

Legal Empowerment, Civil Society and Corruption: Rethinking Governance-oriented Aid in Today's Challenging International Contexts

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Abstract

Legal empowerment, a mainly civil society-centered approach to integrating justice, governance and development, is an under-utilized and under-appreciated mechanism for combating corruption. The discussion starts by sketching an impetus for the research presented here. It then summarizes the nature of legal empowerment. The next section explains how and why the author's background as a consultant and researcher informs the research he has conducted. The discussion then addresses and documents the failure of the government-centered paradigm that many aid agencies have pursued in seeking to improve governance and constrain corruption. Next, the paper provides general and specific indications of legal empowerment impact on corruption. The penultimate part of the paper considers how support for legal empowerment and civil society efforts can prove productive in the challenging contexts of the COVID-19 pandemic, the fragility of numerous states and a global rising tide of authoritarianism. The discussion concludes with basic recommendations for future action and research, including a suggestion that civil society-centered legal empowerment approaches merit increased political and financial support from aid agencies seeking to improve governance and constrain corruption.

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Given the tenor of our times, and what I see as a need for the development community to rethink its often state-centered orientation, I decided to expand the focus beyond legal empowerment's impact on corruption, to critique that state-centered paradigm. I have also expanded the geographic reach beyond the initial focus on the MFA's policy priority regions: West Africa/the Sahel, the Horn of Africa, the Middle East and North Africa. The paper accordingly provides a more general reconsideration of anti-corruption work and associated justice-oriented and governance-oriented efforts.

I also wish to extend my deep appreciation to BRAC University's Centre for Peace and Justice (CPJ). In addition to its valuable role in producing the report, CPJ labored under and overcame various constraints, not least the cyclone that descended on Bangladesh as the paper was being finalized.

Of course, any opinions or errors in the paper are my sole responsibility and not that of KPSRL or CPJ.

I. Introduction

“It’s what we do.” Soon after I first arrived in the Philippines in 1987, as Assistant Representative for the San Francisco-based Asia Foundation, I asked my supervisor there why the Foundation was concentrating so much on top-down judicial administration programs. After all, the country’s 1986 People Power revolution had opened up opportunities for reform-minded civil society groups to flourish, and those groups needed funding. Furthermore, the Foundation was leading rather than following the Philippine judiciary in promoting judicial administration reforms. That focus seemed problematic in view of the judiciary’s being plagued by corruption, patronage and excessive personalism.

Her answer to my question about the top-down focus: “It’s what we do.”

This paper partly flows from a conviction that many facets of the international development field need to move beyond “It’s what we do.” The track record of government-centered governance, justice[†] and anti-corruption programs is such to mandate reconsideration. In addition, the multiple challenges facing such programs work can fruitfully help us rethink these overlapping fields. Those challenges include the COVID-19 pandemic, the fragility of numerous states and a rising tide of authoritarianism across the globe.

At first glance, it would seem that development organizations might be inclined to hunker down into state-centered stances in their programs in the face of these challenges. The exigencies of responding to the medical and humanitarian disaster posed by COVID-19 and the restraints that repressive governments impose on aid to civil society could be seen as mandating that funds flow through governments in most instances.

This paper contends that, instead, we in the development field need to challenge our path dependence, to get beyond “It’s what we do.” Doing so points anti-corruption and related programming toward legal empowerment in particular and civil society support more generally.

The nature of legal empowerment. Legal empowerment often goes by other names. Thus, though I did not use the term in the context of three papers (Golub, 2019) I prepared for the Task Force on Justice – addressing civil society’s contributions to justice, the work of paralegals and how grassroots actions fuel legal and policy reform – legal empowerment runs through many of the examples and much of the analysis there.

At the risk of further citing myself, I will describe legal empowerment here in the language I employed in another recent paper (Golub, 2020):

- Legal empowerment is about helping people to know, use, and shape the law.
- Legal empowerment helps build people’s capacities and power to improve their lives, such as by elevating and protecting their income and assets or gaining greater access to health and education. This may involve combating corruption in both explicit and implicit ways, as corruption is often an obstacle to such goals.

[†] For the sake of brevity, the field of justice is occasionally lumped in with that of governance in this paper, including in the title, though they are often considered distinct from each other.

- Legal empowerment can help empower citizens, especially the poor and marginalised, to use the law to enforce their rights, which are often violated as a result of corruption. Citizens can enforce their rights through social accountability processes that seek to monitor public officials and public services, or they can take their cases to courts of law or administrative bodies.
- Legal empowerment also equips citizens to advocate for and effect changes in laws, rules, systems, and regulations in ways that will improve their ability to enjoy their human rights and live better lives.
- Civil society organisations are leading promoters of legal empowerment activities, although government agencies can also play a role. (unnumbered page, at outset of document)

One other point that will become clear later in this paper is that legal empowerment's impact on corruption often surfaces in the context of broader legal empowerment, accountability, health, land, community development or other programs.

Like this paper, the document quoted above, prepared for the Norway-based Chr. Michelson Institute's U4 Anti-corruption Resource Centre, addresses legal empowerment's constraints on corruption. It differs from and can be seen as a companion to this paper in at least two vital regards:

- This paper focuses on what could be considered explicit legal empowerment, where rights, laws, legal institutions, paralegals or lawyers are explicitly involved. The U4 report mainly provides examples of more implicit legal empowerment, where the legal links are not necessarily clear, but rights are at play through social accountability, budget monitoring and other initiatives.
- This paper addresses forces and factors that influence why civil society receives less attention and funding from aid agencies than government-focused programs, for both governance improvement in general and anti-corruption efforts in particular.

Caveats and other considerations. It merits mention that I generalize to a considerable degree in this paper about matters such as the advisability of greater support for civil society anti-corruption efforts on the one hand and reduced reliance on corruption-plagued governments to police or cure themselves on the other. There obviously are exceptions to these rules. In some societies, civil society may be too weak, unsophisticated or repressed to carry out effective legal empowerment work, or at least such work that targets corruption.

Furthermore, this paper does not seek to portray civil society as an unalloyed good. Aspects of civil society in any society can themselves be corrupt, regressive, anti-democratic, bigoted or otherwise counterproductive regarding development, human rights or other priorities.

Conversely, despite the negative trends described below, there are certainly fine national, provincial or local governments around the world, or fine institutions within those governments, or fine professionals staffing those institutions. This paper by no means claims that none of them are worth working with. It only asserts that the opportunities to productively do so are far fewer and farther between than is often assumed and that civil society support often fares better.

