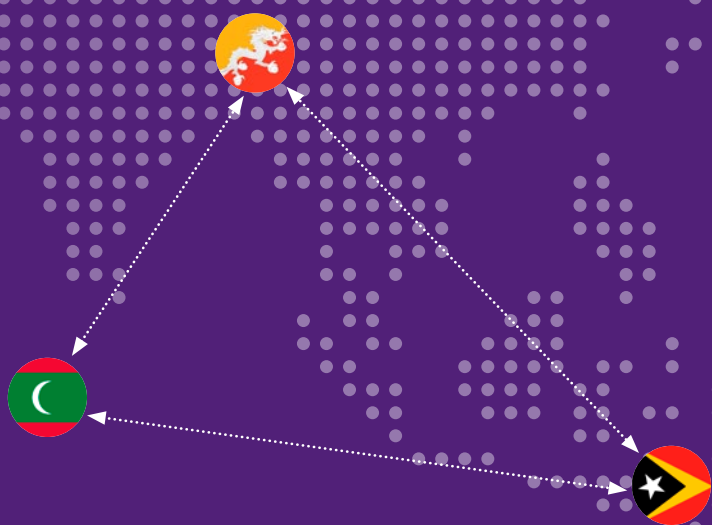




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DEMOCRATIC GOVERNANCE



SOUTH-SOUTH EXCHANGE ON EFFECTIVE ANTI-CORRUPTION AGENCIES

Bhutan • Maldives • Timor-Leste





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Acronyms

AB	Administrative Burden
ACB	Anti-Corruption Board
ACC	Anti-Corruption Commission
APRC	Asia-Pacific Regional Centre
ASEAN	Association of South East Asian Nations
COS	Committee of Secretaries
CPI	Corruption Perception Index
CRM	Corruption Risk Management
CSO	Civil society organization
G2C	Government-to-Citizen
GGC	Good Governance Committee
HR	Human resources
IPSDS	Improving Public Service Delivery Systems
KPK	Corruption Eradication Commission
LDC	Least developed country
MOU	Memorandum of Understanding
NACS	National Anti-Corruption Strategy
NACSF	National Anti-Corruption Strategic Framework
OIC	Organisation of Islamic Cooperation
PACDE	Programme on Anti-Corruption for Development Effectiveness
PDHJ	Provedor de Direitos Humanos e Justica
RAA	Royal Audit Authority
RCSC	Royal Civil Service Commission
RIA	Regulatory Impact Assessment
SAARC	South Asian Association for Regional Cooperation
SCM	Standard Cost Model
TI	Transparency International
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme



Foreword

In 2008, UNDP launched the Asia-Pacific Regional Human Development Report: “Tackling Corruption, Transforming Lives” emphasizing the corrosive nature of corruption for sustainable human development in Asia-Pacific, especially for the poorest segments of society. UNDP continues to promote an anti-corruption agenda across the Asia-Pacific region with ongoing country programmes and regional activities.

Our programmes are informed by experience and lessons learned in the region and globally. Asia has been an inspiration in the fight against corruption for many countries around the world. Since Singapore, Malaysia, and Hong Kong established their Anti-Corruption Agencies (ACAs) in the 50s, 60s, and 70s respectively, over 100 countries have established their own ACAs. Hong Kong’s three-pronged approach of investigation, prevention, and education has gained currency over the years and has been widely adopted.

In UNDP’s experience, effective ACAs tend to be well-resourced, headed by strong leadership with visible integrity and commitment, and situated amongst a network of state and non-state actors who work together to implement anti-corruption interventions, whereas ineffective ACAs have often been undermined by weak political will, manifested in limited resources and staff capacity.

Today, the Asia-Pacific region hosts more than 20 Anti-Corruption Agencies (ACAs). Many of these agencies have only been established in the past decade, and hence they are fairly young. Bhutan set up its Anti-Corruption Commission (ACC) in 2006, whereas Maldives re-constituted its ACC in 2008 and Timor-Leste only established its ACC in 2010. These new ACCs are in a privileged position, as they are able to learn from past mistakes and successes of their peers.

In July 2011, UNDP Asia-Pacific Regional Centre supported the Anti-Corruption Commission of Bhutan to host a south-south exchange between the ACCs from Bhutan, Maldives, and Timor-Leste.

This report seeks to document both the proceedings of this meeting, as well as the good practices and lessons learned from this exchange. It is our hope that this publication will provide useful insights into the experiences of these three young agencies, and more particularly, into the strategies that they have adopted to combat corruption more effectively.

I hope this publication will inspire other new anti-corruption agencies to strengthen their systems and procedures, as well as their partnerships with other institutions in the country to enhance their efforts in fighting corruption, whether in Asia or in other regions of the world.

Nicholas Rosellini

Deputy Director, Regional Bureau for Asia and the Pacific
New York, February 2012



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Let me start by thanking Dasho Neten Zangmo, Chairperson of the Anti-Corruption Commission (ACC) Bhutan, for kindly agreeing to host this study tour from the Maldives and Timor-Leste. I would also like to express my gratitude to all ACC Bhutan staff for their substantive contributions and sparing no effort in preparing for this south-south exchange.

I am grateful to the national authorities in Bhutan for their warm welcome and hospitality, for accepting to meet during this visit and for openly sharing experiences.

I would like to thank especially the Honourable Lyonpo Jigme Y. Thinley, Prime Minister of Bhutan; the Members of the National Council, Honorable Sangay Khandu, Chairperson, Good Governance Committee, Honorable Member Aum Tashi Wangmo, and Honorable Member Aum Pema Lhamo; the Deputy Auditor-General, Mr. Jamtsho; the Members of the Royal Civil Service Commission (RCSC), Honorable Chairperson Lyonpo Thinley Gyamtsho, Commissioner Bachu Phup Dorji, Commissioner Sangay Dorji, Commissioner Kinley Yangzom, and Commissioner Pirthiman Pradhan, and Honorable Justice Tshering Wangchuk, Supreme Court of Justice.

I would also like to thank both Commissioner Adérito de Jesus Soares, ACC Timor-Leste, and Commissioner Mohamed Shafeeu, ACC Maldives, for leading their respective delegations and express thanks to all delegates for enthusiastically taking part in this exchange programme.

All participants involved in this study tour shared generously their knowledge and experience in an open, frank, constructive and courteous manner. I would like to thank all participants on behalf of the UNDP Asia-Pacific Regional Centre (APRC).

While organized by UNDP APRC in partnership with ACC Bhutan, this study tour could not have taken place without close involvement and support from the UNDP Country Offices from Bhutan, Maldives, and Timor-Leste. I would like to thank especially Bakhodir Burkhanov, Kunzang Norbu, Tshering Yanki, Zindu Salih, Zulfa Ibrahim, Farhan Sabih, and Luca Bruccheri.

I am also grateful to Phil Matsheza, Global Anti-Corruption Advisor, Bureau for Development Policy, UNDP New York, and to Anga Timilsina, Programme Manager, UNDP Global Thematic Programme on Anti-Corruption for Development Effectiveness (PACDE), as well as to the national authorities in Timor-Leste and the UNDP Country Offices in Maldives and Timor-Leste for co-sponsoring this exchange through PACDE and national resources.

Finally, I would like to acknowledge Samuel De Jaegere, Anti-Corruption Specialist, UNDP APRC, for initiating, organizing, and reporting on this south-south exchange in partnership with ACC Bhutan, as well as José Ibarra Angeles, Anti-Corruption Communication Consultant for reviewing and copy-editing this report.

Pauline Tamesis

Practice Leader Democratic Governance

UNDP Asia-Pacific Regional Centre

Bangkok, February 2012



Introduction

Delegations from the Maldives and Timor-Leste undertook a study tour on effective anti-corruption agencies in Bhutan on 11-14 July 2011. Through this south-south exchange, the Anti-Corruption Commissions (ACCs) of Bhutan, Maldives, and Timor-Leste shared experiences, lessons learned, and best practices that could be replicated in the areas of investigation, prevention, and public education. Participants explored possible collaborations and synergies and ways to develop institutional partnerships on anti-corruption issues. They attended a four-day programme with plenary sessions, working groups, and selected visits to key institutions in Bhutan such as the Prime Minister's Office, the National Parliament, the Royal Civil Service Commission, the Royal Audit Authority, and the Supreme Court of Bhutan. This report documents the proceedings of this south-south exchange.

Background

UNDP has been working with anti-corruption agencies for many years in Asia-Pacific¹. In 2010, UNDP conducted a capacity assessment of the **Anti-Corruption Commission** of Bhutan and concluded that ACC Bhutan had developed effective policies and procedures and developed excellent working relations with several other key institutions in Bhutan. In its short five-year life span, ACC became an exemplary anti-corruption agency in the Asia-Pacific region. ACC Bhutan has strong leadership, qualified staff, and state-of-the art procedures to handle complaints and investigate cases. The ACC has conducted dozens of investigations completing on average 20 cases per year and leading to numerous convicted suspects, prison sentences, and remedial action. The ACC also has spearheaded many activities to raise awareness about corruption issues among the population, improve the policy and legal framework to combat corruption, and promote preventative measures to avoid the recurrence of corruption issues.

Over the past decade alone, several new anti-corruption agencies have been created in Asia-Pacific². **Maldives and Timor-Leste** are among the **youngest anti-corruption agencies in this region**, respectively established in 2009 and 2010³. Set-up in 2006, ACC Bhutan is only a few years older. Aside from being three relatively young agencies, the ACCs from Bhutan, Maldives, and Timor-Leste have much in common. They have **similar mandates**, i.e., to investigate corruption, prevent corruption, and conduct public education. They have **small staffs**, approximately 40-50 staff members per agency. Moreover, the contexts in which they operate are quite similar.

Bhutan, Maldives, and Timor-Leste have similar levels of socio-economic development. Until recently, all three countries were categorized as least developed countries (LDCs)⁴. Politically, the three countries are undergoing democratic transition. Bhutan shifted from a Monarchy to a Democratic Constitutional Monarchy with the adoption of its Constitution in July 2008; it organized its first national assembly elections in March 2008. Maldives emerged from 30 years of one-man rule by adopting a new liberal democratic

1. Currently, UNDP is working very closely with six anti-corruption agencies in the region to develop their capacity, notably in Afghanistan (HOO), Malaysia (MACA), Maldives (ACC), Mongolia (IAAC), Sri Lanka (CIABOC) and Timor-Leste (ACC).

2. In the past ten years, anti-corruption agencies have been established in Afghanistan (2008), Bangladesh (2004), Bhutan (2006), Cambodia (2010), Fiji (2007), Indonesia (2003), Korea (2002), Maldives (2009), Mongolia (2006), Timor-Leste (2010), and Vietnam (2006).

3. Prior to 2009, Maldives had an Anti-Corruption Board that reported to the President's Office.

4. Maldives graduated from LDC status, becoming a Middle Income Country on 1 January 2011.



Constitution in August 2008 and holding elections in October 2008, which was won by the Presidential candidate of the opposition party. After decades marked by conflict, Timor-Leste formally gained independence from Indonesia in May 2002 with the swearing in of its first ever President-elect. Since then, Timor-Leste has been building its national democratic institutions. Bhutan, Maldives, and Timor-Leste have difficult **topographies, with many communities living remotely from the capital**. In Maldives, communities are dispersed in the islands grouped into atolls. In Bhutan and Timor-Leste communities live in areas difficult to reach due to the mountainous terrain, under-developed road infrastructure, and landslides. Finally, in terms of their **demography**, all three countries have low population sizes: 350,000 in Maldives, 700,000 in Bhutan and 1 million in Timor-Leste. These are societies with strong family and kinship relations where everybody tends to know everybody.

The south-south exchange between Bhutan, Maldives, and Timor-Leste aimed to:

1. Expose participants from the Maldives and Timor-Leste to the systems, policies, and practices for investigation, prevention, and education by ACC Bhutan;
2. Facilitate the exchange of lessons on capacity development and tackling corruption;
3. Share best practices and resource materials;
4. Raise awareness about the challenges and coping strategies in fighting corruption in the respective countries; and,
5. Strengthen networking and regional ties between the ACCs of the three countries.



Opening session

Ms. Tshering Wangmo of ACC Bhutan welcomed the delegations from Maldives and Timor-Leste and the UNDP representatives. She stressed that this initiative was organized with UNDP technical and financial support to the three countries. She noted that the three ACCs shared the same mandate to fight corruption and that boosting good governance mechanisms and a culture of anti-corruption was a precondition for the economic development of not only the three countries involved in the Study Tour but of South East Asia. Sound and good governance mechanisms also required strong national legal frameworks and institutions mandated to combat corruption.

Dasho Neten Zangmo, Chairperson, ACC Bhutan, welcomed all participants and encouraged them to maximize the effectiveness of the Study Tour by sharing experiences and learning from each other. She noted that as young countries and democracies, Bhutan, Maldives, and Timor-Leste had many similarities as well as some differences. She said Bhutan is a two-year old democracy committed to building strong institutions like the ACC. Dasho Neten noted that ACC Bhutan previously hosted ACC Thailand in 2010 and, as a result, strong institutional partnerships are now existing between the two sister agencies. Citing the framework of the Association of South East Asian Nations (ASEAN), she shared that ACC Bhutan had established dialogues and relationships with other anti-corruption agencies. While stating the importance and benefits of south-south exchange programmes, Dasho Neten also emphasized that the country's commitment in the implementation of strategic interventions and policies is a pivotal element in the democratic and institutional building process. She pointed out that the fight against corruption contributes to the efforts of creating/enabling just societies with equal opportunities to all. More specifically, these equal opportunities can deter corruption mechanisms. She concluded by thanking UNDP APRC for organizing and coordinating this event.

Mr. Bakhodir Burkhanov, Deputy Resident Representative, UNDP Bhutan, welcomed the Study Tour participants. He said the Study Tour was a unique opportunity for them to learn and share best practices and to partner in efforts to reduce corruption in the region. He recalled that UNCAC implementation can be meaningful only if anti-corruption mechanisms, policies, and legal framework are in place. He mentioned that 20 ACCs have been institutionalized in the Asia-Pacific region and that they face numerous challenges: lack of political support, fragile internal structures to deliver their mandate, and weak coordination mechanisms with other state institutions. He emphasized that despite the young history of ACC Bhutan, many of its achievements can be showcased today with other sister agencies. Its remarkable progress is a result of the strong ACC leadership and commitment of its staff. He congratulated ACC Bhutan's interventions and efforts in laying democratic foundations and acknowledged UNDP technical support and assistance to this young institution since 2006.

Mr. Samuel De Jaegere, Policy Analyst Anti-Corruption, UNDP APRC, presented the programme of the study tour, its objectives, and expected results.



SESSION 1: THE ANTI-CORRUPTION COMMISSION OF BHUTAN: FROM DREAM TO REALITY

Chair: **Dasho Neten Zangmo**, Chairperson, ACC Bhutan

Speakers:

- **Commissioner Thinlay Wangdi**, ACC Bhutan
- **Mr. A Karma Rinzin**, Chief Public Education Division, ACC Bhutan
- **Mr. Dorji Thinlay**, Chief Investigation Officer, ACC Bhutan
- **Mr. Tshering Penjor**, Investigation Officer, ACC Bhutan

Introduction to ACC Bhutan

Commissioner **Thinlay Wangdi** introduced ACC Bhutan and provided an overview of ACC's organizational development over the past five years (2006-2011). He started with **some key facts about Bhutan and its government structure**. Bhutan is a landlocked country with a democratic constitutional monarchy. His Majesty, The King, is the Head of State. Other organs of government are the:

- Executive
- Legislature
- Judiciary
- Defence

Total area: 38.394sq. KM
Population (2009, projected): 683,407
Districts (Dzongkhags): 20
Blocks (geog): 205
Per Capita GDP(2010): US\$ 1,851
Life expectancy: 66.1 (2008)
Literacy rate: 59.5% (2008)

The Constitutional Bodies that comprise ACC Bhutan can be seen in Figure 1.

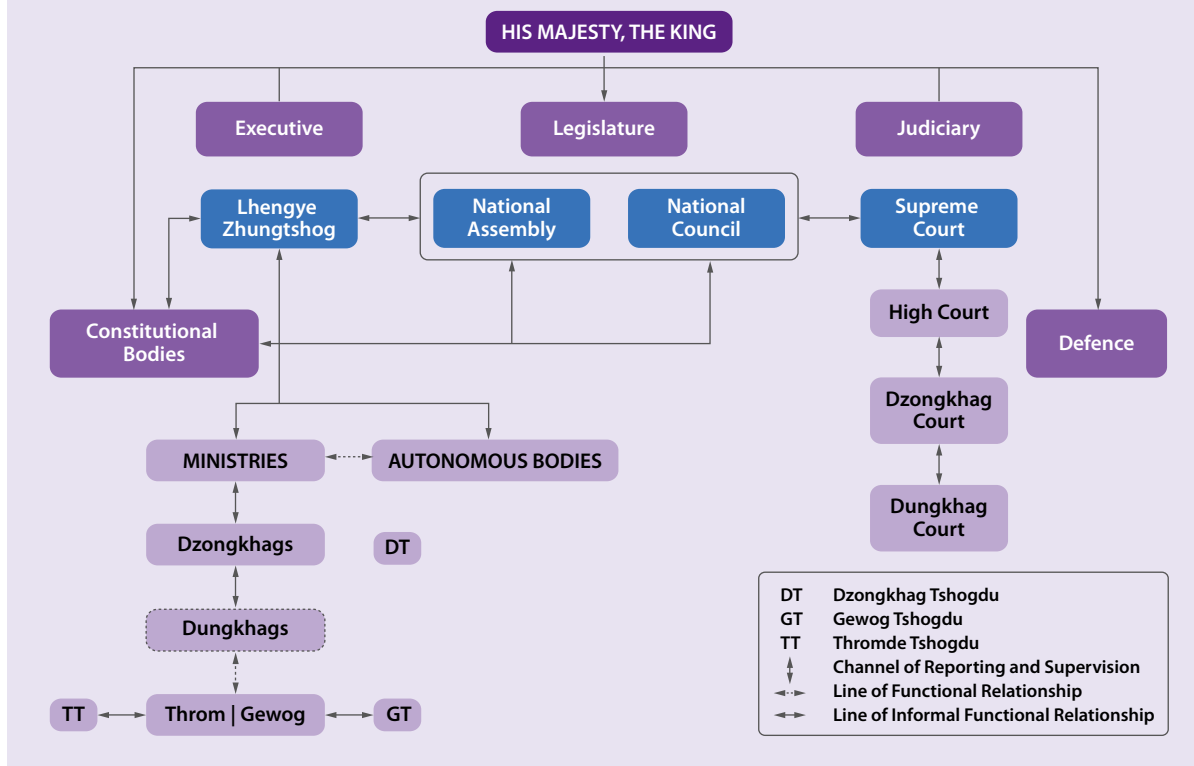
ACC Bhutan was established on the **premise** that corruption could become a growing concern for the Bhutanese people in times of social, economic, and political change.

