European Anti-Corruption Agencies: protecting the Community's financial interests in a knowledge-based, innovative and integrated manner

Final Report
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Index

FINAL REPORT

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Acknowledging the contributions of other is never an easy task because not only it makes me doubt whether those efforts have been sufficiently rewarded by the work I am about to present, it also leaves me with a constant fear of missing that "important someone" to thank.

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I. INTRODUCTION

This report attempts to make a final evaluation of the training action by presenting a comprehensive account of its organisational aspects, the extent to which the specific initial objectives have been achieved and what future prospects will ensue from this activity. This self-evaluation tool will enable the co-financers to assess comprehensively our efforts and achievements.

The idea to apply for this training action emerged from an earlier paper titled '*Institutional responses to corruption: some general considerations about the role of Anti-Corruption Agencies (ACAs)*' paper presented at the First Global International Studies Conference held in Istanbul at Bilgi University, 24 – 27 August 2005. The paper was part of a broader research project on 'Governmental and Non-Governmental Anti-Corruption Institutional Actors' which is being carried out in collaboration with Barry Hindess and Peter Larmour from the Australian National University in Canberra.

Following the approval of our candidature through an open public competition, we started to contact all agencies of EU member states, candidate countries and other countries that fall under the scope of the Hercule programme. Our target was to include as many Heads of agency as possible to have a broad comparative perspective of the existing ACAs. We embarked on a mission of recognition: to search, count and map all existing ACAs in Europe. Unfortunately, many do not have a web page where we can trace detailed information about who's heading the organisation and their e-mail and postal addresses. Hence, surfing the net proved useful only to a limited extent. The limited bibliography on the field was not much helpful either. We finally created a list of contacts thanks to the help of the representative of the Estonian delegation to GRECO, Mari-Liis Liiv, who had previously participated in another anti-corruption workshop organised by Luís de Sousa in Nicosia and agreed to circulate my message of invitation to the other national representative members of GRECO.

We then started to receive expressions of interest fro the various Heads of ACAs who were also GRECO representative members. We also started to contact other who did not figure in that list. With very few exceptions, most agencies were easily reachable by e-mail and the level of informality was, overall, not a problem. Out of 26 countries contacted by e-mail, 14 accepted our invitation, 6 answered positively to our invitation (Estonia, Slovenia, Spain, Sweden, Romania and Georgia), but unfortunately could not attend due to various professional impediments,[1] and 4 did not reply. There are still a number of countries where we were not able to trace such type of bodies and others than we only came to knowledge after the conference, such as the Belgian *Office Central pour la Répression de la Corruption* (OCRC) and the Polish Interdepartmental Anticorruption Unit from the Ministry of the Interior and Administration (Table 1).

Not all countries have adopted these specialised agencies, but even those that do not have them yet have considered their adoption in the medium term. We wanted to

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[1] Some candidate countries were receiving experts from the EC and GRECO to evaluate progress in combating corruption, whereas Spanish participants were called on service at the last minute during the outbreak of the complex Afinsa/Fórum Filatélico scandal.

have a balanced representation of the various systems in order to look at the successes and shortcomings of ACAs where they existed and to what extent they were or not a better alternative to the conventional judicial mechanisms in place. Notwithstanding definitional problems, of what actually constitutes an ACA, the approximate map of European ACAs looks as follows:

Table 1. Geographical distribution of ACAs in Europe

	In place	Not in place	Not identified	Under consideration
Member states	Belgium, Cyprus, Czech Republic, France, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia (10)	Estonia, Finland, Germany, Greece, Ireland, Italy, Portugal,[2] Spain, Sweden, The Netherlands, United Kingdom (11)	Austria, Denmark (2)	Hungary (1)
Candidate countries and Other Hercule Programme beneficiaries	Bulgaria[3], Croatia, Romania, Albania, Serbia and Montenegro,[4] Former Yugoslav Republic of Macedonia, Moldova (8)	-	-	Turkey (1)

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[2] Portugal is a special case, in the sense that it created one of the first, if not the first, anti-corruption agency in Europe, and decided to extinguish it by parliamentary vote when its European partners were considering and putting in place similar bodies. The *Alta Autoridade Contra a Corrupção* (AACC) was created by governmental decree in 1983 as a major institutional instrument in the combat against public sector corruption: The government of the day (*Bloco Central*, centre coalition majority) had strongly manifested its commitment in the prevention and repression of potential acts of corruption practiced in state services, in public funded institutions and public companies, with the aim of "raising the Public Administration's performance to levels of morality and transparency required to ensure the necessary confidence and respect of its citizens" (DL 369/83, preamble, translation by the author). At first, the AACC had no investigative powers over "sovereign entities", a jurisdictional limitation which greatly impeded the scope and nature of control. In 1986, the AACC competencies were reviewed (Law 45/86): the body was given special investigation competencies over sovereign entities under parliamentary supervision. This ad hoc agency has gradually asserted its independence vis-à-vis the political sphere and started to produce some visible results. In 1992, all major parties represented in Parliament, with the exception of the Communists, voted its extinction without an elucidating debate on the results produced by this anti-corruption agency. Parties were overall consensual in judging the AACC an inefficient and polemic instrument in the fight against corruption. Contrasting their rhetoric on the efficiency and purpose of the AACC, lies the fact that parties had only contributed a mere 0.61 per cent of the total of 2963 cases opened during the period 1984-1992 (AACC, Final Report, 18 March 1993). The AACC had become expendable, because it had bothered too many people and too many interests. The results of its investigations - all documents and pending cases - were sent to the National Archives and public consultation was forbidden for a period of 20 years. At present, the anti-corruption units in operation are: the DCICCEF - *Direcção Central de Investigação da Corrupção e Criminalidade Económica e Financeira*, a special branch of the Judiciary Police entrusted to investigate corruption and economic and financial crimes; and the DCIAP – *Departamento Central de Investigação e Acção Penal* of the Attorney-General's office.

[3] Two agencies: one at the ministerial level, The Commission for Coordinating of the Activity for Combating Corruption to the Ministry of Justice (http://www.acc.government.bg/en/), another at the parliamentary level, The Combating Corruption Committee of the National Assembly (http://www.parliament.bg/?page=ns&lng=en&nsid=5&action=show&gid=176).

[4] Two autonomous agencies: The Anti-Corruption Initiative Agency (Montenegro) and the Anti-Corruption Council (Serbia).

The international workshop entitled *European Anti-Corruption Agencies: protecting the Community's financial interests in a knowledge-based, innovative and integrated manner,* took place as planned in Lisbon, 17-19 May 2006 and counted with the participation of various officials entities devoted to the fight against corruption: the Heads and senior representatives of ACAs from EU member states (mostly Central and Eastern Europe), members of conventional enforcement agencies (magistrates, heads of investigative police units and of auditing offices, etc), members of IGOs and donor coalitions (OLAF, GRECO, UNDOC, U4), representatives from anti-corruption policy and institutional networks (EHFCN, EPAC) academics and experts on the field of corruption and corruption control, international and domestic NGOs (TI, TIRI, CIP-Moz, OIKOS), journalists, and high profile celebrities (such as the former President of the Portuguese Republic, Mr Jorge Sampaio) (*see* List of Participants attached).

The meeting was organised by *CIES – Centro de Investigação e Estudos de Sociologia* (Lisbon, Portugal) in collaboration with *The Australian National University* (Canberra, Australia) and was co-financed by the Hercule Grant Programme of the European Antifraud Office. It was an opportunity for academics and practitioners in the field of corruption in Europe and abroad to exchange first-hand experience and knowledge about the role, powers and activities of ACAs with a view to further integrated initiatives and policy research.

Our intention was to invite the heads of ACAs or their representatives to participate in this three-day meeting at three levels:

1) by attending three plenary sessions, one each morning, followed by an open debate, where prestigious academics in the field of corruption and officials from ACAs outside Europe presented their views and assessment of the different institutional responses to corruption and their challenges, successes and shortcomings. Papers were available online and circulated amongst all participants in good time;

2) by answering a cross-European survey, which was distributed among them beforehand. It was essentially a comparative tool that enabled us to create a database with substantive information on the mission, mandate, competences, special powers, internal and external accountability framework, funding, organisation and social composition, activities, etc of the various European ACAs (ANCORAGE-NET) (*see* National Assessment Survey on ACAs attached);

3) by signing up to one roundtable in each afternoon session (*see* Programme attached). The thematic roundtables were chaired by a moderator/facilitator, who was an expert on the field. His/her task was to encourage all ACA officials to participate actively in the debate. The chairperson was assisted by a *rapporteur*, whose task was to summarise the major arguments of the discussion and to present them in the plenary session the next day.

The morning sessions were open to the public. No entrance fees applied, although we requested those interested to register beforehand, the reason being that the seminar room has a limited capacity of 130 people seated (*see* Audience List attached). The decision not to charge entrance fees was taken for various reasons:

1) on of the pillars of the conference was on how to anchor anti-corruption agencies, their work and activities, in civil society, hence it would defraud the stated aims to introduce a selective "closed door" system of attendance; 2) entrance fees do not necessarily select the best or most interested audience, but those who can afford it;[5] 3) there is also a cultural element, audiences for academic events tend to be small and get smaller if people are asked to pay in order to attend. The only risk is to have in the audience unpleasant individuals who may disturb the normal functioning of the activity, but this is an unforeseeable cost worth taking.

The afternoon sessions were intended to the participants only. We were flexible with regard to journalists and researchers. The first would not interfere with the functioning of the roundtables and were simply there to cover and report the debate to the wider public, whereas researchers could ask the chair person to intervene and contribute to improve the quality of the debate. Nevertheless, given the restricted time available, we gave priority to the roundtable participants, i.e. the ACA officials and their representatives, since the objective of the exercise was to exchange national experiences and propose integrated solutions. For further information, please check the conference website: http://aca2006.cies.iscte.pt/.

The final report is presented in two parts. The First part is an analytical report on the activities carried out during the three-day workshop. In other words, it attempts to make both an analysis of part of the data collected through the questionnaire[6] on ACAs sent to all participants as well as an overview of the debates that took place during the afternoon roundtables. The Second part deals with the various issues concerning the description and results of the training action as requested by OLAF.

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[5] This disadvantage could only be solved by waving fees, for example to students, which would add up more bureaucracy.
[6] The National Assessment Surveys together with other relevant institutional information (on various innovative activities or anti-corruption national strategies) will be available online at www.ancorage-net.org.

PART I

II. REPORT ON ACTIVITIES

Methodology

This explorative analysis is based on the comparative results obtained through the questionnaire sent to all Heads of European Anti-Corruption Agencies. Further primary materials where obtained directly from the agencies' websites and their information services.

The countries assessed were: Argentina, Australia (State of New South Wales), Croatia, Czech Republic (two agencies), France, Latvia, Lithuania, Malta, Malawi, Moldova, Republic of Macedonia, Republic of Montenegro, Romania and Slovak Republic.

For the purposes of our analysis, we are only considering those countries that have such type of agencies effectively in place.[7] The sample is still small, 15 ACAs in 14 different countries (Table 2), hence we have to be cautious in extrapolating general patterns or conclusions. Although the sample is also quite homogeneous in terms of geographical spread (10 Central and Eastern European cases, 1 Western European, 1 Latin American, 1 Pacific and 1 African), there is sufficient diversity across the cases and we expect to find interesting clusters as we expand the project beyond Europe.

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[7] Portugal had an anti-corruption agency in the past (AACC - *Alta Autoridade Contra a Corrupção*), extinguished in 1992 by parliamentary vote, and for that reason the information collected from former AACC members was not included in this exercise.

Table 2. Sample of ACAs at ANCORAGE-NET

Country	Name of Agency	Acronym	Date of Creation
Argentina	Oficina Anticorrupción (Anticorruption Office)	OA	1999
Australia	Independent Commission Against Corruption[8]	ICAC	1988
Croatia	Ured za suzbijanje korupcije I organiziranog kriminaliteta (The Office for the Prevention of Corruption and Organised Crime)	USKOK	2001
Czech Republic	Police of the Czech Republic, Unit Combating Corruption and Financial Crime, Criminal Police and Investigation Service	UCCFC	1991
Czech Republic (II)	Ministry of Interior of the Czech republic, Security Policies Department	OBP	1992
France	Service Central de Prevention de la Corruption	SCPC	1993
Latvia	Corruption Prevention and Combating Bureau	KNAB	2002
Lithuania	Lietuvos Respublikos specialiųjų tyrimų tarnyba (Special Investigation Service of the Republic of Lithuania)	STT	1997
Malta	Permanent Commission Against Corruption	PCAC	1988
Malawi	Anti-Corruption Bureau	ACB	1998 (Bill passed in 1995)
Moldova	Center for Combating Economic Crimes and Corruption	CCCEC	2002
Republic of Macedonia	State Commission for Prevention of Corruption	DKSK	2002
Republic of Montenegro	Uprava za antikorupcijsku inicijativu (Directorate for Anti-corruption Initiative)	DACI	2000 (changed name in 2004)
Romania	The National Anticorruption Directorate	NAD	2002
Slovak Republic	Úrad špeciálnej prokuratúry Generálnej prokuratúry Slovenskej republiky (Special Prosecution Office of the General Prosecution Office of the Slovak Republic)	ÚŠP GP SR	2004

With regards to our case studies, various factors need to be taken into account for the similarities and differences observed:

- *Different cultural and intellectual approaches to corruption*. Cultural aspects may have an impact on the agencies' mission;

- *Different legal traditions*. Some countries are closer to the French administrative and penal tradition, imbedded in a roman civil law and hard/codified definition of corruption. Whereas others are more expressive of the Anglo-Saxon legal tradition based on court jurisprudence and a more flexible criminal conceptualisation of corruption. A large number of countries have lived under a similar legal system from more than 50 years during communism. Legal/penal traditions may have an impact on the agencies' effectiveness in bringing cases before the courts;

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[8] State of New South Wales.

