

# **A systemic approach to anti-corruption and governance**

**Atelier gouvernance et anti-corruption: de l'évaluation à la pratique**

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## Overview

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1. The Elements of Governance
2. National Integrity Systems
3. An example of a systemic approach to governance: accountability institutions in Malawi
4. Conclusions

## Governance: Definition

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We define governance as the traditions and institutions by which authority in a country is exercised for the common good.

- 👉 Process by which those in authority are selected and replaced (Accountability)
- 👉 Ability of the government to formulate and implement sound policies (Capacity)
- 👉 Respect of citizens and the state for institutions which govern their interaction (Legitimacy)

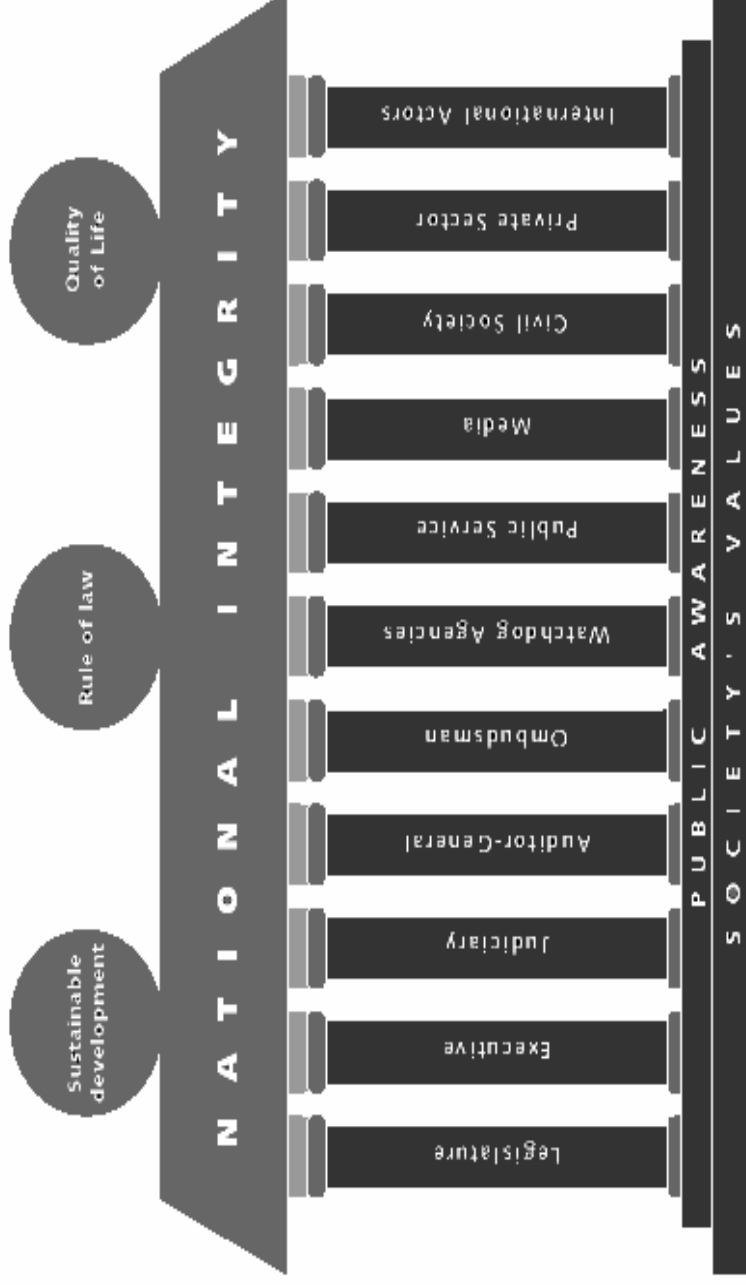
## Key Principles of Governance for the Common Good

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- Rule of Law
- Quality of Life
- Sustainable Development

👉 through *transparent, accountable, and effective* state institutions!

# The Pillars of a National Integrity System



Source: Transparency International Integrity Source Book, p. 35.

## Pillars of Integrity: State institutions

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- ★ Executive (Government)
- ★ Legislature (Parliament)
- ★ Judiciary (Courts)
- ★ „Accountability Institutions“ (Ombudsman, Anti-corruption Bureau, Human Rights Commission etc.)
- ★ Auditor General
- ★ Public service / Administration

## Pillars of Integrity: other institutions

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- ★ Civil society (media, NGOs, etc)
- ★ Private Sector (national and international business)
- ★ International Actors (international organisations, donors etc)

## An example of a systemic approach to Governance: Horizontal Accountability Institutions

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### Horizontal Accountability Institutions:

State Institutions with an oversight mandate (e.g. Auditor General, Ombudsman, Human Rights Commission etc.)

- Institutions of the state that both check on each other as well as on other state institutions, and which are mutually supportive of each other to make government work.
- Safeguard checks and balances between executive, legislative, and judiciary;
- Uphold certain key values of a state and society, such as rule of law and democratic responsiveness.

### Characteristics:

- constitutional mandate
- often relatively new institutions, like Anti-corruption Bureau etc.  
(as opposed to Auditor General, Law Commission etc, which belong to established public sector)

## Republic of Malawi

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Malawi: some facts:

- HDI 2005: Rank 165 out of 177
- CPI 2005: Rank 97 (out of 158; score: 2,8)
- Freedom House: Partly free

Constitution of Malawi (1994, revised 2004) states that the „constitutional order in the Republic of Malawi based on the need for an open, democratic and accountable government“

- ➔ New institutions to guarantee checks and balances of state institutions, and to safeguard citizen's rights.
- ➔ Bring democracy to life!

