

The Coordination of the Global Anti-Corruption Governance via Hybrid Polycentric Networks

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Introduction

The norm of anti-corruption is increasing in importance worldwide. The Xi Jinping administration's drastic reform of the Chinese political system, which has been long plagued by corruption scandals, reflects this trend. Anti-corruption regimes have rapidly expanded since 1990s, with more than 20 legal instruments against corruption introduced within a period of ten years. The rapid expansion has prompted a diversification of actors as well as issues. Nowadays, the global governance against corruption is characterized by a decentralized regime complex, consisting of multi-level and multi-sector legal instruments and initiatives made by diverse actors, including international organizations, governmental anti-corruption agencies, civil society organizations, and businesses. In addition, the anti-corruption norm is frequently linked to norms of corporate social responsibility, environmental protection, poverty reduction, peace and security, etc.

As some scholars of the regime complex theory argue, the decentralized or fragmented structure could result in inconsistencies and undue duplications among diverse institutions⁽¹⁾. It appears, however, that anti-corruption institutions tend to work in harmony rather than end up with inconsistencies and inefficiencies. This paper argues that the multi-layered transnational network system, termed a "hybrid polycentric network" (hereafter, HPN), works as a mechanism of coordination of diverse institutions, initiatives, and actors and creates synergies among them.

The paper proceeds as follows. It begins with an introduction to the HPN concept, and proceeds to describe the anti-corruption regime complex. It then discusses how a polycentric network, part of which consists of flexible networks of experts, facilitates coordination of institutions and activities. After examining the trend of popularization, it concludes that the hybridization of networks is the key for more coherence and effectiveness in anti-corruption global governance.

1. Hybrid Polycentric Network (HPN)

Transnational networks of governmental and non-governmental actors, which establish and develop norms and provide public goods, are prevalent in today's global governance system. Such networks can be classified into three categories depending on types of participants: the first one is a "global public policy network (GPPN)," which consists of public, private, and civic sectors beyond territorial boundaries⁽²⁾. The GPPN is a broad and vague concept but is minimally characterized by the interdependence among participants, the openness, and complementarity among diverse trisectoral actors⁽³⁾. The second is a network of experts, the well-known model of "epistemic communities," developed by Ernst Haas and Peter M. Haas, which signifies "a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area."⁽⁴⁾ The participants could be either independent experts or public officials, but must share a principled normative belief and a causal explanation of the problem. They also have to agree on criteria for validating knowledge in their expertise, and a common policy suggestion for solving the problem.

The third category is a transnational network of non-state activists, known as "transnational advocacy network" (TAN), originally developed by Martha Finnemore and Kathryn Sikkink⁽⁵⁾. Though the original concept of TAN is an activist network that pressures a target government in a specific boomerang pattern, it is more broadly conceptualized today to include any kind of transnational activist networks that facilitate evolution of norms, regardless of the types of actors, political conditions, and norm cycle⁽⁶⁾. Some scholars argue that TAN has been quite influential in pushing governments and even corporations into compliance with norms in the 2000s, a point that was not emphasized in the 1990s⁽⁷⁾.

As the GPPN consists of multiple stakeholders and TAN connects diverse non-state actors including international NGOs, grassroots activists, academics, and corporations, the contestation of ideas and norms are highly likely inside these networks. One example of these contestations is that which arises between experts and popular movements, regarding relationships with decision-makers, the goals of the network, the discourse on or framing of issues, and action repertoires. Experts can damage their credibility, should they resort to biased framings with little intellectual background and hostile discourse and actions against governments.

A related cleavage between international NGOs and local grassroots movements also has been problematized especially in the context of global justice movement since the

early 1990s. The mounting criticism against so-called “NGOization”⁽⁸⁾ has been hotly debated in anti-neoliberal forums such as the World Social Forum. Most NGOs that actively take part in global public policy makings have ample expert knowledge and professional experience. While the professionalization of global public policy, coupled with neoliberal cosmopolitanism, resulted in the exclusion of grassroots social movements from global policy-makings⁽⁹⁾, popular movements have been increasing their presence on the streets, including outside of WTO or G7/G8 meetings. Thus, NGOs now operate in a more diverse anti-neoliberal movement environment in which ordinary people, direct activists, and expert organizations loosely connect with different goals for multi-issue popular movements⁽¹⁰⁾.

The contestations between experts and popular movements, as well as between international NGOs and local movements, could seriously damage the coherence and solidarity of a network and hence reduce its political influence. Conflicts and tensions occur also between sectors, especially between governments and civil society, and between corporations and civil society. The intersectoral gaps may fail a GPPN and consequently hinder the effective implementation of norms. Therefore, in order to effectively promote norm implementation, it is important to search for a mechanism to bridge the gap between contenders and to create synergy among them, so as to minimize inefficiencies and maximize benefits of decentralized networks.

This paper suggests an ideal type of normative transnational network equipped with such a coordination mechanism, which incorporates composite features of GPPNs, epistemic communities, and TANs. This should be termed the “hybrid polycentric network” (HPN) to reflect its hybrid composition comprising heterogeneous actors, coupled with a decentralized (or polycentric) structure. HPN is conceptualized to facilitate horizontal coordination in three aspects: of the interests, strategies, and actions of heterogeneous actors (governments, civil society, business, experts, popular movements); of different regimes or schemes (both in legislation and implementation mechanisms); and of different levels (global, regional, and national).

