

Independent Review of the ADB/OECD Initiative Final report

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17 November 2009

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Executive Summary

Objective of the Initiative

The Asian Development Bank/Organisation for Economic Co-operation and Development (ADB/OECD) Anti-Corruption Initiative for Asia-Pacific (the Initiative) was established in 1999 as a regional network for the benefit of officials from member countries and jurisdictions to engage in coordinated and systematic actions in the fight against corruption. To date, 28 countries and economies have joined the Initiative.

Objective of the Review

The objective of the review is to assess the relevance, effectiveness and efficiency of the Initiative, globally, regionally and at the country level to determine whether or not the Initiative and its associated Action Plan have proven effective in assisting members in the fight against corruption in the Asia-Pacific region. The review also identifies options for sustaining regional anticorruption activities in the future, taking into consideration the lessons learned, the changing anti-corruption landscape and needs of the member countries.

Methodology

The review team consisting of an anti-corruption expert and an governance evaluation specialist attended the Steering Group Meeting and capacity building activities in Macao, China, met with all Steering Group and Advisory Group members attending Macao, China, carried out four country case studies, where they met key stakeholders from governance institutions and civil society, carried out a questionnaire survey of members (25 of 28 responded; most questions were answered by no more than 20 members) and of Transparency International representatives in member countries, and met with key staff at ADB and OECD, inside and outside the divisions responsible for the Initiative.

Findings

Overall assessment

1. Members believe that the Initiative is successfully helping members to reduce corruption mainly through a peer learning process in an informal environment. Members are very positive about the Initiative. Fifty per cent or more rated the following activities “very useful”: capacity development seminars (the highest rating of all), thematic reviews, conferences, and learning from other members. Although member countries may have to attend up to 23 regional and international meetings on anti-corruption each year, almost all like the Initiative so much that are prepared to keep the one meeting each nine months schedule.

However many feel that the peer-learning processes could be made more effective, and the rate of progress accelerated, if the meetings were more thematically and operationally focused and there were a more energetic follow up by countries and donors alike when areas to be strengthened are identified. The Initiative also has to recognize that almost all the representatives from the member countries who attend the Steering Group meetings are from anti-corruption agencies (ACAs); this has become essentially an anti-corruption agency initiative, even though many are not, at least yet, one-stop anti-corruption shops.

Initiative's support for anti-corruption

2. Members report that the Initiative has provide “some” assistance in implementing the Action Plan. The Initiative has been of most help with Pillar I, developing effective and transparent systems for the public service, with 37 per cent reporting that the Initiative helped “very much” and 53 per cent “some”. The responses for the two other pillars are around 20 (very much) and 60 (some) per cent respectively. Three quarters regard the Action Plan of “some” help as a framework for anti-corruption.

Constraints

3. Weak cooperation on mutual legal assistance matters, and a lack of financial resources, cooperation from other parts of government, and professional knowledge and technical assistance were identified by the members as the most important constraints to the implementation of the Action Plan. According to the survey of members, these were more important constraints than the government and legislature not considering anti-corruption a priority.

Learning

4. All members reported that learning from each others experiences to be a valuable aspect of the Initiative. This includes the less advanced learning from the more advanced and the less advanced learning from each other. The team was given many examples of learning from one country being put into practice in another. Over 50 per cent had contacted another member to seek guidance and two thirds of the time that advice had resulted in action to reduce corruption.

5. All members find the informality of the Steering Group meetings very appealing. Many contrasted these meetings with the much more formal proceedings of the UNCAC or APEC meetings. The informality and the lack of sanctions or any notion of compliance with the measures in the Action Plan, and simply getting to know each other, encourages members to be very open about the problems they face. The ACA members, who are often from independent bodies that are often not popular with other governmental institutions, feel that the Initiative has established a club-like atmosphere where they can share experiences.

6. The members themselves and donors who are members of the advisory group appreciate the value of the members' ownership of the Initiative as a basis for reducing corruption in the region. Because this is not a donor driven initiative, members are more encouraged than they might be to commit in a sustainable manner to taking the actions needed to improve performance against corruption.

7. Members appreciate practical advice most of all. Since almost all are from ACAs, this means advice on practical, operational matters relevant for ACAs and their more direct partners. By far the most successful publication, measured by copies distributed, has been Mutual Legal Assistance, which provided very practical guidance to ACAs, investigators and prosecutors. Even the more advanced countries reported that they had benefited from this publication.

8. There were mixed feelings about the round-the-table reporting at the Steering Group. The Steering Group meetings themselves and the self reporting matrix were rated “very useful” by forty five per cent of the respondents to the survey, with thirty five per cent rating the stocktaking “most helpful”. Half also thought the reporting by members on

progress in implementing the Action Plan “helpful” and thirty per cent “most helpful.” However, many of those contacted in the country studies complained that the round the table reporting was not as good a use of the meeting’s time as it might be. Even though voluntary reporting by Action Plan pillar has been an improvement over country by country reporting, most would prefer a format that encourages more interaction among members rather than the plenary reporting and listening format. Breaking into small groups to discuss experiences around themes would be welcomed by the members.

Country reviews

9. Many members continue to be uneasy about the proposed country reviews.

Although members are prepared to discuss shortcomings in their anti-corruption activities at the Steering Group meetings, most are concerned that the country reviews will introduce an element of pressure to make progress, even comply, that will adversely impact the Initiative’s main advantage over other global and regional anti-corruption initiatives, its informal learning environment. It was also said that the country reviews run counter to Asia’s non-confrontational culture. The uneasiness may be partly due to the members not fully understanding the voluntary and thematic nature of the reviews and that any reports would have to be approved by the members, including the countries being reviewed, before publication. There is no such uneasiness about the thematic reviews. It should be noted that seven central Asian countries, all members of the OECD sponsored Anti-corruption Network, some of whom are also members of the Initiative, have completed one round of peer reviews and committed to a second round, even though at first some were reluctant to do so. Some members from elsewhere in the region have volunteered to pilot peer reviews under this initiative.

Action Plan

10. For almost all but the most advanced members implementation of the whole range of the Action Plan is beyond their manageable interest. The Action Plan is very broad in scope, covering issues in, for example, public financial management, procurement and civil service reform that are the prime responsibilities of agencies other than the ACAs who mainly make up the membership of the Initiative. Very few of the members contacted felt that they could initiate actions to fill in gaps under these headings or even have a significant impact on those who could initiate reforms. In the four countries visited by the team, very few people outside the staffs of ACAs who attend the Steering Group Meetings have even heard of the Initiative. Many more have heard of UNCAC. The exceptions are those outside the ACAs who have attended workshops and seminars.

11. However, the de facto narrowing of the scope of the Action Plan under the direct influence of the members matters less than it used to because many other parallel activities are now underway to address the issues not directly the responsibility of the less advanced ACAs. Almost all countries now have Poverty Reduction Strategy Plans, which are the basis for donor support, and which invariably include sections on anti-corruption and good governance. Almost every country has a donor-supported public financial management and procurement reform and capacity building program. Many have donor-supported civil service reform programs.

12. Most members regard reporting against the Action Plan as a job to be done rather than a serious effort to measure progress and identify gaps that would in turn motivate action. Members contacted by the team complete the self-reporting to Steering Group meetings by meeting with or phoning the agencies concerned and from newspaper

stories. Only a few members regard the whole of the Action Plan as their responsibility and ever hold meetings with all the agencies concerned to identify gaps and plan actions. Member's countries that have signed UNCAC (almost all of the members) are much more focused on doing what is necessary to meet the UNCAC conditions than on implementing the Initiative's Action Plan (although the two cover much the same ground). Nevertheless eighty five per cent of those members replying to the survey regard the Action Plan as still useful even after the emergence of UNCAC.

13. Some civil society observers believe that in many cases the self reporting overstates progress, particularly in terms of the effective implementation of the legal and institutional reforms. According to the self-reporting, the Action Plan has been progressively, if slowly, implemented in most countries, in particular in terms of the legal and institutional reforms most closely associated with ACAs. Some countries are able to point to hard data showing higher conviction rates and less corruption. However, some representatives of civil society contacted by the team are skeptical about real progress made in reducing corruption, believing that, because of a lack of political will and implementation weaknesses, new laws, procedures and institutions have not necessarily resulted in less corruption.

Donors

14. Many in OECD and ADB, as well as representatives of the donors and civil society who are members of the Advisory Committee, believe that the Initiative, which they support, could be made to be more effective in helping countries to reduce corruption. Many are looking for faster progress and better outcomes from the Initiative both to advance good governance in the region and to justify their participation. Some are struggling to justify their financial support for the Initiative at a time when development budgets are under pressure. Many want the Initiative systematically to collect more and better information on the outcomes of the investment in the Initiative in terms of lower levels of corruption.

Secretariat

15. The members responding to the survey gave a ringing endorsement of efficiency of the Secretariat. One hundred per cent of those participating in the survey said that the Secretariat has provided "necessary and timely support". Almost every respondent thought the administrative structure of steering group, advisory group and secretariat appropriate.

Recommendations

1. Focus on anti-corruption prevention, investigation and prosecution. The Initiative should recognize that it has mainly evolved into an initiative for ACAs and should therefore focus its activities on building the capacity of ACA's and related agencies to prevent, investigate and prosecute corruption. For those countries that do not have a national ACA, the Initiative should encourage joint representation from related agencies such as the offices of Public Prosecutors and the Ombudsman. And, since corruption can only be successfully attacked on a broad front, the Initiative should encourage the ACA and related agencies to engage actively with other government agencies with roles in anti-corruption, such as the civil services commission, ministries of finance and public procurement agencies, civil society and business organizations.

2. Retain the club-like character of the Initiative. The Initiative should continue to be a physical and virtual place where senior staff from ACAs and related agencies can freely and informally exchange experiences and arrange mutual support with a clear objective of improving the performance of the members in reducing corruption.

3. Support UNCAC. The Initiative should continue to re-orientate its work towards UNCAC and aim to provide even more knowledge management and capacity building support to the implementation of UNCAC. The Initiative should recognize that governments in the region no longer regard the Action Plan as the main driver for anti-corruption “compliance”. At the political level UNCAC, APEC Anti-corruption Task Force and the OECD Convention have become more widely recognized than the first framework for reform, the Initiative’s Action Plan.

4. Support learning with action. The Initiative’s most appealing attribute, learning from the experience of the members, should be reinforced by more active follow-up in terms of technical support to improve an ACA’s performance when an area that needs to be strengthened has been identified. Active follow up could either take the form of a donor commitment to work with the ACA to define what is needed to fill the gap (this could be the job of the proposed peer-led country reviews) and then to follow up with funding for capacity building; or setting up a multi-donor trust fund to which members can apply for capacity building funding. Support could also take the form of one member providing technical assistance to another, as already happens, and expert meeting, or OECD and ADB providing expert advice. A number of member countries have existing training courses for international participants and they should be encouraged and supported to provide tailor made training courses, or “training for trainers” for Initiative members.

5. Pilot voluntary peer reviews. Similar peer-led country reviews in other regions and for some of the central Asian members of this initiative through the OECD sponsored Anti-corruption Network and the mutual evaluations in the Asia-Pacific Group on Money Laundering, have proved to be effective in identifying key issues to be addressed and gaps in legislation, processes and capacity. It will be important for members fully to understand that, as explained at the Macao, China meeting, the peer reviews under this Initiative are voluntary; focus on issues identified by the country concerned, with the help of outside experts and agreed to by the country concerned; have review teams drawn from and led by members of the Initiative; and give the country under review the final right of approval of all reports prepared by the review team. If the countries reviewed commit to implement the agreed recommendations, and the donors to provide capacity building support, the Initiative should become even more effective in the future in fostering reductions in corruption in the region than in the past ten years.

6. Enhance ownership. The Initiative’s unique characteristic compared with some other initiatives and conventions, the members’ ownership of the Initiative, could be strengthened by having one of the members co-chair the Initiative on a rotating and voluntary basis. The Secretariat would continue to provide support to the Initiative, as currently. Consideration should be given to dropping ADB/OECD from the title of the Initiative. Members from the less as well as more advanced countries should join the Advisory Group on a rotating and voluntary basis. OECD and ADB should continue to provide organizational, technical and substantive support as in the past; this support is greatly appreciated by all members.

7. Be more thematic and practical. The Steering Group meetings and the other learning activities should focus on more practical and operational issues of interest to ACAs and similar agencies. “More practical and operational” means enforcement matters, such as

enhancement of investigation techniques, networking for mutual legal assistance, sharing of technical know-how such as IT (as an investigation aid), computer forensic, and surveillance technology. Setting up an intranet within the Initiative's website to enable the liaison officers to communicate confidentially, and seek assistance through this channel, was also suggested, although this may be beyond the scope of the Initiative.

8. Enhance discussion. There would be even more interaction among members, and thus more peer-to-peer learning, if the Steering Group meetings were characterized by small group, thematic oriented meetings. Some members, many of whom are not confident in English, are overawed by the plenary sessions. Good facilitation of these discussions will ensure open discussions of experiences and issues. The round the table reports on progress even by pillar do not result in as useful exchanges of views and experiences as might be possible.

9. Add the private business sector involvement. The demand side of anti-corruption, civil society, is already involved in the Initiative, mainly through TI and the American Bar Association. The private business sector is both a party to corruption and a potential beneficiary from its elimination. At both Steering Group and country levels, private sector involvement should be added, perhaps in the form of one or two representatives from regional business associations.

10. Increase awareness of the Initiative. The Initiative is not well known in the member countries, despite the fact that the Initiative's newsletter is sent to over 5,000 anti-corruption policy-makers and experts. The Initiative's capacity building role in support of UNCAC, APEC and other conventions and initiatives needs to be better understood by a wider range of governance institutions in the member countries and staff in donor organizations, including their local offices. In each case, substantial inter- and intra-agency collaboration is required to fight corruption. And if the Initiative is to be regarded as providing the capacity building support for the implementation of UNCAC, then the political and administrative leaders who attend the UNCAC meetings need to be fully aware of the Initiative's objectives and activities.

11. Collect information on improvements in anti-corruption outcomes. The self-reporting is too input oriented: better laws and procedures, even institutions, do not necessarily mean lower levels of corruption. Implementation matters most. Some ACAs already collect such data on a regular basis. As well as the current self-reporting, members should report on anti-corruption outcomes at Steering Group meetings on the basis of outcome indicators that could be developed by the Initiative. These data will help to justify the Initiative, even allowing for attribution problems. This form of reporting will also help to focus the Initiative on implementation, which will in turn encourage better anti-corruption results. It is suggested that the Members and Secretariat set up a small working group to set standards for measuring performance in reducing corruption to be applied by all members. Consideration should also be given to setting up a performance matrix for the Initiative itself, with indicators measuring outcomes in terms of the main activity of the Initiative, learning from others what works best.

Review of the ADB/OECD Anticorruption Initiative for Asia and the Pacific - Final Report

1. Purpose of the Review and the Scope of the Report

1.1 Objective and Scope of the Review

The Asian Development Bank/Organisation for Economic Co-operation and Development (ADB/OECD) Anti-Corruption Initiative for Asia-Pacific was established in 1999 as a regional network for the benefit of officials from member countries and jurisdictions to engage in coordinated and systematic actions in the fight against corruption. In 2001, 17 Asian and Pacific countries¹ endorsed the Anti-Corruption Action Plan. By mid-2008 an additional 11 countries² had signed up to the Plan committing to taking concrete and meaningful priority steps to deter, prevent and combat corruption at all levels, without prejudice to existing international commitments and in accordance with their jurisdictional and other basic legal principles.

The objective of the review is to assess the efficacy and relevance of the Initiative, globally, regionally and at the country level to determine whether or not the Initiative and its associated Action Plan (including the Implementation Plan) have proven effective in assisting members in the fight against corruption in the Asia-Pacific region. The review will also identify options for sustaining regional anticorruption activities in the future, taking into consideration lessons learned and needs of the member countries and jurisdictions.

The review team has been asked to assess:

- (i) the relevance of the Initiative as a regional mechanism to support anticorruption activities in the Asia-Pacific region;
- (ii) the effectiveness of the Initiative's Action Plan as a framework for anti-corruption interventions regionally and at the country level, particularly in light of the need for the Initiative to work in a complementary fashion with partner organizations in an effort to avoid unnecessary duplication of work;
- (iii) the relevance of the Action Plan in light of the changing anti-corruption landscape, including the coming into force of the United Nations Convention Against Corruption (UNCAC) in 2005 and other international and regional initiatives and what changes (if any) to the Action Plan (including the Implementation Plan) are now desirable;
- (iv) the impact of the Initiative in addressing corruption at the global, regional and country level, including identification of good practices;

¹ Bangladesh; Cook Islands; Fiji Islands; India; Indonesia; Japan; Republic of Korea; Kyrgyz Republic; Malaysia; Mongolia; Nepal; Pakistan; Papua New Guinea; Philippines; Samoa; Singapore; and Vanuatu.

² The following countries endorsed the Action Plan after 2001: Kazakhstan(2002); Cambodia (2003); Australia (2004); Hong Kong, China (2004); Palau (2004); Viet Nam(2004); People's Republic of China (2005); Thailand (2005); Sri Lanka (2006); Macao, China (2006); and Bhutan (2007).

