Customs: Developing an Integrated Anti-corruption Strategy

Jit B. S. Gill

In many countries, customs is notorious for corruption. This is indicated by surveys of households and firms carried out in a number of countries. Stories of customs scandals are also commonplace in the media, and most frequent fliers have their own stories to tell of corrupt demands made by customs agents.

Since customs performs many crucial functions as the gatekeeper of the nation, corruption in its operations is a serious matter. Customs is the chief enforcer of trade policy, responsible for administering differential tariffs, quantitative restrictions, rules of origin, anti-dumping measures, and trade embargoes. It has an important role in export promotion through the administration of duty drawback schemes and other incentives. Customs is one of the core agencies responsible for stopping the entry into the country of socially harmful goods, such as drugs, arms, ammunition and dangerous chemicals. It implements national obligations under international trade treaties, such as those for trade in ivory and protection of endangered species. Last, but not the least, customs is one of the major tax collection agencies of the central government. Not only must customs perform these onerous duties effectively, it must do so with minimal interruption in trade flows: in open economies, volume and speed of international trade is critical.

The consequences of corruption in customs can be grievous. Infringement of trade policy can expose domestic industries to unfair competition. Smuggling of prohibited goods can expose society to serious public health and law and order risks. Transit of drugs through a country can generate strong pressure from the destination countries. Breach of international treaty obligations can trigger retaliatory measures by other countries. Acceptance of misclassification or under-valuation of imports, perfunctory investigation of customs fraud and improper disposal of confiscated goods can lead to serious revenue loss. Delays in processing of imports and exports can cause significant economic losses, increase the cost of doing business, affect competitiveness of a country’s firms and scare away foreign investment.

Factors that Promote Corruption in Customs

The causes of corruption in customs, as in other public sector entities, are complex. For the purpose of this analysis, we will initially treat customs as a black box and look ‘outside the box’ to examine external factors that may have an impact on corruption in the organization. Thereafter, we will enter the ‘box’ and consider internal factors that may promote corruption.

Looking Outside the Box

Trade Policies
Trade policies set the agenda for customs. They specify goods that can be imported freely, require import licenses or are altogether prohibited. They identify industries that need protection and the tariffs to be imposed on competing imports. Trade policies lay down import quotas for various trade partners and may bar imports from some countries for political or economic reasons. As regards exports, trade policies provide various incentives to export industries and prescribe qualifying conditions. Restrictive or poorly designed trade policies promote corruption. High tariffs, extensive quantitative restrictions or prohibitions increase the propensity to violate...
Improving Governance and Controlling Corruption

the law. Multiplicity of exemptions or complexity of rules and regulations permit varying interpretations and create loopholes that can be exploited by corrupt officials.

Potential Delinquents
In each of the areas that customs regulates, there are many interested parties who may seek to circumvent the law. Foreign firms may try to avoid trade restrictions, or to capture market share by selling goods at dirt-cheap prices. Importers may want to minimize tax and duty payments by manipulating the classification and value of goods. Exporters may wish to get unwarranted export incentives. Consignees of goods in transit to other countries may want to divert these to the local market. Smugglers of prohibited goods may seek to bring these into the country and sell them at prohibitive prices. Finally, traders may want to shortcut regulatory procedures to reduce compliance costs or simply to beat the competition in getting their goods to the market.

Customs officers hold the key to whether these parties succeed in their designs. If they are vigilant and enforce the laws strictly, they cannot only foil their attempts, but also impose substantial monetary penalties and start criminal prosecution. However, if customs officers choose to close their eyes, or interpret the law in a favorable manner, they can enable the potential delinquents to reap substantial economic benefits and avoid serious penalties. Thus, the latter have a strong incentive to corrupt customs officers and the financial muscle to do so. This makes the customs department extremely vulnerable to corruption.

The Political Executive
In some countries, customs experiences serious interference from the political executive. The potential to make money by corrupting customs operations makes the organization an easy target. In one country that has undertaken extensive privatization, it is understood that customs is one of the few remaining public sector entities for exercise of patronage. Political interference in customs may take the form of appointment of political confidantes to top management positions with the understanding that bribes would be shared with the controlling politicians. Customs positions may be shared with coalition partners to divide the spoils. Sometimes a majority of customs employees may be dismissed after an election, to be replaced by persons who owe allegiance to the new administration.

Not all positions in customs are, however, equally lucrative. The ‘wet’ positions, as they are sometimes called, are in classification, valuation and inspection units at customs posts on the sea, air or land border; anti-smuggling squads; management of confiscated of goods; control of warehouses; and administrative appeals. The competition for such positions is intense in countries suffering from serious corruption in customs. Very often, aspirants seek out political mentors who could put in a word on their behalf. In return, a lump sum or periodic payment is made to them.

Political interference can also take the shape of direct instructions to customs officers in specific cases. Politicians may intercede on behalf of clients, constituents, political financiers, family members or friends who either seek to evade customs duties on intended imports or want to avoid penalties for infractions already detected.

The Legislature
Legislators may be as influential in promoting corruption in customs as politicians in the executive. In some countries, connections between legislators and drug traders or smugglers have been alleged. Even otherwise, legislators may be beholden to business interests who have made substantial campaign contributions. These connections may impel legislators to pressure customs either through their allies in
Corruption in Customs

the political executive or directly. Corrupt legislators may also hold up bills that seek to increase the enforcement powers of the customs administration or may impose budget cuts to prevent its modernization. Another factor that may make some legislators lukewarm about curbing corruption in customs is that in some constituencies, especially those close to the border, a large section of the population may be dependent on the sale of smuggled goods.

The Judiciary
The Judiciary has a direct impact on corruption in customs, as in other public agencies. Serious cases of corruption end up in the courts. Judicial procedures in many countries are slow and inefficient, so cases drag on for years. Courts may impose a very heavy burden of proof on the prosecution. Since corrupt transactions are frequently conducted in secret, it is very difficult to get direct evidence to prove corruption. Very often, corruption cases have to be built on the basis of circumstantial evidence indicating illicit enrichment. Courts are often too willing to throw out such evidence. Finally, courts frequently tend to impose only minor penalties even in cases where corruption is established. The long delay in disposal of cases and the light punishment meted out to the offenders reduce the deterrent effect of corruption prosecutions.

National Anti-corruption Institutions
A number of countries have enacted anti-corruption laws, laid down a Code of Ethics for public servants, and created Ombudsmen to pursue complaints of corruption made by citizens. They have also set up investigative agencies to inquire into allegations of corruption, carry out administrative inquiries, and prosecute corruption cases in the courts. Frequently, these institutions are weak and ineffective. Anti-corruption laws are either toothless, or are not vigorously enforced. The Code of Ethics plays no part in day to day working of public servants. The Ombudsman has only the power to receive complaints and forward them to customs, without the authority to ensure that action is taken against the delinquent officials. Corruption investigations conducted by the investigative agencies are haphazard, incomplete and inconclusive. Weaknesses in representation of corruption cases lead to failure of prosecutions. The ineffectiveness of anti-corruption institutions reduces the perceived risk for customs officers. They see the chances of being caught to be low and the costs minimal. This emboldens them and those seeking to bribe them.

The Integrity Environment in the Public Sector
Corruption in customs does not exist in isolation. To some extent, it is a manifestation of the prevailing ethical standards in the public sector. If ruling politicians and senior civil servants, who are supposed to uphold integrity in the public sector, are seen to be corrupt, if public office is generally viewed as an asset to be exploited for personal benefit, if public servants have no compunctions about flaunting ill-gotten wealth, it becomes very difficult for customs officers to remain immune to the lure of illicit enrichment.

Society’s Attitude Towards Corruption
In many countries that have suffered systemic corruption for a long period, corruption has become an accepted fact of life. Finding little recourse against corrupt actions, seeing the corrupt prosper without any visible costs and finding it difficult to deal with the 'system' honestly, citizens have become resigned and cynical. They have developed life strategies around the reality of corruption. As a result, the stigma attached to corruption has lessened. The corrupt are no longer ostracized, but courted as they hold the levers of power. This societal acceptance of corruption removes a major deterrent from the minds of officers in moneymaking positions.
Ineffectiveness of the Media
Stories about corruption in customs are published regularly in many countries. However, due to the Official Secrets Act or the general reluctance of public officers to disclose sensitive information, the media often does not have access to high quality information. As a result, news reports are frequently based on rumor or speculation. This makes it easy for the erring officials to brush them aside. In many countries, journalists also lack training in investigative journalism that would make their stories more credible.

Weakness of Civil Society
Civil society can be an effective bulwark against corruption in customs. However, in many developing countries civil society organizations still play only a peripheral role. Chambers of Commerce and Industry and Associations of Customs Brokers or Clearing Agents could be very useful in highlighting malpractice within customs. But, in many countries, members of these organizations are themselves guilty of promoting corruption in customs.

Looking Inside the Box
We have seen how a number of powerful influences from the outside may push customs officers towards corruption. Let’s now look at internal factors that may promote corruption in the organization. For this purpose, customs operations are divided into two parts: Organization and Management and Technical Operations.

Organization and Management

Leadership
We have considered how politicization of the top management in customs makes it vulnerable to manipulation by political mentors. Frequent changes in leadership also encourage corruption. Knowing that their tenure would be short and uncertain, each successive Head of Customs focuses on short-term results. This encourages short-circuiting of established norms and procedures and relying on corrupt individuals to achieve management objectives. Also, longer-term institutional development, which is essential to maintenance of high standards of integrity, receives little attention. The situation is worsened if top management is not only shortsighted, but also corrupt. In that event, the short-term horizon translates into making as much money as possible in the available time. The behavior of the leaders sets the tone for employee conduct throughout customs. When management is corrupt, employees follow suit. Also, institutional anti-corruption mechanisms break down, as it is the leaders who are supposed to enforce them.

Strategic Management
In many developing countries, customs administrations, like other public entities, lack a strategic focus. The mission and strategic objectives of the organization are unclear. Priorities and performance expectations are not precisely defined. Operational policies, such as 100% inspection of all incoming merchandise, do not allow optimal use of organizational resources. These conditions lead to a badly managed organization, where it is very difficult to enforce accountability.

Organizational Structure
The organizational structure of many customs services promotes corruption. There may be too many or too few operational units. In the first case, resources may be too thinly spread out to expect effective control of trade flows. In the latter case, a number of informal entry points may be left uncontrolled and contraband may seep through these points. Jobs may be poorly defined, creating jurisdictional ambiguities.
that corrupt officers can exploit. Important organizational units that could help combat corruption, such as Intelligence, Vigilance, Mobile Anti-smuggling Teams, may be altogether missing.

Coordination, Supervision, Monitoring and Evaluation
This is a very important area from the point of view of control of corruption in customs. However, it is often very weak. There is little coordination between border posts, regional offices and the headquarters. As a result, it is easier for corrupt officials to help their clients. Field offices are inadequately supervised. The span of control of supervisors is, frequently, too wide to enable them to supervise their subordinates effectively. Headquarters and Regional offices do not have timely or good quality information about operations. Performance targets for different offices are not clearly specified, therefore, it is difficult to monitor and evaluate performance.

Human Resource Management
Weaknesses in human resource management are perhaps most directly linked to corruption in customs. Salaries of customs staff are frequently very low. At the lower levels, inadequate salaries induce corruption as officials seek to supplement their earnings through facilitation payments just to make ends meet. At the decision-making levels, there is a serious mismatch between the salary of a customs officer and the financial effects of her decisions on the client. This makes it easier to buy a favorable decision.

Many customs administrations also lack well-defined rules relating to recruitment, promotion, transfers and postings, performance evaluation and incentives. This makes it easier to appoint unqualified persons to important positions, shuffle officers for corrupt reasons, reward dishonest officers, while relegating honest officials to the sidelines.

Serious deficiencies in training of managers are also observed in many countries. As a result, managers find it difficult to effectively direct operations and keep a check on corrupt officials.

Internal Control Systems
Internal control systems in many customs administrations are weak. Business processes lack adequate checks and balances, or these are not properly implemented. Very often, managers perceive internal control to be the function of the Internal Audit Unit, rather than a managerial responsibility to be exercised on a daily basis. Information systems do not often have adequate security systems or do not generate audit trails that may help identify the person who took a particular decision. Paper records that could be used to establish corrupt actions are often in disarray.

Internal Anti-Corruption Mechanisms
In many customs administrations, there is no Code of Ethics that sets institutional standards for employee behavior. Where such a code exists, it is seldom referred to. Neither is training in professional ethics given to recruits, nor are there mentoring programs where senior officials could help them deal with ethical dilemmas. Customs often lacks a specialized unit responsible for keeping a vigil on employee conduct, investigating complaints of corruption and taking disciplinary action. Finally, mechanisms for redress of grievances of employees and clients are often very weak.
**Technical Operations**

Customs performs a variety of technical functions. For the sake of simplicity, these can be divided into two broad categories: cargo processing and enforcement. Cargo processing includes processing of manifests and customs declarations, classification, valuation and assessment, payment of customs duty, processing of cargo in transit, release of cargo and processing of exports. Enforcement encompasses all actions taken by customs to monitor and detect non-compliance, fraud and contraband. These include intelligence operations, risk analysis, physical inspection of cargo, post-release audits, anti-smuggling operations, sale or destruction of confiscated goods, recovery of arrears and control of bonded warehouses.

**Cargo Processing**

A bulk of customs operations relates to processing the huge amount of imports and exports that flows daily through a country’s borders. Much of the corruption involving facilitation payments relates to this area of operations. Corrupt customs officers exploit a number of institutional deficiencies. The Customs Code, that defines the administrative powers and procedures relating to cargo processing, is often outdated, complex and difficult to understand. This gives customs agents wide discretion in applying the code to specific cases. The actual business processes followed by customs are often poorly designed and cumbersome. They also suffer from lack of standardization, so that the same process is handled differently at different posts. As a result, cargo processing is slow and compliance costs for clients high. This gives customs officers the leverage to demand speed money. Many customs services lack automated information systems to process the high volume of declarations received every day. Also, there are serious breaches in information flows between declaration processing points, banks and warehouses. These allow corrupt officials to exploit information asymmetries at different points in the process. In many administrations, the facility of electronic filing of customs declarations is not available. This causes long lines, which again prompt demands for facilitation payments. Customs officers in many countries lack access to reference prices, which gives them high discretion in valuation of goods and assessment of duties and taxes.

**Enforcement**

Enforcement deals with serious customs fraud. The stakes for the client are much higher than in routine cargo processing, as detection of fraud can result in monetary and criminal penalties. As such, this area is also more vulnerable to corruption. Many factors promote corruption in enforcement. The Customs Code often gives inadequate enforcement powers to customs officers. This is used as an excuse to justify inaction. Many customs services lack risk analysis systems. This prompts them to inspect almost 100% of cargo. Inevitably it stretches organizational resources and management can expect only perfunctory inspections. Consequently, inspectors get an ample opportunity to extract bribes. The intelligence systems of many customs services are weak. Thus, they not only are unable to detect fraud, but also are unable to monitor corruption by the customs officials. The infrastructure at border posts, including control systems, is often inadequate. This enables customs officers to let contraband pass through without detection. In many countries, there are serious deficiencies in monitoring of bonded warehouses and in management of confiscated goods.

