ROBUST, RELEVANT AND USEFUL MEASUREMENT

MEASURING EFFECTIVENESS OF ANTI-CORRUPTION AGENCIES

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INSIGHTS
BRIEF

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Acknowledgements

Insights Briefs

Insights Briefs are interim papers reporting on the Global Programme for Measuring Corruption's research activities. Briefs are different from the programme's planned Research Papers in that they offer a short description of key insights, developments, and methodological considerations arising from the country visits or expert think-ins. They are based on background research into secondary literature and on the content of in-person facilitated discussions with a range of stakeholders (in the case of country research visits) or among participants (in the case of expert 'think-ins'). Briefs are written and formatted in a style that is more broadly accessible compared to standard Research or Working Papers.

The GPMC will produce a series of eight briefs covering the programme's country research visits and expert thematic workshops during the period October 2022 – August 2023.

This brief presents key insights from the GPMC's expert 'think-in' on measuring the capacity and effectiveness of Anti-Corruption Agencies (ACAs) in June 2023.

Overview

This Brief was produced by the Global Programme on Measuring Corruption (GPMC) hosted by the International Anti-Corruption Academy (IACA). It presents key insights from the GPMC's Expert 'Think-In' on Measuring the Capacity and Effectiveness of Anti-Corruption Agencies (ACAs)

The GPMC works with international organisations, governments, civil society, the private sector and academia to collaboratively design a robust, relevant and useful approach to measuring corruption. Since the 2017 G7 summit1, the international community has highlighted a need to develop new means of measuring corruption and corruption control. Key milestones include the United Nations Convention Against Corruption's (UNCAC) Conference of the States Parties Resolution 8/10 on Measurement of Corruption in 2019; the prioritisation of measurement at the G20 Academic Roundtable on Anti-Corruption in 20202 and the publication of a G20 Compendium of Good Practices on Measuring Corruption in 20213. The GMPC was initiated in May 2022.

For any new corruption measure to be truly useful and relevant, it is important to understand how different stakeholders use indicators, how useful they are for the purposes, and to identify gaps. The GPMC is conducting a series of expert 'think-ins' on different aspects of corruption measurement, taking a broad approach to what is measured to encompass the prevalence, risk and control of corruption, and recognizing that there is no 'one-size-fits-all' approach to corruption control. The outcome of this workstream will be a 'state of the art' paper on corruption measurement methodologies later in 2023.

Purpose

This is one of eight Insights Briefs and summarises the key insights arising from the Expert 'think-in' on measuring the capacity and effectiveness of Anti-Corruption Agencies (ACAs), which took place in June 2023. The participants explored several types of frameworks to assess the capacity and effectiveness of ACAs and possible data sources that might be used in measurement. Insights briefs will be of primary use to organisations or researchers working on corruption measurement, countries currently developing tools or systems to measure corruption, and civil society.

The Brief is structured into four main sections. First, the rationale for focusing on ACAs is explained, defining key terms and functions. Second, existing approaches and tools to measure ACA capacity and performance - discussed in the think-in - are explored regarding their strengths and weaknesses, namely: UNDP Guide to Capacity Assessment of ACAs, U4's Guide on How to monitor and evaluate anti-corruption agencies, Jakarta Principles and Compliance Checklist, TI Strengthening ACAs Initiative. Third, indicators to measure investigative performance and their applicability to the participating agencies is discussed. Fourth, the key insights of the group on how to measure ACA effectiveness are presented.

Approach

Measuring the capacity and effectiveness of ACAs was selected as a workshop theme for three reasons. First, many countries have invested in creating ACAs over recent years but there is little scientifically generated evidence about whether or in what conditions they are effective. Indeed, the need for new ways of measuring ACA effectiveness is the subject of UNCAC CoSP Resolution 8/7. Second, the topic has been identified in GPMC country research visits as well as in our previous expert think-ins as an area of interest, particularly with ACA practitioners looking for ways to demonstrate their success within government or to the public. Third, the practice of evaluation of public administration bodies always presents methodological challenges, but these are acute in the case of anti-corruption bodies given the difficulty of measuring corruption itself.

