



Towards a National Anti-Corruption Strategy

DIAL



CORRUPTION

Acknowledgement

The Lebanese Transparency Association (LTA) focuses its awareness and advocacy programs on: upholding the highest professional standards, curbing corruption in all its manifestations, promoting transparency in the public and private sectors, and advancing the general principles of good governance. LTA has, for the past ten years, succeeded in becoming a leading organization in its domain; it has also gained local, regional and international recognition. LTA's achievements are not only due to the dedication of its professional staff and wide network of members, but more so due to the effectiveness of its coalition with other stakeholders and partners.

In 2005, the United Nations Development Programme (UNDP) and LTA - as part of its Democratization and Public Accountability Program - entered into a partnership to initiate a project entitled "Towards a National Dialogue on Corruption in Lebanon". Together we were able to develop an effective forum for interactive dialogue that laid down the cornerstone for future initiatives between our two organizations and created a valuable pool of resources that can be easily accessed in the fight against corruption.

In the framework of "Towards a National Dialogue on Corruption in Lebanon", UNDP and LTA were able to lay down the foundation of anti-corruption modules as translated into the document entitled "Towards a National Anti-Corruption Strategy". Specifically, this publication provides a useful tool that simplifies the complexities of corruption in Lebanon and outlines the necessary steps to move discussion about reform away from theory towards practical implementation.

On behalf of LTA, I would like to recognize the invaluable contributions of all those who have made this publication possible. Special thanks go to all the participants and experts who provided valuable input at the consultation workshops, including members of Parliament, representatives of the public and private sector, the media, civil society, and my fellow LTA Board members. Thanks are also due to the Governance Team at UNDP including: Dr. Hassan Krayem, Mirna Sabbagh and Amal Deek. This joint venture was also made possible by the efforts of the National Coordinator Dr. Khalil Gebara, the Project Manager Gaelle Kibranian, and Project Coordinator Mahmoud Al Kadri. Our appreciation further extends to the translator Darine Hassoun, the editors Anne-Marie Chaccour, Chahid El Khoury, and Raja Farah, as well as LTA's staff who have reviewed the publication, Danny Haddad and Dr. Said Issa. Last but not least, I would like to acknowledge the insightful input and tireless efforts of the author Dr. Randa Antoun.

Mohammad F. Mattar Chairman The Lebanese Transparency Association (LTA)

In mid 2004, The United Nations Development Programme (UNDP) launched a national dialogue project to curb corruption with a group of Parliamentarians, Ministers, as well as Civil Society Organizations (CSOs). A workshop was held in the United Nations House in Beirut to discuss the various ways to fight corruption in Lebanon. A year after a joint project was developed by UNDP and the Lebanese Transparency Association (LTA) to implement several multistakeholders activities to engage the public and society at large in a national anti-corruption dialogue.

Many deliverables have been achieved so far; the first of which involved publishing and distributing a story for children. This story provides a child-friendly illustration of corruption and its effects, as well as stimulates a discussion on how individuals can fight corruption through slight changes in norms and behavior. Another activity was training on investigative journalism, which highlighted the role of journalists in unveiling truths. Additionally, in the framework of the project, dialogue sessions were held with the youth, CSOs, and the private sector aiming at finding ways to limit corruption.

The most recent activity was the publication of this book which examines the possible causes of corruption, and suggests solutions which can be used to outline and draft anti-corruption public policy, and action plan. In addition to LTA's extensive experience in this field, the book was the product of previously held workshops and the fruit of dialogues and exchange of experts from all sectors.

Dr. Randa Antoun authored this book after the revision and contribution of LTA's Board Members. The book aims at highlighting the various activities implemented and accomplished throughout the project. It also seeks to generate dialogue between representatives from the government, public sector, CSOs, private sector, academia, and the media in the National Conference "Towards a National Anti-Corruption Strategy" which is scheduled to be held on March 25, 2009. This book is only the beginning of a series of upcoming activities aimed at forging the necessary partnerships between relevant stakeholders in order to develop not only a national action plan, but also to establish a Steering Committee to oversee ongoing projects and activities. The Steering Committee will include representatives of all ant-corruption stakeholders.

The responsibility of fighting corruption is universal and indiscriminant; the UNDP will therefore continue to be a supporting partner of anti-corruption initiatives. It will hence help provide the necessary tools and know-how to the stakeholders in their attempt to fight corruption; a task which is not only a means to promote transparency and democracy but also an essential element for a sustainable human development.

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Disclaimer

"Towards a National Anti-Corruption Strategy" is authored by Dr. Randa Antoun, Professor at the American University of Beirut (AUB), at the Political Science and Public Administration Department. Dr. Antoun was commissioned by the United Nations Development Programme (UNDP) and the Lebanese Transparency Association (LTA) in the framework of their joint project "Towards a National Dialogue on Corruption in Lebanon". The views and ideas expressed herein are those of the author, and do not necessarily reflect those of LTA and UNDP. The responsibility of LTA and UNDP is not engaged in relation to the content of this publication

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Assessment of Efficacy and Impact of Standing Initiatives

Why is corruption so difficult to control?

Corruption is a universal problem. It afflicts the leading economies of the world just as it plagues weaker national markets; it festers in democratic states as well as authoritarian regimes. Contrary to what some may claim, corruption is not unique to developing countries: it is a global epidemic.

The Organization for Economic Cooperation and Development (OECD) has been developing a series of anti-corruption recommendations and follow-up mechanisms. The World Economic Forum encourages cooperative action between governments and businesses to fight corruption. Transparency International dedicates its mission to fighting corruption and promoting increased transparency. The World Bank and the International Monetary Fund – both cognizant of the risk of corruption – have been adopting a variety of tactics to condition loans on structural reforms with the goal of reducing corruption and promoting good governance.

BACKGROUND

Lebanon ranked 102 out of 180 countries on Transparency International's (TI) Corruption Perceptions Index (CPI) for Year 2008. The scale runs from 0 (high corruption) to 10 (no corruption). Lebanon scored 3.0. In 2007, Lebanon scored 3.0 and ranked 99 out of 180 countries.

These rankings reflect the perception that corruption is widespread in Lebanese society. Corruption has a destructive impact on the political system and more so on the Lebanese economy.

The overwhelming majority of Lebanese citizens believe that corruption is practiced widely, and many even admit that they themselves are agents of corruption. Citizens violate laws and regulations; they avoid tax payments; they bribe officials into accepting incomplete or illegal applications; and they regularly abuse public services for personal interest. Indeed, corruption is more of a culture than merely a practice.

Fighting corruption has become a priority. Since 1992, the government has been imple-

menting initiatives and launching programs to reform state administrations. A National Integrity Steering Committee was established as a semi-governmental body to stamp out corruption in Lebanon, and a state ministry for administrative reform was founded to coordinate the efforts. Still, the challenges to fighting corruption were significant: a lack of committed political will and the absence of a clear and comprehensive strategy presented the major obstacles to change.

Donor agencies resolved to push for improvements in transparency and accountability as requisites for allocating international funding to the country. They preferred to partner with local civil society organizations and, on occasion, government bodies. As a result, civil society incorporated topics such as transparency, accountability, and good governance into its agenda; a series of projects and a handful of programs were launched to combat corruption and to promote accountability and transparency. These days, organizations are being established with these key themes as their chief mission.

OBJECTIVE OF THE ASSESSMENT

Creating an assessment methodology is crucial to forming a viable evaluation tool that can measure the impact of anti-corruption initiatives.

In 2004, UNDP published a survey on anticorruption initiatives in Lebanon. The survey needs to be updated, and it ought to measure the impact of each initiative. By identifying the most successful approaches and the best practices, it would be possible to understand which among the anti-corruption initiatives need to be sustained.

To that end, we identified the most effective initiatives and interviewed the executing agents. The sample set included a total of 37 organizations, some of which were featured in the 2004 survey and others of which were more recently identified. Based on this research and these discussions, we concluded that the various initiatives are in fact sub-projects that fall under the umbrella of a handful of broader initiatives.

Before highlighting these broader initiatives, it must be noted that the concept and practice of anti-corruption have developed into a broader context where good governance and accountability are now the alternatives. The 2007 Global Accountability Report applies the Global Accountability Framework's four dimensions of accountability – transparency, participation, evaluation, and complaint and response – to examine the capabilities of transnational actors to be accountable.

The ultimate objective stems from various principles and standards that are indirectly associated with but not fundamentally pertinent to anti-corruption, such as democracy, human rights, and participation. As such, there is a confusion between the broader framework of good governance and the particularities of anti-corruption. Highlights from the interviews conducted are reported below:

Office of the Minister of State for Administrative Development (OMSAR)

In 1994, the Office of the Minister of State for Administrative Reform (OMSAR) was formed to coordinate efforts to rehabilitate the Lebanese administration and carry out long-term reform initiatives.

Drawing support from a wide range of international donors including the World Bank, the Arab Fund for Economic and Social Development, the European Union, and the United Nations Development Program, OMSAR has consistently been launching anti-corruption initiatives. These activities include the series of Citizen's Charter, Code of Conduct for Civil Servants, the various laws on Access to Information, Job Classification, structural reorganization of specific ministries, simplification of administrative procedures, the Ombudsman Law (whose implementation has been delayed due to political reasons), and the Anti-Corruption Expert project.