With the rapid pace of economic development in our country, there have been changes in the thinking of the people with the influence of self-interest leading to corrupt practices taking place in both the government and the private sector. If appropriate steps are not taken now to stop this trend, it will lead to very serious problems in the future, for both the government and the people, in our country with a very small population. In this regard, it is the responsibility of every Bhutanese to act against corruption in our country. – **Royal Decree 2005**

At a time when we are establishing parliamentary democracy in the country, it is very important to curb and root out corruption from the very beginning. Therefore, it is imperative to establish the Office of the Anti-Corruption Commission before the adoption of the Constitution and build a strong foundation for the Commission to effectively carry out its functions and responsibilities. – **Royal Decree 2005**



Figure 1



The **Bhutanese leadership** has provided unequivocal support for the anti-corruption efforts. Statements from the 4th and 5th King, as well as the Prime Minister, illustrate this.

It is very important to ensure that corruption does not take hold in Bhutan, especially at this important juncture in our political development. Bhutanese are spiritual people and as officials and as laymen, we easily forgive the corrupt...but those guilty of corruption and other such acts jeopardize our nation's very stability and progress. They must be punished according to the law, without fear or favour and unhampered by misplaced piety. – **His Majesty the 4th King**

...There is no room for corruption—it is as simple as that, not now and not in the future...it is not enough to be honest—there is no substitute to living by a simple rule—'I will not be corrupt and I will not tolerate corruption in others.' – **His Majesty the 5th King**

We want to ensure that the Royal government will be a clean government, that the promises, that the hopes and the aspirations of the people will be fulfilled in ways that are not wasteful, in ways that are timely and in ways that are not corrupt. – **Lyonchen J. Y. Thinley, Prime Minister**

In order to tackle corruption, Article 27 of the **Constitution** foresees the establishment of the ACC. More specifically, the Constitution provides for the establishment of an independent authority mandated with taking



necessary steps to prevent and combat corruption. Article 8 of the Constitution stipulates that every person shall have the duty to act against corruption.

As per the **Anti-Corruption Law of 2006** (Section 45), the Anti-Corruption Commission will:

- (a) Take all necessary actions to prevent and combat corruption;
- (b) Investigate on its own initiative any suspected attempt or conspiracy to commit any act of corruption or whenever there is evidence of corruption [...]
- (h) Examine the system, practice, and procedure of public entities in order to advise and revise procedures and practices, which may potentially breed corruption.

This is complemented by Section 54, which highlights the need to prepare a national strategy to curb corruption and undertake public information and education programmes on anti-corruption issues.

The ACC took as its **vision** “conscience of the nation”, its **mission** “to build an in-corruptible society”, and as its **strategy** “integrated preventive, promotional, and punitive measures”. ACC has **five broad policies**:

- **Anti-Corruption Consciousness** – Foster a culture of intolerance to corruption by building an awakened citizenry
- **Prevention** – Prevent corruption by plugging systemic loopholes and promoting transparency and accountability mechanisms
- **Investigation** – Conduct investigation without fear or favour
- **Institutional Ethos** – Endeavour to build an impeccable image
- **Making corruption highly risky and costly with minimal benefit**

Figure 2 shows how the ACC is structured.

The ACC has four main divisions: investigation, legal, prevention, and public education and advocacy. The legal division supports the investigation division.

When the ACC started its work, Bhutan’s rank in Transparency International’s (TI) Corruption Perception Index initially dropped (*see Table 1*). Prior to 2006, corruption had not been discussed in the public domain. Then, corruption began surfacing as cases got investigated and processed in the courts. The public’s attention to corruption may explain this deterioration in the global ranking. However, in 2010, the ranking seemed to pick up again.



Figure 2

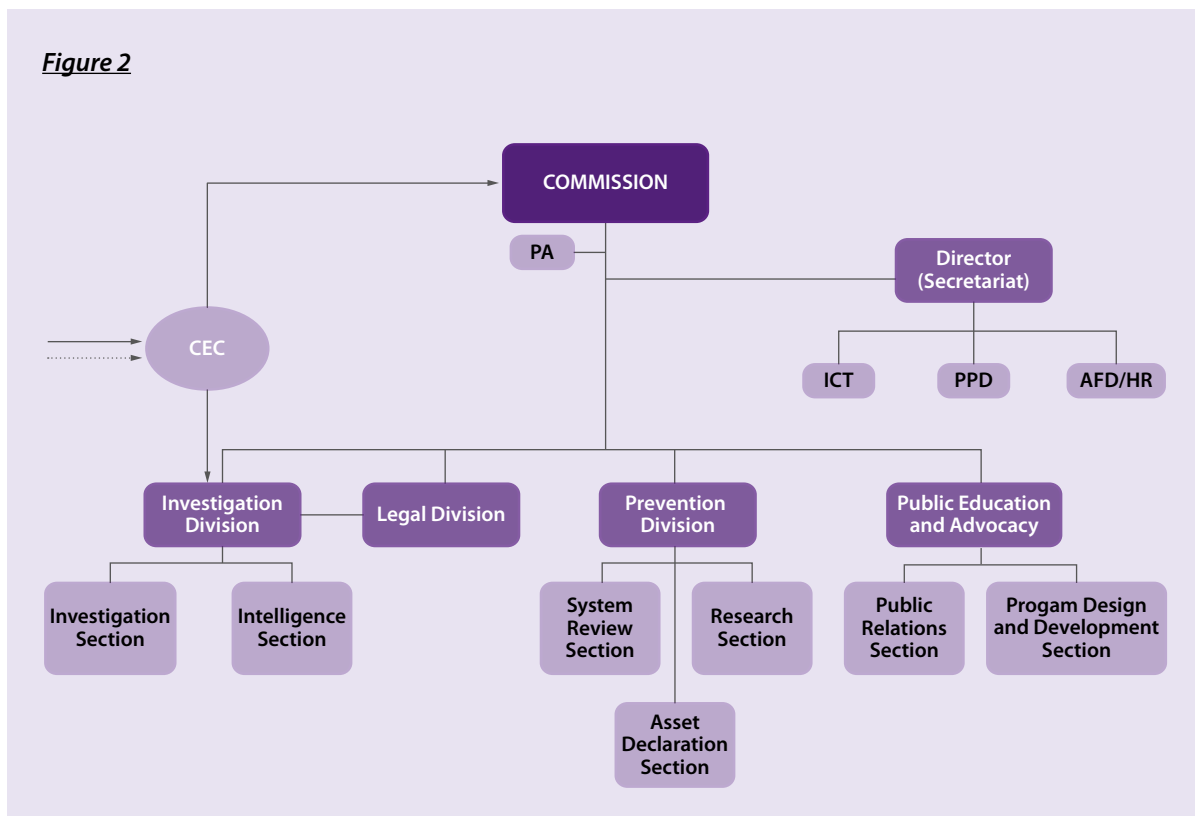
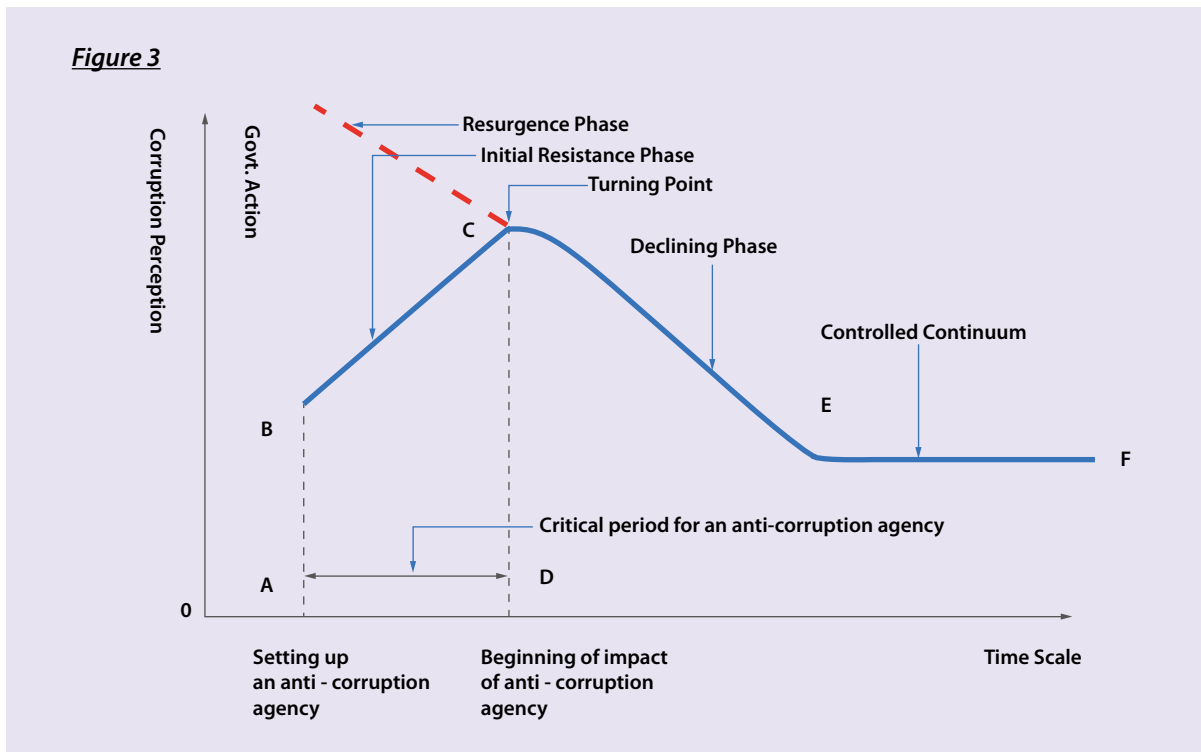


Table 1

YEAR	GLOBAL RANKING	NO. OF COUNTRIES PARTICIPATING	IN ASIA AND PACIFIC
2006	32	163	7
2007	46	180	10
2008	45	180	9
2009	49	180	10
2010	36	178	7



Figure 3



From its experience, the ACC considers that there are different phases in its work. Figure 3 displays the corruption perception over time. ACC is now somewhere between C and E.

The critical time is between A and D. The anti-corruption agency needs to get a grip on the problem within a relatively short time (five years), otherwise it risks losing its credibility and the support of the people.

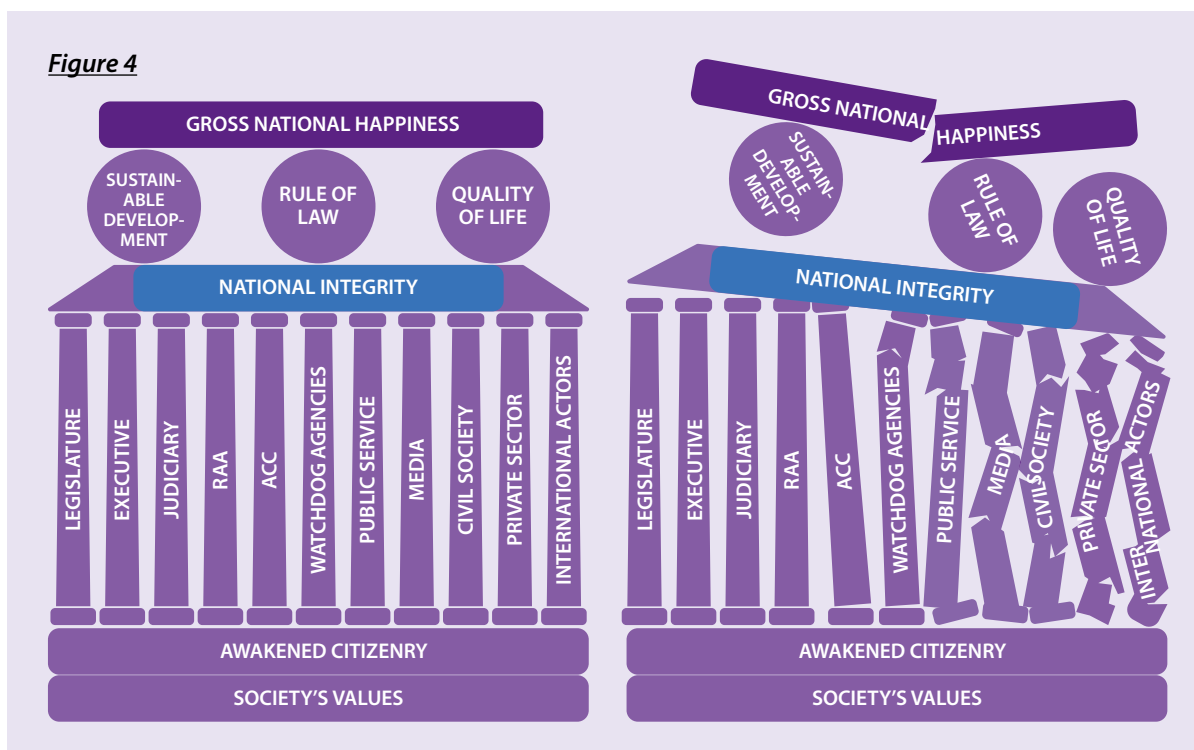
The ultimate philosophy of all government actions in Bhutan is Gross National Happiness. There will be no gross national happiness in the absence of national integrity. (See Figure 4)

Over the past five years, the main lessons learned by ACC Bhutan are the following:

1. Fighting corruption has to be on the **national agenda**. Efficient administration is important, notably transparency, integrity, and accountability. There is no lack of rules, but stringent enforcement is necessary;
2. Fighting corruption is a **collective responsibility**, not a lone battle for the ACC;
3. **Effective laws** are required to take action against corruption;
4. **Adequate resources** are required. ACC Bhutan has been very lucky with financial resources thanks to government support. ACC Bhutan has had no financial shortcomings, but personnel has been an



Figure 4



issue, i.e., manifested by a shortage of qualified people. Initially, ACC Bhutan had only eight officials, including three commissioners. Then, people were handpicked (13 in all) from different government departments. At the end of 2007, with the onset of first parliamentary elections, ACC staff members joined political parties, making it necessary for the Civil Service Commission to again handpick the ACC's workers.

Success stories of ACC Bhutan

Mr. A Karma Rinzin, Chief Public Education Division, ACC Bhutan, highlighted some of the main achievements of ACC Bhutan in the past five years. ACC's anti-corruption work comprises three main services: investigation, prevention, and education work.

Since ACC experienced the importance of a **good legislative framework**, it amended the 2006 Anti-Corruption Act. This revised 2011 Anti-Corruption Act was recently adopted by Parliament. In addition to this act, **tools for regulating anti-corruption practices** were developed, such as: gift rules (2008), asset declaration rules (2008), a draft debarment of corrupt firms rule (2008), a prosecution referral guideline, commissioners' disciplinary inquiry committee rules (draft), and the self-assessment process of the United Nations Convention against Corruption (UNCAC). ACC Bhutan also developed an ethical code of conduct for its staff as this was necessary to claim moral authority to tell others not to be corrupt. ACC implements the code of conduct very strictly. All staff members have to sign the code upon taking office. The responsibilities of management and employees are clearly defined and there is an ethics committee to ensure its implementation. This is a fundamental step in building corruption resistance and professionalism within the ACC.



ACC Bhutan also developed an **effective complaints management system**. There is a complaints management and follow-up section, as well as a complaints' evaluation committee. This committee increased its members from four to six over the years. Every incoming complaint is evaluated using a persuability value rating form. Recently, ACC also developed a Local Area Network or LAN-based investigation management system to minimize the risk of exclusion of any complaints.

In addition, ACC Bhutan has undertaken several activities to **raise greater consciousness** among the public about corruption issues. These include:

- General advocacy (a constitutional duty of every Bhutanese citizen is to fight corruption);
- Thematic discussions (e.g., contract and procurement management; currently, procurement rules have been revised by the government);
- Commemorative events (AC day on 9 December celebrated since 2004 with 10-17 December considered as the National Corruption-Free Week highlighting solidarity in fighting corruption);
- Political corruption surveillance (survey in 10 districts with findings were shared with the Election Commission of Bhutan);
- Mop up operation (to deal with the backlog, especially administrative cases that have been sent to the local government); and,
- Mass media (radio spots, TV talk shows).

Because change has to come from within, ACC also developed a **behaviour change programme**, including a corruption module in NFE, Integrity Awards (developed over the course of two years; operationalised this year), islands of integrity (some schools in the capital where transparency is enhanced), and e-learning on ethics and integrity (to be rolled out this year; all public servants will have to subscribe to this).

ACC Bhutan has sought to develop an **anti-corruption coalition** to translate the political will and policy statements into tangible activities in all sectors of society and to provide a common platform for concerted efforts by all stakeholders to combat corruption. ACC Bhutan developed baseline information on corruption by undertaking a public perception survey with 7,000 respondents and, with support from the South Korean government, conducting an integrity assessment in the public sector. This information helped to raise public awareness and served as a core reference during the development of a National Anti-Corruption Strategic Framework. In addition, a regular tri-partite forum of the Royal Audit Authority, the Internal Audit Units, and the ACC has been set up. It has been instrumental as a platform to share knowledge, skills, and tools and to strengthen internal control systems. The three institutions come together twice every year for a two-week conference. All issues are discussed and the institutions move forward together.

Finally, ACC Bhutan has done much to **improve systems and fix accountability**. To improve systems, ACC Bhutan is using a Corruption Risk Management (CRM) tool, which is a simple in-house management tool to assess corruption risks in an organization, analyze its causes, and suggest corrective measures to prevent,



minimize or eradicate those risks proactively. It was adapted from South Korea, piloted in ACC, and taken to organizations and agencies that are vulnerable to corruption. So far, 14 demand-driven CRMs have been conducted. In addition, service delivery is improved through the Standard Cost Model (SCM), adapted from the Netherlands. The SCM is used to assess the administrative burden and cost in delivering a service. Three pilot studies prompted procedures simplification; this led the government to approve the model. ACC initiated a multi-sectoral task force on administrative burden—Improving Public Service Delivery Systems (IPSDS)—which focused on standardization of 110 services. The IPSDS has led to the Government-to-Citizen (G2C) initiative as part of the project to accelerate Bhutan’s socio-economic development.

