



# Supporting UNCAC Implementation

## Country experiences in the Asia-Pacific Region

*Community of Practice Meeting*

*Bangkok, Thailand – October 2008*

**Cover photo:** A college teacher is teaching her students about their role in society to curb corruption and promote integrity. Anti-Corruption Advocacy Campaign project of UNDP Bangladesh in partnership with DANIDA

**Photos inside the publication:** Michael LaPalme



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# Acronyms

<b>ABA</b>	American Bar Association
<b>AC</b>	Anti-corruption
<b>ACA</b>	Anti-corruption agency
<b>ACPN</b>	Anti-Corruption Practitioners Network
<b>ADB</b>	Asia Development Bank
<b>APEC</b>	Asia-Pacific Economic Cooperation
<b>BDP</b>	Bureau for Development Policy
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CPI</b>	Corruption perception index
<b>COP</b>	Community of Practice
<b>COSP</b>	Conference of States Parties
<b>CPI</b>	Corruption Perception Index
<b>CRC</b>	Citizen Report Card
<b>CSO</b>	Civil society organization
<b>DGG</b>	Democratic Governance Group
<b>DGTTF</b>	Democratic Governance Thematic Trust Fund
<b>ECIS</b>	Eastern Europe and the Commonwealth of Independent States
<b>GACAP</b>	Governance & Anti-Corruption Action Plan
<b>GDP</b>	Gross domestic product
<b>IATI</b>	International Aid Transparency Initiative
<b>IC</b>	Information centre
<b>ICT</b>	Information and communication technologies
<b>INTACT</b>	Integrity in Action
<b>LDC</b>	Least-developed country

<b>MII</b>	Malaysian Institute of Integrity
<b>MDG</b>	Millennium Development Goal
<b>M&amp;E</b>	Monitoring and evaluation
<b>MLA</b>	Mutual legal assistance
<b>NEAPAC</b>	North East Asian chapter of the Global Organization of Parliamentarians Against Corruption
<b>NGO</b>	Non-governmental organization
<b>PACDE</b>	Global Thematic Programme on Anti-Corruption for Development Effectiveness
<b>PEP</b>	Politically exposed people
<b>PIC</b>	Pacific island country
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>OIC</b>	Officer-in-charge
<b>RCB</b>	Regional Centre in Bangkok
<b>RHDR</b>	Regional Human Development Report
<b>SAPAC</b>	South Asian chapter of the Global Organization of Parliamentarians Against Corruption
<b>SEAPAC</b>	South East Asian chapter of the Global Organization of Parliamentarians Against Corruption
<b>SIDS</b>	Small island developing state
<b>SNAP</b>	Solutions Network of Asia Pacific
<b>StAR</b>	Stolen Asset Recovery Initiative
<b>TI</b>	Transparency International
<b>TOT</b>	Training of trainers
<b>UNCAC</b>	United Nations Convention against Corruption
<b>UNDP</b>	United Nations Development Programme

# Executive Summary

From 13 to 15 October 2008, the UNDP Regional Centre in Bangkok conducted a regional technical training on UNCAC, the United Nations Convention against Corruption, as follow-up to the first regional 'Community of Practice' meeting, held January 2007 in Phnom Penh.

The training aimed to consolidate the Community of Practice in Asia and the Pacific, and to provide participants with strategic guidance in implementing the United Nations Convention against Corruption (2003).

More specifically, it sought to

- deepen understanding of the technical provisions of the UNCAC and provide guidance in operationalizing the Convention through development programming instruments and mechanisms;
- facilitate exchange of experience and lessons learned in successful implementation of UNCAC provisions in Asia-Pacific countries;
- develop capacity in Asia-Pacific to sustain anti-corruption initiatives consistent with UNCAC; and
- foster synergies with other regional anti-corruption instruments and mechanism.

**"The training aimed to consolidate the Asia-Pacific Community of Practice and provide strategic guidance for implementing UNCAC."**

The technical training brought together 61 participants from 18 countries in the region, notably the Democratic Republic of Timor-Leste, the Democratic Socialist Republic of Sri Lanka, the Islamic Republic of Afghanistan, the Islamic Republic of Pakistan, the Kingdom of Bhutan, the Kingdom of Thailand, the Lao People's Democratic Republic, Malaysia, Mongolia, Papua New Guinea, the People's Republic of Bangladesh, the People's Republic of China, the Republic of the Fiji Islands, the Republic of Indonesia, the Republic of Korea, the Republic of Maldives, the Republic of the Philippines, and the Socialist Republic of Viet Nam. For three days, participants exchanged ideas and experiences in tackling corruption. The workshop included 33 presentations, all of them now available online (see the links in each session embedded in the presenters' names).

## **DAY 1 Building blocks for the training**

The first day of training addressed linkages between corruption and development. It also focused on technical UNCAC provisions and presented a perspective on anti-corruption programming in Asia-Pacific.

The first issue for consideration concerned the broad need to more surely recognize and address the problem of corruption in the interest of development effectiveness. Other sessions focused on the usefulness of a multilateral normative framework as the basis for reform programmes, and the identification of important Asia-Pacific regional trends.





## Session 1 Corruption and development

Phil Matsheza's presentation – addressing definitions, concepts and principles related to corruption and development – provided an overall conceptual umbrella for the workshop. UNCAC provides a development framework for UNDP, recommending multi-disciplinary approaches in both preventive measures and law enforcement. The UNCAC is a very comprehensive framework, but "the true measure of success of the United Nations is not how much we promise but how much we deliver for those who need us most".<sup>1</sup>

One key discussion point was the importance of measuring corruption. The best-known tools, in this regard, are the perception indexes, serving advocacy purposes over the past years and raising public awareness; for example in Bangladesh, once ranked at the bottom of Transparency International's corruption perception index (TI CPI). But the UNCAC Conference of State Parties has now endorsed a move towards a more objective, more nationally owned assessment whereby countries are compared against their own standards.

Another discussion examined the design of anti-corruption responses, whether comprehensive or stand-alone. The issue of mainstreaming anti-corruption measures proved a consistent thread throughout the workshop. But two caveats were raised about mainstreaming, citing experience with gender programming where mainstreaming meant the issue itself gets lost, and suggesting that a clear understanding of the sector-specific dynamics is needed to effectively address the problem.

## Session 2 Introduction: the United Nations Convention against Corruption (UNCAC)

A comprehensive overview of UNCAC – as foundation for the workshop - familiarized participants with the Convention's four substantive components: prevention, criminalization/law enforcement, asset recovery and international cooperation.

Asset-recovery provisions, a key UNCAC innovation, have created a common platform for international cooperation from a law-enforcement perspective. Getting legal assistance used to be very time consuming. A key UNCAC contribution to the fight against corruption across borders has been mutual legal assistance (MLA). UNCAC – which describes legal formalities, asset-recovery mechanisms, and the rules of repatriation and freezing of assets – revolutionized MLA, thereby eliminating many unnecessary steps.

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<sup>1</sup> Kofi Annan's Nobel Peace Prize acceptance speech.

This session demonstrated how UNCAC's reporting mechanism can document results among Member States, including their successes, lessons learned and failures in the fight against corruption, thereby promoting ratification and success on the part of other countries.

### **Session 3 Overview: Regional anti-corruption initiatives in Asia and the Pacific**

Participants saw how political will represents a key ingredient of success. At the same time they asked how and at what level of government this will is manifested (highest leadership or community decision-makers), and who else might be encouraged to champion the process.

'Political will' was seen to include 'room for maneuver' by policy-makers, and its exercise was understood to involve the leverage of this feature in generating momentum and ownership of reforms.

It also became clear, in this session, that specific cultural and social patterns – e.g. traditions of gift-giving found within some Pacific cultures – may be misinterpreted as corrupt practices.

## **DAY 2 Practical applications: Entry points, challenges and lessons learned**

The second day progressed to more practical UNCAC applications: e.g. entry points, challenges and lessons for successful anti-corruption programming. These sessions provided a forum for in-depth discussions of UNDP programming areas in democratic governance related to UNCAC articles on prevention:

- national and local institutional reforms;
- law enforcement; and
- engagement with the private sector, the media and civil society.

### **Session 4 Anti-corruption programming**

This session saw a shift from UNCAC's normative framework to actual programming, including accounts of how a sectoral approach could help to avoid overly ambitious and unrealistic anti-corruption agendas. Key components for sectoral programming include these:

- surveys and diagnosis of risks and vulnerabilities;
- expenditure tracking;
- benchmarks and indicators;
- regulatory review/licences;
- codes of ethics/conduct;
- ethics and human resource training;
- incentive systems;
- complaints and whistle blowing mechanisms in a sectoral context; and
- access to information.

This session reinforced themes considered in earlier discussions and anticipated those to come in later ones, such as the need for sound assessment of institutions and sectors in terms of vulnerability to corruption – whether through risk assessments, as highlighted by the Asian

Development Bank (ADB), or through integrity assessments elaborated on by Malaysia and Korea in their presentations.

This session also demonstrated how one holistic approach to fighting corruption yielded concrete results. Inspirational lessons from the Malaysia National Integrity Plan showed how a culture of ethics and social accountability could be grounded in a solid assessment of where the problems really lie.

## **Session 5 Anti-corruption programming for public-sector reform at national and local levels**

Referring mainly to the UNCAC chapter on prevention, training then focused on specific sectors.

**‘Transforming Institutions and Culture for Accountability and Transparency: Lessons from South Korea’.** This presentation demonstrated the usefulness of integrity-assessment surveys by public-service users in measuring vulnerability to corruption. The same basic principles and approaches can be applied to any organization in any country at either the organizational or the national level.

**‘MDG, Decentralization and Corruption in the Philippines’.** Empowered communities developed and tracked their own progress in achieving the Millennium Development Goals (MDGs) through functional citizenry feedback and voice mechanisms that systematize accountability and transparency. Sound MDG practices that promote transparency and accountability were adapted and replicated at the community level, ensuring that MDGs are achieved with integrity. Recommendations included

- localizing UNCAC provisions down to village level;
- monitoring progress and providing technical support to information centres (ICs) beyond project life; and
- documenting best practices and popularizing them for easy use and dissemination.

**‘Health Sector Integrity Initiative in Mongolia’.** The government increased transparency and accountability in the Ministry of Health and selected health organizations by identifying current constraints and bottleneck areas, developing mechanisms to address them, and promoting ethics and staff integrity through open discussions, training, codes of conduct and complaints handling. Addressing ethics and integrity issues requires long-term engagement.

**‘Harnessing Voluntary Public Officials Initiative: The Sri Lanka Clean Hands Campaign’.** This campaign rewards outstanding public officials, eliminates systems and procedures that lead to corrupt practices, and provides a forum for discussion of corruption prevention and best practices. Although only a few officers are involved in corruption, public officials are often afraid to talk openly about the problem. An ‘alliance’ was formed of officials who wished to maintain a ‘clean’ public service.

**‘Ensuring Transparency and Integrity in Public Procurement: Lessons from Asia and the Pacific’.** The Asian Development Bank (ADB) is involved in an initiative to ensure transparency and integrity in public procurement. Lessons learned so far include these:

- the need to benchmark national procurement systems, looking at procurement laws and regulations as well as the Organisation for Economic Co-operation and Development (OECD) baseline compliance and performance indicators;

- the importance of Executing Agency Capacity Assessments in looking at procurement risks and training requirements; and
- the advantages of e-government procurement and capacity development.

The session further emphasized

- the importance of citizen involvement in combating corruption;
- the need for 'clean' public servants who are also advocates within their respective public service systems;
- the importance of addressing all issues related to combating corruption, rather than merely focusing on law enforcement and, in so doing, perhaps neglecting prevention; and
- addressing the issue of remuneration for public servants in an effort to ensure that all receive an adequate wage.

This process requires long-term commitment.

### **Sessions 6 and 7 Judicial reform, law enforcement and oversight mechanisms**

Participants considered concrete examples of how judicial integrity is built or rebuilt in Indonesia and of how China has implemented UNCAC. They heard insights from Fiji as well as accounts of Pakistan's grievance redress mechanisms and the Philippines' multi-sectoral and comprehensive convergence anti-corruption programme.

These two sessions importantly addressed the need for an independent judicial sector and the need to introduce accountability and transparency. In doing so, participants agreed, discretion needs to be minimized at the same time as accountability is increased.

### **Day 3 Non-state actors, regional and global initiatives, and clinics on emerging issues in anti-corruption**

The third day covered non-state actors, regional collaboration and special clinics. These special clinics touched upon emerging issues in anti-corruption, including human rights, gender, post-conflict state building, and aid accountability.

### **Session 8 Civil society organizations (CSOs), the media and the private sector**

The Philippine Center for Investigative journalism presented best practices in investigative journalism as a tool to ensure public awareness and sustained engagement in holding elected public officials to account. Effective media efforts should be based on strong evidence – following the paper trail and following the money.

From freedom of expression to right to information to the specific example of the 'Citizen Report Cards', the message was clear: Information is power, particularly when it can mobilize people to take action, encourage open debate and dialogue with decision-makers, and introduce market competition to ensure effective delivery of public services, especially to the poor.

In the private sector, a remarkable change has occurred over the past five years. Where companies were asserting they had nothing to do with drugs, crime and corruption, that they had clean hands and were victims of public corruption, they are now acknowledging that the UNCAC can help them reduce corruption in their companies and in the countries where they do business. The United Nations Office on Drugs and Crime (UNODC) is currently working on a number of joint projects with the private sector in accordance with commitments they undertook in the Bali Business Declaration, following the 2007 Bali Conference of State Parties of the UNCAC.

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### **Session 9 Regional and international synergies**

ADB/OECD Anti-Corruption Initiative for Asia and the Pacific supports a network of anti-corruption policy-makers linked with other global initiatives. The Anti-Corruption Network for Eastern Europe and the Commonwealth of Independent States (ECIS) provides expertise from within the region and highlights the value of informal networking and knowledge exchange. Lessons from the region also reverberate in Asia-Pacific, emphasizing long-term engagement and capacity development, as well as better insights into the politics of corruption.

Another example from Sri Lanka emphasized the need for close international cooperation, particularly given limited national resources and capacity.

### **Session 10 Global COP and report back from clinics**

This session allowed for smaller-group discussions on emerging issues – on human rights, natural-resource revenue management, gender, post-conflict reconstruction, and international aid transparency – as they relate to anti-corruption. The clinics focused on linkages with UNCAC, challenges, and programming entry points for UNDP in democratic governance initiatives.

### **Conclusions and follow-up**

Overall, the workshop provided a useful opportunity to deepen participant understanding of UNCAC and to share experiences related to the operationalization of UNCAC in UNDP programming. The agenda provided a good mixture of topics and guest speakers together with an informative overview of UNCAC.

Some participants suggested having fewer presentations to allow more time for questions and answers. Nevertheless, participants rated workshop organization as ‘very good’ to ‘excellent’. Among other things, they appreciated the Solutions Network of Asia Pacific (SNAP) real-time availability of documents and presentations.

Participants suggested that UNDP proceed with establishing the ‘Integrity in Action – INTACT’ regional network of anti-corruption practitioners to share experiences and information. They also



proposed establishing a directory of focal points and, with relevant Ministries, organizing capacity-development activities at the country level. They also proposed follow-up workshops to assess progress in implementing UNCAC.

The UNDP RCB will ride this momentum in creating an interactive anti-corruption portal. The portal will focus on preventive measures in the fight against corruption and on anti-corruption initiatives aimed at reducing poverty and achieving the MDGs, highlighting sectoral approaches in areas such as education, health and non-renewable natural resources.

The portal will facilitate exchange among UNDP practitioners and national counterparts involved in UNDP anti-corruption initiatives. It will provide a one-stop shop for hands-on country-level experience generated by UNDP, government entities and CSOs in preventing corruption. Anti-corruption practitioners and partners in the region will be provided with readily accessible knowledge products developed at the country level.

At the country level, UNDP COs will pursue their activities to support UNCAC implementation. For example, in Bangladesh, UNDP will organize an 'Executive Training for the Government officials on the UNCAC' and a training-of-trainers (TOT) programme on the same topic. In Mongolia, the UNDP CO is planning several follow-up activities with its partners, including completing the UNCAC self-assessment immediately, undertaking the 'Compliance and Gap Analysis' using the Bangladesh framework and boosting work with civil society in the light of the Sri Lanka and Philippines experiences.

Corruption hinders development. That fact is supported by evidence from around the world. And corruption is a long-standing global phenomenon.

But it was only in the mid-1990s that the global community began responding to this serious developmental threat, a threat that has since been exacerbated by globalization and critical cross-border dimensions. Although it appears in different forms and varying magnitudes, corruption is found in both rich and poor countries, in both developing and developed countries.

