



# INSTITUTIONAL INTEGRITY

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An Essential Building Block of Sustainable Reform

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## LETTER FROM THE DIRECTOR OF TETRA TECH DPK

Dear readers,

Since Tetra Tech DPK was founded in 1992 we have been aware of the importance of capable, service-oriented, and transparent public institutions for achieving economic and social development. Our constant mission has been to help strengthen institutions in developing countries, initially in the justice sector and then more broadly in public administration.

In the countries where we work, we have been concerned by situations where weak and corrupt institutions have impeded development progress. It was evident to us that technical assistance and training in prevention, control, and enforcement measures had not provided an adequate response. We became convinced of the need for an alternative, politically sensitive approach based on positive virtues of quality performance, public service orientation, and adherence to high ethical standards.

Beginning in 2004, under the leadership of our co-founder, William Davis, and senior field representative Josefina Coutiño, we were able to initiate a program in the Dominican Republic that emphasized this approach in response to the strong interest of a reform-minded President of the Supreme Court. Since then, as our experience with institutional integrity has evolved, we have been encouraged by how this approach has been received, adapted and implemented in other environments.

We have decided to sponsor a study of institutional integrity, looking beyond our own experience to examine academic research and international practice. To conduct this study, we called on Ambassador James Michel. Ambassador Michel is a respected thought leader on issues of good governance and the rule of law. He has provided consulting services for Tetra Tech DPK for many years and is familiar with our work.

We believe that building integrity in public institutions is an essential aspect of building a culture of lawfulness and integrity in the broader society. Our hope is that this study will be a useful focal point for sharing knowledge and stimulating discussion on the theme of institutional integrity within the development community. We hope you will enjoy reading the study. We will welcome hearing from practitioners, scholars, representatives of governments and multilateral organizations, and others who share our interest in increasing the effectiveness of development cooperation.

Sincerely,

Robert W. Page, Jr.

**Director**  
Tetra Tech DPK

## ACRONYMS AND ABBREVIATIONS

<b>ANTICORRP</b>	Anticorruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption
<b>APEC</b>	Asia-Pacific Economic Cooperation
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women or Committee on the Elimination of Discrimination against Women
<b>CONAVIM</b>	National Commission to Prevent and Eradicate Violence against Women (Mexico)
<b>DLP</b>	Development Leadership Program
<b>DRG</b>	Democracy, Human Rights, and Governance
<b>ERCAS</b>	European Research Centre for Anti-Corruption and Statebuilding
<b>EU</b>	European Union
<b>GEMAP</b>	Government Economic Management and Assistance Program (Liberia)
<b>HLPF</b>	High Level Political Forum on Sustainable Development
<b>IACAC</b>	Inter-American Convention against Corruption
<b>IDA</b>	International Development Association
<b>IMF</b>	International Monetary Fund
<b>IPI</b>	Index of Public Integrity
<b>MCC</b>	Millennium Challenge Corporation
<b>MESICIC</b>	Mechanism for Follow Up on the Implementation of the Inter-American Convention against Corruption
<b>OAS</b>	Organization of American States
<b>ODI</b>	Overseas Development Institute
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>SDGs</b>	Sustainable Development Goals
<b>TI</b>	Transparency International
<b>Tt DPK</b>	Tetra Tech DPK
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNCAC</b>	United Nations Convention against Corruption
<b>UNDP</b>	United Nations Development Program
<b>UNODC</b>	United Nations Office for Drugs and Crime
<b>US</b>	United States
<b>USAID</b>	United States Agency for International Development
<b>WDR</b>	World Development Report

## INTRODUCTION AND SUMMARY

The complex process of societal change is the subject of a vast and diverse body of study and analysis. Scholars have sought to explain this phenomenon by examining cultural, economic, geographic, historical, political, psychological, security, and societal influences and the relationships among them.<sup>1</sup>

The essence of economic, social, and political development is transformative change that enables a society to become more stable, just, and prosperous, with shared values and interests grounded in human freedom and opportunity. The prospects for success will be influenced by many factors: the degree of receptivity in the society, the motivations of proponents of change, the ability of leaders, the availability of necessary knowledge and resources, and the adequacy of measures to address the needs and concerns of those who are opposed to change.

Experience has shown that such societal change is a long-term process that demands participatory analysis to establish goals, capacity to articulate a compelling vision to communicate those goals, and persistent effort by a broad range of stakeholders with continuous monitoring of progress and flexible adaptation to respond to lessons learned and changing conditions.

This report on institutional integrity examines a promising approach for addressing a particular aspect of change: the fundamental need for competent, fair, and accountable public institutions. This includes institutions in the sense of accepted norms that guide public policies as well as the public organizations that give effect to those norms and policies. The report discusses the concept of institutional integrity, how it has been applied in practice, and the potential of international cooperation to contribute to it.

Chapter 1 begins with an exploration of interrelationships: between economic and social development and governance and between governance and corruption. In essence, when corruption undermines effective governance it impedes economic and social development. The chapter places the issues in the context of agreed principles of effective development cooperation – especially the importance of local ownership and context-appropriate approaches – and takes note of the limited effectiveness of past efforts to address the major impediment of persistent corruption.

Chapter 2 introduces the concept of institutional integrity as a way to shift the paradigm for anti-corruption and good governance efforts from a negative one of prevention, control, and punishment to a positive one of commitment to excellent performance and public service orientation in a context where leadership and staff take pride in their organization and are guided in their actions by common purpose, high performance standards, and shared ethical values. The chapter provides examples of academic studies of institutional integrity and national strategies that

<sup>1</sup> Green, Duncan, *How Change Happens* (Oxford, UK: Oxford University Press, 2016), with its “Power and Systems Approach,” is an impressive effort, as the author says, at “pulling it all together.” Some explanations have emphasized culture, such as Landes, David S., *The Wealth and Poverty of Nations: Why Some Are So Rich and Some So Poor* (New York: W.W. Norton & Company, 1998) and Harrison, Lawrence E., and Samuel P. Huntington, editors, *Culture Matters: How Values Shape Human Progress* (New York: Basic Books, 2000). Some have emphasized the history of institutions, such as Acemoglu, Daron, and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity and Poverty* (New York: Crown Business, 2012). Some have emphasized political dynamics, such as Fukuyama, Francis, *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy* (New York: Farrar, Straus and Giroux, 2014) and Khan, Mushtaq H., *Political Settlements and the Governance of Growth Enhancing Institutions* (London: SOAS University of London, 2010), [eprints.soas.ac.uk/9968/1/Political\\_Settlements\\_internet.pdf](https://eprints.soas.ac.uk/9968/1/Political_Settlements_internet.pdf). Some combine multiple perspectives, such as North, Douglass C., John Joseph Wallis, and Barry Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (New York: Cambridge University Press, 2009) as well as North, Douglas C., John Joseph Wallis, Steven B. Webb, and Barry R. Weingast, *Limited Access Orders in the Developing World: A New Approach to the Problems of Development* (Washington, DC: World Bank, 2007), <https://openknowledge.worldbank.org/handle/10986/7341>. Some view human history with a scientific perspective, such as Diamond, Jared, Guns, Germs, and Steel: *The Fates of Human Societies* (New York: W.W. Norton & Company, 1999).

have relied on institutional integrity to help improve the quality of governance.

Chapter 3 reviews the use of institutional integrity in international development. It examines practices of the United States, Europe, and multilateral organizations in their emerging reliance on institutional integrity approaches in furtherance of public sector reform. The chapter calls particular attention to two major multilateral developments. First, the United Nations Convention against Corruption (UNCAC) established a widely endorsed global standard of public sector institutional integrity and created a mechanism that can monitor country performance against that standard. Second, the Organization for Economic Cooperation and Development (OECD) launched and has vigorously promoted a three-part strategy to cultivate a society-wide culture of integrity based on a coherent and comprehensive public integrity system and effective accountability. OECD activities in furtherance of this strategy include an increasing number of country integrity reviews.

Chapter 4 provides a case study of how Tetra Tech DPK, an international consulting firm that specializes in issues of good governance and the rule of law, has collaborated with local actors to implement a distinctive approach to institutional integrity. The chapter traces the steps in the development of this approach over more than a decade of experience in working with public organizations in four Latin American countries:

- This experience began with mutual recognition of the need to address four components of institutional integrity: norms and public policies; organizational culture; transparent, efficient, and effective management; and a system of consequences. This led to a methodology of self-assessment, inclusive planning, and implementation of a locally owned action program.
- A second phase involved the development of monitoring and evaluation systems based on the priorities chosen by the concerned organization. This provided a continuing flow of up-to-date, reliable information to sustain progress.
- A third phase was the adoption of a procedure for periodic certification by an outside body. This provides an additional way to incentivize and sustain a virtuous circle of continuous vigilance and improvement.

The evolution of Tt DPK's experience is continuing with exploration of ways to engage civil society more broadly in the process of sharing knowledge and providing oversight and support for institutional integrity.

Chapter 4 also describes Tt DPK's different experiences in four countries: the Dominican Republic, Peru, Mexico, and El Salvador. These experiences illustrate the achievements of the institutional integrity approach and the impact in those countries as well as the limitations of international development cooperation as a means for fostering transformative societal change. Regarding the limitations, efforts to build institutional integrity have largely been pursued within the framework of international cooperation projects which have reached only a few public organizations. This approach would have a far greater impact if these project examples were to lead to the adoption of institutional integrity as a matter of national policy and applied generally as a tool for strengthening the efficiency, effectiveness, transparency, and accountability of public organizations.

Finally, Chapter 5 of the report offers general observations about the process of societal change and the role of institutional integrity in theory and in practice. These observations reiterate the importance of international cooperation that is respectful of and responsive to local knowledge, systems, and responsibilities and the need for coherence and coordination among development, diplomatic, and law

enforcement channels of cooperation.

Chapter 5 acknowledges that efficient and trustworthy public institutions are necessary but not sufficient to achieve a culture of lawfulness and integrity. Additional factors such as economic policies, access to technology, press freedom, public education, visible centers of moral authority and role models, an engaged civil society, and media attention are all important to achieve a broad shift in values, beliefs and behavior.

The concluding observations call attention to ways to enhance the important roles of the UNCAC review mechanism, the UN system for monitoring progress toward the Sustainable Development Goals, and the OECD public integrity initiative. In particular, these include ways to increase coherence and coordination of efforts and to expand opportunities for participation by civil society and other stakeholders.

The report's final conclusion is that the integrity of public institutions can make a significant contribution to coherent and comprehensive national strategies to build a culture of lawfulness and integrity and to achieve sustainable economic, social, and political development. Therefore, such strategies merit thoughtful international encouragement and support.

# 1

## DEVELOPMENT, GOVERNANCE, AND CORRUPTION

The intimate connection between economic and social development and effective governance has long been recognized.<sup>2</sup> The consensus view remains, as expressed by global leaders in the 2005 World Summit Declaration, that “good governance and the rule of law ... are essential for sustained economic growth, sustainable development and the eradication of poverty and hunger.”<sup>3</sup>

It is equally well established that capable, fair, and accountable institutions are essential for achieving and sustaining effective governance.<sup>4</sup> The World Bank’s Worldwide Governance Indicators define “governance” as consisting of “the traditions and institutions by which authority in a country is exercised” and this includes “the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them.”<sup>5</sup>

The realization that traditions and institutions of governance have a substantial impact on economic and social development has generated a distinct body of development studies and broadened the development agenda to include increased emphasis on improved governance.<sup>6</sup> This emphasis has also

<sup>2</sup> See World Bank, *Governance and Development* (Washington, DC: World Bank, 1992), <http://documents.worldbank.org/curated/en/604951468739447676/Governance-and-development>; Hydén, Göran, and Julius Court, *Governance and Development*, (Helsinki: United Nations University, 2002), <http://archive.unu.edu/p&g/wgs>. The latter document was a background paper for the World Development Survey, a pilot phase of the World Governance Assessment described at <https://www.odi.org/projects/1286-world-governance-assessment>.

<sup>3</sup> United Nations, *2005 World Summit Outcome*, UNGA Res. 60/1 (New York: UN, 2005), para. 11, <https://undocs.org/A/RES/60/1>. There is broad agreement on the strong correlation between the quality of governance and socioeconomic development. However, scholars have disagreed on the direction of causation and the strength of the correlation. See, e.g., Kaufman, Daniel, and Aart Kray, *Governance and Growth: Causality which way?* (Washington, DC: World Bank, 2003), [http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/growthgov\\_synth.pdf](http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/growthgov_synth.pdf). See also Stojanović, Ilija, Jovo Ateljević, and R. Stevan Stević, “Good Governance as a Tool of Sustainable Development” in *European Journal of Sustainable Development* (2016), vol. 5, no. 4, 558-573. <https://www.ecsdev.org/ojs/index.php/ejsd/article/download/432/429>.

<sup>4</sup> See North, Douglass, “The New Institutional Economics and Third World Development” in Harriss, John, Janet Hunter, and Colin Lewis (ed), *The New Institutional Economics and Third World Development* (London and New York: Routledge, 1995), 17-26. See also Rodrik, Dani, Arvind Subramanian and Francesco Trebbi, *Institutions Rule: The Primacy of Institutions over Integration and Geography in Economic Development*, IMF Working Paper WP/02/189 (Washington, DC: IMF, 2002), <https://www.imf.org/external/pubs/ft/wp/2002/wp02189.pdf>.

<sup>5</sup> World Bank, *Worldwide Governance Indicators* (Washington, DC: World Bank 2017b), <http://info.worldbank.org/governance/wgi/index.aspx#home>. The indicators record data over the period 1996-2016 regarding voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption. The sources cited above in note 2 illustrate the many definitions of governance and approaches to measuring it. See also Rotberg, Robert, *On Governance: What It Is, What It Means, and Its Policy Uses* (Waterloo, ON: Center for International Governance Innovation, 2015), 14, which defines and measures governance in terms of how well a state delivers public goods for safety and security, rule of law and transparency, participation and respect for human rights, and sustainable economic opportunity and human development.

<sup>6</sup> See OECD, *DAC Orientations on Participatory Development and Good Governance* (Paris: OECD, 1995), <https://www.oecd.org/dac/accountable-effective-institutions/31857685.pdf>; OECD, *Final Report of the Ad Hoc Working Group on Participatory Development and Good Governance* (Paris: OECD, 1997), [http://www.participatorymethods.org/sites/participatorymethods.org/files/final%20report%20on%20the%20ad%20hoc%20working%20group\\_OECD.pdf](http://www.participatorymethods.org/sites/participatorymethods.org/files/final%20report%20on%20the%20ad%20hoc%20working%20group_OECD.pdf); World Bank, *Governance and Development*.



influenced aid allocations in some cases.<sup>7</sup> As the scope of international activities and the range of actors involved with issues of governance have expanded, so has the scope of research, policy debates, definitions, and approaches.<sup>8</sup>

Many programs of international support for strengthening the institutions of governance have achieved their specified objectives. However, there have been persistent criticisms that too often these programs did not contribute to lasting change. One criticism is that in many cases they were insufficiently aligned with local attitudes, incentives, politics, systems, and values.<sup>9</sup> A related concern is that they failed to overcome entrenched resistance from powerful political and economic interests that benefited from weak and often corrupt institutions of governance.<sup>10</sup>

Widely endorsed international instruments embrace the principle of respect for local ownership and local context. For example, the 2011 Busan Partnership Declaration begins its enumeration of shared common principles of cooperation for effective development with:

*Ownership of development priorities by developing countries.* Partnerships for development can only succeed if they are led by developing countries, implementing approaches that are tailored to country-specific situations and needs.<sup>11</sup>

This principle was forcefully reiterated in the UN General Assembly resolution adopted at the Sustainable Development Summit in 2015:

We reiterate that each country has primary responsibility for its own economic and social de-

*Many programs of international support for strengthening the institutions of governance have achieved their specified objectives. However, there have been persistent criticisms that too often these programs did not contribute to lasting change.*

<sup>7</sup> See Rothstein, Bo, and Jan Teorell, “Defining and measuring quality of government” in Holmberg, Sören, and Bo Rothstein, editors, *Good Government: The Relevance of Political Science* (Northampton, MA: Edward Elgar Publishing Inc., 2012), 13-39. (The authors’ believe that the basic norm of good government is “impartiality in the exercise of public power,” presented as the following proposition: “When implementing laws and policies, government officials shall not take anything about the citizen or case into consideration that is not beforehand stipulated in the policy or the law.”) See also European Commission, *Methodology for country allocations: European Development Fund and Development Cooperation Instrument 2014-2020* (Brussels: European Commission, 2014), [https://ec.europa.eu/europeaid/sites/devco/files/allocation-methodology\\_en\\_3.pdf](https://ec.europa.eu/europeaid/sites/devco/files/allocation-methodology_en_3.pdf); Aubut, Julie, *The Good Governance Agenda: Who Wins and Who Loses* (London: London School of Economics, 2004), <http://www.lse.ac.uk/internationalDevelopment/pdf/WP/WP48.pdf>.

<sup>8</sup> Many examples of definitions and approaches are summarized in Grindle, Merilee, “Good Enough Governance Revisited,” *Development Policy Review*, vol. 25, no. 5, 553-574 (2007) and in Gisselquist, Rachel, *Good Governance as a Concept, and Why This Matters for Development Policy* (Helsinki: United Nations University World Institute for Development Economics Research Working Paper 2012/30, 2012), <https://www.wider.unu.edu/sites/default/files/wp2012-030.pdf>.

<sup>9</sup> See Upton, Sue, *An Upside Down View of Governance* (Brighton: Institute of Development Studies, 2010); Carothers, Thomas, and Diane de Gramont, *Development Aid Confronts Politics: The Almost Revolution* (Washington, DC: Carnegie Endowment for International Peace, 2013); Andrews, Matt, *The Limits of Institutional Reform in Development: Changing Rules for Realistic Solutions* (New York: Cambridge University Press, 2013).

<sup>10</sup> Mungiu-Pippidi, Alina, “Corruption: Diagnosis and Treatment.” *Journal of Democracy*, vol. 17, no. 3, 86-99 (2006). <https://www.journalofdemocracy.org/sites/default/files/Mungiu-Pippidi-17-3.pdf>.

<sup>11</sup> Busan Conference, *Busan Partnership for Effective Development Cooperation* (adopted at the Fourth High Level Forum on Aid Effectiveness on December 1, 2011, para. 11, Busan. <http://www.oecd.org/dac/effectiveness/49650173.pdf>. The other principles set out in paragraph 11 of the Busan Declaration are a focus on results, inclusive development partnerships, and transparency and accountability to each other.

velopment and that the role of national policies and development strategies cannot be over-emphasized.<sup>12</sup>

The principle of respect for local ownership and local context also finds expression in the policies of most development agencies.<sup>13</sup> However, progress in implementing this principle has been uneven.<sup>14</sup>

There is evidence that the gap between policy and practice may be closing and that international development cooperation is making greater use of problem-directed, iterative, and adaptive approaches with increased reliance on local systems and greater attention to the local political context.<sup>15</sup> It is now widely recognized that international support for anticorruption efforts needs to be consistent with the principles of effective development cooperation.<sup>16</sup>

But where there is entrenched resistance from powerful political and economic interests (as in situations where corruption is embedded in a culture of privilege and inequality), international actors are understandably reluctant to rely on local systems and institutions. This dilemma necessarily impedes effective international cooperation and adds an additional layer of complexity to international support for good governance.

Corruption is a major obstacle to development, a corrosive and destructive influence on governance,

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<sup>12</sup> UN General Assembly, *Transforming Our World*, UNGA Res. 70/1 (New York: September 25, 2015) <https://undocs.org/A/RES/70/1>, para. 63. The quoted statement builds on a consistent history from the Millennium Declaration in 2000 to the Monterrey Consensus in 2002 to the Paris Declaration on Aid Effectiveness in 2005 to the Busan Partnership Declaration in 2011 to the Addis Ababa Action Agenda on Financing for Development in 2015. Identical language appears in the Addis Ababa Agenda, UNGA Res. 69/313 (New York: July 27, 2015), <https://undocs.org/A/RES/69/313>.

<sup>13</sup> For example, USAID guidance now includes the following: *Local Systems: A Framework for Supporting Sustained Development* (2014), <https://www.usaid.gov/sites/default/files/documents/1870/LocalSystemsFramework.pdf>; a program cycle directive based on strategic collaboration, continuous learning, and adaptive management, Program Cycle Operational Policy, Automated Directives System 201 – see especially sections 201.3.5.19-22 (2016), <https://www.usaid.gov/sites/default/files/documents/1870/201.pdf>; and a toolkit on collaborating, learning and adapting (2018), <https://usaideallearninglab.org/cla-toolkit>.

<sup>14</sup> See Andrews, Matt, *The Limits of Institutional Reform in Development: Changing Rules for Realistic Solutions*, (New York: Cambridge University Press, 2013); “Clashing Aid Effectiveness Agendas” in Carothers, Thomas, and Diane de Gramont, *Development Aid Confronts Politics: The Almost Revolution* (Washington, DC: Carnegie Endowment for International Peace, 2013), 269-273. See also Levy, Brian, *Working with the Grain: Integrating Governance and Growth in Development Strategies* (New York: Oxford University Press, 2014), 203-207.

