Performance of Anti-Corruption Agencies in Nepal: A Good Governance Perspective

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Abstract

Several anti-corruption laws and dozens of Agencies including the Commission for Investigation of Abuse of Authority (CIAA) have been working against corruption in Nepal. The current constitution has empowered the CIAA as a supreme body for fighting corruption. Nevertheless, the anti-corruption movement is not well enough. Scholars argue that only the establishment of Anti-Corruption Agencies (ACA) cannot assure the cure and substitute for a high level of corruption. Rather, a strong political will, by various means play a key role; for example, by means of the allocation of sufficient personnel and the budget. Others argue that ACA must also be free from political interference and ACA must also be out of fear and favor in investigating political leaders and senior civil servants. Using empirical evidence derived from unstructured interviews with government officials and the net-work sampling method, this paper investigates the institutional challenges to corruption reduction in order to achieve good governance in Nepal. The study finds that administrative corruption and policy-level corruption are the major hindrances to achieving good governance in Nepal.

Keywords: Nepal, corruption, ACA's, CIAA, institutionalism

Introduction

Corruption is a global phenomenon and has become rampant around the world despite the various actions taken against it. This study aims to examine the effectiveness of CIAA as evidenced in the government report and the report of international institutions and perceived by different stakeholders. These days, the topic of corruption and anti-corruption, have been receiving of much more importance; most probably as a result of its adverse effect on a country's economic growth and development (Serritzlew, Sonderskov, & Svendsen, 2012; Bardhan, 1997; Myint, 2000; Gasanova, Medvedev, &Komotskiy, 2017). According to Transparency International (2022), the misuse of the position by officials, either public or private, usually destroys the structure and beauty of society. It not only costs citizens freedom, health, and money but also decreases people's trust in political and economic systems, institutions, and leaders. Corruption impacts almost every genre of social life. Dimant & Tosato (2017) argues that the motivation to engage in corrupt behavior equally impacts negatively on economic and societal development. They further stress that corruption also increases bureaucratic inefficiency, reduces the investment climate, and increases threats to good governance. The World Bank has given the metaphor 'AIDS' of democracy and good governance which spreads relentlessly from official to official and agency to agency until it successfully undermines the vital institutions of the state and until the political system, they represent collapses (Bello-Imam, 2005).

In Nepal, since 1977, CIAA was established and has been given constitutional status to counter corruption effectively and efficiently. Several anti-corruption measures including the Prevention of Corruption Act, of 2002 and Constitutional body like the Commission for Investigation of Abuse of Authority (CIAA) have been established to work against corruption. The current constitution of Nepal (2015) has empowered the CIAA as the main body responsible for the investigation and probing of cases against persons involved in corruption-related incidences (Government of Nepal, 2015; Article 238 & 239, pp. 154-157). Many civil society organizations and media also have played a vital role in the anti-corruption campaign. More importantly, Nepal ratified the United Nations Convention against Corruption in 2011. Almost all political parties have committed to strengthening CIAA and have mentioned several times 'zero tolerance' against corruption-related offences. These favorable conditions have not contributed well in the fight against corruption and in the establishment of good governance, which is obvious by the several incidences observed even within CIAA and in the overall national scenario. In terms of the 'number,' there is no doubt that Nepal has sufficient anti-corruption agencies and laws. However, it is always questionable in the 'quality' and 'efficiency' of these mechanisms.

Some studies were carried out to see corruption and anti-corruption in Nepal, for example; Khanal, Rajkarnikar, and Karki (2007) studied the effectiveness of CIAA and National vigilance center (NVC), Dix (2001) studied corruption and anti-corruption in Nepal and Jamil, Askvik & Banjamin (2016) comparatively studied the citizen's trust in anti-corruption agencies in Bangladesh and Nepal. But these studies did not address what factors explain effectiveness or ineffectiveness, and how different stakeholders perceive the effectiveness

and ineffectiveness of CIAA. To answer these questions, we need to understand both the success and failure factors of CIAA. Thus, the present study focuses on the perception of different stakeholders to identify the effectiveness or the ineffectiveness of CIAA. This study has focused on the perception of different stakeholders to assess the effectiveness or the ineffectiveness of CIAA concerning the good governance perspective.

