THE ROADMAP TO EVIDENCE-BASED ANTICORRUPTION

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### State-society theory of governance regimes

#### The Quest for Good Governance

Hase Societies Develop Control of Corruption Alina Mungiu-Pippidi



Interpersonal exchanges (particular versus universal) Eisenstadt and Roniger

Extractive versus inclusive institutions-Acemoglu and Robinson

Power distance and individualism Hofstede

Open versus limited access order North

Weber's status society, patrimoniaism Mousnier's estates Corruption is not a stand alone social phenomenon, but a form of governance which channels social allocation away from merit and hard work, distorting social incentives and subverting development



Every allocation particularistic 100 %, who you are (status) is what you get Patrimonialism rules E.g. Dominican Republic

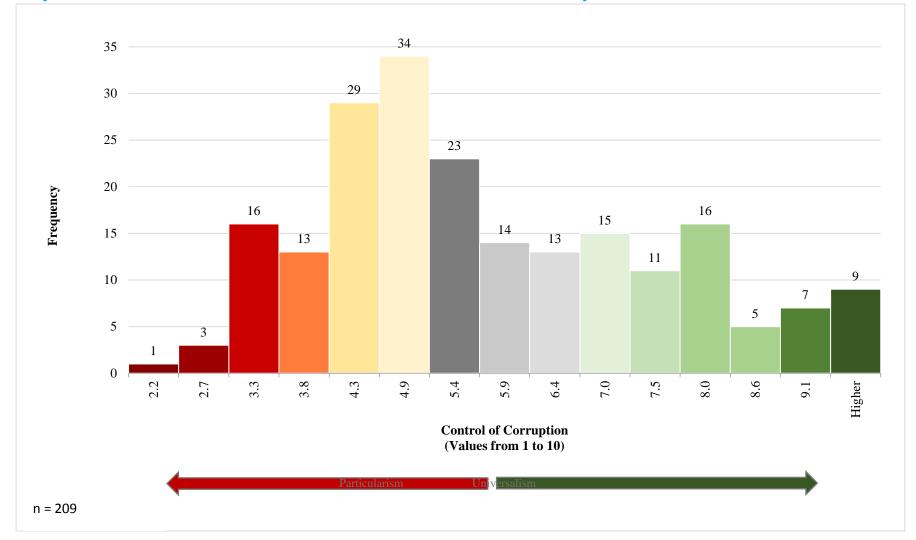
No allocation particular, social allocation universal (by category, not individual connection to power)

> Sharp private-public separation E.g. Iceland

Systemic (institutional) corruption/ Generalized particularism Public integrity/ Universalism Corruption as normmain concern in development

The autonomy of the state from private interest is an exception and end of long historical evolution from partrimonialism and particularism to universalism, impersonalism and rationalization

## Norm versus exception. The world is particularistic, so corrupt?



### Corruption as norm mechanism. Market dependent on political favors

- Companies lose/win surprisingly when government changes
- Hungary, 2009-2012

14%

12%

10%

8%

6%

4%

2%

0%

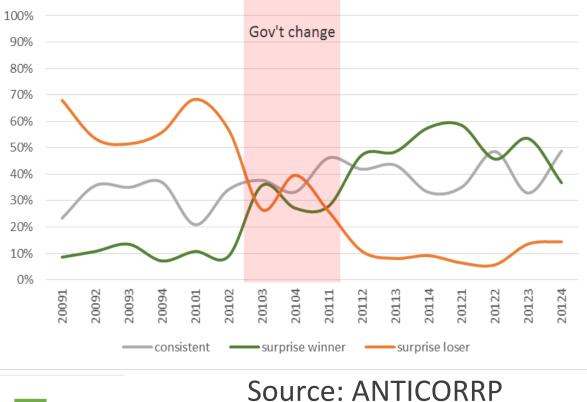
-2%

before govt change

transitory period

surprise winner surprise looser

after gov't change



Source: ANTICOF (Fazekas)