- (v) the quality and effectiveness of the Initiative's processes for assessing progress in Action Plan implementation (e.g. country reporting during Steering Group meetings) and establishing future priorities.
- (vi) the quality, accessibility and application of knowledge products including the country self-reporting matrix, stocktaking report, publications, website, newsletter, etc.;
- (vii) the impact of capacity development activities including seminars and regional conferences on assisting members to implement anti-corruption reforms;
- (viii) the efficiency and effectiveness of the Initiative's implementation arrangements including (a) membership and structure including the Steering and Advisory Groups; and (b) the business model including administration and operation and performance of the Secretariat (including whether anticorruption expertise at ADB and OECD has been used effectively); and
- (ix) recommend options for sustaining a relevant and adaptable regional mechanism in the future including recommendations for incorporating appropriate monitoring and evaluation processes in the future.

1.2 Summary of Methodology

The review employed the OECD/DAC standards for evaluations, in accordance with the TOR. This approach aims to link the outputs, outcomes and impacts of the policy and human and financial resources to inputs provided by the activity concerned (the Initiative in this case) to the policies, projects and programs concerned. Programs, projects and policies are tested in terms of their relevance, effectiveness and sustainability.

Governance programs present particular problems in terms of measuring outcomes and impacts since many factors other than the program being evaluated are likely to contribute to (or detract from) the outcome and impacts. It was impossible meaningfully to isolate the outcomes and impacts of this Initiative from other actions that contribute to lower levels of corruption. However, through in-depth interviews with those concerned with the Initiative and its actions at the country level, it was possible to at least identify the value added of the initiative; in other words, the likely contribution of the initiative to reducing corruption levels. It was also possible to discuss the ways in which the initiative has helped countries meet their goals under the UNCAC.

It was important to define what we mean by inputs, outputs, outcomes and impacts in the case of the Initiative. Again this raises problems in identifying the unique contribution of the Initiative. In this particular case the inputs are the action plans themselves and the meetings, exchanges of experiences, workshops, publications and other form of capacity building. The over-riding objective of the initiative is to reduce corruption in Asia and the Pacific through the implementation of an agreed Action Plan and the associated sharing of experiences. The outputs in the case of the Initiative are the actions undertaken by member countries to meet the objective laid out in the three pillars in the Action Plan: developing effective and transparent systems for public service; strengthening anti-bribery actions and promoting integrity in business operations and supporting active public involvement. The outcomes of the actions concerned would be legislation, regulation and stronger institutions leading to lower levels of corruption, while the impacts would be stronger and more equitable economic and social growth and reduced poverty. This outcome has been chosen by the consultants

not the Initiative, but we assume the chosen outcome, lower levels of corruption, is an objective of members of the Initiative. One lower level result/impact of lower levels of corruption would be the better utilization of human and financial resources allocated to the provision of public and private services

In implementing the OECD/DAC standards, the team followed the methodology laid out in the TOR (see Annex 1) by assessing progress in terms of relevance, effectiveness (including impact and sustainability) and efficiency. Appendix 4 of the TOR lays out ‘indicative evaluation questions’ that the team employed in the survey and the interviews with key informants.

1.3 Sources of Information

The team carried out in depth interviews of anti-corruption agency’s (ACA’s)³ commissioners, directors and staff, government officials, and representatives of civil society in four countries: South Korea, Indonesia, Philippines and Sri Lanka. These countries cover the spectrum from those with well developed ACAs to those with less developed ACAs. The team also made visits to the host organizations’ offices in Paris and Manila to assess the Secretariat function and to assess the extent to which the Initiative supports the strategic objectives of each institution and interviewed members of the Steering Group, Advisory Group and Secretariat. The team also observed the Macao, China Steering Group meeting and studies the records of Steering Group Meetings, country self reports, publications and websites.

The survey instrument was designed to be short enough to encourage respondents to respond and detailed enough to obtain useful information from the respondents covering all the key evaluation questions. The survey had fifteen questions, almost all in simple-to-answer yes/no, multiple choice or scoring form. The survey also included six open-ended questions asking for the respondents’ general view of the Initiative and for any suggested changes to make it more effective. To obtain a civil society perspective, a similar survey instrument was sent to Transparency International representatives in the Asian and Pacific countries which are members of the Initiative.

1.4 The Report

The report will summarize the findings and lessons learned of the review under the headings;

1. Relevance
2. Effectiveness
3. Efficiency

The two other criteria identified in the TOR, sustainability and impact, will be covered under effectiveness. The report will then make recommendations to improve the Initiative in the

³ We will use the term “anti-corruption agency” throughout this report to refer to agencies vested with the responsibility to fight corruption, in line with the definition used by the International Association of Anti-corruption Authorities. The association includes the organizations responsible for investigation and prosecution in this definition.

future in terms of relevance, effectiveness, and efficiency. In this “evidence based” review, all recommendations will be based upon findings from the review.

This report has been prepared by the two members of the review team: Tony Kwok, Anti-corruption Expert, and Harry Garnett, Team Leader.

The team would like to thank all those who participated in this study, including the representatives of the member countries, the staff of ADB and OECD, the donors, and the representatives of Transparency International and the American Bar Association.

2. Findings and Lessons Learned

2.1 Relevance

An assessment of the relevance of the Initiative requires answering two questions: Is anti-corruption a high priority for the members; and is the Initiative significantly helping members to meet their anti-corruption objectives?

Types of members. There are three categories of members, each with their own anti-corruption priorities: members from countries that do not have well developed anti-corruption agencies and other governance institutions; members from countries that do; and the donors and civil society supports of the Initiative (including OECD in this category).

At the outset, we should point out that “well developed” does not necessarily mean the Hong Kong or Singapore style “one-stop shop” ACA. Most members of OECD, for example, have relatively low levels of corruption but do not have one-stop shop ACAs. Some developing countries have also adopted a multi-institution approach to corruption. Almost no country in the world relies entirely on a single agency to fight corruption. By “well developed” we mean that whichever agencies have a responsibility in the fight against corruption have the legal powers, finance, and qualified staff to do so. And behind all this, there is the political will to treat anti-corruption as a high priority.

The Initiative is highly relevant to all of the member countries that do not have highly developed anti-corruption agencies (ACA). For member countries in this category, anti-corruption and good governance are high policy priorities. Each of their Poverty Reduction Strategy Plans (PRSP, which may be called “National Plan”) has a section on good governance and/or has mainstreamed governance issues in the sections of the PRSP on sectors development. These countries have varying levels of political commitment to anti-corruption, meaning the active participation of the political leadership in mobilizing the support of the executive and legislative branches of government to reduce corruption. But even where commitment is not as great as it might be, the Initiative can be, and, as some members told the team, helpful in building political commitment. However, many ACAs suffered from a lack of resources and legal (investigative and prosecutorial) support which may be indicative of the relative lack of political will to combat corruption.⁴ The team had

⁴ The team was surprised to find that survey did not show these to be major problems. For example, only 11 per cent thought a lack of resources was a major constraint. However, it was clear from the country studies that many do suffer from low and unpredictable funding. None of the agencies have close to Hong Kong’s ACA’s level of funding or staffing. In one country the President had interfered to head off a major investigation being undertaken by the ACA.

contact with some countries where the political leadership has sometimes frustrated the work of the ACA, especially in sensitive high level cases. Common problems with ACAs in this category are summarized in Box 1.

Box 1

Common Critical Problems of Anti corruption Agencies

Civil society observers and, in some instances the ACAs themselves, believe that some ACAs contacted by the team are not as effective as they might be. Common problems include:

- Lack of political support, which can be demonstrated by the lack of resources provided. Many of the ACAs receive less than 0.01% of the entire government budget; this compares with 0.38 % for Hong Kong's
- Lack of legislative support – the ACA is not given adequate investigative power and the anti corruption legislation is weak, failing to embracing all the common corruption and corruption related offences. Some do not even have the power of arrest, nor non-voluntary access to bank documents and company records
- Policy constraint – some ACA can only investigate complaints with identifiable complainants, some have to be based on sworn affidavit. Such policy appears to discourage rather than encourage the public to report corruption. One agency is not allowed to recruit its own investigators, and can only have serving police officers employed on secondment from the police, hence their loyalty, integrity and commitment is questionable
- Perceived political interference in dealing with serious corruption cases involving senior politicians
- Lack of professionalism and resource for capacity building
- Lack of international cooperation
- Lack of partnership and support from other government and private sectors

The countries in the second category, those with well developed ACAs, or effective set of agencies institutions fighting corruption, told the team that they too benefited the peer learning that is such an important part of the Initiative. These members are proud of their achievements and happy to share them with the less developed members. Also, in these days when corruption is often a cross border crime, they also benefit from the operational networking that the Initiative fosters when the collaboration of another country is required to pursue a particular case.

All in the third category also rate the promotion of anti-corruption and good governance as among their top priorities. This is true of OECD's Financial and Enterprise Affairs (including the Anti-corruption Division), Public Governance and Development Cooperation, and Tax Policy Directorates. The Initiative is ADB's flagship governance operation. In addition, the

learning network focus of the Initiative is very much in line with ADB's aim to become a "knowledge bank." Democratic governance, of which anti-corruption is part, is the most important theme of UNDP, a member of the Advisory Committee, in terms of funding, with over \$1.5 billion in projects each year and a Regional Service Center and Democratic Governance Team in Bangkok. The World Bank, which has recently published a Governance and Corruption Strategy, and is setting up a Governance Hub in Bangkok to mainstream governance in Bank projects and programs and foster collaboration with donors and this Initiative, spends \$4.7 billion a year on governance programs and projects. Anti-corruption and good governance is a top priority of the bilateral donors that are members of the Initiative.

Contribution to anti-corruption. The second question, is the Initiative a relevant activity in meeting the anti-corruption priorities of these members and participants in the Initiative, can also be answered in the affirmative. Almost all respondents to the survey reported that the Initiative has helped their country "very much" (20 to 30 per cent) or "some" (50 to 60 per cent) achieve the three pillars in the Action Plan. All reported that the Action Plan has been at least of "some" help as a framework for anti-corruption in their country. The donors contacted by the team all considered the Initiative to be relevant, although most suggested some improvements. Progress in reducing in Indonesia and Philippines is summarized in Boxes 2 and 3, although it should be clear that this progress cannot necessarily be attributed to the Initiative.

Box 2 Country Achievement of the Action Plan - Indonesia

Pillar 1 – Developing Effective & Transparent System for Public Service

- Bureaucratic reform of ministry of finance, including tax and customs office by increasing salary more than 300% and restructuring of human resources management and institutional capacity, resulting in increase of revenue of 43-50% in tax and 100% from customs duties. The reform also applied for Supreme Court, Supreme Auditor, Anti Corruption Commission.
- Introduce electronic procurement and recruitment systems in 2008
- Set up an Independent Commission for Witness and Victims protection
- Set up an Public Procurement Policy Development Agency (LKPP)
- Enacted the law on Political Parties, funding of political parties and electoral campaigns
- Enacted fiscal fee exemption for Indonesian citizens who have tax identity card (NPWP), resulting increasing the income tax payer from 3 million become 12 million within a year.
- Provide public information access on judicial result through www.putusan.mahkamahagung.go.id
- Provide public information access on political parties, electoral process, campaign and the result through www.kpu.go.id

Pillar 2 – Strengthening Anti Bribery Action & Promoting Integrity in Business Operations

- 100% Conviction rate of corruption crime handled by KPK since 2004. KPK successfully handled corruption cases involving Ministers, Members of Parliament, Ambassadors, commissioners, Chief National police, Governor of Central Bank, and other high rank public officials and recovered corrupt proceeds exceeding US\$50M (2008)
- Enacted the Law on ASEAN Mutual legal Assistance Treaties
- Bank Indonesia (Centralbank) issued regulation on implementation of good corporate governance to all public banks
- Government promulgated the law on Access Freedom of Public Information
- Hosted the 2nd COSP UNCAC , 2nd IAACA Conference, series of International anti corruption events, 11th Annual Meeting of the APG group on money laundering

- Member of the APG since 1997 and held the Co-Chair position from 2006 to 2008 and implementing of SIP (Strategic Implementation Planning).

Pillar 3 – Supporting Active Public Involvement

- Conducted annual national anti corruption conference (in commemoration of the International anti corruption day) involving hundreds agencies. The report of the conference is main source for developing ADB-OECD matrix Action Plan.
- Conducted “Campaign of National Integrity system to eliminate corruption”, “Business without bribe campaign for entrepreneurs and state owned companies” and “Transparency campaign in the extractive sector”
- Indonesia Corruption Watch (NGOs) conducted anti corruption training for teachers and production of teaching tool, as part of anti corruption program
- Managing gratuity handling and report by KPK. The law no. 30 year 2002 regulates zero tolerance for gratuity of public officials.
- Conducted “Developing Island of Integrity” program by Transparency International Indonesia, KPK, private sectors and local government.
- Enclosed the Anti Corruption Curricula on the Standard of National Education
- Signed 72 MoU to support anti corruption efforts through anti-corruption education, campaign, and research by KPK and public/private universities across Indonesia.

Box 3

Country Achievement of the Action Plan – Philippines

The Republic of Philippines has been active in the coordination and implementation of the Initiative’s Anti-Corruption Action Plan for Asia and the Pacific since its endorsement in November 2001. Here is a summary of the key achievements of the Philippines in line with the three Pillars of the Action Plan:

Pillar 1 – Developing Effective & Transparent System for Public Service

- Integrity Development Review, which assessed the robustness of anti-corruption mechanisms and vulnerabilities of government agencies, has been carried out by the Office of the Ombudsman (OMB) in 16 government agencies. It resulted in systems and policy reforms at the Bureau of Customs and Bureau of Internal Revenue, among others
- Enacted the Government Procurement Reform Act (Republic Act No. 9184) in 2003, which, among others, institutionalized civil society and private sector participation in the procurement process as independent observers
- Enacted the Anti Red Tape Law (Republic Act No. 9485) in 2007 resulting in the preparation of citizen’s charter in national government offices, government-owned and controlled corporations and local government units
- Memorandum of Agreement among members of the League of Cities of the Philippines was entered into for adoption of a unified and single business permit application form, implementation of one-time assessment and one-time payment system, among others
- Rules on gift giving and customized Code of Conduct were adopted by various government agencies

Pillar 2 – Strengthening Anti Bribery Action & Promoting Integrity in Business Operations

- OMB cumulative conviction rate increased from 33% for 2005 to 56% for 2008
- OMB established the Life-Style Check Hotline which has been successful in attracting

complaints on illicit enrichment of public officials

- OMB established the Anti-Fixing Campaign Hotline where complaints on bureaucratic red tape and payment of “grease money” and facilitation fees may be reported
- OMB, National College of Public Administration of the University of the Philippines and Institute for Ethics, Governance and Law of Griffith University of Queensland, Australia set up the Centre for Asia Integrity in 2008 to conduct anti-corruption research and capability-building interventions

Pillar 3 – Supporting Acting Public Involvement

- The Multi-Sectoral Anti-Corruption Council was convened in 2007. It consists of representatives from the public and private sectors and civil society, which seek to converge all anti-corruption efforts under the National Anti-Corruption Program of Action. At present, it has formulated an action plan in order to fully implement the United Nations Convention Against Corruption.
- The Ombudsman regularly holds “Meet with the Ombudsman” sessions to address requests for assistance and receive complaints from the general public
- Major public awareness programs conducted, including TV Integrity Nights, Integrity Theme Song Competition, Integrity Musical Drama, Essay, Poster and Slogan Competition, University Debates Competition, etc.
- Ombudsman regularly hosts a radio program to discuss varied anti-corruption issues, receive complaints and provide public assistance

Impact of UNCAC. Many mentioned that the relevance of the Initiative had changed rather than diminished with the introduction UNCAC and regional anti-corruption initiatives such as APEC’s. In 1999, the Action Plan was the only framework for anti-corruption. Now countries treat UNCAC as the framework. Whereas almost everyone the team met in the country studies had heard of UNCAC, very few had heard of the Initiative, even within the ACA’s that represent the countries concerned at the Steering Group Meetings. This means that the Initiative has become much more a peer learning device than a compliance mechanism, although some made a case to the team that as the former the Initiative may be more effective in reducing corruption.

ACA focus. The Initiative has also over time mainly become an initiative for ACAs and similar agencies rather than for the various parts of government that also have important governance responsibilities, such as ministries of finance, procurement agencies, and civil service departments and commissions. Almost all those who attend the Steering Group meetings are now from ACAs. Other donor-supported initiatives, including some of ADB’s and OECD’s, and other members of the Advisory Committee, now exist to address public financial management, procurement reform and civil service reform needs.

While, as stated earlier, members do still find value in the Action Plan, they tend to pay most attention to the part of the Action Plan of direct relevance to the ACA. There were very few instances of the member taking some responsibility for analyzing gaps in the implementation of the plan and then trying to fill those gaps, or persuade others to do so. When the member fills the action Plan report with information on progress on topics such as auditing standards or civil service pay, they tend to do so by contacting the agency concerned immediately prior to the Steering Group meeting or, as one member told the team, search websites or newspapers for the information rather monitor progress in a more personal manner as if they

had some responsibility for the matter. None but Hong Kong and Singapore have one-stop shops for anti-corruption and thus can take responsibility for the whole of the Action Plan.

Initiative's activities. The next question is: are the activities undertaken by the Initiative relevant? Responses by members to the survey are shown in Table 1.

Table 1 How would you rate the following activities?

