Legitimacy building of Anti-Corruption Agencies in five countries

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This paper investigates the legitimacy building of anti-corruption agencies (ACAs) by comparing ACAs in Botswana, China, Poland, Russia, and Singapore. These countries have adopted an agency model. Legitimacy creates responsive legal, administrative, cultural, and socio-political frameworks for ACAs to effectively implement and enforce anti-corruption activities. It also relates to trust and the credibility of the actions of ACAs. In our paper, the framework for assessing the legitimacy of ACAs comprises three elements: political will (political support and political accountability), public accountability (public interactions/support and public oversight), incorruptibility (codes of conduct and ethical accountability). Through these frameworks, ACAs build their reputation, public image, trustworthiness, and establish their legitimacy. The comparison is based on government documents and agency related legislation, ACAs’ annual reports, strategy documents, websites, and press releases. This study intends to contribute to anti-corruption efforts by addressing how legitimacy influences the performance of ACAs and to provide a detailed understanding of the options and limitations associated with legitimacy building among ACAs.

Key words: Anti-corruption, ACA, legitimacy
The opinions expressed and arguments employed herein are solely those of the authors and do not necessarily reflect the official views of the OECD or of its member countries.

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1. Introduction

Many countries undertake special anti-corruption activities and there is a great variety in the forms and measures within the field. They include supporting the formulation of a legal framework, sound public financial management, inclusive structures for participation in decision-making, and involving independent financial agents to follow public spending. The manner of the implementation of anti-corruption policies, strategies, and measures also varies; and the kinds of organizational arrangements engaged in their implementation. For instance, some countries have established ethical commissions, some have delegated responsibility to government departments, while others have made government agencies responsible for anti-corruption measures.

This article focuses on the legitimacy of anti-corruption agencies (ACAs) in Botswana, China, Poland, Russia, and Singapore. We try to draw attention to how these agencies build and present their legitimacy, and the kinds of legitimacy frameworks evident from their actions. In that sense, our research is a discussion on how public organizations communicate about themselves. For example, Wæraas (2010, 527) holds that we have moved into an age where public organizations look for various ways of presenting themselves in a favourable light, and are very aware of, and interested in, how they are perceived.

The underlying assumption here is that any public organization needs legitimacy, and one way to achieve it is to use strategic communication and other identity symbols such as value statements, vision, mission statements, slogans, etc. (Luoma-Aho 2007; Wæraas & Solbak 2009). Legitimacy creates responsive legal, administrative, cultural, and socio-political frameworks for ACAs to effectively implement and coordinate anti-corruption activities. They need public goodwill, cooperation, trust, and the belief that the actions of ACAs are credible. This strengthens the legitimacy of ACAs (Theobald & Williams 2008, 125; Johansson et al. 2016, 1018-1019). To avoid legitimacy crises, politicians, citizens, and other stakeholders (private companies, press, unions, etc.) must perceive the organization as legitimate. The absence of legitimacy hinders the effective functioning of government agencies and makes them vulnerable to failure (Gilley 2006, 499).

2. Background of ACAs in Five Countries

Government agencies – such as ACAs – are often called arm’s length bodies of government or quangos. They are fundamental to the effective running of state administrations because they provide a wide range of executive functions and expert advice, protect the constitution, and employ the majority of civil servants. Most research has focused on government agencies, their independence, accountability, responsibility, control, and performance (e.g. Verhoest et al. 2016). However, there is a lack of research on ACAs in terms of their functions, and organizational settings within the state structure. Previous research evokes fears that agencies are too independent, and lack trust, accountability, representativeness, and especially legitimacy (Gash et al. 2010; Sousa 2009).

