



Going Beyond the Minimum

UNCAC Gap Analyses and UNDP Internal Integrity

Asia Pacific INTACT Community
of Practice Workshop

1-3 February 2010
Bangkok, Thailand

SUMMARY REPORT



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Introduction

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- Review a draft Guidance Note on how to conduct UNCAC gap analyses and capacity assessments, prepared by the UNCAC Regional Consortium* partners;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.

* 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.

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.

"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 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.



Giovanni Gallo

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.



Dasho Neten Zangmo and Davaadulam Tsegmed

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.

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

[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.

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



Qaseem Ludin

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.

“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 & 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.



Manzoor Hasan



Alan Bacarese

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.

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

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.



Various Delegates

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.



Alayne Frankson Wallace and Alan Richter

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

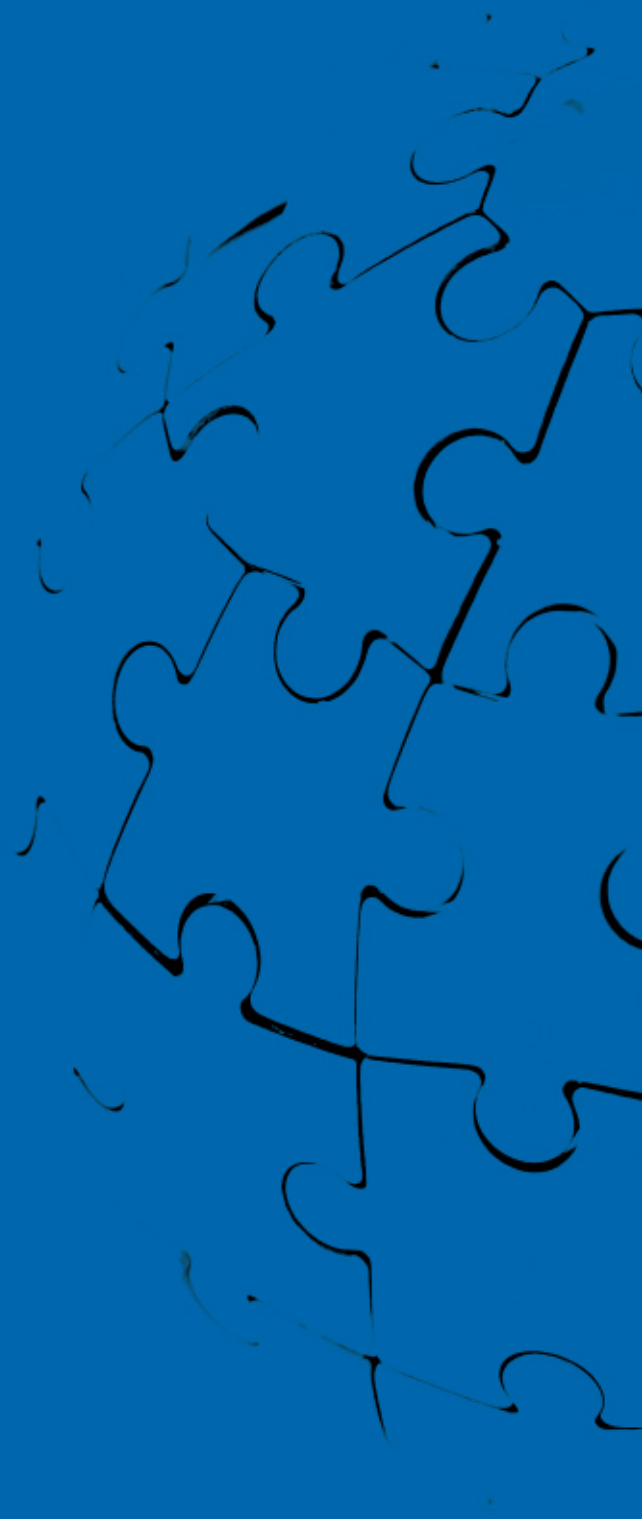
In terms of follow-up, UNDP (HQ, Bangkok, Pacific) and UNODC (HQ, Bangkok), in partnership with the Institute of Governance Studies and the Basel Institute on Governance as appropriate, will assist countries in applying a participatory and nationally driven process to assess capacities of their anti-corruption 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.

A more comprehensive summary of the Conference proceedings, including a session-by-session analysis, agenda, list of participants and final conference evaluation is available in the full report [UNCAC Gap Analyses and UNDP Internal Integrity](#).





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