Given the aforementioned context, the paper examines the three central research questions: How do different stakeholders perceive the effectiveness (or ineffectiveness) of CIAA? Does institutional design impact CIAA's performance? Why is CIAA not effective despite having a constitutional mandate?

Methodology

To answer the research questions listed above, this study has employed the qualitative method with semi-structured interviews from selected stakeholders from government organizations, international organizations (working in the field of corruption), and scholars who specialize in corruption in developing countries in South Asia. Data were gathered mainly from government and non-government institutions, national-international anti-corruption watchdogs, and civil society because they are the relevant, reliable, and authentic sources of information to achieve the objective of this research. 24 people have interviewed: eight government officials (Secretaries, Joint Secretaries, and former Secretaries of the Government of Nepal), eight top managers from non-governmental institutions such as Transparency International, World Bank, and ADB, and eight academicians (Professors and Associate Professors of Tribhuvan University). The current study employed the purposive sampling and sample networking model to select the sample population. The people and organizations interviewed were chosen for their positions of authority and their specific knowledge of the issues of corruption and anti-corruption management.

Literature Review

Since this study seeks to understand the effectiveness of CIAA, the author has reviewed the literature that provided the analysis of the effectiveness and ineffectiveness; success and failure of anti-corruption agencies. The relevant literature that provided answers to the reasons for failing anti-corruption agencies and to those of successful anti-corruption agencies have been reviewed.

Theoretical framework: Institutionalism

Institutions, according to Mokyr (2014), are how each society operates formal rules-regulations, social norms, and customs and are strongly shaped by its members. According to North (1991), institutions are the humanly devised constraints that shape the overall political, economic and social interaction. He believes that institutions consist of both informal and formal rules. Institutions do also provide the incentive structure of an economy

and hence is an important determinant towards, growth or stagnation or decline (North, 1991).

Institutions are a structural feature of society and are created to decrease uncertainty and promote stability over time. They must pose constraints and affect their member's behavior according to North (1991). At the same point, it is equally important to note that institutions possess both internal and external defences (Bates, 2014). He argues that, on the course of implementation of the legal mandates and the resources, this official, top level, and the lower ranks defend the institution and its mission.

Institutions, whether bureaucracies or the legislatures or the courts are considered as engines to drive a country's social as well as political life (Pai& Sharma, 2005). New Institutionalism assumes that the political institutions have more institutional autonomy to act as 'agents of change' and is not merely the reflection of the 'social forces' (Pai & Sharma, 2005). New Institutionalism argues that rules and norms-based institutions can only result in better policy-making and more stability.

Knowledge Gap

The majority of the studies have focused on the 'external' variables of ACA to be successful in their action and have the least focused on good governance linkages. For example, Khanal, Rajkarnikar, and Karki (2007) focused on rules and regulations; Bolongaita (2010) focused on the roles of the ACA; Doig and Norris (2012), on tactful strategies of ACA, Luis (2009) stressed political interference. There has been little emphasis on institutional design and the overall structure of the personnel management of the ACA. This paper has attempted to find that gap and focus on institutional design by adopting unstructured interviews with the aforementioned participants.

Understanding Corruption

There is an implicit consensus on considering corruption as a major problem; however, there is no universal consensus on its definition. International Monetary Fund (IMF, 2013) defines corruption as "the abuse of public authority or trust for private benefit". Like all other complex social phenomena, corruption is difficult to define in a single sentence. Essentially, corruption, according to Alatas, (1990) is the abuse of trust in the interest of private gain. It can be regarded as a deviated behavior from normal standards. It represents an overall scenario and picture of a country. Broadly, corruption is the reflection of countries' legal, cultural, institutional, political and economic institutions (Svensson, 2005).

Nye, (1967) argues that corruption is behavior that deviates from the normal duties of a public role because of private-regarding, pecuniary, or status gains, or violates rules against the exercise of certain types of private-regarding influence.

Similarly, according to Transparency International (2022), corruption is "the abuse of entrusted power for private gain". However, this 'private gain' or 'personal benefit' might

not always take place in the form of cash; rather it can take place in different forms. The abuse of authority may take place in the form of favors, and holidays; sometimes it may also be in the form of societal, benefits for relatives, sexual benefits, and inappropriate hospitality. The purpose may vary according to the need and situation; the central idea is the 'misuse' or 'abuse' of authority. Asian Development Bank, (2010) defines corruption in a little more comprehensive way;

Corruption involves behavior on the part of officials in the public and private sectors, in which they improperly and unlawfully enrich themselves and those close to them, or induce others to do so, by misusing the position in which they are placed.

