



INL GUIDE TO ANTICORRUPTION POLICY AND PROGRAMMING



UNITED STATES DEPARTMENT OF STATE

Bureau of International Narcotics and Law Enforcement Affairs

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Foreword

“To those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history, but that we will extend a hand if you are willing to unclench your fist.”

— President Obama’s Inaugural Address, 2009

For the United States government, fighting corruption is a global imperative. Likewise, countering corruption is a priority of the Bureau of International Narcotics and Law Enforcement Affairs (INL), linked to INL’s strategic objectives and integrated into virtually all of INL’s work.

The reasons for our engagement are clear. The mission of INL is to minimize the impact of international crime and illegal drugs on the United States and its citizens by providing effective foreign assistance and fostering global cooperation. In many countries, corruption hollows out the law enforcement institutions charged with ensuring public safety. Corruption renders courts unable to deliver impartial justice and undercuts the security of corrections facilities and the community at large. In so doing, corruption undermines the fundamental promise of democracy and profoundly weakens the very basis of democratic society—the rule of law.

Corruption at its worst can even pose a threat to international stability. Criminals and other bad actors often use corruption as a facilitating mechanism, paving the way for human rights violations, money laundering, transnational organized crime, and in some cases terrorism. As we have seen time and again, countries plagued with endemic corruption can become breeding grounds and havens for criminals and terrorist groups who may threaten global security.

In response, INL continues to enhance its programming and leadership role in multilateral anticorruption policy engagement. To that end, we are producing technical leadership tools that share good practices and lessons learned. The *INL Guide to Anticorruption Policy and Programming* highlights important principles and best practices for the work of INL and other professionals. It is one in a series of guides that INL has produced to aid staff in the design and execution of criminal justice programs. INL is also helping to build the broader capacity of the Department of State to address this challenge, and will continue to organize the Foreign Service Institute anticorruption course and develop other tools to share knowledge and experience.

I expect this guide to support the Department of State’s efforts to fight the scourge of corruption through multilateral efforts and criminal justice assistance programs. I hope it will be helpful to all those, both inside and outside of government, who are engaged in this critical endeavor. We all benefit when we learn from each other, so I encourage you to share with our Office of Anti-Crime Programs (INL/C) your best practices and lessons learned so that we can disseminate them further through incorporation into future iterations of the guide.

Thank you.



William R. Brownfield
Assistant Secretary of State

INTRODUCTION

This programming guide offers technical guidance associated with INL-supported anticorruption assistance and reform in partner countries. For purposes of this guide, “anticorruption assistance” is broadly defined to encompass a variety of activities that contribute to a partner country’s capacity to prevent, investigate, and prosecute public sector corruption in its many forms.

Corruption is a major deterrent to effective and sustainable development, and can manifest in many different forms to vitiate the integrity of government officers, institutions, and processes. Corruption thrives where institutional checks on power are missing, where laws and oversight and enforcement institutions are weak, where decision making is opaque, and where civil society is disempowered. The causes and dynamics vary from country to country; therefore, effective anticorruption programming should employ country-specific initiatives that respond to the local context and the particularities of the country’s laws and institutions. Regardless of the approach, the primary goal remains constant: to promote integrity in the government and in interactions among government, citizens, and business. This goal can be achieved, generally speaking, through sound mechanisms—such as laws, institutions, and social practices—that enhance transparency and oversight, promote honest conduct, and provide accountability.

The Department of State’s (DOS) Bureau of International Narcotics and Law Enforcement Affairs (INL) Office of Anti-Crime Programs (INL/C) developed this guide in consultation with INL’s Office of Criminal Justice Assistance and Partnership (INL/CAP), other INL offices, and subject matter experts. It offers a conceptual starting point for reviewing the situation in a particular country and identifying activities that may be helpful in combating corruption. This guide is meant to serve as a reference, not an exhaustive catalogue or analytical treatise.

This guide introduces INL’s two-pronged approach to combating corruption through mutually reinforcing bilateral assistance programs and multilateral efforts.

International anticorruption standards set benchmarks to facilitate INL’s bilateral assistance efforts, but programs should be consistent with and seek to reinforce national strategies and plans of actions, where they exist. Generally, developing and managing bilateral assistance programs that raise partner capacity to prevent or combat crime are INL’s front line on advancing anticorruption reform efforts at the country level. These programs assist countries as they work to adopt and implement international good practices and meet their anticorruption treaty commitments. INL also works through multilateral processes in international fora to strengthen the global framework in support of the international community’s efforts to combat corruption.

This guide further serves to provide technical guidance for developing effective bilateral assistance programs—from information gathering to project design and implementation. INL/CAP serves as an in-house resource for comprehensive assessments at the information gathering stage. INL/CAP works with program officers to develop an assessment of the local context, including the country’s legal framework and institutions, in order to create a baseline understanding of the strengths, vulnerabilities, and root causes of corruption and begin program development.

Next, this guide provides advice and instruction for incorporating anticorruption into Post activities and INL programs. Integrating anticorruption elements at Post can include employing low-cost or no-cost approaches such as bilateral diplomacy efforts and increasing the adequacy of reporting on corruption to policy makers and criminal justice officials in Washington, D.C. Integrating anticorruption considerations at Post outside of purely programmatic interventions can reinforce programmatic initiatives that have a direct anticorruption focus.

Because of its anti-crime mission, INL tends to offer criminal justice sector assistance in response to corruption.



In Honduras, an INL program brings together civil society and law enforcement to promote mutual accountability for citizen security and transparent administration of justice. Both participate in a ribbon cutting ceremony for a new community center in Tegucigalpa.

Therefore, much of the practical guidance below is a result of INL's experience with reforming criminal justice systems. However, programming focused solely on the justice sector is not guaranteed to eradicate corruption and therefore a holistic approach to addressing corruption is encouraged. INL officers should explore and pursue, where resources and local circumstances permit, addressing corruption through programmatic approaches that are not limited to the criminal justice system or even to working with government actors. Employing or contributing to a comprehensive approach often furthers INL's anticorruption goals as, or more, effectively than a pure focus on criminal justice reform. INL officers are encouraged to recognize the relationship between justice sector institutions and actors, and other pillars of the criminal justice system, including police and corrections. They are also encouraged to focus on social and civil contexts and develop initiatives to boost integrity across all sectors. This may include engaging relevant stakeholders from civil society, or empowering citizen

advocates through public education and awareness campaigns to provide important oversight to government programs to help ferret out corruption. To that end, this guide highlights some potentially productive reform engagements outside of the criminal justice system.

This guide is one in a series that includes written guidance on project management, from project design, to results frameworks, and performance measurement plan development, as well as guidance in the following functional areas of INL assistance programs: police, justice, corrections, and gender.

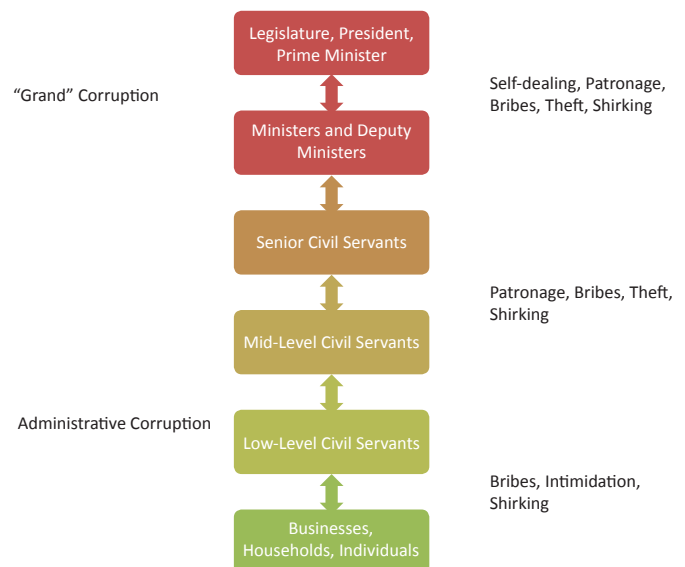
The Anticorruption Guide is divided into five sections: (1) Understanding the Challenge: What is Corruption?; (2) Anticorruption in the INL Context; (3) Gathering Information to Inform Project Planning; (4) Incorporating Anticorruption into Project Design and Implementation; and (5) Measuring Corruption and Program Impact.

I. UNDERSTANDING THE CHALLENGE: WHAT IS CORRUPTION?

Corruption is not easy to define. Efforts to conceptualize corruption merely as bribery belie its actual magnitude and contours. The most commonly accepted generic definition of corruption is, “the abuse of public power for private gain.” Some organizations cite “abuse of entrusted power for private gain” to broaden the scope to reach graft that may not be within the bounds of the public sector. Each element of this definition must be read broadly. “Abuse” can range from a violation of an administrative process to favoritism to unethical behavior and criminal activity. “Public power” includes the authority and jurisdiction of any institution of the state, not just executive or administrative bodies. In practice, abuse of public power may involve intermediaries with no formal public function. Finally, “private gain” includes personal advantages for an official, such as the aggregation of power or wealth, or advantages to others, such as relatives or other members of an elite network. Incentives can include job security, personal safety, financial motives, and prestige.

Anticorruption conventions and international standards tend not to adopt a one-size-fits-all definition of corruption. Instead, they take the approach of identifying

specific conduct that each country should seek to prevent and criminalize. (See box on Disaggregating Corruption on page 4.) The conduct is sometimes categorized as either grand or petty corruption, based on the level at which it occurs. Grand corruption refers to corruption at high levels of government that distorts policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good. Petty corruption refers to the everyday abuse of entrusted power by low-and mid-level public officials in their interactions with ordinary citizens, in places like police departments and schools. Sometimes these two forms of corruption exist simultaneously, as a vertically integrated system.



Gender Implications of Corruption

The INL Functional Bureau Strategy highlights the importance of gender perspective awareness to ensure that the goal of gender equality is central to INL activities. Indeed, experts have increasingly begun to focus on the gender implications of corruption. Corruption has a disproportionately harsh impact on the impoverished and marginalized, which in many places will mean that it has a particularly negative effect on women, among others. And when those in power solicit an illegal benefit as a bribe, sometimes in exchange for access to basic social services, corruption can be used to extort sexual favors. Moreover, criminal justice systems characterized by rampant corruption—where favors, bribery, and extortion turn on and off the levers of justice—too often fail to protect and promote human rights, with a particularly negative effect on women’s access to responsive justice. The gender implications of corruption are particularly relevant to assessing the impact of corruption, mobilizing stakeholder groups, and designing cross-cutting programming.

Corruption in the public sphere includes the manipulation of policies, institutions, and rules of procedure in the allocation of resources and financing by government officials who abuse their position to sustain their power, status, and wealth. Examples of grand corruption include kickbacks to win large public procurements or the embezzlement of public funds. Petty corruption, at the administrative level, manifests in the form of small bribes, skimming of paychecks, or nepotism in appointments. An example of vertically integrated grand and petty corruption is street cops demanding bribes due to pressure from their managers, who in turn give cuts to senior officials.

Disaggregating Corruption

Active and Passive Bribery: Active—Offering or conveying payments or any other undue advantage to public officials in exchange for action (or inaction). An important sub-set of this crime, in some contexts, is bribery of foreign public officials, particularly for business purposes. Passive, solicitation—Request or receipt of payments or any other undue advantage.

Collusion: Secret agreement or cooperation especially for an illegal or deceitful purpose.

Cronyism: Appointment of friends and associates to positions of authority, without proper regard to their qualifications.

Extortion: Threat of use of public force, authority, or other intimidation to extract payments.

Illicit enrichment: An undue increase in wealth unexplained by legitimate sources; may be linked to false income or asset disclosure statements.

Illicit financial flows: A relatively newer concept involving transfer of financial capital out of a country in contravention

of national or international laws. Illicit financial flows generally involve the following practices: money laundering, bribery by international companies and tax evasion, or trade mispricing.

Misappropriation or Embezzlement: Misuse of public resources (funds, personnel, or equipment) for private benefit.

Money laundering: Concealing the source of illegally obtained money; money laundering is not corruption per se, but is often found in conjunction with corruption and included in anticorruption conventions.

Patronage or Nepotism: Hiring personal connections for government jobs regardless of qualifications or due to familial relationship.

Self-Dealing: Hiring one's own private firm or a firm closely associated with one's own interests; a form of conflict of interest.

Trafficking in influence: Illegitimately promising or selling one's real or claimed influence over a public official.

