

**Proceeding Report of the TI South Asia Sub-Regional Meeting
Kathmandu, Nepal
September 21-22, 2006**

Day One

Session 1: Inauguration

Dr. Harka Gurung, President of Transparency International Nepal (TIN) opened the meeting by welcoming the ongoing peace process in Nepal. He pointed out that anti-corruption efforts in Nepal were disrupted due to the Royal takeover of February 1, 2005. The National Integrity System (NIS) did not remain workable with out a democratic government. Recently however the political parties have come back into power and peace negotiations with the Communist Party of Nepal (Maoist) are underway. He stated that due to the political changes in 2005, TI Nepal had to modify its strategy and shifted the focus to governance, advocacy, research, training, publication, sensitization and network consolidation.

In his conclusion Dr. Gurung pointed out that anti-corruption efforts are slowly building up again. After 10 years of the establishment of TI Nepal, it is not the sole voice anymore demanding control of corruption. He observed that this has increased the pressure on the State for reform with the result that State actors as well as Donors are now more willing to be engaged in supporting anti-corruption initiations of civil society.

Rt. Hon. Surya Nath Upadhaya, Chief Commissioner of the CIAA (Commission for the Investigation of the Abuse of Authority) shared some of the CIAA's experiences in the difficult fight of corruption. He described CIAA as a unique body that is independent, autonomous and enjoys constitutional status. It has comprehensive powers of investigation and prosecutions. However, many times excellent laws remain in the books and never get implemented. The chief commissioner emphasized that any participants in anti-corruption efforts need to have the strong backing of the media, awareness among the people, and a strong alliance of governmental and non-governmental institutions. According to him the CIAA believes it cannot succeed without citizen's support and participation. The Chief Commissioner applauded SA regional activities to raise public awareness and alert governments to corruption issues.

Rt. Hon. Subash Nembang, Speaker of the House of Representatives, Nepal addressed the role of parliament in combating corruption. He mentioned a number of bills passed in 2002 by the Nepal parliament:

- A second amendment to the CIAA bill that rendered the CIAA with sweeping powers.
- A new Prevention of Corruption Act
- "Act to establish a Special Court" (to deal with corruption related cases).
- A bill that calls for transparency of funds of the political parties and the maintenance of an income and expenditure account.
- A Judicial Property Investigation Committee to investigate the illegally accumulated properties of those occupying high public positions.

In 2003 Nepal signed the “United Nations Convention against Corruption” UNCAC, however, it is still awaiting ratification.

Mr. Nembang observed that corruption does not only affect the citizenry but also causes lower economic growth. Corruption can only be addressed effectively in the presence of a political environment that is committed to guarantee good governance and contain corrupt behaviour. However, the enactment of legal instruments and empowerment of anti-corruption bodies are only the means and not an end. Endeavors to curb corruption require a coordinated and concerted effort. It is necessary to educate the people at large and get their active involvement and participation.

The 4th speaker was **Dr. Devendra Raj Panday**, member of the Advisory Council of TI and a leading guide of the Civil Society movement for the restoration of democracy in Nepal, who was able to hold the vision of what is possible in Nepal even when the political situation left little hope.

Dr. Panday outlined some of the pros and cons inherent in a democratic system. He then raised the following questions for each participant to further discuss and explore.

1. What are the factors in a democracy that bear on the capacity of the state to pursue fair and increasingly corruption-free governance?
2. Are there factors and other relations in a typical authoritarian regime that may make the regime appear orderly, but also make governance transparent and accountable to the people?
3. Is it easier to implement anti-corruption measures in an authoritarian regime than in a democracy? If yes, for what reasons?
4. Can democracy be sacrificed for the purpose of controlling corruption? Is such approach institutionally viable and sustainable?

He also raised the issue of impunity and requested research on the critical issue that the culture and climate of impunity rule regardless of the political system.

For the closing of the inaugural session TI-S Regional Director **Mr. Pascal Fabie** emphasized the importance of annual reviews of anti-corruption work in the region to strengthen the Transparency International network.

Session 2: National Chapters report on Impact and Visibility

India

Dr. S.K. Agrawal reported that several studies were done during the last year on the specifics of corruption in India.

Several studies were published by TII in book form. Other activities were regional workshops on improving governance, a nation wide campaign to widen awareness of the Right to Information Act, trainings for TI delegates, promotion of the Integrity Pact (TP) with the result that it was mentioned in India’s Defense Procurement Policy for 2006. They also found that honouring individuals for their contribution to Anti-Corruption effort was very helpful.

