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# **Anti-Corruption Bodies: UNCAC Normative Framework and Interaction with the COSP**

**Regional Anti-Corruption Workshop for the Balkan Countries  
9-10 December 2009**



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# **WHAT IS ANTI-CORRUPTION BODY?**

**ACB is a separate, permanent government agency whose primary function is to provide centralized leadership in core areas of anti-corruption activity.**



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## **PURPOSE**

### **Why do Governments establish ACBs?**

- **Political will/Government commitment to fight corruption**
- **Political response to pressure or a crisis**
- **Respond to the UNCAC**



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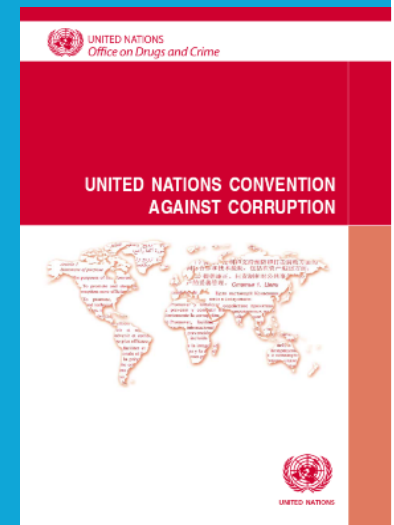
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# THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

**Article 5: Preventive Anti-Corruption  
Policies and Practices**

**Article 6: Preventive Anti-Corruption  
Body or Bodies**

**Article 36: Specialized Authorities**





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## **MANDATE AND FUNCTIONS**

- **Legislative mandate**
- **Sanctioning**
- **Prevention**
- **Research**
- **Implementation and follow-up of the national anti-corruption strategy**
- **Oversight and proper reporting system**
- **Public Education**
- **Adequate power and resources**



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# TYPES/MODELS OF ANTI-CORRUPTION BODIES

- **The universal model**
  - **Preventive**
  - **Investigative**
  - **Educative**



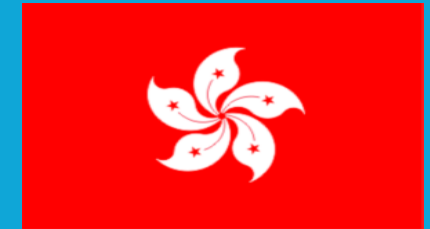
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# TYPES/MODELS OF ANTI-CORRUPTION BODIES

## ✓ The Hong Kong Independent Commission against Corruption (ICAC)

- Operations Department
- Corruption Prevention Department
- Community Relation Department





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## **TYPES/MODELS OF ANTI-CORRUPTION BODIES**

- **The law enforcement or investigative body**
  - **Detection**
  - **Investigative**
  - **Prosecution**





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## TYPES/MODELS OF ANTI-CORRUPTION BODIES



- ✓ **The Corrupt Practices Investigation Bureau (CPIB) of Singapore**
  - **The operation division**
    - **Four different investigation units**
    - **Intelligence Unit**
  - **The Administration and Specialist Support Division**



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## TYPES/MODELS OF ANTI-CORRUPTION BODIES

- ✓ **Special Department for Organized Crime, Economic Crimes, and Corruption (BiH)**
  - **Based in State Prosecutor's Office**
    - **Coordinates Investigations**
    - **Prosecutes Cases**
  - **During interim period, includes both locals and internationals**





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## **TYPES/MODELS OF ANTI-CORRUPTION BODIES**

- **The Parliamentary Model**
  - **Preventative approach**



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## TYPES/MODELS OF ANTI-CORRUPTION BODIES

### ✓ The New South Wales, Australia

- Four Operational Units:
  - The Investigation Unit
  - The Legal Unit
  - The Corruption Prevention, Education and Research Unit
  - The Commercial Services Unit





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## **TYPES/MODELS OF ANTI-CORRUPTION BODIES**

### **➤ The Multi-Agency Model**

**A number of distinct offices form a web of agencies that fight corruption**



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## TYPES/MODELS OF ANTI-CORRUPTION BODIES

✓ **The United States Office of Government Ethics: One component of multi-agency approach to fighting corruption. Mandated to:**



- Deter conflict of interest
- Inform public officials about actions that might represent potential conflicts of interest
- No investigative function
- Dissemination of information without a mandate to enforce laws and regulations



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## **ELEMENTS TO CONSIDER...**

- **The independence of the commission**
- **A clear reporting hierarchy**
- **The government must have a committee to endorse reforms**



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## **LESSONS LEARNED**

- **Supportive legal framework**
- **Domestic demand**
- **Successful ACBs are dependent on their environment and do not act in a vacuum**
- **Independence from the executive**
- **Broad mandate and lack of resources**
- **Strong education and training unit**
- **Outreach programmes**





