

**CORRUPTION AND THE PREVENTION OF
CORRUPTION. COMPARATIVE ANALYSIS
OF SPAIN AND MEXICO**

Abstract

The corruption phenomenon is a very important one and it has direct implications over the state's operative mode, as well as its levels of development. The corruption cases are directly reflected on reaching of a status of wellbeing, a very important desideratum for the European Union but also on a global level. Thus, this paper will define concepts and the interdependence between corruption and public ethics. To do so, we will analyse the Transparency International Reports, in order to crayon an overview of the actual level of corruption, and focusing our attention especially on famous corruption cases from Spain and Mexico. From a comparative analysis of the corruption phenomenon in the two countries we can highlight the direct effects that this phenomenon can have over the functionality of a society. Therefore, we will analyse the corruption cost but also the primary negative effects which are reflected in the development levels of a country: in Spain – „The famous corruption case – “The City of Arts and Science from Valencia” and in Mexico- „Wal-Mart Gate”.

Keywords: corruption, public ethic, European Union,

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**CORUPȚIA POLITICĂ ȘI
ETICA PUBLICĂ. CAZURI
CELEBRE DE CORUPȚIE
ÎN SPANIA ȘI MEXIC.**

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Rezumat

Obiectivul acestei lucrări este realizarea unei analize asupra fenomenului de corupție, fenomen deosebit de important care are implicații directe asupra eficienței modului de funcționare al unui stat precum și asupra nivelului de dezvoltare al acestuia din urmă. Cazurile de corupție se reflectă direct în atingerea unui stat de bine stare, desideratum foarte important la nivelul Uniunii Europene dar și la nivel mondial. În acest sens, în primul rând vom analiza câteva definiții generale care ne vor ajuta să înțelegem mai bine acest fenomen dar și interdependența care se stabilește între acesta și etica publică. Pentru aceasta, vom analiza rapoartele Transparency Internacional, pentru a creiona o imagine de ansamblu asupra nivelului actual al corupției concentrându-ne atenția în special, asupra unor cazuri de corupție celebre din Spania și Mexic. Urmărim analiza acestor două țări deoarece am dorit sa realizăm o paralelă între cazuri concrete de la nivelul Uniunii Europene dar și de peste Ocean. Astfel, ne vom forma a viziune de ansamblu asupra acestui fenomen. Alegerea nu a fost întâmplătoare, ci datorită conexiunilor existe între aceste două țări. În final, vom realiza o analiză concretă asupra acelor două cazuri mai sus menționate din Spania – „Celebru caz de corupție – Orașul Artelor și al Științelor din Valencia”, și Mexic – „Wal-Mart Gate”.

Cuvinte cheie: corupție, etică publică, Uniunea Europeană



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1. CONCEPTS, DEFINITIONS OF THE CORRUPTION PHENOMENON

Regarding this phenomenon the Real Spanish Academy, sustains that it is a phenomenon that appears in the majority of organizations, especially in public ones, usually representing function abuse in order to obtain certain personal benefits (Sparrow, 2008).

According to the definition given by Transparency International, corruption represents abuse of the given power in order to gain private benefits by public officials for themselves or for their allies, regardless if they are politicians or public officials. As can be observed, both definitions highlight the primary element of this phenomenon, using public resources in order to achieve personal benefits.

Corruption has undeniable effects on citizen's rights and liberties and it is the primary source of poverty as well as a states underdevelopment, directly affecting public resources and at the same time it distorts the states institutions from their mission.

On the other hand, Thompson (1992) define corruption, as all the actions or omissions that have a direct link with the abusive usage of public resources in order to achieve private interests by using clandestine transactions that imply the breaking of certain generally accepted conducts. This definition as well as the first two, show that any act of corruption has direct influences over public ethics and it is represented by any action that breaks the law.

On the other hand, from an economic perspective, special attention is given to the person that commits the act of corruption. Therefore, a corrupt public official uses his function as a business. A business through which he wishes to obtain maximum marginal utility, the volume of obtained goods is dependent on the market, but also on their talent to find the best business in the public demand curve. In other words, this situation highlights the abuse carried out by a public functionary in order to obtain an extra income. The idea on which we will focus on is that the individual seeks to maximize their financial resources, by abusing their public position, without it being in his or hers area of expertise.

