

CORRUPTION IN THE CONSTRUCTION INDUSTRY: AN INSIGHT FROM THE THAI CONSTRUCTION SECTOR

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The construction industry in Thailand has significant impact upon the nation's economic growth. However, the industry has been threatened by corruption which is a major cause of Thailand's middle-income trap. The aim of this research is to explore the nature of corrupt practices in the Thailand construction industry by examining the causes and strategies for preventing corruption through the lens of the principal-agent framework. The study adopts qualitative research approach through semi-structured interview with 12 professionals from the construction industry. The result of the study shows that corruption in the Thai construction industry is caused by factors such as personal behaviour, red-tape and conflicts of laws, organisational culture etc. Improving organisational system, decentralisation, ethical training, promoting ethical culture etc. are some of the measures that could be used in fighting corruption in the Thai construction industry. The study contributes to a body of knowledge that could help mitigate the detrimental consequences of corruption.

Keywords: Principal-Agent Theory; corruption; business ethics; Thailand

INTRODUCTION

In developing countries, construction projects are generally encouraged to drive economic growth, decrease a nation's unemployment rate, and improve the quality of life. The Thai construction industry (TCI) significantly impacts the nation's economy, particularly since the rapid growth of the real estate market increased the number of overseas investors (CBRE, 2017). Some construction projects (i.e., Suvarnabhumi International Airport; Klong-Darn Wastewater Management Project) have been undermined by corrupt business practices (Yomnak, 2016). Whereas some researchers argued that corruption does not always have a negative effect on socio-economic growth, abundance of research illustrates the perils of corruption (Mendoza *et al.*, 2015). Moreover, Powell (2006) stated that some corruption costs were included in construction costs due to the ineffective Thai corruption's detection.

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The construction industry is consistently ranked as one of the most corrupt with steady flow of bribery and corruption cases to courts in many countries (Kenny, 2007). Corrupt practices can be found at every phase of the project delivery cycle; from the planning to the operation and maintenance stages (Sohail and Cavills, 2006). However, there is a dearth of research on corruption in TCI, an issue that this paper sought to explore further through the lens of the principal-agent theory of corruption where there are two principals; one of which is corrupting, and one agent who is corrupted. However, who is given the role of principal or agent may differ depending on the research. The Construction Sector Transparency Initiative (CoST) framework might be a good tool for specific anti-corruption implementation but lacks in full performance. Inappropriately, some agents are opportunists and use their position for personal gains than principals' benefits. As the complexity in construction processes, various kinds of professionals, possibilities of the agents' dysfunctional behaviours could increase and be more difficult to examine.

According to OCED (2017) any existing definition of corruption is universally incomprehensive and unacceptable. Instead, the corruption is outlined as "abuse of public or private office for personal gain" including "offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party. Like other Asian countries, Thailand embeds corruption to some extent into its culture and politics. According to Noisuwan (2003), several forms of Thai corruption are shown as "sin nam jai" or "tips" which is a tiny amount of money expressing the offeror's kindness both with and without corrupt intentions. It was also called "tokens of generosity" and considered as norm. "Chor rat bung luang", another classic Thai word, implies officials' corruption including "literally, cheating citizens and hiding tax from the King", while "chor rat" means a corrupt activity that the governors do to citizens, victim of "bung luang" is the King (Chat-uthai and Mclean, 2017). Although the political system was changed to constitutional monarchy for many decades, Thai society has grown under the patronage system with hierarchy until recent times. Bribery and "hot tea fee" which is an additional service cost offered to government officials to grease red tape adds to the norm (Chat-uthai and Mclean, 2017). Whereas the global perceptions of the corruption are totally negative, it is not so in Thailand. Several academic research suggests that corruption can be conceived as either a principal-agent problem or a collective action problem (Marquette and Peiffer, 2015), However, Ugur and Dasgupta (2011) believe that principal-agent theory in corruption research is predominantly used. The principal-agent theory which shapes the understanding of how corruption impacts development underpins this research, and this is discussed in the next section.

