

A Primer on Models and Strategies for Anti-Corruption Agencies

Preparing Afghanistan for Anti-Corruption Reform

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Abstract

The United Nations Convention Against Corruption (UNCAC) requires that each state party ensure the existence of a body or bodies to prevent corruption and to combat corruption through law enforcement.² Unfortunately, for developing countries there is no uniform model available for creating such an anti-corruption body. Consequently, there are no right answers—only a measurement of success or failure. Each country must examine what has worked and what has not worked in the panoply of international anti-corruption agencies. Based upon the various models, each country will develop an anti-corruption body which is fitted for its legal, social and political circumstance. There is no “one-size-fits-all” model. A government can imbue one body with all the powers and responsibilities of anti-corruption, including prevention and law enforcement; or it can distribute these powers and responsibilities among several bodies. The purpose of this paper is to examine some of the models used by anti-corruption agencies, propose a simple *UNCAC Model* for developing countries, and conclude by making specific recommendations for Afghanistan. It is important to note that as a corollary to adopting an anti-corruption model, the country must also select an enforcement strategy. Unlike agency models, which are varied and often unique, enforcement strategies are generally more uniform although they may vary in their implementation.

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² United Nations Convention Against Corruption: Articles 6 and 36, respectively.

Heilbrunn's Anti-corruption Models

While there are no generally accepted models for creating an anti-corruption agency, Professor John R. Heilbrunn has identified certain characteristics that he has categorized into four primary models³: 1) The Universal Model; 2) The Investigative Model; 3) the Parliamentary Model; and 4) The Multi-agency Model. These models have also been adopted by the renowned anti-corruption expert, Professor Jon S.T. Quah.⁴ These models are segregated by the scope of their mandate and by the branch of government to which they are responsible.

The *Universal Model*, combines investigation, prevention, strategic communications, etc. into one agency and is best exemplified by Hong Kong's Independent Commission Against Corruption (ICAC), which has responsibilities in both prevention and law enforcement (i.e. the power of arrest). The *Investigative Model* is characterized by its limited scope and consists of a small, centralized investigative commission (with powers of arrest). It is typified by Singapore's Corrupt Practices Investigation Bureau (CPIB), which has only three functions: 1) investigate complaints alleging corruption; 2) investigate malpractice and misconduct by public officers involving corruption; and 3) prevent corruption by analyzing government practices and procedures, and recommending changes when appropriate. Both the *Universal Model* and the *Investigative Model* are organizationally accountable to the executive.⁵

The *Parliamentary Model* reports directly to the parliament or legislative body and is independent of the executive or judicial branches of government. This model was adopted in the creation of Iraq's Commission on Public Integrity (CPI), and is also employed in the New

³ *Anti-Corruption Commissions: Panacea or Real Medicine to Fight Corruption* by John R. Heilbrunn, World Bank Institute, 2004. John R. Heilbrunn is an Associate Professor of Political Science at the University of California, Los Angeles (UCLA). Dr. Heilbrunn was formerly a Senior Public Sector Reform Specialist in the Poverty Reduction and Economic Management Vice-Presidency of the World Bank. In this position, he was coordinator of the anti-corruption thematic group and responsible for evaluation of compliance with the World Bank's anti-corruption strategy.

⁴ *Anti-Corruption Agencies in Four Asian Countries: A Comparative Analysis* by Jon S.T. Quah, International Public Management Review, Vol. 8, Issue 2, 2007. Professor Quah was a Professor of Political Science at the National University of Singapore (NUS) and co-editor of the *Asian Journal of Political Science* until his retirement in 2007 after 35 years of service. He is the leading scholar on anti-corruption initiatives in Asia and has written a definitive work on the subject: **Curbing Corruption in Asia: A Comparative Study of Six Countries**. Professor Quah also wrote three other books including **Corruption in Asian Countries**. Over the course of his career, Professor Quah also authored more than 125 papers on the subject of anti-corruption and good governance, most which are available on his website: www.jonstquah.com/publications.htm

⁵ Heilbrunn.

