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Office on Drugs and Crime



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Department of Economic and Social Affairs



**Report of the Eighth Meeting
of the
International Group for Anti-Corruption Coordination (IGAC)**

New York, 19 to 20 January 2006

<http://www.igac.net>

I. BACKGROUND

1. The Eighth Meeting of the International Group for Anti-Corruption Coordination (IGAC) was held at the UNICEF Conference Room in New York on 19-20 January 2006. The meeting was jointly organized by United Nations Development Programme(UNDP), the United Nations Department of Economic and Social Affairs(UNDESA) and the United Nations Office on Drugs and Crime (UNODC). Originally the interagency coordination initiative on anti-corruption was launched by Ms. Louise Fréchette, United Nations Deputy Secretary-General, who convened two meetings in New York in late 2001 calling for enhanced collaboration and coordination of anti-corruption efforts within the United Nations. Following this call, the group convened its first meeting under the auspices of UNODC in February 2002, and has been meeting regularly ever since. The reports of prior meetings can be found on the IGAC webpage at <http://www.igac.net>

II. OBJECTIVES

2. The objective of the eighth meeting was to explore technical assistance needs of countries and approaches to support the implementation of the United Nations Convention against Corruption (UNCAC). More specifically, the meeting focused on technical cooperation to support the establishment of specialized anti-corruption units and bodies, to strength preventive anti-corruption capacities, to provide legal advisory services, to enhance the effectiveness of law enforcement agencies, to engage civil society in the prevention and control of corruption, and to prepare technical manuals and conduct research with a view to offering guidance for the effective implementation of the provisions of the UNCAC. The agenda of the meeting is contained in Annex 1.

III. PARTICIPATION

3. Thirty-seven organizations active internationally in anti-corruption policy, enforcement and advocacy participated in the meeting. For the first time the meeting was attended by the United Nations Global Compact Office, the United Nations Ethics Office, the International Monetary Fund (IMF), the Organization for Security and Co-operation in Europe (OSCE), the European Police Office (EUROPOL),the Canadian International Development Agency (CIDA), the United States Agency for International Development (USAID), the International Chamber of Commerce, the American Bar Association (ABA), and the Center for the Study of Democracy. The list of participants is contained in Annex 2.

IV. DISCUSSION

4. The meeting was opened by Mr. Mark Gough (OIOS) of the IGAC Secreteriat on behalf of Mr. Maarten de Jong, Chairperson of IGAC, who expressed his great satisfaction with the high attendance of this 8th meeting of the IGAC. With the recent entry into force of the UNCAC, - more than ever before – there was an urgent need for more consistent and better coordinated action against corruption. Mr. Gough informed the participants of the resignation of Mr. De Jong as the Director of the Department of Institutional Integrity of the World Bank and, as a consequence, as the Chair of IGAC. Mr. Gough expressed the Secretariat's appreciation and gratitude for Mr. De Jong's leadership and vision, which had been instrumental in breathing life into the interagency coordination process giving it sense and direction. Mr. Stuart Gilman, Head of the Global

Programme against Corruption and the Anti-Corruption Unit of UNODC, was elected temporary Chair of the meeting.

5. Mr. Shoji Nishimoto, Assistant Secretary General and Director of the Bureau for Development Policy, UNDP, welcomed participants on behalf of UNDP. He expressed his hope that with the entry into force of the UNCAC, also the anti-corruption coordination effort which had been launched by Deputy Secretary General Ms. Louise Frechette would gain momentum. He emphasized that with the UNCAC in force, there was now not only a global standard for the prevention and control of corruption, but also a framework which should guide and harmonize technical assistance in order to enhance its impact.

6. Mr. Guido Bertucci, Director of the Division for Public Administration and Development Management, Department of Economic and Social Affairs, welcomed the participants on behalf of UNDESA. He noted the timeliness of the meeting and expressed his satisfaction with the broad participation. The meeting provided an opportunity to start discussions on how to translate the normative framework and underlying aspirations of the UNCAC into concrete action.

7. Mr. Christopher Burnham, Under-Secretary-General for Management, in his key note address, emphasized the strong commitment of the United Nations Secretariat to ensure full implementation the provisions of the UNCAC, at the national and international level, as well as within the United Nations System. Mr. Burnham observed the pivotal role of IGAC in this process. In particular, developing countries and countries with economies in transition would require extensive assistance in ratifying and implementing the Convention. He expressed his hope that IGAC would enhance coordination and streamline technical assistance activities with a view to ensuring consistency, coherence and quality of advisory and technical services, while avoiding duplication and guaranteeing the effective use of limited resources. Moreover, he envisaged that the newly created UN Ethics Office as well as other UN agencies and departments that have been mandated to uphold professional ethics and institutional integrity within the United Nations System would draw upon the collective expertise concentrated within the International Group for Anti-Corruption Coordination.

A. Establishing Specialized Anti-Corruption Units and Bodies

I. Different Types of Anti-Corruption Bodies and Units – Strengths and Weaknesses – Providing Advice on Legislation and Strategic Planning

8. Ms Pauline Tamesis (UNDP) elaborated on some of the main strength and weaknesses of anti-corruption bodies and units, and the challenges they pose for the provision of policy advice and strategic planning of such institutions. Depending on the legal and institutional traditions of the respective jurisdiction, these institutions can have widely differing mandates and functions, including investigation, prosecution, systems reform and prevention, policy development and analysis, research and monitoring, awareness raising and education, as well as the overall coordination of the anti-corruption agenda. In order to fulfill their functions effectively most anti-corruption bodies enjoy varying degrees of independence. However, while this is a fundamental requirement for the institution to carry out its mandate without undue influence of powerful individuals or factions, it is certainly not sufficient to protect it against manipulation. This equally depends on the design of appropriate checks and balance, constant horizontal scrutiny by other

oversight mechanisms, selection and appointment procedures for executives, security of tenure of senior officials, and appropriate immunity against civil litigation.

