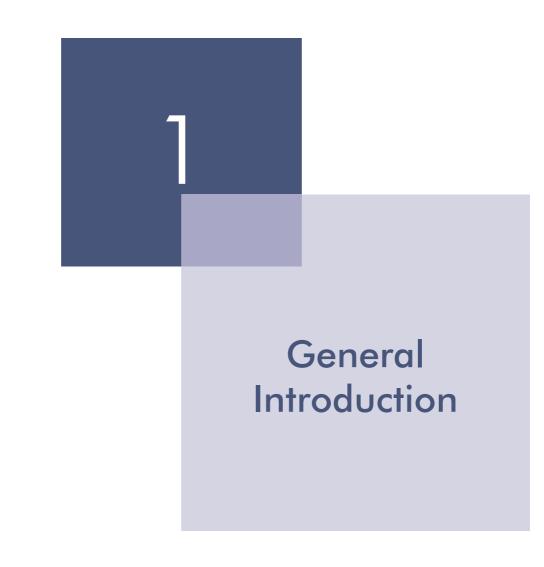# ANTI-CORRUPTION TOOL KIT

1

General Introduction

I. GENERAL INTRODUCTION

About the toolkit

Since 1994 the world has witnessed an unprecedented increase in the efforts of governments and international agencies to raise awareness about the negative effects of corruption. International organisations, governments, and the private sector have come to realise that corruption is a serious obstacle to effective government, economic growth, and national and international stability. For these reasons, there is an increased interest and need for international and national anti-corruption legislation, policies and measures.

The purpose of this anti-corruption Tool Kit is to help governments, organisations and the public to understand the insidious nature of corruption, the damaging effects it can have on the welfare of entire nations and their peoples, and to provide an inventory of measures used successfully to assess the nature and extent of corruption, deter, prevent and combat corruption, and to combine and integrate the various "tools" into successful national anti-corruption strategies. While there are common factors, the nature and effects of corruption are unique to each country and society, and the toolkit is intended to provide a range of options which will enable each country to assemble an integrated strategy which will be as effective as possible in meeting its needs.

Corruption is a very old phenomenon, and one that by its nature, tends to conceal its existence and harmful effects. As a result, serious efforts to combat the problem are still believed to be in their infancy in most countries, and reliable information about the nature and extent of domestic and transnational corruption is difficult to obtain. The search for information with which to assess corruption is further impeded by the very broad nature of the phenomenon and a lack of consensus about legal or criminological definitions, which could form the basis of international and comparative research. Nevertheless, some jurisdictions have developed successful measures, and the elements of the toolkit have been based on these successes and lessons learned from successes and failures wherever possible.

The most common anti-corruption efforts have either been directed at prevention or deterrence. Prevention measures have tended to involve efforts to educate members of the public and specific target groups about the nature and effects of corruption, in order to build consensus which supports integrity and values which resist corruption. Deterrence measures are intended to *increase the risks*, *costs and uncertainty* associated with acts of corruption. Unlike many common crimes, corruption generally involves actions which are readily capable of deterrence. Whether a corrupt act involves a small individual bribe or a serious and ongoing course of conduct, the participation of each person involved tends to be based on an assessment of the potential costs and benefits before any action is taken, and circumstances which may increase costs or reduce benefits may well deter that individual from becoming involved. Prevention measures also affect this assessment, making potential offenders more aware of hidden or indirect costs of corruption, and making others more likely to report or complain about it. In the context of corruption, deterrents include both criminal justice and other measures. Risks and costs considered by offenders include the obvious risks of criminal prosecution and punishment, but also less direct risks associated with simple exposure, moral condemnation or practical administrative measures such as the loss of access to government contracts or other business opportunities.

Corruption is a very broad-ranging and dynamic problem. It occurs in patterns which include many different forms, and those involved are usually capable of adapting their conduct when necessary. Thus, in cases where deterrence measures appear to be successful, there is the possibility that they have simply displaced corruption into other types of conduct or other social or economic sectors. For example, attempts to reform individual agencies or companies may simply provide an advantage to corrupt competitors, criminal justice crackdowns may result in attempts to corrupt the justice system, and measures which render bribery more difficult may

lead offenders to turn to threats and intimidation instead. As a result, successful anti-corruption strategies must also generally be evidence based, dynamic, integrated and holistic. They must be able to accurately assess the problem in advance, and from time to time as the strategy is implemented; able to create or adapt strategic elements to respond to changing assessments; individual elements must be integrated and coordinated with one another on an ongoing basis; and the overall strategy must be sufficiently broad that essential elements of government and society – including previously unaffected areas into which corrupt conduct is displaced – are not left out.

The tools in this toolkit are based on lessons learned from the technical cooperation activities facilitated by the Global Programme against Corruption, under the framework of United Nations Centre for International Crime Prevention **(CICP)**. These activities have adopted a modular approach that draws from a broad set of "tools", anti-corruption policies and other measures. These anti-corruption tools are highly flexible and may be utilised at different stages and levels, and in a variety of combinations according to the needs and context of each country or sub-region.

Individual tools may be used to augment existing anti-corruption strategies, but as a general rule, tools should not be used in isolation. No serious corruption problem is likely to respond to the use of only one policy or practical measure. It is expected that countries will develop comprehensive anti-corruption strategies consisting of a range of elements based on individual tools and that the use of these tools will require careful consideration and coordination. The challenge is to find combinations or packages of tools that are appropriate for the task at hand, and to apply tools in the most effective possible combinations and sequences. Regarding packaging, for example, codes of conduct for public officials are usually directed both at the officials involved, to establish standards they are expected to meet and at the general public, so they know what standards they have a right to expect. Regarding timing or sequencing, tools intended to raise public expectations can do more harm than good if expectations are raised before other tools intended to actually deliver the expected higher standards have had time to work.

The relationship between individual tools or policy elements is complex, and may vary from one country to another depending on factors such as the nature and extent of corruption and the degree to which institutions and customs needed to combat it are already present or need to be established. With this in mind, the description of each tool includes a list of other, related tools and some discussion of the nature of the relationships involved. With respect to each tool, any other tool may be seen as coming before or after that tool in sequence, and it could be seen as desirable to use the two tools either in combination with one another or to choose one or the other on an exclusive basis. Further complexities are added when the relationships between multiple packages or combinations of tools are considered.

There is no universal blueprint for fighting corruption: this Tool Kit can only offer suggestions and information as to how other countries have successfully used these tools. Generally, it is expected that countries will follow an initial assessment of the nature and scope of corruption problems with the development of an anti-corruption strategy, setting overall priorities and coordinating specific programmes and activities into a comprehensive framework. Subsequently, specific elements of the strategy are developed and implemented. Throughout the process, progress is monitored and information about what is effective and what is not is used to reconsider and modify each element and the overall strategy as necessary.

The Tool Kit covers prevention, enforcement, institution building, awareness raising, empowerment, anti-corruption legislation and monitoring. This extensive, but by no means exhaustive, collection of theoretical and practical approaches and their applications has been developed from anti-corruption research and technical assistance activities, including the Global

Programme's comprehensive Country Assessment[1], undertaken by the United Nations and other organisations and nations world-wide. This Tool Kit is part of a larger package of materials intended to provide information and resource materials for countries which are developing and implementing anti-corruption strategies at all levels, as well as other elements of civil society with an interest in combating corruption.

The package consists of the following major elements:

- *The United Nations Manual of Anti-Corruption Policies*, which contains a general outline of the nature and scope of the problem of corruption and a description of the major elements of anti-corruption policies, suitable for use by political officials and senior policy-makers.

- *The United Nations Anti-Corruption Handbook for Investigators and Prosecutors*, contains descriptions of specific issues and options which confront criminal justice professionals in domestic and transnational corruption cases.]

- *The United Nations Anti-Corruption Toolkit*, which contains a detailed set of specific segments intended for use by those officials called upon to select elements of a national strategy and assemble these into an overall strategic framework, as well as the officials called upon to develop and implement each specific element.

- *The case studies*, which set out practical examples intended to illustrate the use of individual tools and combinations of tools in actual practice. These are intended as a reference in support of the toolkit, providing information about such things as the conditions under which a particular programme will work or will not work and the modification or adaptation of various tools to fit various circumstances in which they are likely to be used.

- *The international legal instruments*, in which all of the major relevant global and regional international treaties, agreements, resolutions and other instruments are compiled for reference. These include both legally-binding obligations and some "soft-law" or normative instruments intended to serve as non-binding standards.

All [five] publications are available on the internet at UNODCCP's web page http://www.odccp.org/odccp/corruption.html in an integrated format. To assist users who do not have access to the Internet, individual publications will also be produced and updated as necessary. Elements of this Tool Kit may also form the basis for other publications, specialised in accordance with the needs of particular regions or target audiences, such as judges, prosecutors or law enforcement agencies.

Since the Tool Kit is, by its very nature, continuously being refined and developed, CICP welcomes comments and inputs to improve its scope and content in order to provide greater insight and understanding of individual anti-corruption measures[2]. It is important to bear in mind that lessons are as readily learned from failures as successes, if not more so, and users of the Tool Kit are urged to provide comments regardless of whether or not their initial implementation of anti-corruption measures was seen as successful or not. The most successful tools will be identified, refined and incorporated into the Tool Kit. It is expected that further "tools" will be added as required and that the existing content will be revised periodically to take account of lessons learned and the recommendations of countries which use it.

Using the Tool Kit

The Tool Kit has been designed for maximum flexibility, and can be used by governments or agencies as they think best, having regard to their assessment of corruption and any measures which may already have been developed or implemented to combat it. Elements can be used to

---

[1] An example of country assessments can be found on the Global Programme against Corruption's web page http://www.odccp.org/odccp/corruption.html.

