ANTI-CORRUPTION: A CAPACITY BUILDING APPROACH

Lessons Learned from IDLO Anti-Corruption Activities[1]

Overview

Corruption is a battle fought on many fronts. Corruption issues are inherently tied to the development of the rule of law and good governance at global, regional, and local levels, as such, anti-corruption initiatives seek to counter corruption by singling out weak aspects of certain government institutions. These include the inability to provide public services or the lack of a functioning judiciary, as well as intervening at the level of state capacity building. Corruption's endemic nature allows it to invade all levels of a state, eliciting a response by the development community that includes a wide variety of anti-corruption programs that share the same objective. Analyses of law and development programs have identified some necessary elements. As legal and institutional reforms do not lend themselves to blanket or one size fits all solutions, it is worth noting that what works in one context may not work in another. This development law update will highlight the legal aspects of corruption with specific reference to the prevention or mitigation of its effects through capacity building.

Fighting corruption is now a central priority in international development. Corruption is commonly defined as the misuse of public office for private gain, including but not limited to embezzlement, nepotism, bribery, extortion, influence peddling, and fraud. While the objective of reducing corruption is clear, the plurality of approaches currently underway to fight corruption make the path to achieving this objective uncertain. The trend in anti-corruption programs towards the promotion of the rule of law, governance, and citizen empowerment merits further exploration.

The relationship between corruption and poverty has recently been the subject of a number of studies. Transparency International's (TI) Chairman has claimed that corruption is a major cause of poverty as well as a barrier to overcoming it, a situation that locks populations into a cycle of misery [2]. A recent study by TI shows that seventy countries scored less than 3 on the corruption perceptions index (CPI), indicating a severe corruption problem, mainly in developing and transition countries. Among the countries

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included in the TI index, corruption is perceived as most severe in Chad, Bangladesh, Turkmenistan, Myanmar and Haiti, also among the poorest countries in the world. As one commentator from Bangladesh noted: "corruption is bound to dominate when everything people need is in short supply[3]".

'Governance models' assert that corruption impacts poverty by influencing governance factors, which in turn, affect levels of poverty. According to a review of recent literature on corruption and poverty, corruption destabilizes governance institutions, reduces the provision of services by government, reduces respect for the rule of law, and reduces public trust in government and institutions [4]. Impaired governance, in this way, reduces the capability of government to help its poorest citizens.

INCREASED CORRUPTION

↓

REDUCED GOVERNACE CAPACITY

↓

INCREASED POVERTY
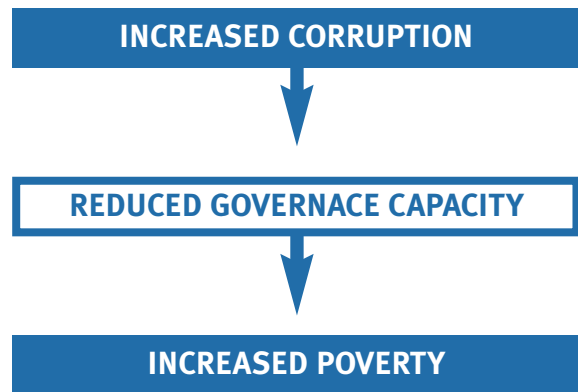
A large part of the current anti-corruption initiatives currently in progress seek to develop the state's capacity for establishing and enforcing the rule of law and to assist in equipping civil society with the relevant tools to represent their interests against the negative impacts of corruption. According to Kaufmann of the World Bank Institute (WBI), while aid-funded projects tend to fail in corrupt settings, and corruption undermines fledgling democracies, governance is not the only thing that matters for development. Macroeconomic, trade, and sectoral policies are also important. Nevertheless, when governance is poor, policymaking in other areas is also compromised [5].

Achievement of the Millennium Development Goals (MDG) in ten years time is unlikely to be realized in countries where pervasive corruption hinders economic growth and sustainable development. Thus, fighting corruption is a crucial first step towards achieving the MDGs. When governance is improved and corruption reduced, countries reap a 'development dividend' that, according to the WBI, can improve key development indicators related to poverty alleviation.

