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New Anti-Corruption Governments:
The Challenge of Delivery
Nairobi, 12 - 13 October 2004

WORKING GROUPS ON DESIGNING A STRATEGY & DEALING WITH THE PAST RECOMMENDATIONS

Working Group 1: Planning for Change

Chair: Miklos Marschall

Recommendations:

1. Waiting political parties should prepare adequately for the transition before they take office.
2. Transition governments need to have a plan and a coordinated approach for anti-corruption reform. This plan needs to include timetable, responsibilities and a communication strategy.
3. There is a great need to map out the reformers and non-reformers before the reforms are implemented. Strategies to secure the support of senior bureaucrats and to defeat the anti-reformers can be easily developed if mapping is well done.
4. Before implementing reform, transition governments must invest in good diagnosis in order to set benchmarks, identify the potentials for quick wins.
5. A-C reform should be part of a comprehensive broad socio-economic reform programme.

Procurement

6. Government needs to develop a clear plan for procurement reform and it should be framed in terms of service delivery.

Working Group 2: Quick Wins versus Long-term Planning

Chair: Alfred Chanda

Recommendations:

1. Anti-corruption reform must be a high priority and well-managed.
2. Reform needs to have a clear agenda, priorities and sequencing.
3. The government should form a highly professional team that is able to develop and pursue anti-corruption changes.
4. Anti-corruption reforms should be carried out simultaneously within all strategic institutions in order to ensure that anti-reform groups do not utilize

5. Reform plans shouldn't aim at tackling every single issue at once; focus on actions that generate results to be perceived by the public (not only by the media). Such actions could include the improvement of public services.
6. Before implementing reform, invest in good diagnosis in order to set benchmarks and identify the potentials for quick wins.
7. Be careful with quick wins so that they don't turn into quick losses; before implementing think about the consequences and implications of every reform step. When planning for quick wins, bear in mind consequences, even unintended, resources need and public expectations that are raised. Avoid making announcements before you act.
8. Reform measures should be consistently applied without exceptions for special cases in order to avoid an appearance of arbitrariness.
9. The new government should build alliances and coalitions only with reform parties never with status quo parties.
10. Freedom of information legislation should be quickly passed if not already in place.
11. The issue of government officials' salaries is one that the government needs to focus on and to be aware that if the salaries are increased above market level, it is possible that new corrupt elements will appear (selling off of positions).

Procurement

12. Procurement reforms conducted through administrative reforms must be conducted swiftly, while legislative reforms are being discussed.
13. Governments should take into account the impact of access to information and party finance in relation to procurement.

Elections and party finance

14. Sequence of legal reforms should follow this order. Constitutional guarantees for civil and political rights, development of electoral law, enactment of law on political finance and political parties together.

Building integrity in police and judiciary

15. Focus on quick wins should include providing access to information to generate trust, an effective complaints system and firm administrative action against those suspected.
16. One of the least expensive reform measures is access to information, which should be the underlying principle of reforms in police and judiciary.

Working Group 3: Mobilising Public Support

Chair: Ana Townsend

Recommendations:

1. Leadership from the top by example is essential.
2. Public enlightenment as to the evils of corruption and the penalties should be intensified at all levels of governance.
3. Reformers should build broad coalitions across all sectors of society to ensure

that reformers are not isolated.

4. In a transition situation an explicit connection has to be made between dealing with the past and the new efforts to fight corruption.
5. New governments have to prove their commitment to anti-corruption as a basis for coalition building. Building coalitions is essential but should not happen as a top-down process.
6. The cost of corruption must be made clear to the general public. It must be shown how corruption relates/affects the real lives of people.

Procurement

7. Government needs to communicate to the public the reasons for its procurement reform and facilitate public participation.
8. Maximum disclosure on all procurement is required as this builds public support. Mechanisms could include budget transparency, e-procurement.

Building integrity in police and judiciary

9. As the most visible arm of government, police reform is an important avenue for impacting on public opinion positively.

Building integrity tax, customs, budgeting and audit

10. For citizens to comply fully with tax reform, value for money is important.

Working Group 4: Dealing with Resistance and Counter-reform

Chair: Haroun Ndubi

Recommendations:

1. Anti-corruption reforms should be carried out simultaneously within all strategic institutions in order to ensure that anti-reform groups do not utilize the short time available to identify strategies to defeat the reforms.
2. Reformers should build broad coalitions across all sectors of society to ensure that reformers are not isolated.
3. Single champion reformers are insufficient to sustain reforms and require critical mass.
4. To counter opponents, merit based appointments and transparent recruitment of public servants and police have to be introduced, the judiciary has to be cleaned up, and the constitutional and law systems have to be reviewed in order to avoid that old networks will use flawed systems for their purposes. Prosecute big corruptors to send clear message.

Working Group 5: Dealing with the Past

Chair: Harry Hardjapamekas

Recommendations:

1. Each country must deal with the past on the basis of using and applying universal principles. The extent to which you have unique solutions should not in any way contradict the universal solutions.

2. The different nature of various transitions needs to be taken into account. Often, the transfer of power means that certain elites cannot be prosecuted immediately.
3. When addressing crimes from the past it is necessary to be careful that this does not undermine forward-looking reform efforts.
4. The government should involve Parliament in determining the parameters of efforts to address past crimes in order to defuse tensions and claims that there is a hidden agenda.
5. Politicians should not be involved or seen to be involved in investigations of corruption and deciding who should be prosecuted.
6. Corrupt individuals no matter how highly placed should be exposed, prosecuted and if found guilty jailed and ostracized and their illegally acquired property confiscated to serve as a deterrence to those intending to engage in corrupt practices.
7. Leaders have to cut ties and access of members of old corrupt political parties to participate in an anti-corruption government.
8. Drastic change is needed in civil servants leadership all the way down the ladder.
9. A monitoring unit should be established in the Presidency to monitor all cases under investigations by the anti-corruption agencies.
10. The results of public probes should be released to the public as soon as concluded.
11. It has to be taken into account that dealing with the past is often influenced by adversary external forces and factors (against prosecutions and asset recovery).
12. Serious economic crimes should not be resolved by mediation.

Procurement

13. Since pre-election periods are particularly vulnerable to questionable procurement processes, it becomes absolutely necessary to review procurement and contracts concluded before and after this period.
14. As a part of a system of incentives and punishments, governments should adopt blacklisting of corporations that participated in corrupt procurement.
15. Asset recovery and prosecution should be pragmatic according to the circumstances. The essential principle must not be to reward impunity. Plea

bargaining to arrive at judicial settlements and civil action should be rewarded.

16. Forensic investigative, intelligence and asset recovery units should be established.