

行政院所屬各機關因公出國人員出國報告書
(出國類別：會議)

參加第十一屆國際反貪污會議報告

	服務機關	職務	姓名
出國人	法務部政風司 法務部檢察司	調部辦事檢察官 調部辦事檢察官	汪南均 周懷廉

出國地點：韓國漢城
出國日期：九十二年五月二十四日至三十日
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壹、前言

第十一屆國際反貪污會議（11thInternational Anti- Corruption Conference, XI IACC）於二〇〇三年五月二十五日在韓國首都漢城市揭幕，進行為期四天的議程（五月二十五日至二十八日）。筆者二人承蒙部長、次長、檢察司、政風司等各級長官之支持，藉職務關係的機會，有幸參與盛會，受益匪淺。

本屆係由韓國法務部（the Ministry of Justice, Republic of Korea）負責籌備，國際反貪污會議委員會（IACC Council）、國際透明組織¹（Transparency International, TI）及國際透明組織韓國分會（Transparency International-Korea）共同協辦。

由於「貪污（corruption）」是一項歷史久遠、屬於全球性問題、遍佈各階層等級的政治社會病態行為，故自 1993 年成立的國際透明組織，乃希望藉由國際社會的集體力量，結合來自政府、企業、與社會正直廉潔人士，透過其在世界各國的分會²，激發帶動各國民間社會的反貪腐能量，經由各種研究及策略，如：召開國際性會議³，共同研討如何促進政治透明並提供國際經驗交流之管道，以激起國際社會對反貪腐議題的關注；積極在世界各國尋求志同道合伙伴，成立民間分會，共同出錢出力，建立反貪腐聯盟；蒐集並建立有關貪腐議題的資料庫、網站，編印「全球貪污報告」（Global Corruption Report, GCR, 2001），「國際透明組織相關研究資料彙編」（TI Source Book, 2000）⁴，將世界各國具體可行的反貪腐方案與

¹ 國際透明組織（Transparency International, TI），是國際上唯一專門致力於抑制貪污腐敗的國際性非政府組織（NGO），於 1993 年由前任世界銀行總裁德國籍彼得·艾根（Peter Eigen）創立，試圖結合民間社會、公司企業與政府機關組成的強大聯盟，從行賄、收賄大方向來打擊貪腐，藉由國際社會的集體力量，激發帶動各國民間社會的反貪腐能量，共同為提昇政府公信力、建立「更廉潔」的地球努力。其主要工作不是針對單一特定貪腐事件進行報導與查訪，而是著眼於國家及國際間抑制貪腐工具的建立，並推動各種反貪腐機制的建立與政策的改革。該組織目前主要的五大工作重點有 1. 激起社會關注（Raising Awareness）2. 建立反腐聯盟（Building Coalitions）3. 開發反貪工具（Developing Tools）4. 設定廉潔標準（Setting Standards）5. 監測貪腐活動（Monitoring）。

² 自 1993 年以來，國際透明組織（Transparency International, TI）已經在世界上 80 餘個國家成立了分會（National Chapters），我國民間亦於 2002.8 宣佈成立台灣透明組織，成為國際透明組織在全球的第 87 個分會。

³ 國際透明組織每年選定一會員國召開年會（Annual General Meeting, AGM），另召開每兩年一度的國際反貪污會議（International Anti-Corruption Conference, IACC）。

⁴ 國際透明組織所編印的「國際透明組織相關研究資料彙編」（TI Source Book 2000），內容包含大量的最佳個案研究（best case studies），已譯成超過 20 種語言，並發行有印刷版與電子版（請參考：

作為之個案研究，提供給全球各地反貪腐改革者參考，找尋解決貪腐問題的對策與工具⁵；彙整世界各國各行各業倫理規範與行為守則的案例，透過資訊擴散與政策學習的途徑，如為對抗國際商業交易貪污不法行為，監督國際巨額貸款之透明化而制訂國際掃蕩貪污、反洗錢、反賄賂規章⁶，來推動設定廉潔標準的工作；透過發佈以國家為評比對象的貪腐印象指數（Corruption Perception Index, CPI）與行賄指數（Bribe Payers Index, BPI），監測貪腐活動⁷等，共同為制度的革新、更廉潔的地球而努力。

法務部自陳部長接掌以來，即以掃除「黑金政治」為主要政策之一，積極致力各項防貪措施與肅貪之執行。而執政內閣為有效建立一個廉能效率及以服務為導向的政府，提供國人一個公平正義的社會，亦持續不斷的加強行政革新及政府再造。有鑑於各國經驗，僅加強司法力量並不能遏止貪腐，反貪腐行動需要全面性地在各個社會部門實行廉政系統，且必需與國際接軌。國際反貪污會議即是國際透明組織為能集合學術界與實務界之學者專家，共同研討有關檢肅貪污之具體有效措施、如何促進政治透明、提供國際經驗交流之管道；此項會議自一九八三起，每二年舉行一次⁸，歷次大會之決議及研討成果均已成爲世界各國參考之重要資訊來源。

本屆大會主題為「不同文化，共通價值」（different cultures, common values），會議之內容係有關各類貪腐議題之研討，不僅就政府部門公職倫理之貪污議題進行討論，也涵括了任何濫用職權以獲取不當利益的行為層面，而且是以公部門、私部門、民間社會、執法層面、技術執行、國際合

www.transparency.org/sourcebook)。

⁵ 國際透明組織另開發「貪污線上研究與資訊系統」(Corruption Online Research and Information System, Coris)，提供了達數千筆貪腐議題之相關書目文獻之查尋與列印系統，(請參考網站：www.transparency.org/coris)

⁶ 國際透明組織鑑於貪污所得往往必須經過銀行洗錢過程予以漂白，特邀集全球各大銀行，研擬「反洗錢準則」(Anti Money-Laundering Guidelines)。並於2000年11月公布了「沃夫史博原則」(Wolfsberg Principles)，以確立「認識顧客，查明身份」的行為準則，要求各銀行管理階層落實貫徹，以杜絕貪污者以匿名方式透過銀行體系漂白其不當得利之行為。

