

Transparency Initiatives (TI) Strategies for Public Construction Projects

Rumaizah Mohd Nordin

*Graduate Centre Department, Faculty of Architecture, Planning and Surveying, University Technology
MARA (UiTM) Shah Alam, Malaysia
jeyarz@yahoo.com*

Roshana Takim

*Graduate Centre Department, Faculty of Architecture, Planning and Surveying, University Technology
MARA (UiTM) Shah Alam, Malaysia
rtakim59@yahoo.co.uk*

Abdul Hadi Nawawi

*Graduate Centre Department, Faculty of Architecture, Planning and Surveying, University Technology
MARA (UiTM) Shah Alam, Malaysia
hadinawawi@yahoo.com*

Abstract

The construction industry is consistently ranked as one of the most corrupt industries worldwide. Corruption in the construction/engineering sector across the world has taken a high toll including lost lives, financial losses, diverted resources and destruction of the environment. Transparency contributes to a favourable investment climate as a result of less corruption and better country risk ratings. Any method that helps to ensure quality, timely delivery at reasonable cost is a transparency (anti-corruption) strategy.

Numerous transparency initiatives (TI) were formulated, created and implemented by various organizations and countries, using diverse methodologies, to increase transparency and reduce corruption in construction projects. Therefore, the objectives of this paper is to review TI strategies across the world to capture the critical components needed for successful TI strategies within organization. Based on the consideration of these strategies, this paper proposes TI strategies for the construction industry in Malaysia. These strategies consist of three vital components: adequate anti-corruption measures, the commitment of political leaders or top management, and people-related issues. The benefits of these strategies are perceived from the target outcome of the Malaysia National Key Result Area (NKRA), which include regaining public confidence, reducing leakage in government procurement, and tackling grand corruption.

Keywords

Transparency Initiatives (TI) strategies, construction, corruption, Malaysia, transparency

1. Introduction

The construction sector could be defined as a sector of national economy engaged in the preparation of land and the construction, alteration, repair of buildings, structures, and other real property that intersects almost all fields of human endeavour (Barrie and Paulson, 1992). It is one of the most lucrative sectors (Murray and Meghji, 2009). According to Kenny (2007; 2009), construction is a \$1.7 trillion industry

worldwide, amounting to between 5 and 7 per cent of the Gross Domestic Product (GDP) in most countries. It accounts for a significant part of global gross capital formation. As for Malaysia, for the years between 2002 and 2006, the construction sector has contributed an average of 3.42 per cent of the National GDP (CIDB, 2005). The sector's role in economic development is undeniable since housing, roads, utility networks, schools, and clinics are all built assets. Large construction projects are complex with non-standard activities in which quality can be very hard to assess. Projects can involve a multitude of players (i.e., the client, consultant engineers, architects, financiers, insurers, contractors and subcontractor) (Kenny, 2007; 2009). Since each construction project is unique in nature, the concept of accountability to prevent corruption in construction is inevitable (Jabbara and Dwivedi, 1988).

Corruption is a social phenomenon deep rooted in the history of mankind. It is similar to other kinds of crime which are likely to occur in procurement of works by governments and local authorities, due to the large amount of money involved in a single transaction (Zou, 2006). Corruption is the abuse of entrusted power for private gain. It is damaging to a country because decisions are taken not for the public benefit but to serve private interests. Corruption has been shown to adversely affect GDP growth, lower the quality of public infrastructure, education, and health services, and to adversely affect capital accumulation. It reduces the effectiveness of development aid and increases income inequality and poverty (Shah and Schacter, 2004; Soreide, 2005). Corruption also undermines good governance, fundamentally distorts public policy, leads to misallocation of resources, and particularly hurts the poor.