Corruption hurts the poor disproportionately, hinders economic development, undermines state accountability and capacity to provide equitable and responsive public services, and diverts investments from infrastructure, institutions and social services. Furthermore, corruption fosters an anti-democratic environment characterized by uncertainty, unpredictability and declining moral values and disrespect for constitutional institutions and the rule of law. Corruption, therefore, reflects a democracy, human rights and governance deficit that has serious impacts on poverty and human security.<sup>1</sup>

The United Nations Convention against Corruption (UNCAC), the first international legal instrument of its kind, clearly demonstrates a global consensus on what countries should do to prevent and criminalize corruption, to improve international cooperation in combating corruption, and to recover assets. Many consider it a revolutionary step in international criminal law, a groundbreaking and innovative tool to promote good governance.

Since the UNCAC came into force on 14 December 2005, rallying reform in countries across the globe,<sup>2</sup> all UN agencies are expected to use this new framework in their anti-corruption initiatives.

**“Corruption reflects a democracy, human rights and governance deficit that has serious impacts on poverty and human security.”**

Currently a number of these agencies, including UNDP, are conducting a variety of country-level activities under different thematic groups. To maximize the impact of these activities and to ensure that they are mainstreamed into national development strategies, agencies need to synergize, to maximize resources in enabling the development of complementary areas of expertise. UNODC, a pivotal partner in anti-corruption programming, serves as UNCAC custodian.

Over the past decade, an estimated US\$100 million and more per year in public funds have been spent on anti-corruption activities. Overall, however, the impact of these measures has been modest, and the average quality of governance worldwide seems to have stagnated.

Corruption in Asia-Pacific remains a challenge for analysis and policy. The region presents great cultural, ethnic, political and religious diversity, diverging levels of human development, and regional governance models that range from autocratic regimes to one-party people's democracies to multiparty electoral systems. Design and implementation of realistic National Integrity Strategies must take into account all these factors.

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<sup>1</sup> UNDP Practice Note 2004, p. 1.

<sup>2</sup> As of this writing, 140 Member States have signed the Convention and 128 have ratified it. Among 27 countries that signed in Asia-Pacific, 16 have ratified.

Many anti-corruption initiatives fail because they are essentially non-political in nature, while most of the corruption in developing countries is highly political. Is there a causal relationship between levels of democratic governance and control of corruption? Research indicates that it is not so much the current degree of democracy that is important, but rather the length of time the democratic governance system has been in place. The more experience a country has with democracy, the better it can address corruption.

In addition, fighting corruption is no longer simply a domestic challenge. The cross-border impact of corruption and the need to share knowledge and experiences have inspired several regional initiatives. Among the most comprehensive and active networks is the ADB-OECD Anti-Corruption Initiative for Asia Pacific, which brings together representatives from anti-corruption institutions in 27 countries around the region, as well as a steering group of development partners including UNDP. See also the [Asia Pacific Action Plan](#).

ASEAN's Vientiane Plan of Action for 2004–2020 pays increased attention to corruption as a governance issue requiring special attention. Asia-Pacific Economic Cooperation (APEC) has constituted an expert group on corruption to support capacity-building in Member Countries. The Pacific Plan is also central to fighting corruption in the Pacific Islands, with recommendations to set up regional anti-corruption agencies, regional ombudsman offices and auditor generals.

Increased awareness of the detrimental effects of corruption has also caused parliamentarians to

**“Corruption hurts the poor disproportionately, hinders economic development, undermines state accountability and capacity to provide equitable and responsive public services, and diverts investments from infrastructure, institutions and social services.”**

unite in the fight against corruption. The North East Asian and South East Asian chapters of the Global Organization of Parliamentarians Against Corruption (NEAPAC and SEAPAC) were established in May 2003 and April 2005, respectively. An inaugural meeting of SAPAC (South Asian Parliamentarians Against Corruption) is planned.

The advent of UNCAC has revived interest in the issues to the extent that massive new donor funds will likely be available for implementation and monitoring of the Convention. To date, 140 countries have signed, and there are already 128 ratifications and accessions. Sixteen countries in the region – Afghanistan, Australia, Bangladesh,

China, Cambodia, Fiji, Indonesia, Mongolia, Pakistan, Papua New Guinea, the Philippines, Malaysia, Maldives, Republic of Korea, Sri Lanka and Timor-Leste – have ratified the Convention. But Asia-Pacific is lagging behind. Only 36 percent of the countries from this region have ratified, compared to 72 percent in Eastern Europe, 66 percent in Latin America, 64 percent in Africa, and 56 percent among the Arab states.

Article 5 of the UN Convention against Corruption requires the development and implementation of effective, coordinated anti-corruption policies promoting the participation of society. The importance of an appropriate blueprint for reform should not be underestimated. National anti-corruption policies are a crucial tool for dialogue on public integrity among civil society, the private



sector, government actors and the donor community. At the same time, however, there is the risk of overly ambitious, unsustainable plans that might eventually jeopardize public support for the anti-corruption effort.

Four main policy-development trends emerge from the region:

- Development of national policies are being linked to comprehensive strategies to combat corruption. Such plans have been developed in Bhutan, Indonesia, Malaysia, Mongolia, Nepal, Pakistan, Republic of Korea and Thailand. The Afghan National Development Strategy incorporates a comprehensive anti-corruption plan. Bangladesh, Maldives and Sri Lanka are also developing such strategies.
- Implementation plans are being developed for new anti-corruption laws that supersede what were formerly arrays of separate pieces of legislation. This often includes institutional development plans for anti-corruption agencies and other integrity institutions.
- UNCAC implementation involves countries undertaking in-depth assessment of their laws and regulations for combating corruption, analyzing gaps between the legislation in place and the mandatory and non-mandatory provisions of the UNCAC. Gap analyses are usually performed prior to ratification, as was the case in Bangladesh, China, Indonesia and Mongolia. Other countries, e.g. Sri Lanka, have ratified without undertaking such an in-depth legal assessment. A number of countries in the region have incorporated this UNCAC gap analysis in their short-term plans.
- While comprehensive strategies remain the fashion, a more recent trend supplements these strategies with sectoral approaches, either related to government agencies considered highly vulnerable to corrupt activities (e.g. tax, customs) or sectors crucial for the achievement of the MDGs. For example, UNDP Mongolia is supporting the Ministry of Health in improving its ethics, accountability and transparency infrastructure and the supporting governance structure. Anti-corruption initiatives that focus on sub-national levels are also being piloted in a number of countries (e.g. the Philippines).

UNDP work in fighting corruption is rooted in the agency's over-all goal of reducing poverty and promoting sustainable development. The UNDP approach to corruption and governance deficits is anchored in human development, concentrating on people's capacity to make choices about the life they wish to lead. It goes beyond economic well-being to include respect for principles of human rights, equality and freedom from oppression.

To these ends, UNDP launched Integrity in Action (INTACT) in Phnom Penh (24–27 January 2007), the first regional Community of Practice of its kind. This meeting brought together UNDP practitioners, stakeholders and counterparts to share experiences and lessons learned in the area of anti-corruption. It also helped prepare for the 2007 Regional Human Development Report on Corruption. Following up on the INTACT launch, UNDP, together with UNODC, ADB, Transparency International and other partners, convened this regional training workshop on the UN Convention against Corruption (UNCAC), held in Bangkok (Thailand), 13–15 October 2008.

Overall, the regional training workshop aimed to consolidate the Asia-Pacific Community of Practice and provide participants with strategic guidance on how to implement the Convention. More specifically, the workshop aimed to

- deepen understanding of the technical provisions of the UNCAC and of ways to operationalize the Convention through development programming instruments and mechanisms;

- facilitate the exchange of experience and lessons learned in successful implementation of UNCAC provisions in Asia-Pacific countries;
- develop capacity to sustain anti-corruption initiatives consistent with UNCAC in Asia-Pacific countries; and
- foster synergies with other regional anti-corruption instruments and mechanisms in Asia-Pacific.

**“Overly ambitious, ultimately unsustainable plans might jeopardize public support for the anti-corruption effort.”**

The three-day workshop emphasized interactive activities facilitating South-South exchange among participants. Participant selection was based on ‘expressions of interest’ that identified key contributions that the delegations could provide. In this way, participants benefited from the training as much as they contributed to it. The target audience, meanwhile, comprised national government counterparts and others working to promote the fight against corruption. It also included UNDP staff, ensuring capacity is developed at the Country Office level in support of government programmes.

The workshop achieved its expected outputs: building stronger capacity for programming activities using UNCAC as a framework; enhancing South-South cooperation; and establishing regional partnerships.

## Opening Session

Marcia Kran, Officer in Charge, UNDP Regional Centre in Bangkok, opened the workshop by noting that many societies have experienced declining trust among citizens in their governing institutions. The gap between the ethical standards that people expect from public officials and business leaders and what they see in practice is raising concerns about overall social integrity.

Meanwhile, the current global financial crisis is propelling intense debate regarding the way the global financial system functions, raising additional integrity and transparency concerns.

Asia is not being spared, in this period of financial and economic turmoil. And, despite remarkable economic progress in Asia-Pacific, 50 percent of the world's poor still live in this region. Perceived high levels of corruption remain, continuing to dilute regional development achievements. If we want to improve the lives of the millions of people who live in extreme poverty, then the fight against corruption has to be made a top priority at all levels. Corruption not only endangers the stability of democratic institutions, it also leads to discrimination in the delivery of services, thus violating human rights. The poor in particular, given that they suffer from corruption in their daily lives more than anyone else, deserve to enjoy the basic human right to live in a corruption-free society.



UNCAC is clearly a landmark achievement in the global move to stop corruption. It represents an international response to corruption as a transnational phenomenon affecting all societies and economies, one that shows the need for international cooperation in prevention and control. It also provides benchmarks that allow civil society to hold Governments accountable for anti-corruption activities.

Corruption seriously drains resources allocated for human development. UNDP considers UNCAC essential to the strengthening of democratic governance in support of poverty alleviation and human-rights protection. Indeed, promoting accountable and transparent governing institutions and respect for international norms and standards of integrity and accountability has become one of UNDP's fastest growing areas of support, both regionally and worldwide.

**“Corruption seriously drains resources allocated for human development.”**

At the global level, UNDP has just launched a new Global Programme on Anti-Corruption for Development Effectiveness. This initiative focuses on building and enhancing effective partnerships among various agencies and institutions working in the field of anti-corruption.

At the regional level, several regional networks have been established, notably the Anti-Corruption Practitioners Network (ACPN) for Eastern Europe and the CIS coordinated by the UNDP Bratislava Regional Centre and the Anti-Corruption Network in the Arab States, organized by the UNDP Regional Centre in Egypt. The Regional Centre in Bangkok (RCB) has just launched its new Asia Regional Governance Programme, which also contains an anti-corruption component, focusing mainly on support to UNCAC implementation and related public-sector reforms.

The RCB has already taken practical steps to support UNCAC implementation. In 2005, it published a comparative study entitled '[Institutional Arrangements for Combating Corruption](#)' that has been translated into various national languages in the region and is enjoying wide use. The Centre has produced [television ads](#) that vividly depict the losses to healthcare and education from corruption, and offers these ads to countries around the region. RCB has organized several training workshops on media and corruption. RCB also plans to train indigenous journalists through the Regional Indigenous Peoples Programme, allowing them to better report on the governance issues that affect these communities in particular. '[Tackling Corruption, Saving Lives](#)', UNDP's latest Regional Human Development Report, also addresses corruption and its impact on human development in the region.

But the bulk of UNDP work in the region still directly targets the country level, where anti-corruption initiatives range from raising awareness to helping develop anti-corruption legislation and national integrity strategies, building the capacity of anti-corruption agencies and supporting the media and civil society. In addition, UNDP interventions in other governance-related areas – e.g. parliamentary reforms, access to justice, local governance and public administration reform – all contribute in a holistic manner to the strengthening of national integrity systems.

**“The poor in particular, given that they suffer from corruption in their daily lives more than anyone else, deserve to enjoy the basic human right to live in a corruption-free society.”**

The Community of Practice meeting offered a unique chance for UNDP to facilitate exchange of experiences among practitioners in the field and development partners, gleaning new insights in how to improve anti-corruption programming. The diversity of people who participated in the meeting was testament to the UNDP desire to expand partnerships to other development partners and organizations with whom the agency has established a solid relationship over the years.

Including 'practitioners' in the fight against corruption from many countries in the region provided a breadth of real, live, practical experience in how to address the problems even in the face of severe obstacles and resistance, and in how to tailor programmes to support UNCAC implementation at the country level.

## Session 1 Corruption and development

<b>Chair:</b>	<b>Marcia Kran</b> , OIC, UNDP Regional Centre in Bangkok (RCB)
<b>Speaker:</b>	<b>Phil Matsheza</b> , Anti-Corruption Adviser, Bureau for Development Policy (BDP), Democratic Governance Group (DGG), UNDP
<b>Rapporteur:</b>	<b>Samuel De Jaegere</b> , Policy Analyst, Public Administration Reform and Anti-Corruption, UNDP RCB

[Phil Matsheza's presentation](#) provided an overall conceptual umbrella for the workshop, addressing definitions, concepts and principles related to corruption and development. With the UNCAC now coming into force, the speaker stressed the immediate need to define the UNDP entry point vis-à-vis other UN organizations, most notably, and vis-à-vis other partners.



The UNCAC preamble recognizes that corruption jeopardizes sustainable development. The UNCAC itself provides a comprehensive development framework calling for multi-disciplinary approaches, including preventive measures and law enforcement. No matter how comprehensive UNCAC might be, however, “the true measure of success of the United Nations is not how much we promise but how much we deliver for those who need us most”.<sup>1</sup>

Corruption entails enormous costs. According to World Bank Institute estimates, more than \$US1 trillion is paid in bribes every year – just over 3 percent of world income in 2002. Corruption can inflate the cost of producing goods by as much as 20 percent. In fact, however, figures about corruption don't mean that much. The impact of corruption on the actual lives of people is much more striking, where illegal logging erodes sustainable livelihoods, faulty drugs endanger human lives, hiring of non-performers delivers poor public services, etc. In short, it is important to focus on the human face of anti-corruption.



Corruption is not a disease; it's a symptom. The disease is governance deficits. UNDP should therefore focus on democratic governance in the context of environment and sustainable development, poverty reduction and crisis prevention and recovery. The first generation of UNDP AC support focused on accountability, transparency and integrity. UNCAC now has 128 ratifications, and the demand for AC interventions at country level is rising. Hence, UNDP recently launched the Global Thematic Programme on Anti-Corruption for Development Effectiveness (PACDE), which aims to develop capacity at the country, regional and global levels.

<sup>1</sup> Kofi Annan's Nobel Peace prize acceptance speech.



Post-presentation discussion included questions about measuring corruption. The speaker observed that several diagnostic tools have been developed since the 1990s. Best known are the perception indexes, which have proven very useful for advocacy purposes and in raising public awareness, for example in Bangladesh (once ranked first on the Transparency International index). The UNCAC Conference of State Parties has now endorsed a move towards a more objective and nationally owned assessment, whereby countries are being compared against their own standards.

One participant argued that corruption is only possible when institutional deficits exist, and that anti-corruption programming should address these deficits by promoting transparency, accountability and integrity and taking into account the voices of citizens. UNCAC does promote the involvement of civil society, notably the media, as well as access to information policies.

**“It is important to focus on the human face of anti-corruption.”**

One participant asked whether anti-corruption programming should attempt to be comprehensive, or whether it ought to focus on sector-specific issues, and mainstream anti-corruption into education, health or other sectors. But mainstreaming is not easy, since one needs to clearly understand the sector-specific dynamics. And methodologies for sector-specific anti-corruption programming are not always available. On the other hand, targeted programming may be very effective. The introduction of e-governance in some sectors may significantly reduce corruption.

Participants highlighted several challenges in the fight against corruption, one of these being that international actors such as UNDP and UNODC seem to ‘talk the talk instead of walk the walk’. Another challenge – especially in the Pacific region, where practices such as gift-giving are not considered corrupt – is cultural relativism in addressing these issues.

Finally, discussion focused on whether corruption, where it ‘greases the wheels’ and gets things done, might actually further development. It was suggested that one needs to distinguish here between economic development and human development, and it is obvious that corrupt practices in healthcare and education do not promote human development. On the contrary, they are symptomatic of a dysfunctional system.

In conclusion, this session

- situated anti-corruption within the core mandate of UNDP to pursue the MDGs;
- highlighted the human face of anti-corruption;
- and encouraged participants to exchange lessons learned.

The speaker recommended the [User’s Guide to Measuring Corruption](#) for information regarding diagnostic tools and the most appropriate measurements in a given context. The Chair reminded participants about previously produced TV ads that graphically portray the gravity of corruption in terms of human development. These ads are available at the Regional Centre in Bangkok, and can be translated into different languages to make a persuasive case against corruption and for anti-corruption programming in countries in the region (see [example from Malaysia](#)).

