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Anti-corruption policy making in practice:
What can be learned for implementing Article 5 of UNCAC?

Synthesis report of six country case studies:
Georgia, Indonesia, Nicaragua, Pakistan, Tanzania, and Zambia

Karen Hussmann

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Executive Summary

The United Nations Convention against Corruption (UNCAC) has been recognised as a reference framework for the fight against corruption, unique because of its comprehensive coverage based on a common understanding among a broad range of States Parties. While it provides new opportunities and guidance for national policies and anti-corruption measures, it also poses considerable new challenges, for instance the temptation to undertake too many anti-corruption measures at the same time. In order to address the multifaceted phenomenon of corruption, Article 5 of UNCAC stipulates, among other provisions, that *"Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies …"*. As a fundamental preventive provision, Article 5 puts emphasis on a strategic approach and is a gateway for the implementation of UNCAC provisions. The U4 Anti-Corruption Resource Centre therefore found it relevant to study experiences from existing anti-corruption policy regimes and analyse what can be learnt from them.

From among the many different forms that anti-corruption policies can take, the present study explores the experience of six countries that have pursued explicit national anti-corruption policies or strategies. This focus was chosen because it is likely that such an approach will be pursued with greater enthusiasm as States Parties seek to fulfil Article 5 of UNCAC.[2]

The main objective of this study is to provide insight into how countries have so far grappled with the challenges of anti-corruption policy making and implementation, to analyse what this experience can tell us and to identify issues for consideration in future policy making, both for States Parties and for development partners.[3] The purpose is to explore in depth how anti-corruption policies or strategies came into being in six countries, what the catalysts and driving forces were, which criteria were used to select and prioritise reforms, how they were implemented, and what the role of development partners was in the overall process. The study is based on an extensive literature review, empirical research through in-depth country case studies from *Georgia, Indonesia, Nicaragua, Pakistan, Tanzania and Zambia*, as well as the concluding analysis of what can be learned from this experience.

Section I provides the background to this research project and looks at the basic features of anti-corruption policies. It also depicts various ways in which anti-corruption policy frameworks[4] have emerged around the world in order to illustrate different possible ways in which the implementation of Article 5 of UNCAC may be pursued. For example, some countries have chosen to develop explicit broad national strategies, others pursue more selective policies focused on improving integrity, transparency and accountability in certain key areas of the public administration, and yet others have opted for embedding anti-corruption measures in broader public sector reforms. Further, certain countries set out on legislative transparency and anti-corruption agendas, while in others no specifically declared anti-corruption policies can be found, but rather implicit ones. It should be noted, though, that boundaries between these approaches are sometimes blurred.

Section II contains the main findings of the empirical research on the six countries mentioned above. It examines to what extent key features for effective public policy making, such as national ownership, stakeholder participation, knowledge-based design, priority setting, coordination, monitoring and

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[2] Other approaches to the implementation of Article 5 emerge in the course of this analysis, and are explored in detail in section 4.1.

[3] The term "development partners" refers to all bi- and multilateral agencies that provide development aid and technical assistance to partner countries.

[4] With the term "anti-corruption policy framework" we refer to a set of anti-corruption policies that have emerged in a specific country context and that can be seen as following a broader national level logic or nationality steered anti-corruption approach.

evaluation, are found in practice and what shortcomings have been experienced. Given that anti-corruption policies are interdependent with other core governmental policies and reforms, it explores how these linkages are reflected in practice. Finally, special emphasis is put on the role development partners play throughout the anti-corruption policy cycle.

Section III summarises what we can learn from experience in the six countries studied. The political response to perceived widespread corruption in most of the countries studied consists in the development of a broad national anti-corruption policy or strategy. Nevertheless, in most countries this approach has not been overly successful for a variety of reasons, amongst which the following merit special attention:

- Not enough attention has been given to the political dimension of anti-corruption policies: in particular, the high-level political will that gave birth to anti-corruption strategies could not be maintained from the beginning to the end of the governmental cycle, not to speak of continuation into the periods in office of new governments;

- Implementing agencies do not own the strategies: the high-level leadership of ministries and public agencies which have to implement the lion's share of the measures contained in anti-corruption policies and strategies did not participate actively in their design, and political agreements and hence committed buy-in were weak;

- The tension between comprehensive and targeted approaches remains unresolved: most anti-corruption strategies were not strategic. They did not set priorities, nor did they consider a sequenced roll-out across agencies, allowing for pilot testing and keeping in line with capacities and resources.

- The coordinating agency often lacks authority: the public agencies charged with the coordination and monitoring of anti-corruption strategies usually did not have the authority, political backing or capacity to encourage or compel powerful line ministries to implement envisioned measures and report on progress;

- Ongoing technical advice and mentoring is absent: public agencies that have to implement anti-corruption measures frequently did not have the required capacities to "mainstream" these measures into their daily business operations and anti-corruption lead agencies often lacked the capacity to remedy this situation;

- Monitoring and evaluation has been almost entirely ignored: self-assessments did not bring results and external reviews of progress, e.g. by parliaments, research institutes and universities, had not even been foreseen;

- The lack of information for and communication with implementing agencies, political actors, the media and the public hinders the creation of a sustained political debate and thus of political pressure to move anti-corruption policies forward;

- The role of development partners has been problematic: although important support was provided, development partners often failed to help partner countries creatively to remedy the above mentioned shortcomings. They also often lack sufficient senior expertise on the ground to help identify alternative avenues and provide appropriate guidance.

These main findings do not suggest that there are no serious players in each country studied who firmly believe in the need and usefulness of anti-corruption strategies and who actively engage in the fight against corruption. They tell us rather that anti-corruption strategies in their current form are easily derailed from their original track into overly ambitious and unmanageable undertakings. The analysis of some key features of policy making provides some insights into why this happens:

With regard to **national ownership**, anti-corruption policies and strategies are indeed based on initial political will and clearly pursue political objectives. However, these objectives tend to be concentrated on strengthening the government's power base and maintaining the status quo. On the other hand,

formal democratic processes have had positive effects in that they have allowed the public to voice, in particular through elections, demonstrations and media reports, a demand for anti-corruption policies. But the lack of mechanisms for continuing participation throughout the full policy cycle impedes the effectiveness of these anti-corruption efforts.

In their **content**, most of the anti-corruption policies and strategies studied focus on norms and institutions with limited effects on performance in terms of corruption control. The notable mismatch between the political nature of the problem and technocratic solutions is likely to result in superficial interventions. In addition, envisioned solutions are not based on adequate diagnostics of their causes and often diagnostics are entirely lacking. The case studies further reconfirm that the politically attractive punitive approach to corruption needs to be accompanied by the will to change systems and attitudes. In addition, integration with other core governance policies and reforms is taking place on paper but not in practice. Finally, it emerges that addressing corruption risks in development aid has not been part of national anti-corruption strategies.

In terms of **implementation, coordination** and **monitoring**, it is particularly worrisome to note that this crucial phase of the policy cycle does not receive sufficient political and operational attention. Leadership and oversight are often characterised by a mismatch between institutional capacities and ambitious objectives. Insufficient information and communication with key stakeholders create further opacity. Also, it is not clear how an approach of self-reform through self-assessment is supposed to work, in particular when one takes into account that institutions anywhere in the world tend to be resistant to change. Last but not least, the lack of meaningful participatory monitoring and evaluation seems to convert anti-corruption policies into paper tigers.

In addition, some **international factors** need to be considered. First, as in many other fields of international assistance the role of development partners has been ambivalent in the countries studied, as already mentioned above. International anti-corruption treaties have certainly served as catalysts for legal reform. But so far too little attention has been paid to implementation, both to avoid the distortion of regulations implementing these laws and to put them effectively into practice.

Section IV examines the potential options for the implementation of Article 5 of UNCAC, that is, for "effective and coordinated anti-corruption policies"**.** On the one hand, this section aims at providing States Parties with some issues that they may want to consider when approaching the implementation of UNCAC, in particular of Article 5. On the other hand, it offers suggestions to be considered by development partners when providing assistance to States Parties for UNCAC implementation.

First of all, it seems of great importance that **States Parties** recognise the need to build high-level political agreements in order to develop a strategic vision about how to fight corruption in a given country. The challenge lies in making an anti-corruption policy framework "strategic" instead of elaborating long wish lists. For this purpose, it is also important to acknowledge that there are no ready-made or definite solutions but rather pertinent questions for States Parties to consider when designing their anti-corruption policy framework, such as:

- Should a single anti-corruption strategy or a n alternative approach for coordinated policies be chosen and what conditions influence the choice?

- Would integration with government core policies and reforms provide a potential alternative?

- Are sectoral approaches an alternative? If so, under what conditions and would they complement or substitute for an overarching national approach?

- How can appropriate prioritisation and sequencing be achieved?

- Could monitoring of ongoing policies and reforms from an anti-corruption perspective help to strengthen anti-corruption prevention?

- What kind of institutional arrangements for implementation and coordination is necessary for the approach chosen?

No matter what form the anti-corruption policy framework may take, results from this study suggest that States Parties may want to consider more modest goals and objectives, stronger implementation modalities, in particular through clearer implementation arrangements, monitoring, and concrete prioritisation of issues, in particular those that constitute battles which can be won in the short to medium term (e.g. service delivery in key areas).

Finally, fighting corruption by directly addressing it may not be the most suitable approach in all contexts. Rather, the question arises whether an approach that concentrates on widely accepted antidotes to corruption, such as transparency and accountability, might be more promising. Another basic issue that also should be considered is whether a State Party wants to formulate a "negative", that is anti-corruption, approach, or a "positive", that is pro-integrity or transparency, approach.

With regard to the **development partners**, there are a series of issues for them to consider when designing and deciding upon assisting States Parties with UNCAC implementation, again in particular of Article 5:

- First and foremost, they should use and promote UNCAC as a binding legal and political international commitment to further good governance.

- Secondly, they should recognise Article 5 as the "gateway" for the implementation of UNCAC, but not as an automatic obligation to develop one single national anti-corruption strategy. For this purpose, they should help States Parties to identify different options for coordinated policy frameworks and provide experience-based information about their advantages and disadvantages.

- Third, development partners need to make every effort to strengthen the links between anti-corruption and governance reforms, which also entails overcoming certain "silo" visions that continue to persist within specific sectoral approaches as well as among the experts working in them. Integrating or "mainstreaming" specific anti-corruption components into core reforms is key, as well as continuing training and mentoring of sector specialists in anti-corruption approaches.

- Fourth, they should promote open and transparent dialogue between governments, themselves, parliament and non-state actors to assess progress.

- Fifth, they should increase knowledge and understanding of corrupt practices and their forms, manifestations and dynamics, disseminate the findings widely and ensure public access to them.

- Sixth, development partners should invest much more in fostering effective and non-state monitoring and evaluation of anti-corruption policies, e.g. by parliaments, universities and civil society organisations, and at the same time support more effective internal monitoring.. This particularly important area would entail the not so attractive but highly pertinent issue of strengthening national information management systems. It would also entail supporting the production of non-state monitoring and evaluation materials.

- Seventh, despite progress at headquarters level and, for example, within OECD-DAC, development partners should make greater efforts to bring their actions at country level more in line with these OECD-DAC agreements, in particular with regard to donor coordination, harmonisation of aid and the joint principles for anti-corruption.

- Finally, development partners should also review their collective reaction when partner governments do not live up to mutual agreements. In particular, the often portrayed dilemma of having to choose between non-toleration of corruption and the pursuit of "bigger goals" such as poverty reduction needs to be questioned, as there is room for pragmatic "grey zone" approaches which would avoid an "either-or" answer.

By way of concluding, it should be reiterated that the study cautions against the applicability of one and the same approach to implementing Article 5 of UNCAC in all countries around the globe. Countries with different degrees of institutional capacity and diverse political contexts and social backgrounds will require and may want to choose varying modalities. In addition, the temptation to interpret "effective and coordinated anti-corruption policies" as the need for a single anti-corruption strategy certainly points towards one option, but there are several more. Last but not least, partner countries, where necessary and desired with the support of development partners, should consider pursuing anti-corruption work with effective modest targets instead of ambitious but unfeasible promises.

1   Introduction to anti-corruption policy frameworks[5]

The United Nations Convention against Corruption (UNCAC) recognises that corruption is a multifaceted phenomenon that results, among others, from weak governance systems and failing institutions with multiple interactions among each other. Article 5 of UNCAC stipulates that:

> *"Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability."*

This article reflects the conviction of the States Parties that anti-corruption measures should be embedded in coordinated policies instead of being carried out in isolation or an ad hoc manner. It also recognises that anti-corruption approaches cannot be confined only to technocratic solutions aimed at fixing certain systemic problems. Rather, it places emphasis on the realm of public policy and thus acknowledges the inherently political nature of anti-corruption work. Article 5 puts emphasis on a strategic approach which becomes more evident when it is read together with the articles that follow.

In addition, Article 5 reinforces the spirit of the Convention in preventing and combating corruption not as an end in itself but to promote integrity and accountability as well as the proper management of public affairs. These are key ingredients for good governance and as such crucial preconditions for sustainable development (see Figure I).[6] Hence, national anti-corruption policy frameworks face the challenge not only of building bridges between the realms of corruption prevention and enforcement but also of linking them adequately to other policies and reforms aimed at building the basis for sustainable development.

National anti-corruption policies can take many different forms, such as explicit anti-corruption policies (which have often found their expression in anti-corruption strategies or similar policy documents), cross-cutting transparency/public integrity policies or an amalgamation of public sector reforms which tend to be considered as implicit anti-corruption agendas in themselves (see section 1.2).[7] Clear demarcation lines between these options, which are not mutually exclusive, are difficult to establish and in practice it is common to find a combination of such policies.

With a view to providing inputs for States Parties and development partners for the implementation of Article 5, this study analyses the experience of six countries** (Georgia, Indonesia, Nicaragua, Pakistan, Tanzania and Zambia) **with the design and implementation of one of these options, namely explicit national anti-corruption policies or strategies.[8] It explores how these anti-corruption policy

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[5] With the term "anti-corruption policy framework" we refer to a set of anti-corruption policies that have emerged in a specific country context and that can be seen as following a broader national level logic or nationality steered anti-corruption approach.

[6] The United Nations Millennium Declaration of 2000 states that one of its primary objectives is to "create an environment - at the national and global levels alike - which is conducive to [sustainable] development and to the elimination of poverty" and further says that "success in meeting these objectives depends on good governance within each country … and at the international level ...". General Assembly resolution 55/2 of 8 September 2000.

[7] These public sector core reforms – often referred to by development partners as good governance reforms without going into detail about what "governance" means in the particular context – frequently cover the areas of public expenditure management and financial accountability, the civil service, the justice sector and decentralisation.

[8] In national-level anti-corruption initiatives around the world, there has not been consistency in the use of terms for explicit national anti-corruption approaches. Although the need for clarification is acknowledged, for the purpose of this study we will look at anti-corruption policies and strategies as national anti-corruption policy frameworks. The purpose is to study the dynamics of policy making, not to determine if a policy is a policy or strategy or vice versa. Hence, the term "explicit anti-corruption policy or strategy" refers to a publicly declared

frameworks were developed and identifies catalysts and driving forces as well as criteria that were used to prioritise reforms. The study further explores how the policies were implemented and what role development partners (DP)[9] played in the overall process. Special attention is given to finding out more about what these country experiences can tell us about the presumptions for effective anti-corruption policy making, such as ownership, stakeholder participation, knowledge-based design, a holistic approach, priority setting and sequencing, coordination and monitoring, as well as about potential tensions between some of these features.[10] The methodological approach is summarised in Annex I.

