ANTI-CORRUPTION HELPDESK
PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

TRANSPARENCY INTERNATIONAL
the global coalition against corruption

HELPDESK ANSWERS 2017

The Helpdesk is a knowledge base that offers the Transparency International network and selected stakeholders on-demand research on corruption within a guaranteed timeframe. Answers typically consist of a ten- to fourteen-page brief synthesising the state of knowledge on a particular topic.

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CONTENT

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ANTI-CORRUPTION LAWS

Best legal practices against corruption in fragile states
Question submitted by U4, May 2017
Available on request to tihelpdesk@transparency.org

This Helpdesk Answer identifies some common traits of "good" anti-corruption laws, looking at the recommendations found in the academic and policy literature and in the content of the United Nations Convention against Corruption (UNCAC). The Answer explores general principles that need to be observed, such as aligning these laws to human rights standards, making sure they are not excessively repressive, and the inclusion of special provisions against illicit enrichment and other practices. It also looks at other legal ways to help fight against corruption that go beyond the single criminalisation of certain offences. Finally, the fourth section identifies specific best practices for fragile states and highly corrupt environments.

Deferred prosecution agreements, plea bargaining, immunity programmes and corruption
Question submitted by TI Brazil, July 2017
https://knowledgehub.transparency.org/helpdesk/deferred-prosecution-agreements-plea-bargaining-immunity-programmes-and-corruption

This brief explores the advantages and disadvantages of a number of legal tools commonly employed in cases related to the prosecution of corruption, including deferred prosecution agreements, immunity programmes and plea bargains. Where possible, the authors have included country examples to illustrate the use of these tools, as well as best practices found in the literature.

Defining lobbyists and regulating lobbying in Europe
Question submitted by TI Lithuania, January 2017
https://knowledgehub.transparency.org/helpdesk/defining-lobbyists-and-regulating-lobbying-in-europe

Several European countries have begun to introduce measures to address the integrity risks inherent in lobbyists' unrestricted access to public officials. One of the main mechanisms to regulate the lobbying industry is the introduction of mandatory registers for lobbyists. Arguing that the reporting requirement would be excessively onerous, some interest groups are attempting to seek exemptions, portraying their activities as advocacy, public affairs or interest representation, rather than lobbying. This query considers two types of organisations which may argue for exemption – non-governmental organisations (NGOs) and business associations – making the case for their inclusion in comprehensive regulatory regimes and considering country examples to identify best practices. An overview of current practice in Europe finds that most definitions of lobbyist tend to be confined to consultant lobbyists, rather than covering all those who attempt to influence public policy, as is the case in North America.

Income and asset declarations for NGOs
Question submitted by EU, May 2017
https://knowledgehub.transparency.org/helpdesk/income-and-asset-declarations-for-ngos

This Expert Answer covers the use of income and asset declaration (IAD) regimes for NGOs and discusses whether this system is suitable for the sector. After giving a brief overview of the role of civil society in a democratic state, the Answer covers the ways in which the space for civil society around the world has been threatened over the past two decades, including, for example, the restriction of foreign funding for civil society organisations (CSOs). This is the context in which the discussion on whether IAD systems – originally designed for the public sector – are an appropriate tool to increase transparency and accountability among CSOs, based on the principles of democracy and the existing accountability

relationships of civil society and other actors. The final section of this Answer provides an overview of different mechanisms to increase the levels of transparency in NGOs.

Overview of conflict of interest and related offences
Question submitted by EU, February 2017
https://knowledgehub.transparency.org/helpdesk/overview-of-conflict-of-interest-and-related-offences

Conflicts of interest in the public sector refer to situations in which decision makers are required to decide between a public and a personal interest. International best practice on conflict of interest (i) requires decision makers to disclose any such conflict of interest, (ii) includes mechanisms to manage conflicts of interest, and (iii) specifies penalties for non-disclosure. Conflict of interest is seen as an administrative offence in many countries. As such, rules put in place for conflict of interest generally require lower standards of proof, and sanctions for non-compliance are likely to be less severe than penalties for related criminal offences. Nevertheless, oversight mechanisms for conflict of interest rules are frequently weak, undermining the effectiveness of conflict of interest provisions. Related offences, such as abuse of power, trade in influence and embezzlement, tend to be more commonly found in criminal law regimes, have a higher burden of proof and are often subject to much stricter sanctions. However, anecdotal evidence suggests that law enforcement often sees conflict of interest as an indicator of or precursor to more serious offences.

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ANTI-CORRUPTION INSTITUTIONS

Overview of countries' supreme audit institutions with surcharging powers
Question submitted by TI Sri Lanka, August 2017
https://knowledgehub.transparency.org/helpdesk/overview-of-countries-supreme-audit-institutions-with-surcharging-powers

Many supreme audit institutions (SAIs) rely on external accountability mechanisms to enforce the outcomes of their audit findings. However, some SAIs have the power to disallow public expenditures where they are deemed to be unauthorised or unlawful due to negligence or misconduct, and require such amounts to be refunded by those responsible. This is known as the power of surcharge. This paper provides a brief overview of 10 jurisdictions with some form of surcharging power granted to its SAI.