- *Different levels of democratic consolidation*. Some are young democracies, others, such as France and Australia, are longstanding. Harsh economic conditions registered in most of these countries – with the collapse of the socialist planned economy in Central and Eastern Europe or, in the case of Argentina, due to continuous failed monetary policies – coupled with continuous scandals of corruption, seriously damaged the levels of public confidence in political actors and institutions. The persistent low levels of confidence have serious implications to the regime's support and stability. Levels of democratic consolidation may have an impact on the degree of diffusion and appropriation of ethical standards in a given society as well as the degree of institutionalisation achieved by ACAs;

- *Different types of regime*. Some are presidential regimes, some semi-presidential and others parliamentary (out of which some have adopted a Westminster-type parliamentary democracy). This factor may have an impact on the agencies' institutional design, especially in terms of horizontal accountability;

- *Diversity with regard to their momentum of creation*. Although most ACAs were created in a scandalous context or in response to scandal, some were more conditioned by international factors than others. With very few exceptions (Malta's PCAC and NSW ICAC), all ACAs were created in a post-cold war era. Anticorruption gained a new impetus in the post-Cold War era. Democracy expanded globally, to the extent that today there is no other serious competitor to its existence. The "uncontested supremacy" of democracy and the diversity of "democratic" regimes observed has raised new debates over the quality(ies) of democracy and opened an unprecedented reflection and self-criticism about the way western democracies performed. The veil of hypocrisy which for so long reined in western democracies and place them in a pedestal as the world's least corrupted was lift. Scandals erupted in waves and it no longer involved only minor bribery transactions at the bureaucratic level. Citizens in western democracies started to condemn corruption and in particular that affecting political actors and institutions. Hence, the momentum of creation (pre- or post-Cold War, pre- or post-EU accession) may have an impact on the agencies' scope of action;

- *Diversity in relation to their jurisdiction and existence*. The Australian ACA is a sub-national agency, i.e. operating at the state level only (New South Wales); whereas most ACAs are national. The Portuguese AACC was extinguished in 1992, at a time when most OECD countries were putting in place this type of agencies;

- *Diversity in levels of perceived corruption (based on TI Corruption Perceptions Index)*. International perceptions are as important as (sometimes even more important than) domestic ones in putting pressure on governments to increase or diversify their institutional responses to corruption;

- *Degree of economic development and budget stability*. Economic conditions may have an indirect impact on how ACAs are framed, both from the standpoint of their financial autonomy as well as the scope of their mandate. ACAs often appear associated with the ultimate mission of combating corruption to safeguard development and reducing public money wastage and misappropriation. Countries with stable and growing economies are in a better

position to justify a well resourced anti-corruption agency and its activities to the tax payer than countries in recession or with chronic high levels of public debt.

Why does it matter studying anti-corruption agencies (ACAs)?

One distinctive feature of the anti-corruption activity of the 90s is the level of regulatory and institutional innovation achieved. In addition to the role played by the traditional anti-corruption actors, we also witnessed the rise of new players, such as the anti-corruption agencies (ACAs).

Although embryos to these institutional units can be traced back in time, in the form of parliamentary commissions, inquiry committees, special police branches, anti-corruption leagues, the first ACAs date from the postcolonial period in the aftermath of World War II.[9] These early agencies were either created by the declining European powers as an attempt to clean-up the not-so-clean reputation of their colonial administrations or put in place by the new independent governments as a part of their self-determination endeavour to build a new administration rid of old habits and "corrupt" practices inherited from the colonial powers. Out of these, the Hong Kong ICAC, created in 1974, has been one of the most successful ventures and it has become a model to many others in the Anglo-Saxon world and beyond (Johnston 1999; Quah 1999).

Since the end of the Cold War, the geographical location of these bodies has expanded from the developing to the developed world, from transition to consolidated democracies, as corruption started to be discussed and condemned beyond the stereotyped vision which previously circumscribed it to the Southern hemisphere. Corruption became global, and so did anti-corruption efforts. ACAs are often born out of a broad political consensus in a context of scandal and crisis, thus telling us much about either the short-lived existence of some of these bodies and/or their limited capacity to deliver results.

However, the domestic context of creation of ACAs is increasingly intertwined with the international level. World institutions have incessantly recommended the creation of ACAs as an important piece of the national institutional architecture and grand strategy against corruption. In Central and East Europe countries, ACAs have also been recommended as part of macro anti-corruption programmes promoted in view of EU membership.[10]

The format of these agencies and their success in keeping up with new forms of corruption vary greatly from one country to another. But there is also a good deal of institutional *mimetism*.

On the one hand, the creation of ACAs was the product of specific patterns of legal-institutional development and reactions to emerging challenges. Each agency is, in

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[9] 1952, Singapore, Corrupt Practices Investigation Bureau; 1967, Malaysia, Anti-Corruption Agency; 1974, Hong Kong SAR, Independent Commission Against Corruption.
[10] The Copenhagen criteria suggest reforms related to the functioning of the political sphere and the judiciary as a pre-condition to accession.

that respect, one of a kind. Some countries have endowed their agencies with investigative and prosecution powers, whereas others have preferred a more preventive, educational and informative role. There are also differences with regard to their scope of action, resources, accountability requirements, etc. On the other hand, there has also been a convergence in the type of agency adopted. It may be improper to use the word model, but at least we could say that, since the late 1980s, we have witnessed an increasing cross-country transfer of knowledge about the format of these bodies. Knowledge of the successes and failures of foreign experiences and the importation of models already tested abroad is an important feature of this policy and institutional engineering process.

Independently of their format and competences, ACAs encounter various constraints to their mandate, which explains the meagre results obtained by some of them: 1) difficulties in unveiling corruption via complaints (technical, statutory and cultural); 2) difficulties in obtaining information about corruption and its opportunity structures from other state bodies/agencies and 3) difficulties in establishing a good working relationship with the political sphere. There is also a discrepancy between expected results and achievable ones that should not be ignored.

Certain ACAs remain unknown to the wider public and do not anchor their anti-corruption/fraud role in civil society. This is partly due to their format and partly to a lack of understanding of the centrality of citizens to the whole process of control, given the obscure nature of these transactions.

These specialised bodies are important to study for various reasons. They are fairly new (oldest is currently 54 years old), but their numbers are increasing steadily; their adoption is often central to broader anti-corruption national programmes/strategies; they are single-issue oriented: their sole mission is to combat corruption; they are an attempt by governments to overcome the insufficiency and/or inadequacy of conventional law enforcement agencies in coping with the growing sophistication of corrupt mechanisms and transactions as well as detecting and/or prosecuting complex corruption cases. In contrast with law enforcement agencies, ACAs have equally been designed to develop a preventive capacity and to generate a knowledge-based approach to corruption through research. In principle, these bodies are provided with a team of experts (whilst drawing and exchanging knowledge and experience with several other monitoring and regulatory units), an ample mandate, investigative powers, statutory autonomy and adequate funding to ensure that effective preventive steps are identified and put in place. In practice, however, the label "ACA" does not fit many of the realities found.

We do not yet know how long will these agencies exist. Will they remain permanent institutional features of the governmental structure or will they slowly disappear while conventional enforcement agencies become gradually more effective and regain prestige and support from the public? Will ACAs continue to expand to new countries or will the demand for these specialised agencies start to fade as the attention of world institutions moves away from corruption into other pressing global problems? For all these reasons, it is important to try to understand the nature, capabilities and performance of these agencies and to make the result available to academics and practitioners working on the field. This is the objective we have committed ourselves to with the creation of ANCORAGE-NET.

The analysis that follows attempts to assess variations across 15 ACAs in 14 different countries by focusing on the context of their creation; their institutional design; their social composition; their mandate (mission scope of action and competences); constraints to the exercise of their mandate (role of complaints and its limits, relationship with other state bodies/agencies and political interference); international cooperative endeavours in the pursuit of their mission; and the role of research in shaping their activities.

1.   The creation of ACAs

The first question one ought to raise is what do we mean by anti-corruption agencies (ACAs)? One operational definition could be:

> *ACAs are public (funded) bodies of a durable nature whose specific mission is to fight corruption and associated crimes and to reduce the opportunity structures favourable to its occurrence through preventive and repressive strategies.*

We asked the Heads of ACAs if they cold provide us a short definition of "anti-corruption agency" and we noticed that, overall definitions did not differ substantially from each other (Table 3).

Table 3. What is an ACA?

Country	Could you please provide a short definition of ACA?
Czech Republic	An independent state administrative body combating corruption and connected crime with own powers to investigate/prosecute and prevent (the head appointed/recalled by the Parliament, own strong budget).
Croatia	A central special office for suppression of corruption and organised crime.
Malta	An independent and impartial body, vested with the legal requisites empowering it to conduct investigations both to discover corrupt practices as well as prevent or limit any corrupt practices.
Slovak Republic	ACA is an independent body entrusted by investigation and prosecution of corruption and corruption-related crimes. This body is politically independent with their own financial budget, reliable to a parliament directly or through an independent parliamentary commission. It should be a part of independent prosecution office.
Australia (New South Wales)	A body with sufficient physical and financial resources and legislative powers to be able to independently investigate, expose and minimise corruption.
Latvia	Independent, permanent body with investigative powers having financial independence and accountability to sovereign authority.
Malawi	An ACA is an Agency established under the Law to prevent corruption and enforce the law on corruption at all levels in the society with an intention of promoting transparency and accountability, good governance and democracy.

In practice, however, there is no standardised model of what an ACA should look like. In some cases, the ombudsman offices have taken much of these tasks; in other cases, these bodies are not administrative/judicial entities, but parliamentary or special units in police forces. For that reason, it is useful to identify a series of requisites which need to be in place for a particular agency to be identified as an ACA. The literature (Doig 1995, 2000; Quah 1999; Pope 1999; Pope and Vogl 2000; De Speville 2000) often refers to the following characteristics:

- <u>Distinctiveness</u> from other national government agencies dealing with corruption. In relation to crime units or commissions, its fundamental mission is to control corruption. It exists in so far it is meant to deal with corruption specifically;
- Develop both a <u>preventive and repressive</u> dimensions of control;
- Bodies of a <u>permanent nature</u> (whether parliamentary commission, administrative body, inter-ministerial service, etc);
- <u>Centralising</u> competences (storage, treatment and hub of information);
- <u>Articulation</u> of initiatives by other control actors (interface);
- <u>Knowledge production and transfer</u> (role of research, membership/participation in international fora and organisations);
- <u>Rule of law</u> (checks-and-balances and accountable to sovereign authority);
- Its existence <u>known by and accessible to the public at large</u>.

When we asked Heads of ACAs which out of the aforementioned requisites they thought should be in place for a particular agency to be identified as an ACA, the picture was somewhat different (see <u>Chart 1 on page 15</u>). The majority of respondents emphasised the juridical foundation of these bodies than requisites of a policy/strategic nature. Accordingly, ACAs are 1) statutory bodies with assigned powers and bound by law, 2) bodies of a permanent nature, 3) with capacity to develop both a preventive and repressive dimension of control. On the contrary, most believed ACAs ought to cooperate with other conventional enforcement agencies, but should not try to develop decision-making/leadership competences over them.

The distinctiveness of mission was surprisingly not considered a top requisite. Perhaps this has to do with the fact that some believed this requisite to be already expressed under the statutes themselves. It may also be that since ACAs are, similar to conventional enforcement agencies, increasingly dealing with a series of criminal acts other than corruption (e.g. fraud, embezzlement, illicit political financing, etc), the distinctiveness of mission becomes less evident so-to-speak. Not all Heads of ACAs agreed that agencies need to have their own research departments and powers to centralise information on corruption related crime in order to be qualified as such. Nevertheless, this does not imply that Heads of ACAs were downplaying the role of knowledge production and transfer as central to the existence and performance of ACAs. In fact, when asked their position with regard to the major reasons or policy imperatives in justifying the creation of these agencies in their country, most Heads of ACAs replied "To curb corruption in a knowledge-based manner" (<u>Table 4</u>). They are aware of the importance of research to empower ACAs with more focused

responses and an informed preventive role, but they do not necessarily agree that such capacity ought to be developed internally.

