EUROPEAN ANTI-CORRUPTION AGENCIES: PROTECTING THE COMMUNITY'S FINANCIAL INTERESTS IN A KNOWLEDGE-BASED, INNOVATIVE AND INTEGRATED MANNER

MARKETS, MANAGEMENT, MANAGED WORK AND MEASUREMENT: GETTING THE BORING BITS RIGHT FOR ANTI-CORRUPTION AGENCIES [ACA]

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Abstract

The purpose of this paper and the presentation is to consider issues that may concern Anti-corruption Agencies [ACA] working within the European Union [EU] countries, or those countries with ambitions to join the EU. The issues will also have wider relevance with the mandatory requirements of the United Nations Convention Against Corruption [UNCAC]. The issues concern the rationale for setting up an ACA (markets), the use of business planning techniques to determine the most appropriate organizational structure to deliver its intended objectives (management), operational activity (managed work) and performance (measurement).

The paper sets the context for the presentation which will use examples from a number of ACAs[1], including those were the author has undertaken research[2] or led training projects[3] to discuss how and why ACAs fail before discussing initial research

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[1] Hong Kong ICAC, New South Wales ICAC (Australia), Administrative Control Authority (Egypt), Inspectorate General of Government (Uganda), Anti-corruption Commission (Sierra Leone), Serious Fraud Office (Ghana), Serious Fraud Office (UK), STT (Lithuania), KNAB (Latvia).

[2] The author has been project director for various anticorruption research projects, including 40 National Integrity Studies country reports and, with David Watt and Robert Williams, co-author of 2005 report on ACAs published by U4. He was also a member of the Interpol Group of Experts on Corruption (IGEC) and is the director for the UN Technical Guide for the UNCAC.

[3] The author has been:

- o project director - investigation training, investigation management and surveillance, Administrative Control Authority (Egypt), 1992-1996;
- o project director - investigation training, and investigation management and surveillance, Inspectorate General of Government (Uganda), 1994-1998;
- o projector director - investigation and prosecution manual, Prevention of Corruption Bureau, Tanzania;
- o project director - inter-agency investigation and prosecution arrangements, Government of Ethiopia, 1999
- o project director - review and implementation of the National Anti-Corruption Programme, Government of Lithuania, 2001.

on what needs to be done in terms of, first, deciding if an ACA is necessary and, second, what markets, management, work and measurement issues need to be addressed.

Structure of the Paper

The paper does not discuss ACAs. It addresses the more boring but essential business planning and management approaches that must underpin decisions on the establishment of new ACAs or changes to existing ACAs as follows:

Markets and Context Identifying what is the threat – what types and levels of corruption exist and what threats to they pose to politics, administration, public perceptions and democratisation. These need to be identified, in order to develop the strategy and an institutional shape;

Management and Managed Work: the context should determine the institutional response, firstly in terms of the strategy proposed for that response which will in turn determine the organisational shape and secondly, the organisation of the work to be undertaken by the ACA;

Measurement and Performance: strategy and organisational design is needed to ensure that focus and funding is fully translated into the anticipated delivery of or improvement in the organisation's performance. This involves measurement of both internal as well as external performance.

The paper also discusses two particular issues:

transitional countries: do their socio-economic context and institutional configuration mean that some of the problems to be addressed may require different approaches?

'organisationally-young' institutions: do donors and governments, in trying to address high-level corruption, expect too much from organisations that do not yet have the organisational maturity, capacity and competence to deliver?

Introduction: Why ACAs and Why Planning?

Article 36 of the United Nations Convention Against Corruption [UNCAC] states that:

> Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement.

In a number of countries, responsibility lies with a police agency, or units within such an agency. For others, a specific and specialized agency, distinct from the police, is preferred. In developing and transitional countries, where the police traditionally have not been trusted to deal with corruption, a new agency is often mandatory (and certainly the preferred option of multilateral and bilateral donors). Exactly what processes are used to determine whether or not a specific body is needed and, if established, what it should do would involve what are normal marketing and management assessments. In 2001 the author wrote a report for a UN journal (Doig, Watt, Moran, 2001) which argued that both governments and existing ACAs should, as elsewhere in the public sector, consider the use of such business planning techniques to determine if an ACA is needed or, if it exists, what it does and how it should do it.

These techniques fall into two categories: assessing external factors or environment mapping; internal and operational factors. The first addresses the key question - what is the dynamic within which the ACA will work or what is the context that will shape the design of the organisation and influence its ability to deliver its proposed functions:

o   *The Threat*: What the threat or problem to be addressed, and how should it be addressed: is the corruption high-volume (such as traffic police or licence clerks) or high value (such as procurement contracts) or politically sensitive (involving government ministers) or sophisticated (such as moneylaundering with overseas and organised crime dimensions) or a permutation of all of these?

o   *The Response*: What are the strengths and weaknesses of existing institutions and should or could they be resolved by a new institution, by merger, by inter-agency co-ordination or co-operation, or by segmented responsibilities?

o   *The Added-Value*: What are the wider political and developmental agendas that will be facilitated or expedited by, or will constrain, the work of an ACA?