According to Graaf and Huberts (2008), corruption appears the moment a public functionary who is responsible and who holds a certain function with very well defined attributions and through financial means or of any other nature, including treason of responsibilities and obligations, acts in favor of a person that offers him material advantages in detriment to the civil society and its interests.

In other words, what we are trying to highlight is that an action is corrupt the moment an individual's interest, of those working in public administrations are more important than the general public interest.

From an ethic point of view, corruption is any behavior that contravenes with the social and ethic principles that are generally accepted.

Over time the corruption phenomenon has been classified from different points of views, but Kaufmann, Kraay and Mastruzzi (2007), is the one that realized a classification depending on the level of severity, of the effects it has over the society.

Therefore Black corruption is the worst case of corruption and it represents the assembly of deeds that are criticized by the society, but also by the general ethic norms. Grey corruption that corresponds to the same inert situations, where a general consensus does not exist, but in which many important sectors accuse the deed as being corrupt, situation in which there are norms that condemn such an action but, though the nationals do not totally reject the respective behavior.

The third type of corruption is white corruption, which is characterized by those deeds that are not totally accepted by the society, but against which no law exists that can sanction or can contravene to the respective practices (Huberts et al., 2008).

Further on we will analyze more profoundly politic corruption, where we will see that it differentiates itself from the general corruption, depending on the individual, the aim and the negative impact which determined it. According to Batory's appreciations (2012), corruption can be realized by politicians or by public officials. Though he highlights that in certain cases it is very difficult to clearly distinguish corruption carried out by politicians and corruption carried out by public officials, due to the fact that public policies are under a continual and complex process where it is very difficult to divide the formation of public politics with its setting in motion. Therefore, such a classification, depending on the individual who carries it out is not relevant, due to the interdependencies which are set between the political environment and the public officials, because situations may exist were honest actions carried out by the public officials or the political environment can be classified as corrupt. This situation may appear when only one of these parties is characterized as being corrupt and implicitly influences the image of the other parties involved.

Corruption is defined as that complex of actions which is intended to maintain political power through illegal means or in order to gain some material winnings in detriment to the civil society. But in this sense, the current acting laws have an important role and what is considered to be legal. Due to this reason, trying to define corruption depending on the aim in view may lead to an relative situation which, may not represent a very good veracity if it is not accompanied with other visions, like for example, the negative effects generated.

2. GENERAL CONCEPTS REGARDING PUBLIC ETHICS

In Sparrow M's general vision, politics is corrupt and can be considered legitimate if it helps the ones that sustain it. Therefore, according to the democratic principal, in a society where each individual is trying to maximize their own interests by sustaining one political power or another, the ethic source in this sense would be to defend the right of private property. Therefore if we associate corruption to a certain society type where the states intervention is great regarding the functioning of the public administration, the only way to combat it is no more or no less by reducing the states interventionist role and to guarantee a minimum level of individual rights.

Another current, is the utilitarian –liberal current, where we have to highlight that it has many elements in common with liberal speech, the difference is that the latest wishes to find the general interest and to protect individual rights to assure a necessary minimal of wellbeing. In other words it wishes, as stated by Jeremy Bentham: “much more happiness, for much more people.” According to this concept, it is considered corruption any tentative of favoritism towards a small group of individuals in detriment of the general society. In order to combat this type of corruption a very powerful state is needed that can respect the individuals rights.

Communitarianism is the option between the two liberal regimes mentioned above. Over this current, Lambsdorff (2005) has made his mark. He consider's, that the individual relies on the society he exists in and that this society destroys his identity and politics tries to find the common good which is influenced by the tradition of different communities. It is considered that that not only individuals should be seen, but the whole society formed out of territories and their ethnic groups which shape and integrate it. The corruption phenomenon is directly influenced by the culture of each community, the historic and social context. This current highlights the fact that an action is considered corrupt only if a the whole society considers it corrupt and certain common universal laws have to exist that clearly defines what actions can be considered corrupt and how they will be penalized.

A forth vision is the deliberative one. Here it is considered that a democracy must rely on the deliberative act, where a continuous exchange of information can assure a level of common wellbeing and where corruption would be represented by the abusive usage of public recourses in order to satisfy private interests through some clandestine information, including those of a public nature that are not justified by the general interest (Uslaner, 2005).

