



State of Public Accountability In Khyber Pakhtunkhwa-Pakistan, In The Light Of International Best Practices

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ABSTRACT

This paper analyzes the effectiveness of public sector accountability and efficiency of accountability regimes in the Khyber Pakhtunkhwa in light of best practices of the world. Accountability is used interchangeably with answerability, responsibility, liability, obligation, integrity etc. but this paper discusses accountability within the context of anti-corruption systems and practices. This paper takes a brief account of corruption prevailing in the public sector, in the light of findings of Transparency Internationals' and other credible sources. The contemporary literature widely discusses the accountability is one of the core components of good governance. There is an almost an agreement among the social scientists that without having an effective accountability framework and correspondingly efficient accountability regime to ensure across-the-board accountability, governance cannot be improved. World-wide, public sectors are increasingly persuaded by the civil society, multilateral organizations and the public at large for justifying their existence and use of public resources. This paper sheds light that how successive governments at the country level and provincial level strived to establish efficient accountability regimes to combat corruption and outcome of such attempts. This paper also examines efforts of governments of Khyber Pakhtunkhwa to put in place a sub-national accountability mechanism in the forms of Ehtisab Commission and Anticorruption Establishment, during the 21st century. Finally it puts forward a set of recommendations for the policy makers to make the accountability processes effective and make the anti-corruption institutions efficient accountability regimes.

INTRODUCTION

According to Beddow (2015) no country in the world is free from corruption. He mentions that more than 6 billion people live in countries having corruption as a serious problem. NAB (2019) notes that corruption costs approximately \$2.6 trillion each year to the global economy. Beddow (2015) argues that severity of the issue is much bigger in developing countries. According to him 100 most corrupt countries, including Pakistan, are from the developing regions of Asia, Africa, Latin America and Eastern Europe. Pakistan is persistently a poor performer on Corruption Perception Index of Transparency International.

In 2001 Pakistan was the 79th most corrupt country among the 91 surveyed countries (Hodess et al., 2001). Pakistan is almost at the same position with 117th ranking among the 180 surveyed countries (Transparency International [TI], 2018).

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The World Justice Project also carried out a survey in 2017 which places Pakistan at 105th most corrupt country among the 113 surveyed countries (Adams et al., 2017).

FAFEN, has recently revealed that 64% of the citizens at country level and 52% at the Khyber Pakhtunkhwa's level believe that corruption is a serious issue in the public sector (FAFEN, 2016).

It is also important to know that how corruption affects the governance and service delivery. It is an established fact that without eradicating corruption, governance cannot be improved. Data shows that corruption is widespread across the public sector which has damaged the governance framework. Ultimately public sector is not delivering the rightful services to the citizens.

In such circumstances, existing of efficient accountability regimes is a must to curb corruption and counter corrupt practices. Governments established National Accountability Bureau (NAB), a national level accountability watchdog, Ehtisab Commission and Anti-Corruption Establishment at Khyber Pakhtunkhwa level. But the prevailing level of the corruption shows that the efficiency of these institutions is not up to the mark.

In most of the 3rd world's countries, inefficiency of anti-corruption institutions is one of the prime reasons of growing corruption. Comparing it with anti-corruption institutions of the developed will certainly help to identify loopholes and identify a way forward for the course correction. This study attempts to address these issues and present a workable solution.

Research Questions

- i. Why anti-corruption agencies in Khyber Pakhtunkhwa-Pakistan failed to eradicate corruption in the public sector?
- ii. What are the structural and procedural faults these agencies have and how they can be benefited from the experience of successful anti-corruption regimes of the developed world?

Accountability: A Conceptual Perspective

Khotami (2017) states that the term accountability derives from accounts or accounting or bookkeeping. Bovens (2004), Dubnick and O'Kelly, (2014) and Bovens, Schillemans and Goodin (2014) refers to the emergence of present form of accountability. According to them accountability founds its origin back in 11th century during the reign of King William-I of England when he implemented a practice of 'bookkeeping' of all the properties under his rule. Such bookkeeping was made in 'Doomsday Books' which had a centralized auditing practice by the royal agents.

Over the time the concept has been greatly changed from mere bookkeeping to a core component of governance system. Shah (2007) founds that accountability is not an accounting or bookkeeping concept rather it has become a 'fundamental value for political system' in modern times.

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According to Dubnick and Justice (2004), accountability is an indefinite term which incorporates many of diverse concepts like responsiveness, responsibility, integrity and efficiency etc. It often appears as a mean to achieve individual and collective good in a democratic system in order to achieve the goal of good governance. They argue that within an institutional context, accountability is manifested as set of laws, rules, norms, practices and behaviour through which authority is managed appropriately.

Modern democratic system considers transparency and accountability of public offices as a fundamental norm of good governance and encourages public to hold public offices and officials accountable for their acts, in the larger interests of public and land.

According to Lindberg (2013), accountability has recently gained greater importance in the studies of governance and public administration around the world.

Zumofen (2016) argues that if a person or the organization is delegated with a public duty, they are required to be held responsible for every action they perform.

Bivins (2019) discusses that people want to know about certain actions of people dealing affairs in public offices and have the right to hold such persons accountable for the consequences of their actions.

