

# *Corruption in the Water Sector*

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**Abstract:** *This paper objective was a survey on current academic and policy debates on corruption, corruption in water sector, corruption factors, combating corruption and the implications of the various international initiatives on social and economic development in transition economies.*

*The methodology used in this paper was the study of a range of published materials (articles, strategies, reports, policies, research studies, laws), which provide theoretical and practical research on corruption and development. Themes discussed ranged from: what is corruption, corruption's causes, corruption's effects, perception and measurement of corruption and different efforts and measures on combating corruption. The paper provides information on each author's perspectives on corruption and accomplish to cover a gap in the literature regarding different approaches to corruption. The value of this paper is that it summarises recent developments in the field and provides a context-setting narrative within which the other papers that comprise this special issue can be situated.*

**Keywords:** *corruption, water sector, water management, combating corruption.*

**JEL:** *D73, H11, L95.*

## **Introduction**

The corruption phenomenon in all its forms is intensively discussed and analysed world wide, no matter the area where corruption makes its way, especially when this is a real threat to democracy, to social equity, to justice, to state institutions, etc.

Although there are numerous studies on this theme, it has not been reached yet a universally valid and accepted definition, covering all acts and deeds that can possibly appear in any jurisdiction and be considered acts of corruption.

With a history of thousands of years, since the ancient times, corruption is one of the worst behavioral patterns but at the same time highly prevalent among civil officials or elected representatives of the community. In the last century we can see it much often also in private sector (especially on agents that hold monopolies). Interest and concern about this phenomenon increased and reaction occurred both on national and on the international scene.

## **1. Review of literature: approaches of corruption, causes, effects**

Corruption is a serious social phenomenon of a special scale, multiform and complex, manifested up to the highest levels of society. It represents a major threat to democracy, constituting a denial of human rights and a violation of

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democratic principles for social equity and justice, eroding the principles of effective administration, jeopardizing the stability and credibility of state institutions and their representatives, as well as economic and social development. (Pacesila, 2004, 114)

Nowadays corruption is one of the main topics of discussion in any field and at any level, as one of the greatest challenges of the contemporary world. It is present in poor countries, in developing countries and also in developed countries and the fight against it has become a serious problem, as it spreads very fast, covering firstly some areas, some domains and then the entire society, becoming a lifestyle, a labyrinth from where we can not get out, becoming a mentality, a way of living.

Romanian National Anticorruption Strategy – SNA (2012) describes corruption as being those actions that hinder universal and equitable distribution of goods in order to favor certain individuals or groups.

According to Law no. 78/2000 corruption is explained as follow: civil use as a source of income, of obtaining material benefits and personal influence for himself or for another.

Transparency International defines „corruption as being the abuse of public power to obtain personal benefits”. Definition was acquired at global level by UN Convention on Corruption, and the Community level of Communication (2003) 317 final European Commission to the EU Council.

UN (Global Programme against Corruption), claims that "the essence of corruption is the abuse of power committed for personally profit (gain), directly or indirectly, for himself or for another, in the public or private sector."

It is important to address **corruption** also from the cultural point of view (Water Integrity Network, n.d.) because it breaks “socially established expectations of appropriate behavior”, and in order to have a better understanding of its causes and to adapt the correct/ proper measures, we need to know what type of culture is specific for each country. Also according to Transparency International, “corruption is the abuse of entrusted power for private gain” and an exchange of either economic or social resources. Corruption does not only take place in the public sector, it also occurs in non-governmental organizations and private enterprises. Common examples include cutting red tape in applications for reservoir water abstraction or expediting a household’s connection to municipal water supplies. Falsifying water meter readings, for example, is an equally corrupt practice if it takes place in a private water company as in a public utility.

When it comes to corruption’s control, this should be honest and done in a direct way. It can captures the extent and nature of corruption among public officials, including the nepotism cases, hiring best friends and bribes among civil servants, irregularities in public acquisition, and the nature and extent to which government manages corruption (Lewis, 2006). Corruption was also defined as “use of public office for private gains” (Bardhan, 1997) or “the sale by government officials of government property for personal gain” (Shleifer and Vishny, 1993).

No matter the definition good government damns (blames) on the incentives for and accountability of public servants. The forms of corruption vary.

