the extent of legislative consolidation of respective principles;
- d) integration of international accounting standards;
- e) integration of discrimination measures against businessmen of those countries whose legislation does not prohibit bribery.

Law enforcement:

- a) establishing international information exchange (specifically on firms practicing bribery);
- b) unification of evidence based on corruption (this is necessary, for example, in the argumentation for the extradition of criminal offenders);

c) signing bilateral and multilateral agreements on joint operations;

d) signing agreements on mutual assistance related to the extradition of criminal offenders, interrogation of witnesses, access to bank accounts and their sequestration.

The main point of these measures is to considerably increase the risk of movements of these capitals and their owners to other countries.

Partner assistance:

a) training of staff involved in anti-corruption activities;

b) assistance in the development of anti-corruption programs;

c) assistance in the development and implementation of advocacy measures.

We should be ready to an acute growth of corruption indexes in the country at the initial implementation stage of the anti-corruption program. This is inevitable due to two factors: introduction of clear monitoring methods and overcoming the anemia of the law enforcement system.

It would be natural to expect that the implementation of the anti-corruption policy can face resistance at different levels of the administrative hierarchy. We cannot console ourselves with the thought that global transition processes are always accompanied by increased levels of corruption. There are countries that went through the surge of corruption at the modernization stage yet were able to overcome it by purposeful actions. However, there are other examples of countries where reforms brought about an increase of corruption while the lack of purposeful and comprehensive anti-corruption activities resulted in its rooting.

30/ It is important to ensure continuous information dissemination on the real scope of corruption, on the damage caused by corruption to the society and the state, on other negative causes and effects of corruption.

31/ Opposition to the existing ideas of corruption in public consciousness should be based on the search for an alternative positive resource. This requires models of successful anti-corruption practices in foreign countries, post-Soviet space and the Republic of Tajikistan.

Anti-corruption state policy of the Republic of Tajikistan should include an indispensable and most important element of opposing corruption in higher education. This is inseparable from changing financial principals of university education.

32/ The large-scale corruption is actually equivalent to the current salary increase of officials at the expense of the shadow taxation system. It should be replaced by a real and open adequate salary raise of civil servants accompanied by other anti-corruption measures. This should be preceded by an advocacy campaign based, among other, on the results and conclusions of the present corruption survey as well as other surveys.

33/ The present survey confirmed the obvious need for the solution of the de-regulation problem. However, an effective solution of this problem will even be more successful if implemented in accordance with the data on the most painful spots of economy. Among other, this can be done with the application of the survey results.

34/ Two types of corruption – ‘business take-over’ and ‘power take-over’ – keep growing and present a heightened danger compared to other types of corruption. There is a need for a whole set of measures aimed at the restriction of both types of corruption. In particular, this requires institutional capacities for an open legal

participation of business in government decision-making. Good examples can be taken from foreign experience, e.g. experience of European countries, including Germany.

35/ The very fact that the success of business does not depend on the level of corruptive involvement, on market monopoly, and on the availability of exclusive power benefits can serve an important and weighty argument in anti-corruption propaganda.

36/ Our survey shows that both citizens and entrepreneurs often overestimate corruption as a tool they use to achieve their goals. In many cases, “to give or not to give” is a personal and not at all forced individual choice. The combination of these individual choices may both reduce the total level of corruption in the country and promote it. We suggest it should be reduced.

37/ Corruption of the state power is a very complex criminal phenomenon which is seldom dependent only on the traditional criminal law. Since 1999, i.e. since the adoption of the Anti-Corruption Law, the Republic of Tajikistan launched reforms aimed at the identification and punishment of government officials for “unlawful beneficiation”. Such criminal measures should also be supported by civil and legal norms on confiscation that will allow the Government of the Republic of Tajikistan confiscating and administering property acquired as a result of corruption.

38/ Additional to the reform of the criminal law in the Republic of Tajikistan, it is high time to change old and inefficient norms of criminal procedures that delay the whole process. Following are some of the most serious obstacles to successful public prosecution: prohibition to electronic surveillance, negotiations of a deal on the admission of guilt and negotiations on sentence, restrictions in the use of informants’ testimony, absence of law on informants (“stool

pigeons”) and witness protection, non-admission of confession as proof of guilt, and banking secrecy.

39/ Disaffection of the society with traditional institutions leads to increased activity of public associations consisting of citizens and non-governmental organizations established for the prevention of corruption and punishing perpetrators. The pressure they can make on the government cannot be overestimated.

40/ Probably the healthiest sign of change is a clearly expressed political will of the national government committed to fight against corrupted civil servants. While normative and operational reforms are important, confidence of the population will not be restored until citizens see civil servants in jail.

CONCLUSION

or

Democracy and Control of Corruption

The present work is an attempt to show what people think of corruption in Tajikistan. We know that corruption aggravates poverty; it violates human rights, deteriorates environment, reduces development growth, including the development of private sector, increases the risk of conflict, destroys confidence in democracy and legitimacy of the government. Corruption violates the legal division of power and destroys moral values.

There is no real dialogue in the Republic of Tajikistan between the government, civil society and private sector on this topical and urgent issue. The society often blames the government in corruption and tolerantly endures it in all spheres of life. What can we do, and – what is more important – how can we implement our decision?