Corruption impacts societies in a multitude of ways—in political, economic, social, and environmental spheres. On the political front, corruption is a major obstacle to democracy and rule of law. Economically, corruption depletes national wealth by using public resources for personal gain. Corruption also hinders the development of fair market structures and deters competition, which in turn deters investment. Environmental degradation is another consequence of corrupt systems, in that the lack of, or non-enforcement of, environmental regulations means that natural resources can be exploited and ecological systems degraded.

Corruption corrodes the social fabric of society. It undermines the people's trust in government institutions and leadership. When government officials misappropriate public funds rather than spend them wisely, schools go without books, patients go without medicine, and communities go without bridges and roads. Further, when citizens lose faith in governance and the state, the disaffection that results can give rise to dissatisfaction and undermine efforts against terrorism and illicit criminal activity.

II. ANTICORRUPTION IN THE INL CONTEXT

Corruption has global reach and is not contained by national borders. As both the U.S. National Security Strategy (2010) and Strategy to Combat Transnational Organized Crime (2011) underscore, the corrosive effects of corruption harm U.S. national security and

foreign policy interests in many ways. The international fight against corruption remains a central priority for the United States, linked to the global community's shared interests in fighting terrorism and transnational crime, promoting free and open markets, increasing

economic growth, and encouraging stable democracies and the rule of law.

The U.S. government—in search of willing, reliable, and capable partners to combat corruption—endeavors to assist partner countries in strengthening governance and transparency, in breaking the corruptive power of transnational criminal networks, and in severing state-crime alliances. While recognizing that the United States is not immune to public corruption within its own institutions, pervasive aspects of corruption are particularly harmful to U.S. interests, including national security, and economic and foreign policy interests.

Corruption can alienate citizens from their states and contribute to the growth of violent extremism. Citizens who lose faith in their state can become angered to the point of fuelling political instability. Corruption

Corruption and its Impact on National Security

Examples of how corruption undermines national security include the following:

- **Political and Economic Distortions:** Corruption distorts institutions and normal processes to benefit a few at the expense of the many. These distortions slow economic growth and discourage international investment.
- **Poverty and Development:** Corruption correlates closely with poverty, violence, and popular disaffection, with the majority of its impact falling on lower-income households and weak states.
- **Political Instability:** Corruption impairs the ability of emerging economies to establish and maintain stable democratic institutions by tarnishing citizen trust in government and provides fertile ground for breeding radicalism.
- **Security:** Corruption in security and law enforcement authorities undermines public's trust in these institutions' ability to maintain the rule of law, to hold actors accountable, and to protect the public well-being. At a systemic level, corruption can undermine capacity to work as effective U.S. partners against terrorism and illicit criminal activity and become co-opted instruments serving a kleptocracy.

impedes the U.S. government's foreign policy objectives as it fosters a culture of impunity, degrading the rule of law and respect for human rights. Corruption also demonstrably hinders poverty alleviation and every other U.S. development goal, imperiling a multi-billion dollar a year investment in U.S. development assistance. New research points to the fact that the sum of various illicit financial outflows from developing countries—a combination of proceeds of corruption

President Obama and the U.S. government continue to drive a robust agenda to stem corruption around the world and hold to account those who exploit the public's trust for private gain. Preventing corruption preserves funds for public revenue and thereby helps drive development and economic growth. By contrast, pervasive corruption siphons revenue away from the public budget and undermines the rule of law and the confidence of citizens in their governments, facilitates human rights abuses and organized crime, empowers authoritarian rulers, and can threaten the stability of entire regions. The United States views corruption as a growing threat to the national security of our country and allies around the world.

White House Fact Sheet, The U.S. Global Anticorruption Agenda, September 2014

and other crimes coupled with tax evasion—may far outstrip the in-bound flow of aid from the United States and other donors. Given these far-reaching and varied consequences, it is not surprising that there is broad support from the United States, assistance communities, and allies around the world to address corruption.

In advancing our national security objectives related to the fight against corruption, the U.S. government continues to engage on many fronts, employing a mix of diplomatic, policy, and assistance tools. These efforts include promoting adoption of international standards; promoting implementation of agreed standards through multilateral processes and bilateral assistance; and sustaining political will for action.

Countering corruption is an INL priority goal and is inextricably linked to almost all of INL's work. Corruption in institutions that create the law (e.g., legislatures), enforce the law, safeguard public security,

and provide accountability with respect to other parts of government, undermines INL efforts to help partner countries address crime and create effective criminal justice systems. INL efforts to strengthen the functioning of the police, prosecution, judiciary, and specialized anticorruption units, for example, are much less likely to succeed or be sustainable if corruption is not addressed. Even when INL and its partners successfully strengthen one or more parts of the criminal justice system, those efforts will be hobbled, and the impact diminished, perhaps severely, if other parts of the justice system, or other elements of the government as a whole, are corrupt. This is a key strategic consideration, relevant to program design and donor coordination, and is discussed more extensively below.

Likewise, because corruption can either facilitate or foster impunity for the crimes many INL programs seek to combat, such as money laundering or trafficking in drugs, wildlife, or persons, efforts to address corruption may be a useful, or even a necessary, complement to INL programming in those areas. Programs to combat corruption further not only the goals of the Bureau's concrete programs in those areas specifically, but also INL's mission of minimizing the impact of international crime on the United States and its citizens. Indeed, anticorruption features prominently in the Bureau's strategic plan (see Objectives 2.5, "Decrease corruption that enables criminal activity," and 1.3, "Strengthen

criminal justice systems to be accountable, effective, and just").

A. MULTILATERAL INSTRUMENTS—GLOBAL ARCHITECTURE TO COMBAT CORRUPTION

International interest in addressing corruption has grown significantly over the past two decades. In 1977, the United States passed the Foreign Corrupt Practices Act (FCPA), an unprecedented effort to impose criminal penalties on U.S. companies that bribe foreign government officials in the course of their business operations. However, the United States was largely alone in this effort until the mid-to-late 1990s when a number of regional treaties on corruption in the Americas and Europe were negotiated. In 1996, the Organization of American States adopted the Inter-American Convention against Corruption, and in 1999 the Council of Europe adopted anticorruption standards in the Criminal Law Convention on Corruption. These instruments set binding standards on member states for the prevention and criminalization of corrupt activity. The Council of Europe further established the Group of States against Corruption (GRECO), which continues to serve as a monitoring body over member states. Also in 1999, the Organization for Economic Co-operation and Development's (OECD) Anti-Bribery Convention entered into force among member states across Europe, the Americas, Oceania and Japan, targeting those who pay bribes to public officials to win or maintain business abroad. In effect, OECD's Anti-Bribery Convention internationalized the U.S. Foreign Corrupt Practices Act and helped to level the playing field for U.S. business subject to the FCPA. In 2003, members of the African Union adopted their own anticorruption instrument, the Convention on Preventing and Combating Corruption, and several years later, the League of Arab States adopted the Arab Convention to Fight Corruption.

In December 2005, the United Nations Convention against Corruption (UNCAC) entered into force and moved the world closer to establishing globally shared standards. The UNCAC is a comprehensive anticorruption instrument, with chapters on criminalizing and



INL represented the United States in negotiations to develop the first global legally binding international anticorruption instrument. More than a decade later, broad subscription to the United Nations Convention against Corruption (UNCAC) by 174 governments reflects the firmly established principle that corruption is no longer permissible.

preventing corruption, recovery of stolen assets, and international legal cooperation. As of January 2015, there are 174 parties to the UNCAC.

Each of these conventions represented a significant advance in the development of international standards on corruption, and the U. S. government continues to participate in and promote their implementation. These multilateral instruments and frameworks signify high-level recognition of the global problem of corruption, and shift the discourse from finger pointing and blame to a discussion of implementing measures to combat corruption.

Today, corruption is at the top of nearly every nation's list of domestic or foreign policy priorities—particularly in developing countries—and is an important focus of international organizations such as the OECD, the World Bank, the United Nations Office of Drugs and Crime (UNODC), the United Nations Development Program (UNDP), the Organization of American States (OAS), the International Criminal Police Organization

(INTERPOL), and the European Union. High-level political groupings such as the G7, G20, and the Asia-Pacific Economic Cooperation have become vehicles for discussion of corruption and commitments to anti-corruption measures, a process in which the United States plays a leadership role. The birth of nongovernmental organizations whose single goal is to shine a light on international corruption through advocacy and research has been a key catalyst in raising global attention. These organizations, such as the pioneering group Transparency International (TI), have been joined in the last decade by a large number of other active international and country-level groups.

B. INL'S TWO-PRONGED APPROACH TO COMBATING CORRUPTION—SUPPORTING BILATERAL ANTICORRUPTION PROGRAMS AND LEVERAGING MULTILATERAL INSTRUMENTS

INL plays a leading—albeit not exclusive—role in the State Department's anticorruption activities through



During the Conference of the States Parties to the UN Convention Against Corruption (UNCAC) in Panama in 2013, member states work to improve the capacity of and cooperation among them to achieve the objectives set forth in UNCAC and promote and review its implementation.

two mutually reinforcing approaches: (1) Bilateral assistance programs that provide technical expertise, build capacity, and generate political will; and (2) Multilateral processes in international fora that generate political will and support reform efforts, including technical assistance projects delivered by those multilateral institutions to interested countries. Generally, developing and managing bilateral assistance programs that raise partner capacity to prevent or combat crime are INL's front line on advancing anticorruption reform efforts at the country level. These programs assist countries as they work to adopt and implement international

good practices and meet their anticorruption treaty commitments. Such programs often have an explicit anticorruption component and contribute to building anticorruption capacity by strengthening related laws, institutions, or processes. Part IV, Section B, INITIATIVES WITH AN ANTICORRUPTION FOCUS (page 17), offers examples of INL's bilateral programs.

INL also works through multilateral processes in international fora to strengthen the global framework for the international community's efforts to combat corruption. INL/C is staffed by specialists who work with inter-agency partners to advance the United States' multilateral anticorruption objectives. In addition to anticorruption experts, INL/C houses specialist teams with extensive expertise in the cross-cutting issues of anti-money laundering and terror finance, border security and anti-human smuggling, cybercrime and intellectual property rights, transnational organized crime, and environmental crime/wildlife trafficking. In many cases, they serve as the Department's lead in international fora and help shape international norms and ensure that they are translated into laws and enforced at the country level. INL/C and its partners promote anti-corruption globally by:

Examples of the Importance of Legal Context

- An INL-funded program assisted Bulgarian prosecutors to develop a code of ethics. In designing the code, the Bulgarians were unfamiliar with the concept of "conflict of interest"—a common law concept. Bulgaria, like many countries with a civil law tradition, used the related but different concept of "incompatibilities with office." Once the distinctions and similarities between the two concepts were identified, the work was able to proceed.
- The term "government" has different meanings in different legal traditions. In the United States, it has a broad meaning encompassing a variety of institutions in the legislative, executive, and judicial branches. In many countries, however, it only refers to a narrow set of executive authorities, sometimes even just the highest organ in the executive branch, such as the Cabinet of Ministers. Failing to understand the risk of imperfect translation or of false conceptual cognates can lead to significant confusion.
- When U.S. advisors to the former Soviet Union first discussed the benefit of using confidential informants and cooperating witnesses in corruption and other cases, some interlocutors were uncomfortable as the discussion evoked negative memories of citizens who spied and reported on behalf of repressive security apparatuses. Understanding cultural and historical sensitivities is key to successful communication and policy discussion.
- Criminal liability of legal persons, also known as corporate criminal liability, is a familiar tool for U.S. criminal justice practitioners involved in corruption cases. However, this tool is often foreign and even illogical to practitioners from other legal traditions.

- Promoting the development and adoption of common standards to address corruption, and then working through international organizations and regional mechanisms to build capacity and promote their practical application;
- Developing or supporting initiatives such as regional political frameworks, regional capacity building programs, or regional or global networks of practitioners, that promote effective action against corruption;
- Supporting the mutual review processes adopted for many of the aforementioned conventions. These mutual evaluation reviews assess country reform efforts and generate recommendations for further reform, subjecting parties to peer and public pressure for follow up. The reports often identify key areas



From its active support of creating a vehicle within APEC to address corruption through its inclusion as a full Working Group of APEC, INL has been a primary proponent of and U.S. representative to the Anticorruption and Transparency Working Group (ACT).

where assistance is needed, which then become one focus of INL's bilateral assistance programs; and

- Sustaining attention on anticorruption efforts and generating political will to address corruption through engagement at the political level and with civil society and the private sector.

