

When anti-corruption agencies delegitimize the state: the cases of Nepal and Guatemala

Sergio M. Gemperle^{1*}

ABSTRACT

State-led anti-corruption agencies are often posited for their state-legitimizing effects. This article argues that anti-corruption agencies (ACAs) can have adverse legitimacy effects on the state and its institutions. Based on an extensive review of the literature, this article first defines twelve ACA ideal types that reflect their corruption-reduction potential. It then illustrates the negative effects of ACAs on state legitimacy through two case studies, Nepal and Guatemala. The findings show that ACAs can have a negative impact on state legitimacy if they increase public awareness and condemnation of corruption in state institutions or if governments interfere with effective investigations from the ACA. Taken together, these findings highlight that anti-corruption policies and reforms need to account for and adapt to potentially delegitimizing effects on state institutions.

Keywords: Anti-corruption agency, state legitimacy, trust, Guatemala, Nepal

¹ School of Social Work, Institute of Management and Social Policy, Zurich University of Applied Sciences Zurich, Switzerland

* Email: sergio.gemperle@zhaw.ch

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ABBREVIATIONS:

ACA	Anti-Corruption Agency
CIAA	Commission for the Investigation of Abuse of Authority
CICIG	International Commission against Impunity in Guatemala
FSITA	Fuzzy-Set Ideal Type Analysis
IMF	International Monetary Fund
OECD	Organisation for Economic Cooperation and Development
RCCC	Royal Commission on Corruption Control

1. INTRODUCTION

Scholars broadly agree that the negative effects of corruption outweigh positive ones. While economists point to corruption as an impediment to economic development,¹ political scientists single out the deleterious effects of corruption on state–society relationships, including public distrust of the state and low public participation in governance.² Such a conception of corruption implies that corruption negatively affects the state’s effectiveness (its ability to govern) as well as its legitimacy (the recognition of its right to govern).³ Yet, studies of anti-corruption reforms have predominantly analysed their effectiveness in reducing corruption, with less attention to their political impact, for example, on state legitimacy. This gap in the anti-corruption literature seems surprising, as support for anti-corruption reforms is often aimed at mitigating the negative effects of corruption on state institutions and state–society relationships. As Alan Doig and Stephanie

- 1 Klaus Gründler & Niklas Potrafke, *Corruption and economic growth: New empirical evidence*, 60 EUR J POLIT ECON (2019).
- 2 Mark E. Warren, *The Meaning of Corruption in Democracies*, in *Routledge Handbook of Political Corruption* (Paul M. Heywood ed., 2015).
- 3 Madalene O'Donnell, *Corruption: A Rule of Law Agenda?* in *Civil War and the Rule of Law: Security, Development, Human Rights* (Agnès G. Hurwitz & Reyko Huang eds., 2008); Mark Pyman et al., *Corruption as a Threat to Stability and Peace*, *Transparency International* (Mar. 3, 2016), <https://ti-defence.org/publications/corruption-as-a-threat-to-stability-and-peace/>, accessed 12 June 2016.

Mclvor formulate, “dealing with corruption is not an end in itself but a means to resolving [its] profoundly ‘anti-developmental’ effects” and to restoring political stability and trust in government and state institutions.⁴ Strengthening the state–society relationship has been an important rationale for international actors to engage in anti-corruption reforms. The World Bank argues that anti-corruption measures are particularly important in state-building settings in order for other development interventions not to lose credibility due to corruption.⁵ Similarly, Christine Lagarde, former director of the IMF, argued that corruption is the reason for people’s dwindling trust in state institutions, including governments; therefore, it needs to be addressed “head-on”.⁶ Hence, while focusing exclusively on the efficacy of reforms in reducing corruption, anti-corruption studies neglect the socio-political impacts, i.e. the effect on the relationship between states and their citizens.

In summary, while much of the growing research on anti-corruption reforms has failed to analyse the impact of reforms on the relationship between the state and society, international actors assume a positive effect of anti-corruption reforms on this relationship. However, failing or ineffective anti-corruption reforms may, for example, lead to public cynicism that “threatens to subvert public trust” in state institutions.⁷ Consequently, an intended positive or legitimizing effect of anti-corruption reforms turns into a delegitimizing one.

This article critically examines the assumed positive impact of anti-corruption reforms by illustrating how anti-corruption agencies (ACAs) – the most prominent anti-corruption reform promoted over the past three decades⁸ – contribute to the delegitimization of the state and its institutions.

2. RELATIONSHIP BETWEEN STATE LEGITIMACY, CORRUPTION, AND ANTI-CORRUPTION REFORMS

Legitimacy is an important dimension of state effectiveness and political stability,⁹ and most of the literature on political legitimacy takes the nation-state as the main reference object of legitimation.¹⁰

Generally defined as a “perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions”,¹¹ political legitimacy plays an important role in characterizing power relations based on a set of shared values between governing entities and their constituents – a social contract.¹² Legitimacy enables the state to benefit from gaining voluntary compliance and confidence from its constituents, and to more easily obtain acquiescence in its right to exercise authority within its territory. In turn, legitimate states are expected to depend less on their coercive capacities, the co-optation of the opposition, or the adoption of populist strategies to sustain their rule;¹³ these latter strategies are less efficient and induce high economic and social costs.¹⁴ Legitimacy is thus generally associated with greater state effectiveness, with legitimate states being more effective in providing public services and more resilient to challenges to their authority.¹⁵

In contrast to legitimacy, corruption is mostly associated with corroding effects on state institutions, including inferior public services as corruption depletes state revenues and their efficient allocation.¹⁶ Corruption also increases the likelihood of political unrest and conflict by reducing confidence in public institutions and aggravating grievances between societal groups.¹⁷ In turn, corruption is often seen as “the most striking indication of the failure to link society and government in a shared sense of values”.¹⁸ This claim implies that corruption is a transgression of the social contract and its underlying norms - i.e. the principle of impartiality as a universal norm for the conduct of public authority.¹⁹ Corruption, commonly defined as the misuse of public power for private gain, violates this principle of impartiality and thus thwarts state institutions from attaining or retaining legitimacy.²⁰

Following this conception of corruption, some actors in the field of anti-corruption have fallen into the fallacy “that the best way to fight corruption is by fighting corruption – that is, by means of yet another anti-corruption campaign, the creation of more anti-corruption commissions and ethics agencies, and the incessant

