

Transparency International Anti-Corruption Helpdesk Answer

Strategies to tackle corruption in local government procurement in Asia and Africa

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Public procurement constitutes a substantial share of government expenditure in most countries. It also entails significant corruption risks. These risks are exacerbated by a lack of oversight, high discretion in the public sector, nepotism and patronage networks, a concentration of money and influence, and the high volume of funds involved. In developing countries, and especially at the local level, corruption risks in public procurement can be particularly problematic.

To counter and mitigate corruption risks in public procurement, a number of strategies have emerged in recent years. These include reforms to legal frameworks, more efficient and/or digitalised procurement processes, increased oversight, access to information provisions and the promotion of clean contracting regulations. Citizen oversight is crucial to the success of all of these efforts. Some strategies can be implemented or initiated by civil society stakeholders, others require action from government, with civil society playing a monitoring role. Successful initiatives to improve integrity in public procurement in partnership with civil society include integrity pacts, open contracting initiatives, the use of new technology and citizen monitoring mechanisms.

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Query

Please provide a mapping of anti-corruption activities in local level public procurement. Where possible, these should involve civil society in some capacity and focus on examples from sub-Saharan Africa and Asia.

Contents

1. Corruption in public procurement
2. Strategies to tackle corruption in (local) government procurement
 - a. Integrity pacts
 - b. Open contracting initiatives
 - c. Use of technological solutions
 - d. Other forms of citizen oversight
3. References

Caveat

Best practice examples focusing exclusively on local government procurement are scarce. In this Helpdesk Answer, examples were chosen that either operate primarily at a local level, operate nationally but include a strong element of local ownership or could be adapted to a local level.

Corruption in public procurement

In most countries, albeit to different degrees, the public sector is a crucial player in the economy. Where the government or specific government agencies operate as clients by purchasing goods or services (public procurement), corruption risks are often high. This can be due to a lack of oversight, high discretion in the public sector, high levels of nepotism, a concentration of money and influence, the high volume of funds involved, or a combination thereof (Transparency International

Main points

- To increase integrity and accountability in procurement, independent monitoring and oversight mechanisms are crucial.
- Civil society participation is paramount to ensure anti-corruption strategies lead to greater accountability.
- Recent developments in open contracting and the use of new technologies are promising developments to counter corruption at the local level.
- Access to information provisions, capacity building for public sector and civil society, and a user-friendly processing of data are needed to ensure civil society is able to successfully contribute to anti-corruption efforts.

2013). According to the UNODC, “corruption and fraud may amount to 20-25% of procurement budgets” and “57% of foreign bribery cases prosecuted under the OECD Anti-Bribery Convention involved bribes to obtain public contracts” (Transparency International et al. 2017). In total, “around US\$2 trillion (are) estimated to

disappear annually from procurement budgets” (Transparency International 2014a).

Corruption in public procurement can occur at all stages of the procurement process (planning, bidding, bid evaluation, implementation and monitoring) and can take various forms, from bribery and kickbacks to embezzlement and collusion.

The consequences of high levels of corruption in public procurement can be particularly dire for developing countries and especially for their poorer citizens. Corruption in public procurement leads to a reduced quality of goods and services and often a waste of funds. In fact, because the goods and services delivered in public procurement include essential provisions such as healthcare, education and infrastructure, poorer citizens are usually hit hardest. Furthermore, the money wasted is public money, so high levels of corruption in public procurement often result in an erosion of trust in government and divert funds that would have been needed elsewhere.

In developing countries and especially at the local level, corruption risks in public procurement and their effects can be particularly challenging, as levels of discretion of public sector employees can be higher, oversight lower, ways to report misconduct scarcer and networks of patronage more engrained.

Strategies to tackle corruption in (local) government procurement

To counter and mitigate corruption risks in public procurement, a number of strategies and approaches have emerged in recent years.

Strategies include a reform of legal frameworks, creating more efficient and/or digitalised procurement processes, increasing citizen oversight, strengthening access to information provisions and advancing clean contracting regulations. To be successful in increasing transparency and accountability, any of these approaches require an appropriate level of oversight. This includes internal oversight mechanisms built into the process, such as audits, as well as external oversight by third parties or the general public, such as information disclosure.

The following mapping of strategies to counter corruption in public procurement focuses on strategies with a major role for civil society stakeholders that have been implemented in Asia and sub-Saharan Africa.¹ Where possible, priority is given to approaches implemented at the local level.