While the UNCAC remains the overarching global anticorruption framework, INL also encourages governments to promote implementation and establish local ownership through regional initiatives and fora. For example, INL has promoted joint approaches to transparency and codes of conduct for countries within the Asia-Pacific Economic Cooperation Forum, to enhance regional cooperation among countries in Eastern Europe and Eurasia, and to foster integrity and justice sector reform through regional initiatives in the Middle East.

INL also works to sustain high-level attention to the issue of corruption and to promote continued political will for reform. We have been principal proponents of G20 and G8/G7 Leaders' statements and commitments on corruption, along with similar efforts in the Summit of the Americas, APEC, and other fora. INL/C also coordinates administration of legal authorities to deny individuals entry into the United States on the grounds of corrupt conduct, through Presidential Proclamation 7750 and Anti-Kleptocracy provisions repeatedly adopted by Congress.

These two approaches—bilateral assistance programs and multilateral efforts—are mutually reinforcing. The international standards that the U.S. government promotes create goals and incentives for country action that may facilitate INL bilateral programming, as a country seeks to show progress to internal and external stakeholders. International conventions and the recommendations they generate for country action set benchmarks for participating countries and may bolster political will that makes the ground more fertile for INL's bilateral efforts. Anticorruption and good governance programs at the regional level can set the stage for country-specific programs by raising awareness about reform options, facilitating regional training, and bringing together like-minded countries.

C. GUIDING PRINCIPLES FOR INL ANTICORRUPTION PROGRAMMING

As the previous section discussed, there is no single intervention guaranteed to eradicate corruption. Countering corruption can be an especially complex reform goal. Not only is corruption difficult to diagnose and measure, but there are many powerful incentives (job security, personal safety, financial motives, prestige) for engaging in corrupt acts, and the political actors who are often necessary to pursue reform may be those most resistant to change.



INL participates actively in the G20 Anticorruption Working Group (ACWG) to develop high-level anticorruption initiatives in leading economies. In 2015, the United States assumed the co-chairmanship of the Working Group with Turkey.

When undertaking project design for anticorruption programming, INL officers should consider the guiding principles that follow. Note that some relate closely to anti-corruption work, while some are relevant to almost any kind of assistance. Observing them will increase the chance that the project will be effective and the impact sustainable.

- **Reinforce National Strategies and Plans of Action:** Assistance programs should be consistent with and reinforce a country's national strategy, where one exists. The UNCAC and other sources of good practice call upon states to adopt national anticorruption policies, which often then include plans of action and monitoring strategies. These action plans identify priorities, establish timelines for achieving results, and evaluate resource requirements. There may be a stand-alone policy for anticorruption or anticorruption may be included as a horizontal issue in sectoral reform agendas.
- **Include Relevant Stakeholders:** To the extent possible, national authorities and relevant stakeholders must play a leading role in the design and implementation of programs to ensure their long-term acceptance, effectiveness, and sustainability. Depending on the country's context, the relevant stakeholders include not only governmental authorities but also civil society, such as citizens, non-governmental organizations (NGOs), business leaders, academics, and the defense bar. Local consultations during the conceptualization and design of assistance programs heighten the effectiveness of anticorruption programs and strengthen local ownership and sustainability.

- **Understand Legal Context:** Anticorruption programming must be responsive to and appreciative of the legal framework(s) of the host country. No two legal systems are the same. Those managing assistance programs must be mindful of a country's legal framework and the social, economic, and judicial traditions that influence its evolution.
- **Leverage Political Openings:** Anticorruption programs should also seek to leverage political openings, such as a change of government, or a desire by a country's leadership to join a regional group, or even a scandal, when they emerge.
- **Prioritize Among Anticorruption Efforts:** Anticorruption programming should be mindful of U.S. strategic interests when determining what types of corruption new programs should target.
- **Sequence of Reform Efforts:** In designing programs, officers should analyze the root causes of corruption rather than just treating its symptoms.
- **Understand Political Contextual Nuances:** Corruption will manifest itself differently and the programmatic response will differ, based on the type of political system and degree of its stability.
- **Pursue Comprehensive Approaches:** Experts believe that even though one or more areas of a country's legal, law enforcement, or political system are strong and free from corruption, weaknesses in other areas can cripple the entire enterprise. For example, an effective prosecution service characterized by high integrity likely will be ineffective if the police, judiciary, or both accept bribes or participate in other corrupt practices. Where feasible, the U.S. government should pursue comprehensive approaches or counsel counterparts to consider and integrate anticorruption reform comprehensively. Even if the U.S. assistance ultimately provided is limited to one area, that assistance can ideally be part of a larger, more comprehensive program of reform partnership.

Lesson Learned—Select Models from Countries with Similar Conditions

Practitioners, academics, experts, and policy makers in partner countries may be wary of considering foreign practices as a model for reform. This hesitancy may be legal, cultural, or political. Therefore, when program implementers suggest foreign models it is useful to draw from countries with similar legal and political systems and not simply reply on U.S. experiences. For example, if promoting the increased use of plea bargaining in a civil law country, it is best to look at another civil law tradition that has had success with this legal tool. These similarities can help to alleviate distrust, overcome hesitancy to change, and help interlocutors see a path to successful reform.

- **Ensure Program Coordination:** Assistance should be coordinated with donors and implementing partners through regular communication, which can be informal. Coordination meetings can address gaps, identify overlaps, and reduce duplication. Officers may be able to integrate INL-supported anticorruption work into existing mechanisms or can lead in developing one. Depending on the nature of the meetings, national authorities, such as representatives of the Ministry of Justice and leaders from civil society, may participate in these meetings or take a leading role in agenda setting and decision making.
- **Practice Humility:** Reform partners will likely be more receptive when eradicating corruption is viewed as a shared challenge, rather than an issue where one



The INL section in Astana, Kazakhstan organized a seminar titled, "Prevention, Detection and Suppression of Corruption-Related Crimes." During one breakout session, participants explored how to work with local NGOs to prevent corruption.

partner views itself as superior or uniquely positioned to dictate to another. Although the United States has a set of very effective measures to counter corruption, we do not have all the answers and our due humility is well received. Many major U.S. anticorruption measures only arose 35 years ago and were born of scandal rather than through strategic reform initiatives.

- **Tailor the Partner:** Not all partners welcome assistance directly from the U.S. government. In those instances, it might be best to think broadly and creatively when choosing partners. INL has worked to deliver programming through U.S. criminal justice agencies; U.S. agencies with a domestic corruption prevention function; for-profit companies; U.S. non-profits; international and local NGOs; foundations, academia, and think tanks; and international/multilateral organizations.

III. GATHERING INFORMATION TO INFORM PROJECT PLANNING

Anticorruption assistance programming begins with an assessment, whether formal or informal; rapid, or intensive. The first goal of an assessment is to gather information about the local context that identifies:

- The root causes of corruption (legal, institutional, political, economic, or otherwise);
- How it manifests itself;

- What aspects of corruption are particularly harmful to U.S. interests;
- Existing domestic responses;
- Existing international assistance; and
- How corruption is perceived by civil society.

The second goal is to recommend potential technical assistance needs and programmatic responses that

Tailor the Messenger: Learning from Neighbors

- The INL-funded DOJ OPDAT program partnered with the Government of Georgia in 2012 to bring representatives from a number of former Soviet republics together for a regional anticorruption conference to discuss prosecution strategies and tactics to combat corruption. This conference was one of the first opportunities for professionals from neighboring countries to learn about how Georgia developed its anticorruption strategies and reformed its system. This conference opened the door to future cooperation among the attending countries, and generated interest among participants to learn more about Georgia's anticorruption strategies and how they have been successfully applied in other countries.
- Working with INTERPOL and India's Central Bureau of Investigation, INL organized a series of South Asia Regional Anticorruption Training Workshops. The workshops exposed participating countries to best practices from India and the United States. The workshops also facilitated informal bilateral capacity building by allowing U.S. experts to work closely with their Indian counterparts, with whom we have no formal bilateral anticorruption programs.
- INL supports a central European NGO to provide Uzbek law enforcement agencies, prosecutors, defense lawyers, judges, public officials, and civil society with a basic understanding of international anticorruption principles and counter-corruption practices used in the United States and European Union.

might be appropriate for INL to implement based on the assessment.

There are a number of assessment methodologies to achieve these goals and guide the analysis. A comprehensive assessment consists of a desk review and an in-country visit where program officers meet with various government, civil society, and private sector stakeholders. These are explained in greater detail below. Assessments should take place prior to project design and implementation so that INL's resources can be appropriately targeted. However, in many instances INL has a long program presence in a given country, and additional assessments to determine the direction of a new project phase or how to allocate additional funding may be less formal or require less groundwork.

[USAID's 2009 Anticorruption Assessment Handbook](#) and [2015 Practioner's Guide for Anticorruption Programming](#) serve as useful resources for assessments in this area. The chart on page 11 of the 2009 Handbook contains a list of factors that may be considered, particularly for a broad legal and institutional assessment. The issues that [Global Integrity](#) examines in its country reports offer another good keystone, as is the analytical framework used in the Transparency International's [National Integrity System](#) assessments. Any of these, as well as other resources readily available, provide a good place to begin your analysis.

INL can perform assessments in-house. Alternatively, it can contract for an assessment and program recommendations, provided by individual experts, non-U.S. government implementing partners, and international organizations. Contracted assessments can follow an INL methodology, a bespoke methodology, or a standardized format such as the [Judicial Reform Index](#) developed by the American Bar Association.

A. DESK REVIEW

The first part of the assessment is a desk review. This is an analysis of the country's legal framework and the institutions, including criminal justice system institutions that contribute to a partner country's capacity to investigate and prosecute public sector corruption. As part of the desk review, officers should engage with U.S.-based international NGOs, media outlets, and journalists as this engagement may lead to not only a greater understanding of the context, but also to future programmatic collaboration. Depending on the country, the desk review should also include an overview of institutions outside of the criminal

Tip: Always begin by identifying the need and brainstorming appropriate programmatic responses. From there, you can identify a well-positioned partner. Identifying the partner first and building a program around it will not necessarily fail, but it can create significant challenges.

justice system that influence the prevalence, or the combating, of corruption. The desk review will reveal the vulnerabilities and strengths within the country's legal framework and the capabilities of its institutions as they relate to corruption. For example, an institution might appear to have a strong formal role, but few resources or a lack of capacity to ensure follow through. A desk review may also help identify technical assistance needs and donors who might be able to respond or who are currently responding to those needs.

In most cases, existing reports, surveys, and other documents can provide information about the legal framework and state of corruption in a particular country. These documents can include reports prepared by bilateral and multilateral organizations and NGOs, as well as INL project and policy materials. Post may be able to provide pertinent materials, particularly given that there is often considerable donor activity on anti-corruption and related issues. INL/C works closely with the anticorruption teams of other bilateral donors and international organizations. [UNODC country profiles](#) on States Parties' implementation of the UNCAC offer one potential starting point, because they succinctly compile the relevant legal authorities. The UNCAC and other treaty reviews, such as GRECO (for Eastern Europe) and OAS MESICIC (for the Americas) often have rich descriptive sections and recommendations that may be springboards for programming or for further examination in-country.

UNCAC country reviews offer another important source of information. These reviews offer recommendations on full implementation of the Convention and they include an assessment of technical assistance needs. [UNODC's Guidance Note](#) provides information on how the UNCAC and its implementation review mechanism can be used for technical assistance and anticorruption programming. However, UNCAC country reviews are only released in their entirety at the discretion of the country being reviewed. Encouraging the host government to publicly release its full report can help both demonstrate the government's political commitment to transparency and anticorruption reform, and can also

provide extensive baseline information for technical assistance program design.

A list of off-the-shelf sources of information on how corruption manifests itself in a particular country and impacts its laws and institutions can be found in Appendix II—Sources of Country Information.

B. IN-COUNTRY ASSESSMENT OF ISSUES AND OPPORTUNITIES

The second part of the assessment consists of in-country interviews with a wide range of stakeholders to learn how each organization or institution functions and what problems may exist. Interviews should also attempt to discover information about initiatives other donors have undertaken and parallel efforts that are currently underway or planned.

