IMPLEMENTING NATIONAL ANTI-CORRUPTION STRATEGIES

Countries that sign the UN Convention Against Corruption commit to taking action against a variety of practices that undermine public sector effectiveness and impartiality. The United Nations Office of Drugs and Crime (UNODC) has set up a forum to help governments develop national strategies and seek advice from counterparts through peer review. But many struggle to implement the priorities they have set.

Using an adapted version of a 2016 dataset on national anti-corruption strategies constructed at Harvard Law School,[1] Innovations for Successful Societies identified countries that had pledged similar commitments and faced similar challenges—a resistant legislature, for example—and traced the steps they took to translate goals into successful action.

The case series profiles Ghana, Mauritius, Indonesia, South Africa, and Brazil during the period 2004-2017. Each country aspired to accomplish some "easy" things—tracking implementation action items, for example, and creating a code of conduct—as well as much harder objectives, such as strengthening asset declaration, securing law reforms, and assessing actual impact. Ghana drew energy from civil society support but struggled to achieve concrete results. Mauritius and Indonesia gave ministries and agencies responsibility for choosing their own priorities and decentralized effort, with somewhat different outcomes. South Africa illustrated the impact that a single, focused, high impact reform could have, while Brazil's experience revealed the importance of strengthening coordination within the anti-corruption ecosystem.

THE COMMON GOAL

The final negotiations to establish the United Nations Convention against Corruption concluded in October 2003. The purpose was to reduce practices that threatened good governance and human welfare by creating a universal, legally binding anti-corruption instrument. The Convention outlined commitments in five broad areas: prevention, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange.[2] The practices covered included bribery, influence trading, abuse of office, and "various acts of corruption in the private sector," according to the UN's own description.

Participating states agreed to implement a plan that would gradually bring them into compliance with the convention's terms and to join an Implementation Review Mechanism. Each country was responsible for showing that its measures were effective, coordinated, and regularly assessed and adapted.[3] Under the terms of the Convention, two peers would review each national anti-corruption strategy and offer counsel.

DELIVERY CHALLENGES

The commitments were bold and well placed. However, within each country, the teams assigned responsibility for compliance had to wrestle with how to address serious challenges:

- Focusing on a realistic number of priorities during any given implementation phase
- Developing the reform team's credibility with civil servants, civic groups, and the broader public and acquiring a reputation for independence of partisan interests
- Enhancing internal capacity to develop and implement the necessary reforms
- Coordinating across government units
- Expanding awareness of new standards and practices
- Building and sustaining internal government support
- Managing pushback from gatekeepers who benefitted from the status quo.

Ghana's experience exemplified these challenges. In 2014, Ghana began to implement its National Anti-Corruption Action Plan, adopted a decade after the West African country signed the United Nations Convention against Corruption. With over 120 goals, the plan's strategy was wide-ranging and ambitious. It included strengthening the public service code of conduct, improving the asset declaration system, and expanding freedom of information, as well as adopting many new laws. About 15 other countries around the globe had announced similar aims, though few included as many goals in their plans or required as many statutory changes.

Ghana's Commission on Human Rights and Administrative Justice, which was responsible for translating the strategy into practical accomplishments, faced stiff challenges, including limited coordination capacity, electoral disruption, reluctant legislators, and a few scandals that drew the reform team's credibility into doubt. By the early months of 2017, the commission was still struggling to implement important parts of the strategy, but there were a few signs of progress: more public agencies were beginning to report regularly on the actions they had taken to meet their goals, and a memorandum of understanding to improve coordination among parts of the anticorruption system was in place. The Electoral Commission stepped in to require asset declaration by candidates—even while bigger changes remained mired in the legislature.

Although Ghana achieved some modest successes in developing and implementing its national anti-corruption strategy, its experience underscored the difficulties of introducing broad anticorruption policies in the face of embedded opposition.[4] (For more detail, see the ISS Case Study Swimming Against the Tide: Implementing Ghana's Anticorruption Action Plan, 2014–2016.)