From the above definitions, we can infer that corruption is a deviated behavior of government officials (especially) while accomplishing their duties. This is stealing through fraudulent activity and it is the misuse of the trust and faith provided by the state. In other words, it is a serious betrayal, deception and the deviation of the public servants from their given duties and responsibilities. That is why, globally, corruption is considered a major challenge and obstacle to fighting poverty and promoting good governance.

Forms of corruption

Literature greatly varies in categorizing the types of corruption since it is a very vague and abstract phenomenon. For example, Alatas (1990) divides corruption into seven different categories: transactive, extortive, investive, defensive, nepotistic, autogenic, and supportive corruption (p.3). On the other hand, the Anti-corruption assessment handbook (2009) by USAID has categorized the level and nature of corruption according to the political and economic institutions and the matured democracy in a nation-state. It has identified corruption as four different 'syndromes': mature states corruption syndrome, Elite network-states corruption syndrome, Weak transitional states corruption syndrome, and Weak undemocratic states corruption syndrome (USAID, 2009). Nepalese state of corruption, if we relate to the report as mentioned earlier, may be found somewhere around 'weak transitional states corruption syndrome'.

Khan (2017), in the World Development Report 2017, claims that the occurrence of corrupted behavior is closely related to lawlessness or the breach of the rule of law. According to him, the power given to the authority, especially politicians, bureaucrats, and businessmen, is misused by various kinds of rule violations for the sake of their benefit. Similarly, the high level of corruption in a country reflects poor productive capabilities and other development processes as well.

Corruption and its Impact on Society

Corruption is a hidden and covert phenomenon that is considered to be one of the major causes of the hindrance to smooth and coherent development. Corruption on balance has a negative consequence in almost every sector of human lives. It weakens economic efficiency, weakens the functions of democracy, threatens good governance and increases

social inequalities (Fishman & Golden, 2017). It results in negative consequences; nevertheless, people keep on involving in corruption because they benefit from it. Likewise, Lewis (2017) uses the words significance component of the 'quite violence' to corruption as he believes that the effective corruption control mechanism is the prerequisite for poverty reduction, climate change as well as disaster risk reduction. Indirectly, corruption leaves an impact on good governance and the overall aspects of society. The magnitude of the impact may vary depending on the context. Bonga, Chiminya, & Mudzingiri, (2015) in a study found that the social and economic effects of corruption are higher in developing countries as compared to developed ones. They assert that, in developed countries, corruption does not necessarily jeopardize the general welfare of the public; whereas it does in developing countries. Here are some of the major impacts of corruption.

Economic impact.

Corruption seems to affect a citizen's every part of our lives. According to Myint (2000), corruption promotes the rise of an underground economy and it equally puts an adverse effect on the investment environment. He further claims that corruption creates unequal income distribution and gives space for distorted consumption patterns. It does impact the national and foreign direct investment environment as well. For example, Gasanova, Medvedev &Komotskiy (2017) find that the FDI flow is high in those countries where the level of corruption is low, and the investment environment is attractive, and FDI flow is low in those countries where the corruption is high, and investment environment is not attractive.

However, they claim that their findings are exceptional to the BRIC countries due to some special internal factors such as the domestic market, abundant natural resources, and cheap labor of those countries. In the article, "Corruption remains rife in South Asia,", The Economist, points out that higher corruption levels are problematic for businesses and is one of the major causes of low economic growth (The Economist, 2017).

Social impact.

Corruption does not leave any sector of societal life. Every consequence of corruption hits directly and indirectly with human life. Hanf et al. (2011) argue that corruption has a significant impact on the child mortality rate, especially in developing countries. Similarly, corruption does also likely to decrease trust in the government and its activities. Richey (2009) finds that the increase in government corruption decreases the citizen's beliefs and trust in government. Because of these negative aspects of corruption, governments and international agencies work towards anti-corruption and establish anti-corruption agencies.