Finally, in generalizing about development agencies' tendencies to prioritize support for governments over civil society in pursuing anti-corruption programs, I realize that not all such agencies go down that path.

II. Reflections of a Development Consultant

In addition to my KPSRL-supported research, this paper builds on my 35 years of engagement with legal empowerment, civil society, governance, the rule of law, human rights, anti-corruption work and related fields, mainly as a consultant but also as a researcher, writer, speaker and part-time professor.[‡] The time as a consultant has provided me with a sense of the business side of international development aid. It has yielded perspectives that complement the research I have carried out for this paper and that inform the findings and conclusions offered here.

I do not claim any special expertise by virtue of this background, except perhaps to the limited degree that it has featured a breadth of work with over 50 different internationally-focused institutions over the years and contact with hundreds more country-specific and global bodies.

Nonetheless, I offer these perspectives because they complement research (addressed later in this paper) indicating that development agencies incorrectly tend to prioritize government over civil society support regarding anti-corruption programs. I make no claim as to whether and to what extent that may apply to fields beyond anti-corruption, justice and governance.

Some reflections and perspectives, then:

The project cycle and development hubris. Whether due to internal dynamics or external political pressure, development agencies tend to hubristically overestimate what they can control and contribute to. They similarly though perhaps unintentionally operate on the assumption that projects they and their consultants devise are better than those that spring from a society's own reformers. Over the years, I have been party to too many discussions and reviewed too many documents that assume that a development agency or program can steer a nation's progress in key

[‡] That engagement has taken many forms since my 1985-90 employment by The Asia Foundation. I detail my background here not to boast or claim unique insights, but simply to indicate that this paper draws on a certain breadth of experience. That experience has included about 120 consulting and research assignments for more than 50 organizations in over 40 countries, frequently as team leader or project director, for numerous bilateral and multilateral development agencies, foundations, policy institutes, international NGOs and consulting firms. It has also involved part-time academic stints with the University of California at Berkeley's Law School and Master of Development Practice Program and with Central European University's Public Policy School and Legal Studies Department; research grants and fellowships; and approximately 50 publications for various outlets, mainly as an author but also as an editor. The team leader/project director assignments have involved work for Amideast; the Asia, Ford and Open Society Foundations; the Asian Development Bank; the Australian, Danish and Dutch development agencies; the Global Network for Public Interest Law; the International Development Law Organization; the U.K. Department for International Development; the U.N. Development Programme; and the U.S. Agency for International Development. Other consultancies and research projects have been carried out for such organizations as the American Bar Association Rule of Law Initiative, Amnesty International, the British Council, the Carnegie Endowment for International Peace, the Commission on Legal Empowerment of the Poor, the Danish Institute for Human Rights, the European Union, the Office of the U.N. Secretary-General, Oxfam Novib, Transparency International, UNICEF, the World Bank and several major consulting firms.

regards. Such a perspective pushes many to favor working with governments, on the assumption that doing so is essential to important, large-scale progress.

When it comes to governance, the project cycle is a manifestation of such assumptions. It sets forth a linear process that often is not applicable to the many variables that even the best development agencies and personnel cannot and should not seek to control.

The problem here, as evinced by the stagnant or negative governance trends discussed later in this paper, is that governance of a given country hinges far more on its internal economic, political, social, cultural and historical dynamics than it does on even the most ambitious development interventions. More modest expectations for anti-corruption or other governance programs, framed in terms of benefiting specific populations or policies, would stand the development field in far better stead. As evinced later in this paper, civil society usually offers more fertile ground for such assistance.

Logical frameworks and “indicator madness.” One widely used and counterproductive tool that in some respects reflects development hubris is the logical/results framework and its accompanying indicators, targets and other ingredients. There is nothing wrong and much that is right with trying to quantify the results of development initiatives. But in my experience in working with this tool for three major aid agencies, such frameworks are superficial substitutes for useful applied research. Such research is something to which such agencies devote far less funding.

My experience includes receiving training about and in turn training others on constructing the frameworks, a time-consuming exercise in literally boxing in thinking and vastly oversimplifying complex development processes. On one assignment in which I participated, for example, consulting team members spent several weeks obsessing about little other than whether and how certain backward-looking results frameworks would pertain to its forward-looking assignment.

The upshot for this paper is that the use of frameworks nudges or sometimes outright pushes development agencies toward engaging with governments on projects that lend themselves to easy, short-term measurement – a kind of “indicator madness,” as one colleague characterized the tendency years ago. In contrast, governance-oriented civil society initiatives often feature long-term advocacy and other processes subject to challenges and changes that cannot easily be charted. As another colleague put it to me, such initiatives often fail to gather traction in his agency in the absence of short-term progress and indicators.

This is not to say that such frameworks or related tools have no place in development. Construction projects are the most obvious examples of where they can be applicable. But building roads or bridges is a far more straightforward process than building governance, democracy, justice or anti-corruption impact.

Path dependence: “It’s what we do.” One of the great ironies of the development field is that aid agencies are often resistant to change, yet are in the business of promoting institutional change in aid recipient countries. My experience with the rigid rules of one agency’s country office is a case in point. Though repeatedly advised by a variety of sources that its requirements were undercutting its own project’s effectiveness, and that in fact those requirements were subject to interpretation

and flexible application, it responded with a bureaucratic shrug and the claim that it could not change.

Such a response is a product of a mindset and incentives that reflect path dependence, the tendency of institutions to develop in certain ways as a result of their histories, structural properties, beliefs, values or self-perpetuating incentive systems. Those factors in turn steer many aid agencies toward doing what they have always done – in other words toward the perspective I flagged at the outset of this paper: “It’s what we do.” And much of what many major aid agencies do – much of what many of their personnel prefer to do and even consider most worth doing – is work with governments. For such organizations, civil society support as an adjunct at best. And for anti-corruption initiatives, this can translate into various plug-and-play programmatic imports rather than the messier process of sorting out which domestic or international NGOs might have ideas, personnel or track records worth supporting.

The rise of the consulting firm. The rising dominance of development consulting firms represents a negative trend for the field. It has been accompanied by a gutting of development agencies’ in-house capacities to analyze, to select directions and personnel and to operate flexibly. The roles the firms play are understandable in that they have an appeal in terms of cutting down on the agencies’ core costs (even while often increasing the overall costs of projects and programs) and their becoming adept at navigating the agencies’ bureaucratic, technical and financial record-keeping, reporting and other requirements.