South Wales' Independent Commission Against Corruption (ICAC-NSW) and the Mauritius' Independent Commission Against Corruption (ICAC-Mauritius).⁶ Professor Heilbrunn's fourth model, the *Multi-Agency Model*, is best exemplified by the United States where anti-corruption is spread across government. For example, the Office of Government Ethics is focused on prevention and education while the Department of Justice conducts investigations and prosecutions. At the same time, many other entities conduct investigations or inspections, such as the various Inspectors General, the Government Accountability Office, and the Standards of Conduct Office. Although these bodies report to various branches of government, working independently or together they form a net in which corrupt activities are generally detected.

OECD Anti-Corruption Models

Professor Heilbrunn's four models provide a systematic approach to anti-corruption agencies, but they are by no means the only models used to describe anti-corruption agencies. The Organization for Economic Co-operation and Development (OECD) Anti-Corruption Network for Eastern Europe and Central Asia also offers a model for categorizing anti-corruption agencies.⁷ This model segregates anti-corruption agencies into three groups: 1) *multi-purpose agencies with law enforcement powers*; 2) *law enforcement-type institutions*; and 3) *prevention, policy, and coordination institutions*.

The hallmarks of *multi-purpose agencies with law enforcement powers* include the power to investigate and arrest individuals engaged in corruption, as well as the power to develop policy, monitor and evaluate programs, and initiate prevention programs. It should be noted that in most of the *multi-purpose* countries, the anti-corruption agency does not have the power to

⁶ The Philippine Office of the Ombudsman is completely independent of the executive, legislative, and judicial branches; and is subject only to impeachment for malfeasance or criminal violations. Additionally, the Ombudsman (currently Conchita Carpio Morales) has the authority to monitor, investigate, and prosecute cases of corruption. The Commission for the Prevention of Corruption in Slovenia has similar autonomy as authorized in the Integrity and Prevention of Corruption Act (2010).

⁷ *Specialized Anti-Corruption Institutions: Review of Models*, Organisation for Economic Co-operation and Development (OECD) Anti-Corruption Network for Eastern Europe and Central Asia, p. 21, 2007.

prosecute—only to investigate and arrest. The OECD *multi-purpose agency* model includes Hong Kong, Singapore, Thailand, Malaysia and several other countries.⁸

The OECD *law enforcement-type institution* combines anti-corruption detection, investigation and prosecution into one body. For example, the agency can use its monitoring authority to audit a government agency. When an anomaly is discovered, it can be referred to the investigation unit within the same agency. If it is determined there is criminal liability, the same organization can then prosecute the suspect. The *law enforcement-type model* is common among several European agencies including the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crimes; the Central Office for the Repression of Corruption in Belgium; the Special Prosecutors Office for the Repression of Economic Offences Related to Corruption in Spain; the Croatian Office for the Prevention and Suppression of Corruption and Organized Crime; the Romanian National Anti-Corruption Directorate; and, the Hungarian Central Prosecutorial Investigation Office.

The third and final category of the OECD group is *prevention, policy and coordination institutions*, which includes institutions responsible for research into the phenomena of corruption, assessing the risk of corruption, monitoring and evaluating programs, and implementing anti-corruption strategies and action plans. *Prevention, policy, and coordination institutions* are also often involved in reviewing and preparing legislation, monitoring rules, auditing asset declaration forms, conducting anti-corruption training, etc. Some of the more prominent countries that have adopted this model include France's Central Service for the Prevention of Corruption; the State Commission for Prevention of Corruption in Macedonia (FYROM); Serbia's Anti-Corruption Agency; Slovenia's Commission for the Prevention of Corruption; and, Albania's Anti-Corruption Commission and Monitoring Group.

⁸ In addition to IACA, CPIB and MACA, several other countries follow the *Universal Model* in one form or another. These include Lithuania's Special Investigation Service, Latvia's Corruption Prevention and Combating Bureau, New South Wales' Independent Commission Against Corruption, Botswana's Directorate on Corruption and Economic Crimes, Uganda's Inspector General of Government, the Republic of Korea's Independent Commission Against Corruption, Thailand's National Anti-Corruption Commission, The Anti-Corruption Office of Argentina, and, Ecuador's Commission for the Civil Control of Corruption.

