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MANIFESTATIONS OF POLITICAL CORRUPTION AND METHODS OF ITS PREVENTION IN GREAT BRITAIN

Peculiarities of forms of political corruption in Great Britain are analysed. The historical excursion of forms of corruption prevention is done. Characteristic features of the British anti-corruption strategy are noted. The experience and effectiveness of anti-corruption reforms in this country are assessed. It is stressed that Britain is not a “zero tolerance” country to political corruption. The peculiarity of British anti-corruption policy is stated to be a permanent public control over issues related to lobbying, purchasing political influence, financing of political parties, transparency of elections, malversation of local authorities, etc. Permanent public awareness is a major driver of anti-corruption policy of Great Britain.

Keywords: corruption, political corruption, anti-corruption reforms, Great Britain.

The example of Great Britain as a highly developed democratic state at the highest level demonstrates that political corruption is a “disease” that affects all the newest states, regardless of the level of development and political regime. But the level of this “affliction” is correlated with a number of factors (political, economic, legal, etc.). In general, Great Britain “reined in” a corrupt offensive on the political sphere.

Despite its leading economic position, Great Britain is not one of the leaders in rooting out political corruption, unlike Denmark, Finland, Sweden, and other states leading anti-corruption ratings. Corrupt political scandals were associated with the names of the British Conservative Party P. Crades, the former Interior Minister J. Smith, the younger Minister of Social Security T. McNulty, the chairman of the Conservative Party, E. Pickles, and others. But the consistent implementation of anti-corruption values ensures steady high positions of both countries in anti-corruption assessments, such as the Corruption Perceptions Index. This index is an indicator of corruption in the public sector, government and activity of other political actors. The index determines the place of the countries on a scale from 100 points – there is no corruption, to 0 points – strong corruption: 2012 – 74, 2013 – 76, 2014 – 78, 2015 – 81, 2016 – 81 point.

The scientist K. Friederich emphasized that in modern Britain and a number of other countries, political corruption is perceived as a special form of political pathology, rather than as a global disintegration¹. D. Canache and M. Alison rightly point out that political scandals in Great Britain have undermined citizens’ credence and confidence in actions of the government, but did not destroy the democratic system of this countries². The high level of legal and political culture in both states, and the development of civil society institutions contribute to the fact that politicians retire in the context of a corruption scandals surrounding them.

It is necessary to analyse peculiarities of forms of political corruption in Great Britain. Determine differences of national anti-corruptive strategy, assess experience and efficiency of their anti-corruptive reforms.

For several hundred years, Great Britain has been trying to solve the problems of ethics, the standards of righteousness of government officials and politicians. These issues remain on the agenda of the United Kingdom today: public opinion polls express concern about the level of corruption, and the government continues to discuss mechanisms for anti-corruption protection in politics. British civil society, especially thanks to the powerful capabilities of the new media, “holds in the sight” its politicians and parties. Obviously, this gives some positive results, considering the steady increase of the position of Great Britain in the Corruption Perceptions Index over the past five years.

¹ Friedrich, C.J. (2007). Corruption Concepts in Historical Perspective. In: A. J. Heidenheimer, M. Johnston (Eds.), *Political Corruption: Concepts and Contexts*. New Jersey: New Brunswick, 22.

² Canache, D., Allison, M. (2005). Perceptions of Political Corruption in Latin American Democracies. *Latin American Politics and Society*, 3, Vol. 47, 96.

In May 2016, the World Anti-Corruption Summit was held in London, which is another evidence of the urgency of the corruption issue for this country. For Great Britain, political corruption is the subject of active investigations and scientific analysis. Thus, one of the latest researches of the problem of British political corruption by the professor at Liverpool University D. White, is sharply stated in the title and poses a key question – “How corrupt is Britain?”¹.

Nowadays Great Britain is not a “zero tolerance” country in relation to political corruption. Moreover, it was not such in past. Yet in Medieval England, one of the important mechanisms for fighting against corruption was an independent audit, the first mention of which dates back to 1130. London City was audited already in the 1200s, and there is a mention about the election of auditors before the beginning of the 14th century². The audit was aimed at ensuring accountability of those officials who were managing money (counteracting bureaucratic corruption). At the end of the 17th century in Scotland, the first law on the prohibition of being auditors and certain officials at the same time was adopted – in such a way the Institute of Independent Audit gradually emerged. Also, the first statement of the British Parliament against the corruption of the king (Jacob I Stewart) took place in the 17th century.

Large scale reforms of British elective law were done in 19th century; they deprived political life of the whole country of the most expressive manifestations of political corruption at that time – so called “pocket” “rotten boroughs”, those were constituencies, which were literally bought and sold on parliamentary elections. In 1872 the law on secret voting was passed, in 1883 – on fight against corruption on elections (supplemented with the law of 1906) which determined maximum sums, which could be spent for electoral campaign.