MARKETS AND CONTEXT: ENVIRONMENT SCANNING

Planning for the market?

The first question is – what is the corruption market? In other words, what is the threat? Until this is identified, then developing the strategy and an institutional shape will be problematic. Addressing the context – environment scanning [see Annex 1 for a methodology developed by Jon Moran, one of the authors] – allows governments to determine strategies - see Figure 1 for the model currently being considered by the UK government for its proposed anti-fraud strategy – to drill down from the wider measures of the wider operating environment on a range of anti-corruption approaches (see Fig 2).

Fig. 1: The National Health Service Outline, Currently Used by the UK Fraud Review
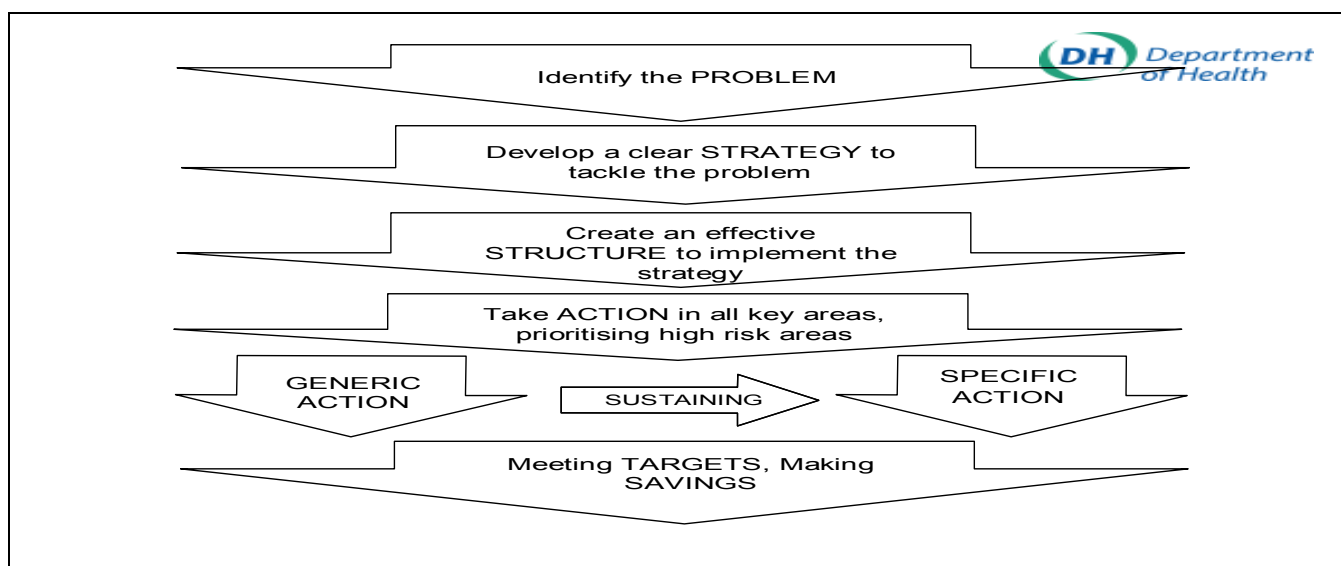
Figure 2: Ratings on Relevance of a Menu of Anti-corruption Programs - A Selection[4]

Program	Country's Quality of Governance			Comments
	Weak	Fair	Good	
Raising public awareness of corruption through seminars	Not relevant	Low	Medium	In countries with weak governance, corrupt practices and agents are generally well known.
Raising awareness of public officials through seminars	Not relevant	Low	Medium	Public officials may be aware of corruption but unwilling and/or unable to take action due to incentive problems in countries with weak governance
Anti-corruption agencies / Ombudsman	Not relevant	Low	Medium	Public officials may be aware of corruption but unwilling and/or unable to take action due to incentive problems in countries with weak governance
Ethics office	Not relevant	Low	Medium	Positive influence may be limited to societies with good governance
Raising Public Sector wages	Negligable	Low	Medium	May have positive impact on petty corruption but little impact on grand corruption. Negative impact if part of problem is excessive public employment

In other words, measuring not only the existing (and future) type, pattern and levels of corruption but also whether corruption is 'increasing' or 'decreasing' also requires a wider assessment of the development of the governance framework, something currently being reflected in the use of both quantitative and qualitative indicators in a much more sophisticated way than previous attempts to assess[5]. Once that is agreed, then whether or not an ACA is required, what the ACA is intended to do, what resources it has, how it delivers its goals and how it is measured, and what happens once its primary purpose has been achieved can be discussed.

