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16

The Issues of Anti-Corruption and Good Governance in Southeast Asia: As a Working Agenda of Asean Community

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Abstract

Governance and corruption are closely interlinked. There is a reciprocal relationship between corruption and governance. The World Bank underlines that corruption undermines good governance, and bad governance produces corruption. Corruption and governance issues have become a serious concern in Southeast Asia countries. Conditions of such massive corruption in some countries in ASEAN make the issue of corruption in this region always wrapped around the development process. The Scores of the Corruption Perception Index (CPI) in most of the ASEAN member countries are relatively poor, except Singapore and Brunei. The viral of Corruption in every country can influence bad governance system and human development index is not good. This paper outlines the issues of corruption and governance as a working agenda of ASEAN towards APSC 2015. It is important to have strategic steps in fighting corruption and achieving good governance that must be taken by each ASEAN member by imitating on best strategies undertaken by neighboring countries. The roles of ASEAN as a cooperation organization in the ASEAN region should be able to be a bridge to the creation of the ASEAN region free from corruption through promoting strengthening of anti-corruption institution.

Keywords: Corruption/ Good Governance/ ASEAN

Introduction

Corruption and governance issues have become a serious concern in many countries globally. The countries in Southeast Asia are not the exception. Corruption and governance are like two different sides of a coin of which the two different sides influences each other. Corruption as a form of action that takes advantages of public power for group or private gain is judged to be a threat to the development and establishment of good governance. Instead, poor governance management

will likely enrich corruption practices. This is consistent with the statement from World Bank that governance and corruption are closely interlinked. Corruption undermines good governance, and bad governance produces corruption ([Http://web.worldbank.org](http://web.worldbank.org)). Therefore, scientists believe that only by revising the process of governance or only by creating good governance, the practice of corruption by itself would be unfettered.

In the literature of security and contemporary strategy study, discussion on corruption relates to transnational crime issue. According to United Nations in its Convention Against Transnational Organized Crime (2000) that transnational crimes involve any criminal activities that is conducted in more than one state, planned in one state but perpetrated in another, or committed in one state where there are spillover effects into neighbouring jurisdictions. Corruption belongs to transnational crime because in some certain cases it engages two or more countries, especially when corruptors escape and keep their money from other countries (Collins, 2007; Hoadley and Ruland, 2006). As a transnational crime, corruption has become an international issue and turned into threat for every nation. Corruption can disturb the stability of governance process of a nation, might aggravate the democratic process, and threatens the fulfillment of citizens' welfare.

Although the UN convention has stated that corruption is a world problem that classified into the category of transnational crime, but it is only related to the handling of corruption and has not touched the root of the problem of corruption as one of mental processes and human being. The process of awareness rising about the abuse of authority as something related to corruption must always be campaigned through the institutionalization of moral values and good governance. In connection with efforts to combat corruption involving the relationship between the state and its efforts to realize the values of good governance in Southeast Asia, ASEAN leaders agreed to the establishment

of the ASEAN Political Security Community 2015 at the 19th ASEAN meeting called "Bali Concord II" that one of the agendas is to "promote good governance" and "Prevent and combating corruption".

Within the context, this paper outlines the issues of corruption and governance as a working agenda of ASEAN towards APSC 2015. What values are already developed and agreed with in ASEAN as a pillar to prevent corruption? What are the challenges faced by ASEAN and its role as an organization of cooperation among the countries in Southeast Asia to achieve good governance and combating corruption in order to realize a common goal, namely the establishment of ASEAN "prosperous and peaceful community of South-East Asian Nations? Those questions are the focuses of this paper which are divided into three major sections; the first describes the situation of corruption and governance in ASEAN member countries. The second describes success stories and failures of some countries in ASEAN in creating good governance and preventing corruption. The third describes the ASEAN Political Security Community Blueprint as the main pillars of achieving good governance and preventing corruption as well as explaining the role of ASEAN as an organization of cooperation among countries in Southeast Asia in creating regional security from the crime of transnational crime, especially corruption.