The hybrid composition signifies a micro-coordination of interests, strategies, and actions of heterogeneous actors through a loose and horizontal division of labor for the purpose of achieving a common goal. For example, experts and popular movements each act on an independent basis, but they coordinate their actions with each other to influence public policies and mobilize the public in a synergistic manner that enables effective advocacy. While experts form an epistemic community and facilitate homogenization and harmonization of regulations by promoting models and ideas⁽¹¹⁾, popular movements mobilize people with direct activism. Such a division of labor also

exists between governmental and non-governmental actors. While the public sector coordinates international public policies, the private and civil sectors coordinate their inputs to international negotiations.

However, the coordination of behaviors in the absence of systematic macro-coordination could result in the disintegration of the network and incoherent policies. The polycentric or pluricentric governance enables macro-coordination of multi-level and multi-scalar authorities. Polycentric governance accompanies a decentralized structure that “involves multiple, formally independent centers of decision-making authority that operate at multiple scales,”⁽¹²⁾ and respective centers of authority coordinate their actions to sustain the coherence of the system⁽¹³⁾.

Two mechanisms are keys for their coordination: firstly, horizontal partnering and coalition-building on the basis of mutual trust and normative commitment among key organizations and individuals; and secondly, regular contacts and mutual inputs among key organizations and individuals through overlapping membership. Key organizations and individuals act as a network hub that connects relevant actors, promotes coordination and synergy among them, and builds trust with them. The key individuals often interact beyond institutional boundaries and link different organizations and regimes. The overlapping membership structures promote institutional interaction through normative commitment⁽¹⁴⁾. Thus, the polycentric governance structure promotes synergistic coordination of multi-level and multi-sector legislation and implementation process, so as to facilitate evolution of norms.

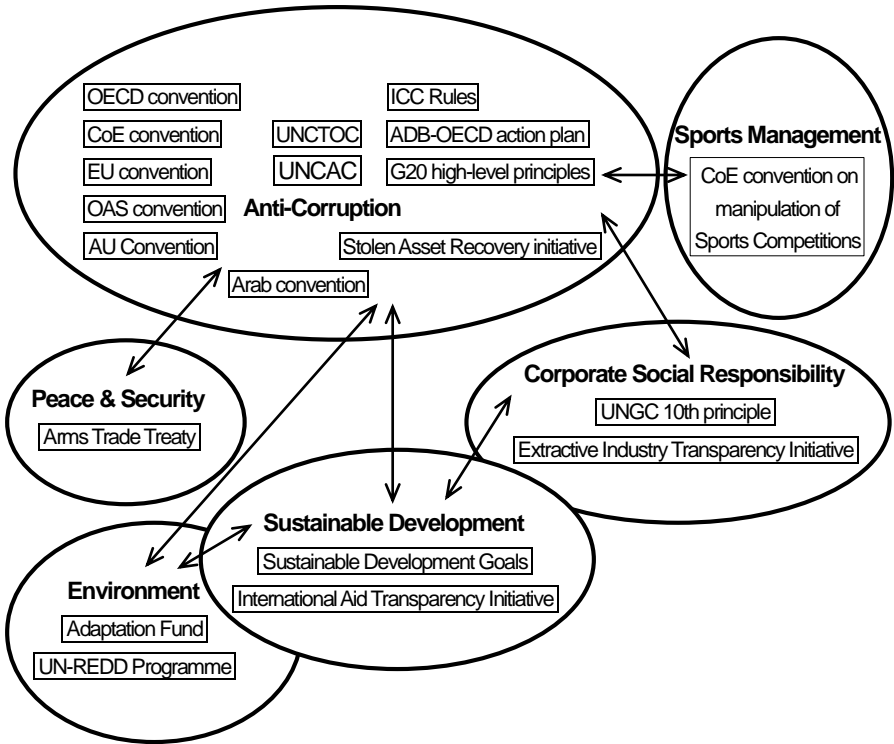
In conclusion, HPN features the micro-coordination and synergy between heterogeneous actors on the basis of a flexible division of labor, the macro-coordination of multi-level and multi-sector authorities, and a balance between the autonomy of participants and the coherence of network. This concept will be examined in the following sections in the case of the global anti-corruption governance to decipher its complex governance structure and identify issues that may need to be solved for the further evolution of the regime complex.

2. The Anti-Corruption Regime Complex

Global governance against corruption is characterized by a regime complex comprising multi-level public regimes, private or multi-stakeholder regimes, issue-specific schemes, and multi-issue regimes or schemes, as illustrated by Figure 1.

More than 20 legal instruments, both hard and soft laws, been introduced since 1977,

Figure 1: Major Components of the Anti-Corruption Regime Complex



when the US adopted the Foreign Corrupt Practices Act. In an overview, there was a general shift from soft law to hard law, from the sub-regional to the regional, and from the regional to the global legislation. The 1990s throughout the early 2000s saw the promulgation of regional, binding legal instruments against corruption in Europe, the Americas, and Africa, and in 2003, the United Nations Convention against Corruption (UNCAC) was adopted, which is the only universal treaty against corruption.

