

# Morning Plenary Sessions

## TÍTULOS, SUMÁRIOS E BIOGRAFIAS DOS ORADORES CONVIDADOS

### TITLES, ABSTRACTS AND BIO NOTES OF GUEST SPEAKERS

**Alan Doig** (Teesside University, UK)

**Title:** *“Markets, management, managed work and measurement: getting the boring bits right for Anti-Corruption Agencies”*

**Abstract:** The purpose of this paper is to address issues that may concern Anti-Corruption Agencies [ACA] working within the European Union [EU] countries, or those countries with ambitions to join the EU. The issues will also have wider relevance with the mandatory requirements of the United Nations Convention. The issues concern the rationale for setting up an ACA (markets), the use of business planning techniques to determine the most appropriate organizational structure to deliver its intended objectives (management), operational activity (managed work) and performance (measurement). The paper uses examples from Africa on how and why ACAs fail before discussing initial research on ACAs in two recently-joined EU states to suggest what needs to be done in terms of, first, deciding if an ACA is necessary and, second, what markets, management, work and measurement issues need to be addressed.

**Bio Note:** Alan Doig is Professor of Public Services Management and joined Teesside Business School in 2001 from Liverpool Business School, Liverpool John Moores University. His areas of teaching and research are public services management. He specialises in the impact of change and the issues of governance and fraud management also specialising in operational and organisational issues relating to prevention, detection and investigation of fraud and corruption. Professor Doig has written and edited books including *Public Inquiries into Abuse of Children in Residential Care*; *Corruption and Democratisation*; *Sleaze: Politics, Private Interests and Public Reaction*. Articles include *Old Populism or New Public Management? Policing Fraud in the UK (Public Policy and Administration)*; *Ethics in Local Government: Evaluating Self Regulation in England and Wales (Local Government Studies)*; And with John Wilson, *The Impact of Thatcherism on Delivery of Public Services in the UK (Australian Journal of Public Administration)* and *Local Government Management: A Model for the Future? (Public Management, now Public Management Review)*. He is also: Head of the Fraud Management Studies Unit; Consultant on Anti-Corruption Agencies; co-author of U4 Report on Anti-Corruption Agencies; Project Director on 36 country studies relating to corruption; Project Director of the EU PHARE Project on The Review and Implementation of the National Anti-Corruption Programme of the Government of Lithuania.

**Robert Williams** (Durham University, UK)

**Title:** “*Cycles of change and performance expectations in ACAs*”

**Abstract:** The paper draws on the findings of my field research on five African ACAs and on a critique of the academic and practitioner literature on ACAs. It addresses a central question: why do governments/donors create and support ACAs when their performance almost always fails to meet their sponsors' and funders' expectations? I argue that those who establish and sustain ACAs have only a limited appreciation of the specific difficulties of ACAs in investigating and preventing corruption and an inadequate understanding of their organisational design and development in particular institutional environments. This gives rise to unrealistic performance expectations and generates cyclical disruption to the resourcing and operational effectiveness of ACAs. I suggest that we need to identify distinct organisational stages for ACAs and link them with the differing cycles of donor and government involvement. I find that there is a profound lack of synchronicity between ACAs, their host governments and international donors. It is this lack of synchronicity which leads to the disruption of organisational development and the consequential failure to meet performance expectations.

**Bio Note:** Robert Williams is Emeritus Professor of Political Science who has been researching, consulting and teaching on corruption for 30 years. He taught previously at York University, the University of Western Ontario, the Australian National University and Lewis and Clark College. British Academy Fellow, Harvard University 1977; Australian Studies Fellow, Flinders University 1984; visiting Fellow, Griffith University 1990. He is the author/editor of many important works such as *The Politics of Corruption*, 4 Volumes, (2000) or *Party Finance and Political Corruption*. London: Macmillan (2000). He was the lead researcher on a recent major study of Anti-corruption agencies (2005) commissioned by the U4 Anti-corruption Resource Centre, Bergen, Norway.

