



**Anti-Corruption Agencies:
A Review of Experience**

Final Paper

REVISED DRAFT

By

Patrick Meagher
IRIS Center, University of Maryland

Submitted to the World Bank
PREM-ECA

August 2, 2002

Acknowledgements: This paper could not have been produced without the guidance and support of Randi Ryterman and Jim Anderson of the World Bank; the assistance of Samjhana Thapa, Fang Rong, Aziz Ahmad, and Michael Radosh, all students at the University of Maryland; and the expert input of Melissa Thomas, Diana Rutherford, and Gabriela Mossi of IRIS. Deserving of special recognition are the authors of the three original case studies that served as source material for part 4 of the paper, namely Luigi Manzetti of Southern Methodist University, Teresa Benedict of Transparency International/Malaysia, and Haji Semboja and James Kajuna of the Economic and Social Research Foundation, Tanzania. Any faults are the author's own.

Table of Contents

1. Introduction	1
Structure of the paper	1
2. Researching and Assessing Anti-Corruption Agencies	3
Defining and Measuring Success	4
Towards a Workable Set of Performance Indicators	8
Explaining Success	10
3. Previously Documented Cases	14
The Single-Agency Paradigm: Hong Kong and Singapore	14
Establishment	15
Responsibilities and Powers	16
Safeguards and Relationships	18
Resources	20
Performance Monitoring	21
Summary and Assessment	23
Variations on the Single-Agency Model	24
Establishment, Responsibilities and Powers	24
Safeguards, Relationships	26
Resources	29
Performance Monitoring	30
Summary and Assessment	32
The Alternative: Multiple-Agency Approaches	33
The U.S	33
India	35
The EU and Others	37
Conclusion	39
4. Original Case Studies	40
Establishment	40
Argentina	40
Malaysia	42
Tanzania	45
Responsibilities and Powers	46
Argentina	46
Malaysia	48
Tanzania	49
Safeguards and Relationships	50
Argentina	51
Malaysia	53
Tanzania	55
Resources	56
Argentina	56
Malaysia	58
Tanzania	60

Performance Monitoring	61
Argentina	61
Malaysia	62
Tanzania	64
Conclusion	65
5. Assessment and Conclusion	66
Explaining Success and Failure in the Mission	66
Performance Measures:	66
Explanatory Factors:	68
Lessons	72
Recommendations	75
<i>Annex 1: Tables</i>	83
<i>Annex 2: Agencies and Their Structures</i>	99
<i>Annex 3: Agency Enabling Acts and Enforcement</i>	121
<i>Annex 4: Research Protocol</i>	126

Abbreviations

ACA	Anti-Corruption Agency (in general, Malaysia)
ACB	Anti-Corruption Bureau (Singapore)
ACO	Anti-Corruption Office (Argentina)
AG	Attorney General
AGN	<i>Auditoria General de la Nacion</i> – legislative branch oversight institution (Argentina)
CBI	Central Bureau of Investigation (India)
CCCC	<i>Comision de Control Civico de la Corrupcion</i> (Ecuador)
CCM	<i>Chama Cha Mapinduzi</i> (governing party in Tanzania)
CPIB	Corrupt Practices Investigation Bureau (Singapore)
CVC	Central Vigilance Commission (India)
DCEC	Directorate on Corruption and Economic Crime (Botswana)
DG	Director General
DOI	City Department of Investigation (New York)
DOJ	Department of Justice (US)
DPP	Director of Public Prosecutions
EPA	Environmental Protection Agency (US)
FTC	Federal Trade Commission (US)
TI	Transparency International
IAS	All India Service (India)
ICAC	Independent Commission Against corruption (Hong Kong, New South Wales Australia)
ICRG	International Commercial Risk Guide
IG	Inspector General (US)
IGG	Inspector General of Government (Uganda)
KICAC	Korea Independent Commission Against Corruption
NACSAP	National Anti-Corruption Strategy and Action Plan (Tanzania)
NBI	National Bureau of Investigation (Malaysia)
NCCC	National counter Corruption Commission (Thailand)
OECD	Organization for Economic Cooperation and Development
OEP	<i>Oficina de Etica Publica</i> (Argentina)
OGE	Office of Government Ethics (US)
PCAGC	Presidential Commission Against Graft and Corruption (Philippines)
PCB	Prevention of Corruption Bureau (Tanzania)
PO	President’s Office (Tanzania)
SCPC	Service Central de Prevention de la Corruption (France)
SEC	Securities and Exchange Commission (US)
SFO	Serious Fraud Office (UK, Ghana)
SIGEN	<i>Sindicatura General de la Nacion</i> – executive branch oversight institution (Argentina)
TOR	Terms of Reference

1. Introduction

The problem of how best to control corruption has challenged policymakers from the dawn of civilization. Strategies and institutional responses have varied, but in recent decades the approach of choice has increasingly become: establish an anti-corruption agency. This ostensibly straightforward nostrum actually poses a lot of difficulties. How much authority, and which specific powers, to give it? How big should the agency – and its jurisdiction – be? What should we expect of such an agency, and how will we know whether it has been successful?

As a result of the prevalent interest in anti-corruption agencies, and the many questions they raise, the World Bank determined the need to assess the experiences of these institutions. The present paper responds to that need. In it, we review experiences with a wide range of agencies from around the world, in both industrialized and developing countries, and exhibiting a variety of designs. In recent decades, Singapore and Hong Kong have provided the impetus, and the paradigm, for the establishment of strong, centralized agencies in this field. Other countries, such as the U.S. and India, have chosen the alternative strategy of strengthening anti-corruption capabilities in government, but spreading these powers across multiple agencies. These differences of approach can have important implications, although background conditions such as effective legal institutions appear to be more critical. Given the level of interest in centralized or single-agency approaches, our focus lies there. We both analyze existing documentation on anti-corruption agencies and present three new, original case studies.

In assessing these experiences, determining success poses knotty problems. Many agencies' missions are broadly defined in terms of reducing corruption or changing values. Measuring an agency's impact on the level of corruption, let alone public values, appears impossibly problematic. Even where objectives are more concretely defined, the data on agency outputs, and especially on intermediate outcomes, are spotty. Keeping these difficulties in mind, we review the experiences of anti-corruption agencies using the tools at hand. In doing so, we attempt to provide practical guidance to the World Bank and member states who are considering the establishment of such an agency. We also attempt to identify promising strategies for developing a more rigorous assessment framework over the long term.

Thus, the paper addresses these questions: What lessons can policymakers learn from the record of experience with anti-corruption agencies? What appear to be the principal components and determinants of agency success? What is needed in order to make more meaningful comparisons possible?

Structure of the paper

The following section addresses the main informational and methodological problems involved in assessing the performance of an anti-corruption agency (ACA). In that part, we review the extant literature on those agencies, which proposes numerous models, features, and lessons of success. This review points to some hypotheses about the determinants of ACA success, as well as the difficulty of clearly defining and measuring it. Rather than attempt to

measure overall impact, which cannot be done with sufficient rigor, we look to the performance measures actually used by some ACAs and comparable agencies.

The bulk of the paper (parts 3 and 4) consists of “biographies” of illustrative anti-corruption agencies. The information used here comes from several sources. Based on a review of extant material on ACAs, the author, jointly with the World Bank staff overseeing this study, created a detailed research protocol (Annex 4). Researchers in three countries (Argentina, Malaysia, and Tanzania) used the protocol in collecting documents and interviewing relevant persons both in and outside the anti-corruption agencies in those countries (see part 4 below). In addition, IRIS researchers used the protocol as the basis for research and for queries by phone and e-mail in several other countries. We also used both studies of well-known ACAs and the official documents and websites of those agencies. In this way, we compiled information on the history and operations of these agencies, including technical, political, budgetary, personnel, and evaluation issues. We present a synthesis of this information, using the protocol to structure the discussion.

In part 5, we provide an analysis of the main findings from the cases, along with our conclusions and recommendations for the World Bank, member countries, and researchers in this field. Detailed case study information and tables appear in the annexes.

2. Researching and Assessing Anti-Corruption Agencies

In taking up this subject, one first needs to develop a workable definition of an anti-corruption agency (ACA) for purposes of study. Every society has some institutions and procedures having as part of their mission the prevention, detection, or punishment of corruption. These include criminal laws, court systems and prosecutors, inspectors general, supreme audit agencies, civil service codes and hierarchies, frameworks of administrative law and freedom of information, and ombudsman institutions. What we focus on here, by contrast, are agencies (and their accompanying systems of rules) that have been established primarily as means of combating corruption – at least as advertised. This, too is quite a broad category, since it potentially embraces a host of institutions such as free-standing agencies; specialized sub-units, of which there are many in ministries of finance and justice; ad hoc panels and prosecutors; and existing institutions (e.g. courts and prosecutors) with a new mandate and enhanced anti-corruption capabilities.

In this study, our attention focuses on permanent agencies whose primary function is to provide centralized leadership in one or more of the core areas of anti-corruption activity – including policy, analysis and technical assistance in prevention, public outreach and information, monitoring, investigation, and prosecution. This leaves a range of other relevant entities outside the scope of consideration – or only briefly touched on. Even somewhat narrowly defined in this way, anti-corruption agencies are numerous and their ranks are growing. They respond to a variety of concerns and crises, and are modeled on a mix of organizational forms. The World Bank (1999) proposes a somewhat more restrictive definition, describing the ideal ACA as a body that: reviews and verifies official asset-declarations; carries out investigations of possible corruption; and pursues civil, administrative, and criminal sanctions in the appropriate forums. This definition – really a recommended model – identifies several of the core features of ACAs that distinguish them from other institutions, but leaves out some of them (e.g. information and outreach, analysis and technical assistance) and at the same time is too specific (e.g. including litigation and direct responsibility for asset declarations) to accommodate the range of agency forms now in use. Hence, we prefer a somewhat looser definition.

The history of ACAs appears not to be known in much detail in the international community of anti-corruption specialists, particularly those working in developing and transition countries. This history is frequently presented as starting with the establishment of the commission in Singapore in the 1930s, its restructuring in the early 1950s, or even the Hong Kong bureau founded in the 1970s. In fact, a quite similar model began operations in New York City in the 1870s. The relatively late arrival of such institutions derives in part from the wide recognition of corruption as an important dysfunction of public administrations only in the 19th century. A further influence was the general tendency, until well into the 20th century, to address corruption in the form of discrete scandals and by means of ad hoc commissions. (see Johnston 1999) Indeed, as the next sections of the paper will show, special anti-corruption mechanisms are still predominantly ad hoc or temporary in many countries, especially in Europe and North America. Most countries address corruption using multiple agencies, rather than concentrating powers and leadership responsibility in a single agency. However, the centralized or single-agency approach is sufficiently widespread as to merit careful study.

Defining and Measuring Success

What are anti-corruption agencies expected to do, and how does an observer know if such an agency has been successful? In general, ACAs are set up as a political response to scandal, and provide a mechanism for political leaders to reassure voters and reformists that action is being taken to bring corruption under control. The extent to which the objectives of a new agency reflect a desire for systemic change, as opposed to a drive to score political points, is rarely clear – and is rarely intended to be clear. This poses a dilemma for the observer in defining and measuring success. What yardstick to use? The measurement of political gain would be the easiest: how well does the reforming leader or party do in subsequent elections? However, in this paper we are more interested in the reformist objective, which is to constrain corruption. Political gain might factor in, for example, where poor performance by an ACA coincides with significant gains to the founding party – thus hinting at an empty political gesture.

If the agency's objective, then, is to reduce or constrain corruption, how is one to identify and measure success in these terms? In the literature on ACAs, these issues are not often confronted, and appear in most cases to be assumed away. Kaufman (1998: p. 66) captures the problem as follows:

Often, mistaken conclusions are derived from analysis devoid of proper counterfactuals and controls. Ascribing success to anti-corruption watchdog bodies in Botswana, Singapore and other heralded cases by focusing on the details of the watchdogs themselves, without considering the impact of fundamental reforms in the broader environment, is an example of this bias.

Linked to this “anti-counterfactual bias” are several other fallacies, including the “tackling-the-symptom bias” (single-mindedly fighting corruption symptoms with targeted interventions while ignoring structural causes) and the “injection bias” (focusing on “greenfield stand-alone” agencies to the detriment of fundamental needs in the larger institutional environment). This is a damning indictment, one that implicates a wider array of institutional reform initiatives, though it applies with special force to anti-corruption programs. Kaufman helpfully points out the fallacy, and offers the alternative of focusing much greater effort on systemic issues of economic policy and structural incentives in the public sector. However, on the issue of assessing the value of extant ACA models, he offers no alternative.

Following Kaufman, if we were to attempt the measurement of an ACA's value-added or net outcomes, we would confront a series of knotty methodological problems – as well as a need for significant time and resources. Even if these problems were overcome, the assessment effort would confront a highly complex set of phenomena. Box 1 presents the hypotheses one would need to pursue, and thus illustrates the difficulties involved.

Box 1: Hypotheses on the Impact of ACAs

- 1) There is a series of institutional design factors proposed in the literature on ACAs (see below) that describe necessary features of an effective anti-corruption agency. Although these conditions are consistently associated with success, they are not by themselves sufficient. The other necessary conditions for success of an ACA are exogenous, and include public order, political stability, the absence of macroeconomic crisis or crippling distortions, and some basic features of the rule of law.
- 2) Even if all these sufficient conditions are met, the dimensions of corruption could still overwhelm an ACA. Such agencies cannot cure thoroughly unsound governance environments. Rather, they can address corrupt areas (even deeply corrupt ones) within an environment that is otherwise sound in governance terms – i.e. they can add value in anti-corruption terms to a structure of working institutions that have proven unable to tackle some significant pockets of corruption. More specifically, an ACA requires effective support within most, if not all, of the following areas: the top governing circle in the executive, the top level of the judiciary, the supreme audit agency, the legislature, the top business figures and organizations, and the general public. In other words, there need to be some other effective institutions and networks that have not themselves been seriously compromised by corruption, or otherwise persuaded to look the other way.
- 3) Conversely, ACAs lacking the features cited above could still succeed in the short-term, but are unlikely to outlive the current political alignment or regime. Such a success would have to be based on mass political support for policies and measures against corruption (e.g. in the wake of a scandal), or alternatively a strong anti-corruption plank in the platform of the ruling party or formation. Absent other conditions, anti-corruption initiatives will depend on ad hoc bodies or on personalities (the chief of state and a few allies), but will not result in sustained and successful institutions.
- 4) A country's (or jurisdiction's) ability to create an effective ACA is a reflection of its ability to evolve effective institutions of governance (courts, civil service, competitive party system, etc.) more generally. The one is consistently associated with the other. This suggests that investing resources in an ACA within a context of high corruption will be both hopeless, wasteful in terms of higher priority needs going unmet, and indeed dangerous, since these are the situations where ACAs are most likely to be politicized and predatory. Short-term success (as in #3) may be feasible, but this depends on the interests and alignment of powerful individuals rather than on institutional design – and a strong ACA may become abusive in the wake of a political shift.¹

We know what ACAs purport to achieve – but what do they actually *do*? As in Hong Kong and its many imitators, these agencies usually describe their anti-corruption programs in terms of prevention and deterrence, often with some element of public mobilization mixed in. Such a program involves a certain defined menu of functions and tasks that most ACAs share.

¹ The above points apply to emerging and established democracies, as well as to economically liberal but semi-authoritarian regimes. In a fully authoritarian regime (Stalinism, the Taliban), an ACA can be effective as long as the regime lasts, based on the proven ruthlessness of the individual or coterie holding power.

Having collected information on some thirty ACAs, we are able to identify six functions that they commonly perform:

- Receive and respond to complaints
- Intelligence, monitoring, and investigation
- Prosecutions and administrative orders
- Preventive research, analysis, and technical assistance
- Ethics policy guidance, compliance review, and scrutiny of asset declarations
- Public information, education, and outreach.

In examining agencies' performance of these tasks, we can certainly ask *how well* the agency carries them out. But this would not, by itself, enable us to determine the agencies' impact on levels of corruption – which is what they are ostensibly designed to influence. There are two main difficulties here. One problem is that, even if we determine that an agency performs the above categories of tasks extremely well, this does not tell us *whether it has the right mission*.

The political science literature has traditionally been skeptical about the value of any robust anti-corruption mission. Huntington (1968: p. 386) famously stated:

In terms of economic growth, the only thing worse than a society with a rigid, over-centralized, dishonest bureaucracy is one with a rigid, over-centralized, honest bureaucracy.

With specific reference to anti-corruption programs and agencies, Williams (2000: p. 143) brings the following indictment:

An epidemic of corruption scandals often induces moral panic and over-reaction. In such contexts, corruption commissioners can almost seem to act as modern witchfinder-generals, playing on popular fears and asserting guilt where there was once a presumption of innocence. They deem customary political behaviour to be improper and they reject the legitimacy of established electoral systems....They encourage a climate of suspicion and distrust, thus undermining confidence and public trust in public figures and the wider political system.

These criticisms flow from the “corruption as grease” argument – both in the sense of easing transactional burdens in contexts of rigid bureaucracy, and in the sense of facilitating political action. A similar sentiment is reflected in Anechiarico and Jacobs (1996), but in that case, the concern is about the threat of an inquisitor standing over the shoulder of civil servants, thereby making it difficult to respond flexibly to needs in the public sphere – which often requires cutting a few corners.

The contemporary economics literature on corruption, and the apparent consensus of reformists and policymakers, suggests that measures to reduce corruption to no more than a minimal, efficient, level are justified by the distortions – economic, social, political – that would otherwise take hold. Corruption as “grease” intensifies distortions by bringing more rules and more bureaucrats into the game of attracting grease payments. (Kaufman 2000) Grease payments often form some part of the base of a graft pyramid that extends to the top of the administrative and political systems.

As distinct from anti-corruption measures generally, anti-corruption *agencies* might or might not have a useful mission. In one sense, they reflect the prevailing “tackling-the-symptom bias” (Kaufman 2000) or thermodynamic law that necessarily calls forth an anti-corruption institution when the stimulus of corruption is acknowledged. The consensus at least in the economics literature is that there are many more – and more important – causes of high corruption levels than the lack of an ACA or some other kind of repressive mechanism. (See, e.g. Bardhan 1997, Klitgaard 1988, Rose-Ackerman 1978) These other causes range from public sector institutional design to civil service pay, dependency on certain fiscal sources, poverty and lack of private economic opportunity, the emergence of bribery as a dominant social norm, the industrial organization of corruption networks, and others. If we were to line up the six task areas for which ACAs are designed against the full range of tasks involved in restraining corruption, we would get something like the following.

Anti-Corruption Task Area	ACA handles?	Other agencies handle?
Receive and respond to complaints	Sometimes	Ombudsman
Intelligence, monitoring, and investigation	Often	Central investigations bureau, prosecutor
Prosecutions and administrative orders	Infrequently	Attorney general, special prosecutor
Preventive research, analysis, and technical assistance	Sometimes	Special policy units, performance audit agencies
Ethics policy guidance, compliance review, and scrutiny of asset declarations	Sometimes	Civil service commission, special units
Public information, education, and outreach	Sometimes	Public information agency, NGOs
Develop national anti-corruption strategy	No	Special commission, NGO
Ensure merit criteria and adequate pay for civil servants	No	Civil service commission, parliament
Ensure appropriate private sector regulation and fiscal sources	No	Ministries, parliament, courts
Secure macroeconomic growth and stability	No	Central bank, Ministry of Finance, parliament
Orient social equilibrium away from bribery	Sometimes	Chief of state, courts, cultural figures
Define incentives favoring innovation & competition, disfavoring rent-seeking	Infrequently	Parliament, courts, financial and competition regulators
Design appropriate campaign finance system	No	Parliament, electoral commission, courts

This brings us to the second problem, which intersects with the first: how can we determine with any confidence what is the *value-added* of agencies carrying out this anti-corruption mission? Looking at the broad mission statements of these agencies, our first impulse might be to say that we expect their value-added to lie in reduced corruption. We could attempt to measure this, using data from corruption surveys, along with indicators and rankings from sources such as Transparency International (TI) and the International Commercial Risk Guide (ICRG). A somewhat more fine-grained approach would draw on findings from studies on the efficiency of government expenditure and service provision, comparisons over time in procurement and infrastructure costs, and even the incidence of civic initiatives against

corruption (e.g. as reported in the press). However, as Kaufmann (2000) and others point out, the problem of identifying a flow of causality from anti-corruption agencies to these macro-level outcomes – including the need to account for the influence of structural reforms and other important factors – is extremely daunting. In other words, obtaining detailed information on the design and activities of ACAs, and the macro-level data on corruption-related phenomena, would only be the beginning of the inquiry. Much more would be needed.

Towards a Workable Set of Performance Indicators

For now, suppose that, instead of attempting to measure the systemic impact of an ACA's efforts, we were to focus more narrowly on what the agency does and how well it does it. As we have already hinted, this, too has its problems. Comparing the tasks actually allocated to anti-corruption agencies with the larger set of public goods and services required to combat corruption (see the chart above) makes it clear that ACAs can only take on a limited set of them – and that other agencies often handle the same tasks anyway. Thus, an ACA's value-added surely cannot be its set of responsibilities, powers, and activities. These exist in most societies, and the only question is which agency has them. Indeed, since other agencies exist to carry out functions that are sometimes housed in an ACA, this also means that an ACA's record of success – how well it carries out its tasks – *does not, by itself, measure net value-added*. If the ACA didn't exist, some other agency would likely be handling its preventive, deterrent, and outreach functions. Do ACAs do this better – so that they outperform other arrangements in producing these outputs and outcomes? If so, how do they do it, and how do we know?

The underlying rationale for establishing an ACA in most cases seems to be that, unlike existing agencies of restraint, (i) it will not itself be tainted by corruption or political intrusion; (ii) it will resolve coordination problems among multiple agencies through vertical integration; (iii) this integration, with some augmentation of powers or improved criminal legislation, creates a powerful agency able to overcome obstacles that stymied earlier efforts; and (iv) the ACA is situated in such a way that it can centralize all necessary information and intelligence about corruption and can assert leadership in the anti-corruption effort. In other words, while setting up an ACA may involve creating powers and tasks that did not exist before, the agency's main contributions are synergy, coordination, and concentrated power. This suggests that the main expected outcome of an ACA should be *an overall improvement* in the performance of anti-corruption functions.

It is important to distinguish between (a) the level of corruption in a given country or district, and (b) how well certain core anti-corruption functions are performed. In principle, the two are related, but the latter is essentially an *output measure*. One could link this, with only a few realistic assumptions, to measures of proximate impact or *intermediate outcomes*. These are achievements that may depend on an ACA's success in producing its outputs. Examples include the number of successful prosecutions, the number and quality of institutional reforms designed to combat corruption, and the intensity of anti-corruption sentiment and activity across society.

In this study, we will use these kinds of performance measures to the extent available. These types of measures had their genesis in attempts over the last several decades to assess agency and project performance using “Logframes” and similar devices. Measurement

techniques gained further prominence and sophistication as a result of the New Public Management movement. The latter arose with the wholesale restructuring of the public sector in New Zealand in the 1980s, followed by the Reinventing Government effort in the U.S. during the 1990s, and related initiatives in Canada, the U.K. and elsewhere. Performance measurement systems translate the objectives of an organization or program into indicators against which achievement can be assessed. The areas covered by these measures usually include some combination of productivity, effectiveness, quality, and timeliness. Use of these measures is thought to contribute to better decision-making, accountability, a stronger service orientation, and public participation. Public management experts categorize performance indicators as follows (National Center for Public Productivity 1997):

- Output indicators (workload or units produced)
- Outcome indicators (effectiveness in meeting public purposes, meeting needs)
- Efficiency and productivity indicators (cost-effectiveness, ratio of input to output, unit costs).²

What types of performance measures would be appropriate for anti-corruption agencies? Presented in Table 1 (Tables Annex) is a sampling of such indicators, from agencies with missions similar to those of ACAs, such as the Justice Department (DOJ), Securities and Exchange Commission (SEC), Federal Trade Commission (FTC), and Environmental Protection Agency (EPA) in the U.S. Two anti-corruption agencies – the Hong Kong ICAC and the U.S. Office of Government Ethics (OGE) – have performance measures that merit scrutiny, and are included for purposes of discussion. It is useful to compare a range of agencies with roles similar to ACAs, to get a sense of the varied ways in which they attempt to measure performance. For example, agencies with an identified client base, whether within government or outside, place greater emphasis on efficiency indicators than do purely regulatory and investigatory agencies. Nearly all of the agencies in Table 1 use some form of output indicator. Regarding outcome measures, the group is divided – some agencies emphasize immediate outcomes such as convictions, monetary recoveries and implementation of proffered advice. Others – prominent among them regulatory enforcement agencies and audit bodies – focus more on secondary effects such as savings to the treasury and to consumers.

Just to clarify, we do not propose applying these measures as such to the ACAs reviewed in this paper. The measures are agency-specific. They are fairly idiosyncratic products based on the mission, political context, ambitions, and resources of the agency in question. One way to use these measures is to adapt them for purposes of ongoing performance comparisons among anti-corruption agencies. In Table 2 (Tables Annex), we adapt and generalize the indicators from Table 1, thereby creating a sampling of indicator types relevant to anti-corruption agencies. The list is organized not only by the type of indicator, but also by function. Organizing the measures this way enables us to compare data for a wide range of agencies, based on similar objectives, functions, and activities. However, comparing such data should be done with caution, since the underlying contexts, systems, definitions, and objectives applicable to ACAs vary considerably. Moreover, high scores on output and efficiency measures are not always

² N.B. the categories also include Input indicators, and Efficiency and Productivity indicators are presented separately, in the source material.

meaningful, and outcome measures in some cases pick up the effects of other influences – without providing any meaningful control.

We also do not mean to suggest that the proposed measures, and the scorecards they generate, stand on their own. As we've suggested, outputs have a plausible causal link to intermediate outcomes, and the latter bear a more complex theoretical relationship to overall desired impacts and outcomes in terms of corruption. Thus, even the best measures now available will not be informative without more. For one thing, the measurement data are incomplete and inconsistent. Not all of the basic outputs are measured, and it is no easy task to determine the consistency of, for example, prosecutions with procedural protections and non-partisanship. Moreover, even complete measures on ACAs will eventually need to be supplemented with intermediate outcome data for all agencies producing the same (or similar) outputs, so that trends over time can be assessed. Ideally, as part of this, one should compare the period since the founding of the ACA to the period before it came into being. If all this information existed for a sufficient sample of countries, *then* it might make sense to link intermediate to ultimate outcomes. However, each of these undertakings is enormous, and beyond the scope of this paper.

Rather, given these constraints, our choice has been to look at performance data in the context of agency case-studies. These include brief reviews of documented cases as well as original in-depth case studies. In other words, interpreting the formal institutional descriptions and performance numbers requires a nuanced *qualitative* sense of whether the agency and activities are well-targeted – hence whether the outcomes are as beneficial as they could be. In the current circumstances, only a fairly “thick” description of the agency and its context will enable us to gain such a qualitative understanding.

Explaining Success

Having determined how we might identify and measure success, we are left with the question of how to explain it. For this, we turn to the literature on anti-corruption agencies. Surprisingly, despite the burgeoning literature on corruption, very few contributions focus on ACAs, and no systematic study appears to have been made as yet. The papers that do address ACAs are largely aimed at proposing certain models and features. In doing so, they provide some intuitively plausible suggestions about factors likely to yield success, including the agency's own structures and powers, as well as necessary complementary institutions. Box 2 below provides a summary of likely success factors based on this literature and our own experience.

Observers associated with Transparency International (TI) and the World Bank have been the leading voices in this area, and their reform-oriented literature proposes a series of “dos and don'ts” for ACAs. Pope (1999) suggests that the key elements making an ACA potentially valuable are its prevention activities and its role in monitoring the implementation of government's overall anti-corruption policy. In some cases, ACAs also have the features of an ombudsman, but Pope suggests that an ombudsman's need for a cooperative and trusting relationship with bureaucrats may be incompatible with the investigative mission of an ACA. Also, an ACA will need either a policy or a jurisdictional limit (i.e. non- or limited retroactivity)

concerning past offenses. In Pope's view, the addressing of past abuses needs to be kept within pragmatic limits, to avoid overwhelming the ACA with case work and political controversy. Since an anti-corruption agency is especially vulnerable to misuse as a political tool and indeed as a vehicle for corruption, Pope suggests that in general ACAs should be kept to the minimum size – and consist essentially of small investigations and monitoring units. Also to reduce the risk of abuse, ACAs should be subject to a combination of public oversight, legal standards, and judicial review.

Counterbalancing an anti-corruption body's accountability is its independence. Here, Pope cites the following as important structural protections for an agency's independence: the provisions for appointment and removal of senior ACA officials, the placement of the ACA in a position where it is not subject to direct political or ministerial dictates, and a direct role for public stakeholders who provide a discrete political base for the agency. Also important is some measure of fiscal independence – either the ability to propose a budget directly to the legislature, or a guarantee of budgetary stability. While placement of the ACA in the office of the chief of state may bolster its strength (Singapore), in other instances (Tanzania) this is likely to compromise its independence. Pope also describes the affirmative powers that an ACA needs in order to be most effective. These include: strong research and prevention capabilities; the right to access witnesses and documents; power to freeze assets and seize travel documents; the ability to protect informants; and authority to monitor assets, income and expenditures, and tax returns. The ACA's powers to monitor wealth effectively are considerably enhanced where the law provides for an "illicit enrichment" offense, which shifts the burden onto officials to show that any unusual wealth has a legitimate source. Most obviously, an ACA needs strong political and public support in order to be effective.

In the current version of its *Sourcebook*, Transparency International (2000) puts forward some criteria for assessing the quality of an anti-corruption agency, as well as some factors that contribute to success and failure. The additional assessment criteria that TI contributes are:

- Is the agency head free of political control in day-to-day operations?
- Are other staff free from political interference and "no go" areas?
- Are staff adequately trained and remunerated?
- Is the office of the chief of state effectively within the ACA's jurisdiction?
- Is the agency accountable to all branches of government and the public?
- Are staff subject to integrity reviews and tests, and can doubtful members be removed quickly?

Under the rubric of "Why do anti-corruption agencies fail?" TI sets out some further factors affecting success, including: "weak political will," fear of consequences, unrealistic expectations, excessive reliance on enforcement (ignoring prevention), inadequate laws, and loss of morale.

Langseth (2000) takes this discussion a bit further, providing some additional prerequisites for success and warning of several dangers. He suggests an ideal ACA having a comprehensive mandate, which includes investigations and prosecutions, an educational and awareness-raising function, a preventive function, and a legislative role (submitting reform bills to parliament). Most (if not all) ACAs must also face up to the need for selectivity in

investigations. Langseth underlines the importance of clear standards in this area, and particularly of explaining these credibly to the public and to complainants in particular. Langseth additionally suggests that an effective ACA must be embedded in a coherent national anti-corruption strategy, and that new agencies in particular need to follow a carefully defined focus rather than take on all corruption-related matters. Further, independent ACAs have a special responsibility for precise and comprehensive expenditure accountability. While an ACA needs substantial resources, Langseth warns against “donor overload,” suggesting aid agencies’ strong interest in this area can saddle an ACA with more help than it use, and end up causing distortions.

Perhaps most helpfully, Langseth proposes some objective assessment measures, and discusses in more detail than others the dangers of failure. He suggests the following performance evaluation indicators: cases prosecuted, convictions, case backlog, quality of public interface, and surveys of public knowledge and trust. He discusses the danger that an ACA may, among other things:

- add another layer of ineffective bureaucracy to the law enforcement sector;
- divert resources from existing organizations involved in anti-corruption work;
- function as a “shield” to satisfy donors and public opinion;
- delay reform in other areas; and
- function as a political police.

Doig (1995) also proposes a number of guidelines for effective ACAs, while acknowledging that such institutions have most frequently been proposed in developing countries as “ad hoc” and “cosmetic” measures – with the result that they have usually been denied the resources necessary to make them effective. Doig’s response to this is to suggest a model combining the features of the Hong Kong Independent Commission Against Corruption (ICAC) with those of the U.S. Inspector General (IG) system. Such an agency should create an “island of competence” within the public sector by deploying a “cross-executive” corps drawn from several key sectors. He suggests that ACAs are good at addressing certain problems – ethical probity of officials, and government’s credibility and public reputation for integrity – but not others. Most importantly, Doig’s model gives primacy to research and evaluations linked to a proactive agenda of long-term reform and capacity-building, while placing lower priority on investigation and punishment. This is consistent with the subsequent suggestion in Doig and Riley (1998) that ACAs require careful planning and performance measurement, lest they become essentially reactive and hence subject to political pressures to focus on the wrong areas.

Box 2 provides a synthesis of these factors, along with others that appear equally important.

Box 2: Summary of ACA Success Factors

(See: TI 2000, Langseth 2000, Camerer 1999, Pope 1999, Doig 1995)

Establishment: embedded in a comprehensive anti-corruption strategy, careful planning and performance measurement, realistic expectations, strong enough political backing (across class/party) to make it effective regardless of (political and personal) consequences

Focus: on prevention and monitoring government implementation of AC policy (vs comprehensive mandate), mainly prospective (only limited concern with past cases), case selectivity based on clear standards, emphasis on probity and reputation of public service, de-emphasize investigations and prosecutions

Accountability: legal standards, judicial review, public complaints and oversight, answers to all branches of government and the public, size kept to a minimum, no donor overload, precise and comprehensive expenditure accountability

Independence: placement and reporting responsibility of agency ensure independence, appointment/removal procedures for top officials ensure independence, absence of day-to-day political interference, direct role for public stakeholders, fiscal/budgetary autonomy

Powers: strong research and prevention capabilities, can access documents and witnesses, can freeze assets and seize passports, can protect informants, can monitor income and assets, jurisdiction over chief of state, can propose administrative and legislative reforms

Staff: well-trained -- including sufficient numbers with highly specialized skills, well-compensated, subject to integrity reviews and quick removal, strong ethic of professionalism and integrity, high morale

Other resources: sufficient funds, adequate facilities and assets, high-level information sharing and coordination with other government bodies

Complementary institutions: adequate laws and procedures, basic features of the rule of law including functioning courts, free and active media, NGOs/public interest groups, other capable institutions such as supreme audit and central bank

Other exogenous conditions: macroeconomic stability and absence of crippling distortions, corruption may be deep but is not entrenched across the whole system (i.e. some people and sectors are clean)

To explore the explanatory power of these factors, we get down to cases. The next two parts of the paper (Parts 3 and 4) consider some 14 cases, including three detailed case studies. We return to issues of measurement and explanation in the concluding part (Part 5) of the paper.

3. Previously Documented Cases

We now examine the record. There are scores, if not hundreds, of anti-corruption agencies around the world. Of these, there are perhaps as many as 30 to 40 at the national level that fit the profile of a strong, centralized agency, and more at sub-national levels. How have the various agencies and approaches performed? Does the record support the analysis we have just presented? What lessons do these many dramas hold for policymakers facing hard decisions about how to address corruption?

In this part we present a comparative review of cases that have already been well documented, or where a reasonable amount of information was available to us. This covers the paradigmatic cases, frequently cited in the literature, of Hong Kong and Singapore, along with other well-documented cases from around the world. The other cases include variations on these single-agency models as well as more traditional multi-agency approaches. We provide an overview of these agencies, along with a summary discussion of their major features, including their mandate, authority, resources, structural protections, and agency performance monitoring. We conclude this part with some tentative conclusions about the strategic choices in this area. (More complete data on the cases presented in this part are provided in the Annexes.) Following this, in part 4, we present in more depth three original cases developed with the help of consultants resident or specializing in the relevant countries.