Still, development efficacy and equity pay a price for this dominance. A firm that specializes in energy resource development may nonetheless have a unit that seeks legal empowerment or community development contracts; poverty alleviation becomes just another profit center. The firm may become adept at maximizing profits by complicating and expanding the work it does, under the guise of pseudo-scientific information-gathering and data accumulation.

It may also promote a mindset that values cultivating donor agency ties over producing progress, as when one consulting firm field director bragged to me about socializing with his donor’s key program officer on a weekly basis. In another conversation, two young professionals dispatched from their company’s headquarters to visit a field office boasted about in effect using a project visit as an excuse for business development.

Of course, contact cultivation and business development can be parts of the international development field. But I never encountered such bragging and boasting in my years with The Asia Foundation or from other international NGOs or policy institutes. Most such organizations are more about partnership, impact and maintaining their institutional identities.

This not a knock on all the personnel staffing many such firms, for many are bright and dedicated. In fact, a shame about the dominance of the firms is that, since they so dominate aspects of development, so many impressive people must go to work for them instead of directly for development agencies, international NGOs, policy institutes and the like.

Furthermore, I am not blind to the irony of myself, as a development consultant, criticizing consultant firms. I would only add that most of my consulting and research over the years has been

directly for development agencies, foundations, policy institutes and international NGOs. And though no given organization is perfect (nor is any given development consultant), such organizations tend to have a greater sense of mission and greater devotion to making a difference.

The difference this all makes for anti-corruption and other governance work is this: Because civil society groups often are seeking flexible support for their core operations rather than extensive guidance or input from consultants, funding them through intermediaries such as consulting firms may be less lucrative for the firms than supporting consultant-intensive government programs. NGOs in some countries may require help such as with capacity-building, but their needs for consulting services are generally lower than government programs and personnel. In addition, with less complicated and extensive needs, NGOs may be burdened more than benefited by working with firms driven less by shared missions than international NGOs often are and more by satisfying bureaucratic requirements and maximizing profits.

The “flavor of the month.” Development discourse is regularly swept by waves of ideas that aim and claim to help it operate more effectively. The rise of results frameworks decades ago was one such initiative, as was the promotion of “reinventing government” for the U.S. federal government, including the U.S. Agency for International Development. Today’s “flavors of the month” – or really, flavors of nearly the past decade – include the imperative for development agencies to “think politically” rather than in terms of purely technical analysis and assistance. They also include problem-driven iterative adaptation, which features context-specific, learning-oriented, rapidly evolving (if necessary), broadly consultation-driven and politically sophisticated programming.

Unlike the other phenomena described in this section, these have been laudable initiatives. They are particularly pertinent to governance, civil society and anti-corruption initiatives. However, in my admittedly limited experience and less limited array of discussions in recent years, I remain unsure about the degree to which the initiatives have changed deeply ingrained, path-dependent patterns – that is, the degree to which they have made the leap from development discourse to development action. In contrast, rigid results frameworks remain the main mechanisms utilized by many development consultants, consulting firms and aid agencies. Political analysis can often give way to the political exigencies of cultivating an aid recipient government.

A more troubling aspect of the iterative adaptation initiative is that it still tends to cling to the notion that development can be managed by aid agency professionals and consultants, albeit with input from local actors, rather than letting local actors and organizations take the lead as much as possible. Like other phenomena discussed here, it cuts against what could be considered a preferable “foundation approach” that features flexible funding for recipients – often NGOs, but conceivably academic and policy institutes, or under some circumstances even governmental entities. And it assumes that development agency managers should make rapid adjustments in complex projects and to long-range processes, rather than trusting in the on-the-ground insights of aid partners and recipients. Particularly in battling corruption, it weighs in favor of steering government programs rather than trusting civil society ones.

An additional reflection and caveat. In many respects, international development is like the proverbial elephant that a blind person perceives as being different animals, depending on which

part is touched. No one has a complete picture of it, not least me. As I have already emphasized, I realize that I am generalizing here about some broad matters that vary from agency to agency. I should also hasten to add that this critique largely does not apply to the Netherlands' MFA and the international NGOs and policy institutes it has supported, which in my experience operate in a far more flexible manner than many development organizations.

III. The Failure of the State-focused Governance Paradigm

For more than 35 years, since democratizing trends first started to sweep across much of the globe, official bilateral and multilateral aid agencies have arguably poured hundreds of billions of dollars into bolstering governance and its associated fields of democratization, accountability and the rule of law. The various ways in which these agencies categorize their programs make it difficult to ascertain a breakdown between state-focused and civil society-focused funding. But my experience as a consultant for many such agencies and a review of relevant literature indicates that the bulk of the funding has fallen on the governmental side of the ledger.

That state-focused funding has largely failed. There are certainly exceptions to the rule in terms of individual countries and individual state institutions. But it is apparent that in many nations, including those at one point considered stable democracies, it is repression, corruption and authoritarianism that are on the march.

A review of some relevant literature is accordingly in order.

The World Bank's aggregate *World Governance Indicators* for 1996 through 2018 (undated) reflect overall deterioration for most of its six governance categories throughout the globe's seven regions, as well as for Low Income Countries. The partial exceptions to this rule are Voice and Accountability, East Asia & Pacific and Europe & Central Asia. The negative trends include Control of Corruption, the category most pertinent here.

The World Justice Project (2020) also provides a useful overview:

The WJP Rule of Law Index 2020 shows that more countries declined than improved in overall rule of law performance for a third year in a row, continuing a negative slide toward weakening and stagnating rule of law around the world. The declines were widespread and seen in all corners of the world. In every region, a majority of countries slipped backward or remained unchanged in their overall rule of law performance since the WJP Rule of Law Index 2019. At a global level, the highest levels of decline over the past year were seen in the areas of Fundamental Rights (54 declined, 29 improved), Constraints on Government Powers (52 declined, 28 improved), and **Absence of Corruption (51 declined, 26 improved)**. [Emphasis added.] This is not a new pattern; WJP data shows the same three factors were the largest decliners over a five-year time frame as well. (p. 5)

Freedom House (2020) has similarly found deterioration in the various governance categories it tracks. While it is conceivable that such deterioration could occur without concomitant increases in corruption, few countries in the world exhibit Singapore-style combinations of simultaneously constrained democracy and constrained corruption. It is also reasonable to assume that declines in the rule of law in particular may be accompanied by increases in corruption.

