



Going Beyond the Minimum

UNCAC Gap Analyses and UNDP Internal Integrity

**Asia Pacific INTACT Community
of Practice Workshop**

1-3 February 2010
Bangkok, Thailand



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Acronyms

ACC	Anti-Corruption Commission
ADB	Asian Development Bank
BDP	Bureau for Development Policy
CO	Country Office
COP	Community of Practice
COSP	Conference of the States Parties
CSO	Civil society organization
IAAC	Independent Authority against Corruption (Mongolia)
IACC	International Anti-Corruption Conference
IGS	Institute of Governance Studies
INTACT	Integrity in Action
KPK	Corruption Eradication Commission (Indonesia)
MDG	Millennium Development Goal
MoLJPA	Ministry of Law Justice and Parliamentary Affairs (Bangladesh)
NGO	Non-governmental organization
PACDE	Global Thematic Programme on Anti-Corruption for Development Effectiveness
PAR	Public administration reform
OECD	Organisation for Economic Co-operation and Development
RCB	Regional Centre in Bangkok
TI	Transparency International
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime

Executive Summary

For three days, from 1 to 3 February 2010, the United Nations Development Programme (UNDP) Regional Centre in Bangkok held the third Asia Pacific Integrity in Action (AP INTACT) Community of Practice (CoP) workshop for UNDP country office staff and national partners. The workshop aimed to develop capacity on conducting nationally owned gap analyses to support implementation of the United Nations Convention against Corruption (UNCAC) and provide training to UNDP staff on improving internal integrity in UNDP programmes and Country Offices. This workshop built upon the foundation established by the two previous AP INTACT Anti-Corruption 'Community of Practice' workshops held in Phnom Penh in 2007 and Bangkok in 2008.

The workshop combined plenary and group sessions to update participants on recent developments in implementing UNCAC, most notably the new UNCAC review mechanism and self-assessment checklist. The workshop also provided a forum to share experiences from the region and beyond (notably from Indonesia, Bangladesh, Afghanistan and Kenya) on how previous gap analyses have been conducted. Importantly, it served as an opportunity to discuss practical ways of supporting member governments, from a developmental point of view, to go beyond the minimum requirements when implementing UNCAC. As such, the workshop facilitated information and knowledge exchange between the participants and promoted South-South cooperation and learning. The specific meeting objectives were to:

- Share lessons learned from Asia Pacific and beyond on methodologies and tools that assess capacity needs for anti-corruption reforms, consistent with international norms including those of UNCAC;
- Review a draft Guidance Note on how to conduct UNCAC gap analyses and capacity assessments, prepared by the UNCAC Regional Consortium¹ partners;
- Provide a forum for the UNCAC Regional Consortium partners and national counterparts to discuss launching nationally led UNCAC self-assessments and, in those countries working with the Consortium, to agree on expectations, responsibilities and timelines in terms of conducting UNCAC gap analyses and self-assessments in 2010;
- Facilitate ethics training for CoP members and share lessons learned, challenges and best practices in terms of promoting integrity, transparency and accountability in UNDP programmes and Country Offices.

This interactive workshop brought together 60 participants from 15 countries across the region, specifically from Afghanistan, Bangladesh, Bhutan, Cambodia, Indonesia, Lao PDR, Maldives, Mongolia, Palau, Papua New Guinea, Solomon Islands, Sri Lanka, Thailand, Timor-Leste and Viet Nam as well as international experts from UNDP HQ and the Regional Centres in Bangkok and Suva, the United Nations Office on Drugs and Crime (UNODC) HQ and Regional Offices in Bangkok and Delhi, GTZ, AusAID, World Bank (Regional Hub), Basel Institute on Governance and the Institute of Governance Studies from Bangladesh.

Day 1

Session 1: UNDP's role in supporting UNCAC implementation

Day 1 began with a brief introduction to UNDP's role in supporting UNCAC implementation. [Phil Matsheza](#) from UNDP HQ summarized how UNDP's role has evolved over time and highlighted the importance of the partnership between UNDP and UNODC in combating corruption. UNDP has anti-corruption programmes in 113 countries and provides wide-ranging support including measures that assist in the creation of anti-corruption policies, strengthen the capacities of anti-corruption agencies, and promote civil service reform and transparent public procurement processes.

Session 2: Brief introduction to the UNCAC

In the next session [Giovanni Gallo](#) gave a quick review of UNCAC, highlighting the key chapters and provisions within the Convention. UNCAC has four key chapters, which are: (i) prevention; (ii) criminalization and law enforcement; (iii) international cooperation; and (iv) asset recovery. Discussion in this session highlighted the importance of recognizing the challenges that may arise when applying an international treaty to domestic legal structures, in particular how to ensure practical as well as legal implementation and compliance.

¹ The UNCAC Regional Consortium is a group of international experts from UNDP, UNODC, the Institute of Governance Studies, Bangladesh and the Basel Institute on Governance who are working together to provide technical assistance and advice to countries in the region on conducting UNCAC self-assessments.

Session 3: Supporting UNCAC implementation – Assessing capacities for UNCAC capacity development at the national level

The third session featured five speakers who examined different methodologies and perspectives on conducting anti-corruption capacity assessments. [Samuel De Jaegere](#) spoke about UNDP's mandate in capacity development for anti-corruption and the work being done to improve knowledge sharing and to support capacity development initiatives at the country and regional levels.

[Johanna Beate Wysluch](#) from GTZ drew upon experience in conducting UNCAC compliance reviews in six countries to identify good practices and analyse the major strengths of these reviews. One of the main lessons she highlighted was the importance of process: *“the real strength lies in its potential of improving communication around anti-corruption issues amongst governmental and non-governmental stakeholders... Once the government (engages with) different stakeholders, an inter-institutional dialogue can be set up... and reformers can use it as evidence for necessary reforms. At this stage compliance reviews are no longer only reports, but become footholds for reforms.”*

[Surya Shrestha](#) from the Asian Development Bank gave insight into the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific's oral and written reporting processes; the oral reporting focuses on the latest three reforms in the country, while the written reporting is more comprehensive. The presentation identified the strengths and weaknesses of the reporting process and enabled a comparison with the UNCAC gap analyses.

Alan Doig from the UNODC Bangkok office spoke about the experience and lessons learned from conducting over 40 National Integrity Country Studies, emphasizing the importance of country ownership and prioritization, sequencing and timing reforms.

Finally, [Dasho Neten Zangmo](#) from Bhutan's National Anti-Corruption Commission spoke about the Bhutanese experiences in developing a robust anti-corruption system and the agency's objectives for the future. She made a strong statement that while UNCAC is an important framework, it is a “means to an end”, the end being a corruption-free country which effectively promotes national development for its people.

The discussion in the session pressed the importance of coordination and harmonization in capacity development efforts, and the crucial role that national ownership plays in ensuring anti-corruption reviews lead to anti-corruption reforms. Finally, it was noted that although there are many important elements in any national anti-corruption reform agenda, facilitating the role of civil society organizations and media in promoting anti-corruption efforts should be part of any capacity development programme.

Session 4: UNCAC review mechanism and self-assessment checklist

The fourth session focused on the new UNCAC review mechanism and self-assessment checklist developed by UNODC and endorsed by governments at the November 2009 Conference of States Parties (COSP) meeting in Doha. [Giovanni Gallo](#) from UNODC explained that the review mechanism will apply to all States parties to UNCAC. Approximately 40 countries will be randomly selected each year to submit to a peer review by two other States parties. In the first phase, the review will focus on Chapters III and IV of UNCAC and in the second phase, the review will focus on Chapters II and V. The new comprehensive self-assessment checklist has been designed to assist States parties assess compliance under the review mechanism.

[Jargalan Dashnyam](#) from Mongolia's Independent Authority Against Corruption presented the Mongolian experience of using UNODC's pilot self-assessment checklist, which initially covered only 15 provisions. As part of the process Mongolia was peer reviewed by experts from Sweden and Pakistan who undertook a country visit to confirm the results of the checklist. The presentation gave countries an inside look at some of the advantages, as well as the challenges, associated with this exercise.

Session 5: Assessing capacities for UNCAC capacity development – experiences in Asia-Pacific

The first day finished with a presentation from [Manzoor Hasan](#) from the Institute of Governance Studies on Bangladesh's experience in undertaking an UNCAC gap analysis. Mr Hasan conveyed the key lessons learned from this experience, such as the importance of political will and multiple-stakeholder engagement. He also illustrated how the gap analysis led to national anti-corruption reforms, in particular highlighting eight specific reform areas and legislation passed as a result of the analysis. This was followed by lively discussion about how to determine the best approach (thematic or article-by-article reviews), how to deal with opposition forces and vested interests, and how to communicate the findings of the review.

Day 2

Session 5 (continued): Assessing capacities for UNCAC capacity development – experiences in Asia-Pacific

This session continued to share regional experiences in conducting UNCAC gap analyses. Presenters [Mochammad Jasin](#) from Indonesia, [Mujthaba Hameed](#) from Maldives and [Qaseem Ludin](#) from Afghanistan spoke about their experiences undertaking gap analyses and subsequently implementing reforms. Each country provided a different perspective on the process, pointing out the different challenges they faced and the lessons learned from the process. For example, in Indonesia the gap analysis successfully identified priority areas and helped sharpen the focus of the reform agenda, while in the Maldives a lack of resources and political will has inhibited the Anti-Corruption Commission from undertaking a thorough analysis. Finally in Afghanistan, although very illuminating, the process lacked sufficient national ownership due to external constraints which reduced its potential impact.

The session enabled participants to learn from regional experiences undertaking gap analyses and gave an insight into the different methods and processes that can be used, such as using international consultants, forming a core governmental technical committee and facilitating multi-stakeholder engagement. The speakers and participants agreed that if undertaken in an open and participatory way a gap analysis can help a country go beyond minimum compliance and ensure cross-sectoral ownership of anti-corruption efforts.

Session 6: Reviewing UNCAC gap analyses from the Asia Pacific Region

Participants were separated into breakout groups to review different [UNCAC gap analyses](#), using the examples provided by Afghanistan, Bangladesh and Indonesia. This in-depth examination enabled the different groups to assess the strengths and weaknesses of the gap analysis under review, and to identify key processes that lead to successful outcomes, such as the use of a high-level champion to ensure political will, and multi-stakeholder consultations to provide a range of views. The groups then reported their findings back to the plenary, highlighting how the processes could be adapted to their national contexts to improve their effectiveness.

Session 7: Presentation of the draft Guidance Note on how to conduct UNCAC gap analyses and capacity assessments

This session provided an opportunity for dialogue between the members of the UNCAC Regional Consortium and workshop participants. [Gretta Fenner](#) and [Jan Richter](#) from the Regional Consortium presented an overview of the draft Guidance Note on how to conduct UNCAC gap analyses and capacity assessments. The presentations brought to the surface some good practices and key factors for success in conducting gap analyses, in particular it was noted that the analysis should be comprehensive due to the interconnectedness of the articles and should study factors from the enabling environment down to the organizational and individual level. This was followed by a presentation from [Alan Bacarese](#) regarding Kenya's UNCAC gap analysis. The Kenyan gap analysis was particularly enlightening due to the unique challenges faced and the successful outcomes achieved. Some of the good practices from this process include the establishment of an oversight committee to ensure political motivation, a technical committee to draft the report, and workshops and consultations with international experts and other stakeholders to incorporate a broader perspective.

Noting that the previous gap analyses were conducted prior to the endorsement of the self-assessment checklist by the COSP, discussion focused on how the gap analysis process could complement the completion of the self-assessment checklist. By adopting a more participatory approach to the self-assessment, the self-assessment process could both serve as an initial step in the mandatory UNCAC review process and contribute to anti-corruption reform at the national level in order to support the overarching goal of corruption prevention and pro-poor development.

Sessions 8 & 9: Preparatory Steps to launch UNCAC gap analyses and capacity assessments at the country level

This session examined some of the key activities when conducting a gap analysis or capacity assessment at the national level, in particular, stakeholder workshops and fact-finding missions. [Gretta Fenner](#), [Manzoor Hasan](#) and [Alan Bacarese](#) drew upon their experiences as international experts in previous gap analyses to outline good practices and reflect upon lessons learned in the field. Key issues raised included the importance of clear terms of reference and the effectiveness of combining a steering committee to manage the process with a working group of relevant technical experts to undertake the substantive work.

The session concluded with a discussion about the impact of the gap analyses and how best to link them to other anti-corruption studies and activities. In particular, it was noted by Jairo Acuña-Alfaro from the UNDP Viet Nam Country Office that it is important to understand the rationale, objectives and limitations of UNCAC gap analyses and that mechanical and formalistic exercises have proven to have limited added-value (at least in more advanced countries). Therefore, participants recognized the need to move beyond the minimum requirements and use the spirit and framework provided by UNCAC to take strides towards greater accountability and foster more efficiency in the provision of public services.

Day 3

Session 10: Walking the talk: The UNDP accountability system

Day three began with a look at the UNDP accountability system, which has been transformed from a compliance-based tool into a value-based system that empowers employees to make decisions with a clear understanding of the rules and regulations which govern them. [Tore Skatun](#) and [Ali Al Za'tari](#) from the UNDP Bureau of Management, New York reviewed the UNDP accountability system and how this system is being integrated throughout the organization. This was followed by a presentation from [Masood Amer](#) of the UNDP Afghanistan Country Office on a recent integrity assessment of the Country Office. The presentation analysed some of the challenges faced in the review, in particular the size of the UNDP programme and the environmental complexity of Afghanistan, and examined how the review will enable the office to become more transparent in their operations, improve national ownership and deliver results.