**A Menu of Strategic Options**

The above discussion of the causes of corruption in customs would indicate that no simple solutions are likely to be available to deal with the problem. As the pressure
for corruption comes from a number of sources, only a multi-dimensional strategy would work. Tables 12.1 and 12.2 below indicate some remedial strategies that may be considered.

**Table 12.1: External Factors and Reform Strategies**

<table>
<thead>
<tr>
<th>External Factors</th>
<th>Possible Reform Strategies</th>
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</table>
| **Trade Policies** | • Reduce licensing requirements and tariffs.  
• Reduce exemptions from customs duties and VAT on imports  
• Simplify rules and regulations for imports and exports.  
• Increase institutional capacity of customs to efficiently handle increasing trade flows.  
• Set and publish service standards. |
| **Potential Delinquents** | • Strengthen institutional capacity of the customs to effectively counter growing sophistication of fraud and smuggling.  
• Establish strategic alliances with the formal sector to gather information about fraudulent activities.  
• Coordinate with security agencies to improve border patrolling and physical security of customs officials. |
| **The Political Executive** | • Develop consensus amongst political elite to:  
  • De-politicize appointments to the customs.  
  • Stop interference in postings and transfers  
  • Set an example by following customs rules and procedures during travel by VIPs, their friends and families.  
  • Create a merit-based, professional customs service, with recruitment through open competition.  
  • Establish clear rules for posting and transfer.  
  • Give the Director of the customs full powers over posting and transfers, eliminating political interference. |
| **The Legislature** | • Lobby legislators to develop political commitment for curbing corruption in customs.  
• Explore avenues to provide alternate employment for people currently engaged in selling smuggled goods. |
| **The Judiciary** | • Meet with top judicial officials to develop a consensus on the urgency to combat corruption in the public sector, especially in customs.  
• Request Judiciary to review processing and outcomes of corruption cases with a view to rectify institutional deficiencies in their handling.  
• Request Judiciary to strengthen vigilance over judicial officers and ensure that judges of unblemished integrity hear corruption cases.  
• Develop a Code of Ethics for the Judiciary.  
• Develop a witness protection program to encourage people to come forward to testify against corrupt persons. |
| **National Anti-Corruption Institutions** | • Amend Anti-corruption Law to:  
  • Allow reasonable presumptions on the basis of circumstantial evidence.  
  • Put onus to rebut such presumptions on the accused.  
  • Increase severity of sanctions  
  • Strengthen the investigative capacity of anti-corruption investigative agencies.  
  • Focus resources of investigative agencies and the Prosecutor General on a small number of high profile cases of grand corruption to enhance deterrent effect. |
| **General Integrity Environment in the Public Sector** | • Link anti-corruption activities for customs to the national anti-corruption strategy. |
| **Society’s Attitude Towards Corruption** | • Launch a broad-based campaign to build national consensus on improving integrity standards in the public sector.  
• Include anti-corruption themes in school and college curricula to sensitize future citizens. |
| **The Media** | • Make information about performance of customs public.  
• Ensure that information requests from the media are promptly complied with.  
• Use the media to publicize actions taken to punish corrupt officials and traders. |
| **Civil Society** | • Establish strategic alliances with civil society organizations and stakeholders.  
• Publish information about incoming and outgoing goods to allow civil society to monitor processing of trade flows. |
## Table 12.2: Internal Factors and Reform Strategies

<table>
<thead>
<tr>
<th>Internal Factors</th>
<th>Possible Reform Strategies</th>
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<tbody>
<tr>
<td><em>(i) Organization and Management</em></td>
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<tr>
<td><strong>Leadership</strong></td>
<td>• De-politicize customs appointments.</td>
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<td>• Establish minimum qualifications for top managers.</td>
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<td></td>
<td>• Recruit persons of unquestioned integrity, demonstrated leadership capacity and proven track record.</td>
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<td></td>
<td>• Minimize changes in top management to allow longer-range institutional development.</td>
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<tr>
<td><strong>Strategic Management</strong></td>
<td>• Institute a result-oriented management approach in the customs.</td>
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<td></td>
<td>• Establish clear strategic objectives and performance expectations.</td>
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<td></td>
<td>• Make maintenance of high integrity standards one of the principle performance indicators.</td>
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<td></td>
<td>• Give management autonomy in operational, personnel and financial matters.</td>
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<td></td>
<td>• Hold top management responsible for achievement of performance targets.</td>
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<td></td>
<td>• Introduce strategic planning.</td>
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<td>• Amend operational policies to focus organizational resources on high priority functions.</td>
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<td><strong>Organizational Structure</strong></td>
<td>• Adjust organizational structure of customs to:</td>
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<td></td>
<td>• Match number of field offices with workload and risk of fraud and smuggling.</td>
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<td></td>
<td>• Create new organizational units for vigilance and enforcement, if needed.</td>
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<td></td>
<td>• Clearly define jobs, responsibilities and requisite qualifications.</td>
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<tr>
<td><strong>Coordination, Supervision, Monitoring and Evaluation</strong></td>
<td>• Improve supervision of field offices, through:</td>
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<td>• Surprise visits by senior officers.</td>
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<td>• Inspections by Vigilance Unit.</td>
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<td></td>
<td>• Take over of operations of a check post by a mobile Anti-smuggling Task Force for a short period.</td>
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<td>• Adjust span of control of supervisory officers.</td>
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<td></td>
<td>• Increase coordination and information sharing between border posts, regional offices and the headquarters by creating an IT network and improving communications.</td>
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<td></td>
<td>• Strengthen monitoring and evaluation systems.</td>
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<tr>
<td><strong>Human Resource Management</strong></td>
<td>• Create a professional customs service.</td>
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<td></td>
<td>• Improve staff salaries.</td>
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<td></td>
<td>• Establish clear rules for recruitment, transfers and postings.</td>
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<td></td>
<td>• Rotate officers regularly between jobs and stations to prevent them from getting too close to clients in a particular area.</td>
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<td></td>
<td>• Stop political interference in HR management.</td>
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<td>• Demonstrate that management would support honest officers, if they come under pressure from smugglers and tax evaders.</td>
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<tr>
<td><strong>Internal Control Systems</strong></td>
<td>• Strengthen internal control systems.</td>
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<tr>
<td><strong>Internal Anti-Corruption Mechanisms</strong></td>
<td>• Strictly enforce the Code of Ethics:</td>
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<td>• Include study of the Code of Ethics in Induction Training of all customs recruits and in Refresher Courses.</td>
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<td></td>
<td>• Ask honest senior officers to mentor recruits.</td>
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<td>• Make managers responsible for maintaining high levels of integrity through mentoring, supervision and disciplinary actions.</td>
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<td>• Create a Vigilance Unit at headquarters and regional offices to:</td>
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<td></td>
<td>• Monitor staff conduct.</td>
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<td>• Attend to complaints and grievances of clients facing harassment and corrupt demands.</td>
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<td>• Process disciplinary matters.</td>
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<td></td>
<td>• Vigorously investigate cases of conspicuous consumption and illicit enrichment.</td>
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<td>• Create effective grievance mechanisms.</td>
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Corruption in Customs

### Internal Factors

#### Possible Reform Strategies

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<th>Internal Factors</th>
<th>Possible Reform Strategies</th>
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| (ii) Technical Operations | Cargo Processing | • Review and revise the Customs Code.  
| | | • Develop clear and simple subsidiary regulations.  
| | | • Re-engineer business processes to simplify, reduce discretion and increase efficiency.  
| | | • Develop procedural manuals.  
| | | • Ensure that prescribed processes are uniformly followed throughout the country.  
| | | • Publish service standards regarding time taken for completing different processes.  
| | | • Introduce modern information systems to:  
| | | • Automate critical business processes, expedite processing and reduce administrative discretion.  
| | | • Integrate interdependent processes such as declaration processing, payments and warehousing.  
| | | • Randomly assign declarations and inspections to staff members.  
| | | • Improve monitoring of actions taken by customs agents, such as physical inspection of cargo.  
| | | • Improve detection of misclassification and under-valuation.  
| | | • Improve information availability at headquarters and regional offices to improve supervision of operations. |
| | Enforcement | • Revise the Customs Code to increase enforcement powers to combat smuggling and tax evasion.  
| | | • Develop risk analysis systems.  
| | | • Reduce cargo inspections to 10%-20% of total arrivals, with consignments to be selected with the help of a risk analysis system  
| | | • Improve intelligence-gathering capacity.  
| | | • Develop information sharing agreements with neighboring countries.  
| | | • Improve manpower and infrastructure at border posts.  
| | | • Create mobile anti-smuggling units.  
| | | • Increase number of border posts.  
| | | • Coordinate with Ministry of National Security, or its equivalent, to improve patrolling of border. |

### Developing an Integrated Strategy for Controlling Corruption in a Particular Country

The generalized menu of options presented above would evidently need to be tailored to individual country circumstances. For this purpose the following steps may be useful.

- Carry out an in-depth analysis of the environment and institutional deficiencies of the particular customs service to identify which of the causes discussed above promote corruption and to what extent. It is entirely possible that some of these causes are not applicable, while some others need to be taken into account.
- Once the causes have been identified, consider strategies that could help neutralize them.
- Eliminate strategies that are not politically or financially feasible.
- Prioritize the remaining strategies.
- Identify implementation responsibilities, estimated costs and sequence of strategies to be implemented.

Important considerations to be kept in mind in developing the anti-corruption strategy for customs are the following:

- An integrated approach is more likely to succeed than an *ad hoc*, symptomatic approach.
• Many actions to control corruption in customs, in fact, have to be taken outside customs. Therefore, the anti-corruption plan for customs has to be directly linked to the National Anti-corruption Plan.

• There are a number of agencies outside the executive that need to be rallied to make a dent in corruption in customs. These include the legislature, the judiciary, anti-corruption institutions, national security agencies, stakeholders such as the Chamber of Commerce and Industry, lawyers association and brokers’ association, civil society organizations engaged in fighting corruption, the media and the international community. Strategic alliances with many of these players are possible and should be developed.

• Some of the actions needed to curb corruption in customs would require hard decisions on the part of the government: de-politicization, creating a professional customs service, increasing salaries, improving the institutional capacity of customs through major investments in information systems, business process re-engineering, human resource development and infrastructure. The anti-corruption plan will succeed only if government is prepared to take these steps.
Case Study: Customs Service Reform

Jit B. S. Gill

Part I

At the end of the meeting, John Hoshanba, appointed Head of the Anti-corruption Task Force by the President of Comercia a month ago, felt mildly optimistic. This had been the first substantive meeting to discuss an issue that was high on the President’s agenda: eradicating corruption from the Comercia Customs Service (CCS). For three hours, he had discussed different aspects of corruption in customs with the Minister of Finance, the Minister of Industry and Commerce, the Minister of National Security, the Leader of the Opposition, the Director of the CCS, the Prosecutor General, the Chairman of the Public Service Commission, the President of the Customs Staff Association (CSA), the President of the Chamber of Commerce and Industry, the editor of the influential newspaper, Comercia Today (CT), and representatives of Integrity Worldwide (IW) and Citizens for the Prosperity of Comercia (CPC). John had been a law professor at the University of Masaka before he was hand picked by the President for this assignment. Although he had written extensively about corruption in general, he had not studied corruption in customs in any great depth. Thus, much of what was discussed today was new, even shocking, to him. No doubt much was wrong within the CCS. But a number of external factors, some clearly formidable, seemed to be equally responsible for the lack of integrity in the organization. The meeting had been useful for understanding the nature of the problem. He was still far from a solution. But John felt that it was out there somewhere. He turned to his computer and began to write up what he had learned. The following is his summary.

The Symptoms

Comercia is a country of 5 million people, surrounded by the Turquoise Sea to the North, Montania to the East, Woodland and Cultivatia to the South and Desertia to the Southwest (see map). It became independent in 1961, after more than 127 years of British rule. The founding fathers took a conscious decision to diversify away from agricultural into commerce and industry—hence the new name, Comercia. While in the beginning the government was very active in the economy, since the late 1980s, the state has withdrawn from a number of sectors to make room for the private sector. Customs duties have been progressively reduced. Since 1993, when the last Tax Reform Act was passed, rates of customs duty have ranged from 5% to 50%, with the majority of imports falling in the 10% bracket. In addition, imports are subject to VAT at rates ranging from 0% to 12.5%. The economy has posted a
healthy GDP growth rate varying between 4.38% and 6.33% in the last five years. In the same period, total imports have grown in the range of 3.38% to 6.46% annually and imports other than those for the export industry (for which trade taxes are refunded at the time of export) have grown between 5.19% and 6.13% per annum. Since trade tax rates have remained constant, collections of customs duty and VAT on imports ought to have increased. On the contrary, revenue collections from these sources have fallen in each of the last five years. A drop of 14.29% in 1998 set alarm bells ringing. Accusations of widespread corruption in the CCS, which collects both these levies, have been pouring in. Table 1 summarizes the fiscal problem.

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<tbody>
<tr>
<td>Per Capita GDP</td>
<td>$2,505</td>
<td>$2,654</td>
<td>$2,822</td>
<td>$2,975</td>
<td>$3,107</td>
</tr>
<tr>
<td>GDP growth rate</td>
<td>4.38%</td>
<td>5.95%</td>
<td>6.33%</td>
<td>5.42%</td>
<td>4.44%</td>
</tr>
<tr>
<td>Growth Rate of Total Imports</td>
<td>3.38%</td>
<td>6.21%</td>
<td>6.46%</td>
<td>5.06%</td>
<td>3.85%</td>
</tr>
<tr>
<td>Growth Rate of Imports (excluding imports for export industries)</td>
<td>5.48%</td>
<td>5.84%</td>
<td>6.13%</td>
<td>5.78%</td>
<td>5.19%</td>
</tr>
<tr>
<td>Growth Rate of Exports</td>
<td>5.22%</td>
<td>4.71%</td>
<td>6.40%</td>
<td>6.46%</td>
<td>5.02%</td>
</tr>
<tr>
<td>Growth Rate of Collections of Customs Duty and VAT on imports/GDP</td>
<td>-1.59%</td>
<td>-6.45%</td>
<td>-8.62%</td>
<td>-7.55%</td>
<td>-14.29%</td>
</tr>
</tbody>
</table>

Two other problems are causing concern. First, the trading community is upset that customs agents are deliberately delaying clearance of imports and exports. They are demanding ‘facilitation charges’ ranging from 2% to 5% of the value of the consignments. Similar demands are being made during verification of duty drawback entitlements on exports. Traders either have to pay this additional unofficial tax or face serious interruptions in business activities. The Minister of Industry and Commerce thinks that if Customs continues to obstruct trade, Comercia’s competitiveness in the international market may be jeopardized.