- 4 Alan Doig & Stephanie Mclvor, *Corruption and its control in the developmental context: an analysis and selective review of the literature*, 20 THIRD WORLD Q 657, 660 (1999); Natasha M. Ezrow & Erica Frantz, *Failed States and Institutional Decay: Understanding Instability and Poverty in the Developing World* (2013).
- 5 World Bank, *World Development Report 2011* (2011), <https://elibrary.worldbank.org/doi/abs/10.1596/978-0-8213-8439-8>, accessed 19 August 2012.
- 6 Christine Lagarde, *There's a reason for the lack of trust in government and business: corruption*, *The Guardian* (May 4, 2018, 2:00 AM), <https://www.theguardian.com/commentisfree/2018/may/04/lack-trust-government-business-corruption-christine-lagarde-imf>, accessed 25 May 2018.
- 7 Allina Mungiu-Pippidi, *Corruption: Diagnosis and Treatment*, 17 J DEMOCR 86, 86(2006).
- 8 Michael Johnston, *Reflection and Reassessment: The emerging agenda of corruption research*, in *Routledge Handbook of Political Corruption* (Paul M. Heywood ed., 2015).
- 9 Uriel Abulof, *'Can't buy me legitimacy': the elusive stability of Mideast rentier regimes*, 20 J INT RELAT DEV 55 (2017); Kevin P. Clements, *What is legitimacy and why does it matter for peace?*, in *Legitimacy and peace processes: From coercion to consent* (Alexander Ramsbotham & Achim Wennmann eds., 2014); Ruby Dagher, *Legitimacy and post-conflict state-building: the undervalued role of performance legitimacy*, 18 CONFL SECUR DEV 85 (2018); Kylie Fisk & Adrian Cherney, *Pathways to Institutional Legitimacy in Postconflict Societies: Perceptions of Process and Performance in Nepal*, 30 GOVERNANCE 263 (2016).
- 10 Christian von Haldenwang, *The relevance of legitimation – a new framework for analysis*, 23 CONTEMP POLIT 269 (2017). Other objects of legitimation include supra-national governance regimes and non-governmental actors or traditional authorities. See Steven Bernstein, *Legitimacy in intergovernmental and non-state global governance*, 18 REV INT POLIT ECON 17 (2011); Volker Boege, *Vying for legitimacy in post-conflict situations: the Bougainville case*, 2 PEACEBUILDING 237 (2014); Terrence L. Chapman, *Audience Beliefs and International Organization Legitimacy*, 63 INT ORGAN 733 (2009); Jan A. Scholte, *Towards greater legitimacy in global governance*, 18 REV INT POLIT ECON 110 (2011).
- 11 Mark C. Suchman, *Managing Legitimacy: Strategic and Institutional Approaches*, 20 ACAD MANAGE J 571, 574 (1995).
- 12 Nicolas Lemay-Hébert, *Statebuilding without Nation-building? Legitimacy, State Failure and the Limits of the Institutionalist Approach*, 3 J INTERV STATEBUILDING 21 (2009).
- 13 Johannes Gerschewski, *The three pillars of stability: legitimation, repression, and co-optation in autocratic regimes*, 20 DEMOCRATIZATION 13 (2013).
- 14 Damir Kapidžić, *Public authority beyond hybrid governance: creating throughput legitimacy in Northern Uganda*, 6 PEACEBUILDING 127 (2018).
- 15 Boris Divjak & Michael Pugh, *The Political Economy of Corruption in Bosnia and Herzegovina*, 15 INT PEACEKEEPING 373 (2008); Dominik Zaum, *Statebuilding and Governance: The Conundrums of Legitimacy and Local Ownership*, in *Peacebuilding, Power, and Politics in Africa* (Devon E.A. Curtis & Gwinyayi A. Dzinesa eds., 2012).
- 16 Michael Pugh, *Statebuilding and corruption: A political economy perspective*, in *Political Economy of Statebuilding: Power after peace* (Mats R. Berdal & Dominik Zaum eds., 2013).
- 17 Bianca Clausen et al., *Corruption and Confidence in Public Institutions: Evidence from a Global Survey*, 25 WORLD BANK ECON REV 212 (2011); Jonas Lindberg & Camilla Orjuela, *Corruption and conflict: connections and consequences in war-torn Sri Lanka*, 11 CONFL SECUR DEV 205 (2011); N. S. Neudorfer & U. G. Theuerkauf, *Buying War Not Peace: The Influence of Corruption on the Risk of Ethnic War*, 47 COMP POLIT STUD 1856 (2014); Susan Rose-Ackerman, *Trust, honesty, and corruption: Reflection on the state-building process*, 42 ARCH EUR SOCIOLOG 526 (2001).
- 18 Christopher Clapham, *Third World Politics: An introduction* 54 (1985).
- 19 Bo Rothstein, *The Quality of Government: Corruption, Social Trust, and Inequality in International Perspective* (2011); Bo Rothstein & Jan Teorell, *What Is Quality of Government? A Theory of Impartial Government Institutions*, 21 GOVERNANCE 165 (2008).
- 20 Jonas Linde, *Why feed the hand that bites you? Perceptions of procedural fairness and system support in post-communist democracies*, 51 EUR J POLIT RES 410 (2012).

drafting of new laws, decrees, and codes of conduct”.²¹ However, the inferred assumption – that anti-corruption reforms are conducive to the legitimization of the state and its institutions – remains ambiguous in theory and empirical evidence. For example, while ACAs may have positive effects on state legitimacy by demonstrating institutional effectiveness, they can undermine state legitimacy by uncovering widespread corruption patterns within the state apparatus, or they can be seen as a political instrument of the ruling elite to punish opponents. Furthermore, if ACAs improve state legitimacy when certain institutional conditions of effectiveness are fulfilled, it is not unimaginable that they will undermine it when these same criteria are unmet. Consequently, a uniformly positive linear effect of ACAs on state legitimacy is questionable.²² Also, while the argument about ACAs promoting a legitimate state–society relationship hinges on the effectiveness of ACAs in reducing corruption, a delegitimizing effect of ACAs may occur with effective as well as ineffective ACAs. In the next section, ACAs are conceptualized according to the criteria that determine their potential in fighting corruption.

3. CONCEPTUALIZING ANTI-CORRUPTION AGENCIES

Scholars generally categorize ACAs according to their functions. For example, Heilbrunn distinguishes between a universal model with preventive and investigative functions and an exclusively investigative model of ACAs.²³ Kuris differentiates ACAs with law-enforcement powers (‘guard dog agencies’) from those without such powers (‘watchdog agencies’).²⁴ Similarly, the OECD identifies three models of ACAs: *multi-purpose anti-corruption agencies*, *law enforcement institutions* and *prevention type institutions*.²⁵ Multi-purpose ACAs are equipped with a comprehensive mandate that includes law-enforcement functions such as investigation (at times also prosecution) and preventive functions such as education or campaigning.²⁶ This ACA type is prominently represented by the successful Hong Kong Independent Commission against Corruption. Law enforcement type institutions are

specialized in detecting, investigating, and prosecuting corruption but sometimes include coordination or research functions. ACAs of the prevention category encompass coordination councils or dedicated prevention bodies which, however, lack any investigative functions.