While the identified models provide a way of categorizing existing anti-corruption agencies, they provide little in usable guidance to countries such as Afghanistan that are struggling to position their anti-corruption bodies.

UNCAC Anti-Corruption Models

An alternative, albeit more rudimentary approach to anti-corruption models uses UNCAC requirements as the basis for categorization. The United Nations Convention Against Corruption requires that each state party ensure the existence of a body or bodies to prevent corruption and to combat corruption through law enforcement.⁹ Using the UNCAC requirements as a basis, institutions are grouped into one of three categories: 1) *Article 6 Agencies (Prevention)*; 2) *Article 36 Agencies (Law Enforcement)*; or 3) the Combined Agency model where both Articles 6 and 36 are addressed in the same institution (Prevention & Law Enforcement). While it may be useful to delineate mature agencies based upon their organizational reporting or other complexities, for developing countries, the requirements of UNCAC are usually paramount. Therefore, the *UNCAC Model* is probably the most useful.

Article 6 Agencies

Agencies that are devoted to prevention, policy, education, and research (without law enforcement powers) meet the requirements of Article 6.¹⁰ Such institutions must have a complementary law enforcement institution (an Article 36 agency) that they support or with whom they cooperate. An *Article 6* agency can only operate as the functional lead anti-corruption agency in a country that adopts a prevention-led strategy. So, in Afghanistan, if the High Office of Oversight & Anti-Corruption is solely preventative (i.e. no criminal investigation powers, etc.), the HOO cannot be the lead agency if the country adopts an enforcement-led strategy.

⁹ United Nations Convention Against Corruption: Articles 6 and 36, respectively.

¹⁰ To fulfill the obligations of Article 6, such agencies must also comply with Article 5.

Article 36 Agencies

An institution that combats corruption through law enforcement meets the requirements of *Article 36*. *Article 36* agencies have the power to conduct criminal investigations and the power of arrest. They also usually have other law enforcement powers such as the authority to execute search warrants, serve subpoenas, etc. As a general rule, *Article 36* agencies do not have the power to prosecute a suspect—such power is traditionally reserved for agencies of justice such as the Attorney General’s Office. In countries that adopt an enforcement-led strategy, the institution with *Article 36* powers acts as the functional lead.

Combined Agencies

The final category in the UNCAC Model is the *Combined Agency*—which covers Articles 6 & 36 (prevention and law enforcement). Combined Agencies have the power and duty to prevent corruption through “effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule-of-law [and] proper management of public affairs” while simultaneously combating corruption through law enforcement¹¹. In countries that have adopted the *Combined Agency*, it is always the lead anti-corruption agency regardless of the national strategy.

To determine the right model for Afghanistan (or any developing economy), the national leadership must address fundamental questions about its primary anti-corruption agency. The answers to those questions will subsequently categorize the country and provide guidance for developing enabling legislation.¹²

¹¹ United Nations Convention Against Corruption, Article 6.

¹² As of November 2011, Afghanistan had not yet passed any enabling legislation for the High Office of Oversight & Anti-Corruption. Despite a proposed anti-corruption law that is pending at the Ministry of Justice, Afghanistan still needs assistance in drafting a comprehensive anti-corruption law that comports with international best practices.