In terms of fixing accountability, ACC Bhutan enforced asset declaration rules. Asset declaration was required in the civil service since the early 1980s but not enforced. ACC took up rigorous implementation of asset declaration since its establishment as required by the Anti-Corruption Act of 2006. Some public servants have to declare their assets to the ACC. Compliance has improved over time: 8% in 2006, 50% in 2007, 72% in 2008, 86.86% in 2009, and 63.43% in 2010. There is now an on-line asset declaration system.

ACC Bhutan has taken action on audit reports. As of 30 June 2011, ACC received 98 reports from the Royal Audit Authority. ACC resolved 77 of these cases. Also, in terms of investigation of cases, ACC Bhutan has performed well: among 2,542 complaints, 319 qualified for investigation, of which 74 were investigated. There are 24 ongoing cases. The current conviction rate is 92%. ACC Bhutan has also recovered Nu. 119 million (US\$ 2.6 million) and deregistered 53 acres of government land illegally owned by private individuals.

While so much has been achieved in the last five years, much still needs to be done. The fight against corruption has just begun and it is going to be a long and arduous journey. Fighting corruption is necessary to contribute to peace, prosperity, and security in Bhutan. ACC Bhutan will continue the fight until it is rendered redundant.

Challenges in the fight against corruption in Bhutan

Mr. Dorji Thinlay, Chief Investigation Officer, ACC Bhutan, raised two main challenges, namely exogenic factors (legal framework, institutions, and environment) and endogenic factors (human resources, behavioural change, performance, and staying relevant).

In terms of the **legal framework**, the Civil and Criminal Procedures Code (2001), the Penal Code (2004) and the Evidence Act (2005) preceded the 2006 Anti-Corruption Act. ACC Bhutan experienced some inadequacy of laws, notably inadequate provisions (the previous acts only covered conventional crimes, not the different forms of corruption), leniency of penalties, and the practice of *Thrimthue* (payment ranging from US\$60 to US\$600 in lieu of imprisonment for any misdemeanour). In response, ACC Bhutan revised and updated the ACC Act of 2006, now completed with the ACC Act of 2011.

Support from other **institutions** is a key challenge in the fight against corruption. ACC has the power to investigate, arrest, and seize assets, but the Office of the Attorney General takes the decision to prosecute and the Judiciary is responsible for judging the cases and pronouncing sentences. The good news is that all these institutions are independent in Bhutan. However, they have a weak sense of ownership. Furthermore, the Legislature is a key player and it has not upheld stronger penalties for corruption as recommended by



the ACC. For example, Thrimthue is still applicable for many offences. Finally, the Executive is very important. However, there is still some inadequate understanding within line ministries and corporate bodies about the role of the ACC. They tend to question the authority of ACC investigators. There is sometimes weak cooperation and partnership and when cases are forwarded there is often either inaction or a tendency to protect staff members working within the department. There is also little accountability on their part.

The last exogenic factor is the **environment**. Prior to 2006, nobody discussed corruption issues. The socio-cultural environment is quite tolerant towards corruption. There is a gift-giving culture with different names for different types of gifts. Politically, nepotism and favouritism are also deeply ingrained. This culture is now changing but old habits die hard. It is difficult to get behavioural change especially in a society where everybody knows everybody (the “small society” syndrome). In the end, political will must translate into political action. However, watchdogs are scarce. There are only a handful of media organizations and civil society organizations (CSOs).

In terms of internal challenges, the core challenge has been **human resources**:

- Lack of anti-corruption related skills in the existing HR;
- Lack of skilled professionals in the job market;
- Inability to attract top brass to work for ACC;
- Inability to retain the existing HR; and,
- Inability to remunerate commensurately.

Currently, 25.54% of ACC’s annual budget goes to human resources. ACC has little say about its human resource policies, which therefore begs the question: How can ACC be truly independent if it does not have separate service conditions? ACC is now moving to have greater control of its human resource policies and strategizing on how to tackle this issue by developing a corporate plan and waiting for the right time to push for it with the government.

Another challenge is the **high internal standard of behaviour and conduct**. This behaviour change is guided by the organization’s philosophy and values. It is difficult for the staff to uphold the vision and mission of the organization, to be the nation’s conscience, to lead by example, and to live up to the code of conduct. This is regularly discussed and reviewed among staff in the ACC.

Moreover, ACC’s performance target is very high in terms of commitment, diligence, impartiality, and honesty. ACC has zero tolerance for mistakes. ACC has to do the right thing in the right way in order to claim moral authority and earn public trust.

Finally, in order to **stay relevant**, ACC continuously tries to improve its strategies, techniques, and technologies. Corruption is usually committed by rich and smart people, so ACC needs to stay ahead of them.

In conclusion, while challenges do exist, the situation points to fairly good progress. ACC will continue to fight. ACC needs to do more; it needs to make others do more. Smart and strategic thinking is important in the process.



Complaints Management System of ACC, Bhutan

Mr. Tshering Penjor, ACC Bhutan Investigation Officer, presented the concept of “cradle to grave” management of complaints. The complaints management system covers the procedures from receipt of complaint to its logical closure, including the built-in system of checks-and-balances and transparency.

A complaint is the citizens’ unconditional expression of intolerance to corruption (unless it is made with malicious intent). It is the statutory responsibility of the ACC to manage complaints professionally in addition to responding to it impartially,, transparently, and speedily. Sections 59, 64, and 65 of the Anti-Corruption Act of 2006 are concerned with complaints handling.

ACC Bhutan developed an electronic case management system with four different modules: complaints, investigation, follow-up, and administrative.

Complaints handling is among the important functions of the investigation division. The case management system follows clear procedures. The mechanism helps to process complaints with confidentiality, objectivity, and procedural efficiency. ACC’s goal is to make “firm, fair, and speedy action” the hallmark of its complaints management and investigation.

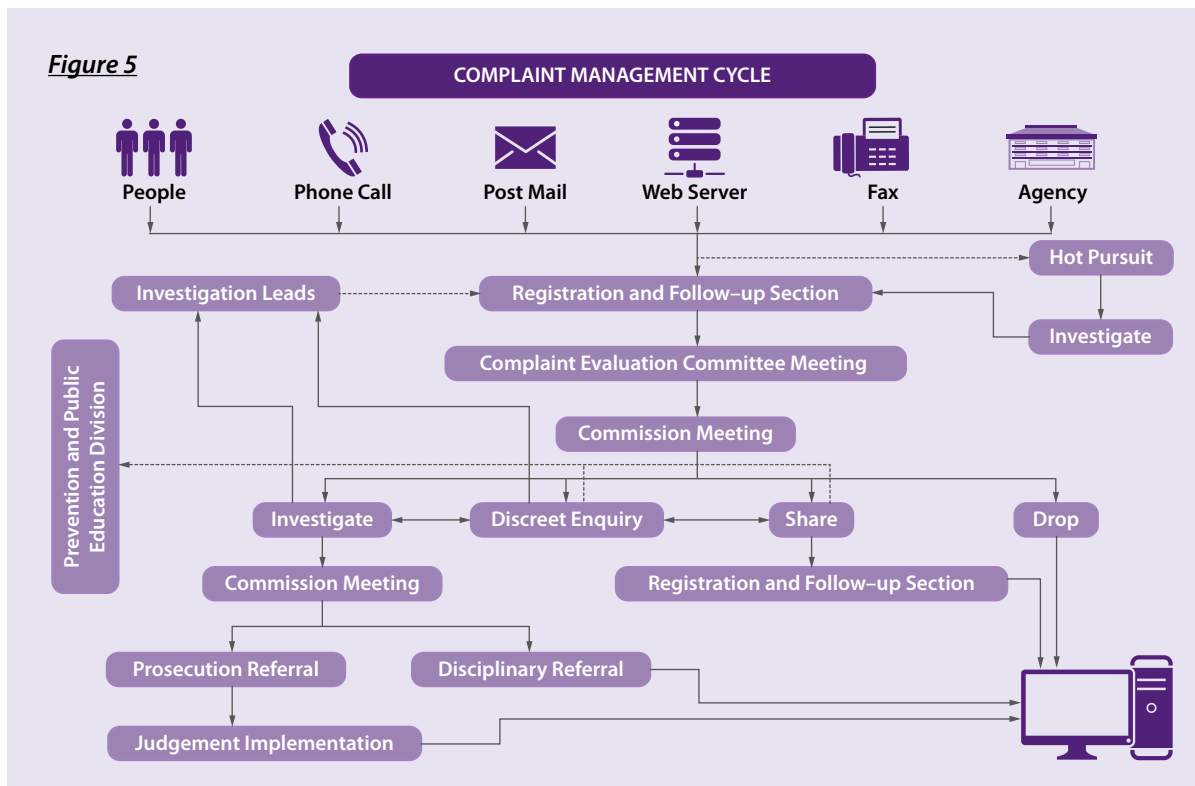
The complaints management cycle is shown below. Complaints are taken in through walk-in, phone call, post mail, web server, fax, and the Royal Audit Authority reports. A complaints reporting form exists to note down the complaint in standardized format. Every complaint is registered and evaluated by a committee based on agreed criteria. A standardized persuasibility form is used for the evaluation to score the complaints and present a recommendation (based on the score) to the Commission.

The Commission will review the Committee’s recommendation and may revise the recommendation with a clear motivation. These follow-up actions may be taken: investigation, discreet enquiry, sharing with a relevant government department for disciplinary action, or dropping the complaint. All complaints that are shared with other departments or dropped will be kept in a database (as future intelligence). Whenever a complaint is shared with a government department, ACC’s registration and follow-up section will follow-up with the department to document the outcome of the complaint. If any systemic problem is noticed, the prevention and public education division will be informed. A systems review may take place to close any loopholes in the system. (see Figure 5)

When a discreet enquiry is conducted first, any additional information obtained will be shared with the Commission so that it can re-assess the complaint and decide on appropriate action. Any investigation of a complaint will result in a standardized investigation report for the Commission, which will decide whether to refer the case for either prosecution or disciplinary action. Specific templates have been developed for these referrals. In case of prosecution, the judgment will be monitored and the outcome will be documented in the overall database to generate statistics on complaints handling and outcomes.



Figure 5



At every step, there are measures to guarantee the integrity of the process and avoid any conflicts of interest. This is particularly important in a small society where ACC staff may know some of the suspects involved in a case. Hence, all members of the complaints evaluation committee have to sign a conflict of interest declaration form. The chairperson and commissioners will also fill out a conflict of interest declaration.

In some exceptional cases, the evaluation may be omitted in order to undertake an immediate investigation when it appears corruption is about to happen. This is called a “hot pursuit”.

Discussion

After the different presentations, study tour participants raised several key points, notably:

- ACC Bhutan faced two primary challenges in the beginning: 1) the acceptability challenge to openly address and discuss corruption issues, because prior to the establishment of the ACC, corruption had never been discussed openly; and 2) the high expectations of the public and, therefore, the need to balance institutional development and performance in the initial years of the ACC.
- The low perception of corruption in Bhutan (cf. good TI ratings) also explains the difficulty to discuss it openly at the beginning. It is not that corruption was not there, but that it was not discussed. However, now, there is general acceptance that there is corruption. Following ACC’s establishment, several cases



were brought to the Commission’s attention. Bhutan’s Corruption Perception Index (CPI) rating also dropped following the establishment of the ACC.

- Effectiveness of the ACC is a precondition to gain citizen’s trust. It is very important to control public perception in the shortest possible period. Civil society organizations also have a key role to play in creating an enabling environment and a culture of anti-corruption.
- Prior to the establishment of ACC, the Royal Audit Authority already worked on non-compliance of rules (e.g., discretionary power where only people with connections got jobs and prompt services). However, now, with the adoption of a strict code of conduct for civil servants, the use of discretionary power will be considered as favouritism or nepotism.
- ACC Bhutan reports to the Parliament, notably the Ethics and Credentials Committee of the National Assembly and the Good Governance Committee of the National Council.
- ACC Bhutan has established a mechanism of engaging the Prime Minister’s Office every quarter. ACC submits a regular note with updates on important activities, projects, and issues. This allows the Prime Minister to pro-actively address issues in specific line ministries. ACC Bhutan emphasized the importance of effective communication between ACCs and their Governments. Independence does not mean working in isolation. Communication and collaboration are crucial if the fight against corruption is to be effective. They are needed in terms of prevention.
- In some countries, people are afraid to report corruption to the anti-corruption agency. In Bhutan, the ACC has sought to address this by allowing people to report corruption anonymously. Furthermore, by law, ACC cannot disclose the name of the complainant.
- The public has high expectations of the ACC in rooting out corruption. ACC responds by always emphasizing from the very beginning that the fight against corruption is also every citizen’s and a collective responsibility of all institutions.
- ACC Bhutan has no branches at the local level, and has no intention to expand at the local level. Instead, ACC Bhutan has aimed at building the capacity of institutions at the local and district level so that they can properly address corruption cases and mainstream anti-corruption measures. The local authorities need to build this level of trust so that people can report cases to them instead of to the ACC.
- ACC Bhutan has also developed strong coordination mechanisms with the Office of the Attorney-General and with the judiciary in general. For example, a draft memorandum of





understanding or MOU has been prepared to be signed between ACC Bhutan and the Attorney General's Office. This MOU clearly sets out respective obligations (content of investigation report, review, acceptance/rejection, support during trial, judgment implementation, etc.).

- Human resources remains a concern for ACC Bhutan as the Royal Civil Service Commission also shares the responsibility of managing its personnel under the rules and regulations of the Civil Service Bill.
- This may also affect ACC's independence. How can the ACC investigate the Civil Service Commission when its staff members depend on the Civil Service Commission for appointments and promotions? In reality, this is very difficult, so ACC is looking at different modes of employment (contractual/secondment). ACC cannot be fully effective in this context. If the staff has another master, there is no full independence.
- Almost every investigated case has been prosecuted. Some cases have been forwarded to the public administration for disciplinary action. The conviction rate is about 90%. If the lower court acquits, the Attorney General's Office generally appeals.
- ACC Bhutan has very good collaboration with the Royal Audit Authority (RAA) (signed minutes of a meeting forms the basis of their active collaboration). The tri-partite forum of RAA, ACC and the internal audit units of the ministries and corporate bodies also provides an effective platform for dialogue. RAA provides training for the internal audit units. The RAA gives ACC prior information about suspected corruption found during auditing for proactive and quick intervention by the latter.
- MOUs with other institutions are useful to formalize the informal practices and ensure their sustainability even after changes in leadership.
- For civil servants, asset declarations are kept confidential. For politicians, the election commission publishes their asset declarations prior to the elections.
- In one case, police assistance was sought during search operations as the accused was suspected of carrying arms. Police facilities are used to detain suspects.
- The new Anti-Corruption Act is an improvement over the previous Act. It covers more offences, as per the United Nations Convention Against Corruption (UNCAC). Corruption in the private sector can now also be investigated by the ACC.
- ACC investigators work closely with prosecutors. However, written procedures are still needed to formalize this collaboration.
- Usually ACC staff members leave the agency for better salaries. ACC people have to feel secure physically and economically. A good compensation package is required; hence, a corporate plan is now being developed for submission to the government.



SESSION 2: MEETINGS WITH KEY AGENCIES ON SITE

Royal Audit Authority

The Royal Audit Authority of Bhutan is known as the “Bhutan integrity house”. The RAA welcomed the visit of the two delegations and saw it as a stepping stone to foster stronger relations with both Maldives and Timor-Leste.

The RAA arose from a perceived need in 1961 for compliance reviews. Auditing started in 1970 with a royal decree under the Ministry of Finance. In 1985, RAA was granted autonomous status with completely autonomous programming. In December 2005, RAA was granted constitutional status similar to other independent bodies. The current Auditor-General was appointed in August 2006. He is the first Constitutional Auditor-General of Bhutan. The RAA is provided for by Article 25 of the Constitution.

The RAA’s mandate is also derived from the 2006 Audit Act, financial rules, and civil service rules and regulations. The RAA audits donor commissions, religious bodies, and civil society organizations. It conducts all types of audits: regulatory, environment, etc. Its jurisdiction covers all government departments, legislative bodies, armed bodies, financial institutions, and corporations. The RAA also audits local governments and certifies the annual financial statements of the national government.

RAA’s headquarters is in Thimphu, with four regional offices. As a requirement, the Annual Audit report is submitted to the King, the Prime Minister, and the Speaker. Submission to the Speaker is deemed as submission to Parliament. The RAA had two days of discussion during the first week of July 2011 on the annual report at the Parliament. Other audit reports are submitted to the King, the Chairperson of the ACC, and the Royal Civil Service Commission.

Once reports are issued, they are sent to the follow-up and clearance division. The audit clearance certificate is required by all civil servants for processing their promotion, studies or retirement benefits. In case of any negative reports against civil servants, the audit clearance certificate is denied. They also will be denied all benefits. This is also required for parliamentarians and local officials running for re-election.

The Audit Act requires the RAA to share information with the ACC. In case of any suspicion of corruption, the RAA immediately informs the ACC. Prior to 2006, RAA also investigated corruption cases under its responsibility, but now this is the ACC’s responsibility.

High-risk agencies are audited on an annual basis. The RAA has 232 staff members, including clerical and support staff. RAA is part of the civil service, but has its own service conditions. RAA has 712 audits planned from July 2011 to June 2012.

The Parliament of Bhutan appoints external auditors to audit the RAA. The auditors come from India. The report is annexed to the annual report. The regional offices take turns to undertake internal audits. The external audit is conducted once every five years. The previous external audits took place in 2004-2005, and 2010.



The internal audit was established in 2000. Three officers were selected from RAA for deputation in three big ministries and required to start the system. The internal auditing system is improving. The reports are being looked into by the RAA. If there is a strong in-depth exercise there will be a test-check. The Auditor-General wrote a paper on the internal audit with many recommendations to the government. During the last parliament, strengthening the internal audit was also discussed. At the moment, no professional accountants are staffing those divisions. They are fresh college graduates and do not have the required competency.

When RAA conducts an audit, the auditors need to withdraw if they have any relatives or close friends working in the audited department. At the moment, CSOs play an advisory role in the RAA since they still need training on holding proper accounts.

