*(The offices of the Kenya Anti-Corruption Commission, photo: Ingvild Hestad,CMI)*

# ACHIEVING SUCCESS AND AVOIDING FAILURE IN ANTI-CORRUPTION COMMISSIONS: DEVELOPING THE ROLE OF DONORS

Anti-corruption Commissions (ACCs) have, with one or two exceptions, been a disappointment both to the people of developing countries and to their development partners. As the 2005 UNDP report on institutional anti-corruption arrangements has noted: 'several countries have opted for or are currently considering creating an independent commission or agency charged with the overall responsibility of combating corruption. However, the creation of such an institution is not a panacea to the scourge of corruption. There are actually very few examples of successful independent anti-corruption commissions/agencies (UNDP 2005: 5).

The most commonly cited explanations for failure include:

- Lack of political commitment.
- Unfavourable economic conditions.
- A general failure of governance institutions.
- Ineffective and inadequate legal frameworks.
- Inappropriate strategies and structures.
- Low public confidence and trust in the ACC.

These explanations and their limitations are discussed fully in our Research Report, 'Measuring "success" in five African Anti-Corruption Commissions' published on the U4 website in 2005.

U4 Anti-Corruption Resource Centre
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## THE CONTEXT FOR EFFECTIVENESS

The drivers for success for ACCs are usually cited as the opposites of the negative factors listed above. Our purpose here is not to rehearse the familiar and apparently intractable environmental constraints of ACCs and neither is it to make the naïve argument that, if circumstances were more favourable, ACCs would have more chance of success.

Some conditions are profoundly difficult to change and, in order to improve the chances of success for ACCs, we need to recognize that:

• Political will is always partial, qualified and temporary.
• Economic resources will always be seriously inadequate.
• Governance institutions will always have significant weaknesses.

What donors really need to concentrate their attention on are those factors which they can control, or at least influence, and which have an impact on the effectiveness of ACCs. The U4 Research Report noted that donors are often disappointed by the failure of ACCs to deliver 'agreed' objectives. Our analysis of five African ACCs (Ghana, Uganda, Tanzania, Malawi and Zambia) suggests that donors have been particularly enthusiastic in supporting specific forms of ACC activity:

• Assisting in the investigation/ prosecution of high-level cases.
• Helping to develop comprehensive registers of interests for the political class.
• Developing public opinion survey work.
• Promoting programmes of public education about the evils of corruption.

Support for these activities is time-limited and necessarily leads to chronic problems of sustainability for ACCs. It is influenced by what donors may consider are important issues that they often call upon governments to address. On occasion they may use an emphasis on anti-corruption work to expedite a response from government and, if that is not forthcoming, donor support may be curtailed. In relation to the efforts of ACCs themselves donor support may also be terminated mid-programme either because of a failure by the ACC to deliver the programme as 'agreed' or because of a failure by the ACC to account properly for the disbursement of donor funds.

What is very striking about a number of cases of evident ACC failure is that financial support from donors is rarely predicated on:

• Suitable pre-funding assessment to ensure the ACC has the infrastructure capacity to deliver.
• Consideration of which aspects of the corruption problem the ACC is best equipped to tackle.
• Meaningful measurement criteria for assessing success or failure.

## PLANNING FOR AN ACC

We propose that, for all future ACCs, and even for existing ACCs that are not performing effectively, donors should collectively, on a country-specific basis, undertake a review under three categories:

**Markets and Context:** Identifying what is the threat? What types and levels of corruption exist and what threats do they pose to politics, administration, public perceptions and democratization? These need to be identified, in order to develop the strategy and an institutional shape.

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

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

### *Markets and Context*
Donors need to recalibrate their expectations and reformulate their approach to ACCs. The starting point ought not to be the preferences of donors but the necessity of an ACC in the first place. This requires a country review in terms of the types and patterns of corruption. The landscape of existing agencies must be established, including a gap analysis that identifies the place and the roles of an agency to address corruption that cannot be dealt with by existing agencies or by means or in ways not available to those agencies.

### *Management and Managed Work*
It will help shape the organizational structure and operational capabilities of the ACC if it is considered a necessity. This requires standard business planning processes, not only in setting up an ACC but also managing its development. Too often donors seem to assume that ACCs are functioning organizations in need of supplementary funding and policy advice. In reality, many ACCs are dysfunctional organizations lacking skills, structures, resources, processes and focus.

Once objectives are identified by the ACC in terms of its institutional configuration, staff expertise and resources, then the ACC can determine its priorities and workload. Donors may argue that their programme preferences are not imposed on ACCs, but agreed with their leaders. It is also true that ACCs are often so short of funding that they will agree to almost any donor proposal.

Where a number of donors are involved, the problems of organizational coherence, coordination and sustainability are compounded. There has, of late, been more emphasis on donor co-ordination in anti-corruption work, but it has started from a low base and appears more rhetorical than substantive. Given the lack of institutional memory in many development agencies, it also raises acute problems of sustainability.

In 2004, after a decade or more of donor support for ACCs, we still found ACCs in Africa which lacked even the rudiments of modern business organizations. One had no functioning accounts department and, to no great surprise, donors complained that the ACC was unable to account for the donor funds it had 'spent'! When an anti-corruption body is itself unable

to distinguish between embezzlement or poor accounting in its own financial dealings, it may be time to start again.

