

Impact and Success of Programming on Anticorruption, Transparency and Accountability in the MENA Region

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Question

What is the evidence around programming on anticorruption, transparency and accountability in the MENA? Is there evidence of what type of interventions have had most impact and why they have been successful?

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1. Summary

The evidence suggests that there has been little successful programming on anti-corruption, transparency and accountability in the MENA region. While good governance has been a prominent part of donors' programmes since the 2000s, and has had positive effects in certain services and activities, there are no cases where it has been evidenced to have improved integrity, accountability or transparency at a country level.

Since the 2000s, international organisations such as the EU, the World Bank and the OECD have all carried out anti-corruption, transparency and accountability work as part of their governance or state-building programmes. While some of their technical programmes have been effective, the evidence suggests they have failed to tackle elite corruption or bring about more transparency and accountability in authoritarian regimes. Service reforms have more to do to include genuine social accountability (Brixi, Lust, & Woolcock, 2015).

The Arab Spring from 2010 saw movements to democratise the authoritarian regimes of the MENA region, although in countries such as Egypt authoritarianism returned. Some programming has sought to engage democratisation movements, civil society actors and help implement new laws. However, in other cases, international organisations have prioritised stability in authoritarian regimes (Louis, 2017).

Scholars of corruption agree that donor programmes are good at tackling the 'surface' manifestations of corruption, but not at tackling the deeper issues such as resource distribution allowing corruption to flourish (Klitgaard, 2015, p. 54). Programmes focusing either on technical support to institutions such as courts and tax offices, or support to civil society groups and politicians in pushing for more accountability and transparency have been undertaken across the region. There is some evidence of intangible benefits, such as increased awareness of corruption, from interventions. However, there is little evidence that they have improved the level of integrity in countries as a whole, and in some cases such as Morocco they have helped provide a screen for continued elite corruption (Khakee, 2017).

The literature on accountability, transparency and anti-corruption consists of donor evaluations of specific programmes, reviews of individual countries by organisations such as Transparency International, and a number of academic papers which look at individual countries or survey the region. The literature was gender-blind.

2. Background and definitions

Accountability, transparency and anti-corruption are included in programmes to improve governance, as well as in broader democratisation programmes.

Accountability is defined as 'the means by which individuals and organisations report to a recognised authority, or authorities, and are held responsible for their actions' (ReliefWeb, 2008, p. 9). It can therefore take many forms, from the democratic accountability of governments to their citizens, to the accountability of service-providers to their users. Elections are a form of accountability, as is consultation with users of services and civil society groups.

Accountability is strongly linked to transparency. 'Without transparency, that is, unfettered access to timely and reliable information on decisions and performance, it would be difficult to call public sector entities to account. Unless there is accountability, that is, mechanisms to report on the

usage of public resources and consequences for failing to meet stated performance objectives, transparency would be of little value. The existence of both conditions is a prerequisite to effective, efficient and equitable management in public institutions.' Transparency is usually measured by a free press, public access to government decisions and information about public services.

Corruption is defined as 'influencing the decision-making process of a public officer or authority, or influence peddling; dishonesty or breach of trust by a public officer in the exercise of his duty; insider dealing/conflicts of interests; [and] influence peddling by the use of fraudulent means such as bribery, blackmail, [or] the use of election fraud. It is a form of behaviour that deviates from ethics, morality, tradition, law and civic virtue' (United Nations Economic and Social Council, 2006). Anti-corruption organisations and scholars look for freedom of the press, openness of government decisions, openness to trade, judicial independence, freedom of civil society and other markers of a lack of corruption.

Corruption can be addressed by legislative means, such as laws to ensure open competition for jobs or protect whistle-blowers, as well as supporting the press and civil society to report on corrupt practices. Mungiu-Pippidi (2017) argues that 'classic anticorruption tools have not brought any progress to countries that adopted them compared to those that did not'. She argues that it is necessary to create an equilibrium between resources for corruption and constraints on corruption, and that individual actions are often ineffective. For instance, she argues that the training of investigative journalists in a country where the press is owned by corrupt elites and there is no law or pressure to punish corruption, is an ineffective measure, and it would be better to invest in fostering an independent press.