[2] Comments to the Anti Corruption Tool Kit can be sent to Petter.Langseth@cicp.un.or.at

provide basic information about corruption, for the training of officials, to provide advice or assistance in gathering and assessing information or for other purposes, but the fundamental purpose of the Tool Kit is to suggest elements for a comprehensive national anti-corruption strategy and to assist governments in developing, integrating, implementing and assessing these elements. Generally, this will involve the following steps.

Initial assessment

Prior to considering specific tools or anti-corruption measures, countries should engage in a transparent and extensive assessment of the nature and extent of the problem and of the strengths and weaknesses of the institutions which will be called upon to take measures against it. Transparency is important to ensure that the results of the assessment will be a valid reflection of the actual problem on which planning and the setting of priorities can be based, and to ensure the basic credibility of the national strategy, which is essential to participation and compliance of those affected, including the general population, who are the ultimate clients of the public service.

Ongoing assessment

The initial assessment is unlikely to remain a valid and accurate assessment once the implementation of elements of the strategy has commenced. The impacts of specific elements will often be unpredictable and effects such as the displacement of corrupt conduct may adversely affect other elements or create the perception that the strategy is not working, thereby eroding support. This requires ongoing assessment and periodic adjustment, dealt with on the same transparent basis as the initial assessment. Ongoing assessments should be undertaken on a comprehensive basis at intervals to assess overall progress, but may also be focused on specific issues or areas if the need for information and possible adjustment becomes apparent.

The methodology of assessment (Tools #1 and #2)

Tool #1 is intended for use in identifying the nature and extent of corruption. It describes specific methods, including surveys, interviews, desk reviews, case studies, and other means, which can be used to gather information about corruption. This information should support both quantitative and qualitative assessments. The quantitative assessments examine the extent of corruption in general and in specific sectors, allowing for comparisons and forming a base line against which future progress in each area can be assessed. Quantitative assessments focus more closely on the nature of corruption, examining typical cases in detail to determine how corruption actually works, who is involved, who benefits and who is victimised or adversely affected. Such assessments are used to develop and refine specific measures. Codes of conduct for particular public servants might be adjusted to take account of the particular history of corrupt practice or pressures to engage in corruption which are specific to the duties they perform, for example. They are also used as the basis for conclusions about the substantive effects of anti-corruption measures to adapt strategic elements. Employees who begin to resist attempts at bribery may find themselves confronted with more coercive or threatening advances, requiring measures for security and protection, for example. In dealing with corruption, both the perception and the reality are important, and are often (although not always) interdependent. For this reason, both qualitative and quantitative assessments should include both objective assessments, which draw together information from diverse sources in an attempt to compensate for biases and errors and develop an accurate picture of what is occurring, and subjective assessments, which examine the perception of those involved, those affected and the general population as to whether the measures are effective or not.

Tool #2 uses similar methods of assessment, but focuses on the assessment of institutions as opposed to corruption itself. This assessment is intended to provide information about the extent

to which institutions are affected by corruption, the extent to which they may be employed in the implementation of anti-corruption measures, and the extent to which their participation in the anti-corruption strategy is needed and at what stage(s). At the developmental stage, this information can be used to set priorities, focusing early efforts on institutions where the problem is particularly serious, or where it can be addressed quickly in order to establish a precedent and the early credibility of the strategy, or where early reforms are needed as the basis for reforms in other areas which will follow at later stages. In many cases, this analysis will lead to an early focus on the judiciary. If it is assessed as being free of corruption, for example, other strategic elements can focus on the use of criminal prosecutions and civil litigation which require fair and independent judges to work. If a problem of corruption is identified, judicial reforms will usually be a top priority because many other strategic elements depend on the rule of law and independent judges to work, and because the high status of judges in most societies sets an important precedent if reforms succeed and are seen to be successful.

Who may use the tools

The various tools are drafted on the assumption that the primary users will be the public officials who are responsible for the development of national strategies and for the development, implementation, assessment and/or adjustment of individual elements of those strategies. Others will also find them useful, however. They identify, and in some cases provide, relevant international standards, and may be used by elements of civil society to hold governments and public officials accountable for meeting those standards, for example. They may also be used by academics or institutions concerned with the assessment of corruption from social, legal, economic or other standpoints.

Resources required

Specific resources will vary from tool to tool, and to some extent with the context in which the tool will be implemented and the seriousness of the problem at which it is directed. The overall resource requirements for anti-corruption strategies, however are clearer. Generally, the scope of reforms will require the commitment of substantial resources, and the long durations will require the ongoing and stable commitment of adequate resources over time. Such allocations will in some cases require safeguards, as with anti-corruption agencies, where the need to seek and justify operational funding will often compromise essential independence and credibility. The commitment of resources includes not only financial resources, although these are critical, but also the commitment of human and technical resources. In developing countries, expertise in economics, law and other relevant specialties may be even more difficult to secure than the funding needed to pay the experts. The commitment and allocation of resources must also be an integrated part of the overall strategy: under-funding can result in the under-utilisation of human or other resources, but there have also been cases where over-funding from multiple donors or uncoordinated programmes has overloaded institutional capacities and resulted in wasted resources and less-than-favourable outcomes.

The dedication of the necessary resources can be seen as a form of investment, in which relatively small amounts can generate larger benefits, both in terms of economic efficiencies as corrupt influences are reduced and in more general benefits in social environments and the quality of life as public resources are allocated and used more effectively. As with other investments, however, it is necessary to convince the "investors" that the proposed dividends and profits are realistic goals which are likely to result if the initial commitment of resources is made.

The meaning of "corruption" and a survey of common forms of corruption

There is no single, universally accepted and comprehensive definition of corruption. Attempts to develop such a definition invariably encounter legal, criminological and, in many countries, political issues. As the negotiations of the United Nations Convention against Corruption began in early 2002, options under consideration included not defining corruption at all, as well as a number of proposals in which specific forms or acts of corruption would be listed. Proposals to require countries to criminalize corruption consisted primarily of specific offences or groups of offences which depended on factors such as the specific conduct involved, whether those involved were public officials or not, whether cross-border conduct or foreign officials were involved, and unlawful or improper enrichment[3]. Issues relating to attempts to define corruption for purposes such as policy-development and legislative drafting are discussed in more detail the United Nations Manual on Anti-Corruption Policy, Part II.

Specific forms of corruption are clearly defined and understood, and are the subject of numerous legal or academic definitions. Many of these are also criminal offences, although in some cases governments consider that specific forms are better dealt with using regulatory or civil-law controls. Some of the more commonly encountered forms of corruption include the following.

"Grand" and "Petty" corruption. Corruption which pervades the highest levels of government, leading to the broad erosion of confidence in good governance, the rule of law and economic stability in the countries concerned is generally referred to as "grand corruption". [4] At the other extreme, corruption can involve the exchange of very small amounts of money or minor favours by those seeking preferential treatment, the employment of friends and relatives in minor positions, and the like. These cases are referred to as "petty corruption" cases. The most critical difference between "grand corruption" and "petty corruption" is that the former involves the distortion or corruption of central functions of government such as legal, economic or other policy-making, the development and enactment of legislation, or judicial independence, whereas the latter develops and exists within the context of established governance and social frameworks.

"Active" and "passive" corruption. The terms "active" and "passive" corruption are used in two distinct senses. Generally, in discussing transactional offences such as bribery, "active bribery" refers to the party who offers or actually pays the bribe, while "passive" bribery refers to the recipient. [5] This is the commonest usage, and the one which will be employed in this Toolkit. In criminal law terminology, however, the terms may be used to distinguish between cases where a particular form of corrupt action was actually carried out as distinct from attempted or incomplete offences. In this sense, "active" corruption would include all cases where some positive conduct, such as the actual payment and/or acceptance of a bribe had taken place, but not cases where a bribe was offered but not accepted or solicited but not paid. Such distinctions are critical in the framing and prosecution of criminal offences, and national legal systems deal with criminal liability for attempts and incomplete offences in different ways. They are less critical in formulating comprehensive national strategies which combine criminal justice and other elements, but care should be taken to avoid confusion.

Bribery. The essence of bribery is the giving of some form of benefit to unduly influence some action or decision on the part of the recipient or beneficiary. Cases of bribery can be initiated either by a person who seeks or solicits bribes or a person who offers and then actually pays them. Bribery is probably the most commonly known form of corruption. Definitions or

---

[3] Initial proposals for the Convention were gathered at an informal preparatory meeting held in Buenos Aires from 4-7 December 2001 and compiled in documents A/AC/261/3, Parts I-IV. Proposals to define "corruption" are in Part I, and proposals to criminalize acts of corruption are found in Part II.

[4] See, for example, Rose-Ackerman, S., "Democracy and 'grand corruption' " UNESCO, 1996 (ISSI 149/1996), reprinted in Williams, R., ed. *Explaining Corruption*, Elgar Reference Collection, UK, 2000, pp.321-336.

[5] See, for example Articles 2 and 3 of the European Criminal Law Convention on Corruption, ETS #173.

descriptions appear in several international instruments as well as the domestic laws of most countries and numerous academic publications[6].

The "benefit" in bribery cases can be virtually anything which might induce the desired outcome, including money, valuables or other less-tangible benefits such as company shares, valuable inside information, sexual or other favours, entertainment, employment or the mere promise of any of these things. It may be passed directly to the beneficiary, or indirectly to, or through, some third party, such as a friend, family member, associate, favourite charity, private business or similar interest, or a political party or campaign. Similarly, the conduct or action for which the bribe is paid can include such things as a positive action or decision, the exertion of more general administrative or political influence or the overlooking of some offence or obligation. Bribes may be paid individually on a case-by-case basis or as part of an ongoing relationship in which officials are given regular benefits in exchange for ongoing results which favour the interests of the person paying the bribe. Bribery, once it occurs, can also lead to other forms of corruption. Once an official has accepted a bribe, for example, his or her further conduct can become open to influence by blackmail, if anyone aware of the bribe threatens to expose it.