Issue 1: Are There Particular Issues for Transitional Countries? [6]

Many transitional states face the same developmental issues of other democratising countries, but their socio-economic context and institutional configuration has meant that some of the problems to be addressed may require different approaches. For example:

o   transition states are institutionally-young, inheriting bureaucracies that not only lack many of the regulatory institutions that are necessary for a modern state and economy to function, but also lack many of the conditions necessary for mechanisms of accountability to function;

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4   Huther, J. and Shah, A. (2000). *Anti-corruption Policies and Programs: A Framework for Evaluation*. World Bank Policy Research Working Paper No. 2501. Washington: World Bank.

5   See Doig, A., Mcivor, S. and Theobald, R. (2006; Forthcoming). 'Numbers, Nuances and Moving Targets: Converging the Use of Corruption Indicators or Descriptors in Assessing State Development'. *International Journal of Administrative Sciences.*

6   The ideas for this section are explored more fully in Doig, A. and McIvor, S. (2003). 'The National Integrity System: Assessing Corruption and Reform'. *Public Administration and Development*. 23, 1-16. The ideas on transitional countries were developed by Quinten Reed for a briefing paper which accompanied a number of National Integrity System country reports, for whom Alan Doig was the project director and Stephanie McIvor was the lead researcher, presented to the Global Forum II conference in The Hague, 2001.

o　　　　　there is little or no tradition of core practices, such as those relating to conflict of interest, and no experience of embedded key pillars, such as the judiciary;

o　　　　　the overload of tasks in transition - ranging from wholesale privatisation to the provision of basic healthcare - distracts attention from ethical and anticorruption efforts, while the need for wide discretion to carry out transition tasks may conflict with the objective of reducing discretion among those without an internalised sense of responsibility of public service;

o　　　　　political and economic liberalisation subjects politicians to a wide range of pressures that are potentially corrupt and that many are keen to reap material rewards from office;

o　　　　　powerholders in what are organisationally-immature institutions could design the 'rules of the game' to facilitate their exercise of political power and influence. This has particular resonance at local level where clan structures, family group leaders and other authority figures from previous regimes can fill the vacuum provided by a weak state and a disempowered society.

o　　　　　civil societies are weak in transition states and may not function in such a way as to underpin constructive reforms. In many, what has been termed in Lithuania as 'silence before the official' continues to be a dominant influence on the public-state relationship;

o　　　　　due to economic concentration, the weakness of civil society and/or the competitive pressures of transition, the private sector may be more aggressive in its relations with the state. In its 1998 report, for example, the European Bank for Reconstruction and Development reported that in Russia, with 'the state's authority and capacity...ill-defined and inadequately developed, there were ample opportunities for managers and bankers to "capture" politicians and bureaucrats at every level of government. This was a fertile environment for the growth of corruption'.[7]

There are a number of problems specifically related to ethical and corruption issues. Part of the problem lies in the process of state formation, having to build a new state – at all levels - in the context of the effects of the rapid economic transformation that has often taken place before the establishment of an effective democratic state, as well as the deconstruction of the existing state framework whose legacy institutions and cultures often delay the impact of democratisation and reform.

In terms of prioritised reconstruction, there may be strong reasons for not moving too quickly to establish mechanisms of accountability or an over-emphasis on the control environment if a wide degree of discretion combined with good leadership may be more desirable in encouraging suitably-qualified or motivated recruits – of which there should be an appropriate number in many countries - into political and administrative life as pre-conditions for institutional consolidation. A strong and empowered public service may also be necessary to address the impact of marketisation and privatisation which, in a number of cases, has not only transferred undue influence to private sector institutions but also converted political elites into economic elites: Making assumptions about accountability may seem clear and

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[7]　　　European Bank for Reconstruction and Development. (1998). *Transition Report 1998*. London: European Bank for Reconstruction and Development. p4.

unproblematic but an uncritical reliance on compliance and accountability may be less effective than an emphasis on personal responsibility in the balance between compliance and discretion in relation to public office.

MANAGEMENT AND MANAGED WORK

Managing the Organisation and Its Work

The context should determine the institutional response, firstly in terms of the strategy proposed for that response which will in turn determine the organisational shape. Institutional strategy is about 'the formulation, implementation and responsibility for plans and related activities vital for the central direction and functioning of the enterprise as a whole'[8] – see Fig 3.