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CORRUPTION PERCEPTIONS INDEX 2005

CPI 2006

- 9.0 - 10.0
- 8.0 - 8.9
- 7.0 - 7.9
- 6.0 - 6.9
- 5.0 - 5.9
- 4.0 - 4.9
- 3.0 - 3.9
- 2.0 - 2.9
- 1.0 - 1.9
- no data

TRANSPARENCY INTERNATIONAL
the global coalition against corruption
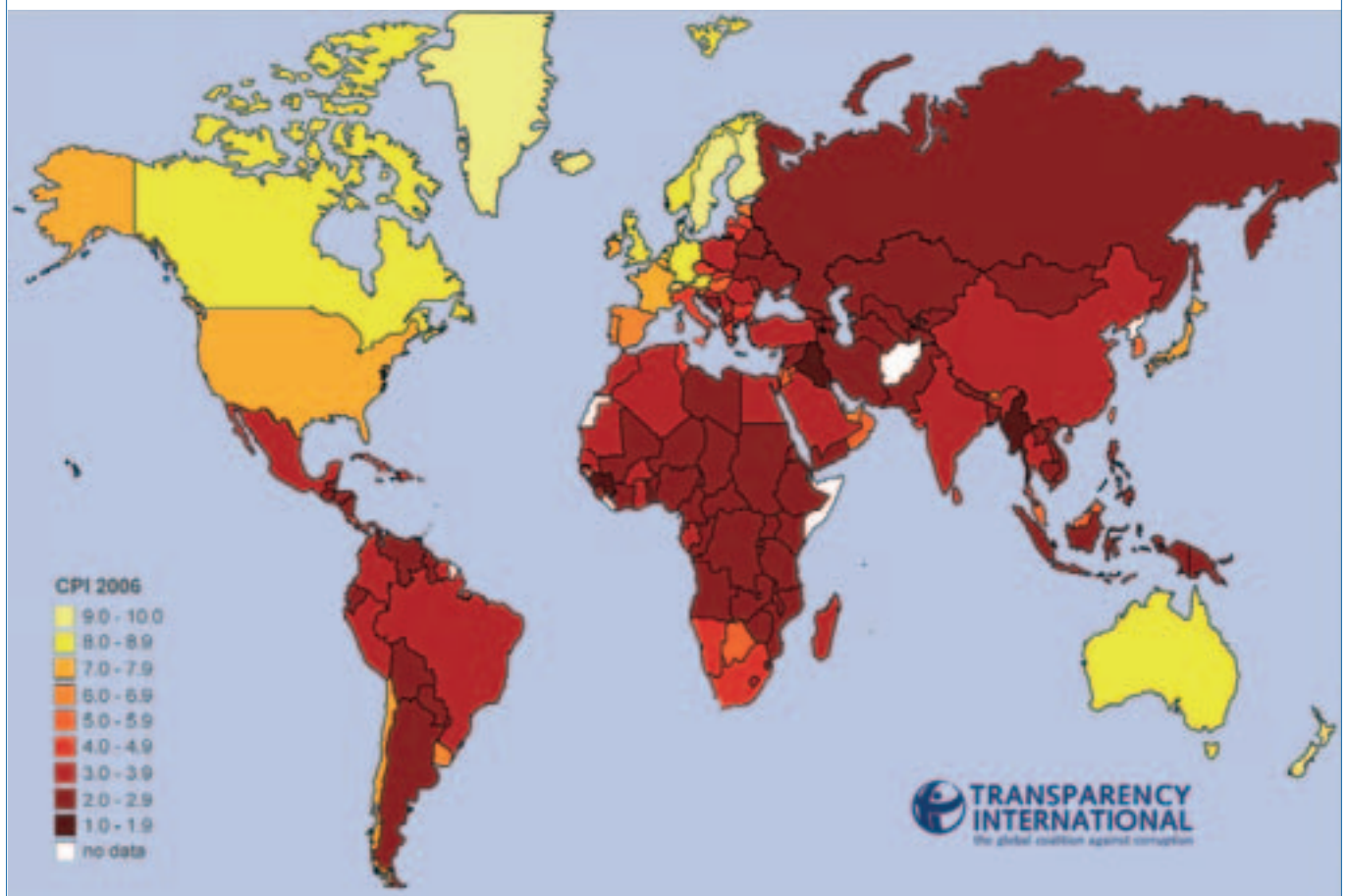
Addressing anti-corruption through legal reform: fostering a transparent environment

Reform of legal and administrative systems challenges existing social, political and economic arrangements. Any effective program of law or anti-corruption reform will involve changes to existing practice. Before these often-difficult steps are taken, experience has shown that where demand is weak or resistance to change strong, reform programs should be preceded by efforts to build demand. Support for NGOs or professional groups that attempt to build political backing for reform is one approach. Tools used in building such support include pilot activities, training, or regional exchanges.

