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Practitioners' Guide:

Capacity Assessment of Anti-Corruption Agencies

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Preface

Today, the adverse impact of corruption on sustainable human development is undisputed. Corruption undermines the achievement of countries' poverty reduction and development goals; in particular, it has a disproportionately negative impact on the poor.

Over the years, countries have focused increasingly on developing strategies to tackle corruption. Globally, the United Nations Convention against Corruption is a groundbreaking international instrument which commits State parties to working together to address corruption nationally, and transnationally.

Domestically, the establishment of anti-corruption agencies has emerged as a core component in the reforms pursued by governments. However, while often established with great optimism, experience has shown that the effectiveness of anti-corruption agencies has varied greatly from country to country. Lessons learned show that capable anti-corruption agencies tend to be well-resourced, headed by strong leadership with visible integrity and commitment, and situated amongst a network of state and non-state actors who work together to implement anti-corruption interventions. On the other hand, weaker anti-corruption agencies have often been undermined by weak political will, manifested in limited resources and staff capacity.

UNDP is committed to supporting the capacity development of anti-corruption agencies, as part of its contribution to enhancing democratic institutions and accountability systems. This effort also supports national commitments to implement UNCAC, which explicitly recognizes anti-corruption agencies as an essential element of any national ant-corruption framework.

At a practical level, in order to strengthen the capacity of anti-corruption agencies to more effectively discharge their mandates, it is necessary to first assess the existing capacity. Accordingly, this Practitioners' Guide has been developed to assist national anti-corruption officials, as well as UNDP Country Offices and other development partners, to carry out capacity assessment of anti-corruption agencies. Cognizant of the variety of cultural, legal and administrative circumstances in which anti-corruption agencies operate, this Practitioners' Guide has been designed flexibly. Part 2 of the Practitioners' Guide provides a range of assessment modules and sample surveys which can be adapted to the specific local context and institutional model. The results from such an adapted capacity assessment provide the basis for developing and implementing a comprehensive capacity development plan, thereby linking analysis with action.

The fight against corruption requires the active involvement of different parts of society. Strong political will and leadership at the highest level needs to be complemented by a well-coordinated network of state

institutions, complemented by the vigorous engagement of the media and civil society. Anti-corruption agencies have a crucial role to play in this network of accountability institutions, and it is hoped that this Practitioners' Guide will provide a practical resource to assist those agencies to develop and strengthen their capacity and thereby empower them to confidently and effectively promote cleaner, more transparent and accountable governance for all people.

We would like to acknowledge Tsegaye Lemma, Phil Matsheza, and Anga Timilsina's efforts in coordinating the development process for this Practitioners' Guide. We are especially grateful to the principal authors of this Practitioners' Guide: Robert Bernardo,

Francesco Checchi, Samuel De Jaegere, Dan Dionisie, Alan Doig, and Charmaine Rodrigues. The authors drew upon earlier work published by the UNDP Bratislava Regional Centre, as well as an e-discussion on anti-corruption agencies conducted by the UNDP Asia-Pacific Regional Centre in November 2009. The draft Practitioners' Guide benefited from valuable inputs from stakeholders attending the Bratislava review and validation workshop in July 2011. Finally, we would like to express our thanks to Nigel Coulson, Shervin Majlessi, Harald Mathisen, Constantine Palicarsky, Karam Singh, Pauline Tamesis, and Dasho Neten Zangmo for their observations and contributions in finalizing this Practitioners' Guide.

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Introduction

◼ Purpose of the Practitioners' Guide

This Practitioners' Guide is designed to be used by senior officials working in anti-corruption agencies (ACAs), as well as UNDP Country Offices and other anti-corruption practitioners. It aims to provide users with a simple tool to assess the existing capacities of a target ACA, keeping in mind the capacities that the ACA actually needs in order to discharge its mandate. Developing the capacities of ACAs requires a careful assessment of all the factors contributing to their functioning.

The results from the capacity assessment of ACAs provide the basis to develop and implement a comprehensive capacity development plan, thereby linking analysis with action. This Capacity Development Plan usually comprises an integrated set of sequenced actions designed to address the capacity development needs of a given ACA. The specific indicators and benchmarks established during the capacity assessment process can serve as a foundation for subsequent monitoring and evaluation of the implementation of the Capacity Development Plan of the ACA.

◼ Scope of the Practitioners' Guide

In accordance with the United Nations Convention Against Corruption (UNCAC), the Practitioners' Guide covers the capacities to undertake both (i) preventive functions (Article 6) and (ii) law enforcement functions (Article 36). The Practitioners' Guide has been designed to focus on *functions* performed by an agency, rather than the institutional arrangement or the

title of the agency. Thus, this tool can be used to assess the capacity of an Independent Commission Against Corruption with both prevention and law enforcement functions, an anti-corruption unit with a prevention function, an Audit Office with an investigation function or even a Department of Prosecution with an enforcement function.

◼ How to use the Practitioners' Guide?

Part 1 of the Practitioners' Guide offers background information on:
- Normative frameworks for anti-corruption;
- The diversity of national approaches and a range of different types of ACAs;
- UNDP's approach to capacity development, including the step-by-step process for carrying out a capacity assessment; and
- The core issues and challenges for ACAs that need to be considered during a capacity assessment.

Part 2 of the Practitioners' Guide comprises a number of is presented using a modular approach, where key capacity issues are captured in individual "modules", which allows for flexibility to apply the tool in different context depending on specific functions that a given ACA wishes to review.

The Annexes contains a range of sample stakeholder tools, questionnaires and benchmarks. They are intended to be used and modified as required by the users of this Practitioners' Guide to develop customised country-specific questionnaires and surveys.

Part 1:

Anti-Corruption Agencies and Capacity Development

1. Background

For many years, the establishment of specialized anti-corruption agencies, institutions and bodies (hereafter, this Practitioners' Guide will use the term "Anti-Corruption Agencies" or "ACAs") has widely been considered to be one of the most important national initiatives necessary to effectively tackle corruption. This belief was largely popularized by the successful models of the Corrupt Practice Investigation Bureau of Singapore (established in 1952) and of Hong Kong's Independent Commission Against Corruption (established in 1974); both institutions were widely considered to be effective in reducing corruption in their countries. During the 1990s and 2000s, specialized anti-corruption agencies were established in many countries. At the same time, a number of countries also explored options for integrating anti-corruption functions into existing institutions, such as Ombudsman and Audit Offices.

Despite the increasing prevalence of national ACAs, these agencies have often been criticized for not living up to their promise of tackling corruption effectively. While many ACAs have been supported by multilateral and bilateral donors over the years as part of the good governance agenda, empirical evidence appears to suggest that most ACAs have had limited impact.[1] Disappointed at their perceived lack of impact in reducing the incidence of corruption, members of the public as well as development partners have increasingly questioned the value of ACAs.

While UNDP recognizes that while many ACAs still have considerable work to do in order to live up to the promise and expectations their establishment brought, It nonetheless considers that they can, and should, play an important role in a country's national accountability framework and should be provided with appropriate assistance to this end. This commitment is reinforced by the endorsement of States parties to the United Nations Convention against Corruption (UNCAC) that ACAs are a crucial element of any national ant-corruption framework. Articles 5, 6 and 36 all recognize the need for States parties to ensure the existence of ACAs that have the mandate, independence, quality staff and resources to discharge their mandates effectively (see Table 1 on p.6 for more).

The 2008 UNDP *Practice Note on Mainstreaming Anti-Corruption in Development*[2] explicitly identifies support to ACAs as a major entry point for UNDP's efforts to support the development of national capacities to fight corruption. The Practice Note draws on UNDP's experiences in providing technical support to ACAs around the world, which have shown that the capacity of ACAs is at the heart of their failure to meaningfully address corruption at the national level.[3]

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1 Meagher, P. (2005), "Anti-corruption agencies: Rhetoric versus reality", The Journal of Policy Reform, Vol. 8, No.1, pp.69-103.; Heilbrunn, J. (2004) Anti-Corruption Commissions Panacea or Real Medicine to Fight Corruption? Washington DC: World Bank Institute; Doig, A., D. Watt, R. Williams (2005) Measuring 'success' in five African Anti-Corruption Commissions, the cases of Ghana, Malawi, Tanzania, Uganda & Zambia. Bergen: U4. U4 Brief (2007), "Rethinking governance to fight corruption", by Sue Unsworth, www.u4.no/themes/private-sector; UNDP (2008) Anti-Corruption Practice Note.
2 See http://www.pogar.org/publications/other/undp/governance/mainstream-update-08e.pdf.

Responding to this demonstrated need by ACAs, UNDP has increased resources towards providing specific capacity development support to ACAs. For instance, in 2010 UNDP directly supported numerous anti-corruption institutions in all of its regions in developing capacity to monitor delivery of services by government institutions, to conduct UNCAC self-assessments, to investigate cases of corruption and to increase the coordination mechanism among government institutions, media and civil society in the fight against corruption.

To better calibrate UNDP assistance to ACAs, in the last five years, in the Eastern European and CIS region, the Asia Pacific region and the Arab region, UNDP has undertaken a number of specific capacity assessments of ACAs, as the first step towards developing effective, targeted capacity development programmes for those ACAs. Drawing on UNDP's previous ACA capacity assessments, in 2008 the UNDP Bratislava Regional Centre developed a *Methodology for Assessing Capacities of Anti-Corruption Agencies to Perform Preventive Functions*.[4] This Practitioners' Guide expands that initial methodology to include enforcement functions as well, drawing on experiences and lessons learned from the field, including capacity assessments from Bhutan, Mongolia, Montenegro, Kosovo, Turkey, Moldova and the FYR of Macedonia.

In line with UNCAC, the Practitioners' Guide covers the capacities to undertake both (i)

preventive functions (Article 6) and (ii) law enforcement functions (Article 36). Accordingly, the Practitioners' Guide has been designed to focus on *functions* performed by an agency, rather than the particular institutional arrangement or name of the agency. A modular approach has been used, whereby key capacity issues are captured in individual "modules" which can then be applied depending on which functions are relevant to the specific agency being reviewed.

It is important to keep in mind that a capacity assessment is only a first step in a longer process of developing and implementing a capacity development plan. The assessment phase is critical to capacity development efforts because it lays the foundations for the design and implementation of informed, appropriate, and effective capacity development responses. It can also set the baseline for continuous monitoring and evaluation of progress, and thereby lay a solid foundation for long-term planning, implementation and sustainable results from capacity development interventions. This Practitioners' Guide provides a starting point for these efforts, and but it is merely the first step in a longer-term process. It is essential that ACAs, the governments that establish them and the development partners that support them all stay focused and remain committed to the main goal, namely, to sustainably develop effective national capacities to address corruption and thereby improve the lives of citizens.

[3] For example, a quick survey conducted by UNDP in 2009 of 12 ACAs from Africa shows that these agencies lack capacities in almost all key areas: capacities to implement national anti-corruption strategies; capacities to effectively investigate the corruption cases (e.g., case management, procedural standards for evidence management, coordination and advice during investigations, handling of witnesses, interviews, information collection, electronic surveillance and undercover operation); seizure, freezing and confiscation (tracking/detecting of assets, use of forensic auditors, gathering financial data etc.); prosecutorial capacities (prosecutorial strategies and tactics, preparing and handling of witnesses, use of experts and etc.); and cooperation with national and international authorities and organizations.

[4] Available at: http://europeandcis.undp.org/uploads/public1/files/ACPN/ACA%20%20Methodology/Method_ ACA%20Assessment%20_June%202011.pdf

2. Anti-Corruption Agencies

While ACAs have been in existence for more than 50 years, it was only in the 1990s, with the democratization of Eastern Europe followed by the growing importance of the good governance agenda in development circles, that ACAs were popularized. With the advent of UNCAC in 2005, ACAs now have global recognition as vital elements of national anti-corruption frameworks to prevent and combat corruption. Articles 6 and 36 of UNCAC require State Parties to ensure the existence of bodies dealing with prevention and law enforcement against corruption.

While UNCAC articles 6 and 36 set some basic principles concerning ACAs, as yet no international norms for ACAs have been drawn up.[5] It is also notable that UNCAC specifically recognizes that States parties must ensure "ensure the existence *of a agency or bodies*" (emphasis added). States parties recognized that there is no "one-size-fits-all" approach for ACAs. While some countries may place all Article 6 and 36 functions inside a single specialized agency, other countries may split those functions between a number of agencies. Each country's choice will be dependent on its political context, administrative environment and resource envelope.

This Practitioners' Guide recognizes that there is a diversity of national approaches and a range of different types of ACAs. Accordingly, it has been designed to be applied across the spectrum of those different agencies. The most common way to categorize ACAs is by their mandate. Some ACAs combine multiple mandates in one agency; other ACAs only have one specific mandate whether it is prevention or law enforcement.[6] ACAs to which this Practitioners' Guide may be usefully applied can be broadly grouped as follows:

■ Anti-corruption agencies specialized in prevention

This grouping covers a very wide range of ACAs with different structures, institutional positioning and levels of independence. What they have in common is that they only have prevention functions, with no investigation or prosecution functions. Some of these agencies are Commissions of high-level officials, whose work focuses on defining strategic objectives and priorities, as well as on the coordination of governmental action against corruption. Examples of this type are the Anti-Corruption Council of Armenia, Algeria's National Agency for the Prevention and Combating of Corruption, and the Commission on Combating Corruption of

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[5] See in contrast the guidelines that have been set up for other similar institutions, such as Financial Intelligence Units (Statement of Purpose and Principles of Information Exchange of the Egmont Group), Audit Agencies (INTOSAI standards for external government auditing) or even National Human Rights Institutions (Paris Principles by the International Coordination Committee for NHRIs).

[6] See Institutional Arrangements to Combat Corruption, A Comparative Study, UNDP, 2005, p. 6.

Box 1.

UNCAC Articles on ACAs

Chapter II (Preventive Measures), UNCAC Article 6: Preventive anti-corruption agency or bodies (to be read in conjunction with the article 5 below)	Chapter III (Criminalization and Law Enforcement) UNCAC Article 36: Specialized authorities
1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a agency or bodies, as appropriate, that prevent corruption by such means as: a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies; b) Increasing and disseminating knowledge about the prevention of corruption. 2. Each State Party shall grant the agency or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the agency or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided. 3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.	Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a agency or bodies or persons specialized in combating corruption through law enforcement. Such agency or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such agency or bodies should have the appropriate training and resources to carry out their tasks.

Chapter II (Prevention Measures), UNCAC Article 5: Preventive anti-corruption policies and practices[7]

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.

[7] http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

Azerbaijan. In some countries, a unit within a Ministry of Government or a Multi-Agency Working Group may be tasked with such anti-corruption coordination and priority setting functions. Some preventive agencies have a more substantive role and are equipped with a Secretariat. They are responsible for operational activities generally related to education/training and enforcing public administration legislation and regulations. Examples of this latter type are the Commission for Corruption Prevention of Slovenia, the State Commission for Prevention of Corruption of the Former Yugoslav Republic of Macedonia, the Directorate for Anti-Corruption Initiative of Montenegro and France's Central Services for Prevention of Corruption. Some Ombudsmen also perform these functions, such as the Ombudsmen of Vanuatu and Papua New Guinea, which both have education mandates as well as responsibility for overseeing their national Leadership Codes.

■ Anti-corruption agencies specialized in law enforcement

Some ACAs are specialized in combating corruption through law enforcement. These agencies have prosecutorial authority in corruption cases and sometimes also have investigative structures and functions. It is not uncommon for some of these agencies to also have a small prevention of corruption department and in general they will work with other anti-corruption agencies to support prevention activities, for example by providing research, statistical analysis and/or legislative inputs. Agencies particularly representative of this model are the Romanian National Anti-Corruption Directorate, the Croatian Office for

the Suppression of Corruption and Organized Crime, the Kenya Anti-Corruption Commission, the Special Investigation Unit of South Africa, the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime, the Central Office for the Repression of Corruption in Belgium, the United Kingdom Metropolitan Police / Anticorruption Command, the Vietnam State Inspectorate and the Lao PDR State Inspectorate. In some countries, special units within the Department of the Public Prosecutor may perform this function. In Palau, legislation establishes a Special Prosecutor with a specific mandate to prosecute corruption offences.

■ Anti-corruption agencies with prevention and enforcement functions

A common type of ACA model, inspired by the Hong Kong Independent Commission against Corruption and Singapore Corrupt Practices Investigation Bureau, combines prevention and enforcement functions, undertaking policy development, analysis and technical assistance in prevention, public outreach and information dissemination and investigation. Notably, in most cases, prosecution remains a separate function. The following are examples of the so-called "Hong Kong model" ACAs: the Mongolia Independent Authority Against Corruption; the Maldives Anti-Corruption Commission, the Timor-Leste Anti-Corruption Commission; the Lithuanian Special Investigation Service; the Latvian Corruption Prevention and Combating Bureau; the Independent Commission against Corruption in New South Wales, Australia; Anti-Corruption Commission

of Jordan; Botswana Directorate on Corruption and Economic Crime; and the Ugandan Inspector General of Government. The Indonesian Corruption Eradication Commission (KPK) includes prevention, education, investigation and prosecution functions within its overall mandate. A number of other ACAs have adopted elements of the Hong Kong and Singapore models, but follow them less rigorously, for example in Argentina and Ecuador.[8]

Multi-purpose accountability institutions

In some countries, particularly those with limited resources, rather than establishing a dedicated ACA, some form of multi-purpose accountability institution may be established. These bodies can often perform a mix of human rights, anti-corruption and/or Ombudsman mandates. In some countries, Supreme Audit Institutions also perform certain corruption prevention and investigation functions. Often, these bodies are not called ACAs, but nonetheless include key anti-corruption activities within their mandates. Such multi-purpose institutions are particularly common in small island states, such as those found in the Caribbean and Pacific regions. Notably, the Government of South Korea also decided recently to merge three institutions to form one Korean Anti-Corruption and Civil Rights Commission and Ghana has a Commission on Human Rights and Administrative Justice which also covers anti-corruption within its mandate. As these agencies take up several mandates,

they can be designated as "multi-purpose accountability institutions", because they take on different roles depending on the type of complaint they are dealing with. They may either provide human rights protection, ombudsman services or engage in anti-corruption activities depending on the case.

Commissions of Inquiry

Commissions of Inquiry can be established to investigate a range of issues, including corruption. Such Commissions of Inquiry are usually established in times of democratic transition, following a *coup d'état*, a popular uprising or elections resulting in a peaceful transition. They are usually established for a limited period, for example, a designated transition period or until they have exhausted all cases. Usually, these Commissions of Inquiry have a retroactive mandate. They only look at acts committed under a previous regime and are not forward-looking. They usually have law enforcement powers, but sometimes also have preventive mandates, such as developing anti-corruption policies. In recent years, Commissions of Inquiry have been set up in a number of countries. For example, in 2011 Tunisia set up the National Fact-Finding Committee on Bribery and Corruption; in 2010 Niger set up the *Commission de Lutte contre la Délinquance Economique, Financière et Fiscale et pour la Promotion de la Bonne Gouvernance dans la Gestion des Biens Publics;* in 2009, the Maldives set up the Presidential Commission Against Corruption; and in 1996 Tanzania set up the Presidential Commission Against Corruption.

8 OECD, "Specialised Anti-Corruption Institutions Review Of Models", 2006.
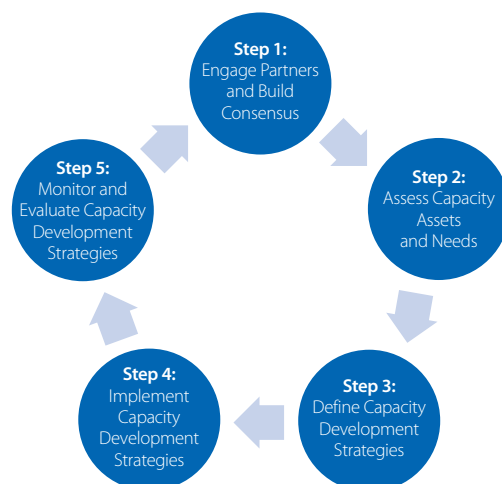
3. UNDP's Capacity Development Approach

Regardless of the form of anti-corruption agency in place, the UNCAC calls for a "comprehensive and multidisciplinary approach" to prevent and combat corruption effectively, as well as "strengthening capacity and […] institution-building". This recognizes the complex nature of corruption. It is essential to address corruption not only from a technical and legal perspective, but more importantly from a grounded, contextual understanding of corruption practices as they are linked to and/or influenced by in-country political, social and systemic issues. This approach calls for a transformation in the way corruption is perceived and addressed by society, organizations and individuals – from having passive disregard to corrupt practices, to becoming proactive participants in preventing and combating corruption.

Figure 1. Capacity Development Process

Step 1: Engage Partners and Build Consensus

Step 2: Assess Capacity Assets and Needs

Step 3: Define Capacity Development Strategies

Step 4: Implement Capacity Development Strategies

Step 5: Monitor and Evaluate Capacity Development Strategies

UNDP's capacity development approach has already been applied in numerous settings. It offers a comprehensive and multidisciplinary approach to assessing the capacity of an ACA to effectively prevent and combat corruption. UNDP's approach recognizes that capacity development is an inherently political and complex process that cannot be rushed. Outcomes cannot be expected to evolve in a controlled and linear fashion.[9] An internally-owned process is therefore required, which can bring about transformation within anti-corruption agencies through a facilitated, iterative process of stakeholder engagement (**Step 1** in the capacity development process), a capacity assessment of an anti-corruption agency (**Step 2**), formulation of a capacity development plan (**Step 3**), implementation of the capacity development plan (**Step 4**) and monitoring and evaluation (**Step 5**). This iterative process can be used to continue to

Box 2.

Capacity is "the ability of individuals, organizations and societies to perform functions, solve problems, and set and achieve objectives in a sustainable manner", while **Capacity Development** is the process through which capacities are obtained, strengthened, adapted and maintained over time.

Source: Capacity Development Practice Note, UNDP, 2007

[9] Supporting Capacity Development: The UNDP Approach. Capacity Development Group, Bureau for Development Policy, UNDP. New York, June 2007.

improve legislation and regulatory frameworks, organizational systems and mechanisms, and individual knowledge, skills and behavior (see **Figure 1**). **Box 3** presents UNDP's 10 default principles for capacity development.

■ Key capacity development concepts

UNDP's integrated approach requires that capacity development be seen through three distinct but inter-connected levels or entry points for capacity development – the *enabling environment*, the *organizational level*, and the *individual level* (see **Figure 2**). This is to ensure that the capacity assessment is able to effectively identify the strategic entry points for capacity development, so that the capacity development strategies which are eventually implemented are able to target and leverage specific "pressure points" chosen from amongst the gamut of anti-corruption issues and capacity needs. These capacity development strategies will be focused on bringing about genuine transformation in the system across the three capacity levels. For example, we know that providing a training or exposure mission abroad on asset recovery for staff of an anti-corruption agency (*individual level* capacity) will not reap rewards if existing policy frameworks and regulations (*enabling environment*) on asset recovery are unclear, or where there are no organizational information systems and mechanisms (*organizational level*) that will allow tracking of assets. Likewise, a 'very good' anti-corruption policy will not matter much if the institutional structures, mechanisms, financial resources and human resources are inadequate to effectively implement the policy.

Box 3.

Principles for Capacity Development

1. Don't rush. CD is a long-term process.
2. Respect the value systems and foster self-esteem.
3. Scan locally and globally; reinvent locally.
4. Challenge mindsets and power differentials.
5. Think and act in terms of sustainable capacity outcomes.
6. Establish positive incentives.
7. Integrate external inputs into national priorities, processes and systems.
8. Build on existing capacities rather than creating new ones.
9. Stay engaged under difficult circumstances.
10. Remain accountable to ultimate beneficiaries.

Source: Lopes, Carlos and T. Theisohn, Ownership, Leadership and Transformation: can we do better for capacity development?, UNDP, 2003

Inherent to this integrated capacity development approach therefore, is the need to understand ***the 'core issues' or challenges*** that constrain effective ACAs. This analysis can then serve as fundamental input to defining the scope of the capacity assessment and the capacity development strategies. From UNDP's capacity development experience, there are four core issues that are commonly encountered across sectors and levels of capacity, i.e., institutional arrangements, leadership, knowledge and accountability[10].

From UNDP's anti-corruption experience,[11] for ACAs there are also additional specific core issues and challenges, which are discussed in more detail in Chapter 6. A comprehensive capacity assessment would cover all these core issues and challenges, although it is possible to customize the capacity assessment based on the needs of the client and the situation.

Another strength of UNDP's capacity development approach is that it is a participatory process that generates strong consensus and ownership among stakeholders over the capacity assessment results and the capacity development strategies. The capacity assessment team serve as "process facilitators", drawing on available knowledge, expertise, and experience within an ACA towards jointly identifying priority capacity needs, rather than 'external' experts that collect information about the ACA and makes their own judgment on the anti-corruption capacity of the ACA.
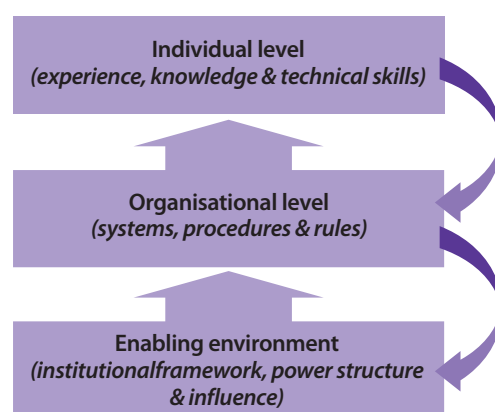
■ What is a capacity assessment?