As can be observed, corruption is nothing more than a violation of moral principles and of public ethics. Therefore, the level of corruption from a quantitative as well as a quality point of view , it will be different

depending on the political regime which is found in the respective country, in other words if it is not a democratic regime. For example what is considered illegal in a democratic regime, like illegal financing of parties or of political clientelism, is not considered as a corrupt act in authoritarian or totalitarian regimes. This situation appears due to the fact that in the non-democratic regimes no free electoral competition exists and there is no need to finance electoral campaigns or to buy votes, since there are no elections. But this fact does not demonstrate that in these states corruption does not exist, on the contrary, the effects of this phenomenon are much more severe than in any other regime. The problem here is that the system is the corrupt one. The state has no legitimacy, no public ethic principles exist, even more it favors the interests of a small group of individuals considering it a culture of good practices.

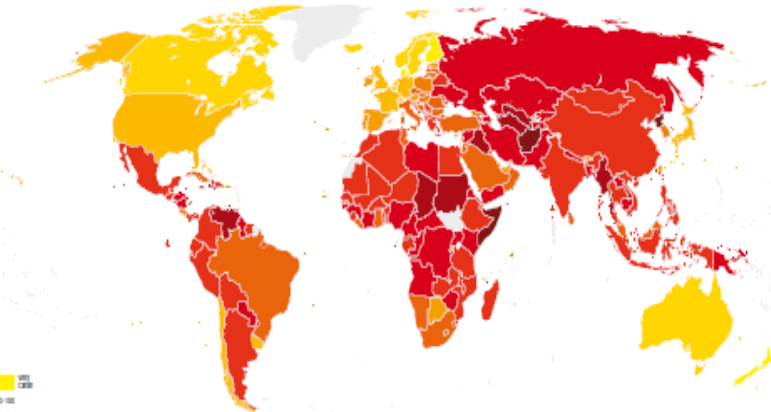
Practically, at a states level it can be talked about parliamentary, juridical, clientelism, which in turn can be bureaucratic, party related or electoral. On the other hand the lack of transparency, abuse of power, electoral fraud or organized crime also represent corruption cases that have direct effects on a states level of development. Administrative corruption is also very important, which consists of a faulty application of public policies realized in the political environment, therefore, directly violated are the democratic principles and rights.

Corruption has been over time constant in human evolution, existing in all known periods. Nevertheless beginning with the end of the XX century, it has become a more and more studied phenomenon of great importance.

What are the motives for which this phenomenon represents such a great importance, from a academic point of view as well as from the mass-media? Firstly the end of the cold war has influenced a lot this trend, due to the conflicts between the Soviet Union and The United States of America. On the other hand, very important is the distrust factor, especially in the western countries, where a current of distrust was developed towards the political power, which has led to a more exigent and critical society regarding corruption.

3. THE ANALYSIS OF FAMOUS CORRUPTION CASES IN SPAIN AND MEXICO

In order to better understand this phenomenon, to be able to determine the level of corruption and the position the two countries hold at an international level we will use the map to determine the perception of corruption in 2012 published by Transparency International.