Smyth (2011) considers accountability as an act of taking an account about the executed responsibilities to those who entrusted such responsibilities. He says this prime obligation becomes foundation for praises and rewards as well as blames and sanctions for those who executed the entrusted responsibilities.

Han and Demircioglu (2016) states that public officials, executives and elected people have extended authority and control over resources, potentially prone to abuse of authority, either financial or fairness. Hence public accountability is highly needed to restrict their discretion and abuse of authority.

Provost (2016) mentions transparency, integrity and fairness as basic principles of accountability. Further he states that being accountable means public offices and officials are taking responsibility of their actions, openly report what they do, willingly provide the specific information if asked by someone, welcome the scrutiny and be responsive when challenged. He is also of the opinion that accountability is critically important for establishing trust between the citizens and the state which ensures good governance in a country.

Desai (2009) argues that without an efficient accountability system, social and economic performance of the government will have negative results. Therefore it is imperative to establish a robust accountability mechanism for better governance.

Importance of public accountability has been extensively discussed in the contemporary literature. International organizations, more importantly the development agencies who extend technical and financial aid to the developing world, give significant importance to public sector accountability. Carothers and Brechenmacher (2014) discuss such emphasis of international community and mention that accountability, transparency, participation and inclusiveness are among the 'ubiquitous features' of policies and programmes of international organizations working on governance reforms.

Faisal and Jafri (2017) take a meticulous overview of failure of governance in public sector of Pakistan and argue that a robust accountability system does not exist in the country. Due to which corruption has flourished and resulted in failure of public sector institutions.

Adams et al. (2017) have pointed out that 79% of Pakistanis consider the existing anti-corruption systems in Pakistan as ineffective and has the perception that accusations against corrupt public official will be ignored by the higher authorities or in case of any proceedings against the corrupt official, conclusions will never arrive.

The need for a robust anti-corruption system always remained on the agendas of the governments in the country. Several laws have been promulgated by various governments which include the Prevention of Corruption Acts of 1947, 1950 and 1958 and the National Accountability Ordinance of 1999. Provincial government of Khyber Pakhtunkhwa promulgated the Ehtisab (accountability) Act in 2014 alongside an already established institution of Anti-Corruption Establishment (ACE). However, despite of enactment of laws and establishment of anti-corruption institutions, effectiveness of accountability remains doubtful.

The incumbent Prime Minister of Pakistan Mr. Imran Khan has time and again talked about billions of rupees corruption in the country and ineffectiveness of accountability regimes (24 News HD, 2016 and Express News, 2019). International organizations, more importantly the World Bank also persistently asked for making the accountability systems of the country efficient. Ceesay, (2004), Muhala, (2019a) and Muhala (2019b) shed light on World Bank's efforts for enhancing accountability systems in the country and stress that governments should adopt a proactive approach for the improvement.

Research Objectives

This study has three major objectives;

- i. To have a thorough review of existing accountability systems of the country and the province in comparison with few international best practices
- ii. To discuss the repercussions of the ineffective accountability system that how it affects public service delivery and overall governance
- iii. To analyze best models from the international arena and present a proposal of establishing an efficient accountability system

RESEARCH METHODOLOGY

The study mainly discusses practices and procedures adopted in the processes of accountability. A smaller portion of the study contains some statistical information but that does not add significant impact on the structure of overall study. Hence qualitative approach of research methodology has been adopted for this study.

Corruption in Pakistan

Menocal et al. (2015) explains that corruption is not only the embezzlement of public money, it also includes bribery, gifts, donations etc. for dishonest pursuance of an act, palm greasing to speed up the routine work, fraud, nepotism and giving benefit to blue-eyed at the cost of public resource.

Beddow (2015) says ‘not one single country, anywhere in the world is corruption-free’ but its severity in Pakistan is far bigger. If data available since 2001 is analyzed, Pakistan was 79th most corrupt country among the 91 surveyed countries in 2001 (Hodess et al., 2001). It was at 134th position among 182 surveyed countries in 2011 and in 2018; it is 117th most corruption country among 180 surveyed countries (TI, 2019). TI does not provide data for sub-national levels but result produced for national level finely reflects the proportion of corruption at sub-national level as well.

Bribery for rightful public services is a common practice across the public sector of the country. TI reveals that 60% of the respondents of its survey paid bribes for police assistance, 25% for permits and 10% for public hospital services (Adams et al., 2017).

According to the most recent findings of the World Justice Project, in categories of absence of corruption and open government, Pakistan stands at 99th and 80th position respectively among 113 surveyed countries (World Justice Project, 2018).

Ineffectiveness of accountability regimes of the country is a matter of concern for international communities as well who are providing financial assistance to the country for the last many years. Such international organizations pursue national and sub-national governments of the country to be more vigilant in ensuring accountability across the public sector.

Various international consensuses are also a pushing factor for the governments to be more assertive in this regard. Blagascu, Casas and Lloyd (2005), mentions GAP framework which makes accountability as its central theme and vital for the attainment of SDGs. Being the signatory of SDGs framework, national and sub-national governments of Pakistan are bound to enforce effective accountability systems across the public sector.