Session 11: Briefing on the 14th IACC and the next global CoP on anti-corruption

[Emmanuelle Kunigk](#) then gave a brief presentation on the upcoming 14th International Anti-Corruption Conference (IACC) which will be held in Bangkok in November 2010. The theme of this year's conference is *Restoring Trust: Global Action for Transparency* and Emmanuelle gave a brief overview of the format and the four major themes for the conference: restoring trust for peace and security, fuelling transparency and accountability in natural resource and energy markets, ensuring collective climate governance, and strengthening global action for an accountable corporate world.

This was followed by [Anga Timilsina](#) from UNDP HQ who spoke about UNDP's involvement in the IACC and the key themes for the upcoming UNDP Global Anti-Corruption Community of Practice meeting which will be held back-to-back with the IACC. UNDP will contribute to the IACC by supporting the representation of developing countries, conducting preparatory research and studies, and convening workshops at the event. The global COP meeting will discuss emerging regional and global trends and identify UNDP's anti-corruption priority areas for the next two years.

Session 12: Walking the talk: training on ethics

The workshop closed with a two-part, half-day training session on ethics. The first part provided an overview of the ethics policies applicable within the UN system. Two case studies focusing on ethical dilemmas that employees might face in their role as international civil servants were then shared, and group discussions were used to determine how best to resolve such situations. Participants were introduced to the ethical decision-making model, which is designed to assist staff in identifying the key issues in such situations and determining an appropriate course of action. The second part of the session was a presentation from [Alayne Frankson Wallace](#) of the UNDP Ethics Office, who discussed the mandate, duties and role of the Ethics Office.

Conclusions

The third Asia Pacific INTACT Community of Practice Workshop updated participants about recent developments regarding the UNCAC review mechanism and shared good practices on conducting UNCAC gap analyses taken from the region and beyond. The workshop highlighted how the UNCAC gap analyses can complement the UNCAC review mechanism and provide greater national ownership to implementation reviews, and as a result, increase their impact.

Corruption is a threat to development, a threat to achieving the Millennium Development Goals and a threat to democratic governance. To mitigate that threat, UNDP is committed to assisting countries to comprehensively assess their implementation of the UNCAC through a participatory process that promotes considered reforms in line with national priorities.

At the end of the workshop, the participants collectively agreed that:

- UNCAC is not an end in itself; rather, it is a means towards achieving the goal of reducing corruption.
- A key challenge is how to transform UNCAC from an international legal treaty into practical implementation in a specific national context.
- The self-assessment checklist is a comprehensive tool that will assist States parties to assess their compliance with UNCAC and their broader anti-corruption gaps and priorities prior to external review. As the official information-gathering tool on UNCAC compliance, the checklist can serve a dual purpose for anti-corruption reformers: (1) to inform policy reform at the national level and stimulate follow-up action, and (2) to feed into the formal UNCAC review mechanism.
- Political will, inter-agency cooperation and broad stakeholder participation are key ingredients in ensuring national ownership of the results of the UNCAC self-assessment checklist and gap analysis process. Without national ownership of the UNCAC gap analysis any follow-up activities are less likely to be self-sustaining.
- To go beyond achieving the minimum requirements of UNCAC implementation, lessons from past UNCAC gap analyses reinforce the importance of inclusive participation, open and transparent communication, and effective multi-stakeholder coordination.
- Practical application of the international normative principles on anti-corruption is embedded in the mandate of UNDP, particularly that of promoting integrity and ethics in (international) civil service.
- For UNDP, accountability is the obligation to deliver on commitments in accordance with agreed rules and standards and to report fairly and accurately on performance results. As international civil servants, UNDP actions must always be characterized by integrity, transparency and accountability.

Follow up

In terms of follow-up, UNDP (HQ, Bangkok, Pacific) and UNODC (HQ, Bangkok), in partnership with the Institute of Governance Studies and the Basel Institute on Governance as appropriate, will assist countries in applying a participatory and nationally driven process to assess capacities of their anti-corruption systems and progress reforms to address gaps. Countries that wish to go beyond the minimum requirements will be supported by the UN in their attempts to achieve their nationally stated goals in the area of anti-corruption.

At the country level, UNDP Country Offices will facilitate engagement with national stakeholders and at the same time liaise with the Regional Centre in Bangkok to coordinate the support provided by the Regional Consortium. In the Pacific, the Pacific Centre will liaise with (Multi) Country Offices and national governments to agree on the most appropriate approach for each country.

A workshop on lessons learned from the UNCAC Regional Consortium is likely to be organized on the sidelines of the 14th IACC in November 2010 in Bangkok. This will be an opportunity to take stock of the UNCAC gap analyses conducted in 2010, as well as to review the Guidance Note and lessons learned from the countries assisted by the Regional Consortium.



Introduction

Integrity in Action (INTACT) Community of Practice

The UNDP Regional Centre in Bangkok initiated a Regional Anti-Corruption Community of Practice (CoP), called “Integrity in Action” or “INTACT”, in January 2007 in Phnom Penh, Cambodia. This first regional CoP brought together UNDP practitioners, stakeholders and counterparts to share experiences and lessons learned in the field of anti-corruption.

A second follow-up CoP meeting was organized in Bangkok in October 2008 with technical training on the United Nations Convention against Corruption (UNCAC). At this workshop, participants suggested consolidating the INTACT Community of Practice and creating a network of anti-corruption practitioners in the region. To follow up on this recommendation, the Regional Centre in Bangkok (RCB) and the Pacific Centre are developing an Asia-Pacific Anti-Corruption Portal. The RCB also initiated an informal mailing list of anti-corruption contacts in the region which has already been used to hold an e-discussion on capacity development for anti-corruption between 14 November and 18 December 2009.

In the first week of February 2010, the third Asia Pacific INTACT CoP meeting was held in Bangkok. This workshop aimed to consolidate the INTACT Community of Practice, whilst developing strategic guidance on how to use anti-corruption capacity assessment instruments, including UNCAC gap analyses, compliance reviews and the self-assessment checklist at the country level. The workshop also built upon recent improvements in the UNDP accountability system and provided training on ethics in order to improve internal integrity across UNDP programmes and Country Offices.

“These UNCAC gap analyses are widely recognized as best practices in terms of methodology, emphasizing national ownership and broad stakeholder involvement to self-assess capacity gaps in legislation and in practice.”

UNCAC Gap Analyses

To date, 21 countries in the Asia-Pacific region have ratified the UNCAC, including 19 where UNDP has a field presence: Afghanistan, Bangladesh, Cambodia, China, Fiji, Indonesia, Iran, Lao PDR, Malaysia, Maldives, Mongolia, Pakistan, Palau, Papua New Guinea, Philippines, South Korea, Sri Lanka, Timor-Leste and Viet Nam. The UNCAC provides in Article 65 that “each State Party shall take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention”.

At the second Conference of States Parties (COSP) to the UNCAC in Bali, Indonesia, from 28 January to 1 February 2008, the States parties recognized that “the adaptation of the domestic legal systems of the States parties to the UNCAC is essential to the implementation of the Convention”. At the third COSP in Doha, Qatar, from 9 to 13 November 2009 States parties adopted an international Mechanism for the Review of Implementation of UNCAC and endorsed the new comprehensive self-assessment checklist, which came into force on 13 January 2010. The mechanism will use the recently developed self-assessment checklist and a peer review system to assess countries’ legal and practical implementation of the Convention beginning in June 2010.

Meanwhile, three countries in the Asia-Pacific region have already realized a UNCAC gap analysis (Afghanistan, Indonesia and Bangladesh), while the Maldives is currently in the process of undertaking one.² These UNCAC gap analyses are widely recognized as best practices in terms of methodology, emphasizing national ownership and broad stakeholder involvement to self-assess capacity gaps in legislation and in practice. They have yielded positive results in nationally driven policy reforms that are sustained over time.

² See “Gap Analysis Study Report: Identification of Gap between Laws/Regulations of the Republic of Indonesia and the United Nations Convention Against Corruption” (<http://www.baselgovernance.org/fileadmin/docs/pdfs/Publications/E-Book-UNCAC-Gap-Analysis-3.pdf>) and “UNCAC: A Bangladesh Compliance & Gap Analysis” (http://www.baselgovernance.org/fileadmin/docs/pdfs/Publications/GOB_UNCAC_Part1.pdf _Part2.pdf and _Part3)

Introduction

In recent months, several other countries in the region have requested support for UNCAC gap analyses, notably Bhutan, Lao PDR, Mongolia, Palau, Solomon Islands and Sri Lanka. Considering the limited institutional and international expertise in this area, UNDP RCB and the United Nations Office on Drugs and Crime (UNODC) Bangkok recognized the potential value of holding this workshop to meet the emerging country demand and highlight good practices and lessons learned.

In addition, UNDP RCB and UNODC Bangkok established a regional consortium together with the Basel Institute on Governance (Switzerland) and the Institute of Governance Studies (Bangladesh) to make consultancy services available and affordable in a “wholesale” manner to interested UNDP/UNODC partner countries. This regional approach contributes to South-South learning and cooperation, and draws upon the experiences of Afghanistan, Bangladesh and Indonesia.

Internal Integrity in UNDP

Across the organization, UNDP has initiated a number of internal reforms in recent years to improve integrity. These reforms include: (i) the establishment of an Ethics Office and mandatory training for all staff, (ii) the establishment of an Ombudsman office (see <http://www.jointombudsperson.org/>), (iii) mandatory asset disclosure by staff performing certain functions, and (iv) the adoption of the UNDP accountability framework and oversight policy, as approved by the UNDP Executive Board in 2008.

In 2007, One World Trust ranked UNDP as the most accountable international governmental organization. However, it is essential to continue raising awareness and systematically developing the capabilities of staff and managers to instil the values of integrity and accountability and to become more accountable vis-à-vis our executive board, partner governments and stakeholders. With this in mind, a toolkit for enhancing accountability in Country Offices has been developed and will be rolled out in the coming months at the country-level. At the same time, the Ethics Office is conducting ethics training (both online and face-to-face), of which a number of Country Offices (COs) have already benefited. One Training of Trainers (TOT) on ethics was also organized in Jakarta, Indonesia (2009), and the second TOT took place immediately after this 3rd INTACT COP in Bangkok (4-5 February 2010).

In the Asia-Pacific Region, a number of Country Offices have taken steps to enhance integrity, accountability and transparency, both in their programming and in their day-to-day operations in the CO. The second part of this Regional Community of Practice Workshop built upon these advancements to provide training to UNDP Country Office staff and improve internal accountability and integrity.

“It is essential to continue raising awareness and systematically developing the capabilities of staff and managers to instil the values of integrity and accountability.”

Methodology and Format

The workshop included two main components:

- a 2 1/2 day workshop on UNCAC gap analyses and capacity assessments, and
- a 1/2 day training on ethics and the UN accountability framework,

For the first part, the regional workshop brought together UNDP staff, national counterparts, international experts and stakeholders, who have either been involved in UNCAC gap analysis processes (for example, in Afghanistan, Bangladesh, Indonesia and Maldives) or are about to embark on an UNCAC gap analysis/capacity assessment (for example, in Bhutan, Lao PDR, Mongolia, Palau and Sri Lanka). The regional workshop was conducted in a highly interactive manner. Participants were selected based on their experience or their expression of interest, taking into account the key contributions which they (or their delegations) could provide to the workshop. The meeting utilized the wealth of experience present to actively facilitate South-South exchange among the participants, and as a result, the attendees were able to both contribute to and benefit from the discussions during the workshop.

For the second part, the workshop relied on UNDP experts on accountability and ethics as well as on one external facilitator recruited through the UNDP Ethics Office, New York. Among other outputs, the ethics and accountability sessions informed the participants about the UN policies and procedures and how to deal with ethical issues. The training exercises were very participatory and included discussions, practical exercises and case studies.

Session Reports

Session 1: Welcome

Chair: Pauline Tamesis, Practice Leader, Democratic Governance, UNDP RCB

Speakers: Presentation of agenda and workshop objectives – Pauline Tamesis and Samuel De Jaegere, Democratic Governance, UNDP RCB

UNDP's role in supporting the UNCAC implementation – Phil Matsheza, Policy Advisor, Anti-Corruption, Democratic Governance Group, BDP/UNDP, New York

Rapporteur: Robert Onus, Research Analyst, Democratic Governance, UNDP RCB

Pauline Tamesis opened the workshop and welcomed the attendees to Bangkok. She highlighted the importance of the AP INTACT Community of Practice which began in 2007 with an inaugural meeting in Phnom Penh. This was the first INTACT meeting to engage anti-corruption practitioners across the region and was followed up in 2008 by a second CoP in Bangkok that focused on the technical implementation of the UNCAC. This, the third CoP meeting, was oriented towards assisting countries in the region prepare and undertake capacity assessments and UNCAC gap analyses, in response to the needs identified by the members of AP INTACT.

The main objectives over the three day conference were identified as:

- Share lessons learned from Asia-Pacific and beyond on methodologies and tools that assess capacity needs for anti-corruption reforms, consistent with international norms including those of the UNCAC;
- Review a draft of the *Guidance Note on how to conduct UNCAC Gap Analyses and Capacity Assessments* prepared by the UNCAC Regional Consortium³ partners;
- Provide a forum for the UNCAC Regional Consortium partners and national counterparts to discuss launching nationally led UNCAC self-assessments, and, in those countries working with the Consortium, to agree on expectations, responsibilities and timelines in terms of conducting UNCAC gap analyses and self-assessments in 2010;
- Facilitate ethics training for CoP members and share lessons learned, challenges and best practices in terms of promoting integrity, transparency and accountability in UNDP programmes and Country Offices.