	Very useful	Useful	Not useful	Response Count
Capacity development seminars	65.0% (13)	30.0% (6)	5.0% (1)	20
Steering group meetings	45.0% (9)	40.0% (8)	15.0% (3)	20
Thematic reviews	55.0% (11)	35.0% (7)	10.0% (2)	20
Publications	40.0% (8)	60.0% (12)	0.0% (0)	20
Website	25.0% (5)	70.0% (14)	5.0% (1)	20
Conferences	50.0% (10)	50.0% (10)	0.0% (0)	20
Country self-reporting matrix	45.0% (9)	40.0% (8)	15.0% (3)	20
Stocktaking report	35.0% (7)	45.0% (9)	20.0% (4)	20
Newsletter	10.0% (2)	75.0% (15)	15.0% (3)	20
Learning from other members	55.0% (11)	35.0% (7)	10.0% (2)	20

Clearly members find the activities relevant. Overwhelming proportions gave the response “very useful” or “useful” to the whole range of activities. The activities with “most useful” ratings of over 50 per cent are, in order: capacity building seminars, learning from other members, and thematic reviews. The stocktaking reports and steering group meetings had the higher proportions responding with not useful, but none of those proportions exceeded 20 per cent. The newsletter has the lowest “very useful” rating but the highest “useful” rating.

2.2 Effectiveness

We have included considerations of impact and sustainability under this heading. There are a number of levels of effectiveness. Ideally we would want to be able to show that the Initiative has led to lower levels of corruption in each of the member’s countries, at least in the longer run. In the shorter run we would expect to see improved anti-corruption frameworks at the legislative, institutional and implementation levels. Beyond that, according to the OECD/DAC evaluation guidelines, we would want to be able to show the impact of the reduction in corruption levels, thus establish a connection between the Initiative and indicators such as increased business investment levels or improved access by the poor to public services. Both connections are difficult to isolate; the Initiative’s contributions to reducing corruption are statistically swamped out by other event, forces, and programs.

The best the team could hope for was to find out from the members if they believe that the Initiative has encouraged actions in their countries which have helped to reduce corruption; better still if they can provide some hard data to support this assertion.

We should also bear in mind that the scope of the Initiative has narrowed over time. It was originally intended to be an Initiative for a wide range of governance agencies in member countries. Those who designed the Initiative expected that countries would send delegations to the Steering Group meetings representative of all the agencies concerned. In fact, quite quickly, ACAs and similar agencies became the dominant participants at Steering Group meetings. Further, the founders of the Initiative expected that a country review process, based on the implementation of the Action Plan, would be a driving force for the development of anti-corruption institutions and processes across the board. As well as the narrowing of focus, the Action plan has been superseded in that regard by other initiatives, in particular UNCAC.

Scope of the Initiative. First of all, what does the Initiative do? Table 1 above outlines the Initiative’s principal activities. The strategies and workplans define what the Initiative does in another way: policy dialogue, policy analysis, strengthening capacity and strengthening partnerships. The \$1.58 million Strategy and Workplan for 2009-2011 allocates about half the funding to policy dialogue and a third to each of policy analysis and capacity building partnerships. Table 2 shows the actual expenditure over the period 2005-2008.

Table 2 Expenditure 2005-2008

1 July 2005—30 June 2006	Voluntary contributions managed by the OECD, euros
Meetings and seminars 7th Steering group meeting in Beijing, September 2005 and 5th regional conference 8th Steering Group meeting (Manila, May 2006)	247,151

1 July 2005—30 June 2006	Voluntary contributions managed by the OECD, euros
4th Regional capacity building seminar on (Kuala Lumpur, March 2006)	
Thematic review on public procurement and stocktaking report	39,137
Thematic review on curbing corruption in public procurement	
Stocktaking on anti-corruption policies and legal and institutional frameworks in Asia-Pacific	
Communications and outreach	13,550
Overhead	23,843
total expenses	323,680

1 July 2006—30 June 2007	Voluntary contributions managed by the OECD, euros
Meetings	64,922
9th Steering Group meeting (Bangkok, November 2006)	
Thematic reviews (procurement; MLA, extradition etc.) & stocktaking report	183,808
Stocktaking on anti-corruption policies and legal and institutional frameworks in Asia-Pacific	
Thematic review on curbing corruption in public procurement	
Thematic review on mutual legal assistance, extradition and recovery of proceeds of corruption	
Proceedings of the capacity building seminar on “Denying safe haven to the corrupt and the proceeds of corruption”	
Communications and outreach	64,733
Overhead	32,492
total expenses	345,955

1 July 2007—30 June 2008	Voluntary contributions managed by the OECD, euros
Meetings and seminars	249,441
10th Steering Group meeting (Bali, Indonesia, September 2007)	
11th Steering Group meeting (Manila, Philippines, May 2008)	
7th Regional technical seminar on Fighting Bribery in Public Procurement (Bali, Indonesia, November 2007)	
Thematic review on mutual legal assistance, extradition and recovery of proceeds of corruption	50,729
Communications and outreach	24,626
total expenses	324,796

Source: OECD records

This report is not broken down by each of the three principal core activities. However it is clear that almost all the funding is allocated to the Steering Group meetings and some form of capacity building. The regional seminars are in effect capacity building. The Steering Group meetings lead to the sort of contacts that result in capacity building even if they were originally intended as a device to motivate reform through reporting by one country to others.

Implementing the Action Plan. Members certainly believe that the Initiative has helped their countries make progress on all three pillars of the Action Plan, as shown in Table 3:

Table 3 Contribution of the Initiative in Achieving the Three Pillars of the Action Plan

(per cent)

Pillar	Very much	Some	Not at all
1. Effective and transparent public service	37	53	16
2. Anti-bribery and integrity in business	21	63	16
3. Supporting public involvement	26	63	11

Source: Survey of members, June 2009

It is not unexpected, given the other initiatives, conventions and programs at work, that most members report that the Initiative has been of “some” help rather than “very much” help. The Initiative has been most helpful with the first pillar, which focuses on the public sector. The members answering “not at all” are those that already have quite developed anti-corruption institutions. Indonesia and The Philippines are two of the countries that have made substantial progress, as shown in Boxes 2 and 3.

A number of new ACAs have been established or reorganized since the Initiative began:

- Indonesia – Corruption Eradication Commission – 2003
- Papua New Guinea – National Anti Corruption Alliance – 2003
- Kazakhstan – Agency of the Republic of Kazakhstan for the Fight Against Economic & Corruptive Crime - 2003
- Bangladesh – Anti Corruption Commission – 2004
- Bhutan - Anti Corruption Commission-2005
- Kyrgyz Republic – National Anti Corruption Commission-2005
- Mongolia – Independent Authority Against Corruption – 2006
- China - National Corruption Prevention Bureau – 2007
- Nepal – Commission for the Investigation of Abuse of Authority - 2007
- Fiji - Independent Commission Against Corruption-2007
- Korea – Anti Corruption and Civil Rights Commission – 2008

- Thailand – National Anti Corruption Commission - 2008
- Malaysia - Malaysian Anti Corruption Commission – 2009

Value of the Action Plan. There seem to be somewhat mixed signals about the value of the Action Plan. In answering one of the questions, all responded that the Action Plan is effective as a framework for anti-corruption in their countries, although only 22 per cent gave the “very much” response. Responding to a different question, 85 per cent thought that the Action Plan is still useful given the emergence of UNCAC and other regional initiatives, while 60 per cent thought the Initiative itself still useful, most of the other saying that the Initiative is of “some” use. This latter view tended to be confirmed in direct discussions between the team and members.

Potential overlap between the Action Plan and UNCAC is an issue. Annex 3, which compares the Action Plan with UNCAC, demonstrates that each can generally be mapped against the other. This may be a strength rather than a weakness since, as one donor told the team, the Initiative’s “better practice” and capacity building focus can be viewed as complements to UNCAC’s “compliance” focus. However, it should be pointed out that so far there have only been two Conference of States Parties to the UNCAC, and compliance was not really discussed at these meetings since a mechanism for reviewing implementation of the UNCAC was not in place. In addition, the COSP have established three working groups: Working Group on Review of Implementation, Working Group on Asset Recovery, and Working Group on Technical Assistance. These other initiatives have different objectives and, hence, attendance. UNCAC and APEC are more political. While ministers attend UNCAC meetings (and APEC’s), the more technocratic ACA directors general and commissioners attend Initiative meetings to learn and exchange experiences. Overlap issues extend to other initiatives too. Because both the Initiative and APEC offer capacity building workshops, some of those contacted by the team suggested closer collaboration between APEC and the Initiative on capacity building. It should be noted that the lack of collaboration with APEC is not for the lack of trying. For example, the Secretariat tried to jointly produce the study on extradition/MLA with APEC in 2006, but various internal APEC-rules prevented this from happening.

But it should be clear that these various initiatives have different objectives and operate in different ways. Members contrasted the characteristics of the respective meetings: one said: “APEC is all about politics”; another referred to the other meetings as “like war”. A member of the Advisory Group thought the Initiative better than APEC at transferring technical information, with APEC more committed to political targets. Most agreed that anti-corruption in terms of compliance is now oriented around UNCAC. Countries that do carry out a “gap analysis” (sometimes funded by the donors supporting the Initiative), such as Indonesia and Bangladesh, tend to do so in terms of UNCAC rather than the Initiative.

Implementation constraints. We also asked a question about the main constraints the members faced in implementing the Action Plan. The responses are shown in Table 4.

Table 4 Main constraints in implementing the Action Plan

	Very much	Some	Not at all
Government/legislature does not consider issues are of priority	16.7% (3)	27.8% (5)	55.6% (10)
Lack of support from legislature to pass adequate legislation	11.1% (2)	38.9% (7)	50.0% (9)
Lack of professional knowledge & technical assistance	22.2% (4)	50.0% (9)	27.8% (5)
Lack of financial resources	11.1% (2)	55.6% (10)	33.3% (6)
Lack of international cooperation in mutual legal assistance matters	16.7% (3)	72.2% (13)	11.1% (2)
Lack of cooperation from other parts of government	11.1% (2)	61.1% (11)	27.8% (5)
Action Plan not binding, UNCAC & other Initiatives have higher priority	16.7% (3)	55.6% (10)	27.8% (5)

Source: Survey of members, June 2009

Perhaps surprisingly, the government and legislature are less of a problem than many other matters, although realistically, the “lack of financial resources” and “lack of cooperation from other parts of government” may reflect the somewhat inadequate political commitment. Almost 90 per cent refer to the lack of international cooperation in mutual legal assistance matters (as it happens, the subject of the most popular Initiative publication), as very much or somewhat a constraint. The other related problem is “the lack of professional knowledge and technical assistance”. These are the areas which need to be strengthened in order to assist member countries to fully implement the Action Plan.

Adjusting the Action Plan. The Action Plan is broad in scope because the founders of the Initiative believed, and still believe, that corruption has to be attacked on a broad front because so many complementary actions from different agencies are required to make progress. Many of those interviewed by the team suggested that the Action Plan be adjusted. Some thought the Action Plan, although valuable when the Initiative was set up, since there was no other regional anti-corruption initiative at the time, should be re-written to take account of .UNCAC. Many thought UNCAC should replace the Action Plan as the

driving force at the political level. Some suggested that the Action Plan be more narrowly focused on the business of ACAs: prevention, investigation and prosecution or that the Action Plan should focus on where the greatest risks are, perhaps the procurement process. However, the case for narrowing the scope was not universal since some suggested broadening the Action Plan to add a pillar for private-to-private sector corruption.

Learning from each other. Members told the team that they learned most from the experiences of other countries, either through presentations by experts or other members, the thematic reviews (which invariably include case study material), or from informal discussions at coffee breaks. Again and again the team was told that the members valued practical experience. The value of the learning from each other component of the Initiative was stressed in all the meetings the team had with representatives of member countries. This was identified as the principal benefit of the Initiative in every single discussion that the team had with the member countries attending the Macao, China meeting, and repeated in the four country case studies. According to the survey, about half the countries have contacted another to seek guidance and in two thirds of those cases, that guidance resulted in action to reduce corruption. Members were asked to give one example of an idea that came from their participation in the Initiative. Here are some of those responses⁵:

I heard from an official from the Ministry of Justice that he obtained a lot of useful information from the capacity building seminar on MLA and extradition and from a publication on that topic. He even used the contact information of foreign investigation authorities he got during his participation in this seminar to conduct an investigation of a high-ranking official who were involved in bribery scandal.

The implementation of Anti-Money Laundering Legislation in our country. For example, Cash Disclosure Act was recently passed to curb anti money laundering.

As a consequence of attending the Initiative's Steering Comm. meetings, I became aware of the matrix of legal authorities relating to MLA requests between members, which was prepared in the course of a thematic review undertaken in 2007. I made use of the matrix in an asset tracing/corruption prosecution training program that I organized with the World Bank and trainers from ICAR. ICAR was impressed with the matrix, through which investigators can easily access the text of agreements/statutes providing the scope of international legal assistance in the context of particular MLA requests. ICAR indicated that it would routinely use the matrix in trainings it undertakes in this region, because the tool is an outstanding resource for law enforcement officials engaged in corruption investigations.

After attending relevant seminars and workshops on the fight against transnational bribery, we get a better understanding of this issue, which helps to quicken our step to integrate it into our comprehensive anti-corruption strategy.

- 1. Formulation and implementation of Anti-Money Laundering Act, Right to Information Act and Good Governance Act.*
- 2. Realization of the need and importance of punitive, preventive and promotional activities.*
- 3. International cooperation, collaboration and public-private partnership.*

⁵ Since the survey was confidential, we are not revealing the names or countries of the respondents.

4. Mainstreaming NGOs and INGOs.

One representative of civil society, who had been involved with the Initiative from the start, said to the team: “The Initiative is the biggest source of my understanding of anti-corruption.” The Initiative’s networking benefits also apply to civil society. For example, we were told by TI that it was a contact between TI and Thailand at an Initiative meeting that facilitated agreement for the *International Anti-Corruption Conference* to be held in Bangkok in 2010.

One respondent to another question, which asked if there was anything to add to help with the review, thought that the Initiative might actually achieve more reductions in corruption through exchanging ideas than “forcing” change through a compliance mechanism:

The Initiative is very worthwhile for exchanging ideas, but not so useful to ‘force’ action, given its non-binding nature. However, it may actually be the non-binding nature of the Initiative that encourages a frank and open exchange of ideas and self-criticism of participating countries, and therefore the Initiative should continue in some form.

Progress in reducing corruption. It is worth noting that although it is impossible to attribute progress to the Initiative, or to estimate its value added in promoting lower levels of corruption, in any objective way, the members have progressed over time. As Box 4 shows, the number of boxes with entries in the Action Plan’s self-reporting matrix, or the progressively higher level of achievement in those boxes, demonstrates that at least the legislation, institutions and processes of anti-corruption have progressed in the last few years of the Initiative. The ACAs that collect performance data are able to demonstrate progress in numbers of prosecutions and convictions. For example, Indonesia’s KPK received and analysed 2,281 complaints in 2004 and 8,699 in 2008. Although many have been passed on to other agencies, the number of cases found by KPK to have elements of corruption rose from 1,231 in 2004 to 1,937 in 2008. Many political observers attribute the President’s big win in the election that took place shortly after the teams visit to Indonesia to his fight against corruption. Macao, China reported the number of complaints rising by 8 per cent a year. PRC reported investigating over 100,000 officials, including 3,400 senior officials and 12 ministers. Over 3,000 officials and four ministers suffered criminal penalties.

Box 4 Progress in Implementing the Action Plan

Some of the key achievements under the three Pillars:

Pillar 1 – Developing Effective & Transparent System for Public Service

- Most countries have used internet as a means of announcing job opportunities; have published recruitment and selection criteria and have established a monitoring mechanism and complaint procedure for grievances
- Most countries have code of conduct for public sector governing conflict of interest, acceptance of gift and hospitality
- Increasing number of countries have anti corruption awareness training for their civil servants
- Most countries have introduced a declaration and screening system for public officials’ asset and liabilities
- Increasing number of countries have introduced e-government and e-procurement

- Increasing number of countries have conducted citizens' survey to help identify corruption prone areas
- Administrative reform in some countries on customs and tax collection agencies have resulted in huge increase in revenue collection

Pillar 2 – Strengthening Anti Bribery Action & Promoting Integrity in Business Operations

- Increasing number of countries have established specialized institutions to deal exclusively with corruption (see separate box)
- Increasing number of countries have enacted law on criminalizing illicit enrichment (Bangladesh, India, Malaysia, Nepal, Pakistan, Philippines)
- Increasing number of countries have enacted law on anti money laundering and have established reporting obligation for financial institutions
- Increasing number of countries have enacted law on whistle blower protection and confidentiality of informants
- Most countries have enhanced law on Mutual Legal Assistance (MLA). There are over 70 bilateral treaties amongst member countries on MLA
- Establishment of regional anti corruption training centres (Malaysia Anti corruption Academy, Philippine's Centre for Asian Integrity etc)
- Enhanced effectiveness of anti corruption agencies and their conviction rate (Indonesia, Philippines)

Pillar 3 – Supporting Active Public Involvement

- Many countries have established formal cooperation/consultative council with civil societies and business sector (Pakistan's National anti Corruption Strategy Project; Indonesia Corruption Watch; Kazakhstan's National Commission on Democracy and Civil Society; Philippine's Multisectoral Anti Corruption Council; Thailand's Foundation for a Clean & Transparent Thailand, etc)
- Most countries have regular programmes on educating the public and raising the awareness about corruption issues, through media campaigns, civil societies and school education.