These typologies facilitate comparing ACAs from the perspective of their functional capacities.²⁷ In addition, several studies suggest that other political and institutional conditions are necessary for ACAs to deliver on their mandate.²⁸ For instance, one element in Meagher’s definition of ACAs stipulates that they need to be of a permanent nature – i.e. ACAs have a legal basis.²⁹ Kpundeh further suggests that successful ACAs share a set of common characteristics, including independence from political influence, a sufficient and predictable budget, relatively well-working complementary institutions, as well as checks and balances that ensure their accountability.³⁰ Similarly, in describing ACAs’ authority, Kempf and Graycar distinguish the degree of anti-corruption activity centralization, coordination or overlap with other agencies as well as their political independence.³¹

Drawing on these discussions, this article conflates the various elements of ACAs into two dimensions that are important to consider - functions and authority of ACAs. First, the range of *functions* specifies the various activities that ACAs pursue in executing their mandate. Two sets of functions are defined to reflect this range: law-enforcement and preventive functions.³²

Law-enforcement functions are often regarded as the linchpin of an ACA. For instance, Choi suggests that the success of ACAs in deterring corruption depends on their law-enforcement functions, which include activities related to investigating corruption cases or prosecuting them.³³ However, while high-level investigations promise high rewards, they also entail risks, such as provoking political retaliation. Therefore, ACAs often have to gauge the utility and costs of law-enforcing activities with lower-visibility approaches.³⁴ For example, compiling and monitoring asset declarations of senior public officials are also part of the law-enforcement functions, which have additional preventive effects.³⁵

- 21 Daniel Kaufmann, Myths and Realities of Governance and Corruption (World Economic Forum, Global Competitiveness Report 2005–2006, 2005), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=829244, accessed 6 February 2014.
- 22 Sergio M. Gemperle, *Improving state legitimacy? The role of anti-corruption agencies in fragile and conflict-affected states*, 19 GLOB CRIME 22 (2018); Cheyanne Scharbatke-Church & Diana Chigas, Taking the Blinders Off: Questioning How Development Assistance is Used to Combat Corruption (Institute for Human Security (IHS), The Fletcher School of Law and Diplomacy, Tufts University, Occasional Paper, 2016), <https://sites.tufts.edu/ihs/files/2018/02/Taking-the-Blinders-Off-Aid-and-CorruptionJune2016-Final.pdf>, accessed 30 September 2016.
- 23 John Heilbrunn, Anti-Corruption Commissions: Panacea or Real Medicine to Fight Corruption? (The World Bank, 2004).
- 24 Gabriel Kuris, *Watchdogs or guard dogs: Do anti-corruption agencies need strong teeth?*, 34 POLICY SOC 125 (2015).
- 25 OECD, Specialised Anti-Corruption Institutions: Review of models: Second edition (2013), https://www.oecd-ilibrary.org/governance/specialised-anti-corruption-institutions_9789264187207-en, accessed 15 May 2014.
- 26 Some terminological ambiguity exists regarding multi-purpose ACAs. While the OECD’s definition describes a multi-functional ACA – i.e. combining law-enforcement and preventive functions – the UNDP defines multi-purpose agencies as including anti-corruption, human rights and/or other mandates. This article follows the OECD’s denotation. See UNDP, Practitioner’s Guide: Capacity Assessment of Anti-Corruption Agencies (2011), <https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/Guide-to-Capacity-Assessment-of-ACAs.html>, accessed 2 May 2016.
- 27 Francesca Recanatini, Anti-Corruption Authorities: An Effective Tool to Curb Corruption?, in International Handbook on the Economics of Corruption (Susan Rose-Ackerman & Tina Søreide eds., 2011).
- 28 William de Maria, *Cross Cultural Trespass: Assessing African Anti-corruption Capacity*, 8 INT J CROSS CULT MANAG 317 (2008); Alan Doig et al., *Hands-on or hands-off? Anti-corruption agencies in action, donor expectations, and a good enough reality*, 26 PUBLIC ADMIN DEVELOP 163 (2006); Kuris, *supra* note 24.
- 29 Patrick Meagher, Anti-Corruption Agencies: A Review of Experience (IRIS Discussion Papers on Institutions & Development No. 04/02, 2004), <http://www1.worldbank.org/publicsector/anticorrupt/febo6course/summaryWBPaperACAgencies.pdf>, accessed 7 February 2013; Patrick Meagher, *Anti-corruption Agencies: Rhetoric Versus Reality*, 8 J POLICY REFORM 69 (2005).
- 30 Sahr J. Kpundeh, Process Interventions Versus Structural Reforms: Institutionalizing Anticorruption Reforms in Africa, in Building state capacity in Africa: New approaches, emerging lessons (Brian Levy & Sahr J. Kpundeh eds., 2004).
- 31 Robin J. Kempf & Adam Graycar, *Dimensions of Authority in Oversight Agencies: American and Australian Comparisons*, 51 INT J PUBLIC ADMIN 1 (2017).
- 32 Furthermore, ACAs commonly feature auxiliary functions such as coordinating the inter-institutional implementation of national anti-corruption strategies. Following existing ACA typologies, these functions are not included in the ACA analysis.
- 33 Jin-Wook Choi, *Institutional Structures and Effectiveness of Anticorruption Agencies: A Comparative Analysis of South Korea and Hong Kong*, 17 ASIAN J POLIT SCI 195 (2009); see also UNDP, Institutional Arrangements to Combat Corruption: A Comparative Study (2005), https://www.un.org/ruleoflaw/files/10%20Institutional%20arrangements%20to%20combat%20corruption_2005.pdf, accessed 7 February 2013.
- 34 Gabriel Kuris, *From Underdogs to Watchdogs: How Anti-Corruption Agencies Can Hold Off Potent Adversaries* (Innovations for Successful Societies, Princeton University, 2014), https://successfulesocieties.princeton.edu/sites/successfulesocieties/files/Policy_Note_ID236.pdf, accessed 9 March 2015.
- 35 UNDP, *supra* note 33.

ACAs may also engage in specific *preventive functions* ranging from public education and campaigns against corruption to more technical activities such as reviewing administrative procedures to identify and close loopholes prone to corruption. Kuris dissents with the view that preventive functions are subordinate to law-enforcement functions for agency effectiveness.³⁶ He argues that preventive functions are more effective in the context of systemic corruption where they have better chances to initiate long-term structural changes than law-enforcement activities.

