

The German UNCAC Project - Engaging Parliamentarians

Meeting of the GOPAC Global Task Force on the UN Convention against Corruption (UNCAC)

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Overview

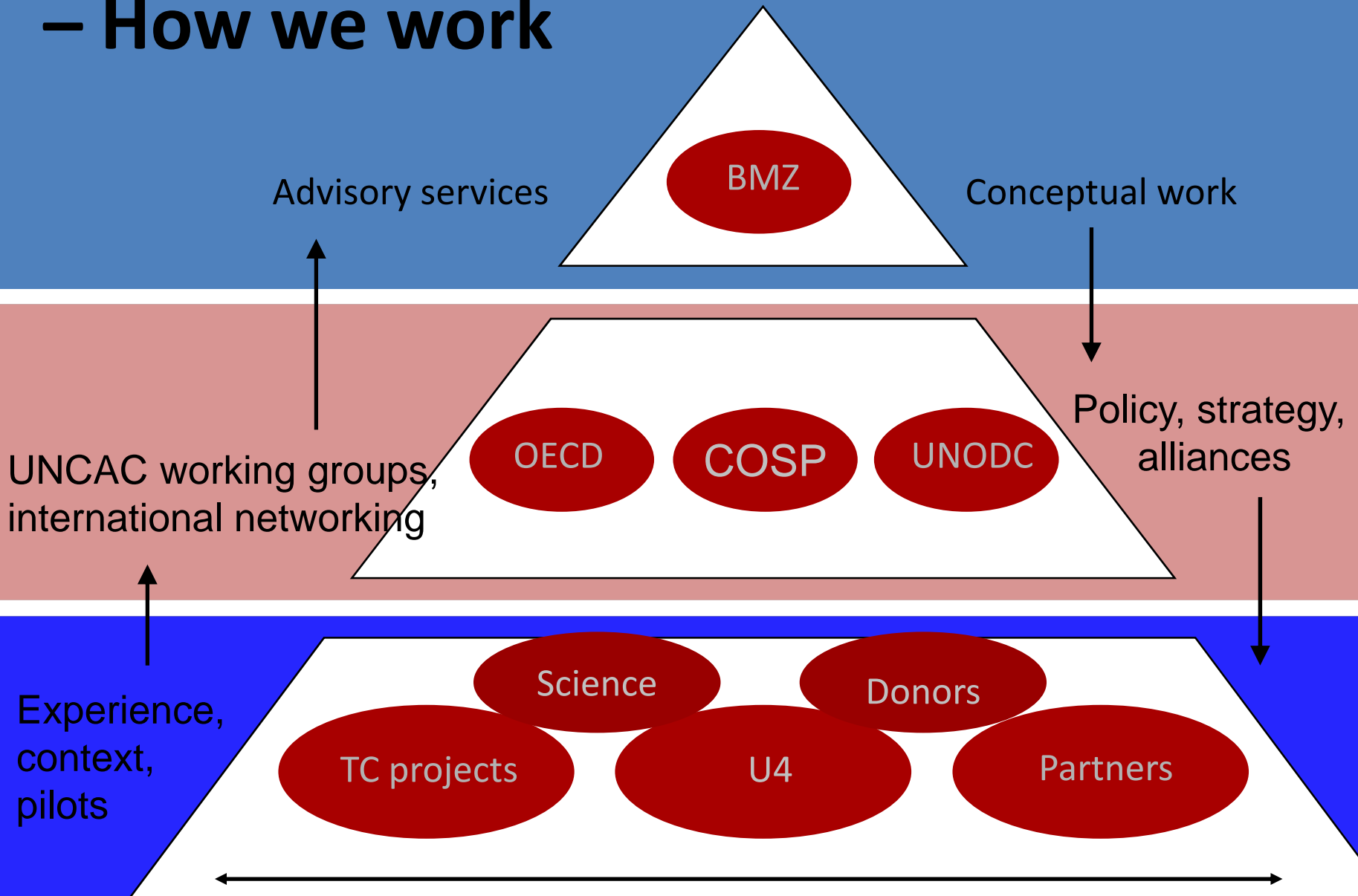
1. The German UNCAC Project
2. CRINIS – Measuring Political Corruption
3. UNCAC Compliance Reviews

The German UNCAC Project

- German Government's vehicle for supporting partner countries in implementing the UNCAC
 - ✓ Commissioned by German Federal Ministry for Economic Cooperation and Development (BMZ, 2004)
 - ✓ Carried out by the GTZ
 - ✓ Promotes AC in international development cooperation
 - ✓ Legal basis: UNCAC Chapter VI (Technical Assistance)
- Support at four levels:
 1. Advisory services to BMZ
 2. Knowledge-management, including fostering the issue of anti-corruption within German development cooperation
 3. 25 pilot projects in partner countries
 4. International networking, support to international initiatives

The German UNCAC Project

– How we work



The German UNCAC Project – Measuring Political Corruption

CRINIS - Transparency International (TI)

- ✓ Initiative to measure transparency in party and campaign financing, Art 7 (3). The tool:
 - ✓ benchmarks transparency and accountability in pol. finance
 - ✓ evaluates levels of transparency in national legislation and political financing practices of political parties
 - ✓ detects weaknesses and strengths in a given country's system
- ✓ It serves to raise awareness and for advocacy
- ✓ Developed and tested by TI in Latin America → GTZ financed launching of CRINIS studies in Asia and application to Africa.