The construction industry has a worldwide reputation for incidences of corruption, asset misappropriation, and bribery. Transparency International's Bribe Payers Index (TI's BPI) in 2005 repeatedly reveals corruption to be greater in construction than any other sector of the economy (Sohail and Cavill, 2008). Meanwhile, TI's BPI for 2008 revealed that public works and construction were perceived to be the most corrupted industry in the world (Krishnan, 2009) and corruption can be found in every phases of the construction process (Murray and Meghji, 2009). Due to construction's central role in development, corruption in construction can be especially harmful. In particular, corruption can lead to a poor quality finished product, and insufficient maintenance can significantly reduce the economic return to investments, and carry high human costs in terms of injury and death (Kenny, 2007). On the other hand, transparency initiatives contributes to a favorable investment climate as a result of less corruption and better country risk ratings; which should lead to improve access to capital.

Hence, to comprehend the concept of transparency initiative (TI) strategies for construction projects, this paper attempts to investigate strategies to alleviate corruption, particularly in Malaysia. This is in line with the Malaysia National Key Result Area (NKRAs) agenda, under the Government Transformation Programme (GTP), which highlighted fighting corruption as one of the important points of the agenda (PEMANDU, 2011). This study presents early research purely based on literature review. It reviews research done by various researchers related to strategies and experiences to eliminate corruption in construction across the globe.

2. Problem statement

The problem of corruption is now widely recognized as a considerable obstacle to the efficiency of development aid (Soreide, 2005). Corruption has been blamed for the failures of certain developing countries to develop and growth (Treisman, 1998). According to Tanzi and Davoodi (1997) higher corruption reduces economic growth. Krishnan (2009) indicates that corruption on construction projects could only be eliminated if all participants in project cooperated in the development and implementation of effective anti-corruption actions which addressed both supply (bribe giver) and demand (bribe taker). In Malaysia, the Code of Ethics for Contractors was formulated, created, and implemented by the Construction Industry Development Board (CIDB) (CIDB, 2005). The prime objective is to outline best practices that are capable of motivating and enhancing the level of professionalism, integrity, and accountability among contractors.

Fighting corruption is one out of the six National Key Results Area (NKRA) of Malaysia. The aim is to arrest Malaysia's Transparency International (TI) Corruption Perception Index (CPI) that has dropped from 23rd place in 1995 to 56th place in 2010 (refer to Table 1.0). The National Key Results Area of Malaysia is under the Government Transformation Programme (GTP) that is designed to provide all Malaysians access to improved public services irrespective of race, religion, or region. The objective of GTP is to encourage the government to be more effective in its delivery of services and to move Malaysia forward to become an advanced and united, with high standards of living. Numerous transparency initiative (anti-corruption) strategies have been formulated across the globe, including the Independent Commission against Corruption (ICAC) in Hong Kong, the Corruption Prevention Investigation Bureau (CPIB) in Singapore, and the Malaysian Anti-Corruption Commission and National Integrity Plan and Institute in Malaysia. These bodies are established as one of the strategies to combat corruption in construction.

Table 1.0: Ranking of Asian Countries on the Corruption Perception Index (1995 – 2010)

Country	1995	2000	2005	2006	2007	2008	2009	2010
	R	R	R	R	R	R	R	R
Singapore	3	6	5	5	4	4	3	1
Hong Kong	17	15	15	15	14	12	12	13
Japan	20	23	21	17	17	18	17	17
Malaysia	23	36	39	44	43	47	56	56
Thailand	34	60	59	63	84	80	84	78
Philippines	36	69	117	121	131	141	139	134
China	40	63	78	70	72	72	79	78
India	35	69	88	70	72	85	84	87
Indonesia	41	85	137	130	143	126	111	110