The role of external auditing in fraud and corruption
Question submitted by TI Venezuela, May 2017
https://knowledgehub.transparency.org/helpdesk/the-role-of-external-auditing-in-fraud-and-corruption

There is broad consensus that accountants have a key role to play in detecting, preventing and deterring corruption. The role of accountants in covering fraud and corruption is less documented in the literature beyond anecdotal evidence of auditors being instrumental in falsifying records and misrepresenting financial statements to disguise their clients' illicit activities. The auditing profession is particularly vulnerable to such corruption challenges due to the nature of the relationship that auditors maintain with their clients, which can lead to conflicts of interest and undermine their independence and impartiality in auditing their clients' accounts. The recent Luxembourg leaks and Panama Papers scandals have also revealed the dubious role that accountants can play in facilitating money laundering and tax evasion schemes through the use of offshore financial centres.

What works in working with parliaments against corruption?
Question submitted by U4, June 2016
https://knowledgehub.transparency.org/helpdesk/what-works-in-working-with-parliaments-against-corruption

As part of their legislative, oversight and representation functions, parliaments have a key role to play in the fight against corruption, as the institution holding government accountable to citizens. As they

represent the people, MPs also need to be exemplary in performing their duties, to embody the ethical values of their community and to adhere to the highest standards of integrity. Many actors are involved in parliamentary strengthening programmes, which typically involve support for institutional reform and development, skill transfer and capacity building, human support services and support to peer networks of parliamentarians. One of the most important lessons that emerges from the literature is that, due to their inherently political nature, parliament strengthening interventions need to be neutral, country specific, based on a solid understanding of the political economy and informed by local needs assessments.

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UNDERSTANDING CORRUPTION

Building on social movements to achieve systemic change
Question submitted by TI Peru, May 2017
https://knowledgehub.transparency.org/helpdesk/building-on-social-movements-to-achieve-systemic-change

There is some evidence that CSOs promoting good governance reforms are a necessary condition to translate anti-corruption campaigns and protests into sustainable reforms. In countries as diverse as Georgia, Brazil, India and Romania, organised civil society groups have been able to capitalise on spontaneous, visceral outpourings of citizen anger at high-profile corruption scandals as well as on more coherent social movements to achieve systemic change. This has been made possible by providing strategic leadership, direction and a sense of purpose to such movements. As such, harnessing popular social movements and joining forces in loose coalitions could be viewed as a viable strategy for CSOs seeking to achieve lasting change in the fight against corruption. A few lessons can be drawn from these examples, such as developing a sound understanding of the local corruption context to be able to deploy appropriate tactics, harnessing the power of the media, building awareness and channelling the negative "outrage" into positive "hope".

Correlation between corruption and inequality
Question submitted by U4, September 2017
https://knowledgehub.transparency.org/helpdesk/correlation-between-corruption-and-inequality

Despite a large consensus on the negative effect of corruption on economic growth, some studies have argued that, in certain societies, especially those with inefficient bureaucracies and institutions, corruption might facilitate economic activity. A significant body of literature regarding income distribution and contemporary forms of increasing inequality in stable economies has provided evidence that economic growth does not necessarily bring equality. While corruption is not explicitly considered responsible for growing inequality, several authors point to questionable practices derived from the capture of the government by elites to protect their interests. Several studies highlight the potential of corruption to increase inequality by affecting income distribution, the use of aid flows and decision making in public expenditure. Inequality might also help to promote corrupt behaviour by elite capture of political processes or unintentionally through the vulnerability of the poorer classes to engage in clientelistic relationships or to be asked for bribes.

Corruption risks in research funding
Question submitted by U4, November 2017
Publication forthcoming

Funding research organisations in low-income countries can have a significant positive effect on the economic and political development of these countries. However, donors considering providing financial support to such organisations will need to consider both background integrity issues, such as the potential for conflict of interest or undue influence over research processes, as well as particular vulnerabilities to forms of corruption, such as fraud and embezzlement. The literature identifies potential mitigation

strategies to counter the risk of corruption in research, such as codes of conduct, accountability and transparency mechanisms, and the implementation of risk management systems.

Corruption risks in core vs project funding
Question submitted by U4, November 2017
Available on request to tihelpdesk@transparency.org

For countries and organisations, there are many expected benefits of providing unrestricted funding instead of project funding in terms of reducing transaction costs, increasing the predictability of funding, promoting greater ownership of programmes and a greater focus/alignment of support on the organisation rather than donor priorities. It is usually assumed that such aid modality is more vulnerable to corruption risks than project funding, especially in countries with weak governance and public finance management systems. However, in practice, there is little evidence on how governance and corruption affect the impact and effectiveness of different aid modalities. A number of risk mitigation strategies can be envisaged to manage corruption risks when providing unrestricted funding to organisations, with measures aimed at i) identifying corruption risks; ii) reducing opportunities for corruption; iii) detecting and investigating corruption cases; and iv) responding adequately to cases of corruption with adequate sanctions.