These multi-level legal instruments work harmoniously rather than competitively. The sub-regional differences were harmonized by the regional legal instruments, as in the case of Africa, where the African Union’s (AU) Convention on Preventing and Combating Corruption was intentionally made to harmonize sub-regional and national legal institutions in the continent through the crystallization of an African standard⁽¹⁵⁾. The UNCAC is comprehensive in scope to complement existing legal instruments by handling issues not addressed by regional or sub-regional legislation.

Table 1: Major Anti-Corruption Legal Instruments

1977	US: Foreign Corrupt Practices Act (FCPA: amended in 1988)
	ICC: Combating Extortion and Bribery: ICC Rules of Conduct and Recommendations (The ICC Rules on Combating Corruption: revised in 1996, 2005, 2011)
1994	OECD: Recommendation on Combating Bribery in International Business Transactions (revised in 1997)
1995-97	EU: Convention on the Protection of the European Communities' Financial Interests and its Protocols
1996	Organization of American States (OAS): the Inter-American Convention against Corruption
1997	OECD: Convention on Combating Bribery of Foreign Public Officials in International Business Transactions
	EU: Convention on the Fight against Corruption involving Officials of the European Communities or officials
	CoE: Model Code of Conduct for Public Officials
1998	CoE: Criminal Law Convention on Corruption
1999	CoE: Civil Law Convention on Corruption
	CoE: Agreement Establishing the Group of States against Corruption
2000	United Nations Convention against Transnational Organized Crime (UNTOC)
2001	Southern African Development Community (SADC): Protocol against Corruption
	Economic Community of West African States (ECOWAS): Protocol on the Fight against Corruption
	Asia Development Bank (ADB)-OECD: Action Plan for Asia and the Pacific
2003	United Nations Convention against Corruption (UNCAC)
	African Union (AU): Convention on Preventing and Combating Corruption
2004	UNGC 10 th Principle
2010	Arab League: Arab Convention against Corruption
	UK: Bribery Act

Note: Compiled by the author.

Coordination among legal instruments has been facilitated by the anti-corruption polycentric network, in which state agencies, international organizations, international as well as domestic NGOs, businesses, and parliamentarians form independent networks spread across multiple levels as well as multiple sectors. It appears networks and organizations act separately on the surface, but they usually substantially interact with each other behind the scene and generate synergy. The primary international organizations working against corruption include the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), the World Bank Group and its institutes, the UN Global Compact (UNGC), the Organization of Economic Cooperation Development (OECD), the European Commission (EC), the Council of Europe (CoE), and so on.

A number of NGOs are now working on anti-corruption, and among them, Transparency International (TI), the Basel Institute on Governance, the International Chamber of Commerce (ICC), the World Economic Forum Partnering against Corruption Initiative (WEF-PACI), the International Business Leaders Forum,

Transparent Agents and Contracting Entities (TRACE), Control Risks Group, and Global Witness are recognized as the most prominent organizations.

The abovementioned governmental and non-governmental organizations are all working as independent authorities and network hubs, partnering with each other beyond sectors. They form a polycentric governance network through mutual interactions with normative commitment, trust, and overlapping membership. Such overlapping membership could be seen as an aspect of a flexible expert community spread across issues and institutions.

3. Transnational Expert Community against Corruption: Coordination of Regimes

The issue of anti-corruption has been handled chiefly by experts in fields such as development, international commerce, criminal law, human rights, and business management. TI works as a network hub of these experts, and launched the Anti-corruption Solutions and Knowledge (ASK) network, a pool of several hundred relevant experts all over the world⁽¹⁶⁾. In addition, most staff members of TI are experts in the fields mentioned above. Since they usually have had extensive experiences in their area of expertise before joining TI, and are affiliated with multiple institutions, they have the ability and networks to build partnerships with international organizations and governmental bodies.

Peter Eigen, a co-founder of TI, has engaged with different institutions related to anti-corruption and governance. He is trained as a lawyer in development economics and served as a former program manager in charge of Africa and Latin America at the World Bank. He chairs the Extractive Industry Transparency Initiative (EITI), a public-private scheme for enhancing the revenue transparency of extractive resources such as minerals, oil, and gas. He also co-founded the International Civil Society Center, which aims to support leading international civil society organizations⁽¹⁷⁾.

Cobus de Swardt, the Managing Director of TI since 2007, has been active in fields of development policy and business management and has also been involved in major institutions related to anti-corruption. He chaired the World Economic Forum Global Agenda Council on Corruption (WEF-GACC) and now chairs the International Civil Society Center. He also serves as a board member of WEF-PACI and of the UNGC.