As a general matter, in-country assessment meetings for INL programming would include conversations with:

- Criminal justice system actors (judges, prosecutors, defense counsel, other legal professionals, law schools, law enforcement, corrections officials, and citizens who are the end users of the criminal justice system);
- Officers in other governmental entities with an oversight role and/or in the prevention and investigation of corruption;
- Civil society organization leaders (including anticorruption, human rights, and democracy organizations, business organizations, and professional associations)
- Parliamentarians;
- Academics;
- Media (including investigative journalists); and
- Other donors and development assistance providers, such as the United Nations (e.g., UNODC, UNDP) or bilateral donors.

These meetings should include both high-level officials as well as working-level professionals in order to understand how each organization or institution functions and what challenges anticorruption efforts might confront. This permits the identification of

potential points of entry for programming and areas that may be resistant to assistance activities. Cross-checking the views of a diverse group of stakeholders will strengthen the reliability of the assessment observations and gauge the public's experience with both corruption and the performance of government institutions.

One approach to the in-country assessment phase—and one that offers insight into the level of risk associated with potential programming—involves mapping how and where corruption manifests itself most among the country's institutions and how easy or difficult it will be to successfully address corruption. This type of mapping helps identify the bodies INL might work with, their internal dynamics (both technical and, often more importantly, political), and any challenges to be overcome for a program to be successful. A key element of the mapping process is a sense of the “political economy”—that is, the extent of political will to address corruption, and the actors interested in either promoting reform or resisting it. In analyzing the political economy, officers should consider: the posture of the country's top executive branch officials, legislature, and key institutions; the electoral and political context; the country's desire to meet external standards (e.g., accession to the EU in Central and Eastern Europe in the 2000s); and the business sector, NGOs, and media's willingness to engage.

At the conclusion of the assessment, the team should have a working understanding of the following key variables:

- The forms corruption takes, including the institutional settings or type of transactions subject to corruption;
- The characteristics of the legal frameworks to address corruption and other relevant laws, key legal gaps, and information on their enforcement/application;
- The demographic characteristics (financial, political,

cultural, religious, gender) of citizens most likely to be victims of corrupt behavior;

- Performance of existing institutions relevant to preventing or prosecuting corruption, or providing oversight and accountability;
- The strength and engagement of non-public actors such as business, the media, and other elements of civil society, and the status of enabling factors such as transparency, media laws, and whistleblower protection;
- The existence, or lack thereof, of previous executive branch, justice sector, legislative, advocacy, or other campaigns to address corruption, and their outcomes;
- The country's status as a party to the UNCAC and other sources of binding legal standards and the results of any review of compliance;
- The interest of the country's leadership in qualifying for externally determined outcomes (e.g., aid, accession to the EU, joining the Open Government Partnership, etc.) for which anticorruption efforts are a threshold;
- The potential for reforms to themselves be used as a politically repressive tool or to contribute to human rights abuses; and
- The estimated costs and benefits of an anticorruption campaign.

The next step is to create a “menu” of potential reform options, with priorities assigned to them. While there is no best way to compile such a menu, the options should take advantage of the various entry points for anticorruption programming at the national and local levels identified during the assessment. Some of these entry points are listed below, but may be untenable for strategic, political, or diplomatic reasons. Others may have complicating factors. The goal in compiling this menu is to simultaneously consider what is possible and how it might be effective. Part IV of this guide, INCORPORATING ANTICORRUPTION INTO PROJECT DESIGN AND IMPLEMENTATION (page 15), outlines some of these reform options and how INL can help implement them.

IV. INCORPORATING ANTICORRUPTION INTO PROJECT DESIGN AND IMPLEMENTATION

The next two sections outline different but mutually reinforcing approaches to incorporating anticorruption into Post activities and INL programming. Section A presents ways for INL and other officers at Post to integrate anticorruption considerations outside of purely programmatic interventions. Section B presents specific ideas for helping the host government

strengthen laws, institutions, and processes to prevent and combat corruption.

A. INTEGRATING ANTICORRUPTION AT POST

INL officers and their colleagues at Post can integrate anticorruption elements into their overall country

Host Country Programmatic Partners—Illustrative List

The variety of host-country programmatic partners for INL may each represent a potential entry point for anticorruption efforts.

Judiciary	Prosecutors and Legal Profession	Police	Corrections	Other/Cross Cutting
Judiciaries; council of magistrates	Prosecuting offices	Police forces	Corrections institutions	Parliaments and Parliamentary committees
Courts and their staff	Internal inspection units	Internal investigation units	Internal investigation units	NGOs and think tanks
Judges associations	Prosecutors associations/bar associations	Police unions and associations	Corrections training facilities	Media and journalists associations
Judicial academies	Crime-focused NGOs	Police-focused NGOs	Prisoner rights NGOs	National audit authorities
Judicial training centers	Defense counsel	Public oversight boards	Public oversight boards	Anticorruption agencies
		Training academies		Business groups
				Line ministries
				Executive branch officials
				Ministry of Human Rights or equivalent

programming and encourage country teams to use the full range of diplomatic tools to promote reform. These non-programmatic approaches do not typically require funding. Low-cost or no-cost approaches to integrating anticorruption components include:

Bilateral Diplomacy: INL officers and others at Post are in a position to raise corruption, transparency, and good governance issues during meetings with their country counterparts. The question may be as simple as inquiring into the status of a recent high-profile case or a planned reform. The release of high-level reports, such as the annual Department of State Human Rights Report (which contains a section titled, “Corruption and Lack of Transparency in Government”), the reports of UNCAC’s review mechanism or other similar reviews, or NGO reports, provide openings to discuss the issue. Diplomacy is likely to be more effective if more than one actor reinforces the relevant point. Thus, it is important to discuss and coordinate with other diplomatic missions, international organizations, and the business community. Working with the Economics Section, INL should encourage business leaders to discuss the negative consequences corruption has on investment in their meetings with government officials.

Public Diplomacy: Officers can work with their Public Affairs colleagues at Post to highlight the costs of corruption, directly or in coordination with local NGOs (with due regard for their safety). Starting a public relations campaign, even a modest one, will encourage citizens to hold their governments accountable. Many Posts have begun using International Anticorruption Day, which occurs annually on December 9, as an occasion for public diplomacy activities. Established programs, such as the International Visitor Leadership Program (IVLP), offer ways to leverage INL’s efforts. Both INL and the Bureau of International Information Programs can provide materials for Posts to draw upon, including anticorruption public diplomacy materials currently on [Diplopedia](#) and The World Bank’s [Governance and Anticorruption Strategy](#) that highlights good practices in public diplomacy and anticorruption activities.

Reporting: INL officers can work with their Political Affairs colleagues at Post to ensure that corruption is adequately reported to policy makers in Washington, D.C. Corruption reporting is an important part of the diplomatic process because it arms policy makers in Washington, D.C. with the information they need to make informed decisions. This reporting also informs State Department publications, including the annual Human Rights Report and the biennial International Anticorruption and Good Governance Act (IAGGA) report. As such, it is an important part of the diplomacy “feedback loop.” The Department also has in place procedures for responding to and reporting allegations of bribery of foreign officials for business-related purposes, and other corruption cases, which can support U.S. law enforcement. Reporting can also lay the groundwork for asset recovery cooperation.

Visa Actions: INL officers can work with their Consular Affairs colleagues at Post to ensure appropriate visa actions are pursued. Presidential Proclamation 7750 denies entry to corrupt current and former foreign government officials and those who enable or benefit from their corrupt behavior, unless denying their entry would be contrary to the interests of the United States. Congress has adopted provisions providing State with a second complementary legislative authority. INL officers may contact INL/C or review existing cable guidance for additional information on visa actions as a tool complementary to other initiatives.

Concrete Examples of Corruption

Framing corruption in terms of vivid, real-world consequences can help translate it from an abstract concept to a concrete reality. To successfully do this, however, you must provide the public with real-life examples. These include: a local school that can’t hire qualified teachers or didn’t receive equipment because of corruption; roads not repaired due to corruption; etc. Some assistance experts encourage the development and dissemination of messages centered on highlighting the consequences of corruption, such as calculations of lost inward investment, social development foregone (school-year equivalents lost; health gains lost) or services denied (water, electricity).

Utilizing Regional Training Platforms: INL provides training for many criminal justice sector officials through the International Law Enforcement Academies (ILEA). The curriculum of the ILEAs now includes tailored anticorruption training courses, as well as broader courses that include complementary topics such as community engagement and professionalism. INL/C supports similar efforts by international and regional organizations. INL officers can contact INL/C to inquire about inclusion of their country counterparts in such regional activities.

Facilitating Dialogue or Serving as a Convener: Posts can offer a safe place for relevant actors to come together to discuss corruption issues and explore possible ways of addressing them. These discussions may include government officials, civil society representatives, and/or the media. In the Czech Republic, for example, 20 NGOs banded together to form an anticorruption coalition, supported in part by a grant from the U.S. Embassy.

Leading by Example: The United States should strive to lead by example. At Post and in multilateral fora, INL officers can identify successful examples of anticorruption activities within our own borders to encourage future action by partner countries. Post's annual July

4th celebration is a good opportunity to highlight this work and illustrate how to lead by example.

B. INITIATIVES WITH AN ANTICORRUPTION FOCUS

In some cases, INL officers work with host country counterparts to design and implement programs with the specific goal of combating corruption. This Section of the guide offers programmatic ideas to strengthen laws, institutions, and processes to achieve that goal.

Subsection 1 discusses reforms to criminal justice laws and anticorruption policy. Subsection 2 addresses corruption in justice sector institutions. Subsection 3 outlines promoting integrity in other governmental institutions and processes. Subsection 4 discusses civil society's role in combating corruption. Subsection 5 describes fostering an anticorruption environment. Subsection 6 discusses training as a complement to each of these approaches. In each case, the program can be designed as a stand-alone initiative or as part of a broader effort.

Additional information about many of the program lines of action and examples below can be found in INL/C's compilation of current and recent anticorruption programs, available on the [INL/C Diplopedia site](#).

Bureau and Department Resources for Anticorruption Program Design

INL/C can provide advice and expertise in the development and management of a wide range of anticorruption programs, at the request of INL program officers. In addition, INL/CAP employs senior technical specialists who can assist in integrating anticorruption into police, justice, and corrections reform initiatives. Specialists in INL/C and INL/CAP are available to provide guidance to INL officers during project design and implementation. Depending on availability, specialists from INL/C and INL/CAP can, among other forms of support, assist INL program officers with assessments (identify background materials, undertake rapid assessments, join assessment teams); suggest programming recommendations or provide feedback on draft concept notes, proposals, or work plans; share perspectives on potential implementing partners; identify interlocutors in

the anticorruption teams of other donors and international organizations; identify potential sources of U.S. government practitioner expertise; help draft public diplomacy materials; and provide information on what constitutes good practice in various anticorruption measures.

INL program officers can also mobilize expertise by reaching out to the Bureau of Democracy, Human Rights, and Labor (DRL), where programming may involve issues such as judicial independence or civil society operating environments; Bureau of Conflict and Stabilization Operations (CSO) for anticorruption in conflict settings; and various components of the Bureau of Economic and Business Affairs (EB) and DRL for potential programming involving private sector engagement.

1. Criminal Justice Laws and Anticorruption Policy

Strengthening the ability of criminal justice systems to address corruption is where many INL anticorruption programs begin. Given INL's mission to fight traditional crime, INL may already be working with many criminal justice institutions in-country. Therefore, they are often natural programmatic focus points for anticorruption assistance.

Supporting Legal Framework Reforms: INL offers support to host-nations that draft and revise criminal laws, criminal procedure codes, regulations, and other standards that address corruption. Often, program objectives are related to the adoption or easier use of criminal procedure code-related tools such as plea bargaining; use of confidential informants; mitigation of sentences for cooperation; use of special investigative techniques such as surveillance or controlled delivery; forfeiture regimes to retrieve the proceeds of crime and non-conviction-based asset forfeiture; conspiracy and Racketeer Influenced and Corrupt Organizations Act (RICO)-type laws; effective, dissuasive, and proportionate sanctions; or liability for legal persons. Likewise, the goal of legal framework reform may be to push for changes to substantive criminal laws in line with international standards—including adoption of effective, comprehensive legislation on active and passive bribery, foreign bribery, trafficking (i.e., persons, drugs, wildlife), money laundering, and illicit enrichment. In helping governments pursue reforms, it is imperative that host-country counterparts not only be exposed

to the legal regimes used in the United States, but also to illustrative examples from other parts of the world, particularly areas with similar legal cultures.

