



United Nations Department of Economic and Social Affairs
Division for Public Administration and Development Management

**Workshop on
Engaging Citizens to Prevent Corruption for Better Public Service Delivery
and Achievement of the Millennium Development Goals**

Introduction

Corruption is a complex social, political and economic global phenomenon. It exacerbates poverty, undermines rule of law and democratic institutions, destroys trust and contributes to instability. Corruption and lack of accountability are serious impediments towards to the achievement of the Millennium Development Goals (MDGs) by 2015. They not only reduce the net income of the poor but also lead to misallocation of public resources and reduced access and quality of public services from healthcare to education and water and sanitation¹.

The Secretary General of the United Nations, in his annual report entitled “Accelerating progress towards the Millennium Development Goals: options for sustained and inclusive growth and issues for advancing the United Nations development agenda beyond 2015”, published on 11 July 2011, states the following:

Protecting human rights and ensuring good governance

43. Application of a human rights framework helps ensure achievement of the Millennium Development Goals for all citizens. In the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, Member States reconfirmed that “respect for and promotion and protection of human rights is an integral part of effective work towards achieving the Millennium Development Goals” (para. 53), and acknowledged the “importance of gender equality and empowerment of women” (para. 54). A human rights framework enriches policy implementation by enabling effective participation by all stakeholders in decision-making, and improving accountability and governance. Progress in meeting the Millennium Development Goals can be enhanced if human rights are institutionalized to enable citizens to organize and participate in public policy decisions and monitor results.

44. Good governance and maintenance of the rule of law at the national and international levels are also essential. General Assembly resolution 65/1 further acknowledged the importance of transparency and accountability. Member States committed to curtail illicit financial flows at all levels by enhancing disclosure and transparency in financial information, and were urged to consider ratifying and to implement the United Nations Convention against Corruption. Strengthening

¹ Studies show that the poor and other most vulnerable groups suffer from corruption first and most. Corruption has been aptly described as “tax on the poor” and a “crime against the MDGs” by a joint UNODC and UNDP campaign on corruption. www.unodc.org/yournocounts.

national and multinational efforts to fight corruption is crucial, including technical assistance and other support to enhance developing countries' capacities. [...]

Preventing and combating corruption requires a comprehensive and multidisciplinary approach. Based on recognition of this fact, Member States negotiated the United Nations Convention against Corruption (UNCAC). The Convention is *the first* and the only *all inclusive* anti-corruption instrument of international law, joined by, currently, 154 countries under the universal umbrella of the United Nations. It is a *legally binding* document and applies to both the public and the private sector. Article 13 of UNCAC both recognizes and provides a role for civil society in combating corruption by calling on Governments to increase transparency and participation in government decision-making and improve public access to information. The engagement of civil society at grassroots, local, national, regional and international levels is essential for the implementation of UNCAC and for fighting corruption.

The role of a government is to effectively provide public goods, deliver basic services, establish a good business environment and promote inclusive and equitable development for the people; hence a government must be accountable to the people and corruption must be prevented. However, not all countries perceive in identical fashions the need for public accountability and the prevention of corruption, because values and culture about power and authority differ. Moreover, because social and political conditions are different across countries, determined institutions for accountability and prevention of corruption -principles, norms, instruments, procedures and supervision/enforcement mechanisms- must be in accordance with the features of each country.

Engagement of citizens

The public administration can engage citizens and their organizations to jointly make the provision of public services more responsive and accountable, and prevent corruption, either in cases in which these services are provided directly by public sector entities (such as government offices, public schools and healthcare centers, public utilities and State-owned enterprises, etc.), or indirectly through private sector or civil society organizations entrusted with the responsibility to offer some of these services to the people in compliance with public policies and conditions established by the State (by service norms and standards, regulations, contracts, financial rules and so on).

Indeed, citizens and their organizations in the private sector or in civil society can co-operate with governments at the central or local levels, along lines that may be jointly designed to make this co-operation efficient and results-oriented, serving the legitimate interests of the public administration and the people about the provision of the best public services possible, given existing human, financial and physical resources. Such participative approaches to improve public services can be applied at several stages of the public administration cycle, from the designing and planning of public programs or projects, through the monitoring of their financial management and implementation, up to their evaluation and reform.