Paris Declaration on Aid Effectiveness 2005 also emphasizes on efficient accountability systems. The same was re-affirmed in Accra Agenda for Action in 2008 where ministers from across the world committed to make governance systems of their respective countries more transparent, accountable and responsive (OECD, 2014).

As Shah (2007) argues, most of the developed countries and multilateral financial institutions have linked their financial assistance with improved governance. And governance cannot be improved without putting an efficient accountability system in place.

Importance of Accountability

Stapenhurst and O'Brien (2019) stress that without having a robust accountability system, good governance cannot be ensured. They are of the opinion that accountability is much important for gauging the performance of public offices and officials, instilling the confidence of the public in government and creating value for money.

Referring to the importance of public accountability Open Government Network (2019) states that it provides ‘democratic means’ to the business of the government, ensures competitiveness and makes the public administration effective by creating check and balance mechanism.

Peters (2007) considers that accountability has critical role in the success or failure of any political and governance system. He considers it equally important for the democracy and democratic form of government.

Faisal and Jafri (2017) argue that if a government fails to establish robust accountability system, corruption will flourish which will ultimately result in failure of government.

Olken and Pande (2012) say that in the absence of efficient accountability systems, poor countries have faced severe implications in the forms of deterioration of service delivery by public institutions.

The incumbent Prime Minister of Pakistan Mr. Imran Khan considers corruption as one of the biggest challenges faced by the country (Express News, 2019). During the 2018’s elections campaign he promised to address the in a befitting manner and make the accountability regimes of the country efficient.

National Level Accountability System In Pakistan

The Auditor General of Pakistan (AGP) and the National Accountability Bureau (NAB) are the most important accountability institutions at national level. The Federal Investigation Agency also responds to anti-corruption related tasks if the government assigns, else its domain is to deal with cyber-crimes, human trafficking, banking crimes, drugs etc.

Auditing by AGP

Audit, under article 160 of the constitution of Pakistan, is a Federal subject administered by the AGP. The AGP is an independent constitutional regime which conducts post-audit of financial transactions of all the public sector entity on random base, to ensure public accountability and fiscal transparency (AGP, 2018).

Effectiveness of this regime has been questioned time and again. Abid, Shafiq and Haq (2018) argue that quality of financial reports produced by auditors is very low and disclosure practice of audit findings is unsatisfactory.

Inam and Khan (2008) criticize the quality of the audit. They point out that each year 650 audit officials of BPS*-16 conduct audit of at an average 250,000 transactions on random selection basis. This makes the workload of 400 audits per person per year. They argue that this workload makes the audit a hasty business which cannot positively contribute to the improvement of the system.

Narayan and Godden (2000) argue about the huge discrepancies in the audit system of Pakistan and state that the legislature, National Assembly at the federal level and Provincial Assemblies at the provincial level take little interest in pursuance of audit findings and implementation of recommendations by the auditors.

The Public Accounts Committee (PAC) of the Provincial Assembly of Khyber Pakhtunkhwa is mandated to take action according to the audit findings at provincial level. However, according to the AGP's report, there is a 13 years backlog of audit reports in the province (Auditor General of Pakistan [AGP], 2016).

Auditing would be an effective accountability tool if the discrepancies in the auditing system are removed and pursuance of audit recommendations by the legislature is improved.

National Accountability Bureau (NAB)

NAB was established, under the National Accountability Ordinance 1999 by the military regime of Pervez Musharraf. NAB has extended jurisdiction across the country having its sub-offices at each provincial headquarter under the respective Director Generals. According to an excerpt of NAB performance report published in daily the Tribune, during the past 15 years, NAB received 270,675 complaints, conducted 5,872 inquiries and filled 2,159 references in different accountability courts of the country and recovered 262 billion rupees embezzled by the corrupt politicians, bureaucrats and ex-military men (Tribune, 2013).

* basic pay scale

This seems a glorifying performance of an institution of the 3rd world's country but in fact this anti-corruption watchdog has faced severe criticism of various quarters for its mismanagement, abuse of authority, poor performance and its failure in curbing corruption in the country.

With regard to the performance of NAB, 2018 annual report published by this bureau, states that the Bureau received 45,742 complaints in 2018 but only 198 of these complaints could be converted into references[†] (NAB, 2019). Astonishingly only 89 of the filed cases could be successfully defended by the NAB which makes the success ratio just 0.002%.

The Supreme Court of Pakistan condemned the NAB for abusing the authority and mismanagement. The Apex Court criticizes NAB for i) arbitrariness in approach, ii) discriminatory treatment in similar cases, iii) presumption of guilt of the accused before it is proved, and iv) mistreatment of accused (Business Recorder, 2018).

The power of 'arrest without warrant' and 90 days custody of the accused, which NAB exercised till 2005, plea-bargain[‡], exemption of military and judiciary and corruption within the ranks of the NAB are also among few of the main criticisms about this institution (Samad, 2008).

Hussain (2018), Samad (2008) and Ahmad (2013) also noted almost the same about the operational capacities, impartiality and effectiveness of the NAB.

