



# Watchdogs or guard dogs: Do anti-corruption agencies need strong teeth?

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## Abstract

Anti-corruption advocates worldwide deride “toothless” anti-corruption agencies and demand agencies “with teeth,” meaning strong law enforcement powers. However, there are drawbacks to such powers. This paper draws from the documented experiences of dozens of anti-corruption agencies worldwide to show that law enforcement powers are not determinative of agency effectiveness, nor are they always helpful. Rather, both “guard dog” agencies, which use law-enforcement powers to address crimes of corruption directly, and “watchdog” agencies, which merely uncover and report corruption issues, face unique challenges and constraints. An anti-corruption agency’s powers may influence its strategic response to its operating environment, but ultimately are less critical to corruption reduction than other factors such as independence, political will, and the reliability of partner institutions.

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## 1. Introduction

“Zimbabwe Anti-Corruption Commission ‘Toothless’ Bulldog.” Nyoni, Mthandazo. *Newsday*, 4 March 2014.

“Victoria’s Anti-corruption Watchdog Doesn’t Have Enough Teeth, Says Expert.” Alcorn, Gay. *The Guardian*, 18 September 2014.

“NAB Has Become a Toothless Body: Transparency.” Khan, Amraiz. *The Nation*, 9 October, 2014.

The three recent headlines reproduced above come from Zimbabwe, Australia, and Pakistan, respectively. Similar headlines have appeared in newspapers worldwide. Good governance activists everywhere deride “toothless” anti-corruption agencies and demand watchdogs “with real teeth.” But what are those teeth? And how important are they?

In common usage, an ACA with “teeth” is one with strong investigative powers, such as the ability to execute search warrants, use force, and arrest suspects. Intuitively, strong powers should make an anti-corruption agency (ACA) more effective. However, law enforcement powers are not always advantageous. In many contexts, “toothless”

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ACAs may be more resilient, robust, and cost-effective. This study draws from the documented experiences of dozens of ACAs worldwide, across a range of contexts, to elucidate the strengths, drawbacks, and optimal conditions for ACAs possessing strong law enforcement powers, and for those that lack them.

First, it's worth starting with the wisdom of professional dog breeders, who domesticated canine watchdogs long before governments created their namesake institutions. Traditionally, there are two distinct types of protective canines: guard dogs and watchdogs (Anderson, 2011). Both use their superhuman senses to detect threats. They differ, however, in their response to danger. Watchdogs—like terriers or foxhounds—raise alarm through loud barks. They might give chase to intruders to track them, but they will flee or hide rather than fight. In contrast, guard dogs—like Rottweilers or pit bulls—pursue and engage threats, prepared to fight to the death.

Guard dogs are bigger, more tenacious, and more aggressive than watchdogs (Anderson, 2011). Without question, they are more powerful. However, watchdog breeds are more popular. Their intelligence, sociability, and small size make them easier to manage. In contrast, guard dogs can be erratic and hard to handle without careful training. Homeowners must carefully consider their needs, resources, and home environment when selecting the right breed for their security.

Similarly, anti-corruption authorities can be divided into “watchdog” and “guard dog” agencies, based on the strength of their investigative powers (i.e. “teeth.”) Guard dog ACAs, like Hong Kong’s Independent Commission Against Corruption (ICAC) and New York City’s Department of Investigation, are law enforcement agencies with strong investigative powers. Some, like Indonesia’s *Komisi Pemberantasan Korupsi* (KPK), and Croatia’s *Ured za suzbijanje korupcije i organiziranog kriminaliteta* (USKOK), even have prosecutorial powers. In contrast, Watchdog ACAs rely on more limited powers: collecting witness testimony, subpoenaing documents, holding public hearings, and issuing reports. Examples include Slovenia’s Commission for the Prevention of Corruption (CPC), Ghana’s Commission on Human Rights and Administrative Justice (CHRAJ), and the Office of the Inspector General of the U.S. state of Massachusetts.

Guard dog ACAs are certainly bigger, more powerful, and more threatening than watchdog agencies. But they also require more resources, face higher expectations, and are bound by more legal restrictions than watchdogs. Just as a homeowner should carefully weigh risk factors before adopting a Rottweiler, a government should make sure it has the resources, controls, and institutional support necessary before creating a guard dog ACA.

Both guard dog ACAs and watchdog ACAs can be either be docile and impotent or assertive and effective. Strong powers do not determine whether an ACA can effectively expose corruption and promote systemic reforms. A government seeking to strengthen ACA performance should consider other factors.

## 2. The purpose and powers of anti-corruption agencies

Anti-corruption agencies are specialized state bodies mandated to address corruption, the abuse of public office for private gain. They typically address a range of issues related to public integrity: criminal acts such as bribery, ethical violations such as conflicts of interest, and problems of systemic corruption such as regulatory capture or abuse-prone procurement processes (OECD, 2013). Whatever their jurisdiction, ACAs are oversight agencies that use their powers to expose and address undue influence over state power by private interests.

ACAs proliferated worldwide in the 1990s and early 2000s, inspired by the achievements of pioneering offices like New York City’s Department of Investigation (established 1873), Singapore’s Corruption Practices Investigation Bureau (established 1952), and Hong Kong’s ICAC (established 1974). The global anti-corruption movement that rose in the wake of the Cold War enshrined ACAs as key institutions of public integrity oversight. In the early 21st Century, most countries worldwide established or strengthened ACAs, often under international pressure.<sup>1</sup> Advocates promoted ACAs through treaties like the 2005 United Nations Convention Against Corruption, multilateral bodies like the Organisation for Economic Cooperation and Development (OECD), and global advocacy groups like Transparency International (De Sousa, 2010).

Overall, ACAs worldwide have fallen short of high expectations. Many have been incapacitated by resource shortages, internal scandals, poor management, political co-optation, and public distrust (Heilbrunn, 2004; Meagher,

<sup>1</sup> The United Nations Office of Drugs and Crime keeps an updated list of anti-corruption authorities at <http://www.track.unodc.org/ACAAuthorities/Pages/home.aspx>. Accessed 16.02.15.

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