Table 4. Raison d'être of ACAs

Reasons justifying the creation of ACAs	Mean
To curb corruption in a knowledge-based manner	4,47
To curb corruption without political interference	3,86
To transform policy into action	3,86
To avoid the inertia of traditional enforcement mechanisms	3,64
To get visible results fast	3,27
To avoid investigations being stopped by corrupt members in traditional enforcement mechanisms	3,27
To retain control over the chain of command	2,17

Scale: 5=extremely important; 4=very important; 3=important; 2=somewhat important; 1=unimportant.

The need "To curb corruption without political interference" was equally perceived as a strong justification for setting up these bodies. This policy imperative is also linked to the perceived low levels of confidence in the traditional enforcement agencies. It is also interesting to notice that acting effectively means, for most of the respondents, "transforming policy into action" and not necessarily engaging in clean-up acts oriented towards attracting media attention and boosting popular support. For that reason, "getting visible results fast" is important, but should be taken with caution. Aiming high often leads to low scores. Attracting media attention may serve as vehicle to increase public support, but the spotlights may also evidence impotence and inconsequence of actions and lead to popular disillusionment. Again, most Heads of ACAs agreed that these agencies are not created to head all anti-corruption operations taking place within the territorial jurisdiction of the State.

Institutions are not neutral. Besides being evaluated for their efficacy (*functional performance*) they are equally judged on the basis of their *normative performance*, in other words, to what extent they safeguard and promote the principles underpinning their creation. The literature offers a wide range of qualities and principles upon which ACAs *ought* to be founded and perform (Pope 1999; TI 2000; Pope & Vogl 2000; Chan 2000). It is interesting to notice that, out of the most cited, Heads of ACAs believe the rule of law, impartiality from external/political interference, and the integrity of its members to be the most important standards to the performance of their agencies. Independence and accountability/responsibility also rank high and above efficiency. Few saw transparency of its activities, financing and modus operandi to be important and lesser believed a strong leadership had little impact on performance evaluations. ACAs are law enforcement agencies hence it is not surprising that informality was, overall discarded, as an important standard of performance. Nevertheless, such rejection of informality also tells us a bit about the

rigid modes of operation of these bodies, how they gradually evolve to heavy staffed and bureaucratic bodies; and their difficulty in communicating with the outer world, which is less interested on legal precepts and protocols (Table 5).

Table 5. Most important performance standards

Performance Standards	Mean
Legality (rule of law)	5,00
Impartiality	4,93
Integrity	4,86
Independence	4,64
Accountability/Responsibility	4,60
Efficiency	4,53
Transparency	3,93
Strong leadership	3,73
Informality	2,62

Label: 5=extremely important; 4=very important; 3=important; 2=somewhat important; 1=unimportant

Chart 1. Definitional requisites of an ACA

Requisite	Count
Statutory body with assigned powers and bound by law	(13)
Body of a permanent nature	(13)
Both preventive and repressive dimension	(13)
Duty to produce and transfer knowledge about corruption and how to prevent it	(12)
Accessibility to the public	(11)
Own team of investigators	(11)
Public recognition	(11)
Accountability to sovereign authority	(10)
Financial independence	(10)
Coordination powers over other bodies	(8)
Centralizing powers for information on corruption-related crime	(7)
Own research department	(7)
Distinctiveness of mission	(7)
Decision-making/leadership powers over other bodies	(1)

2.   The Nature of ACAs

This part will try to address three fundamental questions: *When* do ACAs come about? *How* are they designed (institutional format) and empowered (social composition and budget)? And *what* is the nature and scope of their mandate?

2.1.   Contexts of creation

ACAs often come about as both the result of domestic political conditions as well as pressure from international financial institutions, donors and the European Union in view of future membership (*Copenhagen criteria*) (Table 6). There is no clear-cut distinction between both environments: pressure from the EC may generate local demands for reform, whereas the succession of scandals in one country may have a domino effect upon neighbouring democracies, making these countries to engage in pre-emptive reforms[11] or leading towards the adoption of international penal/regulatory instruments.

Table 6. Contexts of creation

Contexts of creation	Level	Mean
Political consensus	Domestic	3,58
Systemic corruption	Domestic	3,23
Public opinion pressure	Domestic	3,15
Pressure from international institutions	International	3,00
Political Changeover (soon after new government elected)	Domestic	2,92
Membership of the EU	International	2,8
Succession of scandals	Domestic	2,62
Donor recommendations	International	2,33
One major scandal	Domestic	1,70
Political backdrop (immediately before elections)	Domestic	1,55
Post Colonial reform	International/Domestic	1,22
Revolutionary reform	Domestic/International	1,00

Scale: 5=extremely important; 4=very important; 3=important; 2=somewhat important; 1=unimportant.

One of the paradoxes of the creation of ACAs is that they are expected to develop a preventive role whilst coming into being in very adverse environments, such as a scandalous context or in a context of rampant corruption. Although this may not

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[11] This was, for instance, the case of Italian "clean hands" investigations, which led to a series of legislative reforms in other European democracies, especially in what concerns political financing regulations and transparency rules in public tendering procedures.

necessarily become a reason for their lack of success or short existence, it nevertheless creates great challenges to these bodies from day one.

The creation of an ACA is also about politics. In the context of political backdrop, the creation of ACAs can take place as a pre-electoral "clean up act". If the incumbent is likely to face an electoral defeat caused by successive corruption scandals, the decision to set up an ACA can be interpreted as a desperate cosmetic manoeuvre to regain trust from a disenchanted electorate. When the creation of an ACA is associated with a political changeover (soon after the new government has been elected), especially in those cases where the new incumbent had not been in power for a long period of time, the resulting entity may also be part of a "clean up act" which can often lead to the implementation of a winners' unilateral agenda and consequently to selective purges and prosecution of members of the previous government/regime. These unilateral instrumental anticorruption strategies may not always occur and political consensus can and has been reached. In fact, most Heads of ACAs mentioned that their agencies were created thanks to broad political consensus. They also indicated that the creation of ACAs in post-electoral environments is more common than in contexts of political backdrop.

International financial institutions, such as the World Bank and the International Monetary Fund have too often "pushed" for the adoption of these bodies. They can either do it explicitly, as part of a set of reforms imposed on receiver countries in order to qualify for aid programs or implicitly, by convincing receiver countries that such reforms are in their best interest. Overall, these international institutions have been more worried about the formality of having such bodies in place than their composition and performance. In some instances, large project or staffing grants have been injected into national ACAs without making any assessments on results achieved. Not to mention that a well financed agency in a developing country can be quite appealing for any rampant politician, magistrate or senior public official to fight for its leadership. The anti-corruption discourse of an ACA Head official can have considerable popular backing and become an alternative ramp for upcoming politicians. In this sense, and using Doig's argument (2000), understaffed and limited resourced agencies are not always a "bad thing" or, to put it in another way, more money is not always an incentive to efficacy.

2.2. Institutional formats: ensuring accountability and non-interference

ACAs can assume different institutional formats, but they all come about through juridical acts that seek to strike a balance between the agency's competences and a set of horizontal accountability requirements and safeguards to its autonomy.

There is no specific model as to how it should look like and its juridical existence comes into being in accordance with specific legal-institutional traditions and social and political contexts. Some agencies are created as a special service attached to a presidential office or the Ministry of Justice; whereas others were constituted as autonomous statutory bodies, accountable to parliament (Table 7). The NSW ICAC is an interesting case in point due to the country's federal nature. There are two major distinct features of Australia's policy concerning the establishment of ACAs: 1) the

absence of a federal ACA;[12] 2) the existence of different institutional responses to corruption at the state level, in some cases leading to a fully-fledged ACA (New South Wales), a Criminal Misconduct Commission with broader crime focus (other than corruption[13]) and wider jurisdiction (Queensland), or even the reinforcement of the Ombudsman Office powers (Victoria). The State of New South Wales has opted for the creation of an Independent Commission Against Corruption.

Notwithstanding domestic patterns of institutional development, there is also a good deal of institutional *mimetism*. The importation of models already tested abroad is an important feature of today's anti-corruption activity. When asked if the institutional design of their agency was influenced by foreign models or experiences, half of our respondents replied "YES" and the reference model was: the Hong Kong ICAC. It was also interesting to notice that the transferability of institutional responses to corruption can take place more easily between countries sharing similar historical and cultural state-formation conditions. This is the case, for instance, with the Baltic area. Lithuania's STT has become a model to neighbouring Baltic countries. For example, Latvia's KNAB has been based on both the Lithuanian and Hong Kong agencies.

In principle, agencies under the aegis of a presidential office or ministerial tutelage are more likely to be exposed to pressure than those of an independent statutory nature. The latter are in a better position to define and run autonomously its agenda and strategies. They also enjoy greater financial independence which allows them pursue their mandate freely and to take decisions concerning the reallocation of resources to priority areas without interference. Statutory ACAs tend to win public support more easily, since they are perceived as not being biased or subject to the instructions of powerful political actors. In practice, however, they are never totally immune of political interference which can emerge from a hostile presidential executive or a consensual party position in the legislature. We should not forget that independence is a pompous statutory word for a reality that often does not exist. All agencies are financed by the State budget and its allocation is a political not technical decision.

The relationship between ACAs and the political sphere has never been an easy one. Political interference can take place from the beginning as a consequence of the way in which the agency is framed and safeguards to its autonomy are put in place. Tension can also mount as a result of the redefinition of the agency's strategic priorities. Moving from administrative or petty corruption into grand corruption, involving a whole range of actors, single and collective (parties, companies, foundations, etc), complex exchanges (use of off-shores, false accounting, etc) is not always an easy step regardless of the agency being mandated to do so. Appointment and recruitment procedures and budget autonomy are the most sensitive areas through which ACAs can be exposed to pressure. Political interference can be exerted directly, through the threat of extinction, reduction of powers, limitation of the

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[12] There is a federal anti-crime unit, the Australian Crime Commission (ACC), with wide investigative powers, but its focus is not corruption and its preventive capacity is inexistent. The ACC shares its investigative responsibilities with the Australian Federal Police and both refer to the basic policy framework set by the Attorney-General's Department.
[13] The Queensland CMC also deals with major crimes such as paedophilia, drug trafficking, extortion and murder.

agency's financial capabilities and dismissal of its leadership or indirectly, by inciting other state bodies to a non-cooperative endeavour or by increasing inter-institutional accountability procedures to a degree as to obstruct or slowdown the ACAs' effective response.

Arm-wrestling with the political sphere can be damaging to ACAs, but it can also be rewarding and help them to consolidate their mission. Success depends on a series of factors: assertive and visible results (which require adequate means and powers of investigation), solid public support of the agency's mandate, media coverage of actions,[14] finding allies and making it clear to the political class that the agency's initiative: 1) is not a violation of mandate, but a response to citizens' expectations; and 2) is not about witch-hunting into politics, but a little help "from outside" which should be complemented by an appropriate reinforcement of internal controls and self-regulation.

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[14] Not all ACAs have been successful in bridging alliances with the media and other civil society actors that play a fundamental role in unveiling and reporting corruption allegations/occurrences.

Table 7. Accountability requirements and degree of independence

Country	To whom or to which body does the agency report?	Is the agency audited?	In law, is the agency protected from political interference?	In practice, is the agency protected from political interference?	Who appoints the Head of the ACA?	How long does the tenure last	In law, who has the power to remove the head of the ACA?	Is the head of the agency protected from removal without due justification
Croatia	To the Attorney General's Office	yes	yes	yes	State Attorney General (heard the opinion of the Minister of Justice and the National State Attorney's Office Panel)	4 years	The State Attorney General	yes
Czech Republic	To the Police Presidium and to the Upper State Prosecutor Office	yes	yes	yes	The Police President	No limit/ undetermined	The Police President	no
Czech republic (II)	To the Government	yes	no	no	The First Deputy (section chief) of the Minister of Interior	No limit/ undetermined	The State Attorney General	no
Lithuania	To the President and to the Parliament	yes	yes	yes	The President of the Republic with the consent of the Parliament	5 years	The president with the consent of the Parliament	yes
Republic of Macedonia	To the Parliament	yes	yes	yes	The members of the ACA	1 year	The members of the ACA	yes
Malta	To the Minister of Justice	no	yes	yes	The President (acting in accordance with the advice of the Prime Minister, given after he has consulted opposition	5 years	The President acting in accordance with the advice of the Prime Minister	yes
Moldova	To the Government and to the Anticorruption Prosecutor Office	yes	yes	no	The Government	4 years	The Government	no
Republic of Montenegro	To the Ministry of Finance	yes	no	yes	The Government	4 years	The Government	yes
Romania	The Superior Council of Magistracy and the Ministry of Justice	yes	yes	yes	The President of the Republic at the proposal of the Minister of Justice with the approval of the Superior Council of Magistracy	3 years	The President of the Republic	yes
Slovak Republic	To the General Prosecutor and to the Parliament	yes	yes	yes	The Parliament	5 years	The Parliament	yes
France	To the Minister of Justice and to the Prime Minister	yes	yes	yes	The President of the Republic	4 years	Immovable	yes
Argentina	To the Ministry of Justice	yes	no	no	The President of the Republic	No limit/ undetermined	The President of the Republic	no
Latvia	To the Cabinet of Ministers and to the Parliament	yes	yes	yes	The Parliament by recommendation of the Cabinet of Ministers	5 years	The Parliament on the recommendation of the Cabinet of Ministers	yes
Australia (NSW)	To a Parliamentary Committee and to an Inspector nominated by the NSW Governor	yes	yes	yes	The New South Wales State Governor	Up to a maximum of 5 years	The New South Wales Governor	yes
Malawi	To the Public through Parliament	yes	yes	yes	The President subject to confirmation by the Public Appointments Committee of Parliament	4 years	The President, with the confirmation of the Public Appointments Committee of Parliament	yes

2.3. Social composition and budget

The composition of ACAs (Table 8), or any other institution to that matter, is fundamental to its existence and functioning and often not well thought in advance. Governments spend too much time framing statutes and discussing the formal aspects related to the juridical creation of these bodies and less on the management of human resources.

