The F(l)ight of Icarus

**Towards Understanding
The Waxing and Waning of Public Integrity Agencies in "Hot Environments"**

Andrew Goldsmith
Strategic Professor in Criminology and Criminal Justice
Flinders Law School
Adelaide, Australia

"If you fight corruption, it fights you back"[1]

"You bribe… and prosper or you stick to the ethical principles and perish"[2]

Introduction

This paper considers the plight of anti-corruption and public integrity agencies (hereafter, ACAs) under difficult circumstances. Popular as a governance reform measure in the past decade or two, ACAs face an often difficult future in which their consolidation cannot be taken too readily for granted. The environments into which they are introduced are commonly unreceptive or even hostile to their arrival and presence. This means that their survival and consolidation are frequently contingent. What hope, in other words, do they have of surviving and functioning in challenging environments? The conclusion to date has generally been a pessimistic one. According to one observer; "watchdog agencies have achieved success only in countries where governance is generally good, such as Australia and Chile" (Shah 2007, 242), though even the apparently secure position of Australian oversight agencies can be overstated. The Office of Police Integrity, Victoria, recently admitted to feeling beleaguered (Victoria 2012, 14) and is currently facing extinction. An OECD review noted "more failures than successes" around the world (OECD 2008, 12; Persson et al 2010; Johnston 2012). Reform efforts can even prove counter-productive, as when ACAs once established are deployed to pursue political opponents (Schutte 2012, 38; Orre and Mathisen 2008), undermining their longer-term legitimacy and prospects for entrenchment.

The message about successful public sector reform in developing countries is hardly more sanguine (Leonard 2008). More broadly, the international development literature has recently emphasised a "weak implementation capacity" in many developing countries that has consistently frustrated donor and local efforts to build modern states (Pritchett et al 2012). The general nature of the challenge for anti-corruption reformers is succinctly captured by Johnston (2012, 474):

> Reform forces not only must contend with powerful, wealthy interests who are able and all too willing to defend their advantages and gains, but they also often do so in conditions of social fragmentation, distrust, and weak social and political conditions."

My main focus is upon what we know about prospects for survival, resilience and measurable effectiveness of ACAs when subjected to opposition, resistance and attack from hostile or indeed indifferent elements.[3] I am interested in the prospects for what some have called "pockets of productivity" or "pockets of effectiveness" (Leonard 2008), in other words, how they can be defended and their effectiveness extended. In order to do this, I propose looking beyond the formal organisational qualities of ACAs (their structural independence

---

[1] This comments has been attributed to former Nigerian anti-corruption official, Nuhu Ribadu. See Persson et al 2010, 21

[2] Taken from Kafeero 2008, quoted in Fjleldstad 2008

[3] Andrews et al (2012) refer to "capability traps" in institution-building efforts by the international aid community. This is the problem that despite efforts by various contributors, things "never improve." This work tends to look at the factors at play in relatively neutral terms; however, in the case of oversight and security sector reforms, it is often difficult to regard the factors working against reform in neutral terms, especially where violence and intimidation are involved.

and organisational features) to the nature of their work, the constituencies they serve, and the larger political environment in which they operate (Leonard, 2008, 7). Given that the ACAs are already in existence, the focus is not on the *initiation of reforms*, but rather on their *consolidation over time*. In the concluding section, observations about ways of organising internally against the impacts of external factors will be addressed.

Analysing ACA (In)effectiveness: Conceptual Issues

The definition of the term "pockets of productivity" points to the focus I am taking here: "public organisations that are reasonably effective in carrying out their functions and in serving some conception of the public good despite operating in an environment in which most public organisations are ineffective and subject to serious predation by corruption, patronage, etc" (Leonard, 2008, 8). The range of factors impeding operational activity and the achievement of organisational objectives is large and diverse.

In this paper I shall draw partly on organisational theory in exploring these factors. The concepts of *organisational preparedness* and *organisational resilience*, I shall argue, provide some useful insights for the purpose of examining the particular challenges of ACAs. I shall also draw upon the ideas of environmental *munificence*, *complexity*, and *dynamism* to grasp the nature of environmental factors that can undermine agency effectiveness and indeed threaten its survival. These concepts point to features of the organisation itself that may assist in the organisation's survival and ongoing functioning in the face of major external challenges.

That being said, organisational outcomes and impacts emerge from the interaction of environmental as well as organisational characteristics. Aldrich noted several decades ago that "environments affect organizations through the process of making available or withholding resources, and organizational resources can be ranked in terms of their efficacy in obtaining resources" (Aldrich 1979, 61; quoted in Dess and Beard 1984, 52). Identifying the types and sources of these resources (both material and non-material) is an important part of this analysis. It has recently been observed that "the context-dependency of factors promoting organizational resilience is not well understood" (Linnenluecke and Griffith, 2012, 938; also Leonard 2008). Whether internal characteristics of organisations can contribute independently to effectiveness irrespective of external factors is largely unknown, although one must acknowledge that there is widespread pessimism towards this possibility within the scholarly community. There is growing importance being accorded by some analysts to the *political economy of public sector reform*, suggesting that while "agency effectiveness does not follow automatically from a congenial political setting…it may well be dependent upon it" (Leonard, 2008, 12). Hence the nature and strength of environmental factors (which can aid as well as undermine agency effectiveness and survival) are central considerations for the purposes of understanding and analysis.

The Fate of ACAs

Much has now been written about the difficulties ACA reforms have faced in terms of implementation and sustainability in a variety of developing and transitional societies (Larmour; Hindess et al). As noted earlier, these difficulties are not limited to these societies though they tend to be more extreme in degree and persistence. Australia, arguably one of the crucibles for generating a range of models of ACAs, has witnessed an ongoing process of challenge, conflict, and change in the evolution of these bodies (Maor 2004; Victoria 2012). Stability, let alone stasis, it would seem, is only ever a temporary achievement. Put bluntly, the range of political interests potentially affected by these bodies when operational is wide in any society in which this institutional reform is attempted.

While scandal and character assassination, overt intimidation and physical attacks have marked some attempts to undermine the operation and effectiveness of these agencies, structural features of, and systemic practices within the working environments in which ACAs operate can often achieve a similar outcome. These features of specific contexts in which ACAs operate therefore demand analytical attention for the threat to reasonable functioning by these agencies. Within the broad basket of contextual factors of potential relevance can be included the level of active government support for reform, the interests and alignments of local elites in supporting or opposing change, and more broadly the *political economy of those settings* – in other words, the contests over access to power and resources. *Natural* resources (the so-called 'resource curse') can sometimes play a crucial role in many developing countries in shaping political interests and economic opportunities that favour corruption rather than what is called 'good governance' (Kolstad et al 2009), and thus ensure a level of opposition to the goals of ACAs.