Corruption forms identified in Romanian criminal law are governed by the Criminal Code and Law 78/2000. According to a more ethical definition than legal on corruption (abuse of power for private), there are several forms of corruption that can be met in any field, but also in making judicial or purely administrative decisions (Danilet, 2008):

- Giving –taking bribe: involves two elements, the person who promises or gives a good or profit, and the one who receives the request or to fulfill legal and illegal entering of an act duties, with no major initiatives designed to whom belongs the corruption act;

- Traffic influence: making use of his position in order to promise that he would intervene with a public official to perform or not an act within its competence;

- Receiving gifts: involves receiving benefits while performing duties for non-diversion in order to solve the case, and that can facilitate the creation of unethical ties;

- 'Anointing' the system in order to benefit from data that could speed up the legal proceedings development;

- Fraud: falsifying data - forgery, false documents, encouraging the offender;

- Blackmail: obtaining benefits through pressure or force - can threaten citizens by use of weapons, applying administrative sanctions if they don't adopt a certain behavior;

- Favoritism: in foma of copinage (lb.fr), cronyism (lb.en) aiding those close - friends, associates - for appointment to certain posts on criteria related to relations of friendship and not competence: appointments to the deal without examination or where oral evidence is decisive (transfer judges from other courts, appointing prosecutors to National Anticorruption Directorate or Directorate for Investigating Organized Crime and Terrorism, promotion of judges to the High Court, appointment of judicial inspectors to Superior Council of Magistracy, Registrar appointed Prime instant) are the most vulnerable;

- Favoritism nepotism as: facilitating employment in her husband's family system in illegal conditions;

- Embezzlement, diversion of public funds by the leader of the institution who has the quality to open credit institution that manages the process for payment of compensation and gain;

- Use confidential information for themselves or friends: for example, an executor buy through an intermediary auctioned property you assign it to a low price;

- Commission another (kickbacks): a person does an illegal favor for another person, and the second person turns the favor to the first person, for example a person is promoted by the organization leader so that the person that gets to the new post can facilitate certain goods theft through him.

In the literature we find different connections and relations between corruption and good governance. In a recent report prepared for the UNDP by Prof. Rose-Ackerman: „Corruption is a symptom of something gone wrong in the management of the state. When institutions designed to govern the relationships between citizens and the state are used instead for the personal enrichment of public (*and I would add private*) officials, then you have corruption and the provision of benefits to the corrupt.” (United Nations Development Programme, 1997, vii)

The World Bank notes simply that corruption is the outcome of poor governance.

### Corruption's causes

First of all, a main cause allows corruption to make its appearance is a „clear opportunity”. For example an opportunity in the public administration could be a company run by the government (telecommunication/ postal services, energy) „with no competitors, or a long list of licenses and fees required for shipping goods into or out of the country”.

On the second place we find a common cause that allows corruption to make its appearance, and this is „little chance of getting caught”. This lack of accountability comes primarily from a) a *lack of transparency*, for example, when public officials do not inform about or explain what they are doing, including a declaration of their wealth, houses, and cars and b) *weak enforcement*, when law agencies do not impose sanctions on power holders who have violated their public duties. This is the case, for example, when judges are in the pay of the ruling party or there are too few police officers to enforce the law. (The World Bank, n.d.)

In the third place we find „bad incentives”, for example a civil servant has a low wage, or his job is not a secure one, and for this reason „he supplements his income with bribes”.

Another main cause for corruption appearance (fourth) is „attitudes or circumstances that make average people disregard the law”. „Poverty or scarcity of goods/ services may also push people to live outside the law. So, corruption is not just about ethics. It's also about how the government is set up and managed.” (The World Bank, n.d.)