Apart from questionable performance of this institution, the NAB cannot intervene in two major public sector institutions, i.e. the Judiciary and the Military (Army, Air Force, Navy and all of their subsidiary organizations including 56 business conglomerates).

The political leadership of the country also criticizes NAB for having an approach of 'selective accountability'. They blame the bureau for taking action only against the political opponents of the sitting government and ignoring allegations against ruling class (Chaudhry, 2018).

Quah (2017) has termed the NAB as an 'attacking dog' against the political opponents of the rulers, based on its rigorous action against the politicians belonging to the opposition parties only.

The incumbent Prime Minister Mr. Imran Khan, before coming into power, repeatedly criticized the NAB for its inefficiency, misconduct and failure in detaining corrupt politicians (24 News HD, 2016).

[†] The formal case submitted in the court of law

[‡] Out-of-court settlement with the accused

As soon as Mr. Khan's party came into power in Khyber Pakhtunkhwa in 2013, they established 'Ehtisab Commission' under a provincial Act in 2014. They promised across-the-board accountability with greater impartiality, but rolled the Commission back in 2018.

Ehtisab (Accountability) Commission (EC)

The EC was having three operational components which included Office of the Director General, Office of the Prosecutor General and the Directorate of Internal Monitoring and Complaints. It was headed by the Chief Commissioner while four were the Commissioners[§] of the Commission (Ehtisab Commission [EC], 2017).

The EC, from the very beginning, faced challenges in its operationalization due to lengthy procedure of appointment of the Commissioners, the Director General and the Prosecutor General. The Provincial Government amended the Ehtisab Act quite a few times, which critics referred as 'malafide intentions' of the government to curtail the independence of the commission (Shah, 2016).

Despite of laps of considerable time, Commission remained unsuccessful in framing much needed Rules of Business due to which operation of the Commission could not be streamlined (Cheema, 2017).

In general elections of July 2018, the PTI became single largest party at national level and formed government having Mr. Imran Khan as Prime Minister of the country. At provincial level also, PTI won the election with 2/3rd majority and formed government under Mr. Mahmood Khan as its Chief Minister who served the previous tenure of the government (2013-18) as Minister for Sports, Culture and Tourism.

To the much surprise of many, PTI government decided to strike down the provincial EC. They pleaded that the EC was formed when they did not have access to the NAB. Now the NAB can be strengthened and a separate sub-national accountability regime is no more required. They also stated that at provincial level, PTI government will strengthen ACE (Khattak, 2018).

In the wake of abolishment of the EC, cases pending before the Commission were transferred to the ACE. During the four years life of the Commission, statistics given on the website of Commission, shows that it conducted 24 inquiries, 09 investigations and filed only 32 references without securing even a single conviction (EC, 2017).

[§] Number of commissioners was reduced to two later on.

The incumbent Prime Minister of Pakistan persistently snubbed the NAB during his election campaign and claimed that NAB is facilitating corruption of 12 billion rupees per day (24 News HD, 2017). But as soon as he became the Prime Minister, he decided to roll back the institution which they established for ensuring accountability in the province.

Anti-Corruption Establishment (ACE) KP

The ACE is an attached entity of the Establishment Department of Khyber Pakhtunkhwa. It does not have any financial or operational independence. Its finances are provided by the Finance Department through the Establishment Department on need bases.

Secondly, the ACE is usually headed by a Civil Servant posted with the approval of the Chief Minister or the Chief Secretary of the province.

Lastly, the operational force of the ACE is totally manned by the police personnel. Their stay is also subject to the discretion of the top level officials of Police and Establishment Departments.

The UN Convention Against Corruption (UNCAN) requires independence as a core element for effectiveness of anti-corruption regimes (Nishtar, 2008).

Data shows that, since long, the Police is one of the most corrupt departments of the country. Chêne (2008), Javaid (2010) and Jamshed (2018) have taken a detailed account of corruption and corrupt practices of various departments of the country and noted that till 2011, Police was the most corrupt department of the country when its position was taken over by the Land Administration in 2011. However still, it is among the top three most corrupt departments of the country.

Quah (2007), argue that by design, police cannot be an anti-corruption regime. He notes ‘independence from Police and political control’ as an integral element for the effectiveness of accountability regime.

The ACE as an attached entity of the Establish Department, headed by a Civil Servant and comprises of Policemen cannot be an effective accountability regime. This is evident from following brief statistics that how ACE has performed from 2014 till December 31st, 2018.

The Performance Of The ACE

S. NO.	Department	Open Inquiries	Pending Complaints	Total Disposal	Disposal during 2018
1.	Judiciary	0	0	0	0
2.	Police	13	40	25	10

S. NO.	Department	Open Inquiries	Pending Complaints	Total Disposal	Disposal during 2018
3.	Irrigation	66	73	185	26
4.	Public Health Engineering	81	72	198	52
5.	Health	125	71	236	95
6.	Communication and Works	225	114	195	73
7.	Revenue	254	516	680	162
8.	Education	335	191	241	175
9.	Local Government	341	269	375	91

Source: Author

During this period, the ACE received 16,128 complaints. 9,455 were disposed off while 6,673 still in process. These figures show that only 88 complaints and 13 inquiries were processed against the the most corrupt department i.e. the Police. In total of 16,128 complaints it is just 0.54% of the total complaints (ACE, 2018).