Pauline finished by emphasizing the need for collaboration and cooperation across the region to effectively tackle corruption and promote development.

Samuel De Jaegere then presented the three day agenda and further explained the key objectives and expected outcomes for the meeting.

Phil Matsheza spoke about UNDP support for anti-corruption initiatives at the country, regional and global level to strengthen the anti-corruption response worldwide before and after the UNCAC came into force. Of key importance in the fight against corruption is the coordinated response between UNDP and UNODC. Together these two organizations can assist countries from the development and enforcement perspectives to work towards implementation of the UNCAC. The formal working relationship between UNODC and UNDP has been enhanced by an official Memorandum of Understanding on cooperation between the two agencies which will facilitate the UN anti-corruption response post COSP in Doha 2009.

UNDP is engaged in anti-corruption because corruption is a threat to development, a threat to MDGs and a threat to democratic governance. UNDP provides implementation assistance at the global, regional and country level and has anti-corruption programmes in 113 countries. UNDP's support is wide ranging and includes, for example, measures that: assist in the creation of anti-corruption policies; strengthen the capacities of anti-corruption agencies; and promote civil service reform and transparent public procurement processes. This support is not only provided through governments but also in collaboration with civil society organizations (CSOs) and by strengthening the normative framework.

³ The UNCAC Regional Consortium is a group of international experts from UNDP, UNODC, the Institute of Governance Studies, Bangladesh and the Basel Institute on Governance who are working together to provide technical assistance and advice to countries in the region on conducting UNCAC Self-Assessments.



Surya Shrestha

Finally, the session touched on the challenges associated with the UNCAC implementation Review Mechanism and the self-assessment checklist. Many treaty reporting procedures begin in a similar position to the UNCAC review mechanism, with various caveats, and reluctance from States about publicizing the results of the reviews. However, it is hoped that with time State parties will see the benefits of these measures and progressively use their sovereign right to publicize their results and demonstrate their determination to fight corruption to the international community.

“UNDP is engaged in anti-corruption because corruption is a threat to development, a threat to achieving the MDGs and a threat to democratic governance.”

Session 2: Brief introduction to the United Nations Convention against Corruption

Chair: Alan Doig, UNCAC Anti-Corruption Mentor, UNODC Regional Centre for East Asia and the Pacific, Bangkok, Thailand

Speaker: [Introduction to the UNCAC: Refresher course](#) – Giovanni Gallo, Crime Prevention Expert, Corruption and Economic Crime Section, Division of Treaty Affairs, UNODC, Vienna

Rapporteur: Naima Mohamed, Programme Analyst, Governance Unit, UNDP Maldives

Giovanni Gallo gave a brief history of the genesis of the UNCAC including the international legal framework before and after the Convention came into force, the ratification process of the Convention, the global and regional ratification status of the Convention, and a summary of the key chapters and levels of obligation under the Convention. Of particular note is the fact that the UNCAC uses technical assistance rather than sanctions to improve implementation of the Convention.

In terms of application, the provisions of the Convention can be broadly divided into two categories; mandatory provisions with which states are obliged to comply, and optional measures which states may consider adopting. Alternatively, the Convention is divided thematically into four main chapters; prevention, criminalization, asset recovery and international cooperation.

The preventive chapter refers to ensuring that anti-corruption bodies are independent and adequately resourced, and to implementing measures to improve transparency and accountability in the public sector, public procurement, the judiciary and the private sector. In the criminalization and law-enforcement chapter, the

Convention focuses on bribery, including of foreign public officials, embezzlement, money laundering, obstruction of justice and other non-mandatory criminal offences. Finally, the presentation noted the importance of the provisions on international cooperation and asset recovery.

The **discussion** that followed touched upon some of the challenges that arise when applying the international legal framework to domestic normative structures. It was noted that when the UNCAC is transformed from an international legal treaty into a practical working document for implementation and national reform, the differences between legal and practical compliance are particularly salient.

One participant from Cambodia asked how UNDP could contribute to the implementation of a new anti-corruption law and what sort of capacity building UNDP could initiate, taking into account the multi-party landscape in Cambodia, notably in the parliament. UNDP noted that it already formulated a project proposal in 2006 which hinged on the passage of the anti-corruption law. Parts of this project have been mainstreamed in the Country Office's on-going governance programming. Currently the

UNDP Country Office in Cambodia is repositioning its programme, including the parliamentary development assistance, to enhance democratic space. This programme will hopefully increase the role of the media and other non-state actors, and create a coalition of anti-corruption voices to ensure greater engagement in the anti-corruption debate from the local to the national level. In addition, UNDP is working towards specific capacity development for implementation of anti-corruption legislation and for anti-corruption bodies through the Country Office. UNODC is also in a position to provide further assistance, if needed, given its experience in a number of countries, for example in Afghanistan.

Questions were also raised about those countries that had not ratified or acceded to the Convention, and what was being done to try and promote their accession. A number of countries have already signaled their interest in acceding to UNCAC, such as Bhutan, Thailand and Solomon Islands. As mentioned above, technical assistance can be provided to assist in implementation of the Convention to countries that require such help for accession. However, in the case of developed countries that have not acceded, the lack of impetus for accession is generally a political rather than a capacity issue and thus not within the domain of UNODC. It was also noted that there were no expected amendments to the Convention, even though the 5-year embargo will end in 2010.



Giovanni Gallo

“Of particular importance is that UNCAC uses technical assistance rather than sanctions to improve implementation of the Convention.”

Session 3: Supporting UNCAC implementation – assessing capacities for UNCAC capacity development at the national level

Chair: Pauline Tamesis, Practice Leader, Democratic Governance, UNDP RCB

Speakers: UNDP capacity development approach for UNCAC implementation – Samuel De Jaegere, Policy Analyst, Anti-Corruption, UNDP RCB

UNCAC gap analyses: Looking back and looking ahead – Johanna Beate Wysluch, GTZ Representative

Country reports under the ADB/OECD Anti-Corruption Action Plan for Asia and the Pacific – Surya Shrestha, Governance and Capacity Development Specialist, Asian Development Bank, Philippines

National Integrity Systems Assessment Approach – Alan Doig, UNCAC Anti-Corruption Mentor, UNODC Regional Centre for East Asia and the Pacific, Bangkok, Thailand

A perspective from Bhutan – Dasho Neten Zangmo, Chairperson, National Anti-Corruption Commission, Bhutan

Rapporteur: Masood Amer, Head of Governance Unit, UNDP Afghanistan

Samuel De Jaegere emphasized the key role UNDP has in providing capacity development support for implementation of the UNCAC requirements. He noted the challenges associated with implementation of the UNCAC which include, inter alia, coordination of technical assistance to recipient countries as articulated at the recent Conference of State Parties.

UNDP plays a key role in capacity development on anti-corruption at the national and regional level. The UNDP capacity development approach (in accordance with its Strategic Plan) works at three levels: fostering a favourable enabling environment; improving organizational capacity; and supporting skills training of individuals.

At the national level, UNDP provides capacity development assistance and complements the work done by UNODC at improving implementation of the UNCAC. UNDP is present in the field across the region and supports a number of countries in anti-corruption areas. At the regional level, UNDP initiatives include the AP INTACT Community of Practice workshops, the launching of Regional Consortium to support UNCAC gap analyses, an online regional anti-corruption portal and management of the AP INTACT network.

Johanna Beate Wysluch from GTZ presented on her experience conducting compliance reviews (gap analyses) of UNCAC in six countries across the world. She emphasized the need for consistency in the collection of information and overall conduct of gap analysis exercises as well as the need for inclusive participation in the process. The role of local stakeholders in driving the process is of paramount importance and likewise GTZ's experience highlighted the fact that the completion of the gap analysis is only the first step in the long road to UNCAC implementation.

The main strength of the gap analysis, as identified by GTZ, is the potential for these reviews to become catalysts for further reform and improve the implementation of the Convention in the country. In addition, the gap analysis provides information on the technical assistance provided and on what further assistance is needed.

“UNCAC is not an end in itself, but a means towards achieving the goal of reducing corruption.”

Surya Shrestha spoke about the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific which has 28 members in the region. The Anti-Corruption Action Plan works through three pillars, specifically: developing an effective and transparent public service; strengthening anti-bribery actions and promoting integrity in business; and, supporting active public involvement. The Action Plan has also undertaken four thematic reviews, which review the status of a particular anti-corruption issue across countries.

The country reporting combines oral and written reporting. The oral reporting focuses on the latest three reforms in the country, while the written reporting is more comprehensive. This reporting format facilitates cross-country learning and knowledge sharing. There are, however, challenges with these reports, namely, the oral reporting is often long and lacks emphasis on best practices, while the written reports are not always completed in a timely manner and the complexity of the Action Plan results in long and often unwieldy reports. To overcome these challenges, ADB/OECD will implement, on a pilot basis, a more concise reporting format. The oral reports will focus on one single challenge or success story, and the written reports will be consolidated from 37 measures into eight core measures that better align the initiative with the UNCAC process.

“The development of anti-corruption institutions is a long-term commitment that must adapt where funding can be erratic.”

Alan Doig spoke the experience and lessons learned from conducting over 40 National Integrity Country Studies. These studies assess national integrity systems and in particular the competency of the institutions and the needs and challenges these institutions may face in the future. These assessments used detailed questionnaires to ask the right questions of governments about their anti-corruption measures. The answers to these questionnaires require evidence-based responses and coordinated information from across the government.

The development of anti-corruption institutions is a long-term commitment that must adapt to the whims of donors, where funding can be erratic. National ownership of the process, through prioritization, sequencing and timing, empowers countries to build their capacity in anti-corruption measures.

Dasho Neten Zangmo, of the Bhutan Anti-Corruption Commission (ACC), spoke about the experiences of anti-corruption work in Bhutan. Bhutan has not yet undertaken a compliance review or gap analysis nevertheless the country has implemented a number of key anti-corruption initiatives including: simplifying public service procedures, enhancing cooperation across the government, strengthening the ACC, raising awareness on anti-corruption and the ACC, and legislation development.

Key elements of Bhutan's efforts to fight corruption include strong political support from the country's leadership, a harmonious approach in the fight against corruption, the central role of values and religion and, last but not least, the important role of encouraging behavioural change and focusing on people as key elements of the system.

The ACC is very interested in conducting a gap analysis and in transforming this assessment into a platform for further progress in corruption prevention, in developing the capacity of institutions, and in creating a culture against corruption.



Johanna Beate Wysluch



Dasho Neten Zangmo and Davaadulam Tsegmed

The **discussion** again emphasized the key role UNDP has to play in proving capacity development support to countries, particularly on the prevention side. In this role, it was noted that UNDP can play a complementary role *vis-a-vis* UNODC to support countries in their efforts to implement their anti-corruption reform agenda.

Much of the discussion centered on the need for coordination and harmonization in capacity development efforts. The tools and processes used need to be consistent, and international organizations and donors must coordinate and share experiences and knowledge to ensure sustainable capacity development and broad implementation of the UNCAC.

Furthermore, the assessment instruments and processes must be nationally owned and not just driven by donors and international experts. Lessons learned suggest that

national stakeholders need to be involved in identifying the questions in the assessment and setting their own anti-corruption priorities. There are many important elements in any national anti-corruption reform agenda and facilitating the role of CSOs and media in promoting anti-corruption efforts should be part of any capacity development programme.

UNDP has launched key initiatives including setting up the Asia Pacific Integrity in Action Community of Practice to facilitate knowledge sharing and coordinate capacity development efforts on anti-corruption at the regional level. This session, through the broad experiences of the panel, addressed the different processes of capacity assessment. The panelists agreed that national ownership, coordination and consistency in anti-corruption capacity assessments will greatly improve the outcomes of these processes. In terms of follow-up, prioritizing, sequencing and timing anti-corruption measures will help ensure resources are effectively and efficiently deployed. Finally, and most importantly, while it is essential to develop effective tools and methodologies, these are not ends unto themselves; the focus of all capacity assessments and implementation reviews must remain on the ultimate goal, i.e. preventing, combating and reducing corruption.

“Political will, inter-agency cooperation, and broad stakeholder participation all contribute to national ownership, which is essential for a successful UNCAC gap analysis.”

Session 4: UNCAC review mechanism and self-assessment checklist

Chair: Phil Matsheza, Policy Adviser, Anti-Corruption, Democratic Governance Group, BDP/UNDP, New York

Speakers: [Overview of the UNCAC review mechanism](#) – Giovanni Gallo, Crime Prevention Expert, Corruption and Economic Crime Section, Division of Treaty Affairs, UNODC, Vienna

[Mongolia’s experience with the UNCAC self-assessment checklist](#) – Jargalan Dashnyam, Research and Analysis Division, Independent Authority against corruption, Mongolia

Rapporteur: Laurent Pouget, Legal Programme Specialist, Governance Unit, UNDP Lao PDR

In the first part of this session **Giovanni Gallo** presented the UNCAC review mechanism and the self-assessment checklist as agreed upon at the third Conference of State Parties to the UNCAC in Doha, Qatar in November 2009. The process that led to the adoption of the review mechanism and the self assessment checklist was long and rather difficult.

The review mechanism and the self-assessment checklist find their roots in article 63 paragraphs 7 of the UNCAC, which delegates to the COSP the possibility to establish, if deemed necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.

From 2006 to 2009, the COSP and UNODC, as Secretariat to the Convention, developed and refined the review mechanism and self assessment checklist, taking on board the feedback and requests of the participating States parties. At the third COSP in Doha, the States parties officially adopted the terms of reference for the review mechanism and the self-assessment checklist.