RANK	COUNTRY/TERRITORY	SCORE	RANK	COUNTRY/TERRITORY	SCORE	RANK	COUNTRY/TERRITORY	SCORE	RANK	COUNTRY/TERRITORY	SCORE	RANK	COUNTRY/TERRITORY	SCORE
1	Denmark	90	76	Saint Lucia	71	101	Guatemala	33	127	Tajikistan	9			
2	Finland	85	77	Austria	69	102	Niger	33	128	Democratic Republic of the Congo	9			
3	New Zealand	85	78	Ireland	69	103	Timor-Leste	33	129	Lesotho	9			
4	Sweden	85	79	Cyprus	69	104	Dominican Republic	33	130	Libya	9			
5	Singapore	87	80	United Arab Emirates	69	105	Ecuador	32	131	Equatorial Guinea	9			
6	Switzerland	87	81	Czech Republic	68	106	Egypt	32	132	Zimbabwe	9			
7	Australia	86	82	Lithuania	68	107	Indonesia	32	133	Burundi	9			
8	Newly	86	83	Latvia	68	108	Maldives	32	134	Chad	9			
9	Canada	84	84	Costa Rica	64	109	Madagascar	32	135	Niger	9			
10	Netherlands	84	85	Hungary	64	110	Mauritius	31	136	Yemen	9			
11	Iceland	80	86	Poland	64	111	Mozambique	31	137	Guinea-Bissau	9			
12	Luxembourg	80	87	Portugal	63	112	Ghana	31	138	Papua New Guinea	9			
13	Germany	79	88	Spain	63	113	Senegal	31	139	Paraguay	9			
14	Hong Kong	77	89	France	63	114	Algeria	31	140	Guinea	9			
15	Saudi Arabia	76	90	Chile	63	115	Argentina	30	141	Kyrgyzstan	9			
16	Japan	74	91	Colombia	62	116	Colombia	30	142	Norway	9			
17	United Kingdom	74	92	Peru	62	117	Uganda	29	143	Angola	9			
18	United States	73	93	Uruguay	62	118	Uganda	29	144	Cambodia	9			
19	Chile	72	94	Costa Rica	62	119	Kenya	29						
20	Uruguay	72	95	Malta	62	120	Kenya	29						
21	Ireland	71	96	Malta	62	121	Kenya	29						
22	France	71	97	Chad	62	122	Kenya	29						
23	Denmark	80	98	Chad	62	123	Kenya	29						
24	Finland	85	99	Chad	62	124	Kenya	29						
25	New Zealand	85	100	Chad	62	125	Kenya	29						
26	Sweden	85	101	Chad	62	126	Kenya	29						
27	Singapore	87	102	Chad	62	127	Kenya	29						
28	Switzerland	87	103	Chad	62	128	Kenya	29						
29	Australia	86	104	Chad	62	129	Kenya	29						
30	Newly	86	105	Chad	62	130	Kenya	29						
31	Canada	84	106	Chad	62	131	Kenya	29						
32	Netherlands	84	107	Chad	62	132	Kenya	29						
33	Iceland	80	108	Chad	62	133	Kenya	29						
34	Luxembourg	80	109	Chad	62	134	Kenya	29						
35	Germany	79	110	Chad	62	135	Kenya	29						
36	Hong Kong	77	111	Chad	62	136	Kenya	29						
37	Saudi Arabia	76	112	Chad	62	137	Kenya	29						
38	Japan	74	113	Chad	62	138	Kenya	29						
39	United Kingdom	74	114	Chad	62	139	Kenya	29						
40	United States	73	115	Chad	62	140	Kenya	29						
41	Chile	72	116	Chad	62	141	Kenya	29						
42	Uruguay	72	117	Chad	62	142	Kenya	29						
43	Ireland	71	118	Chad	62	143	Kenya	29						
44	France	71	119	Chad	62	144	Kenya	29						
45	Denmark	80	120	Chad	62	145	Kenya	29						
46	Finland	85	121	Chad	62	146	Kenya	29						
47	New Zealand	85	122	Chad	62	147	Kenya	29						
48	Sweden	85	123	Chad	62	148	Kenya	29						
49	Singapore	87	124	Chad	62	149	Kenya	29						
50	Switzerland	87	125	Chad	62	150	Kenya	29						
51	Australia	86	126	Chad	62	151	Kenya	29						
52	Newly	86	127	Chad	62	152	Kenya	29						
53	Canada	84	128	Chad	62	153	Kenya	29						
54	Netherlands	84	129	Chad	62	154	Kenya	29						
55	Iceland	80	130	Chad	62	155	Kenya	29						
56	Luxembourg	80	131	Chad	62	156	Kenya	29						
57	Germany	79	132	Chad	62	157	Kenya	29						
58	Hong Kong	77	133	Chad	62	158	Kenya	29						
59	Saudi Arabia	76	134	Chad	62	159	Kenya	29						
60	Japan	74	135	Chad	62	160	Kenya	29						
61	United Kingdom	74	136	Chad	62	161	Kenya	29						
62	United States	73	137	Chad	62	162	Kenya	29						
63	Chile	72	138	Chad	62	163	Kenya	29						
64	Uruguay	72	139	Chad	62	164	Kenya	29						
65	Ireland	71	140	Chad	62	165	Kenya	29						
66	France	71	141	Chad	62	166	Kenya	29						
67	Denmark	80	142	Chad	62	167	Kenya	29						
68	Finland	85	143	Chad	62	168	Kenya	29						
69	New Zealand	85	144	Chad	62	169	Kenya	29						
70	Sweden	85	145	Chad	62	170	Kenya	29						
71	Singapore	87	146	Chad	62	171	Kenya	29						
72	Switzerland	87	147	Chad	62	172	Kenya	29						
73	Australia	86	148	Chad	62	173	Kenya	29						
74	Newly	86	149	Chad	62	174	Kenya	29						
75	Canada	84	150	Chad	62	175	Kenya	29						
76	Netherlands	84	151	Chad	62	176	Kenya	29						
77	Iceland	80	152	Chad	62	177	Kenya	29						
78	Luxembourg	80	153	Chad	62	178	Kenya	29						
79	Germany	79	154	Chad	62	179	Kenya	29						
80	Hong Kong	77	155	Chad	62	180	Kenya	29						
81	Saudi Arabia	76	156	Chad	62	181	Kenya	29						
82	Japan	74	157	Chad	62	182	Kenya	29						
83	United Kingdom	74	158	Chad	62	183	Kenya	29						
84	United States	73	159	Chad	62	184	Kenya	29						
85	Chile	72	160	Chad	62	185	Kenya	29						
86	Uruguay	72	161	Chad	62	186	Kenya	29						
87	Ireland	71	162	Chad	62	187	Kenya	29						
88	France	71	163	Chad	62	188	Kenya	29						
89	Denmark	80	164	Chad	62	189	Kenya	29						
90	Finland	85	165	Chad	62	190	Kenya	29						
91	New Zealand	85	166	Chad	62	191	Kenya	29						
92	Sweden	85	167	Chad	62	192	Kenya	29						
93	Singapore	87	168	Chad	62	193	Kenya	29						
94	Switzerland	87	169	Chad	62	194	Kenya	29						
95	Australia	86	170	Chad	62	195	Kenya	29						
96	Newly	86	171	Chad	62	196	Kenya	29						
97	Canada	84	172	Chad	62	197	Kenya	29						
98	Netherlands	84	173	Chad	62	198	Kenya	29						
99	Iceland	80	174	Chad	62	199	Kenya	29						
100	Luxembourg	80	175	Chad	62	200	Kenya	29						