3. Programmes

The EU's European Neighbourhood Policy

The European Neighbourhood Policy (ENP) includes incentives for governance reforms. It is aimed at countries neighbouring the EU, including a southern partnership comprising Algeria, Morocco, Egypt, Israel, Jordan, Lebanon, Libya, Syria, Tunisia and the Palestinian Authority (Stivachtis, 2018, p. 112). In the 2014-21 period, the ENP was replaced by the European Neighbourhood Instrument (ENI).

The 2007-2013 Country Strategy Paper (CSP) for Egypt included good governance as a priority area for the first time and the EU provided Sector Budget Support (SBS) to Egypt in areas such as public finance management. The EU also offered training and assistance to the Egyptian Ministry of Justice as part of the 'Modernization of Administration and Justice and Enhancement of Security Project'.

The programmes 'Supporting Measures to Combat Corruption and Money Laundering', and to 'Foster Asset Recovery in Egypt', were implemented by the United Nations Office on Drugs and Crimes (UNODC). They had four objectives:

- Enhancing institutional capacity to combat corruption and money laundering and to recover stolen assets;
- Developing a national anti-corruption strategy including anti-money laundering and asset recovery;

- Establishing a national legal framework on anti-corruption, anti-money laundering and asset recovery;
- Raising public awareness on the negative effects of corruption and money laundering.

However, these projects were monitored by Egyptian ministries rather than an independent body or the EU.

According to Louis (2017, p. 96), they 'mainly revolved around training', meaning that they can increase the effectiveness of institutions, but not the incentives for corruption. She notes that 'the EU's assistance may even have increased opportunities for rent seeking through its overly flexible application of conditionality'.

The measures against corruption have been resisted by Egypt as 'the political cost of implementing governance reforms for the recipient governments, which in authoritarian context triggers regime change and therefore explains Egypt's resistance to conditionality' (Louise, 2017, p. 98). Egypt also receives assistance from China and the Gulf countries, which comes without conditions, meaning it is able to resist the EU conditions.

For its own part, in practice the EU has prioritised stability and security. Good governance 'rhetoric was eclipsed by other more substantial issues of concern to the EU, such as regional security, border control, migration, and organized crime' (Pal, 2019, p. 66). As a consequence, the EU's strategy can be characterised as 'targeting administrative corruption but turning a blind eye on the grand corruption issue'. It mainly works through inter-governmental channels and therefore seldom confronts governmental corruption (Louis, 2017, p. 97).

UNDP in the MENA region

A United Nations Development Programme (UNDP) evaluation of its governance work in the MENA region for 2010-2013 looks at the following programmes:

- the Good Governance for Development Initiative (GfD) used mixed OECD-Arab States working groups to identify a reform agenda to modernise Arab public governance;
- the **Modernization of Public Prosecutor's Offices**, aimed to build the capacity of public prosecutors and advocated respect for human rights in Algeria, Egypt, Iraq, Jordan, Lebanon, Morocco, and Yemen;
- the Parliamentary Development Initiative in the Arab Region (PDIAR), a joint project between (Programme on Governance for the Arab Region) POGAR and UNDP's Global Programme for Parliamentary Strengthening aimed to enhance the role, capacity and image of legislative institutions;
- iv) the Anti-Corruption and Integrity in the Arab Countries (ACIAC) initiative was launched in October 2010 to support the implementation of the United Nations Convention Against Corruption (UNCAC); and
- v) Support to Arab Countries' Efforts in Transitional Governance Processes, aimed to support political transitions in Tunisia and Egypt

The evaluation concludes that most of the projects did not achieve what they intended, with the exception of the anti-corruption programme, which had modest success (UNDP, 2013, p. 31).

For example, it says that the programme on the modernisation of the public prosecutor's office was limited. It focused on training on human rights, intellectual property and forensics. Work on environmental crimes in Jordan consisted only of 'a few workshops and no follow-up'. However, a programme in Morocco 'seems locally owned, comprehensive and successful'. Similarly, PDIAR had success in Morocco in helping draft laws for political parties but less so in Jordan.

The report argues that the good governance issues promoted by the regional programme 'only came in full view after the Arab uprisings' (UNDP, 2013, p. 33). It concludes that the UNDP has long been reluctant to address the core issues in accountability and anti-corruption: unfair political and economic structures, corruption and waste in public service, natural resources. It suggests that in the wake of the Arab Spring, this caution brings risks to its credibility (UNDP, 2013, p. 87).

