Regional Conference on Effectiveness of Anti-Corruption Agencies and Financial Intelligence Units in Fighting Corruption and Money Laundering in Africa

07 - 08 May 2018, Holiday Inn Hotel, Mauritius

Mauritius Communiqué

High-level officials from Anti-Corruption Agencies (ACAs) and Financial Intelligence Units (FIUs) (hereafter referred as "parties") from the five regions of Africa, the Commission to Investigate Allegations of Bribery or Corruption of Sri Lanka (CIABOC), the Corruption Eradication Commission of Indonesia (KPK) and the African Union Advisory Board on Corruption participated in a two day conference organised by the Independent Commission Against Corruption (ICAC Mauritius) and the Office of Integrity and Anti-Corruption of the African Development Bank (AfDB) in Mauritius from 7 to 8 May 2018,

Recognizing that the fight against corruption and money laundering is increasingly becoming a challenge because of the complex, evolving and transnational nature of these crimes,

Realising that the methods and techniques used by criminals are becoming more and more innovative and sophisticated, hence posing challenges to efforts of law enforcement authorities and intelligence agencies,

Acknowledging that although countries have ratified an array of regional and international conventions and treaties to fight financial crimes and promulgated various national legislations, effectiveness in the fight and of Anti-Corruption Agencies and Financial Intelligence Units remains a critical issue,

Mindful of the importance of regional and international cooperation and collaboration and the relevance of peer-to-peer learning among agencies in Africa, the CIABOC and the KPK in improving effectiveness,

Recalling that the implementation process of the United Nations Convention against Corruption (UNCAC), the African Union Convention on Preventing and Combating Corruption (AUCPCC) and the FATF Standards emphasise effectiveness of measures rather than mere technical compliance,

Recommend that;

1. ACAs and FIUs develop a set of comprehensive, reliable and objective indicators to assess and measure effectiveness;
2. The agenda of ACAs, FIUs, regional and international organisations be results and effectiveness driven,
3. All parties concerned, including the African Union Advisory Board on Corruption, the African Development Bank and the United Nations Development Programme (UNDP), contribute in the development of effectiveness indicators for ACAs and FIUs and that the AfDB rallies the efforts of all ACAs and FIUs in Africa to further the common effectiveness agenda,
4. The parties develop a Monitoring and Evaluation Framework that will allow them to integrate effectiveness in the overall management framework,
5. For the successful implementation of the Monitoring and Evaluation Framework, that all FIUs and ACAs maintain a database and build capacity in Monitoring, Assessment and Evaluation,
6. ACAs and FIUs to develop strategies for improved coordination and collaboration among law enforcement agencies at country level and at regional level through multilateral cooperation,
7. Regular follow-ups be made to ensure the sharing of experiences and best practices by ACAs/FIUs, regional organisations and networks,
8. More focus should be on proactive initiatives along with reactive compliance/integrity initiatives,
9. Consideration be given to the development of alternative indices to gauge the perception and experience of corruption in Africa,
10. That the outcome of the Regional Conference be reflected in a formal resolution to be presented at the session of the African Union Summit, the SADC Summit and the Conference of States Parties to the United Nations Convention against Corruption (UNCAC).

Adopted by the Conference on this 8th of May 2018 in Mauritius

"Understanding Indicators of Effectiveness

in

the Fight Against Corruption"

Chapter 1

1.0 Abstract

Over the past decade, it is increasingly being recognised that corruption is a costly diversion of resources from their proper use, a major threat to human rights, a significant distortion of competition as well as a driving motive for gross inefficiencies in both the public and private sector. Furthermore, corruption perpetuates other crimes such as money laundering, drug trafficking and financing of terrorism. Simultaneously, a number of anti-corruption commissions have emerged worldwide, often in a context of corruption scandals accompanied by a plethora of corruption measures which are geared towards achieving state's compliance with standards set by regional and international conventions.

Consistent and compelling demands for more effective actions against the scourge, have triggered the conception of more sophisticated measures of corruption, during the last three decades. Thus, exerting some degree of influence on various actors worldwide to look for credible indicators of corruption as reasonable benchmarks in the development and implementation of relevant national anti-corruption strategies and policies. Understanding those indicators is a prerequisite towards determining reasons why achievements fell short, establish ways and means of strengthening anti-corruption efforts, render the outcomes more impactful and visible and consequently meet expectations of the general public and the international community. In short, effectiveness of anti-corruption works, policies and strategies has now been brought in the forefront and has become an issue of global concern.

This study not only focuses on what has worked and what hasn't worked in terms of policies and strategies to curb corruption but more importantly sheds lights on the qualitative and quantitative indicators of effectiveness in the fight against corruption. The study has revealed that there is a host of indicators which are available to assess effectiveness of anti-corruption agencies, at micro level. However, when it comes to measuring effectiveness of the anti-corruption fight at national level, there are no such reliable indicators, as confirmed by the literature review and all interviewees.

The study identifies numerous factors that can contribute to improve effectiveness in the fight against corruption namely, a robust legislative framework, stricter enforcement, strong leadership, sustainable public and private sector partnership, independence of the ACAs and sufficient resources devoted to the fight against corruption. However, the crucial factor remains the **strong political will** translated into actions and not merely in official documents and government plans. The study also highlights the challenges in the fight against corruption and concludes with several policy recommendations while pointing out pertinent areas for further research. Last but not the least, an effectiveness checklist has been presented for determining the preconditions for effectiveness and the results achieved in the fight against corruption over time.

1.1 Aim of Study

Corruption is social evil that extends beyond geographical boundaries. Consequently, fighting corruption has become a global concern but the success achieved is not the same everywhere. Some countries have been more successful than others. This study seeks to understand the indicators of effectiveness in the fight against corruption, that is, those factors that have made some countries more successful than others. Effectiveness is not the sole doing of anti-corruption agencies but undoubtedly, they play a key role. Anti-corruption agencies (ACAs) do not operate in a vacuum, and their effectiveness depends on whether they are operating in what the United Nations Development Programme (UNDP) has described as an *"enabling environment" or an unfavourable policy context fraught with obstacles that hinder the effective implementation of the anti-corruption laws".*[1]

1.2 Definition of Terms

1.2.1 Indicator

An indicator is something that points to an issue or condition and its purpose is to show how well a system is working. Indicators are tools meant to describe the quality, the efficacy, the equity or the trends of a particular aspect. Indicators can be quantitative or qualitative. Quantitative indicators can be defined as measure of quantity whereas qualitative indicators refers to people's judgements and perceptions about a subject. Indicators can be very useful

---

[1] UNDP (2011): Practitioners' Guide: Capacity Assessments of Anti-Corruption Agencies.

as they can help determine possible gaps in systems or strategy and prompt remedial actions wherever necessary.

Indicators are as varied as the types of systems for which they are relevant. However, there are certain characteristics that effectiveness indicators have in common:

- Effectiveness indicators are **relevant**; they show something about the system that one needs to know.
- Effectiveness indicators are **easy to understand**, even by people who are not experts.
- Effectiveness indicators are **reliable**; one can trust the information that the indicator is providing.
- Effectiveness indicators are based on **accessible data**; the information is available or can be gathered while there is still time to act.
- Lastly, effectiveness indicators need to be objective and evidence-based.

1.2.2 Effectiveness

Effectiveness as per the Black's Law dictionary, refers to ''*the closeness of actual results achieved to meeting expectations"*. Effectiveness is weighing results against expectations over time. The effectiveness evaluation is assessing results expectations, using a pre-execution method of measuring achievements against stated milestones, objectives, and goals. This includes determining reasons why achievements fall short or why it takes so long to bear fruits. Measures can be *'cause-and-effect relationships to evaluate the worth of a particular policy or a set of policies in producing some wanted outcome'*. As per Oxford dictionary, effectiveness refers to "*the degree to which something is successful in producing a desired result/ success"* while in management it relates to "*getting the right things done"* (Peter Drucker).

Thus, eradicating corruption remains a challenge despite all sophisticated means at our disposal but can nevertheless be brought under control. Countries topping the Transparency International Corruption Perceptions Index (CPI) list such as Denmark, New Zealand, Finland, Sweden or Singapore do not reach a score of 100 thereby confirming that however successful or effective a country may be, a minimal dose of corruption will always exist.

It must also be borne in mind that success or effectiveness is a relative term. A country is branded as successful when compared to another country. There is no objective 'pass mark' or success rate that qualifies a country as effective or ineffective in the fight against corruption, as opposed to the level of economic development which can be rated in terms of the country's growth rate or country's GDP or per capita income. For the purpose of this study, "success" in the fight against corruption has been taken to be synonymous with "effectiveness".

Effectiveness indicators refer to those parameters that indicate success or the extent to which the expected outcomes or pre-determined goals have been reached.

1.3 Objectives of Study

The objectives of the study are, amongst others to:

- conduct a review and analysis of the existing literature with regard to effectiveness in the global fight against corruption;
- explain how effectiveness in the fight against corruption may be assessed;
- outline the available effectiveness indicators in the fight against corruption;
- highlight the challenges in enhancing effectiveness in the fight against corruption; and
- identify possible gaps and make appropriate recommendations.

1.4 Research Questions

The following key research questions have been identified for the purpose of this study:

a) What is "effectiveness"?

b) How may effectiveness in the fight against corruption be assessed?

c) What are some of the effectiveness indicators?

d) How can the effectiveness of the prevention and education strategy be assessed?

e) What are the main barriers to attaining effectiveness?

f) What are the main challenges in securing effectiveness in the fight against corruption?

g) What are the critical success factors?

h) What could be done to enhance effectiveness in the fight against corruption?

1.5 Methodology

The methodology adopted for this study comprised mainly literature review and semi-structured interviews.

1.5.1 Constraints and Limitations of the Research

(a) This research study seeks to understand indicators of effectiveness in the fight against corruption. However, research conducted so far, as disclosed in the literature review, focuses principally on the **effectiveness of anti-corruption agencies**. It is an undisputed fact that anti-corruption agencies play a crucial role in ensuring effectiveness in the fight against corruption but other factors such as political will, public sector reforms, private sector engagement and civil society vigilance can also contribute significantly to enhance effectiveness. In fact, effectiveness is not the sole doing of the government or a single institution but it involves the active involvement of all actors in a coordinated manner. Thus, the study emphasizes largely the effectiveness of anti-corruption agencies though the other factors determining effectiveness will be roped in wherever possible.

The evaluation of anti-corruption agencies (ACAs) often relies on output indicators such as number of investigations conducted, number of prosecutions initiated, and so forth. These data are usually not systematically collected or readily available. Moreover, they only show whether the Anti-Corruption Agency (ACA) has performed certain activities or not, revealing nothing about the results of those activities. Some agencies lack any system for tracking performance. The evaluations reviewed also have statements on performance at the outcome and impact level, but these are based on purely subjective and lacking deep substantiated analysis - that is, opinions. They provide no clear recommendations for future actions. Finally, most evaluations are conducted by external evaluators and consultants who are flown in for a few weeks to assess the performance of an agency. This approach can be highly problematic as they may not necessarily be aware of the reality on the ground.