Second, the Ministry of National Security has received intelligence reports of an increase in the volume of drug traffic passing through Comercia, en route to Europe and the U.S. The traffic originates in Comercia’s southern neighbor Woodlandia, which has become a major producer of drugs, and heads for Comercia’s three seaports: Portmoore, Kambla and Ravena. Trucks carrying drugs enter Comercia, either directly from Woodlandia at the border post of Panu, or come through the neighboring countries, Desertia, Cultivatia and Montania. Drugs are expertly hidden in consignments of timber and other forest produce. The transporters have direct connections with customs agents manning the check posts at Panu, Uri, Rataun and Planina and at the three seaports. A small fraction of drugs is also exported out of the national airport at the capital city of Masaka. Customs agents are known to let the drug consignments pass without any checking. In return they get a hefty bribe—sometimes as much as US$20,000 per truck. Some customs agents who refused to go along initially were threatened with murder and are understood to have fallen in line. Besides being worried about the danger of leakage of the drugs into the Comercia market, the Ministry has also come under severe pressure from the destination countries to curb the flow of drugs.
Corruption in customs and other public sector agencies is also affecting the image of the country and the government. Corruption rankings released by Integrity Worldwide recently put Comercia at number 4 in the list of most corrupt countries. Domestic surveys of households, businesses and public servants indicate that corruption is perceived to be the main factor holding the country back. Customs ranked second, after the police, as the most corrupt institution. The corruption ranking and survey results have generated a lot of media attention. Articles, editorials, cartoons, talk shows, TV skits and even feature films have lampooned the government for its failure to control the problem. All this has caused acute embarrassment and anxiety in top government circles: general elections are due in two years. The President has repeatedly asserted his determination to deal with corruption, especially in the police and customs. The Cabinet has discussed the issue twice this year. The Anti-corruption Task Force is the result of the government’s determination to do something substantial to combat corruption.

Possible Causes

While there was general agreement at the meeting that there is widespread corruption in the CCS and it has serious fiscal, economic, public health and political repercussions, there was little consensus on what caused the problem.

Hewlett Johnson, from the Citizens for the Prosperity of Comercia (CPC) started off the meeting on an acrimonious note. He accused the government of hypocrisy and lack of seriousness in tackling corruption in Customs. He said that for the last 10
years, every government has made extensive changes in Customs staff upon taking office and thereafter. He claimed that the present government changed almost 70% of customs staff three years ago, when it came to power. Since then, three customs directors have been changed, besides numerous operational staff at border check posts. According to him, postings to the CCS, especially to ‘lucrative’ positions within the organization, require a political mentor. Very often officers pay a hefty periodic bribe to influential politicians for getting posted to border check posts: the rate for posting as Head of the Panu check post, he claimed, was US$10,000 per week! “If postings are sold in this manner, how can the government even think of checking corruption?” he asked.

Although Abdul Aziz, the Minister of Finance (MOF), vehemently denied these allegations, Maina Lal, the Leader of the Opposition (LO), supported Johnson’s contention. She even made a wider allegation. “Not only are positions in Customs being sold by politicians,” she said, “Customs is being used as a cash cow to feed parties in the ruling coalition.” She pointed out that top positions in Customs have been divided up between the three main coalition partners. The Director of Customs is from the President’s Comercia Forward (CF) party, while the Deputy Director is from Peoples Democracy (PD) and the Director of Human Resources is from the third coalition member National Development Party (NDP). In her view, this was nothing but a division of spoils. “So long as this practice continues, there was no hope for eliminating corruption from customs,” she declared.

The Chairman of the Public Service Commission (PSC), Elizabeth Lindsey, thought that corruption in customs should not be seen in isolation. It is a manifestation of a general weakening of ethical standards in the public sector, she contended. More and more public servants are seeing their offices as assets to be exploited for personal benefit. They figure that the risk of detection is very low and the potential cost minimal. Even though a Code of Ethics for public servants exists, it is rarely enforced. An increasing number of public servants are also willing to flaunt ill-gotten wealth. Society, too, seems to be becoming more tolerant towards corrupt public servants. These attitudes are affecting even candidates for public sector jobs. An increasing proportion of recruits are coming to the public sector with a declared intention of making money. Customs officers do what they see being done in all public sector agencies around them: make hay while the sun shines.

Albert Singh, the Prosecutor General agreed with Elizabeth that the perceived risk and cost of being caught is low. While his office had been able to secure convictions in 23 cases of corruption in 1998, he conceded that the public servants concerned were basically small fry. Only in one case was the accused sentenced to prison, and only for one month. He felt that the Anti-corruption Statute was very weak. It placed too heavy a burden on the prosecution. Since corrupt transactions were normally conducted in secret, it was very difficult to get direct evidence. Building a case on the basis of assets disproportionate to known sources of income was very difficult. The accused came up with all manner of explanations. The investigations conducted by the Comercia Anti-corruption Bureau (CAB) were often incomplete, haphazard and failed to make a convincing case. Singh also felt that the judiciary is too lenient. Corruption cases drag on for years, with the accused getting adjournments on one pretext or the other. When a case is finally disposed off, more often than not, the accused is let off the hook with a polite rap on the wrist. This completely destroys whatever deterrent effect the prosecution had on public employees in general. Some of the judges themselves are known to be corrupt. Eddie Short, the Director of Customs, chipped in to say that disciplinary action even at the
departmental level is very difficult. He had recently suspended two customs officers for corrupt actions. The officers appealed to the PSC, which directed him to revoke the suspensions because the evidence was not sufficient. This sent the wrong signal to the staff, he felt.

Juan Fernandez, the President of the Customs Staff Association (CSA), brought the spotlight back on the government. “What do you pay a customs officer, Mr. Minister?” he pointedly asked Abdul Aziz. “The average salary of a customs agent is US$ 548 per month. There is no way that one could live even a lower middle class life with this salary, especially if one had a family. Also, look at the working conditions. Customs agents are posted to isolated check posts. The check post at Uri is in the middle of the desert, the one at Panu is surrounded by dense forest and the check post at Planina is high up in the mountains. Any of the trucks that a customs agent stops could have armed smugglers in it. These guys fire first and ask questions later. What do you expect a lowly paid customs officer to do? Lay down his life for $548 a month? He does what any rational person would do: he makes compromises.”

Eddie Short did not agree with Fernandez that low salary is a justification for corruption. According to him, when customs agents join the CCS they know the risks involved in the job. They also know the salary they would get. So they cannot turn around and say that the salary is too low. But he agreed with Juan that the level of security and operational equipment at border posts is inadequate. Border posts only have 10 policemen each, who operate in shifts. Each policeman is armed with only one pistol. Customs agents do not wear arms. The number of customs agents on duty at any one time is never more than four. Each post has only one 1980s vintage walkie-talkie set and one jeep. There are no x-ray machines and no sniffer dogs to check drugs. In these circumstances, he was not surprised that customs officers chose to receive bribes, rather than confront the smugglers. Eddie also mentioned that smuggling does not take place only through the regular customs check posts. Smugglers send their goods through numerous informal entry points all along the border. At present, customs does not have any capacity to patrol the borders. He thought this might be something that needs coordination between the CCS and the Ministry of Security.

Reverting to the issue of salaries, Elizabeth Lindsey said that the government should not dismiss the fact that low salaries are a major cause of corruption in customs, at least at the lower levels. No doubt before joining the service, customs staff has an idea of the risks and the salary offered. But for many, reality dawns only after a couple of years in the service: after they have married and had children; after they have had a brush with life-threatening situations; after they see their colleagues living in relative luxury. Then they reevaluate their position, notice the high risks they face, their own low standard of living and the enormous power they hold in their hands. At this time they make the switch. They decide to use their power to benefit smugglers and tax evaders, make them their allies instead of enemies and live a good life. If the government were to pay them a decent salary, commensurate with their authority, Elizabeth claimed, many customs officers would choose to remain honest.

Short mentioned a number of institutional deficiencies of the CCS that may be helping corruption. The most important weakness was the lack of good operational information systems. The CCS has an old declaration processing system. This is a freestanding system that is not connected to either the banks, where payments of customs duty and VAT are made, or to the warehouses, where cargo is kept prior to release by customs. The lack of information exchange between the declaration processing point, the banks and the warehouses leads to many irregularities e.g.
Improving Governance and Controlling Corruption

consignments are released based on forged bank receipts, or warehouses release consignments that are supposed to have been inspected. Further, the current declaration processing system does not allow electronic filing by brokers. This forces brokers to come to the Customs post in person, causing long lines. In many cases customs agents take bribes to move a broker up in the processing queue. Furthermore, the CCS does not have a risk analysis system that could help identify cargo that should be inspected. Inspection is thus carried out in almost 100% of cases. Since there is inadequate staff to inspect all cargo properly, only perfunctory inspections are done. But this gives the customs inspectors enormous power. In addition to these deficiencies, customs does not have a database of reference prices. As a result, valuation is a guessing game in which the inspector has wide discretion.

Due to poor operational information systems, the quality of information available to management for strategic decisions and for monitoring operations and performance of individual customs officers is very poor. Information systems at the check posts are not connected to headquarters or regional offices. As such, information about activities of border posts is sent by mail to Regional Offices every week and the consolidated information is sent to headquarters every month. This limits management’s ability to supervise operations in real time and allows agents posted at border posts extensive latitude.

The Customs Code also appears to be a major cause of corruption. It dates back to 1927 and has suffered multiple amendments since. As result, it is an obscure, complex statute. Nobody understands it fully. This means it can be interpreted every which way. In fact, all the amendments are not even available in a single publication. On top of this, judicial decisions have effected their own amendments. Only a professional lawyer can figure out what the law is on a particular issue. This state of affairs increases the discretion of customs agents. They can ‘see the face and apply the rule’.

Short indicated that a new Customs Code Bill had been submitted to Parliament for approval, almost six months ago. It not only streamlines and consolidates the normative framework, but also gives additional enforcement powers to the CCS to enable it to combat smuggling and fraud. However, the Bill is languishing in Parliament. He speculated that this might be due to the close connections of some top legislators with smugglers, especially the drug mafia. Also, in constituencies close to the border, a large number of people made their living selling smuggled goods. Increased enforcement by the CCS is likely to put them out of business. This might be a reason why many legislators are not interested in passing the new code.

Another area that Eddie Short found deficient is the management capacity of the CCS. The organization is not focused on results and its strategic objectives are unclear. Managers are content to report the number of declarations or pieces of cargo processed, the number of inspection conducted and visits made to bonded warehouses etc. There is no emphasis on the productivity of these actions in terms of revenue collection or reduction in flow of contraband. Concepts of strategic planning, optimizing resource use, evaluating performance to solve problems and improve effectiveness (rather than to sanction), and mentoring junior staff to positively influence their value system are non-existent. Field offices are inadequately supervised. There is little coordination between border posts, regional offices and the headquarters. Internal control systems are weak. The CCS does not have trained people who can monitor staff conduct and process disciplinary cases. The level of trust between management and staff is low.
Finally, the Director of Customs was concerned about staff training. Apart from a short orientation course at the time of recruitment, Customs officers receive little formal training. Most of what they learn is picked up on the job and this, unfortunately, includes various corrupt practices. Short felt that it would be very useful to organize training sessions around the Code of Ethics, ethical standards expected of customs officers, the consequences of being caught accepting bribes and the institutional mechanisms that were intended to be put in place to monitor staff conduct and take action against corrupt officers.

Jacob Swimbi, President of the Chamber of Commerce and Industry raised the issue that procedures followed by the CCS in dealing with the same type of transaction varied from post to post. While at Ravena, for example, a consignment is released on the basis of a bank receipt evidencing payment of duty, at Uri, customs officers release cargo only after a supervisor has personally called the bank to confirm payment. This usually means a further delay of one day. Apparently, the CCS does not have standard procedures manuals or, where these exist, they are not strictly enforced. The non-uniformity in business processes creates a lot of uncertainty, prompting brokers to offer bribes to customs staff to get them to interpret the rules in their favor.

Hewlett Johnson of the CPC now took on the privat sector. He said that while the complaints of the Chamber of Commerce and Industry were no doubt genuine, corruption in customs was not the fault of customs officers alone. After all it was the importers and exporters who paid the bribes. Although in some cases customs may extort bribes, in most cases the traders paid these voluntarily. “Who misclassifies and undervalues consignments?” he asked. “Who creates front companies to fabricate false invoices? Who ships electronic goods and diamonds in refrigerated containers supposed to contain fish? Who ensures that goods in transit to other countries find their way into the national market? The private sector needs to get its own house in order too, if corruption in customs is to be eradicated.”

Jacob Swimbi accepted Johnson’s criticism to some extent. He agreed that corruption is a two-handed transaction and private sector agents who bribe customs officer must share the blame. However, he claimed that most of the reputed business houses are not guilty. They have a track record to protect, in order to remain eligible for various privileges granted by the CCS to established clients. On rare occasions, he conceded, these traders may pay petty bribes to expedite processing. Small traders operating in the informal sector do much of the under-invoicing and misclassification, according to him. He said that the Chamber of Commerce and Industry would welcome a crackdown on such traders, as customs fraud gives them an unfair competitive advantage over formal sector firms.

Johnson then turned to another set of alleged culprits—the so-called Very Important Persons or VIPs: politicians, senior bureaucrats, their friends and families. He said he had personally witnessed VIPs zipping through customs, often accompanied by a senior customs officer. Their luggage is never checked. And, if a novice customs officer were to dare to stop a VIP or his relative or friend, a couple of phone calls are enough to thwart him. “Unless VIPs themselves begin to respect customs laws and procedures, how can they ask customs officers to apply these rules honestly in all other cases?”

Jean Pierre du Bois, the editor of Comercia Times, highlighted the role the media could play in exposing corruption of all parties: customs officers, traders and VIPs. He mentioned with some satisfaction the sensational stories his newspaper had
carried in the recent past of corruption in customs. While *Comercia Times* had an excellent pack of investigative journalists, he lamented that information about customs operations was not easy to come by. The CCS provides little information to the public on a regular basis. Requests for information in specific cases are usually stonewalled. “If the government is keen to eradicate corruption from customs, it should treat the media as friends, not enemies. The more readily it shares information with us, the more will we be able to build public opinion in favor of the government’s efforts to curb corruption,” he advised.

Izumi Campbell of Integrity Worldwide pointed to the lack of redress mechanisms in the CCS. She cited a personal instance, six months ago. She was asked to pay a bribe at the time of arriving at Mosaka airport. When she asked to see the supervisor of the customs agent, she was first told that the supervisor was not available. When she persisted, the supervisor came and told her to settle the issue with the customs officer directly. She was made to wait for two hours and then her suitcase was thoroughly searched. Since she had no dutiable goods, she was eventually allowed to go without paying any duty. She sent a written complaint to the Director of Customs immediately after the incident, but is still awaiting a reply.