Beyond legal transplantation. There is growing awareness among practitioners working in the field of legal and institutional reform that reform must bear some relation to existing societies and cultures by building on existing law and institutions. Assistance to developing countries in the drafting of new laws requires—as confirmed by World Bank and Swedish cooperation experience—that foreign laws not be directly transplanted in to the developing country since the a new law that is in some way distasteful may never be applied. Laws that are not well understood and

that are inconsistent with existing legal culture are likely not to be respected or enforced. Effective law reform, instead, reflects the economic, social, and cultural environment of each country. For instance, findings from IDLO distance learning sessions on Anti-corruption and Asset Recovery revealed that the Tanzanian legal system provides laws that are exceedingly narrow; the legal challenges encountered in Kenya include the jurisdictional problems in enforcing legislation and lack of harmonization with the criminal code; and in Uganda, in addition to a lack of harmonization within the legal system, participants noted the challenge in legislating for corruption due to the costs involved and shortage of human resources[6]. Therefore, the best laws are tailor–made and at the same time incorporate international best practices. Donor contributions towards legal reform should be of a 'catalyst nature,' in that they stimulate the country's own resources, so that state legitimacy increases and governments withstand personnel changes and power shifts.

Judicial reform. One of the principle institutional weaknesses that permits and sustains the existence of corruption is that of an ineffective judiciary. Rule of law projects are one of the more common initiatives in the

international community, and possibly one of the most effective, in producing results in this area. An effective judicial framework is a prerequisite for anti-corruption reforms—reforms which would be rendered ineffective without legal backing.

Budget controls and financial management. The promotion of sound financial management and accountable and transparent government contribute to both preventing and detecting corrupt practices. Regular monitoring and oversight are essential to ensure the integrity of the public administration. It is generally deemed that effective oversight requires outside scrutiny, among others by independent audit institutions. Sound reform strategies provide specific assistance to create, strengthen, or develop such audit institutions, with the eventual goal of building 'centers of excellence' to track long-term progress and commitment. Focused attention to a specific area over several years can prove to be effective in creating institutional change in the fight against corruption. Targeted actions in turn may increase confidence among donors and the public, thereby generating momentum for further action in other sectors.

Public procurement is a well-known corruption-prone area. However, too often focus is placed on the improvement of the efficiency of procurement mechanisms without enough attention on specific ways to address corruption. To keep corruption at bay, procurement systems must be based on transparency, competition, and objective criteria. Clear, transparent, competitive, and objective rules and criteria prevent corruption and aid in the identification of corrupt practices, in the process saving a lot of time and resources that may otherwise be spent on remedial efforts.

Reform of public procurement procedures has been widely identified as a priority. Most countries have enacted statutes governing public procurement, issued procurement guidelines, and tasked a particular government division to monitor and evaluate government procurement processes. Nevertheless, findings from past IDLO Distance Learning sessions on Public Procurement revealed several weaknesses in the law: experts from Tanzania attributed inadequacies in public procurement as a result of lack of proper accountability, unreasonably heavy burdens associated with the dissemination of information, lack of an independent regulatory body to oversee, as well as lack of harmonization between public procurement acts and other legislation. Although Ethiopian experts recognized the 2003 procurement law launched by the Ethiopian government as an improvement on its predecessor, the shortage of skilled human resources and the lack of compliance between federal and regional procurement rules were identified as major obstacles[7].

Within this context, current reform efforts focus on introducing procurement via the Internet (e-procurement). Another field of reform is the standardization and centralization of public procurement. A related area of anti-corruption in the procurement arena for technical assistance is the enhancement of integrity and competence of public officials through *inter alia* the enactment of codes of conduct.

Only some international environmental law principles are reflected in Indonesia's domestic legislation.

Political party funding and electoral processes. Political corruption and the financing of political parties are complex and sensitive issues often targeted by donors since they can produce tangible results that are rewarding in terms of building public confidence and trust in countries' political systems. However, proposed solutions should be strictly tied to an in-depth analysis of local situations and contexts. A related issue is the financing of electoral campaigns, generally situated within the framework of election law.