In most international and national legal definitions, the purpose is to criminalize bribery, and further limits may be incorporated. The most common of these limit the meaning of "bribery" to cases where the recipient was a public official of some kind, or where some other public interest was triggered, leaving purely-private bribery to non-criminal or non-legal means of resolution. Where the recipient must be a "public official", this is often defined broadly in order to include private individuals who are sometimes offered bribes to influence their conduct in some public function, such as voting or serving as jurors in legal proceedings. Public-sector bribery can target any individual with the power to make a decision or take some action which affects others who are willing to resort to bribery in order to influence the outcome. Common examples include politicians, regulators, law enforcement officials, judges, prosecutors, and inspectors.

Specific types of bribery include the following:

---

[6] Provisions which define or criminalize bribery include: article 8 of the U. N. Convention Against Transnational Organized Crime, GA/Res/55/25, Annex and article VI of the Inter-American Convention against Corruption of 29 March 1996 (OAS Convention), which require Parties to criminalize offering of or acceptance by a public official of an undue advantage in exchange for any act or omission in the performance of the official's public functions. Article 1 of the OECD Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions and Article VIII of the OAS Convention require Parties to criminalize the offering of bribes by nationals of one state to a government official of another in conjunction with a business transaction. Articles 2 and 3 of the European Union Convention on the Fight Against Corruption Involving Officials of the European Communities or officials of Member States of the European Union, Journal C 195, 25/06/1997, pp.2-11 (1997), requires Parties to criminalize the request or receipt by a public official of any advantage or benefit in exchange for the official's action or omission in the exercise of his functions ("passive bribery"), as well as the promise or giving of any such advantage or benefit to a public official ("active bribery"). The Council of Europe's Criminal Law Convention on Corruption, ETS No. 173 (1998), goes further by criminalizing "active" and "passive" bribery of, inter alia, domestic public officials, foreign public officials, domestic and foreign public assemblies, as well as private sector bribery, trading in influence and account offences. See also United Nations Declaration against Corruption and Bribery in International Commercial Transactions, GA/Res/51/191, Annex (1996), calling for the criminalization of corruption in international commercial transactions and the bribery of foreign public officials; and Global Forum on Fighting Corruption, Washington, 24-26 February 1999, "Guiding Principles for Fighting Corruption and Safeguarding Integrity among Justice and Security Officials" document E/CN.15/1999/CRP.12, Principle #4. The working definition used in this Tool Kit and by the CICP's Global Programme against Corruption (GPAC) is "the misuse of (public) power for private gain". The United Nations Manual on Anti-Corruption Policy discusses models based on the idea that all forms of corruption involve either the creation of conflicting interests or the exploitation of such interests which already exist.

- ***"Influence-peddling"***, in which public officials or other political or government insiders offer to exert influence not available to outsiders. This is distinct from legitimate political advocacy or "lobbying" in that the corrupt individual is selling access to or influence on government decision-making that he or she only has as a result of public status or office.

- ***Offering or receiving improper gifts***, gratuities, favours or commissions. In some countries, it is common for public officials to accept tips or gratuities in exchange for their services. Even if the payment is not definitively linked to the interests of the applicant, such payments become difficult to distinguish from bribery or extortion, as links between payments and results will always develop.

- ***Bribery to avoid liability for taxes or other costs***. Officials who work for or supervise revenue-collecting agencies, such as tax authorities or customs officers may be bribed to reduce or eliminate amounts of tax or other revenues to be collected; to conceal or overlook evidence of wrongdoing, including tax infractions or other crimes; to ignore illegal imports or exports; or to conceal, ignore or facilitate illicit transactions for purposes such as money-laundering.

- ***Bribery in support of fraud***. Payroll officials may be bribed to participate in abuses such as listing and paying non-existent employees ("ghost-workers").

- ***Bribery to avoid criminal liability***. Law-enforcement officers, prosecutors, judges or other officials may be bribed to ensure that other criminal activities are not investigated or prosecuted, or if prosecuted, that a favourable outcome will result.

- ***Bribery in support of unfair competition for benefits or resources***. Public or private-sector employees responsible for making contracts for goods or services may be bribed to ensure that contracts will be made with the party paying the bribe and on favourable terms. In some such cases, where the bribe is paid out of the contract-proceeds themselves, it may also be described as a "kickback" or secret commission.

- ***Private-sector bribery***. The bribery of banking and finance officials has caused economic damage far exceeding the bribes themselves because corrupt officials have approved loans which do not meet basic criteria for security and which cannot later be collected.

- ***Bribery to obtain confidential or "inside" information***. Employees who are privy to valuable confidential information are often the targets of bribery to induce them to disclose it. Actual cases include both public and private sectors (e.g., national security and industrial espionage), as well as such things as "inside" information used to trade unfairly in stocks or securities and trade secrets or other commercially valuable information.

Embezzlement, theft and fraud. In the context of corruption, these activities all involve the taking or conversion of money, property or other things of value by someone who is not entitled to them, but who has access or opportunities created by virtue of his or her position or employment[7]. In the case of embezzlement and theft, the property is simply taken by someone to

---

[7] A number of recent international legal instruments have sought to ensure that Parties have offences addressing this type of conduct with varying degrees of specificity. These include the Organization of American States' *Inter-American Convention Against Corruption* (1996) and the European Union's *Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests* (1995). Article XI(1)(b) and (d) of the *Inter-American Convention* call upon Parties to consider criminalizing a government official's improper use or diversion of government property, including money and securities, regardless of the person or entity to whom the property is diverted, while Article XI(1)(a) calls upon Parties to consider criminalizing the improper use of classified information by a government official. Article IX requires, subject to a Party's Constitution and the fundamental principles of its legal system, criminalization of "illicit enrichment," meaning "a significant increase in the assets of a government official that he cannot reasonably explain in relation to his lawful earnings during the performance of his functions." Addressing the narrow area of protection of the financial interests of the European Community from fraud and corruption, Article 1 of the European Union's *Convention* requires Parties to criminalize the use or presentation of false or incorrect representations or non-disclosure of information the effect of which is the misappropriation or wrongful

whom it was entrusted, whereas fraud consists of the use of false or misleading information to induce whoever has the property to turn it over voluntarily. Thus, for example, an official who simply took part of a relief donation or a shipment of food or medical supplies and sold them would be committing theft or embezzlement, whereas an official who induced an aid agency to send more aid than was actually required by misrepresenting a material fact such as the number of people actually in need of the aid would be committing fraud.

As with bribery and other forms of corruption (see above), many domestic and international legal definitions are intended to form the basis of criminal offences, and therefore only include conduct which is either committed by a public official or which triggers some public interest important enough to warrant the application of the criminal law. "Theft", per se, goes far beyond the scope of corruption, including the taking of any property or valuable by a person with no right to it. In the example above, a bystander or outsider who stole aid packages from a truck would be committing theft but not corruption. This is why the term "embezzlement", which is essentially the theft of valuables or property by someone to whom they were entrusted in the first place, is commonly used to describe corruption cases. In some legal definitions "theft" is limited to the taking of tangible items such as property or cash, but non-legal definitions tend to include the taking of anything of value, including intangibles such as valuable information. In this Toolkit, the broader meaning of "theft" is intended.

Examples of corrupt theft, fraud and embezzlement abound. Virtually anyone who is responsible for storing or handling cash, valuables or other tangible property can steal it, or assist others in stealing it, particularly if adequate auditing or monitoring safeguards are not in place. Employees or officials with access to company or government operating accounts can make unauthorised withdrawals, or pass the information needed to do so to others. Those who handle property may simply take it. Elements of fraud are more complex. Officials may create artificial expenses, such as "ghost workers" added to payrolls or false bills for goods, services, or travel expenses, to induce the state or employer to pay them funds to which they are not entitled. The purchase or improvement of private real estate may be billed against public funds. Employment-related equipment such as motor vehicles may be used for private purposes. In one case, World Bank-funded vehicles were used for taking officials' children to school, for example, consuming about 25% of their total use.

Extortion. Extortion is the negative equivalent of bribery: where bribery involves the use of payments or other positive incentives, extortion involves coercive incentives such as the use or threat of violence or the exposure of damaging information in order to induce cooperation. As with other forms of corruption, the "victim" is usually either the public interest in general or those individuals adversely affected by a corrupt act or decision. In extortion cases, however, a further "victim" – the person whose cooperation is coerced – is also created.

Extortion can be committed by government officials or insiders, but they can also be the victims of it. An official can extort corrupt payments in exchange for favourable consideration, for example, or a person seeking such consideration could extort it from the official by making threats. In some cases, extortion may only differ from bribery in the degree of coerciveness involved. A doctor may solicit bribes as a condition of seeing a patient quickly, for example, but if the appointment is a matter of medical necessity for the patient, the same case would be more properly characterised as one of extortion. In extreme cases, patients unable to pay suffer illness or even death because medical services are allocated by extortion rather than legitimate medical priority of cases. The threat of criminal prosecution or punishment is often used as the basis for extortion by officials in a position to initiate or conduct such prosecutions. In many countries, those involved in minor incidents such as traffic accidents may be threatened with more serious

---

retention of funds from the budget of the European Communities. For a more detailed analysis of these instruments, see UN document E/CN.15/2001/3 (Report of the Secretary General on Existing International Legal Instruments Addressing Corruption)."

charges, for example. In some cases, the condition the situation may be reversed, with an official who has committed acts of corruption or other wrongdoings threatened with exposure. Low-level extortion, such as the payment of "speed money" in order to ensure timely consideration and decision-making of minor matters by officials is widespread in many countries.

