

Revised Joint DGPN Consolidated Reply

[Facilitator's Note: Please note contributions from Nanette and Virginie have been added below for your further information.]

Please find the consolidated answer to the request for ideas, advice and/or examples from the Democratic Governance Practice Network regarding **Queries: Caribbean SURF/Experiences & Experts/Development of an Integrated Anti-Corruption Programme and Trinidad/Search/Anti-corruption models.**

Original Queries:

Caribbean SURF/Experiences & Experts/Development of an Integrated Anti-Corruption Programme

The Caribbean SURF is seeking your kind assistance with respect to the captioned subject. One of our clients has requested our support in the identification of integrated approaches to fighting corruption. In this context, information is being sought with specific reference to the following:

1. Institutional Arrangements. We would like to have examples of actual institutions set up to deal with corruption. How have governments established such institutions? The type range and scope of expertise required ? Estimated costs for such a unit/department. The reporting arrangements and autonomy of the institution in addition to any other relevant information.
2. Legislative Framework: The specific examples of legal frameworks established in Commonwealth Jurisdictions. Any other "best practice" legislation would be useful.
3. Expertise: We would like CVs of experts who have established such units. These would include: Legal Experts; Anti- Corruption Management Experts (to set up such an institution) and other key expertise that may be required to advise governments on the development and implementation of this integrated approach required to address corruption. Please note that I have read the consolidated response to an earlier query on a similar matter made by my CEA - SURF colleague.

with thanks,
Deodat Maharaj

Query: Trinidad/Search/Anti-corruption models

Trinidad and Tobago is interested in addressing the issue of corruption and in this regard, they are seeking information on different types of institutional models that have been developed for dealing with this matter. I know that the holidays are upon us and would therefore like to keep the query open well into the New Year so that more comprehensive feedback could occur. Happy holidays to all members of the network!

Charmaine Gomes
Programme Specialist (Environment & Governance)
UNDP Trinidad

Responses were received, with thanks, from:

- Virginie Lafleur Tighe, UNDP Mauritius - **NEW!**
- Nanette Svenson, LAC SURF - **NEW!**
- Pauline Tamesis, IDG, NY
- Rajesh Choudree, IDG, NY
- Richard Holloway, CRS Timor Leste
- Séverine Bellina, WA SURF
- Tomasz Anusiewicz, RBEC, Bratislava
- Benjamin Allen, CEE & CIS SURF
- Indira Goris, DGPN, NY

Summary of Responses:

Similarly to several earlier queries relating to anti-corruption, both **Pauline and Ben** have highlighted the need to ensure a holistic and participatory approach to anti-corruption and accountability structures/models. In relation to anti-corruption commissions they reiterate that it is important to reflect on the unique problems of the client country in terms of the weaknesses and vulnerabilities of its governance institutions and systems to rent seeking and corruption, before one can even begin to determine an appropriate approach or strategy to understand and address the problems (e.g. establishing a separate Commission vs strengthen existing accountability mechanisms). Because corruption is not something that can be dealt with by one institution, governments should develop an integrated program addressing the elements and causes of corruption and include issues such as administrative procedures, judicial independence, freed of information, etc., as well as any special bodies. As such, there are other options which include strengthening other oversight institutions to improve governance and instill accountability and transparency, such as the Office of the Auditor-General, the Office of the Ombudsman, and an Office of the Contractor General to provide independent oversight of government contracting and performance. Reform efforts also need to improve legislative mechanisms for accountability such as a Public Accounts Committee, which is required to ensure public access to oversight proceedings. In order to investigate corruption cases reported by oversight and watchdog groups, governments need to improve the capacity and integrity of its police force to function effectively as the frontline investigatory agency for criminal infractions. Finally, in terms of creating a supportive institutional structure to fight corruption, countries also need to restore integrity to their judiciary in ways, which call for greater accountability but without eroding the judiciary's essential independence.

Relevant country studies include **South Africa** which has recently started implementation of the anti-corruption protocol contained in the South African Development Community (SADC) and has also framed relevant legislation designed to that end. Special police units and witness protection programmes have been set up, special courts established to fast-track corruption cases etc. Also **Slovenia's** lessons learned in related to their less successful attempt at creating a specialized anti-corruption institution. Suggested resources include the **Transparency International Source Book** for models including Hong Kong ICAC, Singapore ACA, and Botswana Directorate for Economic Crime and

Corruption models. **Tomasz** has forwarded a document entitled "Fighting Corruption in Post-Communist States" (all documents and CVs available from Andrea). **Virginie** has forwarded a brief by Kristinn on the "Mauritian Independent Commission Against Corruption". Also see Probidad's work in **El Salvador** and the **Dominican Alliance Against**. Several **consultants/contacts** are also been listed below.