The Lebanese Transparency Association (LTA)

The Lebanese Transparency Association (LTA) is the local chapter of Transparency International. It is the first Lebanese Non Governmental Organization (NGO) that aims at curbing corruption in its various forms and promoting the principles of good governance in the different sectors of society and state. Its main objective is to establish the rule of law, thus advancing the concepts of transparency and accountability. Moreover, LTA aspires at strengthening the respect of basic Human Rights as declared in both the Lebanese Constitution and in International Charters. Since its formation in 1999, LTA has been active in launching initiatives and activities including organizing workshops, conferences, and lectures; publishing studies and suggesting laws; issuing publications; monitoring corruption; preparing reports; raising awareness; and launching campaigns.

LTA is currently working on several projects including:

Campaign Finance Monitoring

since August 2008, 79 volunteers across Lebanon have been trained to monitor electoral candidates' campaign finance in all electoral districts and to report on them. A final report will be published after the election takes place on June 07, 2009. An extensive advocacy campaign for reforms will follow.

Youth Civil Society and Leadership Program 325 youth leaders have been identified and trained on concepts of transparency, accountability, citizenship and project management. Funds have been granted to 30 leaders across Lebanon to initiate projects within their local communities. A Coalition of Youth against Corruption is currently being prepared

Lebanese Advocacy and Legal Advice Center LALAC provides legal advice and assistance to victims and witnesses of corruption. By using information gained from cases, the LALAC is then able to advocate for reform based on very concrete evidence.

Tomorrow's Lebanon

This project's aim is to reach a political mandate among young Lebanese on the reforms needed and the means to achieve them.

National Integrity System

A project advocating the implementation of the UNCAC in the Arab region through conducting gap analysis and proposing implementation methodologies.

Corporate Governance

It is a comprehensive project to set up the Lebanon Corporate Governance Task Force (LCGTF). The CG team works on the assessment of corporate governance within Lebanese and Arab companies. It trains employees and drafts guidebooks. LTA cooperates with the Arab Region Parliamentarians against Corruption (ARPAC)

Since 2004 LTA has been developing a strong collaboration with ARPAC, especially with its Lebanese branch (LEBPAC). This cooperation consists of the exchange of experiences between civil society and Parliamentarians. It has been based on mutual needs for promoting transparency among public sectors in Lebanon as well as in the Arab Region. Currently, ARPAC is working on the following three different programs: Transparency in Budget Revenues in the Arab Region Including Lebanon; **United Nations Convention Against Corruption** (UNCAC) in the Arab Region; and Code of Conduct for Parliamentarians. The value of this cooperation resides in the influence Parliamentarians have in passing legislation, which is considered as a vital need by civil society organizations to execute their reforms plan.

Some of LTA's publications include the following: TI source book (Confronting Corruption: The Elements of a National Integrity System), A Guide into the Proposed Draft Law (CCER), Ghayma fi Holm, the Lebanese Code of Corporate Governance, Corporate Governance in MENA Countries-Improving Transparency and Disdosure and CG Guidelines for Banks.

Information International (II)

Information International (II) was commissioned by the UNCICP to conduct a Corruption Survey in 1998. Later, USAID sponsored II's project to issue the Anti-Corruption Initiative Report with Kullna Massoul.

Reform Projects in the Ministry of Finance (MOF)

The Ministry of Finance (MOF) has an ongoing reform program that aims to streamline and increase the efficiency of the MOF's work. The reform program is divided into seven categories: 1) Tax Reforms, 2) Expenditure and Treasury Reforms, 3) Customs Reform, 4) Cadastre Reform Project, 5) Debt Management Reform, 6) Pension Reform, and lastly 7) Building a 21st Century Administration. The program is funded by the World Bank, the EU, and other international donor agencies. There are several other initiatives that the Ministry is pursuing in partnership with local NGOs.

The Lebanese Businessmen Association (RDCL)

RDCL established a working committee to focus exclusively on management systems and business ethics. The committee developed guidelines for two codes of ethics applicable to all member companies, which was later issued in a booklet and co-signed by members. On the one hand, there is a Corporate Code of Ethics and Conduct applicable to any manager or business owner. On the other hand, there is the basic Code of Ethics applicable in general to any professional within a company. These two Codes represent a generic platform useful for all, with a possibility of adaptation to specific contexts. Although the project lacks an enforcement mechanism, RDCL continues to ensure wide circulation of the booklet and consequently endorsement of the codes.

International Chamber of Commerce (ICC)

The International Chamber of Commerce (ICC) set up the Lebanon Commission on Anti-Corruption to present an anti-corruption law and to lobby the Lebanese government and parliament for its adoption. The Commission based its work on the UN Convention on Anti-Corruption.

Special Investigation Commission (SIC) at the Central Bank

In order to adhere to international standards against money laundering, the Central Bank established the Special Investigation Commission (SIC) in 2001. SIC operates according to 25 out of the 49 provisions of the international standards on the scope of money laundering issued by the Financial Action Task Force (FATF), International Monetary Fund (IMF), and the World Bank. SIC assesses the status of implementation and adherence to these standards in order to identify the areas not addressed by applicable laws and regulations. Depending on assessment results, it then lobbies for the expansion of provisions, including those related to anti-corruption. The international institutions, FATF, World Bank, and IMF were supposed to conduct an evaluation of SIC's work in 2007.

Transparency and Accountability Grants (TAG)

Funded by the United States Agency for International Development (USAID), AMIDEAST launched its Transparency and Accountability Grants (TAG) in 2001. The purpose of this grant-making project is to support civil society organizations to play an effective role in promoting transparency, accountability, and good governance. Until now, around 130 small grants were issued to execute projects in a variety of sectors, including the public sector, NGO, health, media, industry, education, and legal rights. The TAG project could be considered as the most comprehensive and wideranging anti-corruption initiative to tackle the broader subject of good governance.

EVALUATION

An objective evaluation of the standing initiatives should be conducted according to a clear methodology with a set of criteria that could be adopted and uniformly applied in the future. The team conducted an evaluation exercise of the current initiatives: they were surveyed according to a set of common questions that will be discussed in the following section.

It was important to know whether there were any **preparatory activities** prior to the launch of the initiatives. Such activities include but are not limited to initial consultations with and participation of key stakeholders, surveys, and feasibility studies.

The majority of these initiatives were preceded by certain preparatory activities. Taking TAG as an example, a team of experts conducted meetings and interviews with key stakeholders in governmental, private, and civil sectors on the subject of fighting corruption before launching the project. Afterwards, and in accordance with their findings, USAID issued a request for proposals, and AMIDEAST/Lebanon won the cooperative agreement. The subprojects derived from these initiatives were not necessarily preceded by any preparatory activities; they were launched in response to and as parts of these general initiatives.

Two additional criteria are the realistic tasks and objectives of these initiatives. The expectations were humble and not necessarily realized in the short-run. Several of these initiatives have been geared towards long-term achievements although short-terms results were taken into consideration. Indeed, these initiatives enjoy a considerable degree of flexibility and adaptability: they have been successful in responding to changes, risks, and challenges from both external and internal contexts. They are also successful in dealing with such hurdles during implementation, with expanding the adaptability, and with developing innovative solutions. After all, these initiatives reflect local needs and

requirements, and the structures of these initiatives allow for modification and adaptation even during the execution process. Still, despite the possibility of modification, the objectives and strategies of these initiatives did not change significantly: only plans and timeframes were delayed.

It is crucial to develop indicators of overall benefit. Be they comparative or scientific, these indicators will help determine the tangible impacts or major changes resulting from the program. We are especially concerned with indicators of institutional capacity building, policy change or support, and networks and partnership.

Even though tasks were planned with clarity, we encountered some unexpected results. In general, unanticipated positive events led to several consequences, suggesting that new or related activities had been pursued as a result of or subsequent to these initiatives. These unexpected outcomes also point to issues of sustainability and replication of programming, both of which we consider to be the main challenges facing anti-corruption initiatives in Lebanon though opportunities for replication remain more common. By the same token, the question of who owns the objectives and achievements of these initiatives also stands. Ownership is reflected in the *degree of commitment of stakeholders*, the responsiveness and involvement of the public (including the direct beneficiaries), government responsiveness, and media coverage and involvement. In general, the surveyed initiatives proved to generate better receptiveness and results in the participatory approach.

The *implementation mechanism* is also an object of our focus. It was noted through the survey that the workload was divided among stakeholders such that each partner assumed specific responsibilities in a balanced system. This is more evident in grant-making programs where the design and execution of the activity are under the jurisdiction of one partner and the funding and monitoring under another's. However, the problem lies not in the framework of each initiative or program but rather at the broader level: here, we are referring to the weak or lack of coordination between the various initiatives which might unjustifiably overlap or duplicate efforts and activities. More synergy is needed between these various programs.

The survey reveals that these initiatives are perceived as successful and necessary. However, they are not the only viable solution to the problem of corruption in Lebanon. There are always several approaches to achieving the same objective. For example, instilling a culture of anti-corruption is one, and finding a public figure or institution to lead efforts is another. These initiatives are but a few of the many other approaches to combat corruption. While some have actually been successful, there is still a lot more to be done by different parties without necessarily duplicating efforts and wasting resources.

PROPOSED ASSESSMENT

It is necessary to conduct a unified assessment of the standing initiatives. It should follow a series of criteria, and this assessment should be used to evaluate future initiatives:

Identification of real problems or needs at the program design level

Preparatory activities (surveys, feasibility studies, initial consultations with stakeholder)

Coordination and synergy with similar programs

Flexibility and adaptability to unexpected situations

Reality of expectation and objectives

Relationship building with the authorities

Degree of commitment of the stakeholders

Level of involvement of the public

Media involvement and support

Unexpected results and achievements

Replication of tactics with successful outcomes

Sustainability of the activity beyond anticipated close-out date

Ownership of objectives and achievements

Policy change

Building institutional capacity

Number of beneficiaries

Possible Causes of Corruption in Lebanon

There is no common definition of corruption. Scholars differentiate between three categories of corruption: the first limited to public office; the second related to market mobility; and the third affecting public interest.