Source: Transparency International CPI. See <http://www.transparency.org>

3. Transparency Initiative (anti-corruption) Strategies

Table 2.0 presents the Transparency Initiatives (anti-corruption) strategies gathered from various researchers. Doig and Riley (1998) compared the anti-corruption strategies of Hong Kong and Tanzania, two developing countries. In Hong Kong, the Independent Commission Against Corruption (ICAC) was established in 1974. ICAC acts as the key element of the 'Hong Kong Model' of anti-corruption strategy which involves: investigation, prevention, education, and enlistment of support. It operated in both the public and private sectors and sought to co-ordinate the different parts of the strategy. This model was very practical and led to a significant reduction in cases of corruption and improved the country's rank in the TI's CPI. Unfortunately, it is very expensive to implement since the ICAC was well-resourced and used seconded and expatriate staff. It had intensive selection and training programmes and its public education programmes were excellent. Furthermore, the widespread application of the 'Hong Kong' Model is problematic since it is very much a product of a particular social environment and polity. Hong Kong is a small "city-state" with a distinctive culture and a highly efficient administrative machine operating in a society characterised by sustained high economic growth.

In Tanzania, the Prevention of Corruption Bureau was ineffective due to the lack of political power to give full support for the program. To overcome the predicament, the Presidential Commission (The

Warioba Commission) has made some recommendations to improve public integrity. The recommendations include proposed amendments to the Leadership Code of Ethics Act, short term vetting of public officials, disciplinary action against the police and judiciary, and the reinvigorating of the Prevention of Corruption Bureau. This implies that full support from government is necessary in any successful anti-corruption strategy.

Table 2.0: Transparency Initiatives (Anti-corruption) Strategies

Doig and Riley (1998)		Zou (2006)	Abdullah (2008)		Kenny (2009)
Corruption and Anti-corruption Strategies: Issues and Case Studies from Developing Countries		Strategies for Minimizing Corruption in the Construction Industry in China	Eradicating Corruption: The Malaysian Experience		Transport Construction, Corruption and Developing Countries
Hong Kong	Tanzania	China	Singapore	Malaysia	Developing countries
<ul style="list-style-type: none"> • Independent Commission Against Corruption (ICAC) • ‘Hong Kong Model’ strategy: <ol style="list-style-type: none"> 1. Investigation 2. Prevention 3. Education 4. Enlistment of support 	<ul style="list-style-type: none"> • The Warioba Commission recommends: <ol style="list-style-type: none"> 1. Amendments to The Leadership Code of Ethics Act 2. Short term vetting of public officials 3. Disciplinary actions 4. Reinvigorating of the Prevention of Corruption Bureau 	<ul style="list-style-type: none"> • Law and regulation enforcement issue • Work process issues • People-related issues • Honest and ethical construction culture • Random and regular checks • Supervision of processes and work over project life cycle 	<ul style="list-style-type: none"> • Legal framework • Corruption Prevention Investigation Bureau (CPIB) • Public – Ready to give information on all suspected corruption 	<ul style="list-style-type: none"> • Legal framework • Anti-corruption Agency • Public Account Committee • National Integrity Plan and Institute • Reforming Police Force • Public Complaints Bureau • Preventive measures 	<ul style="list-style-type: none"> • Planning and budgeting process • Competitive pressure • Reduce unnecessary regulation • Transparency • Reduce power of individual bureaucrats • Additional tools : <ol style="list-style-type: none"> 1. Output-based Aid 2. Community-driven Approach

Source : Doig and Riley (1998); Zou (2006); Abdullah (2008); Kenny (2009)

In 2006, Zou identified measures to combat corruption undertaken by the Chinese Government, which could be divided into: law and regulation enforcement issues, work process issues, and people-related issues. The three issues can be summarized as the need to strengthen the management of the construction market through development and implementation of law and regulation, and development of a transparent work process, as well as providing ethical and technical education to the related personnel. He also suggested strategies to prevent corruption such as the development of an honest and ethical construction culture, the institution of random and regular checks, and the supervision of process and work over the life cycle of the project.