Fig 3: A Standard Organisational Planning Framework

KEY ELEMENTS OF SETTING AIMS AND OBJECTIVES
Define Mission [fundamental purpose] and Core Values [qualities to upheld throughout all its activities]
Draw Up Hierarchy of Aims [Goals - general in nature] and Objectives [Targets - specific for achievement] for organisation and defined operational departments, sections and teams or units
Draw Up Hierarchy of Aims [Goals] and Objectives [Targets] for organisation and defined support departments, sections and teams or units
Draw Up agreed level action plans between operational and support areas to deliver objectives
Establish quantitative, financial, qualitative and time-related factors in delivering Objectives to ensure that resource availability supports delivery
Establish means of objective assessment [quantifiable performance indicators]
Establish mechanisms for objective assessment
Establish mechanisms for altering priorities or practicability of Objectives

From this comes organisational design - 'an understanding of the strategic roles of the divisions, departments or subsidiaries of the organisation, as well as the role of the corporate centre...there are different styles of managing the *parenting* role of the corporate centre, ranging from the centralised "masterplanner" approach through to a highly devolved approach...' - and organisational *configuration* - 'how this is made up of different building blocks and co-ordinating mechanisms...the issue is the extent to which a particular configuration best fits or supports different kinds of strategies'[9].
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Design and configuration involves culture management, resource management and change management approaches to ensure that the ACA has the resources, culture, skills and expertise to deliver its goals, and is able to adapt and develop in the face of changing circumstances. The organisation has to be able to 'distinguish between those elements which create the conditions which allow successful change to take place..., and those which actually comprise the stages (or phases) that individual change projects need to go through in order to be successful'[10] if it is to be flexible and adaptive. See Annex 2 for a standard template.

Before any effective anti-corruption work can be undertaken, an ACA must deliver in five general institutional development strands - financial and resource management; human resource management, including all training; information and records

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[8]   Booth, S. (1993). *Crisis Management Strategy*. London: Routledge. p63.
[9]   Johnson, G. and Scholes, K. (1997) *Exploring Corporate Strategy*. Hemel Hempstead: Prentice Hall. p402. (Italics in original).
[10]   Burnes, B. (1992). *Managing Change*. London: Pitman Publishing. p257.

management; investigation and prosecution management; communication and education management – which would cover the following activities:

- in-house records, financial and management information systems;
- budgetary, activity and resource allocation and devolution procedures;
- general staff training, team work development and performance, senior management training;
- organisational development and communications strategies;
- non-staff resource prioritisation and maximisation;
- investigation planning and specialist training;
- case management and an integrated prosecutions policy and procedures, and;
- performance measurement and appraisal at individual, Directorate and organisation levels.

This would in turn lead to key internal action plans and procedures to deliver the ACA's objective – see Fig. 4 (devised by David Watt, the third of the three authors of the report for the UN article).

Fig 4. The Internal Organisational Structure

ORGANISATION and MANAGEMENT DELIVERY				
Management Teams Responsible for Action Plans in:				
FINANCE and RESOURCE MANAGEMENT.	**HUMAN RESOURCE MANAGEMENT**	**INFORMATION and RECORDS MANAGEMENT**	**INVESTIGATION and PROSECUTION MANAGEMENT**	**COMMUNICATION and EDUCATION MANAGEMENT**
Senior Finance and Administration staff.	Senior Staff Personnel and Administration Staff	Senior staff Registry and Inspection Office	Directors /Senior Staff of Operations and Legal Affairs	Director /senior staff of Education and Prevention
Member of senior management	Representative from Operations.	Representative from Legal Affairs	Representative from Education and Prevention	Representative from Inspection Office
Key Tasks in Each Action Plan				
Regional Offices Planning and Development	Staffing Organisational Review	Directorates' Performance Records	Case Intake and Prioritisation Policy and Protocols.	Public Education Media Activities
Computerised Financial Information Management System.	Senior Management Development.	Individual/Team performance records	Other Prioritised Tasks.	Public education events
	Basic/Advanced Investigation Training	Investigations Manual Records System	Case Management and Review	Public Relations
Building and Facilities Management Review.	Planned Recruitment and Selection; for secondments and attachments	Investigations computerised records system	Communication, case Transfer and Partnerships with other Agencies	Parliamentary Communication
Vehicle Management/equipment System.	Performance Management System		Integrated Investigation and Prosecution Procedures	Research Activities
Computerisation	Support Staff Development		Communication and co-operation with other ACAs	
On-Going Logistical Support for Project Implementation				

The development of the organisational configuration takes place co-terminously with the decision on work load. In many cases, it is almost impossible for a newly established ACA to become effective immediately in all of its areas of responsibility or, given limited resources (financial, manpower, skill-base, etc.) at any one time, to give equal weight to those areas of responsibility either the law or the ACA itself chooses (and the main reason why all ACAs should treat with extreme caution adopting from the outset the tripartite approach of the Hong Kong ICAC). At the same time consideration of a new or existing ACA will need to address existing agencies who may be short of the financial and skilled human resources required to tackle the caseloads that they face.