Thus, “Freedom House found that 2019 was the 14th consecutive year of decline in global freedom.” (p. 1) Furthermore, “More than half of the world’s established democracies deteriorated over the past 14 years. Functioning of government, freedom of expression and belief, and rule of law are the most common areas of decline.” (p. 10)

A plethora of studies and analyses have discussed official aid agencies’ shortcomings where they have focused mainly on state institutions in pursuit of countering corruption, building the rule of law and pursuing other good governance objectives.

For example, some or all of Kaufmann’s observations (2011) about the Middle East from nearly a decade ago could apply equally well to much of the region (and other nations beyond it) today:

The evidence suggests that in the past, misgovernance in the Middle East was largely ignored by the international community, which provided increasing volumes of foreign aid to governments while their standards of voice and accountability were among the worst worldwide—and declining. Both politics and the economy were subject to elite capture—that is, the shaping of the rules of the game and institutions of the state for the benefit of the few—across the region. (p. 3)

Monopolized top-down corruption was an instrument for the capture of the polity and economy; often implemented by a ruler’s spouse, son or in-laws. (pp. 29-30).

Companies were also privatized and regulatory restrictions were relaxed in Egypt, with support from the IFIs. Yet at the same time, carefully managed privatization and public procurement processes ensured that close associates of the rulers would control these assets. This led to an entrenched rent-seeking system of crony capitalism. (p. 30).

Official reports by IFIs, along with other traditional donors and export agencies, tended to provide a relatively positive assessment of developments in the region. Many international actors focused on aggregate economic figures, minimized the importance of social, equity and governance factors, and paid little if any attention to civil society, media freedoms and anticorruption efforts. (p. 32).

Koehlin et al. (2016) discuss the difficulty of state-centered reforms regarding land governance:

In particular, vested interests within land administrations at all levels of the hierarchy make it difficult to reform land administration from inside. Where corruption is systemic and politicised, all attempts to reform from within the system

are likely to fail, and alternative approaches that are at least partly independent of government are likely to be needed... In the right circumstances, supreme audit institutions, social accountability mechanisms and organised civil society can be effective... Key to governance and anti-corruption reforms across sectors is the strengthening of the rule of law and legal framework...However, evidence across the literature shows rule of law and accountability mechanisms on a local and national level are not only uneven but also frequently undermined by political corruption, abuse of power by chiefs and local officials and lack of information accessible to communities and citizens. (pp. 29-30).

A literature review (Mungiu-Pippidi 2011) commissioned by the Norwegian Agency for Development Cooperation reaches damning conclusions (with some rather incendiary language) about anti-corruption agencies and other anti-corruption efforts that emphasize support for government institutions. It conversely favors support for civil society and collection action:

As good governance is impossible without the collective action of [autonomous] groups, they need empowerment and help to act strategically and grow. In other words, while selectivity should be used to plant the unexploded grenades (FOIA, asset disclosure laws, conflict of interest legislation), direct assistance is needed to support and train those which will eventually explode them. Of course, this is highly political but it is also the only thing that works. **The focus on special anticorruption institutions within the area of legal constraints did not work and should be abandoned.** [Emphasis in original.] Even the stress on judicial independence...is not a promising intervention area as it is wholly dependent on domestic governments. (p. 16)

Tamanaha's critique (2011) of international efforts to construct and reform laws and state legal institutions starts with a similarly sweeping conclusion: "Efforts at law and development have failed for decades. The underlying reasons for the failures have been understood just as long. Nevertheless, law and development initiatives are proliferating, carrying on with similarly unsuccessful projects and methods." (p. 209) The article explains that :

"...a strong current of disappointment" runs through the law and development literature. The standard "rule of law and development" formula involves drafting legal codes; training legal officials (police, prosecutors, and judges); solidifying law schools and the legal profession; and enhancing legal access for citizens. These legal reforms have not taken hold. Corruption and dysfunction continues to plague legal institutions, many transplanted codes lie unused, and substantial proportions of the populace are not served by the legal system. (p. 213)

The failure of these efforts springs from several causes. The author explains the role of corruption in frustrating the building and reform of legal systems that would, inter alia, check corruption:

...in a number of countries, the government (including officials, legislators, and members of the judiciary) is under the grip of a cabal or is fraught with corruption and entrenched interests which benefit from the status quo. Hence legal reform

projects are typically run through, or are administered by (or require the cooperation of), the very officials who stand to lose if the reforms are effective. (p. 244)

Erbeznik (2011) offers a critique similar to Tamanaha's, asserting that it is extremely difficult for aid programs to dislodge corrupt influences and that:

Rule of law reform, which seeks to build a society in which government officials and political elites abide by laws, runs counter to the power-as prize mentality because reform requires collective sacrifice on the part of political elites, who must eschew personal gain for the public good. (p. 885)

The problematic nature of one major bilateral agency's largely state-centered approach to law-oriented aid is reflected in the 10-country "Review of UK Development Assistance for Security and Justice" (Independent Commission for Aid Impact, 2015). The across-the-board assessment found that all aspects of the well over \$100 million per year program perform relatively poorly and require significant improvements. (p. 1)

The conclusion is all the more daunting for the fact that the U.K. Department for International Development has sometimes been thought of as one of the more thoughtful official development aid agencies in other regards. I would add that this has been my experience in terms of its civil society support. Yet one of the review's major findings is:

Attempts to build the capacity of central S&J [Security and Justice] institutions are not translating into better or more accessible services for the poor. In the policing sphere, common reform strategies, such as building model police stations and community policing pilots, are producing, at best, isolated results that are not scalable or sustainable. (p. 1)

The one exception in the largely negative assessment involves "a good base of programming on [largely civil society-focused] community justice and for women and girls." (p. 1)

Finally, a country that is far from the most corrupt in its region illustrates problems with a government-centered approach to combating corruption. Despite waves of anti-corruption initiatives, strategies and organizations launched by Tanzania's government, dating back to at least 1966, several analyses indicate that public perception of corruption in recent years remains intense and may even have intensified. As Aiko (2015) reports:

Using the six rounds of Afrobarometer survey data collected in Tanzania since 2001 to examine popular perceptions and attitudes regarding the fight against corruption, this dispatch shows that in the most recent survey rounds, 2012 and 2014, Tanzanians have given the government more negative ratings on its performance in fighting corruption than they did a decade ago. People also express concern that the level of corruption increased between 2013 and 2014. (p.1)

According to the data, Tanzania's Prevention and Combating of Corruption Bureau (PCCB) was ranked the fourth most corrupt state institution. (p. 4)