The Single-Agency Paradigm: Hong Kong and Singapore

The now-prevalent idea of moving core anti-corruption functions such as investigation and prevention into a single powerful agency first gained prominence in Singapore and Hong Kong. In this section, we review the experience of Hong Kong's Independent Commission Against Corruption (ICAC) and Singapore's Corrupt Practices Investigation Bureau (CPIB). In the section that follows, we look at a number of variations on this single-agency theme. Then, against this backdrop, we consider the alternative strategy, still used in most countries, of adding one or more special anti-corruption bodies to the traditional mix of judicial and administrative institutions. Last, we consider some of the benefits and costs of these different approaches.

It is worth clarifying the distinction between single- and multiple-agency approaches. The distinction has been used before (see Quah 1999a) to classify anti-corruption strategies – although there has been little attempt to explain it. The single-agency strategy does not move *all* anti-corruption functions into a single bureau – this would be impossible under almost any constitutional arrangement that even purports to be democratic. Rather, the single-agency approach places a number of key capabilities, responsibilities, and resources under one roof – thereby creating a powerful centralized agency able to lead a sweeping effort against corruption. This still requires the ACA's interaction with other entities having jurisdiction in this field – notably the courts, and in most cases, prosecutors, as well as line ministries in areas likely to be affected by corruption, e.g. revenue and public works. By contrast, the multiple-agency approach is less ambitious, creating one or more additional units or agencies with specific anti-corruption responsibilities that either did not previously exist or were scattered among departments. This strategy avoids setting up a strong “lead” agency in the anti-corruption field,

thus posing a lower risk than the single-agency approach of upsetting the balance and separation of governmental powers.

Establishment

Why set up a single, free-standing agency to lead the anti-corruption effort? The experiences of Singapore and Hong Kong offer essentially the same answer. In both cases, a crisis of legitimacy seemed to pose a threat to investor confidence and political stability. The answer was something new and different, an agency untainted by association with corrupt elements, and equipped with enough power to make dramatic headway against entrenched corruption. Importantly, this arrangement also helps centralize information and intelligence on corruption, and can greatly reduce the coordination problems that often arise in multi-agency approaches.

Singapore was the first to make this move. CPIB was founded in 1952, replacing the Anti-Corruption Branch (ACB) of the Criminal Investigation Department – a small unit within the police force. Leading up to the reform, graft was reported to be rampant in government departments, and a scandal in 1951 revealed widespread corruption in the police. The main objective of the reform appears to have been to make the anti-corruption effort more effective by removing the ACB's functions from the police force – this arrangement had prevented it from dealing strictly with elements of the police involved in corruption. (Quah 1999a) The corruption problem remained unresolved, however, and the government of Lee Kwan Yew in 1960 decided to strengthen CPIB and enact a new Prevention of Corruption Act. Among other things, the act strengthened penalties and called for the forfeiture of corrupt gains. The Act also increased CPIB's powers to include arrest and examination of any suspect's bank accounts. Since that time, Singapore has adjusted the Act, and the powers and resources of CPIB, as needed. Among the changes was an expansion of criminal liability for corruption to include those who may not accept a bribe but intend to commit the offense, and those who accept a bribe but do not provide the expected favor in return. Also, by establishing its credibility as a serious anti-corruption force, CPIB was able to overcome public skepticism and non-cooperation. (Quah 1989, 1995, 1999a, www.gov.sg/pmo/cpib/index.html)

By the late 1960s, when Hong Kong was looking for a way to grapple with its corruption problems, it turned to Singapore as a successful model. The main concern in Hong Kong was entrenched and systematized police corruption, which facilitated drug trafficking, gambling, and prostitution in return for huge rents, and also included bribery and extortion related to routine police functions such as traffic control. The system appears to have allowed for collection and passing of percentages of graft up the hierarchy to the Chief Superintendent. The immediate crisis giving rise to ICAC's founding was a corruption scandal involving Peter Godber, then Chief Superintendent, who escaped and later was extradited for trial from the UK. (Klitgaard 1988) A Commission of Inquiry was convened, and the Governor subsequently called for the establishment of ICAC, which was set up in 1974 under the ICAC Ordinance. ICAC replaced the police department's Anti-Corruption Office, which focused on investigating corruption allegations, investigating officials with disproportionate wealth, and long-term intelligence gathering. The agency was separated from the police, given sweeping powers, and headed

initially by a distinguished former government official and senior company executive named Jack Cater – this last decision especially signaling the government’s desire to rescue Hong Kong’s reputation and establish its credibility on the anti-corruption front. (Klitgaard 1988)

A political economy analysis by Moran (2000) suggests three main pillars of support for ICAC (and in our view, a similar analysis probably fits Singapore as well). First is the executive – the Governors, reporting to the UK Prime Minister, tolerated corruption early on, then saw it becoming a serious problem by the 1970s. They had sufficient autonomy from local public opinion to institute a rapid and dramatic change. Since the 1997 handover, the executive reports to mainland China, and it is feared that this is causing a policy shift in favor of more politicized administration and tolerance of corrupt business-government networks. Second, Britain’s “liberal-authoritarian” approach, which provided considerable autonomy and credibility to the rule of law, helped keep ICAC from abusing its power and enabled it to pursue corruption successfully. Last, local and international business elites have played a major role. They both supported ICAC in restoring some integrity to the public administration, and apparently exercised pressure to limit some of its inquiries into high-level dealings affecting business interests. However, this did not prevent ICAC from prosecuting prominent business people. Indeed, once ICAC had met its objective of suppressing police and bureaucratic corruption, it began focusing more heavily on corruption in the private sector (as provided in the 1971 Prevention of Bribery Ordinance).

Responsibilities and Powers

Each of these agencies has a broad mandate. ICAC’s mission is summarized as follows: “fighting corruption through effective law enforcement, education, and prevention to help keep Hong Kong fair, just, stable, and prosperous.” (<http://www.icac.org.hk>) The three main functions are handled by separate departments: Operations, Community Relations, and Prevention.

The offenses that ICAC investigates include those under the ICAC Ordinance, the Prevention of Bribery Ordinance, and the Elections (Corrupt and Illegal Conduct) Ordinance, as well as blackmail committed by a civil servant through misuse of public office and corruption in the private sector -- including bribery and white-collar crime. The ICAC Ordinance requires the Commissioner to investigate “any” suspected corruption. The agency’s policy has been to take this literally, pursuing *all* corruption allegations without *a priori* selection criteria – although it is within the sole discretion of the Attorney General to decide which cases to prosecute. This precluded any discretion by ICAC to choose cases, and it was deemed important to show the public that all corruption is important. Also, an investigation could only be closed, unless it led to prosecution, by a decision of ICAC’s Operations Review Committee (see below). However, one area was partly closed off by law: the past. In response to early protests about ICAC’s operations, an amnesty for most pre-1977 offenses was written into the ICAC Ordinance. (Speville 1997)

The other two departments handle the remaining functions. The Prevention Department of ICAC has the responsibility and authority of examining practices and procedures of government entities with a view to identifying and reducing opportunities for corruption – and

advising private organizations on measures to prevent corruption. It provides a report to the client organization (but does not submit bills to the legislature or policy papers to the executive). Last, the Community Relations Department carries out public awareness and education programs, handles complaints and inquiries about corruption, and maintains liaison with anti-corruption agencies in the mainland. (<http://www.icac.org.hk>)

In carrying out its functions, ICAC enjoys truly comprehensive powers. The investigation or law enforcement powers of ICAC are the broadest – they include:

- receiving and considering allegations of corruption;
- arrest, detention, granting bail;
- search and seizure, investigation and surveillance;
- searching bank accounts and holding and examining business and private documents;
- requiring suspects to provide details of their assets, income, and expenditure;
- detaining travel documents and freezing assets in order to prevent flight or laundering; and
- protecting the confidentiality of an investigation.

ICAC (as well as CPIB) has authority both to respond to complaints and to undertake investigations on its own initiative. Importantly, ICAC does not have power to prosecute, but transmits its investigative findings to the Attorney General.

CPIB's functions, although they influenced the ICAC model, are somewhat more limited. They are to receive and investigate complaints alleging corrupt practice; investigate misconduct by public officers with an "undertone" of corruption; and prevent corruption by examining the practices and procedures in the public service for purposes of minimizing opportunities. The first two functions reside in the Investigations Branch. CPIB's stated objective here has always been "swift and sure" action against corruption. CPIB does not limit itself to corruption in the public sector, but also targets private sector corruption (especially payment of commissions and kickbacks), and is authorized to investigate *any other offense* that is disclosed in a corruption investigation. CPIB seems to follow the ICAC approach of following up *all* corruption allegations without limit. However, since CPIB cannot itself prosecute, some cases get filtered out during investigation and after referral. A Data Management and Support Branch handles the preventive function, along with the related tasks of collecting information and screening candidates for official positions. An Administration Branch provides general support.

The reform of CPIB and the Prevention of Corruption Act in 1960 figured in a comprehensive anti-corruption strategy that was implemented in phases. The first phase focused on a combination of deterrence and removal of opportunities. Toughening the legal requirements and the penalties, as well as enforcement, met the first goal. Taking preventive action through studies and reform recommendations addressed the second point. Only later, in the 1980s, did the government decide it could move seriously on the second phase of the strategy: improving the incentives of public servants. Once economic growth had reached a sufficient level, Singapore could afford to provide officials with dramatic salary increases – something it was not in a position to do in 1960. (Quah 1995)

In carrying out its investigative functions, CPIB has both the regular powers of the police as well as special powers. This includes powers of arrest as well as search and seizure – based on information or reasonable suspicion, and without necessarily obtaining a judicial warrant in advance. CPIB may also examine bank accounts, enter and search the books of banks, require explanations of disproportionate wealth and of transfers of assets abroad by the suspect and her/his immediate family members. The agency has jurisdiction over corruption offenses, and offenses discovered during corruption inquiries, by both the public and private sector. Coupled with the broad definitions of corruption offenses, attempts, abetting, and conspiracies in the penal law, the above provisions give CPIB as wide a scope of authority as could be imagined – but this stops short of prosecution, which can only be done by the Public Prosecutor.

The availability of heavy sanctions strengthens CPIB's hand. These include stiff penalties for offenses, legal duties to furnish information, and stringent prohibitions on obstruction or failure to comply. Administrative restraints on civil servants are quite rigorous, including a prohibition on unsecured debts, borrowing from anyone with whom they have official dealings, and engaging in any additional employment without approval. (Ah Leak 1999, www.gov.sg/pmo/cpib/lawenforcement.htm) The threat of losing government employment on these grounds surely encourages compliance and cooperation.

Both ICAC and CPIB require investigations and witnesses to be treated as confidential. ICAC's protections appear to be the more stringent. The Prevention of Bribery ordinance, as amended, outlaws disclosure of the identity of anyone under investigation, or any details of the investigation – to that person or to anyone else (with a few small exceptions) – prior to arrest. Further, an ICAC internal Standing Order prohibits these disclosures *within* the agency, unless based on a need to know. In addition, court procedure forbids disclosure of witness identities or information from such witnesses – as a counterbalance, false accusations and information are subject to strict penalties. (Speville 1997)

Safeguards and Relationships

Thus far, the stories of these two agencies seem to match closely (with the exception of ICAC's additional functions of public outreach and education). Also similar is both agencies' lack of any formal independence. They are responsible to their respective chiefs of state. The Commissioner who heads ICAC, along with any Deputy, serves at the will of the Governor. The Director of CPIB, with the upper-level staff of the agency, is appointed by the President, the formal head of state but not the political leader of Singapore, and the agency operates within the Prime Minister's Office. In both cases, the appointment of the chief is revocable at will, nor is any appointment term or the required qualifications stated in legislation.

Also, both agencies were established as elements of an integrated strategy to control corruption. This required a number of supporting measures to be put in place to ensure consistency with the strategy. One aspect of this was the cooperation of other governmental units. In the case of ICAC, its relations with other public agencies appear to be quite smooth. There has been some suggestion of political protection being given to some powerful political and business figures, but even if so, ICAC has frequently demonstrated its willingness to go after "big fish." Observers suggest that political pressures from the Governor and other departments

have been gaining strength since 1997. Similarly, CPIB's relationships with key agencies are said to be highly cooperative – and the results seem to bear this out. These agencies include the Public Service Commission, the Auditor General's Department, the Public Accounts Committee of Parliament, and the Ministry of Finance. (Ah Leak 1999) In both cases, forceful political leadership – most obviously that of Lee Kwan Yew – established and institutionalized a pattern of cooperation across agencies in implementing the anti-corruption program.

However, this is where the similarity between ICAC and CPIB ends. Whereas CPIB operates as an arm of the Prime Minister's Office, with little outreach or accountability to the public, ICAC has made public trust and transparency pillars of its strategy. Further, ICAC is much larger than CPIB. Among other things, the size difference appears to be driven by ICAC's greater need to inform and persuade its partners in order to secure their cooperation. This apparently is not a critical need for CPIB.

ICAC, unlike CPIB, has very strong accountability structures and mechanisms. These checks are arranged in such a way as to counterbalance the authority of the Governor. Accountability begins with strict responsibility of ICAC and senior officers to the Governor, and equally strict responsibility of ICAC staff to the Commissioner. The law requires ICAC to prepare its accounts for the Governor, and for these to be reviewed by the Director of Audit. The ICAC budget comes from the general revenue, which means that the Legislative Council separately approves it – and can call the Commissioner in for hearings. The ICAC Commissioner prepares an annual report for the Governor, who is required by the Ordinance to submit this to the legislature. Also, the division of investigative and prosecutorial responsibility between ICAC and the Justice ministry (also a feature of CPIB) helps to prevent abuses. In addition to these original features, some other safeguards have been put in place to avoid abuses of power. For example, a 1996 amendment to the ICAC Ordinance strengthened the citizen oversight committees (see below) as well as the role of the judiciary in authorizing search warrants – to bring ICAC into compliance with Hong Kong's 1991 Bill of Rights. (Speville 1997, Camerer 1999)

The most innovative and well-known accountability mechanisms are the citizen oversight boards, known as Advisory Committees. These are appointed by the Governor, but consist of some 40 citizens, and are required to be headed by private citizens according to the amended Ordinance. There are four such committees: the Advisory Committee on Corruption, which oversees general policy and direction of ICAC; and one committee dedicated to oversight of each of ICAC's departments -- the Operations Review Committee, Corruption Prevention Advisory Committee, and Citizens Advisory Committee on Community Relations. The Operations Review Committee is arguably the most strategic, since it oversees the largest and most powerful department. In its terms of reference, the information it can demand from the Department and its oversight powers are clearly stated. The Committee does not have formal powers to compel the production of documents and information, but does have a straight line of responsibility to the Commissioner and the Governor. In addition, its reports "should" be published, according to the TOR – whether they are or not, the Hong Kong press surely has means to extract information and draw conclusions about ICAC. Finally, there is also a separate and independent ICAC Complaints Committee, which reviews all complaints against the agency. An internal investigation and monitoring unit follows up on complaints.

In the case of CPIB, the only formal protection for its independence is the simultaneous placement of the bureau within the Prime Minister's Office, and the vesting of appointment and removal power in the President. This is unlikely to be a strong safeguard in practice. Further, CPIB's budget is integrated into that of the Prime Minister's Office, hence the latter presumably determines what budget proposal is submitted to parliament – and influences the outcome of the process.

Unlike ICAC, CPIB has no citizen oversight boards nor any explicit public outreach and education function. It is not required to publish or send to parliament an annual report, hence its operations are not known in detail or, apparently, covered in depth by the press. Despite its publicized commitment to “e-government,” Singapore does not publish CPIB's budget or performance record on the web. Also, CPIB's powers of arrest, search and seizure, review of bank information, and others do not require prior judicial authorization. This situation has led some to question CPIB's impartiality, and has contributed to numerous instances of heavy-handedness. On the other hand, the agency does seem to have a reputation for professionalism and integrity, which suggests that it does operate broadly within the bounds of what is politically and legally acceptable. As in Hong Kong, the rule of law and a politically aware citizenry do set limits.

Resources

Another major contrast between ICAC and CPIB is their size and resource base. ICAC seems quite large – huge in fact – for an agency of its type, especially in a relatively small jurisdiction such as Hong Kong, a city-state of about 6 million people. Its staffing has risen from a total of 369 at its founding in 1974 to 1,175 in 1995, up to the current figure of about 1,300. The present total staff complement of ICAC is 1,342, with actual strength at 1,299. The numbers for the departments are (ICAC 2000):

- Operations: 973/943
- Prevention: 59/58
- Community Relations: 223/212.

Staff are recruited from all sources, and appointed to contract terms of two to three years, renewable. Special qualifications, screening procedures, and remuneration packages are in place – separate and distinct from the civil service system – to ensure recruitment on merit grounds, as well as firm discipline. ICAC staff are given a “gratuity” of 25% of gross salary, on the condition of “satisfactory performance,” at the end of their employment contracts. (Speville 1997) At the beginning, ICAC hoped to attract the best staff, and so offered compensation packages averaging about 10% above those provided to other government officials of comparable rank. (Klitgaard 1988) Although we do not have current information on this, the value of these packages has probably been updated to keep pace with the cost of living.

Correspondingly, ICAC's budget is also impressive. From an initially robust figure, it had increased to U.S. \$72 million in fiscal year 1996/7, and then to U.S. \$91 million in 1999/2000. In the latter year, Operations accounted for over 69% of overall expenditure, and the

combined costs of public outreach and education claimed 18% of the total. Of the total budget for all functions, personnel costs comprised just over 90% of costs.

By comparison, the figures for CPIB are quite modest. Its budget is not separately published, but was reported to be U.S. \$3.23 million in 1991-2, and \$2.5 million in 1986. The number of staff in CPIB is not published. Studies from the 1980s and 1990s cite a figure of 71 for the total staff complement (up from only 8 in 1960), comprised of 49 investigators and 22 clerical and support staff – with actual strength reported at 66 in the late 1990s. (Quah 1989, 1999a) The staff numbers seem quite low for an agency having comprehensive investigatory responsibilities over public and private sector corruption. Some observers suggest that the lack of a public outreach and education means that it can be much smaller than the Hong Kong ICAC (Klitgaard 1988) – but that function accounts for less than 20% of ICAC staff (Hong Kong’s population is also twice as large, but that does not explain it, either). Others have suggested that CPIB’s draconian powers and high political position mean that cooperation from other agencies and from citizens is virtually automatic – hence it does not need a large staff to do its work.

CPIB staff are recruited in the same way as other civil servants, although the qualifications and screening procedures are more rigorous than most official jobs due to the nature of the work. Upper-level officials are appointed by the President. CPIB positions, and those in ICAC as well, are permanent. This is a switch from the early days of these agencies, when staff tended to be seconded from other government agencies – and some from overseas.

Although salary information for the full range of CPIB staff were not available, it is well known that Singapore’s public sector pay scales are second to none. Gross *monthly* salary for a top-level administrative position is over U.S. \$26,000 – far higher than the top grade in the U.S. and other industrial countries, although modest in comparison to top private sector salaries. This is a result of Singapore’s second wave of administrative and anti-corruption reform in the 1980s, which aimed to reduce the incentives for graft by increasing salaries to levels approaching those of the private sector (and stem the flow of capable administrators from the public to the private sector). Entry-level CPIB investigators are currently offered salaries ranging from U.S. \$1100 to U.S. \$5500. The benefits package appears to be fairly generous. Entry-level officers must go through a 3-month training period, and then are offered the opportunity to obtain 100 hours of training each year thereafter.

Performance Monitoring

Both ICAC and CPIB make public commitments to meet specified levels of efficiency in dealing with the public. However, only the former publishes figures on its actual performance. This is consistent with the generally much higher degree of transparency in ICAC. That agency uses hotlines, mailboxes, and e-mail for corruption reports. In addition, ICAC has a complaints committee and internal investigations/monitoring unit to deal with grievances against it. It also solicits feedback on its website. The ICAC citizens committees conduct oversight and produce reports that are often (though perhaps not uniformly) published. As important, the Commissioner submits an annual report to the Governor, who then submits it to the Legislative Council for review.

The performance measures, and outcomes, reported by the ICAC Commissioner are as follows (ICAC 2000, numbers for 1999):

Outputs	Number of cases identified and investigated via own initiative: 216 Number of detailed studies of government practices and procedures: 106
Outcomes	Number of graft reports received 3,561 (1998: 3,555) ³ Number of persons prosecuted (corruption and related offenses): 504 (32% increase over 1998, up from 300+ on avg. 1974-1984) Number and rate of convictions: 302 (up 15% from 1998), for a success rate of 60% Number of requests from private firms for free corruption prevention advice: 260
Efficiency/ Productivity	Percentage of those making graft complaints interviewed immediately/within 48 hours: 99% Percentage incoming calls handled immediately: 100% Percentage pursuable complaints completed within 12 months: 89% Percentage requesters of advice/training on corruption prevention contacted within 2 days: 100%

Also useful are ICAC's reported figures on patterns of corruption-related prosecutions arising from its investigations. Figures for 1999 are as follows (ICAC 2000):

By department/sector:	By offense:
Fire Services: 4 HK Police Force: 11 Housing: 9 Urban Services: 5 Public bodes: 11 Private sector: 397 Other: 67	Soliciting/accepting bribe: 50 Offering bribe: 72 Offense connected with or facilitated by corruption: 158 Perverting or obstructing justice/fraud/deception/theft: 213 Other: 11

CPIB is a different story. Other than internal review by the Prime Minister's Office and the Director, there do not appear to be any formal performance monitoring procedures. However, CPIB publishes efficiency standards that apply to it – the agency undertakes to:

- respond promptly to visitors: 80% within 5 minutes
- answer all calls by the 4th ring
- decide on whether a complaint is pursuable within a week if received by mail, and immediately if received in person
- act on a complaint within 48 hours after assignment to an investigator, or immediately in the case of an "offence in progress"
- complete an investigation within 3 months – unless the nature of the case requires more time.

We were not able to obtain actual numbers on the extent to which the above standards were met. Nor could we find output or outcome indicators as in the case of Hong Kong ICAC.

³ This is reported as an *outcome* because one of ICAC's outreach objectives was to increase this number).

Summary and Assessment

Despite their similar origins and design, and indeed the success they both seem to have met with in their efforts, ICAC and CPIB take starkly different approaches to the implementation of a single-agency strategy. The former is extremely large, well-resourced, and strongly oriented toward transparency and civic partnership. The latter is a smaller, tighter operation that does not divulge much information, nor does it seek to educate or mobilize the population in the fight against corruption.

The consensus view of ICAC is that it has been a stunning success. These areas are usually cited as elements of this success: investigations leading to prosecution and conviction of senior officials and powerful businessmen (“big fish”); changing Hong Kong’s “ethical climate” through example, outreach, and education; and eliciting citizen input in both oversight and reporting of corruption cases. (Klitgaard 1988, Speville 1997) Both the cross-country indices and ICAC’s own performance data (assuming these are properly vetted and verified as part of the reporting process) seem to bear this out.

At the same time, there are reasons for doubt about the wider applicability of the Hong Kong ICAC model. One ICAC Commissioner cautioned that “traumatic” levels of corruption, substantial budget resources, the highest possible integrity, and high political and popular support are all necessary conditions for making this kind of organization work. (Klitgaard 1988) Speville (1997) underlines these conditions and says that ICAC itself was not Hong Kong’s strategy. Rather, it happened to be the right tool for Hong Kong to implement a broader strategy of law enforcement, prevention, and public support. Doig and Riley (1998: p.52) refer to ICAC as:

Very much a product of a particular social environment and polity – a small “city-state” with a distinctive culture and a highly efficient administrative machine operating in a society characterized by sustained high economic growth.

CPIB is also widely known as a success, both within Singapore and internationally. It helped set the moral tone of government, which has created a squeaky-clean administration where there used to be systemic corruption, and has exercised a deterrent function by investigating a number of “big fish.” These include ministers, MPs, and senior directors in government agencies and companies. One observer also suggests that Singapore’s overall strategy, implemented in part by CPIB, is superior to Hong Kong’s because it addresses the incentives for corruption through careful attention to civil servant salary levels – in addition to investigation and prevention (Quah 1999a).

However, observers have noted that CPIB has some serious disadvantages, and that (as in Hong Kong) its success depends on circumstances that are unlikely to be repeated elsewhere. First, the arguments about Hong Kong’s special situation as a city-state enjoying cultural consensus and high economic growth also apply to Singapore. Second, CPIB officers have on several occasions been accused of overzealousness, assault, abuse, and torture – as well as bias in the selection of targets. (Quah 1989) A review of anti-corruption efforts for the parliament of Mauritius had this observation (<http://ncb.intnet.mu/assembly/sessional/part3.htm>):

Whatever success which Singapore may have achieved in the fight against corruption, it is not certain that this is a role model to follow. Any agency which earns the reputation (however unfounded and unproven) of using its formidable array of powers against political opponents is not worthy of any further comment other than pure disdain.

In short, both agencies have met their original anti-corruption objectives. The divergent paths that they followed in this achievement have had important implications for their resource requirements and for public perceptions of their methods. Clearly, Hong Kong's emphasis on public outreach and education has its costs – including 8 regional offices, more than 200 staff, and over U.S. \$16 million in expenses. The need to elicit cooperation also implies a larger investigative staff. However, even this, together with Hong Kong's larger population and land mass cannot fully explain why it has nearly 20 times as many investigators as CPIB does. For its part, CPIB's budget and staff are only a fraction the size of ICAC's – but this appears to have its own price in terms of public support and the agency's accountability. In the end, one can only assess the costs and benefits of ICAC and CPIB by comparing them to the alternatives – both variants of the single-agency strategy and multi-agency approaches. To these we now turn.

Variations on the Single-Agency Model

Over the last two decades, a number of countries have followed the single-agency approach. In some cases, the Hong Kong ICAC model was adopted in full, while in others, a partial or hybrid approach inspired by ICAC and CPIB was taken. This section reviews the experiences of several countries across the globe, emphasizing variations in design and outcomes around the Hong Kong and Singapore precedents. The discussion here does not cover three important examples of this phenomenon, which are the subject of more in-depth case studies in part 4 below.

All of the agencies reviewed in this section took some inspiration from the Hong Kong-Singapore paradigm, especially ICAC, although they vary in the extent to which they kept the same design specifications. Three of these examples are most clearly modeled on ICAC: the Independent Commission Against Corruption (ICAC) of New South Wales (NSW) in Australia, the Directorate on Corruption and Economic Crime (DCEC) of Botswana, and the Office of the Inspector General of Government (IGG) of Uganda. The other agencies considered here adapted elements of the Hong Kong and Singapore strategies, following them less rigorously. We will try to shed light on some of the reasons for this. The latter group includes the Korea Independent Commission Against Corruption (KICAC), the National Counter Corruption Commission (NCCC) of Thailand, the Office of the Ombudsman of the Philippines, and the *Comision de Control Civico de la Corrupcion* (CCCC) of Ecuador.

Establishment, Responsibilities and Powers

The establishment of the various independent agencies seems to follow the pattern of Hong Kong and Singapore. The NSW ICAC in Australia was established in 1988 after a spate of scandals had led to the imprisonment of a chief minister and a cabinet minister for bribery, the trials of several senior officials, and investigations of the police force. These events led to the advent of a new reformist government, which made the enactment of the Independent Commission Against Corruption Act a priority of its campaign. The Premier in that government

was himself later investigated by ICAC, censured by the legislature, and in effect forced to resign. (Williams 2000) Botswana saw a similar eruption in the early 1990s, which threatened to harm its reputation as an African model of good governance. The scandals revolved around illegal land sales and unpaid loans by senior officials from the National Development Bank. Extensive media coverage linked these cases with the cabinet and the President, and stirred public outrage. Moreover, the Botswana Police Force lacked a fraud squad. These factors led to the enactment, in 1994, of the Corruption and Economic Crime Act, establishing DCEC as a permanent agency. (Theobald and Williams 2000)

The structure, functions, and powers of these two agencies follow the Hong Kong ICAC blueprint. Both have separate units each charged with implementing part of the same tripartite strategy consisting of investigations, prevention, and public education. The Botswana DCEC has separate branches for prosecutions and training, investigations, and intelligence, along with a combined prevention and education branch and a support branch. The NSW ICAC has units corresponding to the three core functions, plus a supporting Legal Unit. Both have substantial powers to carry out their responsibilities. DCEC's powers under its Act are broader, including search and seizure, arrest, and detention of travel documents – and all of these can be done without a warrant in a variety of circumstances. DCEC is also given authority to investigate where it suspects someone of “possession of unexplained property.” The NSW ICAC appears to be under more intense judicial scrutiny. For example, judicial approval of search warrants is generally required (with exceptions), and ICAC's actions affecting anyone's rights – including its ability to compel cooperation through contempt charges – are expressly under the jurisdiction of the Supreme Court. Neither agency has authority to prosecute (DCEC can do so but only with the Attorney General's consent), and they both appear to have ample authority to protect the confidentiality of investigations and witnesses.

The jurisdiction of the two agencies differs somewhat. The Botswana DCEC seems to follow the Hong Kong model more closely, as the 1994 Act brings private sector activities within the scope of DCEC's investigation powers. This includes not only bribery but various forms of revenue fraud, a form of white-collar crime that the Hong Kong ICAC does not have authority over (although CPIB could investigate this if it is connected to a corruption offense). Even this broad mandate was further expanded by the Proceeds of Serious Crime Act, 2000. This in effect makes DCEC the lead money-laundering investigator, by criminalizing dealings in illegally acquired assets and requiring the central bank to refer suspicious transactions to DCEC for investigation. By contrast, the NSW ICAC limits itself to corruption offenses by public officials – although its scope was expanded in 1994 to include conduct by Members of Parliament.

The two agencies also differ on the matter of selectivity. DCEC has an explicit policy of interpreting its statutory mandate as requiring it to investigate *every* pursuable report – consistent with the Hong Kong approach. (Langseth 2000) By contrast, the NSW ICAC retains the authority to prioritize complaints – and to refuse any explanations as to why a complaint was not pursued, if ICAC deems this necessary for security and confidentiality purposes. It describes its selection criteria for investigations as follows (NSW ICAC 2001: p.23):

Only matters with the potential to expose significant and/or systemic corruption or which otherwise involve matters of significant public interest are selected for such investigation.

ICAC has an Assessment Panel that makes the initial determination as to whether a complaint is pursuable, and then refers hard cases (e.g. pursuable complaints that would require substantial resources) to its Operations Management Committee for decision. (NSW ICAC 2001)

Similar agencies were also established (or reformed) in Uganda (1987) in the aftermath of the civil war, in the Philippines (1987) after the fall of President Marcos, in Ecuador (1997) following mass protests and the ouster of President Bucaram, in Thailand (1999) and Korea (2001) after the linkage between corruption and the recent financial crisis was recognized. These agencies have essentially been given the responsibilities and powers of an ICAC-type agency, with a few notable differences. The Ugandan IGG and the Thai NCCC additionally have the function of reviewing official asset-declarations. The Ombudsman in the Philippines has the ICAC anti-corruption responsibilities as well as the general function of a classical ombudsman to address injustice and maladministration. Commentators have suggested that the prosecutorial role does not fit well with the ombudsman's function as trusted mediator. (Pope 1999) In addition, the Ombudsman makes binding determinations of law in administrative cases (the IGG in Uganda has a similar capacity), and brings prosecutions against senior officials in the special anti-corruption court – the *Sandiganbayan*. (Constitution of 1987, Ombudsman Act of 1989) Last, in the case of the Ecuadorian CCCC, the “prevention” responsibilities are essentially those of mobilizing and educating the public to exercise civic “control” over government – but do not include a true analytical and advisory role toward government as in the classic ICAC model. (www.comisionanticorrupcion.com)

Safeguards, Relationships

Among the key determinants of an ACA's effectiveness are structural relationships – including provision for independence, accountability, and cooperation – and adequate resources in terms of finances and trained personnel. Structural relationships are reviewed in this section, resource questions in the next.

The NSW ICAC appears much better off than its counterparts in this regard. In formal terms, it is a government corporation with the powers of a standing committee – this seems to separate it from cabinet ministries and links it to parliament. The ICAC Commissioner is appointed by the NSW Governor (to a five-year non-renewable term), with the approval (and veto power) of the Parliamentary Joint Committee on the Independent Commission Against Corruption. The Governor also appoints any Deputies. The NSW ICAC has its own budget line from the NSW legislative appropriation. It reports and is accountable to the Joint Committee – and this accountability, like that of ICAC's Hong Kong counterpart, clearly establishes its independence from the executive.

Like the Hong Kong ICAC, the NSW agency solicits citizen oversight and input, and as in the prior case, a major role is played by an Operations Review Committee whose membership includes private citizens. Also, the Freedom of Information Act applies, imposing a duty on the agency to disclose, and in some cases publish, its records. In addition, the NSW ICAC has a mechanism for handling complaints against its staff. These are directed to the Solicitor to the Commission. The most important departure from the Hong Kong model is the NSW ICAC's authority to hold investigatory hearings – and to hold them in public where this is appropriate.

(NSW ICAC Act 1988, NSW ICAC 2001) This form of “government in the sunshine” gives the general public the ability to oversee parts of ICAC’s operations directly.

Other agencies operating in areas that overlap with ICAC’s include the Ombudsman, the Auditor General, and the Police Integrity Commission of NSW. The cooperation among these agencies appears to be quite effective – they have collaborated on some studies of administrative governance in provincial and local government, as part of ICAC’s preventive efforts. Provincial and local government departments are said to be quite cooperative with ICAC, due to the latter’s emphasis on collaboration to resolve identified problems that diminish the departments’ effectiveness. It is also likely that ICAC’s preventive analytical tools and products are viewed as effective and user-friendly. These include “Recos on the Web,” a collection of recommendations with a review of client agencies’ experiences in implementing them; “Corruption Resistance Reviews,” a set of analytical tools for conducting vulnerability assessments and generating solutions; and the “Ethical Culture Survey Kit,” a survey tool designed to help public managers identify and address the challenges of creating a strong culture of integrity in their organizations. (NSW ICAC 2001) NSW ICAC does not have formalized relationships with NGOs or the press, but encourages outside watchdogs through its emphasis on transparency.

Botswana’s DCEC does not have structural safeguards and relationships of the kind that seem so important to the NSW ICAC’s performance. Under the 1994 Corruption and Economic Crime Act, the President appoints the DCEC Director at his sole discretion and on terms of his choosing. DCEC is a “public office,” hence it is within the executive chain of command and the civil service system. The President has authority to issue regulations governing DCEC’s operations, and there is no legal provision granting the agency fiscal independence. In addition, DCEC does not have the citizen oversight and transparency mechanisms that the Hong Kong and NSW ICAC agencies have. The 1994 Act simply requires DCEC only to report its “activities” to the President on an annual basis, although the reports also appear on the DCEC website. DCEC does reach out to the public through education programs and advertising, and also elicits complaints through its two field offices and its hotlines.