Governments and citizens can adopt, and adapt to their specific context, a number of public policy mechanisms which have been introduced over the past two decades in different parts of the world, to the aims mentioned above, including, as illustration, the following:

- *Laws on transparency of public administration*, by which governments are obliged to provide citizens with access to information in different categories on how public resources are allocated and used, how public programs and projects are managed and executed, which individuals or groups actually receive the services, who are the individuals or organizations granted procurement contracts regarding the provision of these services, and so on.
- *Laws on public administrative procedures and responsibilities of public servants*, which determine the fundamental proceedings and conducts public servants must follow in the management of public administrative matters, and the remedies or sanctions (administrative or penal) applicable in case of violations.
- *Laws and public regulations on specific public services*, which determine the rights and obligations of the users and providers of those services, as for access, service conditions, pricing, support to marginalized or vulnerable groups, enforcement of these rights and obligations, etc.
- *Audits and inspections*, both internally and externally conducted, on technical, administrative and financial aspects of the operations of the service providers, to assess compliance with applicable norms and regulations, as well as to propose actions for subsequent improvement and, in case, to call attention of the respective government authorities on any deviations or wrongdoings that may merit sanctions of administrative or penal character.
- *Peer reviews*, involving voluntary external overseeing by experts and practitioners in the delivery of the corresponding public service who directly manage other similar entities in other localities, or in related but different institutions that provide same or similar services. They may bring their expertise, knowledge and analytical capacity to revisit the operations of a fellow entity, to provide it with external assessments on its strengths and weaknesses, as well as the challenges and opportunities to enhance its services, and with opinions and recommendations to improve management, increase efficiency, raise quality, etc. This can take place in extraordinary occasions (for instance, at key moments for strategic planning or reengineering of processes), or on a rather continuous basis (for example, through mobility or rotation of managers in charge of different sections).
- *Civic observatories and community councils*, as multi-stakeholder technical or deliberative entities in which citizens representing different areas or constituencies within a local or regional community systematically and collectively analyze and assess the situation of a specific public service, or all of these, for different parts of the territory and diverse social groups, and in turn publicly communicate their conclusions and recommendations on behalf of the entire population to the respective service providers and the corresponding government authorities.
- *Public meetings or hearings*, which any citizen, community member or service user can attend to express directly to the corresponding service providers or government authorities his needs, complaints or requests regarding determined public services or public servants.

- *Entities or mechanisms to address grievances and enforce citizens' or users' rights*, in respect of specific public services, and which ensure that those rights are duly respected in the case of every individual while he or she is protected against any risk of retaliation from the service provider, and at the same time the provider is entitled to present all pertinent information of technical or other nature that may serve to elucidate if there have been any wrongdoings.

The different public policy mechanisms mentioned above are not mutually exclusive, and although there may be in some cases certain degree of overlap among some of them, in general they tend to complement each other in several ways. In each country, at the national or local levels, a combination of these mechanisms may be needed to secure that the delivery of public services is adequate and satisfactory to all stakeholders. There is not one single way to combine these mechanisms, and while some are more powerful than others, this in fact depends on the concrete context in which they are to be applied, and adapted for, considering the legal, political, social, cultural, technological and financial features observable in the public sector and in society. Actually, it is also realistic to think that not all these mechanisms can be adapted and adopted at once, but rather they may be introduced in a gradual fashion, as those features evolve over time as well as experience and capacities related to their use is accumulated within the public administration, as well as among citizens and their organizations in the private sector and civil society.

One challenge which is widely observed in many countries relates to decentralization, consisting in the transfer of determined functions from central parts of the system to other more locally focused ones, which may integrate those functions more closely with those provided at the local level and attain better overall performance, with the advantage that greater closeness to citizens or local service users may facilitate responsiveness and accountability to the people from these reorganized service providers. However, concurrent measures may be needed, specifically regarding the use of some of the public policy mechanisms listed before, to secure that decentralization of certain functions (for example, tax or fees collection, budget management and finance, procurement, etc.) does not lead to increased corruption.

Thus, as suggested in the preceding paragraphs, a full-fledged strategy for significant improvement of public services would call on appropriate ways to bring service delivery closer to citizens and enhancing operations within the public sector, in close combination with the adequate enactment of effective institutions to secure accountability and prevent corruption.