Effectiveness indicators in fact refer to **impact indicators** along the Results Chain (chart below refers) which are often difficult to measure and quantify and visible only in the long run. This is concomitant with the 'Theory of Change' which explains how activities are understood to

produce a series of results that contribute to achieving the final intended impacts. It can be developed for any level of intervention – an event, a project, a programme, a policy, a strategy or an organization. The theory of change reflects the underlying process and pathways through which the hoped for change (in knowledge, behaviour, attitudes or practices, at the individual, institutional, community or other level) is expected to occur.

It must not be forgotten that the effective fight against corruption should eventually results in bringing about a positive change in attitudes, behaviour and mindset. The effects are not always tangible or visible in the short or medium term but rather can be observed only in the long run. Thus measuring or quantifying the impact of anti-corruption interventions is always problematic.

Chart 1: A Results Chain Model

Inputs ⟹ Activities ⟹ Outputs ⟶ Outcomes ⟹ Impacts

(Source: Adapted from World Bank Institute 2007)

(b) In 2005, after reviewing five African Anti-corruption Agencies, Doig, Watt, and Williams summarized the situation as follows: *"A central problem is the measurement of anti-corruption commission's performance - in particular the lack of appropriate measurement tools and the widespread employment of inappropriate, unhelpful, unrealistic and even counterproductive measures of performance".* This creates a further difficulty in differentiating between achievable and non-achievable organisational performance and compounds the problem of distinguishing between factors which are within the ACA's control and those that are not.

(c) It is extremely challenging to make an objective assessment of effectiveness in the fight against corruption or of an anti-corruption agency or to conduct comparative assessments of the effectiveness of various anti-corruption agencies as the social, economic and political context as well as the level of resources devoted to the fight

against corruption may not be the same. This is what Professor Jon S.T. Quah[2] refers to as the *"favourable policy context"*.

(d) The UNDP[3] sums up the problem from an evaluation perspective. "Today, in spite of the vast amounts of resources invested in curbing corruption, we often find ourselves unable to fully document and report on the **results achieved**. Worse still, limited **evidence of the effectiveness of anti-corruption programmes** may translate mistakenly into unfavourable reviews of recently established anti-corruption agencies and national anti-corruption strategies".

---

[2] Jon S. T. Quah (2015): Evaluating the effectiveness of anti-corruption agencies in five Asian countries: A comparative analysis.
[3] UNDP, 2015: User's guide to measuring corruption and anti-corruption.

Chapter 2: Literature Review

2.0 Introduction

This chapter presents an overview of the existing literature on effectiveness in the fight against corruption. It starts by defining corruption, highlights its costs and the national and regional endeavours to keep the scourge under control. It also examines the roles, performance, independence and accountability of anti-corruption agencies as well as the challenges. The contribution of regional and international institutions with regard to effectiveness in the fight against corruption has been summarised. Moreover, a highlight of the critical success factors in the fight against corruption followed by a presentation of the monitoring and evaluation framework including TI's Impact Monitoring Approach have been made. The main reasons why anti-corruptions agencies fail to respond to public expectations have also been outlined. It ends with an overview of the 'current available indicators of effectiveness' and points out their limitations.

2.1 Fighting Corruption – a Global Concern

Corruption is a complex and global phenomenon. Generally speaking, corruption has been defined as "the abuse of public office for private gain" (World Bank). It is also something having to do with individual's conduct and behaviour. Corruption can be classified as grand, petty and political, depending on the amounts of money involved and the sector where it occurs. Today, the adverse impact of corruption on sustainable human development is undeniable. Corruption undermines the achievement of countries' poverty reduction and development goals; in particular, it has a disproportionately negative impact on the poor.

2.2 Jakarta Statement on Principles for Anti-Corruption Agencies

On 26-27 November 2012, heads of anti-corruption agencies, anti-corruption practitioners and experts from around the world gathered in Jakarta at the invitation of the Corruption Eradication Commission (KPK) Indonesia, the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime to discuss a set of **"Principles for Anti-Corruption Agencies"** to promote and strengthen **the independence and effectiveness of ACAs. T**he participants reviewed and discussed country experiences from around the

world, challenges faced by ACAs, and key requirements to ensure the independence and effectiveness of ACAs. Following discussions and sharing of country's experiences, the **"Jakarta Statement"** comprising 16 principles were adopted as follows:

(i) **Mandate:** ACAs shall have clear mandates to tackle corruption through prevention, education, awareness raising, investigation and prosecution, either through one agency or multiple coordinated agencies;

(ii) **Collaboration:** ACAs shall not operate in isolation. They shall foster good working relations with state agencies, civil society, the private sector and other stakeholders, including international cooperation;

(iii) **Permanence:** ACAs shall, in accordance with the basic legal principles of their countries, be established by proper and stable legal framework, such as the Constitution or a special law to ensure continuity of the ACA;

(iv) **Appointment:** ACA heads shall be appointed through a process that ensures his or her apolitical stance, impartiality, neutrality, integrity and competence;

(v) **Continuity:** In the event of suspension, dismissal, resignation, retirement or end of tenure, all powers of the ACA head shall be delegated by law to an appropriate official in the ACA within a reasonable period of time until the appointment of the new ACA head;

(vi) **Removal:** ACA heads shall have security of tenure and shall be removed only through a legally established procedure equivalent to the procedure for the removal of a key independent authority specially protected by law (such as the Chief Justice);

(vii) **Ethical conduct:** ACAs shall adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime;

(viii) **Immunity:** ACA heads and employees shall have immunity from civil and criminal proceedings for acts committed within the performance of their mandate. ACA heads and employees shall be protected from malicious civil and criminal proceedings.

(ix) **Remuneration:** ACA employees shall be remunerated at a level that would allow for the employment of sufficient number of qualified staff;

(x) **Authority over Human Resources:** ACAs shall have the power to recruit and dismiss their own staff according to internal clear and transparent procedures;

(xi) **Adequate and reliable resources:** ACAs shall have sufficient financial resources to carry out their tasks, taking into account the country's budgetary resources, population size and land area. ACAs shall be entitled to timely, planned, reliable and adequate resources for the gradual capacity development and improvement of the ACA's operations and fulfilment of the ACA's mandate;

(xii) **Financial autonomy:** ACAs shall receive a budgetary allocation over which ACAs have full management and control without prejudice to the appropriate accounting standards and auditing requirements;

(xiii) **Internal accountability:** ACAs shall develop and establish clear rules and standard operating procedures, including monitoring and disciplinary mechanisms, to minimize any misconduct and abuse of power by ACAs;

(xiv) **External accountability:** ACAs shall strictly adhere to the rule of law and be accountable to mechanisms established to prevent any abuse of power;

(xv) **Public reporting:** ACAs shall formally report at least annually on their activities to the public.

(xvi) **Public communication and engagement:** ACAs shall communicate and engage with the public regularly in order to ensure public confidence in its independence, fairness and effectiveness.

All ACAs were urged to promote the above principles within their respective agencies, and regional networks of ACAs. These principles are very much valid if we want to promote effectiveness of ACAs. However, many States Parties have complained that the implementation of the "Jakarta Principles" is not obvious due to its complexity. Consequently, a Global Expert Group Meeting (EGM) on the Jakarta Principles was convened in Colombo, Sri Lanka from 25-27 July 2018 co-hosted by the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) in Sri Lanka, UNODC, and UNDP, Sri Lanka. This Expert Group Meeting was convened to develop a "Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies" in response to a request by UNCAC member states to develop a knowledge base on the effective implementation of Articles 6 and 36 of UNCAC. The meeting concluded with the adoption of the **Colombo Commentary on the Jakarta Principles** to

strengthen the independence of anti-corruption authorities around the world. The adoption of the Commentary, based on international best practices and norms is expected to assist UNCAC member states effectively implement the Jakarta Principles in order to strengthen the independence of national anti-corruption authorities.

On the other hand, it is now well known that corruption does not occur in isolation but is inextricably linked to other crimes such as money laundering, drug trafficking and terrorist financing, amongst others. In this vein, the **Financial Action Task Force (FATF)** has placed the issue of effectiveness of anti-money laundering measures high on its agenda.

2.3 FATF's Mechanism to Strengthen Money Laundering and Terrorist Financing Compliance

The Financial Action Task Force (FATF) has taken decisive steps to improve effectiveness. FATF is the global standard-setter in the fight against money laundering, and the financing of terrorism and proliferation of weapons of mass destruction. Over the past twenty years, the FATF has developed, used and refined rigorous compliance mechanisms to help ensure global compliance with its standards. It assesses compliance through a stringent country evaluation and monitoring process. FATF has now come up with a new methodology which provides the basis for an integrated analysis of the extent to which a country is compliant with the FATF Standards and the level of effectiveness of its AML /CFT system. According to Bjorn S. Aamo, President of the FATF:

*"The new Methodology adds a new dimension to the evaluation of countries compliance with FATF-standards. It remains as important as before that all countries implement the Recommendations of the FATF in their legal systems, however, the new Methodology lays the foundation for a **systematic assessment of the effectiveness of national systems**."*

The methodology comprises two inter-linked components:

- The **technical compliance assessment** will address the specific requirements of each of the FATF Recommendations, principally as they relate to the relevant legal and institutional framework of the country, and the powers and procedures of

competent authorities. These represent the fundamental building blocks of an AML/CFT system.

- The **effectiveness assessment** will assess the extent to which a country achieves a defined set of outcomes that are central to a robust AML/CFT system and will analyse the extent to which a country's legal and institutional framework is producing the expected results

How effectively each of the immediate outcomes in the methodology is achieved by a country will be set out in the evaluation report and will include one of the following ratings: high-level of effectiveness, substantial level of effectiveness, moderate level of effectiveness and low level of effectiveness. The Methodology will be used by the FATF, the FATF-Style Regional Bodies (FSRBs) and other assessment bodies such as the IMF and the World Bank.

With respect to the above, the FATF methodology obviously refers to the financing of money laundering and terrorist financing. However, it is interesting to note that the FATF has moved well **beyond technical compliance** and integrated the **effectiveness component (**that is focus on outcomes and impact) in its assessment. Similar methodology may well apply to the fight against corruption as this appears to be the global trend in the fight against financial crimes.

2.4 Seventh Session of the Conference of the States Parties to the UNCAC

During the Seventh session of the Conference of the States Parties to the United Nations Convention against Corruption held in November 2017 in Vienna Dr Navin Beekarry[4] Director General of ICAC Mauritius, raised the issue of improving effectiveness of the fight against corruption and money laundering. He pointed out that *"effectiveness of anti-corruption strategies remains an enigma. While laws and institutions provide a strong basis and signal in the fight against corruption, the question is how effective are those measures. The issue has cropped up recently as an area of global concern, as the perception of corruption remains high even in the face of the adoption of anti-corruption laws and institutions"*.