The Botswana DCEC’s relations with other agencies in this field have proven to be a problem. This is especially true of the Attorney General’s office, but also of the courts – both are a source of complaints about backlogs and failures to bring cases to a conclusion. As of the beginning of 2001, DCEC reported 70 cases awaiting the Attorney General’s advice or consent to prosecute, and another 52 cases pending before the courts. (DCEC 2002) The 1994 Act does not address intergovernmental duties of cooperation – it simply requires the AG to consent to any prosecution. Whatever consensus Botswana may have reached concerning strategy has not been sufficient to overcome delays and capacity constraints at these two choke points. DCEC has now responded by suggesting the strengthening of the AG’s office, and by deploying its staff to assist the Attorney General with prosecutions. (Langseth 2000) Some of the problem in the courts may be due to outdated procedural rules that make shortcuts such as plea bargains difficult, and prevent DCEC from legally using available electronic surveillance methods. Also, obtaining information from banks has been a problem for DCEC. This is perhaps explained by inadequate record-keeping in the banks – although this is said to be improving. (Theobald and Williams 2000)

In the case of Uganda, the constitution (ch. 13) provides for the formal independence of the IGG. The Inspector General and the Deputy IG are to be appointed by the President with the approval of Parliament to a four-year term (renewable once), and can be removed only for specified causes by consent of the President and a Parliamentary tribunal. One of these officers must be qualified to serve as a High Court Judge. The constitution also provides that the IGG will operate independently and be responsible only to Parliament – and that it makes semi-annual reports to Parliament. Until the 1995 constitution provided for the IGG’s responsibility to Parliament, it was responsible and reported confidentially to the President. (Sedigh and Ruzindana 1999) The constitution also provides for IGG’s budgetary and personnel autonomy (see below). In terms of structural relationships, the IGG is surely helped by the fact that it is charged with enforcing the Leadership Code of Conduct across government, and the Inspector’s role as chair of the National Coordinating Committee overseeing the government’s anti-corruption action plan. (Sedigh and Ruzindana 1999) There was also a new Minister for Ethics and Integrity position created in 1998 to direct government policy on anti-corruption, but this is essentially a minister without a ministry, and may have been a badly planned response to election-year anti-corruption rhetoric. (Watt et al 2000)

The Philippines Ombudsman, along with the top deputies, is appointed by the President from among a group (with specified minimum qualifications) nominated by the Judicial and Bar Council. The Ombudsman has a non-renewable term of seven years, along with a separate budget line and guarantees against salary and budget cuts. She/he reports annually to the President and to Congress, and the office’s determinations, both legal and administrative, are subject to judicial review. While it does not have formalized outreach programs, the Ombudsman is intensively covered by the press and by non-government watchdogs. Also, the Ombudsman is one of many organizations in the Philippines with an anti-corruption mandate – including the special anti-graft court mentioned above, the Commission on Audit, the Attorney General, and the Presidential Commission Against Graft and Corruption (PCAGC) – which do not appear to coordinate well.

Ecuador’s CCCC⁴ is headed by a group of seven commissioners, chosen by the President from the various *colegios* representing the spectrum of civil society, from universities to professionals, the media, business, labor, indigenous people, women, and human rights groups. It was founded under a presidential decree, then entrenched in the 1998 constitution as an independent organ. Its civic constituency in principle gives the CCCC a strong power base independent of government. Also, CCCC submits regular reports to the legislature. However, within government, CCCC’s relationships vary, from its effective coordination with the Comptroller and the Procurement department, to its continuous conflicts with the Attorney General over prosecutions. CCCC has been severely criticized in official circles recently for its investigations into bank fraud – its jurisdiction here is based on its mandate to address corruption and fraud that impact state financial interests, including shareholdings in banks.

Thailand’s NCCC also has a commission structure, with the nine commissioners being chosen by the Senate from a list of 18 nominated by top judges, academics, and politicians. The commissioners elect their own Chair. The Senate monitors and receives reports from the NCCC,

⁴ Information on this agency comes from telephone and e-mail correspondence, the CCCC (2000) report, as well as the agency website: www.comisionanticorrupcion.com

and the latter cannot prosecute or impose administrative sanctions on its own – although it does assist the Attorney General and the Senate in performing these functions.

(www.nccc.thaigov.net)

The Korean KICAC is directly under the control of the President. Nevertheless, it is especially hampered in pursuing cases, since it must hand over any matter it deems worthy of a formal investigation to the competent agency such as a prosecutor or the audit agency. This prevents it even from questioning the accused. Apparently, the KICAC statute was written this way as a result of pressure by the Ministry of Justice and other departments concerned about the new agency's powers.⁵

Resources

Funding and staff are decisive in determining an agency's ability to perform. The NSW ICAC clearly has the advantage in this area. It employed a staff of 122 in 2001, including 53 in the Investigations Division and 26 in the Corruption Prevention, Education and Research Division. The Commissioner has substantial latitude in hiring staff, and appointments are exempt from both civil service and industrial relations employment regulations. Remuneration packages appear to be on a par with other government agencies, with the Commissioner earning some U.S. \$198,000, equivalent to 160% of the compensation of a trial judge, and the Deputy Commissioner earns about U.S. \$94,250. Training is also given some priority – ICAC has recently decided to focus more on IT and investigative training.

NSW ICAC's net expenses were U.S. \$8.6 million in fiscal year 2000-1, and are budgeted at U.S. \$8.8 million for 2001-2. Personnel comprises approximately two-thirds of the operating budget (64% in 2000-1, 67% in 2001-2). The ICAC budget comes via an appropriation from the NSW Government's Consolidated Fund – i.e. a separate budget line.

Botswana's DCEC has a staff of similar size to NSW ICAC, but a budget of less than one-quarter of ICAC's. DCEC's staff complement is 130 (up from 100 in 1998), of which 86 are classified as professional. Actual strength as of early 2001 was 116. DCEC intended to increase its complement to 155 in 2001 as a result of its larger mandate (including money laundering). The staff are within the public service system, hence paid accordingly. Their package includes free housing, or an allowance amounting to 15% of salary. While training is considered important, DCEC reports that budget constraints meant that only 15 members of staff were able to receive training during 2000. The total budget for DCEC in 2000 was approximately U.S. \$1.8 million (a detailed breakdown was not available). By comparison to the NSW ICAC, this seems to show primarily a budgetary shortfall (even assuming much lower salaries in dollar terms) – but DCEC's reports mainly emphasize a manpower shortage leading to excessively high caseloads for investigators (an average of 13 per investigator). (DCEC 2002) It is probably true that, despite the staff numbers, the availability of appropriately *skilled* professionals is constrained, and it is for this reason that DCEC continues to employ several expatriates in the upper ranks. (Theobald and Williams 2000)

⁵ "Fight Against Corruption," *Korea Herald*, April 4, 2002.

In the case of the Ugandan IGG, the constitution (Art. 229) calls for “an independent budget appropriated by Parliament, and controlled by the Inspectorate,” and requires government to facilitate the IGG’s access to sufficient qualified staff to perform its functions effectively. The IGG’s budgetary provision for FY 2002-3 was reported in the press to be U.S. \$3.36 million, although this fell short of what was requested. In particular, the Office of the IGG has complained about the low salaries paid to front-line investigators, which amount to little more than U.S. \$100 per month.⁶ The Inspector General has a staff of some 145, of whom 73 are technical or professional staff spread across six units, the majority in Finance and Administration (39), Operations (21) and Legal Affairs (19). (www.igg.go.ug)

In comparison, the adjusted 2001 budget for the Philippines Ombudsman was U.S. \$8.9 million in total, with the operating budget comprising U.S. \$7.3 million of that (figures from the Philippines Budget Management Department). The Ecuadorian CCCC has a 2002 budget of U.S. \$3.6 million, and it also receives funds from donor agencies for special projects. It has a staff of 42 in the Quito headquarters, and 12 in its Guayaquil branch office. Thailand’s NCCC employed some 370 officials in 2001 (slated to increase to 537 in 2002), along with 55 temporary employees -- distributed across four divisions and 11 bureaus.

Performance Monitoring

The NSW ICAC is required by law to report to the NSW parliament on the fulfillment of its mandate, including the numbers of investigations, their outcomes, etc. More specific performance indicators apparently have been developed in cooperation with the Joint Parliamentary Committee, the Office of the Auditor General, and the Ombudsman. For 2000-1, ICAC reported receiving 1509 complaints with a total of 2058 allegations. Among these allegations, the following categories of offenses figured prominently: misuse of public resources (17.5% of allegations), favoritism (13%), and forgery/fabrication of information (10.3%). Failure to report conflicts of interest accounted for 7.7% of allegations and bribery 5.9%. In terms of sectoral area, 12.8% of allegations dealt with zoning or building permits, 10.1% with procurement, 9.6% public services, and 8.5% law enforcement. ICAC reported on ten public hearings, ten prosecutions, and ten disciplinary proceedings arising from its investigations during 2000-1 (although this is not stated to be the total number). The agency also reported that, as of mid-2001, 56% of the recommendations in its reports on prevention and reform had been fully implemented, while 28% had been partly implemented. (NSW ICAC 2001)

DCEC publishes a variety of performance data in its annual report. These include, for 2000 (DCEC 2002):

- 1475 complaints received, of which a high 74% were from complainants who identified themselves
- 390 investigations started, up 22% from the previous year
- 233 cases concluded, down from 382 the prior year
- 33 cases completed in court, against 41 defendants
- 20 guilty verdicts, U.S. \$1920 in fines and U.S. \$49,000 in compensation ordered

⁶ *New Vision*, April 26, 2002, Kampala.

- 145 talks or presentations to the public on corruption.

DCEC also listed a number of analytical reports on government structures, but did not give figures for the extent to which any of these were implemented.

Perhaps most striking in the comparison between the NSW ICAC and the Botswana DCEC is the following group of facts. During an overlapping 12-month period, the two agencies employed almost the same number of staff and received almost the same number of complaints. Yet DCEC's budget was some 20-25% of ICAC's, and DCEC pursued a far larger number of investigations and prosecutions. This seems to have overburdened a staff that is probably not nearly as well-equipped, and evidently not nearly as well-trained, as their Australian counterparts.

What were the results? The answer to this is not entirely clear, but there are some indications that ICAC has much more credibility than DCEC with both the public and the government. ICAC launched far fewer investigations and proceedings by design – it intended to focus its resources strategically. The record suggests several carefully-considered public hearings, analytical reports, and recommendations – with a high percentage of uptake by government clients. These activities appear even more focused if one recalls ICAC's more limited jurisdiction, which does not include the economic crimes that DCEC deals with. While ICAC did not estimate amounts of money saved as a result of its investigations and reform recommendations, its selection procedures suggest the potential for high benefit/cost. DCEC, by contrast, did not report the outcomes of its studies, and the paltry record of monetary awards (ordered but not necessarily collected) speaks for itself.

The other ACAs vary in their efforts to report results. Uganda's IGG reports to Parliament every six months, although these reports are not made public. For the period July 1997 to April 1998, IGG is reported to have received 1,428 complaints, of which 7% were fully investigated and 29% referred to other government departments. Regarding asset declarations under the Leadership Code of Conduct, a high rate of non-return has been reported. (Watt et al 2000) IGG investigations are reported to have resulted in the dismissal of several officials, the removal from office of some political leaders, and the initiative in the mid-1990s to eliminate most "ghost" workers from the public payroll. (Sedigh and Ruzindana 1999) However, the assessment of the IGG's overall impact on corruption in Uganda is much more sobering (Watt et al 2000: p.46):

...[T]here has been little success in terms of reduced levels of corruption and improved service delivery. In fact, there is little evidence that any reduction in the level of corruption has been achieved at all.

The Philippines Ombudsman reports comprehensive figures for its activities. The Annual Report for 2000 (Office of the Ombudsman 2001) includes the following:

- 9,739 new cases received
- 12,184 total cases disposed of (an increase of 32% over the previous year)
- 2,209 cases filed for prosecution with the courts (an increase of 10% from the prior year)

- 514 cases in which penalties were imposed on government officials or employees (up 59% from 1999)
- 10,583 requests for preventive assistance attended to.

The performance of the Philippines in cross-national corruption indices casts some doubt on the meaning of the reported numbers. Indeed, despite having set up some 13 anti-graft agencies since the 1950s, the Philippines is still plagued by corruption. The current head of the PCAGC stated in 1997 that “the system is not working” (Quah 1999a: p. 82)

In comparison, the CCCC of Ecuador reported receiving 512 complaints between August 1998 and November 1999, of which it completed its investigation of some 322. Of the latter group, 79 were referred for legal or administrative action. (CCCC 2000) By the end of its first quarter of operation, the KICAC in Korea had received some 800 complaints.⁷ Both the Korean and Thai ACAs have already been criticized as “paper tigers,” and the former also for being a creature of the President.

Summary and Assessment

In a sense, with the NSW ICAC and the Botswana DCEC, we have not gone far from the city-state context of Hong Kong and Singapore. It is important to note that no ICAC equivalent exists at the national level in Australia, surely for the same reasons it does not exist in any other industrial democracy. New South Wales, though it encompasses much more territory than Hong Kong, has a similar population level (6.5 million), with the majority primarily living in urban settings. Botswana is large and rural, but has a population of only about 1.5 million.

The other agencies just reviewed exist in a range of contexts that bear little resemblance to Hong Kong, Singapore, New South Wales, or Botswana in terms of population – and which differ substantially among themselves in terms of the political and legal setting. The Ugandan IGG and Philippines Ombudsman appear to be the most robust and credible on paper, but both of them have confronted daunting challenges in the form of widespread and entrenched corruption. Both of them have operated independently, and in doing so have brought cases against senior officials – without actually succeeding in frying any “big fish.” Ecuador has gone farthest in bringing civil society into the anti-corruption effort, setting up a modest agency under a board of non-governmental commissioners. Its main priority is civic participation rather than investigation and deterrence, hence the case numbers are low in comparison to other agencies. Thailand and Korea have quite recently revamped their ACAs, along different lines. It is perhaps too early to expect dramatic results, but this has not stopped observers from expressing frustration at the slow pace.

One further point is worth making with respect to the single-agency approach. The definition of an ACA’s jurisdiction requires an important strategic decision. The ICAC and CPIB models establish jurisdiction over a set of core corruption offenses involving the abuse of public authority, but then also create a penumbra of expanded jurisdiction over other corruption-related offenses, including activities of the private sector. The Botswana DCEC expands this further by including some white-collar crimes, mainly revenue fraud. In most systems, the latter

⁷ “Fight Against Corruption,” *Korea Herald*, April 4, 2002.

are hived off and put under the authority of a Serious Frauds Office or other unit dealing with revenue fraud or white-collar crime. Also, Singapore's CPIB has authority to investigate any crime that comes to light in its corruption investigations – a power that most such agencies do not have. The issue here is one of synergy or economy – i.e. what activities are most efficiently and effectively dealt with together? In relatively small jurisdictions such as Hong Kong, Singapore, and Botswana, the natural tendency would be to group several kinds of offenses together under one investigating body. The risk, of course, is that this augmented power might be misused.

The Alternative: Multiple-Agency Approaches

The single-agency strategy exemplified by Hong Kong and Singapore came about through a combination of circumstances, including entrenched corruption and an outbreak of scandal; failures in the traditional institutions – especially the police force – leading to a loss of confidence; and dramatic action by semi-authoritarian leadership backed by a consensus (even if belated and somewhat reluctant) of key elite groups – in a culturally cohesive city-state context. This constellation of factors does not frequently recur.

Not surprisingly, most countries continue to follow the alternative approach of combining traditional state institutions with one or more specialized anti-corruption units or agencies. In these situations, there may be a major scandal or at least a wide perception that existing structures have proven inadequate to prevent or repress costly ethical lapses. However, the depth of the crisis and the strength of leadership are insufficient to support a more robust centralization of anti-corruption functions. In other words, traditional judicial and administrative agencies retain their core capabilities and legitimacy while additional structures are put in place to address gaps, weaknesses, and newly-emerged opportunities for corruption. Further, the government in power is unlikely to command sufficient support for more dramatic steps – especially the draconian measures adopted in Hong Kong and Singapore. This may be due to elite opposition, civic concerns about the erosion of liberties, or a combination.

In this section, we review a prominent sample of these multi-agency approaches. Our cases come mainly from the United States, India, and the European Union.

The U.S

A watershed date for the development of anti-corruption agencies in the U.S. was 1978, when the Ethics in Government Act established both the Office of Government Ethics and the Office of the Independent Counsel – in the wake of the Watergate scandal and the revelation of other lapses in the U.S. Government. However, this did not represent as radical a break with the past as was seen in Hong Kong, Singapore, and most of the other cases just reviewed.

Special prosecutors had been appointed *ad hoc* to deal with scandals from Teapot Dome in the 1920s to Watergate in the early 1970s. The new legislation attempted to codify the procedures and powers of this office, and did so through legislative provisions that would “sunset” after a period of years, then need to be renewed (and which have now lapsed). The

main concern was to address the potential conflict of interest involved when the Attorney General, an executive appointee, is required to address criminal allegations against other high executive officers. When there are credible allegations of illegalities by certain high officials of the federal government, the law required the Attorney General to conduct a preliminary investigation to determine whether the charges warranted further investigation or prosecution. The AG then had to make a report justifying a finding one way or the other. If the charges were worth pursuing, then a Special Counsel would need to be appointed. Regarding both the preliminary investigation report and the appointment of a Special Counsel, the Attorney General was answerable to a panel of appeals-level judges appointed by the Chief Justice of the Supreme Court – and it was this panel that defined the Counsel’s jurisdiction. In the last decade, it has become clear that this arrangement guarantees the Special Counsel’s independence, but does not impose sufficient accountability – a problem that early critics anticipated. Nor does it add value to existing systems, according to many critics. (Harriger 2000)

The Special Counsel was the best-known of the post-Watergate innovations in the U.S., but was in fact only one of several institutions with anti-corruption responsibilities. At the federal level, these include the Public Corruption unit of the FBI (investigations), the Public Integrity Section of the Department of Justice (prosecutions), the General Accounting Office (technical studies and reform proposals), the Inspectors General, the Office of Government Ethics, Congressional committees, and others. There is no centralized anti-corruption agency or strategy. At the state and local levels, there have been some agencies that fit the single-agency mold more closely, notably New York City’s Department of Investigations, which had both investigative and preventive functions. The DOI has been criticized for taking too strict an approach to public integrity, especially since the preventive functions were handed to another agency, with the result that it instills fear and passivity in city officials – thus reducing the quality of governance. (Anechiarico and Jacobs 1996) Also, many states have Ombudsman offices, which are not ACAs, but do handle complaints and conduct outreach to citizens on good government issues.

Probably the closest approximation to an ACA at the U.S. federal level is the Office of Government Ethics. However, OGE has a very specific and limited mission of serving as an executive branch ethics watchdog. This, for example, is one of several functions performed by such agencies as Uganda’s IGG and the Philippines Ombudsman. OGE is relatively small for a U.S. government agency, with some 74 employees and an FY 2003 budget of U.S. \$11 million distributed among five departments. It has a separate line in the federal budget and a Director appointed by the President to a five-year term – i.e. the term overlaps Presidential and legislative terms, which enhances the Director’s autonomy. In other structural respects, OGE is like other federal agencies. Its performance criteria are summarized in Table 1 in the Annex. (USOGE 2000)

Given its limited mandate, OGE functions as a central coordinating body similar to an ACA – it aims to prevent and resolve conflicts of interest, foster high ethical standards, and strengthen public confidence in the integrity of government. OGE does this by developing ethics rules and regulations, providing guidance and interpretation, evaluating the effectiveness of rules and agency-based ethics programs, and conducting outreach and education for executive officials and staff. Its most prominent public role is that of receiving and reviewing the financial

disclosure statements of White House employees and Presidential appointees who are confirmed by the U.S. Senate. In this role, it enters agreements with these appointees to use blind trusts and other instruments to ensure that direct conflicts of interest are avoided – and monitors these arrangements. (www.usoge.gov) The OGE's functions are carried out by other structures within the legislative and judicial branches. One notable example of such a legislative institution is the Parliamentary Commissioner for Standards in the UK.

*India*⁸

As mentioned above, the function of ethics watchdog is often performed by agencies that also have a number of other powers and responsibilities. Here, a notable example would be India's Central Vigilance Commission. This was set up as an advisory body in 1964, in the aftermath of the Santhanam Committee's report on public sector corruption. Originally reporting to the Ministry of Home Affairs, it was later made an independent statutory body reporting to Parliament. In the ethics area, CVC works with all elements of government on their programs of "vigilance" against corruption, providing guidance and monitoring implementation. Like the U.S. OGE, the CVC has corresponding units within each ministry and public body that are responsible for vigilance programs. In addition, CVC scrutinizes transactions by public officials that may be improper, receives and addresses complaints of corruption and abuse of power in the administration, refers inquiries to the Central Bureau of Investigation (CBI), and monitors CBI's investigations and prosecutions of offenses under the Prevention of Corruption Act. As for external scrutiny of the CVC, its Annual Report to the President and Parliament offers one avenue for oversight, and it issues frequent press releases.

The CVC's sister agency, the CBI, is the central government's investigating arm, focusing on corruption and economic crimes, in addition to ordinary criminal offenses under its jurisdiction. It came into being in 1963, about the same time as CVC, taking over from a special bureau that had until then been part of the police force. The CBI continues to be manned by policemen employed by the government (who may freely be transfer in and out). It also lacks credibility with the public. Not a single CBI case involving a minister had lead to a conviction from 1957-1997 (but see below).⁹ The lack of credibility is exemplified in the low number of corruption reports CBI receives.

India, being a federation, also has bodies at the state level with functions similar to the CVC – many go by the name of *Lok Ayukta* – and it is the state level that approves any CBI investigation into state matters. India also has the usual array of audit, prosecuting, and inspection agencies. From this mixture, experience seems to show that CVC is gaining credibility as it gains power, a few of the state-level bodies have proven quite adept at addressing corruption, and the remainder – notably including CBI – may have reputations for professionalism but are hampered by political intrusion. (Mauritius National Assembly 2001, Quah 1999a, Narasimhan 1997, <http://cvc.nic.in>).

Major changes have been made in the respective roles of CVC and CBI since the mid 1990s. During a raid in 1995, the CBI found records of massive amounts of black market money

⁸ Much of the material for this section was provided by Aziz Ahmad.

⁹ Narasimhan, p. 258

paid to 115 high level politicians over a decade (the Jain Hawala scandal). Though it ended many political careers, not a single conviction was made. Jain Hawala did lead to a second trial, Vineet Narain v. Union of India. A public interest petition was filed against the government for its mishandling of the CBI investigation. The court took this opportunity to make major changes in the anti-corruption agencies of India. In 1997, in an attempt to save the investigating agency from unjustified political interference, the Supreme Court ruled that the central government must grant the CVC statutory status. All investigations under the Prevention of Corruption Act would be under the direct supervision of the CVC and not the executive. The Court also struck down the “single directive” clause of the CBI. In the past, this had meant that the CBI needed express permission from the central government to investigate any official above the position of Joint Secretary. The executive branch conferred all of these rights in the President’s CVC Ordinances of August and October 1998.¹⁰

Despite the above changes, the CVC continues to be hampered by the environment in which it operates. For example, vigilance offices in central agencies are often unable to furnish required reports on time. In particular, the Quarterly Statistical Returns required from all organizations/departments are significantly delayed, missing quarters, or are not submitted at all.¹¹ In addition, jurisdiction is a major hurdle for the CVC. It cannot investigate IAS (All India Service) officers, local police, or forest officers. Furthermore, the CBI must ask permission of the state to begin any investigation at the state level. Political intrusion continues to limit the power and impact of the CVC. Delays in implementing the 1997 Supreme Court ruling suggest that parliament is hesitant to grant the powers necessary to curb corruption. In March of 2000, the CVC advocated investigations of politicians for income tax violations. In response, the spokesman for the ruling party suggested that such actions could jeopardize legislation to confirm the Supreme Court order turning the CVC into a statutory body.¹²

More recently, in the Bofors case (involving a Swedish arms company and the Indian Defense Ministry), the defendants filed a motion for the case to be dropped because the CBI began investigation and issued a charge sheet without formally consulting the CVC. The defendants argue that in reality, corruption cases in the CBI aren't closely monitored by the CVC. The CVC takes more of an advisory role (not a case by case role). The defendants claim this is unconstitutional because of the Vineet v. India ruling in 1997 in which the court mandated changes in the functioning of the CVC and CBI. This is interesting because the law fulfilling that mandate doesn't exist (as a resolution at least). While the Court ruling didn't convince parliament, it is being used as precedent (rule of law) and the court plans to further clarify CBI roles when ruling in Bofors.

The general public views the internal control systems for corruption in India (the CVC, CBI and CVOs) with a sense of futility. Most obviously, the CBI is not politically free to produce the results that are needed. The Supreme Court ruling in Vineet Narain v. Union of India called for a panel of expert lawyers to assign blame in each acquittal in court. The criminal

¹⁰ Das, p. 163.

¹¹ CVC 1999 Report, p.104

¹² Raj, Ranjit Dev. “Budget fails to tackle huge black economy”. [Asia Times](#). March 7, 2000

conviction rate in India is a mere 6%.¹³ This oversight may act as a disincentive for prosecuting cases. As a CBI officer puts it,

Most criminal cases in India anyway end in acquittal. . . . because of legal lacunae, lack of witnesses. . . . The CBI already filters out a high percentage of cases to keep a high success rate. The court order will simply work as a disincentive against pursuing difficult cases with a low chance of conviction.¹⁴

Yet, a string of high-level convictions in 2000 might have made an impact on the average Indian. In October, P.V. Narsimha Rao became the first Indian prime minister to be convicted on charges of corruption. Jayaram Jayalalitha, a national party head, was sentenced to five years for illegally purchasing state owned land.¹⁵ Earlier that year, the CVC made headlines by publishing the names of over 100 public servants who were under investigation for corruption. Though it received some bad press for being sensational, in a *Hindustan Times* poll, 93% of the people surveyed approved of the site.¹⁶

In terms of performance against their anti-corruption mandate, many argue that the CVC and partner agencies have not done enough to raise the stakes for corruption. The CBI examined 6520 complaints in 1992. They only investigated 229 of those complaints. Compared to the ICAC of Hong Kong, these numbers are distressing. The ICAC examined 3312 cases in 1994. India is a much larger country with a civil service population of around 20 million. Furthermore, it is ranked the 68th most corrupt in a sample of 85 countries.¹⁷ There should be much more complaints received and investigated. As mentioned earlier, 75% of complaints come from agency-specific vigilance organizations, and less than 25% from the CBI. The public does not see the agency as their response to corruption. When the new website Tehelka.com videotaped ministers accepting bribes for defense contracts in 2000, it created a flurry of public interest. The Tehelka tapes are infinitely more influential than the CVC report on irregularities in defense deals.

The EU and Others

The European countries have taken quite disparate approaches to the institutionalization of the anti-corruption effort. One interesting example is France, which in 1993 established the *Service Central de Prevention de la Corruption*. This is an advisory body whose priority function is to centralize all information needed to detect and prevent a wide range of corrupt acts – including misappropriation, influence peddling, and self-dealing. The SCPC also provides assistance to the judiciary on corruption cases and advises central and local government bodies on prevention and reform. The SCPC commissioners are led by a senior judicial official of the rank of Principal State Prosecutor, and include representatives of relevant agencies such as audit,

¹³ Vittal, p. 25

¹⁴ Das, p. 165. Quoted in Sudha Mahalingam and Praveen Swami, “Empowering Investigative Agencies”, *Frontline*, January 9, 1998, p. 28

¹⁵ Shah, Aqil. “South Asia” *Global Corruption Report*.
http://www.globalcorruptionreport.org/download/rr_south_asia.pdf

¹⁶ Vittal, p. 23

¹⁷ Das, p. 159

taxation and customs, police, competition, and consumer affairs. The SCPC reports annually to the Prime Minister and the Minister of Justice. (Debord 1998, www.justice.gouv.fr)

The innovation here is in creating a body to deal with information and analysis relating to corruption. SCPC was originally given investigative powers under its 1993 statute, but these were struck down as unconstitutional because the agency's actions are not subject to judicial review. While it has its own professional ethic, SCPC is not structurally independent. Placing representatives of the main relevant agencies of government on the Commission appears designed to foster coordination and information exchange in this area, and also to make it more of an interministerial body than a component of the Justice Ministry. The approach here is to improve information and foster cooperation, rather than to remove to a central agency powers exercised by the police, Justice Ministry, *Conseil d'Etat*, Ombudsman (*Mediateur*), and others. The rationale for this is to make it possible for agencies with disparate missions to create a unified picture of complex corruption schemes and networks, which are made up of what would otherwise appear to be unconnected elements. (Debord 1998) In a similar vein, Ireland's Standards in Public Office Commission brings together the relevant agencies – but in this case, the agency does have investigative powers, and it reports to parliament rather than government. (OECD 1999)

Most other countries also avoid the single-agency approach. An OECD survey found that 13 of the 15 surveyed countries had “bodies with power to investigate corruption,” but only five had “specialized bodies to prosecute corruption.” (OECD 1997) As noted above, the investigative powers of the French SCPC were struck down due to constitutional concerns about lack of judicial oversight. Similarly, Britain's Law Commission found that it could not confer special anti-corruption investigatory powers on the police, lest it violate the European Convention on Human Rights. Where the UK has placed extraordinary powers is in the Serious Fraud Office, which focuses on complex fraud which in some cases entails public sector corruption. The SFO is operationally independent, although it is responsible to the Attorney General. It has the kinds of authority that ACAs have, but in the context of complex frauds – and it can receive referrals from the police. (Mauritius National Assembly 2000, www.sfo.gov.uk)

By comparison, the SFO's counterpart in Ghana has a wider remit that makes it more akin to an ACA – it deals with cases involving serious financial or economic harm to the state, which clearly includes many forms of public sector corruption. (Asibuo 2001) The Ghanaian SFO thus follows the Hong Kong, Singapore, and Botswana approaches of addressing public and private sector frauds through the same agency. This clearly has a certain logic, given the public-private nexus that gives rise to corruption. However, most countries, like the U.K., do not empower a special agency to handle both areas, but rely on cooperation and information exchange across agencies.

The Latin American countries also fit the OECD pattern. A few, such as Argentina, Ecuador, and Chile, have followed the single-agency approach discussed above. Most others appear simply to supplement their traditional institutions with special anti-corruption units placed in the Public Prosecutor and Supreme Audit agencies (e.g. El Salvador, Guatemala), or

with policy-level coordinating bodies (e.g. Mexico, Nicaragua, Panama).
([www.respondanet.com/english/anti_corruption/reports/compendio ...](http://www.respondanet.com/english/anti_corruption/reports/compendio...))

Conclusion

One should avoid exaggerating the distinction between single- and multiple-agency approaches in the anti-corruption field. Where to put the dividing line is not always obvious – at least one observer (Quah 1999a) has approached this differently from ourselves. Clearly, more than one part of government has some concern and responsibility for dealing with corruption in all the countries we have encountered. The difference lies in the extent to which powers are taken from other law enforcement agencies – or new and extraordinary powers are created – and housed in a single powerful agency designed to lead the anti-corruption effort. As suggested previously, most countries, especially OECD members, appear to have a political or legal bar to the establishment of such a powerful agency. It is also likely (but not necessarily the case) that those countries do not have an urgent need for an ACA, since they have the means to create special units within other agencies, to strengthen their laws, and to achieve the necessary coordination and centralization of information.

In the search for a useful “counterfactual,” these multi-agency examples point to the most easily accessible comparison. What if Hong Kong or Singapore had taken this approach? Conversely, what if the U.S., Britain, or France had used the single-agency strategy? Can we compare the two basic types of systems (and the variants of each) with respect to their success in carrying out the core functions (listed in part 2 above) for which ACAs have been designed? Further, does success in this area translate into effective restraint of corruption – whether in terms of cross-country corruption data, or in terms of predictive models? We will return to these issues later in the paper. For now, this discussion should provide a useful conceptual framework for the three in-depth case studies presented in the next part.

4. Original Case Studies

The existing record suggests that the single-agency approach inspired by Hong Kong and Singapore has produced some successes, but also a host of disappointments, when adopted in varied contexts across the globe. We understand some of the reasons for this, since a few cases such as Hong Kong and New South Wales are exceptionally well-documented. For the rest, information tends to be spotty. As we've suggested, understanding how ACAs perform requires some in-depth investigation. We need to know more about their inner workings, the allocation of resources, their location and relationships within the overall system, the quantity and quality of their output – and the politics surrounding them. To address these needs, we have commissioned a series of detailed case studies. To these we now turn.

In this part, we present a set of cases in more depth than those in the previous section. This presentation includes original material developed by researchers focused on three countries: Argentina, Malaysia, and Tanzania. Our review of the cases is largely drawn from original studies commissioned by IRIS and written by Professor Luigi Manzetti of Southern Methodist University (Argentina), Teresa Benedict of Transparency International Malaysia (Malaysia), and Haji Semboja and James Kajuna of the Economic and Social Research Foundation (Tanzania). More detailed data from these cases appear in the Annexes. The choice of countries was guided by a number of factors including the relative scarcity of published studies on these cases, the desire to have a mixture of geographic and political contexts represented, a practical decision to focus scarce resources on studies of agencies having fairly broad powers, and the availability of researchers and data in these countries. We begin with an overview of the agencies, then provide a summary discussion of these agencies' salient aspects, including, as above, their mandate, authority, resources, structural protections, and agency performance monitoring.

Establishment

As in the cases covered previously, the anti-corruption agencies in these three countries have been shaped by political responses to crises of governance. As expected, the strength of the challenge posed by these crises, hence the firmness of the ruling party's grip on power, plays a major role in determining how powerful is the agency that emerges. Economic conditions, and therefore resources available, are also crucial. In these conditions, policymakers take strategic decisions about the type of agency, the laws it enforces, and in general the location of various anti-corruption functions across government.

Argentina

The *Oficina Anti Corrupcion* or Anti-Corruption Office (ACO) of Argentina was created through Law 25.233 of 1999¹⁸ and Decree 102/99. Its predecessor was the *Oficina de Etica Publica* (OEP). The OEP had come into existence in early 1997, but became functional only the following November. President Carlos Menem issued a new decree (41/99) on January 27, 1999 further specifying its functions. In other words, the OEP came into effect only during the last two years of the Menem administration (1989-1999). The OEP was patterned after the U.S.

¹⁸ B.O. 1999/12/14, known as the *Ley de Ministerios*.

Office of Government Ethics and limited itself to gathering public officials' sworn statements regarding their own assets. Even in this regard, the OEP was widely considered to be an ineffective institution created mainly for public relations. Its second head, Dr. Luis Ferreira, was a medical doctor. It was directly dependent on the executive and, according to most observers, was meant to appease foreign concerns regarding the tarnished reputation of the Menem administration, which had been plagued by many corruption scandals since its inception.

During the Menem administration the public perception of corruption, according to public opinion polls by Gallup and other polling agencies, escalated to record levels. This was due to a stream of scandals involving government officials at the highest levels, which Congress and the judiciary systematically failed to investigate. As the Menem administration drew to a close, the public demand to curb corruption became one of the most important issues contributing to the electoral victories of opposition parties in the congressional elections of 1997 and the presidential elections of 1999. Therefore, there is no single scandal, like the "Mani Pulite" investigation in Italy in 1992, triggering public outrage and demand for a major change. Rather, the situation has evolved slowly over time. People were willing to tolerate corruption while Menem could make the economy grow. However, as Argentina went into a steep recession in 1998, the public was no longer willing to tolerate crooked politicians.