By the end of 19th century peculiar significance of anti-corruption fight is clearly described in the English law; this was fixed in three laws: on bribery in public-legal organizations (1889), on corruption prevention (1906), on amendments to the law on corruption prevention and novels to it (1916). It is necessary to pay attention on emphasis in third regulatory act on corruption crimes aimed against elective rights: attention is given to different forms of forcing of voters (vote purchase, entertaining of voters, straining of the last, etc.) In virtue of conservativeness of British legal system this complex of acts was valid till 2010.

To control and resist political corruption in Great Britain, Committee on Standards in Public Life (Nolan’s Committee) – an independent advisory public body at British government – was established in 1994. Establishing of this committee was stipulated by public scandal, initiated in October 1994 by the «The Guardian». In the publication it was stated that two parliamentarians N. Hamilton and T. Smith, lobbied in the House of Commons interests of Mr. Al-Fayed with an award of £2,000 for each question. This scandal was later called “money-for-question”. Mr. T. Smith plead no defence and the fact that he received £ 25,000 from businessman and immediately left the post of younger minister in the affairs of Northern Ireland. Mr. N. Hamilton insisted on erroneous accusation, but under pressure of that time prime minister J. Major left the post of the minister of the Department of Trade and Industry. In the response to the reaction of the public to this case at the day of Mr. N. Hamilton re-assigning, prime-minister announced about establishment of Committee on Standards in Public Life in the House of Commons³. Activity of the Committee aimed at prevention of corruption of members of parliament, who work as company advisors, who strive to influence on state policy and ex-minister, other officials, who work in those industry spheres, regulation of which they carried previously in government. On the grounds of the results of works of this Committee the House of Commons took decision on assigning of parliamentary director for standards, prohibition of protection and publishing of additional earning of the members of parliament⁴.

An important problem in the area of political corruption is selling of deputy seats. While looking at historical excursus, it is important to state that by 1911 British parliamentarians had not received official salary. Still the seat of the deputy was considered to be extremely profitable. From the end of the 18th century and till 1911 deputies publicly sold state positions, about what announcements in press were

¹ Whyte, D. (2015). *How Corrupt is Britain?* Pluto Press, London.

² Опыт борьбы с коррупцией в Великобритании. *Стоп коррупция*. <http://stopkorupciya.blogspot.com/2014/09/blog-post_35.html> (2017, серпень, 27).

³ Підбережник, Н. (2013). Антикоруційна політика в країнах Західної Європи: досвід для України. *Ефективність державного управління*, 37, 123–132.

⁴ Підбережник, Н. (2013). Антикоруційна політика в країнах Західної Європи: досвід для України. *Ефективність державного управління*, 37, 129.

printed. This was a legal procedure, which was stopped only after increase of public indignation and substituted with remuneration of labour. By means of it, there arose possibility to minimize corruption at assigning for state positions.

There arises an idea that separate political parties of Great Britain still in modern time rather practice positions “privatization”, which was characteristic for 17th century than current law: many of them openly sell privileged access to government¹. The corruption scandal in 2006 concerning the distribution of seats in the House of Lords (the case of “donations in exchange for titles”) has become perhaps the loudest. There fell a suspicion on the leadership of the state (the government) in giving seats in the House of Lords in exchange for the financial support of the Labour Party before the 2005 elections. After the investigation was initiated, it turned out that at least four candidates for House of Lords had given significant amounts (which, moreover, were not declared) to the Labour Party fund. In this case, politicians of the highest rank were interrogated, including that-time British prime minister T. Blair. It is important to note that the practice of selling titles, positions was legally banned in 1925. And in 2000, the Law on Political Parties, Elections and Referendums consolidated the requirement to disclose information on sponsorship.

One of the reasons why voters did not support the conservatives in the parliamentary elections in 1997 was corruption scandals, accusations of members of the government in malversation of official authorities and financial misconduct. Then, the ruling conservatives, led by J. Major, suffered a complete defeat from T. Blair Labour party (a gap of 253 mandates). However, Labour Party also regularly became objects of criticism for the reasons of political corruption: a heated discussion was caused even by air travels of T. Blair with his family at the expense of “friends”. Such public accusations devalued the most valuable thing that authorities have – the trust of the population.

In 2009, the British political system was shaken by a new corruption scandal related to the inappropriate spending of funds allocated to deputies of the House of Commons for their legislative activities. In the meantime, were reimbursed for housing costs in or near London, or housing in the constituency where the deputy spent most time (the UK had a majoritarian electoral system) was introduced for Britain’s parliamentarians. The accusations of unreasonable spending on second homes related to a number of high-ranking officials, such as the Interior Minister J. Smith, the Junior Social Security Minister T. McNulty, the chairman of the Conservative Party, E. Pickles, and others. Public dissatisfaction was “warmed up” with the information that in 2007–2008 total expenditures of deputies paid from the state budget increased for 6% (to £93000000), and that took place at the background of the increase of the world economic crisis and government appeals to the public about saving and economy.

