

ANT-GORRUPTION HELPDESK

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BEST PRACTICES IN REDUCING BUREAUCRACY AND CORRUPTION

QUERY

Could you provide us with best practice examples on bureaucracy and corruption?

CONTENT

- The links between corruption and bureaucracy
- 2. Main trends in reducing bureaucracy
- 3. Country studies: Portugal and Georgia
- 4. References

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SUMMARY

Excessive bureaucracy or red tape - as it is often referred to - is a "derisive term for excessive regulation or rigid conformity to formal rules that is considered redundant or bureaucratic and hinders or prevents action or decision-making" (Anti-Corruption Business Portal, Corruption Vocabulary). As a result, red tape imposes a disproportionate bureaucratic burden on firms and citizens. It can manifest itself excessive or overly rigid administrative procedures, requirements for unnecessary licences, protracted decision-making processes involving multiple people or committees and a myriad of specific rules that slow down business operations. There is a broad consensus that unnecessary and excessive administrative requirements for complying with regulations create both incentives opportunities for bribery and corruption.

Countries across the world have implemented reforms aimed at reducing bureaucracy. While in some countries such reforms are part of broader anticorruption strategies, in others it primarily aims to service delivery or to increase competitiveness. There are a wide range of tools used by countries to reduce red tape, such as the establishment of one-stop shops, the use of datasharing and standardisation, and reforms aimed at simplifying administrative procedures and cutting bureaucratic burden. ICTs and E-government have also been used to improve administrative regulations, and most importantly, to improve transparency and accountability. This answer analyses the case of Portugal, where extensive and ambitious reforms aimed at reducing bureaucracy have implemented, and the case of Georgia, which is often

referred to as a best practice example in reducing red tape and curbing bureaucratic corruption.

1 THE LINKS BETWEEN CORRUPTION AND BUREAUCRACY

Definition of bureaucracy

Bureaucracy or red tape – as it is often referred to – is a "derisive term for excessive regulation or rigid conformity to formal rules that is considered redundant or bureaucratic and hinders or prevents action or decision-making. ... Red tape generally involves the filling out of seemingly unnecessary paperwork, obtaining unnecessary licences, having multiple people or committees approve a decision and various low-level rules that make conducting one's affairs slower, more difficult, or both" (Anti-Corruption Business Portal, Corruption Vocabulary).

Evidence of linkages between corruption and bureaucracy

There is broad consensus that bureaucracy and red tape offer both incentives and opportunities for bribery and corruption. Institutional barriers provide an opportunity for rent-seeking as individuals and businesses may be willing to make illegal payments to circumvent these barriers. Also, in some countries, public officials may create additional bureaucratic procedures as an opportunity for bribe extortion – changing the public sector's incentive system towards a rent-seeking culture.

The World Bank and the International Finance Corporation (IFC) also note instances where reducing red tape, and presumably corruption along with this, appears to have significant positive effects on business activity (World Bank and IFC 2006). **Business** Moreover. the Environment Performance Survey (BEEPS) underscores that unnecessary and excessive administrative requirements for complying with regulations may encourage bribe-seeking by public officials and bribe offers by firms. Analysis of the BEEPS results for transitional economies shows that excessive regulations appears to contribute to higher levels of administrative corruption (World Bank 2011).

Some studies in the 1960s argued that bribery, or "grease money", paid to overcome administrative barriers could speed up individual transactions with public officials, and therefore may have a positive impact on economic growth¹ (Huntington 1968; Left 1964). However, with more research and evidence becoming available, several recent studies have demonstrated that such illegal payments are not beneficial. They have been found to distort competition and hamper public service delivery. Kaufmann and Wei found that, overall, grease money creates incentives to devise additional bureaucratic procedures to extort even more bribes, which offsets any possible efficiency gain from corruption (2000). Similarly, other scholars have also found that corrupt bureaucrats may continue to create distortions (that is, excessive regulation) in order to create or maintain rents (Kurer 1993; Mauro 1995; McChesney 1997; Tanzi 1998).

In a study analysing the levels of regulatory burden and corruption, Dzhumashev concludes that corruption does not reduce excessive red tape and that, in an environment with higher corruption, the resulting red tape cost or regulatory burden is higher (2010).

Within this framework, overly complicated rules and lengthy procedures for registering a new business or issuing a passport, for example, may open opportunities for corruption to flourish. Governments need to ensure that rules and regulations are clear, fair and justifiable, while taking into consideration both citizens' and businesses' needs.