Figure 1 – Interdependence between prevention and combating of corruption for sustainable development[11]
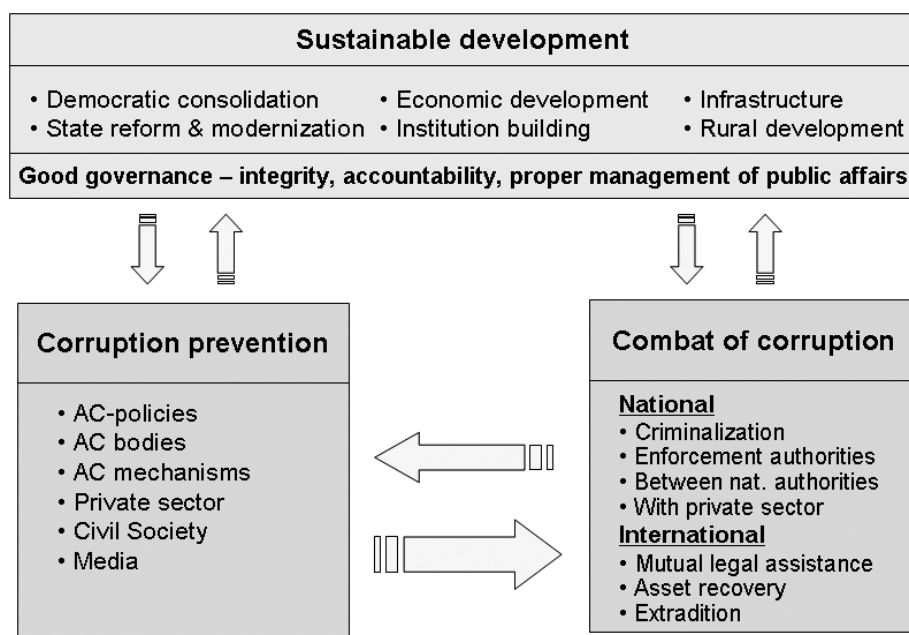
This focus has been chosen because i) to date it has often been pursued; ii) there is a critical lack of empirical knowledge about how these policies were developed and implemented; iii) development partners – including the U4 agencies – have been actively engaged in developing the type of anti-corruption and governance reforms discussed in this study; and iv) it is likely that such broad anti-corruption policies or strategies will be pursued with greater enthusiasm as States Parties seek to fulfil their obligations under Article 5 of UNCAC.

The study examines in depth anti-corruption policies and strategies targeted on preventing corruption, as well as their links with public sector and governance reforms, while combating corruption is touched upon as an integral part of national anti-corruption policy frameworks and often as a precursor for prevention in the countries studied. Although Article 5 of UNCAC is part of Chapter II on preventive measures, effective and coordinated policies are needed to implement both preventive and punitive anti-corruption measures as well as to establish the vital links between these mutually

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"anti-corruption strategy", "anti-corruption (action) plan", "national integrity strategy/plan" or "anti-corruption policy" that is drafted and steered by a national government.

[9] The term "development partners" refers to all bi- and multilateral agencies that provide development aid and technical assistance to partner countries.

[10] These features of good policy making in general were taken up in recommendations for effective anti-corruption policy making issued by international organisations such as the World Bank, UNODC and UNDP.

[11] Source: Adapted from U4 background paper "International Cooperation Workshop on Technical Assistance for the Implementation of UNCAC", Montevideo (May 2007).

reinforcing fields of anti-corruption work.[12] As such, Article 5 is a gateway for the implementation of overall UNCAC provisions.

1.1   What are anti-corruption policies?

The meaning of *public policy* depends on the context of its use.[13] An often quoted and useful approach considers public policies as processes, highlighting the historical dimension of policies and pointing to different phases during the process, e.g. policy making, policy implementation and policy evaluation (Turner and Hulme, 1997). Policies are created by a variety of actors with multiple, often conflicting and at times changing political objectives. One of the most important features is that public policy making is not a highly rational process with static goals in which expert technocrats have the control to achieve predicted or stated outcomes. Rather, policy making is often a "fuzzy betting attempting to influence the probability to future situations" (Turner and Hulme, 1997).

Anti-corruption policies cut across different sectors of a country's governance system and its multiple institutions, and can complement, strengthen or compete with each other. Their dynamics and strengths depend on the broader governance context, changing political agendas and the capacities, will and power of the players involved.[14] A good illustration of this can be found in the anti-corruption policies of Chile over the past 10 years, as reflected in Figure II.

It is important to note that the provisions of UNCAC are often pursued through a series of cross-cutting policies (e.g. legislative, state modernisation, government auditing and probity policy, see Figure II) under the auspices of different ministries, departments and other public agencies. During the political cycle of a government these policies move up and down in importance on the political agenda depending on the priorities of the moment, the leadership of the responsible institution and factors of the political environment. The experience of Chile also shows that institutionalising the different anti-corruption policies has allowed all of them to survive at least to some extent, even in changing political settings. Continuity must be ensured if these policies are to have an effect.

It is noteworthy that in the US and Europe the battles and negotiations of political interest groups are concentrated on the policy making and design stages while implementation follows through the institutional systems.[15] In developing countries, however, where decision making processes are often more closed and "interest aggregating structures are weak", political interest groups tend to focus their influence on the implementation phase, where "those with particular interests are best able to participate" (Thomas and Grindle, 1990).[16] The empirical part of the study confirms this and points to the need for more attention to be given to policy implementation, where policies and legal or administrative measures often become distorted.

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[12] See U4 background paper "International Cooperation Workshop on Technical Assistance for the Implementation of UNCAC", Montevideo (May 2007).

[13] Birkland (2001) outlines common elements of the different definitions of *public policy*: policies are i) made in the name of the public, ii) made or initiated by government, iii) interpreted and implemented by public and private actors, iv) what the government intends to do, and v) what it chooses not to do.

[14] "Few political leaders have been able to bind themselves to anti-corruption reforms over an extended period of time." (Heilbrunn, 2002). Also, cyclical anti-corruption policies often negatively affect continuity (Doig et al., 2005).

[15] Lahera (2002) offers a useful approach to distinguishing between different phases of policy making: i) genesis – or bringing an issue onto the political agenda, ii) design – decision making about what will be done and what not, iii) implementation, and iv) monitoring and evaluation.

[16] "At this stage a large portion of individual or collective demand making, the representation of interests, and the emergence and resolution of conflict occur. Also, politics based on factions, patron-client ties and other affective forms is highly suited to individualised demand on the bureaucracy for the allocation of resources" (Thomas and Grindle, 1990).

Figure II – 13 years of different anti-corruption policies in Chile[17]
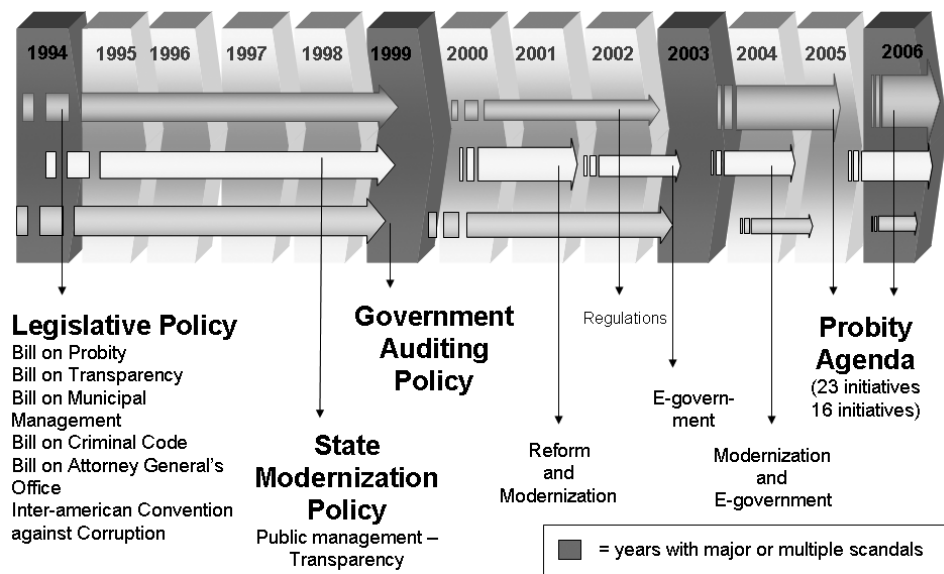
Contrary to a common belief, policy making does not follow a linear model where implementation is conceived as simply putting government documents into practice and where failures are mostly attributed to a lack of political will, resources or understanding of the nature of the problem. Conversely, policy processes are dynamic interactions with multiple feedback loops permeated by politics and power issues that influence or even dominate technocratic approaches. This is particularly true for anti-corruption policies, which affect the distribution of or access to political power and reduce opportunities to accumulate (illicit) economic wealth and thus restrict power.[18] Hence, interactions between reformers and opponents create unforeseen consequences for the policy objectives and require adjustments and corrective measures throughout the implementation process, as can be seen in Figure III.

As indicated above, to date considerable efforts have been made to develop practical advice on what an anti-corruption policy document or strategy should consist of and how it should be developed. However, these recommendations have been largely prescriptive and some of the underlying assumptions have more recently been questioned.[19] Also, the lack of sound, reliable diagnostics, contingent on the political, institutional, cultural and economical character of each country, has been an important impediment to developing public policies that combine the best of "politics" with the best of "technocratic approaches". And the essential phase of implementing anti-corruption policies has received relatively little attention from governments and development partners alike, although this is the phase in which political and economic actors in countries with weak institutions play their cards to achieve personal or group interests.

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[17] Source: Miguel Peñailillo (2007) – International Conference on Anti-corruption in Latin America.

[18] The relationship between corruption and power is well captured in the following phrase: "Corruption is about governance and governance is about the exercise of state power …" (Schah and Schachter, 2004).

[19] For example, Michael (2004) warns that recommendations such as integrated and holistic strategies are based on assumptions that have not been proven to work in practice. Haarhuis and Leeuw (2004) state that "none of the identified top-down anti-corruption premises is clearly supported by cross-country empirical evidence". Shah and Schachter (2004) point out that support for anti-corruption agencies or awareness raising campaigns will have limited effects in a context with rampant corruption. Rather, efforts should focus on broad underlying features of the governance environment. The focus on awareness raising has been criticised as it mainly helps to create an atmosphere of public cynicism. And the creation of broad coalitions has been questioned due to their limited success in sustainability (Tisné and Smilov, 2004).

Figure III - The interactive model of policy implementation[20]
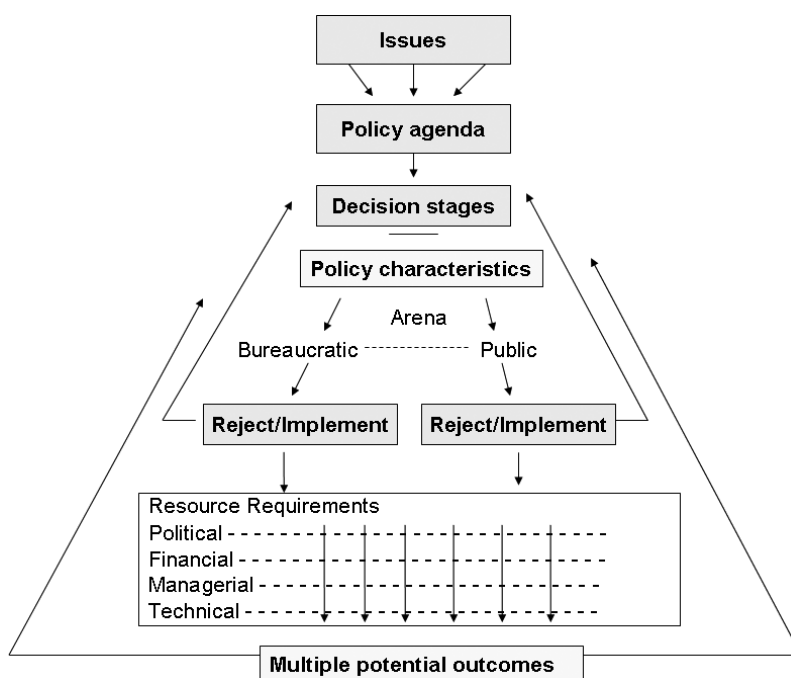
Finally, inherent tensions between some of the recommendations for effective anti-corruption policy making simmer under the surface without being acknowledged. Thus, the quest for a holistic and broad-based approach can create difficulties for the setting of priorities and sequencing. National ownership can be "kidnapped" by national elites, who may steer anti-corruption approaches towards areas that are not too damaging or sensitive for the powers in place. National initiatives may also just be the result of international pressure behind the scenes, while real ownership is lacking. As will be shown in the empirical part of the study, the politics of anti-corruption policy making have been largely neglected, although an understanding of the political context and policy dynamics is crucial for quality policies (Turner and Hulme, 1997).

1.2   What types of anti-corruption policy framework can be identified?

Since the mid-1990s, countless initiatives against corruption have emerged at the country and international levels. This has been largely due to the fact that the international community recognised the devastating effects of corruption on sustainable development, on political stability and, since 2001, on global security. But these anti-corruption initiatives were also fostered by the public outcry in many countries about the impact of corruption on their lives as well as by the growing number of so-called anti-corruption governments.[21]

Experience has shown that every country in the world faces the challenges and risks associated with the phenomenon of corruption. However, the ways in which corruption creeps into and reproduces itself in a given society vary widely and depend on a set of historical, political, economic, social and cultural factors. For similar reasons, the ways in which governments choose to deal with corruption also vary widely. Nevertheless, from a macro-level perspective, a series of distinct approaches with common features can be identified.

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[20] Source: Thomas, J. W. and Grindle, M.S. (1990) "After the decision: Implementing policy reforms in developing countries", World Development, vol. 18 (8).
[21] Since the late 1990s, in many countries new governments have been swept to power on broad anti-corruption platforms containing promises to introduce zero tolerance policies. However, to put the promises of the election campaigns into practice has proven to be difficult in many of these countries.

In the following sub-sections an attempt is made to identify the main types of anti-corruption policy framework found in practice.[22] Rather than providing an exhaustive classification of different initiatives, the study seeks to illustrate different ways in which the implementation of Article 5 may be pursued as a gateway to the provisions of UNCAC. It should be noted that clear lines between the different approaches are often difficult to establish.

1.2.1 Explicit anti-corruption policy documents

A number of developing and transitional countries – including those covered by the case studies here – have crafted extensive anti-corruption policy documents[23] (often called anti-corruption strategies). Those often contain a large number of legal and administrative measures, sometimes even several hundreds.[24] The design of these documents is sometimes preceded by country-specific diagnostic work, such as corruption or integrity baseline studies, an analysis of the country's integrity system, or an examination of the national institutional arrangements for fighting corruption, among others.[25] But it can also be the result of a deliberate gathering of a broad range of interests and initiatives, at times dominated by development partners, which are then anchored in a national plan.[26]

Responsibilities for the implementation of these broad documents are distributed in different ways, but always involve multiple agencies. Often all ministries are required to develop and implement their own action plans. Coordination and monitoring is crucial and in many countries specific anti-corruption agencies are tasked with both, as is the case in Pakistan and Zambia. However, the political weight and hierarchical rank of such an agency is often low and sometimes at best similar to other ministries, thus impeding their exertion of authority over powerful public agencies, which usually have to implement the lion's share of anti-corruption strategies in their day-to-day work.