Anti-Corruption Agencies: *Success and failure factors.*

In a comparative study of 42 anti-corruption agencies in 27 Asia-Pacific countries, Quah (2017) analyses the success factors and failure factors in this region. He finds four major components for the successful anti-corruption mechanism. The first and the most critical

component according to him is strong political will by the political leaders. The second, the establishment of type-A anti-corruption agencies (those ACA's which focus exclusively on the performance of the anti-corruption functions) with adequate budgets and personnel. The third, providing the ACA's with legal powers and operational autonomy to act as an independent watchdog without political interference. The fourth is widespread public support to protect ACA's from its enemies.

Heilbrunn (2004) identifies five major aspects that play an important role in the failure to reduce corruption even after the establishment of ACA's. First, the absence of appropriate laws can hinder the effectiveness of ACA. Second, whether or not ACA's is entirely independent of political interference matters. Third, a clear reporting hierarchy system influence the operation. Fourth, the presence of an oversight mechanism is also a crucial factor in the success or failure of ACA. Fifth and last, the size of the population or geography can also influence the effectiveness of ACA's operation.

What kind of approach ACA's adopt does also have a significant impact on its success or failure. Hean (2009), for example, claims that Singapore adopts a 'total approach' in fighting against corruption. Likewise, the politicization of the anti-corruption movement also dilutes the real effort against corruption by reinforcing certain elites and the reactionary group or agents. Therefore, the real fight demands a de-politicization of the fight against corruption by collective effort (Abubakar, 2018). In a similar study in China, Zhu (2016) also argues that as the political rivalry becomes intense, political parties use anti-corruption agenda just as to take revenge instead of the real fight against corruption.

Anti-corruption agencies' relation with other institutions.

Anti-corruption agencies are vital institutions in curbing corruption in many countries. As corruption has been widely accepted as a major social problem, it can only be tackled effectively using a collaborative effort from the government, non-government and many other stakeholders. Anttiroiko (2014) & Saryazdi (2007), for example, stress the role of importance of raising public awareness of corruption and empowering the public. The active and effective action of ACA's also depend on the role of schools, media, and civil society's active participation. Sweeney (2013) highlights the role of school education in increasing awareness of corruption-related activities to instil values among the youth. The fight against corruption; hence, is possible with the collaborative effort with other institutions. Whereas, Meagher & Voland (2006) suggests that ACA's sustainable improvement in corruption control depends on an environment where the other institutions are also improving positively. Therefore, successful and efficient corruption control, according to Jin (2009) always demands a redefinition of distorted policies and a transformation of poor governance.

A strong political will or interference? The only establishment of the new ACA cannot assure the cure and substitute for bad governance. A strong political will (Man-Wai, 2009), sufficient resources and adequate training (OECD, 2013) at the same time play a crucial role

in the success of fighting corruption. The political will must then be reflected in a significant increase in personnel, authority, and budgetary aspects of ACA's. Nevertheless, some evidence shows that enriching the resources alone may not be an effective and right measure against corruption, especially in those countries where the legal and financial institutions are weak and even corrupted within themselves (Svensson, 2005).

According to Quah (2009), the politically committed government, without any fear or hesitation, can enact any favorable legislation needed to empower ACA's impartial. Quah (2017) argues that two factors are most important in an effective anti-corruption strategy. First, there should not be any interference from political leaders in the daily operation of the ACA's activities. ACA's must be free from political control while investigating the high officials and political leaders. Secondly, ACA's should also be out of fear and favor in investigating political leaders and senior civil servants. Moreover, ACA's need to be impartial, and credible and assure the public not to abuse its extensive power.

Strong Anti-Corruption Agencies

How effectively ACA's can perform its duties and operations is influenced both positively and negatively by a country's political system as well. For example, Aminuzzaman & Khair (2017) have pointed out that strong and determined leadership can undoubtedly facilitate the ACA's work, whereas, leadership that misuses power and engages in corrupted behavior can hinder the successful execution of its functions. Political leadership, that is why should be exemplary by being ethical and determined to lead effectively in the fight against corruption. The success or failure of anti-corruption agencies lies in better legislative and regulatory mechanisms as well. However, the presence of these two factors does not necessarily assure the control of corruption; rather the lack of political will significantly impact the success of these agencies (p.13). Some other scholars such as Zhu (2015) and Saryazdi (2007) believe that the systematic and predictable reward and punishment measures empower the performance of ACAs. Zhu (2015) argues that the execution of proper punishment along with the strong mechanism of the government to expose the corrupt individual at the right time plays a vital role in curbing corruption effectively and efficiently.