Among the North/South movement of ideas for improving governance, ACAs, among which I include ombudsman institutions, have proven both popular and difficult institutions to transplant or grow in foreign fields (Larmour 2005). While few such agencies are extinguished altogether, many are rendered moribund and ineffective (Batory 2012, 10). Ongoing support among the foreign donor and government community for such initiatives under the circumstances is therefore perplexing (Pritchet et al 2012). As noted earlier, the attempt to establish and sustain effective ombudsman agencies in developing countries, Mungiu-Pippidi observed a few years ago, has "been largely unsuccessful" (2006:96; quoted in Batory 2012: 238). A similar conclusion has been reached by many observers regarding the fortunes of a range of agencies intended to ensure a higher standard of public sector service delivery and integrity (eg OECD 2008). The collective wisdom has emerged that while *institutions still matter*, "engineering" or technical approaches to institutional development, based upon program and project funding of training courses, legislative and normative development, and infrastructural support, what is sometimes referred to as *capacity-building*, or more ambitiously, *state building*, have not succeeded or at least have not been sustainable after an initial period of relative success.

Thus, there is an emerging consensus that enduring effective governance reforms require more than formal institutional innovation (what some, eg Pritchett e al (2012; Batory (2012) have called "isomorphic mimicry"). The search for strategies and tactics that may nevertheless offer some hope for significant improvement has begun. The alternative, at least by implication, is to yield to the "abandon all hope" view that counsels that unfavourable contextual variables make any such ventures foolish and wasteful if not indeed harmful in terms of disappointed expectations, unforeseen consequences and lost opportunity costs, and therefore that no such governance ambitions among outsiders should be attempted.

The term "pockets of productivity" referred to earlier is itself indicative of a quest among some scholars to find a 'middle path' between naïve optimism and world-weary fatalism about the prospects for reforms such as ACAs in difficult environments. It is at this point that I want to turn, following the lead of Alan Doig and colleagues (Doig et al 2005), to the myth of Icarus and the Icarus Paradox. Icarus, a character in Greek mythology, is provided a set of wings by his father, Daedalus, in order to escape from the Labyrinth in which he and his father are being held. Daedalus warns his son not to fly too high or too low in making his flying escape – too low and the feathers of the wings will become wet and drag him into the sea to drown; too high and the wax holding the feathers together will melt under the heat of the sun and he will fall to his death. Icarus' initial response to flying is exhilarating and he tests himself by flying, as it turns out, too high, causing the wax to melt and him to fall to his death in the sea below. In response to the paradox as applied in the ACA setting, Doig et al (2005: 47) have called for the identification of "*a level of performance which provides sufficient success to satisfy and support the evolution of an operating environment that*

gradually becomes more corruption-tolerant, without producing a level of political hostility that increases the degree of prevailing political resistance to combating corruption."[my emphasis].

This myth plays several metaphorical roles. One relates to the *dangers of hubris* – in taking a major step such as significant reform or change, one should not be excessively ambitious by acting without regard to the contextual constraints in which one is operating but instead set achievable goals that take into account existing constraints. This has some relevance to the task of understanding some of the problems that have confronted ACAs in their struggle for institutional survival. A failure to prioritise realistically the objectives for the ACA in the early stages of its existence, and the decision to pursue immediate change rather than seek gradual improvement are common enough markers of past failures in this realm. A related issue, paradoxically, is the opposite danger of becoming enmeshed too far in local contexts ('the sea') so as to paralyse the pursuit and implementation of core oversight objectives.

A more practical lesson is to ensure that one's organisational capabilities are equal to the challenges that one undertakes. The middle way that Doig et al (2005) point towards suggests that if ones' anti-corruption tools are held together with 'wax,' it is best to recognise this early and not to stray into very 'hot' environments unprepared where those tools will be ineffective or even destroyed and the pursuit of ACA objectives deflected or defeated. Another implicit question raised by the Icarus story involves the interaction between organisational structures and environment – how to achieve the kind of organisational resilience and robustness that will work in very hot environments. In other words, there is the issue of not just learning to live with the limitations of what 'wax' will allow, but of how (and under what circumstances) to substitute that wax for a more resilient replacement that will enable the more entrenched forms of corruption to be effectively tackled.

There is an obvious parallel between this mythical story and the pursuit of 'good enough' governance (Grindle 2007; Johnston 2008; Johnston 2012). However, defining what that 'middle path' might look like (and how 'high' to fly) is a much harder task. This, I shall argue, requires firstly a grasp of local contexts (structures, systems, actors), that so far has been largely absent in the ACA and wider governance reform literature. The next section turns to the literatures of organizational theory, emergency management, and political economy, to advance the analyses of these contexts. Two case studies are then considered in the light of the analytical framework laid out. In this way, I hope to draw broader organisational lessons together with the specific experiences of two ACAs in order to offer some fresh ideas on protecting against the Icarus paradox.

Analysing Hostile ('Hot') Environments

It is worth considering what may be learned from situations analogous to those faced by ACAs in unreceptive or indeed actively hostile environments. While the environmental factors impacting upon organisational functioning may be political, social or economic rather than natural (eg Hurricane Katrina) or related to man-made error (eg Three Mile Island), the lessons from disaster and emergency management can assist our understanding of organisational survival and functioning under conditions of difficulty.

First however, an effort is needed to define hostile environments for present purposes. Here, it is important to examine not just structural features of such environments but also the behaviours, attitudes, and dispositions of key players towards ACA reforms. Otherwise one runs the risk of being seduced by isomorphic mimicry – the appearance but not the substance of actual reform. One might begin an examination of the structural aspects by considering the converse of complementary institutions and conditions (Meagher 2005). An absence of such institutions and conditions conceivably would in part be constitutive of such

an unfavourable environment. Complementary considerations for an effective ACA include "effective laws, procedures, courts, and financial system governance" (Meagher, 2005, 98). In addition to these formal institutional features, we should add economic stability, civil society interest in reducing corruption, relative economic equality and the absence of system-wide corruption (Meagher 2005, 99). The role of local and international elites in supporting (or indeed undermining) good governance also needs to form part of any contextual assessment (Meagher 2005; Rothstein 2011). The potential significance of these groups in terms of resisting or opposing governance reforms is evident in countries afflicted by the so-called "resource curse". Where current political elites benefit from corrupt arrangements associated with access to resource wealth, the extent of hostility may be so great as not only to preclude any chance of ACAs performing effectively but also to cause setbacks to other governance reform objectives (Orre and Mathisen 2008).

Some useful concepts for thinking about resistance and active opposition to reform arise from emergency management. This field is commonly thought about in terms of 4 phases: *prevention*, *preparedness*, *intervention*, and *recovery* (Hemond and Robert 2012). Applying these phases to the life course of an ACA under assault provides some useful analytical reach. Organisational *preparedness* implies a commitment to planning for responding and recovering to an environmental attack without adapting to the point of sacrificing the organisational structure (Hemond and Robert, 2012, 412). Environmental scanning is an important part of such preparation (Boyne and Meier 2009). Nonetheless while it might be prudent for an ACA in some environments to plan for contingencies in ways informed by emergency management principles, the commitment to reform rather than relief means that consideration will need to be given to the forms and degrees of adaptation the agency can pursue in order to survive and continue to operate without undermining its mission or producing unintended consequences. These could include fostering unrealistic expectations about the agency's role and capabilities among those it was intended to serve and risking disappointment and hostility among those it aimed to serve and whose support could be crucial to its survival.