Yet another key person is Fritz Heimann, a TI co-founder and the former chair of TI-USA. As a representative of TI, he worked closely with the OECD Working Group on

Bribery (WGB), together with other TI colleagues, and officially commented on the *Consultation Paper* issued by the WGB, which aimed to identify cross-cutting impediments to the effective implementation of the OECD Convention on Combating Bribery of Foreign Public Officials, and to suggest effective measures to cope with them⁽¹⁸⁾. He has also acted beyond an institutional basis and capacity. Serving as a member of the ICC Committee on Extortion and Bribery, Heimann was actively involved in the work on the ICC Rules. Previously, he was a former chairman of the Working Group on Bribery and Corruption of the US Council for International Business. Thus, he contributed to both the public and private rule-makings and implementation, at both the international and domestic levels.

TI staff members, however, are evidently not the only expert activists against corruption. Mark Pieth, former chair of the OECD-WGB from 1994 throughout 2013, is a prime example. He once served as the chief investigator of economic crimes at the Swiss Ministry of Justice, as well as a professor of criminal law at the Basel University. After resigning from the chair of WGB, he served as a board member of the WEF-PACI for 2014. He has close relationships with major staff members of TI and leads the Basel Institution on Governance, which is known as an authority in the prevention of economic crimes including corruption. The institute has lasting partnerships with major anti-corruption institutions including TI and is affiliated with the UNCAC Coalition, an NGO network for promoting implementation of UNCAC. It also serves as the International Center for Asset Recovery, the only civil society member of the United Nations Crime Prevention and Criminal Justice Programme Network (PNI), which was launched by the UNODC. Thus, Pieth is another prime example of an independent expert who bridges public, private, and civic spheres.

These experts usually closely collaborate with international convention bodies, such as the OECD, the CoE, the EU, the OAS, the AU, and UNCAC. The monitoring mechanism of each convention serves as a platform for communication among governmental experts as well as those from civil society, which facilitates coordination among member states. The OECD-WGB is a prime example. It consists of national experts of states parties and observers from non-OECD countries and international organizations. It is authorized to conduct substantial monitoring and to recommend states parties take steps for further implementation of the Convention. Through a week-long, on-site investigation conducting interviews with enforcement bodies, business, civil society, bureaucrats, and politicians, the WGB substantially influences the implementation process in partnerships with local stakeholders. Besides, it holds annual consultations with civil society⁽¹⁹⁾. There is a sense of mutual trust and

cooperation among the members of the WGB as well as with civil society⁽²⁰⁾. Based on such mutual trust and cooperation, the respective members have developed human networks with key figures or institutions across the anti-corruption industry.

It could be said that the members of the WGB serve as part of the larger anti-corruption expert community, which resembles an epistemic community, as they share the principled, normative belief that corrupt practices should be eliminated; causal beliefs on the major causes of corruption; criteria for validating knowledge; and a set of policy recommendations. However, the WGB is not similar to the epistemic community for the protection of the stratospheric ozone layer, which is a rather closed, stable, and coherent community that exists only to implement the Montreal Protocol and other pertinent regulations⁽²¹⁾. The expert community against corruption, on the contrary, consists of flexible, sometimes ad-hoc networks that are formed around multiple regimes, in multiple regions, and that exist beyond public-private boundaries. These networks overlap through key persons who usually share a sense of solidarity.

Major reason for the harmonious development of anti-corruption legislation, mentioned in the previous section, is that the legal instruments of the OECD, the EU, the OAS, the AU, as well as UNCAC were all influenced by members of the transnational expert community, including TI staff⁽²²⁾. There has been substantial cooperation between these international organizations and civil society, as exemplified by the OECD-WGB, and also by the AU that invited civil society to actively participate in the negotiation process of the draft treaty of the AU Convention on Preventing and Combating Corruption. The experts who share common normative models intentionally created harmonization among these legal instruments.

In addition, the WGB has close partnerships with major international institutions, especially with monitoring groups of other regimes, as the WGB is a leading body that has a full-fledged power over effective implementation of the OECD Convention. The Group of States against Corruption (GRECO), which is responsible for monitoring anti-corruption conventions in CoE, is one of the best partners of the WGB, and members of GRECO and the WGB regularly attend each other's meetings as observers⁽²³⁾. In addition, the current chair of the WGB, Drago Kos, is a former chair of GRECO. Such cooperation through overlapping memberships facilitates coordination of monitoring mechanisms, hence mitigating so-called "monitoring fatigue."⁽²⁴⁾

Thus, the flexible transnational expert community as a part of a polycentric anti-corruption network promotes the coordination of different regimes in both the lawmaking and the implementation phases.

4. Multi-Level Coordination via a Polycentric Coalition

While regional, sub-regional, and global legislation is coordinated by the transnational expert community, more emphasis tends to be placed on domestic campaigns in the implementation phase, due to local peculiarities of the political, economic, and social environment. Especially in a country whose government is reluctant to implement international agreements, international and national NGOs enhance mutual coordination and cooperation to effectively pressure the government to move toward compliance.

TI is characterized by a polycentric movement network in which the international secretariat (TI-S) and national chapters cooperate with each other. Whilst TI-S is largely in charge of international rule-making and coordination of multi-national or multi-regional programs, the national chapters are predominantly in charge of national advocacy, such as public awareness-raising, giving advice to governmental bodies and companies, and offering legal services to local communities. Although some scholars have tried to apply the concept of TAN to TI⁽²⁵⁾, the TI network is different from the original concept of TAN, as there is no strategic alliance between domestic and international actors to pressure target governments.