Integrity pacts

Integrity pacts are project-specific agreements between all stakeholders that are party to a bidding process, that means the client/contracting authority and all bidders come under the oversight of an independent monitor (Transparency International 2014a).

Integrity pacts can be powerful tools to reduce corruption risks in public procurement as they take the form of legally binding contracts and include sanctions for violations. As such, integrity pacts can increase trust between participants in a bidding process, level the playing field between competitors and encourage more bidders to participate. Independent third party monitors (often from civil society) play a crucial role in integrity pacts by monitoring standard adherence and raising concerns.

¹ For standards and instruments for the public sector and good practice public procurement processes, see for

example Transparency International 2013 and Transparency International 2014a.

TI Rwanda

The local Transparency International chapter in Rwanda (TI Rwanda) has recently started adopting the concept of integrity pacts in addition to other civil society-led measures to combat corruption in procurement (for example, social audits, focus group discussions, field visits). Integrity pact pilot projects have been launched in four districts; memoranda of understanding (MoU) with the districts were signed; district staff, as well as private sector and civil society stakeholders received training; independent monitors were selected; and initial field visits were conducted. The process is led by a multi-stakeholder group – the Rwandan Public Procurement Monitoring Coalition – that is headed by TI Rwanda and includes other stakeholders from the public and private sectors. In 2016, nine infrastructure projects were monitored in the four districts, with a value of around US\$17 million (TI Rwanda, 2017). During the monitoring process, TI Rwanda identified several red flags, some of which amounted to violations of the integrity pacts and the process, and the publication of concerns is already an important step in the right direction.

TI Pakistan

Under the leadership of Transparency International Pakistan (TI Pakistan) and in cooperation with the Managing Committee of the Karachi Water Sewage Board (KWSB), the first integrity pact was implemented in 2002 for the Greater Karachi Water Supply Scheme. The integrity pact was signed by KWSB, all participating contractors and consultants and TI Pakistan, who monitored the bidding process. The integrity pact resulted in substantial savings:

“The net savings of Rs 1.042 billion out of a total estimated cost of Rs 5.534 billion is solely due to the implementation of transparency in the procedures adopted for award of the contracts” (TI Pakistan, undated).

TI Pakistan entered into a second integrity pact with Pakistan Steel in 2004. As with the first integrity pact, the second one resulted in substantial cost savings and increased the number of bidders participating in the tenders. Additionally, TI Pakistan developed a procurement manual for Pakistan Steel and has vetted over 500 tender documents (TI Pakistan, undated).

Following the successful implementation of the first integrity pact and after advocacy efforts from TI Pakistan with relevant ministries, the Pakistani government finalised the country’s new public procurement rules in 2004 in consideration of the national anti-corruption strategy. As part of the new procurement rules, integrity pacts were made mandatory for any procurement over US\$167,000 (TI Pakistan, undated).

Open contracting initiatives

According to the Open Contracting Partnership (2019), “open contracting is about publishing and using open, accessible and timely information on government contracting to engage citizens and businesses in identifying and fixing problems”.

At the core of open contracting initiatives is the aim to make the entire contracting process more transparent and thus more accountable. In an open contracting initiative, the client (government entities) publishes data, documents and information about the planning, procurement and implementation of public contracts. It then falls to civil society and/or the media (who may or may not be a formal party to the process) to review and monitor published information and sound the alarm if they encounter any corruption red flags. This can mean working with/through the media to publish cases of corruption and/or cooperating with government and anti-corruption agencies to ensure appropriate follow-up (including sanctions if applicable).

Unlike integrity pacts, open contracting initiatives are not project specific (though they can be industry specific), and monitoring usually falls to a

larger group of stakeholders as there is not one designated external monitor but relevant information is more widely disseminated.

Since the launch of the [Open Contracting Data Standard](#) (OCDS) in 2014, the approach has gained traction. In sub-Saharan Africa, Nigeria and Uganda have implemented public procurement portals in alignment with the Open Contracting Data Standard. In South Africa, Malawi, Ghana, Kenya, Sierra Leone and Cameroon, strategies have been adopted to work towards the adoption of open contracting principles and the data standard. Across the continent, the African Freedom of Information Centre (AFIC), through its Open Contracting Working Group, is supporting such efforts through awareness raising, capacity building and peer learning (AFIC 2018).

CoST Malawi

The CoST Infrastructure Transparency Initiative is a global collective action initiative working in several countries to increase transparency in public infrastructure projects, improve the quality of services, guarantee an efficient use of funds, build public trust and reduce safety risks.