Summarizing a number of studies, Nuhu and Mpambije (2017) report that 96 percent of peri-urban residents surveyed near Dar es Salaam claim that corruption is a serious problem for land accessibility. (p. 288) Half the respondents in another study felt that corruption had been increasing. (p. 289) And in one anecdotal but perhaps nonetheless illuminating incident, a survey respondent reported that a bribe was solicited on behalf of a member of the Prevention and Combating of Corruption Bureau in order to expedite the awarding of a land deed. (p. 294)

In a related vein, Kabote (2017) reports high public dissatisfaction with corruption in public services, with “66% of the Tanzanians report[ing] increased corruption levels in the country.” (p. 152) Summarizing a number of research initiatives, the paper finds:

The United Republic of Tanzania in its Quality Improvement Framework in Health care (2011-2016) acknowledges that corruption is unbridled in the health sector and is likely to be one of the major barriers in providing quality health services... Other studies have pointed out that corruption is a major hindrance in the delivery of quality public health services particularly among the poor... (pp. 152-3)

IV. General Legal Empowerment Overviews

A number of studies and edited volumes provide broad overviews of the legal empowerment field without delving into great detail about its impact on corruption. They nonetheless touch on that impact to some degree and accordingly merit mention.

In a broad-based review of studies that provide evidence of various kinds of legal empowerment impact across numerous development fields and sectors, Goodwin and Maru (2017) illuminate a number of instances in which LE constrains corruption and advances accountability. Their evidence-based insights include:

Some interventions create positive impact on not just individuals or groups of people, but on public institutions. Institutional impact might result directly from individual attempts to seek redress. For example, community paralegals teach slum dwellers how to file right to information requests to demand explanations for interruptions in water supply. Faced with the possibility that corruption or incompetence would be disclosed, officials in the municipal water authority find a way to fix the pipeline. (pp. 163-64)

More than half of institutional change in the evidence we reviewed relates to the issue of accountability for basic services. Most of these changes involved implementation of existing policies—with 32 interventions affecting local practice and 13 interventions influencing provincial level practice... The changes in local practice are mostly improvements in the operations of schools, health clinics, and other public entities through better attendance, effort, and accountability of individual service providers. Eleven interventions relating to the issue of essential services achieved positive changes in national policy. Other issue areas for which

evidence shows some institutional change are **corruption (36 interventions)** [emphasis added], women's rights (29 interventions), abuse of formal authorities (24 interventions), and land and natural resource rights (20 interventions). (p.182)

As part of another broad review of legal empowerment issues and impact, Domingo and O'Neill (2014) identify corruption as one of several factors that can hamper justice and governance, particularly as they affect women. They highlight the involvement of paralegals and grassroots NGOs as helping to counter corrupt and self-interested influences regarding justice matters.

A key passage from their analysis emphasizes how a range of legal empowerment activities can combat corruption and otherwise decrease partner populations' vulnerability to elite and corrupt actors. The spectrum of relevant activities stretches from public interest litigation on behalf of indigenous peoples to more general community-level paralegal activism:

A court ruling ordered the Colombian health authorities to provide all children with access to the same health plan, resulting in concrete measures such as the unification of the Child Health Plan and the creation of a health regulation commission to oversee this. Moreover, the ruling uncovered other structural problems in the health system, including in relation to practices of corruption and overpricing of drugs. By contrast, at the level of paralegal engagement, the levels of personal empowerment experienced through enhanced legal agency can be commensurably considered to be transformative at the personal level, including in the degree to which it results in rebalancing power relations at that very personal level. (p. 55)

V. Indications of Legal Empowerment Impact on Corruption

This section details indications of specific anti-corruption impact by legal empowerment efforts.

Pastoralist land use rights in Cameroon. Azuhnwiri et al. (2017) document how paralegals in parts of Cameroon have helped pastoralists successfully assert their land use rights in the face of corrupt authorities and otherwise unjust systems. Their work has also "enabled conflicts to be more quickly and efficiently resolved than they would otherwise have been." (18) In addition, pastoralists there have combined litigation with protests in order to combat land-grabbing.

Prisoners' rights in Africa. Noting how the poor in particular suffer from legal systems that are corrupt, ineffective or unreachable, Carmona and Donald (2015) determine that many thousands of eligible and suitable prisoners have been released thanks to the efforts of solicitors in Nigeria and paralegals in Sierra Leone. They report similar impact in Uganda and Kenya.

Health care paralegals in Guatemala. As part of a broader analysis of NGOs countering otherwise unaccountable behavior by health services providers, Joshi (2017) discusses the work of the Centro de Estudios para la Equidad y Gobernanza en los Sistemas de Salud (CEGSS) in Guatemala. The NGO deploys a network of "community health defenders" (de facto paralegals) to work with indigenous communities to ameliorate inadequate and corruption-prone health care

services. It trains them to “lead collective deliberation” with their partner communities and to “prepare detailed documentation of the cases.” (p. 164) CEGSS helps take these cases to various government authorities that handle matters pertaining to discrimination, the rights of indigenous women, human rights violations in general and (via the ombudsman’s office) service delivery complaints.

Maternal health in India. A study (Schaaf 2018) of a program addressing maternal health in the Indian state of Uttar Pradesh determined that even a limited degree of activity could yield anti-corruption results. More specifically, the research found that educating women about their relevant rights, including how to lodge a complaint, reduced graft on the part of health services personnel. The women previously had been informally and illegally charged for what should have been free services. The program reduced such activity.

Community land rights in Liberia. As Knight et al. report (2013), a two-year project examined how to best secure community land rights in Liberia in the face of such overlapping obstacles as corruption, weak legal implementation and lack of political will. It determined “that community land documentation processes that include comprehensive processes for cataloguing, discussing, and amending community rules, norms, and practices have the potential to foster participatory rule-making, establish accountability mechanisms for local leaders, and promote transparency in rural communities,” particularly to the benefit of orphans, widows, women generally and other relatively powerless populations who would otherwise be victimized by leaders exploiting their positions. (p.82)

More specifically, the research found:

First, it appears that there has been some transfer of decision-making authority from local customary and state leaders to the community members themselves. Second, in the communities where there was weak leadership, community members instituted new mechanisms to hold leaders downwardly accountable. Third, the process appears to have had supported greater transparency and consistency of penalties for infractions. (p. 89)

Local government accountability. Ardigó’s literature review (2019) of local government accountability mechanisms found, “Effective accountability mechanisms go beyond a simple airing of citizens’ grievances and exposing governments’ justifications: they aim to also incorporate further citizen actions to hold governments accountable.” (p. 6) The review further identified collection action, influence on service provider incentives and affecting resource allocation power as ingredients of such efficacy. It went on to highlight civil society organizations’ crucial roles in helping citizens and local governments to engage productively and to ensure accountability mechanisms’ success and sustainability.