What then is "an acceptable level of functioning" (or minimal level of organisational integrity)? This phrase is linked to the idea of organisational resilience. The latter is defined as "a system's capacity to maintain or restore an acceptable level of functioning despite perturbations or failures" (Pinel 2009, cited in Hemond and Robert 2012, 412). In the public service context, the following definition of *organisational resilience* points to what else is required: "one that responds to the demands of the environment for survival (organisational adaptation), is efficient and effective at service delivery (organisational effectiveness), and makes itself reputable (organisational value)" (Mafabi et al 2012, 64).

Making this assessment will depend significantly upon the context and particularly the weighting given to certain factors in any given context. . One example will be tolerance for failure in particular functional areas. *Some* level of service provision will usually be better than no service provision in the case of a public sector agency. Establishing and justifying publicly one's rationale for selective service engagement is likely to be critical. Reducing serious instances of corruption or particularly prevalent forms of corruption at the expense of other forms of corruption might well meet local needs in the short or medium terms, especially if expectations have not been inflated and some tangible progress is being made against those forms targeted with the available resources. ACAs as part of their environmental scanning will need therefore to monitor public expectations in order to establish priorities and work towards building public support for their activities. Being realistic about what can be achieved in particular settings with the resources available does not remove the prospect of being held to higher standards of performance. Here, there is need for greater analysis of what "good enough" governance (Grindle 2004; Grindle 2011) might mean in this area. I shall argue later that more thought is required not only to sequencing steps in the consolidation phase of an ACA's life, but also (and critically) to

identifying which steps or measures of an interim or unfinished kind are crucial and feasible to attaining this "acceptable level of functioning" that makes further efforts at consolidation worthwhile.

I turn now to one method for analysing the interaction between ACAs and their environment. A widely shared approach within organisational theory is to distinguish three key dimensions: *munificence*, *complexity*, and *dynamism* (Dess and Beard 1984; Andrews and Johansen 2012).

Environmental *munificence* refers to the scarcity or abundance of critical resources over which the organisation has limited control (Andrews and Johansen 2012, 177). Their availability affects the ability to operate and offer services and to improve service delivery. Without adequate resources, these functions will be constrained or become impossible. What is 'adequate' in this context depends upon the workload of the agency; a small caseload divided between a large number of staff suggests greater munificence than the converse. Key resources include money and personnel. Ensuring enough of both kinds will be crucial to reasonable agency performance. Other resources are relevant, including knowledge and support from other organisations and the general public. In other words, symbolic as well as material capital will often play a vital role in supporting consolidation (see case studies to follow).

Environmental *complexity* is a reflection of the relative heterogeneity and dispersion of an organisation's relationships and functions, involving the range of expectations and demands made upon the organisation by those in its operating environment. In the public sector context, this refers largely to "the characteristics of the organization's clients" (Boyne and Meier 2009, 802). In the case of ACAs, many of one's "clients" are unlikely to be happy or cooperative, especially if they are under investigation in relation to alleged conduct or misconduct. In this sense, ACAs are arguably complex. Complexity poses a number of problems for an organisation, including information collection, coordination, and value convergence. In a related area such as public policing, these problems can also be seen. A policing agency must deal with conflict and attempt to achieve a number of goals that are not always easily reconciled. If one acknowledges the broader environment as a political economy view would require, then a political system characterised by strong kinship ties and associated expectations of resource distribution and reciprocity, sometimes referred to as neo-patrimonialism (eg Adebanwi and Obadare 2011), might be said to be relatively complex in this sense. On these readings, an ACA undertaking corruption inquiries in a weak state environment can reasonably be said to be operating in a complex environment.

The third element is environmental *dynamism*. This is often present in societies in which there is chronic, entrenched competition and struggle for scarce or valuable resources. This component has been described as "a product of the rate of change in external circumstances (instability) and the unpredictability (or *turbulence*) of that change. This can have a range of consequences, including raising costs, making planning more difficult, and generally contributing to a sense of uncertainty. Too much dynamism can encourage hesitancy and discourage adaptation. It can produce "threat-rigidity" (Andrews and Johansen 2012, 179). Under these conditions, there can be a loss of strategic confidence and behaviour. Anticipating change under conditions of instability and uncertainty is very difficult, and especially for a recently-established agency that is still learning to exercise its core functions. In many of the environments in which ACAs struggle to consolidate, there is significant contestation over resources (see case studies below). This provides an additional element of challenge for those working in ACAs which can lead to stress, intimidation and burnout among key staff upon which the functioning of the agency depends.

In the next section we turn to two case studies in order to illustrate the range of environmental challenges to ACA consolidation that can arise in the first decade of operation.

Case Studies:

(1) Corruption Eradication Commission – Indonesia

Widespread concern about corruption in Indonesia is relatively longstanding. During the Soeharto era (1967-1998) (the "New Order") and indeed before, there had been a number of gestures domestically in the form of special task forces and anti-corruption commissions but none that endured (Schutte 2012, 40). Their immediate neighbour, Malaysia, had established its own ACA, the Anti-Corruption Agency (ACA) in 1967 (Siddiquee 2010, 157). The 1997 Indonesian financial crisis and the end of the New Order regime in 1998 led to renewed calls to tackle widespread corruption. In 1998 the World Bank called for this to be the first priority of the post-Soeharto administration. Following a "long gestation" (Crouch 2010, quoted in Schutte 2012, 41), the new anti-corruption body, the Komisi Pemberantasan Korupsi (KPK) commenced operations in 2004 under a new KPK Law. The model introduced contained several significant functions and powers, rendering it in a formal sense a particularly powerful ACA. In addition to the functions of investigation, prevention and education, it was granted the power to prosecute as well as of investigation, which included wire-tapping provisions. The establishment of such a powerful agency can be attributed to the successful political bargaining that occurred through the period in which the Law and the selection of commissioners took place.

Several recent analyses of the work of KPK's early operational phase have reached positive assessments of its achievements (Schutte 2012; Butt 2011; Bolongaita 2010). A common observation has been the considerable success KPK has had in its relationships with the media andin terms of receiving widespread public support. Analysts point to a broad public hunger in the post-New order era for action to reduce corruption at all levels of Indonesian society. Some early tangible achievements have been credited with building support for KPK. Through a series of successful investigations and prosecutions in its first five years of its operation, KPK was able to demonstrate publicly that public officials and politicians previously immune to prosecution could be convicted and punished for their corrupt actions (Bolongaita 2010, 9). Among this group was a former deputy director of the Central Bank, who also happened to be the father-in-law of the President's son.

Institutional features have also been mentioned in explaining early success. These include the structure of the KPK (five commissioners rather than one, providing collegial leadership; the power to prosecute; the extraordinary investigative powers etc) while others relate to the environment in which KPK began its operations. Beyond these aspects, positive public and media support has been widely seen as undergirding the operational autonomy of the agency in the face of attacks and resistance from some politicians and public officials in other agencies. This support has enabled KPK to tackle some of the networks of cronyism and nepotism that have long dominated Indonesian society and had, at least until recently (see further, below) enabled it to survive the push-back that effective investigation and prosecution can generate from threatened elites and their supporters.