Policy implementation and ACA's effectiveness.

Unless successful implementation even good policies to curb corruption is meaningless. Bolongaita (2010) claims that the natures of the majority of the anti-corruption agencies in developing countries have been more 'bark than bite' type, and too often many of them were ultimately abolished. It is, therefore, necessary to make them more biting than barking in practice. Similarly, the managerial aspects of the ACA's like tactful and strategic leadership, good management along with expertise in the use of existing resources, staffing, and financial matters are vital in their effectiveness (Doig and Norris, 2012),

Quah (2001) suggests that the sincere commitment of political leadership along with comprehensive anti-corruption measures is essential in curbing corruption effectively. The

incremental process, according to him, is not effective in corruption control. Similarly, his finding further suggests the need for reliable, honest and competent personnel in the ACA. The United Nations Anti-Corruption Convention (Article 60) has also emphasized on adequate training and resources as an important criterion for effective anti-corruption bodies.

Khanal, Rajkarnikar, and Karki (2007) studied the effectiveness of CIAA and the National Vigilance Center (NVC) by adopting case analysis and comprehensive analysis of primary and secondary data. They followed an analytical-descriptive approach to analyze the existing rules, regulations, and institutional arrangements. They surveyed 350 people from 3 different cities to find the people's perception of the effectiveness of both institutions. The perception of people toward institutions suggests the presence of weaknesses in the entire system of anti-corruption agencies. Similarly, the increased workload, absence of adequate resources, and the non-supportive attitude of political and bureaucratic officials are explained as some of the chief factors that hinder the effectiveness of anti-corruption agencies. Their primary finding was based on secondary sources, especially from government and non-government institutions. As the CIAA is one of the chief and central agencies dealing with corruption, there seems a need for research focused only on CIAA.

Quah (2007), comparatively examined the anti-corruption agencies of four Asian countries: Singapore, Hong Kong, Thailand, and South Korea. He analyzed the agencies with reference to six preconditions (1) ACA's must be incorruptible; (2) they must be independent of the Police and from the political control; (3) there must be comprehensive anti-corruption legislation; (4) they must be adequately staffed and funded; (5) they must enforce the anti-corruption laws impartially; and (6) their governments must be committed to curbing corruption in their countries. His assessment showed that ACA's in Singapore and Hong Kong are more effective as compared to South Korea and Thailand's ACA's. The significant attributing difference was the degree of political will of their respective governments which reflects in the allocation of adequate staff and budget. Another essential demarcation was the impartial enforcement of their anti-corruption laws.

Causes of Corruption

There may be a different set of factors related to corruption in different countries. The driving forces of corruption are multiple ranging from the quality of the government, the accountability mechanism, the legal frameworks, the state of information dissemination, and transparency (Shah, 2012). Similarly, Desta (2006) finds that the five leading causes of corruption are low salary, lack of transparent political process, lack of effective reporting system, lack of meritocratic personnel policy and self-serving attitudes of the government officials. If we analyze the theories on corruption, they chiefly emphasize the role of institutions along with the economic and structural policies of a particular country and their context (Svensson, 2005).

The opinion and empirical evidence vary in different studies. For example, Enste, Dominik, Helden & Christina (2017) in an empirical study in the last two decades, have found that among the other different causes- the quality of institutions, extent of competition, press freedom and the judiciary, cultural determinants and the endowment of natural resources have a very strong effect on corruption. The king of every policy is considered to be politics, and politics shape the institutions in both positive and negative ways. For example, Singh (2016) finds that the political interference from the elites in Afghanistan has negatively led to the performance of the anti-corruption agency and supported to prevail corruption.

Major challenges in the anti-corruption movement

Fighting against corruption always remains challenging mainly because of two reasons- first, due to the secretive nature and variety of forms (Svensson, 2005). Besides these two challenges, the networks of the people being involved and engaged in a corrupt act are another challenge for anti-corruption agencies to detect. In one study in China, Zhu (2016) finds that the network of corruption is intensified and operated like a 'syndicate' by a collective and complex network of various participants from different government, private and local actors. In another similar study, Gong (2002) also claims that corruption gets more challenging and difficult to detect as a result of the involvement of multiple stakeholders with their 'tactfully organized' effort in corrupt practices.