Source: Analysis of the country self reporting; Anti-corruption Policies in Asia and the Pacific – Progress in Legal and Institutional Reform in 25 countries (Initiative's publication)

However, some of the civil society representatives contacted by the team in the country studies were skeptical about the claims of the members made in the self-reporting. One observer thought that the matrix focused too much on passing legislation and introducing regulations as measures of progress when what really matters in the implementation and the enforcement new laws and regulations.

Country reviews. There are mixed feelings among the members and donors about the proposed country reviews. The proposals made to the members at the Macao, China Steering Group Meeting stressed that the reviews would be voluntary. The country volunteering would select the issues, help to draft the questionnaire and report, and agree to the report. The process would be as follows: 15 weeks to prepare for the country visit (during which key stakeholders would be interviewed), a 3-4 day country visit, 9 weeks to prepare and review the report, and 2 weeks for discussions and adoption by the members of the Initiative. The report would be presented to the Steering Group, discussed, amended and then adopted. A two year pilot involving two countries has been suggested. The

methodology would then be reviewed. It was stressed that this would not be a compliance review, but a learning process, for the countries concerned but also for the Initiative as a whole.

Most members are still uneasy about these country reviews. Many feel the reviews, which would follow a process that has been applied in other regions, are too confrontational for the typical Asian culture. Others think that the reviews will undermine the club-like character of the Initiative with open discussions and informal exchanges of experiences. Some members see in the country reviews a means by donors to pressure countries to move forward faster.

However, some have pointed out that reviews such as these are not new. Some members from OECD sponsored Central Asia Anti-corruption Network have actually agreed to just such a review process. The proponents of the reviews contacted by the team also point out that the reviews do not have compliance objective, but instead are aimed at enhancing peer-learning. One donor thought that the reviews would also identify capacity building gaps that could be the basis for donor support. Most of the countries have undertaken similar reviews under other programs. Many donors are now sponsoring governance assessments, some of which look very like the country reviews that are being resisted by some members under the Initiative. Some countries, such as Mongolia and Indonesia, have willingly participated in a UNDP's program of governance assessment capacity building, under which countries carry out their own assessments. ADB, DFID and USAID also fund governance assessments. ADB's Country Governance Risk Assessments cover combating corruption as well as public financial management and procurement. The World Bank has for many years been working with countries carrying out surveys of corruption experiences and perceptions.

Some suggested that the peer-led country reviews might be more acceptable to the reluctant members if the peer-led nature and peer-learning aspects of the reviews were stressed more, if the member being reviewed had a representative on the review team, if a pay-off in terms of a quick capacity building follow-up were more apparent, and if the reviews were organized from inside not outside the region, thus giving a stronger regional sensitivity signal.

Some ACAs said that they would welcome the voluntary review if it was focused on their organization, so as to obtain expert advice in identifying the desirable organizational structure, adequacy of legal support and financial resources and the requirement for capacity building and technical assistance. The review report could be used by the ACA to seek greater resource support from top government.

Thematic reviews. In contrast to the country reviews, there is much enthusiasm for the thematic reviews, as there has been for the Initiatives publications on a variety of anti-corruption topics. This goes beyond the 55 per cent who found the thematic reviews "very useful" in the survey. Even after the voluntary nature of the reviews had been stressed to all members at the Macao, China meeting, every member interviewed by the team contrasted their support of thematic reviews with their uneasiness about the country reviews. Some of the topics suggested by members for thematic reviews are "Managing conflict of interest", "Gift and entertainment policy" and "Asset declaration and monitoring".

It would be helpful if it were possible to go beyond "useful" and obtain information made on the actual use of the thematic reviews in terms of reforms undertaken. Fewer than half the members even reported, as they had agreed, on the implementation of the recommendations of the procurement thematic review.

Publications. All respondents to the survey question asking members to rate activities found the publications, which are listed in Box 5, useful or very useful.

Box 5 Initiative Publications

Policy reviews

- Mutual Legal Assistance, Extradition, and Recovery of Proceeds of Corruption (2008)
- Curbing Corruption in Public Procurement in Asia and the Pacific (2006)
- Anti-Corruption Policies in Asia and the Pacific: legal and institutional reform in 25 countries (2006)

Proceedings of the ADB/OECD Initiative's conferences

- Knowledge - Commitment - Action against Corruption in Asia and the Pacific (2005)
- Controlling Corruption in Asia and the Pacific (2003)
- Taking Action Against Corruption in Asia and the Pacific (2001)
- Progress in the Fight against Corruption in Asia and the Pacific (2000)
- Combating Corruption in Asia and the Pacific (1999)

Proceedings of the Initiative's training seminars and expert meetings

- Asset Recovery and Mutual Legal Assistance (2008)
- Fighting Bribery in Public Procurement (2008)
- Managing Conflict of Interest (2008)
- Denying Safe Haven to the Corrupt and the Proceeds of Corruption (2006)
- Curbing Corruption in Tsunami Relief Operations (2005)
- Effective Prosecution of Corruption (2003)

Plus twelve Newsletters.

2.3 Efficiency

Efficiency is measured in terms of outputs and outcomes relative to inputs, in other words, the effectiveness reported above relative to the cost of the Initiative in terms of human and financial resource inputs. In this section we will cover issues of funding, staffing and organization.

Level of funding. The Initiative is not expensive financially. The Initiative is funded partly by voluntary contributions from donors and members and partly from services in kind from OECD and ADB, and from the members themselves (in other words, staff time). Expenditure from the voluntary contributions has been about \$1 million over the three year period July 2005 to June 2008, as shown in Table 2 above. The budget for the 2009-2011 Strategy and Workplan is only \$1.58 million. ADB has also provided about \$1.4 million technical assistance from its own resources. ADB is also covering the 70 per cent of the cost

of this review and a major part of the upcoming workshop, and has made in-kind contributions to other Initiative activities.

This is a much smaller amount of funding that, say, for one year of a typical donor supported governance project in a single country. As a point of reference, the average size of World Bank governance projects in Africa is \$20 million. UNDP's funding for the Democratic Governance Thematic Trust Fund, which operates worldwide is around \$12 million a year, with about \$2 million for Asia. We have already referred to a \$30 million ADB governance project in one country in Asia.

The voluntary contributions are used to pay for expenses related to the Initiative, including staff salary, missions, overhead, etc., as well as the cost for most member countries and speakers to attend the Initiative's events. Since 2005 the Initiative's voluntary contributions have been as follows:

- SIDA 2009: EUR 100,000
- Japan 2008: EUR 50,000
- Indonesia 2007: EUR 9,130
- GTZ 2007: EUR 150,000
- AusAID 2007: EUR 200,000
- SIDA 2005: EUR 300,000
- AusAID 2005: EUR 192,488.26

A separate AusAID grant was provided for the review of the Initiative in 2009 (EUR 43,694.06).

Funding gaps. There are funding gaps between what the Initiative would like to do and what is funded. For example, about \$1 million was required to fund core activities in the Initiative's Strategy and Workplan for 2007-2008 with an additional \$540,000 required to expand the activities of the Initiative to country peer reviews, capacity building at the sub-regional level, and country roundtables.

Funding uncertainties tend to make planning difficult. At the time the 2007-2008 budget was prepared, not all of the funding was in place. Contributions from an ADB grant, from donors to OECD, and from in-kind contributions by member countries amounted to \$602,000. The budget identifies additional activities costing \$226,000 in 2007 and \$314,000 in 2008. This means that at the time of preparing the budget, the Initiative was looking for a further \$1 million in funding.

Flows of funds. There may be some issues around the flows of funds. Both ADB and OECD are involved in making the arrangements for the various events, often with OECD providing experts for the OECD Secretariat or contacting experts from OECD countries, ADB also identifying speakers, and ADB making travel and other organizational arrangements, mainly because ADB has the procedures in place to do so. As stated above, the voluntary contributions from donors are sent to OECD. The practice for many years has been for ADB to pay for the expenses initially and then for OECD to reimburse ADB for its share of the expenses. It typically takes some months for ADB to be reimbursed because of the need to collect all the relevant documentation and receipts:

- Bali meeting in September 2007 - reimbursement in March 2008 (6 months).
- Manila meeting in May 2008 - reimbursement in November 2008 (6 months).
- Singapore meeting in November 2008 - reimbursement in April 2009 (5 months).
- Macao meeting in March 2009 - reimbursement in July 2009 (4 months).

The 4-month waiting time for the Macao meeting reimbursement may represent an improvement that can be sustained.

Joint secretariat. The joint-secretariat was set up to support an equal partnership between the OECD and ADB. The joint-secretariat allows ADB and the OECD to bring different but complementary expertise, experiences and approaches to the Initiative. The result is that the Initiative is able to take a multi-disciplinary approach and address a wide range of anti-corruption issues from more than one point of view.

OECD and ADB have both distinct and complementary responsibilities. OECD prepares essentially all of the Initiative's publications; manages the web site; conducts substantive analysis and drafts the reports for the three (two past and one current) thematic reviews; raises funds to finance the Initiative and manages the grant (including regular donor reporting), and prepares the background documents for Steering Group meetings. The Anti-Corruption Division (which represents OECD in the Initiative) has also regularly provided speakers at seminars on substantive topics. The Anti-Corruption Division also liaises with other OECD Directorates and Divisions depending on the substance of the work, e.g. when conflict of interest or governance issues arise.

ADB makes all the logistical arrangements: arrangements of travel of participants, provision of allowances and per diems, coordination of transfers and accommodation, coordination with host country regarding event facilities, supplies, and other on site arrangements. ADB has taken the lead on preparing some of the publications (for example the COI publication) and substantive input was provided to the Singapore conference proceedings (by way of a report prepared during the conference). ADB arranges for copy editing and printing in many cases, for pulling together the newsletter, for representing the Initiative throughout Asia and in key international events. Background documents are prepared jointly. Currently ADB is taking the lead on the political economy workshop while OECD is taking the lead on the thematic review. ADB also raises funds, from internal ADB technical assistance resources, manages these resources, and bills the OECD for its share. ADB has also been active in arranging and identifying speakers and chairs for all capacity development events. On a substantive level, several senior ADB staff have presented at events, as in Singapore last year, in Macao (on communications strategies), and at a meeting on the thematic review on public procurement.

The team was told of some instances of differences of opinions between OECD and ADB over plans and agendas, particularly recently. For the past few events (the Singapore Conference, Macao and upcoming Manila meetings), it has been a little more difficult to reach consensus on content and structure. Planning for the Singapore Conference in 2008 is one such example. Some of those interviewed by the team characterized these difference as between the development oriented ADB and the more legal/criminalization approach of the OECD Anti-corruption Division. However, this overstates the focus of the respective organizations. Each has both sets of interests: OECD does involve the development oriented DAC and Public Governance divisions in the Initiative and ADB a number of divisions that

are interested in legal and criminalization aspects of anti-corruption. It is much better to view the strength of the combination of OECD and ADB as simply being access to a wider range of expertise and experiences.

Staffing the secretariat. Since 2004, no OECD staff member has worked full-time on the Initiative, as it is the Division's policy to expose all staff members to as many aspects of the Division's work as possible. However, there has always been a designated manager in charge of the Asia-Pacific Initiative in the Division, and one or two other staff who dedicate a substantial portion of their time to the Initiative. Other staff contribute to the Initiative on an "as needed" basis. The Head of the Anti-Corruption Division provides ongoing advice and supervision. Finally, the Division's Administrative Assistant oversees the Initiative's financial and budgetary matters. In sum, the arrangement is very flexible and is adjusted according to the type and amount of work that needs to be done. The Voluntary contributions have been used to pay part of the salaries of most – but not all – of the staff who have worked on the Initiative. In the first half of 2009, five professional staff members, the communications officer, and three administrative staff members did work related to the Initiative. The voluntary contributions funded (in part) the salaries and missions of four professional and one administrative staff member; the rest contributed their time without being funded by the Initiative.

ADB has one member of staff working full-time on the Initiative, funded through the TA provided to support the Initiative, with two others about 20 per cent of their time. The cost to ADB of this support is estimated at about \$100,000 a year, which is financed through the ADB's own administrative budget. As with OECD, ADB brings in staff as needed. For example, ADB's MLA expert participated in the MLA seminar, while other ADB staff worked on the Conflict of Interest Seminar. In addition, ADB has had Vice Presidential representation at two events, and heads of departments at three.

Members' views. OECD and ADB's support of the Initiative is certainly thought by its members to be very effective. One hundred per cent of the members surveyed who answered the question said that the Secretariat provided "necessary and timely" support. Almost every member reported that the administrative structure of steering group, advisory group and secretariat is "appropriate".

Members made some suggestions for improving the Initiative. Half of the members surveyed believe that the Steering Group should continue to meet twice a year, but one third prefer once a year. Box 6 shows how many meetings and conferences on anti-corruption many members may have to attend each year. Very few suggestions on improving the administrative structure were made by the respondents to the survey. One respondent asked for greater transparency, including indicating what each donor donates and what they hope to gain from the Initiative. Another suggested that members contribute to the funding. Some of those contacted by the team suggested that there also be representation from business on the Advisory Group.⁶

⁶ The Advisory Group includes representation from AUSAID, German Federal Ministry for Economic Cooperation and Development, German Technical Cooperation, Pacific Basin Economic Council, SIDA, USAID, UNDP, World Bank, American Bar Association, Asia Pacific Group on Money Laundering and Transparency International.

Box 6 Frequency of Meetings

Many member country representatives are concerned with the frequency of the various meetings on anti corruption convention and initiatives, especially for those countries who have multiple memberships. In one single year, there can be as many as 23 meetings/conferences to be participated by member countries :

ADB-OECD Initiative	2
UN Convention Against Corruption (incl Annual Conference and working group meetings)	4
OECD Convention	4
APEC	2
Annual Conference of International Association of Anti Corruption Authorities	1
International Anti Corruption Conference (once every two years)	1
Hong Kong ICAC Symposium (once every two years)	1
ASEAN Senior Officer Meetings on Transnational Crime	1
South East Asia Parties Against Corruption	2
Anti Corruption Agencies Forum (HK, Singapore, Korea, Aus)	1
APG on Money Laundering	1
ICPO Interpol	1
Interpol Anti Corruption Expert Group	2

Source: Country case studies

Modern knowledge management. Some suggested that the Initiative's knowledge management would be more effective and efficient if better use were made of the modern technology along the lines of MySpace or You-Tube. However, one of the principal advantages of this initiative, according to the members, is the old fashioned face-to-face contact, where members get to know and trust each other so much so that they are prepared to admit problems and seek solutions from their peers.

The knowledge management products prepared by the Initiative and its website are very well respected. Even some of the more advanced countries contacted by the team reported that the reports helped to improve their own anti-corruption processes. Some improvements may be possible. For example, there may be a more efficient way to communicate the proceedings of meetings to members and others than is printed form, or at least a less lengthy printed form. A current example is the proceedings of the Singapore meeting in November 2008 which are still not ready to be distributed. The effort required to edit, and even write papers to cover presentations by speakers who did not prepare a paper, is probably beyond the value of the lengthy proceedings. Posting a summary document or the video recording of the presentation on the website might be more cost effective and user-friendly.

Awareness of the Initiative. One of the more striking findings from country visits is how few people know about the Initiative. Even though the ACAs in the country concerned arranged the team's meetings with organizations inside and outside government, there was hardly a

single instance of those interviewed by the team knowing about the Initiative. Only those who happened to have attended one of the Initiative's events were aware of the Initiative. In many instances even staff within the ACA knew nothing about the Initiative, even though those interviewed had been told that a team assessing the Initiative wanted to meet them. In contrast just about everyone the team met had heard of UNCAC. Knowledge of the Initiative was not substantial even at some of the ADB offices the team visited. The team was given an example of the ADB country office staff member responsible for supporting the implementation of a \$30 million governance project, which included an anti-corruption component, knowing nothing about the Initiative until someone from the Government came to him to ask for funding to go to an Initiative event.

Monitoring and evaluation. Efficient and effective planning requires that the results of planned activities be monitored and evaluated. Two types of information are required: on the implementation and impact of the Action Plan and on the usefulness of the various meetings, workshops, conferences, website and publications. This assessment is providing some of that information. However, the Secretariat may not have as much of the information on what works best needed for planning as it should have because, until quite recently, there has been no formal feedback on what the members thought of the various Initiative events. This is changing. Although there is still no feedback on the Steering Group meetings, this year for the first time the Secretariat is passing out feedback forms for conferences and seminars.

Related to this, some members and donors complained to the team that there had been too little monitoring of what work best. The example of the weak follow-up to one of the thematic reviews has already been mentioned. The implementation of the various legislative and regulatory measures identified in the self reporting of the Action Plan not been monitored, as pointed out by civil society observers. Data have not been systematically assembled on the progress made by the various members in reducing corruption. Similarly the effectiveness of the workshops and conferences go home: do they take any action? With which consequences?

3. Recommendations

1. Focus on anti-corruption prevention, investigation and prosecution. The Initiative should recognize that it has mainly evolved into an initiative for ACAs and should therefore focus its activities on building the capacity of ACA's and related agencies to prevent, investigate and prosecute corruption. For those countries that do not have a national ACA, the Initiative should encourage joint representation from related agencies such as the offices of Public Prosecutors and the Ombudsman. And, since corruption can only be successfully attacked on a broad front, the Initiative should encourage the ACA and related agencies to engage actively with other government agencies with roles in anti-corruption, such as the civil services commission, ministries of finance and public procurement agencies, civil society and business organizations.