9. Most anti-corruption bodies have an investigative mandate. However, the effectiveness of this mandate depends significantly on special investigative powers and autonomy assigned to the agency. In some cases anti-corruption bodies require prior approval by the Prosecutor General before they can initiate investigations, which may cause delays or even hinder warranted investigations. Moreover, special investigative powers are needed, including for controlled delivery, electronic and other forms of surveillance, and undercover operations. At the same time, anti-corruption bodies should be granted access to relevant documents and databases, such as asset declarations, tax records, bank records, real estate registries and the like. Finally, the effectiveness of the investigative mandate depends largely on the ability to engage in pro-active investigations. Where anti-corruption bodies can only become active upon the receipt of a formal complaint, their effectiveness will be hampered, particularly in cases of grant corruption as formal complaints are unlikely.

10. Ms Tamesis emphasized that in order to effectively reduce the occurrence of corruption, anti-corruption bodies should also be equipped with a preventive mandate, including the education and awareness raising, as well as the power to request the review and amendment of laws, procedures and processes governing the delivery of public services and the management of public affairs and assets with a view to prevent opportunities for corruption. Finally, as anti-corruption bodies and units are typically given responsibilities which prior fell exclusively into the realm of other institutions, such as the Prosecutor's Office, the Auditor General, the Public Service Commission, the Ombudsman's Office and/or the Judiciary, coordination with these agencies might be as difficult as it is necessary. Regular consultations, information sharing and coordination should therefore be included among the functions of the anti-corruption body to reduce overlaps and duplication.

11. Ms. Tamesis noted that the strength of anti-corruption bodies lays in their ability to deliver the above-mentioned functions under one agency. It provides an opportunity to focus the political will as well as human and financial resources. However, at the same time it poses significant challenges of integrating the new body into the existing institutional framework, creating potentially overlapping mandates, institutional conflict, and shortage of resources. Often these newly created agencies do not have the capacity to carry out their overly ambitious mandates and functions, or even to absorb the multiple assistance programmes that are being provided by the donor community. Unfortunately, many providers of technical assistance and donors develop their policy advice and projects almost exclusively based on a few pre-conceived models that have proven successful, such as the one of the Independent Commission against Corruption of Hong Kong, leaving little room for domestically generated approaches.

12. Ms. Tamesis concluded by underlining the importance of in-depth assessments, comparative legal studies, and extensive stakeholder consultations in the development and implementation of technical assistance programmes geared at the establishment and/or strengthening of anti-corruption bodies. UNDP also promotes increasingly a South-South cooperation approach, where technical assistance and capacity building is generated as much as possible from the region or from countries matching similar conditions. Further, she underscored the need for proper identification, documentation and dissemination of lessons learned and good practices.

13. Participants concurred that policy advice, technical expertise and other inputs geared towards supporting countries in the establishment of anti-corruption bodies must be carefully designed with a view to ensuring that the respective agency will fit into the institutional and legal framework, will be sufficiently resourced in order to carry out its respective mandate(s), and enjoy political support. Participants emphasized the responsibility of the providers of technical assistance and donor agencies. Technical assistance can provide an important input to the establishment and effective functioning of an anti-corruption agency, but at the same time, if ill-conceived, it can even contribute to its failure.

II. Supporting Institutional Development and Capacity Building of Anti-Corruption Bodies and Units

14. Ms. Elia Armstrong (UNDESA) stressed that technical assistance in support of the establishment of anti-corruption bodies needed to address the political, technical and cultural level in parallel. At the political level assistance should focus on creating consensus around a vision through policy dialogue, and the identification and support of “champions of reform”. At the technical level efforts should aim at building capacities and skills of staff of the anti-corruption body. At the cultural level, assistance should target civil society and other stakeholders outside Government with a view to mobilizing public support around the goals of reform in general and the anti-corruption body in particular. In this context, she underlined the need to manage expectations of stakeholders in order to prevent occasional setbacks from undermining public support too easily.

15. Participants observed that while the UNCAC contained the requirement for States Parties to establish an anti-corruption body, it did not suggest the adoption of any specific model, taking into account that each country had to develop its own agency matching its institutional framework and legal traditions. Moreover, several participants stressed that any donor support to the creation and strengthening of anti-corruption bodies needed to be coordinated and long-term. A network of donors supporting any such effort can play a useful role in identifying gaps and allocating resources and technical support. In this context, Mr. Patrick Moulette, OECD, drew participants attention to the Anti-Corruption Network for Transition Economies, a regional anti-corruption initiative that was established in 1998 by national governments, civil society organisations, and international donor agencies to promote knowledge sharing, donor co-ordination and policy dialogue in the transition economies in Central, Eastern, and South Eastern Europe and the Newly Independent States (<http://www.anticorruptionnet.org>). The main objective of the ACN is to assist the participating countries to strengthen their capacity to tackle anti-corruption reform and to move closer to international standards.

B. Building Preventive Anti-Corruption Capacities

I. Reducing Opportunities for Corruption in Public Procurement

16. Mr. Gough (OIOS) elaborated on measures and approaches to reduce opportunities for corruption in public procurement, drawing from the example of the United Nations own procurement system. The weaknesses of the currently operating system had been evidenced by the findings of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme (Volker Commission). It also became evident that reforming this regulatory framework, which dates back to the 1950's, would require a long-term and resource-intensive review process. More specifically, there was a need to conduct an in-depth risk assessment exploring the operation of the

regulatory framework in practice with a view to identifying areas vulnerable to corrupt practices, including in the context of large scale emergency relief efforts. At the same time, there is a need to review and amend human resource policies with a view to creating a culture of ethics and integrity throughout the organization, which would be reinforcing the rules on procurement. Mr. Gough underscored the significance of the UNCAC as a framework in this context, and added that when designing procurement procedures legislators should ensure that such procedures would support the conduct of post-factum investigations.