There are several reasons, to focus on ACAs. Majone (1996), for example, argues that the legitimacy of non-elected and non-representative bodies is normally based on a large array of non-democratic justifications, but primarily the need to be insulated from day-to-day politics. Such bodies are usually
separated from the politico-administrative state hierarchy, and exert distinctive form of political power through the application of public authority, that is, regulatory power (Gilardi 2008). Government agencies operate with greater freedom from direct ministerial and political control than government departments. These freedoms vary of course, but typically include managerial freedoms (freedom from civil service terms and conditions) and constitutional freedoms (an independently appointed chair who cannot be dismissed by ministers except in case of misconduct or incapacity) and freedom to offer independent views on government policies (Gash et al. 2010, 16; Verhoeestl et al. 2016).

Before embarking on a discussion of the legitimacy of ACAs, it is necessary to briefly describe the missions and foundations of the five selected ACAs. Below, are the country-cases in alphabetical order. The note on the key functions of each ACA also highlights the variety of anti-corruption actions and responsibilities delegated to the ACAs.

The Botswanan Corruption and Economic Crime Act (CECA) was enacted in 1994 to create the Directorate on Corruption and Economic Crime (DCEC) (Kuris 2013, 2). There was an urgent need for this arrangement because Botswana was witnessing series of corruption scandals involving heads of government agencies and top government functionaries in the early 1990s. The DCEC had the mandate to investigate, prevent, and educate the public on corruption issues. It took over the investigation of corruption cases from the Botswanan police (Omotoye 2016, 9; Sebudubudu 2014, 11).

The lead ACA in China (CCDI) can trace its roots to the establishment of the Chinese Communist Party’s (CCP) disciplinary supervisory commission in 1927. The CCDI was re-established in 1978. As the CCP’s disciplinary organ, the CCDI is responsible for enforcing internal discipline among party members (Manion 2016, 5; Quah 2015a, 147-148; Quah 2013, 66). At the local party administrative levels are Discipline and Inspection Committees (CDIs), which are local branches of the CCDI. The CCDI implements the CCP’s political order, investigates violations of its codes, and leads China’s anti-corruption work.

The Polish Central Anti-Corruption Bureau (CBA) was established by the Central Anti-Corruption Bureau Act (CABA) of 2006 to combat corruption in public and private sectors and state and local government agencies, and also to combat activities that undermine the economic interests of the nation. The CBA’s functions are to recognize, prevent and detect criminal offences against public institutions and local governments, the administration of justice, elections, and referenda, and it is also responsible for overseeing public order issues, the credibility of documents, tax obligations, property, business transactions, the funding of political parties, the disclosure of cases of non-observance of procedures, acts of corruption, or activities detrimental to the economic interest of the state. The CBA’s functions also include conducting pre-trial proceedings against and prosecuting perpetrators of offences within the above areas.

In 1992 the Federal Law on Public Prosecution Service of Russian Federation reorganized the Russian Prosecution Service into a uniform federal centralized system of bodies. Consequently, the functions of the Prosecutor General’s Office (PGO) were recognized in the Russian Federation Constitution in 1993. The functions of the PGO include: monitoring the activities of public and private organizations and personnel, initiating criminal prosecution against those suspected of corruption, supervising
investigative agencies and state bodies, and pursuing charges in court (the Prosecutor General’s office the Russian Federation 2016, 5; International Association of Anti-Corruption Authorities 2016).

The Singaporean Corrupt Practices Investigation Bureau (CPIB) is one of the oldest ACAs in the world, having been established in 1952. The CPIB is designated to investigate and prevent corruption in the public and private sectors, to investigate allegations of corrupt practices and misconduct involving public officers, to prevent corruption by recommending changes to public service procedures that create opportunities for corruption in government agencies, and to spread anti-corruption messages through public education and community outreach programmes (CPIB 2016; OECD 2008, 52-53; Meagher 2005, 72).

3. Frameworks for Legitimacy of ACAs

We used Quah’s (2007) preconditions for legitimacy, which details the factors required for effective anti-corruption activities by ACAs. Quah’s preconditions are supplemented by Camerer (2008, 7), who presents the notion that anti-corruption efforts will not succeed without political support, resources, powers, independence, and accountability. These attract public trust and support to anti-corruption actions and measures, which consolidates the legitimacy of ACAs and their activities (Camerer 2008, 4). The three legitimacy frameworks are presented in Figure 1.