**Moving Ahead**

John Hoshanba knew that what he had learned today was only the tip of the iceberg. Yet he had learned enough to realize that combating corruption in customs would take a lot of courage, determination and leadership. It was clear that serious institutional reform within the CCS would be called for. Also, many initiatives would have to be taken outside the CCS to improve the environment it operates in. Politicians and other stakeholders would have to be mobilized. It was good that the President was fully behind the effort. John wondered whether he would be able to prevail on his coalition partners. Also, would his commitment be sustained? John did not know. Suddenly a phrase he had used for customs officers in his summary came to his mind: make hay while the sun shines. He decided to convene his task force the next day to push ahead with developing an anti-corruption strategy for the CCS. What would John’s strategy look like?
The Media's Role in Curbing Corruption

Rick Stapenhurst

A critical element of a country's anti-corruption program is an effective media. The media has a dual role to play: it not only raises public awareness about the causes, consequences and possible remedies of corruption, but it also investigates and reports incidences of corruption.

This chapter discusses ways in which the media can help curb corruption. It analyzes the media's tangible and intangible effects on anti-corruption efforts as well as ways to strengthen its role in society. The tangible, readily identifiable, ways in which the media performs this function include those where some sort of visible outcome can be attributed to a news story or series of stories—for instance, the launching of an investigation, the scrapping of a law that fosters opportunities for corruption, the impeachment or forced resignation of a crooked politician, the firing of an official, the launching of judicial proceedings, and so on. Intangible effects, by contrast, can be characterized as those checks on corruption which arise from the broader social climate of enhanced political pluralism, enlivened public debate and a heightened sense of accountability among politicians, public bodies and institutions that are the by-product of a hard-hitting, independent news media.

As discussed below, the effectiveness of the media depends on access to information and freedom of expression, as well as a professional and ethical cadre of investigative journalists. Additionally, such issues as private versus public ownership of the media, the need for improved protection of journalists who investigate corruption, and media regulation are critical for media effectiveness.

Tangible Effects of Journalism on Corruption

Exposing Corrupt Officials

The most obvious examples of journalism's potential for curbing corruption can be seen when politicians or other senior public officials lose their jobs as a consequence of the public outcry or legal proceedings that follow reporting on corruption. Examples of this kind of outcome are not hard to find—particularly from contemporary Latin America, where a surge in media reporting on corruption over the past decade has helped force no fewer than three heads of state from office, namely Ecuador's Abdala Bucaram, Venezuela's Carlos Andres Perez and Brazil's Fernando Collor de Mello. Heads of state have been far from the sole targets of such hard-hitting investigative reporting. Cabinet Ministers in Colombia and Members of the U.S. House of Representatives, for example, ended up losing their jobs as a result of media reporting.

When public officials lose their jobs because they have been found guilty of corruption, a variety of related deterrents to corruption—such as public humiliation, loss of prestige, social standing and income, among others—are simultaneously reinforced. Furthermore, the political turbulence that follows the ouster of high public officers helps increase the standards of public accountability and thereby provides another deterrent to corruption.

Contrast these outcomes—resignations, investigations, and prosecutions of prominent office holders—with what had transpired in Indonesia in recent years. There, an independent news media faced persistent censorship and repression for
years--conditions that allowed grand corruption and related unsustainable economic practices to flourish unchecked, culminating in the recent economic crash and the nationwide political upheaval that followed. Lin Neumann of the Committee to Protect Journalists has noted that the crisis finally forced former President Suharto "to acknowledge the degree of involvement in the economy by his own family. But for decades," he stressed, "such a discussion could lead Indonesian journalists to jail. The Suharto children thus acquired major interests in everything from cloves…to toll roads, to a subsidized national car company, telecommunications, and media without having to defend themselves in the press."

The "only widely trusted Indonesian publication, Tempo magazine, was closed by Suharto in 1994," Neumann continued, because "its reporting on the Suharto family, economic corruption, and human rights abuses in East Timor were an embarrassment to the regime."

Had a vigorous independent press been allowed to do its job properly and exposed domestic and world public opinion to the pervasive corruption that so characterized the Suharto regime, checks against such corruption might have been reinforced within civil society, the state apparatus and the international community. As a result, some of the most egregious corruption-tainted investment and economic-policy decisions that helped propel Indonesia into its current crisis might not have been made--or might at least have met a more compelling challenge.

**Prompting Investigations by Authorities**

Even if it usually does not result in the ouster of a public office-holder or bureaucrat, hard-hitting reporting by independent-minded reporters sometimes provides the initial seed that prompts official bodies to launch formal investigations of their own. Such was the case after a series of *Miami Herald* stories in 1996 which "established how a prominent American bank may have abetted the kind of corruption that undermines democracy throughout Latin America." The series has been described as instrumental in prompting a criminal investigation by the U.S. Justice Department.

Likewise, stories published in 1997 by the *Dallas Morning News* on allegations of contract fraud and mismanagement by top officials in Dallas public schools helped precipitate an investigation by the Federal Bureau of Investigation (FBI) into school corruption. In a similar case, the FBI and Arkansas state police launched an investigation following publication of a 1986 series in the *Arkansas Democrat-Gazette* identified corruption throughout a local municipal court system. The Brazilian Parliamentary Commission of Inquiry that ultimately led to former President Collor's demise was also set up partly in response to the findings of investigative press reports.

**Reinforcing the Work of Anti-Corruption Offices**

Sometimes journalists' stories can play a critical role in reinforcing the effectiveness of public anti-corruption bodies. Simply reporting in a regular, detailed way on the

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1 Investigative Reporters and Editors, Investigative Journalism Online Resource Center, File No. 13876.

2 Ibid, File No. 14544.

3 Ibid, File No. 4097.


5 Ibid.
work and findings of these bodies can reinforce public scrutiny of them and, hence, the independence of such bodies from vested interests within the power structure that might otherwise be tempted to interfere in their work. The publicity that journalists bring to the work of such bodies may also encourage witnesses to wrongdoing to step forward and testify about what they know. To illustrate, in Italy, the press played a key role in disseminating the findings of anti-corruption magistrates, thereby helping to shape the widespread public sentiment that has powered the anti-corruption reforms still under way.

Providing a Check on Anti-Corruption Offices

There is always a danger that journalists may become too close to the official anti-corruption bodies that provide a good source of punchy, dramatic stories. The potentially problematic nature of such relationships is evident when one considers that these very bodies can themselves turn out to be corrupt, or tainted by corruption. With this in mind, it is crucial for journalists to maintain a healthy spirit of independence with respect to police, prosecutors, the courts and other public bodies charged with rooting out, prosecuting and issuing rulings on corruption cases. Ultimately, when journalism maintains its independence and casts its critical gaze on these bodies themselves, it can serve to expose weaknesses within them and, ultimately, to reinforce their effectiveness in curbing corruption. In the U.S. city of Detroit, for example, a radio station's investigation of corruption and irregularities in the local bankruptcy court was credited with leading to the dismissal and retirement of several judges, lawyers and bankruptcy trustees, as well as a change in the way judges are assigned to cases. The reporting also prompted investigations by the FBI and a Federal Grand Jury. 6

Promoting Accountability at the Polls

Even when reporting on outright corruption or other questionable behavior by public figures does not lead directly to indictments, it can still help shape public hostility to such activities that can ultimately lead to electoral defeat for individual politicians or, indeed, for entire governments. The "cash for questions" scandal in the United Kingdom is a case in point. In 1994, a Sunday Times reporter posing as a businessman persuaded two Conservative MPs to express willingness to accept a payment of more than U.S. $1,000 in return for lodging parliamentary questions. The ensuing uproar over the story is widely believed to have contributed to public disgust over sleaze in public life that led to current Prime Minister Tony Blair's landslide victory over the Conservative incumbent John Major in the 1997 parliamentary elections. 7

Pressuring for Change to Laws and Regulations

Investigative journalism can also curb corruption by identifying weaknesses in laws and regulations that create a climate favorable to corruption. In so doing, authorities are prompted to change, or consider changing, those laws and regulations. Such pressure for changes to laws can come in the form of specific recommendations from a media outlet. This was how WTLC Radio in Indianapolis concluded a series of pieces in 1984 and 1985 that examined past corruption in the government of the U.S.

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6 Investigative Reporters and Editors, Investigative Journalism Online Resource Center.

state of Indiana and criticized weaknesses in existing laws which it said could lead to more corruption. The radio station offered up its own list of recommendations, including the establishment of a new public watchdog body and expanding the authority of the state ethics commission and attorney general.8

Moreover, when officials stonewall journalists, media outlets sometimes become a strong force pressuring for improved disclosure. Such disclosure, or the potential for it, can often act as a deterrent to corruption. In Canada, the Montreal Gazette's lengthy court battle--still under way--to gain access to the expense accounts of elected members of the provincial legislative assembly can be seen in this light.9

**Avoiding Adverse Publicity**

Sometimes, mere inquiries by journalists--in the absence of a story's publication or of conclusive proof of wrongdoing--can lead to a tangible response from authorities eager to protect their reputations and those of the institutions they represent. Such was the case in 1996 when the Minneapolis Star-Tribune began making inquiries about the relationship between a local strip club and several vice-squad police officers. The officers were alleged to have "received special gifts and favors from the...club while failing to pursue serious violations that could have closed the business." The police department responded to the inquiry by launching an internal investigation of its own.10

**Intangible Effects of Journalism on Corruption**

Most often, though, journalism's effects as an impediment to corruption are probably less tangible and more indirect than the preceding examples might lead one to believe. The craft must be seen not merely in terms of the direct impact it has had in specific instances of corruption, but also in the context of the broader role that journalism plays in society.

Corruption expert Michael Johnston has observed that weak political competition generally plays a role in sustaining "most serious cases of entrenched political and bureaucratic corruption."11 Indeed, shared knowledge about public decisions and procedures among a restricted circle can facilitate corrupt transactions. Hard-hitting, independent journalism, however, can act as a counterweight to corruption that would otherwise flourish in the absence of such competition. It does this simply by presenting a variety of points of view and thus informing public debate in a way that enhances political and economic competition. As Johnston has observed: "Stronger political and economic competition can enhance accountability, open up alternatives to dealing with corrupt networks, and create incentives for political leaders to move against corruption."12

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8 Investigative Reporters and Editors, Investigative Journalism Online Resource Center.


10 Investigative Reporters and Editors, Investigative Journalism Online Resource Center.


12 Ibid.
In making such information public, the media often works closely with organized civil society: non-governmental organizations, trade unions, pressure groups, lobbies, citizens’ groups among others. These organizations carry out key monitoring and policy analysis, which reporters can then broadcast to the public.

Two other factors closely correlated with high levels of corruption are "low levels of mass participation in politics and weak protection of civil liberties." Here, too, independent news media have an obvious, if indirect, counterweight role to play. This is particularly so when the news media foster debate of the sort that encourages members of the public to get involved politically, and when news media outlets take the lead in pressing for enhanced civil liberties in which they have a strong vested interest—like freedom of expression.

A skills-building exercise in which journalists in Ethiopia, Mauritius, Tanzania, and Uganda have taken part in recent years illustrates this principle well. The exercise, as part of a workshop sponsored by the World Bank Institute, has sent out local reporters to "test" various repositories of public documents for the transparency with which they handle those documents and make them available to journalists. Finally, journalists can reinforce the record-keeping function of the state through their regular use of public documentation.

How Can The Media Be Strengthened?

Private versus Public Ownership

Some analysts have suggested that privatization of state-owned news media can be a means of strengthening their autonomy and, hence, their capacity to curb corruption. In Mexico, for example, shortly after the government relinquished state control over all television in 1989 and eased controls on the import of newsprint, the news media began reporting more aggressively on public corruption. For one private network, TV Azteca, this expanded coverage of corruption has helped boost its audience share from 5 to 25 percent. The government-owned network has responded by covering more such stories itself.

However, privatization may not always produce the desired results—particularly when it takes place in a poor nation with a small, entrenched business elite that has close ties to power-holders in the state apparatus. As Lawrence Kilimwiko, Chairman of Tanzania's Association of Journalists and Media Workers, has observed, "Despite the facade of liberalization—with four TV stations, seven radio stations and over eight daily papers—there is government voice everywhere. We might be boasting of [a pluralistic] media," he noted in his presentation at a 1997 investigative journalism workshop, "but in reality they are all led by one voice with journalists being turned into megaphones [for] the views of the owners and their allies in the state at the

13 Ibid.


expense of the public good." One means by which the Tanzanian government has retained some measure of control, Kilimwiko explained, is through the issuing of licenses: "The government has been very selective in issuing of media licenses to a few people who are known to be strongly aligned to maintaining the status quo."

Publicly owned media, on the other hand, do sometimes aggressively assert their independence—even in poor countries. In Benin, for instance, the state-owned newspaper *La Nation* is protected from government interference by a constitutionally empowered oversight body composed of state and non-government appointees. Likewise, although journalists at Uganda's state-owned *New Vision* newspaper have been known to complain that political considerations color the paper's news judgment and its reporters' assignments, it has been known to publish hard-hitting reporting on allegations of corruption within the administration of President Yoweri Museveni, most notably on business ties between a property magnate and the Minister of State for Primary Education. Public broadcasting corporations of such countries as the United Kingdom, Canada, Australia and South Africa also have developed loyal and respectful audiences thanks to the independence of their journalism.

The ideal solution is probably a mix of private and public news media with a wide diversity of ownership enforced through a strong anti-trust law.

**Protection of Journalists**

In discussing the ways in which journalism can act to curb corruption, it is important to keep in mind that journalists who seek to expose it often have to face moral and physical threats. In Kenya, for example, the division of society into ethnic groups creates a sense of fear among Kenyan journalists that while denouncing corrupted practices by a member of the same ethnicity, they might affect their ethnic community too. This creates a sense of moral obligation that might impede journalists from presenting free and accurate reports.

Journalists may also publish reports on corrupt practices at the risk of their own lives. Examples of journalists being harassed, jailed or killed after writing about corruption are depressingly easy to find. At the end of 1997, the New York-based Committee to Protect Journalists reported that 129 journalists around the world were unjustly jailed a result of some aspect of their work. Murders to silence journalists include the 1997 murder of photojournalist Jose Luis Cabezas, who was investigating police corruption in Argentina. In other parts of the world, Thai journalist Sayomchai Vijitwittayapong of the daily newspaper *Matichon* was shot to death in 1998 after investigating allegations of corruption linked to a building project, and Russian editor of *Sovietskaya Kalmykia Today*, Larisa Yudina, was found dead of multiple stab wounds and a fractured skull after being threatened for her exposes on local corruption. Indeed, it appears that journalists who report on corruption probably run a

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17 Ibid.

18 Conversations between Alexander Norris (Journalist/facilitator) and Beninese journalists, Introductory Investigative Journalism Workshop, Cotonou, Benin, 1997.


The Media’s Role in Curbing Corruption

higher-than-average chance of being slain. Of the 17 reporters killed in the first half of 1998, at least seven had investigated or denounced cases of corruption.21

Clearly, the protection of journalists’ rights and their safety is critical to ensure the full role of journalism in curbing corruption. Steps in this direction have been taken in South Africa where the proposed Open Democracy Bill contains provisions for the protection of whistleblowers from reprisals.22

Access to Information23

Access to information can be defined as the ability of the citizen to obtain information in the possession of the state.24 Information allows citizens to make informed judgment about government activities and thereby hold officials accountable. As former U.S. President Wilson noted, “Everyone knows that corruption thrives in secret places and avoids public places and we believe it is a fair presumption that secrecy means impropriety.”25 Therefore, freely accessible information pertaining to government activities is necessary in order to ensure accountability of government officials.