In addition to laws and regulations, a healthy construction culture is important at both the corporate and industry levels. To achieve this, commitment from political leaders and top management is crucial. This can be done through improving employees’ awareness and understanding of the conduct of corruption and encouraging employees’ to report corruption. It is important to review the conduct of the officials involved in the construction industry through regular and/or random checks. The benefits of random reviews and inspection are to avoid the victimization of an official or company, and that officials are less likely to participate in corrupt conduct as they cannot be sure that their conduct will not be detected. In the supervision process, the supervisory officials have a role and responsibility to the conduct of public officials involved in the construction industry. The supervisory officials must also identify and recognize areas in the construction processes where corruption has the potential to occur. The strategies employed

by China show that it is important to have laws and regulations reinforced by ethical work processes and involve the high social values of stakeholders.

Meanwhile, Abdullah (2008) reviews the experience and success story of Singapore in curbing corruption and evaluates the Malaysian experience in governing corruption. Singapore can be seen as the most successful country in curbing corruption by ranking number 1 in 2010 (TI's CPI). This was achieved by three strategies. The first of which, legal framework (Prevention of Corruption Act), enhanced penalties for corruption offences and the second strengthened the power of the Corruption Prevention Investigation Bureau (CPIB) in fighting corruption. CPIB is scrupulous, thorough and fearless in its investigation and also has full back up from the Prime Minister. The public also contributed to the success by condemning corrupt persons and giving information on all suspected corruption. In contrast, the TI's CPI ranking for Malaysia has slipped from 23rd place in 1995 to 56th place in 2010. In spite of the poor statistics, Malaysia has implemented its own instrument to eradicate corruption- a legal framework (Prevention of Anti-Corruption Act) which was established in 1960 and revised in 2009.

Furthermore, an Anti-Corruption Agency (ACA) has been established with the functions of investigating and prosecuting corrupt activities, introducing preventive measures, and investigating disciplinary complaints against civil servants. It was later replaced by the Malaysian Anti-Corruption Commission (MACC) in 2009. The Public Account Committee (PAC) was appointed to ensure financial accountability on the part of government agencies and departments, but was held back by a lack of resources manpower. In year 2004, Malaysia launched the National Integrity Plan (NIP) that targeted all sectors of society. The National Integrity Institute of Malaysia (NIIM) was also launched as a company limited by guarantee to ensure that all the planning, implementation, coordination, monitoring and evaluation related to NIP are carried out. In addition, the Public Complaints Bureau (PCB) was established as a channel for the public to lodge complaints against government departments, agencies, and civil servants. The police forces are also being reformed and preventive measures such as internal auditing systems, disciplinary boards or codes of ethics, and informal and non-legal controls were implemented. Regardless of the many strategies in combating corruption in Malaysia that been undertaken, the slip in rank and score of TI CPI has forced Malaysia to push a more drastic anti-corruption strategy and the political will to implement it effectively.

Kenny (2009) discussed six important strategies that might reduce the impact of corruption for developing countries both in term of construction sector regulation as well as the role of government as a customer. Based on his general empirical research, he suggested that potential avenues to reduce the extent and impact of corruption in construction include: improved planning and budgeting processes; increased competitive pressures; the reduction of unnecessary regulation and better monitoring of necessary regulation; improved transparency of the project cycle and reduced discretionary power of individual bureaucrats while improving the financial and physical auditing processes. Finally, the sixth strategy is the Output-Based Approaches (OBA). OBA provides a particularly attractive mechanism for reducing the potential negative outcomes of corruption by emphasizing the quality of provision. It is a strategy for using explicit performance-based subsidies to support the delivery of basic services that involves delegating service delivery to a contractor, under contract that ties disbursement to the outputs actually delivered. An attractive feature of OBA is that outputs are easily monitored. Another strategy that can also provide incentive that should act to reduce the developmental impact of corruption is the Community-Driven Approach (CDD). CDD involves giving communities or locally elected bodies control over the decision-making, management, and use of development funds. These two approaches can be combined to maximize the efficiency of delivery and minimize the consequences of governance failure. Given the above, it could be seen that involving the civil community is another integral component in transparency initiative strategies development.