---

**Nathaniel Heller** (Global Integrity, US)

**Title:** “*European Anti-Corruption Agencies in a Global Context: Similarities, Differences, and Policy Insights*”

**Abstract:** Drawing on original, on-the-ground data and reporting from a 2004 pilot project in 25 diverse countries, the presentation will examine commonalities and differences between individual European anti-corruption agencies (ACAs) as well as between those same European agencies and their international counterparts in Latin America, Africa, North America, and Asia. Examined in a broader international political and socioeconomic context, the presentation will analyze which structures and functions are unique to Europe and which are shared with ACAs in other parts of the world and what those similarities and differences mean for strengthening effective ACAs in Europe in the future.

**Bio Note:** As a senior associate and James R. Soles Fellow at the Center for Public Integrity from 1999-2002, Nathaniel Heller, along with Chuck Lewis and Marianne Camerer, first developed the Integrity Indicators and conceptual model for what is now Global Integrity. He ran the initial three-country Integrity Indicators pilot project that was successfully funded by the Open Society Institute and defended in front of a panel of the world's leading economists and development experts. Working also as a reporter at the Center, Heller covered high technology, money in politics, and the 2000 U.S. presidential campaign. His stories were covered by the *Associated Press*, *The Washington Post*, *The New York Times*, *Los Angeles Times*, *USA Today*, *Chicago Tribune*, *Moscow Times*, *The Guardian* (London), and *Newsweek* among other media. From 2002 - 2005, Heller worked at the U.S. Department of State in the NATO and OSCE office as a *Presidential Management Fellow*, where he focused on European security and arms control issues, including

the CFE treaty and NATO's nuclear policy. He was integrally involved with historic plans to modernize U.S. basing arrangements in Europe, the largest shift in the U.S. military presence there since the end of the Cold War, for which he received the Department's Superior Honor Award. He served on various senior-level U.S. negotiating teams across Europe, and in 2004 served as a foreign policy fellow to Senator Edward M. Kennedy, where he focused on intelligence reform, Afghanistan, Iraq, and Darfur. Heller is a *magna cum laude*, *Phi Beta Kappa* graduate of the University of Delaware Honors Program in International Relations and Spanish and took his Master's degree at Georgetown University's School of Foreign Service with a dual concentration in foreign policy and international eCommerce. He is a member of the Council on Emerging National Security Affairs.

---

**Daniel Smilov** (Centre for Liberal Strategies, Bulgaria)

**Title:** “*Anti-corruption Commissions and Agencies in South East Europe*”

**Abstract:** The presentation provides a comparison of different models of anti-corruption bodies in South East Europe. Particular popularity in the region have gained the so-called Anti-corruption Commissions which are rarely empowered with investigative powers, but are involved in building partnerships with civil society groups, preparing comprehensive (omnibus) anti-corruption strategies, action plans, etc. Initially, the work of these bodies had a positive effect largely in terms of raising public awareness concerning the issue of corruption. Gradually, however, publics grew tired of this type of activities: paradoxically, there is a point at which awareness of the spread of corruption turns into cynicism regarding anti-corruption activities as a whole, perceptions of powerlessness of state bodies to produce more “tangible results”, etc. The ultimate result is falling confidence in the political establishment, the rise of populist leaders and parties, discontent with the constitutional order and calls for ever more radical reforms. Some of the countries of South East Europe have experienced and experience this negative dynamics - it is of course not produced by anti-corruption activities per se, but these activities do help the negative dynamics. If this analysis is correct, apparently there is a need for rethinking of the almost universal recipe of anti-corruption activities pursued in the region which could be described as: setting up of a commission, producing of an omnibus strategy, producing of annual reports of implementation, schemes of monitoring, indices of corruption. Countries in the region have explored other alternative ways of fighting corruption. First, an alternative strategy is the general strengthening of the institutions of the democratic state – all administrative capacity building projects do have an anti-corruption angle as a rule. Secondly, currently several states have created specific investigative and prosecutorial agencies to tackle the issue of corruption. Romania has set up Anti-corruption Prosecutorial Office, Bulgaria is probably going to follow suit by creating a special unit in the Supreme Prosecutorial Office specifically targeting corruption. In Macedonia, there has been a Commission with some investigative powers for some time, etc. The results of this change of anti-corruption strategy are difficult to assess at the moment: the development is too recent. The paper will provide some preliminary evaluation, and will offer an analysis of the indicators of success or failure which might be applied.