Figure 1. Framework for ACAs’ legitimacy

3.1 Political will

Political will in this article refers to the commitment of the government and political leaders to address the causes and manifestations of corruption with the aim of reducing or eliminating them (Brinkerhoff 2000, 241-242). ACAs are less likely to succeed in the absence of political will. Political will strengthens ACAs because it means they are held accountable by the political leadership, which gives them the credibility that helps them gain public respect. Nevertheless, there is increased awareness that the political will to combat corruption is usually absent because powerful players among the political leadership benefit from and perpetuate corruption (Della Porta & Vannucci 2012).
In this article, the political will of the governments of these five countries to fight corruption through ACAs is explained on the basis of political support and political accountability. Political support refers to the level of support ACAs enjoy from government; while political accountability is linked to how ACAs are held politically accountable for their activities and performances.

### 3.1.1 Political support

The five ACAs share a similar experience in terms of political support, in that they all seem to enjoy broad political support. However, we found that the political support offered to some ACAs by their governments provides the governments with the opportunity to influence and interfere in the activities of the ACAs.

The DCEC, CPIB, and CBA represent cases with strong and clearly demonstrated political support in their communication and ACA-related documents. For example, the determination of the Botswanan government to fight corruption through DCEC reveals the institutional strengths of the country’s anti-corruption efforts. The DCEC is provided with substantial resources that indicates the presence of political will; these include strong powers and legal instruments, including the support of the judicial institutions. Accordingly, the government of Singapore has expressed its political will towards the CPIB. The CPIB has always received the full backing of government regarding its funding, personnel, a mandate to freely investigate, the legal powers to do its job, and non-interference in the bureau’s activities (Loong 2012). In the same way, the Polish government demonstrates political will towards anti-corruption efforts by offering considerable political support to the CBA, and providing the mechanisms to make the CBA politically accountable (Batory 2010, 15).

Through political support, the Russian and Chinese governments often interfere in the activities of their ACAs. This has attracted criticism, and questions the legitimacy of the PGO and CCDI as ACAs. For instance, the actions of the Russian government show that political support to the PGO is based on what the government wants the PGO to do and in which manner. Refusal might lead to stifling the agency’s funds, or the removal of the PG, since the President has absolute control over the agency. The Russian PG often depends on approval from a higher authority before it can investigate high-ranking government officials (Pinsker 2001). This erodes public trust in and support for the Russian PGO and questions the PGO’s integrity and affects its legitimacy (Organized Crime and Corruption Reporting Project 2016). Although the concentration of political power in the CCDI as the lead ACA is proof of political support, the increased importance and recognition of a party organ over state institutions constrains the rule of law, and raises questions on the propriety, legality, and status of the CCDI and its conduct (Lam 2015, 7).

### 3.1.2 Political accountability

In terms of political accountability, the five countries present quite similar features. Political accountability follows government hierarchy and reflects the prevailing government structures. This illustrates clearly that ACAs are part of the government structure. Political accountability comprises a clear reporting hierarchy, which is one of the strategies ACAs need to combat venality in government (Heilbrunn 2004, 14). Political accountability makes ACAs subject to a democratic system of checks and balances. It is important for the integrity, public acceptance, and support for ACAs; and boosts their legitimacy (OECD 2008, 27). ACAs need clear accountability mechanisms that include accountability to the executive, parliamentary authorities, and citizen oversight committees. In most
situations where ACAs are only accountable to the executive, they become an instrument used by the executive to settle scores against political opponents. In some cases, where they are accountable only to parliament, there is usually a disincentive to include parliamentarians and parliamentary committees in their investigations.

