

# **KRG and Tackling Corruption Via Public Servant Late Governor Dr. Firsat Sofi as a Prototype**

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## Abstract

A public servant is a state employee or its representative who acts on its behalf in facility management and public service provision. Where he/she plays the role of mediator between both the state as the authority figure and the citizen who is one of its members and between each of the administration as the representative of the state and the citizen. Keeping public assets and the Protection of the administration, are two principal principles to provide proper social, economic, and political structure in any society. The public servant is the expression of the will of the state in confronting the citizens and other society professional gatherings, so it is necessary to choose the right person in order to correctly express that will. Even more than that, the legal position that the public servant enjoys requires him to participate effectively in nation-building. The first of these duties is to move away from job-relevant practices that violate that representation of the state. That is, moving away from corruption and working to reduce it until its absence. It is gravely essential that the public servant's commitment restrained out of conviction and consent and not out of coercion and fear.

## Public Sector Corruption

Corruption, which can be defined as the "use and abuse of public power for private gain", is admittedly as old as organized society, at least as old as the time when organized society first established public institutions for its preservation and development. when the public sector is considerable in the complex societies that are ours \_ the opportunities for corruption to occur have certainly increased. Whether corruption itself has increased is potential, but it could also be that society's means of detecting it have also increased. We may feel that our societies are more corrupt, because we discover more of the phenomenon. At any rate, it is vital that uncovering corruption wherever it occurs, is significant for both for the general morality in our societies and for their social, economic, and political development.[\[1\]](#)

The rampant corruption in the public sector "government administration and all public bodies" consider the biggest hurdle to development, in which the public office is used for personal purposes and interests. Being a corrosive drain on public trust and on the legitimacy of public sector institutions. The crime of bribery, defalcation, and exploit power, to name a few, are the administration corruption forms that are classified within the public sector corruption. Which, unfortunately, is becoming a reality. Thus, corruption has become a phenomenon of not only national but also an international concern. Therefore, I should remind all that corruption can never be eliminated, but it must be diluted.

All legal systems have assigned two approaches in order to confront corruption in the public sector, preventive and curative. To prevent the aforementioned crimes to happen or at least to dilute it. For that purpose, the law has constituted three types of responsibilities to the public servant whenever he/she breached the duty.[\[2\]](#) The first is the disciplinary responsibility that results from the disciplinary violation resulting from each breach of job duties positively or negatively.[\[3\]](#) Second, the criminal responsibility, which is the result of committing the employee a functional breach which is punishable by the Penal Code or any related law. And the third is civil liability, which is resulting from the damage resulting from the error that is committed by the employee ex officio while exercising his duties. But the big question is whether all these procedures and regulations prevent the public sector from corruption?

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Of course, the public sector corruption has embodied in multiple knowing behavioral wrongdoing forms, till became a

subject of punitive legislations and considered as a crime in the field of the public sector, to name a few: Bribery, Nepotism, Favoritism, defalcation, Blackmail, and Wasta. Besides that, there are some other activities in the public sector that are not criminalized in the vast majority of countries. Like abuse of power to achieve personal interests, illicit enrichment. Assuming all corrupt activities related to the public office have criminalized, again the big question is: Did criminal protection succeed in preventing corruption in the public sector?

A public servant is a state employee or its representative who acts on its behalf in facility management and public service provision. therefore, has a paramount responsibility for combating corruption in all its forms. Consequently, the public servant has a set of two types of duties; The duties are obligated to perform out, and duties refrain from performing;[\[4\]](#)

- **Perform the work assigned to him.** The public servant must perform the tasks assigned to him by himself. He is not permitted to assign it or to appoint someone else to perform it unless in cases determined by regulations and rules. Appropriateness of work or fair distribution of work among employees, by distributing employees and distributing work among them, which is the responsibility of the administrative head alone, and the work entrusted to him must be performed accurately and honestly.
- **Professional confidentiality.** The employee must abide by the professional secrecy and prevent him from disclosing the content of any document in his possession, or any event or news that he is aware of or is acquainted with in connection with the exercise of his duties except for what is required by the necessity of public interest and what is permitted by the laws.
- **Obey superiors.** The public servant must, in the performance of his duties, respect the authority of the state and the imposition of respect for it in accordance with the laws and regulations in force. And that is given the situation as entrusted with the interests of the state and his hierarchical subordination status that compels him to carry out the tasks assigned to him, regardless of his rank in the administrative ladder.