**Bio Note:** Daniel Smilov is a comparative constitutional lawyer and political scientist. He is Programme Director at the Centre for Liberal Strategies, Sofia, and Recurrent Visiting Professor of Comparative Constitutional Law at the Central European University, Budapest. He holds doctorates from the University of Oxford (DPhil, 2003) and the Central European University, Budapest (SJD, 1999). In 2002-2003 he was Research Fellow at the Centre for Policy Studies, at the Central European University. In 2003-2004 he was Jean Monnet Fellow at the European University Institute, Florence. He has also specialized at the Boalt Hall School of Law, University of California, Berkeley in 1995. Dr. Smilov is co-author (with Martin Tisne) of *From the Ground Up: Assessing the Record of Anticorruption Assistance in Southeast Europe*, Central European

University Press, 2004, and co-editor (with Denis Galligan) of *Administrative Law in Central and Eastern Europe*, CEU Press, 1999. He has also published articles in *ICON* (International Journal of Constitutional Law, Oxford University Press), *Public Law*, and the *Austrian Journal of Political Science* (*ÖZP*), as well as a number of chapters in edited volumes.

---

**Alexandra Mills** (ICAC NSW, Australia)

**Title:** *“Learning from experience: The NSW ICAC project to develop evidence-based prevention policy”*

**Abstract:** The NSW Independent Commission Against Corruption is an anti-corruption agency that has a dual mandate to investigate and to prevent public sector corruption. These roles are pursued by the Commission both separately and in combination. The investigative function employs standard law enforcement investigation techniques and its prevention activities include education, training, policy and analysis and advice. The two functions merge in a cooperative way in particular operational activities and projects. They also have a conceptual symbiosis in the sense that public inquiries can be a method of preventing corruption as well as detecting it. The Commission’s investigations are required to be conducted with a view to “determining the factors that may allow, encourage or cause corruption to occur”. After 16 years of conducting investigations the Commission now has a significant body of investigation reports. Those reports are now being analysed for information they may contain about factors that might “cause, encourage or allow corruption to occur”. This paper reports on the project to analyse the reports, which is still underway, and presents some of its interim findings. The paper describes the context of the project, including the role and work of the New South Wales Independent Commission Against Corruption, and the methodology chosen. It then relates the main interim findings from the study and indicates some of the ways that the information obtained might be used to improve the effectiveness of the ICAC.

**Bio Note:** Alexandra Mills is a Senior Corruption Prevention Officer at the Independent Commission Against Corruption in Sydney, Australia. She has qualifications in law and public administration and has been a lawyer in government and private practice as well as a policy adviser for government and public inquiries. From 1995-98 she was an in-house consultant at the Organisation for Economic Cooperation and Development (OECD) in the Public Management Service public sector ethics program.