Botswana’s DCEC, China’s CCDI, and the Russian PGO are politically accountable to their state President, which reflects a centralized government structure. In contrast, the Polish CBA and Singapore’s CPIB are accountable to their Prime Ministers, which of course reflects their parliamentary states. The PGO is also accountable to the Russian Parliament, and the CCDI is accountable to the CCP, but accountability goes through the President’s office and the CCP’s hierarchy. Both the Russian PGO and the Chinese CCDI represent a trust in a formal description of accountability relations within the government (European Commission for Democracy through Law 2005, 6), and this is clearly stated in the law establishing the PGO and CCP’s regulation (Chueng 2007, 63). However, a centralized government structure and superficial definitions of political accountability have often followed attracted criticism (Lam 2015, 7).

To increase political accountability, Poland and Singapore used their legal structures to provide some limitations to political interference. While the head of the Polish CBA reports directly to the Prime Minister, who has the right to appoint and recall the CBA’s head, this can only be done with the consent of the President, and the Parliamentary Special Services Committee. In addition, the CBA reports its activities to parliament annually (Batory 2010, 15). This enhances its level of political accountability, prevents CBA personnel from abusing the powers of the agency, brings transparency in its operations and to some extent, shields the ACA from political interferences. Although the CPIB’s director reports directly to Singapore’s Prime Minister, the Prime Minister abstains from interfering in its operations, thus guaranteeing its impartial enforcement of anti-corruption laws (Quah 2015b, 79).

3.2 Public Accountability

Although independence is a necessary requirement for ACAs, it should not amount to a lack of accountability. The accountability and independence of ACAs strengthen each other. Forms of accountability like citizen oversight, submission of performance reports to a higher executive and legislative bodies, external oversight committees, civil societies, and public access to information on the work and activities of ACAs increase their transparency and counters the possibility of abuse of power (Stone 2015, 157-158; OECD 2008, 26-27; Meagher 2005, 94, 101). Here, public accountability of ACAs is discussed in terms of public interaction, public support, and public oversight—some common ways to increase public trust and credibility, and provide legitimacy for ACAs.

3.2.1 Public interactions

The CPIB developed distinct structures through which it engages citizens on anti-corruption matters. Besides creating awareness and fostering public education on anti-corruption activities, it reaches out to public and private sector employees, since much of the corruption in Singapore originates in the private sector. The CPIB reaches out to students from secondary schools, junior colleges, and polytechnics through its Learning Journey Programme and quizzes. This makes them realize the benefits of fighting corruption and its importance in nation-building (CPIB Annual Report 2015, 10).
These mechanisms of public outreach and interactions have helped to attract public support for the anti-corruption activities of the CPIB in Singapore. The CPIB’s public interaction is an outstanding example in the field.

Botswana offers a similar example in that one of the main functions of the DCEC is public education and creating public awareness on corruption risks. These activities have helped the DCEC to successfully build strong public relations and support base. Through its public interaction and education, anti-corruption units and clubs have been established in government ministries, departments, universities, secondary schools, and public institutions. This has helped to attract public support to the DCEC, and also increased the amount of corruption reports the DCEC receive from the public for investigation (Kuris 2013, 5-6).

In China, it is believed that CCDI’s anti-corruption activities are mere political campaign because they lack institutional arrangements. Anti-corruption activities are conducted as internal affairs of the CCP. The CCDI lacks any visible mechanism of direct public interaction and mobilization towards anti-corruption process. This makes people doubtful of CCDI’s anti-corruption activities. According to Lu (2016), “Without mobilizing the public, organizing the public and relying wholeheartedly on the public, anticorruption is like water without a source and a tree without roots. One cannot be optimistic about its ultimate result”.

Despite CBA’s recent emphasis on educational aspects of fighting corruption through dissemination of anti-corruption information and public awareness (European Commission 2014, 5) which are part of its preventive activity, there is no clear record that the CBA directly interacts with the public in the course of its anti-corruption activities. This notwithstanding, there are evidences that CBA enjoys support of Polish public. Like the CBA, the Prosecutor General Office (PGO) of Russian Federation has no record of any form of public interactions.