It is against this background that the creation of a new, and potentially costly, ACA needs to be considered in terms of ensuring the most impact from the organisation and use of existing resources and the following issues should be taken into consideration:

- competition between agencies for scarce resources (not just money, but scarce skills and experience) or donor aid, and the potential for the dilution of the impact of other anti-corruption initiatives;
- substantial additional administrative costs in the setting up and running of the new investigative agency;
- inflexibility in the allocation and use of resources, as well as in responding to changing priorities;
- the need to develop case allocation criteria, and to create and maintain an institutional means of resolving the inevitable 'border disputes';
- disputes over jurisdiction and responsibility between agencies whose activities substantially overlap;
- the development of an elitist culture in the specialist agency, the compartmentalisation of expertise, the weakening of police resources and de-motivation of police officers (exacerbated by any proposed differential salary structure for ACA investigators);
- arrangements for case distribution;
- arrangements for shared information;
- arrangements for inter-agency co-operation, coordination and joint working.

Issue 2: Do Organisationally-Young ACAs Have Development Problems?

Robert Williams in his paper discusses the contextual issues of the impact of cycles – those of governments, donors and the ACAs themselves - on the organisational development of ACAs. The fundamental issue here concerns the impact on the development of the ACA as a new organisation. Differing cycles of donor and government activity may have an impact on the development of an ACA and, together, they need to be addressed before an ACC may be adjudged to be functioning, focused and fit-for-purpose. What both donors and governments overlook, and ACAs often ignore in their wish to respond to donor and government expectations, is that ACAs may be under-funded, under-established and thus unable to fulfil adequately their core functions, particularly if the focus is on high-level anti-corruption investigations without attention to an appropriate management framework. This often leads to the situation where activities related to front-line services are funded and driven by donors, but the back-room infrastructure is not.

When applied to business, this focus on high-level success in an organisationally-immature ACA relates to companies which achieve initial success, but whose ambition – or the ambition of others - encourages them (or they are encouraged by others) to grow beyond their existing capabilities or to take on roles and responsibilities that are not supported by the organisation's current infrastructure or

competences. This - the Icarus Paradox - provides a warning on the need to identify a level of performance which provides sufficient success to satisfy and support the evolution of an operating environment that gradually becomes less corruption-tolerant, without producing a level of political hostility that increases the degree of prevailing political resistance to combating corruption. In essence the former level of performance also serves to support the incremental development of the ACC itself, whereas the latter level guarantees the ACC political constraints on its operation and ultimately organisational impotence.

Thus the initial organisational objective should be for an ACC to do something achievable <u>well</u> within its existing resources and capabilities and, perhaps more importantly, be seen to do something <u>well</u>. Organizational maturity comes from being able to develop sufficiently and linearly to do enough to demonstrate competence and thus engender the confidence to do it well enough, and for that to be recognised by peer agencies, governments, the public and donors. The objective of this approach – and one that would strike anyone using standard management planning approaches as commonsense – is to seek to achieve an optimal level of performance and, in turn, success based upon the concept of country specific realism rather than a culturally imported realism; not the good ACC but the good enough ACC. The linear (and uninterrupted) development of any public sector organisation to achieve this is, however, often affected or influenced by the activities of governments and donors.

MEASUREMENT AND PERFORMANCE

In essence, strategy and organisational design are needed to ensure that focus and funding is fully translated into the anticipated delivery of or improvement in the organisation's performance. This involves measurement of both internal as well as external performance.

Internally, organisational fragility or development must be planned for through a generic management process to address issues of: staffing and pay; decision-making and communication; staff development and appraisal; business planning, work allocation and resource management; case intake and allocation; decision-making and communication; delegation and devolution of operational staffing, decision-making and resources; operational performance prioritisation; case review, reporting and measurement; general work planning and performance measurement. Addressing the organisation's decision-making capabilities, and financial and management information systems, are then essential to developing robust resource allocation procedures needed to ensure that all resources are directed to support core ACA activities, once these have been determined. At the same time, the question of tight-loose financial control and delegation within the context of core activities often requires a very different organisational culture than that current in many existing ACAs.