Furthermore, TI chapters sometimes take a leadership role in developing research, setting and promoting international standards, and offering policy advice on specific topics, so that they act as a center of authority on specific themes. For example, the British chapter (TI-UK) is a center of research and policy advice concerning the corruption in defense sector.

The relationship between TI-S and chapters is intended to be complementary. On the one hand, chapters can capitalize upon the TI brand as an anti-corruption giant and have access to training and technical advice concerning advocacy and fundraising, as well as multi-country or multi-regional joint programs, which are all provided by TI-S. On the other hand, TI-S is able to claim its legitimacy as a representative of the TI movement, speaking on behalf of more than 100 independent chapters. Furthermore, TI-S benefits from the information provided by chapters on bribery cases, investigations, legal institutions, and the enforcement systems in its respective countries in order to prepare reports on the implementation of conventions.

Though chapters are legally and financially independent from TI-S, they act in compliance with TI Guiding Principles, which emphasize the solidarity, accountability, non-partisanship and cooperative attitude⁽²⁶⁾. Chapters are also accredited and reviewed every three years by TI-S to maintain the coherence of the TI movement. Thus,

TI defines itself a “Global Coalition against Corruption” of independent NGOs.

In response to the slowdown of the implementation of conventions, coupled with the rising popularization of the movement, from around the mid-2000s, the balance between the autonomy of chapters and the coherence of the TI network needed to be reconsidered. TI reformed the movement strategy, coupled with organizational governance, so as to place more emphasis on promoting the implementation of anti-corruption norms⁽²⁷⁾. The first reform point is to facilitate collaborations among chapters, by building a cyber-network named Sharek that facilitates communication among chapters, as well as through multi-national or multi-regional joint programs. TI also launched a regional coordinator system that aims to support chapters in the region and develop regional joint programs⁽²⁸⁾. The second is to enhance the coherence of the TI movement by strengthening the accreditation system. The third is to strengthen engagement with the general public, mainly by directly serving people and by educating youth. The first and the second points aim to enhance the effectiveness and the legitimacy of the TI network, by adjusting the balance between the autonomy of chapters and the coherence of the network. The third point can be regarded as TI’s response to the trend toward the popularization of the anti-corruption movement, which could challenge the balance between expert activities and popular movements.

5. Popularization of Anti-Corruption Movement and Transformation of Expert Activism

Working against corruption, civil society includes both experts and grassroots movements, but by virtue of their involvement in the policy-making and monitoring processes, the role of experts is more conspicuous. Experts bridge, not only different regimes, but also government and civil society. This is because major civil society actors have been expert activists or professional NGOs like TI, who usually enjoy a good relationship with governmental experts. They are friendly with grassroots movements as well, as they recognize the necessity of people’s engagement in anti-corruption activities: firstly, the elimination of petty bribery, which is deeply rooted in daily lives, calls for a change in people’s mindset and behaviors; secondly, the transparency of governments and corporations cannot be effectively ensured without monitoring by non-state and non-business local civil society; and thirdly, the local conception and practices of corruption could be truly comprehended and changed only by the local community. In short, people’s involvement is indispensable for the nation’s compliance with the anti-

corruption norm.

However, with the rise of anti-neoliberal, global justice movements in the end of the 1990s, anti-corruption giants like World Bank and TI became targets of harsh criticism for their elitist orientation, basically neo-liberal development policy, and large publicly-funded budget⁽²⁹⁾, which marginalized small-scale, grassroots activists in the global anti-corruption scene⁽³⁰⁾. TI and other major international NGOs have been sometimes criticized for the lack of legitimacy in terms of representation of interests of Southern nations⁽³¹⁾.

At the same time, as a consequence of a rapid development of global justice movement, the diffusion of new communication technologies including social media, and massive awareness-raising and education activities concerning corruption, grassroots movements, radical activists, and ordinary people have been increasingly involved in the anti-corruption movement since the late 2000s. According to TI's public opinion survey (*Global Corruption Barometer 2013*), which compiled the answers from respondents from 107 countries, "Nearly 9 in 10 surveyed say they would act against corruption."⁽³²⁾ Laurence Cockcroft, a prominent development economist and co-founder of TI, argues that people's outrage against their political leaders' corruption drove the "Arab Spring" in 2011⁽³³⁾. Thus, the coordination and collaboration between experts and popular movements has been increasingly an important agenda.

(1) Hybridization of the TI Movement

TI has changed its strategy in response to the trend of popularization. According to its strategy document for 2015 (*Strategy 2015*), TI has been determined to place as its first priority the empowerment of people, civil society organizations, and educational bodies so that they can participate the anti-corruption movement. The usage of the term "engagement," which means active involvement, indicates TI's change of attitude toward people, considering that the organization previously preferred "public awareness" campaigns rather than "engagement" when discussing strategy toward the general public. TI has not focused on leveraging the power of popular movements during most of its history, and many chapters could not afford to develop direct activism frequently, due to limited resources⁽³⁴⁾.