3.2.1 Public oversight

The DCEC of Botswana enjoys extraordinary powers invested in the Office of the Director of the DCEC. The enormous power granted to the DCEC swayed public demand for the DCEC to be accountable to an outside review body, like the ICAC of Hong Kong that is subject to layers of review. Such a level of accountability would reassure the public that the DCEC is not abusing its extraordinary powers. Although a citizens’ oversight mechanism featured in the draft strategies recommended at the formation of the DCEC, the government of Botswana ignored the recommendation to install this vital mechanism for public accountability (Kuris 2013, 4; Theobald & Williams 2008, 126; Meagher 2005, 94). However, the DCEC launched educational efforts in rural communities to increase awareness of the risks of corruption and spark a public debate on the subject. This increased the public pressure on the government to make the DCEC publicly accountable (Kuris 2013, 5-6).

According to Quah (2013, 78), narrow oversight capabilities hinder Chinese anti-corruption work. The CCDI is only responsible to the CCP leaders. The political system in China and the structure of the CCP and the process of the CCP’s anti-corruption policy implementation makes accountability almost impossible even within the CCP. As a result, institutions like the media, NGOs, public interest groups and other capable agencies of restraint have no influence and control over ACAs in China because there is no institutional mechanism for a citizens’ oversight function. Moreover, local
officials of the CCP have devised ways of sidetracking or sabotaging state anti-corruption policies, making the implementation of anti-corruption policies at the local level a matter of formality (Gong 2015, 688; Chueng 2007, 63-64). This makes it impossible for Chinese ACAs to be held accountable for their activities, which negatively affects the public perception of them and reduces their legitimacy.

The Polish CBA is accountable to the Prime Minister and the Parliament, a fact apparently connected to the failure to date to implement a reform aimed at reducing the possible influence of members of Parliament and the Prime Minister over the CBA. The proposal was that the head of CBA would be elected by Parliament for one term longer than the term of the Parliament that elected him/her, and he/she could not be removed from office during his/her term (European Commission 2014: 5; OECD 2013, 89). If the reform is implemented it should strengthen the CBA and make it amenable to various citizens’ oversight mechanisms. Despite the non-implementation of this reform, the CBA is still the most politically accountable ACA of those featured in this study and it enjoys considerable support and trust from members of the Polish public, which is boosted by its function of disseminating anti-corruption information (European Commission 2014, 5).

The PG of the Russian Federation and the prosecutors at different levels of government are very powerful people in society owing to the enormous operative powers vested in them by the constitution. However, apart from reporting to the Federal Assembly of the Russian Federation, and the President who has the power to hire and fire the PG and Prosecutors at various levels, the law does not provide any public oversight mechanism to make the PGO and the prosecutors commit to public interaction, or make them accountable to the public for their actions. The PGO has no record of any form of public interactions and oversight mechanism.

Singapore created external committees to review the state’s anti-corruption measures and the CPIB’s operations. In 1973, the Anti-Corruption Advisory Committee (ACAC) was formed to monitor the CPIB’s actions in all corruption cases. The ACAC was dissolved 1975. In 1996, the Anti-Corruption Review Committee (ACRC) was created and recommended that the ACAC be revived the same year to review the CPIB’s investigative and preventive measures. In 2014, ACAC’s recommendations led to the formation of an independent review panel to review the findings of an investigation accusing some CPIB officers of serious misconduct (Heilbrunn 2004, 7; Quah 2015b, 90). These committees provided an avenue through which the public can hold CPIB officers accountable for their activities and omissions. However, the CPIB does not have any clear public outreach (Meagher 2002, 20). Despite the calls to increase and strengthen the CPIB’s external oversight mechanisms, the organization offers a good example of a successful ACA.