## Session 2 Introduction to UNCAC

<b>Chair:</b>	<b>Khamhheuang Bounteum</b> , Director General of the Treaties and Law Department, Ministry of Foreign Affairs, Lao PDR
<b>Speakers:</b>	<b>Giovanni Gallo</b> , Crime Prevention Expert, UN Office on Drugs and Crime (UNODC) <b>Yara Esquivel</b> , International Centre for Asset Recovery at the Basel Institute on Governance
<b>Rapporteur:</b>	<b>Dirk Wagener</b> , Assistant Resident Representative, Head of Governance Unit, UNDP Lao PDR

[Giovanni Gallo's presentation](#) provided a comprehensive overview of UNCAC principles, provisions and current progress, and introduced the Convention's genesis, fundamentals and structure. It's worth noting that the Convention does not propose a formal definition of corruption, since this might limit its scope where new forms of corruption evolved in future.

During the past 12 years, various regional treaties have responded to the issue of corruption, but – either focusing only on specific regions or specific manifestations of corruption – all lacked the comprehensiveness required to address the issue effectively. The UNCAC is the first global comprehensive anti-corruption treaty introducing the concept of asset recovery and return to its rightful owners. It also promotes international cooperation as the basis for fighting corruption's cross-national nature.



[UNCAC comprises four components](#): prevention, criminalization/law enforcement, asset recovery and international cooperation. Negotiated in less than three years, a record time, the treaty was

unanimously accepted by the UN General Assembly in 2003 and came into force on 14 December 2005 with 30 ratifications. Currently, 128 countries have ratified the Convention, with a fair balance between Asia-Pacific and other regions around the world.

UNCAC describes different levels of obligation, among them mandatory provisions, measures that States need to consider, and optional measures. The treaty obliges Member States to establish one or more dedicated anti-corruption bodies for policy implementation and dissemination. These bodies must be independent, i.e. free from political influence, financially independent and adequately resourced, and their staff must be properly trained. The treaty also requires asset disclosure of politically exposed people (PEP), funding disclosure of political parties, involvement of civil society in the fight against corruption through access to information, private-sector requirements such as enhanced accounting, and independence of the prosecution and judiciary.

UNCAC is administered by UNODC, which provides secretarial support to the Conference of the States Parties (COSP), promotes further ratification and supports COSP working groups on review of implementation, asset recovery and technical assistance. The UNCAC monitoring mechanism is still evolving. Currently, a self-assessment checklist is being used to measure country performance in the implementation of selected UNCAC Articles from all four substantive chapters of the Convention. However, the survey is not designed to measure corruption or to index or rank countries based on their performance.

The provision of development assistance is not linked to the implementation of the UNCAC. Instead, it is driven by the needs identified by requesting states. Among the reporting States Parties, 66 percent are in need of technical assistance to ensure or improve UNCAC implementation.

UNCAC's criminalization and law-enforcement pillar includes five mandatory and six other offences of corruption that States parties are obliged to consider introducing into their domestic systems. The mandatory offences include bribery of national civil servants, 'active' bribery of international civil servants, embezzlement, money laundering and obstruction of justice. The six non-mandatory offences are 'passive' bribery of international civil servants, trading in influence, abuse of function, illicit enrichment, bribery and embezzlement in the private sector.

Member States can introduce additional and tougher laws to criminalize corruption. These States are also expected to introduce specialized agencies to look after law enforcement.

International cooperation is an important component of the UNCAC, since both alleged perpetrators and corrupt money can cross borders. The treaty includes various articles regulating mutual legal assistance, extradition and other international cooperation measures such as joint investigations.

**“UNCAC clearly represents a landmark achievement in the global move to stop corruption.”**

UNCAC's asset-recovery provisions are based on the principle that confiscated proceeds of corruption need to be returned to legitimate owners (individual or state), a very recent development in international law. Previously, the return of assets was at the discretion

of the confiscating State, and later attempts to settle the recovery of assets introduced sharing arrangements and joint disposal. However, the UNCAC clearly specifies that there is no longer any discretionary element – all proceeds should be returned without conditions to their country of origin and rightful owners. The World Bank and UNODC launched the Stolen Asset Recovery Initiative (StAR) in 2007 to assist Member Countries in building legal capacity to initiate legal action, meet evidential requirements and enable countries to manage their asset-recovery cases, both forensic and investigative. It also promotes legal and institutional reform (e.g. assistance to specific departments).

Yara Esquivel presented the topic of [‘Strengthening the Ability of Developing Countries to Recover Assets Stolen or Hidden in Foreign Jurisdictions: What has been Accomplished with UNCAC? What Remains to be Done?’](#). UNCAC's innovative asset-recovery provisions create a common platform upon which to address this issue from a law-enforcement perspective. UNCAC specifies various articles and provisions dealing with asset recovery. International cooperation is a great advancement, since previously the process to obtain legal assistance was very time





consuming. UNCAC has revolutionized mutual legal assistance (MLA) and eliminated many unnecessary steps. The Convention provides formal rules for asset-recovery mechanisms, repatriation and freezing of assets.

Subsequent discussion looked at issues of transparency and effectiveness of [development aid in post-conflict situations](#), and whether UNCAC provisions help reduce corruption under these circumstances, i.e. situations where, instead of being delivered through the Government, aid is provided directly through sub-contractors and non-governmental organizations (NGOs). It became clear that corruption also affects international public officials, something that is covered in UNCAC provisions. Given the implementation of private-sector non-mandatory offences as stipulated in the UNCAC, private-sector corruption can also be criminalized and included within national penal codes.

The point was also raised that national levels of corruption remain relatively low in countries such as Japan and Australia, even though they do not have dedicated anti-corruption bodies, with the relevant responsibilities spread across various institutions.

UNCAC calls for specific anti-corruption bodies covering prevention, investigation and enforcement (Articles 6 & 36). However, these functions can be either combined into one body (the combined model) or shared across a number of them. Whether combined or not, these bodies must be independent from the government executive and able to function effectively.

There are three generic models:

- combined prevention, investigation and enforcement;
- prevention in one body, with investigation and enforcement combined in another; and
- each of the three functions covered by a separate body.

There is insufficient data to determine which is the most effective model. In any case, it is crucial that those bodies enjoy strong political backing.

Participants asked whether the UNCAC reporting mechanism also documents successes, lessons learned and failures in the fight against corruption of Member States in order to promote ratification among other countries. By way of clarification, they learned that the UNCAC review mechanism is only a method of collecting information and, only newly implemented, the mechanism has yet to define typical reactions to its assessments. So far, only one cycle of information collection has been completed (2007); a second one is currently underway.

Questions arose concerning the tracking of official development assistance (ODA) and special/discretionary funds. This is another area where political support is needed to ensure transparency in bidding processes, etc. A further question was raised as to why ODA should not be linked to UNCAC implementation. It was explained that such conditionality was to be avoided, since sectoral ODA, for example, should not be linked to anti-corruption progress, as this may have an impact on the poor and vulnerable, who cannot be held responsible for insufficient implementation of the UNCAC by their Governments.

One query concerned the best institutional model to adopt in implementing the UNCAC in small island developing states (SIDSs) and least-developed countries (LDCs) contexts, since those countries often lack resources and capacities for successful UNCAC management. In response, the Caribbean was referred to as an example of where regional agencies have been established.

Some AC bodies do not enjoy real independence, it was argued, because they lack sufficient resources, a clear mandate, adequate staff salaries, and staff security.

In terms of UNCAC implementation, it was said, it is the prerogative of the respective ratifying country to directly implement the treaty or to apply its provisions through incorporation into such domestic legislation as penal codes.

UNCAC provisions on proceeds from crime, participants learned, only pertain to those obtained from corruption-related crimes. But there is usually no need to first prove a corruption crime before asset-recovery actions can be initiated. Money laundering is a crime in itself, and can be referred for direct prosecution; parallel investigations of corruption and money laundering are also possible. Some countries, however, require that a given crime be proven before proceeding to the recovery of proceeds from the crime.

No online depository provides data on countries that have fully satisfied all UNCAC requirements. (In fact, no country is considered fully compliant with the UNCAC provisions at this stage, and it is hard to imagine this being ever possible.) However, an official online directory with contact details for all central authorities for mutual legal assistance is under development. The data is already available in rudimentary form in the [declarations made by State parties upon ratification of the Convention](#) and on the [International Centre for Asset Recovery's website](#).

If someone receives an asset as a bribe in a foreign country, a civil lawsuit based on UNCAC can be initiated.

The question arose as to whether, if the respective State or Government does not take action, an NGO can pursue corruption cases. Though the UNCAC only refers to State parties, civil society has been successful in pushing Governments to pursue cases. But any individual or legal person (as per law) can claim damages and compensation, and States can also be victims of corruption in court.

**“UNCAC is the first global comprehensive anti-corruption treaty introducing the concept of asset recovery and return to its rightful owners.”**

Whether civil or criminal action for asset recovery is more effective or appropriate depends on the specific case at issue. Civil cases usually take longer than criminal cases but, since UNCAC authorizes preventive freezing orders, time considerations might not be an issue. Both avenues can be pursued.

In conclusion, UNCAC represents a milestone achievement in the fight against corruption. It introduces a comprehensive anti-corruption framework consisting of prevention, implementation/ law enforcement, asset recovery and international cooperation obligations. The asset-recovery provisions and mutual legal assistance in particular present real innovations as part of the international cooperation element, and have catalyzed the fight against multinational corruption crimes.

## Session 3 UNDP anti-corruption efforts in Asia-Pacific

<b>Chair:</b>	<b>Fathmath Anoola</b> , Assistant Director, Anti Corruption Board Maldives
<b>Speakers:</b>	<b>Pauline Tamesis</b> , Coordinator for Asia Regional Governance Programme, RCB <b>Ernesto Bautista</b> , Governance Team Leader, UNDP Pacific Centre
<b>Rapporteur:</b>	<b>Masood Amer</b> , Assistant Country Director a.i., UNDP Afghanistan

Two key messages emerged from this session. Firstly, there was the issue of a gift-giving culture, and how, especially in the Pacific, certain traditions may be misinterpreted as corrupt practices. Secondly, the importance of political will was highlighted as one of the key ingredients for success.

While the corruption perception index (CPI) makes a good advocacy tool, multi-dimensional approaches are necessary in preventing corruption. Necessary ingredients include political will and commitment, since corruption is often political in nature. 'Political will' was seen to include 'room for maneuver' by policy-makers at all levels, from the highest level to the community level.



Several countries in the region have made significant progress in recent years. However, according to Transparency International's Global Corruption Report 2008, 22 out of 32 countries still scored below 5 in the CPI, with New Zealand as the cleanest country and the Union of Myanmar and Afghanistan at the bottom of the list. Sixteen countries in the region have now ratified the UNCAC.

The [Asia-Pacific region](#), rich in cultural, ethnic and religious diversity, is also characterized by growing inequalities and a wide range of political systems. Nevertheless, countries in the region have undertaken some similar approaches in tackling corruption – e.g. formulating anti-corruption strategies, adopting UNCAC implementation-monitoring plans and (e.g. in Mongolia) crafting supplementary strategies with sectoral approaches. A common area of difficulty for countries in the region has been the justice sector, which has been prone to corruption. According to the Regional Human Development Report (RHDR), respondents lack confidence in law-enforcement institutions.

Lessons learned from the region indicate the need for

- greater and more broadly based understanding of governance and political economy;
- forging partnerships with non-state actors;
- sequencing interventions;
- mobilizing resources; and
- providing anti-corruption bodies with more realistic mandates.

Countries in the region have also paid more attention to assets declaration, with emphasis on accountability and screening of public officials. Bhutan, for example, has formulated a comprehensive anti-corruption strategy tackling this issue in the public sector.

**“Political will is one of the key ingredients for success.”**

[Ernesto Bautista’s presentation](#) on UNDP anti-corruption initiatives in the Pacific highlighted distinctive features of the region, where national populations range from 5,000 to 5,000,000 people, and where many countries remain in post-colonial situations with limited experiences in governance and institution building.

In consequence, a regional approach is being developed with options for regional accountability, including the possible establishment of a regional ombudsman mechanism. Other UNDP initiatives include advocacy for ratification of UNCAC (so far only PNG and Fiji have ratified the Convention), support for the development of national anti-corruption action plans, advocacy for freedom to information, developing capacity of the media, support for social accountability initiatives, and the establishment of a NHRC in PNG.

Key development partners for the region include the Pacific Forum Secretariat and national government agencies, e.g. PIC Ombudsman Offices, the Commonwealth Ombudsman of Australia, CSOs and AusAid.

Challenges to implementing anti-corruption programmes in the Pacific include very limited capacity, both technically and financially, on the part of most Pacific island countries (PICs); limited reach and presence of the central Government; limited public understanding of the core functions of Government; aspects of cultural practices such as gifting; and political will. Key issues for sustainability include political will; building broad-based public awareness and understanding of the reforms; building accountability mechanisms in the provision of service delivery; and, given the limited capacity, a strategic incremental/regional approach. For quick facts on accountability institutions in the region, see the presentation.

In a final observation, one of the speakers remarked that corruption is a complex phenomenon requiring collective responses. Picking up on a comment made earlier, it was stressed that UNDP also needs to practise what it preaches and improve its internal capacity and transparency. The establishment of ethics measures, ethics training, disclosure of assets, stronger audit and review mechanisms are examples of efforts to improve UNDP’s internal system and accountability.

## Session 4 Anti-corruption programming (Incl. experience from Malaysia)

<b>Chair:</b>	<b>Francisco de Carvalho</b> , National Director, Office of Inspector General, Timor-Leste
<b>Speakers:</b>	<b>Phil Matsheza</b> , Policy Adviser, Anti-Corruption, UNDP BDP/DGG <b>Patrick Keuleers</b> , Senior Policy Advisor, Public Administration Reform & Anti-Corruption and Governance Practice Team Leader, UNDP RCB <b>Sandra Nicoll</b> , Governance and Capacity Development, ADB <b>Anis Yusaf Yusoff</b> , Director, Political Sector, Institut Integriti Malaysia
<b>Rapporteur:</b>	<b>Panvirush Vittayapraphakul</b> , Programme Assistant, UNDP



This session addressed UNDP's corporate approach to supporting UNCAC implementation. It discussed programming options with a view to identifying ways to mainstream support for UNCAC implementation. Participants also discussed ideas for new initiatives with programmatic value, partnership strategies, funding possibilities, and management arrangements.

[Phil Matsheza](#) clarified the basis for anti-corruption programming, which may differ from one country to another. For example, it might

be the result of a self-assessment processed by UNODC, in follow-up to a needs assessment or scoping mission, or in order to meet international demands (EU entry requirements, MCA criteria or expectations from donors).

International anti-corruption cooperation has two faces: corruption prevention, and combating corruption. UNDP's niche is in the prevention side, i.e. developing AC policies, AC bodies and AC mechanisms in supporting the private sector, civil society and the media. (Refer to UNCAC Articles 5, 6, 7, 8, 9, 10, 12 and 13.)

AC programming faces a number of challenges:

- building bridges between corruption prevention and combating corruption;
- mainstreaming AC principles in donor assistance;
- designing a comprehensive approach rather than stand-alone projects; and
- securing political will and resource availability to ensure AC programmes make positive and sustainable impacts on the poorest.



Phil Matsheza then presented the objectives and potential AC interventions of the recently adopted UNDP Global Thematic Programme on Anti-Corruption for Development Effectiveness (PACDE), and highlighted areas of cooperation with other UNDP Bureaus and, within the Bureau for Development Policy, across service and practice areas. Examples of potential AC interventions at the country level were also mentioned.

Finally, he summarized the guidelines for AC programming:

- engage all relevant stakeholders (public, private, CSOs and judges) both in formulating programme and monitoring progress;
- get the process right (e.g. sufficient consultations and risk analysis);
- take into account the sustainability issue from the outset (resources may be readily available for national initiative, but it is hard to secure enough resources for sectoral programmes);
- be realistic while developing a project/programme;
- the programme should be knowledge-based;
- project the programme within a realistic timeframe (e.g. the lifespan of a government);
- note that prioritization and sequencing are important, but that they are context specific;
- if possible, conduct gap and risk analyses to determine entry points and to effectively prioritize and sequence interventions;
- adopt joint assistance strategies for better resource mobilization and coordination (e.g. working groups with donors and national counterparts);
- incorporate national anti-corruption plans within development strategy documents;
- promote sectoral approaches, e.g. education or justice could prove effective, but they should be a part of a broader strategy (not stand-alone initiatives) from the perspective of sustaining AC initiative;
- build upon the insight that corruption is a cross-cutting issue (this gives one more opportunities for programming);
- seize the opportunities for AC intervention (appropriate times include after an election; after regime change; post-scandal and post-conflict situations); and
- from the outset, be clear about responsibilities (establish who is going to be responsible for what).