It should be recognized that the Initiative has essentially evolved into an initiative that focuses very directly on anti-corruption prevention, investigation and prosecution. Most of those attending steering group meetings are from ACAs. The initiative should therefore focus on building capacity for the central anti-corruption functions of prevention, investigation and prosecution. Because many of the anti-corruption and similar agencies that attend the meetings do not have the whole range of responsibilities of ACAs such as Hong Kong and Singapore, in particular enforcement as well as prevention and public education, members

should continue to be encouraged to bring the agencies in their countries with those powers into the Initiative.

This does not mean that the wide-ranging Action Plan should be abandoned and just those parts more directly under the control of the ACAs retained. The Action Plan is still regarded as an excellent framework for attacking corruption in a country, including nearly all the key components of the UN Convention, as shown in Annex 3. Hence, implementing the Action Plan complements the implementation of UNCAC. The Action Plan can also remind ACAs and their member countries that action beyond the scope of the ACA is required to fight corruption effectively. Even though few countries have set up one-stop shop ACAs similar to Hong Kong's or Singapore's, which have the authority and political influence to have an impact on the whole range of the Action Plan, the ACAs they have established nevertheless have to figure out effective ways to work in close partnership with, for example, prosecution services and audit and procurement agencies. Although Hong Kong and Singapore may be the ultimate models of a "one stop shop" for ACAs, responsibilities for fighting corruption will continue to be shared among a number of agencies in most countries. The continuation of the self reporting of the Action Plan will at least encourage ACAs to take up such a co-ordination and partnership approach.

The ACAs must however reach out to agencies with complementary responsibilities in fighting corruption, such as prosecution authorities and educational organizations. In the survey over 60 per cent of members reported that the lack of cooperation with other public bodies is a problem. The ACAs should also be active in liaising with other public agencies with important roles in fighting corruption such as ministries of finance, procurement authorities and public audit bodies, and with civil society and business organizations and consistently providing feedback to them the good practice learned in the Steering Group Meetings and at workshops. In many cases, as reported in under the Findings, this outreach has not been as successful as it might have been.

Even though most countries have made their ACAs the prime participants in the Initiative, many have also sent other agencies, such as procurement authorities, to the capacity building events. This should be encouraged. Some countries may continue to choose to send other than an ACA to the meetings. This is of course invariably the cases where there is no specialized ACA in their countries. This choice too should continue to be respected by the Initiative.

2. Retain the club-like character of the Initiative. The Initiative should continue to be a physical and virtual place where senior staff from ACAs can freely and informally exchange experiences and arrange mutual support.

There should be no sense of "compliance" associated with the Initiative. That would put members on the defensive, less open to admitting problems and sharing solutions. The great strengths of the Initiative are its voluntary nature and informal atmosphere. Some of those the team interviewed believe that more progress will be made through this club-like association than any compliance mechanism. The very ownership of the Initiative by the members may be a greater force for change than some other compliance oriented conventions. This is very much in line with the Paris Declaration's principle that ownership is a necessary condition for sustainable development.

That said, the Initiative should link the exchanges of experiences to improved performance in fighting corruption. To that end, countries could learn from each other on how they measure improved anti-corruption outcomes.

3. Support UNCAC. The Initiative should aim to provide knowledge management and capacity building support to the implementation of UNCAC. Although Annex 3's mapping of UNCAC and the Initiative's Action Plan show considerable common ground, the Initiative should recognize that governments in the region no longer regard the Action Plan as the main driver for anti-corruption "compliance". At the political level UNCAC, APEC Anti-corruption and Transparency Task Force and the OECD Convention have become more widely recognized than the first framework for reform, the Initiative's Action Plan. The Initiative is planning to deliver a message to the 3rd COSP to the UNCAC in November 2009 about closer cooperation and support from the Initiative for the implementation of UNCAC.

The Initiative can fill a gap that has been identified through the UNCAC self assessments reported in February 2008.⁷ Two thirds of the state parties carrying out the UNCAC self assessments have requested technical assistance. The assistance requested includes legal advice, legislative drafting, site visits by anti-corruption experts, model legislation and the development of an action plan for implementation. About 80 per cent of the states (globally) reporting partial or non-compliance under the criminalization and law enforcement, preventive measures and asset recovery articles requested technical assistance with law enforcement.

As part of its capacity building, the Initiative should explore the possibility of preparing countries for presentations to the UNCAC Working Group meetings and COSP on progress made in their countries. Sharing information with the Working Group on technical assistance will be particularly important.

4. Support learning with action. The Initiative's most appealing attribute, learning from the experience of the members, should be reinforced by more active follow-up in terms of technical support to improve an ACA's performance when a gap has been identified. Active follow up could either take the form of a donor commitment to work with the ACA to define what is needed to fill the gap (this could be the job of the proposed peer-led country reviews) and then to follow up with funding for capacity building; or setting up an advisory pool of experts and a multi-donor trust fund to which members can apply for technical assistance and capacity building funding. Support could also take the form of one member providing technical assistance to another, as already happens, and expert meeting, or OECD and ADB providing expert advice.

Many of the ACAs are in the developing stage and proper training is essential to provide them with the professionalism needed to implement the Action Plan. It is gratifying to see that more countries have set up training institute to cater for anti corruption training, not just locally but also internationally, including Japan, Hong Kong, Singapore, Australia, Malaysia and Philippines (under planning). These countries should be encouraged to offer tailor made training courses for member countries, perhaps as "training for trainers", with resource support, if necessary, from the international donors through the Initiative.

The "strengthening capacity" component should become the heart of the Initiative's workplan. We have already pointed out that many of the activities in the 2009-2011 Strategy and Workplan are in effect capacity building, even if not under that heading. Even the peer-led, voluntary country reviews could be regarded as capacity building (or at least leading to

⁷ Conference of the State Parties of the United Nations Convention against Corruption, Second Session, Self Assessment of Technical Assistance Needs, 2008

capacity building) rather than an external review mechanism, as some members incorrectly suspect it is.

5. Pilot voluntary peer reviews. Peer-led country reviews similar to the ones proposed for the Initiative in other regions, and for some of the central Asian members of this initiative through the OECD sponsored Anti-corruption Network, have proved to be effective in identifying key issues to be addressed and gaps in legislation, processes and capacity. It will be important for members fully to understand, as explained at the Macao, China meeting, that the peer reviews under this Initiative are voluntary; focus on issues identified by the country concerned; have review teams drawn from and led by members of the Initiative; and give the country under review the final right of approval of all reports prepared by the review team. If the countries reviewed commit to implement the agreed recommendations, and the donors to provide capacity building support, the Initiative should become even more effective in the future in fostering reductions in corruption in the region than in the past ten years.

It would be a good idea to include a representative of the country reviewed on the review team. This would improve the access of the team to the people and information it needs, help to build the capacity of the person concerned and, by increasing the country's ownership of the review, make it more likely that the recommendations are actually implemented.

Consideration should be given to speeding up the planned pilots. Two years is a long time to wait to see if the peer-led reviews are worthwhile.

The team believes that if they are voluntary, the member chooses the issues, the issues tend to be focused on the ACA (including the legislative and institutional framework for its functions as well as effective implementation of those functions), the member is part of the team, and the member has to give final approval of the report, and there is a strong possibility of donor funded capacity building support (perhaps through the fund suggested above), many member countries will welcome these reviews. Indeed, such review report can be brought to the attention of the top government to enable adequate resource and political support for the ACA, which is the most important key success factor in combating corruption.

6. Enhance ownership. The Initiative's unique characteristic compared with some other initiatives and conventions, the members' ownership of the Initiative, should be strengthened by having one of the members (perhaps the host country) co-chair the Initiative with the Secretariat on a rotating basis. An ultimate objective might be for one member to chair and two to co-chair with the Secretariat providing administrative and professional support. Consideration should be given to dropping ADB/OECD from the title of the Initiative. Members from the less as well as more advanced countries should join the Advisory Group on a rotating basis. OECD and ADB should continue to provide organizational support as in the past; this support is greatly appreciated by all members.

It should be noted that when this recommendation was presented at the September 2009 meeting of the Steering Group, a number of members spoke out against it, most expressing concern about the amount of work involved. The team stands by this recommendation. The ADB/OECD Secretariat would continue to provide support to the Initiative, just as before. The principal change would be that the co-chair from one of the members would be involved in all the decision-making about plans for future events. Such experience should be very valuable to the co-chair member, raise his or her profile within their country and in turn stimulates greater progress in the implementation of the objectives of the Initiative. The

assessment team believes that it is very important for the membership to take even fuller ownership of the Initiative. Such ownership is very much in line with the Paris Declaration. The first principle of the Paris Declaration is that developing countries must fully own their development policies and programs. Many studies have shown that such ownership is a necessary condition for sustainable development effectiveness.⁸

7. Be more thematic and practical. The Steering Group meetings and the other learning activities should focus on more practical and operational issues of interest to ACAs. “More practical and operational” means enforcement matters, such as enhancement of investigation techniques, networking for mutual legal assistance, sharing of technical know-how such as information technology as an investigation aid, computer forensic, intelligence gathering, undercover operation and surveillance technology. Some of the members interviewed by the team suggested to us that there should be more workshops on investigation techniques.

One ACA member commented to the team that, while it is easy to appreciate the good practices of other countries, it is difficult to know how to implement such practices: for example, what obstacles to implementation can be anticipated and how can they be overcome? Perhaps the Regional Seminars could include a session on “CEO Forum” inviting 3-5 heads of ACAs to form a panel to discuss how to manage the different management and operational issues of ACAs.

To enhance communication amongst member countries and to facilitate operational network, it was suggested that an intranet be created within the Initiative’s website to enable the liaison officers to communicate confidentially, and seek prompt assistance through this channel. However this may be beyond the scope of the Initiative.

Thematic reviews are very popular; ones focused on the more direct responsibilities of ACAs are the most popular of all. Drawing together the region’s experiences of various aspect of anti-corruption will continue to be very valuable to members, especially those at the early stages of development.

During the country visits, the team discovered a number of publications on anti corruption guidelines and manuals by country members which are of high quality. A “Library of Good Practice” could be added to the website, and country members be invited to contribute their useful publication onto the library, which will save a lot of duplication of efforts. This will further enhance the members’ sense of ownership of the Initiative.

Learning activities should include ways in which ACAs could influence anti-corruption policies, institutions and processes elsewhere in government, the private sector and civil society, and building the political support for anti-corruption without which no progress is

⁸ The ultimate test of ownership is a willingness to pay. In the case of the Initiative, this might mean a willingness of countries receiving technical support from another to pay for those services; or, the willingness of the country giving the technical assistance to provide the services free. An even stronger demonstration of ownership would be to have the Initiative supported by fees from members. This assessment has stopped short of either recommendation. The team believes that the recommendations for the, voluntary, co-chairmanship by a member and greater attention to measuring results are sufficient improvements in the commitment of the members, commitments that will lead to better anti-corruption outcomes.

possible. The Philippines's model of the setting up of a multi sectoral anti-corruption council consisting of representatives from all sectors, and chaired by the head of the ACA, should be encouraged.

8. Enhance discussion. There would be even more interaction among members, and thus more peer-to-peer learning, if the Steering Group meetings included more small group meetings. Some members, many of whom are not confident in English, are overawed by the plenary sessions. The round the table reports on progress even by pillar, do not result in as useful exchanges of views and experiences as might be possible. Steering Group meetings could focus on one particular theme. Following a presentation by an expert of that theme (even by a member from one of the more advanced countries), the participants could then break out into smaller groups to discuss their own experiences and propose solutions. Or, the group as a whole could break into groups to discuss, say, three issues, then come together in plenary to examine possible solutions. Many members told the team that workshops should leave more time for discussion than has often been the case. More frequent professional facilitation of meetings and workshops should be introduced. The presentation of speakers can be video-recorded and downloaded on the Initiative's website as training material by member countries.

Care should be taken that the more advanced countries do not dominate the small group discussions. This problem could be avoided by the sensitive facilitation of small group meetings.

The self-reporting could be improved upon. First of all, to facilitate discussion at the Steering Group meetings, country members should submit their country reports promptly so that they can be studied in advance of the meeting. The form of the report could be reorganized so that they are easier to read. Most now have huge gaps. At present, reports are presented country by country and it is difficult to make comparison amongst countries under specific action. Possibly the Secretariat could re-arrange the reports to be grouped under the specific items of the Action Plan, showing progress made by each country under that heading.

The self-reporting should become a more "active" document. The team found that many members complete the form either without any contact to the some of the organizations concerned or with minimal contact perhaps by phone. Members should follow the example of the members who call a meeting of the various institutions responsible for anti-corruption to discuss progress and plan next steps.

The frequency of meetings should remain as it is, approximately once each nine months, even though members have to attend a large number of international meetings each year. About half the members responding to the survey prefer meeting twice a year compared with about one third favoring once a year: the rest said "as issues arise." It is hard to imagine that the Initiative would have the greater impact that many desire if the meetings took place with less than the current frequency.

9. Add the private business sector involvement. The demand side of anti-corruption is already involved in the Initiative, mainly through respective governments, TI and the American Bar Association. But the private business sector is missing. The private business sector is both a party to corruption and a potential beneficiary to its elimination. At both Steering Group and country levels, private sector involvement should be added, perhaps in the form of one or two representatives from regional business associations. The Action Plan could also be strengthened to highlight the importance of fighting corruption in the business sector.

10. Increase awareness of the Initiative. The Initiative is not well known in the member countries, despite the fact that the Initiative's newsletter is sent to over 5,000 anti-corruption policy-makers and experts. The Initiative's capacity building role in support of UNCAC, APEC and other conventions and initiatives needs to be better understood by a wider range of governance institutions in the member countries and staff in donor organizations, including their local offices. In each case, substantial inter- and intra-agency collaboration is required to fight corruption. And if the Initiative is to be regarded as providing the capacity building support for the implementation of UNCAC, then the political and administrative leaders who attend the UNCAC meetings need to be fully aware of the Initiative's objectives and activities.

To facilitate collaboration and coordination, and to communicate the Initiative's capacity building role, the Initiative can consider seeking representation as a member or an observer in major international anti corruption committees/councils such as UNODC, International Association of Anti Corruption Authorities, and APEC's Anti Corruption & Transparency Task Force. The Initiative could volunteer to organize workshops in major international anti-corruption conferences such as the UN Congress on Crime and even create annual best practice awards to attract international media publicity. An alternative would be for the Initiative's members attending these events to promote the Initiative's work.

What is most required to make the Initiative better known is not so much more links to and from the Initiative's website, or more copies of the newsletter sent out to more organizations, but more personal attention by those active in the Initiative to make sure that their collaborators in countries and donor organizations know about the Initiative. In this regard, the country offices of ADB could play an important coordinating role. Action is also required by the ACAs themselves since few ACAs actually hold meetings with the institutions that are responsible for the parts of the Action Plan that are not under the direct control of the ACA yet are important in the fight against corruption. More could be done to persuade the collaborating agencies to attend Initiative meetings.

11. Collect information on improvements in anti-corruption outcomes. The self-reporting is too input oriented. Although a framework at the legislative and institutional levels form the basis for effective anti-corruption, it does not guarantee the effective implementation needed to reduce corruption. Implementation and enforcement must also be given priority. In addition, as referred to earlier in this report, reporting back on the implementation of the recommendations from thematic reviews has also been weak. Some ACAs already collect data measuring outcomes on a regular basis. As well as the current self-reporting, members should report on anti-corruption outcomes at Steering Group meetings on the basis of key performance indicators that could be developed by the Initiative (such as number of complaints received, percentage of anonymous complaints, number of complaints investigated, prosecuted and convicted, corrupt proceeds confiscated, and public opinion survey results). As long as caution is built in the system to ensure consistency in statistical collection and interpretation, these data will help to justify the Initiative, even allowing for attribution problems (attributing the improved outcomes to the Initiative, filtering out the results of other anti-corruption activities). This will also help to focus the Initiative on implementation, which will in turn encourage better anti-corruption results. But it should be clear that statistics on outcomes and impacts will not themselves improve implementation and reduce corruption. The political will to act has to be strong, and there have to be institutions in place that hold the organizations responsible for anti-corruption responsible for the effective implementation of the laws and regulations.

It is suggested that the Members and Secretariat set up a small working group to set standards for measuring performance in reducing corruption to be applied by all members. Some of the indicators would be relatively simple “intermediate” outcomes, such as numbers of cases investigated or prosecuted. Measurements of reduced levels of corruption are likely to require surveys such as have been carried out in a number of members’ countries. If the Action Plan continues to be used (and the team believes that this is still a good framework), then output and outcome indicators will need to be attached to each of the objectives/activities in the matrix.

It is also suggested that the members set up a framework and set of indicators for the Initiative itself to measure the Initiatives performance in doing what it does best, “knowledge management” or, more specifically, learning from each other. This would in effect be an set of indicators intermediate to the achievement of the country level results.

Harry Garnett and Tony Kwok, November 14, 2009

Annexes

Annex 1 Review of the ADB/OECD Anti-Corruption Initiative - Terms of Reference

A. Background

1. The Asian Development Bank/Organisation for Economic Co-operation and Development (ADB/OECD) Anti-Corruption Initiative for Asia-Pacific was established in 1999 as a regional network for the benefit of officials from member countries and jurisdictions to engage in coordinated and systematic actions in the fight against corruption. In 2001, 17 Asian and Pacific countries⁹ endorsed the Anti-Corruption Action Plan. By mid-2008 an additional 11 countries¹⁰ had signed up to the Plan committing to taking concrete and meaningful priority steps to deter, prevent and combat corruption at all levels, without prejudice to existing international commitments and in accordance with their jurisdictional and other basic legal principles.

