Promoting anti-corruption reforms

Evaluating the implementation of a World Bank anti-corruption program in seven African countries (1999-2001)

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Het bevorderen van anti-corruptiebeleid

Evaluatie van de implementatie van een anti-corruptieprogramma
van de Wereldbank in zeven Afrikaanse landen (1999-2001)

(met een samenvatting in het Nederlands)

PROEFSCHRIFT

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Carolien Klein Haarhuis
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Chapter 1. From corruption to anti-corruption reforms

1.1 The problem of corruption

This study investigates under which conditions anti-corruption reforms are made. It focuses on the implementation of anti-corruption reforms in seven sub-Saharan African countries, all of which participated in the World Bank's anti-corruption program in 1999. This program aims to assist countries in the development of anti-corruption reforms. 'Implementation' refers to the extent to which countries incorporated the contents of this program by formulating and adopting meaningful anti-corruption reforms that reflect a change from the status quo. This introductory chapter starts with an overview of the causes and consequences of corruption, with a focus on developing countries[1]. This is followed by a discussion of four main types of anti-corruption reforms, which concludes with a description of the World Bank's program. Subsequently, the research goals and questions of this study are formulated. These regard a description of the implementation of the World Bank program in the seven African countries concerned. The chapter concludes with an outline of the research plan that is followed throughout this study.

1.1.1 Corruption: a threat to development

Corruption, commonly defined as the abuse of public power for private gain (e.g. Johnston 1996; Heywood 1997), is a worldwide problem. It can have devastating economic and social effects, particularly on developing countries (Mauro 1994).

Corruption is often divided into two different types, namely grand corruption and petty corruption (cf. Warioba Commission 1996). Both are dealt with in this study. Grand corruption involves powerful public officials, such as ministers and top-level bureaucrats. A real life example would be a minister receiving a large bribe to assign the construction contract of a prestigious government project to a particular building company. Another example of grand corruption is the Goldenberg scam that took place in Kenya in 1997. The Goldenberg company, owned by businessman Kamlesh

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[1] Of course, Western democracies also face the problem of corruption. For examples see Van Hulten (2002) and Nieuwbeerta, De Geest and Siegers (2003). For an online overview of political corruption scandals in the United States of America, see http://en.wikipedia.org/wiki/Political_scandals_of_the_United_States. Moreover, the Dutch newspaper 'NRC Handelsblad' developed an online news archive on corruption in the construction industry in the Netherlands and elsewhere. See http://www.nrc.nl.

Pattni, received about 400 m. US$ in premiums from the Kenyan Government for the export of gold and diamonds. Kenya's stocks of gold and diamonds are, however, negligible, and in the end the Goldenberg exports never took place. Pattni most probably obtained the export premiums for Goldenberg by bribing various top-level bureaucrats and politicians. Among the accused officials were the Minister of Finance as well as the director of the Central Bank of Kenya (van Hulten 2002:81-2). No real prosecutions were made under President Arap Moi, who led the country from 1978 to 2002. In 2002 however, the newly elected President Mwai Kibaki installed a commission to deal with this corruption scandal.[2]

Petty corruption involves low ranked officials and smaller bribes. For example, in sub-Saharan Africa, customs officers are widely accused of abusing their position by charging travellers an additional 'fee' upon entry into the country. They would get away with this by telling people that there were 'pages missing' in their passports[3]. African Police officers are perceived to be among the most corrupt in the world. For example, Kenyan policemen were accused of setting roadblocks simply to collect bribes from passing drivers[4]. The level of corruption varies widely across world regions and countries. Many highly corrupt countries (e.g. Nigeria and Kenya) are located in sub-Sahara Africa (cf. Transparency International 2000-2002)[5]. As Figure 1.1 reveals, the most corrupt countries also have very low levels of per capita income.

Corruption is negatively associated with economic growth (Mauro 1994, 1995; Treisman 2000) and with social well-being (Kaufmann, Kraay and Zoido-Lobatòn 1999). In the initial stages of corruption research, some argued that corruption can be beneficial to economic growth. They postulated that it would stimulate capital formation, as entrepreneurs would circumvent bureaucratic procedures (Nye 1967:419-420). However, Rose-Ackerman (1997:33) argued that corruption is able to feed on itself and thereby produce higher illegal payoffs that ultimately outweigh economic growth.

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[2] NRC Handelsblad, 26-02-03.

[3] Quote from an expert interview, Nairobi Kenya, 1998.

[4] Daily Nation, December 15, 2000

[5] Transparency International (TI for short) is a renowned international NGO that lobbies for open and accountable administrative systems in which there is no room for corruption. Each year, TI publishes a global index of corruption, Internet: http://www.transparency.org/cpi/index.html#cpi.

Figure 1.1 Corruption and per capita income
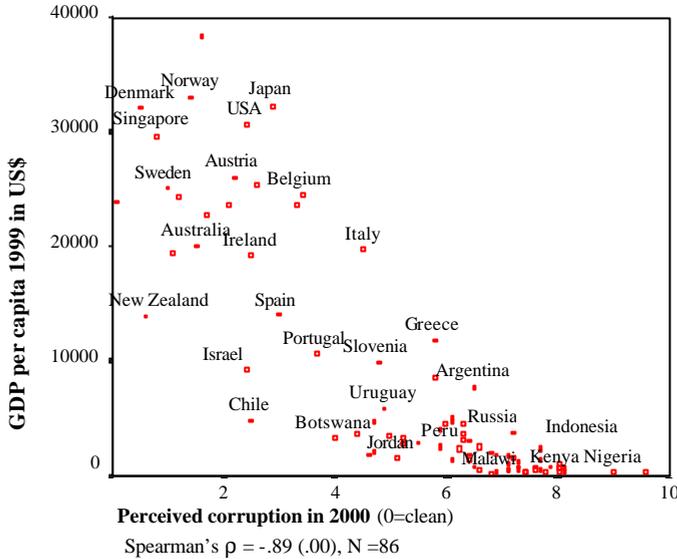
Spearman's $\rho = -.89$ (.00), N =86

Sources: UNDP development indicators (2000); Transparency International's Corruption Perceptions Index (2000)

The *causality* between corruption and economic growth is highly ambiguous (Lambsdorff 1999). Various scholars found corruption to cause lower investment and hence lower economic growth (Mauro 1994, 1997; Keefer and Knack 1995; Brunetti and Weder 1998)[6]. Yet Treisman (2000:430) obtained evidence for the reverse causality: higher economic development itself would reduce corruption[7].

Particularly in developing countries, the economic effects of corruption can be devastating[8]. Corruption has far-reaching effects upon the distribution of social-economic welfare. Government expenditure favours the secret

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[6] For a critical discussion of previous research on the relation between corruption and economic growth, see Graf Lambsdorff (1999).

[7] Treisman (2000) applied a method to substitute the variable 'economic growth' by a variable that cannot be affected by corruption. He found the log of per capita GDP (1990) to correlate with countries' latitudinal distance from the Equator at ?=0.69. Latitudinal distance in turn was significantly related to corruption levels, even after considering various exogenous factors.

[8] An extreme example is the recent divorce of the president of Zambia, whose ex-wife recently claimed a marital share of 2.5 billion US$. This amount equals 89 per cent of the country's gross domestic product (Van Hulten 2002:69).

bribing of government officials (cf. Schleifer and Vishny 1993; Mauro 1997:104). This in turn is believed to lessen the effectiveness of tax flows, as government funds are diverted away from the intended projects. The empirical evidence that corruption actually distorts public expenditure and public investment is, however, still not convincing (Graf Lambsdorff 1999:7). Corruption is furthermore said to generate inequity; a share of the country's wealth is distributed among insiders and corrupt bidders at the expense of other parties such as the common taxpayer (Gupta, Davoodi and Alonso-Terme 1998). Husted (1999:342) questioned this causal direction: inequity may also trigger corruption. Moreover, the allocation of public procurement contracts through a corrupt system may lead to inferior public infrastructure and services (Rose-Ackerman 1997:42). Corruption also damages political legitimacy, because the government is substituting democratic values for decisions based on individuals' financial capacities (1997:45; Bueno de Mesquita 2001).

To illustrate the negative relation between corruption and welfare, corruption is plotted against infant mortality in Figure 1.2. This relation cannot be explained away by income differences: the significant effect remains even when removing the richer OECD countries from the sample (cf. Kaufmann, Kraay, Zoido-Lobaton 1999:27,61).

Figure 1.2 Corruption and development: infant mortality
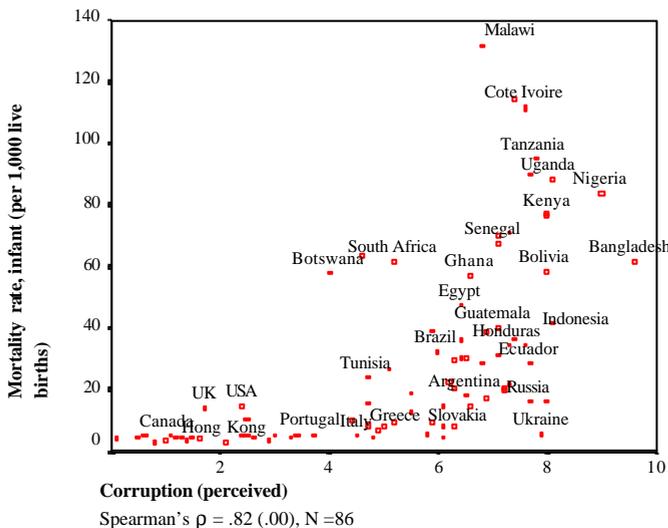
Spearman's ρ = .82 (.00), N =86

Sources: UNDP development indicators (2000); Transparency International's Corruption Perceptions Index (2000)

In conclusion we can say that corruption goes hand in hand with low national income, income inequality, and reduced levels of welfare.

Corruption and the allocation of foreign aid
Apart from distorting the distribution of domestic resources, corruption can undermine the allocation of external sources of income, such as foreign aid received by developing countries. Foreign aid is allocated by the international donor community, which consists of multilateral and bilateral donor organisations. Examples of multilateral organisations are the World Bank, the International Monetary Fund (IMF), the United Nations Development Programme (UNDP) and the European Union (EU). Bilateral donors generally include the foreign departments of the individual countries the developing countries have relations with.

The international donor community has channelled large amounts of development aid to developing countries (OECD 2000)[9]. The Organisation for Economic Co-operation and Development (OECD) refer to foreign aid as Official Development Assistance (ODA). ODA covers 'the grants or loans to developing countries and territories of the OECD list of aid recipients, undertaken by the official sector, with promotion of economic development and welfare as the main objective at concessional financial terms. Technical co-operation is included.'

In aid-dependent developing countries like Malawi and Nicaragua, foreign aid amounts to as much as one-fourth of the gross domestic product (GDP) (UNDP 2001). These aid flows serve a multitude of purposes, ranging from irrigation to far-reaching political-administrative reforms. Due to pervasive corruption, the allocation and effectiveness of foreign aid is often undermined by the targeted problems themselves. The responsible officials may divert donations away from the intended projects for personal benefit. An example from Malawi, one of the main recipients of British bilateral aid, illuminates this problem. Malawi is held to be the world's sixth poorest country. An estimated 64% of its people are undernourished and many cannot afford to send their children to school[10]. In 2000 the government of Malawi bought thirty-seven Mercedes-Benz limousines for its ministers. Despite public denials by the British Minister for Development, UK parliamentarians suspected that British aid to Malawi had been re-allocated to finance this major procurement.

Corruption not only undermines the allocation and effectiveness of aid, it also diminishes the interest of donor organisations, as loans are never

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[9] For more details, see http://www.millenniumindicators.un.org/
[10] The Guardian, Oct. 30, 2000.

refunded and grants are wasted. The Bujagali Dam project in Uganda exemplifies the large costs that inefficiency and corruption can entail for donors. According to a recent NGO[11] study this building project, funded by The World Bank, the African Development Bank and several Nordic countries among others, would have been overpriced by 280 m. US$ upon its completion in 30 years time (International Rivers Network, 2002)[12]. The building contract was awarded to a private developer without further competitive bidding. Due to serious allegations of corruption, all funding for this large project was suspended in July 2002.

1.1.2 Causes of corruption

The causes of public sector corruption are often related to deficiencies in the structure of public administration. All deficiencies are associated with a lack of control over administrative or political officials (Rose-Ackerman 1997:34; Graf Lambsdorff 1999)[13]. Four political-administrative deficiencies can be discerned in the literature on corruption. These pertain to developed as well as to developing countries.

1. Public policies that induce rents. 'Rents' are defined as private profits that are socially non-productive. These result from the adoption of economic and social policies, such as tariffs or subsidies (cf. Krueger 1974; Bhagwati 1982:989)
2. The discretion of officials in the performance of their public tasks
3. The lack of competition among officials, resulting in monopoly position
4. The low risk of being caught for corrupt officials

Table 1.1[14] offers an overview of theories and empirical findings on the causes of corruption.

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[11] 'NGO' stands for Non-Governmental Organisation. The term NGO can be applied to any independent non-profit organisation. The World Bank defines NGOs as 'private organisations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development' (Operational Directive 14.70). NGOs are typically value-based organisations that depend, in whole or in part, on charitable donations, government subsidies, and voluntary services.
[12] For more details see www.irn.org.
[13] This view is characteristic for the principal-agent perspective: corruption is a sub-type of deviant behaviour of agents. Deviation in this context refers to deviation from the directions of principals. Principals can be the politicians or high-level bureaucrats who control bureaucratic agents. The electorate in turn can be seen as the supervisor over politicians (cf. Rose-Ackerman 1978:3; Kiser 1998).
[14] In other strands of literature not discussed here, cultural or anthropological causes of corruption in developing countries were emphasised (cf. Riggs 1972; Mbaku 2000). For

Table 1.1 Political-administrative causes of corruption

	Explanation	**Empirical evidence**
(1) **Economic regulation**	The more regulation, the more public resources under the control of officials and thus the more rent-seeking opportunities (Tullock 1967: 224-232) and the more likely corruption will occur.	The Economic Freedom Index (2000) revealed cross-national relations between several types of economic interventions on the one hand (trade policy, fiscal burden, monetary policy, capital flows and foreign investment, etc.) and corruption on the other. However, the evidence on the relation between the overall government *budget* and corruption was ambiguous (Lambsdorff 1999).
Import and export tariffs and licensing	Tariffs are a source of rents (Krueger 1974). Officials can use trade barriers to obtain bribes for speeding up administrative services.	The Economic Freedom Index (2000) revealed positive relations between trade barriers and corruption. Treisman (2000) and Ades and di Tella (1997) found that GDP shares of imports and exports are negatively related with corruption. Herbst and Olukoshi (1994: 465) found a significant relation between licensing and corruption.
Tax and subsidy levels	Taxes are a source of rents (de Melo, Ofer and Sandler 1995). Subsidies are a source of rents (Ades & di Tella 1994).	De Melo, Ofer and Sandler (1995) found tax levels and corruption to be positively associated. Ades and di Tella (1997) found a positive relation between subsidies to manufacturers and corruption.
(2) **Regulatory discretion**	Unclear application rules for officials lead to corruption opportunities (Rose-Ackerman 1978-97; Wade 1982, 1984).	Kaufmann (1998) found that the complexity of the regulatory framework is positively related with the time that businessmen spend with public servants.
Federalism	Some argued that federalism reduces corruption through increased control, whereas others argued that it gives corruption the opportunity to grow (cf. Treisman 1999).	Huther and Shah (1998) and Fisman and Gatti (1999) found strong negative relations between federal budget indicators and corruption. Yet Treisman (1999) discovered a less robust positive association.

example, corruption is believed to result from the application of modern models of bureaucracy upon traditional societies. While in traditional cultures, personal exchange and reciprocity are viewed as a virtue, from a 'rational' and 'impersonal' bureaucratic perspective they are a vice, named corruption.

Table 1.1 *(continued)*

	Explanation	Empirical evidence
(3) Lack of competition in public services	Bribe sizes were lower under moderate competition between jurisdictions and/or officials (Rose-Ackerman 1978; Schleifer and Vishny 1993). Perfect competition would eliminate bribing.	Ades and di Tella (1995) found a significant positive relation between the number of firms and the level of anti-trust laws on the one hand and corruption on the other. Yet Treisman (2000) found that the effect is explained away by country size.
Low official wages	The lower the wages, the more there is to gain (income) and the less there is to loose (employment) from corruption. Hence the plea for higher wages: Rose-Ackerman (1978), Rijckeghem and Weder (1997) and others (e.g. IMF).	Treisman (2000) found no significant relation; Rijckeghem and Weder (1997) found no short-run impact; Gurgur and Shah (World Bank 1999) found a negative, yet insignificant effect of salaries on corruption.
(4) Low sanction risks	Low transaction costs of corruption (Rose-Ackerman 1978). Consequently, corruption would become more attractive.	No specific empirical literature was found.
Lack of political and civil liberties	Lack of accountability of politicians to the public, i.e. the public has no means to sanction politicians through the electoral process.	Kaufmann (1998) found political and civil liberties to be positively associated with good governance. Treisman (2000) found an effect only after several decades of democratic regime. Recently established democracy was found to be insignificant. Brunetti and Weder (1998) found that both openness and democracy had a diminishing effect on corruption.

1.2 Political-administrative reforms

Recent empirical studies have shown that foreign aid can only have an effect in recipient countries with effective and accountable governments characterised by low levels of corruption (e.g. Dollar and Pritchett 1998; Knack 2000). To affect causes of corruption and obtain effective aid will require an extensive set of far-reaching political-administrative reforms. The main purposes of such reforms are the increased efficiency of public service

delivery and the limitation of public expenditure. These could be achieved by deregulating the economy (e.g. abolishing trade tariffs), or by cutting down on administrative staff. The many political-administrative causes of corruption make anti-corruption initiatives an essential element of political-administrative reforms, particularly in developing countries (Shihata 1997; IMF 1997)[15]. Anti-corruption reforms can be thought of as a specific type of public good, because they promote the public interest. As mentioned above, four types of anti-corruption reforms have been identified within the policy literature. The first two make up the core of the lending policies of the Bretton Woods institutions, which consist of the World Bank and the IMF. In many sub-Saharan countries, these reforms were incorporated as key elements of national anti-corruption policies. We will have another closer look at these four types.

Anti-corruption reforms ought to first of all reduce rent-seeking: the exploitation of public interventions by officials. This would require economic deregulation on a national level, for instance the liberalisation of markets (cf. Treisman 2000; Anyang N'yong'o 2000), the de-monopolisation of services, tax reforms, the opening of the economy to foreign trade (Krueger 1974), and even the elimination of entire public programs (Rose-Ackerman 1978, 1999:42).

The second type of anti-corruption reforms focuses on creating a more transparent and accountable government, by decreasing the level of discretion among public officials and boosting their sense of competition. Key examples are financial management, the auditing of public expenditures and the supervision of performance (Transparency International (TI) 2000).

The third category that is argued to reduce bribe sizes requires competitive bureaucracy: a situation in which citizens can choose between different providers of a government service (Shleifer and Vishny 1993). Higher civil service wages ought to stimulate this reform, by encouraging officials to stop complementing their salaries with bribes.

The final reform type includes legal and judicial reforms intended to increase the subjectively expected risk of being caught for corrupt public officials (Rose-Ackerman 1978). To realise this, laws need to be clarified and streamlined, and law enforcement capacity strengthened (cf. Becker and

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[15] The conception of corruption as a result of shortcomings in the political-administrative system caused many scholars to advocate the changing of *entire country systems*. For example, in his elaborate book on Africa, Mbaku (2000) argued that in order to deal with the institutional causes of corruption, the neo-colonial state needs to be reconstructed through 'proper constitution-making'. Only by doing this can institutional incentives for exploitation of the public sector be replaced by 'efficient and self-enforcing constitutional compacts and economic systems that enhance the ability of entrepreneurs to engage in wealth creation' (2000:116). Mbaku did not address the question of *how to achieve* this reconstruction.

Stigler 1974). In addition it is argued that the judiciary needs to become more independent from the executive branch, for example by training judges, or improving remuneration (Shihata 1997; Brunetti and Weder 1998). Alternatively, an anti-corruption agency endowed with powers of public education, prosecution and investigation could be instituted (Klitgaard 1988; TI 2000).

These four types of anti-corruption reforms also apply to political leaders. First, public disclosure and transparency of politicians' actions, income, finance, and other assets ought to limit their room for discretion (Kaufmann 2000:156). Secondly, politicians need to be controlled by a well-informed electorate that has sufficient political rights to hold them accountable (Rose-Ackerman 1978). This can be achieved, for example, by raising public awareness about the incidence and the costs of corruption, and by determining public attitudes towards the functioning of government (Paul 1996). Enhanced public control can be complemented by strengthening parliamentary oversight (Ruzindana 1997). Thirdly, close competition is at least as important in containing corruption among politicians, as it is for containing corruption among bureaucrats (Schleifer and Vishny 1993). Close political competition may enable a clean candidate to defeat a corrupt politician. And finally, the parliament and the electorate need to be able to sanction politicians for their actions through the election process.

Leaving aside their effectiveness, the crucial question arises of *how to achieve* these often far-reaching anti-corruption reforms in developing countries, where the most powerful actors are generally conservative? This study focuses on understanding the formulation and adoption of anti-corruption reforms in developing countries. The World Bank's anti-corruption program aims to stimulate a vast number of countries to develop a coherent national anti-corruption policy. This will be explained further in the next section. The implementation of this program is also further explained: the extent to which countries incorporated the content of the program, by (a) putting anti-corruption reforms on the agenda and (b) adopting anti-corruption policy decisions that reflect a certain level of reform.

A distinction ought to be made between unsuccessful and successful implementation of the World Bank program. Successful program implementation indicates that the anti-corruption policy decisions lead to an actual reduction in corrupt behaviour, which is the intended *end effect* of the World Bank program. Whether the level of corruption in the seven African countries participating declined because of program implementation is not investigated in this study. Instead, the answer is derived from existing theories and evidence on the potential effects of a variety of anti-corruption reforms.

The implementation of the World Bank program is the dependent variable of this study. The program offers a unique opportunity to study the formulation and adoption of a variety of substantial anti-corruption reforms in developing countries.

1.3 Promoting national anti-corruption policies: a World Bank program

After 1997, corruption became an explicit motive for the World Bank to condition its lending to developing countries (cf. Doig and Riley 1998; Elliot 1997: 222). The International Monetary Fund (IMF) also intensified its loan conditions. They did this under the heading of 'good governance' (IMF 1999)[16].

To support this stringent lending policy, the World Bank's training arm, the World Bank Institute (WBI) developed the Anti-Corruption Core Program, which aims to embed political-administrative reforms in a process of awareness-raising on corruption and civil society involvement in acting against corruption (World Bank 1999a; Transparency International 1996). The main objective of this program is 'to provide participants from developing countries with the tools to develop a participatory and integrated national action plan of institutional reforms to combat corruption' (World Bank 1999a:2). The World Bank's program is based upon the premise that to curb corruption effectively, mutual accountability needs to be obtained between the various institutions within a society. These (eight) include the executive, parliament, the judiciary, civil service, watchdog institutions such as the office of the auditor-general and the anti-corruption agency, civil society, the media and other, international institutions (Transparency International 2000). In 1999, seven African countries participated in the World Bank's learning program: Benin, Ethiopia, Ghana, Kenya, Malawi, Tanzania, and Uganda. Subsequently, in each of these countries, efforts were maid to formulate and adopt national anti-corruption reforms. These have been investigated throughout this study.

The *program's approach* to stimulating the formulation and adoption of anti-corruption policies in the participant countries can be summarised as follows. A number of selected participants are given the opportunity to follow a set of courses on the causes of corruption and anti-corruption reforms. The participants first learn about strategies to help mobilise the public in the decision-making on anti-corruption reforms. They then study

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[16] For more information on the lending policy of the International Monetary Fund, see the web site: http://www.imf.org/external/np/tre/lend/terms.htm

the four main political-administrative reform types that were described earlier. Each country is required to have a team with a mixture of governmental and non-governmental individuals, for example, high-level public officials (such as ministers and audit officers), heads of anti-corruption agencies, as well as representatives from the media and civil society. After completing these courses the participants are expected to lobby for anti-corruption policy topics on the political agenda of their home countries and are also expected to strive to influence the decision-making on these topics.

The substantive contents of the World Bank program are divided into *priority areas* of anti-corruption policy. Examples of these areas are: 'public awareness raising', 'financial management', 'rule of law', and 'public sector ethics'. Each priority area encompasses a number of substantive anti-corruption reforms, for example: freedom for the media (public awareness-raising), transparency of procedures in public procurement (financial management), investigative powers for the anti-corruption bureau ('rule of law'), and obligations for public officials to declare their personal assets (public sector ethics).

In the context of the World Bank program, a certain number of anti-corruption reforms need to be put on the decision-making agenda in each participant country. A formal *policy decision* needs to be made before these anti-corruption reforms can be adopted as part of a national anti-corruption policy. These policy decisions should reflect various *levels of anti-corruption reform* that are relative to the situation prior to the decision-making: the status quo. Policy decisions that do not bring about any substantive change from the status quo reflect a low level of reform, whereas policy decisions that do bring about significant change reflect a high level of reform.

Program implementation

This study addresses the extent to which the 1999 World Bank program has been implemented in each of the seven African countries that participated. 'Implementation' refers to the extent to which countries incorporated the contents of the program by formulating and adopting meaningful anti-corruption reforms that reflect a change from the status quo.

The implementation of political decisions ('policy output') constitutes a main point of interest for a number of policy researchers (cf. Pressman and Wildawsky 1973; Sabatier 1987; McCubbins, Noll and Weingast 1987; Mazmanian and Sabatier 1989; Torenvlied 2000; Hill and Hupe 2002). A key research question dealt with in this study is *how come* implementing agencies often realise a quite different policy output than those made by

political actors? Just as political actors, implementers are assumed to have their *own personal preferences* with regard to public policy (Sabatier 1987; Torenvlied 2000:7, 23-5). A model of policy implementation was constructed and this theory was tested. The *personal preferences* of implementers, which indeed opposed those of political decision-makers, were in fact found to cause deviations from political decisions. Another reason their policy output deviates from that of political decisions is the *discretionary power* of implementers, resulting from (a) controversies between political actors and (b) a lack of expected reputation effects.

Implementation of the international World Bank program concerns *decision-making* on a national level, rather than the realisation and the impact of these decisions. This study therefore concentrates on *political actors* and not on implementing agencies. Nonetheless, such a multilevel system of decision-making can be seen as an implementation structure (Hill and Hupe 2002; Torenvlied and Akkerman 2004). The two different conceptions of implementation are displayed in Figure 1.1.

Figure 1.3 Implementation: two conceptions

Implementation of policy decisions *(cf. Torenvlied 2000; Mazmanian and Sabatier)*

Input: policy decisions	Preferences and discretionary power of implementers	'Policy output': the extent to which political decisions are realised
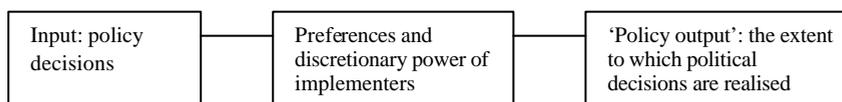
Implementation of the World Bank program*: making national policy decisions* (**this study**)

Input: World Bank program (international)	Preferences and power of national policy makers, civil society and international donors	Output: policy decisions, resulting from a process of decision-making (national)
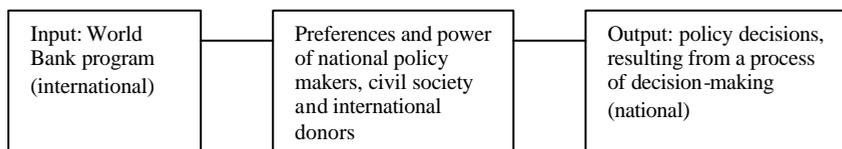
The question was raised earlier of *how* anti-corruption reforms can be achieved in developing countries, given the generally powerful interests in the corrupt status quo. To tackle this question this study first reconstructs the chain of events that lead to program implementation. An in-depth study of two countries has been conducted for this purpose. This yields a further specification of possible explanations for reforms. Secondly, the question is dealt with of how *within-country* mechanisms can explain differences in the implementation of the program (cf. Pawson and Tilley 1997:11). The focus

here is on specific mechanisms of decision-making. Finally, how the *contexts* of the separate countries affect the working of these mechanisms, and hence program implementation, will be assessed. Here, the focus is on characteristics of the political-administrative systems of the seven African countries, for example the degree of civil and political liberties and the level of corruption.

1.4 Research goal and research questions

The research goal is to gain insight into the causes of variations in anti-corruption policy decisions in developing countries, and to indicate accordingly the conditions under which the World Bank anti-corruption program has been implemented.

The two main research questions of this study are:

I.   To what extent have the participant developing countries implemented the World Bank's anti-corruption program?
II.   How can differences in the implementation of the World Bank program be *explained*?

The first research question is a *descriptive* one. It can be further divided into the following sub-questions.

I.1
What are the contents of the World Bank's anti-corruption program, in terms of:
    (a) its basic approach and the advocated 'priority areas', which consist of substantive anti-corruption reforms and,
    (b) its underlying program theory: the assumptions on the basis of which the program is expected to be implemented in the participant countries?

This question aims to describe the program theory behind the World Bank Program, and to determine the validity of this program theory on the basis of scientific knowledge (cf. Leeuw, Van Gils and Kreft 1999; Leeuw 2003).

I.2
    (a) To what extent has the World Bank's anti-corruption program been implemented in the participant African developing countries through the formulation and adoption of substantive anti-corruption reforms?

(b) How - through which chain of events - has the World Bank anti-corruption program been implemented?

I.3
How and to what extent does the implementation of the World Bank program vary across the participant countries?

This question is addressed by investigating (a) why some policy decisions relating to curbing corruption are made, whereas others remain pending on the decision-making agenda and, (b) which levels of anti-corruption reform the policy decisions imply, compared to the status quo.

The second research question dealt with in this study is an *explanatory* one.

II. How can differences in the implementation of the World Bank program be *explained*?

The mechanisms that account for the variance in the implementation of the World Bank program are specified. The focus is upon the processes of *decision-making* between various collective actors, such as political parties, ministers, or presidents. These decision-making processes apply to each separate anti-corruption reform, *within* each separate participating country. Theories on decision-making are applied in order to specify the mechanisms behind program implementation. These theories are based on the assumption that policy-makers defend their personal interests by taking certain positions on substantive reforms, and by using their bargaining power in decision-making (Stokman et al. 2000; Tsebelis 1995, 1999; Cox and McCubbins 2001). This process may or may not result in anti-corruption policy decisions that reflect a level of reform. An example of a decision-making mechanism is a large number of decision-makers involved in a particular reform causing a decreased probability for a unanimous decision. Another example is a powerful and conservative decision-maker opting for a particular reform, and thereby likely increasing the level of reform in the policy decision.
    Secondly, the effect of the *contexts in which* each decision-making process took place is studied (Pawson and Tilley 1997:11). The focus here is on the characteristics of the political-administrative systems of the seven African countries involved, such as levels of civil and political liberties, or the level of corruption (Krueger 1993; Geddes 1991; Rose-Ackerman 1999: 201-220; Cox and McCubbins 2001). For example, far-reaching political freedom may influence the number of policy-makers involved in a specific

reform (mechanism) and thus also influence the likelihood that a policy decision is made.

1.5 Approach

To reconstruct the underlying theory of the World Bank Program (research question I.1), an intensive study was conducted of the program documents and interviews were held with the program makers. In order to evaluate the validity of the program theory, extensive literature reviews have been done, covering the areas of (anti-corruption) policy reforms and general theories of political-administrative reform. From this evaluation it was possible to deduct which assumptions of the program might need refining.

To be able to describe the actual implementation of the program across the seven African countries (research question I.2a), extensive desk research was done of national policy documents such as the national action plans and progress reports submitted to the international donor organisations. Subsequently, detailed descriptions were obtained of the decision-making processes of a variety of recent anti-corruption reforms in each of the seven participating African countries. This was done on the basis of semi-structured in-depth interviews with at least three strictly selected experts from each country.

To investigate *how* the World Bank program has been implemented in Africa (research question I.2b), the chains of activities and events in Kenya and Tanzania were reconstructed. For this purpose extensive face-to-face interviews were held with (a) former participants to the World Bank program, and (b) experts from the policy field. Tracing back the chain of events prior to program implementation was helpful for enhancing our understanding of how the program works in reality. This also yielded preliminary explanations for the extent of program implementation elaborated in the frame of research question II.

In order to estimate the extent to which program implementation varies and how (research question I.3), the total number of *decided* policy issues was established per country and across countries. Next, the policy issues were transformed into relative *policy scales* to determine the level of reform. Many decision-making theories depart from such spatial models. In these decision-making models the interests (positions) of different actors are depicted (Black 1958). In this study, single dimensional policy scales are used to represent concrete issues of anti-corruption reform in terms of the change from the status quo advocated by the involved actors (cf. Klein Haarhuis en Torenvlied 2005). Policy scales constitute the basis of the conceptualisation and measurement of anti-corruption decision-making.

Through such scales, a close estimation can be made of the variation in program implementation *across* and *within* the participating countries.

To what extent can anti-corruption reforms in the seven participating African countries be *attributed* to the World Bank program? The most preferable design for addressing this question would be to compare a randomly selected group of participating countries with a randomly selected *control group* of *non-participating* countries. This comparison should take place both prior to and after the program (cf. Cook and Campbell 1979; Farrington 2002)[17]. Our study, however, is restricted to the countries that participated in the anti-corruption program of the World Bank. As mentioned earlier, this is mainly because the focus of this study concerns *the process of program implementation* and *not* its effect. To estimate the probability of anti-corruption policies resulting from program participation, the course of anti-corruption related events in the participating countries both prior to and after the initiation of the World Bank program were studied (Yin 1994). Furthermore the seven *different* developing countries have each addressed *varying* anti-corruption reforms. This illustrates the diversity in the characteristics of each separate country and also in features of decision-making that are likely to influence program implementation (Pawson and Tilley 1997). Hence a better understanding of differences in program implementation can be obtained, without a control group being necessary.

The research design of the remaining part of this study has been organised around the second main research question (II): how to explain the estimated variance in program implementation. A number of decision-making *mechanisms* were derived from a number of general theories. These were applied to the actual situation by means of quantitative analyses of more than thirty policy issues. This in turn enabled an assessment to be made of the extent to which political administrative *context* affected the working of these mechanisms and hence program implementation. The data on the political-administrative country contexts was obtained from existing

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[17] The 'Maryland Scale of Scientific Methods' is made up of five levels; each subsequent level represents a research design that renders a higher *internal validity* than the level below it. Internal validity refers to the probability that outcomes - in this case program implementation - can be attributed to the (policy) intervention – in this case – of the World Bank program (cf. Farrington 2002). A 'level 1' research design examines the relation between an intervention and the outcome in the experimental (participating) group at one point in time. A 'level 2' design examines the relation between the intervention and the outcome variable within the experimental group *before and after* the intervention. In a 'level 3' design, the outcome variable(s) in a randomly selected experimental group is compared with the outcome variable in a randomly selected *control group*, both before and after the intervention. This type of design is the minimum for being able to attribute an outcome to an intervention (Farrington 2002). In practice, however, only a very small fraction of studies evaluating policy effects are based on a 'level 3' or higher design.

international data sources (Transparency International, UNDP, World Bank, Polity IV).

Up till now scholars have focused on the achievement of political-administrative reforms in general and not so much on anti-corruption reform specifically. Moreover, the vast majority of existing theories only suggest country-level explanations, such as media freedom and political competition. This study is the first to aim for an enhanced understanding of the *interaction* between *country context* and *country specific anti-corruption reform mechanisms*.

The insight gained through this study can offer suggestions for the improvement of the World Bank's anti-corruption program. Threats to and opportunities for the implementation of the program are identified at different levels and can thus be translated into focused recommendations. For example, how important is a strict selection of program participants? Is international pressure required to influence decision-making mechanisms? Or, is it wiser to have a stricter selection of countries and to consider a country's political-administrative context?

1.6 Study Plan

The next chapter includes a reconstruction of the World Bank program and its underlying theory. On the basis of an extensive literature review, an assessment has been made of the scientific validity of the underlying program theory (research question I.1).

Research question I.2a is dealt with in chapter 3, where a detailed account is given of the actual implementation of the World Bank program in each of the seven sub-Saharan countries involved. For each country as description is given of the extent to which the reforms proposed by the World Bank's program have been incorporated into national anti-corruption policies. This is followed by a description of the substantive decision-making processes that took place in each country.

Chapters 4 and 5 deal with the question of *how* the World Bank program was implemented in two African countries, Kenya and Tanzania (research question I.2b). The chain of events has been reconstructed from the activities of the individual program participants, to the formulation and adoption of anti-corruption reforms.

In chapter 6, general theories of decision-making are applied to explain the differences in program implementation (research question II). These theories yield a specification of the mechanisms behind program implementation. Moreover, general theories of political-administrative

reform are applied to specify the relevant contextual (country) characteristics.

In chapter 7 an analysis is made of the empirical data on the processes of decision-making in all of the seven African countries. This has been done in order to assess the actual working of these mechanisms, including effects of the country context in which they take place. The chapter begins with a detailed account of the methods of operationalisation and measurement of decision-making mechanisms, country context, and two dependent variables: issue resolution and the level of reform.

Chapter 8 offers an overall conclusion, including feedback on the World Bank's program. The chapter ends with recommendations for academics, policy makers, and practitioners.

Promoting anti-corruption reforms

Chapter 2. An evaluation of the underlying theory of the World Bank's anti-corruption program[1]

2.1 Introduction

This chapter introduces the previous and current versions of the World Bank's anti-corruption program. Subsequently, the *underlying theory* of the World Bank program has been reconstructed: why would a learning program consisting of a few participants from each country be believed to bring about national anti-corruption reforms? The underlying theory is then assessed on its scientific validity, using existing theories and research findings (cf. Leeuw, Van Gils and Kreft 1999; Leeuw 2003). The outcome of this evaluation presents an estimation of the chances of the program attaining success in terms of implementation and effect (reducing corruption).

With the disappearance of the bipolar power structure of the Cold War (US vs. USSR), the international system of developing aid changed dramatically. By the beginning of the 1990's developing countries were required to be financially accountable rather than pro or anti-communist in order to receive foreign aid (Mbaku 2000:83; World Bank 1993). This new focus on financial accountability alerted the international donor community to the significant problem of corruption in developing countries. For example, the International Monetary Fund (IMF) started attaching conditions to their loans in order to encourage economic liberalisation and to reduce opportunities for corruption (Elliot 1997: 212). The Council of the Organisation for Economic Co-operation and Development (OECD) signed an international convention to criminalise cross-border bribery (Rose-Ackerman 1999:185). Moreover, the Convention against Corruption of the Organisation of American States (OAS) included measures to promote co-operation among member states in restricting the opportunities for corruption.

In 1996, the World Bank revised its guidelines to state explicitly that corruption would be grounds for cancelling a lending contract (Elliot 1997:222). To curb corruption, the Bank pleads for fundamental political-administrative reforms, covering institutions such as regulatory authorities, taxation agencies, the judiciary, and other, public institutions (Rose-Ackerman 1999:183; World Bank 1997).

In order to support this stricter lending policy, the World Bank's training arm, the World Bank Institute (WBI) developed an anti-corruption program.

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[1] This chapter has been adapted from an article by Klein Haarhuis and Leeuw (2004) in the *Journal of International Development,* 16.

This program stimulates national anti-corruption reforms in lending countries. It aims at gaining support for reforms by raising public awareness and encouraging the involvement of civil society (World Bank Institute 1999a; Pope 1996).

2.2 The World Bank's anti-corruption program

2.2.1 1995: National Integrity System: workshops and service delivery surveys

The 1995 National Integrity System (NIS) program and the Economic Development Institute (EDI)[2], the World Bank's training division, were the first to offer substantive technical assistance to developing countries on how to put together a coherent and integrated national anti-corruption strategy. The main concern of the first version of the NIS programme was to 'empower individuals, communities and governments in client countries with knowledge that enhances their capacity to foster sustainable, equitable development and to improve the public service delivery in the participant countries' (EDI 1997)[3].

The national integrity system was expected to encourage various public and government institutions to be involved in national anti-corruption policy, and to hold one another accountable. These (eight) institutions include: the executive, parliament, the judiciary, civil service, watchdog institutions such as the office of the auditor-general and the anti-corruption agency, civil society, the media, and other, international institutions (Stapenhurst and Kpundeh 2000).

The NIS-program was communicated through workshops provided for selected representatives from the government, civil society, and the private sector. These workshops functioned as a guide for the formulation of joint solutions to the corruption problem. These solutions were intended to be either political-administrative or societal. Special workshops with a focus on media strengthening were conducted to complement the NIS-program. Moreover, special service delivery surveys (SDS) were held locally, in order to assess the performance of the public sector while preparing reforms.

In a mid-term review (Leeuw, Van Gils and Kreft 1998; 1999) the World Bank's NIS program was evaluated on its scientific validity and on its

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[2] In 1998 the EDI obtained its current denomination: 'World Bank Institute' (WBI).
[3] Around 2000, the first NIS-version of the World Bank's program was still in the process of being applied in some developing countries and countries in transition.
4 For more information on this first version of the anti-corruption program, reference is made to the evaluation by Leeuw, Van Gils and Kreft (1998).

implementation in Tanzania and Uganda. A modified version of the program was presented in 1999.

2.2.2 1999: 'Core program' and toolbox approach

In 1999, the NIS program was followed by the Anti-Corruption Core Program of the World Bank Institute. The approach of this revised program is similar to the focus of the NIS program. It consists of a combination of raising awareness and mobilising actors on the one hand and top-down, political-administrative remedies on the other hand. However, a substantial number of changes were made.

The revised program has two main objectives. The first objective is to provide participant countries with 'concrete tools to prepare and implement action plans to curb corruption' (World Bank 1999a). The makers of this new program particularly emphasised its toolbox characteristics. The participants themselves are expected to play a bigger role in selecting the most relevant 'best practices' of anti-corruption reforms, with due regard for their country's political-administrative system. The contents of this reform toolbox are shown in table 2.1, below.

The second aim is to create 'an environment in which participants from different segments of society can work together to review results of successful and unsuccessful practices and reforms' (World Bank 1999a). There are three key differences in comparison with the older NIS-program with regard these two objectives. In the first place, with the growing insight into the causes of corruption, it became clear that the reliability and rigor of the earlier service delivery surveys may be insufficient. Therefore, these surveys were developed into a more rigorous 'diagnostic assessment', which was intended to be used as a basis for political-administrative reforms (interviews WBI 2000; Kaufmann 1998). Secondly, on the basis of these diagnostic results, the program participants were expected to select the most pressing and actual *priority areas* of anti-corruption reforms from the aforementioned toolbox. Thirdly, while the first program only promoted broad awareness and participation, the revised program was all about 'collective action': the building of consensus and anti-corruption coalitions throughout society. From their inception onwards, anti-corruption reforms were intended to become part of a broader participatory decision-making process (Kaufmann 1998:147; 2000).

In 1999, seven African countries participated in the new anti-corruption program. Two years later, in 2001, the program was provided for seven Latin American countries (World Bank 2001b). The program is divided into three subsequent stages. The first stage, a learning course, took place in the Bank's

headquarters in Washington DC. Per country, a team of five or six individuals was selected to participate in this course by members of World Bank departments and other institutions, who made a short list from a larger group of nominees (interviews WBI 2000)[5]. Each team consisted of representatives from a variety of institutions such as the government, NGOs, research institutions, the media, and civil society. Moreover, the participants were picked according to their skills and their commitment to fighting corruption. Seniority and the capacity to mobilise others were therefore two of the main selection criteria [6].

The World Bank program consists of a *bottom-up part* and a *top-down part* (World Bank 1999a). Bottom-up strategies intended to mobilise the public in the fight against corruption were dealt with in the first stage of the program. During the learning course, the participants were offered *tools* for achieving reforms. They learned about fundamental steps required to design and implement widely supported anti-corruption strategies. The priority areas relevant to bottom-up reforms are: (a) why curb corruption?; (b) diagnosing levels and types of corruption; (c) building wide social support for anti-corruption reforms ('coalition building') within civil society, the private sector, parliament and the media; and (d) the importance of political will to curb corruption, particularly among leaders. Each of these priority areas include a number of more concrete bottom-up reforms, such as media access to government information ('coalition building'), or the development of a corruption survey (diagnosing corruption). These priority areas and reforms are summarised in the top part of the reform toolbox shown in Table 2.1. After this first stage of the program, the participants returned to their home countries.

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[5] Among the World Bank departments responsible for short-listing potential participants were the Poverty Reduction and Economic Management (PREM), the 'Africa and Latin America Region' and the World Bank Institute (WBI). From outside the Bank, members of the Global Coalition for Africa (GCA) were consulted.

[6] This criterion weighed heavier in the selection procedure than an individual's political heavyweight, as top politicians are generally under persistent time pressure (interviews WBI 2000). Team strength should rely on a) the combination of governmental as well as societal actors (e.g. executive, anti-corruption bureau, NGOs and the media and b) equal say for all actors within a team. In the 2001 Latin America program, a more elaborate selection procedure of individual participants was applied. Participants there were selected on the basis of a local survey among a thousand expert respondents. And instead of teams of five to seven, each country was represented by a team of ten (interviews WBI 2001).

Table 2.1 The World Bank's toolbox for anti-corruption reform (1999)

Anti-corruption 'priority areas'	Suggested reforms
BOTTOM-UP: diagnosis and coalition building	
Area 1. Political will	Coalition building methods Fostering political will Reform options when political will is lacking
Area 2. Diagnosing corruption and raising awareness	Diagnostic tools to provide inputs for reforms Awareness raising Agency-specific monitoring techniques to provide inputs for reforms
Area 3. Involvement of external stakeholders	Civil society Private sector Parliament Media
TOP DOWN: political-administrative reforms	
Area 4. Legal, judicial and political reforms	Adequate and comprehensive legal and regulatory anti-corruption framework Independence for legal and judicial bodies Alternative mechanisms of (judicial) resolution Systems to receive and process complaints by the public
Area 5. Financial management	Budgetary control Avoiding cash flow 'surprises' Procurement: fair evaluation in the public bidding process Procurement: transparency of and accountability within the bidding process
Area 6. Economic reforms and civil service reforms	Privatisation Decentralisation Merit based appointments and promotions Performance-related pay Codes of ethical conduct A client-based focus, comparable to private organisations
Area 7. Customs reforms	Computerisation Tariff reduction, increased transparency and monitoring
Area 8. Anti-corruption agencies	Role specification Who should run the agency?

Source: World Bank Institute (1999a: 7-10)

Central to the *second stage* of the program is understanding the causes of corruption, and the relevant *political-administrative reforms* required to curb it. This is the *top-down* part of the World Bank program. This stage of the program consists of eight distance learning courses between Washington DC and the seven African countries and covers a four-week time span. In these

video-conferences, priority areas of top-down political-administrative reforms were addressed, such as the strengthening of laws and regulations relevant to corruption, or the improvement of financial management. Just as in the bottom-up section of the program, each top-down priority area encompasses concrete reforms, such as increasing the investigative powers of the anti-corruption bureau (rule of law), enabling transparent procedures in public procurement (financial management), or designing codes of ethical conduct (civil service reform). These priority areas and reforms are summarised in the lower part of the reform toolbox shown in Table 2.1.

Each country team was asked to select a restricted number of priority areas and then compose a relevant strategy of bottom-up and top-down reforms.

The country teams were supported by Bank experts, as well as by repeated video-conferencing sessions with experts in Washington DC. In this preliminary stage of anti-corruption reforms, the program participants were already expected to mobilise various civil society stakeholders (NGOs, research institutions, parliamentarians, the media, and the private sector) to become involved.

In the third stage of the World Bank program, the country teams presented their combined bottom-up and top-down action plans at an international anti-corruption conference. The opportunity was offered here to discuss the plans and their implementation extensively (World Bank 1999b). Figure 2.1 represents the different stages in the 1999 program.

Figure 2.1 Stages in the World Bank's anti-corruption program

1998/1999	June 1999	July - September 1999	September 1999 → onwards
I	II	III	IV
Selection of seven African countries and of individual participants	Participants attend courses in Washington DC. First policy plans	'Distance learning' between Africa and Washington DC. Further elaboration of policy plans	Program implementation. In each country: 1) Introduction of policy plans 2) Decision-making on substantive anti-corruption reforms 3) Local execution of decisions

2.2.3 Focus of this study: the anti-corruption program for seven African
        countries (1999)

In 1999, the revised core program '*Controlling corruption: towards an integrated strategy in Africa*' was introduced in the following sub-Saharan African countries: Bénin, Ethiopia, Ghana, Kenya, Malawi, Tanzania, and Uganda (World Bank 1999a,b). As explained in chapter 1, the focus of this study is restricted to the 1999 version of the program and these seven countries.

In 2001, a slightly modified Spanish version of the 1999 program was developed, focusing on the seven *Latin American* countries Bolivia, Colombia, Ecuador, Honduras, Mexico, Paraguay, and Peru (World Bank 2001a). The first national policy plans following the program course were presented at the International Anti-Corruption Conference (IACC) in October, 2001. Table 2.2 contains an overview of the other anti-corruption policy documents from the Latin American countries that were released both prior to and after the Spanish program.

Table 2.2 National anti-corruption plans and policies of the Latin American countries in the World Bank program (2001)

Country	Plans and policies released before and after the program (2001)
Bolivia	Republica de Bolivia (1998). *Plan Nacional de Integridad de la República de Bolivia*
Colombia	Republica de Colombia (2000). *Programa Presidencial de Lucha Contra la Corrupción*
Ecuador	Republica de Ecuador (2000). *Plan Nacional de Anti-Corrupción de la República de Ecuador*
Honduras	Consejo Nacional Anticorrupcion (July, 2002). *Estrategia Nacional Anticorrupción*
Mexico	Los temas Anti-corrupción (2001-2002) en México (unpublished)
Paraguay	Government of Paraguay (November, 2000). *Plan nacional anti-corrupcion* (borrador /draft)
Peru	No concrete action plans were found

Sources: http://www.Respondanet.com (2002 and Nov. 2003); 10th IACC Prague 'programme and documents', Controlling Corruption, Towards an Integrated Strategy in Latin America (Part I and II); http://www.10iacc.org/content (consulted November 2003)

Given the time restrictions, these Latin American countries were not included in the scope of this study. The time restrictions were reinforced by the seemingly slow process of anti-corruption reforms in Latin America,

which is an interesting finding in itself. Only a few new anti-corruption policy documents and decision-making processes could be traced. This may be related to the fact that all of the participant Latin American countries except Honduras had released anti-corruption plans shortly *before* their participation in the program. What is more, the presidential and parliamentary elections that were held across Latin America around 2002 delayed the anti-corruption policy process (expert interviews April, May 2002)[7].

2.3 The World Bank's program theory: a reconstruction

To address the question *why do the makers of the World Bank program believe that the approach will have effect?* a reconstruction has been made of the program's underlying theory.

The analysis of program theories helps to understand why policies sometime fail. A program theory is a reconstructed system of - sometimes implicit - social and behavioural assumptions that underlie a public policy (cf. Leeuw 1991:74; Leeuw, Van Gils and Kreft 1999; Rogers and Hacsi 2000; Leeuw 2003). These assumptions reflect the ideas policy makers have about thought processes, attitudes, and behaviour of the program's target groups[8]. To assess the soundness of a program theory, a program can be confronted with findings from social science research.

The theory underlying the World Bank program can be divided into a bottom-up and a top-down section. The bottom-up part deals with strategies for building a broad social coalition in the fight against corruption. The top-down section regards the political-administrative remedies required to curb corruption.

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[7] A number of later World Bank learning courses also focused upon capacity building for the curbing of corruption. For an overview of the World Bank Institute's courses from 1999 onwards and a summary of their content, see www.worldbank.org/wbi/governance (2001). Since the foci and approaches of these courses differed substantially from the anti-corruption program, they were left out of this study.

[8] To reconstruct the program theory, a 'policy-scientific' approach was adopted (Rossi, Freeman and Lipsey 1999; Klein Haarhuis and Leeuw 2004). First, the social and behavioural mechanisms intended to reduce corruption were extracted from formal and informal documents gathered in- and outside the World Bank, as well as from transcripts of interviews held with programme initiators and implementers (World Bank, July 2000). These program initiators and implementers were asked what the program goals were and what solutions they expected would help. Their answers were transformed into a hypothesis. The missing causal links between these propositions were then identified.

2.3.1 Bottom-up

A number of coherent bottom-up assumptions were identified in the 1999 version of the World Bank program (Klein Haarhuis and Leeuw 2004). These bottom-up assumptions were first reconstructed in an evaluation of the previous NIS-program described above (Leeuw, Van Gils and Kreft 1999). For this study, these assumptions have been updated on the basis of the 1999 version of the program.

The overall bottom-up assumption is that civil society (research institutions, the media, NGOs) ought to play a significant role in the fight against corruption. By learning about the disadvantages of corruption and lobbying strategies, civil society can be empowered to fight corruption.

The *courses* of the World Bank program are expected to initiate the intended effect on the basis of five assumptions. The first assumption is that the broader the view, the easier it is to *raise awareness* among the participants. Therefore the courses were attended by representatives from both the government and the public (Leeuw, Van Gils and Kreft 1999; Klein Haarhuis and Leeuw 2004). The second assumption is that these courses help develop *networks* between the government and civil society. More specifically, the courses are thought of as instruments for building trust and social capital between the individual participants. This in turn would foster more successful anti-corruption reforms (Leeuw, Van Gils and Kreft 1999). The third assumption is based on the need for acquiring data on the efficiency and effectiveness of government services through *corruption 'diagnostics'*. It is believed that with specific knowledge on the problem of corruption, more relevant political-administrative reforms can be designed (World Bank 1999a; Kaufmann 1998: 147; 2000). Distribution of the acquired knowledge is also expected to *enhance* the public's awareness of the threat that corruption poses to society. As a forth assumption, these processes are presumed to start with the World Bank course participants themselves. They select the most appropriate reforms for their country from the reform toolbox. The toolbox approach strongly reflects the assumption of local ownership: the assumption that reforms are most effective when in the hands of national instead of international decision-makers.

A fifth assumption is that these preliminary action plans constructed by the participants have *a 'trickle-down' effect* in the sense that society at large is alerted to the importance of fighting corruption. An independent press and democratic freedom are important factors in achieving this (cf. Stapenhurst and Kpundeh 1995). Complementary workshops were therefore organised for journalists and parliamentarians.

Finally, a broad national debate on the priorities and sequence of anti-corruption reforms is deemed crucial for their success (interviews 2000). Another success factor regards the existence of political will among country leaders to fight corruption (Kpundeh 1998).

2.3.2 Top-down

Top-down, political-administrative reforms are implemented after bottom-up approaches have been applied, i.e. after broad support for curbing corruption has been generated. The top-down theory underlying the 1999 World Bank program emphasises the analytical understanding of the corruption problem. The overall belief is that corruption is a symptom of a weak state and weak institutions, which should be treated with political-administrative reforms (Kaufmann 1998:146)[9].

The previous study by Leeuw, Van Gils and Kreft (1999) recognised that, with relation to top-down reforms, good governance, transparency, and accountability are crucial for fighting corruption. The top-down reforms related to these three aspects are dealt with below. For this part of its anti-corruption program, the World Bank has drawn from insights from recent (political-) economic literature (e.g. Rose-Ackerman 1997) and from policy experiences (Pope 1996; Transparency International 2000). Hence the World Bank's top-down anti-corruption approach fully overlaps with the four types of political-administrative reforms that were presented in chapter 1: economic deregulation, legal and judicial reforms, reforms in the public service (including financial management), and political reforms.

In Figure 2.2 the complete theory underlying the World Bank's anti-corruption program is represented schematically. The lighter print represents the theory underlying the first NIS- program, while the darker print highlights the revisions that brought about the 1999 program for Africa.

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[9] The 1999 program is based upon the more recent definition of the concept of governance (Kaufmann, Kraay and Zoido-Lobaton 1999). This governance concept consists of three categories: 'Voice and accountability' emphasising civil liberties, media freedom as well as political stability and the absence of violence. 'Government effectiveness' emphasising the quality of policy making and public service delivery and the absence of a burden of regulations, such as trade restrictions. And thirdly, 'Rule of law', which includes the protection of private property, the independence of the judiciary and the control of corruption.

Figure 2.2 Schematic representation of the World Bank's program theory

An anti-corruption program of workshops and diagnostic research

- will encourage policy dialogues;
- will help establish a 'sharing and learning' process of 'best practices' and 'good examples' that will have behavioral impacts (such as integrity pledges). **These reform options are presented in a** <u>toolbox</u> **for reform**;
- will help steer 'action research' and **foster diagnostic research that leads to** <u>knowledge</u> **that should form the basis for institutional reforms**
- will empower participants;
- will involve partnerships and networks with different stakeholders from civil society and will therefore establish, or strengthen 'social capital' between partners fighting corruption. **This development is important for '**<u>collective action</u>'**:** the integration of stakeholders from very early on;
- will strengthen <u>political will</u> to fight corruption among country leaders;
- will disclose knowledge on who is to be trusted in fighting corruption and who is not;

If these activities help realize quick wins, *others* will be encouraged to get involved in the fight against corruption;
If these activities help to establish 'islands of integrity' they can have an *exemplary function*

'Local ownership' when dealing with anti-corruption activities – sustained by strong <u>leadership</u>

Trickle-down effects from these workshops to other segments of society will occur

Figure 2.2 *(continued)*

- increased public awareness on the disadvantages of corruption;
- increased awareness on the disadvantages of corruption within civil society
- <u>collective action</u>, through stakeholder involvement in an early phase of anti-corruption reforms
- institution building through establishing or strengthening various governmental and societal institutions, which includes focusing on <u>priority areas</u> of bottom-up and top-down reforms suitable for country specific governance situations

↓

- a transparent society and a transparent and accountable state;
- an exit strategy for the World Bank

↓

Helps establish (or strengthen) a national integrity system

↓

This in turn will help establish 'good governance'

↓

WHICH IN TURN WILL REDUCE CORRUPTION

2.4 The validity of bottom-up and top-down approaches: assessment on the basis of a literature review

2.4.1 Bottom-up

In an earlier evaluation of the initial NIS-program, its bottom-up logic was found to contain a substantial measure of scientific validity (Leeuw, Van Gils and Kreft 1999). This applied in particular to the sharing and learning process during the courses, to the reforms intended to reinvigorate civil society and social capital, and to the utility of transparency and accountability. This earlier evaluation identified a number of flaws in the first NIS-program. Table 2.3 contains an overview of the theoretical and empirical validity of the various assumptions that make up the bottom-up theory behind the new World Bank program of 1999.

Table 2.3 Validity of the bottom-up part of the program theory (literature review)

Bottom-up assumptions	Theoretical basis	Empirical evidence
Civil society development is crucial in the fight against corruption	Burt (1993) and Putnam (1993, 1995) showed that social capital creates social control. This may enhance the incentive to implement anti-corruption activities. Khan (1998) however analysed the role of civil society and patron-client networks in corruption and argued that the effectiveness of strengthening civil society organisations depends on the structure of patron-client networks in a society	Putnam's (1993) study on Italy provided evidence for the relation between the strength of civil society and economic development. Khan (1998) gave examples from three countries to show that the strengthening of civil society is sometimes likely to cause an *increase* in corruption. Success depends on the structure of patron-client networks and the level of pervasiveness of corruption
Civil liberties are crucial for the fight against corruption	North (1990) argued that to generate institutional change, the barriers for stakeholders to participate in decision-making ought to be minimised	Isham *et al.* (1998) demonstrated an empirical link between civil liberties and the performance of government projects – though not on corruption as such. This relation persisted also after controlling for other determinants of performance
Public awareness raising is crucial	Coleman (1990) stated that awareness leads to micro-activities which encourage a collective public voice. However, awareness does not automatically lead to action (Leeuw, Van Gils and Kreft 1999)	Paul (1995) reported on the positive impact that public opinion surveys have on the performance of public projects in Bangalore, India. There is also positive evidence from an NGO in Ciudadano, Argentina
Broad participation in workshops generates awareness among participants	Confirmed in several previous studies. However, it is not likely that workshops generate self-regulation (Leeuw, Van Gils and Kreft 1999). Moreover, awareness among the participants does not immediately imply action	

Table 2.3 *(continued)*

Bottom-up assumptions	Theoretical basis	Empirical evidence
The trust relations which emerge in the workshops generate social capital among the participants	Coleman (1990) and Putnam (1993) confirmed this assumption by stressing the importance of social capital accumulation through trust relations	
Knowledge from diagnostic surveys generate public awareness and leads to action	There are only a few scarce justifications of this premise. There are high bridging costs according to knowledge, attitude and practice studies (Leeuw, Van Gils and Kreft 1999); Oxfam 1998; Rogers 1992: 136)	
The workshop results will trickle down to society at large	In many countries the communication infrastructure is so weak that this outcome is not very likely (World Bank 2000; Leeuw and Van Gils 1999)	
Empowerment: knowledge about service delivery and corruption enhances capacity	Enhanced knowledge among actors does *not* automatically imply further action (Leeuw, Van Gils and Kreft 1999). This particularly applies to vulnerable groups, and in contexts where political and civil liberties are weak	
Citizen participation is crucial in the fight against corruption	Rose-Ackerman (1978, 1997: 53) for example concentrated on political legitimacy and on the importance of control exerted by outsiders	
Independence of the media is crucial	Pope (1996) and Transparency International (2000) found that the transaction costs of corruption rise because of a fear of media exposure	Brunetti and Weder (1998) found a negative relation between freedom of the press and corruption
Political will is crucial	Kpundeh (1998) found that without political will, government reforms are no more than empty rhetoric	The empirical evidence is case-wise (Kpundeh 1998)
Parliamentary oversight is crucial	The power and hence propensity of government actors to become corrupt is curbed when parliamentary oversight and control is enhanced. Transaction costs of corruption increase as a result (Pope 2000)	Political liberties, including party opposition, turned out to be negatively correlated with corruption (Brunetti and Weder 1998). Other indicators of democratisation only showed an effect after decades of democratic regime (Treisman 1999)

The findings in Table 2.3 reveal to what extent earlier identified flaws found by recent research, still apply for the revised 1999 program. The previous NIS-program failed to stimulate social organisations to become self-regulatory (Leeuw, Van Gils and Kreft 1999). This critique relates to the principle of ownership. The revised program of 1999, in which ownership underpins many of the bottom-up assumptions, pays more attention to this previous weak point. In particular the newly introduced reform toolbox ought to enhance the sense of local ownership of anti-corruption reforms (interview WBI 2000)[10].

Another weakness in the previous NIS-program was the dubiousness of the 'trickle down effect' (Leeuw, Van Gils and Kreft 1999). How would workshops, given to a *restricted* group of participants, and service delivery surveys raise the awareness of the *larger* public? This critique still applies to the 1999 version of the World Bank's anti-corruption program. The problem is particularly difficult for developing countries, where communication infrastructures, such as mass media and literacy levels are often underdeveloped (World Development Report 2000).

Another remaining flaw is that 'there is no automatic progression from awareness of an unjust situation towards bringing it to an end' (Leeuw, van Gils and Kreft 1998:26; 1999). Social scientists have pointed towards discrepancies between attitudes and cognition on the one hand and behaviour on the other (Oxfam 1995; Rogers 1992:136). Collective action problems need to be taken even more seriously in countries where civil and political liberties are limited (Klein Haarhuis and Leeuw 2004), and where civil society organisations are relatively passive (interviews World Bank 2000). Under conditions where civil liberties are limited, it is unlikely that the public will exert pressure on politicians to formulate an anti-corruption strategy, because it lacks legal protection.

Table 2.3 furthermore shows that, although several bottom-up assumptions are theoretically valid, their empirical validity is limited and case-specific. Citizen participation, civil liberties and public awareness-raising do appear to reduce corruption. The same is true for media independence. However, the success of civil society involvement largely depends on particular *contextual* conditions. Based on evidence from three developing countries, Khan (1998) argues that the value of strengthening

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[10] The toolbox gave the program participants more autonomy to prioritise policy elements, and to involve politicians, members of the media and civil society members in anti-corruption initiatives. However, relying on the program participants may become a problem as soon as political pressure is exerted to terminate their anti-corruption efforts, or if reforms pose a threat to participants' personal interest (Klein Haarhuis and Leeuw 2004).

civil society organisations will depend on the structure of patron-client networks in a country. In the worst performing developing countries, the dominant organisations of civil society have been involved in unlawful practices related to redistribution (Johnston 1997: 61-80). Hence, a strong civil society is *not always* a positive thing.

2.4.2 Top-down

A previous evaluation confirmed the validity of the overall top-down approach of the World Bank's previous NIS program (Leeuw, Van Gils and Kreft 1999). Table 2.4 summarises the theoretical and empirical validity of a large number of top-down assumptions, which together make up the *top-down* approach of the World Bank's 1999 program theory.

Table 2.4 Validity of the top-down part of the program theory (literature review)

Top-down assumptions	Theoretical basis	Empirical evidence
Transparency and accountability and good governance are crucial in the fight against corruption	Confirmed by findings of OECD (2000a,b) and Leeuw, Van Gils and Kreft (1999)	Kaufmann *et al.* (1999) found that 'governance', a concept that includes transparency and accountability indicators, has a significant impact on development indicators worldwide
Economic reforms		
Deregulation	Reforms aimed at increasing the economy's competitiveness are expected to reduce corruption incentives (Rose –Ackermann 1997:51; Schleifer and Vishny 1993)	Negative relations between deregulation and the level of corruption were found by for example, by Economic Freedom Index (1999-2000) and Ades and di Tella (1999). The causality in these relations was, however, ambiguous. (Lambsdorff 1999). Moreover, the relation between the government budget and corruption was ambiguous
Lowering import and export tariffs and licenses	Tariffs are a source of rents and hence rent-seeking (Krueger 1974)	Treisman (2000) found negative relations between the share of imports in GDP and corruption. However, the threshold effects were large

Table 2.4 *(continued)*

Privatisation	Less monopoly for public officials may open the market up and therefore decreases corruption (Tullock 1967). Kaufmann (1997) and Rose-Ackerman (1997) stated that the legal framework for privatisation is often unclear and hence opportunities for corruption only increase Tirole (1996)	Celarier (1996) on Eastern Europe and Manzetti & Blake (1996) on Argentina found *positive* effects of privatisation processes on corruption. The same result was found by Kaufmann (1997)
Enhancing tax structures and tax-administration	Reduces the monopoly position of public officials, increases accountability, and hence reduces the scope for rent-seeking	Melo, De *et al.* (1995) and Kaufmann *et al.* (1998) found significant relations. See also Ades and di Tella (1994) on subsidies
Legal and judicial reforms	**Theoretical basis**	**Empirical evidence**
Clarifying and streamlining laws where necessary	Increase the risk of being caught for those involved in corruption. Shihata (1997), Rose-Ackerman (1997)	
Punishment: size and incidence	Becker and Stigler (1974) and Rose-Ackerman (1978) concluded from their models that to be effective, penalties need to correlate with the profits made from corruption	
Protection of whistleblowers	If not protected, whistleblowers will not dare to come forward. Pope (1996:59-61)	
Judicial independence	An independent judiciary cannot be blackmailed or bribed (Shihata 1997)	Ades and di Tella, 1996, Tugrul and Shah- Worldbank (1999) found significant correlations. Treisman (2000: 439-40) found substantive indications that the legal culture – the way in which the law is administered and enforced – is crucial for the decrease of corruption. Kaufmann (2000) states that the effect of an independent judiciary is ambiguous

Table 2.4 *(continued)*

Administrative reforms	Theoretical basis	Empirical evidence
Civil service reform decentralisation personnel management ethical frameworks client-orientation	Reduce monopoly position and discretion for officials. Increase accountability. Rose-Ackerman (1978, 1997), Klitgaard (1988)	Kaufmann *et al.* (1999) found positive relations between available indicators of bureaucratic efficiency and development indicators like poverty and literacy rates
Making the public service more competitive	Reduce the monopoly position and hence the bargaining position of public officials. Subsequently bribe sizes will be reduced. Rose-Ackerman (1978: 137-59); Schleifer and Vishny (1993)	Only case-specific evidence (Rose-Ackerman 1997:53)
Reducing public sector size (e.g. by eliminating entire policy programs)	Rose-Ackerman (1997). A reduction of exploitable rents will reduce an official's incentive to become corrupt	The effect disappeared after controlling for judicial strength, democratic institutions and decentralisation (OED 2000b). The danger of eliminating entire government programmes is that scarcity is enhanced and bribing may reoccur elsewhere (Rose-Ackerman 1999:42)
Raising public sector wages	Rose-Ackerman (1997) and Becker and Stigler (1974): the costs of job loss increase and the profits of corruption decrease	Treisman (2000) found no significant relation. Rijckeghem and Weder (1997) found no impact. Tugrul and Shah (1999) found a negative, yet insignificant effect of wage amounts on corruption
Merit based recruitment	Officials ought to be selected on their working skills and integrity	Evans and Rauch (1996) found a negative association between meritocracy and corruption

Table 2.4 *(continued)*

Financial management	Theoretical basis	Empirical evidence
Financial management, auditing and supervision of performance	Making the system more transparent and officials more accountable reduces corruption opportunities Bowles (2000) and Ruzindana, (1995)	Gurgur and Shah (1999) found a negative, but insignificant association between financial accountability measures and corruption. Kaufmann, Kraay and Zoido-Lobaton (1999) found positive relations between bureaucratic efficiency indicators and development indicators, such as poverty and literacy rates
Procurement procedures (financial management)	Bowles (2000); Pope (1996: 93-116). Open procedures encourage competitive bidding for government contracts, and discourage expensive deals	
Political reforms	**Theoretical basis**	**Empirical evidence**
Political liberties and democratisation	Rose-Ackerman (1978: 213). Offering the electorate a wider choice and creating greater political competition will enlarge the costs of corruption in terms of loss of votes	The exit and voice variables (Brunetti and Weder 1998) signify a degree of political and civil liberty and show a negative correlation with corruption. Paldam (1999) however found no robust effect. Kaufmann et al. (1999) found positive relations between political liberties and development indicators such as poverty and literacy rates. Treisman (2000) found a negative effect on corruption, but only after a system has been democratic for several decades
Campaign finance reform	Reducing the financing of election campaigns with donations from companies. Rose-Ackerman (1978, 1997:50)	

Table 2.4 *(continued)*

Decentralisation	A smaller scale and increased contact with the public bring about a more transparent and accountable government (Huther and Shah 1998). However, Treisman (2000) argues that restraints on one level can increase the pickings on another, resulting in higher demands for bribes	Huther and Shah (1998) found a positive relationship between decentralisation and governance quality. Treisman (2000:440) however found that federal states are more corrupt than other states. However, these findings can be questioned (Lambsdorff 1999)
Political reforms	**Theoretical basis**	**Empirical evidence**
Anti-corruption agencies	Klitgaard (1988) argued that in contexts with pervasive corruption, anti-corruption agencies are likely to lack effect	The evidence is case-specific (OED 2000b): Hong Kong, Singapore; Chile; New South Wales. It is agreed that these agencies are not efficient in highly corrupt countries where the chance of abuse is high (OED 2000b)

None of the identified top-down anti-corruption assumptions are clearly supported by cross-national empirical evidence. As for many bottom-up reforms, the effectiveness of the majority of top-down reforms strongly depends upon the *context* of the country where they are implemented. With regard to a number of reforms, a straightforward effect of context was found. For example, the overall cross-national effect of improved financial controls on corruption was found to be small. A closer look revealed that a sound legal framework is one of the main conditions for achieving adequate enforcement (OED 2000a,b).