The Principal-Agency Theory

The principal-agency theory is an economics theory explaining relationships between agents and principals (Roberts, 2004). Consequently, empowerment is an opportunity to encourage agents to take principal's benefits (Douma and Schreuder, 2012). There are many cases showing relationships between the agent and the principal like employee (agent) and employer (principal), broker and buyer, and board and shareholder, subordinator (agent) and manager (principal), and fund manager and investor in literature (Douma and Schreuder, 2012). Also, empowerment obtained from the principal came with both responsibility and risk. Therefore, agents sometimes used power to decrease personal risk by inappropriately spending the principal's budget. However, Jiraporn *et al.*, (2008) mentioned an informational case when the principal is excluded from the information loop. Khan (2008) also argued

that monitoring was costly and might be collusion between an outsider who monitors the agent. In Thailand, the government acts as an agent in tax collection and investing in public facilities, however, some monies are spent inappropriately. In the private sector, construction firms are the agents in construction industry who sometimes mismanage the clients' budget (Arun, 2005). Figure 1 illustrates the relationship between the Agent and the Principal in the context of the TCI.

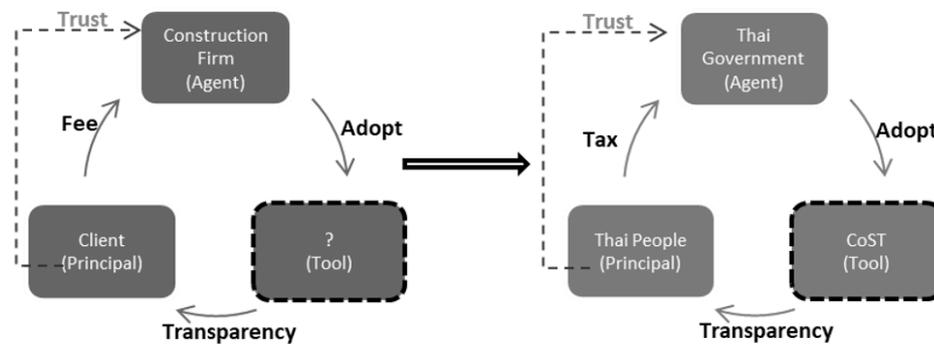


Figure 1: Agent and Principal relationship in the Thai Construction industry context

Causes of Corruption in the Thai Construction Industry

The Thai culture influence definition and boundary of corruption. Consequently, Thais usually confuse corruption's boundary with what is public good or public service (Phongpaichit and Piriyaangsan, 1999). The intertwining of Thai culture leads to several corrupt behaviours occurring in the construction industry. First, nepotism often appears in procurement as a type of "good old boys' network" (Bowen *et al.*, 2012). Secondly, collusion in bidding process bring about cost overruns of public infrastructure projects (Sayeed, 2004). Deprived of the close-knitted relationships, Thai traditional bureaucracy patronizes bribery inherently due to red tape and poor administration. Dollar and Hallward-Driemeier (2000) described this as bottlenecks of productivity rather than financial problems, while some entrepreneurs result to suborning government officials.

Furthermore, a determinant driver of bribery in the bureaucratic system was salary of the Thai government officials. Conversely, many Thai architects in private companies receive very low wage rates without good compensations. Virajsilp (2008) opined that Thai architectural fee was very small compared with other countries and professionals such as lawyers and doctors. However, Yomnak (2016) found bribery in materials' specifications in design process. Yomnak (2016) also noticed that cost estimation in Thailand was often done by civil engineers who were not professionally trained to be Quantity Surveyors. Consequently, the weakness of the judiciary system encourages bribery or corruption easily.

Preventing Corruption in the Thai Construction Industry

There are two strategies scholars proposed to address ambiguous corruption definitions. Firstly, Doig *et al.*, (2007) expressed that professional skills and ethical training should be provided to employees in construction firms to improve the employees' behaviours in the industry. Secondly, promoting anti-corruption in infrastructure, construction and engineering sectors by industry-led actions can help eliminate corruption (Zinnbauer *et al.*, 2009). Boeckmann (2005) also stated that promoted principles of transparency, accountability, and responsibility result in sustainable integrity, fairness, and ethical conducts respectively.