<sup>15</sup> Overall progress is discussed in OECD/UNDP, *Making Development Cooperation More Effective: 2016 Progress Report* (Paris: OECD, 2016), 59-82, <http://dx.doi.org/10.1787/9789264266261-en>. See the many examples of changing practice described in Wild, Leni, and Matt Andrews, *Doing development differently: Who we are; What we're doing; What we're learning* (London: ODI, 2016), <https://www.odi.org/sites/odi.org.uk/files/resource-documents/11199.pdf>. See also Booth, David, and Sue Unsworth, *Politically smart, locally led development* (London: ODI, 2015), <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9158.pdf>. For an excellent exposition on a Doing Development Differently approach to institutional reform, see Manuel, Clare, *Delivering institutional reform at scale: Problem-driven approaches supported by adaptive programming* (London: DFID Legal Assistance for Economic Reform Program, 2016), <https://assets.publishing.service.gov.uk/media/591c525ce5274a5e4e00002c/laser-second-synthesis-paper-delivering-institutional-reform-at-scale-final-feb-2016.pdf>. For a reading list on the evolution of politically smart, locally led development, see Booth, David, *Thinking and Working Politically* (Birmingham: Governance and Social Development Resource Center (GSDRC), 2015), [http://gsdrc.org/docs/open/reading-packs/twp\\_rp.pdf](http://gsdrc.org/docs/open/reading-packs/twp_rp.pdf)

<sup>16</sup> See, e.g., Quibria, M.G., “Foreign Aid and Corruption: Anti-Corruption Strategies Need Greater Alignment with the Objectives of Aid Effectiveness,” *Georgetown Journal of International Affairs*, vol. 18, no. 2 (2017), 10-17. <https://georgetown.app.box.com/s/23ybhe5mvmd7fehm5w0aoww77izq9f7o>.

and an impediment to effective development cooperation.<sup>17</sup> It has become the subject of a specialized body of work within the broad study of the relationship between effective governance and sustainable development.<sup>18</sup> The Sustainable Development Goals include the substantial reduction of corruption as a specific target for Goal 16, the goal that calls for the promotion of peaceful and inclusive societies, access to justice for all, and effective, accountable and inclusive institutions at all levels.

There are several widely known systems for public reporting on corruption, such as Transparency International's *Corruption Perceptions Index*, the *Index of Public Integrity* of the European Research Center for Anti-Corruption and State Building, and the World Bank's *Worldwide Governance Indicators*.<sup>19</sup> The Millennium Challenge Corporation draws upon up to 23 different assessments and surveys, depending on availability, each of which receives a different weight, depending on its estimated precision and country coverage.<sup>20</sup>

In addition, there is an extensive network of multilateral treaties that oblige the parties to refrain from and respond effectively to corruption. In addition to the universal United Nations Convention against Corruption (UNCAC), these include a host of regional and specialized agreements.<sup>21</sup> Since the adoption of UNCAC UN members have observed an International Anti-Corruption Day each year on December 9.

The strategies in common use for combating corruption through international cooperation have tended to emphasize selectivity (as in limiting eligibility for aid or other benefits to countries that meet certain standards), preventive deterrence (as in technical assistance to help strengthen local capabilities in public financial management, public employment systems, and internal controls), transparency (as in support for open government initiatives and civil society advocacy), and enforcement (as in strengthening local detection and punishment capabilities, including with new anticorruption institutions).<sup>22</sup> However, experience has demonstrated that the results achieved with these strategies tend to

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<sup>17</sup> See Dimant, Eugen, and Guglielmo Tosato, *Causes and Effects of Corruption: What Has Past Decade's Research Taught Us?: A Survey*, *Journal of Economic Surveys*, vol. 32, no. 2 (2018), 335-356. See also UN Development Program, *Corruption and Development* (New York: UNDP, 2008), [http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/corruption/Corruption\\_and\\_Development\\_Primer\\_2008.pdf](http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/corruption/Corruption_and_Development_Primer_2008.pdf); "The Costs and Causes of Corruption: An Overview of Cross-Country Empirical Results" in Rose-Ackerman, Susan, and Bonnie J. Palifka, *Corruption and Government: Causes, Consequences, and Reform* (New York: Cambridge University Press, 2016), pp. 27-38.

<sup>18</sup> See the Sustainable Development Knowledge Platform, Goal 16 Targets and Indicators, <https://sustainabledevelopment.un.org/sdg16>. The magnitude of the literature on this subject is illustrated by the 67 pages of bibliographic references in Rose-Ackerman, Susan, and Bonnie J. Palifka, *Corruption and Government*.

<sup>19</sup> See the websites for these indices at, respectively: [https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2017](https://www.transparency.org/news/feature/corruption_perceptions_index_2017); <https://integrity-index.org>; and <http://info.worldbank.org/governance/wgi/#home>. There are also specialized indices that include measures of corruption, such as the World Justice Project's *Rule of Law Index*, <https://worldjusticeproject.org/our-work/publications/rule-law-index-reports/wjp-rule-law-index-2017-2018-report>.

<sup>20</sup> See Millennium Challenge Corporation website, "Control of Corruption Indicator," <https://www.mcc.gov/who-we-fund/indicator/control-of-corruption-indicator>. See also the long list of data sources for the *Corruption Perceptions Index* in Rose-Ackerman, Susan, and Bonnie J. Palifka, *Corruption and Government*, pp. 40-41.

<sup>21</sup> See the 2004 United Nations Convention against Corruption, [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf); 1997 OECD Convention on Combating Bribery of Foreign Public Officials, [https://www.oecd.org/daf/anti-bribery/ConvCombatBribery\\_ENG.pdf](https://www.oecd.org/daf/anti-bribery/ConvCombatBribery_ENG.pdf); 1996 Inter-American Convention against Corruption, [http://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_B-58\\_against\\_Corruption.asp](http://www.oas.org/en/sla/dil/inter_american_treaties_B-58_against_Corruption.asp); 2003 African Union Convention on Preventing and Combating Corruption, [https://au.int/sites/default/files/treaties/7786-treaty-0028\\_-\\_african\\_union\\_convention\\_on\\_preventing\\_and\\_combating\\_corruption\\_e.pdf](https://au.int/sites/default/files/treaties/7786-treaty-0028_-_african_union_convention_on_preventing_and_combating_corruption_e.pdf); 1999 Council of Europe Criminal Law and Civil Law Conventions on Corruption, <https://rm.coe.int/168007f3f5> and <https://rm.coe.int/168007f3f6>.

<sup>22</sup> See Savedoff, William, *Anti-Corruption Strategies in Foreign Aid: From Controls to Results* (Washington, DC: Center for Global Development Policy Paper 076, 2016), <https://www.cgdev.org/sites/default/files/CGD-policy-paper-Savedoff-anticorruption>

be disappointing.<sup>23</sup>

The World Bank's *World Development Report 2017* presents the following logic:

- Local institutions need to enhance policy effectiveness by enabling credible commitment, inducing coordination, and enhancing cooperation.
- Policy making and implementation measures to enable local institutions to enhance their effectiveness involve bargaining that reflects the local power equilibrium.
- Power asymmetries can inhibit the ability of institutions to achieve the needed credible commitment and effectiveness.
- Therefore, international support for reform needs to address those asymmetries.

According to the WDR's analysis, this means it is necessary to consider needs for changes in contestability (who is included in and who is excluded from the policy arena), incentives (how decision makers are held accountable and how the benefits of compliance are shared), and preferences and beliefs (how stakeholders judge the likely outcome of compliance). The WDR identifies the drivers of change for these factors as including elite bargains, citizen engagement, and international influence.<sup>24</sup>

The foregoing analysis suggests that efforts to overcome tolerance of corruption and resistance to change should address issues of control and compliance through broad engagement of local stakeholders in participatory efforts to build a culture of shared values and mutual trust. This is consistent

*...a regulatory and law enforcement response to crime and corruption needs to be accompanied by a complementary strategy to achieve a broad societal shift in values and a culture of lawfulness.*

with the argument advanced persuasively by Professor Roy Godson in 2000 that a regulatory and law enforcement response to crime and corruption needs to be accompanied by a complementary strategy to achieve a broad societal shift in values and a culture of lawfulness.<sup>25</sup> Such an approach offers the promise of enabling local actors to take the lead while aligning international support with the principles of effective development cooperation and local realities.

In a background paper for the WDR 2017, Professor Alina Mungiu-Pippidi, a leading expert in anticorruption, described the issue in terms of seeking equilibrium between opportunities and constraints. For example, opportunities for corrupt acts often involve abuse of natural resources wealth, administrative discretion, and public spending;

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tion-agenda.pdf. See also Zaum, Dominik, *PFM and corruption* (Birmingham: Governance and Social Development Resource Centre, 2016), [http://gsdrc.org/wp-content/uploads/2016/06/PFM-and-corruption\\_RP.pdf](http://gsdrc.org/wp-content/uploads/2016/06/PFM-and-corruption_RP.pdf); World Bank, *Combating Corruption Brief* (Washington, DC: World Bank, 2017c), <http://www.worldbank.org/en/topic/governance/brief/anti-corruption>. USAID, *Practitioners' Guide for Anticorruption Programming* (Washington, DC: USAID, 2015), [https://www.usaid.gov/opengov/developer/datasets/Practitioner%27s\\_Guide\\_for\\_Anticorruption\\_Programming\\_2015.pdf](https://www.usaid.gov/opengov/developer/datasets/Practitioner%27s_Guide_for_Anticorruption_Programming_2015.pdf).

<sup>23</sup> See Independent Evaluation Group, *Governance and Anti-Corruption: Ways to Enhance the World Bank's Impact* (Washington, DC: World Bank, 2006), [http://siteresources.worldbank.org/INTOED/Resources/governance\\_anticorruption.pdf](http://siteresources.worldbank.org/INTOED/Resources/governance_anticorruption.pdf). The OECD Council observed in 2017: "Traditional approaches based on the creation of more rules, stricter compliance and tougher enforcement have been of limited effectiveness." OECD, *The OECD Recommendation of the Council on Public Integrity* (Paris: OECD, 2017), <http://www.oecd.org/gov/ethics/OECD-Recommendation-Public-Integrity.pdf>.

<sup>24</sup> World Bank, *World Development Report 2017: Governance and the Law* (Washington, DC: World Bank, 2017), 5-28. <http://www.worldbank.org/en/publication/wdr2017>.

<sup>25</sup> See Godson, Roy, *A Guide to Developing a Culture of Lawfulness*, Address prepared for the Inter-American Drug Abuse Control Commission (Washington, DC: OAS, 2004), <http://www.cicad.oas.org/apps/Document.aspx?Id=309>.

constraints on abuses include an independent judiciary, an informed civil society, and freedom of the media.<sup>26</sup>

An impressive 2017 study by Mungiu-Pippidi and Michael Johnston reviewed a broad array of statistical data and examined in-depth the experience of 10 successful countries. Their research produced several findings that can inform anticorruption efforts. In particular, they found that factors such as power discretion, rural residence, and dependency on natural resource revenues tended to undermine control of corruption while structural factors such as economic openness, social openness and press freedom had a positive influence.

In their case studies of successful efforts, they observed that progress has tended to be “long term, indirect and often independent of deliberate reforms.” Above all, they highlighted the complexity of transitions to good governance and the importance of achieving a critical mass of key figures, interest groups, and citizens who realize that they have a stake in effective, credible, and accountable government.

*“in the absence of the rule of law and judicial independence, the tools that the anti-corruption industry advocates do not work.”*

The case studies portray how very different circumstances, events, institutional changes, and personalities influenced the efforts of the studied countries to make the difficult transition from particularism to universalism. That is, their individual stories were about the journeys of societies – away from conditions where corruption was institutionalized and decisions were based on personal status and toward conditions in which corruption is controlled and decisions are made impartially with equal treatment in the application of established norms. Although the individual cases revealed some correlations and provided helpful insights, they revealed no consistency in patterns of action or in results. As Mungiu-Pippidi and Johnston put it, understandably, “there is no single recipe for corruption control.”

The authors recognized the prominence of corruption as an obstacle to good governance and the rule of law, but found that the results of international efforts to address this obstacle had fallen short. They also found that “in the absence of the rule of law and judicial independence, the tools that the anti-corruption industry advocates do not work.”

They concluded that the most important action “has at times been debate, contention or outright conflict over issues more fundamental than specific corrupt practices.” In particular, they suggested that such fundamental issues included:

- Who is to govern whom and with what justification?
- By what means, and within what limits?
- Whose voices will be heard and whose interests taken into account as policy is made and decisions are taken?<sup>27</sup>

<sup>26</sup> Mungiu-Pippidi, Alina, *Corruption as Social Order* (Washington, DC: World Bank, 2017), <https://openknowledge.worldbank.org/handle/10986/27046>. This analysis is based on Mungiu-Pippidi, Alina, *The Quest for Good Governance: How Societies Develop Control of Corruption* (Cambridge: Cambridge University Press, 2015).

<sup>27</sup> Mungiu-Pippidi, Alina, and Michael Johnston, “Conclusions and Lessons Learned,” in Mungiu-Pippidi, Alina and Michael Johnston, editors, *Transitions to Good Governance: Creating Virtuous Circle of Anticorruption* (Cheltenham, UK: Edward Elgar Publishing Limited, 2017), 234-266. The 10 case studies were Botswana, Qatar, Rwanda, Uruguay, Georgia, Estonia, South Korea, Taiwan, Costa Rica, and Chile.

## CLOSING THOUGHTS ON CHAPTER 1

This chapter has reviewed briefly the connection between governance and development, effectiveness in international development cooperation, and the challenge posed by corruption. The search for improved anticorruption strategies has led to growing interest in addressing corruption, not as a separate issue, but as one aspect of societal and institutional weakness that should be addressed through a broader effort to change societal interests, beliefs, and values, including through improvements in public institutions of their overall quality, effectiveness, user orientation, and adherence to ethical values.

Research has confirmed that transitions to good governance involve far more than efforts to combat corruption. Successful transitions involve many interdependent factors, such as economic growth and opportunity, public health and education, an engaged civil society with access to information and the protection of the rule of law and a free press. Effective and trustworthy public institutions are only one part of the answer, but they are an important part. The effectiveness of efforts to strengthen public institutions, including their role in combating corruption, is the subject of the following chapter.

# 2

## GOVERNANCE AND INSTITUTIONAL INTEGRITY

An appealing alternative to traditional anticorruption strategies is to shift the paradigm from a focus on suppressing bad behavior to one of highlighting positive values, pride in self and organization, and commitment to excellent performance. This is the approach of institutional integrity. The fundamental concept is that an institution should function in a way that is fit for its purpose and the stakeholders in that institution should be guided in their actions by a common purpose and shared positive values.

It is not a new idea that anticorruption efforts should include a positive dimension. In 1988, in his pioneering study, *Controlling Corruption*, Robert Klitgaard recommended that harsh measures to break a climate of corruption and overcome cynicism (including by “frying a big fish”) should be accompanied by efforts to increase professionalism, persuade staff that they are affiliated with “a good organization for which to work,” and link anticorruption measures to advancing the organization’s main mission.<sup>28</sup>

Political scientist and educator Robert Keohane has identified integrity as a criterion of an institution’s very legitimacy. In his view, if “an institution exhibits a pattern of egregious disparity between its actual performance, on the one hand, and its self-proclaimed procedures or major goals, on the other, its legitimacy is seriously called into question.” In such a case, there is “reason to believe that key institutional agents are either untrustworthy or grossly incompetent, that the institution lacks correctives for these deficiencies, and that therefore the institution is unlikely to be effective in providing the goods that would justify taking its directives as binding.”<sup>29</sup>

*...corruption is basically a problem of governance; combating corruption requires the establishment of good governance; and therefore, “promotion of institutional governance and integrity should be considered as the key strategy to combat corruption.”*

The United Nations Convention against Corruption (UNCAC), which entered into force in 2005, declares that one of its purposes is “to promote integrity, accountability and proper management of public affairs and public property.” This declaration of purpose is given effect in commitments by the parties to the Convention, inter alia, that they will endeavor to strengthen merit-based civil service systems, employ standards of conduct for the correct, honorable, and proper performance of public functions, enhance transparency in public administration, and strengthen the integrity of their judicial and prosecution services.<sup>30</sup>

A substantial body of research is placing emphasis on institutional integrity. As two Bangladeshi scholars have cogently observed, corruption is basically a problem of governance; combating corruption

<sup>28</sup> Klitgaard, Robert, *Controlling Corruption*, Berkeley and Los Angeles, CA: University of California Press, 1988), 187-188.

<sup>29</sup> Keohane, Robert, *Governance and Legitimacy* (Berlin: German Research Foundation, 2007), 7, <https://d-nb.info/1019324511/34>.

<sup>30</sup> United Nations Convention against Corruption, Articles 1, 7, 8, 10, and 11, [https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf).

requires the establishment of good governance; and therefore, “promotion of institutional governance and integrity should be considered as the key strategy to combat corruption.”<sup>31</sup>

This emphasis on institutional integrity does not dispute the value of direct measures to prevent corruption, increase transparency, and enforce compliance. Rather, the institutional integrity approach regards such targeted efforts as a part – but only a part – of a broader overall purpose of promoting efficient and effective institutions that operate with transparency, fairness, and accountability. As cogently observed by Paul Heywood and his co-authors in a study discussed below, “compliance and values should not be seen in crude either-or terms: both are necessary in any system of public integrity management, and the critical issue is to identify the appropriate balance between them in any given jurisdictional setting.”<sup>32</sup>

An example of a positive approach is the framework developed by the International Consortium for Court Excellence. That framework brings together quality performance and ethical values to all areas of court management and leadership – policies, resources, proceedings, user satisfaction, affordable access, and public trust and confidence. The objective of reducing risks of corruption is thus embedded in the broader goal of excellent institutional performance that reflects shared ethical values.<sup>33</sup>

Integrity Action, a United Kingdom (UK)-based NGO, in its view of organizational integrity, regards the alignment of accountability, competence, ethics, and corruption control as “the set of characteristics

*The objective of reducing risks of corruption is thus embedded in the broader goal of excellent institutional performance that reflects shared ethical values.*

that justify trustworthiness and generate trust among stakeholders.” It believes that if an organization doesn’t deliver good results “it would not, ultimately, be acting with integrity” and that “integrity creates the conditions for organizations to intelligently resist corruption and to be more trusted and efficient.”<sup>34</sup>

Integrity Action emphasizes a community integrity building approach that focuses on broad participation extending beyond the internal processes of a public organization. This approach is based

on context sensitivity; joint learning; evidenced-based data collection, analysis, and verification; constructive engagement to identify solutions and advocate for change; and closing the loop through learning and impact assessment.<sup>35</sup>

Another example is found in a 2012 report on good governance and institutional integrity by the World Road Association, based on a collaborative study with the UN, World Bank, and Transparency International (TI). That study found that important factors for reducing corruption risks were:

<sup>31</sup> Rashid, Mohammed Mamun, and Fatema Johara, “Corruption and Institutional Integrity: The Case of Bangladesh” in *International Journal of Engineering Technologies and Management Research*, vol. 5, no. 2, (2018), 133-142, [https://www.researchgate.net/publication/323425676\\_CORRUPTION\\_AND\\_INSTITUTIONAL\\_INTEGRITY\\_THE\\_CASE\\_OF\\_BANGLADESH](https://www.researchgate.net/publication/323425676_CORRUPTION_AND_INSTITUTIONAL_INTEGRITY_THE_CASE_OF_BANGLADESH).

<sup>32</sup> Heywood, Paul, Heather Marquette, Caryn Peiffer, and Nieves Zúñiga, *Integrity and Integrity Management in Public Life* (Birmingham: University of Nottingham/University of Birmingham, 2017), 24, [http://pure-oai.bham.ac.uk/ws/files/42921002/D11\\_4\\_FINAL\\_combined.pdf](http://pure-oai.bham.ac.uk/ws/files/42921002/D11_4_FINAL_combined.pdf).

<sup>33</sup> International Consortium for Court Excellence. *The International Framework for Court Excellence*, (2013), <http://www.court-excellence.com/~media/Microsites/Files/ICCE/The%20International%20Framework%202014%20V3.ashx>.

<sup>34</sup> Integrity Action website, <https://integrityaction.org/what-integrity>.

<sup>35</sup> See Integrity Action, *A Practical Guide to Community Integrity Building* (London: Integrity Action, 2014), [http://integrityaction.yipl.net/sites/default/files/publication/files/CIB\\_GuideENG\\_2014.pdf](http://integrityaction.yipl.net/sites/default/files/publication/files/CIB_GuideENG_2014.pdf).