The contextual impacts can cause anti-corruption reforms to have the *adverse effects*. Privatisation was found to bring about an *increase* in corruption in Eastern Europe, Russia, and the developing world (Kaufmann 1997). This paradoxical finding can be explained, as Rose-Ackerman (1997:36) did, by arguing that the privatisation process *itself* may become corrupted, particularly if the legal framework for privatisation is unclear. Privileged firms may well pay the new privatisation authority in order to purchase former state companies at below-market prices. Adverse effects can also occur in the procurement area, for instance in Japan, Korea, and the Netherlands, where the increased openness and transparency of bidding processes was abused in order to maintain a cartel for fixing prices and share markets (cf. Klitgaard 1988:134-155). A third example can be found within

the institution of special anti-corruption agencies. These agencies can create additional opportunities for corruption in a highly corrupt and badly governed civil service (Bowles 2000), or in an environment with a strong bias against political minorities (Klitgaard 1988). Finally we can mention the controversial effects of salary raises in the public sector. Rose-Ackerman (1997) argued that, while the incidence of bribes may become smaller, wage raises may enhance the bribe *sizes* (1997:47). Salary increases would therefore only be successful if tied to productivity and accompanied by a reduction in the overall level of public sector employment.

Several reforms are signified by *threshold effects*. Reducing the monopoly position and available rents of officials through economic deregulation, such as abolishing import restrictions, appears to have a dampening effect on corruption. However, to make a noticeable difference, a radical approach to import barriers is necessary (Treisman 2000:435). Secondly, a democratic system will reduce corruption only after having been in effect for a period of several decades (Treisman 2000:433; Brunetti and Weder 1998).

The effects of some top-down reforms thus far remain unclear. Indicators of judicial independence appear to have an effect on corruption across countries, but the validity of these findings is debated (Lambsdorff 1999). It is suggested that it is not the independence of the judiciary as such that can reduce corruption, but the 'legal culture' i.e. the way in which laws are applied and enforced (Treisman 2000:439-440). Another of these unknown effects is the strengthening of anti-corruption laws. And also decentralisation, which was believed to reduce corruption because officials and politicians can be controlled more easily (Huther and Shah 1998). However, in unitary states, a hierarchy of control enables central officials to limit corruption among sub-national officials (Treisman 2000:440).

2.5 Remaining questions: the actual implementation of the program

The evaluation given above of the World Bank's program theory on the basis of a literature review revealed *a forecast* of the level of program implementation and program effects. Some parts of the program theory were found to be sound, like the overall importance of awareness-raising and the importance of transparency and accountability. Other parts, however, were not, or only weakly supported by scientific research[11]. Major weaknesses in

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[11] By the time of this study, scientific research relating to corruption was expanding rapidly. Therefore, some of the reported findings could have become outdated.

the bottom-up section of the program theory are the trickle-down problem to make course lessons reach the wider of society, and the problem to get from awareness to acting against corruption. A perhaps even more fundamental problem is the extent to which country context interferes with the effects of many anti-corruption reforms. To get bottom-up reforms implemented, a minimum amount of communication infrastructure and a minimum level of civil and political liberty are required. Moreover, for top-down reforms to reduce corruption a relatively sound legal framework is required, as well as a minimum level of integrity within the legal framework. However, these conditions are by far not common to the seven African countries under study. Therefore, given the program theory evaluation, not much success can be expected.

Given the lack of predicted success, *why* would anyone study the practice of program implementation? You can start by stating that *any* program theory is in some way deficient or inconsistent. This can be ascribed first of all to a lack of scientific knowledge, and secondly, to the lack of political consensus on the basis of which policies and programs are generally constructed (Lindblom 1993). Having identified the theoretical problems of the World Bank program, the next objective is to find out *how* the program actually worked out in the seven African countries involved. Which parts of the program were implemented and which were not? Does this correspond with the deficiencies in the program theory identified above? The following chapter examines the extent to which the World Bank's reform toolbox has become incorporated in National anti-corruption Action Plans (NAPs), and which parts of these plans were actually debated and which were eventually decided upon or rejected. In chapters 4 and 5, the chain of events leading to program implementation is reconstructed through an in-depth study of Kenya and Tanzania. Finally, apart from learning whether and how the program was implemented, more knowledge is required on the actual *explanation* of program implementation. For example, do particular country characteristics indeed affect the making of anti-corruption policies, as was suggested in this chapter? This question is dealt with throughout chapters 6 and 7.

Chapter 3. The World Bank program in action. National action plans in seven African countries

3.1 Introduction

This chapter reports about the World Bank's anti-corruption program in action. The aim of this chapter is twofold. First, it offers an introduction to the anti-corruption policies developed in the seven African countries that participated in the program in 1999. Second, it presents an evaluation of program implementation in these countries. Program implementation was defined as the extent to which countries incorporated the contents of the World Bank program, by formulating and adopting anti-corruption reforms. An estimation of program implementation has been made by comparing anti-corruption policy-making in the participating countries after 1999 with the situation *before.*

National action plans and anti-corruption reforms
For each country, a detailed description is given of the national action plans of anti-corruption reforms issued after the World Bank program. A national action plan is a rudimentary anti-corruption policy drafted on paper.

National action plans are made up of priority areas. A *priority area* is that part of a system to which anti-corruption reforms apply, for example due to severe corruption.

Priority areas consist of substantive *reforms.* These anti-corruption reforms are either bottom-up, for example the mobilisation of civil society or the media, or top-down, for example the improvement of financial management systems or of the judiciary. This chapter verifies to what extent the (priority areas of) reforms recommended in the program are reflected in National Anti-Corruption Plans.

Formalities, policy decisions, and pending reforms
The national action plans mostly contain abstract intentions to reform, in paper form. The action plans do not indicate which anti-corruption reforms were seriously worked out. Hence only those reforms that actually reached the decision-making agenda are considered in this study. Subsequently, those reforms that were actually *decided* upon, and those that remained *pending* on the agenda were assessed. Within this group of decided policies, a distinction is made between *formalities* and *policy decisions. Formalities* are reforms that were adopted without perceived debate, while *policy decisions* are the outcomes of a decision-making process.

This process will be described for each reform (either pending or decided upon) that has been subject to decision-making. Apart from decision-makers with formal co-decision power like the ruling party or the president, external stakeholders from for example, civil society or the international donor community can become involved in a reform. The involved actors take a *policy position* on each of the reforms. Furthermore, the involved actors exert *power* to effectuate their policy positions. This power can consist of voting power, knowledge, bargaining skills, or the policy decisions looked like. For example, whether a president has decree power or not. Apart from separating the actual reforms from the empty ones, a description of the decision-making process helps to understand (a) *how come* reforms were actually decided upon or remained pending, and (b) what tolerates an anti-corruption agency can make all the difference between whether an agency is successful or 'toothless'[1].

A number of the reforms were *pending* by the time of this study. This means that a policy decision was not reached within ten months of their initiation, or that decision-making was deliberately postponed, for example by parliamentary vote. Ten months is considered the maximum period for reaching a policy decision. A longer process indicates a serious and perhaps even deliberate delay.

The research period was from 1999 (the beginning of the World Bank program) to 2001. It is likely that reform decisions were reached later, in 2002 or 2003, but these were kept outside the scope of this study. This clear cut-off point facilitates an equal comparison of decision-making across the seven African countries.

Method of measurement
The information regarding the decision-making of anti-corruption reforms is based on interviews with a restricted set experts, in combination with document analyses[2]. The expert method proved to be very valuable in previous studies of policy-making in Western democracies and European policy-making (e.g. Bueno de Mesquita and Stokman 1994; Huber and Inglehart 1995; Torenvlied 2000; Thomson, Stokman and Torenvlied 2003). To gather data on decision-making, some scholars previously opted for interviewing (all) actors involved (cf. Berveling 1994). Travelling to each of

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[1] In this chapter, only the percentage of debated reforms that were resolved ('issue resolution') is presented. The extent to which policy decisions imply a change from the status quo ('level of reform') is assessed in chapter 7. The level of reform is measured by means of an intricate method, which is beyond the scope of this chapter.
[2] The measurement method described here is derived from a paper by Klein Haarhuis and Torenvlied (forthcoming in *Acta Politica*, 2005).

the seven African countries would be costly and time consuming, and therefore a restricted number of experts were selected for telephone interviews. An additional advantage of expert interviews is that, unlike the actors involved in decision-making, experts are more objective. Hence, they are less likely to hide or twist sensitive information.

Telephone interviewing has several advantages over written or e-mail surveys (cf. Bailey and Chang 2001: 479-80). An obvious advantage is that although it is a long-distance interview, it remains personal. Telephone interviews also facilitate the questioning of experts on a larger range of issues. Plus experts can be encouraged to come up with substantive arguments for their estimates (see also Conklin 1999: 423; Dillman 1978). Another advantage of telephone surveys is the higher response rate and a better chance of obtaining complete data. The data gathered by telephone interviews with Tanzania and Kenya was validated with data gathered in face-to-face interviews during field research in November 2000 and June 2002.

The World Bank assisted in efforts to find independent experts. The World Bank supplied the names of the participants of the anti-corruption courses held in Washington. Country-experts from the World Bank also provided the names of potential additional experts based in the African countries. A final list of potential experts was chosen from these participants, experts, and additional contacts. Experts were selected on the basis of: (a) their knowledge regarding anti-corruption reforms and decision-making, (b) their independence from stakeholders involved in the reform debate and decision-making, (c) their willingness to express judgements about anti-corruption reforms, and (d) their ability to translate qualitative judgements into numerical estimates. There is of course a trade-off between an expert's access to information and his bias due to involvement in policy-making (Torenvlied 2000: 109-10; Klein Haarhuis and Torenvlied 2005). The experts had various backgrounds: members of the scientific community, editors of nation-wide independent newspapers, high-rank administrators (anti-corruption agency staff members), representatives from national NGOs and interest groups in the field of anti-corruption, and incidentally, members of Parliament.

Forty-five structured telephone interviews were held between April and November 2001. Retrospection (the time between the debate on a policy issue and the interview) was restricted to a maximum of twelve months. About three experts were interviewed per country. This made it possible to validate the reported information with regard to decision-making with different experts. On average, about two forty-minute interviews were held with each expert, addressing about five anti-corruption issues. Appendix IV

contains the log of the interviews with the experts; Appendix V represents the data set.

Additional evidence has been collected by means of a content analysis of policy documents, texts of laws and of law proposals, amendments, meeting minutes, evaluation reports, and government dossiers. The results of these analyses were used to confront experts with possible inconsistencies during the interview (Torenvlied 2000).

In the following sections an account is given per country of the World Bank program 'in action'. It will be described in three steps: (a) the social-economic and political-administrative context in which the reforms take place, (b) reforms as intended in national action plans and substantive reforms, (c) the processes of decision-making on substantive reforms[3].

3.2 Bénin: the need for public confidence in the government

3.2.1 Socio-economic and political-administrative context

Bénin is one of the least poor countries under study. By 1999, the Gross National Product (GNP) in the mixed statist economy[4] of the francophone country amounts to 380 US$ per head (world rank 165). This number is comparable to that of Ghana and Kenya (World Bank 2000a). In 1999, Bénin depended on donor aid for almost nine per cent of its gross domestic product (GDP) (UNDP 2001).

By 1999, Bénin's political regime could be characterised as a 'presidential-parliamentary democracy'. In 1972, Mathieu Kérékou was initially brought to power in a military coup and he established a one-party socialist state. In 1989, Kérékou introduced multiparty elections and turned Bénin into a 'beacon of democracy and stability' in Africa (Polity IV 2002). In the country's first multiparty elections in 1991 he handed over the power to Soglo. Five years later Kérékou was elected again. At the time of the World Bank program in 1999, the government consisted of eight political parties, headed by Kérékou's Presidential Movement.

The National Assembly, consisting of 83 members is elected for a four-year term by proportional representation. An American scientific institution rated political competition in Bénin as 'electoral transition' with limited conflict and coercion (Polity IV 1999; 2002). Opposition parties gained

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[3] In some instances, the reported formalities might not reflect the full number of actual formalities per country. Due to lack of complete lists of finalised actions between 1999 and 2001, the account of formalities in this chapter largely relied upon expert perceptions.

[4] Mixed statist economies are primarily government controlled, but also have significant private enterprise, see www.freedomhouse.org/research/ freeworld/2002/countries.htm.

strength in the centre and in the south of the country, while parties supporting the president have been dominant in the north and in the west. Kérékou's contentious re-election in 2001 highlighted this growing partisan divide and a general weakening of democratic institutions (Polity IV 2002)[5].

On political and civil liberties, Bénin ranked relatively high in comparison with the other countries in this study: 'free' and 'partly free'. What is more, Bénin was the only country with a 'free' press (Freedom House 2000)[6].

Bénin did not feature in international indices on corruption of 1999[7]. Nevertheless, in his book on curbing corruption in Bénin, former IMF economist and Minister of Finance Bio Tchané acknowledged that the Béninese system is riddled with corruption, notably in the procurement, customs, and tax departments (Tchané 2000: 17). Moreover, an edition of collected press-releases reported corruption in various sectors of society, particularly in the harbours, the universities and hospitals, the road system, in procurement, and in the judicial system (Proximités 1999:6-7). Nonetheless, corruption is 'condemned, by civil society as well as in the presidency' (Tchané 2000:23).

3.2.2 Bénin's national anti-corruption policy

Before Bénin participated in the World Bank program in 1999, a number of policy initiatives had been made to curb corruption. These initiatives caused some cautious optimism among external observers (World Bank 1999b:57). However, the set policy goals were not attained in time, consolidating the confidence gap between the government and the poorly organised citizenry. Insufficient resources and a lack of expertise to equip and train government institutions to fight corruption and build integrity were the main causes (WBI 1999b:57).

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[5] Polity IV (2002) refers to country reports on the internet: http://www.cidcm.umd.edu/incsr/polity/. This source has been used for all seven country descriptions in this chapter.
[6] A quantitative (rank) representation of these political-administrative indicators for all seven African countries is offered in chapter 7.
[7] Bénin was excluded from the Transparency International's Corruption Perceptions Index (CPI 1999 and 2000), as well as from a World Bank index of corruption (Governance indicators) (2001b).

Figure 3.2.1 Time line of policy initiatives in Bénin

1997	June 1999	October 1999	End of 1999
Preliminary initiatives: Awareness raising, ethics proposals	World Bank courses	National Action plan	Technical Committee Parliamentary budget Procurement legislation

In January and November 1997, national seminars were held in co-operation with the World Bank, Transparency International, and several bilateral partners. Each ministry issued a Manual of Procedure for the public, which clarified the criteria and procedures for the implementation of government programmes. The idea was to inform the public of these rules and practices and thereby lessen official's discretion (Tchané 2000:51). Bénin's preliminary anti-corruption initiatives are summarised in Table 3.2.1.

Table 3.2.1 Policy initiatives prior to the World Bank program

Reform area	Preliminary initiatives
Civil Society awareness	Awareness campaigns were held A Manual of Procedure was adopted to inform the public about government procedures
Judicial strengthening	A draft proposal was launched to strengthen the judiciary Regular enforcement efforts took place
Financial management	A draft manual was submitted for the improvement of financial management A committee on embezzlement was established
Public procurement	A draft Code of Ethics on Procurement was finalised (June 1999) The Cabinet approved of a list of authorised suppliers
Civil service and customs	Control mechanisms were reinforced (Inspection General des Finance) A contract with a control company was established
Taxes	Tax reforms were carried out: simplifications, reductions, and computerisation
Media strengthening	A draft Journalist Code of Ethics was produced A National Press Council was established Freedom of press and broadcasting laws were adopted An Audio-Visual and Communications Authority was installed

Sources: République de Bénin, Cellule de la Moralisation Publique (1999); Tchané (2000)

In the preface to the 1999 action plan it was emphasised that 'more drastic measures are necessary to bridge the confidence gap between

government and people and become more efficient in the combat against corruption' (World Bank 1999b:57). Table 3.2.2 contains an overview of Bénin's anti-corruption plans after participation in the World Bank program. The reforms from the action plan (middle column) were categorised into a number of priority areas, specified in the World Bank program (left column). The right column reveals the substantive reforms. Those reforms that were adopted without any perceived debate are referred to as *formalities*. The more controversial reforms that were subjected to processes of decision-making are numbered #1, #2, etc. Some of these more controversial reforms were eventually decided upon, whereas others remained pending. The decision-making on the numbered reforms will be described in section 3.2.3.

Table 3.2.2 Implementation of the World Bank program through Bénin's National Anti-Corruption Plan (1999)

World Bank program priority areas	Intended reforms in the National Action Plan (NAP)	Reforms (1999-2001)
Area 1. Political will	a. Equal application of anti-corruption laws b. Primacy of law and stability of government institutions c. Independence of state institutions	**#1**. Enhanced parliamentary control over the government budget Status: decided (2000)
Area 2. Diagnosing corruption and raising awareness	a. Removal of obstacles to information access	
Area 3. Involvement of external stakeholders		
Area 4. Anti-Corruption Agencies		Creation of an Anti-Corruption Agency (Technical Committee) for curbing corruption Status: formality (1999) **#3**. The institutional position of the Anti-Corruption Agency Status: pending (2000)

Table 3.3.2 *(continued)*

Area 5. Rule of Law	a. Application of existing laws b. Review of judicial and legal system c. Conviction of corrupt actors d. Reform of judicial appointment process	
Area 6. Financial Management	a. Competitive selection of external auditors b. Adherence to the Code of Ethics of the Public Procurement Act: training staff and improving procurement law, bidding, and contracting c. Procedural manuals for separate ministries d. Training and selection of staff e. Publication of audit reports	**#2**. Opening the tender procedures to the public Status: accepted (2000)
Area 7. Civil service reform	a. Training b. Revision of existing laws c. Improvement of terms of service d. Strengthening revenue collection capacity e. Professionalism f. A new law for the appointment of officials	
Area 8. Customs reform	a. Review of Customs Code b. Enhanced monitoring and control c. Computerisation, improvement of guidelines and regulations d. Increase of sanctions e. Harmonisation of customs duties	

Sources: Bénin's national action plan (World Bank 1999b); Tchané (2000); expert interviews (July, 2001)

After the World Bank courses, the participants from Bénin formed the Technical Committee (Comité Technique) on curbing corruption, and drafted a strategic plan in co-operation with the government (interviews July, 2001). The Technical Committee became responsible for the co-ordination of the anti-corruption plan and functioned as the official Anti-Corruption Agency. Moreover, the transparency in public procurement procedures was enhanced. Despite this apparent progress, civil society and the government reached a deadlock over who should lead the future Anti-Corruption Agency

in Bénin: the government or civil society? The decision-making on these reforms further clarifies the actual controversies in Bénin.

3.2.2 Anti-corruption reforms debated in Bénin

From the policy plans in table 3.2.2, three highly debated reforms were derived in Bénin.

#1. Enhanced parliamentary control over the government budget
         (decided 2000)
#2. Opening the tender procedures to the public (decided 2000)
#3. The institutional position of the Anti-Corruption Agency
         (pending 2000)

The first debated anti-corruption reform regarded whether to allow the parliament control over the government budget. The bill that relates to this issue, the 'Loi de Règlement' was a rather fundamental anti-corruption reform, because it constitutes the final guarantee of transparency of public finance in a democracy (Tchané 2000: 44). The decision-making regarded whether to adopt this bill, or to reject it. Bénin had not had such a law since its independence in 1960. Experts reported that parts of the government were hesitant to adopt the law (interviews, July 2001). However, after continuous pressure from a civil society organisation called FONAC (Front Des Organizations Nationales Anti-Corruption) and from the Parliament, the 'Loi de Reglement' was accepted.

The second debated reform was also found to increase transparency in the public procurement procedure[8]. Bénin's Technical Committee wanted the government to open the tendering for government contracts to the public, so that any company interested could make a bid. The government was initially hesitant; however, after persistent pressure, President Kérékou issued a decree to make tender procedures transparent (interviews, July 2001). Thus far, the extent to which the previous two policy decisions will be adhered to cannot be predicted.

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[8] For a country-by-country analysis of dimensions of pro versus anti-reform policy positions underlying the debated anti-corruption reforms, reference is made to Klein Haarhuis and Torenvlied (forthcoming in *Acta Politica*, 2005). In each of the (same) seven African countries under study, this pro vs. anti-reform dimension was found to exist. Overall, the most powerful actors, such as (parts of) governments and ruling parties featured at the anti-reform side of the dimension. However, in four countries (Bénin, Kenya, Malawi and Tanzania) presidents were reform-oriented to a certain degree. This finding implies that actors from within the national power elite could initiate reforms.

In the priority area of institutional strengthening (World Bank 1999b) the earlier mentioned deadlock was reached over whether civil society or the government should lead Bénin's future Anti-Corruption Agency. Civil society argued that the independence of the Anti-Corruption Agency would be guaranteed if lead by the Technical Committee; a committee that consists of both civil society and government members (interview, July 2001). However, the government did not seem willing to give up its monopoly on power. This pending issue, which has been characterised as a problem of trust between the government and the 'weary people', continued to dominate Bénin's anti-corruption process.

3.3 Ethiopia: the government in charge

3.3.1 Socio-economic and political-administrative context

Ethiopia is by far the poorest among the African countries studied here. By 1999, the Gross National Product in Ethiopia's mixed statist economy amounts to 100 US$ per head (world rank 206) (World Bank 2000a). In 1999, Ethiopia depended on donor aid for about ten per cent of its gross domestic product (UNDP 2001).

Throughout Ethiopian history, politics has been dictated and dominated by absolutist rulers. For most of the 20th century, Haile Selassie dominated the political arena in Ethiopia (Polity IV 2002). A military coup in 1977 led to the establishment of a one-party Marxist state, dominated by the Amhara people[9]. By 1991, the Ethiopian People's Revolutionary Democratic Front (EPRDF, dominated by the Tigray people) and a few other armed opposition fractions had established the Transnational Government of Ethiopia and held the first parliamentary elections in 1995. The Amhara look upon this change of power with suspicion. Despite electoral politics, Ethiopia was still characterised as a 'dominant party system' in 1999 (Freedom House 2000; Polity IV 2002). At the time of the World Bank program, the Ethiopian government consisted of Prime-Minister Zenawi's EPRDF and a number of small parties. The Federal Parliamentary Assembly consists of two chambers, encompassing 527 constituency and 117 nationality seats. The

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[9] The Christian Amhara people account for 25% of the population of Ethiopia. The Amhara have long been the dominant ethnic group in Ethiopia, meaning that non-Amhara peoples (notably, the Muslim Omoro who comprise about 40% of the population and the Christian Tigrayan, comprising 8%) are practically excluded from economic and political power (Polity IV 2002).

prime minister is elected by the parliament for a four-year term[10]. The constituency members are elected for a five-year term, while the members who represent specific ethnic groups are designated by regional councils (Electionworld 2002). There is no index on the level of political competition in Ethiopia for 1999 (cf. Polity IV 1999). The 2000 elections were held in a 'non-competitive environment' (Polity IV 2002).

On political and civil liberties, Ethiopia ranked an average 'partly free', while the press was characterised as 'not free', which is below the average in this study (Freedom House 2000). Since 2000, a downward trend was reported in political and civil liberties. This was ascribed to the government's response to civil unrest that included heightened restrictions on freedom of assembly and organisation (Freedom House 2000; Polity IV 2002).

Corruption in Ethiopia was slightly below the average of the countries under study (Transparency International 2000). Corruption was particularly high among government officials, particularly in services that interact with private parties, and in the judiciary (interview, 2001).

3.3.2 Ethiopia's national anti-corruption policy

The anti-corruption policy developments in Ethiopia were largely government-driven. Between 1997 and 2000, the Ethics (sub-) program was implemented as a part of civil service reforms. With the speedy implementation of the program, the Ethiopian government appeared highly committed to curbing corruption (interviews, May 2001). However, despite the numerous stakeholder meetings reported by the government, only a small subsection of actors actually became involved in the Ethiopian anti-corruption policy debate. Civil society resigned out of frustration, because its influence in the debate had boiled down to nothing. What is more, Ethiopia's Parliament is heavily dominated by the ruling party (interviews, July and October 2001).

Figure 3.3.1 Time line of policy initiatives in Ethiopia

1997	**June-October 1999**	**2000**	**2001**
Preliminary initiatives: The Ethics sub-program (1997-2000)	World Bank course	National Action Plan (NAP)	Legal framework Media Code of Conduct AC Commission

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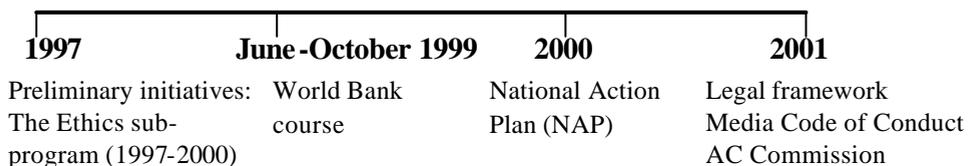
[10] From the seven African countries in this study, Ethiopia is the only country with a parliamentary system instead of a presidential system.

Before the 1999 World Bank program, the Ethiopian government had initiated an Ethics (sub-) program within the framework of Civil Service Reform (World Bank 1999b)[11]. The anti-corruption priority areas for the period between 1997 and 2000 are summarised in Table 3.3.1.

Table 3.3.1 Policy initiatives prior to the World Bank program: the 'Ethics sub-program' (1997-2000)

Area	Preliminary initiatives
Civil service ethics	A Code of Conduct for elected officials, political appointees, the judiciary and civil servants Establishment of a central ethics body to lead and co-ordinate the fight against corruption
Rule of law	Development of specific evidence and procedural laws Strengthening of the capacity of enforcement bodies (police, prosecutor and judiciary) in their ability to investigate, prosecute and adjudicate cases of corruption within the government Launch of a justice and legal reform program
Corruption diagnostics	Corruption surveys in order to identify the degree and means of corruption in the country

Sources: World Bank (1999:83)

Table 3.3.2 contains an overview of Ethiopia's anti-corruption plans after participation in the World Bank program. The reforms from the action plan (middle column) were categorised into a number of priority areas, specified in the World Bank program (left column). The right column reveals the substantive reforms. Those reforms that were adopted without perceived debate are referred to as *formalities*. The more controversial reforms that were subjected to processes of decision-making are numbered #1, #2, etc. The decision-making on the numbered reforms will be described in section 3.3.3.

At face value, the Ethiopian government and the team of participants of the World Bank program appeared highly committed to curbing corruption (World Bank 1999b:89-90).

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[11] The five pillars of Ethiopia's Civil Service Reform Program (CSRP) included: economic management and control; ethics and judicial reform; human resource management (HRM); service delivery; and top management systems.

Table 3.3.2 Implementation of the World Bank program through Ethiopia's National Anti-Corruption Plan (1999)

World Bank program priority areas	Intended reforms in National Action Plan (NAP)	Reforms (1999-2001)
Area 1. Political will		
Area 2. Diagnosing corruption and raising awareness	a. Recruitment of consultants	Business consultants were hired to develop the survey Status: formality
	b. Organisation and registration of civil society organisations	
	c. Development of a national Citizens' Charter, indicating civilian rights	A Citizens' Charter was developed Status: formality
	d. Conduct of a national campaign	
	e. Facilitation of the media	**# 5.** Legal enforcement of access to government information Status: decided (2000)
	f. Organisation of external stakeholder meetings	Public officials held panel discussions with stakeholders from civil society, which were broadcast over the media Status: formality
	g. Organisation and conduct of a corruption survey	
Area 3. Involvement of external stakeholders	a. Recruitment of consultants	
	b. Development of a Code of Conduct for the media	**# 1.** Who drafts the media Code of Conduct? Status: decided (2000)
	c. Development of a protocol to facilitate government and media relations	
	d. Development of a training package on investigative journalism	

Table 3.3.2 *(continued)*

Area 4. Anti-Corruption Agencies	a. Recruitment of consultants	
	b. Development of working systems and procedures for handling corruption cases	**#2.** Establishment of the Anti-Corruption Agency Status: decided (2001)
		#3. The institutional position of the Anti-Corruption Agency Status: decided (2001)
	c. Provision of necessary equipment d. Development of training packages and conducting training courses e. Organisation of external stakeholder meetings	
Area 5. Rule of law	a. Recruitment of consultants b. Creation of an efficient judicial system through restructuring c. Development of training package and training judicial officers	Laws were developed to strengthen the judiciary Status: formality (2000)
	d. Development of procedure- and evidence laws focusing on corruption	**#4.** Legal protection of those convicted of corruption: evidence rules and bail option Status: decided (2000)
Area 6. Financial management		
Area 7. Civil service reform	a. Recruitment of international consultants	Business consultants were hired Status: formality
	b. Development of Codes of Conduct for elected officials, political appointees, the judiciary, and civil servants	A Code of Conduct for public officials was drafted Status: formality
Area 8. Customs reform		

Sources: Ethiopia's National Anti-Corruption Action Plan (World Bank 1999b: 83-87); legal documents; expert interviews (July - October, 2001)

Within five months after the World Bank course, business counterparts were hired to assist in corruption surveys, public officials held panel discussions with civil society that were broadcast over state television,

resources were mobilised to strengthen the media, and a Code of Conduct was drafted for government officials[12]. In 2000, the Anti-Corruption Commission was established and regulatory laws (e.g. evidence rules) were adopted together with laws to strengthen the judiciary. To raise public awareness, a document on citizen's rights to government services was prepared.

However, the aforementioned lack of policy debate suggests a government monopoly in anti-corruption policy making in Ethiopia. According to two experts, the apparently over-committed government had an ambiguous motive: to use anti-corruption policy to deter political opponents (interviews, May-August 2001)[13]. To obtain a more precise picture of the government's position relative to that of other actors in Ethiopia, the decision-making is described on a number of substantive reforms.

3.3.3 Anti-corruption reforms debated in Ethiopia

From the anti-corruption process in Ethiopia, experts identified a number of reforms that triggered a debate among various involved actors (see table 3.3.2).

#1.   Who drafts the media Code of Conduct? (decided 2000)
#2.   Establishment of the Anti-Corruption Agency (decided 2001)
#3.   Institutional position of the Anti-Corruption Agency (decided 2001)
#4.   Legal protection of those convicted of corruption (decided 2000)
#5.   Legal enforcement of access to government information
           (decided 2000)

'Who drafts the media Code of Conduct?' was a controversial but almost hidden reform issue in the area of media strengthening (WBI 1999b). Freedom of media in Ethiopia depends more or less on who owns the media code: the government or the media itself. The media preferred to draft their own code in order to protect their freedom of speech (of bedoel je meer: independence). However, this powerful government feared unlimited media freedom, and decided to draft and adopt the new media code themselves.

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[12] However, for external observers Ethiopia's anti-corruption process was much less transparent than the process in other African countries. No access was obtained to anti-corruption action plans or other comprehensive reform documents. The information on completed actions was obtained only by means of expert interviews.
[13] The interviewed experts were hesitant to speak freely over the telephone. One of the experts terminated the telephone conversation. Another expert insisted on doing the telephone interview from London during a visit he was to make there.

This policy decision gave grounds to one government official to resign from office (interviews, 2001).

The Ethiopian government also controls the area of enforcement, as determined by the debate on the composition of a new Anti-corruption Commission. The reform options varied from a commission driven by civil society to a commission fully occupied by the government. The intermediate option was obviously a mixed commission. Actors outside the government feared that full government commission would give way for the commission to become corrupted. The final decision was that the prime minister would nominate the commission members (Federal Negarit Gazetta 2001: 1491 ad 8). This implied that eventually the government controlled the Anti-corruption Commission (interviews, May 2001).

Another debated reform in Ethiopia was the institutional position of the aforementioned Anti-Corruption Commission: which tasks and powers to allocate to it. The proposal to allow the commission independent power of prosecution was controversial because it interfered with the role of the public prosecutor who was unwilling to give up his power of prosecution. Enforcement organisations and the judiciary supported the prosecutor's position. In the end the government allowed its commission the broad right to 'detain, without court order, allegedly corrupt people for 48 hours, and summon, question and receive the testimony … and order the evidence … necessary for its investigation operations' (Federal Negarit Gazetta 2001: 1489 ad 6 and 7). This decision gave a large part of the prosecution powers over to the Anti-corruption Commission, and hence, to the government (interviews, May 2001).

The eagerness of the Ethiopian government to hunt down the corrupt also surfaced in its proposals to reduce the protection of those convicted of corruption, by means of bail and evidence laws. Legal professionals made a plea for clear legislation to protect the accused - including political opponents - from suppression through selective law application. However, in the resulting bail and evidence laws the government kept the right to detain allegedly corrupt persons, while denying them bail (Federal Negarit Gazetta May 2001: 1506, 1517). According to one interviewed expert, these evidence and bail laws may appear reasonable at face value, but should be viewed as 'instruments of oppression'(interviews, October 2001). Allegedly corrupt actors can be imprisoned without substantial evidence.

The government also allegedly consolidated its power in the area of government transparency (World Bank 1999b). Journalists accused the government of releasing selective information for political purposes. The government then decided to pass a new access to information law. However, the mechanisms to enforce this law are very weak, enabling still no

guarantee of universal access to government information in Ethiopia (interviews, 2001).

3.4 Ghana: from external plan to government action

3.4.1 Socio-economic and political-administrative context

Ghana is amongst the least poor countries in this study, together with Kenya and Bénin. The country's Gross National Product amounts to 390 US$ per capita (world rank 164) (World Bank 2000a). Ghana's economy is partly under government control (Freedom House 2000). In 1999, donor aid accounted for almost eight per cent of Ghana's gross domestic product (UNDP 2001).

By 1999, Ghana's political regime could be characterised as a 'presidential-parliamentary democracy'. It had been preceded by a number of political-historical events. In 1983, former military officer Rawlings was elected president of a one-party state, dominated by his National Democratic Congress (NDC). President Rawlings continued to rule in this capacity throughout the 1990's (Polity IV 2002). The Rawlings government lifted the ban on political parties in 1992. Rawlings won the first multiparty elections of 1996, but Kufuor's rising New Patriotic Party (NPP) took the lead in December 2000 (Electionworld 2001; Polity IV 2002) [14].

The president is elected by the people for a four-year term. The National Assembly of 200 members is elected for the same term through single seat constituencies. By 1999, political competition in Ghana was characterised by 'electoral transition', implying persistent conflict or coercion. However, in 2001, after the election of Kufuor and the NPP a shift was reported towards more open and institutionalised electoral competition (Polity IV 1999:25; 2000).

Ghana ranked 'free' on political and civil liberties, which is relatively high compared to the other African countries in the World Bank program. However, as in Ethiopia, press freedom is limited in Ghana (Freedom House 2000).

By the time of the World Bank course, Ghana ranked as a moderately corrupt country, at a level comparable to that of Ethiopia. Of the other African countries studied, only Malawi was less corrupt. A WBI survey in Ghana (2000-2001) revealed that corruption is particularly high in the presidency and the executive, the judiciary and customs, and the tax, police and immigration departments (interviews, May 2001). Among the main

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[14] No ethnic cleavages were reported to underlie party politics in Ghana (Polity IV 2002)

obstacles to curbing corruption in Ghana are lack of political will, a weak institutional framework, entrenched patronage, and a passive civil society and private sector (World Bank 1999b:99).

3.4.2 The implementation of the anti-corruption program: Ghana's national policy

Despite the many initiatives by civil society actors, the political rhetoric on curbing corruption in Ghana still needed to be translated into concrete government action (World Bank 1999b:99)[15].

Figure 3.4.1 Time line of policy initiatives

1997	June-Oct. 1999	Nov. 2000	2001
Preliminary initiatives: integrity workshops for Parliament and other institutions	World Bank Course NAP	New government Revised NAP GACC initiatives	Fast track courts Libel law repeal

Before the World Bank program, in 1997, Ghana participated in a set of World Bank courses for parliamentarians., as shown in Figure 3.4.1. These courses dealt with ways to strengthen the functioning of the Public Accounts Committee with regard to budget control and revenue mobilisation, among others (IEA, EDI and CIDA 1997). Ghana also participated in the former World Bank program (NIS) (WBI and TI 1998) and participated in the Global Coalition for Africa (February 1999), where 25 principles were adopted for curbing corruption.

By September 2000, the team of individual World Bank program participants had organised themselves into the Ghana Anti-Corruption Coalition (GACC). This quadripartite coalition officially includes the executive arm of government, the official anti-corruption agencies in the public sector and in the private sector, and civil society organisations[16].

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[15] The president of Ghana spoke out against corruption at national and international forums (World Bank, September 2000)

[16] The core institutions of the GACC are: Serious Fraud Office (SFO), Commission on Human Rights and Administrative Justice (CHRAJ), National Institutional Renewal Program (NIRP), the Private Enterprise Foundation (PEF), the Ghana Integrity Initiative (GII), the Ghana Journalist Association (GJA), the Centre for Development and Democracy (CDD), and the Institute of Economic Affairs (IEA) (WBI 2001).

Table 3.4.1 Anti-corruption initiatives prior to the World Bank program

Area	Preliminary initiatives
Political will	Integrity workshop with government participation
	Serious Fraud Office (SFO) and Human Rights Commission established
	presidential address on corruption in 1998 (WBI 1999b:99)
Rule of law	Institutional-legal national reform programs
	Grass roots and District Assemblies became more involved in governance
	Law enforcement agencies were under episodic anti-corruption drives
Financial management	MTEF[17] in place
	Public Accounts Committee and Auditor General reports
Civil society	New co-ordination of organisations
	Religious organisations were mobilised against corruption
	Planning and publicising national workshop
Private sector	'PEF': episodic anti-corruption drives

Sources: IEA, EDI and CIDA (1997) ; World Bank (1999b)

Table 3.4.2 contains an overview of Ghana's anti-corruption plans after participation in the World Bank program. The reforms from the action plan (middle column) were categorised into a number of priority areas, as specified in the World Bank program (left column). The reforms in the right column were adopted without any perceived debate and are referred to as *formalities.* The more controversial reforms that were subjected to processes of decision-making are numbered #1, #2, etc The decision-making on the numbered reforms will be described in section 3.4.3.

The GACC can be viewed as the main initiator of the recent anti-corruption reforms in Ghana (interviews, May 2001). Mid-way 2000, a revised action plan was launched (GACC 2000:8). After consultation with civil society, this document is intended to be adopted as Ghana's official National Anti-Corruption Action Plan.

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[17] A MTEF (Mid-Term Economic Framework) relates to the transparent planning and budget formulation process. In this process, the cabinet and central agencies establish credible contracts for allocating public resources to their strategic priorities while ensuring overall fiscal discipline. The process entails two main objectives: 1) setting fiscal targets and 2) allocating resources to strategic priorities within these targets (see: www.worldbank.org/publicsector for an elaborate description).

Table 3.4.2 Implementation of the World Bank program through Ghana's National Anti-Corruption Action Plans (1999-2000)

World Bank program priority areas	Intended reforms in National Action Plans	Reforms (1999-2001)
Area 1. Political will	a. Concrete government action, particularly regarding enforcement and sanctions. b. More public support for civil society initiatives	The new government formally recognised the Ghana Anti-corruption Coalition (GACC) Status: formality (2001)
Area 2. Diagnosing corruption and raising awareness	a. Diagnostic surveys into e.g. procurement, the courts, the police, and civil society	
Area 3. Involvement of external stakeholders	a. Official commitment to a information access policy; removal of obstacles to official transparency b. Capacity development and coalition building within civil society. Involvement of civil society in anti-corruption strategies and in institutional and economic governance c. Government stimulation of the growth of civil society organisations	**# 3.** Access to government information Status: pending (2000) **# 1.** Repeal of libel laws Status: decided (2001) The Ghana Anti-corruption Coalition (GACC) was instituted. It initiated the majority of anti-corruption reforms Status: formality (2000) Government formally recognised GACC Status: formality (2001)
Area 4. Anti-corruption agencies	a. Increased independence of the Serious Fraud Office (SFO)	**# 4.** The Institutional position (prosecution powers) of the Anti-Corruption Agency Status: pending (2001)
Area 5. Rule of Law	a. Increased parliamentary control over the government b. More effective judiciary and higher compliance with rules. Restoration of public confidence in the maintenance of law and order	**# 2.** Strengthening of the judiciary Status: pending (2001) Fast-track courts were instituted for the quick handling of corruption cases Status: formality (2000)

Table 3.4.2 *(continued)*

Area 5. Rule of Law *(cont.)*	c. Disciplinary measures to be enforced within law agencies and the government d. Modernisation of judicial record taking: automated record management	**# 5.** Legislation to protect whistleblowers Status: pending (2001)
Area 6. Financial management	a. Auditor and Accountant-General to be better equipped to enforce sanctions b. Procurement: co-opt civil society in procurement structures	
Area 7. Civil service reform	a. Government ethics: statements of compliance to asset declaration b. Integration of anti-corruption elements in civil service reforms c. Acceleration of the decentralisation process	**# 6.** Obligatory declaration of leaders' assets Status: pending (2001)
Area 8. Customs reform		

Sources: Ghana's National Anti-Corruption Action Plan (World Bank1999b); Ghana's Anti-Corruption Coalition Action Plan (GACC 2000); expert interviews (May, 2001)

Even though the powerful Ghanaian government officially recognised the activities of the GACC, and adopted the GACC as part of its Reduction Strategy[18], it remained reluctant to nominate a representative to take part in it. Without participation by the government, however, GACC's new action plan (2000) would be not able to be implemented[19]. In November 2000, a new government was elected. Several proposals for legislation were presented, for e.g. a Whistleblower Protection bill and a Freedom of Information bill (see next section). Despite its more cooperative position, concrete action was lacking in the first six months after the new government's inauguration (interviews, May 2001). Hence the most

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[18] A developing country's poverty reduction strategy is framed in a Poverty Reduction Strategy Paper (PRSP) containing ultimate development aims (economic growth and poverty reduction), intermediate objectives and policies, as well as the time frames in which these objectives need to be achieved (cf. IMF 1997). Through the PRSP, countries account for their policy objectives to the donor community, in particular to the World Bank and the IMF.
[19] The lack of government support was ascribed to the lack of institutional resources of the GACC, in particular to facilities and human capital (World Bank, September 2000).

important aim for GACC in 2001 was to 'warm' the new government to its way of fighting corruption and eventually have them 'take over the reigns'.

3.4.3 Anti-corruption reforms debated in Ghana

The processes of decision-making on a number of reforms confirm the observation that the government was still not in charge of Ghana's anti-corruption process. Despite pressure from civil society and GACC and some initial progress, the new government remained hesitant: anti-corruption policies either remained tentative, or were incremental. The following anti-corruption reforms were subject to decision-making in Ghana:

#1. Repeal of libel laws (decided 2001)
#2. Strengthening of the judiciary (pending 2001)
#3. Access to government information (pending 2000)
#4. The institutional position (prosecution powers) of the Anti-Corruption Agency (pending 2001)
#5. Legislation to protect whistleblowers (pending 2001)
#6. Obligatory declaration of leaders' assets (pending 2001)

The first two reforms reveal that the switch to a new government had to some degree contributed to the progress in the anti-corruption process in Ghana (interviews, May 2001). Civil society, the media, and the donor community advocated for the repeal of Ghana's criminal libel laws. Despite the initial hesitance of the new government, these restrictive laws were withdrawn in 2001. This was allegedly due to continuous pressure by GACC. The resulting decision in this case was greatly welcomed by the media. The repeal of libel laws is one of the first concrete decisions to curb corruption under Ghana's new government.

The strengthening and independence of the judiciary was a salient anti-corruption policy case in Ghana. In 2001, the government followed judicial advice to put in place fast-track courts for a quicker handling of corruption cases. Some interpreted this policy decision as a first sign of government commitment to curbing corruption (interviews, May 2001). Others argued that more far-reaching judicial strengthening was still lacking in Ghana. Just as the former government, the new government, and the judiciary were reluctant to adopt judicial reforms. Only GACC and civil society sustained their strong plea for an independent and clean judiciary.

Despite this incremental progress, Ghana's anti-corruption process was also characterised by hesitance and delay, as a number of reforms will show. First, throughout the year 2000, civil society, the media, and the donor

community advocated for far-reaching access to government information (GACC 2000). The former government had been reluctant towards, or even completely against this policy case. Although the Attorney-General of the newly elected government submitted a draft Freedom of Information Bill, parliament remained divided and the voting was postponed (interviews, May 2001). In response, the Institute of Economic Affairs (IEA) held a workshop in which members of the executive were invited to re-launch the draft bill.

Second, a law for the declaration of personal assets by politicians and bureaucratic officials had been kept away from the debate for a long time. By 2000, civil society and GACC made a plea for the public declaration of assets. Given the many vested interests, the new government and parliament were expected to reject this reform (interviews, May 2001). By the time of this study, the issue was still pending on the decision-making agenda.

Third, the reform proposal to extend the prosecution powers of the Serious Fraud Office (SFO) was moderately debated. Some actors argued that the SFO's prosecution powers are fixed in the Ghana constitution and hence not debatable. Others, including the parliamentary Public Accounts Committee, advocated for an expansion of SFO prosecution powers to enable an increase in its functional ability. The new government refrained from any concrete action to enhance SFO capacity, and no formal decision-making process was initiated.

Finally, to protect whistleblowers from prosecution, the donor-supported GACC proposed the adoption of new legislation. A draft Whistleblower Bill was constructed after an initiative of several of the GACC institutions[20]. The new government and parliament only tentatively adopted this bill. The final draft was not yet officially launched, and within GACC it was feared that some regulations would be 'watered down' in the last round of decision-making (interviews, May 2001).

In conclusion, the anti-corruption reform debate in Ghana underwent some positive changes after the elections in November 2001. The new government, together with one part of parliament, was slightly more reform-oriented than the previous government. However, the many pending reforms showed that Ghana's anti-corruption process was still characterised by hesitance and delay.

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[20] The SFO requested the IEA to conduct a study on the set-up of a Whistleblower Bill. In response, the IEA came up with a full draft bill (interviews, May 2001)

3.5 Kenya: hidden conflict in a consensus plan

3.5.1 Socio-economic and political-administrative context

Kenya is also amongst the least poor countries in this study. In 1999, its Gross National Product amounted up to 360 US$ per head (world rank 170) (World Bank 2000a). At that time Kenya depended on donor aid for 2.9 per cent of its gross domestic product, which is much less than the other African countries studied (UNDP 2001).

Kenya's political regime in 1999 was characterised as a 'dominant party system' (Freedom House 2000)[21]. President Daniel Arap Moi and his ruling party Kenya African National Union (KANU) had dominated Kenyan politics from the country's independence in 1962 and onwards. After the introduction of multi-party politics in 1991, Moi was asserted to maintain his grip on Kenya's political process through a delicately balanced system of coercion, co-optation, and the systematic manipulation of the electoral process (Polity IV 2002). Moi profited from the weak political opposition in Kenya, which was deeply divided by ethnic-based rivalries and violence. Kenya's ethnic composition is complex, consisting of more than 40 ethnic groups from three linguistic families[22]. By the time of the World Bank program in 1999, Moi and his KANU were still in power[23].

The president is publicly elected for a five-year term. The National Assembly consists of 224 members, of whom 210 are selected for a five-year term in single seat constituencies, 12 members are appointed, and 2 are 'ex officio'. Kenya's polity was characterised by 'imposed transition', implying 'loosening or tightening restrictions' on political competition (Polity IV 1999:25).

On political and civil liberties, Kenya ranked lowest compared to the other countries in this study. The country was marked as 'not free'. The same applies to press freedom (Freedom House 2000).

During the World Bank program of 1999, Kenya ranked as one of the most corrupt countries in the world (Transparency International 1998-2000).

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[21] For more detailed information on Kenya's political-administrative system, see the in-depth study in chapter 4.

[22] The Kikuyu account for 22% of the Kenyan population, followed by the Luhya (14%), the Luo (13%), the Kalenjin (12%), and the Kamba (11%). Smaller ethnic groups are the Kisii (6%) and the Meru (6%) (CIA World Factbook http://www.exportinfo.org/worldfactbook/kenya_WFB.html).

[23] In December 2002, Mwai Kibaki's multi-ethnic National Rainbow Coalition (NARC) took over power (Polity IV 2002). Despite some optimism about the political unity that defeated former president Moi, many expect that the country will slide back into the old pattern of ethnically based patronage rule.

Following its National Chapter of Transparency International (TI- Kenya), '[c]orruption in Kenya has reached endemic proportions, and poses a real and recognised threat to democracy, the rule of law, as well as economic and social development' (2002b:81)[24]. Corruption was asserted to be particularly problematic in privatisation and procurement.

3.5.2 Kenya's national anti-corruption policy

Figure 3.5.1 presents a time line of the initiatives with regard to anti-corruption policy-making, undertaken in Kenya.

Figure 3.5.1 Time line of policy initiatives

1997	1998	June 1999	Nov. 2000	Dec. 2000
Preliminary initiatives: KACA instituted national strategy	Parliamentary Anti-corruption Commission	World Bank course	Revised action plan	KACA disbanded by Constitutional Court

In Table 3.5.1 an overview is presented of the policy initiatives undertaken in Kenya prior to the World Bank Course in 1999[25].

The anti-corruption policy process in Kenya underwent major changes between 1999 and 2001. Initially, the influence of the Kenya Anti-Corruption Authority (KACA) expanded, together with the national action plan it co-ordinated (KACA 2000:4). In large gatherings of actors from both civil society and government institutions, the action plan was debated and consensus was built[26].

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[24] A Risk Advisory Group Report (Government of Kenya 2002:2) also concluded that 'corruption in Kenya is endemic and threatens the basic structures of the state'.

[25] In Kenya's original action strategy (KACA 2000) the intended reforms were arranged under different headings than the priority areas addressed in the World Bank program. To facilitate their comparison with program implementation in other countries, they were reshaped into the 'priority area' format.

[26] In November 2000, the author attended one of these gatherings in Nairobi. The gathering consisted of parallel sessions on sub-sections of KACA's Action Plan (2000), for example the office of the president, the police, customs, the tax department and the judiciary. A Steering Committee including all former participants of the World Bank course is expected to review and evaluate the implementation of this plan on a regular basis.

Table 3.5.1 Anti-corruption initiatives prior to the World Bank program

Area	Initiatives
Rule of Law	The Kenya Anti Corruption Authority (KACA) and an Anti-corruption Strategy were established
	A Parliamentary Committee on anti-corruption was established
	Amendments to Prevention of Corruption Act (PCA) were proposed
	Judicial investigation and a Legal Sector Reform Committee were instituted
	Judicial terms of service were improved
Financial management	A Mid Term Economic Framework (MTEF) and Integrated Financial Management System (IFMS)[27] were installed
	Finance officers were appointed
	Parliament's oversight capacity was strengthened
Public procurement	The Central Tender Board (CTB) became privately chaired
	All transactions to take place through private bidding
Civil service reforms	A number of civil service reforms were carried out
	The number of ministries was reduced
	Rationalisation, training and capacity building, and staff rightsizing took place
	Budget ratios, performance criteria and ethics codes were reviewed
Customs and tax	An integrated revenue service was established, as well as a monitoring unit and revenue protection service
	Penalties were increased, tax payers were educated
	Markers were put on transit fuel

Sources: World Bank (1999b:113); KACA (2000)

By the end of 2000, however, this apparent progress was seriously disrupted. A decision of the Constitutional Court declared KACA unconstitutional on December 22 (TI-Kenya 2002b:6, 85)[28]. Experts suspected that government actors had exerted pressure on the judiciary to declare KACA unconstitutional because of its rapidly increasing influence (interview, April 2001). After 22 December 2000, it remained uncertain whether, and to what extent KACA will be able to retrieve its powers.

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[27] An IFMS consists of an interrelated set of sub-systems that plan, process and report on resources, quantifying them in financial terms. The basic sub-systems are generally accounting, budgeting, cash management, debt management, and their related internal controls (TI Source Book- see: www.transparency.org consulted December 2001). The MTEF refers to the transparent planning and budget formulation process within which the Cabinet and central agencies establish credible contracts for allocating public resources to their strategic priorities while ensuring overall fiscal discipline. The two main objectives are: a) setting fiscal targets and, (b) allocating resources to strategic priorities within these targets (see for an elaborate description: www.worldbank.org/publicsector, consulted December 2001).

[28] A Risk Advisory Group stated in a recent assessment of the anti-corruption process that 'many openly expressed the view that the ruling was not based on sound legal reasoning' (Government of Kenya 2002:4).

Table 3.5.2 contains an overview of Kenya's anti-corruption plans after participation in the World Bank program. The reforms from the action plan (middle column) were categorised into a number of priority areas, specified in the World Bank program (left column). The right column reveals the substantive reforms. Those reforms that were adopted without any perceived debate are referred to as *formalities*. The more controversial reforms that were subjected to processes of decision-making are numbered #1, #2, etc. The decision-making on the numbered reforms will be described in section 3.5.3.

Table 3.5.2 Implementation of the World Bank program through Kenya's National Anti-Corruption Action Plans (1999, 2000)

World Bank program priority areas	Intended reforms in National Action Plans	Reforms (1999-2001)
Area 1. Political will	a. Creation of political will	**# 1.** Adopting the List of Shame? The list was not adopted formally, but kept only in Parliament records Status: decided (2000)
Area 2. Diagnosing corruption and raising awareness	b. Corruption surveys and integrity workshops	A 'baseline survey' on corruption was held Status: formality (2000) To raise awareness in the private sector, Codes of Conduct were released Status: formality (2000-1)
	c. Creation of a Customer Charter to inform citizens on their rights	Awareness was raised on the costs of government services, among others through a 'taxpayer charter' Status: formality (2000-1)
Area 3. Involvement of external stakeholders	a. The integration of grassroots as watchdogs	A motion to legally enact freedom of information was passed Status: formality (2001)
	b. Enhancement of investigative journalism	An Editor's Guild and disciplinary action were proposed Status: formality (2000-1)
Area 4. Anti-corruption agencies	a. Strengthening of anti-corruption institutions	Preventive services and education departments at KACA were expanded. New proposals were made to enhance KACA's funding Status: formality (2000)

Table 3.5.2 *(continued)*

Area 4. Anti-corruption agencies *(cont.)*	b. Capacity building	**# 3.** The institutional position of the Anti-Corruption Agency (KACA) A constitutional court decision declared KACA void. This seriously disrupted the anti-corruption process Status: decided (2000)
	c. Selection of staff	
Area 5. Rule of law	a. Review of legal and institutional frameworks	Start with the implementation of judicial recommendations (Kwach report of 1999) Status: formality (2000) A new Anti-Corruption and Economic Crimes Bill was published Status: formality (2001) **# 4.** The width of the legal definition of corruption Status: pending (2001) **# 2.** The control over parliamentary resources Status: decided (2001)
	b. Capacity building and enforcement	The implementation of judicial recommendations (Kwach report) began Status: formality (2000)
	c. Adherence to existing legal-institutional frameworks	**# 5.** Should amnesty be granted to the corrupt of the past? Status: pending (2001)
Area 6. Financial management	a. Openness of Procurement	A draft bill on public procurement was prepared Status: formality (2001) The NGO Council made further recommendations on investigative audits and enforcement with respect to state corporations Status: formality (2000-1)
Area 7. Civil service reform	a. Adequacy of public sector staff	A circulation on the rotation of departmental heads was released to avoid long-term office Status: formality (2000)

Table 3.5.2 *(continued)*

Area 7. Civil service reform *(cont.)*	b. Development of Ethical Codes of Conduct, including enforcement mechanisms and reviews	A new Ethics and Code of Conduct Bill for civil servants was developed. Status: formality (2001)[29] A Code of Conduct was launched in the Kenya Revenue Authority (KRA) Status: formality (2000-1) A Source Book of Ethics was drafted for use in the civil service Status: formality (2001)
Area 8. Customs reform		

Sources: World Bank (1999:113); KACA (2000:9); expert interviews (April-June, 2001; July, 2002)

The case of KACA exemplifies that behind the ambitious Anti-Corruption Action Plan and consensus-building meetings, conflicts of interest and power dominated the debate. These conflicts surfaced as soon as the general action plan objectives were translated into concrete policy proposals, as the reforms below will illustrate.

3.5.3 Anti-corruption reforms debated in Kenya

A number of controversial reforms emerged from Kenya's 1999 action plan (WBI 1999b:113) and later plans (KACA 2000).

#1. Adopting the List of Shame? (decided 2000)
#2. The control over parliamentary resources (decided 2001)
#3. The institutional position of the Anti-Corruption Agency (KACA) (decided 2000)
#4. The width of the legal definition of corruption (pending 2001)
#5. Should amnesty be granted to the corrupt of the past? (pending 2001)

In the area of the rule of law, the debate on the List of Shame marked the first time that frustrations on corruption in civil society reached the parliamentary level (interviews, May 2000). The list that was published in the media contained the names of various high-level officials accused of corruption. After numerous initiatives by the composers of the list (Musikari Kombo's parliamentary Anti-Corruption Select Committee), it was debated whether parliament ought to accept the list and have the accused prosecuted

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[29] For the later debate on this bill, see Chapter 4 containing the case study on Kenya.

or not. The list was rejected by the ruling party and by several opposition members. It was merely included in parliament records. Nonetheless, the fact itself that high level officials were criticised on their accountability in parliament was seen as an achievement (interviews, April 2001).

A relatively successful policy decision was made at the beginning of 2001 in the area of enhanced government accountability (KACA 2000). The government gave up its formal control over parliament's Terms of Reference. From now on parliament would officially control its own resources through a special Parliamentary Service Commission. Future practice will reveal, however, to what extent parliament *really* controls its resources.

The aforementioned court rule declaring KACA un-constitutional caused big political turmoil, polarising the actors in Kenya's anti-corruption policy debate. It also led to serious delays in the decision-making process in 2001. As the below descriptions will show, many new policy proposals were postponed and legislation had to be redrafted.

The new Anti-Corruption and Economic Crimes Bill (first drafted in 2000) was intended to reshape the legal framework on corruption in Kenya, including the entrenchment of KACA's powers. After the Court rule that declared KACA unconstitutional, the bill was initiated, shelved, and re-drafted several times. In 2001, the parliamentary debate on this bill was postponed twice (interviews, 2001). Opposition parties rejected the bill by asserting that it was flawed[30]. The Economic Crimes Bill contained significant anti-corruption reforms, such as the legal definition of corruption, KACA's official powers[31], the official establishment of the Parliamentary Anti-Corruption Committee, and a special fast-track court, as well as a whistleblower protection law and evidence rules. Particularly the reform regarding the legal definition of corruption became subject to extensive debate between government and judiciary favouring a narrow interpretation on the one hand, and a parliamentary opposition, media, and NGOs pleading for a wide definition on the other.

The Code of Conduct and Ethics Bill contained a proposal for obligating officials to declare their personal assets. This controversial bill was attached to the aforementioned Economic Crimes Bill. A parliamentary majority, unwilling to declare personal assets, was suspected of delaying the decision-making on this reform (interviews, June 2001; UNDP-Africa 2001:141).

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[30] East African Standard, February 12, 2002.

[31] On August 15 2001, president Moi replaced KACA by the Anti-Corruption Police Unit (ACPU). The ACPU's asserted lack of independence from the government has worried many state actors.

Nevertheless, civil society supported the rejection of the Ethics Bill because it was be ambiguous and thus flawed (interviews, July 2002).

The Amnesty Clause was the second anti-corruption policy document attached to the Economic Crimes Bill. The bill determines whether or not to discharge the allegedly corrupt prior to 1997 from prosecution. The amnesty issue rekindled the public outcry on the 'Goldenberg scam', a major corruption scandal in 1997 that would have involved actors up to the level of the cabinet. The debate was between the government on the one hand, proposing to grant amnesty in the frame of the Economic Crimes Bill, and several opposition parties and civil society on the other, wanting to punish those involved in the scandal. The decision-making on the amnesty issue was postponed together with the Economic Crimes Bill and the Ethics Bills, thereby preventing civil society from being involved in a wider parliamentary debate (interviews, April-June 2001) [32].

The shelving of many anti-corruption reforms in Kenya was sometimes ascribed to the Constitutional Review planned for mid-2001. For example, the debate on the independence of the judiciary had been postponed until this review (interviews, June 2001) [33].

3.6 Malawi: Re-centralisation under a democratic guise

3.6.1 Socio-economic and political-administrative context

In 1999, Malawi's liberal economy yielded a Gross National Product of 190 US$ per head (world rank 199), which is low and indicative of poverty (World Bank 2000a). In 1999, Malawi depended upon foreign aid for almost twenty-five cent of its gross national product (UNDP 2001).

Malawi's polity in 1999 was characterised as a 'presidential-parliamentary democracy'. Up to 1992, the country was a one-party republic under the leadership of President Banda. The dictatorial rule of Banda came to an end with the electoral victory of Bakili Muluzi of the United Democratic Front (UDF) in 1994 (Polity IV 2002). The National Assembly, which is strongly dominated by the UDF has had revealed little autonomy since then. In 1999, Muluzi was re-elected for another five years

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[32] Some critics argued that the attachment of the controversial Amnesty Clause to the Economic Crimes Bill was a deliberate strategy by the Attorney -General to delay the decision-making on a number of reforms (interviews, 2002).

[33] Other policy issues that were postponed until the Constitutional Review are the decentralisation of state powers, the separation of powers, the boundaries of electoral constituencies, and the Presidency as an institution.

(Electionworld 2000)[34]. Ethnic cleavages are reported to account for a relatively small part of political divisions in Malawi, in spite of tribal and religious cleavages (Polity IV, 2002)[35].

The public elects the president and vice-president for a five-year term. The National Assembly consists of 192 members, elected for a five- year term in single seat constituencies. Political competition in Malawi was marked as 'electoral transition, with limited conflict or coercion' (Polity IV 1999:25; 2002). However, by 2001 Malawi was downgraded on political freedoms because of 'intimidation waged by a group linked to the ruling party (the 'Young Democrats'), and other efforts to crack down on the political opposition' (Freedom House 2002; Polity IV 2002).

On political and civil liberties and press freedom, Malawi ranked 'partly free', which is high in comparison to the other countries under study (Freedom House 2000).

Malawi was indeed found to be less corrupt than the other African countries under study (Transparency International 2000). Nonetheless, the system of public procurement and the management of state companies were marked as corrupt, together with the education sector, the management of land, the police, and other services with interface between them and citizen, like customs and immigration (World Bank 2000).

3.6.2 Malawi's national anti-corruption policy

Fig. 3.6.1 Time line of policy initiatives

1995-1998	June-Oct. 1999	August 2000	Mid- 2001
Preliminary initiatives: Anti-Corruption Bureau Procurement regulations Legal and financial reforms Civil Service reforms	World Bank Course and National anti-corruption program (NAP)	Revised NAP	New draft Corrupt Practices Act (CPA)

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[34] Presidents can serve a maximum of two terms in Malawi. In 2003, Muluzi was reported to seek an unconstitutional third term. After widespread resistance in civil society, parliament, and the donor community, Muluzi announced that he would not seek a third term (Polity IV 2002).

[35] In Malawi, 75% of the population are Christian and 20% are Muslim.

Prior to the World Bank program, the government of Malawi carried out the following anti-corruption reforms.

Table 3.6.1 Anti-corruption initiatives prior to the World Bank program

Area	Preliminary initiatives
Economic reforms	Liberalisation, deregulation and institutional strengthening to reduce opportunities for corruption (World Bank 1998: vii) Tax and tariff reforms, privatisation of state companies, and regulations to encourage competition
Procurement	New anti-corruption regulations for public procurement were approved (1998) A diagnostic study was held and an agenda for procurement reform was made up Workshops were held for several groups of actors A Commission of Enquiry was established on the award of contracts and media reports on collusion were issued
Institutional strengthening	The Anti-Corruption Bureau (ACB) was established Review of the Corrupt Practices Act, which was ready for debate (1999) Establishment of Ombudsman, Law Commission, National Compensation Tribunal, Human Rights and Electoral Commission
Public awareness	The ACB held awareness campaigns Media investigations and reports of crime and corruption took place An NGO coalition was planned
Rule of Law	A Task Force for legal and judicial reform was established (1995) to study the criminal justice system as a first step to eliminate case backlogs Corruption legislation was reviewed Reforms in the judiciary were carried out, such as better conditions of service for judicial officers and measures to enhance judicial independence Reforms were carried out in the police and law sectors
Civil service reform	A comprehensive Civil Service Reform Program was set up in order to improve the pay position of civil servants and to rationalise the ministries
Financial management	Directors of Finance were employed in the ministries IFMS project and MTEF were introduced[36] and MTEF was implemented in government

Sources: World Bank (1998: vii-ix); World Bank (1999b:125-133)

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[36]An IFMS consists of an interrelated set of sub-systems that plan, process, and report on resources, quantifying them in financial terms. The MTEF refers to the transparent planning and budget formulation process within which the cabinet and central agencies establish credible contracts for allocating public resources to their strategic priorities while ensuring overall fiscal discipline. For a more detailed description, see the previous section on Kenya.

In the framework of the 1999 NAP, the government of Malawi undertook a number of measures to demonstrate its commitment to improving governance and reducing corruption in the areas of civil service reform, judicial strengthening, public procurement, as well as civil society and media strengthening. By August 2000, the government of Malawi had come up with a revised National Anti-Corruption Plan.

Table 3.6.2 contains an overview of Malawi's anti-corruption plans after participation in the World Bank program. The reforms from the action plan (middle column) were categorised into a number of priority areas, specified in the World Bank program (left column). The right column reveals the substantive reforms. Those reforms that were adopted without any perceived debate are referred to as *formalities*. The more controversial reforms that were subjected to processes of decision-making are numbered #1, #2, etc. The decision-making on the numbered reforms are described in section 3.6.3.

Table 3.6.2 Implementation of the World Bank program through Malawi's National Anti-Corruption Plans (1999-2000)

World Bank program 'priority areas'	Intended reforms in National Action Plans	Reforms (1999-2001)
Area 1. Political will		
Area 2. Diagnosing corruption and raising awareness		
Area 3. Involvement of external stakeholders		Civil society adopted the task of prevention and public awareness raising in the Civil Society Transparency and Accountability Workshop Status: formality (2001-2)
Area 4. Anti-Corruption Agencies		
Area 5. Rule of Law	a. Judicial strengthening: ongoing training and improved service conditions for judicial officers b. Judicial strengthening: more court facilities and simplification of laws	The training of lower magistrates and judges was ongoing Status: formality (ongoing)

Table 3.6.2 *(continued)*

Area 5. Rule of Law *(cont.)*	c. Review of penal laws and procedures	**# 1.** Extension of the legal definition of corruption in the Corrupt Practices Act Status: pending (2001)
		# 2. The institutional position of the Anti-Corruption Bureau (ACB) Status: pending (2001)
		# 3. The burden of proof in corruption cases. Corrupt Practices Act Status: pending (2001)
		# 4. Amending the Corrupt Practices Act (initiated by the president), including e.g. asset declaration and whistleblower protection Status: pending (2001)
	d. Facilitation of police and prison reforms	
Area 6. Financial management	a. Broadening of width and depth of IFMS systems	
	b. Enhanced administration and accounting of government funds, by strengthening financial systems and internal audit functions	An MTEF was in the process being implemented and sustained after the World Bank program Status: formality (ongoing)
	c. Encourage participatory decision-making in the review of the Finance and Audit Acts	A proposal was put in place to enhance financial transparency by separating the Finance Act from the Audit Act Status: formality (2001)

Table 3.6.2 *(continued)*

Area 6. Financial management *(cont.)*	d. Procurement: increased monitoring and Codes of Conduct	Interim guidelines were circulated in the run up to a Procurement Code Status: formality (2001)
	e. Procurement: establishment of Procurement Committees in each ministry	A Contracting Unit was established Status: formality (2001)
	f. Procurement: Implement recommendations from the World Bank and the commission of enquiry	Ongoing consideration of World Bank's procurement recommendations Status: formality (2001)
Area 7. Civil service reform	a. Implementation of decentralisation policy b. Privatisation and private sector development c. Improvement of civil service wages	
Area 8. Customs and taxes	a. Mechanisms to assure that everyone with an income pays tax b. Automation of systems	
	c. Independent anti-corruption enforcement laws and Codes of Conduct	
	d. Ethics and merit based employment	Asset declaration and disclosure in the Corrupt Practices Act (see #4, Corrupt Practices Act)

Sources: World Bank (1999b: 125-133); Malawi Action Plan (Coalition Against Corruption in Malawi 2000); expert interviews, July -November 2001

Despite the many anti-corruption initiatives that were reported in Malawi, the donor community observed a tendency towards a re-centralisation of power and a re-establishment of a de facto one party state (World Bank 2000; Freedom House 2002)[37]. In particular, increasing tensions would exist between the ruling party and the democratic structures established in 1995, including the Anti-Corruption Bureau (ACB) and some Parliamentary

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[37] In addition (1) the NGO-Bill would be rushed through Parliament without further consultation with civil society, (2) the government would dismiss legal rulings against police personnel, (3) the police would disrupt opposition party activities, plus (4) the ruling party UDF was believed to display increasingly authoritarian tendencies, and (5) resurgent neo-patrimonial tendencies were observed among ministers (World Bank 2000).

Committees. The recent traditions of multi-party democracy (since 1994) and parliamentary practice had possibly not been fully absorbed into Malawi's political life (World Bank 1998:12).