Harmful rents, rent-seeking and corruption
Question submitted by U4, December 2017
Publication forthcoming

Corruption and rent-seeking are often used interchangeably, as corruption is frequently considered as one form of rent-seeking. However, rent-seeking does not always involve corruption and vice versa. The relationship between corruption and rent-seeking depends on two main aspects: if there is personal gain by public officials from the rent-seeking activity, and if there is transfer of income or unproductive use of resources. Similarly, harmful rents do not always involve corruption. Rent-seeking has been predominantly analysed from an economic perspective according to its impact on efficiency and economic growth. The classification of rents as "harmful" or "not harmful" depends less on the characteristics of the different types of rents than on the conditions and incentives that make them have a positive or negative impact on the economy. The reflection on rents has evolved from a neoclassical economic approach of rents framed in an ideal competitive market to more realistic perspectives incorporating political elements influencing rents and rent-seeking, such as institutional frameworks and power structures. The literature identifies certain conditions that influence the outcome of rent-seeking as either positive or negative, including the state-market relationship, the influence of institutions and the social order, rent-seeking competition, collective action dynamics and the agency in pursuing rent-seeking.

The impact of corruption on access to safe water and sanitation for people living in poverty
Question submitted by U4, July 2017
https://knowledgehub.transparency.org/helpdesk/the-impact-of-corruption-on-access-to-safe-water-and-sanitation-for-people-living-in-poverty

Corruption in the water and sanitation services sector generates "water poverty" by reducing the quality and availability of services, with massively disproportionate and adverse effects on the poor and marginalised. Corruption contributes to the failure to enforce laws meant to protect water sources from encroachment and pollution, produces discriminatory outcomes in water flows and irrigation patterns in favour of the powerful, leads to poor quality water infrastructure and fatally undermines fair and affordable access to water and sanitation. It consequentially exacerbates the already precarious lives and livelihoods of the poor – especially where these are related to other vulnerabilities such as gender, age or ethnicity – and reduces their ability to escape poverty. While measuring this "poverty impact" has proved more challenging, the literature lends some impression of the effect of corruption on the poor, particularly in terms of financial and health-related impact. Measures to reduce corruption in this sector range from scaling up diagnostic efforts, promoting fair competition in procurement, strengthening monitoring and

oversight from above and below, and promoting participation in water governance by the poorest and most marginalised in society.

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ANTI-CORRUPTION TOOLS AND APPROACHES

Anti-corruption and transparency provisions in trade agreements
Question submitted by TI UK, February 2017
https://knowledgehub.transparency.org/helpdesk/anti-corruption-and-transparency-provisions-in-trade-agreements

The global trade system overseen by the World Trade Organization (WTO) regime has limited purview over so-called "deep provisions" in trade agreements, such as governance issues. In the absence of measures at WTO level to improve transparency and reduce bribery in international trade, the US has pioneered the approach of embedding anti-corruption and transparency provisions into its bilateral trade agreements over the last 15 years. There is now some consensus around best practice anti-corruption and transparency provisions for inclusion in trade deals, such as explicit references to international anti-corruption conventions, commitments to criminalise active and passive bribery, non-criminal sanctions for firms where they are not subject to criminal liability and whistleblower protection. Nonetheless, the effectiveness of such anti-corruption provisions remains open to question, especially in regional trade agreements lacking an established mechanism, whereby implementation and enforcement relies on robust measures being taken at the national level, with limited influence for external players.

Ant-corruption task forces and specialised anti-corruption authorities
Question submitted by TI Bahamas, June 2017
Available on request to tihelpdesk@transparency.org

A task force is usually created to accomplish its task or make recommendations within a given period of time. Task forces have a set of specific objectives. They are assigned pressing, complex and critical functions where other regular authorities may have tried and failed. Despite the fact that anti-corruption task forces may be deployed in exceptional situations, these initiatives usually lack the solidity, certainty, efficiency and striking capability that only a more stable agency can have. International instruments, principles and recommendations suggest, inter alia, the creation of stable, specialised, well-funded and properly mandated anti-corruption authorities. This type of body can deliver different services, such as policy development and research, prevention and/or investigation of corruption, and awareness-raising. In establishing such agencies, the main concerns and challenges are related to the type of institutional arrangement, the mandated functions, the level of independence and resources allocated, the political will and support, as well as the monitoring of the implementation of an anti-corruption strategy.

Best practices in preventing the abuse of state resources during elections
Question submitted by TI Serbia, May 2017
https://knowledgehub.transparency.org/helpdesk/best-practice-on-preventing-the-abuse-of-public-resources

The abuse of state resources should be understood broadly and can encompass any use of publicly-owned resources that affects the operation of political parties or electoral campaigns in a way that favours one party or candidate at the expense of other contestants. As such, the abuse of state resources ranges from the use of government-owned infrastructure for electoral advantage to the manipulation of state-owned media and electoral laws. The abuse of state resources can take place during non-election periods as well. Since the issue of abuse of state resources goes beyond elections, it is important to note that election laws and/or campaign finance regulations alone will not be enough to effectively prevent the abuse of state resources for political gain. There needs to be a comprehensive approach to the issue through the creation of a robust overall legal framework that sets rules for the general conduct of public officials, effective management of public finances and an impartial public sector.