Abuse of Discretion. In some cases, corruption can simply consist of the abuse of a discretion vested in the corrupt individual for his or her personal gain, without other inducements or influences. For example, an official responsible for government contracting may exercise discretion to purchase goods or services from a company in which he or she holds an interest, or propose real estate developments which will increase the value of personally owned property. Patterns of such abuses are often associated with bureaucracies in which broad individual discretion is created, few oversight or accountability structures are present, as well as those in which decision-making rules are so complex as to neutralise the effectiveness of such structures even if they exist.

Favouritism, nepotism and clientelism. Generally these also involve abuses of discretion. What is different in cases of favouritism, nepotism and clientelism is that the choice is governed not by the direct self-interest of the corrupt individual but the preference of someone else linked to him or her by affiliations such as family ties or membership in a political party, tribe, religious group, or other groupings. If someone bribes a corrupt official to hire him, the official acts in order to obtain the bribe. If a corrupt official hires a relative (nepotism), he or she acts in exchange for the less-tangible benefit of advancing the interests of family or the specific relative involved. The favouring of (or discrimination against) individuals can be based on a wide range of group characteristics, including race, religion, geographical factors, political affiliation and other factors, or on personal or organisational relationships, such as friendship or membership in clubs or associations.

Other conduct which creates or exploits conflicting interests. As noted in the United Nations Manual on Anti-Corruption Policy, most forms of corruption involve either creating or exploiting some conflict between the official or professional responsibilities of a corrupt individual and his or her individual interests. The payment of a bribe creates such an interest, whereas most cases of embezzlement, theft or fraud involve an individual yielding to temptation and taking undue advantage of a conflict which already exists. The general category of exploiting a conflict of interest covers the remainder of the latter category. In both private business and in the public sector, employees and officials are routinely confronted with circumstances in which their personal interests conflict with those of their responsibility to act in the best interests of their employer or the state.

Improper political contributions. Distinguishing between legitimate contributions to political parties and organisations and payments made in an attempt to unduly influence present or future activities by a party or its members when they are in office is one of the most difficult challenges in developing anti-corruption measures. A donation made because the donor supports the party and wishes to increase its chances of being elected is not corrupt, may be an important part of the political system, and in some countries is a basic right of expression or political activity protected by the constitution. A donation made with the intention or expectation that the party will, once in office, favour the interests of the donor over the interests of the public in return is tantamount to the payment of a bribe, except there is no concrete link between the payment and any specific act on the part of the recipient or beneficiary.

Regulating political contributions has also proven difficult in practice. Donations may take the form of direct cash payments, low-interest loans, the giving of goods or services, or other intangible forms which favour the interests of the political party involved. One common approach is measures which seek to ensure transparency by requiring disclosure, ensuring that both the donor and recipient are politically accountable. Another is to limit the size of contributions in an effort to prevent any one donor from having too much influence.

Lessons learned and the construction of anti-corruption strategies

Lessons learned

It has been suggested that the most significant achievement in "governance" during the 1990s has been the shattering of a taboo that shrouded corruption from discussion, particularly in diplomatic circles and intergovernmental institutions. [8] The topic is now out in the open, and the recognition that governments alone cannot contain corruption has led to new and powerful coalitions of interest groups and other stakeholders who had not previously collaborated. A number of specific lessons have been learned about corruption and efforts to control it:

- It takes integrity, political will, and the institutional ability to execute reforms to fight corruption. Curbing systemic corruption is a challenge that will require stronger measures, more resources and a longer time frame than most politicians and "corruption fighters" will admit or can afford. Without integrity and the perception of integrity, especially at the highest levels of government and in agencies or entities responsible for anti-corruption measures, such measures will lack credibility, both as positive examples of how public officials and institutions should function and as deterrents of negative behaviour. Political will is needed to develop and implement the strong measures needed, and to ensure that these will be sustained over the long periods of time required to identify and eliminate corrupt values and behaviour. Institutional ability is needed to ensure that the political commitments are actually carried out, often in the face of entrenched informal organisations within public institutions intent on blocking or limiting reforms.

- Combating corruption, building integrity and establishing credibility require time, determination and consistency. When anti-corruption strategies are first instituted, a long-term process whereby corrupt values and practices are gradually identified as such and eliminated begins. In most cases, this involves a complex process of inter-related elements such as reforms to individual institutions, which take place in successive stages as problems are identified, countermeasures developed and implemented and personnel re-oriented and re-trained. Often progress at one stage or in one area cannot be achieved until other elements of the strategy have become effective. Generally, the re-orientation of personnel, who must be persuaded to place the long-term interests of integrity ahead of the more immediate benefits of corruption, is a longer, more gradual process than more direct measures such as criminal prosecutions or specific administrative reforms. Lagging behind any actual progress in the fight against corruption is the establishment of popular expectations which favour integrity over corruption and the establishment of credibility for the reforms and public confidence in the integrity of the reformed institutions.

- The participation of civil society in assessing the problem and in formulating and implementing reforms is now seen as an important element of anti-corruption strategies. Anti-corruption measures and the commitment needed to make them work must ultimately be based on a full assessment of the extent of corruption and its harmful effects, which requires the participation of civil society in the assessment process. Similarly, policies and practical measures are most likely to succeed if they enjoy the full support, participation and "ownership" of civil society. Finally, while other accountability structures play an important role, ultimately only a well developed and aware civil society has the capacity to monitor anti-corruption efforts, expose and deter corrupt practices and credibly establish that institutions are not corrupt where measures have succeeded.

- Deterrence is only one element of anti-corruption strategies, but it is an important element. Corruption is almost by definition a calculated and pre-meditated activity which can be deterred. In this context, deterrence includes conventional crimes and punishments, but also

---

[8] Jeremy Pope, "Confronting Corruption", Transparency International Source Book 2000.

administrative, regulatory and financial or economic forms of deterrence. Where personal or corporate risks, uncertainties and punishments are minimal, deterrence is lacking and corruption tends to increase. Conversely, reforms which increase uncertainties and the risk of criminal punishments or financial losses tend to reduce corruption. Generally these must be broad-based and systemic, however, or corrupt conduct may simply be displaced into other areas or other activities.

- It is important to involve the victims of corruption in any plan aimed at reduction. Anti-corruption initiatives, and the interest of donors who support such efforts tend to involve those who are paid to fight corruption rather than those who are victimised by it. Victims are often socially-marginalized individuals and groups who are harder to reach, but they have an important role to play, particularly in areas such as establishing and demonstrating the true nature and extent of the harm caused by corruption. Victims are often the strongest critics of anti-corruption efforts, and securing their approval can also greatly assist in establishing credibility.

- Identifying and recovering stolen assets is important, particularly in cases of "grand corruption", where the amounts are very large and often needed by a new government seeking to quickly address problems arising from past corruption. Very senior officials involved in corruption generally find it necessary to disperse and transfer looted proceeds abroad in order to conceal the large amounts and put them out of reach of their successors, making identification and recovery a multi-national project in most cases[9]. Apart from the legal and logistical difficulties inherent in pursuing large and complex investigative and legal proceedings while at the same time rebuilding national legal institutions and infrastructures, successor governments must usually face the challenge of establishing their own credibility and integrity in the international community in order to obtain legal assistance and other forms of cooperation in such cases.

- There are important links between corruption and money laundering. The availability of places to transfer and conceal funds are critical to corruption, and especially so for large-scale or "grand corruption". At the same time, corruption itself creates opportunities for laundering the proceeds of both corruption and other criminal activities, as both public-sector employees and those working in key private-sector areas such as financial institutions are vulnerable to bribes, intimidation or other incentives to conceal illicit financial activities. Generally, this suggests that a high degree of coordination is needed between efforts to combat the two problems, and that effective measures can have an impact in both areas.

- Corruption tends to concentrate wealth, increasing gaps between wealthy and impoverished population groups and providing the wealthy with illicit means to protect their positions and interests. This in turn can contribute to social conditions which foster other forms of crime, social and political instability, and in extreme cases, terrorism and other major problems.

- Raising public awareness is an element of most anti-corruption strategies, but it must be accompanied by other measures which address, and are seen to address, corruption. Without such other measures, the increased awareness can lead to widespread cynicism and the loss of hope that corruption can be beaten. In some cases, this may actually contribute to further increases in corruption.

---

[9] The Government of Nigeria, for example, has been pursuing proceeds of corruption transferred during the 1908s and 1990s, estimated in the tens and even hundreds of billions of dollars. In April 2002, it announced a settlement with the family of former military ruler Sani Abacha under which $535 million would be returned to Nigeria, criminal charges against family members would be dropped, and $100 million would be kept by the family as estimated income from before the late Mr. Abacha assumed power in a military coup in 1993. The settlement involved only proceeds held, and at the time frozen, in bank accounts in Switzerland.

- Without proper vigilance and effective countermeasures, corruption can occur anywhere. Recent corruption cases exposed in the World Bank, the UN and other multilateral and bilateral organisations have shown that any society or organisation is susceptible, even where there are well-laid checks and balances.

- Systems which have excessive individual discretion, discretion-structuring rules which are overly-complex, or which lack structures which effectively monitor the exercise of discretion and hold decision-makers accountable tend to be more susceptible to corruption than those which do not.

- Systems in which individual offices, departments or agencies operate in isolation from one another tend to be more susceptible to corruption. One reason for this is that, in systems in which individual elements operate in a coordinated fashion and in regular communication with one another, each individual unit tends to monitor the activities of the other units and individuals with which it deals.