Royal Civil Service Commission

The Royal Civil Service Commission (RCSC) expressed its familiarity with the Civil Service Commission members in the Maldives. These contacts have been fostered through the South Asian Association for Regional Cooperation (SAARC) Secretariat.

The RCSC started its work in 1982 by Royal Decree. Initially, it was composed of all the ministers and then of all the permanent secretaries of the ministries. The present commission, which has five members, is the first full-time civil service commission. It now functions under the Constitution as an independent body. It is





responsible for recruitment, civil service rules, transfers, promotions, etc. All responsibilities are combined in the Royal Civil Service Commission. This is similar to Maldives although the Civil Service Commission in the Maldives also fixes the salaries of civil servants with the approval of the Ministry of Finance and Treasury. In Bhutan, this is the pay commission's responsibility.

Bhutan recently adopted a new Civil Service Act and now many powers are decentralized to the ministries. Under this new Act, 17 levels and grades are under the authority of human resources in the line ministries. Only Directors and Director-Generals are dealt with by the RCSC. The human resource committees are chaired by the Secretaries and District Governors at the local level. Human resource auditing will now be very important. This is yet to be established. Already a negative list has been introduced with support from the RAA. In this list, civil servants will not be allowed to have promotions, benefits, etc. if there are irregularities found during an audit. For promotions, a subordinate feedback system also will now be introduced. In the past, managers were only assessed from the top. Another big change is the introduction of open competition for promotion and training, as well as for university graduate selection in the civil service. In addition, the appellate authority is now clearly defined.

As concerns the ACC, by law the RCSC is not involved in most appointments or promotions as almost all appointments are either done by the Parliament (Commissioners) or by the ACC (for lower levels). However, in practice, the RCSC is responsible for fresh recruits in the civil service through competitive selection and the ACC has no say in these selection processes. It also does not have a say in the handpicking of new recruits for the ACC. This has been a contentious issue between the ACC and the RCSC.

In terms of corruption, nepotism and patronage are the biggest problems to be tackled in the civil service. As per the Constitution, civil service standards are to be guided by ethics and integrity. The Civil Service Act emphasizes the importance of civil service values, conduct, and duties. Bhutan's 2006 civil service rules and regulations were updated by the RCSC in 2010. There is now a substantial chapter on ethics and integrity, which details what civil servants can do, cannot do, and the corresponding penalties for infractions. The RCSC is also working with the Ministry of Finance to strengthen the internal auditing system.

Study tour participants also discussed gender balance in the civil service. The RCSC has only one female commissioner. The RCSC clarified that the civil service is based on merit, and that fewer females attended school in the past. However, this trend is slowly being reversed as more and more females go to school. At the moment, there is no intention to introduce a quota for female recruits.





Honourable Prime Minister of Bhutan

The Honourable Prime Minister of Bhutan welcomed the delegation from the Maldives and Timor-Leste. He mentioned the strong ties between Bhutan and Maldives as South Asian countries and members of SAARC. He also praised Timor-Leste's leadership, knowing Timor-Leste's leaders from his days in Geneva as Bhutan's Permanent Representative to the United Nations. He acknowledged the similar state of economic development between Bhutan and Timor-Leste and emphasized Timor-Leste's opportunities considering its rich base of mineral resources.

The Prime Minister acknowledged ACC Bhutan's hard work and the government's full support for ACC's work to combat and prevent corruption. He mentioned that at no point has government ever tried to interfere in ACC's work. ACC's independence is part of its success. Political support to take on corruption is also very important.

The Prime Minister also stressed the importance of other key actors in the fight against corruption such as civil society and the media. He emphasized that the government communicates daily with the media to create transparency in how the government operates. These are essential elements of the new democracy that Bhutan is building.

The delegation praised the Prime Minister's efforts to support the fight against corruption in Bhutan and his efforts to promote democracy. They recalled the Asian Democracy Conference that he organized in October 2008 in Paro, Bhutan.

The Prime Minister also acknowledged that politicians and the ACC had disagreed on some issues (e.g., harsher penalties for corruption or the civil service act). However, he continues to support a constructive dialogue with the ACC on these concerns. The delegations were grateful for the opportunity to visit the Prime Minister's Office and for ACC's efforts in organizing this study tour.





Good Governance Committee of the National Council

The Good Governance Committee (GGC) provided an overview of the parliamentary system in Bhutan and its own work, especially in relation to the ACC.

The Parliament of Bhutan consists of the National Assembly (47 seats) and the National Council (25 seats, 20 elected and 5 appointed by the King). The parliament has multiple roles, notably representative, legislative, and oversight. The National Council has six committees: Legislative Committee, Social and Cultural Affairs Committee, Natural Resources and Environment Committee, Economic Affairs Committee, Good Governance Committee, and House Committee.

The GGC initiated an amendment of the 2006 Anti-Corruption Act in collaboration with the ACC. This stand-alone bill on corruption clearly listed down the forms of corruption and respective penalties. The GGC also inserted important provisions pertaining to anti-corruption measures in the Civil Service Bill, notably on the civil servant's code of conduct (prohibition to engage in any corrupt activities) and, more specifically, a prohibition on patronage and favouritism. This is based on statistical findings that show an increasing number of accusations pertaining to favouritism and nepotism.

The GGC is also responsible for presenting ACC's annual performance report to the House. It submits recommendations to the Government and is currently pushing the Government to introduce a right to information bill. Most of the debate on ACC's annual report focused on the implementation of the National Anti-Corruption Strategic Framework, which is the responsibility of different agencies across the Government.





The GGC also acknowledged that the UNCAC Self-Assessment had helped to expedite the process of developing the new Anti-Corruption Act. At the moment, however, they have not seriously considered ratifying the UNCAC.

The GGC works closely with the ACC. They consider each other as best partners. The GGC informed the Anti-Corruption Commission last year when it overlooked some rules.

The GGC further explained that the members of the National Council and the leadership at the local level are politically neutral. Bhutanese have been electing representatives for some years now, since the 1960s. However, a novelty in 2008 was the elections for the National Assembly and the constitutions of political parties. Notwithstanding, the National Council and the local governments have remained a-political.



Supreme Court of Bhutan

The Supreme Court of Bhutan is currently located in temporary premises. It is constructing a set of new court rooms and offices. The judiciary in Bhutan consists of the Supreme Court, the High Court, District Courts, and Sub-District Courts. The courts have general jurisdiction and deal with both criminal and civil cases. There is no jury trial.

The courts are bound by deadlines for providing judgements. They have passed numerous judgements in anti-corruption cases investigated by the ACC. The ACC usually seeks to obtain the maximum custodial sentence for the suspects. However, the courts regularly apply a greater degree of leniency. They also apply the practice of Thrimthue (payment in lieu of imprisonment for any misdemeanour).

On a number of occasions the High Court has backed the ACC in its interpretation of the law. For example, it refused to accept a defendant's defence of double jeopardy in criminal proceedings following his disciplinary sanction of suspension from the civil service. This favourable interpretation of the law has facilitated the anti-corruption work of the ACC.

The ACC and the judges regularly exchange views on anti-corruption issues during the Judiciary's annual conference and in smaller bilateral forums. The judiciary has also extended its support to ACC, whenever requested, in building its legal capacity.

ACC construction site

The ACC is currently building a new office in Thimphu. The new office space has been carefully designed to take into account all aspects of the ACC's work. For example, the ground floor is accessible to the public. There will be a reception area and a spacious meeting room. Other floors will be securely cordoned off,



accessible only by ACC staff with electronic passes. An office also will be set up from a side-door, where people can file complaints in confidentiality. Also, suspects can be brought in from underneath the building and taken to the interviewing rooms on the third floor through an elevator. Because the reception area is bypassed, their identities can be kept confidential. The ACC will have several interviewing rooms with professional equipment. ACC staff will be able to observe the

interviews from behind blinded glass and the interviews will be recorded from different angles. The ACC will also have detention rooms in the building to keep suspects temporarily prior to or after interviewing them.

Furthermore, the building will provide ample office space for the different divisions, senior management, and the Commissioners. At the top-most floor of the building, the ACC will also have some facilities to de-stress, including a prayer room, reading room, and possibly fitness equipment. The building is also designed with several environment-friendly features, notably the location of most office spaces in the south to take advantage of natural light and warmth (archives will be located in the north side of the building). Rain water also will be collected on the rooftop and used for flushing toilets to minimize water consumption. The delegations from Maldives and Timor-Leste appreciated the tour of the premises. ACC Bhutan emphasized that good working conditions were very important to enhance ACC's efficiency.



SESSION 3: THE ANTI-CORRUPTION COMMISSIONS OF MALDIVES AND TIMOR-LESTE: EARLY DAYS

Anti-Corruption Commission of the Maldives: almost two years into the business

Commissioner Mohamed Shafeeu, ACC Maldives, presented ACC Maldives' background and activities to date.

The Maldives consists of a chain of 1,190 coral islands grouped into 26 atolls stretching across 90,000 square kilometres of territory in the Indian ocean, southwest of Sri Lanka, with a land mass of about 115 square miles. At present, the Maldives has a population of 350,000. The economy is mainly based on fisheries and tourism, but other industries such as construction are growing. Annual per capita income is now over US\$ 4,849 (according to the 2010 Annual Economic Review, published by the Maldives Monetary Authority).

Maldives was a monarchy until 1953. A British protectorate, it gained independence in 1965. In 1968, following a popular referendum, the Maldives became a republic. The 2008 Constitution gave way to the first multi-party democratic elections.

Under the previous President's Office, an Anti-Corruption Board (ACB) was established on 21 April 1991. The ACB conducted some investigations in the past. In 2000, Maldives adopted the Prevention and Prohibition of Corruption Act. In 2007, Maldives acceded to the UNCAC and on 24 September 2008, the Anti-Corruption Commission Act was adopted. This Act established the Independent Anti-Corruption Commission (ACC). The ACB devolved into the ACC and constituted an interim Commission until September 2009. There are now five Commission members. They are appointed by the President and endorsed by Parliament. The Chairperson and vice-chairperson are elected by the Commissioners themselves. Four ACC Commissioners took office on 9 September 2009 and the fifth, who is the current Chairperson, took office on 13 October 2010.

The ACC's role is to prevent and combat corruption within all spheres of the State, as per the Maldives Constitution (Article 199). The ACC is mandated to inquire into all allegations of corruption, carry out research on the prevention of corruption, submit recommendations for improvement, conduct surveys and researches, and enhance public awareness on the prevention and prohibition of corruption. The ACC is only mandated to look into public sector corruption. It does not investigate the private sector.

The ACC is currently structured, as follows: (see Figure 6)

ACC Maldives receives complaints via a toll-free number, email, letter, phone, fax, complaint record form, and online via the ACC website. Anonymous reports are accepted. Members decide whether the complaint falls under the mandate of the commission, whether it is frivolous, whether it requires corrective action, and whether it warrants investigation. In case of investigation, a case file is prepared and assigned to an investigator. The investigator has to produce an investigation plan within seven days. The investigation plan is discussed with an auditor and the officer in charge of investigation.



Figure 6

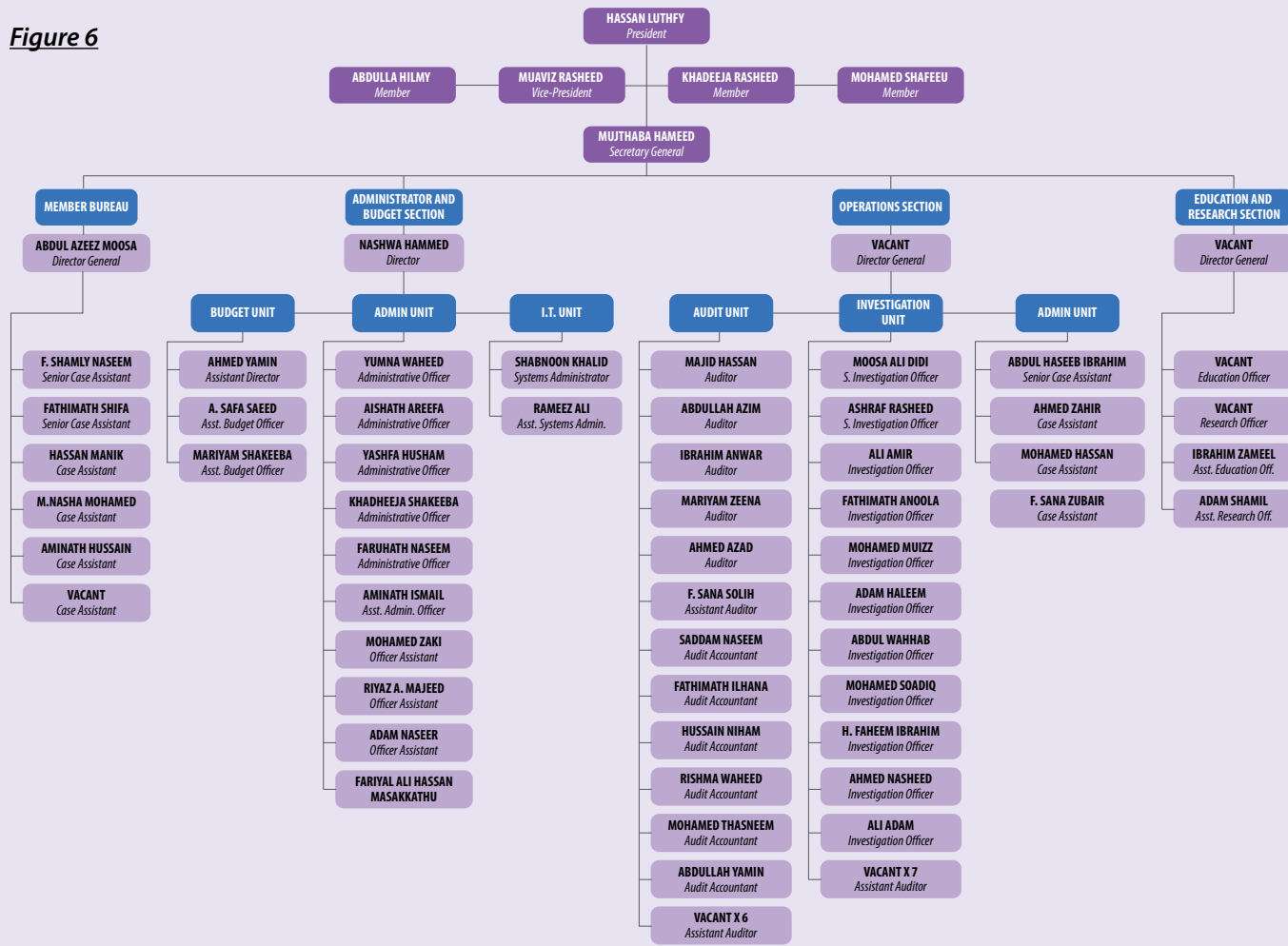


Figure 7

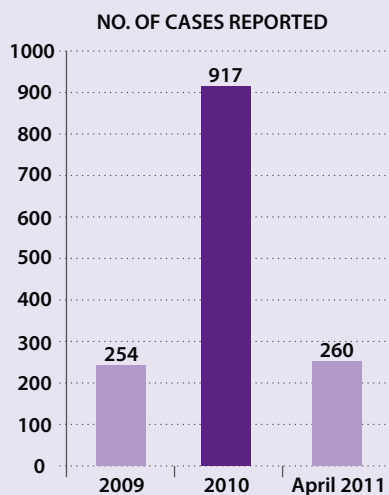


Figure 8

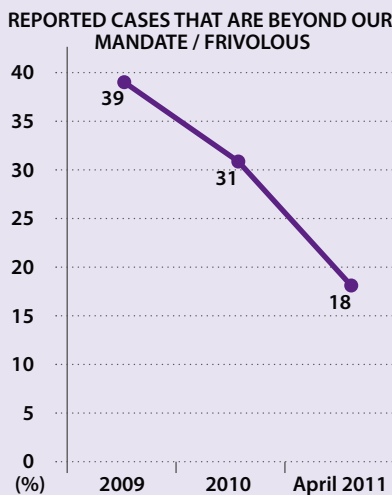
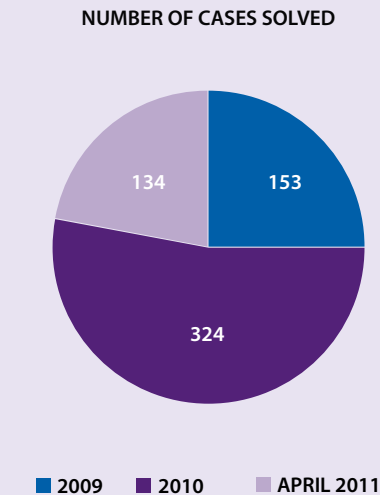


Figure 9





Upon completion of the investigation, an investigation report is prepared with the evidence and findings. The investigation report is legally reviewed. If the report does not suffice it is handed over to the investigator. The final report and the recommendations of the investigator are discussed among the members. When the case is final, it is sent for prosecution, or forwarded to the relevant authorities with recommendations for either corrective actions or the imposition of a fine. The Commission requests notification of any action taken.

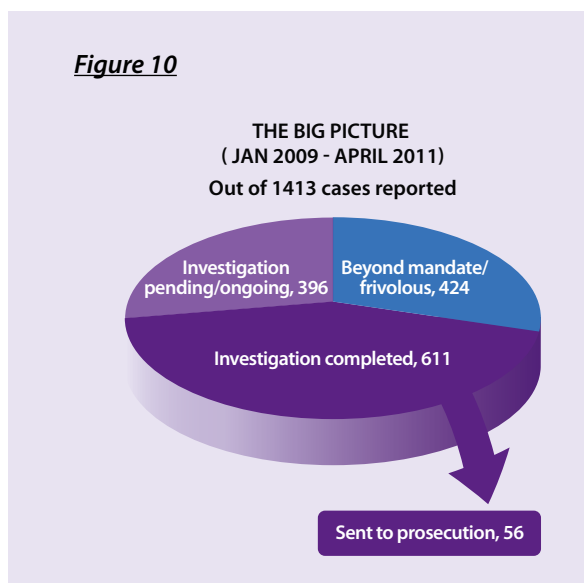
Since the establishment of the permanent ACC, the number of complaints has risen quickly and steadily (see Figure 7). The quality of complaints has also improved in the past two years (see Figure 8).

Many cases have been processed by the ACC (see Figure 9). Overall, the big picture can be seen in Figure 10.