Quah (2007) stresses that granting exception to any entity results in failure of accountability processes. The Judiciary and the military are having such exceptions.

The Judiciary also falls among the top most corrupt departments in the country and the province (Andrew, 2018).

TI (2002) reported Judiciary as the 2nd most corrupt department in Pakistan and other South-Asian countries. In 2006 it was among the three most corrupt departments along with Police and Political Offices (Chaudhary, 2019).

The Judiciary usually claims to have own system of accountability but statistics do not supports this claim. Having statutory protection to its financial and administrative independence, the Judiciary is successful in keeping it out of the ambit of accountability watchdogs. No accountability agency can take action against any staff of the Judiciary and the Military and their subsidiary organizations/offices.

It would be pertinent to have a look at the accountability regimes of the developed world that how they tackled the issues of corruption.

International Best Practices in Accountability

Quah (2007) and Ali, Khan and Khalid (2017) argue that there is no single model which can be marked as successful for everyone. There are accountability models having single legislation-single implementing agencies approach, multiple legislations-multiple implementing agencies approach,

multiple legislations-single implementing agency approach and single legislation-multiple implementation agencies approach.

The TI (2018) mentions Western and Central Europe as the least corrupt region in the world while Martin (2017) considers Denmark as the least corrupt country of the world. He adds Singapore, Switzerland, New Zealand, Norway, Finland, Sweden, Japan and Luxembourg in the list of other 8 least corrupt countries. Studying few of these model countries would be helpful to suggest a suitable accountability model for Pakistan and the Khyber Pakhtunkhwa.

Denmark

Jensen (2014) notes that Denmark has a 350 years old tradition of fighting corruption and establishing rule of law. He gives credit to Weberian^{**} bureaucracy model for controlling and minimizing bribery in the public offices in Denmark.

Denmark is the signatory of all major international anti-graft conventions and agreements including the UNCAC^{††}, the GRECO^{‡‡} agreement, the OECD^{§§} CBL (Convention on Bribery Loopholes), the OECD ABC (Anti-Bribery Convention) and the OGP^{***}. The Danish Criminal Code deals all forms of bribery and corruption including the money laundering (Ardigo, 2018).

Denmark has enforced a code of conduct for civil servants and elected representatives which defines more practical aspects of dealing in public offices including freedom of expression, impartiality, confidentiality and acceptance of gifts (European Commission, 2014).

Openness and transparency of public business is another important feature of Danish accountability system which enables everyone to access public information excluding certain classified information. The Access to Public Administration Files Act of 1970 and Public Records Act of 2014 regulate Right to Information of every Danish citizen (Krunke, 2016).

^{**} Refers to the model presented by German sociologist Max Weber

^{††} UN Convention against Corruption

^{‡‡} Council of Europe Group of States against Corruption

^{§§} Organization for Economic Development

^{***} Open Government Partnership

Apart from comprehensive legislative framework, Denmark has established a number of accountability regimes to tackle corruption. Public Prosecutor for Serious Economic and International Crime is one such institution established in 1973 (GNI, 2019).

National Audit Office, Money Laundering Secretariat and the Ombudsman Office are also mandated to curtail corruption and corrupt practices in the country. Apart from these formal institutions media and vibrant civil society also play a pivotal role in keeping an eye on public offices and officials (Ardigo, 2018).

Multiple legislation-multiple agencies model of Denmark helped the country to eradicate corruption.

Singapore and Hong Kong

City states of Singapore and Hong Kong have persistently demonstrated excellent performance on the CPI of TI. The TI places Singapore at number 3 and Hong Kong at number 14 least corrupt country/region among 180 surveyed countries of the world (TI, 2018).

Singapore and Hong Kong have not only promulgated comprehensive legislation to ensure across-the-board accountability but also established state-of-the-art accountability agencies to enforce such legislations. Quah (2007) has taken a detailed account of anti-corruption efforts of both of these states and concluded that Singapore's model is the best accountability model which has been followed by many other countries of the world including the Hong Kong.

According to OECD (2008) Singapore's CPIB^{†††} and Hong Kong's ICAC^{†††} are having single agency-multi-purpose model. Approach of both of these agencies is based on key pillars of 'repression and prevention of corruption', 'public outreach', 'research and analysis', 'investigation and monitoring' and extending support in prevention of corruption.

CPIB was established in 1952 as an independent anti-corruption agency when Anti-Corruption Branch (ACB) of the police failed to demonstrate results. Rather, as noted by Quah (2007), this unit itself along with rest of the police force, found involved in huge corruption scams. Singapore's Prevention of Corruption Act 1959, Corruption (Confiscation and Benefits) Act 1989 and Corruption, Drug

^{†††} Corrupt Practices Investigation Bureau

^{†††} Independent Commission's Against Corruption

Trafficking and Other Serious Crimes (Confiscation and Benefits) Act 1999 provides a comprehensive legislation to CPIB to perform freely and all-inclusively to combat corruption (OECD, 2008).