Generally, governments have little difficulty in providing information to the public that reflects well on itself. The problem arises when the information reflects the opposite; here, “voluntary disclosure by government” does not work as both politicians and bureaucrats often try to hide embarrassing information.26 While governments should seek to encourage attitudinal changes, which would relax restrictions on disclosures, the problem with administrative guidelines will always be that discretion remains.

Legislation guaranteeing access to information may be the only alternative. Such legislation can establish a right of review (e.g., by an Ombudsman’s office), establish practices that should be observed, impose time limits within which requests for information must be handled, and identify those categories of information to which access is guaranteed. Arguments against such legislation include those regarding cost and efficiency; however it is necessary to consider the costs of failing to enact such legislation, which includes a lack of accountability and transparency and a fertile environment for corruption.

National security, foreign relations, economic stability and law enforcement may have legitimate claims to exemption from access-to-information legislation. But what constitutes an official secret nonetheless is a matter for debate. In the United Kingdom, the culture of official secrecy is strong—until the late 1980s all

21 Committee to Protect Journalists Website: http://www.cpj.org.
26 See, for example, "Ministers to defer truth on nuclear power stations," Guardian (UK), 21 August 1995; "Sensitive financial information about the country’s oldest and dirtiest nuclear reactors is being kept under wraps by the Government until it has privatized the industry’s more modern atomic power stations."
government information, including what kind of biscuits were served to the Prime Minister, was technically an official secret—and that culture has been transmitted throughout the Commonwealth. In Malaysia, for example, the Internal Security Act defines any reporting of military activities without permission as a breach theoretically punishable by imprisonment; and the principle of national responsibility says that anything the government considers undesirable cannot be covered.

Some preconditions are required in order to enjoy free access to information. Those main preconditions are: political stability, independent judiciary, and the presence of adequate infrastructure and data. First, political stability is necessary since it makes politicians more secure and less averse to citizen involvement in decision-making. Second, an independent judiciary system is required in order to perform its role of intermediary between the government and the people and to hold the government accountable. Third, good infrastructure for communications is important for access to information, including physical (e.g., radio and television) and personal (e.g., education) infrastructure. While the role played by the media in spreading information has been already discussed, the importance of literacy is not to be underestimated given that access-to-information legislation presumes a generally high literacy rate. Fourth, data adequacy and accuracy is another precondition for access to information.

The above four preconditions are more likely to be met by developed countries. Developing countries, in general, are more likely to suffer political instability, weak judiciaries, inadequate infrastructure, and unreliable data. It follows, therefore, that access to information is more likely to be restricted in developing countries. Nonetheless, the liberalization of access to information in developing countries would be an important step for ensuring government accountability and transparency as well as for promoting press freedom.

**Media Accountability**

While accountability of public officials to the public is important, the media also has to be accountable to the people and the state. Journalists who champion the constitution and the validity of its democratic principles must, at the same time, adhere to its rules. The Ghanaian Constitution, for example, requires commitments to "freedom, justice, probity and accountability, the rule of law, the protection and preservation of fundamental human rights and freedom and the unity and stability of our nation."28

Obstacles to media accountability nonetheless exist. First, the media must publish news in order to remain profitable, which may push some media houses to "sell" their wares.29 Second, the reluctance of public officials to disclose information pushes journalists to use less accountable means of information gathering. Third, an oppressive judicial system reduces media accountability. The fear of being put in jail or of having to pay large amounts as a consequence of a libel suit may cause the media not to risk publishing certain matters even though they are in the public interest. To address these obstacles, ethics codes for journalists and a liberalized media environment can help to improve media accountability.


29 Ibid.
**Freedom of the Media**

The media has a dual role with regard to curbing corruption: to raise public awareness about corruption and to investigate and report incidences of corruption in a professional and ethical manner. To carry out this role, the media has to be free. In addition to having access to information, journalists need to investigate and report without fear of reprisals. Beyond the risk of physical harm, reprisals can include actions to censure journalists, close publications, or hamstring finances. Such "covert coercion" encourages a culture of self-censorship or safe reporting that offends no one in office.

Many countries require the registration of newspapers as a matter of form; some governments take away licenses at will. Section 17(1) of Tanzania’s Newspaper Regulations, for example, does not permit newspapers to change their address, the provisions of their constitutions or even their aims and values; two tabloids were banned under this regulation in June 1998.

Governments can, and do, put pressure on the economics of the newspaper business. In many developing countries, the main source of advertising is the government; in recent years Zambia, Malawi, Uganda, and Bangladesh—among others—have either restricted advertising to specific newspapers or have withdrawn all advertisements except those appearing in the state-owned press. Elsewhere, governments have restricted and controlled newsprint imports or applied punitive tax audits.

Some governments level charges of contempt of parliament, the head of state, or even the country as a whole. In Cameroon, the offense is "abusing and insulting" the members of the National Assembly. In Kenya, until the recent repeal, sedition legislation had a similar effect: in March 1998 the Broadcasting Minister told media houses that they were taking "advantage" and warned that they "did not appreciate [their] responsibility for protecting President Moi's image."

Ownership, too, can limit media freedom. In a majority of developing countries, the government owns at least a section of the print media, and in broadcasting, state ownership is even more prevalent. While this is not necessarily bad, some governments believe that the media is an arm of the administration and a vehicle for official propaganda.

A set of principles to counteract these restrictions, the Charter for a Free Press, was approved by journalists from 34 countries at the Voices of Freedom World Conference on Censorship Problems in 1987. Boutros-Ghali, then United Nations Secretary General, declared that the Charter's principles "deserve the support of everyone pledged to advance and protect democratic institutions." He added that the provisions, while non-binding, express goals "to which all free nations aspire." The Charter proscribes restrictions on press freedom and mandates full protection of journalists under law.

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Press Councils

In many young and fragile democracies, media experiences are limited and there is a tendency for the media to be less "responsible."\(^{32}\) In this regard, there may be merit in the establishment of press councils. Although press councils have not generally been very successful, they could provide an open forum for the public to chastise the press when it is irresponsible and thereby influence its behavior. Press councils need to be independent and directed by people widely respected for their non-partisan standing and their integrity. These bodies should not have powers of legal sanction, which could enable them to become powerful censors. They should, rather, have the prestige and integrity that give their public reports a strong moral force.

A very fine line exists between responsible and irresponsible journalism. The moral force of a press council is thus a better way to secure a responsible press, rather than providing governments and courts with wide-ranging powers to curb the press. Manifestations of press irresponsibility often lead to calls for laws and systems that assure only a "reasonably" free press. Experience shows that the term "reasonably" is highly subjective and that acceptance of it in this context is the first step down a slippery slope towards other forms of censorship.

Self-regulation by the Media

The most effective system for guaranteeing freedom of the press is one where the press itself uses careful judgment in its work. This self-imposed regulation is an attempt by journalists themselves to set out rules and principles that guide them to ensure a responsible and free press.\(^{33}\) To provide publishers and journalists with freedom is also to burden them with difficult decisions regarding public responsibility. In the 1960s, *The New York Times* received several thousand pages of documents from a source within the U.S. Department of Defense. These documents, which dealt with the war in Vietnam, became known as the Pentagon Papers. The editors of *The Times*, after assuring themselves of the authenticity of the documents, agonized for days over whether or not it was responsible to publish. They weighed considerations of national security against the public's right to know. They decided to publish. Their decision was not taken lightly and it emerged that many individuals in public affairs, the law and the press had different perspectives on the issue. None could claim a monopoly of wisdom and furthermore, none claimed that the judgments of journalists were necessarily inferior to those of experts from other professions.

The decision to publish the Pentagon Papers was carefully weighed by the courts, which concluded that the freedom of the press, as expressed in Amendment I of the U.S. Constitution, was of greater significance in this instance than national security claims made by the U.S. Government. Consistent judgments of this kind by an independent court system can serve, over time, to build a tradition of press freedom.

Through the responsible judgments of editors and journalists, combined with judicial support, a tradition and culture of press freedom develops. This culture is, above all, the most important guarantor of press freedom and of the ability of the press to fully operate as a watchdog on public office holders. The tradition must provide for the press to be tough in its scrutiny of the work of those who enjoy the public trust. The press culture, evident in many democracies today, contains a sense

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33 Ibid.
that it is the duty of the press to afflict the comfortable (those holding public office),
in order to comfort the afflicted (the public as a whole).

Undoubtedly, such a culture can lead to press irresponsibility at times. Complaints about invasion of privacy by the press are not new. This is an inevitable price to pay, and an independent and wise judiciary and an effective press council may be able to assist in curbing excesses.

The media itself must shoulder the burden of ensuring a responsible, independent press. Journalists must demonstrate their independence, objectivity and professionalism every day in order to earn public trust and confidence. At the same time, it is imperative that the owners of the media ensure that journalists are paid wages, which encourage independence from the corrupt practices of a few well-placed public officials.

Numerous media organizations focus on freedom of the press. The Press Foundation of Asia Committee, the Canadian Committee to Protect Journalists, the International Federation of Journalists and the World Press Freedom Committee are but a few of the organizations which work to help governments put in place laws and arrangements that foster a free press.

Investigative Journalism Training

Investigative journalism can be defined as "the collection and processing of facts about current events for dissemination to the public through the medium of newspapers, magazines, radio and so on." Its implementation requires journalists to have excellent skills that must be mastered and learned. In particular, research, analytical and communication skills have to be learned by the practitioners in an effort to make their work more effective. Furthermore, journalists have to acquire the capacity to make sound and balanced political, as well as social, judgments. Failure to do so would jeopardize the reliability of their work.

If journalists are expected to report news fairly and accurately, they have to possess the tools and appropriate knowledge for it. This becomes especially important when they are required to provide an easy, although truthful, explanation of the news to the public.

Media practitioners who have not acquired all the qualities that such a job requires should receive appropriate training. Training becomes especially valuable when it aims at avoiding errors and deficiencies in reporting. The most common errors occur in the collection of facts and data, in analytical processing of the data, in drawing logical conclusions from observed facts and, lastly, in the statement of events. These errors can be easily avoided with training that would also improve the quality of journalism and enhance media credibility. Together with providing appropriate tools, training must make journalists understand the nature of corruption and the need to fight corrupted practices.

35 Ibid.
WBI has facilitated over 20 investigative journalism workshops for more than one thousand journalists from two dozen different countries. The objective of these workshops is twofold: i) to raise the awareness of journalists of the critical importance of the issue of corruption and its harmful impact on development; and ii) to improve the skills of journalists so that they can investigate and report incidences of corruption in a professional and ethical manner.

Conclusions
The role played by the media in curbing corruption has proved to be extremely valuable. Often, reports on corrupted practices by government officials have provided the starting point for investigations, judicial proceedings, or resignations. More broadly, media reporting has improved the level of pluralism and accountability in society.

The media is often referred to as the Fourth Estate, after the Executive, Legislative and the Judiciary. As Kilimwiko notes, "it is through the mass media that a nation communes with itself and with other nations beyond. It is in that way that the authorities within a nation [...] sense the problems and aspirations of the people they are established to serve. Conversely, it is through the same channel that the people sense the capacity and policies of those authorities." Quoting Madison:

A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy; or perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power that knowledge brings.
Readings


Committee to Protect Journalists. 1998. CPJ website (http://www.cpj.org/).


Investigative Journalism Online Resource Center. (http://www.ire.org/resources/center/).


Case Study: Investigative Journalism

Alex Larsen and Flemming Ytzen

Background
The following story takes place in the country of Freedonia and mainly in Palisades, the capital.

Over the past decade, Freedonians have elected a series of governments, which have promised economic and democratic reforms. But the efforts to build a sound base for sustainable socio-economic development and prosperity have been hampered by corruption and domestic instability. Falling export revenues, poor harvests and mismanagement in the civil service have worsened Freedonia’s economic and social problems.

During the past two years, however, a process of democratization has gained momentum, catching the attention and appreciation of foreign donors. Multi-party elections last year resulted in the formation of a coalition government, which apparently enjoys the backing of the business elite. The government, led by the Liberal Party of Freedonia, LPF, has launched an economic reform program aimed at attracting foreign investors and promoting economic growth.

The government’s reform efforts have met strong criticism from the main opposition party in Parliament, the Progress Party of Freedonia, PPF. The PPF advocates a more equal distribution of resources and protection of the rights of the poor and underprivileged.

Freedonia's Daily Press
Under the previous regime, all of Freedonia’s newspapers were subservient mouthpieces of those in power. Journalists were not permitted to challenge authorities or politicians in the ruling party. When they did, they risked being jailed, tortured or even executed.

Today, things have changed for the better. Human rights abuses have diminished. Occasionally, reporters who anger the regime are still jailed or harassed by authorities, but limits on freedom of expression have eased considerably and a new breed of independent journalists at fiercely independent newspapers has emerged. These papers are quickly drawing readers away from the stuffy, old-style publications that continue to trumpet the government’s line.

In the following exercise, participants will join reporting staffs at the following five of Freedonia’s most independent and respected newspapers—fearless publications that are committed to reporting the truth, even when that means challenging the interests of those who hold power: The Palisades Post, The Observer, The Gazette, The Globe, and The Daily Inquirer.

Monday Morning in the Newsroom
A press release has arrived shortly before deadline from the London-based firm Thonka Inc., whose managing director is Mr. Leonard Singer, a native of Freedonia. You have confirmed that this is a genuine press release from the company. It reads:
“PRESS RELEASE: A NEW BEGINNING FOR GREEN PARK”

Last week in London, Thonka Inc. signed a letter of understanding with Amari Hotels on the financing and construction of a five-star luxury hotel in the Palisades suburb known as Green Park.

A site has now been designated for the hotel, but needs formal approval from Mr. David Suzdal, Minister of Planning. The site formerly served as location for the now defunct Tigers Battalion of Freedonia’s Defense Forces and was recently acquired by Thonka Inc. from Bombay Traders Ltd.

“Our company’s negotiations with the Ministry of Planning are progressing, and we expect the documents of approval to be finalized early next month,” said Mr. Leonard Singer, managing director of Thonka Inc.

“We are happy to announce that this development project is likely to create at least 800 jobs at the construction site. This will make the project the single largest contribution to the development of the tourism industry in Freedonia, and thus will be perfectly in line with the internationally acclaimed priorities of the Government of Freedonia,” Mr. Singer added.

Work will commence immediately. Applicants, mainly masons, bulldozer drivers, concrete workers and carpenters, are kindly requested to turn up at our recruitment office on 14 Willow Street, starting Monday.

Questions

How do you deal with this piece of information?

1. On your own, take 10 minutes to draw up two lists—one of the newsworthy information in the press release about which you are not in doubt, and a second outlining the things you need to check.

2. Discuss the issue and write a news article including headline, sub-head and the lead paragraph, to be delivered in 20 minutes.