Other duties where the public servant must refrain from performing it, are:

- **Not to compromise the integrity and security of administrative documents.**
- **Not to combine Among the public office and the practicing profitable activities.**
- **Not prejudice the property of the administration, including equipment and means.**

A public servant must undertake this task for the general morality of society, nay also for its lasting economic progress which vitally depends on honesty and trust. Whereas the legal system, apparently, has proven ineffective in actual reality. this struggle becomes both more complex and urgent and is rendered all the more difficult for the KRG but not impossible. The late governor, Dr. Firsat Sofi, was a perfect example of the possibility of implementing the idea. The idea of adopting the standard of scientific knowledge and having good morals, in order to appoint a person in the public office. As these were clearly embodied when it was decided to appoint the late Dr. Frist as a governor of the capital Erbil last year.

His parliamentary experience, legal knowledge, professionalism, integrity, patriotism, and devotion has made Dr. Firsat much loved by the public.[\[5\]](#) evidenced by the outpouring of condolences and support across Kurdish media.[\[6\]](#)

All that has made to say that he has a good moral and represented the administration in sufficient way. He was a source of hope for reform.[\[7\]](#) Undertaking the task for the general morality of the local society of Erbil, but broader. "Dr. Firsat was a humble patriot and a dutiful public servant, who faithfully carried out his duties as Governor of Erbil and worked tirelessly in his service to the public.[\[8\]](#)

## The role of Officials and Anticorruption Mechanism

The precedent experiences of corruption countering have approved that the addressing of corruption should begin with governments' officials sharing a common vision and a strong commitment to taking effective, practical steps to prevent and prosecute corruption. To turn talk into action. Promoting shared standards and building political will.

Too often, anticorruption programs overlook the fact that ethics and legal systems alone are not sufficient to effectively address corruption. Rather, it is properly established institutions that prove to be powerful anticorruption mechanisms. Such a systemic approach provides a framework for identifying both the sources of corruption and organizational behavior patterns that involve the political economic and social aspects to be addressed.

A combination of ethical and legal anticorruption measures and an introduction of functional mechanisms that both suppress and protect against corruption makes the ethical and legal procedures effective.[\[9\]](#)

The institutional aspect is reflected through a number of procedural changes, aimed at reducing the environment for corruption, such as the elected governor, ensuring greater political competition and increased accountability but with limited authority.

These are not explicitly referred to as systemic anticorruption operations. Properly appointed, organized and trained government officials existing at known "corruption focal points" can function as powerful anticorruption mechanisms, addressed through a structured intervention. The existence (or non-existence) of such governmental officials also offers concrete evidence of the degree of a local government's weakness or susceptibility to corruption, in contrast to some indicators based solely on anecdotal evidence or public perception.

In this regard, two out of five "key building blocks of an anticorruption strategy", that had been discussed in the World Bank's anticorruption monograph;[\[10\]](#)

- Increasing the accountability of political leaders through increased transparency via public scrutiny, adoption of ethics codes for public officials, and legal and other mechanisms that promote/guarantee free access by the public to official information. Politicians should be subject to "effective sanctions," including free political competition.
- Reforming public sector management by "instilling meritocracy and adequate pay in public administration, clarifying governance structures, enhancing transparency and accountability in fiscal management, and producing policy reforms in sectoral service delivery" which target and replace the existing, widespread "practice of political patronage."

One of the Stability Pact's ten anticorruption measures mandates that each Pact member state under the convention, signatory states must:[\[11\]](#)

- Hire and manage public employees based on merit; provide appropriate education, training and salaries; and within systems that promote transparency and prevent conflicts of interest (Article 7).
- Take measures to enhance transparency in public administration, including giving the public access to government information and simplifying administrative procedures (Article 10).