---

[4] *Beekarry, N. (2017) Director General, Independent Commission Against Corruption, Mauritius.*

2.5 Regional Conference on Effectiveness of Anti-Corruption Agencies and Financial Intelligence Units in Fighting Corruption and Money Laundering in Africa

A two-day regional conference on effectiveness of Anti-Corruption Agencies (ACAs) and Financial Intelligence Units (FIUs) in fighting corruption and money laundering in Africa was organised by the Independent Commission Against Corruption, Mauritius in collaboration with the Office of Integrity and Anti-Corruption of the African Development Bank (AfDB). The conference saw the participation of some 70 participants including 31 foreign representatives from Africa. The objectives of the regional conference were to share experiences on best practices, identify indicators of effective anti-corruption and anti-money laundering efforts of ACAs and FIUs measures and reflect on challenges faced in curbing money laundering, corruption and related criminal activities as well as explore collaboration on best practices, skills and expertise and enhance networking and information sharing and exchange among FIUs and ACAs in Africa.

The salient points that came up in the conference were:

- The vast majority of the anti-corruption initiatives undertaken in the last couple of decades falls within **reactive compliance** or reactive integrity.

- In the fight against corruption and money laundering, the financing of terrorism and other criminal activities focus should be on effectiveness as opposed to technical compliance. There is no point in complying technically with international treaties, regional conventions and national laws, with little or no results.

- Effectiveness of ACAs depends on Improvement in **overall political climate** (e.g. ongoing governance reform processes and their impact. access to information & culture of openness, open data, e-governance, integrity of government, private sector, and society at large), evidence-based performance of ACAs (e.g. integrity/corruption risk assessment for bench-marking and public awareness, managing cases) and public trust on ACAs: whether ACAs leading by example.

- With respect to the effectiveness and adequacy of the UNCAC Review Mechanism in assessing an ACA, it is believed that it is **not** adequate. Indeed, the review focuses on technical compliance, i.e. whether the legal and institutional framework meets the requirements of the Convention.

- The issue of effectiveness has to be addressed urgently. Time is for action for improved focus towards a better understanding of effectiveness and its indicators
- There was unanimity that there is a need for a more concerted effort and linkages amongst all ACAs and FIUs to make Africa stand out on the international scene.

At the closing of the conference, a communiqué was issued and adopted by all the participants to the conference. It recommended among others that:

a) The agenda of ACAs, FIUs, regional and international organisations be results and effectiveness driven and that all parties concerned contribute in the development of a set of comprehensive, reliable and objective effectiveness indicators to further the common effectiveness agenda;

b) The parties develop a Monitoring and Evaluation Framework that will allow them to integrate effectiveness in the overall management framework;

c) ACAs and FIUs to develop strategies for improved coordination and collaboration among law enforcement agencies at country level and at regional level through multilateral cooperation.; and

d) That the outcome of the Regional Conference be reflected in a formal resolution to be presented at the session of the African Union Summit, the SADC Summit and the Conference of States Parties to the United Nations Convention against Corruption.

e) The communiqué adopted is meant to drive the effectiveness agenda forward at both regional and international levels.

2.6 Evaluating Effectiveness and Relevant Indicators

The first wave of nationally and internationally led efforts to fight corruption had, as their primary focus, the creation of dedicated government entities. That became the standard against which national constituencies and funders assessed progress in the fight against corruption. The development of more sophisticated indicators to evaluate the effectiveness of the fight against corruption has been stimulated by consistent and compelling demands for more effective action against corruption. However, as at date no proper study has been undertaken and no proper tool has been developed to help in the understanding of these

indicators though the need to reinforce the combat has been raised on various regional and international platforms.

Ultimately, the main goal of countries worldwide has been to establish ways and means of strengthening anti-corruption efforts, enhancing effectiveness of the fight against corruption and rendering its outcomes more impactful and visible in line with the provisions of the UNCAC. Article 5 of UNCAC states that each State Party *''develop and implement or maintain effective, coordinated anti-corruption policies…'', ''establish and promote effective practices aimed at the prevention of corruption'' and ''periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption''.*

However, up to now, UNCAC's Peer Review Mechanism has focused essentially on technical compliance and not really on effectiveness and impact as such. The issue has been raised by some States parties and the UNODC is now thinking seriously about integrating the element of effectiveness in its assessment.

2.7 Objective Criteria for Measuring Effectiveness in the Fight Against Corruption

In a publication titled "*Anti-Corruption Commissions: Panacea or Real Medicine to fight corruption*", Heilbrunn explained that some evidence suggests that the size of a country, either geographically or in terms of its population may explain the effectiveness of anti-corruption efforts. Hong Kong and Singapore each have substantial populations living in a small geographic area. Thus, the evidence tends to suggest that smaller the geographical location, the greater the impact of anti-corruption efforts. However, this hypothesis is not conclusive and may have to be further explored. This, itself could be an interesting area for in-depth research.

On the other hand, in an article written by Tony Kwok Man-Wai[5], the Hong Kong case was regarded as one of the very few successful model of turning a very corrupt place to a clean

---

[5]Tony Kwok Man-wai: *Successful Anti-Corruption Strategy & International Good Practices.*

one. It demonstrates that corruption can be effectively controlled, no matter how serious and widespread the problem is.

2.8 Crafting the Conducive Environment for Effectiveness

The necessity of creating the conducive environment to foster effectiveness is now widely acknowledged. This is what the UNDP[6] refers to as the **"enabling environment"**. This includes the social, economic and political context, including political will, institutional arrangement and coordination mechanisms, legal framework and the clarity of mandates, the level of independence, availability of human and financial resources and oversight over the ACA.

For his part, Tony Kwok Man-Wai reiterates the importance of the "**enabling environment**". He points out that *"Even with the best strategy and law, it is necessary to build in the **enabling environment** of the country to support the fight against corruption"*. *By* "enabling environment" he meant civil servants salary and staff management structure, a corrupt-free prosecution authority and judiciary, a more efficient, transparent and accountable public administration, freedom of the media to expose corruption and support of the public and civil societies.

On the other hand, Professor Jon Quah also espouses this view when he refers to the effectiveness of the Singapore Corrupt Practices Investigation Bureau as due to not only a strong government's political will but also to the "**favourable policy context**".

Thus, based on the background search and literature review, a number of criteria has been developed that can influence effectiveness. These are:

- political will/commitment/support;
- independence and integrity;
- resources;
- public confidence/ trust;
- transparency;
- accessible by citizens;

---

[6] UNDP (2011): Practitioners' Guide: Capacity Assessments of Anti-corruption Agencies.

- permanence;

- coherence and credibility;

- the necessary know-how;

- ties with other sister agencies/ regional and international cooperation;

- extent to which national laws are compliant with UNCAC;

- number of individuals that report paying a bribe when interacting with government officials; and

- number of firms that report paying bribes to obtain services.

2.9 Monitoring and Evaluation

Any public agency should be accountable for its use of public resources. This requires that a performance Monitoring and Evaluation (M&E) system be in place. According to World Bank, 'Monitoring and evaluation (M&E) are two complementary but distinct processes. *Monitoring* consists of tracking inputs, activities, outputs, outcomes, and other aspects of the project on an ongoing basis during the implementation period, as an integral part of the project management function. *Evaluation,* on the other hand, is a process by which project results, impacts, and implementation performance are assessed. Projects are evaluated at discrete points in time (usually at the project's mid-point and completion) along some key dimensions (i.e. relevance, efficiency, efficacy, impact, performance). Evaluations often seek an outside perspective from relevant experts.

A monitoring and evaluation plan sets out how implementers intend to collect, collate, analyse and report on the data resulting from programs. The monitoring and evaluation plan will contain detailed information on:
- Indicators

- Data management

- Data quality assurance

- Evaluations

- Monitoring and evaluation coordination

- Capacity building for monitoring and evaluation

- Budget and workplan for monitoring and evaluation.

The M&E framework is one part of the M&E plan. A M & E framework (**Figure 2 refers)** explains how the programme is supposed to work by laying out the components of the initiative and the order or the steps needed to achieve the desired results. A framework increases understanding of the programme's goals and objectives, defines the relationships between factors key to implementation, and articulates the internal and external elements that could affect the programme's success. A well thought out monitoring and evaluation framework can assist greatly with thinking through programmatic strategies, objectives and planned activities, and whether they are indeed the most appropriate ones to implement

Figure 2: A Monitoring & Evaluation (M&E) Framework Template

	INDICATOR	DEFINITION How is it calculated?	BASELINE What is the current value?	TARGET What is the target value?	DATA SOURCE How will it be measured?	FREQUENCY How often will it be measured?	RESPONSIBLE Who will measure it?	REPORTING Where will it be reported?
Goals								
Outcomes								
Outputs								

(Source: www.tools4dev.org)

Because of their unique mandate, most ACAs should be able to demonstrate their effectiveness and impact, whether incremental or cumulative, to the citizens of the countries where they operate. An appropriate M&E system is extremely important to ACAs' work and existence as it allows them to ascertain whether they are attaining the intended goals and objectives. According to Jesper Johnson, Hannes Hechler, Luís De Sousa and Harald Mathisen of the U4 Anti-corruption Resource Centre[7], highlights the importance of monitoring and evaluation for ACAs as indicated below:

(a) Accountability: ACAs are publicly funded bodies. Therefore they need to report on their activities, capacity problems, and results to those who fund their activities, that is, taxpayers and donors. M&E provides reliable information on performance and helps to track progress more easily and systematically.

---

[7] How to monitor and evaluate anti-corruption agencies: Guidelines for agencies, donors, and evaluators (U4 Issue, Sept 2011, No. 8).

(b) Transparency: Visibility and outreach are important in attracting public support. Public ignorance about the existence and functioning of an ACA lays the conditions for its marginalisation or gradual death. M&E generates written reports and concrete performance figures that contribute to transparency and visibility.

(c) Institutional memory: M&E enables governments and donors to ascertain whether an ACA is able to fulfil its mandate by tracking its performance and growth in capacity over a period of time.

(d) Learning: M&E provides solid evidence for questioning and testing assumptions and integrating important lessons and experiences into policy and practice. It offers a basis and a process for self-reflection. Finally, it also provides ACAs with a more robust basis for raising funds and influencing policy.

(e) Improving policy: Strong M&E frameworks give the heads of ACAs and governments indications of whether a policy option is working as intended, by detecting operating risks and problems. Where do the problems originate? How is the agency's performance affected? What capacities/resources are available to reduce those risks and problems and can those be strengthened?

(f) Better performance: All of the above should lead to better performance of ACAs in fighting corruption.

However, it is evident that M&Es is an essential tool which can be used to assess success of ACAs policies and programmes but is not an appropriate instrument for evaluating national effectiveness in the fight against corruption as M & E is project-based and focuses mostly on outputs and outcomes and not necessarily on impact at macro level.