UNDP in Morocco

Khakee argues that democratisation and anti-corruption aid in Morocco has helped shore up the authoritarian regime. Democracy assistance given by the United Nations Development Programme (UNDP), the National Democratic Institute (NDI) and the International Republican Institute (IRI) has made political parties more efficient. However, because it has not changed 'formal-legal incentive structures' or helped strengthen links between the parties and society, it has done nothing to improve accountability (Khakee, 2017, p. 247).

Indeed, 'the monarchy has been able to use the technocratic emphasis of internationally sponsored anti-corruption measures (on legal changes, punctual administrative reform, and the creation state oversight mechanisms) to shield another reality: that the King and prominent families have managed to increase their role in the Moroccan economy by non-transparent means.' Because the anticorruption measures of the World Bank and other international organisations are 'technocratic' and 'apolitical' they can be easily supported, leaving the less visible increase in the elites appropriation of economic resources to continue (Khakee, 2017, p. 252).

USAID in the MENA region

USAID ran or funded 48 anticorruption projects in the MENA region 2007-2013 (Winbourne & Spector, 2013, p. 2). These included policy support and reform, decentralisation and local government, the creation of automated systems and election support and observation. Few of the projects have been evaluated, but some outputs and effects have been noted.

Projects included the Iraq Administrative Reform Program, the Lebanon Water and Wastewater Sector Support Program, the West Bank and Gaza Local Government and Infrastructure Program, Jordan Customs Administration Modernization project, Iraq Local Government Project, the Yemen Enhancing Government Effectiveness Project, and the Lebanon Transparency and Accountability Grants (TAG).

According to the report, '[s]everal local government and decentralisation programmes [were] implemented in Iraq included specific interventions to reduce opportunities for corruption, although none of them explicitly measured the impact' (Winbourne & Spector, 2013, p. 47).

The Egypt Technical Assistance for Policy Reform II (TAPR II) project assisted with the review and implementation of the new tax law in Egypt, The Tatweer (National Capacity Development) project in Iraq aimed to strengthen management and transparency of the

executive branch, including anticorruption as a 'cross-cutting theme'. Tatweer focused on improved budgeting and procurement procedures, IT systems, training and technical assistance, corruption complaint systems, and anti-corruption offices in the provinces. A USAID report states that, 'While Tatweer measured its anticorruption activities outcomes through the number of trained personnel and number of administrative systems or procedures implemented, it did not measure the impact of these outputs on corruption' (Winbourne & Spector, 2013, p. 37).

Several projects aimed to improve systems for managing budgets in local or national government. The **Egypt Administration of Criminal Justice Project (AOCJ)** utilised new case management software to make it harder for records to be destroyed, and easier to manage cases. The **Iraq Local Governance Program Phase I** helped implement the 'Governorates Accounting and Project Tracking Information System (GAPTIS) for managing and reporting capital expenditures and tracking the progress of capital projects. The system improved management and fiscal practices and enhanced transparency of government finances' (Winbourne & Spector, 2013, p. 180).

Programmes also aimed to increase the use of automated systems the Jordan Improved Rule of Law Program (MASAQ) utilised new case management software to make it harder for records to be destroyed, and easier to manage cases. The Morocco Local Governance Project I 'created systems to enhance financial management of local government budgets, and track revenue and expenditures.' The Jordan Fiscal Reform Project I helped create an automated tax collection system. According to the report. 'Increasing access to automated and synchronized systems allows for a more free flow of information and reduces human error, intentional or not' (Winbourne & Spector, 2013, p. 181).

Projects also aimed to strengthen civil society organisations as a way to improve accountability. The Morocco Local Governance Program (LGP) II created Local Youth Councils in Morrocan cities. It helped train young people in communication, planning and negotiation. It left young people in local governance 'better organised' and engaged. The Yemen Responsive Governance Project (RGP) 'provided small grants to a wide range of civil society organizations and individuals that worked to promote and foster transparency, accountability and good governance. Surveys conducted by the program evaluation team among program participants showed that between 45% and 63%...believed that TAG had promoted and fostered transparency, accountability, and good governance, but only 12% responded that these activities could ultimately lead to achieving good governance' (Winbourne & Spector, 2013, p. 47).