- Systems whose operations are transparent are less susceptible to corruption than those which operate in secrecy. Transparency created by such elements as access to information policies and the activities of a healthy independent mass-media is a powerful instrument for identifying and exposing corruption and holding those responsible legally and politically accountable, as well as for educating the public and instilling high expectations for integrity.

- Public trust in government, anti-corruption agencies and anti-corruption policies and measures is key when a country invites the public to take an active role in monitoring the performance of its government.

The construction of anti-corruption strategies: an integrated approach

Developing a national anti-corruption strategy requires the successful merger of universal elements which have been proven effective against corruption regardless of where it occurs and elements which take account of the circumstances which are particular to each individual country. National circumstances include both aspects of the problem of corruption which may be unique to the country involved and other national variables such as legal or constitutional constraints, the nature of political and legislative structures, the extent to which the mass media, academic sources and other elements of civil society are willing and able to participate, and the extent to which domestic or other resources are available. Often the early stages of planning involve a preliminary assessment of the nature and extent of corruption and the relative strengths and weaknesses of elements of government and society called upon to fight corruption, so that priorities can be set and efforts focused on those elements which are weakest or most vulnerable, or in which reforms are needed as a pre-condition for progress in other areas.

Common basic elements of anti-corruption strategies

Specific needs will vary from country to country, but experience suggests that the following elements will be needed before significant progress is likely to be achieved, and that early efforts must be focused on these elements if they are not already present and fully functional.

- Effective rule-of-law structures are needed at an early stage. These include both legislative and judicial elements. A professional, unbiased and independent judiciary is particularly critical to the development and implementation of law enforcement and criminal justice measures, but has also been identified as necessary in other areas such as the making and enforcement of legal contracts and the use of civil litigation as a means of identifying, exposing and obtaining redress for corrupt practices. A legislature which is open and transparent, which formulates policy and creates laws in the public interest, and which provides a suitable role model for other institutions is needed to form the both a legal and political basis for an anti-corruption strategy.

- Transparency in public institutions, both in the form of public communications efforts and in broad, straightforward and timely access to information mechanisms is needed, both to ensure that the public understands what its government is doing and to ensure that the actions of government are credible. This is true for public affairs in general, but it is particularly critical for anti-corruption efforts.

- A professional, politically neutral and uncorrupted public service serves both as a means whereby corruption can be addressed, and as one of the fundamental objectives of anti-corruption strategies. Generally, establishing professionalism and neutrality will require a combination of legal standards and cultural reforms. The cultural reforms are needed both within the public service, whose members should be encouraged to adopt high standards of professionalism and integrity, and among the general population, which should be encouraged to expect such high standards of its public servants and to complain or take action when the expected standards are not met.

- Strong and independent elements are needed in several areas of civil society. The most prominent of these are free, clean and independent mass media, which serve as a means of disseminating important public information and of providing criticism and commentary which is independent of both political and public service influences. Such media are important not only as a means of identifying and exposing corruption or other improper practices in government, but as a source of credibility and validation for measures which are not corrupt or improper.

- Periodic assessment of corruption and the effectiveness of anti-corruption strategies, and the flexibility to adjust strategies to take account of such assessment, is also important. Experience has shown that corruption is a pervasive and complex problem and that efforts to combat it often have unforeseen consequences. Actions against corruption in one sector may have the effect of displacing it into other areas, for example, requiring that this displacement be identified quickly and the strategy adjusted to incorporate countermeasures. Assessment and adjustment also entails identifying and replicating measures which have proven successful.

An integrated approach to developing and implementing strategies

The development and implementation of an effective anti-corruption strategy requires the integration and coordination of many disparate factors. Elements of a strategy must be internally integrated with one another to form a single, unified and coherent anti-corruption strategy. Strategies and their elements must also be integrated with external factors, such as the broader efforts within a country to bring about such things as the rule of law, sustainable development, political or constitutional reforms, major economic reforms, or major criminal justice reforms, and in some cases, with the efforts of aid donors, international organisations or other countries.

In most cases, national strategies will be complex, involving only a few basic goals, but many inter-related elements intended to achieve those goals. Individual reform efforts must be carefully sequenced over extended periods of time and coordinated with one another. Many sources of information and other inputs must be included and integrated during the process of developing a strategy, and at frequent intervals as the strategy is implemented, assessed and adjusted. Strategies also require the support and concerted effort of individuals and organisations in the public sector, civil society, and the general population. Some elements of national strategies must also be integrated with the strategies of other countries or regional or global standards or activities to deal effectively with forms of corruption which are transnational in nature and to meet the commitments of instruments such as the Conventions adopted by the OAS, OECD, and when it is finalised and in force, the United Nations Convention against Corruption. To ensure the necessary integration, the following approaches should be adopted, both in developing strategies and in implementing, assessing and adjusting them once they have been developed.

The need for inclusiveness. Including the broadest possible range of participants or stakeholders is important, both to ensure that all significant factors are considered and to instil a sense of "ownership" and support for the strategy. Elements of the strategy will work in virtually every sector of government and society and it is important to have information and assessments from each so that advantages or strengths can be used to the best advantage and that impediments or problems can be dealt with at an early stage. Broad consultation and participation also addresses the concerns and raises the expectations of those involved. This is true not only for senior officials, politicians and other policymakers, but also for general populations. Bringing otherwise-marginalized groups into the strategy empowers them by providing them with a voice and reinforcing the value of their opinions. It also demonstrates that they will have an effect on policy-making, and give a greater sense of ownership for the policies which are developed. In societies where corruption is endemic, it is these individuals who are most often affected by corruption, and who are most likely to be in a position to take action against it, both in their everyday lives, and by supporting political movements against it.

The need for transparency. Transparency in government is widely viewed as a necessary condition both to effectively control corruption, and more generally for good governance. Open information and understanding is also essential to public input and ownership of anti-corruption strategies. A lack of transparency with respect to anti-corruption strategies is likely to result in public ignorance when in fact broad enthusiasm and participation is needed. It can also lead to a loss of credibility and the perception that the programmes involved are corrupt or that they do not address elements of government which may have succeeded in avoiding or opting out of any safeguards. In societies where corruption is endemic, this will generally be assumed, effectively creating a presumption against anti-corruption programmes which can only be rebutted by their being clearly free of corruption and by publicly demonstrating this fact. Where transparency does not exist, moreover, popular suspicions may well be justified.

The need for non-partisan or multi-partisan support. The perception that the fight against corruption is a partisan political issue can impede both anti-corruption strategies and more general efforts to establish good governance, the rule of law and regular, stable political structures. The fight against corruption will generally be a long-term effort and is likely to span successive political administrations in most countries. This makes it critical that anti-corruption efforts remain politically neutral, both in their goals and in the way they are administered. Regardless of which political party or group is in power, reducing corruption and improving service delivery to the public should always be a priority. The partisan scrutiny of governments and political factions for corruption or other malfeasance is a valuable factor in combating corruption and vigilance is important, but excessive partisanship can lead to retaliatory cycles in which each faction corruptly rewards its supporters and punishes its opponents upon gaining office. This corrupts and politicises key functions such as the appointment of public servants and the awarding of public contracts. It also degrades the professionalism of the public service by replacing merit with political criteria in staffing, promotion and critical advisory and decision-making functions.

The need for development, implementation and adjustment based on assessment and evidence. It is important that strategies be based on concrete, valid evidence at all stages. Preliminary assessments of the nature and extent of corruption and the resources available to fight it are needed to develop a comprehensive strategy and to set priorities before it is implemented. As a strategy is implemented, further assessments should be undertaken, both of individual elements and overall performance, so that implementation can be periodically adjusted to take advantage of successes and to compensate for failures.

The need for flexibility. While strategies should set out clear goals and the means of achieving these goals, both the strategies and those charged with their implementation should embody sufficient flexibility to permit adaptation to take account of what is learned from assessments of progress. This entails striking a balance which allows for adaptation, but does not inadvertently

reduce compliance by suggesting to those affected by the strategy that opposing it might lead to adaptations which would be more favourable to their interests.

The need for impact-oriented elements and strategies. It is critical that clear and realistic goals be set and that all participants in the national strategy be aware of these goals and the status of progress made in achieving them. While elements of the strategy and the means of achieving specific goals may be adjusted or adapted as the strategy evolves, the basic goals themselves should not be changed if this can be avoided, with the occasional exception of included time-lines.

Conclusion

This toolkit is based largely on what has been learned by the international community and its constituent countries in the struggle against corruption thus far. Perhaps the most important lesson has been that, because corruption is such a widespread and diverse phenomenon, anti-corruption measures must be carefully considered and tailored to the forms of corruption encountered and the societies and cultures in which they are expected to function. In this context, it is clear that there is much to be learned about the construction of viable anti-corruption strategies around the world.

It is also clear that anti-corruption measures must generally be broad ranging, addressing, if not all aspects of the problem, then as many aspects as possible in a particular society. The most viable strategies have tended to combine elements such as criminal justice and deterrence, the setting of standards and education of officials, transparency and monitoring functions, and the raising of public expectations, for example. Simply criminalizing bribery is unlikely to be effective unless accompanied by measures to deal with forms of corruption other than bribery, and without tackling the underlying social, cultural and economic factors which make those seeking action likely to offer bribes and the officials responsible more likely to accept them.

Fighting corruption is a major undertaking which cannot be accomplished quickly or cheaply. It requires an extensive commitment in political terms and the dedication of social and financial resources, which in turn only tend to materialise when the true nature and extent of the problem and the harm it causes to societies and populations are made apparent. Progress is difficult to achieve, and even if achieved, it may be difficult to measure. The creation of popular expectations about standards of public service and the right to be free of corrupt influences has been identified as an important element of many anti-corruption strategies, but the difficulties inherent in making progress also mean that those expectations must be carefully managed. Convincing populations that corruption must be extinguished may lead to cynicism and even worse corruption problems if the expectations are too high to be met in a realistic time frame.

