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DEMOCRACY

REFOCUSING ANTICORRUPTION: A NEW POLICY EVALUATION TOOL

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The general nature of anticorruption policies

Although corruption has been a major international preoccupation for several decades now, anticorruption policies are yet to emerge from their infancy. Numerous initiatives¹ evaluating these policies have found many deficiencies, but they have rarely faulted them for being too general. Corruption measurement and the design of counteraction measures, however, remain at the general societal level, with few attempts to differentiate between target groups or types of public services. These policies lack the level of sophistication that has been achieved in other fields of public governance. Anticorruption lags behind in a number of aspects:

- The relationship between policy making and research is loose, if it exists at all. **Anticorruption remains among the few areas where detailed examinations of social processes rarely produce policy relevant findings.** As a result, measures are designed with little understanding of the loci of corruption, the circumstances that give rise to it or the motivation of the involved actors.

¹ See further CSD's report [Mapping Anticorruption Enforcement Instruments](#).

KEY POINTS

- Anticorruption policies have been designed and implemented exclusively at the national level with little consideration of their actual enforcement and effect in individual public organisations.
- Such a general approach has prevented these policies from achieving the level of sophistication achieved by interventions in other fields of public governance.
- Methods for evaluating the impact of anticorruption policies have remained rudimentary, mostly confined to statutory reviews.
- A refocusing of the anticorruption effort at the level of public organisation would enhance the quality of design of policies and would allow more precise monitoring of their implementation and effect.
- [Monitoring Anticorruption Policy Implementation](#) (MACPI) – a tool recently developed by the [CSD](#) and University of Trento experts – will facilitate such refocusing by allowing evaluators and policy makers to review the anticorruption architecture of individual public sector organisations. It could also help the use of benchmarking and policy templates at the public institution level.



- **Scale matters in policy making** but evidently not in anticorruption. While in other fields of governance a choice of the most appropriate level for a policy is constantly being made – EU’s subsidiarity principle was born of such a consideration – in anticorruption this has not been an issue.
- The field of anticorruption has not had a debate on **trade-offs between conflicting goals and tools**. While in other policy fields hard choices are constantly being made – think, for example, of the clash between the interests of wind turbines and bird migration, both supposedly “green” preoccupations, or the difficulty in squaring the pursuit of excellence with universal access in education – anticorruption has been exempt from such quandaries. It faces, however, no fewer dilemmas: the compatibility of anticorruption considerations with issues such as compliance costs, rising administrative burdens, the promotion of competition, the appropriate measure of discretion in public procurement, etc., is notoriously difficult to achieve.² Neither has the complementarity of approaching corruption from the points of view of law enforcement and economics been a matter of much debate in research or policy documents. Barring such deliberate choices, the risk is that policy making could end up substituting means for ends. None of these issues, however, can be definitively resolved if policy making remains at the national level only and does not account for the complexity of the drivers of corruption in the environments of the various public organisations.

² On these issues, see further CSD’s 2011 report [Anticorruption in Public Procurement: Balancing the Policies](#).

- Furthermore, while the enforcement of anticorruption policies has been prioritised by international institutions and national governments, adequate **tools for evaluating this enforcement** have not been developed beyond the use of statutory reviews.

It is not by chance that anticorruption policies at the national level have been mostly **confined to an expansion of the range of incriminated practices**. As politicians find it difficult to account for the multitude of circumstances that give rise to the various types of corruption, they opt for the supposedly fail-proof tool – make it a crime. While being important in the overall anticorruption architecture – raising the costs and risks of corruption should be a permanent feature of policy – such an approach can turn counterproductive if implemented alone. Law enforcement is, however, an expensive solution to social problems, especially for latent ones such as corruption (and even more so in countries where it is widespread).

The case for refining and refocusing

At the national level, an exclusive focus on catching bribery is often ineffective. Bribery can be countered by income and asset checks, although such checks would identify not necessarily bribery but noncompliance with tax legislation. Instead of seeking to catch perpetrators *in flagrante delicto* – thus ensuring a successful prosecution on bribery charges – it is both more effective and cost-efficient to prioritise the identification and prevention of deliberate noncompliance with

rules. **Any credible anticorruption effort needs to proceed from a cross referencing each corruption risk with the respective anticorruption policy.**

Since this can only be done in specific public organisations, national level anticorruption policies should be tested at this level before implementation; national policies which do not have any organisational level implementability should be discouraged. In a nutshell, in order to achieve any meaningful effectiveness policies against corruption should be able to account for the drivers of specific actors - both civic clients and public officials – in the specific conditions of specific public organisations.

What anticorruption needs now are not more strategies but the ability to **tailor prevention and enforcement policies** to the specific circumstances of specific public organisations. Effective policies and their cost-efficient delivery require that policy designers zoom in on the actual actors and transactions; that they understand what drives these actors and adjust their anticorruption interventions accordingly.

It is precisely this effect that the [Monitoring Anticorruption Policy Implementation](#) (MACPI) – a tool recently developed by the [CSD](#) and University of Trento experts – allows policy makers to achieve.³

³ For a detailed description of the tool and the results of its pilot implementation in several public institutions in Bulgaria in Italy, please see CSD's 2015 report [Monitoring Anti-Corruption in Europe: Bridging Policy Evaluation and Corruption Measurement](#).