2.10 Transparency International Impact Monitoring Approach

Transparency International has recently adopted a new approach known as **impact monitoring** to anti-corruption works. Impact monitoring in Transparency International consists of two complementary elements:

(a) **Impact Matrix:** an analytical lens that is used regularly and systematically in projects and initiatives to monitor their progress in achieving change that leads to a reduction

in corruption, in order to understand how the effectiveness of TI's work and impact can be increased ; and

(b) **Impact Reviews:** in-depth impact assessments that zoom in on relevant trends and correlations identified through ongoing monitoring using the impact matrix. These impact reviews focus on particular areas and capture lessons that are not identified by the monitoring. Impact reviews, which are few in number and detailed in their scope, apply a rigorous methodology to the subject area in order to test assumptions made by the Transparency International movement with regard to anti-corruption changes and impacts.

The Impact Matrix and Change

The impact matrix outlines the two main areas of change Transparency International is aiming to achieve:

(i) Policy and institutional change. The ultimate aim is to ensure that intergovernmental institutions, governments, political parties and businesses have all the necessary mechanisms, policies or laws in place to redress and prevent corruption, sanction corrupt behaviour, and promote good governance.

(ii) Behaviour change. The ultimate aim is that individuals, communities, civil society organisations and social movements act systematically to promote global good governance and prevent corruption.

The impact matrix describes the various components that together create the pathways to achieve change and the desired impact in the two aforementioned change areas. However, context matters: in some cases raising awareness is a big achievement in itself, but in others it falls short of the impact that could be possible given the context. Additionally, the various components are interconnected and build on each other. This means that there can be different ways of achieving change that do not necessarily follow a straight and ordinal path.

So, it is clear that TI has now moved from a M & E framework to a monitoring, evaluation and learning (MEL) system that help produce findings that can inform strategic decisions and improve programme design and implementation, improve allocation of resources by diverting

funding from ineffective to effective interventions, and ultimately build knowledge in the wider anti-corruption community regarding what works and what does not work in the fight against corruption. This is again an important step towards achieving and measuring effectiveness.

2.11 The Critical Success Factors

2.11.1 Sine qua non Conditions for Success

Patrick Meagher and Caryn Voland (2015) identify the ten factors that are critical for the effectiveness of anti-corruption agencies:

- their political mandate;
- cross-agency coordination;
- focus on prevention and monitoring government implementation;
- accountability;
- independence;
- powers;
- well-trained staff and adequate resources;
- an enabling environment;
- complementary institutions; and
- complementary legislation.

Meagher and Voland also outlines seven factors that influence or indicate the ACA's performance:

- its independence and legal status;
- its financial and human resources;
- its detection and investigation function;
- its prevention, education and outreach functions;
- its cooperation with other organisations;
- its accountability and oversight; and
- public perceptions of its performance.

On the other hand, in an article, Professor Jon S.T. Quah[8], is of the view that that to be effective, anti-corruption agencies (ACAs) must satisfy six preconditions, namely:

a) they must be incorruptible;

b) they must be independent from the police and from political control;

c) there must be comprehensive anti-corruption legislation;

d) they must be adequately staffed and funded;

e) they must enforce the anti-corruption laws impartially; and

f) their governments must be committed to curbing corruption in their countries.

This article assesses the effectiveness of the ACAs in Singapore, Hong Kong, Thailand and South Korea in terms of these preconditions. It concludes that the ACAs in Hong Kong and Singapore are more effective than their counterparts in South Korea and Thailand because of the **political will of their governments**, which is reflected in the provision of adequate staff and budget to Hong Kong's Independent Commission Against Corruption and Singapore's Corrupt Practices Investigation Bureau, and the impartial enforcement of the comprehensive anti-corruption laws in both city-states.

Moreover, Professor Jon Quah argues that, while the pattern of relying on an independent ACA is popular in many Asian countries, its adoption **does not automatically result in success without political will or a favourable policy context**. If political will exists and the country has a favourable policy context, the best method for curbing corruption is to establish an ACA and equip it with adequate powers, personnel and funding.

Moreover, research conducted by Transparency International suggests that to operate successfully, an anti-corruption agency must have the following:

• political support not only from a country's president but also from a broad array of national political leadership;

• the political and operational independence needed to investigate the highest levels of government (some agencies that have failed - for example, those in Tanzania and

---

[8] Jon S.T. Quah (2007): *Anti-Corruption Agencies in Four Asian Countries: A Comparative Analysis.*

Zambia-are housed within the president's office and therefore have scant opportunity to tackle corruption involving the national political leadership);

- access to documentation and the power to question witnesses; and
- leadership with great integrity.

Further, credibility and effectiveness depend on the exemplary behaviour of the anti-corruption agency itself. It must act, and be seen to act, in conformity with international human rights norms and must operate under the law and be accountable to the courts.

2.11.2 Independence of Anti-Corruption Agencies

According to Jeremy Pope and Frank Vogl[9], a test for a government establishing an anticorruption agency is whether it would find the agency's actions acceptable if it were the political opposition rather than the party in power. An enduring formula, which seems fair and workable to everyone, whether in or out of government, needs to be found. This requires, for example, that the agency has significant powers of investigation, prosecution, and deterrence, independent of political parties and government leaders. Accountability is critical to the agency's success, as are checks on its power and the method used for selecting its leadership. Anticorruption agencies will fail if they can be subjected to political direction and used as a weapon to attack critics of the government. Safeguards have to exist as well as to ensure the agency does not itself become a source for extortion and corruption.

Who should run national anti-corruption agencies? According to Jeremy Pope and Frank Vogl, it should certainly not be the hand-picked supporters of politicians in power. Such leaders could, at best, be relied upon not to rock the boat; at worst, they could be deployed to intimidate political opponents. Appointment procedures need to address the issue of whether the proposed mechanism sufficiently insulates the process to ensure that persons of integrity are given the leadership and that they are protected from political pressures while they are in office. Approaches widely used to provide security of tenure to high court judges could be applied here.

---

[9]Jeremy Pope and Frank Vogl: Making Anticorruption Agencies More Effective.

The level of independence that is required for an ACA to perform its functions is crucial. In fact Article 6 of the UNCAC states that *"each State Party shall grant the anti-corruption agency the necessary **independence** to carry out its functions effectively and free from any undue influence. In practice, the issue is a rather complex one, as independence is a highly contextual concept"*.

The International Organization of Supreme Audit Institutions[10] makes a distinction between the various forms of Independence.

• **Organizational independence** which refers to the least possible degree of government participation in the appointment of the agency's authorities, implementation of its functions, and its decision making;

• **Functional independence** which refers to the agency's ability to can carry out its functions without the undue interference of any third party or the executive; and

• **Financial independence** which refers to the impossibility of the government to impede or restrict the agency's activities by reducing its budget.

Moreover, the effectiveness of ACAs is highly dependent on an **independent, impartial judicial sector** that can effectively and efficiently adjudicate corruption cases, without fear or favour. The independence of ACAs should be ensured, in terms of the selection and appointment of the ACAs' leadership and staff. ACAs must be allowed full freedom to discharge their legal mandate impartially, without interference from any quarters and must not be used for political gain[11].

2.11.3 Accountability of Anti-Corruption Agencies

Ensuring accountability is probably the most difficult issue related to building successful anti-corruption agencies. Some authorities, such as Hong Kong (Special Administrative Region),

---

[10] Quoted in: UNDP (2011): Practitioners' Guide: Capacity Assessments of Anti-corruption Agencies.

[11] Transparency International Bangladesh, 2017: Strengthening anti-corruption agencies in Asia Pacific-Regional Synthesis Report.

ICAC, have established arrangements that ensure public participation in policy formulation and oversight. By providing for such an arrangement (which could take the form of a committee chaired by the Minister of Justice), the anti-corruption framework would encourage transparency. In Hong Kong a file that has been opened cannot be closed without the consent of the external oversight committee, which includes representatives of civil society and the private sector. This protects against corruption inside the agency.

Reaching beyond formal processes, a successful agency needs to have a charter that provides for the involvement of a wide range of people and interests in the formulation of prevention policies and their execution. In this way, various stakeholders become involved in the prevention process, and their own institutions - in both government and the private sector- can be mobilised in support of the agency's efforts. The agency's work has to be seen as meaningful, which requires that the agency be as open as possible with the press and that it publish frequent reports on its activities.

In a review made of 11 African countries of Southern Africa by Open Society Initiative for Southern Africa (OSISA) in 2017[12], it was found that all the countries in the study have robust legal and policy frameworks that are more than sufficient in fighting corruption. However, not all anti-corruption agencies were at the same level of effectiveness. Botswana's anti-corruption agency (DCEC) is much more effective than that of Zimbabwe (ZACC). The review made goes as far as questioning the sincerity of the executive and parliament in enacting the laws and policies.

In order to ensure the level of transparency and accountability, most constitutions create a number of independent commissions supporting democracy such as public service commissions, a public prosecutor, an ombudsman/public protector, an electoral commission, a human rights commission, a media commission and a cohesion commission. In addition to their respective specific mandates, one of the general objectives of these commissions is to promote transparency and accountability in public institutions.

The principal agents against corruption under most constitutions are the anti-corruption agencies. Their effectiveness will depend, amongst others on:

---

[12]OSISA, 2017: Effectiveness of Anti-Corruption Agencies in Southern Africa-A review

- Stability of agency;

- Autonomy;

- Capacity;

- Performance; and

- Commitment to international conventions on corruption

In an article titled "Evaluating the Effectiveness of Anti-corruption Agencies in five Asian Countries: a Comparative Analysis", Professor Jon Quah[13] purpose was threefold. First, to ascertain the levels of effectiveness of the anti-corruption agencies (ACAs) in China, Japan, Philippines, Singapore and Taiwan; second, to explain why some of these ACAs are more effective than others; and third, to suggest some policy recommendations for addressing their limitations.

His findings were as follows:

- Singapore's Corrupt Practices Investigation Bureau is effective because of the **strong government's political will** and **favourable policy context**.
- The Philippines and Taiwan rely on ineffective multiple ACAs, which are inadequately staffed and funded, and compete with each other for limited resources.
- China's Central Commission for Discipline Inspection is ineffective because corrupt party members are 'disciplined' and not prosecuted, and the political leaders use corruption as a weapon against their opponents.
- Japan's weak political will is reflected in its reluctance to address its structural corruption.

2.11.4 Legitimacy of Anti-corruption Agencies

In a paper written by Ethelbert Chinedu Nwokorie & Olli-Pekka ViinamäkiL of the University of Vaasa, Finland the authors investigate the legitimacy building of anti-corruption agencies (ACAs) of five ACA's namely Botswana, China, Poland, Russia, and Singapore. According to them, legitimacy creates responsive legal, administrative, cultural, and socio-political frameworks for ACAs to effectively implement and enforce anti-corruption activities.