2 MAIN TRENDS IN REDUCING BUREAUCRACY

Overview

Many countries have chosen administrative simplification as a means to reduce red tape and bureaucracy. As a general trend, simplification

2

¹ Several researchers have focused on the effect of corruption on economic efficiency, achieving conflicting results and views (For more information on the *Impact of Corruption on Growth* see previous Helpdesk answer available at request.

strategies mainly focus on interactions with business, aiming to control the negative effects that corruption exerts on competition and growth. More recently, however, several countries have also developed strategies aimed at reducing administrative burden on citizens, such as Belgium, France, Germany and Portugal. Moreover, such strategies have evolved to more complex and comprehensive regulatory quality reforms.

The creation of one-stop shops for businesses, and more recently, for citizens, is by far the most used initiative to reduce red tape. Such initiatives are now supported by the use of electronic and web-based platforms. Another trend which can be identified in such programmes is the review and amendment of existing legislation to make compliance easier, as well as the establishment of targets for burden reduction. In the following section, the initiatives adopted in several countries, which are considered as best practices in cutting red tape by the OECD will be discussed in detail.

Best practice tools to reduce administrative burden

The OECD has developed a toolkit for administrative simplification and reduction of administrative burdens, which highlights initiatives adopted by different countries that have brought good results (OECD 2006; 2011), including:

Process re-engineering

Process re-engineering mechanisms are based on the review of requirements made by the government with the aim of reducing their number and to facilitate compliance though redesign, eliminations of redundant steps and use of technology. For instance, an administrative burden for companies can be reduced by lifting (part) of the regulations, exempting groups of companies and changing the frequency and scope of reporting and/or inspections.

With regards to permits and licences, process reengineering mechanisms used by countries include the replacement of authorisations by notifications, simplification of documentary requirements and the establishment of time limits and "silent is consent" clauses. Other mechanisms include the harmonisation of laws and regulations, for example, by reviewing existing regulations to eliminate inconsistencies and duplications and integrating different and fragmented regulations into a (single) comprehensive law.

Facilitating compliance may also help relieve burdens on companies and create disincentives for corrupt behaviour. One way of facilitating compliance is by adopting a risk-based approach. Through this approach, governments focus the regulator's resources in areas which offer greater risks to society, while compliance procedures for low-risk business are simplified. For example, in Denmark, environmental supervision is prioritised towards companies that do not comply fully with the legislation. Companies are thus categorised into three levels: Level 1 firms, considered environmentally friendly, have lower supervision priority; Levels 2 or 3 firms, which already failed to comply with regulations, have greater needs for supervision.

One-stop shops

Governments should seek to provide easier, faster and more transparent help and guidance to companies and citizens. The establishment of one—stop-shops for single entry to authorities is one of the particular mechanisms used in several countries. One-stop shops may provide several integrated functions, such as starting a business, post-registration formalities with tax authorities, provision of information on business environment and its requirements, as well as issuance of documents, licences or permits. These service points may be virtual – providing a single electronic interface for entrepreneurs, as is done in Denmark, New Zealand, and Norway (World Bank and IFC 2012).

Canada created the BizPal, a web-based service that allows businesses to easily generate a customised list of the permits and licences required from all levels of government (federal, provincial/territorial, and municipal). This one-stop shop online resource helps businesses to clarify steps for regulatory approval, while reducing their costs to meet compliance requirements (OECD 2006).

Data-sharing and standardisation

Businesses often have to submit the same information to different government agencies in different formats and by other means. Data-sharing among these agencies, as well as standardisation of formats, could decrease the bureaucratic burden on business. In Finland, for instance, the post office offers an electronic client service through which companies and associations can make declarations to the authorities which collect statutory data, allowing users to report the data only once. In the Netherlands, companies only have to submit information to the tax authority which is then responsible for sharing it with the Workers Insurance authority (OECD 2006).

E-government

Information and communication technologies (ICTs) and E-government initiatives are important tools for achieving administrative simplification and reducing regulatory burdens.

There are several mechanisms using ICTs that can reduce administrative burdens and facilitate all the procedures discussed above, such as the use of electronic reporting with or without automatic generation of information from the companies' own systems; data-sharing between authorities using advanced ICT solutions; online one-stop shops for both companies and citizens.

