



The Anticorruption Frontline

The Anticorruption Report

Volume 2

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The Anticorruption Frontline

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3. The Unlikely Achiever: Rwanda

ALESSANDRO BOZZINI

Rwanda has recently been praised by a lot of donors and development experts for its recovery from the 1994 genocide, sustained economic growth and improvement of many socioeconomic indicators, partly achieved thanks to massive aid flows. A key feature of Rwanda's progress is often considered to be governance and particularly anti-corruption: the country is generally regarded as one of the least corrupt in Africa and a success story in reducing corruption. This paper aims to analyse the state of corruption and the wider governance context in Rwanda, attempting to evaluate whether the country's governance regime is an open access order characterized by ethical universalism, a limited access order dominated by particularism, or a hybrid. After providing an overview of the country's anti-corruption framework, the paper analyses a number of governance aspects and assesses the incidence of different forms of petty and grand corruption in a bid to ascertain the extent to which claims of Rwanda as an anti-corruption success story are well-founded.¹

Rwanda made international headlines in 1994 when the genocide, one of the worst tragedies since the end of World War II, claimed an appalling number of victims, left the country shattered and exposed the international community's indifference. In spite of the sombre image associated with such a calamity, Rwanda has been able to change its reputation in recent years and, thanks to sustained high growth rates, has increasingly been seen as a development model. Improved governance and political stability are often quoted as key reasons for the country's economic success.

This paper builds on the author's first-hand experience living and working as an anti-corruption practitioner in Rwanda, on direct observation, on countless informal interactions and exchanges of views, as well as on a number of targeted, formal interviews of a diverse range of local and foreign resource persons and a review of primary and secondary literature.

1. State of governance

Rwanda is a small landlocked country located in central-Eastern Africa. A former Belgian colony, its population, according to the 2012 census, is estimated at around

¹ This chapter builds on, and further develops, Bozzini, A. (2013). Successes and limitations of a top-down approach to governance: the case of anti-corruption in Rwanda. ISPI-Istituto per gli Studi di Politica Internazionale, Milan, Italy.

² The list of interviews conducted by the author for this chapter can be found in the full version of the report at: <http://anticorr.eu/publications/background-paper-on-rwanda/>.

11 million spread over 26,338 km², making it Africa's most densely populated country. Its GDP is estimated at \$15.74 billion while its GDP per capita is estimated at \$ 1,500 (CIA World Factbook 2012). Despite progress, 44.9% of the population still lives in poverty and 24% in extreme poverty (National Institute of Statistics 2012), while the UNDP Human Development Index 2012 ranks Rwanda 167th out of 187 countries.

Since the 1994 Genocide, Rwanda has made remarkable progress in many areas. Even though many indicators of progress are based on surveys carried out within the country, which raises doubts on the reliability of the findings given the perceived 'high degree of self-censorship among the Rwandan peasant population,' (Ingelaere 2010, p. 53) the country is at peace and is often considered 'among the most stable on the continent'. Its GDP has registered an average annual growth rate of 7-8% since 2003, hitting 8% in 2012, making it the world's 10th fastest-growing economy in the 2000-10 decade. Extreme poverty is reported to have decreased dramatically. The World Bank Doing Business reports indicate that Rwanda improved its world ranking by almost 100 positions from 150th in 2008 to 52 in 2013. A number of socio-economic indicators, including school enrolment, life expectancy, child mortality and prevalence of HIV, have significantly improved (World Bank's 2009-12 World Development Indicators) and the Human Development Index has reflected such improvements.

An important contribution to these achievements has been made by foreign aid, which has been injected in large quantities by donors since the aftermath of the genocide, making Rwanda a so-called 'aid darling'; due to the Government's ability to use 'donor-friendly language and positioning' and donors' 'desire for African success stories' (Zorbas 2011).