3.6.3 Anti-corruption reforms debated in Malawi

At face value, the level of disagreement on anti-corruption reforms in Malawi seemed low in comparison to the other African countries in this study (interviews 2001, 2002). The anti-corruption reforms that were debated in Malawi only regard the priority area of the 'rule of law' (see Table 3.6.2).

#1.   Extension of the legal definition of corruption in the Corrupt Practices Act (pending 2001)
#2.   The institutional position of the Anti-Corruption Bureau (ACB) (pending 2001)
#3.   The burden of proof in corruption cases. Corrupt Practices Act (pending 2001)
#4.   Amending the Corrupt Practices Act (initiated by the president; pending 2001)

Despite the alleged agreement between the involved actors, all anti-corruption reforms were pending for over ten months. They were to be decided upon in the frame of the new Corrupt Practices Act of 2002 (interviews, 2001)[38].

The legal definition of corruption (Corrupt Practices Act 1995) was a moderately debated reform initiated by the president (interview, July 2001). In Malawi the legal line between corruption and fraud had been rather unclear. It is this line that determines the position of different anti-corruption institutions. If a corruption case is tried, the ACB prosecute; if a fraud case is tried, the public prosecutor (DPP) does. The allegedly influential ACB, supported by the highly influential donor community advocated extending the corruption definition to add the abuse of influence and office, including fraud. The judiciary agreed that the current legal definition of corruption was too narrow. Civil society even aimed to include 'any irregularities´ in the

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[38] By the end of 2002, almost eighteen months after the first interviews with Malawi experts, the Corrupt Practices Act had still not been adopted (http://fr.allafrica.com/stories/200211110186.html, consulted November 2002).

definition. Only certain, highly powerful independent actors were reluctant toward a change from the status quo[39] (interviews, 2001).

The extent of the ACB´s authority to prosecute corruption compared to that of the Director of Public Prosecutions (DPP) was identified as another controversial anti-corruption reform. This reform is closely related to the previous because it regards the division of authority between Malawi's anti-corruption institutions. A debate was initiated after the DPP had denied the ACB the right to prosecute in several cases. Civil society and ACB members argued that the ACB was too dependant on consent from the DPP in the prosecution of corruption cases. However, the ACB director did not openly object to the presumed interference with his job (interviews, 2002).

The proposal to impose the burden of proof in corruption cases upon the accused became a debated reform in Malawi (interviews, 2001). The ACB had the burden of proof, and this, according to civil society and the ACB itself, slowed down the handling of corruption cases. Civil society and the ACB therefore argued that the burden of proof should be with the accused. The ´independent actors´ mentioned earlier on, whose institutional affiliation remained unknown, were the only ones to express a preference for maintaining the status quo.

A controversial reform issue was to what extent to incorporate the amendments to the Corrupt Practices Act as proposed by the ACB (interviews, 2001). These amendments were to be debated in parliament. They include all of the above reforms, plus the declaration of assets by leaders. President Muluzi pleasantly surprised the ACB by urging parliament as well as the judiciary to take the whole set of amendments seriously (interviews, 2001). However, a formal parliamentary decision-making process was never initiated. Parliamentarians were therefore considered reluctant to accept the proposed changes (interviews, 2002)[40].

In conclusion, all of the above anti-corruption reforms in Malawi remained pending. A plausible explanation is that powerful vested interests (such as the 'independent actors' mentioned above) deliberately delayed or blocked decision-making. The validity of this explanation is assessed throughout the remaining of this book.

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[39] These 'independent actors' were reported to oppose anti-corruption reforms in various policy issues. The institutional affiliation of these actors remained unclear, in spite of intensive interviews that were held.

[40] It remains unknown whether these parliamentarians are the same ´independent actors´ who preferred the status-quo (see previous footnote).

3.7 Tanzania: the shadow of the donors?

3.7.1 Socio-economic and political-administrative context

By 1999, Tanzania's mixed statist economy generated a Gross National Product of 240 US$ (world rank: 190) (World Bank 2000a). Tanzania depended on donor aid for more than eleven per cent of its gross domestic product (UNDP 2001).

Tanzania's political regime can be characterised as a 'dominant party system' (Freedom House 2000). After 33 years of one-party rule under the Chama Cha Mapinduzi (CCM) party, competitive elections were held in 1995 (Polity IV 2002). Benjamin Mkapa became the first democratically elected President of Tanzania. The CCM, however, maintained its dominant position because of large existing (financial) advantages in comparison with the opposition and civil society. In October 2000, this dominance was consolidated with the re-election of President Mkapa, who obtained seventy per cent of the votes. Since the opposition was weak and unorganised, Tanzania continued as a one-party state de facto. Unlike many other African countries, political divisions in Tanzania are not based upon ethnic cleavages (Polity IV 2002)[41].

The president is elected for a five-year term by the people. The National Assembly consists of 274 members. 232 members are elected for a five- year term in single-seat constituencies, 37 seats are allocated to women appointed by the president, and five seats to members of the Zanzibar House of Representatives (Electionworld 2000)[42]. Political competition in Tanzania was characterised by 'imposed transition' with 'loosening or tightening restrictions' (Polity IV 1999:25; 2002). This means that the political opposition in Tanzania is highly fractionalised and ineffective, despite the official existence of a multiparty system.

In terms of political and civil liberties and press freedoms, Tanzania was marked as a 'partly free' country (Freedom House 2000). The ruling party CCM seems to reveal a structural commitment to political liberalisation (Polity IV 2002).

By the time of the World Bank program, Tanzania ranked among the most corrupt countries in the world, after Kenya and Uganda (Transparency International 2000). Large-scale corruption was found to exist in the construction industry, in tendering and procurement, and in the education sector. Small-scale corruption particularly dominated the social service

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[41] An exception is the cultural diversion between the African mainland and the Muslim Zanzibar archipelago.

[42] See chapter 5 for more details on Tanzania's political system and decision-making.

delivery sector, such as the Ministry of Health, Lands, Works and Local Governments (Warioba Comission 1996; ESRF-FACEIT 2002).

3.7.2 Tanzania's national anti-corruption policy

Tanzania's participation in donor-initiated integrity workshops dates back to 1995. Tanzania also participated in the previous version of the program in 1995 and 1996. At the end of 1996, a number of anti-corruption initiatives had been undertaken in Tanzania, as summarised in Table 3.7.1.

Table 3.7.1 Anti-corruption initiatives prior to the World Bank program

Reform area	Preliminary initiatives
Political will	An Integrity Pledge was signed by participants to an earlier World Bank program The Tanzania National Chapter of Transparency International was formally launched
Public awareness raising	Anti-corruption campaigns were communicated through the media An Integrity Pledge was signed by participants to an earlier World Bank program The enactment of freedom of information and reformed defamation laws was planned
Institutional strengthening	Plans were formulated to strengthen the capacity and independence of the Prevention of Corruption Bureau (PCB) and the Ombudsman A plan was drafted to enhance the control capacity of Parliamentary Committees
Judicial strengthening	Plans were drafted to strengthen the judiciary
Financial management	A plan was drafted to reform public procurement
Civil service reform	Efficiency-enhancing measures were taken A plan was formulated to raise wages Measures were formulated to strengthen police capacity A plan was formu lated for the private sector to assess custom effectiveness

Sources: World Bank (1998); World Bank (1999b); Government of Tanzania (Arusha II 1996:25-28)

In March 1999, the Government of Tanzania embarked on formulating the National Anti-Corruption Strategy and Action Plan for Tanzania (NACSAP) (Tanzania Government 1999). By the time that the World Bank program was launched (June–October 1999), this strategy had already reached the final drafting stage. Tanzania's national strategy therefore

strongly resembles the document presented soon after the World Bank courses[43].

Figure 3.7.1 Time line of policy initiatives

1995	1996	June 1999	Oct. 1999	Nov. 1999	March 2001
First national strategy	TI-chapter established	World Bank course		National action plan endorsed	Sector Action Plans

Tanzania's new action plan, formatted in a matrix as below, was endorsed by a parliamentary majority as the official anti-corruption policy framework document intended 'to guide the policy makers, legislators, judicial officers, and implementers' (Tanzania Government 1999:V). It dealt with elements of prevention, enforcement, public awareness raising, and institution building.

Table 3.7.2 contains an overview of Tanzania's anti-corruption plans after participation in the World Bank program. The reforms from the action plan (middle column) were categorised into a number of priority areas, specified in the World Bank program (left column). The right column reveals the substantive reforms. Those substantive reforms that were adopted without any perceived debate are referred to as *formalities*. The more controversial ones that were subjected to processes of decision-making are numbered #1, #2, etc. The decision-making on the numbered reforms will be described in section 3.7.3.

In March 2001, Tanzania's National Anti-Corruption Strategy and Sector Specific Action Plans for all separate Ministries and Independent Government Departments (2001-2005) was launched (Tanzania Government 2001)[44]. The so-called 'sectoral action plan' compiled numerous sub-plans by separate ministries and key departments.

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[43] The official Anti-Corruption Strategy was slightly more extensive than the version for the World Bank (World Bank 1999b). Extensions were made in the following priority areas: government actions with regard to civil service reforms, financial discipline, and procurement; and civil society action with regard to public awareness raising (1999b:18-34). Moreover, a larger number of planned actions were completed by November 1999.

[44] This launch followed 'a more thorough process of self-assessment in order to facilitate the preparation of strategic and cost-effective action plans. Workshops were conducted for all ministries and key departments, in which each institution scrutinised its structure and procedures to identify the causes of corruption and the constraints experienced in preventing corrupt practices' (Tanzania Government 2001:iii).

Table 3.7.2 Implementation of the World Bank program through Tanzania's National Anti-Corruption Plans (1999-2001)

World Bank program priority areas	Intended reforms in National Action Plan	Reforms (1999-2001)
Area 1. Political will[45]		
Area 2. Diagnosing corruption and raising awareness	a. Service Delivery Surveys to assess the effectiveness of anti-corruption reforms	A co-ordination office was established for donors and other actors Status: formality (2001) A State of Corruption Report was finalised by the civil society Front Against Corrupt Elements in Tanzania (FACEIT) Status: formality (2001)
Area 3. Involvement of external stakeholders	a. Legal amendments to enhance media freedom b. Investments in media training c. Further co-ordination of civil society participation and action against corruption	
Area 4. Anti-Corruption Agencies		
Area 5. Rule of Law	a. Enhancement of the constitutional separation of powers b. Strengthening of the judiciary and law enforcement agencies (incl. their wages) c. Creation of a Human Rights Commission	Sector-Specific Action Plans were elaborated by ministries and key departments, on the basis of quick wins Status: formality (2000-2001) A Committee of Ethics was established for monitoring the Code of Conduct for the judiciary Status: formality (2000) Commercial Courts were installed Status: formality (end 2000)

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[45] Political will was not identified as an area of concern for Tanzania, because the president was asserted to be committed to curbing corruption beforehand (interviews 2000, 2001).

Table 3.7.2 *(continued)*

Area 6. Financial management	a. Initiation of a system of regular audits and open hearings of audit reports; including enhanced systems of financial records	Ongoing seminars, radio and television programs were held to increase public access to public finance matters Status: formality (ongoing)
		Transparency in budget formulation and execution was enhanced. A pilot project was started in the Arusha region Status: formality (2001)
	b. Tax simplification and enhanced capacity of the Tax Revenue Authority (TRA)	The tax structures were simplified in order to be consistent and fair. More information was to be released on tax procedures. **# 3.** The Tax Identification Number Status: decided (2000)
	c. Procurement: new legislation to make the process more transparent	A Procurement Act was adopted Status: decided (2001)
	d. Procurement: opening up of tender contracts to the public	**# 1.** Opening up the tender process to the public, in line with the Procurement Act Status: decided (2001)
	e. Procurement: establishment of specialists and limit the tenure of tender board members	
	f. Procurement: simplification of procedures for small projects	(see **#1**:) in some respects, the new Procurement Act was still extremely complex (interviews, 2002)
Area 7. Civil service reform	a. Ongoing privatisation	**# 5.** Privatisation ongoing, but rejection of new Parliamentary Probing Committee Status: decided (2002)
	b. Enhanced civil service wages	**# 4.** Wage levels in the civil service are continuously debated Status: decided (2000-1) **# 2.** Ethics: obligatory declaration of leaders' assets Status: decided (2001)

Sources: World Bank (1999b:18-34); Government of Tanzania (1999, 2001); expert interviews (July 2001-2002)

The main focus of the aforementioned sectoral-specific action plans was the mobilisation of external (donor) funding for the implementation of the reform plans, and the achievement of quick wins[46]. Three levels of anti-corruption activities were identified within the plan. The first is the legal framework where laws and institutions (e.g. for prevention or prosecution) are created. The second level is the current National Anti-Corruption Strategy and Action Plans (NACSAP). The third level is coalition building among key actors: government, civil society, and the private sector (Tanzania Government 2001: ii).

In general, the anti-corruption reforms were quickly adopted in Tanzania. Yet critics from civil society identified various *hidden* loopholes that may reduce the effectiveness of the adopted reforms, such as a weak rule of law and the lack of enforcement. These were believed to reduce the reform decisions and their implementation to symbolic actions (cf. OED 2000a; interviews, 2001). From this cynical perspective, anti-corruption reforms serve merely to continue or increase donor funding to the detriment of areas in real need of reform.

3.7.3 Anti-corruption reforms debated in Tanzania

The following reforms were subject to decision-making in Tanzania. The donor community was believed to exert significant influence in these debates.

#1. Opening up the tender process to the public (decided 2001)
#2. Ethics: obligatory declaration of leaders' assets (decided 2001)
#3. The Tax Identification Number (decided 2000)
#4. Wage levels in the civil service (decided 2001)
#5. Privatisation (ongoing)

Tanzania's procurement system is highly corrupt. The strengthening of procurement legislation became a prominent reform in the frame of the country's leading action plan (Tanzania Government 1999). The debate of the Procurement Bill was the first in which civil society was allowed to participate (interviews, June 2001). The issue regarded whether or not to publish government contracts so that any interested parties could bid. Civil society, business organisations and the highly powerful donor community strongly favoured the increased transparency and accountability of the

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[46] The 2001 Sector Specific Action Plan defined these low-cost, short-term effect oriented activities as 'quick twins' (Tanzania Government 2001:iii). Presumably, 'quick wins' were meant here.

procurement process. However the majority of the ruling party and business organisations were not eager to deal with the proposal[47]. Moreover, a large number of opposition members in parliament were not actively involved in this reform (interviews, June 2002). Nonetheless, the final policy decision was to *accept* the Procurement Bill. This implied opening the tendering process to the public and the publication of the government contract grantee. Some argued that the procurement law was largely copied from the complicated World Bank and IMF format, without adopting it to the Tanzanian context (interviews, May 2001, June 2002). Other, even more suspicious actors asserted that by rushing the procurement act through parliament, the government tried to cover up possible shortcomings and loopholes.

The added value of the policy decision to oblige members of parliament to declare their assets was also questioned (Tanzania Government 1999). This had been a highly controversial reform. The initial controversy surfaced when the prime minister and the president set the example by declaring their assets, but not all of the parliamentarians followed their example. The President then proposed to make asset declaration *obligatory* to MPs through a sanctioning mechanism. He obtained support from the prime minister, civil society and the donor community. Ultimately it was decided that the parliamentarians must declare their assets to the system; the public could only access the files after paying a fee. However, it remained doubtful whether this policy decision would become properly implemented because of deficient administrative control capacity (interviews, 2002).

The Tax Identification Number (TIN) in Tanzania was expected to become 'a big headache' for the corrupt, because all tax records would become accessible through a single system (interviews June 2001, June 2002). The TIN is allocated when opening a bank account, or when buying or selling goods. Initially, the majority of the ruling party and the business sector opposed such a strict identification system (interview, June 2001). Nonetheless, TIN was adopted after persistent pressure by those in favour: the donor community, civil society, and part of the ruling party. A number of critics emphasised the negative side effects of TIN: less, but bigger (bribe) deals.

The reform to raise civil service wages was highly controversial (Tanzania Government 1999). Wage raising is a sub-type of anti-corruption reforms, because it reduces the incentive for officials to complement their

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[47] The reluctance to deal with the procurement issue was also ascribed to an inertia among ruling party members and other parts of government to reform, rather than to vested interests in the status quo (interview, June 2002). Moreover, the Procurement Bill is a rather complex bill, which would surpass the capability of many parliamentarians.

income through corruption[48]. Since 2000, civil service wages were the responsibility of the Civil Service Reform Secretariat. Despite many promises, the raise did not take place. Critics from civil society even considered the low wages as a government tactic to control civil servants (interviews, May 2001). The President, however, maintained that budget restrictions prevented the government from raising the wages. The donor community refrained from pressure because the issue was outside its restricted policy mandate.

Tanzania's privatisation process that was initiated in 1992 was marked as an example of successful anti-corruption reforms through economic deregulation. Inefficient state companies in the mining areas, the tobacco and beer industry, and the tourism and fishing industry were divested. Critics however questioned the efficiency of implementing privatisation in Tanzania, and accused powerful actors of rent-seeking (interviews, June 2001). According to some, neither the government of Tanzania, nor the powerful business sector were interested in privatisation (interviews, June 2001, June 2002), because it would bring about a loss of joint (government-business) interests in the large state sector and of government jobs. Therefore, it would not have been the government, but rather the powerful donor community supported by Tanzania's civil society who triggered the wave of privatisation in the end. In a proposal in 2002, parliamentarians requested the institution of a Probing Committee that would scrutinise the implementation of the privatisation process. This proposal was rejected by the responsible Minister of Planning and Privatisation (interviews, June 2002).

The aforementioned reform debates in Tanzania contain an intriguing paradox. If vested interests drive powerful actors like the ruling party and the business community, why do they show little resistance to anti-corruption reform? A possible explanation for this paradox is that these actors do not fear a loss of their vested interests, because the actual implementation of anti-corruption reforms is unlikely to begin with. Another explanation could be that the highly influential donor community, which accounts for a large share of Tanzania's Gross Domestic Product, might have moved these actors in the direction of reform. The effect of the donor community upon anti-corruption decision-making is addressed further on in this study.

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[48] Previous cross-national research pointed out, however, that the overall effect of salary increases is weak, and depends on the political-administrative context in which it is applied (cf. Rijckeghem and Weder 1997; Treisman 2000).

3.8 Uganda: Capacity problems in a precarious reform environment

3.8.1 Socio-economic and political-administrative context

Uganda's 1999 Gross National Product per head amounts up to 320 US$ (world rank 176) (World Bank 2000a). Uganda's economy was characterised as 'state-capitalist' (Freedom House 2000). By 1999, Uganda depended on donor aid for about nine per cent of its gross domestic product (UNDP 2001).

Uganda's political regime can be characterised as a 'dominant party system' with military influence. Political instability and authoritarian rule have long defined politics in this country. Major General Idi Amin seized the power in a military coup in 1971, deposing of Prime Minister Obote. After a bloody tenure in office, Amin fled the country in 1979 and Obote returned after legislative elections in 1980. After a period of societal struggle under another military regime that had replaced Obote, a power vacuum developed in Uganda. Underlying the violence were deep ethnic and tribal divisions[49]. The National Resistance Army (NRM), a guerrilla organisation by origin, forced the frail military government to resign, enabling Yoweri Museveni to take over the presidency in 1986 (Polity IV 2002). Museveni clung to power in the (controversial) presidential elections of 1996, after Uganda had adopted a 'no party movement' system. The NRM claimed to be an organisation of the masses rather than a ruling party. The opposition maintains that this system is in fact a one-party system and that it enables the NRM to continue its political dominance by putting a ban on party political activity (Polity IV 2002). President Museveni was re-elected again in March 2001.

In Uganda, the people elect the president for a five-year term. Uganda's National Assembly consists of 292 members, of which 214 are elected directly (i.e. without party labels) in single seat constituencies[50]. The remaining members are elected from special interest groups (Electionworld 2000). Political competition in Uganda was marked as 'factional/restricted'

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[49] There are about 40 tribes in Uganda, loosely organised in four ethnic groups: the largest Bantu group, the Eastern Nilotic, the Western Nilotic, and the Central Sudanic. Prior to 1986, northern Nilotic leaders had dominated Ugandan politics. Uganda's later President Museveni and the majority of his closest political affiliates are mainly from the southern and western Bantu group.

[50] President Museveni claimed that a multiparty system was not appropriate for Uganda, because it would bring divisiveness to the country's politics (Polity IV Country Report 2002).

(Polity IV 1999:25; 2002). This implies that political activity is allowed to operate exclusively within 'the Movement' (the NRM).

Given the political constellation in Uganda, it is not surprising that the level of political and civil liberties in Uganda is low ('not free') compared to the other countries in this study (Freedom House 2000). However, the country ranks relatively high on press freedom ('partly free').

Despite reforms on many fronts by the government, Uganda is one of the more corrupt countries amongst the seven in this study (World Bank 1998: xi; Transparency International 2000). Corruption is most prevalent in the procurement area, and in the reform and privatisation of public enterprises. It is also high in the administration of public revenues and expenditures, in the funding of political campaigns, and in the judiciary (World Bank 1998:8; interviews 2001).

3.8.2 Uganda's national anti-corruption policy

Spearheaded by the NRM (the National Resistance Movement), Uganda has undertaken extensive political, economic and social reforms since 1986. Curbing corruption was among the priority areas (World Bank 1998:7-8), as shown by the overviews in Figure 3.8.1 and Table 3.8.1.

Figure 3.8.1 Time line of policy initiatives

1992	1997	1998	Oct. 1999	June 2000	2001
Leadership Code	First comprehensive policy paper	AC-agency	National Action Plan	Revised Plan	New draft legislation

The anti-corruption process in Uganda has been highly government driven. The Department of Ethics and Integrity (DEI, a ministry) and the Inspector General of Government (IGG) were officially charged with the oversight of the anti-corruption policy process in Uganda. However, these institutions allegedly lacked the financial and human capacity to curb high level corruption (interviews, 2001)[51].

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[51] The interviewed experts referred in particular to the devastating findings of the Sebutinde Report on corruption within the police force, which had triggered a public outcry in Uganda. The government had initially been reluctant to release the findings (interviews, 2001). The research findings of the Commission on Military Defence Procurement also lead to a great amount of public discussion, because the findings related to corruption involved people closely related to the president (interviews, 2001)

Table 3.8.1 Anti-corruption initiatives prior to the World Bank program

Reform area	Preliminary initiatives
Political reforms	Decentralisation
Macro-economic reforms	Improvement of macro-economic management
	Liberalisation and deregulation of domestic and foreign trade
Civil service reforms	Tax reforms
	Improvement of private sector development
	Leadership Code of Ethics (1992)
Institutional strengthening	Human Rights Commission (1996)
	First comprehensive anti-corruption strategy document[52] (1997)
	Uganda's official Anti-Corruption Agency, the Inspector-General of Government (IGG) was established (1998)
	Institution of a Ministry of Ethics and Integrity, responsible for developing and overseeing the observance of anti-corruption policy, strengthening the IGG, and awareness raising (World Bank 1998: xi)
Media freedom	Freedom of the press was formally restored (1998)
Rule of Law	Amendments to the Prevention of Corruption Act, Penal Code, and Leadership Code
	Creation of anti-corruption institutions (see above)
	Capacity building in the legal sector (training and salary raises)
	Local council involvement in monitoring public expenditure
	A survey was conducted and a commission of enquiry into the police was established
Civil society strengthening	The Constitution was reviewed
	Additional NGOs and local councils were formed
Public procurement	Political will was established to improve the procurement area
	A Procurement Bill was drafted
	Corrupt high level officials were prosecuted
	Recommendations on laws and regulations were submitted to the minister
	An Auditor General (AG) Bill was drafted, including more independence of the auditor to control government
	Training was ongoing
Financial management	Cash budget management was introduced
	Accountancy courses were held
	An internal audit department was set up
	Increased public auditing

Sources: World Bank (1998); World Bank (1999b: 156-158)

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[52] Priority areas in this strategy document were (1) continued public awareness raising; (2) preventive measures, e.g. ethics, audits and monitoring, surveys, and cutting off red tape; (3) enforcement, e.g. strengthening of the legal framework and the judiciary (public prosecutor); (4) institution building, e.g. anti-corruption bodies, civil society and media, parliament, and government institutions, such as tax revenue and procurement boards (World Bank 1998: 93-100)

Table 3.8.2 contains an overview of Uganda's anti-corruption plans after participation in the World Bank program. The reforms from the action plan (middle column) were categorised into a number of priority areas, as specified in the World Bank program (left column). The right column reveals the substantive reforms. Those substantive reforms that were adopted without any perceived debate are referred to as *formalities*. The more controversial ones that were subjected to processes of decision-making are numbered #1, #2, etc. The decision-making on the numbered reforms will be described in section 3.8.3.

Table 3.8.2 Implementation of the World Bank program in Uganda's National Anti-Corruption Plans (1999-2000)

World Bank program priority areas	Intended reforms in National Action Plans	Reforms (1999-2001)
Area 1. Political will	a. Development of a Leadership Code which includes the prescription for ethical conduct	The Leadership Code was tabled for discussion in parliament Status: formality (2000) **#2.** Obligatory asset declaration for leaders Status: pending (2001)
Area 2. Diagnosing corruption and raising awareness	b. Civil society required to help raise awareness, particularly on the allocation of taxes	A number of awareness training courses were held by the DEI Status: formality (2000-1)
Area 3. Involvement of external stakeholders	c. More involved for civil society in exposing corruption and co-ordinating anti-corruption efforts	
Area 4. Anti-Corruption Agencies		The Inspector General of Government (IGG) Bill was tabled in Parliament Status: formality (2001) **# 5.** The independence of the Inspector General of Government (IGG), Uganda's official Anti-Corruption Agency Status: pending (2001)

Table 3.8.2 *(continued)*

Area 5. Rule of Law	a. Performance of a survey into the weaknesses of the judicial system	Begin recruitment and training of state attorneys and prosecutors Status: formality (2001) Computerisation of DPP offices completed documentation centre Status: formality (2001) A report on police corruption and a White Paper with recommendations were finalised. Status: formality (2001) Faster case handling was achieved, as well as a draft strategy for civil cases Status: formality (2001)
	b. An overall review of anti-corruption laws and institutions: IGG Bill and Auditor General Bill	The IGG Bill was tabled in Parliament Status: formality (2001) The Auditor General Independence Memo (draft Bill) was presented to the Cabinet Status: formality (2001) **#4.** The establishment of an independent Auditor General's office Status: pending (2001)
	c. Further strengthening of law enforcement organisations, e.g. police	A new integrated Plan of Action was launched (the GSPOA, June 2000)[53]. Four inter-agency meetings were held under the supervision of the DEI Status: formality (2000-1)

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[53] The aim of this plan was to build capacity for the co-ordination, planning, and monitoring of anti-corruption efforts; and to build ethics and integrity among Ugandans. The wider policy topics identified in this plan (Uganda Government 2000:ii) are very similar to the ones discussed in the World Bank course. However, planning and consultation were more extensive (civil society was to be involved more according to the plan) and a clear demarcation was made between preventive and reactive strategies (Uganda Government 2000:21)

Table 3.8.2 *(continued)*

Area 6. Financial Management	a. Transparency and accountability in all programs	Draft Public Finance and Accountability Act was drawn up Status: formality (2001)
		# 1. Keep certain expenditures classified? Status: pending (2001)
	b. Integration of all internal audit units within Government	
	c. Budgetary processes to obey rules of public expenditure management	A commitment control system on expenditures was introduced to projects in six different ministries Status: formality (2001)
	d. Development of tax reforms by Ministry of Finance and Uganda Revenue Authority (URA)	A new URA Code of Conduct was in draft stage Status: formality (2001)
	e. Support for the financial management reforms in the form of training and equipment and professional ethics	
	f. Establishment of an Evaluation Committee to be managed by professionals of integrity	
	g. Procurement: review of legal-institutional framework	A Procurement workshop was held Status: formality (2000) Draft procurement reform plans were gazetted Status: formality (2001)
Area 7. Civil Service Reform	a. Decentralisation and privatisation	Ongoing privatisation: divestment of public enterprises Status: formality (ongoing)
	b. Improvement of remuneration	**# 3.** Raising civil service wages Status: pending (2001)
	c. Redress for public complaints	
	d. Measures to protect whistleblowers	
	e. Ethics in the civil service	A number of civil service Codes of Ethics were developed Status: formality (2000)

Sources: World Bank (1999b:156-168); DEI Progress Report (Republic of Uganda 2000:16-27); Uganda's new integrated plan of action: GSPOA (2000); expert interviews (2001)

The lack of civil society participation was identified as a major shortcoming in Uganda's anti-corruption process (interviews, 2001). After Idi Amin's anti-democratic regime in the seventies, citizens felt discouraged to take part (WBI and TI 1997:8). To restore discussion between government and civil society, workshops were organised for the media and government public relation managers (interviews, 2001).

3.8.3 Anti-corruption reforms debated in Uganda

A number of anti-corruption reforms were found to be highly controversial and sensitive. None of these debates were followed by a policy decision (interviews, 2001)[54]. This can be ascribed in part to the parliamentary elections of June 2001.

#1. Keep certain expenditures classified? (pending 2001)
#2. Obligatory asset declaration for leaders (pending 2001)
#3. Raising civil service wages (pending 2001)
#4. The establishment of an independent Auditor General's office (pending 2001)
#5. The independence of the Inspector General of Government (IGG), the Anti-Corruption Agency (pending 2001)

After the Public Accounts Committee (PAC) scrutinised an Auditor General Report in 2001, the monitoring of classified government expenditures became an intensively debated reform. The Auditor asserted to be unable to audit this highly secure part of government expenditures, and so he proposed to do away with their classified character. The government was, however, reluctant to give up the classified expenditures (interviews, 2001). The newly elected parliament (June 2001) then initiated a debate on the issue in the context of the Finance Bill. The policy positions of civil society and parliamentarians remained unknown. Since the issue was not solved, the classified expenditures remained classified.

As in Tanzania, the proposal to sharpen the procedures for asset declaration for the Ugandan leaders was a highly controversial reform. Members of the government and a parliamentary minority were in favour of asset declaration, including the declaration of family possessions. Region leaders were however reluctant to declare their family assets. Civil society

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[54] Experts furthermore emphasised that the enabling law for procurement (a highly corrupt area in Uganda) reforms was still lacking. It is argued that, before procurement reforms can be adopted the two responsible institutions (Central Tender Board and the Count Commission) need to be independent.

and the donor community aimed to have *all* assets declared, not only to the system but also publicly, through the media. A parliamentary majority was opposed to asset declaration (interviews, 2001). The newly elected parliament, however, did not take a position on asset declaration, causing the reform to be kept pending.

An alleged core cause of corruption in Uganda is the low civil service wages. Before the start of the World Bank program, the Ministry of Finance enhanced the annual wage budget by ten percent, which is still below the official living wage. The government stated it could not further increase public sector wages, because of the lack of financial means. According to some, members of parliament pleaded harder for an increase in their own salaries than for those of the public sector (interviews, 2001). The donor community warned the government that salary increases are an important factor in reducing corruption. The strongest plea for raising wages in Uganda came from civil society[55].

Two related reforms arose within the frame of the institutional capacity problems related to curbing corruption in Uganda. The first concerns the independence of the Auditor General (AG)'s office. The anti-corruption institutions DEI and IGG wanted the Auditor's office to become more professional, by adopting standards similar to those of a private corporation[56]. The government remained silent on the issue. According to some, the government had calculated that independence for the AG would cost too much money and influence. The newly elected parliament did not take a position on the issue, causing the reform to remain pending.

The second institutional reform concerned the powers of the Inspector General of Government (IGG), Uganda's official Anti-Corruption Agency since 1998. A draft IGG Bill (put together by the IGG's office) contained the proposal to expand the IGG's scope of investigation by broadening the legal definition of corruption[57]. Although the interviewed experts acknowledged that this was a controversial reform issue, they were hesitant to report about the positions of the actors involved (interviews, September 2001). The draft IGG Bill remained pending after the first two readings in parliament. Newspapers reported that the government tried 'to tighten the IGG'.

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[55] Information on the precise percentages of the advocated wage raises by the various stakeholders could not be obtained from the expert interviews or desk research.

[56] Attracting professional staff was expected to be difficult under the low wage levels in the civil service (interviews, 2001).

[57] New Vision, December 2001.

Together with a parliamentary opposition, the media therewith supported the expansion of the IGG's powers[58].

3.9 Implementation and morticifation

This chapter offers a broad, descriptive overview of the 1999 World Bank's anti-corruption program in action in seven African countries. It reports on which parts of the World Bank program became incorporated in national anti-corruption policy. Subsequently, each country is dealt with and the specific reforms from their national action plans are shown that have been subject to a process of decision-making between (collective) actors from government, parliament, or civil society.

It requires mentioning that the anti-corruption plans and reforms might have been subjected to other influences than the World Bank program alone, for examples influence from other international programs, or national lobby groups. Since no control group was available, no causal relation can be claimed to exist between the World Bank program and the national anti-corruption policies described.

Table 3.9.1 offers a summary of *the extent* to which the World Bank program has been implemented in each of the seven African countries under study.

Table 3.9.1 Comparative summary of the implementation of the World Bank program in the seven African countries

Country	% of priority areas addressed	# intended reforms	# actual reforms (% of intended)	# debated reforms (% of actual reforms)	Proportion of debated reforms to formalities	# of decided reforms (% of debated reforms)
Bénin	43%	24	4 (17%)	3 (75%)	3/1	2 (67%)
Ethiopia	57%	22	11 (50%)	5 (45%)	5/6	5 (100%)
Ghana	57%	16	11 (69%)	6 (55%)	6/5	2 (33%)
Kenya	43%	14	21 (150%)	5 (24%)	5/16	3 (60%)
Malawi	14%	17	14 (82%)	4 (29%)	4/10	0 (0%)
Tanzania	29%	15	13 (87%)	5 (38%)	5/8	5 (100%)
Uganda	71%	18	17 (94%)	5 (29%)	5/12	0 (0%)
Average	45%	18	13 (72%)	4.7 (42%)	36%	2.4 (51.5%)

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[58] The media even reported that 'the President has set up a tribunal to remove the IGG' (New Vision, December 2001).

Overall, the table reveals a significant degree of *mortification* of the World Bank program during implementation in the seven African countries. In the first place, only parts of the program were incorporated in national action plans. In the second place, only parts of these action plans were seriously worked out. Overall, less than half of the priority areas recommended in the World Bank program were addressed in the national action plans against corruption. In each action plan, on average 18 reforms were intended, of which 13 (72%) were actually addressed by a formality or by a process of decision-making by 2001. Of the reforms that were actually addressed, on average 42% were subject to decision-making, while the remaining 58% were a formality. Finally, about half of the reforms that were subject to decision-making were actually decided upon by the time of the interviews (end 2001).

The table also reveals interesting *differences* between the seven African countries. For example, Kenya, Malawi and Uganda initiated relatively little decision-making in contrast to Bénin and Ghana, where the share of reforms subject to decision-making was high compared to the formalities. Moreover, Ethiopia and Tanzania reached a policy decision on each of the more controversial reforms that were addressed during decision-making. By contrast, in Malawi and Uganda, *all* of these reforms remained pending. In Kenya, Ghana and Bénin, some of these reforms were decided upon whereas other, controversial reforms remained pending.

Despite the high level of mortification, however, all national action plans incorporated at least some of the anti-corruption reforms recommended in the World Bank program. With regard to *bottom-up* reforms, the involvement of external stakeholders and the creation of political will received particular attention. Moreover, in five out of the seven countries (all except Malawi and Uganda), the role of civil society in the anti-corruption policy process was intensively debated. With regard to *top-down*, political-administrative reforms, particular attention was paid to the areas of financial management and procurement, and to the question of how much power the Anti-Corruption Bureau should receive. Part of these political-administrative reforms reached the stage of decision-making. Half of these debated reforms were concluded by a policy decision. Moreover, in some countries like Tanzania, these policy decisions seem to imply meaningful changes from the status quo at face value[59].

In sum, the national action plans seem to have offered a framework for anti-corruption policy debates. For example, Tanzania copied its action plan

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[59] As indicated in footnote 1, the extent to which policy decisions imply a change from the status quo (i.e. the 'level of reform') is considered in detail in chapter 7.

into an officially endorsed framework document that would remain in place for the years to follow (Tanzania Government 1999).

3.10 Conclusion

Much of the effect of the World Bank program had disappeared during the process of implementation in the seven African countries. Given this high rate of mortification, the question is: *why* investigate program implementation any further?

By investigating the *in-depth* processes of program implementation, more insight can be gained into *how* (through which steps) the program has or has not been implemented, leading to a better understanding of program implementation or the lack thereof. These in-depth processes are addressed in the following two chapters on Kenya and Tanzania (chapters 4 and 5). Here, a reconstruction is made of the *chain of events* between the time of the World Bank program (June-September 1999) and national reforms up to mid-2002. The focus is on the activities of the individual program participants. The findings from the case studies generated a first empirical test of the World Bank program theory that is reconstructed in chapter 2. What is more, the case study findings yield preliminary explanations for program implementation or the lack thereof. These preliminary explanations are further developed and tested in chapters 6 and 7.

Why study Kenya and Tanzania? The current chapter shows that a number of captivating differences exist between the anti-corruption processes of these two countries. In Tanzania, *all* anti-corruption reforms were resolved by policy decisions. In Kenya this varied: some reforms remained pending while other reforms were decided on. Secondly, at face value, all policy decisions in Tanzania reflected a high level of reform. In Kenya, this again varied substantially between the different policy decisions: some implied the maintenance of the status quo, while other decisions reflected a certain level of reform. Of all seven African countries in this study, Tanzania clearly ranks highest on the number of policy decisions as well as on the level of reform. The country's remarkably high scores in both respects require a closer look. Comparing Tanzania with a country in which *variance* exists in both respects is expected to generate the most insight. Reform *mechanisms* that may account for the differences *between* Kenya and Tanzania, as well as for the differences *within* a single country like Kenya can thereby be articulated.

Promoting anti-corruption reforms

Chapter 4. Reconstruction of program implementation. The case of Kenya

4.1 Introduction

This chapter contains the report of a field study on anti-corruption policy making in Kenya. It is the first of two comparative case studies, addressing the research question of *how* the World Bank program was implemented in Africa. The chapter on Kenya is followed by the field report on neighbour country Tanzania.

The first aim of the comparative case studies is to give a description of the implementation process of the World Bank's anti-corruption program. This entails a reconstruction of the chain of events from the individual participants in the World Bank course up to the actual policy decisions (cf. Yin 1994:118-119). The individual program participants were to help implement the program by lobbying for anti-corruption reforms. Hence, the reconstruction of events concentrates on *their* activities in terms of coalition building, agenda setting, and involvement in decision making.

The second aim of the comparative case studies is to assess to what extent the *anticipated* chain of events in the World Bank's program theory is confirmed by the practice in Kenya and Tanzania. In the program theory that is reconstructed in chapter 2, an anti-corruption process widely supported by society is expected to be achieved through the following chain of events. The program begins with (1) the empowerment of program participants through knowledge and contacts made during the courses, so that they can (2) build a wider anti-corruption coalition in their country. An important assumption behind this event is that the program participants have a sufficient network of social relations that they can build on. Subsequently, given (3) political will at the top (government, the president), initiatives by the program participants can (4) trickle down to society at large, resulting in a larger public awareness of the problem of corruption, and hence (5) the early involvement of civil society and other stakeholders in anti-corruption policy-making. If the empirical data from the two cases support this anticipated chain of events, a certain degree of causal effect of the World Bank program upon anti-corruption reforms can be claimed[1].

The third aim of the comparative case studies is to yield initial explanations for the varying (but often low) levels of program implementation across the seven African countries that participated in the

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[1] An additional merit of the comparative study of Kenya and Tanzania is that it helps determine the reliability of the data gathered for the cross-national part of this study (chapters 3 and 7).

World Bank program. After having reconstructed the events in two of these countries, potential mechanisms behind anti-corruption reforms can be identified (Pawson and Tilley 1997:11, 30; Yin 1994: 10, 30)[2]. The previous chapter shows that Kenya and Tanzania differ substantially in terms of the resolution of reforms. This difference could be related to variation in the political-administrative context of the countries[3]. Secondly, it could also be related to within-country mechanisms of policy making.

The focus in this chapter is on Kenya's anti-corruption policy process. Section 4.2 addresses the context of reform: a number of characteristics of Kenya's political–administrative system. Section 4.3 contains a historical description of initiatives in Kenya and the legal-institutional anti-corruption framework. Section 4.4 offers an assessment of the contributions by Kenya's program participants to the anti-corruption process from 1999 onwards. The decision-making in Kenya on substantive anti-corruption *issues* is looked at in section 4.5. In this chapter, the term 'issue' refers to the reforms that are partly described in the previous chapter. This is to emphasise the focus on the processes *behind* reforms. Section 4.6 offers a conclusion. The subsequent chapter on Tanzania consists of precisely the same structure, but concludes with a comparative analysis of the two countries.

4.2 Kenya's political-administrative context

Political competition and civil liberties
When Kenya became independence in 1963, its main sources of power were concentrated in the government and related institutions. The political regime in the country can be described as 'neo-patrimonial' (cf. Bratton and Van der Walle 1994). A neo-patrimonial regime is characterised by a concentration of power in presidential hands, systematic *patron-client* relationships[4]

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[2] Yin (1994:10, 30) argued that the purpose of case study research is not to generalise populations or universes and enumerate frequencies (statistical generalisation), but to expand and generalise theories: analytic generalisation. Other scholars argued that case studies *can* generate more general empirical statements, on the condition that it is explained how the cases relate to reality. For example, whether case studies only apply to a particular sub-group, or to the full population (Huberts and Kleinnijenhuis 1994:73-4).

[3] Kenya and Tanzania differ with regard to political and civil liberties (for more details, see section 5.7.1). However, on other fundamental system characteristics, Kenya and Tanzania are similar however. Both were independent by the beginning of the 1960's. The official languages of both countries are English and Kiswahili. Both are presidential democratic republics, and both have parliaments that are selected for a five-year term in single seat constituencies.

[4] The term 'patron-client' refers to personalistic types of rule where the exchange of personal benefits between leaders and followers overrides the distribution of public resources on the basis of formal rules and procedures. Bratton and Van der Walle (1994) argued that in Africa,

between leaders and followers, the extensive use of state resources in cementing these relationships, plus ensuring the enrichment of the elite (Bratton and Van der Walle 1994: 61-8).

Between its independence and the World Bank program in 1999, the Republic of Kenya was partly transformed into a democratic multi-party system (Steeves 1999). President Moi and his ruling party KANU had been in power since 1969. In 1992, after the first multi-party elections in 26 years, they remained in power. This happened after the National Assembly promptly amended the constitution to allow for multi-party elections[5]. Despite civil society's struggle for constitutional reforms, Moi continued his presidency in 1997. The KANU obtained a small majority in the new parliament, while the opposition was divided. By then, Kenya's polity was still characterised as a 'dominant party' weakened by the absence of an effective opposition and by tensions within the government (Freedom House 2000). The levels of political and civil liberties (including press freedom) in Kenya are low.

Corruption

For a number of subsequent years, Kenya ranked as one of the most corrupt countries in the world (Transparency International 2002)[6]. According to Transparency International's 'national chapter' in Kenya '[c]orruption in Kenya has reached endemic proportions, and poses a real and recognised threat to democracy, the rule of law, as well as economic and social development' (TI-Kenya 2002b:81)[7].

In March 1999, a survey was held on the practice and perception of corruption in Kenya, combining standardised questionnaires, key informant research, and qualitative focus group discussions (Sodnet 2000a)[8]. The

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these types of rule are creating types of political transitions that differ entirely from regimes in other parts of the world (see also Fatton jr., 1990).

[5] The opposition declared the elections invalid, because of gross procedural irregularities. By the beginning of 1992, two clear opposition parties had emerged: Mwai Kibaki's Democratic Party and Odinga's FORD. Several smaller parties were also registered, including the Social Democratic Party, the Kenya National Democratic Alliance, the People's Union of Justice and New Order and Islamic Party of Kenya.

[6] For the full rank ordering of countries see Transparency International's Corruption Perceptions Index (CPI): http://www.transparency.org/cpi/index.html#cpi (consulted February 2002).

[7] In 2002, a highly critical Risk Advisory Group Report emphasised that 'corruption in Kenya is endemic and threatens the basic structures of the state'. Remarkably, the report was issued under the flag of the Kenyan government (2002:2).

[8] During the time of this study corruption research was being conducted in Kenya by various research institutions and NGOs (e.g. African Centre for Economic Growth ACEG, Institute of Public Administration Research (IPAR), Kenya Institute of Public Policy Research and

survey was based on a stratified sample of 690 respondents to district, gender, religion, and social status. Sixty-six per cent of the respondents admitted to having paid a bribe at least once, to thirty-one per cent who stated they never had (Sodnet 2000a:6,12) [9].

The police and the judiciary were the most corrupt. Seventy-three per cent of the respondents believed the police to be the most corrupt. A small share of the bribes (17 %) was initiated by citizens, while the other share was demanded from them by police officers (Sodnet 2000a:45). In terms of corruption, the judiciary ranked closely behind the police (2000a:54)[10]. Two types of judicial corruption stand out (Mulei and Mullei 2000:115-6). First, there is the extraction of money to speed up cases. Prosecutors, clerks, and magistrates were believed to demand bribes in the majority of cases (Sodnet 2000a:56-57). Second, the judiciary are coerced to make decisions that favour the executive, powerful politicians, and the 'politically correct' (political corruption).

Other areas that were marked as corrupt were privatisation, procurement, taxes, and foreign aid (Mullei 2000). Moreover, over half of the respondents were unsatisfied with health services.

Box 4.1 The Kenya Urban Bribery Index

The Kenya Urban Bribery Index (KUBI) is based upon the *actual experience* of respondents with bribing (TI-Kenya 2002a). The KUBI, which runs from 0 to 100, is the unweighted average of six indicators, including bribe size and incidence, the prevalence (i.e. the percentage of population affected by bribery in an organisation), and the consequences of bribery in terms of service delivery and cost (2002a:4).

In line with the Sodnet's (2000a) survey, bribe incidence was found to be highest among the law enforcement institutions (police, judiciary, and prisons) where only one-fifth of the interactions did *not* involve bribing. The local authorities in Nairobi, Mombasa and other places were also perceived to be problematic. These institutions were followed by the employment sector, services, and business (TI-Kenya 2002a:8).

The average Kenyan urban citizen paid 16 bribes per month to both public and private institutions (2002a:10). Seventy per cent of these bribes were smaller than 12 US$. The bulk of the bribe money came from large bribes. Bribing in Kenya causes a tax burden of about 9 US-dollar (800 Kenyan shillings) per month per respondent.

Analaysis (KIPPRA), Centre for Governance and Development (CGD), Sodnet (Social Development Network) and various commercial research organisations.

[9] It remains unclear from the survey report to what extent these numbers are based upon perceptions, or rather, the actual experiences of the respondents.

[10] In a smaller survey involving 125 judicial officers (Mulei and Mullei 2000: 101-130), 61% reported to have personally encountered one or more incidents of corruption within the court system, including corruption among judges, magistrates, and support staff.

Box 4.1 *(coninued)*
By 2002, the top ten of organisations mostly affected by bribery according to the KUBI was as follows (rank numbers between brackets):

1. Kenya Police (69)
2. Ministry of Public Works (41)
3. Immigration Dept. (36)
4. Ministry of Lands (35)
5. Nairobi City Council (33)
6. Judiciary (32)
7. Mombasa Municipal Council (32)
8. Other Local Authorities (32)
9. Provincial Administration (30)
10. Prisons Department (29)
…
15. Kenya Revenue Authority (27)
16. Attorney-General's Chambers (26)
...
52. Central Bank of Kenya (0.2)

Source: Transparency International's Kenya chapter (2002a)[11]

The causes of police and judicial corruption are believed to be low salaries, the lack of professionalism, and moral decline[12]. Particularly the occurrence of delays would apparently cause citizens to use bribery and influence peddling (Sodnet 2000a:33).

Dependence on foreign aid
In the 1990's, foreign aid to Kenya was curtailed because of poor governance and mismanagement of funds (World Bank 2003)[13]. The IMF and the World Bank stopped supporting the country after the Goldenberg scam in 1997, when about 400 m. $US from public funds were unduly spent on premiums for the export of gold and diamonds.

Support to Kenya's good governance effort resumed in August 2000, with a loan approval of 150 m. US$ from the World Bank and 150 SDR from the IMF, both supporting the country's draft Poverty Reduction Strategy Paper (PRSP). The PRSP is a comprehensive framework for macro-economic, structural, and social policies to foster growth and reduce poverty (Republic of Kenya 2000, 2001). Another 25 m. US$ loan from the World

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[11] The KUBI is based upon 12 months of experience (from 2000 to March –April 2001) with bribery in six Kenyan urban areas among small enterprises, the corporate sector, and respondents from random street surveys (2002a:3-4).
[12] See also Mulei and Mullei (2000:114).
[13] See http://www.worldbank.org/ke/ke_ctry_brief.htm (consulted August 2003)

Bank covered a set of anti-corruption issues: public sector reform, financial management, auditing and accounting functions, legal sector reform, and procurement reform. Continuation of the World Bank's new support depended on the following political-administrative conditions: transparency and prudential oversight of government spending, budgeting (mid-term economic framework), retrenchment, and more ambitious privatisation. Within the anti-corruption policy framework, the IMF emphasised an effective code of ethics as well as sound legal-institutional arrangements.

By 1999, foreign aid to Kenya made up about 3 per cent of the country's Gross Domestic Product (UNDP 2001). Most technical assistance for good governance came from the World Bank Institute (WBI) and GTZ (the German foreign office) which was largely channelled through KACA, the Kenya Anti Corruption Authority. The largest grant came from The Netherlands.

4.3 Curbing corruption in Kenya: legal-institutional framework

This section offers an overview of the legal-institutional framework to curb corruption in Kenya, before the World Bank program of 1999. This framework constitutes the set of laws and institutions upon which the later anti-corruption reforms were to be based. As such, it forms the starting point of some of the highly controversial issues that came up in the frame of the World Bank program.

4.3.1 Historical background

The Prevention of Corruption Act (PCA) of 1956 (capital 65) represented the first milestone in Kenya's anti-corruption struggle. The PCA defined corruption as a criminal act, and specified the procedures for sanctioning and prosecuting. The enforcement of this act was the responsibility of the police. After some time, however, experts agreed that the PCA was not an effective anti-corruption law. The definition of corruption was judged inadequate because it was limited to public body members, and was unable to deal with economic crimes in general (TI-Kenya 2002b:83). After eight earlier amendments, Cap. 65 of the act allowed for increased criminal sanctions in 1999. This was done under pressure from the international donor community. From here on, a person who acts corruptly is liable to imprisonment for a period of five to fourteen years, and obliged to refund the injured party (Mulei and Mullei 2000:116). Moreover, this person cannot be elected or appointed to any public office for seven years after the date of conviction.

Ethical standards for public servants were adopted under the colonial administration and included in the Code of Regulations (e.g. UNDP-Africa 2001:36). Besides this code, which was revised in 1963, other pieces of legislation were enacted that covered public servants as well as the public. Other laws provide the ethical guidelines for members of various professional organisations. According to external observers, awareness of these laws was lacking among public servants and the guidance they received was seriously flawed (UNDP-Africa 2001:39).

In 1993, an Anti-Corruption Squad was established: a separate investigative unit within the police. This squad was the first in a series of specialist anti-corruption institutions created by statute (TI-Kenya 2002b:83). The squad, however, did not arrest any high-level officials apart from those arrested during a countrywide crackdown on corruption in the police. Even worse, its officers were accused of accepting bribes. After the squad's registry was destroyed by a suspicious fire, it was disbanded in 1995 (TI-Kenya 2002b:84; Mutonyi 2002:30).

After renewed foreign pressure by the World Bank and the IMF in particular, anti-corruption legislation underwent a new amendment in 1997. This time, the Kenya Anti-Corruption Authority (KACA) was established as a body corporate by parliamentary consent. KACA comprised a director, three assistant directors, and an advisory board[14]. KACA's first director was John Mwau, a former policeman and former presidential candidate. The public questioned the director's integrity and qualifications to varying degrees (Mutonyi 2002:30). By March 1998, KACA had obtained various basic facilities[15].

A fifteen-member parliamentary Select Committee on Anti-Corruption was established on July 8, 1998. Its mandate was to investigate causes of corruption and identify its perpetrators and beneficiaries through a motion moved by the opposition (Mutonyi 2002:35). This culminated in the List of Shame Bill of 2000, in which the names of high-level officials were revealed

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[14] The advisory board advised the president of Kenya on who should be appointed director or sub-director of KACA. The board also advised KACA on the exercise of its powers and the performance of its functions under the Prevention of Corruption Act. The board consisted of seven members who were appointed by the president. The term 'another person or authority' within Section 26 of the Constitution of Kenya refers to KACA's advisory board (TI-Kenya 2002b:32).

[15] The director received from the government: 31 million Kenyan Shillings for funding (about 315.000 US$) for the first few months, 18 administrative staff members headed by a Deputy Secretary, six vehicles and three rooms. In May 1998, 22 police officers, led by a senior assistant commissioner of police were seconded to KACA. At the same time KACA advertised a number of vacancies for Information Agents.

who were allegedly corrupt. This specific issue is described later in this chapter.

The roots of the highly debated issue of whether KACA can independently prosecute corruption can be found in July 1998. KACA director Mwau had started prosecuting four top officials and eleven others, among which the ministry of finance for the disappearance of about 2.5 m. US$ tax money from wheat and sugar imports. Mwau did this *without* consulting the Attorney-General (AG), which is against the Corrupt Practices Act (Mutonyi 2002:30). The Minister of Finance interpreted Mwau's prosecution as a witch-hunt and threatened to resign (TI-Kenya 2002b:84; Mutonyi 2002:30). The president suspended Mwau from office and appointed a judicial tribunal to inspect the 'proper performance of the functions of the Director of KACA' (TI-Kenya 2002b:6). The tribunal found Mwau to be incompetent. Mwau's immediate successor, advisory board member and Solicitor General, Justice Ringera, witnessed the trial. By October 1998, Mwau had resigned as Director of KACA and was quickly followed by the KACA advisory board.

In January 1999, a new advisory board for KACA was formed, comprising nominees of religious bodies, professional associations, and private sector lobbies (TI-Kenya 2002b:85). In June 1999, this board appointed Ringera as the new director. Kenya's Law Society and Mwau legally opposed this appointment[16]. Ringera survived the claim, but undertook no steps to regularise his position. This would become a source of later problems, as is explained later in this chapter. By May 1999 KACA's four assistant directors of investigations, finance, operations, and prosecutions were appointed. Under Ringera, the anti-corruption authority developed operational independence: staff, systems, procedures, and organisational policies (2002b:85). Between November 1999 and June 2000, KACA received over 2400 complaints and screened 978 cases, of which 156 were investigated and 14 were brought to court. In March 2000, this resulted in the first successful corruption conviction (TI-Kenya 2002b:85; Mutonyi 2002:31).

4.3.2 Legal-institutional anti-corruption framework

A concise overview is given below of the legal-institutional anti-corruption framework in Kenya by the beginning of the World Bank program, in June 1999.

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[16] Mwau stated that appointing a high court judge to head the anti-corruption body (KACA) with investigative and prosecution powers offended the doctrine of the separation of powers (TI-Kenya 2002b:85).

The final amendment to the Prevention of Corruption Act took place in 1998 (Prevention of Corruption Act, Cap. 65). By 1999, the act included the definition of corruption in the public domain [17] and the consequent sanctions, as well as the demarcation of the authority of the involved institutions, e.g. who should investigate, who should prosecute (sections 10 through 12). The functions of KACA under Section 11 (3) of the Prevention of Corruption Act were as follows:

- To take necessary measures for the prevention of corruption in the public, parastatal and private sectors;
- To investigate all violations under the PCA and all other offences involving corrupt transactions; including the investigation of any bank, share, or purchase accounts of any suspected person or his trustees;
- To, subject to the directions and consent of the Attorney-General, prosecute for offences under the PCA and other offences involving corrupt transactions;
- To advise the government of Kenya and the parastatals on means of preventing corruption;
- To enlist members of the public in fighting corruption by the use of education and outreach programmes (Mulei and Mullei 2000:116; Mutonyi 2002:32).

KACA was responsible for the co-ordination and overview of the National Action Plan, including the involvement of various stakeholders from within society. However, before KACA could prosecute, it needed a written consent from the Attorney-General. Some perceived this as an institutional obstacle to its operation (interviews, 2001-2; Mulei and Mullei 2000:117) [18]. A second perceived hurdle was the lack of legal whistleblower protection in the PCA. This would squelch claims of corruption (2000:117) [19].

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[17] Corruption in the public body (Cap. 65, section 3 (1, 2)) includes the offering or giving, and (intended) receiving of 'any gift, loan, fee, reward, consideration or advantage whatever, as an inducement to, or reward for, or otherwise on account of, any member, officer or servant of a public body doing, or forbearing to do, or having done or forborne to do, anything in respect of any matter of transaction whatsoever, actual or proposed or likely to take place, in which the public body is concerned ...' (Republic of Kenya 1998). The width of this legal definition has been subject to discussion.

[18] Apart from the delays, some even argue that the Attorney-General would be too closely related to the executive part of government to independently decide whether or not to prosecute (interviews, June 2002).

[19] See Prevention of Corruption Act Cap. 65 section 12: 'People who make wrong corruption allegations shall be liable to imprisonment for a term not exceeding five years'.

4.4 The Kenyan program participants: their relations and contributions to anti-corruption reforms

This section contains an assessment of the contributions of the Kenyan program participants to the anti-corruption process in their country. In Washington DC in June 1999, six Kenyans participated in the World Bank course and constructed the first national action plan of anti-corruption reforms. They were expected to elaborate and implement this plan by lobbying to get anti-corruption issues on the public agenda and the formal decision-making agenda. The question is whether the program participants actually *did* develop and sustain the intended courses of action after their return to Kenya. Did they involve others in the anti-corruption struggle or deploy other initiatives, as intended by the World Bank program? Moreover, to what extent did their initiatives contribute to the process of agenda-setting and decision-making?

First, an inventory is made of the structural relations of the program participants with others involved in the process. This is done because an important assumption in the World Bank's program theory is that the program participants require a sufficient network of social relations to build a coalition of reform-oriented actors and to exert influence (cf. Granovetter 1973; Burt 1982, 1992; Shoemaker and Rogers 1971; Ibarra 1993; Rogers 1995). Subsequently, the contributions by the program participants to Kenya's anti-corruption policy process are assessed.

Method
Each program participant was asked to co-operate in an interview to assess their (a) network of relations with other (collective) actors involved in anti-corruption reforms and (b) their contributions after the World Bank courses. In the end, five out of the six program participants were interviewed[20]. The following types of interview questions on the network of the program participants were posed: (1) which persons were *structurally* contacted prior to, as well as after the World Bank programme, for advice and information regarding anti-corruption reforms, and (2) who is structurally contacted for trustworthy and confidential information? In turn, the program participants

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[20] The log of interviews with the program participants is included in Appendix II. Unfortunately, one program participant was not available for answering interview questions, neither during the field study, nor by telephone after the field study.

were also asked who contacted *them* (cf. Torenvlied and Van Schuur 1994)[21].

    With regard to their contributions to anti-corruption policy making in Kenya, the program participants were asked about their (a) coalition building efforts and other initiatives, (b) impact on the agenda of anti-corruption reforms, and (c) involvement in processes of decision-making on substantive anti-corruption issues.

4.4.1 Mutual relations of the program participants in the anti-corruption network

As explained in chapter 2, the participants of the World Bank program had been short-listed on the basis of their commitment and capacity to contribute to the fight against corruption. An important selection criterion was their ability to mobilise a network of actors.

    Figure 4.1 shows how the five Kenyan program participants are related to other (collective) actors involved in anti-corruption policy-making such as the government, parliament, or civil society[22]. These other actors are collectively called the 'anti-corruption network' (cf. Laumann and Pappi 1973; Kenis and Schneider 1991; Knoke *et al.* 1996)[23]. The total number of information-exchange relations between the program participants and these actors are presented between brackets, while the number of *trust* relations (part of the total) are highlighted underneath. For example, the group of program participants upheld twenty-nine mutual relations with actors inside the government, of which only two implied mutual trust.

    Practically all relations reported by the individual program participants were mutual (interviews, July 2002). The program participants' *type* of network relations seemed to be associated with their formal position in society. Program participants from civil society reported to be most closely related with organisations from *outside* the government, like NGOs and research institutes.

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[21] The exact questionnaire is included in Appendix I. The same questionnaire was applied to Tanzania, with slightly modified list of involved actors (organisations).
[22] The focus of measurement regarded the relations between *each individual* program participant and other actors in the anti-corruption network (i.e. ego-centred networks). To obtain the total of relations between the *group* of program participants and other actors, as in Figure 4.1, the individual relations were added.
[23] The term 'anti-corruption network' refers to *all* actors involved in activities related to anti-corruption reforms, regardless of their positions: not only reform-oriented actors, but also actors who aim to maintain the status quo. The relations *between the latter actors* and the anti-corruption network were not measured and therefore not shown.

Figure 4.1 Relations of the Kenyan program participants in the anti-corruption network

Parliament (16)
trust (5)

Government and executive (29)
trust (2)

KACA (21)
trust (10)

Donor community (25)
trust (2)

Group of program participants (tightly connected)

Civil society (16)
trust (5)

Judiciary (1)

Media (9)
trust (6)

Private sector (8)
trust (3)
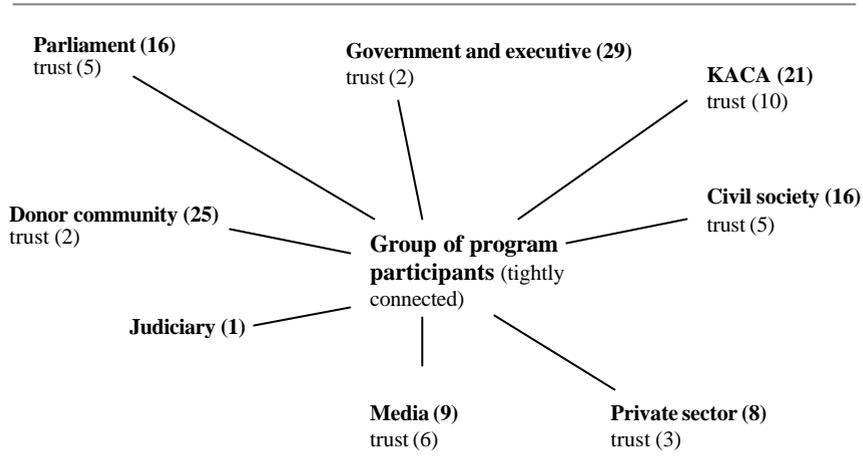
Sources: interviews among five (out of six) program participants (July 2002)

By contrast, most of the governmental program participants' relations were from inside top-level institutions, like the executive and parliament. The relations of the program participants are related to their contributions in the anti-corruption policy process below.

4.4.2 Coalition building, agenda setting and involvement in decision-making

Coalition-building efforts
Before going into policy-making, the World Bank program expects the program participants to assist in the building of a coalition of actors who aim to curb corruption. According to the World Bank Institute, this would give reform-oriented actors more weight in the anti-corruption policy process (cf. World Bank 1999a,b).

After 1999, the diverse group of governmental and civil society program participants remained in touch through the Anti-Corruption Steering Committee. This committee facilitated the debate between civil society and the government, at least until December 22, 2000. Up to then, the program participants from the media and civil society depended on KACA to channel their initiatives. The anti-corruption agency had grown to become the main support-mobilising anti-corruption institution (interviews 2001, 2002). However, KACA was declared void and with its demise, civil society had

lost its most important voice mechanism, making the long-term success of its initiatives highly uncertain (interviews, July 2002)[24].

Nonetheless, between 2000 and 2002, TI-Kenya, Transparency International's 'chapter' in Kenya had come to the forefront as an important monitoring organ. It measured urban bribery and monitored and evaluated Kenya's anti-corruption policy on a continuous basis between 2000 and 2002 (interviews, July 2002; TI-Kenya 2002a,b).

With the support of TI-Kenya, a number of new coalition-building successes were obtained. In October 2001, at an international anti-corruption conference in Prague, a more sustainable anti-corruption coalition was formed between two program participants from civil society, other stakeholders, and the Attorney-General. Many saw this as a new upsurge of mutual trust between government and society (interviews, July 2002). Another achievement is that all interviewed program participants became closely related with the anti-corruption parliamentary caucus APNAC, which gained momentum after 2000.

The total of initiatives

In total, the Kenyan program participants developed almost forty anti-corruption initiatives, of which about fifteen were still sustained by mid-2002. The categories of activity shown below characterise the initiatives of the program participants in Kenya (interviews, July 2002) between 1999 and 2002.

Table 4.1 Initiatives by the program participants

Initiatives	Results by July 2002
Getting NGOs and the media involved in the anti-corruption struggle	Initiative was weakened after the demise of KACA (December 2000)
Development of a public sector Ethics Handbook for all ministries and departments	Adopted in 2002
Compilation of corruption surveys and policy monitoring Organisation of workshops and training courses	Sustained, mostly by TI-Kenya
Involvement in the preparation of KACA's National Action Plan (2000)	Initiative became pending after the demise of KACA (December 2000)
Involvement in preparation of Anti-Corruption Bills. For example, legal framework, public sector and leadership ethics	Initiative became pending after the demise of KACA (December 2000)

Source: interviews with Kenyan program participants. Nairobi, July 2002

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[24] In section 4.5, the demise of KACA is addressed in detail.

Each individual program participant reported about ten initiatives in the above categories (interviews, July 2002). Nevertheless, clear differences were observed in the *types* of initiatives undertaken. Some program participants developed ongoing anti-corruption initiatives that were sustained even after the demise of KACA. These initiatives often regarded the national anti-corruption *policy agenda*: those issues on which concrete reforms were being developed (such as law proposals). Other program participants only focussed on the public agenda: issues that receive the attention of the wider public and the media (cf. Kingdon 1995:197-205).

The types of initiatives were strongly associated with the program participants' formal anti-corruption position in society: government officials focused upon programmes in the civil service, media trainers focused upon media-related anti-corruption issues, whereas civil society members were mainly occupied with involving the grass-root organisations.

Contributions to the anti-corruption agenda

Tracing back *which* of the initiatives of the program participants contributed to the national anti-corruption agenda turned out to be problematic for two reasons. First, the program participants were often unable to estimate or predict the impact of their individual or joint initiatives (interviews, July 2002). Often, others joined in or took over, or policy processes were delayed or modified to such a degree that the program participant's contributions were not traceable. Second, many anti-corruption initiatives were frozen after the demise of KACA at the end of 2000. This made it doubtful whether the contributions of the program participants (such as contributions to the KACA-2000 plan) would bear fruit on the longer term. For an equal comparison of Kenya with Tanzania, these initiatives are nonetheless included.

Table 4.2 presents the agenda-issues to which the interviewed program participants claimed to have contributed between 1999 and 2002.

Table 4.2 Contributions to (a) the public and (b) the policy agenda

Public agenda (media, civil society)	Results by July 2002
Initiation of a debate on KACA's prosecution powers and its position in the constitution (2001)	Pending after the demise of KACA (December 2000)
Publication of corruption survey outcomes (1999, 2002), together with ongoing awareness raising among citizens on the government budget	Completed by Sodnet / TI-Kenya. Ongoing
Contributions to workshops (2000-2001) in which key anti-corruption issues were debated: legal framework, amnesty issue, and awareness raising.	Completed by TI-Kenya

Table 4.2 *(continued)*

Policy agenda (policy proposals, e.g. laws and regulations)	Results by July 2002
Technical input in the Ethics Bill and the Attorney-General Bill	Pending
Direct or indirect input in KACA 2000 plan, through steering committee or individually/organisation (all program participants)	Pending after the demise of KACA (December 2000)
Initiation of a debate on how to move on after the disbanding of KACA (2001)	Completed 2001. Followed up by TI-Kenya
Initiation of a debate on how to deal with amnesty for past corruption (2001)	Followed up by TI-Kenya
Input in the new Anti-Corruption and Economic Crimes Bill (2001-2002), drafting the legal-institutional anti-corruption framework	Pending after the demise of KACA (December 2000)
Contribution to the Prague Conference resulting in a co-operation statement between various organisations, including government	Allegedly resulted in a renewed policy dialogue between NGOs and government
Developing and implementing an Ethics Handbook for the public sector.	Completed and issued mid-2002

Source: interviews with Kenyan program participants, Nairobi, July 2002

Some of these issues are addressed in chapter 3, while other issues are described more elaborately in the next section.

Involvement in decision-making
Between 1999 and 2002, the group of Kenyan program participants became involved in the decision-making on a number of issues, as shown in Table 4.3. Some of these issues have been described in chapter 3, while a number of others are addressed in the next section.

  For two reasons, the contribution to the final decisions by the program participants could not be (accurately) estimated. Few decisions were made because many issues remained pending. And in the few cases in which a decision *was* formally made, the program participants were unable to trace back their impact on the decision. Therefore, the analyses in the next sub-section are limited to the *involvement* of the program participants in decision-making.

Table 4.3 Decision-making involvement

Involvement	Results by July 2002
Input and decision-making influence in KACA's nation-wide Anti-Corruption Plan (1999-2000)	Pending
Technical preparation of Attorney-General (AG) Bill (1999-2000) on the demarcation of the functions of the AG	Unknown
Technical preparation Code of Conduct and Ethics Bill (1999-2000) to enhance integrity among parliamentarians and within the public service	Rejected
Input in List of Shame (a list of corrupt top officials) through the leader of the Parliamentary Anti-Corruption Committee (2000)	Partly rejected
Information channelling for the Amnesty Bill (2001) on how to deal with past corruption	Rejected
Technical advice for the AG regarding the Anti-Corruption and Economic Crimes Bill (on the legal-institutional framework) (2001)	Rejected, pending
Technical advice for the AG on the Corruption Control Bill (2002), the successor of the Anti-Corruption and Economic Crimes Bill.	Rejected, pending
Explicit position on the Constitutional Bill (2001-2002), which aimed to legally entrench KACA in Kenya's constitution	Rejected
Plea among the AG to remove the Amnesty Clause from AC& EC Bill (2001)	Pending
Explicit position to enhance parliamentary control over the AG (2001-2002)	Pending
Pre-decision making on Anti-Corruption and Economic Crimes Bill and trust-building inside Kenyan delegation to anti-corruption conference	Views were taken into account in new draft legislation (2001-2002)
Introduced an Ethics Source Book for the public service (2002).	Adopted

Source: interviews with Kenyan program participants. Nairobi, July 2002

The program participants' perceptions of the impact of the World Bank by on Kenya's anti-corruption process is summarised in Box 4.2.