A capacity assessment is "an analysis of current capacities against desired future capacities; this assessment generates an understanding of capacity assets and needs which in turn leads to the formulation of capacity development strategies".[12] In the context of anti-corruption agencies, a capacity assessment looks at two particular types of capacities:

(1) Functional or core capacities, that is, capacities that are necessary for

managing anti-corruption agencies, which are linked to the core issues and challenges of anti-corruption agencies (see Chapter 6 for more); and

(2) Technical capacities, that is, capacities that are associated with particular areas of professional expertise or knowledge, which are mostly linked to specific functions of anti-corruption agencies. For example, these could include forensic accounting skills, law/legal expertise, surveillance best practices, knowledge of finance and procurement systems and vulnerabilities, etc (see the Modules in Part 2 for more).

Figure 2. Capacity Development Levels/Entry Points

Individual level
(experience, knowledge & technical skills)

Organisational level
(systems, procedures & rules)

Enabling environment
(institutional framework, power structure & influence)

While conventional capacity development interventions have focused largely on technical capacities, there is growing recognition that increased attention to enhancing functional or core capacities offers stronger sustainability and contributions to development outcomes.

11 UNDP Institutional Arrangements to Combat Corruption: A Comparative Study, 2005
12 UNDP Capacity Assessment Practice Note, October 2008.

A capacity assessment attempts to answer three questions:

- **What** are the current capacities within the anti-corruption agency at all entry levels (enabling environment, organizational level and individual level)?
- **Where** do capacities need to be strengthened/developed within and around the anti-corruption agency at all entry levels?
- **How** should capacity development be undertaken to fill the gap between current capacities and desired capacities?

Through analyzing the capacity needs (functional/core and technical) at the three entry point levels (enabling environment, organizational level and individual level), a capacity assessment will allow for a systematic analysis of existing capacity gaps, linked to addressing relevant development challenges and identifying capacity development targets and results over a defined period (eg. in 5 years). A capacity assessment will also provide capacity baselines that will allow a more systematic **measurement of capacity** over time, particularly with regard to how various capacity development strategies have contributed to enhancing organizational and societal stability, adaptability and performance, towards achieving the national development goals.[13]

[13] Please see UNDP Paper on Measuring Capacity (http://content.undp.org/go/cms-service/download/publication/?version=live&id=2679640)

4. Conducting a Capacity Assessment

This chapter provides a step-by-step process in conducting a capacity assessment, and also includes examples and tips, as well as potential pitfalls that the capacity assessment team should look out for during the capacity assessment process.

■ Engaging Stakeholders

Anti-corruption is a very sensitive field of intervention. Hence, understanding the political context and getting the buy-in from a wide range of stakeholders is important. There must be an official request from the government for a capacity assessment, which demonstrates the demand-responsive nature of the exercise.[14] Stakeholder engagement is a crucial part of a capacity assessment, particularly in generating ownership and consensus over: (i) the objectives of the capacity assessment the core anti-corruption issues that need to be addressed from the perspective of the stakeholders; (ii) the priority capacity gaps and needs that would emerge from the capacity assessment; and (iii) the capacity development strategies that would need to be introduced and implemented to address the identified capacity needs.

The capacity assessment process should therefore start with an open dialogue with the in-country stakeholders who are promoting the assessment, in order to clarify:

(i) **Who** wants the assessment (i.e., the **primary client/s and owner/s** of the assessment);

(ii) The long-term and short-term development **objectives**, as well as **expectations** with regard to use of the exercise (*"why is the capacity assessment necessary?"*); and

(iii) The initial **scope** (*"which organization/s to involve and what issues to respond to?"*).

Following the dialogue, a clear **Terms of Reference** (TOR) should be prepared, which should clearly identify the objectives and initial scope of the exercise,[15] indicate how the client plans to use the capacity assessment results, and who the capacity assessment team members and their respective roles and responsibilities. A draft workplan, including a timeline, for the capacity assessment should also be included.

■ Establishing the Capacity Assessment Team

The composition of the capacity assessment team will depend on the initial scope and objectives of the exercise. Ideally, the assessment team should include a combination of expertise, specifically: (a) familiarity with the

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[14] In some cases, the official request may come after the initial dialogue where UNDP or a development partner may be requested to present the CD approach and the capacity assessment tool.

[15] The scope of the capacity assessment may change, depending on the core issues are identified and further analysis (e.g., stakeholder analysis, institutional analysis) which may identify other potentially strategic organizations or entry points for the capacity assessment.

national/local context; (b) knowledge of international best practices in strengthening anti-corruption agencies; (c) experience with UNDP's capacity assessment methodology; and (d) representatives from the involved agencies.

An **assessment facilitator** (or team leader) should be assigned to manage the adaptation of the capacity assessment tools (for example, the sample questionnaires in Annexes 1 and 2) to the context at hand; the implementation of the assessment, including quantitative and qualitative data collection; and the interpretation of assessment results which will lead to the formulation of capacity development response strategies. Team members must likewise possess good process facilitation skills. The representation of the client agency(ies) in the team is critical, as their presence not only reinforces the agency's ownership of the process, but also provides a direct link to the officials and staff members of the organization, and facilitate dialogues and data collection.

Identifying the stakeholders who should be involved in the capacity assessment

While the TOR may identify the initial entry points for the capacity assessment, a stakeholder analysis will provide a good understanding of the interests, importance and influence of the identified organizations, their relationship (if any) with other relevant anti-corruption agencies, and the overall institutional arrangements for anti-corruption in the country (see Module A for a sample stakeholder survey). The stakeholder analysis should include a consideration of the role of private and non-government organizations in various aspects of anti-corrup-

tion prevention and law enforcement. In some cases, the results of a stakeholder analysis may also shift or expand the focus and/or entry points of the capacity assessment, given the issues identified through the stakeholder analysis and the potential strategic roles of identified stakeholders in supporting or sustaining anti-corruption efforts.

Figure 3. Making sense of many stakeholders
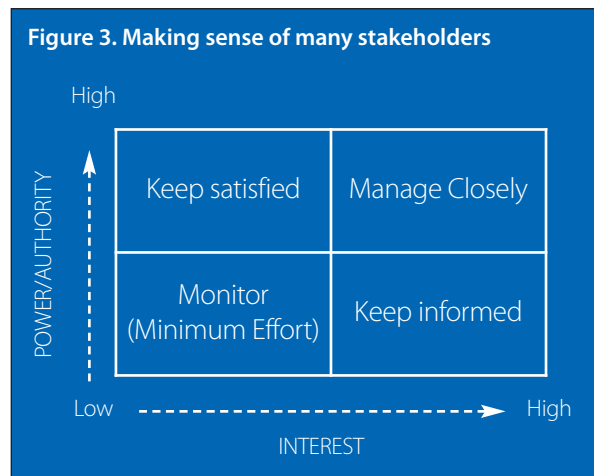
Various tools and approaches exist for analysing stakeholders and managing their involvement – like the matrix in Figure 3. The team may opt to use any stakeholder analysis and management tool that they may be familiar with, as long as they provide a **participatory process** that allows the agencies to clearly identify key anti-corruption stakeholders based on their respective functions, relative influence/power/ authority, and interests.

Collecting secondary information prior to the capacity assessment mission

Understanding the local context will require some pre-assessment research and a review of relevant documents and reports, including

relevant anti-corruption legislation, policies, regulatory frameworks, and institutional arrangements and coordination mechanisms that may have been set up by the government to combat corruption. For specific organizations, collecting the following information will be helpful in understanding their anti-corruption mandate and existing organizational structures and systems: (i) the mandate and relevant anti-corruption functions of the organization and its various departments/units, as stipulated in its enabling law/decree; (ii) organizational structure and staffing profile; and (iii) budgetary allocation and breakdown (for the last three years if possible). These preliminary considerations should allow the identification of the main enabling environment issues and system-related capacity challenges that need to be addressed by the capacity assessment.

■ Conducting the capacity assessment with stakeholders

There are a number of tools that can be applied during a capacity assessment. The assessment team will have to decide which tools can be applied to ensure that they: (1) prioritise participatory processes that will generate information (from the perspective of the stakeholders themselves) on the core anti-corruption issues or challenges that the agency(ies) is facing; (2) generate sufficient understanding of the capacity gaps and linkages across the three capacity levels (i.e. enabling environment, organization, and individual; and 3) provide an opportunity for the stakeholders to offer local solutions to addressing the identified anti-corruption issues and capacity gaps.

There are three common methodologies applied during a capacity assessment:

(A) Key Functions of my Agency with regard to anti-corruption (or Sector)	(B) Strengths and Assets of my agency with regard to performing anti-corruption functions	(C) Challenges/ Issues we face in performing these functions (Why are these challenges persisting?)	(D) Whose capacities need to be developed (e.g., divisions/units in my agency, other UN agencies, other partners) to address these challenges?	(E) What capacities (e.g., policies, systems, mechanisms, skills, etc.) need to be developed within these agencies?

- **Focus group discussions**: Focus group discussions are very useful in collecting qualitative information about an issue, or about the entity/sector that is being assessed. Focus group discussions can be conducted to: (1) bring together a diverse group of stakeholders to talk about their **common** experience of engaging with the ACA; or (2) bring together a common stakeholder group (e.g. a group of NGO representatives, staff members from the same division/unit, security personnel, etc.) to discuss the capacity of the ACA.

  Focus group discussions are particularly helpful in collecting information on anti-corruption functions and core challenges within a relatively short period of time. The matrix below may be helpful in identifying and narrowing down the core issues, the entry points, and the technical/functional capacity needs for the particular organization or sector that is being assessed.

- **Key informant interviews:** Key informant interviews are very useful in drawing more in-depth information about an anti-corruption issue or capacity need. Key informants, as the term implies, are individuals who are particularly knowledgeable about a particular subject, topic, sector, or organization that is being studied or assessed. These key informants could be from within the ACA that is being assessed (i.e. an internal key informant) to discuss in greater detail some of issues that may have been raised from focus group discussions or desk review of relevant

Score	Capacity Level	Description
1 (one)	Very Low Capacity	There is anecdotal awareness about this anti-corruption capacity but no documented evidence that it exists in my organization/sector
2 (two)	Low Capacity	There is some understanding about this anti-corruption capacity and guidelines/strategies/skills have been formulated/developed, but not sufficiently implemented
3 (three)	Medium Capacity	There is good understanding about this anti-corruption capacity and guidelines/strategies/skills have been implemented
4 (four)	High Capacity	There is adequate anti-corruption capacity that allows my organization to sufficiently monitor and evaluate progress in this particular area
5 (five)	Very High Capacity	The lessons learned from previous anti-corruption monitoring and evaluation initiatives are used by my organization effectively to improve our anti-corruption prevention and law enforcement systems.

documents. A key informant can also come from outside of the organization itself (i.e. an external key informant) who has reliable information about the issue and/or ACA being assessed based on actual experience with the ACA; this external perspective would be very helpful in validating information gathered internally, including the results of the self-assessment process.

- **Capacity self-assessment:** Through a self-assessment process, this methodology allows respondents to provide qualitative and quantitative information, including potentially a capacity rating or score for specific capacity indicators (please see Section II for capacity assessment questions/parameters for particular anti-corruption functions). A generic capacity rating system may follow the scale shown below.

In addition, other tools such as direct observation (e.g. job shadowing), indirect observation (i.e. what you see when you are in the organization, for example the quality of premises, staff activity during office hours, etc.), quantitative data on service provision by the agency (e.g., number of prosecutions, number of reported corruption cases, etc.) can also provide information that can further substantiate the capacity assessment results and inform the formulation of the capacity development strategies.

■ Analysing the data and drafting a Capacity Assessment Report

The process of analyzing all the information collected from various sources and methodologies can be complex, especially in larger ACAs, with many staff, performing many functions. In practice, during this process, ad hoc consultations and discussions with key stakeholders may continue to occur. This is where the capacity assessment team's analytical expertise in relating and integrating various data and information will be very important. The draft Capacity Assessment Report, which will include recommendations for action, needs to acknowledge the various sources of information on which it relies. It should be packaged in a concise but comprehensive manner that will allow decision makers to immediately understand the policy and programmatic implications of the capacity assessment results and capacity development recommendations.

■ Validating the capacity assessment findings and capacity development recommendations

Capacity assessments are partnership exercises that involve a range of stakeholders in their undertaking and completion. In this context, it is essential that stakeholders continue to be involved in the finalisaton of the capacity assessment's findings and recommendations. Once the draft Capacity Assessment Report is completed, a validation meeting should be convened, ideally with the involvement of at least senior management of the involved anti-corruption agency/ies. Other key stakeholders may also be involved, such as representatives of oversight bodies, and/or key Ministries (e.g., Ministry of Justice, Ministry of Finance). The validation meeting is also an opportunity to validate the initial Capacity Development Recommendations and start drawing a capacity development plan to address the identified capacity gaps.

Following the validation exercise, the Capacity Development Report, including recommendations, will need to be finalized. It should then be submitted to the Chairperson and Director General of the ACA, for action. If an oversight agency exists which reviews the work of the ACA, the Capacity Development Report could also be submitted to this agency. It could also be shared with other relevant stakeholders.

Box 4.

Steps involved in Preparing for a Capacity Assessment of an Anti-Corruption Agency

1. Preparation:
- mobilize the stakeholders and ensure political support and buy in
- review the legal basis of the anti-corruption agency
- analyze circumstances of the anti-corruption agency's creation
- identify the main enabling environment issues
- review the mandate (scope of functions performed) and outline the main capacity issues that need to be assessed

2. Clarification of objectives and expectations with primary clients:
- clarify intentions of the promoters of the assessment
  - who wants the assessment?
  - what are the related long-term development objectives?
  - How the results of the assessment will be used?
- secure agreement to provide all the necessary data
- obtain commitment that the identified needs will be addressed
- review the expertise, time, funds available, and clarify the scale and scope of the assessment

3. Identification and engagement of stakeholders:
- identify all relevant stakeholders
  - state institutions
  - civil society
  - private sector
  - other
- agree on terms of stakeholder input

4. Determining data collection and analysis approach
- identify the types of data needed for evaluating the range of capacity issues identified in Step 1
- correlate available data sources against data needs
- review feasibility of generating needed data
- compile overview of qualitative and quantitative data that will be collected or generated, and review data analysis requirements

Steps involved in Preparing for a Capacity Assessment of an Anti-Corruption Agency

5. Defining how the assessment will be conducted
- define the assessment team
- determine participants
- decide on location
- define in detail the following:
  - steps/tasks of the assessment and their sequence
  - human and financial resources needed for each step/tasks
  - person(s) responsible for each step/task
  - timeline for each step/task
- plan how the results will be used

Methodology for Capacity Assessment of Anti-Corruption Agencies

5. How to use the Capacity Assessment Methodology for Anti-Corruption Agencies

Part 2 of this Practitioners' Guide is designed to support ACAs and their partners to plan and undertake a capacity assessment in advance of formulating a capacity development plan. Part 1 provided a general overview of capacity development concepts, while Part 2 has been designed as a practical capacity assessment toolkit.

Chapter 6 provides a detailed guide to the core issues that will need to be considered and assessed during the ACA Capacity Assessment. It is then followed by a set of different capacity assessment modules which focus on different activities that an ACA has to undertake. Depending on the specific mandate of a given ACA and the agreed scope of the capacity assessment, a selection of different modules can be adapted and applied.

Module A.   Core Issues (common to all ACA capacity assessments)
Module B.   Anti-Corruption Policy Formulation and Implementation
Module C.   Research on Corruption and Corruption Vulnerabilities
Module D.   Legislative Reform
Module E.   Civil Society Partnership Against Corruption
Module F.   Promotion of Integrity
Module G.   Managing specific corruption prevention regimes
Module H.   International Cooperation
Module I.   Complaints Handling
Module J.   Detection
Module K.   Conducting Investigations
Module L.   Prosecution

6. Applying the Capacity Assessment Methodology to Anti-Corruption Agencies

This chapter presents the core issues and challenges faced by ACAs specifically, at the enabling environment, organizational level and individual level. Module A which follows this chapter provides a more detailed technical tool to guide the assessment of these core issues as they relate to the target ACA. Module A should be used when undertaking any ACA capacity assessment. The additional Modules address a range of common functions carried out by ACAs.

Enabling environment

It is well known that any anti-corruption agency cannot win the fight against corruption alone and the effectiveness of an ACA is also dependent on its enabling environment, which should be understood as the social, economic, and political context and the national policies, institutional arrangements, the legislative framework and the accountability mechanisms, within which the agency operates. The capacity assessment should consider the extent to which the agency's constitutional mandate, level of independence, extent of oversight, and powers in relation to other state bodies are appropriate and sufficient for the functions that it is mandated to perform.

1. Social, economic and political context

All anti-corruption agencies operate in different contexts from country to country. Analyzing **the social, political and economic context** is a pre-requisite for understanding the enabling environment. The informal "rules of the game" are as important as the formal institutional arrangements and legal frameworks supporting the ACA. Hence, a **thorough political economy analysis** such as identification of political actors supportive of the ACA and the historical background behind the creation of such institution will help in assessing the capacity of the ACA. The political situation, particularly the **political will** of the government for anti-corruption is an important parameter to determine the effectiveness of ACAs.

Other factors to take into account include whether a country is in democratic transition,

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Box 5.

Enabling environment in the context of anti-corruption agencies:
- Social, economic and political context (including political will)
- Institutional arrangement and coordination mechanisms
- Legal framework and the clarity of mandates
- The level of independence
- Availability of human and financial resources
- Oversight over the ACA

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post-conflict reconstruction or is/has emerged from a political settlement. Cross-border issues also need to be considered, such as the linkages between corruption and transnational organized crime and drug trafficking. Similarly, the geographical situation (small vs. vast territories) and the types of corruption perceived to be pervasive in the country (grand vs petty) are also relevant to the enabling environment. Cultural understanding is also important; traditional kinship (clan) networks, although informal, may hold sway in some societies and traditional practices such as gift giving may not be considered as corruption. The economic context also has a bearing on the ACA. For example, what are the main economic activities in the country? Where are the opportunities for corruption? Are any natural resources being exploited in the country? Is the economy export driven?

2. Institutional arrangements and coordination mechanisms

Fighting corruption requires more than one single ACA. The multitude of UNCAC articles on preventive measures, criminalization, international cooperation and asset recovery clearly demonstrate that tackling corruption requires the support and engagement of many institutions. The ACA needs to be integrated into this wider **national integrity system**. A number of state bodies will be mandated to perform specific functions which may be closely related to the ACA's mandate and upon which the effectiveness of ACA may depend. The capacity assessment will reveal where other institutions support the ACA and contribute to its work and where they hamper its effectiveness. It is important

Box 6.

The status of political will can be categorized as follows:

- **Compromised political will** is where leaders are personally involved in corruption.
- **Weak political will** is found where leaders show no initiative against corruption.
- **Committed but untested political will** is seen where leaders oppose corruption, but yet have to establish credibility.
- **Strong and credible political will** is manifested where leaders have demonstrated record of effective action against corruption.

Source: Edward G. Hoseah, "Measures to combat Corruption at the Local, National and International Level", 15th International Conference on Politics, Crime and Criminal Justice, Canberra, Australia, August 2001

to map all the actors working on anti-corruption and to assess their impact on the ACA (see Annex 1 for a sample stakeholder survey). Common institutional partners include: President's Office, Prime Minister & Cabinet, Parliamentary Committees, Auditor General, Internal Audit, Financial Intelligence Unit, Police Department, Attorney Generals Department, Department of Public Prosecutions, National Human Rights Institution, Ombudsman, Public Service Commission, Ministry of Education, academic institutions, etc.

Challenges for the ACA may include: inadequate positioning within the institutional system, overlapping mandates or lack of authority, all of which may result in

institutional rivalries and poor coordination. In some countries, ACAs are newly established institutions and therefore face, in addition to inherent issues of institutional build-up, challenges in inserting and profiling themselves within the existing institutional landscape. For instance, it is not unusual for multiple institutions (such as the police department, the ACA and the ombudsman) to be mandated to carry out investigations, resulting in the weakening of the authority of one or all of the particular institutions. Thus, an analysis of the dynamics of inter-institutional relations is also necessary. Ideally, the national integrity system should allow for inter-institutional collaboration within a coherent institutional framework with effective coordination mechanisms in place.

The assessment should also seek to gain insights into the informal relationships of key agency staff. Personal/Political affiliations, sympathies, or rivalries may impact on working relations between agencies. The stature and professional background of the head and the staff of the ACA (e.g. former lawyers vs. former police officers or a former judge vs a former minister) may also impact on the capacity of the ACA to lead the national anti-corruption agenda and foster coordination among institutions.

3. Legal Framework

The legal framework pertaining to ACAs is of key importance. The ACA need a clear legal **mandate** for its work. Some ACAs may only have a preventive mandate, others only a law enforcement mandate. Still others may have both mandates. Some anti-corruption agencies only have temporary mandates.

Whatever the mandate, it is important for an anti-corruption agency to be clear on its mandate. Any duplication with other institutions should be avoided.

In terms of prevention of corruption, a broad range of legislation pertaining to, among other issues, **access to public information, civil service, public procurement, political party financing** should be reviewed as they may have direct implications for the work of the ACA being assessed. To strengthen preventive work, ACAs should also have the **legal authority to provide directives** to government departments to develop and implement new procedures to reduce corruption risks.

ACAs with law enforcement functions will only be able to undertake effective action against corruption offenders if the law **criminalizes all corruption offences**. UNCAC Chapter III provides a comprehensive list of corruption offences that need to be criminalized under the law. Ideally, non-mandatory provisions in the UNCAC, such as illicit enrichment, should also be criminalized under the national law. Another important offence to undertake action against corruption offenders is money laundering. This will allow ACAs to take action against corruption offenders even in the absence of a conviction for a predicate offence. By freezing, seizing and confiscating the proceeds of corruption, the ACA may reduce the incentives for corrupt transactions. The statutes of limitation and immunity from prosecution should also be reviewed under the legal framework, as they may hamper the ACA's mandate.

4. Independence

An assessment of the legal framework must further look at the **level of independence** that is required for an ACA to perform its functions. Article 6 of the UNCAC states that "each State Party shall grant the [anti-corruption] agency or bodies the *necessary independence* to carry out its or their functions effectively and free from any undue influence. In practice, the issue is a rather complex one, as independence is a highly contextual concept.[16]

A distinction between various forms of independence is useful, and a systematization offered by the International Organization of Supreme Audit Institutions (INTOSAI) applies equally to agencies considered here. INTOSAI distinguishes between three types of independence, as follows:

- *Organizational independence* refers to the least possible degree of government participation in the appointment of the agency's authorities, implementation of its functions, and its decision-making;
- *Functional independence* refers to the agency's ability to can carry out its functions without the undue interference of any third party or the executive;
- *Financial independence* refers to the impossibility of the government to impede or restrict the agency's activities by reducing its budget.

The level of each of types of independence needs to be reviewed in line with the specific functions that the ACA performs, as different

Box 7.

Issues affecting the independence of ACAs

Legal provisions protecting an ACAs independence should include:
- The mandate, competencies, and powers of the ACA defined by law;
- Financial independence (see best practices for establishing the budgets of ACAs below);
- Adequate positioning of the agency within the national institutional framework with clear accountability lines, cooperation protocols and coordination mechanisms;
- Clear and transparent procedures for appointing and dismissing the head of the agency and the highest-ranking staff, including:
- Involvement of the highest authorities of the judiciary and the legislature (including the Opposition), civil society, and other relevant stakeholders in the selection processfor the head of the ACA;
- A 2/3 or special majority in parliament for appointing and dismissing the head of the agency.
- Open and transparent recruitment processes for lower-raking staff with involvement and endorsement by ACA senior staff.

functions will require different types and levels of independence. For instance, if an agency is mandated to implement preventive anti-corruption policies, its independence is unlikely to be *organizational*, simply because

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[16] The guidelines presented here draw in part on a discussion of the issue in the U4 Issue Paper 2009:4 "Institutional arrangements for corruption prevention," www.cmi.no/publications/file/?3343=institutional-arrangements-for-corruption. They are also based on UNDP experience working with ACAs.

most implementing agencies form part of the executive and are therefore unlikely to be organizationally independent. However, that same agency should enjoy a level of *functional independence* so that another government agency cannot unduly interfere with its initiatives. For instance, if an ACA is responsible for implementing the national conflict of interest regime, it should be able to impose sanctions on all non-compliant officials without fearing interference for the executive in this function.

Most of these independence issues will be regulated by the legislation through which the agency is established. In most cases, agencies should be created through a law adopted through a (normal) legislative procedure, rather than by decree or another type of act that can easily be changed or even abolished. In order to guarantee the operational independence, the Constitution or the statute should guarantee that the most senior officials in the ACA are appointed and dismissed through clear and transparent procedures and have security of tenure and the ACA should have a say in the recruitment process of its lower ranking officials.

Arrangements for the ACA's **budget** also need to be closely reviewed as financial resources have the most direct impact on institutional capacity. Indeed, many ACAs have failed, or endured periods of decline, due to a lack of resources. The establishment and operation of a successful ACA implies substantial costs that have to be borne by the government, sometimes at the expense of other items on the national budget. Strong political

commitment is required to allocate to an ACA the human and financial resources that it requires. A predictable budget – or a guarantee of budgetary stability[17] – can go a long way in ensuring ACA effectiveness. Another useful measure is to allow for the ACA to share in the proceeds from corruption cases which they have investigated and resolved.

Box 8.

Best practices for establishing the budgets of ACAs

- The ACA should have either the ability to propose a budget directly to the parliament or a guarantee of budgetary stability. The final annual budget should be guaranteed by law or by the Constitution.
- Performance-based budgeting is recommended if it allows for the budget to be increased based on demonstrated effectiveness of the ACA in tackling corruption. It should not be used as an excuse to lower funding to the ACA.
- The ACA should have the possibility to utilize extra funding which arises from its work, e.g. proceeds from the sale of confiscated assets.