2. The Initiative's Action Plan is a voluntary, non-legally binding agreement with three pillars:

- (i) developing effective and transparent systems for public service,
- (ii) strengthening anti-bribery action and promotion of integrity in business operations, and
- (iii) supporting active public involvement.

3. Its implementation and stocktaking mechanisms are intended to encourage continuous anticorruption reforms and support the objectives of the UN Convention against Corruption (UNCAC) and the OECD Anti-Bribery Convention in Asia-Pacific. By encouraging continuous anti-corruption reforms, the Action Plan enjoys recognition from governments, international and donor organizations, civil society, and the private sector. The Action Plan is the Initiative's main instrument to set goals and standards for sustainable safeguards against corruption. (See Appendix 1 for the Initiative's Action Plan.)

4. The Action Plan includes an Implementation Plan, which identified two core principles: (i) establishing a mechanism by which overall reform progress could be promoted and assessed; and (ii) providing specific and practical assistance to members on key reform issues. The Implementation Plan also recognized that member countries and jurisdictions would establish priorities and that the review of progress would be based on self-assessment reports by members. Over time, the Initiative activities have been guided by a series of multiyear Strategy and Work Programs, the most current of which covers the period 2009 – 2011 and identifies agreed activities to support implementation of the Action Plan including (i) fostering policy dialogue and measuring progress; (ii) providing analysis in support of policy dialogue through thematic reviews; (iii) strengthening capacity to implement

⁹ Bangladesh; Cook Islands; Fiji Islands; India; Indonesia; Japan; Republic of Korea; Kyrgyz Republic; Malaysia; Mongolia; Nepal; Pakistan; Papua New Guinea; Philippines; Samoa; Singapore; and Vanuatu.

¹⁰ The following countries endorsed the Action Plan after 2001: Kazakhstan(2002); Cambodia (2003); Australia (2004); Hong Kong, China (2004); Palau (2004); Viet Nam(2004); People's Republic of China (2005); Thailand (2005); Sri Lanka (2006); Macao, China (2006); and Bhutan (2007).

anti-corruption policies; and (iv) strengthening and expanding partnerships in the fight against corruption. Appendix 2 lists Initiative events, and Appendix 3 lists Initiative publications.

5. Partnerships and Alliances: The Initiative has strived to establish partnerships with regional and international bodies including the APEC Anti-Corruption and Transparency Task Force, the Basel Institute on Governance, the Commonwealth Secretariat, the American Bar Association/Rule of Law Initiative, the Asia-Pacific Group on Money Laundering (APGML), the Pacific Basin Economic Council (PBEC), Transparency International (TI), the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC), and World Bank. The Initiative is supported by a number of development partners including the Governments of Australia, Germany, Japan, Korea and Sweden, and ADB.

6. Membership of the Initiative is open to any economy within the Asia-Pacific region that: recognizes the need for action against corruption and the benefits of sharing knowledge and experience across borders; is actively taking steps to implement anti-corruption measures based on accepted international standards; and commits to undertake reforms under the framework and standards of the Action Plan and to participate in the Initiative's stocktaking mechanisms.

7. The Initiative's Steering Group, comprised of representatives of member governments, defines the Initiative's priorities and activities to support the members' efforts in anti-corruption reform. The Advisory Group, which includes donors, civil society representatives, business organizations, international organizations and other constituencies that support the Initiative, is responsible for assisting the Steering Group by providing technical advice and helping to mobilize resources. A small Secretariat, run by the ADB and OECD, supports the Steering Group.

B. Purpose and Scope of Review

8. Purpose: The objective of the review would be to assess the efficacy and relevance of the Initiative, globally, regionally and at the country level to determine whether or not the Initiative and its associated Action Plan (including the Implementation Plan) have proven effective in assisting members in the fight against corruption in the Asia-Pacific region. The review will also identify options for sustaining regional anticorruption activities in the future, taking into consideration lessons and in particular needs of the member countries and jurisdictions.

9. Scope: The review team will assess:

- (i) the relevance of the Initiative as a regional mechanism to support anticorruption activities in the Asia-Pacific region;
- (ii) the effectiveness of the Initiative's Action Plan as a framework for anti-corruption interventions regionally and at the country level, particularly in light of the need for the Initiative to work in a complementary fashion with partner organizations in an effort to avoid unnecessary duplication of work;
- (iii) the relevance of the Action Plan in light of the changing anti-corruption landscape, including the coming into force of the UNCAC in 2005 and other

- international and regional initiatives and what changes (if any) to the Action Plan (including the Implementation Plan) are now desirable;
- (iv) the impact of the Initiative in addressing corruption at the global, regional and country level¹¹, including identification of good practices;
 - (v) the quality and effectiveness of the Initiative's processes for assessing progress in Action Plan implementation (e.g. country reporting during Steering Group meetings) and establishing future priorities.
 - (vi) the quality, accessibility and application of knowledge products including the country self-reporting matrix, stocktaking report, publications, website, newsletter, etc.;
 - (vii) the impact of capacity development activities including seminars and regional conferences on assisting members to implement anti-corruption reforms;
 - (viii) the efficiency and effectiveness of the Initiative's implementation arrangements including (a) membership and structure including the Steering and Advisory Groups; and (b) the business model including administration and operation and performance of the Secretariat (including whether anticorruption expertise at ADB and OECD has been used effectively); and
 - (ix) recommend options for sustaining a relevant and adaptable regional mechanism in the future including recommendations for incorporating appropriate monitoring and evaluation processes in the future.

C. Approach and Methodology

10. The Initiative has a diverse set of stakeholders from the perspective of the role in the initiative (member countries, members of the advisory group, members of the secretariat), the segment of society represented (public sector, private sector and civil society) and geographically. Member countries are also extremely diverse not only culturally, but also with respect to economic performance. As such, the review will employ a variety of techniques to gather information, and test and confirm findings from various sources. The techniques will include (i) interviews with members of the Steering Group, Advisory Group¹² and Secretariat; (ii) a survey encompassing not only the members, but civil society, private sector and development partner respondents throughout the Asia and Pacific Region; (iii) observance of an Advisory Group Meeting, a Steering Group Meeting and a capacity development seminar; (iv) up to five country visits¹³; and (v) visits to the host organizations

¹¹ Including an assessment of the degree to which the Initiative's thematic reviews, country self-reporting and/or stocktaking exercise have resulted in actual reforms or actions by members.

¹² Consultants will be expected to observe the 13th Steering Group Meeting and associated Advisory Group Meeting and a capacity development seminar during the week of 23-27 March 2009 in Macao. Space will be provided for interviews. These interviews will be augmented by discussions with additional stakeholders during a visit of a sample of member countries/jurisdictions.

¹³ Country visits will include discussions with civil society, private sector and key governance agencies and individuals. Members who are hosting the visit will be expected to assist with setting up a meeting

[OECD and ADB] offices in Paris and Manila to assess the Secretariat function and to assess the extent to which the Initiative supports the strategic objectives of each institution.

11. To facilitate the timely progress of the review, an Evaluation Committee has been established. The Committee, consisting of representatives from Singapore, Australia, Japan, UNDP and Transparency International will be responsible for (i) selecting the consultants based on a short list prepared by the Secretariat; (ii) approving the Survey Questionnaire and survey respondents; (iii) approving the Inception Report. The draft final report will be made available to all members of the Steering Group, the Advisory Group and the Secretariat Organizations for comment and review. Given the compressed timetable for these initial activities, the Secretariat will communicate with the Committee via email and should a discussion be warranted, a telephone conference will be arranged by the Secretariat.

12. The review will be conducted by a team of two international consultants with Asia and Pacific expertise. The Team Leader will have extensive experience evaluating networks, partnerships and knowledge management initiatives. The Team leader will be supported by a Subject Matter Expert with extensive experience in Anticorruption. Detailed terms of reference are provided below.

13. The key deliverables will be:

- An inception report: within two weeks of the beginning of the assignment, based on an initial literature review, the consultants will deliver an inception report that will: comment on the detailed terms of reference (and any proposed adjustments thereto), prepare a draft work program/implementation schedule and outline for the final evaluation report. The inception report will be reviewed and approved by the Evaluation Committee.
- A survey of stakeholders globally, regionally and at the country level. An indicative set of questions has been provided in Appendix 4. The draft survey questionnaire and proposed list of respondents will be approved by the Evaluation Committee.
- Draft Final Report: within three months, the consultants will deliver a draft final report. The draft final report will initially be made available to all members of the Steering Group, Advisory Group, ADB and the OECD for review and comment.
- Final Report: within five months, the consultants will deliver a final evaluation report, taking into consideration comments received by the various stakeholders. The final report will be considered by the Steering Group. The final report and recommendations will be considered by all stakeholders.

schedule, and arranging appropriate invitations to facilitate visa arrangements. Transparency International national chapters will assist in calling a meeting of civil society and/or suggesting appropriate individuals to be interviewed.

D. Consultants Terms of Reference

14. **Assessment Expert/Team Leader (4.0 person months):** The consultant will have at least 10 years of experience in reviewing and/or assessing networks, partnerships and knowledge management initiatives and good working knowledge of the Asia and Pacific region. As Team Leader, the Assessment Expert will be expected to work closely with the Anticorruption Expert, and be responsible for the quality of the inception report, survey design, draft final report and final report. Specific tasks and responsibilities are as follows:

- Provide overall leadership and methodological guidance of the review exercise including survey design and implementation;
- Conduct desk review and research of relevant documents including but not limited to: (i) minutes of steering group and advisory group meetings; (ii) publications of the Initiative; (iii) website.
- Together with the Anticorruption Expert, and based on this TOR, prepared a detailed review methodology (clarifying the sources of information, the techniques to be employed and a implementation schedule).
- Together with the Anticorruption Expert, design a survey questionnaire and prepare an indicative list of survey addressees.
- Prepare the inception report, including detailed review methodology, the draft survey questionnaire and list of possible addressees, and confirmation of countries selected for country visits;
- Together with the Anticorruption Expert, identify the number and specific individuals and/or organizations to be interviewed at the country and secretariat level, ensuring adequate coverage of all stakeholders.
- Participate in up to five country visits, leading interviews of key stakeholders, as well as visits to ADB and OECD HQ.
- Document and triangulate results of surveys and interviews, validate as necessary.
- Prepare, in coordination with the Anticorruption Expert, the draft final review report. The Draft Final Review Report should summarize the findings, conclude as to relevance/impact of the Initiative, offer recommendations and identify good practices;
- Incorporate required changes recommended by the reviewers to finalize the Review Report

15. **Anticorruption Expert (3.4 person months):** The consultant will have at least 10 years of experience in anticorruption, good working knowledge of international anti-corruption instruments (including the OECD Anti-bribery Instruments and the United Nations Convention Against Corruption) and their implementation, and good working knowledge of the Asia and Pacific region. As subject matter expert, the anticorruption expert will be expected to work closely with and report to the Team Leader. Specific tasks and responsibilities are as follows:

- Work closely with the Assessment Expert/Team leader providing subject matter expertise to support the review;
- Conduct desk review and research of relevant documents including but not limited to: (i) minutes of steering group and advisory group meetings; (ii) publications of the Initiative; (iii) website;
- Provide technical input to the design of the survey and identify individuals/agencies to be surveyed;
- Provide technical input into the review methodology and identification of, the number and specific individuals and/or organizations to be interviewed at the country and secretariat level;
- Participate in up to five country visits, interviewing key stakeholders, as well as visits to ADB and OECD HQ.
- Taking into consideration other anticorruption initiatives, networks and activities within the Asia and Pacific Region, identify possible overlaps and/or opportunities for collaboration.
- Assess the relevance and effectiveness of the Action Plan (including the Implementation Plan) in addressing and reducing corruption in the Initiative's members.
- Assessing the role and impact of the Action Plan (including the Implementation Plan) in effecting changes in the anti-corruption policies, laws, regulations and institutions in the Initiative's members.
- Assessing the quality and impact of the Initiative's knowledge products and events, e.g. country reporting in Steering Group meetings, country self-reporting matrix, stocktaking report, thematic reviews, seminars, conferences.
- Recommending options for sustaining a relevant and adaptable regional anti-corruption mechanism, including appropriate implementation, monitoring and evaluation processes.
- Assist Team Leader to prepare the inception and draft final Review Report in accordance with the Terms of Reference;
- Assist Team Leader to incorporate required changes recommended by the reviewers to finalize the Review Report

16. Consultants paid on an activity basis with the percentage of professional services fees plus out of pocket expenses (reimbursement of actual costs) as follows:

Mobilization payment upon signing of contract	10%
Initial payment upon submission of Inception Report	20%
Second payment upon submission of draft final report	50%
Final payment upon delivery of final report	20%

Appendix 1: ADB/OECD Anti-Corruption Action Plan for Asia and the Pacific

Preamble¹⁴

WE, governments of the Asia-Pacific region, building on objectives identified at the Manila Conference in October 1999 and subsequently at the Seoul Conference in December 2000;

CONVINCED that corruption is a widespread phenomenon which undermines good governance, erodes the rule of law, hampers economic growth and efforts for poverty reduction, and distorts competitive conditions in business transactions;

ACKNOWLEDGING that corruption raises serious moral and political concerns and that fighting corruption is a complex undertaking and requires the involvement of all elements of society;

CONSIDERING that regional cooperation is critical to the effective fight against corruption;

RECOGNIZING that national anti-corruption measures can benefit from existing relevant regional and international instruments and good practices such as those developed by the countries in the region, the Asian Development Bank (ADB), the Asia-Pacific Economic Cooperation (APEC), the Financial Action Task Force on Money Laundering (FATF), the Organisation for Economic Co-operation and Development (OECD), the Pacific Basin Economic Council (PBEC), the United Nations and the World Trade Organization (WTO)¹⁵;

CONCUR, as governments of the region, in taking concrete and meaningful priority steps to deter, prevent and combat corruption at all levels, without prejudice to existing international commitments and in accordance with our jurisdictional and other basic legal principles;

WELCOME the pledge of representatives of the civil society and the business sector to promote integrity in business and in civil society activities and to support the governments of the region in their anticorruption effort;

WELCOME the pledge made by donor countries and international organizations from outside and within the region to support the countries of the region in their fight against corruption through technical cooperation programs.

¹⁴ The Action Plan, together with its implementation plan, is a legally nonbinding document which contains a number of principles and standards towards policy reform which interested governments of the region politically commit to implement on a voluntary basis

¹⁵ In particular: the 40 Recommendations of the FATF as supported by the Asia/Pacific Group on Money Laundering, the Anti-Corruption Policy of ADB, the APEC Public Procurement Principles, the Basel Capital Accord of the Basel Committee on Banking Supervision, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the Revised Recommendation, the OECD Council Recommendation on Improving Ethical Conduct in the Public Service, the OECD Principles on Corporate Governance, the PBEC Charter on Standards for Transactions between Business and Government, the United Nations Convention on Transnational Organized Crime and the WTO Agreement on Government Procurement.

Pillars of Action

In order to meet the above objectives participating governments in the region endeavor to take concrete steps under the following three pillars of action with the support, as appropriate, of ADB, OECD, and other donor organizations and countries:

PILLAR 1—DEVELOPING EFFECTIVE AND TRANSPARENT SYSTEMS FOR PUBLIC SERVICE

Integrity in Public Service: Establish systems of government hiring of public officials that assure openness, equity, and efficiency and promote hiring of individuals of the highest levels of competence and integrity through:

- Development of systems for compensation adequate to sustain appropriate livelihood and according to the level of the economy of the country in question;
- Development of systems for transparent hiring and promotion to help avoid abuses of patronage, nepotism, and favoritism, help foster the creation of an independent civil service; and help promote a proper balance between political and career appointments;
- Development of systems to provide appropriate oversight of discretionary decisions and of personnel with authority to make discretionary decisions; and
- Development of personnel systems that include regular and timely rotation of assignments to reduce insularity that would foster corruption.

Establish ethical and administrative codes of conduct that prescribe conflicts of interest, ensure the proper use of public resources, and promote the highest levels of professionalism and integrity through:

- Prohibitions or restrictions governing conflicts of interest;
- Systems to promote transparency through disclosure and/or monitoring of, for example, personal assets and liabilities;
- Sound administration systems which ensure that contacts between government officials and business services users, notably in the area of taxation, customs and other corruption-prone areas, are free from undue and improper influence;
- Promotion of codes of conduct taking due account of the existing relevant international standards as well as each country's traditional cultural standards, and regular education, training and supervision of officials to ensure proper understanding of their responsibilities; and
- Measures which ensure that officials report acts of corruption and which protect the safety and professional status of those who do.

Accountability and Transparency: Safeguard accountability of public service through effective legal frameworks, management practices, and auditing procedures through:

- Measures and systems to promote fiscal transparency;
- Adoption of existing relevant international standards and practices for regulation and supervision of financial institutions;

- Appropriate auditing procedures applicable to public administration and the public sector, and measures and systems to provide timely public reporting on performance and decision making;
- Appropriate transparent procedures for public procurement that promote fair competition and deter corrupt activity, and adequate simplified administration procedures;
- Enhancing institutions for public scrutiny and oversight;
- Systems for information availability including on issues such as application processing procedures, funding of political parties and electoral campaigns and expenditure; and
- Simplification of the regulatory environment by abolishing overlapping, ambiguous or excessive regulations that burden business.