In accordance with the principles laid out in the *Strategy 2015*, TI commenced the "Time to Wake Up" campaign in 17 countries across Latin America, Asia, Africa and Europe, in 2012. The campaign aims to mobilize the general public with rallies, film festivals, animated video contests for local schools, public advertising campaigns, petitions, etc.

However, the organization did not develop into a full-fledged popular movement. The second priority of the *Strategy 2015* was to develop research and anti-corruption tools to promote the implementation of anti-corruption norms, which still emphasizes TI's identity as an expert organization.

It is not easy, however, to balance expert activity with popular activism, especially in the light of the movement's reputation. The TI brand was established mostly by its expert activities and not by direct activism. Since the tackling of corruption requires a high level of technical knowledge, governments, business, and experts have come to trust TI because of its expertise. Therefore, it is not necessarily a good idea for experts to be perceived as radical activists, as this may compromise their reputation as experts. It is vital for TI to adapt to the popularization without losing its trusting relationship with stakeholders, so as to protect its brand and credibility.

One example of such an attempt is the Advocacy and Legal Advice Centers (ALACs). ALACs operate in more than 60 countries for the purpose of providing free legal advice to victims, whistleblowers, and witnesses of corruption. More than 200,000 people around the world have used these centers to date⁽³⁵⁾. Through free calls and face-to-face consultations, ALACs provide advice regarding available legal resolutions or appropriate investigative bodies, though they are not involved in investigation activities. In addition to the basic advisory service, ALACs help public institutions build capacity to be more responsive to citizens. For example, ALACs in East Europe, the Balkans, and the South Caucasus offer education and training services to investigation officers. They also engage in analysis of corruption cases to identify legal and administrative problems in its country⁽³⁶⁾. Furthermore, most ALACs actively engage in outreach activities, such as the distribution of books or brochures, press releases, guidebooks for public offices, TV advertising, radio shows, and presentations at community theatres.

These ALACs have the potential to empower people who are vulnerable toward corruption by training them on how to cope with such situations. In successfully doing so, ALACs activate the power of the local people against corruption, thereby possibly "trigger[ing] civic activism against corruption."⁽³⁷⁾ It could be argued that ALACs have succeeded in balancing expert activity with grassroots movements, by utilizing their expertise to empower people, without antagonizing other stakeholders.

The abovementioned activities of TI could be identified as an orientation toward HPN, by the "hybridization" of the polycentric network.

(2) The Hybridization of Anti-Corruption Civil Society: The UNCAC Coalition

The hybridization of the anti-corruption movement is also exemplified by the

Coalition of Civil Society Friends of the UNCAC (later renamed the UNCAC Coalition), which was launched in 2006 by Gillian Dell of TI and Kirstine Drew of UNICORN⁽³⁸⁾, primarily for the purpose of coordinating civil society's inputs into States Parties' deliberations.

More than 350 members from more than 100 countries participate in the Coalition⁽³⁹⁾, including major NGOs and umbrella organizations that have developed long cooperative partnerships with TI, such as Christian Aid, Global Witness, the Basel Institute on Governance, and the Tax Justice Network. The members of the Coalition are from diverse fields, ranging from governance, accountability, development, human rights, labor rights, environment, peace, to poverty reduction. In addition to NGOs, individuals and parliamentarians⁽⁴⁰⁾ are involved in the Coalition. Despite their diverse backgrounds and independent activities, members are fairly cooperative for the purpose of promoting the ratification and implementation of UNCAC⁽⁴¹⁾.

The members' countries of origin are also diverse: 16% of members from the Americas, 25% from Europe, 22% from Asia-Pacific, 29% from Sub-Saharan Africa, and 8% from Middle East and North Africa⁽⁴²⁾. The Coalition's policy is coordinated by the Coordination Committee, which consists of eight regional seats, in addition to two international and one individual seats as well as the Secretariat⁽⁴³⁾. By this geographically equal representation, the committee can adjust regional differences and facilitate a global solidarity beyond regions.

The Coalition engages in advocacy activities during the Conference of the States Parties (CoSP) meetings and side events on the margins of CoSP meetings and subsidiary bodies. In addition to its expert activities, including submitting statements, producing newsletters, and discussing with delegates, the Coalition also organizes public performances, including a flash mob on the street, which demonstrates an aspect of popular movement.

However, the CoSP4 held in Marrakech, Morocco, in October 2011 revealed a serious challenge to civil society⁽⁴⁴⁾. Russia took the initiative with a draft resolution to exclude civil society observers from the Implementation Review Group (IRG), and this initiative was backed by Algeria, China, Cuba, Ecuador, Iran, Pakistan, and Zimbabwe. The draft resolution was not adopted in Marrakech, but the agenda concerning civil society's participation in the IRG and working groups was left to the succeeding CoSP meetings. In 2015, a group of African states publicly joined forces against civil society's involvement in any CoSP subsidiary bodies, making the situation even more difficult for civil society⁽⁴⁵⁾.