Similarly, external performance measurement cannot be in crude numbers terms. Effective performance must also be measured in terms of their impact or cost. Thus 'cases prosecuted' may be a success indicator in terms of the workload of the prosecution department but if it also results in no convictions then the indicator takes on a very different significance. Similarly the work of the department promoting education and awareness may be very successful in generating awareness but may be adverse consequences for the investigations department if it suddenly adds to their projected workload. Case backlog and continuing case management will also need to be addressed. Here the need for a business planning process is fundamental:

- the importance of business planning - objectives, targets and action plans - to establish core functions and to ensure a prioritisation process;
- the need to ensure the inter-relations of the priorities - for example, new vehicles and enough fuel and maintenance to keep them on the road - and their sustainability in terms of core business;
- the ability of the organisation to underpin core activity with the appropriate decision-making, resource allocation, performance measurement and operational responsibilities devolved to front-line departments.
- transparent and quantitative record-keeping, and management and financial information systems, to develop a clearer linkage between core indicators, the availability of staff and funding to the relevant departments, and the costing of activities in pursuit of their functions.

Some of the key considerations in determining the organisational structure should be:

- simple line management arrangements with the minimum number of management layers between the Head of the ACA and front-line operational staff;
- case intake management criteria and intelligence reviews;
- standard tasking, policy and review documentation;
- the use of team working rather than creating many compartments specialising in particular areas - e.g. the investigative skills needed vary little from case to case and where specialist skills are needed, say, civil engineering or surveillance, that should be brought in;
- the use of paper or computerised case management procedures;
- close prosecutor liaison;
- an organisational structure that gives the appropriate weight to the functions which have been identified as high priority (i.e. the key objectives); and
- an appropriate balance between operational and support staff (generally an organisation which has more than 25% of its staff not directly contributing to the achievement of its objectives will be inefficient).

Addressing the organisation's decision-making capabilities and delivering its core functions, is underpinned by financial and management information systems which, in turn, provide the robust resource allocation procedures needed to ensure that all resources are directed to support core activities. Thus, internally, the performance measurement will link strategy and objectives to convert the financial details into coherent financial analysis which describes the overall financial position of the ACA and of its work. This financial analysis needs to address:

- how the ACA currently spends its money (and provide a comparison on a year-on-year basis);
- cost resources required to undertake planned areas and levels of activity;
- cost priorities and targets for how they are to be achieved;
- cost the capacity development needed to achieve required standards of performance.

Performance measurement, particularly related to expenditure, follows - but must be directly related to effective performance measurement in terms of their impact or cost to develop a clearer linkage between core indicators, the availability of staff and funding to the relevant departments, and the costing of activities in pursuit of their functions.

Most agencies have indicators which relate to activity and which focus on economy (the unit cost of delivering an activity), efficiency or productivity (the volume of activity delivered against the unit cost) and effectiveness (the relationship between activity

and the delivery of the agency's stated objectives). A number of countries now include a fourth indicator – impact or outcome – which relates the work or the contribution of the agency to wider objectives of the sector in which the agency works. Thus in relation to corruption investigations, ACAs can be assessed on the cost of investigations, the number of cases investigated, the number of cases successfully concluded (where the indicator is often the number of successful prosecutions) or increasing awareness of and reporting to the agency by the public. The fourth indicator may be the reduction of the number of corruption cases or greater trust in government because the effectiveness of the investigative work of the ACA deters others from becoming involved in corruption, because the public believes that the ACA is effective, because the public are convinced the government is taking corruption seriously and allocating appropriate support and resources to the ACA, or because the other parts of the criminal justice process are also working effectively. The fourth indicator is more of a measure of the success of the agency than the first three; these essentially assess activity of the agency as an agency [throughput and output] while the fourth measures performance within a wider context.

All four – cost, efficiency, effectiveness, and impact – are nuanced as assessment of performance is recognised not simply to be one of crude quantitative indicators, nor of one set of indicators. Thus any approach to developing performance measurement for ACAs has to address:

o Short-term and long-term objectives [where the latter is concerned with prevention and deterrence rather than investigations];

o The political dimension of corruption [where tackling high-level corruption in government by a single agency may lose the credibility of the agency and be less effective than that agency promoting public awareness and education to put pressure on government to accept the work of the agency];

o Competition between agencies for lead status in a given area [performance ownership] and the link between status and funding;

o The accountability dimension, linked to the performance ownership, in terms of the overall strategy in fighting corruption and agreement on complementary indicators;

o The environmental aspect, linked to the accountability dimension and performance ownership, in terms of activity outside the control or responsibility of the ACA but which affects their performance;

o The complexity of the agency and how it integrates its activities (for example, increased awareness may lead to more allegations which may suggest that the investigation of cases is dropping against the totality of available cases – or that the ACA is taking on cases whose importance or value is not compatible with its proposed objectives or whose volume outstrips its resources);

o The strategic decisionmaking and budget processes of the agency relating to the above.