„While few analysts would dispute a definition of corruption as the abuse of public roles or resources for private benefit, there is little agreement on the nature and causes of corruption (Robinson, 2004). Some of the disagreements emanate from the choice of analytical module or framework employed, since corruption can be analyzed through a range of approaches drawing on different disciplines.” (Ampratwum, 2008)

Public-choice theorists point to the fact that unmotivated government officials with low wages might be propelled to expedite tardy bureaucratic matters. The low wages in the civil service largely explain the ubiquity of low-level corruption. The further wage levels in the civil service fall below those in the private sector, the greater the temptation will be to close the gap through unlawful

means. It is, however, worth mentioning that while country-level studies and surveys consistently cite low-civil service wages as a major cause of corruption, the United States Agency for International Development officials and studies by other donors indicate that increasing civil service pay does not necessarily reduce corruption. Indeed, the US Government Accountability Office (GAO) report suggests that wage increases must be accompanied with other reforms to be effective. Besides civil service wages, neo-liberal economists, towing the lines of Klitgaard, assert that corruption is widespread in countries where administrative apparatus enjoy wide discretionary powers and where laws and processes are barely transparent (Tanzi, 1998; Habib and Zurawicki, 2002). In settings with higher regulatory and state bureaucratic interference in business, the incidence of corrupt practices is significantly higher. That is, the higher the degree of regulatory discretion, the higher the incidence of bribery among officials (Kaufmann, 1997).

### **Corruption's effects**

The growing concern to develop effective and preferably short-term anti-corruption strategies is partly because corruption has profoundly inegalitarian effects; it damages the interests of the poor most, whether the corruption is “petty” or “grand” in character. This corrupt misallocation of resources happens where poverty is a product of unequal wealth distribution and where it is also a consequence of the social exclusion of the poor (Riley, 2004).

Corruption has its adverse effects also on growth and investment. Several studies attest to the fact that payment of bribes to get an investment license clearly reduces the incentive to invest, in view of the considerations of secrecy and uncertainty (Bardhan, 1997). Empirical evidence based on cross-country comparisons do suggest that the most important channel through which corruption reduces economic growth is by lowering private investment, which accounts for at least one-third of corruption's overall negative effects. At the same time, the remaining two-thirds of the overall negative effects of corruption on economic growth must be felt through other channels, including those mentioned above. While it is difficult to disentangle those other channels, there is some evidence that one of them – the distortion of government expenditure – plays a significant role. (Ampratwum, 2008)

### **Perception and measurement of corruption and different efforts and measures on combating corruption**

Tanzi (1998) points out in his research „*Corruption around the world: Causes, consequences, scope, and cures*” the fact that „if corruption could be measured, it could probably be eliminated”. Most of the time it is hard to establish very clear what aspects, facts or acts to measure, because we risk not to take into consideration all of the corruption aspects or forms. According to the same author “there are no direct ways of measuring corruption”, but only “indirect ways of getting information about its prevalence in a country or in an institution. Useful

information can be obtained from: reports on corruption available from published sources including newspapers”, magazines, articles, case studies and also from the Internet Usually the research studies “measure perceptions of corruption rather than corruption” it self.

In our days we find many researchers that studied corruption and tried to measure it, by conducting empirical studies. Authors like Kaufmann, Kraay and Mastruzzi have undertaken various projects to measure corruption at the aggregate and disaggregated level. At the aggregate level, they have been constructing the Worldwide Governance Indicators that capture six dimensions of governance: Voice and Accountability, Political Stability and Absence of Violence/Terrorism, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. These indicators cover over 200 countries for the decade 1996-2005, and are based on the views of a very diverse group of sources, including survey respondents, commercial risk rating agencies, NGOs, and multilateral organizations. With the latest release of the Worldwide Governance Indicators, they made available on *www.govindicators.org* website data from virtually all of the 31 individual data sources underlying the aggregate indicators. This represents one of the largest collections of freely-available data on governance in the world. (Kaufmann, Kraay and Mastruzzi, 2006)

In practice, corruption can, and is being, measured in three ways: by gathering the informed views of relevant stakeholders; by tracking countries' institutional features and by careful audits of specific projects.

Because corruption does not leave obvious physical traces (detectable, meaning palpable), „perceptions of corruption based on individuals' actual experiences are sometimes the best, and the only, information we have.” Survey-based questions of corruption have also become increasingly specific, focused and quantitative.

## 2. Corruption in water sector

Transparency International (2008) highlights the fact that “water is a limited resource. More than 1 billion people live with inadequate access to safe drinking water, with dramatic consequences for lives, livelihoods and development. Transparency International's *Global Corruption Report 2008* demonstrates in its thematic section that corruption is a cause and catalyst for this water crisis, which is likely to be further exacerbated by climate change. Corruption affects all aspects of the water sector, from water resources management to drinking water services, irrigation and hydropower.”

