Why the current “best practice” cannot work

The reason why governance and corruption reform is so challenging is because the very actors that it tries to put in line are also the ones that are crucial to implementing that processes. For this reason alone, relying on the government to fix itself is a lost cause. The standard approach of using providing technical assistance to disseminate best practices in terms of laws, budgeting processes, etc. is problematic because it assumes the host government to be a monolithic creature with a definite and single-minded goal of improving the lives of its citizens. Instead of thinking about the “state,” it would be more illuminating to take one step closer to the everyday work of practitioner on the field and think about politicians. When we ask ourselves whether we should entrust the government with implementing its anti-corruption plan, we should ask instead whether we should trust politicians and officials to eradicate a major source of income in their own unit? There will always certainly be an upright and reform-minded official, but he or she alone are dependent on his or her surrounding members, down to the very last man on the bureaucratic ladder. Would he or she be welcome with their reform effort? When reform means an eradication of income, the answer can hardly be yes.

Of course, this insight is hardly new. More than 200 years ago, James Madison has eloquently said it: “If men were angels, no government would be necessary” But more importantly, “If angels were to govern men, neither external nor internal control over the government would be necessary.” Put in the context of corruption, this is reflected in Klitgaard famous equation of corruption (Corruption = Monopoly + Discretion – Accountability). With monopoly, the official has access to a highly valued good. With discretion, he can distribute it to the highest bidder (or take it for himself), and without accountability, there is no way for the loser to claim redress or punish the wrongdoers.

Notice that all three components of the equations are deeply political variables that cannot be easily solved by passing a law. Government officials will always have a monopoly over certain resources, such as public fund, but also business licenses, market entry, or rights to natural resources. Market liberalization can reduce the state monopoly somewhat, but the state will always retain a monopoly over regulations, which, even in a developed democracy like the United States, has been a huge area of lobbying (decried as corruption by many scholars and citizens, despite being “legal” and regulated).

Discretion is a function of check and balance within the government, which is a fundamental characteristic of the political system that cannot be solved with a law. (Examples of law being subverted here due to lack of check and balance – the case of Philippines local versus central).

Accountability is fundamentally about the power relation between the citizens and the state. Here too, we cannot think about the citizens as a unitary unit with an uncomplicated commitment to provide public good. Rather, the citizens are a collective of self-interested actors, acting for their own benefits, and facing collective action in demanding better officials. In weak democracies, this collective problem, coupled with ethnic and class division, is the cause of clientelism. In authoritarian regime, accountability is an even weaker channel through which to discipline the behavior of officials. Besides formal electoral power, there is informal, social channel to sanction official (Lily Tsai, Chinese village). Yet this again is the result of decades, if not centuries long, ties that cannot be imposed from outside, certainly cannot be taken as a transferrable “best practice.”

Andrews (2009, 7) – “lack of resource and donor focus” and “political incentives” are the cause of slow reform

Why implementations gap happen in anti-corruption

Despite a carefully crafted plan, implementation of the law is particularly vulnerable to failures when:

First, processes that are not clearly visible from the outside can be hard to monitor. Therefore, while upstream budgeting and clauses in anti-corruption law can be easily seen and affected by international organization, the downstream spending is much more opaque. Schick (1998, 128) mentions that many developing countries “have two budgets: the public one that is presented to the parliament and the real one that determines which bills are paid and how much is actually spent.” Pettersen (1995) suggests the same story of budgeting in Norway, in which health professionals are equally willing to support the official budget in public and to spend the real budget their own way.

Intertwined closely with the visibility issue, second, processes that involve a deconcentrated group of actors (such as local governments, line ministries, etc.) are much harder to be implemented.

Third, core-ness of the organization.