The main areas in Tajikistan where corruption should be eliminated in the first place include law enforcement bodies, tax services, cotton sector of the state procurement. These are key sectors that can make a considerable contribution into the state budget. Elimination of corruption in health care and education can accelerate the process of human development in Tajikistan.

Numerous meetings and discussions with specialists of different ranks and levels confirm our prognosis that the anti-corruption strategy should be an inter-disciplinary issue. Those with a democratic approach often specialize in political sciences while the majority of economists vote for the economic reform aimed at the restraint of corruption. Experts demanding to strengthen the role of law enforcement forces fighting corruption are representatives of the General Prosecutor's Office and judicial bodies. Such a polarity of views should not raise our concern; rather, it should stimulate the development of logical anti-corruption strategy.

In Tajikistan, people used to think that one of the main forms of fighting corruption is the tight control supported by the Prosecutor's Office, courts, and audit institutions. Nevertheless, having studied numerous research papers on methods and systems of anti-corruption activity in many world countries, we have come to a conclusion that relevant agencies whose duty it is to maintain law and order are very often corrupted themselves. To some extent, our survey showed people's attitude to force government structures. In this situation, allocation of new resources may turn ineffective. No one has yet found any reliable evidence that allocation of additional resources to financial and legal institutions engaged in monitoring of the government activity somehow contributed to reduced corruption.

The only exceptions are Hong Kong and Singapore where they established independent anti-corruption agencies with ample powers. It has come to the point that the Independent Anti-corruption Commission in Hong Kong even established the principle of the "presumption of guilt" for officials who have to prove their innocence. In other countries, similar policies have not brought any significant outcomes. Moreover, independent anti-corruption agencies in other countries were actively used only for the persecution of political opponents.

The success stories of Singapore and Hong Kong were based on an integrated approach to the solution of corruption problem. Thus, along with the considerable increase of officials' salary compared to those of the private sector, these countries exercised the policy of job rotation. Those officials who rejected bribes were awarded. Another important factor was a significant simplification of issuing all kind of licenses and permissions. The size of government duties, including customs duties, was considerably reduced and in some cases, duties were completely annulled. And finally, political leaders of both countries had personal commitment to fighting corruption.

It seems probable that anti-corruption efforts should be systematic; they require a serious and long-term commitment on part of the

government. In our individual case, main principles of the state anti-corruption program should include:

- Accountability, transparency, democracy, legitimacy of force and legal structures, and intolerance to corruption.
- Establishment of programs that could be controlled by different public institutions, e.g. by the Public Council under President of the Republic of Tajikistan.
- Development of a mechanism differentiating official and public powers.
- Establishment of a dialogue mechanism between official representatives of power and voters.

To put it briefly, improvement of the general moral image of the society could be ensured by the following actions: they include reduced monopoly of officials within the existing political and bureaucratic structure.

In a country with a working legal system, this strategy implies the presence of politics that lowers bribery to the extreme level so that officials believe that the risk of identification and punishment is too high and overweighs the profit. Potential bribe-takers must also believe that they can get more by simply doing their job. Anti-corruption strategy in Tajikistan should be focused in the reduced role of the government in economy, in the reform of the government policies aimed at the integration of real market principles, and at improved laws relating to law enforcement bodies and the administrative system of corruption constraint.

What do we expect in the future? All will depend on the level of reason or greed of the bureaucratic and financial elite. If it decides to share what it got in 1990-s and give the people a chance to benefit from good work, all will gradually come to the so-called independent capitalism as in Western Europe by the second half of the XXI century. If the elite resists sharing – we will face the treat of Stalinism although without an obvious personality cult and mass repressions.

Corruption glossary²⁷

"...indeed the beginning of wisdom on the issue is to subdivide and unpack the vast concept."

Robert Klitgaard, 1997

Many of the concepts used in circles of international development and social science - and in the particular discussions of combatting corruption, including this web site - are characterised by the utilisation of uncommon concepts, technical language or jargon. Click on the below concepts for a short and precise explanation.

Access to information Access to information refers to the right of interested parties (the public, NGOs, the media, etc.) to receive information held by government. This right, protected by international and national laws, provides that official documents should be generally available, and that any exceptions should be limited and specific. Access to information increases government accountability to its citizens and reduces opportunities for corruption.

Accountability Accountability denotes a relationship between a bearer of a right or a legitimate claim and the agents or agencies responsible for fulfilling or respecting that right. One basic type of accountability relationship is that between a person or agency entrusted with a particular task or certain powers or resources, on the one hand, and the 'principal' on whose behalf the task is undertaken, on the other.

A duty to be accountable can be discharged in different ways, but all accountability mechanisms operate according to three principles:

"Transparency" requires that decisions and actions are taken openly and that sufficient information is available so that other

²⁷ Published with conformity from director of U4 team Dr. Odd-Helge Fieldstad

agencies and the general public can assess whether the relevant procedures are followed, consonant with the given mandate; **“Answerability”** means an obligation on the part of the decision-makers to justify their decisions publicly so as to substantiate that they are reasonable, rational and within their mandate;

“Controllability” refers to mechanisms in place to sanction actions and decisions that run counter to given mandates and procedures – often referred to as a system of checks and balances or enforcement mechanisms. The checks may take many forms, including shaming and praise. Impunity is the antonym of accountability and apportioning blame for harm done is an important component of accountability.

Democratic accountability, therefore, refers to the idea that people entrusted with political power have a duty of accountability to their electorate - both directly through elections and indirectly through institutional controls.

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