High Office of Oversight & Anti-Corruption	The High Office of Oversight & Anti-Corruption is the primary Anti-Corruption Agency (ACA) for Afghanistan although it currently lacks legislative authority.	Comments
Organizational alignment	Should the ACA be organizationally aligned to the president, the parliament, the judiciary, or completely independent as in the Philippines and Slovenia?	
Complaints	Should the ACA conduct preliminary investigations of complaints to determine probable cause?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Criminal Investigative Powers	Should the ACA have criminal investigative powers (i.e. investigators permanently assigned from the Attorney General or some other arrangement)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Search Warrants	Should the ACA have the authority to serve judicially authorized search warrants?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Subpoena Powers	Should the ACA have subpoena powers?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Powers of Arrest	Should the ACA have the power of arrest?	<input type="checkbox"/> Yes <input type="checkbox"/> No
In Personam Jurisdiction	Should the ACA have authority over private actors involved in corruption (e.g., corporations, individuals, contractors) or just over government officials?	<input type="checkbox"/> Yes <input type="checkbox"/> No
International Individuals and Corporations	Should the ACA have authority to investigate and/or arrest foreigners and foreign corporations involved in corruption?	<input type="checkbox"/> Yes <input type="checkbox"/> No
International Jurisdiction	Should the ACA have authority to investigate national companies and individuals involved in corruption outside of the country? (i.e., foreign bribery?)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Asset Recovery	Should the ACA be engaged in asset recovery?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Civil Asset Forfeiture	Should the ACA be engaged in civil asset forfeiture?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Illicit Enrichment	Should the ACA be engaged in investigating illicit enrichment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Witness Protection	Should the ACA develop a witness protection program?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Intelligence Capability	Should the ACA develop a corruption intelligence program?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Centralized Provincial Enforcement	Should the ACA enforce corruption laws at the provincial level?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Prevention	Should the ACA be engaged in prevention activities within the ministries?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Prevention	Should the ACA be engaged in prevention of corruption among private actors (e.g., “private on private” or “private on public”)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Prevention	Should the ACA be engaged in developing Civil Society Organizations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Education	Should the ACA be engaged in education programs?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reporting	Should the ACA issue an annual report to the president? To the parliament? To the people?	<input type="checkbox"/> Yes <input type="checkbox"/> No

National Anti-Corruption Strategies

As a corollary to selecting an anti-corruption model, a national anti-corruption strategy must also be adopted. Internationally, there are three primary strategies: 1) enforcement-led strategy; 2) prevention-led strategy; and 3) intelligence-led strategy.¹³ In more complex economies like the United States, enforcement, prevention and intelligence are near parity. Consequently, no single agency leads the battle against corruption.¹⁴

By far, the most popular and most effective strategy to change perception in corruption-prone countries is the enforcement-led strategy.

“Any successful fight against corruption must start with effective enforcement on major targets, so as to demonstrate to the public the government’s determination to fight corruption at all costs, as well as to demonstrate the effectiveness of the anti-corruption agencies. Without that, the public would be reluctant to come forward to report corruption.”¹⁵

The Independent Commission Against Corruption (ICAC) in Hong Kong is responsible for prevention, education, and community outreach, however, its acknowledged world-wide success is owed to its enforcement-led strategy. Even today, Operations (i.e. investigations) consumes 70% of the ICAC’s budget¹⁶.

The experience of Hong Kong is not unique. In Nigeria, Nuhu Ribadu, the former Chairperson of the Economic and Financial Crimes Commission (EFCC) stated:

“I am of the opinion that only a law enforcement-led strategy can truly succeed in a professional and timely manner. I see this throughout the region and across

¹³ An intelligence-led anti-corruption strategy is found exclusively in Article 36 or Article 6 & 36 models given the strategy derives from intelligence-led policing.

¹⁴ Although the Department of Justice probably receives the greatest media attention in the battle against corruption, auditors and inspectors general quietly fight the day-to-day battles that keep the opportunities for corruption to a minimum.

¹⁵ *National Anti-Corruption Strategy: The Role of Government Ministries* by Tony Kwok Man-Wai delivered to the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, reprinted at http://www.unafei.or.jp/english/pdf/RS_No79/No79_18VE_Man-wai1.pdf

¹⁶ *Comprehensive & Effective Approach to Anti-Corruption, the ICAC Experience, with a View to New Approaches in the Fight Against Corruption Around the Globe*, by Tony Kwok Man-Wai delivered at the International Anti-Corruption Academy 5 July 2011.

the globe. Only where the process is led by a law enforcement mechanism are there tangible results.”¹⁷

Some of the many countries that have adopted an *enforcement-led strategy* and their Transparency International Perception Index ranking are: Singapore* (1), New Zealand* (1), Norway (10), Hong Kong (13), Belgium (22), Spain (30), Malaysia (56), Croatia (62), and Romania (69). [*Singapore, New Zealand and Denmark tied for the least corrupt countries on the globe.]