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5. Accountability

While it is essential that ACAs have sufficient authority and independence, at the same time, it is important that there is also a proportional level of **accountability**. Although not an explicit UNCAC requirement, ACAs may operate more effectively if they are required to

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[17] For example, the Anti-Corruption Law of Mongolia stipulates in article 29.3: "The budget of The Anti-Corruption Agency for a given year may not be less than the agency's budget in the previous year."

report to an oversight body, such as Parliament or a Public Council[18] (including representation of civil society, academia, professional associations such as bar associations, employers' associations, or unions, as well as key national authorities). An oversight body with sufficient authority to review and report on the ACA's conduct may enhance the ACA's public credibility and shield it from adverse public opinion. It should have the ability to review the ACA's decision to cease investigating a complaint or even to provide directives to undertake an investigation (but not the reverse, i.e. to stop an on-going investigation). Oversight bodies may also look at the financial and resource needs of the anti-corruption agency and make recommendations to the government. Furthermore, oversight bodies may organize public meetings or media conferences to share their views on the ACA's progress and priorities. Accountability systems help track performance. An effective accountability mechanism should lead to credibility and stronger public support.

Moreover, in order to enhance transparency and accountability, the ACA should consider developing internal mechanisms to facilitate its own reporting on activities, decisions taken and results. Clear procedures for case initiation and management are important and may be facilitated by case management systems[19]. These systems allow for easy statistical information on case take up, processing and final outcome, as well as on performance of ACA staff handling complaints and investigating cases.

The organizational level

The organizational level capacities frame the policies, procedures and business processes that are essential for effective performance of the agencies. It also includes the infrastructure necessary to enable the ACA to deliver on its mandate. A number of core issues – internal institutional arrangements, leadership capacities, knowledge and skills required to perform the mandated functions, and internally-driven accountability systems – must be considered.

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[18] For example, Romania's National Integrity Agency is overseen by a National Integrity Council comprising representatives of political groups in Parliament, of the ministries of Justice and Public Finance, of associations of local authorities, of civil servants, of magistrates, and of civil society.
[19] Like the UNODC GoCase software, Anti-Corruption Commission of Bhutan case management system or Timor Leste Integrated Management System.

1. Vision and mission

Based on the ACA's mandate, it is essential for institutional identity, for motivating staff and creating a sense of purpose, to develop a **vision and a mission**, codified through succinct statements. The vision and mission statements should be publicly available (e.g. on the website of the anti-corruption agency), should be well known by the staff and should be internalized as part of the organizational culture. The initial version of the vision and mission statements should be developed through a participatory process involving all staff in order to ensure ownership, possibly with external facilitation. The vision and mission statements should be revisited and refreshed periodically (annually or every 2-3 years) to ensure their continued relevance, to strengthen organizational identity after staff turnover. If properly done, this process ensures better consistency, alignment and staff adherence to the mandate of the ACA, while also facilitating strategic planning within the organization.

2. Leadership

Leading an ACA requires knowledge, skills, courage, dynamism and the commitment to pursue a difficult job sometimes with risks to career or personal security. Effective leadership is essential to implement the ACA's mandate and vision by promoting successful, win-win relationships with others, both within and outside the organization, and delivering positive and reinforcing messages to motivate people. In an ACA, leadership is primarily embodied by its chairperson and Director General. As mentioned under the section on the legal framework, normally the chairperson and Director General of the ACA should be appointed following clearly established criteria in a transparent process. The same holds for the other layers of leadership within the ACA, notably any commissioners or senior management. These high ranking officials should be appointed based on merit and should be able to manage and lead lower ranking officials within the anti-corruption agency.

The capacity assessment will need to assess both the legal aspects affecting the leadership of the organization, as well as the practical elements of the leadership being displayed. Ideally, the chairperson will demonstrate integrity, as well as high levels of competence and knowledge. He/She should command respect in society and lead by example. It is important that the ACAs leadership can promote successful, win-win relationships with others, both within and outside the organization; deliver positive and reinforcing messages to motivate people; and have the capacity to delegate and encourage others to make decisions and take charge. Good and strong leadership is essential to reflect the values for which the ACA stands. The same holds for the other layers of leadership within the ACA, notably any commissioners or senior managers. Since corruption involves money and power, the political will of the leadership of the ACA to take on corruption, sometimes at personal risk, is extremely important.

The capacity assessment not only needs to assess the leadership capacity of the chairperson and other high ranking officials, but will also need to assess the broader organizational leadership structure. The

enabling legislation and/or subsidiary policies need to set up a clear division of labour between the different layers of leadership. The day-to-day management of the ACA's operations may need to be separated from the overall direction and strategic planning. This will have to be reflected in the organizational chart, job descriptions and policies and procedures. The capacity assessment will also need to look at the configuration of the management team. Does it have a sufficient depth of expertise? Some organization's depend too heavily on the chairperson – reliance is normal, but not dependence. The management team should have sufficient ability to continue to operate in the absence of the senior leader. An assessment should be made of all members of the management team, including their capacity to take on the Director General's role. Staff empowerment and appropriate delegation of tasks and authority help strengthen the organization's resilience to transitions in leadership.

3. Strategic planning

The existence of clear linkages between Agency's vision and long term strategy and department level and individual level work plans is fundamental as explained in this scheme:

The effectiveness of an ACA also depends on whether the institution undertakes regular **strategic planning**. To be effective with given resources and pressing challenges, ACAs should take stock of their enabling

Box 10.

Illustration of Agency's Vision, Strategy and Work Plans

Agency's vision and mid-term, multi-year Strategy
➤ Agency vision details how the organization sees itself operating and its principles. The multi-year strategy supports achievement of activities in the National Action plan, but also gives broader more long term guidance. Development of it should be based on the input from an array of stakeholders (civil society, government etc.).

Department Level Annual Plans
➤ Department Annual Plans are based on the objectives described in the Strategy and specify key targets, activities, and indicators

Individual Annual Work Plans
➤ Annual work plans tie to the Department Annual Plans and note key outputs staff are to produce and activities they are involved in.

environment, assess their strengths and weaknesses, determine the main corruption challenges in the country and then determine how best to make a difference. The strategic planning should also include training staff on new policies.

Research capacity within or outside the ACA may contribute to the strategic planning process. An ACA needs to be aware about the main anti-corruption challenges in the country, i.e. the types of corruption, the impact of corruption, and the risk areas for corruption. The ACA may either draw upon its own capacity to measure corruption or on the capacity of civil society organizations and academia in this field. Any assessments monitoring the implementation of anti-corruption efforts such as UNCAC Self-Assessments or progress reports on the
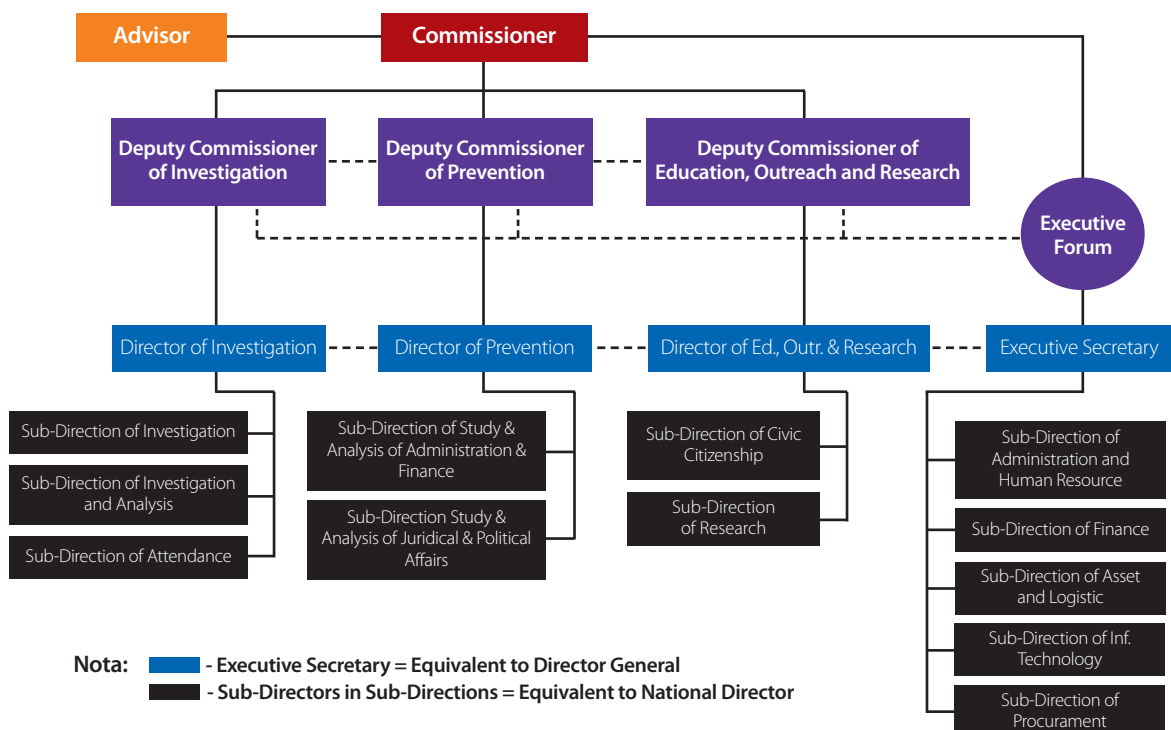
national anti-corruption strategy implementation may also inform the strategic planning process.

4. Organizational structure

An efficient **organizational structure** should have a clear division of labour and established reporting lines. Many ACAs fulfill multiple functions and the organizational chart helps everyone navigate who is supposed to do what and report to whom. The more functions an ACA takes on, the more important its organizational chart becomes. This also needs to be linked to clear job descriptions. Furthermore, some ACAs are not only present at the national level, but also have sub-national offices; this will need to be reflected in the organizational chart.

Box 11.

Timor-Leste Anti-Corruption Commission Organisational Structure

Nota:
- Executive Secretary = Equivalent to Director General
- Sub-Directors in Sub-Directions = Equivalent to National Director

5. Human resources management

ACAs need to have their own, dedicated staff for performing most anti-corruption functions. Consideration about the size and specialization of the staff will vary according to the functions to be carried out. In some cases, specialized functions may require support from external experts on a temporary basis. However, mostly ACAs have either civil servants or contractual staff on long-term contracts.

The ACA should insist on having a say in the selection/appointment of its staff to preserve its independence and ensure staff quality. ACA staff should be irreproachable in conduct and capacities; otherwise the public will not have the confidence to report corruption and to assist in the ACA's work. This requires ACAs, where possible, to conduct open and fair recruitment, provide a competitive compensation package, implement continuous training and capacity building, and establish processes that ensure staff integrity, performance appraisal and adherence to strict discipline codes, as well as an internal complaint system.

Secondment has proven to be effective in many cases, provided that the same conditions and safeguards apply to seconded personnel as they do to regular staff. Secondments present the advantage of institutional flexibility, and facilitate the exchange of specialist knowledge and expertise, which can be a significant advantage given the complexities of the corruption phenomenon. It is crucial to ensure that this arrangement does not substitute for internal capacity or hamper the development and sustainability of internal

institutional expertise, particularly in the context of international secondments (a commonly applied form e.g. in European Union technical assistance - "twinning projects"). It is also important for an ACA not to be too dependent on the Government for its human resources. When the ACA is not allowed to recruit its own investigators, and can only employ seconded police officers, for example, from a police force with a bad reputation, their effectiveness, loyalty, integrity and commitment may be questioned.

Notwithstanding the fact that human resources have a considerable impact on the performance of an ACAs, it has to be noted that in many cases, staff recruitment and managment is regulated by general public service legislation and rulebooks. The matter thus partly resides at the enabling environment level. The ACAs can develop their own policies and approaches (e.g. on fiscal/non-fiscal incentive systems or performance management) within existing legal frameworks. Furthermore, a clearly defined career path may be important to attract qualified staff. Also staff training in return for mid-term commitment to the ACA may be useful.

Some core issues should be considered in reviewing human resource policies in an ACA. In particular, the internal policies and processes should help safeguard objectivity, professionalism, impartiality, integrity, honesty of the staff and the ACA These are key qualities that will, more than any other factors, ensure public trust and support for the agency (particularly agencies that perform enforcement functions). A capacity assessment should review the following elements:

- **Appointments, promotions, and dismissals:** Appointments and dismissals of ACAs' non-executive staff should be safeguarded from interference by third parties. The hiring process should be merit-based, and performance reviews should be part of the reward and promotion system.

- **Recruitment, development, and retention:** A number of elements should underpin these processes: interest of the management in general staff development; existence of well-thought out and targeted development plans for key positions[20]; continuous training and other expertise-development provisions; job rotation; career development paths; coaching/feedback and performance appraisal; proactive initiatives to identify and attract new talents.

- **Staffing levels:** Having the right numbers of the right people, in the right place at the right time hold the key to the success of ACAs. Changes to staffing levels might occur as part of organisational change, and a capacity assessment has to look at the needed number and quality of staff needed to deliver on the ACAs priorities. Having the right mix of support staff and technology will be useful to enhance efficient operations of the ACA. Besides, the assessment could explore the available employment options to be able to deliver on ACAs mandates. Beyond the stuff that the ACA could hire, tapping into volunteers, experts (on a pro-bono arrangement), could be something that

could enhance the ACAs ability to carry out its tasks more effectively. Maintaining the required staff levels also requires monitoring the vacancy and turnover levels and ensuring appropriate incentive structures are in place.

- **Integrity:** Integrity of staff is crucial to the credibility and effectiveness of an ACA. Staff members at all levels should undergo some form of integrity checks, to minimize the risk of staff undermining the agency's role in curbing corruption. A system to promote integrity should be in place, including a code of conduct for

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[20] A note of caution is necessary here though; trainings may be an effective tool for developing individual capacities, nonetheless they cannot work as stand alone activities and have to be designed and developed in the framework of long/medium term assistance. For more information on this topic see the World Bank report on training effectiveness: http://www.worldbank.org/ieg/training/download.html

employees. Some agencies have an internal oversight agency to investigate breaches of its code of conduct, or a agency that monitors and reviews all complaints made against agency staff.

- **Performance management and incentives:** A performance management system should be in place that sets measurable performance targets for staff and ensures regular assessment and feedback on performance. Linked to that, an incentive system should be in place including the following; competitive salary (partly performance-based); attractive career development options, recognitions and rewards, opportunities for leadership. The system should motivate staff to excel at their job.

- **Staff competencies:** Staff backgrounds and experiences; capability of the staff to undertake multiple roles, commitment both to mission/ strategy and continuous learning; staff willingness and ability to take on special projects and collaborate across division lines. Relevant staff equally needs to be well-trained in financial resource management and procurement in order for the ACA to lead by example through following high standards in resource management, allocation and expenditure. Staff competencies are also essential to use both software and hardware to conduct investigation and store information and data.

6. Training and mentoring

Any specialized organization requires its staff to be trained. This is certainly the case for ACAs. A general induction training for all new staff joining the organization will be useful, as well as more specific training tailored to technical functions (e.g., investigation of corruption, management of asset declarations, development of anti-corruption campaigns). Aside induction training, on the job training with assistance from mentors from within the organization will be most effective for skills transfer.

At the start-up of a new ACA, a large number of staff may require specialized training. Study tours abroad to established ACAs, as well as international training from international training institutes may be quite relevant. Twinning arrangements may also help to meet the training needs within the organization. Incentives should be devised for staff to impart and apply the newly obtained knowledge and skills. A system for regular knowledge sharing is needed to ensure that knowledge is genuinely absorbed in the organization.

7. Procurement and finance

As ACAs assume a "watchdog" role over public financial management, they need to establish a reputation of being clean themselves at the expense of losing credibility otherwise. ACAs tend to blame and shame other institutions and individuals for mismanagement and corruption, hence it is of utmost importance that the ACA observes the highest standards in terms of its own procurement and finance actions. Adequate rules and procedures for procurement and financial transactions need to be in place, observed and monitored. An independent review, for example, by the Supreme Audit Institution is also relevant to validate the books and performance of the ACA.

8. Knowledge and information management

The institution should also have the capacity for knowledge management, e.g. by drawing upon findings from the investigation division to determine strategic interventions by the prevention division and vice-versa. For example, a series of complaints in one government department handled by the investigation division may prompt the prevention division to undertake a system review in this government department. Or in the reverse, an institutional audit may lead to the discovery of some facts which require further investigation. When the operational divisions of the ACA mutually reinforce each other, the ACA will be at its strongest. Furthermore, internal and external communication is crucial to create a culture of information sharing within the organization and with partners.

9. Communication

A crucial but often-underestimated set of capacities of ACAs relates to coordination and cooperation with the stakeholders, particularly government departments, civil society, private sector and citizens. Stakeholder support is indispensable for managing the multiple functions and expectations successfully. Moreover, civil society mobilization and citizen participation in the ACA's work is essential in establishing its legitimacy and fostering public trust and credibility.[21] This is often one of the most important assets of an ACA. As evidenced in several cases, ACAs have managed to withstand strong political attacks only thanks to public support.[22]

Mechanisms for **civil society participation** in the work of the agencies are often poorly structured or non-existent and cooperation takes place on an ad hoc basis. The proper functioning of all elements relating to civil society participation must be reviewed for possibilities to include CSOs in key business processes such as planning or advocacy.

The ACA should have the capacity to (i) identify, motivate and mobilize stakeholders; (ii) create partnerships and networks; (iii) promote engagement of civil society, media and the private sector; (iv) communicate adequately on its operations and results; and (v) advocate for institutional or behavioral change. Not least, an ACA — perhaps more than any other public institution — should be **transparent** about its work and its decisions, and should have the capacities to **inform the public** accordingly.

10. Monitoring and evaluation processes

Monitoring and evaluation of the organization's internal work is another key capacity. This process is crucial for improving the performance of the agency (through result based management techniques) and for promoting its role and leadership in the

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21 See also Building Public Support for Anti-Corruption Efforts: Why Anti-Corruption Agencies Need to Communicate and How, World Bank, UNODC, CommGap, 2010 - http://siteresources.worldbank.org/EXTGOVACC/Resources/CorruptionWhitePaperpub31110screen.pdf

22 See for example the experiences of the Corruption Eradication Commission of Indonesia, the Slovenian Commission for Corruption Prevention and the Latvian KNAB.

fight against corruption. ACAs typically have the obligation to produce performance reports for oversight bodies and the general public as an element of institutional accountability. Progress reports should include performance benchmarks that are derived from organizational objectives and are linked to indicators, against which achievement can be assessed.

The monitoring and evaluation system should track performance against three types of indicators:

- **Output indicators** (workload or unit produced): examples of quantitative data at the output level include the number of diagnostic studies performed, number of civil servants trained in anti-corruption measures, or the number of administrative investigations performed.
- **Outcome indicators** (effectiveness in meeting objectives): correlated with particular functions, examples include the quality and impact of developed policies, levels of compliance with regulations that the agency is responsible for enforcing, or levels of trust in the agency tracked in surveys. Outcomes should be also compared to studies and measurements conducted by other organizations.
- **Efficiency and productivity indicators**: cost-effectiveness, ratio of input to output, unit costs.

Regarding the monitoring and evaluation of the ACA's work, U4's global knowledge product, developed in partnership with UNDP, *"How to Monitor and Evaluate Anti-Corruption Agencies"* provides technical, methodological

and practical guidance for ACA staff and managers to initiate an internal process of monitoring and evaluation. The methodology is based on a mapping exercise of existing evaluations of ACAs and provides directions for how such evaluations can be further improved in the future. It recognises the essential task of building up ACA's own internal monitoring systems and processes, showing how this can be done in a cost-effective manner that facilitates production of useful data. The methodology also recommends to measure ACA performance and impact in terms of what they can influence, going beyond output indicators and putting a greater focus on capacities and impact. It does not suggest one unified model, but rather a flexible approach where the agencies can choose indicators for outputs, outcomes and impact that match their mandate and the quality of available data.

11. Gender sensitivity

Emerging evidence attests that 'corruption disproportionately affects poor women because their low levels of economic and political empowerment constrain their ability to change the status quo or to hold states accountable to deliver services that are their right'[23]. Hence, reducing the gendered impact of corruption calls for a greater understanding of the relationship between corruption and gender.

Among the issues that a capacity assessment should pay attention to include whether the organization has a strategy on gender equality

[23] UNDP and UNIFEM (2010) Corruption, Accountability and Gender: Understanding the Connections. Primer in Gender and Democratic Governance # 5.

as reflected in the work units' objectives, programme, budget and human resource management. The use of gender-disaggregated data in the agencies' programmes and communication materials has to also be covered in the assessment. Similarly, such assessment has to look at specific capacities, for example, the capacity to investigate sexual exploitation and extortion that often remains under-reported for fear of intimidation.

■ The Individual level

3In considering the capacities of ACAs, the individual level (which refers to the skills, experience and knowledge that are vested in people and reflected as **staff profile**) will be extremely important due to the high level of expertise that many of the common anti-corruption functions require. Capacity development efforts at the individual level must assess the agencies' capacities necessary and appropriate for fulfilling the particular anti-corruption functions in their mandate.

All training should be provided based on the needs of the organization, with proper incentives in place to encourage application of the knowledge and skills, and in the mid-term a performance based measurement system.

Organization's mainstreamed strategy on gender equality: Some guiding principles:
- Is gender equality integrated into the work unit's programme objectives, and, if so, how?
- Do the policies and strategic objectives show that gender is understood as concerning women only or as concerning both sexes and the relations between them?
- Are gender equality objectives formulated and translated into performance indicators and targets at the level of the programme and budget?
- Are financial resources available to carry out activities promoting gender equality issues (gender-specific and mainstreamed)? Are these adequate?
- Are gender equality objectives incorporated into the work unit's work plans?

Source: Adopted from ILO, '*A Manual For Gender Audit Facilitators*', 2007.

Module A:

Core Issues

C hapter 6 identifies a range of core issues that need to be assessed for all anti-corruption agencies. These core issues focus on the basic capacities that all institutions require in order to operate efficiently and effectively. This Module provides a comprehensive approach for collecting information on the core issues by:

- Undertaking preliminary research (desk review);
- Administering a preliminary stakeholder survey on institutional cooperation;
- Interviewing ACA head(s) and senior executives;
- Interviewing ACA staff;
- Interviewing institutional stakeholders.

The data collected through these interviews needs to be triangulated for validation purposes prior to inclusion in the capacity assessment report. The sample questions are only indicative and will need to be customized on a country-by-country basis.

■ Preliminary research (desk review)

Prior to undertaking any ACA capacity assessment, it will be useful to collect some primary data based on desk review of available ACA annual reports, previous ACA assessment reports, available legislation, news articles, and other relevant sources.

Preliminary research on core issues	
CAPACITIES	**SAMPLE QUESTIONS**
Enabling Environment	
1. Social, economic and political context	– What type of government is in place? – When has the anti-corruption agency been set up? – What is the population size? – Where do most people live (in rural/urban areas)? – What is the geography of the country like? – What is the main economy in the country and what are the main sources of revenue for the government?

2. Institutional arrangements and coordination mechanisms	– Are government services provided in a centralized or decentralized manner? – Are there any traditional power-holders in the country? – To whom does the anti-corruption agency have to report? – Does the anti-corruption agency have the power to request information from other institutions? How strong is this power? Is there any sanction for not responding the anti-corruption agency?
3. Legal Framework	– Which laws govern the anti-corruption agency? – Is the anti-corruption agency established by law or by decree? – Does the law guarantee the annual budget of the anti-corruption agency? – Does the law ensure security of tenure for senior management of the anti-corruption agency? – What is the jurisdiction of the anti-corruption agency? – Are any specific groups of people excluded from the anti-corruption agency's jurisdiction? – Are all offences in the UNCAC criminalized under national legislation? – Are money laundering and illegal enrichment penalized by law? – Are there any statutes of limitation for corruption offences? – Are there any immunities for specific office holders? – Does the anti-corruption agency have the power to freeze, seize and confiscate assets? – Does the anti-corruption agency have the power to prosecute? – Is there a whistleblowing law? Are citizens protected by law if they report to the anti-corruption agency? – Is there a freedom of information law? – Are there laws governing investigation related powers on: • access to witnesses • access to documents (including from banks) • seeking information from overseas • punishing obstruction and intimidation • punishing failure to obey a formal order of the anti-corruption agency • punishing failure to produce documents formally requested by the anti-corruption agency • protecting informants • protecting information • arrest • plea bargain • surveillance • interception of electronic communications

3. Legal Framework	• access to PCs and laptops • taking samples from witnesses and suspects • entering and searching premises • accessing financial records
4. Accountability	– To which institutions does the anti-corruption agency report? – Is the anti-corruption agency located under any agency of the executive or is it independent? – How regularly does the anti-corruption agency have to report? – Does the anti-corruption agency have a website?
Organizational level	
1. Vision and mission	– How does the anti-corruption agency define its vision and mission? – Are the vision and mission publically available? – What is the mandate of the anti-corruption agency? – What are the main functions of the anti-corruption agency?
2. Leadership	– Is there one chairperson, a board of commissioners or an executive board? – Who appoints them, for how long, as full-time or part-time? – What are the main criteria for appointment? – What is their protection against dismissal? – What are their main responsibilities?
3. Strategic planning	– Does the anti-corruption agency have any strategic plan? – What are the main targets, outputs and indicators? – Does the strategic plan take into account the contextual realities?
4. Organizational structure	– What Is the organisational structure of the anti-corruption agency? – Does the anti-corruption agency have an organizational chart? – How many divisions/sections/units are there? – What are the functions per division? – What is the number of staff per division including for administrative functions? – What is the total establishment? – Are there any regional offices?
5. Human resource management	– What are the human resource policies included in the law or rules setting up the anti-corruption agency?