Among the 'munificence' of the KPK's environment can be claimed the strong tradition of civil society monitoring groups (Indonesia Corruption Watch, etc) that actively monitor developments in the anti-corruption field and play an advocacy role with the public and government. A third environmental factor identified by Bolongaita (2010) as significant in KPK's success was the political support of the Indonesian President, Susilo Bambang Yudyohono (SBY), during his first five year term of office (2004-2009). Having a president

expressing political will in the fight against corruption enabled a number of potential challenges to the work of KPK to be defused or deflected. To revert to the Icarus metaphor, the wings provided the agency in terms of resources, formal powers, and broader support had thus enabled it to take off and successfully fly quite high, reaching heights in the anti-corruption struggle that the nation had never before witnessed. However, as the history of such bodies would lead one to predict, the flying would not continue to be smooth for very long.

Contextual developments have ensured ongoing dynamism and, increasingly, turbulence, for KPK. A number of occurrences in the last 3 or 4 years point to some mounting stresses upon the KPK's 'wings.' One instance has been the tactical exploitation of the KPK law by the Indonesian National Police (INP to bring serious charges against three KPK commissioners in 2009. Under this law, the bringing of charges has the effect of automatically suspending them from office by order of the President. This could be seen as the poacher turning the gamekeeper's weapon on the gamekeeper. While these provisions appear initially to have been intended to preserve the integrity of the agency, yet, as Butt has observed, they have provided police and prosecutors (another target of KPK activity) with "tremendous leverage" to charge and bring prosecutions of KPK officials that are "unilateral and largely unreviewable" (Butt 2010, 386).

In this area as indeed many others, timing is often significant. The bringing of these charges coincided with progress in KPK investigations into the activities of some senior INP officers. Nonetheless the negative impact upon morale and operational effectiveness of removing these senior KPK officials on the activities of the agency can be fairly confidently inferred. Moreover it can be seen as a clear attempt to intimidate the agency as a whole. Following the suspension of two commissioners for abuse of office, there were public demonstrations of support for these officials reflecting the view that the charges were without basis. A subsequent appeal to the Constitutional Court corroborated the public's assumption on this point when the court permitted the KPK to play wire-tapped telephone conversations which indicated a plot by the then deputy attorney-general, a senior police general under investigation by KPK, and others, to frame the two KPK commissioners charged (Butt 2010, 386). The willingness of another key state institution, in this case the Constitutional Court, to stand up to support the KPK against the plotting within other law enforcement agencies against it, can be seen as vital in enabling the agency to continue its work. The two suspended commissioners were able to return to work after the court's decision.

However, the KPK did not emerge unscathed from this confrontation with police and prosecutors. In the case of the KPK principal commissioner Antasari, who had been charged with ordering the murder of the husband of a woman with whom he had allegedly had a sexual relationship, ended less well when another court convicted him and sentenced him in early 2010 to a long term of imprisonment. According to Butt, this charge was seen by some within Indonesia as credible given other rumours and beliefs about Antasari's character and integrity. Certainly, he did not receive the same level public support of the other commissioners after being charged. Nonetheless, it has been claimed that the court in the Antasari case acted unfairly in ignoring rules of evidence to allow his conviction on the basis of the testimony of one witness (Butt 2010, 387). The fallibility of the trial process and its openness to political influence cannot be discounted in this case.

Push-back against KPK has taken other forms and is visible today. Its diversity of forms confirms the complexity of the KPK's environment. As a result of lobbying, Parliament in 2009 initiated reforms that arguably have diluted the effectiveness of the anti-corruption (Tipikor) courts established alongside the KPK as part of the broader original anti-corruption strategy. Career judges at the district level now play a role once restricted to specialist ad hoc judges in Tipikor proceedings. The original idea of a separate anti-corruption judicial stream has therefore been broken down, allowing influences from the mainstream system to

affect how prosecutions and trials are handled. In relation to changes to prosecution, greater leeway has been provided for non-specialist prosecutors to bring anti-corruption cases in these courts. This has resulted, according to Butt (2010, 390), in "prosecutorial incompetence" contributing to the first ever acquittal in the anti-corruption jurisdiction. In short, while KPK continues to play a prosecutorial role, its influence has now been diminished. Further attempts to change the law to remove the prosecutorial function from KPK altogether were defeated following a public backlash. However further legislative changes to reduce investigative powers of KPK remain on the agenda, a tactic witnessed in other jurisdictions including New South Wales and Queensland (Maor 2004). In the past few months (August-September 2012), the ongoing tension between the INP and KPK has arguably intensified. Amid the naming by KPK of two senior police generals as suspects in a graft investigation being undertaken by KPK, there has been a renewal of calls within the political classes for a full-scale review of the KPK Law and the Constitutional Court. The INP also announced it is withdrawing 20 police officers seconded to KPK as investigators. While KPK continues to have investigators from the police and the attorney-general's office, KPK has clearly been surprised by this decision on the part of the INP, and the media has termed the withdrawal "suspicious". A spokesperson from monitoring group Indonesia Corruption Watch indicated that this decision was likely to be linked to the progressing of the serious graft investigation by KPK against a number of high-ranked officers (Budiari 2012).

The sense of mortal threat created by these developments is reflected in recently reported comments by the KPK chairman Pitan Daslani in August 2012 that he and his fellow commissioners were "ready to risk their lives as they battle the police" in the pursuit of this graft case (Jakarta Post 2012a). At the same time, the President, SBY, has been observed to be standing back from the conflict, and to be resisting widespread public calls that the police be prevented from conducting its own investigation into police graft alongside the KPK investigation (Jakarta Post 2012b). Given the extensive coalition that initially supported SBY, his ability to continue to support KPK despite opposition within that coalition will not be easy, though it has been suggested that international pressures for maintaining the anti-corruption battle may provide him with extra incentives to do so (von Luebke 2010).

Ongoing public support for KPK, as well as strong political leadership in advancing the anti-corruption agenda, remains vital to the future prospects of KPK by shielding it from the 'heat' of particularistic interest groups. As the Antasari case confirms, it is crucial particularly for senior ACA officials to act with integrity so as to preserve public support and avoid procedural repercussions if and when they are attacked. Such *reputational reserves* appear vital in the case of a body such as KPK. In favour of the KPK's survival into the future is the widespread international perception that Indonesia is a corrupt country in which it is difficult to do business because of the pervasive nature of corruption. KPK continues to receive significant material and other forms of support from international donors in reflection of this assessment. Also in its favour is the fact that its principal adversaries, the INP, parliamentarians, and the attorney-general's office, are not well-regarded by the public at large. In the case of the INP, the international community as well as domestic civil society monitoring groups, point repeatedly to the entrenched nature of corruption and other abuses within the police (eg International Crisis Group 2012) and to the coincidence between police push-back against KPK investigations and prosecutions and the implication of senior police officials in major corruption cases.