Box 4.2 The impact of the World Bank program according to the program participants (1999-2002)

According to the program participants, what were the merits of the World Bank's anti-corruption program with respect to Kenya's anti-corruption process? [25] Each program participant emphasised the virtues of the Course with regard to the coalition-building between civil society and the government (interviews April 2001, July 2002). Moreover, the lessons drawn from the course contents by the program participants would have brought about a more focussed and integrated draft Anti-Corruption Plan (KACA 2000). Finally, the new coalition between civil society and the government that was formed during the Prague conference (October, 2001) was viewed as a delayed effect of the World Bank course.

    However, it was estimated that many reforms and coalition-building successes would also have taken place without the World Bank program. In part, this was ascribed to the many *other* bilateral donors' programs introduced in Kenya (interviews, July 2002). Moreover, a number of trust relations were reported to exist *prior to* the World Bank course for example, between the Institute of Economic Affairs and TI-Kenya, and between KACA and the NGO sector.

A perceived drawback of the World Bank program was the lack of follow-up activities, particularly for civil society.

4.4.3 Do personal relations matter?

One of the assumptions in the World Bank program is that program participants require a network of sufficient social relations in order to exert influence in their country's anti-corruption process. To verify this assumption, it was assessed whether a program participant's personal network actually did affect their contributions.

Coalition building
Most of the coalition-building successes that were obtained after 2000 (initiation of debates, lobbies inside the government, and co-operation with a parliamentary anti-corruption group) can be related to the initiatives of one program participant from the NGO sector. This participant held relations of trust with *powerful* actors in parliament, the government, and the donor community.

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[25] To ask program participants directly about the merits of a program is a very rough approach that can suffer from subjective bias. To illustrate this problem, Bleek (1987) described how informants tried to hide sensitive and personal problems by deliberately giving wrong information. Nevertheless, an impression of how the program participants perceive the World Bank program may help to put other findings into perspective.

Initiatives
Between the interviewed Kenyan program participants, no differences were observed in the number of initiatives they undertook. Nevertheless, some of the program participants developed mostly ongoing anti-corruption initiatives that were sustained even after the demise of KACA. These initiatives also regarded the national anti-corruption *policy agenda*. As it turned out, these program participants held many, and widely dispersed relations in the anti-corruption network. The other program participants mainly exerted a background influence.

Contributions to the anti-corruption agenda
The program participants' formal positions in society did not seem to affect their contributions.

One single NGO representative accounted for the vast majority of the aforementioned contributions to the agenda, including the national *policy* agenda. This was done by feeding into the national policy debate through policy proposals and workshops. This program participant was the most influential of them all and turned out to uphold by far the highest number of mutual network relations in the anti-corruption network.

A second program participant exerted influence in line with his official mandate to get one specific sub-area of anti-corruption reforms on the agenda. The relations of this program participant were concentrated within the government.

The contributions by two other NGO program participants remained confined to providing expertise to key organisations such as KACA or TI-Kenya, or by triggering public debates through the media, or publishing corruption surveys. The relations of these program participants were less in number and more narrowly distributed. Their impact significantly *declined* after the demise of KACA (interviews, July 2002).

The final participant, from the government, independently developed and implemented a guide for public sector ethics (2002). His relations were concentrated in the government and the donor community.

In conclusion, a higher number of personal relations in the anti-corruption network *did* seem to enhance the contributions by the participants to the agenda. Another remarkable observation is that the two program participants who contributed most held relations of trust with *powerful* actors in parliament, the government, and the donor community. The *reform-oriented* among these actors (the Attorney-General and the head of the public service) would also have been particularly helpful in getting new anti-corruption issues on the agenda (interviews, July 2002).

Involvement in decision-making
With regard to the involvement of the program participants in decision-making, similar observations were made. The NGO participant who contributed most to the policy agenda was also most frequently involved in decision-making. Another participant, whose network was strongly concentrated in the government, accounted for the launch of a public sector ethics programme (interviews, July 2002).

In conclusion
Many and widely spread structural relations in the anti-corruption network seem to have enlarged the contributions by program participants to agenda setting and decision making. In addition, a relation of trust with specific powerful and reform-oriented actors like the Attorney-General and the head of the public service seemed to have made a difference. These preliminary findings corroborate the World Bank's assumption that program participants require a network of personal relations to build a wider anti-corruption coalition and to exert influence.

4.5 Decision-making for reforms

This section offers a detailed account of the anti-corruption decision-making processes in Kenya after 1999. For this purpose, the policy positions and power of the involved actors were reconstructed on a number of substantive issues. *Which* of the debated issues precisely resulted from Kenya's participation in the World Bank program is difficult to trace. Rather, the in-depth descriptions in this section ought to shed light on the various *mechanisms* that may explain for (the lack of) anti-corruption reforms.

Method of measurement
During a field study of in total three weeks (one week in December 2000 and two in July 2002), more than twenty experts were interviewed with regard to the decision-making on anti-corruption reforms in Kenya. In addition, a large number of policy documents were gathered and analysed on the issues debated and the positions of the involved actors.

The experts were selected on the basis of their relative independence from the process. In addition, they had to be knowledgeable and willing to openly express their perceptions. A significant part of the interviewed experts consists of the program participants, who were also interviewed about general features of decision-making. Appendix 4.1 presents an overview of the interviewed experts and program participants.

The experts were asked to provide well-founded estimations of the most salient issues debated, of the involved actors' policy positions in decision-making, and, if applicable, of the final policy decisions[26]. A more extensive account of the method of expert selection and interviewing is offered in chapter 7 (section 7.2). Chapter 7 is about measuring the decision-making processes in all seven African countries.

4.5.1 The issues after 1999

In 2000, the first plans from the World Bank courses were processed further into a comprehensive Anti-Corruption Plan by the Kenyan anti-corruption authority (KACA), which gained a respectable amount of societal support. The plan was debated by a large number of actors in a special anti-corruption symposium, held in November 2000 in Nairobi. It emphasised the role of KACA in spearheading the preparation of a national strategy against corruption (KACA 2000). However, a specifically assigned expert group criticised the new plan for its lack of prioritisation (Kenya Gvt. 2002:59).

Figure 4.2 Institutional framework to implement the National Action Plan (KACA 2000)

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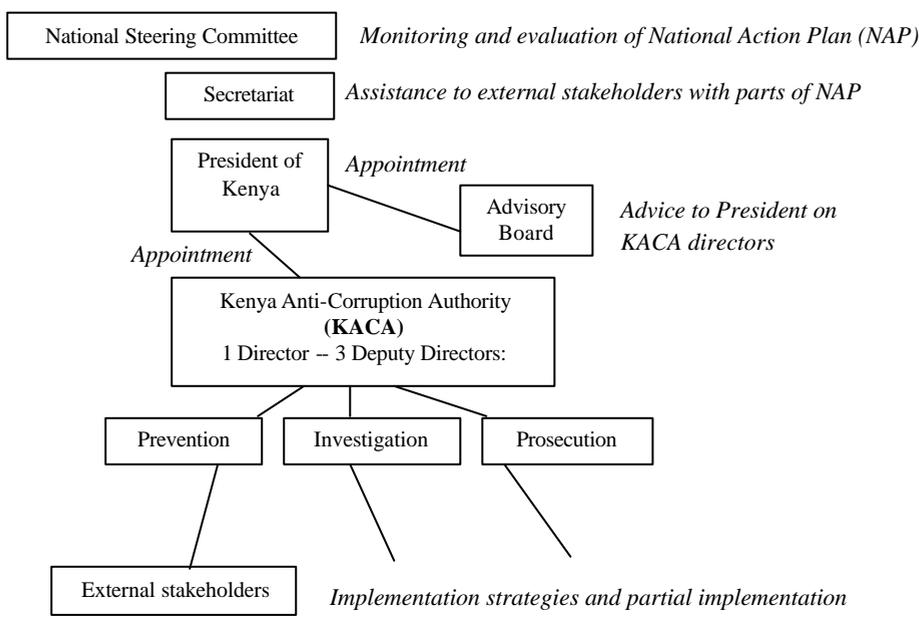
[26] The same method was applied in Tanzania (see chapter 5).

Kenya's new action plan (KACA 2000) contained two new priority areas: strengthening the *political will* to curb corruption, and *autonomy of anti-corruption enforcement agencies*. Exactly these two priority areas characterise the most controversial issue in Kenya after 1999: the problem to obtain an independent and well-functioning anti-corruption agency. The demarcation of KACA's prosecution powers already caused a number of problems during the 1990's, resulting in the breakdown of a number of earlier anti-corruption agencies. This was widely ascribed to the fact that the government loathed any interference with its existing legal powers (interviews, July 2002).

Most of the anti-corruption issues were debated in the frame of the 2000 KACA plan. They are summarised in Box 4.3.

Box 4.3 Controversial issues in Kenya after 1999	
December, 2000	To what extent is KACA constitutional?
2000-2001	The Anti-Corruption and Economic Crimes Bill: an ever-pending issue
2000-2001	To what degree should leaders declare their private assets? The Code of Conduct and Ethics Bill
July, 2001	Should perpetrators of corruption from the past be exempted fromprosecution? The Amnesty Clause as an obstacle to decision-making
August, 2001	The Constitutional Amendment Bill: a panacea for all issues?

The political controversies illustrate that conflicts of power and interests continued to characterise Kenya's national anti-corruption policy debate, despite the many and extensive plans issued on paper (cf. KACA 2000; interviews July 2001, 2002).

The descriptions of decision-making in this section surpass the descriptions in chapter 3. An in-depth analysis is offered of the *backgrounds of* the policy positions of the various involved actors. For example, local experts ascribed the void-declaration of KACA to the fear among powerful incumbents that the anti-corruption agency would decrease their power.

4.5.2 The demise of Kenya's anti-corruption agency (KACA)

KACA was declared 'unconstitutional' on December 22, 2000 (TI-Kenya 2001a, 2001b:6, 85). This decision resulted from the initiative of two public officials who were arrested for corruption, Gachiengo and Kahuria. They argued that by prosecuting, KACA was usurping the powers of the Attorney-General and the Commissioner of Police. These institutions have the constitutional mandate to prosecute offences under the Penal Code, and

hence KACA would be contravening section 26 of the Constitution. The two officials furthermore argued that by appointing a judge, the KACA's director had contravened the principle of separation of powers, the judicial custom and tradition, and is repugnant to justice and morality (TI-Kenya 2002b:85). In response, KACA opposed that a complete separation of powers had never been achieved in Kenya (2002b:24, 86)[27]. The Constitutional Court nevertheless awarded Gachiengo's and Kahuria's claim. The whole of KACA was declared unconstitutional and its operations were halted.

An advisory group of experts openly criticised the fact that the Court declared *the whole of* KACA unconstitutional (Kenya Government 2002:4). They argued that the Court should have looked at the public good (fighting corruption), given the fact that the conventional law enforcement mechanisms were unable to do so (TI-Kenya 2002b:86; interviews, July 2002)[28]. It was widely believed that the government used the judiciary to stifle KACA, after the agency had expanded its investigating and prosecuting activities[29]. The advisory group even mentioned an 'unwritten pact between civil servants, the police and the judiciary for mutual protection in the event of any conviction of corruption' (Kenya Government 2002:15, 41).

The Attorney-General (AG) respected the Court's ruling, but asserted that he would continue all KACA prosecutions pending in Court, as well as the investigations and other functions of the Authority (TI- Kenya 2002b:87; interviews, July 2002). Moreover, he set in motion the drafting of new legislation to restore KACA[30].

This extensive version of the debate is in line with the more concise descriptions in chapter 3 that are based upon long-distance interviews.

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[27] For example, the fact that the KACA director was also part of the Solicitor-General's office was never contested (TI-Kenya 2002b:33).

[28] A legal argument that was used is based up on Section 3 of the Constitution, stating that law shall be void *to the extent of the inconsistency*. This would imply that only those sections of the PCA (Cap. 65) that contravened the Constitution of Kenya, i.e. 11B(3) b, d, e and f should have struck down (TI-Kenya 2002b:33). The Court, however, did not isolate the inconsistencies from the valid legislation (TI-Kenya 2002b:86).

[29] In a similar case of November 2001, the Constitutional Court ruled that the prosecution of allegedly corrupt Kipng'eno Arap Ng'enyi was oppressive because it conflicted with his constitutional rights under section 77. The court asserted that this was due to a nine-year delay between the charges and the initiation of the prosecution in April 2001. Legal experts interpreted this ruling as a 'departure from a century's jurisprudence and as yet another example of judicial action running counter to the policy of anti-corruption reform ... .' (TI-Kenya 2002b:89; interview, July 2002).

[30] However, the AG submitted no appeal to fight the Court's decision (interviews, July 2002; see also Kenya Government 2002:4).

The intermediate solution

By August 2001, President Moi, by executive order, created an anti-corruption police unit (ACPU) within the Kenyan police force to take over all 132 KACA files and continue the fight against corruption. The ACPU was presented as an emergency solution, until new anti-corruption legislation was set in place (interviews, July 2002). It was furthermore announced that the government would continue to engage with the IMF in order to receive 21 million US$ in financial aid (TI-Kenya 2002b:7, 89). The ACPU was given tasks highly similar to KACA. Only it did not receive its prosecution powers (Kenya Government 2002:31). Because the ACPU is part of the police, its investigation and prosecution activities became the responsibility of the Attorney-General, who is a member of the executive.

Many criticised the ACPU for being 'fake' and a 'vagary of the system', resulting from the government's eagerness to obtain foreign aid (interviews, July 2002). A number of flaws were identified. First, the unit was suspected of politicisation (Kenya Government 2002). Its head is accountable to the Attorney-General, whereas the previous KACA director reported to the head of the civil service, who was known for his commitment to fighting corruption (interview, July 2002). Second, various civil society experts perceived the ACPU as a typical police organ, inaccessible for the public (interviews, July 2002; Kenya Government 2002:4). The police were perceived as the most corrupt institution in Kenya. The ACPU was also perceived as a weak institution in itself. Its salaries had dropped due to the limiting of foreign aid and its new police status. As a consequence, the ACPU lost much of the former KACA staff (interviews, July 2002).

4.5.3 Other controversial legal-political issues

After the demise of KACA, Kenya's national action plan (2000) was frozen in the wait of a proper new institutional anti-corruption framework. While setting up this new framework, a number of highly controversial issues arose (interviews, July 2002). The decision-making on these issues was characterised by hesitance and delay. Practically each issue remained pending or was suspended.

The Anti-Corruption and Economic Crimes Bill

The Anti-Corruption and Economic Crimes Bill provided for a new legal-institutional anti-corruption framework in Kenya (Republic of Kenya, 2000). The bill contained a number of salient anti-corruption issues: the legal definition of corruption, the prosecution powers of the Anti-corruption Authority (KACA), the official establishment of the Parliamentary Anti-

corruption Committee and a special Court[31]. Furthermore, the bill encompassed whistleblower legislation and evidence rules for corruption cases.

The first draft of the Anti-Corruption and Economic Crimes Bill was completed by August 2000 (TI-Kenya 2002b:88). After the demise of KACA, a revised bill was initiated, shelved and re-drafted. The parliamentary debate was postponed twice because opposition parties rejected the bill due to alleged flaws (East African Standard, February 12, 2002; interviews, 2001). Others believed that the bill, however, remained pending because of the attachment of the highly controversial Amnesty Clause.

The Amnesty Clause: a big hurdle to decision-making
The issue of whether to grant amnesty to the perpetrators of corruption from the past became one of the largest obstacles in the anti-corruption process in Kenya (Kenya Government 2002:4; TI-Kenya 2001b). The exact point in time from where to grant amnesty would determine which corruption cases to include[32]. 'Where to draw the 'amnesty line' is a highly complicated issue, because there are various pros and cons to granting amnesty. On the one hand, discharging past perpetrators from prosecution would undermine the fight against corruption and perpetuate the very lawlessness it intended to halt (Murungi 2001:14). On the other hand, the many legal and political consequences of prosecuting past perpetrators would only delay the anti-corruption process further. Moreover, the courts and the government were suspected of being part of the problem, and hence were suspected of prohibiting prosecution.

Civil society and certain MPs were not willing to grant amnesty, while other MP's wanted it to be done on a case-by-case basis. The AG favoured amnesty to a certain level, whereas the president remained silent on the subject. A group inside the government favoured full amnesty. Some suspected that its members feared for prosecution themselves (interviews, July 2002).

In July 2001, parliament voted on the revised Anti-corruption and Economic Crimes Bill, which included the controversial Amnesty Clause.

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[31] The cross-party anti-corruption coalition APNAC aimed to expand the definition to economic crimes by including theft and fraud. The definition of corruption in the new Bill was not expected to be highly debated, because the *Penal Code* already provided for theft and fraud (interview July, 2002).

[32] This line is even more difficult to draw because of a serious corruption scandal (the Goldenberg scam) that came to light in 1997. The scandal went all the way to the top executive level and involved about 400 m. US$ (see 1.1 above).

The ruling party voted against the bill and overruled the opposition. The attached Amnesty Clause was perceived as the main reason behind this rejection (interview, July 2002)[33].

A swap of interests

The government, represented by the Attorney-General (AG), regarded the issue of KACA's prosecution powers a more important issue than the amnesty issue. The reverse was true for civil society (TI) and the opposition, represented by APNAC (the African Parliamentarians' Network Against Corruption)[34]. As a consequence, a 'swap of interests' took place[35]. The AG would not attach the Amnesty Clause to new legislation on the condition that APNAC (and TI) dropped their claim for a fully independent anti-corruption authority. In addition, the AG would subject himself to parliamentary control in future prosecutions (interviews, July 2002; AG 2002:34-43)[36].

To reinstate the KACA, the AG then drafted the Corruption Control Bill of 2001 (TI-Kenya 2002b:87; interviews, July 2002). The APNAC and TI-Kenya suggested 18 amendments to the first draft of this bill, of which the AG accepted 11. However, parliamentarians rejected the bill in mid-2001. The aforementioned swap of interests can only bear fruit after the Corruption Control Bill is again submitted to parliament (see below).

Dealing with vested interests: the Code of Conduct and Ethics

The lack of an ethics code for public servants was perceived as an obvious omission in public sector ethics in Kenya (UNDP-Africa 2001:38). The technical preparations for the Code of Conduct and Ethics Bill had already started in 1998, before the World Bank program (interviews, July 2002). In 2000, the bill was defeated because of its overly complex structure. Civil society agreed that the bill was flawed (interviews, July 2002). A particularly

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[33] A number of experts suspected that the Attorney -General (a member of government) deliberately attached the Amnesty clause to the Anti-corruption and Economic Crimes Bill, to make sure that the crimes bill would not pass. This would have been to protect his own position, and possibly that of other top officials (interviews, July 2002).

[34] After the demise of KACA (Dec. 2000), APNAC grew as a *cross-party* anti-corruption caucus in Kenya, with highly informed anti-corruption positions. Both the ruling party and the opposition are represented. APNAC is a cross-national initiative supported by the Canadian Parliamentary Centre. http://www.parlcent.ca/gopac/apnacpaper_e.pdf (consulted May 24 2002).

[35] This swap of interests was made after an international anti-corruption conference in Prague in October 2001 (10th IACC). Within the Kenyan delegation (of NGO and governmental members, later referred to as 'the coalition') information was shared on how to address the legislative anti-corruption problems.

[36] Only a small amount of political support was expected for the AG's proposed concession (interviews, July 2002).

controversial issue in the bill was whether the private assets of leaders ought to be declared (interviews, July 2002).

In particular, a lack of political will was believed to undermine ethics in Kenya's public service (UNDP-Africa 2001:41)[37]. Most scandals would apply to direct appointees of the chief executive, who would have failed to undertake action on auditor reports or parliamentary recommendations. As a consequence, the lower public officials lacked respect for the code of regulations or other legal instruments.

By contrast, civil society and the international donor community (notably UNDP) strongly supported the public ethics issue. Civil society accommodated effective institutions to monitor the behaviour of public officials in Kenya (UNDP-Africa 2001:43).

By 2002, a new draft Ethics Bill was issued (interviews, July 2002). The bill applies to: civil servants, MPs, national authorities, public stakeholders, co-operation societies, universities and 'any other body regulated by Ministry' (interview July, 2002)[38]. As in 2000, however, critics judged the revised bill as 'materially over-engineered and over-complex' (Kenya Government 2002:53). By the time of study, the decision on the renewed ethics debate was still pending.

Constitutional reforms: a panacea for everything?

Above is described how the first Corruption Control Bill failed to get past the Kenyan parliament in 2001. A revised Corruption Control Bill was tabled by the Attorney-General for mid-2002. This new bill was supposed to reinstate KACA by providing it with constitutionally entrenched investigation and prosecution powers (TI-Kenya 2002b:87, 2002c). This time, the bill contained a number of constitutional changes.

Many marked the new Corruption Control Bill as a major improvement for its content and broad base of consensus (interviews, July 2002). Yet the bill was also highly criticised for its inability to equip KACA with real independent powers. Some ascribed this to the fundamental lack of political will to curb corruption[39].

Civil society groups argued that the Corruption Control Bill was flawed, and lobbied among the Attorney-General, the parliamentary caucus APNAC, the IMF and other international donors to highlight its legal shortcomings. In

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[37] Leaders who refused to declare their assets were said to 'protect their privileges well' (interviews, July 2002).
[38] Remarkably, the AG left himself out of the draft bill (interview, July 2002).
[39] These experts referred to the debate around the constitutional amendments in the Corruption Control Bill as 'one big circus' that changed nothing for the better (interviews, July 2002).

response, APNAC, the democratic opposition party, and TI-Kenya declared their opposition to the bill (TI-Kenya 2002b:88; letter to the AG, June 6 2001)[40]. At the other side of the reform spectrum, the donor community, and notably the IMF and the World Bank, pressed hard to get the bill adopted. According to legal experts, this pressure went far beyond the formal mandate of the donor community (interviews, July 2002; Kenya Government 2002:11). On August 12, the president of Kenya issued a statement 'to pass the bill in the national interest of securing aid and investment inflows' (TI-Kenya 2002b:7).

A group of private sector representatives was against any constitutional change, because this would have become a panacea for all issues. They argued that the basic legal framework in Kenya was fine. According to them, the real problem was the lack of political will to give the anti-corruption authority independent prosecution powers. Not the constitution, but the Attorney-General ought to be replaced (interviews, July 2002).

The Corruption Control Bill was rejected in the final voting on August 14, 2001. A re-launch of a similar bill in parliament would require at least another six months (TI- Kenya 2002b:7). In response, the IMF announced indefinite suspension of aid negotiations (2002b:89). The media then accused APNAC and their allies of 'denying aid to Kenya' (interviews, July 2002).

4.5.4 Potential mechanisms of reform

One of the aims of the case studies was to come up with *preliminary explanations* for program implementation. Through which mechanisms are anti-corruption reforms adopted or avoided? Despite a number of commendable developments, the many 'false starts' in Kenya's anti-corruption process demonstrate a general lack of meaningful policy change. *How* anti-corruption reforms are made or rejected is implicit in the processes of decision-making described in this section. Table 4.4 presents a summary of the overall positions of the actors involved in decision-making.

The table uncovers a number of preliminary mechanisms that might drive or hamper anti-corruption reforms in Kenya. First, a lack of political will at the top was viewed as the main stumbling block for anti-corruption reform in Kenya. The majority of fundamental legal-institutional issues were shelved or remained pending on the agenda of decision-making.

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[40]APNAC motivated its position in a press statement on August 17, 2002.

Table 4.4 Anti-corruption decision-making in Kenya: a summary

Actor	N of issues in which actor involved	Overall position
'Government clique'	(5)	Several experts asserted that a 'government clique' lacks the political will to adopt any type of anti-corruption reform (interviews, July 2002). A risk assessment report disclosed that: 'not Ministers but especially *senior government officials* were themselves corrupt, and until this issue was addressed there was little prospect of change' (2002:15)
President	(3)	The president was estimated to be reluctant to reform, however, slightly less than the aforementioned government clique
Attorney-General (AG)	(4)	Slightly less conservative than the government. The position of the AG is ambiguous, however. On the one hand, the AG prosecuted ministers, 3 high civil servants and several district commissioners for corruption; requested TI in 2001 to provide input for a new Economic Crimes Bill; and considered external views. On the other hand, however, the AG was believed to always stay inside his juristriction
Judiciary and Chief Justice	(2)	Less pronounced but generally perceived to be reluctant to reform
Opposition	(4)	Committed to curbing corruption but its members were reluctant to declare their own private assets
APNAC	(4)	Grew as a *cross-party* (i.e. opposition, ruling party) anti-corruption caucus with highly informed positions in the anti-corruption debate
Transparency International (TI)- Kenya	(4)	After 2000, TI-Kenya developed into an independent discussion forum, and monitoring-lobbying organ. It became an important counterpart of APNAC (above)
Civil society	(5)	Reform-oriented but weakly organised
Donor community	(3)	Reform-oriented. Incidentally failed to take account of Kenya's legal/political situation
Media	(3)	Reform-oriented but weakly organised
Special interests	(3)	Small groups of vaguely specified actors (fractions and 'independent actors') holding positions comparable to civil society's
Private sector	n.a.	The Kenyan business group issued several statements after the disbanding of KACA, containing a plea for the replacement of government actors. Furthermore, 'multilateral companies loath rhetoric and want to see action in the fight against corruption' (GoK 2002:16).

Experts generally suspected a clique of powerful and conservative senior government officials from preventing decisions to protect their vested interests[41]. For example, the demise of Kenya's anti-corruption agency (KACA) was ascribed to its growing threat to vested interests. Two highly conservative actors, a government clique and the judiciary were even accused of a conspiracy to destroy KACA. Following KACA's demise, many societal anti-corruption initiatives were halted. What is more, issues related to the new Anti-Corruption Bill, the amnesty issue and the improvement of ethics in the public sector became pending.

Second, by 2002, the reform-oriented but weak civil society and media seemed unable to break the deadlock in Kenya's anti-corruption process. The cross-party anti-corruption coalition APNAC and the lobby organisation TI-Kenya were more promising; as these institutions re-opened the discussion with the Attorney-General. APNAC and TI originated from international rather than national initiatives. The international donor community was an outspoken reform advocate. Apparently, if Kenya is to escape from powerful vested interests, external or perhaps even international initiatives are indispensable.

4.5.5 The potential impact of political-administrative context

To be more certain of the potential impact of a country's political-administrative context (described at the outset of this chapter) on mechanisms of decision-making, *two* different countries ought to be compared. Therefore, in the comparative analysis of Kenya and Tanzania (next chapter), *differences* in decision-making are related to *differences* in political-administrative contexts. Nevertheless, some remarkable initial observations on the potential impact of Kenya's political-administrative system were made.

First, Kenya was among the most corrupt of the seven African countries studied. In the areas where corruption was perceived to be the highest, i.e. the police and judiciary, the most conservative actors were found. The many 'false starts' in Kenya's anti-corruption reform process demonstrate the reluctance of the system to let go of vested interests in corruption (TI-Kenya 2001a:11).

Second, the aforementioned vested interest problem could be overridden, if sufficient political counterweight exists to overrule and replace the political elite (interviews July, 2002; TI-Kenya 2001a,b). But Kenya has a

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[41] Nevertheless, a few experts also ascribed the delays to the (then forthcoming) Constitutional Review process (interviews, July 2001).

relatively low level of political liberties. The involvement of the parliamentary opposition and civil society in the anti-corruption debate is no common practice. Moreover, with the demise of KACA most communication channels between civil society, government, and parliament were broken down. With the rise of two new lobby institutions (APNAC and TI-Kenya), however, the political debate and competition was rekindled to some extent.

Third, Kenya's relatively low dependence on foreign aid in 1999 actually *resulted* from the fact that donors cut back on their aid after repeated threats. At least for the IMF and the World Bank, threatening to curtail aid flows is an important way to exert influence in Kenya.

4.6 Conclusion

With regard to the question *how* the World Bank program has been implemented, the case of Kenya has taught a number of things.

To reconstruct the chain of events that actually took place, the focus was on the contributions by the Kenyan program participants to the anti-corruption agenda and to the process of decision-making. After the World Bank courses, most participants in Kenya kept in touch with one another. Some remained in the background and contributed only to the public debate. Others participated directly in national-level issues. Altogether, the program participants made a substantial contribution to the public and policy agenda, by organising workshops, corruption surveys, and lobbying for change. However, due to the fact that many issues remained pending, the contributions by Kenya's program participants to the actual decision-making process are vague and uncertain.

The number of their personal relations in the anti-corruption network seems to have enhanced the participants' contributions to the agenda and their involvement in decision-making. In particular, sharing trust with powerful and relatively reform-minded actors, like the head of the public service and the Attorney-General of government, proved helpful. These findings would confirm the World Bank's assumption that program participants require a sufficient network of personal relations in order to build a wider anti-corruption coalition and exert influence.

The contributions by the Kenyan program participants to curbing corruption are compared with those in Tanzania in section 5.7. This concludes with a step-wise evaluation of the empirical validity of the theory behind the World Bank program.

The study of Kenya's anti-corruption process yielded a number of preliminary explanations for the extent to which the World Bank program

was implemented. In the overall anti-corruption debate, large controversies existed between a powerful conservative government clique on the one hand, and the much weaker civil society and parliamentary lobby groups on the other hand. This political constellation is not new to Kenya; many anti-corruption policies had already been initiated and rejected prior to the 1999 World Bank program. Powerful and reluctant actors slow down decision-making in Kenya, reportedly because of vested interests in the corrupt status quo. As a consequence, many issues remained pending on the policy agenda, and the few actual decisions often implied a rejection of reform. Kenya's political-administrative context, particularly the lack of political liberties, further complicated the vested interest problem. The weak civil society is prevented from gaining any real strength, and the established political elite cannot be replaced by competitive elections. Ironically, most of the political pressure for reform originates from international initiatives.

Promoting anti-corruption reforms

Chapter 5. Reconstruction of program implementation. The case of Tanzania

5.1 Introduction

The previous chapter covered the case of Kenya. This chapter covers the field study of the anti-corruption process in Tanzania. The chapter has the same structure as the chapter on Kenya, but concludes with a *comparative analysis* of the events in the two countries, in section 5.7.

The findings from the two chapters serve to address the research question, *how* the 1999 World Bank program has been implemented. The findings will also yield an initial assessment of the empirical validity of the program theory. What is more, the comparative analysis serves to yield preliminary explanations for program implementation (research question II). For example, Tanzania depends more on foreign aid than Kenya does, and there are more civil and political liberties in Tanzania than there are in Kenya. These between-country differences could have influenced the anti-corruption events in both countries, including the role of the program participants. Section 5.8 offers an overall conclusion.

5.2 Tanzania's political-administrative context

Political competition and civil liberties
For a long time, authoritarianism was the defining characteristic of the neo-colonial state in Tanzania. State power was concentrated in the executive arm represented by the president, while organs representing the people (legislature, courts of law) were more or less oppressed[1]. This authoritarianism was justified by the socialist ideology of self-reliance from the Arusha Declaration of 1967. The Arusha Declaration implied the launch of 'Ujamaa', the strategy of African socialism, in which the government was to take control over the economy. The declaration originated from the government's concern that the dependence upon foreign aid was too high, and that an 'internally integrated and independent economy' was needed (Bigsten and Danielsson 1999:9). In the Ujamaa-ideology, a strong state was needed to bring development to the people, but it was virtually impossible for NGOs to organise.

During the 1980's, the international community and the rapid growth of the NGO sector challenged this state of affairs. In 1991, after the government had reneged on a number of reform pledges, the Nyalali

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[1] For more information see: www.sas.upenn.edu/African_Studies/NEH (consulted May 2002).

Commission proposed substantial amendments of over forty laws and statutes to democratise Tanzania. This included the enhancement of civil liberties, such as freedom of organisation, assembly and public expression. The government did not incorporate the Nyalali amendments. By the end of the 1990's, the final draft of the policy on NGOs revealed 'significant continuities with the authoritarian tendencies of the colonial and post-colonial state'. Tanzania's first multiparty elections were held in 1995.

By 1999, Tanzania's polity was still characterised as a 'dominant party-system' (Freedom House 2000). Nonetheless, the country was estimated to gain more political and civil liberties, including press freedom, than Kenya ('partly free') (Freedom House 2000).

Administrative corruption

In the 1960s, incidences of administrative corruption were limited in Tanzania, 'as integrity was the cornerstone of the public service, while gift-giving and commissions were practically non-existent' (ESRF/FACEIT 2002:3). The situation changed under the post-independence socialist framework, with the growth of the public sector. By 1999, the level of corruption in Tanzania almost equalled that of Kenya (Transparency International 1999)[2].

The first profound research on the level and causes of corruption covering all branches of the Tanzanian government was performed in 1996, by a presidential research commission headed by Hon. Justice Warioba. In this report a distinction was made between petty and grand corruption. The social service delivery sector[3] was found to be particularly infected by petty corruption: the acceptance by officials of bribes from citizens who want (speedy) access to public services (Warioba Commission 1996:4; Hoseah 1999:26). Grand corruption refers to the distortion of public policies and decisions to meet the demands of bribing (business) parties (Warioba Commission 1996:4). The receivers of grand bribes were thought to be 'the often greedy public servants', particularly in the construction industry, in tendering and procurement, and in the education sector. Moreover, grand

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[2] After the adoption of Tanzania's new anti-corruption strategy and action plan (NACSAP) (Tanzania Government 1999), the Economic and Social Research Foundation (ESRF) and the Front Against Corrupt Elements in Tanzania (FACEIT) became responsible for monitoring and evaluating the state of corruption and anti-corruption policy in Tanzania. By June 2002, the second draft of the resulting State of Corruption Report was finalised. It can be downloaded from http://www.tzonline.org (consulted June 27, 2002).
[3] The social service delivery sector encompasses Education, Health, Home Affairs, Finance, Judiciary, Office of the Attorney General, Trade, Employment, Lands, Natural Resources and Tourism, Energy and Minerals, Works and Communications, Ministry of Labour, Media Institutions and Local Governments.

corruption was use in politics to win elections, for example, by manipulating the media.

In 1996, particularly corrupt public sector areas were the Ministry of Lands (where bribes were collected in the allocation of pieces of land) and the police and immigration departments of the Ministry of Home Affairs. In the Ministry of Communication and Works, bribes were received in public procurement: the acquisition or purchase of goods and services by the government (Warioba Commission 1996; ESRF/FACEIT 2002: 41-43). Applicants for government tenders who paid bribes were favoured. If they were not suitable, this was concealed. Employees in the finance departments, officials granting pensions, Central Bank officials, and officials dealing with procurement and taxes all accepted bribes (ESRF/FACEIT 2002:94). Among the causes of corruption that were observed in the financial sector were the lack of computerisation and streamlined systems and procedures. Moreover, the agency responsible for the privatisation of government companies met with increased suspicion, because the privatisation process took such a long time (interviews, June 2002; ESRF/FACEIT 2002:107-10).

Corruption in the judiciary was particularly endemic. According to the Warioba Commission (1996) '[i]nstead of these organs being in the forefront of combating corruption, they have become part of the problem'. All layers of the judicial system were found to be involved in corrupt practices, from primary, district and resident magistrates' courts, as well as judicial officers (e.g. court clerks, assessors), to state attorneys and independent lawyers.

On a local level, corruption occurred mostly in human resources management, and among labour officers and local council members. Bribes were received in order to facilitate the award of tenders and the allocation of plots and marketing stocks, trading licences, procurement and land allocations (ESRF/FACEIT 2002:84).

Box 5.1 presents a summary of findings from a more recent corruption survey in Tanzania.

Dependence on foreign aid
Despite the emphasis on self-reliance in the aforementioned Arusha Declaration, Tanzania became heavily aid-dependent. Between 1986 and 1992, foreign aid to Tanzania increased after a period of decline. In 1990, its share in the country's GDP peaked at a level of almost thirty per cent, of which a large share originated from the IMF-approved Economic Recovery Programs.

Box 5.1 Personal experience and observation of corruption in Tanzania

Between 2001 and 2002, an updated perception survey was held to monitor corruption in four main regions in Tanzania: Arusha/Kilimanjaro, Dar es Salaam, Mwanza and Tanga. The survey addressed the personal experiences and observations of more than one thousand citizen respondents. Corruption was perceived to be highest in health services, the police force, the business sector, and the judiciary. Within the judiciary, legal officers were found to be more corrupt than judges. The following rank ordering was obtained with regard to the percentage of respondents who reported corruption in the last year.

Health	60%
Traffic police	60%
Business	48%
Judiciary	46%
Tax authorities	41%
Schools	37%
Public utilities	36%
Local government	31%
Customs	31%
Immigration	28%
Legal Officers	29%
	(N @ 1000)

Source: ESRF/FACEIT (2002: 16, 135-139)

Note: In an Internet Forum held during the same investigation, additional corrupt sectors were identified: the Presidential Parastatals Sector Reform Commission (PSRC, the agency responsible for the privatisation of government companies), the police, the Bank of Tanzania, the Football Association of Tanzania, donor countries, and Tanzanian embassies abroad (ESRF/FACEIT 2002:153).

In 1999, Tanzania was one of the most aid dependent countries in the world. Still more than eleven per cent of its Gross Domestic Product (GDP) consisted of foreign aid (UNDP 2001), equalling about 30US$ per capita per year. Like in Kenya, the largest recent loans (from the World Bank and the IMF) were intended to support the country's Poverty Reduction Strategy Paper (PRSP)[4].

In sum, Tanzania was characterised by 'the overwhelming concentration of bargaining power in the hands of the donors' (Bigsten and Danielsson 1999:19). According to external observers, prospects for successful aid projects once donors have withdrawn are poor. The capacity of Tanzania's public sector to function on the basis of its own resources is believed to be limited (1999:20).

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[4] According to the UNDP's Human Development Report (2001), Tanzania's *foreign debt* per capita in 1999 was about 2.2% of its GDP.

5.3 Curbing corruption in Tanzania

Below, a concise historical overview is presented of the legal-institutional anti-corruption framework in Tanzania up to 1999, when the World Bank course was held.

5.3.1 Historical background

Corruption in Tanzania first became a criminal offence in the 1930's. The Colonial Administration amended the Penal Code to make it a criminal offence to 'demand, solicit and give or receive bribes' (ESRF/FACEIT 2002). The first Law for the Prevention of Corruption (Cap. 400) was enacted in 1958. It widened the legal definition of corruption to include the receiving of gifts and commissions. During the independence struggle, the curbing of corruption featured high on the agenda[5]. In 1966, the Government established a Permanent Commission of Inquiry in the new Ombudsman's office (Hoseah 1999:90).

By the 1970's new forms of corruption had emerged in Tanzania. A law to prevent corruption was enacted, stating that it is 'a crime to be found with property suspected to have been acquired corruptly' (Act no.16 of 1971). In 1973, the first Leadership Code was enacted to curtail wealth accumulation among politicians and members of the executive. This legal ethics document would be revised in the late 1999's, as is described later in this chapter. The first Anti-Corruption Squad was established in 1975 (Hoseah 1999:91). Despite some arrests in the late 1970s, the impact of the Anti-Corruption Squad faded quickly.

Within the socialist framework, the government strictly controlled the pricing and trading of economic goods. This encouraged influential business people, especially those engaged in illicit trade, to take control over state organs[6]. In 1983 a government campaign was launched against these so-called 'economic saboteurs' (ESRF/FACEIT 2002:4; Hoseah 1999:91). This resulted in the Economic and Organised Crimes Control Act of 1984, under

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[5] On December 9 1961, Tanganyika became independent from the UK-administered UN trusteeship. Zanzibar became independent 19 December 1963. On April 26 1964, Tanganyika united with Zanzibar to form the United Republic of Tanganyika and Zanzibar; renamed United Republic of Tanzania on 29 October 1964.

[6] By 2000, this 'state capture' would become an important topic for investigation within the World Bank (Hellman, Jones and Kaufmann 2000), particularly with regard to countries in transition towards a deregulated economy. The policy and legal environment is shaped to the advantage of the captor firm, at the expense of the rest of the enterprise sector. Preliminary evidence suggests that improved property rights protection and civil liberties can significantly reduce the capture economy.

which offences under the Prevention of Corruption Act became economic crimes. The success of this campaign was doubtful (ESRF/FACEIT 2002). After 1984, partial trade liberalisation took place. This closed off some avenues prone to corruption but opened up new opportunities elsewhere in the interaction between the executive and business (ESRF/FACEIT 2002:4).

The report by the Warioba Commission (1996) marked the inception of a new national anti-corruption strategy (Hoseah 1999:91; ESRF/FACEIT 2002:5). The report contained numerous policy recommendations, for example: clean leadership and public ethics (no abuse of office), accountability measures (such as clear definitions of public officials' responsibilities), a Truth Commission to enforce ethics upon leaders, and public education through the mass media.

In response to the Warioba report, direct actions and various institutional changes were effectuated (ESRF/FACEIT 2002:11). A special committee was set up under the PCB to investigate the leaders mentioned in the report. President Mkapa directed government institutions to design their own strategies on how to implement the recommendations of the report, and appointed a team of experts to advise the ministries and departments. In each Ministry, 'focal points' of core groups were established to draw up, implement and monitor anti-corruption plans (Tanzania Government 2001:iii).

5.3.2 Legal-institutional anti-corruption framework

The legal-institutional framework for curbing corruption that was in place at the time the World Bank program was held, is depicted in Figure 5.1. It marks the baseline for the reform issues that emerged after the program in 1999.

In 1991, the Prevention of Corruption Bureau (PCB) replaced the aforementioned Anti-Corruption Squad. The PCB became an anti-corruption institution with a comprehensive mandate, as can be seen from its central position in the figure. Its powers are specified in the Act No. 17 (1971), which had been amended especially for the re-specification of the PCB powers several times. By 1999, the three main functions of the PCB were (Hoseah 1999:46):

1. To take necessary measures for the prevention of corruption in the public, governmental, quasi-governmental and private sectors;
2. To investigate and, subject to the Director of Public Prosecution (DPP)'s directions, prosecute offences under the Prevention of Corruption Act (PCA) and other offences involving corrupt transactions;

3. To advise the government and other quasi-governmental institutions on ways and means to prevent corruption.

Figure 5.1 Tanzania: legal-institutional anti-corruption framework
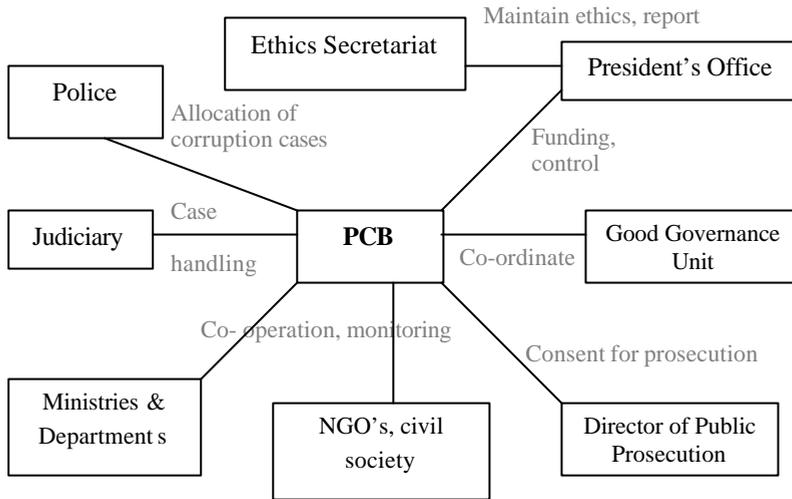
Source: Hoseah (1999)

The four departments of the PCB are authorised to prevent (raise public awareness and educate), investigate, prosecute, and advise (Hoseah 1999:46-47). The authority of the PCB to investigate corruption cases is subject to various laws. In practice, the police are supposed to involve members of the PCB for the investigation of corruption cases (Hoseah 1999:101-2). When the PCB has sufficient evidence of corruption, it must request the Director of Public Prosecutions (DPP) for permission to prosecute. Only then can the PCB present a case to the judiciary (ESRF/FACEIT 2002:29)[7]. The DPP has no further legal powers to determine the legal domain of the functions of the PCB and is subject to directions and control of the President of Tanzania (Hoseah 1999:48). The president appoints the PCB-director and sub-directors and takes care of the funding of the bureau (ESRF/FACEIT 2002:28). A Good Governance Unit was established to co-ordinate the implementation of Tanzania's 1999 anti-corruption plan (interviews, June

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[7] A number of legal amendments in Act No.17 allowed the PCB to prosecute a number of corruption cases *without* the consent of the Director of Public Prosecutions (DPP). Nonetheless, the most noticeable offences come under the DPP's control: (1) corruptly obtaining or possessing property (section 9), (2) public officer obtaining advantage without consideration or inadequate consideration (section 6), and (3) use of documents intended to mislead principal (section 5) (ESRF/FACEIT 2002:32).

2002). The Ethics Secretariat is charged with enforcing ethics on public leaders. It does so by receiving the annual assets declarations of public officials. The secretariat also investigates complaints related to corruption and reports on these to the President (Hoseah 1999:22-3).

5.4 The Tanzanian program participants: their relations and contributions to anti-corruption reforms

In June 1999, six Tanzanians participated in the World Bank course and constructed a first national action plan of anti-corruption reforms. Overviews of the first and subsequent policy plans can be found in chapter 3. Like in Kenya, the program participants were supposed to elaborate and implement their first plan by lobbying to get anti-corruption issues on the agenda and becoming involved in decision-making.

In this section, the relations of Tanzania's program participants with others involved in the anti-corruption process are mapped out. This is done because of the important assumption in the World Bank program theory of program participants requiring a specific network of personal relations to build a coalition of reform-oriented actors and exert influence. Subsequently, the contributions by the program participants to the anti-corruption policy process are assessed in terms of coalition building, agenda setting, and involvement in decision making. For this purpose, each program participant was asked to co-operate in an interview[8]. Since one of the program participants dropped out during the World Bank courses, four out of five program participants were interviewed[9].

5.4.1 Relations in the anti-corruption network

Figure 5.2 illustrates how the group of four program participants are related (collective) with actors involved in anti-corruption policy-making, such as the government, parliament, or civil society. The total number of information-exchange relations between the program participants and these actors are presented between brackets, while the amount of *trust* relations (part of the total) is highlighted underneath. For example, this group of program participants upheld thirty-three mutual relations with actors inside the government, of which nineteen signified mutual trust.

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[8] The method applied in Tanzania is the same as the one applied in Kenya. Section 4.4 contains a description of this method. Appendix I contains the semi-structured questionnaire.
[9] The log of interviews with Tanzania's program participants and other experts is included in Appendix III.

Figure 5.2 Mutual relations of the Tanzanian program participants in the network of actors involved in anti-corruption policy

Parliament (5)
trust (2)

Government and executive (33)
trust (19)

PCB (7)
trust (5)

Donor community (32)
trust (7)

Civil society (16)
trust (3)

Judiciary (8)
trust (2)

Group of program participants (loosely connected)

Media (13)
trust (2)

Private sector (14)
trust (8)
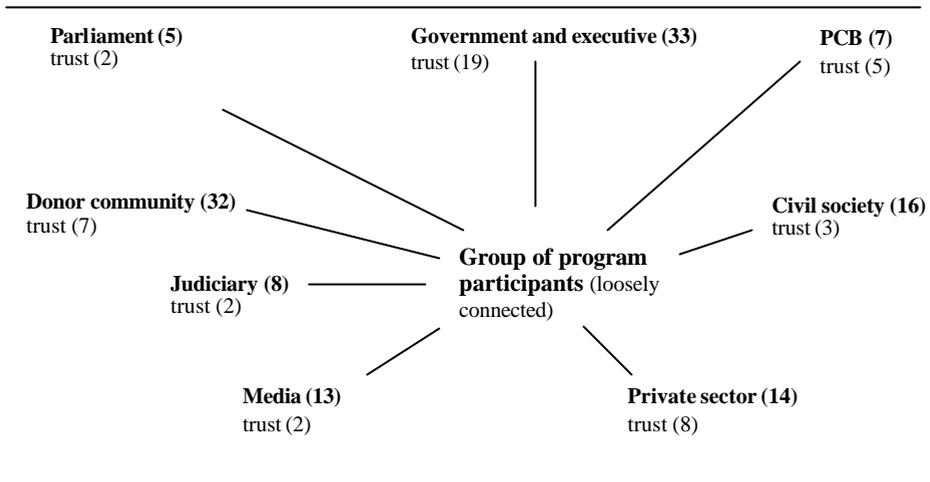
Source: expert interviews, June-July 2002

The figure reveals a number of salient differences with the figure on Kenya in chapter 4. First, the group of Tanzanian program participants kept more relations of trust within the government and the executive than the Kenyans. Also, more relations were reported with the judiciary. Second, the Tanzanian program participants held *less* (trust) relations within the parliament and with the anti-corruption agency PCB than the Kenyans did with their parliamentarians and KACA. Third, while the Kenyan program participants were tightly interconnected, only a few Tanzanian program participants structurally contacted one another. Finally, compared to Kenya a smaller share of the program participants' relations - though still the vast majority - were reported to be mutual (interviews, June, July 2002).

5.4.2 Coalition building, agenda setting, and involvement in decision-making

The personal networks of Tanzania's program participants are related to their contributions to the anti-corruption policy process, in the same manner as they were for the Kenyan group. This section starts with an overview of the program participants' coalition-building efforts and other initiatives to influence the anti-corruption process. Subsequently, their contributions to the agenda and their involvement in decision making are mapped out. Like in Kenya, it was problematic to trace back *which* of the program participants' initiatives contributed to the policy process of agenda-setting or

decision-making. Program participants could not always estimate the later impact of their individual or joint actions (interviews, July 2002).

Coalition-building efforts

The World Bank program expects the program participants to help *build a coalition* of actors in the fight against corruption. Prior to the World Bank course, one relation of trust existed between two of the program participants (one from the government and one from civil society). This relation would have been of use in the preparation of the 1999 National Action Plan (interviews, June/July 2002). However, after the course the contact between the four program participants was not intensified.

The coalition-building successes reported by Tanzania's program participants are contradictive. A program participant from the government reported that the anti-corruption coalition had expanded after 1999, and that trust between the government (PCB) and society was increasing (interview, June 2002)[10]. Others, however, asserted that there was 'still a culture of mistrust' between the government (including the PCB) and civil society (interviews, July 2002; ESRF/FACEIT 2002).

Coalition building efforts between civil society and the business sector were reported to be 'fruitless' (interview, June 2002). Nevertheless, between 2001 and 2002 a new alliance originated between two civil society organisations, one of which was closely related to the government. A program participant from civil society claimed to have helped build this coalition.

The total of initiatives

The Tanzanian program participants developed over thirty smaller and larger anti-corruption initiatives. More than half were sustained for a longer period (interviews, June/July 2002). Table 5.1 shows the initiatives undertaken by the Tanzanian program participants between 1999 and 2002.

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[10] The government reported that 'outside' stakeholders (e.g. business, civil society) can comment on anti-corruption policy proposals before these are published (June, July 2002). A governmental progress document (2001) reported 'increased co-operation and confidence'.

Table 5.1 Program participants' initiatives

Initiatives	Results by July 2002
Continuation of coalition building efforts between government, media, and business	Results unknown
Input of expertise and support for an anti-corruption 'matrix', as shown in chapter 3 (June-September, 1999)	Matrix approach adopted in NACSAP (1999), Tanzania's national anti-corruption action plan
Input of expertise in Financial and Procurement Acts (2000-'01)	Adopted
Input of expertise in the Sectoral Anti-Corruption Action Plans for the separate ministries and departments (2000-2002)	Adopted
Training within local governments on the Sectoral Anti-Corruption Action plans (2001-2002)	
Co-ordination of and participation in discussion on legal anti-corruption framework, including the definition of corruption, the authority of the PCB, and judicial strengthening (2001-2002)	Preparatory stage
Identification and highlighting of the root causes of corruption	Allegedly continuous
Assistance in a program to enforce codes of conduct for the business community	Results unknown
Continuous pressure for short- and long-run anti-corruption measures in one specific ministry	Low-cost and short-run measures were adopted
Organisation of anti-corruption workshops for civil society and the media	Completed and continued

Source: interviews with four Tanzanian program participants. Dar-es-Salaam, July 2002

In total, about half of the program participants' initiatives were claimed to have had some effect on the anti-corruption agenda.

Contributions to the anti-corruption agenda
The public agenda contains national issues of anti-corruption reform that received the attention of the wider public and the media. The policy agenda contains those issues for which concrete reforms were in the process of being developed. The Tanzanian program participants were often unable to objectively estimate the impact of their initiatives on the public and policy agenda. Nonetheless, they reported to have contributed to varying degrees to the agenda between 1999 and 2002, as shown by Table 5.2 (interviews, July 2002). The discussion of some of these issues can be found in chapter 3. The others are described more elaborately in the next section.

Table 5.2 Contributions to public and policy agenda

Public agenda (media, civil society)	Results by July 2002
Obtained international donor funds for a civil society initiative to impose a Business Code of Conduct (2002)	Results unknown
Improved the communication between the international donor community and one particular ministry (2001-2)	Completed
Raised awareness among local governments about the 1999 national anti-corruption plan NACSAP (2001-2)	Results unknown: process reported to be very slow
Co-organised a workshop related to the monitoring of NACSAP-implementation	Completed: further results unknown
Input in the external State of Corruption Report in which the NACSAP initiative is monitored and evaluated (2002)	Report first issued in June, 2002

Policy agenda (policy proposals, e.g. laws and regulations)	Results by July 2002
Input of expertise, and facilitation of the NACSAP (1999)	Adopted 1999
Supervision and co-ordination of debates behind the Sector Specific Action Plans for specific ministries and departments (2000-2)	Adopted 2001 and funded 2002. State of implementation unknown
Initiation of public sector ethics issues among heads of government departments with regard to NACSAP (2000-2)	Results depend on separate departments
Initiation of 'quick wins', and agenda setting for long-term anti-corruption measures in one ministry (1999-2002). A number of measures were taken before the World Bank program	A number of small-scale and low-cost reforms were adopted
Obtained agreement on initial proposal for legal – institutional amendments to curb corruption (2001-2)	Preparatory stage

Source: interviews with Tanzanian program participants. Dar-es-Salaam, July 2002

Involvement in decision-making

Like in Kenya, the *involvement* of the program participants in decision-making was monitored. Only one of the four program participants, a government official, became actively involved in Tanzania's national anti-corruption decision-making process. The input of this program participant regards the first six issues in Table 5.3. Some of these issues are addressed in chapter 3, while other issues are described more elaborately in the next section. Three other program participants from civil society and one ministry indirectly exerted influence on the process of decision-making. Their input regards the final three issues in the table.

Table 5.3 Involvement in decision-making

	Results by July 2002
(Co-)formulation of design and contents of NACSAP (1999)	Decided (1999)
Plea for transparency regulations in the Procurement Act (2000)	Decided (2000)
Provision of expertise in stakeholder meetings for the Financial Act. Focused upon transparency and accountability	Decided (2000)
Supervision and co-ordination of debate surrounding the ministry-specific action plans. Decisions and implementation are left to each separate ministry	Decided (2000-2)
Took a position on three legislative sub-issues (definition of corruption, independence of the PCB, and inclusion of illegal wealth accumulation in the law). Limited role due to chairmanship	Pending (2001-2)
Participation in Parliamentary Forum as to whether gift-giving, or 'Takrima' in Kiswahili, is corrupt behaviour or not	Undecided (2002)
Informal input in NACSAP, through program participant from the government	Decided (1999)
Participation in debate on short- and long-term reforms in one ministry. Many were already on track before the World Bank program	Decided and pending (1999-2002)
Indirect input in sector-specific action plans, through participation as resource person in training sessions. Decisions were left to each separate ministry	Decided and pending (2001-2002)

Source: interviews with four Tanzanian program participants. Dar-es-Salaam, July 2002

5.4.3 Do personal relations matter?

As mentioned earlier, one of the assumptions in the World Bank program is that program participants require a specific network of personal relations in order to exert influence in their country's anti-corruption process. To verify this assumption, it was assessed whether a program participant's personal network affected his or her contributions.

Coalition building
The coalition building efforts reported by the Tanzanian program participants were contradictive, and apparently insignificant. Therefore, it cannot be derived which program participants contributed most in this regard.

Initiatives
Unlike in Kenya, the *number* of initiatives varied between the Tanzanian program participants. There were two governmental program participants

who reported the most initiatives. These were often related to policy issues of national concern. These governmental program participants also held a large number of relations in the anti-corruption network, including relations of trust with actors inside the government.

Like in Kenya, the program participants with the largest network concerned themselves with the national *policy* agenda. The initiatives of the other program participants were restricted to coalition building and providing expertise in the background (interviews June, July 2002).

Contributions to the anti-corruption agenda

Government representatives upheld the largest number of relations in the anti-corruption network. They also made a larger contribution to the national agenda than NGO representatives. Apparently, the formal position of a program participant makes a difference in Tanzania. This finding is in contrast with Kenya, where formal position appeared less important.

A governmental program participant claimed to have contributed to most issues (about five) on the national policy agenda. This official also reported the highest number of contacts, with almost sixty widely dispersed relations in the anti-corruption network. Another official with a significant number of relations mainly contributed to the policy agenda of one specific ministry. The program participants with the least relations largely exerted background influence.

The government and the donor community were seen as very powerful actors in Tanzania's anti-corruption process (interviews, June 2002). Three program participants reported to hold mutual relations with people inside both of these institutions. However, only those program participants with relations of *trust* with powerful actors reported contributions to the *policy* agenda.

The by far most productive program participant was closely connected to the *President of Tanzania*, who was perceived as relatively open to anti-corruption reforms. The *Minister for Good Governance* was also identified as a reform-oriented actor. For example, he would have assisted in the adoption of NACSAP in 1999 (interviews, June 2002). Apparently, relations with powerful actors who are (somewhat) *open to reform* were particularly helpful in influencing the anti-corruption policy agenda. The study of the Kenyan case yielded similar findings.

Involvement in decision-making

Similar observations were made with regard to the involvement of the program participants in decision-making. The governmental program participants were the ones most frequently involved. They ascribed this in

part to their relations with the president and the Minister for Good Governance. Civil society and media representatives were involved in a considerably smaller number of issues, most often outside the national policy debate.

Box 5.2 Evaluation of the World Bank program by the Tanzanian program participants (1999- 2002)

What were the merits of the World Bank's anti-corruption program with respect to anti-corruption reforms in Tanzania, according to the program participants? The Tanzanian program participants underlined the merits of the course with regard to their enhanced knowledge of anti-corruption policies. Particularly government officials emphasised the usefulness of diagnostic tools to estimate the levels and types of corruption and valued the incorporation of external views. The civil society participants were clearly more cynical about the merits of the coalition building effort and their actual involvement in policy making in Tanzania. The group of program participants did not stick together after publication of NACSAP in October 1999. Furthermore, the course would have failed to place corruption in the African context and the program would have lacked a proper follow-up. Nonetheless, the civil society participants gave some credit to the World Bank program with regard to the enhanced *legitimacy* of their actions in the area of curbing corruption.

   To what extent would the World Bank program have brought about meaningful policy change in Tanzania? The country's national action plan (Tanzania Government 1999) incorporated many of the course contents, as shown in chapter 3 of this study. One program participant claimed to have facilitated this development. A later initiative to organise a workshop to feed into the ministry-specific Sectoral Action Plans (2000-2) came from the organisers of the World Bank program (interview, June 2002). A subset of the program participants was re-invited to bring in their expertise and views. One of them reported that working under the name of the World Bank in these workshops added to her credibility and involvement (interviews, June 2002).

   Nevertheless, a large number of policy decisions would have also been made had the World Bank program *not* taken place. For example, trust between one NGO and the anti-corruption bureau already existed. Moreover, many of the initiatives in one specific ministry had already started before the program. Finally, the governmental program participants asserted that they would have also undertaken the initiatives without the program (interviews, June/July 2002).

In conclusion

Many and widely spread structural relations, particularly with powerful and reform-oriented actors, seem to have enhanced the contributions by the Tanzanian program participants to the anti-corruption policy process. Together with the findings from Kenya, this confirms the World Bank's assumption that program participants require a specific personal network in

order to exert influence. A clear difference with Kenya, however, is the effect of formal position: being a government member in Tanzania seems to be a prerequisite for meaningful contributions. This could be ascribed to the formal nature of anti-corruption policy-making.

5.4 Decision-making for reforms

This section offers a detailed account of the anti-corruption decision-making processes in Tanzania after 1999. For this purpose, the policy positions and power of the actors involved were reconstructed on a number of substantive issues. *Which* of the debated issues resulted from Tanzania's participation in the World Bank program is difficult to trace. Rather, the in-depth descriptions in this section ought to shed light on the various mechanisms that may explain for the degree of program implementation.

The method of measurement is the same as the one applied to Kenya (see section 4.5). During a field study of two weeks in June 2002, seventeen experts were interviewed with regard to the decision-making on anti-corruption reforms[11]. In addition, a large number of policy documents were gathered and analysed.

The National Anti-Corruption Strategy and Action Plan (NACSAP 1999)
The 'priority areas' of anti-corruption reforms that were identified by Tanzania's program participants provided the main input for the National Anti-Corruption Strategy and Action Plan (NACSAP) of the president's office and the cabinet. In November 1999, a parliamentary majority endorsed this anti-corruption strategy, and it became the official policy framework document. It deals with elements of prevention, enforcement, public awareness raising, and institution building. It intends to 'guide the policy makers, legislators, judicial officers and implementers' (Tanzania Government 1999:V). NACSAP was characterised as a 'major development in the anti-corruption struggle' (ESRF/FACEIT 2002:11). The strategy contains two approaches: proactive (bottom-up) and analytical (top-down) (ESRF/FACEIT 2002:11). The bottom-up objectives regard public awareness-raising on rights, procedures, standards and codes of conduct (Tanzania Government 2001:ii; ESRF/FACEIT 2002:12). The strategy's top-down objectives include the customer-oriented delivery of public services, effective and transparent systems, procedures and guidelines, and institutional and organisational capacity.

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[11] Appendix III presents the log of the interviews with experts and program participants.

Elaborating NACSAP: the sector-specific plans (2001)
In March 2001, Tanzania's sector specific action plans for all Ministries and Independent Government Departments (2001-2005) was launched (ESRF/FACEIT 2002:12). These sector-specific plans were developed to implement the NACSAP throughout the entire public sector. The plans contained a number of activities including creating laws and institutions for example, for prevention or prosecution; and the building of an anti-corruption coalition between government, civil society and the private sector (Tanzania Government 2001: ii). They were co-ordinated by the Good Governance Unit (GGCU) in the President's Office.

The actual implementation of the sector-specific plans did not start until the beginning of the financial year, July 2002. The donor community then agreed to fund the plan and set up a complementary fund[12]. Before then, only low-cost activities had been undertaken in a few ministries: health, finance and lands (interviews, July 2002). The permanent secretaries of all ministries were commissioned to co-ordinate and monitor the implementation of the plans. A cross-departmental committee was to provide technical guidance throughout the process, and evaluate the action plans. The ESRF/FACEIT research group was to monitor the implementation of the sector specific action plans.

The next step in the preparatory process was to secure the implementation of NACSAP on the local level (Tanzania Government 2001:iv). First, the local authorities were to develop their own action plans as part of the sector-specific plans. For this purpose, the Minister of Regional and Local Authorities were advised to synthesise all relevant ministerial anti-corruption regulations and instruct these to be implemented on a local level (interview, July 2002). For example, the Ministry of Health was expected to instruct the hospitals.

According to the plan, civil society, the private sector, and the media need to get involved in the implementation of the sector-specific plans (Tanzania Government 2001:iv). These actors need to monitor the implementation, perform fact-finding, lobby and raise public awareness.

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[12] Due to a number of weaknesses, the first drafts of the sector-specific action plans were revised a number of times between 1999 and 2001. Their foundations were believed to be shaky and to include 'unrealistic assumptions in terms of the availability of resources' (Tanzania Government 2001:iii). Ultimately, the 2001 document resulted from a workshop under the leadership of a special committee, funded by DFID (the British department for international development), and the EU (interviews, June 2002).

Issues

Tanzania's national anti-corruption plan was highly top-down and government-driven, in contrast to Kenya's prior to the demise of KACA. Only a marginal share of the plan involved civil society. Civil society and the private sector can only be involved in later stages of the policy cycle, by submitting their written amendments to law proposals or by giving comments at a seminar (interviews, June 2002). Nevertheless, a number of concrete issues were debated in the frame of NACSAP and the sector-specific plans. These are elaborated below [13].

Box 5.3 Issues in Tanzania after the World Bank Course (1999)

2001-2002	Legal-institutional issues: independence of the Prevention of Corruption Bureau (PCB), legal definition of corruption and judicial strengthening
2001	Procurement and privatisation: real success stories?
Ongoing	The lack of trust between the government and society

5.5.1 The preliminary legal-institutional debate

In 2001 a debate was initiated on which legal-institutional changes to adopt in order to curb corruption more effectively.

The independence of the Prevention of Corruption Bureau (PCB)
Should the Prevention of Corruption Bureau (PCB) operate more independently from the Director of Public Prosecutions (DPP)? This issue strongly resembles the issue on the strengthening of Kenya's anti-corruption agency.

After 1999, a large number of measures were taken to enhance the capacity of the PCB[14]. Yet no significant progress was reported with regard to the investigation and prosecution of corruption cases (ESRF/FACEIT

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[13] Chapter 3 already touches upon the decision-making on the five issues in Tanzania. In this section, additional issues are presented, as well as more elaborate descriptions of the issues. These descriptions are based upon additional interviews with experts that were made during a field visit in 2002. Chapter 4 on Kenya contains a more elaborate description of the research method.
[14] The PCB completed the training and recruitment of 217 additional officials (ESRF/FACEIT 2002:32). In addition, equipment and facilities were enhanced. The PCB furthermore reviewed existing procedures. For example, the bureau adopted its own ethics code for investigators and erected ethics committees (2002:33). The Tanzania Government emphasised (2001:6) that the fact that these measures were taken in a period of budgetary constrains is 'ample demonstration that the government is very serious in the fight against corruption'.

2002:34)[15]. Experts ascribed this to the burdensome relations with other co-ordinating institutions, particularly with the DPP (ESRF/FACEIT 2002). Members of the PCB denied this problem by stating that the bureau's relations with the DPP and the Attorney General were sound. Instead, the problem would be the lack of proper funding, training, and equipment (interviews, June, 2002). The PCB saw the reluctance among citizens to co-operate with the bureau as yet another problem (ESRF/FACEIT 2002:34).

The breadth of the legal corruption definition
Should the Prevention of Corruption Act (PCA, section 5) be amended to include fraud and embezzlement? The PCB, the NGO FACEIT (the Front Against Corrupt Elements in Tanzania), and other civil society and academic institutions devised a broad definition that would cover both crimes. In Tanzania's Penal Code, the definition of corruption already includes fraud. A number of government and parliament members were believed to aim for a narrow definition (interviews, July 2002). Nonetheless, a PCB informant said that the proposal for a wider corruption definition may be accepted in the final round of decision-making (interviews, June 2002).

Judicial strengthening
After 1993 the judiciary in Tanzania started to implement capacity-enhancing measures to speed up the handling of (corruption) cases (ESRF/FACEIT 2002:18). These measures included the instalment of case flow management committees, proposals to amend procedural laws, and the training of judges to resolve civil disputes more efficiently. Soon after the World Bank program, in December 1999, a Legal Sector Reform Programme (2001-2005) was launched and commercial courts were instituted[16]. An independent expert who had been involved in a case in the Commercial Court stated that the process was legally correct. He estimated that the commercial courts were more efficient than the regular benches (interview, June 2002).

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[15] In contradiction, the Tanzanian government reported an *increase* in the number of reported corruption incidences from 432 to 1461 cases between 1998 and December 2000 (Tanzania Government 2001:5-6). In 2000 alone, the work of the PCB brought about eight convictions, against one release and eleven withdrawals. The government ascribed this to the capacity-enhancing measures and increased public confidence and co-operation.

[16] Other measures include the following: the recruitment of magistrates and other court staff became subject to more transparent and specific criteria, court administrators were offered a training program, judicial officers were (financially) encouraged to enhance their education levels, and budget and equipment were increased. Furthermore, case systems were computerised (ESRF/FACEIT 2002:17-20).

Despite these measures, judicial corruption is still reported to be endemic in Tanzania. Some asserted that: 'as long as you pay, you are likely to win a case.' The judiciary would be grossly under-funded. Moreover, it would lack independence from the government: the president would have overruled court rulings in the past (interviews, June, July 2002). In the State of Corruption Report a selection of six acts were scrutinised 'in the light of the lofty objectives of the NACSAP' (ESRF/FACEIT, 2002:21)[17]. The main observations were that (a) legislation enacted during 2001 did not adequately address corruption and (b) the government of Tanzania was 'increasingly leaning towards quasi-judicial tribunals for adjudication, instead of the regular courts.'

The magistrates themselves were not expected to oppose new reforms in the near future. Much more resistance was expected to come from the legal professions, in particular lawyers (interviews, June 2002; ESRF/FACEIT 2002:20).

5.5.2 Procurement reform and public sector reforms: success stories?

Procurement is a key priority area in Tanzania's 1999 NACSAP, the country's official anti-corruption policy. The Procurement Act of 2002 that includes the enhanced competitiveness of the bidding process, was marked as a 'fine piece of legislation' (ESRF/FACEIT 2002:22). Tanzania's privatisation of a large number of inefficient state companies was also regarded as a success (interviews, July 2002). To assess whether they were actually that successful, the decision-making and implementation of these anti-corruption reforms are scrutinised below.

The Procurement Act: a more open bidding process?
The debate that preceded the Procurement Act (No. X of 2002) focused upon the increased transparency and competitiveness of the bidding procedures for government contracts. Examples of such contracts are the building of government estate and the delivery of office equipment or research and consulting services. Reform-oriented actors aimed to make these bidding procedures fully transparent, so that any interested private party can compete for a government contract.

The government took five years to prepare the new Procurement Bill. Specific procurement guidelines developed by the World Bank and IMF

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[17] The following pieces of legislation (all adopted or amended in 2001) were reviewed: 1) The Education Act, 2) the Cotton Act, 3) The Commission for Human Rights and Good Governance Act, 4) the Tanzania Communications Act, 5) The Surface and Marine Transport Authority Act, and 6) the Energy and Water Utilities Regulatory Authority Act.

were used as a format. In the final stage of preparation, external views were taken into account from civil society and business associations, through working groups or written statements (interviews, July 2002).