Corruption Situation in Southeast Asia: Trends and Causes —◆

Although corruption is not a new phenomenon but so far it has been a disease that spreads in government activities in developing countries and is an organized crime that could be a threat as well to national security of a nation. Corruption can be a hindering figure and causes failure of the development process. A lot of losses to the state, the failure of the poverty eradication, the inequality of development and governance processes disruption are caused by the rampant corruption in a country. Corruption has become a virus that spreads in

people's lives and thrives in a nation that has bad management. Corruption can be easily found in every governance transaction if the management system does not run on the principles of good governance. It is as asserted by Gould and Amaro-Reyes (1983) that there are several reasons for the spread of corruption, primary among them being government's monopoly of economic activities in developing countries with conditions of political "softness", widespread poverty, socio-economic inequalities, and ambivalence towards the legitimacy of government and its organisations and systemic maladministration.

Corruption in most of the ASEAN member countries is quite alarming. Corruption occurs at every level of government, both nationally and at the local level and not infrequently happens in the private sector. Decentralization policies that have been implemented in many developing countries that are not supported by the management of good governance at the local level are supposed to be the cause of many cases of corruption at the local level. According to Bardhan, 1997; Bardhan and Mookherjee, 2000; Wildmalm, 2008; Gong, 2006; The absolutely authority and power of local government to manage all of the development process, including decision-making authority or discretion has providing opportunities to abuse of authority and corruption.

Corruption practices are not likely to shrink even increasing although the policies and anti-corruption program have been carried out in various forms of activities and through the establishment of anti-corruption institutions. As an example, according to a report from the National Anti-Corruption Commission of Thailand, it was noted that within the period of 2004-2008 the corruption cases have increased. Kaothien (2009) said that corruption is the chronic problem in the Thai Society for a long time. Corruption practices in Thailand are socio-cultural problem that happens in every level of government associated with government projects. Corruption often occurs or operates on a

government project activities when a close relationship occurs between politicians, bureaucrats, and businessmen. He said that corruption become more sophisticated and creates personal and public conflicts of interests and policy, corruption. According to Sriboonnark (2012) corruption in Thailand does not only happen in government, but can occur at colleges such as conflict of interest if not well anticipated. Although public university autonomy tries to apply empowerment, but more independence or freedom in power utilization allows for unethical behavior or corruption. He said that the autonomous public university should be able to be leaders and mentors of "good governance" in all dimensions of human resource development, administration development and national development administration.

The same situation also happened in Indonesia, although the government has issued a number of policies to tackle corruption and has established the Corruption Eradication Commission (KPK) but in fact cases of corruption tend to increase. Cases of bribery in Malaysia, for example, are one of the most prominent cases of corruption in the country. The survey results of one of international agencies said that: "Malaysia in the survey case of bribery in business or Bribe Payers Survey '2012' ". Malaysia obtained the worst results in the Bribe Payers Survey 2012 held by Transparency International anti-corruption organization. In the survey, over 3,000 executives from 30 countries were asked whether they had failed to gain a contract last year for bribing competitors. As many as 50% of respondents in Malaysia said 'yes'. The survey result shows the behavior of private companies in Malaysia which indicates that cases of bribery in the public sector become systemic and institutionalized "(Purnomo, 2012).

The existence of bribery cases among Malaysian government by civil society and the private sector is also justified by the Deputy Minister in the Ministry of Prime Minister Datuk Liew Vui Keong. In a statement explaining that:

"At least 5,983 government workers in Malaysia were snared by law enforcement officials on corruption charges in the period of 2005-2011. According to him, out of the total number, 816 workers were taken to court and 324 of them were found guilty and 69 were released and 298 were found not guilty. A total of 20 cases were congealed and 105 other cases were in the judicial process" (Editorial, 2012)

Conditions of such massive corruption in some countries in ASEAN make the issue of corruption in this region always wrapped around the development process.

Based on a survey of International Transparency Institute on Corruption Perception Index (CPI), information is obtained that the CPI score in most of the ASEAN member countries are relatively poor, except Singapore and Brunei. For example, in 2012 the CPI of the two countries reached scores above 5, namely Singapore (8.7) and Brunei (5.5). It is known that Transparency International is an international NGO that one of the programs is to conduct a survey measuring the Corruption Perception Index (CPI) on the level of public sector corruption based on the opinions of experts in various countries. Score range of the countries entered the CPI survey coverage are from 0 (highly corrupt) to 10 (highly clean).