17. Participants acknowledged the challenges that the UNCAC poses in particular on resource poor countries in terms of effective implementation. Simply changing procurement procedures would certainly not be enough. In addition, capacity building should address the training needs of both procurement officers as well as vendors, e.g. through certification programmes. Specific attention needs also to be given to the development of procurement specifications and the strengthening of supervisory and control mechanisms in the procurement process. Moreover, the private sector need to be actively involved in the development/ review of procurement standards so as to make control mechanisms not only corruption- proof but also practical.

18. Several participants made reference to the work their respective organizations are carrying out in this area, including the collection of good practices as well as the elaboration of guidelines and standards for procurement. In particular, mentioning was made of OECD's work on public procurement, including an operational guide to prevent corruption in public procurement as well as a typology report of bribery in public procurement.

II. How to Make Codes of Conducts Work

19. Mr. Charles Adwan (World Bank) highlighted the question why so many codes of conduct fail to achieve their objective of enhancing integrity and professionalism of public officials. He felt that this was mainly due to the fact that most codes of conduct were not equipped with effective enforcement mechanisms, and thus remained toothless. Mostly codes of conduct limit themselves to enshrining basic organisational values and principles of professional ethics, without translating these values and principles into concrete guidance concerning the day-to-day behaviour of those to whom the codes apply. Many codes also do not contain a system of sanctions for the violation of the code, nor a mechanism to investigate and review alleged violations. Only if these weaknesses were addressed, codes of conduct could provide an effective tool against corruption. However, codes of conduct alone were certainly not sufficient to effectively address corruption unless they were applied in combination with other measures contained in the UN Convention against Corruption.

20. Participants concurred that in many countries codes of conduct were developed as soft law instruments providing only for the very generic description of values and principles certain public officials and professional categories should adhere to. Thus they remained unenforceable and left ample room for abuses to occur unsanctioned. Participants emphasised in this context that Art.8 para.6 of the UNCAC did require States Parties to consider taking disciplinary measures against public officials who violated the code of conduct. While the provision was not mandatory, it clearly stressed the importance of ensuring the enforceability of codes of conduct in general. It was also raised that, where domestic legal systems did not allow equipping the code of conduct with concrete sanctions, the code may be used as a guideline to interpret more generic legal provisions concerning the duties and obligations of public officials which in turn would be enforceable.

III. Asset Declaration Systems

21. Mr. Stuart Gilman (UNODC) drew participants attention to the various provision of the UNCAC making reference to the declaration of assets and interests by public officials as well as private sector operators: Art. 8 para. 5; Art. 9 para.1(e), Art.12 para 2 (b), 52 para.5 and 6 of the UNCAC. In this context, he raised a series of fundamental questions which need to be considered when developing systems for the declaration of assets and disclosure of other interests, including:

- What are declarations used to for? Preventive counselling and/or as a basis for identifying, investigating and prosecuting illicit enrichment.
- What is the legal basis for requiring declarations? Civil service statutes, codes of conduct, or other.
- What are the human, financial and technical resources required for sustaining the asset declaration programme – and does the design of the programme match the resources available?
- What risks are those exposed to who are running the asset declaration programme?
- Who should be declaring their assets and interests, and how often should they be required to do so? (e.g. all public officials, only those of a certain seniority, and/or those in positions most vulnerable to corrupt practices? Moreover, should the asset declaration obligation also extend to third persons, e.g. family members or members of the same household?
- What needs to be declared, and how complex may the asset declaration form be? Should all assets and interests be subject to declarations, or should only certain assets be subject to declaration, e.g. those that breed a potential conflict of interest – such as company shares or real estate?
- What will be done with the forms? Will there be systematic checks of all submissions or will checks be limited to only a part of the submissions? E.g. will checks only be conducted on certain types of submissions, or will there be a limited number of random checks, or will the declarations only be checked if there is a concrete suspicion for an abuse.

22. Participants stressed the importance for the body tasked with the collection and review of the asset and interest declarations to have some minimal investigative powers and to have – possibly electronic – access to available databases that may allow for cross checking and verifying the content of the declarations, such as real estate and other property registers, banking information, tax declarations etc..

IV. Strengthening Anti-Corruption Capacities of the Private Sector

23. Mr. William J. Stibravy (International Chamber of Commerce) presented the work of the ICC on promoting self-regulation in the private sector, in particular through the adoption of the ICC rules of conduct to combat extortion and bribery, last revised in 2005. Yet, he acknowledged that the adoption of a corporate code was only a first step, and noted other ICC tools, including a recent publication on “Fighting Corruption” that gives practical advice to companies on how to establish effective compliance programmes for their staff and management.

24. Mr. Stibravy further emphasized that the ICC sees great merit in the UNCAC, as it addresses both the supply-side and the demand-side of corruption. He expressed his concern that discretionary nature of many of the provisions of the Convention could result in an uneven application between countries, creating uncertainty for companies. Thus, the ICC sees the main

challenge in achieving a level playing field between countries, avoiding unequal implementation of the Convention's provisions resulting in substantial divergences between national laws.

25. He underscored that a major issue for the business community is the problem of bribe solicitation by public officials. The ICC has long argued that the fight against corruption will not be won unless effective measures are taken to address also the demand-side of corruption. Therefore, the ICC has been encouraging governments to publicly recognize the problem and to act against it, to assist companies in specific situations and to cooperate internationally in the prevention and control of corruption. Moreover, the ICC is exploring the possibility of establishing a confidential and anonymous reporting centre for businesses to collect information on bribe solicitation. The scope of this reporting mechanism would cover extortion and bribery and would be available to businesses both in developing as well as developed countries.