2. The key to Rwanda's perceived success

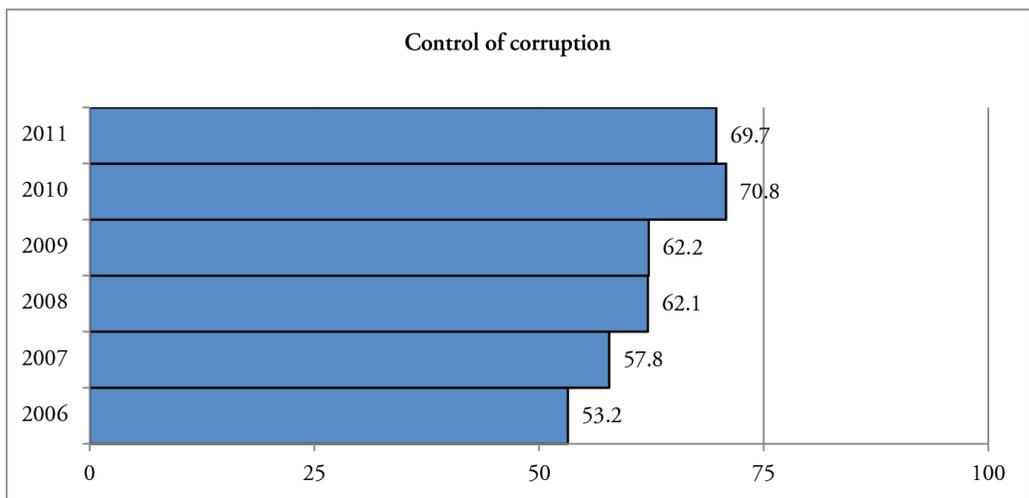
One of the key reasons behind Rwanda's improvements of the last few years, as well as one of the elements which explain donors' willingness to provide high aid volumes, is considered to be governance. This is usually understood in a way that focuses more on the authority and decision-making, rather than accountability: the Government of Rwanda is commended for its high degree of organization, its capacity to manage resources efficiently and its focus on delivering results. Within Rwanda's governance agenda, perhaps the most celebrated feature is the control of corruption and the country is largely praised for its commitment to fight against graft and for the success that such a fight has reaped: indeed, the majority of analysts, international organizations and business people now consider Rwanda as one of the least corrupt countries in Africa as well as a success story in the fight against corruption.

Most observers would say that a key reason behind Rwanda's progress is the Government's 'political will' to fight corruption, a commitment from the country's top leadership to pursue this fight as one of the national priorities. This has resulted in a number of new laws and institutions. The key legal document is law n° 23/2003 on prevention and repression of corruption and related offences but a number of other laws include commitments to the fight against corruption, particularly the penal code in articles 220-27, while Rwanda has

also signed and ratified most international anti-corruption conventions. Institutionally, the Government established several bodies including the Office of the Ombudsman, the Rwanda Public Procurement Authority, the Office of the Auditor General, the Anti-Corruption Unit in the Rwanda Revenue Authority and the Public Procurement Appeals Commission. Moreover, a number of high national authorities must disclose their assets, in 2011 the Public Accounts Committee was established within the Parliament and in July 2012 the Government approved the National Policy to fight against corruption, which formalizes the so-called ‘zero tolerance’ approach. More recently, a Whistleblower Protection Law was approved in September 2012, while many public institutions have codes of conduct. Furthermore, both politicians and civil servants have been prosecuted when allegations of corruption were brought against them, though some cite these cases as being used for excising political opponents.

Rwanda’s progress is perhaps best illustrated by the country’s performance in the World Bank control of corruption index which shows a clear improvement from 2006 to 2011, as shown below.

Figure 1. Evolution of Rwanda’s ‘Control of Corruption’ score from 2006 to 2011.



Source: World Bank Worldwide Governance Indicators, Control of Corruption.

Local officials, foreign observers and international organizations almost always mention this successful control of corruption in their interviews and reports with little questioning of whether the official narrative might or might not be exaggerated. In nearly all situations, however, corruption refers to bribes, and patrimonialism by rulers is hardly discussed.

2.1. Power distribution

Power in Rwanda is unevenly distributed; however, it is difficult to identify which group or network is the most powerful. Some would indicate that Tutsis generally have more power than Hutus (Cooke 2011, p. 12). This is an extremely sensitive issue, given

the past of ethnic tensions and hatred which culminated in the 1994 genocide and is a difficult topic to investigate because the current authorities are extremely strict in preventing any discourse or research based on ethnic groups. Others would say that the most powerful group is the Rwandan Patriotic Front (RPF), the ruling party. Some would say English-speaking Rwandans (mostly former Tutsi refugees in Anglophone countries such as Uganda and Kenya who returned to the country after the genocide) are advantaged in public administration and private business over French-speaking citizens. Finally, some observers interviewed indicated President Paul Kagame himself as the dominating figure, deducing that his personal allies and aides would be the most powerful group in the country.

