

POLITICAL CORRUPTION TOPIC GUIDE

Compiled by the Anti-Corruption Helpdesk

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Topic guides are a series of publications developed by the Anti-Corruption Helpdesk on key corruption and anti-corruption issues. They provide an overview of the current anti-corruption debate and a list of the most up to date and relevant studies and resources on a given topic.

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POLITICAL CORRUPTION

WHAT IS POLITICAL CORRUPTION?

Political corruption is a type of corruption that involves political decision-makers. It takes place when politicians and public officials who are entitled to make and enforce the laws use their political power to sustain their status and wealth and/or make decisions in the benefit of private interests¹. Political corruption thus often involves the abuse of power, and leads not only to the misallocation of resources, but also affects the manner in which decisions are made².

Political corruption often is facilitated by a system of secrecy and weak accountability, and it has a hugely detrimental impact upon public perceptions of the legitimacy of political institutions, weakening the democratic system as a whole, particularly when political leaders involved in corruption consistently remain unpunished.

TYPES OF POLITICAL CORRUPTION

Political corruption involves a wide range of crimes and illicit acts committed by decision-makers before, during and after leaving office³. It can thus be manifested in a wide-range of ways including: illegal political finance, undue influence on policy-making, state capture, election fraud, vote buying, abuse of state resources during elections, abuse of immunities and other prerogatives related to their position, as well as favouritism in appointments and decisions, among others.

The existence, extent and pervasiveness of these different forms of political corruption vary according to the specific social, economic and cultural contexts in which they are found. As such, the prevalence of a certain type of political corruption depends to a great extent on a country's legal and institutional and overall integrity system. While corruption related to political finance seems to be an issue affecting both developed and developing countries, vote-buying and election fraud seem to be more prevalent in countries in Africa and Latin America, and abuse of office in East Europe and Central Asia and African countries⁴.

Against this backdrop, measures to prevent and curb political corruption often include initiatives in the following areas:

- **Political finance:** It is fundamental to have clear rules regarding the funding of political parties and candidates as well as a strong oversight body that fully investigates

¹ Transparency International. 2009. *Anti-Corruption Plain Language Guide*.

² Amundsen, I. 1997. *Political corruption: An introduction to the issues*.

³ Transparency International. 2004. *Global Corruption Report Political Corruption*.

⁴ International IDEA. 2014. *Funding of Political Parties and Election Campaigns: A Handbook on Political Finance*.

potential corruption and abuses. Transparency is also instrumental to allow civil society, media and voters to monitor the process.

- **Election corruption:** A clear legal framework that defines rules for the administration of elections as well as a strong oversight body is essential to prevent election fraud, vote buying and abuse of office. Election monitoring can include the monitoring of the financing of election campaigns and political parties, the misuse of state funds and public administrative resources for electoral purposes and bribery of voters and election officials.
- **Corporate influence on decision-making:** Opportunities for purchasing influence in government are not confined to the electoral process; therefore, countries should seek to implement rules regulating lobbying and the back and forth movement between public office and private companies (revolving door).
- **Favouritism:** To ensure that politicians do not abuse their power and state resources and that decisions are made in the interest of the citizens at large, it is instrumental to introduce codes of conduct, rules on conflict of interest and asset declaration regimes. Further rules to enhance integrity in politics could include rules of incompatibilities.
- **Impunity of politicians and members of the government.** In many cases, politicians may use their power to exercise influence over the judiciary in order to remain unpunished for corruption and other crimes. In addition, in many countries politicians enjoy extensive immunity privileges that help them to remain unpunished. Immunity rules should be balanced – protecting the office politicians hold but still allowing politicians to be held accountable for more serious offences.

In the next sections, this topic guide covers three main types of political corruption – political finance, electoral corruption and undue influence on decision-making.

GENERAL RESOURCES ON POLITICAL CORRUPTION

Background studies

***Political corruption: An introduction to the issues.* Amundsen, I., 1999.**

CMI Working Paper WP1999:7.

www.cmi.no/publications/publication/?1040=political-corruption

While corruption is generally defined as the misuse of public authority, political corruption is here defined as corruption in which the political decision-makers are involved. In addition to a review of the various definitions of corruption and a classification of the various forms of corruption (bribery, embezzlement, fraud and extortion), this paper presents two alternative theories on corruption ("extractive" and "redistributive") in order to illustrate the effects of corruption in various regime types. Furthermore, the paper presents some causes and effects of corruption, in particular in economic and political terms. Finally, various sources of anti-corruption initiatives and endowment are discussed (even when the effect of democratisation in curtailing corruption is not too strong according to the possible source of corruption).

***Political Corruption: Problems and Perspectives.* Heywood, P., 1997.**

Political studies, 45(3), 417-435.

[Download pdf](#)

This paper offers an in-depth look at the cultural and historical contexts that have caused political corruption to be addressed as a problem that needs tackling. The author then explores the causes of political corruption and offers a theoretical review of the consequences of political corruption.

***Defining political corruption.* Philp, M., 1997.**

Political Studies, 45(3), 436-462.

<http://projects.iq.harvard.edu/gov2126/files/philpcorruption.pdf>

This paper looks at the concept of political corruption and deconstructs it in order to explore the extent which a political action can be considered corrupt. Departing from a case study from New South Wales, the author looks at the history of corruption as concept for political analysis and explores the intricacies of defining an action as corrupt. He concludes that political corruption is not a straightforward concept and depends on the context in which it is being analysed. The paper also identifies some of the problems of studying political corruption.

POLITICAL FINANCE

Political finance is defined as the legal and illegal financing of ongoing party activities and electoral campaigns⁵. The funding of political parties is an important element of democracy and essential so that parties can carry out their activities throughout the year and during election periods. However many problems may arise if political finance does not take place in a fair manner, including the lack of a level playing field among political parties, unfair representation and overall distrust in political parties and political processes more generally.

In fact, in many countries, the profound crisis of legitimacy faced by political parties has been directly linked to a widespread perception of their allegedly corrupt behaviour. This is reflected by the 2013 Global Corruption Barometer, which found that political parties were seen to be among the most corrupt institutions in 51 out of 107 countries that took part⁶.

Corruption in political finance usually “involves the improper and unlawful conduct of financial operations (often by a candidate or a party) for the profit of an individual candidate, political party or interest group”⁷. It can encompass, for instance, the appropriation of political funds by individual politicians, funding from infamous sources such as organised criminal groups, drug-trafficking or terrorist groups, activities in contravention to political finance regulations (for example, contributions from prohibited sources, undisclosed donations or contributions above the established ceiling, among others), use of legally obtained funds for goals other than legitimate political activities, restrictions to funding for opposition parties and contributions from companies or individuals in exchange for favourable policies, among others.

Countries have sought to regulate political finance to guarantee a level playing field and reduce opportunities for favouritism and corruption. Nevertheless, several challenges remain in implementing and enforcing such laws and ensuring fairness in the process.

ANTI-CORRUPTION MEASURES

Fighting corruption in political finance requires measures aimed at establishing an adequate legal framework, enhancing transparency and ensuring strong enforcement and oversight. Specific features of the national politics and legal environment should be taken into consideration to ensure adherence to the law and change in behaviour.

⁵ International IDEA. 2014. *Funding of Political Parties and Election Campaigns: A Handbook on Political Finance*.

⁶ Transparency International. 2013. *Global Corruption Barometer*. <http://www.transparency.org/gcb2013>

⁷ Walecki, M. 2004. *Political Money and Corruption*. *Global Corruption Report*. Transparency International.

Legal framework

According to the International IDEA Database on Political Finance, all 180 countries assessed have some sort of regulation on the flow of money in politics. Nevertheless, in many cases implementation is hampered by ambiguous rules, lack of political will or simply because the rules are not suitable for the country's context.

While international evidence shows that there is no universal prescription ensuring the effectiveness of political finance regimes, regulations on party funding play an important role in strengthening democracy, curbing opportunities for corruption and undue influence and enhancing transparency and accountability.