Countries may choose to either pursue specific targeted legislation—such as specific measures preventing or criminalizing corruption—or may choose to pursue a comprehensive “anticorruption law.” Regardless of which approach is taken, INL suggests framing activities as assisting partner countries in complying with their obligations under international good practice, such as UNCAC and other international legal instruments.

INL-supported assistance in these areas varies but could include providing advice or sponsoring workshops on policy options, providing models of similar legislation from other countries, assessing draft legislation (for its effectiveness, comprehensiveness, and compliance with international standards), bringing in experts from other countries who have experience with the proposed reforms, and advising policymakers and legislators on the merits of adoption. INL/CAP can provide technical expertise to assist in these activities, including through INL's partnership with the Law Library of Congress, which provides INL officers with analyses of relevant laws in a particular country or region, and INL's state and local partners who are available for short-term deployments overseas.

Providing Technical Advice on a Country's Institutional Strategy and Design: INL supports countries that want to develop national strategies or

Challenges of Developing National Strategies and Anticorruption Agencies

While working with national counterparts to develop a national strategy or action plan can be significantly rewarding, there also can be challenges. As the USAID Anticorruption Strategy notes, “Though clear planning is needed to avoid the problem of a proliferation of agencies without clear definitions of roles and responsibilities, ‘national anticorruption plans’ can be time consuming distractions and ultimately may not be executable. Often developed with donor technical assistance and including every conceivable reform, these plans can easily become large and unwieldy wish-lists that far outstrip implementation capacities.”

The same source notes that “Anticorruption commissions have become a popular strategy used by governments to spearhead and publicize their efforts, but these commissions often lack the resources and authority to be effective and are often manipulated for political purposes.”

A good source of information on specialized anticorruption units—including perspectives on how to minimize the risks of some of these pitfalls and an interactive online course on these challenges—is ACAuthorities.org, managed by the World Bank with INL support.

action plans. National strategies or action plans are necessary for two reasons. First, the approach enables countries to think strategically and in a cross-sectoral manner in designing their anticorruption assistance plans. Second, it forces national stakeholders to play a leading role in the design and implementation of assistance activities, thereby ensuring their relevance, acceptance, and sustainability over the long term. As such, all INL assistance activities should reflect the priorities of national stakeholders and dovetail with any country-led national strategies or action plans. In Tunisia, INL funded UNDP, in part, to help that country develop a national anticorruption strategy and begin implementation of its obligations under the UNCAC.

One idea that often emerges from national strategies is the creation of a specialized anticorruption commission(s). INL can provide advice on the design of specialized anticorruption units, whether within law enforcement, prosecution, the penal system, or as a standalone anticorruption agency. In Morocco, INL partner ABA-ROLI embedded a former senior U.S. ethics official in the country's anticorruption policy and prevention body. The official helped strengthen the body's procedures, provided training, and developed recommendations for further development of the institution. INL advisors have also helped create specialized corruption courts.

Another element that often emerges from the creation of national strategies is the need to improve coordination among partner country institutions. Through workshops or cross-training, INL programs can be designed to encourage this coordination between police and prosecutors, for example, or by strengthening the working relationships between officials from financial intelligence units, which detect money-laundering, and the police and prosecutors that help develop criminal proceedings. In Albania, an INL-funded Department of Justice anticorruption Resident Legal Advisor (RLA) worked to develop seven Joint Investigation Units (JIU) comprised of top police officers, prosecutors, and investigators from various agencies. Capacity building work with the JIUs focused on investigative techniques for

corruption and financial crimes and the links between organized crime and corruption.

2. Addressing Corruption in Justice Sector Institutions

INL programming can also help partner countries adopt measures to minimize corruption in the law enforcement, judicial, and prosecution functions. Corruption is harmful in any part of government. However, it is particularly damaging when it exists in the very institutions meant to prevent or combat corruption. Public perception that the institutions intended to combat corruption are themselves corrupt results in the public's loss of confidence in the government's ability to fight corruption and protect the security and well-being of citizens.

Forestalling Corruption in Law Enforcement:

Corruption in law enforcement is particularly insidious because it can lead citizens to view police as part of the problem rather than part of the solution. INL programs can address corruption in law enforcement in a variety of ways including through specialized trainings, the development of internal and external oversight mechanisms, and the adoption of ethics codes and disciplinary procedures. Examples include:

- INL has sponsored the DHS/Immigration Customs and Enforcement (ICE) Anticorruption Strategic Program, a training program conducted by ICE's Office of Professional Responsibility (OPR), to provide an internal integrity training program to customs, border security, and law enforcement agencies. This program fosters professionalism and improves the ethical standards of border security and law enforcement officers.
- The Georgian Ministry of Internal Affairs attached video cameras to police patrol cars and uniforms of patrol officers to create additional accountability, after Ministry officials saw a similar approach used during an INL-organized study tour to the U.S. state of Georgia police departments.
- In Serbia and Albania, INL-funded programs helped draft Internal Affairs laws and train investigators in

Programs to Promote Accountability in the Justice Sector

Illustrative List by Sector

Police	Prosecutors/Defense/Judiciary	Corrections	Other
Improve internal affairs units and internal oversight function, such as asset disclosures	Create or improve ethics codes including conflict of interest and recusal rules and disciplinary procedures	Improve internal complaint systems	Extend public integrity measures, such as asset declarations and conflict of interest rules, to criminal justice officials
Establish public/civilian oversight boards	Establish case management and assignment systems	License and standardize training for corrections officials	Offer media training on operation of the criminal justice system
Improve internal management	Establish vetting and merit-based promotion and entry into the profession	Improve internal audit systems and train personnel	Support advocacy and oversight NGOs
Establish public or civilian oversight boards	Support citizens' groups to provide oversight of cases and advocacy for reforms	Publish detainee statistics	
Establish procedures for vetted units	Establish open trials, published opinions, and court reporting	Publish budget and procurement records	
Support NGO and citizen oversight and engagement	Develop training academy curricula on integrity and ethics	Support NGOs that conduct prison monitoring	
Develop training academy curricula on integrity and ethics	Support professional associations	Update human resources systems to avoid "ghost employees"	
Establish vetting and merit-based promotion and entry into the profession	Establish a media relations function	Establish rotation systems	
Revise procedures for imposing fines	Publish metrics		
Update human resources systems to avoid "ghost employees"			
Conduct integrity testing			

Promoting Integrity in Justice Sector Institutions and Processes

- In Armenia, INL is funding an OPDAT program to help establish an alternative dispute resolution (ADR) program. The ADR program not only promotes business, foreign investment, and commercial law, but also alleviates the caseload of the administrative courts. The legal and business communities see this program as a practical and effective means of resolving business disputes with a minimal threat of corruption and without the involvement of the courts, which they view as not sufficiently independent.
- The Mexican Federal Police are using a Culture of Lawfulness (CoL) curriculum developed jointly with

INL grantee National Strategy Information Center to provide instruction to Federal Police officers who are slated to become commanding staff and cadets of the Gendarmerie. The CoL curriculum for the Gendarmerie focuses on adhering to the rule of law, reducing corruption, and increasing institutional transparency with the public.

- Through UNODC, INL is funding capacity building in the Kenyan Independent Police Oversight Authority and the Internal Affairs Unit to process citizen complaints and monitor police conduct.

the Internal Control Service. They also helped the Police Academy develop basic and intermediate anticorruption curricula for police officer training exercises.

- INL developed a study tour to introduce South African officials to effective practices in police disciplinary actions.
- INL partnered with DHS/ICE OPR to place a Resident Senior Advisor to work on a temporary basis with the Nigerian Economic and Financial Crimes Commission.

Countering Corruption in the Judiciary and Prosecutorial Service: Corruption in the judiciary and prosecutorial service can negatively impact efforts to promote trust in these bodies as independent and truth-seeking. This is particularly problematic in new and emerging democracies where a tradition of judicial independence does not exist. INL programs can help fight corruption through supporting various measures, such as:

- Incorporating general public integrity practices, including conflicts of interest rules and disclosure of assets;
- Instituting merit-based hiring, assignment, and promotion systems;
- Developing, with the involvement of civil society, and adopting ethics codes with effective and transparent enforcement mechanisms and disciplinary procedures;
- Adopting case management processes to prevent manipulation of outcomes through case assignment;
- Promoting judicial independence;
- Helping the judiciary and prosecutorial service draft legislation that provides them with sufficient financial independence from or within the executive; creating prosecutorial guidelines and judicial sentencing guidelines;
- Supporting public defender organizations to help check the power of prosecutorial authorities;
- Promoting civic education and public awareness so that citizens learn how the judiciary and prosecutorial authorities are intended to operate;
- Creating judges' or prosecutors' associations to



Law enforcement officials from five countries—Ghana, Sierra Leone, Nigeria, Liberia, and Tanzania—took part in an INL-funded Anticorruption workshop. Over the course of five days, 30 participants learned how to more effectively investigate and prosecute allegations of public corruption and pursue the recovery of the proceeds of corruption.

promote professionalism and solidarity, encourage advocacy, and build will for reform;

- Ensuring transparent performance and outcomes, including open courtrooms and publication of decisions; and
- Encouraging public scrutiny of judicial processes including by training the media on how to cover these common types of cases.

INL programs also often help strengthen the functions of judicial councils or oversight bodies. Judicial Councils are administrative oversight bodies that assist in the selection, training, and discipline of judges. They are key to promoting better transparency and disincentivizing opportunities for corruption with a host country's judicial system. In Iraq, INL supported the Judicial Supervisory Commission (JSC) to develop a standardized performance evaluation system and increase transparency protocols for the Office of the Public Prosecutor.

INL programs can also support the creation and integration of anticorruption modules into training institutions and criminal justice institution curricula. In Iraq, INL supports a UNDP project to strengthen the capacity of Iraq's Anticorruption Academy to provide

sustained, quality training services to all national actors to improve transparency and accountability within the anticorruption institutions.

The following documents provide insightful information about countering corruption in the judiciary:

- [Transparency Advocacy International Toolkit: Combating Corruption in the Judicial System](#);
- [Guide to Reducing Corruption in the Judiciary](#), published by USAID;
- [A Users' Guide to Measuring Corruption, jointly produced by UNDP and Global Integrity](#);
- [Guide to Judicial Independence](#);
- [Judicial Reform Index](#) and the [Prosecutorial Reform Index](#), ABA-ROLI tools created in part with INL sponsorship, provide assessments of the integrity, effectiveness, and independence of the judiciary and the role of prosecutors; and
- [Bangalore Principles of Judicial Conduct](#), published by the UN, establishes standards for the ethical conduct of judges.

Addressing Interrelated Crimes: Corruption can be facilitated by, and in turn facilitate, other crimes. For instance, money laundering may help facilitate and be a precursor to corruption. Other crimes such as, organized crime or the illicit trafficking of drugs, persons, weapons, and wildlife, can be facilitated by corruption and its proceeds. Therefore, INL programs can and should focus on addressing corruption's interrelated crimes simultaneously. For example, the Pathfinder Program of conferences and workshops in Southeast Asia brings authorities with a mandate to counter trafficking in persons (TIP) or those involved in countering wildlife trafficking together with officials charged with investigating and prosecuting corruption, thus promoting cross-crime collaboration. INL has partnered with the OECD to develop principles on combating corruption in TIP.

Criminal Justice Sector Integrity through Corollary Bodies: Corollary bodies can promote integrity in the criminal justice sector by providing external

accountability and ensuring that civil society has access to and a voice in the operation of criminal justice institutions. One common entry point for INL and other donors is to promote integrity in the justice sector by supporting the legal profession or the defense bar. For example, INL-funded ABA and DOJ programs partner with law students and lawyers' associations to promote ethics reform and anticorruption awareness through the promotion of professionalism and the development of ethics codes, trainings, and enforcements measures. In some instances these programs work to minimize corruption in legal education and the bar examination itself.

3. Promoting Integrity in Other Governmental Institutions and Processes

Corruption outside of the criminal justice system can still affect INL and USG objectives. Corruption in other sectors undermines the criminal justice system's efficacy by increasing the number of corruption cases the criminal justice system must handle and decreasing public support for governmental processes. As such, INL programs can address corruption outside of traditional criminal justice institutions.

Any government agency that develops, implements, or enforces laws, regulations, policies or contractual arrangements, including those charged with health, education, environmental protection, natural resource management, infrastructure development and scientific research, can be as vulnerable to corrupt practices as "traditional" law enforcement and judicial institutions.

