

February 7, 2007

To all Dzongdags

SUB: MOHCA, DZONGKHAG ADM. & ACC COORDINATION OF ANTI-CORRUPTION EFFORTS

REF: OUR LETTER NO.ACC/COORDINATION-09/2007/786, JANUARY 22, 2007

Dear Sir(s),

I am enclosing a copy of the confirmed minutes of the coordination meeting attended by the Secretary, Ministry of Home & Cultural Affairs, you and our officials on January 5, 2007. As agreed, the minutes will be the basis of our cooperation and coordination with regards to complaints of corruption in the Dzongkhags and Geogs. We all recognize the importance of working together closely and sincerely to effectively combat the "disease" before it becomes fatal. As a small country and with sincerity of purpose and action, we can achieve great results in a short period of time.

Public consciousness of rights and responsibilities need to be constantly raised. Establishment of strong, efficient, effective, fair and responsive general governance structures is important but more critical is the people, who will/are managing these structures. For instance, decentralization per se does not empower people; its effective implementation, in spirit and form, is what matters. While we have made great strides in governance, it may be worth reflecting critically on how decentralization and devolution have impacted on the lives of the general mass, who are the primary beneficiary of development. Ineffective decentralization proliferates corruption and empowers the rural elites and their relatives instead of the general mass; local leaders are re-elected despite accusations of corrupt offences; there is lack of transparency in decision making process or local institutions are abused for private benefit, poor public accessibility to information and weak accountability instrument. The general mass cannot raise their voices against inefficient, corrupt but powerful local leaders for fear of repercussions since they have to seek the local leaders' clearance or blessings for almost everything. This is the cruel reality of the general mass's life, who ironically the leaders and system are expected to serve. While, we would hesitate to generalize the situation in the Dzongkhags and Geogs, we certainly cannot dismiss the problem.

We cannot afford such a situation to perpetuate as it would risk losing public confidence in the government and in the political reform initiated by His Majesty the King. Public trust and confidence is the foundation to the change. Every citizen and more importantly every public servant has great

responsibilities in enforcing the highest standards of integrity alongside strong, efficient, effective, fair and responsive general governance structures. We often find refuge in local institutions and leaders not having "the capacity;" but integrity and honesty is to do with one's character, with the inner self and neither professional capacity nor qualification nor aptitude. Instruments for truly and surely ensuring efficiency (in service delivery), transparency (of decision and action) and accountability (for ones decision and action) need to be strengthened. Capacity certainly is important and concerted efforts are being made towards it. "LEADERS MUST LEAD BY EXAMPLE." It is the most effective strategy towards ensuring efficiency, transparency and accountability, the principle tenets of good governance and this has to be understood and practiced by all our leaders of all profession and at all levels.

The ambience of resignation, impunity and indifference has to give way to an ambience of hope, determination and conviction as new challenges unfold and as we work towards achieving Gross National Happiness -the great vision of a great leader for a great nation.

Thank you.

With warm regards

Yours sincerely,

-Sd-

(Neten Zangmo)
Chairperson

Encl: Confirmed minutes.

- Copy to:**
- 1 Secretary, Ministry of Home & Cultural Affairs – as discussed the amendment suggested by Bumthang Dzongdag has not been included as the issue on *dulang* is explicitly covered in the minutes.
 - 2 Secretary to His Majesty, Tashichodzong, for kind information.
 - 3 Chief, Investigation Division, ACC – management of complaints of corruption in the Dzongkhags and Geogs should be based on the agreed minutes.

**CONFIRMED MINUTES OF THE ANTICORRUPTION COORDINATION
MEETING WITH HOME & CULTURAL AFFAIRS SECRETARY AND
DZONGDAGS**

Participants:

1. Dasho Penden Wangchuk, Secretary, Ministry of Home & Cultural Affairs
2. 19 Dzongdags (except Pema Gatshe)
3. Neten Zangmo, Chairperson, ACC
4. Thinlay Wangdi, Commissioner, ACC
5. Chimi, Assistant Officer, ACC &
6. Leki Dhendup, Assistant Investigation Officer, ACC

Venue: NEC Conference Hall, **Date:** 5th January, 2007, **Time:** 5:30 pm to 7:20 pm

Documents shared: Dzongkhagwise gist of complaints

Objective

The meeting was convened by the ACC to share information on complaints related to Dzongkhag and Geog Administration and more importantly to institutionalize an effective mechanism to coordinate and manage the complaints received by the ACC.

The Home & Cultural Affairs Secretary chaired the meeting. Highlighting the problems of corruption, he reminded the Dzongdags that as heads of the Dzongkhag Administration it was imperative for them to lead by example failing which they would not have the moral authority to over see others. They indeed have a very important role in ensuring good governance.

The ACC Chairperson thanked the Ministry of Home and Cultural Affairs and in particular the Secretary for the continued valuable support extended to the ACC. She also thanked the Dzongdags for their active participation in the first ever nationwide commemoration of the International Anti-Corruption Day on December 9, fostering greater people's participation and creating greater public awareness on corruption and its consequences. 10 Dzongkhags were yet to submit their accounts for the commemorative event.