Between 1989 and 1992, President Menem either eliminated institutions in charge of government accountability within the public administration or appointed at their helm loyalists who would neutralize any concrete action against his administration. The Supreme Court was "packed" with pro-Menem justices by 1990, and so were the federal courts, particularly those dealing with criminal law. In Congress, between 1989 and 1997, Menem's party (the Justicialist Party, better known as the Peronists) held a working majority in both houses, which made it an ineffectual oversight institution. As noted above, the OEP was established very late and was considered a governmental fig leaf.

During the second half of Menem's second mandate (1995-99), the two major opposition parties (Radical Civic Union and *Frente Pais Solidario*-FREPASO) created an electoral alliance whose short-term goal was to win the elections for mayor of Buenos Aires and the mid-term congressional elections taking place in 1997. If successful, the long-term goal was to challenge the Peronists for the presidential elections of 1999. This new electoral alliance took the name of *Alianza*. Capitalizing on popular dissatisfaction with corruption and an ailing economy, the *Alianza* made these two issues the center of its campaign.

Fernando de la Rúa, the *Alianza* leader, made transparency the cornerstone for his successful bids first as mayor of Buenos Aires and then as Argentina's presidency. Before assuming office (Fall 1999), president elect de la Rúa decided to deliver on his promise to fight government corruption by giving this task to his future Minister of Justice, Ricardo Gil Lavedra. Gil Lavedra was instrumental in the creation of the ACO. He recruited well-respected experts in the field of corruption and criminal justice and gave them an ample mandate to create a new institution that could effectively tackle the problem. So, what seems to have occurred is that different groups within the *Alianza* coalition coming from different parties and civil society organizations put pressure on the government to deliver on its promises. The fact that the top

management of the ACO is not party-affiliated would suggest that there was no single political sponsor behind it.

Thus, the ACO was established with the intent of creating an independent institution within the public administration that could fill the vacuum created in the 1990s in terms of government accountability. In creating the ACO, its directors looked at the U.S. Office of the Inspector General and the Spanish *Fiscalia Anti-Corrupción* (Anti-Corruption Prosecutor). However, the ACO's top management tried to organize their institution based upon the realities that they faced in Argentina. The ACO has ample powers to design preventive policies against administrative corruption and to intervene as a plaintiff in anti-corruption cases. In addition, the ACO is quickly filling the role of a specialized consulting institution that provides assistance to Congress and the different departments of the public administration in transparency and corruption-related issues. It also provides state prosecutors valuable information to put together cases that are outside its own jurisdiction.

Malaysia

In its current form, the *Badan Pencegah Rasuah Malaysia* or Malaysian Anti-Corruption Agency (ACA) was established in 1997 pursuant to Section 3(1) of the Anti-Corruption Act 1997 (Act 575), which replaced a 1982 Act of the same name. It operates as a unit of the Prime Minister's Department. The ACA arose as the most recent step in a complex progression.

In 1950, the colonial government had established the Taylor Commission to enquire into the integrity of the public service. The Commission concluded in 1955 that

bribery and other forms of corruption are practiced in all the vulnerable departments but no evidence can be estimated. There is no evidence from which either the actual or the comparative incidence can be estimated. There is no evidence of their existence, except in isolated instances, but there is clear evidence of abundant opportunities and we infer that these opportunities must be taken.¹⁹

The Taylor Report included a recommendation that an agency be established to curb the practice of corruption, but the colonial government took no action, except to enact a code of conduct and discipline for public servants.

After Independence in 1957, Prime Minister Tunku Abdul Rahman appointed Shah Nazir Alam, a Senior Pakistani Police Officer, to conduct a detailed study and advise on methods of preventing corruption in the government services, and in particular the establishment of an anti-corruption agency in the government. The Shah Nazir Alam report suggested a program of moral education; amendments to the existing anti-corruption legislation, and to the General Orders to facilitate action against corrupt officers; the establishment of Federal, State and District interdepartmental committees to study corruption; and the establishment of a Special Investigating Agency, with the Federal Headquarters and representatives at State and District levels.

¹⁹ Badan Pencegah Rasuah Malaysia, 1967-1992, *Sejarah Penubuhan dan Perkembangannya* (The Establishment and Development of the Malaysian Anti-Corruption Agency, 1967 – 1992)

Acting on this Report, the government in 1959 established the first Anti-Corruption Unit, in the Prime Minister's Department (moved in 1960 to the Ministry of Home Affairs), along with a Criminal Investigation Department (Special Crime) under the Commissioner of Police. The AC Unit was administered by an officer of the Malayan Civil Service along with the Special Crime branch. The division of duties was as follows: the ACA would receive complaints, obtain information from the public and initiate cases; then, the case would be sent to the Special Crime Branch for investigation and arrests; finally, the Attorney General's chambers would prosecute the offenders. This arrangement created administrative problems and impeded consistency and coordination in the action plan against corruption. The division of labour also turned out to be inefficient, as each of the agencies had only limited jurisdiction.

To ensure uniformity and effectiveness in carrying out their functions, the government recognized the need for a new amalgamated body with an identity of its own. In 1967, a Cabinet Committee examined the weaknesses of the above arrangements and recommended the merger of the Anti-Corruption Unit, the Special Crime department, and the Attorney-General's Office into one Anti-Corruption Agency under the authority of the Inspector-General of the Police, directly responsible to the Minister of Home Affairs. The newly formed agency had four functions: investigation, prevention, research, and prosecution. The ACA's staff was recruited from the ranks of the police. The establishment of this Agency included a provision for government review after two years, with a view to possibly detaching the Agency from the police force.

Another expansion of the ACA's powers occurred during the emergency period following the May 1969 race riots. The ACA could freeze and seize any property of a government servant suspected of corruption. The Anti-Corruption Agency's Director General would act as the Public Prosecutor during the emergency period and need not obtain either prior approval or orders from the Minister of Home Affairs. As the powers of the ACA widened, its limitations became more apparent. First, its human resources became more and more strained. Most of the staff and officers were seconded from other government departments and thus could be recalled to previous duties at any time. Additionally, these seconded personnel had a problem of "dual loyalty": loyalty to their own department as well as loyalty to the ACA. This eroded the professionalism of the ACA force, since a considerable amount of time went to acclimatise the officers to their jobs and provide them with skills, which could not be used when they returned eventually to their home departments.

Second, political leaders recognized the need for a more independent ACA. The discovered problems along the way which hindered its investigations. It would make recommendations for reforms giving it additional powers, amending its structure, augmenting its personnel, etc. For example, the Emergency (Essential Powers) Ordinance, 1970 arose in the aftermath of the controversial 1969 elections, where there were serious allegations of corruption among politicians. The elections had caused the ruling party to lose a number of seats. Though the agency had information on these corruption allegations, it was unable to prosecute the offenders, as the witnesses did not want to come forward.

The National Bureau of Investigation was established in 1973 to replace the previous anti-corruption agency. The wide-ranging powers of the NBI included investigation of corruption cases not only in the government but in public bodies, the private sector, and government contractors. The new Act provided additional powers to investigate criminal breach of trust violations and other kinds of commercial offences. Under the Prime Minister's confidential Circular #1 of 1974 (renewed in 1994), the NBI also obtained the power to investigate and seize files and documents of any government department. All this led to a shift in the type of people arrested by the Bureau: while most of the arrests by the NBI's predecessors were members of the public, NBI increased the proportion of civil servant arrests. From 1973 to 1982, there was an increase in the number of prosecutions for corruption related cases, including the prosecution of the Selangor Chief Minister. The Chief Minister, a member of the ruling coalition, was charged with several offenses, including misappropriation of approximately U.S. \$300,000, in connection with the 1969 elections. He was ordered to return some of the monies that belonged to the ruling Muslim party (UMNO-party affiliation).

Despite such successes, however, the NBI's broad jurisdiction combined with continuing human resource limitations to undermine the Bureau's efforts to prevent corruption. In 1980, Prime Minister Mahathir Mohamad requested a review of the role and powers of the NBI. The review suggested that, to achieve its primary objectives, the NBI should deal with only corruption cases. The NBI had too wide a scope, including criminal breach of trust, fraud, and other violations. If this situation continued, the Bureau would not be able to focus its efforts on combating corruption. The Anti-Corruption Act of 1982 changed the name and jurisdiction of the agency. Further, steps were taken to improve the skills and performance of the agency through internal restructuring of the ACA.

The current ACA derives its mandate from the Anti-Corruption Act of 1997, and it covers all instances of corrupt activities, whether they arise from the public or the private sector, the civil service or the public at large. Prevention of corruption receives more emphasis now than in the past with a three-pronged strategy of Information, Education, and Communication. In July 1997, the then Deputy Prime Minister explained in Parliament that among the objectives of the new anti-corruption laws was the strengthening and harmonization of existing anti-corruption laws. The legislation aimed to incorporate new and better provisions on preventive efforts and investigative powers, as well as higher penalties against offenders.ⁱⁱ

The ACA is charged with implementing a Policy Paper called "*Vision and Mission of BPR towards Achieving Vision 2020 – Challenges and Strategies (1996-2000)*." Phase I of the program (1996-2000), now completed, focused on the public sector. Some of the successes of this phase include the passing of the Anti-Corruption Act 1997, the establishment of the Special Cabinet Committee on Integrity headed by the Deputy Prime Minister, and the reinforcement of the existing Management Integrity Committees in all government departments. The ACA has also played an active role in the re-education of directors of public listed and private limited companies, working closely with the Securities Commission, and Registrar of Companies. The

ongoing Phase II (2001-2005) will focus on the private sector. The experience so far is that existing laws are sufficient to cover offences committed by the private sector.

Tanzania

In Tanzania, the *Taasisi ya Kuzuia Rushwa* or Prevention of Corruption Bureau (PCB) was established in its current form in 1991, and then strengthened in 1995. Its predecessor, the Anti-Corruption Squad, came into being in 1975, under Act No. 16 of 1971.

Two factors necessitated the formation of the original agency in the 1970s. One was the change of economic policy under the rubric of “Ujamaa” (African Socialism) beginning in 1967, in which the state became the main actor in the economy and the few privately owned production and service firms were nationalized. Parastatals took over management of the nationalized concerns as well as formation of others as needs arose. However, abuse of power and corrupt practices soon emerged in the parastatal sector. Secondly, the provision of social services such as education, health, and water supply required administrative decentralization – and this was put in place in 1972. This meant a larger bureaucracy controlling authority and resources, which lead to an increase in abuses.

The 1971 Act (as amended) governs the operations of the PCB. The core functions of the Bureau under this Act are essentially the same as the Hong Kong ICAC’s: (1) corruption prevention (this was added to the agency’s mandate in 1991); (2) identification and investigation of corruption cases; and (3) raising public awareness. By law, the Bureau is free to investigate all forms of corruption, whether grand or petty, involving either senior or junior officials.

In 1995, newly-elected President Benjamin Mkapa restructured and strengthened the PCB. The Bureau had been suffering from a number of weaknesses. First, it essentially played the role of another police department, with a weak institutional network that limited its independent functions. Second, its role was not publicly known. Third, applicable civil service conditions made it difficult to recruit professional and committed staff. Increasing outrage about corruption leading into the election period, combined with the inadequacies of the PCB as then constituted, led to the appointment of the Presidential Commission of Enquiry Against Corruption (known as the Warioba Commission) to examine the problems and form strategies to address them. The Commission’s report created a sensation, and its momentum helped carry President Mkapa into office, where he took some early dramatic steps such as declaring his own assets and dismissing over 1,000 government employees on suspicion of corruption. (Sedigh and Muganda 1999) Among many recommendations given by the Commission was strengthening the PCB. The 1995 reforms purported to make the agency independent in its performance – including autonomy in recruitment, a separate budget, and power to investigate and prosecute without political interference by the government.

President Mkapa had several motives in pursuing these reforms. He had made this part of his political campaign platform, and therefore needed to implement what he had promised. He also wanted to address the issues of transparency and misallocation of resources, as it these were perceived to be major political issues in the “Second Phase” Government (1985-1995) of Ali Hassan Mwinyi. Last, by this time, the fight against corruption was clearly emerging on the

international aid agenda – both generally and specifically in Tanzania. The World Bank and IMF showed signs of not being satisfied, and signaled the likelihood of reduced aid flows to highly corrupt countries.

Responsibilities and Powers

In this section, we review the main functions, structures, powers, and immunities of these agencies. They share a similar basic blueprint with the ACAs described previously under the “single agency” rubric, but practical details differ in important ways.

Argentina

In Argentina, the mission of the Anti-Corruption Office is to pursue cases of corruption that affect the public administration, its deconcentrated agencies, and organizations receiving public funds. The ACO enforces criminal and administrative laws having to do with fraud against the Federal Government, as well as white-collar crimes and asset declaration requirements within the public administration. It also monitors the enforcement of the Inter-American Convention Against Corruption. The jurisdiction of the ACO is therefore within the executive branch at the national level – and excludes the legislative and judicial branches, as well as provincial and municipal governments. Civil servants, both past and present of any rank, are in principle subject to the jurisdiction of the ACO.

The specific functions of the ACO, and its powers in these areas, are as follows:

1. Receive complaints and charges from individuals or public officials.
2. Start preliminary investigations against those who are suspected of corruption (as defined by the Inter-American Convention Against Corruption). In all cases, investigations will be carried out by the ACO without any prior green light from other government institution.
3. Start preliminary investigations regarding all institutions or associations that either directly and indirectly receive, as their principal financial resource, government funds. This is done when there is enough circumstantial evidence that irregularities may have been committed in the administration of such funds.
4. Refer to the judiciary those allegations that, according to the preliminary investigations, may constitute a crime.
5. Litigate, within the limits of its jurisdiction, cases where the Federal Treasury has been negatively affected (i.e. as a civil plaintiff, a party in interest in a criminal case, or an applicant in an administrative case).
6. Administer and collect the sworn financial disclosures of government officials, and assess conflict of interest cases.
7. Develop programs to prevent corruption, and promote transparency in the public administration.
8. Provide technical assistance to government institutions aimed at preventing corrupt behavior.

The ACO can select and pursue cases within its jurisdiction. Three main criteria guide the selection of cases: a) economic, b) social, and c) institutional. The *economic* criterion is based

upon a quantitative analysis. All cases are examined but only those cases *whose amount is regarded as large and serious enough to have substantially affected the functioning of a given government institution* are investigated. Cases involving over one million pesos (currently U.S. \$281,000) are always investigated. The *institutional* criterion is qualitative in nature. Cases are investigated when *their magnitude and gravity prevent a given government institution from accomplishing its institutional mandate and functions*. The *social* criterion is used to determine if a corrupt act may *affect a significant number of people who are supposed to receive services from an institution* under investigation. ACO Chief Massoni signs off all actions by the agency based upon the suggestions of the two Directors (Garrido and de Michele). There seems to be a high level of cooperation among these three individuals. In addition, lower staff can make suggestions to be submitted to the top management, which eventually decides whether or not to accept them.

The major weakness of the ACO rests in the immunity area. Its members are not shielded from legal actions against them while performing their duties. To date, however, no suits have been filed, but this remains an area of concern to be addressed in the future.

The ACO is comprised of two units whose duties are as follows.

<i>Dirección de Investigaciones (Investigation Unit)</i>	<i>Dirección de Planificación de Políticas de Transparencia (Transparency Policies Planning Unit)</i>
<ul style="list-style-type: none"> -- Receives charges from individuals or government institutions regarding illicit acts. It then analyzes whether, according to the criteria of the plan of action, such acts are of institutional, social, or economic significance. It inquires, in preliminary fashion, into those cases that falls into these categories. -- Advocates administrative actions and civil and criminal judicial proceedings and whichever other measure that it deems adequate according to the case at hand. It also follows up on such cases once they are in federal court. -- Evaluates the information provided by the mass media related to the existence of irregular acts within its realm and, as appropriate, starts the corresponding procedures. -- Analyzes the information related to its jurisdiction produced by SIGEN and the Auditoría General de la Nación (AGN-the legislative branch oversight institution). 	<ul style="list-style-type: none"> -- Develops and proposes to the AOC's head an action plan and the criteria to determine those cases of institutional, social, and economic importance. -- Develops studies on administrative corruption cases and their nature. It also plans policies and programs aimed at corruption prevention and repression. -- Recommends and assists government institutions in implementing preventive policies and programs.

The planning unit can also commission opinion polls, undertake interviews, and request relevant documents and information. Moreover, this unit administers the civil servants' sworn financial asset disclosure statements. It evaluates and controls their content, and analyzes those cases that may constitute illicit enrichment, conflict of interest, and incompatibilities with the civil servants' duties. All high- ranking civil servants are required to disclose their financial

assets. This also applies to civil servants who occupy positions through which federal funds are administered directly. Last, in the planning area, SIGEN (Sindicatura General de la Nación--the executive branch oversight institution) is in charge of reviewing plans and notifying the ACO if discrepancies have occurred in their execution.

The ACO has been very active through a variety of initiatives in providing policy advice, opinions, and cooperation to other government institutions, including the President's Chief of Staff Office; Congress; Federal prosecutors and courts; several line ministries; Customs; and international organizations and foreign governments. The ACO has also delivered workshops on corruption and accountability to improve the oversight operations of different units of the federal administration and non-governmental organizations.

Malaysia

The Malaysian Anti-Corruption Agency's functions are to:

- Investigate and ensure prosecution of corruption offences (as well as attempts and conspiracies);
- Prevent and curb corruption in the public services and in public bodies, by examining practices and procedures that may be conducive to corruption, and seeking revisions;
- Investigate the conduct of civil servants; and
- Educate the public against corruption and foster public support in combating corruption.

Along with the Anti-Corruption Act 1997, the ACA enforces relevant parts of the Penal Code, the Customs Act 1967, and the Election Offences Act 1954. What these statutes lack are provisions for corruption-related crimes such as prostitution and gambling -- i.e. syndicated crimes. Also, other forms of white-collar crime such as fraud, tax evasion, stock manipulation, corporate self-dealing, etc. come under the purview of the Commercial Crimes Bureau of the Police Force and not the ACA. Fortunately, the new Anti-Money Laundering Act 2001 and the Mutual Assistance in Criminal Matters Bill 2002 provide important powers for addressing cross-border offences. The Anti-Money Laundering Act 2001 enables the ACA to track ill-gotten assets deposited abroad by those involved in corruption, and thus limits the offender's opportunities to escape investigation.

The Agency's officers have all the powers of police officers. The ACA also has the power to investigate reports and complaints (and on its own initiative), to examine or interrogate persons, to carry out searches and seizures, and to arrest people. Under the present structure, the ACA conducts the investigations and then refers the case to the Attorney General, who decides whether more evidence is needed and ultimately whether a case should be prosecuted. Thus, the ACA Director General has administrative powers only – the prosecutorial powers of the office (for example, issuing orders for investigations) were removed in 1997. In addition, the Public Prosecutor has the following powers, and can authorize the ACA to exercise them:

- to obtain information from persons suspected of corruption, any relative or associate thereof or any officer of any bank or financial institution;
- to authorise interception of communications; and
- to amend or revoke any order or notice under the Anti-Corruption Act 1997.

The Agency does not have the authority to select cases – it investigates all complaints. It is the Attorney General who ultimately decides whether a case is taken to court or not.

Concerning protection of confidentiality, Section 53(1) of the 1997 Act prohibits disclosure of the identity of the person who provides information to an ACA officer, and all other circumstances relating to the information, including the place where it was given – nor can any Court, tribunal or other authority order that such information be disclosed. The Act also provides that once a report has been lodged with the ACA, the writer of the report cannot discuss or divulge any information about the case to anyone else. This confidentiality requirement is critical for facilitating investigations, as well as for the security of witnesses.

The immunities of ACA officers are derived from Section 54 of the Anti-Corruption Act:

no legal proceedings, civil or criminal, shall be instituted against any officer of the Agency or any other person assisting such officer for any act which is done in good faith or for any omission which is omitted in good faith by such officer or other person.

ACA officers also enjoy all the immunities of police officers.

There are eight divisions in the ACA, each with its own specific functions:

1. Intelligence Division – detecting and receiving evidence of corrupt practices, through surveillance and intelligence.²⁰
2. Investigation Division – receives, considers, and investigates complaints alleging corrupt practices.
3. Prosecution Division – reviews ACA Investigation Papers and recommends a course of action to the Attorney General regarding prosecution of the cases.
4. Communication and Education Division.
5. Monitoring Division – studies systems and advises departments with a view to remedy weaknesses that could provide opportunities for corruption.
6. Training Division.
7. Management Services Division.
8. Policy Planning and Coordination Division.

There are ACA offices in each of the 14 states headed by a State Director, and 9 branch offices in 6 large states.

Tanzania

The functions of Tanzania's Prevention of Corruption Bureau are spelled out in Act 16/1971. In 1999 a National Anti-Corruption Strategy and Action Plan, (NACSAP, 1999) was approved

²⁰ The functions for the divisions are taken from the ACA Annual Report 1999. The Division structure was amended in 1996 to provide an early warning system for corruption in large government corporations. (Langseth 2001)

by the cabinet to further enable the bureau carry out its mandate under the law. According to NACSAP the anti corruption watchdog should employ a two-prong strategy of prevention and deterrence:

Prevention: One aspect of this concerns institutional studies, advice to government agencies, and reforms aimed at closing loopholes and reducing opportunities for corruption. The second aspect of prevention involves community education, i.e. sensitizing the public about what corruption is, the evils of corruption, and where to report corruption-related activities.

Deterrence: This means combating corruption through identification, investigation and prosecution of corruption cases – although prosecution is possible only with the consent of the Director of Public Prosecutions. The Bureau identifies corruption cases through links with police and security systems, news media, complaints by the public, and research on the performance of public and private institutions. When information about corruption cases is reported to the bureau, the bureau has power to initiate action – and may do so selectively, by considering the nature of the case and the information available. There has been no formal attempt to define criteria for case selection. However, in the current Parliamentary Budget Session the Minister Responsible for Good Governance clarified the differences between political corruption and traditional mutual assistance through eating/drinking together (“*takrima*”) – implying that practices close to the traditional form do not merit investigation.

Protection for witnesses, whistleblowers, informants and reporters is still under discussion currently, since there is no legislation addressing confidentiality. However, informally investigators do protect the confidentiality of the investigations as well as the identities of witnesses and informants.

The structure of the agency is as follows. PCB is under the President’s Office, (PO). A Director General manages it, assisted by the heads of the four departments:

1. Administration and Personnel
2. Investigations
3. Research, Control and Statistics
4. Liaison and Community Education.

The Management Committee of Directors, chaired by the Director General, (DG) meets regularly to assess the needs and evaluate the performance of the Bureau. During these management committee meetings, directors for the different departments make performance reports to the Director General.

Safeguards and Relationships

To what extent do these agencies enjoy operational autonomy and supportive relationships with other components of government? None is formally independent, but their operational freedom and the obstacles posed by complementary agencies vary considerably in practice.

Argentina

The performance of the Argentine Anti-Corruption Office is not guaranteed by stringent formal safeguards. Rather, its factual independence of action and its effectiveness seem to depend more on political dynamics and relationships.

Vertical Reporting: The ACO is a special unit of the Ministry of Justice and Human Rights and responds directly to the Ministry and ultimately to the President of Argentina. It has no structural safeguards or guarantees of independence. On paper, this status could severely limit the ACO's ability to pursue its mandate independently. Its members are political appointees under provisional contracts. However, interviews with several of the ACO's top managers and political analysts in Buenos Aires point to the fact that, since its creation, its non-partisan staff and its effective work to date have made it possible for the ACO to shield itself from political interference. Indeed, although five presidents have been in charge of Argentina since December 1999, none of them have made any direct effort to obstruct its work. This is due in part to the good reputation established by the ACO as well as its visibility with the media, which would surely generate bad press should the institution face a major assault on its independence.

The ACO is supervised by SIGEN, which checks the agency's compliance with confidentiality rules. Also, individuals can file law suits against the ACO in federal court. Our preliminary investigation shows that the SIGEN so far has had a good relationship with the ACO and did not start any proceedings against it, nor are there lawsuits against the ACO from individuals or other government agencies. The confidentiality of individual data is protected under the stipulations of Law 25.326. The agency is also bound to observe clear rules in its investigations under Decree 467/99.

The ACO chair is responsible to the Minister and the President. The chair has the rank of Secretary of State (this is the rank immediately below that of minister) and is appointed and removed by the President upon the advice of the Minister of Justice and Human Rights. All staffers can be removed with little notice since they are appointed under "provisional" contracts. That is, they are not regarded as full time civil servants but rather as political appointees.

Recruitment of ACO officials is not based on open competition. Rather, former Justice Minister Gil Lavedra was left with ample discretion to recruit the staff for the new institution. His main objective in recruiting the senior staff was to retain officers who are widely perceived as competent and who offered guarantees of impartiality. Massoni is a magistrate with a long career in the federal judiciary and is not aligned with the major political parties (Peronist and Radical). He also played an important role as an adviser on the creation of the *Consejo de la Magistratura* (judicial oversight body) in 1994. Gil Lavedra also appointed Garrido and de Michele. The senior staff, once appointed, proceeded to recruit the middle and lower ranks making up the ACO. In so doing, they first interviewed the existing staff of the OEP, which consisted of about 25 people plus some consultants. Only 30 percent of these people were retained while the others lacked the necessary qualifications and were let go.

Horizontal Relations: Also important for the effectiveness of the ACO are its relationships, both across government and outside it. These seem to vary substantially. The

ACO's relationship with the courts has been poor. The ACO on several occasions has found the courts to be either uncooperative or too slow in addressing the cases it has brought to them. Some judges have questioned the constitutionality of the ACO, while others are thought to have been stonewalling – i.e. imposing delays not justified by procedural requirements. The ACO is on better terms with the state prosecutor's office, since in many cases the ACO has started investigations that prosecutors have found useful in their own inquiries. The relationship with the federal police has so far been good as investigators have been very cooperative in assisting the ACO with its own inquiries. The relationship with Congress has also been fairly good as the ACO has provided technical advice to several legislators working on bills aimed at creating greater transparency in government.

The relationship with the President has been much more distant. Shortly after assuming office, President de la Rúa lost interest in the ACO's role and this is even more so under current President Eduardo Duhalde. Under the de la Rúa administration, the ACO signed with former Chief of Staff Chrystian Colombo an agreement (Decree 103/01) to assist the government in its plans to modernize the state, prevent corruption and coordinate efforts with national and international institutions to this end. The Office of the Chief of Staff pledged to secure the enactment of new norms to help the ACO in this task, and financial support for the purchase of needed computer software to create a new data-base. However, since de la Rúa resigned, the implementation of this program has slowed down considerably.

Relations with line ministries were stronger during the de la Rúa administration, but are much weaker now, partly due to the change of personnel at the head of all ministries and partly because the current administration has not made the fight against corruption a priority. By contrast, the relationship with SIGEN, the ACO's supervising agency, has been cooperative according to senior SIGEN officials. This is in part due to the fact that the ACO, since its inception, has provided SIGEN a lot of documentation that the agency found useful in performing its oversight job. According to SIGEN's top management, the ACO has been instrumental in SIGEN's efforts to uncover government waste as well as illicit behavior within the public administration.

The ACO seems to have a good, informal, rapport with Argentina's main NGOs concerned with transparency issues. The same is true for think-tanks and universities. The ACO provides these organizations public information about its activities, and opinions on issues of concern. The ACO also has a very good relationship with some of Argentina's leading pollsters, including Gallup Argentina and Mora y Araujo & Associates, which provide the agency with current public opinion data regarding corruption and transparency issues. Moreover, the ACO has begun a collaborative effort with important Argentine and foreign companies operating in the country to improve corporate governance standards. As for the media, the relationship seems to be very supportive. The main newspapers (La Nación, Clarín, Pagina 12) have some of their leading reporters covering the ACO activities and checking in on weekly basis. This has helped in giving the ACO visibility in the printed press. Moreover, some of the most important radio stations regularly cover the ACO's findings on corruption issues.

Still, the problems facing the ACO are many. The following are the problems mentioned most often by ACO staffers. First, the lack of independence is a serious issue. Political intrusion has recently become a factor. Peronist congressmen close to both former President Menem and President Duhalde are arguing that the ACO should be disbanded altogether to

reduce the government budget, but the real reason behind this seems to be the ACO's investigations affecting people close to both politicians. Second, the staff are still employed under temporary contracts, hence are subject to sudden dismissal. This could be remedied by a simple administrative initiative, but there is little chance that this can happen in the near future. Third, the budgetary situation remains very uncertain and subject to further cuts, which would hamper the ACO's ability to fulfill its mandate. Fourth, the ostracism and lack of collaboration by several judges has often frustrated the efforts of ACO staffers. In forty-nine cases, the ACO had to defend its right to appear in the lower courts, despite the federal appeals courts' recognition (on two occasions) of the ACO's right to do so. Fifth, the legislation could be improved by facilitating ACO activities, but there is little political will from the executive branch to help in this regard. An example would be creation of protections for whistle-blowers, which would encourage honest civil servants to come forward without fearing retaliation from dishonest managers. Furthermore, despite a lot of debate about it, Argentina still lacks the equivalent of a Freedom of Information Act.

Malaysia

The Malaysian Anti-Corruption Agency seems to have greater operational freedom in practice than its formal structures admit. Unlike its Argentine counterpart, the ACA lacks a strong constituency outside government – but can rely on effective cooperation with government.

Vertical Reporting: The ACA operates as a special unit within the Prime Minister's Department. There are many other "independent" agencies that come within the Prime Minister's Department, like the Elections Commission and Attorney General's office. These agencies, like the ACA, are ostensibly set up within the Prime Minister's Department for administrative purposes, i.e. budget, recruitment, and building allocations. The ACA reports regularly to Parliament, and it is this accountability – along with the professionalism of the staff and the agency's support base within and outside government – that provides it a measure of independence. Also supporting this are the ACA's other lines of accountability. One of these derives from the division of powers between investigation and prosecution. The investigative powers of the ACA are checked by the Attorney General's power to give orders to obtain further evidence necessary to secure the successful prosecution of a case. Also, the ACA, like other government agencies, must comply with public service codes of ethics, Treasury circulars, and the like.

The 1997 Act provides that The Yang di-Pertuan Agong (the King) shall, on the advice of the Prime Minister, appoint a Director-General of the ACA for such period and on such terms and conditions as may be specified in the instrument of appointment. The Director-General's position is an open post, meaning that she/he can be recruited from any other government agency. The position is usually contracted for a period of two years, subject to renewal. The Director-General is directly responsible to the Prime Minister, who can recommend that a Director General be removed. In the past, only one Director General has been removed from office for misconduct prior to the completion of his contractual term. There is a proposal by the ACA that a two-year term is too short for effective and sustained anti-corruption initiatives, and that a fixed term of four years would provide the Director General with greater security of tenure. Two deputies i.e. Deputy Director General (Operations) and Deputy Director General (Prevention) assist the Director General.

One can gain some insight into the politics and perceptions surrounding the ACA – and its independence and accountability – by referring to parliamentary debates on the 1997 bill. For example, Mr. Lim Kit Siang, an opposition leader, spoke about the bill under review.²¹ One of his main concerns was the limited access given to NGOs and the public to the legislative drafting process, and the need to involve civil society actors in order to increase the credibility of the bill, as well as to promote the goal of “enlisting and fostering public support in combating corruption” (see Section 8(g) of the final Anti-Corruption Act).²² Mr. Lim proposed several amendments to the bill, such as an inclusion of the definition of “corruption” in Section 2, provision for annual public declaration of assets by Members of Parliament, and restoration of the ACA Director General’s powers as Deputy Public Prosecutor. Mr. Lim also suggested the ACA be made accountable only to the Parliament, thus ensuring its “independence, impartiality and professionalism.”²³ He opposed Section 20 of the Bill, which imposes a U.S. \$26,000 fine, ten years’ jail, or both for any person who makes a false statement on corruption (see section 19 of the 1997 Act). Another proposed amendment was to protect Malaysians’ civil liberties by requiring a Magistrate’s approval for prolonged interception of communications (Section 39 in the 1997 Act) by a Magistrate. To safeguard against abuses of power by the Attorney General, Mr. Lim proposed to set up a Parliamentary Review Committee to review cases submitted by ACA to the Public Prosecutor but never prosecuted. None of these recommendations were adopted.

Horizontal Relations: The ACA has effectively drawn on support from other parts of government. One obvious reason is that it is an offense under the Act for public bodies not to cooperate with the ACA. Section 28 of the 1997 Act makes it an offense to obstruct investigations. Also, since the 1997 Act has provisions that take precedence over other legislation, there are in principle no conflicts in applicable laws and regulations. The ACA is not perceived as suffering from overt political intrusion. Not much initiative has been displayed by Members of Parliament in the campaign against corruption, other than rhetorical support and questioning – but other elements of government appear to be strongly supportive. The Director General briefs the Prime Minister on the current level of corruption in the country, and seeks the latter’s advice on issues of policy. The Prime Minister is also briefed on high-profile investigations, and is said to be very supportive of the ACA’s initiatives to fight corruption.

Cooperation with closely associated agencies appears to be strong. Approximately 16 Deputy Public Prosecutors are assigned by the Attorney General’s office to work on ACA cases. These Deputy Public Prosecutors scrutinise the Investigation Papers and give orders to facilitate the investigations. These prosecutors are not permanent staff and are transferable. The ACA also uses its own senior officers to prosecute cases, though only in the lower courts. The ACA works closely with the Police in investigations, search, seizure, and arrest. Additionally, the ACA and Police recently established a Joint Committee to Combat Corruption, whereby the Director General of the ACA and the Inspector General of the Police meet regularly to promote cooperation between the two structures. Cooperation with the police helps expedite investigations, disciplinary actions, and the sourcing of information. The ACA uses the services

^{vi} Lim Kit Siang, “Speech - *Anti-Corruption Bill 1997*” at Dewan Rakyat, July 28th, 1997.

²² Ibid.

²³ Ibid.

of the Auditor General, consultants, and its own resources to conduct audits for its investigations, should a particular case require one.

On the non-governmental side, the ACA works cooperatively with Chambers of Commerce, the Institute of Directors, and Securities Commissions, besides Transparency International (TI)-Malaysia. The Policy Planning and Coordination Division was in charge of press conferences and press releases in 1999 (there were about 15 press releases from the Department in 1999). Due to the confidentiality requirement, information about ongoing investigations and reports lodged with the ACA is not divulged. As for cases that have been or are being prosecuted, the press can obtain reports through the Courts and the Attorney General's office. The ACA has a Public Relations department that works on press releases. The Agency provides statistical information to the media. To ensure that sensitive information that would affect investigations is not revealed, only the Director General makes statements about cases that are being investigated. The Director of Investigations and State Directors can also give press statements, based on established guidelines and prior approval of the Director General.

Tanzania

The Tanzanian Prevention of Corruption Bureau comes under the President's Office, and so supervision and directives on policy flow from the Presidents Office to the agency. There are no formal guarantees in law or administrative practice to safeguard the independence of the Bureau. Nor has the PCB thus far garnered the necessary public support and credibility to act independently. The Director General of the Bureau is appointed by and responsible to the President of the United Republic of Tanzania on all executive matters of the Bureau, and reports to the Chief Secretary in the State House on administrative and finance matters. The Director general has no fixed term, but serves at the will of the President. The President alone has the authority to remove or sanction the DG if she/he does not live up to the expectations of the public. These expectations are addressed through the government's Annual Report on the State of Corruption. There is also a Control and Evaluation Committee, chaired by the Chief Secretary, that oversees the performance of the Bureau, but its findings are not published. Moreover, neither parliament nor any citizens' committee has formal oversight authority for the Bureau.