---

**Maria José Morgado** (TRL, Portugal)

**Title:** *“Mission (im)possible: the direction and limits of the Public Prosecution Service in the fight against corruption (jurisdiction to investigate and interaction with the Criminal Investigation Police)”*

**Abstract:** The aim of this paper is to give a brief account on how the fight against corruption in Portugal is paralyzed, and will remain so, due to three major interrelated factors: the corruption involving certain public powers; the conjunctural incapacity of the Public Prosecution Service to detect and fight the phenomenon; and the deployment of a strategy for combating crime that, for various reasons, ignores corruption. This inertia results from the persistence of what I have termed “**nodes in the system**”, where “**nodes**” are understood as a set of chronic incapacities in the enforcement and investigation apparatuses whose mechanical and undefined interaction prevents the problems not only from being solved but even from being detected. These “nodes” are of a mixed character, made up of a lack of modern working methods and the lack of an appropriate

crime policy – in short, the lack of a capacity to react. Created inside and outside of the penal system, these “nodes” change the social and political representation of the punitive function of the state and produce uncontrollable degeneration in the principal functions that it performs. In the case in hand, they themselves represent a serious obstacle to the fight against corruption, in particular that of a political nature.

**Bio Note:** Maria José Morgado is a Public Prosecution Service Magistrate, *Tribunal da Relação de Lisboa*, Portugal. Her most recent publication: (co-authored with José Vegar) *O inimigo sem rosto: fraude e corrupção em Portugal*. - Lisboa: Publicações Dom Quixote, 2003.

---

**Véronique Pujas** (IEP Grenoble, France)

**Title:** “*The Difficult First Steps of the European Anticorruption Office (OLAF)*” / “*OLAF et la protection des intérêts économiques et financiers communautaires. Polémiques autour de la nouvelle Agence Européenne de lutte contre les fraudes et corruption*”

**Abstract:** Le processus d'émergence du paradigme de contrôle des fonds communautaires qui a trouvé une réalisation dans la création de l'Office Européen de lutte contre les fraudes (OLAF) en 1999, illustre les tentatives d'institutionnalisation d'un espace judiciaire européen. Depuis les débuts de la mise sur agenda des problèmes d'évasion des ressources propres dans les années 1970, la formulation de la problématique et l'imputation des responsabilités sont essentiellement le fait des organes financiers européens. Cependant le contexte des années 1990 qui voit la dénonciation des délinquances économiques et financières portée par les juges dans plusieurs arènes médiatiques nationales et qui trouvent un relai dans les réseaux d'experts judiciaires européens, vont infléchir le débat vers l'instauration d'un Parquet Européen présenté comme seul garant possible d'un contrôle de légalité des fonds européens. Toutefois, les rendez-vous institutionnels successifs depuis le Traité de Nice tendent à invalider cette vision et réorienter le débat vers la promotion de la coopération des agences de contrôle nationales. Le renforcement de l'OLAF paraît bien compromis au regard de cette préférence des Etats membre pour les outils intergouvernementaux aujourd'hui privilégiés pour assurer une gestion transparentes des ressources européennes. L'Agence offre aujourd'hui trop peu de garanties pour relever les défis de la lutte contre le corruption au niveau communautaire.

**Bio Note:** Véronique Pujas is a Principal Researcher at CNRS, Institut d'Études Politiques Grenoble (Science-PO Grenoble). She also teaches political science at the same university. She has been visiting professor at the Contemporary Europe Research Centre in Melbourne and at the Australian National University in Canberra. She has published about political corruption, party financing and scandal in various international refereed journals and she is a regular consultant of *Transparency International*.

---

**Peter Larmour** (APSEG/ANU, Australia)

**Title:** “*The Transfer of Anti Corruption Agencies: Coercion, Mimesis and Training*”

**Abstract:** Anti-corruption policies and institutions are often copied from one country to another. Hong Kong's ICAC has, for example, provided a model for states in Australia, while Tanzanian models of a 'leadership code' administered by the Ombudsman were influential in the South Pacific. However, transplanted institutions may not fit, or flourish, in their new environments. The

paper asks what arguments from sociology and public policy can tell us about the prospects for transfer of ACAs, and how these prospects might be improved.

**Bio Note:** Peter Larmour is a Reader in the Policy and Governance program at the Australian National University. His book *Foreign Flowers: Institutional Transfer and Good Governance in the Pacific Islands* was recently published by the University of Hawaii Press. He is co-directing with Barry Hindess a three-year research project on 'Transparency International and the Problem of Corruption' funded by the Australia Research Council.