6. Knowledge and information management	– Is the anti-corruption agency part of any international networks of anti-corruption practitioners and experts?
7. Communication	– Is the anti-corruption agency website available online? – Are any annual reports by the anti-corruption agency available online? – Are any press releases by the anti-corruption agency available online?
8. Monitoring and evaluation	– Is any evaluation of the anti-corruption agency's work available?
9. Training and mentoring	– What training has reportedly taken place within the anti-corruption agency and abroad (according to the anti-corruption agency's annual reports)?
10. Finance and procurement	– What is the annual budget of the anti-corruption agency? – Is it included in the annual report by the anti-corruption agency?
Individual level	
1. Staff profile	– Is any data available about the staffing in the anti-corruption agency?
2. Technical capacities	– What training has reportedly been organized for the anti-corruption agency staff and which international trainings have they attended according to the anti-corruption agency's annual report?

■ Stakeholder survey on institutional cooperation

This survey seeks to identify national institutions relevant for the ACA's mandate which should be targeted for the capacity assessment interviews. The list has to be customized on a country-by-country basis.

	Please mark the five institutions with whom the ACA works most frequently.	Please mark the five institutions with whom the ACA has limited or no work relations, but where improved relations would be useful.
Attorney General		
Auditor General's Office		
Central Authority for Mutual Legal Assistance		
Chamber of Commerce		
Civil Service Commission		
Civil Service Training Institute		
Customs Administration		
Employer's Association		
Financial Intelligence Unit		
Ministry for Economic Affairs		
Ministry of Education		
Ministry of Finance		
Ministry of Foreign Affairs		
Ministry of Health		
Ministry of Interior		
Parliament		

	Please mark the five institutions with whom the ACA works most frequently.	Please mark the five institutions with whom the ACA has limited or no work relations, but where improved relations would be useful.
Police Academy		
Police Department		
President's Office		
Prime Minister's Office		
Procurement Agency		
Prosecutor General's Office		
Supreme Court		
Tax Administration		
Please add any other		
relevant institutions not included above.		

■ Interview guide for ACA head(s) and senior executives

The interviews with the ACA head(s) and senior executives supplements any data collected previously through the preliminary research and desk review of available sources. The following table provides sample questions to undertake these interviews, which require further adaptation based on the initially collected data and the country context.

Enabling Environment	
1. Social, economic and political context	– Why has the anti-corruption agency been set up? – How would you assess political will to fight corruption in your country? – Have any surveys or studies been conducted on corruption in the country? – What are the main types of corruption in your experience (volume, sector, patterns and trends)? – What are perceived to be the main causes of corruption? – Are there any traditional/informal practices leading to corruption? – What cultural practices inhibit the detection, investigation, prosecution and prevention of corruption? – What is the role of political parties in corruption? – What type of corruption affects the people mostly? – What would most help reduce corruption? – What have been the biggest changes to the types and patterns of corruption over the past 5 years?
2. Institutional arrangements and coordination mechanisms	– Which institutions does the anti-corruption agency work with informally or formally? – Are there any other agencies responsible for investigating corruption? – Which institutions have to report information to the anti-corruption agency? – With which institutions does the anti-corruption agency have a formal MoU? – In case institutions have information relevant to the anti-corruption agency (eg, the FIU on STRs, the Public Service Commission on staff disciplined for corruption-related misconduct) but are not formally required to report to the anti-corruption agency, can/do such institutions report on an informal basis?

2. Institutional arrangements and coordination mechanisms	– Is the anti-corruption agency part of any steering committees? Does it chair any steering committees between institutions?
	– From which institutions does the anti-corruption agency receive most support?
	– To which institutions does the anti-corruption agency give most support?
	– From which institutions would the anti-corruption agency require most support?
	– With which institutions would the anti-corruption agency like to improve working relations?
	– With which institutions does the anti-corruption agency share information?
	– With which institutions does the anti-corruption agency:
	  • Undertake joint work
	  • Share intelligence
	  • Share/second/exchange staff
	– Are there any overlaps in terms of mandate with other institutions?
	– Are there any potential frictions between institutions and how can they be dealt with?
	– Are there any best practices in terms of collaboration with other institutions?
	– What could be done to enhance anti-corruption work with the five most important other institutions in the integrity framework in your country?
	– Which activities of the anti-corruption agency are compromised by weaknesses elsewhere in national integrity framework?
	– Do the recommendations of the anti-corruption agency carry legal weight? Is the anti-corruption agency able to give injunctions to other institutions? Is there any penalty for not complying with those injunctions?

3. Legal Framework	– In what ways could the legal framework be improved to facilitate the fight against corruption? – Is legal reform required to enhance collaboration with any institutions?
4. Accountability	– In practice, how often and to whom do you report? – How does the anti-corruption agency report, i.e. in writing/verbally? – Are any sessions organized in Parliament to report on progress? – How in-depth is the review of activities? – Is there any public council? – What are the powers of the oversight bodies?

4. Accountability	– What is the effectiveness of, or hindrance by, those institutions who monitor the anti-corruption agency's work? – Is your anti-corruption agency website regularly updated?
Organizational level	
1. Vision and mission	– How did the anti-corruption agency define its vision and mission?
2. Leadership	– What are your main responsibilities? – Who appoints the senior management? – What are the main criteria for appointment? – What is their protection against dismissal? – Are members of the anti-corruption agency protected when undertaking official duties?
3. Strategic planning	– What is the overall decision-making and budget allocation structure of the anti-corruption agency? – How often does the leadership meet to discuss strategic planning? – How is the annual strategy agreed? – What types of performance indicator are included? – Is there an annual review of the strategy and action plans in terms of performance? – What is the anti-corruption agency's budget? – Who funds the anti-corruption agency? – Is there any legal protection to the level of funding? – Has it varied over the past 5 years? – Are the funds paid on time? – What is the budget estimate process and how are decisions made over competing requests for funding? – What is the expenditure of the anti-corruption agency by division? – What is the overall staff cost? – What activities absorb most funds? – What is the process for proposing and agreeing division budgets? – What are the anti-corruption agency's management processes for overseeing operational activities, notably in terms of work allocation and progress, staffing levels, budget expenditures and performance? – What performance measures are used at institutional and sub-institutional level and staff levels? Are they publically available? – How are they reviewed, and by whom and how often? – What are the consequences of failure to meet the targets?

3. Strategic planning	– Are annual work plans based on the organization's strategic plan? – When did the anti-corruption agency undertake its first operational work for each of its functions? – For each function, what are the procedures involved and volume of activity?
4. Organizational structure	– Are you satisfied with the current organizational structure or do you think some reforms would be appropriate?
5. Human resource management	– Is there a human resource division? – What are the processes for recruiting new staff? – What are the processes for promoting staff? Are they published? – What are the processes for disciplining staff? Are they published? – Is there a code of conduct? – Do staff declare their assets? To whom? How are they verified? – Is there an annual appraisal process? – Are all new posts advertised? – Is there an anti-corruption agency training strategy? – Who trains new staff? – Who provides specialist training? – Is any joint training undertaken? – Outline the training programmes. Are they linked to the strategy or action plans? – What is staff turnover by division annually in % terms? – Are there special salary scales that vary from civil service rates? – Are there any other allowances specific to the anti-corruption agency? – Can/Does the anti-corruption agency call on staff from other agencies for delivery of functions?
6. Knowledge and information management	– When systematic patterns of corruption are diagnosed by the investigation team or the prevention team, are these findings shared among both teams?
7. Communication	– How does the anti-corruption agency communicate internally? – How, how often and through what media? – How does the anti-corruption agency communicate with other agencies? – How, how often, and through what media? – How does the anti-corruption agency communicate with the public? – How, how often, and through what media?

7. Communication	– Are citizens involved in the management of the anti-corruption agency? – Are there any management committees dealing with education, prevention, investigation, awareness involving citizens?
8. Monitoring and evaluation	– Does the anti-corruption agency have SOPs or Manuals for core functions? – What are the work and workload progress review procedures? – Who reviews progress? What records are kept? – Do all staff have job descriptions and designated roles (such as exhibits officer, case manager, trainers, etc)? – Does the anti-corruption agency operate a LAN, databases, analysis software and other software? – Are these available on request, by a business case process, or on an ad hoc basis? – How are the activities of the anti-corruption agency being evaluated?
9. Training and mentoring	– What type of training and mentoring activities does the anti-corruption agency support?
10. Finance and procurement	– Is there a head of finance/finance department? – Does the anti-corruption agency have a finance management information system capacity? – Who manages the budget for every division or section? – Is the budget per division available? – Who reviews expenditure externally? – What is the proportion of the budget funded by donors by year, over the past 5 years? – Which donor(s) fund the anti-corruption agency?
Individual level	
1. Staff profile	– How many staff do you have currently working for the anti-corruption agency?
2. Technical capacities	– What technical capacities are currently missing among your staff?

■ Interview guide for ACA staff

Interviews with ACA staff are primarily geared towards assessing their competences and technical qualifications and developing an accurate staffing profile of the ACA. However, the interviews also provide an opportunity to assess organizational issues, as well as enabling environment capacities. The information obtained from ACA staff will allow those undertaking the ACA capacity assessment to triangulate this information with prior obtained data from the desk review and head(s) of agency interviews. This will ensure an accurate picture is developed of all the ACA capacity gaps and needs.

Staff Profile	Sample questions
1. Type of work	– What is your post title? – Do you have terms of references (TORs)? – Do the TORs reflect your day to day work? – What are your main responsibilities within the anti-corruption agency?
2. Background	– What year did you join the anti-corruption agency? – Where did you work prior to the anti-corruption agency (up to 10 years back in time)? – What are your academic qualifications? – What is your professional experience to date within the anti-corruption agency? Did you hold any other positions within the agency? – Were you interviewed for your position at the anti-corruption agency?
3. Training	– Have you received any training before or during your assignment with the anti-corruption agency to undertake this job?
4. Motivation and reasons for staff turn-over	– Why did you want to work for the anti-corruption agency? What were your main reasons? – What are the three main reasons for staying with the anti-corruption agency? – What are the three main reasons for which you could see yourself leave the anti-corruption agency? – What do you like most about working for the anti-corruption agency? – What do you like least about working for the anti-corruption agency?

4. Motivation and reasons for staff turn-over	– What do you like most about your work? – What do you like least about your work?
5. Career development	– How long do you intend to stay with the anti-corruption agency? – Are you aware of promotion criteria? – Have you ever applied for promotion? Were you satisfied with the process and with the outcome? – Have there been any opportunities to transfer to, or work in, other parts of the anti-corruption agency?
Technical capacities	

a. Investigation staff	– What are the main types of corruption you deal with?
	– How many cases do you deal with annually?
	– What is the average value of the cases you deal with?
	– What is the average rank of the public sector suspects in your cases (check public sector ranking system in the country prior to administering this questionnaire)?
	– Do you have standard operating procedures for the investigation?
	– Have you been trained on the standard operating procedures for the investigation?
	– Are you familiar with the following concepts? If yes, did you ever deal with these concepts in specific cases?
	  • Public sector corruption
	  • Private sector corruption
	  • Conspiracy
	  • Aiding and abetting offences
	  • Cases involving foreign public officials
	  • Embezzlement/Misappropriation
	  • Improper use of public property
	  • Misconduct in public office
	  • Trading in influence
	  • Nepotism
	  • Falsification of documents
	  • Anti-money laundering
	  • Restraint and confiscation
	  • Asset recovery
	  • Requests for mutual legal assistance
	– Do you have any of the following skills? If yes, have you received any specific training for these?
	  • Determining criminal law points to prove

a. Investigation staff	• Preparing file cases for the prosecutor • Interviewing • Note-taking • File management • Document requests to other institutions • Open source information-gathering • Intelligence gathering • Reading financial statements • Asset restraint • Dealing with money laundering cases • Search and seize • Access and search electronic devices • Surveillance • Using informants • Participating in joint operations with the police • Protecting evidence integrity • Investigation report writing – What are the main skills, knowledge and experience missing at the moment in the investigation team?

b. Prevention staff	– Do you have experience in any of the following areas?
	  • Developing national anti-corruption strategies
	  • Developing anti-corruption action plans
	  • Monitoring the implementation of anti-corruption policies
	  • UNCAC Self-assessment coordination
	  • Measuring corruption
	  • Evaluating the effectiveness of anti-corruption policies
	  • Corruption risk / integrity assessments
	  • Reviewing legislation, regulations and procedures
	  • Proposing new or revised legislation, regulations and procedures
	  • Mainstreaming international standards
	  • Public education
	  • Disseminating knowledge on corruption and anti-corruption"
	  • Communication
	  • Knowledge sharing
	  • Conflict of interest regimes
	  • Gift policies
	  • Asset declarations
	  • Participation in international for a / UNCAC Review Mechanism
	  • Mutual legal assistance

b. Prevention staff	– Do you have any of the following skills? If yes, have you received any specific training for these?
	  • Training people
	  • Educating people
	  • Developing distance learning modules
	  • Mentoring and coaching
	  • Writing public materials
	  • Writing training materials
	  • Public speaking
	  • Developing codes of conduct
	  • Drafting laws
	  • Developing and undertaking public perception surveys
	  • Designing communication strategies
	  • Writing reports
	  • Reviewing asset declarations
	– What are the main skills, knowledge and experience missing at the moment in the prevention team?

Organizational level	
1. Vision and mission	– What are the vision and mission of the anti-corruption agency? – Are the vision and mission of the anti-corruption agency clear to you? – What do you think the anti-corruption agency does well? – In which areas do you think the anti-corruption agency could improve its work?
2. Leadership	– How do you assess the anti-corruption agency's leadership (excellent, very good, average, fair or poor)?
3. Strategic planning	– Have you taken part in any strategic planning exercise?
4. Organizational structure	– Are your reporting lines clear? – Do you have the equipment to do your work? – If not, what equipment do you need? – Why and how does the absence impact on your work? – How do you apply for the equipment?
5. Human resource management	– Are there published policies on health and safety, discrimination, bullying, etc. – Are there published policies on holiday and sickness entitlement, pay scales, allowances and overtime, promotion, grievance procedures? – Is there a code of conduct and training in ethical conduct? Disclosure of assets? Policy on conflict of interest?

5. Human resource management	– Do you feel that your salary reflects your expertise/experience? – Are you satisfied with the additional allowances? – How would you rate staff relations in your team (excellent, very good, average, fair or poor)?
6. Knowledge and information management	– Are knowledge and information shared adequately with you by email and/or other means?
7. Communication	– How well do you feel the anti-corruption agency communicates with you? – Do you have regular staff/team meetings?
8. Monitoring and evaluation	– Do you monitor and evaluate your work? – How? – Are you appraised annually? – Has there been any outcome from the appraisal? – Who assesses your work in terms of performance? – Are the performance measures used adequate? – Do you feel the anti-corruption agency has made the best use of your skills?
9. Training and mentoring	– Has the anti-corruption agency provided you with sufficient training to undertake your assignment?
Enabling environment	Sample questions
1. Social, economic and political context	– How do you assess political will in your country to fight corruption (excellent, very good, average, fair or poor)?
2. Institutional arrangements and coordination mechanisms	– Do you work with any institutions outside the anti-corruption agency? – How would you assess your partnership (excellent, very good, average, fair or poor)?
3. Legal Framework	– Are there any legal provisions which facilitate your work especially? – Are there any legal provisions which hinder your work especially?
4. Accountability	– How do you rate the public image of the anti-corruption agency (high, average or low)?
Overall	In your view, what is the highest priority for the anti-corruption agency in order to work more effectively?

■ Interview guide for institutional stakeholders

Institutional stakeholder interviews will allow those undertaking the capacity assessment to further triangulate all information previously obtained. These interviews will primarily focus on institutional arrangements, coordination mechanisms, and the enabling environment more broadly. These interviews will also provide an opportunity to assess partners' views on the overall organizational capacity of the ACA. Some common institutional stakeholders are listed below as examples.

(I) Attorney-General's Office / Prosecutor-General's Office

Enabling environment	Sample questions
1. Institutional arrangements and coordination mechanisms	– Does the Prosecutor-General's Office get involved in the investigative process at any stage? – How many case files have you received from the anti-corruption agency? – How many case files have you reviewed? – Did most have sufficient evidence for prosecution? – Did you have to send back any files for further investigations? How many? – How many individuals have been prosecuted so far on corruption charges? – How many convictions have you obtained for corruption so far? – What is the annual conviction/acquittal rate? – What is the longest period of a current case awaiting a hearing? – What is the average value of cases? – What are the biggest corruption cases which you have had to prosecute? – Do you have any criteria in terms of what cases you prosecute? – Are these in line with the criteria used by the anti-corruption agency for the selection of cases to investigate? – How would you assess the overall performance of the anti-corruption agency?
2. Legal Framework	– Is the legal framework adequate to fight corruption in your country? – Are any amendments required to the current laws in order to improve the effectiveness in fighting corruption?

(II) Auditor-General's Office

Enabling environment	Sample questions
1. Social, economic and political context	– Are audits regularly conducted in the state administration? – What is the jurisdiction of the Auditor-General's Office? – What is the quality of record-keeping within the state administration? – Is there any internal audit in the government? How is it linked to the Auditor-General's Office?
2. Institutional arrangements and coordination mechanisms	– Does the Auditor-General report informally on its suspicions of corruption to the anti-corruption agency? – Does the Auditor-General report any irregularities or suspicious of corruption to the anti-corruption agency prior to publishing its full audit reports? – How would you assess the overall performance of the anti-corruption agency? – Is there any overlap in terms of mandate with the anti-corruption agency?
3. Legal Framework	– Is the Auditor-General legally obliged to report to the anti-corruption agency on any suspicious activity uncovered during its audits? – What types of audits is the Auditor-General's Office authorized to conduct by law?
4. Accountability	– Is the Auditor-General's Office mandated to audit the anti-corruption agency? If yes, have you identified any organisational issues, for example, in relation to financial management, procurement or staff recruitment?

(III) Police

Enabling environment	Sample questions
1. Social, economic and political context	– Did the anti-corruption agency resort under the police at any stage in the past? – Are any former police officers working in the anti-corruption agency? – Is the police perceived to be corrupt in the country?
2. Institutional arrangements and coordination mechanisms	– How does the police collaborate with the anti-corruption agency? – Does the police provide any assistance with ACA investigations, for example at the local level?

2. Institutional arrangements and coordination mechanisms	– Does the police support any arrests or detentions at the request of the ACA? – Does the police systematically forward any corruption complaints to the ACA/ – Does the police have the mandate to open corruption investigations on its own? – Is there any overlap in terms of mandate between the police and the anti-corruption agency? – How would you assess the overall performance of the anti-corruption agency? – How would you assess the technical capacities of the anti-corruption agency staff to undertake its mandate?
3. Legal Framework	– Is the legal framework facilitating or hampering the detection and investigation of corruption?

(IV) Financial Intelligence Unit

Enabling environment	Sample questions
1. Institutional arrangements and coordination mechanisms	– When has the FIU been established? – Do you have regular meetings with the anti-corruption agency? How do you work together? – Have you received any STRs? How many? How many have you passed on to the anti-corruption agency? – Has the anti-corruption agency ever made any request for information to the FIU? – Do you have a domestic PEPs list? – Have you ever been requested information from another member of the Egmond Group? – Has the FIU been assessed recently by any international partners? – How do you assess the overall performance of the anti-corruption agency?
2. Legal Framework	– Is the legal framework adequate to fight money laundering?

Anti-Corruption Policy Formulation and Implementation

ACAs can be tasked with the mandate of supporting and coordinating activities for the development of national anti-corruption policies and anti-corruption plans, as well as for ensuring their implementation. This module discusses the main functions that the ACAs have to perform in relation to this mandate and the capacities needed to perform these functions.

Anti-corruption policies (or national strategies, as are defined in many countries) are a special challenge, as their purpose is to bring together in a single policy document the wide range of corruption prevention measures required across the public sector, measures to strengthen law enforcement and the ones needed for the implementation of international legal instruments like the UNCAC. Anti-corruption strategies provide an opportunity to mobilize national stakeholders around a comprehensive national policy, but at the same time constitute a challenge in terms of prioritization and coordination among many different actors. As a consequence, the functions included in this module have the common feature of requiring considerable coordination among different stakeholders like government departments, independent oversight agencies, the legislative, as well as non-state actors (civil society, NGOs and the private sector).
The main areas on activity relate to the development and implementation of the national anti-corruption policies can be grouped as follows:

■ Supporting the development of national anti-corruption strategies and policies

ACAs are often required to support policymakers in the development of anti-corruption policies by providing the necessary evidence base – through research and studies[24] – and with technical advice. For effectively advising the development of national anti-corruption strategies, expertise is required on a broad range of national issues and public policy processes, including public financial management, public procurement, civil service management, service delivery systems in different sectors, state-owned enterprises, privatization or nationalization processes, natural resource management, etc. Such range of expertise cannot be found in a single agency, hence, developing national anti-corruption strategies requires extensive consultation and coordination with a variety of national institutions and other actors in order to tap their expertise and at the same time gain their support and ownership of the proposed reforms.

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[24] Conducting research on corruption (to inform anti-corruption responses) underpins the majority of the functions of ACAs and requires specific capacities; it is therefore treated in a separate module.

■ Developing anti-corruption action plans

A key step of anti-corruption policy formulation, particularly in the case of comprehensive national anti-corruption strategies, is the elaboration of Implementation Plans (action plans); these are secondary documents to the anti-corruption strategies, containing specific measures directed at reforming sectors and/or institutions. To be considered adequate, they should contain a meaningful set of proposed specific actions with specific deadlines, responsibilities and indicators / benchmarks. There should be a clear link between the Strategy and the action plan and/or sectoral action plans (i.e. the action plan measure should clearly contribute towards the completion of a strategy goal).

ACAs can contribute to the development of anti-corruption action plans in various ways: through gathering and analyzing information from various state agencies, coordinating the activities for the development of the plans, providing advice for the development of benchmarking and monitoring systems for the various activities.

■ Coordinating and monitoring the implementation of anti-corruption policies

ACAs are frequently mandated to play a coordination role to ensure proper implementation of anti-corruption action plans discussed above. In this context, ACAs may have to ensure effective communication and cooperation among the various institutions responsible for related processes: for instance, between the agency responsible for defining public procurement policy and the agency receiving complaints from bidders on breaches of rules, or between the agency receiving complaints and the agency responsible for sanctions. Related to this function is the monitoring of the implementation of responsibilities assigned to different national institutions under the national anti-corruption strategies and sector/institutional action plans. This means that ACAs are supposed to perform quality control of the reports received from other institutions, review progress against set benchmarks and consolidate progress reports.

■ Supporting the UNCAC self-assessment & implementing UNCAC Review Mechanism observations

In November 2009, the Conference of the States Parties to the UNCAC adopted a Mechanism for the Review of Implementation of the Convention. According to the Mechanism, States Parties under review are required to fill in a UNCAC Self-Assessment Checklist and to send their Self-Assessment Reports to the Secretariat of the Convention (United Nations Office on Drugs and Crime - UNODC). State Parties are required to task a public agency to act as focal point for the self-assessment exercise;

25 The Guidance Note (available at http://www.undp.org/governance/focus_anti-corruption.shtml) provides a detailed roadmap for the UNCAC self-assessment.

ACAs may receive this mandate, or may play a key backstopping and coordination role in support to the exercise. UNDP has developed a Guidance Note for the UNCAC Self-Assessment[25] that highlights the importance of engaging relevant stakeholders in a participatory process in order to exploit the potential of the exercise as an advocacy and awareness raising tool for the introduction of anti-corruption measures. Given the inter-linkages between the different types of anti-corruption measures and the need for comprehensive anti-corruption responses, the Guidance Note also encourages countries going through the self-assessment process to review their implementation of all the UNCAC chapters, not just those that make the focus of the given UNCAC review cycle[26]. The exercise, given the comprehensiveness of the self-assessment checklist and the fact that it requires gathering a series of detailed information on the national anti-corruption legal and institutional framework, can be utilized by the ACA as a preparation for the development of the national anti-corruption strategy or in relation to the other functions discussed in this module (developing action plans, coordinating and monitoring the implementation of the action plans).

Guidelines for assessing capacities

The capacities needed to perform the functions of this module are related on the one hand to the necessity of promoting cooperation, interaction and mutual support among the relevant stakeholders (including non-state actors), and on the other hand to the necessity of gathering and processing information and producing reports and analysis for the policymakers.	
CAPACITIES	**MAIN ISSUES AND SAMPLE QUESTIONS**
Enabling Environment	
Institutional arrangements and coordination mechanisms: Engage other state bodies in the exchange of information and cooperation (among each other and with the ACA for collecting information and implementing activities of the action plan or in relation to the UNCAC self-assessment)	Clearly stated and broadly accepted mandate of the ACA for coordinating activities and requesting information in relation to the development of the AC policy, monitoring the implementation of the action plan or for the UNCAC self-assessment; Broadly accepted and understood existence of a coordination framework enabling exchange of information among different agencies; Presence of focal points (officials specifically tasked) in relevant state institutions for the coordination of the activities related to the AC strategy and action plan (as well as to the UNCAC self-assessment exercise if applicable);

26 The UNCAC review mechanism consists of two review cycles of five years each. The first review cycle of the UNCAC covers Criminalization and Law Enforcement (chapter III), and International Cooperation (chapter IV) of the Convention, while Preventive measures (chapter II) and Asset recovery (chapter V) are scheduled for review in the second cycle.