The old maxim, “virtue has no greater ally than the lack of opportunity” is the touchstone of a *prevention-led strategy*. Generally, *prevention-led strategies* focus on good governance, process improvement, monitoring and evaluation, asset declaration, and education. All of these are fundamental to any successful national anti-corruption strategy. Although *prevention-led* institutions meet the requirements of UNCAC Article 6, they must also be imbued with law enforcement powers in order to meet the requirements of UNCAC Article 36. If they do not have law enforcement powers, a corresponding institution that provides law enforcement directed at corruption must be created in order to ensure compliance with the United Nations Convention Against Corruption. *Prevention-led strategies* have been known to develop from enforcement-led strategies that have had their law enforcement powers stripped. This is certainly the case in France where the Service Central *de Prévention de la Corruption* (SCPC) was originally created with investigatory powers. However, the Constitutional Council invalidated these powers in 1993 and the SCPC undertook the “administrative service of prevention.”

Some of the countries that have adopted a *prevention-led strategy* and their Transparency International Perception Index ranking include: France (25), Macedonia (FYROM) (62), and Albania (87)¹⁸

¹⁷ *Corruption and Africa: Beyond the Bleak Projections for a Region and its Challenges*, by Nuhu Ribadu in a speech delivered February 2, 2010 as a visiting fellow at the Center for Global Development, Washington DC and Senior Fellow at St. Anthony’s College at Oxford University, United Kingdom. Nuhu Ribadu is currently a member of the international MEC in Afghanistan and subject of two books: *A Paradise for Maggots, The Story of a Nigerian Anti-Graft Czar*, by Wale Adebawo (2010); and the autobiographical *Ribadu: My Story; My Vision* (2010).

¹⁸ Slovenia’s Commission for the Prevention of Corruption (CPC) does not have police powers, per se. However, they do have authority to conduct administrative investigations, including the power to subpoena records.

Intelligence-led strategies are an emerging as an increasingly popular method to allocate scarce resources in the most efficient way possible. The concept of *an intelligence-led strategy* derives from intelligence-led policing and is built around risk assessment and risk management. Intelligence is collected and analyzed to identify areas of risk. Prevention initiatives can then be directed toward those risks. Additionally, intelligence analysis may also identify nodes of corruption to which investigators may be assigned.

An intelligence-led anti-corruption strategy can only work in an institution with law enforcement authority. It provides a means of focusing limited resources and assets in a results oriented fashion with the greatest effectiveness. Considering the current economic realities, it is likely that more organizations will begin to move toward *intelligence-led strategies* in order to provide the greatest effectiveness with the greatest efficiency. Some of the countries that have adopted an intelligence-led strategy and their Transparency International Perception Index ranking include: UK (20) (Serious and Organized Crime Agency), Jamaica (87), and Kenya (154).

Recommendations for Afghanistan

A recent survey by Integrity Watch Afghanistan showed that:

“There is absolutely no trust between the people and the government, and accordingly, the citizens do not believe in the anti-corruption efforts of the government. This is the predominant perception that people have about the state.”¹⁹

As a consequence of the prevailing perception, the legitimate Afghan government must not only take action to instill proper policies and procedures in government to reduce the opportunities for corruption, but it must also take definitive action to re-assert the rule-of-law and change public perception. The most effective strategy to change perception in a corruption-prone country like Afghanistan is to adopt an *enforcement-led strategy*. There is no greater demonstration of political will than allowing a political ally to be sent to prison for

¹⁹ Integrity Watch Afghanistan, *Afghan Perceptions and Experiences of Corruption, A national Survey 2010*. http://www.iwaweb.org/corruptionsurvey2010/Main_findings.html

corruption. Similarly, radical changes in perception and behavior can occur very quickly as a result of a few high-level convictions.

However, adopting an *enforcement-led strategy* does not necessarily mean that the country must adopt a *Combined Agency* model (i.e. placing both prevention and law enforcement into a single agency such as the High Office of Oversight & Anti-Corruption). The country may decide that the High Office of Oversight & Anti-Corruption will focus exclusively on prevention while the Attorney General's Office (Anti-Corruption Unit) will focus on criminal investigations and enforcement. Under an enforcement-led strategy, this would mean that the Attorney General's Office would be the lead anti-corruption agency. However, under a prevention-led strategy, the HOO would be the lead anti-corruption agency. Deciding which strategy to adopt is a political decision that will reflect the national anti-corruption policy.