In most cases, appointments are based on open competitions (some competitive, but limited to public officials only). This recruitment strategy has often been adopted to ensure impartiality and support from public opinion at large in contexts of institutional failure (i.e. low levels of trust in the conventional enforcement agencies and public officials at large). Specific training of candidate or new members on corruption investigation techniques becomes quintessential to the agency.

In other cases, members are transferred from other state departments and enforcement agencies (the judiciary, ministerial services, tax office, regulatory bodies, etc) where they have acquired professional experience and first-hand expertise. This recruitment strategy is aimed at keeping costs low, hence appealing in times of harsh economic conditions or high public debt. It can also reinforce the inter-ministerial nature of these bodies which can be useful not only to provide the new body sufficient and diversified critical mass on various branches of public law (public administration, penal, competition and tax laws) and in the various areas of incidence of corruption, but also to facilitate cooperation and the transfer of information from other public bodies (since the agency will profit from its members' insider view of other bodies as well as their networks).

Table 8. Type of professionals (full-time staff) and recruitment mechanisms

Country	Head office staff (including head, chairman or director)	Investigators/ operational staff	Administrative staff	Researchers (academics, risk analysts, etc)	Law experts and policy advisers	Internal auditors (including accountants)
Argentina	AP	AP/OC/TR	AP/OC/TR	AP/OC	AP/OC/TR	AP
Australia (NSW)	AP/OC	OC/TR	OC	OC	OC	OC/TR
Croatia	AP	AP	OC	--	OC	--
Czech Republic	OC/AP	OC/TR	TR	OC/TR	--	--
Czech Republic (II)	AP	--	OC	OC	OC	--
France	AP	OC	OC	OC	OC	OC
Latvia	OC (Director) AP (Deputy Dir.)	TR	OC	AP	OC	AP
Lithuania	OC	?	?	?	?	?
Malawi	AP (Director) OC (others)	OC	OC	OC	OC	OC
Malta	AP	--	AP	--	--	--
Moldova	AP	OC	AP	OC	--	OC
Republic of Macedonia	TR	--	TR	TR	TR	--
Republic of Montenegro	AP	--	OC	--	TR/OC	OC
Romania	?	?	?	?	?	?
Slovak Republic	AP	--	OC	--	--	--

Label: AP=appointed; OC=open competition; TC=following successful completion of training course; TR=transfer from other enforcement agencies.

Both models have their own advantages and disadvantages and they cannot offer a total safe solution to ensure high quality and integrity of professionals recruited.

Appointments tend to be more common for senior staff. This is a common procedure with most autonomous public agencies. Impartiality and independence are not necessarily safeguarded by making these positions filled by open competition. Having said this, some guarantees need to be in place, such as: security of tenure (once selected the Head should not dismissed at the discretion of its principal); holding public hearings in parliament as part of the selection procedure to learn about the ideas, plans of action and experience of short listed candidates; two-third majority in parliament to confirm appointment; etc.

Most agencies analysed are small units both with regard to their staffing levels and annual budget (mostly on wages). Despite being mentioned as a reference model, most agencies do not have 10% of the staff of budget capabilities of the Hong Kong ICAC (approximately 1,350 professionals) (Table 9). The decision to keep agencies small with a limited number of members is justified in terms of cost-efficiency criteria. The principle of staff contention is meant to avoid the duplication of efforts with other existing institutions dealing with corruption. Similar to other public agencies, the largest part of the ACAs' annual budget goes on wages and current expenditure. For that reason, when comparing budgets we should take into consideration that wages vary considerably from country to country. We should also take into consideration the adequacy of the budget's size to the competences formally attributed to these bodies. When asked if they felt their agencies had adequate funding to fulfil their objectives and mandate, only one third of the Heads of ACAs answered "YES".

Table 9. ACAs Staffing Levels and Budget

Country	Current Staffing Levels Total	Annual budget €,m	"Does your agency have sufficient funding to carry out its mandate?"
Argentina	90	0,5	no
Australia (NSW)	111	10,16	yes
Croatia	36	1,2	yes
Czech Republic	306	4,4 (only wages)	no
Czech Republic (II)	--	--	yes
France	14 (when created)	0,37	yes
Latvia	89	3,2	yes
Lithuania	--	4,7	no
Malawi	51	0,52	no
Malta	4	0,08	no
Moldova	40	2,59	no
Republic of Macedonia	6	0,25	no
Republic of Montenegro	5	0,07	no
Romania	510	--	no
Slovak Republic	31	--	yes
Hong Kong	**1.350**	**70,05[15]**	**n.a.**

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[15] Source: Kamanga 2005, p. 22.

2.4. Mandate and Scope of Action

ACAs differ substantially in terms of competences and powers to carry out their mandate (Table 10). Some agencies do not have investigation and prosecution powers. Some have been provided with a strong preventive and educative capability. In principle, all ACAs were created with a special mission to combat corruption (as already mentioned). In practice however, the "Anti-Corruption Agency" label expresses different institutional realities. The discrepancy of capabilities is so wide that we could not put in the same league, the French SCPC, which has not been provided with detection and prosecution competences and the Croatian USKOK or the Romanian NAD.

Most agencies do not have prosecution powers, like the Hong Kong ICAC and their emphasis on prevention by trust rather than by threat of punishment. There is an element of democratic accountability to it. Democratic governments do not see it desirable the creation of largely resourced autonomous enforcement agencies. They also know that the efficacy of anti-corruption does not necessarily need to be based on respect for constitutional guarantees and democratic standards. It suffices to say that the two oft-quoted "most successful" ACAs operate in non-democratic regimes, Singapore and Hong Kong respectively and have special powers which would be less acceptable in democratic societies or acceptable only in very special circumstances and with the necessary safeguards. Whereas non-democratic regimes can afford to put in place agencies that are effective at cost of being abusive of human rights, democratic governments need to balance efficacy in the combat against corruption with the preservation of the basic tenets of democracy. Great care needs to be taken with regard to ACAs' normative framework and performance right from the outset at cost of making it less effective than expected.

Table 10. Formal competences/powers of ACAs and their self-evaluation[16]

Country	Detection/Exposure		Prosecution/Discipline		Prevention/Education	
	Competences (max. 11)	Self-evaluation	Competences (max. 4)	Self-evaluation	Competences (max. 9)	Self-evaluation
Argentina	6	4,6	2	4	9	3,7
Australia (NSW)	11	5	1	5	9	5
Croatia	6	3,3	2	4,5	5	2,8
Czech Republic	9	4,7	--	--	7	4,1
Czech Republic II	3	3	--	--	9	3,7
France	--	--	--	--	7	--
Latvia	3	4,6	--	--	6	4
Lithuania	6	4,3	--	--	7	3
Malawi	9	3,4	1	5	9	5
Malta	3	5				
Moldova	10	3,8	2	--	7	3,4
Republic of Macedonia	3	4,7	--	--	5	4,4
Republic of Montenegro	1	3	--	--	7	3,3
Romania	5	4	2	3,5	3	3,7
Slovak Republic	7	4,9	2	4,5	1	5

Initially, these agencies were attributed a relatively broad mandate. They were concerned with corruption in the public sector as well as political corruption and

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[16] It was asked to the Heads of the ACAs, or someone designated by them, to evaluate the competences/powers of their agency according to the follow scale: 1=Very unsatisfactory;2=Somewhat unsatisfactory; 3=Neither satisfactory nor unsatisfactory; 4=Somewhat satisfactory; 5=Very satisfactory. The mean of the answers is presented in the self-evaluation column.

white collar crime. However, public sector corruption, that is, corruption taking place in the public administration, local and national politics, the judiciary or the police forces, were the major types of conduct these agencies were initially expected to combat or address (Table 11).

Table 11. Type of corruption the agency was initially expected to combat/address

Type of corruption expected to combat/address	Mean
Corruption in the public administration	3,46
Corruption in national politics	3,33
Corruption in the judiciary	3,27
Corruption in local politics	3,17
Corruption in the police forces	3,15
Corruption in *Quangos* or the para-public sector	2,90
Corruption in the private sector	2,67
Corruption in the armed forces	2,33

Scale: 5=systemic; 4=widespread/very diffused; 3=diffused/prevalent within contained circles; 2=existent but not worrying; 1=inexistent.

The tendency to narrow down the scope of action to a single priority was common to most ACAs. They now tend to give priority to corruption in the public administration (Table 12).[17] If misdemeanour in the private sector is a new dimension of anti-corruption and most agencies are still largely unprepared to deal with such practices (often due to the lack of adequate expertise as well as appropriate laws), with regard to political corruption, it is a matter of conflict avoidance.

Table 12. The agency's current top priority

Priority areas of intervention	Country
Corruption in the public administration	Argentina Australia Czech Republic Latvia Lithuania Malawi Malta Moldova Republic of Macedonia Republic of Montenegro Romania
Corruption in national politics	Czech republic (II)
Corruption in local politics	France
Corruption in the police forces	Slovak Republic
Corruption in the judiciary	Croatia

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[17] We should take into consideration that some respondents have considered local government administrations under "corruption in the public administration".

3. How do ACAs relate to citizens? The role of complaints and its limits

Given the obscure nature of corrupt transactions, whose effects are often interpreted of a benevolent nature (i.e. "noble corruption"), its detection and exposure is very hard without an involvement from citizens at large in their daily lives and professional activities. Complaints no matter what their provenance – citizens, office holders, party officials, candidates, accountants, NGOs, etc – are central to the framing and pursuit of the agency's mission.

Most agencies rely on the use of complaints to initiate inquiries or investigations; but not all have been successful in framing the procedures for reporting corruption fast (Table 13) and safely (Table 14), that is, without fear of recrimination or prosecution for unproven allegations (Table 15). The need to safeguard the honour of those who are unjustly accused and complaints offer different degrees of reliability has often served as an excuse to limit the role of complaints by making it explicit to the denouncer that there are heavy costs associated to their action.