(2) Economic and Financial Crimes Commission (EFCC) – Nigeria

This ACA has been the subject of considerable international interest and analysis since its commencement in 2003. This is hardly surprising given the notoriety of Nigeria internationally as a corrupt country and the vast amounts of resource wealth that have been stolen by successive generations of politicians and others much of which has been moved

to other countries (Adebanwe and Obadare 2011; Otusanya 2012). As one might expect, the record of achievement of the EFCC has been a mixed one but, according to a number of analysts, it has managed nonetheless to have some significant successes. These have included prosecuting senior public officials and politicians and recovering stolen assets. A recent review of achievements by Human Rights Watch concluded:

> in spite of myriad setbacks, a stronger and more independent EFCC represents Nigeria's most promising avenue to make tangible progress in the fight against corruption in the near future. In large part, this is because the EFCC is the only Nigerian government institution that has posed a meaningful challenge to the impunity enjoyed by corrupt and powerful members of the political elite. (Human Rights Watch 2011, 1)

The very fact that the EFCC had been able to rattle some elite political interests through its investigations and prosecutions has ensured a backlash against the institution and against its leaders, in particular against its first leader, Nuhu Ribardu, who was dismissed in 2008. Ribardu, a former assistant commissioner of police, was appointed by President Obasanjo to lead the new EFCC in its mission to investigate and prosecute a wide variety of economic crimes as well as corruption offences by politicians and public officials. Ribadu has been credited with pulling off some significant successes within the first five years of operation. These include some 'big fish' such as a police chief, a governor, and a minister. His office has also reportedly recovered some $5 billion in stolen public funds (Lawson 2009, 91).

A number of factors for this early relative success have been cited by analysts. These include the strong leadership and courage of Ribadu,[4] his success in getting special judges to hear corruption cases, and local media, NGO and public support (especially in light of the successes against prominent political and public figures). Another significant source of moral support has come from professional groups including lawyers and accountants. There has also been strong international donor support particularly from the EU and the USA (HRW 2011; Lawson 2009).

The early successful prosecutions and asset recoveries contributed both to the agency's high public standing as well as to sowing the seeds of push-back among affected local elites. It is perhaps significant that the EFCC largely targeted corrupt politicians and officials at the state (sub-national), rather than the federal (national), level in its opening phase. This enabled it to continue to receive the President's support for the most part, though this support and the selection of targets by the EFCC for prosecution did lead to subsequent criticism that the EFCC had become an instrument of the President (eg Lawson 2009; Inokoba and Ibegu 2011). President Obasanjo, while attacked by some local constituents for his anti-corruption support, also benefited politically domestically and internationally for his actions against corruption (Abebanwi and Obadare 2011, 196).

A succession of cases brought against powerful political figures signified the end of the EFCC's honeymoon period. Probably the most damaging of all to the EFCC was the investigation and charging with corruption of the vice-president, Atiku Abubakar, whom President Obasanjo clearly didn't want to succeed him at the end of his second term in office. Ribadu replied to his critics that he had not excluded the President's own people from becoming EFCC targets; in fact, one had been the President's own daughter. The case of James Ibori, the former governor of the oil-rich state of Delta, also played a major role in changing the standing of the EFCC and altering the prospects of Ribadu. Ibori, a friend of

---

[4] Ribadu stated upon taking up office in 2003, "I am ready to give my life..When you go into the army, you know you are going to be killed or you are going to kill. And I look at it not too different from that. This work is worth doing, I am ready to give my life for Nigeria." Quoted in Adebanwi and Obadare 2011, 198.

Abubakar, had also been targeted and charged by the EFCC. He is claimed to have influenced the selection of the Attorney-General after Yar'Adua replaced Obasanjo as president in 2007. The new Attorney-General, Michael Aondoakaa, began to insert himself into decisions by the EFCC to bring prosecutions, reducing their control. He also apparently failed to cooperate with the EFCC and the British police over an investigation of Ibori on money-laundering offences (Adebanwi and Obadare 2011, 203).

The end of Obasanjo's reign was closely followed by the wind-up of Ribadu's tenure and influence. The new President inaugurated the Police Service Commission in August 2007. This body in turn, citing "irregularities" allegedly committed by Ribadu, decided to annul a decision by Obasanjo to promote him. It could exercise this power over Ribadu as he continued to hold police rank while leading the EFCC. A few months later, taking further advantage of his police status, the Inspector-General of Police announced that Ribadu was being sent on a senior officers' course.. As Adebanwi and Obadare note, "It was thus obvious that anti-Ribadu forces had gained the support of the Police Service Commission and the Inspector General of Police (2011, 204). The new president's endorsement of the police chief's decision to send Ribadu away on a course confirmed that "the plot had been hatched with the imprimatur of the highest echelons of government (Adebanwi and Obadare 2011, 204). A replacement for Ribadu was announced in May 2008, five months into his 'study leave', and in December 2008, on grounds of alleged gross indiscipline, insubordination and absence of duty, Ribadu was dismissed from the police (ibid, 205).

In this scenario, we see the initial success of the agency under Ribadu gradually undermined through a combination of the tactical exploitation by threatened groups of an anomaly in the appointment conditions of the EFCC's leader as well as a change in political conditions, under which the protection of the reform President who introduced the new agency ceased and a new regime felt free to change directions involving a weakening of the agency's position.

Comparative Analysis

In neither case study can it be said that the ACA has "failed" in its principal objectives. In each case, the ACA has undertaken significant investigations and successful prosecutions of "big fish" as well as the recovery of corruption-related assets. The forces for addressing corruption in each case were significantly strong at the establishment point of the ACAs to overcome initial resistance and opposition and to create institutions that were empowered and resourced materially and in terms of wider support to investigate and prosecute powerful political figures. It took several years and changes in the political constellation for the Icarus paradox to emerge. Successes against powerful figures inside the government and among its supporter groups meant that ACA was making inroads against established elites and interests. This success ensured that the terms of political settlement that secured the establishment of the ACA would be challenged, and indeed thrown wide open, when the occasion presented itself. One key opportunity to change the balance of political forces in each case has come at the end of a presidential term, at which point a successor is selected or, in the case of Indonesia, the eligible incumbent, must seek ongoing support for re-election. At such moments, withdrawal of active support as much as a public change of heart about the importance of the agency can contribute to a weakening of the agency's position and future viability. Indifference or neglect can reflect a reduction in relevant munificence as much as more pointed reductions in economic resources or direct prosecution of key ACA figures.

Many of the tactics used to reduce the effectiveness and dampen the mission of ACAs can be unremarkable on the face of them; it is rather how they are applied in particular contexts

and the motives for their deployment that define their significance. The targeting of key leaders for disciplinary action or criminal prosecution has proven to be effective tactic in both case studies. The exploitation of legal loopholes or 'opportunities' has ensured the removal of first phase "successful" leaders and either their replacement with safer substitutes or in any event a clear signalling to those who remain or who choose to replace the person removed that their tenure is vulnerable. In designing or altering the formal institutional features of an ACA, the Ribadu example clearly indicates that care is needed in setting the terms for the operational autonomy of the leader of such bodies. Having more than one reporting line, and no means of ensuring that conflicts between multiple lines are resolved without harming unduly the functioning of the ACA, provides a weapon in the hand of some of the key persons potentially threatened by the ACA's activities and purposes.