In other cases, the implementation and monitoring of the plans is assigned to a multi-agency coordination mechanism, which may have the form of a national integrity, transparency or anti-corruption council or committee. Membership of these committees and councils may be high level but continuous, long-term coordination and monitoring tend to be challenging, if not impossible (UNDP, 2005). A third option is to assign overall responsibility for such strategies to a ministry charged with reform coordination, as in Georgia.

Explicit and usually extensive anti-corruption policy documents are frequently found in countries with perceived widespread corruption.[27] The official rationale for this approach seems to be that to break

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[22] Anti-corruption policy frameworks are referred to by many different terms. For the purpose of this study national governmental initiatives will be taken into consideration if their stated objective is to reduce / control / prevent corruption with the aim of improving the proper management of public resources as required by Article 5 of UNCAC.

[23] The terms used for explicit anti-corruption policy documents also vary widely and include "anti-corruption policy", "anti-corruption strategy", "action plan" and "national integrity plan". We will put these documents under the umbrella term of "anti-corruption policy documents", as they define the government's goals and objectives in the fight against corruption, are part of the national political agendas and indicate what the governments intend to pursue.

[24] Pakistan's National Anti-Corruption Strategy (2002), for example, features almost 400 different measures, and Albania's Anti-Corruption Plan (2000) envisaged more than 130 measures in five broad areas.

[25] For example, the World Bank has developed a three-pronged survey of public officials, the private sector and civil society, UNDP and others have been engaged in integrity or baseline studies, and Transparency International has conducted numerous studies of national integrity systems.

[26] The experience of the Ghana Anti-Corruption Coalition (GACC) in developing an Action Plan (2001) is an example of this. The Action Plan that was finally adopted by the GACC and donors, and contained what development partners were pursuing and what the Coalition thought ought to be done. However, the Plan was not based on a diagnosis as the results of an anti-corruption survey were not yet available (Asamoa, 2003).

[27] In South-East Europe, a specific modality of comprehensive anti-corruption strategies has been dubbed "anti-corruption Omnibus Programmes" by the EBRD. They tend to share some or all of the following components: an

through the vicious circle of mutually reinforcing forms of corruption all-encompassing solutions are required (Tisné and Smilov, 2004). The unofficial rationale may be that governments and development partners need to show different constituencies that corruption is being addressed (see sections 2 and 3). However, this does not seem to be an appropriate or feasible approach for countries with weak state capacities (see individual case studies for this report).

1.2.2 Legislative agendas for transparency or anti-corruption

Another form of anti-corruption policy framework can be found under the umbrella of legislative agendas for transparency, probity, integrity or anti-corruption. In this case, countries strengthen the legal basis of their institutions to prevent corruption, but also improve or broaden their criminal codes in order to be able to prosecute different types of corrupt practice. However, the apparent reasons and political dynamics for such legislative approaches can vary widely. In the following, three different ways are briefly illustrated:

i) Remedy of specific weaknesses of institutions or governance systems

Specific vulnerabilities to corrupt practices are often evidenced through scandals, political competition or advocacy efforts by non-state actors.[28] In response to the identification of systemic institutional weaknesses, existing laws are either amended or new legislation is developed. Often, such processes take time, above all when political consensus is lacking about what needs to be done and how. Particular difficulties arise with respect to contentious issues such as political party and campaign financing or lobbying regulations.

This form of anti-corruption approach can be found specifically in countries with relatively well functioning institutions and a fair level of governance. Initiatives for reform emerge largely from national actors, governmental and non-governmental alike, who may well use international frameworks as a reference point to exert pressure on opponents. These initiatives are usually carried out through already existing institutions. A good example is Chile's Probity and Transparency Agenda of 2006, which was launched by the President in response to a series of scandals. It addresses a number of long-known underlying causes for corrupt practices and was embedded in the framework of UNCAC.[29]

ii) Legal obligations for accession to the European Union

Accession to European Union (EU) membership has not only been made dependent on legislative changes in the realms of the rule of law, respect for human rights, and broader democratic governance, but to a significant extent also on compliance with anti-corruption measures. Incentives for EU membership are powerful and candidate states have been relatively quick to carry out a series of legislative anti-corruption measures. For example, by the end of 2002 eight out of ten candidate countries had ratified the Council of Europe's (CoE) Criminal Convention against Corruption compared with only three out of the fifteen member countries (OSI, 2002). EU accession states, such as Estonia, Slovenia and Poland, were also the most likely among twenty-four transition countries to review and amend key legislation for corruption prevention, such as their laws on the civil service, financial disclosure, public procurement, freedom of information, party financing and money laundering (Steves and Rousso, 2003).[30]

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anti-corruption law; a national anti-corruption strategy or programme; a ministerial commission, specialised unit or dedicated agency; an action plan to implement the programme; and a monitoring mechanism (Smilov, 2006).

[28] Examples in many countries include the areas of political party and campaign financing, lobby activities, civil service appointments, public procurement and the lack of transparency and access to information, among others.

[29] See "Agenda de Probidad y transparencia del Gobierno de Chile" (November 2006) www.gobiernodechile.cl/agenda_transparencia/medidas.htm.

[30] South-Eastern European countries, such as Romania, Bulgaria, Serbia and Montenegro, have been most active in undertaking Omnibus Programmes. This can be partly explained by the higher levels of corruption in these countries but also by pressures from the Stability Pact and others to make visible anti-corruption efforts (Stevens and Rousso, 2003).

This approach is largely motivated by external factors, notably the political pressure of the EU Commission. On the other hand, candidate countries have high expectations about the benefits to be derived from EU membership. Hence there is an important endogenous momentum, too. However, in the absence of strong national constituencies and considering that the governments of EU accession countries may be held accountable by the Commission rather than by their own population, it remains to be seen to what extent this approach will bring about real change.

iii)   Anti-corruption laws as a precursor for broader reform

Some developing countries have concentrated their anti-corruption efforts in a first phase on the development of an often comprehensive anti-corruption law. These laws tend to encompass the definition of different types of corrupt practice, the regulation of some preventive measures and the investigation of corrupt practices as well as, sometimes, the creation of a special public agency responsible for the implementation of the law. The efforts are in some cases accompanied by the development of implementation plans for the laws, including institutional development plans for the anti-corruption agencies themselves and/or other integrity institutions. Examples of this approach can be found in some countries in Asia, such as Cambodia,[31] Laos,[32] Mongolia and, in a less sophisticated way, Afghanistan.

Although this approach could be considered an "ice-breaker" in some environments where corruption used to be a "taboo" issue in public debate, as was the case in Laos, considerable challenges remain to be addressed in the following phase. These challenges include the need to link anti-corruption efforts to broader governance reforms, in particular in the area of public sector management, the regulation of economic activities, but also the accountability of public officials and the regulation of interest groups (UNDP, 2006).

1.2.3   Targeted approach focusing on key areas for anti-corruption reform

A number of countries have focused anti-corruption policies on specific areas for action. A common element of these targeted policies seems to be the belief that concerted and determined action in a specific field can lead to change in others.

One form of targeted preventive anti-corruption policy is found in the "*Public Integrity Approach*" (OSI, 2002). Efforts are concentrated on strengthening the sense of public responsibility and accountability and on creating a public culture of shared values and ethical standards. The assumption is that public officials should have positive incentives to behave with integrity. It is believed that corruption is best controlled if public officials can act with varying degrees of autonomy in the interest of the public good as long as a strong culture of public ethics and integrity makes them more or less immune to opportunities for wrong-doing. Examples with elements of this approach can be found in the Polish civil service (OSI, 2002), the Presidential Anti-Corruption Programme of Colombia (1999-2002), and in Puerto Rico.

More recently, some countries have started to pursue sectoral anti-corruption approaches, sometimes substituting and sometimes complementing broader anti-corruption strategies. Sectoral approaches focus either on government agencies that are considered highly vulnerable to corruption (such as tax and customs departments), or on sectors that are crucial for the achievement of the Millennium

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[31] In Cambodia, an implementation strategy for the Anti-Corruption Law was discussed even before the law was approved. This approach was supported by development partners, which hoped that it would speed up the approval process.

[32] It should be noted that in Laos the current legal and institutional anti-corruption provisions are the result of prior efforts to fight corruption. Hence the Anti-Corruption Law of 2005 is based on a prior anti-corruption decree from 1999, and the recently created Counter Corruption Agency (2006) is the result of merging the prior State Inspection Authority with the Party Central Control Committee. Prior efforts suffered from significant difficulties in generating effects and the new institutional arrangements are expected to help bring about change.

Development Goals, such as the health and education sectors. Examples are the Mongolian health sector as well as the Afghan revenue department.

Another targeted, albeit initially punitive, anti-corruption approach can be found in countries that started with a determined crackdown on corrupt practices. Newly created, highly specialised, independent and well-resourced anti-corruption agencies focused on the investigation and prosecution of corrupt individuals. Recognising that a sanctions-based approach was not enough, these countries quickly introduced elements of the above-mentioned public integrity approach. Examples are Hong Kong, Singapore and New South Wales. Due to their success, there have been many efforts to export them to countries of the developing world with widespread corruption, often supported or advocated by the international community. However, results there have been at best mixed (Heilbrunn, 2002; Meagher, 2005; Doig, 2005) largely due to the fact that the model is not easily exportable to any given country context. Hence, caution is needed when selecting such an approach, which seems to be more adequate for countries with relatively good levels of governance (World Bank, 2000; Michael, 2004).

1.2.4   Embedded anti-corruption approach through public sector reform

Some countries do not have major explicit anti-corruption policies or programmes. Under certain circumstances, in particular when corruption at all levels is pervasive and state capacities are weak, a good way to address different manifestations of corrupt practices can be an implicit or embedded approach through reforms of the core areas of public sector management systems (World Bank, 2000), which are often also called (good) governance reforms. These generally encompass the areas of public financial management, civil service reform, judicial reform, decentralisation, administrative procedures and public procurement, as well as internal and external audit systems. The main objectives of these reforms are not to curb corruption per se but rather to increase the effectiveness, efficiency, transparency and accountability of the administrative, financial and control systems. The expected control of corruption is seen as a valuable by-product, although this hypothesis has not been proved so far.

This approach is also often found in conflict or post-conflict countries where a direct focus on corruption tends to be politically sensitive.[33] It is mainly supported by development partners for the reasons given before. But at the same time governments may create anti-corruption agencies with broad mandates (investigation, anti-corruption education, prevention) and then do little to provide them with the necessary political and technical support. Such window-dressing, though, does not fool the public and the international agencies for long. Hence, two different approaches may co-exist and also conflict with each other, examples of which can be found in the Democratic Republic of Congo and Afghanistan.

The main challenges of this approach lie in ensuring i) that core governance reforms include a strategic anti-corruption dimension in order to address the main risks of corruption for the success of these reforms (including intervening in vested interests),[34] ii) that the existence of often politicised anti-corruption agencies does not consume scarce resources unproductively or create public cynicism vis-à-vis anti-corruption work, and iii) that there is a shared strategic vision between the multiple actors (in particular within development partners) so as to avoid isolated piecemeal initiatives and duplication.

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[33] What to do about corruption in conflict and post-conflict countries has been a contentious issue for fear of the risks of destabilising them and/or reinvigorating violent conflict (UNDP, 2006; TIRI, 2007).

[34] For example, the permanent justice institutions of Afghanistan have developed in 2005 a 10-year strategy "*Justice for All*" in order to overhaul the whole sector profoundly. The justice sector in Afghanistan is perceived to be the most corrupt sector in the country (Integrity Watch, 2007), with corrupt practices being omnipresent in the police, the court system, the Attorney General's Office and the Ministry of Justice. Despite these severe and well-known problems the *Justice for All Strategy* does not propose measures on how to address vulnerabilities to corruption and only includes activities to train judicial professionals in ethics.

1.2.5   Selected fixes and implicit anti-corruption policies

The non-existence of explicit anti-corruption policies is a common feature of developed countries, but for different reasons. The majority of developed countries have strengthened their institutions to prevent and control corruption during the country's political and development process over decades or in fact centuries.[35] The levels of accountability, transparency and public integrity that characterise the institutions of most of these countries today are a result of long-term public policies. Considering that the three principles of accountability, transparency and integrity are generally handled as antidotes to corrupt practices, one could dare to say that most developed countries have implicit anti-corruption policies.

Nevertheless, in many countries certain areas have either not been "sealed" yet against corrupt practices or have become more vulnerable over time, e.g. in the financing of politics, the regulation of "revolving doors" between the public and private sectors,[36] and in public procurement. The debacle of the Enron case in the US is a good example, with the underlying institutional weakness being mended by the creation of a Public Company Accounting Oversight Committee.

In most of these countries, demand for reform tends to come from the public as a reaction to major scandals, from non-state actors through sustained advocacy work, or from the political establishment itself. Further, demand for selected reform also originates from international anti-corruption initiatives, such as obligations derived from the OECD Anti-Bribery Convention or more recently UNCAC.

1.3   Anti-corruption policy documents and UNCAC implementation

The "typologies" described above are by no means exhaustive and interpretations drawn from them must be treated with care. Which specific anti-corruption policy frameworks are chosen or emerge depends on the political context of each country, its history, institutional environment, and the relative strength and power of different political actors, but also contextual factors and purely coincidental circumstances. Therefore the development of anti-corruption policies needs to be based on a good understanding of the local context and political dynamics.

UNCAC offers a comprehensive reference framework for anti-corruption work and it provides new opportunities to orient policies and anti-corruption measures at national levels. However, it also poses considerable new challenges. The temptation to undertake too many anti-corruption measures at the same time may be reinforced, and the drive to amend or pass ever new laws in line with high international standards might draw attention away from effective implementation of what is already in place (even if it does not live up to the highest standards). In short, implementation of UNCAC could become an end in itself instead of serving as a vehicle for strengthening governance systems, accountability and public integrity.

Against this background and in view of the anticipated demand for policy advice, from both national governments and international development partners, on how to implement Article 5 of UNCAC as a gateway for implementing UNCAC as a whole, this study looks at explicit national anti-corruption policies and strategies to gather insights from nearly a decade of experience in six countries. It is neither the purpose nor the scope of this study to come to any conclusive findings. This would not be possible based on six case studies, nor desirable as there are no "one size fits all" approaches. Also, it should be borne in mind that although for this study we have grouped the political players into "government", "development partners" and "civil society" in order to simplify the analysis, we want to remind the reader that these groups do not in reality act as monolithic blocks. In summary, the aim of

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[35] See Dwivedi and Jabbra (2001), "Where corruption lives", for brief overviews of the development of corruption and government responses from the US, Canada and France, for example.

[36] "Revolving door" refers to the interface between the public and private sectors with regard to public decision-makers transferring to private sector positions in fields close to where their public decision making power lay. The revolving door also refers to situations that work the other way round.

this study is to contribute to a relatively unresearched field and to nurture discussions on the implementation of UNCAC.

2 Anti-corruption policy frameworks – how do they evolve?

The empirical work of this study is based on country case studies from **Georgia, Indonesia, Nicaragua, Pakistan, Tanzania and Zambia.**[37] In order to guide the difficulties in selecting the six countries the following criteria were used: i) the existence of an explicit national anti-corruption policy or strategy, and ii) support of these efforts by international development partners.[38]

The case studies were elaborated on the basis of qualitative interviews with a broad range of key interviewees in each country and a literature review, including key policy and reform documents as well as political analysis.[39] The teams, comprising a national and an international researcher, followed the methodological approach attached in Annex I. Given that this is an independent research project, the case studies where not shared with or sanctioned by the respective governments, although the case study authors drew largely on information provided by governmental actors. Rather, each case study underwent a national "peer review" process to ensure factual correctness and overall quality.