Jurkiewicz and Brown (2000) showed that leadership (i.e., top-down management) influenced organisational culture directly and are stronger and effective than policy. Svendsen and Graeff (2012) asserted that trust can reduce corruption, improve productivity, and decrease cost of inspections. Furthermore, Cheng *et al.*, (2006) demonstrated that the corporate government can mitigate internal frauds in construction firms and maintain client's confidence. It also argued that auditing is an effective way to curb corruption in the construction industry. To prevent unbalanced and collusive bids, Chotibhongs (2011) revealed that detection was a potential solution. Lastly, Yomnak (2016, p.14) noted that previous Thai anti-corruption strategies had no significant improvement as they were "one-size-fits-all" approach.

METHOD

The study adopted qualitative research methodology using semi-structured interview with 12 construction industry stakeholders with over 10 years of working experiences in the Thai construction industry. According to Silverman (2013), qualitative method is commonly used for investigating issues of reality and inner experiences through people story in the context of corruption in the Thai construction. Understanding the perceptions, beliefs, and opinions (Roulston, 2014) of stakeholders on corruption in TCI can best be addressed through qualitative research. According to Guest (2006), a sample size of twelve (12) interviews is sufficient in a qualitative study since saturation occurs beyond this point; Morse (1994) even argues that a minimum of six (6) interviews is acceptable in a qualitative study. This justifies the engagement of 12 interview participants in this study. All data were recorded during the interview and transcribed, manually analysed, categorized, and conceptualized for simplicity and consistency in the analysis process (Silverman, 2013). Interviews were conducted with professionals selected from the following 3 main types of organisations in Thailand: government, state enterprise and private companies lasting between 45-60 minutes. The interview questions revolved around the following research questions:

RQ1. What is the nature of corruption in Thailand?

RQ2. What are the causes of corruption in the Thai construction industry?

RQ3. How is the Thai construction industry preventing/minimising corruption?

FINDINGS

Table 1 presents the profile of the 12 professionals interviewed, consisting of 1 property developer, 3 project managers, 1 construction manager, 2 main contractors, 1 sub-contractor and 4 architects with the average of 14 years of working experiences in the Thai Construction Industry. The proportion of male and female, and principal and agent are 2:1 and 1:1 respectively.

Nature of Corruption in Thailand

In Thailand, corrupt behaviours and boundaries are defined to include *fraud, offer, and receive, solicit, offence, and unfairness*. Interviewees PM2 and SC believed that offering and receiving normally happened simultaneously whereas PM3 and AR2 argued that soliciting and receiving might happen separately. Interestingly, interviewee PM3 explained the difference between corruption and "*sin nam jai*", Thai norm which was defined as "*tokens of generosity*", by using the sequence of actions. Therefore, PM3 did not define corruption as receiving or offering but soliciting during work in progress by saying:

“The money received after work completed could be sin nam jai while corruption was the money or gifts solicited and received before work completed” (PM3).

Table 1: Profile of Interviewees

Interviewee Job Title	Code	Gender*		Year (Experience)	Sector**			Status***	
		M	F		P	SE	G	P	A
Property Developer	D		•	14	•			•	
Project Manager 1	PM1	•		17	•			•	
Project Manager 2	PM2	•		17			•	•	
Project Manager 3	PM3	•		16		•		•	
Construction Manager	CM		•	10		•			•
Main Contractor 1	MC1	•		12	•			•	
Main Contractor 2	MC2	•		11	•			•	
Sub-Contractor	SC	•		13	•				•
Architect 1	AR1	•		10	•				•
Architect 2	AR2	•		17	•				•
Architect 3	AR3		•	11		•			•
Architect 4	AR4		•	10			•		•
Total		8	4	Av. = 14	7	3	2	6	6

* Male (M), Female (F); ** Private Sector (P), State Enterprise (SE), Government (G); *** Principal (P), Agent (A)

Although the sequence of action was not directly mentioned, interviewee AR2 defined corruption as a reward gained from completed one’s duty. Similarly, PM2 and SC believed that the complete corruption cycle takes place when proposers and receivers successfully agreed on a deal. Moreover, interviewee SC alluded to unfair competition when asked to give examples of corrupt behaviour in agreement with MC1 who defined corruption as unfairness. Noticeably, corruption interpreted by SC and MC1 relate to their experiences as contractors and commented that:

“Deals lead to unfairness particularly in competitions like bidding” (SC)

“It would be a fair competition if there is no corruption” (MC1).