ACA leaders, perhaps more than any other roles in the public sector, need to act and appear to act in ways beyond reproach if they are to avoid potential prosecution or scandal that may undermine their ability to act and the standing and effectiveness of their agencies. The alleged sexual misbehaviour by Antasari enabled his removal, charge, and conviction, despite a belief among some analysts that the trial was unfair and probably in breach of the laws of evidence. The fact that in contrast to action taken against two of his fellow commissioners there was little public support for him or outrage at his treatment by the police, prosecutors and court is interesting in itself. It would seem that he was not as popular because he was perceived in the public eye as a flawed and possibly corrupt individual. This may or not be the case, but it points to the importance of perceptions in the gamesmanship that surrounds attacks upon, and support for, key leaders of these agencies. There is no easy way in which such leaders can manage their reputation when the stakes are high, especially in societies rife with rumour and low levels of social trust (such as Indonesia and Nigeria, and indeed many other developing countries). ACA leaders need to be accomplished in their public relations to counter false and damaging stories. A supportive local media and NGO environment can play an important role in this regard.

As executive agencies, ACAs can be expected to be subject to political oversight and scrutiny. However the forms of oversight used and the motives for exercising them will impact upon their effectiveness. Under the guise of political oversight, political groupings can push for reviews of agency powers and effectiveness which can lead to the introduction of reduced investigation powers or a narrowing of agency mandate. In the Indonesian case, there was the removal of the exclusive right to prosecute cases and the introduction of career judges into the special anti-corruption jurisdiction. In the Nigerian case, the decision by the new Attorney General to intervene in prosecution decisions on one view might look perfectly unobjectionable and indeed consistent with practice elsewhere. However any reform takes its significance in large measure from its context and motivation, as noted earlier. It will often take time to assess the impacts of such changes, by which time of course opportunities for further consolidation may be lost. While one must be careful not to advocate against democratically determined changes to legislative functions, experience in other jurisdictions also cautions us against taking such changes at face value. At the very least, it should lead the wise onlooker to examine the constellation of political interests benefiting from such changes (Maor 2004) before making an informed assessment.

What then are the hallmarks of resiliency, if any, from these examples? Given the powerful domestic mainly political forces ranged against these agencies attempting to consolidate their operations thus the contingent nature of domestic political support for those activities, we must look to those external factors that are conducive to survival and a measure of effectiveness. Having sufficient moral and popular support as well as financial resources is vitally important. On both these counts, the support of major international donors such as the EU and the USA can be seen in both cases to have played an important part in funding particular programs and projects and also in lobbying national political leaders to maintain and improve anti-corruption strategies including ongoing support for ACAs. Strategic use of

assessments such as Transparency International's Corruption Perception Index by foreign donors can increase the pressure for domestic support of such agencies. Sustaining such support and improving the value of its contribution is therefore important. Given that the proceeds of grand corruption tend often to go overseas, there is merit in external supporters also looking to ways of bolstering the effectiveness of asset tracing and retrieval in order to remove future incentives for corruption as well as for restitution purposes. With measures of this kind, as indeed with any other anti-corruption initiative, there will almost certainly be resistance and push-back if and when such measures prove to be damaging to those vested interests.

Building resilience domestically will require the maintenance and extension of networks of support within civil society, the professions, and other government agencies. These forms of support might be described as *moral munificence*, in order to draw attention to the diverse range of non-material as well as material resources vital to ACA functioning and survival. In the case of the KPK, it is clear that the support of civil society and the Constitutional Court has been critical to the level of durability and activity achieved by the agency. Enlisting the support of bar associations and professional bodies of accountants has also assisted the prospects of ACAs. In the Indonesian example, ongoing public support for anti-corruption work and the support of active civil society monitoring groups have proven significant. While this support is not likely to quickly disappear, it cannot remain immune to the perceived wrongdoings of ACA officials. The media has an obvious role here in ensuring that incorrect rumours are dealt with as well as the achievements of the agency become publicly known and its role widely appreciated. Here ACAs may need to learn some new lessons for survival. Recent NGO support for better communication strategies by ACAs (Byrne et al 2010) certainly makes sense in the light of these case studies, not just in building popular support but also in providing education and awareness of the nature of corruption and its harmful consequences. Given the vested interests in ensuring turbulence and uncertainty in the face of anti-corruption reforms, public appreciation and support for that role cannot be taken for granted. As Grindle (2007, 548) has noted, some governance reform interventions are harder than others. The history of anti-corruption reforms suggests that it is among the more difficult areas. It is also the case that ACAs do not stand alone institutionally in terms of their responsibility for proper public administration and compliance with the law. As was seen in the Indonesian case, the role of the anti-corruption judiciary and the Constitutional Court in supporting the activities of the KPK was crucial at particular moments, even as those expressions of support seeded future opposition and resistance. Thus the functioning and well-being of other agencies of this kind must also be part of an effective systemic and societal response to tackling corruption. Too often, too much is expected of a single agency. An ACA needs to be part of a broader anti-corruption strategy (Meagher 2005, 88; de Sousa 2010).

In the face of environmental turbulence and uncertainty, there is also the question of what an ACA can do itself to limit the destructive impacts of external forces (Boyne and Meier 2009). In other words, what methods of internal organisation (preparedness) might increase the odds of being a "pocket of effectiveness"? The Indonesian case points to the potential value of ACAs establishing and retaining separate career recruitment and selection procedures for staff, rather than being part of the wider civil service system and thus at times obliged to take staff from other departments (Schutte 2012). This measure ensured some stability as well as control over staffing, allowing a more coherent and cohesive response to environmental dynamism. As another means of preparedness, a keen appreciation of the environment has already been identified as indispensable. This must be undertaken internally by ACA staff, but can be facilitated through developing networks with other agencies that can exchange information and enhance awareness on this issue. Though finding the resources to do so will be difficult in many circumstances, without the awareness that these efforts will provide, the ACA will be flying blind and therefore facing the risks and fate faced by Icarus.

ACAs will need to learn opportunistically how best to defend themselves. While finding appropriate analogies elsewhere will often be difficult to find given the particular nature of public services (lack of market alternatives etc) and the extreme pressures they face in post-conflict and other challenging settings (including threats to the life and well-being of key officials), there remain lessons to be drawn from other quarters. Alan Doig and colleagues (Doig and Norris 2012, 268) have drawn upon the private sector, and particularly Small and Medium Enterprises (SMEs), to see how ACAs can adapt to hostile environments. They conclude that:

> Organisations which achieve sustainability and success are those that work on the basis of their existing capabilities, current infrastructure or competencies, and which are driven by a strategic approach based on existing resources and staffing, a leadership with expertise in strategic, management and financial matters, an understanding of flexible organisational structures, roles based on staff expertise, and expertise in the effective use of staffing and resources.