26. Participants agreed that while self regulation was important it could not replace Government intervention in enhancing accounting and auditing standards in the private sector, to pass regulations concerning the maintenance of company books, records, and financial statements, and, where appropriate, providing effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures. Participants concurred that UNCAC contains all the requirements necessary to ensure effective prevention and control of corruption in the private sector. The challenge was now to assist States in the effective implementation of these requirements. In this context, Mr. Gilman also mentioned a recent initiative launched by UNODC in cooperation with UNIDO focusing on fostering small and medium size enterprise development through corruption prevention.

C. Legal Advisory Services

27. Mr Dimitri Vlassis (UNODC) emphasized the importance of putting the necessary legal framework into place as it provides the very basis upon which the effective implementation of the provisions of the UN Convention against Corruption rests. In particular smaller jurisdictions with limited technical capacities, required legislative assistance in order to ensure the effective legislative implementation of the UNCAC. Thus, UNODC spent significant effort on providing timely and quality advise to individual countries as well as on the development of a Legislative Guide for the Promotion of the Ratification and Implementation of the UN Convention against Corruption¹. He also expressed his hesitation regarding the development of a model law for the implementation of the Convention. The scope of the Convention was too broad addressing issues, which in domestic law are typically dealt with in very different types of laws. Moreover, model laws did not give legislative drafters the necessary background to understand the underlying rationale of the single provisions of the Convention, and thus represented not necessarily the most conducive way to ensure the development of a domestically owned legal framework. Nevertheless if States Parties should mandate UNODC to develop model laws for single aspects of the Convention, such a mandate would probably warrant the development of separate model laws to respond to the specific needs of different legal traditions.

28. Moreover, while priority consideration was given to the implementation of the mandatory provisions, UNODC encouraged countries to consider implementing also the non-mandatory provisions. Each chapter of the Convention posed different challenges in terms of the development

¹ The Legislative Guide is scheduled to be published in December 2006

of domestic laws, however, the most difficult one to address appeared to be the chapter on Asset Recovery. As it did not contain any precedence in international law, it remained to be seen how Member States would interpret and implement the respective provisions. Another, priority concern for UNODC was the rapid legal implementation of the chapter on international cooperation, as it was a pre-condition for countries to start to effectively cooperate in the prevention and control of corruption.

29. Participants concurred on the importance of ensuring the effective monitoring of the implementation of the Convention. Experiences at the regional level – e.g. within the OECD and the Council of Europe - had confirmed the crucial role that effective monitoring can play in breathing life into an international legal instrument. However, Mr. Vlassis cautioned against raising expectation too high at this early stage. The discussions of monitoring within the framework of the UN Convention against Transnational Crime had revealed some of the difficulties involved in developing a global monitoring mechanism. Yet he remained optimistic as many of the lessons learned in the context of the Conference of States Parties (COSP) to the TOC Convention could be applied to the COSP to the UNCAC, and help to facilitate discussions and decision-making, also with a view to the issue of monitoring.

D. Increase Effectiveness of law Enforcement Action against Corruption

I. Training methodologies and approaches

30. Mr. Stephen Zimmermann (IADB) briefed participants on training programmes for investigators and prosecutors his organisation had developed and implemented. IADB training programmes aimed not only to enhance skills and knowledge of trainees, but also to foster partnerships and informal networking among prosecutors and investigators from different jurisdiction. In particular, he recommended to target beneficiaries from different jurisdictions who need to cooperate frequently. Also, involving trainees from countries with different legal traditions had the potential to add value to a training programme. Bringing together specialized anti-corruption prosecutors from different jurisdiction may also overcome prosecutorial isolation. Moreover, training courses should seek to enhance capacities not only at the central government level, but also to involve prosecutors and investigators operating at the local level either through direct participation or through the training of trainers. He also stressed the importance of training to identify and address legal impediments and practical barriers that prevent successful prosecutions. He noted that the results of training risked always to be affected negatively by the selection of an inappropriate target group, a high turn-over of trained personnel, and low capacity at the national level to pass on skills and knowledge acquired through training.

31. Mr. Rainer Bührer (INTERPOL) briefed participants on the plan of his organization to establish a permanent training facility for anti-corruption investigators in order to respond to the continuously growing demand of INTERPOL members for more - and more specialized training programmes.² Initially the anti-corruption training institute will focus on providing training courses for law enforcement officials, however in the long run the Institute could also provide courses for other anti-corruption practitioners, and hereby support member states in the implementation of various provisions of the UN Convention against Corruption. The objective of the institute would be to develop training curricula, superior in content, detail, practical relevance and cultural

² A date for the launching of the INTERPOL anti-corruption training institute needs yet to be determined.

sensitivity compared to currently available training courses. The institute will seek to involve actively its alumni in the further improvement and operation of the programme. Such an international network of alumni would also provide a platform for exchange among its members for the solving of daily challenges of anti-corruption work at the domestic level as well as to foster international cooperation. While initially the Institute will be located in Austria, at a later stage it is planned to establish regional training centres, which should make it easier to respond to language and cultural requirements. The Institute will maintain a close working relationship with the Interpol Expert Group on Corruption and seek strategic alliances with the United Nations, the World Bank and other international financial institutions and development agencies, the European Commission, the Financial Action Task Force, Transparency International, the OECD, as well as with Academia. The role that the private sector potentially could play in supporting and contributing to the work of the Institute should not be overlooked, e.g. financial institutions, accounting and auditing companies and the private security industry.