Tuesday Morning in the Newsroom

You are checking information on the Green Park case. Your editor arrives one hour late. His car was blocked on his way to the office by angry protesters in Green Park. On his arrival, the editor is furious because today’s story about the hotel project does not give the full picture.

While in Green Park, the editor saw a handful of armed policemen who had been called to the area to protect two bulldozers parked near the designated construction site. When passing a parked fire engine, the editor’s brand new Toyota Corolla was hit by a couple of stones thrown by some of the protesters.

The news meeting starts. The editor complains: “Look at today’s papers: “Freedonia tourism in for major boost,” “Hotel Project Stalls as Minister Suzdal Drags Feet,” “Five Star Hotel for Green Park.” Nobody got the real story! Why did you not stress that work starts on Monday? Everybody in Green Park knows that. It is a well-known fact. Activists are throwing stones out there!”

One of your colleagues replies: “We had planned to do the follow-up story today. We would focus on the fact that the work is starting before formal approval of the project, as mentioned in the press release.”
Your editor: “That will not do. We cannot leave the hard news to our competitors. I want the full story, and I want it now!”

Meanwhile, Thonka Inc. has announced an executive press briefing on the new hotel project at 2 p.m. at Grand Imperial Hotel. Extensive information on the project will be presented. Present will be, among others: Mr. Leonard Singer, managing director of Thonka Inc.; Mr. Paddington Rich, director of development, Amari Hotels; Mr. Jimmy Wong, the hotel company’s chief technical director; and a representative of the Ministry of Planning.

Questions
Discuss your journalistic approach to the Green Park case as it develops now. What is your main story? How do you catch up with the competitors? In 20 minutes, come up with a detailed plan of action listing your main priorities and the most important questions you want answered. Who will do what?

Later in the Newsroom, One Hour before Deadline
The newspaper’s driver returns from his brother’s well-known restaurant, Green Park Paradise, with somosas and other snacks for the reporters. He tells them he has spotted small bonfires in the crowded alleys of Green Park, and that the demonstrators are getting more and more agitated.

Half an hour later, the phone rings. A man on the phone says that he is a Green Park resident, but refuses to give his name. His message is the following:

“Things are getting out of control. Fighting has erupted in the streets. The policemen have gone mad, because one of their colleagues has been killed in Green Park. They have called in reinforcements and have started to clear the area near the Paradise restaurant. People have been arrested and taken away -- even children, including my niece, and she is only eleven!”

Questions
What to do now? Immediate decisions are needed. Your readers expect to be informed. Discuss five minutes and decide what goes into the main Green Park story in tomorrow’s paper.

Twenty Minutes before Deadline
Reporters who call the police station get the following response: “We cannot assist you because we have no transportation. Would it be possible for you to come and pick us up?”

Questions
Time is running. Deadline is approaching. Write the full story, including the headline and sub-head.

Wednesday Morning in the Newsroom
The reporter who was in Green Park yesterday evening and stayed until past midnight delivers an account of his observations. The parents of some of the children who were taken away told him that they were very grateful to the police for protecting the children by moving them from the clashes. “Not a single arrest was made,” the
reporter tells you. The children were safely returned to their families while the protesters withdrew from the streets during the evening. The area was quiet around midnight. Nobody was injured, except a young girl who was hit and seriously injured by a black luxury car. The driver had fled the scene of the accident.

Another reporter has called the police. The message on the telephone answering machine is as follows: “Until 4 p.m. today, no assistance from this office is available because all our staff will be attending the memorial service of a colleague who died tragically yesterday in Green Park.”

A third reporter has called the town hall and talked to the mayor’s secretary. She told him the mayor will issue a statement at 4 p.m.

Questions
Discuss how you plan to follow up on the Green Park case. Present your plan of action in 10 minutes.

5 PM in the Newsroom
Radio Freedonia has just broadcast a speech made by Mr. Peter Lusso, the chief of police, at the memorial service of the deceased policeman. He fiercely attacks the media for their reporting on the unrest in Green Park, describing the reports as “a complete distortion of facts.”

He quotes selected paragraphs from today’s papers: “Policeman killed by riotous crowd,” “Policemen go mad,” “Unconfirmed reports say policeman killed,” “Fighting in streets as police rampage,” “Cop killed in Green Park disturbances.”

Mr. Lusso continues: “This is a disgrace to the nation and a personal agony to the family and friends of a respected and beloved colleague. While we are gathered here in common grief, the public has been presented with a distorted picture of yesterday’s unfortunate events. The police had complete control of the situation in Green Park. There was no violence. Our respected colleague, Sam Lujak, died of a sudden and unprovoked heart attack. Why do the national media resort to such practices of irresponsible, tabloid slandering by publishing what they refer to as “unconfirmed reports” about a killing that never took place?”

End of broadcast. A few minutes later, Freedonia’s News Agency sends out Mr. Lusso’s speech word by word.

Meanwhile, Palisades’s mayor, Mr. Michael Cramer, has completed his press conference at the Town Hall. His message is the following:

"An attractive piece of land in the district of Flora, 20 kilometers south of Palisades, has been designated to be given to the Green Park squatters. They are free to move out there immediately. Each family will be given a fertile plot of land there and a sum of money. Otherwise, families will be offered an apartment elsewhere in the city. Which ever they choose, these families will be enabled to join Freedonia’s transformation to a prosperous democratic society.

Regarding the hotel project, the plans will continue. Work will start on Monday, and will provide at least 1100 jobs for the community."
Questions

Call a news meeting and discuss possible follow-up stories for tomorrow’s edition. Write the frame of your main story (headline, sub-head and lead) in 20 minutes.

Thursday Morning in the Newsroom

Your reporter has just returned from police headquarters, where she had a long meeting with the police chief. The police now consider the unrest in Green Park a closed matter. On the mayor’s request, police have agreed to assist in the relocation of the Green Park squatters to Flora, on the condition that the start of the hotel construction work is postponed at least one week.

The parties involved -- the mayor, Thonka Inc. and The Ministry of Planning -- have agreed that the relocation of the squatters should be conducted in an orderly manner that is acceptable to the community. Regarding the deceased policeman, his relatives have authorized the police chief to release a medical statement from the family’s doctor. It says that Sam Lujak suffered from heart disturbances and was undergoing medical treatment at the time of his death.

The reporter has also been informed about the traffic accident, in which a black luxury car made off after hitting a young girl. After a thorough investigation of the case, police were able to identify the driver and passengers in the car. The driver was Miss Divine Lovejoy, who won the Miss Freedonia Beauty Contest of 1989. She is currently employed as hostess at the “Sexy London Club,” Palisades’s jet-set night club. On the back seat was Mr. Teddy Cramer, the eldest son of Palisades’s mayor, and Miss Diana Wildlife.

The two young ladies had explained that after having a few drinks in the bar, Mr. Cramer had decided not to drive and handed over the car keys to Miss Lovejoy. The party left the “Sexy London Club” in the black Mercedes owned by Mr. Cramer’s father just after midnight.

According to the two ladies’ accounts to investigators, Mr. Cramer had fallen asleep on their way to Miss Lovejoy’s home. In a dark, crowded street in Green Park, something hit the car. They believed it to be a stone or a piece of wood thrown by the protesters and left without checking what had happened. After being questioned, the three were released. According to police, they expressed deep regrets for having unwittingly caused the injuries to the young girl, and said they are prepared to offer her financial compensation. Police consider the case closed.

The driver arrives unexpectedly at the editorial meeting. He has the following message:

“Somebody I know has acquired a complete survey of the expanded hotel construction plans, including the list of contractors. We can get that list - on two conditions: secrecy about the source of information, and 100 dollars in small notes to be delivered in an envelope. I have been instructed to pass the money on to the source.”

Questions

How do you act on these various pieces of information? What line of action will you pursue? Discuss the issue and present a plan in 15 minutes.
One Hour Later
Your editor arrives. He hears about the driver’s offer and becomes furious. By no means will the editor accept to pay for the list. That would be against editorial policy. The driver is sacked immediately.

Before leaving the premises, the driver tells one of your colleagues in a low voice: “You can get the document for free if you buy me lunch. Meet me at the Green Park Paradise in half an hour.”

Questions
What is your next move?

Lunch Time at the Green Park Paradise
The reporter meets the sacked driver, who tells him: “You can get the document if you buy me lunch and never reveal where you got it.”

Questions
Discuss what you do for 10 minutes. You are now expected to have gathered enough information to give your readers an overall insight into the Green Park affair. Have you done your best?

The Document
STRICTLY CONFIDENTIAL: The document shows that the hotel project has been expanded and now includes a country club with a huge golf course. The driver’s brother (the owner of the Green Park Paradise) had been negotiating the contract to run the restaurant in the Country Club, but that contract has now been given to Mr. Highlife -- the son of your editor!

Questions
Take 10 minutes to consider your next move -- and tell us!

Thursday Afternoon in the Newsroom
The editor has unexpectedly left the office. Your sub-editor enters and says: "We are losing readers and our competitive edge. I want better and more interesting stories on the Green Park affair".

Questions
Divide your group into two teams.
One team writes: one sheet for the front page (your main story), including headline, sub-heading, introduction and the crux of the story.

The other team writes: a maximum of two sheets for the feature section, giving the readers a full insight into the recent events, including headline, sub-heading, introduction and a comprehensive story.
Deadline: 60 minutes from now.
Parliaments: Tools And Tasks For Controlling Corruption

Robert Miller and Rick Stapenhurst, eds.

Parliaments and parliamentarians have a crucial role to play in setting an example of integrity and in striving to hold government accountable for its actions. Parliaments are a key component of any National Integrity System. What are the roles and responsibilities of parliaments in this process? How can parliaments and parliamentarians contribute to controlling global corruption?

Building the Political Will to Combat Corruption

Political will is one of the most crucial elements of any National Integrity System. Parliaments can pass anti-corruption legislation, but it will be largely useless if the political will to use the legislation does not exist. How is a parliament able to convince the government and other institutional actors of the need to combat corruption and ensure the political will to ensure success?

Parliaments should first demonstrate their own commitment to combat corruption by ensuring their personal integrity and that of parliament. In this effort, parliamentarians should enact legislation on campaign finance reform, including public declarations of contributions and expenditures during election campaigns. They should also establish codes of conduct, make wealth declarations and establish follow-up provisions to ensure that they are not seen as using their position to engage in corrupt practices. Pay levels should be transparent and effective conflict-of-interest guidelines should be implemented. Mechanisms such as recall might also be enacted to further ensure accountability.

The question of parliamentary immunity also needs to be addressed. Parliamentarians should not be subject to prosecution for things said or done in parliamentary debates or committee meetings. Indeed, the principle of parliamentary privilege is essential if parliaments are to be effective in holding the government accountable. Beyond this, however, parliamentarians should be subject to prosecution like any other citizen if they are involved in criminal activities.

It should be remembered that there is nothing corrupt about parliamentarians working for the benefit of their constituencies. That is one of their responsibilities. The problem arises when parliamentarians accept illicit payments for doing their jobs. If they are to be effective in controlling corruption, parliamentarians must first set a good example.

As far as possible, parliamentarians need to act together across party lines on the anti-corruption agenda. This is difficult, given the political pressures that surround the issue of corruption. Nevertheless, failure to use this approach risks the issue becoming politicized and being used by both government and opposition benches to discredit the other side. In these circumstances, the effort to build political will is blocked, anti-corruption efforts are weakened, and public cynicism reinforced.

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1 This chapter is drawn from the booklet “Controlling Corruption: A Parliamentarian’s Handbook,” which was an output of the 1998-2000 Laurentian Seminars on the Role of Parliament in Controlling Corruption, organized jointly by the Parliamentary Centre (Canada) and the World Bank Institute.
Parliamentarians can use their stature as public figures to condemn corrupt practices, attracting popular support for efforts to combat corruption, and fighting corrupt practices in their constituencies. In this way, parliamentarians can demonstrate their commitment to constituents and the principles of good governance, rather than unwavering loyalty to party and faction.

Parliamentarians must also build alliances with civil society, an essential partner in convincing political leaders of the need for effective anti-corruption initiatives. Correspondingly, civil society organizations should partner with an independent media to pressure government to cooperate with the supporters of reform.

Civil society needs an anti-corruption minded parliament and parliamentarians if it is to play a vital role in reforming government. All parliamentarians, regardless of party affiliation, should ensure that the laws they pass respect civil liberties. Legislative measures such as freedom-of-information and whistle-blower statutes should also be supported. Ultimately, parliamentarians have the responsibility to expose and denounce corruption, educate the public, ensure that civil society has the tools to be effective, and work in partnership with civil society to ensure transparency and accountability.

**Ensuring Accountability**

Accountability has been described as the "fundamental prerequisite for preventing the abuse of power and for ensuring that power is directed towards the achievement of broadly accepted national goals with the greatest possible degrees of efficiency, effectiveness, probity and prudence". The aim of accountability is to inform citizens about the "why" and the "how" of policy processes and choices, so that they are able to judge and respond to government actions.

Parliamentary democracy calls leaders and rulers to account. Open and accountable government is essential, given that corruption thrives in secrecy. Parliaments need to be concerned with how laws are developed, implemented and administered, because with secrecy comes the potential for corruption and mal-administration.

Parliamentary accountability is at the heart of ministerial responsibility. These responsibilities include: political accountability for policies and other political acts and decisions; administrative accountability for the management and administration of public programs and services; and financial accountability for the expenditure of public funds. One of the strengths of parliamentary government is that it locates responsibility in a small, identifiable group—the Cabinet which is held directly accountable by parliament. It is through this accountability function that parliament is best able to help control corruption.

**Parliamentary Tools**

There are a variety of tools that parliaments have at their disposal to control corruption. These form part of the system of accountability by which the government and its actions are judged. The ultimate accountability is exercised by the electorate when it supports or rejects a government in an election.

If a government becomes corrupt and parliamentarians are effective in holding it to account, the government will pay a price in loss of support and, ultimately, loss of power. The development and consolidation of vocal political parties and
Parliaments and Good Governance

parliamentarians competing in parliament for public support are perhaps a surer safeguard against corruption than even the most elaborate anti-corruption legislation.

In seeking to control corruption, parliaments must come to terms with the size and scope of modern government. Parliamentarians must also contend with the increasingly complex issues that globalization has introduced into policy-making. The variety of policies, rapid policy changes, and confusing multiplicity of objectives that policies seek to accomplish, compound these fundamental difficulties. In an ideally accountable political system, those in authority would state the specific goals of the initiatives, the performance standards, and the outcomes as compared to expectations, what has been learned and how it has been applied. In practice, it is rarely possible for systems of accountability to be as precise or methodical as that. To ensure proper accountability, parliaments must ensure that effective checks and balances are in place and encourage an attentive citizenry. Parliamentarians must also increase and facilitate their access to information through independent and reliable parliamentary research and information services if they are to begin to understand the complex policy issues of the day.

Accountability differs from direct control. A good audit system combined with a watchful, active parliament, rather than a host of direct controls and regulations, will help ensure accountability. Parliamentarians should work for the development of systems that disclose the objectives and results of programs and ensure proper budgeting, management and accountability in the financial system.