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FIGURE 1 - CORRUPTION INDEX FOR 2012
Source: Transparency International, 2012

The index of corruption perception was published on the 5th of December 2012 and it takes in account concrete corruption situations. The analysis carried out by Transparency International, as can be seen in Figure 1, shows us that the corruption phenomenon continues to ravish societies worldwide. Therefore governments have to introduce anti-corruption actions in all decision making processes. At present corruption is the most discussed problem in the world.

According to this analysis, Spain is situated on the 30th position while Mexico on 105 out of 174, on the corruption scale in 2012.

In the comparative analysis of the corruption phenomenon of the two states we can highlight the direct effects that this phenomenon has in the way a society works. So, we will see the cost of corruption but also the primary negative effects which are reflected in the level development of the country.

- I. Spain: The City of Art and Science Valencia case;
- II. Mexico: The Wal-Mart Gate case.

Choosing these corruption cases was influenced by the gravity of the negative effects they have had on the economy of the two countries as well as the important prejudice brought to the community, in general. On the other hand it represents putting into practice the theoretical notions covered above regarding the corruption phenomenon.

The City of Art and Science, is an assembly of buildings, whose primary objective is to gather in the same place cultural centers dedicated to scientific, cultural, music and other exhibitions. But what could be the primary problem that leads to the appearance of corruption, in this situation which apparently would mean a development and progress measure for Valencia? At first view an initiative like this of local public administration can only bring a series of advantages that may help develop Valencia, even if we are talking about attracting tourists or organizing important cultural or political events. Even in this instance where at a first glance a decision like this is meant to help develop the city, we must not omit the corruption cases implicated in choosing the architect, by favoring the architect Santiago Calatrava and also by the way the construction work was carried out.

Firstly we must point out that in all the years it took to realize this project, the way it was carried out and put into practice was characterized by incertitude and lack of transparency from Valencia's government. Until 2012 all information related to the costs, auctions and construction plans were kept away from the public eye. This lack of transparency is a direct violation of the citizens rights if we take into account all the money spent belonging to the public should be made available by the local governments.