The issue of civil society's observer status illustrates deep tensions between some

governments and civil society organizations, as some NGOs are determined to oppose their governments. For example, the Socio-Economic Rights and Accountability Project (SERAP), a Nigerian active member of the Coalition, sued its government in the Federal High Court. Therefore, the Coalition makes efforts to build trust with States Parties, by capitalizing opportunities provided by the UNODC. As the secretariat to UNCAC CoSP, the UNODC prepares NGO briefings and side events on the margins of CoSP and IRG meetings, both in which the Coalition presents and exchanges their views with state delegates. The first IRG briefing in 2012 was attended by almost 40 NGOs and 100 delegates, both of which actively took a floor. Though some delegates criticized NGOs by questioning their professional capability and neutrality, and other qualifications, others evaluated the opportunity as a constructive dialogue. As a consequence of these events, the confidence between governments and civil society has been increasingly strengthened⁽⁴⁶⁾. In addition, the Coalition and the UNODC jointly organized multi-stakeholder workshops for governments and civil society on UNCAC and its review mechanism, two in Africa and one in Asia, during the period of 2014 to 2015, all of which were highly praised as serving as a platform for confidence-building and mutual learning⁽⁴⁷⁾.

The Coalition also trained nearly 150 NGOs jointly with the UNODC, to build professional capacity of contributing to the UNCAC review process, during the period of 2012 to 2013⁽⁴⁸⁾. Some trained NGOs joined the Coalition as active members, such as I WATCH, a Tunisian NGO, which became a new steering committee member representing Middle East and North Africa in 2015⁽⁴⁹⁾. Thus, the Coalition in partnership with the UNODC has been bridging the gap between grassroots activists and experts and between government and civil society.

Despite its diverse membership and action repertoires, the Coalition's credibility has not been compromised, as their activities have remained quite moderate. However, considering the fierce controversy over the observer status of civil society, and especially criticisms by some delegates about NGOs' neutrality and professional qualifications, it is vital for the Coalition to continue to "hybridize" the network by tactful coordination, confidence-building with delegates, and trainings of activist organizations.

Conclusion: The Role of the "Hybridizing" Polycentric Network in the Global Anti-Corruption Governance

This paper suggests the hybrid polycentric network (HPN) model as a coordination

mechanism of decentralized global governance and analyzes the global anti-corruption governance by using this concept. Global anti-corruption governance is characterized by a regime complex consisting of multi-level and multi-sector norms and networks. Potential inefficiencies are minimized by a loose, decentralized expert community that facilitates the harmonization and coordination of regimes, and by polycentric networks that coordinate multi-level centers of authority to maintain coherence. Despite its elitist tradition, the movement against corruption has recently been increasingly popularized. Accordingly, major anti-corruption institutions now emphasize engagement with the people. The anti-corruption network, including the TI network, seems to be orienting itself toward a HPN structure and has mostly succeeded in coordinating different institutions. However, tensions remain between certain governments and civil society, and the UNCAC Coalition makes efforts to coordinate heterogeneous NGOs and bridge the gap between governments and civil society. It could be said that the anti-corruption networks are increasingly “hybridizing,” but future developments must be carefully observed before a conclusion is reached about the HPN against corruption and its contribution to the evolution of anti-corruption norms.

NOTES

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- (15) Gillian Dell, *Anti-Corruption Conventions in Africa: What Civil Society Can Do to Make Them Work* (Berlin: Transparency International, 2006), p. 16.
- (16) "Network of Experts," http://www.transparency.org/experts_network (accessed 30/8/2015)
- (17) The center is owned by leading NGOs, including Amnesty International, Child Fund Alliance, Oxfam International, Plan International, Transparency International, World Vision International, and WWF International.
- (18) OECD Working Group on Bribery in International Business Transactions, *Consultation Paper: Review of the OECD Instruments on Combating Bribery of Foreign Public Officials in International Business Transactions Ten Years after Adoption*, January 2008.
- (19) UNODC, UNDP, and UNDESA, *Report on the Eighth Meeting of the International Group for Anti-Corruption Coordination (IGAC)*, New York, January 19-20, 2006, p. 12.
- (20) Interview with Ms. Gillian Dell, in Berlin, Germany, July 23, 2012.
- (21) Penelope Cannan and Nancy Reichman, *Ozone Connections* (Sheffield: Greenleaf Publishing, 2002).
- (22) Negotiations of international conventions are usually engaged by the staff of TI-S, but in some cases like the OAS Convention, local chapters were intensively involved in the drafting process.