Participants were selected following a mapping process which identified experts based on their academic or practical experience on researching ACAs, implementing policies that seek to assess the effectiveness of ACAs, or developing measurement methodologies. Each think-in follows a standard co-creation and facilitation methodology. This includes pre-event engagement and preparation, plenary and group discussions to identify gaps or limitations of existing measures, structured brainstorming on likely data sources for new measures, and critical exploration of new methods.

Key Questions

- Should we measure capacity, effectiveness, or both? If so, under which conditions should either aspect be assessed?

- Which aspects of capacity and effectiveness are most important to measure, and by whom? Or does their importance vary enormously across settings (and over time)?

- What types of ACAs should be prioritized for 'measurement'? Should any assessment attempt include anti-corruption strategies or policies?

- What ongoing data collection is taking place, and what additional data may be worth collecting to enhance measurement in the future? Are there relevant existing databases, raw data or repositories?

- How can measurement be harnessed to leverage reform?

Why focus on ACA capacity and effectiveness?

The establishment of anti-corruption agencies (ACAs) has become a key institutional manifestation of how countries all around the world demonstrate commitment to tackling corruption. This is partly a result of the UN Convention against Corruption requiring signatories to establish one or more bodies to oversee and coordinate the implementation of corruption prevention policies (Article 6) and the combatting of corruption through law enforcement (Article 36). The International Association of Anti-Corruption Authorities (IAACA) boasts 159 members at the time of writing. Countries have different approaches to fulfilling the UNCAC articles, with some creating single-purpose agencies while others choose to split the three core functions of ACAs – prevention, investigations, and prosecutions – across multiple organisations.

UNCAC CoSP Resolution 8/7 calls on signatories to find ways to enhance ACA effectiveness, but a necessary precondition is to develop robust methods for measuring effectiveness. Such an evidence base could also help to inform the design of ACAs, providing a basis for judging, for example, whether a single-agency or multiple-agency model is likely to be more independent or capable in a given context. This distinction is fundamental, as the two models require different leadership skillsets to ensure successful policy, not least regarding managing expectations and enhancing the agencies' reputation.

The need for better measures for, or assessments of, ACA performance and effectiveness has been identified as a priority in both GPMC country research visits and our previous expert think-ins. The public needs to be able to hold ACAs to account, monitoring their progress against stated objectives, but ACAs also need such metrics to make the case to budget-holders or oversight authorities that they are fulfilling their mandate and providing value for money – or, sometimes, to advocate for more resources.

> "We need more focus on power relationships and institutional dynamics that structure the relationship around measurement, i.e., what gets measured and by whom, and more importantly, for what purposes?"
>
> Participant

Evaluating the success of public administration bodies always presents methodological challenges but these are acute in the case of anti-corruption bodies given the difficulty of measuring corruption itself. In addition, because the mandates of ACAs vary, it is important that individual agencies are only judged against the functions that they hold. In addition, their performance should be assessed within their institutional context and should take into account their role in the wider ecosystem of anti-corruption bodies, including how well they cooperate with and complement partner agencies. Such cooperation is important not only in the domestic context but also in terms of building transnational links with partners in other countries since the investigation of grand corruption cases often involves multiple jurisdictions.

Despite these challenges, there may be scope to follow models for building international standards across agencies in different technical areas. For example, the International Organization of Supreme Audit Institutions has a framework for professional standards, while the UN Human Rights Council provides accreditation for national human rights institutions that meet certain standards. The IAACA and/or regional networks of ACAs could potentially take on a similar role of monitoring and encouraging adherence to good practice and standards.