---

[13] Jon S.T. Quah, Ph.D.,Anti-corruption Consultant, was Professor of Political Science at the National University of Singapore (NUS) and Co-editor of the *Asian Journal of Political Science* until his retirement in June 2007.

It also relates to trust and the credibility of the actions of ACAs. The framework for assessing the legitimacy of ACAs comprises three elements: **political will** (political support and political accountability), **public accountability** (public interactions/support and public oversight), **incorruptibility** (codes of conduct and ethical accountability). Through these frameworks, ACAs build their reputation, public image, trustworthiness, and establish their legitimacy.

The authors point out that *"we have moved into an age where public organizations look for various ways of presenting themselves in a favourable light, and are very aware of, and interested in, how they are perceived"*. Any public organization needs legitimacy, and one way to achieve it to use strategic communication and other identity symbols such as value statements, vision, mission statements, slogans, etc.. Legitimacy creates responsive legal, administrative, cultural, and socio-political frameworks for ACAs to effectively implement and coordinate anti-corruption activities. They need public goodwill, cooperation, trust, and the belief that the actions of ACAs are credible. This strengthens the legitimacy of ACAs. To avoid legitimacy crises, politicians, citizens, and other stakeholders (private companies, press, unions, etc.) must perceive the organization as legitimate. The absence of legitimacy hinders the effective functioning of government agencies and makes them vulnerable to failure. The authors conclude by pointing out that countries that wish to curb corruption with an ACA model must demonstrate political will by allocating adequate resources and safeguarding the impartiality and autonomy of the ACA.

2.12 Current Indicators of "Effectiveness" at National Level

At present there are a number of proxy indicators, generally accepted, which are used to measure success of a country in the fight against corruption. They are not direct indicators of effectiveness but are readily available and widely accepted so far, in the absence of alternative effectiveness indicators. These are:

- Transparency International Corruption Perceptions Index;
- The Worldwide Governance Indicators of the World Bank Institute;
- Ibrahim Index of African Governance of the Mo Ibrahim Foundation; and
- The Global Competitiveness Index of the World Economic Forum.

A brief description of the main indicators is provided below. Besides, the place occupied by Mauritius in the various indicators is also highlighted.

Chapter 3: Challenges in the Effective Fight Against Corruption

3.0 Introduction

Corruption is a dynamic phenomenon and it nature changes over time. Achieving visible impact and concrete results in the fight against corruption present numerous challenges. Some of the main challenges have been highlighted below.

3.1 Inter-Agency Coordination

The success in the fight against corruption strongly relies on the effectiveness and cooperation of the anti-corruption agency with many other complementary institutions such as the Office of the Director of Public Prosecution, the Police Force, the Attorney General's Office, the Auditor General and the Judiciary. Yet, experience worldwide indicates that in most countries, cross-agency coordination remains weak or inexistent due to their wide diversity, overlapping mandates, competing agendas, various levels of independence from political interference and a general institutional lack of clarity.

3.2 The Courts and Undue Delays

In many developing countries, the judiciary is often the weakest part of the overall institutional arrangements for anti-corruption, undermining the credibility of the national integrity system as a whole. For example, the courts and the judicial system are heavily burdened leading to considerable delays in trials, affecting the conviction rate of the cases brought before the courts. In Mauritius, a corruption case may take an average of 4 years before the court's verdict. This undue delay may well be due to factors beyond the control of the courts (for instance due to non-availability of defence counsel or witnesses). But, from the public stands point, effectiveness arises from speedy justice, fairness and evidence of putting an end to impunity. The public wants not only to learn that justice has been done but to see that justice is done and that corruptors and the corrupt do not go scot-free.

3.3 Public Service Reforms

Prevention of corruption is an implicit component of public sector reforms, as their objective is to increase the effectiveness, transparency and accountability of the public sector through

improved administrative, financial and control systems. In countries that haven't explicitly formulated an anti-corruption strategy, anticorruption efforts are implicitly embedded into broader governance reforms, making anti-corruption a by-product of public sector reform. Thus, a country's effectiveness in the fight against corruption will depend to a large extent on how far reforms implemented in the public sector are aligned to the national anti-corruption policy and strategy as well as on proactive public sector reforms.

3.4 Confusion of Roles and Overlaps

In the absence of an effective coordination mechanism that promotes interagency cooperation, the approach of specialised anti-corruption bodies may also raise issues of duplication, redundancy and waste of resources. In some countries where specialised anti-corruption bodies have been established to complement police or prosecutorial services, effective interagency cooperation has been an even greater challenge.

The large number of institutions with conflicting or sometimes unclear mandates is widespread across countries and the existence of an ACC alongside other structures create risks of overlaps and confusion over their respective roles in the fight against corruption. This can lead to serious gaps in the implementation of anti-corruption policies.

3.5 Competition over Resources and Leadership

The coexistence of a myriad of institutions with an anti-corruption mandate in countries is also likely to stretch the level of resources allocated to anti-corruption work. This is especially so in countries where resources are scarce and therefore establishing specialised bodies entails the risk of fuelling fierce inter-agency struggle for scarce resources and promote competition rather than effective cooperation.

Some institutions are more powerful, have more political leverage than others and enjoy higher levels of independence from political interference, which is likely to reinforce existing conflicts and ultimately hinder any collaboration with other agencies.

3.6 Recovery of Assets

Some anti-corruption agencies are mandated not only to investigate and prosecute offenders but also to freeze and recover assets acquired through corruption. One of the criticisms very often levelled against anti-corruption agencies is its financial dependence on state funding thereby giving the perception that if an anti-corruption agency is funded by the government then it must be accountable to the government at the risk of losing its operational independence. However, this is highly arguable as ACA's worldwide are funded by the state and the functioning and independence of the ACA depends to a large extent on the leadership at the top of the agency. The CPIB of Singapore, for example, is funded by the state but it has not prevented the agency from achieving renowned success. How far can ACA's achieve financial independence, for instance, by funding the agency though recovered money or confiscated assets need to be thoroughly explored.

3.7 Inadequate or Weak Legislations

In line with the UNCAC, many countries have set up anti-corruption agencies or other similar institutions mandated to fight corruption such as the Office of the Inspector General or the police. However, these institutions cannot function effectively as there are no codified anti-corruption legislation or the anti-corruption legal framework may be weak or contains several loopholes (whether intentional or unintentional) or barriers to effective enforcement.

3.8 Interference by the Political Leadership

One of the most common reasons for the failure of anti-corruption agencies or ineffectiveness in the national fight against corruption, particularly in developing countries, is political interference or the perception thereof. Independence and integrity of anti-corruption institutions are critical factors in the fight against corruption and these have been clearly underlined by researchers and all our interviewees. Sometimes the lack of results, especially in tracking 'the big fish' (politicians, businessmen) leaves a perception that there are cover ups and double standards in investigations due to political interference.

3.9 Lack of Public Support

The successful fight against corruption requires a collaborative efforts of all stakeholders; the anti-corruption agency, the police, the judiciary, the public sector, the private sector as well as the civil society. The level of public awareness on the consequences of corruption, public intolerance to corruption as well as the willingness to denounce and report cases of corruption are critical factors determining effectiveness. We must not lose sight of the fact that public trust and support are earned out of visible and tangible results. Unfortunately the lack of public support is often missing despite the efforts of the government and the relevant authorities. Public support, often in the form of strong pressure groups, in compelling governments and ACAs to bring an end to impunity and a zero-tolerance attitude towards corruption, not only in theory but in practice is of paramount importance.

3.10   International Cooperation

Corruption is a global threat and its elimination requires not only considerable resources but also regional and international cooperation. In this context, Article 43 (chapter IV) of UNCAC advocates international cooperation with a view to share expertise and experiences and consequently bring more synergy in the fight against corruption. According to researchers in the field, countries which represent models of success in the fight against corruption such as ICAC Hong Kong, ICAC New South Wales or the Corrupt Practices Investigation Bureau of Singapore can contribute significantly in the transmission of expertise and help build capacity of anti-corruption institutions. No man is an island and the lessons learned from anti-corruption agencies/countries which have proved successful in the fight against corruption can contribute significantly in avoiding common pitfalls and in enhancing effectiveness.

Chapter 4: Analysis of Findings

4.0 Introduction

For many years, the establishment of anti-corruption agencies has widely been considered to be one of the key factors to effectively tackle corruption in a country. This belief was largely based on the successful models of the Corrupt Practices Investigation Bureau of Singapore and of Hong Kong ICAC. Both institutions managed to significantly bring down the level of corruption in their respective countries. Subsequently many anti-corruption agencies flourished throughout the world. However, the success of Singapore and Hong Kong ACA's could not be replicated and the setting up of ACA's in many countries, particularly in Africa, have had little impact.

Michael Johnston (1999) has rightly cautioned: *"Independent Commissions Against Corruption are unlikely to be right for every country"*. In other words, the CPIB and ICAC and their favourable policy contexts have enabled Singapore and Hong Kong to curb corruption effectively. Political leaders in countries who wish to curb corruption must demonstrate their political will by allocating the required resources and legislation for the CPIB or ICAC-style agency to perform its task of impartially enforcing the comprehensive anti-corruption laws.

On the other hand, Article 5 and 6 of the UNCAC recognize the need for States Parties to ensure the existence of ACAs that have the mandate, independence, quality staff and resources to discharge their mandates effectively. These ACAs are necessary but not sufficient. They can no doubt contribute significantly towards success in the fight against corruption and are subject to a large extent on the socio-economic and political contexts in which they operate.

So, the logical question that arises is why have some countries been highly successful in the fight against corruption while others have not? The answer probably lies on the fact that success in the fight against corruption does not depend solely on the existence or effectiveness of the ACA, though it can undoubtedly contribute significantly. There are a host of factors, what the UNDP refers to as '**the enabling factors'**, besides the setting up of an ACA that can impact on the success in the fight against corruption. According to the UNDP effectiveness of ACAs cannot be isolated from the **overall political economy** (international

political economy, national political context, judiciary, police, civil service and ACAs capacity etc).

In the same vein, drawing from the experiences of Hong Kong and Singapore Professor Jon Quah states that, apart from political will, Hong Kong and Singapore have succeeded in curbing corruption because *"of their favourable policy contexts: they have small populations; stable governments; high standards of living; efficient civil service systems; and well developed infrastructure"* (Quah, 2004).

Thus, the mere setting up of an anti-corruption agency will not automatically bring success in the fight against corruption. The overall political, social and economic environment must be conducive to the fight against corruption and include the following success factors:

(a) At the level of the ACA:

- The independence of the ACA;

- selection and appointment of ACAs' leadership and staff;

- training and continuous specialised capacity building programmes for staff;

- resources allocated - human, financial and technological in the fight against corruption;

- effective law enforcement and putting an end to impunity;

- ability and willingness of ACAs to catch the 'big fish' and recommend the appropriate sanctions to send strong signal to the public as well as to all stakeholders;

- pro-activeness in the development of anti-corruption measures, practices and tools

- monitoring and evaluation systems; and

- cooperation and collaboration with other sister agencies and other organisations.