There is the involvement of some so-called 'middlemen' in the process of socializing the corrupt practices. Those 'professional' middlemen and the broker usually act as the 'bridges' between the corrupted and the corruptor (Della & Vannucci, 2012). These 'middlemen' may establish contacts between the two parties and help conduct negotiations and physically transfer bribes. Such networks and hidden 'deals' are challenging for anti-corruption agencies to unveil and detect. In a country like Nepal, the removal of the high-level member of the CIAA by the Supreme Court has proved that the appointment process of the chief and the other commissioners have now become a serious challenge in the course of corruption control. Political interference in different forms, for example, by dismissing the senior officers, reducing the power and mandates, and limiting the budgets, often are some kind of challenges to the ACA's (Sousa, 2009). He further argues that these sensitive areas are usually the targets and interests of the political parties to create favor and pressure on their behalf.

Results and Discussion

How do different stakeholders perceive the effectiveness (or ineffectiveness) of CIAA? There have been mixed responses from the respondents regarding the effectiveness of CIAA in reducing corruption in Nepal. However, except for the category 'civil servants', rest of the respondents from other categories perceive that the effort of the anti-graft body in controlling corruption is almost meaningless and ineffective. Even within the 'civil service' category, most of the respondents responded that the action against corruption had been initiated and the efforts have not been sufficient. But, some of the respondents from this

category said that CIAA has been fighting effectively and being successful in its mission. This is a bit contradictory, why do only civil servants perceive CIAA is effective and others do not? A simple explanation is that they are in the service currently and maybe, it is 'unethical' to speak negatively against a constitutional body. Those civil servants who are now retired and are not in the service currently, however, strongly oppose on the effectiveness of CIAA in curbing corruption.

The academicians from the universities reported that the major form of corruption is at the administrative level of public service delivery. Likewise, another form of corruption resides at the policy level. Administrative corruption has been witnessed and stated by the respondents that it exists in the form of bribery as well as the misuse of the power of authority both in bureaucracy and political leadership.

Does institutional design impact CIAA's performance? The performance of CIAA can never be attributed to the accidental outcome; instead, it can be associated to the programmatic flaw based on the institutional design which is primarily the interest and motivation of the political leaders and the senior bureaucrats. The most important point from the discussion is that a culture of politicizing public institutions, for example, by being unfair and biased during the appointment process of the members of the constitutional bodies including CIAA, does not allow it to be an independent institution. There is controversy about making CIAA an independent institution. However, even if it is not suitable and appropriate to make it autonomous, at least it would be better to create CIAA's own personnel management system. As a result, the staff can develop more professionalism and expertise in the investigation. This kind of uncertainty keeps continuing as a result of path dependency and is least likely to change the institutional dynamics. According to Hall & Taylor (1996), institutions are seen as a relatively persistent feature with a set of paths known as 'path dependence'. This path dependency has created a vicious cycle within the CIAA.

As a consequence of not being an independent body, the staff and personnel required for the CIAA are transferred and managed by the Ministry of Federal Affairs and General Administration. It creates uncertainty and also hinders in making highly professional human resources. It takes a certain time to train and hone the human resources for the institution. However, after a certain period of time, they get transferred from the CIAA. It does not maintain and sustain the professionalism among the CIAA human resources and further causes more financial burden as well.

Why is CIAA not effective despite having a constitutional mandate?

From the above discussion, it has been observed that multiple factors play a crucial role in shaping and influencing the performance of CIAA. The most important one is institutional design. Second, the punishment and reward systems are not predictable as has been envisioned by the anti-corruption laws. On the one hand, light or no punishment for the convicted, the weak implementation of the laws, and in some cases, the political patronage given to the corrupt people; on the other hand, no reinforcement and reward to those

officials who are highly righteous and law-abiding has also created confusion and demotivation among the public servants. For example, in several instances, the corruption cases filed by CIAA in the Special Court do not get a verdict in its favor because of the weak investigation. This has been a serious issue for CIAA and has given a wrong impression to the public that wrong-doers get free after a certain time. In this regard, CIAA should file the cases with strong evidence and assure that the culprit gets the right punishment.