CRINIS Index: 10 Dimensions of Transparency in Political Finance

- 1. Internal book-keeping of parties:** Is book-keeping mandatory, by law? How professional is staff, in practice?
- 2. Reporting to control agency:** By law, do parties, candidates, service providers and media render accounts on their role in political finance? When and in what format?
- 3. Disclosure to the public:** Is it mandatory for state agencies/parties/candidates to disclose information on political finance? How accessible is such information to experts, journalists and ordinary citizen?
- 4. Comprehensiveness of reporting:** Do reports include public and private sources? Do they cover income and expenses? Do they comprehend monetary contributions, in kind contributions, rebates etc.?
- 5. Depth of reporting:** By law, do reports include information on individual donations? Do they inform the value and the date of each donation? Do they clearly identify the donor of each donation?
- 6. Reliability of reporting:** Do different actors include all resources in reports? How accurate are reports, to the knowledge of experts?
- 7. Preventive measures:** Are donations channelled exclusively through official bank accounts? Are there any loopholes for anonymous donations?
- 8. Sanctions:** What are the existing sanctions, civil, criminal and political, according to the law? In practice, are the existing laws strictly enforced?
- 9. State control:** Do experts evaluate institutions of state oversight as independent? Are they evaluated as efficient? From the perspective of self evaluation, do they lack human resources? Do they lack training?
- 10. Public oversight:** Do CSOs monitoring political finance exist? In which areas of political finance do they develop activities? Do experts evaluate organizations of public oversight as independent?

Opportunities for Parliamentarians through CRINIS Index

- Allows understanding of weaknesses in party and political financing, compared to other countries
- Allows conversation about detrimental impact on the way politics play out
- Identifies and disseminates good practices, thus providing insights into reform options

The German UNCAC Project – Compliance Reviews & Gap Analyses

To date, the GTZ has supported UNCAC gap analyses and compliance reviews in Colombia, Bangladesh, Kenya and Indonesia

- monitoring tool for UNCAC implementation
- assessment beyond legislative changes
- complementary to the Self Assessment Checklist
- Help identify priorities for further reform -> Contributes to national governance reforms



UNCAC Compliance Reviews - Content

Typically, a compliance review covers the following topics:

- ✓ UNCAC Articles
- ✓ National legislation and regulatory norms
- ✓ Compatibility between UNCAC and domestic regime
- ✓ Gaps and compliance between legislation and regulatory norms and UNCAC articles
- ✓ Reality check: theory versus application praxis
- ✓ Constraints of implementation
- ✓ Recommendations for the implementation

Bangladesh Process

Accession: February 2007

Phase 1

Inter-ministerial Committee under Ministry of Law, IGS and BIG

Request by GoB

03/2007

04/2007

10/2007

11/2007

01/2008

TOR Compliance Review

Focal Point at MoLJP

3 Days Orientation Workshop

Formation of Research Team

Core Thematic Groups established

11/2007 to 01/2008 conduct of Compliance Review

20/12 to 25/12 1st Draft Report

26/12 to 31/12 Consultative Meeting

Approval of Inter Ministerial Committee
Preparation Final Report & Matrix

Presentation at 2nd COSP,

Phase 2

- ✓ Needs Assessment Workshop – revised edition / May 2008
- ✓ Implementation Action Plan
- ✓ Training by UNDP
- ✓ update ongoing

Engaging Parliamentarians in Compliance Reviews

- Role of MPs in UNCAC is key
- Compliance Reviews provide a sound technical analysis of required legal changes
- MPs can use these analyses to understand challenges and adopt laws to fill gaps.
- Good practice: brief MPs on Compliance Reviews upon completion

Further Resources:

- Compliance Reviews for each country
- A Comparison of Compliance Reviews based on the UN Convention against Corruption (Indonesia, Colombia, Cameroon and Germany) (GTZ Working Paper, 2007)
- Factsheets:
 - UNCAC Compliance Review – Why and How?
 - Compliance and Gap Analysis Bangladesh
 - Making Technical Assistance Work: The German UNCAC Project

=> Our CD Rom and publications are available at the U4 stand outside the plenary hall



UN Convention
against Corruption



Bundesministerium für
wirtschaftliche Zusammenarbeit
und Entwicklung

Facts and Findings

Country	Who did it	What they looked at	Results
Colombia (2005)	Colombian President's Anti-corruption Programme; Transparency International Colombia, local expert, GTZ	Compared domestic legislation with UNCAC and OAS Convention against Corruption; highlighted trends and cited basic decisions in a narrative report	Dissemination of information on the UNCAC, especially in terms of what its implementation would mean supported discussions and awareness in the administration, industry and civil society
Indonesia (2006)	National Anti-corruption Authority (KPK), Partnership for Governance Reform, EU and UNDP, Basel Institute on Governance, GTZ	Linked a narrative report to a matrix: UNCAC articles/Indonesian law and regulations/analysis/other aspects for consideration/recommendations for implementation	Presentation and discussion of analysis at stakeholder workshops and 1 st COSP; trainings on asset recovery and international cooperation; UNCAC implementation team formed; action-plan developed
Bangladesh (2007)	Ministry of Law, Justice and Parliamentary Affairs, Institute of Governance Studies-BRAC University, Basel Institute on Governance, GTZ	Linked a narrative report to a matrix: UNCAC articles/ Domestic legal - regulatory regime/compatibility between UNCAC and domestic regime/compliance and gaps between law and practice /remarks/recommendations	Presentation at the 2 nd COSP; some legal gaps identified were enacted like Money Laundering Prevention Ordinance, 2008; GoB develops a National Integrity Strategy and prepares UNCAC implementation action-plan