

Regional workshops on Public Procurement and Financial Investigations

Background

Corruption poses significant threats to countries around the world; it weakens institutions, erodes trust and threatens the economy by undermining fair competition and discouraging investment. No country is immune from corruption and governments need to work together and with partners from business and civil society to tackle it successfully.

In recognition of the global character of the threats posed by corruption, which requires a comprehensive and multidisciplinary approach, **the United Nations Convention against Corruption** was adopted as the sole global legally binding international instrument against corruption. While most countries in East Africa have ratified the Convention, challenges remain with regard to its implementation, in particular concerning the effective and timely implementation of the recommendations emanating from the country reviews conducted under the UNCAC Implementation Review Mechanism.

Recognizing the importance of the regional approach, States parties have established regional and sub-regional platforms to enhance their work to combat and prevent corruption. In Eastern Africa, the Eastern African Association of Anti-Corruption Authorities (EAAACA) has been established and is recognized as a subsidiary organ of the East African Community (EAC). Its members comprise the six East African Community Member States: Kenya, Tanzania, Burundi, Rwanda, South Sudan and Uganda, together with observer States Ethiopia and Djibouti.

With the support of the United Kingdom Foreign Commonwealth and Development Office (FCDO), these States parties gathered in February 2017 in Nairobi for a **Regional Workshop on Fast-tracking the Implementation of UNCAC** to build and foster partnerships and create a **regional platform to fast track the implementation of the United Nations Convention against Corruption** in Eastern Africa. The regional platform focuses on four thematic areas identified by the countries as regional priorities: financial investigations, public procurement, whistleblower protection and international cooperation.

After an in-depth discussion of common themes and challenges, and with the input of civil society, the participants adopted an outcome statement at the end of the regional conference, reaffirming the States parties' commitment to implement the recommendations emanating from the UNCAC reviews and, in particular, specific thematic areas, with the support of UNODC.

Objectives of the workshops

After more than two years of implementation of the project in the region, many activities conducted in the region, and with continues conversations with officials of the countries involved in the regional platform, it has been considered that the time had come to organize two back to back workshops respectively on public procurement anti-corruption efforts and policies and procedures

for financial investigations. These workshops will allow participants to come together again to discuss about the work undertaken in the countries of the region, along with new anti-corruption prevention and detection efforts for public procurement and financial investigations, lastly, on the progress made, and successes achieved by the countries involved in the regional platform. These workshops are aligned with the efforts of the State Parties to fully utilize the benefits of the Review Mechanism of UNCAC, as promoted by the project “Accelerating UNCAC Implementation in Africa” funded by the Ministry for Cooperation of Germany.

- **Public procurement**

The two first days of the workshops will be on the topic of anti-corruption in public procurement and presented jointly with the National Integrity Academy (NIAca) of Kenya. At its occasion, participants will obtain tangible and actionable information on how to better detect and fight fraud and corruption in public procurement. During the two days, detailed analysis of several past cases of corruption related to public procurement will be conducted, along with a deeper understanding of the mind-set of those that commit these improper acts. Presentations will also be made on the work of anti-corruption in public procurement in other regions such as Southern Africa and the work of NIAca.

- **Policies and procedures for financial investigations**

The two last days of the workshop will be about financial investigations, more precisely the role and importance of policies and procedures for financial investigations.

Attendees will participate in a fictional intelligence-led corruption investigation comprising of 6 thematic sections. Participants will be provided with intelligence data linked to the case and will be encouraged to offer suggestions as to which course of action they would take. Each of the thematic sections offer participants the opportunity to explore, discuss and recommend how the implementation of relevant policies and procedures can enhance the quality of the investigation.

Tentative agenda

Tuesday 22 June 2021	
8:00 – 8.30	Registration
Opening Ceremony of both workshops	
8.30 – 9.00	<p>Opening Remarks</p> <ul style="list-style-type: none"> • Humphrey Mahiva, Deputy Director, Ethics and Anti-Corruption Commission (EACC), Kenya, • Munira Ali, Secretary East African Association of Anti-Corruption Authorities (EAAACA) • Sylvie Bertrand, Deputy Regional Representative, UNODC ROEA • Josephine Gauld, Deputy High Commissioner, British High Commission of Kenya • Giovanni Gallo, Chief Implementation Support Section, Corruption Economic Crime Branch, UNODC
PUBLIC PROCUREMENT (DAYS 1 & 2)	
9.00 – 9.10	<p>Welcoming remarks to the workshop on public procurement and objective of this workshop</p> <ul style="list-style-type: none"> • Tim Steele, Global Anti-Corruption Adviser, UNODC • Mr Humphrey Mahiva, Deputy Director, Ethics and Anti-Corruption Commission (EACC), Kenya, <p>Moderator:</p> <ul style="list-style-type: none"> • Louise Portas, UNODC
9.10 – 9.40	<p>Project “Fast-Tracking UNCAC Implementation” and the regional platform in East Africa</p> <p><i>Overview of the project, historical background of its implementation in Eastern Africa</i></p> <ul style="list-style-type: none"> • Louise Portas, UNODC <p><i>Specific focus on the thematic area “public procurement” of the project: commitments taken in 2017 and progress made in the region in the implementation of article 9(a) of UNCAC</i></p> <ul style="list-style-type: none"> • Tom Caulfield, UNODC expert on anti-corruption in public procurement