2.1 Brief background and commonalities of the countries studied

In all the countries, new political and economic systems have emerged over the past 15 years, albeit with significant differences in both of these areas. The transitions to free market economies have generally been in the forefront of reforms with a considerable consolidation of macroeconomic stability. On the other hand, political transitions to multiparty democracy started but are still incomplete with structural weaknesses in the area of political governance. The concentration of power in the executive (except in the cases of Indonesia and Nicaragua, where minority governments had to forge difficult coalitions) usually hinders mutual control between the three state powers. Naturally, the executives invest a fair amount of effort in avoiding change and the old political and economic elites continue to cast their shadows over reform efforts.

Core government policies and reforms

All countries studied have been undergoing intensive restructuring, modernisation and/or public sector reform programmes over the past 15 to 20 years with a specific focus on reducing widespread poverty. These core reforms usually aim at making the public service more effective, efficient and accountable and are as such frequently believed to constitute an anti-corruption agenda per se. Most countries have focused their reform efforts on public expenditure management and financial accountability, civil service reform and downsizing of the state, justice sector reform and decentralisation. In aid-dependent countries such as Nicaragua, Tanzania and Zambia, the reforms are perceived by national interviewees as responding to demands from international agencies rather than being home-grown, while in Georgia and Indonesia they seem to coincide with nationally driven reform agendas.

It is noteworthy that these core reforms are centred on technocratic reforms aimed at strengthening state institutions. However, they do not significantly affect the balance of power. The "bigger" issues of a more political nature, such as electoral reform and institutional reform to guarantee the independence of oversight organisations, sound party financing, access to information and transparency, are either not part of the political agenda or systematically blocked. An apparent exception is Nicaragua, which formally gives high importance to transparency and civil society

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[37] Fully developed case studies on each of these countries are available at www.u4.no.
[38] Post-conflict countries and countries already in the process of EU accession were excluded.
[39] Key interviewees were drawn from government and public agencies (such as the auditor general and attorney general offices, parliamentary committees, etc.), development partners, civil society organisations, the media and the private sector.

participation, but where in practice the government does not have enough political will to put declared commitments into practice.

Scope of corruption

All countries studied suffer from perceived widespread corruption, which is evidenced in national and international surveys, qualitative research and indicators.[40] However, not all countries have suffered from corruption like a hereditary sin. Tanzania and Zambia enjoyed relatively clean state administrations early after independence. Corrupt practices crept in only during the 1980s and intensified during the economic liberalisation and laissez-faire governments of the 1990s, a process which may be difficult to reverse. The other four countries, however, have experienced rampant corruption for many decades, often used as a political tool to buy off opponents and cement the power of undemocratic regimes.

Usually the so-called petty, grand and political types of corruption co-exist and mutually feed off and protect each other.[41] It is noteworthy, though, that the face of corruption and its manifestations have changed over the years. Thus, countries like Georgia in particular, but also Tanzania and Zambia, have made some progress in the control of petty or administrative corruption, which has helped to affect perceptions positively. But some countries show worrisome trends towards higher-level corruption, as is the case in Tanzania with the consolidation of corruption networks in the forestry and wildlife sectors, and in Georgia's procurement and privatisation processes. In the case of Indonesia, a massive decentralisation (devolution) reform has also decentralised the opportunities for corruption. Finally, resource-rich countries in particular (like Indonesia, Tanzania and Zambia) are at the same time victims and participants in cross-border corruption affecting the forest, wildlife and other resource sectors.

History of anti-corruption initiatives

Most countries under review, in particular those with a democratic past, have a long history of anti-corruption measures, which traditionally focused on *sanctions* for bribery and abuse of power in the public sector. Special police-like investigation units have been established since the 1970s, in particular in the Commonwealth countries Pakistan, Tanzania and Zambia, but often to no avail as they themselves quickly fell victim to corruption. With the growing international anti-corruption agenda and increasing public outrage over the looting of the state, the political response was to create or strengthen a wealth of investigative and oversight institutions with anti-corruption mandates. In practice, however, these were often marred by blurred lines of responsibility and a lack of sustained political support. Furthermore, in all countries studied legal frameworks were reviewed in many areas related to the core reforms mentioned above. But laws to promote transparency and accountability have frequently not been passed, have been distorted or are not enforced.[42]

Corruption *prevention* has not been as politically attractive and well-publicised as investigations and sanctions, and a punitive approach was privileged specifically in countries with a new political leadership. Hence, Georgia, Indonesia, Zambia, and Pakistan opted initially for a sanctions-oriented approach, in most cases directed against political opponents. On the other hand, Tanzania and in a way Nicaragua, where governments had continuity in power, focused primarily on prevention, which was considered to be less threatening and easier to manage in order to look good.[43] An interesting shift towards prevention took place in Zambia and Georgia when both governments were and are preparing

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[40] For the national data sources please see the bibliographies of the individual case studies. The international surveys and indicators include the World Bank Governance Indicators, the Afro- and Latinobarrometer and others.
[41] For working definitions see http://www.u4.no/document/glossary.cfm.
[42] For example in the areas of access to information, political party financing, and procurement.
[43] It should be noted that Musharraf, in Pakistan, first established an anti-corruption agency to prosecute former political leaders. It was only two years later that the National Accountability Bureau developed a preventive anti-corruption strategy. Nicaragua focused on prevention, although President Bolaños converted the prosecution of former President Alemán into one of his flagship political goals.

for presidential elections. It should be noted here that the years of experience with the implementation of preventive anti-corruption policies differ considerably in the countries studied.[44]

Main players

A common feature of the countries studied is that their political life is dominated by a powerful executive, with the exception of Indonesia and until recently Nicaragua as indicated above. In parliament, the ruling parties have enjoyed comfortable majorities, a situation which is accompanied in some countries by large powers being constitutionally vested in the president. However, parliaments usually do not have much ownership of public policies, nor do they participate significantly in their development. On the other hand, the civil service in most countries is highly politicised with often overall weak capacities, which frequently impedes effective implementation of public policies. Otherwise the landscape of political actors is diverse and differs from country to country, although the situations of Tanzania and Nicaragua stand out negatively for the de facto one-party state in the former and the pact of two parties to share political power in all state institutions in the latter.[45]

One would expect that countries with independent media and a relatively vibrant civil society, such as Zambia, Indonesia and Georgia, would feature more dynamic policy processes. However, it is not clear whether dogs that bark have the capacity to bite and if they do, whether it hurts. Civil society and the media are mostly active in public education and advocacy on corruption, to a much lesser extent in policy monitoring, if at all, and hardly ever participate in the development phase of anti-corruption policy. On the other hand, in Georgia and Nicaragua the proximity of civil society organisations to the government in power has reduced their apparent capacity for constructive criticism. Altogether, public expectations of governments to deliver on anti-corruption promises have been very high.

Development partners in all countries under review strongly support and demand (good) governance reforms. But their role in anti-corruption initiatives varies, while patterns are difficult to detect (see section 2.5). However, there is no doubt that development partners have played a crucial role in giving anti-corruption policy documents an initial push or support.

2.2   Design of anti-corruption policy documents

Based on experience with public policy making in general, international institutions that support and promote the global anti-corruption agenda, such as the World Bank, UNDP and UNODC, have identified a series of key features for effective anti-corruption strategies and policies. The main features, such as ownership, stakeholder participation, knowledge-based design, a holistic approach, priority setting, sequencing, coordination, and monitoring, are used in this study as an analytical framework which is illustrated in Figure IV.[46] Given that anti-corruption policies cut across sectors, have multiple interactions and are interdependent with other core governmental policies and reforms, additional attention is given to these linkages. Further, special emphasis is put on the role of development partners throughout the policy cycle.

Figure IV – Analytical framework to understand anti-corruption policy making

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[44] Tanzania has six years experience, Nicaragua and Pakistan four, Georgia and Indonesia two. Zambia has yet to start.

[45] In Nicaragua, the Executive is dominant today due to a power-sharing "Pact" recently agreed to by the majority parties FSLN and PLC, which basically erodes existing accountability mechanisms. The presidency of Bolaños, though, was characterised by his weak position due to a minority in parliament and little support from his own party base.

[46] For an extensive list of these features see the methodological approach for the country case studies in Annex 1.
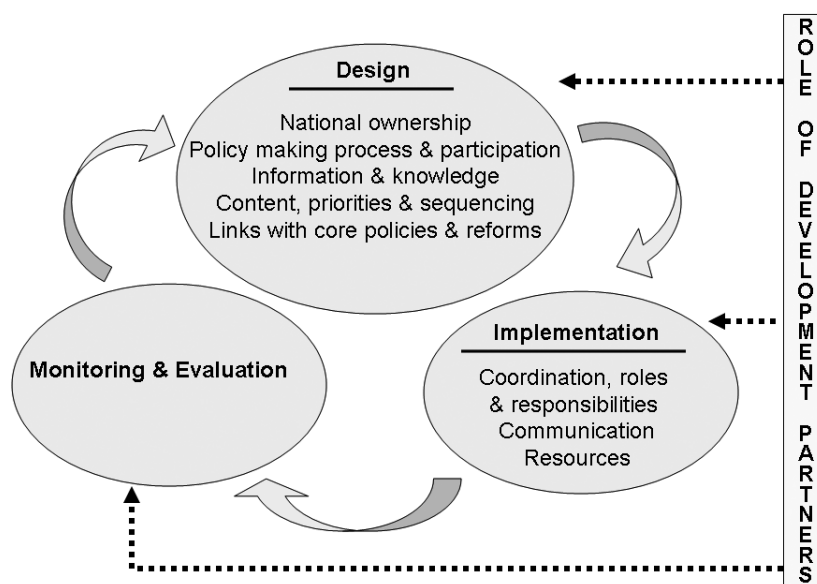
It should be kept in mind that the anti-corruption policy cycle is not a linear undertaking but rather a dynamic process between the multiple players and different policy phases.

2.2.1   National ownership

One of the main features identified for effective anti-corruption policy making is "national ownership", meaning that national actors, in particular the government but also other relevant players which have a stake in putting reforms into practice, drive, own and watch both the process and the content of anti-corruption policies.

Contextual factors that catalyse national ownership

Public discontent about soaring levels of corruption and media revelations about massive stealing of state resources by political leaders built national pressure in most of the countries studied. This spurred the need for a political response, specifically at election time.

In addition, development partners exerted pressure on governments, openly or behind the scenes, to commit to good governance and to anti-corruption initiatives. Incentives - sanctions are generally not applied - include large amounts of development assistance to Nicaragua, Tanzania and Zambia.

It is often argued that international anti-corruption treaties, be it the CoE Convention for Georgia, the OAS Convention for Nicaragua or the UN Convention for Indonesia and Tanzania, have also encouraged action. Nevertheless, apparent efforts towards compliance with such treaties should not be praised before the end of the day. While in Georgia compliance with GRECO recommendations may have brought about discipline in a largely ad hoc approach to anti-corruption, key areas for an accountable public service (such as parliamentary oversight and a merit-based bureaucracy) have been neglected. In Tanzania, the rush for compliance with UNCAC has raised concern among experts as international pressure for change is focused on formal compliance with an anti-corruption law, instead of looking at its quality or enforcement.[47]

Incentives for national ownership

Some governments, such as Georgia, Indonesia and Zambia, upon coming to power opted for a multi-purpose zero tolerance stance towards corruption. The purposes pursued were to consolidate their own

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[47] The Performance Assessment Framework (formal agreement between donor agencies and government) contained an indicator to submit a new anti-corruption law to parliament. International pressure upon non-compliance resulted in a sub-optimal law criticised for still not giving the national anti-corruption agency the necessary teeth for prosecutions.

power base, to reassure the public that they were serious about addressing corruption, to show officially that nobody is beyond reach (although their own ranks and allies did usually remain beyond the reach of selective prosecutions) and to convince the world that stealing from state coffers would no longer be tolerated. Another important incentive has been the drive to recover large amounts of stolen assets for the benefit of the country.

On the other hand, the governments of Nicaragua and Tanzania, having a firm grip on power,[48] started with preventive anti-corruption strategies which mainly aimed at soothing the public and making development partners "happy". Although prevention was officially chosen in acknowledgement of underlying governance failures, all countries from the outset lacked a strong political leadership and consensus to address these very failures.

Finally, Georgia, Indonesia and Zambia have more recently started to complement law enforcement with preventive approaches, largely in response to the pressure of international agencies. The resulting anti-corruption policies or strategies seem to be more realistic, as they either bring isolated ad hoc measures under one umbrella or reinforce and complement ongoing reforms, an approach that appears to be in line with the governments' core priorities. However, implementation is in its infancy and the main challenge will be to steer these initiatives through the resistance of political and bureaucratic actors as well as powerful vested interests.

2.2.2   Policy making process and participation

Another key feature of effective anti-corruption policy making is to ensure the broad involvement of political and social actors in order to bring anti-corruption demand into line not only with appropriate responses but above all with state capacities. High expectations of the public need to be managed carefully, pursuing rather modest and feasible commitments instead of ushering in ambitious but empty promises.

Most of the countries studied followed a rather top-down policy making approach with widely varying degrees of participation and consultation. The policy documents were developed by national teams consisting mostly of government officials, but also of consultants and academics. These teams were frequently supported in varying degrees by international experts, in particular to give advice on process and format for the initiatives. It is less clear to what extent international experts influenced the content and priorities and whether or not such guidance was helpful.[49]

With the exception of Zambia, the policy formulation processes were driven by mid-level government officials with little political leverage and with little participation of the very ministries supposed to implement large parts of the plans.[50] The latter were simply instructed to develop their own institutional action plans but with poor guidance or strategic direction for a coherent national undertaking. This lack of vision was often hidden behind the argument that each agency would know best what priorities to set. Although this is true, it does not excuse severe shortcomings in guiding the process in order to achieve coherence, feasible commitments and realistic solutions.

Equally problematic is that the processes were not championed by the political leadership despite efforts in Georgia, Indonesia, Nicaragua and Zambia to involve the president's office or a state ministry. High-level officials were mostly absent in identifying the major problems and developing

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[48] In Nicaragua, the party in government may change but the power-sharing "Pact" between the Sandinista Party (FSLN) and the Liberal Party (PLC) would make an alternation between these two ruling parties meaningless.

[49] In Zambia, the terms of reference for the policy development consultancy pointed, for example, to the broad issues that should ideally be covered, including service delivery corruption but also state capture. But in most countries no guidance was given to ministries and public agencies on how to set real priorities and sequence activities in order to keep in line with capacities and resources. Above all, no emphasis was placed on pilot testing measures before a nation-wide roll-out, which has often resulted in not much being achieved.

[50] Although the process in Georgia was led by the State Ministry for Reform Coordination, which did have political leverage, there was only superficial participation by the relevant ministries.

adequate solutions for which they, in theory, would later be held accountable. In addition, the lack of political participation – be it by the cabinet or the parliament – further reinforced the lack of high-level ownership.

Finally, consultations for feedback took many different forms, from broad nationwide processes taking up to two years (Pakistan and Zambia) through limited opportunities for public agencies to provide inputs (Indonesia, Nicaragua and Tanzania) to little participation at all (Georgia). The participation of civil society organisations in the policy design phase was, with the exception of Zambia, weak to non-existent.