These events made that-time prime-minister G. Brown to address an independent Committee on Standards in Public Life and additionally independent auditors with instruction to carry out investigation of financing activity of members of the House of Commons².

Conducted audits revealed a massive incidence of malversation of more than 1 million pounds. Deputies of the House of Commons were sent letters with a proposal to return to the public treasury the amounts which were discovered to have been used for other purposes (i.e., for personal needs). Among the addressees were G. Brown, D. Cameron, A. Salmond, N. Klegg and other politicians from different political parties. The returns were insignificant (for example, £218, returned by D. Cameron), as well as by weighty (£40,000 returned by T. McNulty). Since the law-makers-parliamentarians appeared to be the perpetrators of the law, Prime Minister G. Brown initiated the establishment of an independent body to control the expenses of parliamentarians of the lower house. It was also decided to adopt a code of deputy behaviour, and financial declarations to be made public on the Internet. In public opinion, the story of inexpediency caused a violent dissatisfaction. As a result, in 2009 more than 150 deputies³ did not even submit their candidacy for the next election, so that the accusations against them were not reflected in the electoral preferences of voters regarding the parties to which they belonged.

The readiness of British justice to consider the question in which the defendants are parliamentarians, has sharply raised the issue of parliamentary immunity. This principle has a long history, beginning with the Bill of Rights (1689), which has protected lawmakers from prosecution. Even newer legal acts were protecting parliamentarians: in 2003, the court of highest resort decided that the parliamentary privilege

¹ Світовий досвід: політична корупція у Великобританії. Уроки для України. *Представництво Фонду Ф. Науманна в Україні та Білорусі*. <<http://ukrajina.fnst.org/content/svitoviy-dosvid-politichna-korupciya-u-velikobritaniyi-uroki-dlya-ukrayini>>.

² Громько, А. (2010). Коррупция в верхних эшелонах власти Великобритании. *Обозреватель-Observer*, 10, 122.

³ Громько, А. (2010). Коррупция в верхних эшелонах власти Великобритании. *Обозреватель-Observer*, 10, 123.

should serve for preservation the principle of separation of powers, which requires the judiciary powers not to interfere and not to criticize the activities of the legislature.

For the past five years, the situation with political corruption in the Great Britain has shifted towards a reduction. The jump-start for change was the large corruption scandal mentioned above in the parliament in 2009. This led to the emergence of a new system, aimed at ensuring greater transparency of funding allocated to deputies for the maintenance of their offices. Also, in 2010, the British law on bribery was passed; “it demands that organizations train their employees to see the ways in which bribery can penetrate their business practices and inform them about the steps they should take to prevent this phenomenon”¹.

British experts in the area of political corruption (in particular, D. Hamm) believe that for the effective fight against corruption among politicians and civil servants the first necessary thing is presence of information about their income publicly accessible to every citizen.

Nowadays in Great Britain two problems became urgent:

1) corruption in the upper house of parliament (lords). Previously, its members were British noblemen of their descent, but now it is possible to become the one by paying a certain amount to party leaders;

2) financing of political parties by corporations. In the UK, there are no restrictions on political contributions, unlike, for example, in the United States or France. Therefore, the dependence of political parties from a small group of donators makes corruption possible. By threatening to stop donations, sponsors from the business environment are pressing for making profitable solutions for them. Thus, even foreigners can easily make a financial donation – they only need to be registered for “business activity” in the UK. Among the latest examples can be amount of 76 million pounds, spent on a Brexit campaign. Most of these funds are donations from 10 private sponsors. It is important to note that in public opinion polls, most British favour a total prohibition of politicians’ funding by corporate entities and the private sector (59% according to the Transparency International Annual Global Corruption Barometer, 2016). British people began to express dissatisfaction with the settlement of the issue of financing the parties in the 1970s, when the report of Houghton was published and the procedure for allocation of budget funds to the opposition parties was established – that is, “Shortage Money”². As G. Monbiot states, “our system of funding political parties that has not been reformed allows very wealthy people to buy these parties”.

The problem of funding is acute in most states. In Ukraine, as it is well known, a law providing state funding of political parties was adopted as well. In Great Britain the state budget provides funds for parties, but they are very insignificant for party work and electoral races. This also requires the need for sponsorship (for example, in 2001, parties were donated about 130 million pounds). But nowadays British lawmakers are actively working to limit the amount of donations for party needs. The total prohibition of corporate sponsorship of political parties is not mentioned. Parties are legally required to report openly on their finances. This was the result of the work of Lord Noland’s committee after Labour party came to power in 1996. Mr. Noland managed to introduce a new concept of financing political parties. Foreign funding of parties is prohibited, but there are legal and regulatory gaps: as an example it is appropriate to demonstrate the movement “Better for the country”, created in 2015, which receives funding from abroad, as it is not considered as a party.