Although 56 cases have been sent to prosecution since January 2009, no judgments have been rendered yet and no convictions obtained.⁵

In terms of prevention, ACC Maldives conducts compliance audits on government offices and directs them to manage public funds according to standards. It conducts awareness-raising workshops and broadcasts public information messages through the national radio channel. It has installed billboards at key sites across the nation and distributed posters, flyers, and leaflets. In 2010, ACC Maldives launched a media campaign that aired anti-corruption TV spots on two TV channels. It also partnered with the Ministry of Islamic Affairs to deliver Friday sermons on anti-corruption in all mosques across the country. Moreover, ACC Maldives celebrated anti-corruption day, elicited integrity pledges by some members of the parliament, organized an anti-corruption day run, and held a poster competition. ACC Maldives has produced a 13-episode interactive live radio program on the state-run radio network. Currently, preparations are underway for a 13-episode TV program. ACC Maldives' research work has been limited by financial constraints. At the moment, ACC lacks a firm research base on which to build on its preventive activities.

In terms of recent developments, ACC has restructured its office. ACC has established an education and research section. It has finalized the first draft UNCAC self-assessment and shared it for comments with national stakeholders. ACC Maldives also entered into an MOU with the Maldives Police Service and Prosecutor General's Office. Finally, it recruited additional professional staff.



5. On 29 August 2011, this changed as the Criminal Court sentenced an independent MP for corruption, a first judgment since the establishment of the ACC in Maldives.



Figure 11



Despite these efforts, Maldives' Corruption Perception Index rating has been getting worse, much like Bhutan's.

ACC Maldives also faces multiple challenges. These can be summarized as follows:

- Geographical dispersion of the islands, which makes it costly and time-consuming to travel;
- Absence of essential legislation to fight corruption;
- Non-implementation of recommendations and frequent defiance of ACC orders;
- Absence of baseline research, due to shortage of staff and budgetary constraints;
- Shortage of specialized staff;
- Difficulty in gaining confidence of the public and international agencies, due to its low CPI ranking (143) and zero convictions so far;
- Inadequate financial resources.

In the Government Strategic Action Plan (2009-2013), corruption is a priority concern. Several policies are listed in the Strategic Action Plan, as follows:

- **Policy 1:** Make the Maldives a country free from bribery and similar corrupt practices
 - › Conduct studies to diagnose and evaluate the scale of corruption in the Maldives;
 - › Formulate and amend legislations;
 - › Fully implement UNCAC;
 - › Provide necessary budget for the ACC;
 - › Establish mechanisms for the protection of whistleblowers;
 - › Incorporate civic education and the values of honesty and integrity into the national curriculum;
- **Policy 2:** Encourage ACC to function as an independent institution by:
 - › Supporting and assisting in the investigations;
 - › Investigating the embezzlement and misuse of state funds;
 - › Providing adequate funding for human resource development;

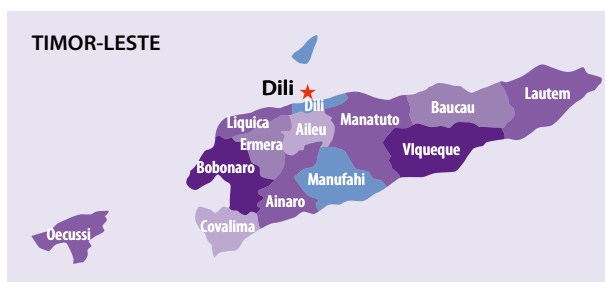


- **Policy 3:** Establish and implement preventive anti-corruption practices and procedures
 - › Promote and encourage investigative journalism through capacity building;
 - › Utilize advanced technology for investigations.

Anti-Corruption Commission of Timor-Leste’s first 18 months: reflection, recollection and the way forward

Commissioner Adérito de Jesus Soares, ACC Timor-Leste, introduced Timor-Leste and provided an overview of the historical background, mandate, and main interventions of the recently established ACC.

Timor-Leste became an independent state on 20 May 2002. The country covers 15,000 square kilometres and has a population of 1.1 million people. The currency is USD and GDP per capita is US\$ 637. The system of government is semi-presidential. Timor-Leste’s income is made up of approximately 90% from oil revenues and 10% from non-oil revenues.



Prior to the ACC, the mandate to investigate corruption lay with Provedor de Direitos Humanos e Justica (PDHJ). However, PDHJ had limited power. With the establishment of the ACC, PDHJ’s mandate has been limited to good governance and human rights. The Inspectorate General is responsible for internal investigation. Corruption takes place in Timor-Leste, although there is no clear data on the incidence. No comprehensive study has been done, except for a few general surveys by international agencies. There is not much academic research as well, except some studies on governance in general. Regardless of the lack of clear data on corruption, the public is strongly concerned with corruption. The IV Constitutional Government took the initiative to establish the ACC.

Consultation on the ACC draft law started in 2008 and Parliament approved the law unanimously in 2009. The President of the republic promulgated the law on 7 July 2009 and the first Commissioner, Adérito de Jesus Soares, was sworn in on 22 February 2010.

In the Decree Law N° 8/2009, corruption is widely acknowledged as a complex and multi-dimensional phenomena with negative consequences that extend beyond the sphere of ethics and morality. Corruption has an impact on social and economic life and threatens the basis of democratic states under the rule of law.

The law intends to provide the State with a specialised and independent criminal police authority whose activity will be guided solely by criteria of legality and objectivity. This authority will work together with the competent authorities, as this is essential for its credibility as an effective mechanism to fight corruption.

The types of corruption to be dealt with are included in Article 2. The Commission is a legal person governed by public law, with legal personality, technically independent and administratively and financially



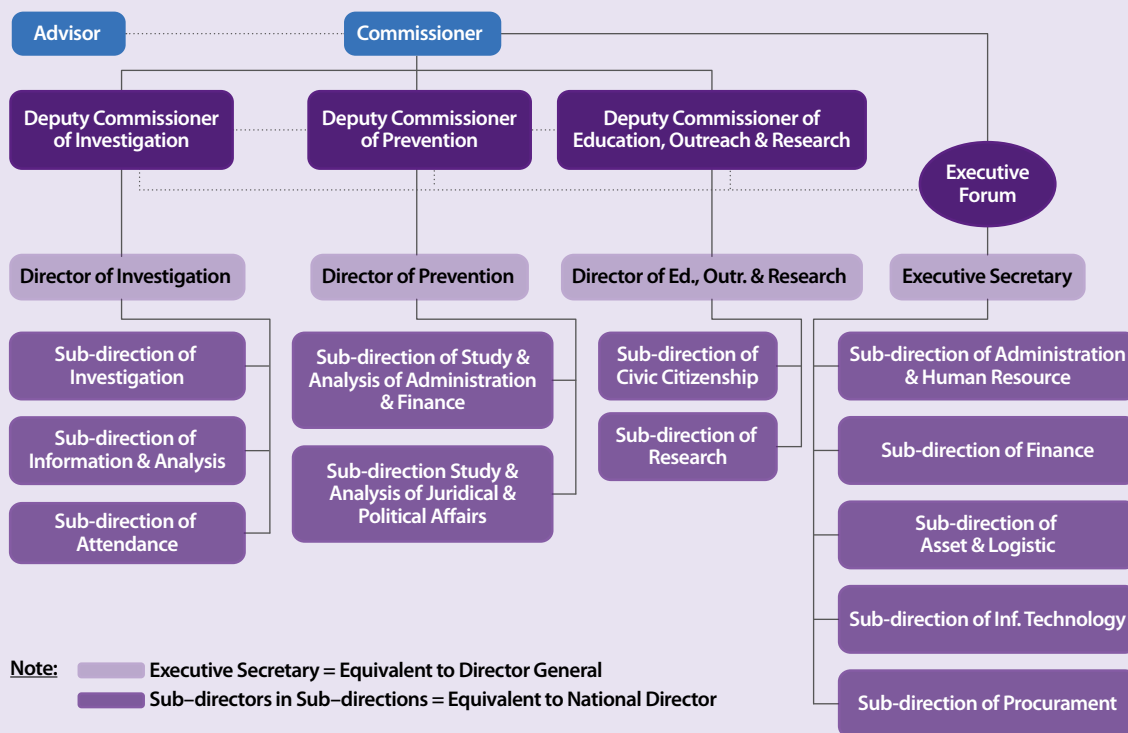
autonomous. The mission of the Commission is to undertake preventive action and criminal investigation against corruption in any of its forms, embezzlement, abuse of power, trafficking of influences, and financial participation in public affairs, as defined by the penal code.

Acts carried out by the Commission without a court order from the competent judicial authorities, under the terms set out in the law, shall be validated by the competent judicial authority within a maximum time limit of 72 hours, under penalty of it being rendered null and void. There

are two ways of starting an investigation: 1) through a dispatch from the Prosecutor ; and 2) through an investigation started by the ACC, (the ACC needs to inform the Prosecutor’s office within 72 hours in order to get a formal dispatch).

ACC’s staff consists of 47 people, including the Commissioner. It is organized as follows:

Figure 12





- 1 Commissioner elected by Parliament
- 2 Deputy Commissioners
- 1 Executive Secretary
- 3 Directors
- 9 permanent officials
- 9 investigators
- 13 temporary staff
- 8 staff contracted (5 drivers + 3 cleaners)

In terms of prevention activities, ACC Timor-Leste has organized several workshops with public servants from the districts and the customs office. ACC Timor-Leste has also conducted some inspection at the district level, monitoring of physical constructions, and analysis of legal documents notably the regulations on finance and procurement.

In terms of education, outreach, and research, ACC Timor-Leste conducted a national seminar to celebrate international anti-corruption day, on 7 December 2010 attended by all Ministers, Vice-Ministers, Secretaries of State, General Directors and National Directors (a total of about 600 participants). It has launched education programmes in all junior high schools and senior high schools in Dili, began outreach to community leaders, youth parliamentarians and civil society in four out of 13 districts, and conducted research in Dili on the utilization of state vehicles, customs, and fuel supplies.

Finally, in terms of investigation, ACC Timor-Leste has 15 ongoing cases. Two cases are expected to be sent to the office of the Prosecutor in July.⁶

In 2010, Timor-Leste's Corruption Perception Index was 127th (see Table 2). Previous rankings were lower in 2009 and 2008, when talk about corruption began in earnest. In 2007 and 2006, the ranking was slightly better.

Table 2

RANK	COUNTRY TERRITORY	CPI 2010 SCORE	RANK	COUNTRY	CPI	CONFIDENCE RANGE
1	Denmark	9.3	146	Timor-Leste	2.2 – 2009	1.8 – 2.6
1	New Zealand	9.3	145	Timor-Leste	2.2 – 2008	1.8 – 2.5
1	Singapore	9.3	123	Timor-Leste	2.6 – 2007	2.5 – 2.6
4	Finland	9.2	111	Timor-Leste	2.6 – 2006	2.3 – 3.0
4	Sweden	9.2				
6	Canada	8.9				
7	Netherlands	8.8				
8	Australia	8.7				
127	Timor-Leste	2.5				

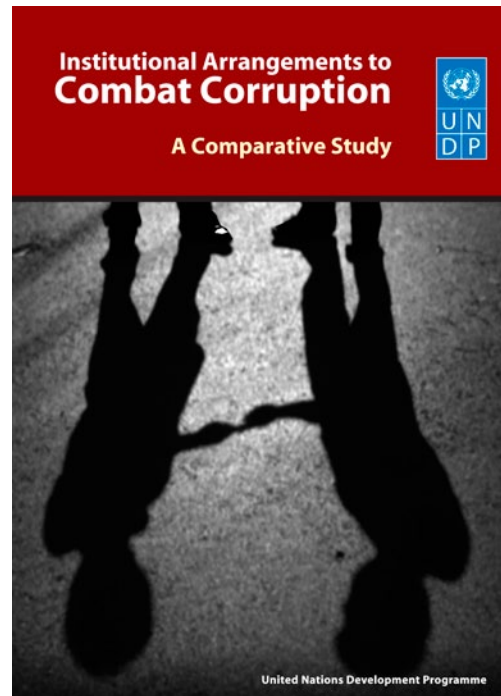
6. By September 2011, the cases increased up to 17; and 7 of the cases have been submitted to the Prosecutor Office.



Some reflections on capacity development of anti-corruption agencies

Mr. Samuel De Jaegere, UNDP Asia Pacific Regional Centre, provided insights and lessons learned on capacity development of anti-corruption agencies. In Asia-Pacific, UNDP is currently providing capacity development support to five anti-corruption agencies, notably in Afghanistan, Maldives, Mongolia, Sri Lanka and Timor-Leste. UNDP also is supporting the Malaysian Anti-Corruption Academy to develop training modules for anti-corruption agencies in countries belonging to the Organisation of Islamic Cooperation (OIC). Moreover, UNDP has been working closely with several other countries in the region on anti-corruption issues, notably in Bangladesh, Bhutan, Indonesia, Papua New Guinea, and Vietnam. UNDP is also seeking to develop anti-corruption programs in Nepal and, possibly, Pakistan.

In 2005, the UNDP Regional Centre in Bangkok (now APRC) compiled a report on institutional arrangements to combat corruption. This report already highlighted some of the key ingredients for effective anti-corruption agencies, notably:



- Strong **political** commitment and leadership;
- **Independence** (cannot be 100%; it is about operational independence; no undue influence; accountability; selection and appointment procedures; security of tenure; immunity; and, multiple reporting lines);
- **Mandate** (investigation, prevention, education and awareness-raising, coordination, and prosecution);
- Sufficient resources and staffing; and,
- **Inter-institutional collaboration** (Attorney General, Auditor General, Civil Service Commission, Police, Judiciary, Parliament, etc.)

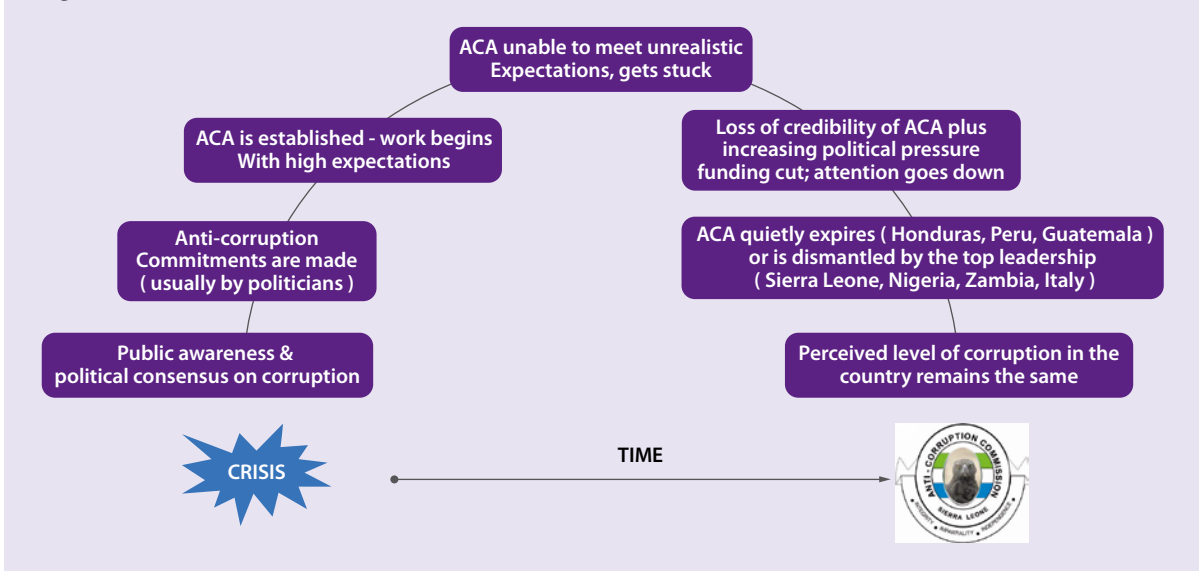
Over the years, many anti-corruption agencies have also struggled to make a difference in their country context. An all too often observed lifecycle of ACAs, as shown in Figure 13 on the following page from the Sierra Leone ACA is: 1) the political expediency to set up an agency that generates high expectations from the public; 2) the inability to meet those unrealistic expectations; 3) stakeholder disillusionment; 4) loss of credibility; and, finally, 5) loss of political support and the dismantling of anti-corruption agencies.

Another often observed scenario is dwindling political support as soon as the ACA starts investigating high-level personalities or becomes a threat to the political establishment. In several countries, successful ACAs have been downgraded or have come under attack from political powers. For example, in Indonesia, the Corruption Eradication Commission (KPK) has been the target of several attacks over the past years from



Figure 13

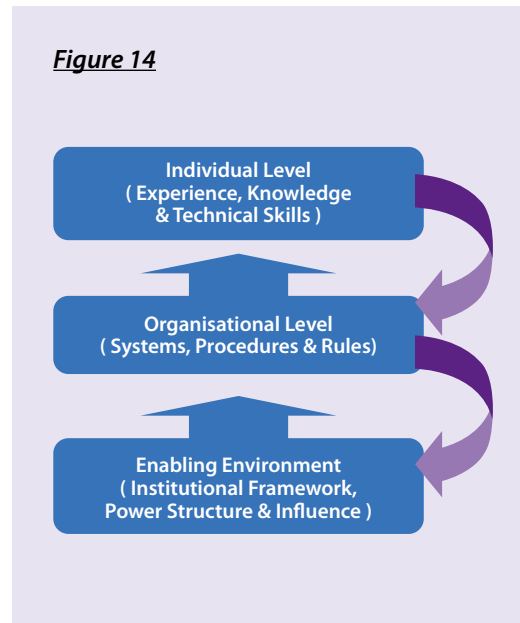
TOO OFTEN OBSERVED LIFECYCLE OF ACAs



parliamentarians and the police. What seems to hold an agency afloat is the unflinching support from the media and the population. Whenever the ACA does not enjoy such support, it becomes very vulnerable to political interference and finally impairment of its operations. Several heads of anti-corruption agencies have been convicted by the judiciary in trials sometimes seen as fabricated. In some countries, heads of anti-corruption agencies have also voluntarily stepped down in the absence of political support for their unbiased anti-corruption work.

In view of these realities, ACA capacity development has to focus on three intertwined levels: the environmental, organizational, and individual levels (see Figure 14). UNDP is currently developing an ACA capacity assessment methodology that will also draw on best practices from anti-corruption agencies from around the world.