Access to information. The public plays a specific role in the fight against corruption, which is to monitor and scrutinize actors and hold them accountable. This scrutiny is a powerful means of preventing corruption and a key supplement to legal provisions and institutions. A particularly important precondition for enabling citizens to scrutinize public administration, government, political parties, and elected politicians is a meaningful right to access information. However, it is only recently that a number of countries have implemented such reforms, oftentimes triggered and supported by civil society actors. Reluctance to grant freedom of information is still widespread, justified by state security, privacy, or tradition. It is generally considered that access to information goes beyond routine publication of documents; effective control also requires that governmental or administrative institutions disclose files for scrutiny upon request. Specific assistance is needed in helping to establish the legal instruments granting citizens' access to information and granting and ruling the freedom of information.

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Regulation: corporate governance, compliance, and competition. Approaches to curbing corruption in the regulation sector tend to follow the principles of enforcement and partnership. On one side, governments impose standards for company management, transparency rules, reporting obligations, and auditing requirements; on the other side, they provide for effective supervision and mechanisms to enforce compliance with these rules. Equally important, on the other hand, are governments' efforts to foster and strengthen the private sector's own initiatives to enhance internal control mechanisms and to establish and promote corporate ethics and compliance systems.

Most developing countries need to enact regulations governing corporate accounting, internal controls and disclosure of relevant information. Many countries have not yet established such regulations and supervisory measures which have to be in line with relevant international standards on accounting and disclosure, such as those developed by the International Accounting Standards Board. Corporate actors themselves have increasingly come to understand their vital interest and role in fighting and eradicating corruption. Bribery, indeed, also runs counter to the long-term interest of business, because it increases costs and risks, undermines efficiency, lowers country credit rankings, and deters investors.

There is a widely acknowledged strong need for an effective involvement of the private sector in anti-corruption efforts: the private sector is both a victim of corruption and represents the supply side of corruption.

Enterprises ask for a solid legal framework nationally and internationally. Over and above this need for a basic legal framework, corporations recognize the need for voluntary compliance. Corporate social responsibility has made aware that enterprises must play their full role as a participant in society over and above the mere legal norms like UN Global Compact. Internal codes do not suffice; there must be a continuous process of information, training, and implementation supported by the international donor community. Voluntary schemes are easier to put in place in the context of large multinational enterprises, than in smaller entities. Still, smaller entities face stiff competition and have less resource to resist all forms of solicitation.

Anti-corruption enforcement capabilities. The development of anti-corruption enforcement capabilities has been a priority for some time; however, it is falling as a proportion of overall anti-corruption assistance. This change could be a result of the importance of rule of law reforms as a precondition to the creation of effective enforcement mechanisms. Regardless, the creation of anti-corruption commissions is still a popular move for leaders faced with a public outcry to fight corruption or wishing to impress international donors or investors. Also worthwhile to note is the need for more international collaboration for the enforcement of anti-corruption judgments. In fact, experts from Uganda, Tanzania and Kenya all articulated the importance of mutual assistance legislation as a step towards enabling governments to succeed in freezing and recovering assets while enforcing anti-corruption laws[8].

Capacity Building - a key element in IDLO anti-corruption efforts

Judicial Reform; Governance; Business, Commercial and Financial Law; Public International Trade and Intellectual Property Law are IDLO's focus areas. Capacity Building is a thread that runs through all of these areas. Training, technical assistance, and policy dialogues are capacity building techniques that seek to facilitate the implementation of relevant legislation, improve regulatory capabilities and state administration, empower states to develop national anti-corruption policies, and strengthen enforcement authorities. Thus, capacity building is a key component of anti-corruption strategies and programs.

A definition of capacity building developed by the UNDP holds that "*capacity is the ability of people, institutions and societies to perform functions, solve problems and achieve objectives, and that capacity development is the process through which capacity is conserved, created, strengthened, adapted and maintained over time*"[9]
The complexity of capacity development demands an integrated, contextual approach. Yet it is difficult to structure a clear, concise strategy for capacity development when nearly every piece of literature points out that due to its complex nature there is no one right way to do it or anything even close.[10] Peter Morgan, an authority on the sub-

The best tool for achieving environmental compliance is effective and consistent civil and criminal enforcement of the law.

ject, wrote: "*To make progress, participants need to 'grope along', to experiment, take risks, be flexible and be open to new learning*" (1997, 19). Despite the complexity, it is still possible to draw out some *good* practices rather than *best* practices.[11] Literature on the subject provides suggestions on how agencies can improve capacity development.