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Institutional arrangements and coordination mechanisms: Engage other state bodies in the exchange of information and cooperation (among each other and with the ACA for collecting information and implementing activities of the action plan or in relation to the UNCAC self-assessment)	Presence of memoranda of understanding (MoUs) or clear procedural frameworks for cooperation and information sharing among the various stakeholders; practical functioning of such frameworks; Existence of areas of overlapping responsibility among the various state agencies in relation to anti-corruption functions, necessity for clarification of roles and mandates; Informal relationships between the ACA and the other agencies (e.g. acquaintance of the management of the ACA with the managers of other state bodies). Regular ant timely communication, particularly if the ACA's mandate is to receive regular periodic reporting on the implementation of assigned measures from other institutions; frequency and quality of the interaction among the agencies. **Sample questions:** – Is the coordination mandate of the ACA clearly defined by law or governmental decision, has this been communicated properly to the various stakeholders? – Has the coordination role of the ACA been criticized or resisted by other bodies? In which form has such criticism or resistance been expressed? – Is there a MoU (or established procedures) between the ACA and the Ministry of Justice for the exchange of information relative to anti-corruption initiatives of the two institutions? – Does the agency X meet the deadlines for reporting, how often does the ACA have to revert to the agency X with requests for clarification or further information? Does the ACA have the power to request additional information and to solicit reporting?
Engage stakeholders: Engage civil society organizations, NGOs and the business community in the production of AC strategies and in monitoring anti-corruption activities27	Coordination framework or other practical mechanisms enabling consultation and exchange of information among different stakeholders (including government, civil society, academia etc.); Presence of institutional mechanisms for consultation and engagement of non-state actors in the development and monitoring of the AC strategy;

27 This capacity is discussed more thoroughly in Module E

Engage stakeholders: Engage civil society organizations, NGOs and the business community in the production of AC strategies and in monitoring anti-corruption activities27	Sound and effective PR and communication strategy of the ACA as assessed through interviews with relevant stakeholders. **Sample questions:** – What is the overall climate of engagement and cooperation between the state institutions and the non-state actors? Are there many examples of constructive engagement of civil society in policy processes and in cooperation with state agencies? – Is the ACA seen as a credible interlocutor by civil society and the business sector? Is the ACA seen as more open and accessible to civil society than most other state institutions? – Does the ACA effectively facilitate the involvement of non-state actors in the policy process (development of AC strategy and monitoring of its implementation)? Are there "shadow reports" by NGOs contradicting ACAs official reports?

Organizational Level

Data collection and processing: Capacity to collect information from a range of stakeholders, process the input received from various sources and produce analysis and reporting	Institutional arrangements, structure, internal division of responsibilities/ functions of the agency allowing the performance of this function: – dedicated unit, adequate number of staff to process the information and data gathered; – internal division of roles among the staff of the unit, reporting mechanisms between supervisors and supervisees; – annual work plans and system for reporting against the targets set (linked to the AC strategy / action plan or to the conduction of the UNCAC self-assessment); – existence of sectoral specialization within ACA and of learning systems allowing such specialization; Business processes linking the work of different units/structures within the organization;

Data collection and processing: Capacity to collect information from a range of stakeholders, process the input received from various sources and produce analysis and reporting	Adequate knowledge management and information management structures as well as the ICT for the storing and processing of the information and data collected. **Sample questions:** – Is there an internal annual work plan for the activities of the unit? How is it structured? Does it contain specific targets? How do you measure/check the achievement of the targets? – Is the number of staff adequate to process all the data that is being collected? – Are the computers/servers and other IT means supporting effectively the work of the unit? Is there dedicated / specialized software to support ACAs functions in this area?
Communication: Communicate and cooperate effectively with other agencies	Internal system ensuring the frequency and quality of the interaction with the other agencies. **Sample questions:** – Does the ACA staff have enough time, expertise and tools to check the quality of the reports and information received from other agencies? – Has the ACA developed reporting standards and guidelines for the other agencies (for monitoring policy implementation)? – Are there focal points dealing with particular counterpart agencies? – Is there a system to systematically keep track of the interaction with other agencies?
Communication: Communicate effectively with the public, enhance transparency of the overall anti-corruption system	Utilization of communication tools: website with up to date information regarding the implementation of the anti-corruption action plan; utilization of the traditional media and of social media tools. **Sample questions:** – Which are the communication tools utilized by the ACA in order to ensure that the public receives up to date and extensive information on the status of implementation of the AC action plan?

Individual level

Technical capacities:
- conducting or managing diagnostic research, including developing targeted research designs that link to specific policy objectives;
- ability to analyze data and information (quantitative and qualitative) and translate findings into actionable policy recommendations;
- report writing (good knowledge of English would be desirable);
- knowledge of anti-corruption international legal instruments;
- knowledge of international standards and good practices, adapted to the specific national context;
- project management skills (formulation of SMART objectives, understanding of PM concepts);
- monitoring and evaluation skills (definition of indicators, targets, design of contingency plans), specific monitoring techniques appropriate for issues/sectors;
- knowledge of the specific sectors covered by the anti-corruption policies that the ACA is mandated to monitor;
- PR and communication;
- IT skills, computer, internet, web design.

Research on Corruption and Corruption Vulnerabilities

Effective anti-corruption responses cannot be designed without a thorough assessment of the problem: corruption is a symptom of ineffectiveness of institutions, system gaps or failures. Proper *diagnostic research* is needed to identify and understand the spread or concentration of corruption within a system (a single organization or a system of organizations), the specific forms that it takes, and the vulnerability of systems and processes to corruption. Research on corruption and corruption vulnerabilities is essential for building the evidence base for anti-corruption policies.

Diagnostic methodologies encompass legislative analysis; analysis of specific systems and how they operate in practice (e.g. public procurement); using surveys; analysis of statistical data to provide quantitative information on corruption; corruption risk assessments in institutional business processes or legislation – to name only the most common approaches. The various methodologies require a range of data collection methods, such as interviews, surveys, observation and field tests, as well as analytical skills to link the findings with systems and policies (for instance, surveys require competencies related to sampling and processing of statistical data). Staying abreast of new resources and developments in the field of governance assessments (e.g. corruption, public administration, local governance assessments), including by sharing experiences with national and international assessment practitioners, is essential for enhancing and maintaining corruption research capacities.

Considering the scope of the research agenda and the range of required skills and knowledge, it is likely that some portion of the work will have to be outsourced. Cooperating with civil society and academia in this context is particularly relevant, as domestic or international academic institutes, think tanks, and civil society organizations may already be involved in generating relevant data and analysis. In addition, ACAs may wish to dedicate their internal diagnostic research capacities to processing restricted information sources that are not open to external actors. With outsourcing, ACAs nevertheless need to have a minimum level of capacity for research design and analysis in order to manage and evaluate the quality of the research performed by other entities, and to integrate the findings into the policy formulation process.

A particular type of diagnostic, distinct from corruption measurements, is represented by *corruption risk assessments, corruption vulnerability assessments, integrity assessments, integrity audits* and similar. Their distinct characteristic is that they focus on preventing corruption by assessing systemic, institutional and procedural vulnerabilities to it, as well as anti-corruption safeguards, with a view to reducing the former and strengthening the latter. Such

assessments involve a detailed review of the regulatory framework, organizational set-ups and business processes to detect areas of vulnerability.

The requirement to perform such assessments in different sectors or institutions is very often included in anti-corruption strategies and action plans. Sometimes there is even a legal requirement for public institutions to assess their corruption risks and vulnerabilities. The assessment of the organizational (institutional) risks looks at the organization as a system of norms and business processes. It focuses on conducting in-depth reviews of the way the organization operates, with a full cataloguing of the processes and analysis to determine whether excessive levels of discretion or monopoly exist, or whether the general control functions are effective or not. The assessments result in a series of "red flags" indicating corruption risks and in the subsequent development of regulatory and management responses.

An ACA may be tasked to directly carry out such assessments, or provide methodological guidance and expert backstopping to other institutions who do it. This function requires capacities to design and implement a risk assessment; more specifically, this entails: understanding the concepts of corruption indicators/red flags; capacity to identify risks and propose appropriate management responses; knowledge of integrity audit principles and practices; understanding of the concepts related to management, organizational psychology, and organizational dynamics. If the ACA is mandated to coordinate and guide the implementation of risk assessments (as opposed to implementing them directly), it should have also the capacity of training others to perform the assessment and the organizational structures and processes to gather information from the agencies in which the assessments are conducted, process inputs received from various sources and effectively communicate with the agencies.

Corruption diagnostics are particularly important when it comes to *evaluating anti-corruption policies*. Policy evaluation is a complex exercise; it should contain an in-depth analysis of how the anti-corruption system has improved due to the policies implemented, as well as an assessment of the levels of corruption in given sectors/public services (since reducing corruption is the ultimate goal of the policies). Findings from the research activity should be used to set the baseline for future measurements, and the same diagnostic exercises and surveys should be repeated under similar conditions in order to obtain comparable results after the implementation of the policies. In reality, due to various political and capacity constraints, this type of analysis is rarely implemented seriously.

To carry out policy evaluation, the ACAs should be able to collect and process information from various sources (statistical analysis concerning the operations of certain agencies like the prosecutor office, information on new measures introduced, perception and experience surveys) to understand in which way the anti-corruption policies may or may not have achieved certain results. In addition to general knowledge of institutions and processes concerned, there is a need for competence in applying (or reading / understanding) specific evaluation methodologies and corruption surveys.

If it is to be meaningful, the evaluation needs to be widely regarded as impartial and objective. If the function is carried out by an ACA, it would be imperative that the agency is recognized for its independence and impartiality, or that, at a minimum, independent and impartial stakeholders have a role in validating the findings. Thus, extensive coordination is also required in performing policy evaluation.

Guidelines for assessing capacities

The capacities needed to perform the functions of this module mainly relate to research (both on corruption and corruption risks and vulnerabilities), policy evaluation, and communication and cooperation with a broad range of actors and stakeholders including public institutions, think-tanks, and civil society.	
CAPACITIES	**MAIN ISSUES AND SAMPLE QUESTIONS**
Enabling Environment	
Credibility and impartiality: Capacity to undertake objective assessments	The ACA should be trusted as a credible source of expertise and objective assessments. Functional (and ideally organizational) independence is required to undertake objective policy evaluation; in the absence of such, evaluation can be outsourced to a credible, independent actor. **Sample questions:** – Are ACA's researches and assessments publicly available and well disseminated? Is there a feedback mechanism on their quality (e.g. possibility to comment on them in ACA's website)? – Are assessments carried out by the ACA seen as credible and objective? Are they being criticized? – Are the researches and assessments carried out by the ACA widely known / read? Do they influence policies? – Are there competing / alternative or "shadow" assessments and evaluations that contradict ACA's findings?
Engage stakeholders: Engage other state bodies and non-state actors in the exchange of information and cooperation (including outsourcing of research)	Existence and practical functioning of legal / procedural frameworks to facilitate research collaboration between relevant state bodies – e.g. of memoranda of understanding (MoUs) for cooperation and information sharing between ACA and others – in particular integrity and audit institutions, as well as law enforcement and investigative units (ensuring ACA's access to relevant classified information, for research and analysis purposes);

Engage stakeholders: Engage other state bodies and non-state actors in the exchange of information and cooperation (including outsourcing of research)	Operational mechanisms for consultation and engagement of non-state actors in corruption / integrity assessments and policy evaluation (evaluation of the national AC Strategy); examples of effective cooperation; Sound and effective PR and communication strategy of the ACA as assessed through interviews with relevant stakeholders. **Sample questions:** – What are the best examples of ACA's cooperation with other actors (both state bodies and civil society) in producing assessments and evaluations? – What legal instruments and procedural modalities are used for such cooperation? – Do ACA's assessments duplicate others (e.g. by civil society or international organizations)?
Legal framework: Conducive legal framework (in particular with regard to assessment of corruption vulnerabilities in other institutions)	Legal provisions and operational mechanisms regarding ACA's mandate on corruption risk assessments should be in place; a legal requirement for public institutions to undertake such assessments can also help. Ideally, provisions should be in place to enable the use of information (including non-public / classified) gathered by investigative units or agencies, and to facilitate research collaboration between relevant government bodies. **Sample questions:** – Does the national AC Strategy have an evaluation framework? Is the ACA mandated to carry out evaluations? – Are there legal requirements for public agencies to carry out corruption risk assessments and to implement the resulting recommendations? Are there deficiencies related to the legal framework (e.g. lack of enforcement mechanisms)? – What is ACA's role in this context – both in law and in practice? Does the ACA have sufficient leverage with other public agencies to implement its role? – Can ACA access all relevant data (including non-public, e.g. from investigative units) for its analysis and research? Are there actual examples?

Organizational Level	
Data collection and processing: Collect information from a range of stakeholders, process the input received from various sources and produce analysis and reporting	Institutional arrangements, structure, internal division of responsibilities/ functions of the agency allowing the performance of this function: – dedicated unit, adequate number of staff to process the information and data gathered; – internal division of roles among the staff of the unit, reporting mechanisms between supervisors and supervisees; – annual work plans and system for reporting against the targets set (linked to the AC strategy evaluation cycle / research plan); – existence of sectoral specialization within ACA (especially for sectoral risk assessments) and of learning systems allowing such specialization. Business processes linking the work of different units within the organization (in particular research/evaluation unit with investigative unit if present); Adequate knowledge management and information management structures as well as the ICT for the storing and processing of the information and data collected. **Sample questions:** – Is there a research plan in place? – Is the number of staff adequate to process all the data that is being collected? – Are the computers/servers and other IT means supporting effectively the work of the unit? Is there dedicated / specialized software to support ACAs functions in this area?
Engage stakeholders: Cooperate effectively with other agencies – both national and international – and experts	Internal system ensuring the frequency and quality of the interaction with the other agencies; Functioning modality for outsourcing specialized research, including a pool / roster of researchers and experts able to support the work of the ACA and quality control mechanism. **Sample questions:** – Is there a functioning mechanism for outsourcing specialized research (including quality assurance mechanisms) in place? – Has the ACA developed methodological guidance for the other agencies - e.g. on corruption risk assessment (if applicable)? – Is there a system to systematically keep track of the interaction with other agencies?

| **Communication and outreach:** Effectively engage the public and disseminate outputs from research, assessments, evaluations | Utilization of communication tools: website with up to date information regarding researches and assessments; utilization of the traditional media and of social media tools.

Sample questions:
– Which are the communication tools utilized by the ACA in order to ensure that the public receives up to date and relevant information on the corruption situation and the effectiveness of anti-corruption policies?
– Is the ACA using interactive techniques to validate research findings? |

Individual level

Technical capacities:

For corruption diagnostic research and policy evaluation:
• define a research objective that links to policy objectives and practical actions;
• interpret and analyze data (quantitative and qualitative analysis), and generate actionable recommendations;
• identify, review, and assess the quality of existing information sources (academic, NGO and donor reports and assessments, administrative data, etc.);
• knowledge of various diagnostic methodologies available;
• competence in statistical and other social science methodologies (higher levels of expertise if undertaking diagnostic research in-house)
• knowledge of the anti-corruption policies that the ACA is mandated to evaluate, and of the specific sectors covered by the policies;
• evaluation of the quality of the research undertaken/received (quality control);
• report writing (good knowledge of English would be desirable);
• IT skills.

For corruption risk assessments:

• in-depth knowledge of the concepts of corruption indicators/red flags
• capacity to identify risks and to propose appropriate management responses
• knowledge of integrity audit principles and practice
• understanding of the concepts related to management, organizational psychology, organizational dynamics
• train others to perform the assessment
• project management skills (formulation of SMART objectives, understanding of PM concepts).

Legislative Reform

New or amended laws are often required for implementing anti-corruption policies; they provide the legal framework that underpins the policy changes. ACAs are often mandated to perform (or participate in) legislative drafting in areas linked to anti-corruption policies; in some cases, they are also tasked with anti-corruption screening of other legislation (e.g. for early detection of loopholes in draft legal acts that may create room for corruption), possibly as part of ex-ante regulatory impact assessment.

Too often, legislative drafting takes place prematurely, with policy being shaped by the drafting process rather than the reverse. Furthermore, a key feature of actual legislative drafting is to ensure that there are no conflicts created with other legislation in existence. For this reason, the technical aspects of legislative drafting would be best left to the dedicated staff of ministries of justice who should have the overview and the explicit responsibility to ensure overall national legislative harmonization. Ideally, the role of the ACA in this process would rather be to clearly formulate the desired policy goals and verify that the proposed legal language satisfies those policy objectives – including compliance with relevant international obligations. If the function is the full responsibility of the ACA, however, at a minimum, extensive coordination with the relevant unit of the ministry of justice will be needed besides the internal capacity for producing good quality legal drafting/advice.

This function requires:
– capacity to link the policy making with legislation drafting;
– capacity to analyze and draft legal texts;
– capacity to perform regulatory impact assessments;
– in-depth knowledge of the international anti-corruption instruments and comparative law in the area.

CAPACITIES	MAIN ISSUES AND SAMPLE QUESTIONS
Enabling Environment	
Institutional arrangements and coordination mechanisms: Effectively cooperate with the Ministry of Justice, other government bodies and the Legislature	Established procedure through which the ACA participates in the legal drafting process. **Sample questions:** – Is the ACA recognized as having legal expertise and effectively contributing to legislative development? Are there examples where ACA's input is reflected in the legislation adopted? – Is the ACA officially tasked to coordinate mainstreaming of international standards?
Organizational Level	
Legal expertise: Perform legal analysis and draft legislation	Specialized unit for legal drafting/review in place, properly staffed and resourced; Capacity to engage external experts for specialized expertise that is not available in-house; Cooperation with international partners and access to international expertise and good legislative practice. **Sample questions:** – What is the profile of staff involved in legal analysis? (Do they combine legal and anti-corruption expertise)? – What is the feedback (from the Ministry of Justice and other government bodies) with regard to the quality of ACA's legislative inputs and advice?
Individual level	

Technical capacities:
• knowledge of international standards and good practices;
• comparative knowledge of legislative solutions;
• specialized legislative drafting skills;
• regulatory impact assessment.

Civil Society Partnership Against Corruption

ACAs are often mandated to facilitate the participation of the civil society in the policy making process, in monitoring the implementation of anti-corruption programmes, and even in the detection and investigation of corruption.

This function should be understood as including three separate components. The first component concerns developing *systems and policies that promote transparency and accountability of the public sector, and citizen participation in decision-making processes.* These objectives typically constitute part of preventive anti-corruption policies and it is therefore more appropriate to consider them as part of the policy development function (module A).

The second component consists of *including civil society in the performance of corruption prevention functions* such as anti-corruption policy formulation, diagnostic research, monitoring the implementation of anti-corruption policies (including UNCAC self-assessment), and dissemination of knowledge on corruption prevention, as already discussed in modules A and B.

The third component relates to *receiving and processing reports and complaints about corruption from the citizens.* This requires the elaboration of reliable and trust-inspiring mechanisms for citizens to actively resist and report corruption. ACAs are often entrusted with this function in situations where traditional law enforcement institutions (e.g. police) do not enjoy the trust of citizens or have in place procedures that appear difficult or intimidating.

The capacities needed for this function are fairly specific and concern the effective receipt and management of potentially high volumes of contacts; customer service-related competencies; data and case management capabilities (including maintaining the confidentiality of personal information and protection of sources); analytical capacities to produce statistical and systems-related reports about the information received (which also constitute a form of diagnostic research and monitoring); and communication and coordination capacities to provide feedback to relevant state institutions whom the citizen reports concern, on one hand, and to refer specific cases to law enforcement agencies or units for investigation and prosecution, on the other.

In addition to that, effective whistleblower protection mechanisms are needed to ensure that there will be no retaliation to bona fide disclosers.

Cooperation with civil society is very important for many of the ACAs' functions, and this is reflected already in other modules. This module mainly focuses on engaging the public in detecting and reporting corruption, through receiving and processing complaints and reports from citizens.

CAPACITIES	MAIN ISSUES AND SAMPLE QUESTIONS
Enabling Environment	
Legal framework: Conducive legal and procedural framework that facilitates citizen reports to ACA	Whistleblower protection policy and effective mechanisms in place; Functional independence at a minimum. ACA should be perceived as a credible anti-corruption institution, with integrity and free from undue influence, able to effectively follow-up to corruption reports and complaints by citizens; Effective operational mechanisms to collect citizen reports; Good cooperation (preferably codified through written protocols) with law enforcement units/agencies (e.g. prosecutor, police). **Sample questions:** – Does the ACA enjoy high public credibility? – How many reports / complaints from citizens does the ACA receive, and what is the trend (increasing, decreasing)? – What is the highest profile corruption investigation triggered by a report to the ACA? – Are there simple, effective and trustworthy reporting channels in place (e.g. e-mail / online report forms; telephone hotlines; face to face)?
Organizational Level	
Data collection and processing: Effective handling of citizen reports and complaints	Complaints handling is a potentially resource intensive task; it is therefore important that the unit in charge has sufficient staff and technical infrastructure; Standard operating procedures / manuals / guidelines on complaints handling should be in place; Maximum transparency and public reporting on activities is essential to enhance and maintain ACA's public credibility (information that may compromise investigations or data protected by privacy laws must be withheld); some ACAs have introduced citizens' oversight boards to promote this kind of profile.

Data collection and processing: Effective handling of citizen reports and complaints	Existence of simple and accessible systems for reporting corruption; use of IT is invaluable, but cannot substitute for good customer service practices (courteous, responsive, and clear communication of the relevant laws, procedures, rights and obligations); Strong data management processes to protect sensitive data, analyze the information received and integrate the information on most commonly encountered types of corruption, as well as law enforcement responses, into the overall anti-corruption policy process. **Sample questions:** – How is a typical corruption complaint handled? – Does the ACA provide feedback to whistleblowers on its follow-up to their reports? – Does the ACA maintain a database with all complaints received? Does it have a case management system to monitor the follow-up and liaise with other agencies as needed?

Individual level

Technical capacities:
• public relations and communication skills;
• customer service skills;
• data management and analysis.

Promotion of Integrity

Integrity promotion is an essential corruption prevention function of the ACAs. In this sense, article 6 of the UNCAC explicitly identifies "increasing and disseminating knowledge on the prevention of corruption" as a key corruption prevention function. ACAs are nearly always mandated with this responsibility. Increasing and disseminating knowledge may be understood as two separate functions:

Increasing knowledge may be interpreted as generating and/or producing knowledge, which is arguably already covered in other functions: anti-corruption policy formulation and implementation, research on corruption and corruption vulnerabilities.

Disseminating knowledge, on the other hand, refers to efforts to extend this technical and specialized knowledge to different groups in society in a way that contributes to promoting integrity.

As there are very few stakeholders who are able to engage at the expert/technical level, the awareness materials produced need to be made more accessible to wider audiences that include state institutions and decision-makers, but also general public who would take an interest in such information. Promoting integrity through equally concerns the production of easy-to-understand informative materials, including implementation guidelines, on the norms and guidelines that concern the staff of certain institutions or civil servants more generally (e.g. public procurement procedures or codes of conduct). Information that concerns the citizens' role in fighting corruption needs to be disseminated most broadly (e.g. causes and consequences of corruption, citizens' rights and obligations in specific administrative processes, public administration duties and procedures, integrity systems, mechanisms for reporting corruption etc.).

Dissemination takes different forms as appropriate for the target audiences, each requiring different capacities. For instance, disseminating technical reports and analyses can be accomplished though simple distribution of electronic and printed copies to target audiences. Dissemination of analytical findings and policy recommendations, or other report summaries intended for less technical audiences, on the other hand, would require dedicated presentations to executive decision-makers or the parliament, and press briefings for the media, along with posting of the materials on the internet. For the dissemination of knowledge about more complex sets of rules or policies, for instance codes of conduct, appropriate methods include trainings, seminars, and workshops for civil servants and public officials. Finally, while the media are an effective intermediary for disseminating integrity promotion messages to the general public, educational and awareness raising campaigns may also be useful at times.

The different approaches to integrity promotion noted above require a number of capacities, such as the capacity to translate sometimes difficult technical concepts into more accessible form, effective communication, training skills, public relations/mass communication competencies. Considering the extent of capacities needed to perform this function, at least partial outsourcing may be considered. In practice, this is also a function where much cooperation with civil society organizations takes place.

With regard to organizing awareness raising campaigns, the required capacity is highly specialized and often is managed through external entities (outsourced). The key aspect here for the ACA is to participate in the process of defining campaign message, target groups, communication means and models and campaign tools in a meaningful and effective way, avoiding approaches that may increase perception of corruption in the society without necessarily contributing to promoting integrity and strengthening anti-corruption responses.

Guidelines for assessing capacities

This function requires:
– capacity to translate technical concepts into a form accessible to broader audiences;
– capacity to communicate effectively;
– training and presentation skills;
– capacities for effective outsourcing (in particular of larger scale public awareness campaigns).

CAPACITIES	MAIN ISSUES AND SAMPLE QUESTIONS
Enabling Environment	
Engage stakeholders: Effectively cooperate with civil service training institutes, schools, universities and different government ministries to facilitate provision of training and educational activities	Established cooperation with civil service institutions, schools, universities for the provision of training and educational activities. **Sample questions:** – Are the training and educational activities provided by the ACA developed in an *ad-hoc* way, or embedded with the mainstream training and education systems? – What is the evidence (track record) of ACA's cooperation with other stakeholders in promoting integrity?
Engage stakeholders: Cooperate with civil society and donors particularly for resource intensive tasks (e.g. public awareness campaigns)	Capacity to mobilize donor resources and effectively partner with civil society e.g. for public awareness campaigns **Sample questions:** – Is the ACA able to raise resources and partner meaningfully with donors and civil society e.g. for public awareness campaigns?