The tool

MACPI is an instrument for mapping and assessing the anticorruption policies implemented in public organisations. It ascertains **whether the corruption vulnerabilities** of a public organisation are **adequately addressed by anticorruption policies** and how effective these policies are. The tool also informs policy makers on the existence of two gaps:

- an **implementation gap** – there is only formal compliance with anticorruption policies;
- a **policy design gap** – corruption vulnerabilities are not addressed by any policy.

Figure 1 What MACPI does



A special emphasis in the design of MACPI is placed on defining what an anticorruption policy actually is. While in general such a task might seem trivial, when facing the concrete public organisation it is often difficult to compile a specific list of policies and/or measures. Such a difficulty is due to two groups of problems, which have been discussed in the research literature: a) the variety of corruption definitions and approaches to corruption; b) inconsistencies between general laws and regulations relevant to (anti)corruption and the anticorruption measures and procedures adopted by the concrete public organisation. In addition, public organisations vary greatly in structure, functions and powers and therefore both corrupt practices and anticorruption measures could be considerably different.

The MACPI methodology is based on several key propositions:

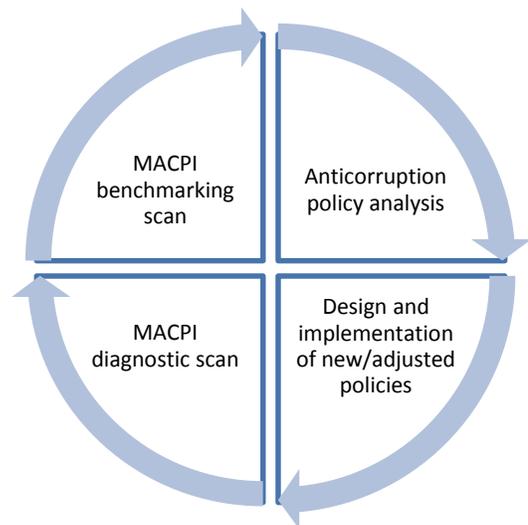
- the effectiveness of **anticorruption enforcement is measurable**;
- its measurement should be linked to **corruption victimisation metrics**;
- the measurement needs to be done in a cooperation between **independent watchdogs** and public authorities.

The tool is expected to serve three main purposes:

- Analytically, it will combine existing monitoring instruments and indicators into an integrated approach to corruption diagnostic at the public organisation level.
- Politically, it will advance accountability in policy making and policy delivery.
- Procedurally, it will promote the use of public-private-partnerships in anticorruption monitoring.

The full MACPI cycle consists of two circuits – the **diagnostics** effort and the **policy revision** effort, in which the findings of the first feed into the second. The MACPI diagnostics is intended as a first step of a policy process aimed at (re)designing and implementing effective anticorruption policies. Involvement of the management at all stages of this process is therefore crucial for effective MACPI implementation.

Figure 2 MACPI implementation cycle



Implications for policy makers

Scaling down the focus of anticorruption policy making has a number of general advantages:

- It would empower **accountability** demands by targeting them **at the point of delivery of public services**. While much attention has been paid – and justifiably so – to the

accountability of elected politicians for the failure of anticorruption efforts, the senior management of public organisations has largely been spared such demands.

- It would allow anticorruption policy to **balance proscriptions with prescriptions**. In order to complement investigation with incentivisation policies should be able to account for the drivers of specific actors - both civic clients and public officials – in the specific conditions of specific public organisations.
- By seeking to understand how national policies translate – or more often do not – into **organisational level protocols**, watchdogs and policy makers would gain an insight into the arguably key factor for the success or failure of anticorruption efforts: the processes and implementation procedures in public organisations. It is most often through the absence of standard protocols, operating procedures and due processes in these organisations that otherwise well designed policies fail to deliver.
- Developing tools for the evaluation – and hence the redesign – of policies at the level of individual organisations would allow the **introduction of anticorruption benchmarking** among public sector institutions both within and across countries. The absence of such benchmarking has plagued anticorruption efforts both within countries and internationally. Benchmarking would, in turn, facilitate the development of anticorruption policy templates for the various types of public institutions, thus assisting their policy design and delivery efforts.

A shift of focus from the national to the institutional level would benefit the EU anticorruption efforts as well. The significance of the public institution level in anticorruption has been recognised in the *EU Anticorruption Report*, which acknowledges that where strategic programmes have been lacking, corruption has been reduced by preventive systems and practices involving the suppliers and recipients of public services. One of the thematic *ex ante* conditionalities of the European structural and investment funds relates to the institutional capacity and efficiency of the public administration. Anticorruption would feature in the non-binding guidelines being developed for member states on how to strengthen the functioning of public sector institutions and invest in administrative capacity. In this respect, tools such as MACPI can be valuable in producing evaluation findings used to formulate specific, targeted solutions. The improvement of administrative capacity in the member states following European Semester recommendations can also benefit from the capacity of MACPI to overhaul integrity measures and procedures in the institutions of economic governance.

Overall, given the significance of the quality of the civil service for public governance, the ability to assess the anticorruption preparedness of individual public organisations is indispensable to national and international anticorruption efforts.

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