⁷ 貪腐印象指數 (Corruption Perception Index, CPI) 與行賄指數 (Bribe Payers Index, BPI) 係分別根據各種貪腐調查結果，經彙整後成為衡量各國貪污情況的社會經濟指標與測量跨國公司行賄程度的重要指數，目前是全球最廣泛被運用的數據，受到世界各地政府機關、企業部門、民間社會與大眾傳媒所重視，並已在許多國家引發意義重大的改革及影響。

⁸ 國際反貪污會議第一屆係於1983年在美國華盛頓市舉行，第二屆於1985年在美國紐約市舉行，第三屆於1987年在香港舉行，第四屆於1989年在澳洲雪梨市舉行，第五屆於1991年在荷蘭阿姆斯特丹市舉行，第六屆於1993年在墨西哥坎昆市 (Cancun) 舉行，第七屆於1995年在中國大陸北京市舉行，第八屆於1997年在秘魯利馬市舉行，第九屆於1999年在南非德班市舉行，第十屆於2001年在捷克布拉格舉行。

作等各個角度的觀點來探討，並不侷限在指涉政府官員濫用職權而已。會議內容豐富，共有十二組（Streams）研討主題，包括 1.私部門之管理 2.在實務上建置倫理規範 3.公部門之管理 4.執法部門 5.新型態政經貪腐問題 6.跨國性貪腐案例 7.打擊貪腐之跨國性手段 8.民間社會反貪腐-從說到做 9.醫藥界貪腐問題 10.監測貪腐-衡量標準的力量 11.剷除貪腐-可以仰賴電子化管理嗎？12.綜合議題等。每組研討主題再各細分以三至六個小組研討會（workshops）型態進行，會議內容除了各組主題有橫向的關聯性，縱向的各小組研討議題精神也是環環相扣，研討內容面向既廣且深，總計有六十個小組研討會（workshops）⁹。每個小組研討會，分別針對各個議題，邀請相關領域的專家學者三至十人發表報告及與談，提供來自各地各領域的專家學者就其專業及感興趣者選擇適當的研討小組參與討論。

本次承辦之地主國韓國，相當重視此一國際會議。因為今年舉辦期間正值亞洲地區 SARS 肆虐，雖然漢城市當地並未受疫情影響，然許多原定在漢城舉辦的國際會議都被迫一一取消；惟國際反貪污會議卻如其一貫的堅持特性，在完善的應變準備中如期舉行，筆者二人也因此必須在啟程前二天完成大會要求的健康檢查，始得成行。雖然比較起往年歷屆的會議都有來自世界各地約一千餘名之肅貪專家學者參加，今年僅有約近七、八百名之參加人員，人數不若以往熱烈，但一點不影響與會人員與籌辦人員對本次會議參與的熱情；不論就開會的場所、設備，或是接待人員的熱誠、專業，甚至大會內外的各項活動、會議期間每日即時出刊的特報（the 11th IACC Daily），都可看出主辦單位的用心，及其充份掌握會議訊息的能力。本屆大會議程全程在韓國漢城市最大的國際會議展示中心 COEX Convention Center 進行，COEX 位於漢城市的江南區，結合大型商圈、展覽、會議場所，及國際級飯店服務設施，地鐵、公路交通便利，大會並有安排接駁公車，以定時定點方式服務與會人員之返下榻飯店及會場。由於議程緊湊，加上各小組研討會眾多，大會原則上並不安排餐飲，但因 COEX 建築物本身就結合了大型商圈，參加人員可自由利用大會提供之已列額度信用卡，在該商圈內的各式商店消費或用餐，相當彈性及方便。當然，除了豐富的研討議程，開幕典禮暨歡迎酒會、聯誼晚會、惜別晚宴等會外活動，亦可看出大會暨主辦國的費心，讓遠道而來的各地賓客，藉此機會領

⁹ 各小組研討會（workshops）之議題內容請參閱議程及附件。

受傳統的韓國民俗舞蹈暨各地風情，漢城市的風貌得以快速地在各國與會代表心中留下深刻印象，可謂成功地進行了一次實質的國際交流。值得一提的是，五月二十五日晚間開幕典禮中，韓國總統盧武鉉(Roh Muh-hyun)亦親臨會場致詞，並對目前韓國經濟繁榮有顯著成長發表評論，認為過去半世紀來，韓國歷經戰後和分裂，已進入工業化，但快速成長亦伴隨黑金勾結和貪腐，一九九九年的國際金融匯兌危機就是提醒透明化及公平公正和經濟成長一樣重要，並重申其必致力於「品質導向的成長」和「無貪腐社會」的承諾，且誓願支持全球反貪腐運動。開幕典禮另頒發 2003 年廉直獎項¹⁰ (Integrity Awards 2003) 予奈及利亞的食品藥物管理局局長 Dr Dora Akunyili 女士¹¹、西南太平洋薩摩亞群島前總查帳員 Sua Rimoni Ah Chong¹²，及就印度之林業管理及政府部門遊說進行反貪腐平靜抗爭和改革的社會運動人士 Anna Hazare¹³，以表揚他們長期以來努力打擊貪腐的傑出表現。

由於筆者二人均是首次代表法務部參加此大型國際會議，面對多達六十組精彩的研討議題，常有難以取捨之感，故僅選擇了有關國際司法互助、跨國性貪腐案例、採購等公部門方面的議題參與。在參加會議期間，承蒙外交部囑託駐韓代表處的協助，尤其是林秘書亨通、駐韓經濟組劉淑津小姐與其韓國友人熱情親切的接待，讓我們在漢城期間感受如在家鄉一般溫暖，謹致最誠摯的謝意。

¹⁰ 國際透明組織於 2000 年 9 月在加拿大渥太華首度頒出廉直獎項 (Integrity Awards)，係為肯定在世界各地勇於打擊貪腐行為的個人與團體，其勇氣及決心。透過全世界致力於對抗貪腐的榜樣，歷次獲獎者成為反貪腐運動的鼓勵泉源，在各領域如新聞工作、社會運動、政府部門或公司企業，皆有甘冒極大風險去調查揭發貪腐事證的個人或團體者，包括曾獲獎的菲律賓公共工程監控人員、摩洛哥空軍隊長 (揭發長官貪污弊端)、斯里蘭卡記者 (不畏暴力威脅揭發貪污行為)、阿根廷政府調查者 (打算公開社會安全局財務弊端而遭謀殺)、法國調查法官 (花七年時間調查高階政治人物涉入石油弊案)、巴西三位檢察官及一位民間團體代表 (成功合作偵辦市長侵占二百件以上採購公款)，上開獲獎人之事跡均足以成為鼓舞全球反貪腐運動的模範。