In the absence of international standards on political finance regulation, international and non-governmental organisations operating in the field have recognised the adoption of a series of measures regulating key aspects of political party financing to be fundamental to curb corruption and ensure a level playing field. They include:

- **Bans on certain types of donations:** Restrictions on the source of funding helps to prevent inappropriate influence and the abuse of state resources. Such restrictions usually include the prohibition or limitation of anonymous contributions, foreign contributions, contributions from legal entities and donations from state enterprises or firms which provide goods or services to the public administration.
- **Contribution limits:** Limits to the maximum permissible amount of the contribution aim at reducing the excessive influence of private money in politics. More than 40 per cent of the countries assessed by International IDEA establish limits to how much an eligible donor (individuals or companies) can contribute to a political party and/or individual candidate. In-kind donations should also be regulated.
- **Spending limits for political parties and candidates:** Spending ceilings aim at regulating the amount a political party or candidate can spend as well as the type of expenditure they can incur. Approximately 30 per cent of countries assessed limit the amounts that political parties may spend, and more than 40 per cent have limits regarding individual candidates⁸. Limits on the type of expenditure may range from the prohibition of using party funds for personal use to restrictions of the use of paid-for media advertising.
- **Provision of public funding:** Public funding aims at preventing the dependence of political parties on private donors as well as at guaranteeing equality of chances among parties and enhancing institutionalisation in the long term. In order to avoid abuse, a successful public funding scheme requires strong reporting rules on how funds are used and strong sanctions for non-compliance.
- **Comprehensive disclosure and reporting obligations:** Disclosure and reporting requirements with regard to donations to candidates and political parties aim at increasing transparency and accountability. It is also a prerequisite for the enforcement

⁸ International IDEA. Political Finance Database.

of spending ceilings, contribution limits and the allocation of public subsidies. Ideally, reports have to be verified by an independent institution and be made available online in a user-friendly format allowing public scrutiny. In addition to the disclosure of donations and activities during election campaigns, political parties should be required to keep proper books and accounts and publish audit accounts of all income and expenditures. Approximately 90 per cent of countries assessed by International IDEA have reporting requirements for both political parties and candidates. Nevertheless, 20 per cent of countries do not require the public disclosure of financial reports, which seriously hampers the ability of monitoring by civil society and interested parties.

- **Establishment of an independent and autonomous oversight agency:** The existence of independent and autonomous institution is key for the success of any political financing regulation. Nevertheless, close to 25 per cent of the countries for which information is available do not have an institution with the legal mandate to receive financial reports or investigate violations of political finance regulations⁹. In others, bodies responsible for receiving these reports are not necessarily responsible for reviewing their content and investigating wrongdoings. These reports have to be scrutinised beyond formalities, and oversight agencies should have the necessary investigative powers and resources to use them to be able to identify violations.

Innovations in the fight against corruption in political finance

In the past years, two main areas have been considered promising in the fight against corruption in political finance. They include the involvement of civil society, media and voters in general in external oversight and the use of technology and open data sources by both government and non-governmental organisations¹⁰ to better monitor implementation with the law, identify potential corruption risks and wrongdoings and help voters to make informed decisions.

In addition to monitoring political party financing, civil society organisations can also play a role in advocating for appropriate political finance rules. This role can also be successfully played or supported by international donors operating in developing countries. The international community can provide support in building impetus for reform and providing technical assistance to governments attempting to regulate this sector; strengthening enforcement capacity of dedicated national bodies; and providing funding for civil society activities in this area.

⁹ International IDEA. Political Finance Database.

¹⁰ Doten, C. 2013. *Open Data is the Beginning, not the End: Civil Society Organizations as Analysts*. National Democratic Institute. <https://www.ndi.org/node/20206>

Fighting corruption in political finance: the role of civil society

In Colombia, Transparencia por Colombia, with the support of USAID and the government of Colombia, developed a web tool ([Cuentas Claras](#)) that allows political parties to submit campaign finance information. The tool was officially adopted by the National Electoral Council and is now used for its own monitoring of party finance. The website also allows citizens to consult through searchable database real time information on political finance.

In Hungary, in the absence of adequate legislation requesting political parties to publicly disclose information on income and expenditures and ensuring proper oversight, Transparency International Hungary, Atlatszo.hu and K-Monitor launched a campaign called epmutatas.hu (which means hypocrisy in Hungarian) to collect data and information on political parties campaign spending, including expenditures on advertisements and media appearances, among others. The monitoring effort found that almost all parliamentary parties running for the last elections exceed the spending limit set by the law by HUF 3.5 billion (approximately US\$ 14 million) and that political parties failed to report on how state subsidies were used¹¹.

RESOURCES ON POLITICAL FINANCE

Background studies

***Funding of Political Parties and Election Campaigns: A handbook on Political Finance.* International IDEA, 2014.**

www.idea.int/parties/funding-of-political-parties-and-election-campaign-a-handbook-on-political-finance.cfm

This handbook provides a global overview of the area of political finance in theory and practice. It focuses on the central issues in this field in relation to the political situation and challenges specific to each of the world's regions. The content of the handbook has been developed through combining comparative research using a number of country examples and building on data from International IDEA's database. Regional studies included in the publication cover Asia, Latin America, established Anglophone democracies, Western Europe, Eastern Europe, Central Asia and Africa.

***Money in Politics: Sound Political Competition and Trust in Government.* Speck, B., 2013.**

OECD Background Paper. <http://www.oecd.org/gov/ethics/Money-in-politics.pdf>

¹¹ Transparency International Hungary. 2014. *Campaign Corruption Performs Better in Hungary.* http://www.transparency.hu/CAMPAIGN_CORRUPTION_PERFORMS_BETTER_IN_HUNGARY?bind_info=page&bind_id=166

This recent paper offers an in-depth discussion of the question of political finance. It analyses the issue of party finances and its relationships to political competition, trust and integrity, linking this with a series of practical guidelines such as strengthening democracy within party organisations, fighting undue influence and closing the gap between law and practice. It also offers a useful overview of past initiatives and related publications by a number of organisations that are active in the field of electoral integrity, including the International Foundation for Electoral Systems (IFES), the International Institute for Democracy and Electoral Assistance (IDEA), the Carter Center, the Council of Europe (GRECO) and the United Nations (UNCAC).

***Political Finance Regulations around the World: An overview of the International IDEA Database.* Ohman, M., 2012.**

www.idea.int/publications/political-finance-regulations/

This report by the International Institute for Democracy and Electoral Assistance (IDEA) summarises some of the key findings of the International IDEA database. The database analyses 180 countries and regions based on the integrity of their political financing framework. Political financing frameworks are analysed by answering questions related to bans on donations, limits on donations, provision of public funding, bans on expenditure, limits on expenditure, financial disclosure and enforcement and sanctions. This report looks in particular at the methodology behind the database and explores several key findings related to the database. This resource is valuable for comparing political funding across countries and for understanding what is the current situation of political funding legislation around the world.

Standards and guidelines

International standards

***United Nations Convention against Corruption (UNCAC).* United Nations, 2005.**

www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

Among other things, Article Seven of the UNCAC recommends member parties take appropriate legislative and administrative measures, consistent with the objectives of this convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties.

***Political Finance Regulations: Bridging the Enforcement Gap.* Policy Position No.2/2009: Transparency International, 2009.**

www.transparency.org/whatwedo/publication/policy_position_no._02_2009_political_finance_regulations_bridging_the_enfo

Political finance regulations are present in most states, yet only a portion of them are enforced appropriately. Based on this context, this policy position provides 10 guiding principles with which to enforce political finance regulations. Some of the principles covered include respect

for the rule of law, legislative clarity, internal auditing by political parties, effective supervision, sanctioning and the role and responsibilities of regulatory bodies. The position's objective is to provide clear rules that may be applied a variety of situations.

Standards on Political Funding and Favours. Policy Position No. 1/2009: Transparency International, 2009.

www.transparency.org/whatwedo/publication/policy_position_no.01_2009_standards_on_political_funding_and_favours

When corruption distorts political party and campaign financing, candidate competition is warped, elections are undermined and the quality of government is compromised. This paper sets forth standards to ensure that elected politicians make decisions in the broader public interest and not to the benefit of those that funded their ascent to power.

Regional standards

Political party integrity: more accountable, more democratic. Transparency International, 2012.

www.transparency.org/whatwedo/pub/2012_regional_policy_paper_2_political_party_integrity_more_accountable_mor

This policy position published by Transparency International addresses the perceived corrupt nature of political parties in Europe and calls on governments to address their integrity deficits by requiring political parties to be more accountable and transparent. Specific recommendations include limiting donations, strengthening transparency (particularly during campaigns), creating a single, independent and well-equipped supervisory body and ensuring enforcement of rules and sanctions.