However, MC1, MC2 and AR3 had different perspectives; MC1 and AR3 thought that corruption acts are perpetrated by government sector officials, while MC2 believed that it occurred in large organisations. With regards to the amount offered and received (i.e., money or gifts) that should amount to as corrupt act, interviewee MC1 and AR3 considered the minimum amount being 5,000 and 3,000 THB (Thai Currency) respectively. Whereas MC1, as a state enterprise employee, determined the value by his feeling, AR3 referred to the manual of Thai government officials established by National Anti-Corruption Commission in 2012 by arguing:

“If the government officials receive any properties or benefits valued less than 3,000 THB for a personal occasion from others who are not their relatives, they are not guilty” (AR3)

Causes of Corruption in Thai Construction Industry

The research showed that the cause of corruption in the TCI were greed, organisational system, ineffective laws, red tapes, high competition, and interference resulting in the following types of corrupt behaviours: fraud, bribery, and collusion. Surprisingly, only interviewee ‘D’ faced fraud most often while the rest revealed bribery and collusion as the main type of corrupt behaviours encountered. Basically,

bribery acts are caused by various factors while collusion is only caused by interference. However, fraud in the form of devalued materials was caused by bad behaviours of contractors who focus mainly on benefits rather than the client's interest. Interviewee 'D' said that:

“The bad contractors use poor quality materials because of greed. High profit is the main priority rather than the quality of the construction product” (D).

Bribery, which was mentioned by most of the interviewees, happened in various construction processes. Interviewee AR2 noted that at the design stage, materials suppliers pay commission to architects for specifying products from such suppliers in drawings and considered such act as a kind of sales promotion. Similarly, CM gave an example of gratification that contractors attempted to satisfy client's construction managers to facilitate their works (i.e., quality approval).

Both AR2 and CM expressed their opinions as agents and accepting or rejecting bribes depended greatly on the individual and organisational culture. In addition, PM1 noted that:

“There are conflicts in Thai laws and rules, and these support officials' soliciting. I usually face many difficulties when I request for the construction permission. Despite the same drawing, each officials judge differently” (PM1).

However, interviewee PM3 believed that if the officers were not opportunistic and the citizens who request the permission do not offer bribes and accept the red tape, the bribe cycle could not be completed. Moreover, PM3 interestingly commented on manual working process of organisations particularly in public sector where most activities required human discretion in judgments leading to inequalities. There was also bribery at the procurement stage on how bids were won in the current highly competitive market. Interviewee MC2 commented:

“Today, there is a very high competition in the market. Sometimes, we have to cut our prices in order to win the bid. Also, bribe sometimes can facilitate this” (MC2).

It was interesting that all interviewees who alluded to collusion in the procurement process indicated interference as its main cause. AR3 cited a case example where material and furniture vendors who were selected despite their lack of qualification.

Interviewee MC1 also revealed interfering with the procurement process of some government projects despite not being a public official. The above analysis demonstrated the various causes of corruption, but it was important to note that bribery in the TCI was mainly caused by abuse of power by officials. Power is a factor of agent problem connected with corruption in Thailand.

However, some interviewees argued that an inherent personal behaviour outweighs power. Surprisingly, neither low government officials' salary nor low architectural fees cited by Virajsilp (2008) was pointed out as a cause of corruption during the interviews. Instead, the weakness of organisational system, organisational culture and dysfunctional personal behaviours like greed was revealed as the cause of corruption in the TCI. The findings reinforced the agency theory and indicated that some agents were opportunistic and having too much power supports their corrupt behaviours. Moreover, some good agents become corrupt agents when they have power. On the other hand, some agents are moralist. These agents considered more power as more responsibility and therefore having power cannot change them into corrupt agents. For trust, although some interviewees viewed it as a motivation, it worked only for moral agents.