Many indicators are also now nuanced. For example, Certain investigations may not end in a court case but the disruptive nature of the investigation may have terminated an on-going corrupt relationship. Deterring corruption could be measured in terms of funds saved or a wider protecting the public from poor services. Using investigations to seek recovery of the bribe or the refunding of a corruptly-awarded contract may be more effective in terms of resources than a long court case. What the nuancing is seeking to do, is to address the impact or outcome dimension – working backward

from the strategic purpose of the ACA to devise activity that deliver the purpose and devises indicators accordingly. Much of the focus on performance measurement for ACAs and law enforcement in general, does not begin here.

Conclusion and Conference Presentation

Linking ACAs to Wider Anti-corruption Control

Measuring 'success' of the organisation is only half the process. An organisation may be highly effective in terms of internal planning, resource allocation and delivering its targets. An ACC is established to fight corruption; its work, however, 'successful' is of little use if the country is perceived to be becoming more corrupt. Put another way, the *purpose* of an ACC is as part of the governmental structure is to move that structure away from corruption and toward whatever state the developmental agenda is seeking.

At present the developmental agenda prioritises a democratic state, promoting short- and long-terms goals toward what might be termed the core components of the liberal democratic model: political legitimacy for the state through universal suffrage and regular elections; the peaceful transfer of power; an effective political opposition and representative government; accountability through transparency of decision-making and the provision of information; separation of powers; effective scrutiny of financial expenditure and challenge to official decisions; effective standards of conduct in public office; official competencies such as impartially-recruited and well-trained public servants; realistic social and welfare policies and low defence expenditure; human and civil rights as indicated by freedom of religion, association, expression and movement, as well as rights of review, complaint and redress against decisions or actions of the state; impartial and accessible criminal justice systems; a free media; and the absence of arbitrary government power.[11]

These components encompass the good governance perspective of the state. Thus, not only does the citizen have the right to participate in the processes that direct and oversee the activities of the state, but the *purpose* of the state itself is to serve its citizens. Governance therefore is concerned with not just the organisation and activity of government - its economy and efficiency - but also the ends to which they are put - its effectiveness and impact - in terms of achieving levels of economic, human and institutional development and of providing its citizens with protection from the vagaries of the market and with the basic infrastructures and services for their well-being.

State institutions with regulatory, audit and investigations functions have roles in promoting that agenda through addressing corruption which is seen to be a major constraint on the delivery of that agenda. If corruption is one key means of assessing change and its direction, and dealing with it by governments an demonstrator of a commitment both to change and to the prevailing donor developmental agenda, then identifying whether it is 'better' or 'worse' has implications for measuring the success or otherwise of those agencies with specific responsibilities for addressing it.

The Conference Presentation

The conference presentation will be based on the assumption that this paper covers the detail, to allow a more focused assessment of:

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[11] Drawn from Doig, A. (1999). "In the State we Trust? Democratisation, Corruption and Development", *Journal of Commonwealth and Comparative Politics* Vol 37, No 3 and Doig, A. and Theobald, R. (1999). "Introduction: Why Corruption?", *Journal of Commonwealth and Comparative Politics* Vol 37, No 3, pp1-12.

- lessons in ACA failure
- lessons in ACA success
- ACA business planning and management
- measuring ACA success
- measuring ACA success within measurement of wider governance performance.