The second dimension, ACAs' *authority*, includes political and institutional factors that influence ACAs' capacities to operate. De Sousa refers to throughput performance indicators which evaluate ACA processes on achieving results.³⁷ Similarly, a study of seven Asian ACAs finds three factors that help determine performance: political independence, sufficient resources, and transparent oversight procedures involving political adversaries.³⁸

Most studies on ACAs consider *political independence* as a key issue since politically motivated exertion of influence compromises their impartiality in investigating (and prosecuting) corruption at different government or administrative levels and sectors.³⁹ For example, Schütte contends that undue external interference in the appointment of ACA officials or removal procedures affects "the actual and perceived impartiality of ACAs".⁴⁰ Other forms of political interference include threatening to terminate the ACA or obstructing its work by inciting inter-institutional non-cooperation.⁴¹ This, in turn, undermines the reputation of and public confidence in ACAs.⁴²

The *accountability and accessibility* component comprises different mechanisms which control for an unbiased implementation of an ACA's mandate and to ensure responsiveness to public complaints. On the one hand, placing oversight of ACAs with multiparty parliamentary committees rather than with the executive can provide checks against the agencies' instrumentalization by one political faction, thereby bolstering its credibility and ability to mobilize public support.⁴³ On the other hand, accountability is ultimately associated with "public transparency".⁴⁴ As Stone argues, publicly accessible reports on investigations or regular media communication do "enhance public trust as they provide accountability by satisfying public expectations about an anticorruption agency's use of its powers".⁴⁵ This is related to the ease of public reporting of corruption with an ACA, for example, to file complaints and to find out whether they are investigated.⁴⁶

Finally, ACAs depend on adequate *resources and powers* to effectuate their mandate. ACA resources include financial and human resources while powers refer to the technical capacities to effectuate all functions as established in the mandate. Sufficient

resources and powers are crucial in meeting public performance expectations, which in turn are important to sustain public support as a counterbalance to potential political retaliation.⁴⁷

While most studies examining the effectiveness of ACAs combine some but not all of the components,⁴⁸ the following ACA typology integrates all of them.

4. ACA IDEAL TYPES

The process of identifying ACA ideal types involves two steps. First, ACA sub-types are formed for the function and authority dimension. Guided by the OECD typology, the function components define three ACA sub-types. They are based on the combination of preventive and law-enforcement functions and include multi-functional ACAs (featuring both functions), prevention ACAs and law-enforcement ACAs (each featuring the respective function but not the other).⁴⁹

Furthermore, four ACA sub-types result from combining the authority components. The empowered ACA sub-type has capacity in all the three authority components, while the powerless ACAs has no capacity in any of the three authority components – they represent the opposite extremes of having either full authority in executing their mandate or none. The weakly constrained ACA sub-type lacks capacity in one of the three authority components and the substantially constrained ACAs lacks capacity in two of the three authority components. The latter two ACA sub-types each subsume three possible combinations of the authority components. Clustering the three combinations together into one sub-type implies the assumption that each of the three components is necessary for an ACA to achieve a comparable authority level. Since no component is deemed superior in the literature, this assumption seems credible. Likewise, each component is insufficient in itself for an ACA to reach full authority. Only capacities in all of the three components constitute a combination sufficient for an ACA to be fully empowered. However, the sub-type with no capacity in only one component is closer to the sufficient combination than the sub-type with no capacity in two components. Hence, the term weakly constrained for the first and substantially constrained for the second ACA sub-type.

In the second step towards ACA ideal types, the ACA sub-types from the functions and authority dimension are combined. This procedure results in twelve ACA ideal types. They represent the capability or potential of an ACA to perform the functions given by its mandate. For example, an empowered multi-functional ACA is independent, accountable and has adequate resources and powers to engage in investigations and prevention activities.

36 Kuris, *supra* note 24.

37 Luís de Sousa, Does performance matter to institutional survival? The method and politics of performance measurement for Anti-Corruption Agencies (European University Institute, Robert Schuman Centre for Advanced Studies, Working Paper RSCAS 2009/09, 2009), https://cadmus.eui.eu/bitstream/handle/1814/10689/EUI_RSCAS_2009_09.pdf?isAllowed=y&sequence=1, accessed 13 October 2017.

38 Jon S. T. Quah, *Benchmarking for Excellence: A Comparative Analysis of Seven Asian Anti-Corruption Agencies*, 31 ASIA PAC J PUBLIC ADM 171 (2009).

39 *Id.* See also UNDP, *supra* note 33.

40 Sofie A. Schütte, The fish's head: Appointment and removal procedures for anti-corruption agency leadership 1 (Chr. Michelsen Institute, U4 Issue 12, 2015), <http://www.u4.no/publications/the-fish-s-head-appointment-and-removal-procedures-for-anti-corruption-agency-leadership/>, accessed 11 July 2016.

41 Luís de Sousa, Anti-corruption agencies: between empowerment and irrelevance, 53 CRIME LAW SOCIAL CH 5 (2010).

42 UNDP, *supra* note 33.

43 Patrick Meagher & Caryn Volland, Anticorruption Agencies (ACAs) (USAID, Office of Democracy and Governance, 2006), http://pdf.usaid.gov/pdf_docs/Pnadm208.pdf, accessed 7 February 2013; see also Roger Wettenhall, *Integrity agencies: the significance of the parliamentary relationship*, 33 POLICY STUD-UK 65 (2012).

44 A. J. Brown & Brian Head, *Institutional Capacity and Choice in Australia's Integrity Systems*, 64 AUST J PUBL ADMIN 84, 94 (2005).

45 Bruce Stone, *Accountability and the design of an anticorruption agency in a parliamentary democracy*, 36 POLICY STUD-UK 157, 172 (2015).

46 UNDP, *supra* note 33.

47 Holger Moroff & Diana Schmidt-Pfister, *Anti-corruption movements, mechanisms, and machines – an introduction*, 11 GLOB CRIME 89 (2010); Sofie A. Schütte, *Keeping the New Broom Clean: Lessons in Human Resource Management from the KPK*, 171 BIJDR TAAL-LAND-V 423 (2015); Stone, *supra* note 45.

48 Sergio M. Gemperle, *Comparing anti-corruption agencies: a new cross-national index*, 23 INT REV PUBLIC ADM 156 (2018).

49 The logically possible ACA sub-type without prevention or law-enforcement functions is not considered.

Table 1 presents the twelve ACA ideal types. A total of 39 ACAs from different countries have been allocated to the ideal types using fuzzy-set ideal type analysis (FSITA; see online supplemental material). The 39 ACAs distribute empirically across nine ideal types. With eleven ACAs, the empowered multi-functional ACA is the most common ideal type. Among the functions sub-types, more than two-thirds (28) of the ACAs have a multi-functional mandate, and among the authority sub-types 15 ACAs are empowered.

Table 1: ACA ideal types

	Multi-functional	Prevention	Law-enforcement
Empowered	11	4	0
Weakly constrained	5	1	0
Substantially constrained	8	0	2
Powerless	5	2	1

Note: Total number of ACAs: 39; empirically observed ACA ideal types: 9.

5. ACAS DELEGITIMATING THE STATE: NEPAL AND GUATEMALA

This section examines the delegitimizing effects of ACAs on the state through two case studies from countries with multi-functional ACAs. The two case studies differ, however, in the authority of their ACAs. While Nepal's Commission for the Investigation of Abuse of Authority (CIAA) is an empowered multi-functional ACA, Guatemala's International Commission against Impunity (CICIG) is a substantially constrained multi-functional ACA. Recalling the assumption that effective ACAs promote a legitimate state, the CIAA is more likely to have a positive influence on state legitimacy than the CICIG. Conversely, a delegitimizing effect is less expected for the CIAA than for the CICIG. Nevertheless, both cases illustrate a negative relationship between an ACA and the legitimacy of state institutions.