¹¹ Dr Dora Akunyili 女士在其祖國奈及利亞有「鐵娘子」(Iron Lady) 之稱，長期著力於對抗其國內醫藥界的貪腐行為，在奈及利亞，因官員貪腐偽藥泛濫，其姐亦因注射了偽胰島素喪命，故其矢志為國家人民健康努力對抗貪腐。

¹² Sua Rimoni Ah Chong 於 1994 年向國會提出年度報告，揭露了六位部長不當行為和支出，卻使其因此遭到撤職，付出相當大的代價，但其認為他的獲獎正是讓其國家明確了解社會上不容許任何貪污的存在，並將會鼓勵其他薩摩亞人民站出來反抗貪腐。

¹³ Anna Hazare 在印度已成為傳奇人物，他長期從事社會運動，倡導公平透明化的政府，喚起人民對反貪腐運動的支持，在他被判刑服監的三個月，超過 125,000 人齊聚在他的住所表達抗議，迫使當局釋放他。

貳、議 程¹

一、九十二年五月二十四日（星期六）

14：00-18：00 報到

二、九十二年五月二十五日（星期日）

08：00-17：00 報到

12：30-14：00 開幕全體大會（Opening Plenary）。本次大會主題為「不同文化，共通價值」（Different cultures, Common values）。首先由韓國法務部長 Kang Kum-Sil 致歡迎詞，她是韓國首位女性法務部長，曾任法官，外型相當年輕溫柔，但上任以來作風有鐵腕之稱。

主 席：**Barry O'Keefe**（國際反貪污會議主席）

演講人：**Kuraiti Murungi**（肯亞憲法暨司法部長）

Hans Kung（德國杜賓根大學教授暨世界倫理基金會總裁）

Sri Sri Ravi Shankar（印度國際人權協會創始會員主席）

14：00-14：30 休息

14：30-17：00 分組討論（Workshops）

共有十組議題進行討論：

1.1 從公司控管失敗之近例發現問題

2.1 比較各倫理規範之價值觀

3.1 使監督有效

4.1 國際組織在多國司法的貪污調查所扮演的角色

5.1 戰後重建的貪腐問題

¹ 原文議程資料參閱附件一，從該附件對各項議程之介紹，可簡略了解各該主題之重要性及在國際間之最新發展，甚具參考價值。

- 6.1 政治人物與企業結合—在國內的影響
- 7.1 經濟合作發展組織 (OECD) 會議-政府要其有作用嗎?
- 8.1 從說到做—組織 CSOs
- 9.1 公共衛生部門的貪腐
- 10.1 直接衡量貪腐的工具

- 17:00-17:30 休息
- 17:30-18:30 特別會議
- 18:30-21:00 開幕典禮暨歡迎會 (Opening Ceremony & Reception), 係在 COEX 會議中心之禮堂大廳舉行。韓國總統盧武鉉 (Roh Muh-hyun) 親臨會場致詞。大會並頒發 2003 年廉直獎項 (Integrity Awards 2003) 予奈及利亞的食品藥物管理局局長 Dr Dora Akunyili 女士、西南太平洋薩摩亞群島前總查帳員 Sua Rimoni Ah Chong、印度的社會改革運動人士 Anna Hazare。三人分別發表演說, 全場人士均動容起立鼓掌致敬。

三、九十二年五月二十六日 (星期一)

- 09:00-10:30 全體大會
 - 主題: 誠實的獲利 (Profits with Integrity)
 - 主席: **Juree Vichit-Vadakan** (Director, Center for Philanthropy and Civil Society)
 - 演講人: **Yong-sung Park** (Chairman, Doosan Group; Vice-Chairman, International Chamber of Commerce)
 - Justin O'Brien** (Author, Wall Street on Trial)
 - David Walker** (Comptroller, United States General Accounting Office)
 - Annie Geron** (General Secretary of the

Public Services, Labor Independent
Confederation, Philippines)

Yulia Latynina ((Journalist, Novaya Gazet)

10：30-11：00 休息

11：00-13：00 分組討論

共有十組議題進行討論：

1.2 公司管理暨對抗貪腐-實務近況 (一)

2.2 媒體廉正暨其管理

3.2 從資金流向看政府經費管理和行政支出的貪腐
問題

4.2 執法體系-從偵查到審判 (一)

5.2 貪腐與媒體網路

6.2 盜用公款-返還 Abacha 盜用的上百億元

7.2 經濟合作發展組織 (OECD) 會議—非政府及
南北合作

8.2 窮人和弱勢者如何對抗貪腐？

11.1 從早期電子化政府的實施成敗學習

12.1 中美洲的政治豁免

13：00-14：30 午餐

14：30-17：00 分組討論

仍以十組議題進行討論：

1.3 國際自願採行的標準及壓力：改變的工具抑或
浪費時間

2.3 民選官員的倫理規範

3.3 地方政府對內部貪腐的態度

4.3 執法體系-從偵查到審判 (二)

5.3 貪腐與媒體網路

6.3 對抗人口販賣非法交易的貪腐問題

7.3 回顧檢討建議

8.3 政黨財務的監督及抑制賄選—民間社會的角色

9.2 公共衛生部門的貪污和組織犯罪問題

10.2 間接衡量貪腐的工具

17:00-17:30 休息

17:30-18:30 特別會議

19:30-21:00 聯誼晚會 (Networking Evening)，係在漢城藝術中心舉辦，由韓國法務部宴請。安排了爵士與歌唱表演、韓國傳統小鼓舞蹈演出。

四、九十二年五月二十七日 (星期二)

09:00-10:30 全體大會

主 題：政府與民間社會的關係

(Relation of State and Civil Society)

主 席：**Sakiko Fukuda-Parr** (Director, UNDP
Human Development Report Office)

演講人：**John Williams** (MP Canada; Chairman,
GOPAC)

Ambrose Lee (Commissioner, Independent
Commission Against
Corruption-Hong Kong)

Jorge Santistevan de Noriega (Former
Ombudsman of Per Santistevan &
Asociados)

Nam-joo Lee (Chairman, Korea
Independent Commission Against
Corruption)

10:30-11:00 休息

11:00-13:00 分組討論

共有十組議題進行討論：

1.4 會計人員的責任-誰監督查帳員?