The review more specifically identified myriad ways in which legal empowerment approaches advance local government accountability. These include:

- The multi-faceted work of Transparency International’s advocacy and legal advice centres (ALACs) across the globe, which includes legal aid for victims of governmental corruption

and abuse, cooperation with state anti-corruption agencies and other government institutions, strategic litigation to reform anti-corruption laws and bring corrupt officials to justice and aiding the formulation of anti-corruption legislation.

- Paralegal work in North Macedonia that, inter alia, helps identify cases for litigation and prevent retaliation against plaintiffs.
- Various NGOs have helped improve the health care coverage for partner Roma communities in Europe by heightening legal awareness and providing legal counseling, often in combination with media campaigns and Roma social activism.

Unwed mothers' rights in Morocco. Research by Bordat and Kouzzi (2010) attests to the corruption-rooted challenges unwed Moroccan mothers face in obtaining benefits for themselves and their children, as well as to the successful strategies NGOs there have pursued in curbing officials' corrupt behavior.

The challenges include these kinds of abusive behavior:

One woman explains her experience obtaining a Family Booklet: I am an unmarried mother with two children. I wanted to register my children in a Family Booklet and I was confronted with a very disdainful attitude from civil servants who put all sorts of obstacles in my way to discourage me. I kept on insisting on my desire to get this legal document and refused to bribe anyone. But after some months I came to the conclusion that there was no other way I could obtain a Family Booklet and that my children would suffer as a result. I therefore decided to give a very important sum of money to a civil servant, who then took care of all of the procedures, and now I have a Family Booklet. (p. 11)

In addition to the intimidation and fear of criminal prosecution that characterize unwed mothers' interaction with administrative and police authorities, bribery and corruption dissuade many of them from attempting to exercise their rights. They describe how civil servants may take advantage of women's ignorance, blackmail unwed mothers, and exploit their vulnerability by asking them for large sums of money. (p. 12)

The paper also describes the various crucial intermediary roles that NGOs play in monitoring, pressuring and cultivating good relationships with pertinent officials so as to curb corruption and promote more responsive treatment of the NGOs' partner populations. For example:

In addition to providing legal information and advice, they serve as intermediaries between women and the authorities. The knowledge of procedures of NGO staff and their personal contacts with staff at different administrations facilitate the process for unwed mothers as well as the civil servants' jobs. The NGO presence also serves as watchdog over local authorities. Through such accompaniment, NGOs help unwed mothers avoid humiliation at public administrations and provide protection from corruption and abuse of authority by civil servants. In the absence of traditional family support networks and social connections that usually facilitate

this for less ostracized people, NGOs step in to fill this role for unwed mothers. (p. 20)

Empowering citizens for accountability in Africa. Drawing on relevant literature and field research involving four case studies in Kenya and southern Africa, Feruglio (2017) demonstrates how legal empowerment approaches help increase accountability for NGOs' partner populations comprising farm workers, sex workers, the urban poor and other marginalized populations. Though much of the analysis focuses on accountability generally rather than anti-corruption impact specifically, it nevertheless suggests impact in that regard. Key points include:

The findings point at the interrelation between empowerment and accountability, and how legal frameworks are used to achieve both ends, leading to more equal and inclusive access to services. Citizens' empowerment is achieved in many ways: by providing education about and raising awareness of citizens' rights and entitlements; providing information on how to access and reach those in power; and supporting individuals and communities in using existing complaint mechanisms and pursuing legal challenges. Each organisation also works to create spaces where citizens can communicate with the state. This engagement is an iterative process which may combine adversarial (e.g. protests) and collaborative (e.g. meetings with service providers) approaches. (p.4)

Justice system accountability in Haiti. Joseph and Philipps (2016) document the work of a Haitian NGO, Bureau des Avocats Internationaux, to seek justice for its partner populations despite the corruption charactering its country's political and judicial systems. The paper further reports on impact constraining that corruption. As an illustration of this legal empowerment approach:

As Haitians learn their rights and the tools to enforce their rights, along with the help of a new generation of public interest lawyers, they see the courts as a vehicle to demand justice. Little by little the elitist system is being challenged and forced to respond to legitimate legal cases of the poor without bribes. Reforms from "below," initiated by the people, force the system to increase accessibility and inspire ethical lawyers and public officials to take a stand against corruption and political interference...In the case described above against the corrupt and violent local mayor, Jean-Morse Viliena, for example, BAI lawyers employed this legal empowerment approach with the clients, who were both victims and leaders of the larger community in Les Irois. Attorney Joseph, organized several national press conferences with the clients and local parliamentarians to call on the prosecutor and court to enforce the indictment against Viliena and his henchmen, and to provide visibility to the clients to protect their safety. Pressure from lawyers and the clients prompted the court (after eight years) to sentence five defendants and order the other defendants, including Viliena, to be tried in absentia. (p. 204)

And in a more general description of the group's strategy, including its attempts at judicial reform and modernization:

By pressuring law enforcement and judicial officials to advance rape cases without bribes, and by presenting sophisticated legal arguments and evidence such as medical expert testimony, lawyers communicate the significance of these cases to the courts and help modernize the system. Moreover, by working directly with the victims and grassroots women's organizations throughout preparation of the case and trial, BAI lawyers also help break down traditional elitist barriers and provide much needed support to survivors brave enough to navigate the legal system. Observation of court proceedings also empowers women's groups with knowledge about the justice system and their members' cases. (p. 206)

Yet another respect in which BAI's legal empowerment efforts seek justice system reform is by populating the system with attorneys who have been worked with and been trained by the NGO:

BAI has a social justice lawyer training program that accepts finissants, law school graduates who have not yet completed the memoire requirement, and stagiaires, apprentice lawyers, who have defended their memoire and been accepted by the bar association. Interns and lawyers receive trainings on legal ethics, skills and strategies to represent clients (and win) without corruption. BAI also challenges lawyers' elitist training and shows how lawyers can transform the exclusionary legal system one case at a time. Graduates of BAI's training program have moved on to become judges, prosecutors and law-makers with a stronger foundation in legal ethics and skills to be agents for change. (p. 209)

Multi-faceted paralegal work in Sierra Leone. A study (Maru et al., 2018) of various NGOs that work with paralegals in Sierra Leone is largely concerned with strategies, activities, the political nature of their advocacy and other matters that do not directly document impact on corruption. It nonetheless does touch on the problem of corruption in the society and how paralegals work to constrain it. The discussion ranges from examples of paralegals reversing abusive fees and practices on the parts of chiefs to their engagement with environmental problems compounded by corruption. The latter category of activism drew praise from one environmental official for taking on a polluting mine allegedly backed by the country's president.