32. To maximize the reach of the Institute, Mr. Bühner suggested distance learning programs to help students who cannot attend the Institute's courses or any of its regional partner institutes. Distance learning could also be used to organize cost-effective refresher courses, continuing education programs and periodic testing programs to measure retention. Such distance-learning courses could also be combined with courses offered by domestic training institutions. Another function of the Institute would be to conduct research on anti-corruption issues and to function as a clearinghouse for information on trends in corruption, and the identification and analysis of good practices. As trainers, the institute intended to use experienced practitioners, as opposed to professional trainers.

33. Participants concurred that a lot of the training conducted by multilateral and bilateral organisations did not achieve the desired objectives. All too often training initiatives were based on one country's legal and institutional experiences, courses were too short and/ or tried to cover too many issues, or they were conducted as a stand alone activity with little context and no follow-up. At the same time, in particular regional and international training facilitated international networking and the exchange of experiences and information. Participants requested the IGAC Secretariat to start to collect training curricula from IGAC members and post them on the IGAC website for the purpose of information sharing.

II. Mentoring Programmes

34. Mr. Stuart Gilman (UNODC) briefed participants on an anti-corruption mentor programme about to be launched by the UNODC/Anti-Corruption Unit. In his view, the programme would be an ideal vehicle to provide a range of practical inputs over an extended period of time to Member States, including policy advice, technical expertise and managerial support. The long-term nature and intensiveness of the assistance provided by the mentor contributes significantly to the sustainability of capacity building. At the same time, mentors would serve as resource persons for the UNODC's field office network.

35. Mentor programmes are not new to UNODC. The Office already has a functioning mentor programme operating in the area of Anti-Money Laundering and the Financing of Terrorism, which has been evaluated positively. Mentors will be international experts with skills that match the particular needs of the host country supporting the effective compliance with the UNCAC. The programme will seek to avoid the notion that the expert is telling the country what to do. Rather, the

role of the mentor is to collaborate with colleagues with the understanding that their knowledge and frank insights are critical to the success of the programme. The Anti-Corruption Mentor Programme envisages a total of five mentors on the ground in the first three years. The programme will begin with an eighteen months pilot phase, and lessons learned would be integrated into a long-term mentor programme covering more countries.

36. Participants emphasized that capacity building through mentoring should not be limited to Government institutions but also seek to provide training and advisory services to civil society. Moreover, participants advised to carefully assess the receptiveness of governments and the absorptive capacities of relevant government agencies to receive such intensive and ongoing support in order to ensure the optimal use of the mentors. Moreover, participants felt that in addition IGAC should seek to compile a list of experts and consultants, specifically knowledgeable about the UN Convention against Corruption with a view to creating a pool of experts which organisations could draw from for consultancies, training activities and other technical assistance purposes.

III. Computer-Based Training

37. Mr. Howard Whitton briefed participants on the development and use of an computer-based ethics training. Usually, ethics are taught in our societies through stories, examples and practice. Not much differently, “professional ethics” are instilled through standard setting, training and enforcement. Computer based training/education has first been developed not for an educational rational but because of its cost-effectiveness. Resources made available to foster the implementation of the UNCAC, and in particular to provide training on professional ethics to public servants will be limited, thus developing computer-based training modules has several advantages. He noted that most of the currently available computer-based training programmes had a compliance focus, instructing employees about the existing organisational rules of professional conduct and their interpretation/ application in practice. Only very few programmes succeeded in providing also competence and skills to recognize ethical challenges, conflicts of interest and corruption prone situations. Thus, there is a significant need to develop both types of computer-based training programmes. Computer-based training has another advantage, as it is less depended on short term changes in the organisational culture which may result in dissonant interpretation and application of organisational rules.

38. Mr. Whitton further illustrated the advantages of computer-based ethics training for the public service by briefing participants about a recent project which developed and pilot tested computer-based training in Bulgaria, Latvia and Estonia. An evaluation of the pilot-testing phase showed clearly that participants in the computer-based training had developed their skills to identify ethical challenges, potential conflicts of interest and corruption prone situations significantly faster than public officials who had participated in traditional training courses of similar content. Participants also clearly identified the traditional rules-based approach to delivering ethics training as not helpful. Mere knowledge of the rules does not necessarily enable the trainee to make the right decision, as first he/she must recognize the ethical dilemma.

E. Engaging Civil Society – Moving beyond Awareness Raising

39. Mr. Peter Rooke (TI) noted that article 13 of the UNCAC foresaw an active role of civil society in the prevention and control of corruption. This role has been further concretized in Art.10

which calls on States Parties to adopt measures to enhance transparency in its public administration, including through providing access to information as well as access to competent decision-making authorities, and through publishing information on its public administration. Mr. Rooke clarified that if civil society was to perform this role effectively, it needed support and resources to build its capacity to participate in anti-corruption activities. Such capacity building should involve basic empowerment through awareness raising and training, as well as networking and the appreciation of the nature, dynamics and complexity of corruption. Moreover, specific measures were required to empower civil society to exercise its oversight capacity in the area of the management of public resources and public procurement.

40. Several of the participating organisations shared their experiences in engaging civil society in decision-making and policy-formulation processes; e.g. UN-HABITAT set up a network of civil society focal points who are involved on a regular basis in policy and project formulation; both, OECD and UNODC have organized several fora providing an opportunity to civil society organisations to become more actively involved in the work of the organisations, in particular in the promotion of the ratification and implementation of the various conventions against corruption. Moreover, the OECD Working Group on Bribery (WGB) holds annual consultations with representatives from civil society. It also liaises before each phase-two country visit with local NGO's seeking to solicit their views with regard to the implementation of the OECD Anti-Bribery Convention.