- the development of effective management systems;
- a positive corporate culture, including leadership by top management;
- initiatives to raise employee satisfaction and motivation; and
- improvement to procurement processes (and contract implementation and management).<sup>36</sup>

In a report for the European Union (EU), Agata Gurzawska summarized differences between a compliance strategy and an integrity strategy for combating corruption. Her analysis indicated that a compliance-based strategy focuses on rules and presents the individual with the choice of following or violating those rules. An integrity-based strategy focuses on the individual's capacity for moral judgment and on moral character. She illustrates the differences with a table, reproduced below as Table 1.<sup>37</sup>

	<i>Compliance Strategy</i>	<i>Integrity Strategy</i>
<b>Ethos</b>	Conformity with externally imposed standards	Self-governance according to chosen standards
<b>Objective</b>	Prevent criminal misconduct	Enable responsible conduct
<b>Leadership</b>	Lawyer-driven	Management-driven with aid of lawyers, HR staff, others
<b>Methods</b>	Education, reduced discretion, auditing and controls, penalties	Education, leadership, monitoring, accountability, organizational systems and decision processes (centers of ethical responsibility) auditing and controls, penalties
<b>Behavioral Assumptions</b>	Autonomous beings guided by material self-interest	Autonomous beings guided by material self-interest

A 2011 study by the UK-based Development Leadership Program (DLP) examined institutional integrity in the context of development organizations. The key finding was that integrity is more than codes of conduct, individual behavior, or enforcement mechanisms. It is a function of the complex interaction among three aspects of integrity: individual integrity, institutions of integrity and the integrity of institutions.

The DLP study defines “individual integrity” as honest and appropriate behavior with consistency between words and actions. It defines “institutions of integrity” as institutionalized norms of behavior that shape individual integrity, including that of leaders. And it regards the “integrity of an institution” as a quality demonstrated when an organization functions correctly, is robust and legitimate, and is fit for purpose. According to DLP, necessary congruence among these three aspects of integrity is achieved by building coalitions among stakeholders so that shared goals, values, and practices can emerge through cooperation, competition and consensus-building.<sup>38</sup>

<sup>36</sup> World Road Association, *Best Practices of Good Governance – Institutional Integrity* (La Defense, France: World Road Association, 2012), 9, <https://www.piarc.org/ressources/publications/3/16971,2012R17-EN.pdf>.

<sup>37</sup> Gurzawska, Agata, *Institutional Integrity* (Brussels: Stakeholders Acting Together on the Ethical Impact Assessment of Research and Innovation (SATORI), 2015), 10-11, <http://satoriproject.eu/media/1.e-Institutional-Integrity.pdf>.

<sup>38</sup> Grebe, Eduard, and Minka Woermann, *Institutions of Integrity and the Integrity of Institutions: Integrity and ethics in the politics of developmental leadership* (Birmingham: Development Leadership Program, 2011), <http://www.dlprog.org/research/institutions-of-integrity-and-the-integrity-of-institutions.php>.

In a study for Harvard University's Edmond J. Safra Center for Ethics, Professor Gillian Brock examined institutional integrity in tax institutions. Her research led her to the conclusion that a state of institutional integrity is present in a tax institution when the following conditions are met:

1. The institution raises revenues effectively and equitably for the state's necessary or legitimate activities and functions.
2. The institution promotes interests of citizens, helps them to discharge their duties, and is accountable to them.
3. The institution enjoys public confidence (often manifested by high tax morale and high levels of tax compliance).
4. Public confidence in the institution's practices, policies, and operations can survive appropriate transparency and accountability tests.

Her examination of institutional deficiencies, including corruption, is structured around departures from this four-point model of institutional integrity.<sup>39</sup>

The Index of Public Integrity (IPI), maintained by the European Research Centre for Anti-Corruption and State-Building (ERCAS) at the Hertie School of Governance in Berlin, uses a broadly inclusive notion of public integrity. This index looks beyond the qualities of individual institutions to consider six components: judicial independence, administrative burden, trade openness, budget transparency, e-citizenship (the ability of citizens to use online tools and social media), and freedom of the press. These are the indicators IPI relies on to assess the balance between a state's capability to reduce the abuse of influence and a society's capability to hold its government accountable. According to the IPI website, this approach is based on evidence showing "that establishing effective control of corruption requires much more than the mere adoption of specific tools and strict legal regulations."<sup>40</sup>

Daniel Kaufmann, who has long been an articulate thought leader and commentator on issues of governance and development, argues against a narrow approach of fighting corruption with increased regulation and prosecution. Instead, he maintains, fundamental and systematic governance reform with an emphasis on transparency is the most effective strategy. This is consistent with the positive approach of promoting institutional integrity – pursuing commitment to efficient, effective, and accountable institutions that operate with fairness and transparency.<sup>41</sup>

Another articulate thought leader on these issues, former World Bank Managing Director and Finance Minister of Nigeria Ngozi Okonjo-Iweala, addressed Kaufmann's theme of myths and realities from a developing country perspective. In a lecture at the Center for Global Development in 2007 she made the important additional point that corruption is often treated as an economic issue when, in fact, it is essentially political.<sup>42</sup>

Australia has been a leader in adopting institutional integrity in its public administration. One example

<sup>39</sup> Brock, Gillian, *Institutional Integrity, Corruption, and Taxation* (Cambridge, MA: Harvard University Edmond J. Safra Working Papers, No. 39, 2014), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2408183](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2408183).

<sup>40</sup> Mungiu-Pippidi, Alina, Ramin Dadasov, Roberto Martínez B. Kukutschka, Natalia Alvarado, Victoria Dykes, Niklas Kossow, and Aram Khaghaghordyan. 2017. *Index of Public Integrity*. European Research Centre for Anti-Corruption and State-Building (ERCAS). <https://www.integrity-index.org>.

<sup>41</sup> See Kaufmann, Daniel, *Myths and Realities of Governance and Corruption* (SSRN, 2005), [http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/2-1\\_Governance\\_and\\_Corruption\\_Kaufmann.pdf](http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/2-1_Governance_and_Corruption_Kaufmann.pdf).

<sup>42</sup> Okonjo-Iweala, Ngozi, *Corruption: Myths and Realities in a Developing Country Context* (Washington, DC: Center for Global Development, 2007). <https://www.cgdev.org/doc/event%20docs/Ngozi%20Remarks.pdf>.

is The Australian Commission for Law Enforcement Integrity, which has based its approach to integrity on its belief that structurally weak and poorly governed organizations are vulnerable to corruption and that, conversely, integrity and high professional standards “are key building blocks to achieving organizational objectives.” Drawing on Kaufmann’s analysis,<sup>43</sup> the Commission has adopted the philosophy that organizational capabilities to strengthen accountability and improve governance, provide the best way to build resistance to corruption and improve system integrity.

*...structurally weak and poorly governed organizations are vulnerable to corruption and that, conversely, integrity and high professional standards “are key building blocks to achieving organizational objectives.”*

The Commission’s Corruption Prevention Toolkit sets forth views on the importance of high professional standards in motivating staff, attracting qualified employees, and building trust internally and with the community. It emphasizes an organizational culture of integrity, with alignment between the tone set by leadership from the top and the tone set at the bottom and throughout the organization.<sup>44</sup>

The Australian perspective is further illustrated by the work of the Western Australian Integrity Coordinating Group. This is an informal group of public sector organizations that promotes public integrity.<sup>45</sup> As noted in the above-described Gurzawska study of institutional integrity, the Coordinating Group “introduced a broader understanding of integrity, defining it as ‘earning and sustaining public trust by serving the public interest; using powers responsibly; acting with honesty and transparency; and preventing and addressing improper conduct.’”<sup>46</sup>

The U4 Help Desk has published information about the practices of a number of countries for assessing and monitoring institutional integrity. For example, it has reported on the Philippines’ integrity development review program that captures the positive approach of institutional integrity with the title “Pursuing Reform through Integrity Development (PRIDE).”

Building on the experience of the Independent Commission against Corruption of New South Wales, the Philippine program involves self-assessment of a public organization’s vulnerability to corruption and the strengthening of policies and systems to promote integrity. In addition to specific corruption prevention issues, the program emphasizes the organization’s mission and values, performance expectations, and the role of leadership. The program has been introduced in a number of national agencies and also in municipal governance.<sup>47</sup>

<sup>43</sup> See Kaufmann, Daniel, *Myths and Realities of Governance and Corruption*, 88.

<sup>44</sup> Australian Commission for Law Enforcement Integrity, *Corruption Prevention Toolkit*, <https://www.aclei.gov.au/corruption-prevention>.

<sup>45</sup> The member organizations are the Office of the Auditor General, Public Sector Commission, Corruption and Crime Commission, Western Australian Ombudsman, and Office of the Information Commissioner. See the Coordinating Group’s website: <https://icg.wa.gov.au>.

<sup>46</sup> Gurzawska, Agata, *Institutional Integrity* [page number].

<sup>47</sup> See Development Academy of the Philippines, *Integrity Development Review of the Department of Environment and Natural Resources* (Manila: 2007), [https://www.ombudsman.gov.ph/docs/statistics/2007\\_denr.pdf](https://www.ombudsman.gov.ph/docs/statistics/2007_denr.pdf).

For additional examples of assessment and monitoring efforts, see Martini, Maira, *Overview of integrity assessment tools* (U4 Anti-Corruption Resource Centre: 2012), <https://www.u4.no/publications/overview-of-integrity-assessment-tools.pdf>; Chêne, Marie, *Monitoring public institutions’ integrity plans* (U4 Anti-Corruption Resource Centre: 2011), <https://www.u4.no/publications/monitoring-public-institutions-integrity-plans.pdf>.

A major EU research project has made an important contribution to the study of institutional integrity. The project, “Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption” (ANTICORRP), supported research by 20 groups in 15 countries from 2012 to 2017.<sup>48</sup>

Under the ANTICORRP program, Paul Heywood, Heather Marquette, Caryn Peiffer, and Nieves Zúñiga have published a highly informative paper on integrity from a public management perspective. Their paper draws on fieldwork as well as a review of the broad literature on integrity. Their major conclusions capture much of what has been learned. They include the following:

- Some combination of compliance and values approaches is needed for effective public management, and the interaction between these two approaches is important.
- Leadership is a critical factor for implementation. Ethical leadership in building a culture of integrity helps to preserve and strengthen the trust and credibility needed for the governance of public institutions.
- Institutional design needs to be complemented by social norms and values. Formal tools such as codes of conduct and professional standards are helpful, but informal tools (such as leadership and organizational culture) are also required to create the environment in which the formal tools can be effective.
- Key considerations for policy makers include:
  - adaptation to the particular context;
  - a range of tools that can reach the diverse array of people with whom communication is needed;
  - mutual reinforcement of the society’s rules and values and integration of anticorruption and pro-integrity measures with broader efforts to deliver effective services; and
  - partnership of government and citizens working together toward shared goals.<sup>49</sup>

## CLOSING THOUGHTS ON CHAPTER 2

This chapter has provided illustrations of how institutional integrity is a much broader concept than an effort to reduce corruption. The examples and studies discussed above describe integrity as the result of an institution’s overall fitness for purpose – its capabilities and performance as well as its values. As shown here, an institution that has integrity builds safeguards against corruption into broader efforts to achieve excellence and exhibits qualities that are recognized and appreciated internally by leaders and staff and externally by those who are affected by its operations.

The reported guidance on how to pursue institutional integrity emphasizes the importance of capable and committed leadership, inclusive and participatory methodologies, and transparent processes that facilitate stakeholder trust and endorsement, including informed citizen engagement and oversight. These factors should be kept in mind while reading the following chapters of this report, beginning with Chapter 3, which examines how institutional integrity has been addressed in the policies and practices of international development actors.

<sup>48</sup> See the ANTICORRP website at <http://anticorrrp.eu>.

<sup>49</sup> Heywood, Paul, Heather Marquette, Caryn Peiffer, and Nieves Zúñiga, *Integrity and Integrity Management in Public Life*.

# 3

## INSTITUTIONAL INTEGRITY IN INTERNATIONAL DEVELOPMENT

### United States Policies and Practice

The United States programs of international cooperation give prominence to improving governance and combating corruption. The 2017 National Security Strategy identifies working with countries to improve their ability to fight corruption as a priority action.<sup>50</sup> The current joint strategic plan of the Department of State and the United States Agency for International Development (USAID) identifies combating corruption as one means to advance US economic security. In particular, the plan states that the “Department [of State] and USAID work with partner countries to promote a culture of integrity to prevent corruption before it starts and to strengthen detection and enforcement efforts.”<sup>51</sup>

These policy statements give effect to Congressional directives that were added to the foreign assistance legislation in 2000. US law declares that “the promotion of good governance through combating corruption and improving accountability and transparency” is a principal goal of US development cooperation policy and asserts that the “successful transition of a developing country is dependent upon the quality of its economic and governance institutions.”<sup>52</sup>

Foreign assistance programs managed by USAID and the Millennium Challenge Corporation (MCC) prioritize this policy:

- MCC assesses corruption as a “hard hurdle” when determining country eligibility for a compact, and it continues to regularly monitor corruption within partner countries. MCC’s Threshold Programs (often managed by USAID) assist countries to become compact-eligible by supporting targeted policy and institutional reforms, including those related to the control of corruption.<sup>53</sup>
- USAID’s strategy for democracy, human rights, and governance (DRG) focuses on two critical outcomes:
  - 1) citizen participation and inclusion, and
  - 2) more accountable institutions and leaders.
- An express objective of the strategy is to “foster greater accountability of institutions and leaders to citizens and to the law.” The strategy document states with approval that many USAID DRG programs “take a systems-based approach to address the accountability gaps that lie at the heart of corruption and poor governance.”<sup>54</sup>

<sup>50</sup> National Security Strategy, December 2017, 20. <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>.

<sup>51</sup> US Department of State-USAID Joint Strategic Plan, FY 2018-22, 41, <https://www.state.gov/documents/organization/277156.pdf>.

<sup>52</sup> Foreign Assistance Act of 1961, as amended by the International Anti-Corruption and Good Governance Act of 2000 (Public Law 106-309, Title II), 22 U.S.C. 2151 and 2151-1.

<sup>53</sup> See MCC, *Report to Congress: MCC’s Approach to Confronting Corruption* (Washington, DC: MCC, 2012) <https://assets.mcc.gov/content/uploads/2017/05/report-2012001100401-corruption-approach.pdf>; MCC, *Progress made to Strengthen the Application of the Control of Corruption Indicator: Congressional Report* (2016), <https://www.mcc.gov/resources/doc-pdf/progress-made-to-strengthen-control-of-corruption-indicator-application>. See also Tarnoff, Curt, *Millennium Challenge Corporation* (Washington, DC: Congressional Research Service, 2018), 26-27, <https://fas.org/sgp/crs/row/RL32427.pdf>.

<sup>54</sup> USAID, *Strategy on Democracy, Human Rights, and Governance* (Washington, DC: USAID, 2013), <https://www.usaid.gov/sites/>

The USAID strategy goes beyond a narrow anticorruption focus on prevention, detection, and punishment. The strategy's accountability objective expressly calls for supporting the institutional architecture for accountable governance and addressing related incentives, structures, and processes.

Also, the accountability objective is accompanied by a separate objective of integrating "democracy, human rights and governance principles and practices across USAID's development portfolio." This means that factors such as improvements in the rule of law, policy formulation and implementation, public financial management, public accountability, and citizen participation, as relevant, should be considered as a part of the full range of development objectives in USAID country strategies and programs.<sup>55</sup>

A number of USAID-supported programs have combined the objective of building competence and integrity in the performance of institutions with support for deterring, publicizing, detecting, and punishing corrupt acts. An analysis of USAID programming from 2007-2013 observed that relatively few sectoral projects "included anticorruption as either an explicit objective or a cross-cutting theme."<sup>56</sup> However, the report cited a wide array of programs that included anticorruption within other objectives. Among those were: USAID's support for Liberia's Governance and Economic Management Assistance Program (GEMAP), Colombia's justice reform and modernization, and economic governance in the Philippines.<sup>57</sup> USAID supported the Philippines integrity development program described above in Chapter 2.<sup>58</sup>

USAID guidance highlights the importance of an initial assessment to help the practitioner understand the political-economic context and drivers of corruption. The guidance goes on to recognize that anticorruption issues might be targeted directly, or as part of a broader program to improve government performance and effectiveness, or as an element integrated in a particular sectoral program.<sup>59</sup> This is not quite the same as endorsing a public integrity strategy as a way to combat corruption. But the flexibility in program design and the emphasis on adapting to local context in the guidance clearly show openness to institutional integrity approaches where appropriate. The above-cited Philippines program is an example.

This openness was illustrated by a 2009 study of lessons USAID learned from its experience with MCC threshold programs. The study addressed "the volitional aspects [of a culture of corruption] by instilling values of integrity in the program country's civil service and curbing society's willingness to offer bribes"<sup>60</sup> A further illustration of openness to an institutional integrity approach is found in a 2009 US-

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default/files/documents/1866/USAID%20DRG\_%20final%20final%206-24%203%20%281%29.pdf, 5, 19.

<sup>55</sup> *Ibid*, at 23.

<sup>56</sup> Winbourne, Svetlana, and Bertram I. Spector, *Analysis of USAID Anticorruption Programming Worldwide (2007-2013)* (Washington, DC: Management Systems International, 2014), <https://www.usaid.gov/sites/default/files/documents/1866/AnalysisUSAIDAnticorruptionProgrammingWorldwideFinalReport2007-2013.pdf>.

<sup>57</sup> See the reports for Liberia at [https://pdf.usaid.gov/pdf\\_docs/PDACR798.pdf](https://pdf.usaid.gov/pdf_docs/PDACR798.pdf); Colombia at [https://pdf.usaid.gov/pdf\\_docs/pdacr351.pdf](https://pdf.usaid.gov/pdf_docs/pdacr351.pdf); and the Philippines at [https://pdf.usaid.gov/pdf\\_docs/pdacr988.pdf](https://pdf.usaid.gov/pdf_docs/pdacr988.pdf).

<sup>58</sup> See Tt MSI, *Promoting Integrity, Fighting Corruption in the Philippines*. <https://www.msiworldwide.com/project/promoting-integrity-fighting-corruption-in-the-philippines>. Subsequent reporting indicates that the corruption challenge in the Philippines has persisted. See Gonzalez, Eduardo T., "Public Ethics and Corruption in the Philippines" in Berman, Evan, editor, *Public Administration in Southeast Asia: Thailand, Philippines, Malaysia, Hong Kong, and Macau* (Boca Raton, FL: CRC Press, 2011), 381-396.

<sup>59</sup> Spector, Bertram, Svetlana Winbourne, and Phyllis Dininio, *Practitioner's Guide for Anticorruption Programming* (Washington, DC: USAID, 2015), pp. 7, 12-14, [https://www.usaid.gov/opengov/developer/datasets/Practitioner%27s\\_Guide\\_for\\_Anticorruption\\_Programming\\_2015.pdf](https://www.usaid.gov/opengov/developer/datasets/Practitioner%27s_Guide_for_Anticorruption_Programming_2015.pdf).

<sup>60</sup> Seats, Ellen L, and Samantha H. Vardaman, *Lessons Learned Fighting Corruption in MCC Threshold Countries: The USAID Experience* (Washington, DC: USAID, 2009), 15-16, [https://pdf.usaid.gov/pdf\\_docs/PNADS603.pdf](https://pdf.usaid.gov/pdf_docs/PNADS603.pdf).

AID program brief on reducing corruption in the judiciary. This document (which I authored) includes a brief section on ethics and institutional integrity which states “Ethics cannot be treated as a ‘stand-alone’ issue within the judiciary. It needs to be integrated into the operations and incentives of the institution.”<sup>61</sup> Chapter 4 contains a discussion of USAID-financed institutional integrity initiatives in four Latin American countries.

*“Ethics cannot be treated as a ‘stand-alone’ issue within the judiciary. It needs to be integrated into the operations and incentives of the institution.”*

## European Policies and Practice

**The Council of Europe** has long included institutional integrity among the issues it addresses in its support for efforts to combat corruption. It has published training materials that collect a broad array of resources on corruption issues, including on integrity assessment methodologies and results.<sup>62</sup> In 2017 the Council’s Parliamentary Assembly adopted a resolution calling on all members and observers to “step up the fight against corruption by promoting integrity and transparency in public life at all levels.”<sup>63</sup>

In 2013, **Transparency International (TI)** took note of the European practice of reporting on corruption in EU member countries, but the absence of such a practice with respect to the EU institutions themselves. Therefore, TI undertook an in-depth examination of both the rules in place and the practices in ten EU institutions and bodies. It found that there was a good foundation in the EU system to support integrity and ethics. However, it also found there was poor practice, lack of political leadership, failure to allocate sufficient staff and funding, and insufficient clarity in the application of the rules. As a result, despite improvements to the overall framework, corruption risks were found to persist at the EU level.<sup>64</sup>

**The Government of the Netherlands**, in connection with its Presidency of the European Union in 2016, commissioned a set of reports on public integrity and the connection between integrity and trust in EU member states. The basic study in this undertaking reviewed surveys conducted in Europe between 2008 and 2013 to examine the relationships among good governance, political trust, and public integrity.

The study found that countries which dealt best with trust and integrity had less regulation and red tape and far more normative constraints, such as critical citizens and media. It also found that measures to monitor and strengthen integrity, should target practices and norms more than just regulation. Legal and regulatory measures alone, such as anticorruption agencies or public financial report-

<sup>61</sup> Michel, James, *Reducing Corruption in the Judiciary* (Washington, DC: USAID, 2009), 12, [https://pdf.usaid.gov/pdf\\_docs/PNADQ106.pdf](https://pdf.usaid.gov/pdf_docs/PNADQ106.pdf).