As for the PCB's relationships with other agencies, these in principal are important to its success, but are not highly supportive in actuality, it seems. PCB does not benefit from an express legal duty on the part of other agencies to cooperate and facilitate its work. However, the agency is located at the pinnacle of government, in the President's Office, and hence should be able draw on the full power and prestige of the chief of state. This is buttressed by the existence in the President's Office of the Good Governance Coordinating Unit, a body charged with ensuring coordinated government action on the anti-corruption strategy, and with providing policy guidance to the PCB in accordance with that strategy. The Unit aims to sustain the momentum built in the mid-1990s by the Warioba Commission, President Mkapa's anti-corruption campaign platform, and the development of Tanzania's first national anti-corruption strategy. These factors, along with PCB's placement at the apex of government and of anti-corruption strategy, have been enough to extract commitments of support from other relevant

actors in government. These include the DPP; the Commission on Leadership Ethics, which reviews asset declarations and enforces the public service code of conduct; the police; the judiciary; and line ministries. Also, PCB's collaboration with NGOs and the media has been significant.

However, this surface picture of accord clearly does not carry through into effective action against corruption (see below). There are a few explanations for this. Most obviously, neither PCB nor its key collaborators has sufficient capacity to rein in corruption. This is clearest in the case of the judiciary, which has a large and long-standing case backlog. This seems to have resisted the efforts of Tanzanians and foreign aid donors in the field of judicial reform. Similarly, the police and the DPP cannot pursue the full range of corruption cases in a timely way. PCB's institutional linkages to these entities in practice are not strong enough to overcome the capacity constraints. The cooperation of the public has also apparently been slow in coming, due to public antipathy, fear, and lack of awareness of PCB and its mission.

Looming above all this is the political equation. President Mkapa did not assume office as the head of the ruling party – that role, in actuality, still belonged to Dr. Nyerere, who continued to command CCM party loyalists until his death, and was known to be unsupportive of reforms that posed a threat to the party's dominance. Also, the usual coalition-building plays a role, with the chief of state and the ruling party being beholden to a range of economic and sectional interests. Informed observers would agree that, even assuming the President continued to have the strongest possible interest in combating corruption, his actual power to do so is significantly constrained by political factors. Lacking a strong independent political base, PCB's power can only be as great as the President's.

Resources

How well-resourced are these agencies? The Malaysian ACA is by far the richest. The ACO of Argentina is smaller, but it had equivalent resources on a per-professional basis until recently. The retrenchments and the currency devaluation in response to current economic crisis have taken a severe toll. Tanzania falls in-between in terms of staff numbers, and salaries for its senior most staff are converging with the averages for the Argentine ACO after massive salary cuts and devaluation.

Argentina

The Argentine ACO, in the short time since its founding, has gone from being a well-resourced agency staffed by highly paid professionals to a more typical Third World ACA suffering from shortfalls in funding, underpaid staff, and diminishing morale. The recent macroeconomic crisis brought about this shift.

Personnel: The ACO counts on 30-odd employees. The bulk of the technical staff (about 18) have law degrees and a few have backgrounds in accounting and economics. Aside from the top management, the staff are divided into the following three broad categories: technical (lawyers and accountants), clerical (secretaries), and support (drivers). The last two categories were inherited from the OEP and tend to be a bit overstaffed and underqualified due to the

previous patronage system. The technical staff may need to be augmented, since the volume of work has increased over time, and due to budgetary cuts some of its members have been laid off. Moreover, since the beginning of the Argentine economic crisis in December 2001, some staff members have left due to low salaries. The ACO can also hire consultants on short-term contracts for specific tasks.

The top managers come with strong credentials. Massoni and Garrido have distinguished credentials in administrative and criminal law. De Michele comes from private practice where he worked in a law firm specializing in anti-corruption activity for almost a decade. He also headed *Poder Ciudadano*, Argentina's best-known anti-corruption NGO, and has worked as a consultant for foreign governments and multilateral lending agencies, including the World Bank. Most of the lawyers working for Garrido and de Michele come from government oversight institutions (SIGEN, AGN), the municipality of Buenos Aires, NGOs, or private practice.

The technical staff have been recruited, interviewed, and hired by Massoni and his two deputies. These are all administrative appointments. Apart from some employees retained from the OEP, staff have come from other government oversight agencies and the judiciary, with a smaller number from the private sector. The criteria used are a mixture of merit and personal contacts. The technical staff, including Massoni's deputies, are hired on temporary contracts. Technically the staffers are all political appointees and therefore belong to a different hiring regime than the public service generally. The management style at the ACO is rather informal and ad hoc. Performance evaluation is done by both Garrido and de Michele and reported to Massoni, but there does not exist a clear procedure or written guidelines. There have not been disciplinary actions yet, but given the provisional contract conditions of the entire staff, should major violations occur, immediate dismissal would be easy. There does not seem to be any formal in-house training. Much of it is done informally by the top management while analyzing cases on a day-to-day basis.

ACO staff receive the same retirement benefits and health coverage as their colleagues in the same function in the civil service. The compensation is very hard to assess at this juncture due to the economic problems that Argentina is suffering. In March 2001, the Ministry of Justice cut salaries across the board by 70 percent as a means to reduce its expenditures. Since the one-on-one parity between the Argentine peso and the U.S. dollar was abandoned in December 2001, inflation has jumped 26 percent while stipends have remained the same. Due to these conditions, morale across the public administration, including the ACO, is very low. In January 2000, salaries were very competitive. The top management of the ACO could earn as much as U.S. \$11,500 monthly. Technical staffers could make U.S. \$4,000-\$5,000 monthly. Compared to the private sector, prior to the devaluation, these salaries were competitive. Nowadays the top salaries do not exceed U.S. \$1,000 per month, depending on the exchange rate.

Budget: There are three financing sources for the ACO – but no fiscal autonomy. One comes from the federal budget as part of the Ministry's allocation, a second one is from taxes charged by the Ministry of Justice and Human Rights on specific services, and the last one is a fund from the World Bank, supervised by the AGN.

In the year 2001 the allocated budget according to article 13 of the National budget was U.S. \$ 4,592,000 of which \$2,545,000 was actually spent. Of the budgeted amount, 72% was

dedicated to personnel costs; and of expenditures, 56% were for personnel. Law 23.283 and 23.412 provide additional resources for payments of full time and short-term contract employees. The budget allocated under this rubric was U.S. \$1,097,000, of which \$975,000 was actually spent. An additional ad hoc source of financing came from the World Bank (DF 027.282) to strengthen the institution. The total amount disbursed was U.S. \$201,000, of which \$109,000 was spent – IT support and training were the largest items here – and the rest will be used in 2003. Hence the 2001 budget and actual expenditures from all sources were, respectively U.S. \$5,890,000 and \$3,629,000. Audit control of the use of these funds is exercised by the AGN. The large divergence between budget and expenditure is surely due to Argentina’s austerity measures in response to its deep economic crisis, which included a 70% across-the-board cut in Ministry of Justice salaries.

Malaysia

By comparison to its sister agencies in Argentina and Tanzania, the Malaysian ACA is well-resourced. On the other hand, the ACA’s personnel and budget are fully subject to civil service rules and ministerial budget decisions.

Personnel: Each year the ACA submits a request for human resources to the Public Services Department. In 2001, the number of requested staff was 1,227 officers: 813 for “closed” (permanent) positions and 414 for “open” (seconded) positions. However, only 1,067 positions were actually filled in 2001 (702 closed positions and 365 open positions). The staff in “closed service” positions is nontransferable and, therefore, they are deemed to be permanent. Support staff can be transferred to another department. The ACA only hires consultants and experts occasionally, when the need arises.

The difference between the figures for requested and filled positions implies that the ACA is somewhat understaffed for the duties it needs to perform – though not drastically so. The ACA has experienced a human resource shortage throughout its institutional history. However, drawing on the ranks of public servants instead of the police and increasing the ratio of “closed” versus “open” positions, improved the situation. The ACA has also worked on increasing the attractiveness of the Agency’s compensation packages, as compared to the police, the armed services and other government agencies.

The appointment of ACA officers is provided for in Section 4 of the Anti-Corruption Act 1997. In practice, there are basically two levels of recruitment: recruitment of support staff and that of the professional and management level. Staff recruitment is done through the Public Services Department. However, ACA personnel themselves fill certain positions, usually at the rank of Sergeant (closed service). The ACA does not recruit members from the police force, although it has received applications from police officers. Support or administrative staff can be recruited on secondment from other government agencies or departments. The problem with seconded personnel is that the ACA feels an obligation to send them back to their home departments, so as to allow them promotion opportunities in the parent organization. One benefit of this process of secondment is that it builds networks within different government organizations.

The salary scale for ACA personnel of all ranks is the same as in other government departments or agencies. The ACA, however, offers a special allowance to the staff immediately upon recruitment -- unlike other types of allowances that are only made available after a certain number of months of public service. Recently, the Government has introduced a New Remuneration Scheme with higher allowances for public servants.

There is an initial on-the-job training, as well as subsequent courses on prosecution, intelligence gathering, prevention, and management course. Upon recruitment, all personnel are required to undergo a compulsory three months training, conducted by the ACA. Senior officers of the ACA conduct in-house training programmes. Special training programmes for the different ranks are also organised by the Institute for Public Administration. Specialist courses on prosecution, intelligence gathering, prevention, and management are sought in Great Britain and the United States.

Prior to joining the ACA, recruits go through a thorough police screening. The ACA staff are also bound by the Public Offices (Conduct and Discipline) Regulation 1993. Promotions are based on seniority, performance, and merit. The heads of divisions make recommendations to the Public Services Department. Performance reviews are conducted on an annual basis. There is a special disciplinary unit within the ACA. A complaint of indiscipline would be investigated by the disciplinary unit and reported to the Disciplinary Board headed by the Director General. Sanctions include warnings, salary and promotion freezes, suspensions, demotions and terminations.

Budget: According to the ACA Annual Reports of 1998 and 1999, these were the allocated budgets:

- 1998: U.S. \$8.4 million
- 1999: U.S. \$10.1 million.

According to the above reports and information furnished to us by ACA, expenditures for the years 1998 through 2001 (actuals for 1998-9, estimates for 2000-1) were:

1998	1999	2000 (est.)	2001 (est.)
U.S. \$7.8 million	U.S. \$9.4 million	U.S. \$11 million	U.S.\$10.6 million

Of these expenditures, investigation and management services each comprised on average 31% of the total. Intelligence expenditures rose from 2% in 1998 to an average of 10% for 1999-2001.

The Agency has no fiscal autonomy and draws all support from the government allocation. The ACA submits its budget proposal to the Treasury, which then tables it in the Parliament. The ACA does not have a separate line in the national budget, as it comes under the Prime Minister's Department budget. The ACA can ask for an additional budget allocation through a special allocation request. One indication of the adequacy of the agency's support is its number of computers: 614 in all, for a ratio of staff per computer of just under two to one.

Tanzania

Personnel: The Prevention of Corruption Bureau has a total of 412 employees (up from 142 in 1995), distributed as follows:

- Investigation 177
- Community Education 16
- Research, Control and Statistics 17
- Administration and Personnel 24
- Support staff 178.

PCB is thought to have insufficient trained staff, although existing technical personnel are mostly university graduates. The PCB has various capacity building programs to enhance knowledge and specialized skills of key personnel. Due to increasing demand and capacity constraints, the PCB intends to recruit more staff.

The DG and the four department Directors are appointed by the President. Other professionals fall within the Civil Service, and the relevant employment regulations apply. The posts are advertised in country-wide newspapers, a shortlist is compiled, and then senior officials and an outside expert interview and grade candidates before decisions are made. Those with the highest points are employed on a temporary basis. They become permanent employees after attending a three-month Course organized by the Bureau and passing a final examination. Promotions are considered every two years, and are based on a similar grading system.

Employee salaries and other benefits are set in accordance with the Civil Service Regulations. The regular salary scale runs from approximately U.S. \$120 to \$500 per month. Beyond this, appointments and promotions are by Presidential appointment, and salaries are in accordance with the senior (Administrative Bureau) scale, which goes up to a maximum (for the DG) of U.S. \$900 per month, plus living allowances up to U.S. \$200. Evidently, these salary scales are far from being competitive with the private sector.

Every new employee of the Bureau should attend a three month compulsory Basic Training Course, and pass the exam. There is also a compulsory Intermediate Course, intended to make the officers more competent in their investigation work. Up to now the Bureau has not offered this course and some of the officers have been attending courses outside the country. A Senior Command Course is envisioned as the next step for leaders of the Bureau at regional and district levels, and heads of sections at the headquarters, but this has not yet been offered.

Disciplinary measures follow the Civil Service rules. Officers who contravene the ethical code of the Bureau are usually relieved of their posts. For contravention of other regulations applicable to government employees, staff are given three warnings and then may be subject to a range of administrative sanctions such as fines, expulsion, retrenchment, demotions and transfer.

Budget: The PCB's budget is a component of the overall budget for the Office of the President – there is no separate line in the public sector appropriations. As with other components of government, the PCB budget varies with the government's general fiscal position, and aid funds are used to fill gaps, especially in capital expenditures. The process of compiling the budget also follows that of other government units. The Permanent Secretary, State House collects proposals from all departments and regional offices under the Office of the President, and submits this to the Minister of State, Civil Service to be presented to the parliament's annual budget session.

The approved budgets for the last two fiscal years were as follows:

- 2000-1: U.S. \$3.25 million
- 2001-2: U.S. \$4 million.

Approximately 80% of the PCB budget goes toward administrative (recurrent) expenditures, and personnel compensation comprises some two-thirds of this.

Performance Monitoring

This final section of the case study discussion deals with the ACAs' performance measurement and monitoring system, along with the actual performance data reported by these agencies. As with most such agencies, available figures mainly focus on output and efficiency. We defer our consideration of the meaning of this data to the next part of the paper.

Argentina

The Anti-Corruption Office sets its strategic objectives at the beginning of each year, and these provide the benchmark upon which its internal evaluation is performed. The internal review is covered in the agency's semi-annual and annual reports, which point to the accomplishment of many key objectives. The ACO estimates that its actions have allowed the federal government to save some U.S. \$11 million. It has also started judicial proceedings aimed at recovering \$113 million in funds that it believes were poorly administered. External evaluation of the ACO is handled by SIGEN. The latter's reports are confidential, but interviews point to a satisfactory review both in 2000 and 2001. The AGN is responsible for the oversight of donor funds used by the ACO.

In the area of financial and asset disclosures, the ACO has achieved almost a 100 percent compliance rate by the civil servants obliged to file disclosure statements. Compliance increased from 67 percent under the OEP (the ACO's predecessor agency) to 99.9 percent under the ACO. There is also a marked improvement in terms of voluntary filings. One reason for this, as reported by the ACO, is the reduction in the cost per filing from U.S. \$70, under the old paper system, to U.S. \$8 under the current web-based system (according to ACO estimates). This use of the internet has enhanced the visibility and accessibility of the ACO, when compared to the OEP – prompting a much greater number of queries from both the media and civil society. (ACO statistics)

In the field of investigations, the ACO reports an increase in efficiency between 2000 and 2001 in terms of unsolved cases (-9 percent), hence an increase in the proportion of cases solved. Moreover, there was a 14 percent increase in cases under judicial investigation. Since December 1999 the ACO started 1,784 investigations of which 81 percent have been concluded, and a total of 489 have been referred for judicial proceedings (including 317 in 2001). In 31 cases, the ACO has intervened as a plaintiff, and in 43 cases the ACO decided to monitor the proceedings in court. Of these cases, 44 resulted in prosecutions, in 20 cases judges threw out the case for lack of probable cause, and in four instances the case was dropped. Most investigations have concerned high-ranking civil servants.

Some of the above cases concerned financial and asset disclosures. The ACO found that 89 filings may have been deceptive, according to Art. 268 of the Criminal Code. Of these, 35 cases are still being investigated and 54 were referred to the judicial authorities. In the area of conflict of interest, the ACO has launched 331 investigations, completing 317. Most of these – 253 – found no illegality, while in 35 cases the ACO made recommendations to the individual involved for avoiding potential conflicts of interest. The remaining cases were resolved either by referral to administrative agencies or courts, or by steps taken by the employee in question. Last, in the area of incompatibility with public office, the ACO opened 58 cases of which 57 percent were solved, 29 percent are still pending, and 14 per cent were sent to other agencies of the public administration.

While it is too early for definitive conclusions, the above indicators are suggestive. On the one hand, it is probably safe to say that if one did a random poll of Argentines, most would not know of its existence. Interviews with political analysts, journalists, academics, and foreign diplomats who know these issues quite well, invariably portray the ACO as a very dynamic, well managed, non-partisan, and pro-active institution in the fight against corruption. Most interviewees suggest that for the first time in Argentina there is an agency that seems clearly devoted, against great odds, to bring some transparency and accountability into government. In the very cynical climate that dominates Argentina today, such good standing is quite remarkable.

Malaysia

The Director General is the key person who monitors the performance of the Anti-Corruption Agency through a reporting system whereby State offices and branches are required to submit monthly, quarterly, and annual reports. The Auditor General conducts selective financial and performance audits on all government agencies. An audit of the ACA would come under the heading of the audit of the Prime Minister's Department, and the Auditor General would then present its findings to Parliament. (To date, no performance audit has been conducted on the ACA.) Thus the ACA is part of the regular government audit system – but with one exception. There is a Secret Fund under the control of the Director General that is not subject to the usual government audit. An internal process within the Agency audits this Fund and strict procedures are followed before disbursements from this fund can be made.

The Public Services Department processes asset disclosure forms, which are required of all public officials – but does not examine them. Ministers declare their assets to the Prime Minister. Persons under investigation have the burden of proof to identify the source of their income. Also, under the provisions of the current Anti-Corruption Act, the ACA has the power

to ask for a disclosure in the course of an investigation. The Agency can ask for an explanation, and if the answer is not satisfactory, it has the power to seize assets. However, the procedure for requesting a disclosure is cumbersome, and in effect means that the ACA does not have full authority to investigate cases based on living beyond one's means. Initiative has been taken by the Agency to rectify this weakness. Also, the ACA has its own process of monitoring the take-home pay of its officers.

The ACA documents its performance in published annual reports. The Annual Report 1999 states that a total of 360 prosecutions were conducted throughout the country for the fiscal year, of which 147 (41%) comprised new cases or charges, and 213 (59%) were cases outstanding from the end of 1998. Prosecution of 152 or 42% of cases was completed for 1999. Additional case statistics are summarized in the tables below.

Total Investigation Papers opened, by type of offense, 1998-9

<i>Type of Offence</i>	<i>1998</i>	<i>1999</i>
Prevention of Corruption Act 1961	7	2
Anti-Corruption Act 1997	481	406
Emergency (Essential Power) Ordinance No. 22 of 1970	5	1
Penal Code	1	4
TOTAL:	494	413

Source: ACA Annual Report 1999, Table 4 (pp. 26-27).

Comparison of Arrests by category of person, 1998-9

Category	1998	1999
Management & Professional	15	18
Officials/Support Staff	182	136
Private Individuals/Private Sector	103	127
Politicians		2
TOTAL	300	283

Source: ACA Annual Report 1998, Table 8 (p. 45); ACA Annual Report 1999, Table 5 (p. 27).

Comparison of Trial Decisions of ACA Cases for the year 1998 and 1999

Year	Convicted	Acquitted and Discharged	Discharged not Amounting to Acquittal	Charge Withdrawn	Total
1998	114 (61%)	59 (32%)	14 (7%)	-	187 (100%)
1999	89 (59%)	56 (37%)	7 (4%)	-	152 (100%)

The ACA has clearly been active in fulfilling its mandate in terms of investigations, and it has gained a reputation for professionalism. However, there are lingering concerns about its independence from political intrusion. Some view the agency as a tool of government, pointing out that its efforts focus on small rather than big “fish” – with the agency countering that it has in fact investigated ministers, and that elite “businessmen-politicians” are in any case difficult to catch if they engage in corruption. One hopeful indication of ACA’s accountability is that complaints about its staff can be taken to a separate Public Complaints Bureau. (Langseth 2001)

Tanzania

The PCB, like other ACAs, has internal and external evaluation systems. The internal process involves an evaluation committee within the Office of the President, chaired by the Chief Secretary and including the Director General and other senior officials of the PCB as members. The committee reviews PCB's performance, and transmits its findings and directives to all Directors and regional offices. PCB is also subject to external scrutiny by the Auditor General. The Bureau publishes an annual report, and is also subject to public evaluation against the benchmarks established by the National Anti-Corruption Strategy and Action Plan. For example, two Tanzanian NGOs have been producing an *Annual Report on the State of Corruption in Tanzania*.

In its annual reports, the Bureau has noted an increase in reported corruption cases, from 432 in 1998 to 1461 at the end of 2000. These include reports from government departments, parastatals, political parties, and the private sector. As of March 2001 there were 103 cases in different Courts around the country. During 2001 there were eight convictions, one acquittal, and eleven withdrawals in court cases arising from PCB investigations. The table below indicates the number of cases investigated and action taken from different sectors. Unfortunately, PCB statistics do not provide the total breakdown of "closed" cases into successful and unsuccessful ones – but judging by the number of convictions obtained in 2001, the overall (1995-2000) success rate is likely to be exceedingly small.

PCB: Reported Complaints and Steps Taken 1995 – 2000

YEAR	PUBLIC	PRIVATE	POLITICAL PARTIES	UNDER INVESTIG.	CLOSED
1995	217	23	16	168	37
1996	390	45	6	291	127
1997	418	82	3	322	131
1998	325	104	3	352	80
1999	950	131	7	1014	74
2000	1311	88	62	1128	328
TOTAL	3611	473	97	3275	777

SOURCE: PCB Department of Research, Control and Statistics, 2001

The *State of Corruption* report researchers have also looked at PCB's performance to date against the targets set in the NACSAP. They found, for example, that PCB recruited 217 new employees, falling short of its planned 300 due to stringent criteria and screening. PCB met its internal training and transparency goals. PCB also aimed to secure revisions of the Prevention of Corruption Act, 1971, so that it could prosecute cases without prior approval by the DPP – it secured only a partial revision allowing it to prosecute under section 3 of the Act. On public awareness, the researchers report the following outputs: 12 public meetings, 225 seminars, 157 radio programs, and 48,800 brochures and leaflets. PCB was to have put in place a code of ethics for its investigators, but has managed only to produce a draft. Of most concern

to the researchers was the rate of case disposal and prosecution at PCB. For the period 1995-2000, some 3% of cases were reportedly prosecuted and 91% were still under investigation. However, this record is not necessarily attributable to PCB – the agency’s structural limitations and the need to secure cooperation from other departments plays a major role in this outcome. On the whole, the researchers reported that PCB is not perceived as being either independent or successful in its mission.²⁴

Conclusion

What do these stories tell us? Zooming in to this depth of description and analysis affords us a better sense of the choices facing policymakers in setting the parameters for these agencies – and of the consequences of those choices. The cases presented here also provide a helpful contrast with the most prominent examples in Part 3. In particular, exogenous conditions play a dramatically important role in agency performance – the macroeconomy in the case of Argentina, the political environment and the quality of complementary institutions in the case of Tanzania. In Malaysia, these conditions have been highly supportive in the past two decades, and this shows in the ACA’s results. This supports the notion that the successes of Hong Kong and Singapore are exceedingly hard to reproduce. Both astute internal design and conducive external conditions are needed to make success possible. We will address these points in more detail in the next part.

²⁴ Case study produced by ESRF (2002).

5. Assessment and Conclusion

What are we to make of the experiences of anti-corruption agencies that we have just reviewed? What can we say overall about the value of these agencies? About whether and how to set them up? What do we know, what don't we know, and what must we do to know more – and make better choices in this area?

Here, we bring together the threads of the various cases discussed in Parts 3 and 4 for a final assessment. First, we examine the results to see which agencies have performed best, and we review their experiences to determine which of the proposed success factors have the most explanatory power. Next, we suggest some broader lessons to be learned from these cases, and last, we make some recommendations concerning policy and further research.

Explaining Success and Failure in the Mission

How well did the agencies reviewed in this paper perform in terms of their mission and goals – and why? Enabling statutes or the ACA's own public information will usually describe the mission as one of preventing and deterring corruption through several types of activities. As mentioned in part 2 above, the activities fall into the following categories:

- Receive and respond to complaints
- Intelligence, monitoring, and investigation
- Prosecutions and administrative orders
- Preventive research, analysis, and technical assistance
- Ethics policy guidance, compliance review, and scrutiny of asset declarations
- Public information, education, and outreach.

Most of the ACAs reviewed here report some data on their performance in these areas. A few of them (e.g. the Hong Kong ICAC and the U.S. OGE) publish benchmarks against which their performance can be measured.

Performance Measures:

How do the ACAs compare on performance of their missions? Comparative performance data are summarized in Table 10 (Annex 1). It is difficult to base any analysis on these data alone, due to their incompleteness and lack of uniformity. The contrast between the two premier agencies, the Hong Kong ICAC and Singapore's CPIB, is instructive. ICAC reports comprehensively on its outputs, outcomes, and efficiency – while CPIB only provides its efficiency benchmarks, without reporting any performance numbers. Comparing the Hong Kong ICAC with its counterpart in New South Wales illustrates the problem posed by the lack of uniformity. Even though the agencies share almost a common blueprint, they take vastly different approaches to case selection. The Hong Kong ICAC pursues every case that comes to its attention, while the NSW ICAC refers most cases to other agencies, selecting only a few strategic ones to pursue. Thus, the numbers on investigations completed, prosecutions, etc. are not comparable. Also, the NSW ICAC reports on the percentage of its studies and recommendations that have been considered or adopted, while its Hong Kong counterpart reports

only the total number of studies for the year. Worse still, agencies such as the U.S. OGE, the French SCPC, and India's CVC have dramatically different mandates from the ICAC-model agencies, and so cannot meaningfully be compared.

In light of the above, what can we say by way of comparing the performance of the anti-corruption agencies reviewed above? We can, first, compare the agencies in terms of performance of the six core tasks listed above. Any conclusions to be drawn from this will need to take into account the different approaches, contexts, and data reporting across countries. Secondly, we can make a broader qualitative assessment of the agencies' performance, looking at their reputations, the quality of their outputs, and the overall professionalism and cohesion of their activities.

Here is how the agencies compare on performance in the six task areas (numbers on an annual basis, various years):

Receive and respond to complaints: The Philippines (9739), followed by India (total cases received: 5762), had the largest intake in terms of raw numbers. However, on a per capita basis – and given the reported levels of corruption in those countries – these numbers are in effect quite low as compared to Hong Kong's (3777 total new cases). New South Wales (1509) and Botswana (1475) had lower totals, but were still competitive on a per capita basis (and in light of reported corruption). Botswana's total is especially remarkable, since it reports 74% of complainants as having voluntarily identified themselves. Hong Kong is the only country reporting on its efficiency in handling complaints.

Intelligence, monitoring, and investigation: In this area, the data are not uniform. Some countries report the numbers of investigations started, i.e. Argentina (1784), Botswana (390), and Tanzania (1128). Others report completed investigations in various ways, i.e. NSW (6 investigative reports), Ecuador (322), India (3568 investigation reports received), Malaysia (413), and Uganda (98). It is hard to make any sense of these data. Numbers of completed investigations seem more meaningful than numbers of investigations started – but neither gives any indication of the quality and focus of the effort, nor the outcomes.

Prosecutions and administrative orders: Here again, the reporting is disparate. Some agencies report overall numbers, while others report actions taken by prosecutors and administrative supervisors, and a few report both – viz. Argentina (317 referrals, 44 prosecutions), NSW (10 prosecutions, 10 disciplinary proceedings), Ecuador (79 referrals), Hong Kong (504 prosecutions), India (59 prosecutions), Malaysia (152 prosecutions, Tanzania (94 prosecutions over 6 years), the Philippines (2,209 prosecutions by the Ombudsman itself). The Philippines far exceeds the other countries in prosecutions, but there is a problem of comparability, since its ACA is the only one with authority to prosecute on its own. New South Wales reported only 10 prosecutions, but this is surely a result of the narrow focus of its investigations – the number of referrals without investigation is not reported. Numbers and percentages of convictions are perhaps more telling, for the few that report them: Argentina (does not report convictions, but did report about half of prosecutions being dismissed), Hong Kong (302 convictions, for a 60% success rate), Malaysia (89 convictions, for a success rate of 25%), the Philippines (514 cases in which penalties were imposed, or 23%). By this measure,

Hong Kong is by far the successful, while Malaysia and the Philippines report more modest success. Again, the numbers do not convey the quality of the proceedings, nor the harshness or deterrent effect of the penalties imposed.

Preventive research, analysis, and technical assistance: Only a few ACAs report results in this area, i.e. NSW (17 reports, 265 recommendations of which 148 fully implemented), Hong Kong (106 government studies, 260 private sector requests for preventive services), and the Philippines (10,583 preventive assistance requests addressed). These numbers are not really comparable, since they do not indicate the scope of the assistance activities counted. The most telling number is perhaps NSW's 56% success rate in having its recommendations fully implemented.

Ethics policy guidance, compliance review, and scrutiny of asset declarations: Most of the ACAs covered here do not process asset declarations. Of these only, Argentina reported on this (a near-perfect compliance rate).

Public information, education, and outreach: Here too, there was little reporting. Numbers are published by NSW (3 conferences, 5 training events), Botswana (145 presentations), and Tanzania (12 public meetings, 225 seminars, 157 radio programs). The volume of activity seems uninformative, especially since one would probably expect the quality of the NSW ICAC's few outputs to be quite high, and since Tanzania's impressive level of activity is not matched by either public credibility or success in its overall mission. The Hong Kong ICAC does not include such figures in its reports.

Overall, these numbers indicate volume of activity more than they do quality or success. Hong Kong and New South Wales seem to report the most impressive data on outcomes, although other agencies report higher levels of raw output. Malaysia and the Philippines appear to be next in rank. The outcome numbers for India and Tanzania seem especially disappointing. Since Singapore does not report results, we can only make inferences from perceptions of its quality and the long-term results, which are impressive.

Explanatory Factors:

In order to explain differences in performance among ACAs, we return to the factors presented in part 2 above (Box 1). We find that some of these factors do appear to have a certain predictive value, while others do not. We review each factor in turn:

Establishment: The success of an ACA depends on its being carefully situated from the start within a set of well-defined supports. These would include a comprehensive anti-corruption strategy, careful planning and performance measurement, realistic expectations, and strong enough political backing (across class/party) to make it effective regardless of (political and personal) consequences. The agencies that seem to score highest on these measures are those in Hong Kong, Singapore, Malaysia, Uganda, and Australia/NSW – i.e. largely those that are also the most successful. The agencies in Botswana and Tanzania benefited from strategy development in the aftermath of scandal, but fell short in the areas of political backing, planning, and expectation-setting. In the Philippines, Korea, and Ecuador (perhaps Thailand as well), there

does not appear to have been either sufficient political backing or wide consensus on strategy. In Argentina, the agency got off to a strong start in these areas, but has faced severe challenges due to the economic crisis.

Focus: The ACA itself needs to be strategic in defining its focus in a way that will maximize its effectiveness. For example, an agency could focus on prevention and monitoring government implementation of anti-corruption policy (foregoing a comprehensive mandate, as in Korea); its jurisdiction could be mainly prospective (only limited concern with past cases, as in Hong Kong); it could choose cases selectively, based on clear standards (as in Argentina and NSW); or it could deal only with the probity and reputation of the public service (as in the U.S. and India). The Hong Kong ICAC model discourages focus and selectivity – the only decision taken to limit ICAC’s jurisdiction in Hong Kong was the 1977 amnesty, which enabled the agency to clear away a huge potential backlog. Similarly, Singapore, Malaysia, and Botswana have eschewed selectivity in favor of comprehensiveness – but Singapore still managed to sequence its proactive agenda in a way that suited its needs. In Botswana, by contrast, comprehensiveness appears to have created an overwhelming workload for DCEC. The agencies in Uganda, Thailand, and the Philippines also have large and varied responsibilities, with no clear mechanism for paring these down. By contrast, Argentina and NSW have explicitly focused their investigations on cases deemed strategic. It appears that clarity of focus is indeed consistently associated with success – except where massive resources are available (Hong Kong).

Accountability: This comprises such things as the application of legal standards, the availability of judicial review, systems for public complaints and oversight, a requirement that the agency answer to all branches of government and the public, and precise and comprehensive expenditure accountability. Some commentators also suggest keeping the agency’s size, as well as the “free” support given by aid donors, to a minimum. Of all the agencies, Australia’s NSW ICAC is the one that seems to meet all these criteria unequivocally. The Hong Kong ICAC seems to meet all but one – the size limitation – and this, interestingly, is the one that Singapore’s CPIB meets most clearly. Apart from internal monitoring of CPIB within the President’s Office, it is the agency’s small size – together with its professionalism – that keeps it within some bounds. Only the Hong Kong and NSW agencies have citizen oversight committees, and these agencies, along with Malaysia’s ACA and the agencies in the Philippines, Thailand, and Ecuador, report to parliament. Like CPIB, the agencies in Argentina, Korea, Botswana, and Tanzania are subject to audit and oversight within government, not outside it. However, the Argentine ACO and Botswana’s DCEC also publish their annual reports. All of these agencies are subject to judicial decisions when their cases are brought to trial, but only Hong Kong, the Philippines, and Australia/NSW appear to exercise effective judicial restraint on investigative methods and detentions. Overall, accountability is not uniformly associated with success in terms of ACA goals – indeed it is frequently a hindrance, stopping or delaying agencies from taking desired actions. Still, many of the successful ACAs are strongly accountable, but this is probably an outgrowth of the rule of law, which seems to be more consistently associated with success (see below).

Independence: This in some cases arises simply from outside accountability, sometimes from the agency’s placement and line of responsibility, the appointment and removal procedures

for top officials, or some form of fiscal autonomy. The most important sign of independence is the absence of political intrusion into the agency's operations. As noted above, many of the agencies have some (non-trivial) form of outside accountability – the exceptions being Singapore, Korea, and Tanzania. Interestingly, not many agencies have formal independence or fiscal autonomy. Those in Australia/NSW, Uganda, the Philippines, Ecuador, and Thailand are structurally independent. These same agencies, along with Hong Kong's ICAC, have fiscal autonomy in the form of their own budget line provided by parliament. In some cases, a combination of outside accountability and strong political support from the press and the public can overcome the absence of formal guarantees of independence. This is most obvious in the case of Hong Kong, and also true of Argentina and Malaysia. Another compensating factor seems to be the professional and non-partisan nature of senior staff, notably in Singapore and Argentina. In sum, formal independence is no more a cause of success than accountability. De facto autonomy, on the other hand, enables ACAs to operate on a consistent and professional basis with relatively little partisan intrusion – and in most environments, this mode of operation is important for success.