In deciding what anti-corruption model should be adopted in Afghanistan, certain factors should be considered. For example, in order to maximize efficacy, all national anti-corruption activities should be coordinated into a single national anti-corruption strategy with all ministries and agencies working under the same strategic initiative. Obviously, activity coordination is much easier to implement when there is a single command structure for anti-corruption. The benefits of adopting a single command structure tends to support of the adoption of a *Combined Agency Model*, as opposed to one agency assuming Article 6 duties (prevention) and a different agency assuming Article 36 duties (law enforcement).

Operational realities must also be considered. No matter which model is selected, there must be close coordination between the various functional units (e.g. the Complaints Department

and the Criminal Investigations Unit).²⁰ Currently in Afghanistan, interagency coordination is a goal not a reality. Therefore, the *Combined Agency* model is an operational imperative. Finally and most importantly, diffusing responsibility also diffuses accountability. Therefore, having one ministerial-level agency responsible for all facets of anti-corruption (prevention and law enforcement) is the most effective and efficient discharge of government.

Unfortunately, the decision concerning which model to adopt cannot be made in a political vacuum. One of the primary tenants of honest and effective anti-corruption reform is that the agency must be autonomous and independent. For societies that were born in the battle against tyranny, consolidating such immense power with political independence is not only cause for grave concern, but it also chaffs against the sole of the culture. The combined human experience has taught us that “power tends to corrupt and absolute power corrupts absolutely.”²¹ This is what historian Lord Acton referred to as “corruption by authority.” Consequently, there is a justifiable and sincere concern in adopting a *Combined Agency Model* and joining it to the necessity of political independence. Diminishing the normal “checks and balances” in order to ensure political independence may be a precursor to tyranny predicated upon corruption.²² Recent history in post-conflict environments is replete with the hijacking of anti-corruption institutions to further political agendas. It is the magnitude of this potential abuse that necessitates that this be a political decision. Like the adoption of the anti-corruption

²⁰ For example, when complaints are received by the prevention organization, they should undergo an initial screening to determine probable cause. If sufficient probable cause exists, the matter should be subjected to a criminal investigation. As a consequence, there must be strict adherence to “lanes” to ensure a seamless transition between the initial inquiry and the criminal investigation. This also ensures the preservation of evidence. The transition from initial inquiry to criminal investigation requires a high level of coordination between the Complaints Department and the Criminal Investigations Unit. The two units must maintain a high degree of trust. Without this trust, the Complaints Department will experience “mission creep.” That is, the Complaints Department will not trust that the Criminal Investigations Unit will conduct a proper inquiry. Consequently, they will go further than an initial probable cause inquiry. Obviously, this can have significant legal consequences. If employees of the Complaints Department collect evidence outside of the legal framework (i.e., no search warrant, etc.), such evidence may be suppressed by the courts as “fruit of the poisonous tree.” Such technical dismissals will only reinforce the public’s view that the system is corrupt and it will further wedge the Complaints Department away from the Criminal Investigation Unit resulting in a cycle of dysfunction.

²¹ Sir John Dalberg-Acton (Lord Acton) in a letter to Bishop Mandell Creighton, April 5, 1887 published in *Historical Essays and Studies*, edited by J. N. Figgis and R. V. Laurence (London: Macmillan, 1907).

²² Senator Joseph McCarthy, during the “red scare” days of America in the 1950s, symbolizes the archetypal politician with unbridled, independence, and authority: quintessential “corruption by authority.”

strategy, the model selected for leading the battle against corruption should also be reflected in a national anti-corruption policy.

From a technical perspective, a *Combined Agency Model* using an *enforcement-led strategy* is the most effective, efficient and successful way to address corruption and is recommended for Afghanistan. However, the legal framework creating such a monolith must consider the possible consequences of “corruption by authority” and take special precautions to guard against them.