

Job title: Anti-bribery Specialist

Please apply before midnight Paris time on 15 September 2008 at
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The OECD Anti-Corruption Division is looking for an anti-bribery specialist to carry out a stock-taking of business integrity and anti-bribery policies and practices in Africa. The Consultant will be responsible for reviewing existing legislation and policies as well as regional and sub-regional initiatives which address bribery and corruption as part of an African Development Bank (AfDB) and Organisation for Economic Cooperation and Development (OECD) joint effort to improve existing frameworks and practices, all directed towards sustaining growth through an environment conducive to attracting investment.

The work, to be implemented under the control of the Program Manager at the OECD Anti-Corruption Division and the Task Manager on Corruption at the AfDB Governance Division, shall be carried out in accordance with the AfDB and OECD needs between 1 November 2008 and 30 April 2009. In consideration of the satisfactory performance by the Consultant of the work, the OECD shall pay the sum of 18 000 euros.

Job duties:

- Take a lead role in the AfDB/OECD analysis of the existing frameworks to combat bribery of public officials in business transactions in selected African countries by producing a stock-taking report of such frameworks.
- Based on this stock-taking, formulate policy assessments and proposals to promote effective anti-bribery and business integrity measures in Africa, taking into account best practices both within the OECD Member Countries and in developing countries as well as relevant international instruments (primarily the African Union Convention on Preventing and Combating Corruption, the UN Convention Against Corruption and the OECD anti-bribery instruments).

The Consultant's tasks are specified in the attached annex which will form an integral part of the contract.

Qualifications: education, experience, languages

1. Education and experience

- An advanced university degree in law, preferably with a specialisation in criminal law or equivalent experience. An additional degree in political or social sciences or economics would be an advantage.
- At least five years' experience in research, and/or public policy analysis with respect to bribery of public officials in business transactions.
- Proven records of publication in governance, public administration, and anti-bribery policies.

2. Key competencies and languages

- Ability to collect and analyse data and draft clear and concise reports.
- Extensive knowledge and experience in public and private governance reform, institutional development, and the development of anti-bribery systems for developing countries. Experience in Africa would be an advantage.
- Some knowledge of reforms and policies aimed at deterring bribery of public officials in business transactions in Parties to the OECD Anti-Bribery Convention.
- Excellent written and oral communication skills in English and French.

I. Background

1. **AfDB OECD Anti-Bribery and Business Integrity Initiative for Africa:** OECD and the African Development Bank (AfDB) are considering a joint regional anti-bribery initiative to support business integrity and anti-bribery efforts in Africa. This initiative would increase operational complementarities between the African Union Convention on Preventing and Combating Corruption, the United Nations Convention against Corruption, and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Convention). It would also strengthen cooperation and exchange of information between AfDB regional member countries and Parties to the OECD Anti-Bribery Convention.

2. **Improving the Investment climate:** The Initiative highlights the fight against bribery in business transactions as key pillar for broad-based private sector-led economic growth and inclusive social development. Such focus is consistent with African countries' concern about their limited ability to attract significantly larger amounts of foreign and domestic investment.

3. **AfDB OECD regional expert meeting:** A regional anti-bribery expert group will meet in April 2009 to discuss and identify policy measures to reduce the risk of bribery in business transactions and, as such, assist African leaders in making environment more conducive to attracting investment. To provide inputs for the regional expert meeting, AfDB and OECD are commissioning an anti-bribery and business integrity overview assessment for Africa (stock-taking study of anti-bribery policies and practices in Africa). A consultant will be recruited to undertake the stock-taking required. The TOR for the stock-taking consultant is provided below.

II. Objective

4. The regional Stock-Taking Report will: (i) analyze core governance reforms to-date in the two thematic governance areas of business integrity and combating bribery in business transactions; (ii) identify potential gaps and loopholes; and (iii) provide policy options for reducing the risk of bribery of public officials in business transactions.

III. Thematic coverage, structure and approach of the report

5. The report will analyze the existing institutional and legal framework to combat bribery in selected African states. The focus will be on two areas of particular relevance when aiming at improving the countries' and the region's attractiveness to domestic and foreign investment activities. These include comprehensive measures to prevent and prohibit bribery in business transactions; and related law enforcement provisions and monitoring mechanisms, including international judicial cooperation measures and recovery of proceeds of bribery in business transactions. The report will also contain an introductory chapter on the impact of effective anti-bribery policies on economic growth and investor confidence, and an executive summary that highlights trends and developments in the region with regard the topics addressed in the report.

6. The approach of the report will be general in scope, and intended to provide an overall picture of the level and scope of business ethics and anti-bribery practices and of policies, legislation, initiatives relevant to the fight against bribery. The approach will also be thematic and comparative, allowing similarities and differences between African countries to be identified. The review will also cover regional and sub-regional initiatives which address bribery and corruption (i.e. AU, SADC, ECOWAS, NEPAD, etc.). Practices, policies and measures will be examined against international standards as laid out in relevant international instruments such as the African Union Convention on Preventing and Combating Corruption, the OECD anti-bribery instruments, and the United Nations Convention against Corruption (UNCAC).