This would include a legislative framework that defines a government's intentions and regulates the powers and authority of the executive. It would also include strong and active committees, including Finance and Public Account Committees, able to scrutinize agreements with international financial institutions (IFIs), monitor the implementation of anti-corruption legislation by the executive, and ensure that the implementation of policies such as privatization is done in a transparent manner. All committees should have investigatory powers permitting them access to government accounts, records and other documentation to ensure accountability in government expenditures and the administration of programs and services. Committee meetings should be open to the public and media so as to achieve the fullest possible exposure. Parliaments should work to ensure that governments respond to and act upon the recommendations of committees.

Complementing and reinforcing the work of parliamentary committees are the independent watchdog institutions, such as Auditors-General and ombudsmen, that report to parliament. Parliaments should develop cooperative relations with these institutions. Without an independent audit or anti-corruption authority, parliamentarians may be unable to effectively investigate the government's finances. Conversely, the findings of anti-corruption authorities may provoke less government response without parliamentary scrutiny and media coverage. To ensure the effectiveness of auditing institutions, parliamentarians must effectively follow up by examining reports on government expenditures and programs. Parliamentarians should also request watchdog institutions to investigate situations where corruption or mal-administration is suspected.

A variety of parliamentary committees has begun to appear to ensure governmental accountability. For example, a number of African parliaments have "Committees on Assurances" to hold ministers accountable for statements and promises they have made to parliament. Such committees can be useful in exposing
incidents of corruption. Generally, the committee system should be used to oversee the administration of government departments.

Finance committees should ensure that governments present, in a timely fashion, annual comprehensive budgets. These should include disclosure of the amounts to be spent on each department and program, in addition to reporting on the monies collected and spent. Failure to present budgets in this way permits corruption and mal-administration in government departments to go unchecked. The following questions, among others, should be posed during the course of parliamentary debates about the government's budget:

- Who benefits and why?
- How will they benefit?
- What will be their immediate benefits?
- What will their benefits be in the future?
- Who will bear the costs, risks and why?
- What costs and risks will there be immediately?
- What costs and benefits will there be in the future?
- Who will be accountable to whom, and for what will they be accountable?

In addition to the measures discussed above, parliamentarians should use parliamentary debates (e.g. question periods, member's statements, speeches) to highlight incidents of corruption and the necessity of reform. This will help build political will among the political leadership and the public at large. Parliament should also work to enact laws that allow for open, transparent procurement policies, permit the striking of corrupt firms off professional registers, and permit the confiscation of assets obtained through corruption.

Parliamentarians should also partner with like-minded colleagues, non-governmental organizations and intergovernmental organizations abroad to exchange information and promote reform on the international and intergovernmental stage. This could include lobbying the government to sign international conventions and treaties to control corruption. This could also include the development of parliamentary networks on a regional or global basis.

Moreover, parliaments should apply the good governance principles of accountability and transparency to international institutions that operate within their countries. They should insist on knowing more about the negotiations between IFIs and the Executive and in turn monitor the grant and loan process much more closely. Some parliaments have gone so far as to restrict borrowing by the executive without approval by parliament.

**Parliamentary Action Planning**

When confronted with an important policy concern, parliamentarians are often tempted to take action prior to undertaking a proper study of the issue. Such efforts can lead to failure, setbacks, and frustration for the reform-minded parliamentarians and their supporters. Parliamentarians therefore need to be aware of the value of planning prior to taking action.
Action planning provides a framework for parliamentary decision-making. It provides a sense of direction and eliminates the need to revisit issues repeatedly. The development of a parliamentary action plan should involve the following steps:

- In-depth analysis of the policy issue.
- Identification of the actors who are likely to have influence.
- Building a team of allies.
- Definition of the goals and determination of the objectives.
- Assessment of available resources (e.g. time, people, money).
- Conversion of the plan into a manageable project, based on available resources.
- Evaluation of results.
- Preparation of interim recommendations to which government should respond.

Parliamentarians will find parliamentary action plans most valuable in the work of committees. Parliamentary committees should regularly attempt to develop clear action plans supported by all parties. To ensure effective collaboration with civil society, committees need to conduct public hearings to ensure the widest possible participation. Committees also need to maintain regular communication with government. Leadership is key to the effectiveness of committees. Committees must be led by a chair who understands how to make them work cooperatively and effectively. Effective committees often work in the areas where government has not yet formulated policy. Committees need to work by consensus, setting high goals, but making progress one small step at a time.

**Parliamentary Action Items**

Following extensive deliberations at the 1999 Laurentian Seminar, participants identified a list of parliamentary action items from which parliamentarians can draw in their efforts to control corruption. Consistent with the previous section, parliamentarians should build these actions into a comprehensive plan to achieve maximum results:

**Balance of Power**

1. Propose constitutional reform to ensure a better balance of power between executive, legislative and judicial institutions.

2. Reform political parties to improve recruitment practices and allow greater democratization in decision-making (such as voting).

3. Work to establish financial independence of parliament vis-a-vis the executive.

4. Elect parliamentary officers and committee chairs on an open, non-partisan basis.

5. Provide competent, professional staff for members and parliamentary committees. Avoid cronyism in staffing.

6. Develop non-partisanship in committee work.
7. Strengthen the office of the Speaker and committee membership with longer, more stable terms of appointment.
8. Change rules of procedure to ensure that parliament can exercise its constitutional powers.

Parliament and Globalization
1. Conduct research and education activities to better understand globalization and its effects.
2. Strengthen parliaments and executives in the face of globalization.
3. Develop a widely participatory national development plan that considers globalization issues.
4. Create a joint study group of civil society, parliamentary, and executive representatives to develop a national policy on globalization.
5. Develop programs to strengthen citizenship and national identity.
6. Ensure transparency in policy areas related to globalization (e.g. privatization).
7. Build links with international civil society and parliamentary groups.
8. Develop parliament's capacity to utilize the Internet.
9. Establish an international network of parliamentary public accounts committees.

Global Corruption
1. Promote international parliamentary cooperation to share information for the establishment of an international code of conduct for business transactions.
2. Develop an international watchdog agency to monitor compliance with an international code of conduct.
3. Work with Transparency International (TI) to improve and make the corruption perception index more fair. Develop survey mechanisms that evaluate the corruption fighting commitment of developed countries.
4. Draft a convention to require banks to disclose information on accounts held by persons being investigated for corrupt practices.
5. Ensure regional uniformity and reciprocity in anti-corruption laws and regulations.
6. Network with organizations such as TI to expose recipients of illegal money.
7. To ensure transparency, make open to the public all committee meetings concerned with investigating corruption.
8. Organize a national commission, with participation by religious groups, NGOs, business, parliamentarians, and the executive, to formulate a national definition of corruption.
9. Establish a permanent anti-corruption committee in parliament.
10. Adopt whistleblower legislation.
Parliament and IFIs

1. Parliament should be involved in all major aspects of the interaction between their countries and the IFIs.

2. Parliament should review all international agreements prior to signature by the executive.

3. Parliament should be represented as an observer in international negotiations between the executive and IFIs.

4. All international loan agreements should be submitted to parliament for approval with sufficient time for satisfactory consideration.

5. The quantity and quality of information regarding international agreements should be improved (e.g. translate draft agreements into local languages; publish proposed agreements in newspapers; prepare list of consultants for use in IFI agreements).

6. Develop a national interactive website containing project and other information to monitor current IFI loans, projects and agreements.

7. Institute regular parliamentary meetings with the executive to review policy regarding IFIs.

8. Ensure that IFIs take into consideration country-specific, socioeconomic and cultural factors when negotiating agreements.

9. IFIs should assist in strengthening the capacity of parliamentary committees to scrutinize IFI agreements.

10. IFIs should establish special parliamentary relations units.

11. The World Bank should invest significant amounts in programs to strengthen parliaments (e.g. strengthening parliamentary research in matters related to the IFIs).

12. Parliamentary committees should ensure that their own reports and studies go to the appropriate IFIs.

13. All oversight bodies should report to parliament, not the executive.

Key Points

- Parliaments are an integral part of the development of National Integrity Systems.

- Parliamentarians must fight against corruption by first setting a good personal example. They should be role models who uphold the integrity of parliament.

- Parliamentarians need to convince their party leaders of the need for reform. They should cooperate across party lines.

- Parliamentarians can help mobilize the population against corrupt practices.

- Parliaments and civil society should work in partnership to combat corruption and hold governments accountable.

- Parliament can make a major contribution in anti-corruption efforts by exercising its accountability function, such as through the Finance and Public Accounts Committees.
• Parliaments and supreme audit institutions like Auditors General need to work cooperatively in fighting corruption.

• They must ensure effective follow-up so that their work produces concrete results.

• Parliaments should work for a budgetary system that will ensure government adequately accounts for its programs and policies.

• Parliamentarians should partner with like-minded colleagues, non-governmental organizations and intergovernmental organizations to address the transnational dimensions of corruption.

• Parliaments should seek to develop action plans setting out shared objectives and practical measures to control corruption.
Reducing Corruption At the Local Level

Maria Gonzales de Asis

Introduction

Corruption ranks together with effective democratic representation as one of the most important problems facing local governments. The challenge for local governments is to develop accountable and transparent systems that efficiently deliver public services. By virtue of being close to the people, local government has a better chance of meeting this challenge and controlling corruption.

The current trend in decentralization is unleashing far-reaching consequences for local governments. Most of the time, decentralization not only transfers resources to local governments, but also transfers the authority to allocate resources and exercise discretionary power. It has the potential either for reducing corruption and improving delivery of public services or for exacerbating corruption and undermining service delivery.

The objective of this chapter is to provide a conceptual framework and concrete examples for controlling corruption at the local level. The framework will serve local reformers and citizen groups who are intent on changing corrupt systems. It outlines strategies to involve people in policymaking and monitoring, to identify reform priorities through diagnostic tools and to develop systems and processes to improve government performance. In this context, strong political will, citizen voice, appropriate technical support, and a realistic long-term implementation strategy are central to success. Significant results can be expected where three factors are present: informed knowledge (with action program formulation based on in-depth empirical evidence in each setting), coalition-building leading to collective action, and transparent political leadership at the local level.

Understanding the Problem

Corruption distorts the allocation of resources and the performance of local governments. The consequences of corruption are poor public services, increased social polarization, low investment in the municipality and decreased economic growth. Combating corruption is crucial to the broader goals of promoting economic development, social justice, and more effective local governments.

Corruption goes by different names around the world, but is by no means unique to a particular locality, country or region. The general definition of corruption used by the World Bank is “the misuse of public services for private gain.”

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1 Decentralization and Local Government Performance. Jean-Paul Faguet. Centre for Economic Performance and Development Studies Institute, London School of Economics, 1998. Citizens often believe that bribery is the most effective way to request and receive services, and they view the public sector as an institution for personal enrichment. Moreover, citizens are not motivated to participate in the public sector.

2 Local terms for corruption include ‘dash’ in West Africa, ‘la bustarella’ in Italy, ‘grease’ in America, ‘graft’ In New Zealand, and ‘mordida’ in Mexico.

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involves improper behavior on the part of public officials, whether politicians or civil servants, in which they misuse the power entrusted to them to enrich themselves or those close to them.

Corruption at the local level can appear in many forms. The main types of corruption are: acceptance, solicitation or extortion of bribes, patronage, nepotism, theft of public goods, political corruption and clientelism. All types of corruption are related to perverse incentives created within a particular institution or local government. Pervasive incentives are a set of motivations that cause individuals to behave contrary to the rules of their office. By contrast, good incentives include, among others, rewards, increases of salary, dignity, and reputation.

Systemic corruption within the public sector can be defined as the systematic use of public office for private benefit that reduces the quality or availability of public goods and services. With systemic corruption there are channels of distribution that move bribes from their collection point upward through the institution's hierarchy. It also includes grand corruption of high-level public officials and politicians who make decisions involving large public contracts or projects. This corruption is motivated by personal greed, not need, or is used to benefit the fundraising of a political party. Its components are theft – spontaneous privatization of public enterprises, uncontrolled utilization of enterprise funds, obtaining credits without repayment, payment of wages to non-existent employees, etc., and/or political corruption – violation of election legislation, extra-legal financing of campaigns, and solving parliamentary conflicts through illegal modalities.

The causes of corruption are many and may vary from one local government to another. However, common factors that contribute to misuse of public power for private benefit include: 1) perverse incentives; 2) lack of public information and transparency; and 3) lack of accountability.

1) The existence of perverse institutional incentives increases the probability for corruption to occur. The risk of corruption increases as local officials are given new responsibilities and functions and as more officials are exposed to providing quality services with a limited budget. Common perverse incentives include the lack of efficiency, arbitrary discretion, excessive complexity, low salaries, pressure from superiors, unpredictability of administrative procedures used to provide public services (i.e. permits, tax payments), low quality of public administration, lack of key sources of city revenue (such as property taxes or fiscal casters), existing kinship ties, civil traditions/pride, and non-merit based appointments/promotions.

Revenue collection, for example, decreases when the evaluation system of the value of property is complicated. Good incentives to solve this problem have been introduced in municipalities such as La Paz (Bolivia) and Limpio (Paraguay). In these cities, there is an auto-evaluation system wherein citizens can declare the value of their properties under the veiled threat that the city might purchase their properties for twice the declared value.

2) The lack of public information and transparency allows public officials to maintain the aura of secrecy necessary for corruption to continue. When government operations are treated as municipal secrets, the opportunity for corruption increases. The aura of secrecy surrounding local government reinforces the public perception of

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4 Taxes are a crucial for urban management, planning and regulation. Enhancing Integrity and Accountability in Central America.
potential wrongdoing, thereby increasing the incentive for corruption and decreasing the incentive to generate and save municipal resources.

3) Lack of accountability means public officials face little or no risk of punishment for misdeeds. Without this kind of check on their behavior, they are more likely to engage in corruption. As Benjamin Franklin pointed out, "Keeping government honest and hence our freedoms intact requires eternal vigilance". Officials are tempted by corruption when the gain (or perceived gain) is greater than the penalty if they are caught. Corruption in this sense is a rational choice; it is a crime of calculation.

To know the extent and nature of corruption in a municipality, indicators should be used to find the specific causes of corruption through perception surveys and other diagnostic tools. “Harder” data on corruption can be also collected to complement the survey diagnostics.

Measuring corruption in a municipality helps to establish its causes and the priorities for reform by identifying the activities and agencies where corruption is concentrated. Concrete evidence is used to depersonalize the debate on corruption, shift the focus to substantive issues, and educate the public about the economic and social costs of corruption. It also establishes a baseline against which the successes and failures of reform can later be measured. Diagnostic surveys are therefore an integral part of building consensus, diagnosing key problems, designing anti-corruption action programs for local governments, and evaluating their implementation.

Anti-corruption programs at the local level constitute an enclave within a country. Because of its size and closeness to the citizens, a local anti-corruption program allows better adaptation of international experience to local conditions before applying it on a national scale. Success can breed more success, creating a domino effect among the municipalities that implement this kind of program.