5.1 Nepal's Commission for the Investigation of Abuse of Authority

Following a long-established authoritarian monarchic rule,⁵⁰ the democratic change in 1991 led to a new constitution that transformed the Commission for the Prevention of Abuse of

Authority, first created in 1975, into the Commission for the Investigation of Abuse of Authority.⁵¹ As a constitutional – and supposedly stronger – body, the CIAA was created as an authority independent of line ministries and other law-enforcement institutions. While this new mandate still encompassed preventive activities, its main focus was on the investigation and prosecution of corruption.⁵² During its first decade, however, the CIAA was largely powerless because political parties did not agree on a nominee for the post of chief commissioner. By 1996, Nepal's democratic experiment had derailed into a decade-long Maoist uprising and civil war.⁵³ Popular discontent against the state's weak capacity and its inability to address rural grievances was further exacerbated by state officials partaking in "distributional coalitions" with politicians and entrepreneurs to divert state resources for their private benefit.⁵⁴ For Thapa, the Communist Party of Nepal (Maoist) launched its People's War because "[p]ublic faith in democracy itself eroded while governance lay in shambles, with the major political parties engaging in an all-out scramble for power".⁵⁵

With the first chief commissioner, Surya Nath Upadhyay, commencing office in 2001 and as a result of the CIAA Second Amendment Act and the Corruption Prevention Act in 2002, the CIAA saw its powers increased,⁵⁶ and it started taking actions against public officials including high-profile politicians. On the one hand, these actions increased public trust in the CIAA.⁵⁷ On the other hand, widespread media reporting about these actions also increased public awareness about the extent of corruption in politics and public administration. This open exposure of corruption cases led to a first rise in the number of corruption complaints that were filed with the CIAA between 2001 and 2005 (Fig. 1).⁵⁸

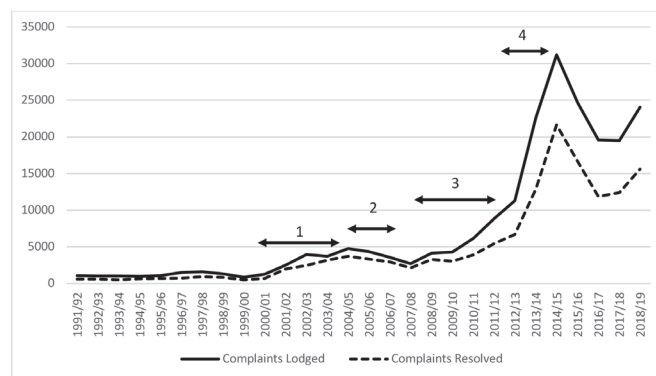


Figure 1. Number of corruption complaints at the CIAA (1991/92–2018/19)⁵⁹

50 T. L. Brown, *The challenge to democracy in Nepal* (2002).

51 M. R. Acharya, *Business of Bureaucracy* (4th ed., 2015).

52 Charges from CIAA investigations are indicted at the Special Court, also founded in 2002. CIAA further shares preventive capacities with a second anti-corruption authority, the National Vigilance Centre (NVC), the successor of the Special Police Department (1961–2002).

53 Sonali Deraniyagala, *The Political Economy of Civil Conflict in Nepal*, 33 OXF DEV STUD 47 (2005); Quy-Toan Do & Lakshmi Iyer, *Geography, poverty and conflict in Nepal*, 47 J PEACE RES 735 (2010); Mansoob S. Murshed & Scott Gates, *Spatial–Horizontal Inequality and the Maoist Insurgency in Nepal*, 9 REV DEV ECON 121 (2005); Kishor Sharma, *The Political Economy of Civil War in Nepal*, 34 WORLD DEV 1237 (2006).

54 Joanna Pfaff-Czarnecka, *High Expectations, Deep Disappointment: Politics, State and Society in Nepal after 1990*, in *Himalayan 'People's War': Nepal's Maoist Rebellion* (Michael Hutt ed., 2004).

55 Deepak Thapa, *The Making of the Maoist Insurgency*, in *Nepal in Transition: From People's War to Fragile Peace* 48 (Sebastian von Einsiedel et al. eds., 2012); see also Ali Riaz & Subho Basu, *Paradise Lost? State Failure in Nepal* (2010).

56 Dilli R. Khanal et al., *Institution Building for Controlling Corruption: A Case Study on the Effectiveness of Commission for the Investigation of Abuse of Authority (CIAA) and National Vigilance Center (NVC) in Nepal* (Institute for Policy Research and Development (IPRAD), 2007), <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.126.5488&rep=rep1&type=pdf>, accessed 8 October 2015; Bimal P. Koirala et al., *Anti-Corruption Interventions in Nepal: Policy, Practices and Possible Collective Interventions* (Royal Norwegian Embassy in Kathmandu, Nepal, 2015); Hari B. Thapa, *Anatomy of Corruption* (2002).

57 Narayan Manandhar, *Anti-Corruption Lessons from Nepal*, in *Government Anti-Corruption Strategies: A Cross-Cultural Perspective* (Yahong Zhang & Cecilia Lavina eds., 2015).

58 Sarah Dix, *Corruption and Anti-Corruption in Nepal: Lessons Learned and Possible Future Initiatives* (Norad, Report 18/2011, 2011), <https://www.norad.no/globalassets/import-2162015-80434-am/www.norad.no-ny/filarkiv/vedlegg-til-publikasjoner/corruption-and-anti-corruption-in-nepal-lessons.pdf>, accessed 12 December 2014.

59 Data from CIAA, *Strategic Plan 2014–2019* (2013), http://ciaa.gov.np/uploads/publicationsAndReports/1422355036ciaa_institutional_strategy_english2014_2019.pdf, accessed 8 October 2015; CIAA received over 24,000 corruption complaints in FY 2075-76, Republica (Jul. 20, 2019, 8:00 AM), <https://myrepublica.nagariknetwork.com/news/ciaa-received-over-24-000-corruption-complaints-in-fy-2075-76/>, accessed 5 September 2019.