Sri Lanka

Ms. Gareesha Peiris highlighted how the Tsunami response is being used to involve the public in monitoring six selected Tsunami reconstruction programmes. The objective is to ensure proper and sole

utilization of aid money for Tsunami reconstruction. Another project was an in-depth analysis into corruption within the Department of Police. After initial substantial resistance of the Police Department to become engaged with TI Sri Lanka, TIS managed to get their co-operation and support, by using a non-judgemental approach. Furthermore, TI Sri Lanka developed a curriculum manual to be used by various segments to cultivate anti-corruption culture in society. Last but not the least, TI Sri Lanka continued to intervene on the political level with letters and press releases.

Bangladesh

Dr. Iftekhar Zaman reported that TI Bangladesh focused on creating a demand at the civic level for transparency, accountability and good governance for which political will without fear or favor is indispensable. The main thrust of the Making Waves project under which TI-Bangladesh various activities are being implemented is geared to institutional change and policy reforms so that the key institutions of the national integrity system can play their due role effectively. At least 25 diagnostic studies on such institutions and related bodies are at hand. In addition there are several other categories of research such as Parliament Watch, Court Watch, and Corruption Database for measuring corruption and generating data for public information and awareness and at the same time as inputs for various kinds of advocacy tools.

TIB has also created a network of local level watchdog bodies known as Committees for Concerned Citizens (CCCs) consisting of highly credible and locally acceptable citizens who work on fully voluntary basis for creating awareness at the local level and for undertaking various action-oriented activities. 36 such CCCs are currently at work, which undertake Report Card Surveys on key public service delivery institutions such as health, education, local government, local administration etc., on the basis of findings of which they conduct communication and advocacy work with the concerned authorities in order bring changes in the content and quality of service provided to the people. In such public awareness and participation campaign they also engage public officials. From a realization that lack of information is one of the main reasons why people become victims of corruption, the CCCs have also set up Advice and Information Desks.

TI Bangladesh also views the youth as agents of change who are sensitized in many ways such as street theater and other cultural activities, debates, essay competitions, cartoon competitions, etc. Building constituencies with the Government has so far been difficult, a challenge that the Chapter is working hard to overcome. The media has been a useful partner. As a result of TIBs efforts corruption has become a major national issue. In the context of the forthcoming national elections, for example, Clean Candidates has become the thrust of campaign and advocacy by nearly every civil society organization, media and professional groups as well as political parties themselves.

Pakistan

Mr. Saad Rashid reported on 2 programmes TI Pakistan focused on:

- 1) The awareness programme targeted youth, children and the general public. Youth and children were reached through the schools with competitions, clubs, workshops, websites etc. This will culminate in a National Youth Conference where the representatives from all regions of Pakistan will pledge to join forces against corruption. The general public was engaged through a specially written TV play and the establishment of “Complaint Centers” in several towns.
- 2) The second programme was focused on the transparent procurement in the government. TI Pakistan, TI Malaysia and TI Indonesia worked together on preventing corruption in public

contracting in local governments. It included assessments of needs and capacities, training workshops and networking with other civil society organizations and local governments

Nepal

Dr. Leela Pathak acknowledged the intense difficulties TI Nepal encountered during the last year. Corruption was a not a priority agenda of Government and Donors. TI Nepal focused on four areas:

- ❖ Advocacy for governance reform
- ❖ Public sensitization
- ❖ Policy research
- ❖ Network strengthening

TIN organized interaction programmes with policy makers and other stakeholders on a variety of issues with the use of theme papers.

In order to mobilize the public against corruption TIN released 11 press notes, used radio stations to frequently broadcast anti- corruption messages, published 3 books and awarded fellowships to journalists to conduct 10 different investigative studies. TIN also conducted research on media reporting on corruption-issues and evaluated service delivery problems in some districts. Training was imparted to anti-corruption activists from different parts of the country to strengthen anti corruption network.

TIN worked closely with a new donor SEIAC (Sustainability and Empowerment Initiative against Corruption) to strengthen TIN's support groups activities. In addition, a review of its decade-long anti-corruption campaign has led TIN to frame a futuristic plan targeting political, social, economical and institutional reforms.

The following dialogue between the participants focused on clarifying specifics about the “complaint Centers” in Pakistan and the “Making Waves Project” in Bangladesh. It was noted that the different countries had several similar programs and focus points in addition to the ones unique to each.

Session 3: Chapter Issues

Due to time restraints the Chair Pascal Fabie asked the participants to focus their reports on the opportunities only.

The following countries identified as opportunities:

Nepal:

1. Possible influence in the building of a new constitution
2. Increase awareness in the country and to reach out to all parts of society not just the elite.
3. Promote volunteerism in Nepal
4. Policy Interactions.
5. Political sector interventions.

Bangladesh:

1. A highly supportive media

2. Demand for measures by the people
3. Centralization of decision making is an opportunity to access information, but also a threat.
4. To reach out and involve all parts of society.