A successful development response tends to bring national agents, local communities, academia, the private sector, and external partners together and devises tailored responses that take the uniqueness of each situation into account.[12] Such a response reflects the contextual approach referred to above and incorporates different sectors in order to address the complexity of capacity development. An approach that does not recognize or does not deal with this complexity is highly criticized.[13] The complexity of capacity development mainly derives from the interplay between the three different actors involved: the individual, society, and organizations/institutions.[14]

All three actors are equally important, mutually interdependent, and need to be developed. It is vitally important to avoid an isolated approach that does not take into account the influence of one on the other levels. This does not mean there is a need for an agency to address each level; instead it requires recognition of how the actors interact and how this affects capacity development projects and programs.

Recent IDLO Activities related to Anti-Corruption

- **Cambodi**: AusAID 'Cambodia CATAF Royal School for Judges and Prosecutors Project'
- **Afghanistan**: Strengthening the Rule of Law
- **Vietnam**: AusAID: Benchbook for the Vietnamese Judiciary
- **Indonesia**: AusAID Judicial Sector Review
- **Afghanistan**: Judicial Reform Initiative
- **Timor-Leste**: Training of the Judiciary in
- **Mongolian**: New Benchbook for the Judiciary
- **Bhutan**: Strengthening the Legal Framework
- **Lao P.D.R.**: Rule of Law
- **Mongolia**: Enhancing Governance
- **Korea**: Corporate Governance Reform
- **Asia-Pacific Region**: Perspectives on Combating Corruption / Drafting National Anti-Corruption Action Plans
- **Cambodia, India, Mongolia, P.R. China & Vietnam**: Institutionalizing Legal Training for Government Lawyers

- **Lesotho**: Strengthening the Judiciary in Court Management Capacity Building and Information System
- **Swaziland**: Strengthening of the Judiciary
- **Senegal**: Training for Magistrats
- **Swaziland**: Public Awareness and Civic Education
- **Mauritania**: Training for Judges
- **Madagascar**: Anticorruption Strategies
- **Egypt**: Administration of Justice Support (AOJS)
- **Oman**: Law Reform
- **Malawi**: Democratization and Human Rights
- **Tajikistan**: Training of Trainers for Lawyers
- **Kosovo**: Judicial and Prosecutorial Skills Training
- **Bulgaria**: Coalition 2000 for Developing and Implementing an Anti-Corruption Action Plan
- **Lithuania**: Support to the Government's Anti-Corruption Commission
- **Albania**: Judicial Strengthening
- **Bulgaria**: Judicial Reform

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Recent IDLO Distance Learning and Research Center (DLRC) videoconferencing dialogues related to Anti-corruption

- Improving Governance Through Information and Technology Communications (ICT): How to Design and Implement an E-Government Program, Afghanistan, Egypt and Jordan
- Ethics Programs for the Public Sector, Lithuania, Poland and Russia
- External Controls for Good Governance, Bosnia & Herzegovina, Czech Republic and Romania
- Tools and Indicators of Good Governance, Ghana, Jordan and Lithuania
- Legislative, Ethics and Good Governance, Sri Lanka, Pakistan, Egypt
- Procurement Practices to Enhance Good Governance, Ethiopia, Ghana and Tanzania
- Improving Good Governance by Providing Public Services through Public Private Partnership Arrangements, Afghanistan, India and Sri Lanka

- Regulating the Private Sector: Corporate Governance, Compliance and Social Responsibility, Bulgaria, Egypt and Jordan
- Controlling Corruption through Improved Governance, Kenya, Mozambique and Uganda
- Good Governance: Conflict Management System, Benin, Côte d'Ivoire and Senegal
- Improving Good Governance through strengthening the local Governments, Nigeria, Ethiopia, India
- Improving Good Governance through Public Private Partnership & Telecommunication Sector, Kenya, Ghana, Sri Lanka
- Investigating and Recovering Assets in Corruption Cases, Kenya, Tanzania and Uganda.
- Réformes judiciaires et promotion de la Gouvernance en Afrique Francophone, Bénin, Burkina Faso, Madagascar, Sénégal

Capacity building and ownership go hand in hand. The term ownership is widely used but rarely understood. Indeed, it may be the most difficult concept to grasp within the arena of capacity development. Since it is borrowed from law and used in a very subjective and abstract context, ownership is often a misleading term.[15] The International Symposium on Capacity Development and Aid Effectiveness convened by UNDP in Manila, with over 120 participants, debated the competing meanings of ownership. They agreed that ownership is based upon strong leadership and political commitment and is necessary for achieving successful project outcomes, which does not clarify what the term actually means.