**The consequences of corruption for economic development have been well documented by economists.** The corruption level of a country has been linked to its economic growth rate, stimulating or discouraging native and foreign investment, and influencing the size and use of public expenditures. Mauro (1996), for instance, established that a corrupt country will achieve investment levels of almost 5 percent less than a relatively uncorrupt country and will lose about half a percentage point of domestic product growth per year. Corruption has also been

found to lead to inefficient use of public funds in financing public services (Klitgaard, 1990). In addition, Wei (1997) presented evidence that investing in a relatively corrupt country, as compared with an uncorrupt one, is equivalent to an additional 20 percent tax on investment. Corruption is also associated with an increase in urban services expenditures. Poor decisions are taken by corrupt bureaucrats, who often tend to favor expensive, complex, capital-intensive defense projects that make it easier to skim significant funds.

Water issues are serious and worsening in many parts of Europe, making water management complex. While water is abundant in much of Europe, large areas are affected by water scarcity and droughts — particularly in Southern Europe with their severe lack of, and high demand for, water. Europe is also suffering from floods, with an increasing number of deaths, displacement of people and economic losses. Climate change is projected to exacerbate this, with more frequent and severe droughts or floods projected for many parts of Europe. At both the global and European scale a multitude of inland water assessments is available, with, in many ways, Europe leading the way in producing water assessments. This is partly driven by the production of EEA water assessments over 15 years as part of the 'state of the environment' (SoE) reports, supplemented by water assessment activities by OECD, UNECE and the World Health Organization and water statistics produced by Eurostat and OECD. The EU water policies, including their reporting obligations, also add relevant assessments on the status and pressures affecting EU waters. Finally, the establishment of Transboundary Water Commissions that produce assessments for the waters under their mandate have helped in developing a solid knowledge base on water assessments. The information on water produced by European countries has markedly increased over the past 20 years, well documented by the information presented in the national freshwater assessments. For instance, the AoA review template contains 319 SoE and water reports from 48 countries covering the period 2005–2010. The increase in the production and dissemination of such reports is due to an increased understanding that environmental monitoring and information systems are crucial for developing environmental policy. In many countries, a variety of national assessments that relate to water and water-related ecosystems are produced in the form of SoE reports, environmental statistics, environmental performance reviews, 'state of water' assessments, indicators, yearbooks and a range of thematic water reports. Much attention has been paid to making the presentation of information inviting to the reader; the use of diagrams, graphs, charts and maps within the reports has much improved over the years. Moreover, the increased use of indicators has resulted in more targeted and compact information. However, in most cases only limited information on policy performance, water management, implementation of measures, new challenges, etc., is provided, although this information is imperative to make the information useful for decision-makers. Many water and water management issues that are important at the national level are related to similar issues that are important at the European level. Although the country information would be valuable for European water assessments to support

and better document the analysis, the current data and information flows from country to European level are not optimal and not always based on the information and knowledge available nationally. To improve this situation, a consistent common approach and close cooperation between international organisations and countries is needed. The need to adapt management and economic activities to the level of water available locally remains a challenge.

Beate Werner, Robert Collins (2012) sustain that “managing water sustainable in a “green” economy means using water more efficiently in all sectors and ensuring that ecosystems have the quantity and quality of water needed to function effectively. Water ecosystems are vital assets, delivering essential services to our societies and economies, and thereby playing a key role in European productivity and security. It is thus essential that our use of water does not exceed ecosystem sustainability boundaries.”

Clean water is becoming increasingly scarce due to increasing demand from different human and economic activities, and the effects of climate change. Although Europe is comparatively well equipped with water and the economic means to address water shortages and water pollution, both are still a problem in many parts of the continent. Resource-efficiency measures are therefore at the top of the water management agenda. They are needed to ensure that sufficient clean water is available at an affordable price for human needs, while the functioning of aquatic ecosystems is preserved to further provide vital goods and services. A common understanding of water's importance is essential, alongside effective communication about who needs water, where and for what purposes.