Sri Lanka:

1. Focusing on their strategy plan
2. Other organizations are approaching TI Sri Lanka to use their developed programmes and measures, which creates an opportunity for co funding.
3. To represent TI as a “Think Tank” as well as a “Grassroots organization”.

Pakistan:

1. Awareness program for children and youth drew overwhelming interest which can be expanded and build upon.
2. To open “complaint centers” in more towns.
3. To monitor the implementation of Integrity Pact in Public Procurement.

India:

1. Do rural studies
2. Use more and more TV channels
3. Utilize schools more to educate and engage the youth.
4. E-governance

It was suggested that countries also address their shortcomings in order to create more opportunities in the future.

Session 4: Regional Issues

1. UNCAC

The first speaker **Mr. Kedar Poudyal**, Joint Secretary of Ministry of Law addressed Nepal’s relationship to UNCAC (United Nation’s Convention against Corruption). The government of Nepal has signed the convention. A task force has been formed that includes various parts of the government. It is now working on revising the old laws and drafting new national anti corruption policies. Once all the mandatory obligations that are inherent to UNCAC have been fulfilled, Mr Poudyal stated the convention will be ratified by the parliament. Since of the 15 countries present 4 have signed the convention, but only 1 has ratified it and none have implemented it, the chair asked for suggestions how the participants at this conference can pick up these matters in their own country. Mr. Poudyal explained that the convention is very comprehensive and has many obligations for the countries. Each government’s job is to transfer the principles of the convention into the country’s own mechanisms. TI contributed significantly to finalize the convention and is therefore in a good position to help sensitize the private sectors and government officials to the issues at hand. Additionally he pointed out that the convention provides for a process- albeit a difficult one- for the countries to recover monies laundered internationally, which should be of interest to citizens as well as governments. Some of the mandatory obligations to countries are:

- ❖ The country needs to have very comprehensive anti- corruption policies and strategies

- ❖ Civil society needs to be included
- ❖ Corruption should be criminalized and punished
- ❖ It should have provision for international relations, e.g. extraditions, mutual legal co-operation etc.

2. Corruption Measurement

The second speaker DANIDA Advisor, **Dr. Narayan Manandhar** addressed the issues involved with corruption measurement. He illustrated what makes corruption difficult to measure. The actual experience vs perception of corruption is often different. Some corruption indexes may go down in frequency but due to the increased risk the amounts, of for example bribes, actually increase. The World Bank is beginning to support the idea that corruption can be measured objectively, because of the ability today to collect data from many more areas. For greater reliability corruption experience needs measurement as well.

3. Donor Policies

The third subject for consideration was Donor policies against corruption. Appreciating Donor support towards anti- corruption causes in the region, the meeting agreed upon the need to make Donor policies and support more transparent and less influencing.

Teleconference

Ms. Gillian Dell, Programme Manager of TI, Berlin, Germany participated via teleconference. The question posed to her was: What can local chapters do between now and December 10th 2006, when the first session of the UNCAC conference of States Parties will take place near Amman, Jordan. Ms. Dell emphasized that a key TI objective is to persuade participating governments ahead of time to support the introduction of an effective monitoring system. This is encouraged, even if they have not yet ratified the convention. Due to the great diversity of UNCAC members an initial compromise was established, which requires countries to report on their implementing, but no monitoring body was set up for it. Proposals and existing systems have been reviewed. TI emphasizes that chapters encourage 6 important features for governments to include in their country specific monitoring mechanisms:

1. Strong secretariat with adequate and dependable funding.
2. Transparency of process and involvement of civil society.
3. Variety of methods and fora should be used.
4. Technical assistance for countries requiring it.
5. First phase of self assessment, followed by technical assistance and review processes
6. Co ordination with other monitoring programmes.

The participants received sample letters to the governments. Ms. Dell also suggested that each government include civic participation in their delegation at the upcoming conference.

A coalition of CSO's (Civil Society Organisations) provisionally named the CSO Friends of the UNCAC group, have been very active in promoting the TI Proposals for monitoring.

Day Two

First in the morning the conference participants had the honor of the meeting the Nepalese Prime Minister **Girija Prasad Koirala**. TI delegates requested the Prime Minister to initiate steps to ratify UNCAC at the earliest.

Session 5: Regional Issues

The participants identified 2 issues of highest concern to most:

1. Right to Information
2. Formation of and relationship with CCCs

Two discussion groups were formed which identified the following recommendations:

1. The Central Information Commission (CIC) created an act that is powerful tool. However, people are not aware of it and there is substantial governmental and bureaucratic resistance to it. TI chapters could benefit from contacting TI India, who had been involved in formulating this act and promoting awareness of it. They would be able to give solid advice.
2. Bangladesh was used as an example for how other TI chapters could form CCCs. A general process was identified as well as challenges. Among others it is important to clarify commitments and expectations the CCC has towards TI and vice versa.