States Parties to the United Nations Convention against Corruption have committed themselves to take action in this regard, one of the three purposes, mentioned in article 1, being *to promote integrity, accountability and proper management of public affairs and public property*. Its chapter II is entirely devoted to *preventive measures*. These measures include, among others, safeguards that promote recruitment based on merit, as well as application of codes of conduct, requirements for financial and other disclosures, and appropriate disciplinary measures. Special attention is given to issues related to public procurement, as this has proven to be an area particularly prone to corruption. Reference is already made to article 13 of the Convention, which recognizes and provides a role for civil society in combating corruption by calling on Governments to increase transparency and participation in government decision-making and to improve public access to information.

While considerable progress has been made, much work remains to be done to translate the text of Convention into reality on the ground. As acknowledged in article 63, paragraph 4 of the Convention, promoting the implementation of the Convention by the Conference of States Parties happens, inter alia, by facilitating the exchange of information among States on successful practices for preventing corruption. Sharing of experiences and lessons learned is key to design and operationalize effective strategies and to support countries in building their own capacities, both within the public sector and in enhancing partnerships with the private sector and with civil society at large. This will also support States Parties in preparation for the review of the implementation of Chapter II on Preventive Measures of the United Nations Convention against Corruption in the next review cycle, scheduled to commence in 2015.

For example, rapid technological change offers invaluable opportunities for the public administration in most countries to open up to citizens and provide eGovernment services, modernize practices such as eProcurement and engage citizens in novel ways (eParticipation), including to fight corruption. There are considerable untapped opportunities for governments to utilize these new means to prevent corruption.

This workshop is offered in response to the considerations summarized above.

Objectives

The Workshop aims to provide a substantive contribution to the discussions among States Parties aiming at enhancing the implementation of the United Nations Convention against Corruption, in particular its chapter II on Preventive Measures, through the sharing among experts of experiences and lessons learned. .

The objectives of the workshop are to:

- (a) Strengthen the participants' capacities to formulate programs and strategies to enhance public sector accountability and prevent corruption, including the use of modern Information and Communication Technologies (ICT);
- (b) Provide participants with conceptual frameworks and tools to improve accountability and prevent corruption through citizens' engagement, including the use of ICT tools;
- (c) Identify good practices in accountability and corruption prevention, especially in the case of participatory approaches, as well as obstacles and key challenges;
- (d) Strengthen the exchange of experiences networks on accountability and corruption prevention among experts and practitioners, with a view to enhance the dissemination of knowledge on citizens' engagement in preventing corruption for better public service delivery ; and
- (e) Help to identify substantive expertise to support States' capacity with regard to citizens engagement in preventing corruption for better public service delivery, in particular also to advance implementation of Chapter II of the United Nations Convention against Corruption.

Program

The workshop will address the following issues and themes, along a series of thematic sessions over two consecutive days:

- overall approaches, trends, best practices and key challenges in the prevention of corruption in public services;
- concepts and terminology;
- engaging citizens to prevent corruption: scope of analysis and rationales;
- practices and institutions to engage citizens in the prevention of corruption;
- initiatives from citizens and civil society organizations, including uses of ICT technologies;
- initiatives from governments, including eGovernment and eParticipation;
- initiatives from the private sector;
- public policy and strategy: building capacities and creating enabling conditions; and
- prevention of corruption in the provision of public services: international cooperation.

The sessions will have different formats, including keynote presentations, panels, roundtables and general discussions.

All participants will be invited in a special session to present their conclusions and recommendations from the thematic sessions, for their inclusion in a final report to be drafted after the workshop and widely disseminated online.

Participants

The workshop will be among the special events that will be organized in the margins of the Fourth session of the Conference of the States Parties to the United Nations Convention against Corruption. The overall conference is expected to be attended by more than 500 persons from around the world.

It is expected that the workshop will be attended by approximately 75 qualified experts and practitioners in matters of fighting corruption, particularly through citizens' engagement, from countries around the world.

Participants will have a variety of backgrounds, and will combine a rich spectrum of experiences, including:

- Corruption prevention experts and specialists on citizen engagement from the academia and research institutions;
- Government and public administration officials;
- Civil society and private sector representatives;
- United Nations officers.

Date and venue

The Workshop will be held in Marrakesh, Morocco, on 26-27 October 2011.

The workshop will take place in the venue of the 4th Session of the State Parties to the UNCAC, namely, the Palmeraie Golf Palace Complex.

Additional information

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