<sup>62</sup> See Council of Europe, *Basic Anti-Corruption Concepts: A Training Manual* (Strasbourg: Council of Europe, 2015), <https://rm.coe.int/basic-anti-corruption-concepts-a-training-manual/16806eed9d>.

<sup>63</sup> Council of Europe Parliamentary Assembly, *Promoting integrity in governance to tackle political corruption*, Resolution 2170(2017), <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnNveG1sL1hSZWYvWD-JlLURXLWV4dHluYXNwP2ZpbGVpZD0yMzkzMCZsYW5nPUVO&xsl=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdC9QZGYvW-FJlZi1XRClBVC1YTUwyUERGLnhzbA==&xsltparams=ZmlsZWlkPTIzOTMw>.

<sup>64</sup> Transparency International, *The European Union Integrity System* (Brussels: Transparency International, 2014), [https://transparency.eu/wp-content/uploads/2016/10/EU\\_Integrity\\_System\\_Report.pdf](https://transparency.eu/wp-content/uploads/2016/10/EU_Integrity_System_Report.pdf). The EU report covered the European Parliament, European Council, Council of Ministers, European Commission, Court of Justice of the European Union, European Court of Auditors, European Anti-Fraud Office (OLAF), Europol (for police cooperation), Eurojust (for judicial cooperation), and the European Ombudsman.

ing requirements for public officials, did not have a positive correlation with reduced corruption and increased trust unless they were accompanied by positive behavioral norms.

The report concluded with a summary of five lessons learned from European experience:

1. Evidence-based integrity policies are not only desirable, but within reach. (Trust and public integrity can be captured, understood, and explained).
2. Diversity of contexts calls for multiplicity, not uniformity of solutions. (Gradual catching up in institutional performance or governance standards can be achieved only by tailor-made national strategies.)
3. Smart societies prevent corruption before it happens. (Once a country has widespread corruption, measures of repression can no longer repair and restore good governance.)
4. Target the real countries, not the legal countries. (Focus on a society's norms and practices, not its laws and regulations.)
5. Politicians matter more than civil servants in redressing trust (They should set good examples and present positive images of frugality and integrity).<sup>65</sup>

The Dutch Government made its own contribution to the consideration of integrity. This took the form of an informative book on the Dutch approach to integrity management in the public sector. In addition to describing the national experience at various levels and with different types of institutions, the book traced the evolving thinking about integrity in the Netherlands over several decades.

*...countries which dealt best with trust and integrity had less regulation and red tape and far more normative constraints, such as critical citizens and media.*

The essence of the book's analysis is presented in a closing chapter, along with a caveat that the Dutch approach is not without its critics and there is a challenging agenda for continued discussion, reflection, and policy development:

It is vital to the credibility and legitimacy of politics and public administration that integrity is seen as crucial, and that this involves far more than corruption in a specific sense. This theme is widely relevant to the governance agendas at every level, with attention to the context and circumstances that promote and prevent violations. What can and should be done to protect integrity and to control violations therefore also relates to policy and organization (including leadership), throughout the public sector. This calls for a combination of compliance, with adequate rules and standards and sanctions, and value-based initiatives aimed at culture and awareness. At the same time, critical consideration of the effectiveness of what is developed and applied in terms of policy and organization always remains important.<sup>66</sup>

According to the Dutch National Integrity Office website, this impressive analysis of the development of one country's integrity system over several decades was expressly intended to provide insights that

<sup>65</sup> European Research Center for Anti-Corruption and State Building (ERCAS), *Integrity and Trust in Europe* (Berlin: Hertie School of Governance, 2015), <https://www.government.nl/documents/reports/2016/01/18/public-integrity-and-trust-in-europe>.

<sup>66</sup> Huberts, Leo, and Alain Hoekstra (editors), *Integrity Management in the Public Sector: The Dutch Approach* (The Hague: Dutch National Integrity Office, 2016), 212, <https://www.government.nl/documents/reports/2016/01/18/integrity-management-in-the-public-sector-the-dutch-approach>.



might inspire other countries in their own efforts to manage integrity.<sup>67</sup>

## The Role of Multilateral Organizations

The United Nations (UN) plays a central role in the review mechanism for the UN Convention against Corruption (UNCAC) and also in the system for monitoring progress toward the Sustainable Development Goals (SDGs). These global responsibilities imply an active role for UN agencies in programs of international cooperation to prevent and combat corruption and promote the integrity and effectiveness of institutions.<sup>68</sup>

Chapter II of UNCAC commits the parties to a global standard for integrity in the public sector. Article 62 of UNCAC calls for international cooperation to strengthen the capacity of developing countries to prevent and combat corruption. SDG 16 – “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” – has an explicit target to “substantially reduce corruption and bribery in all their forms.

The implementation of these commitments under UNCAC’s Chapter II and Article 62 is among the issues that are subject to periodic monitoring under the review mechanism. However, this topic has not been a principal focus of the UNCAC country reviews. The published lists of the national experts who participate in these reviews indicate that they are primarily from law enforcement, judicial, and compliance organizations. Development cooperation agencies do not appear to be represented.

The periodic country reviews could easily give greater attention to the Convention’s public integrity standard and its related call for international cooperation to support the capacity of developing countries. In addition, public integrity issues could be addressed in SDG monitoring. In particular, implementation of SDG 16 will be a specific agenda item at the 2019 meeting of the High Level Political Forum on Sustainable Development (HLPF). Also, UNODC has led a UN system-wide effort to ensure that the internal rules of UN bodies are aligned with the principles of UNCAC.<sup>69</sup> Thus, there are clear opportunities to make use of UN mechanisms to improve the coordination of efforts to implement both SDG 16 and UNCAC.<sup>70</sup>

Also, as discussed below, OECD public integrity reviews could provide useful input for UNCAC reviews, as could opportunities for enhanced civil society participation, as is provided in the practice of CEDAW shadow reports and the UN universal periodic reviews of compliance with human rights obligations.

The **United Nations Development Program (UNDP)** has long included anticorruption programs and activities in its support for democratic governance, including efforts to strengthen the integrity of

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<sup>67</sup> *Ibid.*

<sup>68</sup> See UNODC, Mechanism for the Review of Implementation of the United Nations Convention against Corruption – Basic Documents (New York: UNODC, 2011), [https://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism\\_for\\_the\\_Review\\_of\\_Implementation\\_-\\_Basic\\_Documents\\_-\\_E.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/ReviewMechanism-BasicDocuments/Mechanism_for_the_Review_of_Implementation_-_Basic_Documents_-_E.pdf); Sustainable Development Knowledge Platform website, <https://sustainabledevelopment.un.org/sdg16>.

<sup>69</sup> UNODC, *The Institutional Integrity Initiative: Practicing what we preach: the relevance of the United Nations Convention against Corruption to the UN System* (New York: UNODC, 2015), <https://www.unodc.org/documents/corruption/Publications/2015/InstitutionalIntegrityInitiative.pdf>.

<sup>70</sup> See the website for the UNCAC review mechanism at <http://www.unodc.org/unodc/en/corruption/new/ReviewMechanism.html>. See also the website for HLPF 2019 at <http://sdg.iisd.org/tag/hlpf-2019>. There are now 186 countries that are parties to UNCAC and subject to review.

public institutions.<sup>71</sup> The overall approach has been to support public institutions (both national and sub-national), strengthen the capacity of civil society and private sector organizations and networks, and include anticorruption measures in sectoral programming (such as health, education, and water).

The UNDP strategic plan for 2018-2021 continues the longstanding emphasis on effective, inclusive and accountable governance. It includes a “solutions package” on “supporting diverse pathways towards peaceful, just and inclusive societies, building on the UNDP comparative advantage and long track record in governance.” The elements of the package in each case will be based on the particular local context, but may include support for core governance functions, establishing local service provision, rule of law, anti-corruption capacities, and access to justice. Operationally, it may involve innovative support for improved regulatory capacities, enhanced legal frameworks, strengthened institutions, and local governance capacities.<sup>72</sup>

It seems clear that the UN will continue to integrate support for anticorruption efforts along with support for capable and accountable institutions in its democratic governance programs. Like other development agency approaches described in this chapter, UNDP will seek to integrate institution strengthening with specific anticorruption elements. This is consistent with the institutional integrity approach, but does not necessarily mean that UN operations will expand their reliance on supporting institutional integrity as a global policy.

One regional UNDP activity is employing an explicit institutional integrity approach. In 2016, UNDP collaborated with the U4 Anti-Corruption Resource Center and the Asia-Pacific Integrity in Action Network (an online network of regional anticorruption practitioners) on a major report about promoting the transparency and accountability of judicial systems in Asia. This report was inspired by the persistence of significant judicial corruption issues in many countries.<sup>73</sup> It drew on country studies of judicial integrity from around the world and called on judiciaries to undertake participatory assessments and to use those assessments to develop their capacities and increase their transparency, accountability, and effectiveness.<sup>74</sup>

An initial implementing program on promoting a network of judicial champions in the Asia-Pacific Economic Cooperation (APEC) group was launched in 2018. The specific focus will be on Indonesia, Malaysia, the Philippines, Thailand, and Vietnam.<sup>75</sup> This new UNDP initiative has been developed with participation from partner countries as well as leading experts from the U4 Anti-Corruption Resource Center, the International Consortium for Court Excellence, and the Judicial Integrity Group. This program is clearly being developed as an undertaking to strengthen institutional integrity.

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<sup>71</sup> See, e.g., United Nations Development Program, *UNDP's Global Anti-corruption Initiative (GAIN)* (New York: UNDP, 2014), [http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Anti-corruption/globalanticorruption\\_final\\_web2.pdf](http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Anti-corruption/globalanticorruption_final_web2.pdf), and the first year's report on the initiative's achievements at <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/global-anticorruption-initiative-2014.html>.

<sup>72</sup> UNDP, *Strategic Plan, 2018-2021*, UN Doc. DP/2017/38 (New York: Special Session of the Executive Board of the United Nations Development Program, United Nations Population Fund, and United Nations Office for Project Services, 2017), 13, <http://www.undp.org/newundp>.

<sup>73</sup> See the discussion of this issue in Messick, Richard, and Sofie A. Schütte, editors, *Corruption risks in the criminal justice chain and tools for assessment* (Bergen, NO: Chr. Michelsen Institute, 2015), <https://www.u4.no/publications/corruption-risks-in-the-criminal-justice-chain-and-tools-for-assessment.pdf>.

<sup>74</sup> Schütte, Sofie Arjon, Paavani Reddy, and Liviana Zorzi, *A Transparent and Accountable Judiciary to Deliver Justice for All* (Bangkok: UNDP, 2016), [http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/democratic\\_governance/RBAP-DG-2016-Transparent-n-Accountable-Judiciary.pdf](http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/democratic_governance/RBAP-DG-2016-Transparent-n-Accountable-Judiciary.pdf).

<sup>75</sup> UNDP, *Inception Meeting Report for Judicial Integrity Champions* (Bangkok: UNDP, 2018), <http://www.asia-pacific.undp.org/content/dam/rbap/docs/dg/RBAP-DG-2018-Judicial-Integrity-Champions-Inception-Report.pdf>.

**The Organization for Economic Cooperation and Development (OECD)** has long been a major forum for multilateral policy deliberations on issues of accountable and effective institutions. It has also conducted numerous public sector integrity reviews of OECD members and other countries.<sup>76</sup> This work has culminated in the 2017 OECD Recommendation of the Council on Public Integrity.<sup>77</sup>

The OECD Recommendation was inspired by evidence of increasing public concern about corruption, accompanied by widespread declining confidence in government. Its premise is that public integrity is a necessary strategic and sustainable response to corruption and is essential to the economic and social well-being and prosperity of individuals and societies.

The Recommendation sets out the elements of a three part strategy that seeks to cultivate a society-wide culture of integrity. The three parts are:

1. **A coherent and comprehensive public integrity system**, with characteristics that include leadership commitment, well defined and coordinated responsibilities, an evidence-based strategy with objectives and priorities informed by data and indicators, and high standards that are reflected in law and policy and effectively communicated.
2. **A culture of public integrity**, with characteristics of broad societal support, leadership from managers at all levels, a merit-based, professional public service, capacity building and guidance for public officials in the application of integrity standards, and openness to discussion of integrity concerns in the workplace.
3. **Effective accountability**, characterized by risk management and control systems, enforcement mechanisms for investigation and sanctioning of violations of public integrity standards, oversight by external regulatory bodies and administrative courts, and promotion of transparency and broad stakeholder participation in the development and implementation of public policies.

While the OECD Recommendation is recent, it builds on a long history of research and experience. It has been accompanied by several complementary OECD publications and was a subject of discussion at the 2018 OECD Global Anti-Corruption & Integrity Forum.

Among the complementary publications, an analysis of the human dimension, published in 2018, is a noteworthy addition to the OECD's work on public integrity. Drawing on the behavioral sciences, this guidance observes that ethical choices based on moral reflection are at the core of integrity and that such choices are made in a context of social interaction. These insights reinforce the importance of promoting trust and an organizational culture

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<sup>76</sup> See the compendium of OECD publications at <http://www.oecd.org/dac/accountable-effective-institutions/aei-publications.htm>. See also the list of OECD publications on integrity (including public sector integrity review reports) at <http://www.oecd.org/gov/ethics/integrity-publications>.

<sup>77</sup> OECD, *Recommendation of the Council on Public Integrity* (Paris: OECD, 2017), <http://www.oecd.org/gov/ethics/OECD-Recommendation-Public-Integrity.pdf>.

of integrity.<sup>78</sup>

Also in 2018, the OECD published a roadmap for potential future directions of OECD work. *Strengthening the Impact of the OECD's Work on Anti-Corruption and Integrity* summarizes the history of the OECD's wide ranging activities and its current role. It then proposes five pillars of potential ways to strengthen the OECD's anticorruption and integrity work. The five pillars provide that the OECD should:

1. Strengthen its evidence-based approach to combating corruption and promoting integrity;
2. Actively seek ways to break down siloes when addressing the multiple dimensions of corruption, its causes, and its remedies;
3. "Globalize" its efforts to promote the application of its anticorruption and integrity standards;
4. Further explore how its standards can be adapted to, and benefit from, application at a "micro" level; and
5. Support and deepen non-government stakeholder engagement in the fight against corruption.<sup>79</sup>

*Its three pillars (a comprehensive and coherent system, a culture of public integrity, and effective accountability) amount to an endorsement of the institutional integrity approach.*

This roadmap makes clear that the strategic approach set forth in the OECD Recommendation is guiding the Organization's current anticorruption and integrity work. It also makes clear that the Recommendation will be the basis for an active program of continuing activities. Its three pillars (a comprehensive and coherent system, a culture of public integrity, and effective accountability) amount to an endorsement of the institutional integrity approach. The growing volume of OECD country studies could be a valuable resource for UN-led reviews under UNCAC as well as for UN-led monitoring of progress toward the SDGs.

The *International Monetary Fund (IMF)* approved a new framework for enhanced engagement on governance in 2018, following an in-depth review of the Fund's 1997 guidance. A notable feature of the new framework is its explicit recognition, based on experience, that engagement on corruption needs "a multi-pronged strategy that requires not only anti-corruption measures but also broad-based regulatory and institutional reforms."<sup>80</sup> The underlying rationale was explained in the staff analysis as follows:

[A] broader reform agenda is needed for an anti-corruption strategy to be successful. In particular,

<sup>78</sup> See OECD, *Behavioral Insights for Public Integrity: Harnessing the Human Factor to Counter Corruption* (Paris: OECD, 2018a), <http://www.oecd.org/gov/ethics/behavioural-insights-for-public-integrity-9789264297067-en.htm>. See also OECD, *Preventing Policy Capture: Integrity in Public Decision Making* (Paris: OECD, 2017b), <http://www.oecd.org/gov/ethics/preventing-policy-capture-9789264065239-en.htm>; OECD, *Education for Integrity: Teaching on Anti-Corruption, Values and the Rule of Law* (Paris: OECD, 2018b), <http://www.oecd.org/governance/ethics/education-for-integrity-web.pdf>; OECD, 2018 *OECD Global Anti-Corruption & Integrity Forum* (Paris: OECD, 2018), <http://www.oecd.org/corruption/integrity-forum/integrity-forum-2018-highlights.pdf>.

<sup>79</sup> OECD, *OECD Strategic Approach to Combating Corruption and Promoting Integrity* (Paris: OECD, 2018c), <http://www.oecd.org/corruption/OECD-Strategic-Approach-Combating-Corruption-Promoting-Integrity.pdf>.

<sup>80</sup> IMF, *Review of 1997 Guidance Note on Governance: A Proposed Framework for Enhanced Fund Engagement* (Washington, DC: IMF, 2018), p. 39, <https://www.imf.org/en/Publications/Policy-Papers/Issues/2018/04/20/pp030918-review-of-1997-guidance-note-on-governance>.

institutional and regulatory reform that takes into account the diagnosis of the relevant governance weaknesses will need to play a central role. These measures include [...] the promotion of transparency and accountability and general capacity-building of institutions. The proposed strategy should take account of political economy considerations, and be supported by effective communication and close engagement with the authorities and other stakeholders.<sup>81</sup>

The effectiveness of this new framework will be determined through experience. However, it appears to be designed as favoring an emphasis on institutional integrity in the IMF's engagements on governance.

**The World Bank** adopted its current governance and anticorruption strategy in 2007. The strategy sets out policies and proposes related implementing actions. In particular, it:

- Calls for addressing governance and corruption issues in Country Assistance Strategies, where appropriate, with consideration of the risks they pose to development and the potential of the Bank's instruments to help mitigate these risks. It urges attention to the adequacy of host government programs and other accountability mechanisms and ways that Bank instruments can be used most effectively.
- Commits the Bank to stay engaged, even in the most poorly governed countries, using creative ways to provide services to the poor that do not rely on central government administration where necessary.
- Proposes in Bank strategies to link financial levels and modes of engagement to progress on key obstacles to development effectiveness, "which frequently include weak governance and corruption."
- Undertakes to mobilize the full range of instruments to engage as broadly as possible, and to harmonize with other financial institutions.
- Expresses support for country efforts to build capable and accountable states in support of development and poverty reduction, through an appropriate combination of rules, restraints, and rewards; competitive pressures; transparency, voice, and partnership. These include, depending on country context:
  - working to strengthen both the public administration and non-executive state oversight institutions;
  - helping states to become more transparent;
  - engaging multiple stakeholders and supporting more broadly participation and oversight by civil society, media, and communities;
  - supporting the development of a competitive and responsible private sector; and
  - helping to strengthen governance in the financial sector.

The strategy also includes a section on protecting the Bank's investments against risks of corruption and a section on collective action through global partnerships and coalitions to further shared objectives for governance and anticorruption.<sup>82</sup>

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<sup>81</sup> *Ibid* at 23.

<sup>82</sup> *World Bank, Strengthening World Bank Group Engagement on Governance and Anticorruption* (Washington, DC: World Bank, 2007), <http://www1.worldbank.org/publicsector/anticorrupt/corecourse2007/GACMaster.pdf>. This strategy replaced the original World Bank anticorruption strategy that had been adopted in 1997. See World Bank, *Helping Countries Combat Corruption: The Role of the World Bank* (Washington, DC: World Bank, 1997), <http://www1.worldbank.org/publicsector/anticorrupt/corruptn/corrptn.pdf>.

Regarding the strategy's several references to harmonization with other financial institutions, it should be noted that in 2006 the World Bank joined with the African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, European Investment Bank, International Monetary Fund, and Inter-American Development Bank to establish a Joint International Financial Institution Anticorruption Task Force. The purpose of the Task Force was "to work towards a consistent and harmonized approach to combat corruption in the activities and operations of the member institutions."

The Task Force charter sets forth a uniform framework for preventing and combating fraud and corruption. While this framework was principally concerned with preserving integrity in the operations and resources of the member lending institutions, it also expressed support for anticorruption efforts of borrowing countries. With regard to the latter, the framework expressed support for stakeholder "initiatives to increase transparency and accountability, strengthen governance and combat corruption."<sup>83</sup>

*The report identified three factors that contributed to success in the country studies: being realistic about what is politically and institutionally feasible; recognizing that the most crucial and difficult part is changing behavior and organizational culture; and dealing with the basics first.*

In 2008, the World Bank's Independent Evaluation Group produced a major review of the Bank's support for public sector reform. This ambitious undertaking provided valuable background for the practical implementation of the general guidance set forth in the governance and anticorruption strategy that the Bank had approved in the previous year. The evaluation examined lending and other Bank support for public sector reform in four areas: public financial management, administrative and civil service, revenue administration, and anticorruption and transparency.

At the outset, the evaluation report noted that there had been shortcomings in some important areas and that, in particular, direct "measures to reduce corruption – such as anticorruption laws and commissions – rarely succeeded." In this regard, it recommended that World Bank support for anticorruption efforts should focus on building country systems to reduce major opportunities for corruption and on making information public in order to stimulate popular demand for more efficient and less corrupt service delivery.