Stockholm International Water Institute (2012) sustains the fact that „good governance is crucial to ensure sustainable and equitable use and distribution of water, and to secure effective delivery of water supply and sanitation”. Transparency, accountability and integrity are critical governance components without which corruption issues cannot be successfully addressed. As the world is rapidly facing the imminent issue of water resource scarcity, it is of outmost urgency to improve the governance and integrity of the water sector.

It is crucial to understand that corruption has a negative impact on social and economic development. Within the water sector particularly corruption is:

- *Discouraging investments.*
- *Undermining performance and effectiveness* of both public and private sectors which leads to inefficient and unequal allocation and distribution of water resources and related services.
- *Decreasing and diverting government revenues* that could be used to improve water and other services, especially for poor people.
- *Making existing legislation, rules and regulations ineffective*, thereby causing increased water pollution and overabstraction of ground and surface water.
- *Diluting the integrity of the public service sector*, since discretionary decision-making creates unpredictability and inequalities and can circumvent the rules of law and justice.



The water and sanitation sector is complex and is characterised by a number of factors which increase the risk of corruption, such as large-scale construction and monopolies and high demand for water services, which reinforces the power positions of suppliers and encourages bribery. When such risks are combined with weak governance systems, they provide a fertile breeding ground for corruption. In order to understand the roots of corruption and to be able to identify and assess water integrity risks, diagnostic and mapping tools are essential.

### Conclusions

Anti-corruption programs sponsored by development agencies emphasize macro-level initiatives such as economic and sector policy reforms (e.g., liberalizing trade and reducing subsidies) and transformation of critical institutions such as the judiciary (Kaufmann, 1998; OECD, 1999; World Bank, 1997). Large-scale reforms are, of course, critical in reducing corruption, but they also require time and considerable political will to implement (DiIulio, Garvey, & Kettl, 1993). Much of the anticorruption advice at the organizational level, however, implicitly assumes that a backdrop of such macro-reforms is in place. The result is a set of recommendations drawn from “New Public Management (NPM)” tenets that are generally infeasible in the highly constrained institutional environment of many developing countries (Hood, 1991; Davis, 2004; Androniceanu, 2012).

The World Bank has argued that the principal way to reduce corruption is to encourage deeper and more thorough economic liberalization and deregulation of borrowers, although reforming and strengthening public institutions are also regarded as important (Riley, 2004).

Ampratwum (2008) claim „it is important to ask more specific questions that need to be considered.” What types of corruption are the most damaging? Can corruption be unambiguously identified in all cultures? (Azfer et al., 2001) What are the relationships between corruption and poverty and how can an effective, enabling state act to reduce corruption and through this assist in poverty alleviation? What forms of anti-corruption strategies are likely to be most effective in the short-and long-term (without becoming additional costs of transaction, slowing or diverting attention from social development?) (Riley, 2004) These pertinent questions will have to be critically considered if the international war on corruption and subsequently “good governance” will attract support from governments and civil societies in both developing and transition economies.

In the end, promotion of water integrity to people working towards improving transparency, accountability and participation in the water sector is essential.

**Transparency** refers to the right of citizens to access relevant information. Openness and public access to information are vital, so that water-users can understand the decision-making processes that affect them. This makes citizens knowledgeable about the standards to expect from public officials and enables them to protect their rights.

**Accountability** is a broad concept that entails several dimensions and is often used in different ways. Some see it as a mechanism to hold people and institutions accountable, whereas others may see it as a concept referring to the actual application and implementation of rules and standards. Accountability in a democratic sense means that an individual in a public function or a public institution must answer for their own actions. This includes political, administrative, and financial dimensions.

**Participation** is a term with many different meanings. Some stress that it refers to the most basic indication of democratic rule that whoever is affected by a decision should, one way or another, directly or indirectly, have the chance of intervening in and influencing such decisions. It is also argued that participation fosters ownership in the sense that decisions are increasingly accepted and implemented by the involved actors. Water Integrity Network believes in civil society's right and responsibility to play a role in the water sector decision-making process and in holding officials and those in public service to account. It is important to make use of available data and information to monitor decision-making and progress on governance and corruption. Public information sharing is a key to improve transparency in the water sector in order to reduce corruption.

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