- Dell, *op. cit.* This point is confirmed during the informal conversation with TI Regional Director of the Americas Mr. Alejandro Salas in Brasilia, Brazil, on November 6, 2012.
- (23) UNODC, *Report on the Third United Nations Interagency Anti-Corruption Coordination Meeting*, Vienna, January 23-24, 2003, p.8.
- (24) As states are regulated by multiple regimes, they are overburdened by monitoring requirements of every review regime. Therefore, participants of the International Group of Anti-Corruption Coordination argued the necessity of avoiding duplications between UNCAC monitoring and other monitoring mechanisms such as of GRECO. UNODC and Asian Development Bank (ADB), *Report on the Seventh Meeting of the International Group for Anti-Corruption Coordination (IGAC)*, Bangkok, April 21 to 22, 2005, p. 13.
- (25) Diana Shmidt-Pfister, "Transnational Anti-Corruption Advocacy: a Multi-Level Analysis of Civic Action in Russia," in Luís de Sousa, Peter Larmour, and Barry Hindess, *Governments, NGOs and Anti-Corruption: The New Integrity Warriors* (Oxford: Routledge, 2010), pp. 135-151; Hongying Wang and James N. Rosenau, "Transparency International and Corruption as an Issue of Global Governance," *Global Governance*, vol. 7, no. 1, 2001, pp. 25-49.
- (26) "A Statement of Vision, Values and Guiding Principles for Transparency International," http://www.transparency.org/whoweare/accountability/a_statement_of_vision_values_and_guiding_principles_for_ti/2 (accessed 1/3/2014)
- (27) TI launched its first strategy document in 2003-2007 (*Strategy 2007*), followed by 2008-2010 edition (*Strategy 2010*), and the 2015 edition (*Strategy 2015*).
- (28) "Regional Coordinator, Europe and Central Asia," <http://corruptionresearchnetwork.org/marketplace/resources/regional-coordinator-europe-and-central-asia> (accessed 30/9/2015)
- (29) TI-S's budget jumped from 2.8 million euros in 2000 to 20 million euros in 2010, a nearly seven-fold growth in ten years. Especially from 2007 to 2010, the budget more than doubled from 9 million to 20 million, and the number of employees grew from 66 to 120. Norwegian Agency for Development Cooperation (NORAD), *Evaluation of Transparency International Report*, August 2010, p. 14.
- (30) Typical criticisms came from anthropologists who emphasize local peculiarities and refuse a one-size-fits-all approach. See, for example, Steven Sampson, "Integrity Warriors: Global Morality and the Anti-Corruption Movements in Balkans", in Dieter Haller and Chris Shore, eds., *Corruption: Anthropological Perspectives* (London: Pluto Press, 2005), pp. 103-130; Luís de Sousa, "TI in Search of a Constituency: The Institutionalization and Franchising of the Global Anti-corruption Doctrine", in de Sousa, Larmour, and Hindess, *op. cit.*, pp. 186-208.
- (31) Nelson J.V.B. Querijero and Ronnie V. Amorado, "Transnational Civil Society Movements: The State of Anticorruption Efforts," *Civil Society and Social Movements Programme Paper*, no.26 (Geneva: United Nations Research Institute for Social Development, August 2006).
- (32) Transparency International, *Global Corruption Barometer 2013* (Berlin: Transparency International, 2013), p.4.
- (33) Laurence Cockcroft, *Global Corruption: Money, Power, and Ethics in the Modern World*, (London: I. B. Tauris, 2012), p.216.
- (34) This is a general inclination of NGOs working in the field of anti-corruption. Indira Carr and

- Opi Outhwaite, "The Role of Non-Governmental Organizations (NGOs) in Combating Corruption: Theory and Practice," *Suffolk University Law Review*, vol. XLIV, no. 3, 2011, pp. 615-664, esp., p. 629.
- (35) "Report Corruption: Overview," <http://www.transparency.org/getinvolved/report> (accessed 30/9/2015)
- (36) Ben Elers, Angelos Giannakopoulos, and Dirk Tänzler, "Citizens' Participation and Anti-Corruption: The Advocacy and Legal Advice Centres of Transparency International and the EU-Funded Research Project 'ALACs,'" in Sebastian Wolf and Diana Schmidt-Pfister, eds., *International Anti-Corruption Regimes in Europe: Between Corruption, Integration, and Culture* (Baden-Baden: Nomos, 2010), pp. 179-194.
- (37) NORAD, *op. cit.*, p. 50.
- (38) UNICORN International Network Limited (UNICORN) is an anti-corruption network consisting of trade unions beyond industries from more than 160 countries.
- (39) "Who We Are" http://uncaccoalition.org/en_US/about-us/about-the-coalition/ (accessed 30/9/2015)
- (40) Parliamentarians form a global network named the Global Organization of Parliamentarians Against Corruption (GOPAC), which is one of the active members of the Coalition.
- (41) Interview with Ms. Gillian Dell, in Berlin, Germany, July 23, 2012. She remarked that they had not had major conflicts within the network. Indeed, according to the proceedings of coordination committee meetings, internal conflicts were not on the agenda.
- (42) The percentage was calculated according to the members list. <http://www.uncaccoalition.org/en/about-us/members-list> (accessed 15/3/2014)
- (43) "Coalition Governance" http://uncaccoalition.org/en_US/about-us/coalition-governance (accessed 30/8/2015) Its responsibilities include policy coordination, promoting the activities of the Coalition, communicating to the external audiences, approving and excluding members, and giving assistance to members that are under attack.
- (44) The following information is mostly obtained from *UNCAC Coalition Newsletter*; Issue 5, December 2011.
- (45) *UNCAC Coalition Newsletter*; Issue 13, July 2015, p. 3.
- (46) Matti Joutsen, "Civil Society Organizations and UNCAC: Do NGOs Have a Seat at the Table?," presentation material distributed at the Civil Society Organizations Fighting Corruption: Theory and Practice Workshop, held at the University of Surrey, UK, July 9-10, 2012.
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- * The first draft of this paper was presented at the Annual Convention of International Studies Association, Toronto, March 2014.
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