The overall benefit of local ownership is that it increases the likelihood the capacity development project or program will succeed. Agencies can create change only to the extent that they empower local processes; the lower the level of ownership the less likely successful development will occur.[16]

Monitoring and peer review mechanisms in the context of international policy-making. Peer review as a working method is generally associated with the OECD. However, several other intergovernmental organizations also make use of this technique. Within UN bodies and specialized agencies, States use peer review to monitor and assess national policies in various sectors, from environment to investment. The IMF Country Surveillance mechanism may be considered as having some common aspects with peer review. Peer review has also been developed within the World Trade Organization under the Trade Policy Review Mechanism[17].

Peer review can be described as the systematic examination and assessment of the performance of a state by other states, with the ultimate goal of helping the reviewed State improve its policy making, adopt best practices, or comply with established standards and principles. The examination is conducted on a non-adversarial basis, and relies heavily on mutual trust among the participating states, as well as their shared confidence in the process. When peer review is undertaken in the framework of an international organization – as is usually the case – the Secretariat of the organization also plays an important role in supporting and stimulating the process. With these elements in place, peer review tends to create, through this reciprocal evaluation process, a system of mutual accountability.

Other mechanisms for monitoring and ensuring compliance with internationally agreed upon policies and norms may be distinguished from peer review, as follows: judicial proceedings, fact-finding missions, reporting and data collection. One of the features of peer review is dialogue and interactive investigation, which has been effective through the use of questionnaires.

The effectiveness of peer review relies on the influence and persuasion exercised by the peers during the process. This effect is known as "peer pressure." The peer review process can give rise to peer pressure through: (i) a mix of formal recommendations and informal dialogue among the reviewed countries; (ii) public scrutiny, comparisons, and rankings; and (iii) the impact of all of the above on domestic public opinion, national administrations and policy makers. To have a great impact on public opinion, full

> ## Select Peer Review Instruments
>
> The OECD Convention on Combating Bribery in International Business Transactions
>
> The African Peer Review Mechanism (APRM) of the New Partnership for Africa's Development (NEPAD)
>
> The Group of States against Corruption (GRECO)
>
> United Nations Convention
>
> African Union Convention

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access to information by the public shall be guaranteed. Active involvement of the media and the press results in most effective peer pressure. Peer pressure does not manifest itself through legally binding acts, as sanctions or other enforcement mechanisms. Instead, it is a means of soft persuasion, which can become an important driving force to stimulate the involved states to reform, achieve goals and meet standards.

Critical Analysis. To shed light on the possibilities and limitations for strengthening the fight against corruption, it is essential to assess the effectiveness of international efforts to support the rule of law. These efforts are principally an outgrowth of international development programs. Despite a proliferation of work in rule of law and anti-corruption in recent years, evaluations of the effectiveness of these activities are few. Recognizing this gap in knowledge, the donor community has begun taking stock of the effectiveness of rule of law promotion generally and anti-corruption specifically. Because of the centrality of human capabilities to these questions, additional work has been done to understand what makes for successful capacity building programs. Both inquiries are relevant to determine the prospects for the success of anti-corruption efforts, particularly those financed by the international community.

Role of civil society. Several factors can be identified as limiting the development of civil society and its involvement in the fight against corruption. In certain countries, public rules limit basic civil rights and do not facilitate the development of civil society organizations. The lack of transparency of public operations and difficulty of access to information do not encourage the direct participation of citizens in public affairs. Citizens may also impose limits. In certain countries, citizens are not sufficiently aware of the costs of corruption, or of the existence of tools and methods to curb it. Limits may also come from a lack of resources. The fight against corruption is a relatively new area compared to other issues traditionally addressed by NGOs. Therefore civic actors do not always have the information, experience or technical capacities required for efficient action. Financial resources can be a problem. Therefore, strengthening civil society's contribution to anti-corruption efforts is often a material issue.

Role of development aid. More than a dozen of the world's poorest countries have been granted debt service relief under the Heavily Indebted Poor Countries (HIPC) initiative, testifying to these countries' alleged economic reform

achievements. Not one HIPC country, however, scored above 4 on TI's corruption perceptions index (CPI), indicating high levels of corruption.[18] These countries continue to receive debt relief while money freed from debt payments and now entering national budgets may be mismanaged or outright stolen from state coffers. A good record on battling corruption could be a useful requirement for qualifying for HIPC and other aid schemes.