(b) At National Level:

- Strong political will. The status of political will[14] can be categorized as follows:

---

[14] Source: Edward G. Hoseah, "Measures to combat Corruption at the Local, National and International Level", 15th International Conference on Politics, Crime and Criminal Justice, Canberra, Australia, August 2001

- ❖ compromised political will is where leaders are personally involved in corruption.
- ❖ weak political will is found where leaders show no initiative against corruption.
- ❖ committed but untested political will is seen where leaders oppose corruption, but yet have to establish credibility.
- ❖ strong and credible political will is manifested where leaders have demonstrated record of effective action against corruption.

- Collaboration with other partners - public, private and civil society organisations;
- Effective leadership at country's level and at the level of the ACA;
- Effective legislation and ACA's powers to investigate, arrest and prosecute;
- Community involvement and engagement - Degree of engagement with citizens and development of relevant community relations programmes;
- Public sector reforms;
- Effective judiciary; and
- Regional and international cooperation.

4.1 Determinants of Effectiveness

An analysis of the findings reveals that there is a set of factors that determine effectiveness in the national fight against corruption as it is not the sole doings of ACAs or any other authority. These have been summarised in the chart below.
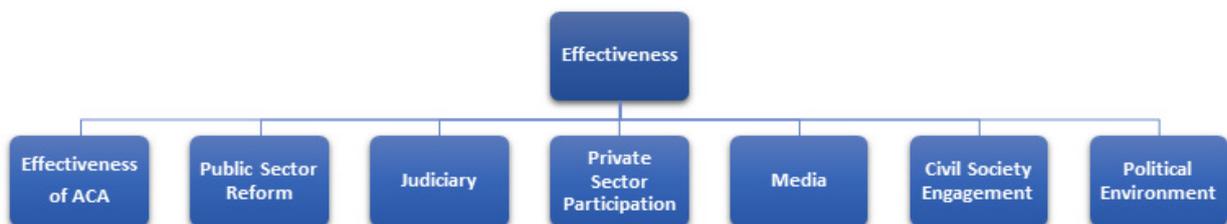
Chart 3: Determinants of effectiveness

Hence, there is no single factor which can bring effectiveness in the fight against corruption. According to Dr Anga R. Timilsina[15], ACAs effectiveness cannot be isolated from the overall political economy (Chart 4 refers). For a country to succeed, there is real need to create an enabling environment, develop synergy and adopt an inclusive strategy taking on board all the key sectors- public, private, civil society, media. Moreover, it is imperative to align the ACAs vision and goals with that of the country as a lack of congruence and convergence in vision, goals and objectives at the level of the ACA and the country will definitely not yield the desired results.

International political-economy
(e.g., secrecy jurisdiction,
operation of corporations)

National political context

Other AC actors: judiciary,
prosecutor's office, police, civil
service

ACAs capacity
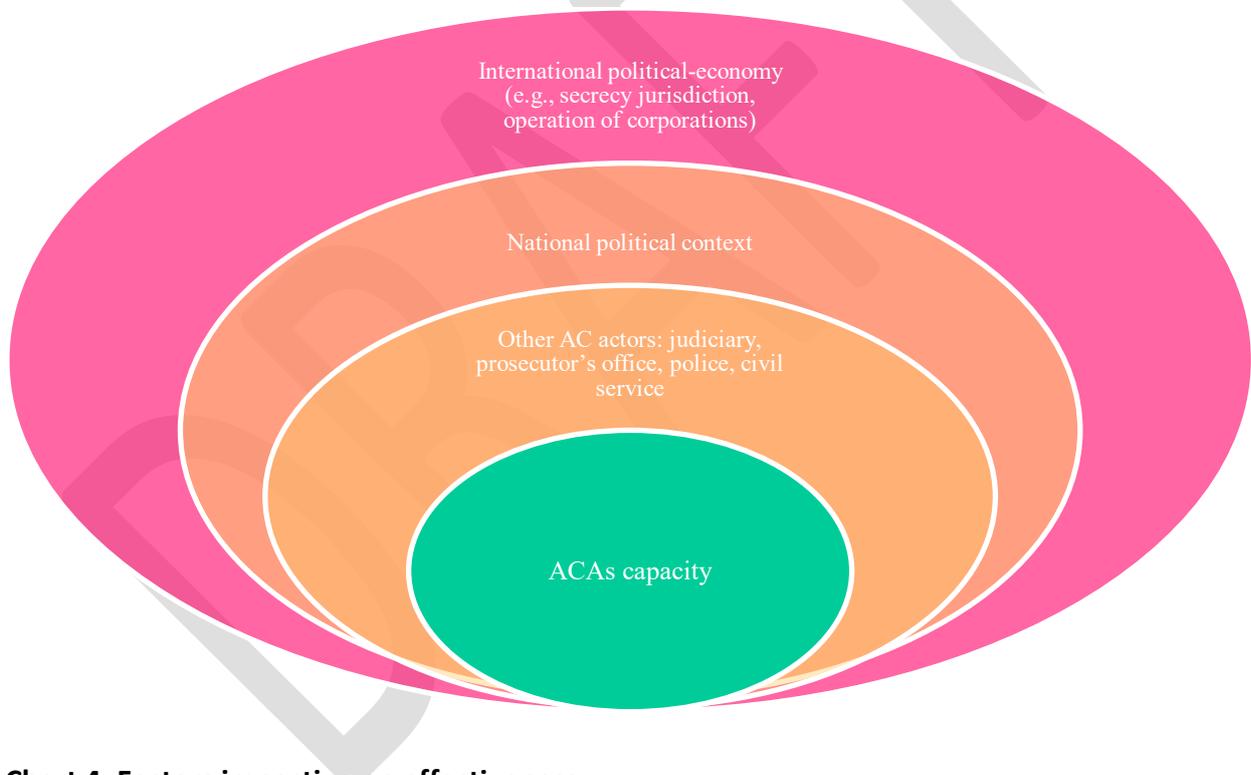
Chart 4: Factors impacting on effectiveness

(Source: Dr Anga R. Timilsina, Conference on Effectiveness of Anti-Corruption Agencies and Financial Intelligence Units in Fighting Corruption and Money Laundering in Africa 2018, Mauritius)

---

[15] Adapted from Anga R. Timilsina, Global Programme Advisor on Anti-corruption, UNDP Global Centre for Public Service Excellence, Singapore

The recent Global Expert Group Meeting held in Sri Lanka on the Jakarta Principles from 25 to 27 July 2018 is a significant leap forward in enhancing global effectiveness in the fight against corruption. The adoption of the **Colombo Commentary**, based on international best practices and norms, is expected to make the implementation by member states of the Jakarta Principles simpler and easier, thus contributing to effectiveness.

4.2 Highlight of Key Issues

From the analysis of literature and interviews conducted, there are a number of key issues that have emerged with respect to effectiveness in the fight against corruption. These have been summarised below.

- Effectiveness goes well beyond technical compliance or the check-box methodology.
- Effectiveness has become a global concern both at the level of regional and international institutions and at the level of ACAs.
- Effectiveness in the fight against corruption is not the result of a single factor but rather a set of factors namely:
  - Strong political will;
  - Independence, accountability, capacity and performance of ACAs;
  - Public sector reforms;
  - Independent judiciary;
  - Private sector participation;
  - Media collaboration;
  - Civil society engagement; and
  - The global and national policy context.

Chapter 5: Recommendations

5.0 Introduction

Following the study, numerous recommendations are being made with a view to enhance effectiveness in the fight against corruption. These measures target principally effectiveness of anti-corruption agencies as well as other key players in the fight against corruption.

5.1 Development of a National Anti-Corruption Policy and Strategy.

Experience has shown that countries having national anti-corruption policies and strategies (such as Finland, UK, Estonia, Romania) seem to perform better than others. Thus, it is suggested that a national anti-corruption policy and strategy be developed at country level. The policy and strategy could provide a comprehensive framework for combating corruption in a coordinated, inclusive and sustainable manner. The strategy would clearly specify the national objectives with respect to the fight against corruption as well as the role of responsibilities of the authorities concerned. However, for it to be successful, the national anti-corruption policy and strategy must be driven by the strong political will so that it is effectively implemented. This must be complemented by a monitoring and review mechanism.

5.2 Consolidation of the Anti-corruption Legal Framework

The anti-corruption legal framework needs to be reviewed to plug in existing loopholes and meet the emerging challenges. There is unanimity among all interviewees that a new legislative framework encompassing both the private and public sector should be introduced- a legislative framework that responds to the country's needs. Moreover, both public and private sector organisations should assess the financial health of their organisations and ward off possibilities of fraud and those beating the system. In this context, there is a need to learn and apply what is being done in other 'successful' jurisdictions. However, we need to customise the measures as "no caps fit all".

5.3 Strengthening Political Will

The sine qua non condition for the fight against corruption remains the political will. Nearly, all countries in the world have some form of anti-corruption framework (comprising an anti-corruption agency or similar agencies, an anti-corruption legislation etc.) to combat corruption. However, such infrastructure is necessary but not enough to make the fight against corruption effective and bring desired results. Political support not only from a country's head (President or PM) but also from a broad array of national political leadership is required. Strong political will is required and this must be visible, in words and actions, and felt by the population at large. Political commitment must be more visible on the part of our policy makers in line with the country's regional and international conventions. Mere intentions expressed in a Government Programme or Budget Speech does not suffice.

5.4 Enhancing Operational Effectiveness of Anti-Corruption Agencies

Enhancing effectiveness in the fight against corruption necessarily goes through first and foremost enhancing effectiveness of the anti-corruption agency. Thus, a review of ACAs internal systems, procedures and processes should be undertaken to eliminate bureaucracy, wastefulness and duplication. The legislation may be reviewed to make recommendations following Corruption Prevention Reviews mandatory. On the other hand, an anti-corruption agency is perceived to be effective if it not only succeeds in securing numerous convictions for (petty) corruption but also succeed in frying the big fish. It is the latter that sends a strong signal to the public that it means business and is effective. Moreover, regular local perception surveys could be conducted to gauge (perceived) effectiveness followed by remedial actions.

5.5 Transparency, Independence and Accountability of ACAs

In line with the spirit of the revised Jakarta Principles and the resolutions taken at the recent meeting of States parties (July 2018) in Sri Lanka , the anti-corruption agency should be restructured to make it more autonomous and transparent. Clear procedures for the appointment of the Director-General/Commissioner should be made. It should assert itself as a strong and dedicated institution that meet public expectations. ACAs should be

independent in terms of the selection and appointment of their leadership and staff. The law should explicitly spell out the eligibility criteria for heads of anti-corruption agencies/commissioners and members. The law must also grant ACAs extensive powers to investigate and arrest. Amendments to the law must be made to ensure operational freedom for ACAs.