A range of mechanisms exist to promote integrity across the executive branch and beyond criminal justice institutions. In addition to its in-house expertise, INL historically has had a close working relationship with the U.S. Office of Government Ethics (as well as other executive branch offices with an integrity mission) and frequently partners with the U.S. Department of the Treasury, DHS, and the State Department's Bureau of Diplomatic Security. These institutions may serve as resources for a wide variety of programs and can provide

reform advice, design curriculum, and train host-country counterparts on integrity issues. INL programs that provide policy advice, comparative model legislation, policies and procedures, and training can promote the adoption and implementation of a variety of integrity measures such as:

- Executive branch conflicts of interest rules;
- Disclosure of assets of public officials;
- Merit-based hiring systems and rules on nepotism;
- Ethics rules and training;
- Whistleblower protection systems;
- Gift rules;
- Post-employment (revolving door) regulations;
- The inspector general function;
- Audit functions;
- Campaign and party finance rules; and
- Revenue collection systems

Other Governmental Processes: Anticorruption programming can address the integrity risks presented by some government processes, either by increasing the efficiency and transparency of the process or by building safeguards against corruption. Government purchasing or procurement and customs are areas of frequent vulnerability. Licensing and inspections can produce opportunities for extortionate bribe solicitation. In Colombia, for example, an INL program is strengthening the government institutions responsible for controlling public resources in over 50 municipalities, including creating management and results assessment routines among local public officials;

Anticorruption Considerations in the Corrections Context

The economic benefits of corruption for staff or officers should not be underestimated. Prisons are like small towns with a contained and sometimes easily exploited population. Prisoners live in an environment where material goods, and in some cases even basic provisions, must come from the outside. Poor wages can contribute to staff soliciting bribes and engaging in extortion. When “fees” for food, phones, visits, and packages, for example, are added, the potential revenue of a corrupt operation can be a significant incentive for staff and managers.

Lesson Learned: Preventing Law Enforcement Corruption through Administrative Reforms

In Afghanistan, INL helped prevent corruption by police officers by helping institute a system of direct banking deposits, effectively ending the payment of police directly in cash.

improving coordination between the national government and local governments; improving the capacity of local authorities to plan and execute public policy; and building public confidence in democratic institutions.

Other types of “service delivery,” where citizens depend on officials for services such as criminal justice, health, and education, can be areas of pervasive petty corruption. Anticorruption elements can be “mainstreamed” or integrated into programs of reform in those sectors, or criminal justice officials can be assisted to develop specialized knowledge or targeted task forces to address petty corruption. INL is exploring this approach in the Democratic Republic of Congo through a project that provides accountable service delivery in the criminal justice sector, with civil society playing a key role in convincing government agencies to deliver services without extracting personal profit.

Data has proved government bureaucracy often facilitates corruption. For example, when companies have to pay bribes to cut through red tape, it actually incentivizes the creation of more red tape, slowing transaction times and raising business expenses. In addition to promoting integrity and transparency, streamlining bureaucratic processes generally may help reduce corruption overall.

Fostering Government Transparency and Access to Information: INL can help host governments design and implement transparent government systems to root out corruption and promote citizen trust in public institutions. Vague procurement and revenue collection systems invite corruption within government agencies. INL can help promote integrity in government purchasing by helping to reform procurement systems—increasing their transparency

“When people are free to speak their minds and hold their leaders accountable, governments are more responsive and more effective.”

—President Barack Obama, Remarks at the Clinton Global Initiative, Sept. 23, 2014

and standardization, promoting adoption of integrity measures, and providing oversight and training for procurement officials. Fiscal transparency is also important. The disclosure of basic information such as size and detailed composition of budgets and expenditures can arm citizens with the necessary information to hold their governments accountable and, in turn, make governments more responsive to the public’s needs.

The following are some additional measures related to transparency that can be the focus of reform efforts: creating public registers of information on land ownership; promoting transparency in beneficial ownership of legal persons; introduction of ‘open data’ portals; promoting proactive publication of public interest information; and dissemination of simple posters and brochures advising of citizens’ rights. In some countries, publication of “Big Mac” surveys (a comparison of the prices of identical items, purchased in distinct places)



In January 2015, ABA and its partners (in red) launched the INL-funded “know your rights” campaign in Morocco. As part of this effort, ABA is caravanning around the country to educate citizens about their rights and obligations under Moroccan law.

has successfully highlighted disparities in pricing that could be attributable to corruption.

As cross-cutting measures, INL programming can assist governments with adopting and implementing access to or freedom of information laws that can be used by activists, journalists, and other citizens to facilitate citizen oversight of government actions; developing policies for whistleblower protection; or developing systems to track natural resource royalties.

There are several other valuable initiatives that foster government transparency and promote country participation. [The Extractive Industries Transparency Initiative](#) promotes transparency and oversight in a sector that presents great corruption risks.

The [Open Government Partnership](#) (OGP) is a multi-stakeholder initiative with the participation of 65 countries and hundreds of civil society organizations worldwide. Participating governments are asked to strengthen transparency, improve accountability, engage and empower citizens, and harness new technologies in the battle against corruption. They do this through the development of ambitious, but achievable national action plans. Action plan goals must address at least one of OGP’s five “grand challenges:”

1. Improving public services;
2. Increasing public integrity and addressing corruption;
3. Effectively managing public resources;
4. Creating safer communities; and
5. Expanding corporate responsibility.

Action plans, which are produced through consultations with citizens and monitored by independent experts, may incorporate significant anticorruption elements and/or may reflect measures that will advance the anticorruption agenda by empowering oversight and accountability. To date, the OGP participating countries have adopted over 2000 commitments for improved governance, many directly or indirectly targeted at increasing public integrity and reducing corruption. INL programming has helped Sierra Leone

Examples of Empowering Citizens Advocates

- INL supported a pilot program in Nigeria and Sierra Leone to build the capacity of civil society and collaborate actively with government anticorruption agencies. Their goal was to prevent corruption and investigate, prosecute, and adjudicate corruption cases in the security and justice sectors. The program leverages freedom of information policies and laws to further engage average citizens in fighting corruption. The program also convenes civil society, government, web designers, and code developers in both countries for a [Civic Data Codeathon](#). Participants in the Codeathon use publicly available data on justice, security, and public budgets to create tools that increase transparency and allow citizens to hold their governments accountable.
- INL programming can also engage journalists, either to increase understanding and cooperation between the media and criminal justice operators, or by training journalists on investigative reporting that will lead eventually to action by the criminal justice system.
- A United States Institute of Peace-implemented program provides grants and training to local Iraqi NGOs on technologies that can be used to demand accountability and transparency in the Iraqi government. Iraqi provincial governments also receive training on how they can use technology to increase transparency in their work.
- INL's Citizens' Booth project in Mexico works through a local NGO partner, Mexico Unido Contra la Delincuencia (MUCD) to engage citizens in the monitoring of prosecution procedures. The project works by placing on-site citizen monitors at prosecutors' offices in Mexico City. The MUCD on-site monitors inform visitors of their rights, explain the crime-reporting process, and collect feedback on customer service at each station. The program, in partnership with the Office of the Attorney General (PGR), encourages crime reporting by informing citizens of their rights and the steps for reporting unlawful activities.

become eligible to join OGP and is helping Mexico develop publicly available registries of detainees and missing persons.

4. Civil Society's Role in Combating Corruption

Citizens can serve as advocates and provide important oversight of government programs to help ferret out corruption. Empowering civil society to serve as a watchdog can take many forms. INL programs have established hotlines for citizens to report corruption or administrative abuse. In some circumstances where citizens may be afraid of retribution, these hotlines can provide needed anonymity for complainants. In other countries civil society engagement can come in the form of media empowerment by training journalists on how to investigate corruption and follow and report on the legal processes. INL can bring together investigative journalists to share techniques, encourage solidarity, and support platforms to help to disseminate reports of organized crime and corruption. In Ukraine, INL-funded citizen groups and journalists provided important investigative insights into the corruption of high-level Ukrainian officials during and after the Yanukovich regime.

Public Education and Awareness Raising: Citizen awareness and educational initiatives can decrease a society's tolerance for corruption by building awareness of its consequences and arming citizens for action. INL supports public education campaigns to raise awareness about the effects of corruption and mobilize support for reform, usually by partnering with an NGO or a business association—although official bodies supported by INL programs may also engage in outreach and public education. Campaigns may take a long-term perspective by seeking to foster values antithetical to corruption, such as through a “Culture of Lawfulness” program. Or they can seek to galvanize action to fight corruption. The possibilities for these types of programs are boundless, from the [Zero Rupee Note](#), designed by Indian activists to be handed over to protest when a petty bribe is solicited, to editorial cartoon contests, and to activities for children.

Citizen Oversight Programs: Short-term, and relatively low-cost, mechanisms to promote citizen oversight include developing citizen scorecards on service delivery and regulatory maps that describe government processes. The maps provide plain language guidance that describes rights and obligations such as

information regarding customs duties, paying traffic fines, and filing court cases. INL has also supported the development of IT applications that raise awareness and provide citizen oversight—like the [BribeSpot](#) app it supported in Thailand in cooperation with local partners. The multi-platform web-based tool was designed to empower the public to conveniently and anonymously post details of their encounters with public officials who solicit bribes; the goal was to develop aggregated data that over time would raise awareness and assist in indicating geographic or sectorial patterns of petty corruption. INL has also funded counterpart country think tanks to research organized crime and corruption and make the results available to the public and policymakers. INL-supported programs have helped develop outreach and public affairs functions for criminal courts. However, data shows that the most effective programs not only raise awareness but support citizen action on the information and efforts to hold officials accountable.

Whistleblower Protections and Advice to Complainants: In some countries, reporting corruption can raise individual security concerns. INL-funded advisors can assist in the adoption of whistleblower protection measures and help develop witness security systems to ease these concerns. INL can also strengthen institutions that provide assistance and protection to citizen complainants. Such institutions

In Morocco, INL supported an advisor to the Central Body for the Prevention of Corruption (ICPC) whose advice resulted in the drafting, consideration, and adoption of the first-ever whistleblower program in Morocco.

may be governmental, such as ombudsman, or nongovernmental, such as anticorruption legal advice and advocacy centers that advise citizens on formulating complaints to government, help them follow those complaints through to resolution, and monitor and publicize corruption problems.

5. Fostering an “Anticorruption Environment”

While the reform measures and assistance initiatives described above are designed to reduce corruption that already exists, the following types of initiatives utilize a programmatic approach (which USAID has called “strengthening the anticorruption environment”) to help prevent corruption. While generally outside the scope of typical INL programming, other initiatives that help prevent and combat corruption include enhancing the environment for civil society activity; promoting free media and freedom of expression; advancing electoral freedom and political accountability; engaging the private sector; and working to strengthen the independence of the branches of government so that they may serve as appropriate checks and balances. There are

Combating Petty Corruption in Morocco

When addressing ways to reduce corruption, changing the culture of a society often proves to be far more difficult than adopting new laws. In Morocco, low-level corruption is endemic. Moroccans have come to expect that they will often have to make small “unofficial” payments in order to receive various government services.

Working with ABA-ROLI, INL is developing a new project focused on increasing public awareness of corruption, through a multi-media public relations campaign intended to change people’s perceptions and expectations of the role of government, focusing specifically on the law enforcement and judicial sectors.

The campaign is slated to begin in late 2015. Its success will

depend on a strong partnership among the ABA and both Moroccan government offices and civil society organizations. Among the key partners working with ABA are the Ministry of Justice, the Central Body for the Prevention of Corruption (ICPC), the Marrakech Bar Association, and the Marrakech Judge’s Association. This coalition is essential to legitimize the campaign with the public, and to ensure “buy-in” to the media campaign from all key actors.

Rather than attempting to reach the entire country and having the message become too diffused to measure any potential impact of the program’s effectiveness, the campaign will focus in the Marrakech region of Morocco, with the potential to then expand it to other regions of the country.

significant resources on these issues, including program ideas, available through outreach to other bureaus, online, and at USAID. INL/C can facilitate access, if needed. Likewise, where political will is low, modest interventions to improve public administration and build transparency may produce at least foundational gains and lay the groundwork for more politically challenging efforts in the future.