Each of these views can be at least partly refuted. Those disagreeing with the ethnic interpretation would point to the fact that there are Hutus in prominent positions in the government, albeit in largely ceremonial positions, in the military and in business. Those rejecting the view of a dominant party would note that some Ministers are affiliated to parties other than the RPF, as the Constitution requires that the largest party holds no more than 50% of cabinet posts. Those in disagreement with the language explanation would simply say that the de facto decision to promote English instead of French is strategically motivated in the context of Rwanda's membership of the East African Community. Finally, one could easily say that the President is powerful just because he is popular.

All these counterarguments are partly true. However, the RPF does enjoy a dominant position. While the current Government is formally a coalition and several parties are officially registered and functioning, there is little doubt that Rwanda is de facto a one-party State and the dominant position of the RPF is quite evident.

Several interviewees indicated that those top politicians who are not from the RPF often have a party member as deputy to monitor their actions; party membership is often considered helpful to be recruited in public administration; the limited resources, virtually no visibility and almost no presence in remote areas of the other parties; RPF's strong, and in some sectors dominant, position in the economy; limited space for other groups to express dissent including from abroad; RPF's widespread presence in the field down to the most local level, through structures that 'mimic those of the state [...]' with the result that the lines between ruling party and state are blurred' (see Purdeková 2011); and the extremely large membership of the party. This situation does not change with elections, as in recent years the RPF has largely won them all: Kagame, as RPF leader, won presidential elections in 2003 and 2010 both with massive scores (see IFES 2014). Interviewees expect this to continue, as the debate around the presidential elections in 2017 is essentially a debate about who the RPF candidate will be, as whoever he/she will be, will be the President. As several respondents put it, 'the party and the Government are the same thing' in Rwanda.

2.2. Accountability bodies and mechanisms

In the case of the five sources used for Transparency International's CPI score for Rwanda, the highest score is the World Economic Forum executive opinion survey, which mostly looks at the likeliness of firms to make undocumented extra payments or bribes. However, the sources which look more at transparency and accountability, give Rwanda significantly lower scores. The 2012 edition of the Mo Ibrahim Index, probably Africa's most important assessment on governance, ranks Rwanda at the middle of its ranking, 23rd out of 52 countries, with a score of 53.5 (on a scale where 0 is the worst and 100 is the best). All these assessments point to a potential contradiction: a country which has achieved good results in controlling corruption but whose accountability bodies and mechanisms are extremely weak. Indeed the media, civil society, the parliament and the judiciary play a limited accountability role in Rwanda.

2.3. Parliament

The parliament is dominated by the ruling party, the RPF, which won the parliamentary elections in 2008 and 2013 by a large margin (see IFES 2014). Other parties are more allies than opponents and all parties (except those which were not allowed to register; see Longman 2011) are constitutionally mandated to be members of a consultative forum which provides a framework to discuss and then agree on political proposals. The Government claims that Rwanda's 'consensual democracy' is a successful model to unify the country, avoid conflicts and agree on policies, but the absence of a formal opposition weakens the Parliament's potential as an accountability institution. The Parliament has strengthened its accountability role in the last few years: the recently created Public Accounts Committee is working hard to summon politicians requesting them to explain alleged irregularities related to public funds. As an interviewee pointed out, parliamentarians are accountable to the RPF and to the President; because they know they 'owe' their position to the party and its leader.

2.4. Media

The Genocide era Government tragically used the infamous Radio Télévision Libre des Mille Collines (RTL) as a tool to spread ethnic hatred and incite violence and the current Government is still reluctant to grant press freedom and accept open dissent in the media. This is consistently certified by a wide range of observers such as Reporters Without Borders, whose 2013 world press freedom index scores Rwanda 161st out of 179 (and declining) (see Reporters Without Borders 2013). The Mo Ibrahim Index confirms this assessment, ranking it 48th out of 52 African countries. Also, some journalists have been murdered in unclear circumstances and many engage in self-censorship (see Freedom House 2011). Radio is the most popular media and new stations have started broadcasting in recent years, but while there are shows in which people call in to report their problems, radios usually avoid controversial issues, let alone government criticism, and are closely watched. As a result, the Rwandan media do not play a strong role in scrutiny and accountability and individual cases of corruption often make headlines, but politically

sensitive issues, or cases involving the top leadership of the country, are completely missing, while investigative journalism is discouraged and is virtually non-existent.