In the first category, corruption is illustrated in the abuse of public authority for personal interest, either for personal benefit or for the benefits of others. As such, corruption ensues when an employee accepts an illegal reward, financial or otherwise, to process a job that falls within the position's jurisdiction or to obstruct and delay such a job.

The second form occurs in the market place, where buyers and sellers deal with services as commodities that render themselves for a specific price. Since the benefit is mutual, the market place expands, and more services are likely to be delivered outside the official and legal framework. Corruption becomes a means for investment, transforming the public sector into an integral part of the market. Public services become subject to fluctuation in supply and demand as public employees rely more on this market mobility to generate a higher income as compared to their fixed minimal salary. Here, corruption becomes an economic practice and is allotted a financial value.

As for the third category of corruption, when a public official seeks personal or group benefit, regardless of how small or considerable it is, he deliberately sacrifices or ignores public interest. Public interest should outweigh all personal decisions and practices in all circumstances.

"Corruption" is a buzzword for media representatives and government officials. In brief, corruption is the misuse of authority for personal or private benefit. It occurs when an incumbent of a public post or a person with authority exploits decisions or information for the advantage of his own tribe, group, or relatives. It reaches the extent of violating or manipulating applicable laws, and even ethical norms. The purpose is to achieve personal profit and to increase personal interest and gain at society's cost. Corruption is not limited to the persons directly involved in the practice. In most cases, it takes two to tango. Whether directly or indirectly practiced, corruption takes place at the lower level as much as at higher echelons inside the administration, within the private sector, and among the public. It involves parties from the different sectors.

The fields of corruption in Lebanon cannot be restricted. The most common forms corruption takes are but not limited to:

- 1. Transaction processes
- 2. Tenders
- 3. Acquisitions
- 4. Public properties
- 5. Public money
- 6. Privatization
- 7. Recruitment
- 8. Appointments

Likewise, the forms of corruption are numerous; many of these occur simultaneously, sequentially, or repeatedly:

Fraud

a deception made for personal gain (although it has a more specific legal meaning – the exact details vary between jurisdictions)

Cheating

employed to create an unfair advantage, usually in one's own interest and often at the expense of others

Theft

a wrongful taking of someone else's property without that person's freely-given consent

Bribery

a crime entailing a sum or gift that would alter the behavior of the other person in ways not consistent with the duties of that person. Bribery can be summed as the offering, giving, receiving, or soliciting of any item of value to influence the actions of end receivers, officials, or other persons in charge of a public or legal duty

Embezzlement

the fraudulent appropriation by a person to his own use of property or money entrusted to that person's care but owned by someone else

Abuse of authority and the misuse of power associated with the jurisdiction of the incumbent's position

Avoidance of tax payment reflected in the legal utilization of the tax regime to one's own advantage in order to reduce the amount of tax that is payable by law

Mishandling of public money

Wasta

an Arabic term best translated into English as clout, connections, influence, or "pull" – using one's connections and influence in places of power to get things done outside of the normal procedures

Excessive unregulated spending which is neither controlled nor monitored by any authority prior to the process

Deceitfulness

using various tricks to deceive someone, usually to extract money

Acceptance of gifts, monetary or in-kind, in return for illegal services

Manipulation and misinterpretation of regulations and laws in accordance with personal advantage

Illegal acquisition of public bids that bend the regulations and over-pass the legal procedures and processes. This can take the form of offering payments to obtain major contracts, concessions, and privatized firms. Imposing illegal commissions on public contracts

Manipulation of public information and/or leakage of sensitive information which could be manipulated for personal gain and benefit

Clientelism

the personal relationships that link patrons and clients together in a system in which jobs, favors, and protection are exchanged for labor, support, and loyalty

Favoritism

the discrimination or unfair treatment of a person or group on the basis of prejudice

Illegal imposition of fine and fees whether in return for specific services or for no reason

Buying political influence or votes, mainly during the election period, whether in-kind or even in return for cash

The most detrimental phenomenon is institutionalized corruption. The whole society with its formal or informal institutions is built on and rotates around the concept and practice of corruption which now underlies the political establishment, the public bureaucracy, as well as various social interactions. As such, neither the forms nor the causes of corruption hold any importance for definition or scrutiny because the practice has been established as the norm even though it should be socially unacceptable and illegal.

Analyzing the causes of corruption in Lebanon helps to gauge how institutionalized and widespread it has become. Such an analysis also provides the basis for finding opportunities and developing methods to combat this destructive phenomenon.

Psychological and personal norms might be considered as the primary causes of corruption. An individual's desires, such as greed, compel him to practice corruption. Given the scarcity of resources and increasing human demands, people opt for easier routes to maximizing their benefits while also minimizing costs and burdens. So, people turn to corruption: it has become a fashionable tactic. In addition to the personal and psychological factors, there are significant institutional and socio-structural causes of corruption in Lebanon.

Confessionalism is perceived as the main cause of corruption in Lebanon because it institutionalizes extraordinary political inequality.

Article 7 of the Lebanese Constitution states "all Lebanese are equal before the law; they equally enjoy civil and political rights, and equally are bound by public obligations and duties without any distinction." As per public office, Article 12 of the Constitution grants every citizen the right to hold public office without any preference being made except on the basis of merit and competence. However, the reality of the situation is anything but fair and equitable.

The Lebanese political and administrative system is based on confessionalism: political and institutional power is distributed proportionally among religious and ethnic communities. Not only does this system impose inequality among citizens, but it also results in the concentration of power and influence in the hands of the key authorities in the relative confessional groups.

Public positions are usually reserved for different confessional groups. Appointment decisions to these positions are usually the prerogative of the key confessional authorities although the final decision is made by the Council of Ministers. This Council is not actually "the kitchen" for preparing these appointments; rather, they are normally discussed between political leaders who select their favorite candidates. Although political appointments are common in democracies, the Lebanese appointments are more confessional in nature and manipulated for political benefits and interests. Here, the relationship is evidently a patronage. Upon their appointment, the appointees are expected to be loyal to their patrons. In exchange for their selection, they render services to their patrons and their constituents at the expense of others or in violation of applicable rules.

In a nutshell, confessionalism presents both the basis of inequality and also one of the causes of corruption.

The political situation remains to be fertile soil for the practice of widespread corruption.

In principle, the Lebanese people are the source of authority and sovereignty. They exercise these powers through constitutional institutions, which should hold a balance and separation of powers. But practice defies principle: the Lebanese democracy is a façade. The political system is dominated by confessionalism and characterized by a very delicate formula of power sharing between confessional groups, leaving little or no room for democratic succession in office or participation in the decision-making process. This kind of political system reinforces confessionalism and corruption.

In addition, a political party scheme does not actually exist to allow political competition, which is requisite for a viable democracy and for a functional system of checks and balances. Lebanese political parties are usually classified by personal or sectarian affiliation, based on personalism or clientelism. The political parties are vehicles for a political figure or a family instead of acting as players in the political system. So, there is no opposition; the only obvious political opposition was isolated or put to work outside the political system.

In such a context, a group of people dominates the country and rules its resources. The circle of decision-making is closed, and the public elections that have been taking place seldom allow new entries. If public elections took place in a free environment and according to fair electoral laws that encourage public participation, which has not been the case these past 18 years, then there might be hope for change. The Syrian military presence across the country has resulted in a pervasive and unchecked influence throughout all political institutions, the judicial body, the public administration, and the government's main sources of revenues. This influence has been evident in elections, in political and administrative appointments, and in decision-making processes which did not leave much space for political leaders to maneuver, and resulted in the weakening of state institutions.

In the absence of democracy and participation, political accountability is deficient, and corruption prospers.

The rule of law in Lebanon is at risk, which enables continued violations of the law and sustained political corruption.

There is a general disregard for the law not just by citizens but also by the state itself. The absence of a political will is evident in the weak legislative base (ambiguous laws, imperfect taxation, and administrative codes) and in the poor implementation of the laws – administrative and criminal codes are not in operation when tackling corruption, and activities of public officials are neither strictly regulated nor transparent.

While some laws are put on the shelves, others are being violated and interpreted by the executing bodies in accordance to political and personal interests. There is a restricted application of the law. Laws are issued and applied to favor those in power over the opposition, and regulations are applied haphazardly for political or confessional reasons.

It is safe to assume that Lebanon has witnessed regulatory failures. Besides the control agencies, the authorities responsible for overseeing the work of the different sectors fall short of their mission. Politics, confessionalism, favoritism, and nepotism restrict the performance of these authorities.

Most importantly, the judiciary is weak and marginalized. Judicial independence is neither secured nor respected. The appointments in the judiciary are at the discretion of the executive branch and often come as a reward or punishment scheme for judges who serve the interests of influential politicians and their allies. With no immunity and bound by confessional restrictions, judges remain at the mercy of politicians and are more likely to overlook corrupt practices: they rarely rule independently and with a straightforward conscience.

There is a complete absence of a culture and mechanism of accountability and responsibility. Lebanon lacks a culture of accountability that should allow citizens to hold anyone who assumes a public office accountable for his/ her actions and decisions. There is no clear mechanism for monitoring corrupt practices, and the existing system of checks and balances between the Legislative and the Executive has proved to be a failure. Since the majority of cabinet incumbents are members of the Parliament with a full right to vote, the notion of monitoring their performance is at stake due to the conflict of interest.