---

**Odd-Helge Fjeldstad** (Utstein Anti-Corruption Resource Centre, Norway)

**Title:** "*Anti-corruption and anti-corruption agencies: The Utstein approach*"

**Abstract:** The U4 Utstein Anti-Corruption Resource Centre ([www.U4.no](http://www.U4.no)) is a resource centre established by the Utstein Group (CIDA, DFID, the Dutch Ministry of Foreign Affairs, GTZ, NORAD, and SIDA) to strengthen their partnership for international development. Its purpose is to be an internal tool for co-ordination and learning on anti-corruption strategies among the staff of the respective international development agencies. U4 aims to present the Utstein Group's thinking and activities in the field of anti-corruption and share lessons and experiences with the outside world. U4 is located at Chr. Michelsen Institute ([www.cmi.no](http://www.cmi.no)), Norway, an independent, non-profit research institution and a major international centre in policy-oriented and applied development research. U4's work on anti-corruption draws on the in-house expertise at CMI, and also commissions work to international experts. These expert assessments on ACAs' institutional design and performance have been pioneering and crucial in shaping donor strategies of support to anti-corruption activities in developing countries. The presentation is a brief overview of U4 activities and projects of relevance for ACAs.

**Bio Note:** Odd-Helge Fjeldstad is an economist and Director of U4 – the Utstein Anti-Corruption Resource Centre ([www.U4.no](http://www.U4.no)). He is a Senior Fellow at Chr. Michelsen Institute (CMI), Norway. Fjeldstad has extensive experience from research and policy analysis in Eastern and Southern Africa and the Middle East. Thematically his work focuses on public finance and financial management, tax compliance, fiscal decentralization, and corruption. Among his recent publications are: 'Corruption in tax administration. Lessons from institutional reforms in Uganda' (in Susan Rose-Ackerman (ed.) *Handbook of Economic Corruption*, Edward Elgar Publishing, forthcoming 2006); 'What's trust got to do with it? Non-payment of service charges in local authorities in South Africa' (*The Journal of Modern African Studies*, 2004); and 'Fiscal corruption: A vice or a virtue?' (*World Development*, 2003, with B. Tungodden). Apart from his own research he has undertaken commissioned research for the Government of Tanzania on tax reforms; for the UK Department for International Development (DFID) on local government finances and fiscal corruption; for the World Bank on revenue administration; and for the Norwegian Agency for Development Cooperation (NORAD) on foreign investments, taxation and anti-corruption strategies. His experience also covers teaching and training in economic policy analysis, fiscal reforms and the economics of corruption.

---

**Ben Elers** (TI-Secretariat, Germany)

**Title:** “Empowering people to become involved in the fight against corruption”

**Abstract:** Leaving the anti-corruption fight solely to ‘experts’ is a mistake, as it frequently ignores the important role that civil society and ordinary citizens can play. Two of Transparency International’s projects are used to demonstrate this. The first, the Transparency Through Awareness (TTA) Project, aims to improve the transparent use of EU Structural Funds by promoting broader discussion and awareness about their purpose, distribution and use within six new member states. The second project, Advocacy and Legal Advice Centres (ALACs), seeks to empower ordinary citizens to make official complaints when they are victims or witnesses of corruption.

**Bio Note:** Ben Elers works in the Europe and Central Asia department in the Transparency International Secretariat, Berlin. He coordinates country work in Central Asia, the Caucasus and Russia and manages specific projects in Eastern and South Eastern Europe. Prior to working with Transparency International, Ben has lived and worked in Tajikistan, Rwanda, Afghanistan, Mozambique and Ethiopia. He has also undertaken shorter term assignments in Serbia and Montenegro, Eritrea, Indonesia and Georgia.

**ORGANISED BY:**



**IN COOPERATION WITH:**



**CO-FINANCED BY:**