Strengths and weaknesses of existing assessment and measurement tools

The participants identified four existing tools and guides for measuring ACA capacity, compliance with principles, and performance; these have been developed by the United Nations Development Programme (UNDP), the U4 Anti-Corruption Resource Centre, the United Nations Office on Drugs and Crime (UNODC) and international NGO Transparency International. Think-in participants reviewed these with respect to their scope, intended users, actual usage, methodology, resource requirements, strengths and weaknesses, as summarized in Table 1.

Since these are publicly accessible documents to be used and adapted in full or parts, the extent to which they have been employed is unknown. To our knowledge, only the TI assessment tool has been systematically applied in several countries for benchmarking purposes (with comparative results published in a 2017 paper, described below). The Jakarta Principles are likely the best known of the documents, but the associated compliance checklist in the accompanying Colombo commentary is relatively new (2020) and has not been widely promoted.

The four existing tools are as follows:

1. Practitioner's Guide to Capacity Assessment of Anti-Corruption Agencies (UNDP 2011)

The Practitioners' Guide was developed to assist national anti-corruption officials, as well as UNDP Country Offices and other development partners, to carry out capacity assessment of anti-corruption agencies. It provides a range of assessment modules for various ACA functions and sample surveys which can be adapted to the specific local context and institutional model. The results from such an adapted capacity assessment provide the basis for developing and implementing a comprehensive capacity development plan, thereby linking analysis with action. It is an in-depth instrument that requires an experienced external expert assessor and is relatively resource-intensive compared to the other instruments. Its modularity could potentially allow it to be applied in varying degrees of depth through an app - but it would still require considerable knowledge on behalf of the expert filling it in. While it does not measure performance, some of its capacity measures could potentially be turned into output indicators.

2. How to monitor and evaluate anti-corruption agencies: Guidelines for agencies, donors, and evaluators (Johnsøn et al. 2011)

For this U4 paper, evaluations of individual agencies were collected and analysed to assess the evidence underlying the assumptions made about the effectiveness of ACAs. The authors (Johnsøn, Hechler, Mathisen and de Sousa) found few evaluations, while even fewer measured the actual outcomes and impacts of the ACA. The authors encourage ACAs to do a better job at establishing results-based indicators for their work, showing how activities lead to impact, and collecting data to evidence change. The paper does not constitute a tool but provides guidance on how to apply a results chain to ACA work, as well as an annexed catalogue with proposed indicators at impact, outcome, and output levels for different functions, with possible data sources. Especially at output and outcome levels, this would require extensive internal data collection by the ACA itself or access to ACA data by externals. For future usage, indicators and means of verification need to be adapted to context and updated.

3. Jakarta Statement on Principles for Anti-Corruption Agencies (UNODC 2012) and Colombo Commentary (UNODC 2020)

In November 2012, UNDP and UNODC, in collaboration with the Corruption Eradication Commission of Indonesia, organized a meeting in Jakarta that brought together around 50 experts including more than a dozen current and former heads of ACAs from across the world to develop a set of basic standards to guide the establishment and operations of ACAs. The result was the Jakarta Statement on Principles for Anti-Corruption Agencies, which includes 16 principles (the Jakarta Principles) that provide detailed guidance on conditions for ACAs to have the "necessary independence". The IAACA endorsed the Jakarta Statement at its 2013 annual conference in Panama. It was also noted by the Conference of the States Parties to the UNCAC in Resolution 5/4, entitled 'Follow-up to the Marrakech declaration on the prevention of corruption', in 2013 and in Resolution 7/5, entitled 'Promoting preventive measures against corruption', in 2017. The Jakarta Principles are normative principles based on experience and good practice, but there has never been empirical research to test whether compliance with the principles – in their totality or single principles - is related to the effectiveness or performance of ACAs. As part of the Colombo commentary, a simple compliance checklist was developed which can be utilised by a knowledgeable internal or external expert relatively easily, not requiring additional resources.