**“Sectoral anti-corruption programming in health, education and clean water supply helps achieving the MDGs.”**

[Patrick Keuleers presented](#) AC entry points through sectoral programming. This recent trend differs from the comprehensive approach, focusing on specific sectors such as education, health or justice. Advantages of the sectoral approach include these:

- its potential to produce tangible results relatively quickly;
- its capacity to recognize the particularity of organizational cultures in different sectors, and the need to look at the details of particular professional practices (e.g. in maternal health);
- its obvious link with poverty eradication and the pursuit of the MDGs;
- its promotion of participatory approaches with civil society and the private sector;
- its compatibility with ‘one UN’ programming (e.g. with UNICEF, WHO, UNESCO, depending on the sector) to enhance development effectiveness; and

- sectoral approaches at the micro-level can find that political leadership is more pronounced and political will more readily available than they are in comprehensive approaches at the macro-level.

UNCAC support for sectoral approaches is found in Articles 5 (preventive AC policies and practices), 7 (public sector), 8 (code of conduct, asset declarations, whistle-blowing and disciplinary measures), 9 (procurement and financial management), 10 (transparency, public reporting and simplification), 12 (private sector), and 13 (participation of civil society and media).



A number of elements need to be considered when using the sectoral approach:

- surveys and diagnosis of risks and vulnerabilities;
- expenditure tracking;
- benchmarks and indicators;
- regulatory review/licences;
- codes of ethics/conduct;
- ethics and HR training;
- incentive systems;
- complaints mechanisms/whistle blowing;
- access to information;
- introduction of information and communication technologies (ICTs); and
- pilot initiatives.

Sectoral programming should focus on the MDGs (health, education, water and sanitation, and natural resource management) and legal empowerment at the local level. To succeed with sectoral programming, one must find the right champions and work with them. At the same time, all relevant stakeholders must be involved in the initiative. Complaint mechanisms must be set up. Finally, monitoring and evaluation system must be sufficiently effective.

[Sandra Nicoll presented](#) risk assessments in governance and capacity development programming.

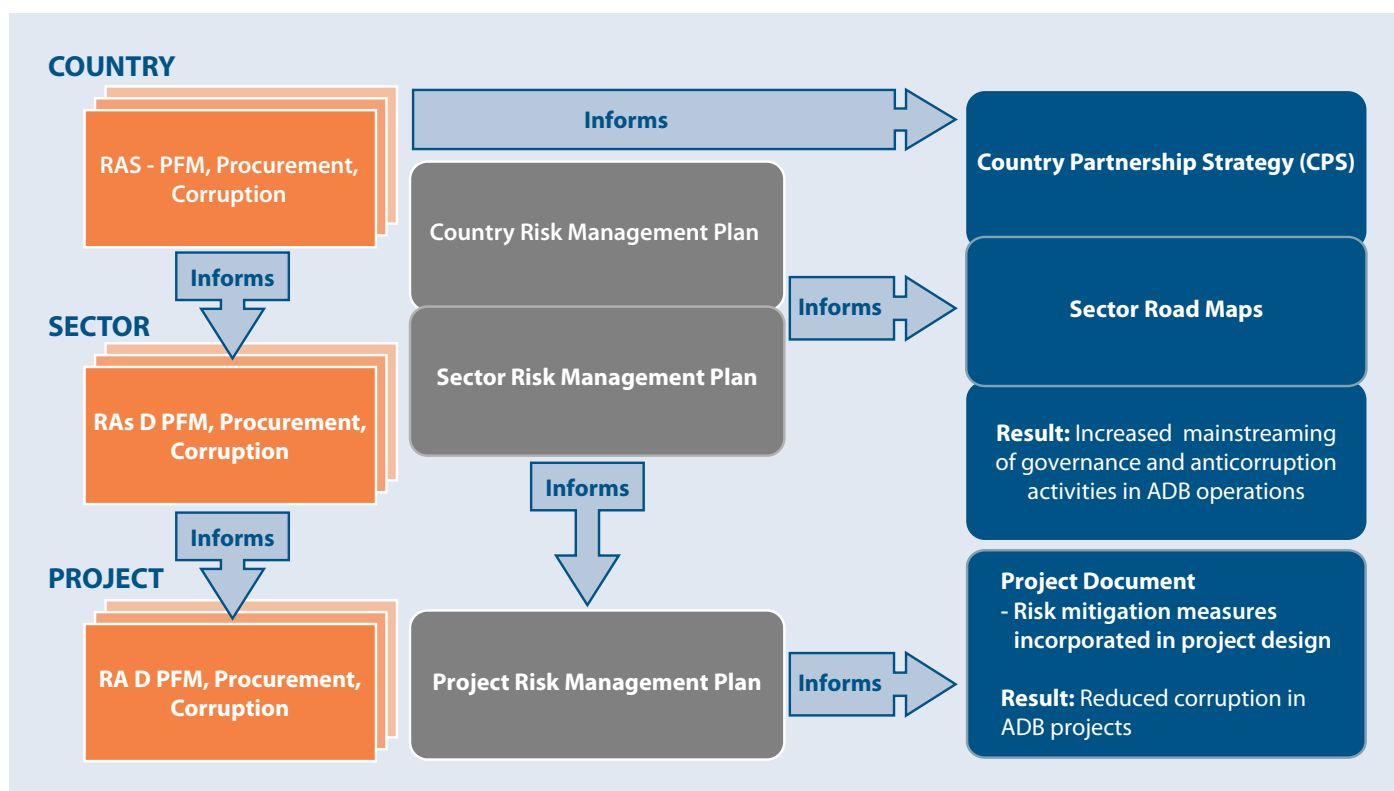
In 2005, ADB reviewed implementation of its policies and looked into core government institutions. Although the policies were relevant, they were only partially implemented, and insufficient to tackle corruption. Action plans proved overly ambitious, while resources were spread too thinly, with not enough invested to mainstream the policies in ADB sector work.

Therefore, the Second Governance & Anti-Corruption Action Plan (GACAP II) adopted a risk-based approach to governance assessment. This offers a better tool to combat corruption. Three priorities (thematic areas) were chosen because they proved most effective: public financial management, procurement, and combating corruption.

Using a risk-based approach in AC initiatives assists Governments in prioritizing actions and investments needed to strengthen systems and reduce risks over time. ADB investment can therefore be more sharply focused on addressing major risks to development effectiveness.

There follows a graphic representation of the workflow in implementing GACAP II.

## Implementation of GACAP II



[Anis Yusaf Yusoff presented Malaysia's experience](#) in public-sector reforms and anti-corruption programming.

He began his presentation by referring to the *Report of the Commission of Enquiry into the Integrity of the Public Services, Federation of Malaya* (1952), which emphasizes that the key to success with AC initiatives is 'the attitude of the public'. A number of positive changes occurred in Malaysia in 2004 when the Malaysian National Integrity Plan was launched with the aim of providing a framework for public policies, private-sector initiatives and contributions by CSOs and the public at large in national efforts to enhance integrity and fight corruption.

The Malaysian Institute of Integrity (MII) was established to implement the Plan in developing a nation of high integrity and resilience that embraced universal values. At the same time, the National Integrity Perception Index Study was launched. The latter initiative aimed to measure levels of public understanding and perceptions of corruption to gauge how effectively the National Integrity Plan was being implemented, and to ensure that efforts towards improving the integrity agenda were conducted in a systematic, consolidated and continuous manner.

In addition, ASEAN Integrity Dialogues were introduced as a channel for discussion of global and regional issues related to values, ethics and integrity. The Dialogues were to focus on promoting information sharing among ASEAN countries; on a culture of integrity among the Malaysian community; on closer work with ASEAN friends; and, in general, on both new and renewed cooperation among the various organizations and institutions from countries at the global and regional levels.

MII and UNDP share a history of cooperation. In its infancy, for example, MII requested technical assistance from UNDP Malaysia, which managed to access funds on MII's behalf from the Democratic



**“International anti-corruption cooperation has two faces: corruption prevention, and combating corruption. UNDP’s niche is in the prevention side.”**

Governance Thematic Trust Fund (DGTTF). Malaysia is now a UNCAC signatory, having ratified the Convention on 25 September 2008.

Malaysia’s AC initiative has sought to integrate private and public sectors. Taking steps to ensure

its initiative is sustainable, the Malaysian Government will restructure the Anti-Corruption Agency (ACA) as a full-fledged Malaysian Commission on Anti-Corruption. In addition, the Government will establish both an independent ‘corruption prevention advisory board’ and a parliamentary committee on the prevention of corruption. The Commission will table its annual report with this parliamentary committee, and members of the committee can seek further clarification.

A delegate from Bhutan shared his country’s experience with simplifying public-sector procedures through a standard cost model, assessing the administrative burdens and the effectiveness of service delivery. All governmental entities assess the administrative burden and report to the Ministry of Finance, which sets targets to reduce bureaucracy under penalty of a reduced budget.

A delegate from Afghanistan underlined the role of citizens and civil society, as they are the ultimate victims of corruption and need more attention as stakeholders. It is also important, he suggested, to think about protection for public officials with integrity, e.g. judges and police officers who are sometimes targeted simply for performing their duties.

One participant noted that sectoral approaches address day-to-day issues among the citizens at large, and may better address public discontent.

## Session 5 Anti-corruption programming for public-sector reform at national and local levels (Incl. experiences from Korea, the Philippines, Mongolia and Sri Lanka)

<b>Chair:</b>	<b>Shennia Spillane</b> , Legal Adviser, Political and Security Programme, Pacific Islands Forum Secretariat
<b>Speakers:</b>	<b>Jin-Myoung Hong</b> , Deputy Director, Korea Anti-Corruption and Civil Rights Commission <b>Jennifer Navarro</b> , Programme Associate, Governance Unit, UNDP Philippines <b>Davaadulam Tsegmed</b> , Governance Practice Manager, UNDP Mongolia <b>W.A. Jayasundara</b> , Vice President, Sri Lanka Clean Hands Campaign <b>Chi Nai Chong</b> , Principal Procurement Specialist, ADB
<b>Rapporteur:</b>	<b>Kevin Stephenson</b> , Transparency, Accountability and Anti-Corruption Adviser, UNMIT

[Jin-Myoung Hong](#) presented lessons from the Republic of Korea in transforming institutions and promoting a culture of accountability and transparency. Republic of Korea conducts regular integrity-assessment surveys of public service users, measuring levels of integrity and factors explaining corruption among public organizations. The results are used as base data in efforts to encourage voluntary efforts by public organizations to improve corruption-prone areas. Users of administrative services assess levels of integrity among public institutions, both experienced, or perceived, and potential integrity. Potential integrity refers to the prevalence of potential factors causing corruption as perceived by the citizens, i.e. factors that are likely to correlate with actual incidences of corruption in the future. The basic principles and approaches can be applied to any organization in any country at either the organizational or national levels.

[Jennifer Navarro](#) presented a programme on MDGs, decentralization and corruption in the Philippines. The programme involves citizen action and local leadership to achieve the MDGs by 2015. Citizens, especially women, are engaged in the promotion of transparent and accountable governance in selected cities. Empowered communities develop and track their own progress in achieving the MDGs through functional citizenry feedback and voice mechanisms that systematize accountability and transparency. Sound MDG practices that promote transparency and accountability are adapted and replicated at the community level, ensuring that the MDGs are achieved with integrity. Recommendations include the need to localize UNCAC provisions down to the village level; the need to monitor progress and provide technical support to ICs beyond project life; and the need to document best practices and popularize them for easy use and dissemination.



[Davaadulam Tsegmed](#) presented Mongolia's integrity initiative in the health sector. A variety of public-opinion surveys have found that health professionals are perceived as being among the most corrupt public servants in Mongolia. The Government increased transparency and accountability in the Ministry of Health and selected health organizations through identifying current constraints and bottleneck areas, developing mechanisms to address them, and promoting staff ethics and integrity through open discussions, training, codes of conduct and complaints handling. Addressing ethics and integrity issues requires long-term engagement.

[W.A. Jayasundara](#) presented the Sri Lanka Clean Hands Campaign and its experience with recruiting public officials in a voluntary fight against corruption. This initiative recognizes and rewards outstanding public officials, eliminates systems and procedures that lead to corrupt practices, and provides a forum for discussion of corruption prevention and best practices. The campaign identified these challenges:

- a general neutrality and reluctance to talk openly about corruption among many public officers;
- lack of professionalism;
- low competency among top management;
- lack of resources to provide efficient service delivery;
- weak political commitment;
- disorganized civil society;
- poor salaries and perks for public servants; and
- the monopolistic nature of public services.

Public officers are afraid of speaking openly against corruption, though only a few are themselves involved in corruption. An 'alliance' was formed of officers wishing to establish a 'clean' public service.

[Chi Nai Chong](#) provided lessons from Asia-Pacific on transparency and integrity in public procurement. The ADB, recognizing the need for long-term commitment, is involved in an initiative to achieve these goals.



Lessons learned so far:

- the need to benchmark national procurement systems, looking at procurement laws and regulations and OECD baseline compliance and performance indicators;
- the importance of executing-agency capacity assessments that look at procurement risks and training requirements;
- the benefits of e-government procurement and capacity development.

Session discussions also addressed the following issues:

- the importance of citizen involvement in combating corruption;
- the need for 'clean' public servants who also serve as advocates within their respective public-service systems;
- the importance of addressing all issues related to combating corruption, rather than just focusing on law enforcement to the possible neglect of prevention; and

- the need to address the issue of remuneration for public servants in an effort to ensure that all receive a 'livable' wage.

Other questions and issues raised during this period included these:

- Should we focus on traditional prevention or on innovative ways of combating corruption that incorporate cultural values and norms?
- What was the political reaction at the local level concerning the MDG, Decentralization and Corruption Initiative in the Philippines?
- How was the 'alliance' (Harnessing Voluntary Public Officials Initiative: the Sri Lanka Clean Hands Campaign) of public servants in Sri Lanka initiated?
- How do we tackle public servants who do not want to obtain accreditation in procurement matters because of fears of audits, etc.?
- Is not public-sector reform, specifically that regarding remuneration, also significantly linked to combating corruption? Should we not be supporting the reality that public servants must earn a livable wage in order to prevent 'survival corruption'?

Discussion included ideas that preventive measures are essential in combating corruption, and that public orientation in the context of 'How corrupt are you?' in relation to budget execution and personnel management, are important, and that loopholes must be closed. Concerning the development of 'integrity circles', it is essential to promote advocacy, mobilize committees, and let political leaders understand that the public is involved and motivated. Typically, once political leaders observe the success of integrity circles they often challenge others to participate.

It was learned that the 'alliance' initiative developed in Sri Lanka was not created by legislation, but is a voluntary organization, and members have to adhere to a set of ethical standards and by-laws to maintain their membership. One disturbing part of the Sri Lanka experience is the fact that performance indicators identified by the alliance group are not being properly implemented.

With regard to accreditation of procurement practitioners, it is imperative that they be 'professional' in performing their duties. Thus, they should not be concerned with audits, supposing they are following established and appropriate policies and procedures. Moreover, it is important that these procurement practitioners sense they have the support of higher levels of management, if in fact they are conducting themselves in a professional and appropriate manner.

In conclusion, most participants were enthusiastic about developing integrity circles at the local level. But concerns were expressed about decentralization and how it would effect the fight against corruption, especially since most anti-corruption programmes target the national level. In addition, viewing public servants as citizens, not just as public servants, and encouraging their involvement in combating corruption as a citizen, is an approach that might prove effective in many areas. Most participants agreed that inadequate remuneration of public servants is an important cause of corruption, but not the only factor. Most participants seemed to agree that public servants must, at a minimum, receive a livable wage.

**"If we want to avoid 'survival corruption', public servants must be paid a livable wage."**

## Session 6 Anti-corruption programming for judicial and law enforcement reform (Incl. experiences from Indonesia, China and Fiji)

<b>Chair:</b>	<b>Narawit Pao-In</b> , Department Special Investigations Unit, Ministry of Justice, Thailand
<b>Speakers:</b>	<b>Irman Lanti</b> , Head a.i. Governance Unit, UNDP Indonesia <b>Andrew Boname</b> , American Bar Association (ABA) <b>Zhang Yumei</b> , Senior Prosecutor, Supreme People's Procuratorate, China <b>Vanessa Chang</b> , Acting Senior Legal Officer, Attorney General's Office, Fiji
<b>Rapporteur:</b>	<b>Yang Yuguan</b> , Programme Manager, UNDP China

[Irman Lanti](#) presented the Indonesian experience of improving integrity among justice providers through capacity development of an internal oversight mechanism. Since the start of the democratization process in 1998, serious efforts to reform the judicial sector have been made, including these:

- establishing the independence of the judiciary;
- developing blueprints for the reform of judicial institutions;
- establishing new legal institutions, including independent commissions on the judiciary, the public prosecution and the national police; an anti-corruption commission; and an anti-money laundering agency; and
- the adoption of anti-corruption laws and regulations, notably a law and a national plan on corruption eradication, a law on witness protection (to protect whistle-blowers), ratification of UNCAC, and guidelines on bureaucracy reform.