OECD in the MENA region

The OECD's programme consists of:

- An initiative on Governance and Investment for Development, which includes an investment programme and a governance programme (Good Governance for Development)'. Established in 2005, it works in cooperation with the UNDP.
- In 2011, the G8 launched the Deauville Partnership with Arab Countries in Transition. This included the MENA Transition Fund for Egypt, Jordan, Libya, Morocco, Tunisia, and Yemen.
- The OECD's Open Government Project includes Morocco, Jordan, Libya, and Tunisia in the MENA region.

(OECD, 2018b; Pal, 2019)

The MENA-OECD Governance Programme Centre was opened in 2012 in Caserta. It provides training in public administration and capacity building for the MENA region in order to promote good governance. It focuses on public procurement, public finance management & budgeting, anti-corruption, open government, e-government, and human resources management. An OECD report is positive about the training of public administrators from the MENA region in good governance, as well as the networking benefits brought by the centre (OECD, 2018a).

World Bank in the MENA region

Since 1996, the World Bank has been more focused on institutional change. However, its work has been uneven. It provides more funding on public administration for Africa and Asia than MENA. Within the region it is focused on Morocco, Tunisia and Egypt. It has given no support to governance initiatives in Syria since the war (Pal, 2019).

According to a recent evaluation of the World Banks' social accountability work, 'the World Bank's involvement in the MENA region in the early 2000s was primarily aimed at ensuring the availability of key inputs and improving provider ability, seemingly ignoring the role of provider effort and (external) accountability mechanisms in social services delivery' (Brixi et al., 2015, p. 282). Since then, it has focused more on governance and included a stronger 'citizen perspective' in its 2013-18 programme.

The evaluation notes the importance of new governance tools to increase accountability and other goals:

- SABER provides a 'comprehensive analysis of factors that affect education services delivery, including early childhood development, education resilience, school autonomy and accountability, school finance, school health and school feeding programs, student assessment, and teacher and workforce development'
- 'Benchmarking Governance as a Tool for Promoting Change initiative, which today includes 100 universities in the MENA region (World Bank 2013a). It focuses on governance in higher education, with an emphasis on management orientation, autonomy, accountability, participation, and public/private sector differentiation.'

(Brixi et al., 2015, p. 282)

The evaluation concludes by suggesting that 'the usual focus on policy reforms in the abstract must be matched by a corresponding focus on how any given policy will actually be implemented', not just 'process compliance'. It says '[f]or now, social accountability is a promising approach for the MENA region, even if its implementation requires time, money, and expertise so that it can be appropriately adapted to local contexts' (Brixi et al., 2015, p. 291).

Transparency International in the MENA region

Transparency International carried out a number of National Integrity Systems (NIS) reports as well as networking and advocacy work in the MENA region. NIS reports make assessments of a country's institutions with respect to the risks of corruption and anti-corruption measures. It also undertook advocacy work with local partners.

Figure 1: Transparency International's programmes and partners in the MENA region, 2014-16 see: Karanàsou, Karoud, & Kassis (2016: 8)

https://www.transparency.org/files/content/ouraccountability/2016_EvaluationNISMENAPhaseII_EN_v2.pdf

An evaluation of Transparency International's National Integrity Systems in Jordan, Libya, Tunisia, Egypt, Lebanon, Morocco and Palestine, based on a review of documents and interviews with workers and external stakeholders, concludes that the work:

- contributed to policy changes in Jordan, Libya, Tunisia, Morocco and Palestine:
 - In Morocco, the National Anti-Corruption Strategy was drafted with Transparency Maroc:
 - In Tunisia, work by TI partners saw restrictions on access to information reduced in a draft law;
 - In Palestine, after work with local organisations, 'a draft law on access to information was approved by the PA cabinet', among other changes;
 - In Jordan, TI partners 'influenced government regulations on the financing of political campaigns';
 - It did not help bring about any policy changes in Egypt and Lebanon, which is attributed to the political environment.
- improved understanding of corruption risks in all countries through digital media and youth groups;
- generated significant media coverage;
- led to new partnerships with local organisations and politicians;
- improved the lobbying and advocacy skills of local staff and organisations;
- increased the prestige and networking capabilities of local actors through the creation of an Arab Advisory Working Group for Transparency.

(Karanàsou et al., 2016).

4. Countries

Most MENA countries are 'dictatorships, rentier monarchies, underdeveloped or fragile' meaning that there is a tension between the promotion of accountability and stability (Pal, 2019). Many national reforms and donor programmes only promote accountability, anti-corruption and transparency measures to the extent that they do not compromise the integrity of the regime. This usually means the measures have a limited effect.