6. Building Skills through Training

Once institutions, laws, policies, and procedures to combat anticorruption are in place, INL offers training for criminal justice sector actors and other government officials. Training can focus on how to implement and comply with new laws, policies, and procedures, and roles within new institutions. Training also focuses on other procedures, such as investigative skills, case preparation, and courtroom advocacy. Often topics such as analyzing financial evidence or how to use legislation to seize illegal assets can be relevant.

For sustainability and country buy-in purposes, it is often important to identify local leaders and trainers who can help design and lead or co-lead national training programs, which should be tailored to local laws, institutions, practices, and cultural norms. Host-country cooperation in program design, funding

(ideally co-funding), and train-the-trainers approaches are more likely to lead to long-term sustainability. INL has state and local partners available for short-term deployments who can help implement these trainings.

Regional Initiatives: Regional trainings can reinforce peer learning and build relationships that pay off down the line as trainees return to their home countries and seek transborder collaboration on cases. The International Law Enforcement Academies (ILEA) managed by INL in several regions around the world offer ongoing coursework in anticorruption and closely related areas. INL has also supported regional mentors/advisors, most recently through UNODC (Central America and W. Africa) and ABA-ROLI (Asia).

Subnational Programs: While much of INL's programming occurs at the national level, subnational programs, such as those at the provincial or municipal level, can have an important impact. INL has funded municipal training programs that provide local officials and businesses with a comprehensive overview of criminal and municipal anticorruption laws and assist them in identifying gaps in local legislation. These trainings can then provide a good basis for participants to establish informal regional expert groups to develop anticorruption legislation for their respective regions.

V. MEASURING CORRUPTION AND PROGRAM IMPACT

Measuring Corruption: Measuring the level of actual and perceived corruption, and the impact of anticorruption programming, are difficult but necessary tasks for two primary reasons. First, as a diagnostic aid they help program designers and implementers ascertain where and how to focus their activities. For example, data that measures perceptions of corruption, such as Transparency International's [Corruption Perceptions Index](#) (CPI) survey may help INL program officers understand how citizens perceive—correctly or incorrectly—the degree of corruption in the country or

in relevant government institutions. For example, if survey data shows citizens believe their police system is corrupt and U.S. policy in the region is to strengthen law enforcement as a bulwark against transnational crime, then projects may want to focus on activities that directly improve police legitimacy.

Second, metrics are useful when analyzing the benefits of a particular program. Metrics can help identify strengths and weaknesses that can be useful for making decisions regarding future project activities or

State/USAID Foreign Assistance Indicators on Anticorruption Reform

The State/USAID Foreign Assistance Indicators on governing justly and democratically contain specific indicators for anticorruption reforms:

- Number of government officials receiving U.S. government-supported anticorruption training.
- Number of people affiliated with NGOs receiving U.S. government-supported anticorruption training.
- Number of U.S. government-supported anticorruption measures implemented.

designing follow-on initiatives. It is also useful for justifying funding to appropriators and donors.

While the CPI data mentioned above may be helpful in gaining a broad understanding of the general level of corruption, it should not be used to evaluate the success of programs because its aggregate and multi-year approach cannot accurately capture the success, or lack thereof, of one given program. Rather, it provides a broad look at how corruption is perceived with respect to the country as a whole. Methodology may change from year to year and perception may lag behind reform, or perceptions can be inversely related to improvements in combating corruption making the CPI not suited to reflect the success of a particular

assistance program. For example, an increase in the number corruption cases tried due to improvements in investigations and judicial independence can cause citizens to believe that corruption is more prevalent than before, even though the heightened perception is the result of the increased amount of enforcement. The CPI is most useful for broad policy determinations and planning assistance priorities.

Additional tools to help officers understand corruption in a particular country include perceptions-based data from organizations other than Transparency International; expert opinion and analysis surveys; and experience-based data. Experience-based data, such as the [I Paid a Bribe](#) collection of websites, are increasingly popular. While all these tools are helpful, none provides authoritative measurements of corruption in a given society. Such a measurement is unrealistic given political and legal constraints. An overview of these tools and the challenges associated with each is available on [UNDP's website](#).

Program Impact: In 2008 DOS and USAID jointly developed the [State/USAID Foreign Assistance Indicators](#) to help measure progress toward anticipated results in programming, including specific indicators dedicated to anticorruption reform. The indicators are designed to enable the ability to track long-term institutional progress and the sustainability of the impact

Lessons Learned: Corruption Cases Require Targeted Training

- In Bosnia and Herzegovina, INL stepped in, providing a DOJ/OPDAT legal expert and a DOJ/ICITAP investigator to work with Bosnian police, prosecutors, and judges to build capacity to properly investigate, prosecute, and adjudicate corruption. In Serbia, INL supported a dedicated DOJ/OPDAT anticorruption advisor to work with local prosecutors on building better financial crimes cases and using new tools, such as asset forfeiture regulations.
- The Africa Regional Anticorruption Training Program is a multi-year initiative to enhance the capacity of judges, investigators, and prosecutors in Africa to address complex cases involving corruption and organized crime. The program, which in 2012 assisted Sierra Leone's Anticorruption Commission in doubling its conviction rate for corruption cases and recovering over \$600,000 in corruption-related fines, restitutions, and settlements, is currently focusing on Senegal and four other Francophone West African countries.
- INL and DOJ have collaborated to post short-term advisors to build capacity to recover proceeds of corruption stowed abroad through the Arab and Ukraine Forums on Asset Recovery. These advisors will help governments in transition pursue stolen assets by offering guidance to increase the capacity of investigators, financial intelligence unit officials, and prosecutors.

Rule of Law Index of the World Justice Project

The Rule of Law Index of The World Justice Project (WJP), an INL grantee, creates the Rule of Law Index annually. The Rule of Law Index is a quantitative assessment tool designed to offer a detailed and comprehensive picture of the extent to which 99 countries and one jurisdiction around the world adhere to the rule of law. The Index gauges public perception and experience of a variety of rule of law indicators, including corruption, throughout the world. [The WJP Rule of Law Index](#) assesses three forms of corruption: bribery, improper influence by public or private interests, and misappropriation of public funds or other resources (embezzlement). These three forms of corruption are examined with respect to government officers in the executive branch, the judiciary, the military and police, and the legislature, and encompass a range of possible situations in which corruption—from petty bribery to major kinds of fraud—can occur, including the provision of public services, the procurement process, and the enforcement of regulations. For more information, review the [WJP Rule of Law Index Report](#).

that may result from programs and practices introduced through U.S. assistance.

There are three specific anticorruption State/USAID Foreign Assistance Indicators. The first two reflect outputs, e.g., number of people trained. The third focuses on outcomes traceable to the programs, e.g., number of laws implemented. These numbers help demonstrate the level of effort and accomplishments of the programming, which is useful for oversight, design, and future budgeting determinations.

The anticorruption-specific State/USAID Foreign Assistance Indicators can be combined with other State/USAID Foreign Assistance Indicators, or indicators customized for individual projects, to depict a more comprehensive story of change. Some custom indicators are available from other sources, such as the indicators on preventing and addressing corruption in the judiciary in the [USAID Guide on Reducing Corruption in the Judiciary](#). In most cases, the most effective set of indicators will be closely tied to the objective of the project activity rather than being tied

to imperfect measures of the overall level of corruption. For example, judges demonstrating an increased understanding of “A” or use of “B;” a new law on “C” is proposed, considered, and adopted, consistent with international standards; or the new specialized unit opens X new cases. Citizen, key respondent, or expert surveys can be used to focus on actual practice, such as the experience of corruption during interaction with government, after a baseline has been established. An anticorruption program that targets financial interactions might utilize indicators on money laundering and a project that seeks to eliminate corruption when seeking justice might include an indicator that measures bribe-free access to the criminal justice system through surveys of actual user experience.

Experts in INL/C can assist program officers in developing useful and targeted metrics for their projects. These metrics are developed in cooperation with INL’s Office of Program Analysis and Evaluation and aim to create robust, targeted, and collectable project performance measurements tailored for any type of project.

VI. CONCLUSION

Promoting integrity in public institutions through anticorruption assistance programs is a complex and long-term endeavor. The development of effective and accountable institutions, including criminal justice system institutions, is an ongoing process that requires national

ownership and leadership to succeed. However, securing progress in this area is closely linked to the sustainability and impact of all of INL’s other justice sector reform and anti-crime activities and to the successful pursuit of the foreign policy goals incorporated into INL’s mission.

INL is continually developing new tools to help INL officers navigate this field and develop, implement, and evaluate assistance programs based on best practices and lessons learned. One of the best sources of tools and lessons learned is our own programming, so INL officers are encouraged to share their experiences with each other and with colleagues in INL/C. Additionally, the INL/C office has experienced subject matter experts who can advise and assist offices and officers on program assessment, design, implementation, and evaluation. Reach out and take advantage of their expertise.

Stay Informed and Build Your Skillset

INL has established a variety of channels to share information about emerging approaches and good practices, new developments and studies, and upcoming regional events that may be relevant to INL programs and partners. Resources available upon request from [INL/C](#) include a catalog of INL anticorruption projects, a periodic electronic newsletter, and subscription to regional email groups (e.g., eur-anti-corruption-dl@state.gov). For additional information about INL's anticorruption initiatives, INL officers may visit INL's [Diplopedia](#) page. You are also encouraged to submit information to INL/C for dissemination and attend the annual anticorruption course that INL/C organizes at FSI.

APPENDIX I

INL Partners

INL coordinates with global, regional, and domestic partners to carry out its anticorruption programming, including other bureaus within DOS and diplomatic missions abroad.

Coordination within the Department of State: Efforts to promote anticorruption and good governance are strongly supported among a wide range of elements across the Department. For example, the Department of State's Bureau of Economic and Business Affairs coordinates U.S. participation in—and objectives for—the Anti-Bribery Convention and State Department efforts to promote fiscal transparency. The Bureau of Energy Resources supports the efforts of the Extractives Industry Transparency Initiative (EITI), and participates in its international Board. The Bureau of Democracy, Human Rights, and Labor spearheads the Open Government Partnership Initiative. Public diplomacy officers, regional bureaus, and the Office of the Under Secretary for Civilian Security, Democracy, and Human Rights play other important roles in this broad effort.

Other U.S. Government Entities

Department of Justice: DOJ is one of INL's closest collaborators on anticorruption efforts. Led by its Criminal Division, DOJ has two offices specifically focused on criminal justice reform internationally: the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) and the International Criminal Investigative Training Assistance Program (ICITAP). OPDAT develops and administers technical assistance related to criminal justice reform, including prosecutor training and court reform projects involving terrorism, human trafficking, organized crime, corruption, and money laundering. OPDAT usually deploys a regional legal advisor (RLA) to carry out programs in a country. These legal advisors are Assistant U.S. Attorneys on leave from their respective districts and usually have an

office in the U.S. Embassy of the host country. OPDAT's Washington, D.C. office manages its programs around the world and often reaches out to U.S. judges and others with relevant expertise to assist with training or conferences. ICITAP's mandate is to work with foreign governments to develop professional and transparent law enforcement institutions that protect human rights, combat corruption, and reduce the threat of transnational crime and terrorism. ICITAP focuses on law enforcement personnel and correctional institutions (whereas OPDAT works primarily with prosecutors and courts). ICITAP and OPDAT often coordinate their efforts and pursue a comprehensive approach to criminal justice reform in countries with both an RLA and an ICITAP advisor. ICITAP programs are implemented by a combination of federal employees and contractors.

These offices are funded through interagency agreements with the DOS, USAID, DOD, or the Millennium Challenge Corporation. INL often partners with other component entities of DOJ on specialized anticorruption efforts including the Federal Bureau of Investigation (FBI), the Asset Forfeiture Money Laundering Section, the Public Integrity Section, the Fraud Section, and the U.S. Marshals Service.

Department of the Treasury: Through the Office of Technical Assistance (OTA), the Department of the Treasury works with foreign financial, regulatory, legislative, and law enforcement personnel to promote sound public financial management and private financial sector operations. OTA focuses its overseas technical assistance on five core areas: Budget and Financial Accountability; Banking and Financial Services; Government Debt Issuance; Management, Revenue Policy and Administration; and Economic Crimes. Most of OTA's anticorruption activity is focused on preventing, detecting, and prosecuting economic crimes. At Post, Treasury is sometimes represented by resident advisors. Resident advisors are deployed to

host countries to help guide local financial institutions and advise government officials.