2.4 司法廉正

3.4 政治不涉文官體系

4.4 司法互助

5.4 貪腐與經濟改革（一）

6.4 林業管理貪腐問題

7.4 泛太平洋和非洲的區域合作

8.4 資訊是人民行動的支援

11.2 電子化貪腐和無法控管的風險

12.2 阿拉伯區域的貪腐情形和人權發展

13：00-14：00 午餐

14：30-17：00 分組討論

仍以十組議題進行討論：

1.5 公司管理暨對抗貪腐-實務近況（二）

2.5 專業人士和企業界的道德教育

3.5 向政府採購的無能及貪腐抗戰

4.5 警界貪腐問題-如何掃蕩

5.5 貪腐與經濟改革（二）

6.5 貪污與武器交易-南非案例

7.5 聯合國-全球的希望

8.5 加強對抗貪腐的價值與道德-教育和宗教信仰的角色

9.3 對付製藥工業的貪腐

10.3 監測貪腐工具的新領域

17：00-17：30 休息

17：30-18：30 特別會議

19：30-21：00 惜別晚宴（Farewell Dinner），在 COEX 會議中心之大廳舉行，係由漢城市政府宴請。

五、九十二年五月二十八日（星期三）

09：00-11：30 分組討論

共有十組議題進行討論：

1.6 律師在公司管理的角色

2.6 在機關組織內建立倫理規範

- 3.6 消彌海關貪污的動機和機會
- 4.6 反貪腐機關 v.制度的趨勢
- 5.6 貪腐與捐贈政策暨其實務
- 6.6 政治人物與企業結合-在國外的影響
- 7.6 未來的國際策略
- 8.6 發展中的策略和新聯盟
- 9.4 製藥界和公共衛生部門的界限關係
- 11.3 電子化社會的未來—人民、民間社會和企業能
做什麼

11：30-12：00 休息

12：00-13：00 閉幕大會

主 題：未來展望 (The Way Forward)

主 席：**Peter Eigen** (國際透明組織主席)

宣讀會議結論 (Seoul Findings)

演講人：**Aruna Roy** (Founder, MKSSRajasthan,
Mazdoor Kisan Shakti Sangathan-foremost
proponent of movement for People's Right
to Information in Rajasthan)

Nikhil Dey (MKSS)

Arvind Kumar Kejriwal (MKSS)

Goh Kun (Prime Minister, Republic of
Korea)

參、我國書面報告

全球共同對抗貪污——台灣的承諾¹

一、前言

台灣的政治運作長期以來被批評受到貪污的影響，依據國際透明組織所做的貪污指數亞洲排行榜所示，台灣的公務員在過去幾年裡，廉潔度方面雖然有所進步，但進步的程度仍不如其他的亞洲國家。

造成台灣過去貪污嚴重的原因很複雜，其中缺乏法治觀念應是最重要的原因；其次，有些政治人物係透過不公平的選舉（尤其是賄選）而當選公職人員，這些藉由賄選而當選者，上任後必然會利用其所擁有之政治權力來遂行貪污，如此的金權政治實是所有社會之惡的根源。

陳總統於八十九年就職後，新政府已把肅貪當成其重要的施政目標，為了達成這個目標，法務部於八十九年七月間規畫了「掃除黑金行動方案」，希望透過這個方案徹底掃除黑金。新政府也已一再的強調，惟有進行行政革新，始能建立乾淨、有能及以服務為導向的政府及提供民眾乾淨及正義的社會。

除了透過「掃除黑金行動方案」改善政治環境，台灣也努力增進其國際形象。台灣是世界主要的貿易國家，很清楚在國際商業交易中，貪污的介入會扭曲正常的交易，並對國際商業產生負面的影響。因此台灣參考了OECD所制定的「禁止在國際商業交易中行賄外國公務員公約」後，修正了貪污治罪條例之規定，依新規定：任何國際商業交易中，如果對外國公務員行為有行賄行為都將被處罰，本修正規定已於九十二年二月八日生效。

為了對台灣現行的肅貪機制如何運作有一簡要的認識，法務部乃提出了下面的簡介。

二、現有肅貪架構

¹ 本書面報告原以英文提出，其英文原件參附件二。

(一)、法制方面

1.貪污治罪條例

(2)、重要罪名

- A、公務員就主管或監督事務圖得私人不法利益者，處五年以上有期徒刑或併科新臺幣三千萬元以下罰金。
- B、公務員就違背職務收受賄賂者，處十年以上有期徒刑或併科新臺幣一億元以下罰金。
- C、公務員就職務上行為收受賄賂者，處七年以上有期徒刑，或併科新臺幣六千萬元以下罰金。
- D、關於公務員違背職務之行為，交付賄賂者，處一年以上七年以下有期徒刑，或併科新台幣三百萬元以下罰金。
- E、對於外國、大陸地區、香港或澳門之公務員，就跨區貿易、投資或其他商業活動有關事項，為前項行為者，處五年以下有期徒刑，得併科新台幣一百萬元以下罰金。

(2)、鼓勵自首及自白

公務員於犯罪後自首，如有所得並自動繳交全部所得財物者，減輕或免除其刑；因而查獲其他共犯者，免除其刑。

2.證人保護法：

證人保護法旨在保護刑事案件之證人，使其勇於出面作證，以利犯罪之偵查、審判，並維護被告權益。根據相關法規，凡檢舉公務員貪污經判決有罪確定者，檢舉人可獲得新臺幣二十萬元至六百萬元之檢舉獎金。