The government was strongly divided on whether to enhance the competitiveness of the bidding procedure (interviews, June 2002). Because the drawing of the Procurement Bill took five years, some executive agencies were accused of deliberately delaying the procurement reforms (FACEIT/ESRF 2002:122). This was ascribed in particular to 'inertia' to carry out the large amount of reform-work (interviews, June 2001). By contrast, other members of the government, in particular a minority group within the ruling party was believed to have the expertise as well as the will to reform (interviews, June 2002).

Through its lobby for more competitive bidding procedures, the donor community had a strong impact upon Tanzania's final Procurement Act. One particular expert asserted that some parts of the IMF/World Bank procurement format were 'literally copied' into the act (interviews, June 2002). The private sector, by mouth of the Contractor's Registration Board (CRB), also advocated for a transparent procedure (interview, July 2002)[18].

The final decision signified the increased competitiveness of the procurement system in Tanzania, by a) opening the bidding procedure to any interested company or firm and b) the public announcement of who finally won the contract.

Despite these apparently far-reaching reforms, the Procurement Act met with several points of criticism (ESRF/FACEIT 2002:119; interviews, June 2002). First, the act did not cover military equipment and supplies, the supply of arms and ammunition by security, police and prison departments, or procurement by local government authorities. Some experts suspected the government of hiding specific types of corruption by limiting the width of the Procurement Act. Second, the criteria for winning a government contract were still not clear. Third, there would be no actual room for launching complaints on the decision on which party wins the government contract. These loopholes were ascribed to ignorance and a lack of interest among the majority of parliamentarians with regard to procurement[19]. As a consequence, parts of the act were too intricate and rigid, and only slightly adapted to the local context. Rather than creating a more competitive

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[18] Professional and business associations, by mouth of the Contractors' Registration Board (CRB), sent a written advice to the government, advocating for the necessity of: registering those given a government contract, Tanzanian government contractors only, and an appeals mechanism for deciding the winners of government tenders (interview, 2002).
[19] 'They [the parliamentarians] added suggestions or asked questions that were already addressed in the bill' (interview, July 2002).

environment, this might have made it more difficult for companies who are unaware of the conditions (interview, July 2002).

Procurement reforms: obstacles to implementation
A large number of experts, including government representatives, admitted that the real problem with procurement in Tanzania was not the adoption of the procurement reforms as such, but rather their implementation (interviews, June, July 2002)[20]. Some ascribed this to vested interests in the status quo. Others argued that the intended changes in attitudes and practices require 'a lot of work' by executive agencies, resulting in reform inertia (interviews, June-July 2002)[21].

Another key obstacle to the implementation of the Act was believed to be the lack of awareness among the public who ought to monitor the implementation process. The Contractors' Registration Board (CRB), responsible for protecting consumers and contractors from arbitrariness, was the first and only outsider able to observe the implementation process (interviews, July 2002).

Finally, the local councils hindered further implementation of procurement reforms (interviews, June 2002). The research consortium (ESRF/FACEIT 2002:34) ascribed this reluctance to the 'grand and systemic corruption in the local authorities', notably among the councillors and finance and planning committees. A local expert, however, emphasised the lack of local capacity to deal with the new act (interviews, June 2002).

The Financial Act
In Tanzania, the Procurement Act rank under the Finance Act of 2001, which replaced the act of 1961. Up to 2001, most anti-corruption activities in the area of financial management continued the initiatives of 1997[22]. The

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[20] The Central Tender Board (CTB) officially implements the act for the bigger procurements, along with the Ministerial Tender Board and the Institutional Tender Board, whose respective powers were streamlined in the new act. Moreover, each ministry has its own Purchase Committee, which was intended to give 'a sense of transparency and participation' (interview, 2002).

[21] Some doubted whether the government was willing to implement the act; its preparation had taken five years (ESRF/FACEIT 2002: 122).

[22] After the first State of Corruption Report in Tanzania (Warioba Commission 1996) various anti-corruption reforms were undertaken in the financial sector. These included: (a) fund raising for anti-corruption activities; (b) the management of budget expenditure (through Public Expenditure Reviews (PERs)); (c) the enhanced provision of government services, including the administration of pensions; and (d) the mobilisation of external resources (ESRF/FACEIT 2002:96). The PER's make up the centre of expenditure management in the context of the Mid-term Expenditure Planning Framework (MTEF), which is a donor-driven policy initiative. The MTEF is a policy dialogue instrument regarding the formulation of the

new Finance Act is characterised by a focus on strengthening control and auditing mechanisms (ESRF/FACEIT 2002:97). The most salient decisions that were made in the frame of this act were (a) the emphasis on the need to ensure 'value for money' on goods and services and (b) the opportunity for the Auditor General to intervene during the financial year. In addition, parliamentary oversight of the budget cycle was achieved (interview, June 2002).

No strong controversies were reported around the adoption of the Finance Act (interviews, June 2002). The Finance Act incorporated most of the financial management reforms suggested in the 1999 NACSAP (ESRF/FACEIT 2002:118). Nevertheless, 'powerful beneficiaries well-connected to the government' would have resisted the financial act by calling it a 'witch-hunt for political opponents' (interviews, June 2002).

Financial discipline: the declaration of leaders' assets
The obligation for members of the Tanzanian parliament to declare their assets triggered a highly controversial debate in the priority area of enhanced financial discipline[23]. The dispute arose when the prime minister and the president publicly declared their assets, but not all of the Members of Parliament (MPs) follow their example. The President of Tanzania then proposed a sanctioning mechanism to oblige MPs to publicly declare their assets. He obtained support from the prime minister, civil society, and the international donor community.

The MPs defended their position by stating that if they publicly declare their personal wealth their constituents would request personal favours from them (interviews, June 2002). However, the business community and research institutions asserted that most MP's had under-declared in the past (July 2002). Experts even claimed that 'ninety per cent of the income of MPs bears no relation to their official function. This would explain why MPs refuse to reveal the wealth they accumulated, either through bribes or through tax evasion.'[24] One particular expert said that an acquainted MP refused to declare his assets to the system. Another MP declared his assets,

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budget and public expenditure, which ought to involve stakeholders from all economic ministries, key state agencies, donors, and civil society representatives. In addition, a computerised network was installed for the execution of all financial transactions involving the government: the Integrated Financial Management System (IFMS).

[23] A Code of Ethics for the public service was issued in 1999 for those public servants not covered by the Public Leadership Code of Ethics Act, No. 13 of 1995 (ESRF/FACEIT 2002:41).

[24] The adoption of the Public Leadership Code of Ethics Act in 1995 followed a decade without a valid public ethics code. During this period, leaders could accumulate their personal wealth without declaring it to the system.

but only after having transferred the assets to his wife's and other accounts (interview, June 2002).

The final decision was that MPs declare their assets to the *system* and not to the public. The public can only access the files after paying a fee (1000 Tanzanian shillings (Tshs.), equal to about 1 US$). Whether this decision will be properly enforced remains doubtful because of deficient monitoring capacity (interviews, June 2002). This lack of capacity is illuminated by the Ministry of Works' 'star-case': no one had noticed the assets of one particular leader who had earned millions of Tanzanian shillings from running a chicken farm.

Public sector reforms

Tanzania's Public Service Reform Programme (PRSP) was launched in June 2000 (ESRF/FACEIT 2002:39). The PRSP was to improve the efficiency and integrity of public service delivery, as well as public awareness and accountability. Particularly the tax reforms and wages were controversial issues within the PRSP. In the tax department, a stringent anti-corruption strategy was implemented, encompassing the evaluation and improvement of internal control systems, capacity building, and taxpayer education and monitoring (ESRF/FACEIT 2002:101). The initial resistance to these reforms was said to be 'tremendous' (interviews, June 2002). Despite this, corrupt tax officers were discharged. Moreover, the introduction of the Tax Identification Number (TIN) was marked as a 'big headache for the corrupt'. TIN implied that all of an individual's tax records become accessible in one place. Yet the tax reforms were also believed to have an adverse impact: less, but bigger corrupt deals (interviews, June 2002; cf. Rose-Ackerman 1999).

Despite these reforms, however, the abuse of power and incorrect tax assessments continued to damage the image of the tax department (ESRF/FACEIT 2002:108). The extremely high marginal tax rate (95%) in Tanzania would 'force people to cheat on the system' (interviews, June/July 2002).

Privatisation: obstacles to implementation

Like procurement reforms, the privatisation process was marked as another story of success in Tanzania's anti-corruption history. By 2000, 75 % of the four hundred targeted government companies in the mining areas, the tobacco and beer industry, and the tourism and fishing industry were divested. By reducing the government burden and hence the opportunity for corruption, contributions, pay schemes, and employment were believed to increase.

Despite the earlier achievements, critics questioned the efficiency of the privatisation process. Various examples of abuse were presented in which powerful actors were accused of rent-seeking (interviews, June 2001; ESRF/FACEIT 2002: 110). Moreover, the transparency of the legal framework was doubtful (interviews, June, July 2002)[25]. Corruption would have caused under priced sales of government companies to unsuitable applicants.

By 2002, the perceived deficiencies in the implementation of privatisation gave a number of MPs enough reason to propose a 'privatisation probing committee' to re-assess the privatisation process in Tanzania. The responsible minister resisted this proposal.

5.5.3 The lack of trust between government and society

The involvement of civil society and the media in Tanzania's anti-corruption process was identified as a priority area in the 1999 NACSAP. An informed and active civil society is supposed to form an essential monitoring mechanism in the formulation and implementation of anti-corruption reforms. The lack of civil society involvement in Tanzania would have originated from the socialist framework of the 1970's, in which the state was proclaimed 'to have and to know everything' (interviews June, July 2002).

A main cause of the lack of civil society involvement would be the serious mistrust between society and the government. The government, including the Prevention of Corruption Bureau was said to 'frown upon' public participation in anti-corruption issues (interviews, June 2002). At the same time, civil society members still regarded the PCB as a highly inaccessible institution. Despite the formal PCB policy to 'get civil society on board', experts criticised the bureau for consisting mostly of policemen (interviews, June, July 2002). The problems surrounding the new Anti-Corruption Police Unit (ACPU) in Kenya were highly similar.

A few experts ascribed the lack of involvement of NGOs to their one-sided focus on fund raising. This would have prevented them from getting involved in Tanzania's anti-corruption policy process as a sustainable coalition[26].

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[25] The privatisation process dates back to 1992, and has been managed by the executive chairman of the civil service reform process (CSRP). The commission of this chairman obtained a lot of discretion: employees and managers were not involved in the privatisation process, nor did the responsible minister did have to be consulted (interviews June 2002).
[26] This lack of coherence among NGOs was even claimed to be the result of a deliberate government strategy; some NGOs were funded while others were not (interviews, June 2002). This focus on their own survival would have prevented the NGOs from building a sustainable coalition against excessive government power.

Getting FACEIT registered

The following example illustrates the mistrust between the government and civil society with regard to anti-corruption reforms in Tanzania. Between 1996 and 1999, the Front Against Corrupt Elements in Tanzania (FACEIT) and the government had reached a deadlock on the legal recognition of FACEIT as an NGO. During this period, FACEIT had to freeze its activities. Nevertheless, the NGO maintained its request for recognition, which it obtained in 1999. An expert noted that 'the ones in power were not in a hurry to approve' (interview, July 2002).

Access to government information by the media

The media's access to government information constituted a structural controversy in Tanzania (cf. ESRF/FACEIT 2002). The government was reluctant to grant the media access to information. The media in Tanzania depends on the National Security Act of 1970. This act prescribes that public servants are not allowed to communicate with the public without legal permission (ESRF/ FACEIT 2002:130). In addition, the Newspapers Act of 1976 that guides the operations of newspapers in the country was believed to have 'cumbersome and restrictive' provisions, impinging on media freedom and the freedom of expression.

The many financial, technological and legal constraints faced by media owners, editors, and field reporters even made the media part of the corruption problem (Warioba Commission 1996; ESRF/FACEIT 2002:131). Moreover, journalists lacked investigative training skills. An in-depth assessment of corruption coverage of eight mainstream newspapers in Tanzania between January and March 2001 resulted in 3 investigative articles out of 84 articles on corruption.

A political debate to legally strengthen the media began in 2002. With the support of the international donor community[27], media associations and professional groups submitted a comprehensive 'white paper' to the government (interviews, June 2002). Key proposals were a) to allow individual groups to run the media and secure media independence and b) to remove all legal obstacles to investigative journalism. This would entail a freedom of information law that would allow citizens and the media the access to government information[28]. Official reactions to the media's white

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[27] The Dutch government (DMV) plus the SIDA and NORAD, Sweden's and Norway's development agencies.
[28] The initiators of the White Paper reviewed about 13 laws. Six of these laws were found to contain the largest obstacles for the media. Among these were the Civil service Act, the Revenue Act, and the Penal Code.

paper was unknown at the time of study. The media cherished some hope for parliamentary support (interviews, June 2002).

5.5.4 Potential mechanisms of reform

One of the aims of the case studies was to explore possible explanations for the implementation of the World Bank program. Which mechanisms can be identified behind anti-corruption reforms in Tanzania? Remarkably, many and relatively far-reaching anti-corruption reforms were adopted in Tanzania. *How* these policy decisions came about is likely to be implicit in the processes of decision-making that are described in this section. Table 5.4 offers a summary of the policy positions of the various involved actors.

Table 5.4 Anti-corruption decision-making in Tanzania: a summary

Actor	N of issues in which actor involved	Overall position
President	(2)	Expressed some political will to reform. At the same time subject to criticism that meaningful anti-corruption activities were not achieved
Ruling party minority	(4)	Well-informed and skilled parliamentarians, who were relatively open to reform
Ruling party majority	(6)	Characterised by a lack of interest and capacity with regard to financial anti-corruption legislation
Executive agencies	(3)	The executive was characterised by 'inertia' to adopt and implement reforms
Opposition parties	n.a.	
Judiciary	n.a.	
Prevention of Corruption Bureau (PCB)	(2)	The PCB took a number of reform-oriented stands. However, civil society criticised the bureau for being closed to the public and slow in prosecuting the corrupt
Attorney-General (AG) and Director of Public Prosecutions (DPP)	n.a.	Pleaded alongside the PCB for a wider definition of corruption and an expansion of PCB funding and facilities. However, the distribution of power between the PCB and the DPP was problematic
Civil society	(6)	Despite high stakes in reform, lacks serious influence. This was ascribed to civil society lack of trust in the government
International donor community	(6)	Perceived as highly influential in pushing for reforms. According to some experts, reform proposals by the powerful donor community ought to be adjusted to the local context

Table 5.4 *(continued)*

Media	(1)	The media were not involved much. They initiated a legal proposal to improve their access to government information
Local councils	(2)	Local councils were reported to resist the national anti-corruption reforms, or lack the interest and capacity to implement them
Private sector:		Some businesses (associations) actively
minority	(1)	monitored the transparency of the procurement
majority	(3)	process, but a majority of business companies were observed to take part in corruption

Source: interviews, June 2002

As shown in the table, a clear 'status quo- coalition' consisted of the highly powerful *majority* of the Tanzanian ruling party, together with an influential majority of the private sector. The official opposition did not take part in Tanzania's anti-corruption process. A minority of the ruling party (i.e. an 'informal' opposition) formed a 'middle coalition'. The president took a reform-oriented position on some of the issues. The relatively weak and unorganised civil society (including churches, the wider public, a few business associations, and sometimes the media) and the highly powerful donor community were eager for reforms on all issues.

The anti-corruption policy debate in Tanzania contains an intriguing paradox. Experts reported an implicit but strong resistance to anti-corruption reforms, particularly among political heavyweights. However, despite the resistance, many seemingly far-reaching reforms were adopted. A potential explanation is the relatively reform-oriented position of the president and of a ruling party minority. Their positions could in turn be related to the latent or manifest presence of the highly influential donor community in the process of decision-making.

Another possible explanation for this paradox is that agreeing to reforms does not automatically threaten the vested interests of many actors, because the policy decisions are unlikely to be implemented anyway. The most salient perceived causes for the lack of implementation of anti-corruption policy decisions in Tanzania are presented in Box 5.4.

Box 5.4 Causes of implementation problems

1) Vested interests in the status quo
2) An inertia towards reforms, because of the extra work load
3) The lack of implementation monitoring by civil society
4) A lack of capacity to implement, particularly within the local authorities

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The implementation problems surrounding Tanzania's anti-corruption policy are even more serious on a local level. The adoption and implementation of NACSAP by local councils has been subject to much delay (interviews, June/July 2002)[29].

5.5.5. The potential impact of political-administrative context

A plausible contextual explanation for the aforementioned paradox is Tanzania's very high financial dependence upon the international donor community. Because of the international funds that can be acquired, decision-makers may have developed an interest in anti-corruption reforms. The relation between country context and decision-making mechanisms are investigated in more detail in the comparative analysis between Kenya and Tanzania (section 5.7).

5.6 The case of Tanzania: conclusion

First, to find out *how* the World Bank program was implemented in Tanzania, the contributions by the program participants to the anti-corruption process in their country were reconstructed. The Tanzanian program participants each contributed to the anti-corruption agenda and to the process of decision-making to different degrees, and in different ways. Like in Kenya, personal relations with powerful and relatively reform-oriented actors seemed to have enhanced the contributions of program participants to the policy process. However, the largest positive effect was the result of one of the program participant's formal position (a government official). This might be attributed to the formal and top-down character of Tanzania's anti-corruption process.

Second, the study of Tanzania's anti-corruption process yielded a number of preliminary explanations for the extent to which the World Bank program was implemented. A number of relatively far-reaching anti-corruption reforms were adopted in Tanzania. At face value, the agreement on these decisions was high. Yet after scrutinising a number of specific issues, controversies were revealed. A powerful and conservative majority of the ruling party opposed the strong and reform-oriented donor community and the weaker civil society. Nonetheless, the president and a minority of the ruling party sometimes took an intermediate position. The somewhat reform-

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[29] One local expert perceived an increase in awareness of the corruption problem at the local levels (interviews, July 2002). He reckoned that 'if the Minister works hard they should be able to create awareness and get the laws accepted locally by the councils'.

oriented positions of these actors in the process of decision-making could be one explanation for the adopted reforms. It is likely that these positions are related to the latent or manifest presence of the highly influential donor community in the process of decision-making.

The anti-corruption policy process in Tanzania was perceived as highly top-down, and closed to outsider observers. Despite the reported effort to mobilise civil society, a lack of trust was reported between the government and the anti-corruption bureau on the one hand and civil society organisations on the other hand. This lack of trust is remarkable given the country's political-administrative context, which is characterised by a fair level of civil liberties.

Nevertheless, the significant amount of paper reforms in Tanzania could be related to two other contextual characteristics. Country leaders are anxious to maintain foreign donor aid by favouring anti-corruption reforms. Tanzania's high percentage of foreign aid in GDP has brought about a 'shadow of the donors', which has a large influence on internal policy affairs. Plus the easily made policy decisions may be due to a deficient implementation infrastructure. If a policy decision to curb corruption is not expected to be implemented to begin with, 'conservative' actors fear no *actual* loss of vested interests and hence adjust their positions towards reform.

5.7 Kenya and Tanzania: a comparison

In this section, the differences found in (a) anti-corruption reforms and (b) the contributions of program participants are related to country context. Kenya and Tanzania differ on a number of political-administrative characteristics, whereas their culture and historical background are highly similar. Hence, differences in anti-corruption policy and program participant contributions may be associated with political-administrative differences (cf. Yin 1994: 46).

5.7.1 Contextual differences

Table 5.5 offers a comparison of context: quantified characteristics of the political-administrative systems of Kenya and Tanzania (around 1999).

All political-administrative characteristics between Kenya and Tanzania differed, except for the level of *political competition*: the extent to which alternate preferences for policy and leadership can be pursued in the political arena (Polity IV 1999).

Table 5.5 Context: political-administrative characteristics

Political-administrative Characteristics	Kenya	Tanzania	Sources
Years that executive party has been in power	34	20	World Bank (2001b): database of Political Institutions (DPI)
Government fractionalisation*	0	0.28	World Bank (2001b)
Opposition fractionalisation	0.69	0.61	World Bank (2001b)
# opposition seats	88 (out of 100)	46 (out of 223)	World Bank (2001b)
Political liberties	6 not free	4 partly free	Freedom House (1999 rating)
Political competition	3	3	Polity IV (1999)
Civil liberties	5 not free	4 partly free	Freedom House (2000)
Press freedom	90 not free	51 partly free	Freedom House (2000)
Corruption (perceived)	1.9 (high)	2 (high)	Transparency International (1999)
Dependence on foreign aid (% ODA of GDP in 1999)	2.9	11.3	UNDP Human Development Report (2001)
Total inflow of foreign aid (ODA) by 1999 in $ m.	308	990	UNDP Human Development Report (2001)

* 'Fractionalisation' represents the probability that two members picked at random from the government or parliament will have different party denominations (World Bank 2001b).

The variety of parties in parliament ('fractionalisation') was higher in Kenya than in Tanzania. In 1999, there were four opposition parties in Kenya, while Tanzania's opposition consisted of two. What is more, Kenya's civil society was perceived to be more active (interviews at the World Bank, 2000; not in table). Despite Kenya's comparative advantage in terms of political activity, Tanzania ranked higher on political and civil liberties, including press freedom (Freedom House 2000).

Both Kenya and Tanzania were classified as highly corrupt. However, the two countries differed with regard to which areas were the most corrupt. In Kenya, politicians featured at the top of the list, while in Tanzania it was the private sector, in collusion with part of the government (ESRF/FACEIT 2000; TI-Kenya 2002). Finally, Tanzania depended much more upon foreign aid for its GDP (11%) than Kenya (3 %) (UNDP 2001).

5.7.2. Mechanisms of reform

Whereas the process in Kenya was characterised by many 'false starts' and a lack of policy change, the Tanzanians made a considerable number of policy decisions. *How* anti-corruption reforms were finally adopted or rejected, was derived from the processes of decision-making that took place in both countries. These processes brought forward a number of potential *mechanisms* behind reform. Between the two countries, a few remarkable differences and similarities can be observed with regard to these mechanisms.

Tanzania's anti-corruption policy process is substantially more government-driven than Kenya's. Only a limited number of official actors were involved. These included the anti-corruption bureau (PCB), the implementing agencies and the local councils. Kenya's decision-making processes involved a larger variety of actors such as opposition parties in parliament and APNAC, and less powerful actors such as TI-Kenya.

In both countries, the donor community and civil society were generally most reform-oriented, and opposed by a reluctant, but powerful government clique. However, the distributions of the other actors' positions differed strongly between Kenya and Tanzania. Kenya was characterised by a clear polarisation between government clique and societal actors. Tanzania was characterised by a lower polarisation. Aware of the country's dependence upon the international donor community, the Tanzanian President, together with a ruling party minority and the PCB took an intermediate stand on reform. This most probably contributed to the many policy changes.

This comparison demonstrates that a powerful government actor, not entirely reluctant to reform, can facilitate anti-corruption reforms. Examples in Tanzania are the president and a ruling party minority. In Kenya it was the more intensive involvement of parliamentary and civil society actors that brought about a more controversial and troublesome anti-corruption process. Nevertheless, if a reform decision is actually made in such an environment, it may be more substantial and stand a higher chance of implementation.

5.7.3 The potential effect of country context

Context and decision-making
The lack of parliamentary and societal involvement in Tanzania's anti-corruption process seems to be related to the country's low ratings on a few political *competition* variables. For example, Tanzania lacks a formal parliamentary opposition. By contrast, Kenya's moderate level of political

competition might have contributed to the growth of the parliamentary anti-corruption caucus (APNAC).

However, the lack of civil society involvement in anti-corruption affairs and the mistrust between government and society does not match the relatively open civil climate in Tanzania (Freedom House 1999). One possible explanation is the 'passive' attitude among citizens that resulted from the socialist culture or 'Ujamaa' in the 1970's and 1980's. An alternative explanation is Tanzania's departure from state socialism to a policy of rationalisation and privatisation. This would have resulted in the 'unholy' relations between the business companies and parts of the government, often to the detriment of civil interests (interviews, June 2002).

One explanation for the presidents' and the ruling party minority's political will to reform is the large influence of the donor community, which is due to Tanzania's strong dependence on foreign aid. Kenya is less dependent on foreign aid.

Context and the contributions by the program participants

In both countries, the program participants were asked which political-administrative aspects of their country positively or negatively affected their functioning (interviews, June-July 2002). In Kenya, entrenched corruption was identified as the main obstacle to contribute to reforms. The growing parliamentary opposition against corruption was perceived as an asset.

In Tanzania, the lack of trust between government and society, in combination with a serious lack of public awareness of corruption, was noted as the main obstacles to reform. This is not in line with Tanzania's ranking on civil and political liberties in renowned international ratings. Furthermore, some program participants mentioned the lack of political will within the government (due to entrenched corruption) as a main obstacle to contribute to anti-corruption reforms. Others emphasised the lack of capacity among governmental institutions to formulate and implement reforms. Finally, the donor community would have triggered anti-corruption reforms in Tanzania.

5.8 Conclusion

In chapter 2 of this study, the program theory of the World Bank is described in detail. Starting with a group of program participants, the program aims to stimulate the anti-corruption debate and reforms through a bottom-up process. An anti-corruption process widely supported by society can be achieved in a stepwise manner. Roughly, the chain of events that is assumed to bring about program success is as follows. The program begins with (1)

empowerment of program participants through knowledge and mutual contact in courses, so that they can (2) build a wider anti-corruption coalition in their country. An important assumption behind this step is that the program participants possess a network of social relations that they can build on. Subsequently, given (3) political will at the top (the government and the president), initiatives by the program participants can (4) trickle down to society, resulting in a greater public awareness of the problem of corruption, and hence (5) the early involvement of civil society and other stakeholders in anti-corruption policy-making.

The first two aims of the two case studies were to reconstruct the *actual* chain of events that took place in order to implement the World Bank program, and to see to what extent this corresponds with the *anticipated* chain of events in the program theory just described. The focus was on the contributions by the individual program participants to the anti-corruption processes in their countries. These contributions related to coalition building, agenda setting, and involvement in decision-making. Between Kenya and Tanzania, a few differences were observed in these respects. First, the team of Tanzanian program participants seemed to have contributed slightly more in terms of the frequency of initiatives and their decision-making involvement. However, it was the regular professional activities of one governmental program participant that fully account for this difference. Second, in Tanzania more issues involving program participants were concluded with a decision (on paper) to reform than in Kenya. Third, the Kenyan program participants paid more attention to *bottom-up* issues, like coalition-building and civil society involvement. Their initiatives and agenda-contributions were less top-down and formalistic than in Tanzania. Fourth, in Tanzania, a program participant's formal position (as a government official) clearly made a difference for their contributions. This was not the case in Kenya.

Other observations are more general and cut across the two country cases. The contributions by the program participants in the anti-corruption process seemed to be positively related with their personal network. The 'well-embedded' program participants claimed to have been involved in key national issues of anti-corruption policy. Particularly program participants holding relations with powerful and relatively reform-oriented actors (like the head of the public service in Kenya and the president and Minister for Good Governance in Tanzania) reported most of the contributions. This would confirm the World Bank's assumption that program participants require a specific network of personal relations in order to exert influence.

The empirical findings on the program 'in action' in Kenya and Tanzania only partly sustain the main assumptions that constituted the World Bank's program theory. The program participants from both countries confirmed the enhanced knowledge (ad 1) obtained through the courses. However, only in Kenya mutual contacts among the program participants were intensified. Furthermore, only in Kenya a number of commendable coalition building successes were achieved (ad 2), particularly by TI-Kenya and APNAC. Nevertheless, in both countries participants with an adequate network of social relations were most successful. This is in line with the assumption in the program theory. However, both in Kenya and Tanzania, the program participants suffered from the structural lack of trust between civil society and government. A lack of political will inside the government (ad 3), resulting from pervasive corruption was marked as the main obstacle to further change. Moreover, public awareness of corruption is very limited (ad 4), particularly in Tanzania. More than the wider public, the *international donor community* facilitated the activities of the program participants in Tanzania. In Kenya, the many efforts to reform indeed seemed to have brought about a public disapproval of corruption, particularly after the demise of the former anti-corruption authority KACA. Kenyan NGOs continuously tried to become involved (ad 5). Thus far, the effect of their involvement on the longer term remains uncertain. In Tanzania, the government almost fully controlled the anti-corruption process[30].

A concluding observation is that the 'corporate society' (NGOs and groups within parliament) has been more important for building an anti-corruption coalition in both countries than awareness raising and attitude change among the wider public. Except for a few examples in Kenya, the involvement of the public in anti-corruption affairs turned out to be negligible.

A third aim of the comparative case studies was to yield preliminary explanations for anti-corruption reforms and hence, for program implementation.

First, *mechanisms* of reform were sought in the processes of decision-making. Reform decisions were facilitated by a powerful and to some extent reform-oriented government actor, like the Tanzanian President and a ruling party minority. By contrast, the more intensive involvement of parliamentary and civil society actors in Kenya caused a more controversial and

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[30] Finally, the case studies served as a validity and reliability check on the data presented in chapter 3 of this study. The case studies largely replicated this distance data, which was mainly obtained over the telephone.

troublesome anti-corruption debate. In terms of long-term democratic development, however, this type of debate might be more meaningful.

Subsequently, potential effects of country *context* were investigated. First, Kenya's slightly stronger political competition probably facilitated the expansion of a parliamentary anti-corruption caucus after 2001. Second, and by contrast, Tanzania's surprisingly far-reaching anti-corruption reforms are likely to be associated with the entrenched influence of the donor community. International pressure might have caused governmental actors to become more open to reform. Third, Tanzania's many and relatively far-reaching policy decisions could be explained by the lack of expected policy implementation, as paper reforms are unlikely to be realised anyway. Fourth, Tanzania's relatively passive civil society and the collusion between private sector and government can be ascribed to the departure from state socialism to state rationalisation and privatisation. Finally, vested interests related to high levels of corruption in both countries, were perceived as a main obstacle to adopting or implementing anti-corruption reforms. Besides vested interests, alternative explanations for the inertia to reform in Tanzania were the high workload and the lack of technical or financial capacity associated with the implementation process.

Having come to a conclusion on the comparative analysis of Kenya and Tanzania, this study is clearly at a crossroads. Chapter 2 shows that the World Bank's program theory falls short of theoretical support in some important respects. Chapter 3 showed that a large part of the program 'died out' in the process of implementation in the seven African countries. The two comparative case studies illustrate that the *actual* chain of events leading up to program implementation is quite different from the one anticipated in the World Bank's program theory. Only in Kenya, a number of 'coalitions' for reform were formed, and of these the long-term impact was often uncertain. The wider public hardly became involved in anti-corruption activities. Moreover, experts reported an overall lack of political will to reform due to vested interests in pervasive corruption. Given these findings, what more can be learned from the implementation of the World Bank program?

First, the analysis so far has not focused on the *results* of the processes of decision-making that took place in the seven African countries. The reforms subjected to decision-making go beyond the intended reforms on paper. Therefore, narrowing down the analysis to *debated reforms* could yield findings that add to the comparison of paper reforms in chapter 3. In the chapters to come, the concept 'level of reform' will be introduced to (a) indicate the amount of *change* from the situation before decision-making, the

status quo, and (b) allow for *a comparison* of this amount of change across the seven African countries. Apart from the level of reform, the percentage of pending reforms, i.e. *'issue resolution'* (see chapter 3) is studied.

Second, by making a cross-national comparison of the degree of issue resolution and of the level of reform, *explanations* for program implementation can be yielded. In chapter 6, a number of theoretical conditions are specified under which policy issues either remain pending or result in a high level of reform. These explanations extend the preliminary ones brought up in this chapter. In chapter 7, the theoretical explanations are set against the practice of decision-making in the seven African countries.

Chapter 6. Explaining variation in program implementation

6.1 Introduction

The case studies in Kenya and Tanzania yielded preliminary explanations for the implementation of the World Bank program. This chapter provides a more systematic explanation, by looking into the effects of conditions under which the program was implemented. The focus of this chapter regards the debated reforms, or policy issues. The first dependent variable of this study is the degree of issue resolution: the percentage of policy issues resolved by a policy decision. The second dependent variable is the level of reform: the extent to which a policy decision reflects a change from the situation before decision-making, the status quo.

Explanations are offered on two levels: the political-administrative system on the national level and processes of decision-making on the level of the policy issue. Chapters 4 and 5 have shown that conditions at both levels of explanation are vital to understanding program implementation.

6.1.1 Two levels of explanation

Political-administrative context

The implementation of the World Bank program was found to vary between the seven African countries in this study. First, the likelihood of policy decisions varied. In Malawi and Uganda for example, all reforms on the decision-making agenda remained pending, while a substantial number of reforms were decided upon in Ghana and Kenya. Second, at face value, the countries varied in terms of the extent to which a reform reflects a change from the status quo. In this chapter, this variance is captured by the variable 'level of reform'. The term is introduced only now and not in earlier chapters, because its conceptualisation draws heavily on the applied theories in this chapter.

Third, the political-administrative systems of the African countries turned out to differ in a number of respects, for example, on the degree of political freedom and competition.

The finding that program implementation varies between countries suggests an effect of country *context*: characteristics of the political-administrative system, like civil or political freedoms, affect anti-corruption reforms. The two explorative studies of Kenya and Tanzania in chapters 4 and 5 support this theory. For example, there are indications that Tanzania's strong dependence upon foreign aid has increased the number of reform

decisions. The political-administrative context constitutes *the first level of explanation* in this chapter.

Mechanisms of decision-making
The implementation of the World Bank program not only varied between, but also within countries. In four out of the seven countries, some anti-corruption reforms remained pending while other reforms were decided upon. Moreover, in Kenya, the decision to allow parliament control over its resources reflected a substantial reform, while the decision to declare the anti-corruption agency void implied a return to 'scratch'. These differences suggest there are a number of different decision-making mechanisms that drive anti-corruption reforms.

The finding that the likelihood and level of reforms varied between the specific reforms within countries suggests that mechanisms of decision-making influence anti-corruption reforms. In chapters 4 and 5 on Kenya and Tanzania, interesting examples are given of the effect of the decision-making process on reforms. In Tanzania, for example, the powerful president and a ruling party minority were relatively reform-minded. This probably triggered more and more far-reaching decisions.

These findings underscore the potential effect of distributions of interests and bargaining power between actors involved in collective decision-making on anti-corruption reforms. The more powerful actors that have an interest in substantial anti-corruption reforms, the more likely implementation of the World Bank program becomes. These and other mechanisms are at work at the second level of explanation in this chapter: the level of collective decision-making on substantive policy issues. Figure 6.1 depicts the interrelation between the two levels of explanation.

Figure 6.1 Two levels of explanation

Context: national level — Characteristics of the political-administrative system

Mechanisms: level of collective decision-making on policy issues — Characteristics of the decision-making process → Anti-corruption reforms
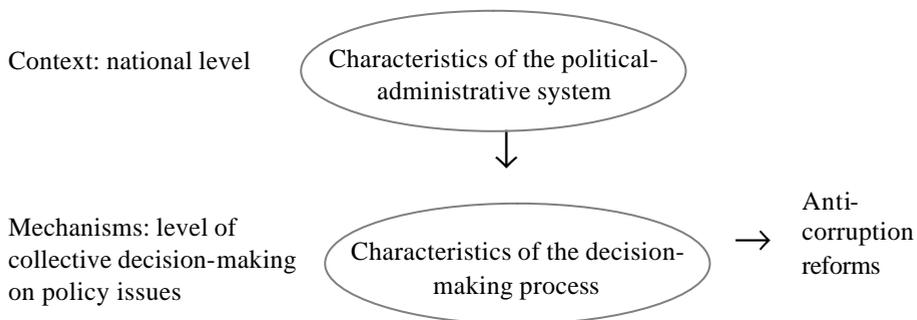
6.1.2 Structure of this chapter

Anti-corruption policies are a specific type of political-administrative reforms. In the past decade, a number of theories were developed to explain the emergence of political-administrative reforms. In this chapter, two strands of these theories are combined and are then applied to anti-corruption reforms. These two are theories of the political-administrative system, and theories of decision-making. On the basis of these theories, a number of hypotheses are articulated on (a) the likelihood of reform and (b) the level of reform.

Section 6.2 starts with an overview of the two strands of scientific theories. Subsequently, these theories are applied to anti-corruption reforms, and to the implementation of the World Bank program. In section 6.3, between-country differences in the levels of anti-corruption reform are explained by characteristics (i.e. *deficiencies*) of the political-administrative context. In section 6.4, hypotheses are made that predict anti-corruption reforms strictly from the process of decision-making (mechanisms). Two dependent variables are distinguished: (a) issue resolution, i.e. whether anti-corruption reforms are resolved or remain pending in the course of decision-making; and (b) the level of reform reflected by actual policy decisions.

In section 6.5 hypotheses are formulated about the effects of the political-administrative context. This context is expected to affect anti-corruption reforms indirectly, by triggering mechanisms of decision-making, as depicted in Figure 6.1 above. For example, a lack of political competition may weaken the political control over powerful decision-makers who, as a consequence, feel no urge to reform.

6.2 Theories of reform

This section offers an overview of theories relating to the political-administrative system, and of theories relating to decision-making.

The first concern is to explain differences in reforms *between* the different countries. A number of theories of political-administrative reform have focused on circumstances *external* to political-administrative systems that can hardly be influenced by policy. Examples of these circumstances are: economic crises, pressure from the international donor community, and famine. Treisman (2000) showed in a cross-national analysis of ninety-nine countries that gross domestic product is strongly associated with the level of corruption in a country (Treisman 2000). Because exogenous circumstances can hardly be translated into meaningful reforms, the policy relevance of

these theories is small[1]. The theories relating to the political-administrative system used in this chapter stem from a sub-discipline of economics: public choice theory (Downs 1957; Niskanen 1971, 1975). In some theories some implicit references are made to how the political-administrative system affects the distribution of power and interests and hence reforms (cf. Geddes 1991; Krueger 1993; Rodrik 1993, 1996). The theories relating to political-administrative context are addressed in section 6.2.1.

The second concern is to explain differences in reforms *within* countries. The theories used in this chapter relate to processes of decision-making (mechanisms) within countries (cf. Cox and McCubbins 2001; Black 1958). These decision-making theories are addressed in section 6.2.2.

6.2.1. Context: political-administrative characteristics

Vested interests
'Vested interests' refer to the interests of powerful actors (decision-makers) who benefit from corruption by acquiring private 'rents' from public resources (cf. Klein Haarhuis and Torenvlied 2005). These decision-makers aim to maintain the status quo: the situations before any reforms are initiated. Moreover, they aim to remain in power. In democratic political-administrative systems, this comes down to vote-maximisation during elections and being responsive to special interest groups (Downs 1957)[2].

In many corrupt countries, being responsive to special interest groups has had a much stronger impact on the political survival of decision-makers than in western democracies (cf. Geddes 1991). Decision-makers often are not dependent upon the provision of public goods and welfare to remain in power. Instead, they can increase their power by providing special interest groups with opportunities to abuse public power for private gain. In other words, they can politically survive and personally benefit by responding to 'vested interests' in corruption. Consequently, in corrupt countries, the problem is that the individual interests of decision-makers often diverge from the public interest.

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[1] For example, the strong correlation between gross domestic product (GDP) and corruption induced policy advisors to recommend economic development as a way to cut down the level of corruption in developing countries (Lijphart 1999: 263-270). It is, however, not clear whether a low GDP is the cause or the consequence of corruption. Hence a proposal related to economic development may also fail.
[2] These powerful actors are assumed to be 'boundedly' rational. By maintaining the status quo and remain in power, they aim to fulfil ultimate goals like the maximisation of personal wealth (Simon 1955, 1982; Downs, 1957). In combination with information on the political-administrative system of a country, this bounded rationality assumption can yield an *endogenous* explanation for anti-corruption reforms.

Deficiencies in the political-administrative system
The existence of deficiencies in the political-administrative system explains for the divergence between the 'public interest' and 'vested interests' in corruption. These deficiencies are believed to (a) advance the existence of vested interests in corruption and (b) increase the political power of decision-makers with vested interests. The notion of deficiencies is rooted in principal-agent literature (e.g. Rose-Ackerman 1978; Coleman 1990; Meier and Holbrook 1992). These sources define corruption as the result of problems that leaders have controlling their agents. These problems can range from difficulties with the general public to control over political decision-makers (cf. Peters and Welch 1980; Meier and Holbrook 1992), or problems decision-makers may have controlling their bureaucratic agents (cf. Rose-Ackerman 1978:10-11)[3].

The political power of decision-makers with vested interests is consolidated by the lack of control the voting public have over them. The electorate is assumed to be in favor of anti-corruption policy, because a decrease in corruption increases the efficiency of public administration and hence consume less tax money (cf. Rose-Ackerman 1978; Meier and Holbrook 1992). If the electorate cannot effectively control decision-makers by means of monitoring and sanctioning; vested interests can remain in power without adhering to the demands of the electorate (Rose-Ackerman, 1978:213). As a consequence, anti-corruption reforms that endanger powerful vested interests are less likely to be realised.

In sum, reforms are likely to occur when the individual interest of decision-makers coincides with the collective interest in reform (Geddes 1991: 371; Bueno de Mesquita 2001)[4]. Through the advancement of control by actors with a public interest over that of decision-makers with vested

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[3] In principal-agent literature, 'information asymmetry' refers to the problem that agents (e.g. politicians) often have better information than their principals (the electorate). This complicates the control that leaders have over agents. 'Shirking' refers to the situation in which the agent pursues his or her own objectives to the detriment of the principal's (cf. McCubbins 1985:724; Coleman 1990:151-152). For example, bureaucrats may exploit specific administrative rules to enlarge their personal welfare, rather than to live up to the objectives of social programs. For an overview of principal-agent literature, see Kiser (1999).
[4] In Bueno de Mesquita's theory, decision-makers choose the optimal combination of public goods and personal favours to most efficiently reward the *essential* supporters of the leadership in power, called the 'winning coalition'. The larger the winning coalition, the more costly it becomes to maintain this coalition through providing private goods, for example, through corruption. It then becomes more cost-effective for the leader to provide goods that benefit everyone, i.e. *public* goods, such as administrative or anti-corruption reforms. A similar line of reasoning was presented earlier in a theoretical model by Rose-Ackerman and Coolidge (1997).

interests, characteristics of the political-administrative system can advance reforms (cf. Krueger 1993; Rodrik 1993). Three examples show how.

First, political competition in a system will enhance possibilities to monitor and sanction politicians. Shleifer and Vishny (1993) point out the importance of political competition in containing corruption: 'Countries with more political competition face stronger public pressure against corruption (through laws, democratic elections, and even the independent press) and so are more likely to use government organisations that contain rather than maximise corruption proceeds' (1993:610).

Second, for political competition to have effect it needs to be accompanied by widespread electoral support for reforms and civil liberties such as press freedom (Rose-Ackerman 1978, 1999:210; Laver 1997:76-8). Civil liberties enable the electorate to *monitor* the behaviour of decision-makers, on the basis of which decision-makers can be rewarded or sanctioned in the (competitive) electoral process.

Third, a strong external political-financial incentive to reform is the pressure exerted by the international donor community, for example from the World Bank, the IMF and bilateral donors (Rose-Ackerman 1999:214). The effect of such pressure depends on the extent to which a country's political-administrative system is *dependent* on foreign aid. Theories have been ambiguous as to whether, and how the donor community can influence anti-corruption reforms (Knack 2000:2-5). On the one hand, the international donor community is believed to provide an incentive for countries to formulate anti-corruption reforms, by threatening to suspend foreign aid. On the other hand, foreign aid was believed to provide a disincentive for recipient countries to formulate reforms, by providing countries with an alternative source of public revenues. For example, decision-makers might postpone reforms until aid actually materialises (Rodrik 1996:30; Dollar and Pritchett 1998). Hence, foreign aid can create a 'prisoner's dilemma'.

Empirical evidence

Vested interests (for example, in corruption) seem to have a dampening effect upon reform. This is based on the finding that anti-corruption reforms are less likely to occur in economies where the government has a strong hold on the economy and where the level of exploitable rents is larger (Rose-Ackerman 1999:213-6).

Furthermore, qualitative empirical studies show how specific characteristics of the political-administrative system like political competition enhance reforms (Geddes 1991; Cox and McCubbins 2001). These system characteristics aim to reduce the power of decision-makers with vested interests and motivate them to formulate reforms for their

political survival. For example, systems of 'closed list proportional representation', in which the electorate votes for a party rather than for a personal candidate, reduced personalised politics and positively affected large scale public sector reform. This is because party discipline then overrides the preference and influence of a particular candidate. In a situation where politics are nevertheless dominated by the exchange of personal benefits between decision-makers and special interest groups, political incentives for reform may still arise if these mutual benefits are evenly distributed across decision-makers (Geddes 1991:387-8). Rose-Ackerman (1999: 198-223) applied Geddes' theoretical arguments on 'personalised politics' to the field of anti-corruption reform and confronted them with a wealth of case materials. Two findings are central. First, systems where a majority of votes are decisive were 'more likely to produce governments with the perspective needed to produce credible reform' as opposed to a coalition of minority governments (1999:203, see also Scott 1969:81). In minority systems, short-term political incentives among parties or politicians could override plans for long-term reforms. Second, it was found that economic crises and corruption scandals, fuelled by an independent press, triggered the agenda-setting of anti-corruption reforms by increasing the frustrations about corruption among the electorate (Rose-Ackerman 1999:209-212) [5].

No studies exist that analyse the effect a country's dependence upon foreign aid has upon its *anti-corruption* reforms. Moreover, an empirical basis to assess whether aid conditioned on good policy does have the intended effect is lacking (Collier and Dollar 2002). Instead, the studied effects regard corruption and the quality of governance as such (Knack, 2000; Tavares 2003). Foreign aid was found to have the intended effect only under specific conditions, such as sufficiently reformed policies and institutions (Rodrik 1996:31; Burnside and Dollar 2000; Dollar and Pritchett 1998). Knack (2000) and Alesina and Weder (1999) even found that a higher dependence on foreign aid was associated with slightly higher levels of corruption and less governance quality.

In conclusion, theories and empirical results sustain the notion that political-administrative context does affect the emergence of anti-corruption reforms. The less political-administrative deficiencies, the more decision-

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[5] Brunetti and Weder (1998) earlier found that press freedom reduces corruption in a wide range of countries, even after checking for political freedoms and other potential determinants of corruption. Apart from an independent media, a strong and independent judiciary might also increase anti-corruption reform. This argument is based upon an earlier finding by Ades and di Tella (1996) that the strength and independence of the judiciary negatively affected corruption levels.

makers can be compelled by stakeholders, like the electorate or the international donor community, to come up with reforms. Ironically, the same political-administrative deficiencies that cause corruption were also found to impede the adoption of anti-corruption reforms. This 'vicious cycle' in achieving reforms is analogous to the one signalled by Bratton and Van der Walle (1994). They conducted a cross-national analysis on the preconditions for achieving political transitions towards multi-party democracies. Transitions were found to be likely only for those political systems where democratic regime characteristics existed beforehand. To escape such macro-level circularities, the analysis ought to shift to the *level of collective decision-making,* related to reforms.

6.2.2 The decision-making process

In the theories of reform, it remains implicit how political-administrative deficiencies interact with characteristics of decision-making that promote reforms. Although it is assumed that political-administrative context affects the distribution of power and interests, it is not understood *how* exactly.

One important exception is Cox and McCubbins' theory of policy reform in presidential systems (2001), that focuses on the variation between political-administrative systems of different countries. The authors analysed the underlying decision-making processes in order to explain the relation between political-administrative characteristics and *policy decisions*. Policy decisions are defined as the outcome of collective decision-making. The decisions to install a new anti-corruption agency or to adopt a new criminal definition of corruption are examples of policy decisions in the context of anti-corruption reforms. These policy decisions reflect a particular level of reform.

(A) Cox and McCubbins' theory of policy reform
In Cox and McCubbins' theory, political-administrative characteristics of presidential systems are expected to affect national, governmental decision-making. Consequently, they affect policy reforms. Cox and McCubbins assume that political-administrative systems can be characterised by two basic characteristics: (1) the *separation of political power* and (2) the *heterogeneity of interests* between the decision-makers involved in reforms.

To identify the separation of political power in a system, Cox and McCubbins refer to the number of *veto actors*. They follow Tsebelis (1995) in his definition of a 'veto-player' as the person, political party, or faction of a political party who can block a policy proposal. Thus, a veto actor can prevent a change from the status quo, or prevent a decision being made (Cox

and McCubbins 2001: 24; Tsebelis 1995:293; Krehbiel 1998). With the abstract concept of 'veto-player', Tsebelis (1995) paved the way for comparisons of decision-making processes *between* strongly different regime types, for example, between presidential and parliamentary systems. This widened the scope for comparative political research into processes of decision-making.

Cox and McCubbins interpret the *number of veto actors* as an indicator for the separation of power in a political-administrative system. The formal number of veto actors is assumed to be fully determined by the constitution and hence varies across, but not within countries[6]. The number of veto actors can rise with the existence of presidentialism, bicameralism,[7] and federalism. An independent judiciary and specific powers for the military can also be added to this list (Cox and McCubbins 2001:32-33).

Different veto actors in a political-administrative system have different political interests in reform. For example, in many developing countries a main advocate of anti-corruption reforms is the international donor community; whereas a corrupt member of the ruling party could exemplify an actor with large vested interests who is adversary to reform. Cox and McCubbins reserve the term 'separation of interests' for electoral rules and the distribution of general preferences in society (2001:26). Electoral rules regard four aspects of elections: the structure of electoral districts, who can become an election candidate, who can vote, and the electoral formula to convert votes into seats (2001:36). Cox and McCubbins stated that the interests among various veto actors need to diverge (i.e. due to electoral rules and the distribution of preferences in society) if they are to effectuate the separation of political power between them.

In Cox and McCubbins' theory, the combination of a separation of power and interests between veto actors has *two basic consequences* for reforms (2001:22). The first consequence is the 'decisiveness' of a system. In the present study on anti-corruption reforms, this pertains to *issue resolution*. Issue resolution indicates whether substantive reform issues become resolved by a policy decision, or whether they remain pending on the decision-making agenda. In previous chapters on the seven African countries under study, issue resolution is identified as an important characteristic of anti-corruption reforms. Cox and McCubbins hypothesised that the larger the separation of power and the heterogeneity of interests between a set of veto actors, the less decisive a system. This is ascribed to the higher costs associated with decision-making as well as to the number of vet actors

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[6] The identification of decision-makers is therefore *detached* from the concrete reforms in which they are involved.

[7] Bicameralism refers to a situation wherein parliament consists of two chambers.

(2001:22, 27). Tsebelis used the term 'policy stability' when referring to the decisiveness of a political system (1995, 1999). In his theory decisiveness is related to the number of veto players and the heterogeneity of their interests.[8].

The second consequence for reforms is the extent to which the policy decisions serve the public good. The greater the separation of power and interests among decision-makers, the less the reform has a public-good character[9]. Public goods are defined here as goods that serve the general interest of the electorate, for example, air defense or social security. They are the opposite of private goods, which serve the interest of narrow interest groups or individuals. Anti-corruption reforms can be conceived of as a specific type of public good, because they promote the general interest at the cost of private (corrupt) benefits. The public-good character of policy decisions is indicated by the *level of reform*. The following example illustrates how electoral systems affect the distribution of power and interests between veto actors and the level of reform (cf. Geddes 1991). In an open-list system, voting relates to a particular candidate. Hence, candidates are expected to focus more on private or regional benefits of their constituency to obtain electoral support. In a closed-list system, voting relates to a (national) political party. Cox and McCubbins (2001) expect that consequently, the public-good character of policy reforms will be enhanced.

Cox and McCubbins' theory has been tested on a number of qualitative case studies of policy making in presidential systems (Baldez and Carey 2001; Jones 2001; Chang and Haggard 2001; Haggard and Noble 2001; Heller and McCubbins 2001). These case studies sustain the notion that the separation of power and interest shape public policy in presidential systems. First, the case studies supported Cox and McCubbins' argument that the number of veto actors (the separation of power) varies with characteristics of the electoral system, such as open versus closed list voting systems, or the non-concurrence of presidential and congressional elections (cf. Heller and McCubbins 2001; Jones 2001). Second, the combined heterogeneity of

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[8] A main difference is that Tsebelis does not use the concept of decision-making costs, but relates decisiveness exclusively to the *heterogeneity of interests* between 'veto-players'. The more heterogeneous the interests of the involved veto actors, the more likely it is that at least one of them will block a proposal to reform.

[9] For example, under a large number of special interest groups and an open-list voting system, decision-makers may find it more politically beneficial to satisfy a small group of supporters with personal favors. Only in some instances, a large heterogeneity of interests (e.g. large numbers of interests groups) may lead to a higher amount of public goods provision i.e. '… if this means more competition, a leveller playing field for economic interests and less egregious favouritism towards inefficient sectors' (Cox and McCubbins 2001:51). This line of reasoning coincides with the argument put forward by Bueno de Mesquita (2001).

power and interest among veto actors was found to be negatively associated with the decisiveness of a system (Baldez and Carey 2001). Moreover, it reduced the public-good character of policies (Cheng and Haggard 2001; Haggard and Noble 2001).

(B) Models of collective decision-making

In Cox and McCubbins' (2001) explanatory theory, differences in policy reforms are ascribed to variation in political-administrative systems. The separation of power between veto actors and the heterogeneity of their interests is assumed to be the same for each reform issue within one political-administrative context.

In the current study, the separation of power and interests is compared between substantive issues of reform. This will be done on the basis of theories of collective decision-making (Downs 1957; Coleman 1972; Laver and Shepsle 1990; Cox 1990; Thomson, Stokman and Torenvlied 2003). These decision-making theories explicate the mechanisms of *how* varying distributions of interests between decision-makers and other stakeholders are translated into (a) the resolution of anti-corruption reforms and (b) the *level of reform* reflected by the policy decisions. The theories are based upon models of decision-making, which share a number of 'basic ingredients'.

Decision-making is done on *policy issues*, each representing a separate aspect of policy reform. These substantive issues are assumed to be reflected by a policy scale with one underlying dimension (Downs 1957; Black 1958)[10]. An example of a dimension behind a policy scale is the left-right dimension in western democracies, characterising many disputed issues. Another dimension reflects whether decision-makers involved in the decision-making on anti-corruption policy are oriented towards the status quo (conservative) or rather towards reform (progressive). This dimension appeared to be dominant in the African anti-corruption debate (Klein Haarhuis and Torenvlied 2005). Therefore, it is used in this study on anti-corruption reforms.

In the process of decision-making on a specific policy issue, a number of actors are involved. In this study, the term *decision-maker* is used to indicate actors with the power to block reforms. Two operational criteria distinguish a decision-maker from other actors. First, a decision-maker has a *formal* basis to act either individually or collectively. Second, the decision-maker must have the power to block reforms. The power to block reforms is

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[10] A one-dimensional policy scale (e.g. left-right or conservative- progressive) is of course a strongly simplified representation of the actual decision-making process. The positions of the decision-makers' involved might be arranged differently on another type of scale, for example, on an ethical dimension.

delegated to different organizations, persons, and sub-units in the political-administrative system. For example, in presidential systems the president is a decision-maker when he has decree power, whereas in parliamentary systems, varying majorities of parliamentarians can prevent a reform proposal from becoming adopted. Apart from their formal power resources, decision-makers possess *informal* sources of bargaining power. The most salient sources of informal power are knowledge and expertise, access to other (powerful) decision-makers, and financial means. Next to decision-makers, *external stakeholders* are identified. Like (internal) decision-makers, external stakeholders have an organisational basis and a position on policy issues. Yet, they only possess informal sources of bargaining power. Examples are NGOs or special interest groups from the private sector or civil society. Their informal bargaining power can be considerable. An often highly influential external stakeholder is the international donor community.

With regard to each proposed reform, actors are assumed to take different *policy positions* that reflect their interests. These interests can range from vested interests in the status quo, to interests in a particular level of anti-corruption reform, depending upon the issue in question. This policy position is the actor in question's most desired policy decision and a point on the policy scale [11]. The explanatory theory is built upon the premise that policy positions of actors *vary across* policy issues within countries. For example, members of the ruling party may agree with the president on one policy issue, but disagree with him on another.

Actors are assumed to realise their policy position by using their bargaining power. Actors do not attach equal priority to each policy issue. The *salience* of an actor refers to the marginal increase in utility when moving towards the actor's policy position on the policy scale (Hinich and Munger 1997). An indicator of salience is the amount of bargaining power actors use to influence the decision-making process in the desired direction (Stokman et al. 2000; Stokman and Thomson 2004:15-6).

Theories of decision-making depart from different assumptions about the behaviour of decision-makers. This leads to different expectations of the final policy decisions they will make (Shepsle and Bonchek 1997:115). Coleman (1972) introduced a formal model to predict policy decisions from the political exchange between decision-makers, including their bargaining power and the level of salience they attach to various policy issues. In other decision-making models, the *strategies* of decision-makers are central (Bueno de Mesquita 1985; Thomson, Stokman and Torenvlied 2003). An

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[11] Each actor has only one most desired policy decision (Black, 1958). The further an expected decision is removed from this ideal policy position, the less an actor gains.

inclusive compromise (mean) model was elaborated by Stokman and van den Bos (1992). In a compromise model like this, no explicit propositions are made about the actors' strategies or the micro processes through which policy decisions are obtained (cf. Achen 2005)[12]. The expected compromise decision will be located somewhere on the interval between the policy positions of the involved actors. It can be approached by the average of all policy positions, whether or not weighted by the bargaining power and salience actors attach to the issue in question. Achen (2005) found that the weighted compromise model closely approximates a Nash bargaining solution.

6.3 Applying the theories to the implementation of the World Bank program

The theories that were elaborated above are now applied to the implementation of the World Bank program relating to anti-corruption reforms. As explained, there are two levels of explanation: the first regards the national (political-administrative) level and the second regards the level of decision-making. In this section, these two levels of explanation are connected.

First, a simple model of anti-corruption decision-making is formulated. On the basis of this model, a number of decision-making mechanisms are articulated that are expected to determine (a) the likelihood of issue resolution and (b) the level of reform reflected by the policy decision. An example of such a decision-making mechanism is the policy position of the most conservative decision-maker.

Second, it will be explained how political-administrative characteristics impact on these mechanisms of decision-making. For example, a lack of political competition causes problems among the electorate to control powerful decision-makers. As a consequence, decision-makers cannot be pressured to take a reform-oriented policy position.

6.3.1 Decision-making on anti-corruption reforms

In the anti-corruption policy domain, collective decision-making is concentrated around *policy issues*, each representing a separate substantive aspect of policy reform. As shown in chapters 3, 4 and, 5, policy issues can range from the legitimacy of the anti-corruption agency, to transparent

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[12] Implicit in the compromise model is the assumption of a simultaneous exchange of policy positions between the involved decision-makers (Achen 2005, *forthcoming*).

procurement procedures, or the independence of the judiciary or the media. Each policy issue represents a set of policy positions, which are the actors' (decision-makers and external stakeholders) ideal policy decisions. It is assumed that the set of policy positions of each policy issue can be ordered on a single, underlying scale. Each position is mapped in the interval (0,100) as a point on this one-dimensional policy scale. The terms 'conservative' and 'progressive' are used to indicate the left and right sides of this (0,100) scale. These terms do not have any political connotation, but rather, imply status quo oriented and reform oriented positions respectively. The current state of affairs with respect to a policy issue (the status quo) appeared to be one of the policy positions and hence an identifiable point on the scale[13]. Figure 6.2 presents an example of a non-fictive anti-corruption policy issue from Kenya: the 'List of Shame' regarding the prosecution of listed officials (see chapter 4). The ruling party and the judiciary wished to maintain the status quo: to reject the list. Another group did wish to discuss the list in parliament, but regarded it as a 'witch hunt' for (particular) top officials. Civil society, the donor community and a number of agencies wanted the list to be adopted by parliament and the listed officials to be prosecuted.

Figure 6.2 Policy issue: 'the List of Shame'

	List to be rejected **(0)**	List is 'witch hunt' **(50)**	Parliament is to accept List and prosecute **(100)**

Conservative ———————————————————— *Progressive*

Ruling party Judiciary Status quo	Opposition	Civil society, media, interest groups Donor community Enforcement agencies Anti-corruption committee
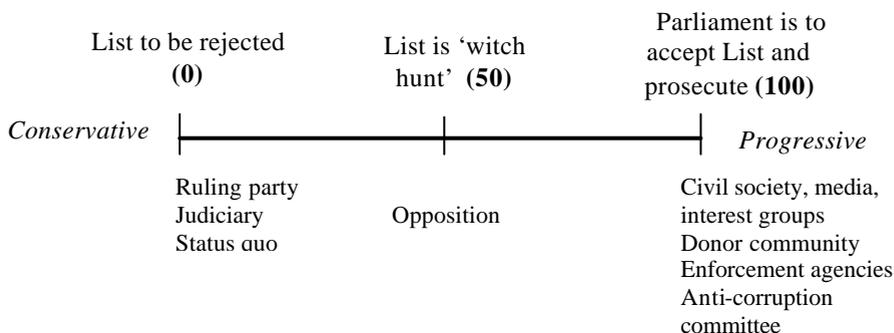
As the figure reveals, policy issues are defined between the two most extreme policy positions of the involved actors. Consequently, the scale only reflects *relative* measures.

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[13] This operationalisation differs from earlier research, where the position of the status quo relative to the actors' policy positions was not taken into account (cf. Tsebelis 1999:595).

6.3.2 Why do issues remain pending on the agenda?

A policy issue is defined as 'pending on the decision-making agenda' when a) a formal decision has not been made by ten months after the initiation of the issue or b) decision-making is explicitly postponed. This implies that no action is taken to challenge existing (corrupt) situations. Hence, the status quo remains unchanged. For example in Kenya, a policy issue on whether officials need to declare their assets became 'shelved' in the parliamentary records. Informants suspected that a parliamentary majority was unwilling to declare their personal assets, and therefore prevented the policy decision from being made.

The anticipation of the expected returns and costs of decision-making puts forward a different indicator for policy reform: the hesitation among decision-makers to resolve a policy issue. If decision-makers decide not to invest in deciding upon a policy issue, important policy issues keep pending on the agenda and are seriously delayed[14].

The conceptual structure that was shown above is now applied to address the question, *how come* anti-corruption policy issues remain unresolved. The standard argument is that decision-makers prefer the status quo above the change the policy decision is expected to bring about. The additional argument in the current theory is that *even if* decision-makers expect returns from a policy decision, issues can still keep pending on the agenda. This is because decision-makers anticipate *decision-making costs*. Decision-making costs refer to the time and expenses required to participate in a collective decision, such as the time spent voting or the expenses of collecting information. Decision-making costs increase with an increasing number of decision-makers (Buchanan and Tullock 1962). The question is therefore, whether decision-makers are interested in decision-making at all after anticipating a) the returns implied in the policy decision[15], as well as b) the costs associated with decision-making.

In this study, the (un-)willingness to resolve an issue is assumed to be different for each different policy issue. This is because each policy issue implies different expected returns and costs for the involved actors.

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[14] This second-order problem of decision-making, namely *the decision whether to decide*, is quite similar to the collective decision of an optimal voting rule (Buchanan and Tullock 1962). One simply needs to assume that the probability of issue resolution increases if more policy actors favor decision-making.

[15] It is assumed that all decision-makers have access to the same information, and expect the same policy decision (a projection of the future). Expected returns refer to the difference between the utility of the expected policy decision and the utility of the status quo.

It is assumed that some of the decision-makers identified in the simple model above have the right to accept or reject decision-making (cf. Tsebelis 1995; Bawn 1999:709). Their expected policy decision is determined by a projection of the future decision-making process[16]. Decision-makers will only enter into decision-making if their returns from decision-making exceed the decision-making costs. Otherwise, they would prefer to keep a policy issue pending on the agenda.

All decision-makers are assumed to know the costs involved in decision-making per issue. Moreover, it is assumed that decision-making costs are equally divided between them. Decision-making costs are an increasing non-linear function of the number of decision-makers involved in a policy issue (Cox and McCubbins 2001:27-8). In Tsebelis' theory (1995, 1999) the number of decision-makers also has a negative effect upon the resolution of policy issues. Yet, Tsebelis does not ascribe this effect to decision-making costs, but rather to the range between the different policy positions. The larger this is, the higher the probability that one of the decision-makers will block reforms, and the status quo is maintained (Tsebelis 1995:298; 1999). Hence in the hypotheses to explain issue resolution (section 6.4), the number of decision-makers and the disagreement between them are vital explanatory factors.

Finally, the international donor community is assumed to impose sanctions if decision-makers fail to reach policy decisions on anti-corruption reforms (cf. Putnam 1988; Rose-Ackerman 1999). The sanctions create a 'reversal point' for decision-makers and it becomes unattractive for them to keep policy issues pending. This reversal point will depend on the involvement and power of the international donor community.

6.3.3 The level of reform

If decision-makers choose to invest in a formal process of decision-making, they and other actors will employ their bargaining power to realise their policy position. This process of decision-making results in an anti-corruption policy decision that, when implemented, reflects a particular level of reform. The level of reform in policy decisions is measured on a relative scale, i.e. between the positions of the two most extreme actors. Hence instead of being an absolute measure of anti-corruption reform, the level of reform is related to the *political distances* between the policy positions of the actors involved (cf. Torenvlied 2000; Stokman et al. 2000). The policy decision can

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[16] For matters of simplification, it is assumed that decision-makers are all alike in their uncertainty about the eventual policy decision, and that they all make a cost-free projection of it (cf. Buchanan and Tullock 1962).

be indicated as a point on the policy scale [17]. In the Kenyan example on the List of Shame in figure 6.2 above, the policy decision was positioned between the status quo and the intermediate position; the List was not discussed, but nevertheless adopted as a record of parliament.

What determines the level of anti-corruption reform? First, this depends on characteristics of the decision-making process, which reflect distributions of the policy positions and bargaining power among the actors involved. An example of these characteristics is the distance between the policy position of the most conservative decision-maker and the status quo. This characteristic is a crucial explanatory factor in the hypotheses given below. Second, the level of reform depends on the *voting rule* that decision-makers apply to determine a policy decision. The voting rule that is applied can vary between countries and between types of policy issues. For example, some policy decisions require qualified majorities, whereas others can be reached by a simple majority vote. The effects of voting rules are not addressed in this study.

6.3.4 Political-administrative context

On the basis of theories of the political-administrative system, a number of context characteristics were articulated that are likely to have an impact on anti-corruption reforms.

First, the level of corruption is assumed to reflect the amount of vested interests in a country: the higher the level of corruption, the smaller the incentive to reform among decision-makers.

Second, the level of political competition, as well as the degree of civil-political liberties is expected to advance anti-corruption reforms (Schleifer and Vishny 1993; Rose-Ackerman 1978). These characteristics will *reduce* the deficiencies in the control the electorate has over decision-makers. Thereby 'vested interests' are brought more in line with the 'public interest'.

Third, a strong external incentive to reform is expected to come from the international donor community (Rose-Ackerman 1999; Dollar and Pritchett 1998). The more a country's political-administrative system depends upon foreign aid, the more anti-corruption reforms are adopted in line with the donors' conditions attached to aid.

The empirical study of Kenya and Tanzania confirmed the potential effect of these political-administrative characteristics. For example,

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[17] Theoretically, the level of anti-corruption reforms is a vector, having either the direction of a progressive change from the status quo, or a conservative change. The *substantive* reform depends upon the definition and content of the underlying policy scale (see Fig. 6.2). A higher value on the policy scale implies a higher level of policy reform.

Tanzania's high dependence upon foreign aid seems to have enhanced the adoption of a number of progressive anti-corruption reforms.

6.4 Hypotheses on anti-corruption decision-making

Below, hypotheses are developed as to how mechanisms of decision-making affect: (a) the resolution of policy issues and (b) the level of reform reflected by the policy decisions. These two dependent variables reflect the extent to which the World Bank program has been implemented.

A distinction is made between four independent variables, or 'issue characteristics'. These represent the underlying mechanisms of decision-making identified in this chapter.

First, the policy position of the most conservative decision-maker is expected to affect both the choice by decision-makers to invest in decision-making, as well as the level of reform in the final policy decision. Second, the number of decision-makers involved in a policy issue is particularly relevant for the expected decision-making *costs* of resolving a policy issue, and hence for the choice among decision-makers to invest in it. Third, the disagreement between decision-makers, as indicated by the range between their policy positions, would also determine the investment in a reform decision. Finally, it was asserted that thus far, the precise effect of the donor community upon anti-corruption reforms remains unknown. Including the power and interest of the donor community in the hypotheses allows for an estimation of its influence.

These hypotheses are ceteris paribus, i.e. all possible other conditions are assumed to be constant. Since the hypotheses are formulated in terms of one policy issue 'issue resolution' (A) becomes 'the probability of issue resolution'.

6.4.1 The most conservative decision-maker

Hypothesis 1-A: Issue resolution. *The larger the distance between the policy position of the most conservative decision-maker and the status quo, the higher the probability of issue resolution (ceteris paribus).*

If we assume the costs of decision-making to be constant, the commitment of decision-makers to enter decision-making fully depends upon their anticipated gains or losses associated with the expected reform. The policy position of the most conservative decision-maker represents the minimal level of reform that can be expected. The more reform-oriented this policy position is, the more likely it is that the most conservative decision-

maker will invest in decision-making. This is because the expected gains of decision-makers will increase and more likely outweigh (constant) decision-making costs.

What is more, the larger the distance between the policy position of the most conservative decision-maker and the status quo, the more gains any *other* decision-maker can expect from a decision. This is because the expected decision then becomes closer to their, more reform-oriented, policy positions.

As a consequence, the likelihood of issue resolution increases[18].

Hypothesis 1-B: Level of reform. *The larger the distance between the policy position of the most conservative decision-maker and the status quo, the higher the level of reform reflected by the anti-corruption policy decision (ceteris paribus).*

The same argument applies to the level of reform. If the most conservative decision-maker takes a more reform-oriented position, this will be reflected in the level of reform associated with a policy decision. This is because the policy decision results from an exchange of policy positions between the most conservative decision-maker and other actors.

6.4.2 The number of decision-makers

Hypothesis 2-A: Issue resolution. *The larger the number of decision-makers, the smaller the probability of issue resolution (ceteris paribus).*

Policy issues that involve a larger number of decision-makers bring about higher expected decision-making costs. As a consequence, the likelihood that decision-makers commit themselves to decision-making becomes smaller. The probability of issue resolution will decrease.