Best practices in tax amnesty and asset repatriation programmes
Question submitted by TI Brazil, August 2017
https://knowledgehub.transparency.org/helpdesk/best-practices-in-tax-amnesty-and-asset-repatriation-programmes

Tax amnesty and asset repatriation programmes have a long history. International experience shows that amnesty can lead to windfall revenue gains, which are particularly desirable in times of recession or financial crisis when revenues are under pressure and expenditures are growing quickly. Successful tax amnesties and asset repatriation programmes, however, are the exception rather than the norm as, over time, net revenue collection and compliance may be negatively affected by amnesties. Drawing upon the past experience of countries, this report identifies best practices in implementing a tax amnesty and asset repatriation programme. A successful programme needs to be specific in its aims and terms and all relevant competent authorities must be adequately skilled not just to handle tax cases professionally and expeditiously, but also to mitigate money laundering risks.

Financial incentives for whistleblowers
Question submitted by TI Brazil, April 2017
https://knowledgehub.transparency.org/helpdesk/financial-incentives-for-whistleblowers

Several countries, such as the US, Canada and South Korea, have introduced whistleblower reward programmes that aim to increase the quantity of disclosures about cases of corruption, fraud, misconduct and other illegal activities. These mechanisms award informants with a payment if their information leads to successful prosecution or recovery of funds. Some analysts suggest that these programmes are successful as they incentivise individuals or groups to come forward with information. However, alternative research suggests that they could create potentially negative effects, such as a rise in false reports. This Helpdesk Answer provides an overview of reward programmes and examples of countries which have enacted such legislation.

Good practices in preventing corruption in planning and zoning at the local level
Question submitted by TI Ireland, September 2017
https://knowledgehub.transparency.org/helpdesk/good-practices-in-preventing-corruption-in-planing-and-zoning-at-the-local-level

Corruption, and bribery in particular, is widely reported in the land-use market and construction industry, both of which are, in theory at least, subject to local authorities' planning and zoning schemes. As such, the planning and zoning process is acutely vulnerable to corrupt behaviour. Planning and zoning decision makers are required to carefully balance competing interests and are often afforded a level of discretion in their decisions. In light of rising land values and an often discretionary, complex and opaque process, it is acknowledged that the planning system can incentivise corruption. Although there is a paucity of research into best practices in preventing corruption in planning and zoning at the local level, this paper identifies some best practices from research in the land-use sector and construction industry.

Influencing governments on anti-corruption using non-aid means
Question submitted by U4, September 2017
Publication forthcoming

In recent years, the international community has moved beyond classical tools, such as aid conditionality, to include positive and negative measures across different policy areas, including trade, security, climate, energy and foreign policy. These tools typically take the form of economic sanctions or benefits applied to these policy areas to incentivise the desired policy change. These approaches are increasingly targeted at selected sectors or high-profile individuals instead of country-based programmes to avoid causing collateral damage to ordinary citizens. Due to the transnational nature of corruption, donor countries can also lead by example by ensuring that strong domestic anti-corruption safeguards and policies are in place, combatting money laundering, closing the legal loopholes that facilitate tax evasion and illicit financial flows from developing countries, and facilitating the recovery and repatriation of assets lost due to corruption.

International instruments and mechanisms, such as the Extractive Industries Transparency Initiative (EITI) and the Open Government Partnership (OGP), can also be used. In a global, interdependent world, reputation can also be a powerful incentive for anti-corruption through the publication of country rankings according to their performance in anti-corruption or through international shaming campaigns.

International support to anti-money laundering and asset recovery: success stories
Question submitted by U4, March 2017
https://knowledgehub.transparency.org/helpdesk/international-support-to-anti-money-laundering-and-asset-recovery-success-stories

There are few documented "success stories" in anti–money laundering (AML) and asset recovery in the literature. Some progress has been achieved in AML in the last two decades, with many countries adopting AML regimes and complying with the Financial Action Task Force (FATF) recommendations. In spite of this progress, implementation and enforcement of AML standards remain low. The recovery process of stolen assets is complex and characterised by decade-long international legal processes with limited return compared to the estimated US$20-40 billion that are stolen annually from developing countries. There are few recent examples of successful asset recovery cases, apart from the four well documented asset recovery processes in Nigeria, Peru, the Philippines and Kazakhstan. There is, therefore, little evidence of the impact recovered assets and AML have on poverty alleviation, and there are no mechanisms in place to systematically track this impact.