Egypt

The Administrative Control Authority (ACA) has been set up to control corruption in Egypt. However, it is not transparent or independent (Noll, 2019). The World Bank provided it with technical support to create a registry. It signed a cooperation agreement with the World Bank, and has agreed to co-operate with the UNDP to implement the UN Convention against Corruption and the National Anti-Corruption Strategy. It has also been supported by the EU and the African Development Bank. However, the workings of the ACA are not transparent, and it seems that it is used more to protect the president's power and gain international acceptance than to fight corruption (Noll, 2019, p. 26).

Qatar

Qatar has clamped down successfully on petty corruption. It scores 63 on Transparency International's Corruption Perception Index, putting it in the top 30 in the world. However, grand corruption is still a problem as the country remains a monarchy (Kukutschka, 2018).

Qatar signed the United Nations Convention against Corruption (UNCAC) in 2005 and ratified it in 2007. The Administrative Control and Transparency Authority (ACTA) works against bribery. The judiciary has reformed, but is not wholly independent. Reforms have limited royals' ad hoc access to state money, instead giving them regular welfare payments, but budgeting remains opaque. The report cites Qatar's desire to gain international acceptance, as well as 'political will', as reasons for the relative success of its anti-corruption measures (Kukutschka, 2018, p. 15).

Qatar, like some other authoritarian countries, 'clamped down on petty bribery and other types of corruption that involve low-level public officials but little has been done in these countries to address grand corruption' (Kukutschka, 2018, p. 15).

Iraq

A Commission of Integrity (COI) established in 2004 sought to investigate corruption and increase integrity, accountability and transparency across Iraqi institutions. However, a report on reconstruction in Iraq notes that anticorruption investigations were used by politicians to gain advantage, and the COI had a poorly defined mandate, legal powers, and limited workforce of its own (Matsunaga, 2019, pp. 87–88).

Iraq is the only country from the MENA region that has signed up to the Extractive Industries Transparency Imitative, which seeks to 'improve transparency and accountability within the natural resource management value chain' (Päivi Lujala, Siri Aas Rustad, & Philippe Le Billon, 2017).

Tunisia

Despite a new constitution in 2014, anti-corruption measures in Tunisia have had limited success so far.

Tunisia ratified the United Nations Convention Against Corruption (UNCAC) in 2008. It has not ratified the African Union Convention on Preventing and Combatting Corruption, and is not yet a party to the OECD Anti-Bribery Convention. Tunisia has a number of laws intended to maintain integrity among civil servants and politicians, as well as a whistle-blower protection law passed in 2017.

A number of anti-corruption bodies have been formed since 2011, but they lack resources. Legal frameworks are being developed, usually driven by civil society advocates.

- The Truth and Dignity Commission (Instance Vérité et Dignité) was formed after the Arab Spring with the power to help victims of corruption. However, its effectiveness was compromised by a law granting immunity to those who claim they were acting under orders
- The Authority for Good Governance and the Fight against Corruption (Instance nationale de lutte contre la corruption or INLUCC) is also under-resourced. Of 1,729 corruption-

- related complaints it received in 2016, it could only hand over 94 to prosecution, owing to a lack of resources.
- The National Instance of Good Governance and the Fight Against Corruption (Instance de la bonne gouvernance et de la lutte contre la corruption, IBGLCC) was formed in 2017 and a committee was being formed at the time of the report.
- The Ministry of Governance and the Fight against Corruption helps to co-ordinate efforts across government.

Prominent civil society organisations include I Watch, Touensa, Al-Bawsala, and the network OpenGovt.tn. However, cases of intimidation of activists have been recorded (Lee-Jones, 2018, p. 12). The media is freer in the new regime but, 'journalists covering controversial topics continue to encounter pressure and intimidation from government officials' as well as assault by security forces (Lee-Jones, 2018, p. 11).

Since the deposition of President Ben Ali in 2011, corruption has been more widespread. Much money has been recovered from the old elites, including 662 firms owned by the former president's family, but whereas previously corruption was limited to the presidents' circle, it now benefits thousands. Petty corruption in public services and large scale corruption in public procurement continue (Lee-Jones, 2018, p. 5).

However, the report argues that although anti-corruption efforts have had limited effect so far, it is too early to judge them fully (Lee-Jones, 2018).

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