Engage stakeholders: Cooperate with civil society and donors particularly for resource intensive tasks (e.g. public awareness campaigns)	– In such cooperation, is the ACA playing the lead role in defining the communication strategies, messaging, target audiences and outreach targets?
Resources: Funding for outreach efforts	The existence of a meaningful budget dedicated to integrity promotion and outreach efforts (public awareness, training, communication); in the absence of such, ACAs tend to go for ad-hoc initiatives with funding from partners, which may affect the coherence and longer-term sustainability of the approach. **Sample questions:** – Does the ACA have some funding of its own dedicated to outreach efforts for integrity promotion? – How big is ACA's dependence on donor funding in this area?
Organizational Level	
Communication: Formulate and disseminate effective messages for integrity promotion	Existence of a communication and outreach strategy. Presence of a unit dedicated to Public Relations and communication, with staff having the required skills (both communication, as well as in-depth understanding of integrity promotion). Adequate ICT infrastructure and knowledgeable staff to develop effective internet-based communication (including social media). In case the ACA itself is delivering training: – process to develop skilled trainers for ethics training of civil servants; – capacity to assess training needs of various audiences and deliver training accordingly; – follow-up to the training delivered to assess effectiveness and undertake corrective measures as appropriate; other feedback mechanisms. **Sample questions:** – Does the ACA have a communication and public outreach strategy? Is it regularly reviewed and updated? – Is the Public Relations unit properly staffed?

Communication: Formulate and disseminate effective messages for integrity promotion	– How is the ACA using the internet and social media for disseminating knowledge, increasing awareness and promoting integrity? – Does the ACA have specialized trainers and a train-the-trainers programme?
Engage with partners: Capacity to effectively outsource certain outreach tasks (e.g. public awareness campaign, specialised training)	Existence of a proven system for outsourcing certain outreach tasks that the ACA itself is not in a position to deliver with in-house capacities. Effective oversight and quality controls of outsourced tasks. **Sample questions:** – How often has the ACA outsourced outreach tasks? What were the results? On what basis is the judgment made?

Individual level

Technical capacities:
• training skills and methodologies;
• public speaking and presentation skills;
• public relations skills;
• capacity to use the following tools:
• media of broad or general distribution;
• internet and other digital media (including social media platforms).

Managing specific corruption prevention regimes

ACAs are frequently mandated to implement and/or enforce elements of certain corruption preventive regimes. In this module we discuss the regimes that fall most commonly under the mandate of specialized ACAs. The module is not exhaustive as there may be ACAs enforcing other regimes and regulations.

■ Public ethics, conflict of interests and gifts

Promoting public Ethics is often a general task of ACAs, this function requires enforcing regulation like that on conflicts of interests (CoI) and gifts, as well as drafting and promoting the implementation of Codes of Ethics. CoI involves a conflict between the public duty and the private interest of a public official, in which the public official's private-capacity interests could improperly influence the performance of their official duties and responsibilities"[28]. The effective management of CoI requires an adequate legal framework. The trend in most countries is to strive for a higher degree of transparency with regard to private lives of high public officials[29]. It is important to highlight though that CoI situations cannot be simply avoided or banned/outlawed; most of the more subtle forms will not be covered through a regulation. Therefore it is necessary to mainstream CoI management in the day-to-day management practices of all organizations, along with building individual capacity for recognizing and managing CoI.

There are two models of addressing CoI in the public service, which can be described as "centralized" vs "decentralized": the centralized model defines a central agency (that can be the specialized ACA) as the main structure responsible for enforcing the national COI legislation (particularly concerning high officials). In this model the ACA can be responsible for investigating allegations of irregularities and mismanaged CoI. In some situations, the ACA may be able to impose or recommend administrative sanctions against officials found in breach of CoI rules.

In the decentralized model, covering all public officials, CoI management is performed by the line managers in relation to appropriate internal codes of conducts and disciplinary rules. In this model the function of the ACA may consist of providing support and guidance for introducing the necessary rules and procedures, ensuring their uniform application throughout the public service and providing training.

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[28] Managing conflict of interest in the public sector: a toolkit", Howard Whitton, János Bertók, OECD, 2005

[29] New requirements include an obligation to provide information on additional jobs, private income or business interests, an obligation to provide information about the jobs/activities of high level officials' spouse and closest relatives. In most OECD countries, members of Government and high ranking public servants are required to avoid or withdraw from activities, memberships, financial interest or situations that would place them in real or apparent CoI.

The issue of Gifts is strictly related to the one of ethics and CoI; Gifts between private and public entities or between the citizens and public service providers may assume different relevance and significance according to the administrative and cultural settings. In many cases though they are seen as corrupt practices or somehow leading to corruption. Acceptance and management of gifts and other benefits is usually strictly regulated by relevant legislation and the codes of ethics. Codes stipulate when and whether it is appropriate to accept a gift or benefit, or whether it is completely forbidden[30]. A number *of checklists* are developed to determine whether a "gift" is genuine and may be accepted, or not. Those usually require looking at genuineness of gift, whether it is given openly and transparently, whether it affects independence of the person accepting the gift. The gifts accepted by public officials (particularly when received in official quality) should be registered in a register of the responsible agency[31]. Regular awareness raising events and trainings are needed to achieve greater effectiveness and better understanding of the essential aspects of gifts regimes.

Functions of the anti-corruption agency in relation to regulations on gifts may include the following:
– maintaining a register of gifts to ensure transparency;
– performing administrative investigations to ascertain whether a certain gift is genuine or is rather a concealed form of bribe;
– referring cases to the law enforcement agencies for further investigation when violations of the gifts regime are established.

■ Asset declarations

Asset and income disclosure has become a key global anti-corruption issue, as evidenced by its inclusion in the UN Convention Against Corruption. Two main types of regimes can be outlined:
– focusing mainly on corruption detection: the disclosure of assets provides a baseline and thus means for comparison to identify assets that may have been corruptly acquired, and which a public official may legitimately be asked to account for;
– emphasizing the conflict of interests management: disclosure of private interests increases the transparency of decision-making processes, and thereby lays the foundations for the accountability of office holders for their actions.

In general, registration of assets and incomes requires identifying information on the following categories of assets and interests for the official concerned and usually for dependant family and spouse[32]: land property/assets (e.g. houses, land and farms); employment and business interests

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[30] There are two distinctly different approaches in managing gifts in the public service. The first approach allows receiving of small gifts up to a certain value, the second approach bans uniformly all gifts, with the possible exception of traditional ones, received from relatives and close associates.
[31] OSCE. Best practices in combating corruption
[32] SIGMA Working paper 36 Conflict-Of-Interest Policies And Practices In Nine Eu Member States: A Comparative Review, 2006

(e.g. income, industrial and commercial firms, professional firms); securities and bank accounts (e.g. shareholdings and deposit accounts); other assets (e.g. vehicles and other capital assets); liabilities (e.g. mortgages and loans). Effective mechanisms for enforcement and monitoring of assets and income are vital for the proper implementation of the assets disclosure regimes.

ACAs may perform the following functions:
– collect the assets declarations (usually from high level officials only);
– coordinate the overall asset disclosure policy (when the asset declarations are collected in a decentralized manner);
– verify the declarations by comparing them to information from other sources e.g. cadastre/real estate registry, tax declarations, bank accounts;
– decide on whether to refer violations to law-enforcement agencies for further investigation.

Centralized asset declaration systems normally cover only a limited number of high level civil servants and appointed officials; nonetheless, the amount of information to be processed can be difficult to manage. If the ACA is tasked to detect eventual wrongdoings, it may be confronted with the challenge of processing and analyzing a great amount of information; in some cases it is important to perform targeted controls (as opposed to random control approaches) based on risk assessment.

■ Funding of political parties

ACAs may be tasked to implement the regulations on financing political parties. These rules typically include: limitation of the contribution that political parties can receive from private entities, to ensure that no private contributor exerts inappropriate influence on the political system; expenditure limits regulating both the amount and the type of expenditure that the parties can perform; and disclosure rules enabling public access to – and monitoring of – information on party financing.

Tools for ensuring compliance with the legislation on financing political parties may include:
– the power to register parties (if/where applicable);
– the power to monitor financial activity, i.e. supervise donations to and expenditure of parties, in order to identify irregularities in the financial flow; many agencies also compile reports and make them accessible to a wider public in order to improve accountability and to act as a deterrent to corruption;
– the power to investigate potential infringements;
– the power to impose administrative sanctions in case of financial misconduct of a party subject to the regulation[33].

33 U4 Anti Corruption Research Centre Help Desk Query on Corruption and Political Party Financing http://www.u4.no/helpdesk/helpdesk/query.cfm?id=8

In addition to ACAs, other agencies may also be responsible or partially involved (e.g. ministries, Attorney General, Legislature Audit office, state comptroller, Electoral Authority). Another increasingly popular option is the creation of an impartial and independent specific agency with administrative and enforcement powers.

ACAs can have various types of mandate in relation to the financing of political parties, ranging from the participation in drafting proposals for the improvement of the existing system of political funding to checking the legality of donations received by parties, alleged violations of the pre-election expenditure limits, annual financial declarations as well as pre- and post-election campaign expenditure declarations[34]. ACAs may perform investigations and impose administrative sanctions for violations. Besides, multi-task ACAs may conduct criminal investigation in cases where there may be criminal liability in relation to financing of political parties.

Guidelines for assessing capacities

The capacities need to perform the functions of this module are related to providing guidelines for the implementation of the mentioned regimes and to performing controls on public officials that may result in administrative sanctions and even criminal investigation (in cooperation with law enforcement authorities).

CAPACITIES	MAIN ISSUES AND SAMPLE QUESTIONS
Enabling Environment	
Legal framework: Coherent legal framework on corruption prevention regimes (on CoI, gifts, asset declarations, political party financing)	Proper legislation, clearly describing the respective regimes, and the role of the ACA under each of them; Clear and broadly accepted mandate of the ACA to operate in these areas; Supportive public service training system to ensure ethics competence throughout the public service, and public servants' awareness of their CoI, gifts and asset declarations related duties. **Sample questions:** – Is the Law covering CoI also defining the competences of the ACA in this respect? – Does the ACA provide trainings of officials on CoI and Gifts? – Does the ACA have material (guidelines and manuals) for these trainings? – What is the procedure that the ACA has to follow to require additional information concerning an asset disclosure form? Does the agency have the power to do that? – Is the law on political financing or other law establishing in detail the mandate of the ACA in this area?

Legal and procedural framework: Perform administrative investigations	Sufficient political will to empower the ACA to conduct effective investigations (translated into sufficient budgetary allocations, provision of human resources and political and administrative support);
	Clear legislation, empowering the ACA to monitor the respective corruption prevention regimes. The ACA should have effective powers to hold office-holders accountable.
	Relevant agencies (e.g. tax authorities, FIUs, banks) should be interconnected with the ACA for exchange of information and required by law to cooperate. Level of actual cooperation with the other agencies involved in enforcing the regulations, including law enforcement authorities.
	Functional independence to shield the ACA from undue pressure or political influence.
	Sample questions: – Are the other agencies cooperating with the ACA for the investigations (sending information and responding to eventual queries)? – Are there IT systems that interconnect the ACA with the other relevant agencies? – Does the ACA have the power to take disciplinary action against civil servants? Are the decisions of the ACA often contested in front of administrative tribunals?

Organizational Level	
Engage stakeholders: Cooperate with the other agencies for implementation of the CoI and Gifts regulations and for the management of the asset declaration systems	Presence of focal points within the ACA for coordination and cooperation with the other agencies; procedures for the exchange of information;
	Integrated databases and technical means for the exchange of information with other agencies having relevant information like FIU, tax administration.
	Sample questions: – Is the database on asset declarations up to date and connected to the one of the tax authority?

Data collection and processing: Control effectively asset declarations and CoI and the legality of Gifts received by public officials	Existence of dedicated units and staff, sound organization of the work of the units in terms of workload, planning, reporting lines and relation between supervisors and supervisees, existence of annual work plans and linkage to broader strategy of the ACA;
	
	 For the *asset declarations*:
	 • internal processes and technical means supporting assets registration process:
	  – filing and storing the declarations in a secure manner;
	  – verifying the data contained in the assets declarations, by corroborating with information from other government bodies, banks, cadastre, money laundering unit, tax authority;
	 • risk assessment methodology for performing effective, targeted control of the asset declarations received, monitor trends, and produce aggregate reports;
	
	 For managing the *CoI system*: procedures and methods for processing data (eventually linking with information from the asset declarations) and perform risk analysis;
	
	 For the *Gifts regulation*: maintaining the necessary registries and archives, in particular IT registration capacity and storage capacity for the surrendered gifts will be needed; existence of specific procedures, manuals and guidelines to perform the gifts related functions prescribed by the law.
	
	 Software allowing fast and efficient data gathering and analysis (while enabling data protection and confidentiality). Connection with databases of other relevant agencies;
	
	 Sample questions:
	 – Are the asset declarations recorded in an electronic database? Are the declarations filed in different years by a public official easily comparable?
	 – Have you developed a risk assessment methodology for the identification of asset declarations to be checked?
	 – Do you have clearly established rules and processes on how to confiscate gifts with value in excess of the legal limit?

Data collection and processing: Verifying the financial declarations of political parties, pre-election and post-election	Effective systems and procedures to collect, store and process the data gathered; Cooperation and coordination with government bodies, banks, cadastre, money laundering unit, tax authority.

Data collection and processing: Verifying the financial declarations of political parties, pre-election and post-election	Sample questions: – Describe the process followed in verifying the financial declarations of a political party. – Has the ACA ever detected any violation of the political party financing legislation?
Communication: Publicizing information to the public, in accordance with the legislation	Presence of communication means to ensure the publication of data of public interest (in respect of the law); existence on an up to date website and utilization of social media. Relation with the local media. Sample questions: – Do you publicize the asset declarations (if required by the law) on your website or through other means? – Is the public data available regularly updated? – Is your data easily searchable by the media and the public?

Individual level

Professional independence of the staff, to ensure that the investigations and controls performed are done timely and without undue influence.

Technical capacities:
• knowledge of CoI management strategies, in-depth ethics competence;
• capacity to establish relevant facts, apply the law and policy, distinguish between • apparent, real and actual CoI;
• good understanding of the national and international standards in the field of CoI management;
• knowledge of the legal provisions and requirements for gifts acceptance and management; capacity to define whether a certain gift should have or should have not been accepted under specific legal provisions;
• capacity to justify the decision taken – if necessary, before the judicial authorities, should the decision of the ACA be challenged in Court;
• clear understanding of the national and international standards on assets disclosure;
• capacity to perform administrative verification process as per the manuals/guidelines;
• statistical literacy and data processing skills;
• performing risk analysis, monitoring trends, producing aggregate reports;
• knowledge of regulations and international best practices on financing of political parties;
• budgeting, accounting, procurement, contracting.

International Cooperation

Developing national anti-corruption policies, including legislation, that are harmonized with international standards and good practices intrinsically implies a dimension of international cooperation. ACAs are typically the national counterparts in initiatives to promote or verify compliance with such standards, for instance with UNCAC or relevant regional instruments. They are also typically the focal point for promoting and managing international cooperation on anti-corruption, and representing the country in international anti-corruption fora.[35]

A particular attention has to be given to the UNCAC, which is the most comprehensive international treaty on anti-corruption and has been ratified or acceded to by the vast majority of countries in the world (as of 2011, there are over 150 parties to the Convention). The UNCAC provides for international cooperation through several articles, e.g. art.5.4 (on corruption prevention), art.60 (on training and technical assistance), and the full Chapter IV (the latter mostly concerned with international cooperation on law enforcement, such as extradition, mutual legal assistance, joint investigations). Art.6.3 of the Convention requires the States Parties to designate or create an authority or authorities responsible for implementing and coordinating the implementation of prevention of corruption policies and activities, and for international cooperation in this area; in many countries this role has been assigned to ACAs.

In November 2009, the Conference of the States Parties to the Convention adopted a Mechanism for the Review of Implementation of the UNCAC. According to the Mechanism States Parties under review are requested to fill in a comprehensive UNCAC Self-Assessment Checklist and to send their Self-Assessment Reports to the Secretariat of the Convention (United Nations Office on Drugs and Crime - UNODC).

UNDP has developed a Guidance Note for the UNCAC Self-Assessment[36] and supports countries undergoing this process. The Note highlights the importance of engaging relevant stakeholders in a participatory process that allows exploiting the potential of the exercise as an advocacy and awareness raising tool for the introduction of anti-corruption measures; in view of the fact that anti-corruption responses should be coordinated and comprehensive, it also encourages countries to cover all the chapters of the UNCAC through the self-assessment. ACAs are typically

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[35] For example, in Eastern Europe and the Commonwealth of Independent States such fora include the Council of Europe Group of States Against Corruption (GRECO), the OECD Anti-Corruption Network, and the Regional Anti-Corruption Initiative for South-Eastern Europe.
[36] The Guidance Note (Available at http://www.undp.org/governance/focus_anti-corruption.shtml) provides a detailed roadmap for the UNCAC self-assessment

playing a key coordination role in the UNCAC self-assessment (this function is covered in detail under Module B – "Anti-Corruption Policy Formulation and Implementation").

In general, ACAs may serve a "clearing house" function for discussions with international organizations and bilateral donors on specific technical assistance in support of anti-corruption activities. They do not, however, typically have the lead role in establishing law-enforcement related cooperation protocols such as mutual assistance in criminal matters and extradition treaties, or representing the country in sector-specific international regimes, such as the association of Supreme Audit Institutions (INTOSAI). Nevertheless, ACAs should have an overview of the various international anti-corruption related networks in which the country and individual institutions participate.

Guidelines for assessing capacities

This function requires:
– in-depth knowledge of international legal instruments and cooperation frameworks;
– capacity for international communication;
– communication and coordination with all relevant national institutions (involved in international cooperation).

CAPACITIES	MAIN ISSUES AND SAMPLE QUESTIONS
Enabling Environment	
Legal framework: Authority of the ACA to represent the country in international fora and/or act as "clearing house" for international cooperation	Clear specification of ACA's role in international cooperation. This is particularly important to avoid confusion and duplication in countries where other institutions are also prominently involved (e.g. the Ministry of Justice may be the coordinating agency on international conventions and this may include UNCAC). **Sample questions:** – Is the legal framework clear with respect to ACA's role in international cooperation, and is it well understood and applied in practice? – Is the ACA usually representing the country in international anti-corruption fora? In case of specialised fora that may involve other agencies (e.g. law enforcement), is the ACA also participating alongside sector representatives? – Is the ACA explicitly designated as UNCAC art.6 agency? Is the ACA the coordinating agency for the UNCAC implementation review process in the country (in particular the self-assessment exercise)?

Institutional arrangements and coordination mechanisms: Effective communication and coordination with other public institutions involved in international cooperation on anti-corruption	Existence of effective coordination mechanisms proven in practice. **Sample questions:** – Does the ACA have an overview of technical assistance to the country from international donors on anti-corruption? – Is the ACA regularly called upon to facilitate international contacts and cooperation? In what specific areas? – Which are the national institutions with which the ACA cooperates most closely on matters related to international cooperation?
Resources: Funding for participation in international for a	Existence of a budget to cover representation costs by the ACA in international anti-corruption fora and other types of exchanges and cooperation. **Sample questions:** – How often is the ACA declining to participate in relevant international events or other activities due to lack of funding?
Organizational Level	
Representation: Capacity to formulate positions and effectively represent the country in international fora	Existence of dedicated unit for international cooperation, properly staffed and able to develop background materials and position papers to support representation in international fora. Ideally, senior management would be involved in representation and international cooperation (some ACAs have a deputy director in charge with international cooperation); frequent representation of the country in international anti-corruption fora by diplomatic personnel may be a symptom of ACA's weak capacities in this area (at the enabling environment and/or organizational level). **Sample questions:** – Who represents the country at the UNCAC Conference of State Parties and in the UNCAC Implementation Review Group?
Engage with partners: Capacity to engage in cooperation with international counterparts	Track record of international cooperation developed or facilitated by the ACA (e.g. study visits, staff exchanges, twinnings, bilateral relations, provision or receipt of international technical assistance, ongoing sharing of expertise with counterparts from other countries, personal contacts at international level of ACA management and ACA staff).

| **Engage with partners:** Capacity to engage in cooperation with international counterparts	International visibility of the ACA. **Sample questions:** – With which international partners does the ACA have an ongoing cooperation? – Has the ACA facilitated international cooperation involving other agencies? Is the ACA able to assess the effectiveness and impact of such cooperation?

Individual level

Technical capacities:
- foreign language skills;
- knowledge of the range of national anti-corruption policies;
- public speaking and presentation skills;
- knowledge of international anti-corruption instruments, of good practices and anti-corruption approaches and remedies at international level.

Almost invariably, anti-corruption agencies are responsible for handling complaints. In order to generate complaints, the anti-corruption agency will have to reach out through multiple media to familiarize citizens with ways and means to reach the anti-corruption agency. The anti-corruption agency's website should give clear guidance on what allegations and complaint are acceptable by the anti-corruption agency, the information to be provided, the means (via email, SMS, telephone, fax, letter, in person, etc), and whether or not the allegation is to be treated confidentially. Staff should record and enter the allegation or complaint, with a unique number, and documentation into a secure paper-based or computerised system. The information will need to be verified as new to the anti-corruption agency, as not having been sent to another agency and as having sufficient information to check the complainant. The anti-corruption agency should also check the basis for the allegation, the existence of the official or agency complained about, whether or not

Box XX.

Complaints Management Cycle in the Bhutan Anti-Corruption Commission
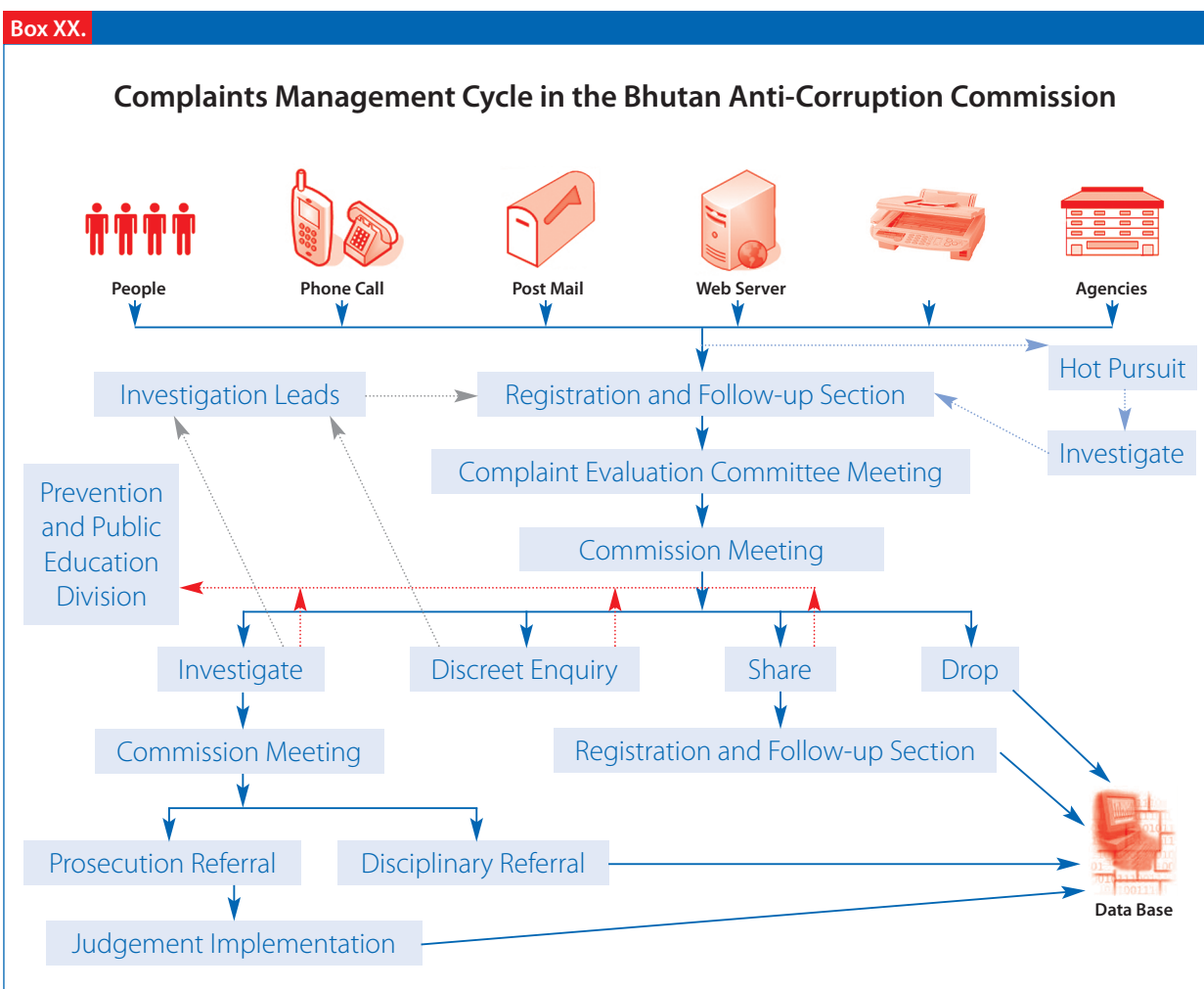
the complaint falls within the legislative responsibility of the anti-corruption agency and, within that responsibility, within the criteria set for the acceptance of cases.

There needs to be multiple layers of confirmation on the next steps for every case. The case may either require more information, or could be investigated, held for intelligence, sent to another agency, or not proceeded with. Every decision should be motivated. An initial evaluation sheet for every complaint with objective criteria may be useful in the process.