Models of donor coordination for managing multi-donor inputs to tackle money laundering and illicit financial flows
Question submitted by U4, September 2017
https://knowledgehub.transparency.org/helpdesk/models-of-donor-coordination-for-managing-multi-donor-inputs

Although experts have been calling for greater coordination between donors on anti-corruption work for over two decades, progress has been slow and considerable structural constraints remain. These barriers range from the prosaic – development agencies' differing reporting and funding cycles – to the pathological – instinctive bureaucratic competition. This query surveys various modalities of donor coordination, grouped into three broad categories: funding, information sharing and international engagement. It then considers which forms of donor coordination lend themselves to initiatives designed to tackle sophisticated forms of corruption, such as money laundering and illicit financial flows. A review of the available literature suggests that coordination structures, such as multi-donor trust funds, may facilitate joint approaches in recipient countries, while information-sharing vehicles, such as the OECD's Anti-Corruption Task Team, could foster high-level dialogue without fixating on the harmonisation of donors' policies and procedures.

Oversight mechanisms of parliamentary budgets in Europe
Question submitted by TI France, March 2017
https://knowledgehub.transparency.org/helpdesk/overview-of-oversight-mechanisms-of-parliamentary-budgets-in-europe

Parliaments are exposed to a wide variety of corruption risks, unethical conduct and abuse by their members, as reflected by scandals involving fictitious employment, misuse of allowances and expenses, embezzlement, conflicts of interest or fiscal fraud. In line with the principle of separation of powers, ethical regulation of parliaments is usually implemented through self-regulation or semi-external regulation, involving an independent commissioner working together with a parliamentary committee instead of being controlled by another body. There is relatively limited literature available on transparency and oversight of parliamentary budgets, expenditures and members. Based on case studies from the UK, USA, Sweden, Finland, Norway, Germany and the European Parliament, this Helpdesk Answer provides examples of how European parliaments regulate and control their budgets, and the budget and expenditure of individual MPs.

Overview of national approaches to anti-corruption packages
Question submitted by TI Brazil, April 2017
https://knowledgehub.transparency.org/helpdesk/overview-of-national-approaches-to-anti-corruption-packages

Several recent examples exist of countries deciding to address corruption through a comprehensive anti-corruption package. Such reform packages have been passed, or attempts have been made to pass these packages, in Mexico, Ukraine, Greece, Iraq and the EU. They were all comprehensive in nature and addressed a range of levels of governance. While dependent on the country context, these reform packages typically address several aspects of national governance, including civil society space, transparency in public finances, economic policy, the civil service, financial controls, judicial independence and institutional mandates. Implementing such a wide package of reforms successfully requires several factors to be in place. This includes political leadership and strong political will for the reforms, supportive coalitions of actors driving the process forward, and a data-driven approach to understand how corruption is occurring and consequently where reform is needed.

The potential role of EITI in fighting corruption and IFFs
Question submitted by the U4, January 2017
https://knowledgehub.transparency.org/helpdesk/the-potential-role-of-eiti-in-fighting-corruption-and-iffs

This Helpdesk Answer focuses on the potential of the data contained in EITI reports to help improve governance and fight corruption. The first section explains why extractive industries are especially prone to illicit financial flows (IFFs). The second section explains the main mechanisms through which EITI aims to contribute to fighting corruption and improving governance. This section also explains the most important changes made to the EITI standard in 2016. The third section looks at ways in which EITI report data has been used, but also points out its current shortcomings. The final section gives a short overview of the legal barriers for EITI implementation.

What works in working with civil society against corruption?
Question submitted by U4, June 2017
Available on request to tihelpdesk@transparency.org

Over the last two decades, the idea that citizen engagement and participation can contribute to improved governance and development outcomes has been mainstreamed in development policy and discourse. Yet despite the normative beliefs that underpin this approach, the impact of participation on improved democratic and developmental outcomes has proved difficult to assess. This Expert Answer provides a review of the strategies used by civil society to fight against corruption and promote good governance. It also summarises the evidence of the effectiveness of such strategies and provides recommendations for donors and governments to engage with CSOs in the fight against corruption

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SECTOR SPECIFIC INFORMATION

Anti-corruption and transparency in global banks
Question submitted by TI Chile, June 2017
https://knowledgehub.transparency.org/helpdesk/anti-corruption-and-transparency-in-global-banks

The corruption risks affecting banks can be categorised into two main areas: customer-related risks – for example, customers who seek to launder the proceeds of corruption through a bank – and the direct risks stemming from the interaction between banks and public officials, such as lobbying activity. Guidance for banks on how to address these risks is commonly separated into distinct areas of anti–money laundering and anti-bribery and corruption. However, the two subjects share a common basis, which encompasses standards in governance, risk assessment, internal controls, awareness and training, investigation and reporting and monitoring and review. This Helpdesk Answer outlines best practice guidance in these areas,

which together constitute a comprehensive set of standards for combatting the full spectrum of corruption risks to which banks are exposed.

Judicial clemency and corruption
Question submitted by TI Brazil, September 2017
https://knowledgehub.transparency.org/helpdesk/judicial-clemency-and-corruption

Judicial clemency is an essential part of many judicial systems around the world, aimed to provide an executive check on judicial power, mitigate harsh sentences and correct systemic issues in judicial sentencing. Nevertheless, there are major integrity and corruption challenges associated with judicial clemency, ranging from risks of fuelling impunity, state capture and human rights abuses. There are examples of abuses by governments worldwide of clemency powers in corruption-related crimes. Regardless of the risks, many states have undertaken reforms and introduced restrictions on the way clemency powers are considered and implemented, and which crimes are eligible for clemency and which are not.