## Measurement and Performance

To misquote President John F. Kennedy, donors should ask not what ACCs can do for them but what, if anything, can an ACC do at all? Given the organizational immaturity of many ACCs, the answer may be 'very little'. Because the problems of corruption in many developing countries are so serious and because of the apparent success of ACCs in Hong Kong, and perhaps Botswana, too great a weight of expectation is loaded onto poorly designed and mal-functioning ACCs in more hostile political and economic environments.

To make matters worse, ACCs are commonly given a vague and broad remit covering investigations/prosecution, prevention and education. ACCs usually lack the capacity and resources to perform any one of these roles well, but mission overload and diversification makes failure almost inevitable.

Donors need to review their support for ACCs with a realistic assessment of the organizational maturity and capacity of the ACC and its environmental constraints.

## DONOR PLANNING

We would also suggest that donors may wish to consider the application of the three categories above in terms of themselves. Too often donor support programmes for ACCs are unsuccessful because they are:

- Inappropriate – as in support for most high-level investigations and prosecutions which are notoriously difficult and complex with a very high failure rate, even in developed countries.

- Impractical – as in compiling extensive registers of interests which, as in the case of the Uganda Leadership Code, consume disproportionate resources, are impossible to maintain and are rarely enforced.

- Unmeasurable – as with most public education programmes whose 'performance' is normally 'measured' by the number of

events held rather than by changes in attitudes or behaviour.

- Distort or divert resource allocation – as in donor support for anti-corruption activities which take resources away from ACCs: donor support for the Task Force in Zambia is a prominent example where results are negligible. The Zambian President has acknowledged (People's Daily 10 October 2006) that the Task Force has consumed a lot of money to little effect while the ACC has performed better and money needs to be re-allocated back.

In many donor countries there is no separate ACC, but the anti-corruption functions are located in law enforcement agencies. Indeed, it is interesting that the UNDP argues (2005) for the need to 'establish independent investigators, prosecutors, and adjudicators

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that ensure 'equal' enforcement of the laws and regulations and 'strengthen capacity and integrity of the police as the frontline investigative agency for criminal infractions'. At the same time, the forthcoming review of specialized agencies undertaken by the Organisation for Economic Co-operation and Development Anti-Corruption Network for Eastern Europe and Central Asia (2006), notes that the use of ACCs tend to be in transitional countries rather than established western democracies.

In other words, an ACC is not a standard response to corruption in donors' own countries. Hence, we suggest that donors should present:

a. the same planning case for why they consider there should be an ACC in a specific country;
b. the same management and managed work approach on how they intend to support an ACC;

c. how this fits with their support to other activities and institutions;
d. what certainties there are that this will be supported by the other donors working in the same country; and finally,
e. how they would want to be judged in terms of their performance in delivering the objectives of the ACC over a predetermined period.

## HOW TO IMPROVE THE CHANCES OF SUCCESS FOR ACCs

An ACC's potential to achieve success is dependent on creating a strategic fit between the demands of its operating environment and the organization's own capacity to meet those demands. It will depend on the support and nurturing by donors working collectively. This means balancing what needs to be done with what the ACC is actually able to do. ACCs are easily discredited when presented with tasks that are simply too difficult.

We argued in the U4 Research Report, 'Measuring "Success" in Five African Anti-Corruption Commissions', that the initial objective for an ACC should be to achieve something and preferably to do something well. Organizational maturity is derived from demonstrable competence which in turn generates both internal and external confidence.

The organizational development of ACCs should be sequential and incremental. However, in reality they are 'stop-start' organizations, which are favoured one year and neglected the next. Sometimes they have no resources to work with and at other times they have more resources than they can handle. The 'feast or famine' approach to funding is not consistent with building effective organizations.

Donors need to rein in their ambitions for ACCs and they need to identify and apply appropriate measurement tools to evaluate ACC performance and their own role in supporting that performance.

To succeed, ACCs need to concentrate on what they are capable of doing. This may involve excluding certain kinds of corruption from their remit because they are not worthy of investigation,

because they are inaccessible to investigation or because the workload is insupportable. This leads us to propose two key components that should underpin the role of donors:

- ACCs need to be built from the ground up. They need to stand before they can walk and walk before they can run. Too frequently, there are expectations from donors and governments that ACCs will 'hit the ground running'. But they struggle and fail. New governments and donors periodically pick them up and urge them to try again. But infant organizations should not be treated as mature ones and repeated failure is destructive of donor support and public confidence. Decisions on establishing and supporting an ACC must recognize this from the outset.

- Donors need to lose their pre-occupation with visible front-line activities and recognize the consequences of neglecting the back-room organizational structure. ACCs need to be able to make proper use of business planning, have functioning financial and management information systems, and develop effective decision-making processes integrated with rational resource allocation and realistic and relevant performance indicators. Few ACCs in the world display these features, reflecting an absence of attention to the three areas mentioned above: market and context, management and managed work, and measurement and perfomance.

The success of ACCs will always be limited and partial. They are not panaceas for anti-corruption work and donors should strive to build up the organizational capacities and competences of ACCs, narrow their focus of operation and reduce their expectations. Thus we look to donors to approach the issue of ACCs with the same assessment, management and measurement approaches we have already called on ACCs themselves to adopt.

## REFERENCES

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