Hypothesis 2-B: Level of reform. *The larger the number of decision-makers involved in a policy issue, the smaller the level of reform reflected by the anti-corruption policy decision (ceteris paribus).*

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[18] The effect depends upon the distribution of decision-makers' policy positions. If the distribution is skewed towards the more conservative, more decision-makers will *loose* from the change in the expected reform. If the distribution is skewed to the more progressive, more decision-makers will *profit* from the change in the expected outcome. This expectation has been elaborated graphically in a paper by Torenvlied & Klein Haarhuis (2002) presented in the Meeting on Polarisation and Conflict, Barcelona, Spain on December 15-16.

The more decision-makers that become involved in a particular policy issue, the more likely it becomes that at least one decision-maker who does not benefit from reform will prevent any policy decision more progressive than his own position. As a consequence, the anti-corruption policy decisions reflect a smaller level of reform relative to the status quo.

6.4.3 The level of disagreement

Hypothesis 3-A: Issue Resolution. *The larger the level of disagreement among decision-makers about the policy decision, the smaller the probability of issue resolution (ceteris paribus).*

The disagreement between decision-makers on a policy issue can be conceptualised as the *range* on the policy scale between the policy positions of the most conservative and the most progressive decision-makers. This range of policy positions equals the 'Pareto' set of policy options, for which no alternative policy exists that makes at least one decision-maker better off without making others worse off (cf. Tsebelis 1995). The larger this range, the more likely it becomes that the status quo is somewhere between the two policy position extremes. Consequently, the less likely a change in the status quo is, because the reform will be blocked by at least one of the decision-makers. Only if the status quo falls outside this range can policy reform occur.

Hypothesis 3-B: Level of Reform. *The effect of the level of disagreement depends on how the range of decision-makers is positioned relative to the status quo.*

No directed hypothesis can be developed regarding the effects of the level of disagreement between decision-makers (range) on the level of reform. The effect will depend on how the entire range is positioned on the policy scale. If the increase in range is such that a highly conservative decision-maker is included, the level of reform will be smaller. By contrast, if the full range is positioned away from the status quo and the increase in range implies the inclusion of more 'progressive' decision-makers, a higher level of reform can be obtained.

6.4.4 The involvement of a powerful external stakeholder

The conservative predisposition in the above model might be ascribed to a focus on the internal dynamics of decision-making. Relevant *external*

progressive stakeholders that might influence decision-makers were left out. Although these external stakeholders are not allowed to participate in voting, they may have an interest in issue resolution as well as in anti-corruption reforms. For instance, progressive interest groups with a stake in issue resolution (e.g. the international donor community or national lobby groups) could impose a negative sanction on individual decision-makers if an anti-corruption policy issue keeps pending on the agenda. Examples of negative sanctions are the suspension of foreign aid and the withdrawal of electoral support. Similarly, these external stakeholders might reward decision-makers if the issue is being resolved and they are enabled to influence the policy decision. In all seven African countries in this study, the international donor community turned out to be the most powerful and reform-oriented external stakeholder.

Hypotheses 4-A: Issue resolution. *The involvement of external progressive stakeholders leads to an increased probability of issue resolution (ceteris paribus).*

The involvement of powerful external stakeholders with an interest in decision-making can affect the resolution of policy issues. Their sanctions for keeping an issue pending on the agenda, or their donations for arriving at a decision form an incentive for decision-makers to resolve a policy issue. Such sanctions or donations may counterbalance the costs and expected losses of decision-making in such a way that more decision-makers become committed to issue resolution. For matters of simplification, it is assumed that donations and sanctions apply to the decision-makers as a *group*, and are equally 'shared' between them[19].

Hypothesis 4-B: The level of reform. *The higher the bargaining power of the powerful progressive external stakeholder, the higher the level of reform reflected by the anti-corruption policy decisions (ceteris paribus).*

The sanctions of external stakeholders are assumed to vary with their *bargaining power*: the higher this power, the higher the positive and negative sanctions the external actor can impose if a policy decision differs too much from their policy position. The more these (threats of) external sanctions outweigh the utility of conservative decision-makers, the more these decision-makers are expected to give in to a more progressive policy

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[19] Whether there is a net effect on issue resolution will depend upon the total of donations and sanctions from external stakeholders and the distribution of their policy positions across the policy scale.

decision. Consequently, the higher the level of anti-corruption reform becomes.

The bargaining power of the international donor community relating to the national development policies of developing countries is likely to be associated with a country's dependence upon foreign aid (cf. Knack 2000).

6.5 Hypotheses on the effects of political-administrative context

At the beginning of this chapter it is explained that the smaller the deficiencies in a political-administrative system, the more decision-makers can be prompted to adopt anti-corruption reforms. Hence political-administrative characteristics like civil and political liberties, the level of corruption, and the dependence upon foreign aid are supposed to be important prerequisites for anti-corruption reforms.

In the current section, a link is made between political-administrative context and the aforementioned mechanisms of decision-making. The hypotheses pertain to the effects of three salient political-administrative characteristics upon issue characteristics (mentioned above) and consequently, on the level of reform. These hypotheses are ceteris paribus, i.e. all other contextual conditions are assumed to be constant.

6.5.1 Political competition

The strength of political competition is an important characteristic of the political-administrative system. It refers to the extent to which parties must compete for a consolidation of political power. Political competition has been defined as the extent to which alternate preferences for policy and leadership can be pursued in the political arena (cf. Dahl 1972; Polity IV 1999).

Hypothesis 5-A: Issue resolution. *The stronger political competition in a country, the higher the probability of issue resolution (ceteris paribus).*

Two specific mechanisms are assumed to be at work here. First, political competition would clearly affect the *number of decision-makers* involved in the anti-corruption policy debate. In countries with a highly competitive political system, the number of decision-makers is likely to be larger than in countries with a weak system. In these countries we find a larger number of political parties (cf. Cox and McCubbins 2001:25). On average, we would expect that there are more decision-makers involved in policy issues

formulated in countries with a competitive system. Consequently, we would, on average, expect a lower probability of issue resolution (ceteris paribus).

Second, political competition makes decision-makers more responsive to the needs and wants of the general public [20]. It is assumed that the public is aware of the *policy positions* of the decision-makers in question. Given the public good character of anti-corruption reforms, the position of the public on most policy issues is likely to be reform-oriented. By means of elections, the public can reward or sanction a decision-maker's policy position and affect his bargaining power. Since they aim to consolidate their political power, all decision-makers are expected to take a more progressive position in a context with stronger political competition. Due to this larger tendency to change among decision-makers, particularly by the most conservative decision-maker, the probability of issue resolution increases.

Under stronger political competition, the negative effect of a larger number of decision-makers upon issue resolution is expected to be outweighed by the positive effect of the more progressive decision-makers.

Hypothesis 5B: Level of reform. *The stronger political competition, the higher the level of reform reflected by the anti-corruption policy decision (ceteris paribus).*

It was explained above that under stronger political competition, the positions of all decision-makers become more progressive. More progressive policy positions imply that decision-makers have a larger tendency towards anti-corruption reforms. Consequently, the level of reform will be higher.

Civil and political liberties
Civil and political liberties, such as an independent press and the freedom to associate were found to have a dampening effect upon corruption (Rose-Ackerman 1999:201; Brunetti and Weder 1998). In this study, the characteristics of the political-administrative system are expected to affect anti-corruption decision-making as well as the resulting level of reform. Civil and political liberties are assumed to affect the same issue characteristics as political competition (explained above). For example, the public are given the possibility to monitor the policy positions of decision-makers. This in turn will render it more likely that decision-makers show their willingness to curb corruption by taking more progressive policy positions.

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[20] Under close political competition, anti-corruption policy decisions may increase or consolidate the political support or votes for decision-makers (Downs 1957:178-193; Dahl 1972:4).

6.5.2 The level of corruption

Powerful vested interests in maintaining a corrupt situation are expected to have a negative effect upon both issue resolution and the level of reform implied in anti-corruption policy decisions.

Hypothesis 6A. Issue resolution. *The higher the level of corruption in a country, the smaller the probability of issue resolution (ceteris paribus).*

In corrupt systems, public policies and decisions are altered to meet the demands of bribing parties such as the private sector (Warioba 1996:4). The higher the level of corruption in a country, the more conservative decision-makers will adhere to the status quo, and the more they will do to block reforms.

Hypothesis 6B. Level of reform. *The higher the level of corruption in a country prior to decision-making, the smaller the level of reform reflected by the policy decision (ceteris paribus).*

The higher the level of corruption, the closer the most conservative decision-maker will be positioned to the status quo on the scale. This renders it less likely that this decision-maker will compromise with reform-oriented actors. Consequently, the smaller the level of reform reflected by the policy decision will be.

6.5.3 The 'shadow' of the international donor community

Donors are assumed to safeguard their invested aid from being wasted through corruption (cf. Shihata 1997; Alesina and Weder 1999:3-6). In developing countries that strongly depend upon foreign aid, the international donor community can be a powerful external stakeholder in the anti-corruption policy process[21].

Hypothesis 7A. Issue resolution. *The more a country depends on foreign aid for its gross domestic product, the higher the probability of issue resolution (ceteris paribus).*

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[21] The mechanisms through which such a powerful external stakeholder can affect anti-corruption decision-making are explained in section 6.4.4.

A country's dependence upon foreign aid is expected to be positively related with the number of policy issues in which the donor community is involved. If anti-corruption policy issues remain unresolved, decision-makers in developing countries would expect a negative sanction from the donor community. Consequently, the likelihood that anti-corruption policy issues become resolved is expected to be higher in countries where foreign aid makes up a larger share of the gross domestic product (cf. Alesina and Weder 1999).

Hypothesis 7B. Level of reform. *The more a country depends on foreign aid for its gross domestic product, the higher the level of reform reflected by the policy decision (ceteris paribus).*

A country's dependence upon foreign aid is expected to have a positive effect upon the bargaining power of the donor community in that country. The higher the bargaining power of the donor community, the higher the expected sanctions for neglecting corruption will be. As a consequence, decision-makers will be willing to make larger compromises by adopting a higher level of reform.

6.6 Conclusion

This chapter starts with an overview of general theories of reform, which are identified at two levels: (1) theories relating to the political administrative system (context) and (2) theories relating to decision-making on substantive issues of reform (mechanisms).

Before expectations were articulated on the effects of political-administrative context, a number of decision mechanisms behind anti-corruption reforms were specified. These mechanisms are called 'issue characteristics', as they relate to the decision-making on anti-corruption policy issues. Two dependent variables are specified: (a) issue resolution, i.e. the likelihood that a policy decision is made and (b) the level of reform reflected by a policy decision.

Theories of the political-administrative system facilitated the specification of contextual conditions for reform. The most salient conditions are vested interests in the status quo, the amount of political competition in the system, and the external influence of the international donor community.

A number of hypotheses are given on how the *political-administrative context* impacts on decision-making, and hence on anti-corruption reforms. To do so, the aforementioned decision-making mechanisms (issue

characteristics) are required. For example, when political competition is strong, or when the country strongly depends on the inflow of foreign aid, a highly conservative decision-maker may become more open to reforms. That is because in this a context, anti-corruption reforms contribute to the political survival of a decision-maker.

Table 6.1 presents a summary of the hypotheses with regard to issue resolution.

Table 6.1 Issue resolution: summary of hypotheses

Issue characteristics	
Hypothesis 1-A	
Number of decision-makers	-
Hypothesis 2-A	
Distance between most conservative decision-maker and status quo	+
Hypothesis 3-A	
Disagreement between decision-makers (range)	+
Hypothesis 4-A	
Involvement of a powerful external stakeholder	+
Political-administrative context	
Hypothesis 5-A	
Political competition	+
Hypothesis 6-A	
Level of corruption	-
Hypothesis 7-A	
Dependence upon foreign aid	+

Table 6.2 presents a summary of the hypotheses with regard to the level of reform.

Table 6.2 Level of reform: summary of hypotheses

Issue characteristics	
Hypothesis 1-B	
Number of decision-makers	**-**
Hypothesis 2-B	
Distance between most conservative decision-maker and status quo	+
Hypothesis 3-B	
Disagreement between decision-makers (range)	+/-
Hypothesis 4-B	
Involvement of a powerful external stakeholder	+
Political-administrative context	
Hypothesis 5-B	
Political competition	+
Hypothesis 6-B	
Level of corruption	-
Hypothesis 7-B	
Dependence upon foreign aid	+

In the next chapter, the independent and dependent variables from the theory are operationalised and measured. Subsequently, a cross-national test is performed of the hypotheses.

Promoting anti-corruption reforms

Chapter 7. Empirical assessment of variation in program implementation

7.1 Introduction

In the previous chapter, seven hypotheses were developed to explain the differences in the implementation of the World Bank program. In this chapter, these hypotheses will be tested against the full set of available data. The data set contains the policy issues debated in all seven African countries that participated in the program (N=33). Consequently, the analyses are broader than the in-depth study of the two case study countries, Kenya and Tanzania (chapters 4 and 5), which generated initial explanations for program implementation. The analyses in this chapter aim to assess whether the data contain patterns indicative of the relations expected in the hypotheses. Since the number of countries and issues is limited, this does not provide for a definitive, but rather a preliminary test of the hypotheses.

To check for patterns in the data across issues and countries, the dependent and independent variables are quantified. The two dependent variables, *issue resolution* and *the level of reform* reflect the implementation of the World Bank program at the level of the policy issue. The independent variables expected to explain for program implementation are defined at two levels. First, '*issue characteristics*' relate to the 33 substantive policy issues debated. These variables are: (1) the position of the most conservative decision-maker, (2) the number of decision-makers, (3) the disagreement between them, and finally, (4) the involvement of the international donor community. Second, *political-administrative variables* refer to a country's context: (1) civil and political liberties, (2) the level of corruption, and (3) dependence on foreign aid.

Structure of this chapter
The research design to test the hypotheses is explained in section 7.2, which also includes the selection of research units. Section 7.3 addresses the operationalisation and measurement of variables at the issue level. Strictly selected experts provided quantitative estimates of these variables. The effect of issue characteristics on program implementation (hypotheses 1 through 4) is tested in section 7.4. Hypotheses 5 through 7, regarding the effects of political-administrative variables on these issue characteristics, and hence on program implementation, are tested in section 7.5. Section 7.6 offers a conclusion.

7.2 A multiple case replication design: seven African countries, thirty-three policy issues

To test hypotheses 1 through 7, a 'multiple case replication design' (Yin 1994; King, Keohane and Verba 1994:43), or cross-case display (Miles and Huberman 1994:172; Torenvlied 2000), is applied. In this study, these cases are the thirty-three anti-corruption policy issues[1]. These policy issues were debated in the seven African countries in this study: Bénin, Ethiopia, Ghana, Kenya, Malawi, Tanzania, and Uganda. The theoretical explanations will be confronted with patterns of associations across these policy issues (cf. Hall 2003; Miles and Huberman 1994:210). The *robustness* of these patterns of association will be determined by means of regression analyses.

The empirical data cover all seven African countries that participated in the 1999 World Bank anti-corruption program. These countries, the entire research population, varied on theoretically relevant contextual characteristics: political competition and freedoms, level of corruption, and dependence upon foreign aid (cf. Yin 1994). Other contextual characteristics, however, were relatively constant across the seven countries. Except for Ethiopia, all countries had presidential systems[2]. Gross domestic product, economic growth, decision-making institutions, colonial history, and culture were also comparable across the countries (e.g. UNDP 2001; World Bank 2000a).

The policy issues that were identified across the seven African countries varied substantially on the theoretically relevant issue characteristics. These policy issues were debated in each of the countries between the end of the World Bank courses (September 1999) and up to eighteen months after (first quarter of 2001). A preliminary list of *potential* anti-corruption policy issues was put together on the basis of a number of information sources from each of the countries. The most salient were National Anti-Corruption Action Plans and related policy documents. These contained 'priority areas' of reforms, as well as planned and completed actions[3]. Another source regarded 'country-mission reports' by the international donor community[4].

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[1] In the previous theory chapter, it is explained that the various anti-corruption reforms that reside in each country are conceptualised as *policy issues*. Here, policy issues refer to substantive dimensions of anti-corruption reforms on which actors can take varying positions.

[2] Ethiopia has a complex parliamentary system (see section 3.3; www.electionworld.org/ethiopia.htm). The Federal Assembly consists of 527 constituency and 117 nationality seats.

[3] For an extensive and systematic overview of the anti-corruption policies of each country, see chapter 3.

[4] See the 'field sources' section in the list of references to this study.

The final list of thirty-three policy issues was then established through interviews in which experts had to rank the issues in terms of the *actual* debate or controversy they entailed. Non-controversial issues (formalities) were excluded from the quantitative analyses. Additional interview items helped to ensure that controversial policy issues that had not been listed were included. The preliminary desk-research in which the issues were identified functioned as a check on the completeness and reliability of experts' information[5].

7.3 Operationalisation and measurement on the level of the policy issue

The term 'issue characteristics' refers to the key variables in the decision-making mechanisms behind anti-corruption reforms identified in the previous chapter. These issue characteristics were: (1) the distance between the policy position of the most conservative decision-maker and the status quo, (2) the number of decision-makers, (3) the level of disagreement between decision-makers, and (4) the involvement of a powerful external stakeholder.

The first and third issue characteristics are interval variables, indicating a 'conservative-progressive' underlying policy scale[6]. Each policy issue can be represented by similar relative policy scales defined between two *quantitative* extremes: 0= the most conservative position; 100= the most reform-oriented position. Between these extremes there are intermediate policy positions. Experts from each country under study were asked to use these scales to provide quantitative estimations of the policy positions of the actors involved and the final policy decisions[7].

7.3.1 Actors, policy positions, and bargaining power

The various actors (decision-makers and other stakeholders) take various policy positions on policy issues. To defend this policy position, these

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[5] As such, experts could be confronted with inconsistencies between their information and the document information during the interview.

[6] See Figure 6.2. The terms 'conservative' and 'progressive' have no political connotation, but refer to a structural anti-reform-to-pro-reform dimension that was identified across the thirty-three policy issues. See the paper by Klein Haarhuis and Torenvlied (2005) accepted for publication in *Acta Politica*.

[7] The experts were asked to familiarise themselves with this operationalisation of actors, policy positions, salience, and bargaining power prior to the interviews. For this purpose, preparatory documents were faxed or e-mailed to the experts.

actors use their bargaining power. In this sub-section the concepts 'policy position' and 'bargaining power' are operationalised.

An example of one of these policy issues is the strengthening of the judiciary to pursue corruption (Box 7.1). Some actors might argue that there should be no judicial strengthening whatsoever (upholding the status quo); others might suggest a training program for judges; or some might even suggest the discharge of corrupt judges. The latter could be marked as the most 'progressive' position on the policy scale, because it requires the largest political change from the status quo. The selected policy issues had to meet two criteria. First, there had to be some level of disagreement: at least two of the actors involved had to have different positions on each issue. Second, they needed to be one-dimensionality: there were to be no other issue, representing other lines of discussion in the underlying policy scale (Thomson et al. 1999; Torenvlied 2000:112)[8].

Actors
A decision-maker or a stakeholder involved in the decision-making regarding a policy issue can be one influential individual or a whole organisation or a government. Actors have the following characteristics: (a) within a collective actor (like the government) all members have the same policy position, (b) an actor has bargaining power, and (c) the members of a collective actor have the same willingness to utilise their bargaining power with regard to the policy issue in question (salience) (Thomson et al.1999).

Policy positions
An actor's policy position is operationalised as his or her ideal policy decision in the decision-making process (cf. Torenvlied 2000:113-5; Laver and Garry 2000:261). The actors' policy positions were assumed not to change during the 'life course' of a policy issue.

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[8] One-dimensionality was verified by asking experts to provide arguments to explain their ratings of policy positions with respect to specific issues (e.g. 'why did the president take position x?'). If a second dimension underlies a policy position, this would be traceable from these arguments.

Box 7.1 Operationalisation of anti-corruption policy positions

The options for strengthening the judiciary in the fight against corruption can be described as follows. The policy choices for this decision-making process are:

To strengthen the judiciary

a)   By maintaining the status quo;
b)   Through a training program for judges;
c)   Through the supply of more financial means for office facilities;
d)   Through the introduction of appointment criteria;
e)   Through the discharge of corrupt judges.

In this example, experts ranked the policy option 'maintain status quo' as the most 'conservative' policy position taken by one of the involved actors. 'Discharge corrupt judges' was ranked as the most progressive position taken. The remaining policy options were ranked from moderately conservative to moderately progressive policy positions. The two most extreme policy positions, 'status quo' and 'discharge of corrupt judges' obtain the number **0** and the number of **100** respectively. Between these two extreme policy positions, the relative policy scale of judicial strengthening is defined.

'Conservative'
                                                                    'Progressive'

0   **100**
Status quo   All options

The three policy positions that were ranked between the two extremes were given a number between 0 and 100**,** representing the *political distances* between all policy positions. 50 represents an intermediate policy position. In the current example, it signifies 'the supply of financial means and facilities'. 65 represents a more far-reaching policy position, namely 'the introduction of appointment criteria'.

'Conservative'   *'Progressive'*

       25   **50**   **65**
0   **100**
Status quo   ----d --------------- c -------- b--------------------   All options

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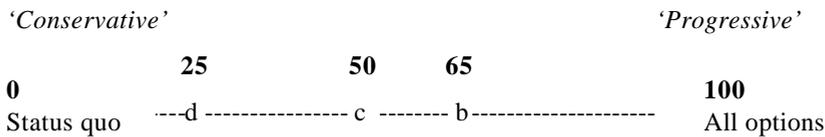
Bargaining power

To realise his or her policy position, an actor will use his bargaining power. An actor's bargaining power is defined as his or her potential to change the behaviour of others in a way that is advantageous for this actor (cf. Stokman et al. 2000). In the current study, the variable 'bargaining power' is confined

to *anti-corruption* policy issues. The experts were asked to take the following sources of bargaining power into account. First, formal bargaining power refers to the ability to make binding decisions in anti-corruption decision-making. This type of bargaining power is only relevant for decision-makers, such as the president or a political party. Second, informal bargaining power regards a wide range of possible power resources that can apply to all actors: a) expertise or specific knowledge on anti-corruption, b) financial means and facilities, c) employment, d) reputation as an impartial mediator, e) the ability to mobilise co-operation, f) the ability to mobilise public support, g) other power source(s) deemed important in the anti-corruption debate (cf. Stokman and Van den Bos 1992; Knoke *et al.* 1996; Torenvlied 2000:119-120). During interviews experts were asked to rank order all actors involved in decision-making in terms of their potential bargaining power. Second, they were asked to attach relative values between 0 (the least powerful actor) and 100 (most powerful actor) to estimate the power of each separate actor.

Salience

The variable 'salience' regards the degree of importance an actor relates to a policy issue, relative to other issues in which he or she is involved (Stokman et al., 2000; Torenvlied 2000:115-6). It determines the extent to which a stakeholder is willing to utilize his or her potential power to exert influence on others in the realisation of its policy position. Like policy positions, an actor's salience is expected to be constant in time.

The level of salience that an actor attaches to each policy issue was expressed with a number ranging from 0 to 100. Zero salience of issue X for stakeholder Y indicates that this issue was not important to actor Y in comparison to the other issues[9]. An issue with a score of 100 indicates that an actor considered this issue the most important one. A score of 50 indicates that the actor regarded this issue as neither unimportant nor important. In the questionnaire, the experts were asked to indicate the relative salience each separate actor involved attached to the selected policy issues.

7.3.2 Independent and dependent variables

Figure 7.1 illustrates the calculation of a number of issue characteristics, on the basis of the previous example on judicial strengthening. D_1 and D_2

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[9] Zero salience would disqualify 'Y' as an actor for that specific policy issue. Y has no interest in a policy decision and hence would apparently not participate in decision-making.

indicate the two decision-makers involved in the policy issue in question, while E_{1-3} marks the external stakeholders without formal decision power that are involved.

Figure 7.1 Operationalisation of issue characteristics and the level of reform

```
  0                25              50    65               100
  D₁------------------E₁ ----------------D₂--------E₂ --------------------E₃
  'Conservative'                                        'Progressive'


  |-------Level of disagreement (=50)-------|        |Policy
  |--------------------Level of reform (=65) ----------|decision
  Status quo
  |Distance between most conservative decision-maker and status quo (=0)
```
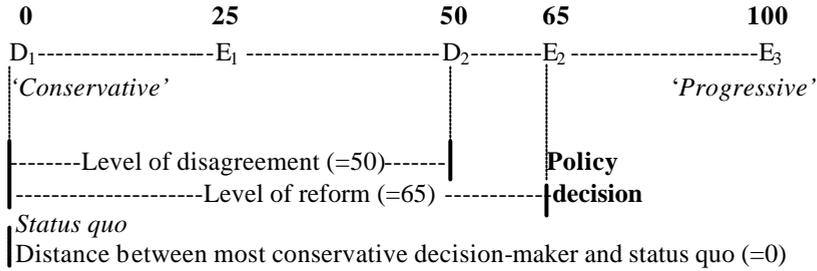
> *Notes:* D_{1-2} = decision-makers with formal bargaining power
> E_{1-3} = external stakeholders without formal bargaining power

Independent variables: issue characteristics
The variable 'distance between the most conservative decision-maker and status quo' was obtained by taking the range between the policy position of the relatively most conservative decision-maker and the status quo. In the above example, the status quo is equal to the position of the most conservative decision-maker ($D_1=0$): he or she is reluctant to reform. Hence the variable 'distance between the most conservative decision-maker and the status quo' has the value zero.

The variable 'level of disagreement' was obtained by taking the range between the two policy position extremes (D_1 and D_2). In the example, the most conservative decision-maker's position is zero (maintain status quo), while the most progressive decision-maker's position is intermediate, and estimated at 50 (supply of money and facilities). Hence the level of disagreement between the decision-makers is 50.

Dependent variables: issue resolution and the level of reform
The first dependent variable in this study is whether an anti-corruption policy issue is resolved or remains pending: 'issue resolution'. Issue resolution was measured by asking experts whether a decision had been made on the policy issue in question, or whether it had remained pending. Policy issues are defined as pending (not resolved) when either: (1) a formal policy decision (e.g. through voting) had not been made within ten months

after the initiation of the issue; or (2) decision-making was postponed explicitly, for example, through a parliamentary vote.

The second dependent variable in this study regards the level of anti-corruption reform reflected by a policy decision. The policy decision, the outcome of decision-making, was measured as a scale variable on the policy scale, in the same way as the policy positions and the status quo. The dependent variable 'level of reform' reflected by a policy decision was obtained by taking the range between the status quo and the actual policy decision. The policy decision can coincide with the policy position of a particular actor involved, but it can also lie somewhere between the actors' positions, for example, when an average voting rule is applied.

In the above example, the final policy decision coincides with the position of the second external stakeholder (E_2). Since the status quo is equal to zero, the level of reform reflected by the policy decision is (65-0=) 65. In the example on judicial strengthening, this implied the introduction of appointment criteria for judges.

7.3.3 Expert interviews

The measurement of issue characteristics was based upon interviews with a restricted set of informants, or rather, 'experts'. Experience with regard to this method has been accumulated by a number of researchers (e.g. Bueno de Mesquita and Stokman 1994; Huber and Inglehart 1995; Torenvlied 2000; Thomson, Stokman and Torenvlied 2003). Recently, expert judgements on party positions have been successfully validated with the results of content analysis (Laver and Garry 2000). In order to gather the data on issue characteristics, some scholars previously opted for interviewing (all) actors actually involved (cf. Berveling 1994). The restrictions on this study made it unfeasible to ask all actors involved about their policy positions on all thirty-three anti-corruption policy issues, which are spread across seven African countries. A solution to this problem is to ask a restricted set of experts to provide estimations about the decision-making of different (sets of) actors. In the present study, on average three experts per country were interviewed on each set of policy issues.

A second advantage of expert research is that an expert is able to provide *relative* estimations of policy positions, using one single policy scale. These relative estimations cannot be made when all actors involved are separately interviewed, or when their policy positions are estimated from secondary

sources[10]. Third, the validity of expert estimates is expected to be larger. Unlike the actors who are involved in decision-making, experts have fewer incentives to twist or hide information (cf. Bleek 1987)[11]. They were selected on their independence from the actors in the anti-corruption policy network. Due to the delicate subject of study, i.e. preferences relating to curbing corruption of sometimes very powerful actors, the anonimity of the experts was guaranteed. Finally, the expert interviews were held in the period between April and November 2001. Retrospection (the time between the debate on a policy issue and the interview) was restricted to a maximum of twelve months (cf. Deliens and Van Goor 1984).

Selection of experts
The interviewed experts had to meet a number of criteria. Potential experts were rated on these criteria in preliminary conversations preceding the actual interviews. First, the experts needed to be knowledgeable on issues of anti-corruption reforms, and to have acquired this knowledge through their professional position. For example, a newspaper editor may be well aware of the anti-corruption debate because of intensive involvement in the selection of relevant articles. Second, the experts had to be independent from the actors involved in the debate, in order to avoid measurement bias in positioning these actors on the policy scale. Of course there is always a trade-off between an expert's access to information and his or her possible bias due to involvement in policy-making (Torenvlied 2000: 109-10). Third, the experts had to be willing to express their perceptions, and have no reason for hiding information. Finally, they had to be able to translate large amounts of qualitative information into numerical estimates of the model variables (Thomson et al. 1999).

The experts were pooled from various strata. First, during two visits to the World Bank in Washington DC, staff members suggested the names of potential experts based in Africa[12]. Second, in Kenya, Uganda and Tanzania, contacts that were made in earlier research visits were approached again[13].

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[10] Thereby, problems of 'inter-institutional preference scaling' that would arise when interviewing each involved actor separately are avoided (cf. Bailey and Chang 2001:479-480).
[11] In the article 'Lying informants', Bleek (1987) described how informants tried to hide sensitive and personal problems by deliberately giving the wrong information. Of course experts may also provide deficient information. Dr. Clavan, a Dutch tv-caricature of academic experts making meaningless comments, illustrates this problem. The next paragraphs offer an account of how the reliability of the experts' answers was assessed.
[12] These were World Bank staff members from outside the World Bank *Institute*, which is responsible for the anti-corruption program.
[13] In Tanzania and Uganda, a number of contacts were made during an earlier visit by Leeuw, Van Gils and Kreft (1998). In Kenya, a number of contacts were made during an earlier field

Third, some of the names of the interviewed experts were obtained at international conferences (notably at an anti-corruption conference in The Hague, in 2001), through donor organisations other than the World Bank, and through contact addresses on the internet. Finally, references given to other possible experts were also used. The experts had various backgrounds: members of the scientific community, editors of nation-wide independent newspapers, high-ranking administrators (e.g. anti-corruption agency staff), representatives of national non-governmental organisations and interest groups in the field of anti-corruption.

To assess the suitability of the targeted expert, a number of pilot interview questions were posed (cf. Thomson et al. 1999:5). The reliability of the answers was estimated on the basis of the quality of the expert's *argumentation*. If there were inconsistencies and questionable arguments new experts were approached for cross-validation. Per country, two to three experts were interviewed on each policy issue. The most reliable expert estimations were then included in the data set.

Telephone interviewing

Telephone interviews were held throughout the spring, summer and autumn of 2001 in order to obtain the experts' estimates on decision-making characteristics. Some of the initial interviews yielded no substantive information, due to either unwillingness to co-operate during the interview, or by refusal to participate at all. Eventually, 36 extensive initial and follow-up interviews were held. Each interview lasted for an average of 40 minutes, with a maximum duration of 90 minutes. Apart from the telephone interviews, some face-to-face interviews were held at an international anti-corruption conference in The Hague (Global Forum on curbing corruption, May 2001). The telephone interviews were held with experts on a variety of policy issues across the seven African countries within a relatively short time span. These furthermore facilitated the subsequent comparison of decision-making characteristics of policy issues across varying institutional contexts. Appendix IV contains the log of the interviews.

There are two main advantages that make telephone interviews preferable to written or e-mail questionnaires. First, experts can be challenged to come up with substantive arguments for their estimates (Dillman 1978; Conklin 1999:423). For example, additional clarification of the experts' bargaining power estimates were obtained by presenting hypothetical situations in which they were asked who they thought was likely to prevail in a conflict

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study by this author in 1998, relating to 'good governance' in the public service (Klein Haarhuis 1999). Here, initial references were given by members of the United Nations Centre for Regional Development (UNCRD) in Nairobi.

between a particular set of actors (Thomson et al. 1999: 10-11). Secondly, the experts could be confronted with incomplete or inconsistent estimations (for example, when their statements did not match information from document research) during the telephone interview (cf. Torenvlied 2000:110-111; Thomson et al. 1999:8). Another advantage of telephone surveys is the higher response rate (Bailey and Chang 2001:479-80).

Before the interview, experts were requested to prepare themselves for the interview through preparatory documents that were sent to them by fax or by e-mail. These documents explained the measurement procedure. On average, about two forty minute interviews were held with each of the experts[14]. In each interview, about five anti-corruption issues were addressed. Since a number of experts were interviewed per country, it was possible to validate the reported estimates on policy issues across the different experts. Appendix V contains the expert estimates on the total data set of 33 policy issues.

7.4 Effects of issue characteristics

To explain the variance in implementation of the World Bank program, the focus in this section is on the thirty-three policy issues debated in the seven countries. In other words, policy issues are the unit of analysis. Program implementation is expected to depend on a number of independent variables related to decision-making, called *issue characteristics*[15]. First, this section

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[14] The final interview forms and the preparatory documents were scrutinised by researchers from the Institute of Social Studies (ISS) in The Hague. These researchers commented that the forms could yield useful data to address the research questions. What is more, the interview lists were tested in pilot interviews involving ten Kenyan experts during a ten-day field visit to Nairobi in November 2000 (see Appendix II).

[15] Some readers might expect that a multilevel data analysis would follow from the multilevel nature of the theory and data. By means of multilevel analysis techniques, the effect of issue characteristics upon the dependent variables can be analysed while controlling for country-level effects (Snijders and Bosker 1999; Hox 1995). For a multilevel model of analysis to be applicable, a minimum of 120 cases are required (Hox 1995:20). The total number of policy issues (N=33) is by far too small to allow for a multi-level analysis. Therefore, in this study, the effects of issue characteristics and political-administrative context upon anti-corruption reforms are assessed separately, in subsequent analyses. What is more, no bias is expected in the estimated effects of issue characteristics on program implementation after pooling the data in a set of thirty-three (33) policy issues. This is because the variance in the dependent variables on the policy issue level was *not* explained away by country level variance. To apply a multilevel model of analysis a first indication is needed that can (partly) explain away the variances in the dependent variables on the policy issue level by country-level variance (Hox 1995:20; Snijders and Bosker 1999). To confirm a 'multilevel structure' in the data, significant variance ought to exist on both levels (Hox 1995:20). A rule of thumb requires that the variances in the dependent variables should be at least twice as large as their standard errors. This ought to be the case for the variance on the policy issue level, as well as the

provides a short description of the degree of issue resolution and the level of reform across policy issues. Second, hypotheses 1 through 4 are tested. These tests provide insight into the effects of issue characteristics on program implementation.

7.4.1 Description of program implementation

Issue resolution
Issue resolution reflects whether anti-corruption policy issues are either resolved by a policy decision or remain pending on the decision-making agenda. Table 7.1 shows that the overall percentage of issue resolution across the countries is 51.5 per cent (N=33)[16]. More than half of the thirty-three policy issues were resolved by a policy decision, while the remaining issues kept pending.

Table 7.1 Variation in program implementation across 33 policy issues (standard deviation between brackets)

Issue resolution (N=33)	51.5 %
Level of reform (N=17)	49.71 (49.07)

Level of reform
The seventeen resolved policy decisions reflect a certain level of reform that varies on a scale between two extremes. One of the extremes represents the most conservative policy position (0). With one exception, this position coincided with the status quo. The other extreme (100) represents the most progressive, or reform-oriented, policy position taken. Table 7.1 reveals that the 'average level of reform' across the seventeen policy decisions was 49.7. However, the level of reform does not reflect an absolute 'amount of reform' that can be compared across issues and across countries. Rather, this variable reflects the tendency to give in to the policy position of more progressive stakeholders in the process of decision-making. If the level of reform is

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variance on the country level. With regard to the 'level of reform' data for this study, the standard error (465) of the measured variance (1144) was sufficiently small on the level of the policy issues. However, no significant country level variance was found (853) (s.e. 789). On the 'issue resolution' data for this study (resolved or not), the standard error of the variance on the country level (4.02) was almost as large as its variance (4.83), and hence it was insufficient.

[16] Chapter 3 already provides an account of issue resolution (in Table 3.9.1) in the context of a description of program mortification.

shown to be low, this implies that relatively few reform-oriented views were reflected by the policy decision[17].

7.4.2 Distribution of issue characteristics across policy issues

Both the dependent variables 'issue resolution' and the 'level of reform' are expected to depend on a number of *issue characteristics.* Table 7.2 presents the mean values and standard deviations of the relevant issue characteristics across policy issues. Some of these variables relate to decision-making processes between internal decision-makers only: those actors with formal decision-making power. These issue characteristics are: (a) the difference between the position of the most conservative decision-maker and the status quo, (b) the number of decision-makers, and (c) the level of disagreement between decision-makers. The other variables relate to the involvement of *external stakeholders* in anti-corruption decision-making: those actors who lack formal decision-making power. These variables are (a) the involvement of the international donor community (y/n) and (b) the bargaining power of the donor community[18].

Table 7.2 Variation in issue characteristics across 33 policy issues (N=33)

	Mean	Standard deviation
Distance between the most conservative decision-maker and the status quo[†]	7.81	20.16
Number of decision-makers	1.69	0.78
Disagreement between decision-makers[†]	24.53	37.49
Donor community involvement‡	0.39	
Power of the donor community[†]	86.67	14.88

[†]These variables vary between 0 and 100
‡ Dummy (not involved =0, involved =1)

[17] The level of reform is by no means an absolute measure; its interpretation is always related to the issue in question and to the relative positions taken by the actors involved. For example, the level of reform of 100 on the procurement issue in Tanzania implied a lot more legal changes than the level of reform of 100 on the strengthening of Tanzania's anti-corruption bureau. Hence the above findings ought to be considered very carefully. Moreover, the level of reform does not reflect the extent to which the policy decision was executed. To some degree, this was assessed in chapters 4 and 5.
[18] The variable 'power of the donor community' was measured at the country level. Hence, the variance of this variable *within* countries is 0.

7.4.3 Explanation of issue resolution

A number of logistic regression analyses were performed to determine the effects of the independent variables on the probability of issue resolution (cf. Menard 1995). Logistic rather than linear regression was applied to issue resolution, because it is a *dichotomous* dependent variable: an issue can either be resolved by a policy decision or remain pending. These analyses yield a statistic called 'the *probability of* issue resolution': the probability that an issue will be resolved by making a policy decision.

In this section, the effects of four issue characteristics are tested on the probability of issue resolution. In the previous chapter, hypotheses 1A through 4A include expectations about these effects. First, the distance of the most conservative decision-maker's position from the status quo was expected to have a positive effect on issue resolution (hypothesis 1A). Second, the number of decision-makers involved in a policy issue and third, the level of disagreement between them were expected to reveal a negative effect (hypotheses 2A and 3A, respectively). The involvement of the international donor community was expected to have a positive effect on the probability of issue resolution (hypothesis 4A).

Three models were tested: (1) a model restricted to issue characteristics *internal to* the decision-making system; (2) a model restricted to the involvement of a powerful *external* stakeholder, the international donor community; and (3) a full model that includes all independent issue characteristics. Because of the explorative character of this study, the effects will be shown for all models. The effects in the full model reflect the 'net' contribution of each variable after controlling for all other variables. Moreover, because the analyses serve an explorative purpose, the minimum significance levels were set at $p=0.10$. This is done to avoid overlooking effects that might have been present in a larger data set. Since all hypotheses are directed, one-tailed tests were performed.

Table 7.3 summarises the predictions and presents the unstandardised logistic regression coefficients for the three models [19].

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[19] The unstandardised logistic regression coefficients indicate the amount of change in *logit* (Y) associated with a one unit change in the independent variables. Y is the binary dependent variable 'pending' =0 and 'decided' =1. Calculating the *logit* of Y (i.e. the model constant, plus the change in logit Y due to the independent variables) generates 'the probability that an issue is resolved' (Menard 1995:43).

Table 7.3 Results of a logistic regression analysis to explain the resolution of 33 anti-corruption policy issues across seven African countries (pending = 0, decided = 1), two-tailed test.

	Predicted	Model 1	Model 2	Model 3
Internal decision-making				
Distance cons dm and SQ	+	0.00		0.01
Number of decision-makers	-	-1.07		-1.92[**]
Disagreement	-	0.02		0.01
External donor community				
Involvement	+		2.30[**]	4.01[**]
Power	+		-0.07[**]	-0.10[**]
N		33	33	33
Constant		1.53	5.32	9.72
χ^2		2.86[*]	9.05[**]	15.52[***]
df		29	30	27
p		0.41	0.01	0.008

[*] $p < .10$; [**] $p < .05$; [***] $p < .01$

Note: table presents un-standardized logistic regression coefficients

The coefficients represent the unstandardised logistic regression (B-) coefficients, which are interpreted as the rate of change in the 'log odds' when the independent variable changes[20].

No multicollinearity was found between the independent variables[21]. Hence the relations between the independent variables were sufficiently weak to interpret the separate effects of each variable on the probability of issue resolution (Stevens 1996:79).

The first model does not reveal any significant effects of issue characteristics[22]. The effect of the number of decision-makers is in the

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[20] The odds that Y=1 is the ratio of the probability that Y=1 to the probability that Y≠1. One further transformation of the odds, namely the natural logarithm of the odds, produces a variable equal to the logit of Y (Menard 1995:12). See footnote 24 for the calculation of the logit of Y for the probability of issue resolution from the model.

[21] Multicollinearity refers to overly strong associations between the independent variables, which hamper the interpretation of the separate effects of the separate variables. This is the case when the correlation coefficients exceed the value of $\rho = 0.90$ (Stevens 1996:79). In the data set of this study, two relations were found among the set of independent variables. First, the power of the donor community was shown to be related with the distance between the most conservative decision-maker and the status quo (0.41, p <.10). Second, and explicable on theoretical grounds, the number of decision-makers correlated quite strongly with the range between their policy positions (0.62, p< .01).

[22] Whether the effect of the combined variables in each model upon issue resolution is significant is assessed by the *Chi-square statistic* (χ^2). The chi-square test tabulates a variable

expected direction: the more decision-makers are involved, the smaller the probability of issue resolution. The second model, the 'donor community' model, reveals a significant, expected effect of involvement of the international donor community in an issue on the probability that the very issue will be resolved. The bargaining power of the donor community had a *negative*, significant effect on issue resolution.

Model 3 is the full model, in which all effects simultaneously are estimated. The full model correctly predicted the chance of resolution for 75.9 per cent of the policy issues. This fit of the full model is significant according to the Chi-square statistic. The model generated a number of findings[23]. First, the *distance between the most conservative decision-maker and the status quo* did not affect the probability of issue resolution. This finding rejects our theoretical expectation in hypothesis 1A. Second, the *level of disagreement* between the two extreme opposite decision-makers did neither affect the probability of issue resolution. Hence we find no empirical support for hypothesis 3A, because a negative effect was expected. Third, after controlling for the involvement of the donor community the *number of decision-makers* involved in a policy issue significantly and negatively affected the probability of issue resolution[24]. For each additional decision-maker involved the probability of issue resolution decreases by 0.13[25]. This result corroborates hypothesis 2A. Finally, the probability of issue resolution significantly increased with the involvement of the *donor community.* This corroborates hypothesis 4A. Surprisingly, the *power* of the donor community was negatively related with the probability of issue resolution[26].

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into categories and computes a statistic. It compares the observed and expected frequencies in each category to test either that all categories contain the same proportion of values, or that each category contains a pre-specified proportion of values. The p's indicate whether the fit of the model is significant on the basis of a confidence level. The value of χ^2, however, does not indicate the goodness-of-fit of a model. This value is approximated by the overall percentage of correctly predicted 'issue resolutions' in a 'classification table'.

[23]Two-tailed tests were applied because of the explorative character of this study. However, if the model consists of *directed* hypotheses, which is the case here, a one-tailed test of effects is permitted. This implies that significance levels can be split in half, enhancing the probability of significant results. Applying a one-tailed test did *not* affect any of the substantive effects of the full model except the variable 'donor involvement', which became more significant (at p<0.01 instead of p< 0.05).

[24] A best-fitting, sparse model revealed similar findings.

[25] The probabilities were obtained by substituting the x-values for the independent variables in the full model $Y = a + b_1X_1 + b_2X_2 + b_3X_3 + b_4X_4 + b_5X_5 + b_6X_6 + \varepsilon$ by the coefficients found (e.g. number of decision-makers yielded –1.92), and by including the model constant (9.72). This yielded the *logit* of Y. The probability of issue resolution (Y=1) was then obtained by ln (y/1-y).

[26] This effect of donor power should be interpreted with caution, as the variable was measured at the country level (N=7). Consequently, the number of cases in the analysis (N=33) exceeds

The probability of issue resolution was therefore determined by two main issue characteristics: the number of decision-makers involved, and the involvement of the international donor community in the issue. The analyses are based upon a small number of cases relative to the number of independent variables. To check for the robustness of results the two most extreme cases were excluded from the analyses. The regression coefficients of the full model revealed no substantial changes[27].

7.4.4 Explanation of the level of reform

In this paragraph the effects of four issue characteristics upon *the level of reform* are tested (hypotheses 1B through 4B). The level of reform is the second quantitative indicator of the implementation of the World Bank anti-corruption program.

The distance of the most conservative decision-maker from the status quo was expected to positively affect reform (hypothesis 1B). The number of decision-makers was expected to have a negative effect upon the level of anti-corruption reform (hypothesis 2B). No directed effect could be expected from the level of disagreement between the two extreme opposite decision-makers on the level of reform (hypothesis 3B). Finally, the bargaining power of the largely reform-oriented donor community was expected to have a positive effect upon the level of reform (hypothesis 4B).

To examine the effect of the issue characteristics on the dependent variable 'level of reform', a number of ordinary-least-squares regression models were constructed (cf. Stevens 1996)[28]. This was done on the basis of the levels of reform reflected by those seventeen (17) policy issues on which a policy decision was made. Because the analyses serve an explorative purpose, the minimum significance levels were set at $p = 0.10$[29].

Table 7.4 summarises the predictions and presents the standardised linear regression coefficients regarding the level of reform for the following

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the *actual* number of empirical observations. Nevertheless, donor power is maintained as a control variable.

[27] The effect of the number of decision-makers became stronger.

[28] Because the variable 'level of reform' is limited to both sides, alternatives for OLS like probit or logit analysis might be applicable (Wooldridge 2003). Given the small number of cases and the good overall fit of the linear models (see R^2_{adj} in Table 7.4), probit or logit analysis was not applied here.

[29] A one-tailed test is allowed for the independent variables (see footnote 23), except for the 'disagreement between decision-makers', for which no directed hypothesis could be inferred. Applying a one-tailed test to the full model did not substantively alter the results, except that the effect of the power of the donor community turned significant at the $p = 0.10$-level. Moreover, the effect of the position of the most conservative decision-maker and the number of decision-makers turned significant at the $p = 0.05$ level.

models: 1) a model regarding internal decision-makers only, 2) a model restricted to the external donor community, and 3) a full model[30]. The standardised linear regression (β)-coefficients indicate the increase in the standard deviation of the dependent variable (level of reform) resulting from a one-standard deviation increase in the independent variables[31]. The β-coefficients allow for a comparison of the relative contribution of each independent variable in the prediction of the dependent variable. For example, is the effect of donor community power upon the level of reform larger or smaller than the effect of the number of decision-makers?

The first model reveals significant effects for two of the three issue characteristics that relate to internal decision-making. The distance between the most conservative decision-maker and the status quo had the expected positive effect. For the effect of the disagreement between decision-makers, no direction was specified but a positive effect was found. The effect of the number of decision-makers was not significant but in the expected direction. The second model, regarding the international donor community, shows a significant positive effect of power of the donor community on the level of reform.

In the full model, all effects simultaneously are estimated. All effects of the issue characteristics that relate to internal decision-making become significant and in the expected direction (no direction was specified for the effect of disagreement). Hence, hypotheses 1B through 3B are corroborated by the data at a significance level of $p < 0.10$. Remarkably, no significant effect of issue characteristics related to the donor community remained in the full model, although the effect of power of the donor community is in the expected-direction.

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[30] These three models are similar to the three models that are used in the explanation of issue resolution in the previous section.

[31] The *standardised* β-coefficient indicates the underlying linear relationship between independent and dependent variables, regardless of the units of measurement. Under normal circumstances, β lies between plus and minus 1. The effect of a one standard-deviation change in the independent variables x upon the dependent y (level of reform) can be calculated by multiplying the β-coefficients with the standard deviation of y (49.07). However, the interpretation of the resulting number in terms of anti-corruption reforms depends upon the scales underlying the policy issues. These scales are different for each policy issue in the analyses.

Table 7.4 Results of a linear regression (ols) analysis to explain the level of reform in 17 policy issues from five African countries (β-coefficients), two-tailed test[32]

	Predicted	Model l	Model 2	Model 3
Internal decision-making				
Distance cons dm and SQ	+	0.59**		0.36*
Number of decision-makers	-	-0.28		-0.39*
Disagreement	+/-	0.78**		0.80**
External donor community				
Involvement	+		0.06	0.01
Power of donor community	+		0.68**	0.35
R^2_{adj}		0.66***	0.51**	0.85***
df		13	12	9
p		0.00	0.01	0.00
F		8.54	6.28	9.87
N		17	15	15

$p < .10$; ** $p < .05$; *** $p < .01$
Note. The standardized linear regression coefficients are presented.

The significance of the effect of the power of the donor community disappeared after controlling for the distance of the most conservative decision-maker from the status quo[33]. Hence hypothesis 4B, which states that the level of anti-corruption reform increases with the power of the international donor community, finds no strong empirical support in the data.[34]

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[32] Since issue resolution was zero in Malawi and Uganda by the time of research (no policy decisions were made), their 'level of reform' variable was, as yet, unavailable. Therefore, only five countries were included in the analyses.

[33] This finding was obtained through a step-wise regression, in which the independent variables (issue characteristics) were introduced one at a time. Also, the effect of the most conservative decision-maker's position was smaller and less significant than in model 1.

[34] Nonetheless, this finding does not deny an indirect effect of the donor community's power on the level of reform. To examine the pattern of relationships between three or more variables requires a *path analysis* model (Bryman and Cramer 2001:254-258). Indirect effects refer to a relation between two variables that is mediated by a third, intervening variable (here: the position of the most conservative decision-maker). The indirect effect is obtained by multiplying the relevant regression coefficients. These will depend on the path model that is specified. For example, to estimate the indirect effect of donor power on the level of reform, the effect (standardised regression coefficient) of donor power on the most conservative decision-maker (0.41; p=0.03) is multiplied by the effect of the most conservative decision-maker on the level of reform (0.36). The indirect effect would then become (.41*.36)= 0.15.

In conclusion, the level of reform increased with the *distance between the most conservative decision-maker and the status quo*[35]. Also the *level of disagreement* had a strong positive effect upon the level of reform. Apparently, more disagreement generally implied that more reform-oriented decision-makers involved were able to put their stamp on the policy decision. Whether the *donor community was involved* in decision-making or not did *not* affect the level of reforms. The effect dropped after controlling for the donor community's relative bargaining power[36]. The effect of bargaining power of the donor community is explained away by the effect of larger differences between the position of the most conservative decision-maker and the status quo. Hence, for those issues in which the donor community has strong power the most conservative decision-maker tends to be more progressive. Because of the limited number of cases in the analyses relative to the number of independent variables, a check on the robustness of results was performed. A few extreme cases were removed from the analyses. The size nor direction of the regression coefficients changed[37].

7.5 Effects of political-administrative context

Decision-making on anti-corruption reforms takes place in varying political-administrative *contexts*. This study involves seven African countries, and hence seven different contexts. Program implementation is expected to depend on characteristics of these contexts. Political-administrative differences are expected to trigger different mechanisms of decision-making, and consequently different degrees of program implementation (issue resolution and level of reform). In the previous chapter, hypotheses 5 through 7 were formulated about the effects of political competition and civil liberties, level of corruption and the dependence on foreign aid. This section first provides a short description of the degree of issue resolution and the level of reform across the seven different countries. Second, hypotheses 5 through 7 are tested. These tests provide insight into the effects of political-administrative characteristics on program implementation.

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[35] The *bargaining power* of this most conservative decision-maker had no effect upon the level of reform, but this is not shown here. This finding can be ascribed to the limited variance in this variable.

[36] The variable 'donor power' was measured on the national level but was nevertheless included as an issue characteristic. Significant effects of donor power therefore should be interpreted with caution: the number of cases in the analyses exceeds the actual number of empirical observations (cf. Snijders and Bosker 1999).

[37] Only the effect of the *number of decision-makers* became on the brink of significance at a level of p=0.10 (p=0.106).

7.5.1 Operationalisation and measurement

Political-administrative context consists of a number of distinctive system variables. Below, an overview is presented of the various secondary sources that provided information on salient political-administrative system variables. These variables did not vary substantially over the research period (1999-2001). Therefore, a cross-section of the 1999 rankings was used.

Political competition
The strength of political competition refers to the extent to which parties have to compete for a consolidation of political power (Polity IV 1999). To measure political competition, the Polity IV indicator for political competition was used, which runs from 1 = suppressed to 10 = open, as shown in Box 7.2.

Box 7.2 Polity IV's Political Competition (POLCOM) index (1999)

1) *Suppressed.* Suppressed governments contain some limited political competition outside of government; however, peaceful political competition and large classes of people are excluded from the political process.
2) *Restricted.*
3) *Imposed transition.* Loosening or tightening restrictions on political competition.
4) *Uninstitutionalised.*
5) *Gradual transition from uninstitutionalised*
6) *Factional/ restricted.* Factional polities contain parochial or ethnic-based political factions that compete for influence in order to promote agendas that favour the interests of group members over common interests.
7) *Factional.*
8) *Electoral transition, persistent conflict/coercion.*
9) *Electoral transition, limited conflict/coercion.* Transitional arrangements accommodate competing interests, but parochial interests are not fully linked with broader, general interests.
10) *Institutionalised electoral (open).* Relatively stable and enduring political groups with regular competition and voluntary transfer of power. Small parties or political groups may be restricted.
(Missing) *Transitional or provisional government.* New institutions are typically planned during this time (the 1999 value for Ethiopia was missing).

Source: http://www.cidcm.umd.edu/polity/index.html; 'Polity IV Project Political Regime Characteristics and Transitions, 1800-2002'

Civil and political liberties

To measure civil and political liberties, two Freedom House (2000) indices were used[38]. Freedom House's *political liberties index* is a construct variable, consisting of eight criteria. The first criterion regards to what extent 'there is a significant opposition vote, de facto opposition power, and a realistic possibility for the opposition to increase its support or gain power through elections.' The other seven criteria encompass: the degree of free and fair election of both rulers and legislators; the extent to which the election process as such is free and fair; the extent to which elected parties can be endowed with power by the electorate; freedom of organisation and openness of the system towards the rise and fall of parties; self-determination and influence by minorities; and freedom of dominance from the military or other dominant groups, such as totalitarian parties.

Freedom House's *civil liberties index* encompasses fourteen criteria, divided into four categories: freedom of expression and belief (independent media, free religion); freedom of association and organisational rights (e.g. political organisation, trade unions); rule of law and human rights (e.g. independent judiciary, protection from political terror or imprisonment); and personal autonomy and economic rights (e.g. property rights, social freedoms such as gender equality).

The rating of both the civil and political liberty index runs from 1= free to 7 = not free, as explained in detail in Box 7.3. Unfortunately, Freedom House does not release the scores on each of the separate criteria.

The level of (perceived) corruption

Transparency International (TI) is an international NGO that lobbies for open and accountable administrative systems in which corruption has no place. TI has brought together best practices on how to curb corruption and reformulated these into multifaceted anti-corruption strategies. Each year, TI publishes a global 'state of the art' index of corruption. The level of corruption is derived from TI's corruption perceptions index or CPI (1= highly corrupt; 10 = clean) (TI 2000). The TI index is a combination of various bribe indexes of perceptions of corruption inside and between the public and private sector, and is the most renowned corruption index in the world.

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[38] Freedom House is a non-profit, non-partisan organisation that advocates for democratic and economic freedoms around the world, through a vast array of international programs and publications. Internet: www.freedomhouse.org (consulted January 2000).

Box 7.3   The rating system of Freedom House's civil and political liberties

The following descriptions were derived from the methodology section of the Freedom House's civil and political liberties.

Civil liberties
Countries and territories which receive a rating of 1 come closest to the ideals expressed in the civil liberties checklist, including freedom of expression, assembly, association, and religion. They are distinguished by an established and generally equitable system of rule of law and are comparatively free of extreme government indifference and corruption. Countries and territories with this rating enjoy free economic activity and tend to strive for equality of opportunity. States and territories with a rating of 2 have deficiencies in three or four aspects of civil liberties, but are still relatively free. Countries and territories which have received a rating of 3, 4, or 5 range from those that are in at least partial compliance with virtually all checklist standards to those with a combination of high or medium scores for some questions and low or very low scores on other questions. The level of oppression increases at each successive rating level, particularly in the areas of censorship, political terror, and the prevention of free association. There are also many cases in which groups opposed to the state engage in political terror that undermines other freedoms.

Political liberties
Countries and territories rated 2 in *political liberties* are less free than those rated 1. Such factors as political violence, political discrimination against minorities, and foreign or military influence on politics may be present and weaken the quality of democracy. The same conditions which undermine freedom in countries and territories with a rating of 2 may also weaken political rights in those with a rating of 3, 4, or 5. Other damaging elements can include civil war, heavy military involvement in politics, lingering royal power, unfair elections, and one-party dominance. However, states and territories in these categories may still enjoy some elements of political rights, including the freedom to organize quasi-political groups, reasonably free referenda, or other significant means of popular influence on government.

Source: http://www.freedomhouse.org/research/freeworld/2000/methodology.htm

The TI index of 1999 used a combination of 17 perception indices from ten research institutions[39], which were weighted according to their

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[39] For the year 1999, the TI Corruption Perceptions Index consisted of: Political and Economic Risk Consultancy's Expatriate Business Executives, Gallup International's 50th anniversary survey, Wall Street Journal's central european economic Review, Freedom House's nations in transit, Institute for Management Development's World Competitiveness Yearbook, World Economic Forum's African and Global Competitiveness Report, Political Risk services International Country Risk guide, Economist Intelligence Unit's Country Risk service and Country forecast, and the International Working group's International Crime Victim Survey.

correlation with the resulting aggregate index and subsequently standardised (TI 2000:19). These seventeen indices reflect corruption among foreign and domestic companies and in the public sphere. They are based on perceptions of domestic and international business executives, expert staff, business analysts, and the general public [40].

Dependence upon foreign aid
The dependence of a country upon external donor assistance in 1999 was measured by an index published by UNDP (2001). This index presents the percentage of all Official Development Assistance (ODA) in a country's gross domestic product (GDP).

Political-administrative context: summary
Table 7.5 depicts the distributions of these political-administrative system characteristics for the seven African countries in this study[41].

Table 7.5 Political-administrative characteristics for seven African countries

1999 country ratings	Polity IV's Political Competition	Freedom House Civil Liberty index	Freedom House Political Liberty index	Corruption Perceptions Index (TI)	Foreign aid dependence (UNDP)
Bénin	9	4	5	n.a.	8.90
Ethiopia	n.a.	2	2	6.8	9.8
Ghana	8	4	4	6.7	7.8
Kenya	3	2	1	8.0	2.9
Malawi	9	4	4	5.9	24.6
Tanzania	3	3	3	8.9	11.3
Uganda	6	2	2	7.8	9.2
	1=suppressed, 10=open	1=unfree, 7= free		1=clean, 10= corrupt	

By the time of the World Bank program, Malawi, Bénin, and Ghana ranked highest on political and civil liberties and on political competition[42].

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[40] In the more recent (2001) TI index, the Wall Street Journal Central European Economic Review, the International Crime Victim Survey and the Gallup International index were excluded. Instead, the new 'Opacity Index' was introduced: a survey of corruption in various countries among CFOs, equity analysts, bankers, and PWC (PriceWaterhouseCoopers) bank staff.

[41] For the Freedom House political and civil liberty indices and for Transparency International's corruption perceptions index, the original scaling was transformed. The two Freedom House indices were transformed from 1= free- 7 = not free, into 1= not free - 7= free; while the Transparency index was transformed from 1= corrupt- 10 = clean, into 1 = clean- 10 = corrupt. Thus, a higher value of these variables also implies more liberties and more corruption, thus facilitating the interpretation of visual plots and regression statistics.

Corruption was shown to be highest in Kenya, Tanzania, and Uganda. By far the most aid-dependent is Malawi, followed by Tanzania.

7.5.2 Description of program implementation

Issue resolution

The variance between the seven African countries in the percentage of issue resolution is shown in section 3.9 (Table 3.9.1). Issue resolution was found to vary strongly between the countries[43]. In Tanzania and Ethiopia, all of the five selected policy issues were resolved. Apparently, these countries had no great difficultly reaching decisions related to curbing corruption. By contrast, in Malawi and Uganda, all anti-corruption policy issues remained pending on the decision-making agenda. Here, the policy process was characterised by much delay. In Benin, Kenya, and Ghana, some policy issues were resolved, while others remained pending.

The level of reform

Table 7.6 offers an overview of the second variable for the implementation of the World Bank program: the level of reform. This systematic account of the level of reform completes the qualitative descriptions in chapter 3.

Bénin, Uganda and Tanzania are positioned far above the mean level of reform, while Kenya and Ethiopia are positioned below it. Bénin obtained the highest mean level of reform. The inclusion of reform-oriented views in the policy decisions was largest there. Ghana and Tanzania are also characterised by high levels of reform. In Kenya, the policy decisions that *were* made reflected an intermediate le vel of reform. Ethiopia was found to be the most conservative country, where policy decisions hardly reflected any reform-oriented views[44]. The levels of reform in Malawi and Uganda are missing, because none of the policy issues in these countries were resolved with policy decisions. This in fact implies that the status quo was maintained.

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[42] As shown by the figure, Bénin and Ethiopia were missing from the 1999 ratings of both Polity IV's political competition index and Transparency International's Corruption Perception Index. However, for the year 2000, the level of corruption in Ethiopia was known (i.e. 6.8). Hence the missing figure was substituted by the figure for 2000.

[43] Since 'issue resolution' is a dichotomous variable (yes/no), a Kruskal-Wallis Chi-square (χ^2) test was performed to assess whether the between-country variance is significant. Between-country variance was χ^2 (6,27)= 19,58 (p=0.00).

[44] In chapter 3 it is explained that the Ethiopian government made a fair number of anti-corruption reforms *on paper*. The interviewed experts, however, estimated that the *actual* tendency to include reform-oriented views was minimal (interviews, July and October 2001).

Table 7.6 Program implementation: level of reform†

Country		Level of reform	
		Mean	**Standard deviation**
Bénin	N=2	90.0	14.14
Ethiopia	N=5	2.0	4.47
Ghana	N=2	85.0	21.21
Kenya	N=3	31.8	63.31
Malawi	N=0	n.a.	n.a.
Tanzania	N=5	78.0	43.82
Uganda	N=0	n.a.	n.a.
Total	N=17	49.7	
Between-country variance‡		$F_{(4,12)}= 4.04^{**}$	

† Scale varies between most conservative and most reform-oriented policy position. In Malawi and Uganda all issues remained pending, therefore the levels of reform were not available (n.a.).

‡ An alternative, non-parametric Kruskal-Wallis test uses the (average) ranks of the data. This test yielded a between-country variance of $\chi^2(4, 12) = 7.30$ (p= 0.12)

7.5.3 Distribution of issue characteristics within and between countries

Political-administrative characteristics are expected to trigger different issue characteristics. Table 7.7 shows the country-averages of issue characteristics and their variance within and across the seven African countries in this study.

The significant F-statistics reveal that systematic variance exists *between* the countries with regard to: the distance of the most conservative decision-maker from the status quo, the disagreement between decision-makers, and donor involvement[45]. What is more, the issue characteristics varied strongly *within* six out of the seven countries. This can be seen by the large standard deviations between the brackets. Only in Ethiopia is the distribution of policy positions and power constant across all issues.

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[45] An alternative, non-parametric Friedman test uses the *ranks* of the data (Bryman and Cramer 1996:116-138). This test was not performed because a reliable procedure to handle missing values was lacking.

Table 7.7 Results of one-way ANOVA: variation in issue characteristics within seven African countries (standard deviations in brackets, N=33)

Country		Distance most conservative actor - status quo	Number of decision-makers	Disagreement between decision-makers ('range')	Donor involvement	Donor power‡
		Mean (s.d.)	Mean (s.d.)	Mean (s.d.)	Mean (s.d.)	Mean (s.d.)
Bénin	N=3	8.33 (14.43)	1.33 (.58)	8.33 (14.43)	.00 (.00)	n.a.
Ethiopia	N=5	.00 (.00)	1.00 (.00)	.00 (.00)	.00 (.00)	65 (.00)
Ghana	N=6	33.3 (25.82)	1.50 (.55)	.00 (.00)	.33 (.52)	100 (.00)
Kenya	N=5	1.00 (15.97)	2.00 (1.22)	50.00 (50.00)	.60 (.55)	70 (.00)
Malawi	N=4	.00 (.00)	1.67 (.58)	46.67 (40.41)	.25 (.50)	100 (.00)
Tanzania	N=5	10.00 (22.36)	1.80 (.84)	50.00 (50.00)	1.00 (.00)	100 (.00)
Uganda	N=5	-4.00 (8.94)	2.40 (.55)	24.00 (33.62)	.40 (.55)	85 (.00)
Between-country variance		$F_{(6.25)} = 3.24^{**}$	$F_{(6.25)} = 1.96$	$F_{(6.25)} = 2.27^{*}$	$\chi^2_{(6,26)} = 14.22^{***}$	n.a.

$^{*} p < .10$; $^{**} p < .05$; $^{***} p < .01$

†Since 'donor involvement' is a dichotomous variable (involvement or non-involvement of donors), a Chi-square (χ^2) test was performed to assess between-country variance.
‡Donor power was measured on the country level, thus independent from the issues in question.

The example of Kenya may further illustrate the table. In Kenya the average distance of the most conservative decision-makers practically coincided with the status quo (1.00), implying that they were all against any change. Yet the position of the most conservative decision-maker varied strongly between the five policy issues, as indicated by the large standard deviation (15.97). Moreover, on average two decision-makers were involved in Kenya's anti-corruption policy issues (s.d.=1.22). There was a high average level of disagreement (50) in Kenya, in comparison to other countries. Yet the high standard deviation indicates that the level of disagreement varied strongly between the policy issues. Donors were involved in two-third of the policy issues. The relative power of the international donor community was rated at 70 at the country level, regardless of the policy issue.

7.5.4 Effects of political-administrative context on program implementation

In hypotheses 5A-B through 7A-B, a number of political-administrative characteristics were expected to affect program implementation. The strength of political competition and civil and political liberties were expected to *positively* affect both issue resolution and the level of reform, reflected by the policy decisions (hypotheses 5 and 7 A-B). By contrast, the level of corruption was expected to cause a *negative* effect upon both dependent variables, as it would create vested interests (hypothesis 6 A-B). Finally, a country's financial dependence on the international donor community was expected to *positively* affect both issue resolution and the level of reform (hypothesis 7 A-B).

Table 7.7 reveals significant variation in the two dependent variables *between countries.* This variation might to some degree be ascribed to political-administrative context of these countries. Figure 7.2 shows a number of regression plots to illustrate the effect of political-administrative system characteristics on program implementation. Strictly speaking, the number of cases is too small to draw strong conclusions with regard to these effects.[46] Beneath each plot, the regression coefficient 'beta' (ß) indicates the strength of the association, together with the number of cases (N) it is based on. Since the regression coefficients (ß) result from bivariate regression analysis, they are identical to a correlation coefficient. Non-parametric regression statistics (based on the ranks of the variables) were applied to the *interval* variables (Spearman's ρ), while linear regression was applied to the ratio variables.

The regression data concern bivariate effects of political-administrative context variables on the aggregated *(average)* value of the dependent variables for each country. What is more, a few country level data were missing. For these reasons, findings need to be interpreted carefully in terms of causality and significance[47].

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[46] The regression plots could also be interpreted in terms of associations. However, because theoretical predictions were specified about the relations, results will be referred to as 'effects'.

[47] Formally, a one-tailed test would be allowed, because hypotheses 5 through 7 are directed. However, due to the highly explorative character of the analyses on the country-level, significance (p-) levels are based on a two-tailed test.