In the Netherlands, the ICTAL programme involves using ICTs to reduce administrative burden. It aims at establishing integrated service provision for single submissions by businesses and multiple usages for governments. For example. а Government Transaction Portal was created where businesses can send all data compulsory under government regulations, which are then automatically passed to all relevant government agencies. The programme was expected to cut administrative burdens by €280,000 (US\$351,375) from 2008 onwards (OECD 2006).

Promising practices for achieving better results

To reinforce administrative burden reduction programmes and ensure that results are consistent and benefit both businesses and citizens, the OECD

has underscored several enabling policy options to be combined with the above described tools. Within this framework, countries should aim to integrate administrative burden strategies with broader regulatory reforms and e-government.

Ex ante controls

Countries have also adopted ex ante (before the event) controls of the burden introduced by new regulations to minimise new administrative burdens and ensure that new regulations are proportional, rational and transparent. Ex ante controls are usually done through impact assessments and have proven instrumental to ensure that administrative reduction programmes are consistent – also in the long run. In Portugal, for example, in 2006 the Simplex Test was introduced within the Better Regulation Programme – an instrument to assess the administrative burdens imposed by new legal rules (OECD 2008).

Measurement

Measurement has also become part of the strategy for administrative burden reduction. The most common measurement tool for assessing the cost of burdens is the standard cost model (SCM), which was developed in the Netherlands. This model allows the measurement of the burden that a single obligation imposes on business (or citizens), which then allows countries to set reduction targets and measure reduction over time (OECD 2010). For instance, in 2006, the European Commission set a target to reduce administrative burdens on companies by 25% by 2012. Several other countries have set similar or even more ambitious targets, such as in Germany, the Netherlands, and Sweden.

Despite its widespread use, several critiques have emerged with regards to the cost-efficiency of administrative burden reduction programmes using the SCM, particularly due to the high costs of the measurement process and the uncertainty in relation to its impact on society (OECD 2010). In this context, the OECD has highlighted that strategies to reduce red tape should be elaborated based on both quantitative analysis (through measurement) and qualitative analysis (through consultation stakeholders and perceptions surveys among others). The Norwegian version of the SCM, for example, collects qualitative data as well as quantitative data; surveys are conducted to collect

information on how burdens are felt by those interviewed in addition to the burdens measured (OECD 2010).

Coordination, monitoring and stakeholders' engagement

Efficient institutional structures for coordination and monitoring of administrative simplification reforms should be created. It is also essential to involve subnational levels of government.

Additionally, involving affected stakeholders from the beginning may also ensure that reforms are tackling the "right" problems. Consultation, therefore, is a key step for a successful reform. In the United Kingdom, the government established a website which encourages stakeholders and their representatives to submit ideas for simplifying regulation or reducing administrative burdens. The Better Regulation Executive (BRE) also has a business visitation programme, which involves BRE staff regularly visiting a diverse range of stakeholders and audiences in every region to collect their feedback (OECD 2010).

In Mexico, the government launched a campaign entitled "The most useless procedure" to reward citizens who denounce the most absurd bureaucratic procedure that they have faced and who propose the best solutions to cut red tape and bribery (World Bank Blog 2008). Transparency International Mexico was part of the panel to decide on the best idea.

Challenges

Despite the popularity and, in many cases, success of such programmes aimed at reducing bureaucracy, the perceptions of those who should mainly benefit from it are not always positive. According to the OECD, there are several reasons why results and perceptions may not coincide. Firstly, it may be related to the delay in visibility. Stakeholders may need some time to realise the benefits of reforms. Secondly, many reforms to reduce administrative burden start with easily removable red tape, meaning that legislation which was obsolete, or not actually complied with, is the one to be removed first. Businesses and citizens, who many times were not even aware of such regulations, will not realise or recognise the change. Thirdly, in many countries

governments do not take into account the perception of those who are regulated, instead making use of quantitative measurement tools which identify rules and regulations that are costly, but not necessarily the ones which are the most burdensome to business. Lastly, the failure to communicate reforms from the beginning may also play a role.

3 CASE STUDIES OF PORTUGAL AND GEORGIA

This answer analyses the case of Portugal, an OECD country which has implemented extensive and ambitious reforms aimed at reducing bureaucracy, and the case of Georgia, which is often referred to as a best practice example in reducing red tape and curbing bureaucratic corruption. While initiatives to cut red tape and reduce bureaucracy as adopted by several OECD countries did not intend primarily to curb corruption, they have helped to increase transparency and accountability, and thus, may have the potential to limit corruption opportunities. In Georgia, on the other hand, reducing red tape was a deliberate component of the government's anticorruption strategy.