In addition, in democratic systems, the parliament is usually divided among loyalists and opposition while the government is formed of the majority that has won the general elections. In Lebanon, that cannot be described as the norm of governance as there is not a clear distinction between loyalists and opposition. Sometimes, the government is formed of both parties, and at other times the majority cannot rule nor can the opposition freely monitor the work of the government and hold it accountable.

Inside the executive branch, three control agencies are designated by law to monitor the administrative and the financial performance of the government. These are the Civil Service Board, Central Inspection Commission, and Bureau of Accounts. While the theoretical concepts behind the establishment and jurisdiction of control agencies are subject to debate in the modern public administration, these established agencies have been unable to fulfill their responsibilities. Their structural design, rules, and procedures as well as their inadequate human and material resources are among the main reasons behind the current situation. Although these agencies supposedly enjoy administrative immunity, political interferences continue to cripple their performance. The Civil Service Board is unable to make free and suitable personnel decisions without political interference. It lacks sufficient human resources to inspect the wide range of administrative decisions and activities under its iurisdictions. Even after inspection, the reports issued would still lack the clarity and decisiveness, which sheds some doubt on implementation. The Bureau of Accounts, entrusted with financial regulation, is still struggling between outdated and valid control mechanisms and is trying to pin down which government agencies should fall under its jurisdictions.

The legal framework is generally weak.

The legal framework in Lebanon could be characterized by the following: ambiguity of existing laws, abundance of unnecessary regulations, and deficiency of necessary legislations.

The absence of relevant laws and regulations combined with limited access to information lead to an unmonitored practice of corruption. Besides the fact that Lebanon lacks specific legislation against corruption, there is a deficiency in transparency at all levels. As access to public information is limited and not explicitly protected in legislation, the chances to misuse and manipulate information of interest to the public are likely to increase. The person who holds or acquires such information is at a better advantage and has the opportunity to use this information for his or her personal benefit. Such information could be sold to interested people for a fee or in return of other services.

The abundance of unnecessary regulations that govern a specific issue does not serve the purpose of regulating a sector and organizing public affairs. Some of these regulations might be contradictory and overlapping, and they create a practical and technical hindrance to progress. This in turn encourages parties to find leeway around regulations in order to proceed with their work. The leakage of information to some and the denial of the same information to others is a major form of favoritism. It empowers certain people at the expense of others, especially in the case of public bidding and concessions. Similarly, multiple sources with conflicting and contradictory information further complicate the situation and cause additional confusion and inequality among the public.

The efficacy of the state is weak; the state apparatus is unable to function efficiently.

When the public service system is outdated, the administration is aged, and the bureaucratic procedures are cumbersome, corruption becomes the optimum tactic to facilitate the administrative process.

The Lebanese administration was influenced by the French bureaucratic system during the French mandate in the 1920s. The foundations of public civil service were set by President Fouad Chehab's regime in the 1950s. Since then, there has not been any serious attempt to modernize the system apart from establishing new line ministries. Therefore, the administration has become unable to meet modern challenges and growing demands.

The years of civil war and conflict in Lebanon further complicated the situation. The administration became dispersed, ineffective, and paralyzed. Parallel apparatuses found fertile soil for their establishment and operation, and political parties and civil society organizations provided the public services that the central government could not. While the services of civil society organizations were voluntary, many of the political parties imposed fines and fees on the constituents. The aftermath of the war promised a more effective central government, but the practice and habit continued: people remained associated with these authorities that shifted from providing services outside the government mechanism to putting pressure on the government or directing their supporters inside the administration to favor their constituents.

Many applicable laws are outdated, and other laws required for regulating modern society have not actually been implemented. Thus, certain measures were adopted on a customized basis, but in the absence of solid text a certain degree of leverage is left in the hand of the executing bodies. This level of discretion heightens the risk of manipulation and abuse.

With an outdated and aged administration that lacks the modern technical infrastructure to facilitate citizens' transactions, the routine and red tape have become the main characteristics of this inept bureaucracy. A single simple transaction might require more than 15 signatures and several weeks of processing. Bribes become a means to reduce costs and to cut down on expenditures in time and energy. The adversity is when such a practice becomes the norm – widely practiced and accepted within the administration and by the citizens – rather than an exception that should be discontinued and condemned.

Some claim that a weak state apparatus has been the intention from the beginning; it is not a result of an accumulation of other factors. The state apparatus was designed in such a way to be controlled and manipulated by political elites and leaders of confessional groups. The Lebanese administration has not been equipped with the necessary capabilities, resources, and infrastructure to function efficiently, effectively, and independently from external influence and political interferences.

The public spirit, which could have stood as a barrier against corruption, is weak.

A large percentage of Lebanese citizens do not hold a positive attitude towards the state and its institutions. The public attitude towards the administration remains skeptical and unconvinced, as pockets of the population perceive the administration to be a cave for corruption that absorbs public money via taxation without providing quality services in return. So, the public tends to lack respect for government authority as it violates laws to bypass regulations in order to avoid cumbersome restrictions. Lebanese citizens have in large part not recognized the aversive consequences of corruption. Without a proper view of corruption as a systemic problem, a general lack of social awareness has given way to a definition of corruption that considers petty concerns of personal injustice. Citizens tend to accept grand corruption practices on the governmental and institutional level as part of the normal process, sometimes even highlighting these practices as means towards achieving a better status in the society regardless of their moral dearth.

Civil society and media are unable to assume their role in monitoring decisionmaking and implementation

In a country where freedom of expression is controlled and the role of the media and civil society is constrained, it is expected that corruption can flourish. Besides the fact that some media outlets are diametrically manipulated, owned, or subsidized by influential politicians or business people, the constraints inflicted on the freedom and liberty in expression do not allow these organizations to fight and expose corruption, within the society or the administration.

Furthermore, civil society in Lebanon has yet to develop the skills necessary to fulfill its anticipated role in fighting corruption. The sector still suffers serious problems in its structural and functional bases. Civil society is not immune to corruption; with a large portfolio of funded projects, corrupt practices have been reported. The sector needs to launch its internal anti-corruption efforts before extending the scope to a larger scale. In addition, less than a handful of NGOs are actually specialized in fighting corruption. Mission statements of almost all active organizations do not refer to promoting good governance, much less to fighting corruption. The other problem is the lack of trust and the widespread of competition between NGOs which impedes cooperation and hinders the potential for successful approaches to fight corruption.

The deterioration of the economy paves the way for the practice of corruption.

The economic interpretation of corruption links the practice of corruption to the individual's survival and economic needs. Lebanon suffers a debt of around \$47 billion USD at the end of 2008; around 5% of the population lives below the national poverty line; and 25% suffer low living conditions. In such circumstances, practices that disregard standards and violate laws and regulations flourish.

On the one hand, citizens who bear serious economic problems and are short on financial resources prioritize their interests and perceptions. If they have the chance to cut down on secondary costs, they will not hesitate to do so, even if that entails bending regulations or violating laws. Securing life's essentials comes first.

On the other, bureaucrats who are living on a limited income that can barely secure an average living standard will not refuse an additional source of income. Bribes in the public administration not only facilitate transactions but also support the livelihood of public servants. They are further developed into incentive payments such that these bureaucrats will not process transactions except upon payment.

It is obvious that the causes of corruption in Lebanon are manifold. Corruption today is the manifestation of a history of clientelism; a devastating civil war and various conflicts; an economy burdened by debt service payments; a fuzzy democratic political system; and above all an entrenched confessionalism that overlaps with other causes and presents serious obstacles.

Possible Remedies for Corruption in Lebanon

Understanding and agreeing on the causes of corruption in Lebanon are prerequisites for developing possible remedies. The aforementioned causes of corruption range from social, organizational, political, structural to economic. As reported in **Possible Causes of Corruption in Lebanon**, these causes are as follows:

Confessionalism is perceived as the main cause of corruption in Lebanon because it institutionalizes extraordinary political inequality.

The political situation remains to be fertile soil for the practice of widespread corruption.

Repetitive violation of laws that put the rule of law at risk

A weak legal framework characterized by ambiguity or deficiency of necessary laws and regulations

The potential remedies for corruption in Lebanon should address these causes and their derivatives to define policy options and action plans for anti-corruption measures. These remedies must be in line with the nature of the causes of corruption.

It goes without saying that abolishing corruption is both urgent and necessary. Citizens need to be judged based on personal qualifications rather than on religious beliefs. Everyone should be entitled to public posts based on merit rather than on membership to a political or confessional clan; all citizens should be equal before the law regardless of political or religious affiliations.

Article 95 of the Constitution used to outline a confessional equation in the division of political power and public positions. The 1990 amendment to this article called for the abolition of political confessionalism and annulled the principle of confessional representation in public service jobs, in the judiciary, in the military and security institutions, and in public and mixed agencies to be replaced by the An inept state apparatus that can not efficiently fulfill its defined functions

An underdeveloped economic situation in some sectors, especially agriculture and relatively high poverty levels

The complete absence of a culture and mechanism of accountability and responsibility

The inability of the civil society and the media to assume an active role in monitoring the decision-making processes and their application

An irresolute public spirit

principle of expertise and competence. It is imperative to act immediately on this provision and to take it a step further to invalidate the exemption of Grade One posts and their equivalents from that rule (they are now being distributed equally between Christians and Muslims) towards an open and strictly merit-based criteria.