### 3.3 Incorruptibility

According to Quah (2010, 194) “if the ACA’s personnel are corrupt, its legitimacy and public image will be undermined as its officers have broken the law by being corrupt themselves when they are required to enforce the law”. The topic of incorruptibility of the ACAs is discussed here on the basis of clearly defined codes of conduct and ethical accountability. Codes of conduct are often seen as a necessary requirement for the promotion of ethical behaviours, good governance, and an ability to resist corruption (Quah 2015a). Such codes might bolster a positive public image, trust, support, and boost legitimacy of the ACAs, while the absence of such codes could erode public trust and support,
which in turn undermines the legitimacy of ACAs. Ethical accountability here relates to the various ways ACAs are held accountable and responsible for their official behaviour; especially, in terms of how legislation mandates they act and report their actions.

### 3.3.1 Codes of conduct

Codes are often used in various contexts and this obscures the meaning of the term. They are the frameworks that sustain professions and give credibility to professionals and their professions. Codes provide the rules that guide public servants while performing their responsibilities. They specify the boundaries of expected behaviour, and provide visions and standards for public servants. Codes have been recognized in international anti-corruption agreements as anti-corruption instruments (e.g. the Organization of American States Inter-American Convention Against Corruption and the U.N. Convention Against Corruption in 2003). While laws can have codes in them, they are not codes. Often, laws are referred to as legal codes, meaning “series of detailed proscriptions dealing with the crime or offence and the punishment” (Gilman 2005, 3-5). Here, the five ACAs represent diverse frameworks.

The President of Botswana did not see the need for the DCEC to have an internal code of conduct separate from the Botswanan public service codes. Although providing rules for the DCEC’s personnel, the public service codes do not allow the DCEC the flexibility it needs for immediate control and regulation of its employees’ behaviour. This limits its capacity to take immediate action against corrupt personnel, which subsequently affects its image, public trust, support, and legitimacy (Kurls 2013, 4; the DCEC 2011). Like the DCEC, the Chinese CCDI does not have an internal code of conduct guiding its personnel’s behaviour while performing anti-corruption functions. The CCDI’s conduct is regulated by the CCP’s codes, which are often ignored by its influential members (Li 2016, 448; Yong 2012, 1).

In Poland, Article 11 of the CBA act empowers the Prime Minister to define the internal organization of and set guidelines for the CBA’s activities via a charter. Although the Prime Minister sets guidelines for the CBA, this article gives the head of CBA the power to regulate the activities of CBA personnel through internal rules and regulations (codes of conduct).


### 3.3.2 Ethical accountability

ACAs cannot succeed in the absence of the laws necessary to carry out their anti-corruption functions (Heilbrunn 2004, 15). Hence, legal powers play important role in the legitimacy of ACAs and are a necessary condition for the investigation and prosecution of corruption cases (Meagher 2005, 97). Laws need to be in place to secure the structural, operational, and financial autonomy of anti-corruption institutions and personnel, and to avoid political interference, which together ensure ethical accountability (OECD 2008, 17; Meagher & Voland 2006, 8-11). However, legal powers require that ACAs are also held accountable (Stone 2015, 157-158; Meagher 2005, 94, 101).
The CPIB’s legal backing increased since the Prevention of Corruption Act (POCA), which mandated the bureau to investigate allegations of corruption and prepare cases for prosecution (Quah 2015b, 78). Since the 1960s, the authority of the CPIB has been expanded by different laws, including the Confiscation of Benefits Act (CBA), which prohibits illegal payments and the acceptance of bribes. In 1999, the CBA was expanded and renamed the Drug Trafficking and Other Serious Crimes Act (DTOSCA) which mandated the CPIB to seize assets of individuals convicted of corruption and establish conditions for punishment of convicted individuals (Heilbrunn 2004, 6). Due to the strong legal base and through its ethical accountability, the CPIB became an effective ACA over the years by successfully suppressing corruption. This has earned Singapore the accolade of the least corrupt country in Asia (Quah 2015b, 76).