The review mechanism is based on a system of peer review. The process is divided into different phases, which are subsequently divided into 5-year cycles. The first cycle will cover chapters III (criminalization) and IV (international cooperation) which were considered technical and political priorities by the States parties. Under the review process, the country to be reviewed will complete the self-assessment checklist which will be followed by a desk review. If the country being reviewed agrees, this can be accompanied by an in-country review. When complete, the executive summary of the review will be a public document, while the report itself will remain confidential unless the State under review decides to publish it.

In June 2010 a first set of 40 countries will be selected for review by lottery. At the same time the reviewer countries will also be selected by lottery. The General Assembly of the UN has budgeted for the reviews through regular contributions so there will be no cost for implementing states. Also, the review mechanism encapsulates the existence of other mechanisms so there is no risk of duplication.

The presentation finished with a brief demonstration of how to use the self-assessment checklist software and how it can be utilized to better coordinate technical assistance responses.

In conclusion, it was noted that although the review mechanism is a consensus and therefore a compromise document, it still requires the minimum standards of the Convention to be implemented. The self-assessment checklist is a comprehensive and clear tool which will assist States parties in assessing their implementation prior to external review. The mechanism will undoubtedly evolve and develop over time as the needs of States parties change and difficulties in implementation are identified.

Jargalan Dashnyam, of Mongolia's Independent Authority Against Corruption (IAAC) then presented on the Mongolian experience of using the self-assessment checklist. Mongolia undertook the Voluntary Pilot Review Programme of implementation of the UNCAC which was launched in 2007. Mongolia expressed interest in April 2008 and the Independent Authority Against Corruption sent two officers to the meeting of the Pilot Review Group in October 2008.



Mongolian Delegation

After completing the self-assessment checklist, Mongolia's implementation was reviewed by experts from Sweden and the Pakistan. A country visit was undertaken and the visitors held meetings with various representatives of government institutions, the judiciary and CSOs. The report prepared in collaboration with UNODC was accepted after 4 revisions. Overall, the review helped the IAAC detect some legal deficiencies and brought various anti-corruption stakeholders together. It was noted, however, that considerable time and resources were spent on translation of documents.

The collection of information for the review was well coordinated and all concerned departments, agencies and institutions were able give input for the checklist. The agencies' answers were then translated into English and sent to the Secretariat. The dissemination of the review findings is currently in process: conclusions will be translated and seminars will be organized with all partners across the country.

“The self assessment checklist is a comprehensive and clear tool that will assist States parties in assessing their implementation prior to external review.”

Session 5: Assessing capacities for UNCAC capacity development – experiences in Asia-Pacific

Chairs: Son Chhay, Member of Parliament, National Assembly of Cambodia

Tony Prescott, Anti-Corruption Specialist, Australian Agency for International Development (AusAID)

Speakers: [Bangladesh UNCAC gap analysis experience – Manzoor Hasan](#), Director, Institute of Governance Studies, Dhaka, Bangladesh

[Indonesia’s UNCAC gap analysis experience – Mochammad Jasin](#), Commissioner, Corruption Eradication Commission (KPK), Indonesia

[Maldives’ UNCAC gap analysis experience – Mujthaba Hameed](#), Secretary-General, Anti-Corruption Commission of Maldives

[Afghanistan’s UNCAC gap analysis – Qaseem Ludin](#), Deputy Director, High Office of Oversight, Afghanistan

Rapporteurs: Jairo Acuña-Alfaro, Policy Advisor on Public Administration Reform and Anti-Corruption, UNDP Viet Nam

Shihara Rajakaruna, Project Coordinator, UNDP Sri Lanka

This session examined the experiences of different countries in the region that have undertaken gap analyses. The session ran over two days, with a presentation from **Manzoor Hasan** on Bangladesh’s experience on the first day, followed by presentations on the experiences of Indonesia, Maldives and Afghanistan the following day.

Bangladesh, under the leadership of the Ministry of Law Justice and Parliamentary Affairs (MoLJPA), coordinated a gap analysis soon after the country ratified the Convention itself in early 2007. In that sense, the UNCAC assessment was the first opportunity to conduct a comprehensive examination of anti-corruption laws and procedures in the country.

Although Bangladesh was constrained by a tight timeframe, the methodology was inclusive of different stakeholders and included a steering and an experts committee. The analysis used the self-assessment checklist and compared the UNCAC provisions to the national legislation. As a result of the gap analysis a series of legislative changes were made, including:

- Public Procurement Rules 2008
- Money Laundering Prevention Act 2009
- Anti-Terrorism Act 2009
- Representation of the People (Amendment) Act 2009
- Right to Information Act 2009,
- The Code of Criminal Procedure (Amendment) Act 2009
- Nomination of ‘Central Authority’ to provide MLA under UNCAC



Tony Prescott, Mujthaba Hameed and Mochammad Jasin

A key lesson learned from Bangladesh is the importance of political will. The incoming government exhibited strong political will and determination to seize the momentum and demonstrate its willingness to address corruption. Given the momentum generated by the first analysis, particularly considering the short time frame in which it was written, a second edition was conducted after the Bali COSP in 2008. The second analysis was more comprehensive than the original; it included an article-by-article assessment and took into account legislative changes since the first report.

In the **discussion** that followed Manzoor’s presentation, an initial group of questions focused on which approach to follow (i.e. article-by-article, or thematic-based), how to deal with opposition forces and vested interests that may hinder implementation, and what types of capacity development processes had been put in place in Bangladesh.

“The gap analysis will be a tremendous support and serve as a head-start for the upcoming self assessments and review mechanisms.”

In response it was noted that the approach should be decided after taking into account the different resources and needs of the country under review. Factors that might influence this decision include government priorities deadlines, and available resources. In the case of Bangladesh, the MoLJPA decided to use a thematic approach mainly based on the amount of time available. Political will was considered a very critical factor in overcoming vested interests. In the absence of political will, countries can identify incentives and benefits for the national leadership that come from this type of exercise to try and bring them onboard.

The second round of questions focused on how to communicate findings and how Bangladesh's completion of the gap analysis will affect their ability to complete the self-assessment checklist and to participate in the review mechanism processes recently adopted by the COSP.

Manzoor highlighted the importance of communication. In the case of Bangladesh a decision was made in the early stages to actively communicate the strengths and weaknesses identified by the gap analysis. In addition to increasing the transparency of the process, this raised awareness about the issue of corruption in the country. Manzoor also noted that the gap analysis will be a tremendous support and serve as a head-start for the upcoming self-assessment checklist and review mechanism.

On the second day, **Mochammad Jasin** of the Corruption Eradication Commission (KPK) spoke about Indonesia's experience in undertaking a gap analysis and the achievements of the KPK in eradicating corruption.

The objective of the gap analysis was to identify the differences between UNCAC and the existing laws and regulations in Indonesia with regard to bribery and corruption. The procedure adopted by Indonesia was very similar to the system used in Bangladesh. That is, it involved consultation with relevant government authorities, preparation of a comparative legal matrix, and included recommendations and comments from experts.

Upon completion of the gap analysis process, it was suggested that Indonesia amend some pieces of legislation, strengthen public procurement mechanisms, enhance the capacity of the law enforcement authorities and promote specific procedures to prevent corruption.



Mochammad Jasin



Mujthaba Hameed

The performance of the KPK was also underscored; significantly it has filed cases against a number of politicians and high-ranking officials, showing a commitment to its anti-corruption objectives.

Mujthaba Hameed of the Maldives gave an insight into the ongoing difficulties his agency faces in conducting a gap analysis. The Anti-Corruption Commission (ACC) was established in 2008 as an independent body charged with the mandate to undertake corruption investigations and host education and prevention activities.

The ACC, with the assistance of an expert team from UNODC, began a gap analysis in April 2009 to assess the legal, institutional and administrative gaps that exist in the country. The gap analysis focuses on seven articles of the Convention identified as priorities by the ACC.

Maldives has identified a number of issues already including insufficient independence and resources available to the ACC, legislative gaps and a lack of coordination in anti-corruption strategies.

The speaker also noted a number of constraints that the ACC faces in undertaking the gap analysis, namely: a transitional government that lacks political will to implement anti-corruption reforms, lack of communication and coordination between agencies, and human and financial resource shortages.

Qaseem Ludin of the High Office of Oversight then finished the session by looking at Afghanistan's gap analysis experience. The gap analysis was conducted by an international consultant and began in Autumn 2007 finishing in May 2008. Unfortunately, due to the difficult political and security situation in the country the consultant primarily worked outside Afghanistan and visited the country for only a few days to meet with government agencies and other key stakeholders.



Qaseem Ludin

The gap analysis engaged a broad-range of actors and it was recognised as an important first step in helping the government and its international partners think through what ratification of the UNCAC meant for Afghanistan. The analysis provided a detailed review of law reform needed to harmonize Afghan legislation with the UNCAC and made recommendations in regard to the institutional arrangements required and priority actions in the fight against corruption.

Since the gap analysis was completed Afghanistan has undertaken legislative, judicial and administrative reforms as well as developing a comprehensive national anti-corruption strategy. However, there were also some difficulties associated with the gap analysis. The lack of national ownership and government involvement were highlighted as key barriers to more comprehensive implementation of the recommended reforms. In addition, support from donors did not necessarily match the priorities identified in the gap analysis and certain reforms were potentially less effective than they might otherwise have been.

“By realising a gap analysis countries could go beyond the minimum and take ownership of their anti-corruption efforts.”

Following the presentations, the **discussions** focused on the many challenges associated with undertaking a gap analysis and implementing anti-corruption reform. Many of the speakers reiterated the need for political support and inter-agency cooperation. Without these two elements it is difficult for countries to undertake a thorough and accurate assessment of its anti-corruption framework and implement the necessary reforms to bring it into line with the UNCAC.

In addition to improving legislation, discussions centred on the need for effective application and enforcement of the anti-corruption laws. Participants identified that, in some circumstances, legislative changes were not implemented in practice. Finally, there was discussion about the importance of adequate resourcing, both financial and human. The Maldives recognized that without greater financial resources the gap analysis is not likely to result in further reform.

Overall, this session illustrated the importance of gap analyses and gave insight into the different methods and processes that can be used in conducting one. The speakers and participants agreed that by realizing a gap analysis countries could go beyond the minimum and take ownership of their anti-corruption efforts.

The session also shed light on the various factors that influence the process, in particular the need for political will, adequate resources and continued dedication beyond the completion of the analysis. Through the four country examples, participants were able to appreciate the differences and similarities in the process across countries, and gain a better understanding of how a gap analysis could be carried out in their own country.

Session 6: Reviewing UNCAC gap analyses from the Asia-Pacific region

Chair: Samuel De Jaegere, Policy Analyst, PAR and Anti-Corruption, UNDP RCB

Facilitators: Greta Fenner, Advisor to the Institute of Governance Studies, Dhaka, Bangladesh

Manzoor Hasan, Director, Institute of Governance Studies, Dhaka, Bangladesh

Alan Bacarese, Head of Legal and Case Consultancy, International Centre for Asset Recovery, Basel Institute on Governance

Rapporteur: Robert Onus, Research Analyst, PAR and Anti-Corruption, UNDP RCB

During this session the participants separated into breakout groups. Each group reviewed a section of the [UNCAC gap analyses](#) completed by Afghanistan, Bangladesh and Indonesia. This in-depth examination of the gap analyses enabled the different groups to assess the strengths and weaknesses of the gap analysis under review, and to identify key processes that lead to successful outcomes. The analysis could then be applied to the local country contexts of participants to inform their own gap analysis processes.

The three groups reported back to the plenary on their findings. Included below are some of the findings from the Afghanistan group:

- From the outset, the group acknowledged the difficulties in conducting the analysis in the Afghan context, noting in particular the short period of time the consultant spent in country.
- In relation to this, the notion of national ownership of the gap analysis is of great importance. In the context of Afghanistan, the particular circumstances caused a lack of national ownership which limited the effectiveness of the gap analysis. Without national ownership the anti-corruption activities are less likely to be self sustaining and ongoing.
- The value of the gap analysis is not only its identification of areas that require further implementation but also its identification of constraints to implementing the Convention.
- The Afghanistan report seemed to omit the legislative matrix. This would make it difficult for agencies to implement the recommendations. Without access to the methodology, it was unclear what approach was taken in the format of the report.
- The report recommendations which were linked to other related conventions were particularly useful.



Manzoor Hasan



Sukardi Luthfiganna, Domingo Monteiro and Praseutsack Outhenthapanya

Applying the gap analysis to the national context

- In Sri Lanka, they have adapted the gap analysis process to ensure that key national stakeholders play fundamental and proactive roles in the analysis. For instance, the process is run in close collaboration with the Attorney General's Office, as this institution plays a key role in the development of legal reforms.
- It was noted that in the Maldives greater multi-stakeholder engagement is needed. The UNDP Country Office could play a more proactive role and provide greater assistance in facilitating this engagement.
- In Lao PDR, there would be some difficulties in finding a national consultant to undertake the analysis thus complicating the issue of national ownership. It was noted though, that were a gap analysis to be undertaken, it would be at the request of the government, implying a clear commitment from their part.

“Without national ownership of the UNCAC gap analysis, any follow-up activities are less likely to be self sustaining and ongoing.”

Session 7: Presentation of the draft Guidance Note on how to conduct UNCAC gap analyses and capacity assessments

Chair: John Keniapisia, Special Secretary to the Prime Minister, Department of Prime Minister and Cabinet, Government of Solomon Islands.