The report identified three factors that contributed to success in the country studies: being realistic about what is politically and institutionally feasible; recognizing that the most crucial and difficult part is changing behavior and organizational culture; and dealing with the basics first.<sup>84</sup>

The 2008 evaluation benefited from a working paper prepared by experts from the Norway-based Chr. Michelsen Institute and its related U4 Anti-Corruption Resource Center. The working paper included a literature review and a group of country case studies.

The literature review took note of the difficulty of dealing with imbedded collusion, organizational

<sup>83</sup> African Development Bank Group, Asian Development Bank, European Bank for Reconstruction and Development, European Investment Bank Group, International Monetary Fund, Inter-American Development Bank Group, and World Bank Group, International Financial Institutions Anti-Corruption Task Force (Washington, DC: World Bank, 2006), <https://siteresources.worldbank.org/INTDOII/Resources/FinalFITaskForceFramework&Gdlines.pdf>.

<sup>84</sup> World Bank Independent Evaluation Group, *Public Sector Reform: What Works and Why?* (Washington, DC: World Bank, 2008), <http://documents.worldbank.org/curated/en/311251468150314338/Public-sector-reform-what-works-and-why-An-IEG-evaluation-of-World-Bank-support>.

deficiencies, abuse of power, and lack of responsiveness to citizens' needs. It stressed the importance of combining political reform and regulatory restructuring with systematically empowering people to demand public accountability in order to break a culture of secrecy in which corruption can persist. And it pointed out a disregard of political and cultural factors as a general weakness in previous World Bank and donor approaches to anticorruption.

The country case studies showed that anticorruption measures were often proposed by the Bank “without considerations of the political economy and strategies to win the support of a critical mass of key leaders who would be able to overcome the inevitable opposition of vested interests.” They also provided reminders of the wide range of factors that drive governance reforms and urged the Bank to do more to understand corruption in each particular country context.

The working paper also expressed understanding of the difficulties faced by aid organizations. It observed that they need to work with governments in countries where corruption is often prevalent. At the same time, they are pressed to reduce corruption and also to disburse funds provided for the benefit of the poor.<sup>85</sup>

More recent thinking by the World Bank captures the ongoing learning about effective development cooperation discussed above in Chapter 1. This is evident in a “Spotlight” on the subject of corruption in the 2017 World Development Report. The Spotlight makes several points on which a broad consensus has come to exist: that countries are on a continuum of governance between systems where decisions are based on personal status (such as family, religion, or political party membership) to those where decisions are based on impersonal criteria, impartially applied; that progress against entrenched corruption does not follow a predictable path; that continual adaptive interventions are needed; and that strategies need to align with the interests of key stakeholders and coalitions in order to change incentives and enhance contestability.<sup>86</sup>

Within an overarching theme of “Toward 2030: Investing in Growth, Resilience and Opportunity,” the International Development Association replenishment for 2017-2020 (IDA-18) includes five special themes, one of which is “Governance and Institutions.” The final report of World Bank Executive Directors explained the reason for this special theme with the observation that “good governance and strong and accountable institutions are crucial for poverty reduction, fighting corruption, and development effectiveness in IDA countries.”<sup>87</sup>

A related staff report pointed out the increased popular distrust in government institutions and a vicious circle in which poor government performance “reinforces low trust in the state, with citizens no longer having much confidence in the ability of government....”

The staff report noted that IDA countries, the world's poorest and most vulnerable states, “face a range of issues that are deeply rooted in historic and systemic institutional inefficiencies” and recalled the shift in the World Bank approach to these issues from treating technocratic challenges to the “now

<sup>85</sup> Fjeldstad, Odd-Helge, and Jan Isaksen, *Anti-Corruption Reforms: Challenges, Effects and Limits of World Bank Support* (Washington, DC: World Bank, 2008), <https://www.cmi.no/publications/file/3134-anti-corruption-reforms-challenges.pdf>.

<sup>86</sup> World Bank, *World Development Report 2017*, 77-79. See also the brief on combatting corruption on the World Bank website at <http://www.worldbank.org/en/topic/governance/brief/anti-corruption>.

<sup>87</sup> Executive Directors of the International Development Association, *Addition to IDA Resources: Eighteenth Replenishment – Towards 2030: Investing in Growth, Resilience and Opportunity* (Washington, DC: World Bank, 2017), 44, <http://documents.worldbank.org/curated/en/348661486654455091/Report-from-the-Executive-Directors-of-the-International-Development-Association-to-the-Board-of-Governors-Additions-to-IDA-Resources-Eighteenth-Replenishment>. The other special themes are Jobs and Economic Transformation; Gender and Development; Climate Change; and Fragility, Conflict and Violence. All five special themes are intended to be interdependent.

broadly accepted recognition that at least as important as the policies and resources for development are the institutions within which public action is embedded – the ‘rules of the game’ and the mechanisms through which they are monitored and enforced.”

The staff report tied the IDA governance and institutions theme directly to the World Bank governance and anticorruption strategy, pointing out that reducing corruption “stands at the heart of the recently established SDGs and achieving the ambitious targets set for Financing for Development.” It identified the following as key insights:

- That institutional reform “is often a slow, non-linear, and cumulative process;”
- That the heart of the reform process “lies in ensuring that formal institutions (i.e., the laws, procedures, regulations) and the actual behaviors of those functioning inside the public sector are mutually consistent and targeted towards delivering results”; and
- That successful reform relies on “a good understanding of the political economy realities on the ground and where client countries are able to create a conducive policy and operational environment for capacity building.”<sup>88</sup>

*The recent World Bank publications discussed above recognize that corruption needs to be addressed within the context of broader efforts to influence the prevailing culture and power asymmetries of institutions and, over time, achieve lasting societal changes in contestability, incentives, preferences, and beliefs.*

The recent World Bank publications discussed above recognize that corruption needs to be addressed within the context of broader efforts to influence the prevailing culture and power asymmetries of institutions and, over time, achieve lasting societal changes in contestability, incentives, preferences, and beliefs. This politically sophisticated perspective is increasingly evident in efforts to strengthen institutional integrity.

**The Network for Integrity** is a new group made up of representatives of 14 countries in Africa, Asia, Europe, and Latin America, formed in 2016 with the purpose of developing and promoting “an international culture of integrity in order to

strengthen the trust that citizens place in their governments and public services.” This group has organized workshops, shared national documents, and participated in events in connection with meetings of the Open Government Partnership and at the 2018 OECD integrity forum. The formation of such an eclectic group is an indication of widely shared interest in institutional integrity.<sup>89</sup>

## CLOSING THOUGHTS ON CHAPTER 3

This chapter has provided an overview of how various international actors have integrated integrity concepts and principles in their policies and operations. It is clear that the approach has gained momentum as the costs of corruption have become increasingly evident and confidence in public institutions has declined.

<sup>88</sup> World Bank IDA Resource Mobilization Department, *Special Theme: Governance and Institutions* (Washington, DC: World Bank, 2016), <http://documents.worldbank.org/curated/en/368341467989536274/International-Development-Association-IDA-18-special-theme-governance-and-institutions>.

<sup>89</sup> See the Network for Integrity website at <http://www.networkforintegrity.org>. The members are Armenia, Cote d’Ivoire, Croatia, France, Georgia, Greece, Latvia, Mexico, Moldova, Peru, Republic of Korea, Romania, Senegal, and Ukraine.



It is impressive that institutional integrity is now on the agenda for donors, multilateral organizations, and developing countries. Substantial compatibility is evident in the analytical work of all these different kinds of international actors. And yet, this chapter also shows that opportunities exist for better coordination and greater coherence among international efforts. These opportunities include the potential for interaction between anticorruption treaty review mechanisms and the measurement of progress toward the SDGs. In addition, those review mechanisms could benefit from closer attention to the growing body of work under the major OECD public integrity initiative as well as from enhanced opportunities for public participation.

The following chapter examines the experience of one implementing partner of development cooperation programs, Tt DPK, which has collaborated with local actors to gain an understanding of institutional integrity concepts and principles and their application in particular contexts.

# 4

## EVOLUTION OF THE TETRA TECH DPK EXPERIENCE WITH INSTITUTIONAL INTEGRITY

Tetra Tech DPK (Tt DPK) was founded in 1992 by two experienced managers of state and federal courts in the United States. The founders also had substantial international experience with efforts to reform and strengthen public institutions in the justice sector.

The firm's initial decade of growing practice in this field exposed it to a recurring pattern of normative, organizational, technical, and procedural reforms that too often had limited or only ephemeral impacts. It became clear that improved rules, organizational structures, infrastructure, and management systems and practices were not sufficient in themselves to produce transformative and lasting change. Their experience persuaded them that corresponding changes in the culture, incentives, attitudes, values, preferences, and beliefs of leaders, staffs, and other stakeholders were needed in order to achieve sustainable reform.

*It became clear that improved rules, organizational structures, infrastructure, and management systems and practices were not sufficient in themselves to produce transformative and lasting change.*

This realization, which has similarly influenced many scholars and practitioners, as discussed in the preceding chapters of this report, led Tt DPK to engage their counterparts in developing countries in discussions about a collaborative approach with bold aspirations of transformational reform. The central feature of this approach was a broad notion of institutional integrity that embraced both capability and commitment as building blocks of consistently high-quality and trustworthy performance.

The introduction of this concept has been iterative and experiential. In each case, it has begun with broadly inclusive conversations about institutional goals and strategies for achieving them. Tt DPK has supported self-assessments by public institutions of present conditions – such as the organization's culture, its systems and processes, the quality of its performance, and external perceptions of the organization. Sometimes, the internal deliberations have been accompanied by learning visits to organizations (often in other countries) that have internalized a strong sense of integrity in their policies and operations.

Organizations interested in operationalizing institutional integrity have formed inclusive teams and structures for collaborative design, development, implementation, and monitoring of performance. The DPK role has remained facilitative and supportive throughout. Operational responsibility and decision making authority are left in the hands of those who know best their organizations and the political, economic, and social context in which they operate. The approach has been flexible, responsive to local context, and adaptable to changing needs and opportunities.

As it gained experience, Tt DPK found that certain interrelated components are integral to the concept of institutional integrity. There are variations, depending upon how particular organizations and countries decide they wish to proceed. However, four principal recurring factors have constituted an organizing framework for shaping collaborative institutional integrity initiatives:

1. Norms and public policies that define the purposes of the organization.

2. A clearly defined organizational culture that shows how human capital is user-oriented and its performance is based on ethical principles.
3. Transparency, efficiency, and effectiveness in the management of the organization's substantive processes as well as its administrative, financial, and audit functions.
4. A system of consequences that recognizes the merits of those who make up the institution, expressed through a system of promotion, advancement, and recognition, or, when appropriate, by application of the disciplinary system.

Figure 1 – Components of Institutional Integrity

Practice has evolved in stages as experience has been gained and lessons have been learned. Each of these stages has developed in ways that find support in respected studies of effective institution strengthening.

In the initial phase, efforts were concentrated on the challenging process of making the pursuit of institutional integrity operational. This phase established the collaborative and participatory methodology for the design, development, and implementation of a locally owned, evidence-based program. Each organization conducted a diagnostic study to identify priorities and then developed and implemented a work program to improve its integrity with attention to each of the four components enumerated above.<sup>90</sup>



A second phase concerned monitoring and evaluating the progress being achieved in work plan implementation with respect to the specific priorities that the organization had included in its program. Each participating organization selected SMART (specific, measurable, achievable, relevant, and time-bound) indicators for each priority aspect of its work program and a discipline for measuring progress with respect to the indicators.

This stage of development added a capability to collect performance data in a systematic way and to use those data to assess progress. Monitoring progress in this manner enables performance to be mea-

<sup>90</sup> A framework for self-assessment that is informed by international experience has proven to be a useful tool in other contexts. Examples include the International Framework for Court Excellence, <http://www.courtexcellence.com>; the Hausmann, Rodrik, Velasco Growth Diagnostics approach, <https://growthlab.cid.harvard.edu/publications/growth-diagnostics-0/>; the International IDEA State of Democracy Assessment, <https://www.idea.int/data-tools/tools/state-democracy-assessments>; the UNDP User's Guide to Measuring Local Governance (New York: UNDP, 2010) <http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/a-users-guide-to-measuring-local-governance-/LG%20Guide.pdf>; and the g7+ Fragility Spectrum, <http://www.g7plus.org/en/resources/fragility-spectrum-note>; and the World Trade Organization trade Facilitation Agreement Self-Assessment Guide, [https://docs.wto.org/dol2fe/Pages/FE\\_Search/FE\\_S\\_S009-DP.aspx?language=E&CatalogueIdList=128650,122575,118877,116022,115125,91612,78895,108141,95823,64673&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=True](https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=128650,122575,118877,116022,115125,91612,78895,108141,95823,64673&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=True).

sured. This measurement facilitates adaptation of the work plan to changing circumstances. Internal monitoring institutionalizes continuous improvement in pursuit of institutional integrity. External evaluation provides an incentive for the organization’s operators and provides an additional perspective to help identify needs for course correction and to inform future efforts.<sup>91</sup>

The third phase of development has been the element of certification and periodic recertification. This feature, as achieved in Mexico, provides an authoritative determination that the organization is one of integrity. Because sustaining institutional integrity is a continuing challenge, the system has added a recertification process. This process invites an organization to reexamine its situation at prescribed intervals (usually two or three years). In effect, this phase is a formalized system for repeated evaluation and an incentive for continuous improvement.

Each recertification involves a current review of how the organization is performing with respect to the four components of institutional integrity described above (norms and public policies; organizational culture; transparent, efficient, and effective management; and a system of consequences). From this reexamination, the organization can identify new priorities and launch an appropriate follow-on program to help it sustain its commitment to excellent performance and ethical values. A requirement for recertification institutionalizes a virtuous circle of assessment, work program design and implementation, monitoring and evaluation, and recurring examination.

The three phases in the development of institutional integrity, as identified in Tt DPK’s experience to date, are summarized in Figure 2, below.

Figure 2 – Phases of Institutional Integrity Development



The evolution of the process continues with exploration of ways to engage civil society more broadly in sharing knowledge, providing oversight, and helping governments to integrate institutional integrity more extensively in their systems of public administration.

One possibility might be to build a standard practice of eliciting stakeholder input into the local certification process. An ambitious additional step would be to invite civil society input on institutional integrity in country reviews under international mechanisms. At present, although the UNCAC, in Article 13, recognizes the role of civil society in combatting corruption, the current limited civil society participation in the UNCAC review mechanism has been the subject of some criticism.<sup>92</sup>

<sup>91</sup> Research and experience have demonstrated the importance of monitoring and evaluation to foster learning and innovation and respond to emerging signals. See Root, Hilton, Harry Jones, with Leni Wild, *Managing Complexity and Uncertainty in Development Policy and Practice* (London: ODI, 2015), <https://www.odi.org/sites/odi.org.uk/files/odi-assets/events-documents/5191.pdf>; Godson, Roy, *A Guide to Developing a Culture of Lawfulness, Address prepared for the Inter-American Drug Abuse Control Commission* (Washington, DC: OAS, 2004). <http://www.cicad.oas.org/apps/Document.aspx?Id=309>.

<sup>92</sup> See Rodrigues, Charmaine, *Civil Society Participation, Public Accountability and the UNCAC* (Berlin: Transparency International, 2015), [https://www.transparency.org/whatwedo/publication/civil\\_society\\_participation\\_public\\_accountability\\_and\\_the\\_uncac](https://www.transparency.org/whatwedo/publication/civil_society_participation_public_accountability_and_the_uncac).

The Inter-American Convention against Corruption (IACAC) has less of an explicit focus on institutional integrity than UNCAC. However, the IACAC review mechanism appears to be more forthcoming on civil society participation.<sup>93</sup> The African Union Convention on Preventing and Combating Corruption expressly obliges the parties to “ensure and provide for the participation of civil society in the monitoring process and consult civil society in the implementation of this Convention.”<sup>94</sup>

As discussed in Chapter 3, it would seem desirable to strengthen reviews under the anticorruption treaties by including greater attention to international support for institutional integrity. Expanded opportunities for stakeholder input could be an important part of strengthening the review process. Examples of civil society participation in other treaty reviews are provided by the shadow reports in UN reviews of CEDAW compliance and the stakeholder submissions in UN universal periodic reviews of countries’ fulfilment of their human rights obligations and commitments.<sup>95</sup>

The institutional integrity approach considers integrity an essential part of an effective organization, reflected in the behavior and beliefs of its leaders and its members at all levels and in the expectations of its stakeholders.

This approach to reform is not an exercise in wishful thinking. It fosters disciplined management that rewards merit and sanctions unethical behavior. The pursuit of institutional integrity is driven by local commitment to address important local problems in practical ways. Focusing on the strengths rather than the weaknesses of all concerned, institutional integrity appeals to the best qualities of each individual while pursuing transformational change at both organizational and individual levels. It reinforces behavioral change with the benefits of increased productivity, pride in accomplishment, increased transparency, and resulting public trust and approval.

The discussion below recounts the evolution of one firm’s growing understanding and appreciation of the institutional integrity approach in a variety of country situations, initially in the justice sector and later in a broader range of governance functions. These experiences offer ideas on how this evolving approach can be introduced in public administration as a sustainable way to help improve the quality of governance, combat corruption, and increase the effectiveness of international cooperation.

## Dominican Republic

The Dominican Republic initiated major judicial reforms in the mid-1990s with the enactment of a judicial career law, the creation of a National Council of the Judiciary (*Consejo Nacional de la Magistratura*), and the opening of the National Judicial School (*Escuela Nacional de la Judicatura*). Additional

<sup>93</sup> See Mechanism for Follow-Up on Implementation of the Inter-American Convention against Corruption, Committee of Experts Rules of Procedure and Other Provisions, Chapter V, Civil Society Organizations Participation, 12, [http://www.oas.org/juridico/PDFs/mesicic4\\_rules\\_en.pdf](http://www.oas.org/juridico/PDFs/mesicic4_rules_en.pdf). Also relevant to broadened participation in reviews under the Inter-American system is Article 4 of the Inter-American Democratic Charter, which states that “transparency in government activities, probity, responsible public administration on the part of governments ... are essential components of the exercise of democracy.” [https://www.oas.org/en/democratic-charter/pdf/demcharter\\_en.pdf](https://www.oas.org/en/democratic-charter/pdf/demcharter_en.pdf).

<sup>94</sup> See Chêne, Marie, Comparative Analysis of the UNCAC and the AU Convention (Berlin: Transparency International, 2014), [https://www.transparency.org/files/content/corruptionqas/Comparative\\_analysis\\_of\\_the\\_UNCAC\\_and\\_the\\_AU\\_Convention\\_2014.pdf](https://www.transparency.org/files/content/corruptionqas/Comparative_analysis_of_the_UNCAC_and_the_AU_Convention_2014.pdf).

<sup>95</sup> See the CEDAW shadow reporting guide at International Women’s Rights Action Watch, *Producing Shadow Reports to the CEDAW Committee: A Procedural Guide* (Minneapolis: International Women’s Rights Action Watch), <http://hrlibrary.umn.edu/iwraw/proceduralguide-08.html>. See also Office of the United Nations High Commissioner for Human Rights, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society* (New York and Geneva: United Nations, 2008), [https://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook\\_en.pdf](https://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf), and UN Secretary General, *Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties* (New York: United Nations, 2009), [https://www.ohchr.org/Documents/HRBodies/TB/HRI-GEN-2-REV-6\\_en.doc](https://www.ohchr.org/Documents/HRBodies/TB/HRI-GEN-2-REV-6_en.doc).

measures, continuing into the 21st century, included the adoption of an accusatory criminal procedure code, the creation of a National Public Defender Service (*Oficina Nacional de la Defensa Pública*), and new organic laws for the prosecution function of the Public Ministry (*Procuraduría General de la República*) and the National Police (*Policía Nacional*).

The breadth and complexity of these reforms placed a premium on interinstitutional coordination. In 2006, leaders of the Supreme Court, Public Ministry, Public Defender Service, and the National Police entered into a framework agreement that linked their organizations to a case tracking system in order to facilitate information sharing and scheduling. In addition, they created a bureau of interinstitutional coordination for each judicial district.

*a decade of normative, organizational, technical, and procedural reforms had not transformed the attitudes and behavior of the operators or the expectations of stakeholders of the Dominican judicial system.*

Consultations among the concerned organizations, facilitated by USAID and Tt DPK, identified as a significant risk the lack of commitment and integrity on the part of justice system personnel. This was a particular concern of Supreme Court President Jorge Subero Isa, who pointed out that a decade of normative, organizational, technical, and procedural reforms had not transformed the attitudes and behavior of the operators or the expectations of stakeholders of the Dominican judicial system.<sup>96</sup>

The Judicial Power, Public Ministry, and Public Defender Service all expressed the desire to build an institutional culture based on integrity, professional ethics, and a commitment to provide efficient, effective, and impartial service. The leaders of these organizations made clear their commitment to this undertaking and engaged the full range of their units and personnel in diagnostic studies of their culture, productivity and effectiveness, how they were perceived by the public, and how they could transform their respective organizations into what they wanted them to be. The National Police did not find the necessary readiness in their organization to participate in this intensive and ambitious undertaking.