Table 13. Acting on complaints (timings)
(1 week……< 1 month…… < 3 months….. < 6 months….. ≥ 6 months…… ≥ 1 year……)

Minimum	Maximum	Mean	Mode
1 week	1 year	3 months	1 month

Table 14 – Procedures for reporting corruption

Country	Hotlines (phone/fax)	Downloadable complaints form at website	Online complains form	Complaints officer	Special P.O. Box for complaints	Others	Total complaint procedures
Argentina	●	●	●	●	●		5
Australia (NSW)	●	●	●	●			4
Croatia			●				1
Czech Republic	●	●	●	●	●		5
Czech Republic II	●	●		●	●	●	5
Latvia	●	●	●	●			4
Lithuania	●	●	●	●	●		5
Malawi				●	●		2
Malta						●	1
Moldova	●	●		●	●		4
Republic of Macedonia				●	●		2
Republic of Montenegro	●			●			2
Romania	●		●	●			3
Slovak Republic	●						1
Total	10 from 15	7 from 15	7 from 15	11 from 15	7 from 15	2 from 15	--

Table 15. How ACAs treat citizens' complaints

Country	Are anonymous complaints taken into consideration?	In practice, do citizens complain to the agency without fear of recrimination?	Will the agency denounce/report unfounded allegations to competent judicial authorities?
Argentina	yes	yes	no
Australia (NSW)	yes	yes	n/a
Croatia	yes	yes	no
Czech Republic	yes	--	no
Czech Republic II	yes	yes	yes
France	yes (rarely)	yes	yes (sometimes)
Latvia	yes	no	yes
Lithuania	yes	no	yes
Malawi	yes	no	yes
Malta	yes	yes	no
Republic of Macedonia	yes	yes	no
Republic of Montenegro	yes	yes	yes
Romania	yes	yes	no
Slovak Republic	yes	yes	yes

Another strategy, which can limit the role of complaints, is by setting a selective treatment of that information and prioritizing. Complaints coming from office holders inside the organisation are often treated with greater reliability than anonymous complaints. The fact that ACAs select and prioritize the different types of complaints (anonymous versus disclosed, insider versus outsider, senior cadre versus low rank official, etc) is justifiable from an operational point of view (i.e. given the lack of resources to deal with all complaints in due time), but does not reduce the distance between the agency and citizens at large. ACAs vary in the way complaint systems have been made of easy access and flexible enough to allow an adequate and fast response. We should not forget, however, that besides organisational differences, citizens' attitudes towards the act of filing a complaint are also variable due to historical as well as cultural factors.
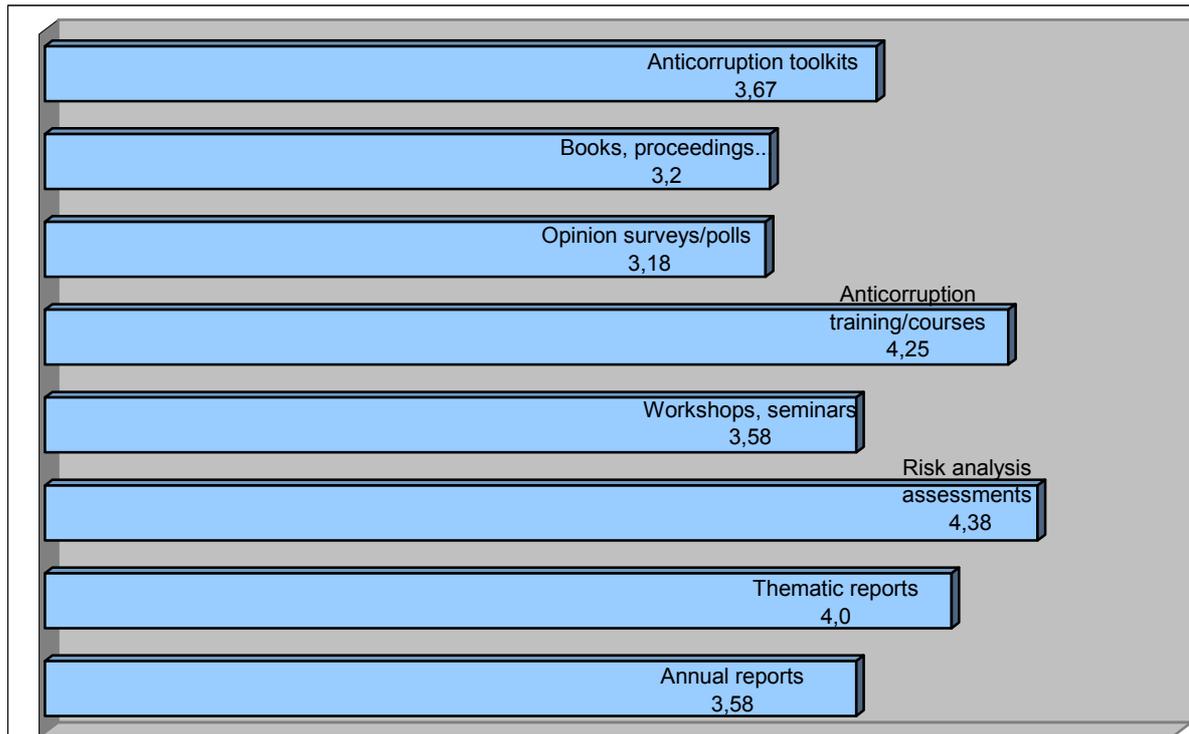
4.   What role for research?

One of the major reasons for setting up ACAs is the need to address corruption in a knowledge-based manner, in other words, to carry out significant empirical research about the causes, mechanisms, attitudes, contexts and consequences of corruption in order to improve its control. *Corruption control is public policy that seeks to reduce the scope and the likelihood of corruption*. It has both a repressive and preventive dimension and neither of these is successfully attainable without a proper understanding of what one is dealing with.

The research activities of ACAs can take different forms: conducting original empirical research, providing research support for major investigations; monitoring and assessing anti-corruption initiatives; creating databanks (for instance, on unveiled or reported corrupt instances/allegations, on corruption trials, on crime statistics of corruption and related crimes, on attitude surveys); treating and transforming raw data into ready-to-use relevant information; and serving as an interface to other researchers on the field. Some of these corruption-related research products are more important to the pursuit of the agency's objectives than others (Chart 2).

Chart 2. Importance of corruption-related research products to ACAs
(5=extremely important; 4=very important; 3=important; 2=somewhat important; 1=unimportant; 0=don't know


Anticorruption toolkits	3,67
Books, proceedings..	3,2
Opinion surveys/polls	3,18
Anticorruption training/courses	4,25
Workshops, seminars	3,58
Risk analysis assessments	4,38
Thematic reports	4,0
Annual reports	3,58

The diversity of research activities that ACAs can perform on its own depends largely on its resources: human (critical mass), technical and financial (Chart 3). Not all ACAs have engaged or can afford to engage in empirical research despite their claims about the importance of a knowledge-based corruption control strategy. Most research products tend to be commissioned and some are very costly.

Surveys are an expensive research tools and often commissioned, hence a high resource draining activity. Given their budget limitations, agencies tend to prefer more qualitative studies based on interviewing or documental analysis that can be carried out by their in-house limited research and financial capabilities. Risk assessments[18] tend to be produced by the agency's staff, but they can also be contracted out to outside research centres and consulting firms if the agency lacks critical mass in a specific domain or has all human resources committed in other areas.

Most low maintenance research activities, such as thematic workshops and roundtables with prominent public figures and academics are organised by ACAs themselves. These activities do not require the agency to develop its own research capacity, but simply to frame themes and to profit from knowledge generated elsewhere in various professional sectors.

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[18] These are essentially evaluations of various sectors of the public administration more vulnerable to corruption and similar illicit practices.

Chart 3. In-house production of corruption-related research products[19]
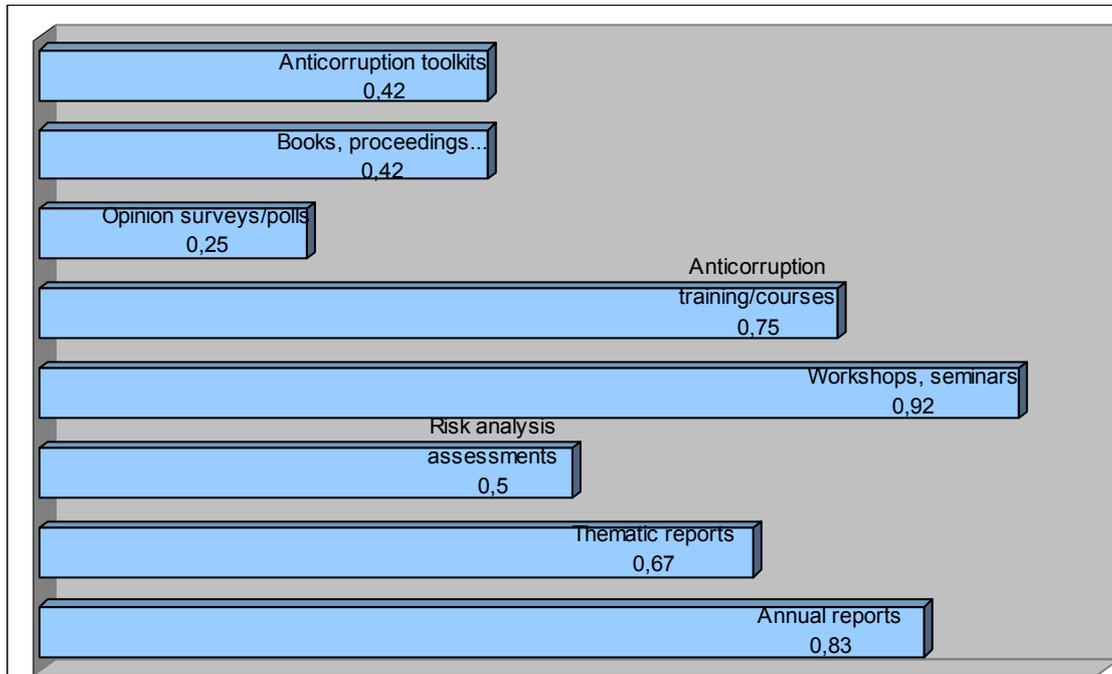
What is the actual impact of this knowledge production on the agencies' strategies? According to our respondents, "raising awareness" is the most expected impact of the various corruption-related research products developed by ACAs (Chart 4). Some of these products are relevant for framing policies and strategies; others are simply informed contributions to the general knowledge of corruption and anti-corruption activities. Using research products as advocacy tools is not an expected impact to most agencies, however, some made clear that assessing anti-corruption legal frameworks in place and draft legislation is relevant to their daily work.
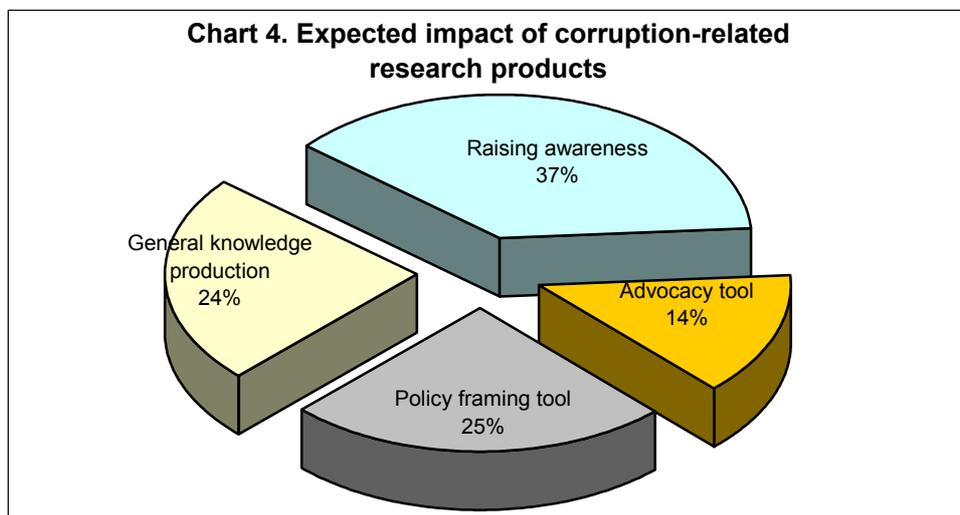
Surveys can help to set priority areas. The agency can choose to target primarily those conducts/practices which cause greater public concern and leave to more long term educational strategies those occurrences which are regarded less threatening to the organisation's objectives, its financial resources or the rights of citizens. However, their function tends to be more

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[19] This indicator shows the proportion of ACAs that have opted for in-house production of the various corruption-related research products. The closer the indicator gets to 1 (total number of ACAs analysed) it means that the majority of ACAs have carried out these research products with its own internal capabilities.

symbolic than effective to the agency's strategy. In other words, they help to raise awareness about the problem and diffuse knowledge, for instance through media coverage of those results.

Risk assessments have also little direct impact unless the agency works together with the body in question during the implementation of reforms. The centralisation, treatment and compilation of information can also have a direct impact on the fight against corruption by assisting enforcement bodies to detect (complex) cases of corruption. However, more often than not, the diffusion of results to other relevant enforcement actors, such as the magistracy or the judiciary police, tends to have a very limited impact on the opening of judiciary investigations and court proceedings. In most cases, this information is not readily available and presented in a users-friendly manner to external researchers, hence obstructing important channels of knowledge diffusion.

ACAs tend also to be very protective of their primary sources, especially those containing information on investigations. This has partly to do with privacy laws, but also with the fact that some of the information held is under court confidentiality. In some cases, ACAs sign up protocols and establish cooperative endeavours with universities or policy research centres to allow them to access those resources under strict conditions of use and scrutiny.

The knowledge produced on operational methods and tactics used by investigative teams is of considerable value to ACAs themselves as well as other anti-corruption actors, nationally and abroad. This knowledge can then be diffused through international expert conferences and IGOs' meetings. Advising is equally another outcome of the research endeavour developed by these bodies and which clearly distinguishes them from traditional anti-corruption actors. They often have a broad accessibility. Any public agency, political party, private firm or individual can access the agency to seek advising on corruption related matters. Whether advice is transformed into positive action it depends on the actors' will to change. At least, as a consequential activity of knowledge production and accumulation, it has the merit of keeping stakeholders engaged, thus contributing to the creation of a preventive culture.

5.   Use of ICT: anchoring control activities in civil society

As already mentioned, ACAs tend to be created under a climate of general public mistrust in conventional enforcement agencies and pressure for more effective measures against corruption. We have equally said that citizens play a central role in detecting and reporting corruption, but ACAs have not been successful in relating and making their work visible to the public at large.