## The mandate of the evaluation team

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„Horizontal capacity assessment“:

Conduct a capacity assessment of a) the accountability institutions and related administrative justice institutions, and b) the forums for common action created by these institutions.

Aspects of capacity:

- 1) effective engagement;
- 2) mobilising information
- 3) strategic planning
- 4) Monitoring and evaluation
- 5) mutual accountability.

## „Forum of Constitutional Bodies“

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### Members:

- Law Commission
- Ombudsman
- Human Rights Commission
- Electoral Commission
- Anti-corruption Bureau
- Inspectorate of Prisons
- Auditor General

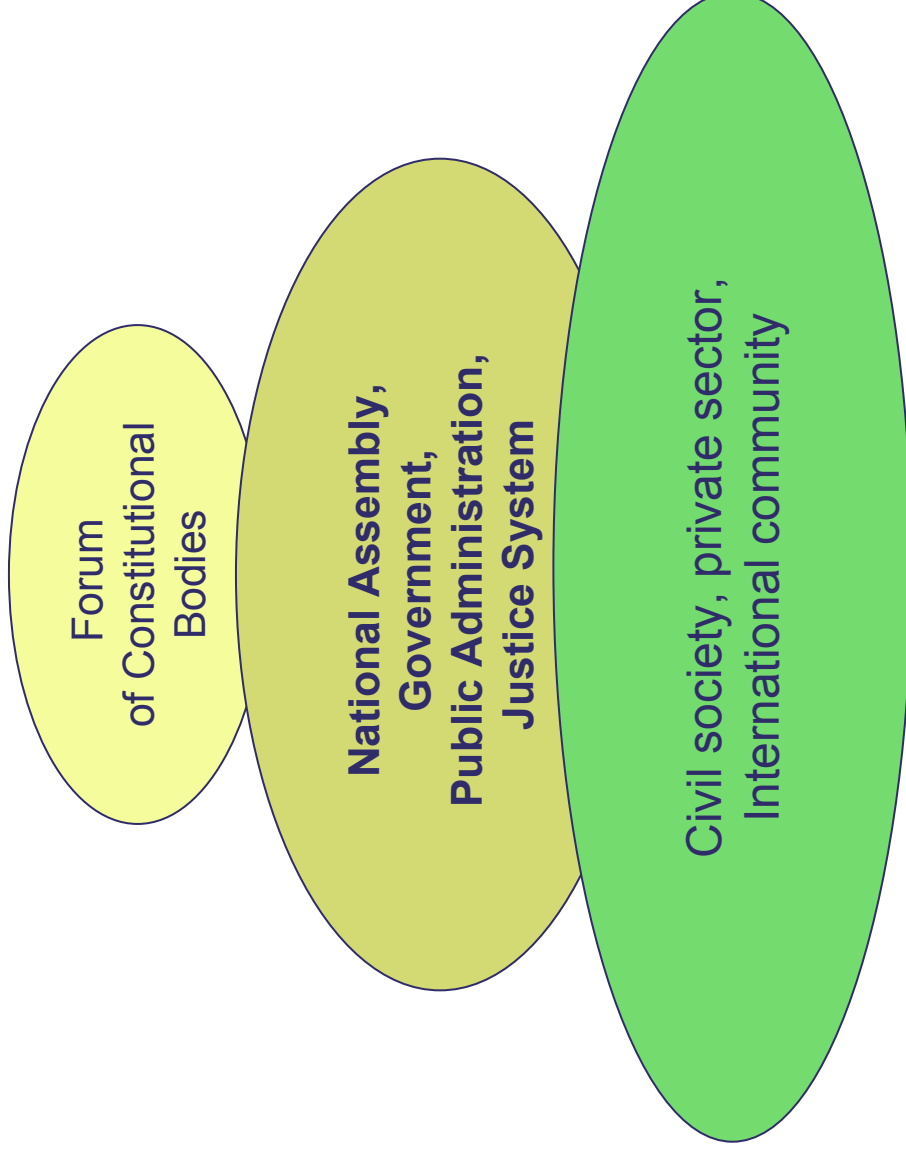
## But... common problems:

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- 👉 Budget constraints
- 👉 Insufficient human resources
- 👉 Insufficient technical resources
- 👉 Low profile in government and public
- 👉 Inadequate legislative framework to support their mandate
- 👉 Inadequate terms and conditions of service
- 👉 Lack of knowledge about own role and responsibilities, as well as those of other accountability institutions

## The institutional system

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## Lessons learned

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- Communication between accountability institutions and other „pillars of integrity“ essential to enhance knowledge, pool resources and generally contribute to shared visions;
- Linkages to Parliament (the National Assembly) are essential, as Parliament both supports and controls the accountability institutions;
- Accountability institutions must reach out to civil society organisations to open up the lines of communication, to be able to co-ordinate activities better, to outsource certain activities (e.g. public awareness raising) and for general support.

## Conclusions

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The factors that drive corruption and bad governance are country-specific, which means that...

- ... reforms and initiatives aimed at reducing corruption, improving the rule of law, and broadening accountability relations between government and citizens need to derive from a concrete understanding of local circumstances and systems.
- Often formal systems (e.g. horizontal accountability institutions) are 'hollow', i.e. bureaucratic shells that do not really work properly, aren't really able or willing to fulfill their mandate, and therefore neither effective nor credible.
- Instead of creating new institutions, the root causes of the weakness of the old ones should be addressed (e.g. political manipulation, weak leadership, insufficient funding etc)