Session 6: Global Issues

Mr. Pascal Fabie introduced himself and identified organizational development and private sector work as the strengths he brings to TI.

After various announcements the Asia Pacific Department (APD) presented its agenda and priorities for 2007.

- ❖ High priorities are: Public Contracting, Private Sector, Measuring Corruption and Anti-Corruption Progress; Corruption & Forestry.
- ❖ Medium priorities are: Convention, Corruption & the Judiciary, Corruption & Poverty and Development (including Water).
- ❖ Low priorities are: Political Corruption, Corruption & Health, and Education.

Mr. Fabie specified what kind of response APD can give to each priority and emphasized that these priorities are according to strategic, practical, not ideological, considerations.

In addition pro-active efforts will be focused on supporting the emergence of chapters in China and Vietnam. APD informed that CSD in Cambodia will no longer be a Chapter-in-Formation due to their unresponsiveness to TI's governance requirement for the last 5 years.

Conference participants questioned APD's priorities and their relatedness to their own chapters as well as whether donors' priorities should be allowed to drive APD's.

Mr. Fabie responded that the diverse needs of 20 NC across four sub-regions in Asia Pacific, a focus on anti-corruption projects with a clear transnational (regional) nature, TI's strategic plan, and a drive for effectiveness in the use of resources were drivers of APD's prioritization of work in 2007, and in no case donors' priorities.

Session 7: Regional Issues

Mr. Fabie presented the idea for an Asia Pacific Learning Programme which potentially could increase TI's visibility, impact and professionalism. It was well received by the participants.

Session 8

TI 2010: Shaping our strategic agenda for the next 4 years.

TI 2010 is a process that seeks to identify what everybody wants to achieve together. "Everybody" is anyone who believes in the necessity of changing corruption, not just TI. Ideas will be collected on many levels through a variety of means. The expected outcome is an understanding of the future TI wants to create.

The following question was posed to each chapter to be discussed and reported back on to TI:
"In the fight for a corruption free world what signs of success would you hope to see achieved by 2010?"

Closing

A summary of the conclusion of this meeting will be prepared and send to each attending TI chapter for review.

**Conclusion of the 6th Annual Transparency International South Asia Sub-Regional Meeting,
Kathmandu, September 21-22, 2006**

The participating representatives of TI Chapters in Bangladesh, India, Nepal, Sri Lanka and Pakistan expressed strong commitment to continue working towards reducing corruption on all levels in their respective countries.

The following points represent the conclusion of the meeting:-

1. The meeting welcomed the on-going Peace process in the host country Nepal.
2. The meeting strongly emphasized the importance of annual review of anti-corruption work in the region to strengthen the Transparency International network.
3. Participants agreed on the importance of engaging governmental anti-corruption agencies to work with civil society. Their support and solidarity gives TI's effort greater credibility and visibility in the region.
4. Participants discussed the status of National Integrity System in each of the South Asian countries agreed that a democratic political system is a prerequisite to a strong NIS.
5. Voluntary Citizens' Committees or Support Groups were identified as the main area of interest of the South Asian Countries for corruption control. Right to information was another area of interest identified by the Chapters at the meeting. Two recommendations were identified:
 - Bangladesh's model of Voluntary Citizens' Committees is a rich example for other TI chapters to learn from.
 - The Information Act of India was identified as a powerful tool to make bureaucracy more responsive. It was recommended TI chapters could benefit from contacting the chapter in India which had been involved with formulating the act and promoting awareness of it.
6. Participants saw the following as opportunities to strengthen anti-corruption efforts:
 - To reach out to all different people in a society not just the privileged
 - To engage the youth
 - The creation of complaint centers
 - Turn shortcomings into opportunities
 - Media
 - Co-funding with other sympathetic organization
 - Possible influence in a new construction
7. Appreciating Donor support towards anti-corruption causes in the region, the meeting agreed upon the need to make donor policies and support more transparent and less influencing.
8. The importance of UNCAC to TI's effort and the need of work to facilitate its ratification were highlighted. TI chapters are to initiate work in India, Bangladesh, Nepal and Pakistan on this.
9. Country specific projects on corruption control in each country using various methods and best practices shared was discussed.

10. Participants agreed that objective corruption measurements are difficult to obtain. The actual experience vs. perception of corruption is often different. For greater reliability, corruption 'experience' needs measurement.
11. The Asia-Pacific Department (APD) of TI clarified its strategies for 2007. They identified high, medium and low priorities for their department and how they would work with each. Participants examined the choice and relatedness of the APD priorities to their chapters.
12. The Asia Pacific Learning Programme was presented by TI-s as an idea for consideration. The participants expressed support and interest to learn more about the program at the Regional Meeting in Guatemala.