Despite the legal powers the 1994 Corruption and Economic Crime Act (CECA) invested in the DCEC, the unit is still constrained by the legal structure and ethical accountability. Unlike the ICAC, which DCEC is modelled after, the DCEC is not independent, being controlled by the President’s office (Muramo & Omotayo 2016, 9; Quansah 2009, 191; Kuris 2013, 4). The law did not give the DCEC prosecution powers; it sends the findings of its investigations to the Directorate of Public Prosecution (DPP). Hence, prosecution of corruption cases depends on the disposition of the DPP (Sebudubudu 2013, 12). In addition, the CECA focuses more on public sector corruption, and has limited provisions for the private sector.

The CBA was empowered by law to undertake corruption investigations, and also prevention and control, informative, and operational functions. The powers granted to the CBA by the law and the functions it is charged with performing closely resemble the ICAC’s three pronged-approach and investigative powers (OECD 2013, 87; Batory 2010, 15; Gadowska 2010, 194). The legal powers help the CBA to make progress in the enforcement of anti-corruption laws. Its preventive efforts have made positive impacts on the conduct of Polish officials and politicians (European Commission 2014, 5-6).

However, despite the legal support and its progress in combating corruption in Poland, there are still weaknesses in the law establishing the CBA that could jeopardize its operations (Gadowska 2010: 195). By placing the CBA under the control of the Prime Minister’s Office, the law does not adequately protect the CBA from being used by the President as an instrument of oppression against political enemies. This is comparable to Singapore, where the CPIB’s location under the Prime Minister’s Office has evoked discussions on the possible influence of the Prime Minister over the agency and thus the impartiality of the CPIB. In addition, the Polish Prime Minister’s sole power to appoint the Head of the CBA, to provide guidelines for the CBA’s work, and approve the CBA’s annual work plan could lead to undue political interference from the Prime Minister and close associates that could politicize the CBA’s activities (European Union Commission 2014, 5; OECD 2013, 87; Gadowska 2010, 195).

Owing to the overbearing influence and control of the President of Russia over the PGO, there is general scepticism over the will of the PGO to curb corruption in Russia (Burher & Gitau 2010, 13; International Association of Anti-Corruption Authorities 2016). The Russian PG has always depended on approval from a higher authority before investigating high ranking government officials. Misappropriation of presidential powers and influence has made the PGO a tool in the hands of the Russian government against opposition elements (Pinsker 2001). Consequently, the law has not
sufficiently empowered the PGO to curb corruption in Russia. This legislative weakness weakens the legitimacy of the PGO (Burher & Gitau 2010, 13).

China’s anti-corruption endeavours since the early 1980s have not yielded encouraging results due to non-transparent implementation strategies. The CCDI has maintained a traditional ‘campaign-style’, which only reduces petty corruption instead of introducing innovative and institutional corruption prevention methods (Manion 2016: 5; Gong 2014: 684-685; Quade 2007: 68). There are criticisms that the CCDI shows partiality in handling anti-corruption activities by shielding corrupt top CCP members, while imposing harsh punishments on low ranking members and other people found guilty of corruption. Accusations that it is being used to undermine rising opposition elements are indications that it lacks transparency and ethical accountability. Hence, the CCDI is yet to gain the trust and support of China’s citizens, which undermines the legitimacy of the CCDI’s anti-corruption activities (Quah 2013, 57-58; Quah 2015a, 153; 2001: 34; Chueng 2007, 45-46; Wedeman 2005, 93). China lacks a comprehensive anti-corruption law and the three main Chinese ACAs (CCDI, Ministry of Supervision (MOS) and NBCP are not backed by any legislative or parliamentary act (Quah 2013, 62; Chueng 2007, 53, 63-64).