### Market autonomous – normalcy, corruption is exception

after gov't change

transitory period

surprise winner surprise loser

 Few companies lose/win surprisingly when government changes

• UK, 2009-2012

before govt change

100%

80%

60%

40%

20%

0%

-20%

-40%

-60%

-80%

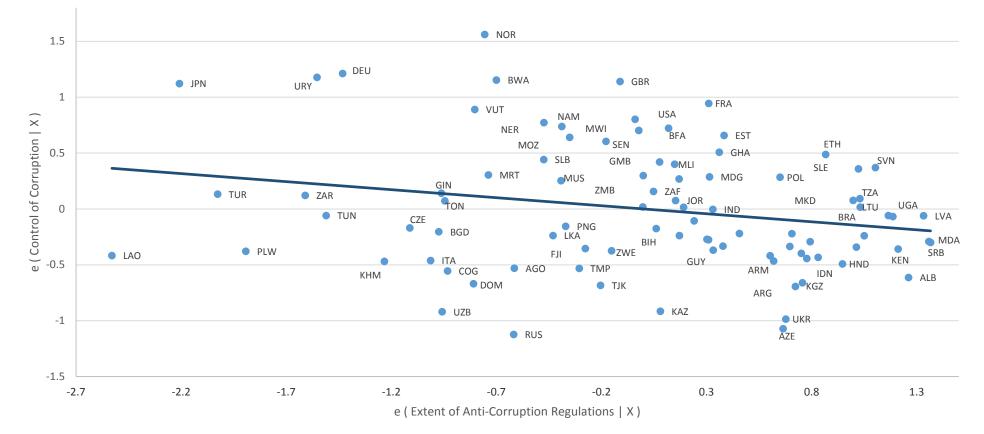
Gov't change 100% 90% 80% 70% 60% 50% 40% 30% 20% 10% 0% 20092 20112 20091 20101 20102 20122 20111 20123 surprise loser ——consistent surprise winner

#### Source: ANTICORRP (Fazekas)

# Why has anticorruption not deliverd for the past fifteen years?

- Excessive reliance on laws where laws do not matter/no rule of law/culture of impunity
- Excessive reliance on repression rather than prevention with politicization of anticorruption
- Standard tools like AC prosecutorial agencies used instead of comprehensive approaches
- Total lack of coordination across foreign agencies and donors
- Absence of a larger national coalition framework to assume ownership and therefore govts with little will are entrusted with reforms
- Reliance on corrupt 'principals' instead of understanding we need to colve collective action problems

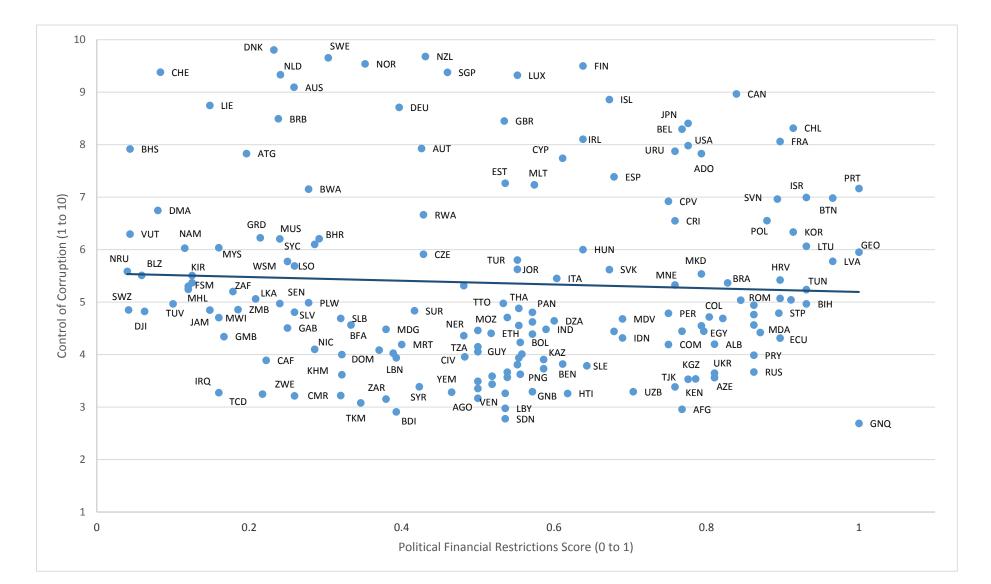
## The most corrupt societies have the most laws (Latin saying)- literally true in anticorruption



• More anticorruption laws do not mean less corruption (implementati on gap)

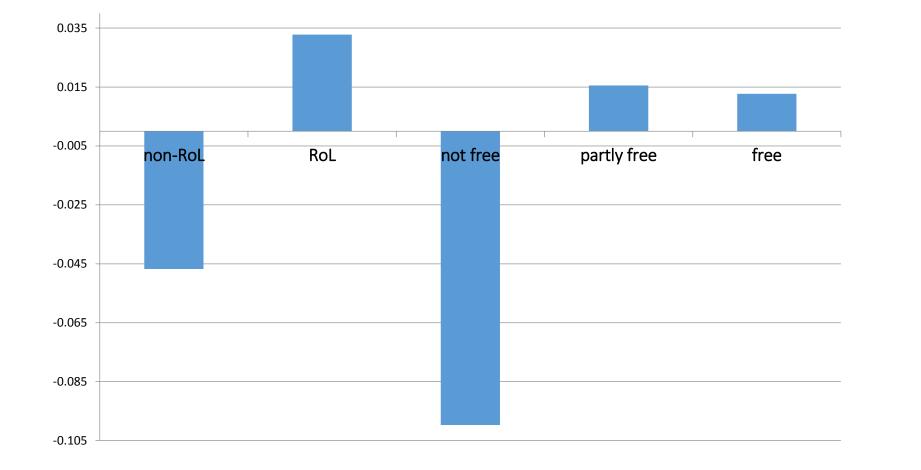
 Societies higher on integrity are underregulated, not overregulated (Sweden, Denmark, Netherlands)