3.公職人員財產申報法

公職人員財產申報法於八十二年開始施行，須申報財產的公職人員包括簡任第十職等或相當職等以上各級政府機關首長、少將編階以上軍事單位首長、公營事業機構相當第十職等

以上首長及一級主管、依法選舉產生之鄉（鎮、市）級以上政府機關首長、縣（市）級以上各級民意機關民意代表、公立各級學校校長、法官、檢察官，及警政、司法調查、稅務、關務、地政、主計、營建、都計、證管、採購之縣（市）級以上政府主管人員等。公職人員財產申報法乃「陽光法案」之一環，舉凡公職人員的不動產、船舶、汽車及航空器，一定金額以上之存款、外幣、有價證券、債權、債務及對各種事業之投資，皆須申報。且公職人員之配偶、未成年子女所有之前項財產，亦須一併申報。公職人員必須在就到職後三個月內提出財產申報表，此外，總統、副總統、行政、立法、司法、考試、監察各院院長、副院長，政務官、民選政府機關首長、縣（市）級以上各級民意機關民意代表等之財產申報資料，並應定期刊登政府公報。

4.公職人員利益衝突迴避法

公職人員利益衝突迴避法於八十九年七月十二日制定公布，立法意旨係為促進廉能政治、端正政治風氣，建立公職人員利益衝突迴避之規範，有效遏阻貪污腐化暨不當利益輸送。本法所稱「利益」，包括財產上利益及非財產上利益；非財產上利益，指有利公職人員或其關係人於政府機關、公立學校、公營事業機構之任用、陞遷、調動及其他人事措施。本法規範內容如「公職人員知有利益衝突者，應即自行迴避」、「公職人員不得假借職務上之權力、機會或方法，圖其本人或關係人之利益」、「公職人員之關係人不得向機關有關人員關說、請託或以其他不當方法，圖其本人或公職人員之利益」、「公職人員或其關係人，不得與公職人員服務之機關或受其監督之機關為買賣、租賃、承攬等交易行為」等，均係為禁止公職人員的不當作為，事先預防貪腐行為的發生。

5.洗錢防制法

洗錢防制法原制定於八十五年，並於九十二年修正部分規定。本法是亞洲地區第一個洗錢防制的專法。依本法規定，金

融機構對於達新臺幣一百萬元以上之通貨交易，應確認客戶身分及留存交易紀錄憑證，對疑似洗錢交易，應向洗錢防制中心申報。

此外，凡觸犯洗錢罪者，可處五年以下有期徒刑，或併科新台幣三百萬元以下罰金，在必要的情形下，可凍結涉嫌人的資產。此外，為了防止刑事罪犯進行跨國洗錢及為了有效追緝此類犯罪，本法也賦予政府機關得與外國政府簽訂合作協議之權限及建立財產分享制度。

為了追緝犯罪資金在銀行或其他金融機構的進出情形，法務部已與財政部多次協商設立「金融帳戶開戶查詢系統」，本系統提供電腦化的資料庫，使有關機關得以確認犯罪者在那些銀行有開設帳戶。

(二)、組織方面

1.檢察署

各級檢察署係與各級法院互相對應而設置。目前有最高法院檢察署一個，台灣高等法院檢察署暨其分署共六個及地方法院檢察署二十個。基於「檢察一體」原則，檢察總長對各級檢察署檢察官有指揮監督之權限。

2.臨時編組

依據「掃除黑金行動方案」，台灣高等法院檢察署成立查緝黑金行動中心，並在台灣高等法院檢察署及所屬台中、台南及高雄等分檢署，成立四個分區特別偵查組，並分別自轄區之檢察署、警察局及調查處(站)酌情抽調檢察官、警察及調查員，以整合力量共同打擊重大黑金犯罪。

3.調查局

法務部調查局主要任務為維護國家安全、強化社會安定及增進人民福祉，得調查犯罪並採取各項預防措施。該局設有六個處，其中廉政處即負責肅貪業務。

4.政風司

法務部政風司統籌全國各級公務員之風紀維護工作，監督

分置在全國各級機關約二千七百名的政風人員。有鑑於「預防勝於查處」的理念，並為統合全體政風系統及資源，未來擬將政風司改制為法務部所屬的獨立反貪污機關（請參閱下文「廉政署的建置」）。

三、革新肅貪措施

（一）廉政署的設置：

法務部參考新加坡及香港之反貪作為，目前正積極推動在法務部之下成立獨立超然的反貪污機關。雖然目前由於各政黨對設置廉政署的理念尚未達成共識，使廉政署組織條例在立法上遭受阻礙，但法務部仍持續努力溝通中，並堅信廉政署的成立永遠不會太遲。

（二）公職人員財產申報法修正草案：

目前公職人員財產申報法修正草案已在立法院審議中，本次修正重點在於擴大應申報財產之公職人員範圍，以及增訂公職人員財產來源不明罪之刑責。修正草案如通過，一旦公職人員有財產不當增加，且金額逾其本人、配偶、未成年子女全年薪資所得總額一倍以上者，將面臨徒刑及罰金刑的刑事處罰。

四、肅貪及查賄績效

（一）肅貪部分：

法務部所屬各地方法院檢察署自八十九年七月執行「掃除黑金行動方案」，迄九十二年三月三十一日止，起訴貪瀆案件已達一、六七八件，起訴人數四、二九三人，查獲貪瀆金額共一百六十億七千六百五十萬元。其中高層簡任以上公務人員有二四〇人（占百分之五·五九），民意代表三五五人（占百分之八·二七），中層薦任人員八九三人（占百分之二〇·八），基層委任以下公務人員一、三六二人（占百分之三一·七三）以及一般民眾一、四四三人（占百分之三三·六一）。從薦任以上公務員及民意代表被起訴的比率（占百分之三四·六六）觀之，顯見肅貪的對象並不只是針對基層公務員，更及於中高階公務員。