CPIB claims that due to their persistent efforts and continuous support from the country's leadership to the agency, corruption is very much under control in this city state (CPIB, 2019).

Hong Kong's ICAC was established in 1972 when police department of this autonomous region became a symbol of corruption instead of combating corruption. Independent Commission against Corruption Ordinance, Prevention of Bribery Ordinance and Elections (Corrupt and Illegal Conduct) Ordinance provide legal base for this agency to perform.

Best about ICAC is its phenomenal budget which stood at \$85 million in 2008 (OECD, 2008) and \$120.14 million in 2014 (Quah, 2017). At the time of inception, ICAC attracted human resource (1358 persons at present) even from the United Kingdom's police. They were provided quality trainings inland and abroad. This has turned ICAC into one the most effective anti-corruption agency in the world.

CPIB and ICAC models have been adopted by many countries across the World. Lithuania's SIS^{§§§}, Botswana's DCEC^{****}, Uganda's IGG^{††††}, Indonesia's KPK^{‡‡‡‡} and Taiwan's AAA^{§§§§} have adopted this model but their effectiveness is yet to be established. Quah (2007) explains that adoption of a model only cannot guarantee success as happened in the case of Thailand where two successive attempts of Thai government, i.e. establishing Counter Corruption Commission in 1975 and National Counter Corruption Commission in 1999, faced failure.

Pope (2000), Speville (2000), OECD (2008), Heek (2011) Ali, Khan and Khalid (2017) and Quah (2017) also support this point of view. The other elements of political will, comprehensiveness of legislation, financial and administrative autonomy of the anti-corruption agency and competent incorruptible human resource are also essential for the success of an accountability regime. Quah (2007) and Quah (2017) give credit of success of CPIB and ICAC to the strong political will of their respective national leaderships, financial and administrative autonomy, sufficient human and capital resources and exclusion of police from anti-corruption activities.

^{§§§} Special Investigation Service

^{****} Directorate on Corruption and Economic Crime

^{††††} Inspector General of Government

^{‡‡‡‡} Komisi Pemberantasan Korupsi

^{§§§§} Agency Against Corruption

United Kingdom (UK)

The UK's four criminal statutes contained provisions for anti-corruption which include the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906, the Prevention of Corruption Act 1916 and the Anti-Terrorism Crime and Security Act 2000. Institutionally ACC^{*****} is a specialized unit within the UK's metropolitan police to combat corruption. However, its poor performance and the public dissatisfaction about serious and complex frauds pushed the government to form the Fraud Trails Committee under Lord Roskill to propose a befitting solution. He presented 'Roskill Report' in 1987 which paved way for the establishment of an independent specialized anti-corruption agency namely the SFO^{†††††} in 1988 under Criminal Justice Act 1987 (SFO, 2019). SFO is a highly specialized unit to investigate frauds involving more than \$1.5 million or having wider national or international impacts. Its chosen human resource has the background of dealing legal, financial and criminal cases. The Director of SFO has been given extensive authority to combat corruption both in public and private sectors (OECD, 2010). Creation of SFO has seconded the opinion of Quah (2007) and Quah (2017) that police cannot combat corruption even if it is the UK's police. Further, autonomy and authority duly backed by comprehensive legislation is a must for eradication of corruption.

Latvia and Slovenia

KNAB^{†††††} of Latvia established in 2002 and CPC^{§§§§§} of Slovenia established in 2004 are also being discussed as best anti-corruption agencies of transitional economies. These agencies have also adopted Singapore's model. Both of these agencies have been given better financial and human resource along with operational independence (OECD, 2018).

Though corruption is still a big issue in these East European countries and KNAB and CPC have a long way to go yet their institutional structure, operational independence and will of their national leaderships to combat corruption place them among the best performer in the world.

***** Anti-Corruption Command

††††† Serious Fraud Office

††††† The Corruption Prevention and Combating Bureau or Korupcijas novēršanas un apkarošanas birojs

§§§§§ Commission for Prevention of Corruption or Komisija za preprečevanje korupcije

Best Model of an Anti-Corruption Regime

Referring the NAB, Quah (2017) refers that anti-corruption agency should neither be an ‘attacking dog against the political opponents’ nor it be a ‘paper tiger’ which does not have sufficient resources like Philippine’s Office of the Ombudsman or without legal powers such as South Korea’s Anti-Corruption and Civil Rights Commission. All such approaches will ultimately result in failure of the anti-corruption regime.

OECD (2008) argues that smaller population and geographical size of Singapore and Hong Kong was an added advantage in the success of CPIB and CPAC in their respective regions.

Geographical coverage and size of the population certainly matters in handling issues. Hence, assigning smaller areas and population to an agency can produce better results.

Ali, Khan and Khalid (2017) conclude that none of the top 10 least corrupt countries of the world have centralized anti-corruption regimes. Kuria (2012) also has the same opinion that top 50 most corrupt countries of the world are having single centralized anti-corruption regimes. Therefore, in particular context of larger countries, it may be advisable to establish sub-national anti-corruption regimes to operate in smaller geographical limits or in case of national regimes, their sub-national wings should operate in greater operational independence.