Speakers: [Overview of the draft Guidance Note](#) – [Gretta Fenner](#), Advisor to the Institute of Governance Studies, Dhaka, Bangladesh

[Overview of the draft Guidance Note: continued](#) – [Jan Richter](#), Head of Public Accountability, Centre for Governance and Anti Corruption, Basel Institute on Governance

[Kenya case study](#) – [Alan Bacarese](#), Head of Legal and Case Consultancy, International Centre for Asset Recovery, Basel Institute on Governance

Rapporteur: Venkata-Rama Sastry, Anti Corruption and Crime Prevention Expert, UNODC Regional Office South Asia, Delhi, India

This session provided a good opportunity for dialogue on gap analyses between the members of the Regional Consortium and the participants of the workshop.

Gretta Fenner presented an overview of the draft Guidance Note that has been recently developed by the Regional Consortium drawing on lessons learned from previously conducted gap analyses by the team. An UNCAC gap analysis has the potential to realize many outcomes, including catalyzing the capability of the institutions to implement anti-corruption measures.

Key factors for success within a gap analysis include ensuring political will, leadership and country ownership as well as multi-stakeholder engagement, within and outside of government. The objectives of the analysis must be realistic, particularly in some of the smaller States, and transparency and follow up are also necessary to ensure the review outcomes are ongoing.

Jan Richter explained that, in regard to the scope, the gap analysis should be comprehensive due to the inter-connectedness of the articles within the Convention. Likewise the analysis should cover the macro and micro spheres, from the enabling environment, to the organizational and individual level. The recommended methodology includes an initial stakeholder workshop, a desk analysis in the country, further stakeholder consultations, report preparation and a final stakeholder workshop. The exercise should ideally lead to a short-term as well as long-term action plans for fighting corruption.

“The UNCAC gap analysis methodology includes an initial stakeholder workshop, a desk analysis in the country, further stakeholder consultations, report preparation and a final validation workshop.”



Jan Richter

Within these five steps, the international experts should be able to assist the core group of national experts in identifying the level of legal and practical compliance. To ensure a broad and comprehensive analysis, the process should include: a good and balanced representation of civil society and academia in the stakeholder workshops, a steering committee consisting of senior government officials, a technical group of experts to conduct research, interviews and focus groups to validate the desk research, and a final stakeholder consultation after the report has been prepared to confirm the findings and raise awareness about the report.

Alan Bacarese then presented the experience of Kenya's UNCAC gap analysis. Kenya has been affected by corruption over various administrations and, in response to this, was the first country to sign and ratify the UNCAC in 2003. However, this symbolic step was taken without proper consideration of the responsibilities it entailed and Kenya did little to implement the Convention. Since then the country has taken several steps towards implementing the Convention, including creating the Kenyan Anti-Corruption Commission (KACC), culminating in the gap analysis.

The KACC undertook the gap analysis on behalf of the Government, beginning with the self-assessment checklist in 2007. They formed agreements with the Kenyan Ministries, requested international and other available

instruments to inform their reports. Most importantly, they established an oversight committee to ensure political motivation, a technical committee to draft the report, and held workshops and consultations with international experts and other stakeholders.

A first draft was produced and validated through stakeholder dialogue and the final report was published in October 2009. Although the report is not yet officially released, it has provided the country with a broad and comprehensive analysis of the anti-corruption systems in Kenya. It identified the gaps in the anti-corruption response, as well as the underlying structures that broadly cause these failures.

In the following **discussions** the speakers of the session strongly emphasized strong political will, leadership from the top, involvement of multiple stakeholders, technical expertise, a transparent process and systematic follow up as essential ingredients for ensuring a meaningful gap analysis. The core technical team could overcome political differences that might arise at higher levels, while the political clout of the steering committee would give meaning to the process and ensure that its recommendations were acknowledged and implemented.

In regard to timing, there is no best time to undertake a gap analysis, and a decision on when to begin the process should be made in consideration of the government's objectives and priorities.



John Keniapisia and Gretta Fenner

It was clarified how the gap analysis methodology can complement the self-assessment checklist tool (as adopted by the COSP) by ensuring greater participation in the preparation of the self-assessment report. It also provides a more exhaustive account of the country's needs and should result in better follow up afterwards. Ultimately, it will lead to the eventual goal of implementation of the UNCAC provisions and corruption prevention. In this regard, the gap analysis helps countries go beyond the minimum and focus on the ultimate goal of corruption prevention.

“Participants recognized the need to move beyond the minimum requirements and use the spirit and framework provided by UNCAC to take strides towards greater accountability.”

Sessions 8 and 9: Preparatory steps to launch UNCAC gap analyses and capacity assessments at the country level

Chair: Pauline Tamesis, Practice Leader, Democratic Governance, UNDP RCB

Speakers: [National stakeholder workshops as a first step](#) – Gretta Fenner, Advisor to the Institute of Governance Studies, Dhaka, Bangladesh

[Reflections on practical issues in the implementation of UNCAC gap analyses](#) – Manzoor Hasan, Director, Institute of Governance Studies, Dhaka, Bangladesh

[How to prepare for fact-finding missions](#) – Alan Bacarese, Head of Legal and Case Consultancy, International Centre for Asset Recovery, Basel Institute on Governance

Rapporteur: Bryan Holford, Head of Governance Unit, UNDP Timor-Leste

The presentation by **Gretta Fenner** highlighted the need for a clear and systematic approach when holding stakeholder workshops as part of an UNCAC gap analysis. The development of a clear scope of work, including timeframes, and outputs is critical to ensuring a common set of expectations from this process. A steering committee should undertake the management of a gap analysis, with the substantive work conducted by a

working group of relevant technical experts. The establishment of an inter-disciplinary team (or inter-ministerial committee) is highly desirable to ensure appropriate level of engagement by stakeholder agencies. The membership of the steering committee should include representation from all key ministries and should be comprised of officials who have decision-making powers.



Alan Bacarese

Manzoor Hasan further emphasized that the role of the steering committee is to oversee the work of the technical working group, report to a high-level political ‘champion’ and liaise with donors and international partners. The role of the technical working group is to review legislation, prepare documentation and to draft a response to the UNCAC self-assessment checklist. The team should consist of in-country policy and legal experts and if possible should include an UNCAC/international law expert.

The presentation by **Alan Bacarese** drew upon his experience supporting the Kenyan Anti-Corruption Commission in the development of their UNCAC gap analysis. This work highlighted the need for clearly defined terms of reference for international experts and for solid preparation (historical and political analysis) to be undertaken prior to the commencement of the mission. The presenter emphasized the importance of clear questions to ensure that responses relate directly to the areas of enquiry. He also suggested that a questionnaire be distributed to stakeholders prior to or during an expert mission as a means of prompting stakeholders to consider possible responses to questions.

The following **discussion** questioned the impact of gap analyses in reducing corruption. The Bangladesh case study showed that whilst the reduction of corruption-related cases was difficult to quantify, the gap analysis process had stimulated a number of broader governance reforms. These included: (i) articulation of the capacity development needs of relevant agencies, which enabled improved targeting of capacity development strategies; (ii) strengthened awareness of Bangladesh’s international obligations; (iii) the

“The gap analysis is a comprehensive methodology that enables countries to identify priority areas and implement reforms together with international partners and in accordance with their own national priorities and capabilities.”

establishment of legislation on procurement and the right to information; (iv) the increased sustainability of the anti-corruption agenda within national institutions; and (v) the development of a National Integrity Strategy.

The World Bank representative pointed out that governments were not starting from scratch in assessing their anti-corruption needs and strategies, in fact much of the work has already been done. One remaining key challenge is how to link research and analysis to studies that have already been undertaken and how this can be incorporated into the UNCAC gap analysis.

Discussion on the resource implications for host countries conducting a UNCAC gap analysis indicated that approximately 4-5 persons would be required to provide secretariat support services to the steering committee and technical working group over a period of up to six months. Associated costs of around \$50,000 to cover printing, translation and workshop costs should also be factored into planning and budgeting of an UNCAC gap analysis.

There was general agreement that States’ need to start their anti-corruption reform programmes and that the UNCAC gap analyses provide a solid and internationally recognized methodology for undertaking this work. The gap analysis is a comprehensive tool that enables countries to identify priority areas and implement reforms together with international partners and in accordance with their own national priorities and capabilities. Furthermore, the gap analysis process will result in a nationally owned self-assessment that will benefit from successive international reviews under the review mechanism.



Domingo Monteiro and Praseutsack Outhenthapanya

“The establishment of an inter-disciplinary team (or inter-ministerial committee) is highly desirable to ensure appropriate level of engagement by stakeholder agencies.”

Session 10: Walking the talk: The UNDP accountability system

Chair: Nicholas Rosellini, Deputy Assistant Administrator and Deputy Regional Director, UNDP Regional Bureau for Asia and the Pacific

Speakers: [The UNDP accountability system](#) – Ali Al-Za'tari, Deputy Director, and Tore Skatun, Accountability Learning Advisor, UNDP Bureau of Management, New York

[The integrity assessment in UNDP Afghanistan](#) – Masood Amer, Head of Governance Unit, UNDP Afghanistan

Rapporteur: Charmaine Rodrigues, Legislative Strengthening Advisor, UNDP Pacific Centre

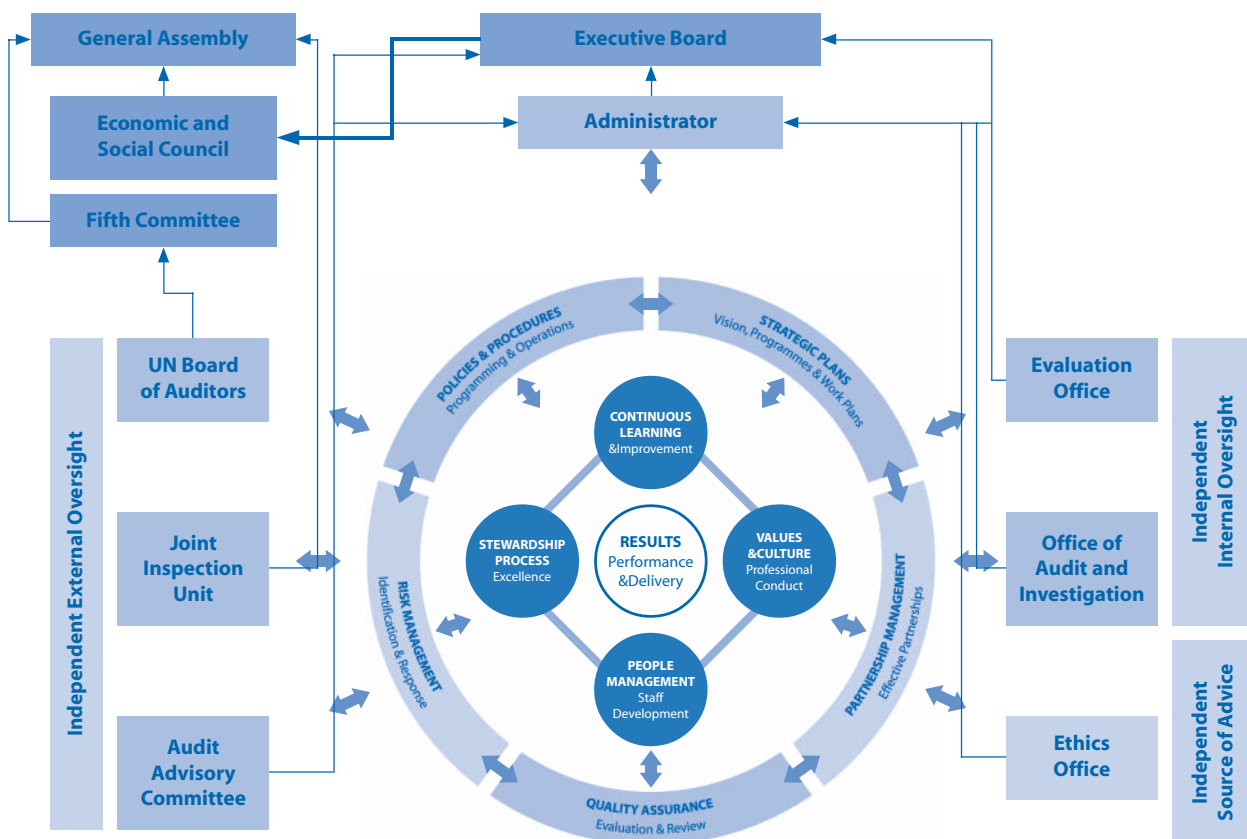
Nicholas Rosellini introduced the session by giving an overview of the complex accountability environment in which UNDP operates, taking into account its many stakeholders and different working environments.

Ali Al Za'tari introduced the theme for the session by giving a brief background on the recent strengthening of the UNDP accountability system. The accountability system has been transformed into a positive tool which enables employees to make decisions with a clear understanding of the rules and regulations which govern them so they can continue to deliver results.

This year the emphasis is on mainstreaming accountability, so that rather than a project, accountability becomes a state of mind. UNDP has reached a level of conviction and acceptance of the accountability system, now the challenge is to leverage these tools to enable country office staff to make decisions with accountability.

This was followed by a brief presentation from **Tore Skatun** on the UNDP accountability system. Tore explained that UNDP accountability is premised on the UNDP mission to help programme countries achieve meaningful development, understood as real and lasting improvements in people's lives. Thus the organization's responsibility to stakeholders, programme countries and donors is in support of this goal.

UNDP is repositioning accountability within the organization as a value-based rather than a compliance-based process. As such, the UNDP accountability system is based on six core values: Accountability, Integrity, Transparency, Respect, Professionalism and Results Orientation.



“Accountability is the obligation to deliver on our commitments in accordance with agreed rules and standards and to report fairly and accurately on performance results.”

The accountability system has two components: the accountability framework and the oversight policy. The accountability framework describes the organization-wide processes for monitoring, analyzing, and improving performance in support of the UNDP Strategic Plan, while the oversight policy covers the specific procedures and tools that provide independent assurance and evaluation of UNDP.

