



NEW ANTI-CORRUPTION GOVERNMENTS: THE CHALLENGE OF DELIVERY

MADAGASCAR

A CASE STUDY

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Madagascar

1. Executive summary

In December 2001, a presidential election was held in which both major candidates claimed victory. A six-month political crisis followed, which engendered economic and social disorganisation, and causing a drop in economic growth of 12 per cent.

Before the crisis, corruption was rampant and is still a major problem nowadays. A national integrity survey commissioned by the Transparency International Secretariat and the Madagascar chapter of Transparency International, which was conducted in 2001, found that corruption of all kinds is endemic in Madagascar.

After the crisis, the government of president Ravalomanana expressed a strong will to fight corruption, and in general to ensure good governance in public affairs.

One of the most significant measures taken in the fight against corruption was the establishment of the “Conseil Supérieur de Lutte Contre la Corruption” (CSLCC, Higher Council for the Fight Against Corruption). The two main objectives of CSLCC are the elaboration of a national strategy against corruption and the establishment of an independent agency which will undertake the actual (“on the field”) fight against corruption.

The elaboration of the strategy was completed in June 2004 and will be implemented along a model prescribing prevention, sanctions, education, incentives to honest practices, and the improvement of general conditions of living for the public.

The agency, known as “le Bureau Indépendant Anti Corruption” (BIANCO, Independent Anti-Corruption Office), has already recruited its staff through public advertisement, and they have already been trained. BIANCO is to start work in September 2004, after the adoption of the decree which will specify its powers, those of its members and the general legal framework of its actions.

CSLCC has carried out various tasks including the drafting of a law on the fight against corruption. The law has already been approved by both chambers of parliament and is awaiting promulgation. The law includes provisions on prevention and punishment of corruption and deals with matters like declaration of assets for higher officials, amendments to the penal code to make it more of a deterrent and more effective in cases of corruption, and consequences of corrupt acts. The law also sets out the institutional framework of the

fight, especially the roles of CSLCC and BIANCO; and also confirms the confidentiality clause and whistleblower protection.

Important instruments for the fight against corruption have therefore already been created. These instruments could be very effective and bring positive results if applied fully and in a non-discriminative manner.

The instruments are still too recent for a meaningful evaluation; the main challenge is therefore delivery. This means a more acute sense of accountability on the part of the authorities, and also an important role for the civil society to act as a watchdog.

2. Summary

2.a. Overall outcomes and current status

The law on corruption, the strategy devised by CSLCC could lead to a significant drop in corruption cases if actually applied.

The law on the fight against corruption was promulgated recently and could become an efficient instrument for the fight, if applied promptly, fully and in a non-discriminatory manner. The first part of the law concerns prevention and punishment of corruption and deals with matters like declarations of assets for higher officials, amendments to the penal code for it to be more effective, deterrents in cases of corruption, and consequences of corruption acts.

The second part deals with the institutional framework, for instance with CSLCC and BIANCO. CSLCC is to become an advisory and supervisory body for BIANCO. As already specified BIANCO will be the subject of a specific decree. This part also confirms the confidentiality clause and whistleblower protection.

Still the efforts will need time to be effective; they are still recent, and the general perception is that corruption is as endemic as before.

It seems that “corrupt cores” in some sectors, especially in customs are still very effective; moreover “esprit de corps” is present and alive, and many state officials, while not being themselves corrupt, are very reluctant to denounce corruption within their working environment. Also there is a perception that fighting corruption is against “others” and not against the leaders of the country, or higher positioned officials.

Concerning CSLCC itself, misgivings have been expressed by members that the permanent staff including the president feel themselves to be accountable to the president of the republic alone. Members (those already appointed-- representatives of the journalists' association have not yet been officially appointed) feel that their monthly meetings are just activity report sessions, without the possibility for them to question, make inputs, or decide on the actions to be taken. One example given was the recruitment of BIANCO's staff, in which the other members of CSLCC were not at all involved.

However, the recent efforts made by the government on fighting corruption have received strong support from the donor community, which has willingly funded the activities undertaken by CSLCC so far.

2.b. Current challenges

The main challenge is delivery; as many pledges have already been made by the governing authorities concerning the fight against corruption. As already mentioned, many of the initiatives taken are still recent, and as we know corruption fighting requires time, and there are no quick results.

Also, the sense of accountability needs to be strengthened. Many of the political leaders still do not feel that they need to give explanations for their acts and decisions, especially when public funds are involved. Thus, for instance, after the last parliamentary elections, all elected MPs were given new four-wheel-drive vehicles, and it is still not really clear where the money came from.

On the whole, political leaders and higher officials have to understand that they are also role models; and that the official discourse of good governance, accountability and integrity also applies to them.

2.c. Evaluation and lessons learned

It is perhaps too early for an evaluation. In any case, the fight against corruption enjoys massive public support, and there are high expectations for it to show some successes. The official policy benefits from strong backing from international partners, and funding is available.

2.d. Recommendations

A main recommendation would be the need for a genuinely independent entity to act as a watchdog for all the official efforts currently made to fight corruption. For now, CSLCC still acts as a government entity; and BIANCO still has to start work.

There has been an initiative from some parts of civil society to back this official policy of fighting corruption and a formal coalition has even been formed. Still, this coalition seems to be a bit too “CSLCC-owned”, therefore the reservations expressed by TI-IM towards it. TI-IM is therefore particularly called upon to play the role of a watchdog, especially as it is a part of an international movement which has been combating corruption for more than ten years, and from which it can draw some expertise.