Justice system accountability in Sierra Leone. The problem of corruption running rampant through Sierra Leone's justice sector, and of paralegals' efforts to combat it, is further discussed by Robb-Jackson (2012):

Community-based paralegal programs occupy an important space in Sierra Leone's justice sector, and provide concrete, proximate, and relevant solutions to the most widely experienced justice problems. These programs are a promising mechanism that contributes to legal empowerment and access to justice. Returning to the literature, the central barriers that limit access to justice include institutional barriers and the lack of capacity to provide justice remedies, as well as the lack of capacity to demand justice remedies. Specifically, these paralegal programs contribute to the strengthening of justice via three streams: (i) by increasing the quality and accessibility of legal services for citizens in a meaningful and effective way; (ii) by strengthening and complementing the formal and state justice

processes, while promoting transparency; and (iii) through the provision of legal and human rights education. For example, these programs are lessening the presence and extent of corruption, particularly in regards to the police, often by the mere presence of a paralegal. (pp. 22-23)

Land rights in Africa. A review (Polack et al., 2013) of 16 case studies in 12 Africa countries, featuring a focus on legal empowerment and including the Sahel, has found that “there are signs that action led by citizen groups and non-governmental organisations (NGOs) has played a role in the cancellation, suspension or renegotiation of some individual deals (including more generous compensation arrangements, for instance), and even in early signs of wider shifts in land and investment governance.” (p. 3) By and large, the paper does not explicitly address anti-corruption impact. In fact, it notes that “[t]he literature that documents citizen action has not systematically analysed the actors’ action-outcome chain of causation. (p.31)

Nonetheless, the report does considerably focus on accountability issues. And in finding impact on some land deals and early indications of improvements in governance flowing from citizen and NGO activism, it may be illuminating that such efforts combat corrupt conduct. For instance, as the report indicates, “Many chiefs have engaged in appropriating lands for personal use, and in renting or even selling it to outsiders for personal gain.” (p. 22) The NGO and community activism serve to counter that conduct.

Paralegal work in Liberia. A randomized control trial (Sandefur and Siddiqi, 2013) of paralegal mediation and advocacy engagement in Liberia found a plethora of positive impacts, including in curbing corruption:

Overall, we find significant impacts on legal and socioeconomic outcomes on the study population. Legal aid yields a large, statistically significant increase in the proportion of clients who report that their case outcome was fair, who are satisfied with the result and feel it left them better off, and who report a good relationship with the other party after the resolution of the case. The program also produced a 10 percentage-point reduction in the share of clients who paid a bribe during the treatment period. (pp. 2-3)

Countering abusive officials in Liberia. Drawing in part on the aforementioned Sandefur and Siddiqi randomized control trial, Chapman and Payne (2018) describe how paralegals in Liberia have helped cut corrupt, abusive and illegal conduct by police, magistrates and other public officials, as well as increased the legal knowledge of partner populations. The authors describe a few typical types of official transgressions, as well as elements of the paralegals’ strategies:

Across a variety of case types, CJAs [Community Justice Advisers] regularly find themselves forced to confront abuses of power: a local magistrate detains someone for the invented charge of “eye rape”; a county official takes it upon himself to help mediate a divorce while insisting that he should keep the family’s small generator as his “fee”; a chief issues a crippling fine for violating an unknown village ordinance. In each of these cases, CJAs have advocated on behalf of the less powerful and vulnerable parties to ensure that injustices are remedied. Often

through an implicit or nuanced threat of escalating the case to more senior authorities, CJAs help local clients combat abuses of authority and advocate for more equitable outcomes. (p. 251)

Law reform in Tunisia. Yerkes and Muasher (2017) describe the how a civil society coalition helped bring about crucial reforms to a highly controversial draft Law on Administrative Reconciliation, that, “in its original form, would have removed all financial cases from the jurisdiction of the Truth and Dignity Body (IVD) and provided anonymity as well as amnesty to both public and private individuals accused of financial crimes under the Ben Ali regime (as long as they returned their stolen funds and paid a fine).” (p. 19)

Large segments of Tunisian civil society and the international community objected to the law’s manifold flaws. Accordingly, “When the bill was first announced in 2015, more than twenty civil society groups came together under the campaign Manish Msemah (I will not forgive) to launch a large social media operation, lobby officials, draft letters, and organize protests in downtown Tunis against the bill.” (p. 19)

These efforts bore fruit two years later. “Through protests, public statements, workshops, and interactions with parliamentarians, the campaign raised awareness of the law and pressured the parliament to amend it.” (p. 25) Though the final version of the law, adopted in 2017, was not without its civil society and political critics, that “version was far more palatable to the Tunisian public than earlier iterations.” (p. 25) This particular campaign was part of a broader pattern, in which “Civil society has played a crucial role in informing the official anticorruption process. Several anticorruption laws were drafted in consultation with domestic civil society groups and international organizations such as the UNDP.” (p. 24)

Community Development in Indonesia. World Bank research (2004) on the integration of a legal empowerment component into a major village development project it supported in Indonesia revealed significant positive impact against corruption in the partner communities.

As explained at the outset of the report, “This paper examines how poor village communities have sought access to justice in an environment where existing institutions have, more often than not, failed them.” (p. 2) It places the study in context:

“Poor people in Indonesian villages have long been served badly by the justice system. Informal justice institutions, such as local custom (adat) and village government, are constrained by village hierarchies and local power imbalances. Formal justice institutions the police, prosecutors and courts are biased and remote.” (p. 2)

The legal information, advice and assistance the legal empowerment component provided – often carried out by NGO attorneys and paralegals but also by private lawyers – helped correct the theft or abuse of project funds by local officials, project staff or local leaders. The funds were returned and/or the judicial system was employed to ensure that many perpetrators were punished.