比較執行「掃除黑金行動方案」前後三十三個月，無論起訴的件數或人數，「掃除黑金行動方案」執行後的成果都較執行前大幅增加，顯示法務部已採取了有效的方法執行肅貪工作。

(二) 查賄部分：

經過數十年的改革，台灣已建立了自由及民主的選舉制度。現在，包括總統在內的許多公職人員都是由人民直接選舉產生。公正而乾淨的選舉不僅是民主的基石，也可以預防當選人於就任有貪污的行為。如前所述，台灣過去數十年來受到不公正選舉的危害，所以新政府成立後的首要任務就是建立公正、公平及公開的選舉制度，其中，查察賄選尤其是法務部最重要的責任。自陳總統八十九年五月就職以來至九十二年四月，已有一、三二六件賄選案件，共三、七六三人遭起訴，這些數字超過了一九九七年至二〇〇〇間起訴賄選案件的件數及人數的二倍。所以只要我們持之以恆全力查賄，根絕賄選絕非遙不可及的夢想。

五、結 論

台灣近幾年來雖致力於肅貪，但卻面臨了一個很大的困境，即：隨著跨國犯罪現象日趨頻繁，一個國家如果沒有獲得其他國家的幫助，即很難有效偵辦涉及跨國的犯罪。而因為與台灣有正式外交關係的國家不多，所以與台灣有司法互助關係（正式或非正式）的國家也很少，事實上，迄今只有美國與台灣在九十一年簽訂有台美刑事司法互助協定。因此，台灣的司法單位碰到有涉外因素的貪污案件時，常很難有效的偵辦查緝。例如拉法葉案，本案據稱有高達美金七億六千萬元的回扣付給法國官員、犯罪所得存入瑞士帳戶、涉嫌人逃到英國及其他國家，不用說，如果沒有這些相關國家的協助，台灣司法機關很難將這些涉嫌人定罪。

打擊貪污是全球文明社會共有的責任，所有的國家都應拋開國際政治關係上的糾葛以共同打擊貪污，因此，台灣誠摯的希望與其他國建立司法互助關係。我們也深信，共同對抗貪污最終將使所有參與的國家獲益。

肆、「誠實的獲利」是可行的國際商業策略嗎？¹

國際商會副主席 Yong-Sung Park

早安，主席先生，非常謝謝您，也對國際透明組織的邀請表示感謝。

這次的主題：「誠實的獲利」，如你們所知，是目前公司抑制貪污及會計詐欺的全球關切主題之一，身為國際商會副主席，我認為「誠實的獲利」是一個可行的全球商業策略。

首先，我認為一個腐敗的公司在全球商業體系中很難生存。我們記得一九七〇年代發生在日本的洛克希德公司賄賂案，最後導致了當時的首相田中角榮下台並引發洛克希德公司內部的管理危機。不幸地，公司採取賄賂手段的傳聞迄今仍持續著。依據媒體最近的報導，有一些美國的公司又涉入了海外行賄的行為，如 Halliburton 公司及 Exxon 石油公司。對公眾而言，或許認為在整個商業界，行賄是普遍的現象，我也曾聽聞美國政府有意引進三振法案以規範涉及公司的犯罪。然而我相信政府及民間人士並不希望以此種方式來消弭商業界的行賄現象，我認為如此的規範將會抑制公司健全、合法的商業活動。

此外，企業實際上也因為同業間採取行賄的手段而利益受損。因此，私人部門已視行賄是最壞的商業行為，並已開始採取反貪污的行動。所以，在現階段對於公眾及政府而言，我認為應先觀察商業界是否有能力自我規範以根除行賄的行為。

這裡讓我介紹一下國際商會在反貪污上的一些作法。國際商會是全世界第一個警告貪污會損害經濟、自由貿易及公平競爭的國際組織，並且也設計了一些有關企業反貪污的措施。早於一九七五年，國際商會即要求聯合國舉行反貪污會議；一九七七年，國際商會制定了「國際商會關於防制國際商業交易上的勒索及貪污規範」，這個準則最後促使 OECD 在一九九七年制定了「禁止在國際商業交易中行賄外國公務員公約」，韓國及其他 OECD 的會員國已在立法上實踐了上開規定。

¹ 本次演講原文請參照附件三。

最近，國際商會特別注意公司層級的反貪污行動，國際商會要求其會員國所屬公司嚴格的執行反貪污措施，並蒐集及申報涉及貪污的案例。此外，國際商會制定了「對抗貪污」規範，做為公司的行動準則。此外，因為公司的員工在競爭激烈的工作環境中很容易受到誘惑，所以前開準則要求公司建立倫理守則及內部監控系統。再者，公司也被要求須鼓勵檢舉人，員工應被鼓勵報告來自上司不正的指示及免於受報復的恐懼。

更進一步，國際商會也正努力進行全球性的對抗貪污。現在，OECD 正討論將它的反貪污規定適用於私人部門；國際商會也正與聯合國討論舉辦一個反貪污的會議。

我相信在全球社會逐漸增強的監督及私人部門努力的反貪污行動下，終將使公司的賄賂行為消失。而且，如同你們所見，國際商會在反貪污行動上總是站在最前線。

其次，關於「誠實的獲利」是指企業對其所有的活動均執行合法的管理，如有關消費者與投資者的保護、環境保護等。一些只顧追求利潤而不願遵守法律的公司已經宣佈破產或面臨管理上的危機，下面幾個例子可提供教訓：日本三菱汽車公司在美國的工廠，因為性騷擾事件被命令賠償三千四百萬美元；日本 Daiwa 銀行的美國子公司由於未遵守相關法律，被課以三億四千萬美元的鉅額罰款；日本的牛奶製造商 Yukijirushi, 因為企圖掩蓋的大量食物中毒事件曝光而破產等。

另一項須要進行道德管理的理由是為了會計制度的透明化。當恩隆及 WorldCom 公司的會計醜聞相繼曝光時，可以想見是如何震驚了國際社會。關於此點，我想簡單的說明韓國在會計透明化上的經驗。

一九九七年東亞金融風暴發生前，會計透明化在韓國只引起少數企業及公眾的關注，沒有系統化控制的機制使得會計透明化無法落實，結果，一些韓國公司就利用不實的會計帳冊以向銀行借錢。國內的銀行就依據這些不實的會計資料核撥借款。根據一項研究，缺乏會計透明化是韓國金融危機的發生及十七家大型企業（共有三十家大型企業）在危機發生後破產的主要原因。近來，另一家韓國大型企業因為缺乏透明化的會計而面臨嚴重的危機。因此，如何增進會計透明化已成為韓國企業及會計業的重要任務。