The royal coup in February 2005 not only changed the dynamics of the conflict but also had a regressive impact on anti-corruption efforts in Nepal. King Gyanendra established the Royal Commission on Corruption Control (RCCC) to sideline the CIAA and its commissioners who were reluctant to support him in reinstalling the monarchy. Furthermore, the RCCC was instrumental in a political campaign to pressure or eliminate republican adversaries.⁶⁰ However, the suspension of the parliament and political persecutions united the major political parties to form an alliance with the Maoists against the monarchy, and after a countrywide popular uprising with a week-long general strike, the King finally restored parliament in late April 2006.⁶¹

During this relatively short authoritarian interlude, public corruption complaints declined significantly, notably after the demission of chief commissioner Upadhyay at the end of his tenure in 2006 (Fig. 1, period 2). Successive transitional governments intended but failed to nominate party loyalists as succeeding chief commissioners, leaving the CIAA without leadership and susceptible to political interference for almost seven years. During that period the CIAA was headed by state secretaries who had no incentive to antagonize superior ministers and therefore failed to initiate or continue investigations against political leaders.⁶² As such, the CIAA may have contributed to delegitimizing the state, with people losing trust in the CIAA, especially in terms of authority.

The number of complaints again resumed an upward trend towards the end of the transition period between the peace agreement of 2006 and the first elections to the Constituent Assembly (CA) in May 2008. The time until the elections for the second CA in November 2013 was characterized by political instability, with no fewer than six governments and a total impasse over the constitution. In addition, the controversy about the CIAA commissioner and the slow but steady stream of corruption revelations caused considerable media attention. Hence, after a decline in the number of complaints lodged between 2005 and 2008, the numbers rebounded (Fig. 1, period 3). When finally Lok Man Singh Karki was nominated new chief commissioner in 2013 and the CIAA resumed (sometimes spectacular) actions against corrupt civil servants, the number of new complaints surged exponentially (Fig. 1, period 4).⁶³ The rising number of complaints against corruption lodged with the CIAA can thus be interpreted as the complex articulation of growing concerns over corrupt practices and growing trust in anti-corruption measures.

The varying number of complaints during different periods suggests that public trust in the CIAA varied accordingly. Trust in the CIAA increased during the phases when a chief commissioner actively engaged against corruption, but decreased when political interference was particularly pronounced.⁶⁴ Results from two consecutive surveys conducted in 2008 and 2014 confirm that trust in the CIAA increased over that period along with trust in most

other state institutions – noting that the CIAA saw the largest positive change and became the second most trusted public institution after the judiciary/courts (Table 2).⁶⁵

Table 2: Evolution of trust in public institutions in Nepal⁶⁶

Public institutions	2008	2014	Change (%)
CIAA	49	75	53
Judiciary/courts	66	77	17
Police	53	73	38
Central government	45	61	36
Parliament	46	58	26
Political parties	27	40	48

This possibly reflected greater awareness about corruption, including through easier access to media coverage of the CIAA's documentation of corruption cases. Even though the CIAA was criticized for failing to address grand corruption,⁶⁷ the increasing complaints and attention from the media and civil society indicated a loss of legitimacy for the government and state institutions. Furthermore, the 2017/18 Nepal National Governance Survey found that respondents who were more highly educated – and thus more likely to be informed about the CIAA's reports – were also more likely to distrust the government's commitment or zero tolerance to corruption. More than 75% of the respondents indicated that the government either did not *want* to control corruption (21%) or could control corruption if it wanted to (55%) rather than it cannot control corruption (17%).⁶⁸ Although the CIAA has not been able to significantly reduce corruption in Nepal, it is argued that the growing number of complaints, along with the CIAA's investigations and some successful convictions, reflects an increasing awareness and condemnation of corruption in state institutions among Nepal's citizens, and thus some degree of state delegitimization.

5.2 GUATEMALA'S INTERNATIONAL COMMISSION AGAINST IMPUNITY

Guatemala's CICIG was founded in the wake of the civil war in 2007 through an agreement between the Guatemalan government and the United Nations. The CICIG was given a broad anti-impunity mandate, and while corruption was not initially a priority it became so given its importance in perpetuating impunity.

In 2007 UN Special Rapporteur on Extra-Judicial or Arbitrary Executions, Philip Alston noted that Guatemala's security situation deteriorated to levels of violence worse than during the civil war.⁶⁹ Weak state institutions were penetrated by organized criminal networks. The judicial system in particular failed to respond to the escalating homicide numbers, leaving perpetrators to enjoy almost

60 Aditya Adhikari & Bhaskar Gautam, Impunity and Political Accountability in Nepal (The Asia Foundation, 2014), <https://www.asiafoundation.org/resources/pdfs/NPimpunityandpoliticalaccountability.pdf>, accessed 5 October 2015; The Supreme Court finally ruled that the RCCC was unconstitutional and therefore to be dissolved (Dix, *supra* note 58).

61 Riaz & Basu, *supra* note 55.

62 Adhikari & Gautam, *supra* note 60.

63 Karki's nomination was met with suspicion from civil society but invigorated the CIAA. However, many criticize the CIAA for its focus on civil servants while avoiding corruption charges against political leaders (Adhikari & Gautam, *supra* note 60).

64 Ishtiaq Jamil et al., *Citizens' Trust in Anticorruption Agencies: A Comparison Between Bangladesh and Nepal*, 39 INT J PUBLIC ADMIN 676 (2016).

65 Id.

66 Data from Jamil et al., *supra* note 64.

67 Adhikari & Gautam, *supra* note 60.

68 Hari Dhungana et al., Public Sector Integrity in Nepal: Transparency, Corruption and Accountability (Nepal Administrative Staff College, 2018), <https://www.nasc.org.np/sites/default/files/Public%20Sector%20Integrity%20in%20Nepal.pdf>, accessed 15 November 2018.

69 UN General Assembly, Civil and Political Rights, Including the Questions of Disappearances and Summary Executions: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston (A/HRC/4/20/Add.2, 2007), https://digitallibrary.un.org/record/594924/files/A_HRC_4_20_Add-2-EN.pdf, accessed 15 November 2018.

complete impunity. This extensive post-conflict violence and impunity undermined democratic consolidation and institution-building processes, thereby also jeopardizing peace.⁷⁰

Against this background, the International Commission against Impunity in Guatemala (CICIG) was formed.⁷¹ It started working in September 2007 as a hybrid criminal justice mechanism comprising national and international personnel, and was advised and monitored by the UN Department for Political Affairs, funded by a multinational group of countries, but operating solely within Guatemala's national judicial system.⁷² The CICIG's mandate was twofold: to investigate and dismantle organized criminal networks and to strengthen Guatemala's law-enforcement institutions through promoting legal reforms, capacity building and coordination between them.⁷³ While not directly within the CICIG's mandate, fighting corruption was crucial to its activities given the role of corruption in perpetuating some of the impunity affecting the country.⁷⁴