The absence of democracy and the unjust political environment pave the way for corrupt practices. Reinstating democratic practices and ensuring citizens' participation and engagement in the public domain curtail corruption. Succession of political power means that the incumbent doesn't own the post and serves the best interest of the public who are entitled to vote him/her out of office. A fair and transparent electoral law is one of the most urgent measures to combat corruption, specifically in its political form, and to ensure political integrity, especially with regards to political finances. A new electoral system is a high priority. It is a first step to fighting corruption. Such a system would enable a fair and just succession of power with new civil servants. It will restore political accountability; citizens ought to be able to exercise their right to hold elected representatives accountable for their promises, actions, and decisions.

In the wake of the 'Doha Agreement' of May 2008, electoral reform has emerged as a top priority for the new Lebanese government. The basis of this reform has been the 'Boutros Draft Law', which is a sweeping package of legislation proposed in 2005 by a government-appointed National Commission on Electoral Reform.

In October 2008, a new electoral law was passed by the parliament. Although the parliament failed to adopt The Boutros Draft Law in its entirety, the new electoral law has introduced a few long-awaited reforms which legitimize the presence of national electoral monitors and set a ceiling on campaign expenditures among other reforms.

The current political system suffers from deficiencies that inhibit not only the application of internal checks and balances, which could limit corruption and promote accountability, but also impede basic practices of democracy and equal participation. Reforming the political system remains to be the ultimate goal, but it should also be recognized as the ultimatum. Within the constraints of the current system, a revised and established system of separation of power between the various government branches would improve checks and balances. To avoid political stagnation, the executive should implement government policy apart from the legislative body, which should assume its full power in overseeing the implementation of the executive authorities. Basic initiatives, such as the separation between Parliament membership and a ministerial portfolio, do not shake or jeopardize the current political system, but they can still be considered as steps towards controlling corruption.

A strict rule of law is a precondition for combating corruption. Although the modern trend is towards a limited role of the state for the benefit of the private sector and the civil society, in the case of rule of law, the government authorities should be empowered and are not expected to withdraw their obligations in this field. The rule of law should be reinforced, imposed, and respected by the citizens and the implementing authorities as well. The different parties should yield to governing laws and regulations because rule of law protects everyone's rights and interests, and it strikes a balance between conflicting claims and minimizing disputes.

Reforming the judiciary is a step in the plan to reinstate the rule of law and to combat corruption. The judiciary is manipulated by politicians, not only in terms of appointments but also in regard to judgments. The independence of the judiciary should be sacrosanct. There are a series of recommendations by the judiciary and several proposed laws towards this end that should be implemented. The judiciary should be implemented. The judiciary should be implemented influences, holding high ethical standards and equipped with adequate resources – financial or material – to be able to assume its impartial role and settle disputes and litigations based on the spirit of justice and equality.

Special attention should be vested in control agencies which are designated to supervise the performance of public servants and ensure compliance with administrative and personnel laws and regulations. The first step is to contemplate the need for these agencies. Modern public administration has not convinced politicians and practitioners of the prospect and practicality of managing the bureaucracy with minimum interference from a control agency; this minimum interference could arguably be perceived as an unnecessary echelon in a hierarchy that should be dismantled. The most pressing decision – even for a transitional period - would then revolve around the substantial revision of the organization, mandate, and jurisdiction of these agencies away from an outdated bureaucratic structure based on

confessional balances. Confessional considerations led to inefficient duplication of work and an overlap of authorities. The immunity of these agencies to political interferences should be ensured. Moreover, security in office is not the only measure and does not necessarily reflect such immunity. Further, if these agencies are to function efficiently and effectively, they need to have adequate human and material resources to exercise their control over all public agencies – holding public employees accountable to them rather than to politicians. They should also be empowered with the right to make and impose decisions within a clear framework, detailing the form of political punishment, without political interferences and obstacles. The activities and decisions of these agencies should be transparent, accountable, and public in themselves. This leads to the importance of establishing an independent ombudsman. The ombudsman should be immune to and independent from both the executive and the legislature. It should serve the citizens and act on their claims and interests.

A national strategy to combat corruption should be formulated with a more participatory approach, bringing together the different stakeholders. This strategy should not only be governmental but should also involve the private sector and civil society. The media needs to play a major role towards this end. The strategy should be comprehensive yet applicable. It should be supported by the different stakeholders. Political endorsement is a must but it is not the only requisite.

Within this framework, Lebanon should recognize international conventions and agreements on corruption. It should proceed to enact new legislation and to revise or activate existing laws and regulations in line with these conventions. Even without joining these conventions, the government should be active in making public accounts, records, procedures, reports, contracts, and regulations more transparent and open to the general public. The government should realize that it is in its best interest to adopt such measures. A set of relevant laws is urgently required; that would include an accountability act and a law on free access to public information. It is important that these laws be accompanied with transparent and applicable implementation mechanisms to avoid an old habit of putting laws on hold.

Public agencies, including the different presidencies and ministries, should get into the habit of issuing and publishing public reports of their work and performance. These reports should be tailored to the interest and comprehension of the public. The public should be given the opportunity as well as the data to observe the government performance and hold it accountable since it should be serving its citizens. The same principle of transparency should be applicable to the public budget. The budget, in terms of process, figures, explanation, and objectives, should be open to public scrutiny as well as input. The participation of the civil society and the involvement of the public at large in the preparation, discussion, approval, and execution of the public budget not only ensure a transparent and accountable process but also generate public support for the government's financial and economic policies.

The modern administration should be structured, effective, and efficient. The whole rationale of the Lebanese administration should shift towards serving the citizens and being responsive to their interests and needs. In view of that, it is urgent to reduce the size of the public sector by cutting back on positions many of which are outdated and no longer satisfy the requirements of modern administration and the challenges of new technologies. The general organization and structure of the Lebanese administration should be thoroughly revised in order to avoid the overlapping and duplication of authorities and jurisdictions between different ministries and agencies. While reconsidering the jurisdiction and even the existence of certain ministries is important, the government needs to assess the need for a series of public bodies and agencies that usually duplicate, if not take over, the work of the line ministries.

Simplification and clarification of administrative procedures is vital. It facilitates the interaction between the citizen and the administration and allows the latter to cut down on lengthy procedures and cumbersome red tape. Moreover, launching E-government and introducing automation at a large scale will expedite citizens' transactions, enhance administrative efficiencies, and reduce the opportunity for corruption. An automated system is easier to audit, and the performance of the employees will be closely monitored.

In parallel, personnel policies should be reconsidered. The administrative laws that have been applicable since 1959 do not meet the modern criteria of human resources management that entail specialization, training, career development, performance appraisal, employee tutoring and counseling, and teamwork alongside with job enrichment and specification, position classification, internal communication, and motivation. Themes such as unionization, collective bargaining, equal opportunities, and work environment should be introduced into the agenda. Modern practices in human resources management in the public sector provide Lebanon with a wide variety of cases and best practices to benefit from, adopt, and adapt to the Lebanese environment and culture. The decision to modernize the personnel system should be based on economic and scientific bases.

The government must reconsider the scales of pubic employee wages. With increasing demands and higher costs of living in Lebanon, the current public (as well as private) wages fall short. Instead of seeking additional but illegal sources of income through bribes and corruption, increasing the minimum wage level and providing better incentives and compensations might restrain public employees from engaging in corrupt practices. The wages in the public sector should be comparable, if not higher, to those on the labor market, namely in the private sector.

The economic approach as a solution for corruption in Lebanon should be delicately considered. Privatization and deregulation could be elements for any effective strategy in fighting corruption. However, additional benefits could generate prompt revenues for the national treasury as well as better services for the public. As the government liberates certain public utilities by reducing its intervention or transferring its management to the private sector, abuse of power by politicians who control the administration will be reduced, so will the misuse of authority by public employees. It is less likely for citizens to bribe private sector companies for services that they are paying for as it is more likely for private companies to accept bribes for services that they are entitled to 'sell' and not just deliver as in the public sector. After all, the market is characterized by competition and customer satisfaction that act as tools to generate additional profit. Nonetheless, needless to say that the whole process of privatization and deregulation should be very transparent and competitive, or else it would end up being another loop of corruption.

The private sector should be a full partner in the fight against corruption. Involving this vital sector has a double-effect: generating additional support for the remedies of corruption and tackling any problems within the sector itself. The private sector is interested in assisting the government in its reform efforts. If reformed, the misuse of authority and misinterpretation of regulations that incur additional illicit costs on private businesses would decrease, if not cease. Free competition, the cornerstone of the private sector, would no longer be at the mercy of those in power.

On the other hand, it is as important for the private sector to adopt transparency and accountability as a governing theme in its work. There is a set of standards and codes of practice that the sector should adopt in order to preclude corrupt practices and manipulation of customers. It is also the responsibility of the government to introduce new laws or upgrade existing ones in order to meet the emerging developments in this particular sector, especially in the fields of technology and communication. In its capacity as a representative and defender of the public interest, civil society in Lebanon is uniquely positioned to fight corruption. Civil society organizations monitor public affairs by acting as watchdogs and whistle blowers. Civil society has been working on this front for quite some time. Its efforts should be further expanded to establish coalitions and to partner with government institutions by joining forces in the attempt to fight corruption. It has been more common for the youth to join political parties and be identified with confessional groups than being attracted by NGOs and volunteering in their work. It is quite important that civil society reconsiders approaches and strategies to reach this target group and draw it to its side.