4. Key comparative results

As the comparable notions above indicate, the five ACAs use various ways to build and communicate their legitimacy. To simplify and enhance learning from these country-cases, the key comparative findings are summarized in the Table 1.
<table>
<thead>
<tr>
<th></th>
<th>Botswana (the DCEC)</th>
<th>China (CCDI)</th>
<th>Poland (CBA)</th>
<th>Russia (PGO)</th>
<th>Singapore (CPIB)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political Will</strong></td>
<td>Political support</td>
<td>Yes</td>
<td>Yes, but legally questionable, presence of political influence</td>
<td>Yes; With political influence</td>
<td>Yes</td>
</tr>
<tr>
<td>Political accountability, expressed in legal backing and powers</td>
<td>Accountable to the President</td>
<td>Accountable to the President and the CCP hierarchy</td>
<td>Accountable to the Prime Minister, the President, and a Parliamentary Committee</td>
<td>Accountable to the President and Parliament</td>
<td>Accountable to the Prime Minister</td>
</tr>
<tr>
<td></td>
<td>Yes – CECA. The DCEC’s powers are based on legislative appropriation.</td>
<td>No, not backed by act of parliament. The CCDI has no legislative powers, and functions with state political power.</td>
<td>Yes, CABA. The CBA’s powers are based on legislative appropriation.</td>
<td>Yes, included in the constitution. The PGO’s powers are based on constitutional provision.</td>
<td>Yes, created by POCO, POCA. The CPIB’s powers are derived from POCO, POCA, DTOCSA.</td>
</tr>
<tr>
<td><strong>Public accountability</strong></td>
<td>Public interaction</td>
<td>Through citizenship education</td>
<td>Through dissemination of anti-corruption information</td>
<td>N/A</td>
<td>Through public education and community outreach</td>
</tr>
<tr>
<td></td>
<td>Citizenship oversight</td>
<td>No mechanism for citizenship oversight, but, enjoys public support</td>
<td>No mechanism for citizenship oversight, no evidence of public support</td>
<td>No mechanism for citizenship oversight, but, enjoys public support</td>
<td>Yes, through an independent review panel, Also enjoys public support</td>
</tr>
<tr>
<td><strong>Incorruptibility</strong></td>
<td>Codes of conduct</td>
<td>Yes – public service code of conduct</td>
<td>CCP’s codes</td>
<td>Yes – CBA code of conduct</td>
<td>Yes criminal, civil, arbitration, administrative offences, customs &amp; labour codes</td>
</tr>
<tr>
<td></td>
<td>Ethical accountability</td>
<td>Yes – evidence abounds</td>
<td>No evidence of ethical accountability</td>
<td>Yes – evidence abounds</td>
<td>No, but personnel offences and the penalties are laid down in the corruption prevention act</td>
</tr>
</tbody>
</table>

Table 1. Summary of ACAs legitimization frameworks
5. Conclusions

Effective actions, measures, and the legitimacy of ACAs play critical roles when foreign companies, investors and international organizations consider investing in businesses or the social development of one country over another. In that sense, it is vital for these agencies to convey a good impression of their anti-corruption actions, measures, and structures. Of course, image and communication are different from actual achievements in terms of anti-corruption measures and the effectiveness or performance of the ACAs. However, a good level of legitimacy and a favourable public image support investment decisions, engagement in good governance, ethical behaviour, and the protection of the rule of law, and suggest an overall willingness to curb corruption.

Despite differences in the legitimacy levels of the ACAs investigated, Quah’s (2007) assertion that political will is key to curbing corruption seems fair. Without clear political will, political leaders (especially populists) can use the ACA for their political goals and purposes. This also relates to the current results of Transparency International’s Corruption Perception Index (2016), which states that “When traditional politicians fail to tackle corruption, people grow cynical”. A cynical populace is likely to turn to populist leaders who promise to curb corruption by any means. Indeed, this reduces the legitimacy of ACAs’ actions, and may in the long run breach the principles of good governance and the enforcement of the rule of law. In other words, countries that wish to curb corruption with an ACA model must demonstrate political will by allocating adequate resources and safeguarding the impartiality and autonomy of the ACA.

References