Code of Good Practice in the Field of Political Parties. Venice Commission, 2008.

[www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2009\)002-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2009)002-e)

This code for political parties offers a number of specific features which introduce a new approach to the issue of party-related corruption. Its explicit aim is to reinforce political parties' internal democracy and increase their credibility in the eyes of citizens, thus contributing to the legitimacy of the democratic process and institutions as a whole and fostering participation in political life, as well as to promote democratic principles such as equality, dialogue, co-operation, transparency and the fight against corruption.

Principles for Election Management, Monitoring, and Observation in the SADC Region. Electoral Commissions Forum, 2003.

www.ecfsadc.org/index.php/election-reports/category/1-various-documents-reports?download=19:pemmo

The Electoral Commissions Forum of the SADC countries developed the Principles for Election Management, Monitoring, and Observation in the SADC Region in 2003. This document states that “[t]he use of public assets and funds for party political purposes should be regulated in

order to level the playing field for political competition (...) Political parties and candidates should account to the EMB for the use of such resources”.

Recommendations on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns. The Council of Europe, 2003.

<https://wcd.coe.int/ViewDoc.jsp?id=2183>

This set of recommendations, proposed in 2003 by the Council of Europe, aims to address issues in political financing by proposing a set of minimum standards that states can adhere to in order to improve the integrity and transparency of their political finance regime.

Practical insights: handbooks and toolkits

Political Finance Oversight Handbook. Ohman, M., 2013. IFES.

www.ifes.org/Content/Publications/Books/2013/~/_media/Files/Publications/ManualHandbook/2013/TIDE%20Political%20Finance%20Oversight%20Handbook.pdf

IFES' Training in Detection and Enforcement (TIDE) program addresses the needs of political finance enforcers through comparative analysis of detection and enforcement strategies around the world. IFES' Political Finance Oversight Handbook is the core of the TIDE programme. This handbook is the product of extensive research and fieldwork by leading political finance experts and practitioners. It represents a comprehensive effort to consolidate the experience and knowledge currently available. This publication has been revised from a version originally published in 2005, taken into account changing circumstances and lessons learned. An additional section has been included on how to counteract the abuse of state (administrative) resources.

Guidelines on Political Party Regulation. European Commission for Democracy Through Law, 2010.

[www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)024-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)024-e)

These guidelines were prepared by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE) and were adopted by the European Commission for Democracy through Law in 2010. The aim of the document is to provide an overview of a wide range of issues regarding the development and adoption of legislation for political parties in democracies. The document has two specific sections, chapter seven on funding political parties and chapter eight on monitoring political parties that relate to political financing. While there are many guidelines relating to funding political parties, there is a strong emphasis throughout the chapter that regulations on public funding should be clearly publicised and should be transparent so that parties are on equal footing with each other. In relation to monitoring political parties, the authors signal that neutrality and impartiality are key principles monitoring bodies should adhere to.

Corruption and Legislatures. Pelizzo, R. and Stapenhurst, F., 2014. New York, Routledge.

www.routledge.com/books/details/9780415730105/

This book investigates parliaments' role in curbing corruption. In addition to discussing the definition, causes, and costs of corruption and the role that parliaments have in reducing corruption, the authors consider contemporary issues that parliamentarians – and others – need to be aware of. The book includes a chapter on political finance where the author analyses electoral laws, campaign financing, and party political financing, considering how legislatures can reduce corruption in these areas.

Assessments and databases

Money, Politics and Transparency. Global Integrity, The Electoral Integrity Project, Sunlight Foundation, 2015.

<https://data.money politicstransparency.org/>

This is a research project done in collaboration between the Sunlight Foundation, Global Integrity and the Electoral Integrity Project. It evaluates the key components of effective political finance regimes, including regulation of direct and indirect public funding, limits on contributions and expenditure, reporting and public disclosure, the regulation of third-party actors, and monitoring and enforcement. The study covers the political financing regime in 54 countries, and the results are published in specific country profiles. Overall, it concludes that mixed policy strategies work best to control money in politics.

Fighting Corruption: Political Funding. Doublet, Y., 2012. GRECO.

www.coe.int/t/dghl/monitoring/greco/general/DOUBLET_EN.pdf

This report is based on an evaluation launched 2007 by the Group of States Against Corruption (GRECO) in which it evaluated 39 of the 49 GRECO member states' legislation on political financing. The report attempts to draw general lessons based on the evaluations and develops a set of good practices divided into three sections: transparency, monitoring and sanctions (enforcement). The report particularly aims at identifying weaknesses in the political finance systems of the assessed countries and provides constructive feedback for countries wishing to improve the fairness and competitiveness of their political finance regime. The report notes that the regulations examined usually fell short of the guiding principles outlined by the report.

Regulating Political Party Financing: Some Insights from the Praxis. International IDEA, Netherland Institute for Multiparty Democracy, 2012.

www.nimd.org/wp-content/uploads/2013/04/Regulating-political-party-financing-Some-insights-from-the-praxis.pdf

This report is a summary of the proceedings that took place at an IDEA/NIMD conference in 2012 entitled "The Legal Framework Governing Political Parties: the Case of Party Financing". The report begins with a discussion of the meaning of political party financing, followed by a closer look at the state of affairs in six countries (Ghana, Mozambique, Tanzania, Burundi, Uganda and Malawi) in the form of case studies. Highlights on the political party financing regimes in sub-Saharan Africa are also analysed with a focus on challenges and opportunities for reform. The report concludes by highlighting best practices, key lessons and a way forward in the form of recommendations. In relation to recommendations, the paper addresses

recommended good practices related to the areas of regulatory frameworks, financing sources, modalities and criteria for public financing, and control and oversight.

Party Regulation in Europe: A Comparative Overview. Piccio, C., 2012.

www.academia.edu/5248598/Party_Regulation_in_Europe_A_Comparative_Overview

This paper describes the provisions referring to political parties in the national constitution, the party law and the party finance law in European countries. Particular attention is devoted to key issues such as party registration requirements, restrictions on party activity or identity, thresholds and allocation mechanisms for the public funding of political parties, regulation of private donations, as well as to the institution of authorities for the external oversight.

Latin America Regulation on Political Parties: Continuing trends and working with the past. Molenaar, F., 2012.

www.udesa.edu.ar/files/UAHumanidades/EVENTOS/Paper_Fransje_Molenaar_310512.pdf

This paper looks at the development of the legal regulation of political parties in Latin America, with a focus on the content of the legal changes that have occurred over the last decade. Attention is paid in particular to the development of legal norms related to the registration and dissolution of parties, provisions for internal democracy and candidate selection and the regulation of private funding, public funding and access to the media.

Political Corruption Assessment Topic Guide. McDevitt, A. 2011. Transparency International GateWay.

http://gateway.transparency.org/files/uploads/Political_Corruption_Topic_Guide.pdf

This topic guide contains information on the different existent political corruption assessments, which are defined as those tools aiming at identifying (i) misconduct in political finance and the use of state resources for political purposes, and/or (ii) weaknesses in the rules governing the legislature and political parties (and their applications in practice) which present corruption risks. The guide offers an overview of the different assessment approaches in areas of political finance and campaigning as well as the main challenges in conducting such assessments. Finally, the guide provides a list of promising approaches in the area.

GRECO reports on transparency of party funding. 2007.

www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp

The third round of evaluation initiated in 2007, analyses the compliance of the country-members of the Group of States against Corruption (GRECO) with the recommendations of the Council of Europe on common rules against corruption in the funding of political parties and elections campaigns. The reports analyse both the country's legal framework and its implementation in practice.

Global Integrity Report

www.globalintegrity.org/global_year/2011/

The Global Integrity Report provides quantitative data and qualitative reporting on the health of a country's anti-corruption framework. The scorecard assesses the existence, effectiveness, and the citizen access to key governance and anti-corruption mechanisms through more than 300 actionable indicators. It specifically examines issues related to political financing regulations and electoral integrity. Scorecards take into account both existing legal measures on the books and de facto realities of practical implementation in each country.