Powers: Observers have suggested that a successful ACA will have strong research and prevention capabilities, along with the authority to do the following: access documents and witnesses, freeze assets and seize passports, protect informants, monitor income and assets, propose administrative and legislative reforms, and exercise jurisdiction over the chief of state. Here again, the NSW ICAC meets all these criteria – and its credibility is underlined by its successful prosecution of the provincial executive not long after its creation. Hong Kong's ICAC can do the same in principle, and it has nabbed some “big fish.” However, it has not brought down a governor, and its ability to do so has come increasingly into doubt since 1997. Leaving aside jurisdiction over the chief executive, the agencies in Singapore and Malaysia appear to exercise the other powers effectively – perhaps all too effectively, as a result of limited judicial scrutiny. Other agencies have most or all of these powers on paper, but frequently cannot put them into effect due to lack of coordination, weak capacity in cooperating institutions, and political factors. In short, it is an agency's ability to exercise these powers in practice that contributes to its success.

Staff: Agencies in this field, as in others, depend on well-trained personnel – including sufficient numbers with highly specialized skills. Staff should also be well-compensated, subject to integrity reviews and quick removal, and endowed with a strong ethic of professionalism, integrity, and high morale. Hong Kong, Singapore, Australia/NSW, and Malaysia lead the way here – along with the U.S. and other leading industrial countries. Argentina attempted to follow this pattern, but its economic crisis has severely reduced compensation levels, thus diminishing the ACO's ability to recruit and retain highly professional staff. The other countries considered – notably Uganda, Tanzania, Ecuador, India, and the Philippines – appear to have considerable difficulty recruiting, paying, and training personnel of sufficiently high quality. Botswana, Thailand, and Korea are in a better fiscal position, but the integrity of recruitment processes and agency procedure are subject to some doubts. While one cannot specify a benchmark number of staff, due to the variations in agency design and context, it is quite clear that a sufficiency of highly professional, well-compensated, and motivated employees is strongly associated with success.

Other resources: These include sufficient funds, adequate facilities and assets, and high-level information sharing and coordination with other government bodies. The picture here is essentially the same as for personnel. The overall budgets of these agencies (apart from Hong Kong's) do not correspond closely with strong capability and success. Singapore's CPIB had a budget of \$3.23 million in 1991-2, considerably less than most of the other agencies, and yet has highly compensated and qualified staff, as well as a strong reputation for effectiveness. Singapore's relatively small size and population, and CPIB's ability to compel cooperation without great effort, would account for some of the difference. On the other hand, Singapore has a much larger economy than most of the countries reviewed here – as does Hong Kong, which spent about 20 times as much on ICAC. As of 2000-1, the budget for Tanzania's CPB was at the same level as CPIB's budget in 1991-2 – a much larger amount as compared to the size of the economy and of fiscal resources, but a much smaller amount in terms of the size, population, and range of governance difficulties experienced. In short, the size of the budget doesn't tell us much. A country that is serious about restraining corruption will allocate sufficient funds, and ensure that they are well-used.

Complementary institutions: The stated criteria here include adequate laws and procedures, basic features of the rule of law including functioning courts, free and active media, an active community of NGOs and public interest groups, and other capable institutions such as supreme audit and central bank. This list of criteria seems to cut in two directions. On the one hand, the most successful ACAs do seem to operate in environments characterized by effective laws, procedures, courts, and financial system governance – and ACAs are not successful in the absence of these factors. On the other hand, civic factors such as free media and capable non-governmental watchdogs are not as clearly associated with ACA success. Their relatively low profile in Singapore and Malaysia -- and their relatively high profile in such countries as Argentina, Uganda, Korea, the Philippines, and India -- suggest that these conditions are neither necessary nor sufficient for success. On the other hand, media and civic organizations have helped make a fundamentally open and cooperative approach to corruption control successful in Hong Kong, Australia, and the U.S., and have likely been important to modest successes achieved in the other countries cited above.

Other exogenous conditions: Another set of necessary background conditions would include macroeconomic stability and the absence of crippling distortions, and an environment where corruption – though it may be deep in a few sectors – is not entrenched across the whole system. One could argue that Argentina's ACO had very good prospects for success, but that the economic crisis has made this impossible. Similarly, poverty and economic shocks in many African countries, including Tanzania and Uganda at various times over the last decade, have undermined even promising initiatives. As important, corruption that touches virtually all of government and the private sector makes it impossible for an anti-corruption program to gain traction. There are too many opposed interests with the power to undo it. This appears to be the case in India, the Philippines, Tanzania, perhaps Argentina, and some other countries and regions not discussed here – e.g. Indonesia, several Latin countries, and most of the former Soviet Union (apart from the Baltics), Africa, and the Middle East. The apparent outliers – Hong Kong and Singapore – actually fit the above profile. They were able to attack widespread entrenched corruption in a situation of accelerating economic prosperity, when the top officials in government undertook an honest and credible program of suppressing corruption through

dramatic measures. It was the dramatic measures themselves that were unusual, and were made possible by the peculiar city-state contexts. Moreover, these measures arguably were not necessary to defeat corruption over the long-term, but they were critical to the goal of a rapid reversal.

Lessons

What are we to conclude from the varied experiences just discussed? As we have suggested, neither the information base nor our understanding of how anti-corruption agencies affect overall governance quality is sufficient for us to draw hard and fast conclusions. However, the record does suggest some lessons and some recommendations to guide future action in this field. To these we now turn.

Overall, the record of experience with ACAs seems by and large to support both the applicability of the success factors discussed in Box 1 above, and the hypotheses presented in Box 2. Again, spotty and inconsistent information makes rigorous documentation of these findings difficult. In more specific terms, the following lessons emerge from the record:

Establishment: The “constitutional moment” of establishment seems to be critically important, at least for agencies that operate in contexts that are effectively pluralistic. This means capturing the momentum created by scandal and crisis, gaining consensus on a reasonably clear and realistic strategy, and mobilizing the resources to implement it. Totalitarian regimes, and even “lite” authoritarian regimes such as those of Singapore and Malaysia, can to some extent do without this, relying instead on hierarchical command and social norms of rule-obedience.

Environment: Exogenous conditions, such as macroeconomic stability, public order, and the existence of effective complementary institutions (e.g. courts, audit agency, media), are equally fundamental. It is possible (though proof is unavailable) that these conditions themselves are sufficient to bring about the desired anti-corruption results without the need for a single powerful ACA – or that an ACA has impact by helping bring about such conditions. What does seem clear is that agencies absolutely need these prior conditions to succeed. The Argentine case shows the necessity of macroeconomic stability, while Uganda and Tanzania most clearly illustrate the need for effective and cooperative partner institutions.

Powers and Resources: The capabilities of the agency – in terms of powers, well-trained staff, budget, and capital resources – also play a central role in success. What we cannot say with any confidence is how much of a given capability or resource an agency will need in the abstract. There is no minimum or maximum size, no standard budget or number of investigators. Clearly, the staff cannot be so few as to be overwhelmed by their caseload, and it is also clear that the professional staff need to be highly trained and motivated – and such personnel are extremely difficult to find in significant numbers in most poor countries. A successful ACA cannot be run on the cheap. A small, comparatively inexpensive agency such as Singapore’s CPIB invests a very large amount in compensation, training, technology, and support for each professional. Besides this, Singapore facilitates the agency’s operation by giving it strong

coercive powers and relieving it of any duty to mobilize or account to the public (one might think of these last as off-budget costs).

Safeguards: Both accountability and formal independence seem to be somewhat overrated in the literature – at least as they affect an agency’s performance strictly in anti-corruption terms. Formal independence, like formal dependence, can be overridden by political factors. It does appear, however, that an agency’s de facto autonomy to operate in a professional and non-partisan manner increases its prestige, hence its ability to mobilize political support and cooperation for its aims. Accountability has much the same effect. It moreover affords observers within and outside government the opportunity to monitor the agency’s performance and to propose corrections. Obviously, from a broader perspective considering civil rights and democracy, accountability and independence are desirable in their own right.

Focus: The element of focus turns out to be more fundamentally important than expected, and is underemphasized in the literature. No agency can cope with an unlimited mandate. Choices must be made. One approach is that of the Hong Kong ICAC, which has broad anti-corruption jurisdiction over the public and private sector – and interprets this as requiring it to pursue every allegation, without imposing selection criteria. One could consider this a “social contract” between ICAC and the people of Hong Kong, in which the citizens offer support and trust, in return for which ICAC handles all cases big and small – “without fear or favor.” Certainly, this is one way to avoid any hint of flawed or self-interested choices. It also seems to conform to the “broken window theory,” whereby every infraction, no matter how trivial, must be addressed in order to deter more serious offenses and to arrest a potential slide into a high-corruption equilibrium. This approach appears to enable social forces opposing corruption to gain the upper hand and sustain a low-corruption equilibrium. However, in Hong Kong this required a huge, and hugely expensive, agency.

At the other extreme, the New South Wales ICAC in Australia seems to take a “test case” approach, choosing to pursue only those allegations (and only those institutional reform studies) that will result in high-impact action. Argentina does something similar, using its social-political-economic weighting, but is less selective. A selective approach seems to require both a strong ability to justify such choices, and capable alternative institutions to pursue cases on referral. NSW ICAC thus sticks to a relatively narrow focus, in the interest of using scarce resources strategically. This works in an environment where such an institution is less likely to be suspected of partiality. It is also important, of course, that the NSW ICAC statute permits it to be selective. In such a case, selectivity seems to serve the broader objective, which has less to do with the “retail” work of investigating every complaint, and more to do with ensuring leadership, coordination, and attention to the anti-corruption effort.

As in other areas, it is difficult to prescribe an approach in this area in the abstract. Given the limited budgetary resources of developing countries, there is reason to favor a more limited focus to maximize impact (as in Argentina). However, in these same environments, the need to both tip the equilibrium and constrain discretion, and the frequent lack of effective complementary institutions, suggest that the Hong Kong approach might be preferable. Unfortunately, the resource constraint, as in Botswana, can easily render this approach ineffective.

The other aspect of focus has to do with breadth of jurisdiction. The importance of the private sector in corruption suggests a need for some flexibility about the limits of an ACA's scope. Again, however, we come to the resource constraint, with Botswana illustrating the problem of overstretch. There is certainly some logic to avoiding artificial barriers, as demonstrated by Hong Kong and Singapore, and indeed there may be some cost-saving synergies. The point is perhaps simply that the mission, jurisdiction, the selectivity question, and the resource base all need to be considered together and integrated into the design of the agency.

Limits and Risks: Last, it is important to highlight the risks as well as the limitations of ACAs in terms of the problems they can address and the impact they can have. As discussed in part 2 above, observers have commented on such risks as politicization, predation, diversion of attention and resources from other necessary areas, and bureaucratic duplication. All of these dangers have been realized in one or more of the various existing and predecessor agencies discussed in parts 3 and 4 – although the gravity of the risks can vary greatly across countries. Singapore and Malaysia have ACAs embedded in the executive and the civil service system, which itself suggests that they operate under some, perhaps mild, political imperatives. However, it would be wrong to conclude that a situation like this is always benign. In most of the world, in fact, there is a serious risk of political manipulation and predation, as happened in Tanzania at least prior to 1995. This risk grows with the tendency to concentrate powers in these agencies. The diversion and duplication risks are also especially important in countries with fewer resources, less mature political systems, and more powerful patronage networks. Here, the ultimate danger is simply that the effort and resources will be wasted, and that this in turn will reinforce public cynicism.

The limitations of ACAs are usually much more severe than people realize when they set out to establish them. Where the ACA is not structurally independent, then it can be no more powerful than its bureaucratic and political patrons. This may be very powerful or very weak, depending on the environment. An ACA's success depends to a great extent on cooperative relationships with other elements of government. In a sense, this is a strength, since it forces anti-corruption champions to achieve strategic consensus and to commit to concrete forms of cooperation, before moving forward. Unfortunately, this is rarely the case, and it probably breaks down often even in cases where it has been achieved. As a result, ACAs are regularly frustrated by their inability to secure information, cooperation, prosecutions, etc.

ACAs are also largely incapable of addressing the larger forces driving systemic corruption. For example, the fact that most ACAs describe their preventive function in terms of accountability within agencies or sectors suggests that bigger issues such as government-business networks, inducements for rent-seeking, and campaign finance might be getting short shrift. Most obviously, there is no way that ACAs can be effective in a situation where essentially every important institution is compromised. Even if this is not the case, an ACA is essentially a response to *symptoms*. Fortunately, the Hong Kong ICAC model has highlighted the need for focus on preventive measures, but these appear to be mainly agency-specific, or at least to take the governmental system broadly as given. Anti-corruption agencies cannot address macroeconomic distortions, the lack of credible courts and watchdog agencies, regulatory

incentives toward bribery and rent-seeking, and other large-scale “drivers” of corruption. Promoters of ACAs need to be aware of their limitations, and adjust expectations accordingly.

Moreover, we need to keep the limited applicability of these success stories carefully in mind. As experiments with the ICAC model in other countries have shown, success in the four particular environments just cited does not mean that the same blueprint will produce such positive results elsewhere. Our analysis of contributing factors to success goes some way towards explaining why this is the case. Also, whether these agencies provide sufficient net benefits in broader terms – beyond corruption control alone -- is a question we cannot answer. Observers of Singapore in particular wonder whether the anti-corruption benefits of CPIB truly counterbalance the risks posed by its draconian powers and lack of transparency.

In this connection, we should stress again that it is unwise to draw very specific conclusions about the impact of the various agencies reviewed in this paper. We have suggested, above, that the ACAs in Hong Kong, Australia/New South Wales, and Malaysia have been significantly more successful than the others, based on agency performance data, for some of the reasons cited in the literature. Our qualitative analysis, though brief and far from comprehensive, gives us some confidence that those agencies – along with Singapore’s CPIB – actually are adding value in anti-corruption terms, and this probably contributes to the relatively strong governance ratings of those countries. Still, we do not have hard evidence that these results could not have been achieved through multi-agency cooperation in the absence of an ACA. Rather, the qualitative information broadly indicates that the ACAs in these countries have overcome coordination, information, and leadership constraints that a multiple-agency approach might not have.

Recommendations

At the beginning, we referred to the context of this report, namely that World Bank officials desired an analysis of experience with anti-corruption agencies in order to provide sound advice to certain member-states. In response to this, we would make two modest sets of recommendations.

The first group of suggestions concerns advice to member countries. They should be encouraged to avoid the “tackling-the-symptom bias” referred to in part 2 above. Where a country does not have an anti-corruption agency, or where it does not have a single-agency strategy, this should not be the first recourse. The relevant question here is: “What are existing agencies doing, how are they falling short, and what will most cost-effectively address this problem?” If an ACA is deemed to be the answer, the design and establishment of such an agency must come only after a sufficient political consensus is achieved concerning an anti-corruption strategy, and about what exactly the agency will do to ensure that the strategy is effectively implemented. At the design stage, careful, integrated analysis will be needed of the core issues of: mission, jurisdiction, powers, selectivity, relationships, and resources. As a separate matter of high priority, accountability will need to be addressed. If all of these issues are not fully and adequately addressed, the member country should be encouraged to consider alternatives. Those could range from court-strengthening or administrative reform projects to

contracting revenue and audit services to an internationally reputable company, to establishing a less complicated agency such as an ombudsman.

The second set of recommendations concerns the information and research base concerning anti-corruption agencies. In a word, it is inadequate. The steps we recommend below are quite costly, but these costs will need to be weighed against the continuing costs imposed by our flawed understanding of corruption dynamics and the effectiveness of anti-corruption agencies.

If there is a serious interest in documenting the experiences and impacts of these agencies, then they will need to be encouraged, perhaps supported as well, in collecting and reporting the full range of performance data following a common standard. These agencies will also need to report more regularly and uniformly on the full range of resource inputs, mandates, strategies, and activities. There will also need to be an effort to collect and systematize data on intermediate outcomes for sister agencies operating in the same fields as the ACAs, in order to make some estimate of the value added by ACAs to overall performance of anti-corruption functions.

Much more complete qualitative data on agency performance will also be needed for a meaningful assessment. For example, in the area of investigations, only in one of the above cases do we have any data on the type or seniority of the officials prosecuted (arrest figures in Malaysia). To have a real idea of how serious anti-corruption efforts are, we would need complete and consistent cross-country data on this point. This should also include information on the affiliations of those investigated, in order to determine if the investigations and prosecutions are non-partisan, and on whether convictions are secured by means that are consistent with human rights and due process protections. In the field of public outreach, how are these initiatives really being received? In many societies, it is hard to imagine that governmental anti-corruption propaganda would receive a favorable hearing. The source and style of the message will be at least as important as its content.

Once the above steps have been taken, a serious research effort can then be launched to address the issue of impact. The first step here should perhaps be improving our understanding of causal links between the intermediate outcomes of anti-corruption efforts and overall indicators of corruption and governance quality. One approach would be to develop an analytical narrative based on a few in-depth cases studies such as the ones presented in part 4 of this paper – but combining the case material with a game-theoretic analysis of what ACAs (for example, of the ICAC type) do, and how they succeed. This research would be part of a broader effort, which is underway but incomplete, to understand the dynamics and effects of corruption and of anti-corruption measures. A later step would be to pursue further improvements in cross-country corruption and governance indicators. Again, efforts on this front have been underway for some time – but there is still some distance to travel.

Bibliography

- ACO (2001), “Argentina ACO Annual Report”, ACO.
- Anechiarico, Frank and James B. Jacobs (1996), *The Pursuit of Absolute Integrity*. Chicago: The University of Chicago Press.
- “Appendices”, ICAC Annual Report 2000-2001, Australia: New South Wales.
- Asian Development Bank (1999), “Governance in Thailand: Challenges, Issues and Prospects”, <www.adb.org/Documents/Papers/Governance_Thailand/default.asp?p=govpub>.
- Asibuo, Sam K, “Role of an Anti-Corruption Agency in the Struggle Against Corruption: The Case of the Serious Office in Ghana.”
- Baqwa, Selby (2001), “Anti-Corruption Efforts in South Africa”, *The Journal of Public Inquiry*, Fall/Winter.
- Bardhan, Pranab (1997), “Corruption and Development: A Review of Issues”, *Journal of Economic Literature*, Vol. XXXV.
- “Botswana’s Approach to Fighting Corruption and Economic Crime”, *International Anti-Corruption Newsletter*, Jan. 2000.
- Bunnag, Marut, “Unusual Wealth”, Marut Bunnag International Law Office, Bangkok, Thailand, <http://www.marut.th.com/law_eng.html>.
- Camerer, Lala (1999), “Tackling the Multi-Headed Dragon: Evaluating prospects for a single anti-corruption agency in South Africa”, Paper presented at the 9th International Anti-Corruption Conference.
- CCCC (2000), “Informe de Actividades II”, CCCC.
- Chulalongkorn University Political Economy Center (1998), “Thailand Counter-Corruption Programs”, Paper presented to The Asia Foundation, Strategies for Counter Corruption Workshop, Bangkok, Thailand, May.
- Damrongchai, Dr. P, “Good Governance & Counter Corruption in Thailand”, <<http://Unpan1.un.org/intradoc/groups/public/documents/apcity/unpan002751.pdf>>.
- Daufmann, Daniel, “Revisiting Anti-Corruption Strategies: Tilt towards Incentive-Driven Approaches”, *Corruption & Integrity Improvement Initiatives in Developing Countries*, UNDP.

- Debord, M. Henri-Pierre (1998), "The French Experience of a Specialised Agency", *National and International Approaches to Improving Integrity and Transparency in Government*, Paris, July 15-16.
- Desierto, Aniano A, "Annual Report 2000", Republic of the Philippines, Office of the Ombudsman.
- Directorate on Corruption and Economic Crime, "Annual Report 2000", Gaborone, Botswana.
- "Directorate on Corruption and Economic Crime: Government of Botswana", < http://www.gov.bw/government/directorate_on_corruption_and_economic_crime.html>
- Doig, Alan (1995), "Good Government and Sustainable Anti-Corruption Strategies: A Role for Independent Anti-Corruption Agencies?", *Public Administration and Development*, May.
- Doig, Alan, and Robin Theobald, eds. (2000), *Corruption and Democratisation*. London: Frank Cass and Company Limited.
- Doig, Alan and Stephen Riley (1998), "Corruption and Anti-Corruption Strategies: Issues and Case Studies from Developing Countries", *Corruption & Integrity Improvement Initiatives in Developing Countries*, UNDP.
- Fombad, Charles Manga (1999), "Curbing corruption in Africa: some lessons from Botswana's experience", UNESCO. Malden, MA: Blackwell Publishers.
- Guhan, S. and Samuel Paul, eds. (1997), *Corruption in India: Agenda for Action*. New Delhi: Vision Books.
- Harriger, Katy J. (2000), *The Special Prosecutor in American Politics*. Kansas: University Press of Kansas.
- Heilbrunn, John R. (1999), "Corruption, Democracy, and Reform in Benin", in Schedler, Diamond, and Plattner (1999).
- Heidenheimer, Arnold J, Michael Johnston, and Victor T. LeVine, eds. (1989), *Political Corruption: A Handbook*. New Brunswick: Transaction Publishers.
- Hodess, Robin, Jessie Banfield and Toby Wolfe, eds. (2001), *Global Corruption Report 2001*. Berlin: Transparency International.
- Holloway, Richard (1999), "Regional Integrity 2000 and Beyond: Anti-Corruption for a Changing World - Fighting Corruption in Africa: lessons learned from the region", Presented at the 9th International Anti-Corruption Conference.

Huntington, Samuel P. (1968), *Political Order in Changing Societies*. New Haven: Yale U. Press.

Independent Commission Against Corruption (ICAC), “Annual Report 2000/01”, Sydney, New South Wales, Australia.

“Inspector General of Government,” <www.igg.go.ug/>.

Johnston, Michael (1999), “A Brief History of Anticorruption Agencies”, in Schedler, Diamond, and Plattner (1999).

Katlholo, Tymon M, “Public Complaint Mechanism”, Paper, Global Forum on Fighting Corruption and Safeguarding Integrity.

Kaufmann, Daniel (1998), “Revisiting Anti-Corruption Strategies: Tilt Towards Incentive-Driven Approaches”, *Corruption & Integrity Improvement Initiatives in Developing Countries*, UNDP.

Klitgaard, Robert (1988), *Controlling Corruption*. Berkeley: University of California Press.

Kpundeh, Sahr J, (1999) “The Fight Against Corruption in Uganda”, in Rick Stapenhurst and Sahr Kpundeh (eds.) *Curbing Corruption: Towards a Model for Building National Integrity*. Washington: The World Bank, EDI Seminar Series.

Lai, Alan N. (2000), “Annual Report by the Commissioner of the ICAC, HKSAR.”

Lanseth, Dr. Petter (2001), “Anti-corruption Agencies,” Experts Meeting, National Integrity Steering Committee (NISC), Jan. 22.

Leak, Tan Ah (1999), “The Experience of Singapore in Combating Corruption”, in Stapenhurst and Kpundeh (1999).

Mauritius National Assembly (2001), <<http://ncb.intnet.mu/assembly/sessional/standing.htm>>, <<http://ncb.intnet.mu/assembly/sessional/part3.htm>>. Viewed June 28, 2002.

Michele, Robert De (2001), “The Role of the Anti-Corruption Office in Argentina”, *The Journal of Public Inquiry*, Fall/Winter.

Moran, Jonathan (2000), “The Changing Context of Corruption Control: The Honk Kong Special Administrative Region, 1997-99,” in Doig and Theobald (2000).

NACSAP (1999), “The National Anti-Corruption Strategy and Action Plan for Tanzania”, Dar Es Salaam.

- Narasimhan, C.V. (1997), "Prevention of Corruption: Towards Effective Enforcement", in Guhan and Paul (1997).
- National Center for Public Productivity (1997), "A Brief Guide for Performance Measurement in Local Government", *Citizen-Driven Government Performance*, New Jersey: Rutgers University.
- Noorani, A.G. (1997), "Commissions of Inquiry", in Guhan and Paul (1997).
- Noorani, A.G. (1997), "Lok Pal and Lok Ayukt", in Guhan and Paul (1997).
- OECD (1999), "Survey of Anti-Corruption Measures in the Public Sector in OECD Countries: France", OECD.
- "OECD survey of public sector corruption: status of actions on twelve prevention measures tabulated", <<http://www.fordham.edu/economics/vinod/cie/oecd-surv-sum.htm>>. Viewed May 31, 2002.
- "The Office of the National Counter Corruption Commission (ONCC)", <<http://www.Nccc.thaigov.net/ProjectNCCC/eng.htm>>.
- Olowu, Bamidele (1999), "Combating Corruption and Economic Crime in Africa: An Evaluation of the Botswana Directorate of Corruption and Economic Crime", Paper Presented at the 9th International Anti-Corruption Conference.
- Phongpaichit, Pasuk (2001), "Good Governance: Thailand's Experience", Research Paper, Asia Pacific Finance Association annual conference, Bangkok.
- Pope, Jeremy (1999), "The Need for, and Role of, an Independent Anti-Corruption Agency", prepared for Transparency International (TI), Aug. 13.
- Quah, Jon S. T. (1999a), "Comparing Anti-corruption Measures in Asian Countries: Lessons to be Learnt", *Asian Review of Public Administration*, Vol. XI, no. 2.
- Quah, Jon S. T. (1999b), "Combating Corruption in South Korea and Thailand", in Schedler, Diamond, and Plattner (1999).
- Quah, Jon S.T. (1995), "Controlling corruption in city-states: A comparative study of Hong Kong and Singapore", in *Crime, Law & Change* (1995). Netherlands: Kluwer Academic Publishers.
- Republic of the Philippines, Office of the Ombudsman (2001) *Annual Report 2000*.
- Rose-Ackerman, Susan (1978), *Corruption: A Study in Political Economy*. New York: Academic Press

- Ruzindana, Augustine (1998), "Combating Corruption in Uganda", in Ruzindana, Langseth, and Gakwandi (1998).
- Ruzindana, Augustine, P. Langseth, and A. Gakwandi, eds. (1998), *Fighting Corruption in Uganda: The Process of Building a National Integrity System*. Kampala: Fountain Publishers.
- Ruzindana, Augustine (1997), "The Importance of Leadership in Fighting Corruption in Uganda", in Kimberly Ann Elliott (ed.) *Corruption and the Global Economy*. Washington, DC: Institute for International Economics.
- Ruzindana, Hon. A. (1997)., "The Part Played by Structural, Reforms of the State in Fighting Corruption: The Case in Uganda", Paper, 8th International Corruption Conference.
- Schedler, Andreas, Larry Diamond, and Marc F. Plattner, eds. (1999), *The Self-Restraining State: Power and Accountability in New Democracies*. Boulder: Lynne Rienner Publishers.
- Sedigh, Shahrzad and Alex Muganda (1999), "The Fight against Corruption in Tanzania", in Stapenhurst and Kpundeh (1999).
- Sedigh, Shahrzad and Augustine Ruzindana (1999), "The Fight against Corruption in Uganda", in Stapenhurst and Kpundeh (1999).
- Speville, Bertrand de (1997), *Hong Kong: Policy Initiatives against Corruption*. Development Centre of OECD.
- Speville, Bertrand de (1999), "The Experience of Hong Kong, China, in Combating Corruption", in Stapenhurst and Kpundeh (1999).
- Stapenhurst, Rick, and Sahr J. Kpundeh (1999), *Curbing Corruption: Toward a Model for Building National Integrity*. Washington, DC: The World Bank.
- Theobald, Robin and Robert Williams (2000), "Combating Corruption in Botswana: Regional Role Model or Deviant Case?", in Doig and Theobald (2000).
- Transparency International, "Chapter 11: Independent Anti-Corruption Agencies", in *TI Source Book 2000*, <www.transparency.org/sourcebook/11.html>. Viewed April 19, 2002.
- Tumwesigye, Matthias B. (1998), "The Role of the Inspector General in Government", in Ruzindana, Langseth, and Gakwandi (1998).
- United Nations Development Programme (1997), "Corruption and Good Governance: Discussion paper 3", New York, NY: UNDP.

US Office of Government Ethics (2000), “Annual Performance Report FY 1999.”

Watt, David, Rachel Flanary and Robin Theobald (2000), “Democratisation or the Democratisation of Corruption? The Case of Uganda”, in Doig and Theobald (2000).

Williams, Robert (2000), “Democracy, Development and Anti-Corruption Strategies: Learning from the Australian Experience”, in Doig and Theobald (2000).

World Bank (1999), “Fostering institutions to contain corruption”, *PREMnotes: Public Sector*, No. 24, June.

World Bank (2001), “Writing an effective anticorruption law”, *PREMnotes: Public Sector*, No. 58, Oct.

Annex 1: Tables

Table 1: Illustrative Agency Performance Measures²⁵

Agency/Indicator	Output	Outcome	Efficiency/Productivity
U.S. FTC	Number of redress orders; money seized by shutting down scams	Consumer savings due to FTC action -- includes estimates of price rises averted, or if data are not available, it is assumed a merger would have raised prices in the relevant market by one percent for a two-year period.	Average time needed to review merger applications
U.S. EPA	Number of civil and criminal case referrals, amount of fines and penalties assessed	Reductions in emissions measures after enforcement, dollars spent by polluters to correct violations and take other cleanup steps	
U.S. FBI	Number of referrals for prosecution	Percentage of referrals prosecuted vs. percentage declined as legally insufficient; percentage of referrals resulting in conviction; percentage of convictions resulting in prison sentences; average prison sentence	
U.S. FBI: Fraud, White Collar Crime		<i>Fraud/corruption:</i> Amount of recoveries/restitutions, fines; number of white collar convictions <i>Antitrust:</i> Enforcement success rate; savings to U.S. consumers <i>Health care fraud:</i> medicare expenditures for lab tests, ambulances, home health agencies	

²⁵ Sources: “Federal Trade Commission Site Visit Report 4/27/99” at <http://govinfo.library.unt.edu/npr/library/papers/bkgrd/ftc.htm>; “EPA’s Enforcement and Compliance Assurance Program Highlights: FY 1998 Efforts” at <http://es.epa.gov/oeca/98accomp.html>; Transactional Records Access Clearinghouse data on the FBI at <http://trac/syr.edu/tracfbifindings.html>; Department of Justice, “Fiscal Year 2000 Performance Report and Fiscal Year 2001 Performance Plan” at www.usdoj.gov/ag/annualreports/pr2000; State of Virginia, “2000 Performance Measure List” at www.dpb.state.va.us; U.S. Office of Government Ethics, “Annual Performance Report” (March 2000); Hong Kong ICAC, Annual Report” and “Performance Pledge” at ____.