2.2.3   Information and knowledge

It has been widely argued that anti-corruption policies and strategies need to be developed from a sound base of knowledge about the scope, patterns and modalities of corrupt practices in a particular country. However, information, knowledge and understanding of corruption dynamics continue to be a great weakness for the formulation and prioritisation of anti-corruption initiatives after a decade of anti-corruption work in most of the countries under review.[51] This is in large part due to the lack of vision or interest of governments in conducting surveys or other analysis, but it is also partly due to the difficulties in generating the required knowledge (U4 Brief by M. Johnston, 2007). The resulting negative effect is several-fold and severe: prioritisation is done in an ad hoc, non-strategic manner, action plans are not focused, objectives are not necessarily in line with local expectations and demands, and it is not clear against what to monitor progress.

Interestingly, most countries, with the exception of Zambia and Pakistan, did not base their policy documents on recent diagnostics of forms, manifestations and levels of different corrupt practices.[52] Furthermore, the poor understanding of risks of and vulnerabilities to corruption in specific sectors and institutions negatively impacts on ministerial and agency plans. On the other hand, in some cases well-known problems with high-level abuse by public officials are purposely not taken into account for political reasons.

Finally, anti-corruption initiatives are usually based on definitions of corrupt practices and ethical standards derived from international treaties. Mostly, they do not make an attempt to explore local values and principles of social organisation and how these coincide with or differ from the prescribed standards. This negligence impedes a focus on those corrupt practices most unacceptable to the public and finding solutions where values are in conflict.[53]

It is noteworthy that the earliest anti-corruption frameworks - those from Nicaragua, Pakistan and Tanzania - were explicitly guided by the World Bank Institute model of the late 1990s, which was based on the concept of a National Integrity System (NIS).[54] While this rather exogenous approach

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[51] It should be noted that in some countries, such as Pakistan, Tanzania and Zambia, the existence and mandate of the national anti-corruption agencies was not the logical consequence of a national anti-corruption diagnosis and strategy but rather agencies that were already in existence at that time developed the policy approach.

[52] In Tanzania, the World Bank had suggested such a diagnostic in 2000 to the Mkapa Government but the offer was turned down and international agencies did not look for an alternative way to produce a survey.

[53] One of the most typical examples is certainly the way in which public positions are staffed. Under the principles of modern merit-based appointment systems, the human resource officer is expected to give the vacancy to the most competent candidate. However, in many developing countries the public official is expected by his/her family/clan/group to give the vacancy to a member of his/her social or political group. The profound rifts and dilemmas created by these conflicting values are generally not even mentioned as a risk to be taken into account. An interesting exception is found in Zambia where traditional chiefs participated in the policy formulation process and deliberated on a compromise on the gift-giving culture in order to maintain this social institution while at the same time putting a break on blatant abuse of it.

[54] See www.transparency.org for more information on National Integrity Systems (NIS). The NIS approach compares the institutions (organisations, key players, and rules and regulations) of a country against an ideal type of NIS.

allowed for developing relatively holistic anti-corruption strategies, these have not been anchored in national political agreements.[55] Also, the NIS provides for a comprehensive analysis but is less successful in identifying sector-wide problems when setting priorities and sequencing.

2.2.4   Content, priorities, and sequencing

According to the above-mentioned international recommendations, anti-corruption strategies should be both comprehensive and sequenced, a challenge in any context. Although the contents and priorities of anti-corruption frameworks differ in all countries studied, some common features can be identified. First of all in terms of **content**, the passing of new or amended legislation and the creation of new institutional structures are privileged over making them work (even if they are imperfect). This approach is reinforced by development partners through the benchmarks they advocate or exert diplomatic pressure for.

Further, aid-dependent countries, like Nicaragua, Tanzania and Zambia, focus their anti-corruption efforts on economic governance and civil service reform while core problems in the country's political governance and accountability structures go largely untouched. On the other hand, countries less dependent on aid, like Georgia and Indonesia, pursue a more self-defined approach where overall state reform and modernisation programmes are considered in principle as an anti-corruption agenda. Explicit anti-corruption frameworks were also elaborated only recently, either in response to international pressure (Georgia) or because the government realised that a unifying umbrella for isolated initiatives was needed (Indonesia).[56] These countries, too, have put few efforts into overcoming political governance problems related to corruption, such as favouritism in the public service and budget transparency.

In the majority of cases, anti-corruption policies pursue mainly the strengthening of public institutions, the review of laws and regulations and the simplification of procedures. This approach shows at least two significant weaknesses: first, it is usually not coupled with a government policy proactively to improve transparency; second, national anti-corruption policies in their focus on self-reform do not take sufficiently into account the role of non-state actors and parliament in overseeing progress. Also, despite the fact that most countries are somehow affected by cross-border corruption, this issue is usually not addressed explicitly in anti-corruption strategies (e.g. how to strengthen national public institutions and cooperate with those abroad to impede illegal logging, the trading of hunting licenses, etc).

In a number of countries, in particular the bigger ones and those where decentralisation processes have also decentralised corruption, it was highly debated whether or not local anti-corruption plans should be produced. While this issue escapes the scope of this study, experience in Tanzania and Indonesia suggest that great caution has to be applied in order not to add additional and unnecessary burdens of work for already stretched local administrators.

Considering that most of the studied anti-corruption policy documents are thematically very broad and meant to be implemented in all public agencies (in Tanzania, local authorities are also covered), it is difficult to speak of **prioritisation**. Nevertheless, the selection of broad areas for intervention seems to draw on other core government policies and reforms, such as the civil service, financial management, procurement, and justice sector reforms, among others. This has the advantage that anti-corruption efforts are meant to reinforce ongoing efforts (although there is a big gap from theory to practice) but

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[55] For example, the Nicaraguan approach of 1998 was mainly developed by the WBI for a President who had no intention of doing anything against corruption. In its efforts, the WBI built on the "successes" of their approach in East Africa, notably in Tanzania and Uganda. With hindsight, it becomes clear that simply exporting or replicating model approaches, which had not even been implemented at the time, does not work and should not be undertaken ingenuously.

[56] These countries bowed to some international demands, such as the GRECO recommendations in Georgia and the Financial Action Task Force requirements in Indonesia.

has the disadvantage that some central problems of inadequate accountability are not addressed because they are not part of the political agenda of the government or because they are consistently blocked by the latter.

The feature of *sequencing* is virtually non-existent, which can be attributed to several reasons. First, the belief that an omnipresent problem requires the participation of all public agencies at once is still widespread and frequently seems to be nurtured by international agencies.[57] Second, this approach is a convenient political strategy for the government to dilute efforts, since change at all levels can easily result in no change at all. A noteworthy exception is Zambia, which started to implement parts of its anti-corruption policy in eight pilot ministries. However, this was not due to a strategic approach, but rather to a lack of funding. Third, there has been a lack of unambiguous strategic guidance from the political and technocratic leadership on what exactly is requested from implementing agencies and how they are expected to achieve these goals.

2.2.5   Linkages with other government policies and reforms

The national anti-corruption policies studied refer to links with governance and core reforms in the areas of financial management, the civil service, justice, decentralisation, security and the like. However, formal references on paper are not bound to bring about results in practice and an integration of anti-corruption efforts with priority policies and reforms is still far away. Horizontal connections are missing, a clear concept of coordination is non-existent and awareness of the benefits of synergies is lacking. Hence there are no spelt-out incentives, and the fact that action plans are left to each ministry without central high-level direction makes practical integration impossible.

In some countries, such as Georgia, Indonesia, and Tanzania, governments and development partners believe that (good) governance reforms will be more effective in eventually reducing corruption than anti-corruption strategies. Nonetheless, the question remains as to why the impact of those reforms on the reduction of corruption is not assessed regularly, e.g. as part of routine monitoring or through periodic surveys.[58] Also, it is not easily understandable why development partners in the case of Georgia would urge the government to call its de facto good governance strategy an anti-corruption strategy when the goals clearly go beyond corruption.

2.3   Implementation of anti-corruption strategies and policies

Putting anti-corruption measures into practice creates enormous difficulties not only because it challenges vested interests, but also because the often highly ambitious but badly planned undertakings do not come with adequate institutional arrangements for implementation, receive too few financial and human resources, and do not include tools for dealing with risks and resistance to change. This section concentrates on three proxies for effective implementation: coordination, communication and resources.

2.3.1   Coordination – roles and responsibilities

Roles and responsibilities are to some extent defined in all anti-corruption policies and strategies studied, although this exercise has taken place more on paper than in practice. Coordination is

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[57] The roll-out of anti-corruption action plans to all ministries from the start follows early international recommendations for comprehensiveness, but neglects sequencing in order to match goals with available capacities and resources. The non-existence of pilot tests for new ideas, such as the Integrity Committees in Tanzania and their "exportation" to Zambia, as well as insufficient technical support and monitoring, contributed to marring the efforts from the outset.

[58] Discussions on simple indicators for which information can be gathered easily do not seem to have taken place. Also certain "silo visions" of different fields, e.g. procurement, public administration reform, revenue collection, etc., have not yet been overcome and dialogue on how to monitor specific corruption-related issues in those fields is still missing.

generally weak, irregular or non-existent and institutions tasked to perform this function often do not take a proactive approach. A closer look at implementation arrangements will help in understanding the reasons why.

Overall responsibility for coordination is usually assigned to the office of the president or to a state minister with the aim of providing the requisite political leverage. But this laudable approach is easily made ineffective by selecting units with little power or visibility, as has happened in Tanzania and Indonesia. Where anti-corruption agencies exist, these tend to be "twinned" with the president's office to overcome the problem of their relatively subordinate rank and insufficient authority to deal with powerful line ministries and other public agencies.[59] Also, anti-corruption agencies in Pakistan, Tanzania and Zambia have incentives for good performance as they are trying to carve out for themselves new roles with public value. Nevertheless, with the exception of Georgia the government agencies responsible for coordination and monitoring have little political power and all of them have limited capacities.

In most cases, anti-corruption lead agencies do not invest enough time and effort in explaining to ministries their particular roles and responsibilities in implementation. Instead, booklets are sent around while putting them into practice is left to self-initiation. More often than not owing to the lack of real buy-in or engagement with the anti-corruption policy, the ministerial or agency executives do not issue the required instructions on how their staff are supposed to implement the anti-corruption measures. Also, incentives for doing so or sanctions for not doing so are absent.

Managing the implementation of an anti-corruption strategy requires a keen understanding of where, when and how resistance to the plans might occur and how it can be overcome. Interestingly, most anti-corruption initiatives do not consider anything close to a risk management plan for dealing with changing political winds, mitigating the effects of opposition, or dealing with unforeseen obstacles. Nor does there seem to be awareness within anti-corruption lead agencies and other public institutions of the need for such measures, which reflects a lack of political will and to a lesser degree limited strategic management capacities.

2.3.2   Communication

It should be self-evident that cross-cutting reforms are particularly dependent on good communication between all implementing agencies and the public at large. Nevertheless, communication on anti-corruption strategies is weak in virtually all the countries studied. The documents are not easily available to those interested (public officials and citizens)[60] and most public agencies and politicians have little awareness even of their existence. Also, the fact that the goals and progress of the anti-corruption strategies are not proactively communicated to the public does not allow the creation of a sustained political debate and through it political pressure to move anti-corruption policies forward.

With recent developments in communication and information technologies, the fact that anti-corruption policies and the commitments assumed by governments therein are not widely disseminated must raise the question whether this is attributable to a lack of capacity or an intentional lack of will. On the other hand, it is equally not easy to understand why development partners do not provide more guidance and active support.

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[59] In Tanzania, coordination of the National Anti-Corruption Strategy and Plan (NACSAP) is lost in the Good Governance Coordination Unit, while in Zambia cooperation between the Anti-Corruption Commission (ACC) and the Cabinet Secretariat has been considered positive, although the potential role of the Good Governance Unit in the Ministry of Justice in policy implementation has not been entirely clarified yet.

[60] A partial exception to this is Nicaragua. Here, an intergovernmental coordination mechanism and a Good Governance Round Table with the participation of the government, civil society and donors allowed the different players to be informed about the objectives of the National Integrity Plan.

2.3.3   Resources

The estimation of costs and allocation of financial, human and institutional resources for preventive anti-corruption approaches constitute a big challenge and have so far been a rather erratic undertaking.[61] Thus in many cases, such as Nicaragua, Pakistan, Tanzania and Zambia, considerable resources were invested in helping to develop anti-corruption frameworks, often with intensive financial injections from international agencies. However, financial and technical support for the implementation phase, either by the government, the development partners or both, tends to be concentrated on the lead institutions, such as anti-corruption agencies or coordination units, while ministries and other public agencies are largely left to self-financing. But the latter also usually do not ask for the required resources either, which may again be related to their missing buy-in.

Nevertheless, many governments have increased the state resources allocated to anti-corruption institutions, in particular anti-corruption agencies, auditor general's offices and the like. Resources are mainly used to increase staff while operational budgets for extra activities are not made available. Given that many anti-corruption initiatives cover areas of the public service, financial sector and justice reform and considering that there are areas of overlap, we admit that assessing the availability of resources is not an easy undertaking.

Apart from financial resources, technical and human resources are missing at all ends. Most public agencies are overburdened with reform, and within the civil service few executives have the management skills to lead their staff through deep processes of change, to spell out responsibilities clearly and to hold staff accountable.

2.4   Monitoring and evaluation

In the countries studied, the monitoring and evaluation of the implementation of anti-corruption strategies in terms of progress and impact is confined to ticking the check-box of aspects that need to be considered during the design phase. The lack of monitoring mechanisms further complicates implementation as on the basis of anecdotal information nobody is or can be held accountable and no corrective measures can be taken. The reasons for these weaknesses are numerous. There is little political interest on the part of governments in being held accountable for largely uncommitted promises. Monitoring and evaluation are not considered a priority by the technically responsible institutions either. Monitoring plans are often ill-conceived and rely basically on self-assessments by change-resistant institutions. Another significant difficulty consists in the lack of simple but meaningful indicators that would be manageable by public institutions with weak data collection, processing and analysing capacities.

Further, the monitoring and evaluation approaches are flawed in that they disregard any inputs from non-state actors in order to provide an independent perspective on progress. Looking at the potential impact that independent civil society monitoring can generate,[62] this missing element is all the more severe. In addition, links to the monitoring of other government policies that are expected to have an indirect bearing on reducing corruption are not established and whether or not these have the impact claimed is also not measured.

Last but not least, development partners have paid little attention to the field of monitoring and evaluation, both in terms of providing support for monitoring activities and in terms of adding tangible progress in reducing corruption as an issue for development agreements between the government and the international community.

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[61] Often activities were not even properly costed and sometimes they were simply underestimated.

[62] Good examples can be found in Bangalore with the Citizen Report Cards, in Uganda with Public Expenditure Tracking Surveys, in Kenya with the Urban Bribery Index, and in Colombia with the National Integrity Index of Public Institutions, to name but a few.

2.5 Role of development partners in supporting anti-corruption policy making

The role of development partners (DP) in national anti-corruption initiatives depends dramatically on the general level of development assistance that is delivered to the respective countries. In aid-dependent countries such as Nicaragua, Tanzania and Zambia, DPs are perceived to be the driving force behind anti-corruption initiatives.[63] On the other hand, in countries with less international assistance, state reform and anti-corruption processes respond more strongly to domestic dynamics.[64]

In all countries, DPs played an essential role in the kick-off phase for national anti-corruption efforts. They financed some diagnostic work and surveys, they provided technical and financial support for the design of policy frameworks, and in some cases they provided significant support for punitive strategies.