UNDP integrates the accountability system into the organization by ensuring that staff and managers understand and embrace the accountability agenda; providing staff and managers with access and knowledge of the policies and procedures; using integrated tools for staff to report wrongdoings; and including comprehensive internal and external feedback and oversight mechanisms. UNDP has also established an “Accountability Platform” on the UNDP Intranet to provide easy access to guidance and information on UNDP’s accountability system. A graphic representation of the UNDP accountability system is below.

Masood Amer then gave an example of how the accountability system works in practice in the country offices, in this case Afghanistan. UNDP Afghanistan already has the largest UNDP country office budget in the world and is expanding its programmes in a highly complex political and security environment. Accountability is crucial in this context.

UNDP Afghanistan recently commissioned a review of its integrity and accountability systems to identify how the office implements its policies on transparency and integrity, to make recommendations for improvement, and to stimulate dialogue and self-reflection among UNDP staff. One of the main outcomes of the review was to provide greater transparency for the public and greater ownership of the UNDP programmes and projects for the Afghan Government



Various Delegates

The review evaluated the projects and the programme governance system; developed guidelines for proactive information sharing between UNDP, the Afghan Government and the public; promoted improved transparency and integrity in operations, notably in the recruitment of consultants; and sought to improve the office’s communications strategy.

The ensuing **discussions** raised some interesting issues about how to instil the values of the accountability system in staff, and how to overcome resistance to change and increase transparency and accountability in UNDP operations. In the experience of UNDP, the adaptation to a value-based accountability system was relatively straightforward and encountered very little resistance from staff. To ensure this process is successful, it is important to use a top-down approach and start with the leadership group. This ensures that the values of integrity and transparency are upheld throughout the organization.

“UNDP Afghanistan already has the largest UNDP country office budget in the world and is expanding its programmes in a highly complex political and security environment. Accountability is crucial in this context.”

Session 11: Briefing on the 14th IACC and the next Global CoP on anti-corruption

Speakers: Briefing on the 14th IACC held in Bangkok in November 2010 – Emmanuelle Kunigk, IACC Project Coordinator

14th IACC and Global CoP on anti-corruption in Bangkok 2010 – Anga Timilsina, Coordinator, Global Thematic Programme on Anti-Corruption for Development Effectiveness (PACDE), Democratic Governance Group, UNDP New York

Rapporteur: Robert Onus, Research Analyst, PAR and Anti-Corruption, UNDP RCB

Emmanuelle Kunigk introduced the upcoming 14th biennial International Anti-Corruption Conference (IACC) which will be held in Bangkok in November 2010. The title of this year's conference is derived from the recent global financial crisis, it is: **Restoring Trust: Global Action for Transparency**.

The Conference will be hosted by the National Anti-Corruption Commission of Thailand and the Royal Government of Thailand. The four main themes of the conference are inspired by four major global challenges. They are:

1. Restoring trust for peace and security
2. Fuelling transparency and accountability in natural resource and energy markets
3. Ensuring collective climate governance
4. Strengthening global action for an accountable corporate world

Within each theme, solutions will be sought through workshops on various sub-themes that:

- Address the need for collective action
- Address the cross-cutting nature of corruption effects and the benefits of curbing corruption
- Propose solutions to the implementation challenges of anti-corruption measures
- Take cross-cutting solutions on board

A call for workshop proposals will be launched on 15 February and will be open until 31 March 2010.

Anga Timilsina then briefly spoke about UNDP preparations for the 14th IACC noting that there were 1,663 participants at 13th IACC in Greece in 2008. UNDP participation at the upcoming conference will include UNDP staff, CSOs and UNDP-sponsored representatives.

UNDP preparations for the 14th IACC include:

- Work as part of the organizational committee
- Work in UNDP RCB as the focal point for Thailand
- Creating a team for workshop development and preparation
- Maximizing the representation for developing countries (up to 100 delegates)
- Conducting research and studies
- Global advocacy and awareness raising

The 4th Global Community of Practice on Anti-Corruption will be held back-to-back with the 14th IACC. The Global CoP will build upon the achievements of the Regional CoPs. The four major themes of the Global CoP will be:

- Discussion of emerging global trends (post-Doha, climate change and MDG summit)
- Discussion of regional trends
- Identification of UNDP's priority areas for next two years
- Validation of some of the knowledge products

Session 12: Walking the talk: training on ethics

Chair: Pauline Tamesis, Practice Leader, Democratic Governance, UNDP RCB

Speakers: Alan Richter, President, QED Consulting

The Ethics Office – [Alayne Frankson Wallace](#), Ethics Advisor, Ethics Office, UNDP New York

Rapporteur: Robert Onus, Research Analyst, PAR and Anti-Corruption, UNDP RCB

This first part of this session consisted of a workshop directed at UNDP staff facilitated by **Alan Richter**. The workshop focused on ethics and integrity and its objectives were to:

- Familiarize staff with principles of appropriate and sound ethical decision-making in a public sector environment;
- Ensure a common and consistent understanding of the meaning and practice of integrity, ethics, transparency, and accountability in the UNDP context;
- Inform participants about potential (legal) consequences if ethical standards are not in place, providing examples of unethical behaviour;
- Emphasize that compliance with ethical standards is a continuous priority;
- Inspire further ethical behaviour and initiatives in the daily functions of staff members;
- Prepare participants for responding to an ethical dilemma.

The workshop included case studies that raised ethical dilemmas and demonstrated to participants the appropriate actions to take in such situations. Through the use of an ethical decision-making model, participants could clearly identify key issues and take the appropriate course of action.

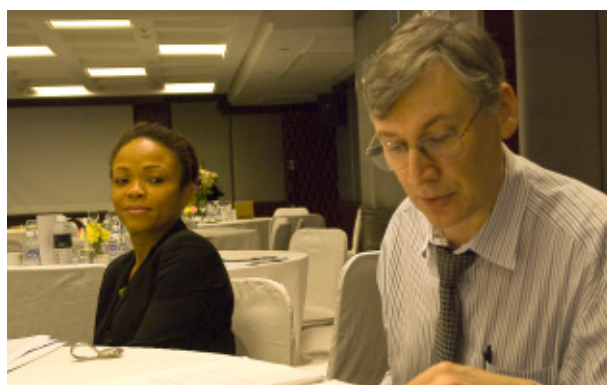
The second part of the session involved a presentation from **Alayne Frankson Wallace** from the UNDP Ethics Office. The session informed participants about the mandate, duties and role of the Ethics Office. It also ensured that the participants knew their responsibilities in potential conflicts of interest and other ethical situations. At the



Jairo Acuña-Alfaro

end of the session, there was an interesting discussion about various possible ethical scenarios. The participants raised the issue of gifts and how best to deal with them, taking into account the cultural context.

“Ethical decision making strongly reinforces the UNDP values of Integrity, Respect and Results Orientation.”



Alayne Frankson Wallace and Alan Richter

“As international civil servants, the actions of UNDP staff must always be characterised by integrity, transparency and accountability.”

Conclusions and way forward

The third Asia Pacific INTACT Community of Practice Workshop updated participants about recent developments regarding the UNCAC Review Mechanism and shared good practices on conducting UNCAC gap analyses taken from the region and beyond. The workshop highlighted how the UNCAC gap analyses can complement the UNCAC Review Mechanism and provide greater national ownership to implementation reviews and increase their impact.

The sessions shared best practice experiences from the region and beyond (notably from Indonesia, Bangladesh and Kenya) on how to conduct gap analyses. The case studies from Mongolia's pilot review programme and from Afghanistan, Bangladesh and Indonesia's gap analyses enabled the participants to examine distinct approaches available and learn from the experiences of these countries. Furthermore, international experts presented a draft Guidance Note on how best to conduct these processes and assisted countries in prioritizing and developing plans for reviewing their implementation of the UNCAC.

Corruption is a threat to development, a threat to the MDGs and a threat to democratic governance. To mitigate that threat, UNDP is committed to assisting countries to comprehensively assess their implementation of the UNCAC through a participatory process that promotes considered reforms in line with the national priorities.

At the end of the workshop, the participants collectively agreed that:

- UNCAC is not an end in itself, but a means towards achieving the goal of reducing corruption.
- A key challenge is how to transform UNCAC from an international legal treaty into a practical working instrument for implementation in a specific national context.
- The self-assessment checklist is a comprehensive tool which will assist States parties in assessing their compliance with UNCAC and their broader anti-corruption gaps and priorities, prior to external review. As the official information gathering tool on UNCAC compliance, the checklist can serve a dual purpose for anti-corruption reformers: (1) to feed into the formal UNCAC Review Mechanism, and (2) to inform policy reform at the national level and stimulate follow-up action.
- Political will, inter-agency cooperation and broad stakeholder participation are key ingredients in ensuring national ownership of the results of the UNCAC self-assessment checklist and gap analysis process. Without national ownership of the UNCAC self-assessment checklist and/or accompanying gap analysis, any follow-up activities are less likely to be self-sustaining.
- To go beyond achieving the minimum requirements of UNCAC implementation, lessons from past UNCAC gap analyses reinforce the importance of inclusive participation (both inter-disciplinary and inter-departmental), open and transparent communication, and effective multi-stakeholder coordination.
- Practical application of the international normative principles on anti-corruption is embedded in the mandate of UNDP, particularly that of promoting integrity and ethics in (international) civil service.
- For UNDP, accountability is the obligation to deliver on our commitments in accordance with agreed rules and standards and to report fairly and accurately on performance results. As international civil servants, UNDP actions must always be characterized by integrity, transparency and accountability.

In terms of follow up, UNDP (HQ, Bangkok, Pacific) and UNODC (HQ, Bangkok), in partnership with the Institute of Governance Studies and the Basel Institute on Governance as appropriate, will be assisting countries to apply a participatory and nationally driven process to assess capacities of their anti-corruption systems and progress reforms to address gaps. Countries that wish to go beyond the minimum requirements will be supported by the UN in their attempts to achieve their nationally stated goals in the area of anti-corruption.

“UNDP is committed to assisting countries to comprehensively assess their implementation of the UNCAC through a participatory process that promotes considered reforms in line with the national priorities.”

Conclusions and way forward

At the country level, UNDP Country Offices will facilitate engagement with national stakeholders and at the same time liaise with the Regional Centre in Bangkok to coordinate the support provided by the Regional Consortium. In the Pacific, the Pacific Centre will liaise with (multiple) Country Offices and national governments to agree on the most appropriate approach for each country.

A workshop on lessons learned from the UNCAC Regional Consortium is likely to be organized in the sidelines of the 14th IACC in November 2010 in Bangkok. This will be an opportunity to take stock of the UNCAC gap analyses conducted in 2010, as well as to review the Guidance Note developed and lessons learned and documented from the countries assisted by the Regional Consortium.

Following the 3rd INTACT Community of Practice workshop, and as part of UNDP's ongoing commitment to accountability and integrity, pre-selected staff members from RCB, Pacific Centre, Mongolia and New York were trained during the back-to-back Training of Trainers on ethics (4-5 February 2010). These trainers will now be available to conduct further training sessions on ethics upon demand in UNDP Country Offices. In UNDP, 125 staff of the Regional Centre and Country Office have already received ethics training as part of this initiative.

Annexes

Annex 1: Agenda

Monday, 1 February 2010	
08.45 – 9.00	Registration (Welcome)
09:00 – 09:45 First Session	<p>Opening Session</p> <ul style="list-style-type: none"> Presentation of agenda and workshop objectives <i>Pauline Tamesis and Samuel De Jaegere (15 min)</i> This overview will set the context and rationale for the regional workshop and explain the objectives and expected outputs for the next 3 days. UNDP’s role in supporting United Nations Convention Against Corruption (UNCAC) implementation by <i>Phil Matsheza, Global Anti-Corruption Adviser, Democratic Governance Group, BDP/UNDP (15 min)</i> This presentation will provide a brief introduction of UNDP support to capacity development for UNCAC implementation. It will also provide an opportunity to highlight the cooperation framework between UNODC and UNDP at the global, regional and country level. <i>Rapporteur: Robert Onus, Research Analyst, PAR and Anti-Corruption, RCB</i> Q&A follows/ Discussion (15 minutes)
9:45 - 10.45 Second Session	<p>Brief Introduction to the United Nations Convention Against Corruption (UNCAC) <i>This session will briefly present UNCAC, its principal objectives and the main chapters of the Convention: (i) prevention (ii) criminalization and enforcement; (iii) international cooperation; and (iv) technical assistance and (v) asset recovery. This presentation will be followed by a group discussion.</i></p> <p><i>Chair: Alan Doig, UNCAC Anti-Corruption Mentor, UNODC Regional Centre for East Asia and the Pacific, Bangkok, Thailand</i></p> <p><i>Speaker: “Introduction to the UNCAC – Refresher course” by Giovanni Gallo, Crime Prevention Expert, Corruption and Economic Crime Section, Division of Treaty Affairs, UNODC, Vienna (30 min)</i></p> <p><i>Rapporteur: Naima Mohamed, Programme Analyst, Governance Unit, UNDP Maldives</i> Q&A follows/ Discussion (30 minutes)</p>
10.45 - 11.00	Coffee Break
11.00 - 12.45 Third Session	<p>Supporting UNCAC implementation – Assessing capacities for UNCAC capacity development at the national level.</p> <p>This session will focus on the UNDP capacity-development approach, notably in terms of supporting UNCAC implementation and capacity development of national anti-corruption bodies. A number of assessment practices will be reviewed, notably the ADB/OECD country reports, the UNCAC gap analyses, as well as the Transparency International National Integrity Assessments. This session will also focus on one country example from Bhutan.</p> <p><i>Chair: Pauline Tamesis, Practice Leader, Democratic Governance, UNDP RCB</i></p>