At the beginning of its mission, the CICIG's main challenge was to establish itself as a politically independent institution. While the CICIG achieved rapid and considerable success in targeting lower-profile criminal networks, it faced growing opposition from powerful actors as it started investigating members of elite groups.⁷⁵ Such political interference and obstruction generally did not directly target the CICIG, but its domestic counterparts in the judiciary – which were more frequently seen as captured by political or other interests.⁷⁶ In 2010, Carlos Castresana, the CICIG's first commissioner, resigned after the controversial appointment of a new attorney general, Conrado Reyes, by President Álvaro Colom Caballeros.⁷⁷ Political opposition

continued on a number of important cases under the CICIG's new commissioner Francisco Dall'Anese. Most notably, former President Alfonso Portillo, charged with multi-million dollar embezzlement, was acquitted in a disputed trial.⁷⁸ Dall'Anese resigned in 2013 during a row with the judiciary and President Otto Pérez Molina's government, although he stated doing so for personal reasons.⁷⁹

These tensions with the government seemed to have contributed to the CICIG's visibility and legitimacy among citizens. In 2010, for example, the Latin American Public Opinion Project survey found that people trusted the CICIG significantly more than any other domestic institutions.⁸⁰ This, however, also suggests that public trust in the CICIG did not transfer to other state institutions (Table 3). Lack of trust and grievances erupted into major protests against the government in the Spring of 2015 after the CICIG and the attorney general revealed a massive customs fraud scheme involving the highest government echelons. The weekly protests in Guatemala City united citizens and civil society organizations from across the political spectrum.⁸¹ This public pressure forced president Molina to revert his intention of letting the CICIG's mandate expire,⁸² and to Vice President Roxana Baldetti's resignation shortly after.⁸³ In August, protests climaxed in a general strike in support of CICIG prosecutors' announcement of Baldetti's arrest and petition to withdraw president Molina's immunity to face public charges. With the general elections approaching and parliamentarians eager to keep their seat, initial resistance in the National Congress to remove presidential immunity faded and Molina submitted his resignation on 2 September.⁸⁴

Table 3: Evolution of confidence in state institutions in Guatemala⁸⁵

State institutions	2004	2006	2008	2010	2012	2014	2017	2019
CICIG	n.a.	n.a.	n.a.	52	37.3	n.a.	70.6	57.3
Ministerio Publico	37.2	30.7	37.6	33.8	33	n.a.	53.9	46.6
National government	42.5	32.2	41.7	31.8	39.9	n.a.	n.a.	44.4
President/executive	n.a.	n.a.	43.6	31.7	45.4	23.2	36.7	23.3
Supreme court	32.1	30.8	29.4	28.7	28.5	n.a.	n.a.	34.6
Congress	27.8	29.5	29.9	25.6	28.6	22.3	30.9	28.7
Political parties	16.7	28.7	22	15.4	20.5	11.9	14.6	14

Note: Percentage of respondents having confidence in the institution (%); n.a. data not collected for that year.

70 International Crisis Group, Learning to Walk without a Crutch: The International Commission Against Impunity in Guatemala (Latin America Report 36, 2011), <https://www.crisisgroup.org/latin-america-caribbean/central-america/guatemala/learning-walk-without-crutch-international-commission-against-impunity-guatemala>, accessed 12 February 2019.

71 A. Hudson & A. W. Taylor, *The International Commission against Impunity in Guatemala: A New Model for International Criminal Justice Mechanisms*, 8 J INT CRIM JUSTICE 53 (2010).

72 International Crisis Group, *supra* note 70.

73 In 2008, the CICIG successfully negotiated the creation of a special prosecutor's office with Guatemala's Attorney General (the SPO at the Ministerio Público, MP), which henceforth was its main contact point to the legal system (e.g. litigating the CICIG's cases in court). See International Crisis Group, *Crutch to Catalyst? The International Commission Against Impunity in Guatemala* (Latin America Report 56, 2016). Furthermore, the CICIG closely cooperates with the National Public Police and the Ministry of the Interior. See Hudson & Taylor, *supra* note 71.

74 Sabine Kurtenbach & Dettlef Nolte, Latin America's Fight against Corruption: The End of Impunity (GIGA, Focus, 2017), https://pure.giga-hamburg.de/ws/files/21685936/web_LA_03_2017_engl.pdf, accessed 21 November 2018.

75 Hudson & Taylor, *supra* note 71; International Crisis Group, *supra* note 70.

76 Gabriel Kuris, Comparing peer-based anti-corruption missions in Kosovo and Guatemala, (Chr. Michelsen Institute, U4 Issue 2019:6, 2019).

77 International Crisis Group, *supra* note 70.

78 Geoffrey Ramsey, After Portillo's Acquittal, a Challenge for Judicial Reform in Guatemala, InSight Crime (May 13, 2011), <https://www.insightcrime.org/news/analysis/after-portillo-s-acquittal-a-challenge-for-judicial-reform-in-guatemala/>, 23 November 2018.

79 International Crisis Group, *supra* note 70.

80 Mary F. T. Malone, The Rule of Law In Central America: Citizens' Reactions to Crime and Punishment (2012); Mary Speck, A Civic Awakening in Guatemala (International Crisis Group, OP-ED, 2015), <https://www.crisisgroup.org/latin-america-caribbean/central-america/guatemala/civic-awakening-guatemala>, accessed 21 November 2018.

81 International Crisis Group, *supra* note 70.

82 Michael Lohmuller, Mandate Renewed, But CICIG Will Not Save Guatemala, InSight Crime (Apr. 23, 2015), <https://www.insightcrime.org/news/analysis/even-with-mandate-renewed-cicig-will-not-save-guatemala/>, accessed 20 November 2018.

83 Baldetti was sentenced in 2018 to 15 years in prison for corruption, with remaining charges in Guatemalan and US courts. See Nina Lakhani, Guatemala's former vice-president jailed for 15 years on corruption charges, The Guardian (Oct. 9, 2018, 6:05 AM), <https://www.theguardian.com/world/2018/oct/09/guatemala-former-vice-president-jailed-15-years-corruption-case>, 21 November 2018.

84 Fernando Carrera, Guatemala's International Commission Against Impunity: A Case Study on Institutions and Rule of Law (World Development Report 2017, Background Paper, 2017), <https://openknowledge.worldbank.org/handle/10986/26194>, 7 November 2018.