Clearly, sustained strong political will is an essential precondition for the independence and effectiveness of ACAs. Commitment of political leaders and key actors in governance to promote and practice zero tolerance against corruption and grant them structural and operational freedom can indeed help ACAs reach their goals.

5.6 Sustained Anti-corruption Campaigns

Sustained awareness and information campaigns should be conducted targeting the population as well as friendly countries on the dangers of corruption, the strategies being adopted and the outcomes. This can enhance the scope of our business, commercial and cultural ties. Mauritius must be viewed as a respected country demonstrating a strong will and effective measures to eliminate corruption.

5.7 Comprehensive Audit of Systems, Practices and Work Processes

According to the Secretary for Public Service and the Executive Director of Transparency Mauritius, a comprehensive audit of systems, practices and work processes in the public sector (not merely financial audits) should be made mandatory to identify risks, detect mismanagement of resources, possible weaknesses in systems and corrupt practices. This could complement the work of the National Audit Office which unfortunately does not look at work processes and systems.

5.8 Putting an End to Impunity

The need for stricter punishment, through appropriate legislations, for those found guilty of corruption is more than necessary. Sanctioning a person found guilty of corruption, let's say, by prescribing community service is not a strong deterrent as pointed out by all interviewees. We need to deal severely with the corrupt and the corruptors so as to send the right signal to others. Corruptors and the corrupt should not be allowed to walk scot-free. Another area

where there is a large consensus, is that the legislation should be amended to provide greater protection to whistle blowers and encourage anonymous reporting. In this context, the government could come up with a whistle-blowing legislation. Anti-corruption charters, principles and values of organisations should be implemented and strict compliance followed by sanctions taken in both private and public sector organisations for non-compliance.

5.9 Building and Sustaining Public Trust

In practice anti-corruption agencies have a tendency to focus more on the "small fish", instead of going after grand corruption perpetrated by the rich and the powerful. This has led to declining public confidence and lack of trust that ACAs will perform their task diligently and objectively, without fear or prejudice. This decline in public trust is very often evident in the unwillingness of the public to report corruption, as manifested in the inadequate number of complaints registered in most countries. More emphasis should be laid on major priority areas such as independence to carry out the ACA's mission, public accountability and trust, institutional capacity to enforce the ACA's anti-corruption mandate and bring the "big fish" as well in the net. Public trust can only be earned through visible results achieved in the fight against corruption.

5.10   Specialized Court for Corruption Cases

One of the main hurdles in securing effectiveness in the fight against corruption is the undue delay in concluding a corruption case as pointed out by nearly all interviewees. To alleviate this problem and provide a false perception of impunity to alleged corrupt or corruptors, a separate dedicated court for corruption cases (as in Botswana, Indonesia, Croatia, Mexico) could be established that can handle matters swiftly and expeditiously. This will send a strong signal to the population and the international community as well and not drag on cases unnecessarily over the years leading ultimately to a write-off.

5.11   Regulation of the Source of Political Funding

From the literature review and from comments made by all interviewees, one area which requires urgent attention in Mauritius is the regulation of political funding. Political funding represents one of the major sources of (or at least perception of) corruption and this

adversely impacts on political will of the government to combat corruption effectively as well as send a wrong signal to the international community.

Moreover, according to the Executive Director of Transparency Mauritius, petty corruption is well under control. However, grand corruption remains a big issue in Mauritius and this is closely linked to the funding of political parties. Political funding in fact is perceived as a major source of corruption in Mauritius. To enhance transparency and accountability, the disclosure of the source of funding by political parties should be made mandatory through an appropriate legislative framework.

5.12   Freedom of Information Act and New Assets Declaration Act

Transparency, accountability and access to information (save confidentiality provisions) are essential ingredients in building public trust and support in the fight against corruption. The Executive Director of Transparency Mauritius advocates for effective laws, a Freedom of information Act and a review of the Declaration of Assets Act. The powers of the Electoral Supervisory Commission should be increased and it must also be properly staffed. These measures will send a strong signal of government's commitment to the population at large as well as the international community.

5.13   Effective Role Modelling

There is also wide consensus on the fact that political leaders and persons at the top of public institutions, particularly law enforcement agencies, should demonstrate the highest level of integrity and serve as good role models.

5.14   Development of Effectiveness Indicators

The research has indicated that there is no effectiveness indicators as such in the fight against corruption. So far countries and ACA's worldwide have been using the available proxy indicators such as TI's CPI, WGI of the World Bank or GCI of the World Economic Forum. As highlighted earlier, these indicators have serious limitations and in no way indicate how 'effective' are countries in the fight against corruption. Consequently. Given that it has now become a matter of worldwide concern, It is proposed that a set of qualitative and quantitative indicators and sub-indicators, need to be worked out. The elements could

include the anti-corruption legal framework, enforcement mechanism, e-procurement system. E-readiness of the country, public sector reforms and private sector involvement, amongst others. This could be done through the setting up of **High Level Working Group** comprising ACA's, regional institutions (AfDB, AU, EU), academics and under the auspices of an international institution such as the UNODC or the World Bank.

Chapter 6: Conclusion

6.0 Introduction

Today, effectiveness in the fight against corruption has become a global concern. Anti-corruption agencies, regional and international institutions and well as researchers are raising serious questions about tangible results achieved in the fight against corruption as well as the ways and means of enhancing effectiveness. The recent conference on Effectiveness of Anti-Corruption Agencies and Financial Intelligence Units in Fighting Corruption and Money Laundering in Africa organised by the Independent Commission Against Corruption, Mauritius in collaboration with the Office of Integrity and Anti-Corruption of the African Development Bank (AfDB) as well as the Expert Group Meeting of States Parties held in Colombo (July 2018) to ease implementation of the "Jakarta Principles" with a view to render anti-corruption agencies more effective are just two examples of the growing worldwide concern.

It is generally recognised that there is no one-size-fit-all solution in fighting corruption. Every country has to critically examine and understand the uniqueness of its contexts (political, social, economic) prior to devising a holistic and comprehensive strategy. For enhanced effectiveness, it is recommended that any strategy embrace ideally the three pronged approach in line with the UNCAC - deterrence, education and prevention. There should be a dedicated and truly independent anti-corruption agency mandated to develop, coordinate, implement and evaluate the impact of the strategy, as well as mobilize and sustain public support. Hong Kong's and Singapore's experiences, as explained earlier have proved that given a top political will, comprehensive anti-corruption legislations, a dedicated anti-corruption agency and an appropriate strategy with the required conditions and conducive environment, any country can aspire to a clean and fair society, within a rather reasonable period of time.

6.1 Main Findings

The study has shown that the key determinants to effectiveness in the fight against corruption pertain principally to the role, powers and functioning of anti-corruption agencies. However, numerous other factors can impinge on effectiveness in the national fight against corruption and these comprise:

- Government's political will

- The anti-corruption legal framework

- The capacity of staff of ACA's and the impact of the work of ACA's in the short, medium and long term;

- The judiciary

- Civil society participation

- Media engagement

- The budgetary allocation to the ACA and adequate staff, expertise and skills devoted to the fight against corruption.

But the overriding determinant of effectiveness remains the international and national political, economic and social environment.

According to Transparency International[16], "it is an undisputed fact that the work of an ACA is very complex depending on the nature of its activities". It is also recognised that till date there are no globally 'one-size fit all' or 'acceptable standards' to which ACAs must adhere to attain success, and ultimately effectiveness. However, existing legislations/systems underpinning the establishing of ACAs provide for prescribed good practice standards within which they must operate. In the absence of recognised benchmarks, "the performance and effectiveness of an ACA are often informally gauged by the courage, commitment and determination with which it discharges its functions, often in complex socio-political environments".

From the findings of the literature review and the interviews conducted, it has become clear that there are no ready-made 'effectiveness indicators' at national level as such in the fight against corruption. The problem of measuring effectiveness is the same as attempting to measure the real state of corruption. Though we all know what corruption is and it is omnipresent, yet it is very difficult to measure the real extent of corruption in a country as corruption is a covert phenomenon, often unpredictable, and with characteristics that vary

---

[16]Strengthening Anti-Corruption Agencies in Asia Pacific, Transparency International Bangladesh, October 2017)

across time, location, and context. At the utmost, we are able to measure merely the perceptions of corruption. Similarly, it is difficult to measure effectiveness in the fight against corruption. Thus, countries worldwide, including governments, analysts and investors, use the Corruption Perceptions Index. Though the CPI is not an effective measure of corruption or effectiveness yet can be used as a proxy as it indicates movement or trend in the perceived level of corruption at country level.

Researchers have come up with a number of quantitative indicators that can be used to measure performance of ACA's, as outlined above. However, measurement of effectiveness at national level is problematic as there are multiple players involved- the government, the ACA, the judiciary, the public sector, the private sector and the civil society, operating within the wider national and international political contexts. The problem is further compounded as they do not function in a coordinated and coherent manner and appropriate quantitative data is not readily available.

In light of the above, to measure effectiveness in the fight against corruption at country level, a set of qualitative and quantitative indicators and sub-indicators, need to be worked out. The elements could include the anti-corruption legal framework, enforcement mechanism, e-procurement system. E-readiness of the country, public sector reforms and private sector involvement, amongst others. This can help in developing effectiveness indicators at country's level which can ultimately indicate real progress and success in the national fight against corruption over time. All along bearing in mind that effectiveness is not a measurement of output but goes well **beyond technical compliance** or **tick box methodology** and focuses principally on impact of measures taken and visible results attained.

In the absence of effectiveness indicators at macro level, a checklist has been developed that can be used to assess how far actual results in the fight against corruption meet expectations. The checklist comprises the preconditions as well as a set of both quantitative and qualitative indicators that can be used to ascertain effectiveness in the fight against corruption at country level.

The following key elements form part of the checklist:

- National corruption prevention framework;

- Performance of ACAs;

- Public sector reforms;

- Judicial reforms;

- Private sector participation; and

- Citizens and media engagement.

In a nutshell, effectiveness from the public perspective is creating long lasting and visible impact. However, from an organisational or national perspective, it's all about achieving stated objectives and targets and countries can thus lay down the targets they wish to achieve within a specific time frame. The checklist can prove an interesting tool in setting well defined objectives at national level and in evaluating how far countries have been effective in achieving the stated objectives and goals in the fight against corruption. Such an exercise may be undertaken on an annual basis the progress achieved noted, gaps identified and appropriate remedial actions taken, wherever necessary. The procedure to be adopted is as follows:

a) Choose a base year and take stock of the situation through adoption of the enclosed checklist.

b) Determine objectives targets and goals for the forthcoming year (for a 12-month period) as per the checklist.

c) Apply the checklist at the end of the 12-month period and note down the results.

d) Analyse the results obtained. Identify strengths, weaknesses, achievements and gaps (if any).

e) Suggest remedial actions wherever necessary and draw up an implementation schedule with realistic timelines.

f) Repeat the exercise the following year and report progress achieved and areas requiring urgent attention.

g) Assess results achieved over a given time period.

h) Review progress and initiate actions deemed necessary.