The affected communities generally preferred informal means of redress, including negotiation and the threat of seeking formal legal redress. But where power imbalances precluded this, especially where corrupt ties to government officials were in play, they chose to turn to the aforementioned, project-funded outside counsel to invoke the formal legal system.

In findings that could apply across a range of legal empowerment activities to various degrees, the World Bank report concludes, *inter alia*:

The main characteristics of success were socio-political. They included the existence of community facilitation, grassroots mobilization, external scrutiny, transparency and links between justice-seekers, civil society organizations and external institutions. The successful cases had three main characteristics in common:

i. First, all successful cases had a dedicated “case leader” or facilitator who could organize collective action and link villagers to external assistance.

ii. Second, the case leaders built links and coalitions with legal aid lawyers, local media and NGOs to raise public awareness of the cases and scrutinize the performance of legal institutions. Transparency and scrutiny applied by media and civil society coalitions was an aide to successful resolution, not a guarantee. But it did make it harder for police and prosecutors to engage in foul play and strengthened the hand of reformists who could be found within the system.

iii. Third, the cases that succeeded were those that attracted a wide range of constituents. Taking cases to the formal system appeared to lift them into the public domain, mobilizing a range of constituents whose interests coalesced around those of village communities in a way that informal village institutions alone could not. Legal aid lawyers and NGOs were able to use the cases as opportunities for broader advocacy; the World Bank was able to use the cases as opportunities to show its seriousness about combating corruption; and local governments were able to use them to show their seriousness about combating corruption from donor projects...
(p. VI)

Finally, the report recommends that village-level development programs can be good vehicles for access-to-justice interventions. (p. VII)

VI. A Response to COVID-19, Advancing Authoritarianism and Growing Fragility

As already noted, aid agencies and other international actors might tend to focus on working mainly or exclusively with governments rather than civil society groups in a given society, as such actors rush to address the COVID-19 crisis. This tendency could be exacerbated by the need to secure cooperation from authoritarian governments or to bolster governments in fragile societies.

In many countries, the international response need not go down that path. Brechenmacher et al. (2020) make a strong case for seeing the opportunities and advantages for civil society to play a powerful role in responding to the crisis. Their persuasive points in this regard include:

- Despite the dire circumstances, the COVID-19 crisis is generating dynamic responses on the part of civil society across the globe.
- While not all civil society groups are democratic or constructive in their responses, the many that do possess these qualities merit support.
- This surge of organizing and mobilization presents opportunities for international supporters of civil society groups to back and illuminate the important contributions they can make to addressing the crisis and more generally benefiting their societies.
- Some groups that ordinarily focus on more general or longer term democratic, human rights or development needs are at least temporarily repurposing themselves to provide urgent services.
- Others are fulfilling advocacy roles, partnering with disadvantaged groups to counter disinformation, battle discrimination or prod their governments to move beyond sluggish initial responses.
- These various activities can help civil society organizations regain legitimacy in societies where governments or other forces have slurred them as being unaccountable, elitist or in the service of foreign funders.
- This can in turn enable such groups to assume more ambitious reform agendas in fragile or repressive societies disrupted by the crisis.

Building on that analysis, the legal empowerment impact discussed in this paper points to additional, complementary roles for legal empowerment NGOs in particular and other civil society groups more generally:

- In the health field, they can monitor delivery of vital services to help ensure that funds, medicines and care are not being squandered or corruptly denied to partner populations.
- They can play analogous roles in other fields, such as food distribution or other humanitarian relief, where corruption could also drain vital resources.
- In the health, population and other sectors, field workers providing vital help can take on paralegal work with the proper training and as they gain community confidence.
- These service delivery monitoring roles can also translate into advocating for policy, legal or institutional reforms, whether to combat corruption or to address other needs.
- Depending on the context, international NGOs can also aid in or monitor the COVID-19 response.
- The urgency of the situation could strengthen the roles of donors and other international actors in persuading repressive governments or fragile societies to welcome or at least tolerate civil society contributions, including those that might constrain corruption during disaster relief.

Having said all this, there clearly are no guarantees that corrupt, authoritarian-leaning governments would be open to granting NGOs significant roles in various aspects of crisis response and monitoring. And fragile states can well become even more so under the immense pressure of the

pandemic, making relief efforts difficult, with advocacy or monitoring initiatives even more problematic.

Nonetheless, international supporters of pro-accountability civil society groups can press for their inclusion in relief efforts if possible, including anti-corruption monitoring and advocacy by legal empowerment NGOs and like-minded organizations.

VII. Recommendations

Core recommendation. Organizations concerned with stemming corruption should consider greater support for legal empowerment and related civil society efforts that help affected populations avoid or reverse corrupt service delivery and advocate for concomitant policy, legal and institutional reforms.

International civil society. Where local NGOs and grassroots groups lack the sophistication to undertake anti-corruption programs or manage development agency funds, international NGOs can serve useful roles in either carrying out anti-corruption projects or serving as intermediaries for local partners that do so.

Flexible funding. Aid agencies of course want to ensure that their funds are utilized honestly and effectively. To the maximum extent possible, though, their support for legal empowerment and related initiatives aiming to constrain corruption should be channeled flexibly, so as to permit those partners to chart and adjust their courses with as much freedom as possible.

Applied research. As a constructive alternative to the counterproductive logical frameworks that can hamper effective anti-corruption and governance programming, aid agencies should support applied research of a both qualitative and quantitative nature. The research can ascertain whether such programs are making progress and having impact. As a complement to problem-driven iterative adaptation, one function could be to help adjust operations over time – though expectations of quick annual results should be cast aside. In addition, retrospective research from two to ten years after a project has ended can cast valuable light on whether it has had lasting impact, informing later programs.

A response to negative trends. Legal empowerment NGOs and other civil society efforts merit particular political and financial support in the current problematic programming climate. They can help monitor medical and humanitarian aid to preclude corrupt diversion of resources designed to ease the COVID-19 crisis, prevent discrimination against marginalized groups and advocate for more effective and accountable policies. In undertaking these and other actions, they might help pave the way for enhanced democracy and greater popular participation in governance, despite the repressive practices many governments are adopting and the fragility many states are experiencing.

Maintain or increase overall development aid. Even as it casts government-centered anti-corruption programs in a critical light, nothing in this paper should be interpreted as calling for cuts in overall aid. Quite the contrary. Instead, such aid should be directed to community development and various other sectors that support strong accountability elements, legal

empowerment efforts and other initiatives that directly build the power and well-being of partner populations.

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