Moreover, civil society should be aware of the indications of corruption. The sector can tackle the problem by defining a general framework for a code of practice and by setting transparency, accountability, and credibility as governing themes in its agenda.

The role of the media in the fight against corruption is limited under the present political system due to the limited access to information and a weak rule of law. The media should be able to exercise its accountability role and to investigate and expose corruption at all levels and in all fields. The media itself should adopt transparency and accountability in its work and performance by instituting professional ethics and codes of good practice in order to become immune to external interferences and manipulation, whether by politicians or capitalists.

In a culture of individualism and personal benefit where public spirit is at a minimum, we must raise public awareness on corruption: we must revive the individual's conscience. That should be incorporated in civic education in schools and in the curriculum at universities. Educating and training students on their rights and implanting a sense of belonging to a nation rather than confessional groups would help in transforming them into better citizens. Universities play a vital role in integration of students into a civic community. The public should be informed they have unalienable rights as citizens. These rights are not subject to compromise or interpretation. These rights include public services (to which citizens are entitled and for which they are paying), political freedom, representation, and participation, and other freedoms and liberties. These rights are not up for bargain in any market place. Citizens should be educated on complying with and abiding by public duties and responsibilities. The respect for the law and the condemnation of illegal actions, including paying bribes, are individual obligations that should be developed in the education system and practiced by the general public.

To recap, propositions of remedies of corruption should account for the following:

Corruption is not the result of a single act. It is also not the responsibility of one individual or group. Therefore, combating corruption is not restricted to a particular action and won't be possible without joint efforts.

Goals should remain realistic. The question and the challenge are how to minimize the impact of corruption in Lebanon by eliminating its causes.

Policy-related remedies should be on three terms: short, medium, and long. The three should be interrelated.

Moving towards a corruption-free country should start with the people and the way they feel and think.

The requisite for fighting corruption is an unequivocal, strong, and unconditional political will. For any success in the fight against corruption, a commitment from the different political groups should be indivisible. A decision by the government should be assertive, bringing on board the private sector, civil society, public civil servants, as well as citizens.

The shortcut to the realization of these policy options is the perpetual solid political decision to combat corruption. The prerequisites for such a decision are a strong will, unanimous support, and a comprehensive perspective. When these prerequisites are fulfilled and the decision is made, the policy options would come as a manifestation of such a decision and subsequently implemented more efficiently and effectively.

The policy options worthy of consideration for strengthening anti-corruption initiatives should be formulated into a practical and tangible action plan, where each sector is considered individually with the policy proposals ranked according to priorities. These policy recommendations in turn are channeled into different tracks.

POLICY OPTION 1 *Revitalize the Administration*

Whether labeled as reform or development, the most tangible policy option is to revive the Lebanese administration and immunize it against corruption.

The major obstruction to building a modern state is the incapable and corrupt public administration. In addition to the failure to modernize due to the years of civil war, the Lebanese administration became highly politicized as it was manipulated by political leaders. Many positions were assigned to militia members; others were filled according to political and confessional nepotism rather than merit and capabilities. The administration became inflated with more than 180,000 employees, many of whom are not needed.

While other countries were witnessing rapid advancement in modern technology and communications, simplification of administrative procedures and elimination of redundant controls and formalities, and streamlining of public services through privatization, the war was wrecking the infrastructure of the administration.

There is a set of interrelated action plans that should be adopted and pursued, several of which are underway or have been launched:

Downsizing

the administrative cadre is too big for a country like Lebanon. Creating a stable, efficient, and professional civil service would ensure the efficient delivery of the same services with fewer departments and fewer staff. *The existence and future role of control agencies should be scrutinized.*

Restructuring

the administrative structure is complicated. Departments with the same jurisdictions could be found in different ministries, and the authorities of others overlap and sometimes conflict with each other. Units should be annexed to different departments or ministries, and jurisdictions should be clearly defined.

A new positions scheme

along with downsizing and restructuring, many positions should be cut off. If for no other reason, the advancement in science of technology has automatically ruled out hundreds of the positions listed in the Lebanese administration while others should be introduced into the cadre. There is a need for a comprehensive and scientific job evaluation, analysis, and description that leads to the abolishment of the unnecessary positions and the introduction of a new job classification, position cadres, and grades to replace the current outdated one.

A new human resources perspective

with a new grading system and positions scheme in place, human resources development should dominate the administration. The latter entails an extensively revised personnel policies and procedures through introducing merit standards and criteria in recruitment and promotion as well as others. This would reduce the role and interference of politicians in the process and halt the employees' loyalty to those who appointed them.

Rewards and punishment system

the civil servants should be accountable to the control agencies and not to the politicians. In addition, the civil servants should be aware that they work for the government and serve the public and that they do not report or fall under the authority of the minister or director general but rather under the jurisdictions of the administrative laws and regulations. New systems and procedures to supervise the work of the employees and hold them accountable should be put in place: establishing HR units or offices in each public agency might be worth considering; rewards should be based on merit and achievements while punishments should be fair and public. Lifting the immunity of civil servants should also be considered.

Salaries

the low wages in the public sector as compared to the private sector create a need for additional income, consequently promoting corruption among public servants. In addition, since the early 1990s, a parallel cadre of staff was established consisting of contractuals and consultants who were hired on contract-basis as part of international and foreign funding and are paid higher than the civil servants. This duality and divergence further complicates the problem of salaries in the public sector. The salary scale should be thoroughly reconsidered and linked to each position.

Simplification of procedures

when one transaction might take one month and 15 signatures to process, people turn to corruption. There is a need to cut down the red tape, reduce the unnecessary administrative requirements, and simplify procedures. The one-stop-shop for procedures in each public agency is a viable solution. Also, restricting the interaction between the civil servants and the public should be considered.

Education

the civil servants should be aware of the drawbacks and repercussions of corruption at both the institutional and personal levels. Citizens should be informed of their rights vis-à-vis the public sector which should be predominantly responsive to its citizens.

E-Government

advancement in information technology and communication should be adopted to expedite the process of administrative transactions in order to overcome bureaucratic inefficiencies and routine and to reduce the unnecessary interaction with citizens who might be coerced or inclined to pay bribes in an attempt to speed up their transactions. The e-government helps restrict or end the interference of politicians and the role of middlemen in the administration.

Ombudsman

an effective and impartial ombudsman office should be established to monitor the relationship between the citizens and the administration. This office should be empowered with sufficient authorities and immunity to assume its role. In relation, an effective complaint system should be installed in each public agency but should not be misused for political or personal reasons.

Public Reporting

in order to enhance public sector accountability and transparency, all public agencies should be required to submit regular progress reports on their work. Although the administrative laws require bi-annual reports, these reports are reluctantly issued, or they are not made public. OMSAR launched a performance reporting initiative which is focused on the public as the audience in reporting results, deliverables, and obstacles according to a specific format.

Access to public information

what is for the public should be public. The citizens have the absolute right to ask for and easily acquire any information that is perceived public and does not strictly jeopardize the national security in its limited definition. Public access to information should not be contended or limited.

Public tenders and procurement

strict laws and regulations should be in place to ensure greater transparency and prevent the manipulation of procedures and abuse of inside information. The Bidding Department should reassume its responsibilities in a centralized but more efficient way.

POLICY OPTION 2

Budgetary Process & transparency

The national budget process is a central public policy in Lebanon, whether from the perspective of the government or for the public. The budgetary process should be more transparent through the involvement of all the stakeholders in the planning, review and implementation of corrective measures within the public finances. In addition, the current structure of the Lebanese Public Budget limits citizens from accessing essential information on revenue allocation and expenditure spending. As a result, it is more practical for Lebanon to shift from using traditional budget mechanisms to performance-based budget. Greater transparency could be achieved by adopting the following recommendations:

1-The budget should encompass budgets of all public institutions and administrations that are missing. For example, in Lebanon, approximately 81 public institutions are not included in the public budget with no indication of where and how this money is spent.

2-There is a need for details on Ministries' public administration composition to monitor their performance once included in the budget.

POLICY OPTION 3

Decentralization

Lebanon has tried to adopt a decentralized administrative system in theory, as in the Taif Agreement; however, the system has turned out in practice to be de-concentrated, at best, and more centralized in different features. The central government is responsible for making decisions, applying them and supervising their implementation. The only manifestation of decentralization in Lebanon is its municipalities. However, a set of scattered laws and regulations further govern the work of municipalities and, if added to the various forms of central government control and supervision practices, would qualify more as centralization than decentralization.

Accordingly, more authorities should be relayed from the central administration to its offices

in the regions. The municipalities should be equipped with sufficient human and financial resources to fully assume the role of local governments. To this end, the following measures should be adopted among others: 1) introduce necessary amendments to existing laws; 2) reinstate a ministry of municipal affairs as a supervisory body and not a control authority; 3) vitalize the work of the Independent Municipal Fund and channel funds from the central government to the municipalities in a transparent way; 4) apply post-audit on the work of municipalities; 5) establish a municipal cadre of qualified staff and found a training center.

POLICY OPTION 4

Control Agencies

Control Agencies should be immune and empowered to supervise the performance of public servants and to ensure abidance by laws and regulations in the following ways:

Revise the organization, mandate, and jurisdiction to reflect the needs of a modern administration

Resolve the duplication of work and overlapping of jurisdictions among the control agencies, between them, and among other public agencies. This is basically the case between the Ministry of Finance and the Bureau of Accounts, the Civil Service Board, and OMSAR

Amend the auditing system implemented by the Bureau of Accounts to allow a more efficient and effective control

Empower the control agencies to investigate all violations within the administration at any level of existence including the ministerial one. The empowered control agencies can then annul the legal provision that requires the approval of the supervisor to investigate and prosecute the subordinates

Ensure both the financial independence of Control Agencies, especially the Bureau of Accounts, and the appointment of staff from the executive power.