The United Nations has also published a "toolkit" of suggested anticorruption measures (termed "tools") which governments may take. Under their broader headings, these "tools" include:[\[12\]](#)

- Situational prevention — Techniques to prevent corruption in the public sector, disclosure of assets and liabilities by public officials, authority to monitor public sector contracts, curbing corruption in the procurement process, creating integrity pacts, practicing result-oriented management, and using positive incentives to improve

employee culture and motivation;

- Social prevention — Creating social prevention and public empowerment, promoting access to information, raising public awareness and empowerment, training the media and developing investigative journalism, creation of joint government and civil society bodies, establishing public complaint mechanisms, and creating citizens' charters;

Perhaps, mere knowledge is not enough to reach that end which illustrated by all relevant regulations of combating public sector corruption and guided by all aforementioned measures. But, compliance with legal requirements and a sense of responsibility, is required as knowledge. And that is what we found in Dr. Firsat's personality prior to his nomination for a public position. [13] One key way of addressing the corruption problems through internal measures is the establishment of strong personal attitudes of public procurement officials towards basic principles of the public procurement laws and ethical conduct during the performance of their duties.[14]

The strength or degree of influence the public servant has, among his colleagues and employees, which is considered personal and professional, enabling him to direct decisions or procedures in ways representing the administration truly. By achieving both superior and public satisfaction. Dr. Firsat had praised by the leader of the political party who candidate him for the position of the governor "Losing a young man like Dr. Firsat is a great loss. I have lost a son of mine." Kak Masoud Barzani stated.[15] Attending thousands, despite Covid-19's risks, in his funeral, is the best proof that he gained public satisfaction.

### **Employment Ethics and Major Challenge**

The success of governmental (and private) institutions is mainly based on the power that the human element carries in them, represented in knowledge and will, and the honesty represented in the morals and values that he carries and applies during the exercise of job duties. In light of this, researchers have focused their attention on public office ethics especially after the emergence of a behavioral deviation in the practices of employees in the public administration like acceptance of bribes, defalcation, nepotism, and favoritism which led to administrative corruption due to multiple reasons; urban reasons, political reasons, structural reasons, valuation reasons, economic reasons, administrative reasons. However, administrative corruption became an international issue and exist in varying degree in all countries, but studying it needs focusing on employment ethics everywhere.

The emergence of administrative culture in management goes back to the late thirties of the last century, and interest increased in the fifties, then it prominent in American society through what is known as the concept of symbolism due to the emergence of successful multinational firms led by their founders, their symbols.[16]

The (administrative culture) is one of the two essential elements in forming management ethics; first the administration, as the heritage of the administration, is in the formulation of the framework. Second, the overall values within the administration are the (personal attitudes) personal values and the ethical interpretation that translates these values to behaviors is an important phenomenon in the ethical decision -making process in administrations.

To that (the heritage of the administration) which is the composition, policies, regulations and a set principle of morality, systems of reward, testing, and training constitute one of the two elements that contribute to shaping the ethics of management, which would direct behavior in a specific direction.

And that each system of the administration has a special impact on the nature of the behavior of employees and all of these effects generate a force that pulls the behavior and pushes it in a direction that might enhance or weaken the action. Management ethics. All of these will adjudicate by the External audience and decide how much the public servant is far from the causes of administrative corruption; either was urban reasons, political reasons, etc.

At a time when work has become an institutional professional, which requires quality performance from workers those affiliated with any job were required to learn many principles, acquire values and behaviors, and know the methods that achieve the highest degree of productivity. After competence was the only center of concern in the employment process, ethics is receiving increased attention. Today, many terms such as the rules and ethics of the profession are repeated. Job ethics, business ethics, and administration ethics. The employee's display of correct behavior, sincere belief in the ethical system and the values of society, and his devotion to the general objectives, has become one of the necessary matters that must be met by all the facilities of the state. In order to perform its functions, its duties, and services to the satisfaction of the user of the service. Certainly, achieving this administrative target consider the achievement of multiple targets in the society in which the political one comes first of all.

The principles underlying good public servant are deeply rooted in universal values and shared moral principles across various societies. Going back to the Kurdish society and Kurdistan, clearly, we can touch and find the aforementioned values. The challenge is to make sure that universal values, shared moral principles and national commitments to anti-corruption as well as leadership calls for anti-bribery at the board level trickle down through the whole administration to every last government official on the ground in the country. As Singapore's Founding Prime Minister Lee Kuan Yew said, anti-corruption like cleaning the stairs, starts from the top to bottom!