It is difficult to take exception to these stipulations. It can further be observed that often capacity-building efforts have focused on the front of house 'delivery' aspects rather than on building the administrative architecture that can support service delivery over time as well as orient the organisation to its environment. Too easily reformers can overlook the relationship between agency effectiveness which tends to be high profile in nature and the lower profile but essential activities of administration, including budgeting, recruitment, planning, and review of performance. ACAs should have their own ideas about effective performance and actively promote them, rather than allowing this area to be defined opportunistically by others including those who actively or covertly oppose its mission. Given the importance identified of *moral munificence*, an ACA must reckon with public expectations around its role and capacity to function and other sources of potential support. Especially in 'hot' environments, it would be well-advised to look also at indirect measures for tackling corruption (through public education and media training, for example), rather than relying upon a full frontal prosecutorial approach. In this regard, Johnston (2011, 45) recommends "mak[ing] haste slowly." In other words, progress can be steadily made, and not always depend upon spectacular gestures.

Finally, when should ACA strategies be abandoned once initiated? There may be (indeed, have been and will continue to be) situations in which external forces opposed to it are extreme and the resources and powers allowed to it may be scarce. It remains incontrovertible, one must conclude, that "fundamental purposes of all viable organizations must mesh at least somewhat with broad social values" ie with features in their immediate environment. As Ouchi (1980, 140) observed, "Ultimately, organizational failure occurs only when society deems the basic objectives of the organization unworthy of continued support." If it is accepted that an ACA should not stand alone in any event in any coherent strategy against corruption, in situations where there are few if any other functioning institutions of public safety, justice, health or education, there is little point prioritising or continuing to support an ACA. Without a functioning police force and court system, investigations and prosecutions will be nigh impossible and largely pointless. One strategy for stressed ACAs is to prioritise resources and efforts in areas where some positive benefit is possible or preferably likely. Undertaking investigations or prosecutions that have the potential to send clear signals to particular groups or sectors that certain behaviours will no longer be tolerated make obvious sense, so long as the settings of munificence, complexity and dynamism in particular societies are not so steeply ranked that they preclude the likely success of such a strategy. This assessment will always be a matter of degree and subject to change. ACAs unwilling to take risks have no place in this admittedly difficult set of circumstances. In order to do so however there must be sufficient political support for the objectives of the agency. In addition there must be the ability of the ACA itself or other agencies to ensure the physical and mental safety of its officials and their ability to undertake

their key tasks and roles. Even a stated willingness by an agency leader to sacrifice one's life in the cause of anti-corruption work is unlikely to be enough to ensure a suitable replacement if and when this heroic individual is killed, maimed or otherwise broken.

Conclusion

Much is expected of ACAs in difficult environments. Yet ACAs commonly struggle to consolidate, let alone prosper, under such conditions and frequently fail. Understanding these dynamics better and being able to anticipate, influence and exploit changes in public mood will affect future prospects for ACAs. While structural and systemic features are highly determinative of outcomes, they do not dictate in all circumstances what can be achieved. In all but the most closed and isolated of societies, there will always remain at least some limits to their influence:

> Political economy is the ultimate cause of institutions, which in turn shape processes. Technical functions are determined independently but then they too interact with the ways in which society is organised politically and the two together create the context within which organisational leadership is shaped and selected and various managerial strategies are chosen. These conclusions must not be read deterministically, however. We almost never are able to predict more than 50% of the variance in social processes. With human affairs the unexpected is always possible (Leonard 2008, 26).

Learning to operate more strategically and tactically will ensure that the opportunities that exist for advancing this work are more likely to be seen and exploited by ACAs,making it more likely that they survive beyond the implementation stage. As part of this strategy, ACAs need to ensure as much as possible the domestic and international moral munificence that underpins the successes to date of agencies such as KPK and EFCC. In this regard, the international donor and government agencies can work harder and more comprehensively to link ACA achievements to world rankings of countries and to ensuring that those domestic actors who oppose ACAs are not able to move any illicit earnings from corrupt activities off-shore.

Finally, it is worth reiterating that there is no one correct model for effective ACAs. What will work in one place will not necessarily or indeed often work somewhere else. It is wise to avoid a *fetishistic* approach to anti-corruption reform, whereby the stakes of domestic and international reformers are invested exclusively in finding and supporting the 'right' ACA for the environment. There is the particular risk that Western notions of agency structure and performance will not suit the particular environment (ie it is an *inappropriate policy transfer* – Dolowitz and Marsh 2000). The application of unsuitable performance measures could lead to premature assessments of failure, which can then be used by local opponents against the reform process (Randma-Liiv and Kruusenberg 2012). And as noted, ACAs cannot survive in a vacuum. A resilient ACA will require other institutional 'pockets of effectiveness' as well as broad public endorsement for the general principles of its mission. These other agencies, as we have seen, also play a vital role in the functioning of ACAs.

Bibliography:

Adebanwi, W and Obadare, E (2011) "When corruption fights back: democracy and elite interest in Nigeria's anti-corruption war" *Journal of Modern African Studies*, 49, 185-213

Andrews, M, Pritchett, L and Woolcock, M (2012) *Escaping Capability Traps Through Problem Driven Iterative Adaptation* (PDIA) (United Nations University UNU-Wider Working Paper 2012/64)

Andrews, R and Johansen, M (2012) "Organisational environments and performance: a linear or non-linear relationship?" *Public Organizational Review*, 12, 175-189

Batory, A (2012) "Political Cycles and Organizational Life Cycles: Delegation to Anti-Corruption Agencies in Central Europe" *Governance: An International Journal of Policy, Administration and Institutions*, [advance access]

Bolongaita, E (2010*) An exception to the rule? Why Indonesia's anti-corruption commission succeeds where others don't – a comparison with the Philippines' Ombudsman* (Belsen: U4 Anti-corruption Resource Centre)

Boyne, G and Meier, K (2009) "Environmental turbulence, organizational stability, and public sector performance" *Administration & Society*, 40, 799-824

Budiari, I (2012) "KPK to meet police over suspicious withdrawal of 20 officers" *The Indonesia Today*, online, 16 September

Butt, S (2011) "Anti-corruption reform in Indonesia: an obituary?" *Bulletin of Indonesian Economic Studies*, 47, 381-394

Butt, S (2012) *Corruption and Law in Indonesia* (Abingdon: Routledge)

Byrne, E, Arnold, E and Nagano, F (2010) *Building Public Support for Anti-Corruption Efforts: Why Anti-Corruption Agencies Need to Communicate and How* (Washington: World Bank and UNODC)

De Sousa, L (2010) "Anti-corruption agencies: between empowerment and irrelevance" *Crime, Law & Social Change*, 53, 5-22

Dess, G and Beard, D (1984) "Dimensions of Organizational Task Environments" *Administrative Science Quarterly*, 29, 52-73

Doig, A, Watt, D, and Williams, R (2005) *Measuring 'success' in five African anti-corruption commissions: the cases of Ghana, Malawi, Tanzania, Uganda and Zambia* (Belsen: U4 Reports)