41. Participants emphasised the need to strengthen the media, so it can play its role as a watchdog exposing corruption and promoting transparency, accountability and integrity in government and society.

F. Toolkits, Guides, and other Technical Publications –development and dissemination

42. Mr. Oliver Stolpe (UNODC) presented the outcomes of a recent evaluation of toolkits, guides, handbooks and other technical publications produced by UNODC. For the purpose of the evaluation, a “tool” had been defined as a printed or online instrument for the transfer of knowledge on a given topic, organized in a systematic manner and developed by experts by means of which the target audience acquires know-how and the ability to apply it.

43. The evaluation confirmed that tools and toolkits were indeed an appropriate mechanism for delivering technical assistance. In particular, the UNODC Anti-Corruption Toolkit had been found of highly satisfactory quality. Nevertheless, the evaluation had identified also several possible improvements in the development and dissemination of the publication which would allow to further enhance its practical use, and thus its intended impact. First and foremost, any toolkit required a strategic vision for its development and dissemination. This, in turn required a proper needs assessment. Moreover, toolkits should in particular address the needs of resource poor countries, and take into account that best practice examples extracted from more developed countries may not work in such environments. Tools needed to be prepared to suit situations where resource constraints, financial and professional, act as major handicaps. At the same time, good practice examples from less developed countries all too often are difficult to present convincingly as good practices, as the perception of the country as whole may undermine the credibility of the example.

44. Intended beneficiaries should be involved in the preparatory process and the production of such tools. A broad consultative process involving beneficiaries, experts and peers will not only provide for quality control but also create the ownership and support that are key for the later promotion and application of the tool. Any project for the development of tools should, as an integral part, have a comprehensive dissemination strategy at the time of the development of the tool. Moreover, provisions need to be made in the tool to facilitate its adaptation to suit local requirements. In order to yield the greatest benefit to its users, the design and organisation of the tools should be as user-friendly as possible.

45. Mr. Stolpe emphasized that in view of resource limitations but also in order to ensure coherence and consistency of technical inputs and advise, organisation should develop joint tools and toolkits to maximise on resources and capacities instead of developing individual instruments. The evaluation recommended also that tools should be equipped with a feed-back mechanism that connects those who developed the tool with those who are applying it. Finally, toolkits should suggest some standard impact indicators to facilitate impact monitoring at the domestic level.

46. Mr. Nikos Passas (Northeastern University) underscored that while the UNCAC offered immense opportunities in the fight against corruption, it also presented inherent risks. In particular there was an urgent need to provide sufficient resources to create and maintain a pool of experts who can advise countries in the effective implementation of the UNCAC. Experts can also assist in improving quality of documents and toolkits through a peer review process. He concluded by suggesting that the practical use of tools and toolkits would significantly benefit from translation into UN and non-UN languages.

G. Benchmarking, Monitoring, Assessment and Research

47. Mr. Carlo Chiaromonte (Council of Europe) briefed participants on the activities of the Group of States against Corruption, including its monitoring mechanism. In 2005, GRECO completed its second evaluation round which included on-site visits to all its members, with the exception of those States that had joined the Group most recently. In the third evaluation round, which is planned for 2006-2007, GRECO will be mainly focusing on two distinct topics: the application of offences as provided for by the Criminal Law Convention on Corruption and political party financing. Monitoring was an integral element of GRECO's "a triangular approach", which includes standard setting, monitoring and technical cooperation. Each of these elements complemented each other. Monitoring focused on compliance as much as on identification of technical assistance needs. A number of technical cooperation programmes are underway to help countries to improve legislation and strengthen institutional capacities against corruption in line with GRECO's recommendations. Mr. Chiaromonte emphasized that anti-corruption monitoring mechanisms were much more likely to achieve their objectives, if they were not limited to the elaboration of recommendations but also provided a platform for co-operating with the concerned country in addressing the recommendations through technical assistance. In the context of GRECO, the establishment of a permanent channel for exchanging information and experiences between the monitoring component and the technical assistance component has proven particularly effective, both for the identification as well as for the replication of good practises.

48. Mr. Moulette, OECD, emphasized that significant efforts were undertaken by the Secretariats of the OECD's Working Group on Bribery and of the GRECO to avoid any overlap of

the two monitoring mechanisms. In particular, both bodies seek to focus in their evaluations on different themes, and they actively involve each other as well as other organizations as observers in their regular meetings.

H. Follow-Up to the Seventh Meeting of IGAC

I. Online Tracking System for the United Nations Flash Appeal for the Tsunami Relief Effort

49. Ms. Susanne Frueh (UNOCHA) informed participants on UNOCHA's efforts to rationalise humanitarian aid and reinforce accountability to donors by means of a financial tracking service (FTS). The Indian Ocean Tsunami generated unprecedented public generosity but also raised concerns about transparency and accountability of emergency relief aid. In response UN agencies, which formed part of the Tsunami Flash Appeal decided to launch an Expenditure Tracking System (ETS) website to show spending rates and use of funds down to the project level. The system was developed by UNOCHA's Financial Tracking Service and PricewaterhouseCoopers. So far access to the website has been moderate but steady. Feedback from donors suggests that while they did not look closely at the expenditure reports on ETS, they did appreciate it as a gesture of openness. Ms. Frueh noted some of the complexities involved in the creation of the ETS arising from the need to aggregate some of the information. When ETS was conceived, it was not anticipated that the Special Envoy's Office would commission a broader, longer-term tracking system for the entire post-tsunami recovery effort. UNOCHA therefore plans to migrate the data collected and assist in its inclusion in the broader financial tracking system. The ETS will cease to operate in June 2006.