The next point from the discussion is the political will that is needed to strengthen and enhance the performance of CIAA. Political parties in their election manifesto give much more importance to several issues including the 'zero-tolerance' against corruption, nevertheless, once they reach the cabinet, almost forget the agenda. Corruption control, in Nepal, has never been a political agenda. Unless it becomes a political agenda to make an effective institution, the CIAA alone cannot do such magic in curbing corruption. Formerly political parties would attribute the political instability and transition as hindering factors for the country's smooth growth, development, and advancement. However, even after the peace restoration, political parties have not been able to show their complete determination to address several issues including corruption.

Another argument from the discussion is based on salary and wages for public servants. Increasing salaries in a poor country like Nepal may not be an effective and practical measure to fight against corruption. However, substantial reform in civil service demands cutting down the size of the public servants and strengthening performance management with increased accountability to promote good governance. Since the civil service has been often criticized as sluggish and rule-oriented rather than result-oriented, a mere increment in salaries and benefits may not improve the civil servant's performance dramatically.

Another equally important issue from the discussion is on adequate resources and the strong investigative capacity of the CIAA personnel. This point is also related to the earlier discussed issue which is the political will. In several cases filed by CIAA in Special Court, there has been a lack of sufficient evidence and they do not get a verdict from the court. This is happening as a result of the weak investigative capacity of the CIAA. On the surface, it seems like it is not such a big issue to ensure and provide sufficient resources and make a strong investigative capacity. However, in reality, they need a strong political will and commitment from the political leaders to ensure these prerequisites.

Corruption is a complex phenomenon. The fight against corruption is meaningful only when it becomes a collaborative effort from the government, non-government, and all the concerned stakeholders. The next important issue that came from this research is related to the awareness, campaign, and cultural reforms to fight against corruption and to make CIAA more effective. The fight against corruption should not be considered a responsibility of CIAA alone; every individual, civil society, academic institutions, mass media, and other sectors of society should be responsible.

The key insight for better ACA

To establish a corruption-free society, this study strongly suggests rewarding the 'good' officers and punishing the 'corrupted' ones; the reward and punishment system should be more effective. This is also imperative that the CIAA should have its personnel management system from appointment to retirement. Since there are political interests and interference in CIAA especially during the appointment process, there should be a fair selection and appointment of the members. As CIAA's jurisdiction is limited only to the civil service, respondents recommend the jurisdictions to be extended.

Another important thing, unless anti-corruption becomes the major agenda of 'executives,' it can never be controlled. Next, the reform in societal norms and values by utilizing social campaigns, media awareness, school education, 'whistleblowers' provision, and so on plays a crucial role in curbing corruption. Likewise, the punishment systems should be strong and effective in curbing corruption. To increase the success rate of the cases filed in Special Court and to increase the faith and reliability of CIAA, a strong and powerful investigative body with professional staffs who can operate and execute in-depth analyses to yield sound evidence is required. A strong willpower and determination from all the concerned stakeholders are required to reform the institutional design if 'zero tolerance' against corruption is the motto of the government of Nepal.

So, what is the best thing that we can do to make the anti-graft body more powerful and workable for good governance? The insight from the research is that there needs a substantial reform in the institution. It is the right time for leaders now to think of a proper institution that can pose constraints and affect the behavior of its members as perceived by North (1991). This is particularly the problem in the developing world. Uberti (2015), for example, argues that the fight against corruption in developing countries is almost impossible without fundamental reform in the existing anti-corruption mechanism. As most of the respondents perceived that the CIAA's performance was heavily influenced by the individual rather than the institution itself. We need to design the institution in such a way that the institution itself functions properly and effectively not necessarily depending on whoever comes as the head of the institution. That is why better policy-making and stability can only be obtained with rules and norms-based institutions.

In strengthening the role of the institution, Mungiu-Pippidi (2018) also stresses that the anti-corruption intervention must be designed by empowering and strengthening the anti-corruption agency on the basis of a joint strategy so that it is possible to counter corruption by increasing the constraints on corruption. However, it should not be observed and considered as the role and responsibility of a particular institution like CIAA alone. For example, Moro (2018) suggests that the anti-corruption agency's empowerment is possible only along with the adoption of public policies targeting the prevention and control of corruption by other public institutions including the executive and legislative branches of government. Corruption control, in reality, needs a strong heart and visionary mind. Once it

is established to function effectively with the right institutions, then the system itself operates in the right way.

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