Highly participatory diagnostic studies of the three participating organizations, supported by Tt DPK, produced conceptual designs from which each entity was able to organize, plan, and carry out a work program grounded in institutional integrity. Each work program addressed the four components enumerated above: norms and policies; organizational culture; transparent, efficient, and effective management; and a system of consequences.

These issues were the subject of wide ranging deliberations and planning organized by multidisciplinary teams. The deliberations included outreach to internal collaborators, other state institutions, users of the institution's services, and the community in general. The resulting work programs made provision for launching the agreed actions, implementing the work program, and disseminating information about the program internally and externally.

By the end of the initial USAID contract with Tt DPK in 2008, the three participating Dominican organizations had adopted institutional integrity as a guiding principle for judicial reform. They developed ethical codes, updated their disciplinary systems, reorganized their human resource and financial management systems, and disseminated their respective institutional integrity plans throughout their

<sup>96</sup> The failure of the country's three largest banks in 2003 and the resulting political scandal and economic crisis were a significant part of the background that made attention to these issues a priority for reformers. See the summary description in the latinnews.com archive at <https://www.latinnews.com/component/k2/item/10025-baninter-collapse-punctures-economic-growth.html>.

organizations. An especially important achievement was the introduction of a new emphasis on integrity in the curricula of the training schools for the judiciary and the Public Ministry.

Implementation of the institutional integrity system continued with support from USAID under a contract with Tt DPK for 2008-2012. The focus was on technical and management capabilities of justice sector institutions, mechanisms for internal and external supervision of reforms, ensuring independence and impartiality, and improving management and operations. A Supreme Court resolution in 2009 approved the framework and an interagency implementation staff was established.

In 2010, the judiciary's implementation of the institutional integrity approach received international recognition. The Innovare Institute in Rio de Janeiro, conferred its prestigious O Globo Innovare International Award on the Judicial Power in the Dominican Republic. This award based on the improved management practices of the criminal court in the province of La Vega was for "a practice that is working in the country and modernizing and increasing the quality of the service provided by the local justice system." It was based on an evaluation by leaders of Brazil's legal community of nominated practices in countries that participate in the Ibero-American Judicial Summit. The Dominican Judicial Power, understandably, was proud to publicize this award.<sup>97</sup>

This initial experience had a continuing influence in the participating organizations and also influenced future national policy. The Public Defender Service was able to complete its work program to fully operationalize the institutional integrity system. Unfortunately, a constitutional change adopted in 2010 was seen as impeding the independence of the judiciary<sup>98</sup> and a severe budget reduction impaired the capacity of the Public Ministry to complete the program.

Experience in the Dominican Republic demonstrated the vulnerability of reforms that seek to strengthen institutional integrity only in a few organizations in the public sector. The participating Dominican organizations confronted broadly imbedded societal forces, power asymmetries, and political settlements that were resistant to reform. Those forces limited the impact of efforts in the Public Ministry and also in the judiciary. However, the principle of institutional integrity has survived in the Public Defender Service, where the system is still in full force, and also to a limited extent in the judiciary. In particular, it is still being applied by the training school for the professional preparation of judges.

The most significant legacy of the program is in the current government-wide Participatory Anticorruption Initiative that the Dominican government has launched within the framework of the Open

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<sup>97</sup> See the Supreme Court press release, "República Dominicana, primer premio Innovare Internacional 2010, 08 de julio de 2010, [http://www.poderjudicial.gob.do/portada/imprimir\\_cimg.asp?IdNoticia=267](http://www.poderjudicial.gob.do/portada/imprimir_cimg.asp?IdNoticia=267). See also the press release by the Innovare Institute, "Práctica da República Dominicana vence o I Premio Innovare Internacional, August 4, 2018, <http://www.premioinnovare.com/br/noticia/pratica-da-republica-dominicana-vence-o-i-premio-innovare-internacional>. The rules for conferring this award are available at [http://anterior.cumbrejudicial.org/c/document\\_library/get\\_file?uuid=f2c8b4bd-1954-4871-8bd7-a0ad056f7da6&groupId=10124](http://anterior.cumbrejudicial.org/c/document_library/get_file?uuid=f2c8b4bd-1954-4871-8bd7-a0ad056f7da6&groupId=10124).

<sup>98</sup> Bertelsmann Transformation Index, *Dominican Republic Country Report 2018*, <https://www.bti-project.org/en/reports/country-reports/detail/itc/DOM>.

Government Partnership. A Presidential Decree in 2012 launched this government-wide effort and established a Directorate of Governmental Ethics and Integrity (*Dirección General de Ética e Integridad Gubernamental*).<sup>99</sup> The directorate includes a department of governmental ethics and integrity with responsibilities for supervising a system of integrity in public institutions and coordinating and supporting the promotion of ethical behavior and integrity in public administration.<sup>100</sup>

In summary, it appears that the concept of institutional integrity has been accepted in the Dominican Republic, but the practice among institutions remains uneven. It is encouraging that in 2017 President Medina directed all government agencies to maintain commissions of public ethics and to work with the Directorate of Public Ethics and Integrity.<sup>101</sup>

As Dominican efforts to build a culture of integrity continue, the country's relative ranking on the World Bank's worldwide governance indicator for rule of law has improved (from the 34th percentile in 2006 to the 45th in 2016), but its ranking on the corruption indicator has declined (from the 28th to the 23rd percentile). The World Justice Project's 2017-2018 Rule of Law Index ranked the Dominican Republic overall at 90th of 113 countries reviewed and, with respect to absence of corruption, it ranked 91st of 113.<sup>102</sup>

## Peru

Corruption has long been a major challenge in Peru.<sup>103</sup> In recent times the country has undertaken a series of anticorruption initiatives. In 2000, immediately after the collapse of the government of Alberto Fujimori, the interim Paniagua government adopted new legal norms and created specialized prosecutors and courts to recover stolen assets. It also launched a national dialogue with public, private sector, and civil society participation. The succeeding Toledo and Garcia governments launched their own anticorruption initiatives, often in the aftermath of public scandals.<sup>104</sup>

Peru established the High Level Anticorruption Commission (Comisión de Alto Nivel Anticorrupción) in 2010 to coordinate public and private efforts and to help harmonize anticorruption policies at national and subnational levels. That Commission obtained a new legislative charter in 2013 and it remains a central actor. It is supported by regional anticorruption commissions, now 25 in number.<sup>105</sup>

<sup>99</sup> Decreto Número 486-12, [https://www.digeig.gob.do/images/docs/DECR\\_486-12\\_CreaDireccionGeneralEticaGuber\\_20120821.pdf](https://www.digeig.gob.do/images/docs/DECR_486-12_CreaDireccionGeneralEticaGuber_20120821.pdf).

<sup>100</sup> See the website of the Dirección General de Ética e Integridad Gubernamental, <https://www.digeig.gob.do/index.php/2014-10-27-14-40-12/etica-e-integridad-gubernamental>. See also the current Dominican action plan under the Open Government Partnership: *Tercer Plan de Acción de la República Dominicana: 2016-2018* (Santo Domingo: Dirección General de Ética e Integridad Gubernamental, 2016), [http://gobiernoabierto.do/?page\\_id=329](http://gobiernoabierto.do/?page_id=329).

<sup>101</sup> Decreto Número 143-17. <https://www.digeig.gob.do/images/docs/Decreto%20143-17.pdf>.

<sup>102</sup> See World Bank, Worldwide Governance Indicators website, <http://info.worldbank.org/governance/wgi/#home>; World Justice Project, *2017-2018 Rule of Law Index* (Washington, DC: 2018), 72, [https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf); See also OECD, "Dominican Republic Country Note" in *Latin American Economic Outlook 2018: Rethinking Institutions for Development* (Paris: OECD, 2018), 238-239.

<sup>103</sup> See Quiroz, Alfonso W., *Historia de la Corrupción en El Peru* (Lima: Instituto de Estudios Peruanos – Instituto de Defensa Legal, 2013), [http://www.academia.edu/31638378/HISTORIA\\_DE\\_LA\\_CORRUPCIÓN\\_EN\\_EL\\_PERÚ\\_por\\_Alfonso\\_W.\\_Quiroz](http://www.academia.edu/31638378/HISTORIA_DE_LA_CORRUPCIÓN_EN_EL_PERÚ_por_Alfonso_W._Quiroz).

<sup>104</sup> See the critical review of this history in Pozsgal Alvarez, Joseph, "Political Will for Anti-Corruption Reform: The Weight of Political Context in the Making of a National Anti-Corruption Plan in Peru," *Iberoamericana*, vol. XXXVII, no. 1, (Tokyo: Sophia University, 2017), 63-84, <http://www.josephpozsgai.com/wp-content/uploads/2017/10/Political-Will-for-Anti-Corruption-Reform.pdf>.

<sup>105</sup> See Ley No. 29976 creating the revised High Level Commission (Lima: 2013), <http://www.leyes.congreso.gob.pe/Documentos/Leyes/29976.pdf>. See also the High Commission's website on regional commissions, <http://can.pcm.gob.pe/comisiones-regionales-anticorrupcion>.



The Humala government adopted a national anticorruption plan in 2013, with five elements:

1. Inter-institutional coordination in the fight against corruption.
2. Effective prevention of corruption.
3. Timely and effective investigation and sanctioning of corruption in the administrative and judicial fields.
4. Promotion and articulation of the active participation of citizens, civil society, and the business community in the fight against corruption.
5. Placing Peru on the international scene of the fight against corruption.<sup>106</sup>

The 2013 plan appears to be an example of the traditional compliance strategy discussed above in Chapters 2 and 3. As in other cases, such a strategy did not provide an adequate basis for transformational reform in Peru.<sup>107</sup>

Against Peru's volatile background of multiple anticorruption policies and plans, USAID initiated a program in 2013 to promote integrity in the justice system. Tt DPK implemented this program, drawing on its experience in the Dominican Republic as well as its familiarity with rule of law issues in Peru. The "Pro-Integridad" program had three main objectives:

- Increasing the judicial system's capacity to resolve corruption cases;
- Promoting institutional integrity in the justice sector; and
- Strengthening the judicial system's capacity to tackle corruption through civil society's active commitment.

The project called for promoting institutional integrity only in the Ministry of Justice and Human Rights and in the Public Ministry. The USAID contract did not involve this approach in work with the judiciary or with civil society.

The Ministry of Justice and Human Rights, with Tt DPK support, undertook a self-assessment of its organization that identified six aspects of institutional integrity as priorities:

- Organizational culture;
- Public perceptions of the Ministry;
- Productivity;
- Human resource management;
- Rules on ethics and combating corruption; and
- Managing public information.

The Ministry included the institutional integrity concept in its anticorruption plan and established a coordinating committee to guide implementation. Activities proceeded on the basis of broad participation and collaboration similar to the approach followed in the Dominican Republic. Efforts included the development of an ethical code, the preparation of training guides on institutional integrity, the

<sup>106</sup> Government of Peru, *Plan Nacional de Lucha contra la Corrupción 2012-2016* (Lima: 2012), <http://spij.minjus.gob.pe/Graficos/Peru/2012/Diciembre/09/DS-119-2012-PCM.pdf>.

<sup>107</sup> See Table 1 in Chapter 2.

introduction of recurring weekly workshops on ethics and integrity, and training on public ethics.<sup>108</sup>

The weekly workshops, in particular, were well received throughout the Ministry. Initially begun with facilitative assistance from Tt DPK, they continued without further support. The Ministry highlighted these “Ethics and Integrity Thursdays” (“*Jueves de Ética e Integridad*”) in a 2015 Peruvian government’s response to a questionnaire from the Mechanism for Follow Up on the Implementation of the Inter-American Convention against Corruption (MESICIC).

The Peruvian report (which was submitted to MESICIC through the Peru’s High Level Anticorruption Commission) described these workshops as being within the framework of an institutional integrity model to contribute to a culture of confidence and integrity, and noted the support of USAID.<sup>109</sup> MESICIC took note of these references to ethics and institutional integrity in its final report on Peru, published in 2016.<sup>110</sup>

The Public Ministry also undertook a self-assessment. This one addressed eight priorities:

- Organizational culture;
- Public perceptions of the Public Ministry;
- Productivity;
- Human resource management;
- Rules on ethics and combating corruption;
- Public policies and practices;
- Managing public information and transparency; and
- Civil society participation in oversight of the Public Ministry.

On the basis of this assessment, the Public Ministry produced an implementation plan and a training plan.

It was expected that work would continue in these two organizations after the project ended in 2016. However, a change in the organizations’ leadership brought further efforts to a halt.

*Efforts included the development of an ethical code, the preparation of training guides on institutional integrity, the introduction of recurring weekly workshops on ethics and integrity, and training on public ethics.*

Evaluations of Pro-Integridad in both the Public Ministry and the Ministry of Justice were conducted in late 2015. The evaluation reports concluded that some progress had been made, but that neither organization had completed its work program to achieve the status of an institution of integrity. The Public Ministry’s 2016 Ethical Code and Norms of Conduct

<sup>108</sup> See Código de Comportamiento Ético del Ministerio de Justicia y Derechos Humanos (Lima: 2014), <https://www.minjus.gob.pe/wp-content/uploads/2016/10/RM-151-2014-JUS-CODIGO-DE-COMPORTAMIENTO-ETICO-EN-EL-MINISTERIO-DE-JUSTICIA-Y-DERECOS-HUMANOS.pdf>.

<sup>109</sup> MESICIC, Respuesta del Peru al cuestionario en relación con el seguimiento de la implementación de las recomendaciones formuladas y las disposiciones analizadas en la segunda ronda, así como con respecto a las disposiciones de la convención seleccionadas para la quinta ronda (Washington, DC: MESICIC, March 26, 2015), 76, [http://www.oas.org/juridico/PDFs/mesicic5\\_per\\_resp.pdf](http://www.oas.org/juridico/PDFs/mesicic5_per_resp.pdf).

<sup>110</sup> MESICIC, Republic of Peru, Final Report (Washington, DC: 2016), 72. [http://www.oas.org/juridico/PDFs/mesicic5\\_per\\_final\\_en.pdf](http://www.oas.org/juridico/PDFs/mesicic5_per_final_en.pdf).

document makes no explicit mention of institutional integrity.<sup>111</sup>

Pro-Integridad's impact was constrained by the project's limited scope. It reached only two organizations in the justice system and did not include the influential judiciary or the National Judicial Council (Consejo Nacional de la Magistratura). The latter entity has power over the selection, evaluation, and discipline of judges and prosecutors and would be highly relevant to efforts to establish a system of consequences that would reward or sanction the behavior of public officials and employees in the justice sector.

*...by introducing institutional integrity in a highly focused way, the Pro-Integridad project helped to advance the readiness of the affected Peruvian institutions to apply this concept.*

Nevertheless, by introducing institutional integrity in a highly focused way, the Pro-Integridad project helped to advance the readiness of the affected Peruvian institutions to apply this concept. It also increased a familiarity with principles that were incorporated in a subsequent reform initiative. The influence of this limited exposure to the institutional integrity approach was demonstrated by the references to it in the above-cited reports by the High Level Commission to MESICIC.

The Kuczynski government established a Presidential Commission on Integrity in 2016. The Commission's report recommended a number of measures of the type associated with the traditional compliance strategy for combating corruption. However, it also included recommendations for creating a system of integrity in the executive branch of government and promotion of a culture of integrity in the wider society.<sup>112</sup>

Also in 2016, the OECD conducted an integrity review of Peru which identified a number of issues and made recommendations for a coherent and comprehensive public integrity system, including a single policy framework to cultivate a culture of integrity and mechanisms to strengthen accountability. The OECD report was presented at a major public forum in Lima in October 2016. The report's specific recommendations addressed the following priorities:

- Promoting a coordinated and integrated integrity system;
- Strengthening ethics and conflict of interests management in the public sector;
- Implementing protection for those who report violations of integrity standards;
- Guaranteeing effective internal controls and risk management;
- Improving the framework for political financing;
- Establishing measures to ensure the integrity and transparency of lobbying;
- Simplifying and strengthening the disciplinary system for public employees;
- Improving the capacity of the criminal justice system to ensure compliance.<sup>113</sup>

The introduction of the institutional integrity approach in the Ministry of Justice and Human Rights, the 2016 report of the Presidential Committee, and the OECD integrity review all provided background for a new national policy on integrity and the fight against corruption, which the government adopted

<sup>111</sup> ; Código de Ética del Ministerio Público (Lima: 2016), [https://www.mpfm.gob.pe/Docs/0/files/codigo\\_de\\_etica.pdf](https://www.mpfm.gob.pe/Docs/0/files/codigo_de_etica.pdf).

<sup>112</sup> *Informe de la Comisión Presidencial de Integridad: Detener la corrupción, la gran batalla de este tiempo* (Lima: 2016), <https://www.proetica.org.pe/noticias/informe-de-la-comision-presidencial-de-integridad-detener-la-corrupcion-la-gran-batalla-de-este-tiempo>.

<sup>113</sup> OECD, *Integrity Review of Peru: Enhancing Public Sector Integrity for Inclusive Growth* (Paris: OECD, 2017c), <http://www.oecd.org/countries/peru/oecd-integrity-review-of-peru-9789264271029-en.htm>.

in September 2017.

Following the resignation of President Kuczynski in March 2018 in the face of allegations related to the Odbrecht scandal,<sup>114</sup> the successor Vizcarra government followed up with a national plan on integrity for implementing the recently adopted national policy. This plan provided for restructuring of the general directorate of the High Level Anticorruption Commission as a Secretariat of Public Integrity (La Secretaría de Integridad Pública). It included a number of references to institutional integrity.<sup>115</sup>

The national integrity plan included reference to improving selection and advancement processes for the Judicial Power and Public Ministry, but did not single out the judicial system for special attention. This omission became a priority in July 2018 after shocking revelations of “corruption, influence peddling, and the existence of organized networks inside the judicial system.”<sup>116</sup> This scandal led to dismissals of the Justice Minister, a number of senior judges and prosecutors, and all members of the National Judicial Council. The revelations were the cause of significant public demonstrations as well.

President Vizcarra appointed a high level Commission on Reform of the Judicial System (*Comisión de Reforma del Sistema de Justicia*), headed by respected career diplomat Allan Wagner, with a mandate to provide recommendations on urgent reforms.<sup>117</sup> The Commission’s report of July 25, 2018, included ten recommendations for constitutional and other legal reforms, changes in selection procedures, new ethical requirements, and the creation of a new council for reform of the justice system.<sup>118</sup> Some of these recommendations have generated political controversy.<sup>119</sup>

Integrity and the fight against corruption, judicial reform, and political reform were the predominant themes in President Vizcarra’s message to the nation on July 28, 2018, the anniversary of Peru’s independence. He recommended four amendments to the constitution and a number of new laws, including one to create a national authority of integrity and control in the judiciary and the Public Ministry. He also called attention to the launch of a “model of public integrity” in the executive branch of government.<sup>120</sup> A subsequent public demand for congressional action has produced legislative approval of

<sup>114</sup> See Washington Post, “Peruvian President Kuczynski resigns amid corruption scandal, March 21, 2018, [https://www.washingtonpost.com/world/the\\_americas/peruvian-president-kuczynski-resigns-amid-corruption-scandal/2018/03/21/07d37a2e-2d38-11e8-8dc9-3b51e028b845\\_story.html?noredirect=on&utm\\_term=.539c39f2ddc1](https://www.washingtonpost.com/world/the_americas/peruvian-president-kuczynski-resigns-amid-corruption-scandal/2018/03/21/07d37a2e-2d38-11e8-8dc9-3b51e028b845_story.html?noredirect=on&utm_term=.539c39f2ddc1).

<sup>115</sup> Decreto Supremo que aprueba la Política Nacional de Integridad y Lucha contra la Corrupción (Lima: 2017), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-la-politica-nacional-de-integridad-decreto-supremo-n-092-2017-pcm-1565307-1/lucha-contra-la-corrupcion>; Decreto Supremo que aprueba el Plan Nacional de Integridad y Lucha contra la Corrupción 2018-2021 (Lima: 2018), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-el-plan-nacional-de-integridad-y-decreto-supremo-n-044-2018-pcm-1641357-2/>. See the decree establishing the new Secretariat of Public Integrity at <http://can.pcm.gob.pe/2018/04/poder-ejecutivo-crea-la-secretaria-de-integridad-publica>. For criticism of the National Plan’s implementation, including regarding structural issues, see Arroyo, Pilar, “El Futuro de la Lucha Anticorrupción,” *Artículo de Coyuntura*, 11 de mayo del 2016 (Lima: Instituto de Bartolomé de la Casa, 2018), <http://bcasas.org.pe/wp-content/uploads/2018/05/IBC-CoyunturaMayo2018.pdf>.

<sup>116</sup> See “Judging the judges,” *The Economist*, August 4, 2018, <https://www.economist.com/the-americas/2018/08/04/judging-latin-americas-judges>.

<sup>117</sup> Resolución Suprema No. 142-2018-pcm, Lima, 12 de julio de 2018, *El Peruano*, <https://busquedas.elperuano.pe/normaslegales/crean-la-comision-consultiva-denominada-comision-de-reforma-resolucion-suprema-n-142-2018-pcm-1669642-9>.