9.40 – 10.40	<p>Anatomy of procurement/contract Fraud and the faces of those who commit this Fraud.</p> <p>Speaker:</p> <ul style="list-style-type: none"> • Tom Caulfield, UNODC expert on anti-corruption and public procurement
10.40 – 11.00	<p>Coffee Break</p>
11.00 – 12.00	<p>The role of the Financial Intelligence Units (FIUs) in anti-corruption related to public procurement</p> <p><i>The Financial Intelligence Authority (FIA) of Uganda</i></p> <p>Speaker:</p> <ul style="list-style-type: none"> • Daniel Achato, senior inspectorate officer, Inspectorate of Government of Uganda (IGG) <p><i>The U.S. Financial Intelligence Unit</i></p> <p>Speakers:</p> <ul style="list-style-type: none"> • Tom Caulfield, UNODC expert on anti-corruption in public procurement
12.00-13.00	<p>Going through a fictive case of corruption related to public procurement</p> <p>During this session, the speaker will:</p> <ul style="list-style-type: none"> - Provide a background of this fictitious case: the first allegations, how the subjects of the investigations have been identified, which included foreign citizens, how the procurement method was identified and its vulnerabilities - How the allegations were brought to the attention of the anti-corruption authority what specific violations were being allege - What could have occurred if the anti-corruption agency would have requested the support of the country from which some foreign citizens involved in the corruption were coming from? How the foreign country could have supported the case and the return of stolen assets? <p>Speakers:</p>

	<ul style="list-style-type: none"> • Tom Caulfield, UNODC expert on anti-corruption in public procurement
13.00– 13.30	<p>Q&A and closing of Day one</p> <p>Moderator:</p> <ul style="list-style-type: none"> • Louise Portas, UNODC
Wednesday 23 June 2021	
8.30 – 8.40	<p>Welcoming remarks to Day two: recap of Day one</p> <ul style="list-style-type: none"> • Louise Portas, UNODC
8.40 – 10.00	<p>Panel discussion:</p> <ul style="list-style-type: none"> - <i>Auditors</i> will identify how they perform their work in regard to oversight of procurements/contracts in their area of responsibilities. Along with how they search for potential indicators of corruption/fraud. - <i>Procurement Professionals</i> will identify what they believe is the most vulnerable aspects of the various procurement methods/steps. Along with what they do when an allegation of corruption/fraud is believed. - <i>Investigators</i> will identify how procurement corruption/fraud allegations are being identified, what they do once it is reported, what major challenges occur in conducting an investigation involving procurements/contracts, and how they resolve those challenges. <p>Panelists: Auditors, procurement professionals and investigators from various countries of the region.</p> <p>Moderator:</p> <ul style="list-style-type: none"> • Tom Caulfield, UNODC expert on anti-corruption in public procurement
10.00 – 10.20	Coffee break
10.20 – 11.20	<p>Conflict of interest in public procurement</p> <p><i>Brief on a research conducted on conflict of interest In Southern Africa</i></p> <ul style="list-style-type: none"> • Richard Chelin, researcher at ENACT: Enhancing Africa’s response to transnational organized crime <p><i>The “Pravind Kumar Jugnauth” case</i></p>

	<ul style="list-style-type: none"> Tom Caulfield, UNODC expert on anti-corruption in public procurement
11.20-11.50	Beneficial Ownership in Southern Africa and the work of Open Ownership (OO) and Open Contracting Partnership (OCP) <ul style="list-style-type: none"> Tom Caulfield, UNODC expert on anti-corruption in public procurement
11.50 – 13.00	NIACA’s role on anti-corruption in public procurement in Kenya <ul style="list-style-type: none"> Mr Humphrey Mahiva, Deputy Director, Ethics and Anti-Corruption Commission (EACC), Kenya
13.00 – 13.30	Q&A and closing remarks – introduction of the second workshop Speakers: <ul style="list-style-type: none"> Tom Caulfield, UNODC expert on anti-corruption in public procurement Louise Portas, UNODC
Thursday 24 June 2021	
POLICIES AND PROCEDURES FOR FINANCIAL INVESTIGATIONS (DAYS 3 & 4)	
8.00 – 8.30	Registration
8.30 – 8.45	Welcoming remarks <ul style="list-style-type: none"> Mr Humphrey Mahiva, Deputy Director, Ethics and Anti-Corruption Commission (EACC), Kenya Louise Portas, UNODC Moderator: <ul style="list-style-type: none"> Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations
8.45 – 9.00	Background of the policies and procedures project and explanation of the “game rules” of the workshop <i>Over the course of this two days’ workshop participants will work through a fictitious intelligence-led corruption investigation, using it as a vehicle to explore and appreciate the importance of policy-procedures in six topical areas (the scenarios). Each scenario covered will follow a broadly similar structure. The exact content of each scenario will be known at the beginning of each session.</i> <ul style="list-style-type: none"> Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations
9.00 – 10.15	Topic one: - Scenario Background