FOUR STORIES AND TAKEAWAYS

The four other cases in the series reveal how other governments dealt with similar challenges—and offer ideas Ghana and other countries may find useful.

1. Decentralized Graft Prevention in Mauritius

Citizens of the Indian Ocean nation of Mauritius worried openly about corruption and petty bribery in government, just after the millennium. Surveys revealed that civil servants often took advantage of archaic and overly bureaucratic procedures, offering to reduce delay in return for cash. In 2009, Anil Kumar Ujoodha, director general of the national government's Independent Commission Against Corruption, introduced a new prevention program. He proposed a bottom-up strategy to reduce opportunities for bribe taking, nepotism, and conflicts of interest in the public service. Rather than handing down orders, policies, and procedures for fighting corruption, Ujoodha and his top staff shifted responsibility for the revision of practices to government agencies and their employees. Commission staff guided each agency through the process of setting up an anticorruption committee, assessing institution-specific corruption risks, developing solutions, and monitoring implementation. After piloting the new approach with the police and the Civil Status Division, the commission scaled up the initiative; and by 2016, more than 70 of the island nation's more than 200 agencies had agreed to implement more than 380 different measures to address corruption risks. Although the coordinated strategy purposely sidestepped certain major concerns such as the influence of money on elections, it succeeded in

reducing the incidence of highly visible forms of graft that undermined government credibility at the grassroots level. (For more detail, see the ISS case study [Tackling Corruption from the Bottom Up: Decentralized Graft Prevention in Mauritius, 2009-2016](),)

2. Indonesia Acts to Meet UN Standards

In 2010, Indonesia planning agency official Diani Sadiawati acquired a mandate to expand the government's anticorruption measures. Sadiawati sought to bring the country in line with its obligations under the United Nations Convention against Corruption. The country's powerful anticorruption agency already had a full agenda and there was plenty more to do. With support from top-level officials, especially reform-minded Vice President Boediono, Sadiawati and her colleagues focused on *prevention* of corruption. With help from the president's delivery unit, they began to coordinate actions among a large number of government agencies, overcome resistance to reform, and develop a system for monitoring impact and tracking progress. By 2014, the agencies had met 88% of the targets they had committed to. Civil society observers said the program had not treated many of the root problems, however, thereby underscoring the need for further work. In 2017, new President Joko Widodo leant his support but asked for a number of changes as the program moved into its next phase, including a reduction iin the number of priorities in order to sharpen focus and increase success rates. (For more detail see the ISS Case Study [Heading Off Corruption: Indonesia Acts to Meet UN Standards, 2010-2016]().)

3. Reforming Procurement Systems in South Africa

When he took office as South Africa's finance minister in 2009, Pravin Gordhan found that government officials responsible for purchasing goods and services were wasting billions of dollars every year as a result of inefficiency, errors, and corruption. Gordhan wanted to confront all three problems by consolidating and strengthening control over procurement. In February 2013, he tapped longtime finance ministry official Kenneth Brown to serve as the country's first chief procurement officer. Brown had to restructure systems, tighten procedures and regulations, and build effective oversight. He assembled a skilled team and persuaded skeptical politicians and business interests to support Gordhan's goals. His office reviewed and renegotiated costly contracts, provided crucial market analysis and advice on procurement strategies for other departments, and took first steps toward creating an online system. Brown strengthened funding, built a staff, and put new systems in place. By the time he retired in December 2016, his efforts had sharply reduced opportunities for corruption, increased transparency in the procurement process, and slashed the time

required to process tenders. The new office helped South Africa better comply with some of its obligations under the United Nations Convention against Corruption, even though Brown and Gordhan faced tough opposition from people at some of the highest levels of government. In 2017, Jacob Zuma's government eliminated the program, but this step was among several that subsequently led the African National Congress to replace Zuma himself. (For more detail, see the ISS case study [Contested Terrain: Reforming Procurement Systems in South Africa, 2013-2016](#).)