Tool 1 – Assessment of the nature and extent of corruption

Purpose

This tool is used to provide both quantitative measures of the extent of corruption in a country or with specific sectors, and qualitative assessments of which types of corruption are prevalent, how they occur, and what other factors may be causing or contributing to corruption. It will generally be used prior to the development of a national strategy to advise on elements of the strategy, to assist in setting priorities, and to provide "base-line" data for comparison to assess progress as the strategy is implemented. To some extent, emphasis may be determined by what is already known about corruption, particularly in follow-up assessments to measure progress, but to ensure that nothing is overlooked, the preliminary stages of assessment should cover all sectors of public administration, and if necessary the private sector, with follow-up stages focusing on specific problems or sectors depending on what has been learned at the preliminary stage.

Once collected, assessment data will generally be used for a number of different purposes, including the following.

- To advise on the development of a national strategy, the development of specific strategic elements of the strategy, the setting of priorities within the strategy, and for a preliminary assessment of the duration of the strategy and the resources which will be needed to implement it.

- To provide "base-line" data for use in measuring progress as the strategy is implemented and to advise the adjustment or adaptation of strategic elements or priorities to take account of successes or failures as they are identified.

- To provide periodic data about the implementation of strategic elements and their effects on corruption, to form the basis for assessing progress against the "base line" data gathered at the outset of the process. Data should generally also support other forms of assessment and comparison, such as comparing the relative effectiveness of different elements of the strategy or the progress of different public service institutions or sectors against one another.

- To raise the awareness of key stakeholders and the public of the true nature, extent and impact of corruption in order to foster understanding of the anti-corruption strategy, mobilize support for anti-corruption measures and encourage and empower populations to expect and insist on high standards of public service integrity and performance.

- To help in setting clear and reasonable objectives for the strategy and each of its elements, and measurable performance indicators for those objectives.

- To provide the basis of assistance to other countries in the fight against corruption.

Description

Types of data or information to be sought

As noted above, efforts will usually consist of general research to form a preliminary assessment and identify specific problems or areas which should be the focus of further, more detailed examination. Researchers should have confidence that the general data are accurate and that no area has been overlooked before turning to more specific efforts. The data sought at the intensive stage will often include additional areas identified by the more general research, and researchers should always be prepared to identify additional information needs in order to "follow up" avenues on inquiry which emerge as the research proceeds. At the general stage, the following data should be sought.

- **Information about where corruption is occurring**, including the identification of particular public or private sector activities, institutions or relationships. Data is often gathered about particular government agencies, for example, or about relationships or processes such as public service employment or the making of contracts for goods or services.

- **Information about what types of corruption are occurring**. This may include an overall assessment of which types are prevalent, but will usually involve a more detailed focus on which types of corruption tend to occur in each specific agency, relationship or process for which corruption has been identified as a problem. Research might show that bribery is a major problem in government contracting, for example, while public employment is more affected by nepotism.

- **Information about the costs and effects of corruption**. Understanding the relative effects of corruption is critical in setting priorities and in mobilizing support for anti-corruption efforts. Generally, information should include both direct, economic costs, and some assessment of indirect and intangible, human effects.

- **Factors which contribute to or are associated with corruption.** There will seldom be a single identifiable "cause" of a particular occurrence of corruption, but a number of contributing factors will usually be identifiable. These often include factors such as poverty or low social and economic status of officials which make them more susceptible to bribery, the presence of specific corrupting influences such as organized crime, or structural factors such as over-broad discretion and a general lack of monitoring and accountability. Information about such factors is critical to understanding the nature of the corruption itself and to formulating counter-measures. The presence of known contributing factors may also lead researchers or investigators to previously unsuspected occurrences of corruption.

- **The subjective perception of corruption by those involved or affected by it**. All assessments of corruption should include both objective measurements (of what is actually occurring) and subjective assessments (of how those involved perceive or understand what is occurring). Generally, this information is needed because the reactions of people to anti-corruption efforts will be governed by their own perceptions. Information about the following specific areas should be sought:

  - The impressions of those involved (offenders, victims and others) about the types of corruption occurring;

  - The impressions of those involved about relevant rules and standards of conduct and whether corruption is wrong or in breach of these standards;

  - The impressions of those involved about the actual impact or effects of the corruption; and the views of those involved about what should be done about corruption and which of the available remedies might prove effective or ineffective in their particular circumstances.

Methods of gathering data or information

Corruption is by its nature a covert activity, which makes accurate information hard to obtain and provides many of those involved with a motive to distort or falsify any information they provide. To obtain an accurate assessment, therefore, it is essential to obtain information from as many sources as possible and to ensure diversity in the sources and methods employed so that biases or errors due to falsification, sampling or other problems can be identified, and either eliminated or taken into account. The major techniques for gathering information include the following.

Desk Review. Usually one early or initial step is to gather as much information as possible from pre-existing sources. These include previous research or assessments from sources such as

academics, interest groups, and public officials such as auditors-general or ombudsmen, and other sources such as media reports.

Surveys. Surveys gather information using response to written questionnaires or verbal interviews. They may be directed at general populations or samples chosen for purposes of gathering specific data or as the basis for comparison with other samples. They may be used to gather both objective data (about the actual frequency or nature of occurrences known to the respondents) or subjective data (the views, perceptions or opinions of the respondents). A wide range of data can be obtained about the types, nature, extent and locations of corruption, the effectiveness of efforts to combat it, and the public perceptions of all of these. Considerable expertise is needed to gather valid data and to interpret it correctly, however.

Representative samples of the population must be chosen and the nature of the sample is a major factor in assessing the results. A general public survey may show that only a small portion of the population has experienced public sector corruption, for example, while a sample selected on the basis of having had some contact with the government or a particular area or process, such as employment or contracting might produce a different result. Samples from within government may also show different results than those of outsiders. The comparison of data taken from different samples is one valuable element of such research, but such comparisons can only be validly made if the samples were correctly selected and identified in the first place. For general public surveys, care must be taken to sample all sectors of the population. A common error is to over-sample urban areas where people are more accessible at a lower cost and to under-sample rural or remote populations, which will not yield valid results if the reality or perception of corruption is different in urban and rural areas. Samples selected more narrowly, for example by asking the users of a particular service to comment on that service, must also ensure that a full range of service-users is approached. Anonymity and confidentiality are also important: corrupt officials will not provide information if they fear disciplinary or criminal sanctions, and many victims may also fear retaliation if they provide information.

The formulation of survey instruments is also critical. Questions must be drafted in a way which can be understood by all of those to be surveyed, regardless of background or educational level, and which will be understood in the same way by all survey respondents. In cases where many respondents are illiterate or deemed unlikely to respond to a written questionnaire, telephone or personal interviews are often used, and in such cases it is essential to train interviewers to ensure that all of them are asking the same questions using the same terminology.

Focus Groups. Another diagnosis technique used in country assessments is *focus groups*, whereby targeted interest groups in government and society hold in-depth discussion sessions. This technique generally produces qualitative rather than quantitative assessments, including detailed information concerning views on corruption, precipitating causes, and valuable ideas on how governments can fight it. Specific agendas for focus groups can either be set in general on an advance basis, which allows more direct comparison of the results from a series of groups, or developed individually, either as the group starts its work, or by advance consultation with the participants. Focus groups can also be used to generate preliminary assessments as the basis of further research, but should not be the only method used for such assessments. A focus group of judges might well be useful in developing research into corruption in the legal or criminal justice system, for example, but others, such as law enforcement personnel, prosecutors or court officials may well provide different results.

Case Studies. Following basic quantitative and qualitative assessments which identify the extent of corruption and where it is occurring, case studies can be used to provide more detailed qualitative information. Specific occurrences are identified and examined in detail to identify the type of corruption involved, exactly how it occurred, who was involved and in what manner, what impact the occurrence had, what was done as a result, and the impact of any action taken. Information is usually gathered by interviewing those involved, although other sources, such as court documents or reports, may also be used if reliable. Case studies are particularly useful in

assessing the process of corruption and the relationships which exist between participants, observers and others and between causal or contributing factors. They are also useful in the education of officials and members of the public about corruption. As with other areas of research, care in the selection or sampling of cases is important. Cases may be chosen as "typical" examples of a particular problem, for example, or attempts may be made to identify a series of cases which exemplify the full range of a particular problem or of corruption in general.

Field observation. Observers can be sent to monitor specific activities directly. If the observers are well trained, this provides very detailed information, but it is too expensive and time-consuming to permit widespread use, which usually limits it to the following up of other, more general methods and to the conduct of detailed examinations of particularly problematic areas. Observers can be directed to gather and report information about any aspect of the activity being observed, which can generate data not available using most other methods, such as the speed, efficiency or courtesy with which public servants interact with the public. In one recent example, observers were used by Nigeria as part of a comprehensive assessment of judicial integrity and capacity to attend court and report on whether the courts were adjourning on time and how many hours a day they were actually sitting.

In many cases it can be difficult to distinguish between investigative operations, whose function is to identify wrongdoers and gather the evidence needed for prosecution or discipline and the use of observers, whose function is simply to gather data for research purposes. This is particularly true where the observers are covert or anonymous, which will often be the case to ensure that their presence does not influence the conduct they are observing. Officials working in countries where constitutional or legal constraints apply to criminal investigations should bear in mind that these may apply to covert or anonymous observers, or may operate to prevent the use of any information obtained against offenders in any subsequent prosecution. Observers should also be given appropriate rules or guidelines governing whether or when to notify law enforcement agencies if serious wrongdoing is observed.

