Crime Law Soc Change (2010) 53:1–3
DOI 10.1007/s10611-009-9230-0

Anti-corruption agencies and the need for strategic approaches: a preface to this special issue

Nikos Passas

Published online: 29 December 2009
© Springer Science+Business Media B.V. 2009

The UN convention against corruption, also known as the Merida convention, came into force on the 14th December 2005 and constitutes the most comprehensive international instrument on this matter. It mandates independent anti-corruption bodies for States Parties. Such bodies may already exist and there may be more than one body in each jurisdiction. These may address prevention, analysis, law enforcement or a combination of these functions.

A new organization was created in April 2006 aiming to assist in the effective implementation of the UN convention and to bring representatives and activities of anti-corruption bodies together: the International Association of Anti-Corruption Authorities (http://www.iaaca.org).

At the same time, many governments are motivated to demonstrate leadership and political will against corruption. One way of doing this is through the establishment of anti-corruption commissions and related bodies.

In this context, many new authorities have been designated or created in recent years. As we learn from this timely special issue, the record is mixed and a great deal of work lies ahead as the international community seeks to build on the current anti-corruption momentum. The papers of this volume show how diverse anti-corruption bodies are as they reflect different cultures and traditions, some have made great strides toward accomplishing their goals while others have fallen back, some are national while others local, some are well integrated with other government agencies and interact well with other anti-corruption stakeholders, while others operate in isolation. Readers of this special issue will see how some national agencies are better resourced and more effective than others and how these results may be related to political will in the country to deal seriously with corruption. We learn how a small country, Fiji, has established an independent commission the investigations of which reached up to prime-ministerial level, and how social views on what is corruption

N. Passas (✉)
College of Criminal Justice, Northeastern University, Boston, MA 02115, USA
e-mail: n.passas@neu.edu

transcend the law and lead the commissions' targets beyond offenses provided in the penal code.

New authorities are embedded in government structures and reflective of socio-political contexts—yet, they are mandated to be independent. They must work with other government bodies and preserve this independence for preventive and law enforcement purposes. An important point made in this issue is that these bodies constitute windows of opportunity and can be an inspiration for all societal forces. However, we are all cautioned to pay attention to weak or malfunctioning parts of democratic structures, such as political parties, media, and trade unions. Unless all stakeholders are strengthened, supported and given an effective voice to assist the work of anti-corruption bodies, the risk is that we may have backlashes and demoralization.

The issue also reminds us of the good work done at the local level by sub-national units and emphasizes the importance of networks and inter-organizational analysis. The fragmentation of efforts to counter fraud and corruption in Europe, for example, undermine the overall goals despite recognized efforts of OLAF, Eurojust and Europol.

A common thread throughout this issue is the need for attention to contextual specificities, recognition of the role of multiple organizational actors and the need for coordination. These need to be complemented by additional challenges faced by all governments:

- Growing concerns about cross-border crime
- Dealing with new kinds of criminal conduct and perceived threats, such as cybercrime
- 'Democratization' of serious crime, whereby globalization processes and technological innovations enable misconduct by a wider range of actors
- The current financial crisis

Responses to these challenges have added rather than relieved problems. We have seen a 'regulatory tsunami', waves of new international and regional standards that governments must comply with and devote resources to. Hesitation to reform regulatory and institutional arrangements even when they are clearly inadequate, as the financial crisis has demonstrated plainly. Assistance to less developed countries has often been 'phantom aid', as it comes with strings attached that make the assistance less effective, more expensive and of questionable utility to receiving countries. The big industry of development aid and technical assistance lacks quality controls and is uncoordinated.

As a result, despite the best of intentions, many efforts to improve governance and anti-corruption work are frequently unsustainable and ineffective, while significant resources get wasted, especially as political actors are focused on short term results and big impressions. Islands of integrity may be created for a while, but they risk getting washed away in the near future. Momentum for needed cultural and structural changes is lost, just as the credibility and legitimacy of governments or other actors are undercut.

In short, there is far too much work to be done with regard to anti-corruption and governance, too many challenges and institutions and too little long-term planning on how to best use available resources, to prioritize, to sequence, to set pragmatic

deadlines and to achieve synergies. The only way out of this set of challenges is to bring strategic thinking back in. Only through well-designed strategies can we hope to analyze problems and particularities, integrate efforts and institutions, assess progress and enhance legitimacy. Proper strategies can offer useful benchmarks and performance indicators that will reward anti-corruption leaders, increase accountability, point out vulnerable areas where improvement is needed and offer insights into the future. Proper strategies will take into account local stakeholders' views and will differentiate between economic sectors, administrative units and geographic areas.

Precisely how we can achieve this is still work in progress. There is no handbook for strategy construction. Existing national strategies or plans are often problematic: they are overly influenced by political issues of the day, introduced by outsiders who do not understand fully local traditions and practices, set unrealistic targets and run the risk of frustrating raised expectations or miss the big picture and the opportunity to link small projects to long term objectives.

Proper strategies will also explore, reveal and take advantage of synergies to be generated when implementation of multiple international standards is undertaken at once. For instance, co-implementation of the UN convention against corruption with the OECD convention against bribery of foreign public officials and officials of international organizations and the UN conventions against transnational organized crime and the financing of terrorism would show that countries can save a lot of resources when they recognize the substantial overlaps that allow them to comply with multiple provisions at the same time. It will also allow for better collaborative and coordinated efforts at the domestic level.

Technical assistance, capacity building or other needs will be more clearly identified and addressed. Policy-useful knowledge will be produced that can be shared and disseminated. Implementation of conventions and domestic laws will be more consistent and effective. A culture of integrity will be promoted and criminogenic asymmetries (such as poverty, inequalities, legal discrepancies and conflict of laws, economic imbalances etc.) will be reduced. With the aid of educational institutions, the media and civil society organizations, these goals will be furthered and legitimacy strengthened.

Thus, although it may appear at first sight too optimistic, the synergistic and parallel implementation of multiple standards is the only pragmatic approach.

Strategic anti-corruption plans are mandated by the UNCAC and constitute an area where a lasting and vital contribution can be made by anti-corruption authorities. Resources are being made available but need to be thoughtfully allocated and used. We need to bring strategy back in, and anti-corruption authorities are possibly the best vehicle to materialize this end. Let us hope that the international community will recognize the need for strategic approaches and that anticorruption authorities will avail of such an opportunity.