***CRINIS Project: Transparency in political party financing.* Transparency International.**

<http://gateway.transparency.org/tools/detail/64>

This tool evaluates the levels of transparency built into current legislation and political financing practices of political parties and candidates during election campaigns, as well as the financial activities of parties in non-election years. The transparency of political finance activity is quantified using a set of 10 dimensions: internal book-keeping of parties, reporting to control agency, disclosure to the public, comprehensiveness, depth and reliability of reporting, preventative measures, sanctions, state control, public oversight. Various regional and country-specific reports using the CRINIS methodology are available on Transparency International's website.

Resources from the Anti-Corruption Helpdesk

***Access to information and political parties.* Martini, M., 2014.** Anti-Corruption Helpdesk Answer, Transparency International.

[www.transparency.org/files/content/corruptionqas/Access to information and political parties.pdf](http://www.transparency.org/files/content/corruptionqas/Access%20to%20information%20and%20political%20parties.pdf)

In the majority of countries, political parties, due to their legal status, do not feature among the institutions required to respond to citizens' access to information requests, but this does not mean that political parties should not report and disclose information related to their activities. Political funding rules often include provisions requiring political parties to disclose such information. International standards put forward by intergovernmental and non-governmental organisations have called on countries to establish clear rules requiring political parties to regularly disclose information about their operations, in particular about their finances. In addition, to ensure that the information disclosed reflects reality, political parties should be obliged to keep proper books and accounts containing detailed information on all sources of income, donations and expenditures during the financial year and elections. Countries should also provide for effective, proportionate and dissuasive sanctions to ensure compliance with the law.

***Electoral campaign reporting rules and the role of supervisory bodies.* Martini, M., 2013.** Anti-Corruption Helpdesk Answer, Transparency International.

www.transparency.org/whatwedo/answer/electoral_campaign_reporting_rules_and_the_role_of_supervisory_bodies

Reporting and disclosure requirements are instrumental to ensuring fairness and avoiding undue influence in the political process. Political parties and candidates should therefore regularly report on donations received and expenditures during electoral campaigns. The

frequency of reporting, however, varies from country to country. In order to guarantee the effective implementation of the law, independent and well-resourced supervisory bodies with investigative powers should be established. These bodies should be able to proactively conduct investigations throughout and after the elections to ensure political parties and candidates follow campaign finance rules.

Political Party Accountability: Intra-Party Democracy, Funding, and Minimum Standards for Candidates. Martini, M., 2012. Anti-Corruption Helpdesk Answer, Transparency International.

www.transparency.org/files/content/corruptionqas/Political_party_accountability.pdf

Intra-party democracy typically relates to how party candidates and leaders are selected as well as how the party defines its programme and policy positions, with issues of inclusiveness, centralisation and institutionalisation at the core of the concerns. With regard to political party financing, there is a broad consensus that countries should seek to regulate public and private funding, establish ceiling on expenditures, limit contributions, as well as ensure great levels of transparency. It is also key to have an independent oversight institution to implement and enforce the legislation. In terms of minimum requirements for candidates, besides age, citizenship and a certain level of educational qualifications, which are often conditions for eligibility, countries should seek to exclude individuals convicted for corruption or other electoral crimes/contraventions from running for public office.

Selected actors and stakeholders

[The International Institute for Democracy and Electoral Assistance \(International IDEA\)](#) is an intergovernmental organisation with a mission to support sustainable democracy worldwide. International IDEA produces comparative knowledge in its key areas of expertise: electoral processes, constitution building, political participation and representation and democracy and development, as well as on democracy as it relates to gender, diversity, and conflict and security. Their website can be accessed [here](#).

[The Centre for Public Integrity](#) is one of the largest non-partisan, non-profit investigative news organisations in the United States. The centre aims to use investigative journalism tools to bring to light issues on political financing and undue interest in politics. In particular they have a State Influence Hub that aims to expose special interests and influences at the state level. One of the centre's current projects is called "Consider the Source" which aims to trace the roots of political financing of parties and campaigns during elections. Their website can be accessed [here](#).

[The Money, Politics and Transparency Project](#) is a collaboration between the Sunlight Foundation, Global Integrity and the Electoral Integrity Project which aims to generate research, analysis and global norms that civic organisations, elected officials, regulators and the media can use to build more transparent political financing systems in any country. The project currently hosts a compendium of resources related to political financing systems on its website and will offer a visual library of case study publications and of raw data related to

political financing. The project aims to gather detailed information related to 50 countries covering various topics in political financing. The project can be accessed [here](#).

ELECTIONS

Free and fair elections are the cornerstone of democracy and the most direct mechanism for citizens to express their political preferences by choosing their governments. However, in many countries, and particularly those where democratic institutions are weaker, corruption poses a serious threat to the legitimacy of electoral processes and outcomes. There are three fundamental ways in which electoral integrity can be undermined¹², namely through vote-buying, abuse of state resources and election rigging.

Vote-buying occurs when a politician or party provides favours (such as access to public services, resources or preferential treatment) to voters in exchange for consensus, political support, and commitment to vote. Abuse of state resources can encompass any use of publicly owned resources that affects the financing of political parties or of elections in such a way as to favour one party or candidate at the expense of other contestants. Examples of the abuse of state resources range from the use of regulatory power to alter elections laws in favour of a political party or candidate, to the use of government-owned infrastructure and state resources including personnel for election campaign purposes and the manipulation of state owned media¹³.

Election rigging, on the other hand, consists in manipulating electoral outcomes through corrupt practices such as ballot-stuffing, misinforming voters, mis-recording of votes, manipulations of voter's register and/or manipulation of demographic information (such as altering constituency boundaries).

ANTI-CORRUPTION MEASURES

Next to an adequate legal framework, regulating elections and the existence of appropriate sanctions against electoral malpractice – such as fines, loss of political mandate and ineligibility – a variety of institutions and practices can contribute to ensuring the integrity of electoral processes and outcomes¹⁴. This includes the existence of an independent body to manage and oversee elections, the use of technology, free and independent media, as well as independent election monitoring by international and domestic organisations.

¹² Birch, S. 2011. *Electoral Corruption*. Institute for Democracy and Conflict Resolution briefing paper. http://www.idcr.org.uk/wp-content/uploads/2010/09/05_11.pdf

¹³ Ninua, T. 2012. *Abuse of state resources*. Transparency International.

¹⁴ ACE Electoral Knowledge Network. 2013. *Electoral Integrity: Overview of Electoral Integrity*. <http://aceproject.org/ace-en/topics/ei/ei10>

Legal framework

The legal framework for elections usually includes constitutional provisions, the electoral law and other laws that may have an impact on elections, such as laws on political parties. In this context, it is instrumental that the overall legal framework governing elections is unambiguous, understandable and transparent.

Moreover, to prevent corruption and ensure a level playing field, election laws should seek to regulate the following¹⁵:

- **Election management:** The law should provide for the establishment of an autonomous and impartial election management body. The law should also clearly define the body's roles and responsibilities, ensuring that sufficient and timely resources are provided. Among other things, the responsibilities of such bodies usually include the establishment of clear voting procedures, the registration of voters and the management of voter registers, measures to ensure the secrecy of the vote and the integrity of the electoral process, including ensuring the transparent counting and tabulation of votes, and the certification of election results, among others. The law should also clearly define the composition of the election management body, as well as its structure and procedures for the appointment of members¹⁶.
- **Voter registers:** There should be pre-defined and clear rules for the inclusion or removal of a voter from the register. In addition, in order to avoid corruption and manipulations, voter registers should be made available for public scrutiny at no cost.
- **Procedures to count ballots:** The law should establish clear procedures for counting ballots, in spite of the method used (manual, mechanical or electronic). Clear rules on the criteria to be used in determining whether a ballot is valid or not should also be defined by law.
- **Regulations and instructions:** In order to avoid abuse of power and manipulation of the process and ensure the stability of the process, the law should establish time restrictions with regard to the passing of amendments to the electoral law. Within this framework, last minute amendments (for example, regarding the time of the election or establishing re-election) should be prohibited. Further elections regulations and instructions to be adopted by the election management body should also be in accordance with the electoral law. In fact, the electoral law should define the areas, situations, and timelines within which the electoral body can issue these instructions.
- **Abuse of state resources:** The election law should explicitly state that state resources may not be used for the purposes of election campaign. The relevant provision should clearly define what constitutes the usage of state resources and what the sanctions for the violation of the rule are.
- **Vote buying:** The law should also strictly prohibit candidates and political parties from giving money, presents or favours in exchange for votes.