IV. Detailed Tasks

7. Detailed tasks include the following:

(i) Collect and analyze relevant laws as well as recent studies and assessments prepared by African governments, international organisations and regional initiatives and/or donors in the areas of combating corruption and improving business integrity; identify the gaps and undertake independent research, including contacting key government officials, civil society representatives, development partner staff, and other stakeholders, to update the analysis as required.

- (ii) Based on this information, prepare an overview assessment of country systems for promoting business integrity and combating bribery of public officials in domestic and international business transactions in the countries covered by this project. The overview assessment should consider the following: (i) the legislative and policy framework for preventing and prohibiting bribery in business transactions; (ii) the institutional framework and capacity; (iii) implementation and enforcement challenges.
- (iii) Based on the overview assessment, identify key areas for reform and propose policy measures required to reduce the risk of bribery in business transactions.
- (vi) In undertaking the stock-taking in the thematic areas of business integrity and combating bribery, the Consultant should pay attention to (i) regulatory environment and legal and judicial reforms impacting on combating bribery; (ii) the role of business sector and civil society in enhancing transparency and accountability of business transactions; (iii) decentralized administrative structures.

V. Duration for the Assignment and timetable

8. A total of 6 months of work (starting in November 2008), according to the following timetable:

November – mid-December 2008:	Collection of information; final table of contents
Mid-December - end of January 2009:	First draft stock-taking report
February 2009:	Review by AfDB and OECD
February-March 2009:	Report revision by the Consultant based on comments received from AfDB and OECD
February-April 2009:	Preparation of the Regional workshop
April 2009:	Regional workshop

VI. Qualifications

9. The Consultant shall have:

- An advanced university degree in law, preferably with a specialisation in criminal law or equivalent experience. An additional degree in political or social sciences or economics would be an advantage.
- Experience of at least five years in research, and/or public policy analysis with respect to bribery of public officials in business transactions.
- Proven record of publication in governance, public administration, and anti-bribery policies.
- Extensive knowledge and experience in public and private governance reforms, institutional development, and the development of anti-bribery systems for developing countries. Experience in Africa would be an advantage.
- Some knowledge of reforms and policies aimed at deterring bribery of public officials in business transactions and promoting business integrity in Parties to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.
- Excellent written and oral communication skills in English and French.

VII. Reporting

10. The Consultant shall be guided overall by the AfDB Manager, Governance Division, and OECD Head, Anti-Corruption Division. S/he shall work closely with and report to the OECD Program Manager (Anti-Bribery) and the AfDB Task Manager (Anticorruption). As defined in agreement with the relevant Manager, s/he will also coordinate closely with relevant interlocutors in divisions and departments in the OECD and AfDB,.

VIII. Outputs

11. The output of the assignment will be a comprehensive overview report of approximately 60 pages (format A4, font type and size: new roman 11) on business ethics and anti-bribery policies in 20 selected African countries. (see attachment 1)

Countries to be covered in the stocktaking report (total:20):

	Country	Selection factors		Adherence to international treaties (as at end January 2008)		
		<i>Rank on CPI 2006 (of 163)</i>	<i>Qualified for MDRI as at end April 2007¹</i>	<i>UNCAC</i>	<i>AU Convention</i>	<i>OECD Convention</i>
1	Benin	121	Y	Ratified	Signed	-
2	Burkina Faso	79	Y	R	R	-
3	Cameroon	138	Y	R	-	-
4	Ethiopia	130	Y	S	S	-
5	Ghana	70	Y	S	S	-
6	Kenya	142	N	R	S	-
7	Madagascar	84	Y	R	R	-
8	Malawi	105	Y	S	-	-
9	Mali	99	Y	S		-
10	Mauritania	84	Y	Accession	S	-
11	Mozambique	99	Y	S	R	-
12	Niger	138	Y	-	R	-
13	Nigeria	142	N	R	S	-
14	Rwanda	121	Y	R	R	-
15	Senegal	70	Y	R	S	-
16	Sierra Leone	152	Y	R	S	-
17	South Africa	51	N	R	R	R
18	Tanzania	93	Y	-	R	-
19	Uganda	105	Y	R	R	-
20	Zambia	111	Y	S	S	-

¹ As of end April 2007, out of the 33 potential MDRI (Multilateral Debt Relief Initiative) beneficiaries, 17 had qualified for MDRI. The countries to be covered by the stock-taking will include the 17 countries that have qualified for MDRI plus 3 countries (Kenya, Nigeria, and South Africa) which are not MDRI beneficiaries.