Reportedly, DPs have taken a relatively backbench position in the actual design of anti-corruption policies, strategies and plans, focusing their support on process and format advice. However, the fact that DPs sometimes intervened behind the scenes and that concrete reform initiatives were at times requested as a condition of further aid leads this alleged attitude ad absurdum. Also, DPs can exert intransigent influence when it comes to defending their own priorities, as happened with money laundering and counter-terrorism financing issues after 11 September 2001, as well as with anti-corruption laws to tick the box of international conventions.[65] On other issues, however, which often constitute political priorities for the local population, such as access to information, citizen participation and institutional reforms to strengthen accountability, they do take a backbench position, which is easily resented by the local population as applying double standards.

Despite international recognition that corruption is a deeply political problem, DPs' anti-corruption support continues to centre on technocratic solutions that are not sufficiently supported by national political agreements. This is in large part due to the dilemma that DPs face significant difficulties in identifying ways to support or facilitate national political processes and agreements without being seen as contravening national sovereignty. Also, much attention is given to normative approaches to institutional and behavioural change, while potential benefits from redesigning incentive systems at both the national and international levels are neglected. Furthermore, DPs continue to focus their attention and leverage on the creation of laws and institutions, mostly failing to take a closer look at helping countries to make them work in practice. This is partly attributable to the difficulties in measuring implementation, but this alone is not a good enough excuse.

Development partners in a series of countries came forward with constructive self-criticism, in particular with regard to embedding clear anti-corruption dimensions in national reforms and with regard to their own staffing. A highly important revelation was that DPs realised that they themselves had too little senior expertise on the ground to provide advice on what concretely they should be recommending to the government, on how to integrate relevant corruption indicators into systems for monitoring other reforms, and on how to integrate anti-corruption work with a quest for transparency, integrity and accountability. DPs also do not seem to have a holistic anti-corruption vision for their own work in the country which would allow them to create synergies between the different sectors they work in. It is not clear, for example, in which way DPs' support for national anti-corruption policies and strategies is linked to their support to civil society, parliament and the private sector.

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[63] Even in a country with general budget support such as Tanzania, governance and anti-corruption reforms are financed largely through basket arrangements outside of the general budget owing to the fear that these reforms would not receive the necessary resources in the national budget debate in parliament.

[64] With the exception of Georgia, as indicated previously, where pressure from GRECO triggered the "express" drafting of a preventive anti-corruption framework.

[65] For example, the establishment of a Financial Intelligence Unit in Tanzania or the passing of the Money Laundering Act in Indonesia are cases in point.

Coordination among DPs around the issue of anti-corruption work varies and seems to be dependent on four major aspects: i) the funding mechanism with which aid is delivered, ii) the degree of aid dependence of a country, iii) the level of country leadership in showing the way and iv) the level of geopolitical interest from the international community.

Last but not least, it is noteworthy that in some countries, such as Georgia and Tanzania, DPs are facing an apparent dilemma. While for some years progress with reform and the existence of political leadership rightly led to praise, these countries are now facing a situation of looming problems or deadlocked progress.[66] Development partners, instead of recognising positive achievements while at the same time drawing attention to the problem areas, are caught in complacency. DPs observe that organised corrupt practices are taking root or still persist even while they praise these countries as "success stories".

3   Conclusions drawn from the six country experiences

As the title says, the following analysis is based on the findings of the six country cases studied in detail for this research. Nevertheless, it seems likely that aspects presented here partially reflect experience with anti-corruption policies or strategies elsewhere, too, and that the findings may have relevance for a greater number of countries.

National ownership

Anti-corruption policies used as a political tool for cosmetic change
Whether home-grown or encouraged internationally, anti-corruption policies and strategies are, in all the countries studied, undoubtedly based on political will and pursue political objectives. However, the objectives pursued by those in power do not necessarily coincide with what the public demands or what development partners would expect. Hence, apparent political will to go against corruption is often employed to strengthen the government's power base and to eliminate political opponents, in particular through a selectively punitive approach. At the same time, "politically correct" preventive measures are set in motion to win national and international approval, but design and implementation flaws let them die before they even start.[67]

Not all is as bleak, though, and in certain areas corruption has been reduced in a way that ordinary citizens have begun to feel, although it is often not clear whether this was a result of anti-corruption initiatives or other public sector reforms. Achieving tangible results in service delivery is without doubt important and is certainly a good entry point for some "quick wins".[68] Notwithstanding, these victories should not divert the view from the bigger picture, where governments have shown little desire to increase transparency, reform accountability structures or consolidate the institutional basis so as to make partial improvements sustainable.

In summary, core issues allowing corruption not only to be part of the system but in a number of countries to be the system are not being addressed. Corruption policies and strategies in most of the

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[66] This is particularly the case for Tanzania and to a lesser extent Georgia. In Zambia, the government has to show that it will approve and implement the national anti-corruption policy, an undertaking that has been in the pipeline since January 2007.

[67] One exception is Georgia, where the combination of downsizing government employees, increasing salaries for public officials, reducing corruption in key institutions and a zero tolerance policy brought about tangible results.

[68] To name but a few examples, in Georgia the police and accession to universities were cleaned in one sweep; in Nicaragua the delivery of driving licenses by the police was improved, which brought about a positive change in public opinion vis-à-vis this service delivery; and in Zambia the allocation of land titles, immigration and business registration was simplified and largely computerised.

countries under review aim at cosmetic surgery but not at changing the status quo that benefits old and emergent elites.

Formal democratic processes generate demand for anti-corruption policies but the lack of mechanisms for continuing participation in their full cycle impedes effectiveness

It is undoubtedly of great value in the countries studied that their relatively recent return to formal democratic processes has allowed the public to express their demand for anti-corruption initiatives, be it through elections, the media or other democratic institutions.

However, the political cultures and governmental procedures in most countries do not allow the regular and self-initiated participation of non-state actors in anti-corruption policy making and thus reduce the latter to "closed shops" with a limited basis of support and no external supervision or feedback. In most cases some kind of participation – mostly in the form of consultation – is sought for the design of anti-corruption policies. But when it comes to establishing open and transparent spaces for information exchange or the monitoring of progress, governments have had the tendency to close their doors or only selectively to identify non-state actors. Development partners, as members of the closed shops, have been found to tolerate such proceedings instead of advocating strongly for more openness and transparency in policy implementation and monitoring.

Content and approach

A focus on norms and institutions does not affect performance in terms of corruption control

The corruption policies studied tend to prioritise the creation or strengthening of commissions, committees and institutions, the review of legislation and the introduction of behavioural norms, such as codes of conduct or ethics. But what happens with their implementation and enforcement? In most countries, anti-corruption measures are not linked with performance and incentive schemes,[69] although political and economic incentives as well as personal motivations to maintain the status quo are considerably stronger than any incentive to do things differently.[70] In addition, benchmarks agreed between governments and development partners are not focused on performance but on the existence of laws and institutions. And formal compliance is "relatively" easy. However, this approach does not capture whether or not laws are actually enforced or implemented, and it is easily distorted through significant flaws in the institutional set-up or in the laws and regulations themselves.[71]

Severe mismatch between political problems and technocratic solutions

Despite the recognition that corruption is to a large extent a political problem, anti-corruption strategies deal with the phenomenon largely as a technocratic and procedural issue.[72] However, without reaching sustainable political agreements at the political leadership level to go beyond

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[69] The above-mentioned experience of Georgia, to combine salary increases and corruption control, is an exception. On a different note, it might be useful also to give more attention to the existence of administrative procedure acts so as to give citizens a legal basis for questioning bureaucratic decisions.

[70] In most countries public officials and political leaders are not held accountable by anybody (that is by superiors, parliament, the public at large or international agencies) for their performance in delivering on anti-corruption promises, and worse, they are not held accountable for malpractice or that of their subordinates either.

[71] In virtually every country studied, public agencies entrusted with an anti-corruption mandate are not given the necessary independence, resources and/or leadership (Georgia's nomination of the State Ministry for Reform is too recent to be judged), in Indonesia regulations to implement laws are often distorted, in Nicaragua a popular expression says "if the law is approved, the trap is approved (*pasa la ley, pasa la trampa*"), and in Tanzania the new anti-corruption law did not change the Prevention of Corruption Bureau's dependence on the Public Prosecutor for prosecutions.

[72] This state of affairs can be partly attributed to the disconnection between the political leadership and the technocrats charged with the policy design (see section 2.2), partly to the lack of a vision to tie anti-corruption policies more strongly to democratic and governance strengthening initiatives, and partly to the missing participation of civil society, opposition parties, and others advocating for the opening of democratic processes.

superficial change (e.g., to give anti-corruption institutions functional and operational independence from the executive, to open up government decision making to external scrutiny, or to hold public executives politically responsible for the performance of their departments/ ministries), anti-corruption initiatives will not generate the desired results or traction. In short, a stronger focus on transparency and access to information is missing.

Enforcement is politically attractive but is not strongly accompanied by a will to change systems and attitudes which allow corruption to take place

The countries whose governments chose to focus initially on a vigorous zero tolerance policy against corruption through investigations and sanctions, such as Georgia, Indonesia and Zambia, have achieved positive impacts in national public opinion and the international arena. Nonetheless, this way of showing "justice" in action to the public is full of traps and pitfalls if not accompanied by credible signs that zero tolerance applies to ALL wrongdoers, no matter what their political background. The apparent and perceived politicisation of enforcement has in all countries studied led to serious questioning and is gradually nagging away at the public's trust in the zero tolerance stance. Hence, these governments, sometimes with guidance or pressure from international actors, have more recently taken up preventive anti-corruption policies. It remains to be seen if they will get sufficient political backing, as they will affect the interests of current political, economic and administrative elites.

Integration with core (governance) policies and reforms on paper but not in practice

In the countries under review, anti-corruption policies are linked to core governance policies on paper while integration in practice is missing. Well intentioned efforts did not result in continued integration due to the dispersion of the actors and interests involved. This does not seem to be a conceptual problem but the result of a combination of i) insufficient political will, ii) the weak capacities of anti-corruption lead institutions to take the initiative and help integrate corruption dimensions in the government's reform agenda, and iii) the lack of awareness, vision and will to collaborate in the public agencies responsible for priority reforms. Considering that many of the anti-corruption strategies take a considerable number of objectives and activities from other policies, this state of affairs is all the more deplorable. Unfortunately, development partners have not devoted much attention to these shortcomings either.

Envisioned solutions are not based on adequate diagnostics

Corruption is often compared to a disease or a cancer and just as in the medical field a reasonable diagnosis is needed to decide how to cure the disease by addressing its causes, not simply the symptoms. However, in most of the countries studied the envisioned solutions have not been based on an adequate diagnosis of the causes, patterns and dynamics of corruption. In most cases, diagnostics were not of a recent date, ad hoc diagnostics were not linked to the final anti-corruption strategy, or the government ruled out the importance of a diagnosis from the start as "everything was known already". Admittedly, comprehensive knowledge about how corruption works or which incentives are at play for the actors involved is not easy to develop. But the fact that even the existing diagnostic tools are not used highlights a severe weakness in one of the basic pillars for good policy making: sound knowledge

Dilemma of striking a balance between a holistic approach and strategic prioritisation

One area of tension has clearly emerged between holistic approaches to addressing the complex phenomenon of corruption and the need for a strategic and sequenced approach in order to match available state capacities with the overwhelming dimensions of this problem. The political response to widespread corruption in most of the countries studied does indeed consist in a broad anti-corruption policy or strategy (see section 1.2). Nevertheless, in most countries such an approach has not been overly successful due to the weak capacities of implementing agencies, a lack of continuing advice and mentoring from the anti-corruption lead agency and an absence of monitoring. On the other hand, a solution to this dilemma through an attempt to set priorities and sequence activities (e.g. by starting to work with specific sectors or institutions) has seldom been sought. Whether or not this is a result of the high ambitions of technocrats, a response to pressures from development partners, a deliberate

strategy of the political leadership to dilute efforts, or perhaps a combination of all of these, is difficult to tell.

Addressing corruption risks in development aid is not part of the policy frameworks

Experience from around the world has shown that the delivery of development aid is not free from corruption.[73] Interestingly, addressing the specific risks of corruption in development assistance has not been an explicit or integral part of the national anti-corruption strategies analysed for this study. This may be due to its sensitivity and the potential challenges for relations between DPs and governments. On the other hand, including mutual commitments between DPs and the government to address corruption vulnerabilities in aid could help to level the playing field, in particular in aid-dependent countries. Also, despite the efforts of DPs to harmonise aid in all the countries under review, a series of deficiencies remain, in particular with regard to sharing information, such as diagnostics, analytical work and evaluations (many of which are done for headquarters but not widely shared in the country) and with regard to transparency of information about funding levels and decisions.

Implementation, coordination and monitoring

Implementation – playground of vested interests – easily left to itself

Putting anti-corruption strategies into practice is challenging for the simple reason that they cut across numerous public agencies, interact with other public management reforms and, most importantly, encounter high levels of resistance. In most developing countries policy implementation phases are the ones where political and economic actors most vividly play their cards in an attempt to capture, torpedo, distort or sidetrack reforms in line with their interests (see section 1.2). Nevertheless, implementation arrangements, strategies and plans in the countries studied do not include reasonable minimum requirements to address these many challenges along the way.

Leadership and oversight: mismatch between institutional capacities and ambitious objectives

Institutional arrangements to coordinate and oversee implementation of the initiatives studied were often ill-conceived from the start. Anti-corruption agencies usually do not have the authority, leadership and political backing to compel powerful line ministries to comply with anti-corruption measures.[74] Often they even face difficulties in demanding compliance with minimal monitoring requirements. In some countries, local experts lamented the absence of a high-level anti-corruption or pro-integrity policy coordinator located close to the president to give anti-corruption policies more visibility and connect the technocratic with the political level. Finally, the roll-out of anti-corruption plans to all public agencies without technical guidance would overburden even countries with strong enough institutions and capacities.

Insufficient information and communication create curtains of opacity

Anti-corruption initiatives in the countries under review were often implemented in relative darkness. Governments avoided publishing and disseminating their anti-corruption commitments and hence, the promises contained in policy documents were kept behind curtains of opacity for most political actors and the public at large. In addition, weak access to information hampers non-state actor efforts to monitor whether the government is delivering. While it is relatively obvious that governments may not have incentives to change this, it is less understandable why development partners do not search for

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[73] Different aid delivery modalities are associated with different vulnerabilities to corruption, e.g. in budget support risks are associated with the overall accountability of public resources while in project support risks can occur at different stages of the project cycle. Development partners also face risks of corrupt practices within their own bureaucracies.

[74] Where this weakness was detected, a unit in the president's office or another state ministry was assigned as co-lead, but these were sometimes equally weak. An exception is Nicaragua, where the co-lead for the National Integrity Plan situated in the Ministry of Finance was also responsible for two core objectives of the plan.

more creative ways to help produce and disseminate sorely needed information on baselines, progress and results.

Self-reform through self-assessments in change-resistant institutions – how can this work?

In most countries studied, ministries and public agencies were instructed or expected to define how to address corrupt practices within their own institutions. This approach, good in theory, faces two flaws in practice. On the one hand, in most cases no high-level support or guidance was given on how each ministry or public institution was expected to feed into bigger national anti-corruption objectives and how these were integrated with other ongoing reforms in order to avoid stand-alone anti-corruption activities. On the other hand, the focus on self-assessment schemes without any mechanism for external inputs led this approach ad absurdum as naturally agencies reported satisfactory progress with their own (in)action.