This sequence of events suggests that despite considerable political interference, the CICIG's comprehensive mandate enabled it to establish its own legitimacy and conduct investigations that, in turn, played a major role in reducing the political legitimacy of incumbents who interfered with these investigations. The CICIG's strengthened public profile further incurred potential electoral costs or benefits for politicians opposing or supporting the CICIG. Replications of the gameplay, with president Jimmy Morales swaying from running an anti-corruption electoral campaign to opposing the CICIG as soon as it started investigating him and his entourage,⁸⁶ illustrate an opportunistic rather than sincere political support for the CICIG in electoral campaigns. Such seesaw politics is, however, unlikely to confer some of the CICIG's legitimacy to political institutions.⁸⁷

An opinion poll conducted between January and March 2020 asking "to what point are you in agreement or disagreement with President Morales to immediately end the mandate of CICIG" found 46.8% in disagreement, 43.1% in agreement and 10.1% neutral.⁸⁸ According to this same poll, the level of public confidence in the CICIG had gone down from 70.1% in 2017 to 57.2% in 2019, suggesting that Morales' attacks against the CICIG – which included an 'army of trolls' operating on social media – may have contributed to delegitimizing the CICIG among part of the population.⁸⁹ To do so, Morales applied the logic of instrumentalization against the CICIG: Morales sought to delegitimize the CICIG as being instrumentalized by foreign powers to discredit himself, his family and his government. This was perhaps best illustrated during Morales' high-profile press conference on 31 August 2018. With about 80 police and military personnel serving as background, and only a day after his Foreign Affairs minister had met with US President Trump's representative at the UN, Morales announced that he was not renewing the CICIG's mandate.⁹⁰ In his forceful declaration, Morales accused the CICIG of conducting "selective criminal prosecution with an obvious ideological bias ... to intimidate and terrorize the citizens ... instrumentalizing the judicial system ..." and argued that it was "violating our laws, inducing people and institutions to participate in acts of corruption and impunity" – thereby rhetorically flipping the CICIG from an ACA to a corrupting organization undermining Guatemala's sovereignty and security.⁹¹ The CICIG closed on 3 September 2019 amidst people gathering around its headquarters to thank the CICIG for the work it had done and express their concerns around renewed corruption.⁹² While it is difficult to assert if Morales's attacks on the CICIG in turn delegitimized his government, the conservative political forces he represented – this time under a new party (*Vamos* rather than *FCN*) – still won the elections in June 2019 against the same opponent but with a slightly smaller margin (i.e. 58% against 67% in 2015).

In summary, the Guatemalan example highlights that substantially constrained ACAs may have delegitimizing effects on state institutions. In this case, the government became delegitimized because of mostly unpopular pressure on and interference with the CICIG's effective investigations. Within the government, the CICIG had positive but limited legitimizing effects on the national legal institutions it consolidated and cooperated with, such as the attorney general or the special prosecutor's office.⁹³

6. CONCLUSION

The prevailing view on anti-corruption and state legitimacy is that effective anti-corruption measures which reduce corruption in politics and public administration increase citizens' trust in the state and that they therefore regard it as more legitimate. This article has critically examined this presumed positive relationship between anti-corruption reforms and state legitimacy, emphasizing the imperative to consider the delegitimizing effects of anti-corruption reforms. This study has not sought to generally deter anti-corruption reforms such as establishing ACAs, nor to misunderstand the capability of anti-corruption efforts to enhance state legitimacy, but rather to highlight the need to incorporate concerns about unintended delegitimizing effects of anti-corruption interventions for the state.

The negative relationship between ACAs and state legitimacy was discussed in two case studies, namely Guatemala and Nepal. Both countries were selected from a new typology that categorizes ACAs by their authority and functions. The ACAs of the two countries have multi-functional mandates (including preventive and law-enforcement functions) but differ in the extent of their authority. Delegitimizing processes for the government and state institutions were discerned for both countries. Guatemala's CICIG demonstrates how restraining political influence on the ACA delegitimized the government and its administration by undermining its proclaimed commitment to reducing corruption. In Nepal, the CIAA's investigations further increased public awareness about corruption within state institutions and therefore contributed to their delegitimation.

Taken together, these findings call for a refinement of the often-asserted positive relationship between anti-corruption reforms and state legitimacy. In particular, they challenge the predominantly positive framing of this relationship and highlight the need to consider the potentially delegitimizing effects of anti-corruption reforms. Anti-corruption efforts matter for state legitimacy not only in terms of how effectively corruption is reduced but also as a manifestation of the state's credibility and commitment to integrity and impartiality. Awareness about delegitimizing effects of ACAs is particularly relevant for

85 Dinorah Azpuru, *Estudio de la cultura política de la democracia en Guatemala*, 2019, *Barómetro de las Américas*. LAPOP 2004–2019 (LAPOP, 2019), https://www.vanderbilt.edu/lapop/guatemala/AB2018-19_Guatemala_RRR_Presentation_W_09.25.19.pdf, accessed 5 September 2019.

86 Arturo Matute, *Guatemala Stumbles in Central America's Anti-corruption Fight* (International Crisis Group, Commentary, 2017), <https://www.crisisgroup.org/latin-america-caribbean/central-america/guatemala/guatemala-stumbles-central-americas-anti-corruption-fight>, accessed 8 November 2018.

87 Matthew Stephenson, *Some Things Are More Important Than Corruption* (Brazilian Elections Edition), *The Global Anticorruption Blog* (Oct. 9, 2018), <https://globalanticorruptionblog.com/2018/10/09/some-things-are-more-important-than-corruption-brazilian-elections-edition/>, accessed 20 November 2018.

88 Azpuru, *supra* note 85.

89 Cora Currier & Danielle Mackey, *The rise of the net center. How an Army of Trolls Protects Guatemala's Corrupt Elite*, *The Intercept* (Apr. 7, 2018), <https://theintercept.com/2018/04/07/guatemala-anti-corruption-trolls-smear-campaign/>, accessed 8 November 2018.

90 Steven Dudley et al., *Guatemala President Announces End of CICIG's Mandate*, *InSight Crime* (Aug. 31, 2018), <https://www.insightcrime.org/news/analysis/guatemala-president-announces-end-cicig-mandate/>, accessed 8 November 2018.

91 A video of the press conference is available at <https://www.youtube.com/watch?v=ME7Q4CryO5o>.

92 Jeff Abbott, *Guatemala's CICIG: UN-backed anti-corruption body shuts its doors*, *Al Jazeera* (Sep. 3, 2019), <https://www.aljazeera.com/news/2019/09/guatemala-cicig-backed-anti-corruption-body-shuts-doors-190903132411201.html>, accessed 5 September 2019; CICIG, *Opinion poll shows that 72% of Guatemalan people support CICIG's work* (Apr. 5, 2019), <https://www.cicig.org/citizen-support/opinion-poll-shows-that-72-of-guatemalan-people-support-cicigs-work/?lang=en>, accessed 5 September 2019.

93 Carrera, *supra* note 84.

international actors who support ACAs as part of 'state-building' efforts. Anti-corruption policies and reforms need to account for and adapt to potential delegitimizing effects related to anti-corruption activities, as well as the broader political context in which anti-corruption institutions operate. The evidence from the two cases shows that high public expectation in anti-corruption efforts bears the potential to not only foster but also undermine the legitimacy of state institutions.

In conclusion, this study makes some recommendations for further research. First, additional case studies should validate the

delegitimizing effects. Second, delegitimizing effects should also be examined for prevention and law-enforcement types of ACAs with different levels of authority. Third, delegitimizing effects should also be estimated in terms of their impact on state legitimacy. Finally, a broader study should investigate both legitimating and delegitimizing effects; for example to assess whether the net effect on state legitimacy from increased investigation and prosecution of corruption is positive (due to perceived reduction in corruption) or negative (due to dominant corruption reporting).