Monday, 1 February 2010 (continued)	
11.00 - 12.45 Third Session (continued)	<p><i>Speakers:</i></p> <ul style="list-style-type: none"> • “UNDP capacity development approach for UNCAC implementation” by Samuel De Jaegere, Policy Analyst, Anti-Corruption, UNDP RCB (10 min) • “UNCAC gap analyses: Looking back and looking ahead” by Johanna Beate Wysluch, Team Member German UNCAC Project, GTZ (10 min) • “Country reports under the ADB/OECD Anti-Corruption Action Plan for Asia and the Pacific” by Surya P. Shrestha, Governance and Capacity Development Specialist, Asian Development Bank, Philippines (10 min) • “National Integrity Systems Assessment Approach” by Alan Doig, UNCAC Anti-Corruption Mentor, UN Office on Drugs and Crime (UNODC) Regional Centre for East Asia and the Pacific, Bangkok, Thailand (10 min) • “A perspective from Bhutan” by Dasho Neten Zangmo, Chairperson of the National Anti-Corruption Commission of Bhutan (15 min) <p><i>Rapporteur: Masood Amer, Head of Governance Unit, UNDP Afghanistan</i></p> <p>Q&A follows/ Discussion (50 min)</p>
12.45 – 14.00	Lunch
14.00 – 15:15 Fourth Session	<p>UNCAC review mechanism and self-assessment checklist</p> <p><i>This session will present the UNCAC review mechanism, as agreed upon at the 3rd Conference of States Parties to the UNCAC in Doha, Qatar, as well as the newly adopted self-assessment checklist. This session will also highlight the differences between the ‘old’ self-assessment checklist and the new monitoring tool. Furthermore, this session will briefly highlight the experience of Mongolia as a country example. The session will end with a Q&A session in plenary.</i></p> <p><i>Chair: Phil Matsheza, Policy Adviser, Anti-Corruption, Democratic Governance Group, BDP/UNDP</i></p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> • “Overview of the UNCAC review mechanism” by Giovanni Gallo, Crime Prevention Expert, Corruption and Economic Crime Section, Division of Treaty Affairs, UNODC, Vienna (40 min) • “Mongolia’s experience with the UNCAC self-assessment checklist” by Jargalan Dashnyam, Research and Analysis Division of Independent Authority Against Corruption, Mongolia (15 min) <p><i>Rapporteur: Laurent Pouget, Legal Programme Specialist, Governance Unit, UNDP Lao PDR</i></p> <p>Q&A follows/ Discussion (35 min)</p>
15:30 – 15:45	Coffee Break
15.45 – 17.00 Fifth Session	<p>Assessing capacities for UNCAC capacity development – experiences in Asia-Pacific</p> <p><i>This session will present and debate lessons learned from UNCAC gap analyses in the Asia-Pacific Region. The session will include one case study from Bangladesh and will present the process, the outputs, and the value-added of this UNCAC gap analysis, as well as its outcomes. The presentations will conclude with lessons learned (good/bad practices). A question and answer session will follow.</i></p> <p><i>Chair: Son Chhay, Member of Parliament, National Assembly of Cambodia</i></p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> • “Bangladesh UNCAC Gap Analysis experience” by Manzoor Hasan, Director, Institute of Governance Studies, Dhaka, Bangladesh (25 min) <p><i>Rapporteur: Jairo Acuña-Alfaro, Policy Advisor on Public Administration Reform and Anti-Corruption, UNDP Viet Nam</i></p> <p>Q&A follows/ Discussion (40 min)</p>
17.00 – 17.15	Wrap-up and briefing on required preparation for Day 2

Tuesday, 2 February 2010	
09:00 – 10.30 Fifth Session (continued)	<p>Assessing capacities for UNCAC capacity development – experiences in Asia-Pacific (continued)</p> <p><i>This session will present and debate lessons learned from UNCAC gap analyses in the Asia-Pacific Region, the outputs, and the value-added of these UNCAC gap analyses, as well as their outcomes. The presentations will conclude with lessons learned (good practices and bad practices to avoid). A group discussion will follow to discuss the advantages and disadvantages of different approaches.</i></p> <p><i>Chair: Tony Prescott, Anti-Corruption Specialist, Australian Agency for International Development (AusAID)</i></p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> • “Indonesia’s UNCAC gap analysis experience” by Mochammad Jasin Mashuri, Corruption Eradication Commission (KPK) Commissioner (20 min) • “Maldives’ UNCAC gap analysis experience” by Mujthaba Hameed, Secretary-General, Anti-Corruption Commission of Maldives (20 min) • “Afghanistan’s UNCAC gap analysis experience” by Qaseem Ludin, Deputy Director High Office of Oversight (20 min) <p><i>Rapporteur: Shihara Rajakaruna, Project Coordinator, UNDP Sri Lanka</i></p> <p><i>Q&A follows/ Discussion (30 min)</i></p>
10.30 - 10.45	Coffee Break
10.45 – 12.15 Sixth Session	<p>Reviewing UNCAC gap analyses from the Asia-Pacific Region (in breakout groups)</p> <p><i>During this session, participants will break into three different groups (using examples from Afghanistan, Bangladesh and Indonesia) and they will review each a section of the UNCAC gap analyses. This will be an opportunity to have an in-depth look at the UNCAC gap analyses and examine the strengths and weaknesses of these UNCAC gap analyses. Each group will conduct a debate on one or multiple sections of the UNCAC gap analysis and will report back in the plenary at noon.</i></p> <p><i>Overall facilitator: Samuel De Jaegere, Policy Analyst, PAR and Anti-Corruption, Regional Centre in Bangkok.</i></p> <p>“Another in-depth look at the new UNCAC self-assessment checklist (Articles 5 and 6)” <i>by Giovanni Gallo, Crime Prevention Expert, Corruption and Economic Crime Section, Division of Treaty Affairs, UNODC, Vienna (30 min)</i></p> <p><i>Group 1: Afghanistan</i> <i>Facilitator: Alan Bacarese</i></p> <p><i>Group 2: Bangladesh</i> <i>Facilitator: Gretta Fenner</i></p> <p><i>Group 3: Indonesia</i> <i>Facilitator: Manzoor Hasan</i></p>
12.15 – 12.40	<p>Reporting back to the plenary (strengths and weaknesses of these gap analyses):</p> <p>Rapporteur Group 1 (5 min)</p> <p>Rapporteur Group 2 (5 min)</p> <p>Rapporteur Group 3 (5 min)</p> <p><i>Q&A follows/ Discussion (10 min)</i></p>
12.40 – 13.45	Lunch

Tuesday, 2 February 2010 (continued)	
13.45 – 15.00 Seventh Session	<p>Presentation of the draft <i>Guidance Note on how to conduct UNCAC gap analyses and capacity assessments</i>.</p> <p><i>In this session, the Regional Consortium will present the draft Guidance Note on how to conduct UNCAC gap analyses and capacity assessments. Participants will be able to comment on the draft Guidance Note. The Regional Consortium partners will be present at the meeting, so they can revise the draft Guidance Note in light of the comments, observations and suggestions made during this session.</i></p> <p><i>Chair: John Keniapisia, Special Secretary to the Prime Minister, Department of Prime Minister and Cabinet Government of Solomon Islands</i></p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> ● “Overview of the draft Guidance Note” by Gretta Fenner, Executive Director, Governance International, and Jan Richter Head of Public Accountability, Center for Governance and Anti-Corruption, Basel Institute on Governance (20 min) ● “Kenya Case study” by Alan Bacarese, Basel Institute on Governance (10 min) <p><i>Rapporteur: Venkata-Rama Sastry, Anti-Corruption and Crime Prevention Expert, UNODC Regional Office, South Asia</i></p> <p><i>Q&A follows/ Discussion (45 min)</i></p>
15.00 – 15.15	Coffee Break
15.15 – 16.30 Eighth Session	<p>Practical exercise - How to conduct UNCAC gap analyses and capacity assessments?</p> <p><i>This session will allow participants to discuss various process issues, such as article-by-article vs thematic approach and will help visualize the UNCAC gap analysis and capacity assessment process in practice.</i></p> <p><i>Lead Facilitator: Manzoor Hasan, Director, Institute of Governance Studies BRAC University, Bangladesh</i></p>
16.30 – 17.30 Ninth Session	<p>Preparatory steps to launch UNCAC gap analyses and capacity assessments at the country-level</p> <p><i>This session will allow the Regional Consortium to discuss with participants a number of practicalities related to the conduct of their initial scoping missions. What will be expected from the UNDP CO? What are the responsibilities of the national counter-parts? How can these steps be more streamlined and efficient? The input from participants with previous experience will be very useful at this stage.</i></p> <p><i>Chair: Joel Turkewitz, Program Coordinator, Regional Governance Hub, World Bank Office</i></p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> ● “National stakeholder workshops as a first step” by Gretta Fenner (20 min) ● “How to prepare for fact-finding missions” by Alan Bacarese (20 min) <p><i>Rapporteur: Bryan Holford, Head of the Governance Unit, Timor-Leste</i></p> <p><i>Q&A/Discussion (20 min)</i></p>
17.30 – 17.15	<p>Wrap-up on UNCAC gap analyses and capacity assessments sessions</p> <p><i>Speaker: Pauline Tamesis, Practice Leader, Democratic Governance, UNDP Regional Centre in Bangkok</i></p>

Wednesday, 3 February 2010	
8.30 - 9.30 Tenth Session	<p>Walking the Talk – Presentation of the UNDP accountability system</p> <p><i>This session will present the UNDP accountability system, as approved by the UNDP/UNFPA Executive Board in September 2008. It consists of the Accountability Framework and the Oversight Policy and clarifies the principles and instruments of accountability in UNDP both internally and externally. It stresses that accountability in UNDP is a means to enhance organizational performance at all levels and is an essential part of our daily work. The session will also briefly run the participants through the new web-based Accountability Platform. This session may also look at a country case study.</i></p> <p><i>Chair: Nicholas Rosellini, Deputy Assistant Administrator and Deputy Regional Director, UNDP Regional Bureau for Asia and the Pacific</i></p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> • “The UNDP Accountability System” by Ali Al-Za’tari, Deputy Director and Tore Skatun, Accountability Learning Advisor, UNDP Bureau of Management, New York (by Skype) (20 min) • “The Integrity Assessment in UNDP Afghanistan” by Masood Amer, Head of the Governance Unit, UNDP Afghanistan (10 min) <p><i>Rapporteur: Charmaine Rodrigues, Legislative Strengthening Advisor, UNDP Pacific Center</i></p> <p><i>Q&A/Discussion (30 min)</i></p>
9:30 – 10:00 Eleventh Session	<p>Briefing on the 14th IACC and on the next Global CoP on anti-corruption in November 2010 in Bangkok, Thailand</p> <p><i>Speakers: Anga Timilsina, Coordinator, Global Thematic Programme on Anti-Corruption for Development Effectiveness (PACDE), Democratic Governance Group, BDP/UNDP, New York and Emmanuelle Kunigk, IACC Project Coordinator (15 min) – including short film 14th IACC</i></p> <p><i>Q&A/Discussion (15 min)</i></p>
10.00 – 10.15	Coffee Break
10.15 – 12.15	<p>Preparatory steps to launch the UNCAC gap analyses and capacity assessments at country-level (continued) – breakout groups</p> <p><i>This session will allow national delegates to meet in breakout groups with the Regional Consortium partners in order to plan the next steps as a group. In these sessions, the timeline for conducting UNCAC gap analyses and capacity assessments in 2010 will be reviewed. The delegates from countries not targeted by the Regional Consortium in 2010 will breakout in a third group where their national priorities in terms of anti-corruption agenda will be discussed.</i></p> <p><i>Group 1: Palau, PNG, Solomon Islands, Maldives and Timor-Leste</i> <i>Facilitators: Phil Matsheza and Anga Timilsina</i></p> <p><i>Group 2: Bhutan, Mongolia and Lao PDR</i> <i>Facilitators: Alan Bacarese and Jan Richter</i></p> <p><i>Group 3: Afghanistan, Bangladesh, Cambodia, Indonesia, Sri Lanka, Thailand, Viet Nam (forward looking discussions for anti-corruption support)</i> <i>Facilitators: Pauline Tamesis and Alan Doig</i></p>
12.15 – 13.30	Lunch

Wednesday, 3 February 2010 (continued)	
13.30 – 15.00 Twelfth Session	<p>Walking the talk – Training on ethics</p> <p><i>This session will consist of a facilitator-led workshop with the following objectives:</i></p> <ul style="list-style-type: none"> ● <i>Familiarize staff with principles of appropriate and sound ethical decision-making in a public sector environment;</i> ● <i>Ensure a common and consistent understanding of the meaning and practice of integrity, ethics, transparency, and accountability in the UNDP context;</i> ● <i>Inform participants about potential (legal) consequences if ethical standards are not in place, providing examples of unethical behavior;</i> ● <i>Emphasize that compliance with ethical standards is a continuous priority;</i> ● <i>Inspire further ethical behavior and initiatives in the daily functions of staff members;</i> ● <i>Prepare participants for how to respond if facing an ethical dilemma.</i> <p>Trainer: Alan Richter (consultant) and Alayne Frankson Wallace (ethics office)</p> <p><i>Rapporteur: Robert Onus, Research Analyst, PAR and Anti-Corruption, RCB</i></p>
15:00 - 15:15	<p>Coffee Break</p>
15.15 - 17.00 Twelfth Session (continued)	<p>Training on ethics (continued)</p> <p>Trainer: Alan Richter (consultant) and Alayne Frankson Wallace (ethics office)</p> <p><i>Rapporteur: Robert Onus, Research Analyst, PAR and Anti-Corruption, RCB</i></p>