Figure 14





Discussion

The participants raised several key points during the discussion following the different presentations, notably:

- In terms of UNCAC Self-Assessment implementation, ACC Maldives can see many gaps at the policy level. There is a need to implement the UNCAC and several legislative pieces have already been drafted. However, to take this forward, ACC plans to organize a stakeholder meeting and develop a national anti-corruption strategy.
- In Maldives, people will tell you that corruption exists when you ask them during workshops. However, no proper survey has been conducted on this. The major types of corruption are nepotism/favouritism and those involving procurement.
- In Maldives, gift-giving used to be regulated by Presidential Directive 35/78 (dated 1 April 1978) whereby government employees are obliged to send received gifts to the President's Office. Today, Article 16 of the Prevention and Prohibition of Corruption Act (2000) penalizes gifts. Unfortunately, most people are unaware of these provisions.
- In order to support the ACC, the President of Maldives issued a decree in October 2010 urging all government departments to follow ACC orders. Despite this Presidential decree and the Government Strategic Plan, authorities still do not comply in some cases. Furthermore, most of the anti-corruption strategies in the Government Strategic Action Plan have not yet been implemented. One could say, therefore, that in principle there is political will, but it has not been transformed into practical implementation to the ACC's satisfaction.
- ACC Maldives has the authority to recruit and select its human resources through open competition.
- In Maldives, people hesitate to report corruption for fear of reprisals. When ACC staff members begin investigating, officials are likely to discover who the whistleblower is, even if ACC does not disclose it.
- The main challenge for people is to produce substantive evidence. The burden falls on ACC to produce the evidence.
- In Timor-Leste, the ACC has engaged in sustained communication with stakeholders, such as: monthly meetings with the Prosecutor General Office (the Director for Investigation has close contacts with the two prosecutors in charge of corruption cases in Timor-Leste), regular meetings with the speaker of the Parliament and head of Committee C, in charge of anti-corruption, regular meetings with the Prime Minister, and regular meetings with civil society organizations.



SESSION 4: MAINSTREAMING ANTI-CORRUPTION MEASURES AND INTER-INSTITUTIONAL COLLABORATION

Government to Citizens (G2C) services, Bhutan

Mr. Jigmi Thinlay presented the G2C project in terms of its efforts to bring services closer to the people. In order to reduce corruption opportunities, it is useful to review and improve government procedures for public service delivery.

G2C's diagnostic showed that 42 agencies, ministries, and Dzongkhags are involved in offering G2C, G2B, and G2G services. Presently, over 110 government services are offered to citizens throughout their life's journey. Basic services include civil registration, education, employment, trade licenses, forest/timber permits, filing of taxes, land transactions, health and medical help, insurance and pensions. However, service delivery leaves much to be desired. Several challenges exist, notably in terms of accessibility, turn-around time, cost, and resources/manpower required from the government's side. Bhutan currently ranks 130 out of 191 countries in the e-governance readiness report released by the United Nations.

In order to realize G2C aspirations, eight initiatives are now undertaken (*see Table 3*)

One of the key initiatives under the G2C programme is to make processes leaner. The methodology is as follows:

1. List all the citizen-centric services provided by the agency;
2. Identify the processes and sub-processes in the service;
3. Conduct "as-is" process mapping including all the process steps, wasteful activities in the process flow, nature (seasonal or regular) of the services, total transaction annually, and key metrics to identify waste;
4. Gather data to validate the process steps and draw the "as-is" map;
5. Re-engineer the "as-is" process to eliminate/reduce redundancy, duplication, waiting, movement, travel;
6. Propose value-adding processes, cut wasteful activities, and reduce incidental activities;
7. Draw the "to-be" process mapping for the service;
8. Syndicate and negotiate the proposed "to-be" process;
9. Formulate the service delivery standards based on the timeline in the "to-be" process;



Table 3

8 INITIATIVES TO REALISE G2C ASPIRATIONS

Vision 2020 <ul style="list-style-type: none"> • Access to G2C services within one day for all citizens • One stop shop with 50% faster TAT for delivery of e enabled G2C services • Optimal re-deployment of G2C employees within civil service 			
Strategic thrusts	Optimal deployment of government resources		Improved access, time and costs to citizens
Key initiatives G2C	1	Lean re-engineering Strengthen the G2C to work with ministries in re-engineering / leaning of prioritized processes within next 2-3 months	2 Customer Feedback Set up a feedback cell to actively communicate progress against public KPIs and collect citizen feedback on G2C issues and solutions
	3	Common IT Architecture Create a board to define common standards and protocols to facilitate integration of various IT projects	4 Build and link key databases (unique citizen id, land bank, transport, business databases) <ul style="list-style-type: none"> • Link delivery of services to the relevant databases • Application of unique citizen id to rural and remote access to finance and other services
	5	IT infrastructure Align service delivery points with broadband and electricity rollout	6 Outsourced IT build-out Leverage outsourcing to fast-track build-out and maintenance of integrated IT back-bone (data centres, applications, APIs)
	7	Operating service points Use PPP model with mixed rural-urban clusters of gewogs given to 2-3 firms running service centres and generating revenues from G2C and other services (photocopy, IT classes etc.)	
Cross cutting themes	8	G2C Organization: Set up a cross-sectoral project team on building and delivery of G2C services, lead by a project manager reporting to Committee of Secretaries	

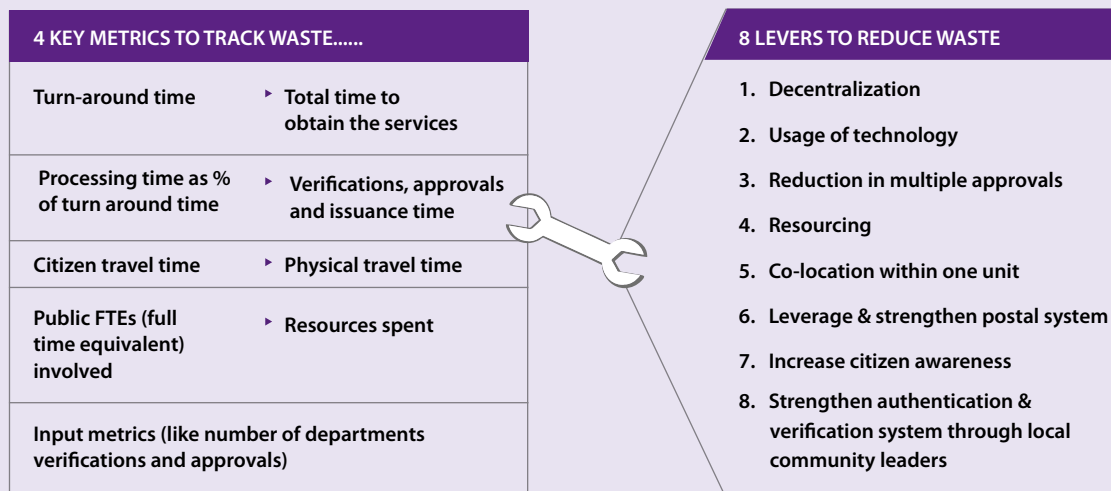
Table 4



G2C Project Office | Royal Government of Bhutan



TOOLS





10. Prepare performance compact with detailed milestone breakdown, “as-is” and “to-be” process maps and service delivery standards; and,

11. Sign off on performance compacts.

The National Anti-Corruption Framework

Tshering Wangmo, ACC Bhutan, presented the National Anti-Corruption Framework, its genesis, content, implementation, challenges, and lessons learned. Bhutan drafted the National Anti-Corruption Strategic Framework (NACSF) in accordance with Section 54(b) of the 2006 Anti-Corruption Act and as an operative strategy of the government’s “zero tolerance” anti-corruption policy. The NACSF aims to facilitate the translation of political will and policy statements into tangible activities by all sectors of society and to provide a common platform for concerted efforts of all stakeholders to combat corruption. The NACSF emanated from a three-year formulation process, starting with a literature review and stakeholder consultative workshop in April 2006, and followed by a draft NACSF, national consultative meetings, working group review meetings, cabinet endorsement, and a committee of secretaries review. The main challenges in formulating the anti-corruption strategy included lack of literature and secondary data of corruption in Bhutan, minimal feedback on the draft from the working group and stakeholders, and basically having ACC as the main drafter of the NACSF.

The NACSF key strategies are the following:

- Promote quality leadership
- Ensure sustained political will
- Review the legal framework
- Review and strengthen institutional capacity
- Review and refine systems
- Develop a long term educational strategy in building an awakened citizenry
- Promote partnership.

For further details on each of these strategies, visit the NACSF website at <http://www.anti-corruption.org.bt/pdf/nacs.pdf>.

In terms of implementation, agencies take ownership of the framework and also enrich the programs and activities for greater impact. The Committee of Secretaries (COS) monitors the development and implementation of NACSF in government ministries and agencies. Agencies that are beyond the scope of the Committee of Secretaries are monitored by the ACC. The Government provides assistance that is necessary to achieve the objectives of NACSF. The ACC provides technical support in the form of tools and expertise, when required. The agencies provide annual updates on their NACSF implementation status to the ACC, which then reports annually to Parliament about progress in NACSF implementation. The main setbacks in terms of implementation have been: the lack of conscious efforts of the stakeholders and the Committee in coherently implementing NACSF; the absence of an implementation infrastructure for the code of conduct and ethics in the civil service; the absence of conflict of interest implementation in most organizations; slow implementation of NACSF; and, the absence of a compliance and monitoring infrastructure.



Finally, the lessons learned are as follows:

- Involve the working group while drafting (at least for the periodic review of draft);
- Discuss bilaterally during drafting;
- Training on corruption risk management tools and monitoring tools should be conducted before implementation;
- Ask whether the national coordination agency (Committee of Secretaries) idea is effective or whether the ACC should work bilaterally with ministries
- Embrace NACSF as an important policy document;
- Follow up on implementation;
- Create strong partnership between key stakeholders;
- Adopt a realistic time frame for agencies to prepare and implement the strategies;
- Develop an effective monitoring and evaluation system and tools;
- Although parliament has passed resolutions, it needs to establish its own monitoring committee;
- Fix accountability.

Efficient service delivery using the Standard Cost Model

Ms. Dema Lhamo presented the Standard Cost Model (SCM) used in Bhutan. The SCM aims at improving efficiency in the country. SCM is a systematic approach to reduce administrative burden and unnecessary paperwork. The Administrative Burden (AB) is the cost that companies and citizens incur to comply with laws, legislations, and regulations. AB is not only money spent but includes what citizens spend in time and resources that could otherwise be translated into active economic activity.

SCM was first developed and initiated by the Government of the Netherlands and later widely used by other countries. In recent years, it has been applied in different sectors, such as transport. Currently, there is a network of 30 countries that use and exchange experiences on SCM.

Bhutan has included SCM as part of the Regulatory Impact Assessment (RIA). Agencies can choose the option of using SCM while conducting RIA for any regulation, legislation, or rules depending on their budget.

The UNCAC Self-Assessment and implementation matrix

Mr. Choining Dorji, ACC Bhutan, presented Bhutan's experience with the UNCAC Self-Assessment. Bhutan has signed UNCAC, but has yet to ratify it. The main motives for undertaking the UNCAC Self-Assessment have been to use it in developing the National Anti-Corruption Strategic Framework and in amending the Anti-Corruption Act 2006 to make corruption a high risk, high cost, and low return activity. ACC Bhutan used the UNDP Guidance Note and took an article-by-article approach.

ACC Bhutan established a team of technical experts and organized an initial stakeholder workshop. The workshop set up four sub-teams. They developed a matrix and developed a first draft report. It was presented to the Legislative Committee and Good Governance Committee in Parliament and then used as the subject of a stakeholder workshop. There were also thematic panel discussions that fed into the Anti-Corruption Act Amendment Bill. Then, a second draft and an implementation action plan were developed and a validation



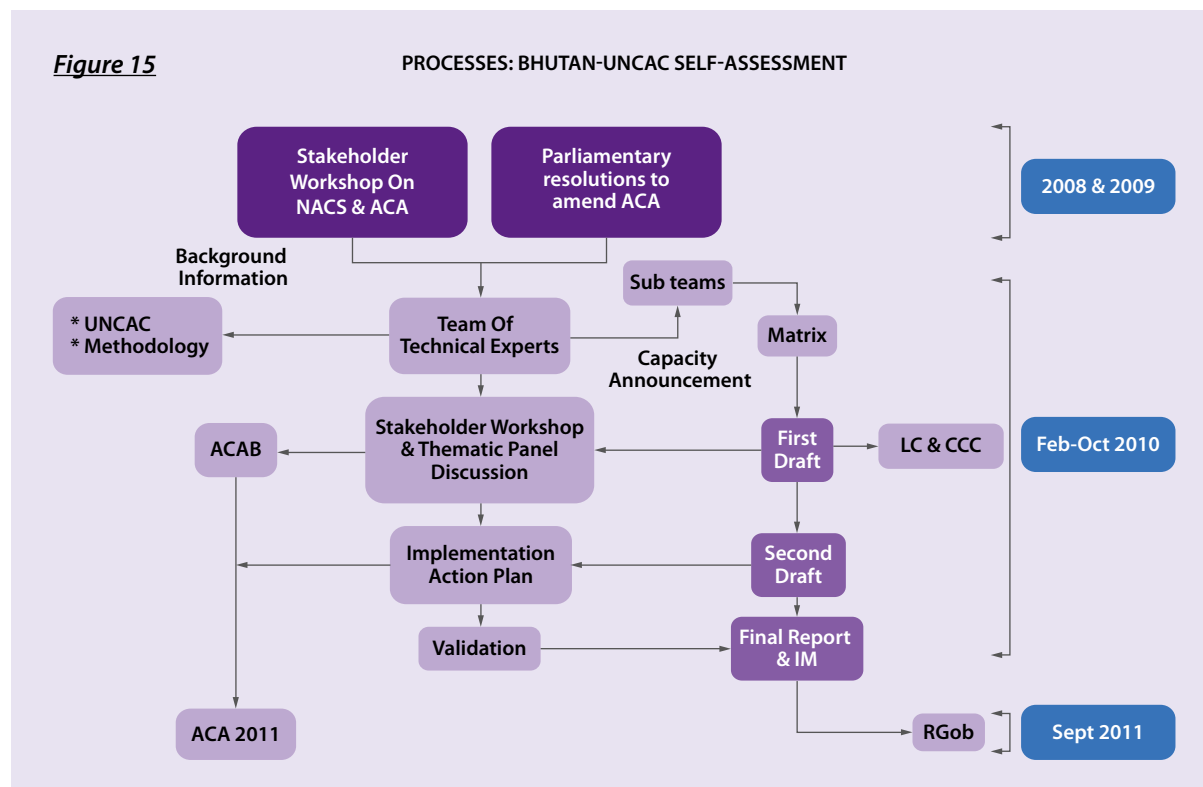
workshop with broad participation was organized. From this, a final report was developed from February to October 2009. The next step is to mainstream the findings with the Government of Bhutan.

The major findings of the UNCAC Self-Assessment in terms of compliance were as follows:

- The ACC has been established;
- NACS in place for prevention of corruption, although implementation remains weak; and,
- The ACA and Penal Code criminalize most UNCAC Chapter 3 offenses

The significant gaps were in the areas of international cooperation, asset recovery, witness protection, bribery of foreign public officials, and trading in influence.

To follow-up on these findings, ACC Bhutan developed an UNCAC Self-Assessment implementation matrix in consultation with stakeholders (Figure 15). The Implementation matrix identifies about 300 activities to be implemented to ensure full compliance with the UNCAC.



Since undertaking the UNCAC Self-Assessment, several initiatives have been launched or completed, notably:

- Anti-corruption Act 2011
- Financial Services Act 2011
- Anti-Money Laundering and Combating the Financing of Terrorism Regulations 2010
- Revised Public Procurement Rules 2009



- Bhutan Civil Service Rules and Regulations 2010
- Establishment of Financial Intelligence Unit
- Mainstreaming of
 - › Corruption Risk Management
 - › Standard Cost Model to reduce administrative burden (limited)
 - › Regulatory Impact Assessment to reduce regulatory burden

Operationalizing the UNCAC implementation matrix is ensured through several monitoring mechanisms, specifically by the Committee of Secretaries, ACC, involved agencies, and parliament. Full implementation of all recommendations is expected by 2013.

The main lessons learned in undertaking the UNCAC Self-Assessment are:

- Short term product and long term purpose;
- Audience and broad based ownership;
- Prioritize implementation actions;
- Long term strategy before assessment;
- Defined role and early involvement;
- Coordination amongst agencies ;
- Leadership and commitment from top level.

Discussion

The participants raised several key points focused mainly on the NACSF during the discussion that followed:

- In developing the National Anti-Corruption Strategy (NACS), ACC Bhutan took a long time from 2006 to 2009 as it studied many foreign NACS as part of the literature review. In the end, ACC Bhutan decided not to go for a thick document, but to a strategic document. It also developed an implementation plan.
- Prior to convening a big stakeholder workshop on the NACS, it is useful to have a preliminary draft for discussion. ACC Bhutan first organized a big stakeholder workshop in April 2006 and only thereafter started drafting the document. It took one and a half years to come up with the initial draft.
- For the final presentation of the NACSF, the whole cabinet was present. Still, it remains difficult to mainstream this in the government.
- In terms of implementing the NACSF, commitment from the Ministries in general is lacking. The NACS can be simply mainstreamed in their governance system. Forty agencies that applied Corruption Risk Management did not allocate additional human or financial resources. In some instances, ACC provided some funds.
- Initially, the Cabinet planned to monitor the NACSF's implementation. However, now this is being done by the Committee of Secretaries. As this committee is presided over by the Cabinet Secretary, the link with the Cabinet remains.



SESSION 5: SMALL SOCIETY: CHALLENGES, LESSONS LEARNED AND FIT PRACTICES

During this session, participants divided into three groups. Each group discussed and listed the challenges that come with tackling corruption in a small society, where everybody knows everybody. The participants provided some examples of their experiences and the means to deal with a small, traditional, and close-knit society. What are some of the problematic practices and features of such societies? How do they impact the ACCs work? How can they be tackled? The participants' findings are summarized below.