4. Strengthening Anti-Corruption Agencies in Asia Pacific: Regional Synthesis Report (Transparency International 2017)

This synthesis report presents the major findings from six country-level studies initiated by Transparency International which used a common tool consisting of 50 indicators along 7 main dimensions of ACA work, and distinguishes between enabling and performance indicators. The agencies studied were in Bangladesh, Bhutan, the Maldives, Indonesia, Pakistan and Sri Lanka, between 2012 and 2015. The stated objective was to "gauge the strengths and weaknesses of ACAs in the participating countries, based on selected indicators…[in] an attempt to assist the ACAs to assess their status and performance compared to internationally recognised principles and standards."

Information was collected by external consultants, and hence use of the tool depends on having a cooperative relationship with ACAs and their willingness to provide data. Each indicator is scored, although it is not clear how the thresholds of these scores have been set; if using the tool, these thresholds might need to be adapted to context. While a simple traffic light visualisation facilitates comparison across agencies, the basis for some of the indicators – particularly those using percentages - was unclear and the assessments based on them therefore debatable. The tool has not been used outside of Asia Pacific yet. The tool could be adapted to include a dimension on operations and potentially to align it more closely with the Jakarta principles.

In selecting among these four tools, evaluators should consider which is best suited to their purposes – which might include capacity assessment, internal monitoring and evaluation, compliance, benchmarking and advocacy. The tools could be used in combination, or even merged, but all would benefit from rigorous review and some updates.

Overall, some gaps remain to thoroughly assess the capacity and effectiveness of ACA, including the ability of ACAs to build and capitalise on cooperative networks with other agencies locally and abroad. Practitioners have used the Jakarta Principles as a basis for promoting standards for ACAs, but little attention has been given to evaluating the relationship between compliance with the principles and effectiveness, or whether just a few of them can be more helpful in the quest for ensuring effectiveness.

Table 1: Existing tools to measure the capacity and assessment of ACAs: uses, strengths, and weaknesses

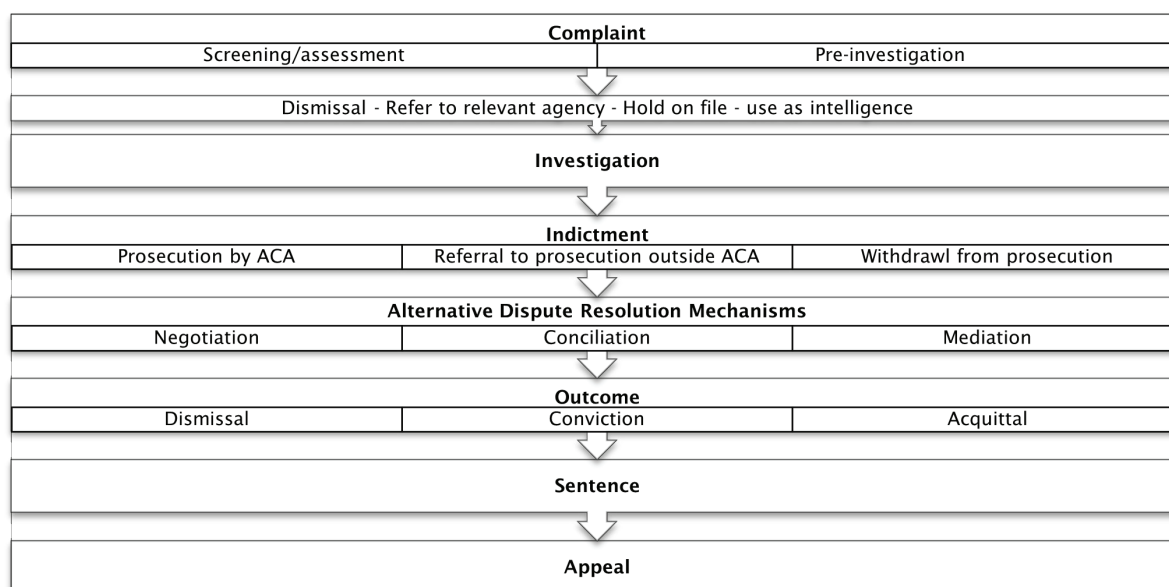|	UNDP Capacity Assessment Guide 2011 (Doig and de Jaegere)	U4 2011 (Johnson, Hechler, De Sousa, Mathisen)	UNODC 2012 Jakarta Principles/2020 Colombo Commentary compliance tool	TI 2015 Guide to Strengthening ACAs
What is it?	Questionnaire covering many aspects of organisational capacity (menu of items), separated into management and operational functions. Each aspect divided into: (i) enabling environment; (ii) organisational level; (iii) individual level	Guidance for donors and ACA staff on doing M&E of ACAs. Suggested indicators of outputs, outcomes and impact, by organisational function, incl. data sources and guidance on interpretation	Questionnaire for monitoring compliance with Jakarta principles, based on Yes/No questions but with space for explanatory notes. NB it is an annex to a narrative commentary, which provides more guidance (and is quite prescriptive).	Tool for assessing ACAs on six dimensions (50 indicators)
Scope	Capacity of organisation (inputs)	Inputs, outputs, outcomes, and impact of ACAs	Quite wide - the 16 Jakarta principles	Broad – enabling factors and performance on six dimensions. Builds on Jakarta principles to add performance indicators.
Likely users	Donors or ACAs wanting to invest in capacity development or seek TA, probably in specific areas, or assess whether you want to take on certain functions/how to do it. Also researchers. NB if used for internal assessment, ACAs may be reluctant to publish.	Donors, ACAs – wanting to monitor and assess own performance over time	ACAs, regional and global networks of ACAs	ACAs, CSOs, donors
How is it assessed/ what type of evaluator?	Informed/expert assessor needed (to understand background, context, and data collection methods). Could be ACA staff looking to reform specific aspect. May be interpretation of data issues.	Could be independent or ACA evaluators	Someone with knowledge of ACA – could be ACA itself or CSO or govt policymaker	External experts contracted by TI – expertise and time limited. May be interpretation of data issues.