4. Proposed Transparency Initiative (TI) Strategies for Public Construction Projects.

Based on the lesson learned above, figure 1.0 proposes transparency initiatives strategies for public construction projects. This has been developed based on the preliminary literature review and understanding of the information gathered by various researchers. The choice of the components within the strategies is based on the recurrence of the components in most of the literature reflecting the great importance attached to them. The TI strategies consist of three major components; adequate anti-corruption measures; commitment of political leaders/ top management and people-related issues. The benefits based on the strategies are regaining public confidence; especially in regulatory and enforcement agencies, reducing leakage in government procurement, and tackling grand corruption.

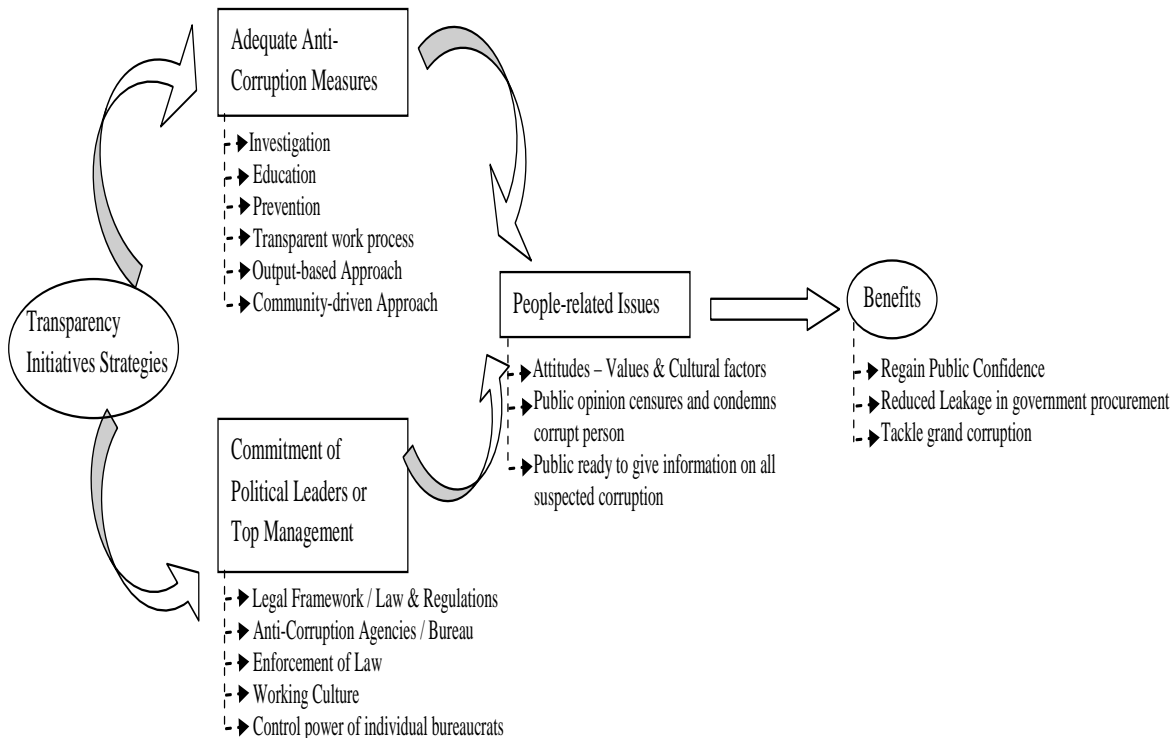


Figure 1.0: Propose Transparency Initiatives (TI) Strategies for Public Construction Projects.

The first component refers to the adequacy of anti-corruption measures that include investigation, education, prevention, transparency in work process, output-based approach (OBA), and community-driven approach (CDD). Investigation, education, and prevention have always been known as the ‘Three Pronged Attack’ (Doig and Riley, 1998) and were applied as part of the successful ‘Hong Kong Model’. Transparency in work processes was achieved by requiring all projects to go through a tendering process or competitive bid process (Zou, 2006; Kenny, 2009). This will help to ensure that everybody has a fair chance to win a contract. OBA and CDD are basically a mechanism to reduce corruption with the involvement of local communities based on the quality of the end results. Therefore, in order to ensure the success of the strategies, the anti-corruption measures designed must be adequate and suitable for the current situation of the country.