Detailed Responses:

Virginie Lafleur Tighe - NEW (document attached)

I am attaching herewith a brief by Mr. Kristinn Helgasson, Regional Policy Advisor at the Southern Africa SURF, on the Mauritian Independent Commission Against Corruption. Please contact me or Mr. Helgasson for further information.

Nanette Svenson - NEW

In response to your query on Anti-Corruption, I am attaching the research we submitted in response to the CEA SURF query, which you have seen, and also the research we did for UNCICP on UNDP anti-corruption activities in the region. With regard to expert referrals, we have the following professionals to recommend. I hope you will find this helpful and that you will contact us if you need any additional information.

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Cristian Gruenberg (chris@poderciudadano.org)- Mr. Gruenberg is a lawyer and, since 1996, Director of the Anti-corruption Program of Foundation Poder Ciudadano, an NGO that promotes citizen involvement in public issues and responsibility for controlling government. He is also the director of Transparency International, Argentina. Mr. Gruenberg has been contracted by the World Bank, the Carter Center and NDI, and has held training workshops for NGOs and governments on controlling corruption in more than 16 countries in Latin America and Eastern Europe.

Angélica Maytín Justiniani (amaytinj2@hotmail.com)- Ms. Maytín holds a degree in Law and Political Science from the University of Panama and is currently the Executive Director of the Foundation for the Development of Citizen Liberty, the Panamanian chapter of Transparency International. She has worked as a consultant on various projects for international organizations such as USAID, UNDP and the International Foundation for Electoral Systems (IFES). With UNDP Panama, she acted as Coordinator for the Control of Corruption sub-program within the "National Dialogue for Citizen Education and the Control of Corruption."

David L. Pezzullo (DPezzullo@compuserve.com): Mr. Pezzullo has a BA in Philosophy and Economics from Boston College, and is a consultant in the area of anti-corruption. He has advised a number of international donors on implementing specific reforms and

facilitating broad-based public participation in the design, implementation and evaluation of reform and anti-corruption programmes. Since 1999, Mr. Pezzullo has evaluated anti-corruption and institutional reform programs in Jamaica, Ecuador, Brazil and Nicaragua. Earlier, he worked for the World Bank where he co-managed anti-corruption programs in Nicaragua and Central America.

Dr. Valeria Merino-Dirani (vmerino@cld.org.ec): Dr Merino-Dirani is a lawyer, graduated from the University of Pennsylvania, with a Doctorate in Jurisprudence from the Pontificia Universidad Católica, Ecuador. Dr. Merino has worked on Rule of Law, Transparency, Political System Reform and Civil Society Participation, with emphasis on institutional and legal reforms, in various countries of the region with the World Bank, UNDP, USAID, IADB and GTZ. She was a member of the Global Board of Directors of Transparency International as well as the Executive Director of Transparency International in

Latin America and the Caribbean. Dr. Merino has been involved in projects to design and implement National Anti-corruption Strategies, Integrity Workshops, Integrity Pacts, Corruption Perception Indexes and Empirical Studies on Corruption and is the author of numerous publications, among them the Transparency Source Book for Latin America.

Pauline Tamesis

I believe your query is much more complicated than just responding with best practices and recommendations for CVs. From what I understand, your client needs assistance in determining the feasibility of establishing an independent anti-corruption commission. This most often requires an in-depth assessment on the unique problems of the client country in terms of the weaknesses and vulnerabilities of its governance institutions and systems to rent seeking and corruption, before one can even begin to determine an appropriate approach or strategy to understand and address the problems (e.g. establishing a separate Commission vs strengthen existing accountability mechanisms). In addition, participatory consultations with various stakeholders must take place in order that a holistic approach (focusing on prevention and changing systems vs. witch hunts) can be developed and implemented effectively. More importantly, strong political commitment from the country's leadership is a critical starting point for developing any type of response to the corruption problem.

The creation of an independent anti-corruption commission is a typical choice in many countries that want to fight corruption. To be effective, such commissions should have broad investigative (including arrest, detention, search and seizure) and prosecutorial powers, as well as a public education mandate. Further, such a Commission must be genuinely independent of the country's rulers but subject to the rule of law or it risks becoming a force for repression in its own right. To operate successfully, any independent agency tasked to investigate and prosecute corruption must possess: committed political backing at the highest levels of government; political and operational independence to investigate even the highest levels of government; adequate powers of access to documentation and to question witnesses, and leadership which is seen as being of highest integrity.