The case of Portugal

In 2006, the Portuguese government established a Legislative and Administrative Simplification Programme (Simplex) integrated within an Egovernment programme. The programme primarily aims to quickly improve the efficiency and effectiveness of public service delivery to citizens and businesses, as well as improving competitiveness through better regulatory frameworks (Presidency of the Council 2006).

In its initial phase, the Simplex programme was based on the principle that reforms should target concrete problems (quick wins) rather than aim at a comprehensive reform targeted at all sectors. Initiatives were thus selected following a bottom-up approach, which helped with rapidly removing some Simplex kev bottlenecks. The programmes established in subsequent years have broadened their scope to cover the improvement of regulatory quality more generally, as well as to promote a cultural shift within the public administration with regards to regulatory policy (OECD 2008).

Although the Portuguese public sector is extremely centralised, regional and local levels of government, autonomous regions and municipalities all play an active role within the programme. They are involved in the legislative procedures via consultations and have to apply a number of the simplification measures taken up by the central government. Regions and some municipalities have also developed their own simplification measures.

In the Simplex 2006, the initiatives were divided into key areas of intervention, including:

- Elimination of certificates by improving information sharing among different departments and authorities and creating an online "permanent certificate" which can be accessed on the portal Business Online by any public or private body through an access code.
- Elimination of paper. Among other initiatives aimed at reducing paper work, and thus bureaucracy, the government created Citizens' Portal, which was designed to facilitate the relationship between citizens and the state and is a privileged channel for accessing public services. An electronic ID (Citizen's Card) with a digital signature was also created to allow all citizens to access public e-government services. In the area of public procurement, bureaucratic were procedures eliminated with establishment of E-Procurement Programmes. The process for purchases became much cheaper and transparent.
- Simplification/de-bureaucratisation aimed at reducing obligations that were disproportionately burdensome or complex for citizens and businesses, and to eliminate unnecessary licences, permits and so on.
- Facilitating access to public services by improving service integration and information and data sharing, as well as transforming the way people are dealt with at physical contact points. Measures included merging those points and colocating them, for instance, by creating one-stop shops for businesses and citizens or facilitating the provision of services for specific sectors. For example, the "Single logistical window" for the maritime/port system centralises information and documentation concerning the various agents in the logistical chain from shipping and transit

agents to logistical operators. The platform also allows paperless procedures for decision-making.

Other initiatives include the harmonisation of legislation, including: the consolidation of radio and television licensing, prior authorisations and media registers' legislation, and the consolidation of the legal system governing urban development and building work.

Results

Despite the complex environment in which the programme was launched (Portugal was, and is still, facing large budget deficits and has a structurally weak economy), it has helped the country to lower barriers to trade and investment and reduce administrative and regulatory costs for business. For instance, with the creation of "on-the-spot-firm", the time required to set up a business was reduced from over 50 days to less than an hour (OECD 2008). These and other improvements are reflected in the Doing Business assessment (World Bank and IFC 2012), where Portugal improved significantly in the ranking of "starting a business" (from 56 in 2011 to 26 in 2012 out of 183 assessed economies).

Challenges

In addition to the economic and financial situation outlined above, the programme established in Portugal relies heavily on e-government. This means one of the main challenges is the country's digital divide. Not all citizens and businesses, in particular small- and medium-sized enterprises, have access to internet, which could hamper the full implementation of the programme.

While reducing bureaucratic corruption is not the primary aim of the programme, there is still potential to reduce corruption opportunities, as the number of interactions between public officials and businesses and citizens have decreased. Nevertheless, the government should stress the importance of transparency and accountability, as well as strengthen its enforcement mechanisms to make sure that wrongdoings are punished.

The case of Portugal

In Georgia, before 2003, bribes were needed to get a passport, register property, start a business, or get a licence. The excess of administrative procedures combined with the extremely low salaries received by public officials created a huge incentive for corruption in the country. Therefore, bribes were often paid to speed up procedures or circumvent requirements.

In 2005, the government's anti-corruption strategy included tackling the issue of bureaucratic corruption. The approach taken was to limit as much as possible the contact between citizens and the state, driven by the idea that the interference of the state should be minimal. In this context, agencies were eliminated, one-stop shops created and the number of inspections reduced – in what is often referred to as one of the most successful approaches to curb bureaucratic corruption.