It is important to note that the responsibility in the fight against corruption does not fall solely on developing and transition countries. Developed countries face their own challenges with respect to corruption, and furthermore must share the burden by ensuring that their companies are not involved in corrupt activities abroad. The opportunity for ensuring sustainable progress also lies with the World Trade Organization, which has the scope and the means to actively promote transparency and anti-corruption in global trade.[19]

Conclusion

Anticorruption strategies and programs have moved from focus being placed merely on enforcement towards actions oriented in three directions: (i) enforcement, (ii) prevention and (iii) public education and awareness programs. However, until recently, most of anticorruption programs have been dealing with measures intended to reform public administration and public finance management. The wide recognition by both academia and practitioners of the necessity to take in due account the results of analysis showing that "*the roots of corruption extend far beyond weaknesses in the capacity of government*"[20] have led to the development of multi-pronged strategies addressing broader structural relationships with the goals of (i) enhancing state capacity and public sector management, (ii) strengthening political accountability, (iii) create effective civil society participation, and (iv) establishing a competitive private sector. Obviously, anticorruption strategies should be tailored according to the specific country situation.

Lessons Learned. Through research and capacity building activities on anti-corruption, IDLO has encountered many of the same problems other analysts have noted. Progress in the field of anti-corruption is hampered due to some of the following:

- **Direct efforts to fight corruption are relatively few.** Many programs that involve anti-corruption aspects are defined as governance, judicial, civil service, or procurement reform. Evaluating the anti-corruption programs *per se* is very difficult if not impossible in many cases.
- **Donors do not keep easily retrievable information on anti-corruption.** To the extent it exists, information on anti-corruption is descriptive rather than evaluative. Finding good case studies is difficult. Some of the informational shortfall is attributable to decentralization of aid. Likewise, critical documents that could shed light on the effectiveness of programs are often available in only local languages.
- **Even well designed programs may not provide evidence of success in the short term.** Successful anti-corruption efforts take time and progress occurs in stages.
- **Within individual states, anti-corruption programs may be underwritten by a variety of donors or through domestic resources.** Indeed, some donors fund anti-corruption programs through multiple agencies (*e.g.* United States funds anti-corruption through the Departments of State, Justice, Commerce, Treasury and USAID.) Because these efforts may proceed on parallel tracks and reporting occurs along separate lines, formulating a comprehensive view is difficult to achieve.

Evaluations of the success of anti-corruption programs are few. Broad consensus exists on some main elements of successful anti-corruption programs; however, the principles that exist have no systematic empirical grounding. Part of the reason for this situation is the relative novelty of anti-corruption as a concern of the international community. Indeed, as mentioned earlier, it was not until the 1990s, that anti-corruption emerged as a mainstream concern. As some analysts have noted, methodologies for anti-corruption programs have changed substantially since this time. Initial efforts focused heavily on advocacy, data collection, and narrowly targeted anti-corruption programs.[21] Later programs have shifted to structural and institutional elements, though such initiatives as anti-corruption commissions. The limitations of these approaches are now well recognized.

Political pressure vs. political will. The notion of 'political will' discussed in much anti-corruption literature is a truncated substitute for what is really needed: *political support*. By invoking the concept of 'political will' rather than political support, anti-corruption is viewed as something that can arise through technocratic means. So long as the top leadership in a country wants to see anti-corruption efforts succeed, this view suggests, it will come about. Yet if history is any guide, few governments are self-regulating to the extent needed to reform themselves. At an extreme, in neo-patrimonial systems such as those operating in many African countries, it is unlikely that elites will have the will to reform. Political pressure is the force that can drive effective reform.

According to this view, democratic political systems appear more capable of channeling public opinion into political power.[22] In particular, competitive political systems are uniquely capable of creating incentives that will encourage leaders to implement anti-corruption programs. Politicians in danger of losing their jobs in an election are more likely to undertake anti-corruption programs than those who are confident that no opposition exists.[23] Outside of the voting context, greater civic engagement may lead to improved monitoring of public officials.[24] Hence, one cannot divorce the fight against corruption from efforts to advance democratic institutions. It is important, however, not to look at democracy as a panacea. Research suggests that the mere existence of a democratic form of government is weakly correlated with reduced corruption.[25] Instead, the research suggests that reductions in corruption correlate to the depth of democracy in a country.[26] Countries with longer experience and stronger democratic institutions realized decreased levels of corruption.