Professional assessment of legal and other provisions and practices. In most countries, criminal and administrative law provisions intended to prevent, deter or control corruption already exist, ranging from criminal offences to professional codes or conduct or standards of practice. The most important of these will usually include criminal offences such as bribery, public service rules such as those governing disclosure and conflicts of interest and the regulations and practices of key professionals such as practitioners in law and accounting. Other sectors, such as the medical or engineering professions and the insurance industry may have codes or standards directed at other problems but which contain elements relevant to the fight against corruption. An assessment of these, conducted and compiled by researchers who are professionally qualified but independent of the sectors or bodies under review, can be conducted. Where appropriate, professional bodies can also be requested to review and report.

Generally, reviews should be compiled to generate a complete inventory of anti-corruption measures. This can then be used for the following purposes.

- Each individual sector can be compared with the inventory in order to determine whether elements present in other sectors are absent, and if so whether they should be added.
- Parallel or similar rules adopted by different sectors can be compared to determine which is the most effective, to advise improvements to the others.
- Once the measures have been identified, members of the relevant profession and clients of that profession can be surveyed (see above) to assess their views about whether each measure was effective, and if not, why not.
- Gaps and inconsistencies can be identified and closed or reconciled.

The entire legislative anti-corruption framework should be assessed, which will require some initial consideration of which laws could or might be used against corruption and how.

- Criminal laws include relevant offences, elements of criminal procedure, laws governing the liability of public officials, and laws governing the tracing, seizure and forfeiture of proceeds derived from corruption offences and where applicable other property used to commit or in connection with such offences.

- Elements treated as regulatory or administrative law by most countries would include relevant public service standards and practices and regulations which govern key functions such as the operation of the financial services sector (e.g., banking and the public trading of stocks, securities and commodities), the employment of public servants and the making of government contracts for goods and services.

- Other areas of law include laws governing court procedures and the substantive and procedural rules which govern the use of civil litigation as a means of seeking redress for malfeasance or negligence attributable to corruption.

- Any area of professional practice which is governed by established rules, whether enacted by the State or adopted by the profession itself may also be open to internal or external review. Critical areas include the legal and accounting professions and subgroups such as judges and prosecutors, but other self-governing professional or quasi-professional bodies may also be worth examining. It should be noted that the primary purpose of such examination is not necessarily to identify corruption, but to assess what measures have been developed against corruption, so that they can be used as the basis for reforms for other professions, or of inconsistencies or gaps are identified, so that these can be dealt with.

Assessment of institutions and institutional relationships. Most of the assessment of institutions and institutional relationships will involve consideration of their capacity or potential capacity to fight corruption (Tool #2). They should also be assessed to determine the nature and extent of corruption within each, as well as in the context of the relationships between them. The other methods set out in this tool can be used for this purpose. This assessment should include both public agencies and institutions and relevant elements of civil society, including the mass media, academia, professional bodies and relevant interest groups.

Preconditions and Risks

The major risks associated with assessment are that data obtained will be inaccurate, or that they will be mis-interpreted, leading to the development of inappropriate anti-corruption strategies, or to incorrect conclusions about the state of progress in combating corruption. These represent a serious threat. If initial strategies are too conservative, a country can fall short of its potential in dealing with corruption, and if they are too ambitious, they are likely to fail. If populations are convinced that the national strategy is not working, either because it was too ambitious or because the data used to assess progress are not valid, compliance with anti-corruption measures will decline, leading to further erosion of the strategy.

The methods for gathering, analysing and reporting data and conclusions must therefore be rigorous and transparent. It is necessary to ensure not only that the assessments are valid, but also that they are correctly perceived to be valid by independent experts and by the population as a whole.

Tool 2- Assessment of institutional capabilities and responses to corruption

Purpose

In developing effective anti-corruption strategies, two major forms of assessment are needed. The assessment of the nature and extent of corruption in order to identify basic needs and priorities and to measure progress in combating corruption is the subject of Tool #1. This Tool deals with the assessment of institutions in order to determine what potential each has to play a role in the anti-corruption strategy at the outset, and to measure the degree of success achieved at each stage in order to determine what role each institution could or should be called upon to play in subsequent stages. This form of institutional assessment is also important for the development of strategies and setting of priorities, and in many areas will overlap with the assessment described in Tool #1. For example, an assessment of judges or courts that showed high levels of institutional corruption using Tool #1, would also in most cases lead to the assessment of judges as having relatively low potential in fighting corruption. This might in turn lead to making the reform of the judiciary a high priority in early stages of the strategy, with elements of the strategy which depend heavily on the rule of law and impartial judges and courts deferred until an a later assessment of judges showed the development of sufficient capability among judges as an institution.

Description

Determining which institutions require assessment and setting priorities

The broad and pervasive nature of corruption may require that virtually every public institution, as well as many elements of civil society and the private sector, will have to be assessed at some point, but to conserve resources and maintain a relatively focused national strategy, priorities should be set. In many cases, determining which institutions should be given priority will depend on factors which are individual to the country involved and which may well vary over time, particularly if the strategy is relatively successful. Periodic reassessment may show that institutions have progressed from being part of the problem of corruption to the point where they can become part of the solution, or raise warnings that previously corruption-free institutions are coming under pressure from corrupt influences displaced from other areas in which anti-corruption efforts have been successful. In assessing the potential roles which could be played by various institutions, their existing or potential roles in the major social, political, economic, legal and other areas in which anti corruption efforts are generally required should be considered. In most countries, this will include the following areas.

Assessment   Reliable assessment as set out in tools #1 and #2 will be needed at the beginning and at various points in the anti-corruption process. This requires the involvement of public and private sector institutions which gather statistical and other information from original sources, as well as those who compile and analyse information obtained by other sources. Where the assessment suggests that these are unreliable, specific, dedicated agencies, such as elements of national anti-corruption agencies, may have to be established.

Prevention   Many institutions will generally be called upon to play a role in preventing corruption. Some criminal justice elements can be classified as preventive in the sense that they are intended to deter corruption, and in a sense, prevent future corruption by prosecuting and incapacitating (by imprisoning or removing from office) those convicted of corruption. More generally, institutions such as schools, universities and religious institutions could play a role in awareness-raising and mobilising moral and utilitarian arguments

against corruption. Social and economic institutions can play a similar role, as well as a role in developing and implementing institutional, structural and cultural measures to combat corruption in their own dealings.

Reaction Reactive roles are generally those assigned to the criminal justice system as well as parallel or analogous civil functions. The institutions involved are those who detect, investigate, prosecute and punish corruption, and which recover proceeds of corruption. In many countries, parallel, non-criminal justice institutions deal with such things as the setting of integrity and other relevant standards, the discharge or discipline of those who fail to meet them, and the recovery of proceeds or damages through civil litigation.

The focus of assessment and reforms, as a matter of priority, will generally be on public-sector institutions and their functions. Given the nature of corruption and the reluctance of populations to fully trust public officials and institutions in environments where corruption represents a serious problem, however, elements of civil society also play an important role, both in monitoring public affairs and anti-corruption efforts, and in providing accurate and credible information which can validate or invalidate those efforts, as appropriate. Therefore, a similar process of assessment should be conducted in respect of relevant civil society elements or institutions. Particular attention should be paid to the mass media, academia, professional bodies and relevant interest groups, but other elements of civil society may also prove relevant. Generally, the assessment of each element will include consideration of what roles that element is playing or could be playing in fighting corruption, the capacity of that element to fulfil those roles, and the relationship between each element and other elements of government and civil society. Consideration of the mass-media, for example, might include an assessment of the types of media (computer networks video, radio, print media) present and their availability to segments of the society (literacy rates, access to radios, televisions and computers); the role being played by each in identifying corruption; the capacity of each to expand that role; and other relevant factors, such as the ability of the media to gain access to the information needed to review and assess government activities.

Generally, the institutions or agencies which perform one or more of these functions in the context of anti-corruption strategies will include the following:

- Political institutions, such as political parties (whether in power or not), and the partisan political elements of government;
- Legislative institutions, including elements of the legislature and public service which develop, adopt or enact and implement constitutional, statutory, regulatory and other rules or standards of a legislative nature;
- Judicial institutions, including judges at all levels, quasi-judicial officials and those who provide input or support to judicial proceedings, such as prosecutors and other lawyers, court personnel, and in their functions as witnesses, law-enforcement and other investigative personnel;
- Criminal justice institutions, including those responsible for investigation, prosecution, punishment and the assessment of crime;
- Other institutions with specific anti-corruption responsibilities, such as auditors, inspectors and ombudsmen;
- Civil society institutions, and in particular those involved in transparency, such as the mass-media, standard-setting, such as professional bodies, and assessment or analysis, such as academic institutions; and,
- Private-sector institutions, and in particular those identified as susceptible to corruption, such as government contractors, and those who provide oversight, such as private auditors.

Assessment of institutions and institutional relationships.

Once specific institutions have been identified, they should be assessed both individually and in the context of their relationships with other institutions and other relevant extrinsic factors. The overall assessment of the potential roles of judges, for example, might be affected not only by the degree of professional competence and freedom from corruption of the judges themselves, but the competence and integrity of prosecutors and court personnel, and the state of the legislation which the judges will be called upon to apply in corruption cases. While the primary purpose of assessment using this Tool is to determine the potential capacity each institution has to act against corruption, this will inevitably be linked to the assessment of the nature and extent of corruption within that institution or in other linked institutions, using Tool #1. Judges cannot be relied upon to fight corruption if they themselves, or those they depend upon, such as court officials or prosecutors, are corrupt. In such cases, a finding under Tool #1 that corruption is present would normally suggest that reforming that particular institution should be made a priority and that until reforms were in place, the potential use of that institution to fight corruption elsewhere would be relatively limited.

The major objectives of assessment include the following.