POLICY OPTION 5

Judicial Independence

An independent judiciary is a prerequisite to combat corruption. Judicial reform should be accompanied by the enforcement of a clear separation of power that allows the judicial branch to revitalize its integrity and practice its role in promoting the State of Law. Since the judicial system is the protector of liberties and rights, it should be supported, and its independence should be defended. For this purpose:

Bestow the Higher Judicial Council with the complete authority to appoint and dismiss judges away from political influence. These appointments should be issued before the beginning of the judicial year, based on qualifications, productivity and suitability regardless of the confessional and political considerations.

Empower the Judicial Inspection and enforce its work and decisions; introduce judicial ethics to enhance integrity within the branch.

Establish a corruption-specialized court.

Make the consultations and decisions of the judicial bodies including the Council of State obligatory.

Recognize the financial independence of the judicial body. The judicial cadre should be different from the administrative cadre with a separate administration and budget. The Higher Judicial Council should be responsible for setting salaries and compensations.

Enhance the capacity and develop the administration of justice through computerization of all courts and general prosecutors' office; establish a legal information archive which will allow the judge to access and review all legislations, Lebanese and foreign interpretations and legal documents, and rehabilitate the infrastructure and facilities.

Justice needs transparency in order to increase trust in the system and to secure social legitimacy for judicial decisions. A specialized judicial media will help convince the public that referring to the judicial system is a duty and a right. This will reduce "wasta" and interferences, secure respect for all decisions, increase trust, and strengthen the positions and demands of the judicial body.

POLICY OPTION 6

Anti-corruption Mechanism

Although a national committee was established to ensure integrity and another committee is working to coordinate efforts between OMSAR and the control agencies, there is a need to establish an ad-hoc committee to combat corruption. Such a committee should be empowered with sufficient resources and authorities to formulate a national anti-corruption strategy and ensure its implementation at all levels. The government should be underrepresented in this committee allowing a more active role for professionals, experts, civil servants, and representatives from the private sector and civil society.

POLICY OPTION 7

Policy Reform

There is a pressing need to introduce new laws or amend existing ones in order to expedite the efforts to fight corruption; Lebanon should sign and adhere to all international laws and conventions related to anti-corruption and revise its national laws to be in line with these conventions. Specifically, Lebanon should seize the opportunity from the fact that the Lebanese Government has ratified the United Nations Convention against Corruption (UNCAC) in October 2008. The UNCAC is the first international convention that aims at fight corruption at all levels through providing: 1) detailed explanation of the global framework for recovering assets acquired through corruption; and 2) building a strategy for more cooperation on technical assistance to promote integrity and proper management at the international level. Among the other laws that should be implemented, there are the Electronic Signatures Law which is related to E-government, new laws on financial crimes, laws and regulations on access to and freedom of information, a

comprehensive law on corruption, and an amended law for Illicit Wealth. The implementation of these laws should be further accompanied by efficient and transparent implementation mechanisms.

POLICY OPTION 8 Media Reform

The role of the media in fighting corruption is indisputable. For the success of any anticorruption campaign, the media is an integral component. Nevertheless, the media sector in Lebanon needs to take measures that would reduce the heavy concentration and influence of political and moneyed groups. Another pressing issue is the membership in the related professional associations and the role of these associations in monitoring the sector's transparency and accountability.

POLICY OPTION 9

Civil Society's Legitimacy

During Lebanon's period of conflict and civil strife (1975-1990), civil society organizations operated free of interference from the weak central government and developed a high degree of political autonomy. In many areas, civil society organizations provided services the government could or would not offer. As such, CSOs were able to establish some form of provisional legitimacy.

As a result, even after the end of conflict, and despite the restoration of law and order, civil society has continued to evolve into one of the most powerful entities influencing the consolidation of Lebanese democracy. The interests of the CSOs remain so intertwined with the different constituents' interests they represent that realistic pan-national policy formation and consensus building are inherently unfeasible under the present structure of civil society in Lebanon. A combination of internal CSO and government constraints have hindered the ability of civil society to act as a democratic consolidator, and CSOs have to some degree institutionalized and reinforced divisions within Lebanese society. *Currently, the Lebanese civil society is facing* the question of legitimacy.

Several initiatives should be taken to ameliorate the legitimacy and accountability of the sector; if the civil society is not able to generate an internal energy to pursue these initiatives, other alternatives should be considered:

Make sure that NGOs themselves are not corrupt.

Empower civil society to hold the government accountable.

Enact a code of ethical conduct for civil society groups.

Allow civil society groups to sue the government on behalf of aggrieved citizens.

POLICY OPTION 10

Reinforce Participation and Democracy

Accountability is intertwined with anti-corruption. Those who are in power should be held accountable for their actions and decisions. The meaningful way to hold officials accountable is to equip the public with the right tools; these tools are best used during elections. This can be done by adopting a modern, fair electoral law and holding transparent and pressure-free elections. This will allow better representation and succession in power, satisfying one of the requirements of fighting corruption.

POLICY OPTION 11

Promote Corporate Governance

The private sector is not excluded from the efforts to fight corruption. The sector itself could be facing internal corrupt practices or contributing to or overlooking such practices in other sectors.

There are certain action plans that should be adopted or else they might implicate the private sector. There is a need to separate the private and public interests and to promote corporate governance principles. A set of laws needs to be issued while internal procedures and mechanisms can be adopted by private sector companies.

POLICY OPTION 12

Endorse Political Accountability

The most sensitive issue is to address political corruption. Besides the need for a new electoral system, which allows better representation and more accountability, the action plans that should be considered to reduce political corruption include:

Separate posts in the executive and legislative branches.

Lift immunity against prosecution of presidents, prime ministers, ministers, and deputies.

Reconsider the salaries of members of Parliament to become compensation for representation rather than job-related remuneration.

Strictly enforce the illicit wealth law.

POLICY OPTION 13

Foster Cooperation

One of the causes of corruption is the lack of coordination of efforts and activities which lead to the duplication of work, misuse of resources, and widespread of corruption. While the government should not be encouraged to become the focal point of all initiatives and programs in the country or to amend existing laws to control or limit the flow of international funding, a coordination mechanism should be established to avoid duplication of projects. Horizontal and vertical cooperation should be fostered at all levels.

POLICY OPTION 14

Create a public Anti-Corruption Culture

It is necessary to create a common culture of ethics among the Lebanese public at large by drawing attention to the negative consequences of corruption and by rallying public support for and involvement in the efforts to combat corruption. Spreading awareness about the issue has already been exhausted. More tangible efforts are expected to ensure direct citizens' involvement in the efforts. The list of promising potentials include: starting citizens' watchdogs, encouraging people to complain, and incorporating anti-corruption in educational curricula activities. The focus should be on the youth in order to involve them as the drive for change.

The dilemma is in the point of entry: where to start and how to prioritize these policy options? Another question is: do we adopt a comprehensive or an incremental and phased approach? A deep concern is the sustainability of the initiatives.

The main challenge is to find credible leadership at the highest levels committed to combating corruption. Experience indicates the lack of such leadership or its hesitation to adopt such a role and to face the system and culture of corruption. Another challenge is the transformation of the efforts of awareness on corruption into a serious well-organized and institutionalized anti-corruption lobbying and advocacy. A broad coalition between the leadership and the advocates is required.

The adoption of policy options and the implementation of action plans pose tremendous challenges but not impossible ones. It requires a comprehensive and well-targeted strategy, commitment from the political leadership, and vigorous pressure from society at large. We have a long way to go with slow but steady steps.

POLICY OPTION 1 Revitalize the Administration

Specific Objectives	Activities	Responsible Institution	Implementation Period
Downsizing	Revise the number of departments Cut down on number of positions	Parliament Council of Ministers OMSAR Civil Service Board Central Inspection Commission	Short term
Restructuring	Revise the mission of each ministry/department Reorganize departments and agencies	Parliament Council of Ministers OMSAR Civil Service Board Central Inspection Commission	Short term
A new positions classification scheme	Job descriptions Position classification	OMSAR Civil Service Board Central Inspection Commission	Short term
A new Human Resources perspective	Rewards and punishment system Education Training	OMSAR Civil Service Board Central Inspection Commission National Institute of Administration	Long term
Salaries	Job evaluation New salary scales	Council of Ministers Ministry of Finance OMSAR Civil Service Board	Short term
Simplification of procedures	E-Government	Council of Ministers Ministries OMSAR Central Inspection Commission	Short term
Ombudsman	Review proposed law and	Parliament Council of Ministers OMSAR Central Inspection Commission	Short term
Public Reporting	Review current regulations Introduce new regulations	Presidency of Council of Ministers OMSAR Ministries	Short term
Access to public information	Introduce new law	Parliament Council of Ministers OMSAR Ministries	Short term
Public tenders and procurement	Introduce new law	Parliament Council of Ministers Ministry of Finance OMSAR Central Inspection Commission	Short term

POLICY OPTION 2 Budgetary Process & Transparency

Specific Objectives	Activities	Responsible Institution	Implementation Period
Revise the budgetary process	Allow more citizen participation Hold public consultations Adhere to international standards and requirements Move to program budgeting Adhere to deadlines Continue to publish periodical reports	Parliament Council of Ministers Ministry of Finance Bureau of Accounts	Long term