Despite all the progress, public perceptions of the Indonesian judiciary related to corruption remain rather negative. Challenges to judicial integrity reform, meanwhile, are numerous, and include the following:

- the mentality of state justice providers;
- low salaries among justice providers;
- an institutional arrangement unconducive to anti-corruption initiatives;
- lack of capacity and knowledge among justice providers;
- a prevailing culture that is permissive of corrupt practices; and
- lack of political will, especially among local politicians.

Several development assistance organizations support judicial integrity reform. UNDP is a relatively new player focusing on access to justice and legal empowerment for the poor. A joint UNDP-UNODC scoping mission is planned for November 2008 to assess needed support for internal oversight mechanisms such as the Supreme Court, the Attorney General's Office, and the National Police.

[Andrew Boname](#) presented efforts to improve judicial integrity in Asia. As UNCAC Article 11, Section 1 states: "Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of the judiciary." The judiciary is prone to corruption in accordance with Robert Klitgaard's formula of corruption ( $C = \text{Monopoly} + \text{Discretion} - \text{Accountability}$ ). The justice sector has a monopoly on deciding legal rights, enjoys discretion (judicial independence) and has limited accountability to other branches of government. To improve judicial integrity, procedural measures should therefore be taken to decrease discretion or increase accountability (for examples, see presentation).



Measures applied in Asia include these:

- rolling out an inter-disciplinary course on corruption, governance and impunity in law faculties across the Philippines;
- a pilot study in the use of verbatim hearing records in Thailand;
- adopting a mechanism for lawyers, through the bar association in Viet Nam, to file complaints against judges for improper conduct.

**“Scandals may provide occasions for reform, and it is good to be prepared for those windows of opportunity.”**

Judicial integrity reforms often encounter a great deal of resistance. Scandals may provide occasions for reform, however, and it is good to be prepared for those windows of opportunity, to be ready to propose reforms and push them through. Development of bar associations also enhances chances for judicial reform, as it creates a civil society constituency that can support judicial reform.

[Zhang Yumei](#) presented perspectives from China regarding effective implementation of UNCAC. China participated in the UNCAC drafting and negotiating process, signed the Convention on 10 December 2003 and ratified it on 27 October 2005. As a State party of the UNCAC, China has directed great efforts to satisfying its obligations.



New developments in China include these:

- an inter-ministerial working group, led by the Ministry of Supervision with more than 20 participating ministerial departments, to design a plan to enforce the UNCAC in China;
- a step-by-step working plan for implementing the UNCAC in China;
- specialized initiatives for preventing and combating commercial bribery;
- establishment of the National Bureau of Corruption Prevention (NBCP) in September 2007;
- the entry into force of the Law against Money Laundering in January 2007;
- a judicial interpretation, jointly issued by the Supreme People's Court and the Supreme People's Procuratorate, to combat the accepting of bribes by public officials; and
- a draft amendment of the criminal law that may enlarge the legal definition of 'trade in influence' and impose heavier punishment for corruption offenders.

**“To improve judicial integrity, procedural measures should be taken to decrease discretion or increase accountability.”**

Vanessa Chang provided insights from Fiji in terms of accountability and fighting corruption in the judicial sector. The key legislation in Fiji is included in the penal code, which is out-dated, has an unusually complex drafting style, and is difficult to read, analyze and understand. The layout is extremely confusing. However, attempts to pass legislation in the area of corruption have met with little success. Improving judicial integrity will require procedural measures to decrease discretion or increase accountability.

In the discussions, one participant requested examples of measures to control commercial bribery in China. Zhang Yumei described China's practice regarding investigation, prosecution and trial of offences involving commercial bribery. Another participant asked why one should bother paying a lawyer if you can buy a judge. Since this is not uncommon in some countries, it is necessary to adopt a code of conduct for judicial personnel and increase salaries for judges. The judges should be entitled to immunity for the decisions they make in court, but not for their conduct outside court proceedings. The risk of executive interference with the judiciary can be offset if judicial bodies establish their own codes of conduct and complaints procedures. This presupposes, of course, that the judiciary is willing to do this.

## Session 7 Anti-corruption programming for oversight mechanisms (Incl. experiences from the Philippines and Pakistan)

<b>Chair:</b>	<b>Irman Lanti</b> , Head a.i. Governance Unit, UNDP Indonesia
<b>Speakers:</b>	<b>Evelyn Baliton</b> , Assistant Ombudsman, Office of the Ombudsman, the Philippines <b>Farhan Sabih</b> , Assistant Resident Representative, UNDP Pakistan
<b>Rapporteur:</b>	<b>Farhan Sabih</b> , Assistant Resident Representative, UNDP Pakistan

[Evelyn Baliton](#) presented the Ombudsman's Office's role in the fight against corruption in the Philippines. Ms. Baliton focused on elements of a multi-pronged anti-corruption strategy aimed at strengthening policy frameworks and institutional capacities, developing integrity systems, and coordinating for multi-sectoral convergence. The policy and legislative frameworks are aimed at systemic solutions to governance and to provide enabling environment to combat corruption.



[Farhan Sabih](#) introduced the topic 'Grievance Mechanisms as Vehicles for Accountability', a programme aimed at enhancing the efficiency and responsiveness of grievance-redress mechanisms in Pakistan by aligning the redress and response systems and procedures with the needs and expectations of citizens; increasing public demand for accountability and transparency in service delivery; and facilitating availability of and access to information regarding grievance redress mechanisms and service delivery standards.

Discussions focused on the role and mandate of ombudsmen in fighting corruption and, in particular, the jurisdiction to prosecute criminal cases and impose penalties. The perception that the ombudsman's office primarily has the mandate to investigate complaints of maladministration and to present its findings and recommendations raises questions about its effectiveness and efficacy. However, the practice differs in countries depending on the legal mandate of ombudsmen. In general, their role is limited. In some countries, however, including the Philippines, their mandate extends to prosecution. In some countries the public prosecutor's office may pursue action on the basis of the ombudsman's findings and recommendations. Greater awareness is needed of the role and value of the ombudsman as an integrity pillar and in fighting corruption resulting from maladministration.

**"Greater awareness is needed of the role and value of the ombudsman as an integrity pillar."**



## Session 8 Anti-corruption programming to support civil society, media and the private sector (Incl. experiences from the Philippines, Vietnam, India and Bangladesh)

<b>Chair:</b>	<b>Marcial Alcañeses</b> , Senior Development Specialist, National Economic Development Authority, the Philippines
<b>Speakers:</b>	<b>Malou Mangahas</b> , Philippine Center for Investigative Journalism <b>Charmaine Rodrigues</b> , Legislative Strengthening Adviser, UNDP Pacific Centre <b>Jairo Acuna-Alfaro</b> , Policy Advisor on Public Administration and Anti-Corruption, UNDP Viet Nam <b>Suresh Balakrishnan</b> , Chief technical adviser, Governance Public Administration Reform, Laos PDR <b>Giovanni Gallo</b> , Crime Prevention Expert, UNODC
<b>Rapporteur:</b>	<b>Samuel De Jaegere</b> , Policy Analyst, Public Administration Reform and Anti-Corruption, UNDP RCB



[Malou Mangahas' presentation](#), entitled 'Unleashing the Power of Media to Chase Stories, Expose Crooks', introduced the achievements of the Philippine Center for Investigative Journalism.

Founded in 1989, the centre is an independent non-profit media agency that helps nurture a culture of investigative reporting in old and new media in the Philippines and across Asia. The centre produces investigative reports, runs training seminar-workshops, publishes an online magazine, a news blog and a database, and produces books, films and documentaries (see [www.pcij.org](http://www.pcij.org)).

The investigative process begins with a tip or a first lead, an initial investigation and an investigative hypothesis. The initial investigation is very important. The process includes following paper, people, electronic and legal trails. Malou Mangahas presented two case studies: 'Investigating President Joseph Estrada: Millions, Mansions and Mistresses', and 'The Philippine ODA Trail: Seven in 10 Projects Fail to Deliver Promised Benefits' (see presentation for further details).

[Charmaine Rodrigues](#) talked about the right to information as a cross-cutting anti-corruption approach for the media, the private sector and civil society. In 1946, the UN General Assembly proclaimed freedom of information as "a fundamental human right and the touchstone for all freedoms". The right to information underpins many other human rights, for example the right to food in India. Subsidized food rations were embezzled and sold by middlemen until poor people obtained the right to monitor the food distribution process. In East Africa, education

grants disappeared until the introduction of pro-active publication in schools of education grants allowed parents to verify the amounts allocated to local officials and to raise questions about the use of those funds.

**“The right to information should not be seen exclusively as a media right – it is a strong development right.”**

Freedom-of-information legislation has been progressively introduced in several Asia-Pacific countries. In 2008, Indonesia, the Cook Islands and Bangladesh joined a list that now comprises 11 countries; other countries include provisions in their constitution or clauses in administrative law. UNCAC promotes

access to information as an anti-corruption strategy. One of the best ways to implement the right to information is through mandatory pro-active disclosure clauses (e.g. in the United Mexican States). The right to information should not be seen exclusively as a media right – it is a strong development right, and it supports the human rights-based approach to anti-corruption programming.

[Jairo Acuna-Alfaro](#) provided insights from Viet Nam on the role of civil society in the fight against corruption. Evidence from both the 10 largest GDP countries and the APEC economies suggest a linear correlation between ‘voice and accountability’ and ‘control of corruption’, ‘government effectiveness’ and ‘control of corruption’, and ‘voice and accountability’ and ‘government effectiveness’. Corruption should not be fought for the sake of fighting corruption, but as a means to improve the efficiency of public administration.



Although Viet Nam has changed its rank on the TI CPI, its actual score hasn’t changed from year to year. So corruption in Viet Nam is neither increasing nor decreasing. Rather, there is a clear and constant pattern of corruption. Petty corruption is most prevalent, but in recent years high-level scandals involving grand corruption have also surfaced.

But Viet Nam is improving its regulatory framework to combat corruption, formulating a national strategy, passing resolutions and decrees, passing an anti-corruption law in 2005 that was amended in 2007. Civil society, although currently not a central pillar of the national strategy, is becoming increasingly important. Scope for critical comment remains limited, but is improving, and the media are playing a larger role in expressing the concerns of citizens.

[Suresh Balakrishnan](#) shared India’s experience with Citizen Report Cards (CRCs). These tools measure service delivery performance and use this information to obtain improvements by means of information disclosure, i.e. putting results in the public domain; mobilization through dialogue; and competition to avoid shaming by comparison.

CRCs have been used to measure satisfaction with electricity, drinking water, telephone, housing, police and driving-license services. A survey of ‘speed money’ in these services indicated that extortion provided the overwhelming motive for paying these bribes. CRCs serve a number of ends:

- helping the public move from ‘apathy and coping’ to ‘voicing’;
- putting the spotlight on usually hidden corruption costs;
- avoiding the targeting of one agency alone or only pointing out negative aspects;

- putting pressure on bad performers through shaming by comparison;
- transmitting the voices of the poor without intermediation; and
- providing a non-partisan interface for anti-corruption agencies to work with citizens.

CRCs can be used at all levels, national, provincial and district levels by both the government and civil society.

[Giovanni Gallo](#) observed that, six months after the signing of the UNCAC, the UN Global Compact adopted a tenth principle to the effect that “businesses should work against corruption in all its forms, including extortion and bribery”. He also pointed to a remarkable change over the last five years among companies who asserted they had nothing to do with UNODC, drugs, crime and corruption. From saying they had clean hands and were victims of public corruption, these companies now instead acknowledge that UNODC and UNCAC can help them reduce corruption in their companies and in the countries where they do business.

**“Companies need to understand that corruption does not benefit anyone.”**

Numerous corruption scandals start and end in the private sector. In December of 2007, at the Bali Conference of State Parties of the UNCAC, all stakeholders agreed to adopt the Bali Business Declaration. This declaration commits to working towards the alignment of business principles with the fundamental values enshrined in the UNCAC; towards developing mechanisms to review company compliance with realigned business principles; and towards strengthening private-public partnerships for combating corruption in business. UNODC, in accordance with these commitments, is currently working on a number of joint projects with the private sector.

During the discussions, one participant referred to experiences from Bangladesh, where public-private partnerships to fight corruption have been initiated. Fighting corruption is only possible if the people really support the campaign. The fact that Bangladesh figured as ‘most corrupt country in the world’ in a TI CPI contributed much to raising awareness. Following a gap analysis presented to Parliament and following the Bali Conference, the Government took several steps to address the issue, including the passage of legislation governing the right to information, mandatory disclosure of eight types of information for running election candidates, and transparency measures in procurement.

A participant from Afghanistan asked what measures could be taken against corruption in the private sector. Mr. Gallo pointed out that bribery and embezzlement in the private sector figure in the UNCAC chapter on criminalization. In this light, penal codes should be amended to include these offenses. Companies need to understand that corruption does not benefit anyone.

Another participant observed that the culture of corruption is sometimes based on pity for underpaid civil servants, and that the people at large may be part and parcel of a corruption culture.

Finally, one participant referred to the potential advantages of new technology such as blogs, YouTube and SMSs, asking how the new media could be used to fight corruption, and suggesting, for one thing, that these tools should make it much easier to publicize the truth.

## Session 9 Synergies with other regional and international actors

<b>Chair:</b>	<b>Mohamed Anil</b> , Commissioner of Legal Reforms, Ministry of Legal Reforms, Maldives
<b>Speakers:</b>	<b>Sandra Nicoll</b> , Governance and Capacity Development, ADB <b>Luckshmi Jayawickrama</b> , Director General, CIABOC, Sri Lanka <b>Dan Dionisie</b> , Public Administration Reform and Anti-Corruption Adviser, UNDP Regional Service Centre Bratislava
<b>Rapporteur:</b>	<b>Laurentina Barreto Soares</b> , Programme Officer, Governance Unit, UNDP Timor Leste

[Sandra Nicoll](#) introduced the ADB/OECD Anti-Corruption Initiative for Asia-Pacific, launched in 1999 by a group of Asia-Pacific countries to more proactively address corruption in the region.

Under this initiative, 28 countries endorsed the Anti Corruption Action Plan for Asia-Pacific, which sets out goals and standards for sustainable safeguards against corruption in the Members' economic, political and social spheres. The Action Plan includes three pillars:

- developing effective and transparent systems of public service;
- strengthening anti-bribery actions and promoting integrity in business operations; and
- supporting active public involvement.

The Action Plan covers core UNCAC themes: preventive measures, criminalization and international cooperation, and promotes capacity development in the public and private sectors and for civil society. Its fight against corruption involves support for a network of policy-makers and practitioners, monitoring and peer review, and capacity development. A knowledge base is available at [www.oecd.org/corruption/asiapacific](http://www.oecd.org/corruption/asiapacific).

[Luckshmi Jayawickrama](#) presented Sri Lanka's experience of its Commission to Investigate Allegation of Bribery and Corruption. The Commission investigates complaints against public servants as well as members of the general public in respect of incidents of bribery, corruption and accumulation of wealth beyond known income. In performing this function, the Commission has encountered three important obstacles:

- reluctance among persons with grievances to complain to the Commission – a consequence, at least in part, of too-often repeated postponements of trials in law courts and the absence of a whistle-blowers protection Act;
- a prevailing willingness in the private sector to grease the palms of state officials so they will do their job; and
- insufficient state funds to combat bribery and corruption or to act quickly to strengthen the prevailing law.

Supported by international funding, the Commission works closely with CSOs to raise awareness among the general public and state officials regarding their rights and duties. The Commission recently introduced new procedures to enhance its effectiveness:

- an information sheet to be completed by complainants, providing a valid and comprehensive communication upon which the Commission can act;
- a methodology that assists people in preparing for trials, thereby helping to secure successful prosecutions;
- technical assistance to guide complainants through investigations;
- more publicity in state media regarding the prevention programme; and
- necessary training for staff.