Guidelines for assessing capacities

This function requires:
– Capacity to receive complaints, process complaints, share them with institutional partners, and report to oversight bodies on these complaints;
– Capacity to review complaints, handle them with sensitivity, and communicate adequately on the outcomes to the public.

CAPACITIES	MAIN ISSUES AND SAMPLE QUESTIONS
Enabling Environment	
Social, economic and political context: Capacity to receive complaints	In traditional and closely knit societies, people may be reluctant to report corruption to the ACA; The accessibility of the ACA influences the number of complaints received. The ACA's remoteness from rural populations, for example, may discourage them to report corruption. Some complaints may not be related to corrupt activities, but simply venting out frustrations and not focusing on the actual corruption issues; People may report wrong/inadequate information in their complaints; **Sample questions:** – Are there any reasons (social, cultural, economic or political) for people not coming forward with complaints? – Have the number of complaints to the anti-corruption agency risen since the establishment of the anti-corruption agency? – What is the percentage of anonymous complaints? – Has the public been educated on how to file complaint, the types of complaint that can be filed? – Is any system in place to get back to complainants where information is wrong or missing?

Institutional arrangements and coordination mechanisms: Capacity to share complaints among institutions	If the Auditor-General's Office doesn't share its corruption findings with the ACA prior to its audit report is published, then the suspects may erase evidence upon the report's publication; Some ministries may not accept anonymous complaints. The non-recognition of anonymous complaints by other agencies may lead to overburdening the ACA; MoUs or reporting templates may not be available to share information from the ACA to departments in the public administration; Other institutions, such as the Police, may be receiving complaints about corruption. **Sample questions:** – Are Ministries allowed to receive anonymous complaints? – Are complaints being exchanged (formally or informally) between the Auditor-General's Office and the anti-corruption agency? – Is the Police handling any complaints on corruption? Do they share any complaints on corruption with the anti-corruption agency? – Are any MoUs required to facilitate the exchange of complaints among institutions? – Are any other institutions receiving corruption complaints?
Legal framework: Capacity to handle complaints	The law may not explicitly provide the power to handle complaints to the ACA **Sample questions:** – Is the anti-corruption agency mandated by law to handle complaints?
Accountability: Capacity to report to oversight bodies on the number of complaints received and how they have been dealt with	The ACA may not properly register and keep track of received complaints; The ACA may not report on its complaints handling in its annual report. **Sample questions:** – Are statistics on the number of complaints available and on their outcomes? – Have oversight bodies, such as the parliament, the public council or the centre of government, received any reports on complaints volume and outcomes?

Organizational Level	
Leadership: Capacity to take up cases	ACA leadership may interfere inappropriately in processing some complaints. **Sample questions:** – Is the leadership facilitating or obstructing the handling of complaints?
Strategic planning: Capacity to plan the necessary resources for the intake and handling of complaints	The complaints handling unit may lack appropriate resources to adequately process complaints. **Sample questions:** – What is the strategic guidance for the handling of complaints within the anti-corruption agency?
Organizational structure: Capacity to deal with the inflow of complaints	The ACA will require staff capacity and procedures for complaints intake and processing; **Sample questions:** – Are all incoming complaints recorded? – What is the procedure in place for reviewing complaints? – What are the possible outcomes of the review process (investigation, discreet enquiry, sharing with other institutions, dropping)? – What happens with the complaints that are dropped? Are they recorded and filed? – What are the criteria for selecting complaints for investigation? – Who is responsible for reviewing complaints and making follow-up recommendations? – Who takes the final decision in terms of complaints processing? – Are those reviewing complaints required to sign any conflict of interest declarations prior to assessing complaints?
Human resource management: Capacity to register and review complaints	The ACA will require trained staff to deal with all sorts of complaints, such as walk-in complaints, hotline complaints, and emailed complaints; The ACA will require trained staff to assess complaints on their merits; The ACA staff reviewing complaints should have no conflicts of interest in handling the complaints.

Human resource management: Capacity to register and review complaints	**Sample questions:** – How many staff are assigned to register and review complaints? – What are the main responsibilities of these staff? – Are there any conflict of interest provisions in place for complaints handling?
Knowledge and information management: Capacity to draw information from received complaints	The ACA may not systematically archive its complaints. **Sample questions:** – Does the anti-corruption agency have a computerized case management system? – Are all dismissed complaints kept in a database?
Communication: Capacity to communicate professionally about complaints handling	Complaints may comprise false allegations. Every complaints needs to be handled with sensitivity and discretion; The public needs to be aware about the number and types of complaints received by the ACA; Rights to privacy and presumption of innocence need to be balanced with access to information and right to information on ACA's activities. **Sample questions:** – Does the anti-corruption agency communicate regularly to the public about the volume and the types of complaints? – What means are used to communicate about complaints? – Does the anti-corruption agency protect the privacy of the whistleblower and the suspect? What measures are in place to ensure this?
Monitoring and evaluation: Capacity to monitor and evaluate the volume, nature and quality of complaints, as well as their handling	ACA's may streamline complaints handling processes by monitoring and evaluating them, and progressively improving the procedures; **Sample questions:** – Does the anti-corruption agency monitor and evaluate the volume, nature and quality of complaints? – How does it achieve this? – Have the procedures for handling complaints ever been evaluated?

Monitoring and evaluation: Capacity to monitor and evaluate the volume, nature and quality of complaints, as well as their handling	ACA's may streamline complaints handling processes by monitoring and evaluating them, and progressively improving the procedures; **Sample questions:** – Does the anti-corruption agency monitor and evaluate the volume, nature and quality of complaints? – How does it achieve this? – Have the procedures for handling complaints ever been evaluated?
Training and mentoring: Capacity to follow complaints management procedures	All steps in the complaints handling process will require trained staff? **Sample questions:** – Are those staff handling complaints properly trained on the procedures for doing so? – Have staff been trained to receive complaints?

Individual level

Technical capacities:
• Good analytical skills to assess complaints;
• Ability to write clear motivations for taking up, dropping or sharing complaints;
• Legal knowledge about all possible corruption offences;
• IT skills;
• Ability to operate computerized case management system.

Detection

■ Establishing points to proof by law

Investigators need to be able to establish the points to proof by law for specific offences. This is necessary to ensure that the investigations and the offences they seek to proof fall within the legal responsibility of the anti-corruption agency, as well as to ensure that the offences are likely to be acceptable to the prosecutor and in line with the prosecutor's criteria on the likelihood of conviction. Depending on the anticipated difficulty to proof specific points, the anti-corruption agency may decide to pursue an alternative charge, such as a money laundering offence as opposed to a bribery offence, or a lesser charge if it leads to more effective sanctions, such as confiscation on conviction, or dismissal/disqualification from public office. If investigators are not trained or the investigations are not led by prosecutors, then prosecutors should be involved at an early stage during an investigation. Such an approach should also take place during case reviews during investigations.

■ Gathering intelligence/Discreet enquiries

All law enforcing anti-corruption agencies rely heavily on intelligence – which is analysed, assessed and graded information. Information comes from a range of sources, but includes that obtained from overt and covert sources, specialist techniques (such as intercepts and surveillance), people, documents, archives, electronic data, and so on. The anti-corruption agency may have staff whose role is specifically to do this, or they rely on investigators. In both cases, the information needs to be collected, recorded and stored in a structured way, including its confidentiality and access. Many countries now have data protection legislation that, if it is not exempt, governs what information is held and retained, shared and used. Analysing volumes of data often involves data-mining and data-matching software, and software that then plots the intelligence in ways that either inform the progress of the investigation or identifies information that, subject to legal requirements, will become evidence. A further approach is the use of analytical tools that plots the intelligence in a structured way, including association charts, flow charts, schedules, timelines and so on, to provide pictorial representations to facilitate investigations.

■ Data analytics

Given advances in technology including developments in the area of cyber-crimes, data analytics has become an essential tool in the arsenal of anti-corruption investigators. In short, data analytics can be understood as the process of examining raw data with the purpose of drawing conclusions

such as red-flags to direct investigations towards potential fraudulent activities or risks. In terms of investigations taking place within the public sector, governments today store tremendous amounts of electronic information including databases consisting of the national population register (death, births and marriages), government employees, businesses or entities that supply goods to government, as well as various additional information about citizens - such as those who receive government benefits, for example, in terms of social grants, subsidies, pensions and licenses. Particularly, in the area of procurement fraud, data analytics provides investigators with an opportunity to examine various electronic databases held by government, for example comparing a department's or ministry's personnel database against its supplier database to see whether there are any indications of conflicts of interest by way of public sector employees having interests in, or receiving benefits from, entities providing service to government (see also the illustrations in Box x).

The process used by the data analyst is conducted in four stages. Firstly, they must ensure that they have a good understanding of the rules surrounding the particular data sets and that all the relevant data is received. Secondly, the analyst must standardize the data from the various databases to ensure that the information is in a uniform format and special characters are removed. Thirdly, the analyst begins a process of running various diagnostics or tests on the data to see whether there are any potential irregularities. Such irregularities are called 'red-flags' which may not be evidence as such for court proceedings, but is information that can direct the investigation team towards potential wrong-doing. Fourthly, the data analyst should produce a report for the investigative team highlighting instances where employees or suppliers have been red flagged repeatedly, the findings of which can be the basis upon which further investigations can unfold.

Box 17.

Illustration of Outcome of data analytics exercise

Illustration of a Government entity (South Africa Social Security Agency - SASSA) and how their staff member, Peter James, a senior Supply Chain Management official, has interests in 3 companies shown at the bottom left of the illustration. One of the companies that Peter James is a director of also has a director named Simon Moses. Simon Moses is also a director of a company called Simon-Peter Suppliers, trading as SP Suppliers. SP Suppliers is listed as a supplier of SASSA and there is a strong possibility that SP suppliers was awarded the work due to the influence of Peter James, a *prima facie* conflict of interest.
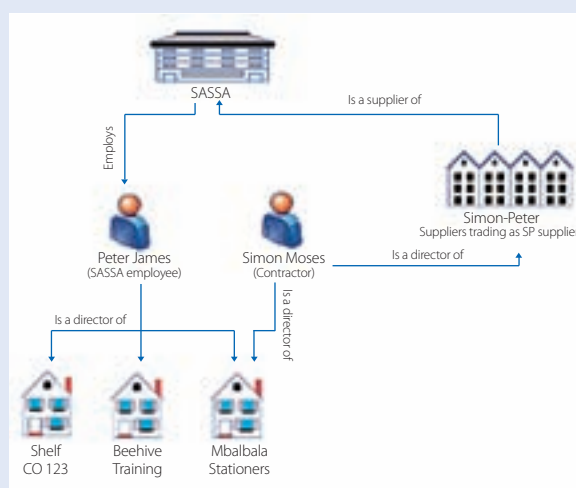
Guidelines for assessing capacities

This function requires:
– Capacity to share intelligence among agencies, collaborate closely with other institutions, and analyze data sources;
– Capacity to review data and determine points to proof;
– Capacity to undertake complex detection activities.

CAPACITIES	MAIN ISSUES AND SAMPLE QUESTIONS
Enabling Environment	
Social, economic and political context: Capacity to detect corruption	Political will is required to allow the ACA to undertake intrusive detection of corruption activities. **Sample questions:** – Is the political establishment supportive of special techniques to detect corruption? – Have any political parties suggested to pass new legislation to facilitate the detection of corruption?
Institutional arrangements and coordination mechanisms: – Capacity to collaborate closely with the Prosecutor's Office – Capacity to share intelligence among agencies	Usually ACAs do not have the final say on whether a case can be brought before the courts; A good understanding is essential between the Prosecutor's Office and the ACA on corruption cases under investigation and points to proof; Data analytics is premised on close coordination between all agencies involved. **Sample questions:** – Is any MoU in place with the Prosecutor's Office? – Are any human resources shared between the anti-corruption agency and the Prosecutor's Office? – Are any MoUs in place with other intelligence gathering agencies? – Are any other institutions involved in data mining? – Is intelligence shared between different institutions involved in intelligence gathering or data mining?
Legal framework: – Capacity to glean points to proof from the law – Capacity to gather intelligence	Legislation is required on evidence in penal cases, on privacy and data protection. In some countries, this legislation may be lacking and needs to be developed for the ACA to work in a strictly legal context.

Legal framework: – Capacity to glean points to proof from the law – Capacity to gather intelligence – Capacity to do data analytics	**Sample questions:** – Is there an evidence act or piece of legislation that clearly defines the points to proof for every corruption offence? – Is there legislation and rules and procedures for gathering intelligence through intercepts, surveillance, informants, etc.? – Is there any legislation on the right to privacy? How does it affect the detection of corruption? – Is there any data protection legislation? – Is there any law on state secrets which may hamper the gathering of intelligence? – Is there legislation on data analytics?
Accountability: Capacity to detect corruption in full conformity with the law	Detecting corruption can be an intrusive process. The necessary checks and balances need to be in place to ensure full compliance with human rights law. **Sample questions:** – Are any oversight bodies involved in ensuring there are no human rights violations in the course of detecting corruption? – Is there any national human rights institution in the country? – Have they ever received any complaints about breaches of privacy?
Organizational Level	
Leadership: Capacity to undertake detection activities	Considering the sensitive nature of detection, approval by senior management is generally required. **Sample questions:** – Is the leadership supportive of detection of corruption activities?
Strategic planning: Capacity to plan the necessary resources for the detection of corruption	Corruption detection is resource intensive. **Sample questions:** – What does the strategic plan and work plans say about detection of corruption? – What budget is allocated for the detection of corruption?
Organizational structure: Capacity to detect corruption and safeguard intelligence	ACAs usually have specialized units for intelligence gathering, discreet enquiries, or data analytics; Data protection in the ACA will avoid leakage of sensitive information. **Sample questions:** – What division is responsible for detecting corruption?

Human resource management: Capacity to undertake detection activities	Corruption detection requires specialized staff. **Sample questions:** – How many staff are assigned to detect corruption? – What are the main responsibilities of these staff?
Knowledge and information management: Capacity to share intelligence within the organization	Any information gathered through intelligence activities, discreet enquiries or data analytics should be adequately stored and searchable. **Sample questions:** – What systems are in place to share any gathered intelligence?
Monitoring and evaluation: Capacity to monitor and evaluate the contribution of the detection activities	ACAs can optimize their detection capacity if they monitor and evaluate their practices in order to improve them. **Sample questions:** – Does the anti-corruption agency monitor and evaluate its detection activities? – What are the success stories in terms of detection? – What has been the overall contribution of detection activities to the anti-corruption agency's work?
Training and mentoring: Capacity to undertake detection in accordance with the law	Specialized training is required for staff undertaking detection of corruption activities. **Sample questions:** – Are all staff involved in the detection of corruption properly trained on techniques and applicable legislation? – Is any mentoring taking place (or required) in the case of detection of corruption?

Individual level

Technical capacities:
• Legal knowledge about all possible corruption offences;
• Ability to use interception technologies;
• Ability to do data analytics;
• Ability to undertake surveillance actions;
• Ability to write intelligence reports;
• Ability to integrate gathered intelligence in a computerized case management system.

Module K:

Conducting Investigations

Most law enforcing anti-corruption agencies have paper-based or computerised procedures that cover all aspects of investigation, including the investigation plan and tasks (which carries details of the case, background information, investigation scope and objectives, and resources), policy reviews on progress and tasks (and including any – approved - variations from original plans and tasks), an investigation report at the end of the investigation (including a summary, investigation process, findings, conclusion and recommendation, together with appropriately numbered documentation) and, after a court case or other sanction, a closure file. During investigations all investigators should complete an investigations diary – provided within the Manual - of all their actions based on the field book. The diary is later consolidated and becomes part of the case file.

■ Surveillance

Surveillance involves monitoring of individuals and activities associated with the investigation. All surveillance is an expensive and intrusive technique that will need to be assessed against other potential sources of both intelligence or evidence as to its value and importance. Surveillance will, depending on the legal context, will need justification and authority for initiation, and full recording on implementation. In relation to surveillance of people, these will involve static and mobile surveillance, both of which will require sufficient resources to allow continual coverage. For activities, including bank account monitoring, intrusive surveillance (use of bugging or tracking devices) or telephone and email intercepts and monitoring, specialist access and equipment will be necessary. All surveillance work normally requires specialist staff.

■ Interviewing witnesses and suspects

The first point about interviewing either witnesses or suspects is that no interview takes place until the investigator has as much intelligence or information as necessary to make interviews worthwhile. Interviews of witnesses are part of the process of collecting further information, having material explained, confirming or validating information, and so on. Witnesses would also be assessed as to their credibility and value as a witness in court. Suspects may be, depending on the legal context, interviewed for facts or in terms of formal statements as to possible offences. Often suspects are interviewed in a specific order in case the legal system allows plea-bargaining or other means of turning lesser suspects into witnesses. Most countries now use variations of structured interview techniques or conversation management, depending on the purpose of the interview, and most require contemporaneous note-taking or tape-recording as a formal (and admissible) record.

■ Protecting witnesses, experts and victims

While many corruption investigations are financial crime scene inquiries, and the case often built on documentary evidence, some cases will require key witnesses (such as those who saw payments being made) or experts (who can explain to judges, assessors or juries both the nature of the financial activities and what they may mean in terms of what they say about corrupt relationships or the acquisition of illicit assets) or victims (who can witness how they were deprived of funds or assets by the suspects). In some cases some means may be necessary to avoid intimidation prior to a trial taking place, or some means to ensure the evidence is presented in ways that protects the intimidation or anonymity of any such witnesses when in the court. These may be physical – such as the presence of anti-corruption agency or law enforcement officials at the person's address – or may be in terms of temporary relocation until the trial begins or may be in the use of technology to allow evidence to be presented form another location.

Sometimes such threats do not continue after the conclusion of a trial. In the case of those that do (for example a public official in terms of security of their appointment) then some form of legislative protection may be introduced to safeguard terms and conditions of employment (and how good whistleblowing legislation is developed). Where the threat is both physical and likely to be continuing, then some form of witness protection programme may be used. These, however, are costly, complicated and lengthy; they should only be considered where conviction is either unlikely or negated without the presence of the witness and should be subject to appropriate costed, risk-assessment and other established procedures, and usually shared with other law enforcement agencies.

■ Open source information gathering

'Open Source' is a term for the collection of information from any source that is available to any citizen. This would include, in terms of surveillance work, working past a suspect's house to verify its existence. Open source also includes publicly-accessible documents (such as the voters roll in the UK or Executive appointment tax and asset declaration forms in the USA) held in paper or electronic format. In most cases, Open Source relates to internet searching which will include free and fee-based sources and databases. There are a number of well-known techniques to focus and target the searching, often known as Deep Web Searches.

■ Searching individuals, premises and/or technological devices

During investigations, there could be a requirement to secure material before awareness of the investigation is known and/or alteration or disposal. This may be held on individuals, in premises in paper form or, for both, in electronic form. All such activities will be undertaken under rules of investigation and, for relevant countries, human rights legislation (which, in terms of good

practice, require such activities are undertaken in terms of reasonableness, proportionality and respect for privacy). Legislation should prescribe the procedures for searching individuals, in reference to gender, faith, etc. Searching electronic devices – laptops, PCs, mobiles, PDAs, etc. – requires both technical support, specific procedural rules (including whether or not to switch off the device, guarding against remote-access interference, etc.), and (usually software-based) means to extract data, all of which are intended to secure the devices for evidential purposes. All searches should be undertaken to pre-determined procedures, with actual searches mapped and/or video-recorded, exhibits formally recorded and secured, etc. All intended searches of individuals and premises should be risk-assessed in terms of health and safety of investigators. Some larger investigative agencies designate a member of staff and/or investigative team to take overall responsibility for searches.

■ Requesting information from individuals and/or institutions, including banks

Most jurisdictions will have legislation under which law enforcement and other agencies can require interviews, production of documents and data, and other access to potential evidence during the course of an investigation (and particularly after the arrest of suspects or interviewing under a legal procedure). Accessing information held by financial institutions or certain professionals, such as doctors or lawyers, is often more difficult. Certainly information from financial services institutions, such as banks, are also governed by confidentiality legislation and require a formal order from a prosecutor or court. Requesting information from foreign jurisdictions further depends on the treaty relationships between countries and would require a formal procedure that can be lengthy. Those countries with a Financial Intelligence Unit (FIU) and money laundering legislation will have access to information reported to the FIU under its suspicious transactions/activities reporting arrangements. Some countries now have legislation that ensures that potential suspects are not alerted and that potential illicit assets are not moved.

■ Reading financial statements

Corruption investigations are often financial crime scenes. Investigators, or recruited external experts (often forensic accountants), will need to understand banking, procurement procedures, contracts and company accounts to be able to track and trace the movement of funds, as well as understand how and where that money may be moved and used, such as financial instruments, investments, businesses and trading entities where proceeds can be laundered. One particular technique is the ability to 'read' a potential suspect in financial terms – lifestyle, income/expenditure analysis, and so – through banking, credit card, assets, property and other documentation. Similar competences will be necessary in relation to foreign jurisdictions and overseas banks. One additional benefit of such competences is the calculation of value of proceeds in terms of asset tracing, restraint and possible confiscation.

■ Managing files

As noted in relation to conducting investigations, all investigations should work through established procedures, including the use of templates and other frameworks to record the progress of an investigation and all supporting documentation, including interviews, lists of seized documents, etc. Recording also provides for continuity of evidence, protecting it from allegations of interference or loss. The completeness, up-to-date nature and accuracy of the files has two purposes. First it means that any investigator trained in the same procedures can assist in or take over an investigation. Second, the file will be the basis on which a case-review official prosecutor can decide the progress or direction of an investigation and/or whether there is sufficient evidence to consider taking the cases to court. Some larger investigative agencies designate a member of staff and/or investigative team to take overall responsibility for file management.

■ Ensuring evidence integrity

In a number of jurisdictions, particularly those with human rights legislation which interprets all investigations as a potential breach, the presentation of all evidence should be free from challenge as to its source, its legitimacy, the security, confidentiality, continuity and monitoring under which it has been held, and its freedom from interference, tampering or alteration. This – evidence integrity – may be challenged as inadmissible if the defence can argue that it would be unsafe to rely on that evidence because a breach of any of the above. This can be particularly true of computer hardware and data.

■ Arresting and detaining individuals

Arresting suspects in corruption cases is often not a responsibility of an anti-corruption agency where such powers lie with the prosecutor and/or law enforcement. The decision to arrest often comes at the end of the investigation when the investigator or prosecutor considers there is enough evidence to proceed to court – most corruption cases, unlike most criminal cases, are financial crime scenes where there are often no obvious victim, the suspects and the crime is known but the means (the bribe, etc.) has to be identified and proved (in criminal cases, the means (the gun, etc.) and the victim are known but the suspects have fled. On the other hand, formal arrest has the advantage of allowing the anti-corruption agency to control the suspect (for example, securing their passport, requiring production of documents and interviews) and place them in a stronger position, if in an appropriate legal environment, to consider them as witness against a more important suspect or to negotiate an appropriate sanction.

Guidelines for assessing capacities

This function requires:
– Capacity to collaborate closely with the Prosecutor General's Office, the police, and financial institutions, among others;
– Capacity to undertake complex investigations in line with Standard Operating Procedures;
– Capacity to manage cases in compliance with human rights principles.

CAPACITIES	MAIN ISSUES AND SAMPLE QUESTIONS
Enabling Environment	
Social, economic and political context: Capacity to investigate corruption	ACA investigations need to be free from political interference; Political support for ACA investigations will strengthen the institution's standing in public opinion. **Sample questions:** – Is the political establishment supportive of corruption investigations? – Have any political statements undermined on-going corruption investigations? – Has there been any interference by politicians in the conduct of investigations?
Institutional arrangements and coordination mechanisms: Capacity to collaborate closely with other national institutions	ACA investigations depend on close collaboration with other institutions such as the Prosecutor General's Office, the police and the financial institutions. **Sample questions:** – Does the anti-corruption agency sometimes collaborate with the police to investigate cases? – How does the police support corruption investigations? – What is the role of the prosecutor in the investigation process? – Do any prosecutors support the investigation process? – Is the prosecutor generally satisfied with the investigation files forwarded to his/her office? Have any investigation files been returned for further investigations? – Does the anti-corruption agency work closely with the Financial Intelligence Unit? – Are the banks collaborative in responding to requests for financial information? – Are national institutions collaborative in responding to requests for documents?

Legal framework: Capacity undertake investigations	A legal mandate is required for ACAs to undertake investigations; Many ACAs lack a legal mandate to undertake investigations; Investigations need to be circumscribed by a agency of law on privacy, human rights, and witness protection. **Sample questions:** – Does the law authorize the anti-corruption agency to undertake investigations? – Which offences is the anti-corruption agency authorized to investigate? – What is the agency of law that governs corruption investigations? – Are there any specific laws on special investigative techniques? – Are there any laws on state secrets which hamper effective corruption investigations? – What date protection and privacy laws are applicable in the country? – Does the anti-corruption agency have the legal power to request documents from other institutions? – Does the anti-corruption agency have the legal power to request financial information from Banks on suspects? – Is there any whistleblower protection legislation?
Accountability: Capacity to review delayed or closed investigations	ACAs are accountable for the investigations led under their leadership; Any delays or lack of progress in specific investigations needs to be fully justified. **Sample questions:** – Is any oversight agency able to review slow progress on specific investigations? – Is any oversight agency authorized to review the decision to end an investigation into a specific case? – Is any oversight agency authorized to order the re-opening of a closed investigation?
Organizational Level	
Leadership: Capacity to support investigations	The leadership may be under pressure from the government not to investigate specific cases.