Agency/Indicator	Output	Outcome	Efficiency/Productivity
U.S. OGE	Number of formal/informal talks on ethics with govt officials – per month; Conduct ethics programs in all federal agencies over 4-year cycle	Percentage of policy issues with substantial impact on exec branch ethics program where executive (OMB) seeks and uses OGE advice; Percentage of OGE comments taken into account in legislation; Ensure all ethics agreements with Pres. Appointees completed within agreed time	Percentage policy proposals drafted by OGE within 6 months of identifying the need; Percentage of change proposals pursued to enactment within 18 months; Percentage agency financial disclosure issues resolved within 15 working days
State of Virginia	<i>Dept Internal Audit:</i> Number of investigations completed; number of management improvements identified	<i>Dept Internal Audit:</i> Amount of dollar savings/waste identified <i>Dept Profess/Occupational Reg:</i> Percentage complaint investigations resulting in “no violation;” percentage unlicensed activity investigations leading to warrants <i>Commonwealth Attorney:</i> Number of reversals on appeal due to prosecutor error	<i>Dept Internal Audit:</i> Percentage of cases recorded and assigned within 48 hours <i>Dept Profess/Occupational Reg:</i> number of days to process enforcement complaints <i>Commiss on Local Govt:</i> Percentage tech asst responses given within 24 hours
Hong Kong ICAC	Number of cases identified via own initiative; number of prosecutions; number of detailed studies of govt practices & procedures	Number of graft reports received (aim: increase this via district-based outreach); number and rate of convictions; number of requests from private firms for free corruption prevention advice	Percentage of those making graft complaints interviewed immediately/within 48 hours; percentage incoming calls handled immediately; percentage pursuable complaints completed within 12 months; percentage requesters of advice/training on corruption prevention contacted within 2 days

Table 2: ACA Performance Indicators, by Function

Function/Indicator Type	Output	Outcome	Efficiency/Productivity
Receive and respond to complaints	Number complaints addressed; Number of referrals/redress orders	Number of complaints resolved	Average time needed to review complaints; Percentage of those making graft complaints interviewed immediately/within 48 hours; Percentage incoming calls handled immediately; Percentage pursuable complaints completed within 12 months
Intelligence, monitoring, investigations	Number of investigations begun, number completed; Number of cases identified via own initiative; Number of civil and criminal case referrals	Percentage investigations leading to warrants; Percentage of referrals prosecuted vs. percentage declined as legally insufficient	Percentage of cases recorded and assigned within 48 hours; Completed investigations per staff hour
Prosecutions, administrative orders	Number of prosecutions begun, number completed; Number of administrative orders issued; Amount of fines and penalties assessed	Amount of recoveries/restitutions, fines imposed and collected; Number of white collar/grand corruption/high official convictions; Number and percentage cases resulting in conviction; Number of reversals on appeal due to prosecutor error; Percentage of convictions resulting in prison sentences; Average prison sentence	Convictions per staff hour; Amount of recoveries/restitutions, fines, penalties per staff hour

Function/Indicator Type	Output	Outcome	Efficiency/Productivity
Preventive research, analysis, technical assistance	Number of detailed studies of govt practices & procedures; Number of management improvements identified	Number of requests from private firms for free corruption prevention advice Amount of dollar savings/waste identified Savings to treasury, taxpayers, consumers resulting from reforms and reduced fraud/corruption Amount of attention and resources devoted by govt depts. to addressing problems identified	Percentage tech asst responses given within 24 hours; Percentage requesters of advice/training on corruption prevention contacted within 2 days; Percentage policy proposals drafted by ACA within 6 months of identifying the need; Percentage of change proposals pursued to enactment within 18 months; Outputs per staff hour
Ethics policy guidance, review of compliance and asset declarations	Number of formal/informal talks on ethics with govt officials; Conduct ethics programs in all national agencies over __ year cycle; Scores on satisfaction surveys	Percentage of policy issues with substantial impact on where executive seeks and uses ACA advice; Percentage of ACA comments taken into account in legislation; Ensure all ethics agreements with political appointees completed within agreed time	Percentage agency financial disclosure issues resolved within 15 working days
Public information, education, outreach	Number of public forums; Scores on satisfaction surveys	Number of graft reports received; Survey data on public awareness/knowledge	Number of public forums per year

Table 3: Overview of ACAs in Industrial Countries

Country	ACA/type	Establishment	Powers	Budget & personnel	Independence & accountability	Other comments
U.S.	a. Office of Government Ethics b. Special Prosecutor c. NYC Dept of Investigation	a. and b. Ethics in Government Act 1978, response to Watergate scandal c. Founded 1873, response to Tweed ring abuses, latest reform 1988	a. Guidance and rule-making on ethical standards, review financial disclosures of high executive officials, compliance monitoring, outreach to public sector b. Investigate, prosecute high officials c. Anti-corruption law enforcement, prevention function now handled by separate Corruption Prevention Bureau	a. 74 staff, \$11 million budget	a. Executive agency b. Appointment by judicial panel with some AG oversight	a. No investigation powers, no authority over legislative or judicial branch b. Legislation lapsed
UK	a. Parliamentary Commissioner for Standards b. Serious Frauds Office					
France	<i>Service Central de Prevention de la Corruption</i> Advisory -- scope includes public and private sector activities	<i>Loi no. 93-122 du 29 Janvier 1993 relative a la prevention de la corruption et la transparence de la vie publique et des procedures publiques</i>	Centralization of information and intelligence on corruption Studies of corruption vulnerabilities Advisory opinions at request of selected central authorities, courts, and regional/local councils	Made up of judges and civil servants attached to central depts., including treasury and audit	Independent interministerial authority attached to MOJ Headed by a judge	
Australia	NSW Independent Commission Against Corruption (Hong Kong ICAC model)	NSW ICAC Act 1988 Response to scandals leading to imprisonment of senior judge and minister, disgrace and discharge of deputy police commissioner	Investigations and public hearings; Prevention and advice to govt departments; Educating public 1994 legal amendment extended scope to parliament Scope includes private sector	Net costs FY 2001: U.S. \$8.6 million Staff: 121 in 4 divisions	Commissioners appointed to non-renewable 5 year term Oversight by 2 parliamentary committees	'Products' include Corruption Resistance Reviews, Ethical Culture Survey Kit

Table 4: Anti-Corruption Agencies in Asia

Country	ACA/type	Establishment	Powers	Budget & personnel	Independence & accountability	Other comments
Brunei	Anti-Corruption Bureau	Prevention of Corruption Acts of 1982 and 1984	Prevention activities Investigations, compel evidence, search, arrest		Director appointed by and solely responsible to Sultan	
Hong Kong	Independent Commission Against Corruption	ICAC Ordinance 1974 Response to rampant police corruption, Godber scandal and Commission of Inquiry	Investigations, Prevention, Education & Public support Crimes investigated include excess wealth Prevention of Bribery Ordinance gives ICAC power to search bank accounts, seize travel and other documents, require suspects to provide details of assets	Staff of 369 in 1974 up to 1,314 recently Annual recurrent costs: U.S. \$91 million in FY 1999/2000, U.S. \$7.2 million in 1997/7 (0.42% of overall annual govt recurrent expenditure)	Reports directly to executive Subject to judicial review, legislative oversight Independent complaints committee 4 citizen advisory (oversight) committees: general, and one for each of the 3 departments Explicit performance standards Policy of pursuing all corruption allegations with no selection	Uncertainty, hints of increased political intrusion since 1997 handover By far the most-cited case, very well covered in the literature
India	a. Central Vigilance Commission b. Central Bureau of Investigation, Scope: corruption, economic and special crimes c. State-level CVCs/ombuds	a. Founded 1964, response to Santhanam Committee findings, made a statutory body in CVC Ordinance 1998 b. Founded 1941, reformed 1987	a. Monitor/guidance to ministries' ethics practice, refer matters for investigation/prosecution, oversight of police/CBI corruption cases (central govt only) b. Investigation, prosecution of central and (in some cases) state officials (executive only)	a. Chair, 4 commissioners, 17 specialized staff and support staff b. 800 investigators, 200 prosecutors, total staff complement of 5,000	a. Independent body reporting to parliament b. Prosecution under Prevention of Corruption Act 1988 requires prior approval relevant (central/state) govt department – high officials interfere	India did not prosecute a minister 1947-97, but new cases and tough action since 1998

Country	ACA/type	Establishment	Powers	Budget & personnel	Independence & accountability	Other comments
Indonesia	ICAC model ACA being set up	1999 anti-corruption laws call for ACA, enabling law for ACA still in parliament				
Korea	Presidential Anti-Corruption Commission (Jan. 2002) Scope: corruption by high officials	Anticorruption Law 2001, superceding earlier bureaus going back to 1963 Scandals: senior officials, Kim family	Receive reports Forward cases for investigation Recommend preventive steps Public outreach	139 staff	Commissioners appointed by president	No investigative powers
Malaysia	Anti-Corruption Agency (ICAC model) Scope includes private sector corruption	Founded in original form in 1959, reformed in Anti-Corruption Act 1997	Investigate, arrest, prevention, public outreach, intelligence, random public sector checks.	8 divisions, offices in all 14 states	Dir. Gen. appointed by King, on PM's recommendation, reports to parliament Public Complaints Bureau	Public perception that "big fish" are immune Case study candidate
Pakistan	National Accountability Bureau	NAB Ordinance (Presidential decree) of 1999	Investigation, prosecution, arrest, freeze assets Scope includes financial sector crimes Burden of proof re source of assets is on the accused	Staff: 800	Independent statutory body Chair appointed to fixed term by President in consultation with Chief Justice, Appeal rights	Cases under NAB Ordinance handled exclusively by Accountability Court
Philippines	a. Office of the Ombudsman b. Presidential Commission Against Graft and Corruption	a. Created by 1987 Constitution, response to Marcos-era abuses b. Established 1994	a. Investigation, prosecution, administrative adjudication, public assistance, graft prevention b. Look into administrative cases of corruption by high officials, make recommendations to President	FY 2001-2 budget U.S. \$8.9 million (0.0058% of total government recurrent costs FY 2001)	a. Constitutional body b. Reports to President	a. Cases against high officials handled by <i>Sandiganbayan</i> (15 judge corruption court)

Country	ACA/type	Establishment	Powers	Budget & personnel	Independence & accountability	Other comments
Singapore	Corrupt Practices Investigation Bureau Scope now includes private sector corruption	Founded 1952	Receive & investigate corruption allegations, Investigate other wrongs discovered in corruption cases, Prevent corruption through studies of public sector Officials must declare wealth, annually declare non-indebtedness	FY 1991-2 budget U.S. \$3.23 million 71 staff positions Originally took staff on short secondments	Part of Prime Minister's office	Public complaints of overzealousness, torture Well covered in the literature
Sri Lanka	Permanent Commission for Prevention of Bribery and Corruption	Founded 1994, succeeded earlier AC bodies		Originally had 84 police officers, but this was reduced over time		Investigated 6,000 cases in 1 st 2 years, then caught up in legal/political disputes with government
Thailand	National Counter Corruption Commission	1997 constitution, organic law of 1999 strengthened commission dating from 1975	Inspect asset declarations; Prevention through studies and public education; Investigation of complaints from govt or citizen groups, admin and criminal charges, unusual wealth		Constitutional body Members appointed by Senate Reports to Senate Members subject to removal for enumerated causes	Receives 4,000 complaints per year Public concern about ineffectiveness, selectivity

Table 5: Anti-Corruption Agencies in Africa

Country	ACA/type	Establishment	Powers	Budget & personnel	Independence & accountability	Other comments
Benin	<i>Cellule pour la Moralisation de la Vie Publique</i>	Set up by 1996 National Conference following change of govt	Investigation, initiating prosecutions, public education		Separate budget Reports to President	Public concerns about ethno-regional bias
Botswana	Directorate of Corruption and Economic Crime ICAC model; Scope includes private sector, but investigations only with consent	Corruption and Economic Crime Act, 1994 Response to early 1990s scandals and commissions of inquiry	Receive complaints; Investigation: very broad powers, including arrest, broad search powers very wide scope; Prevention through public sector studies, Public education Unexplained wealth as grounds for suspicion	109 staff Recruitment cumbersome due to need to go through dept of Public Service Management	Director appointed at sole discretion of President for unstated term DCEC has formal autonomy, though part of civil service Penalties for frivolous complaints	Received 1,380 complaints 1996 Public criticism for selective investigation Staff helping AG in prosecutions due to backlog, courts also backlogged Ombudsman handles petty corruption Well covered in the literature
Ghana	Serious Frauds Office Scope: offenses involving serious financial or economic loss to the state	Act 466 of 1993, superceding agencies dating to 1982	Investigation (freeze assets, compel information), Prosecution (with AG permission), Monitor economic activities, Prevention, Collect information	Limited staff, funds, and ability to reach outside capital Staff said to be of high quality	Executive agency	Public concerns re lack of SFO constraint in charging complex fraud, using rewards to 'buy' information Case study candidate
Malawi	Anti-Corruption Bureau	Corrupt Practices Act	Investigation, prosecution, prevention, civic education			
Tanzania	Prevention of Corruption Bureau	Founded 1975	Investigation, Prosecution, Advice and prevention in public sector	FY 2001-2 budget U.S. \$4 million 412 staff	Part of President's office, Director appointed by President	Case study candidate
Uganda	Inspector General of Government Type: Ombudsman plus	Founded 1987 1995 Constitution enhanced powers	Investigate abuse of office, corruption complaints; Review and advise on public sector practices; Inform and educate public	Scarce resources prevent outreach to countryside	Appointed by and reports to President Also sends performance reports to parliament	Referrals for prosecution have had little result Well covered in the literature
Zambia	Anti-Corruption Commission					

Table 6: Anti-corruption agencies in Latin America

Country	ACA/type	Establishment	Powers	Budget & personnel	Independence & accountability	Other comments
Argentina	Anti-Corruption Office	Law 25.233 of 1999, superceding previous agency	Investigations, Initiate/refer for prosecution, Prevent corruption and enhance public sector transparency Review official financial disclosures	21 investigators 16 public sector transparency experts	Part of MOJ Headed by Public Administration Prosecutor	First 18 mo.: received 1400 allegations ACO selects cases by economic, institutional, social impact Suggested case study
Chile	a. National Commission of Public Ethics b. Comptroller General	a. Est. 1994				
Ecuador	<i>Comision de Control Civico de la Corrupcion</i>	Est. March 1997, defined in 1998 constitution and Law of CCCC of March 1999	Prevention programs, monitoring public sector, civic mobilization, investigate cases involving state funds	2002 budget: \$3.6 million, some funds from donors for special projects Staff: 54	Commissioners chosen by civic assns, chair elected by commissioners Agency has its own budget line\ Reports to public via Congress	Branches in Quito and Guayaquil Attorney General's office obstructing referrals of investigations for prosecution
Guatemala	a. Comptroller General b. Administrative Oversight Commission	b. Est. Jan. 2000	a. Ethics code preparation, complaints hotline			Financial disclosure law enacted 1997
Mexico	a. Supreme Audit Agency b. Executive Branch Auditor	a. Est. 1999 b. Accountability Law for Public Servants 1999	a. Anti-corruption activities across all govt b. Admin oversight of exec branch, refer cases to AG			
Panama	a. Comptroller General b. National Directorate against Corruption/MOF	a. Powers expanded 1998 b. Est. 1999	a. Hotline for corruption complaints, AC public education program, special investigation unit		b. Part of Ministry of Finance	Financial disclosure law for officials handling public funds, 1999

Table 7: ACA Powers

	Select Cases	Investigate Abuses in Public Sector	Investigate Abuses in Private Sector	Make Arrests	Search and Seizure	Conduct Surveillance Operations	Prosecute
NSW Australia (ICAC)	yes	yes	yes	yes	Yes		no
Botswana (DCEC)	no	yes	yes	yes	Yes		no
Ecuador (CCCC)		yes	no				
Hong Kong (ICAC)	no	yes	yes	yes	yes	yes	no
India (CVC)		yes					no
Singapore (CPIB)	no	yes	yes	yes	yes	yes	no
Thailand (NCCC)		yes		yes	yes		
Uganda (Inspectorate)		yes		yes			no
Argentina (ACO)	yes	yes					no
Malaysia (ACA)	no	yes	yes	yes	yes	yes	no
Tanzania (PCB)	yes	yes					no
Philippines (Ombudsman)		yes					yes
US (OGE)				no	no	no	No
France (SCPC)		yes	yes				no

Table 8: ACA Resources

	Budget (U.S.D.)	Staff Total	Number of Investigators (authorized or actual)
NSW Australia (ICAC)	\$15.7 million	122	53 (actual)
Botswana (DCEC)	\$1.8 million	130	
Ecuador (CCCC)	\$3.6 million	54	
Hong Kong (ICAC)	\$90.66 million	1,314	216 (actual)
India (CVC)		252	800 (actual)
Singapore (CPIB)	\$3.23 million	66	49 (authorized)
Thailand (NCCC)		425	
Uganda (Inspectorate)	\$3.36 million	145	
Argentina (ACO)	\$5.89 million	37	21 (actual)
Malaysia (ACA)	\$10.1 million	1,067	
Tanzania (PCB)	\$4 billion	412	177 (actual)
Philippines (Ombudsman)	\$7.3 million		
US (OGE)	\$11 million	74	
France (SCPC)			

Table 9: ACA Independence

	Who Appointments Chair?	Term of Chair	To Whom Agency Reports?	Are Reports Public?	Own Line in Budget?
NSW Australia (ICAC)	Governor	Up to 5 years	NSW Parliament	yes	yes
Botswana (DCEC)	President	President's discretion	President	yes	
Ecuador (CCCC)	Elected by Commission			yes	yes
Hong Kong (ICAC)	Governor		Governor	yes	yes
India (CVC)	President	3 years	Parliament	yes	
Singapore (CPIB)	President	President's discretion	Prime Minister	no	no
Thailand (NCCC)	Elected by Commission		Senate		yes
Uganda (Inspectorate)	President	4 years, renewable once	Parliament		yes
Argentina (ACO)	President		President	yes	no
Malaysia (ACA)	King, on PM's recommendation	Usually 2 years, renewable	Prime Minister	yes	no
Tanzania (PCB)	President	President's discretion	President/ Chief Sec. of House	yes	no
Philippines (Ombudsman)	President	7 years; renewable	President/ Congress	Yes	yes
US (OGE)	President	5 years		yes	yes
France (SCPC)			MOJ/PM		no

Table 10: ACA Performance Data

Agency/Indicator	Cases/Complaints Received	Monitoring, Investigations, Prosecutions	Prevention, Ethics Guidance, Asset Declarations	Public Information, Outreach
Argentina ACO	1,784 investigations started. 81% of investigations since Dec. 1999 concluded. 9% decrease in unsolved cases.	489 cases referred to the judicial system since Dec. 1999. 317 referred in 2001. 14% increase of cases under judicial investigation between 2000 and 2001. 44 prosecutions. 20 cases were dismissed	99.9% compliance rate by the civil servants required to file a financial disclosure statement.	
Australia NSW ICAC	265 recommendations for reform arising out of investigations. 6 investigative reports. 1509 complaints with 2058 allegations	10 prosecutions, 10 disciplinary action proceedings 2000-2001	4 prevention reports, 7 research reports published. 148 recommendations for reform fully implemented, 74 partly implemented.	3 major conference, and 5 government training events held.
Botswana DCEC	Number of investigations commenced: 390 Number of complaints received: 1475 Number made in which complainants identified themselves: 1096, 74.31% Number made anonymously: 379	Number of cases either referred to other bodies or in which no action was taken: 1085		145 presentations to public on corruption
Ecuador CCCC	Number of completed investigations: 322 Number of complaints received: 512	Number of cases referred for legal or administrative action: 79		

Hong Kong ICAC	Percentage of those making graft complaints interviewed immediately/within 48 hours: 99% Percentage incoming calls handled immediately: 100% Percentage pursuable complaints completed within 12 months: 89% Number of graft reports received: 3,561 Number of cases identified and investigated via own initiative: 216	Number of persons prosecuted (corruption and related offenses): 504 (32% increase over 1998, up from 300+ on avg. 1974-1984). convictions: 302 (up 15% from 1998), for a success rate of 60%	Number of detailed studies of govt practices & procedures: 106 Number of requests from private firms for free corruption prevention advice: 260 Percentage requesters of advice/training on corruption prevention contacted within 2 days: 100%	
India CVC	Number of complaints pending: 484 Number of cases pending: 1594 Number of investigation reports pending: 977 Number of investigation reports received: 3568 Number of complaints received: 5609 Number of cases received: 5762	Number of Prosecutions: 59		
Malaysia ACA	413 investigations in 1999. 147 of prosecuted in 1999 comprised new cases or cases charged in 1999, 213 were cases outstanding from 1998.	360 prosecutions begun in 1999. 152 prosecutions completed which led to 89 convicted, 56 acquitted and discharged, 7 discharged.		
Tanzania PCB	Number of complaints under investigation(2000): 1128 Number of cases: 1461 Number of complaints under investigation closed (2000): 328 Number of public complaints received (2000): 1311 Number of private complaints received (2000): 88	Number of Prosecutions (1995-2000): 94		12 public meetings 225 seminars 157 radio programs 48,000 brochures and leaflets

Uganda IGG	Number of cases investigated and completed: 98 (7%) Number of complaints received: 1,428	Number of cases referred to other government department: 420		
Philippines Ombudsman	Number of new cases: 9,739	Number of cases filed for prosecution with the courts: 2,209 Cases in which penalties were imposed on government officials or employees: 514	Requests for preventive assistance tended to: 10,583	

Annex 2: Agencies and Their Structures

Argentina

Agency Details:

Anti Corruption Office (ACO) or Oficina Anti Corrupción
Ministerio de Justicia y Derechos Humanos
Sarmiento 329- Piso 3
(1041) Buenos Aires
Argentina
<http://www.jus.gov.ar/minjus/oac/oa.htm>

Chairperson:

Dr. José Massoni,

Dr. Massoni graduated from the University of Buenos Aires Law School in 1973. He entered the public administration in 1961 as a court employee. Massoni later become a federal prosecutor and then a federal appeals court judge. He has built a reputation for being an independent judge of high standards who places strong emphasis on individual rights.

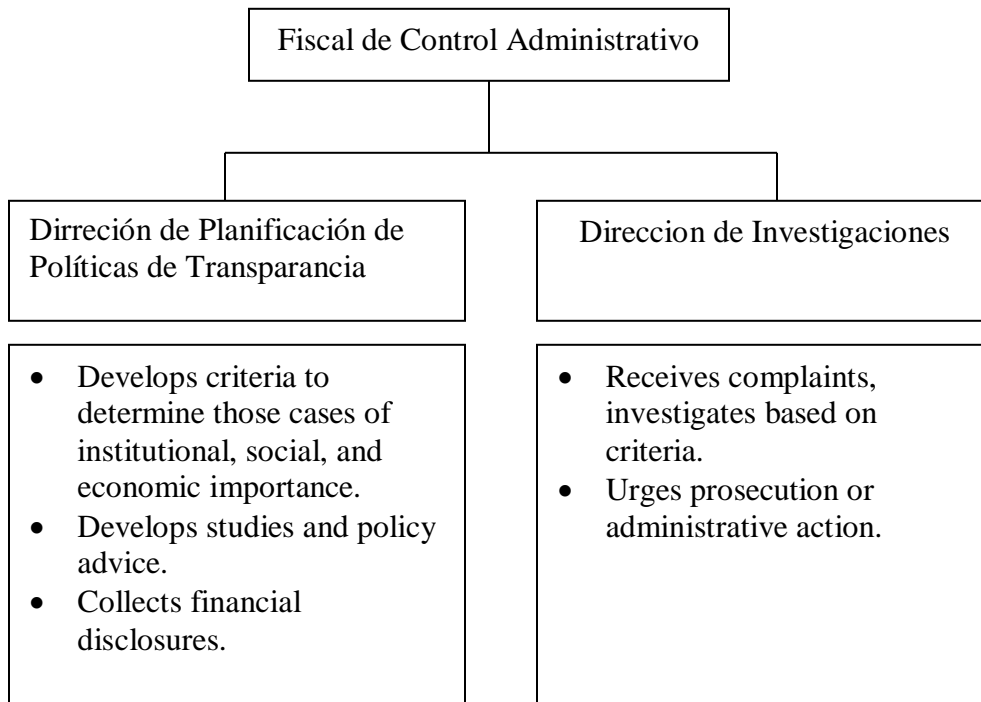
Establishment and Major Restructuring:

The ACO was created in December 1999 by Presidential Decree to replace the previous administrations weak anti-corruption agency, the Oficia de Etica Publica (OEP). The OEP was created in February 1997 to appease concerns regarding the tarnished reputation of the Menem administration.

Major Functions:

9. Start preliminary investigations against those who are suspected of corruption, as defined in the Inter-American Convention Against Corruption, that affect the public administration, its decentralized agencies, and those organizations that receive public funds.
10. Denounce to the judiciary those events that may constitute a crime.
11. Become a plaintiff in those trials where the Federal Treasury has been negatively affected.
12. Administer the collection of the sworn financial disclosures of government officials.
13. Develop programs to prevent corruption and promote transparency in the public administration.

Agency Structure:



Australia NSW

Agency Details:

Independent Commission Against Corruption (ICAC)

191 Cleveland Street (corner

George Street) Redfern

New South Wales, Australia, 2016

<http://www.icac.nsw.gov.au/>

Chairperson:

Ms. Irene Moss

Ms Moss graduated with a Masters of Law from Harvard University, and was admitted as a solicitor to the Supreme Court of NSW in 1974 and to the High Court of Australia in 1975. Formerly, Ms Moss served as the Ombudsman New South Wales and the Federal Race Discrimination Commissioner for the Human Rights and Equal Opportunity Commission.

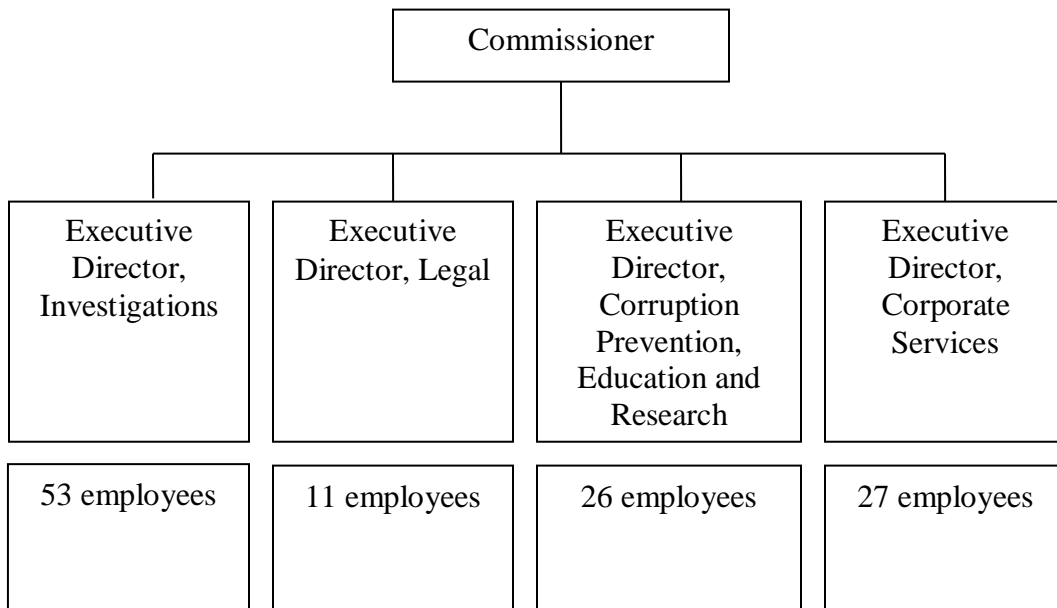
Establishment and Major Restructuring:

The ICAC was established March 13, 1989 in response to several instances of high level corruption, including the implication of a senior judge, minister, and deputy police commissioner.

Major Functions:

1. Investigate and publicly expose violations of the Independent Commission Against Corruption Act 1988.
2. Provide advice and assistance to build resistance to corruption in the public sector.
3. Provide anticorruption education for the community and the public sector.

Agency Structure:



Botswana

Agency Details:

Directorate on Corruption and Economic Crime

P/Bag 00344

Plot 1212, Molosiwa Road

Gaborone, Botswana

[http://www.gov.bw/government/directorate on corruption and economic crime.html](http://www.gov.bw/government/directorate%20on%20corruption%20and%20economic%20crime.html)

Chairperson:

Mr. Tymon M. Katlholo

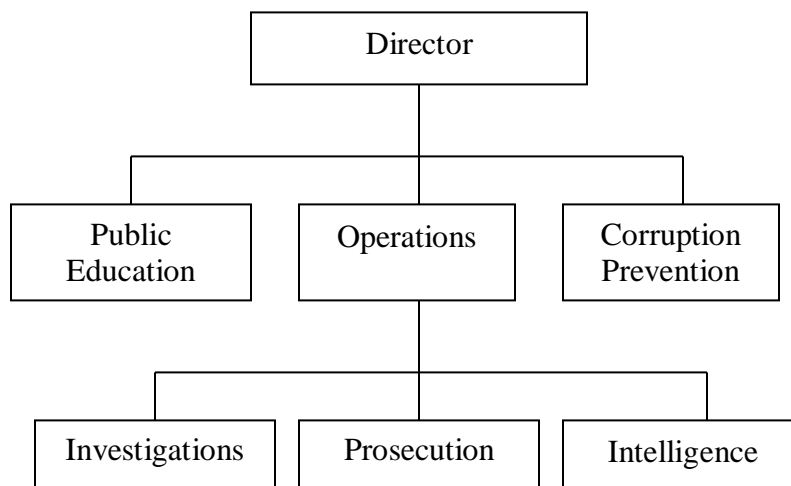
Establishment and Major Restructuring:

The DCEC was founded September 05, 1994 in response to a number of major illegal land sales linked to senior bank officials, ministers and the President.

Major Functions:

1. Investigate any alleged or suspected offences under the Corruption and Economic Crime Act 1994 in any public body.
2. Assist any law enforcement agency of the Government in the investigation of offences involving dishonesty or cheating of the public revenue.
3. Facilitate the discovery of corrupt practices in public bodies, and advise on changes in procedure necessary to reduce the occurrence of such practices in the future.
4. Educate the public against the evils of corruption.

Agency Structure:



Ecuador

Agency Details:

Commission for Civil Control of Corruption (CCCC) or
Comision de Control Civico de la Corrupcion

En Quito:

Av. 10 de Agosto 251 y Carlos Ibarra Edificio Alameda 2 Piso 7.

Casilla 17-15-260C

<http://www.comisionanticorruccion.com>

Chairperson:

Dr. Ramiro Larrea Santos

Doctor en jurisprudencia. Se desempeñó como Presidente y Ministro Juez de la Corte Suprema de Justicia, Ministro de Trabajo y Bienestar Social, Presidente del Consejo Superior del IESS, Vicepresidente del Concejo cantonal de Guayaquil, Presidente del Directorio de la Comisión de Estudios para el Desarrollo de la Cuenca del Guayas, Presidente de la Junta Consultiva de Relaciones Exteriores, primer Presidente de la Comisión Anticorrupción. Es catedrático universitario. Es el Presidente de la Comisión de Control Cívico de la Corrupción, donde representa a las organizaciones de Derechos Humanos y Defensa de los Consumidores.

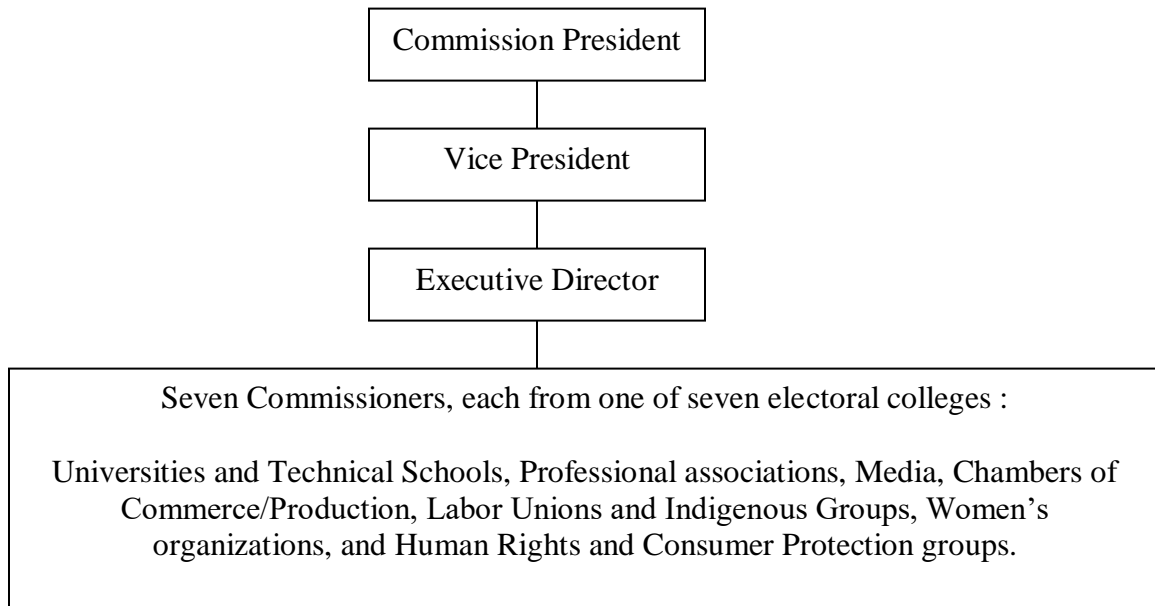
Establishment and Major Restructuring:

The CCCC was established March 4, 1997, as a direct result of the popular marches of February 5-6 in which two million Ecuadorians protested and successfully ousted President Abdalá Bucaram Ortiz.

Major Functions:

1. Receive and investigate alleged cases of corruption when State funds are involved.
2. Watch over public administration from an anticorruption angle (Social Comptrollership).
3. Citizenship training against corruption through civic networks, and frequent publications.

Agency Structure:



Hong Kong

Agency Details:

Hong Kong Independent Commission Against Corruption (ICAC)
ICAC Report Centre (24-hour service)

G/F, Murray Road Car Park Building

2 Murray Road, Central

Hong Kong

<http://www.icac.org.hk>

Chairperson:

Mr. Ambrose Lee Siu-kwong

Mr. Lee joined the Immigration Officer grade of the Government in 1974 and rose to the rank of Director of Immigration in 1998. Over the years, Mr. Lee has served in various sections of the Immigration Department and has amassed rich experience in a full range of immigration matters, including those on investigation, prosecution, issue of visa and passports, border control and right of abode. Mr. Lee assumed the post of Commissioner, ICAC, on July 1, 2002.

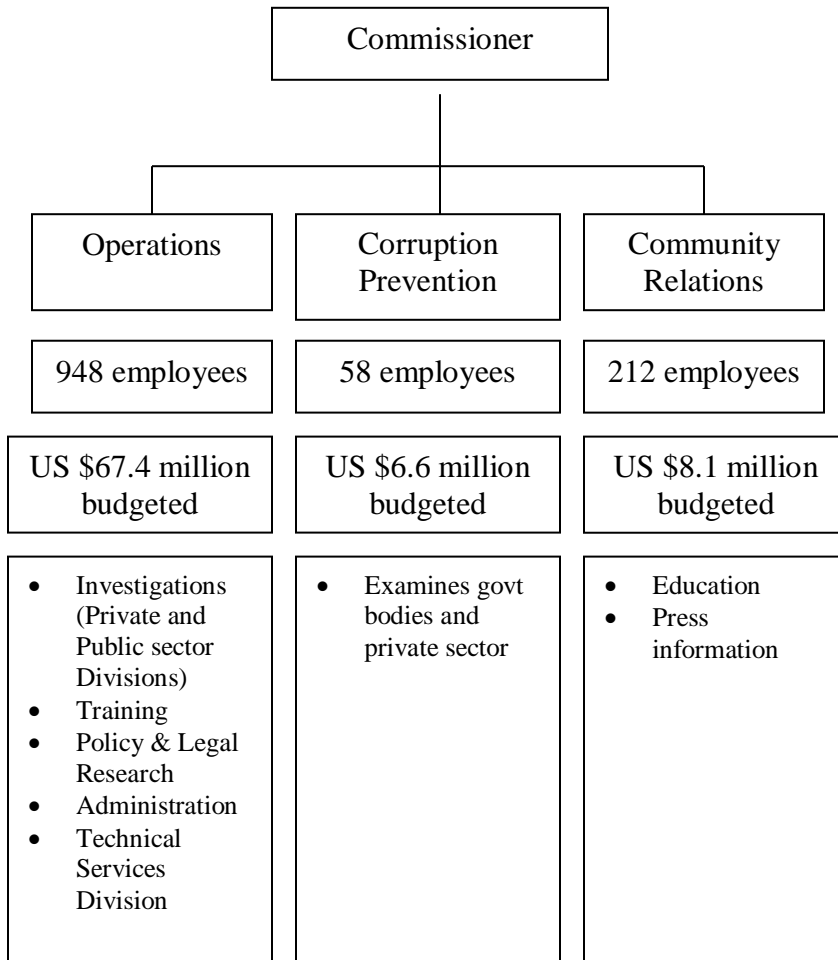
Establishment and Major Restructuring:

The ICAC replaced the police department's Anticorruption Office and the Commission of Inquiry in 1974. Systematized police corruption up to the early 1970s, and especially a scandal involving Peter Godber, then Chief Superintendent, had led to public pressure for an anticorruption agency independent from the police.

Major Functions:

1. Receive and investigate claims of corruption.
2. Examine practices and procedures of government entities to identify and reduce opportunities for corruption.
3. Foster public awareness of corruption through education programs.

Agency Structure:



India

Agency Details:

Central Vigilance Commission
Satarkta Bhavan
General Pool Office Complex
INA, New Delhi
<http://cvc.nic.in>

Chairperson:

Mr. Nagarajan Vittal

Mr Vittal has a B.Sc in Chemistry and has completed additional programs in management. He has worked in the Central Government since 1960 holding positions in telecommunications, energy, food and civil supply, healthcare, commerce and industry. He has published over 400 articles, 5 books, and is a regular columnist for the Economic Times of India.

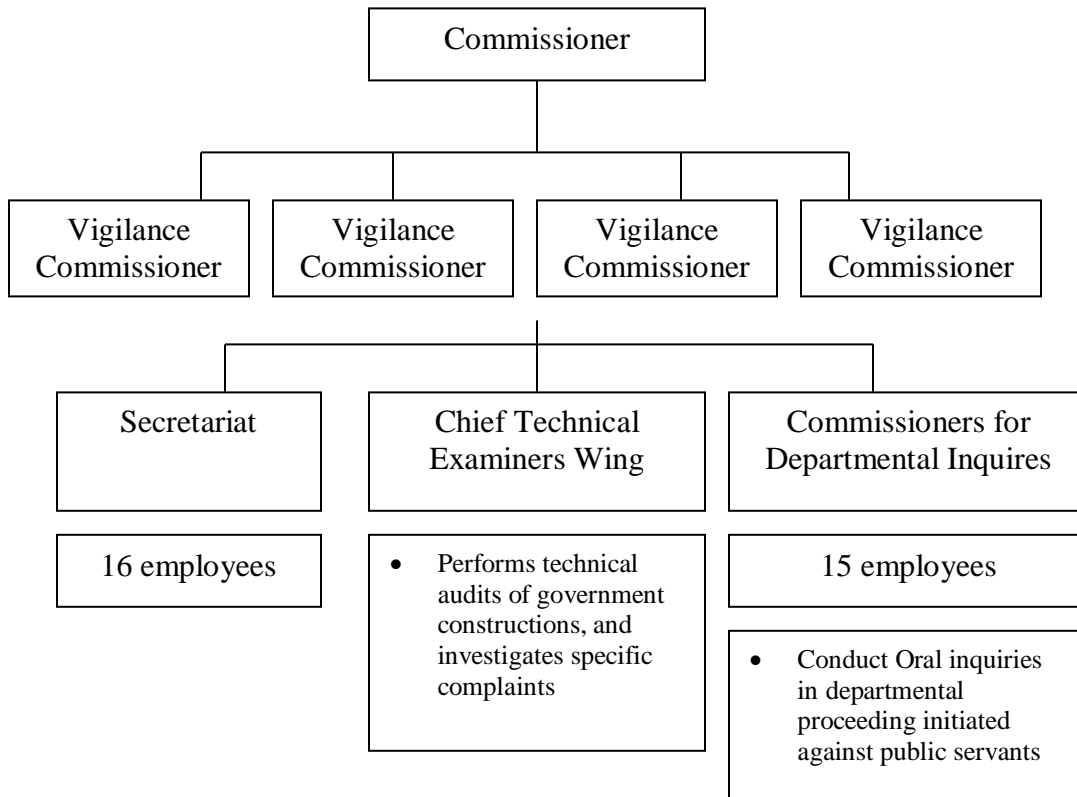
Establishment and Major Restructuring:

The CVC was established in 1964 in the wake of the Santhanman Committee's finding that a separate agency was necessary to effectively deal with corruption of central government employees. Significant restructuring took place when the President, influenced by a major Supreme Court ruling on anticorruption, passed the CVC Ordinance of August 25, 1998.