There are many examples in this area (documented extensively by Transparency International Source Book which is available on their website: <http://www.transparency.org>), and often the Hong Kong ICAC, Singapore ACA, and Botswana Directorate for Economic Crime and Corruption models are highlighted. These models have also been extensively studied (a study conducted by Alan Doig, et al for DfID involves 10 such commissions, unfortunately their results were never published. I may however have early versions of their paper which I will have to dig up), and the main concerns raised about the Hong Kong and Singapore models in particular are the large costs associated to setting up and running these agencies. (I believe their budget figures are available from their respective websites.) Further, there are very unique scenarios for which both HK and Singapore commissions operate in that are not easily replicable in most developing country situation.

Kristinn Helgason recently returned from Mauritius where they have established an ICAC patterned after the Hong Kong model (perhaps because they tapped the expertise of Bertrand de Speville, former Commissioner of the Hong Kong ICAC.) He may have other thoughts on this.

There are other options which include strengthening other oversight institutions to improve governance and instill accountability and transparency, such as the Office of the Auditor-General, the Office of the Ombudsman, and an Office of the Contractor General to provide independent oversight of government contracting and performance. Sometimes there is also a need to examine the role of an Elections Commission to ensure independent and impartial review of the electoral process that does not favour any political party or group. Countries must be able to contain the corrupt influence money has over many of its democratic processes, with a focus on limiting its influence by reducing the costs of elections and restricting expenditures. Reform efforts also need to improve legislative mechanisms for accountability such as a Public Accounts Committee, which is required to ensure public access to oversight proceedings. In order to investigate corruption cases reported by oversight and watchdog groups, governments need to improve the capacity and integrity of its police force to function effectively as the frontline investigatory agency for criminal infractions. Finally, in terms of creating a supportive institutional structure to fight corruption, countries also need to restore integrity to their judiciary in ways, which call for greater accountability but without eroding the judiciary's essential independence.

In terms of possible experts who may be able to help your client (perhaps first to study the feasibility of setting up such a commission):

1) **Bertrand de Speville** - We had worked with him in reviewing anti-corruption legislation for Mongolia (as well as conducting the assessment for developing a national anti-corruption strategy). Contact: De Speville and Associates, 55 The Avenue, Richmond, Surrey TW9 2AL, UK, tel: 44-0208-940 1771, fax: 44-0208-948-5176, email: <BdeS@compuserve.com>

2) **Prof. Jon Quah** - He was involved in the Singapore CAC and has studied many independent anti-corruption agencies. He will be a good resource person for best practices that you seek. Contact: Dept. of Political Science, National University of Singapore, 10 Kent Ridge Crescent, Singapore, email: <jon.quah@anu.edu.au> (till the end of the year for his sabbatical) or <polqst@nus.edu.sg>.

3) **Alan Doig** - You probably can approach him for a copy of the study they did for DfiD, but I guess since it hasn't been published they will be hesitant in releasing it. You can also check the TI website for the 9th IACC papers where we (UNDP) were in a panel with them on lessons learned from anti-corruption strategies (parts of their study was presented at that panel). Contact: Fraud Management Studies Unit, Teeside Business School, Univeristy of Teeside, Middlebrough TS13BA, UK, email: <r.a.doig@tees.ac.uk>.

4) **Sahr Kpundeh** - He has been an independent consultant for WBI focusing on Africa and their anti-corruption programs. Right now he is a fulltime staff member with the WB, but may be able to help out either in terms of best practices and other experts in this area. Contact: email: <skpundeh1@worldbank.org>

5) **Jeremy Pope** - Lawyer by training and author/editor of the TI Source Book. You may wish to contact him for best practices and expert recommendations for the legal/legislative frameworks in Commonwealth countries. Contact: His is the Executive Director, Transparency International, tel: 44-0207-610 1400, <pope@transparency.org>

5) **Carlos Morelli** - He helped us in Burundi, Burkina Faso and Guinea in conducting assessments. Consultant based in Lima, Peru email: <morbell@amauta.rcp.net.pe>, tel: 51 1 422 3995

6) **Justice Joseph Warioba** - He worked with us in Nigeria for the capacity building of the ICAC there. Contact: former Commissioner, Tanzania, tel 255 22 2667472, fax 255 22 213 2363

7) **The Directorate for Economic Crime and Corruption in Botswana**, one of the good examples thus far has been willing to provide traning to other commissions, which we also tapped for Nigeria.