	<ul style="list-style-type: none"> - Intelligence sharing - participants will be offered one or more items of intelligence which they will then analyse. - Decision-making – based on the intelligence, participants will decide on a course of action that will relate to Topic 1 - Court Cross-Examination and post-analysis – participants will watch a pre-recorded video of a fictitious courtroom cross-examination pertaining to Topic 1. They will then identify shortcomings that have come about via weak or absent policy-procedures. - Policy-Procedure implications – participants will then offer suggestions as to how the identified policy-procedure weaknesses may be addressed. <p>Moderators:</p> <ul style="list-style-type: none"> • Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations • Louise Portas, UNODC
10.15 – 10.30	coffee Break
10.30 – 11.45	<p>Topic two:</p> <ul style="list-style-type: none"> - Scenario Background - Intelligence sharing - participants will be offered one or more items of intelligence which they will then analyse. - Decision-making – based on the intelligence, participants will decide on a course of action that will relate to Topic 2 - Court Cross-Examination and post-analysis – participants will watch a pre-recorded video of a fictitious courtroom cross-examination pertaining to Topic 2. They will then identify shortcomings that have come about via weak or absent policy-procedures. - Policy-Procedure implications – participants will then offer suggestions as to how the identified policy-procedure weaknesses may be addressed. <p>Moderators:</p> <ul style="list-style-type: none"> • Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations • Louise Portas, UNODC
11.45 – 13.00	<p>Topic three:</p> <ul style="list-style-type: none"> - Scenario Background - Intelligence sharing - participants will be offered one or more items of intelligence which they will then analyse.

	<ul style="list-style-type: none"> - Decision-making – based on the intelligence, participants will decide on a course of action that will relate to Topic 3 - Court Cross-Examination and post-analysis – participants will watch a pre-recorded video of a fictitious courtroom cross-examination pertaining to Topic 3. They will then identify shortcomings that have come about via weak or absent policy-procedures. - Policy-Procedure implications – participants will then offer suggestions as to how the identified policy-procedure weaknesses may be addressed. <p>Moderators:</p> <ul style="list-style-type: none"> • Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations • Louise Portas, UNODC
13.00 – 13.30	<p>Feedback from the participants, Q&A and closing of Day One</p> <p>Moderators:</p> <ul style="list-style-type: none"> • Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations • Louise Portas, UNODC
Friday 25 June 2021	
8.30 – 8.40	<p>Opening of Day Two of the workshop and</p>
8.40 – 10.00	<p>Topic four:</p> <ul style="list-style-type: none"> - Scenario Background - Intelligence sharing - participants will be offered one or more items of intelligence which they will then analyse. - Decision-making – based on the intelligence, participants will decide on a course of action that will relate to Topic 4 - Court Cross-Examination and post-analysis – participants will watch a pre-recorded video of a fictitious courtroom cross-examination pertaining to Topic 4. They will then identify shortcomings that have come about via weak or absent policy-procedures. - Policy-Procedure implications – participants will then offer suggestions as to how the identified policy-procedure weaknesses may be addressed. <p>Moderators:</p> <ul style="list-style-type: none"> • Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations • Louise Portas, UNODC

10.00 – 10.15	coffee Break
10.15 – 11.30	<p>Topic five:</p> <ul style="list-style-type: none"> - Scenario Background - Intelligence sharing - participants will be offered one or more items of intelligence which they will then analyse. - Decision-making – based on the intelligence, participants will decide on a course of action that will relate to Topic 5 - Court Cross-Examination and post-analysis – participants will watch a pre-recorded video of a fictitious courtroom cross-examination pertaining to Topic 5. They will then identify shortcomings that have come about via weak or absent policy-procedures. - Policy-Procedure implications – participants will then offer suggestions as to how the identified policy-procedure weaknesses may be addressed. <p>Moderators:</p> <ul style="list-style-type: none"> • Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations • Louise Portas, UNODC
11.30 – 11.45	break
11.45 – 13.00	<p>Topic six:</p> <ul style="list-style-type: none"> - Scenario Background - Intelligence sharing - participants will be offered one or more items of intelligence which they will then analyse. - Decision-making – based on the intelligence, participants will decide on a course of action that will relate to Topic 6 - Court Cross-Examination and post-analysis – participants will watch a pre-recorded video of a fictitious courtroom cross-examination pertaining to Topic 5. They will then identify shortcomings that have come about via weak or absent policy-procedures. - Policy-Procedure implications – participants will then offer suggestions as to how the identified policy-procedure weaknesses may be addressed. <p>Moderators:</p> <ul style="list-style-type: none"> • Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations • Louise Portas, UNODC
13.00 – 13.15	Workshop summary

	<ul style="list-style-type: none">• Neil Clark, UNODC expert on standard operating procedures (SOPs) for financial investigations
13.15 – 13.30	<p>Closing remarks</p> <ul style="list-style-type: none">• Louise Portas, UNODC