第三，「誠實的獲利」已成為公司在國際間發展不可或缺的策略，換言之，公司必須完全遵守法律才能運作及生存，公司為了獲得成長，必須被國際社會認同它的正當性。信賴是利潤與正當性間的連繫，公眾的信賴是公司成長的重要因素，在美國，有半數的消費者會將他們所想要買的產品與公司的形象連結在一起，所以公眾的信賴是創造公司形象的重要因素。

如果公司被認為缺乏道德，這公司將會失去消費者與投資者的信賴，而道德瑕疵最終將會導致公司形象的崩潰及獲利的大幅減少，一個失去形象的公司必須付出高昂的代價才能彌補它的缺失。相反的，充分地執行道德管理及隨後獲得的社會信賴形象會使消費者及投資者產生良好的公司形象及信賴，這樣的結果將會改善公司財務、減少成本、提升消費者忠誠度及增加利潤。

荷蘭殼牌集團是一個好的例子，該公司的座右銘：「people、planet及 profits」顯示了一個新的道德管理水平，這個座右銘的意思是希望增進人類生活的品質，而公司的成長也會在這過程中達成。荷蘭人民對殼牌的喜愛及該公司在名稱上被荷蘭皇室賦予「royal」，是對該公司進行道德管理的獎勵，這樣的獎勵導致了該公司的成功。去年，在美國富比士排行榜，非美國的五百大公司中，殼牌公司是獲得第二高盈餘的公司，僅次於戴勒姆·克萊斯勒公司（Daimler-Chrysler）。

除了殼牌公司，世界上還有其他為數眾多的公司，如通用電器及 Hewlett Packard 等，都在追求「誠實的獲利」哲學。這些公司很清楚他們並非孤立於社會，身為公民社會的一員，公司應將提升其道德做為管理的目標之一。

值得記述的是，這樣的行為在國際間是普遍的。如在韓國，山水公司、Yuhan Kimberley, Shinsegae 百貨公司及許多的其他公司都對道德管理有興趣，並熱心的將之實現。據說，在韓國的三百家大型企業中，已有半數的公司建立了倫理守則，並有百分之四十公司設立了獨立的部門負責道德管理，在韓國，將道德的提升視為好的經營策略的企業正快速的增加中。

最後，有時誠實與獲利間會存在著矛盾。例如，我們如何對香煙製造商界定道德管理？生命科技公司的道德規範應該是什麼？我不認為今天

我們應立即下結論，相反的，我建議我們應進行更多討論及採用漸進式的方法解決這個難題。

今日的世界，貿易自由化及資金自由移動正快速的發生。在民間，希望社會變好的力量正在增強，為了符合這種潮流，公司也正遵循全球一致的標準及採用道德管理作為生存的策略。

我希望政府及民間都能鼓勵企業界採用道德管理以追求「誠實的獲利」，公司、民間團體及政府間密切的接觸將增進誠實的公司管理。謝謝。

伍、大會結論：漢城宣言（摘譯）¹

本次會議的重要結論包括如下：

一、政治

1. 政黨必須進行內部財務改革、增加透明度及提出倫理規範。我們也認為，如果選舉的經費不能降低，政黨所面臨的財務募集壓力即不能減輕，將導致政黨的內部改革不能成功。
2. 為了避免利益衝突，高級政府官員就職前應申報財產。

二、國際體系

1. 未來的聯合國反貪污公約將會對全球對抗貪污行動有重要的意義。
2. 依據近年來國際透明組織所進行的貪污指數調查，我們了解OECD的「禁止在國際商業交易中行賄外國公務員公約」受到相當程度的忽略，我們希望政府能努力讓企業了解這個公約的內容，並鼓勵民眾勇於揭發企業不法之行為。
3. 我們探討了一些涉及貪污案件偵辦、起訴的國際司法互助合作案例，如香港的香煙走私案、秘魯前總統藤森案及奈及利亞前總統Abacha案等。像這種涉及跨國案件通常相當複雜，各國間進行司法互助是必要的。
4. 我們也要宣示對抗走私人口犯罪的重要性。一個國家如果沒有採取足夠的防制性措施，將使婦女及兒童陷於危險之境地。

三、發展協助

1. 國際機構間合作對抗貪污之努力應再加強。
2. 援助計畫發生貪污的情形仍然相當普遍，較好的方法是讓當地人民獲得充分的資訊以提高他們主張權利的能力。
3. 由於援助計畫發生貪污的情形極為嚴重，捐助的機構應注意被捐

¹ 漢城宣言之原文請參閱附件四。

助國政府是否有進行良善的管理。

四、企業部門

1. 水和能源是公共財，其等之獲得屬於基本人權。如果要將此等事業私有化，其過程必須是完全透明，且須有嚴格的條件。
2. 健康及醫藥部門的貪污是相當普遍的情形。醫藥界在進行促銷活動、仿冒藥品、過期藥品重新標示等所涉及的貪污行為對病人醫療成本都有很嚴重的不良影響。
3. 伐木業貪污的盛行，使得我們認為有必要以立法或其他方式來遏止此種歪風。

五、政府部門

1. 缺乏正義、誠實及獨立的司法制度及缺乏依法而治的原則，將會使許多可能的改革受挫。我們歡迎任何為司法的獨立性及廉潔性所做的努力。
2. 遏止貪污行為涉及政府的治理及政策品質，但不可能僅因設立反貪污機構即可達成。如果一個國家的執行能力不足或有執行的環境不友善，設立這樣的機構可能只是資源的無效率使用。
3. 民間對政府採購的監督及參與，對於促進反貪污策略及透明化有很大的幫助。
4. 海關人員由於待遇低，在執行任務，面對誘惑時就容易有貪污之行為發生。這種貪污的行為損害了海關的合法性及形象，並成為國際貿易發展的主要障礙。
5. 警界的貪污是一個普遍的情形，我們歡迎 Interpol 這個組織提出成立「國際防制貪污專家團體」之建議。
6. 我們再次強調保護檢舉人及證人免於被報復是必要的。如果政府的人員在舉發貪污犯行時擔心會受到報復，那麼要有效偵辦政府內部的貪污行為將會很困難。