A Dzongkhagwise gist of complaints was shared with the Secretary and the Dzongdags by the ACC to get the essence of people's concerns and nature of complaints. The complaints were largely based on administrative and managerial weaknesses in the Dzongkhag and Geog Administration, which in ACC's view could be easily addressed by the Dzongdags. A case in point was *dulang* demanded by the local office bearers, placing a huge financial burden on the people; there was no transparency about its permissibility and expenditure. Conflict of interest was also a serious matter. The present arrangement of cooperation and coordination of complaints management was ad hoc and hence it was imperative that a clear understanding, information sharing and coordination mechanism was established. It was the ACC's desire to work in close concert with the Dzongkhag Administration in addressing complaints without undermining the Dzongdags' and the Dzongkhag Administrations' credibility and without risking public confidence and trust. A probable reason why most complaints

were lodged with the ACC could be due to perceived fear of repercussion and inaction of the Dzongkhag Administration. The Dzongdags as the senior most civil servants in the Dzongkhag had to lead by example and also build public confidence in them and the Administration. Dzongkhag Administration needs to create conducive environment for people to lodge their complaints and a transparent public grievance re-dressal mechanism should be instituted, thus relieving them of the trouble to come to the ACC. Ultimately it was about serving the people well through an efficient, transparent and an accountable public service delivery system.

General views and concerns of the Dzongdags

- Dzongkhag Administration being oblivious of the complaints against its people and investigation undertaken under such circumstances was unhealthy. It was vital for Dzongdags to be informed of the misconduct of their subordinates or people in their jurisdiction. It was difficult to work if the Dzongdags are not taken into confidence.
- There were two types of complaints - one lodged out of innocence and ignorance. It was due to misconception of messages of corruption disseminated by the media and other sources. The other was lodged with malicious intent, originating from dirty local politics that pervaded villages and Geogs. These complaints were lodged with the ACC even after having been addressed by the Dzongkhag Administration due to local politics, personal conflicts and grudge among the local leaders themselves. The Administration spends much time in investigating the complaints at the cost of other important works.
- Dzongkhag Administration also received complaints and action taken as deemed appropriate. The fear of repercussion for not lodging the complaints with the Dzongkhag Administration was baseless. The ACC must take Dzongdags into confidence for better team work. Identity of complainants should also be disclosed to the Dzongdags. Maintaining confidentiality of information could be a problem.
- Investigation of cases by Dzongkhags on their subordinates would amount to conflict of interest and would create an unhealthy working atmosphere.
- To ascertain the truth of a complaint, Dzongdags must be briefed on any kind of cases so that they could also extend full cooperation and support to the ACC. The ACC should focus on larger issues and leave the rest to the Dzongkhag Administration. However, some were of the view that while the Dzongkhag Administration would act on complaints directly lodged with them, the ACC should do likewise with the complaints lodged with them; besides the Dzongkhag Administration did not have the capacity.
- The ACC should determine a clear time limit for complaints that relate to old cases. It would be difficult to pursue such cases.
- Dzongdags did not authorize or approve public contribution. However, villages/Geogs initiated public contribution for various activities; the Dzongkhag Administration would not afford to either monitor or stop such initiatives.
- One window system was welcomed as it would be convenient for the general public and would also help curb corruption and ensure efficient public service delivery.

The Home and Cultural Affairs Secretary categorically stated that in pursuance of a Government Order, *dulang*s was not permissible at all. He recalled having reminded the Dzongdags of the Order on various occasions. He instructed the Dzongdags that such *dulang*s should be stopped. DYT and GYT had no authority to revoke Government Orders.

Outcome of the Meeting

After a prolonged discussion, it was agreed that:

- Dzongdags would make efforts in building public confidence in the Administration, create conducive environment and establish public grievances redressal mechanism, thus lending credibility to the Administration and minimizing complaints being lodged directly with the ACC.
- Any kind of complaints made to the ACC or the Dzongkhag Administration would be shared with each other to avoid duplication and to foster better understanding and coordination. However, identity of complainants would be protected as per the AC Act 2006 (i.e. w.r.t. complaints lodged with the ACC). Confidentiality of information would be maintained. The ACC would directly communicate with the Dzongdags with intimation to the Ministry.
- The ACC would refer complaints to the Dzongkhag Administration as deemed appropriate for action and the latter would in turn inform the former on the action taken. However, if the ACC was not satisfied with the action, it would take over the case.
- In the event an investigation of a case became difficult for the Dzongkhag Administration, the case could be referred to the ACC.
- Investigation of cases which may entail in pressing penal charges against the accused, judicial process could be initiated by the Dzongkhag Administration or forwarded to the ACC if it was beyond the Administration's mandate.
- Information on corruption cases involving Dzongkhag and Geog officials/people investigated by either the ACC or the Dzongkhag Administration would be shared.

The arrangement would be tried for a year. However, in the interest of having an effective complaints management system and coordination between the Dzongkhag Administration, Ministry of Home and Cultural Affairs and the ACC it could be revisited if difficulties arose during its implementation.
