



Prevention of Corruption

The United Nations Convention Approach

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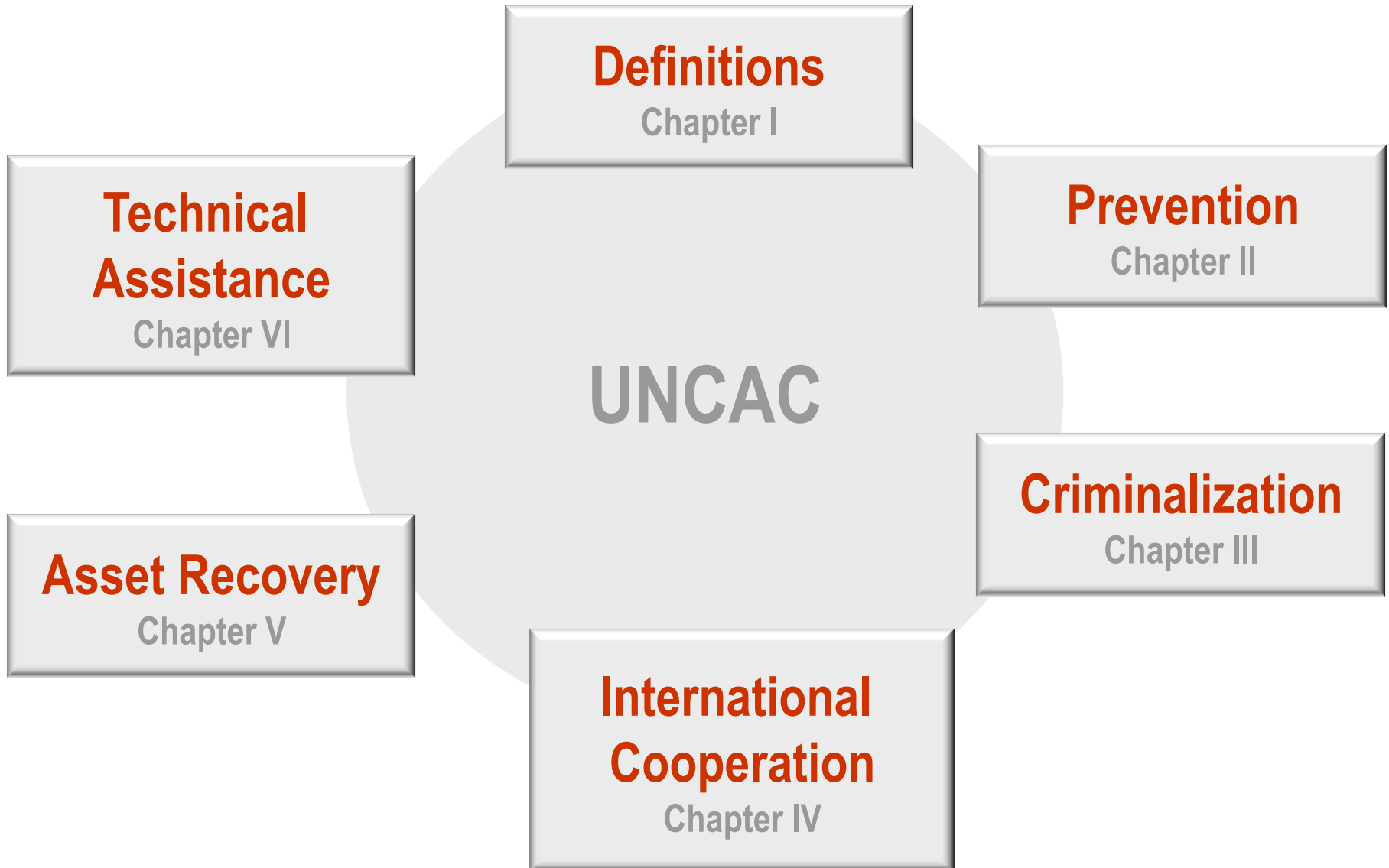
Outline



- UNCAC Provisions for Corruption Prevention

- Supporting Corruption Prevention through Implementation of UNCAC:
 - UNCAC Compliance and Gap Analysis (Indonesia and Bangladesh)

UNCAC – global framework



Preventive measures - anti-corruption policies and bodies



Art 5

Effective and coordinated anti-corruption policies to:

- Promote participation of civil society
- Reflect the rule of law and proper management of public affairs
- Review legal and administrative measures

Art 6

Art 36

(law enforcement)

Anti-corruption bodies:

- To implement the policies
- Disseminate knowledge

The bodies must

- Be independent
- Adequately resourced
- Properly trained

Preventive measures - public sector (Art. 7)



Appointed officials

- ✓ Civil servants' recruitment, hiring, retention, promotion and retirement to be based on merit and aptitude
- ✓ Special measures for selection, training and rotation for public positions vulnerable to corruption
- ✓ Adequate remuneration and equitable pay scale

