

International Conference on Principles for Anti-Corruption Agencies

Jakarta, Indonesia – 26 November 2012

Opening remarks

Your Excellencies, Distinguished Participants

It is a real pleasure for the United Nations Office on Drugs and Crime and for me personally to be able to work in partnership with the Indonesian Corruption Eradication Commission and UNDP to organize this International Conference on Principles for Anti-Corruption Agencies.

I don't think I need to convince anyone in this room of the importance of finding effective means to fight corruption, whose effects are so detrimental to the rule of law, the development of our countries, the fabric of our societies and the well-being of our fellow citizens.

The United Nations Convention against Corruption is the first global instrument designed to provide a comprehensive framework for States to prevent and combat corruption. Since its adoption in 2003, the Convention has been ratified at one of the fastest rates of any international treaty and it now has 164 States Parties. Many other countries have indicated their intention to ratify or accede to the Convention and we can hope that universal ratification is not far off.

The Convention creates a comprehensive framework covering prevention, criminalization and law enforcement, international cooperation and asset recovery. In order to be effective at the national level and have a real impact on fighting corruption, countries need to ensure that they have strong institutions that can put the obligations of the Convention into practice.

Two provisions of the Convention are particularly relevant for our work here.

- Article 6: Preventive Anti-Corruption Body or Bodies
 - This article requires States Parties to ensure the existence of a body or bodies with the responsibility to implement effective anti-corruption policies and to increase and disseminate knowledge about the prevention of corruption

- Article 36: Specialized law enforcement authorities
 - States Parties are required to ensure the existence of a body or persons specialized in combatting corruption through law enforcement

While the Convention leaves many of the decisions as to what type of arrangements or body to establish (whether it is one body or several, whether it combines the roles of prevention and of investigation, where this body or persons are to be located within national structures etc), there are a number of core requirements:

- Firstly, there must be some type of body that is responsible for prevention and for combatting corruption
- Secondly, this body or bodies must have “necessary independence” to be able to carry out their functions “without any due influence” from governments, politicians, or anyone else within the country
 - Defining what this means in practice is not easy and this is why it is so important that we have so many experts gathered here today to discuss this issue and to advance our understanding of what conditions and practices must exist to grant anti-corruption bodies this necessary independence
- Lastly, the bodies must also be given the resources, staff and training they need to be able to perform the important tasks they are given

In ratifying or acceding to the Convention, States Parties have committed to establish the legislation, institutions and policies needed to prevent and combat the corruption. The Conference of States Parties has gone further than any other UN crime convention and has established an Implementation Review Mechanism which requires States to submit to the review of their implementation of the Convention by two peer countries. The Review Mechanism is currently in the 3rd year of its operation and 157 countries are actively participating in the mechanism, either as reviewing States or as States under review themselves.

The first cycle of the review is focused on the implementation of Chapters 3 and 4 of the Convention. This means that we are starting to get a clearer picture of the implementation of article 36 on specialized law enforcement authorities.

- While almost all of the States reviewed thus far had established one or more bodies or specialized departments to combat corruption through law enforcement, often these were newly created and faced common challenges related to limited capacity and resources for implementation as well as competing priorities.
- A number of specific recommendations have been made in relation to resources, capacity-building and strengthening the independence of these bodies
- There were also some great examples of good practices

- [Recommendations were made in a number of cases to increase the staffing and the resources for capacity-building and training of the agencies and to improve the presence of these authorities in regions and provinces
- Many were also recommended to improve inter-agency coordination on corruption cases
- There were also a number of recommendations in relation to strengthening the independence of the specialized agency
 - in two cases, corruption investigations against public officials required the prior authorization of the government or prosecutor's office.
 - There were concerns over the appointment of officials in the agencies
 - In another state, there were concerns that staff members of the agency were not independent as they were not subject to any conflict of interest regime
- There were also some concerns expressed relating to the performance of the specialized authorities
 - Selectiveness in deciding which cases to pursue
 - Low number of investigations and prosecutions in relation to the number of complaints filed
 - Lack of statistical data
- There were, of course, also some great examples of good practices
 - Both in terms of the concrete impact of the agency on corruption through its effective investigations and prosecutions
 - Institutional arrangements to guarantee independence]

The Chapter on Preventive Measures, and thus Article 6, will be reviewed under the Review Mechanism starting in 2015. In the meantime, the Working Group on Prevention will continue to address the provisions in Chapter 2 in order to share knowledge and good practices and to identify existing gaps. The Working Group will be specifically looking at the implementation of article 6 in 2014.

UNODC, with partners such as UNDP, is working to help States to effectively implement the Convention. All of the materials and good practices I've discussed and a number of other tools and resources are available on our website. We also work directly with countries to conduct assessments of the strengths and weaknesses in implementing the Convention – in terms of legislative framework, but also institutions, policies and practices.

This Conference brings together leading experts on anti-corruption agencies from around the world. I can think of no better way to consider the development of the tools and good practices that States need in order to ensure that anti-corruption agencies can fulfil their

mandates to effectively and efficiently prevent and combat corruption. This gathering of experts, and the substantive conclusions that we reach, should be understood to be the first step in a process that could lead to the adoption of principles for anti-corruption agencies.

I would like to take this opportunity to thank our colleagues at KPK and UNDP for their efforts in organizing this meeting and for inviting UNODC to support this important work.