Table 1. Corruption Perception Index

| Country | 2008 | | 2009 | | 2010 | | 2011 | | 2012 | |
|-------------|------|-------|------|-------|------|-------|------|-------|------|-------|
| | Rank | Score | Rank | Score | Rank | Score | Rank | Score | Rank | Score |
| Singapore | 4 | 9,2 | 3 | 9,2 | 1 | 9,3 | 5 | 9,2 | 5 | 8,7 |
| Brunei | - | - | 39 | 5,5 | 38 | 5,5 | 44 | 5,2 | 46 | 5,5 |
| Malaysia | 47 | 5,1 | 56 | 4,5 | 56 | 4,4 | 60 | 4,3 | 54 | 4,9 |
| Thailand | 80 | 3,5 | 84 | 3,4 | 78 | 3,5 | 80 | 3,4 | 88 | 3,7 |
| Vietnam | 121 | 2,7 | 120 | 2,7 | 116 | 2,7 | 112 | 2,9 | 123 | 3,1 |
| Indonesia | 126 | 2,6 | 111 | 2,8 | 110 | 2,8 | 100 | 3 | 118 | 3,2 |
| Philippines | 141 | 2,3 | 139 | 2,4 | 134 | 2,4 | 129 | 2,6 | 108 | 3,4 |
| Laos | 151 | 2 | 158 | 2 | 154 | 1,4 | 154 | 2,2 | 160 | 2,1 |
| Cambodia | 166 | 1,8 | 158 | 2 | 154 | 2,1 | 164 | 2,1 | 157 | 2,2 |
| Myanmar | 178 | 1,3 | 178 | 1,4 | 180 | 1,4 | 180 | 1,5 | 172 | 1,5 |

Source: Transparency International

In addition to present the CPI score, the survey conducted by Transparency International also shows the ranking of each state compared to others. Table 1 shows the CPI ranking position of each ASEAN member country that in the last five-year period until the year of 2012 there were only four states which CPI-rank were under level 100, namely Singapore, Brunei, Malaysia, and Thailand. The survey results conducted by Transparency International institutions showed that there is a considerable gap among ASEAN member countries. This condition becomes a major issue for the creation of ASEAN as a respected region and having an important role in the global community as stated in the 19th ASEAN Summit theme in Bali (the 19th ASEAN Summit Theme), namely "ASEAN Community in a Global Community of Nations".

Table 2: Human Development Index in Asian Countries

| Country | 2010 | | 2011 | | 2013 | |
|---------------|-------|------|-------|------|-------|------|
| | HDI | Rank | HDI | Rank | HDI | Rank |
| Singapore | 0.826 | 27 | 0.866 | 26 | 0.895 | 18 |
| Brunei | 0.804 | 37 | 0.838 | 33 | 0.855 | 30 |
| malaysia | 0.744 | 57 | 0.761 | 61 | 0.769 | 64 |
| Thailand | 0.654 | 92 | 0.682 | 103 | 0.690 | 103 |
| Philippine | 0.638 | 97 | 0.644 | 112 | 0.654 | 114 |
| Indonesia | 0.600 | 103 | 0.617 | 124 | 0.629 | 121 |
| Vietnam | 0.566 | 113 | 0.593 | 128 | 0.617 | 127 |
| Timor Leste | 0.502 | 120 | 0.495 | 147 | 0.576 | 134 |
| Cambodia | 0.494 | 124 | 0.523 | 139 | 0.543 | 138 |
| Laos | 0.497 | 122 | 0.524 | 138 | 0.543 | 138 |
| Myanmar | 0.451 | 132 | 0.483 | 149 | 0.498 | 149 |
| Asia Tenggara | 0.516 | - | 0.548 | - | 0.558 | - |
| world | 0.624 | - | 0.682 | - | 0.694 | - |

Source: UNDP, HDI 2010,2011, and 2013

Conditions such as massive corruption mentioned above are not excessively stated that corruption in the ASEAN region, except in Singapore, is in appalling conditions and may jeopardize the realization of welfare and disrupt the overall development process, including the process of democracy. Kofi A. Annan, a former UN secretary, has signaled about the dangers of corruption, particularly in developing countries by stating as follows: "Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish. This evil