Procedural reforms in the judiciary to fight impunity
Question submitted by TI Brazil, April 2017
https://knowledgehub.transparency.org/helpdesk/procedural-reforms-in-the-judiciary-to-fight-impunity

Efforts to delay or otherwise complicate proceedings in high profile political corruption trials are a key contributor to impunity for corruption. Such efforts are often facilitated by procedural weaknesses that can provide opportunities for delay in the enforcement of judgements, including complex rules, broad discretion, excessive opportunities for appeals and inadequate access to information. Key approaches to address those include specialisation of courts and judges, improving case management systems, introducing simplified procedures, imposing strict timelines for different types of cases, simplifying the appeals process, imposing sanctions for unnecessary delays or frivolous appeals, monitoring caseload assignment processes, decision-making timeframes and the reasons for delays. A number of backlog reduction programmes, which incorporate many of the above elements, have been introduced in judiciaries around the world (for example, in Kenya, Indonesia, Malaysia and the Philippines).

The role of HR management in the fight against corruption in the private sector
Question submitted by TI Brazil, April 2017
https://knowledgehub.transparency.org/helpdesk/the-role-of-hr-management-in-the-fight-against-corruption-in-the-private-sector

Human resource (HR) management is often left out of the formal ethics programmes that manage ethics through codes of ethics, memos or internal policies. Yet, HR has a key role to play in promoting business ethics and ensuring that such programmes are not just window-dressing exercises aimed at improving the company's external image. As HR practices affect the daily life of employees and influence many key systems and processes that underpin business operations, HR provides many entry points for promoting the anti-corruption agenda and fostering an ethical organisational culture, including sensitive HR processes such as recruitment, training, performance appraisals, reward, and compensations and reporting. Such an approach is likely to improve the effectiveness of the overall ethics programmes and ensure that the company's anti-corruption commitment is fully integrated in day-to-day organisational practices.

Transparency and governance on natural resources: a literature review
Question submitted by U4, March 2017
Available on request to tihelpdesk@transparency.org

While natural resource wealth can potentially contribute to development outcomes, many resource-rich countries are plagued with unsustainability, conflicts, dysfunctional institutions, poor governance, corruption and weak economic performance. Transparency of natural resource management, through

initiatives such as the EITI, has been promoted as a means to increase accountability and address this "resource curse". While progress has been made in terms of revenue and contract transparency, the impact of such approaches on increased accountability remain largely unknown. Without strong regulatory frameworks and competent institutions, transparency alone is unlikely to achieve sustainable development outcomes. Flexible, collaborative and adaptive management practices anchored in a solid understanding of the political economy is also needed to adapt to the changing circumstances of the local context. Sound and sustainable fiscal regimes are also key to translate resource wealth into sustainable development outcomes.

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COUNTRY-SPECIFIC INFORMATION

Azerbaijan: Overview of corruption and anti-corruption
September 2017
https://knowledgehub.transparency.org/helpdesk/azerbaijan-overview-of-corruption-and-anti-corruption

As with many authoritarian regimes, Azerbaijan is characterised by the large concentration of power in the hands of the ruling elite, which blurs the line between business and politics. The ruling family has extended its reach into virtually all lucrative sectors of the economy, and patronage networks permeate all spheres of public life and hamper the long-term economic and social development prospects of the country. Oil and gas revenues sustained the regime for many years, contributed to impressive levels of economic growth, expanded the government's room for manoeuvre in both foreign and domestic policy and helped preserve stability in the country. The revenues allowed the government to stage prestige events, such as the Eurovision Song Contest and the European Games, Formula 1 and the Islamic Solidarity Games, and to carry out large-scale construction projects. As the hydrocarbon revenues level off and are set to decline, the space for dissenting views in politics is also closing rapidly: harassment, intimidation and unjustified arrests have become commonplace among members of opposition parties, the media and civil society.

Georgia: Overview of the implementation of the anti-corruption framework
Question submitted by U4, January 2017
Available on request to tihelpdesk@transparency.org

Georgia is often regarded as one of the clearest anti-corruption successes of the past 25 years. Ambitious reforms have dramatically reduced petty corruption and the legal anti-corruption framework is generally regarded as comprehensive. Diverse assessments of the content of the law have concluded that, while the legal framework is strong, enforcement is still lacking in some areas. This Expert Answer provides an overview of the enforcement of the main anti-corruption laws in the country.

Guinea-Bissau: Overview of corruption and anti-corruption
Question submitted by EU, April 2017
https://knowledgehub.transparency.org/helpdesk/guinea-bissau-overview-of-corruption-and-anti-corruption

Guinea-Bissau, one of the poorest countries on earth, is characterised by a long history of political instability since the country's independence. Following the 2012 coup, the 2014 elections were seen as an end to this pattern of crises. However, President Vaz's decision to sack Prime Minister Pereira in 2015 plunged the country into deadlock yet again. Corruption, government opacity, and a lack of public accountability are major problems in Guinea-Bissau, problems compounded by the country's position as a major African hub for drug trafficking. Organised criminal networks involved in illicit trade are widely believed to have permeated all levels of the state apparatus. The country's legal and institutional anti-corruption frameworks remain inadequate, and despite some attempts at reform, anti-corruption efforts rarely go beyond lip service.