2.5. Civil society

The situation in Rwanda with civil society is similar to that of the media. The Government, despite granting formal registration to most national and foreign NGOs, is reluctant to consider civil society organizations (CSOs) as full political actors, seeing them as mere service providers, and allows limited space for them to question and challenge public policies and programs. CSOs are generally weak, highly dependent on foreign donors and have little capacity. They also often have limited independence from the political power, to the extent that they 'are almost unanimously tied into or legitimized by Government in some fashion' (see Gready 2011) and even though some 'independent CSOs and NGOs exist at national level [...] they react to the Government's distrust with self-censorship and therefore make little impact' (the Bertelsmann Transformation Index from 2012 give Rwanda's 'civil society participation' a 3 out of 10). Most local NGOs see themselves as partners of the Government rather than counterweight or watchdogs.

2.6. Judiciary and the Ombudsman

Rwanda's accountability institutions also include an ombudsman: an office whose presence is positive in itself and which is playing a visible role in sensitizing the population about the negative consequences of corruption. However, the fact that for many years the Chief Ombudsman's position was held by a 'top ideologue' and founder of the ruling party raises doubt about the independence of the institution, in spite of his reputation as a person of high moral standards and integrity. Similar concerns of limited independence apply to the Office of the Auditor General and to the judiciary: they tend to track relatively minor issues and hardly ever tackle cases of grand corruption involving high-level members of the ruling party, the Government or the army (see Cooke 2011, p. 13) and when they do so there are often rumours that the main rationale is to punish those who fell out of line (see Bertelsmann Foundation 2012, p. 26).

2.7. Independence of state bureaucracy

Rwanda's oft-praised ability to manage projects, programs and donor funds would not be possible without a skilled bureaucracy made up of officials recruited based on merit. At the same time, there are also claims that influential positions are held by RPF members or loyalists.

Both assertions are correct. The Government has introduced many measures to improve transparency in recruitment and to ensure that the best candidates get jobs based on merit. These include guidelines on timing and modalities for publishing a vacancy and holding job interviews but also include the provision that a candidate who feels he/she has been treated unfairly can report the case to the Ombudsman or the Public Service Commission, the latter being an institution created precisely in a bid to guarantee neutral recruitment and performance-based evaluation. Despite limited technical

capacity in some fields, Rwandan public administration is relatively efficient, recruitment practices have improved over time and most technical positions, as well as most low- to middle-ranking officials, seem to be indeed recruited based on candidate merit. However, top officials tend to be politically appointed and some interviewees also mentioned cases of politically-influenced recruitment.

2.8. Separation of public and private

Some private companies are closely linked to and intertwined with the RPF and thus with the Government and the state. Today there are three holdings, or conglomerates, of ‘party-statal’s. The largest one, Crystal Ventures Limited (CVL), formerly known as Tri-Star Investments, is a private holding company fully owned by RPF. Having grown out of the production unit of the then-rebel army RPA during the 1990-94 war, which eventually put an end to the Genocide; Tri-Star got the bulk of its initial funding from wealthy supporters from the Rwandan diaspora. Today, CVL holds a majority stake in 11 companies and a minority stake in several joint ventures, ranging from civil works to real estate, telecommunications and security services, most of which are the leading national company in their sectors. The group’s 2009 turnover represented over 3% of Rwanda’s GDP.

The second conglomerate, Horizon Group Limited, is often referred to in Kigali as ‘the army’s company’: having received initial capital from the Military Medical Insurance (MMI) and the Military Micro Finance Cooperative Society (ZIGAMA-CSS), it is now a private firm but is considered the army’s investment arm and its CEO is seconded by the army. The third consortium is Rwanda Investment Group (RIG), a holding company created in 2006 at the instigation of the Government, which is now a holding with both public and private shareholders whose purpose is to raise funds to invest primarily in the construction and energy sectors.