Department of Homeland Security: U.S. Immigration and Customs Enforcement (ICE) is the largest federal law enforcement investigative agency within the U.S. Department of Homeland Security (DHS) with a mission to protect the United States and uphold public safety by identifying criminal activities and eliminating vulnerabilities that pose a threat to our nation's borders, as well as enforcing economic, transportation, and infrastructure security. INL works with Homeland Security Investigations (HSI), which investigates a range of issues including human rights violations, human smuggling, art theft, human trafficking. Another component, the ICE Office of Professional Responsibility (OPR), is responsible for comprehensive, impartial and independent investigations of allegations of employee misconduct, as well as providing integrity training and guidance to all ICE employees.

Other Domestic Agencies: In order to draw upon U.S. practices in preventing and combating corruption, INL will often work with agencies that play those roles domestically. These may include the Office of Government Ethics (executive branch integrity), the Securities and Exchange Commission and the Department of Commerce (business conduct and foreign bribery), the Office of Federal Procurement Policy (government purchasing), and the Federal Judicial Conference (judicial integrity), among others. INL/C can often identify or mobilize this domestic expertise on behalf of INL program officers upon request.

United States Agency for International Development: USAID is an independent agency that receives foreign policy guidance from the U.S. Secretary of State. It is the U.S. government's primary development assistance organization and has long focused on anticorruption efforts as key aspects of its economic growth, democracy, and governance portfolios. USAID funds private contractors, nonprofit organizations, international organizations, and other government agencies to carry out projects based on goals identified by USAID development experts.

USAID has invested in the creation of a number of new tools to combat corruption, available online, including a [2004 Strategy](#) and handbooks on anticorruption assessment (2009), corruption in the judiciary (2009), anticorruption and police integrity (2007), and specialized anticorruption agencies (2006). INL frequently calls upon and collaborates with the dedicated anticorruption experts in USAID's Bureau for Democracy, Conflict and Humanitarian Affairs (DCHA), and those particularly in the Center of Excellence on Democracy, Human Rights and Governance.

Millennium Challenge Corporation: MCC is an independent U.S. government agency created by the U.S. Congress in 2004 to provide development funds to countries demonstrating a commitment to reform. MCC's support to a specific country is predicated on the country's compliance with eligibility indicators—20 key policies deemed crucial to MCC eligibility and selection. Many of these indicators focus on a country's consistent commitment to rule of law and fighting corruption—the Control of Corruption indicator is the most difficult to obtain for eligibility. MCC signs either a compact or threshold agreement with a partner country. A Compact is awarded if the country receives a high scores on the selection criteria indicators. If the country scores poorly but has a positive, upward trend on the selection criteria, it can still be eligible for a smaller grant, called a Threshold program. MCC often provides funds to USAID to administer Threshold programs, and at times, DOJ serves as an implementing partner. MCC, because of its large Compacts that are administered by local entities, has developed corruption control methodologies to mitigate corruption risks in project procurement and management.

U.S. Office of Government Ethics: The U.S. Office of Government Ethics (OGE) oversees the executive branch ethics program and works with a community of ethics practitioners made up of over 5,000 ethics officials in more than 130 agencies to implement that program. OGE and its website are an excellent source of information about U.S. preventive and executive branch integrity measures.

International and Nongovernmental Organizations, Donors, and Implementers

The following is merely an indicative list, in alphabetical order, of organizations that INL works with closely on international standards and policy or has engaged as program implementation partners. Contact INL/C for more information.

- **The African Union's Africa Peer-Review Mechanism:** The African Union established with APRM in 2003 as a framework to implement the New Partnership for Africa's Development (NEPAD). The objectives of the APRM are to foster the adoption of policies, standards, and practices that lead to political stability, high economic growth, sustainable development, and economic integration. Fighting corruption in the political sphere is a key component of this work.
- **The Asia-Pacific Economic Cooperation's Anticorruption and Transparency Working Group:** APEC established an Anticorruption and Transparency Working Group in 2011 to assist member countries in fighting corruption, provide a platform for training and sharing of good practices, and promote cooperation in areas such as extradition, legal assistance, and judicial/law enforcement (especially asset forfeiture and recovery). INL/C co-chairs the working group.
- **The Council of Europe's Group of States against Corruption:** The Strasbourg-based COE, a body of most western and eastern European countries, develops important normative material, including Codes of Conduct for Public Officials, the Common Rules against Corruption in the Funding of Political Parties, and two anticorruption conventions. COE also implements donor-funded bilateral reform programs. [The Group of States against Corruption \(GRECO\)](#), an expert peer review mechanism to promote compliance with COE anticorruption standards, can be a highly effective political tool to urge reform in participating European countries and is a useful source of information about country laws and institutions.
- **ILEA:** The International Law Enforcement Academy (ILEA) Program is a network of five academies in Botswana, El Salvador, Hungary, Thailand, and the United States. ILEA curricula utilize the expertise of U.S. active federal law enforcement agents from FBI, FLETC, and IRS to deliver multi-lateral trainings related to anticorruption. In all, 13 federal agencies deliver course instruction on combating transnational organized crime to officers from the 85 countries that are members of the regional ILEAs.
- **International Anticorruption Academy:** IACA is an international organization based in Austria that offers training and technical assistance on combating corruption to a variety of stakeholders.
- **INTERPOL:** INTERPOL, based in Lyon, provides bilateral and regional capacity building and supports networks of practitioners on corruption and recovery of proceeds of corruption. INTERPOL provides this support as an implementing partner for INL. INTERPOL has an operational component, for which the U.S. INTERPOL National Central Bureau (within DOJ) and Office of Law Enforcement and Intelligence in the Office of the Legal Advisor (L/LEI, within DOS) are the points of contact. See the [INTERPOL web page on Corruption](#).
- **Organization of American States:** In 1996, OAS member states adopted the Inter-American Convention against Corruption—the first international anticorruption legal instrument—and in 2002, instituted a mechanism to evaluate country compliance. OAS provides training to member states, employs technical experts to help states create national action plans, and provides model legislation. Department components have used OAS as an implementing partner for such activities. See the [OAS Anticorruption Portal of the Americas](#).

- **Organization for Economic Cooperation and Development (OECD):** The Paris-based OECD encourages intergovernmental economic and policy cooperation, including the fight against corruption. One of the OECD's major contributions is the Convention on Combating Bribery of Foreign Officials in International Business Transactions which requires parties to criminalize bribery of foreign government officials to win business. The OECD also coordinates regional initiatives on anticorruption, good governance, open government, and sound public administration (e.g., in eastern Europe, in the Middle East/North Africa region, in the Asia-Pacific region), undertakes country assessments on integrity and good governance, develops best practice guidance materials (including on specialized anticorruption bodies), and can undertake special initiatives or research. OECD is an implementing partner for INL and other Department components. See the Organization for Co-operation and Development's web pages on [bribery and corruption](#) and [fighting corruption in the public sector](#).
- **Organization for Security and Cooperation in Europe:** The OSCE has field-based missions in a large number of eastern European countries that can serve as platforms for bilateral or regional anticorruption capacity building and policy dialogue programs. OSCE members have made political commitments on key anticorruption measures and OSCE has produced some good practices guides.
- **Stolen Asset Recovery Initiative: StAR,** based in Washington, D.C., is a partnership between the World Bank and UNODC that supports international efforts to pursue asset recovery. StAR works with developing countries and financial centers to prevent the laundering of corrupt proceeds and facilitate more systematic and timely return of stolen assets. It produces useful guides on various aspects of confiscation and anticorruption. In the Middle East and North Africa region, StAR has supported the Arab Forum on Asset Recovery. StAR can provide country specific or regional capacity building and case advice. StAR has served as an implementing partner for INL for such activities.
- **United Nations Development Program:** UNDP provides technical and advisory support at the regional or bilateral level to national partners as part of its mission to build sustainable democratic institutions responsive to the needs of ordinary citizens. UNDP's major focus is on strengthening the preventative capacities of states and public institutions at the regional or bilateral level. UNDP has been operating a regional program in the Middle East and North Africa region focused on anticorruption reform and transparency since 2003. UNDP has served as an implementing partner for INL and other Department components for such activities. See the [UNDP web page on Anticorruption](#).
- **United Nations Office on Drugs and Crime:** The Vienna-based UNODC helps member states combat illicit drugs, crime, and terrorism, and strengthen criminal justice systems. As the custodian of UNCAC it works with States Parties to fulfill their obligations under the Convention, by providing legal advisory services, strengthening institutional frameworks and developing tools, resources, best practice guides, and training programs for anticorruption knowledge. UNODC can deliver bilateral anticorruption reform programs and national and regional anticorruption or anti-money laundering mentors—and has done so as an implementing partner for INL and other Department components. See the UNODC web page on [Action against Corruption and Economic Crime](#) and the anticorruption portal [TRACK](#).
- **The World Bank Group:** A wide range of the World Bank's country reform programs touch upon anticorruption, either directly or through reform of aspects of public administration and judicial reform. The World Bank is a prolific producer of research and knowledge products on [anticorruption issues](#). It also convenes a global network

of specialized anticorruption officials and hosts the [Anticorruption Authorities](#) portal, which has country information and examples of good practices in such bodies.

Nongovernmental Organizations. INL works closely with a number of international nongovernmental organizations including Transparency International and Global Integrity, both of which are organizations seeking to promote reform, including quantifying the effects of corruption, advocacy, information-sharing, and research. TI is the longest standing such organization, with considerable institutional knowledge, and has a network of chapters/contacts in about 100 countries.

Other nonprofit entities that operate internationally, among others the International Center for Nonprofit Law (ICNL); the Center for International Private Enterprise; the Terrorism, Transnational Crime, and

Corruption Center at George Mason University in Virginia; the Basel-based International Center for Asset Recovery; the National Strategy Information Center; Partners for Democratic Change; the Prague-based CEELI (Central and Eastern European Law Initiative) Institute; Ushahidi; PACT; the U.S. Institute of Peace; the World Justice Project; Florida International University, and the American Bar Association's Rule of Law Initiative (ABA/ROLI), have received funding from INL and other Department components for bilateral or regional programmatic activities. There are many other nongovernmental groups doing excellent, relevant work—on anticorruption or on related democracy/human rights issues—that may be good partners or have relevant resources. There is also a wide range of for-profit consulting firms working in international anticorruption and good governance assistance programming.

APPENDIX II

Sources of Country Information

The following is a non-exhaustive list of resources that provide information about the laws and institutions on a country-by-country basis, including shortcomings and recommendations for reform identified by prior assessments and country reviews. Some of the resources also, or exclusively, contain commitments that the country has made to undertake specific reform measures, which is relevant to program planning. Note that the U.S. government does not confirm or endorse the specific contents of any independently created assessment or report.

- [Business Anticorruption Portal](#)
- [COE GRECO country reviews](#)
- [Extractive Industries Transparency Initiative](#)
- [Global Integrity](#)
- [OAS Follow-up Mechanism for the Inter-American Convention against Corruption \(MESICIC\) country reviews](#)
- [OECD Anticorruption Network for Eastern Europe and Central Asia country reviews](#)
- [OECD Working Group on Bribery Anti-Bribery Convention country reviews](#)
- [Open Government Partnership initiative](#)
- [State Department Country Commercial Guides](#)
- [State Department Human Rights Reports](#)
- [Transparency International](#)
- [TRACE International](#)
- [World Bank Anticorruption Authorities Portal](#)
- [World Bank Governance and Anticorruption Diagnostics](#)
- [World Justice Program Rule of Law Index](#)
- [UNODC country profile pages](#)
- [UNODC Anticorruption portal TRACK, including the UNCAC legal library](#)

APPENDIX III

Additional Reading

There is a wealth of information online regarding corruption, anticorruption measures, and programmatic approaches. Below is a list of the most comprehensive sites, along with two practitioner/academic blogs that will keep INL officers apprised of emerging issues.

- [Transparency International](#)
- [U4 Anticorruption Resource Center](#)
- [United Nations Development Program](#)
- [UNODC's On Track Against Corruption](#)
- [World Bank Governance and Public Accountability](#)
- [Foreign Corrupt Practices Act Blog](#)
- [Global Anticorruption Blog](#)

US Aid Resources

- [Handbook on Fighting Corruption, 1999](#)
- [Anticorruption Assessment Handbook, 2009](#)
- [Anticorruption Strategy, 2005](#)
- [Practitioner's Guide for Anticorruption Programming, 2015](#)
- [Analysis of USAID Anticorruption Programing Worldwide \(2007-2013\)](#)

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