Mali: Overview of corruption and anti-corruption
Question submitted by U4, October 2017
Publication forthcoming

The recent political instability in Mali, which culminated in 2013 with the loss of two-thirds of state territory to a regional uprising and Islamist groups, has exposed long-term structural weaknesses in state governance. The clientelist foundation to Malian politics and employment of state resources to sustain patronage networks gave a false sense of stability despite long-term commitment to a democratic system. The forms of corruption evident in Mali are closely associated with its on-going political and security problems, in particular, the operations of organised crime and terrorist groups on its territory. There is limited evidence of progress on anti-corruption. While an improved legal framework has recently been put into place, Mali has been slow to establish and operationalise formal anti-corruption institutions. This is notwithstanding positive work undertaken by the auditor general's office and the potential created by the relative openness of the climate for civil society organisations and the media.

Malta: Overview of corruption and anti-corruption
Question submitted by TI Netherlands, February 2017
https://knowledgehub.transparency.org/helpdesk/malta-overview-of-corruption-and-anti-corruption

Malta's strategic geo-political location, along with its stable economy and skilled workforce has enabled it to establish itself as a successful financial centre. However, patronage and clientelism in the form of "korruzjoni" and "klientelizmu" persist. Despite having substantial legal mechanisms in place, Malta has been rocked with a number of corruption scandals in the recent years, which has "tarnished" its incumbent presidency of the Council of Europe. Notable integrity challenges include procurement irregularities, unresolved conflicts of interest among serving government ministers, and the revolving door between the island state's close-knit political and business class. Malta is also the only country in the European Union to have an incumbent minister named in the Panama Papers revelations in 2016.

Moldova: Overview of corruption and anti-corruption
Question submitted by U4, September 2017
Publication forthcoming.

The Republic of Moldova's troubled transition to democracy and a market economy has been accompanied by political tension between pro-Western and pro-Russian factions, as well as a dependency on remittances. All this has created a conducive environment for corrupt practices to thrive. Surveys and anecdotal evidence suggest that corruption in the country appears to be becoming more engrained in politics and society, affecting the quality of life for ordinary Moldovans. In particular, the consolidation of an oligarchic elite's position at the reins of the state apparatus is seen to have fuelled corruption in politics, business and public administration. While substantive legislative reforms have been undertaken, serious political commitment to their implementation is required to tackle the endemic forms of corruption that exist in various sectors – including healthcare, procurement, judiciary and law enforcement. This paper also considers the role of external partners in Moldova's anti-corruption efforts.

Mozambique: Overview of corruption and anti-corruption
Question submitted by U4, February 2017
https://knowledgehub.transparency.org/helpdesk/mozambique-overview-of-corruption-and-anti-corruption1

Until a few years ago, Mozambique was touted as one of sub-Saharan Africa's leading success stories, with consistently high year-on-year GDP growth. In 2016, however, the country was hit by a "perfect storm" of unfavourable fluctuations in exchange rates, runaway inflation and a growing inability to service its debt burden. Alongside enduring political instability between two rival parties, corruption is a major underlying cause of the country's malaise, and has been recently estimated to have cost the country nearly US$5 billion between 2002 and 2014. Blighted by endemic corruption, Mozambique presents a textbook case of a country whose legal and institutional framework has been brought into line with international good

practice, but whose good governance window dressing is unable to compensate for blatant abuses of power.

Niger: Overview of corruption and anti-corruption
Question submitted by U4, February 2017
https://knowledgehub.transparency.org/helpdesk/niger-overview-of-corruption-and-anti-corruption

In a context of political instability and weak institutions, most international governance indicators point to systemic levels of corruption permeating all levels of society in Niger. However, in practice, firms and citizens report significant less experience of corruption than other countries in the region. Corruption takes many forms, ranging from petty and bureaucratic corruption to grand and political corruption. Lack of training and resources, and petty corruption affecting the police and security forces are important areas of concerns, undermining domestic stability in a context of volatile security. The Issoufou government is largely credited to be committed to addressing widespread corruption challenges as a priority. New anti-corruption institutions have been set up, a dedicated telephone hotline has been created to report allegations of corruption, and the 2010 constitution provides for the declaration of personal assets by government officials and greater transparency in natural resource management. However, the credibility of this commitment has been questioned recently.