“CoST works with government, industry and civil society to promote the disclosure of infrastructure project data. It validates and makes this data easy to understand through an assurance process and ensures this information reaches citizens. This helps to empower citizens to demand better infrastructure and hold decision makers to account” (CoST Malawi 2018).

CoST Malawi was launched as a pilot scheme in 2008 and is hosted by the National Construction Industry Council. Initially operating with little political will, CoST Malawi relied heavily on strong networks with other civil society organisations and the media to continuously gather evidence, foster citizen engagement, raise awareness and build the capacity of relevant stakeholders. Training courses

for civil society and media in different cities across the country and an accompanying awards gala for investigative journalism have led to a significant rise in reporting on infrastructure projects, including on CoST Malawi’s assurance reports.

In 2016, a citizen service was launched, through which citizens can report concerns regarding the delivery of infrastructure projects via a toll-free SMS service. CoST Malawi (2018) states that:

“the service has been hugely popular, with the secretariat receiving over 1,100 messages to date from local citizens. CoST Malawi submits all received information to the relevant authorities, who are then provided an opportunity to respond through a radio panel discussion and to take relevant action within their institutions... Since 2010, CoST Malawi has published four assurance reports that have independently disclosed, validated and interpreted data from over 90 infrastructure projects from sectors including, roads, energy, water, health, education and housing. The reports have substantially increased the amount of information that Malawians have access to about how their taxes are spent by procuring entities. (...) To increase understanding of the reports, CoST Malawi engages with the media and citizen groups.”

When, a few years ago, the political climate became more favourable to anti-corruption efforts, CoST Malawi took advantage of the new situation. In 2014, the president appointed his deputy as CoST champion, a role that “focuses on promoting and institutionalising CoST across government”.

Furthermore, in 2015, a provision on corporate governance was incorporated into the National Construction Industry Council policy, and in 2017 “parliament passed a revised Public Procurement and Asset Disposal Act that provides a legal mandate to disclose data in the CoST Infrastructure Data Standard format” (CoST Malawi 2018).

Open government procurement, Uganda

In 2015, the Public Procurement and Disposal of Public Assets Authority (PPDPA) in Uganda launched the Government Procurement Portal (GPP) to publish public contracting information.

“The platform featured data on procurement plans, tender notices, winning bidders’ names, awards, contract status and suspended suppliers” (Open Government Partnership 2019b).

Although this was an important step in the right direction, several civil society stakeholders had concerns regarding the system, as many procuring entities did not publish their data, unique identifiers for processes as well as certain data were missing and the data formats were not user friendly.

Led by AFIC with the Uganda Contracts Monitoring Coalition (UCMC) and with the support of transparency advocates, civil society set out to assess the GPP against international best practices (most notably the OCDS). The coalition also provided suggestions as to how the GPP could be improved to allow for better monitoring and oversight by civil society.

The PPDPA agreed to redesign the portal to bring it into alignment with the OCDS. The Open Government Partnership (2019b) observes that now “PPDPA data shows 402 procuring entities are registered on the GPP, 202 of which disclosed procurement plans for the 2017/18 fiscal year, compared to 97 entities registered in 2015/16 before the redesign. Each contracting process has a unique identifier across the procurement cycle and data is in accessible and reusable formats”.

Additionally, AFIC adapted the [Budeshi](#) platform from Nigeria (see below) for Uganda, to provide an additional tool that is specifically designed to serve the needs of civil society and citizens. The data provided through the GPP is further adapted to provide visual and user-friendly information, and additional data received through freedom of information inquiries is added. Throughout the

process, AFIC and UCMC have cooperated closely with district governments to encourage more disclosure. In doing so, they “have seen that proactive disclosure and collaboration have improved among district governments where civil society monitors contracts and the PPDPA has trained procurement officers in using and uploading data to the portal” (Open Government Partnership 2019b).

Shortly after, three districts had signed MoUs with the AFIC to share their contracting information.

Following this, the AFIC “gathered more than three times as many contracts (98 contracts, 37 of which were accessed via the GPP, compared to 29 contracts in 2017, all accessed via freedom of information requests) and all five districts’ procurement plans (three via the GPP). The other two districts signed MoUs after the second monitoring period. After this improvement in data disclosure, PPDPA registered 43 additional procuring entities to the GPP and trained 86 officers from these entities on using the open contracting data portal” (Open Government Partnership 2019b).