¹⁵ International IDEA. 2014. *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections*.

¹⁶ Martini, M. 2013. *Election Management Bodies and their Composition*. Anti-Corruption Helpdesk Answer.

- **Election observation:** The law should ensure that representatives of parties and candidates as well as election observers are allowed to monitor the electoral process, including by having access to voting stations and accompanying the vote counting.
- **Complaint mechanisms:** The law should also establish mechanisms through which contestants, political parties and voters can lodge complaints.
- **Sanctions:** The law should establish proportional and dissuasive sanctions for non-compliance, including the disqualification of a candidate.
- **Access to the media:** The law should protect political parties and candidates, ensuring they all have equal access to the media (for example, fair and equal prices for advertisement, fair reporting practices).

Oversight

In addition to a strong legal framework, external oversight by a neutral and independent electoral commission, international bodies and civil society is paramount in ensuring the integrity of the electoral process and accountability of political parties. In fact, observation of elections by international bodies, civic groups and local political parties can help not only to prevent instances of electoral fraud but also to publicise identified wrongdoings and demand that appropriate measures are taken when these do occur.

Moreover, the oversight exercised by state supervisory bodies can be greatly complemented by the efforts of civil society and media. Monitoring activities of non-governmental organisations in many countries have included identifying, documenting and publicising specific cases of abuse of state resources during elections¹⁷, monitoring media coverage and potential instances of favouritism¹⁸, investigating and reporting instances of vote-buying¹⁹, as well as monitoring and reporting fraud in the registration of voters, tabulation and counting of votes²⁰, among others.

Innovations in combating electoral corruption

The use of information and communications technologies (ICT) in the electoral process has become a common practice. Many electoral management bodies are using technology to improve the process and the overall management system. The use of technology aiming specifically at reducing or curbing the opportunities for corruption is less common. However, in the past years the use of biometric voter registration as an anti-corruption tool has been increasing, with several countries in Africa having adopted the system. Within this framework, biometric voter registration has been used to avoid fraud in the voting process, particularly by ensuring the voter's identity and that he/she only votes once.

¹⁷ Transparency International Macedonia. 2014. *Macedonia Parties Sued for Paying Cash in Elections*. http://www.transparency.mk/en/index.php?option=com_content&task=view&id=517&Itemid=30

¹⁸ OSCE. 2012. Handbook on Media Monitoring for Election Observation Missions. <http://www.osce.org/odihr/elections/92057?download=true>

¹⁹ Brazilian Electoral Committee against Vote-Buying. <http://www.comite9840pr.org.br/>

²⁰ Cambodia Watch. 2013. "Cambodian NGOs review poll fraud report". <http://camwatchblogs.blogspot.com.br/2013/11/cambodian-ngos-reveal-poll-fraud-report.html>

However, the effectiveness of such tools to prevent corruption has been disputed. There have been also cases of electoral fraud in the registration of voters (for example, by registering individuals under the legal voting age or foreign nationals) after the introduction of such sophisticated technology, raising doubts on whether the costs incurred to establish the system is worthwhile. According to some experts, biometric voter registration cannot be seen as an anti-corruption tool in itself but should be accompanied by measures to raise the integrity of election management bodies²¹.

RESOURCES ON ELECTIONS

Background studies

***Electoral Malpractice.* Birch, S., 2011.** Oxford University Press.

This book provides a comprehensive overview of the issue of electoral malpractice. The author understands electoral malpractice as taking three main forms, namely the manipulation of electoral institutions, the manipulation of vote choice and the manipulation of the voting act (electoral administration). The author explores these forms of electoral malpractice in detail and discusses the challenges and prospects of electoral reform. The book concludes that electoral malpractice in all its forms can be combated by raising the costs of electoral malpractice. National governments should give space to civil society, domestic media and international actors to take on direct monitoring roles in order to denounce infractions.

Standards and guidelines

***International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections.* International IDEA, 2014.**

www.idea.int/publications/ies/

The book sets out the basic legal components governing elections for the purpose of reviewing, drafting or amending electoral legislation. It aims at promoting uniformity, reliability, consistency, accuracy as well as professionalism in elections. The book covers a wide range of areas including boundary delimitation, electoral management bodies, voter registration, campaign finance and expenditure, balloting, vote counting, complaints and the role of parties and candidates. It goes into significant detail on all of the topics and additionally provides an annex with region-specific international norms and standards.

***Good Practice in the Field of Political Parties.* Venice Commission, 2009.**

www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282009%29002-e

²¹ CNN 2012. "Can tech revolutionise African elections?" <http://edition.cnn.com/2012/11/17/opinion/sierra-leone-election-biometric/>

The Venice Commission's Good Practice in the Field of Political Parties' paragraph 41 addresses the abuse of state resources in the following way, "Apart from different forms of funding provided for by the law, any party must refrain from receiving assistance, financial or in kind, from any public authorities, particularly those directed by its members."

Compendium International Standards for Elections. European Commission, 2007. 2nd Edition.

www.eueom.eu/files/dmfile/compendium-of-int-standards-for-elections_en.pdf

This compendium aims to assist EU Election Observation Missions and other interested stakeholders in clearly identifying international standards in assessing the conduct of elections. To facilitate such assessment, a practical guide has been included as an annex.

Practical insights: handbooks and toolkits

The Longer-Term Impact of UNDP Electoral Assistance: Lessons Learned. UNDP, 2014.

www.undp.org/content/undp/en/home/librarypage/democratic-governance/electoral_systemsandprocesses/11--the-longer-term-impact-of-undp-electoral-assistance--lessons/

The study consolidates in a systematic manner the lessons learned on UNDP's electoral projects, an area where the organisation has been active for over a decade. The study identifies best practices that can be shared to inform future programming and policy formation and focuses on the principles of sustainability, cost-effectiveness, national ownership and human rights. The scope of the study is global, but it also focuses on eight country case studies: Bangladesh, Cambodia, Georgia, Indonesia, Liberia, Mexico, Mozambique and the Occupied Palestinian Territories. The study is particularly interesting considering that, as mentioned in the text, the recommendations and good practices are based on the UN's emphasis on sovereignty and non-interference. For this reason, this may be a useful resource for organisations or civil society groups that seek to address electoral malpractice with a cooperative and slightly less confrontational approach.

Deepening Democracy: a Strategy for Improving the Integrity of Elections Worldwide. Global Commission on Elections, Democracy and Security, 2012.

www.idea.int/publications/deepening-democracy/

This report by the Global Commission on Elections, Democracy and Security highlights global threats to democratic progress and identifies major challenges to delivering elections with integrity. The commission emphasises that elections conducted with integrity not only promote democratic values and human rights, but also help to improve governance, fight corruption, empower minority groups and deliver services to the poor. Against this background, the report puts forward 13 recommendations to strengthen electoral processes and norms worldwide. These recommendations are aimed at international donors and national governments and have the objective of not only improving electoral system integrity, but also address the empowerment of other national actors to monitor elections and electoral practices.

Elections Observation Handbook. OSCE/ODIHR, 2010. 6th Edition.

www.osce.org/odihr/elections/68439?download=true

This handbook is intended to act as a guideline for electoral observers worldwide and offers a detailed exhibition of the ODIHR's observation methodology. This is the 6th edition of the handbook, first published in 1996. The handbook clearly outlines minimum conditions for effective, credible and professional observation of elections. It informs governments of participating states, political parties, candidates, voters, media and civil society about the basis for the planning, deployment and implementation of and follow-up to an election observation mission. Furthermore, the handbook elaborates how OSCE member states are assessed for their compliance with the organisations election integrity commitments as well as other international standards for democratic elections and national legislation.

Milking the System: Fighting the Abuse of Public Resources for Re-election. Speck, B., and Fontana, A., 2007. U4 Issue Brief 2011:7 U4 Anti-corruption Resource Centre.

www.u4.no/publications/milking-the-system-fighting-the-abuse-of-public-resources-for-re-election/

Abuse of state resources for re-election damages democracy, creating an uneven playing field that improves re-election chances of incumbents and negatively influencing the quality of government, since diversion of resources for financing campaigns incurs costs for the institutions involved and may reduce services provided to the public. This paper explains the need for an integrated reform strategy, including reforming the electoral system, strengthening political parties, and regulating the financing of parties and elections. At the same time, the need to curb the supply of resources through strengthening the civil service, building state monitoring mechanisms and enhancing transparency to allow for media and civil society oversight is also highlighted.