Solomon Islands: Overview of corruption and anti-corruption
Question submitted by U4, February 2017
https://knowledgehub.transparency.org/helpdesk/solomon-islands-overview-of-corruption-and-anti-corruption

As a developing small island state recovering from a period of political instability and civil unrest, the Solomon Islands face a number of corruption challenges fuelled by the size of the country and its geographic features, along with low state penetration, weak central institutions and specific governance challenges associated with the management of natural resources. Corruption manifest itself in a variety of forms, ranging from petty corruption, embezzlement, grand and political corruption to various forms of nepotism and patronage networks. Corrupt practices in the management of natural resources are specific areas of concern, given the current prospects of transitioning from a logging to a minerals-based economy in the coming years, with the country insufficiently prepared for this transition. The government has recognised the corruption challenges facing the country and the management of national resources, and is committed to address them with the development of an anti-corruption strategy, a freedom of information policy, the enactment of an anti-corruption bill and a whistleblower protection bill as a precursor to a right to information bill, as well as reform to strengthen existing anti-corruption legislation and institutions.

Somalia: Overview of corruption and anti-corruption
Question submitted by U4, November 2017
Publication forthcoming

After the complete collapse of state institutions in 1991, Somalia represents one of the world's most protracted cases of statelessness with on-going civil war, tensions between traditional clans and recurring famine ensure that the prospects for political stability remain bleak. Corruption is one of the leading causes of endemic political instability in Somalia affecting virtually every aspect of the Somali society. Despite a comparatively peaceful transition of power to a newly elected president in early 2017, there are as yet few signs of comprehensive anti-corruption reform. The country's institutions continue to be extremely dysfunctional, and there are limited integrity mechanisms in place to curb corruption; among other things, the National Anti-Corruption Commission foreseen in the constitution has yet to be established.

Sudan: Overview of corruption and anti-corruption
Question submitted by U4, July 2017
https://knowledgehub.transparency.org/helpdesk/sudan-overview-of-corruption-and-anti-corruption

Sudan is, without a doubt, one of the most challenging environments for anti-corruption in the world. Corruption is present in all sectors and across all branches and levels of government: public servants are known to demand bribes for services that individuals or companies are legally entitled to; government officials hold direct and indirect stakes in many enterprises, which distorts the market through patronage and cronyism; and the head of state and government is believed to have embezzled up to US$9 billion from oil revenues. This U4 Expert Answer provides a general overview of the nature and extent of corruption in the country, the state of its legal and institutional framework to prevent it, as well as its presence across different sectors of the economy.

Tanzania: Tanzania's anti-corruption agency in an international perspective
Question submitted by U4, July 2017
https://knowledgehub.transparency.org/helpdesk/tanzanias-anti-corruption-agency-in-an-international-perspective

The decision of whether to equip specialised anti-corruption agencies (ACAs) with prosecutorial powers requires the consideration of an expansive list of potential advantages and disadvantages. The empirical evidence is limited and inconclusive, yet strongly suggests considering the appropriate designs on a case-by-case basis, taking into account the current state of the ACA, its relations with and relative efficacy when compared to other institutions in the broader justice system, as well as the broader political dynamics that shape current performance and prospects for reform or co-optation. Whether to expand the remit of Tanzania's ACA to include stronger prosecutorial powers will thus require a careful and detailed assessment of a wide range of influencing factors that are beyond the scope of this Answer. The limited information base available for this secondary desk research exercise suggests a number of pros and cons that merit further on-site examination.

Vietnam: Corruption risks in the energy sector
Question submitted by TI Vietnam, March 2017
https://knowledgehub.transparency.org/helpdesk/corruption-risks-in-vietnams-energy-sector

An increasing population, a rising appetite for goods and services, rapid urbanisation and fast growing economic activities in industrial and service sectors are exerting increased pressure on energy supplies in Vietnam. The availability of an adequate and reliable energy supply is an essential prerequisite for maintaining the country's record of socially inclusive economic growth and achieving the government's socio-economic development goals. Overall, the energy sector in Vietnam is affected by weak governance due to a lack of transparency, few checks and balances, bureaucracy and close ties between government and businesses. With the Vietnamese government planning to attract more investment and donor money to guarantee energy security, it has increasingly made efforts to tackle corruption, which have failed to result in significant improvements. An increasingly vibrant civil society and a growing social media realm exert pressure on the government to continue their path of anti-corruption policies. As for international budget aid, there are concerns that large infrastructure projects and public-private partnerships will increase the risk of corruption and will be subject to corrupt practices.

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TOPIC GUIDES

Topic guide: Corruption in service delivery
November 2017
https://knowledgehub.transparency.org/guide/topic-guide-on-corruption-in-service-delivery/4470

This topic guide provides an overview of corruption in public service delivery, with a particular focus on education, health and water and sanitation services, and a compilation of the most up-to-date and relevant studies and resources on the topic.

Topic guide: Corruption and climate finance
April 2017
https://knowledgehub.transparency.org/guide/topic-guide-corruption-and-climate-finance/4089

This topic guide provides an overview of overview of major corruption risks and anti-corruption approaches in climate finance, and a compilation of the most up-to-date and relevant studies and resources on the topic.

Topic guide: Whistleblowing
June 2017
https://knowledgehub.transparency.org/guide/topic-guide-whistleblowing/4250

This topic guide provides an overview of whistleblowing, with a focus on the key elements of an effective whistleblowing system and practical considerations for the establishment or improvement of such systems. Finally, it includes a compilation of the most up-to-date and relevant studies and resources on the topic.