The introduction of Information and Communication Techniques (ICT) is expected to address this communication deficit and play an important role in anchoring ACAs' initiatives and activities in civil society. ICT works as a twin-spear solution to this vertical accountability gap: on the one hand, it is expected to bring ACAs' initiatives and activities closer and more visible to citizens, enabling their direct involvement (for example, through online complaints) and support for the agency's mission; on the other hand, it is sought to reduce costs of information storage and treatment and improve the overall performance of ACAs.

The degree in which ACAs make use of these techniques is minimal. Only two out of fifteen agencies have a weekly e-newsletter or bulletin to inform the wider public of their activities. Institutional e-mails are widely kept undisclosed. The idea that institutional e-mails are private property of the user is wrongful. Institutional e-mails were created as a digital post-box for officials to be contacted both from inside and outside governmental structures. Not all information received via institutional e-mail needs an official reply or the same degree of attention. No public office or mechanism of communication associated to the exercise of public prerogatives can be understood as a private domain of restricted and undisclosed access. Making primary data available for researchers, policy-makers and practitioners on the field is yet not a common practice either. Only four agencies have online databanks with statistical information on corruption and related crimes. One educative task that ACAs can afford to implement in order to help raising levels of trust in law enforcement institutions and the courts is to create an online guide explaining the prosecution procedures for corruption. Only one third of ACAs have put in practice this low cost informative material. Although online opinion polls can have parameters to the universe of respondents and the sample of analysis, their scientific value is still very low. Nevertheless, they are an easy and low cost tool for public consultation on various sensitive issues, cases, strategies, priority areas, etc. Obviously, the interpretation of results would require someone acquainted with surveying and statistical methods, which most of these agencies do not have. In any case, the use of online opinion polls seems to be unpopular, since only one ACA makes use of it. We have also noticed that despite all weaknesses in using ICT to reach the public, ACAs actually want to be in network with civil society. The majority of ACAs have links to domestic NGOs and an INGO specialised on corruption Transparency International (TI) (Table 16).

Table 16. Using ICT to anchor control activities in civil society

Country	Weekly e-newsletter bulletin	List of staff e-mails	Databank on crime statistics	Guide explaining prosecution procedures for corruption	Online opinion polls	Links to domestic anticorruption NGOs	Link to TI
Argentina			●	●		●	●
Australia (NSW)	●			●			
Croatia			●	●		●	●
Czech Republic	●			●	●	●	●
Czech Republic (II)				●		●	●
France		●					
Latvia			●			●	●
Lithuania						●	●
Malawi		●				●	..
Malta							
Moldova							
Republic of Macedonia							
Republic of Montenegro		●				●	●
Romania						●	●
Slovak Republic			●				

6.   International Cooperation and Networking

The changing nature of corruption, its complex and transnational nature has forced governments to externalise or internationalise their control efforts. The fight against corruption is no longer contingent to State jurisdictions, actors and measures. International control initiatives are cumulative to those taken at the domestic level. The globalisation of corruption mechanisms and transactions

raises the need for an externalisation and internationalisation of control initiatives, whilst international initiatives need to be transposed into national jurisdictions where most anti-corruption work carried out.

One of the major reasons for the creation of ACAs is the intention of national governments to overcome the inadequacies of traditional institutional arrangements in addressing the growing sophistication and globalisation of corrupt transactions. For that reason, ACAs are forced to look outwards to international fora and higher levels of decision-making to compensate for the insufficiency of domestic instruments and responses.

International cooperation is equally a source of knowledge transfer through contact with different institutional realities. Best practice can be achieved by learning from foreign experiences. International organisations, such as the GRECO (Group of States Against Corruption) of the Council of Europe, play a major role in this domain. The International Anti-Corruption Conferences and other anti-corruption networks also provide an opportunity to exchange knowledge with other country experts and practitioners (Table 17).

Table 17. International cooperation and networking of ACAs

Country	Has the agency been solicited to provide international cooperation, such as giving information on a specific case under investigation?	Is the agency part of any network of anti-corruption agencies?	Is the agency a member of any IGO (such as GRECO of the Council of Europe)?[20]
Argentina	yes	IACAA; Network of Government Institutions of Public Ethics in Americas;	no
Australia	yes	no	no
Croatia	yes	OECD-ACN	GRECO SEEPAG I EJN
Czech republic	yes	no	no
Czech republic	no	IACC UNODC	GRECO
France	no	IACC	GRECO
Latvia	yes	EPAC; EHFCN;	GRECO
Lithuania	Yes	no	GRECO
Malawi	yes	INTERPOL	
Malta	no	no	GRECO
Moldova	--	--	no
Republic of Macedonia	no	no	GRECO
Republic of Montenegro	no	OECD-CAN; Council of Europe PACO Impact, OCTOPUS Programme; SPAI Network;	GRECO
Romania	no	no	no
Slovak Republic	yes	OECD working Group on Fight Bribery in International Business Transactions	no

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[20] This question was formulated in a simpler/colloquial manner. In reality, No agency can be member of an IGO per se. Countries are members and agencies can have their own representatives as part of the national delegation in that organisation.

7. Some concluding remarks on the conditions of success and failure

Various factors contribute to the success and failure of ACAs from a functional output perspective: their institutional format, the extent to which their mandate is matched with appropriate funding, the quality of recruitment, etc. The social composition of ACAs is particularly important. Institutions are not just an organization with a set of rules, procedures and a mission to accomplish. It is also a group of people who operate and interact towards the realization of a common goal. Recruitment is quintessential to the ACAs' performance (both from a functional and normative perspective). Similar to other newborn institutions, these agencies tend to reflect the imprint of its initial leadership. The way the initial leadership sets on track the organisation's activities and internal procedures and imposes standards of conduct to its members will shape its performance in the following years. This is a general feature of institutionalization.

ACAs are not simply evaluated for their effectiveness in curbing corruption, but also by the way they safeguard and promote the principles upon which they are expected to operate.

ACAs are expected to act independently, that is, without political interference of any sort by any means. ACAs need an arm's length from the political sphere, in order to carry out their mission and mandate. Capacity building is not simply achieved through adequate professional recruitment and a list of formal competences it is also about the development of an independent status vis-à-vis the political sphere and other intervening actors. Independence needs to be set both in formal terms through statutory provisions as well as adequate and independently managed financial resources.

ACAs are also expected to be accountable to the wider public (transparency of its actions and publication of results) and to a sovereign authority. The degree of legitimacy that an ACA can develop by bringing positive and visible results against corruption can be substantial. The temptation to go beyond the prerogatives set out in its founding mandate or to use the agency's head-office as a political ramp is real. This is why some form of formal accountability needs to be in place. The issue here is what sort of accountability or, in other words, accountable to whom? Although some form of variable geometry in terms of the various models in place – ACAs are not necessarily accountable to parliaments, they may also be attached to Presidential offices or Ministries of Justice – it is crucial for such an agency not to be accountable only to the winners of the political game. For that reason, it is often suggested that ACAs are made accountable to a multiparty representative and deliberative body. But to what extent will such model of accountability guarantee scrutiny and ensure efficiency? Multiparty overseeing may just be a fancy word for status quo in as much accountability to executive bodies may simply translate into subjugation. Debates over the efficacy or accountability expected from these agencies are often an initial warning of mounting tension between the agency and the political sphere.

Finally, ACAs come about as a result of a political decision and are only extinguished by a political decision. That such decision to terminate ACAs will

be taken and justified in terms of their efficacy and normative performance it is unquestionable; whether that assessment will be accurate and credible is another matter. Political support is a fundamental ingredient to the life of these agencies.

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III. THE ROUNDTABLES

Roundtables were organised into six core issues that help us to understand what ACAs are about and how different/similar they are from each other across different social, historical and institutional contexts: 1) their institutional nature and format; 2) their social composition and recruitment strategies; 3) their accountability requirements and inter-institutional relations; 4) their funding; 5) their participation in European networks and international cooperation; and, finally, 6) their relationship with civil society. The roundtables were meant to exchange experiences and to bring about ambitious, innovative and integrated solutions to these various issues.

Roundtables 1-4 concerned the general organisational aspects of ACAs and were chaired both by academics who had participated during the morning plenary session as speakers, with the exception of Roundtable 3 which was chaired by a former official of the now extinguished High Authority Against Corruption, Judge António Santos Carvalho. His testimony, which we include in this report, was extremely valuable for two reasons: 1) he had first hand experience on how inter-institutional relations can affect the success and life expectancy of a new born ACA and 2) he had also worked for the Macau ACA, hence could tell us more about similar problems in other institutional contexts. Roundtables 5-6 addressed the two major pillars of this conference, i.e. building integrated anti-corruption strategies across Europe and anchoring the work of ACAs in civil society and were moderated by two experts on the field: the Advocate-General Miguel Poiares Maduro from the ECJ and Juanita Olaya, Project Director at Transparency International, respectively.

Overall, discussions were mainly based on national experiences, although the chairperson was instructed to conduct the debate beyond the domestic level towards policy recommendations suitable to other social and institutional contexts. The roundtables provided a fruitful comparative forum.

What follows is a summary of the discussions that took based on the notes of chairpersons and the two *rapporteurs* (Luís de Sousa and Peter Larmour). A more detailed assessment would require, at disproportionate cost, the transcription of all the interventions that took place. These will soon be available in the gateway ANCORAGE-NET in wave format. A copy of the registered tapes will also be sent to OLAF along with other supporting material. We have equally asked

Roundtable 1: Learning from the diversity of institutional formats

Chair: Alan Doig (Teeside University, UK)
Rapporteur: Luís de Sousa (CIES-ISCTE, Portugal)

The session focused on the core themes of the presentation – the background to the establishment of an ACA, whether it was a police-based or an independent agency, the focus of its work and the level of its staffing. The presentation raised a number of questions:

- Why was the ACA set up? Was there a particular purpose, including a national strategy? What institutional shape was followed? What types of cases are undertaken?
- What is the overall focus of the ACA in terms of the country – protecting revenue, promoting democracy, keeping donors happy, etc?
- Did the ACA follow the approach of the Hong Kong ICAC, dealing with investigations, education and prevention? Was the purpose to seek prosecution or asset recovery?
- What was the impact of wider social and political change, such as party funding and privatization, and how far the governance context affect the work of the ACA?
- Which agencies also took responsibility for anti-corruption activity? Where did the ACA fit into the overall public sector context? Did the ACA work to a business plan? Did they work to a case management plan? Did the ACA work with other agencies? How did they measure performance, success and impact?

What was interesting from the discussions – where each ACA or unit with anti-corruption responsibilities presented who they are and their responsibilities – was the variety of institutional shapes and legal frameworks. These ranged from the Czech Republic whose anti-corruption work was placed firmly in a large police section which operated as a specialist unit to Macedonia which was a small independent agency focusing on prevention.

All recognized the political context in which they worked. Certainly the tri-partite approach of the Hong Kong model is the exception; at the same time none had been resourced to the same level. On the other hand, a number of them had appropriate technical competence.

There were a number of issues. First, most had been set up as a consequence of accession to the EU or as an aspect of the process of democratization. While most had business plans and strategies as to what types of corruption they addressed, none came into existence as a consequence of a national strategy. A second issue was that many shared a common focus on investigation, often involving the police, judiciary and public servants. Tackling politicians was perceived as an area with particular issues. A third, common issue was developing as an institution. The institutional shape affected how the agency worked and its relations with other agencies. Certainly for a number of agencies there was a concern that they were institutionally isolated and that would make them vulnerable to political and other pressures (although there was discussion about regional and other means of sharing expertise and information). A fourth issue was the permutations involving corruption – in other words, types of corruption were not necessarily those faced by other countries. Corruption and party funding and business influence were examples of contemporary problems.

In general, most ACAs were consolidating as organizations, with less of a focus on performance measurement and impact.

Roundtable 2: Learning from the diversity of recruitment strategies

Chair: Nathaniel Heller (Global Integrity, US)
Rapporteur: Peter Larmour (APSEG/ANU, Australia)

The debate focused on the models of recruitment and the need to match competences with adequate human resources.

Peter Larmour spoke about various issues concerning recruitment in particular: the relation between the recruitment strategy to adopt and the scale of the organization; the agency's autonomy to hire people; issues concerning the rules of appointment and dismissal of senior officials or the internal investigation mechanisms to ensure the integrity of its members; the selection criteria adopted by ACAs (examination, recommendations, previous job experience on the field) and how these ensures the quality and merit expected; and issues concerning the advancement of skills (training courses, academies, in-house guidance, etc).

The participants agreed on two important activities to boost expertise and professionalism: 1) training actions of a European dimension, such as the ones promoted under OLAF's Hercule programme; and 2) European exchange programs for operational staff and investigators.