Figure 7.2 Political-administrative characteristics and program implementation

Beta = -0.37 (N= 6)

Beta = 0.95[*] (N=4)
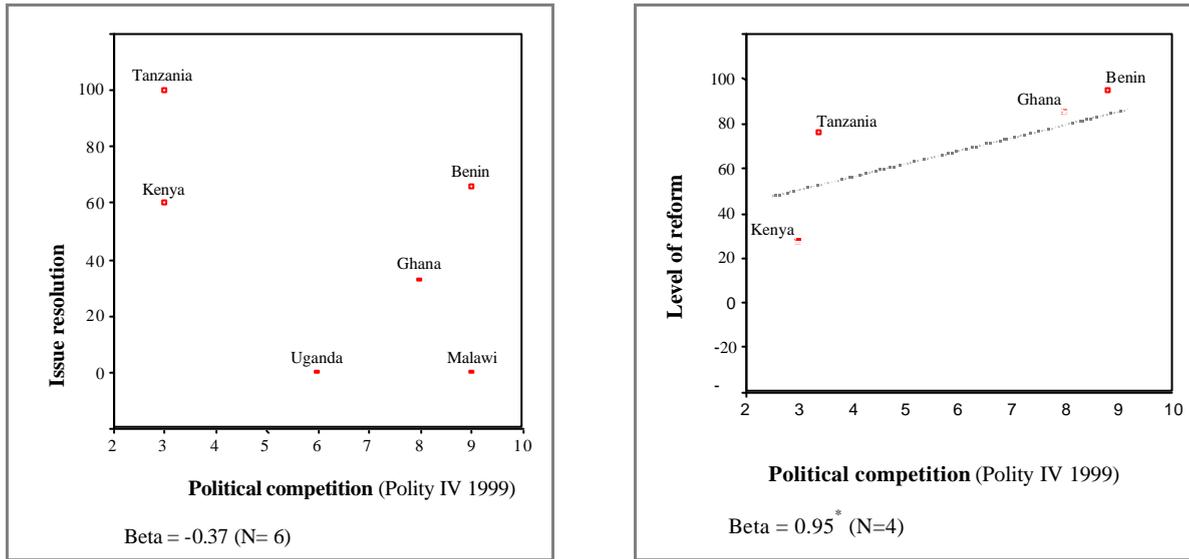
Political competition

[*]*p* < .10; [**] *p* < .05; [***] *p* < .01

Figure 7.2 Political-administrative characteristics and program implementation *(continued)*

Beta = -0.20 (N= 7)

Beta = 0.91** (N=5)

Civil liberties
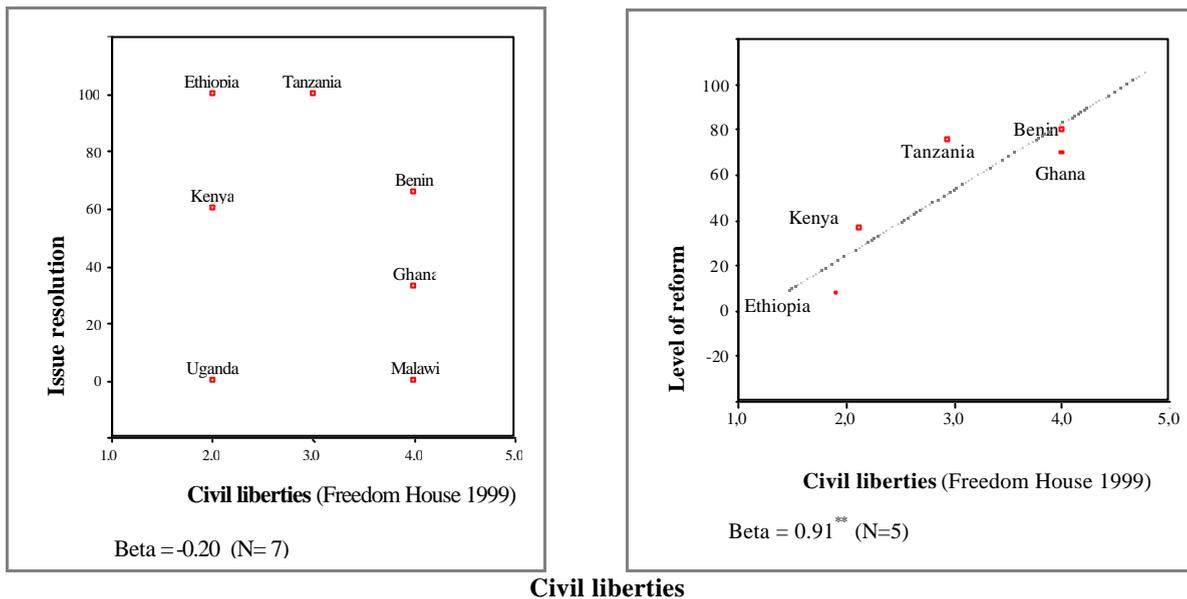
*p < .10; ** p < .05; *** p < .01

Figure 7.2 Political-administrative characteristics and program implementation *(continued)*

Corruption

Figure 7.2 Political-administrative characteristics and program implementation *(continued)*

Dependence on foreign aid

$^*p < .10;$ $^{**}p < .05;$ $^{***}p < .01$

230
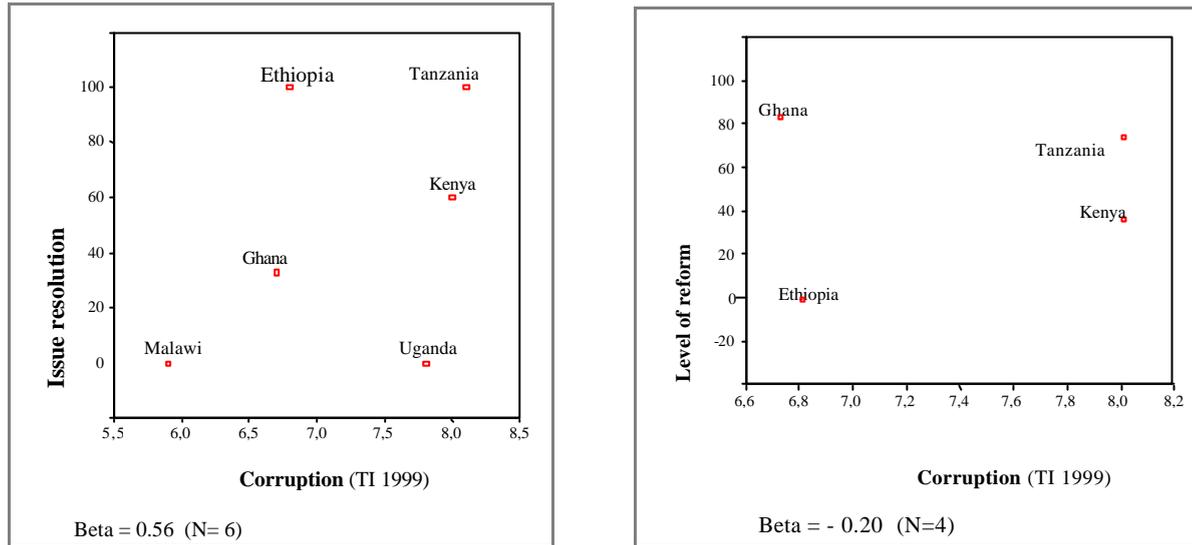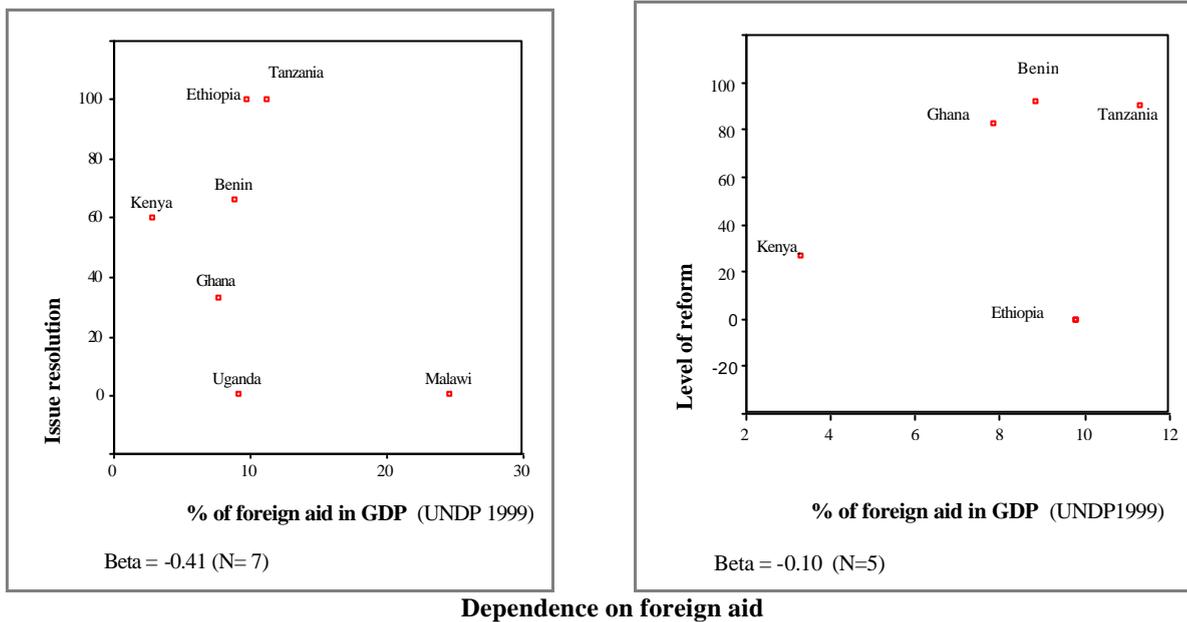
Hypothesis 5 stated that political competition and civil and political liberties[48] would positively affect both issue resolution and the level of reform. Figure 7.2 reveals that political competition and civil-political liberties were not systematically associated with issue resolution. Hence, hypothesis 5A is not corroborated by the data. However, contrary to issue resolution, political competition and civil-political liberties were positively associated with the average *level of reform* as expected in hypothesis 5B. *If* a policy decision is made, it is indeed likely to be more reform-oriented in the more liberal and politically competitive countries. However, note that Uganda and Malawi are missing because no issues were resolved in these countries.

Hypothesis 6 stated that the level of perceived corruption in a country negatively affects issue resolution and the level of reform. Figure 7.2 shows that the level of corruption was neither related with issue resolution, nor with the average level of reform. Apparently, for the countries studied, perceived corruption does not impede reforms. Hypothesis 7 stated that a higher dependence on foreign aid has a positive effect on both issue resolution and the level of reform. The data shows that dependence on foreign aid was not related with the degree of program implementation in a country. In conclusion, only hypothesis 5B is corroborated by the data. Obviously, this result should be interpreted with caution.

7.5.5 Effects of political-administrative context on issue characteristics

Theoretically, the political-administrative context of a country is expected to trigger a number of decision-making mechanisms. As a consequence, the political-administrative context of a country would *indirectly* affect issue resolution and the level of reform. Hypotheses 5 through 7 were derived on the basis of a number of assumptions regarding indirect effects of political-administrative context on the independent variables in the theory. Given the very few direct effects of political-administrative context on program implementation that were found above, one might ask whether indirect effects can be found in the data. Given the highly explorative character of the analyses at the country level, the relations between political-administrative context and issue characteristics should be interpreted with care.

Below, bivariate regression plots are shown between each of the four political-administrative characteristics, and the *average values* of the issue

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[48] Civil and political liberties are interrelated to such a degree that civil liberties alone can represent both variables. Spearman's $\rho = 0.94$ (.00) with N=7 countries.

characteristics[49]. Because in hypotheses 5 through 7 the effects of political – administrative context were assumed to be caused by (1) the position of the most conservative decision-maker, (2) the number of decision-makers, (3) donor involvement and power, only for these variables bivariate regression plots are shown. Indeed, those variables appeared to have affected issue resolution and the level of reform for the 33 issues studied. The regression plots do not pertain to specific hypotheses that were formulated but rather, to the mechanisms behind the expectations in hypotheses 5 through 7. Consequently, there exists a danger of capitalisation on chance and the results should be regarded as highly explorative.

   Political competition and civil & political liberties were expected to cause the most conservative decision-maker to become more reform-oriented and to increase the *number of decision-makers* involved in a policy issue. The actual effects are presented in Figure 7.3. The figure shows that civil-political *liberties* were positively related with the position of the most conservative decision-maker: the more civil liberties, the more reform-oriented the decision-maker. However, the figure shows that this effect is strongly dependent upon the average position of the most conservative decision-maker in Ghana. Removal of this case turns the effect small and insignificant. By contrast, conservative decision-makers did not become more reform-oriented with an increase in political *competition* in the political-administrative system. The effect of political-civil liberties on the average *number* of decision-makers involved turns out to be negative[50]. This result is surprising, because one would expect a positive relation.

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[49] Since political-administrative context was measured earlier in time (1999) than the anti-corruption reforms (between 1999 and 2001), relations of causality are possible (Cook and Campbell 1979; Yin 1994).

[50] The *total number* of involved actors, i.e. decision-makers as well as external stakeholders, was neither affected by political competition, nor by civil liberties. For example, the effect of political competition upon this total (average) number of involved actors was -.34 (p=.51), N=6 (not shown here).

Figure 7.3 Effects of civil liberties and political competition on issue characteristics

The position of the most conservative decision-maker
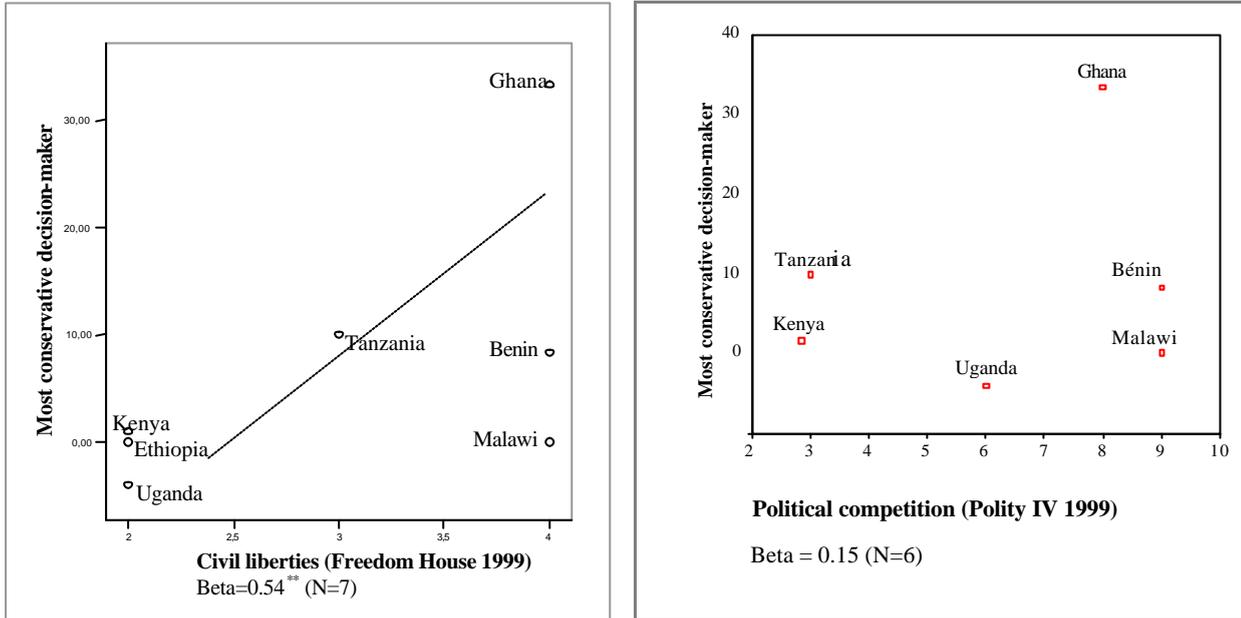
$^{*}p < .10; \; ^{**}p < .05; \; ^{***}p < .01$

Figure 7.3 Effects of civil liberties and political competition on issue characteristics *(continued)*
The number of decision-makers
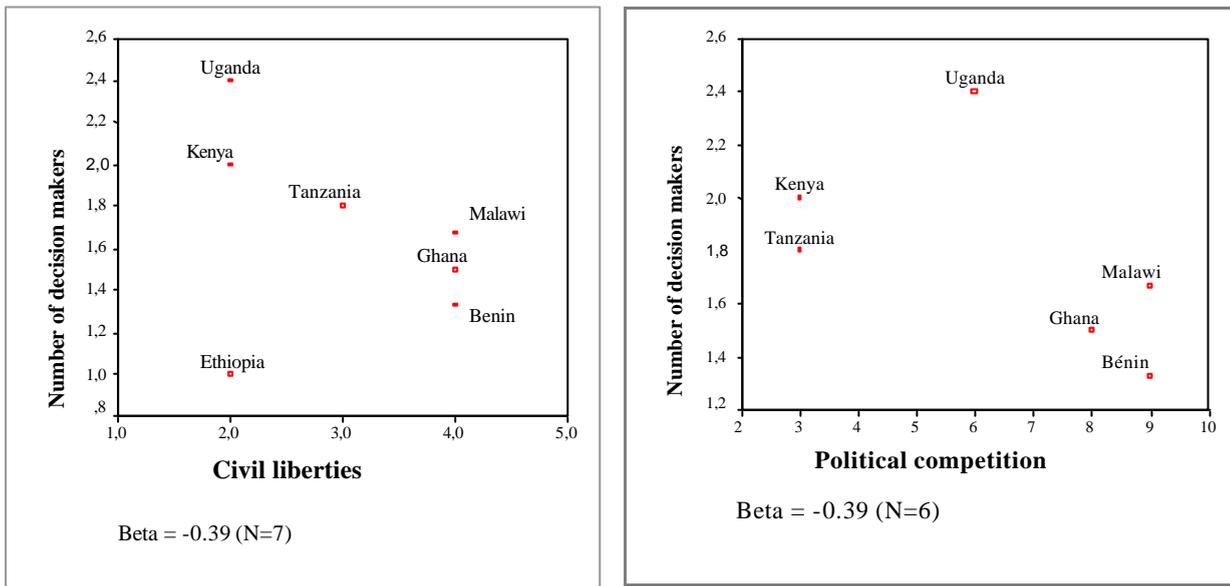
*p < .10; ** p < .05; *** p < .01

The *perceived level of corruption* (Transparency International 1999) was *expected* to cause the most conservative decision-maker to be more conservative, as *it* would create immovable vested interests. Figure 7.4 shows the associations between the perceived level of corruption in a country and the average position of the most conservative decision-maker. The perceived level of corruption was found not to be related with the average position of the most conservative decision-maker. Hence the theoretical expectation is not corroborated.

Figure 7.4 Effects of corruption on issue characteristics

The position of the most conservative decision-maker
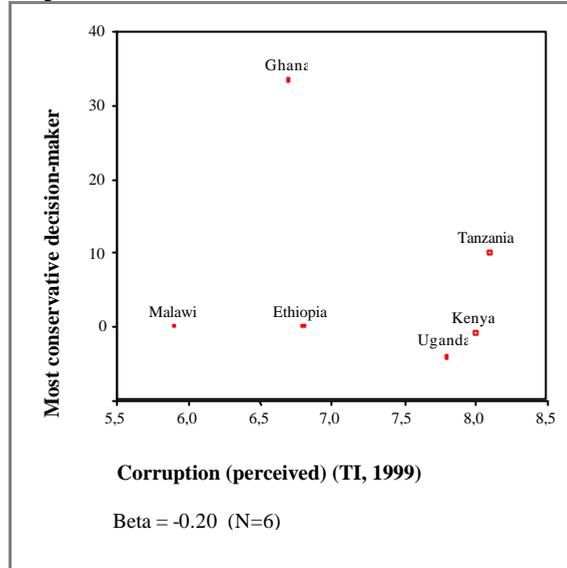
$p < .10;$ $^{**} p < .05;$ $^{***} p < .01$

    The *dependence upon foreign aid* of a country was expected to affect the donor community's involvement in policy issues, as well as the bargaining power of the donor community. Figure 7.5 presents the regression plots.

Figure 7.5 Dependence on foreign aid and the involvement and power of the international donor community
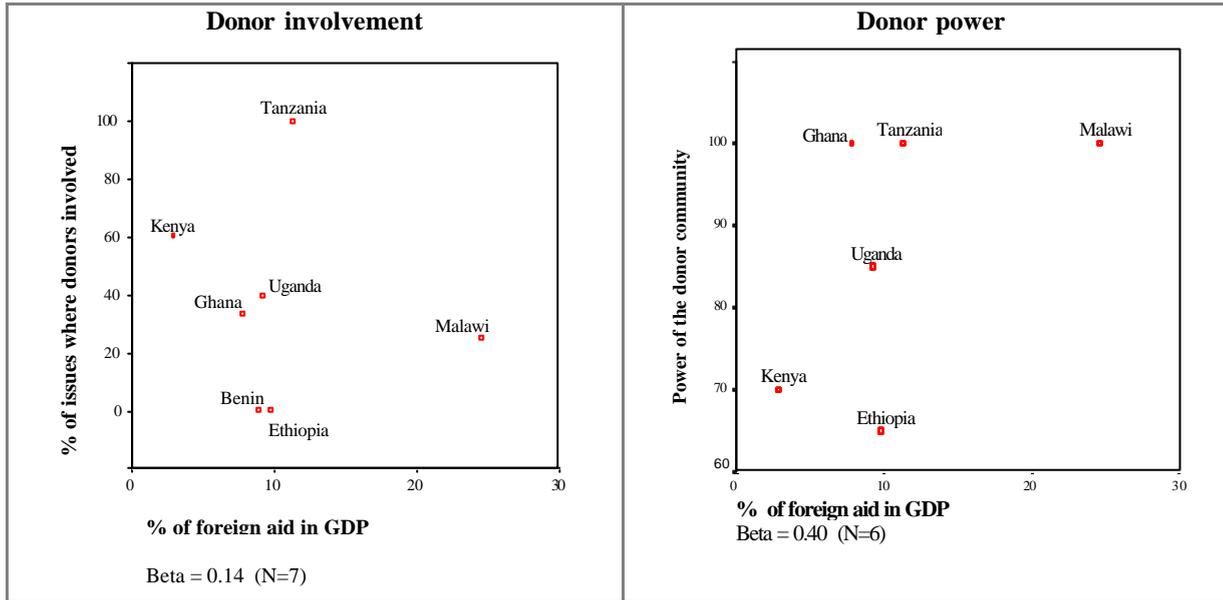
The regression plots in figure 7.5 reveal no relation between foreign aid-dependence and the average involvement and average bargaining power of the donor community. Possibly, donors are selective with regard to their involvement in specific policy issues.[51]

7.6 Conclusion

Effects of issue characteristics
The empirical evidence in this chapter sustains part of the explanations that were offered for the variance in the implementation of the World Bank program. Internal (national) mechanisms of decision-making were shown to be the most important for the resolution of policy issues and for the level of reform reflected by the policy decisions.

Issue resolution (reaching a policy decision) was strongly affected by the number of decision-makers. The more decision-makers that were involved in a policy issue, the more difficult it became to arrive at a policy decision. This negative effect upon issue resolution *only* occurred after controlling for the involvement of the international donor community. By becoming involved in decision-making, the donor community probably exerted a strong positive impact on issue resolution.

The *level of reform* reflected by the policy decision was, as expected, positively affected by the position of the most conservative decision-maker. The less conservative this actor, the higher the level of reform. The level of disagreement between decision-makers also had a positive effect upon the level of reform. No directed predictions could be made with regard to this variable. The number of decision-makers involved in the policy issue caused a negative effect on the level of reform. This mediated effect was predicted by the theory. The effect of the often highly powerful donor community on the level of reform was apparent all the way through to the position of the most conservative decision-maker. Apparently, by taking a more reform-

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[51] Outside the frame of any theoretical predictions, political competition and civil liberties (in 1999) were found to be positively associated with the power ascribed to the international donor community after 1999 (interviews, 2001). The correlation between civil and political liberties and the power of the international donor community seemed strong (Spearman's ρ = 0.88 (p=0.02, N=6). Political competition was also found to be positively associated with donor power (Spearman's ρ = 0.52 (p=0.01, N=6). Finally, a strong correlation existed between political competition and the intensity of donor involvement (Spearman's ρ = 0.97 (p=0.00, N=7). In addition, the intensity of donor involvement proved to be higher in the politically more competitive countries. In a logistic regression model with only political competition broken down to the issue level, a significant effect was found of political competition on the involvement of the donor community: B= 0.48 (p=0.01, N=29). This effect is likely to result from a selection mechanism (or Matthew-effect): donors mostly interfere with the freest countries, with a view to the success and rate of return on their aid projects.

oriented position beforehand, conservative decision-makers anticipated donor sanctions, such as the suspension of foreign aid.

Effects of political-administrative context
The findings relating to the effects of political-administrative context are highly tentative. This is firstly because the data only cover seven African countries. Secondly, only bivariate associations were examined.

Political-administrative context was shown not to be related with issue resolution. Neither did it influence the issue characteristics that trigger issue resolution: the number of decision-makers and the involvement of the donor community. By contrast, civil-political liberties and political competition were found to be associated with the level of reform. What is more, in systems with more civil liberties, the most conservative decision-makers took more reform-oriented positions.

Chapter 8. Summary and discussion

8.1 Introduction

There are many views on how to curb corruption in developing countries. Some authors believe that corruption has its roots in the political-administrative system of a country. It is here where rents are sustained and created, for example, in excessive amounts of regulations that could be exploited by officials. From this perspective, it is suggested that systems be revised *from the top down to the bottom*, for example, by abolishing regulations or introducing sanctioning mechanisms (e.g. Krueger, 1974; Rose-Ackerman 1978, 1999; Schleifer and Vishny 1993). However, there are few theories on the *conditions* under which top-down reforms are adopted (Rose-Ackerman 1999; Geddes 1991; Bueno de Mesquita 2001).

By contrast, Mbaku (2000) argued that corruption in Africa can only be solved by changing a country's constitution on the basis of the involvement of the entire population. From this perspective, the political-administrative system needs to be revised *from the bottom-up*. The resulting constitution then carries the fundamentals for effective minimisation of political opportunism, the upholding of law and order, the protection and effective application of property rights, and the efficient and equitable distribution of public goods. Mbaku did not, however, address the question how to overcome vested interests of powerful decision-makers when implementing bottom-up strategies (Klein Haarhuis and Torenvlied 2005).

The World Bank's anti-corruption program employs a *combined* bottom-up and top-down strategy. The bottom-up part of the program contains strategies to build a broad societal coalition in the fight against corruption. The top-down part covers the political-administrative remedies to curb it.

This study addresses the implementation of the World Bank program in seven African countries: Bénin, Ethiopia, Ghana, Kenya, Malawi, Tanzania, and Uganda. Next to yielding a mid-term evaluation of the World Bank program, this study yielded a number of *conditions for realising effective anti-corruption reforms*. The main research questions that were raised in the introduction to this study were:

I. To what extent have the participant developing countries implemented the anti-corruption program of the World Bank?

I.1 What are the contents of the World Bank's anti-corruption program in terms of:

> (a) its basic approach and the advocated 'priority areas' consisting of substantive anti-corruption reforms and
>
> (b) its underlying program theory: the assumptions on the basis of which the program is expected to get implemented in the participant countries?

I.2 To what extent have the participant developing countries implemented the anti-corruption program of the World Bank successfully? How, that is, through which chains of events, has the World Bank anti-corruption program become implemented?

I.3 How and to what extent does the implementation of the World Bank program *vary* across the participant countries?

II. How can differences in the implementation of the World Bank program be *explained*?

Implementation' refers to the extent to which countries incorporated the contents of this program in their national action plans, by formulating and adopting meaningful anti-corruption reforms that reflect a change from the status quo. The process of program implementation began with a selected group of program participants from each of the seven African countries who participated in a series of World Bank courses. After these courses, the program participants were to help their own countries in achieving anti-corruption reforms. They were expected to lobby for 'priority areas' of anti-corruption reforms on the public and political agenda and to become part of the decision-making on these reforms.

This study can be viewed as a theory-driven program evaluation, involving thirty-three reforms that were debated in the seven African countries after the program participants returned from the courses. The study was conducted through a number of subsequent steps.

First, in order to locate strengths and weaknesses in the World Bank's anti-corruption program even *before* its actual implementation, the rationale behind the World Bank program was reconstructed (Leeuw 2003; Rogers and Hacsi 2000). This *program theory* reflects the course of events during implementation, as intended by the makers of the program. The assumptions upon which the program theory is built were assessed on their overall scientific validity, using insights from existing theories and research. With these findings, some projection could be made of program effectiveness as to curbing corruption.

Second, to measure the extent to which the World Bank program was implemented *on paper* in each of the seven African countries, extensive desk research was combined with personal interviews. The substance of national anti-corruption 'action plans' was described. This was complemented by interviews among more than three experts per country, regarding which reforms were actually decided on.

Third, to describe *how* the program was implemented, a reconstruction was made of the activities and contributions of the individual program participants in two countries: Kenya and Tanzania. By means of the two case studies of Kenya and Tanzania, a number of tentative conditions were identified under which program implementation would result. The case studies also show that more systematic insight is required into the implementation of the World Bank program (Yin 1994; Pawson and Tilley 1997).

The second research question addresses *how come* the program is implemented to the varying degrees found. A 'multiple case replication design' including thirty-three policy issues (approx five per African country) served to test a number of explanations for program implementation on a broader set of data (Yin 1994:44; King Keohane and Verba 1994:43; Miles and Huberman 1994:172; Torenvlied 1999:76). These explanations were embedded in existing theories. Two mid-term indicators of program implementation were central in this research design: first, *issue resolution*, which regards whether the decision-making on policy issues is concluded by a policy decision or not; and second, the *level of reform*, which regards the extent to which the policy decision reflects a change from the status quo. The data contains quantitative estimations reflecting the processes of decision-making on each of these policy issues, as well as ratings on the political-administrative context of each country. The design served to yield realistic specifications of the causal mechanisms underlying anti-corruption reforms, both on the decision-making level and on the country level.

8.2 From a World Bank program to national reforms

This section gives the first part of the answers to research question I. First, the findings from an evaluation of the World Bank's *program theory* are presented. Second, it is explained *to what extent* the program was implemented *on paper* across the seven African countries. Third, a summary is presented of *how* the program was implemented in the two case study countries, Kenya and Tanzania.

8.2.1 Program theory: summary and scientific support

In chapter 2, the World Bank's 'program theory' is reconstructed. A program theory is a set of assumptions, on the basis of which the program is expected to have an effect (Leeuw 2003; Rogers, Hacsi et al. 2000). The group of the World Bank's course participants are expected to mobilise others in the fight against corruption, to get anti-corruption 'priority areas' on the public and political agenda, and to participate in the policy debate. By assuming that the efforts by program participants will 'trickle down' through society, the makers of the World Bank program expect to initiate anti-corruption reforms from the bottom-up. Second, after the bottom-up processes have started, political-administrative remedies to curb corruption need to be initiated from the top down. A summary of the main assumptions underlying the World Bank's program theory and scientific evidence to support the assumptions are presented in Table 8.1.

Table 8.1 The World Bank's program theory: scientific support

Bottom-up assumptions (summary)	Theory and empirical evidence
The anti-corruption courses will empower the program participants through knowledge and mutual contact...	Sustained, at least as far as learning effects are concerned. However, no substantive support was found for empowerment
.. so that they can build a wider anti-corruption coalition in their country	Not sustained: enhanced knowledge among actors does *not* automatically imply further action
Given political will at the top,	A number of empirical examples have illustrated that political will is a precondition for fighting corruption
..the program participants' initiatives can 'trickle-down' to society as a whole, ..which results in a larger public awareness of the problem of corruption	Not sustained. In many countries the communication infrastructure is so weak that these effects are not very likely. This particularly applies to vulnerable groups, and in contexts where political and civil liberties are weak
..and hence the early involvement of civil society and other stakeholders in anti-corruption policy-making.	Early involvement is a valid program assumption but not sustained in contexts as those described above
Top-down assumptions (summary)	
Transparency and accountability and 'good governance' are crucial in the fight against corruption	Partly sustained. Despite support from general theories, the effects of many political-administrative reforms are highly dependent on *context*: they require a sound legal framework and a minimum level of integrity

Some parts of the program theory were found to be sound, such as the overall importance of awareness-raising, and the importance of transparency and accountability. Other parts, however, were not, or only weakly, sustained by scientific research. This is hardly surprising, given the political consensus, on the basis of which policies and programs are generally constructed (Lindblom 1993). Weaknesses in the bottom-up part of the program theory prevent course lessons from trickling down to society, and can also interrupt the development of awareness of corruption into action against it (cf. Leeuw, van Gils and Kreft 1999). Another fundamental problem is the extent to which country context interferes with the effects of many anti-corruption reforms. To get bottom-up reforms implemented, a minimum communication infrastructure and a minimum level of civil and political liberties are required. Moreover, for top-down reforms to reduce corruption, a relatively sound legal framework is required, as well as minimum levels of integrity. However, these conditions are by far not common in the seven African countries under study. Hence on the basis of the program theory, a limited degree of success would be expected.

8.2.2 Implementation on paper: National Action Plans

Chapter 3 of this book presents a qualitative description of the extent to which the World Bank program was implemented *on paper* in the seven African countries. The National Anti-Corruption Action Plans (NAPs) that were formulated in each country quite strongly reflected the wider priority areas of reforms suggested in the World Bank program. For example, Tanzania copied its NAP into a national policy document, which was subsequently endorsed by parliament as the official anti-corruption policy framework (Republic of Tanzania 1999).

Nonetheless, a large part of the World Bank program 'died out' during its implementation in the seven African countries. Overall, less than half of the priority areas recommended in the World Bank program were addressed in the national action plans against corruption. But in fact, this is why they were called 'priority areas' in the first place: only the reforms that were relevant to a country were to be adopted. What is more, Pressman & Wildawsky (1973) have argued that the actual *substance* of implementation efforts is more important than how the reforms look on paper. In each action plan, 18 reforms were intended on average, of which 72% were actually addressed. The reforms addressed were either *formalities*, i.e. decisions adopted without perceived debate (58%), or they were subjected to a process of decision-making (42%). About half of the reforms that were subject to decision-making were actually decided upon within a period of ten months.

In addition, interesting *differences* were observed between the seven African countries with respect to the paper reforms and the debated reforms. For example, Kenya, Malawi, and Uganda initiated relatively little decision-making compared to the number of their formalities. This is in contrast with Bénin and Ghana, where the number of reforms that were subject to decision-making was high compared to the number of formalities. However, in Bénin the number of actual reforms was very small in comparison with the total of paper reforms.

8.2.3 How was the program implemented? Reconstruction of chains of events in Kenya and Tanzania

Through the comparative study of two countries, Kenya and Tanzania, the course of events during program implementation (between 1999 and 2002) was reconstructed. The main focus was on the role of the individual World Bank program participants, who were to initiate anti-corruption reforms by gathering support for ideas and plans to curb corruption (cf. Rogers 1995; Kingdon 1995:96; Mintrom 1997). The 'contributions' by the program participants were defined as: coalition-building successes, contributions to the (public and policy) agenda, and involvement in the decision-making on substantive anti-corruption reforms. Except one Kenyan program participant, *all* active program participants were interviewed.

In Kenya, the five program participants developed around forty larger and smaller anti-corruption initiatives. Many of these initiatives were related to public awareness-raising and public involvement. More than half of the initiatives were incidental and were not sustained over a longer term. Many ascribed this to the demise of Kenya's anti-corruption authority (KACA) that previously channeled many of civil society's initiatives. By 2002, eleven tangible contributions to the public and the policy agenda were made. The group of Kenyan program participants became involved in the decision-making on a dozen policy issues.

The Tanzanian program participants developed over thirty lines of smaller and larger anti-corruption initiatives, largely in line with government policy. The majority of the initiatives were sustained for a longer period. Tangible contributions to the public or national policy agenda were reported in eight of the cases. Program participants were involved in the decision-making on nine policy issues. Notably, one governmental program participant accounted for most of the program participants' contributions.

Table 8.2 presents a summary of the implementation process in Kenya and Tanzania, following the bottom-up and top-down assumptions of the program theory (left column).

Table 8.2 The World Bank's program theory and practice in Kenya and Tanzania

Program theory: bottom-up assumptions (summary)	The practice in Kenya and Tanzania
The anti-corruption courses (intervention) will empower the program participants through knowledge and mutual contact	According to the program participants, the course had some learning effects. However, there is only marginal evidence for empowerment.
.. such that they can build a wider anti-corruption coalition in their country	Some coalition building was achieved by the Kenyan program participants and was still ongoing in 2002. In Tanzania, coalition building was negligible.
Given political will at the top,	Only in Tanzania, political will (president, Minister for Good Governance) seemed to have triggered the many government-oriented reforms.
..the program participants' initiatives can 'trickle -down' to society as a whole	The initiatives of the program participants only trickled down in a few instances, for example, following the List of Shame and the demise of the anti-corruption agency in Kenya. Many program participants regretted the lack of follow-up activities by the World Bank.
.. which results in a larger public awareness of the problem of corruption	In Kenya, there was more discussion and public disapproval of corruption than in Tanzania.
.. and hence the early involvement of civil society and other stakeholders in anti-corruption policy-making.	In Kenya, the first coalition broke down after the demise of anti-corruption agency. In Tanzania stakeholders were only involved in the final stage of policy processes. Many program participants regretted the lack of follow-up activities.
Program theory: top-down assumptions (summary)	**The practice of Kenya and Tanzania**
Transparency and accountability and 'good governance' are crucial in the fight against corruption.	Within the time frame of this study, no information was obtained on the implementation and effect of top-down policy decisions.

A limited effect of the World Bank program on anti-corruption reforms was estimated in Kenya and Tanzania. In Tanzania, the *policy effect* was most noticeable: the largest part of the course documents became incorporated in its first official 1999 anti-corruption strategy. In Kenya, the

program seemed to have triggered an anti-corruption *reform debate* between civil society, parliament, and the government on a number of occasions.

On the basis of the comparative study of Kenya and Tanzania, preliminary conditions were specified under which program implementation is more likely. These conditions relate to (a) the program participants' personal networks of relations, (b) country characteristics, and (c) characteristics of decision-making.

Do personal relations matter?

A network questionnaire was used to estimate the relations of the program participants in the network of actors involved in anti-corruption policy.

The first findings reveal that program participants make use of their network for contributing to anti-corruption policy in their country (cf. Ibarra 1993). For the Kenyan, as well as the Tanzanian program participants, a larger network of relations added to their contributions. Particularly program participants who were acquainted with *powerful* actors involved in anti-corruption reforms made significant contributions. Examples are the reform-oriented head of the Kenyan public service, the Tanzanian Minister for Good Governance and Tanzania's President.

Yet, the two countries also *differed* in another important respect. In Tanzania a program participant's formal position was of importance for his or her connections and contributions, while in Kenya this was much less the case. This may be related to the highly government-driven character of Tanzania's anti-corruption process.

Conditions for reform in Kenya and Tanzania

The degree of program implementation in Kenya and Tanzania appeared to depend on a variety of conditions surrounding the individual program participants: conditions with regard to policy issues, at which level policy decisions are made; and conditions with regard to a country's political-administrative context.

First, *vested interests* in corruption formed one of the largest obstacles to anti-corruption reform in both countries. The vast majority of the interviewed experts in Kenya and in Tanzania indicated that vested interests in the corrupt status quo prevented many actors from adopting reforms. An illustrative example is leaders' hesitance to declare their personal assets to the system and to the public. This became a highly controversial policy issue in both countries.

Second, the anti-corruption process was much more controversial and less government-driven in Kenya than in Tanzania. This and the growth of

Kenya's parliamentary anti-corruption opposition after 2001 could be ascribed to the slightly stronger *political competition* in this country.

Third, Tanzania's average level of reform was high. This might be ascribed to the entrenched influence of the donor community: by 1999, more than eleven per cent of Tanzania's Gross Domestic Product originated from international institutions. In order to maintain this large source of income, decision-makers might have made more reform-oriented policy decisions.

Fourth, the anti-corruption debate might have been less controversial in Tanzania because of a deficient implementation process. Since decision-makers feared no *actual* losses of vested interests, they might have given in to reform-oriented policy decisions more easily.

More systematic insight is needed into the conditions under which reforms come about. In the next section, the first explanations from Kenya and Tanzania are further developed into a number of theoretic al conditions for anti-corruption reforms.

8.3 Debated reforms

This section first offers a classification of the seven countries with respect to the degree in which the World Bank program was implemented, thereby addressing research question I.3. Two indicators of program implementation are central in this respect. Issue resolution regards whether the decision-making process of policy issues is concluded by a policy decision or not. The level of reform regards the extent to which policy decisions refle ct a change from the status quo. Subsequent to the classification of countries, the *conditions* are presented under which the decisions were made, thereby addressing research question II.

8.3.1 A classification of countries

To be able to specify differences between countries and between issues in the implementation of the World Bank program, the two indicators 'issue resolution' and 'level of reform' were quantified. On the level of the policy issue, issue resolution reflected whether the issue was resolved by a policy decision (value 1) or not (value 0). On the country level, issue resolution is indicated by the percentage of issues resolved. The variable 'level of reform' was estimated by asking a number of experts to position the policy decisions on a relative scale between the two most extreme policy positions taken in the debate. The most conservative policy position has the value 0, and the most reform-oriented policy position value 100. A higher level of reform on this scale does not imply more far-reaching reforms in an absolute sense.

Instead, policy decisions that reflect a high level of reform are closer to the position of the most reform-oriented actor. Hence a high level of reform implies that more reform-oriented views were included in the policy decision.

On the basis of document analysis and preliminary expert judgements, five controversial policy issues were reported on average per country. Subsequently, experts from the anti-corruption policy field were interviewed to indicate whether policy issues were resolved, and if so, to estimate the policy decisions. Per policy issue, at least two experts were interviewed to cross-validate these estimations.

In total, more than half of the thirty-three policy issues in Africa were decided upon, so the mean issue resolution was slightly more than 50%. The mean level of reform was also slightly more than 50, implying that overall, debated reforms reveal a slight tendency towards reform policies.

Between-country differences
The average of both variables (as in Figure 8.1) highlights the variance between countries on 'two dimensions' of program implementation: the degree of issue resolution and the level of reform. This summary was made on the basis of an average of *five controversial* policy issues per country[1].

The performance of countries in terms of issue resolution and levels of reform differs strongly from their performance on paper (as shown in chapter 3 and section 8.2.2). What is more, reaching decisions is not a sufficient condition for program implementation. Countries that rank high on issue resolution can rank low on the average level of reform.

The upper left quadrant shows the countries where issue resolution is relatively low, but the level of reform in the policy decisions is relatively high (e.g. Ghana). These countries are characterised by '*partial reform*', because they partially implemented the World Bank program. Apparently, in Ghana, it is difficult to arrive at policy decisions, but when decisions are finally made they strongly reflect reform-oriented policy positions.

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[1] Formalities or policy decisions that were adopted without open debate are not included.

Figure 8.1 Program implementation in two dimensions: issue resolution and levels of reform (1999-2001)
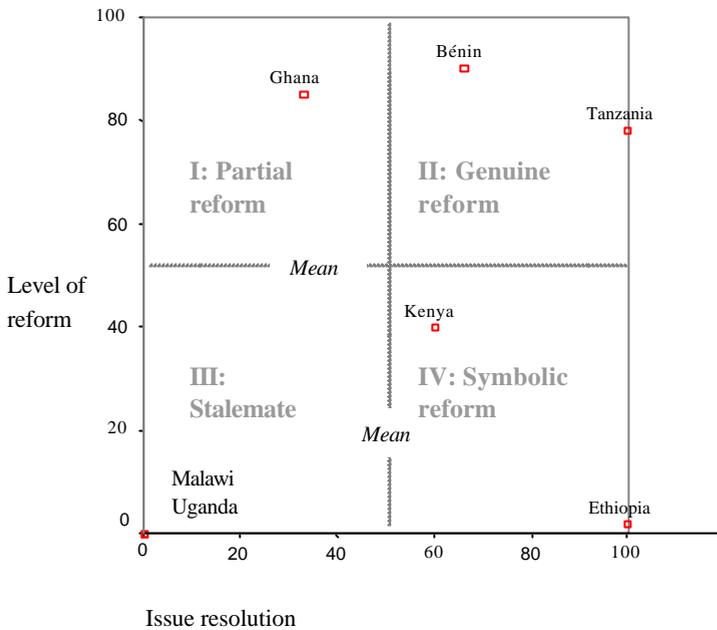
The lower right quadrant was labeled *'symbolic reform'*, because it contains the countries where issue resolution is high but the level of reform is low (e.g. Ethiopia and Kenya). Ethiopia, for instance, ranked extremely high in terms of paper reforms and issue resolution (as shown in chapter 3), but eventually reached a negligible level of genuine reform. These low levels of reform can imply either two things: either the Ethiopian and Kenyan actors made an explicit statement against anti-corruption, or the reform-oriented actors were defeated by more powerful 'conservative' decision-makers. *'Genuine reform'* was reached in Tanzania and Bénin, as illustrated in the upper right quadrant. Here, many policy decisions were made that reflected high levels of reform. Finally, Malawi's and Uganda's levels of reform are missing because none of the debated policy issues were resolved within ten months time. Since the lack of policy decisions implies no reforms thus far, Malawi and Uganda were put in the lower left quadrant of the figure, indicating *'stalemate'*[2]. This state of affairs once more demonstrates that despite many plans on paper, real policy decisions are lacking in practice.

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[2] Nevertheless, the two countries adopted a number of 'formalities': reforms adopted without a political debate (see chapter 3).

The between-country differences in the implementation of the World Bank program suggest there are causal mechanisms behind reforms, which relate to differences between countries. The comparative case studies on Kenya and Tanzania already showed that these differences are likely to be associated with political-administrative characteristics, such as the level of political competition.

Within-country differences
Apart from between-country differences, differences were also observed *within* the countries, between the various policy issues. First, in Bénin, Kenya, and Ghana, some policy issues were resolved while others were kept pending. Second, within countries, policy decisions varied with concern to how far reaching they were. For example, in Ghana, libel laws were fully repealed, while only incremental steps were taken to strengthen the judiciary. These differences suggest additional causal mechanisms that relate to *processes of decision-making*. For example, in Kenya, the government was opposed to a parliamentary minority on whether or not to publish the names of corrupt leaders; whereas on the issue of asset declaration, government and opposition shared the same (status-quo oriented) position.

The remainder of this section puts together findings from this study relating to the question why the World Bank program became implemented to the various degrees found? (research question II). A number of theory-driven explanations for program implementation are presented. These were tested using quantitative data from across the seven African countries. The explanations yielded by this study are not only relevant to program implementation, but also to the study of political-administrative reforms in general. This is due to the fact that they reflect *conditions* under which reforms can be attained.

8.3.2 Conditions for program implementation at the level of decision-making

In the attempt to obtain a better understanding of *how* anti-corruption reforms come about, it was assumed in this study that actors use their bargaining power to defend their 'ideal' policy decision, i.e. their 'policy position'. Actors with large interests in the status quo will oppose reforms, while actors who gain from reforms will take a reform-oriented position. Two types of actors were discerned. There are 'decision makers', who possess the power to block a reform. They can decide whether an issue is resolved, and they exert a strong influence on the level of reform in a policy decision. The other actors are external stakeholders, who only possess *informal* sources of power (e.g. knowledge, skills, and finances), which can

be used to influence the decision-makers from the outside. The most influential external stakeholder in the African countries under study turned out to be the international donor community.

The policy positions of actors were assumed to *vary* across the different policy issues. As a consequence, some policy issues are more controversial than others. This assumption goes beyond the theory that distributions of policy positions are *constant* across all policy issues, and vary only with political-administrative systems (cf. Cox and McCubbins 2001). To reflect (a) the policy positions and (b) the relative power of the actors involved in decision-making, a set of explanatory variables was developed, named *issue characteristics*. These issue characteristics were based on a *spatial* representation of a policy issue, common to general theories of decision-making (cf. Black 1958; Coleman 1972; Cox 1990; Stokman et al. 2000). This implies that each of the thirty-three policy issues was defined on a scale between two relative extremes: the policy positions of the least and the most reform-oriented actor. The distribution of both formal and informal power resources between actors was also estimated between the least and most powerful actor.

The first hypotheses regard the effect of issue characteristics on the *resolution of policy issues.* An important assumption here is that decision-making costs *increase* with a larger number of involved decision-makers (cf. Cox and McCubbins 2001). The decision-makers were assumed to avoid policy decisions as soon as the costs of decision-making outweighed their 'gains' from the expected policy decision. Apart from high decision-making costs, decision-makers can avoid a policy decision because of *vested interests* in the status quo. The more vested interests a highly conservative decision-maker has, the less he or she is open to reform and the less likely a policy decision becomes. Also, more disagreement between decision-makers was expected to have a negative effect on issue resolution[3]. What is more, the presence of the international donor community was expected to have a *positive* impact on issue resolution. This is because by arriving at policy decisions to curb corruption, decision-makers would avoid international sanctions.

The second set of hypotheses regarding the *level of reform* was also based on the distribution of policy positions and bargaining power between actors. Policy decisions were assumed to result from the interaction between the actors involved. The more reform-oriented the involved actors, particularly

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[3] The expectations involving the issue characteristic 'disagreement between decision-makers' follow a more complex line of reasoning. For a description of these arguments reference is made to section 6.4.

the most powerful ones, the higher the level of reform reflected by the policy decision. In addition, the bargaining power of the international donor community was expected to positively affect the level of reform. What is more, a higher *number* of decision-makers was expected to generate a smaller level of reform, because it becomes more likely that at least one decision-maker will prevent any policy decision more progressive than his or her own policy position.

For a measurement of issue characteristics, experts from the anti-corruption policy field were interviewed on each of the five controversial policy issues per country. Per policy issue, at least two experts were interviewed to cross-validate the estimations. The experts were selected on the basis of their independence from anti-corruption decision-making and their ability to quantify their judgements. They were asked to indicate and quantify the policy positions of the actors involved, as well as the status quo situation and the final policy decisions on policy scales (between 0 and 100). Moreover, experts were asked to quantify the bargaining power of the actors involved.

The extent to which the most conservative decision-maker was open to reform did *not* affect the probability of issue resolution. One explanation is that the voting rules that were applied did not allow for the most conservative policy actor to strongly influence the expected policy decision. An alternative explanation is that the *expected* policy decision was of no significance to decision-makers. The number of decision-makers was negatively related to issue resolution. With each additional decision-maker involved in a policy issue, the probability that the issue became resolved *dropped*. By contrast, when the international donor community was involved in a particular policy issue, the probability of issue resolution significantly *increased*. These findings support the notion that policy decisions are more likely to be made under the threat of international sanctions. Finally, more disagreement between decision-makers did not reduce issue resolution.

The *level of anti-corruption reform* depended largely on within-country mechanisms of decision-making. A less conservative position of the relatively most conservative decision-maker positively affected the level of reform. In contradiction to the finding relating to issue resolution, this finding suggests that the most conservative decision-maker *can* have a significant impact on the policy decision. The disagreement between the two most extreme decision-makers had a positive effect upon the level of reform, whereas no directed effect was expected. A higher level of disagreement is possibly more often associated with more progressive decision-makers, who put their stamp on the policy decision. The number of decision-makers had the expected *negative* effect.

The influence of the international donor community in the seven African countries studied cannot be denied. However, the initial effect of the involvement and power of the donors dropped after controlling for internal decision-making processes. In all likelihood, the bargaining power of the donor community had an *indirect* positive effect on the level of reform, through its positive association with the position of the most conservative decision-maker. Possibly, the most conservative decision-makers tried to avoid international sanctions by shifting their initial policy position in the direction of reform. This would substantiate the existence of a 'shadow of the donors', a term used by one of the experts on the process of decision-making in Tanzania. The theoretical expectation is therefore only partly corroborated[4].

The finding that internal decision-makers determine the policy decision is in line with Dollar and Svensson (2000), who found an effect of two indicators of national decision-making on domestic reforms: (a) whether a government is relatively old or new, and (b) whether it is democratically elected or not. Like the position of the most conservative decision-maker, these findings are an indication of the degree of vested interests in the status quo.

Since the actual voting rules remain unknown, it is extremely difficult to interpret the seemingly contradictory findings with respect to the effect of the most conservative decision-maker and the effect of disagreement between decision-makers. It appears that in practice, the actual voting rules varied per policy issue. Future research ought to incorporate the actual voting rules in order to arrive at meaningful interpretations of these effects.

8.3.4 Conditions for program implementation in the political-administrative context

Political-administrative characteristics of a country were expected to create incentives for decision-makers and others to adopt anti-corruption reforms. For example, political competition is expected to push conservative decision-makers to take a more reform-oriented position. Hence political-administrative context would affect anti-corruption *indirectly*, that is, *through* the aforementioned issue characteristics like the position of the most

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[4] A totally different interpretation of this finding draws upon Collier and Dollar (2004: F261) that more recently, donors focus their efforts on specific policy issues within countries on the basis of their likely political acceptability. This would imply a 'Matthew' effect, that donor involvement and power has concentrated on decision-makers who are more reform-oriented *beforehand*.

conservative decision-maker or the involvement of the donor community. In this study, these possible indirect effects were tested on the entire data set.

Three political-administrative characteristics were expected to trigger decision-makers to adopt anti-corruption reforms: strong political competition between decision-makers (Shleifer and Vishny 1993) and more political and civil liberties (Rose-Ackerman 1978, 1999); less vested interests in a corrupt status quo, as reflected by a lower level of corruption; and a strong external political and financial incentive from the donor community (Knack 2000), as expressed by its share in a country's gross domestic product.

The quantitative data on the country characteristics were gathered from a selection of widely recognised international data sources, such as Transparency International's Perception of Corruption Index (CPI), Freedom House's political and civil liberties index, and Polity IV's index of political competition.

Since the analyses are based on a restricted number of countries and policy issues, the resulting findings ought to be treated as highly exploratory. Nonetheless, the analyses provide an illustration of how insights can be gained from opening up the black box of mechanisms causing the relation between political-administrative context and anti-corruption reforms.

The direct association of political-administrative context with program implementation was almost insignificant. Only the level of political competition and civil liberties were directly associated with the *level of reform.*

Understanding this finding requires a focus on the relations between political-admistrative context and in-country processes of decision-making, as represented by issue characteristics. These issue characteristics are indicative of the mechanisms at work *inside* the black box. Political competition had no effect upon any of the issue characteristics in the ways predicted. By contrast, civil liberties were positively related with the position of the most conservative decision-maker. More civil liberties possibly made decision-makers more responsive to societal claims for reform. This in turn might have resulted in a higher level of reform.

The perceived level of national corruption according to the index by Transparency International was not related with the position of the most conservative decision-maker. Thus far, the theoretical expectation is not sustained. This finding does not deny, however, that corruption in specific departments or locations (i.e. other than corruption on a national level) can affect the interests of specific actors, and hence their policy positions.

A country's dependence on foreign aid was neither related with the donors' involvement in policy issues, nor with their estimated bargaining

power. This finding, however, does not rule out that aid flows to specific government departments and projects can be related with donor involvement or power.

The international donor community was shown to be most frequently involved and most powerful in the freest and most politically competitive countries. Apparently, international donors attach much weight to the yearly Freedom House indexes when deciding in which developing country to invest their resources. This suggests a *Matthew effect* (Merton 1968): only the countries prone to reform experience international incentives to undertake anti-corruption reforms. Moreover, the selective involvement of the donor community seems to be in line with Alesina and Dollar (2000), who found that more aid is allocated to countries that democratised[5].

8.4 Discussion

This study exemplifies a *realist* evaluation of a World Bank anti-corruption program, in which causal mechanisms behind the implementation are tested across different contexts (Pawson & Tilley 1997). The study is theory-driven: to derive specifications of these causal mechanisms and how these are triggered by (country) context, social science theories and research findings were brought together. The assumptions about these causal mechanisms were tested by a systematic quantitative approach.

'Issue resolution' and 'level of reform', the two mid-term indicators of World Bank program implementation used in this study, help to pinpoint the symbolism so often suspected in anti-corruption paper policies (cf. Pressman and Wildawsky 1973). Issue resolution indicates to what extent the paper plans were actually transformed into tangible political decisions. The level of reform is a concrete indicator of the extent to which a single policy decision reflects a change from the status quo.

The findings generated by this study have implications for the study of policy reforms in general. It is shown that new insights can be gained from systematically investigating mechanisms of decision-making within countries, and connecting these to political-administrative context. By linking these two levels of explanation both theoretically and empirically, this study has brought about more precise specifications of the conditions under which reforms can be achieved. For example, the policy position of the most conservative powerful decision-maker in the anti-corruption debate

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[5] However, Alesina and Dollar (2000) also found that strategic considerations are even more important determinants of foreign aid.

was proven to be associated with specific aspects of country context, namely the degree of civil and political liberties.

The study of the role of individual program participants validated earlier theories and findings that personal relations with powerful others can make a difference to an actor's contributions (Rogers and Shoemaker 1971; Granovetter 1973; Ibarra 1993; Rogers 1995; Mintrom and Vergari 1998; Flap 1999). A few decision-makers in Kenya and Tanzania were particularly helpful in setting the agenda and participate in decision-making.

A number of explicit choices with regard to the approach and findings of this study are explained in more detail below. Furthermore, suggestions are made for future research on anti-corruption reforms, some of which could be useful for the study of political-administrative reforms in general.

Implications for theories of political-administrative reform

The theoretical part of this study was based upon a number of assumptions and conceptualisations, which implied a strong simplification of reality. First, the decision-makers and external stakeholders involved in decision-making were assumed to be goal-maximising actors. This assumption of bounded rationality has been subject to continuous scientific debate. Yet an ultimate objective of positive science is the development of a theory that yields valid and meaningful predictions about phenomena not yet observed (cf. Friedman 1953:78; Boudon 2003). A theory is to be judged by its predictive power for the class of phenomena. The bounded rationality assumption in this study has been based upon these very considerations. Second, in reality, there were more aspects of the debate on concrete policy issues than could be represented by the one-dimensional issue scale. For example, decision-makers may have hidden agenda's, causing them to take a specific position in the anti-corruption debate. For the benefit of future research, the theory can be complemented in a number of respects.

First, a test of the actual effect of the different voting rules, like veto or majority rule would clarify the seemingly controversial effects of the most conservative decision-maker and 'range'. The controversial effects seem to suggest that voting rules should be assessed *per policy issue* rather than country wise as Cox and McCubbins suggested (2001).

Second, an analysis of policy issues that never made it to the political or policy agenda would be interesting with regard to looking at the (types of) reforms that may be avoided by powerful decision-makers (cf. Van der Eijk and Kok 1979).

Third, a refined definition of 'vested interests' might generate new insights. For example, vested interests are perhaps not caused by national-level corruption, but could be more strongly related to *local* corruption, or

corruption within the police or the judiciary (as in the example of Kenya). Vested interests may also be related to the privileges and power of leaders, for example the Attorney-General's right to prosecute corruption cases in Kenya and Tanzania (cf. Bratton and van der Walle 1994). The variable 'dependence upon foreign aid' could be refined in the same way, for example by specifying the share of foreign aid in the regional, departmental, or project budget; or by using *absolute* flows instead of relative measures of foreign aid.

Fourth, the findings of this study suggest a 'shadow' of the donor community in the decision-making process on curbing corruption. This study has been the first to address the relation between a country's dependence on foreign aid and anti-corruption reforms in particular. With regard to political-administrative reforms *in general,* it was found earlier that neither increases nor decreases in aid were systematically followed by policy change (Dollar and Easterly 1998:563). However, after having democratised, countries experienced a surge in foreign aid (Alesina and Dollar 2000).

The causality of the 'shadow' of the donor community found in this study is still a question mark. Do decision-makers become more reform-oriented due to expected sanctions by the donor community, or do the donors concentrate on those decision-makers who are less conservative *beforehand* (Collier and Dollar 2004: F261)? For this reason, the study of the influence of the international donor community would benefit from a reconstruction of the *chain of events* through which donors attempt to influence (anti-corruption) reforms. For example, with which domestic actors did the international donor community negotiate, were there any conditions attached to aid, and to what extent were these followed? It would also be insightful to differentiate between international donors, for example between bilateral and multilateral donors, or on the basis of their financial input.

The data for this study was not collected through the dispersion of large numbers of questionnaires or interview lists. This was due to the delicate subject of study, i.e. preferences relating to curbing corruption of sometimes very powerful actors. Instead, numerous successful and unsuccessful efforts were made to find willing and knowledgeable experts, and to obtain the data required for addressing the research questions. Ultimately, this resulted in the data set of in total thirty-three policy issues from seven African countries. The selection logic that resides behind this multiple case replication design is geared to testing whether expected relations, or 'patterns', do feature in the data at hand.

Apart from the selection of policy issues, a selection of independent and knowledgeable experts was made who were to scale and estimate the power and policy positions of the actors involved. Critics have argued that a

selection of experts might cause a bias in the data. However, the expert research method is deemed most applicable on the basis of two arguments. First, the expert data in this book were cross-validated twice on average. These cross-validations most often generated a replication of earlier estimations. Second, the same critique can be applied to the *personal* interviewing of *all* involved actors: each actor is likely to defend the interests of his or her employer. What is more, the experts depict the policy positions of the various separate actors on a single policy dimension. Hence they can give an estimation of the political distances between the actors.

The analyses of issue resolution and the level of reform were restricted to *controversial* policy issues, which had reached the policy agenda. To obtain a more complete picture of the total of anti-corruption reforms addressed in each country, including formalities, reference is made to chapter 3. The issue scales were *relative*, as they were conceptualised between the two policy position extremes. These positions were set at 0 and 100, respectively. It is debatable whether these relative policy positions and policy decisions can be compared across (a) policy issues and (b) across countries. Yet relative scales allow a measurement of the *political distances* between actors, and the 'political' level of reform implied in the policy decisions. Comparing absolute scales of levels of anti-corruption reforms across countries could generate more serious criticism. For example, how valid is far-reaching procurement legislation if the enforcement framework is deficient?

The number of explanatory variables (i.e. issue characteristics) to explain issue resolution and the level of reform is high relative to the sample size. As long as the range of variance of issue characteristics and the dependent variables is limited due to the small number of policy issues, the findings are no more than patterns in the data at hand. Likewise, the findings relating to the effects of political-administrative context ought to be interpreted with caution due to the sample size of seven African countries. Moreover, as the relations are bivariate, they may be explained away by other country characteristics. The effect of country variables may also be explained away by issue characteristics such as the position of the most conservative decision-maker (and vice versa)[6].

More sophisticated ways need to be developed to trace back the program participants' contributions to the chain of policy reforms. For example, external experts could estimate the relative contributions by *each* involved actor to the policy process, including those by the program participants. This

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[6] Simultaneously controlling for country-level and issue-level variables can only be realised through a multilevel model of regression analysis. A multilevel regression model requires a much larger number of countries and policy issues in the (future) data set.

could yield a less subjective reconstruction of the role of the program participants. What is more, the contributions by the program participants could be measured across a larger number of countries, in order to (a) assess the robustness of the effect of their social networks, and (b) address effects of country context and ongoing decision-making processes on their functioning.

The analyses in this book did not address the execution of policy decisions that were made in the seven African countries, except for the case studies of Kenya and Tanzania. Policy decisions that reflect a high level of reform are not always likely to become common practice, as the example of Tanzania illustrates. We can even suspect that more far-reaching anti-corruption decisions were taken in Tanzania because their implementation would be deficient anyway. Future research could take up this hidden 'symbolism' in the data on anti-corruption policy decisions.

Last, between the end of 2001 and the time of publication of this study, more than three years will have passed. Appendix VI therefore offers a description of the anti-corruption developments in each of the seven African countries between 2002 and the end of 2004.

8.5 Implications for the implementation of the World Bank program

The approach of the World Bank program can be viewed as a 'remote control' to help achieve good governance in African (as well as Latin American and CIS[7]) countries. The current study includes an evaluation of this remote governance program. The insights gained from this study can be extended to programs that are based upon a similar approach (e.g. of the OECD, Transparency International, and programs of a number of bilateral donors).

The findings that were summarised and discussed above imply a number of opportunities and constraints within the World Bank's anti-corruption program. These opportunities and constraints are inherent in four levels: (a) the World Bank's program theory; (b) the political-administrative country context; (c) issue characteristics, reflecting mechanisms of decision making; and (d) the individual program participants.

(a) Program theory: more assistance and expertise. The effect of the 'most conservative decision-maker' and the comparative cases of Kenya and

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[7] CIS refers to 'Commonwealth of Independent States', the former Soviet Union.

Tanzania validated the importance of the World Bank's criterion of political will in the selection of countries.

Moreover, this study validated the Bank's criterion that program participants need to be 'close to political power' in order to be selected for the courses: program participants close to political power indeed contributed most (interviews, World Bank 2000).

On the basis of an extensive literature review and the comparative study of Kenya and Tanzania, two weaknesses were found in the World Bank's program theory. First, the problem of advancing from (public) awareness of corruption to (collective) action to curb it, and second, the 'trickle-down' problem that program contents do not reach society and policy makers. These weaknesses have triggered a number of suggestions for improvement.

The program participants seem to require additional assistance and expertise on 'what to do' after returning from the World Bank's anti-corruption courses. According to the program theory, the program participants have to meet a lot of requirements. They are expected to lobby, convince, build coalitions against corruption, help set the political and policy agenda, and, if possibly, participate in decision-making. They are expected to do all of this with due regard for the political and administrative situation in their country. Obviously, the program participants could use some technical assistance, without loosing ownership, in carrying out these rather difficult tasks.

The World Bank might reach out to the participants by taking up lobbying and coalition-building modules in its courses, and organise follow-up video-conferencing sessions or local workshops. For example, the World Bank could urge the participants to utilise the existing political will among top-level rulers, politicians, and executives to stimulate anti-corruption activities, and to integrate external stakeholders earlier on in the debate. In addition, the World Bank could assist in connecting people with anti-corruption sympathies (those unaware of one another's views and ambitions). This could be realised by inviting a larger and more diverse group of program participants to the Washington courses. In fact, this was done in the 2001 courses provided for Latin America.

Finally, it was found that the countries' national action plans were useful instruments of policy development. Offering program participants the possibility of continued consultation on the elaboration of these action plans might be another valuable follow-up strategy.

(b) Political-administrative context: civil and political liberties. Since program implementation proceeded faster in countries with more political and civil liberties, the World Bank may focus on improving the overall

governance situation *before* running its anti-corruption program in a specific country.

(c) The process of decision-making: becoming aware of potential factors of success and failure. The World Bank needs to consider that the following features of decision-making are likely to affect the anti-corruption process. Hence they can become the subject of attention or manipulation.

Reaching an anti-corruption policy decision is likely to be enhanced by:

- The involvement of (other) international donors
- A smaller number of powerful decision-makers who have the ability to block reforms.

The level of reform that is reflected by this decision is likely to be enhanced by:

- More reform-oriented decision-makers[8]

Program participants ought to be made aware of the potential importance of these factors of success or failure. For example, by aiming to put a policy issue on the policy agenda as soon as one decision-maker expresses a more reform-oriented position, the chance of success may be enhanced. Alternatively, program participants may aim to convince powerful decision-makers to take a more reform-oriented policy position, facilitating a policy decision that reflects a higher level of reform.

In addition, it is advised to use the existing lines of consultation and negotiation between national decision-makers and the international donor community. Representatives from the international donor community are able to assist in convincing rulers to reform, or can help involving reform-oriented decision-makers in the anti-corruption debate.

Finally, program participants need to pay attention to the *actual execution* of the policy decisions. This process was proven to be problematic and needs to be added to the priority list.

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[8] Apart from more-reform oriented decision-makers, a higher level of disagreement between them also enhanced the level of reform. However, no directed hypothesis with regard to disagreement could be developed in advance.

(d) The program participants: selection on the basis of their 'social capital'.
A final recommendation for the improvement of the World Bank program
regards the selection of the individual program participants. On the basis of
case study research, it was shown that those program participants with the
highest number of personal relations in the network of actors involved in
anti-corruption affairs were most successful. Particularly, connections with
powerful (and) reform-oriented actors are likely to help the anti-corruption
policy process. Therefore, selecting program participants on these specific
characteristics will most likely enhance the success of the World Bank
program and programs characterised by a similar approach.

Appendices

Appendix I. Questionnaire: relations of the program participants in the anti-corruption network

Below, you find a list of organisations involved in anti-corruption policy making in Kenya.

- Are there any organisations/actors mistakenly included in the above list?
- Are there any organisations/actors missing from the list?

Government of Kenya
1. President of Kenya
2. Vice-President of Kenya
3. Military
4. Minister of Finance/ Treasury
5. Central Bank of Kenya
6. Ministry of Local Government
7. Attorney-General (AttG)
8. Controller and Auditor General
9. Head of the Public Service
10. Director of Public Prosecutions (DPP)

Implementing agencies
11. Inspectorate of State Corporations
12. Other Watchdog agencies […]
13. Directorate of Public Management
14. Permanent Secretaries /Chief Executives
15. State Corporations
16. Local Authorities / ALGAK
17. Enforcement Agencies (e.g. Comm. of Police)
18. Kenya Revenue Authority (KRA)
19. Tender Board
20. Investment Secretary

Judiciary
21. Chief Justice
22. Judicial Service Commission
23. Constitutional Court
24. Kenya Magistrates and Judges Ass. (KMJA)

Parliament
25. Public Accounts Committee (PAC)
26. Anti-Corruption Select Committee (Kombo)
27. Legal Affairs Committee
28. Parliamentary Service Commission
29. Ruling party
30. Opposition parties: progressives
31. Other opposition parties
32. Special interests […]

KACA /Steering Committee
33. Director
34. Second director
35. Public Education Department
36. Investigation Department
37. National Steering Committee

Private Sector
38. Chamber of Commerce
39. Professional bodies (LSK; KIM; KSMC)
40. APSEA
41. Professional IT bodies
42. Business Community and Association
43. Employers' associations

Trade Unions
44. …

Civil Society (ngo's)
45. NGO Council
46. Institute of Economic Affairs (IEA)
47. SODNET/Grassroots organisations
48. Center for Governance and Democracy
49. Transparency International (TI)
50. Churches, religious organisations
51. Other organisations […]

Media
52. Media Owners' Association
53. Kenya Union of Journalists (KUJ)
54. Editors

Donor Community
55. World Bank
56. IMF
57. UNDP
58. USAID
59. DANIDA
60. NORAD
61. SIDA
62. Dutch
63. Bilateral donors […]

Appendix I *(continued)*

- Please indicate with which of these organisations you exchange:
    a) Advice and information
    b) Trust and confidential information
- Use arrows to indicate whether the exchange relations are mutual or one-sided.

> A BLUE ARROW signifies INFORMATION and ADVICE
> A RED ARROW also signifies TRUST and CONFIDENTIAL INFORMATION

Government of Kenya /Executive
President of Kenya
Vice-President of Kenya
Minister of Finance/ Treasury
Central Bank of Kenya   **YOU**
Ministry of Local Government
Attorney-General (AttG)
Controller and Auditor General
Head of the Public Service
Director of Public Prosecutions (DPP)
………….
………….

Implementing Agencies
Inspectorate of State Corporations
Other Watchdog agencies, namely………….
Directorate of Public Management
Permanent Secretaries/Chief Executives   **YOU**
State Corporations
Local Authorities / ALGAK
Enforcement Agencies
Kenya Revenue Authority (KRA)
Tender Board
Investment Secretary
………….

Note 1: The change agent was asked to draw lines between him-her self and *all* the other actors (and sub-actors) in the policy network. Only two examples are shown.
Note 2: A similar questionnaire, not shown here, was applied to Tanzania.