Assessments and databases

Database of Obligations for Democratic Elections. Carter Centre, 2014.

www.cartercenter.org/des-search/des/Default.aspx

This database is intended to assist election assistance providers, election observers and others in their efforts to monitor and assess the quality of electoral processes by identifying obligations for democratic elections based in public international law. The database contains a broad range of public international norms and regulations which have been spliced into quotes and tagged so as to facilitate access to quotes related to specific actors, countries, and situations. A specific section on preventing corruption offers a systematic overview of relevant international obligations covering a wide range of issues such as election management; candidacy and campaigning; voter registration; voting operations; and vote counting.

ACE Electoral Integrity. The Electoral Knowledge Network, 2013.

<http://aceproject.org/ace-en/topics/ei/ei10>

The ACE Electoral Knowledge Network is the world's first online resource of its kind in the field of elections and the world's largest repository of electoral knowledge, providing more than 10,000 pages of specialised thematic information, country and region specific information and comparative data. This entry on electoral integrity from the ACE Encyclopaedia discusses issues of transparency, accountability and accuracy in electoral administration, as well as the ethical behaviour of key players able to contribute to maintaining integrity. The entry features an extensive section on integrity within election administration. It features numerous case studies which serve to illustrate scenarios of vote-buying, abuse of office and misuse of administrative resources, absence of effective legal remedies, and successes related to official oversight and supervision. This encyclopaedia entry serves a good starting point for understanding what electoral integrity is and how it should be monitored and enforced.

***Assessing Electoral Fraud in New Democracies: A New Strategic Approach.* Darnolf, S., 2011.** International Foundation for Electoral Systems.

[www.ifes.org/~media/Files/Publications/White%20PaperReport/2011/Assessing Electoral Fraud Series Darnolf.pdf](http://www.ifes.org/~media/Files/Publications/White%20PaperReport/2011/Assessing_Electoral_Fraud_Series_Darnolf.pdf)

The paper outlines a strategy for strengthening effective prevention of electoral fraud, focusing in particular on the capacities of electoral management bodies, but also discussing to a lesser degree the role of other key electoral stakeholders. In the first part, current and potential roles and responsibilities of the main national and international actors relevant for a strategy to combat electoral fraud are outlined. Based on these findings, the second part of the paper proposes an improved electoral fraud model applicable across countries.

***'Grabbing' an Election: Abuse of State Resources in the 2011 Elections in Uganda.* Helle, S. and Rakner, L.** in Søreide T. and A. Williams (Eds) *Corruption, Grabbing and Development: Real World Challenges*. Edward Elgar Publishing, Cheltenham and Northampton.

www.cmi.no/publications/file/5094-grabbing-an-election.pdf

This article discusses the use of public (state) resources in election campaigns for the ruling party (grabbing), focusing on the 2011 elections in Uganda. The authors argue that grabbing not only affected electoral accountability through tilting the electoral playing field in favour of the ruling party, but also that it affected financial stability and contributed to rising inflation and subsequent unrest. Their analysis of the role of money in Ugandan electoral politics suggests that this form of grabbing is detrimental to development because it creates an uneven electoral playing field, distorts the true reflection of the people's will, and undermines the purpose of holding elections.

Resources from the Anti-Corruption Helpdesk

***Election Management Bodies and their Composition.* Martini, M., 2012.**

Anti-Corruption Helpdesk Answer, Transparency International

www.transparency.org/files/content/corruptionqas/Election_management_bodies_and_their_composition.pdf

This Helpdesk Answer discusses election management bodies and exhibits the different forms and characteristics that election management bodies can take. Election management bodies may be institutions which are fully independent from the executive government and composed of experts and/or partisan members, or governmental institutions which are part of the executive (for example, the Ministry of Interior). Election management bodies can also be a combination of the two systems. The integrity and impartiality of these bodies does not rely heavily on the composition of the body but rather on how procedures are set and decisions are made. The Helpdesk answer finds that irrespective of the model adopted, it is essential that electoral management bodies function according to the principles of transparency, accountability, professionalism and efficiency.

Selected actors and stakeholders

[The Electoral Assistance Division \(EAD\)](#), under the UN Department of Political Affairs, handles requests from individual members states to provide mainly technical assistance in the field of elections. It has supervised and observed elections processes in more than 100 countries worldwide since 1991 and increasingly focuses its electoral efforts on providing technical assistance to help member states build credible and sustainable national electoral systems. EAD's technical assistance has grown exponentially through the provision of training and support of election administrations. Their website can be accessed [here](#).

[The OSCE's Office for Democratic Institutions and Human Rights \(ODIHR\)](#) also regularly send observation mission to monitor electoral processes but mostly in participating states. Since Kuwait is not an OSCE participating state, they would probably not have a mandate to send a mission there.

[European Network of Election Monitoring Organisations \(ENEMO\)](#) is a group of 19 leading civic organisations from 17 countries of Eastern and Central Europe and the former Soviet Union, which have monitored more than 100 national elections and trained more than 100,000 observers in the region. ENEMO also organises international observation missions to evaluate elections, mainly in Europe and Central Asia.

[The Carter Center](#) is an American non-profit organisation that has observed more than 80 elections in around 35 countries. They have also developed standards for election observation together with the UN and NDI. Their website can be accessed [here](#).

[National Democratic Institute for International Affairs \(NDI\)](#) is the main foreign partner of domestic election observation groups. In some cases, it also sends a moderate sized international election observation mission and has conducted more than 150 international missions. It has compiled a list of election monitoring organisations which could help at various stages of the process. Their website can be accessed [here](#).

[The International Foundation for Electoral Systems \(IFES\)](#) supports citizens' right to participate in free and fair elections. Founded in 1987, IFES has experience in over 135 countries. The foundation advances good governance and democratic rights by providing technical assistance

to election officials, empowering the under-represented to participate in the political process and applying field-based research to improve the electoral cycle. Their website can be accessed [here](#).

The Electoral Commissions Forum of SADC countries (ECF-SADC), is an independent organisation in which each country in the SADC region is represented by its electoral management body. The forum has a broad range of projects and programmes which include regional workshops, the annual general conference, seminars and training programmes. It has launched several ground-breaking programmes in the region including the formulation of the Principles of Election Management, Monitoring and Observation, commonly referred to as PEMMO, the design and implementation of a Conflict Management Programme and the deployment of Peer Review and Observer Missions. Their website can be accessed [here](#).

UNDUE INFLUENCE ON DECISION MAKING

There are several ways through which interest groups, such as companies, professional groups or public interests groups, try to influence the decision-making process. Interest group influence, commonly known as lobbying, encompasses “any direct or indirect communication with public officials, political decision-makers or representatives for the purposes of influencing public decision-making carried out by or on behalf of any organised group²²”.

Interest group influence is not a corrupt or illegitimate activity per se, but when opaque and disproportionate it may lead to undue influence, corruption and even state capture. Undue influence is a more subtle form of corruption as interest groups often make use of legal mechanisms to influence the decision-making process²³. For instance, they may legally contribute to electoral campaigns; provide research and host receptions but expecting favourable decisions in exchange. Undue influence may also be achieved by promising decision-makers well-paid future jobs in exchange for support²⁴.

In certain contexts, disproportionate and unregulated influence by interest groups may also lead to state capture, which occurs when corruption is so systemic and infiltrated within the institutions of the state that private interests substitute themselves to the common good as main drivers of policy and regulation. When the state is captured, companies and individuals

²² Transparency International. Forthcoming. *Lifting the lid on lobbying*.

²³ Kaufmann et al. 2000. *Seize the State, Seize the Day: State Capture, Corruption and Influence in Transition*.

²⁴ OECD. 2009. *Lobbyists, government and public trust: Promoting Integrity by self-regulation*.

shape and affect the formulation of laws and regulations through illicit payments (for example, bribes to parliamentarians and illicit contributions during electoral campaigns, among others).