Roundtable 3: Statutory entrapments and inter-institutional relations

Chair: António Santos Carvalho (Former AACC official, Portugal)
Rapporteur: Luís de Sousa (CIES-ISCTE, Portugal)

The discussion ensued from the expert testimony by Judge António Santos Carvalho, former official of the Portuguese High Authority Against Corruption (*AACC – Alta Autoridade Contra a Corrupção*). Drawing from the Portuguese "failed" and Macao's "successful" experiences, Mr Carvalho drew attention to two major issues: 1) the difficult balance between accountability and effectiveness in framing the agencies' mandate; and 2) the degree in which inter-institutional communication and cooperation can be determinant to the success or failure of an ACA. His arguments can be read in more detail in the presentation attached to the report.

Roundtable 4: Financial management considerations

Chair: Luís de Sousa (CIES-ISCTE, Portugal)[21]
Rapporteur: Peter Larmour (APSEG/ANU, Australia)

The debate was centred on the following issues:

- The need to balance the competences attributed to ACAs with adequate funding; overall, ACAs work on tight budgets;
- The weight of staff expenditure on the agency's overall budget and the need to allow sufficient financial resources for carrying out R&D. In some cases, staff wages are not secured by the agency itself, but by another public administration services from where the designated members were recruited. In most cases, however, costs with personnel absorb most of the budget and leave very little for actually pursuing the agencies' goals and activities. Most agencies agreed that this item of expenditure should not compromise the long-term financial equilibrium of the agency;
- The procedures for negotiating and approving the budget: in some cases negotiation is directly with the ministry of finance (by submitting a draft budget with priorities), in other cases it is dependent upon the budget of another body (the police or the attorney-general's office); another issue raised was whether the agencies budget should be approved by parliament or go through the normal approval procedure with the Minister of Finance;
- The sources of financing: although all agencies are funded by the State budget, smaller agencies have stressed the importance of donor programmes (such as, the Council of Europe PACO) for buying IT equipment and conducting research. The OECD and the UNDP also provide regular support for public awareness campaigns.

Roundtable 5: Building integrated strategies

Chair: Miguel Poiares Maduro (ECJ, Luxembourg)
Rapporteur: Luís de Sousa (CIES-ISCTE, Portugal)

The discussion was concentrated on the scope for cooperation among European ACAs and between these and OLAF. It also helped to better identify and shape the different roles that ought to be played by these different agencies in protecting the EU's financial interests. The different participants also commented on the current EU and national legal and institutional frameworks to combat transnational corruption and suggested possible reforms. The idea of creating a network of ACAs was referred as a possible solution to improve cooperation among these bodies.

With regard to the relationship between national ACAs and OLAF, most participants saw the latter as an administrative body. It was suggested that OLAF´s role should be that of facilitating the transfer of information (interface) between the different agencies and not of taking the lead in fighting corruption at the European level. The creation of a "super anti-corruption agency" was

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[21] Prof. Juan Mozzicafreddo (ISCTE, Portugal) had to cancel his participation as chair due to professional commitments.

neither perceived as feasible nor desirable by most participants. Some were more sceptical of OLAF's possible future role as an interface between national agencies, a carrier of requests of international judicial cooperation at the European level. Some Heads of ACAs referred that there is a more effective cooperative endeavour with Europol than with OLAF. However, few admitted to have in place a strategy of close cooperation with OLAF. In fact, one of the major obstacles encountered by OLAF in the pursuit of its mandate is the lack of mutual trust and collaboration with national agencies and administration. One suggestion to overcome these difficulties was to create "contact points" inside ACAs to cooperate regularly with OLAF and to pass on information on fraud of community funds and how these cases are being brought to court. OLAF should also look at risk areas of fraud of EU funds and present them to the various national agencies.

Some criticisms were also raised with regard to the EC's role in suggesting acceding countries to adopt anti-corruption strategies without considering its unintended consequences and/or without evaluating the results of such policies. The EC demands effective anti-corruption strategies to entry into force as a condition to accession. Countries reply with a series of grand strategies (often of a cosmetic nature). Once countries become members, the governments of the day tend to dismantle that strategy. The EC apparently had not thought this problem ahead. Whilst pressing countries to put in place anti-corruption strategies or to adjust them to Community standards, it has not paid sufficient attention to the unintended consequences of some of these policies, especially their pervert impact on ongoing democratic consolidation processes in these countries. The opportunity and viability of the Copenhagen criteria with regard to the need to put in place anti-corruption institutional responses has never been questioned in these terms. Moreover, the EC does not seem to evaluate adequately the results of these strategies post-accession and to ensure its continuity.

Another issue of debate was the perceived inconsequence of the EU legal and institutional structure to protect community's financial interests. Procedures for judicial cooperation across Europe on corruption and fraud cases is not directly, but mediated through a series of institutions and lengthy procedures. This slow response to the transfer of information across different national jurisdictions hinders investigations. There are also too many people involved, thus raising the likelihood of information leak.

Roundtable 6: Anchoring control initiatives in civil society

Chair: Juanita Olaya (TI-Secretariat, Germany)
Rapporteur: Peter Larmour (APSEG/ANU, Australia)

The debate focused on the capacity of ACAs in dealing with public opinion pressure for visible results; on how ACAs understand their place in a more broad and complex infrastructure of corruption control and try to strike strategic alliances with civil society actors (media, opinion makers, academia, etc); and what efforts/initiatives have been made to collect data about corruption and transform it into accessible and ready-to-use information, useful for both academics and practitioners on the field.

Some ACAs collect statistical information about corruption, but do not present it in an intelligible way. The use of ICT is still limited and the potential of these tools to publicise and anchor the agencies' activities in civil society is underestimated.

Most agencies have not developed comprehensive and durable strategies vis-à-vis the most relevant actors in the public arena, for instance the media, NGOs and academia. Overall, ACAs do not prepare the environment where they are expected to operate. Some have established protocols with law faculties, but these have tended to be of a sporadic nature. Research is often commissioned to academic institutions, especially in what concerns opinion surveys, whereas traineeship programmes are not common.

The NSW ICAC suggested two instruments to bridge the gap between the citizens' watchdog role and ACAs:

- *holding public hearings on corruption*. This has proved to be an important instrument to anchor ACAs' work in civil society and rally public support to their cause by making (interested) citizens aware of the difficulties, processes of criminal proceedings and to educate/familiarise them about that legal complexity;
- *recruiting a media manager*. Initially, this strategy was not statutory, but the senior management considered it relevant to the agency given the important role played by the media in the fight against corruption. The media manager is responsible for preparing briefings to the media with correct case information.

PART II

IV. DESCRIPTION OF THE TRAINING ACTION

IV. 1. General Assessment of the Results Achieved

Initial objectives

The initial objective of this exploratory workshop were the following: 1) the transfer of knowledge about the functioning, powers and activities of ACAs; 2) the creation of an internet network of European ACAs (ANCORAGE-NET) to enable a greater supply of accessible information about anti-corruption initiatives across the EU and foster citizens' involvement in prevention strategies; and 3) the drafting of 10 principles on how to improve the role of ACAs in protecting the Community's financial interests. The ultimate goal was to contribute positively to bring about knowledge-based, innovative and integrated solutions to the fight against corruption and fraud of Community financial interests across Europe.

Results achieved in relation to those objectives

Overall, the expected results of the activity for which the grant was sought were achieved. Both the morning sessions as well as the roundtables gave rise to interesting discussions on the formal and informal functioning of ACAs and on common difficulties/challenges encountered in their daily activities.

The major objective of this training action has been successfully achieved. All Heads of ACAs or their representatives participating at the workshop have informally agreed to collaborate in the creation of a portal (ANCORAGE-NET), where relevant information about these specialised bodies could be voluntary deposited and its consultation open to researchers and practitioners on the field as well as the public at large. The Heads of ACAs will be regularly contacted to update information concerning their agencies. We have also created a mailing

list in order to diffuse regular information about the network's future activities and products (*see* <u>List of Contacts</u> attached).

We are currently submitting a research proposal to the Portuguese national grant award body (PTDC/CPO/64505/2006 *New Governmental Anti-Corruption Actors: the role of Anti-Corruption Agencies (ACAs) in the context of globalization*) in order to include cases from outside Europe and broaden the scope of this project.

We have also submitted a book proposal titled "*The New Integrity Warriors: The vices and virtues of governmental and non-governmental anti-corruption*" to Routledge/ECPR Studies in European Political Science. The edited volume will be fundamentally comparative, mainly focussing on Europe, and will try to strike a balance between empirical data and general theoretical questions/debates on the nature and effects of institutional responses to corruption. It brings together research on two new types "integrity warriors" – governmental (ACAs) and non-governmental anti-corruption actors (TI and other domestic NGOs) – that have emerged with the globalisation of the anti-corruption discourse and which have hitherto been considered separately. The origin of contributions is twofold:

- Articles on non-governmental anti-corruption actors have been collected through invitation and an open call under the auspices of the ECPR Joint Sessions held in Nicosia 25-29 April 2006. Workshop 2 *The International Anti Corruption Movement*, was coordinated by Luís de Sousa (CIES-ISCTE) and Barry Hindess (ANU);

- Articles on governmental anti-corruption actors were presented at the international symposium entitled *European Anti-Corruption Agencies: protecting the Community's financial interests in a knowledge-based, innovative and integrated manner,* that took place in Lisbon, 17-19 May 2006, organised by Luís de Sousa (CIES-ISCTE) in collaboration with Peter Larmour (ANU) and <u>co-financed by the Hercule Grant Programme of the European Antifraud Office (OLAF)</u>.

Results not achieved or dropped out

At the end of the conference, we were unable to agree on a final list of 10 guiding principles on how to improve the role of ACA in protecting the Community's financial interests and engage civil society in their control initiatives, since ACAs differ considerable in terms of their mandates, capabilities, and accountability requirements. The attempt to uniform principles of action was more of a scholastic intention than a perceived need by practitioners. Instead, the National Assessment surveys on ACAs deal specifically with some of these issues, for instance, the degree of independence of ACAs, the transparency of its activities, the need to safeguard citizens' guarantees during intelligence operations, the set clear conflict of interest rules to its members, etc. These questionnaires will be attached to this report together with other supporting material.

Another expected result we decided not to pursue was the elaboration of a European "best practice" guide based on substantive experiences from different national ACAs. We felt that the attempt to set harmonised guiding principles and best practice guides tended to create artificial rankings amongst agencies,

which completely missed the diversity of institutional arrangements and social contexts. Instead, we decided to go ahead with the publication of an edited volume, as already mentioned.

IV. 2. The Impact of the Training Action and Prospects for Future Transnational Co-operation

In order to ensure a successful meeting, we have scheduled a series of tasks to all intervening parties. This has not been an easy task. Given the participants' heavy agenda and their limited capacity to prepare materials prior to the conference, we decided to keep their workload to the minimum and to concentrate their attention in completing the National Assessment Survey on ACAs circulated in advance.

The work agenda for each type of participant was as follows:

- *ACA officials* were asked to address a series of country questions (National Assessment Survey on ACAs) concerning the formal and informal functioning of their agencies which was sent to them by e-mail in April. They were also asked to draw a list of actionable policy recommendations on how to innovate the role of ACAs in protecting the Community's financial interests and anchoring their control initiatives in civil society. Both the National Assessment Survey on ACAs plus the list of actionable policy recommendations would constitute country studies to be included in the final report. The deadline was April 30;

- *Guest-speakers/Academics* were asked to produce a paper or written presentation (8 to 10 pages, 4.000 words) in which they presented their expert views and assessment of the different institutional responses to corruption and their challenges, successes and shortcomings. Papers had to keep on track with the two subject areas underlining this workshop: 1) how to improve the role of ACA in protecting the Community's financial interests; and 2) how to engage civil society in ACAs' control initiatives, in other words, how to reduce the performance gap between citizens' expectations and the results obtained by these agencies. Papers/presentations were expected to be ambitious, innovative and to discuss integrated solutions to these two issues. The deadline for abstracts was March 15 and the final submission for circulation was April 15 (*see* Papers/Presentations attached);

- *Chairs/Moderators* were responsible for conducting the afternoon thematic roundtables. They were also asked to encourage all ACA officials to participate actively in the debate and to keep a balance between national experiences and innovative proposals aiming at (policy) recommendations suitable to other social and institutional contexts during the discussions. At the end of each session the Chair was also requested to discuss with the Rapporteur the summary of the major arguments of the discussion;

- *Rapporteurs* had to summarise the major arguments of the discussion together with the Chairs and present them in the plenary session the next day. They were also responsible for helping to prepare a final list of 10 guiding principles on how to improve the role of ACA in protecting the

Community's financial interests and engage civil society in their control initiatives, but this objective was not pursued, for the reasons explained above. Instead, the workshop director, who was also one of the rapporteurs decided to work out the data collected through the National Assessment surveys and to present some preliminary results to the participants at the end of the last roundtable.