<sup>118</sup> Hacia un Sistema de Justicia honesto y eficiente: Informe de la Comisión Consultiva para la Reforma del Sistema de Justicia, 25 de julio de 2018, [https://www.scribd.com/document/385029850/Informe-del-Comisio-n-Consultiva-para-Reforma-del-Sistema-de-Justicia#from\\_embed](https://www.scribd.com/document/385029850/Informe-del-Comisio-n-Consultiva-para-Reforma-del-Sistema-de-Justicia#from_embed).

<sup>119</sup> See “A bold bid for change in Peru,” *The Washington Post*, August 13, 2018, [http://www.washingtonpost.com/world/the\\_americas/corruption-scandals-have-ensnared-3-peruvian-presidents-now-the-whole-political-system-could-change/2018/08/11/0cd43ab0-9a82-11e8-a8d8-9b4c13286d6b\\_story.html?utm\\_term=.099ed939072f](http://www.washingtonpost.com/world/the_americas/corruption-scandals-have-ensnared-3-peruvian-presidents-now-the-whole-political-system-could-change/2018/08/11/0cd43ab0-9a82-11e8-a8d8-9b4c13286d6b_story.html?utm_term=.099ed939072f).

<sup>120</sup> See Mensaje a la nación del Presidente Martín Vizcarra Cornejo, 28 de julio de 2018, <https://www.presidencia.gob.pe/noticias/6476>. See also proposed constitutional reforms transmitted to the Congress on August 8, 2018 at <https://www.presiden>

the President's reform agenda for a public constitutional referendum.<sup>121</sup>

The challenge for Peru will be to avoid having this reform effort fall into the pattern of previous responses to particular scandals that focused “primarily on institutional configurations or regulatory frameworks, rather than the promotion of a pro-integrity mind-set amongst public officials.” This time, it will be essential to address the “implementation deficit” and the “issues of culture and leadership in promoting appropriate models of integrity.”<sup>122</sup>

*The challenge for Peru will be to avoid having this reform effort fall into the pattern of previous responses to particular scandals that focused “primarily on institutional configurations or regulatory frameworks, rather than the promotion of a pro-integrity mind-set amongst public officials.”*

Peru's relative ranking on the World Bank's worldwide governance indicator for rule of law has improved modestly (from 28th percentile in 2006 to 34th in 2016) while the country's ranking on the corruption indicator has declined (from the 51st percentile in 2006 to the 43rd in 2016). The World Justice Project's 2017-2018 Rule of Law Index ranks the Peru overall at 60th of 113 countries reviewed and, with respect to absence of corruption, 89th of 113.

## Mexico

The Mexican public has identified the related issues of corruption and violent crime as their top concerns in recent years.<sup>123</sup> These concerns became the leading issues in the July 2018 elections in which an anticorruption reform movement overwhelmed the traditional political establishment.

In 2016, Mexico adopted a comprehensive national anticorruption system, which entered into force in 2017. It provides for a national coordination committee to develop national policies and monitor progress, an executive secretariat and an executive commission to provide technical support, and a citizen participation committee as a channel for inputs from civil society. Local systems at the State level are to mirror the national system.<sup>124</sup>

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[cia.gob.pe/docs/informes/PROYECTO\\_LEY\\_REFORMA\\_CONSTITUCIONAL.pdf](http://cia.gob.pe/docs/informes/PROYECTO_LEY_REFORMA_CONSTITUCIONAL.pdf).

<sup>121</sup> See Mensaje a la Nación del Presidente Martín Vizcarra, 17 de septiembre de 2018, <https://elperuano.pe/noticia-cuestion-confianza-71151.aspx>; EMOL, Congreso peruano da voto de confianza a reformas impulsadas por el Gobierno de Vizcarra, 20 de septiembre de 2018, <http://www.emol.com/noticias/Internacional/2018/09/20/921127/Congreso-peruano-da-voto-de-confianza-a-reformas-impulsadas-por-el-Gobierno-de-Vizcarra.html>.

<sup>122</sup> The quoted references are to Heywood, et al, *Integrity and Integrity Management in Public Life*, 3. This study is discussed above in Chapter 2. The Consultative Committee appeared to acknowledge this need in the closing paragraphs of its report, which call for educational measures for the preparation and ethical values of public officials, a collective culture of honesty and service to the community, and an administration of justice that is recognized by citizens as dignifying profession.

<sup>123</sup> See “Growing sense that corruption is a major problem” in Vice, Margaret, and Hanyu Chwe, *Mexican Views of the U.S. Turn Sharply Negative* (Pew Research Center: 2017), 13-14, <http://www.pewglobal.org/2017/09/14/mexicans-are-downbeat-about-their-countrys-direction>.

<sup>124</sup> The system is based on an extensive array of constitutional amendments and new or amended laws. See the Secretaría de Función Pública website, Sistema Nacional Anticorrupción, <https://www.gob.mx/sfp/acciones-y-programas/sistema-nacional-anticorrupcion-64289>. For a detailed explanation of the new system and its background from a USAID-supported think tank, see Ethos, *Sistema Nacional Anticorrupción y el Nuevo Régimen de Responsabilidades de Los Servidores Públicos* (Mexico City: 2017), [https://ethos.org.mx/wp-content/uploads/2017/11/VersionFinal\\_Manual\\_SNA\\_ResponsabilidadesAdministrativasPenales\\_Ethos-1.pdf](https://ethos.org.mx/wp-content/uploads/2017/11/VersionFinal_Manual_SNA_ResponsabilidadesAdministrativasPenales_Ethos-1.pdf). For a brief summary description of the new system, see Meyer, Maureen, and Gina Hinojosa, *Mexico's National Anti-Corruption System: A Historic Opportunity in the Fight against Corruption* (Washington, DC: WOLA, 2018), <https://www.wola.org/analysis/wola-report-mexico-national-anti-corruption-system>.

It is noteworthy that the legislation expressly calls for policies of integrity in both the public and private sectors. Published explanations of the system describe it as intended to promote a system of integrity, not just to diminish corruption. For example, the general law on administrative responsibilities calls on heads of government agencies to establish “programs of integrity” to ensure the development of an ethical culture in their organizations. The law specifies elements to be included in such programs.<sup>125</sup>

Also in 2016, Mexico completed a transformational reform of its criminal justice system, based on an accusatory model.<sup>126</sup> A particular feature of the new system was its heightened attention to gender-based violence, including through the establishment of a special prosecutor for violence against women and human trafficking (*Fiscalía Especial para los Delitos de Violencia Contra las Mujeres y Trata de Personas*).<sup>127</sup> The Executive Secretariat of the National System for Public Security is overseeing the implementation of the reform and coordinating among concerned organizations at the national and state levels of government.<sup>128</sup>

This reform elevated the significance of the National Commission to Prevent and Eradicate Violence against Women (*Comisión Nacional para Prevenir y Erradicar la Violencia contra las Mujeres*, CONAVIM) as well as the network of Women’s Justice Centers that had been established throughout the country since 2010.

This network was initiated after the Inter-American Court of Human Rights had delivered its historic judgment in the “Cotton Field Case.” In that case, the court decided that the Mexican Government had violated the human rights of women who had been murdered near the city of Juarez. It ordered the Government to proceed with investigation and prosecution of all related criminal offenses, to acknowledge its responsibility publicly, to pay compensation, to provide health care to named individuals, to provide education for public officials on human rights and gender, and to take a number of other actions to acknowledge its responsibility, make restitution, and establish safeguards against gender-based violence.<sup>129</sup>

There are now 42 Women’s Justice Centers throughout Mexico. Three more are in the planning stage and 13 are under construction. The centers bring together a broad range of government agencies and civil society organizations to assist victims of gender-based violence with legal advice, counseling, job training, and other services.<sup>130</sup> While the centers are under the guidance of CONAVIM, they are established under the laws of the states where they are located. Federal grants to the centers, primarily for infrastructure costs, are channeled through CONAVIM.

<sup>125</sup> Ley General de Responsabilidades Administrativas, Artículos 21 y 25.

<sup>126</sup> See Gomez González, coordinadora, *Reforma Penal 2008-2016: El Sistema Penal Acusatorio en México*, (Ciudad de México: INACIPE, 2016), <http://www.inacipe.gob.mx/stories/publicaciones/novedades/ReformaPenal2008-2016.pdf>.

<sup>127</sup> See the website of the special prosecutor: *Fiscalía Especial para los Delitos de Violencia Contra las Mujeres y Trata de Personas*, <https://www.gob.mx/pgr/acciones-y-programas/fiscalia-especial-para-los-delitos-de-violencia-contra-las-mujeres-y-trata-de-personas>.

<sup>128</sup> See the website of the Secretariat at <http://secretariadoejecutivo.gob.mx/index.php>.

<sup>129</sup> Inter-American Court of Human Rights, Case of González et al. (“Cotton Field”) v. Mexico, Judgment of November 16, 2009, [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_205\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf). See ELLA, *The Cotton Field Case in Mexico: Setting Legal Precedents for Fighting Gender-Based Violence* (Lima: ELLA Network, 2013), [https://assets.publishing.service.gov.uk/media/57a08a0be5274a31e00003c2/130810\\_GOV\\_GenVio\\_BRIEF2.pdf](https://assets.publishing.service.gov.uk/media/57a08a0be5274a31e00003c2/130810_GOV_GenVio_BRIEF2.pdf).

<sup>130</sup> See the Commission’s website at <https://www.gob.mx/conavim#acciones>. See also Sierra Pacheco, María, *Centros de Justicia para las Mujeres: Espacios para la atención integral y holística de las mujeres que viven violencia* (Ciudad de México: INACIPE, 2014); EQUIS, *Centros de Justicia para las Mujeres (CEJUM): Informe sobre el estado de la política a nivel nacional* (Ciudad de México: EQUIS, 2017), <http://equis.org.mx/project/informe-sobre-los-centros-de-justicia-para-las-mujeres>.

Managing a center means managing relationships with literally dozens of federal, state, and municipal government entities and civil society organizations in responding to many diverse needs. Victims rely on the centers for survival, recovery, and support in building stable and productive lives. In such a complex organization with such a sensitive mission, a system of institutional integrity has been an important tool for achieving sustainable success based on shared interests and values.<sup>131</sup>

*In such a complex organization with such a sensitive mission, a system of institutional integrity has been an important tool for achieving sustainable success based on shared interests and values.*

USAID has supported Mexico's ongoing justice system reform for a number of years.<sup>132</sup> In 2014, USAID contracted with Tt DPK under the PROJUST program to support increased public support for the National Criminal Justice System, increased access to justice, and improved victims' assistance. A principal activity under this contract has been support for CONAVIM and the Women's Justice Centers.

In 2015, Tt DPK worked closely with CONAVIM to introduce an institutional integrity system to Women's Justice Centers as a way to strengthen their efficiency, effectiveness, transparency, and overall quality of performance. Beginning with centers in the states of Coahuila, Hidalgo, and Jalisco, Tt DPK facilitated a series of broadly participatory working sessions to review the four components of institutional integrity (Figure 1, above).

The shared understanding that was gained in this dialogue prepared the way for the centers to identify the priority aspects of institutional integrity to be assessed and to formulate indicators of measurement. The centers then proceeded, with Tt DPK support, to develop action plans, tools, and procedures to help them achieve higher levels of institutional integrity. The process helped to build mutual trust within an organizational structure that requires collaboration by many participating entities. As a specific example, the Women's Justice Center for the State of Hidalgo is working with 10 aspects of the four components, as summarized in Table 2, below.

The positive outcomes of these initial efforts persuaded CONAVIM to designate the Institutional Integrity System as the official tool for certification of the Centers throughout the nation. In December 2017, the National Council for Public Security ratified this designation at its annual public meeting, making the Institutional Integrity System a national policy for the centers.<sup>133</sup>

<sup>131</sup> The Women's Justice Centers are truly complex organizations with many participating public and private organizations and multiple decision points. The centers have maintained successful collaborative management with practices that are consistent with Elinor Ostrom's Nobel Prize-winning ideas about shared knowledge, communication, incentives for collaboration and trust, clearly defined boundaries, and conflict resolution mechanisms. See Ostrom, Elinor, *Understanding Institutional Diversity* (Princeton, NJ: Princeton University Press, 2005).

<sup>132</sup> See USAID, Mexico Rule of Law Fact Sheet, [https://www.usaid.gov/sites/default/files/documents/1862/DO2FactSheet\\_March2018.pdf](https://www.usaid.gov/sites/default/files/documents/1862/DO2FactSheet_March2018.pdf).

<sup>133</sup> A video of the National Council's 43rd Session on December 21, 2017, is available at <https://www.youtube.com/watch?v=sf-fuv0c8ZU>.

Table 2 – Action Plan for Women’s Justice Center, Hidalgo

Components	Aspects
<b>Norms and Public Policies</b>	<ul style="list-style-type: none"> <li>• Norms for access to justice, intervention by victim, and women’s empowerment</li> <li>• Norms for integrity and ethics</li> </ul>
<b>Organizational Culture</b>	<ul style="list-style-type: none"> <li>• Culture and ethical leadership.</li> </ul>
<b>Transparent, Efficient, &amp; Effective Management</b>	<ul style="list-style-type: none"> <li>• Operational management system.</li> <li>• Human capital management.</li> <li>• Administrative and financial management.</li> <li>• Public information management, transparency.</li> <li>• Evaluation system and public perception.</li> </ul>
<b>System of Consequences</b>	<ul style="list-style-type: none"> <li>• System for participation by civil society, private sector.</li> <li>• Consequences, merit and discipline</li> </ul>

The Mexican government called attention to the application of the institutional integrity system in the Women’s Justice Centers in a July 2018 report relating to its IX Periodic Report to the Committee for the Elimination of All Forms of Discrimination against Women (CEDAW). The report highlighted the government’s reliance on the certification of the centers as a way to contribute to their functional efficiency and an organizational culture based on ethical performance.<sup>134</sup>

In 2017, the OECD undertook an integrity review of Mexico, intended to support implementation of the new National Anticorruption System and support the Mexican Government’s efforts to translate the letter of the law “into extensive institutional, behavioral, and cultural change.”

The OECD made findings and recommendations in five areas:

- Fostering a comprehensive and coherent integrity system;
- Cultivating a culture of integrity: instilling integrity values and managing conflict of interests;
- Protecting whistleblowers: ensuring secure channels and protections for reporting corruption;
- Ensuring a sound internal control and risk-management framework; and
- Enforcing integrity: ensuring an effective administrative disciplinary regime for public officials.<sup>135</sup>

The report also included a section on public procurement in Mexico, an area of special attention for the OECD.<sup>136</sup>

On the basis of this report, the OECD and Mexico’s Ministry of Public Administration (Secretaría de Función Pública) have agreed on an action plan for collaboration on four central themes:

<sup>134</sup> Sustentación del IX Informe Periódico de México ante el Comité para la Eliminación de todas las Formas de Discriminación contra la Mujer (CEDAW), 2018, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MEX/INT\\_CEDAW\\_AIS\\_MEX\\_31730\\_S.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MEX/INT_CEDAW_AIS_MEX_31730_S.pdf)

<sup>135</sup> OECD, *Integrity Review of Mexico: Taking a Stronger Stand Against Corruption* (Paris: OECD, 2017d), <http://www.oecd.org/gov/ethics/oecd-integrity-review-of-mexico-9789264273207-en.htm>. The OECD is also working with several subnational governments in Mexico in support of their implementation of local anticorruption systems. See, e.g., OECD, *Integrity Review of Coahuila, Mexico: Restoring Trust through an Integrity System* (Paris: OECD, 2017), <http://www.oecd.org/publications/oecd-integrity-review-of-coahuila-mexico-9789264283091-en.htm>.

<sup>136</sup> The OECD public procurement toolbox includes links to the 2015 OECD Recommendation on Public Procurement and the extensive set of OECD public procurement reports. See the website at <http://www.oecd.org/governance/procurement/toolbox>.



- strengthening institutional arrangements for coherence and effective cooperation;
- cultivating a culture of integrity in the public sector and society;
- strengthening the public sector’s lines of defense against corruption; and
- enforcing the integrity framework for deterrence and greater trust in government.

Tt DPK’s work with the Women’s Justice Centers, under its contract with USAID, has firmly established the institutional integrity approach as the Mexican government-approved management system for the centers. The centers appreciate this approach and they are implementing it in a manner that indicates genuine commitment and belief in its value.<sup>137</sup>

The spread of this success in strengthening institutional integrity to other public sector organizations in Mexico at the state or federal level would be consistent with the OECD recommendation and the agreed OECD-Ministry of Public Administration action plan. It remains to be seen whether this will occur.

Mexico’s relative ranking on the World Bank’s worldwide governance indicator for rule of law has declined significantly (from the 42nd percentile in 2006 to the 33rd in 2016) while the country’s ranking on the corruption indicator has declined even more (from the 47th percentile in 2006 to the 23rd in 2016). The World Justice Project’s 2017-2018 Rule of Law Index ranks Mexico overall at 92nd of 113 countries reviewed and, with respect to absence of corruption, 102nd of 113.

## El Salvador

Corruption has been a major public concern in El Salvador. The country’s last three Presidents have been implicated in major embezzlements of public funds. President Flores (1999-2004) died while awaiting trial; President Saca (2004-2009), who was formally charged with embezzlement, entered a guilty plea in August 2018; President Funes (2009-2014) fled to Nicaragua in 2016 and received political asylum while under investigation. This concern has prompted a wide ranging response on the part of the government and civil society. It has also received international attention.<sup>138</sup>

El Salvador has been a member of the Open Government Partnership since 2011.<sup>139</sup> In recent years, the country has enacted a number of reforms to increase transparency, improve governance, and strengthen ethical performance in public service:

- a law expanding access to public information has been broadly implemented through the establishment of a national institute and public information offices in national and municipal government organizations;<sup>140</sup>

<sup>137</sup> See Mir Cervantes, Claudia, and Alonso Veraza López, *Documentación de la Experiencia en la Implementación de los Centros de Justicia para las Mujeres: Un Estudio de Caso*, Inter-American Development Bank (Washington, DC: IDB, 2018), <https://publications.iadb.org/bitstream/handle/11319/8913/Documentacion-de-la-experiencia-en-la-implementacion-de-los-Centros-de-Justicia-para-las-Mujeres.pdf?sequence=1&isAllowed=y>, for a positive study of the centers, with a focus on the Hidalgo Center. See also Tetra Tech DPK, *Sistema de Integridad Institucional: Informe de resultados - Diagnóstico en los Centros de Justicia para las Mujeres* (Mexico City: Tt DPK, 2018) for a report on progress toward institutional integrity in the various centers as of mid-year 2018.

<sup>138</sup> See the 2017 report of the Office of the Presidency’s Secretariat for Participation, Transparency, and Anticorruption at <http://www.transparencia.gob.sv/institutions/capres/documents/218681/download>. See also “Saca resumió en una hora los cinco años de corrupción de su gobierno,” *El Faro*, August 10, 2018, [https://elfaro.net/es/201808/el\\_salvador/22332/Saca-resumió-en-una-hora-los-cinco-años-de-corrupción-de-su-gobierno.htm](https://elfaro.net/es/201808/el_salvador/22332/Saca-resumió-en-una-hora-los-cinco-años-de-corrupción-de-su-gobierno.htm)

<sup>139</sup> See Open Government Partnership, Independent Reporting Mechanism (IRM) Progress Report 2016-17, [https://www.opengovpartnership.org/sites/default/files/El-Salvador\\_Mid-Term\\_Report\\_2016-2018.pdf](https://www.opengovpartnership.org/sites/default/files/El-Salvador_Mid-Term_Report_2016-2018.pdf).

<sup>140</sup> See the 2017 report of the Office of the Presidency’s Secretariat for Participation, Transparency, and Anticorruption at

- a law on government ethics is being implemented with oversight by a national commission and an ethics tribunal,<sup>141</sup> and
- new laws on municipal governance, including a chapter on transparency and provision for a career administrative service at the municipal level.<sup>142</sup>

In 2016, USAID contracted with Tt DPK to implement a project on government integrity in El Salvador. A principal objective was to help strengthen governmental transparency, accountability, and professional standards. Elements of this objective included support for strengthening the capacities of Salvadoran regulatory agencies with respect to transparency and ethics; increasing central government transparency; and enhancing transparency and professionalism at the municipal level. The principal

instrument for achieving progress in those three areas was the introduction of institutional integrity.

*The scope of the national effort to build institutional integrity in El Salvador is much broader than in the Dominican Republic, Peru, or Mexico. Here, the challenge is to introduce and support the implementation of the concept in many very different kinds of organizations.*

The scope of the national effort to build institutional integrity in El Salvador is much broader than in the Dominican Republic, Peru, or Mexico. Here, the challenge is to introduce and support the implementation of the concept in many very different kinds of organizations.

The involved regulatory agencies are the Institute for Access to Public Information (*Instituto de Acceso a la Información Pública*) and the Ethics Tribunal (*Tribunal de Ética Gubernamental*). The involved central government agencies are the Ministry of Education (*Ministerio de Educación*), Ministry of Public Works (*Ministerio de Obras Públicas*), and the Public Defender Organization (*Procuraduría General*). USAID hopes to include two additional central government agencies. With respect to municipalities, 16 municipalities in various locations are currently involved and the project's target is to reach 30 municipalities. (El Salvador has a total of 262 municipalities within its 14 departments.)