ANTI-CORRUPTION MEASURES

Approaches to regulate and limit corporate influence on decision-making critically depend on the level of institutional weakness of a country. In fragile states where the effective enforcement of the rule of law remains problematic, strengthening and/or reforming key institutions such as the political party system, the public administration and the judiciary may be necessary to reduce the risk of state capture²⁵. More immediate measures, however, can be adopted in both developing and established democracies to mitigate the risk of undue influence of private interests on public policy. These can include:

- **Regulations on lobbying:** There should exist appropriate legislation limiting the scope and increasing the transparency of lobbying activities, including by establishing mandatory lobbying registers and by requiring members of the parliament and other decision-makers to report on their meetings with interest groups²⁶. Moreover, oversight of lobbying activities by a dedicated body capable of imposing adequately stringent verification mechanisms and effective sanctions for non-compliance is essential.
- **Regulations on the movement of individuals between the administration and the private sector (Revolving door):** Incompatibility rules and rules determining a time period whereby a former public official or member of the government is prohibited from accepting positions in the private sector that relate to his former duties while in public office (cooling off periods).
- **Regulations on conflicts of interest:** Rules on conflicts of interest may take a number of forms, including laws, codes of conduct or internal rules and management guidelines. They are instrumental to enhance transparency and accountability in decision-making as they oblige officials and members of the government to regularly disclose potential conflicting interests, making it easier for an oversight body, the media or civil society to check whether his/her decision was motivated by private reasons.
- **Regulations on political finance:** As previously mentioned, political finance is often used by interest groups as a mechanism to influence or capture the decision-making process. Therefore, rules restricting donations to political parties and individual candidates and more generally the importance of money in politics also help to prevent undue influence. Also, increased transparency by requiring political parties to disclose donations and expenditures and strong oversight mechanisms are necessary so that interest groups and political parties do not circumvent the law and receive illegal contributions.

²⁵ Hussman, K., et al. 2009. *Integrity in State-building: Corruption with a State-building Lens*. OECD. <http://www.oecd.org/development/governanceanddevelopment/45019804.pdf>

²⁶ OECD. 2013. *Principles for Transparency and Integrity in Lobbying*. <http://www.oecd.org/corruption/ethics/oecdprinciplesfortransparencyandintegrityinlobbying.htm>

- **Rules on private sector competition:** Increased competition in the private sector leads also to increased competition for political influence, making it harder for powerful interest groups to capture decision-making. Measures to increase competition include: the removal of key monopolies and entry barriers; the removal of anti-competitive advantages; improvements in the investment climate; and the strengthening of anti-monopoly agencies. In addition, the private sector also plays a role to ensure more integrity and transparency in its relationship with the government. As such, strong corporate governance, including public disclosure of share ownership and cross-holding, rules on the appointment of outsiders to the board of directors, penalties for insider trading, and overall a strong enforcement of ethical standards, also helps to prevent undue influence.
- **Rules on transparent decision-making and access to information:** To prevent undue influence, decision-making processes should be transparent and open to the public. Citizen's participation should thus be encouraged by, for example, making mandatory open hearings on policies or establishing electronic systems for public consultations. Moreover, public disclosure of parliamentary votes as well as rules facilitating public access to information also contribute to more transparency and accountability in the process and help to identify suspicious relationships between interest groups and members of the government.
- **Civil society and media oversight:** Civil society organisations and the media can play an important role in monitoring interest groups' political engagement, for instance by tracking lobbying activities, checking incompatibilities and conflicts of interest declarations and monitoring campaign finance, among others.

RESOURCES ON UNDUE INFLUENCE ON DECISION-MAKING

Background studies

***Illicit Political Financing and State Capture.* Kupferschmidt, D., 2009.** International IDEA. www.idea.int/resources/analysis/upload/IDEA_Inlaga_low.pdf

This paper addresses the use of illicit political finance in a systematic manner to influence or capture agencies, local governments, territory or even the entirety of states. It suggests that illicit political finance is a key contributor to the underperformance and loss of credibility of democratic governments and proposes strategies for identifying, measuring and seeking to counteract flows of illicit political finance at the local and national level. It goes deeper to examine prevalent forms of illicit political financing and state capture, for example the use of money derived from narco-trafficking or the use of aid money to fund politics. Concluding

sections look at the role of political financing in post-communist countries and examine whether or not lobbying can be considered legalised bribery within democratic societies.

***Corrupting the rules of the game: From legitimate lobbying to capturing regulations and policies.* Zinnbauer, D., 2009** In 'Global Corruption Report: Corruption and the Private Sector', Transparency International.

http://issuu.com/transparencyminternational/docs/global_corruption_report_2009?e=2496456/2289759

The article focuses on the influence of corporate lobbying on the process of policy and decision making of governmental institutions. It discusses the influence of corporate lobbying on public affairs which include political corruption, conflict of interests between politics and business and integrity of information. Different measures to prevent undue corporate influence are also discussed including the provisions for good governance and full disclosure of policy purpose. These measures are subdivided into sections which differentiate between political actors affected by lobbying, namely governments, media and CSOs, lobbyists and corporations.

***Lobbying, Corruption and other Banes.* Campos, N., and Giovannoni, F., 2008.** IZA Discussion Paper 3693.

<http://ftp.iza.org/dp3693.pdf>

This study is based on survey data from 2002 for about 6,000 firms in 26 countries. The authors find that political institutions, both in the countries where companies originate and where they are operating, are instrumental in defining the choice between bribing and lobbying. The paper suggests that lobbying seems generally more effective than corruption as an instrument for political influence and that lobbying is more powerful than corruption as an explanatory factor for enterprise growth, even in poorer less developed countries which are often perceived as highly corrupt.

***Bursting the Brussels Bubble: The battle to expose corporate lobbying at the heart of the EU.* Alter-EU, 2010.**

www.alter-eu.org/sites/default/files/documents/bursting-the-brussels-bubble.pdf

This book provides a detailed critique of the role of lobbying in EU decision –making processes. It sheds light on how lobbying works in Brussels and reveals why lobbying transparency and reformed ethics are crucial in order to develop a more accountable and democratic form of decision making in the EU. Case studies examine different aspects of EU lobbying and explore how decision makers in Brussels interact with outside interests and pressure groups. The picture they portray provides a compelling argument for the need for radical reform, revealing a political culture in which, behind closed doors, the influence of business has become the norm.

Standards and guidelines

***Lobbying Guidelines.* Sunlight Foundation, 2014.**

<http://sunlightfoundation.com/policy/lobbying/guidelines/>

The Sunlight Foundation has created these guidelines to help policymakers and advocates improve lobbying disclosure to provide a meaningful check and balance on the world of influence. They are intended to be a conversation starter and have gone through several revisions based on discussions.

Lobbying Transparency via Right to Information Laws. Access Info, 2013.

www.access-info.org/documents/Access_Docs/Advancing/Lobbying_Transparency_Via_RTI_Laws_EN.pdf

This paper discusses the key categories of information to which the public should have access in order to increase transparency of lobbying. The ideal scenario is that this information is published proactively and that, where relevant, it is made clear which decision making processes are affected. In all cases, the information should be available under the right of access to information. The classes of information to be made available to the public include: information regarding meetings between public officials and lobbyists, all documents received by a public body from interest groups, input to and evaluations of all public consultations, declarations of conflict of interest, and the entry register to the parliament, among others.

Resolution 1908 (2010) on lobbying in a democratic society. Parliamentary Assembly of the Council of Europe (PACE), 2010.

<http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17832&lang=EN>

This resolution is a recommendation from the Council of Europe in relation to lobbying in member states. It proposes six principles essential to properly and clearly identify, control and enforce fair and transparent lobbying regimes.

Practical insights: Handbooks and toolkits

Preventing Regulatory Capture: Special Interest Influence and How to Limit it. Carpenter, D., and Moss, D., 2013. Cambridge University Press.

This edited volume brings together 17 scholars from across the social sciences to address the question of regulatory capture and ways to fight it. It argues that capture is often misdiagnosed and may in fact be preventable and manageable. Focusing on the goal of prevention, the volume advances rigorous and empirical standards for diagnosing and measuring capture that are intended to pave the way forward for new lines of academic inquiry and more precise proposals for reform.