CHALLENGES	STRATEGIES
1. Reluctance to report corruption, fear of reprisal for witnessing, lack of confidence, fear of losing social safety net in the absence of state support	1. Allow anonymous complaints, develop awareness programmes, and adopt measures to protect witnesses
2. Change of witness statement in court	2. Penalizing change of witness statement
3. Information leakage from within the ACC or by third parties. Protecting the presumption of innocence by the accused.	3. Avoid information leakage. For example: <ul style="list-style-type: none"> • Only the top investigators will know where ACC staff members are travelling to. Vehicle drivers are not informed in advance. It should be observed that this may be difficult in Maldives where third party transportation is sometimes required to reach the widely dispersed islands. • Getting the court order. Judges in chamber should issue a court order for search and seizure without previous public hearing. • Never provide the name of the suspect or the complainant. • Promote the integrity of officials and staff members (including drivers and cleaners) in the ACC



CHALLENGES	STRATEGIES
4. Harassment of investigators	4. Police protection of investigators in some instances and generally financial and job security for investigators
5. Reluctance to take part in an investigation or slowing down the investigation work out of loyalty to extended family members	5. Strong implementation of conflict-of-interest systems. Avoid conflict of interest for audit/investigation teams (same island, same community, relative in the finance department of the ministry). Define “relatives” of ACC staff clearly. Up to 2nd or 3rd degree cousins can be considered as family. What about friends?
6. Publicizing the complaint by copying other institutions when submitting the complaint to ACC, which may lead to loss of evidence	6. Awareness raising and public education
7. Intervention by influential people (politicians, religious leaders, or wealthy businessmen). In some cases, hotel owners increase the room prices for ACC investigators to make the investigation into a relative’s case more difficult.	7. Pass obstruction of justice legislation; rule-making and policy making protocols to curb the role of influential people. National Anti-Corruption Strategy and ministerial anti-corruption plans.
8. Lack of anonymity about the investigators and investigation team. Difficult to conduct discreet enquiries	8. Rent vehicles or change number plates to undertake discreet enquiries
9. Lack of cooperation from witness	9. Develop strong whistleblower protection and witness protection policies. Explore the possibility of developing a system of taking statements without having to face the accused. Use voice changing technology.



CHALLENGES	STRATEGIES
10. At the local level, only one political party may be strong and take part in an event organized by ACC, which creates an image of political bias	10. As much as possible, balance audience and speaker participation of ruling party and opposition party in the advocacy campaigns
11. Returning favours is frequent among extended family, political parties, and comrades in the independence struggle. There is a culture of favouritism (if you do not support your family, you are considered useless).	11. Penalize favouritism. For example, in the civil service, you will lose your benefits, pension, and opportunity for promotion. Awareness-raising is also required.
12. Sometimes, people at the local level will not be keen to participate in good governance campaigns.	12. Give incentives to people, for example through awards.
13. Centralized policies may not work at the sub-national level	13. Ensure decentralization, reviewing and refining of policies
14. Accessibility may be an issue for remote communities	14. Optimal use of media strategies—radio, papers, broadcast TV, etc. Ensure that the public is educated in their local dialects.
15. Tradition/culture of gift giving	15. Develop strong and clear rules on the restrictions of gifts and other facilitation payments.
16. Lack of resources—human, financial, and equipment	16. Explore possibilities of enhancing the capacity of the staff by sending them to both in-country and out-country trainings (needs based). Ensure efficient utilization of the availing funds – minimize wastage of funds. Sharing of resources and avoiding duplication (e.g., police/ACC)



SESSION 6: HUMAN RESOURCES: LESSONS LEARNED ON ATTRACTING, DEVELOPING AND RETAINING QUALIFIED STAFF

During this session, participants broke into three discussion groups. Each group identified best practices in terms of human resources management according to these topics: recruitment, training, and retaining staff.

RECRUITMENT	
CHALLENGES	STRATEGIES
1. Availability of specialized and qualified anti-corruption professionals	<ul style="list-style-type: none"> • Provide incentives and attractive packages • Incorporate anti-corruption into government human resource plan • Develop courses on anti-corruption in tertiary education
2. Lack of autonomy to recruit	<ul style="list-style-type: none"> • Amend legislation to allow ACC to recruit its own staff
3. Budget constraints for recruitment	<ul style="list-style-type: none"> • Ensure adequate budget is provided to the ACC by constitutional/legal guarantees
4. Lack of willingness to join ACC	<ul style="list-style-type: none"> • Improve service conditions • Build up credibility and reputation • Create opportunities for advancement within the organization
5. Procedural difficulty for recruitment	<ul style="list-style-type: none"> • Review and streamline existing procedure for recruitment
6. Aptitude and integrity of the person	<ul style="list-style-type: none"> • References from previous employment • Probation period • Checking past record of criminal charges • Integrity vetting <p><i>Note: Among the advantages of a small society is that most people know who has aptitude and integrity.</i></p>



TRAINING	
CHALLENGES/NEEDS	STRATEGIES/BEST PRACTICES
<p>1. Financial resources* *A challenge in Maldives, but not in Bhutan or Timor-Leste</p>	<ul style="list-style-type: none"> Ensure ACC’s financial independence so that the ACC is not reliant on the government for its training budget or risks having its training budget trimmed during the review of its annual work plan by the Ministry of Finance
<p>2. Investigation skills; language barrier (especially in Timor-Leste); different levels of knowledge among staff</p>	<ul style="list-style-type: none"> Weekly in-house training by investigation experts plus language training in Timor-Leste
<p>3. Managing all offers of training</p>	<ul style="list-style-type: none"> Ensure relevance of the training; conduct training needs analysis
<p>4. Trained employees moving out of the ACC</p>	<ul style="list-style-type: none"> Develop a corporate plan, i.e., a long term institutional development plan. <i>Note: ACC Maldives has a policy to retain staff members that have received training. As in the civil service, when a staff member is sponsored for a master’s degree, the staff member has to commit to a certain number of years of service. In Maldives, a staff member cannot opt out of the agreement by paying back the training</i>
<p>5. Being familiar with ACC’s work in the different divisions</p>	<ul style="list-style-type: none"> Induction/orientation on the code of conduct, on each division’s mandate, strategies, policies/rules Familiarize investigators on relevant law provisions and the operation manual on investigation Provide mentoring and guidance by seniors
<p>6. Lack of specialized trainings on corruption</p>	<ul style="list-style-type: none"> Good networking system with anti-corruption agencies that have been in existence (CBI, ICAC, CPIB, MACA, etc.)



TRAINING	
CHALLENGES/NEEDS	STRATEGIES/BEST PRACTICES
7. Sustainability—only some staff members get the opportunity to attend trainings abroad	<ul style="list-style-type: none">• Staff attending training abroad should submit a detailed report on knowledge gained, relevance of the training, and recommendations• It is important to impart knowledge and skills to other colleagues, for example by organizing a presentation
8. Tailoring trainings to needs may be costly	<ul style="list-style-type: none">• In case the demand is not high enough within one agency, it may be useful to share trainings among agencies
9. Relevance of training and misuse of training	<ul style="list-style-type: none">• In Bhutan, the Auditor General is able to do human resource auditing and has issued a first report detailing malpractices in training (e.g., some receiving no training, while others received dozens of trainings). This will now become an annual feature of the AG’s report. The Royal Civil Service Commission is also planning to do something about it. It is up to every ACC to ensure that the allocation of training is done on the basis of equity, fairness, and relevance
10. Developing experience for junior investigators	<ul style="list-style-type: none">• Mentoring: in ACC Bhutan, a senior investigator always leads a team of juniors



RETENTION	
CHALLENGES (WHY THE OFFICIALS LEAVE THE ACC)	STRATEGIES/TOOLS
1. Better opportunities	<ul style="list-style-type: none"> • Improve the recruitment process (proper analysis of the candidates/commitment/likelihood) • Provide better/equal opportunities (adequate incentives, salary, professional development opportunities, system of recognition) • Institute a system of probation period • Have a clear provision on employees leaving that they have no possibility of coming back • Make it mandatory for anyone leaving the office to train the successor • Institute a bond signing system • Institute a system that requires an official to pay back the cost of his/her training
2. Not able to meet the demands of high management; work load leading to stress	<ul style="list-style-type: none"> • Develop realistic targets • Management should follow strictly the allocated work plan • Flexi time (working hours)
3. Lack of security during investigations	<ul style="list-style-type: none"> • Establish proper security mechanism for both public harassment and intimidations • The police department and the courts can work together with the ACC in providing protection and security to the investigator and the family
4. Cannot adjust to the office environment (negative environment)	<ul style="list-style-type: none"> • Build conducive environment taking all the needs of the staffs individually into consideration—needs based • Organize retreats, regular informal meetings, interactions, recreational facilities



RETENTION	
CHALLENGES (WHY THE OFFICIALS LEAVE THE ACC)	STRATEGIES/TOOLS
5. Inadequate guidance and mentoring from supervisors; new/old staff members not knowing what to do	<ul style="list-style-type: none">• Strengthen development of supervision• Develop managerial development kits and guidelines• Induction for new employees• Supervisors rated by their junior staffs (bi-annually) —360 degree rating• Best chief of the year awards
6. Style of leadership (authoritarian vs. collegial)	<ul style="list-style-type: none">• Balance authoritarian and collegial leadership depending upon the need and situations• Create provision for collaborative and cooperative decision making• Training on leadership/ management skills
7. Lack of adequate opportunities in availing the required trainings	<ul style="list-style-type: none">• Needs based and equal opportunities of trainings to be provided to the officials• Training manuals• Differentiate trainings, study tours, and long term trainings/ studies
8. Lack of career development	<ul style="list-style-type: none">• Conduct exit interviews to understand why people are leaving• Leadership training for staff who may be technically qualified, but less skilled to manage people in a supervisory role



SESSION 7: COMPLAINTS HANDLING, INVESTIGATION AND CASE MANAGEMENT PROCEDURES

During this session, participants again divided into three discussion groups to identify and discuss best practices in terms of complaints handling, investigation, and case management procedures. Each agency presented its current practice in terms of generating, receiving and dealing with complaints, investigation procedures, and case management systems.

COMPLAINTS HANDLING	
CHALLENGES	BEST PRACTICES
1. Lack of systematic way of managing the complaints	<ul style="list-style-type: none"> Establish a complaints record and complaints management system (IT based) Establish procedures for registration, prioritizing cases, and discreet inquiry
2. Not being able to act on hot pursuit cases due to the lengthy procedures	<ul style="list-style-type: none"> Develop possibility to conduct hot pursuits on the basis of simplified procedure, if corruption is imminent
3. Backlog of cases/complaints	<ul style="list-style-type: none"> Develop transparent evaluation procedure to grade and select cases Transfer cases to line ministries for administrative investigation and disciplinary action
4. Some complaints not related to corrupt activities; venting out frustrations and not focusing on the actual complaint while complaining using the hotline facility	<ul style="list-style-type: none"> Educating public on how to file complaint, the types of complaint that can be filed



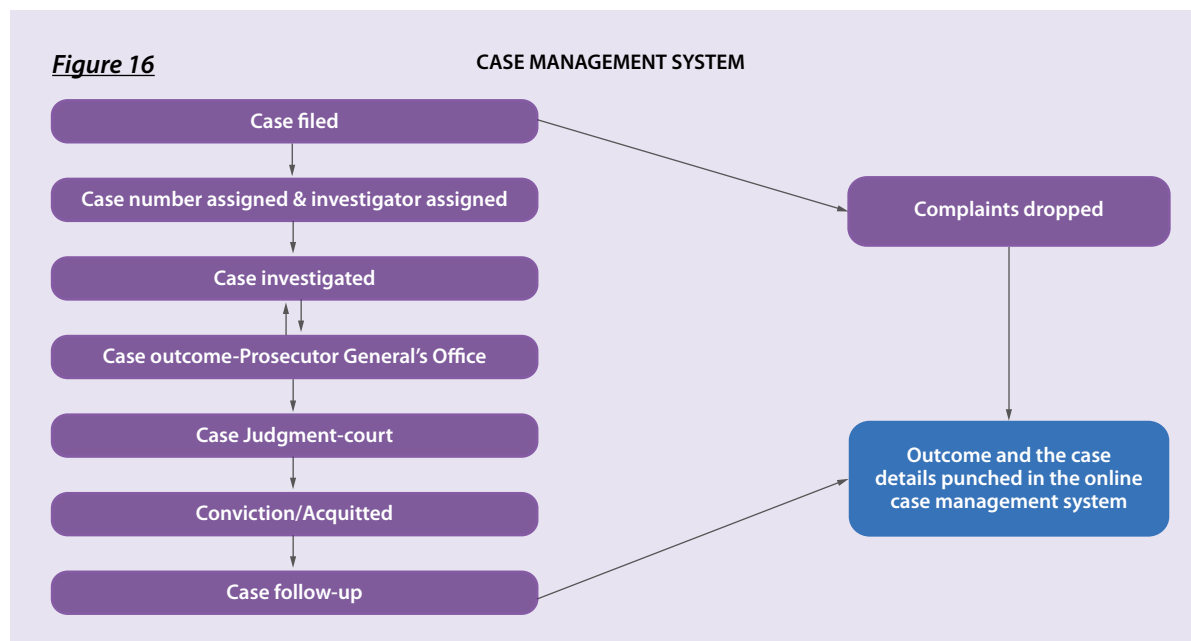
COMPLAINTS HANDLING	
CHALLENGES	BEST PRACTICES
5. Non-recognition of anonymous complaints by other agencies leading to many anonymous complaints being filed with Anti-Corruption Agencies	<ul style="list-style-type: none">Some ministries do not accept anonymous complaints. <i>Note: There would be lesser complaints if the ministries set up their own system.</i>
6. Small number of staff members to handle complaints	<ul style="list-style-type: none">Ensure appropriate human resources based on the number of expected/received complaints
7. Vulnerability of leakage of information on complaints due to small and closely knit society	<ul style="list-style-type: none">Institutionalize conflict of interest in complaints management system
8. Wrong/inadequate information in complaints	<ul style="list-style-type: none">Develop a mechanism to get back to the complainantDevelop an information-sharing protocol with other agencies for enriching complaints
9. Chances of disappearance and manipulation of complaints	<ul style="list-style-type: none">Job rotation between the Investigation Division and the Complaints Management Division
10. Handling complaints in an equitable and fair manner	<ul style="list-style-type: none">Treat every complaint with sensitivityPublic education on the possible outcomes of the evaluation of complaintsCommittee of commissioners/staff deciding on complaintsExternal auditing of the complaint management systemA grievance redressal system should be put in place;



INVESTIGATIONS	
CHALLENGES	BEST PRACTICES
1. Loss of evidence: due to public complaints due to published audit report on the malpractice	<ul style="list-style-type: none"> • Early informal/confidential information sharing between Police, Audit and ACC • Educating the public on keeping complaints quiet to avoid alerting the suspects
2. Lack of collaboration between agencies (ACC, Police, Audit, Civil service, etc)	<ul style="list-style-type: none"> • Organize recreational activities (e.g., football matches) between ACC and key stakeholders • Sign MOUs between the different institutions with clear procedures for collaboration
3. To institute a system for carrying out investigation	<ul style="list-style-type: none"> • Standard operating procedures for investigations
4. Threats to the investigators and their families	<ul style="list-style-type: none"> • Standard operating procedures for investigations
5. Qualified forensic accountants	<ul style="list-style-type: none"> • Develop in-house forensic accounting expertise
6. Fatigue/ lack of motivation	<ul style="list-style-type: none"> • Retreat/get-together once per month to relax (e.g., watch movies)
7. Lack of cooperation from government/ banks in securing documents	<ul style="list-style-type: none"> • Penalties for non-cooperation
8. Delay in obtaining court orders	<ul style="list-style-type: none"> • Fast track court order requests
9. Lack of infrastructure and technology for surveillance and intelligence	<ul style="list-style-type: none"> • Seek support from the government/donors/ international agencies
10. Getting the right information from witnesses/ suspects	<ul style="list-style-type: none"> • Upgrade skills and technologies to interview witnesses and suspects to obtain information



INVESTIGATIONS	
CHALLENGES	BEST PRACTICES
11. Risks of witnesses running away/ witnesses turning hostile	<ul style="list-style-type: none">• Rely on discreet enquiries (renting cars, changing number plates, etc.)
12. Evidence admissibility in court	<ul style="list-style-type: none">• Enact evidence act• Establish points to proof prior to starting the investigation
13. Difficulty in extradition	<ul style="list-style-type: none">• Ratify UNCAC• Sign extradition treaties as appropriate
14. Costs to bring suspect for interview (transport, accommodation, etc.)	<ul style="list-style-type: none">• Sign MOU with the police so they can take the statements in remote areas



The participants defined a case management system as a mechanism that enables the ACC to track cases and manage information on the status of the cases, including complaint details and outcomes of all complaints (e.g., dropped, investigated, or discreet enquiry). Usually, an electronic application is developed and used for this.



CASE MANAGEMENT SYSTEM <i>(see definition and diagram, Figure 16)</i>	
CHALLENGES	BEST PRACTICES
1. Financial constraint for IT infrastructure	<ul style="list-style-type: none"> • Seek to learn from other anti-corruption agencies • Look for financial support to develop an IT system
2. Training of staff and maintenance on the use of the case management system	<ul style="list-style-type: none"> • Develop a guideline for the use of the case management system
3. Coordination mechanisms among institutions involved—establishment of an integrated system	<ul style="list-style-type: none"> • Develop MOUs between the different institutions involved
4. Maintenance of case outcomes— dropped, investigated, discreet enquiry, etc.	<ul style="list-style-type: none"> • Follow up on the status of pending cases
5. Maintenance of evidence and facts/ statements made during the investigation in the system	<ul style="list-style-type: none"> • Add provisions to add evidence, facts, documents and statements in the system
6. Risk of manipulation of case detail and information by the system administrator	<ul style="list-style-type: none"> • Internal auditing of the system regularly or bi-annually • Oblige the administrator to an agreement on the use of the system with strong penalties
7. Maintenance of security—both the administrator and other users who have access	<ul style="list-style-type: none"> • System of maintaining a log system
8. Developing a customized case management system	<ul style="list-style-type: none"> • Develop standard operating procedures before developing the electronic case management system



SESSION 8: EDUCATION AND COMMUNICATION

During this session, participants divided into three groups to identify and discuss best practices in effective communication strategies in terms of education and outreach. Each agency presented its current practice in conducting education and awareness raising campaigns, as well as general outreach to the public.