Preventing Corruption in the Thai Construction Industry

Trust is considered as corruption mitigation measure in organisational management. However, when interviewees were asked about their opinion on the relationship between trust and corruption, only few respondents believed that trust could reduce corruption, majority of the respondents revealed that it depended on the individuals' behaviour, disposition, integrity, and that ironically, trust supported corrupt behaviours. Although both interviewees MC2 and AR3 believed in trust, MC2 considered other corrupt prevention strategies like profit sharing, while AR3 believes in improving organisational system as a preventive measure. Interviewees PM2 and PM3 supported the idea of improving organisational system; PM3 however argued that this should start by reforming employees' attitude.

Whereas corruption preventive strategies like improved system, reforming attitude and decentralisation seem to be time-consuming, system improvement required collaboration from many people and negotiation to combat dysfunctional behaviours at organisational scale. For fraud and bribery prevention, interviewee AR2 argued that ethical training could be used for improving personal behaviour whiles CM, PM2 and AR4 strongly argued that training on ethical behaviour was useless and waste of money. Interviewee AR2 noted that:

“Because human actions are led by their decision making, if we train our staffs on ethics and educate them how to make the right decision, corrupt act may not occur” (AR2).

Some of the interviewees who disagreed with the ethical training strategy preferred to invest in auditing systems. According to interviewee SC, if the physical auditing is implemented together with the ethics training, officers tend to work more carefully achieving better results. It is noticeable that when the interviewees talked about organisational culture, prohibition and leadership were often mentioned at the same time. As stated by AR1 and CM, the leadership behaviour must be related to prohibition or policy. Thus, leadership is a crucial factor impacting on the overall organisational culture. Interviewee CM supported the assertion by saying that:

“The action of leaders showing integrity and relating to firm's prohibition is the best communication that demonstrates the moral ethics in organisational culture. My previous boss has never had dinner with any contractor, so no one else dare as well” (CM).

Regarding the adoption of the Construction Sector Transparency Initiative (CoST) by the Thai as suitable tool for mitigating corruption in the construction industry, only interviewee D agreed with the CoST whiles PM1, PM2, CM, and SC disagreed since Thais were not ready for such approach as some used power to protest improperly. CoST is however a progressive step towards the prevention of corruption in the construction industry if successfully implemented. Again, Interviewee MC1 believed that:

“CoST might help on projects using e-bidding that can reduce some collusions, but I don't think it covers 100% of the processes on the whole project cycle” (MC1).

The results showed that the system approach of auditing and classic step tackling of corruption was productive. This supported Huang (2017) assertion that auditing, monitoring, and detection were effective ways to curb corruption. Again, the findings indicated that decentralisation and profit sharing should be adopted as a strategy for preventing corruption as recommended by Douma and Schreuder (2012). The study showed that only few construction stakeholders used the CoST initiative for corruption mitigation and prevention in the Thai Construction Industry.

CONCLUSION

Corruption is defined as fraud, offering, receiving, soliciting, offence and unfair treatment and abuse of office hours for personal gain. Although the Thai Construction Industry (TCI) defined corrupt activities quite similarly to the internationally acceptable definition, there were some ambiguities to the degree of misconduct and values. The main causes of corruption in the TCI were categorised into behavioural and managerial factors. Behavioural factors included greed, opportunistic character, abuse of power, convenience-oriented personality, law disobeying and tempting. Whereas managerial factors were lack of transparency in procurement, weakness of bureaucratic system and jurisdiction including mismanagement of organisational culture and structure.

Preventive measures for corruption included reformation of improper behaviours and managerial systems simultaneously. Ethical training and moral education could enhance employee's behaviour, and organisational leadership's moral behaviour could serve as a role model for the followers. However, changing organisational behaviour alone was not sufficient; defensive measures such as detecting, reorganisation and employee motivation were also necessary. Significantly, mitigation and preventive measures will depend on the nature of corruption. This study provides empirical insight into the nature of corruption in the Thai Construction industry that has never been done through qualitative study; this will therefore serve as a good source of reference for the industry and policy makers in attempt to implement policies to address the problem of corruption in the TCI.

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