Strategies to Combat State Capture and Administrative Corruption in Transition

Economies. Hellman, J., 2011. Background Paper Prepared for the Conference: “Economic Reform and Good Governance: Fighting Corruption in Transition Economies”.

http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/1740479-1149112210081/2604389-1149274062067/2613434-1149276254021/quinghua_paper_hellman.pdf

The paper discusses the two distinct phenomena of state capture and administrative corruption. The phenomenon of corruption is seen through the lens of political economy as a

product of structural distortions in the market for influence. Based on this analysis, a series of practical policy recommendations, and concrete tools to implement them, are put forward to curb these phenomena. These recommendations include increasing competition in the market for influence, reforming the policymaking process and strengthening regulation and monitoring of political financing.

Lobbyists, Government and Public Trust: Promoting Integrity through Legislation.
OECD, 2009.

[www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=gov/pgc\(2009\)9](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=gov/pgc(2009)9)

This report aims to contribute to the policy debate in countries that are considering establishing regulation on lobbying. It outlines a general framework for legislation or government regulation on lobbying in the interest of good governance, transparency and accountability, based on OECD member state experiences. It provides general guidance for efforts at national level but notes that this general guideline can be extended to the sub-national level. A wide range of issues are discussed, including appropriate socio-political standards and rules; legislative frameworks; disclosure regulation; enforceable standards of conduct; and strategies and practices for compliance. The final chapters address experiences in regulating lobbying and undue influence at the national level in Canada and Poland, and at the sub-national level in the Canadian province of Québec.

Assessments and databases

Lifting the lid on lobbying. Transparency International, Forthcoming.

This report examines the practice of lobbying and attempts to regulate it in 19 countries in Europe and in the European Union (EU). It looks into the three critical dimensions of what Transparency International considers to be strong lobbying regulation: whether ordinary people have access to information about who is influencing public decisions in European countries; how effectively countries promote ethical conduct among lobbyists and public officials; and how open decision-making is to a plurality of voices representative of a wide range of interests. The results are rather sobering and suggest that attempts to promote standards of open and ethical lobbying by both governments and lobbyists have been piecemeal and ineffective.

Progress made in implementing the OECD Principles for Transparency and Integrity in Lobbying. OECD, 2014.

www.slideshare.net/OECD-GOV/progress-report-on-implementing-the-oecd-principles-for-transparency-and-integrity-in-lobbying

This report outlines the progress made in implementing the OECD Principles for Transparency and Integrity in Lobbying by OECD member states. The recommendation for Principles for Transparency and Integrity in Lobbying were adopted in 2010. The report not only evaluates the current implementation of the principles but also makes general recommendations related to each of the 10 principles.

***Lobbying and transparency: A comparative analysis of regulatory reform.* Holmana, C. and Luneburg, W., 2012.** Interest Groups & Advocacy (2012) 1, 75–104. doi:10.1057/iga.2012.4.

www.palgrave-journals.com/iga/journal/v1/n1/full/iga20124a.html

The authors compare lobbying regulations in the United States and Canada with recently adopted rules in Europe. One of the main differences observed relates to the fact that lobbyist regulation in the US and Canada emerged as an effort to manage a highly developed class of professional lobbyists within the strictures of long-standing democratic principles. On the other hand, early European lobbyist regulations focused not on transparency as a means to regain public confidence in government, but on providing business interests with access to lawmakers as a means to bolster fledgling economies. In order to discern 'best' practices for achieving transparency through lobbying regulation, the authors first chart the regulatory systems of the United States and Canada. That is followed by an analysis of all of the European lobbying regimes. Recommendations on how to enhance transparency in policymaking is also offered.

Resources from the Anti-Corruption Helpdesk

***State Capture: An Overview.* Martini, M., 2014.** Anti-Corruption Helpdesk Answer, Transparency International.

www.transparency.org/files/content/corruptionqas/State_capture_an_overview_2014.pdf

This answer provides an overview of the main issues related to state capture and the types of reforms necessary to address it. It briefly discusses the concept and the difficulties it poses in terms of empirical measurement, as well as summarising selected cases of state capture. Particular focus is given to the measures necessary to address the phenomenon, including various practical ways of enhancing the accountability of political leaders and of ensuring a competitive private sector.

***Legislative footprint.* Martini, M., 2013.** Anti-Corruption Helpdesk Answer, Transparency International.

www.transparency.org/whatwedo/answer/legislative_footprint

This Helpdesk answer discusses legislative footprints, which are documents that detail the time, person and subject of a legislator's contact with a stakeholder. Published as an annex to legislative reports, it could potentially provide insight into who gave input into draft legislation. It helps to ensure that interest groups' influence on policy-making is not disproportionate, which could, otherwise, lead to undue influence and state capture. Legislative footprints still play only a small role in the discussion about lobbying and transparency, and they are not obligatory in any of the countries examined.

***Influence of interest groups on policy-making.* Martini, M., 2012.** Anti-Corruption Helpdesk Answer, Transparency International.

www.transparency.org/whatwedo/answer/influence_of_interest_groups_on_policy_making

This answer provides examples on measures taken by East and South-East Asian countries to increase transparency and accountability and avoid undue influence and other forms of corruption as well as best practice examples on regulating lobbying, focusing on the United States, Canada, and the European Union. The answer also discusses the benefits and risks of interest influence on policy making. While it is considered a key element of the decision-making process, if disproportionate and opaque it may lead to administrative corruption, undue influence and state capture.

Best practices in regulation of lobbying activities. Ninua, T., 2012. Anti-Corruption Helpdesk Answer, Transparency International.

www.transparency.org/whatwedo/answer/best_practices_in_regulation_of_lobbying_activities

Regulation of lobbying is a relatively new global practice, and in many places legislation is either non-existent or lags behind the growing industry of lobbying. This Helpdesk answer offers several examples of effective frameworks for regulating lobbying activities. Any effective framework should ensure comprehensive coverage of the lobbying community through broad but clear definitions of lobbyists and their activities, with a mandatory disclosure regime that allows the public to have comprehensive knowledge regarding who finances what lobbying activities as well as the financial price of those activities. Lobbying regulation should be accompanied by broader measures aimed at transparency and accountability in the public sector, including prevention of conflicts of interest and robust asset declaration systems.

Selected actors and stakeholders

[Access Info](#) is a human rights organisation dedicated to promoting and protecting the right of access to information in Europe as a tool for defending civil liberties and human rights, for facilitating public participation in decision making and for holding governments accountable. Access Info Europe works on the steering committee of the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) to call for a more transparent and inclusive decision-making process at the EU level. One campaign is for a mandatory EU lobby register in order to ensure that decisions are taken in the public interest with a balanced participation of different interests in the decision-making process. Their website can be accessed [here](#).

[The Sunlight Foundation](#) is a nonpartisan, non-profit that advocates for open government globally and uses technology to make government more accountable to all. They use creative tools, open data, policy recommendations, journalism and grant opportunities to dramatically expand access to vital government information to create accountability of public officials. They have created several different tools and applications to track undue influence on politics. For example, their app Influence Explorer allows users to explore which companies and organisations are donating funds to political campaign. The Lobbyist Registration Tracker is a database which allows users to see lobbying registrations as they're submitted and the trends in issues and registrations over time. Their website can be accessed [here](#).

[Open Secrets](#) is a “nonpartisan, independent and non-profit organisation that aims to create a more educated voter, an involved citizenry and a more transparent and responsive government.” The Open Secrets website provides comprehensive resources for federal campaign contributions and lobbying data and analysis. While Open Secrets deals with numerous topics related to US politics

and financing, their main area of expertise is on lobbying in the US context. They have several informative tools on interest groups, lobbying, revolving door, PACs and 527 ad financing. Their website can be accessed [here](#).

Corporate Europe Observatory (CEO) is a research and campaign group working to expose and challenge the privileged access and influence enjoyed by corporations and their lobby groups in EU policy making. Corporate Europe Observatory works in close alliance with public interest groups and social movements in and outside Europe to develop alternatives to the dominance of corporate power. They have topic-specific pages on revolving door at EU level and on corporate dominance of expert policy groups. Their website can be accessed [here](#).

Organization of Economic Cooperation and Development (OECD) has launched a variety of initiatives to discuss lobbying in the private sector. While the OECD believes lobbying to be necessary for democracies, it holds that principles of transparency, integrity and fairness should be upheld in respect to the influence of lobbyists. The organisation has published several reports and has made a CleanGovBiz Toolkit regarding lobbying. For reports and access to the toolkit click [here](#).

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