

GROUP 3

PREVENTIVE MEASURES AGAINST CORRUPTION IN COOPERATION WITH CIVIL SOCIETY AND THE PRIVATE SECTOR

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I. INTRODUCTION

The problem with corruption is not simple and cannot be focused just on repression. In truth, it must be acknowledged that there is no more effective method of combating corruption than a collective and diversified compromise, encompassing a number of preventive, repressive, and reparatory measures since “prevention is better than cure”.

The discussion of the Group Workshop — inspired by the model developed by professor Roy Godson (“Culture of Lawfulness”), as well as the Hong Kong preventive system — led to the following report.

II. ISSUES AND CHALLENGES

A. Preventive Measures Related to the General Public

1. Education Focused on the Specific Public (“Target-Oriented Strategy”)

The main issue is the lack of general awareness of the importance of combating corruption. Without this general awareness, despite all the efforts, the repressive measures alone will not achieve success. In this way, education is one of the most effective tools to raise public awareness and to change culture to fight against corruption. For effective programmes, we need to focus on different targets such as young people (kindergarten, primary, secondary and tertiary school), teachers, community leaders, companies and the general public.

2. Communication

The challenge to engage all society in the fight against corruption requires the development of the general awareness of the importance of public resources. In the rural area, the challenge is bigger, because people do not have access to more developed ways of communication, such as Internet or mobile phones, besides the language limitation.

3. Advisory Activities to the Private Sector (“Partnership Strategy”)

Another challenge to be faced is the lack of knowledge of corruption in the private sector. In this way, the government could help the private sector to review internal procedures and develop best practices to avoid corruption.

B. Preventive Measures Related to Law Enforcement Agents

1. Codes of Conduct, Compliance and Integrity Programmes

A challenge that must be faced is that some of the nations do not have specific codes of conduct or, at least, general ones. The same problem is observed with the compliance and integrity programmes.

Furthermore, a bigger challenge to be faced is the execution of these codes and integrity programmes.

2. Asset Declaration, Declaration of Gifts Policies and Other Transparency Measures

The lack of transparency is a huge challenge to avoid corruption. The publication of information contributes to social control. Therefore, transparency measures should be encouraged. In the same way, the acceptance of gifts or other favours should be controlled, avoiding external influence in the public matters.

3. Prevention Advice and Assignment Studies

Most of the public agencies focus only on their specific issues, forgetting to review the internal procedures and allowing space for corruption. An external agency responsible for reviewing the internal procedures can help to develop best practices.

4. Education and Training for Relevant Agencies

A huge challenge to executing any anti-corruption policy is the engagement of public officers. In fact, only with the ownership of all public officers is it possible to create a strong net to combat corruption. Therefore, education and training for relevant agencies is indispensable to create this ownership.

III. BEST PRACTICES

A. Preventive Measures Related to the General Public

1. Education Focused on the Specific Public (“Target-Oriented Strategy”)

After analysing the Hong Kong experience, the group understood that the best practice is investing in education, especially with a target-oriented strategy that focuses on different segments of the public with different suitable education methods.

There are many ways to develop a target-oriented strategy: spreading knowledge through books, guidelines and cartoons, as well as dramas, series and so on. Ethics classes and law enforcement agencies activities (mock trial, simulation of investigations, etc...) also can be used in this strategy.

2. Communication

For the purpose of engaging the public in combating corruption, all the mass communication media should be used, such as television (soap operas, series, drama, cartoons, etc...), radio, advertisement, social media, Internet campaigns. In rural areas, the communication should also be target oriented, especially to opinion formers such as moral authorities, community leaders, volunteers, among others.

3. Advisory Activities in the Private Sector (“Partnership Strategy”)

Another best practice was noticed in Hong Kong’s strategy called the “Partnership Strategy”, which is a government review based on the internal procedures of private-sector companies to avoid corruption. The corruption agencies can help companies to develop their own compliance or integrity programmes. This is called advisory activities in the private sector (“Partnership Strategy”).

B. Preventive Measures Related to Law Enforcement Agents

1. Codes of Conduct, Compliance and Integrity Programmes

All nations should create general and specific codes of conduct, as well as compliance and integrity programmes for the public institutions. The observation of these codes and integrity programmes will depend also on the “ownership” by public officers. In Japan, some of the public servants need to take, at least, one lecture per year, in a continuous integrity programme training. In addition, it is suggested that the institutions create specific sectors to follow the application of the integrity programmes.

2. Asset Declaration, Declaration of Gifts Policies and Other Transparency Measures

Transparency measures should be encouraged, as transparency is required to strengthen social control. In this way, asset declaration is a good practice that should be implemented in every country. In the same way, the acceptance of gifts or other favours should be controlled, avoiding external influence in public matters or in the performance of the duties or judgement. In Japan, every officer that receives any gift over ¥5,000 is obligated to report it to the human resources department.

3. Prevention Advice and Assignment Studies

The Hong Kong experience shows the advantages of an external public agency responsible for reviewing the internal procedures of other agencies, which should be replicated.

4. Education and Training for Relevant Agencies

Education and the continuous training are the keys to developing awareness and ownership among all public officers about the importance of combating corruption. These good practices have been adopted in some institutions in Japan.

IV. CONCLUSION

It is unanimously decided that preventive measures elaborated in the instant Report of Group 3, may be applied as tools to guide the efforts against corruption, and every participant within his or her authority will encourage his or her respective government to establish mechanisms to implement the preventive measures against corruption through the general public and law enforcement agencies.

V. RECOMMENDATIONS

1- Preventive measures against corruption by educating the people of society including politicians, students, teachers, and the general public through different ways and means of communication, involvement of religious leaders, community authorities and to establish partnership strategies with the government and private companies.

2- Preventive measures against corruption by the adoption of a code of conduct for public officials to declare the assets and to declare the gifts and to prevent them from the abuse of authority. It is also an important to involve officials in ethical practices, integrity programmes and continuous education programmes for law enforcement agents. External public agencies should review the internal procedures of other agencies.

3- Participants of the group unanimously agreed that ties are well established between corruption and other crime, particularly the organized crime of terrorism and economic crime. Since corruption is crossing national borders and is now affecting all societies, thus, international cooperation, in view of “the International code of conduct for public officials”, is very essential for prevention and control of corruption.

In furtherance of the above, “the International code of conduct for public officials” may be adopted, until, the respective governments initiate their own legislative instrument, to insure the aforesaid preventive measures including the execution of law.

Finally, Group 3 recommends that by taking advantage of the present forum, each country should join hands together by establishing international cooperation through the coordination of UNAFEI and the UNODC, to achieve the basic motive of corruptionless societies.