**“Regional knowledge sharing among Anti-Corruption Agencies contributes significantly to their overall capacity development and effectiveness.”**

[Dan Dionisie](#) shared lessons on regional anti-corruption cooperation in Eastern Europe and the CIS. The UNDP Bratislava Regional Centre, for example, established an Anti-Corruption Practitioners Network ([ACPN](#)). The ACPN facilitates professional networking, information sharing, expert referral, technical advice and capacity development for anti-corruption agencies (ACAs). Capacity development focuses on the preventive and educational ACA functions of policy development, coordination, monitoring, research, education, and public awareness. Regional cooperation is



relatively easy in the Eastern Europe and CIS region because most of these countries have ratified international legal instruments such as UNCAC, OECD and CoE anti-corruption Conventions. It is also interesting that several countries already have well-established ACAs, and are relatively successful in combating the levels of public corruption, while others are still struggling to start up basic AC functions and institutions. All countries in post-communist transition face comparable challenges in fighting corruption. (For details on lessons learned, approaches and challenges, refer to

the presentation.) Overall, challenges for ACAs reflect general public-sector difficulties. One must recognize that quick fixes and shortcuts cannot be sustained in the long run. There is no alternative to overall public-administration reform and capacity development, something that requires persistent long-term engagement.

Other questions raised by participants included these:

- whether development agencies should allow media access to their contractors blacklist;
- what can be done to improve in-country networking within specific sectors and between different sectors; and
- whether ICTs play significant roles in combating corruption.

In response to the first of these questions, the ADB representative suggested that sharing information with the public and the media was important as an act of transparency, even though every organization will have its own disclosure policies. This having said, it's well recognized that ADB itself is a multilateral organization with a very liberal public-disclosure information policy.

Responding to the other questions, the speakers suggested that the regional approach to combating corruption is not the only solution and not enough. It would instead be useful to link country offices and agencies within countries, and to apply IT and e-governance to promote anti-corruption efforts. IT alone does not help much, however; it must be supplemented by back-office support and the efforts of various stakeholders and units.

In conclusion, it is important to develop synergies between different anti-corruption players at the national, regional and global levels. All efforts should not be stand-alone projects.

**“It is important to develop synergies between different anti-corruption players at the national, regional and global levels.”**



## Session 10 Report back from clinics on emerging issues and preparations for the GoP meeting on anti-corruption at the 13th International Anti-corruption Conference (30 October – 2 November 2008, Athens, Greece)

<b>Chair:</b>	Rinzi Dorji, Director, Anti-Corruption Commission, Bhutan
<b>Speakers:</b>	<p>Sudarshan, Policy Adviser, Justice and Human Rights, UNDP RCB and Phil Matsheza, Policy Adviser, Anti-Corruption, UNDP BDP/DGG</p> <p>Pauline Tamesis, Coordinator for Asia Regional Governance Programme, UNDP RCB</p> <p>Roohi Metcalfe, Gender Adviser, UNDP RCB</p> <p>Ernesto Bautista, Governance Team Leader, UNDP Pacific Centre</p> <p>Patrick Keuleers, Senior Policy Adviser, Public Administration Reform and Anti-Corruption and Governance Practice Team Leader, UNDP RCB</p>
<b>Rapporteur:</b>	Sunita Giri, Communication Officer, UN Coordination, Bhutan

This session allowed for smaller group discussions on topical issues as they relate to anti-corruption. The clinics considered human rights, natural-resource revenue management, gender, post-conflict reconstruction, and international-aid transparency, focusing on linkages with UNCAC, challenges and programming entry points for UNDP in democratic governance initiatives.

### Clinic 1 Human rights and anti-corruption

**Presenters/facilitators:** [Sudarshan and Phil Matsheza](#)

**Rapporteur:** [Samarajoo Manikam, Malaysia](#)

- **UNCAC linkages.** Although the fight against corruption aims to enhance human rights, in some instances it may instead encroach on these rights. Human rights Conventions have existed for many years, while UNCAC is only recent. But common principles include accountability, rule of law, right to information, transparency, non-discrimination and participation. Thus there is convergence between UNCAC provisions and the human rights expressed in the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), etc.
- **Challenges.** Corruption leads to discrimination, contravening the human-rights mandate, which is based on non-discrimination. Does democracy help reduce corruption? In some democracies, the problem occurs at rather high bureaucratic levels and proves hard to tackle.

- **Programming entry points.** Look for the middle path, ensuring that individual human rights are respected whilst at the same time enforcement agencies fight corruption. Explore ways of dealing with corrupt people other than putting them behind bars, for example through people's forums where offenders (if there is sufficient evidence) are named and shamed. Such an approach has worked in parts of India, where offenders have thereby been induced to voluntarily return misused funds.

**“Although the fight against corruption aims to enhance human rights, in some instances it may instead encroach on these rights.”**

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## Clinic 2 Natural-resource revenue management

**Presenter/facilitator:** [Pauline Tamesis](#)

**Rapporteur:** [Saiful Bhuiyan](#), Bangladesh

- **UNCAC linkages.** Natural-resource management and UNCAC both aim at sustainable development. UNCAC supports public reporting, CSO oversight, and people's empowerment. Other UNCAC links relate to non-tax revenue lost or diverted, criminal offenses, and abuse of public authority.
- **Challenges.** Proper policies for management of natural resources are needed. One challenge is the privatization of public policies because, in some LDCs, Governments have limited bargaining power and companies formulate policies tainted by their own interests. In some cases, moreover, lack of advanced capacity leads to limited understanding of the concept of natural-resource management.
- **Programming entry points.** These include assistance in natural-resource management through sharing experiences and practices; ensuring government/company accountability by citizen empowerment; and assistance for LDCs with procurement and contracts when there is a lack of bargaining power.

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## Clinic 3 Gender and corruption

**Presenter/facilitator:** [Roohi Metcalfe](#)

**Rapporteur:** [Charmaine Rodrigues](#), UNDP Pacific Centre

- **Preliminary reflections.** In future training, gender should be addressed in the plenary as an integral part of analysis and implementation. Men and women can be both victims and perpetrators of corruption. They are both agents of change. Corruption does not just involve

money but may include sexual exploitation, illegal benefits or gains, the illegitimate use of power manifested in various ways.

- **UNCAC linkages.** UNCAC itself does not refer specifically to gender, not even in Article 13 (on participation), so a link is needed to treaties such as CEDAW. There is a need to raise awareness, taking cultural considerations into account, regarding linkages between gender and corruption.
- **Challenges.** Gender-related differences in both the response to and the impact of corruption need analysis. As part of this, gender-disaggregated statistics are needed. Perhaps less opportunity for corruption presents itself to women, for example, because they are often relegated to government positions of lesser power.
- **Programming entry points.** Gender and corruption are cross-cutting issues in programming, yet gender sometimes remains overlooked. This element needs to be included at all stages of programming, including formulation, decision-making and implementation. Gender also needs to be reflected in monitoring and evaluation (M&E) through gender-disaggregated indicators and a better methodology to guide implementers. UNCAC can be used as an entry point through Articles 13 and 60, but gender should be mainstreamed in all articles. UNCAC deals heavily with institutions, especially those related to law enforcement, which in many countries remain male-dominated areas.

**“Gender and corruption are cross-cutting issues in programming, yet gender sometimes remains overlooked.”**

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#### **Clinic 4 Integrity in post-conflict reconstruction**

**Presenter/facilitator:** [Ernesto Bautista](#)

**Rapporteur:** [Ernesto Bautista](#), UNDP Pacific Centre

- **UNCAC linkages.** UNCAC principles should be applied in developing the relevant institutions in post-conflict situations.
- **Challenges.** Massive flows of aid create both incentives and opportunity for corruption. This weakens local government accountability and undermines government capacity. It is important to ensure continuity of programming in post-conflict situations; confusion over who is in charge creates problems in the peace-building context.
- **Programming entry points.** Increase awareness and build trust by empowering CSOs and the public to take an active role. Undertake a diagnostic analysis of corruption and the conflict. Go beyond short-term fixes that have long-term consequences. Establish basic principles of engagement in international agencies.

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**Clinic 5 International Aid Transparency Initiative and Publish What You Fund**

**Presenter/facilitator:** [Patrick Keuleers](#)

**Rapporteur:** [Samuel De Jaegere](#), UNDP RCB

- **Linkages to UNCAC.** This is a new initiative launched at the Accra High-Level Forum on Aid Effectiveness in September of 2008. Fourteen donors and development agencies including DFID, UNDP and WB signed up to the initiative. Asked to be open about their funds to countries (both immediate and mid-term), donors have agreed to set up a model by the end of 2009 whereby all aid flows will be recorded and monitored. The initiative involves multiple linkages with UNCAC, notably with regard to Articles 5, 7, 9, 10 and 13. CSOs can use this instrument to monitor the aid flow, but they also need to be forthcoming, participating themselves in a way they too can be held accountable for their activities.
- **Challenges.** Parliamentary oversight may politicize technical assistance, and could delay project implementation. There is also a risk of the International Aid Transparency Initiative (IATI) being donor driven and, instead of being nationally owned, coming to represent a second, parallel system alongside the national budget. The greatest challenge is to bring on board development partners other than those who have already signed up (international NGOs, some donors who expressed support for the initiative but have yet to sign up, and new development actors such as China). Another challenge involves sensitive issues, for example with technical assistance that may have military security implications.
- **Programming entry points.** National capacity development for Parliament and the Government to participate in this initiative, as well as for CSOs to monitor the initiative and to be part of it.

**“Massive flows of aid create both incentives and opportunity for corruption.”**

# Conclusions and follow-up

The technical training brought together 61 participants from 18 countries in the region, notably Afghanistan, Bangladesh, Bhutan, China, Fiji, Indonesia, Laos, Malaysia, Maldives, Mongolia, Pakistan, Philippines, Papua New Guinea, Republic of Korea, Sri Lanka, Thailand, Timor-Leste and Viet Nam. For three days, participants exchanged ideas and experiences in tackling corruption and deepened their understanding of UNCAC as a framework for reducing poverty and promoting sustainable development. The workshop included 33 presentations, all of which are available online (see the links under each session). The agenda provided a good mixture of topics and guest speakers and a very informative overview of UNCAC.

In terms of follow-up, participants suggested UNDP pursue the establishment of the Integrity in Action (INTACT) network of anti-corruption practitioners in the region to share experience, knowledge and information. They also proposed establishing a directory of focal points and, with the relevant Ministries, organizing capacity-development activities at the country level. It would also be useful, they said, to monitor progress in implementing UNCAC in follow-up workshops.

The UNDP RCB will ride this momentum through the creation of an interactive portal on anti-corruption. This portal will focus on preventive measures in the fight against corruption and on anti-corruption initiatives aimed at reducing poverty and achieving the MDGs, highlighting sectoral approaches in areas such as education, health and non-renewable natural resources.

The portal will facilitate exchange among UNDP practitioners and national counterparts involved in UNDP anti-corruption initiatives. It will provide a one-stop shop for hands-on country-level experience generated by UNDP, government entities and CSOs in preventing corruption. Knowledge products developed at the country level will be made easily available for anti-corruption practitioners and partners in the region.

At the country level, UNDP COs will pursue their activities to support UNCAC implementation. For example, in Bangladesh, UNDP will organize an 'Executive Training for the Government Officials on the UNCAC' as well as a TOT on the same topic. In Mongolia, furthermore, the UNDP CO is planning several follow-up activities with its partners (see box).

## Follow-up in Mongolia

The workshop provided much inspiration for implementing best practices and innovative ideas in Mongolia. The delegation composed this list of follow-up actions:

- complete the UNCAC self-assessment immediately;
- undertake the 'Compliance and Gap Analysis' applying the Bangladesh framework;
- boost work with the civil society council (based on the very interesting Sri Lanka and Philippines experiences);
- take the lead in the development of corruption measurement methodology; and
- conduct a monthly coordination meeting among donors, with the Independent Authority Against Corruption taking the lead. The first meeting could include a Regional Training briefing.

# Annex 1

## Agenda

Monday, 13 October 2008	
8.30–9.00 a.m.	Registration (Welcome)
9.00–9.30 a.m.	<b>Opening session</b> Welcome statement <i>Marcia Kran, Officer in Charge, UNDP RCB</i> Presentation of agenda and workshop objectives <i>Patrick Keuleers and Pauline Tamesis</i>
<b>First session</b> 9.30–10.30 a.m.	<b>Corruption and development</b> <p><i>This session will provide an overall conceptual umbrella for the workshop. It will address definitions, concepts and principles related to corruption and development, particularly the UNDP role. The session will conclude with questions and answers in plenary.</i></p> <p><b>Chair:</b> Marcia Kran, OIC, UNDP Regional Centre in Bangkok</p> <p><b>Speaker:</b> Phil Matsheza, Anti-Corruption Adviser, BDP/DGG, UNDP</p> <p><b>Rapporteur:</b> Samuel de Jaegere, Policy Analyst, Public Administration Reform and Anti-Corruption, UNDP RCB</p>
10.30–10.45 a.m.	Coffee/tea break
<b>Second session</b> 10.45 am–12.45 p.m.	<b>Introduction to the United Nations Convention against Corruption (UNCAC)</b> <p><i>This session will discuss the genesis of UNCAC, its overall purpose and vision and role as a tool to promote good governance. It will present an overview on mandatory and non-mandatory principles and then move to briefly address the different chapters of the Convention: (i) prevention, (ii) criminalization and enforcement, (iii) international cooperation, and (iv) asset recovery. Focus of the first half of this session will be on prevention. This will be followed by a group discussion.</i></p> <p><b>Chair:</b> Khamhheuang Bounteum, Director General of the Treaties and Law Department, Ministry of Foreign Affairs, Lao PDR</p> <p><b>Speaker:</b> <i>The UN Convention against Corruption: A Comprehensive Overview of Principles, Provisions and Current Progress</i>, by Giovanni Gallo, Crime Prevention Expert, UN Office on Drugs and Crime (UNODC)</p> <p><b>Rapporteur:</b> Dirk Wagener, Assistant Resident Representative, UNDP Lao PDR</p>
12.45–14.00 p.m.	Lunch



<b>Second session</b> (continued) 14.00–16.00 p.m.	<b>Introduction to UNCAC (continued)</b>  <i>Session continues with the other chapters of UNCAC: criminalization and enforcement; international cooperation in criminal matters, including mutual legal assistance; asset recovery.</i>  <b>Chair:</b> Khamhheuang Bounteum, Director General of the Treaties and Law Department, Ministry of Foreign Affairs, Lao PDR  <b>Speaker(s):</b>  <i>The UN Convention against Corruption: A Comprehensive Overview of Principles, Provisions and Current Progress (continued), by Giovanni Gallo, UNODC</i>  <i>Strengthening the Ability of Developing Countries to Recover Assets Stolen or Hidden in Foreign Jurisdictions: What Has Been Accomplished with UNCAC? What Remains to Be Done?, by Yara Esquivel, International Center on Asset Recovery, Basel Institute on Governance</i>  <b>Rapporteur:</b> Dirk Wagener, Assistant Resident Representative, UNDP Lao PDR
16.00–16.15 p.m.	Coffee break
16.15–16.45 p.m.	Security briefing
<b>Third session</b> 16.45–17.45 p.m.	<b>UNDP's Anti-Corruption Efforts in the Asia-Pacific Region</b>  <i>This session will present UNDP's anti-corruption efforts at the national and regional levels in the Asia-Pacific region; it will cover UNCAC-related and other issues. A select number of participants can present case studies, lessons and challenges from UNDP Country Offices in this regard. RCB/PC can also present its efforts to develop capacities for UNDP anti-corruption practitioners and encourage synergies in this area. A group discussion will follow to look at opportunities and challenges facing anti-corruption practitioners in the region.</i>  <b>Chair:</b> Ms. Fathmath Anoola, Assistant Director, Anti Corruption Board, Maldives  <b>Speakers:</b>  <i>Asia Regional Efforts in Anti-corruption, by Pauline Tamesis</i> <i>Pacific Regional Initiatives in Accountability and Transparency, by Ernesto Bautista</i>  Q&A follows  <b>Rapporteur:</b> Mr. Masood Amer, UNDP Afghanistan
18.00–19.30 p.m.	<b>Networking evening</b>  <b>Venue:</b> Four Seasons Hotel (outside terrace)

## Tuesday, 14 October 2008

**Fourth session**  
9.00–10.30 a.m.**Anti-corruption Programming**

*This session will discuss UNDP's corporate approach to supporting UNCAC implementation. It will address related programming options with a view to identifying ways to mainstream support for UNCAC implementation. Participants will also discuss ideas for new initiatives that may emerge in terms of programmatic value, partnership strategies, funding possibilities, management arrangements, etc. A specific focus will be on identifying entry points for anti-corruption interventions at the sectoral level (prioritizing service delivery), including discussion of ways to overcome capacity and other constraints. This session will link anti-corruption issues with MDGs, which will be consistently followed as a key thread throughout the training workshop.*

**Chair:** Francisco de Carvalho, National Director, Office of Inspector General

**Speaker(s):**

*Anti-Corruption Programming and Delivering on MDGs, by Phil Matsheza, Policy Adviser, Anti-Corruption, UNDP*

*Identifying Anti-Corruption Entry Points through Sectoral Programming, by Patrick Keuleers, Sr. Governance Adviser, UNDP RCB*

*Risk Assessments in Governance and Capacity Development Programming, by Sandra Nicoll, Governance and Capacity Development, ADB*

*Public Sector Reforms and Anti-Corruption Programming: Experience of Malaysia, by Mr. Anis Yusaf Yusoff, Director, Political Sector, Institut Integriti Malaysia*

**Rapporteur:** Ms. Panvirush Vittayapraphakul, Programme Assistant, UNDP RCB

10.30–10.45 a.m.