Organizational Level	
Leadership: Capacity to support investigations	**Sample questions:** – Is the leadership sufficiently independent from the executive to support investigations into high-profile corruption cases?
Strategic planning: Capacity to plan investigations	Investigations are resource intensive undertakings. They need to be properly planned. **Sample questions:** – What is the budget allocation for investigations? – Is the budget linked to the number and complexity of on-going investigations? – Has there ever been any budget shortage to undertake investigations? – How are investigations planned? – Is there an investigation team for every case with clearly defined roles for every team member? – Do the investigators fill out investigation reports and investigation progress reports?
Organizational structure: Capacity to investigate corruption	Without proper procedures for investigation, the investigators risk making professional mistakes or abusing their powers or both; Templates for investigations actions facilitate the investigation work; ACAs are responsible for the personal safety and physical integrity of the persons they interview or detain. **Sample questions:** – Does the anti-corruption agency have SOPs or Manuals for conducting investigations? – What system is used to keep records? – Is there a computerized case management system? – Does the anti-corruption agency have adequate interviewing rooms with CCTV? – Does the anti-corruption agency have secure accommodation and files? – Does the anti-corruption agency have any detention facilities?
Human resource management: Capacity to conduct investigations	Investigators need to avoid any conflicts of interests in corruption cases under their investigation; Investigations need to be properly planned and adequate allocation of staff resources is required to avoid ineffective investigations and overburdened investigation staff.

Human resource management: Capacity to conduct investigations	**Sample questions:** – How many staff are assigned to investigate corruption? – Do investigators have to fill out a conflict of interest declaration before taking up specific cases? – What are the main responsibilities of these staff? – What are the internal work allocation criteria? – Is team work used? – Who allocates cases? – Does the anti-corruption agency use outside experts for cases?
Knowledge and information management: Capacity to undertake pro-active investigations	Based on data analytics or system studies, it may be possible for ACA investigators to conduct pro-active investigations. **Sample questions:** – Does the anti-corruption agency undertake proactive investigations? – What is the percentage of reactive and proactive investigations?
Monitoring and evaluation: Capacity to monitor and evaluate the contribution of investigations to the anti-corruption work of the agency	ACAs need to follow-up on their investigation findings to ensure these lead to convictions in the court; M&E the investigation work may lead to improved procedures and higher success rates in conviction of suspects. **Sample questions:** – Does the anti-corruption agency monitor and evaluate its investigation activities? – What are the lessons learned and success stories in terms of investigation? – Is the outcome of investigations monitored as the files move on for prosecution and adjudication? – How many investigations have ended up in successful convictions?
Training and mentoring: Capacity to conduct investigations in accordance with standard procedures and the laws	Investigation into corruption can be very complex and technical, hence proper training for all investigators is required. **Sample questions:** – Are all staff involved in the investigation of corruption properly trained on standard operating procedures, techniques and applicable legislation? – Is any mentoring taking place (or required) in the case of investigation of corruption?

Individual level

Technical capacities:
- Forensic accounting expertise;
- Ability to read financial statements;
- Familiarity with procurement rules and regulations;
- Legal knowledge about all possible corruption offences;
- Ability to use interception technologies;
- Ability to do data analytics;
- Ability to undertake surveillance actions;
- Ability to write investigation reports;
- Ability to integrate data in a computerized case management system;
- Ability to arrest and detain individuals.

Module L:

Module L: Prosecution

Prosecution has an obvious retributive value in that those involved in corruption are seen as not immune from the rule of law and criminal justice processes. In a number of jurisdictions, a conviction is necessary to trigger confiscation proceedings as an integral part of the process, both domestically and in terms of international applications for recovery. Prosecutions in some jurisdictions, however, may be problematic and a lengthy trial and/or failure to secure a conviction can be counter-productive to the public credibility of an anti-corruption agency. Decisions to prosecute, therefore, should not only involve or be taken by the prosecutor, depending on the jurisdiction, but also be taken in terms of the purpose of the prosecution (retribution or restitution of illicitly-acquired assets, or both), the strength of the case file, witnesses and other material, and the likely outcome. Usually, the Prosecutor-General is responsible for prosecution. However some anti-corruption agencies may also have prosecution powers. In some instances, legislation authorizes anti-corruption agencies to prosecute only in the event that the Prosecutor-General is unable or unwilling to prosecute a case in court.

Guidelines for assessing capacities

This function requires: – Capacity to prosecute suspects before the courts; – Capacity to compile prosecution files and initiate prosecutions.	
CAPACITIES	**MAIN ISSUES AND SAMPLE QUESTIONS**
Enabling Environment	
Social, economic and political context: Capacity to prosecute	Prosecution is usually a prerogative of the Prosecutor-General's Office. The alternative will require political will. **Sample questions:** – Is the political establishment supportive of corruption prosecutions? – Is this evidenced in public statements or legislative support?
Institutional arrangements and coordination mechanisms	Prosecutions are generally reliant on the Prosecutor-General's Office and the courts to be successful.

Institutional arrangements and coordination mechanisms: Capacity to collaborate closely with the prosecutor/courts	**Sample questions:** – What is the role of the anti-corruption agency in terms of prosecutions? – Do the anti-corruption agency investigators support the prosecution process of the cases they have investigated? – Is there any MoU on prosecution of cases with the Prosecutor-General? – Does the Prosecutor-General report back regularly on the cases forwarded by the anti-corruption agency? – How many cases are in court at the moment? – What is the annual conviction/acquittal rate? – What is the longest period of a current case awaiting a hearing?
Legal framework: Capacity to prosecute corruption cases	The Constitution may not allow for ACAs to assume the mandate of prosecution; A Constitutional or legal revision may be required to allow for ACAs to prosecute corruption cases. **Sample questions:** – Is the anti-corruption agency authorized to prosecute cases in court? – Is the anti-corruption agency authorized to prosecute cases in court in case the Prosecutor-General is unable or unwilling to prosecute the case?
Accountability: Capacity to review delayed prosecution	Delayed prosecution undermines ACA's ant-corruption efforts. **Sample questions:** – Is any oversight agency able to review slow progress on specific prosecutions? – Is any oversight agency authorized to review the decision to end the prosecution of a specific case? – Is any oversight agency authorized to order a prosecution to move ahead?
Organizational Level	
Leadership: Capacity to support prosecutions	ACA senior management may be apprehensive about prosecuting high-level politicians or wealthy businessmen. **Sample questions:** – Is the leadership sufficiently independent from the executive to undertake prosecution of high-profile corruption cases?

Strategic planning: Capacity to plan prosecutions	Prosecution will require an additional set of resources. **Sample questions:** – What is the budget allocation for prosecutions?
Organizational structure: Capacity to support prosecutions	ACAs need a specialized unit to handle prosecution. **Sample questions:** – Which division is responsible for collaborating with the Prosecutor-General? – Which division is responsible for prosecuting cases?
Human resource management: Capacity to prosecute	ACAs need staff resources to undertake prosecutions. **Sample questions:** – How many staff are assigned to prosecute corruption cases?
Knowledge and information management: Capacity to learn from prosecution	Any information generated from the prosecution process should be fed back into the ACA work processes. **Sample questions:** – Had the anti-corruption agency learned anything from previous prosecutions?
Monitoring and evaluation: Capacity to monitor and evaluate prosecution	Without M&E of the prosecution outcomes in courts is not possible to measure success, nor to improve internal processes as required. **Sample questions:** – Does the anti-corruption agency monitor and evaluate prosecution of corruption cases in court? – Does the anti-corruption agency report on the success rates of prosecution of corruption cases?
Training and mentoring: Capacity to support prosecutions	Prosecution requires a specific set of skills and ACA staff may need training on those. **Sample questions:** – Are investigators properly trained to support prosecution of corruption cases in court?

Individual level

Technical capacities:
• Legal knowledge about all corruption offences;
• Ability to write clear reports

Annex:
Sample capacity benchmarking matrix

This annex provides a sample benchmarking matrix that may be helpful for the development of a quick assessment of the existing capacities of the ACA. The aim of this tool is to assess the capacity in place in a standardized way, allowing to measure change over time (by repeating the exercise). Ideally, an assessment should be done to set the baseline at the beginning of the capacity development support, and repeated at the end in order to measure the progress made.

The matrix contains sample statements corresponding to different levels of capacity (none – basic – moderate – high) for different functions. The assessment exercise will consist in ticking the box with the description that closest matches the reality in the ACA.

The matrix can be used in two main ways:
1) for the conduction of a self-assessment (in this case the staff of the ACA are asked to complete the questionnaire anonymously). The results of the self-assessment will constitute an input to the actual capacity assessment facilitated by a team of experts and will give preliminary ideas to the assessment team about the perception of capacity that the staff of the ACA has. The self assessment also allows

for a preliminary identification of capacity gaps (that will have to be cross-checked and validated through interviews).
2) as a measurement framework for the capacity assessment (by the assessment team).

The matrix below is NOT to be considered as a comprehensive benchmarking system to be used *ad litteram*, but rather as a guidance containing practical examples for the development of benchmarking and assessments that will have to be tailored to the characteristics of the individual ACA being assessed. The tailoring of this tool to the ACA being assessed will consist in: the identification of key capacities to be measured; the refinement of statements corresponding to different capacity levels in function of the specific context; and the assessment of existing capacities against those benchmarks.

The matrix is divided in two parts: the first is relative to the general assessment of the capacities of the ACA at the organizational level; these capacities are relevant for the performance of all the functions, they pertain to the good structuring of the organization. The second part relates to the capacities to perform specific anti-corruption functions.

General organizational level capacities (examples)

	1. Limited or no capacity	2. Basic level of capacity	3. Moderate level of capacity	4. High level of capacity
Strategy of the ACA				
(Goals of the agency set internally in relation to the national AC action plan)	Targets are non-existent or few; targets are vague, or confusing, or either too easy or impossible to achieve, and may change from year to year; targets largely unknown or ignored by staff.	Realistic targets exist in some key areas, and are mostly aligned with the national action plan but are short-term, lack implementation plans. Staff don't always know and adopt targets.	Quantified, well designed targets exist in most areas and are linked to the national action plan. The targets are long term (multi-year). Targets are known and adopted by most staff, who use them to broadly guide their work.	Limited set of quantified, well designed performance targets are present in all areas; targets are tightly linked to the national action plan, have annual milestones, and are long-term in nature; staff consistently adopt targets and works diligently to achieve them.
Projects / activities (services) relevance and alignment with the broader strategy of the ACA	Projects and services are vaguely defined and lack clear alignment with the ACA mission and goals; activities are few and largely unrelated to each other.	Most projects, activities and services are well defined and can be solidly linked with mission and goals; service offerings may be somewhat scattered and not fully integrated into a clear strategy.	Core projects, activities and services well defined and aligned with mission and goals; service offerings fit together well as part of clear strategy.	All projects, activities and services well defined and fully aligned with mission and goals; service offerings are clearly linked to one another and to overall strategy; synergies across programs are captured.
Performance Management				
Organization's Performance Measurement	Very limited measurement and tracking of performance; all or most evaluation based on anecdotal evidence; organization collects only some performance data on activities in an *ad-hoc* fashion.	Performance partially measured and progress partially tracked; organization regularly collects solid data on activities and outputs.	Performance measured and progress tracked in multiple ways, several times a year, by monitoring a multiplicity of performance indicators.	Well-developed comprehensive, integrated system used for measuring organization's performance and progress on continual basis; small number of clear, measurable, and meaningful performance indicators.

Individual work plans	No individual annual work plan, work mostly done on demand and following the indications of my supervisor.	A brief discussion every year on the objectives to be reached during the year with supervisor, but no formal work plan.	A work plan is formally established, with goals for the year, linked to performance evaluation. However, the work plan remains mostly a formality than something really relevant for day to day work.	A work plan is formally established, with goals for the year, linked to performance evaluation. The work plan is linked to the broader objectives of the ACA and it is a useful tool used on a regular basis by staff and supervisor.
Decision making				
Decision making framework (how decisions are taken in the ACA)	Decisions are made largely on an ad-hoc basis by one person and/or whomever is accessible; highly informal.	Appropriate decision makers known; decision making process fairly well established and process is generally followed, but often breaks down and becomes informal.	Clear, largely formal lines/ systems for decision making, however decisions are not always appropriately implemented or followed; dissemination of decisions generally good but could be improved.	Clear, formal lines/ systems and documented, replicable processes for decision making that involve as broad participation as practical and appropriate along with dissemination/ interpretation of decision.
Human Resources				
Human resources planning	Organization tackles HR needs only when too large to ignore; lack of HR planning activities and expertise, no experience in HR planning.	Some ability and attempts to develop HR plan either internally or via external assistance; HR plan not linked to targets and goals of the ACA.	Ability and drive to develop and refine concrete, realistic HR plan; some internal expertise in HR planning or access to relevant external assistance; HR planning carried out often but not regularly.	Organization is able to develop and refine concrete, realistic, and detailed HR plan; HR planning exercise carried out regularly and linked to the targets and goals of the ACA.

Staff recruitment, development, and retention	No preset career paths in place with a view to ensure staff development; limited training, coaching and feedback; no regular performance assessments; no systems/processes to identify new talent.	No active development tools/ programs; feedback and coaching occur sporadically; individual performance evaluated occasionally; limited focus on ensuring high-quality staffing; sporadic initiatives to identify new talent.	Limited use of active development tools/programs; frequent formal and informal coaching and feedback; performance regularly evaluated and discussed; regular concerted initiatives to identify new talent.	Management actively interested in general staff development; well-thought out and targeted development plans for key positions; frequent, relevant training, job rotation, coaching/ feedback, and consistent performance appraisal institutionalized; proven interest to ensure high quality job occupancy; continuous, proactive initiatives to identify new talent.
Management team and staff – dependence on Director (Chief Executive)	Very strong dependence on Director; organization would cease to function properly without his/her presence.	High dependence on Director; organization would continue to function without his/her presence, but likely in a very different form.	Limited dependence on Director; organization would continue in similar way without his/her presence, but operations would likely suffer significantly during transition period; no member of team could potentially take on Director role.	Reliance but not dependence on Director; smooth transition to new leader could be expected; operations likely to continue without major problems; team can fill in during transition time; several members of management team could potentially take on Director role.

Benchmarking for the capacities of the ACA in relation to specific functions (examples)

	1. Limited or no capacity	2. Basic level of capacity	3. Moderate level of capacity	4. High level of capacity
B. ANTI-CORRUPTION POLICY FORMULATION AND IMPLEMENTATION				
Structures for coordination with stakeholders - *Organizational Level*	There are no focal points or dedicated untit for the coordination with stakeholders. Cooperation happens ad-hoc and the staff that have some time free are given this task.	There are no focal points or dedicated untit for the coordination with stakeholders. Informal internal division of labour is in place that allows smooth cooperation and keeping track of the information.	There is a dedicated focal point or unit for inter-agency cooperation, but the focal point / unit performs several other tasks and in not equipped with a good system for keeping track of he information relative to coordination with other agencies.	There is a dedicated focal point or unit for dealing with cooperation, the focal point / unit performs predominantely this task and has good capacity to gather and analyze information necessary for the development of the strategy.
Staff's technical capacities in specific areas (e.g Parliament and legislative processes) - *Individual Level*	No staff has received formal training or has long term substantial experience in this area. No learning systems in place.	No staff has received formal training or has long term substantial experience in this area. Some training is provided in the framework of larger training events, but without follow up.	Some staff members have received formal training and have substantial experience in this area, but learning is mostly ad-hoc.	There are staff members with formal training or with experience in this area. Effective learning systems are in place.

Indicator				
General cooperation with other Agencies for the collection of data on the implementation of the AC strategy *Enabling Environment*	Cooperation with most of the other State Agencies is infrequent, based on ad-hoc procedures (meetings and consultations organized on a need basis). There are no focal points within the majority of the agencies that work with the ACA.	Cooperation with most of the other State Agencies is regular but can be improved. There are no institutionalized procedures for cooperation. There are no permanent focal points and referents in the agencies that work with the ACA.	Cooperation with most of the other Agencies is regular, it allows the Agency to carry out its task, but it has to be very proactive in order to collect the information. There are institutionalized procedures for cooperation with some agencies but not with all of them. There are no permanent focal points and referents in some of the agencies that work with the ACA.	Cooperation with most of the other State Agencies is very good, the other agencies have a proactive role in providing the required information to the ACA. The role of the ACA is institutionalized and recognized by the other agencies. There are institutionalized procedures for cooperation and focal points or main referents in most of the agencies.
Staff training *Organizational Level*	There are no regular trainings; no training programs, no training tools for developing competence and strangthening the capacity of the staff of the ACA to perform data collection and analysis.	Some training on conducting research and analysis is provided to the staff of the ACA. These activities are mostly designed and promoted by international organizations.	Several trainings each year on conducting research and analysis are provided to the staff of the ACA; these trainings are designed mostly by international agencies but the ACA tries to link them with its main targets.	ACA has a well developed training strategy related to its targets. Training programs, tools exist and trainers are identified. Research and analyses are carried out in-house on a regular basis.
Collection and processing of data *Individual Level*	Staff of the ACA is not prepared to perform collection and analysis of data. Most of the work on data collection, analysis or reports is produced by NGOs.	Few staff of the ACA are prepared to perform collection and analysis of data. Some of the analysis work is outsourced. ACA uses some reports produced by NGOs and other agencies.	A certain number of staff members are well prepared to perform collection and analysis of data. Reports produced by NGOs and other agencies are used as well. The activity is somehow useful for monitoring the implementation of the action plan but could be improved.	The internal capacity to collect and analyze data is very good. Reports are useful for monitoring and evaluation of the activities of the AC program. Relevant work of NGOs and other agencies in this area is collected and analyzed.

C. RESEARCH ON CORRUPTION AND CORRUPTION VULNERABILITIES

Fraud and corruption risk policies, involvement of the ACA *Enabling Environment*	There is no formal requirement for public institutions to undertake risk assessments, ACA is not involved in developing corruption risk policies of other national institutions.	Public institutions are required to conduct risk assessments and the ACA is expected to assist them. However, there is no effective enforcement. The ACA has no leverage to push other institutions to undertake risk assessments and follow-up to the findings, and plays a limited role, e.g. providing technical assistance if and when requested.	Key public institutions are required to conduct risk assessment and there is an enforcement mechanism. ACA is expected to play a key role in implementation and monitoring, but coordination mechanisms and inter-institutional leverage are weak, which leads to inconsistent implementation.	Specific fraud and corruption risk policy is at a place in the public institutions and is effectively applied. The ACA has sufficient authority and proactively supports other institutions in implementing the policies. The ACA is recognized as the main actor and centre of expertise in this area.
The ACA's risk review and assessment process is thoroughly documented *Organizational Level*	There are no written records for the ACA's risk review and assessment process.	Procedures and internal documents/ manuals/ methodologies/ guidelines exist, but are not effectively applied in practice.	There are detailed procedures and internal documents / manuals / guidelines for conducting risk review and assessment. Some practical application can be documented.	The ACA's risk review and assessment are thoroughly documented and consistently applied in practice. Based on application experience, the guidelines and methodologies are regularly reviewed and refined.

E. CIVIL SOCIETY PARTNERSHIP AGAINST CORRUPTION

Organization of promotional and educational campaigns for increasing of the level of public awareness of corruption problem *Enabling Environment*	Significant resource, political or regulatory constraints prevent public institutions (including ACA) from organizing significant public awareness campaigns.	Educational activities and public awareness campaigns exist, but are mostly developed by other organizations. The role of the ACA is very limited.	The ACA develops some small scale educational projects and public campaigns, but it does not have its own strategy and often depends on donor funding.	The ACA is recognized as the main agency for educational and public awareness activities on anti-corruption, and has a strategy in this area with a dedicated budget. When other organizations initiate such activities, they are coordinated with the ACA.
Participation of civil society and other representatives of the local community (e.g., academics) in the activities of the ACA *Organizational Level*	The ACA does not have procedures allowing civil society participation to its activities or projects.	The ACA sometimes organizes seminars or round-tables and invites participation, but the involvement of the citizens and local communities in the work of the ACA is very limited.	Some of ACA's projects or activities have been developed upon request from, or in partnership with NGOs. The ACA has a procedure for consultation with the civil society, but it is loosely implemented.	Representatives of the civil society and local community sit on the Board of the ACA. Procedures for consultation with the NGOs exist and are applied consistently. Some of the activities of the ACA have been promoted by private citizens, who are also empowered to monitor the activities of the ACA.
Public relations and marketing *Organizational Level / Individual level*	The ACA makes no or limited use of PR/marketing; general lack of PR/marketing skills and expertise (either internal or accessible external expertise)	The ACA takes opportunities to engage in PR/marketing as they arise; ACA has some PR/marketing skills and experience among its staff or via external assistance.	The ACA considers PR/marketing to be useful and actively seeks opportunities to engage in these activities; the ACA has good internal expertise and experience in PR/marketing or access to relevant external assistance.	The ACA is fully aware of the necessity of PR/marketing and is engaged actively in these activities. The ACA has a broad pool of PR/marketing expertise and experience and makes efficient use of external assistance.

F. PROMOTION OF INTEGRITY

Organizing trainings, seminars, workshops and other forms of training for public officials *Organizational Level*	The ACA staff (almost) never deliver (or participate in the delivery) of trainings to other state agencies. Trainings are delivered by external consultants or by few senior managers with some training experience.	The ACA staff sometimes deliver trainings, however there is little internal capacity for that. The ACA relies mostly on external experts. Trainings are organized mostly ad-hoc, when there are funds available or in line with international organizations' programmes.	ACA hosts or organizes trainings quite regularly, but the activities are mostly stand-alone and not part of a long term capacity development strategy. Some of the activities are delivered by own staff.	ACA has long term training programs for other agencies. It has developed a good in-house capacity to deliver trainings.
Project formulation / development of project proposals *Organizational Level*	The ACA does not have the capacity to develop project ideas, plan a budget and implement. Projects in reality are developed by the intenational organizations and consultants.	The ACA participates in discussions over project ideas and provides some input for the development and implementation of the projects, but most of the work is done by the international community or consultants.	There are specific project ideas that were designed and developed byt the ACA to a stage that has ensured they will become a full project proposal with external assistance. Implementation is also partially carried out by the staff of the ACA.	Full scale projects are formulated in-house, including budget plans; the ACA has participated in discussions on project ideas and has formulated project ideas to international donors/consultants, meaningfully participating in all stages of project development.

G. MANAGING SPECIFIC CORRUPTION PREVENTION REGIMES

Conflict of Interests Legislation Drafting *Enabling Environment*	Legal and policy framework for CoI management is lacking, poor or incomplete. The ACA has provided no opinions on legislation drafting with regard to CoI management.	The ACA has provided some opinions on legislation drafting with regard to CoI Management, but there is no structured process, activities are mainly ad-hoc. Regulatory impact assessment, consultative process and stakeholders involvement are limited and on ad-hoc basis.	The ACA is providing opinions on legislation drafting with regard to CoI management in the framework of a structured process.	The ACA is regularly providing opinions on legal development with regard to CoI management in the framework of a structured process; regulation impact assessment is done systematically; consultative process and broad-based stakeholders involvement.
Conflict of Interests Management Section/ Department *Organizational Level*	No department exists within the ACA, no capacity to report and manage CoI, or the Department is not staffed.	There is a CoI Management department or unit, which is not fully operational. The staff is not fully trained and competent.	Structured CoI Management Department exists within the ACA. The Department is adequately staffed and has a well structured Strategy for reporting and managing CoI.	Fully structured and functional CoI Management Department within the ACA. The CoI management functions of the Department are tightly linked to the strategic national strategic documents. Staff is well trained and experienced in the field.
Conflict of Interests management process *Organizational Level*	The ACA does not have a policy and administrative procedures for reviewing cases of CoI, including additional employment, inside information issues, gifts management, personal pecuniary and non-pecuniary interests.	The ACA has a policy document and related administrative procedures for CoI management, but they are not consistently applied.	The ACA has a full-fledged, working policy and defined administrative procedures on CoI management, which are implemented in practice.	The policy and written administrative procedure for CoI management are clearly defined in the work of the ACA and are applied effectively and consistently into practice. Lessons from experience in application are captured and used to improve legal, methodological and procedural frameworks for CoI.

Indicator				
Asset disclosure Legislation *Enabling Environment*	No legislation in the field is in place. There is no mechanism for verification of assets and income declarations.	There is legislation describing the assets disclosure regime, but it is not up to the international standards and not applied into practice. Mechanism for enforcement and verification exist in law but are not applied.	There is a proper legislation describing the assets disclosure regimes and mechanism for enforcement and verification exists. Application is not complete or fully consistent due to various limitations.	There is a proper legislation, describing the assets disclosure regimes and ensuring the transparency and enabling the mechanism for enforcement and verification to perform their functions effectively. The law is applied in practice with results that can be documented.
Existence of internal unit in charge with Assets declarations collection and processing. *Organizational Level*	There is no department/unit in charge with asset declarations collection and processing, or unit is not staffed.	There is a unit; but no specific procedures/ manuals/ guidelines exist to guide its work; staff does not receive proper training.	There is a unit performing such functions. Internal procedures/ manuals/ guidelines exist and applied to some extent. Some training is provided to staff, but mostly ad-hoc.	There is a unit performing such functions; specific procedures/ manuals/ guidelines exist and operate in practice; training is provided on a systematic basis to cover capacity gaps; good HR practices are in place.
Understanding of the national and international standards regarding assets disclosure regimes *Individual Level*	The staff of the ACA is not trained in the area and has limited understanding of the national and international standards in the assets disclosure area.	There is limited training provided in order to raise the qualification of staff in this area. There are no formal qualification requirements.	There is an understanding of the national and international standards in the field of assets disclosure. Formal qualification is required for the staff.	There is an understanding of the national and international standards in the field of assets disclosure. There are formal qualification requirements for the staff. A re-training and international experience exchange system is in place.

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