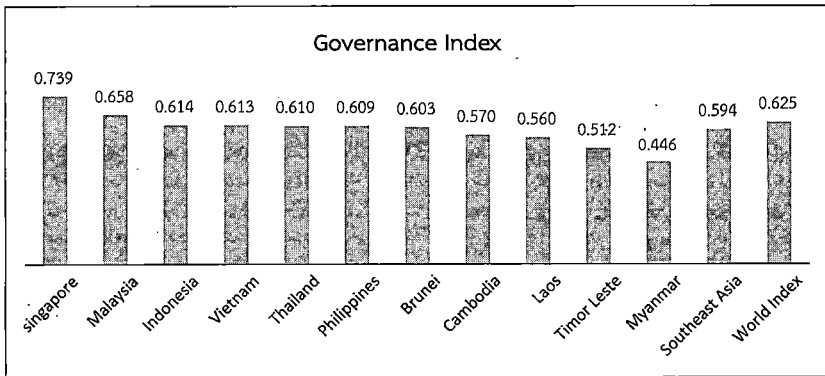
phenomenon is found in all countries-big and small, rich and poor-but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government's ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development" (UNCAC, 2004).

The table 2 insist that corruption significantly impact the delays in the development process! Average human development index in South-east Asia is still below than the world index. The table is a reflection that human development programs in most of Southeast Asia Countries have not been running optimally. The countries have been in low of HDI tend to high position in CPI. There are same pattern between the Corruption perception Index and Human Development Index which have three country, such as Singapore, Brunei, and malaysia as highly rank in HDI and CPI.

Effort to Combating Corruption and promote Good Governance: Reflecting on the success story of several countries in ASEAN.

In addition to be a threat to the continuity of the process of development in the ASEAN region, corruption has become viral in every country that can influence bad governance system. The graph above shows that there is a positive relationship between the levels of corruption of a country that has been discussed previously and the levels of good governance achieved. Singapore (see graph below) is a country that can be the reference as an example of succeeds in running good governance systems and minimizing corruption in the country. How anti-corruption strategy and promote good governance in Singapore will be discussed in this section.

Various efforts and strategy of anti-corruption have been carried out by each country in Southeast Asia, whether in the form of policies and laws or the formation of institutions that deal with corruption cases. However, not all countries of ASEAN members are able to maintain the image of good governance management as well as generating effective prevention strategies and corruption eradication that is proven to the low CPI. This section describes the efforts made by ASEAN member countries in combating corruption and the outcomes resulting to improve governance, especially corruption, namely Singapore, Brunei, and Malaysia which CPI scores are higher than five. Not all experiences from Southeast Asian countries in combating corruption are described in this section, but is expected to provide a successful example that can be followed by each country.



Source: Adopted from Francois, 2009 (<http://www.world-governance.org>)

Singapore through the Corrupt Practices Investigation Bureau (CPIB) which was formed in 1952 is a success story in the fight against corruption. A strategy adopted in Singapore in combating corruption is referred as pillar of anti-corruption strategy which has four main focuses:

Effective Anti-Corruption Agency; Effective Acts (or laws); Effective Adjudication, and Efficient Administration. The four pillars above is based on the "strong political will against corruption". High political commitment of the government in combating corruption is a major factor and the most important of Singapore's success in combating corruption. Furthermore, this country recognizes the importance of forming an anti-corruption agency which is independent, has adequate authority and high integrity. Existence of distinct and clear legislation about corruption also determines the effectiveness of anti-corruption agencies and the punishment sentenced to the perpetrators of corruption. Then an efficient public administration is the outcomes of effective anti-corruption institutions, laws, and corruption sanction.

Malaysian government applied three anti-corruption strategies, as outlined in the three-point strategies, namely: Strengthening / consolidation strategies; prevention and promotion strategies; and enforcement strategies. Among the interesting strategies that are applied by this country is the imposition of 'reverse authentication system'. Simply put, that is to say, a state official, who is indicated to corruption with wealth is not worth the possibility of income from office, can be asked to prove where the wealth was obtained, and asked to prove that he did not commit corruption. If a petty official or a soldier seen to have a place to stay (home) or a fancy luxury vehicle, the Rasywah Prevention Agency may request him to prove that he is not corrupting. This step is quite effective. Officials in this country are very careful, though definitely not all are clean of corruption.