Coffee break

**Fifth session**  
10.45 a.m.–12.00 p.m.**Anti-Corruption Programming for Public Sector Reform at National and Local Levels** (*vis-à-vis* respective article in UNCAC and focusing on lessons from country experience)

- Policy dialogue, frameworks and strategies, coordination, and consultation processes (on specific themes such as civil service, procurement, etc. TBD)
- Legal and regulatory reform (simplification, modernization, decentralization and devolution, etc.)
- Institution building and strengthening (with a focus on preventive anti-corruption bodies under Articles 5 and 6 and oversight, procurement and public-finance management institutions)
- Local accountability mechanisms and ensuring effective delivery of public services and MDGs (builds on Session 5)
- Capacity development for public-sector officials (promotion of integrity, honesty and responsibility among public officials; codes of conduct, systems for preventing conflict of interest, etc. TBD)

**Chair:** Ms. Shennia Spillane, Legal Adviser, Political and Security Programme, Pacific Islands Forum Secretariat

<b>Fifth session</b> (continued)	<p><b>Presentations:</b> (maximum 10 minutes each)</p> <p>(a) Anti-Corruption Agencies</p> <p><i>Transforming Institutions and Culture for Accountability and Transparency: Lessons from South Korea</i>, by Jin-Myoung Hong, Deputy Director, Korea Anti-Corruption and Civil Rights Commission</p> <p>(b) Decentralization and Local Accountability</p> <p><i>MDG, Decentralization and Corruption in the Philippines</i>, by Jennifer Navarro, UNDP</p> <p><b>Rapporteur:</b> Kevin Stephenson, Transparency, Accountability and Anti-Corruption Adviser, UNMIT</p> <p>Q&amp;A follows/discussion (45 minutes)</p>
12.00–13.00 p.m.	Lunch
<b>Fifth session</b> (continued) 13.00–14.15 p.m.	<p><b>Anti-Corruption Programming for Public Sector Reform at National and Local Levels</b> (<i>vis-à-vis</i> respective article in UNCAC and focusing on lessons from country experience) – session continues</p> <p><b>Chair:</b> Ms. Shennia Spillane, Legal Adviser, Political and Security Programme, Pacific Islands Forum Secretariat</p> <p><b>Presentations</b> (10 minutes each)</p> <p>(c) Public Sector</p> <p><i>Health Sector Integrity Initiative in Mongolia</i>, by Davaadulam Tsegmed, Governance Practice Manager, UNDP Mongolia</p> <p><i>Harnessing Voluntary Public Officials Initiative: the Sri Lanka Clean Hands Campaign</i>, by W.A. Jayasundara, Vice President, Sri Lanka Clean Hands Campaign</p> <p>(d) Procurement</p> <p><i>Ensuring Transparency and Integrity in Public Procurement: Lessons from Asia and the Pacific</i>, by Mr. Chi Nai Chong, Principal Procurement Specialist, ADB</p> <p><b>Rapporteur:</b> Kevin Stephenson, Transparency, Accountability and Anti-Corruption Adviser, UNMIT</p> <p>Q&amp;A follows/discussion (45 minutes)</p>
14.15–14.30 p.m.	Coffee break

<p><b>Sixth session</b> 14.30–16.30 p.m.</p>	<p><b>Anti-Corruption Programming for Judicial and Law Enforcement Reform</b> (<i>vis-à-vis</i> respective article in UNCAC and focusing on lessons from country experience)</p> <ul style="list-style-type: none"> <li>• Policy dialogue, frameworks and strategies, coordination, and consultation processes (on specific themes investigation and prosecution, judicial independence and integrity, mutual legal assistance, international cooperation, etc. TBD)</li> <li>• Legal and regulatory reform (criminal law, criminal procedure, judicial organizations, etc.)</li> <li>• Institution building and strengthening (law-enforcement institutions, etc.)</li> <li>• Capacity development for investigators, prosecutors, judges, and law-enforcement officials.</li> </ul> <p><b>Chair:</b> Mr. Narawit Pao-In, Department Special Investigations Unit, Ministry of Justice, Thailand</p> <p><b>Presentations:</b> (maximum 10 minutes each)</p> <p>(a) <i>Judicial Integrity</i></p> <p><i>Improving Integrity in Justice Sector: Experience from Indonesia</i>, by Irman Lanti, Head a.i. Governance Unit, UNDP Indonesia</p> <p><i>Efforts to Improve Judicial Integrity in Asia</i>, by Andrew Boname, ABA</p> <p>(b) <i>Law Enforcement</i></p> <p><i>Implementing the UNCAC Effectively: Perspectives from China</i>, by Zhang Yumei, Senior Prosecutor, Supreme People's Protectorate, China</p> <p><i>Initiatives to Improve Accountability: Insights from Fiji</i>, by Vanessa Chang, Acting Senior Legal Officer, Attorney General's Office, Fiji</p> <p><b>Rapporteur:</b> Mr. Yang Yuguan Programme Manager, UNDP China</p> <p>Q&amp;A follows/discussion (45 minutes)</p>
<p><b>Seventh session</b> 16.30–17.30 p.m.</p>	<p><b>Anti-Corruption Programming for Oversight Mechanisms</b> (<i>vis-à-vis</i> respective article in UNCAC and focusing on lessons from country experience)</p> <p><b>Chair:</b> Irman Lanti, Head a.i. Governance Unit, UNDP Indonesia</p> <p>(a) <i>Ombudsman's Offices</i></p> <p><i>Strengthening Oversight Mechanisms: Contributions of Ombudsman's Offices to the Fight Against Corruption in the Philippines</i>, by Evelyn Baliton, Assistant Ombudsman, Office of the Ombudsman, Philippines</p> <p>(b) <i>Other Oversight Mechanisms</i></p> <p><i>Grievance Mechanisms as Vehicles for Accountability</i>, by Farhan Sabih, National Project Manager, Support to Grievance Redress Mechanisms, Pakistan</p> <p><b>Rapporteur:</b> Farhan Sabih, Assistant Resident Representative, UNDP Pakistan</p> <p>Q&amp;A follows/discussion (40 minutes)</p>
	<p>Evening free</p>

## Wednesday, 15 October 2008

**Eighth session**  
8.30–10.00 a.m.**Anti-Corruption Programming to Support Civil Society, Media and the Private Sector Role** (*vis-à-vis* respective article in UNCAC and focusing on lessons from country experience)

- Policy dialogue, frameworks and strategies, coordination, and consultation processes (strengthening partnership between governmental and non-governmental actors, role of private sector in delivering social services, civil-society empowerment, access to information, inclusive participation, role of media, etc. TBD).
- Legal and regulatory reform (public reporting, transparency and access to information, etc.)
- Institution building and strengthening (civil society, media and private-sector associations)
- Capacity development for advocacy, efficient running of public institutions, social audit, citizens' audit and budget tracking investigative journalism, etc.

**Chair:** Mr. Marcial Alcañeses, Sr. Development Specialist, National Economic Development Authority, the Philippines

**Presentations:** (maximum 10 minutes each)

## (a) Media and Freedom of Information

*Unleashing the Power of Media and Information to Demand Accountability: Experience of the Philippines*, by Malou Mangahas, Philippine Center for Investigative Journalism (PCIJ)

*Freedom of Information in the Pacific: Progress to Date*, by Charmaine Rodrigues, UNDP Pacific Centre

## (b) Civil Society Empowerment

*Role of Civil Society in the Fight Against Corruption: Insights from Vietnam*, by Jairo Acuna-Alfaro, Policy Advisor on Public Administration Reform and Anti-Corruption, UNDP Viet Nam

*Citizen Report Cards: Experience from India*, by Suresh Balakrishnan, Chief Technical Adviser, Governance Public Administration Reform, Laos

## (c) Private Sector

*Updates on the Bali Business Declaration*, by Giovanni Gallo, UNODC

**Rapporteur:** Samuel de Jaegere, UNDP RCB

Q&A/discussion (30 minutes)

10.00–10.15 a.m.

Coffee break

**Ninth Session**  
10.15 a.m.–12.30 p.m.**Synergies with Other Regional and International Actors**

*This session will provide information to participants on other key regional and international actors working in the area of anti-corruption.*

**Chair:** Mohamed Anil, Commissioner of Legal Reforms, Ministry of Legal Reforms

**Speaker(s):**

*Perspectives on the ADB/OECD Anticorruption Initiative for Asia and the Pacific*, by Sandra Nicoll, ADB

*Support of International Cooperation and Technical Assistance in the Prevention of Incidence of Bribery*, by Luckshmi Jayawickrama, Director General, CIABOC, Sri Lanka

<b>Ninth session</b> (continued)	<p><i>Regional Cooperation in Anti-Corruption: Lessons from Europe and the CIS</i>, by Dan Dionisie, Public Administration Reform and Anti-Corruption Adviser, UNDP Regional Service Center Bratislava</p> <p><b>Rapporteur:</b> Laurentina Barreto Soares, Programme Officer, Governance Unit, UNDP Timor Leste</p>
12.30–13.30	Lunch
<b>Ninth session</b> 13.30–15.00 p.m.	<p><b>Clinics: Special sessions on the following emerging issues:</b></p> <ol style="list-style-type: none"> <li><b>1. Human Rights and Anti-corruption</b> <i>Speaker(s):</i> Sudarshan, Policy adviser, Justice and Human Rights, RCB, and Phil Matsheza</li> <li><b>2. Natural-resource Revenue Management</b> <i>Speaker:</i> Pauline Tamesis</li> <li><b>3. Gender and Corruption</b> <i>Speaker:</i> Roohi Metcalfe, Gender Adviser, UNDP</li> <li><b>4. Integrity in Post-conflict Reconstruction</b> <i>Speaker:</i> Ernesto Bautista</li> <li><b>5. International Aid Transparency Initiative (IATA) and Publish What You Fund</b> <i>Speaker:</i> Patrick Keuleers</li> </ol> <p><i>Special sessions are convened on a clinic format focusing on emerging (topical) issues in anti-corruption: human rights, natural-resource revenue management, post-conflict governance, transparency in aid, and gender. This session will allow for smaller group discussions on topical issues related to anti-corruption, and will focus on how to respond to the issues within existing (or initiate new) UNDP democratic governance initiatives. This also follows up on the first regional Community of Practice meeting discussions held in Cambodia in January 2007. Participants will be free to select the clinic in which they wish to participate.</i></p>
15.00–15.15 p.m.	Coffee break
<b>Tenth session</b> 15.15–16.30 p.m.	<p><b>Report Back from Clinics and Preparations for Global Community of Practice Meeting on Anti-Corruption at the 13th International Anti-Corruption Conference</b> (30 October – 2 November 2008, Athens)</p> <p><i>This session reports back on the working groups, special sessions and updates on the Global Community of Practice on Anti-Corruption as well as the 13th IACC.</i></p> <p><b>Chair:</b> Mr. Rinzi Dorji, Director, Anti-Corruption Commission, Bhutan</p> <p><b>Speaker:</b> Phil Matsheza (Global COP) and rapporteurs from working groups and special sessions</p> <p><b>Rapporteur:</b> Sunita Giri, Communication Officer, UN Coordination, Bhutan</p>
16.30–17.00 p.m.	<p><b>Summation and Close of Workshop</b></p> <p><i>This session will recap the highlights of discussions for the last three days and the agreed-upon next steps. Participants will provide written evaluations of the workshop.</i></p> <p><i>Informal remarks by organizing team.</i></p>



## List of participants

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57	Pauline Tamesis	Coordinator for Asia Regional Governance Programme	<a href="mailto:pauline.tamesis@undp.org">pauline.tamesis@undp.org</a>
58	Phil Matsheza	Policy Adviser, Anti-Corruption, Democratic Governance Group, BDP/UNDP	<a href="mailto:Phil.matsheza@undp.org">Phil.matsheza@undp.org</a>
59	Roohi Metcalfe	Policy Advisor – Gender	<a href="mailto:Roohi.metcalfe@undp.org">Roohi.metcalfe@undp.org</a>
60	Sudarshan Ramaswamy	Policy Advisor – Legal Reform & Justice	<a href="mailto:Sudarshan@undp.org">Sudarshan@undp.org</a>
61	Samuel De Jaegere	Policy Analyst, Public Administration Reform and Anti-Corruption, Regional Centre in Bangkok	<a href="mailto:Samuel.de.jaegere@undp.org">Samuel.de.jaegere@undp.org</a>

## Evaluation results

Overall, the workshop provided a useful opportunity to share experiences and deepen participant understanding of UNCAC. The agenda provided a good mixture of topics and guest speakers together with a very informative overview of UNCAC. Some participants suggested having fewer presentations (maximum three per session), thereby leaving more time for questions and answers. They also suggested devoting more discussion to sectoral approaches and local initiatives, the impact of corruption on gender, the informal sector and poor people, and the experiences of Singapore and Hong Kong in fighting corruption.

The participation of UNODC, ADB and other partners was highly appreciated, both in terms of substance and in terms of the presentation of such diverse perspectives on corruption. In general, participants lauded the speakers' presentations (although in some cases more innovative thinking and a more even quality might have been expected). The presentation on UNCAC was considered very useful.

Participants rated the workshop organization as very good to excellent, and they appreciated the real-time availability of documents and presentations in SNAP. The workshop venue was considered excellent.

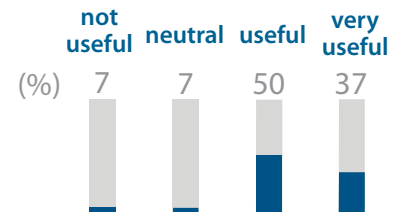
In terms of improvements, they suggested (i) sending invitations earlier, thereby facilitating visa procedures and (ii) evaluating sessions at the end of each day, rather than at the end of the three-day workshop.

As follow-up, participants suggested proceeding with the establishment of the 'Integrity in Action' network of anti-corruption practitioners in the region to share experiences and information. They also proposed establishing a directory of focal points and, together with the relevant Ministries, organizing capacity development activities at the country level. They felt it would also be useful, from time to time, to monitor progress in UNCAC implementation.