The project contributed decidedly to foster general knowledge about the modus operandi of ACAs through the exchange of national experiences. We cannot measure with certainty whether those ACA officials that have participated in this event saw their qualifications and skills improved. Certainly, they came out with a better picture of common challenges and the measures taken to meet them. However, we can test their degree of satisfaction with the workshop programme, the quality of speakers, the quality of organisation, etc, and this is what we have done by handing out the participants' assessment forms (*see* Evaluation Forms attached).

We devoted our efforts to create a spirit of voluntary collaboration necessary to deliver the most important product of this action, i.e. the research network portal in which various interactive communication tools could be deployed in order to make ACAs' work and initiatives more visible to civil society. With that regard, the action's impact was a success.

Last but not least, the action had also an important external impact. It helped to mobilize attention and efforts to combat corruption and fraud of EU funds at the national level. The conference website was a very effective tool to access papers, in particular by those people unable to attend the workshop (*see* Website Statistics attached). During the three days, the workshop hit the noon and 8 o'clock news in the major television and radio broadcast channels (RTP1, SIC Notícias, etc), it was regularly covered by the leading daily newspapers (Público, Diário de Notícias, Correio da Manhã and Diário Económico) and weekly political magazines (Visão), and its discussions commented in a series of webblogs (*see* Press Coverage attached). There were also interviews published in Público with some guest speakers and academics.

At the end of the conference, a group of experts (researchers, magistrates, journalists) have decided to put in place a *Permanent Observatory of Ethics in Public Life* whose aim is to: 1) assess various opportunity structures for corruption and other illicit conduct in Portugal; 2) make their conclusions available to the public and; 3) assist the bodies in question in framing, implementing and assessing future reforms.

The conference had also positive spill-overs to other horizontal accountability bodies that were present at the conference. We are already planning, together with the new monitoring body of political financing (*Entidade das Contas e Financiamentos Políticos do Tribunal Constitucional*) a workshop on the monitoring of campaign expenditure to take place next term.

IV. 3. Training/skills or Qualification Needs

(See IV.2.). Our participants (the Heads of ACAs) are part of a number of networks and take seat in various IGO meetings as part of the national delegations of their countries. They meet in a formal institutional context to

discuss measures and strategies to combat corruption. In these meetings they can sometimes discuss their modus operandi and performance, but they have never been the object of discussion and analysis per se. Given the increased number of European ACAs created in recent years, their growing cross-national interaction and their yet uncertain future, we felt that there was an urgent need to study these specialised bodies in an academic context and interactive way. We invited the best academics and experts on the field who are currently doing research about ACAs and to share with our training participants the results of their work. The interaction between research and first-hand experience was enriching to both sides and contributed positively to foster and improve general knowledge about these institutional creatures which are likely to remain central to the domestic anti-corruption architectures for the next decades.

IV. 4. Organisational and Management Structures Used

The number and distribution of staff used during the workshop were as follows:

- one *Workshop Director* who was responsible for framing the proposal and organising the event; putting in place an implementing calendar of the action from the preparatory phase to the current final evaluation; selecting and inviting the guest speakers and academics; contacting the beneficiaries of this action (ACA Head officials and/or their representatives); finalising the programme and adjusting it to the resources and people available; setting a work agenda for al intervening parties; supervising all implementing phases; discussing with the financial officer all budget aspects and making sure that all information concerning costs was passed on to her from the administrative assistant; accompanying and presiding the works during the three days;

- one *Research Assistant* responsible for: 1) assisting the workshop director on various tasks; 2) preparing, together with the attendants, all the materials to be distributed during the conference; 3) coordinating the team of attendants at the registration and information desks; 4) working out the data collected from the various national Assessment Surveys on ACAs; 5) certifying that the internet connection and computers made available to participants at the conference lounge were working properly; and 6) receiving distinguished members of the audience;

- one *Financial Officer* responsible for: controlling all budgetary questions; keeping track of all expenditure items and inform the workshop Director of any changes to the initial budget; and completing the financial report;

- three *Attendants* responsible for any logistic task assigned to them by the Director of the workshop or his Research Assistant. Prior to the workshop, they helped the Research Assistant organising all the materials to be distributed during the event and they were also responsible for diffusing the event in various places (universities, state agencies, etc). During the conference they had to perform various logistic tasks at the registration desk: register participants and get them familiarised with the conference venue and facilities; register members of the audience; guide participants to the university restaurant (first day); help them on whatever computing and communication needs they had; check and collect the daily press coverage; help the research assistant

on various logistic tasks (such as passing the microphone without cable during the plenary time for questions, making photos, making photocopies, preparing the two rooms, replacing names of speakers, ensuring that , alerting the Research Assistant or the Workshop Director of any troubleshooting, etc);

- one *Computing and Internet Technician* responsible for placing online the conference website prior to the event and ensuring its updating and maintenance; providing ICT assistance during the workshop; and setting an internet connection for all participants at the conference lounge.

ISCTE also provided some help with logistics staff, audiovisual assistants, and cleaning personnel.

Registration form

Prior to the event we circulated amongst all participants a registration form in which they were also asked to state their preferences with regards to the roundtables, accommodation and meals (see Registration Form attached). Some participants preferred to stay close to the workshop venue, others opted to stay downtown. Lunches took place at ISCTE/INDEG Restaurant in order to avoid afternoon delays and to allow participants sufficient time to check their e-mails. Coffee breaks were served at the venue.

IV. 5. Internal Evaluation: General Conclusions

In order to provide an impartial account of the training action, we requested the workshop observers to provide us a short informal assessment of the strengths and weaknesses of the training action. The key points of their evaluation was as follows:

- The workshop was very similar in its organization, format and high quality standards to the UN and OECD workshops;
- The mission and objectives of the conference were innovative and relevant to both researchers and practitioners on the field of anti-corruption;
- The discussions during the morning plenary sessions and the afternoon roundtables were overall enriching to the participants and the public at large;
- The roundtable themes were neatly defined. However, the interventions by the various ACA participants often did not match the theme under discussion. Sometimes the participants "avoided" answering the questions asked by the Chairpersons or the rapporteurs;
- There were inevitable problems concerning the translation, but overall things worked out well. Few participants were native English speakers and the translators did an arduous job to follow not only the diversity of European accents, but also the complexity of jargons and acronyms;
- Sometimes interventions were long, unstructured and focused on national experiences instead of aiming towards common problems and policy recommendations suitable to other social and institutional contexts;
- The organisation and hospitality were outstanding.

IV. 6. Future Transnational Co-operation

We managed to build, in a very short period of time, a friendly and solid work environment for future collaborative endeavours. This was the first of a series of other meetings that, hopefully, will take place in the forthcoming years. Transnational co-operation will continue under the auspices of the first online research network of ACAs: ANCORAGE-NET. The Heads of ACAs will be regularly contacted to supply new information on their activities and anti-corruption strategies, on successes and achievements which they might wish to share with colleagues from other countries, on publications of mutual interest (reports, policy papers, etc), etc. We have also created a mailing list which includes researchers from other projects on crime and corruption, PhD candidates on the field (registered in Portuguese universities and abroad) and other public entities, in order to diffuse regular information about the network's future activities and products.

IV. 7. Training Action's Innovation and Added Value to the European Community

ANCORAGE-NET
Sharing knowledge-based, innovative and integrated solutions to corruption control

The major innovative product of this action was the creation of ANCORAGE-NET.

ANCORAGE-NET is a research network of anti-corruption agencies (ACAs) whose primary aim is to provide comprehensive and easily accessible information about the format, functioning and activities of these bodies to practitioners and analysts in the field of corruption control.

It is the first attempt to provide an internet database with substantive country-based and comparative institutional information on various anti-corruption agencies (ACAs) in Europe and abroad. This information will soon be made available online through a new portal currently under construction. Further to the primary data collected and analysed and direct links to the agencies' websites, the portal also offers an easily accessible country-based repository of anti-corruption legislation, news, survey results, reports, and research concerning directly or indirectly ACAs. By sharing this information widely, we hope to help ACAs gradually anchoring their activities in civil society (by making citizens' more involved and aware of their activities and *modus operandi*) and bringing about knowledge-based, innovative and integrated solutions to corruption control.

The Heads of ACAs have voluntary agreed to give substance to this project by replying to a National Assessment Survey on ACAs sent to them and voluntarily deposit (and update) any relevant information concerning their functioning and activities. We wanted this primary data to be provided by ACAs themselves, instead of relying on expert perceptions external to the organisation. We also intended this to be a research network and not an institutional network in the

line of the already existing European Partners Against Corruption (EPAC) or the foreseeable European Anti-Corruption Network (EACN), hence the level of formalisation was kept to the minimum. It is not our intention to promote co-operation between law enforcement agencies or staff exchanges and training programmes between ACAs. The only objective is to understand the nature, format and performance of these institutional realities, which have grown in numbers and visibility in recent years. Therefore, there were no founding declaration or statutes approved. We simply relied on the good will and interest of European ACA officials to give birth to this portal and to extend membership to other agencies outside Europe. The New South Wales Independent Commission Against Corruption (Australia), the Argentinean *Oficina Anticorrupción* (Anticorruption Office) and the Malawi Anti-Corruption Bureau have joined the network after the event.

One month prior to the conference, we circulated a questionnaire to all Heads of ACAs from EU member states, accession and partner countries with 65 questions focusing on various aspects concerning their mission, mandate, competences, special powers, internal and external accountability framework, funding, organisation and social composition, activities, networking and usage of ICT. All participating countries[22] provided us with a brief account of their national strategies against corruption, including those that do not have them or those where there is a current debate about the creation of such specialized agencies. For the purposes of our analysis, we are only considering those countries that have such type of agencies effectively in place. The sample is still small and we cannot extrapolate any general patterns or conclusions given its homogeneity.[23] We expect, nevertheless, to find interesting clusters as we expand the project beyond Europe.[24]

IV. 8. Key Successes of the Training Action

- The action contributed to the advancement of knowledge about anti-corruption agencies and domestic anti-corruption strategies through the exchange of national experiences;
- The action enabled interaction between academics and practitioners on the field and fed expert discussions on various issues concerning the functioning and performance of ACAs. It enabled the former to present to the latter results on research conducted on ACAs, and the latter to feed the former with important primary data about their organisation;
- The action provided participants and the public at large a better picture of what ACAs are about, how they function, what common challenges they face and how to meet them in a knowledge based, innovative and integrated manner;
- The action helped to create a spirit of voluntary collaboration necessary to deliver the first online research network on ACAs: ANCORAGE-NET (see IV.7);
- The action also helped to mobilize attention to combat corruption and fraud of EU funds at the national level (Portugal).

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[22] Czech Republic, France, Germany, Hungary, Latvia, Lithuania, Malta, Portugal, Slovak Republic, Croatia, Turkey, Republic of Montenegro, Republic of Macedonia, Moldova and Australia.
[23] The sample comprises mainly Central and East European post-communist democracies.
[24] Argentina, Australia (NSW) and Malawi have joined ANCORAGE-NET recently.

IV. 9. Problems Encountered and Solutions Found

We did not find any major problems concerning the organisation, logistics and financial management of the training action. There were one or two difficulties that were already mentioned, but that we can summarise as follows:

Problems	Solutions
Difficulties in getting academics and participants from outside Europe to participate as trainees or guest speakers given the funding restrictions of the Hercule programme.	We tried to limit the number of participants not eligible under the Hercule training programme and found other sponsors to cover their expenses.
Difficulties in keeping travel costs within the budgeted values given the lack of flight options available from some countries.	In order to better control the expenditure of decided to book flights directly by using a travel agency that works regularly with our Centre. We have told them beforehand the number of participants and we expected them to find the best price-quality solutions to our participants.
Difficulties in finding support from national authorities with regard to protocol and security.	ISCTE reinforced its own private security at the venue. With regard to the official protocol, we were not able to find any solutions, but we made sure our guests were received and treated in the best way possible.
Difficulties in ensuring that registered participants would not cancel their participation and that they commit themselves to the agreed work agenda and participate actively in the discussions.	We had three cancellations (Georgia, Spain and Romania) due to unforeseen changes in their professional agenda (some were held in meetings with Council of Europe and EC representatives, others were asked to be on duty. We tried to minimise this problem by allowing, in special circumstances, two participants per agency. This strategy had a positive impact in the quality of the roundtable discussions, since interventions tended to be complementary. We also avoided the tendency for declining quality or absenteeism which is common to workshops with heavy agendas that last for more than one day.
Difficulties in listing 10 guiding principles on improving the role of ACA in protecting the Community's financial interests and anchoring their control activities in civil society.	Instead, we asked participants to complete the National Assessment Surveys on ACAs which dealt in more detail and in a comparative manner with these issues.
Difficulties in producing a European "best practice" guide based on substantive experiences from different national ACAs. We felt that the attempt to set harmonised guiding principles and best practice guides tended to create artificial rankings amongst agencies, which completely missed the diversity of institutional arrangements and social contexts.	Instead, we decided to go ahead with the publication of an edited book.