Elected officials

- ✓ Transparency in the funding of candidatures and political parties

Both

- ✓ Prevention of conflict of interest

Transparency

Integrity

Accountability

Preventive measures – codes of conduct (Art. 8)



- ✓ Codes of conduct
- ✓ Public officials' reporting of corruption
- ✓ Disclosures of activities, assets or gifts from which conflicts of interest may derive
- ✓ Disciplinary of other measures

Integrity

Honesty

Responsibility



Procurement

- ✓ Public distribution of invitations to tender, conditions for participation, award criteria
- ✓ Systems of review and appeal
- ✓ Declaration of interest, special training of public procurement personnel

PFM

- ✓ Transparency in public budget adoption
- ✓ Timely reporting on revenue and expenditure
- ✓ Oversight

Transparency

Competition

Objective criteria

Accountability

Preventive measures – public reporting and participation of society (Art. 10 and 13)



Public Reporting (Art. 10)

- ✓ Citizens to have access to information and decision-making process of public administrations
- ✓ Administrative procedures to be simplified
- ✓ Information on activities and corruption risks of public administrations to be published

**Transparency in
organization,
functioning,
decision-making processes**

Participation of Society (Art. 13)

- ✓ Ensure active participation of civil society
- ✓ Provide public access to anti-corruption bodies
- ✓ Encourage citizens to report on offences

Preventive measures – the judiciary (Art. 11)



- ✓ Independence of the judiciary
- ✓ Independence of prosecution service
- ✓ Specific codes of conduct

Independence

Integrity

Accountability

Preventive measures - private sector (Art. 12)



**Enhanced
accounting
and auditing
standards**

**Proportionate and dissuasive
civil, administrative or criminal
sanctions**



**Prohibition of off-the-
book account and
other acts**

**Promote cooperation
between private
entities and law
enforcement
agencies**

**No tax
deductibility of
expenses
constituting
bribes**



UNCAC Compliance and Gap Analysis

Indonesia



- KPK (Anti-Corruption Commission) lead gap analysis process (as part of national anti-corruption action plan)
- Support from EU and GTZ (esp. assignment of international experts)
- Independent expert team to gather and analyse the relevant legislation and conduct interviews with stakeholders

Structure



Narrative Report Plus Matrix

UNCAC	Contents	Indonesian Laws and Regulations	Analysis	Other aspects for Consideraion	Recommen dations
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Gap Analysis Findings on Prevention

- Need for civil service reform: sanctioned wealth reports and codes of conduct
- Overhaul of public procurement rules

Follow-up activities



- Presentation and discussion of analysis at stakeholder workshops
- Ratification of UNCAC (September 2006)
- Launching of Gap Analysis (November 2006)
- KPK to share its experience with the Gap Analysis process at the 1st Conference of State Parties to the UNCAC in Jordan (November 2006)

Follow-up activities (contd.)



- Indonesian Government formed an UNCAC Implementation Team which is coordinated by the Indonesian National Development Planning Agency, and a Team for the Amendment of the Anti-Corruption Law coordinated by the Ministry of Legal Affairs and Human Rights



Bangladesh Compliance and Gap Analysis

Bangladesh and UNCAC



- Bangladesh acceded to the UNCAC in February 2007
- Inter-ministerial Committee to conduct Compliance and Gap Analysis and coordinate stakeholders
- MoLJPA designated 'Focal Point'
- GoB received technical support from the Institute of Governance Studies (IGS), BRAC University Dhaka and international experts
- Legal review, interviews, focus group discussions
- Support from UNDP and GTZ

Structure and Findings



UNCAC Provisions	Domestic legal / regulatory regime	Compatibility between UNCAC and domestic regime	Compliance and gaps between law and practice	Remarks / recommendations
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Gap Analysis Findings on Prevention

- Need for more consistency in applying procurement regulations
- Review of recruitment process and code of conduct for public officials, and need for training and capacity building
- Need for more coherent reward structure
- Strengthen oversight of public finance management

Follow-up activities



- Presentation of the Gap Analysis at the 2nd COSP in Bali, Indonesia by GoB (Jan. 2008)
- Addressing the legal Gaps identified in the BCGA the government enacted:
 - Money Laundering Prevention Ordinance, 2008
 - Public Procurement Rules, 2008
 - Representation of the People (Amendment) Ordinance, 2008
 - Right to Information Ordinance, 2008
- GoB develops a National Integrity Strategy (Art. 5 UNCAC)

Follow-up activities (contd.)



- **February 2009: GoB initiates development of UNCAC Implementation Action Plan to**
 - Identify activities and time frames for removing the gaps, and to allocate the activities to specific lead agencies for accountability and monitoring and evaluation
 - prioritise them so that Bangladesh starts with implementation of high-priority interventions in the short-term, then do the others in the medium term and the rest in the long term

Why a Gap Analysis?



■ Ownership

- Governments are responsible for implementation of UNCAC
- Governments need to identify gaps and analyse national situation
- UNCAC compliance and gap analysis to be conducted by national stakeholders



Questions/Comments?

Thank You

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