How about Thailand and Indonesia? Looking at the situation of corruption eradication in Indonesia today can be said that Indonesia despite having the Corruption Eradication Commission (KPK) is relatively independent. The power of the Corruption Eradication Commission in Indonesia must face the major wall of political forces entrenched in any case of corruption in Indonesia. For example, corruption related to the

Century Bank case allegedly involving the state officials is not successfully penetrated by the KPK. Political factors are often an obstacle to the eradication of corruption in Indonesia.

Different from some cases of corruption in Thailand, such as the case of Mosquito eradication chemical project and the case of medicine and medical equipment purchasing are able to ensnare the public health deputy minister and other officials. Although the anti-corruption movement from below continues to grow in both countries but such efforts must also deal with the tyranny of power. The role of non-governmental organizations or civil society, including the mass media are high in both countries in guarding the eradication of corruption in both countries but the results have not been encouraging because it must deal with greater force. According to Charas Suwanmala (Professor at Chulalongkorn University) that “the majority of civic organizations choose a proactive approach in fighting the corruption, such as through civic education, monitoring, and information dissemination. Only some of them take aggressive role as corruption watchdogs, revealing incidents, and pushing state institutions to take action against corruption...Civic organization in Thailand are often seen as anti-state or anti-organization power players. They must take extraordinary efforts to fight corruption. At the same time both state agents and criminals threaten them”.

Although there are still some obstacles in the fight against corruption, but the Government of Thailand is considered capable of putting governance system for a prohibitive factor in corruption practices. This is consistent with the assessment of the World Bank that Thailand has been good at putting in place systems that help identify symptoms of corruption and reduce the opportunities for corrupt practices. Public services processes like passport issuance, ID cards, and driver licenses, have been streamlined. Many of these processes are now online and are constantly being evaluated using a system of key

performance indicators. An example is the e-Revenue system which was implemented by Thai authorities to reduce interactions between taxpayers and tax collectors and the risk of any money changing hands in the process. Similarly, e-Auction systems were put in place to reduce collusion in public procurement (world bank:2009).

ASEAN Political-Security Community (APSC) Blueprint: As Pillars of Combating Corruption and Promoting Good Governance

ASEAN as a cooperation organization among countries in Southeast Asia established in 1967 has a strategic role in unifying common interest for the realization of peace and prosperity. At a conference in Kuala Lumpur in 1997 jointly agreed by each member state leaders that it is needed to achieve ASEAN Vision in 2020, which is “a concern of Southeast Asian nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring society”.

APSC Blueprint is a guideline to realize the ASEAN Vision in the fields of politics and security. APSC Blueprint also provides a roadmap and timetable for the establishment of APSC 2015. The purpose of this APSC is to ensure every member of ASEAN lives in a safe condition from one another, in a democratic and harmonious environment, including safe from acts of corruption as organized crime. APSC promotes political development in democratic principles, law enforcement and good governance and protection of human rights. The characteristics of APSC is built by three pillars, namely “a concern of Southeast Asian nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring society”.

To concretise the ASEAN Vision 2020, the ASEAN Heads of States/ Governments adopted the Declaration of ASEAN Concord II (Bali

Concord II) in 2003, which establishes an ASEAN Community by 2020. The ASEAN Community consists of three pillars, namely the ASEAN Political-Security Community (APSC), the ASEAN Economic Community (AEC) and the ASEAN Socio-Cultural Community (ASCC)

The ASEAN Political Security Community Blue Print adopted by the 14th ASEAN Summit in 2009 specified 3 key areas where the APSC is to be built on: (i) a rules based community with shared values and norms; (ii) a cohesive, peaceful and resilient region with shared responsibility for comprehensive security; (iii) a dynamic and outward looking region.

The APSC shall promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for and promotion, and protection of human rights and fundamental freedoms as inscribed in the ASEAN Charter.