### For instance in party finance restrictions



- Countries with higher political trust have fewer restrictions, not more
  - The more restrictions, the more corruption
- In fact, even less progress as donations migrate to the informal, black area

### Only ROL countries progressed, and very little, in the past fifteen years

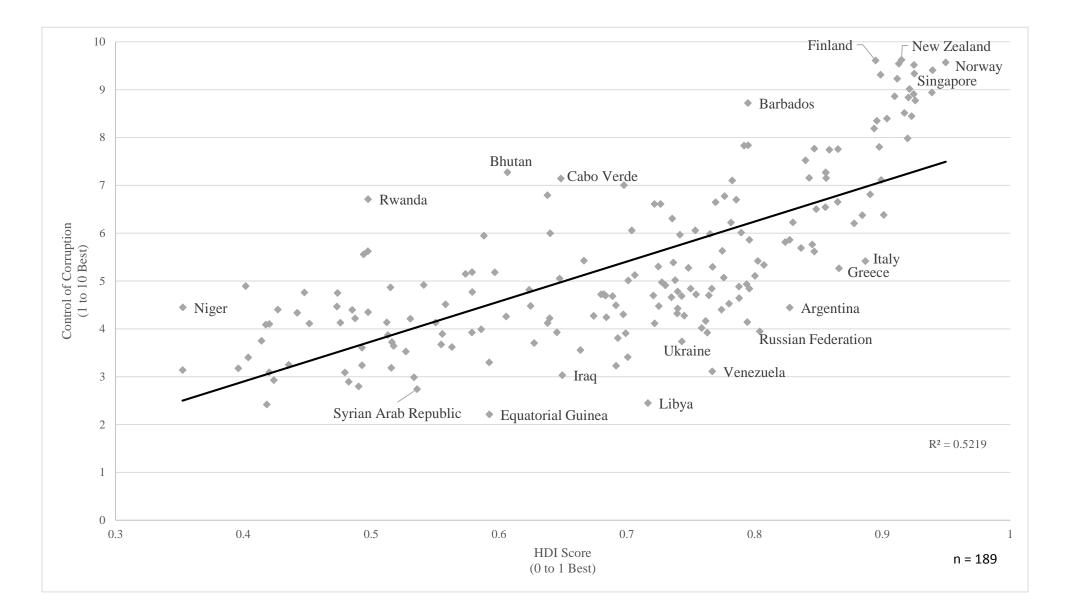


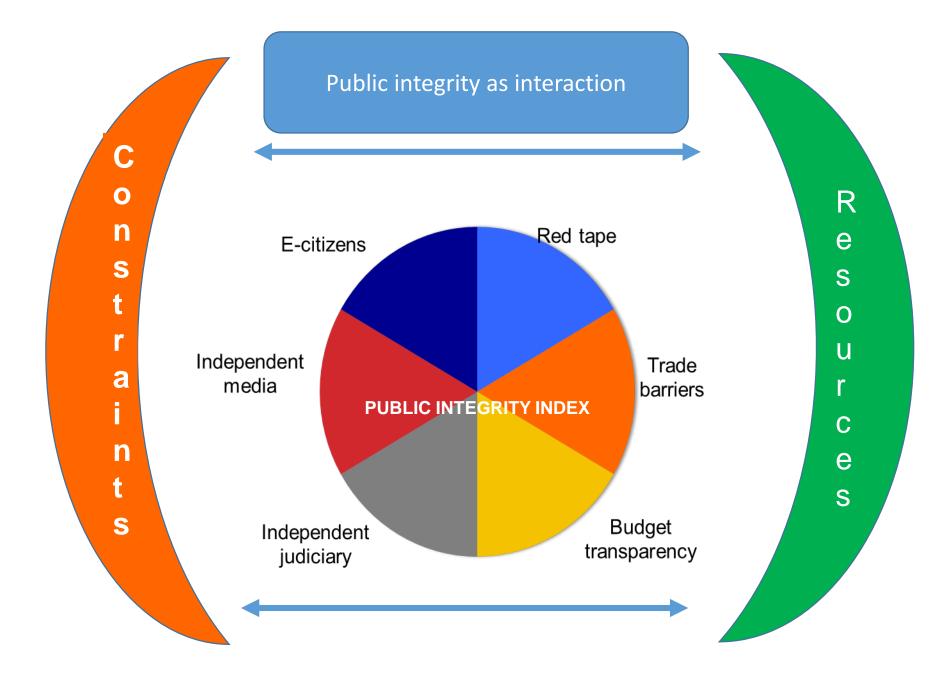
Source: Worldwide Governance Indicators; Freedom House. non-RoL/RoL: countries with WGI "rule of law" scores below/above the sample m free – corresponding freedom status by Freedom House.