Non-existence of meaningful monitoring converts anti-corruption policies into paper tigers

In most countries under review there is neither a recent national baseline on corrupt practices nor a conceptual approach that would define how to measure the progress and impact of national anti-corruption strategies. Weak and formalistic monitoring and evaluation approaches report on activities rather than on results, if they generate regular reports at all. They were usually not open to public participation, nor did they consider receiving inputs from civil society organisations or academia.[75] It must be noted, though, that sometimes the lack of routine statistical data is an additional difficulty. These significant shortcomings are exacerbated by the absence of political will, institutional capacity and documented evidence to hold anybody accountable for results. Without internal and external monitoring and evaluation, governmental anti-corruption documents end up being paper tigers.

International factors

Development partners: an asset and a liability for national anti-corruption strategies

As in many other fields of international assistance, the role of development partners in national anti-corruption initiatives is ambivalent. In some areas international support has proven to be crucial and in others the role played by DPs gives reason for questioning.

DPs have stood ready to support new governments in their efforts to crack down on high-level corruption, try to recover stolen assets and signal to the public that nobody is beyond reach.[76] DPs have also been sources of financing for some anti-corruption diagnoses and other analytical work. Without the provision of technical and financial support to the development of anti-corruption strategies as well as funding for implementation, anti-corruption strategies in the countries studied would not have taken off. Finally, the support of DPs to specific political and institutional players, such as the auditor general offices and civil society organisations, has helped to mix the cards of the political game, although it is not clear whether such funding was part of DPs' specific anti-corruption support or of their other funding programmes.

On the other hand, it is not easily understandable why DPs tolerate and at times support the political manoeuvring of governments that use anti-corruption policies merely as a political tool to look good vis-à-vis national and international opinion. DPs in the countries studied have failed to develop creative countermeasures and to pay more attention to supporting anti-corruption policy

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[75] An exception is the monitoring of international treaties, such as the OAS, CoE and UN conventions. But this monitoring is not necessarily in line with the priorities of national anti-corruption policy documents and only partially covers the latter.

[76] In some countries, e.g. Zambia, questions have been raised as to the cost-effectiveness of such a prosecution-oriented approach. But looking into this argument goes way beyond the possibilities of this study. For more detail, see the AGC report evaluating the Zambian Task Force on Corruption (2007).

implementation.[77] DPs have also paid little attention to integrating a clear focus on corruption prevention and control into other reforms they support.[78] One important and unexpected shortcoming of DPs was the revelation that DPs did not provide sufficient long-term senior expertise at national level to advise DPs and governments on which concrete steps should be taken at different moments of the policy cycle. Last but certainly not least, DPs pursue their own political objectives and strive to show positive results to their home governments or boards of directors. Hence, DPs have a set of incentives to maintain "success stories" even against better knowledge, instead of pursuing a differentiated approach where progress is acknowledged but where deadlocks and regressions are at least made subject to public debate. DPs could eventually even consider applying sanctions.

International treaties: catalysts for legal reform but require more support for implementation

Inernational anti-corruption treaties have been used in the countries studied by various actors, such as anti-corruption agencies, civil society organisations and development partners, to advocate for reform. In the case of the OAS and CoE conventions, pressure is also exerted through the intergovernmental monitoring mechanisms. Despite positive results in the form of legal and administrative reforms, these suffer from difficulties in being either flawed or distorted and putting them into practice has so far often been neglected.[79] In trusting the potential of the treaties for profound institutional and behavioural change, much more emphasis needs to be given to improving effective implementation of these global legal standards.

In short, anti-corruption strategies in their current form risk being stillbirths

This section does not suggest that there are no serious players in any of the countries studied who firmly believe in the need for and usefulness of anti-corruption strategies and who actively engage in anti-corruption efforts. However, anti-corruption strategies in their current form easily derail from their original track – in large part because of the factors laid out in this section – and end up being overly ambitious, unmanageable and non-strategic undertakings. They are often considered by the public and development partners alike as a waste of energy, institutional resources and money, and also divert attention from more fundamental governance failures such as the lack of structural transparency and accountability in such countries. More recent efforts in Georgia, Indonesia and Zambia to draft anti-corruption strategies in order to reinforce strategically and complement existing core governance reforms and policies may generate different experiences, but again implementation arrangements indicate by and large the same problems and avoiding a stillbirth will be a challenge.

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[77] For example, by helping to create open and transparent spaces for dialogue and information exchange on progress, including autonomous non-state actors, by strengthening independent monitoring, or by negotiating with the governments some corruption control performance indicators as part of multilateral development agreements.

[78] The justice sector is in many countries one of those most afflicted by corruption and in many countries development partners support justice reform programmes. Nevertheless, in many if not most cases little attention is paid to how to address specific corrupt practices, which ones to tackle first, how to measure progress, etc.

[79] A recent assessment of public integrity in nine Latin American countries has also shown that what matters is translating anti-corruption measures into practice, not the formal reforms as such (Transparency International, 2005).

4 Issues to consider for further policy debate on UNCAC implementation

The results emerging from this research with regard to the usefulness of national anti-corruption policies and strategies in countries with widespread corruption and weak institutional capacities are fairly discouraging. However, this does not mean that all hope is lost or that the solution lies in revolutionising anti-corruption work by reinventing the wheel. Rather, what can be learned with all modesty from these six country cases invites us to take a closer look at why these initiatives do not seem to bring about the desired results, which parts of the policy making and implementation processes require adjustment or even a different approach, and what may be the missing links. It cannot be sufficiently emphasised that the focus of this study is on nationally steered governmental anti-corruption policies and strategies in their totality and does not aim to pronounce opinions or judgements on specific anti-corruption measures which may well be part of the broader policies.

As stated at the beginning of the study, the issues raised below are meant to feed into the policy debates on how to provide strategic advice and technical assistance to implementing Article 5 as a gateway to the overall provisions of the UNCAC.[80] At the same time, readers should be cautioned against the applicability of the same approach to all countries around the globe because countries with differing levels of institutional capacity and diverse political cultures and social backgrounds will require and may want to choose varying modalities.

Given that the main audience for this study, that is the States Parties to UNCAC, acknowledges the Convention as an international anti-corruption framework, the following sub-sections try to establish the relevant links between the findings of this research and the implementation of UNCAC. The areas for reflection and debate will be most pertinent for countries with characteristics similar to the countries studied. Nevertheless, some of the issues raised may be relevant for other countries, too.

4.1 Different options for "effective and coordinated anti-corruption policies"

Most countries do not have the ability to fight fires on all sides at the same time because they simply do not have the capacities and resources to do so. Also, despite the fact that many countries already fulfil a series of UNCAC provisions, whether formally, in practice or both, it would be unrealistic to expect States Parties to implement the whole Convention overnight, something that even most developed countries are struggling with. Rather, it is argued that a gradual approach is needed if the envisioned anti-corruption policies and measures stand a chance of being effective.[81]

In addition, there seems to be a persistent temptation to interpret "effective and coordinated anti-corruption policies" as the need for a single anti-corruption strategy. The rest of this paper will argue that this is one option but that there are several more – some of which are illustrated below – and that limiting the view to single strategies might even pose a danger to fighting corruption effectively. Anti-corruption work is not a magic bullet, but needs to be nested in broader policies and reforms to improve transparency, integrity and accountability, an approach for which Article 5 provides the basis (see the introduction).

In view of the comprehensiveness and complexity of implementing the anti-corruption measures that are stipulated by the UN Convention, there is a need for States Parties to build a *strategic vision* and

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[80] Among others, we hope that this study provides useful inputs for the efforts of UNODC and UNICRI to develop a technical guide for UNCAC implementation.
[81] See the U4 background document for the Montevideo Workshop on Technical Assistance for UNCAC implementation, organised by UNODC in May 2007 - www.u4.no.

political agreement on how to implement the provisions of UNCAC, including the selection of priorities and sequences. Key questions to be asked are how can States Parties make an anti-corruption policy framework "strategic" instead of elaborating long wish lists? And how they can learn from past experience and remedy recurrent shortcomings?

Finally, although it seems obvious it is often forgotten that most countries with apparently high levels of corruption and hence most need for anti-corruption reform tend to have the weakest capacities, both in terms of institutional strength and in terms of human and financial resources. Also, more often than not these countries are already undergoing profound reforms towards restructuring and modernising their state administrations and governance systems, most of which contain important elements of the anti-corruption measures that are anchored in UNCAC. With this inflation of reforms in mind, States Parties should be cautious that anti-corruption activities are not conceived as another layer of tasks but integrated, to the extent possible, into the existing ones.

4.1.1   Anti-corruption strategy or alternative approach for coordinated policies?

Taking into account that explicit anti-corruption policies or strategies to date have often ended up paying lip-service and considering that they not only consume large resources but also produce few results, if any, the key question to ask in any given country is whether or not it makes sense to have such a broad anti-corruption strategy at all. This is not to insinuate that anti-corruption strategies are hopeless undertakings in all contexts, but an invitation for critical and creative reflection. Article 5 of UNCAC mandates States Parties to have coordinated anti-corruption policies but does not oblige the Parties to set out on ONE explicit strategy.

One difficulty in providing possible answers to the aforementioned question is that explicit and broad anti-corruption strategies have been an "easy way out" and that they have often been welcomed by the public and development partners alike. However, potential alternatives do not seem to have been explored. Such alternatives could, for example, include i) an embedded approach to addressing specific vulnerabilities to corruption through existing policies and reforms, ii) sectoral approaches to focusing on institutions particularly vulnerable to corruption or sectors particularly relevant for national development, and iii) a focus on coordination and performance monitoring of those institutions that have the mandate and authority to implement a variety of corruption prevention measures.[82] Some questions that would need to be asked prior to developing an overarching anti-corruption approach include: what are the core areas of reform already under way? In which way, if at all, do they already address the prevention of corruption? What essential elements are missing? What are the areas in most need of reform and which ones are most likely to generate impact? How and with what approach can the different ends best be brought together?

Another missing link is the disconnection between the original political will to create an anti-corruption strategy and the subsequent lack of high-level political involvement to reach agreements about core goals and objectives. Well-intentioned technocrats should creatively explore how they can participate more actively in the political arena, how political agreements can be built and which alliances they therefore need to seek. Instead of developing overly ambitious anti-corruption plans with weak implementation arrangements, other strategic approaches may be more appropriate for closing the above-mentioned gap. In this context, it is particularly important to bear in mind that anti-corruption work requires state policies and not only governmental policies. That is, a political

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[82] For example, the implementation of a merit-based recruitment system and codes of conduct for public officials often lies within the authority of the public agency responsible for civil service management. Implementation responsibility for transparent procurement systems often lies within the ministry of finance, a procurement board or a combination of such institutions. Responsibility for the proper management of financial resources usually falls within the realms of at least the ministry of finance and the auditor general's office. Declarations of assets are handled by specifically assigned or created institutions. Access to information and civil society participation do not fall within the responsibility of any specific public institution but monitoring of public agencies in general is needed to assess whether these principles are being respected in practice, and so forth.

consensus about how to address which forms of corrupt practices needs to survive the period of one or more governments if these efforts are to bring about sustainable change.[83]

Finally, good judgement and political astuteness on the part of those national actors with a real interest in driving an anti-corruption agenda forward are needed to decide whether or not an anti-corruption strategy *could* have the potential to generate some traction or be a platform for change *under certain conditions*. Would more modest goals and objectives, stronger implementation modalities, in particular through clearer implementation arrangements, monitoring, or concrete prioritisation of issues where the government is willing to make concessions (e.g. service delivery in key areas) make a difference?

4.1.2   Integration with core policies – potential for an embedded approach?

Most developing countries are undergoing complex public sector reforms (financial, civil service, justice, decentralisation, etc.) aimed at increasing effectiveness, efficiency, transparency and accountability. As indicated above, governments and development partners frequently consider these reform packages themselves as an anti-corruption agenda. They do indeed contain an important array of provisions anchored in UNCAC (hiring and promotion systems, codes of conduct, procurement and management of public finance, and the like), but so far links between the larger goals of the reforms and anti-corruption work have been weak.

Some anti-corruption policies or strategies have made efforts to build on existing governance reforms, take up key components as part of their own activities and/or complement these reforms. However, horizontal links between the anti-corruption strategies and the main government policies and reforms are often missing, responsible public institutions do not have the awareness or capacity to interact and create synergies, and activities bundled under the anti-corruption strategies are conveyed as add-on activities to ministries and other state organs instead of being integrated into ongoing efforts.

A rethinking of how this approach, specifically to reinforce ongoing initiatives, can be put better into practice is needed. How can anti-corruption dimensions be woven or embedded into (good) governance reforms instead of ending up as unmanageable stand-alone anti-corruption strategies? Which public institution should be assigned responsibility for which anti-corruption measure? What kinds of technical and financial resources would be needed? How could this be monitored? And who could be responsible for coordination and monitoring?

4.1.3   Sectoral approaches – complement or substitute for national strategies?

Extensive and ambitious national anti-corruption strategies are very difficult to manage. Sectoral approaches to preventing and controlling corruption (e.g. in the education and health sectors or in the revenue and customs departments) are easier to steer. While sectoral ministries, resistant to change, are often reluctant to accept instructions from other agencies or ministries, an internally driven process could bring to the fore sectoral champions that would otherwise have remained unnoticed. The risks are that such initiatives can become disconnected from other ongoing reforms. However, that risk could be mitigated by allowing the sectoral pilots to showcase their achievements and thus take pride in their integrity initiative through a well designed communication strategy that highlights results and impacts for citizens. Such an approach may well trigger the interest of other ministries that until then had also been considered resistant to change.

Sectoral anti-corruption approaches would also go hand in hand with a recent trend towards developing sectoral strategies on the basis of sectoral governance diagnostics.[84] Questions that need to

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[83] For more detail on this issue in five African countries see the U4 paper on "Measuring 'success' in five African Anti-Corruption Commissions" by Doig et al. (2005).

[84] For sector approaches to fight corruption see Campos and Pradhan (2006) "The many faces of corruption", World Bank.

be asked in this context include: should sectoral anti-corruption approaches complement or substitute for national strategies? On the basis of what strategic criteria should reform sectors be selected, e.g. importance for national development, existence of strong leadership and potential champions, opportunity for quick wins? What still needs to be known to develop adequate sectoral anti-corruption policies? How can political players involved in this sector be brought together? How will progress be monitored? What kind of international assistance would be helpful?

4.1.4   How can appropriate prioritisation and sequencing be achieved?

So far, there have apparently been great difficulties in developing adequate approaches and guidance on how to select priorities for anti-corruption policies and how to sequence interventions strategically. There is a series of useful analytical tools for taking a snapshot of a country's current situation in terms of its integrity system, the compatibility of its legal system with UNCAC, levels and occurrence of corruption, etc.[85] However, none of these tools seems to be appropriate for guiding the process of strategic prioritisation and sequencing.

Therefore, bigger efforts need to be made to select priorities strategically in line with a realistic estimate of capacities and available resources in the implementing agencies. Further, implementation should be sequenced, again due to the need for careful management of scarce resources and to avoid public frustration as their expectations are deceived. An issue that often seems to be forgotten is that most implementing agencies, be they line ministries, departments or other public agencies, may require continuing technical advice or even coaching in the design and first stages of putting anti-corruption measures into practice. Such advice and mentoring could be provided, for example, by specialised anti-corruption bodies, and yet their capacities also tend to be limited. Hence, thought should be given to making a modest start on anti-corruption policies in some key areas and within those, in only a handful to a dozen agencies. A broader roll-out can follow later with some lessons learned already on board and with some results to show. However, such an effort would only make sense if responsibility and accountability for results were assigned to agencies with the corresponding mandates and if responsibility and accountability were enforceable, through either incentives or sanctions or a combination of both.