Sufficient allocation of resources, both human and financial, is also an important element for the success of such regimes. The UN and the Council of Europe Anti-Corruption Conventions also highlight independence, authority, specialization and sufficient flow of human and capital resources as integral components of a successful anti-corruption agency (OECD, 2008).

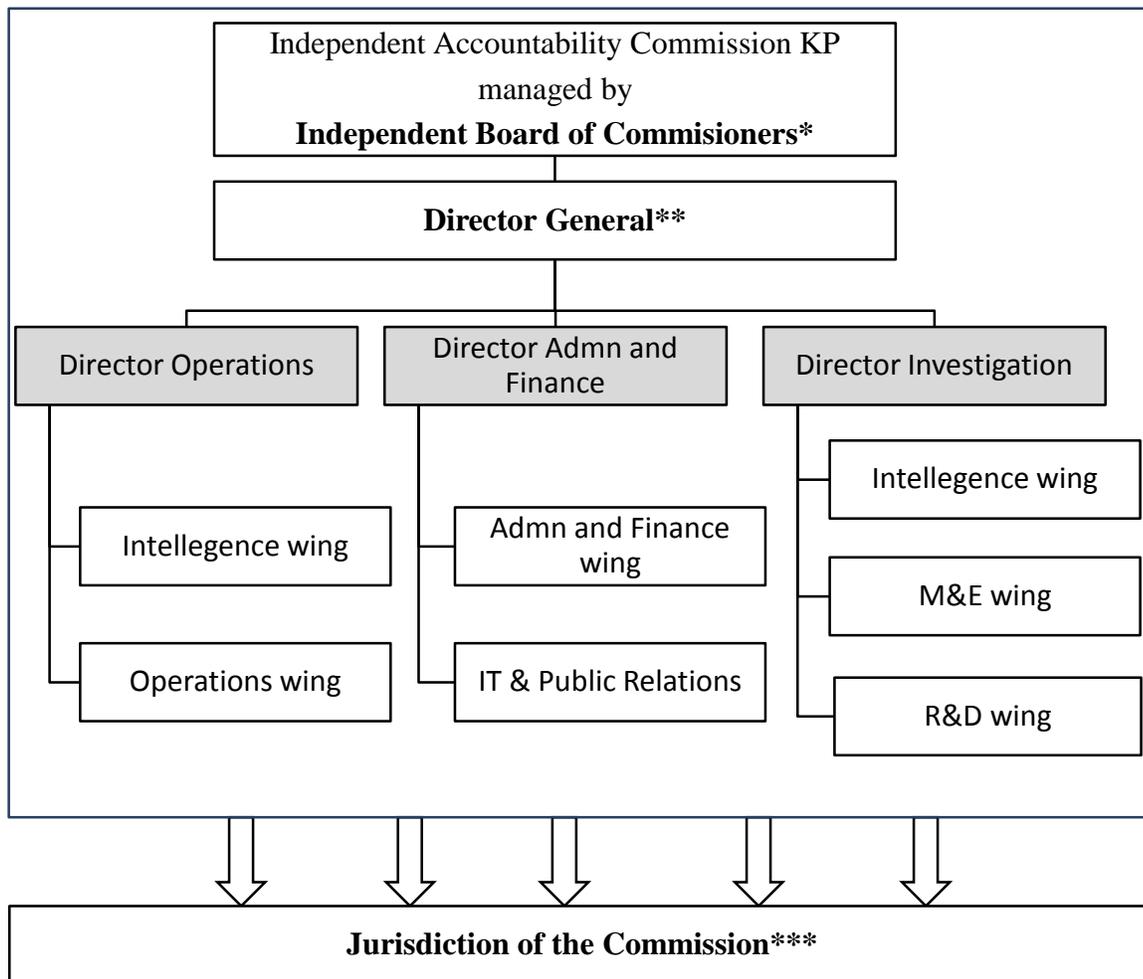
Another significant aspect is the operational jurisdiction of an accountability regime. As happens in the case of NAB, its jurisdiction is barred from Judiciary and military of the country. Speville (2000), Quah (2007), OECD (2008), Heek (2011), Kuria (2012), Provost (2016), Quah (2017) and Khotami (2017) have the agreement that anti-corruption regime should have the authority to probe any office and official or individuals, without any exception, to make the accountability process successful.

Keeping the situation of accountability regimes of Pakistan and Khyber Pakhtunkhwa in view, it is crucial to revamp them on the models of above mentioned countries, giving due weightage to the principles referred above, so the widespread corruption in the country can be curtailed.

Recommendation for Khyber Pakhtunkhwa

Since 18th constitutional amendment has granted financial and administrative autonomy to the province and the contemporary literature considers smaller geographical jurisdictions suitable for the success of accountability regimes hence it would be advisable for the government of Khyber Pakhtunkhwa to establish an independent anti-corruption regime having well trained and well equipped human resource to combat corruption in the province. There should not be any exception in its operational domain. The following diagram proposes an organizational and operational structure for such regime.