While most people in Kigali know that some companies are controlled by RPF and the army, and while party officials say ‘it is no secret’ that they run a number of companies and big investments (Kagire 2012), still the websites of the three holdings do not mention RPF anywhere, so this is a transparency issue. The second issue is the potential favouritism that these companies might benefit from. There is a general perception among many local and foreign entrepreneurs that CVL and Horizon companies enjoy preferential treatment when they compete for public contracts, to the extent that some entrepreneurs said that when they see that one of those companies bid, they ‘do not bother bidding’. RPF officials and observers who support the party’s role in the private sector deny any favouritism and point to the several bids that their companies have lost as well as to the competition they face from local and foreign companies. It is true that Crystal Ventures and other RPF-controlled companies do not win all the contracts they bid for, that the RPF is very careful to avoid a ‘winner takes all’ image and that Rwanda has made progress in procurement practices and has a comprehensive legal framework in this field. At the same time, in a country where accountability bodies are weak and not fully independent, it is hard to believe that members of a public tendering agency, for example a District, who usually

have strong links with the ruling party, are not tempted to favour companies linked to the same ruling party.

Another area of potential favouritism is taxation: a researcher who was able to examine the list of top taxpayers in 2010 (no longer available on Rwanda Revenue Authority's website) reports that 'only 11 party-statal (less than half of the 25) were among the top 307 large taxpayers in 2010' and that the CVL subsidiary in the food processing sector, Inyange, whose market share is over 85%, 'is not among the top taxpayers' while 'its two immediate competitors [...], which have smaller market concentrations, do appear on this list' (Gökgür 2012, p. 27).

While the presence of such party-statal is the main issue and concern: there is a general perception that proximity to the ruling party is a key element for an entrepreneur to have economic success: it might not be indispensable, as there are some businesses with no link to the party and the Government's commitment to the country's economic development is genuine, but many businesspeople reportedly decide to affiliate with the RPF or to show their support as they feel this could somehow benefit their business. Whether or to which extent this is true is obviously very difficult to assess, but this widespread perception confirms the blurring between public and private. Fortunately, it is uncommon for politicians and officials to use public funds to cover their private expenses.

To conclude on this complex and controversial issue, it is safe to say that in Rwanda the state, the Government, the ruling party and the private sector are not entirely separate entities, with obvious problems in terms of separation of powers, risks of favouritism and limited transparency; such a blurring between private and public is a key feature of patrimonialism.

2.9. Service delivery

Corruption in service delivery is the subject of tight scrutiny by the Government, of harsh sanctions and of calls for integrity as well as sensitization campaigns. Indeed, the widely cited 'political will' of the Rwandan Government to fight against corruption is mostly visible in this field. Overall, services such as health, education, water or issue of documents are provided evenly and impartially, with corruption being the exception and not the rule; fear of sanctions or of retaliation by authorities may lead to under-reporting of corruption cases, but it is safe to say that corruption in this field is not institutionalized and that the overall goal is to cater to everybody.

Despite the overall positive situation, petty corruption is however far from eradicated and studies show that the police and local authorities tend to be the institutions most exposed to such practices, though they have all showed progress in the last few years and are comparatively much less affected than their counterparts in the East African region.

Similarly, embezzlement of public funds seems to be quite uncommon and taxpayers' money as well as foreign aid are generally well managed and usually reach the beneficiaries as intended. The efficiency and integrity with which authorities tend to manage public funds is mentioned by most donors in Kigali as the main reason why they provide generous levels of aid to Rwanda.

2.10. Transparency

On top of the limited role played by the accountability organs and bodies, the concept of transparency, which is one of the key tools in the fight against corruption, is yet to fully develop in Rwanda. Indeed, in spite of efforts to disclose more information about the authorities and their activities and despite a recently adopted Access to Information law, the transparency of key issues remains limited: the Open Budget Survey 2012, developed by the International Budget Partnership in cooperation with a local NGO, gives Rwanda a score of 8 (down from 11 in 2010, on a scale from 1 to 100 where 100 is the best score), which is much lower than the global average of 43 for all the 100 countries surveyed and is also significantly worse than the other countries in the region. Interestingly, the country which is usually ranked, by far, as East Africa's least corrupt, appears in this survey as the region's least transparent.