The involved regulatory agencies are the

Because of the number and variety of participating organizations, it has been considered necessary to add an additional stage to the process of creating and implementing an institutional integrity work plan. In previous applications, a diagnostic self-assessment began on the basis of the four components: norms and public policies; organizational culture; transparent, efficient, and effective management; and a system of consequences. In El Salvador, each organization was asked to address, in particular, six dimensions of integrity with respect to each of the four components. The six dimensions are transparency, prevention and suppression of corruption, public ethics, citizen participation, accountability, and public efficiency. This structure is illustrated in Figure 3, below.

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<http://www.transparencia.gob.sv/institutions/capres/documents/218681/download>. See also “Saca resumió en una hora los cinco años de corrupción de su gobierno,” *El Faro*, August 10, 2018, [https://elfaro.net/es/201808/el\\_salvador/22332/Saca-resumió-en-una-hora-los-cinco-años-de-corrupción-de-su-gobierno.htm](https://elfaro.net/es/201808/el_salvador/22332/Saca-resumió-en-una-hora-los-cinco-años-de-corrupción-de-su-gobierno.htm)

<sup>141</sup> Ley de Ética Gubernamental, 2011, <http://www.teg.gob.sv/phocadownload/Legislaciones/RELEG.pdf>. See the website of the Tribunal for Ethical Government at <http://www.teg.gob.sv>.

<sup>142</sup> Código Municipal, 1986 as amended through 2012, <http://www.fundaspad.org/wp-content/uploads/2014/07/CodigoMunicipal-ElSalvador-Fundaspad.pdf>; Ley de . 2006, as amended through 2014, [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_072903520\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072903520_archivo_documento_legislativo.pdf).

Figure 3 – Components and Dimensions of Institutional Integrity in El Salvador

Components	Dimensions of Integrity					
	Transparency	Corruption Prevention	Public Ethics	Citizen Participation	Accountability	Public Efficiency
Norms and Public Policies						
Organizational Culture	<i>Targets and indicators for each dimension to identify desired results and measure progress</i>					
Transparent, Efficient, & Effective Management						
System of Consequences						

The discipline of taking these specific dimensions into account provides more structured guidance for the assessment of an organization’s conditions and the formulation of content, targets, and indicators for its work plan. However, the basic methodology remains consistent with earlier practice.

Each self-assessment has been carried out by a broadly inclusive team within the organization and the resulting work plan is being implemented in a participatory manner and coordinated by a “circle of institutional integrity” made up of knowledgeable and respected leaders. This system has proven workable in large and diverse organizations such as the Ministry of Public Works and also in small, highly focused organizations such as the Ethics Tribunal.

The collaboratively developed work plans are producing some encouraging results. Salvadoran organizations have developed ethical codes, updated their merit-based personnel systems, established open-data web portals, and expanded training programs to include increased attention to ethics and transparency policies and practices. Monitoring of progress is built into the design through monthly reviews, quarterly presentation of results to senior leadership, and final approval of those results by the organization’s leadership within a specified period (normally one year).

For the institutional integrity approach to become a sustainable national practice, El Salvador will need to establish a system for external evaluation of public integrity initiatives undertaken throughout the government. It will also be necessary for some national organization to have the authority and capacity to review each organization’s performance and provide (or withhold) certification of institutional integrity. Linking this process to the budget of the organization seeking certification, as is done for the Women’s Justice Centers in Mexico, would provide a strong incentive to achieve and retain certification.

The extension of the institutional integrity approach to municipalities in El Salvador has created an additional challenge. Municipal governments tend to lack access to the human and financial resources that are normally available to central government organizations. While there was enthusiasm from the initial communities where the model

*...concerns were expressed about implementing at the municipal level the complex structure that had been introduced in the central government. The solution, which has been welcomed by the participating municipalities, was to create a simplified framework of five values (transparency, responsibility, citizen participation, public efficiency, and trustworthiness) and consider how they applied to each of five kinds of activities in municipal governance.*

was discussed, concerns were expressed about implementing at the municipal level the complex structure that had been introduced in the central government.

The solution, which has been welcomed by the participating municipalities, was to create a simplified framework of five values (transparency, responsibility, citizen participation, public efficiency, and trustworthiness) and consider how they applied to each of five kinds of activities in municipal governance (norms and policies, organizational structure, planning and control, process and instruments, and training). This model is illustrated in Figure 4, below.

Each participating municipality has created a multidisciplinary and multi-party municipal integrity commission that works with the Municipal Council and civil society to assess the adequacy of performance with respect to each of the values and to develop a work plan. In some cases, the work plan has included more than five elements because some values have been found to have multiple priority aspects. For example, transparency might involve public access to information and also management of the municipal archives. Or public efficiency might include an orientation toward public service as well as strengthening the municipal administrative career system. A simple numerical system helps to identify workplan priorities and measure progress as the plan is implemented.

Figure 4 – Municipal Integrity in El Salvador

<i>Functions</i>	<i>Values of Integrity</i>				
	<i>Transparency</i>	<i>Responsibility</i>	<i>Citizen Participation</i>	<i>Public Efficiency</i>	<i>Trustworthiness</i>
<i>Norms and Public Policies</i>					
<i>Organizational Structure</i>	<i>Targets and indicators for each dimension to identify desired results and measure progress</i>				
<i>Planning and Control</i>					
<i>Processes and Instruments</i>					
<i>Training</i>					

Most of the communities where this municipal integrity model has been implemented to date are facing serious issues of citizen security and are participating in the national program for a secure El Salvador (El Salvador Seguro).<sup>143</sup> This program, with national funding, includes, among other components, violence prevention and job creation initiatives; increased state presence aimed at improving public spaces, expanding community policing, and increasing student retention in schools; and increased services for crime victims.

The program provides important opportunities for El Salvador’s municipalities and also creates significant responsibilities that demand enhanced capabilities and integrity. The Municipal Integrity model has provided welcome assistance to municipal governments and the participating communities have been diligent in making good use of it.

As in the case of the national organizations, an issue not yet addressed is the creation of a system for external evaluation of the implementation of municipal institutional integrity plans and the identification of a credible authority to certify the adequacy of each municipality’s performance. Even more important, the sustainability of this approach in municipal governance will depend upon a national commitment to expand its application beyond the 30 municipalities to be reached by the current US-AID-funded program to include the rest of the 262 Salvadoran municipalities.

<sup>143</sup> See Consejo Nacional de Seguridad Ciudadana y Convivencia, *Plan El Salvador Seguro: Resumen Ejecutivo* (San Salvador: 2015), <http://www.presidencia.gob.sv/wp-content/uploads/2015/01/El-Salvador-Seguro.pdf>.

# 5

## CONCLUSIONS

El Salvador's relative ranking on the World Bank's worldwide governance indicator for rule of law has declined (from the 32nd percentile in 2006 to the 26th in 2016) while the country's ranking on the corruption indicator has also declined significantly (from the 45th percentile in 2006 to the 33rd in 2016). The World Justice Project's 2017-2018 Rule of Law Index ranks El Salvador overall at 79th of 113 countries reviewed and, with respect to absence of corruption, 76th of 113.

### Looking Beyond Development Cooperation Projects

The operational impact of the national efforts described above has necessarily been constrained by the limits of the donor-financed projects in which institutional integrity approaches have been introduced. Ultimately, the sustainability of future efforts will depend upon the adoption of institutional integrity as a local norm for application beyond the organizations included in a project. Otherwise, when a donor-financed project that has included only certain specified organizations comes to an end with no consideration of applying the approach more broadly, the methodology is not likely to be extended to additional organizations thereafter.

*Transformative reform relies upon some combination of local leaders, institutions, and civil society engaging in an iterative process in order to influence values, beliefs, and behavior in positive ways.*

For example, when the Mexico project ends, will the Women's Justice Centers be able to continue to implement the institutional integrity model, even though they will be interacting with organizations that have not adopted comparable integrity practices? And in El Salvador, will the more than 200 municipalities not within the scope of the current USAID project be able to replicate the efforts taken by the 30 pilot municipalities covered by the project to strengthen their governance?

The political economy dimension of islands of integrity is well captured by an informative 2018 U4 Help Desk note.<sup>144</sup> Research cited there suggests that a public entity that has developed a strong organizational culture can remain an example of positive deviance in a difficult environment.<sup>145</sup> The research also describes the characteristics of such an organizational culture in terms that capture the essence of institutional integrity:

- A management style that encourages participation, flexibility, teamwork, problem solving, and equity;
- Expectations of employees on how diligently they should work and about the expected quality of their work;

<sup>144</sup> Zúñiga, Nieves, *The impact of 'islands of integrity'*, (Bergen: U4 - Chr. Michelsen Institute, 2018). <https://www.u4.no/publications/the-impact-of-islands-of-integrity/pdf>.

<sup>145</sup> Andrews, Matt, *Explaining positive deviance in public sector reforms in development* (Helsinki: United Nations University-World Institute for Development Economics Research, 2013b), <https://www.wider.unu.edu/sites/default/files/WP2013-117.pdf>.

- Organizational autonomy in personnel management;
- A sense of mission to which employees are committed, including:
  - Professionalism
  - Sense of being special
  - Self confidence
  - External recognition of skills and capacities
  - Sense of service and pride in the institution.<sup>146</sup>

It is very difficult, though, for islands of integrity to spread their own good practices throughout a wider system of public administration. Godson emphasizes the importance of popular methods to change the environment toward a culture of lawfulness through public education, visible centers of moral authority and role models, and media attention.<sup>147</sup> Mungiu-Pippidi and Johnston remind us of the importance of underlying context with their assertion that in the absence of the rule of law and judicial independence, “the rules that the anticorruption industry advocates do not work.”<sup>148</sup> Other studies suggest that, over time, an organization needs to “fit” with dominant patterns in a society and that complex systems cannot permanently remain isolated from their environment.<sup>149</sup>

Thus, the continued use of institutional integrity approaches in targeted projects of international cooperation can still achieve positive results. This pattern can demonstrate good practices, help to improve the performance of selected participating organizations, and plant seeds that might influence concerned governments in their broader efforts to improve public administration, combat corruption, and build a culture of legality and integrity.

However, the value of these targeted projects could be multiplied if governments that are engaged in broad reform efforts were to adopt institutional integrity as a locally owned approach to public management, looking beyond its use in projects affecting particular organizations or sectors.

## CLOSING THOUGHTS ON CHAPTER 4

This chapter has shown how Tt DPK’s experience with institutional integrity has evolved through sensitive, context-appropriate approaches in a manner consistent with agreed principles of effective development cooperation. This combination of theory and practice has helped to create practical and disciplined but flexible frameworks that local actors can use and adapt to shape their own reforms.

A striking feature of Tt DPK’s experience has been how enthusiastically the institutional integrity con-

<sup>146</sup> Grindle, Merilee, “Divergent Cultures? When Public Organizations Perform Well in Developing Countries,” *World Development*, vol. 25, no. 4, 481-95 (1997). See also Roll, Michael, *The State That Works: “Pockets of Effectiveness” as a Perspective on Stateness in Developing Countries* (Mainz, Germany: Johannes Gutenberg University, 2011), <http://www.ifeas.uni-mainz.de/workingpapers/AP128.pdf>.

<sup>147</sup> Godson, Roy, *A guide to Developing a Culture of Lawfulness*.

<sup>148</sup> Mungiu-Pippidi, Alina and Michael Johnston, editors. 2017. *Transitions to Good Governance*, 247. Their conclusion is consistent with the analysis by Barry Weingast that the rule of law emerges “when the society transforms from a basis in personal relations and exchanges to one based on impersonal relations and exchanges.” Therefore, Weingast argues, “the procedures, rights, and institutions of the rule of law cannot be transplanted into developing countries.” Weingast, Barry R., *Why Developing Countries Prove So Resistant to the Rule of Law* (Stanford, CA: Stanford University, 2009), [http://jenni.uchicago.edu/WJP/Vienna\\_2008/Weingast\\_ROL\\_MS\\_2%2000\\_08-0519.pdf](http://jenni.uchicago.edu/WJP/Vienna_2008/Weingast_ROL_MS_2%2000_08-0519.pdf).

<sup>149</sup> See Leonard, David, *Where Are ‘Pockets’ of Effective Agencies Likely in Weak Governance States and Why? A Propositional Inventory* (Brighton, UK: Institute of Development Studies, 2008), <https://www.ids.ac.uk/files/Wp306.pdf>. See also Root, Hilton, Harry Jones, with Leni Wild, *Managing Complexity and Uncertainty in Development Policy and Practice* (London: ODI, 2015).

cept has been received in public organizations when the leadership has been open to inclusive, participatory processes to identify and overcome impediments to effective, service-oriented organizations whose members take pride in their work, their organizational culture, and their ethical values.

Organizations that have applied the institutional integrity approach have been conscientious about conducting inclusive assessments and then creating and implementing their work plans. They have worked collaboratively, reported specific achievements, and continued to make progress toward the integrity objectives they have chosen for themselves. This pattern confirms that they have taken ownership and regard the approach as theirs rather than an external system.

It is also impressive that the experience of public organizations with the institutional integrity approach appears to have had some influence on national anticorruption policies. This influence is evident in the Dominican Republic's Directorate of Governmental Ethics and Integrity, in Peru's national policy and action plan on integrity and the fight against corruption, and in Mexico's adoption of institutional integrity certification as national policy for the management of Women's Justice Centers throughout the country.

The potential for having a similarly positive influence in El Salvador is substantial because the current program there reaches a number of different kinds of central government organizations and regulatory agencies as well as a large number of municipal governments.

Uncertainty remains about the readiness of individual countries to undertake more generalized institutional integrity initiatives as key elements of their national strategies to build a culture of lawfulness and integrity, enable transformational societal change, and achieve sustainable development. However, the number of positive experiences such as those described in this report is increasing. There are growing concerns about corruption and greater awareness of the inadequacies of reliance on control strategies to combat it. And there is an expanding international interest in public integrity. These trends provide reason for optimism.

This report has reviewed the importance of competent and accountable governance for economic and social development, the essential role of capable institutions for effective governance, and the corrosive influence of corruption on the quality of governance and, therefore, on sustainable development as well.

*The recent World Bank publications discussed above recognize that corruption needs to be addressed within the context of broader efforts to influence the prevailing culture and power asymmetries of institutions and, over time, achieve lasting societal changes in contestability, incentives, preferences, and beliefs.*

We know that societal change cannot be imposed. It needs to emerge from nationally led and locally owned strategies that address local priorities and are responsive to prevailing economic, political, and societal realities. Transformative reform relies upon some combination of local leaders, institutions, and civil society engaging in an iterative process in order to influence values, beliefs, and behavior in positive ways. Extensive research has confirmed the complexity of this process and its tendency to be “long term, indirect, and often independent of deliberate reforms.”<sup>150</sup>

We also know that broad adherence to a culture of lawfulness and integrity requires much more than fair and efficient public institutions. Many factors, such as economic policies, access to technology, press freedom, an independent judiciary, and an engaged civil society can influence a broad shift in values, beliefs and behavior.

Godson argues persuasively that public education, visible centers of moral authority and role models, and media attention are all important to achieve broad societal change. The Index of Public Integrity looks at six factors: judicial independence, administrative burden, trade openness, budget transparency, e-citizenship, and freedom of the press. Progress on these factors needs to interact with improved performance and integrity of public institutions in furtherance of the elusive goal of transformative change.

International cooperation can help to influence and support change, but each situation must be approached with care to support, while not seeking to replace, local knowledge, systems, and responsibilities. There is increased recognition of the shortcomings of compliance strategies that only seek to prevent, detect, and punish bad behavior. Experience has shown that support for inclusive locally owned efforts to promote respect for lawfulness and integrity and to improve the overall quality of local institutions – their effectiveness and efficiency, user orientation, and adherence to ethical values and standards – is more likely to succeed than a narrow emphasis on prevention, control, and enforcement.

International support for sustainable development has increasingly embraced this positive emphasis on integrity. The United States integrates anticorruption measures in its institution strengthening programs. European countries have been emphasizing issues of trust and integrity in their programming. The Council of Europe has developed integrity assessment methodologies, and the European Union has sponsored extensive research on integrity issues. Multilateral development organizations have also broadened their strategies for addressing anticorruption policy issues and related institutional mechanisms to give greater weight to political economy factors,

<sup>150</sup> Mungiu-Pippidi, Alina, and Michael Johnston, *Transitions to Good Governance*, 253.



organizational culture, and local context.

Research and experience have shown that attention to both compliance and integrity is needed. However, the international community appears to remain divided about where the emphasis should be. As Mungiu-Pippidi has observed, “there are two quite different paradigms in the international community: the ‘eradication of corruption’ view and the ‘integrity building’ and ‘good governance’ view.”<sup>151</sup> This is a false choice. The better alternative is to integrate compliance measures into efforts to enhance integrity and adherence to ethical values.

The UNCAC has established a global standard of institutional integrity in the public sector. This is an important development. The Convention’s review mechanism can monitor how member countries implement that standard. The UN, through the Office on Drugs and Crime, plays a central role in the review mechanism and could use that role to give greater attention to efforts to build a culture of lawfulness and integrity and strengthen the integrity of institutions.

However, in practice, the review mechanism has concentrated more on the control and eradication of corruption than on the UNCAC objectives of fostering integrity and good governance. A similar compliance orientation appears to be a characteristic of reviews under the regional anti-corruption conventions.

In addition, the UNCAC review mechanism has not benefited from substantial civil society participation. The engagement of civil society stakeholders in other kinds of review mechanisms, such as the UN’s universal periodic reviews of adherence to human rights obligations, might suggest ways to open the UNCAC and other anticorruption reviews to greater citizen participation as an important component of encouraging the values, preferences, and beliefs that underlie a culture of lawfulness and integrity.

The UN also oversees the monitoring of progress in implementing the Sustainable Development Goals, including the SDG 16 target of substantially reducing corruption and bribery in all their forms. As the UNCAC reviews have tended to prioritize control, SDG monitoring, which is under the auspices of the Economic and Social Council, tends to emphasize development and institution strengthening.

This inconsistency in orientation suggests that there should be greater interaction and coherence among the law enforcement, development, and diplomatic elements of the international community. Support for local efforts should be the subject of coordination among all relevant channels of cooperation. The multilateral system, including the above-discussed performance monitoring and review mechanisms, should reinforce those local efforts.

For example, if the UN were to coordinate its oversight of UNCAC implementation with its oversight of progress under the SDGs it could help to achieve progress toward both UNCAC and SDG ideals. It should seize the opportunity to do so.

Another significant development has been the OECD’s proactive deployment of its recommended three-pronged approach: a coherent and comprehensive public integrity system; a culture of public integrity; and effective accountability. The OECD recommendation has been accompanied by a growing body of informed guidance and an annual integrity forum. The increasing number of collaborative country integrity reviews supported by the OECD initiative is producing a body

<sup>151</sup> Mungiu-Pippidi, Alina, *The Quest for Good Governance*, 10..

of knowledge that could be very useful in UNCAC and regional treaty-based reviews as well as in monitoring SDG implementation.

With respect to the integrity of public institutions, the case study in Chapter 4 shows how Tt DPK has promoted a flexible and adaptive framework for self-assessment, planning, and implementation by local actors. The design and operation of programs based on the framework's four components (norms and public policies; organizational culture; transparent, efficient, and effective management; and a system of consequences) are determined in each case by the participating individuals and organizations.

This approach has been shown to be a valuable way to help public organizations improve their performance, build an internal culture of integrity, and strengthen the individual commitment to ethical values and practices of all within the organization. The organizations that have embraced this model have benefited from more inclusive and participatory management, greater productivity, and increased public approval and trust. In some countries, the approach has had a positive influence on policy development, as suggested by the subsequent adoption of national integrity policies and programs.

For the most part, the Tt DPK approach and others like it have been applied selectively within the limits of donor-financed development cooperation projects. These efforts have produced positive results. However, such selective efforts to build institutional integrity in only a few organizations presents the risk that over time those organizations might become unsustainable islands of integrity. An institutional integrity focus would have far greater value as part of a local comprehensive public integrity strategy.

It is time to take advantage of existing opportunities to bring the various national and international actors together in a common endeavor to enable the realization of popular aspirations for accountable, efficient, fair, and impartial governance. This is obviously a complex and difficult undertaking. Every situation requires attention to distinct challenges and priorities. As discussed above in Chapter 2, consideration must be given to multiple, interrelated matters: adaptation to the particular context; involvement of a diverse array of people with various perspectives; timing and sequencing; collaboration by governments and citizens, working together toward shared goals; and mutual reinforcement between anticorruption and pro-integrity objectives, on the one hand, and the efficient delivery of reliable public services on the other.<sup>152</sup>

The integrity of institutions is an important part of overall progress toward a societal culture of lawfulness and integrity. It should be a specific objective of coherent and comprehensive national and international strategies to help societies become more stable, safe, and just, with shared values and interests grounded in human freedom and opportunity.

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<sup>152</sup> Heywood, Paul, Heather Marquette, Caryn Peiffer, and Nieves Zúñiga, *Integrity and Integrity Management in Public Life*, 36-37.

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