CHALLENGES	STRATEGIES
1. Lack of in-house capacity	<ul style="list-style-type: none"> • Train or recruit specialized personnel • Partner with civil society organizations • Procure any necessary equipment
2. Costly to air radio or TV programmes	<ul style="list-style-type: none"> • Negotiate with the media on the need to take/co-own the social responsibility in the fight against corruption • Seek state subsidy • Make use of social networking sites • Integrate anti-corruption education in school curricula at all levels
3. The media are too much profit oriented; they are only interested in sensational cases	<ul style="list-style-type: none"> • Establish strong partnership and coordination with media practitioners and educate them on the need to look at other important areas—economy, history, etc. • Also inculcate media responsibility
4. Accessibility of remote areas	<ul style="list-style-type: none"> • Customize the use of media depending on the location • Use multi-media channels
5. Some citizens abuse public forums/social networking sites to report false allegations against groups or individuals	<ul style="list-style-type: none"> • It is not possible to stop people from complaining and reporting in public forums • Legislation prohibiting false allegations may be useful
6. Some journalists spread false rumours and unfounded allegations	<ul style="list-style-type: none"> • The media needs to professionalize and be trained on investigative journalism



CHALLENGES	STRATEGIES
<p>7. Many CSOs lack awareness on corruption issues; very few CSOs and sometimes hardly any working on corruption issues</p>	<ul style="list-style-type: none"> • Develop capacity of CSOs • Engage them in programmes (e.g., in Timor-Leste on monitoring vehicle use) • Establish a network of CSOs on anti-corruption (e.g., Maldives Network)

Conclusion



Commissioner Mohamed Shafeeu of ACC Maldives described this south-south exchange as a wonderful experience. He noted that they had more baggage to take home. He expressed appreciation for the methodology of the workshop, noting that bringing together people is very effective. He said, in addition to philosophy, there was ample time to think about technical issues. This exchange allowed participants to learn from their mistakes and to provoke each other in an atmosphere where nobody hesitated to express his or her ideas. In the end, he observed this had been the best experience sharing he had ever had.

Commissioner Adérito de Jesus Soares from ACC Timor-Leste emphasized along the same lines that this south-south exchange dedicated time to both conceptual issues, such as the relationship with other stakeholders and political will, and to very practical issues, such as case management tools. The question is now: Can we bring these words into action? The challenge is to implement these lessons learned into action. He said we cannot cut and paste; we need to adapt. He ended by stating that this south-south exchange had been his best reading on corruption so far.



Commissioner Dasho Neten Zangmo concluded that the objectives of this exchange had been achieved. She emphasized the critical importance of an active anti-corruption agency for the fight against corruption. She stressed the importance of the spirit of collaboration with other key stakeholders. She reminded participants of how ACC Bhutan had visited seven countries in 2006 to learn from their experiences as ACC Bhutan sought to establish itself. This Bhutan study team looked at the necessary skills, policies, tools, etc., and it had sometimes been difficult to get the right information or impossible to get access to confidential procedures and tools. ACC Bhutan decided to allow full access to its procedures and lessons learned with ACC Maldives and Timor-Leste, and this sharing felt wonderful. Now the question is: What happens next? What will be implemented? It has been inspiring to hear from the Timor-Leste delegation. Bhutan did not have to fight a war since 1975. The Timorese freed their country from occupation, and now they need to free it from corruption, with support from its wonderful leadership. It was fascinating to learn from the Maldives and its challenges, despite having a small population of 300,000 inhabitants, many scattered across islands and closely related to each other. ACC Bhutan drew courage from this south-south exchange. In conclusion, she stated the importance of having strong laws and enforcement in the courts. Finally, she also thanked UNDP for facilitating this exchange with support from UNDP headquarters (PACDE), UNDP Asia-Pacific Regional Centre, and the three UNDP Country Offices.



Annex A: List of materials shared by ACC Bhutan

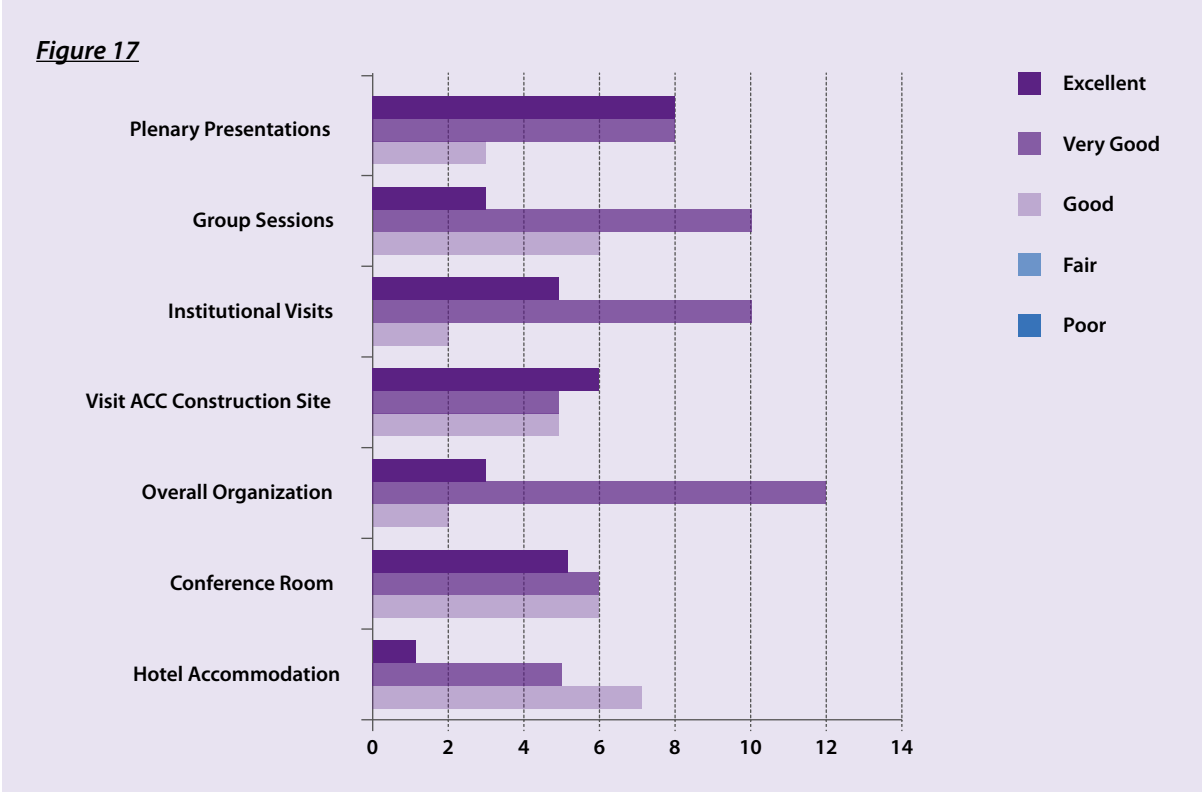
1. ACC Bhutan Service Standards
2. ACC Annual Bulletin 2006, and ACC Annual Bulletin 2007
3. ACC Annual Report 2007, ACC Annual Report 2009, and ACC Annual Report 2010
4. Anti-Corruption Act 2006 and Anti-Corruption Act 2011
5. Asset Declaration Form, Asset Declaration Rules 2008, and Asset Verification Protocol 2011
6. Brochures: "ACC Bhutan: Fighting Corruption is a Collective Responsibility", "Asset Declaration Rules", "Managing Conflict of Interest", "Corruption Risk Management", "Reporting Corruption", and "Information for those affected by an ACC Investigation"
7. Complaint Management Flow Chart
8. Corruption Perception Survey 2007
9. Corruption Risk Management Process
10. Crown Agents Report on ACC Bhutan
11. Ethical code of conduct ACC Bhutan
12. Gift Restriction Rule 2009
13. National Anti-Corruption Strategy Framework 2009
14. National Integrity Assessment Report 2009
15. People's Attitude towards Corruption and ACC
16. Persuability Evaluation Form
17. Prosecution Referral Guidelines 2011
18. Quarterly news updates 2008
19. System Studies Protocol 2010
20. The Debarment (of corrupt firms) Rule 2008
21. UNCAC Self-Assessment Report 2010.



Annex B: Evaluation

UNDP APRC distributed an evaluation form to participants after the study tour. The results of the evaluation are summarized in Figure 17, based on the 19 responses received.

Rating the study tour components





Main lessons learned

MALDIVES:

- The workshop contents were very useful and relevant to the context of Maldives;
- It was good for networking and for understanding the context of corruption in Maldives;
- I really got a good feel for an approach that is appropriate to Maldives through the ACCs in Bhutan and Timor-Leste;
- It provided me with international experience in identifying and fighting against corruption;
- Bhutan has established a very practical system in which we see a great extent of political will from the Monarch, the Prime Minister as well as the Parliament in combating corruption;
- Good coordination among stakeholders like the Anti-corruption coalition in Bhutan through a National Anti-corruption Framework is vital in the fight against corruption;
- Systematic evaluation of corruption complaints we receive before proceeding with the investigation and establishment of a case management system would be very useful for Maldives ACC;
- Peer-learning and this exchange approach is very important for newly established anti-corruption agencies;
- The anti-corruption agencies, however independent they are, will be as effective or ineffective as the political leaders make them to be;
- A systematic channel of communication with all the government agencies and other constitutional bodies is crucial for the successful implementation of anti-corruption strategies.

TIMOR-LESTE:

- ACC Bhutan's achievement on prevention and the fight against corruption in the past five years can be attributed to strong political will, a unique culture and high moral of the citizen, and mandatory asset declaration;
- The Royal Auditor General's power to issue declarations to clear civil servants for jobs or training promotion is an effective tool in the fight against corruption;
- There is good coordination between the ACC and other relevant institutions on prevention and combating of corruption, such as the Public Prosecutor, the Courts, the Civil Servant Commission, and the Auditor General;
- The exchange program allowed me to get to know the case management procedures from 2 countries (Bhutan & Maldives);
- It was a good opportunity to learn from Bhutan & Maldives about their strategy and mechanisms to combat corruption;
- It is good to tighten friendship between 3 countries, to support each other for combating corruption;
- An anti-corruption institution can only meaningfully exercise its mandate if there is a relevant legislative framework regulating anti-corruptions practices;
- High standards of conduct of members of anti-corruption institutions along with effectiveness and strong leadership of these institutions have proven to be key ingredients to gain confidence of the public;
- Strong coordination mechanisms among state institutions involved in anti-corruption related matters (Commission, Prosecution Services, Police, Judiciary, etc.) have contributed to development of national/inter-agency anti-corruption frameworks which in turn have helped operationalize anti-corruption measures;



- The effectiveness of ACC Bhutan, despite its small size in tackling the issue of corruption;
- The importance of maintaining good relationships with other institutions without compromising the independence of ACC;
- The commitment of individuals that work in ACC, but also the challenge of maintaining staff with ACC for the longer term.

BHUTAN

- It reconfirmed the vitality of quality of leadership, both at the institutional and political levels in truly fighting corruption;
- It gave greater motivation to continue fighting – a sense of hope;
- It reconfirmed that how one seizes the opportunities to learn depends on what difference one wants to make back home & his/her commitment to curb corruption despite the overwhelming challenges;
- The exchange program made me reflect on our own organization and the hard work of my colleagues;
- The importance of the independence of Anti-Corruption Agencies;
- The ground realities and the problems faced by Anti-Corruption agencies in other countries;
- The importance of sharing ideas and learning from each other;
- The need for commitment and sacrifices;
- The difficulty of fighting corruption in a small society;
- The need for political will and commitment from leaders;
- Exchange visit is like a simple self-assessment tool to compare similar organizations through face to face exchange of views;
- Sharing experiences can either reconfirm your procedures or pose some questions, emphasizing the need to improve them;
- The study tour established trust among ACAs for future collaboration;
- Education and advocacy programs should be carried out rigorously for creating awareness on corruption issues;
- Sharing of experiences and information amongst other anti-corruption agencies helps in building one's confidence in the fight against corruption;
- No matter how small or inexperienced your agency is, if there is a will, you can make a difference; I really appreciated the delegates' high spirit, especially from Timor-Leste;
- Political support to anti-corruption agencies is very crucial in the fight against corruption;
- There is no such thing as one size fits all. We have to adapt the best practices to fit the diverse socio-cultural and economic setting;
- The fight against corruption must be a collective action and that anti-corruption agencies alone cannot win the fight against corruption without the goodwill support of the public in general;
- The group discussion has enhanced my knowledge on the common challenges faced by the agencies in a small society;
- Through the experiences shared by ACC-Maldives, I learnt that to be an effective anti-corruption agency an ACC should have autonomy in hiring and firing of the cadre;
- I learned that all the three agencies are focusing on the three-pronged strategy of fighting corruption;
- Success of ACCs efforts in every country also depends on the government's efforts in other areas such as increased transparency and efficiency in all service oriented sectors;
- Each of the three countries has several good practices in its operations (in preventing, investigating and creating awareness), which, with appropriate modifications can be adopted by other countries.



Main follow-up actions

MALDIVES:

- Try to arrange a meeting with stakeholders;
- Present lesson learned report from the exchange program to the Commission;
- Improve our Standard Operating Procedures;
- Establish a good case management system;
- Improve the capacity of our staff;
- Try to strengthen the anti-corruption NGO network.

TIMOR-LESTE:

- Create additional division in ACC in order to complete the existing structure;
- Establish SOPs for Asset Declaration for all staffs of CAC as well as work with government on how to extend the implementation of Asset Declaration for all members of government and public servants;
- Strengthen the cooperation with other State institutions in prevention through systematic and integrated action plans in preventing corruption;
- Maintain good relations with the participating countries;
- Keep in mind lessons learned which can be used to be more pro-active in daily tasks;
- Experience obtained during the discussion groups will be used to solve the challenges in the context of corruption prevention;
- Conduct investigation training for ACC staff;
- Conduct research training and how to write a good report;
- Collect some material to develop research tools;
- Support ACC Timor-Leste in finalizing its long term strategic plan;
- Assist ACC Timor-Leste in engaging with youth and primary/secondary school students in particular;
- Support ACC Timor-Leste in conducting the UNCAC self-assessment and support the ACC in following up on the recommendations of the upcoming UNCAC review;
- Develop a case management system to decide what case should be handled by ACC – Bhutan's experience is very interesting;
- Review ACC law to ensure guarantee on ACC's administrative and financial independence – ACC Maldives experience is interesting in this case;
- Instil 'strong values' for everyone that work in ACC through our code of ethics.

BHUTAN:

- Any requested support by either agencies, will be extended as much as possible within ACC Bhutan's own limitations and work demands;
- Share important good practices on a regular basis;
- Anyone should not hesitate to share anything that may be of value to all;
- Keep contact with core group of people;
- Develop strategies in building partnerships with the media and the private sectors;
- Share any new effective anti-corruption strategies that we adopt and would request similar exchange from other 2 agencies;
- Collaborate with ACC Maldives and Timor-Leste on coming up with strong advocacy programs;



- Work towards building an independent anti-corruption commission – to have the autonomy to hire and fire the officials;
- Integrity vetting during the recruitment of the staffs will be suggested to be implemented in my agency;
- As the youth organizations in Timor support the ACC, we would also encourage such organizations to fight corruption – as fighting corruption is not a sole responsibility of ACC

Future collaboration among ACCs

MALDIVES

- Facilitate the exchange of information and ideas about investigation and advocacy;
- Collect more information in the area surveillance, intelligence and advocacy;
- Develop an internship programme;
- Exchange knowledge, best practices, and materials;

TIMOR-LESTE

- We would love to send our staff from Timor-Leste to be placed in Bhutan for a reasonable period of time in order to learn more experiences from our colleagues in ACC Bhutan in the areas of investigation, prevention or education;
- In the area of research, we envisage collaboration to develop a perception of corruption/integrity survey;
- I envisage supporting ACC Timor-Leste in furthering its collaboration with Bhutan in the process of developing an anti-corruption communication strategy;
- An experience that could be relevant to replicate in Timor-Leste is the development of the Standard Cost Model which was used in Bhutan with the aim of maximizing service delivery;
- Explore ways and means to expose Timor-Leste ACC investigators to ACC Bhutan and other ACCs in the framework of possible short/medium or long term training programmes.

BHUTAN

- Collaboration would be interesting in the area of research, systems analysis, surveillance and intelligence, which not many agencies are willing to share;
- Similar ACAs by nature of mandates, size, set up, etc. must have a platform of their own;
- During international workshops, maybe such platforms can be organized in parallel or back to back;
- Collaboration with other ACCs is very important and beneficial as well in enriching our own experiences and knowledge on the corruption subject;
- We would like to focus on effective anti-corruption measures/strategies in public education and prevention areas through sharing of experiences with examples;
- ACC Bhutan anticipates having exchange programmes with the leading anti-corruption agencies in the region like CPIB, ICAC, etc, so as to incorporate their best practices;
- I do foresee much future collaboration with other anti-corruption agencies especially in terms of learning and sharing best practices. Specific areas of interest by other anti-corruption agencies would be on the following specific activities: national anti-corruption strategy framework, asset declaration (online and hard), and complaints management system.



Participants' experiences

MALDIVES

- Great presentations, great setting, and I left feeling inspired. Thanks for hosting this exchange programme;
- It has helped us reflect on our own system and organization;
- It has given a sense of hope and motivation for us to renew our commitment in fighting corruption;
- It was a wonderful program, a big thanks to UNDP, ACC Bhutan, and ACC Timor-Leste;
- I would suggest allocating more time for group discussions.

TIMOR-LESTE

- It was a privilege for me to attend this study tour. I admired the work of our colleagues in ACC Bhutan. There are many insightful lessons that I learnt from them and of course from our colleagues from Maldives;
- Exchange of experiences like this do not stop at the first stage – there needs to be follow up;
- Thanks to ACC Bhutan and all people in Bhutan for your hospitality;
- It has been a great opportunity to learn from each other;
- The real experiences are very inspiring for each other in this study tour. Of course, as the three countries experiences shows us, political will from the power holders is imperative for the success of the effort to combat corruption;
- It was a truly great study tour. Thanks UNDP for arranging everything and ACC Bhutan for everything.

BHUTAN

- It may have been useful and enriching to have one or two experts in some critical areas;
- It was fulfilling, both personally and professionally, to interact among all with complete trust;
- More of such exchange programmes should be coordinated in future for broadening horizons, capacity building, building confidence and work collaboratively to minimize corruption;
- Looking at the will of the anti-corruption commissions from Timor-Leste and Maldives did encourage us to work even harder to fight corruption in our country.





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