



# Anti-Corruption Commissions

Why some succeed and others fail:  
"Ten commandments" and "seven deadly sins"  
(A review from the literature)

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# Why ACCs fail: The 7 Deadly Sins

- Political Sins
- Economic Sins
- Governance Sins
- Legal Sins
- Organisational Sins
- Performance Sins
- Public Confidence Sins



# Political Sins

- Absence of strong political commitment to reduce corruption (but high level of political resistance to attempted corruption initiatives)
  - Establishment of ACCs for reasons other than reducing corruption (e.g. to appease donors, investors, public opinion)
  - Diversion of political energy & resources due to crises or new political priorities
  - Decline of political will after investigations come close to powerful interests (e.g. 'ringfencing' of areas of corrupt practises & corruption practitioners)

Most deadly  
of all !!



# Economic Sins

- An economic environment conducive to endemic corruption:
  - High level of opportunities & incentives for corruption through complicated bureaucratic regulations and procedures (e.g. tax regime, trade/currency restrictions, etc.)
- ACC resources inadequate to the tasks:
  - Results in overload and may result in breakdown of ACC



# Governance Sins

- ACC as 'island of integrity' in a 'sea of corruption'
  - but ACC cannot work in an institutional vacuum with sole responsibility for reducing corruption
  - Police and other public agencies cannot or do not co-operate



# Legal Sins

- Inadequate, ineffective and unenforceable laws on corruption, e.g.:
  - Insufficient legal powers of ACC regarding burden of proof & criminalisation of 'illicit enrichment'
  - Badly defined corruption offences
  - Prosecution body which is inefficient, ineffective, uncooperative or corrupt (in cases where prosecution for corruption offences not under the control of ACC)
  - Inefficient judicial system (backload of cases, corrupt prosecutors or judges)



# Organisational Sins

- Inappropriate structures, priorities and status of ACC:
  - ACCs imitating the Hongkong model not 'made to measure' and 'tailored to fit' local conditions/needs
  - Priority to investigative function/ prosecution of corrupt acts that have already taken place/ reliance on enforcement
  - Rather than preventing corrupt conduct/ eliminating opportunities & incentives
  - Political influence and interference may undermine independence and impartiality of ACC; ACC may even become a political tool of governments to harass critics or regime
  - Statutory independence of ACC may cut it off from political support while embedding the ACC in the Office of the President may compromise its operational freedom



# Performance Sins

- Ineffective organisations falling short of unrealistic expectations:
  - Organisational shortcomings: lack of measurable set of aims & objectives, lack of realistic action & business plans to achieve objectives, lack of adequate statistical information on own activities
  - Lack of sufficient staff with experience & adequate skills
  - Haphazard, incomplete & inconclusive investigations provide inadequate evidential bases for successful prosec.
  - New agencies overwhelmed by backlog of cases from past
  - Erosion of staff morale through ever-expanding case loads, inadequate resourcing and external criticism



# Public Confidence Sins

- Public confidence & trust in ACCs is low:
  - Public unlikely to become an important source of intelligence where trust is low
  - Appointment mechanism for head of agency, perceived political interference or other factors undermining confidence in the integrity of ACC leadership & staff
  - Lack of awareness /information of public leads to poor public engagement with ACC
  - Inadequate consultation & involvement of civil society (business, churches, ngos, etc.)
  - Little prospect of public opinion mobilising in support of ACC when trust & awareness are low
  - Media may not assist ACC, where mass media is controlled



# 10 Commandments for Success

1. Political will & broad political support
2. Medium rather than very high levels of corruption
3. ACC part of comprehensive anti-corruption strategy
4. Economic stability & focus on reducing incentives & opportunities for corruption
5. Adequate financial resources & skilled staff
6. Clear & relevant mission with focus less on punishment & more on prevention supported by business plan & performance measurement
7. Appropriate legal framework – sufficient legal powers for investigative & preventive work
8. Operational independence & freedom from political interference
9. High standards of integrity of ACC leaders & staff
10. Public awareness & confidence