- Within each institution, an analysis of strengths and weaknesses can form the basis of a strategy and action plan for fighting corruption within the institution, and these individual plans can be compared and harmonized across the full range of institutions.
- Within each institution specific areas of corruption and/or areas at risk of corruption can be identified.
- A complete inventory of institutions and agencies can be developed, with a brief outline of the establishment and mandate of each institution and the responsibilities it has in fighting corruption or other relevant areas.
- The inventory can be used to make each institution aware of the existence and roles of all of the others, to facilitate cooperation and the coordination of mandates and activities.
- The mandates and activities of each institution can be assessed to identify and address gaps or inconsistencies.
- Consideration can be given to enhancing mandates or resources in areas of the overall framework identified as weak or under-resourced.

Methods of gathering data or information for use in assessing institutions

The methods which can be used to obtain data are essentially the same for assessing the potential roles of institutions as for assessing the extent of corruption (Tool #1), and many of the same caveats apply. To obtain an accurate assessment, it is essential to obtain information from as many sources as possible and to ensure diversity in the sources and methods employed so that biases or errors due to falsification, sampling or other problems can be identified, and either eliminated or taken into account. The fact that institutions and not individuals are being assessed may result in a greater reliance on the subjective assessments, or opinions of those served by the institution, those who work in it, and other interested observers, as to whether if functions effectively or not. Procedural mechanisms, such as requirements that statistics or other records be kept or specific incidents or occurrences be reported, can be incorporated into institutional rules, although in many cases this amounts to asking the institution to compile and assess data about itself, and safeguards against manipulation or falsification might be required in some cases.

The major techniques for gathering information include the following.

Desk Review. Usually one early or initial step is to gather as much information as possible from pre-existing sources. These include previous research or assessments from sources such as academics, interest groups, and public officials such as auditors-general or ombudsmen, and other sources such as media reports.

Surveys. Surveys gather information using response to written questionnaires or verbal interviews. They may be directed at general populations or samples chosen for purposes of gathering specific data or as the basis for comparison with other samples. They may be used to gather both objective data (about the actual frequency or nature of occurrences known to the respondents) or subjective data (the views, perceptions or opinions of the respondents). A wide range of data can be obtained about the types, nature, extent and locations of corruption, the effectiveness of efforts to combat it, and the public perceptions of all of these. Considerable expertise is needed to gather valid data and to interpret it correctly, however.

Representative samples of the population must be chosen and the nature of the sample is a major factor in assessing the results. Where a particular institution is assessed, those surveyed must first be selected on the basis that they will have the information which is sought about that particular institution, which will in many cases raise questions or doubts about the size of the sample and possible bias factors. If only a small number of people have the information, the sample becomes less reliable, since analysis can be affected by an even smaller number of results, and those results could more easily be influenced or biased by some extrinsic factor unrelated to the assessment. The fact that all four accused convicted of homicide by a particular judge in a particular year have a negative opinion of the judge, for example, may have more to do with the fact of the convictions than the competence of the judge. If, on the other hand, a very large number of offenders convicted over a long period of time make allegations of corruption, and these are corroborated by survey results from other groups, such as accused offenders who were acquitted, defence lawyers and prosecutors, they would provide a much more reliable indicator of actual occurrences.

The comparison of data taken from different samples is one valuable element of such research, but such comparisons can only be validly made if the samples were correctly selected and identified in the first place. For surveys used to compare institutions, care must be taken to sample similar or equivalent sectors of the population for each institution. The two most common groups will be those who work within each institution, and those served by it, but others may also be surveyed where available. Samples of the users of a particular service, must also ensure that a full range of service-users is approached. Anonymity and confidentiality are also important: corrupt officials will not provide information if they fear disciplinary or criminal sanctions, and many victims may also fear retaliation if they provide information.

The formulation of survey instruments is also critical. Questions must be drafted in a way which can be understood by all of those to be surveyed, regardless of background or educational level, and which will be understood in the same way by all survey respondents. In cases where many respondents are illiterate or deemed unlikely to respond to a written questionnaire, telephone or personal interviews are often used, and in such cases it is essential to train interviewers to ensure that all of them are asking the same questions using the same terminology.

Focus Groups. Another diagnosis technique used in country assessments is focus groups, whereby targeted interest groups in government and society hold in-depth discussion sessions. This technique generally produces qualitative rather than quantitative assessments, including detailed information concerning views on corruption, precipitating causes, and valuable ideas on how the institutions concerned can fight it. Specific agendas for focus groups can either be set in general on an advance basis, which allows more direct comparison of the results from a series of groups, or developed individually, either as the group starts its work, or by advance consultation with the participants.

Case Studies. Case studies involve the close examination of actual or typical cases of corruption, and are therefore more useful in surveying the nature and extent of corruption (Tool #1) than the

real or potential capabilities of institutions to fight it. Finished case studies are, however, useful tools in conjunction with other methods, such as focus groups, to illustrate to participants the true nature of corruption and stimulate creative discussion and ideas about how participants and the institutions they represent could contribute to the fight against it.

Field observation. Field observation is also primarily used to assess the nature and extent of actual corruption (Tool #1) but it can also be used to assess institutional capability, if trained observers are used to present problems calculated to test such things as the knowledge and resourcefulness of officials or the adequacy of technical facilities. In extreme forms, this can become "integrity testing", in which officials are offered corrupt opportunities to ascertain whether they will accept, but here the purpose is to assess the overall quality of the institution rather than to identify and prosecute or discipline corrupt individuals[10]. In many cases it can be difficult to distinguish between investigative operations, whose function is to identify wrongdoers and gather the evidence needed for prosecution or discipline and the use of observers, whose function is simply to gather data for research purposes. This is particularly true where the observers are covert or anonymous, which will often be the case to ensure that their presence does not influence the conduct they are observing. Officials working in countries where constitutional or legal constraints apply to criminal investigations should bear in mind that these may apply to covert or anonymous observers, or may operate to prevent the use of any information obtained against offenders in any subsequent prosecution. Observers should also be given appropriate rules or guidelines governing whether or when to notify law enforcement agencies if serious wrongdoing is observed.

Professional assessment of legal and other provisions and procedures. In most countries, criminal and administrative law provisions intended to prevent, deter or control corruption already exist, ranging from criminal offences to professional codes or conduct or standards of practice. These are not "institutions", per se, but will often have to be assessed where they are the product of institutions, such as the laws made by a particular legislature or regulatory body, or where substantive laws, procedural laws and institutional practices are so closely linked to make combined assessment necessary.

Thus, for example, an assessment of the courts would have to include an assessment of the legal procedures for establishing courts, appointing judges, and for the administration of court on a daily basis. It would also generally include the assessment of the laws establishing criminal procedure, and to the extent they were used to identify and seek redress for corruption, civil procedure and administrative law rules as well. Apart from law-making and law-enforcement rules and institutions, the external or self-regulatory elements of some key professions, such as those governing the practice of law and accounting, should be assessed, and certain elements, such as the codes of conduct governing other professions, could be assessed insofar as they deal with corruption and other relevant areas.

From a legislative standpoint, the entire legislative anti-corruption framework should be assessed, which will require some initial consideration of which laws could or might be used against corruption and how.

- Criminal laws include relevant offences, elements of criminal procedure, laws governing the liability of public officials, and laws governing the tracing, seizure and forfeiture of proceeds derived from corruption offences and where applicable other property used to commit or in connection with such offences.

- Elements treated as regulatory or administrative law by most countries would include relevant public service standards and practices and regulations which govern key functions

---

[10] Integrity testing is an effective way to determine whether targeted individuals are corrupt, but raises some concerns about selectivity and potential abuses of power, as well as legal concerns about entrapment in systems where this imposes a limit on investigation or prosecution. For details, see "Integrity testing", Tool #30.

such as the operation of the financial services sector (e.g., banking and the public trading of stocks, securities and commodities), the employment of public servants and the making of government contracts for goods and services.

- Other areas of law include laws governing court procedures and the substantive and procedural rules which govern the use of civil litigation as a means of seeking redress for malfeasance or negligence attributable to corruption.

Any area of professional practice which is governed by established rules, whether enacted by the State or adopted by the profession itself may also be open to internal or external review. Critical areas include the legal and accounting professions and subgroups such as judges and prosecutors, but other self-governing professional or quasi-professional bodies may also be worth examining. It should be noted that the primary purpose of such examination is not necessarily to identify corruption, but to assess what measures have been developed against corruption, so that they can be used as the basis for reforms for other professions, or of inconsistencies or gaps are identified, so that these can be dealt with.

Generally, reviews of specific laws, institutions and the measures taken by each institution should be compiled to generate a complete inventory. This can then be used for the following purposes.

- Legislation can be comprehensively reviewed to identify provisions are areas which can be used effectively as part of the initial anti-corruption strategy and to identify areas which are deficient and require amendment or the addition of new measures. The use of international legal instruments, model laws and the enactments of other countries may provide assistance in identifying deficiencies and suggesting areas and means of law reform.

- Each individual institution or sector can be compared with the inventory in order to determine whether elements present in other sectors are absent, and if so whether they should be added.

- Parallel or similar rules adopted by different sectors can be compared to determine which is the most effective, to advise improvements to the others.

- Once the measures have been identified, members of the relevant profession and clients of that profession can be surveyed (see above) to assess their views about whether each measure was effective, and if not, why not.

- Gaps and inconsistencies can be identified and closed or reconciled.

Recommended Reading

Transparency International (TI) Source Book, 2001,

UN Anti Corruption Manual, Vienna 2002.

Anti Corruption Case Studies, Vienna 2002,

International Legal Instruments, Vienna 2002,

Relevant Internet Sources

http://www.odccp.org/odccp/corruption.html

http://www.transparency.org