Is data available?	Needs to be collected with assistance of agency	Clear guidance on possible sources of data, but still requires investment to collect and interpret	Yes – can be collected with reference to legal and institutional framework and knowledge of institution.	Needs to be collected
Cost/burden of using it?	High (need to work out which parts are relevant, invest in data collection, and quite extensive need for primary data collection e.g., interviews)	Medium (Easy to see what to collect for what function, and guidance given on data sources. Requires investment in collecting data but some available from existing sources)	Low	Medium – needs time from evaluator (10 days minimum)
Is it actionable?	Yes - but only with informed assessor to interpret results and make recommendations. Could also be used to assess whether ACA is needed, how to improve certain functions	Yes - the tool can be integrated into business-as-usual monitoring of ACAs.	Somewhat. It could be used as a kind of risk assessment/resilience tool. But for this, what is relevant is where the answer is No (aka red flags)	Somewhat. It's a 'performance likelihood' check.
Could some items be omitted?	Yes (especially if there are significant resource constraints), but we suggest that there should be some core aspects and then other modules could be added as needed	Yes – can omit functions not relevant for organisations	Some principles are more important than others, e.g., those related to independence such as budget, legal framework, appointment/removal process. House of Cards aspect – are they all needed? Is there a hierarchy?	Yes. Can focus on most relevant aspects.
Who has used it?	No real info on usage. Some individual evaluators have used it for certain agencies.	No real info on usage. U4 has used it to explain logic of developing indicators	Some ACAs, e.g., KPK But it is quite recent.	TI chapters in a few Asian countries
Why has it not been used more?	It's not well disseminated, low awareness, too detailed, somewhat repetitive.	Not known	Not widely discussed or disseminated. Only translated into French - not published.	Cost, lack of awareness outside Asia