 Laws do not matter where rule of law does not exist, and anticorruption laws can do more harm than good

 Small progress even in ROL countries, leading to insignificant changes

## Structural constraints exist, but so do windows of opportunity for human agency



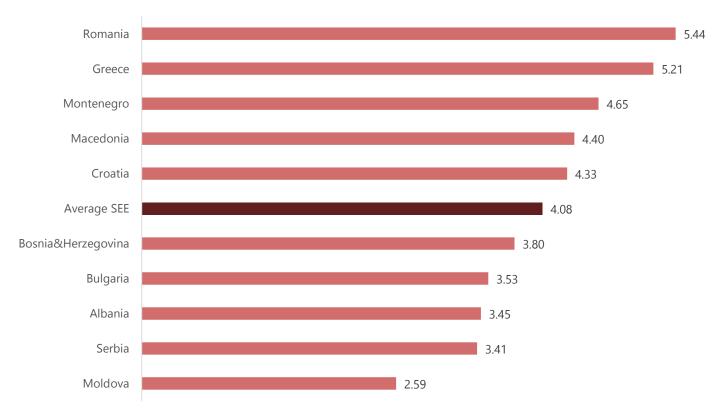


### Index of Public Integrity, EU – where you rank tells you what you should do <u>http://integrity-index.org</u>



#### Index of Public Integrity Components - 2015

Judicial Independence (1 to 10 Best)



Source: World Economic Forum 2015

	WHAT WORKED IN SUCCESS CASES	Indicator	Benchmark country	
Reduce opportunity				
Public-private separation	<ul> <li>Public statements of interests and assets (financial disclosures)</li> <li>Public party spending</li> </ul>	<ul> <li>Public report on spending from parties</li> <li>Number of conflicts of interests found and solved administratively</li> </ul>	Estonia	
Admin discretion	<ul> <li>Reduce red tape and enforce equal treatment</li> <li>Ombudsman also auditor and controller</li> <li>Make resources transparent through e-government</li> </ul>	<ul> <li>Ease of doing business; indicators of equal treatment</li> <li>Cases solved administratively/cases solved through prosecution</li> <li>E-services as % as total public services</li> </ul>	Georgia Chile Estonia	
Public spending	<ul> <li>Public spending concentrated on areas such as health, education, research and innovation with infrastructure funded mostly through private-public partnerships (FDI)</li> </ul>	<ul> <li>Existence of e-portal on online tracking expenses for national and local government procurement</li> </ul>	Uruguay	
Formalization	<ul> <li>Tax simplification</li> <li>Tax collection by private agents</li> <li>E-payments facilitation</li> </ul>	<ul> <li>Time of paying taxes</li> <li>% increase in collection rate yearly</li> </ul>	Uruguay	

Judicial independence	<ul> <li>Tenure, appointment and sanctioning of magistrates entrusted to magistrates' bodies only with validation by 2/3rds of upper chamber</li> <li>One agency in charge of coordination</li> </ul>	<ul> <li>WEF Judiciary independence (perception of businessmen)</li> <li>Successful litigations against government</li> </ul>	Chile, Botswana Taiwan Georgia
Civil society	• Ease of registering, 'sunshine' laws for public consultations, civil society component in every donor program, separate or combined with assistance to government, conditions on participatory budgeting, auditing or evaluations, direct funding with no red tape	<ul> <li>Number of NGOs</li> <li>% public consultations from total new legal drafts or policies</li> <li>Existence and traffic of watchdog websites</li> <li>Facebook users per country</li> </ul>	Estonia Korea
Media freedom	<ul> <li>No government regulation for media except anti-trust or cartel legislation</li> <li>Political conditionality from international community related to media freedom</li> <li>Foreign clean investment in the media</li> </ul>	<ul> <li>Media sustainability indicators</li> <li>News readership/audience</li> </ul>	Estonia
E- citizens	<ul> <li>IT investment in education, training for educators</li> <li>Freedom of Internet</li> </ul>	<ul> <li>Internet connections per household</li> <li>Facebook users per country</li> <li>% citizens using e-services</li> </ul>	South Korea Estonia

# The seven steps to an evidence-based strategy

- 1. Conceptualize corruption as a social context, not as individual cases
- 2. Diagnose if exception or norm
- 3. Measure
- 4. Find who really wants to change the situation
- 5. Find how it could change (theory of change) based on who and why
- 6. Get together (as international donors) around one plan where roles are divided
- 7. Set an example with your own aid on how social allocation is supposed to work