Annex 2: List of Participants

No	Name	Title/Organization	Email
Afghanistan			
1	Mr. Qaseem Ludin	Deputy Director, High Office of Oversight	qaseeml@hotmail.com
2	Mr. Masood Amer	Head of the Governance Unit, UNDP Afghanistan	masood.amer@undp.org
Bhutan			
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24	Mr. John Keniapisia	Special Secretary to the Prime Minister, Department of Prime Minister and Cabinet	jkeniapisia@pmc.gov.sb
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38	Mr. Manzoor Hasan	Director, Institute of Governance Studies, BRAC University, Bangladesh	mhasan56@yahoo.com
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46	Mr. Tony Prescott	Anti-Corruption Specialist, Governance and Service Delivery Branch, Australian Agency for International Development (AusAID)	tony.prescott@ausaid.gov.au

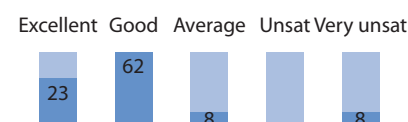
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Annex 3: Evaluation Results

I) UNDP's role in supporting United Nations Convention Against Corruption (UNCAC) implementation

1. "UNDP's role in supporting UNCAC implementation"

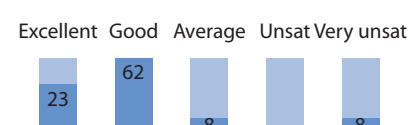
by Phil Matsheza, Global Anti-Corruption Adviser,
Democratic Governance Group, BDP/UNDP



II) Brief Introduction to the United Nations Convention Against Corruption

1. "Introduction to the UNCAC – Refresher course"

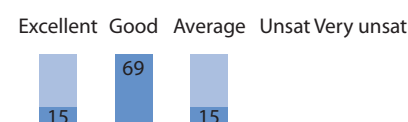
by Giovanni Gallo, Crime Prevention Expert, UNODC, Vienna



III) Supporting UNCAC implementation – Assessing capacities for UNCAC capacity development at the national level

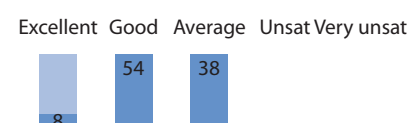
1. "UNDP capacity development approach for UNCAC implementation"

by Samuel De Jaegere, Policy Analyst, Anti-Corruption, UNDP RCB



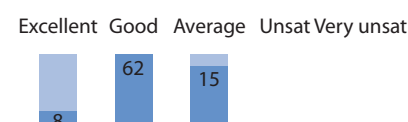
2. "UNCAC gap analyses: Looking back and looking ahead"

by Johanna Beate Wysluch, Team Member German UNCAC Project, GTZ



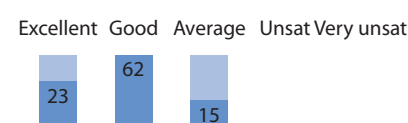
3. "Country reports under the ADB/OECD Anti-Corruption Action Plan for Asia and the Pacific"

by Surya Shrestha, Governance and Capacity Development Specialist, Asian Development Bank, Philippines



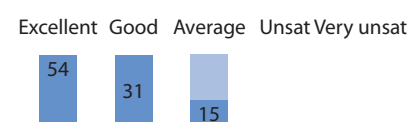
4. "National integrity systems assessment approach"

by Alan Doig, UNCAC Anti-Corruption Mentor, UNODC, Bangkok



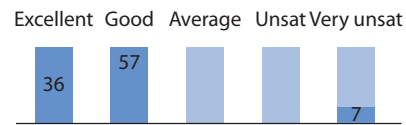
5. "A perspective from Bhutan"

by Dasho Neten Zangmo, Chairperson, National Anti-Corruption Commission, Bhutan

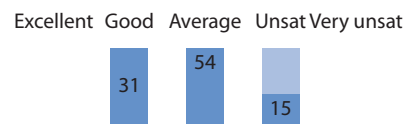


IV) UNCAC review mechanism and self-assessment checklist

1. **“Overview of the UNCAC review mechanism”**
by Giovanni Gallo, Crime Prevention Expert, UNODC, Vienna

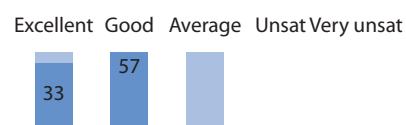


2. **“Mongolia’s experience with the UNCAC self-assessment checklist”**
by Jargalan Dashnyam, Research and Analysis Division, Independent Authority Against Corruption, Mongolia

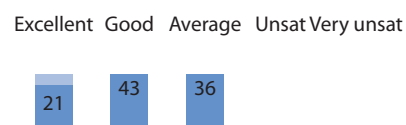


V) Assessing capacities for UNCAC capacity development – experiences in Asia-Pacific

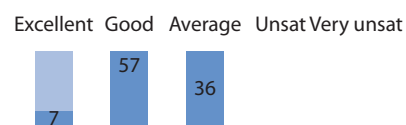
1. **“Bangladesh UNCAC gap analysis experience”** by Manzoor Hasan, Director, Institute of Governance Studies, Dhaka, Bangladesh



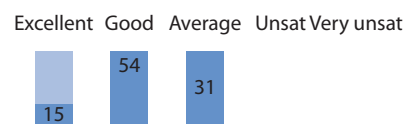
2. **“Indonesia’s UNCAC gap analysis experience”** by Mochammad Jasin, Commissioner, Corruption Eradication Commission, Indonesia



3. **“Maldives’ UNCAC gap analysis experience”** by Mujthaba Hameed, Secretary-General, Anti-Corruption Commission of Maldives

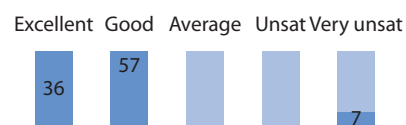


4. **“Afghanistan’s UNCAC gap analysis experience”** by Qaseem Ludin, Deputy Director, High Office of Oversight, Afghanistan



VI) In-depth look at the new UNCAC self-assessment checklist (Articles 5 and 6) – Breakout Session

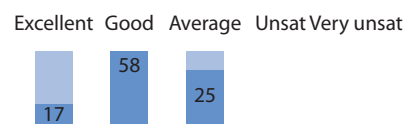
1. **“In-depth look at the new UNCAC self-assessment checklist”**
by Giovanni Gallo, Crime Prevention Expert, UNODC, Vienna



VI) In-depth look at the new UNCAC self-assessment checklist (Articles 5 and 6) – Breakout Session

Group Discussions:

Facilitators: Alan Bacarese, Gretta Fenner and Manzoor Hasan



VII) Presentation of the draft Guidance Note on how to conduct UNCAC gap analyses and capacity assessments.

- | | Excellent | Good | Average | Unsat | Very unsat |
|---|-----------|------|---------|-------|------------|
| 1. “Overview of the draft Guidance Note” by Gretta Fenner, Executive Director, Governance International, and Jan Richter, Head of Public Accountability, Basel Institute on Governance | 12 | 43 | 43 | | |
| 2. “Kenya case study” by Alan Bacarese, Head of Legal and Case Consultancy, Basel Institute on Governance | 25 | 50 | 25 | | |

IX) Preparatory steps to launch UNCAC gap analyses and capacity assessments at the country-level

- | | Excellent | Good | Average | Unsat | Very unsat |
|--|-----------|------|---------|-------|------------|
| 1. “National stakeholder workshops as a first step” by Gretta Fenner, Executive Director, Governance International | 23 | 46 | 31 | | |
| 2. “How to prepare for fact-finding missions” by Alan Bacarese, Head of Legal and Case Consultancy, Basel Institute on Governance | 23 | 46 | 31 | | |

X) Walking the talk – Presentation of the UNDP accountability system

- | | Excellent | Good | Average | Unsat | Very unsat |
|---|-----------|------|---------|-------|------------|
| 1. “The UNDP accountability system” by Tore Skatun, Accountability Learning Advisor, UNDP Bureau of Management, New York | | 31 | 31 | 38 | |
| 2. “The Integrity Assessment in UNDP Afghanistan” by Masood Amer, Head of the Governance Unit, UNDP Afghanistan | 7 | 29 | 64 | | |

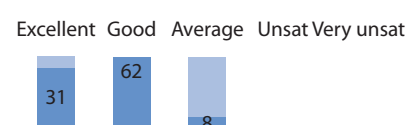
XI) Briefing on the 14th IACC and on the next Global CoP on anti-corruption in November 2010 in Bangkok, Thailand

- | | Excellent | Good | Average | Unsat | Very unsat |
|---|-----------|------|---------|-------|------------|
| 1. Anga Timilsina, Coordinator, Global Thematic Programme on Anti-Corruption for Development Effectiveness (PACDE), Democratic Governance Group, BDP/UNDP, New York and Emmanuelle Kunigk, IACC Project Coordinator | 15 | 38 | 38 | 8 | |

XII) Preparatory steps to launch the UNCAC gap analyses and capacity assessments at country-level (continued) – Breakout Session

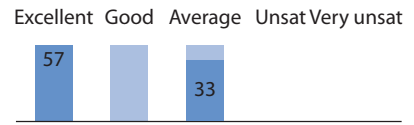
Group Discussions:

Facilitators: Phil Matsheza, Alan Bacarese, Jan Richter, Pauline Tamesis and Alan Doig



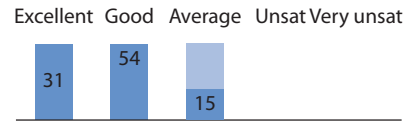
XIII) Walking the talk – Training on ethics

Trainers: Alan Richter (consultant) and Alayne Frankson Wallace (Ethics Office)

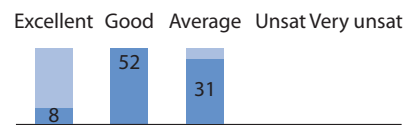


Summary of workshop

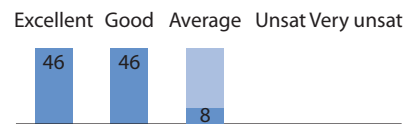
1. Overall evaluation of the organization



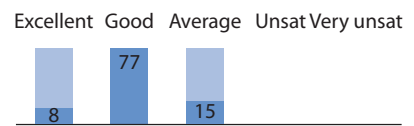
2. Overall evaluation of the balance of topics covered

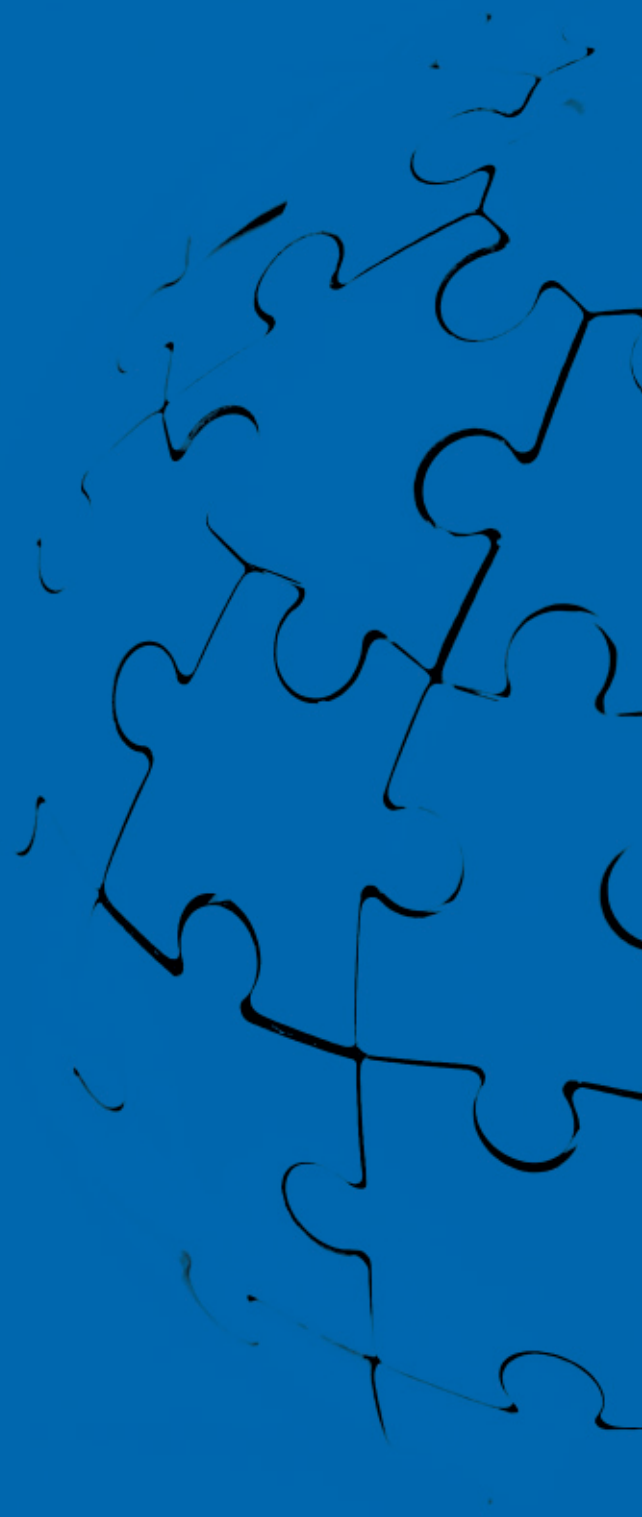


3. Overall evaluation of the venue and location



4. Overall evaluation of the event





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