Strengths	Good for agencies looking to reform organisational management, and/or to focus on specific functions or aspects of their mandate (and potentially develop indicators of outputs and ideally outcomes) Good on inter-agency cooperation	Underpinned by clear logical framework linking outputs, outcomes and impacts Clear structure related to functions of ACAs Clear indicators Could be updated to reflect learning since 2011	Quick to complete Easy to use for ACAs Could be used for advocacy or conditionality (esp. given international endorsement), or research Based on clear set of principles that are internationally endorsed - by IAACA, CoSP (and successive resolutions)	Can be used for comparative analysis, e.g., using RAG system for advocacy Can be used for benchmarking
Weaknesses	Over-complicated, requires expertise and investment to utilise. Could be made more user-friendly – e.g., create an app. No indicators in current form – doesn't allow simple benchmarking	Largely based on internal information, hence difficult to collect data or make assessment without agency cooperation Too academic in approach, not necessarily useful/useable for ACA practitioners Needs more thought about whether assumed results chain is valid, building on learning from 2011	Yes/No questions do not give space for assessing quality, and are based on normative assessment Lack of empirical evidence on relationship between compliance with principles and effectiveness/ performance [good RQ, esp. with time-series analysis]. Not flexible because Jakarta principles are set in stone	Nothing about operational management Some indicators lack empirical evidence base and international endorsement/legitimacy; they need to be contextualised more and process needs to get buy-in from those who are assessed The indicators are prescriptive but it is unclear how they were arrived at (although some guidance in notes) Risk that numerical indicators can be misinterpreted/used against ACAs/lead to perverse unintended consequences
Gaps	Need to improve emphasis of some aspects e.g., making separate modules for inter-agency cooperation and PR/expectations management (currently embedded in other modules) Potential for realignment of this approach to serve other purposes	Some indicators need to be adjusted to context		No link to AC policy or AC Strategy. Not harmonised with Jakarta principles.

Measuring investigative performance of ACAs

In seeking to synthesise and innovate where needed, the participants focused on producing a comprehensive list of indicators that could be used as a basis for monitoring the investigative performance of ACAs. This builds upon an overview of the stages of the legal process (see Figure 1) from submission of complaint to final decision and seeks to establish an ideal set of disaggregated data that might be collected for maximum utility and granularity. Given that this is a core function for most anti-corruption agencies, this approach may assist them not only in identifying the data that should be collected to assess investigative performance, but also in gauging where they are stronger and where further efforts are needed. The main advantage of using this approach to measuring investigative performance lies in using granular enforcement data rather than subjective-based measures that might prove difficult to translate into policy reforms.

Figure 1: Typical stages of the legal process

Complaint		
Screening/assessment		Pre-investigation
Dismissal - Refer to relevant agency - Hold on file - use as intelligence		
Investigation		
Indictment		
Prosecution by ACA	Referral to prosecution outside ACA	Withdrawl from prosecution
Alternative Dispute Resolution Mechanisms		
Negotiation	Conciliation	Mediation
Outcome		
Dismissal	Conviction	Acquittal
Sentence		
Appeal		

To establish how realistic it might be to collect such data, we explored the availability of such data points among the three agencies participating in the workshop. All of these are ACAs with an investigative mandate and they are based in middle-income countries (Indonesia, Kenya and South Africa). Table 2 provides an overview of the availability and accessibility of investigation data from the three agencies analysed.

In sum, we found that these agencies:

- Collect and publish data on a wide range of key process indicators, such as the number of complaints, investigations, indictments, outcomes, referrals to and from other agencies, internal referrals, the value of losses prevented, and assets recovered. This data can usually be found in the agencies' annual reports.

- They are weaker in collecting and publishing disaggregated data that provides an indication of progress through the process, e.g., actual timeframes per phase (despite there often being legal provisions for how much time different stages should take).

- Data on concrete outcomes of the process, such as fines, confiscations and custody, is less accessible.

To ensure success of the measurement activity, the participating agencies recommended that when data collection and analysis are carried out by partners external to the ACA – for instance as part of corruption measurement initiatives – the evaluated agencies should be involved 'from nose to tail', i.e., in the design of the evaluation exercise as well as in the discussion on results, enabling them to ensure that the exercise is appropriate for their mandate and to ensure utilisation afterwards.