Nevertheless, given that many countries have signed and ratified UNCAC and bearing in mind that pressure from the Conference of States Parties to implement the Convention fully is likely to increase, there is a real danger that governments, civil society organisations and development partners may lose sight of a gradual and sequenced approach. Most areas of public administration and the political system require reform, but change on all sides might not bring about any change at all. Hence, a crucial challenge consists in closing the gap between relatively weak capacities to deliver anti-corruption reform in practice and high expectations, both from the national population and the international community.

4.1.5   Could monitoring and evaluation of ongoing governance policies/reforms from an anti-corruption angle help strengthen anti-corruption prevention?

The results from the present research point to the urgent need for meaningful monitoring of anti-corruption policies and strategies. So far, monitoring has been either formalistic, focusing on the existence of laws or institutions instead of their effectiveness, or non-existent.

Most countries are already being subjected to an institutional overhaul which contains elements of the provisions of UNCAC. Given that these reforms are expected to have a tangible impact on corruption, it is worthwhile considering whether it would be useful to dedicate additional resources to the

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[85] For example, the self assessment on UNCAC compliance elaborated and coordinated by UNODC, the already mentioned National Integrity System approach promoted by TI, the World Bank three-pronged surveys on corruption, the UNCAC gap analysis as piloted by GTZ in Indonesia, and vulnerability to corruption assessments applied to certain sectors in Afghanistan, to name but a few.

monitoring of anti-corruption results derived from these reforms. This could be done by i) identifying the specific aspects of core reforms that are crucial for increasing transparency, integrity and prevention of corruption and that are in line with UNCAC, ii) agreeing with all actors involved (government, civil society, the private sector and development partners) which elements will be a priority and which institutions or sectors will be pilots, iii) selecting indicators that allow measurement of progress in reducing corruption or increasing transparency/integrity, iv) carrying out the monitoring activities accordingly, and v) disseminating results and advocating for change.

Such an approach would require, among others, different institutional arrangements, strong support for information management capacities,[86] as well as support from external independent watchdog institutions. It would require long-term investment and might not be an attractive undertaking at first sight. On the other hand, it would allow different ends of accountability, transparency and integrity to be brought together. Considering that in a number of countries progress has been made in reducing corruption in public service delivery, systematic monitoring of such efforts could also contribute to a more regular dissemination of "good news", which is vital to gaining and maintaining public support.

Last but not least, a monitoring approach would have to struggle in many countries, at least initially, with the poor quality of information, difficulties in getting access to pertinent information, and the like. However, it could also pave the way for gradually opening up public policy processes, as it would help, among others, i) to create a national platform, ii) to match government reform with civil society monitoring,[87] iii) to establish spaces and opportunities for civil society organisations to influence policy, strategy and outcomes, and iv) to build capacity to do ongoing analytical work, both within the government and outside.

4.1.6   What about arrangements for implementation and coordination?

Hitherto, one of the failures of anti-corruption policies and strategies has been a disconnection between those who design the strategies and those who are supposed to implement the measures therein contained. The discrepancy between the ownership of the design and the non-ownership of implementation is further exacerbated by the often relatively low hierarchical rank of the agencies tasked with the coordination and oversight of implementation. Hence, public institutions which have a mandate to implement specific preventive anti-corruption measures need to be given far more prominence at the design stage and subsequently to be held responsible for results in implementing them. However, the political leadership of the country also needs to demand this actively from its public sector chief executives and hold them accountable for progress.

Bringing harmony to the institutional framework by making sure that mandates are clearly defined and well understood and that coordination and interaction are streamlined is both a response to and a sine qua non for tackling the root causes of the corruption problem. This not only means a clearer definition of the different mandates and outlining of the institutional hierarchies but also a better understanding of where and how the different mandates and responsibilities meet and interact with each other.

Overall responsibility for coordination and oversight needs to be assigned to a high-level political authority which has the political mandate and support to compel powerful line ministries to follow through on their own commitments as well as with presidential instructions. Such a mandate could be assigned to an important cabinet minister, a lead figure in the president's office or a similarly high-

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[86] The information regime of the country would have to be analysed in order to match objectives and expectations with capacities, e.g. what kinds of capacity are there to produce information, which capacities exist to use this information, what kind of monitoring already exists and who uses the information for what purpose? Also, links with other efforts to strengthen the government's information regime would have to be created.

[87] Continuous civil society monitoring of public sector performance in certain areas of the government's activities has helped to bring about change in a series of countries (see section 2.4). Matching desired government reform with independent monitoring from civil society could generate a powerful momentum for change.

level authority. Specialised anti-corruption bodies, if already existent, could be in a good position to facilitate coordination and oversight as long as they can operate in tandem with the aforementioned top-level political authorities.

4.2   Fighting corruption by fighting corruption – is this the way to go?

It is worth highlighting again that fighting corruption is not an end in itself. The big issues for most countries today are poverty reduction, economic development, income distribution, deepening democracy and security. Those responsible for the design of anti-corruption policies need consciously to take into account that the anti-corruption efforts are at the service of these higher development goals.

Now, anti-corruption policies are based on the assumption that corruption is a failure of governance systems or an aberration of the system. While this approach is certainly valid for countries with relatively well functioning institutions, in countries with weak governance systems and institutions corruption seems to be the system and, in addition, informal institutions have significant influence over formal institutions. In such an environment the fight against corruption is waged by those involved in the very practices they are supposed to fight. In particular, preventive measures focusing on the supply side of government action, such as codes of conduct, declarations of assets, merit-based appointment systems, reform of procurement procedures, and the like, are easily reduced to cosmetic surgery.

In such a context the question arises whether an approach that concentrated on widely promoted antidotes to corruption, such as transparency and accountability, would make more sense. For example, would it be possible gradually to increase transparency by opening up government decision making processes to the public, by guaranteeing and providing access to information and by fostering civil society participation?[88] A basic issue that also needs to be resolved is whether a country wants to formulate a "negative", that is anti-corruption, approach, or a "positive", that is pro-integrity or transparency, approach.

4.3   Issues for development partners to consider

UNCAC provides an opportunity for a coordinated and harmonised approach to the provision of assistance to States Parties but it also poses a big challenge to continue to pursue too much at once, in particular through the promotion of single anti-corruption strategies, whose effectiveness and appropriateness in all contexts is put into question.[89] So what can development partners do to foster implementation of Article 5 as a gateway for UNCAC implementation?
First and foremost, DPs should use and promote UNCAC as a binding legal and political international commitment to further good governance.

Secondly, they should recognise Article 5 as the "gateway" for the implementation of UNCAC, but not as an automatic obligation for one single national anti-corruption strategy. For this purpose, they should help States Parties to identify different options for coordinated policy frameworks and provide experience-based information about their advantages and disadvantages. They could help to analyse in more depth the different modalities and frameworks that countries have chosen to implement and coordinate their anti-corruption policies in order to broaden the body of documented experience. This could include, for example, in-depth analysis of specific approaches, or comparative studies of similar

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[88] Experience in a number of countries has shown encouraging results if such an approach is applied in the budget formulation and execution processes, in the appointment of senior officials, in procurement and in party financing, but also in the health and education sectors, for example, all areas that are also relevant for UNCAC implementation.

[89] The first draft of the Technical Guide for the implementation of UNCAC Article 5, developed by UNODC, suggests, for example, that States Parties should develop one anti-corruption strategy for the implementation of UNCAC.

approaches, to explore what works and what does not under which conditions. Instead of encouraging the drafting of overly ambitious strategies and plans, development partners could rather advocate a more modest approach and help facilitate the strategic selection of priorities.

Third, DPs need to make every effort to strengthen the links between anti-corruption and governance reforms. Taking into consideration that many of the preventive anti-corruption measures enshrined in UNCAC are or will be implemented through public sector management or broader governance reforms, the anti-corruption work needs to be handled as part and parcel of the governance agenda and not as a separate sector. This needs to be so both at country policy levels and at international development partner policy level. Conceptually, this is often the case, but it is not necessarily put into practice on the ground, mostly due to i) the persistence of "silo" approaches to sector reform and ii) the "silo" visions and expertise of international staff and experts.[90] The following paragraphs refer to this point:

- DPs would do well if they gave more attention to helping governments to introduce or "mainstream" strategic anti-corruption dimensions into their core policies and reforms,[91] in particular when these are supported by international aid. Sector- or institution-specific vulnerability to corruption assessments and subsequent risk management plans could be supported and mentoring for implementation provided, to give but one example. In many countries where addressing corruption explicitly continues to be a sensitive topic, this would also help to find an alternative.

- DPs should invest more effort into providing continuing anti-corruption training of their staff and into mentoring sector specialists in anti-corruption approaches. The latter is particularly relevant to build the necessary bridges between anti-corruption and sector work.

- In countries that receive considerable development assistance, DPs could also consider reviewing their staffing profiles and expertise on the ground – possibly as a collective exercise – with a view to supplying the requisite senior expertise to i) provide continuing strategic advice to DPs on what kind of anti-corruption initiatives they should support, ii) give guidance to the government and DPs on how anti-corruption dimensions could be incorporated into ongoing or planned reforms, iii) build bridges between the different sector teams, iv) support the government in its coordination and oversight, possibly through mentoring and coaching of the responsible authorities, and v) facilitate information exchange among DPs on initiatives relevant to anti-corruption.

Fourth, they should promote open and transparent dialogue between governments, themselves, parliament and non-state actors to assess progress. DPs should promote openness and transparency in their development agreements with partner governments as well as in the regular monitoring processes in order to allow for external scrutiny and to foster the accountability of government to parliament and civil society. This is all the more important when the tendency to pursue general budget support is taken into consideration as this aid delivery modality strengthens in particular the executives of partner countries but does not necessarily deepen democratic accountability.

Fifth, they should increase the knowledge and understanding of corrupt practices, their forms, manifestations and dynamics, disseminate the findings widely and ensure public access to them.

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[90] As indicated before, civil service, financial management, justice sector and decentralisation reform, for example, often do not address specific vulnerabilities to corruption within these areas of reform. Although corruption often hinders progress or success in these very reforms, the issue does not seem to be on the radar screen of those who are responsible for them (both within the government and amongst supporting development partners). Also, international experts tend to have specific expertise, say in financial management, public sector or justice reform, but many of them do not have specific knowledge and expertise in the complexities of anti-corruption work. In contrast, those who have broad anti-corruption experience do not necessarily have specific sector knowledge.

[91] In a recent international meeting on justice sector reform in Afghanistan, with the participation of most DPs, corruption was not even on the agenda although the justice sector is widely perceived as being most affected by corruption.

Relatively recent efforts to develop new analytical tools and assessment instruments should be strengthened and results widely shared. What kind of specific knowledge to produce will depend, though, on the context and needs of each country.

Sixth, DPs should invest much more into fostering both effective internal monitoring and evaluation as well as non-state assessments of anti-corruption policies, e.g. from parliaments, universities and civil society organisations. Bearing in mind the recurrent systemic weaknesses of (independent) monitoring of the progress and results of anti-corruption policies, DPs should search creatively for appropriate ways to help remedy this situation and link the potential "power of information" specifically to the point made above about the promotion of transparency and participation, thus helping to empower local actors to carry the flame:

- More effort needs to be made to advise governments on the design of simple but performance-oriented monitoring mechanisms and especially indicators. In this context, DPs could also consider providing, at least initially, mentoring for implementation agency staff to deal with the monitoring requirements.

- Such efforts would need to be connected to ongoing efforts towards strengthening the country's information management system. DPs could also help to assess which kinds of information on issues relevant to anti-corruption are already available and which are missing, what information is used by whom and how (this should not be concentrated on the government alone but include parliament and civil society), and which capacities and enabling conditions are lacking for making use of the information. Such an approach may help to bring reform supply and demand closer together.

- Development partners should consider strengthening more vigorously external government scrutiny, for example through financial and, where needed, technical support to national research institutes, civil society organisations, universities or the like to produce regular assessments of government performance in corruption control (such as institutional integrity indices, state of corruption reports, public expenditure tracking surveys, service delivery assessments, to name but a few examples).

- Finally, DPs should consider commissioning assessments or surveys about the level of transparency, integrity and accountability within their own operations. Such an initiative would help to strengthen vulnerable areas in aid delivery but above all it would put the development partners onto a "level playing field" with partner governments.

Seventh, despite the progress at headquarters level and, for example, within OECD-DAC, development partners should make greater efforts to bring their actions at country level more into line with these OECD-DAC agreements, in particular with regard to donor coordination, harmonisation of aid and the joint principles for anti-corruption. DPs should lead by example and put greater emphasis still on improving their own standards and practices. Areas for particular attention include increasing transparency in their own decision making and access to information about their development assistance (amount of aid available and disbursed, recipients, criteria for disbursement, selection of consultants, evaluations, performance assessments, analytical documents, etc.).

Last but not least, development partners should critically review their relations with partner governments when the latter do not comply with mutually agreed commitments. More often than not, DPs choose not to show discontent for a variety of reasons, of which two seem to prevail: i) government-donor relations should not be burdened for fear of negative consequences for overall development assistance, and ii) donors themselves have a range of incentives to report satisfactory performance back home. Nevertheless, the dilemma between pursuing the "bigger goals", such as poverty reduction, and tolerating malpractice needs to be reviewed as there is certainly more room for pragmatic "grey zone" approaches which avoid an "either-or" answer.

By way of concluding, it should be reiterated that the study cautions against the applicability of one and the same approach to implement Article 5 of UNCAC in all countries around the globe. Countries with different degrees of institutional capacity, diverse political contexts and social backgrounds will require and may want to choose varying modalities. In addition, the temptation to interpret "effective and coordinated anti-corruption policies" as the need for a single anti-corruption strategy points certainly to one option, but there are several more. Last but not least, partner countries, where necessary and desired with the support of development partners, should consider pursuing anti-corruption work with effective modest targets instead of ambitious but unfeasible promises.

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Fighting corruption is a challenge in any context, because corruption has many faces and can occur in different forms across all sectors and institutions of a country. The UN Convention against Corruption (UNCAC) recognises this and calls, among others, for "effective, coordinated anti-corruption policies" (Article 5) to address the problem strategically. This report explores what form such an approach could take, and examines in depth how national anti-corruption policies or strategies have come into being in six countries: Georgia, Indonesia, Nicaragua, Pakistan, Tanzania and Zambia. From a public policy perspective the authors look specifically at the catalysts and driving forces, how reforms were selected, prioritised and implemented, and finally, what role development partners played in the overall process.

The country studies show that the political response to perceived widespread corruption in those countries often consisted in the development of a broad national anti-corruption policy or strategy. Nevertheless, this approach has not been overly successful for a variety of reasons, ranging from unrealistic planning and the lack of prioritising reforms, to serious shortcomings in the implementation arrangements, and the absence of vital political agreements for effective reforms.

The report argues that explicit anti-corruption policies and strategies are not necessarily the most suitable and certainly not the only way to implement Article 5 of UNCAC, and goes on to discuss other options for coordinated anti-corruption policies. The report also points to the need of pursuing anti-corruption work with effective and modest targets instead of ambitious but unfeasible promises.

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