PILLAR 2— STRENGTHENING ANTI-BRIBERY ACTIONS AND PROMOTING INTEGRITY IN BUSINESS OPERATIONS

Effective Prevention, Investigation, and Prosecution: Take effective measures to actively combat bribery by:

- Ensuring the existence of legislation with dissuasive sanctions which effectively and actively combat the offence of bribery of public officials;
- Ensuring the existence and effective enforcement of anti-money laundering legislation that provide for substantial criminal penalties for the laundering of the proceeds of corruption and crime consistent with the law of each country;
- Ensuring the existence and enforcement of rules to ensure that bribery offences are thoroughly investigated and prosecuted by competent authorities; these authorities should be empowered to order that bank, financial or commercial records be made available or be seized and that bank secrecy be lifted;
- Strengthening of investigative and prosecutorial capacities by fostering inter-agency cooperation, by ensuring that investigation and prosecution are free from improper influence and have effective means for gathering evidence, by protecting those persons helping the authorities in combating corruption, and by providing appropriate training and financial resources; and
- Strengthening bilateral and multilateral cooperation in investigations and other legal proceedings by developing systems which—in accordance with domestic legislation—enhance (i) effective exchange of information and evidence, (ii) extradition where expedient, and (iii) cooperation in searching and discovering of forfeitable assets as well as prompt international seizure and repatriation of these forfeitable assets.

Corporate Responsibility and Accountability: Take effective measures to promote corporate responsibility and accountability on the basis of existing relevant international standards through:

- Promotion of good corporate governance which would provide for adequate internal company controls such as codes of conduct, the establishment of channels for communication, the protection of employees reporting corruption, and staff training;

- The existence and the effective enforcement of legislation to eliminate any indirect support of bribery such as tax deductibility of bribes;
- The existence and thorough implementation of legislation requiring transparent company accounts and providing for effective, proportionate and dissuasive penalties for omissions and falsifications for the purpose of bribing a public official, or hiding such bribery, in respect of the books, records, accounts and financial statements of companies; and
- Review of laws and regulations governing public licenses, government procurement contracts or other public undertakings, so that access to public sector contracts could be denied as a sanction for bribery of public officials.

PILLAR 3—SUPPORTING ACTIVE PUBLIC INVOLVEMENT

Public Discussion of Corruption: Take effective measures to encourage public discussion of the issue of corruption through:

- Initiation of public awareness campaigns at different levels;
- Support of non-government organizations (NGOs) that promote integrity and combat corruption by, for example, raising awareness of corruption and its costs, mobilizing citizen support for clean government, and documenting and reporting cases of corruption; and
- Preparation and/or implementation of education programs aimed at creating an anti-corruption culture.

Access to Information: Ensure that the general public and the media have freedom to receive and impart public information and in particular information on corruption matters in accordance with domestic law and in a manner that would not compromise the operational effectiveness of the administration or, in any other way, be detrimental to the interest of governmental agencies and individuals, through:

- Establishment of public reporting requirements for justice and other governmental agencies that include disclosure about efforts to promote integrity and accountability and combat corruption; and
- Implementation of measures providing for a meaningful public right of access to appropriate information.

Public Participation: Encourage public participation in anti-corruption activities, in particular through:

- Cooperative relationships with civil society groups such as chambers of commerce, professional associations, NGOs, labor unions, housing associations, the media, and other organizations;
- Protection of whistle-blowers; and
- Involvement of NGOs in monitoring public sector programs and activities

IMPLEMENTATION

In order to implement these three pillars of action, participating governments of the region concur with the attached Implementation Plan and will endeavour to comply with its terms.

Participating governments of the region further commit to widely publicise the Action Plan throughout government agencies and the media and, in the framework of the Steering Group Meetings, to meet and to assess progress in the implementation of the actions contained in the Action Plan.

IMPLEMENTATION PLAN

1 Introduction

The Action Plan contains legally non-binding principles and standards towards policy reform which participating governments of the Asia-Pacific region (hereinafter: participating governments) voluntarily commit to implement in order to combat corruption and bribery in a co-ordinated and comprehensive manner and thus contribute to development, economic growth and social stability. Although the Action Plan describes policy objectives that are currently relevant to the fight against corruption in Asia and the Pacific, it remains open to ideas and partners. Updates of the Action Plan will be the responsibility of the Steering Group.

This section describes the implementation of the Action Plan. Taking into account national conditions, implementation will draw upon existing instruments and good practices developed by countries of the region and international organisations such as the Asian Development Bank (ADB), the Asia-Pacific Economic Co-operation (APEC), the Organisation for Economic Co-operation and Development (OECD) and the United Nations.

2 Core principles of Implementation

The implementation of the Action Plan will be based upon two core principles: i) establishing a mechanism by which overall reform progress can be promoted and assessed; ii) providing specific and practical assistance to governments of participating countries on key reform issues.

The implementation of the Action Plan will thus aim at offering participating countries regional and country-specific policy and institution-building support. This strategy will be tailored to policy priorities identified by participating countries and provide means by which participating countries and partners can assess progress and measure the achieved results.

Identifying Country priorities

While the Action Plan recalls the need to fight corruption and lays out overall policy objectives, it acknowledges that the situation in each country of the region may be specific.

To address these differences and target country-specific technical assistance, each participating country will endeavour, in consultation with the Secretariat of the Initiative, to identify priority reform areas which would fall under any of the three pillars, and aim to implement these in a workable timeframe.

The first consultation on these priorities will take place in the framework of the Tokyo Conference, immediately after the formal endorsement of the Action Plan. Subsequent identification of target areas will be done in the framework of the periodical meetings of the Steering Group that will be set up to review progress in the implementation of the Action Plan's three pillars.

Reviewing progress in the reform process

Real progress will primarily come from the efforts of the governments of each participating country supported by the business sector and civil society. In order to promote emulation, increase country responsibilities and target bilateral and international technical assistance, a mechanism will be established by which overall progress can be promoted and reviewed.

The review process will focus on the priority reform areas selected by participating countries. In addition, there will be a thematic discussion dealing with issues of specific, cross-regional importance as identified by the Steering Group.

Review of progress will be based on self-assessment reports by participating countries. The review process will use a procedure of plenary review by the Steering Group to take stock of each country's implementation progress.

Providing assistance to the reform process

While governments of participating countries have primary responsibility for addressing corruption related problems, the regional and international community as well as civil society and the business sector have a key role to play in supporting countries' reform efforts.

Donor countries and other assistance providers supporting the Action Plan will endeavour to provide the assistance required to enhance the capacity of participating countries to achieve progress in the priority areas and to meet the overall policy objectives of the Action Plan.

Participating governments of the region will endeavour, in consultation with the Initiative's Secretariat, to make known their specific assistance requirements in each of the selected priority areas and will co-operate with the assistance providers in the elaboration, organisation and implementation of programmes.

Providers of technical assistance will support participating governments' anti-corruption efforts by building upon programmes and initiatives already in place, avoiding duplications and facilitating, whenever possible, joint ventures. The Secretariat will continue to support this process through the Initiative's web site (www.oecd.org/daf/ASIAcom) which provides information on existing and planned assistance programmes and initiatives.

3 Mechanisms

Country Representatives

To facilitate the implementation of the Action Plan, each participating government in the region will designate a contact person. This government representative will have sufficient authority as well as adequate staff support and resources to oversee the fulfilment of the policy objectives of the Action Plan on behalf of his/her government.

Regional Steering Group

A Steering Group will be established and meet back-to-back with the Initiative's annual conferences to review progress achieved by participating countries in implementing the Action Plan. It will be composed of the government representatives and national experts on the technical issues discussed during the respective meeting as well as representatives of the Initiative's Secretariat and Advisory Group (see below).

The Steering Group will meet on an annual basis and serve three main purposes: (i) to review progress achieved in implementing each country's priorities; (ii) to serve as a forum for the exchange of experience and for addressing cross-regional issues that arise in connection with the implementation of the policy objectives laid out in the Action Plan; and (iii) to promote a dialogue with representatives of the international community, civil society and the business sector in order to mobilise donor support.

Consultations in the Steering Group will take place on the day preceding the Initiative's annual meeting.

This shall allow the Steering Group to report on progress achieved in the implementation of the policy objectives laid out in the Action Plan, present regional good practices and enlarge support for anticorruption efforts among ADB regional member countries.

Secretariat

The ADB and the OECD will act as the Secretariat of the Initiative and, as such, carry out day-to-day management. The role of the Secretariat also includes to assist participating governments in preparing their self-review reports. For this purpose, in-country missions by the Secretariat will be organised when necessary.

Advisory Group

The Secretariat will be assisted by an informal Advisory Group whose responsibility will be to help mobilise resources for technical assistance programmes and advise on priorities for the implementation of the Action Plan. The Group will be composed of donor countries and international donor organisations as well as representatives of civil society and the business sector, such as the Pacific Basin Economic Council (PBEC) and Transparency International (TI), actively involved in the implementation of the Action Plan.

Funding

Technical assistance programmes and policy advice in support of government reforms as well as capacity building in the business sector and civil society aiming at implementing the Action Plan will be financially supported by international organisations, governments and other parties from inside and outside the region actively supporting the Action Plan.

Appendix 2: List of ADB/OECD Anti-Corruption Initiative for Asia and the Pacific Events (2002–2008)

1999

1. 1st ADB/OECD Regional Anti-Corruption Conference in Asia and the Pacific, Launching of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, 29 Sept – 1 October 1999; Manila, Philippines

2000

2. 2nd ADB/OECD Regional Anti-Corruption Conference in Asia and the Pacific, 11-13 December 2000; Seoul, Korea

2001

3. 3rd ADB/OECD Regional Anti-Corruption Conference in Asia and the Pacific, and
4. 1st Steering Group Meeting and Endorsement of the Action Plan, 28-30 November 2001; Tokyo, Japan

2002

5. 2nd Steering Group Meeting, 27-28 May 2002; ADB Headquarters, Manila, Philippines
6. Training Seminar on Promoting Integrity and Fighting Corruption in the Public Service (co-organizer) 19-21 November Guiyang, China

2003

7. 1st Master Training Seminar on Effective Prosecution of Corruption, 11-13 February 2003; Ghaziabad, India
8. 3rd Steering Group Meeting, 4-6 March 2003; Jakarta, Indonesia
9. 4th ADB/OECD Regional Anti-Corruption Conference in Asia and the Pacific and
10. 4th Steering Group Meeting, 1-5 December 2003; Kuala Lumpur, Malaysia

2004

11. 5th Steering Group Meeting and
12. 2nd Master Training Seminar on Curbing Corruption in Public Procurement, 5-9 July 2004; ADB Headquarters, Manila

2005

13. 3rd Master Training Seminar on Addressing domestic corruption: meeting international standards, 14-17 February 2005; Islamabad, Pakistan

14. The Expert Meeting on Corruption Prevention in Tsunami Relief, 7-8 April 2005: Jakarta, Indonesia
15. 6th Steering Group Meeting, 19-21 April 2005: Hanoi, Vietnam
16. 7th Steering Group Meeting and
17. 5th Regional ADB/OECD Anti-Corruption Conference for Asia-Pacific, 26-30 September 2005; Beijing, PRC

2006

18. 4th Master Training Seminar on Denying Safe Haven to the Corrupt and the Proceeds of Corruption, 28-30 March 2006: Kuala Lumpur, Malaysia
19. 8th Steering Group Meeting, 17-19 May 2006: ADB Headquarters, Manila, Philippines
20. 9th Steering Group Meeting, 27-29 November 2006; Bangkok, Thailand

2007

21. 5th Regional Seminar on Conflict of Interest: A Fundamental Anticorruption Concept, 6-7 August 2007: Jakarta, Indonesia
22. 10th Steering Group Meeting and
23. 6th Regional Seminar on Asset Recovery and Mutual Legal Assistance, 3-7 September 2007; Bali, Indonesia
24. 7th Regional Conference on Fighting Bribery in Public Procurement, 5-7 November 2007: Bali, Indonesia

2008

25. 11th Steering Group Meeting, 27-28 May 2008; ADB Headquarters, Manila, Philippines
26. 12th Steering Group Meeting and 6th Regional Anti-Corruption Conference on Fighting Corruption in Asia-Pacific: Strategies for Business, Government and Civil Society, 24-28 November 2008; Singapore

Upcoming events

2009

27. 13th Steering Group Meeting and 8th Regional Seminar on Good Practices in Corruption Prevention 23 – 27 Mar 2009: Macao, China
28. 9th Regional Seminar on the Political Economy of Corruption, September 2009, ADB Headquarters, Manila, Philippines

Appendix 3: Publications of the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific (2002–2008)

1. Combating Corruption in Asian and Pacific Economies, November 2000
http://www.adb.org/Documents/Conference/Combating_Corruption/default.asp
 2. Progress in the Fight Against Corruption in Asia and the Pacific, 2001
http://www.adb.org/Documents/Conference/Fight_Corruption/default.asp
 3. Taking Action Against Corruption in Asia and the Pacific, 2002
http://www.adb.org/Documents/Conference/Taking_Action_Against_Corruption//default.asp
 4. Anti-Corruption Action Plan for Asia and the Pacific, 2002
http://www.adb.org/Documents/Periodicals/ADB_Review/2001/vol33_3/webwatch3.asp
 5. Effective Prosecution of Corruption, 2003
http://www.adb.org/Documents/Reports/Effective_Prosecution_of_Corruption/default.asp
 6. Anti-Corruption Policies in Asia and the Pacific: The Legal and Institutional Frameworks, December 2004 <http://www.adb.org/Documents/Books/Anti-Corruption-Policies/default.asp>
 7. Controlling Corruption in Asia and the Pacific, December 2004
<http://www.adb.org/Documents/Books/Controlling-Corruption/default.asp>
 8. Curbing Corruption in Tsunami Relief Operations, September 2005
<http://www.adb.org/Documents/Books/Curbing-Corruption-Tsunami-Relief/default.asp>
 9. Anti-Corruption Action Plan for Asia and the Pacific (update), July 2005
http://www.oecd.org/pages/0,2966,en_34982156_35315367_1_1_1_1_1,00.html
 10. Knowledge Commitment Action Against Corruption in Asia and the Pacific, April 2006
<http://www.adb.org/Documents/Books/knowledge-commitment-action/default.asp>
 11. Anti-Corruption Policies in Asia and the Pacific: Progress in Legal and Institutional Reform in 25 Countries, July 2006. <http://www.adb.org/Documents/Reports/Anticorruption-Policies/default.asp>
 12. Denying Safe Haven to the Corrupt and the Proceeds of Corruption, November 2006
<http://www.adb.org/Documents/Books/Denying-Safe-Haven/default.asp>
 13. Curbing Corruption in Public Procurement in Asia and the Pacific, December 2006
<http://www.adb.org/Documents/Books/Public-Procurement-Asia-Pacific/default.asp>
 14. Managing Conflict of Interest, 2008
 15. Fighting Bribery in Public Procurement in Asia and the Pacific, 2008
 16. Asset Recovery and Mutual Legal Assistance in Asia and the Pacific, 2008
 17. Mutual Legal Assistance, Extradition and Recovery of the Proceeds of Corruption in Asia and the Pacific, 2008
 18. Supporting the Fight Against Corruption in Asia and the Pacific ADB/OECD Anti-Corruption Initiative 2007 Annual Report, 2008
- The ADB/OECD Anti-Corruption Initiative for Asia and the Pacific website:
www.oecd.org/corruption/asiapacific

Appendix 4: Indicative Review Questions

Impact

- What are the most significant laws, regulations, institutional reforms, policies and practices that your country/agency that have been influenced by membership in the Initiative?
- How have these laws, regulations, institutional reforms, policies or practices been implemented and what has been the impact?
- What issues, practices, lessons has your government or agency shared with other members of the Initiative?
- What are the lessons that your government or agency has taken back from the Initiative?
- What are your needs/expectations of the Initiative? Are these being met? If so how, and if not, what is missing?

Effectiveness

- To what extent has the Initiative achieved its main objectives?
- Which activities have proven to be most effective? (i.e. capacity development seminars, Steering Group meetings (including country self-reporting), thematic reviews, publications, website, conferences etc). Which activities are not or less effective?
- Has participation in the Initiative assisted bilateral discussions amongst Members? Have you ever contacted bilaterally another member of the Initiative to discuss a particular point and/or issue or to seek guidance or assistance? What was the result?
- Has participation in the Initiative assisted bilateral discussions with donors or other members of the Advisory Group? Have you ever sought financial or technical assistance from an Advisory Group member? What was the result?
- Given that the Action Plan and UNCAC recognise that effective anti-corruption efforts require the active involvement of the business sector and non government organisations as well as government, has the Initiative been effective in facilitating interaction with these stakeholders? Should more be done in this regard and if so, what?
- How effective is the Action Plan (including the Implementation Plan) as a framework for anticorruption interventions regionally and in your country?

Relevance

- To what extent do the Initiative or the Action Plan facilitate or detract from UNCAC implementation?

- What in your view is missing, or inconsistent between the Action Plan (including the Implementation Plan) and the changing anticorruption landscape? Is the Action Plan still relevant given the emergence of the UNCAC? Should the Action and Implementation Plans be modified, and if so, how?
- To what extent, if any, do the Initiative and the Action Plan complement or duplicate other initiatives that your country/agency participates in?

Quality of Knowledge Products

- How useful are the knowledge products prepared and maintained by the Initiative (country self-reporting matrix, stocktaking report, website, newsletter, publications, capacity development and other training seminars, conferences etc)? Please provide concrete examples of how a knowledge product resulted in changes to your country's laws, regulations, institutions, policies or practices or in improvements in their implementation.
- How could the access and/or usefulness of these knowledge products be enhanced?
- What additional knowledge products/activities should be considered to enhance the usefulness and therefore effectiveness of the Initiative?