50. Ms. Jessica Schultz (U4 Utstein Anti-Corruption Resource Centre) informed the meeting of an initiative of her organisation in developing a "Focus Area" on their website on corruption in emergencies. This website seeks to collect and inform on a number of initiatives which have emerged in the aftermath of the Indian Ocean Tsunami with the purpose of addressing the particular dangers of corruption in the context of war and natural disasters. U4 aimed to consolidate current thinking and support new research into questions such as - How does corruption threaten life-saving relief interventions, and How does aid delivery impact patterns of corruption in fragile societies? Through web-based pages featuring operational tools, guidelines, lessons learned, case studies and original research, U4 would promote evolving good practices in the field. The ultimate goal was to improve the efficiency and quality of humanitarian assistance for affected populations, and lay the groundwork for a more sustainable rehabilitation process.

II. Establishment of a Fraud and Corruption Prevention Centre in Indonesia

51. Mr. Mark Gough (OIOS) reported, that his office had not yet received any reaction from the Office of the Secretary General's Office concerning the establishment of a Fraud and Corruption Prevention Centre in Indonesia. Following a risk assessment mission of OIOS, the establishment of such a centre had been recommended to address some of the risks for fraud and violations of the UN Staff Regulations and Rules in the United Nations tsunami disaster relief programme in Indonesia and Sri Lanka.

III. Outcomes of the Workshop on Measuring and Monitoring Corruption and Anti-Corruption:

52. Mr. Ruslan Stephanov (Center for the Study of Democracy) briefed the participants on the main outcomes of a workshop on measuring and monitoring corruption held jointly by the Centre for the Study of Democracy and UNODC in Sofia, Bulgaria in June 2005. The report of the workshop is available at http://www.unodc.org/pdf/corruption/publication_sofia_workshop.pdf. Among others, the workshop had concluded:

- There was a need to clearly distinguish between the measuring of the extent, nature, causes and costs of corruption through objective and subjective indicators on the one hand, and the monitoring of compliance of countries with international legal instruments on the other hand, the two processes should be viewed as complementing each other.
- Each international legal instrument requires its own monitoring system. Existing monitoring mechanism can only serve as a point of reference and provide lessons; this is particularly true for the UN Convention against Corruption.
- Limiting the monitoring to specific thematic areas and organizing the monitoring in phases rather than carrying out an overall review of the status of implementation has proven a valid approach adopted by both, the GRECO as well as the OECD Working Group on Bribery. Moreover, on-site visits have proven particularly effective in complementing questionnaire-based surveys, as they provide an opportunity to review the law-in-action.
- As there is an increasing monitoring fatigue, in particular among those States that are party to several international legal instruments in the area of corruption and related phenomena, the monitoring mechanisms need to be coordinated as much as possible.
- Measuring instruments should not be limited to exploring the extent of corruption in general, but should allow for institution and sector specific assessments.
- Rather than attempting to assess the extent of corruption as such, measuring tools should focus on exploring the scope of certain types of corrupt behaviors, as they are described by international legal instruments, including the UN Convention against Corruption.
- While comparability across countries and regions is important, measurement tools need to be flexible to account for local context and domestic needs.
- Comprehensive and accurate measurement requires an appropriate combination of qualitative and quantitative instruments.
- In order to achieve the ultimate goal of reducing corruption, measuring should be combined with concrete technical cooperation programmes for assisting States in the prevention and control of corruption, so as to minimize the incentives for countries to stay away or circumvent the measuring and monitoring mechanisms.

53. Moreover, from the discussions a series of the basic parameters for the measuring and monitoring of corruption and anti-corruption had emerged.

- While, the UNCAC does not contain a **definition of corruption** as such, it describes the phenomenon in its various manifestation, and hereby provides the conceptual framework which should guide the development of future monitoring/measuring mechanism. Adopting the Convention as the basic framework would ensure, that unlike in the past, measuring results would be of direct use for policy development.
- Monitoring should initially remain **moderate and focused in scope and objectives**. One option would be to start with the monitoring and measuring of corruption as described by the mandatory offences contained in the UNCAC.

- Monitoring and measuring mechanisms need to be tailored towards the needs of their respective **constituency**. Depending on its target group – policy makers, general public, etc – monitoring/measuring should bear in mind of the limitations of the mechanism and the eventual impact of these limitations on the respective audience.
- Monitoring and measuring mechanisms need to ensure **objectivity**. The design of the monitoring/measuring should avoid leading questions, value judgments and avoid ambiguity. This is particularly important on global scale where the methodology should be as context neutral as possible.
- Monitoring and measuring mechanism must be **simple** in design and application, so as to allow reliable data collection also in environments with low local capacity, in particular in developing countries.
- Monitoring and measuring mechanism must strike a balance between the need for the reliable **data sources** and the **cost** of data collection. However, related costs should not be allowed to undermine accuracy.
- **Technical assistance** should be factored into the monitoring/measuring system. Technical assistance is emphasized by both the TOC and UNCAC and its role should also apply in the field of monitoring. This would reassure governments that the monitoring and measuring exercises is intended to contribute to the development of effective anti-corruption policies and institutions and capacity building rather than evidencing non-compliance with treaty obligations.
- Monitoring and measuring exercises must be conducted **periodically** to allow for determining progress over time, the identification of good practices and the re-adjustment of anti-corruption policies and measures as required.
- For the same reasons, monitoring and measuring instruments must ensure **comparability** of results across time and space.
- Any monitoring/measuring system must have sufficient **legitimacy**, both in political and substantive terms.
- Monitoring and measuring mechanisms must provide for concrete **recommendations** for improvements, including **guidance for their implementation**.
- Monitoring and measuring mechanisms must, to the extent possible, seek to **avoid duplication**, without, at the same time putting at risk the legitimacy of the exercise. E.g. countries who have not been involved in the design, implementation and review of existing monitoring exercises, may not be ready to accept the respective results within the context of the monitoring of the UNCAC.
- Monitoring and measuring mechanisms must be financially and politically **sustainable**.