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## Anti-Corruption Agencies and the UNCAC Conference of States Parties

- Third Conference of the States Parties
  - Doha, Qatar November 2009
- Secretariat to the COSP
  - UNODC
- Working Groups
  - Review of Implementation
  - Asset Recovery
  - Technical Assistance

## Working Group on Review of Implementation

- CoSP2 called for proposals for TORs
  - 33 States proposed TORs
  - UNODC consolidated proposals
- Working Group on Review of Implementation: Sept. and Dec. 08, May 09
- TORs' further consolidation: from 60 pages in September 2008 to 11 to-date
- Informal meeting held on 26 and 27 February 2009
- Working Group completed first reading of TORs on 13 May – second reading up to paragraph 11
- Next meeting: 25 August-2 September 2009

## The mechanism: main elements under discussion

- Peer review process
- Desk review of self-assessment reports Vs. desk review + country visits by review team
- Composition of review team
- Sources of information
- Outcome of review process (report)
- Implementation/monitoring of recommendations
- Role of the Secretariat
- Funding

## Pilot review programme

- Membership and budget
- Mandate and methodology
- Lessons learned and role of UNODC

# Membership and budget

Phase I: March 07-Jan. 08 Phase II: March 08-August 09

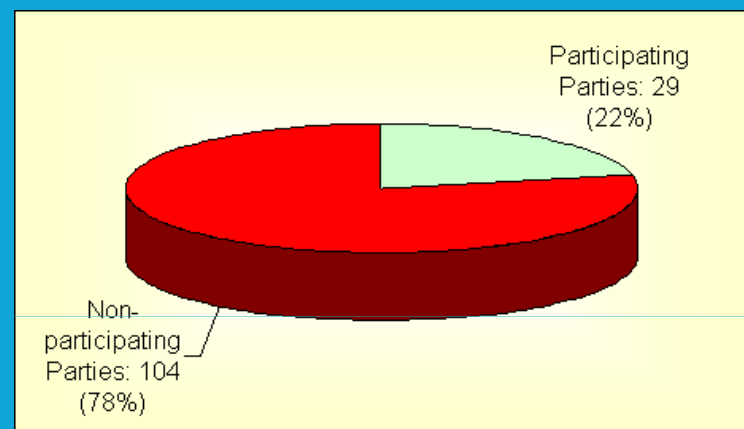
## 16 volunteer States

	Argentina
	Austria
	Finland
	France
	Greece
	Indonesia
	Jordan
	Netherlands
	Norway
	Peru
	Poland
	Romania
	Sweden
	United Kingdom
	Tanzania
	United States

## 13 additional States

	Bolivia
	Burkina Faso
	Colombia
	Croatia
	Dominican Republic
	Fiji
	Mexico
	Mongolia
	Pakistan
	Panama
	Philippines
	Serbia
	Rwanda

29 participating States  
over 1/5 of all States Parties



	Austria
	Finland
	France
	Greece
	Netherlands
	Norway
	Sweden
	United Kingdom
	United States

**Budget:**  
**\$2.4M by**

## ➤ **Mandate** **Mandate and methodology**

- assist participating States in assessing and reviewing compliance with **UNCAC**
- test effectiveness and efficiency of the approach
- suggest possible elements of a full-fledged review mechanisms
- share lessons learnt and experience gained with CoSP
- facilitate decision on the review mechanism at CoSP3

## ➤ **Methodology**

- combined self-assessment / group / expert review method
- identify implementation gaps and needs for technical assistance
- recommend concrete measures to implement the Convention

## Lessons learned and role of UNODC

- Active dialogue triggered by self-assessment checklist as a basis for the review
- Country visits foster dialogue between reviewing experts and countries under review
- Good practices and common challenges exchanged
- In-country coordination and among reviewing experts, country under review and UNODC
- Role of UNODC: fully participating party, facilitate dialogue and coordination, plan activities and country visits, quality control and time management

## Working Group on Asset Recovery

- Met on 25-26 September 08 and 14-15 May 09
  - Development of cumulative knowledge: knowledge management center and practical tools for asset recovery
  - Enhancement of confidence and trust through formal and informal networks of focal points
  - Tailor-made training and capacity-building for policy makers, legislators and practitioners



## Working Group on Technical Assistance

- Working Group on Technical Assistance met in December 2008
  - Legal advice and legislative drafting assistance for implementing UNCAC
  - Strengthening domestic capacity to apply legislation
  - Coordinate assistance needs and delivery at the country level: development of a matrix mapping technical assistance activities
  - Pool of anti-corruption experts
- Next meeting: Vienna, 3-4 September 2009



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**THANK YOU**