Appendix II. Log of interviews in Kenya, July 6-21 2002

Institutional affiliation	Time of interview and duration
Experts	
Professor, University of Nairobi	Hilton, Nairobi, July 18, 8:45- 9:16 pm
Private sector	Museum Hill Rd., Nairobi, July 17, 12:15-1:15 pm
Parliament, 'Bunge'	Bunge, Nairobi, July 16, 2002, 45 min.
ACEG – African Consortium for Economic Development (research)	ACEG, Nairobi, July 15, 3:00- 3:45 pm
Transparency-Kenya	TI-Kenya, Nairobi, July 17, 09:00-10:15 am
United Nations Development Programme (UNDP)	UNDP, Nairobi Office (Gigiri), July 16, 2002, 3:00-3:30 pm
Social Development Network (Sodnet, civil society)	Sodnet, Nairobi, July 19, 2:30- 4:00 pm
Program participants	
Transparency-Kenya	TI-Kenya, Nairobi, July 16, 9:00- 10:05 am
Kenya Institute of Mass Communication (agency)	KIMC, Nairobi, July 11, 10:25 am- 12:20 pm
Institute of Economic Affairs (IEA) (research)	IEA, Nairobi, July 18, 10:30 - 11:25 am
Directorate of Personnel Management (Office of the President)	DPM, Nairobi, July 18, 8:30- 9:50 am
Sodnet, Social Development Network (civil society)	Sodnet, Nairobi, July 11, 3:50- 5:00 pm
Solicitor General's office	Out of country during field visit; after numerous attempts over telephone: no co-operation (Utrecht, The Netherlands, September 20)
Pilot interviews	
Chair, Parliamentary Anti-corruption Select Committee	
Director, Institute of Economic Affairs	
Director, Kenya Institute of Mass Communication (KIMC)	
Director and sub-director of the NGO Social Development Network (Sodnet)	
Lawyer, Kenya Anti-Corruption Authority (KACA)	
Chief-editor of newspaper 'The Times'	
Director, Department of Prevention, Kenya Anti-Corruption Authority (KACA)	
Advisor financial management, private sector (KPMG)	
Director, African Consortium for Economic Development (ACEG)	

Note: All pilot interviews were conducted during a first visit by the author to Kenya between November 1-10, 2000. The trip included a visit to an Anti-Corruption Symposium, organised by the then Kenya Anti-Corruption Authority (KACA).

Appendix III. Log of interviews in Tanzania, June 22 - July 6 2002

Institutional affiliation	Time of interview and duration
Experts	
Contractors' Registration Board (CRB, private sector)	Holiday-Inn, Dar es Salaam, July 5, 6:00-7:15 pm
Tanzania Development Research Group (Tadreg)	City Garden, Dar es Salaam, July 4, 11:25-12:25 am
Front Against Corrupt Elements in Tanzania (FACEIT, civil society)	Design Partnerships Ltd., Dar-es-Salaam, July 1, 11:00-11:30 am.
Prevention of Corruption Bureau (PCB, government)	PCB, Dar es Salaam, June 27, 9:00- 10:00 am
Association of Journalists and Media Workers (AJM)	AJM, Dar es Salaam, July 4, 2:00- 3:45 pm
Front Against Corrupt Elements in Tanzania (FACEIT, civil society)	Dar es Salaam, June 28, 4:15- 5: 05 pm
Ministry of Finance (Treasury)	Treasury, Dar es Salaam, July 2, 1:15- 1:50 pm
Front Against Corrupt Elements in Tanzania (FACEIT, civil society)	Holiday Inn, Dar es Salaam, July 3, 12:00- 1:45 pm
Public Works Program (TASAF)	TASAF, Dar es Salaam, July 5, 10:10- 10:55 am
Accountancy Profession	Dar es Salaam, June 25, 09:00- 10:20 am
Economic and Social Research Foundation (ESRF)	ESRF, Dar es Salaam, July 1, 4:50- 5:20 pm
Economic and Social Research Foundation (ESRF)	ESRF, Dar es Salaam, July 2, 2:30- 2:50 pm
Warioba Consultancy Firm Inc. (private sector)	Dar es Salaam, June 27, 10:30- 11:15 am
Program participants	
Economic and Social Research Foundation (ESRF)	ESRF, Dar es Salaam, July 1, 2:00 - 4:10 pm
Front Against Corrupt Elements in Tanzania (FACEIT)	Design Partnerships Ltd., Dar es Salaam, June 28, 3:00- 4:10 pm
Prevention of Corruption Bureau (PCB)	PCB, Dar es Salaam, June 25, 1:00- 2:35 pm and July 3, 3:00- 4:15 pm
Ministry of Health (MoH)	Health Ministry, June 27, 3:00- 4: 25 pm
n.a.	One program participant dropped out

Appendix IV. Log of telephone interviews in the seven African countries

Country	Expert's institutional affiliation	Time of interview and duration (2001)
Bénin	Associate, FONAC, a front against corruption (civil society)	July 5, 9:00- 9:45 pm
	Professor of Economics - Transparency International Chapter Bénin (civil society)	Numerous attempts in June. Information through e-mail survey
	Anti-corruption adviser of the President of Bénin (government)	Numerous attempts in June. Information through e-mail survey
	Minister of Finance (government)	Numerous attempts in June.
	Former IMF member (donor community)	Information from book (2000) on curbing corruption in Bénin.
Ethiopia	Head of Promotion, private bank (since 2000) (private sector)	July 4, 40 min. Follow-up August, 20 min.
	Inspector, Office of the Prime Minister	September 13, 2:00- 2:25 pm
	Law consultant, professional association (private sector)	September 14, 10:00- 10:58 am. Follow-up October (from London) 11:00- 11:40 am
	Project Manager, Ethics Education (government)	Numerous attempts in 2001 – no results
Ghana	Head, Serious Fraud Office (SFO, government)	June Follow-up September 11, 40 min.
	Professor, Executive Director – Centre for Democratic Development (CDD, research, civil society)	Face- to- face interview in The Hague, Golden Tulip, May 27, 5:30-6:25 pm
	Head, Institute of Economic Affairs (IEA, research, civil society)	September 17, 30 min. Follow up November 2001, 25 min.
Kenya	Director, Kenya Institute of Mass Communication (KIMC, government)	April 25, 9:30- 10:25 am Follow-up June 2001, 25 min
	Director, SODNET (civil society)	April 23, 4:30- 6:30 pm Follow-up September 20, 25 min.
	Director, Transparency International, Kenya Chapter (civil society)	April 17, 90 min.
	Director, Institute of Economic Affairs (IEA, civil society)	September 17, 25 min

Appendix IV *(continued)*. Log of telephone interviews in the seven African countries

Malawi	Head, Anti-Corruption Bureau (ACB, government)	July 24, 50 min. Follow-up November 20, 20 min.
	Director of Public Prosecutions (DPP, government)	September 18, 4:00- 4:25 pm
	Associate, Transparency International, Malawi Chapter (civil society)	Numerous contact initiatives in 2001 January 28 2002, 10:00- 10:45 am
Tanzania	Front Against Corruption Elements in Tanzania (FACEIT, civil society)	June 7, 3:00-4:15 pm Follow-up: July Follow-up: October 2, 20 min.
	Director, Prevention of Corruption Bureau (PCB, government)	July 1, 11:30 am-12:25 pm The Hague, May 27, 0 min. (absent)
Uganda	Director of Public Prosecutions (government)	September 19, 25 min.
	Inspector General of Government (IGG)	July 27, 10:00-10:50 am Follow-up September 13, 40 min.
	Director, Inspectorate General of Government (IGG)	July 5, 30 min.
	Specialised journalist (media)	June 5, 45 min. Follow-up September 13, 25 min.

Appendix V. Original expert estimates on thirty-three policy issues

Bénin

1. Loi de Règlement (2000): degree of parliamentary control over the government budget

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	No parliamentary control	Government agencies	n.a.	D
25	Some control	Government	n.a.	
100=Decision	Full parliamentary control	Members of parliament Civil society	n.a.	

2. Who should chair the anti-corruption agency? (2000)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Agency to be government led	Government Some government agencies	n.a.	D
100	Agency to be headed by technical committee	Technical committee Civil society	n.a.	
	Pending by June 2001			

3. Should procurement procedures be opened to the public?

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Do not open tendering procedures	Government Government agencies	n.a.	D
25	Hesitant	President of Bénin	n.a.	D
100	Open tendering procedures	Civil society Technical committee	n.a.	
80 = Decision	Tenders are formally open (1999), but compliance mechanisms are unclear			

Ethiopia

4. Who should draft the Media Code of Conduct? (May-June, 2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status quo = Decision	Government drafts code and retains control	Government	100 – 80	D
100	Media drafts code	Media Legal professionals	10 – 95 4 – 95	

5. Who should lead the Anti-corruption Commission (May, 2001)?

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo = Decision	Government leads commission and retains control over corruption affairs	Government	100 – 90	D
60	Seat for private sector/ seat for civil society	Private sector Civil society Media	2 –70 5 –50 10 – 60	
100	Commission to be fully independent	Special interests Opposition	3 –80 1 –80	

6.   Who prosecutes the corrupt? (2000- May 2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo = Decision	Government retains the right to prosecute	Government	100 – 90	D
100	Independent prosecutor	Public prosecutor Judiciary	9 –90 9 –90	

7.   Should those convicted of corruption be given legal protection (bail, evidence rules)? (May 2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo = Decision	No more legal protection; evidence rules not to be revised	Government	100 –90	D
100	Legally protect the convicted by revising current legislation (and hence) avoid repression of political opponents	Legal professionals	4 –95	

8. Should access to government information be legally enforced? (2000-2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Access not legally enforced	Government	100 –90	D
100	Access enforced legally	Media Legal profs.	10 –90 4 –85	
10 = Decision	Access to information laws formally adopted, though no substantive change according to expert			

Ghana

9. To which degree should there be access to government information (2001)?

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	'Hostile': no access to information	Government before elections	1 –90	
50	Co-operative attitude, though unclear stand	Government after elections Attorney General Opposition	95 –60 80 –60 25 –60	D D
100	Full information access	Serious Fraud Office Civil society Donor community	10 –80 50 –90 100 –80	
	Pending by September, 2001			

10. Should libel laws be repealed or not? (March-September 2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Maintain existing libel laws	Government before the elections	1 – 100	
50	Co-operative attitude but moderate stand	Government after the elections Attorney General	95 – 100 80 –100	D
100 = Decision	Repeal libel laws	Serious Fraud Office GACC Media	10 –100 25 –100 15–100	

11. Judicial strengthening (ongoing debate)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo = Decision	No judicial strengthening	Government before elections	1 –95	
50	Co-operative stand	Government after elections	95 –75	D
		Judiciary	40 –80	D
100	Implement reforms to obtain independent and clean judiciary	Media	15 –75	
		Civil society	50 –75	
		Private Sector	10 –75	
		Serious Fraud Office	10 –75	

12. Extend prosecution powers of the Serious Fraud Office (2001)?

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	SFO's powers are fixed and not debatable	Government after elections	95 –50	D
		Attorney General	80 –50	
100	Extend SFO prosecution powers	Public Accounts Committee	25 –50	
		Serious Fraud Office	10 –50	
	Pending by September, 2001			

13. Adopt whistleblower legislation to protect those who report corruption?

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Hostile	Government before elections	1 –50	
50	Co-operative but no clear stand	Government after elections	95 –50	D
100	Draft whistleblower legislation	Opposition	25 –55	
		GACC	25 –80	
		SFO	10 –80	
		Donor community	100–75	
70 = Decision	Whistleblower legislation adopted (September, 2001)			

14. Leaders to declare their assets? (ongoing)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Unwilling to declare their assets	Government	95 –80	D
		Opposition	25 –80	D
100	Declare assets even to the public	Civil society	50 –60	
		GACC	25 –60	
	Pending by September 2001			

Kenya

15. Powers of the Anti-Corruption Authority (KACA) (2000- December 22, 2000)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Decision	Abolish KACA	Government (without Ministry of Finance)	100 – 85	D
		President and ruling party	90 –85	D
25 = Status Quo	No extension of KACA powers	Ruling party other	80 –85	D
50	KACA part of and prosecute under Attorney-General	Ministry of Finance Special interests Civil society	85 –50 20 –50 50 –50	D
100	KACA to obtain independent prosecution powers	Opposition parties Transparency Kenya Donor community	55 –55 40 –55 70 – 90	

16. Control over parliamentary resources (2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	No extension of parliamentary resource control	Government	100 –85	D
100 = Decision	Parliament to obtain full control over its own resources, by means of Service Commission	Parliament Civil society Special interests Donor community	55 –100 50 –70 20 –80 70 – 60	D

17. Extend legal definition of corruption to private sector?
(November 2000, ongoing)

Policy positions		Actors	Power-salience	Decision-maker (D)
0 = Status Quo	Corruption not to include the private sector	Government Judiciary	100 –60 60 –90	D
100	Private sector to be included in legal definition	Media Parliament Civil society	60 –75 55 –70 50 –70	D
	Pending by end 2001			

18. The List of Shame: to be adopted by Parliament? (May, 2000)

Policy positions		Actors	Power-salience	Decision-maker (D)
0 = Status Quo	List to go to government, no prosecution of listed	Ruling party Judiciary and presidential allies	90 –75 85 –75	D
50	'A list of shame is a witch-hunt'	Opposition parties	55 –60	
100	Parliament to accept the list and prosecutions to follow	Anti-Corruption Committee Enforcement agencies Media Civil society and special interests Donor community	10 –100 50 –50 60 –75 70 –50 70 –75	
25 = Decision	The list was rejected (May 2000). Nevertheless, it was kept as a House record			

19. Amnesty for the past corrupt (2000-ongoing)

Policy positions		Actors	Power-salience	Decision-maker (D)
-20 = Status Quo	No prosecution is taking place at all			
0	Grant Amnesty back to 1997	Government Special interests	100 –50 20 –50	D
100	Do not grant amnesty: prosecute all suspects	Civil society Opposition parties Parliamentary fractions	50 –90 55 –90 10 –80	
	Pending by September, 2001			

Malawi

20. Legal definition of corruption to be extended or not?

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	No extension	Independent actors	70 –100	D
60	Supportive to extension	Judiciary	80 –100	
70	Initiative to extend; however no follow-up	President of Malawi	100 –100	D
80	Include fraud in the definition	Anti- Coruption Bureau Donor Community	90 –100 100 –100	
100	Any irregularity should be included in the definition	Civil society	20 –100	
	Pending by November 2001 : to be decided upon in the framework of the Corrupt Practices Act			

21.   Corrupt Practices Act to be amended? (2000- ongoing)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Does not take amendment proposal seriously	Parliament	90 –90	D
70	Initiated proposal to amendment	President of Malawi	100 –100	D
100	Fully adopt proposal in the CPA	Anti- Coruption Bureau (ACB)	90 –100	
	Pending by November 2001			

22.   Prosecution powers of the ACB (2000- ongoing)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	No extension of powers of ACB	Director of Public Prosecutions (DPP)	60 –75	
100	Extend ACB's prosecution powers	Anti-Coruption Bureau (ACB) Civil society	90 –100 20 –100	
	Pending by November 2001: to be decided upon in the framework of the Corrupt Practices Act			

23. The burden of proof in corruption cases (2001- ongoing)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Proof burden resides with the ACB	Independent actors	70 –85	D
100	Proof burden to reside with the accused	Anti Corruption Bureau (ACB)	90 –100	
		Civil society	20 –100	
	Pending by November 2001: to be decided upon in the framework of the Corrupt Practices Act			

Tanzania

24. Asset Declaration to be obliged or not? (2000-2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	No obligation	Ruling party majority (RP1)	100 – 80	D
100 = Decision	Asset declaration obliged	President	70 – 100	D
		Ruling party minority (RP2)	40 – 90	D
		Civil society	20 – 80	
		Donor community	100 – 100	

25. Open tenders to the public or not? (Procurement Act, 2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Keep tender procedures closed	Ruling party majority (RP1)	100 – 45	D
		Business	70 –70	
100 = Decision	Open tenders to the public	Civil society	20 – 60	
		Donor community	100 – 80	

26. Tax Identification (2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	No tax identification system	Ruling party majority (RP1)	100 – 80	D
		Business	70 – 80	
100 = Decision	Introduce a well-functioning tax identification system	Ruling party minority (RP2)	40 –60	D
		Civil society	20 –80	
		Donor community	100 – 80	

27. Privatisation (recurring debate since 1992)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Maintain state companies	Business sector	70 –80	
50	Partly privatise (wheeling and dealing)	Ruling party majority (RP1)	100 –70	D
100 = Decision	Privatisation is being implemented on a continuous basis	Ruling party minority (RP2) Civil society Donor community	40 – 60 20 – 40 100 – 80	D

28. Wage level in the public sector (recurring)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo = Decision	No wage raise allowed	President and ruling party members	70 –40	D
100	Raise wages to such a level that corruption becomes less endemic	Civil society Donor community	20 – 80 100 – 50	

Uganda

29. Expenditures to remain classified (2001)?

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Maintain classified expenditures by the government	Government and president	100 – 20	D D
100	Audit classified government expenditures	Auditor General	40 –85	
	Pending by September 2001			

30. Should leaders declare their assets? (2000-2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0	No obligation to declare	Ruling party members	70 –90	D
30	Family assets not to be declared	Region leaders	40 –60	
70	Asset declaration to the system obliged	Government and President Opposition	100 – 100 40 –80	D D
100	Full and public asset declaration	Civil society Donor community	20 – 100 85 –100	
20= Status Quo	A formal obligation of asset declaration but lack of enforcement			
	Pending at the second reading – new Parliament (2001) has to revisit the entire procedure			

31. The wage level in the public service (ongoing)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	No wage raise possible	Government and President	100 – 80	D D
50	Raise own wages	Ruling party members	70 –80	D
80	Raise wages to such a level that corruption becomes less endemic	Donor community	85 –80	
100	Substantially enhance wages	Civil society	20 –50	
	Pending			

32. Independence of the Auditor General' s Office (2000-2001)

Policy positions		Stakeholders	Power-salience	Decision-maker (D)
0 = Status Quo	Do not extend the powers of the Auditor General	Government Ruling party members	100 – 40 70 –40	D D
100	Make the Auditor's office independent and professional	Auditor General DEI/IGG (anti-corruption institution) Media	40 –100 75 –20 50 –20	
	Pending (IGG Bill) and still not concluded by September, 2001			

33. Independence of the Inspector General of Government (IGG)' s office

Policy positions		Stakeholders	Power- salience	Decision-maker (D)
0 = Status Quo	Do not extend the powers of the IGG	Government Ruling party members	100 – 40 70 –40	D D
100	Grant additional power to the IGG	Opposition DEI/IGG Media	40 -80 75 –100 50 –50	
	IGG Bill was pending after two readings and still not concluded by September 2001			

Appendix VI. The situation in the seven African countries between 2001 and 2004

The evaluation of the World Bank's program theory in chapter 2 showed that the potential effects of program implementation strongly depend on the political-administrative context of the countries in which they are implemented. If corruption prevails, as well as bad governance, many types of anti-corruption reforms stand a smaller chance of success (Klein Haarhuis en Leeuw 2004; OED 2000)[1].

The vast majority of the 17 policy decisions that were made in the seven African countries under study best fit a context characterised by a medium level of corruption and a 'fair' governance situation. A fair governance situation implies that there are opportunities to voice opinions and that there is little political violence and a relatively effective and accountable government (Kaufmann, Kraay and Zoido-Lobatón 1999).

However, the *actual* governance situation in the seven African countries under study was often 'poor' and corrupt throughout[2]. This is likely to reduce the chance of meaningful effects. The most relevant and potentially effective decisions were made in Bénin and Ghana, followed by Tanzania. Here, the governance situation was marked as 'fair'. By contrast, in Ethiopia and Kenya, the projected effects are small because the governance situation was 'poor (to fair)'. In Malawi and Uganda, no projection of effects could be made because no policy decisions were made.

Did Bénin, Ghana and Tanzania indeed perform better than Kenya and Ethiopia in the longer run? A short description of the situation between 2002 and December 2004 in the seven African countries is presented below, with respect to (a) the level of corruption and with respect to (b) anti-corruption reforms[3]. Table VI.1 presents the levels of overall corruption per country according to Transparency International (2001-2004), together with the most

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[1] 'Governance' refers to a number of aspects of the functioning of governments: a) voice & accountability, b) political stability and lack of violence, c) government effectiveness, d) regulatory framework, and e) the control of corruption (Kaufmann, Kraay, Zoido-Lobaton 1999).

[2] A description of context was obtained, as in the following example on Kenya. The level of corruption in Kenya is high: a score of 2.4 out of 10 (10 indicts 'clean') (Transparency International 1999). Kenya's 'governance situation' is in the lowest quartile of all countries in the world, and is marked as 'poor'. The governance situation of countries in the middle range was indicated as 'fair'.

[3] The updates have resulted from an extensive Internet search, using the keywords 'corruption', 'anti-corruption', and 'curbing corruption' in combination with the country names. Hence these descriptions only reflect what is to be found on the Internet.

corrupt areas of the system according to the new 'Global Corruption Barometer' (Transparency International 2003-4)[4].

Bénin

Level of corruption
As Table VI.1 reveals, Bénin is missing from Transparency International's global index of corruption, except for the 2004 rankings. According to this index, Bénin is among the least corrupt of the seven African countries studied. Overall, reports of corruption or anti-corruption initiatives are lacking from the websites of international organisations.

Anti-corruption reforms
President Mathieu Kérékou was re-elected in the presidential elections of 2001. Despite the fact that the election was contested by the opposition, external observers reported that the tradition of consensus in Bénin was maintained (USAID 2004).

The economic situation in Bénin is encouraging: 5% growth was forecast for 2003, and there is much evidence of heightened economic activity. However, Bénin is still characterised by 'ineffective management of public funds in all economic sectors, along with corruption and cronyism among public officials' (USAID 2004). Corruption would be prompted by much state interference in economic activity, and by high government centralisation.

Bénin's passive civil society features as an area of main concern for the future. However, FONAC, the National Front of Organisations against Corruption (see section 3.2 of this study) does appear to be active on a continuous basis. For example, on January 15 2004 the NGO organised a national anti-corruption day. Moreover, FONAC was included in a National Procurement Verification Commission to ensure competitive bidding for government projects (USAID 2004).

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[4] In 2003, Transparency International introduced the Global Corruption Barometer, which measures the attitudes and experiences of people with respect to corruption. The Barometer assesses which parts of a country's system are regarded as the most corrupt. Rather than giving an overall rating, the Barometer can be used to learn more about how corruption is distributed within countries. What is more, it measures how respondents believe corruption affects their personal life and income (income skewness), business, culture, and societal values. Finally, the Barometer assesses the level of optimism in countries with regard to the likelihood that corruption will decrease in the future. In 2004 the Barometer covered 64 countries. Thus far, Ghana and Kenya are the only countries in this study that are represented in the Global Corruption Barometer of 2004 (Transparency International 2004, see http://www.transparency.org/surveys/barometer/dnld/barometer2004_release.en.pdf).

Table IV.1 Levels of corruption according to Transparency International (rank numbers between brackets) and most corrupt areas of the system (2001-2004)

Country	2001	2002	2003	2004	
Total of ranked countries	(91)	(102)	(133)	(146)	Most corrupt areas 2003-2004
Bénin	n.a.	n.a.	n.a.	3.2 (77)	n.a.
Ethiopia	n.a.	3.5 (59)	2.5 (92)	2.3 (114)	Government-Judiciary
Ghana	3.4 (59)	3.9 (50)	3.3 (70)	3.6 (64)	1 police- 2 customs (ports and harbours)- 3 state companies- 4 judiciary-5 taxes-6 education
Kenya	2.0 (84)	1.9 (96)	1.9 (122)	2.1 (129)	1 police- 2 defence – 3 state corporations- 4 immigration- 5 Kenya Revenue Authority (KRA)- 6 provincial administration- 7 Nairobi City Council (..) - 12 judiciary
Malawi	3.2 (61)	2.9 (68)	2.8 (83)	2.8 (90)	n.a.
Tanzania	2.2 (82)	2.7 (71)	2.5 (92)	2.8 (90)	n.a.
Uganda	1.9 (88)	2.1 (93)	2.2 (113)	2.6 (102)	1 traffic police – 2 tender boards – 3 electoral commission – 4 Uganda Revenue Authority (URA) – 5 privatization unit and regular police – 6 immigration department – 7 judiciary – 8 social security fund

Sources: Global Corruption Perception Index (CPI) Report, see http://www.transparency.org/pressreleases_archive/2003/2003.10.07.cpi.en.html; Global Corruption Barometer (Ghana and Kenya), see http://www.transparency.org/surveys/barometer/dnld/barometer2003_release.en.pdf); IGG Integrity Report 2003 (Uganda), see http://www.igg.go.ug/press.php .

Earlier, in 2000, president Kérékou had issued a decree to institute a competitive procurement law (see section 3.2). The new Verification Commission might be indicative of the fact that this policy decision has actually been realised.

In conclusion, no data are available on Bénin that can tell whether corruption has decreased or not. The increasing involvement of civil society in anti-corruption initiatives may bring about effects in the long run.

Ethiopia

Level of corruption
Corruption has been on the rise in Ethiopia, as shown by Table VI.1. The government and the judiciary were notably corrupt. Among the perceived causes were lack of coherent rules and regulations, excessive state intervention in the economy, and poorly trained staff (www.irinnews.org October 2003).

Moreover, Ethiopia received one of the lowest grades in a survey of good governance in Africa conducted by UNECA (United Nations Economic Commission for Africa).

Anti-corruption reforms
The African Development Bank signalled positive strides in Ethiopia's development efforts between 2002 and 2004, and welcomed the Ethiopian measures to curb corruption (Allafrica.com 2004). Still, it can be questioned whether Ethiopia's anti-corruption measures always serve their real purpose. For example, the international NGO Human Rights Watch (HRW) criticised the government and the judiciary for causing 'a marked deterioration of civil liberties' during 2001 (HRW 2002). Without formal charges, the Ethiopian government would have jailed civil rights advocates, political opponents, students, and journalists, among others on accusation of corruption (see section 3.3). Moreover, the system would abuse its authority and lack accountability and transparency. For example, despite an access to information law, the media had great difficulty in obtaining access to government information (Ethiopian Reporter 2004). Moreover, a lack of judicial independence was repeatedly noted (e.g. HRW 2002). This renders the enforcement of a variety of laws, including anti-corruption laws, doubtful.

The arrest of the head of the National Election Board, Assefa Birru, at the end of April 2003 marked one of the highest-profile arrests made by the Ethiopian Anti-Corruption Commission. Assefa was charged with abuse of power and obstruction of the work of the Anti-Corruption Commission after he refused to re-employ one of his auditors who had complained about financial irregularities (Ethiopian Reporter 2004).

In conclusion, the increase in corruption in Ethiopia seems to corroborate the expectation that the policy decisions would lack effect.

Ghana

Level of corruption
Between 2002 and 2004, Transparency International's corruption index did not reveal a clear upward or downward trend with respect to Ghana (see Table VI.1). On several anti-corruption indicators, however, Ghana scored 'very weak' (Center for Public Integrity 2004)[5]. Amongst these indicators were civil service regulation, protection of whistleblowers, procurement, and privatisation. According to the electronic newsservice 'Ghanaweb', the police force was regarded as the most corrupt institution in Ghana, followed by customs (ports and harbours), state companies, the judiciary, the tax department, and the department of education (Ghanaweb December 15, 2004).

   Despite the persistence of corruption, Transparency International's Global Corruption Barometer (2004) indicated that one fourth of the Ghanaians believed that corruption would decrease, making them the most optimistic in the world.

Anti-corruption reforms
As of January 2001, the new Ghana government was allegedly determined to rule as a constitutional, liberal democratic government. Following the Global Integrity report consisting of 25 countries, the west-African country in which the president adopted a policy of 'zero-tolerance' for corruption ranked above average with regard to 'anti-corruption mechanisms and rule of law' and 'oversight and regulatory mechanisms' (Center for Public Integrity 2004).

   Despite persistent delays ascribed to a slowly functioning civil service, many anti-corruption bills were expected to be made into laws before the elections of December 2004. Among these bills are the Freedom of Information Bill (see section 3.4) and a bill to establish the office of an independent state prosecutor. A law to protect whistleblowers still has to be formally debated.

   In Ghana, it is not the lack of anti-corruption laws, but rather the lack of political will to fight corruption that obstructs the actual enforcement and

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[5] The 'public integrity index' (2004) assesses the institutions and practices that citizens can use to hold their governments accountable to the public interest. Hence it does not measure corruption but rather the opposite of corruption. Kenya is also included in this index (http://www.publicintegrity.org/ga/report.aspx?aid=247).

implementation of anti-corruption laws and reforms (Center for Public Integrity 2004). For example, the legal mandate of oversight bodies with regard to corruption is still limited or vague. Examples of these oversight bodies are the Auditor General, the Commission of Human Rights and Administrative Justice (CHRAJ, Ghana's Ombudsman), and the Serious Fraud Office. What is more, the judiciary has been criticised for not having removed barriers to economic activity. Nonetheless, a 'phenomenal growth' was reported in the number of, and confidence in civil society organisations and the private media, both printed and electronic.

In conclusion, despite a clear downward or upward trend in the level of corruption in Ghana, the ongoing reform efforts and optimism in the country tentatively confirm the expectation that program implementation would bring about some success.

Kenya

Level of corruption
As the new Kibaki government took a firm stand against corruption, hopes were high for 2003. During 2003, bribe incidence, i.e. the percentage of encounters in which bribes were offered or demanded, did indeed decline from 67 to 36 per cent (TI-Kenya 2004)[6]. However, the overall *size* of the bribes increased. On the global ranking on corruption, Kenya rated slightly better (see Table VI.1), but was still among the most corrupt.

Of Kenya's top-ten list of corrupt organisations, the police still ranked highest, despite a significant decline in citizen bribes (TI-Kenya 2004:13). New on the list are the Department of Defence and the state corporations, which ranked second and third. While the judiciary and the health ministry were among the most corrupt in 2002, perceptions of corruption in these institutions dropped in 2003. Local authorities and the immigrations department were also perceived as much less corrupt. The authors of the Kenya Bribery Index argue that the observed improvements are likely to result from the new government's anti-corruption campaign (TI-Kenya 2004).

As mentioned above, despite the smaller incidence of bribery, the average *size* of bribes, however, strongly increased between 2002 and 2003. Average bribe size was highest in public universities and colleges, the defence department and state corporations (about 30,000 KsH, equaling 375 US$).

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[6] The Kenya Bribery Index (KBI 2003, 2004) is a nation-wide survey based on perceptions of corruption among a sample of more than two thousand citizens.

Moreover, the TI Global Corruption Barometer of 2004 appointed the Kenyan *parliament* as one of the most corrupt institutions in the country (Transparency International 2004:19).

The TI-Kenya report (2004) also showed how often citizens reported corruption to authorities or complained to others. In 58% of the cases, respondents paid a bribe and did not report the incident, whereas 18% did not pay, nor reported the incident. Only 4% of the cases were reported to the authorities (2004:7).

Anti-corruption reforms

On 30 December 2002, Mwai Kibaki's multi-ethnic National Rainbow Coalition (NARC) took over power in Kenya after Moi's KANU had dominated the country since its independence in 1962 (Polity IV 2002). President Kibaki has reiterated a policy of zero-tolerance for corruption. Former leading officials left office and some were prosecuted, among which the former heads of the tax department and the Central Bank. Moreover, a 'massive purge' of the judiciary took place, including the investigation of 23 former high court and appeal court judges. Transparency International's founding executive director became Permanent Secretary in the Office of the President, in charge of public ethics and governance. The former chair of the Parliamentary Anti-corruption Committee became Minister of Local Government and immediately took radical measures (TI-Kenya 2003).

What is more, a new Ministry of Justice and Constitutional Affairs was created to co-ordinate the fight against corruption and to stimulate the enactment of anti-corruption laws. By May 2003, the Anti-Corruption and Economic Crimes Act and the Public Officer Ethics Act finally became law. This meant that the issues relating to the legal definition of corruption, the powers of the anti-corruption commission, and the declaration of leaders' assets were finally decided on (see section 3.5). The definition of corruption was expanded. A newly established anti-corruption commission obtained investigative, preventive, and educational functions, along with the power to recover stolen assets. The assets of leaders are to be declared to the system, but can still not be accessed by the public (TI-Kenya 2003). What is more, a strategy to reform the judiciary was released by December 2002.

From the many continued research, communication, and lobbying activities, we can infer that Kenya's office of Transparency International (TI-Kenya) continued to grow as an active anti-corruption NGO (TI-Kenya 2003).

Given all these new developments it is hardly surprising that TI's Global Corruption Barometer (2003) showed that Kenyans were highly optimistic with regard to the expected decrease of corruption. However, by December

2003 the 'honeymoon' seemed to be over, as public cynicism with regard to so-called 'selective' government intentions was on the rise. As of 2004, the new government still had to deal with a number of anti-corruption issues, for example, with the ever controversial 'amnesty-issue' referring to the past corrupt (see section 3.5). What is more, the TI Global Corruption Barometer of 2004 appointed the Kenyan parliament as one of the most corrupt institutions in the country. Corruption in parliament would be so endemic that MPs even have to be bribed to pass anti-corruption laws (TI-Kenya 2004). These and other allegations further dented public confidence in Kibaki's zero-tolerance policy.

In conclusion, because of the new government in Kenya a number of unexpectedly far-reaching reforms and cleanups were undertaken, including reforms that had previously remained pending. It remains to be seen whether the overall level of integrity is high enough to sustain this development and bring about effects on the longer run.

Malawi

Level of corruption
The level of corruption in Malawi increased between 2001 and 2004 (see Table VI.1). After President Mutharika's election in 2004, it became public that about 97 m. US$ had disappeared during President Muluzi's ten-year rule (Irinnews 2004). In protest over levels of corruption and mismanagement under Muluzi, the international donor community suspended aid to Malawi in 2002 (IPS news 2004). Whether and to what extent the new president's anti-corruption drive will bear fruit on the longer term still remains to be seen.

Anti-corruption reforms
After Muluzi served the maximum of two terms, Malawi elected a new president on May 24, 2004, which has sparked some optimism in the southern African country. The United Democratic Front (UDF) continued as the ruling party under new president, Bingu wa Mutharika. Since Mutharika's election, a cleavage emerged within the UDF between Muluzi loyalists and their cabinet colleagues. Experts ascribed this division to Mutharika's vigorous anti-corruption drive. Former cabinet ministers and the former DPP were accused of corruption and were investigated by the Anti-Corruption Bureau (ACB). Among the accused is the former finance minister, who would have been involved in the illegal sale of maize in a period of drought in southern Africa. This sale possibly contributed to food

shortages that have continued to affect the population of Malawi (IPS news 2004). However, anti-corruption officials are hesitant with respect to the investigation of Muluzi's activities.

A private sector member and a former high-court judge obtained the posts of Director of Public Prosecutions (DPP) and director of the ACB (IPS news 2004). A report revealed that in the past, the DPP had refused to give the ACB consent to prosecute in 37 politically sensitive and high value cases including senior executive members. Between 2001 and 2004, this policy issue (see section 3.6) was never decided. What is more, the ACB suffered from continuous lack of funding. The director of the ACB was fired in October 2002 on grounds of incompetence (Reuters 2002). Experts looked upon this with suspicion, as his investigations had become a threat to some high-placed officials[7].

Despite Mutharika's vigorous anti-corruption drive, he had not declared his personal assets to the system. Asset declaration is still not common practice in Malawi; only one Member of Parliament would have declared his assets between the elections and September 2004 (Irinnews 2004).

Tanzania

Level of corruption
Between 2001 and 2004, perceived corruption slightly decreased in Tanzania (see Table VI.1). No updates were found of the State of Corruption Report (ESRF/FACEIT 2002) cited throughout chapter 5 of this study.

In 2003, the Norwegian Chr. Michelsen Institute (Fjeldstad, Kolstad and Lange 2003) analysed corruption in Tanzania's Tax Revenue Authority (TRA). This study demonstrated that tax-related corruption is on the rise due to two main influences: lack of autonomy from political interference, and lack of moral standards. There were similar findings related to Uganda's Revenue Authority (URA).

Anti-corruption reforms
In the period 2001-2004 President Mkapa was still in power. New presidential elections are planned for October 2005.

With regard to Tanzania's civil society, ESRF was still active. The organisation issued a three-monthly newsletter, conducting research and organising meetings and activities (ESRF 2003). A notable step forward is

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[7] Between May and August 2002 for example, the ACB arrested 11 people, completed 43 cases, and obtained 3 convictions and 3 appeals in the High Court (www.odiousdebts.org/odiousdebtsIS=5260).

that citizens air their opinions and frustrations with respect to governmental corruption on the ESRF web site on a relatively large scale.

By 2003, the government put particular emphasis on the importance of good '*corporate* governance' for curbing corruption, which is in line with its policy of economic liberalisation (e.g. Hoseah 2003:11-16). The private sector is urged to adopt its own code of conduct and renounce the corrupt elements within its branch.

In 2002, a study was issued that evaluated the anti-corruption efforts under the Mkapa Administration (Hellman and Ndumbaro 2002). The main point of this study is that the anti-corruption reforms are not sufficiently relevant to Tanzania, as they fail to take into account the embedded corruption in societal, economic and power relations.

In conclusion, the slight decrease in perceived corruption in Tanzania seems to confirm the prediction that the anti-corruption reforms would bring about some success. Still, however, anti-corruption reforms were criticised for lack of relevance to the entrenched corruption in Tanzania.

Uganda

Level of corruption
Table VI.1 reveals that Uganda is still among the most corrupt countries in the world, despite the many reform initiatives and achievements. Each year, around 7.5% of the government budget is not accounted for, or is misused (Consultative Group 2003).

Nonetheless, a slight decrease in perceived corruption seems to have occurred since 2003. In this year, the Inspector General of Government (IGG) announced a decline in police and judicial corruption, and in corruption within the Revenue Authority (taxes) (URA) and local governments (IGG 2003).

The incidence of bribery in Uganda was found to be highest in the Traffic Police (83%), followed by tender boards (79%), the Electoral Commission (78%), the URA (77%), the Privatization Unit, and the Regular Police (both 67%). These were followed by the Immigration department (60%), the Judiciary, and the National Social Security Fund (both 54%). The organisations least affected by bribery were the Post, the Directorate of Ethics and Integrity (i.e. the 'anti-corruption ministry'), the National Water and Sewerage Corporation, the Central Bank, the Ministry of Foreign Affairs, the Prisons Department, and the Ministry of Labour (IGG 2003).

Anti-corruption reforms

Between 2001 and 2004, Yoweri Museveni continued as President of Uganda[8].

In 2002, the Leadership Code Act was launched. In 2001 this issue was pending (see section 3.8). This law requires leaders to regularly declare their income, assets, and liabilities to the Inspector General of Government (IGG), Uganda's official anti-corruption institution (IGG 2002; Uganda government 2002). The IGG expressed its gratitude to civil society for having contributed to the adoption of this law. By the end of 2003, the wealth that leaders had declared had even been published in the national press (IGG 2003).

The wage issue in Uganda appears to have persisted over the years (see section 3.8 of this study). In March 2003, the IGG once more advised the government to increase the salaries of judicial and police officers in order to decrease incentives for corruption (IGG 2003).

In April 2003, the international donor community was awaiting a new official government strategy for fighting corruption and a new corporate plan for the IGG (Consultative Group 2003). The donors emphasised the necessity to draft and enact five important pieces of legislation (see section 3.8): the Prevention of Corruption Bill, the revision of the Official Secrets Act (relating to the issue of classified expenditures), the Freedom of Access to Government Information Bill, the new Whistleblower Protection Bill, and the new Auditor-General Bill. Policy issues relating to these pieces of legislation had already been debated and were pending in 2001 (see section 3.8). What is more, Uganda's anti-corruption institutions still lacked resources. The DEI is understaffed and the IGG lacks the resources and capacity to carry out its tasks.

The Anti-Corruption Coalition Uganda (ACCU), consisting of various anti-corruption organisations, agencies, and partners, organised the Anti-corruption Week in October 2003. The theme regarded political corruption in local governments. During this week, a pressure group of concerned civil society organisations formed the Coalition on Freedom of Information, and presented their guiding principles for an internationally recognised freedom of information law. Although government tabled the resulting draft bill for parliament in March 2004, some parliamentarians though it might take a year before for it to be taken off the shelves (Uganda.ms.dk 2004).

In March 2004, the IGG prepared to launch an independent investigation into corruption in the Uganda Revenue Authority (URA), the Ugandan tax department (IGG 2004)[9].

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[8] New presidential elections are up for May or June 2006.

The parliamentary anti-corruption coalition was more visible by the end of 2004. For example, the anti-corruption coalition handed over a petition on the gaps in the anti-corruption sections of the Local Government Act (Parliament of Uganda 2004).

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Promoting anti-corruption reforms

Nederlandse samenvatting

Het stimuleren van anti-corruptiebeleid. Evaluatie van een anti-corruptieprogramma van de Wereldbank in zeven Afrikaanse landen (1999-2001).

In 1999 introduceerde de Wereldbank een nieuw anti-corruptieprogramma, dat gebaseerd is op een gecombineerde strategie. Hiermee tracht de Wereldbank politiek-bestuurlijke hervormingen van bovenaf (top-down) te stimuleren, door te beginnen met de mobilisering van het maatschappelijk middenveld in de strijd tegen corruptie (bottom-up). Het hoofddoel van het anti-corruptieprogramma van de Wereldbank is '[..] deelnemers uit ontwikkelingslanden te voorzien van de instrumenten om een participatief en geïntegreerd nationaal actieplan op te zetten van institutionele hervormingen ter bestrijding van corruptie' (WBI 1999).

De voorloper van dit programma was geïntroduceerd in 1994, in samenwerking met de internationale non-gouvernementele organisatie (ngo) *Transparency International.*

Dit onderzoek gaat over de implementatie van het Wereldbankprogramma in de zeven Afrikaanse landen die aan het programma hebben deelgenomen vanaf juni 1999: Bénin, Ethiopië, Ghana, Kenia, Malawi, Tanzania en Oeganda. Buiten deze landen namen er in 1999 geen landen deel. Implementatie verwijst naar de mate waarin de inhoud van het programma is overgenomen in het nationale beleid van de deelnemende landen, en of het beleid daadwerkelijk is ingevoerd. Idealiter gebeurt dit aan de hand van de formulering en aanname van anti-corruptiehervormingen, die een verandering inhouden ten opzichte van de status quo.

De volgende onderzoeksvragen staan centraal in deze studie:

I.   In welke mate is het programma van de Wereldbank
         geïmplementeerd in de deelnemende landen?

I.1 Wat is de inhoud van het programma, met betrekking tot:

   a)   De hoofdbenadering en de voorgestane 'aandachtsgebieden'
        van anti-corruptiehervormingen?
   b)   De onderliggende 'programmatheorie', ofwel de aannames
        op basis van welke verwacht wordt dat het programma
        succesvol wordt geïmplementeerd in de deelnemende
        landen?

I.2 Hoe, dat wil zeggen, via welke opeenvolging van activiteiten heeft die implementatie plaatsgevonden? In hoeverre is het anti-corruptieprogramma van de Wereldbank geïmplementeerd *in* elk van de landen?

I.3 Hoe en in welke mate verschilt de implementatie van het Wereldbankprogramma *tussen* de deelnemende landen?

II. Hoe kunnen verschillen (zowel *tussen* als *binnen* landen) in de mate van implementatie van het programma worden verklaard?

Dit onderzoek is theoriegestuurd, omdat er zowel aandacht wordt besteed aan de onderliggende programmatheorie van de Wereldbank als aan wetenschappelijke theorieën over de totstandkoming van hervormingen. Het onderzoek is uitgevoerd in een aantal stappen, die hier achtereenvolgens worden besproken.

Naast een beschrijving van de implementatie tussen 1999 en 2001 biedt dit onderzoek een kort overzicht van de stand van zaken in de zeven Afrikaanse landen voor wat betreft anti-corruptiebeleid tot en met december, 2004.

Reconstructie van de programmatheorie

In hoofdstuk 2 van deze studie is de programmatheorie gereconstrueerd. Dit houdt in dat de verschillende assumpties waarop het programma is gebaseerd, expliciet zijn gemaakt in hypothesevorm. Met een dergelijke reconstructie kunnen al vóór de daadwerkelijke implementatie uitspraken gedaan worden over de kans op succes van een programma. De programmatheorie is deels ontleend aan de reconstructie van een eerdere variant van het Wereldbankprogramma door Leeuw, Van Gils en Kreft (1999).

Kort samengevat is de aanpak van het programma dat individuele deelnemers (gemiddeld ongeveer 5 per land) workshops bijwonen en zo leren over zowel 'bottom-up' als 'top-down' manieren van corruptiebestrijding. Deze deelnemers dienen vervolgens in hun eigen land te lobbyen ten behoeve van verdere agenda- en besluitvorming voor hervormingen.

Het bottom-up deel van de programmatheorie uit zich met name in de aanpak van het programma zelf: het stimuleren van anti-corruptiebeleid via deelnemers in workshops. De belangrijkste bottom-up beleidsveronderstelling is dat het maatschappelijke middenveld en het publieke bewustzijn een cruciale rol spelen in de strijd tegen corruptie.

In dit verband wordt het creëeren van vertrouwen (en van sociaal kapitaal) tussen de deelnemers en daarbuiten zeer belangrijk geacht. Verondersteld wordt dat de workshop-effecten vervolgens 'uitwaaieren' naar de rest van de samenleving van elk van de deelnemende landen. Hierdoor zou het publieke bewustzijn omtrent corruptie toenemen, wat vervolgens zou leiden tot 'collectieve actie' ertegen.

Het top-down deel van de programmatheorie richt zich op het analytische begrip van corruptie, als symptoom van zwakke instituties en zwak beleid. Vanuit dit gezichtspunt wordt verondersteld dat corruptie bij de wortel moet worden aangepakt, via politiek-administratieve hervormingen zoals markt- en handelsliberalisering, verscherpte controle op ambtenaren en politici, en strengere sancties.

Deze assumpties achter het programma zijn vervolgens getest op hun wetenschappelijke houdbaarheid, met behulp van inzichten uit bestaande sociaal-wetenschappelijke theorieën en onderzoek. De belangrijkste bevinding is dat contextspecifieke, bestuurlijke condities en de mate van of type corruptie in een land in grote mate de potentiële effectiviteit van het Wereldbankprogramma bepalen. Zo is de kwaliteit van het overkoepelende wettelijke raamwerk een noodzakelijke conditie voor de effectiviteit van de meer specifieke anti-corruptiewetgeving (bijv. financiële controles). Ook is de versterking van het maatschappelijke middenveld alleen succesvol onder specifieke contextgebonden condities. Daarnaast is gebleken dat de uitwaaier-effecten van de workshops niet zonder meer optreden. Er is bijvoorbeeld een goede communicatie-infrastructuur nodig, en deze is juist in veel van de deelnemende Afrikaanse landen gebrekkig. Tenslotte betekent maatschappelijke bewustwording nog niet automatisch 'collectieve actie' *tegen* corruptie.

Implementatie op papier

In hoofdstuk 3 van deze studie is de implementatie van het programma beschreven in termen van 'nationale anti-corruptie actieplannen' en andere beleidsdocumenten die in elk van de zeven Afrikaanse landen zijn opgesteld.

Op het eerste gezicht weerspiegelen de nationale actieplannen (1999-2001) de helft van de in het Wereldbankprogramma aanbevolen aandachtsgebieden. Niettemin wordt in het algemeen maar een gedeelte van de papieren plannen serieus uitgewerkt. Gemiddeld bleken er zich in de plannen van ieder land zo'n 18 voorgenomen hervormingen te bevinden. Hiervan werd ongeveer 70% nader uitgewerkt. Het merendeel (58%) hiervan betrof 'hamerstukken' ofwel relatief kleinschalige beslissingen die zonder een formeel debat werden genomen. Het overige deel van de voorgenomen

hervormingen werd onderworpen aan een proces van besluitvorming. Deze zijn aangeduid als *issues.*

Wat betreft de uitwerking van voorgenomen hervormingen zijn opvallende verschillen tussen landen waar te nemen. In Kenia, Malawi en Oeganda initieerde men relatief weinig besluitvorming in vergelijking tot het aantal hamerstukken. Het omgekeerde was het geval in Bénin en Ghana, waar juist veel besluitvorming plaatsvond. In Tanzania werd het volledige nationale actieplan door het parlement zelfs aangenomen als nationaal beleidsdocument.

Landen blijken ook te verschillen in termen van besluitvaardigheid: of de issues die onderworpen zijn aan besluitvorming ook daadwerkelijk zijn afgesloten met een besluit. In Ethiopië en Tanzania werd een besluit bereikt op elk van deze issues. Dit in tegenstelling tot Malawi en Oeganda, waar iedere issue bleef 'hangen'.

Reconstructie van de implementatie in Kenia en Tanzania

In hoofdstukken 4 en 5 van dit onderzoek zijn de initiatieven van de individuele deelnemers gereconstrueerd, om een indruk te krijgen van de gebeurtenissen binnen landen gedurende de implementatie van het Wereldbankprogramma. Een belangrijke gedachte achter het programma was dat de individuele deelnemers moeten kunnen bogen op een rijk geschakeerd persoonlijk netwerk. Dit zou hen helpen bij het op touw zetten van initiatieven voor corruptiebestrijding: het bouwen van (maatschappelijke) coalities, het helpen agenderen van politieke en beleidsissues, en het besluitvormen hierover. Om die reden is het persoonlijke netwerk van de individuele deelnemers in kaart gebracht. Daarnaast is gevraagd naar de initiatieven en verworvenheden van de individuele deelnemers aan het anti-corruptieproces in hun land.

Bottom-up initiatieven om een maatschappelijke coalitie tegen corruptie op te bouwen en meer openlijke discussie te bewerkstelligen bleken gemengd succesvol: in Kenia bleek men hiermee verder te zijn gekomen dan in Tanzania. Top-down hervormingen werden juist meer in Tanzania aangenomen; in buurland Kenia bleven deze vaak op de agenda 'steken'.

Deze studie bevestigt het belang van een persoonlijk netwerk, zowel in Kenia als in Tanzania. Meer contacten zorgen ervoor dat de individuele deelnemers meer invloed hebben op coalitievorming, agendering en besluitvorming. Concrete voorbeelden betreffen het beïnvloeden van wettelijke hervormingen via informele voorbesprekingen (Tanzania), of via persoonlijke connecties met de minister van justitie (Kenia). Contacten met machtige besluitvormers lijken echter het grootste verschil te maken, zoals

met het Keniaanse hoofd van de publieke dienst en de Tanzaniaanse minister van goed bestuur. Een opvallend verschil tussen de twee landen is dat in Tanzania de formele positie (het werken voor de regering) van de individuele programmadeelnemer het meest bevorderlijk bleek voor zijn of haar invloed op het anti-corruptieproces. In Kenia speelden ngo's in het maatschappelijke middenveld juist een belangrijker rol.

De bovengenoemde programmatheorie wordt slechts voor een deel ondersteund door de reeks van praktijkgebeurtenissen in Kenia en Tanzania. Dit onderstreept nog eens de eerder genoemde zwakheden in de programmatheorie, zoals het probleem om het in de workshops geleerde naar de maatschappij te laten 'doorsijpelen'.

Naast de mogelijke effecten van het persoonlijke netwerk van individuele deelnemers is met de vergelijkende studie van Kenia en Tanzania tevens gezocht naar andere mogelijke verklaringen voor de mate van implementatie. In beide landen bleken 'gevestigde belangen in corruptie' het vaakst genoemde obstakel bij het bereiken van hervormingen. Bovendien ging de controversialiteit van het Keniaanse anti-corruptiedebat samen met een hoger niveau van politieke competitie dan in Tanzania. Opvallend is verder dat de grotere mate waarin Tanzania afhankelijk is van buitenlandse hulp met meer hervormingen gepaard ging dan in Kenia.

Voor meer structurele verklaringen voor de implementatie van het programma is een analyse over alle zeven deelnemende Afrikaanse landen nodig. Hierop richt zich het tweede gedeelte van deze studie.

Verschillen tussen landen: besluitvaardigheid en mate van hervorming

Om verschillen tussen landen in de mate van implementatie van het Wereldbankprogramma duidelijk in kaart te brengen (onderzoeksvraag I.3) heeft deze studie zich geconcentreerd op twee (middellange termijn-) indicatoren: (a) of er een besluit is genomen op issues van besluitvorming; en (b) de 'mate van hervorming' ten opzichte van de status quo, zoals die in de genomen besluiten tot uitdrukking komt. Deze afhankelijke variabelen zijn alleen toegepast op de issues en niet op de hamerstukken. Per land zijn er gemiddeld circa 5 issues onderzocht (33 in totaal).

De mate van hervorming is een relatieve maatstaf. Deze is verkregen door een aantal experts te vragen om het uiteindelijke besluit te plaatsen op een relatieve schaal, die begint bij de positie van de meest conservatieve actor (0) en eindigt bij de positie van de meest progressieve actor (100). De termen conservatief en progressief hebben in deze context geen politieke connotatie, maar geven de voorgestane mate van verandering aan. Het issue over de hervorming van de rechterlijke macht kan dit als voorbeeld

verduidelijken. De meest conservatieve actoren zijn tegen iedere verandering, en krijgen de positie (0). De meest progressieve actoren krijgen de positie (100). In het huidige voorbeeld opteren zij voor het ontslag van corrupte rechters. Het uiteindelijke besluit wordt ingeschaald op (65): er volgen geen ontslagen, maar wel komt er een opleidingsprogramma ter bevordering van de integriteit van rechters. Omdat de status quo hier gelijk is aan (0), is de mate van hervorming in het besluit (65). De zeven Afrikaanse landen blijken sterk te verschillen op zowel de besluitvaardigheid (zoals reeds was gebleken uit hoofdstuk 3) als de mate van hervorming in de genomen besluiten. In Tanzania en Ethiopië werd elke issue afgesloten met een besluit, in Malawi en Oeganda geen enkele. De mate van hervorming in de genomen besluiten is groot in Ghana, Bénin en Tanzania en erg klein in Ethiopië. Kenia bevindt zich in de middenmoot. Deze verschillen betekenen dat de besluiten in Ghana en Tanzania meer tegemoet komen aan de belangen van de meest progressieve actoren, en zo een relatief grote verandering inhouden ten opzichte van de status quo. Over de verschillen in 'absolute' hervormingen tussen landen kunnen met deze relatieve maatstaf geen uitspraken worden gedaan.

Nemen we de variabelen 'besluitvaardigheid' en 'mate van hervorming' samen, dan is een typologie van landen te construeren. De meest *'echte'* veranderingen hebben plaatsgevonden in Bénin en Tanzania, waar zowel veel als vergaande besluiten zijn genomen op de bestudeerde issues. In Ghana is sprake van *gedeeltelijke* hervormingen, omdat er slechts enkele, maar wel vergaande besluiten zijn genomen. In Ethiopië kan gesproken worden van *symbolische* hervormingen: volledige besluitvaardigheid, maar een verwaarloosbare mate van hervorming. In Malawi en Oeganda, tenslotte, is er vooralsnog geen verandering waargenomen, omdat er op de issues (nog) geen besluiten waren gevallen.

De verschillen tussen landen suggereren dat er zich causale mechanismen achter hervormingen ter bestrijding van corruptie bevinden die mogelijk van doen hebben met verschillen in de *politiek-bestuurlijke context* van landen.

Ook *binnen* landen zijn verschillen waar te nemen in besluitvaardigheid en de mate van hervorming in de besluiten. Zo werd in Ghana volledig tegemoet gekomen aan de progressieve eis om censuurwetgeving te schrappen, terwijl slechts enkele kleine stappen zijn gezet om de rechterlijke macht te versterken. Soortgelijke verschillen zijn waargenomen tussen besluiten binnen Kenia en Bénin. Deze verschillen binnen landen suggereren dat er causale mechanismen werkzaam zijn die te maken hebben met interne *processen van besluitvorming*.

Condities waaronder implementatie van het Wereldbankprogramma tot stand komt

Hoe kan de uiteenlopende mate van implementatie van het Wereldbankprogramma worden verklaard? Dit is de tweede onderzoeksvraag in deze studie. Deze is behandeld in hoofdstuk 6 en 7.

Allereerst is een aantal verklaringen voor de twee afhankelijke variabelen (besluitvaardigheid en mate van hervorming) ontleend aan algemene theorieën van besluitvorming, die zich richten op de interactie tussen besluitvormers en andere actoren. Deze zijn vervolgens aangevuld met politiek-bestuurlijke theorieën van hervormingen, die met name zijn gericht op de invloed van systeem- of landkenmerken.

De resulterende verklaringen zijn vervolgens empirisch getoetst aan de hand van een 'multiple case replication design' van de eerdergenoemde drieëndertig anti-corruptie-issues. Dit onderzoeksdesign is geënt op het onderzoeken van effecten waarmee zowel besluitvormings*mechanismen* achter programma-implementatie worden blootgelegd, als effecten van de politiek-bestuurlijke *context* van een land. De data betreffen kwantitatieve schattingen van de besluitvormingsprocessen op elk van de beleidsissues. Deze data zijn verzameld aan de hand van interviews met gemiddeld drie experts (sleutelinformanten) per land. Deze experts zijn geselecteerd op grond van hun kennis van het besluitvormingsproces en hun relatieve onafhankelijkheid. De schattingen door iedere expert zijn gevalideerd aan de hand van schattingen door tenminste twee andere experts, waarna het meeste gewicht is toegekend aan de sterkst beargumenteerde schatting.

Naast de expertdata op issue-niveau zijn secundaire gegevens bijeengebracht over de politiek-bestuurlijke situatie op het niveau van de landen. Hiervoor zijn bronnen gebruikt zoals de Corruption Perceptions Index (CPI) van Transparency International (2000 e.v.), de index voor politieke competitie van Polity IV (1999) en de indices voor burgerlijke en politieke vrijheden van Freedom House (2000).

Condities op het niveau van de hervormingen (issues)
Bij de verklarende analyse van zowel besluitvaardigheid als de mate van hervorming is de verdeling tussen actoren van (1) belangen en (2) (besluitvormings)macht van toepassing.

De belangen van actoren zijn af te lezen uit de *posities* die zij innemen op iedere afzonderlijke 'issue'. Zoals hierboven vermeld kunnen deze posities variëren op een relatieve schaal van 0 tot 100 (tussen de meest

conservatieve en de meest progressieve actor), al naar gelang de voorgestane veranderingen. Aangenomen wordt dat een actor op ieder issue een andere positie kan innemen; zijn positie is dus niet constant. Met deze aanname zijn posities een issue-kenmerk, en geen kenmerk op het niveau van het land.

In de tweede plaats wordt onderscheid gemaakt tussen 'besluitvormers' (bijv. president, groepen in het parlement) en 'andere belanghebbenden' in het anti-corruptiedebat, zoals het maatschappelijk middenveld, het bedrijfsleven of de internationale donorgemeenschap. Het belangrijkste verschil betreft het type *machtsbronnen* dat beide actoren aanwenden om hun positie in het debat te ondersteunen. Besluitvormers maken gebruik van formele (stem-)macht en beschikken daarnaast over informele macht, zoals financiën, overredingskracht en toegang tot machtige besluitvormers. Andere belanghebbenden moeten het louter hebben van informele macht. Evenals de posities van actoren is ook hun macht ingeschaald op een relatieve 0-100 schaal tussen de minst en de meest machtige actor.

Of er al dan niet een besluit wordt genomen hangt samen met een aantal factoren. Aangenomen wordt dat een besluitvormer alleen tot een besluit overgaat als de baten van dat besluit de kosten van besluitvorming zullen overstijgen. Hoge besluitvormingskosten zullen een besluitvormer eerder doen afzien van besluitvorming. Die hoge kosten kunnen ontstaan wanneer een groot aantal besluitvormers betrokken zijn. Ook kunnen de verwachte baten van een te overwegen besluitvorming laag, of zelfs negatief zijn. Dat is het geval indien de besluitvormer zelf wil vasthouden aan de status quo. Bovendien wordt verwacht dat betrokkenheid van internationale donorgemeenschap, een belangrijke externe belanghebbende bij anti-corruptiehervormingen, bij een issue de besluitvaardigheid bevordert. Dit omdat besluitvormers internationale (financiële) sancties trachten te vermijden.

De kans op een besluit bleek niet toe te nemen naarmate de meest conservatieve besluitvormer een meer progressieve (hervormingsgezinde) positie had. Wel bleek een groter aantal besluitvormers de kans op een besluit te verkleinen, wat de notie van besluitvormingskosten ondersteunt. Echter, een grotere onenigheid tussen besluitvormers (gemeten aan de afstand tussen de meest extremen onder hen) deed de kans op een besluit niet afnemen. Tenslotte leidde de betrokkenheid van de internationale donorgemeenschap bij een issue tot een sterke toename van de kans op een besluit. De verwachting dat besluitvormers negatieve internationale sancties willen vermijden, werd hiermee voorlopig gestaafd.

Het besluit op ieder afzonderlijke issue resulteert uit een confrontatie van de verdeling van posities (belangen) tussen actoren met de verdeling van hun onderlinge (besluitvormings)macht. Hoe meer macht er ter beschikking

staat van conservatieve actoren, hoe kleiner de mate van hervorming in een besluit. Verwacht wordt dan ook dat wanneer een machtige besluitvormer opschuift in progressieve richting, dit een sterk effect zal hebben op het besluit. Daarnaast wordt verwacht dat een groter aantal besluitvormers de mate van hervorming in een besluit zal doen afnemen, omdat daarmee de kans toeneemt dat één van hen verdergaande besluiten zal blokkeren. De internationale donorgemeenschap, tenslotte, zal de mate van hervorming in besluiten trachten te bevorderen, via informele macht die met name bestaat uit financiële middelen (ontwikkelingshulp). De internationale donorgemeenschap heeft een belang bij reductie van corruptie in hulpontvangende landen, omdat corruptie de implementatie van projecten en de opbrengsten ervan kan ondermijnen.

De mate van hervorming bleek sterk afhankelijk van interne (nationale) mechanismen van besluitvorming. Naarmate de positie van de meest conservatieve besluitvormer meer progressief werd, steeg ook de mate van hervorming in het uiteindelijke besluit. Ook de mate van onenigheid tussen besluitvormers had een positief effect op de mate van hervorming, terwijl geen effect was verwacht. Het aantal besluitvormers had het verwachte negatieve effect. Na controle voor deze interne besluitvormingskenmerken zwakte het effect van de betrokkenheid en macht van de internationale donorgemeenschap af. Niettemin lijkt de internationale donorgemeenschap een indirecte invloed uit te oefenen *via* de meest conservatieve besluitvormer. Mogelijk poogden conservatieve besluitvormers internationale sancties te voorkomen door een minder conservatieve positie in te nemen. Een andere interpretatie van deze bevinding is dat donorinstanties al op voorhand hun inspanningen concentreren op de meer hervormingsgezinde besluitvormers.

Condities op het niveau van het land
Een reële mogelijkheid is dat politiek-bestuurlijke kenmerken van een land de hierboven genoemde besluitvormingskenmerken van issues beïnvloeden, en daarmee dus ook de besluitvaardigheid en 'mate van hervorming' met betrekking tot de bestrijding van corruptie. Politiek-bestuurlijke kenmerken kunnen besluitvormers prikkelen om al of niet open te staan voor hervormingen. In deze studie zijn drie van zulke politiek-bestuurlijke kenmerken onderscheiden. In de eerste plaats zou de mate van politieke competitie tussen besluitvormers maken dat ook de zittende besluitvormers zich als hervormingsgezind moeten profileren om politiek te overleven. Dit zou leiden tot zowel meer besluitvaardigheid als tot een hogere mate van hervorming in de anti-corruptiebesluiten. Daarentegen zou de mate van gevestigde belangen in de status quo, zoals weerspiegeld door de mate van

corruptie, besluitvormers juist conservatiever maken. Een grote afhankelijkheid van internationale hulp, tenslotte, zou leiden tot meer betrokkenheid en macht van de internationale gemeenschap.

In onze data bleken nauwelijks directe verbanden aanwezig tussen enerzijds politiek-bestuurlijke context, en anderzijds de al of niet genomen besluiten in de zeven onderzochte Afrikaanse landen. Alleen *politieke strijd* en *burgelijke vrijheden* hingen direct samen met de mate van hervorming; de mate van corruptie en de afhankelijkheid van buitenlandse hulp hadden geen effect.

Politieke competitie leek geen effect te hebben op de eerder genoemde besluitvormingskenmerken op issue-niveau, zoals het aantal besluitvormers of de positie van de meest conservatieve besluitvormer. Wel bleken de relatief meest conservatieve besluitvormers minder conservatief in landen met meer *burgerlijke vrijheden*, zoals vrijheid van vereniging en vergadering.

De mate van corruptie en de afhankelijkheid van buitenlandse hulp hingen niet samen met besluitvormingskenmerken op issue-niveau. De verwachtingen hierover worden dan ook niet bevestigd. Niettemin blijven ze interessant voor nadere verfijning en toetsing aan de hand van een grotere dataset.

De internationale donorgemeenschap tenslotte, bleek selectief te zijn in haar betrokkenheid bij anti-corruptie-issues. Ze was het vaakst betrokken bij de anti-corruptieproblematiek van de meest vrije en politiek competitieve landen, en werd hier bovendien als zeer machtig beschouwd. Dit stemt overeen met de notie van Alesina en Dollar (2000) dat donors meer hulp bieden aan landen die reeds (ten dele) gedemocratiseerd zijn. Dit zou kunnen duiden op een variant van het Mattheüs-effect.

Discussie

De 'realist' evaluatie (cf. Pawson en Tilley 1997) waarover in deze studie verslag is gedaan, draagt bij aan het begrip van de werkzame mechanismen bij de totstandkoming van anti-corruptiebeleid. Niet alleen biedt deze studie een duiding van de (a) mechanismen van besluitvorming en (b) politiek-administratieve landenkenmerken die de totstandkoming van hervormingen beïnvloeden, maar tevens laat het zien hoe deze twee met elkaar te verbinden zijn.

Het onderzoek is geënt op het vinden van patronen in de beschikbare data die in toekomstig, grootschaliger onderzoek nader kunnen worden verkend. De huidige bevindingen kunnen niet worden gegeneraliseerd naar andere (Afrikaanse) landen.

Wat betreft de invloed van de internationale donorgemeenschap wijzen de bevindingen vooralsnog in twee richtingen: (a) er zijn effecten van (verwachte) internationale sancties op het hervormingsgedrag van besluitvormers òf (b) de donor-gemeenschap selecteert besluitvormers en landen op hun geneigdheid tot hervormingen. Nieuw onderzoek zal meer inzicht in dit causale vraagstuk moeten genereren (bijv. Collier en Dollar, 2004).

Ons onderzoek geeft bovendien een, zij het kleinschalige, empirische ondersteuning van theorieën over het belang van sociaal kapitaal: bij het succes van initiatieven ter bestrijding van corruptie maken persoonlijke connecties een duidelijk verschil. Voor nader onderzoek zal de meting van individuele initiatieven en verworvenheden echter verfijnd moeten worden.

De casus van Tanzania laat tenslotte zien dat gebrekkige nationale en lokale uitvoering van besluiten wel eens een reden kon zijn om een hoge mate van hervormingen in die besluiten toe te staan. In toekomstig onderzoek dient dan ook uitgebreider aandacht te worden besteed aan het verdere uitvoeringstraject binnen landen.

Aanbevelingen voor de Wereldbank en instellingen met vergelijkbare programma's

Het Wereldbankprogramma kan gezien worden als een vorm van 'sturing op afstand'. De bevindingen uit de onderhavige studie kunnen worden teruggekoppeld naar dit programma, maar kunnen voor een deel ook worden gegeneraliseerd naar vergelijkbare 'sturing op afstand'-programma's.

Aanbevelingen doen we op vier niveaus: (a) de programmatheorie, (b) de individuele deelnemers aan het programma, (c) kenmerken van de 'issues' onder besluitvorming, (d) de politiek-bestuurlijke context van landen.

Op het niveau van de *programmatheorie* en de *individuele deelnemers* kunnen de volgende aanbevelingen worden gedaan:

- Politieke wil tot hervorming onder machtige besluitvormers blijft van het allergrootste belang voor de mate van hervorming zoals die in besluiten tot uitdrukking komt.
- Het blijft moeilijk om via kleine workshops kennis te verspreiden met een grote reikwijdte; laat staan om hiermee collectieve acties te bewerkstelligen.
- Selecteer, nog sterker dan voorheen, op de reikwijdte van het persoonlijke netwerk van de individuele deelnemers, en op basis van

hun contacten met invloedrijke machthebbers. Dit om de greep van deelnemers op het anti-corruptieproces te vergroten.

- Er wordt veel van de deelnemers verwacht in termen van lobbying, agenda-setting en besluitvormingsdeelname. Lang niet alle deelnemers zijn hierin bedreven. Train de deelnemers meer op deze vaardigheden via follow-up bijeenkomsten en verbind de deelnemers meer met elkaar, zodat men ook na afloop van de workshops krachten kan bundelen. Focus daarbij ook op de schematische uitwerking van nationale actieplannen, voor een meer gestructureerde ontwikkeling van anti-corruptiebeleid.

Op het niveau van de *besluitvorming* op concrete issues bleek een aantal condities cruciaal bij de totstandkoming van anti-corruptie hervormingen:

- de betrokkenheid van de internationale donorgemeenschap bij de issues;
- een kleiner aantal betrokken besluitvormers;
- meer hervormingsgezinde (meest conservatieve) besluitvormers.

De Wereldbank kan individuele programma-deelnemers alert maken op het belang van deze condities. Zo kan een meer vergaande hervorming worden bereikt wanneer deze geagendeerd wordt kort nadat een machtige besluitvormer een meer progressieve positie heeft geuit. Daarnaast kunnen deelnemers en anderen overgaan tot overreding van een conservatieve besluitvormer, met wie verdergaande hervormingen kunnen staan of vallen. Gelet op de invloed van de internationale donorgemeenschap lijkt het hierbij zinvol om de bestaande communicatiekanalen tussen de internationale donorgemeenschap en nationale besluitvormers goed te benutten.

Op het niveau van de *politiek-bestuurlijke context* geldt tenslotte dat de situatie met betrekking tot burgerlijke en politieke vrijheden verbeterd kan worden, voordat men overgaat tot het verspreiden van een anti-corruptieprogramma. Ook de aanvankelijk minder gedemocratiseerde landen kunnen zo bij anti-corruptiebeleid worden betrokken.

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Promoting anti-corruption reforms

Curriculum Vitae

Carolien Klein Haarhuis studied international relations at the faculty of Public Policy & Public Administration of the University of Twente. During her studies, she completed internships at the United Nations International Trade Center (ITC) in Geneva and at the United Nations Center for Regional Development (UNCRD) in Nairobi, Kenya.

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