Limitations

While the data points suggested here would help to enhance assessments of investigative capacity, some caveats should be considered when using enforcement data to measure investigative performance. First, enforcement data is very difficult to interpret if the aim is to measure success at tackling corruption. High enforcement figures might signal strong performance but equally could reflect the manipulation of enforcement agencies in pursuit of a political agenda. Second, it is noteworthy that corruption offences are hard to prosecute, and many prosecutions fail owing to technicalities. Third, although enforcement data is somewhat objective in that it is based on fixed legal provisions and outcomes of a legal process, the data collection process always requires assumptions to be made about how data is classified. Finally, this will not represent a qualitative assessment of ACA performance. Other factors such as the extent of institutional integrity, professional skills of the available human resources and leadership quality also come into play. Irrespective of these pitfalls, if collected, managed and interpreted carefully, these indicators can be a catalyst for reform, particularly if disaggregated data is considered, as it provides more detail as to what needs to be fixed.

Table 2: Availability of indicators of investigative performance among three agencies

Indicator	Corruption Eradication Commission (Indonesia)		Special Investigating Unit (South Africa)		Ethics and Anti-Corruption Commission (Kenya)	
	Available	Published	Available	Published	Available	Published
Process						
Number of complaints	•	•	•	•	•	•
Number of investigations	•	•	•	•	•	•
Number of indictments	•	•	•	•	•	•
Number of outcomes/decisions	•	•	•	•	•	•
Number of sentences	•	•	•*	-	•	•
Number of appeals	•	-	-	-	•	-
Number of internal referrals	•	•	•	•	•	•
Number of referrals from other agencies	•	•	•	•	•	•
Breakdown						
Seniority of official Institution Sector	•	•	•	•	•	-
Time in each phase	•	-	•	-	•	-
Value	•	•	•	•	•	•
Offence	•	•	•	•	•	-
Frequency (e.g., annually, 3 years, 5 years)	•	•	•	•	•	•
Dismissals Acquittals Convictions	•	•	•	•	•	•
Fines Confiscation Custody	•	-	-	•*	•	-
Value of losses prevented	•	•	•	•	•	•
Assets recovered	•	•	•	•	•	•
Region	•	•	•	•	•	-
Sector (public vs private)	•	•	•	•	•	•

*Published by another agency.

Key insights

1. It is in ACAs' interest to collect and publish data on their performance, not only as a matter of accountability to the public and themselves, but also to manage expectations. Metrics about performance can also be used to identify how best to allocate resources, or to lobby within government for increased resources.

2. ACAs have a range of functions and effectiveness should always be measured against those functions. Different functions such as prevention, education and awareness raising, investigations and coordination require different indicators.

3. A number of existing guides on capacity assessment, development of M&E frameworks for ACAs and the Jakarta Principles provide a useful suite of tools which could be used by ACAs or adapted to their specific purposes.

4. While the Jakarta Principles have wide legitimacy as a result of the consultative nature of the drafting process, thus far the promotion of the principles has rested on theoretical underpinnings and anecdotal evidence of their effectiveness in some countries. There has been no systematic research to test whether compliance with the principles - or subsets of the principles - leads to better performance against corruption and governance measures. Such analysis would be relevant for countries to identify where to focus their efforts.

    "Anti-Corruption agencies are attacked because they are effective. The lack of immunity of ACA staff is the major loophole used to assault them."

    Participant

5. Another area of future research inquiry is to measure the ability of ACAs to build and utilise networks, that is to ally with other stakeholders within government but also civil society, as an important aspect of capacity and effectiveness. Such networks may fluctuate over time and be dependent on informal and personal relations, as well as formal structures.

6. Similarly, transnational cooperation with agencies in other countries is important for the pursuit of grand corruption cases. Measurement efforts should also collect data on aspects of cooperation, including formal procedures such as Mutual Legal Assistance requests as well as more informal collaboration on operations.

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Notes

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