It must be pointed out that the checklist does not pretend to provide effectiveness indicators in the fight against corruption as such but provides the necessary tools that enable monitoring

of anti-corruption efforts and results achieved at national level. The development of appropriate macro effectiveness indicators remains a challenge but can present an opportunity and a novel area for further research.

6.2 Assessing Effectiveness Checklist

6.2.1 The Pre-conditions - The National Corruption Prevention Framework

	Qualitative Indicators		
	Key questions	YES	NO
1.	Does the country have an anti-corruption legislation?		
2.	Does the country have an anti-corruption agency?		
3.	Is the law comprehensive and extensive enough to capture the various forms of corruption?		
4.	What punishment does the legislation provide for corruption?		
5.	Does the country have a national anti-corruption strategy?		
6.	Does the country have a national anti-corruption policy?		
7.	Does the legislation provide protection for whistle blowers?		
8.	Does the legislation provide for anonymous reporting		
9.	Has any institution been mandated to provide oversight concerning the implementation of the national anti-corruption strategy and policy?		
10.	Do citizens have access to public/governmental information?		
11.	Does any organisation have an oversight on Public procurement?		
12.	Does any institution have an oversight on use of public funds?		

13.	Are members of parliament required to declare their assets?		
14.	Are the assets declared regularly monitored?		
15.	Does the country have an independent Electoral Commission?		
16.	Are political party funding and expenditures regulated?		
17.	Does the country have an independent public hiring, promotion and appointment policies and institutions?		

6.2.2 The Results

(i) Quantitative Indicators at the level of the ACAs

	Investigation	
1.	Number of complaints received	
2.	Number of pursuable and non-pursuable complaints	
3.	Number of corruption cases investigated	
4.	Percentage of corruption cases investigated	
5.	The average time taken to complete the investigation of a corruption case	
6.	The prosecution rate*	
7.	The conviction rate*	
8.	The number of disciplinary measures taken following investigations	
9.	Sum of money confiscated or assets freezed and recovered during the year	

10.	Sum of money recovered during the year	
	Prevention and Education	
1.	Number of corruption prevention projects initiated.	
2.	Number of anti-corruption materials produced/ published.	
3.	Number of research studies undertaken.	
4.	Number of people reached through anti-corruption campaigns	
5.	Number of anti-corruption initiatives /projects	
	Quantitative Indicators	
1.	Number of corruption cases heard	
2.	Time taken to settle a corruption case	
3.	Number of cases on appeal	
4.	Number of freezing orders	
5.	Number of Mutual Legal Assistance sought/facilitated	
6.	Number of corruption cases dismissed	
7.	Number of cases referred to other authorities	

Definitions of Terms Used Above

*The prosecution rate is the number of corruption cases prosecuted within a given period of time.

The conviction rate is the number of convictions secured (in corruption cases) as a percentage of the total number of prosecutions undertaken within a given period of time.

(ii)   Public Sector Reforms

	Quantitative Indicators	
1.	Number of code of ethics/code of conduct being implemented	
2.	Number of customer charters in the public sector	
3.	Number of public officers trained	
4.	Number of complaints registered against public officers	
5.	Number of public officers suspended	

6.	Number of disciplinary actions taken against public officers during the year	
7.	Number of organisations providing e-services	
	Qualitative Indicators	
1.	Is ICT being used to facilitate service delivery?	
2.	Does the public sector implement a Performance Management system?	
3.	Doses the public service adopt the Human Resource Information Management System?	
4.	What is the implementation rate for e-procurement? (Number of public sector organisations providing e-procurement and percentage of users availing of this service)	
5.	Are high level public officers required to disclose their assets?	
6.	Are assets declared regularly monitored?	

(iii) Private Sector Participation

	Quantitative Indicators	
1.	Number of organisations adopting the Code of Corporate Governance	
2.	Number of organisation having anti-corruption policies	
3.	Number of organisation having corruption prevention strategies	
4.	Number of anti-corruption initiatives taken (as per report)	

(iv) Citizens and Media Engagement

	Quantitative and Qualitative Indicators	
1.	Number of civil society organizations/ NGO's actively engaged in the fight against corruption	
2.	Number of civil society organizations undertaking anti-corruption initiatives/advocacy?	

3.	Have these organizations initiated actions that have had an impact on government policy?	
4.	Is the media playing a prominent role in educating the population on the dangers of corruption?	
5.	Does the media report and denounce possible acts of corruption?	
6.	Are laws in place that protect the mass media's right to conduct investigative journalism into cases of corruption?	

Resolution on

'Effectiveness of Anti-Corruption Bodies in Fighting Corruption'

for CoSP 2019

Explanatory Note

- Since the past decade, it is increasingly being recognised that corruption is a costly diversion of resources from their proper use, a major threat to human rights, a significant distortion of competition as well as a driving motive for gross inefficiencies in both the public and private sector. Furthermore, corruption perpetuates other crimes such as money laundering, drug trafficking and financing of terrorism. Simultaneously, a number of anti-corruption commissions have emerged worldwide, often in a context of corruption scandals accompanied by a plethora of anti-corruption measures which are geared towards achieving state's compliance with standards set by regional and international conventions.

- Consistent and compelling demands for more effective actions against the scourge, have triggered the need for more sophisticated measures against corruption, during the last three decades. Thus, exerting some degree of influence on various actors worldwide to look for credible indicators of corruption/anti-corruption as reasonable benchmarks in the development and implementation of relevant national anti-corruption strategies and policies is necessary. Understanding those indicators is a prerequisite towards determining reasons why achievements fell short and to establish ways and means of strengthening anti-corruption efforts, render the outcomes more impactful and visible and consequently meet public expectations and the international community. In short, effectiveness of anti-corruption works, policies and strategies has now been brought in the forefront and has become an issue of global concern.

- The fight against corruption is increasingly becoming a challenge because of its complexity and evolving nature. The innovative methods and techniques used by criminals are progressively becoming more sophisticated posing serious challenges to efforts of law enforcement authorities and intelligence agencies to curb the menaces. The perpetrators of these crimes will continue to use complex, diverse, smart and sophisticated techniques to evade detection by Anti-Corruption Agencies. As a consequence, investigation and prosecution by Anti-Corruption Agencies are becoming more and more challenging often leading to low level of successful prosecution and convictions in Court.

- Notwithstanding the global and regional calls to combat money laundering and corruption, the prevalence of these crimes and other undesirable activities is on the

increase. Although countries have ratified an array of regional and international conventions and treaties such as the UN Convention against Corruption in 2003, UN Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1988, the UN Convention against Transnational Organised Crimes in 2000, the AU Convention on Preventing and Combating Corruption in 2006 and the SADC Protocol Against Corruption in 2001, amongst others and promulgated various national legislations, effective implementation remains a huge challenge.

- Following ratification of the Conventions/Protocols, many countries around the world have adopted laws and regulations and established institutions to combat corruption but that, however, the problem remains alarming.

- There is a need for States Parties to go beyond technical compliance which is necessary but not sufficient. The technical compliance component refers to the implementation of specific requirements of the Conventions, including the framework of laws and enforceable means and the existence, powers and procedures of competent authorities. For example, in 2013, the Financial Action Task Force (FATF) has enhanced its approach for assessing compliance with the FATF Recommendations by including an assessment for effectiveness. Therefore, the Methodology comprises two components:

  ✓ The technical compliance assessment to address the specific requirements of the FATF Recommendations, principally as they relate to the relevant legal and institutional framework of the country, and the powers and procedures of the competent authorities. These represent the fundamental building blocks of an AML/CFT system.

  ✓ The effectiveness assessment which differs fundamentally from the assessment of technical compliance. It seeks to assess the adequacy of the implementation of the FATF Recommendations, and identifies the extent to which a country achieves a defined set of outcomes that are central to a robust AML/CFT system. The focus of the effectiveness assessment is therefore on the extent to which the legal and institutional framework is producing the expected results.

- It is pointless, to technically comply, with international, regional treaties, conventions and domestic laws, whilst achieving little or no results. Essentially, effectiveness is the extent to which the defined outcomes are achieved and realised. Although Anti-Corruption Bodies are established to achieve specified objectives; most often, the level of achievement of the desired outcomes are low. The lack of effectiveness of these agencies results to an environment where corruption thrives, unabated to the frustration of the public.

- Effectiveness refers to "the closeness of actual results achieved to meeting expectations". Effectiveness is weighing results against expectations over time. The effectiveness

evaluation is assessing results expectations, using a pre-execution method of measuring achievements against stated milestones, objectives, and goals. This includes determining reasons why achievements fall short or why it takes so long to bear fruits. Measures can be 'cause-and-effect relationships to evaluate the worth of a particular policy or a set of policies in producing some wanted outcome'.

- Realising the importance of the issue, various conferences and expert groups meetings have been held to address same. A two-day regional conference was held in May 2018 in the Republic of Mauritius to further reflect on the issue of effectiveness of Anti-Corruption Agencies (ACAs) and Financial Intelligence Units (FIUs) in fighting corruption and money laundering in Africa. Participants recommended that the outcome of the Regional Conference be reflected in a formal resolution to be adopted by the Conference of State Parties to the United Nations Convention against Corruption at its 8th session to be held in December 2019.

- The Mauritius Communique agreed in May 2018 at the "Regional Conference on Effectiveness of Anti-Corruption Agencies and Financial Intelligence Units in Fighting Corruption and Money Laundering in Africa" called for the development of a "set of comprehensive, reliable and objective indicators to assess and measure effectiveness" to guide ACAs and Financial Intelligence Units. In the light of these requests, UNODC, jointly with UNDP, convened an Expert Group Meeting (EGM) to develop a "Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies". The EGM took place in July 2018 in Colombo, Sri Lanka. The Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies, highlights good practices, encourages south-south knowledge transfer and provides guidance on the sixteen principles included in the Jakarta Statement to help implement articles 6 and 36 of the United Nations Convention against Corruption.

- The CoSP resolution 7/2 entitled "Preventing and combatting corruption in all its forms more effectively, including, among others, when it involves vast quantities of assets, based on a comprehensive and multidisciplinary approach, in accordance with the United Nations Convention against Corruption", was the first resolution to focus on the issue of corruption involving vast quantities of assets. In the resolution, States parties expressed concern about this form of corruption and requested UNODC to compile information on experiences and best practices to tackle it more effectively. Hence, the Global Expert Group Meeting on Corruption involving Vast Quantities of Assets held in Norway in June 2019 came up with policy proposal and principles to effectively prevent and combat corruption involving vast quantities of assets.

- In light of the above, to measure effectiveness in the fight against corruption at country level the need to integrate the element of effectiveness in the UNCAC compliance system, develop a set of comprehensive, reliable and objective effectiveness indicators to further

the common effectiveness agenda in view of new challenges and build into the UNCAC peer review mechanisms the component of effectiveness that will enable agencies to gauge their effectiveness and take remedial actions.