Time and again we are reminded that successful campaigns against corruption have to come from the very top. A genuine commitment from leadership is vital if bad practices are to be prevented from creeping in. Leading with moral authority is a prerequisite to attaining sustainable success in this battle. It is therefore not unreasonable to demand that present and future leaders are assessed on, among other things, their attitudes to and achievements in combating corruption.[\[17\]](#)

Good public servant practices cannot be imposed by fiat only, even if promulgated by the highest levels of leadership. Nor can exist in a vacuum; public servant will find him/her hard to comply with governance regulations if there are no initiatives to improve the overall legal and regulatory climate in a country. Ethics and values (internally), and legal and regulatory institutions (externally), guide how the administration is developed and implemented. Ethics and values by itself should not be regarded as a panacea or an automatic cure for all administration ills. However, if bolstered by the values and behavior engendered in genuine ethical institutions with sound governance standards, corruption becomes the exception rather than the rule.[\[18\]](#)

Perhaps researching the direct factors that help the corrupt achieve his financial goals will be useful in understanding the mechanism of the accumulation of corruption in public and professional work in Iraq.

The first of these reasons is the idea of privilege through the appointment. Gaining the opportunity to work in the KRG's job is not the culmination of continuous stages of qualification, study, and training.

In a country governed by the mentality of the totalitarian party and the agencies entrusted with it, it suffices to ensure the loyalty of individuals at every moment to the established order. Nay to a group or even to a person. Rather, it suffices to declare the loyalty and willingness to serve the existing system as desired. And to be prepared to sacrifice everything in order to establish the stewardship of this system, group, a person over the state and society. And "everything" here includes the sacrifice of even law and public order.

finally, we have to say that writing this article per se, would be the answer of the two arose questions in regard to the sufficiency of administrative and punitive standards to prevent corruption in the public sector. If these measures were successful, we wouldn't have written this article!

And lastly, for my best friend late Dr. Firsat, who I have been closely aware of his loyalty, dedication, and competencies in serving Kurdistan. And, in order to "his legacy will endure"[\[19\]](#) Prime Minister stated, the KRG should honoring his efforts

in this regard. And should keep his model of combating corruption undying by naming a place in Erbil under his name. As gratefulness for his efforts in the field of reformation and fighting corruption and for encouraging other public servants to take his steps. This is the least that can embody his legacy of service.

[1] <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8861&lang=EN>

[2] These responsibilities differ in terms of the authority that carries out their implementation and the implications in terms of administrative, criminal or civil consequences.

[3] positively consist attending the act, negatively, abstaining from the act.

[4] بلحاج محمد امين، جرائم الفساد الإداري التي يرتكبها الموظف العمومي، رسالة ماجستير، جامعة عبد الحميد بن باديس مستغانم، الجزائر، ٢٠١٩، ص ١٩.

[5] <https://www.rudaw.net/english/kurdistan/18112020>

[6] <https://www.faimission.org/wire/beloved-kurdish-governor-dies-covid>

[7] <https://www.kurdistan24.net/en/news/b9cf3d10-7e7c-4c1f-be5f-86efb93cb92>

[8] <https://gov.krd/english/news-and-announcements/posts/2020/november/statement-from-the-krq-on-the-death-of-dr-firs-at-sofi-governor-of-erbil/>

[9] Robert Sundberg, Mirjana Stanković: Anticorruption Mechanisms in Serbian Local Government: Institutions Which Both Oppose and Resistant to Corruption.

[10] World Bank, 2000. Anticorruption in Transition – A Contribution to the Policy Debate. Washington, D.C.

[11] UN Convention Against Corruption. Adopted by Resolution 58/4 of 31 October 2003.

[12] United Nations Office On Drugs And Crime. 2004. The Global Program Against Corruption – UN Anticorruption Toolkit, 3d Edition. Vienna.

[13] <http://newsweekme.com/kurdistans-economy-is-on-its-knees/>

[14] <https://www.hawlergov.org/app/en/node/967>

[15] <https://www.arknews.net/en/node/24896>

[16] أسرار فخري عبداللطيف، أثر الاخلاقيات الوظيفية في تقليل فرص الفساد الإداري في الوظائف الحكومية، البنك المركزي العراقي، شباط ٢٠١٨، ص ٨-٩.

[17] <https://www.weforum.org/agenda/2015/04/why-the-fight-against-corruption-starts-at-the-top/>

[18] [https://www2.deloitte.com/content/dam/Deloitte/ru/Documents/finance/role\\_corporate\\_governance\\_sullivan\\_eng.pdf](https://www2.deloitte.com/content/dam/Deloitte/ru/Documents/finance/role_corporate_governance_sullivan_eng.pdf)

[19] <https://www.al-monitor.com/pulse/originals/2020/11/iraq-erbil-krq-kdp-governor-death-coronavirus-teacher-law.html>