4. *Coordinating Brazil's Fight Against Corruption*

In 2003, reform-minded civil servants saw an opening to combat pervasive corruption within the government of Brazil. A new president who had promised to end political graft had just come into office. The question was how to secure the right legal instruments, overcome lack of capacity, and create the coordination needed to detect, prosecute, and sanction wrongdoers. The reformers organized an informal, whole-government network to combat money laundering and corruption. They identified shared priorities, coordinated interagency policymaking, and tracked progress. Leaders in the judiciary, executive, and prosecutor's service drafted enabling legislation, strengthened monitoring, improved information sharing, and built institutional capacity and specialization. Gradually, those efforts bore fruit, and by 2016, authorities were prosecuting the biggest corruption case in the country's history and had disrupted an entrenched political culture. (For more detail, see the ISS case study [The Sum of its Parts: Coordinating Brazil's Fight Against Corruption, 2003–2016](#)

LARGER LESSONS

For practitioners who are leading anti-corruption strategy implementation, the cases offer a number of takeaways.

- Start where the implementing team has some leverage and ask what is possible without action on the part of the legislature. New laws may be important, but the legislative process usually takes considerable time. The team must build credibility—a reputation for effectiveness in serving the public interest—and it can do that by using powers it already has to accomplish things that have a clear impact, first, and then move to legal reform.
- Persuading the head of government to back the strategy is usually essential in order to win participation from civil servants. Active support is helpful, especially if there are disagreements to resolve, but acceptance is a minimum requirement in most cases.

- Having many priorities spreads scarce labor too thinly. Having fewer priorities in a given phase of the strategy is more likely to generate success than having many goals. Civil society partners may want to add goals and objectives, but it is important to help them understand the tradeoffs and think in terms of phases, with new objectives introduced gradually as others reach completion.

- Decentralizing the process can bring big gains. By focusing at the agency level, it is possible to tailor reforms to the vulnerabilities associated with specific functions or tasks, thereby improving effectiveness. The sense of ownership and responsibility may rise, thereby increasing the likelihood of sustainability. With the flexibility that decentralization affords also comes responsibility for demonstrating results, a motivating factor in some instances (Mauritius), though not in all (parts of the Indonesian government did not fully comply).

- Consider embedding personnel with units that are trying to assess their own vulnerabilities and develop new procedures. Easy access to technical assistance and some gentle weekly prodding to keep the process moving forward can generate movement.

- Watch language! It often helps to emphasize the language of effectiveness and service, over the language of corruption control. Engage people in enhancing efficiency, one aspect of which is to cut down on diversion of resources.

- Coordinate with other parts of the anti-corruption eco-system. Informal workshops can help bring people together. There may be legal limits on what a team can do to collaborate or to share information across institutional boundaries, as well as privacy concerns. However, in most of the cases studied there were ways to work within the rules to improve information flow among anti-corruption authorities, revenue authorities, asset declaration programs, auditors or inspectors general, and other parts of the official community. In the cases studied, reports from auditors and inspectors general were often under-used in efforts to assess impact or identify vulnerabilities.

References

[1] For more detail, see the ISS Case Study <u>Swimming Against the Tide: Implementing Ghana's Anticorruption Action Plan, 2014–2016</u>.)

[2] See the text at the United Nations Office of Drugs and Crime website, accessed at <u>https://www.unodc.org/unodc/en/treaties/CAC/</u>

[3] See UNODC National Anti-Corruption Strategies: A Practical Guide for Development and Implementation, Vienna, 2015. Accessed at <u>http://www.unodc.org/documents/corruption/Publications/2015/National_Anti-Corruption_Strategies_-_A_Practical_Guide_for_Development_and_Implementation_E.pdf</u>

[4] For more detail, see the ISS Case <u>Study Swimming Against the Tide: Implementing Ghana's Anticorruption Action Plan, 2014–2016</u>.)