Major Functions:

1. Cause inquiry or investigation to be made when it is alleged that a public servant has acted in corrupt manner.
2. Act as superintendent of all vigilance administrations in the central government.
3. Act as superintendent of the Central Bureau of Investigations regarding corruption offenses.
4. Advise government on policy changes that may curb corruption, and enhance transparency.
5. Increase public awareness on issues of corruption.

Agency Structure:



Malaysia

Agency Details:

Anti Corruption Agency (ACA) or Badan Pencegah Rasuah Malaysia
ACA Headquarters
Block D6, Parcel D,
Federal Government Administration Center
P O Box 6000
62007 Putrajaya
Malaysia
<http://www.bpr.gov.my>

Chairperson:

Y. Bhg. Dato' Zulkipli Mat Noor

Mr. Noor received his B.A. in Political Science and Comparative Economics from University of Kansas, and received a Master's Degree in International Relations and Strategic Studies from University of Lancaster, England. Prior to this appointment as Director General of ACA, he served as the Commissioner of Police.

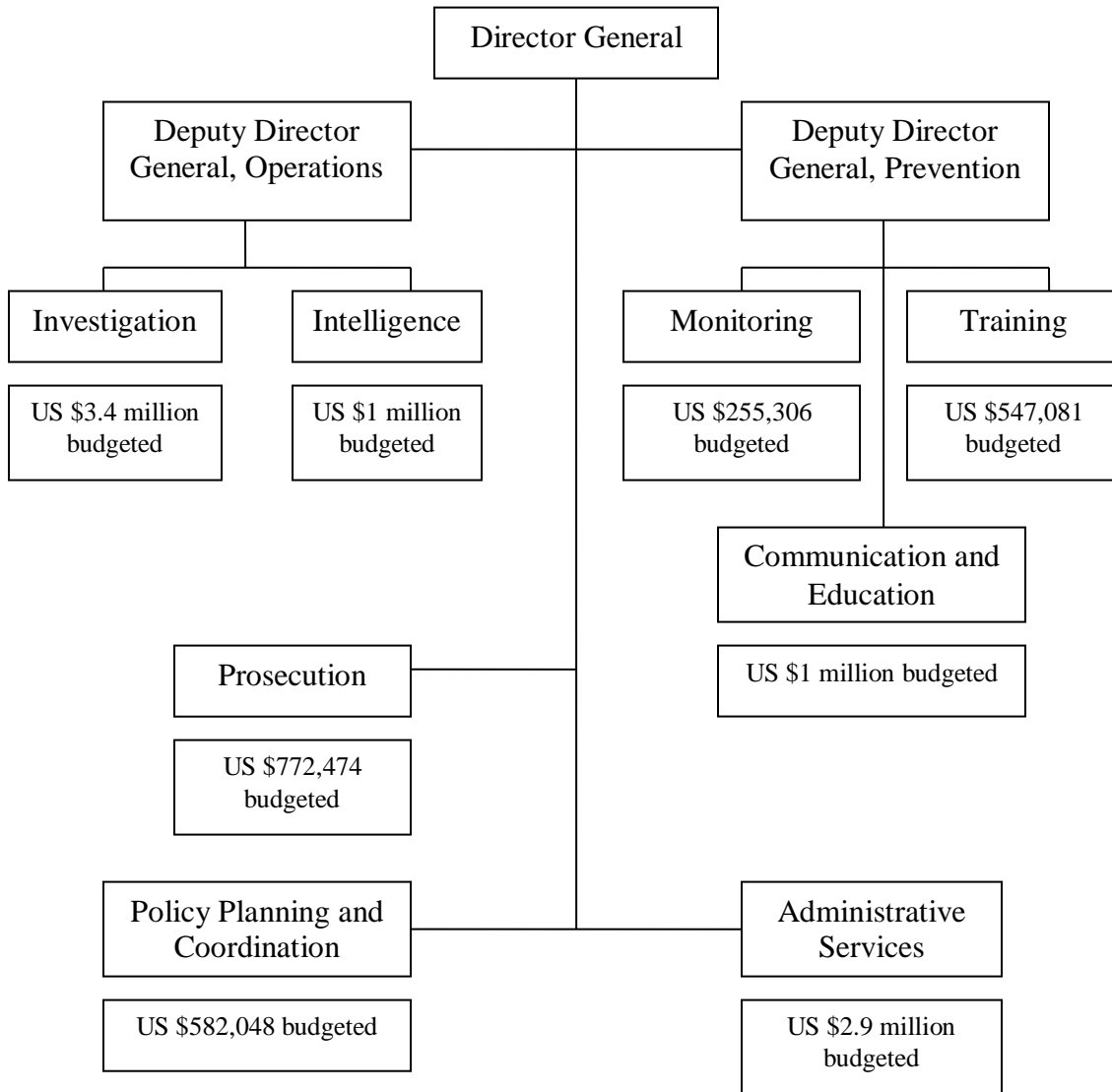
Establishment and Major Restructuring:

In 1959 the first Anti-Corruption Agency was established under the Prime Minister's Department. In 1973, the ACA was renamed the National Bureau of Investigation and was given charge of prevention, investigation, and prosecution of corruption cases. In accordance with the 1980 special committee finding, the NBI ultimately reverted its name back to the ACA and was given a narrower scope of power. The most recent restructuring of the ACA was in 1997.

Major Functions:

1. Receive, detect and investigate allegations of an offence under the Anti-Corruption Act 1997.
2. Examine the practices, systems and procedures of public bodies in order to facilitate the discovery of offences under this Act and to secure the revision of such practices.
3. Educate the public against corruption.

Agency Structure:



Singapore

Agency Details:

Corrupt Practices Investigation Bureau (CPIB)
150 Cantonment Road

Singapore 089762

<http://www.gov.sg/pmo/cpib>

Chairperson:

Mr. Chua Cher Yak

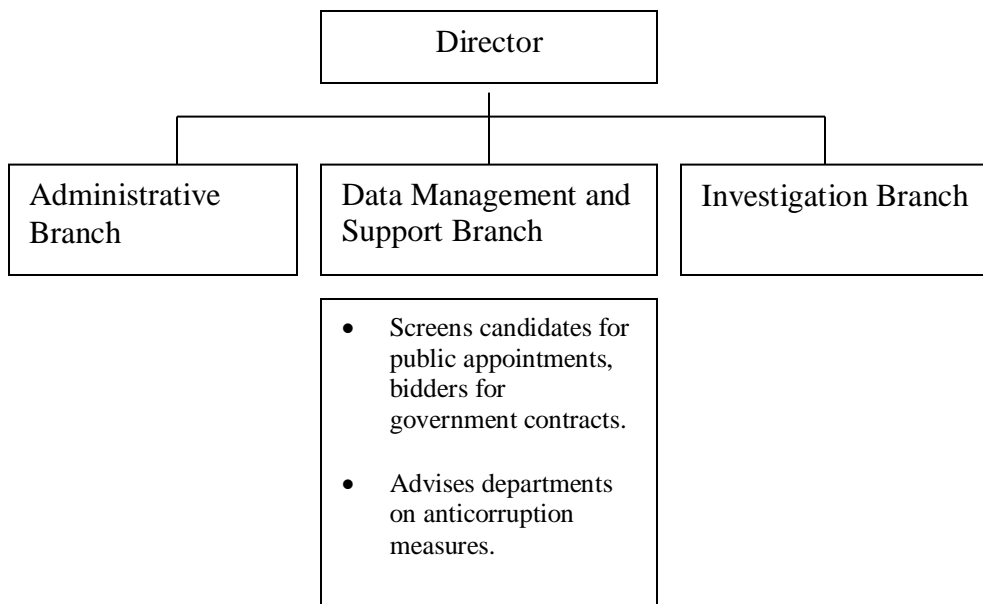
Establishment and Major Restructuring:

Founded in 1952, the CPIB replaced the Anti-Corruption Branch (ACB) of the Criminal Investigation Department of the police force. A scandal in 1951 revealing widespread corruption in the police necessitated the establishment of an agency free of police influence.

Major Functions:

1. Receive and investigate complaints alleging corrupt practice.
2. Investigate malpractices and misconduct by public officers with an “undertone” of corruption.
3. Prevent corruption by examining the practices and procedures in the public service for purposes of minimizing opportunities for corruption.

Agency Structure:



Tanzania

Agency Details:

Prevention of Corruption Bureau (PCB) or Taasisi ya Kuzuia Rushwa

P.O. Box 4865

Dar es Salaam

Tanzania

East-Africa

<http://www.tanzania.go.tz/poffice.htm>

Chairperson:

Major General Anatory Kamazima,

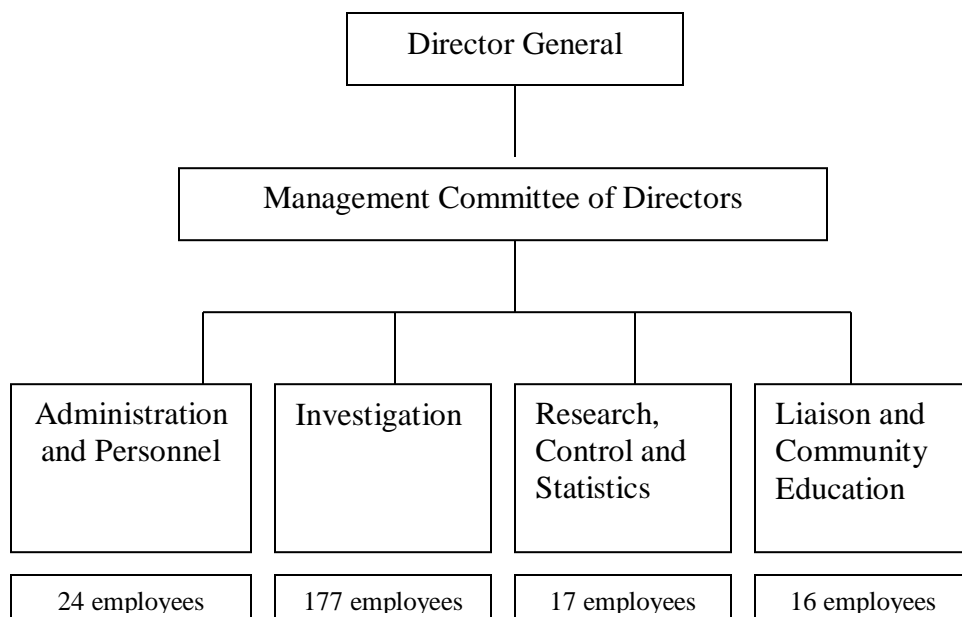
Establishment and Major Restructuring:

The PCB underwent restructuring in 1991. The implementation of a policy to provide social services like education, health, water etc to the rural population influenced the formation of the PCBs predecessor agency, originally established in 1971.

Major Functions:

1. Investigate and prosecute corruption offences.
2. Advise institutions on reforms needed to stop occurrences of corruption.
3. Educate the community on the evils of corruption, and anticorruption efforts.

Agency Structure:



Thailand

Agency Details:

National Counter Corruption Commission (NCCC)
<http://www.nccc.thaigov.net/ProjectNCCC/eng.htm>

Chairperson:

Mr. Ophars Arunin

Establishment and Major Restructuring:

The NCCC was established in 1999 to replace the weak and often politicized Office of the Commission of Counter Corruption (OCCC), which was established in 1975.

Major Functions:

1. Inquire into corruption cases, and remove officials accused of various types of offenses.
2. Oversee the declaration and inspection of assets and liabilities of senior officials and office holders.
3. Educate the public on the evils of corruption through workshops, seminars, and competitions.

Agency Structure:

The NCCC is comprised of a chairman and other eight members. Under the NCCC, the Office of the National Counter Corruption Commission (ONCCC) is established, which operates as the secretariat of the commission. The ONCCC is divided into 11 bureaus and 4 Divisions.

Uganda

Agency Details:

Inspectorate of Government
Office of the Inspector General of Government
Yusuf Lule Road
P.O.Box 1682 Kampala Uganda
<http://www.igg.go.ug/>

Chairperson:

Mr. Jotham Tumwesigye

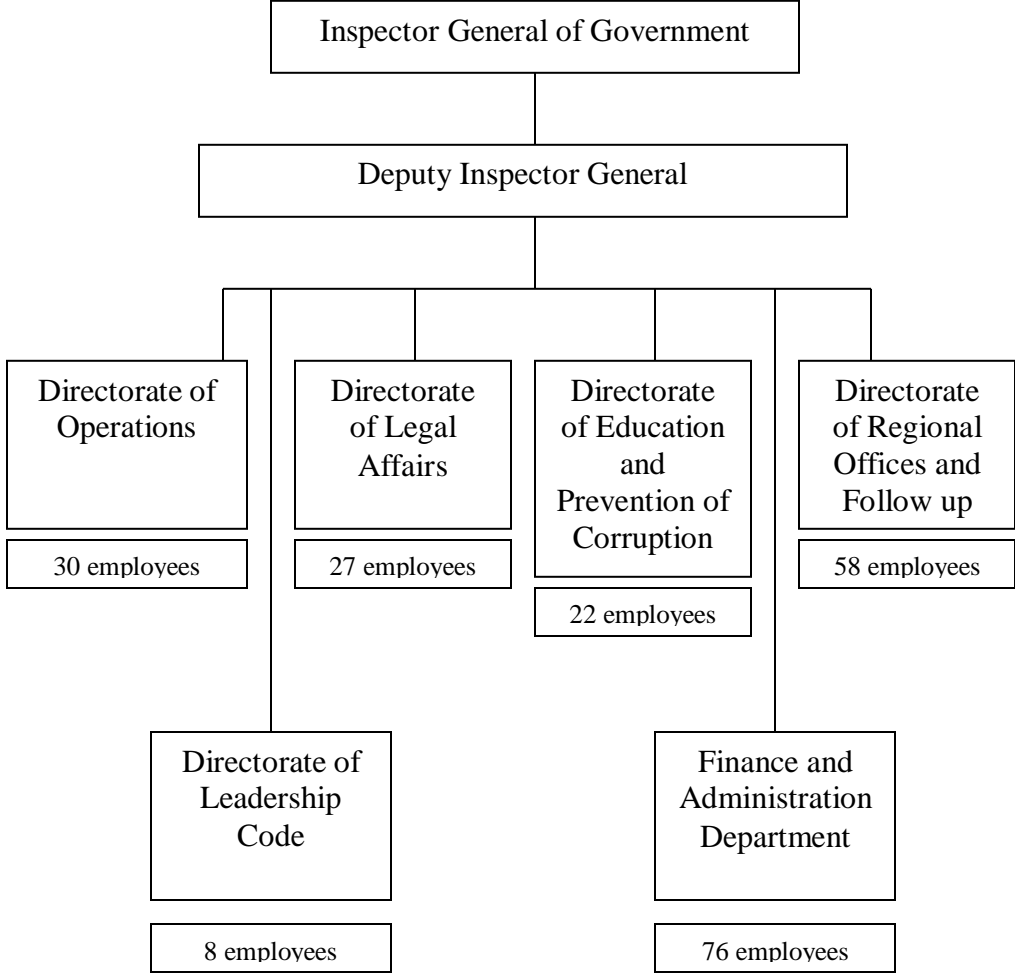
Establishment and Major Restructuring:

The agency was created in 1987 following a period of gross violations of human rights and the rule of law under the dictatorship of Idi Amin and Obote. The agency was given wider powers of investigation, arrest and prosecution 1995.

Major Functions:

1. Receive and investigate complaints alleging corruption in public administration.
2. Review and advise on public sector practices.
3. Promote strict adherence to the rule of law in administration.
4. Foster public awareness about corruption and anticorruption efforts.

Agency Structure:



Philippines

Agency Details:

Ombudsman of the Philippines

Office of the Ombudsman Former MWSS Bldg.,

176 Airoceros Street, Manila

<http://www.ombudsman-phil.net>

Chairperson:

Hon. Aniano A. Desierto

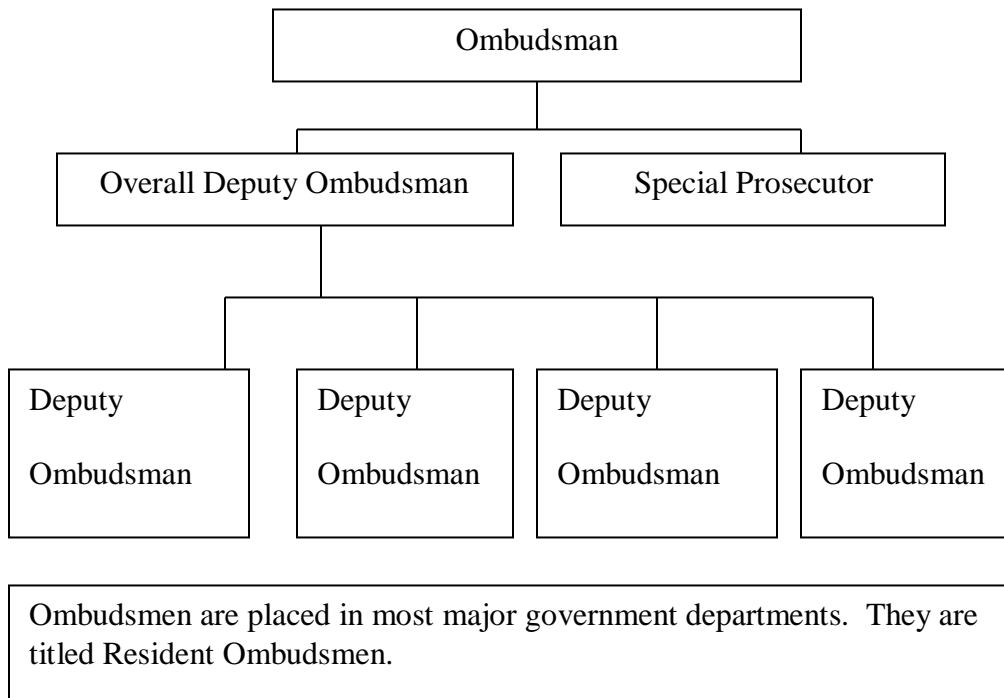
Establishment and Major Restructuring:

The Ombudsman of the Philippines was constitutionally established in 1987 in response to abuses of power in the Marcos administration.

Major Functions:

1. Investigate and prosecute cases of corruption.
2. Administrative adjudication.
3. Public assistance.
4. Graft prevention.

Agency Structure:



U.S.

Agency Details:

Office of Government Ethics (OGE)
1201 New York Ave., NW
Suite 500
Washington, DC 20005-3917
<http://www.usoge.gov>

Chairperson:

Ms. Amy Comstock

In 1988, Ms. Comstock entered federal service as an attorney in the Office of General Counsel at the U.S. Department of Education. She has also served as the Assistant General Counsel for Ethics at the Department of Education and the Associate Counsel to the President in the White House Ethics program.

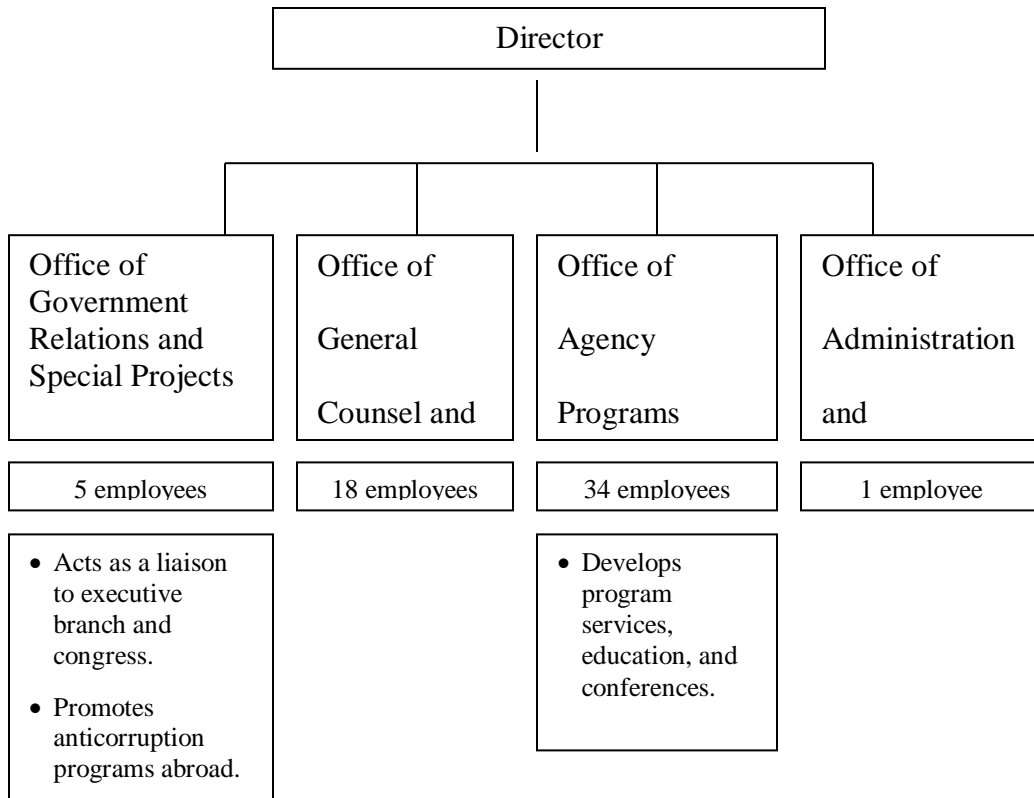
Establishment and Major Restructuring:

The OGE was originally established under the Office of Personnel Management in the Ethics in Government Act 1978, a response to the Watergate scandal. The OGE became a separate agency within the executive branch in 1989.

Major Functions:

1. Develop, evaluate, and provide guidance on ethics rules and regulations in government.
2. Conduct outreach and education for executive officials and staff.
3. Receive and review the financial disclosure statements of White House employees and Presidential appointees who are confirmed by the U.S. Senate.

Agency Structure:



France

Agency Details:

Service Central de Prevention de la Corruption
129 rue de l' Université
75007 PARIS
<http://www.justice.gouv.fr/minister/minscpc.htm>

Chairperson:

Establishment and Major Restructuring:

The SCPC was established in 1993 under the Justice Ministry. Its investigation powers were later struck down as unconstitutional, thus making the SCPC an interministerial coordination body.

Major Functions:

1. Centralize information and intelligence on corruption.
2. Produce studies of corruption vulnerabilities.
3. Provide advisory opinions at request of selected central authorities, courts, and regional/local councils.

Agency Structure:

The SCPC is made up of judges and civil servants attached to central departments, including treasury and audit. It is headed by a judge.

Annex 3: Agency Enabling Acts and Enforcement

New South Wales Australia

Independent Commission Against Corruption (ICAC)

Enabling Act:

- Independent Commission Against Corruption Act (1988)
 - http://www.austlii.edu.au/au/legis/nsw/consol_act/icaca1988442/

Enforcement:

- Independent Commission Against Corruption Act (1988)

Botswana

Directorate on Corruption and Economic Crime

Enabling Act:

- The Corruption and Economic Crime Act (1994)
 - http://www.gov.bw/government/directorate_on_corruption_and_economic_crime.html

Enforcement:

- Corruption and Economic Crime Act (1994)

Ecuador

Comision de Control Civico de la Corrupcion; Commission for Civil Control of Corruption

Enabling Act:

- Decree 107A 4 March 1997; Decree 506 30 July 1997; Articles 220 and 221 of the Constitution 10 August 1998; Law of the CCCC 12 March 1999; *Reglamento* of the law 11 October 1999.

Enforcement:

- Constitution: Art 3, 97, 109, 111
- Penal Code: Art. 218, 219, 235, 253, 257a-d, 260, 264, 265, 277, 285, 286, 291, 296a, 338, 347, 348
- General Law for Financial Institutions: Art. 90

Hong Kong

Hong Kong Independent Commission Against Corruption (ICAC)

Enabling Act:

- ICAC Ordinance (1974)

Enforcement:

- Prevention of Bribery Ordinance (1971)
- Elections (Corrupt and Illegal Conduct) Ordinance

India

Central Vigilance Commission (CVC)

Enabling Act:

- Resolution in the Ministry of Home Affairs (February 11, 1964)

Restructuring:

- CVC Ordinance (August 25, 1998)
- <http://cvc.nic.in/vscvc/ragordi1.htm>

Enforcement:

- Prevention of Corruption Act (1988)

Singapore

Corrupt Practices Investigation Bureau (CPIB)

Enabling Act:

- Prevention of Corruption Act, Chapter 241 (1960)
- <http://statutes.agc.gov.sg/>

Enforcement:

- The Prevention of Corruption Act, Chapter 241 (1960)
- The Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits Act; Chapter 65A (1999)
- <http://statutes.agc.gov.sg/>

Thailand

The National Counter Corruption Commission (NCCC)

Enabling Act:

- Organic Act on Counter Corruption (1999)
- Constitution, sections 297-313

Uganda

Inspectorate of Government

Enabling Act:

- Constitution of Uganda, chapter 13 (1995)

Enforcement:

- Leadership Code of Conduct (1992)

Argentina

Oficina Anti Corrupción; Anti Corruption Office (ACO)

Enabling Act:

- Law 25.233, B.O. 1999/12/14, or “Ley de Ministerios”
 - www.msal.gov.ar
- Decree 102/99
 - www.jus.gov.ar

Enforcement:

- Criminal and administrative laws of the Argentine Republic having to do with fraud against the Federal Government, as well as white-collar crimes and asset declaration within the public administration.
- Inter-American Convention Against Corruption.

Malaysia

Badan Pencegah Rasuah Malaysia (BPR); Anti Corruption Agency, Malaysia (ACA)

Enabling Act:

- Anti-Corruption Act; Act 575, Section 3(1) (1997)

Enforcement:

- Anti-Corruption Act; Act 575, Section 3(1) 1997)
- Penal Code, Sections 161-165 and sections 213-215
- Customs Act, Section 137 (1967)
- Election Offenses Act, Sections 7-11 (1954)

Tanzania

Taasisi ya Kuzuia Rushwa; Prevention of Corruption Bureau (PCB)

Enabling Act:

- Prevention of Corruption Act; Act No.16 (1971)

Enforcement:

- Prevention of Corruption Act; Act No.16 (1971)

Philippines

Office of the Ombudsman

Enabling Act:

- Constitution, Article XI (1987)
- Ombudsman Act, Act 6770 (1989)

Enforcement:

- Code of Conduct and Ethical Standards for Public Officials and Employees
Act, Act 6713 (1989)

U.S.

Office of Government Ethics

Enabling Act:

- Ethics in Government Act (1978)

France

Service Central de Prevention de la Corruption; Central Service for Prevention of Corruption

Enabling Act:

- Law no. 93-122 (January 29, 1993)

Annex 4: Research Protocol

Study: A Review of Anti-Corruption Agencies Research/Interview Protocol

This protocol is to be used by the in-country researcher to gather information about the specified anti-corruption agency (or agencies). To address the questions in this protocol, the researcher will consult documents, studies, and data from official and non-official sources. The researcher will also interview at least two senior officials and two rank-and-file officials within the agency, and consult knowledgeable people outside the agency.

1. Agency details

1.a. What is the formal name of the anti-corruption agency (ACA) in the official language and in English (if different)?

1.b. Contact details: address, phone, website, e-mail contact, name and coordinates of public relations/information officer or other contact point if any.

1.c. Current chairperson of the agency: name, age, synopsis of training and experience, regional/ethnic origin, party affiliation if any, reputation based on public record and/or press coverage.

2. Establishment of the agency

2.a. What year was the agency established in its current form? If it had predecessor agencies with the same role, in what years were they created?

2.b. Was the agency (and its predecessors) designed explicitly on the basis of any particular ACA model? If so, which one? Were alternative actions (other kinds of agencies or reforms) considered? If so, what were they and why were they rejected?

2.c. What is the main governance problem that the agency was designed to address – e.g. certain types of corruption, certain weaknesses in a predecessor agency, lack of coordination or effectiveness by relevant institutions such as courts and prosecutors?

2.d. What is the agency's mandate or policy regarding the forms of corruption, and the types of individuals or positions, that it must focus on as a priority (e.g. grand corruption or conflict of interest, senior officials or those with certain kinds of functions)?

2.e. Describe the political context of the ACA's founding (and major restructuring, if there were predecessors) and continued operations: Why and how was it created/restructured? --

- i. Major events, including scandals, that prompted its creation or restructuring.
- ii. Political, social, or economic groupings that have influenced the creation, restructuring, and/or continued operations and sustainability of the agency: i.e. the positions they

have taken on the agency and why, the nature of their influence, their involvement in or attitude toward corruption.

2.f. Diagram the major changes in the agency using a timeline with key political events above the line and institutional developments (such as new functions, new resources, new leadership, etc.) below the line.

3. Organization, powers, duties of the agency

3.a. Provide the text and citation of the law(s) or decree(s) that establish and govern the agency, and summarize any parliamentary debate on the bill, and any subsequent court judgments and enactments of major importance in understanding the objectives and powers of the agency.

3.b. What is the legal form or status of the agency (e.g. constitutional body, autonomous agency, ministry, court, statutory body, special unit within a ministry), and how, specifically, does this delimit its powers and autonomy?

3.c. What are the agency's functions, powers, responsibilities, and immunities? Discuss any synergies or incompatibilities among these, the reasons for them, and their impact.

3.d. What laws does the ACA enforce (e.g. official corruption act, serious frauds and white-collar crime laws, asset declaration law)? Discuss any synergies or incompatibilities among these, the reasons for them, and their impact.

3.e. Provide outline of the agency's structure:

- i. Divisions, departments, branches, etc. and their functions
- ii. Responsibilities and powers of key managers, and reporting relationships
- iii. Organogram.

3.f. The position of the chairperson: What are the required qualifications, if any? How is the person recruited and appointed? To whom is the chair responsible? Who has authority to remove or sanction her/him and in what circumstances?

3.g. What protections are there, in law, administration, and/or politics, for the independence of the agency? Please describe and give any useful examples of their application. Which, if any, are effective, and why?

3.h. What arrangements in law, administration, and/or politics exist to ensure accountability and transparency on the part of the agency (e.g. legislative oversight, judicial review, ombudsman, citizen committees)? Please describe and give any useful examples of their application. Which, if any, are effective, and why?

3.i. What protections does the agency have – on paper and in fact – for the confidentiality of assessment, advice, investigations, suspects, and witnesses?

3.j. What person or entity has authority to initiate action by the agency – and under what conditions? Does the agency have authority to select cases, to pursue cases, and on what basis? Does it in fact do so, and what impact does this have?

3.k. Provide a brief overview of the historical development of the above arrangements in the agency since it was established or restructured in its current form.

4. Personnel of the agency

4.a. Provide the number and type of staff (e.g. level of qualification and responsibility), by function and/or division – both the formal staff complement and the actual number of staff. Can you assess whether these numbers are adequate for the functions (or alternatively, either insufficient or excessive)?

4.b. Describe how the above categories of staff are recruited and appointed: from within government or also outside, on secondment, on short-term or permanent appointments, using political or merit criteria, based on examinations, within or independent of the civil service personnel structure?

4.c. Describe the compensation of the main categories of staff: the full package of salary and benefits, the range of increases within each category, incentives, comparison to other public sector organizations and the private sector, other important conditions and benefits of employment.

4.d. Describe the level and adequacy of staff training within the main categories above: Are the staff well-qualified and trained? What training is made available to them during their employment, which of it do they in fact receive, and is it obligatory?

4.e. Describe the personnel management system: What system and criteria are used in performance evaluation and promotion? What disciplinary measures are available, and in what cases have they actually been used? How effective is this system, and why?

4.f. Provide a brief overview of the historical development of the above arrangements in the agency since it was established or restructured in its current form.

5. Other resources of the agency

5.a. Budget allocation: Provide the total allocated budget, and actual expenditures, for the agency in the two most recent fiscal years for which figures are available. Provide a breakdown of these figures by major category (by division and by expenditure category, e.g. major personnel categories, major support and procurement items). Are the budgetary resources adequate or not, and why?

5.b. Budget process: Describe the sources of the agency's funds, along with any arrangements to ensure the agency's budgetary autonomy, e.g. separate line in national budget, own fiscal sources, protections in the budget process.

5.c. Assets: Describe the agency's physical infrastructure, including buildings (quality, location and access); computer and transport equipment and supplies; equipment and materials used in

research and advisory assistance, outreach and education, investigation, prosecution (as applicable).

5.c. How have these factors developed during the life of the agency, since it was established or restructured in its current form?

6. Relationships

6.a. Describe the relationships – on paper and in actuality – of the agency to other relevant public bodies, including: courts, prosecutors, police, the agency charged with administrative and civil service reform, parliament, ministries, audit body, other anti-corruption bodies, head of government and chief of state. In particular, what has the agency's relationship been to government bodies that it has targeted for assessment, TA, or investigation, and what have been the results of these relationships?

6.b. Describe any major problems or obstacles that the agency faces in its operating environment, including: weakness or non-cooperation on the part of the agencies discussed in 5.a. above, shortage of budgetary support or problems in the budgetary process, political intrusion, inadequacies or conflicts in applicable laws and regulations.

6.c. What relationships – formal and actual – does the agency have with nongovernmental organizations, the media, and the private sector in carrying out its main functions? Does the agency report to the press on a regular basis; if so how often and on what issues?

6.d. How have these factors developed during the life of the agency, since it was established or restructured in its current form?

7. Performance monitoring and evaluation

7.a. Describe the systems or procedures used to monitor and evaluate the agency's performance – both internally and externally, including by other government bodies, non-governmental organizations, and independent researchers. In each case, what methods, data, and benchmarks are used? Summarize the key findings of these evaluations for the two most recent years in which they have been done (if available).

7.b. What information and feedback systems does the agency have in place (or make use of), including hotlines and corruption complaint intake, complaint boards concerning its own activities, surveys, etc.?

7.c. Is the agency subject to financial and performance audit? Does this include cost/benefit analysis? In the two most recent years in which this was done (if available), what were the major findings of these assessments? Provide copy of text if available.

7.d. Does the agency use information from any type of income and asset disclosure? If so, 1) does the agency or some other body process the forms?; 2) does the person under investigation have the burden of proof to identify the source of his/her income?

7.e. Patterns of investigation and prosecution (if applicable): Provide figures for the most recent year (if available) on the numbers of cases (by type if possible) initiated, the numbers taken through the investigation phase, the numbers taken to prosecution, and the prosecution success rate. Provide information on the types of persons investigated and prosecuted (if available), including their department, level or position, offense, party affiliation, regional or ethnic origin.

7.f. Does the agency produce an annual report or some other publication describing its performance? If so, please provide the most recent copy.

7.g. In which areas is the agency popularly viewed as a success, and in which areas a failure? Why? In your estimation, is this view correct? Why or why not?