Doig, A and Norris, d (2012) "Improving anti-corruption agencies as organisations" *Journal of Financial Crime*, 19, 255-273

Dolowitz, D and Marsh, D (2000) "Learning from Abroad: The Role of Policy Transfer in Contemporary Policy Making" *Governance*, 13, 5-23

Fjelstad, O (2009*) The Pursuit of Integrity in Customs: Experiences from Sub-Saharan Africa* Bergen: CHhr Michelsen Institute) CMI Working Paper no. 8

Fritzen, S (200?) "Beyond 'Political Will': How Institutional Context Shapes the Implementation of Anti-corruption Policies"

Grindle, M (2004) "Good Enough Governance: Poverty Reduction and Reform in Developing Countries" *Governance*, 17, 525-528

Grindle, M (2007) "Good Enough Governance Revisited" *Development Policy Review*, 25, 533-574

Heilbrunn, J (2004) *Anti-Corruption Commissions: Panacea or Real Medicine to Fight Corruption?* (Washington: World Bank)

Hemond, Y and Robert, B (2012) "Preparedness: the state of the art and future prospects" *Disaster Prevention and Management*, 21, 404-417

Hindess, B et al (20110

Human Rights Watch (2011) *Corruption on Trial? The Record of Nigeria's Economic and Financial Crimes Commission* (New York: HRW)

Inokuba, P and Ibegu, T (2011) "Economic and Financial Crime Commission (EFCC) and Political Corruption: Implication for the Consolidation of Democracy in Nigeria" *The Anthropologist*, 13, 283-291

International Crisis Group (2012) *Indonesia: The Deadly Cost of Poor Policing* (Brussels: ICG) Asia Report no. 218

Jakarta Post (2012a) "KPK-police conflict continues to escalate" online, 12 August

Jakarta Post (2012b) "SBY resists pressure to give KPK sole control of cop graft probe" online, 7 August

Johnston, M (2012) "Why Do So Many Anti-Corruption Efforts Fail?" *New York University Annual Survey of American Law*, 67, 467-496

Kolstad, I, Wiig, A and Williams, A (2009) "Mission improbable: Does petroleum-related aid address the resource curse?" *Energy Policy,* 37, 954-969

Kolstad, I, and Wiig, A (2009) "It's the rents, stupid! The political economy of the resource curse" *Energy Policy*, 37, 5317-5325

Larmour, P (2005) *Foreign Flowers: Institutional Transfer and Good Governance in the Pacific Islands*. Honolulu: University of Hawaii Press

Lawson, L (2009) "The politics of anti-corruption reform in Africa" *Journal of Modern African Studies*, 47, 73-100

Leonard, D (2008) *Where are 'pockets' of Effective Agencies Likely in Weak Governance States and Why? A Propositional Inventory* (Brighton: Institute of Development Studies) IDS Working Paper 306

Linnenluecke, M and Griffiths, M (2012) "Assessing organisational resilience to climate and weather extremes: complexities and methodological pathways" *Climate Change,* 113, 933-947

Mafabi, S, Munene, J and Ntayi, J (2012) "Knowledge management and organisational resilience: organisational innovation as a mediator in Uganda parastatals" *Journal of Strategy and Management*, 5, 57-80

Maor, M (2004) "Feeling the heat? Anticorruption mechanisms in comparative perspective" *Governance*, 17, 1-28

Meagher, P (2005) "Anti-corruption agencies: rhetoric v reality" *The Journal of Policy Reform*, 8, 69-103

Organisation for Economic Cooperation and Development (2008) *Specialised Anti-Corruption Institutions: Review of Models* (Paris: OECD)

Orre, A and Mathisen, H (2008) *Corruption in Fragile States* (Copenhagen, Danish Institute for International Studies)

Otusanya, O (2012) "An investigation of the financial criminal practices of the elite in developing countries: Evidence from Nigeria" *Journal of Financial Crime*, 19, 175-206

Ouchi, W (1980) "Markets, Bureaucracies, and Clans" *Administrative Science Quarterly*, 25, 129-141

Persson, Anna, Rothstein, B and Teorell, J (2010) *The failure of anti-corruption policies: a theoretical mischaracterization of the problem* Quality of Government Institute, Working Paper Series 2010:19 (University of Gothenburg)

Pritchett, L, Woolcock, M and Andrews, M (2012) "Looking like a state: techniques of persistent failure in state capability for implementation" United Nations University Working Paper no. 2012/63

Randma-Liiv, T and Kruusenberg, R (2012) "Policy Transfer in Immature Policy Environments: Motives, Scope, Role Models and Agents" *Public Administration and Development*, 32, 154-166

Rothstein, B (2011) "Anti-corruption: the indirect 'big bang' approach" *Review of International Economy*, 18, 228-250

Schutte, S (2012) "Against the Odds: Anti-Corruption Reform in Indonesia" *Public Administration and Development*, 32, 38-48

Shah, Anwar (2007) "Tailoring the Fight against Corruption to Country Circumstances" 229-249
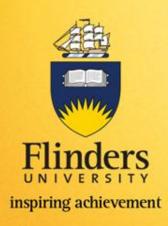
Victoria (2012) *Office of Police Integrity Annual Report Financial year ended 30 June 2012* (Melbourne: OPI)

Von Luebke, C (2010) "The Politics of Reform: Political Scandals, Elite Resistance, and Presidential Leadership in Indonesia" *Journal of Current Southeast Asian Affairs* 79-94

The F(l)ight of Icarus
Public Integrity Agencies in 'Hot' Environments

Andrew Goldsmith

Flinders Law School

Adelaide, South Australia

Flinders
UNIVERSITY
inspiring achievement

An aversion to anti-corruption

- "If you fight corruption, it fights you back"

- "You bribe… and prosper or you stick to the ethical principles and perish"

- These are "hot environments" in my terms

The elusiveness of 'success'

- "A successful anti-corruption agency must ensure it has dedicated and resilient staff who can draw on values such as integrity and courage in the face of a **hostile external environment**."

  - Director's Overview, *Annual Report 2011/12*, Office of Police Integrity, Victoria, Australia, p.14

"Pockets of productivity"

- "public organisations that are reasonably effective in carrying out their functions and in serving some conception of the public good despite operating in an environment in which most public organisations are ineffective and subject to serious predation by corruption, patronage, etc" (Leonard, 2008, 8).

Organisation-Environment

- Organisational **preparedness**
- Organisational **resilience**
- Environmental **munificence**
- Environmental **complexity**
- Environmental dynamism (**turbulence**)

Coping with 'climate change'

Indonesia: KPK   Nigeria: EFCC

Drawing lessons

1. Few if any 'hard and fast' lessons to be drawn – context and circumstances matter
2. Dynamism and complexity are to be expected; they need to be better understood and anticipated (environmental scanning)
3. Find workable 'middle ground' rather than aiming too high or too low
4. **Munificence** is more than financial; even more importantly, it is moral (normative)

Societies must be responsible

"Ultimately, **organizational failure occurs only when society deems the basic objectives of the organization unworthy** of continued support."

W. Ouchi (1980, 140)