## Graphic summary of responses:

### 1 Session 1 Corruption and Development

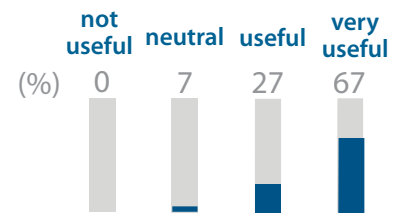
**Speaker:** Phil Matsheza, Anti-Corruption Adviser,  
BDP/DGG, UNDP



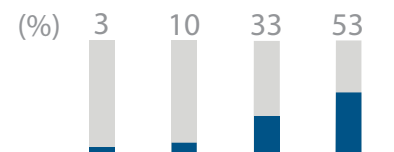
Total respondents: 30

### 2 Session 2 Introduction to the United Nations Convention Against Corruption (UNCAC)

**1.** The UN Convention against Corruption by  
Giovanni Gallo



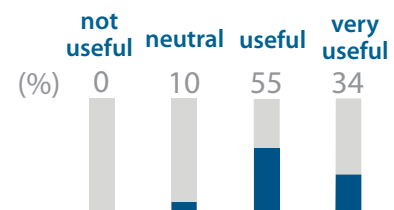
**2.** Strengthening the Ability of Developing Countries to  
Recover Assets Stolen or Hidden in Foreign Jurisdiction  
by Yara Esquivel



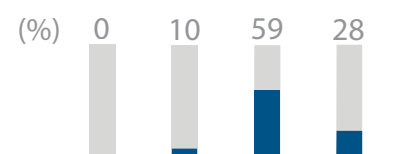
Total respondents: 30

### 3 Session 3 UNDP's Anti-Corruption Efforts in the Asia Pacific Region

**1.** Asia regional efforts in anti-corruption  
by Pauline Tamesis



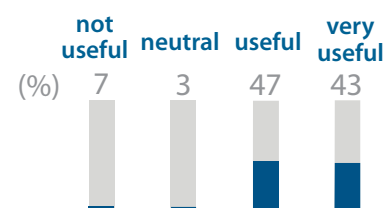
**2.** Pacific regional initiatives in accountability and  
transparency by Ernesto Bautista



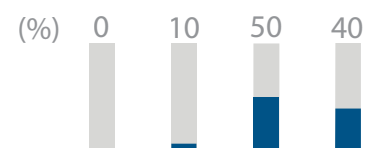
Total respondents: 29

#### 4 Session 4 Anti-Corruption Programming

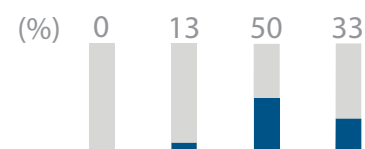
1. Anti-Corruption Programming and Delivering on MDGs  
by Phil Matsheza



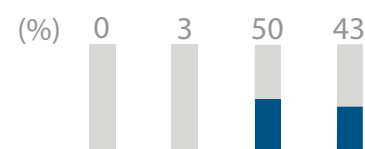
2. Identifying Anti-Corruption Entry Points through  
Sectoral Programming by Patrick Keuleers



3. Risk Assessments in Governance and Capacity Development  
Programming by Sandra Nicoll



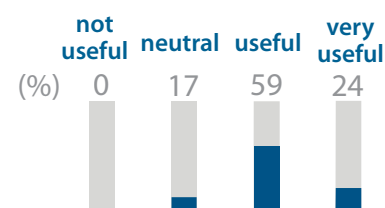
4. Public Sector Reforms and Anti-Corruption Programming:  
Experience of Malaysia by Mr. Anis Yusaf Yusoff



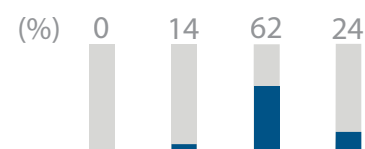
Total respondents : 30

#### 5 Session 5 Anti Corruption Programming for Public Sector Reform at National and Local Levels (vis-à-vis respective article in UNCAC and focusing on lessons from country experience)

1. Transforming Institutions and Culture for Accountability  
and Transparency: Lessons from South Korea  
by Jin-Myoung Hong



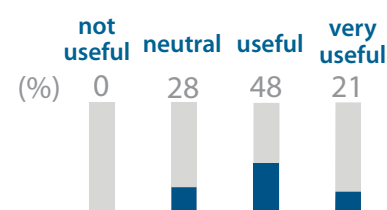
2. MDG, Decentralization and Corruption in the Philippines  
by Jennifer Navarro



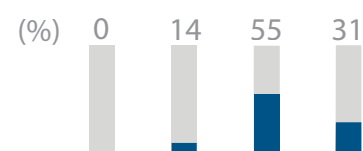


## 5 Session 5 (continued)

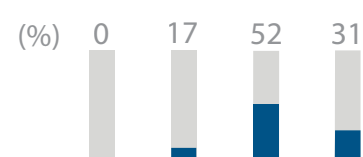
3. Health Sector Integrity Initiative in Mongolia  
by Davaadulam Tsegmed



4. Harnessing Voluntary Public Officials  
Initiative: the Sri Lanka Clean Hands Campaign  
by W.A. Jayasundara



5. Ensuring Transparency and Integrity in Public  
Procurement: Lessons from Asia and the Pacific  
by Mr. Chi Nai Chong

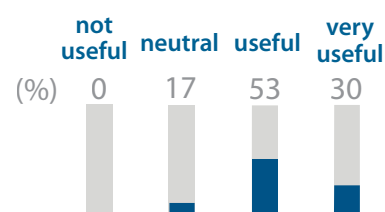



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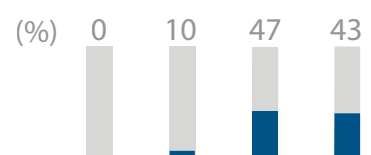
Total respondents: 29

## 6 Session 6 Anti-Corruption Programming for Judicial and Law Enforcement Reform

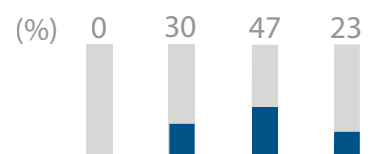
1. Improving Integrity in Justice Sector:  
Experience from Indonesia by Irman Lanti



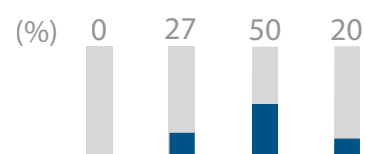
2. Efforts to Improve Judicial Integrity in Asia by Andrew  
Boname



3. Implementing the UNCAC Effectively:  
Perspectives from China by Zhang Yumei,



4. Initiatives to Improve Accountability: Insights from Fiji  
by Vanessa Chang



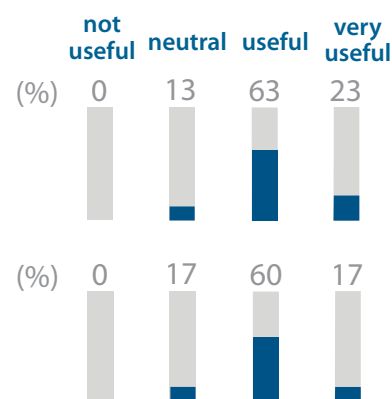

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Total respondents: 30

## 7 Session 7 Anti-Corruption Programming for Oversight Mechanisms (vis-à-vis respective article in UNCAC and focusing on lessons from country experience)

1. Strengthening Oversight Mechanisms: Contributions of Ombudsman's Offices to the Fight Against Corruption in the Philippines by Evelyn Baliton

2. Grievance Mechanisms as Vehicles for Accountability by Farhan Sabih



Total respondents: 30

## 8 Session 8 Anti-Corruption Programming to Support Civil Society, Media and the Private Sector Role (vis-à-vis respective article in UNCAC and focusing on lessons from country experience)

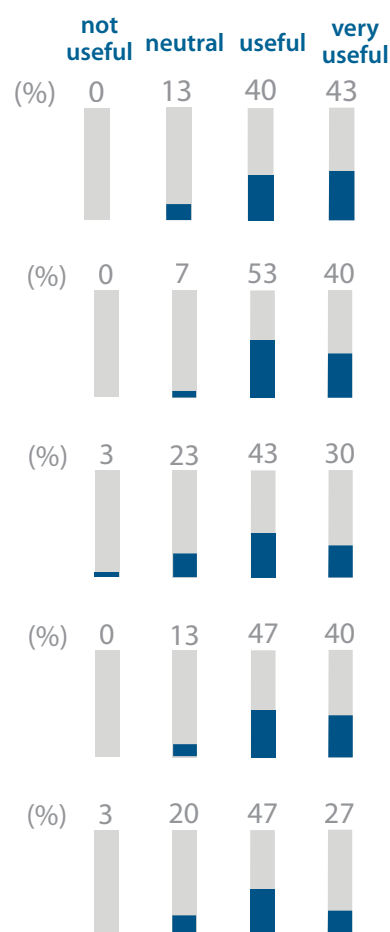
1. Unleashing the Power of Media and Information to Demand Accountability: Experience of the Philippines by Malou Mangahas

2. Freedom of Information in the Pacific: Progress to Date by Charmaine Rodrigues

3. Role of Civil Society in the Fight Against Corruption: Insights from Vietnam by Jairo Acuna-Alfaro

4. Citizen Report Cards: Experience from India by Suresh Balakrishnan

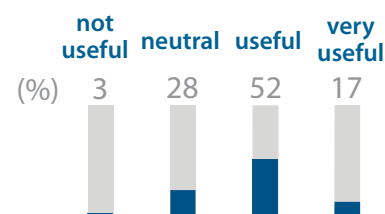
5. Updates on the Bali Business Declaration by Giovanni Gallo



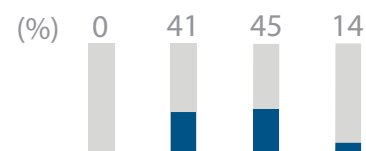
Total respondents: 30

## 9 Session 9 UNDP's Anti-Corruption Efforts in the Asia Pacific Region

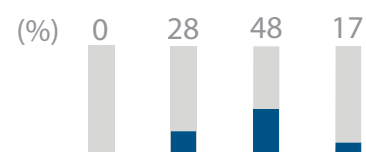
1. Perspectives on the ADB/OECD Anticorruption Initiative for Asia and the Pacific by Sandra Nicoli



2. Support of Internal Cooperation and Technical Assistance in the prevention of incidence of bribery by Luckshmi Jayawickrama



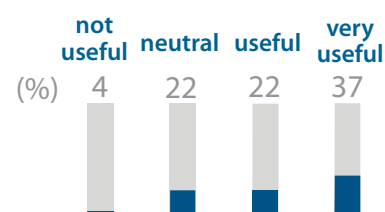
3. Regional Cooperation in Anti-Corruption: Lessons from Europe and the CIS by Dan Dionisie



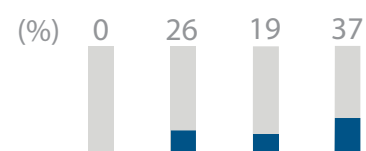
Total respondents: 29

## 10 Clinics Special sessions of the following emerging issues

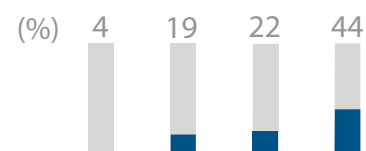
1. Human rights and anti-corruption (Sudarshan & Phil Matsheza)



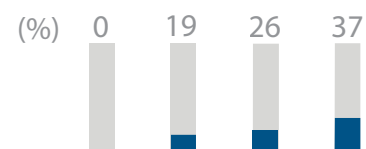
2. Natural resource revenue management (Pauline Tamesis)



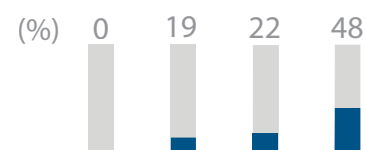
3. Gender and corruption (Roohi Metcalfe)



4. Integrity in Post conflict reconstruction (Ernesto Bautista)



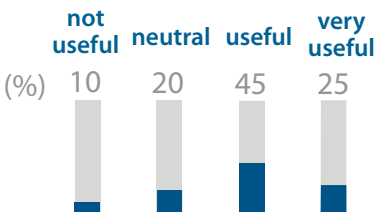
5. International Aid Transparency Initiative (IATA) and Publish what you fund (Patrick Keuleers)



Total respondents: 27

**11 Session 10** Report back from clinics and Preparations for Global Community of Practice Meeting on Anti-Corruption at the 13th International Anti-Corruption Conference (October 30 – November 2008, Athens)

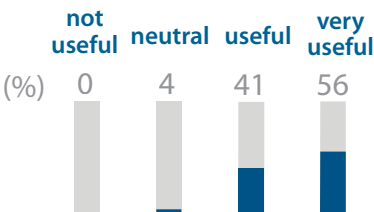
1. Phil Matsheza (Global COP) and rapporteurs from working groups and special sessions



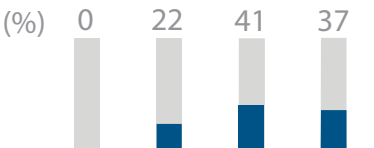
Total respondents: 20

**12 Summary of Workshop**

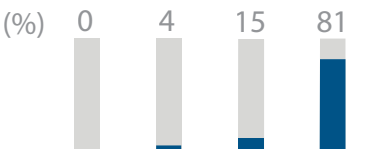
1. Overall evaluation of the organization



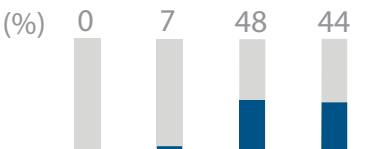
2. Overall evalutaion of the balance of topics covered



3. Overall evaluation of the venue and location



4. Overall evaluation of the event



Total respondents: 27

## Some participant comments

### Overall

- The workshop provided useful opportunities for sharing experiences and deepening understanding of UNCAC and its implementation in general contexts.
- It was a great opportunity to share a wealth of diverse experiences.
- A job well done!

### Agenda

- Too many topics and speakers were squeezed into this single workshop.
- A clearer focus combined with presentation and more space for discussions would enhance the effectiveness of the training.
- I would request that there be more participation through Q&A.
- Need to have more sectoral discussions, for example of good practices on the ground, more local initiatives.
- Need more discussion of how corruption impacts on gender, the informal sector and poor people in general.
- The agenda was a bit too long and, when it came to the end of the day, it was difficult to remain attentive.
- I would like more comprehensive workshops that dedicate themselves to the implementation of UNCAC, especially since most countries that have ratified the Convention need guidance concerning the actual implementation of UNCAC principles.
- The clinics were very useful. They should be a compulsory component of all workshops.
- It would have been of value to have had representatives from Singapore ICAC and Hong Kong, or even reps. from another bureau, to present their models.
- Good mixture of topics and guest speakers.
- Provided good technical guidance, country examples, and ideas.
- More coordination and preparation needed in presentations.
- Shouldn't be more than three presentations per session.
- The general information/training on UNCAC and programming was very useful, but the Asian country case studies were not always so relevant for the Pacific.

### Speakers

- Speakers were very good overall.
- Presentations were very diverse (good), but of uneven quality.

- Presentations lacked knowledge and substantive thinking. UNDP needs to move forward as a knowledge resource and innovative organization.
- Appreciate joint UNDP-UNODC approach and inclusion of others, e.g. ADB. Very useful for making contacts and discussions in the margins.
- Useful workshop, though some of the country presentations were not very focused.
- UNODC overview of UNCAC was very good, and will be useful in the future.

### Organization

- Well organized and well received.
- Invitations should be sent well in advance to accelerate visa processes.
- Providing evaluations at the end of each day, when evaluations are fresher, would be more fruitful than only at the end of the final session.
- Three days was too short for such a vital topic in the context of the MDGs and global economy. Four days would have been better, as this would have given speakers more time.
- The workshop was well organized in terms of content, venue, facilities and presenters.
- Excellent job by the organizers.
- Excellent organization.
- Very well organized, well-run event.
- Liked the real-time availability of documents and presentation on SNAP.
- Handouts of the speaker presentations would have been helpful.
- Overall, the activity was perfect.
- Logistical suggestion: Internet access should be provided free of charge in the rooms.

### Follow-up

- It is suggested that the programme include a follow-through activity involving some form of computation. Inquiries from participants coming from various sectors would prove useful in planning subsequent activities.
- A directory of focal persons would be useful.
- Similar workshops would be very relevant in taking stock of progress in the implementation of UNCAC.
- I hope UNDP can conduct individual workshops for the relevant Ministries in the respective countries.
- Should develop a strong network to access information relating to anti-corruption activities.
- Have made good contacts that I will follow up on in future.



## List of Asia-Pacific countries that have ratified UNCAC

Country	Date of signing	Date of Ratification/accession
Afghanistan	20 Feb. 2004	25 Aug. 2008
Australia *	9 Dec. 2003	7 Dec. 2005
Bangladesh *		27 Feb. 2007 a
Bhutan *	15 Sep. 2005	
Brunei Darussalam	11 Dec. 2003	
Cambodia * (Kingdom of)		5 Sep. 2007 a
People's Republic of China 1 *	10 Dec. 2003	13 Jan. 2006
Fiji *		14 May 2008 a
India * (Republic of)	9 Dec. 2005	
Indonesia *	18 Dec. 2003	19 Sep. 2006
Iran (Islamic Republic of)	9 Dec. 2003	
Japan *	9 Dec. 2003	
Lao People's Democratic Republic	10 Dec. 2003	
Malaysia *	9 Dec. 2003	24 Sept. 2008
Maldives		22 Mar. 2007 a
Mongolia *	29 Apr. 2005	11 Jan. 2006
Myanmar (Union of)	2 Dec. 2005	
Nepal *	10 Dec. 2003	
New Zealand	10 Dec. 2003	
Pakistan *	9 Dec. 2003	31 Aug. 2007
Papua New Guinea *	22 Dec. 2004	16 Jul. 2007
the Philippines *	9 Dec. 2003	8 Nov. 2006
Republic of Korea *	10 Dec. 2003	27-Mar. 2008
Singapore * (Republic of)	11 Nov. 2005	
Sri Lanka *	15 Mar. 2004	31 Mar. 2004
Thailand *	9 Dec. 2003	
Timor-Leste	10 Dec. 2003	5 Nov. 2008
Viet Nam	Dec. 2003	

\* Countries that have endorsed the OECD/ADB Integrity Initiative Anti-Corruption Action Plan.



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<http://regionalcentrebangkok.undp.or.th>