On the other hand if we take into account the cost modifications that have been encountered to realize this project we can better understand the lack of transparency regarding this project, also representing one of the reasons we choose to classify this project in the especially severe corruption cases. From an initial budget of 308 million euro's the final project ended up costing 1298 million euro's. We also have to highlight that the person responsible for this variation of cost is the architect of the project, not only did he exceed the allocated budget but he also earned 94 million euro's collected directly as payment. Therefore raising the costs not only for the raw materials that were used but also as a mean for personal enrichment, money belonging to the population, seeking out their own interest in detriment to the public interest. As we have crayoned above, a concrete situation of a corruption case that is described by any definition given to the concept of corruption. Even more, we have to mention that the respective money did not stay in Spain's banks but they ended up in Switzerland banks accounts, because the contracted firm had their headquarters in Switzerland. Taking into account the difficult situation Spain is facing now due to the current economic crisis, a very necessary clause would be to

contract a local firm for the project, in order to have an indirect effect and to help the economic restoration of the Valencian community.

Alongside these acts of corruption there have also been others, that in principal have been hidden, for example earning 15 million euro's , sum received by the architect just for realizing a plan and a model for a bull shape figure that was supposed to be found in the complex, which in the end was not even put in. This is a concrete example of public money laundering and favoring a small group of interests. Among these irregularities' encountered in this study it has also been discovered that there is a litigation problem with the old owners. We have also to add that in this center worth millions of euro's only 5 events per year are hosted which clearly proves that the investment does not bring any added value to the Valencian's community budget through which the council may recuperate the money they invested. Practically it just represented an extra problem especially if we take into consideration the actual situation generated by the global economic crisis, and the level the Spanish economy was affected.

We have to highlight that the firm contracted for the project did not make public the initial reports regarding the cost of the project therefore violating The Public Administration contract Law.

This project represents a case that clearly holds all the theoretical elements regarding the corruption phenomenon and the way this was realized.

As we could observe it came down to the violation of the free access and transparency principle regarding how public money is spent by the local government, money laundering and favoring a small group of people, which highlights the gravity of the problems but also the high degree of corruption in Valencia. We have to point out that Valencia is one of the most corrupt communities.

The Wal-Mart Gate case is a famous corruption case from Mexico, very similar to the previously analyzed one in Spain. The firm during the period 2001-2005 paid millions of pesos to the public administration officials in Mexico in order to obtain the monopole of this market as well as to obtain the necessary approvals.

The case was made public in The New York Time Magazine following investigations they carried out. Therefore it was proven that the firm offered a 24 million dollar bribe to the public administration to assure its monopole role on the Mexican market. The people involved in the corruption case started from the mayor, local council, all the way to the smallest public official, the firm bribing anyone that could stand in the way of their proposed objectives. The firm obtained facilities regarding the necessary approvals for buildings as well as some tax reductions that they had to pay.

Through these actions The USA laws were violated as well as the United States of Mexico's laws.

CONCLUSIONS

We have chosen the two corruption cases previously mentioned due to their importance in their native country. On one hand we choose Spain and the Valencian community due to the present situation the country is in as well as the negative effects the economic crisis has brought. It is not normal that in situations like these, the government not to have the populations interest as a primary concern, and here I mean the investment made, where from an economic point of view, at a first glance may be seen as a measure against the economic crisis. The investment in infrastructure has been proven in Japans case to be the antidote of emerging out of the crisis. If we take into consideration that the contracted firm was from Switzerland and all the money left Spain without helping in any way their national economy, we can reach the conclusion that this project only represents a corruption case, having no intention in helping Valencia with the economic crisis.

On the other hand the famous corruption Mexican case gained even more publicity because it directly affected the USA economy, also being the one that revealed this huge conspiracy against the Mexican state (Shah, 2007).

As can be seen from the analysis, corruption can have harmful effects over the way a society develops and functions.

The effects of corruption: lowering the quality of public services, immorality growth, eliminating competencies as a criteria of appreciation, certain people getting rich without working, disadvantaging those with limited recourses, lowering the economic growth rate, growth of the underground economy, lowering the authorities prestige, lowering the laws and justice prestige and demoralizing honest citizens.

Corruption is a serious disease very hard to get rid of, like an octopus firstly you have "treat" the mentality and then after everybody's contribution.

Each of us has to set aside indifference and to take action, to signal corruption cases when they are seen. Something can be done, but not though keeping quiet and especially not encouraging this phenomenon.

Regardless of the type of corruption and the aimed pursued, this represents a phenomenon that affects directly the whole society and its developing capacity, having repercussions over the populations welfare and on the other hand it determines the degree of activity of a country, regarding its future and possible investors.

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