Rajesh Choudree

As a good starting point I would recommend contacting the Head of the Special Investigations Unit in South Africa, Advocate Willie Hofmeyr. South Africa has recently started implementation of the anti-corruption protocol contained in the South African Development Community (SADC) and has also framed relevant legislation designed to that end. Special police units and witness protection programmes have been set up, special courts established to fast-track corruption cases etc. In addition specialist prosecutors have been engaged to prosecute such cases. Mr Hofmeyr's email details are as follows: <w.hofmeyr@siu.org.za>

Richard Holloway

Go to where the expertise is! Get on to the Transparency International Website (www.transparency.org) and look at the 2001 Integrity Source book, the Corruption Tool-Kit, and search the CORIS reference library there. All your questions, except perhaps, consultants will be found. As regards consultants, I suggest you look at the participants at the IACC meetings (Prague 2001, Durban 1999) and there will be plenty of consultants listed who attended these meetings.

S  verine Bellina

I think Rawkins Phillip (E-Mail Address: rawkins@home.com) may help you. He is british & canadian and speak english. He is both expert and researcher. His skills and experiences may coorespond to your needs.

Tomasz Anusiewicz

Since you have read previous responses regarding curbing corruption, here I only wish to add that the possible arrangements have been discussed in our publication "Fighting Corruption in Post-Communist States". In relation to this publication, I'd like to draw your attention to the following institutions and experts:

Special Investigation Service (of Lithuania)

Contact: Ms. Jurate Tuimoniene (Director Mr. Junokas) <jura@stt.lt>
Expert that assisted this institution is Mr. Dennis Fitzgerald <fitz@gu.kiev.ua>
description of SIS attached

Central Coordination Unit (of Slovakia, now under re-organisation)

Contact to its head: Mr. Mario Vircik <mvircik@mfsr.sk>
<<http://www.government.gov.sk/bojprotikorupcii/>>

You might also consider contacting:

Office for Prevention of Corruption (of Slovenia)

Contact: Mr. Bostjan Penko, Director <bostjan.penko@gov.si>

OECD expert

Ms. Irene Hors <irene.hors@oecd.org>

Rajesh Choudree

Please look at the website of the South African Govt. <<http://www.gov.za>> and the section under new legislation - The Justice Ministry has promulgated fairly new anti-corruption legislation as well as witness protection statutes. The SADC anti-corruption protocol has also been promulgated by South Africa and the other member states are in the process of doing so. I wopuld also recommend the NEPAD website for further investigation.

Ben Allen

I assume you've seen the two recent queries on corruption. The answers to those should have most of the information you need. However, I'll take the chance to reiterate an

important point: corruption is not something that can be dealt with by one institution. Creating an 'anti-corruption' office may be useful, but it will not be the sole answer. Instead, the government should develop an integrated program addressing the elements and causes of corruption. If resources are limited, by all means prioritize the parts of the plan over a longer period. But the plan will likely include issues such as administrative procedures, judicial independence, freedom of information, etc., as well as any special bodies. If you can provide more detail on the type of corruption Trinidad and Tobago face, we can help suggest priority actions.

Indira Goris - Web Related Resources

1) Slovenia's Experience with Fighting Corruption

(<http://www.beta.co.yu/korupcija/eng/regi2.asp?re=1017>)

More of a negative model, rather than a positive model; document details the failures of the specialized anti-corruption institution in post-independence Slovenia

2) Dominican Alliance Against corruption (<http://www.contracorrupcion.com>) -The website publishes the entry and exit assets of public officials. In addition it publishes officials' bank account numbers, national identification numbers, and home addresses on its site to help citizens detect possible fraudulent acts committed while in office.

3) El Salvador: Probidad (<http://www.probidad.org/>)- Probidad promotes democratization efforts vis-à-vis diverse and integrated anti-corruption initiatives, most which rely on the use of ICT and an extensive network of contacts. The activities are designed to monitor corruption and control mechanisms; mobilize awareness about the complexities and costs of corruption and increased interest and participation in curbing it; enhance the anti-corruption capacity of other civil society organizations, media, government, business, and researchers in our region; and contribute to more informed local and context-specific measures that undermine corruption and promote good governance.

4) Revisiting Anti-Corruption Strategies: Tilt Towards Incentive- Driven Strategies (<http://magnet.undp.org/Docs/efa/corruption/Chapter04.pdf>)

5) National Anti-Corruption Strategy (<http://www.online.bg/Docs/Anticorruption-eng.htm>)

6) Tanzania's National Anti-Corruption Strategy (http://www.worldbank.org/wbi/governance/pdf/durban_pdfs/durban-tanzania.pdf)

**Thanks to all those who participated,
Andrea**

***** Please note: Using the "reply" or "reply all" option delivers your response to the entire network. If you are sending or responding with an attachment (including CVs) please "forward" your message directly to the network facilitator (andrea.papan@undp.org). Thank you. Visit the DGNP Resource Corner at intra.undp.org/surf