The ASEAN Political-Security Community envisages the following three key characteristics (<http://www.aseansec.org/22337.pdf>).

a) A Rules-based Community of shared values and norms;

Efforts are underway in laying the groundwork for an institutional framework to facilitate free flow of information based on each country's national laws and regulations; preventing and combating corruption; and cooperation to strengthen the rule of law, judiciary system and legal infrastructure, and good governance. Moreover, in order to promote and protect human rights and fundamental freedoms, the ASEAN Charter stipulates the establishment of an ASEAN human rights body.

b) A Cohesive, Peaceful, Stable and Resilient Region with shared responsibility for comprehensive security;

ASEAN subscribes to the principle of comprehensive security, which goes beyond the requirements of traditional security but also takes into account non-traditional aspects vital to regional and national resilience, such as the economic, socio-cultural, and environmental dimensions of development. ASEAN is also committed to conflict

prevention/ confidence building measures, preventive diplomacy, and post-conflict peace building.

c) A dynamic and Outward-looking Region in an increasingly integrated and interdependent world.

ASEAN fosters and maintains friendly and mutually beneficial relations with external parties to ensure that the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment. ASEAN remains outward-looking and plays a pivotal role in the regional and international for a to advance ASEAN's common interests. Through its external relations, ASEAN will exercise and maintain its centrality and proactive role as the primary driving force in an open, transparent and inclusive regional architecture to support the establishment of the ASEAN Community by 2015.

Each of these pillars becomes an integrated unit that is implemented using a comprehensive approach that includes political, economical, socio-cultural, and environmental dimensions of development. Some action formulas to achieve these pillars, especially in order to promote good governance and combating and preventing corruption are as follows:

Promote Good Governance (1.4.)

i. Conduct analytical and technical studies to establish baselines, benchmarks, and best practices in various aspects of governance in the region;

ii. Promote sharing of experiences and best practices through workshops and seminars on leadership concepts and principles with emphasis on good governance, and on developing norms on good governance;

iii. Conduct a study by 2009 on partnership between public and private sectors and academia in creating a conducive climate for good governance to provide concrete recommendations to appropriate ASEAN sectoral bodies;

iv. And Promote dialogue and partnership among governments, private sectors and other relevant organisations to foster and enable new ideas, concepts and methods with a view to enhance transparency, accountability, participatory and effective governance

Prevent and Combat Corruption (A. 1.7.)

i. Identify relevant mechanisms to carry out cooperation activities in preventing and combating corruption and strengthen links and cooperation between the relevant agencies;

ii. Encourage all ASEAN Member States to sign the Memorandum of Understanding (MoU) on Cooperation for Preventing and Combating Corruption signed on 15 December 2004;

iii. Promote ASEAN cooperation to prevent and combat corruption, bearing in mind the above MoU, and other relevant ASEAN instruments such as the Treaty on Mutual Legal Assistance in Criminal Matters (MLAT);

iv. Encourage ASEAN Member States who are signatories to the United Nations Convention against Corruption to ratify the said Convention;

v. and Promote the sharing of best practices, exchange views and analyse issues related to values, ethics and integrity through appropriate avenues and fora and taking into account inputs from various seminars such as the ASEAN Integrity Dialogue.

Efforts to realize the two APSC pillars 2015, which promotes good governance and Preventing and Combating corruption should be conducted through concrete actions. APSC Blueprint is expected to be pillars to eradicate corruption and promote good governance for the realization of the ASEAN Community 2015.

Conclusion

There is a reciprocal relationship between corruption and governance. There is a proportional relationship between the levels of corruption and the level of good governance of a country where a country with a high level of corruption, the condition of good governance is low. On the other side, a country that is able to create good governance, the level of corruption will be smaller. The relationship between them can be seen in cases in the ASEAN countries which Singapore as a country that is able to maintain stability in running the good governance so the level of corruption in the country is relatively small. Otherwise, the case of Myanmar that the level of corruption is high then the governance index is low.

These conditions make the process of development among ASEAN member countries occur inequally. The development process in the countries that are still facing the problem of corruption experiences barriers. The issue of poverty, the welfare of its citizens and economic growth will progress insignificantly or at a certain level stagnation occurs. Therefore it is important to have strategic steps in fighting corruption and achieving good governance that must be taken by each ASEAN member by imitating on best strategies undertaken by neighboring countries, such as Singapore.

On the other hand, ASEAN as a cooperation organization in the ASEAN region should be able to be a bridge to the creation of the ASEAN region free from corruption. Efforts to realize the two APSC pillars 2015, which promotes good governance and Preventing and Combating corruption should be conducted through concrete actions. APSC Blueprint is expected to be pillars to eradicate corruption and promote good governance for the realization of the ASEAN Community 2015.

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