The first step was to analyse government agencies and every licence, permit and inspection required by each of these institutions. The government was convinced that the majority of licences, permits and inspections served no legitimate role, either because there were tedious processes in place or because corruption was so endemic that they would not have the intended effect. After extensive discussions with the responsible agencies, the government decided to reduce the number of required licences from 909 to 137. These 137 remaining licences regulate activities which could potentially be a threat to the environment, human health or national security, for example. Nevertheless, even regulations which were to produce a public good, such as controlling auto emissions, were eliminated if the agency responsible was considered to not have the capacity to administer or enforce them (World Bank 2012).

The strategy also encompassed other administrative simplification tools, including:

One-stop shops were established for businesses and citizens. Guidelines were also published – spelling out all of the necessary requirements for issuance of licences or other documents, which also included imposed pre-determined time limits for the completion of tasks. Other unnecessary bureaucratic steps, in particular in corruption prone areas such as construction, were removed. In addition, all fees are now paid through banks and no longer to public officials.

- "Silent is consent" rule: in order to reduce processing times, the government established timeframes within which departments had to issue most licences and permits. Time limits can be extended when requested, but the failure to respond to a request could lead to the direct grant of the permit or licence. The rule, in spite of initial problems and challenges, has made services more reliable for consumers overall.
- "Regulatory Outsourcing": this approach means
 that many goods and services that have
 undergone regulatory scrutiny in an OECD
 country do not need to be re-certified in Georgia.
 For example, food certified in any OECD country
 can be imported without further certification. A
 financial institution with a licence issued by an
 OECD country can also establish a branch in the
 country without further requirements.
- Streamlining staffing: the government cut unnecessary ministries and public positions – laying off approximately 28,000 civil servants. The government also invested in trainings and improved salaries in the public sector.

Challenges

The results of the anti-corruption strategy in Georgia with regards to reducing red tape are demonstrated in the country's improvement in global assessments such as in the World Bank and IFC Doing Business World Economic and the Forum Global Competitiveness Report. Georgia's ranking on Doing Business improved from 112th in 2005 to 16th in 2012 (World Bank and IFC 2012). The country scored particularly well in rankings closely related to anti-corruption reforms, such as registering property, dealing with construction permits and starting a business. For example, the number of days needed to obtain a construction permit was reduced from 196 to 98 days and the number of procedures from 25 to

In the Global Competitiveness Report 2011-2012, which assess the burden of government regulation, Georgia scored 4.5 (where 1 means extremely burdensome and 7 not burdensome at all), ranking 7th out of 142 countries and ahead of countries such as Australia and New Zealand.

Assessments have also shown that accountability has improved. Interactions with public officials were

reduced to a minimum (for example, 95% of business no longer needs any kind of permit or licence) and all the interactions which are still necessary are recorded electronically. Moreover, as the process for obtaining licences and permits is much faster, the incentives for paying bribes have also been reduced (World Bank 2012).

According to the World Bank, the success of the programme in Georgia can be attributed to the fact that there was a shared vision across the government that reducing interactions between the state and citizens was instrumental to the fight against corruption. In addition, the involvement of young committed staff recruited on a short-term contract to research the regulatory structure of other countries and prepare the meetings with agencies and ministries is also considered key for achieving such results.

Challenges

One of the challenges faced by the reform implemented in Georgia was that of communication. The government failed to communicate all the changes and reforms timely. Businesses, for example, were still applying for licences and permits which were no longer required. Also, the government over-estimated the capacity of agencies to adapt quickly to the requirements of one-stop shops and the silent is consent rule.

Another challenge relates to the fact that reforms were quite radical to achieve quick results, leaving an unfinished agenda of institutional reforms (for example, the creation of regulatory agencies) which now need to be addressed by the government. Moreover, such reforms were not part of a bigger plan to improve regulatory quality. The government will have to use this momentum to further implement better regulatory policy and other regulatory quality tools.

In addition, further thought should be given to how to protect consumers' rights, the environment as well as certain market allocations, while maintaining the government's approach to minimum interference and limited interactions between government officials and businesses. A broader integrity system, with particular attention to checks and balances, should be established to guarantee that corruption at all levels is controlled.

"While these efforts made Georgia relatively successful in fighting petty bribery, critics paint a more nuanced picture of the situation. They argue that the initial anti-corruption strategy was ad-hoc in nature rather than systemic, with a curative rather than preventive focus, addressing isolated cases of corruption on a case by case basis. Some consider that corruption patterns evolved from rampant petty bribery to more clientelistic forms of corruption" (Chêne 2011).

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