Furthermore, the PPDPA and Ministry of Finance are currently in the process of amending the country’s procurement legislation to include open contracting, and the agency previously most prone to corruption, the Uganda National Roads Authority (UNRA), has begun publishing additional procurement information (Open Government Partnership 2019b)

Use of technological solutions

The spread of the internet, and associated technical solutions, has the potential to vastly facilitate increased transparency and accountability in public procurement, while also making it more cost-efficient. Disseminating information on both contracts and bids online through web portals also makes monitoring and oversight by civil society or the general public much easier. Online solutions also make it simpler

to report complaints or raise concerns and monitor whether these are followed up. Web solutions can also increase integrity by reducing human interaction and thus opportunities for bribery, and by increasing competition by allowing more bidders to participate.

Nonetheless, while online systems can help reduce corruption risks, implementing them is complex, and due care needs to be paid to their implementation, otherwise the benefits might not be as expected.

Transparency International (2014a: 28) notes that “unless duly tested and certified ready-to-use e-procurement products are adopted, implementation is likely to take many years and require a significant initial financial investment as well as training. It requires robust connectivity for internet access, computers and computer literacy. In addition, implementation may be fragmented, with procuring entities using different websites so that the transparency and data tracking functions cannot be fully realised”.

The need for broad internet access, computers and computer literacy might prove challenging, especially in developing countries, and especially at the local level. Moreover, in the absence of government-published data, online systems cannot be implemented by civil society on its own.

However, where some form of online procurement or access to information provisions exist, civil society can use the available tools to identify issues of corruption or mismanagement and use the information to enhance transparency and accountability (Basel Institute on Governance, 2015).

Where e-procurement systems do not exist, or exist but function inadequately, civil society can advocate for their implementation. Aside from the associated benefits in terms of increased transparency and accountability, e-procurement can also increase efficiency and thus save money,

which can be a “selling point” when advocating for its implementation with the public sector.

Budeshi, Nigeria

In Nigeria, the Public and Private Development Centre (PPDC) joined forces with data experts, media stakeholders, and academia to push for greater access of public procurement data and to use the available information to monitor how contracts are executed. To be able to display the information in an organised, accessible and easy-to-understand format, they created **Budeshi**, Africa’s first open contracting tool that links government budgeting data to procurement contract data (Open Contracting Partnership 2017).

The PPDC accesses the data by filing requests with the relevant authorities under Nigeria’s Freedom of Information Act. The often scattered data is then analysed, structured into a clear format, and put online on a project basis and displayed in a visual format. As of today, over 7,000 projects can be accessed [online](#).

To encourage authorities to be more forthcoming in the provision of contracting data, PPDC files complaints in court when needed. In addition, they also incentivise cooperation by praising agencies for good disclosure practices and ranking agencies against each other in an annual report; in 2016 some 131 agencies were ranked (Open Contracting Partnership 2017).

The tool aims to give citizens better access to information about public infrastructure projects and allows them to act as monitors, but it is also used as an advocacy tool with the public sector to advance open contracting. In 2016, President Muhammadu Buhari committed to enact open contracting reforms, and the government is now developing its own open contracting portal (Open Contracting Partnership 2017).

When evaluating the data for primary healthcare centres, the Open Contracting Partnership found

that on average “there was a 30% difference in the amount budgeted for a clinic and the amount spent (for contracts where reliable budget data was available). And the greater the difference between the budget for a clinic and its contract price, the less likely it was to be active. This suggests the huge disparities were a result of corruption or mismanagement, rather than savings gained through competitive tendering”.

While [Budeshi](#) is still relatively new and thus not widely known among citizens, its initial success has led to it being adopted in other African countries, such as Uganda, as mentioned above.

KONEPS, Republic of Korea

The Korea Online E-Procurement Service (KONEPS) was established in 2002. It provides a “single window to public procurement” and processes the “entire procurement procedures through sub-systems: e-bidding, e-contracting, e-ordering from online shopping mall and e-payment” (Ho In Kang 2012).

KONEPS increases transparency through real-time information disclosure. As “bidding results and contracts details (are) disclosed to the public online” it allows for peer review as well as a “bid evaluation based on objective, validated data” (Ho In Kang 2012).

KONEPS has often garnered praise as an international best practice in e-procurement, receiving the UN Public Services Award in 2003. The platform has since been replicated in other countries such as Pakistan, Sri Lanka and Vietnam (Basel Institute on Governance 2015; TI 2014b).