54. Moreover, participants of the Sofia workshop had concurred that it would be useful to prepare a collection of monitoring and measuring options, methodologies and related instruments for the information and consideration by the Conference of State Parties. It was also suggested, as a next step to bring together practitioners and those engaged in the measuring of corruption to determine the objectives of monitoring procedures and elaborate concrete suggestions for how the monitoring should be conducted.

V. FOLLOW-UP

55. Ms Paula Saddler (UNDP) informed the group that in preparation of the 9th meeting of IGAC, UNDP would jointly with UNOCHA and UNHCR follow-up on the recommendation of the 7th IGAC meeting to collect any existing rapid response measures for the prevention of fraud and corruption applicable from the outset of significant humanitarian interventions, and to prepare an anti-corruption check-list for operational personnel with managerial capacities in humanitarian relief organizations.

56. Participants requested the IGAC Secretariat to collect training curricula from IGAC members and post them on the IGAC website for the purpose of information sharing.

57. Participants requested the IGAC Secretariat to compile a list of experts and consultants, specifically knowledgeable about the UN Convention against Corruption with a view to creating a pool of experts which organisations could draw from for consultancies, training activities and other technical assistance purposes.

58. Members agreed, that after the resigning of Mr. Maarten de Jong as the Chair of the IGAC, they would submit their nominations for a new chair to the Secretariat, possibly within three month of the meeting.

59. The 9th IGAC meeting was tentatively scheduled to be held in conjunction with the 12th International Anti-Corruption Conference in November 2006 in Guatemala and to be hosted by Inter American Development Bank (IADB).³

³ By the time of the finalisation of this report, this plan had been changed. The meeting is now planned to be held in conjunction with the first Conference of States Parties to the UN Convention against Corruption, on 14-15 December in Jordan.

ANNEX 1 - AGENDA

Thursday, 19 January 2006

- 9.30 – 10.00** **Welcoming Remarks Address** by Mr. Shoji Nishimoto, ASG and Director Bureau for Development Policy, UNDP, and Mr. Guido Bertucci, Director, DESA DPADM
Election of the Chair
Adoption of Agenda
- 10.00 – 10.15** **Key Note Address** by Mr. Christopher Burnham, USG for Management
- 10.15 – 10.45** Coffee and Tea Break
- 10.45 – 12.15** **Theme: Establishing Specialized Anti-Corruption Units and Bodies**, Different types of anti-corruption bodies and units – strengths and weaknesses – providing advice on legislation and strategic planning, Ms. Pauline Tamesis, UNDP
Supporting institutional development and capacity building of anti-corruption bodies and units, Ms. Elia Armstrong, UN DESA
Discussion
- 12.15 – 12.45** **Theme: Building Preventive Anti-Corruption Capacities**, Reducing opportunities for corruption in public procurement, Mr. Mark Gough, UN OIOS
Discussion
- 12.45 – 14.00** Lunch Break (at own expense)
- 14.00 – 15.30** **Theme: Building Preventive Anti-Corruption Capacities (continues)**, How to make codes of conduct work, Mr. Charles Adwan, World Bank
Asset declaration systems, Mr. Stuart Gilman, UNODC
Strengthening anti-corruption capacities of the private sector, Mr. William J. Stibravy, International Chamber of Commerce
Discussion
- 15.30 – 16.30** Coffee and Tea Break
- 16.00 – 16.30** **Theme: Legal Advisory Services**
Legislative assistance and review – legal databases, Mr. Dimitri Vlassis, UNODC
- 16.30 – 17.15** **Theme: Increase Effectiveness of Law Enforcement Action against Corruption**
Training methodologies and approaches, Mr. Rainer Bühner, INTERPOL and Mr. Stephen Zimmermann, IADB
- 17.15** Closure of the first day
- 19.00** *Joint Dinner at Alamo Restaurant, 304 E 48th St (212) 759-0590*

Friday, 20 January 2006

- 9.00 - 10.00** **Theme: Increase Effectiveness of Law Enforcement Action against Corruption (continues)**
Mentoring programmes, Mr. Stuart Gilman, UNODC
Computer based training, Mr. Howard Whitton, Independent Expert
- 10.00 – 10.30** Coffee and Tea Break
- 10.30 – 11.00** **Theme: Engaging Civil Society,**
Moving beyond awareness raising, Mr. Peter Rooke, Transparency International
Discussion
- 11.00 – 11.45** **Theme: Toolkits, Guides, Handbooks and other Technical Publications,**
Development and dissemination, Mr. Oliver Stolpe, UNODC and Mr. Nikos Passas, Northeastern University
Discussion
- 11.45 – 12.15** **Theme: Benchmarking, Monitoring, Assessments and Research**
Methodologies, and practical use of research and assessments,
Mr. Carlo Chiaromonte, Council of Europe
- 12.15 – 13.30** Lunch Break (at own expense)
- 13.30 – 14.30** **Theme: Follow up on 7th Meeting of IGAC**
Progress on online tracking system for the UN flash appeal for the Tsunami relief effort, Ms. Khadija Musa, UNOCHA
Follow-up on Jakarta Expert Meeting on Corruption Prevention in Tsunami Relief and related activities, Mr. Patrick Moulette, OECD, Mr. Michael Stevens, ADB, and Mr. Peter Rooke, Transparency International
Other Follow-up
- 14.30 – 15.00** **Coffee and Tea Break**
- 15.00 – 15.30** **Discussion of Agenda for the 9th Meeting of IGAC**
- Themes
 - Dates
 - Venue
- 15.30** Closure of Meeting

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