Many of the facts of political corruption in the UK are due to the practice of lobbying. Thus, in 2010, with journalists organized provocative arrangements with governmental officials of the Cabinet of G. Brown on lobbying business interests of pseudo-players of American business. All government officials to whom there were appeals³, agreed to provide paid services using their official position to promote the business interests of the customer. A journalistic investigation has shown how widespread is the practice of lobbying among the British establishment. It should be noted that under the existing rules, the deputies of the British Parliament have certain possibilities for a civilized format of lobbyism, but for observing a number of rules.

A significant number of examples of British “corruption” are at the crossing of big business and politics. An example is the contracts of the military-industrial company “BAI” with Saudi Arabia, Tanzania, the Czech Republic, and others states for the supply of equipment and others, were considered

¹ Дубровик-Рохова, А. (16 берез. 2017). Британія – жертва чи бенефіціар ТОП-корупції? *День*.

² Громько, А. (2010). Коррупция в верхних эшелонах власти Великобритании. *Обозреватель-Observer*, 10, 121.

³ It concerns those already ex-government officials, such as transport minister S. J. Bayers, health minister P. Hewitt, defense minister J. Hun. Expected reward would have amounted to £3,000-5,000 per day. Of course, such activity has led to accusations of defamation of the Labor Party.

for the subject of corruption because of suspicions of big bribery of “BAI” to foreign officials for the successful promotion of business. Separate large-scale anticorruption investigations were stopped at a certain stage, as they contradicted the practice of international anti-corruption fight. In this regard, the Organization for Economic Cooperation and Development stated that “it is disappointed and seriously concerned by the continuing failure of Britain to remove from its legislation the shortcomings that make it possible to bribe foreign state representatives and corporate propensity to give bribes to foreigners”¹.

In 2014, a scandal over D. Cameron and the British Conservative Party broke out because of suspicions of ties with lobbying companies (in particular, New Century), from which remuneration was received in the amount of £ 85,000, which came to the party account a few months before the 2010 election, however such a sum is a third of the annual income of the “New Century”. But at the same time it is important to understand: 1) a new global agenda – the fight against global corruption; 2) civilized lobbying is an effective alternative to corruption in the case of the influence of interest groups on the state. First of all, lobbyists should be in the official register. According to head of research of the Transparency International in the UK, N. Maxwell, “less than 4% of lobbyists are registered in the register, and this only concerns the lobbying of ministers and secretaries of parliament, does not take into account lobbyists who deal with parliamentarians and officials”². Therefore, at least there arose a need to: 1) create a register that would cover both private lobbyists and lobbying companies, and would publicize more information about them; 2) publish available detailed information about lobbyists’ meetings; 3) create an independent body that would monitor lobbying practices and enable compliance with the rules of civilized lobbying.

On April 27, 2017, a draft bill “Unexplained Wealth Orders” was adopted, which is aimed primarily at top corrupt officials who invest illegally received funds into luxury real estate in London. This law is not less important than the British law on fight against bribery in 2010. In 2011, the UK Bribery Act came into force, which bases on the presumption of the guilt of the subject of political and other forms of corruption. The innovation of this Act lies in the fact that its effect extends beyond the bounds of the United Kingdom – the principle of extraterritoriality applies to corruption crimes.

Still, it is necessary to emphasize that despite particular problems and legal gaps even members of Royal family do not have immunity from suspicions of being engaged in political corruption. For example, in 2010 newspaper «News of the World» accused Duchess Ferguson in organization of meetings with her ex-husband, Prince Andrew, as representative of the state in trade issues, for an award (in one of such occasions sum of £500,000 was fixed).

Great Britain is still characterized by the situation of the corruption of a person by the government, the belief that his high position will relieve its bearer of responsibility, or that a state official, politician can manipulate his authority based on his own ideas of good and evil. Therefore, in this country, the issue of “parliamentary privilege” (parliamentary immunity), which is proposed to be cancelled or narrowed considerably to for fight at least with the illegal lobbying of deputies remains in the centre of public discussion. Of course, the scale of corruption in Great Britain is not proportional to the scale of such in most countries in the world, but at present the country cannot be considered as having “zero tolerance” to political and other forms of corruption.

Peculiarity of anti-corruption policy of Great Britain is common interest of public to issues related to lobbying and buying of political influence, financing of political parties, transparency of elections, malversation of local governmental authorities, etc. Constant awareness of public is an important driver of anticorruption policy of Great Britain.

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