POLICY OPTION 3 Decentralization

Specific Objectives	Activities	Responsible Institution	Implementation Period
Revise the role of the central administration	Reinstate a Ministry of Municipal Affairs Vitalize the work of the Independent Municipal Fund	Parliament Council of Ministers Ministry of Interior Ministry of Finance Central Bank	Short term
Develop municipalities	Apply post-audit on the work of municipalities Establish a municipal cadre of qualified staff Establish a training center	Ministry of Finance Ministry of Interior (Ministry of Municipal Affairs) Civil Service Board Bureau of Accounts National Institute of Administration	Long term

POLICY OPTION 4 Control Agencies

Specific Objectives	Activities	Responsible Institution	Implementation Period
Empower agencies	 Assess the need for each agency Revise jurisdictions to reflect the needs of a modern administration Resolve duplication and overlapping Amend necessary laws Change current procedural requirements Ensure financial independence as well as the appointment of staff by the executive 	Parliament Council of Ministers OMSAR Civil Service Board Central Inspection Commission Bureau of Accounts	Short term
Reorganization	Restructuring of each agency Review job descriptions Physical Infrastructure	Council of Ministers OMSAR Civil Service Board Central Inspection Commission Bureau of Accounts	Short term
Develop Human Resources	Recruit professionals Fill vacant positions Provide training and support	Council of Ministers OMSAR Civil Service Board Central Inspection Commission Bureau of Account National Institute of Administration	Short term

POLICY OPTION 5 Judicial Independence

Specific Objectives	Activities	Responsible Institution	Implementation Period
Empower the judiciary	Reconsider methods of appoint- ment and dismissal of judges Empower the Judicial Inspection Establish a corruption- specialized court Make the consultations and decisions of the judicial bodies obligatory	Council of Ministers Ministry of Justice Higher Council of Justice	Long term
Develop human capacity	Recognize financial independence Determine an independent salary scale Launch continuous training for judges Establish a separate administrative cadre	Parliament Council of Ministers Ministry of Justice Higher Council of Justice	Long term
Develop the physical capacity of justice administration	Computerization of all courts and general prosecutor's office Establishment of legal information archive Rehabilitate courts infrastructure and facilities	Council of Ministers Ministry of Justice Higher Council of Justice	Short term
Enhance transparency	Specialized judicial media Complaints mechanism	Ministry of Justice Higher Council of Justice Media outlets	Long term

Policy Option 6 Anti-Corruption Mechanism

Specific Objectives	Activities	Responsible Institution	Implementation Period
Set up a mechanism	Establish an ad-hoc committee Select and appoint representa- tives by respective sectors	Council of Ministers OMSAR Civil Service Board Central Inspection Commission Universities Civil Society Donor Agencies	Short term
Enhance coordination of activities	Draft a work plan Design coordination mechanisms and channels	Ad-hoc Committee and represented bodies	Short term

POLICY OPTION 7 Policy Reform

Specific Objectives	Activities	Responsible Institution	Implementation Period
Adhere to interna- tional standards	Sign international conventions	Parliament Council of Ministers Ministry of Foreign Affairs Ministry of Justice Ad-hoc Committee	Short term
Launch legal reform	Amend existing laws (e.g. Illicit Wealth)Revise regulations to meet with international requirementsIntroduce new legislations (finan- cial crimes)Expedite the legislation of draft laws (e.g. legislative signature)	Parliament Council of Ministers Ministry of Justice Ministry of Finance Ad-hoc Committee	Short term

POLICY OPTION 8 Media Reformation

Specific Objectives	Activities	Responsible Institution	Implementation Period
Provide a suitable legal environment	Amend laws and regulations for the media sector	Parliament Council of Ministers Ministry of Information National Council of Information Media Outlets Syndicates	Short term
Promote sector's good governance	Revise syndicates' membership criteriaOpen membershipEnhance transparency and ac- countabilityHold internal elections and ensure succession of powerCodes of Conducts	Parliament Council of Ministers Ministry of Information National Council of Information Media Outlets Syndicates	Short term

POLICY OPTION 9 Civil Society's Legitimacy

Specific Objectives	Activities	Responsible Institution	Implementation Period
Enhance the legitimacy of CSOs	Revise the laws and regulations governing CSOs Define the role and jurisdictions of the Ministry of Interior Limit the political interference in CS	Parliament Council of Ministers Ministry of Interior	Short term
Empower CSOs	 NGOs to publish reports and financial documents Internal elections inside NGOs and succession of power Empower civil society to hold the government accountable Institute a code of ethical conduct for civil society groups Allow civil society groups to sue the government on behalf of aggrieved citizens Introduce benchmarking and accreditation 	CSOs	Short term

POLICY OPTION 10 Reinforce Participation And Democracy

Specific Objectives	Activities	Responsible Institution	Implementation Period
Ensure citizen en- gagement	Issue a fair modern electoral law Encourage political participation	Parliament Council of Ministers Ministry of Education CSOs	Long term
	Launch town halls and forums	Media Universities	
	Launch awareness campaigns	Municipalities Schools	
	Amend the educational curriculum		

POLICY OPTION 11 Promote Corporate Governance

Specific Objectives	Activities	Responsible Institution	Implementation Period
Provide the legal environment	Enact a set of laws for the private sector Enhance the role of sector's associations Enforce regulations (tax registration, NSSF, employment) Incentivize philanthropy by offering exemptions	Parliament Council of Ministers Ministries Private Sector's associations	Short term
Engage the sector	Involve the private sector in public affairsPromote codes of ethicsLaunch educational campaigns on corporate governanceSupport the work of task forcesIntroduce the subject of corporate governance in educational curriculum	Private sector Media Universities	Short term

POLICY OPTION 12 Endorse Political Accountability

Specific Objectives	Activities	Responsible Institution	Implementation Period
Enact political decisions and related legislations	Separate posts in the executive and legislative branches Review the immunity to prosecution of presidents, prime ministers, ministers, and deputies Reconsider the salaries of members of Parliament to become compensation for representation Strictly enforce the illicit wealth law	Parliament Council of Ministers	Short term

POLICY OPTION 13 Foster Cooperation

Specific Objectives	Activities	Responsible Institution	Implementation Period
Coordinate work between local institutions	Establish coordination bodies between municipalities and community-based organizations Set-up networks between NGOs and public agencies Launch communication mechanisms (emails, newsletters, meetings)	NGOs Municipalities Ministries	Short term
Coordination among donors and with local institutions	Hold donor meetings Launch an interactive website as the link and one-stop-shop of donor work and funding in the country	Donors NGOs Ministries	Short term

POLICY OPTION 14 Create A Public Anti-Corruption Culture

Specific Objectives	Activities	Responsible Institution	Implementation Period
Rally public support	Launch awareness/media campaigns Establish anti-corruption groups or clubs in universities and schools Conduct activities aiming to explain and fight corruption Encourage the establishment of citizen watchdogs Incorporate anti-corruption in educational curricula Reinstate complaint systems and encourage people to use them	Media Schools Universities NGOs	

The main challenge is to find credible leadership at the highest levels committed to combating corruption.

Under the High Patronage of H.E. The President of the Republic of Lebanon General Michel SLEIMAN

"Towards a National Anti-Corruption Strategy" 25 March 2008, Phoenicia Intercontinental Hotel, Beirut

09:00-09:30 Registration

09:30-10:00 Opening Session

- Ms. Marta Ruedas, Resident Representative UNDP
- Me. Mohammad F. Mattar, Chairman of the Board LTA
- The President of the Republic of Lebanon, H.E. General Michel Sleiman

10:00-10:30 Coffee Break

10:30-12:00 Strategic Policy Options Moderator: Mr. Fadi Saab, Secretary General, LTA

The role of the Ministry of Finance
H.E. Mr. Mohammad Chatah, Minister of Finance
The Parliament's Legislative Role
H.E. Mr. Nabil de Freige, Chairman of the Parliamentary Committee on National Economy, Trade & Industry
Access to Information & Whistle Blowers' Protection Draft Laws
H.E. Mr. Ghassan Moukheiber, Chairman of the Lebanese Parliamentarians against Corruption (LebPAC)
Presentation : "Towards a National Anti-Corruption Strategy" Dr. Randa Antoun, Consultant, UNDP & LTA

12:00-13:30 Coalition for a National Action Plan Moderator: Dr. Fouad Zmokhol, Board Member, LTA

The Role of the Media
H.E. Mr. Tarek Mitri, Minister of Information
The Public Sector's Perspective
H.E. Mr. Ibrahim Shamseddine, Minister of State for Administrative Reform
The Private Sector's Perspective
Mr. Fadi Abboud, President of the Association of Lebanese Industrialists
The Role of Civil Society
Me. Nada Abdelsater-Abusamra, Board Member, LTA

13:30-14:00 Wrap-up and Recommendations

- Dr. Hassan Krayem, Policy Specialist, UNDP
- Mr. Fadi Saab, Secretary General, LTA

14:00-15:15 Lunch







The Lebanese Transparency Association (LTA), which was established in May 1999, is Transparency International's

Lebanese chapter. It is the first Lebanese NGO that focuses on curbing corruption and promoting the principles of good governance. In existence for ten years, it has gained recognition on national, regional and international levels. LTA does not investigate or expose individual cases of corruption but advocates for reform by focusing on systemic improvement and by building coalitions with other anti-corruption stakeholders, including governments, the private sector and civil society organizations.

For More Information

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