Administration

- How effective have the Initiative's processes been to assess implementation of the Action Plan and establish future work priorities?
- Does the administrative structure operate effectively? What suggestions would you have for strengthening these processes/structures?
- Is the expertise of the various actors used effectively?
- Has the Secretariat provided necessary and timely administrative support?
- Is the administrative structure (steering group, advisory group, secretariat) appropriate?

Annex 2 List of Persons Interviewed

This section lists the names of individuals who provided information and observation to the review team as it was preparing the report. They are grouped in sub-sections under the following broad categories:

Member Countries;

Asian Development Bank (ADB) ;

Organisation for Economic Cooperation and Development (OECD) ;

Advisory Committee;

International development agencies

Non Governmental Organizations (NGO)

Member Countries

Australia

Anthony Coles , Director, Financial Crime & Border Management Section , Attorney-General's Department (by telephone)

Rebecca Loan , Policy Adviser , Financial Crime & Border Management Section , Attorney-General's Department (by telephone)

Craig Riviere

Bangladesh

Md. Moshir Rahman, Joint Secretary, Cabinet Division, Government of Bangladesh

Bhutan

Thinlay Wangdi, Commissioner, Anti Corruption Commission

Brunei Darussalam (Observer Country)

Ken Teck Wee, Chief Special Investigator, Anti Corruption Bureau

Cambodia

Sar Sambath, Permanent Member of the Anti Corruption Unit, Office of the Council of Ministers

Nguonphan Sophea, Assistant to the Permanent Member

China, People Republic of

Kong Xiangren, Deputy Director General, Foreign Affairs Department, Ministry of Supervision

Fiji

Alfereti Roko, Acting Auditor, Surcharge and Compliance, Ministry of Finance, National Planning and Sugar Industry

Hong Kong, China

Li Bo Lan, Rebecca, Assistant Director, Independent Commission Against Corruption

CHOI Shu-keung, Principal Investigator, Independent Commission Against Corruption

Indonesia

Corruption Eradication Commission (KPK)

Mr. Mochammad Jasin, Vice Chariman/Commissioners

Mr. Haryono Umar, Vice Chariman/Commissioners

Mr. Bambang Spto Pratomosunu, Secretary General

Mr. Sujanarko, Director of Fostering Networks

Mr. Doni Muhardiansyah, Director of R&D

Mr. Giri Suprapdiono, Specialist, Coordinator of International Cooperation Unit

Ms. Ike Citra Kahfi, International cooperation Specialist

Ms. Syafira P. Larasati, International cooperation Specialist

Indonesia Financial Transaction Reports & Analysis Centre (INTRAC/PPATK) (FIU)

Mr. Gunadi, Deputy Head of INTRAC

Mr. Tri Priyo, Director Inter Agency cooperation

Mr. Djoko Kurnijanto, Directorate of Inter-Agency Cooperation

Mr. Said Imran, Directorate of Inter-Agency Cooperation

Mr. Al Muzamul, Directorate of Law

Mr. Fitriadi, Directorate of Law

Ms. Z.D. Arradina, Directorate of Inter agency Cooperation

Ms. Kurnia Deni, Directorate Research & Analysis

Ms. Afra Azzahra, Directorate of Law & Regulation

CID Police

Mr. Jose Rizal, Director of Corruption Crime

Mr. Lindung P Simanjuntak, Deputy Director of Corruption Crime

Mr. J.A. Sumampouw

Ms. Endah

ICW (Indonesia Corruption Watch)

Mr. Adnan Topan Husodo

Mr. Emerson Juntho

World Bank Indonesia

Mr. Amien Sunaryadi, Senior Operation Officer, former KPK commissioner

Japan

Keiko Mizoguchi, OECD Division, Economic Affairs Bureau, Ministry of Foreign Affairs

Korea, Republic of

Anti Corruption & Civil Rights Commission (ACRC)

Mr Kun Yang, Chairman

Mr In-jong Kim, Director, International Relations Division

Ms So-yeong Yoon, Deputy Director, International Relations Division

Mr Kwak Hyung-Sok, Director, Corruption Impact Assessment

Public Prosecutors' Office, Financial Crimes Department

Mr Song Won Jeon, Public Prosecutor

Macao, China

U Cheong, Commissioner, Commission Against Corruption

HO Ioc San, Chief of Cabinet, Commission Against Corruption

Malaysia

Abdul Razak Hamzah, Assistant Commissioner, Head of International Relations Section,
Malaysian Anti Corruption Commission

Mongolia

Sunduisuren Dorj, Deputy Chief, Independent Authority Against Corruption

Badral Delger, Head of Internal Affairs, Senior Commissioner, Independent Authority Against
Corruption

Pakistan

Syed Burhan Ali

Director General, National Accountability Bureau

Philippines

Office of the Ombudsman

Ma. Merceditas N. Gutierrez, Hon. Ombudsman
Assistant Ombudsman O Mark E. Jalandoni, Field Investigation Office
Assistant Ombudsman Evelyn A. Baliton, Public Assistance and Corruption Prevention
Office (PACPO)
Assistant Ombudsman Dina Tenala of OMB-Proper
Deputy Special Prosecutor Jesus A. Micael, Office of the Special Prosecutor
Director Mary Susan S. Guillermo, Preliminary Investigation & Administrative
Adjudication & Monitoring Office
Acting Dir. Maribeth A. Padios, Office of Legal Affairs
Acting Dir. Rafael G. Hipolito, Bureau of Resident Ombudsman
Acting Dir. Cezar M. Tirol, II, Community Coordination Bureau
Acting Dir. Alan C. Canares, Research & Special Studies Bureau
Asst. Special Prosecutor Joan Paulette D. Nunez, OMB-Proper/PACPO

Bureau of Internal Revenue

Ms. Leonor S. Villalon-Roldgers,
Mr. Manolo A. Rodriguez,
Ms. Ione S. Alejo,
Ms. Maritess Terado,

Presidential Commission Against Corruption

Atty. Kristina C. Manalang
Atty. Jennifer M. Balba

Commission on Audit

Ms. Narcisa T. Marapao,
Ms. Gloria G. Calvario,

Anti-Money Laundering Council

Atty. Arnold Kabanlit,

Supreme Court

Mr. Nestor Venturillo,

Sandiganbayan

Ms. Sandra P. Calugay,

Civil Service Commission

Ms. Alexis P. Tabino,

Samoa

Gilbert Wongsin, Manager, Financial institutions Department, Central Bank of Samoa

Singapore

Soh Kee Hean, Director, Corrupt Practices investigation Bureau

Sri Lanka

Commission to Investigate Allegations of bribery or Corruption.

Mr. Ameer Ismail, Chairman

Justice P. Edussuriya, Commissioner

Luckshmi Jayawickrema, Director General,

Sri Lanka institute of Development Administration (SLIDA)

Mr. W.A. Jayasundera, Head/Senior Consultant, Centre for Management Studies & HRD

Law Commission

Dr. Lakshman Marasinghe, Chairman

Ministry of Public Administration & Home Affairs

Mr. D. Dissanayake, Secretary

Attorney General's Department

Mr. Palitha Fernando, Additional Solicitor General

Legal Aid Commission

Mr. S.S. Wijeratne, Chairman

Ministry of justice

Mr. Suhada K. Gamalath, Secretary

Thailand

Professor Pakdee Pothisiri, Commissioner, National Counter Corruption Commission

Vietnam

Nguyen Huu Loc, Deputy Director General, Department for International Cooperation,
Government Inspectorate of Vietnam

Asian Development Bank (ADB)

Vice President, Knowledge Management & Sustainable Development

Ursula Schafer-Preuss,

Regional and Sustainable Development Department

Ma. Carmela D.Locsin, Deputy Director General

Kathleen Moktan, Director, Public Management, Governance and Participation Division and
Practice Leader (Public Management and Governance)

Sandra Nicoll, Principal Governance Specialist, Public Management, Governance and
Participation Division

Surya Shrestha, Governance Specialist, Public Management, Governance and Participation
Division

Marilyn Pazarro, Consultant, ADB/OECD Anti Corruption Initiative Secretariat

Strategy and Policy Department

Christopher MacCormac, Deputy Director General,

Office of the Auditor General

Clare Wee, Director, Integrity Division

Office of the General Counsel

Rita O'Sullivan, Senior Counsel

Central Operations Services Office

Hamid Shariff, Principal Director, COSO

Robert Rothery, Lead Professional (Procurement)

Ajay Guha, Principal Procurement Specialist, COS2

Philippines Country Office

Joel V. Mangahas, Country Specialist

Sri Lanka Resident Mission

Mr. Harsha Fernando, Advisor,

OECD

Deputy Secretary General

Mario Amano,

Director, Directorate for Financial and Enterprise Affairs

Carolyn Ervin,

Anti Corruption Division

Patrick Moulette, Head, Anti-Corruption Division

Christine Uriarte, General Counsel, Anti-Corruption Division

William Loo, Manager, Asia-Pacific Outreach

France Chain

Olga Savran

Inese Gaika

Sandrine Hannedouche-Leric

Alex Conte

Gwenaëlle Le Coustumer

Melissa Peerless

Development Co-operation Directorate

Alexandra Trzeciak-Duval

Donna Muwonge

Innovation and Integrity Division, Public Governance and Territory Development Directorate

Janos Bertok,

OECD Legal Director

Nicola Bonucci,

Others

Rainer Geiger, former Deputy Director, Directorate for Financial and Enterprise Affairs

Frédéric Wehrlé, former co-ordinator for Asia-Pacific outreach in the Anti-Corruption Division

Birgitta Nygren, Ambassador, Ministry of Foreign Affairs, Sweden (by telephone conference)

Advisory Group

Joel Turkewitz, World Bank (by telephone)

Andrew Boname, American Bar Association

Tony Prescott, Australian Agency for International Development (AusAID)

Johanna Joerges, Project Associate, German Technical Cooperation (GTZ)

Pascal Fabie, Regional Director for Asia & the Pacific, Transparency International

Pauline Tamesis, Coordinator for Asia Regional Governance Programme, United Nations Development Programme

Ms Diane Kohn, Anti Corruption Advisor, U.S. State Department (by email)

International Development Agencies

British Council

Ms Gill Westaway, Country Director, Sri Lanka

United Nations Office on Drugs and Crime (UNODC)

Dimitri Vlassis, Chief, Corruption and Economic Crime Section, Division for Treaty Affairs

World Bank

Ms. Cecil Valles, Philippines Country Office

Mr. Amien Sunaryadi, Senior operation Officer of Indonesia Country Office

Non Governmental Organisations

Transparency International

Peter Rooke, Member, Advisory Council (by email)

Indonesian Corruption Watch

Mr. Adnan Topan Husodo, Deputy Coordinator

Korea Chamber of Commerce & Industry (KCCI)

Mr Ki-Tae Kim, Director, Corporate Social Responsibility Team

Mr Sang Jun Lee, Manager, Corporate Social Responsibility Team

Transparency International Korea

Mr Geo-Sung Kim, Chairperson

Korea People's Solidarity for Participatory Democracy (PSPD)

Mr Jaekeun Lee, Chief Coordinator, Centre for Administration Watch

Ms JiHyun Lee, Chief Coordinator, Centre for National Assembly Watch

Ms Shin Mee Jee, Coordinator, Centre for Administration Watch

Mr Ra, Young-Jae, Advisor and former Director of Complaint Investigation & Cooperation Division, ACRC

Federation of Filipino-Chinese Chamber of Commerce, Inc, Philippines

Atty. Francisco Nerida

Evelio Javier B. Foundation, Inc., Philippines

Director Edsel C. Naguit,

Transparency International, Sri Lanka

Mr. Rukshana Nanayakkara, Deputy Executive

Ms. Bettina Meier, Senior Advisor

Annex 3 Comparing The Action Plan and the Initiative

Initiative Action Plan in comparison with UNCAC	
<u>The Initiative Action Plan</u>	<u>UN Convention Against Corruption</u>
PILLAR 1—DEVELOPING EFFECTIVE AND TRANSPARENT SYSTEMS FOR PUBLIC SERVICE	
Systems of hiring public officials	Article 7 Public Sector
1. System for compensation	A7(1)(c) Adequate remuneration
2. Transparent hiring & promotion, independence of civil service	A7(1) System for recruitment, promotion & retirement
3. Oversight of discretionary decisions & personnel discretionary power	
4. Personnel systems such as rotation of assignments	A7(1)(b) rotation of positions
Ethical & Administrative Codes of Conduct	Article 8 Code of Conduct for public officials
1. Prohibition or restriction on conflicts of interest;	Article 7(4) System to prevent conflicts of interest
2. Disclosure & monitoring, e.g. personal assets & liabilities	Article 8(5) Declaration of employment, investment, assets, gifts
3. System regulating contacts between govt officials and business service users	
4. Promotion, training & supervision of officials viz. codes of conduct	Article 7(1)(d) Education & training programmes for public officials
5. Promote reporting by officials of corruption and whistleblower protection	Article 8(4) Reporting by public officials of corruption
Accountability and Transparency:	Article 9 Public Procurement & management of public finances
1. Measures & system to promote fiscal transparency;	A9(2) Management of public finance
2. International standard & practices to regulate & supervise financial institutions	

3. Audit of the public administration & public sector	A9(2) © system of accounting and auditing standard & related oversight
4. Public procurement procedure and adequate simplified administration procedures	A9(1) Procurement system
5. Enhancing institutions for public scrutiny and oversight;	A2(d) Effective risk management and internal control
6. Availability of information on the processing of applications, funding of political parties and electoral campaigns and expenditure	A7(2) (3) Transparency in funding of candidatures for election and funding of political parties; A10 Transparency in public administration
7. Simplification of the business regulatory environment	
PILLAR 2— STRENGTHENING ANTI-BRIBERY ACTIONS AND PROMOTING INTEGRITY IN BUSINESS OPERATIONS	
Effective Prevention, Investigation, and Prosecution:	
1. Sanctions for bribery of public officials	Article 15 Bribery of national public officials; A16 Bribery of foreign public officials; A17 Embezzlement, misappropriation by public officials; A18 trading in influence; A19 Abuse of functions; A20 Illicit enrichment; A21 Bribery in private sector; A22 embezzlement of property in private sector; A23 Laundering of proceeds of crime; A24 Concealment; A25 Obstruction of Justice; A26 Liability of legal persons; A27 Participation and attempt; A28 Knowledge, intent and purpose as element of an offence; A29 Statute of limitations; A30 Prosecution, adjudication and sanctions; A31 Freezing, seizure and confiscation
2. Existence & effective enforcement of anti-money laundering legislation	Article 14 Measures to prevent money-laundering
3. Rules concerning investigation & prosecution of bribery	Article 11 Measures relating to the judiciary and prosecution services

4. Availability of bank, commercial records & secret bank info	Article 40 Bank secrecy
5. Inter-agency cooperation	Article 38 Cooperation between national authorities
6. Protection of persons who assist the authorities	Article 32 Protection of witnesses, experts & victims; A33 Protection of reporting persons; A35 Compensation for damage
7. Training & resources	Article 6 Preventive anti corruption body; A36 Specialized authorities; A60 Training & technical assistance
8. International cooperation incl exchange of info and evidence, extradition, and search, seizure, forfeiture and repatriation of assets	Article 43 International cooperation; A44 Extradition; A45 Transfer of sentenced persons; A46 Mutual legal assistance; A47 Transfer of criminal proceedings; A48 Law enforcement cooperation; A49 Joint investigation; A50 Special investigative techniques; A51 Asset recovery; A52 Prevention and detection of transfers of proceeds of crime; A53 Measures for direct recovery of property; A54 Mechanisms for recovery of property through international cooperation in confiscation; A55 International cooperation for purposes of confiscation; A56 Special cooperation; A57 Return and disposal of assets; A58 financial intelligence unit; A59 Bilateral & multilateral agreements; A60 training & technical assistance; A61 Collection, exchange and analysis of information on corruption;
Corporate Responsibility and Accountability	Article 12 Private Sector
1. Corporate governance, internal company controls, such as codes of conduct, establishing channels of communication, whistleblower protection and staff training	A12(2)(b) Promote integrity and codes of conducts
2. Non tax-deductibility of bribes	A12(4) Disallow tax deductibility of bribe payments
3. Transparent company accounting and auditing, and penalties for false accounting	A12(1) Enhanced accounting and auditing standard and penalty for failure
4. Administrative sanctions for bribery of public officials, e.g. denial of licenses or	A34 consequences of acts of corruption,

procurement contracts	annul contract etc
PILLAR 3 - SUPPORTING ACTIVE PUBLIC INVOLVEMENT	
Public discussion of corruption	
1. Public awareness campaign	Article 13(1) Promote public participation to raise public awareness
2. Supporting Non-government orgnaizations	Article 13(1) Promote active participation of civil society, non-governmental organizations and community based organizations
3. Education programs	Article 13(1)© Public education programmes, school & university curricula
Access to information	
1. Requirements for justice and other govt agencies to disclose efforts to promote integrity and accountability and to combat corruption	
2. Measures to provide the public with meaningful access to information	Article 10 Public reporting; A13(1)(b) Ensure public access to information
Public Participation	
1. Co-opertive relationships with civil society groups	Article 13 Participation of society; A39 Cooperation between national authorities and the private sector
2. Protection of whistleblowers	Article 33 Protection of reporting person
3. Involvement of NGOs in monitoring public sector programs and activities	