Politicians have to disclose their assets to the Ombudsman, but many believe that some top leaders do not include some of their assets in such declarations knowing that they will not be investigated. Procurement and mineral trade from bordering conflict-ridden Eastern Congo are also areas where transparency is somehow limited. Transparency in elections has also been questioned and there are allegations that the Government might have altered the proportions of votes received by some parties (Greene 2011, p. 17; Longman 2011, p. 39-40).

2.11. Citizen participation

Citizen participation is often considered another key element to prevent and reduce corruption. Again, Rwanda is a paradox, as the relatively low level of corruption is matched by an even lower level of citizen participation. Indeed ordinary citizens are reluctant to engage in the public sphere and the Government itself has acknowledged this challenge, thus stating in official documents the objective of encouraging more participation. At the same time, citizen participation is often 'directed and controlled' by the authorities (Bertelsmann Foundation 2012, pp. 22-3). It is still noticeable that the only public demonstrations in the last few years have been pro-governmental, raising doubts that they were actually organized by the Government itself.

Interestingly, some observe that limited participation is nothing new in Rwanda; this would be due to the fact that, as a consequence of civil war, exile and the Genocide, other forms of constituency and shelter have weakened (traditional and family ties, regional and religious identities) and 'historically therefore Rwandans have tended to revere political power and are passive in political matters' (Kayumba 2013).

Conclusions

Incidence of corruption in Rwanda is undoubtedly lower than in its regional neighbours, but perhaps the country is not as successful as some believe. The Government's oft-mentioned 'political will to fight against corruption', seems to be mostly a will to fight monetary forms at low to middle levels. Consequently, there have been achievements

in controlling bribery, mismanagement and embezzlement, particularly at lower levels. The key corruption problem that remains in Rwanda is favouritism; authorities are keen and determined to curb administrative corruption but are much less eager to tackle political corruption.

Secondly, the fight against corruption (at least the monetary kind) has followed a top-down approach: the establishment of new laws and institutions, the sensitization campaigns and public calls for integrity have mostly come from the highest levels of Government, including from the President himself. While this is positive and important, it has severe limitations. In particular, it intrinsically excludes those forms that the top leadership does not want to fight such as influence peddling and political favouritism. Moreover, this approach is unlikely to be sustainable in the long term, as it stems from a number of individual leaders rather than being rooted in strong institutions, transparency mechanisms and citizen participation. Indeed, the fact that more and more citizens abstain from corruption seems to be mostly due to fear of harsh punishment rather than to cultural or behavioural change.

Thirdly, the governance system in Rwanda is somewhere between ethical universalism and particularism, and a borderline case between open access and limited access order. While formal laws and policies are clearly striving towards universalism, and are often comprehensive and commendable, there remains a certain level of informality. Similarly, the weakness of accountability bodies, limited citizen participation, unequal power distribution and blurring of public and private mean that Rwanda is far from a fully open access order. It is therefore extremely difficult to give an ultimate answer to the question of 'whether corruption is the exception or whether it is the norm' (Mungiu-Pippidi 2006, p. 91). Monetary forms of corruption and especially bribery exist but are the exception to the norm, other forms such as favouritism and abuse of power by the Government and the ruling party are more common and are ultimately to a great extent socially accepted as a rule of the game.

A number of lessons can be learnt from the analysis of the state of governance and corruption in Rwanda. First, corruption should be defined in broad terms as encompassing all its forms, including non-monetary ones, as a country might have low incidence of some forms and high incidence of others. Moreover, the case of Rwanda suggests that petty or administrative corruption can in some cases be a very different issue from grand or political corruption, as curbing the former does not necessarily mean reducing the latter. In addition, and perhaps most importantly, Rwanda shows that relative success in fighting bribery is not necessarily associated, as many would assume, with high levels of accountability, transparency and citizen participation. This confirms the need, when investigating corruption, to analyse the broader governance context of a country.

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The fundamental purpose of ANTICORRP is to investigate and explain the factors that promote or hinder the development of effective anti-corruption policies and impartial government institutions. A central issue is how policy responses can be tailored to deal effectively with various forms of corruption. Through this approach ANTICORRP seeks to advance the knowledge on how corruption can be curbed in Europe and elsewhere. Special emphasis is laid on the agency of different state and non-state actors to contribute to building good governance.

Project acronym: ANTICORRP

Project full title: *Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption*

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