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Endnotes

1 Following a series of contacts between the relevant offices of the Italian Ministry of Foreign Affairs and IDLO, the latter conducted an in-depth study of the causes of corruption and its negative effects on the economic, social, and cultural development of emerging countries: 'International Development Law Organization Report on Anti-corruption, June 2005.' This development law update is largely based on research and findings from that report. Research for the report was implemented with the valuable contribution of a group of international experts, the International Expert Group Meeting (IEGM), convened at a meeting in Cairo, Egypt April 18-20, 2005, as well as with the support and assistance of the UNDP Regional Office of Cairo.

2 Transparency International Press Release, 'Corruption still rampant in 70 countries, says Corruption Perceptions Index 2005,' http://www.transparency.org/cpi/2005/cpi2005_infocus.html.

3 Shamsul Huq Zahid, 'Corruption—Ranking and Reality,' Financial Express, 10/24/2005

4 Chetwynd, Chetwynd, and Spector, 'Corruption and Poverty: A Review of Recent Literature,' Management Systems International, January 2003.

5 Daniel Kaufmann, 'Back to Basics—10 Myths About Governance and Corruption,' Finance and Development, September 2005, Vol. 42, No. 3.

6 Findings from IDLO Distance Learning Policy Dialogue, "Anti-corruption and Asset Recovery," connecting Kenya, Tanzania and Uganda (May 2005).

7 Findings from IDLO Distance Learning seminar on "Procurement Practices to Enhance Good Governance," connecting Ghana, Ethiopia and Tanzania (April 2003).

8 Findings from IDLO Distance Learning Policy Dialogue, "Investigating and Recovering Assets in Corruption Cases," connecting Kenya, Tanzania and Uganda (June 2006).

9 (UNDP 2002, as quoted in OECD 2004, 5).

10 See Boesen 2004, 6; Manila 2003, 11; Carlos Lopes and Thomas Theisohn, Ownership Leadership and Transformation: Can we do better for capacity development 17 (2003).

11 See Lopes and Theisohn 2003.

12 Id.

13 See supra note 7.

14 See UNDP 1997: 2,5,8; UNDP 1999; Morgan 2002, 17; GTZ 2003, 4; Lopes and Theisohn 2003: 1,24; OECD 2004: 5,7.

15 See Lopes and Theisohn 2003.

16 Id. at 31; see also Morgan 1997, 7.

17 See Joint Group on Trade and Competition, Peer Review: Merits and Approaches in a Trade and Competition Context, 6 June 2002, COM/TD/DAFFE/COMP(2002)4/FINAL.

18 Transparency International Press Release, 'Corruption still rampant in 70 countries, says Corruption Perceptions Index 2005,' http://www.transparency.org/cpi/2005/cpi2005_infocus.html

19 Transparency International Press Release, 'Corruption still rampant in 70 countries, says Corruption Perceptions Index 2005,' http://www.transparency.org/cpi/2005/cpi2005_infocus.html

20 World Bank, Anticorruption in Transition – A Contribution to the Policy Debate, 2000, 39.

21 Pundeh at 258.

22 See Habermas, between facts and norms.

23 Michaelson at 43.

24 Michaelson at 64.

25 Michaelson at 42.

26 Michaelson at 42 citing Amundsen 1999

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Organisation Internationale de Droit du Développement

Upcoming Activities

Rome-Based

Seminar on **"Legal Framework of Water Resource Management"**
(in English) - Rome, Italy
September 11-22

Public International Trade Law Course
(in English) - Sydney, Australia
November 6-24

Public International Trade Law Course
(in Arabic)- Cairo, Egypt
November 20-December 8

Development Lawyers Course
(French version) - Rome, Italy
October 2 - December 8

In-Country

Training workshop on "**Intellectual Property**" (In English) - Beijing, China
August 28-September 1

Microfinance: Building Inclusive Financial Sectors & Supportive Legal and Regulatory Frameworks in the Asia Pacific Region (In English)
Sydney, Australia - Septemebr 11-23

Training workshop on "**Civil Procedures**" (in French) - Nouakchott, Mauritania - September 11-15

Training workshop on "**Criminal Law**" (In French) - Nouakchott, Mauritania - September 18-22

Distance Learning

Seminars:
"**Regulatory Framework**" - September 12-15 - Connecting Tanzania, Uganda and Kenya

"**Performance Contract**" - October 2-5 - Connecting Tanzania, Uganda and Kenya

Policy Dialogues:
"**Regulatory Framework for Countering Terrorism in Kenya**" - October 17

"**Countering Terrorism in Nepal**" - October 6

"**Countering Terrorism in Sudan**" - November 7

"**Countering Terrorism in Bangladesh**" - December 5

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