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A FRAMEWORK FOR ASSESSING THE FEASIBILITY OF ESTABLISHING AN ACA
This annex provides a methodology for assessing whether a country would be a feasible environment for an ACA. The list is qualitative but the categories could be awarded weighted scores. Questions 1 to 3 of the checklist highlight the need for a proper prior analysis of the current context and effects of corruption, the current anti-corruption strategies and whether there is scope for implementing other anti-corruption strategies instead of the major step of establishing an ACA. If the decision to establish an ACA is taken, questions 4 to 7 cover the need to identify the variables needed for the establishment of an effective ACA. They deal with the political framework, the administrative framework, and the legal and police context.
1. IS THERE AN ANALYSIS OF THE EXISTING PATTERN OF CORRUPTION?
1.1. Types of Corruption (High Level; Low Level; Political; Economic)
1.2. Areas of Corruption (Govt.; Executive; Legislature; Judiciary; Central Bureaucracy; Local Government; Private Sector; Financial System).
1.3. Effects (Political System; Democratic Development; Law and Order; Economic Growth; Civil Rights).
1.4. What does this tell us about the context of corruption and the possibilities of reform?
2. THE EXISTING ANTI-CORRUPTION FRAMEWORK.
2.1. What have been the main strategies used to control corruption?
public/private?
political/economic?
high level/low level?
2.2. What has been the balance between legal and non-legal strategies?
2.3. What are the main organisations concerned with anti-corruption activity?
2.4. Evaluate the success/failure of current strategies.
3. POSSIBILITIES FOR OTHER TYPES OF ANTI-CORRUPTION STRATEGIES BEING ADOPTED INSTEAD OF THE ACA.
3.1. civil society based
3.2. administrative reform
3.3. deregulation
3.4. legal reform
3.5. police reform
3.6. citizen based strategies
3.7. employing tactics separately which would normally be used by an ACA e.g. designing out corruption, organisational and performance audits, internal and external reporting procedures (whistleblowing).
4. THE POLITICAL CONTEXT.
ACAs need at minimum a 'soft authoritarian' context to avoid their becoming a political police. Political power should be spread amongst various groups to avoid this. However an important variable is whether there is a realistic political motive and context for reform.
4.1. What is the political system?
liberal democratic
Democratic
quasi-democratic
soft authoritarian
hard authoritarian
4.2. Where does political power lie?
executive
legislature/political parties
Bureaucracy
Business
combination of the above
4.3. What is the strength and scope of civil society?
Strong
weak
Intermediate
types of organisations (unions, media, civil rights groups)
4.4. What is the likelihood of building a political coalition to foster reform?
actors likely to be in favour/opposed include - government, parliament, police, Auditor-Generals, political parties, business, civil society and so forth.
5. THE ADMINISTRATIVE SYSTEM.
The operation of an ACA requires the collection of evidence to enable prosecutions, and the investigation of existing organisations to enable preventive measures to be taken. Both of these require a certain standard of bureaucratic capacity and financial governance. In the absence of this the establishment of an ACA should not be undertaken.
5.1. What is the level of administrative governance?
are regular records kept?
are they comprehensive?
are they regularly updated?
level of computerisation?
are records secure?
5.2. What is the level of financial governance?
what are the main types of financial transaction (cash, credit etc.)?
what is the level of financial transaction reporting?
are regular banking records kept?
are they comprehensive?
are they regularly updated?
are they monitored?

what is the level of computerisation?
are records secure?
6. THE LEGAL FRAMEWORK.
ACAs require a competent legal system in order to bring successful prosecutions in a reasonable time. The rule of law is essential to prevent ACAs becoming oppressive organisations.
6.1. What is the extent of the rule of law?
separation of powers?
judicial independence?
scope for challenge to government decisions?
due process?
rights of appeal?
level of professionalisation
entrance qualifications
Training
Administration
resources available to the legal system.
6.2. What is the level of court efficiency?
the number of cases pending in the courts?
the average number of cases per judge?
the number of prisoners on remand?
average time for major cases to be processed?
number of people per judge?
7. THE POLICE FRAMEWORK.
Since an ACA will probably be established with at least some serving or seconded police officers the police force must display a level of competence in investigation, and an adherence to due process and respect for human rights.
7.1. What is the level of police independence from political control?
7.2. What is the level and type of police accountability?
7.3. What is the pattern of human rights complaints against the police?
7.4. What is the extent of police corruption?
numbers/cases of prosecutions of police officers for crimes
dismissals of police officers
complaints against police officers
reports on police corruption from parliament/media/NGOs
7.5. What is the level of police professionalism?
7.6. What is the police budget/in comparison with other public organisations?
7.6. What is the level of police competence?
knowledge of the law
in investigation
collection and storage of evidence
presentation of evidence
7.7. Is there an existing competent framework for collecting crime statistics?

THE POLICY FRAMEWORK: The Components of the Process	
Gathering The Information: Defining the Aims and Objectives of the Organisation	
External	Consult Stakeholders; Assess External Perceptions; Liaise With Equivalent Organisations
Internal	Top-Up and Bottom-Down Discussions With Managers and Staff
Aims and Objectives	Output and Outcome-Focused Aims and Objectives of the Organisation
Expenditure	Current Levels on Staff and Non-Pay; Levels Required to Deliver Aims and Objectives
Organisation Design	The arrangement of departments, functional units and management structures, together with decision-making and reporting procedures
Business Planning	Developing a Rolling Plan that links Expenditure and Organisational Redesign to Aims and Objectives
Management in Action: Realigning the Organisation Towards the Aims and Objectives	
Organisational Design	Cascading Aims and Objectives for Discussion, Agreement and Delivery
Decisions, Delegation and Responsibility	Devising organisational decision-making and reporting structures; Operationalising management ownership of delivery, including staffing and resources
Communications	Devising internal and external communications strategies
Skill Mix/Flexibility	Realignment of staff to workload; flexible working practice; revised pay structures
Staff Development	Staff Appraisal; Training
Performance Measurement: Moving the Organisation Towards Aims and Objectives	
Standards and Targets	Quantitative Output and Outcome and Input Targets
Performance Review	Formal Process for Monitoring Performance Against Aims and Objectives
Personal Aims and Objectives	Personal Aims and Objectives for all Staff
Personal Appraisal	Process for Monitoring Individuals' Performance Against Aims and Objectives Identification of Training and Development Needs