The next component is the commitment of political leaders or top management in alleviating corruption. In other words, they must be sincere and want to eliminate corruption themselves through showing good examples and not indulging in corrupt activities themselves (Abdullah, 2008). Other than that, the creation and maintenance of law and regulation is vital. Apart from that, implementation and enforcement of the law regardless of the status or position of the offender in the society are equally important (Zou,

2006; Quah, 2004). An independent and separate anti-corruption agency dedicated solely to the task of fighting corruption should be established, provided with sufficient resources (Quah, 2004), and have full backing from the government. Apart from laws and regulation, the government needs to pay more attention to the development of a healthy construction culture by promoting an honest and ethical culture through the creation of an atmosphere of trust. This in turn creates cultures of people who feel safe to report corruption as well as link to best practices (Zou, 2006). The power of individual bureaucrats needs to be controlled so that decision making will always consider public priorities rather than personal gain. In short, political leaders and top management must be ready to show a good example and be determined to uphold the rules and regulations regarding corruption.

The third component is a people-related issue since the main actor of corruption is human. Despite the formal rule of law which provides external control, the informal or non-legal forms of control – the value and cultural factors and the degree of trust existing in society - provide normative restraint and internal discipline and control (Abdullah, 2008). Furthermore, the strongest deterrent is in a public opinion that censures and condemns corrupt persons (Quah, 1988) and a vigilant public ready to give information on all suspected corruption (Abdullah, 2008). Therefore, although there are many laws and regulations that restrict the malpractice of corruption, a person's attitudes and self-value are more important in curbing corruption. This may be developed through raising awareness and education. Finally, is the benefit of transparency initiative strategies. Benefits are perceived from regaining the public confidence in Regulatory and Enforcement Agencies, reduced leakage in government procurement (especially in awarding projects), and also tackling grand corruption since usually any anti-corruption measures will not touch the 'big fish' (Milne, 2009) due to the fact that those involved are highly-ranked officers.

Hence, given the above, it could be deduced that effective transparency initiative strategies are likely to remove opportunities for corruption, ensure a high degree of policing through the effective application of the formal rule of law and the informal control which encompass values, culture, and moral and societal responsiveness; and provide negative publicity as a deterrent (Abdullah, 2008). The proposed TI strategies for public construction projects suggest that the commitment of political leaders or top management is the integral part of the strategies. The success of TI strategies is not dependent solely on the number of anti-corruption measures. The most important is full support from the government to implement the measures effectively (Abdullah, 2008). Other factors such as adequate anti-corruption measures and people-related issues, with regards to attitudes and values towards corrupt activities, are also important components in developing effective TI strategies. Nevertheless, a more extensive empirical research work on these factors is needed for future findings.

5. Conclusion

This paper attempts to review, synthesize and propose initial TI strategies for public construction projects based on the experience learned from various countries. It reinforces three vital issues: adequacy of anti-corruption measures, the commitment issue of political leader/top management, and the people-related issues. Despite the benefits of TI strategies, the success of the strategies is dependent upon the ability to enforce the strategies themselves. This is interdependent of the commitment of political leaders/ top management and people-related issues. This could act as a barrier in developing effective TI strategies. Hence, further empirical researches are required.

The research presented in this paper is part of an ongoing PhD research study at the Faculty of Architecture, Planning and Surveying, UiTM to develop a framework of transparency initiative strategies for public construction projects in Malaysian construction industry. The result of the study could provide an insight into Malaysian construction project development and will hopefully offer valuable guideline, especially to construction industry stakeholders in Malaysia that are looking forward for a more transparent construction market.

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