The Basel Institute of Governance (2015: 67) notes that “features of the system include the publication of all bidding notices for public institutions; financial management features that include a real-time money transfer mechanism; registration of users (purchasers and suppliers), with a database that is constantly evolving so as to

ensure that disqualified bidders cannot participate; and a corrupt activity analysis system, which includes a reward system for informants of corrupt practices and investigation of suspicious cases by the Fair Trading Committee”.

Other forms of citizen oversight

While integrity pacts, open contracting initiatives, and e-procurement are heavily reliant on active civil society participation to be successful, they are difficult to implement without a commitment from government. They include either contractual obligations for contracting public sector stakeholders (integrity pacts) or legally or otherwise agreed upon transparency standards that contracting public sector stakeholders commit to (open contracting initiatives) and/or need to be implemented from the public sector side (e-procurement).

These can be some of the most promising initiatives as they legally bind both public and private sector stakeholders to a set of standards and officially guarantee a monitoring function for civil society. However, that does not mean that in the absence of a strong political commitment nothing can be done. There have been promising cases of citizen oversight even in the absence of, or with very few, formally agreed upon procedures of government participation.

Community monitoring mechanisms, for example, can be established by civil society on its own. Undoubtedly, the impact depends on external factors, including political will and sanction enforcement.

Nonetheless, a Transparency International study (2012) found that “beyond anecdotal evidence of positive outcomes on detection/prosecution of corruption cases, such interventions have contributed in some cases in reducing corruption and leakages of funds as well as improving the quantity and quality of public services and strengthening the demand for longer term reforms”.

Community-based monitoring (CBM), Integrity Watch Afghanistan

Integrity Watch Afghanistan is conducting and encouraging community-based monitoring in infrastructure, education, the judiciary and the extractives industry.

Integrity Watch Afghanistan (2014) argues that community-based monitoring “empowers communities to monitor infrastructure projects that are implemented in their area. The aim [...] is to empower citizens in holding authorities and aid entities accountable and to create active and responsible citizenship by decreasing the gap between the state, aid actors and the civil society”.

The programme was launched in 2007 and, as of 2019, 1,160 infrastructure projects have been monitored by 2,200 volunteers in 10 different provinces across the country. Volunteers are selected by their peer from within the community and are subsequently supported and trained by Integrity Watch Afghanistan. Volunteers collect information on the projects by requesting documentation from government officials and the contracting company, through site visits and by surveying members of the targeted community.

In case of concerns, the volunteer and Integrity Watch Afghanistan will firstly aim to solve these with the contractor. If this is unsuccessful, identified issues are presented to the relevant sectoral monitoring group, which are established in each province and are “composed of government officials from line ministries, the provincial governor’s office, provincial council members, donors, contractors, and community representatives” (Integrity Watch Afghanistan 2014).

Issues that cannot be solved at the provincial level are taken to the national level by Integrity Watch Afghanistan’s advocacy and communication department.

After the success of using community monitoring in the infrastructure sector, the approach was

expanded to cover the extractives industries (in 2011) and schools (in 2014), a community monitoring approach for judicial trials is currently being rolled out.

Concerned Citizens of Abra for Good Governance (CCAGG), Philippines

CCAGG is working in the Abra region of the Philippines to increase local citizen oversight in government spending, particularly in the fields of medicine, education and infrastructure.

Their monitoring of public infrastructure works commenced when the Ministry of Public Works and Highways (MPWH) publicly declared 27 infrastructure projects in the Abra province to have been completed, which was strongly disputed by CCAGG.

United Nations Public Administration Network (undated) reports that “to make a strong case against the agency, the members of CCAGG developed detailed documentation of the actual state of projects that had been declared as completed – but in fact were only just beginning or were mid-way through the construction stage – including affidavits composed by residents of project areas and photographs of the project sites. CCAGG submitted these findings to the national government and demanded that the Department of Public Works be investigated”.

An official government audit confirmed CCAGG’s findings and, after repeated advocacy by CCAGG, corruption charges were brought against several public officials. “Further, as a result of this case, the regional director of the MPWH issued a directive requiring that projects in Abra province be funded only after they had obtained clearances from CCAGG” (United Nations Public Administration Network, undated).

CCAGG subsequently produced a [monitoring manual](#) to assist grassroots organisations in assessing infrastructure projects to be used in

Abra as well as with partners in the region of Northern Luzon.

In addition to infrastructure monitoring, CCAGG is also active in [an initiative](#) aimed at using citizens as school-based volunteers in monitoring a Department of Education computerisation programme.

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