Figure: PROPOSED ORGANIZATIONAL AND OPERATIONAL STRUCTURE



Judiciary	Government	Administration	Private Sector
<ul style="list-style-type: none"> • High Court • District Judiciary 	<ul style="list-style-type: none"> • Elected People • Politicians 	<ul style="list-style-type: none"> • Civil Administration • Police • FC 	<ul style="list-style-type: none"> • Corporate Entities • Contractors • Individuals

* Members of the Commission may be appointed through a competitive process under the Public Service Commission with maximum degree of transparency and openness in the selection process. A judicial

or legislative Committee may oversight the appointment process. Members of the Commission should be individuals with highest degree of integrity and professional competency.

** Director General and rest of the team may also be recruited through the same process. They must be top-rated professionals of the field having reputation of uprightness. Professionals from the law enforcement agencies (military, para-military forces, intelligence agencies, police and civil services etc.) having impressive track record, can also be hired after their complete detachment from their previous organizations. However it must be ensured that retired or about to retire people should not become part of this organization.

*** The Commission should have an extended domain all across the public and private sector without any exception. Federal government entities, with the exception of Army, should also be kept under the domain of the Commission because their acts directly affect people and the land of the province.

Judicial Setup of the Commission

Commission should not be a ‘paper tiger’ only. Comprehensive legislation and Rules of Business should be formulated for the Commission with maximum clarity. Roles and responsibilities of each tier of the Commission should also be plainly described so that ambiguities may not lead to operational blunders. There should be an independent Prosecution and Judicial setup of the accountability courts. The Prosecutors and the Judges of such courts should be hired through a competitive process from amongst the legal fraternities. If an incumbent Prosecutor or Judge gets selected, he/she must be detached from the existing judicial setup. Such courts should exercise powers of a High Court so that their role should be decisive. Such independence would ensure the Commission’s intervention in any authority including the judiciary of the province.

Financial and Administrative Autonomy

Hong Kong is having US\$16.59 per capita expenditure on its anti-corruption agency, Singapore is having US\$5.36 while Pakistan spends only US\$0.11 (Quah, 2017). For the success of anti-corruption agencies, sufficient resources and maximum degree of independence is a must. The Commission should be given financial and administrative independence on the analogy of Provincial Assembly and the High Court of the province. Statutory guarantees should be given for the operational and fiscal independence of the institution so that change of governments may not affect its operations.

Keeping the success stories of Hong Kong and Singapore in view, officials of this Commission should be given best possible competitive pay packages and other perk privileges to make the monetary temptations least effective for them.

Greater extent of financial and administrative independence would terminate its chances of becoming an ‘attacking dog’ against the political opponents of the governments.

Oversight

Despite granting operational freedom, certainly there would be the need to maintain a check and balance mechanism on the Commission so that it refrains from abuse of authority. For the purpose a mechanism of legislative and judicial oversight should be created, without interfering in operational framework of the organization.

Launching of Accountability Commission

Once the hiring process of board is completed, the existing infrastructure of the ACE of the province should be handed-over to the Commission. All the policemen and other civil servants presently working in the ACE should be repatriated to their respective departments. The Commission should extend its operational network across the province, establishing regional setups first and expanding to district level afterwards. It would be advisable to further grant operational freedom to the regional and district level setups of the Commission for optimum utility and benefits.

Research and Development (R&D)

The R&D wing of the Commission will have a significant role in operational advancement of the Commission. This will continually explore venues of human and technical development of the Commission. This will acquire knowledge of latest technologies and techniques adopted by same organization of the world and employ the same at local level. This will also explore venues of training the staff for their capacity building on regular bases.

Monitoring & Evaluation (M&E) and Public Relations

This wing will keep an eye on the performance of the operational teams and ensure compliance of standing operating procedures (SOPs). Interacting with public, receiving complaints about the corruption or corrupt practices and keep the public posted about the performance of the Commission will be a critical job. Commission should employ latest gadgets and technologies for M&E and public relations.

CONCLUSION

Corruption cannot be controlled or eradicated without establishing a robust accountability system at provincial level. This paper concludes that following seven can be the main ingredients for making an accountability regime effective.

- i. **Political will** of the leadership to eradicate corruption has the prime importance so that required legislation can be made and implemented.
- ii. **Comprehensive legislation** covering all aspects of an accountability system is a must so that every issue confronting the accountability processes at any stage should have proper legal coverage.
- iii. **Independence** from police, political and other administrative influences so that such influences may not affect its performance.
- iv. **Incappable** human resources provided with competitive salary packages and other perks so that monetary temptations have least influence to them.
- v. **Adequate staff and budgets** should be ensured through statutory guarantees. Highly competent people should be hired, trained and provided with required technical and financial resources so that they can produce best results.
- vi. **Impartial with all-inclusive domain** without exception for any entity, individual or group.
- vii. **Sub-national structure** either totally independent or having operational independence within the centralized structure will be more effective than being a single national level regime, operating across the country.

Establishment of such accountability regime may not be any easy job. Certainly it will be resisted by the corrupt politicians, influential bureaucrats and powerful businessmen who see the existing corrupt

governance system suitable for their vested interests. However, for the greater good of people and the land, policy makers must follow the footprints of leaders in the field and establish the proposed accountability setup for the greater benefits of the people and making the governance good in the province.

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