**Strategies for Combating Corruption**

The smaller size of a municipality is an advantage for creating a systemic and practical strategy of cooperation among civil society and government that is able to be more responsive to the needs, requests and demands of individuals or groups in the community.

Practical strategies for combating corruption at the local level can address perverse incentives through a participatory process of institutional reform. Some of the best international experiences are presented here to provide concrete examples of

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5 Quoted after the 1787 Constitutional Convention in Philadelphia.
6 Robert Klitgaard, Rondald Maclean-Abaroa and H. Lindsey Parris "Corrupt Cities" Bentham (1843, p. 399 [1788]). "... the profit of the crime is the force which urges man to delinquency: the pain of the punishment is the force employed to restrain him from it. If the first of these forces be the greater, the crime will be committed; if the second, the crime will not be committed". Crime and Punishment by Becker (1968). He suggests that specific criminals will consider the benefits and costs deriving from its commitment as well as the benefits and costs of abstaining from its commitment. Becker, Gary S. (1968) ‘Crime and Punishment: An Economic Approach’. Journal of Political Economy 76: 169-217; Beccaria, C. (1971) ‘On crime and punishment (1764)’, in S.E. Grupp ed., Theories of Punishment, Bloomington (IN), Indiana University Press, 117-137; Bentham, Jeremy (1843) ‘Principles of Penal Law’. Works, 1:399 ff.
Improving Governance and Controlling Corruption

reform. Every element is crucial; however, each should be implemented in the context of a clear, participatory and integrated strategy that is able to build sustainable reforms at the local level.

Building sustainable institutional reforms at the local level implies taking several steps toward the design of a participatory strategy starting with strong political will to reform. The programs should be designed without putting the focus on corruption itself, but by allocating municipal resources in a more equitable manner for reform. In order to prioritize areas for reform, the local government and civil society should use participatory working groups whose tasks are to identify the problems and perverse incentives and then propose ways to monitor and evaluate reforms.

Political will
A strong political will at the top of the local government is a precondition for initiating anti-corruption reform. Political will normally emerges with a change in government (e.g., newly formed governments or elections), which provides a window of opportunity for reform. This window of opportunity allows reformers within and outside the government to design a reform strategy together.

Diagnostic tools and training workshops
Surveys are a key input for designing a reform strategy, while they also help to raise awareness of the issue. Surveys of households, firms, and public officials identify the main governance problems in the municipality and help establish reform priorities. It is crucial, however, to find an independent firm to carry out the surveys in order to avoid political interference during the data collection. For example, a customer perception survey collects data on enterprise and citizen perceptions of service delivery, as well as the integrity and credibility of municipal government. The survey measures perceptions of efficiency, efficacy, corruption, and the quality and breadth of information supplied by local authorities for public use. Surveys can lend credibility to the reform effort and provide momentum for meaningful progress toward curbing corruption and reforming the government.

Participatory Diagnostics: Workshop and Action Plan
The results of the survey are presented at a workshop attended by both local officials and civil society members. Based on survey findings, working groups establish reform priorities and then propose innovative ways to address them. In the action plan, they lay out the actors and resources needed to implement municipal reforms. Subsequently, working groups can periodically monitor and evaluate the implementation of reforms.

Tools to Fight Corruption
Although there is no recipe for fighting corruption at the local level, the tools presented below can be used selectively to design a strategy to fight corruption.

Simplification of administrative procedures
The complexity and unpredictability of administrative procedures create confusion and give public officials arbitrary discretion in carrying out their duties. Administrative manuals for decreasing and standardizing procedures and a computerized data system for storing administrative data, including tax registers and estimates of the cost of administrative procedures, can counter this problem. Such tools can improve coordination among offices, avoid duplication of duties, eliminate
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arbitrary decisions, and speed up administrative work. Through the Internet, for example, citizens can have access to the number of steps that are needed to obtain a license permit. After several municipalities reformed their administrative procedures, citizen satisfaction with services increased and complaints decreased in some cases by more than seventy percent (for example, in Campo Elias, Venezuela).

To have maximum effect, however, citizens must be well informed about such procedures and how to benefit from them. An office of information can provide citizens with such information and assistance. Once citizens are aware of the fees that can be requested by providers and the steps that must be followed whenever administrative procedures are involved, they can better demand the services to which they are entitled. In municipalities such as in La Paz (Bolivia) or San Marcos (Guatemala), all municipal rates for services are visible in walls in public areas to prevent municipal employees from charging extra for services.

Citizen participation

A number of measures to increase citizen participation in government can promote transparency and accountability in local administration. These measures can be institutionalized through local ordinances, giving citizens both the incentive as well as the juridical means for participating in municipal government.

a) Public hearings. One of the most useful ways to increase citizen participation is through public hearings. In many municipalities, this has provided an effective forum for developing the annual budget. Public budget hearings help to identify and prioritize citizens' needs; co-manage municipal resources; control and evaluate the mayor's commitments; and create opportunities for participation, accountability and transparency. Through participatory budget setting, civil society can become an integral part of defining priorities and determining trade-offs. Citizens then feel more satisfied with municipal services and are empowered to care about projects and monitor their performance. In addition, citizens can see that reducing corruption frees up financial resources that could otherwise be allocated to essential services.

Although there are different ways to conduct public budget hearings, normally the mayor presents a preliminary budget to citizen participants. Using the preliminary budget figures, citizens break into working groups to discuss and prioritize their needs. Participatory budgeting workshops are then held in each of the neighborhood association districts, in order to determine their respective shortlist of budget priorities. Shortlists are presented to technical specialists at a participatory workshop and individual projects are discussed and tested for feasibility and cost. Neighborhood associations present revised proposals to the municipality and a tripartite commission composed of citizens, chamber representatives, and public officials selects the projects. Every three months, the mayor must provide a written public rendering of the budget status and accompanying projects.

The basic requirements of a public budgetary hearing program are: 1) a democratic and transparent government, managed by a mayor who is willing to govern in a transparent manner; 2) the development and support of neighborhood associations; 3) investment in civic education; and 4) political willingness and technical capacity to conduct public budget hearings.
One of the best examples of participatory budget setting is from Porto Alegre, Brazil. The participatory budget system created in Porto Alegre is an instrument that combines direct democracy with the empowerment and promotion of parliamentary representation. In citywide assemblies, citizens discuss expenditure priorities. The assemblies then elect two representatives from each of 16 areas to a participatory budget council, which establishes revenue and expenses for the city as well as criteria for resource distribution. The criteria established for resource distribution include: lack of facilities or urban infrastructure in the area; population in areas with a severe lack of facilities or infrastructure in the region; and total population of the area and area priorities.

In Porto Alegre, citizens have identified and prioritized their needs, co-managed municipal resources, controlled and evaluated the mayor's commitments, and created opportunities for participation, accountability and transparency.

b) Computerized data and e-systems. Another mechanism for improving accountability and transparency is providing access to information through computerized data systems. A software package can be designed and implemented in order for citizens to access information on transactions carried out by the municipality. Individuals may visit a public office for Citizen Participation and, if necessary, receive staff support in order to monitor municipal transactions by computer, including public bidding, acquisitions, and execution of public works. This tool aims to achieve a more transparent government through public control and monitoring of transactions.

More and more municipalities all over the world are implementing computerized data systems through Internet websites. Services vary from one municipality to another. Local governments in Porto Alegre (Brazil), Limpio (Paraguay), Moron (Argentina) and Obninsk (Russia), for example, are procuring public goods over the Internet. This not only allows local officials easy access to the information, but also enables citizens to use the general computer terminals at city hall or public information offices to check on such information, denounce cases of corruption, or request specific permits or licenses. Another example is developing the budget on their Internet website and posting the budget for the previous year, including taxes, licenses and other services. These services encourage participation in local government.

Another example is e-services, which allows businesses to compete on a more level playing field since they can compare price and quality levels over the Internet. Campo Elias (Venezuela) has implemented this “E-Corruption” service, for example. It is a technological service that allows citizens to track municipal transactions via the Internet. All enterprises that provide goods or services to or on behalf of the municipal government (above a threshold cost) must register and provide status reports on the Internet site. Failure to do so results in sanctions. Citizens who do not have access to the Internet may gain access through the Office of Information.

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c) Office for Citizen Participation. An office for citizen participation is a complement to data systems, hearings, and workshops to promote citizen participation. Such an office: 1) creates channels for dialogue between government and civil society; 2) provides an actual site for citizens to engage in participatory activities; 3) organizes and disseminates information about municipal services, officials, and administrative procedures; 4) responds to citizen complaints in a timely fashion; and 5) serves as focal point for organizing anti-corruption campaigns.

d) Auditing commissions. An additional approach used to achieve accountability and transparency is the creation of auditing commissions, comprised of citizens, chamber representatives, and local officials. A typical commission might include a citizen representative from each neighborhood association, one municipal chamber representative, and two local municipal officials appointed by the mayor. The purpose of the commission is to facilitate community participation; keep the community informed about the budget hearing process; participate in technical workshops and select public works projects; develop a timeframe and select the mode (direct administration or contract) for the execution of public works; and oversee public works and community programs. Commissioners usually serve for one year and meet with citizens in four public sessions per year. An example of an auditing commission at the local level can be found in Campo Elias (Venezuela).

Examples of auditing commissions at the local level can be found in other cities such as the Province of Mendoza (Argentina) or Limpio (Paraguay). In Mendoza, the government with the help of Fundación Poder Ciudadano organized a public hearing. The purpose of the public hearing was to publicly review the bidding documents of companies in order to ensure transparent contracting conditions and limit the discretion of public officials. The government received proposals in broad daylight and then evaluated them with an impartial body of experts. It was also important to have politicians, union leaders, citizens, private analysts and other experts, as well as journalists, participating in or observing the hearing.

Another successful example has been implemented in Moron (Argentina). "The Program for Transparent Contracting" (PCT) of Citizen Power in Moron has combined two components: holding public hearings where the responsible authority convenes a meeting of citizens, businesses, experts, and representatives of the opposition to express their objections and suggestions about the planned terms of the contracting; and the signing of an Integrity Pact wherein the government and all businesses competing for the project share a contract of reciprocal control to prevent the payment of bribes between the bidders and the state.

Monitoring and Evaluation

Beyond internal monitoring techniques such as public budgetary hearings, the computerized public works monitoring system, and local workshops or public hearings, external monitoring tools are very important in the process of institutional reforms.

Public seminars provide an effective way to monitor, evaluate, and follow up on the implementation of municipal programs. By attending the seminar, citizens are able to provide feedback to the municipal government on the reform effort. Specifically, they provide feedback on the office for citizen participation, the auditing commission, the computerized data system, and relevant municipal ordinances. Officials from other localities can also benefit from the seminars by learning about how to replicate the reforms in their respective municipalities.
Following the implementation phase, a second customer perception survey should be conducted to evaluate the impact of the municipal reform program. The results of this survey should show that the consensus-based methodologies used to implement reforms have increased transparency, the public’s access to services, and the government's capacity to address municipal problems. By comparing results from the two surveys, we should see improvements in the indicators measuring efficiency, access, and transparency.

**Conclusion**

If successful, efforts to curb corruption enhance public sector performance and legitimacy. In pursuing transparency and accountability, reforms enable citizens and local governments to more effectively govern, utilize resources, provide services, and increase the community’s overall quality of life. Reforms that have far-reaching effects include simplified administrative procedures, increased citizen participation in government, and monitoring and evaluation systems.

These efforts depend on several elements. First, political commitment is indispensable. Political commitment at the local level is a crucial condition for achieving comprehensive institutional reforms and, in particular, for creating accountable and transparent systems and curbing corruption. Second, information is key for establishing priorities and lending credibility to the reform effort. Surveys provide hard data for designing, monitoring and evaluating reforms. Third, the involvement of civil society in reforms is vital to their legitimacy and feasibility. The consensus reached at workshops bolsters commitment to the action plan and the likelihood of successful implementation.

Information is an essential tool for achieving accountability, transparency, and participation. Reform of information systems has had a significant impact on government and civil society. A vital condition for building efficient, accountable, and transparent systems at the local level is the simplification and accessibility of information. Participatory workshops, information campaigns, and the Office of Information's computerized data system provide streamlined, accessible information for public consumption, thus increasing the probability for transparency and accountability.

Experience in many municipalities around the world has shown the powerful effect of political commitment, the technical capacity to design and implement reforms, and a strong partnership with civil society in the drive to enhance efficiency, equity, and transparency in local government.
Readings


Case Study: Local Government Reform

Maria Gonzales de Asis

The case study presented below will serve to guide local reformers and citizen groups who are intent on changing corrupt systems. Practical tools and approaches are presented for use during the case study, including how to involve people in policymaking; different diagnostic tools to identify priorities for reform; informatics to track public revenue and expenditure; simplified rules to improve the procurement process; diagnostics; and participatory techniques for developing and monitoring local budgets.

Gouzebré is a municipality with an area of 400 km$^2$ and a population of 200,000. Eighty-nine percent of its inhabitants are urban and 11 percent are rural, and it is estimated that 40 percent of the population lives below the poverty level. Gouzebré has a yearly budget of $US 1.2 million.

The city just held democratic elections and you have been elected as mayor. As a citizen, you experienced corruption during the last administration. Now you are realizing how important the battle against it is because corruption is adversely affecting the provision and maintenance of services, as well as the quality of life in Gouzebré. Decentralization took place one year ago. Public and private financial systems, as well as the public procurement system, are all vulnerable to corruption.

In Gouzebré, property taxes represents about 30% of total revenue, however these taxes are rarely collected. Taxes in general are subject to corruption since there are no reliable records and no official or accountable manner through which to collect them. Tax collectors are known to take bribes.

Due to unpredictable procedures and duplicated functions, there are no accountable or transparent methods for providing public services. The resulting administrative and regulatory framework is generating confusion within Gouzebré. Administrative procedures are often delayed or not obtained unless speed money is paid. Citizens who apply for a license or permit have to spend at least six to seven months before obtaining it unless a bribe is given. If they do not know what the process is, officials usually extort money from them based on their lack of knowledge. Citizens often believe that bribery is the most effective way to request and receive services, and they view the public sector as an institution for personal enrichment. Moreover, citizens are not motivated to participate in the public sector.

Collusion is a common practice in public procurement. Corrupt local officials reject low bids and, instead, award contracts to their business partners who will compensate them.

Your friends and colleges are offering you gifts, houses, and contracts on the basis of being offered a job in city hall. The lack of accountability among your staff and unregulated discretionary behavior of the local officials working for you is creating perverse incentives for corruption. You are realizing that the system is working on the basis of political influence.

In the current administration the vicious cycle of corruption is more rampant than ever. Some of your new staff are adapting quickly to the situation while others feel impotent to do something about it.
Questions
What would you do as a first step? What would you do to change the status quo? How would you find out what are the priorities areas for reform? What are the potential solutions for solving the problem of corruption in procurement? What are the mechanisms to develop a better information system and a more accountable municipal government?

What anti-corruption processes have been implemented in your city? What were the results? Which of the instruments/processes outlined above could be used to reduce corruption in your city? What are the main barriers to the implementation of such instruments/processes?
Annex
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