六、電子化政府

電子化政府所提供的易接近性及透明性，將有助於防制貪污的發生。

七、私人部門

1. 職業及商業倫理與教育須要透過由上到下的倫理守則及倫理教育的實踐，並可透過實際的案例研究或調查來達成。
2. 在檢討律師在公司內部治理所扮演的角色時，我們發現律師常被視為貪污的共謀者。因此，律師的形象常只介於政客與商人之間而已，我們認為一個商業律師不應成為企業的打手，而應善盡其職業道德，站在合法的一邊。
3. 近來在美國及其他地方發生的會計業的醜聞，使我們認為會計師必須改變他們與客戶間的關係。最重要的是，如果會計師制作的公司財務報告不能獲得公眾的信任，那麼投資人將不會再投資這個公司，資本市場也會持續的萎縮。

八、民間團體

1. 民間團體應提高其自身的透明度及可信度，尤其是應建立內部成員的行為準則，包括職員的僱用標準及建立高標準的財務可信度。
2. 我們應利用在本屆會議建立起的連繫管道，持續的加強與不同公民團體、消費者組織、環境保護者及同業公會間的共同合作。

陸、感想及建議

一、提高我國代表團的層級及陣容

二年舉辦一次的國際反貪污會議，每次與會的代表人數甚眾，往年均約有一千人左右參與（本次會議之參與人數，因會議舉辦期間適逢 SARS 在亞洲地區爆發大規模疫情，故參與人數較往年少，約有七、八百人與會），且參與會議之代表團，常由參與國之重要政府首長或國際組織之負責人，率領為數不少之代表與會，顯見本項國際會議為各國所重視之程度。

本部對本項國際會議雖甚重視，於近年來對於每屆會議均編列預算派員與會，惟就第八、九、十屆之會議，本部均只指派一人與會，第十一屆（本屆）之會議，本部則派二人與會。惟參酌國際反貪污會議之每次會議，所討論之議題均甚廣泛，大會所準備之議程也極為豐富，如本屆大會即準備了六十個左右的 working shop，而在同一時間內，也通常有近十個不同議題的 working shop 在進行。故如只有指派一、二人與會，勢必無法充分了解整個會議的全貌及不同議題之最新國際進展。

肅貪既為本部極為重視之政策之一，且國際反貪污會議在國際上亦有相當之重要性，故我國對於本項會議，除應增編預算派員與會外，更宜指派高層首長率團與會，以充分了解國際上對反貪污議題之發展，並充分利用機會與他國代表團交流及建立連繫管道。

二、學習韓國積極籌辦國際性會議

韓國之經濟發展程度與我國相若，惟韓國在爭取國際能見度上極具雄心，本次韓國除舉辦五月二十五日至二十八日之國際反貪污會議外，另在本會議後，即五月二十九日至三十一日，另舉辦了第三屆「對抗貪污及維護廉潔全球論壇」及於五月二十五日至三十日間，另舉辦了青年學者反貪污論壇等；另韓國亦爭取到明年（二〇〇四年）亞太洗錢會議及國際檢察官會議之舉辦權，顯見韓國近年來在籌辦國際會議上極具企圖心。而國際大型會議之舉辦，不僅能促進一國在國際上的能見度，主辦國也能利用此機會與他國政府重要官員或組織之重要人物建立連繫、溝通管道，主辦國更可充分利用各種機會，將該國之重要政策宣傳給與會之各國代表知

悉，其對國家之整體正面效益不可謂不大。我國因在國際間能見度不高，許多甚有正面價值之政策或績效，常無法為外國友人知悉，故如能積極爭取主辦國際會議以宣傳我國之發展情形，對我國國際形象當能有所助益。

三、重視企業內部貪污之危害性及影響力

因為我國貪污治罪條例所處罰的對象主要為公務人員，使得長期以來，社會普遍上均認為發生在政府部門間之貪污行為才叫貪污，至於發生在企業內部或其他民間團體間之貪污行為，因只構成侵占、詐欺或偽造文書等罪，社會上對此等犯罪類型的非難程度明顯遠低於公務員的貪污行為。

在今日資本、商業極度發達之社會中，企業部門或民間部門的重要性或影響力絕不低於政府機構。在國際間，有的大型跨國公司一年的營業額甚至比數十個國家的 GDP 總合還高，而我國一些大型企業每年營業額，也常超過許多地方政府或某些部會一年的預算總額。所以針對企業內部的貪瀆行為，國際間已日趨重視，本次大會也安排許多以企業內部弊端之預防及偵辦為主題之 working shop，對其重視之程度不下於對公務員之貪瀆弊端。

惟我國因普遍認為企業界的貪污現象，僅為其等內部之事務，實未予企業在現今社會中所扮演的角色足夠之重視，亦不足以促使企業進行有效的內部管理，此從近年來，多家大型公司、銀行接二連三發生公司負責人或經營者將公司資產掏空之事例足以觀之。此類犯罪之預防固可從多個面向予以探討，但我國之國民觀念或刑罰體制是否對企業內部之貪污行為有足夠之重視亦為一可探討之問題。

四、積極與他國建立司法互助關係及蒐集司法互助案例

本次會議所安排之 working shop 中，有為數眾多的議題與跨國貪污案件偵辦有關，顯見在全球交通便捷化、人民移動自由化的影響下，跨國犯罪或犯罪後逃往他國的情形已甚普遍，並成為各國在偵辦刑事案件上的一大困擾。為此，各國莫不積極拓展與他國之刑事司法互助關係。我國因國際地位特殊，欲與他國建立正式之司法互助關係本屬不易，惟偵辦類此之跨國犯罪案件，仍為有司機關不可迴避之責任，故如何突破困境，以建立

正式或非正式之司法互助管道，仍為有關機關之重要任務。

此外，因現今各國在偵辦跨國貪污案件之實例已漸增多，為能學習他國在偵辦此類案件中之經驗，亦不妨盡量搜集有關涉及貪污犯罪偵辦之司法互助案例，以從中學習相關技巧及經驗。

五、落實「漢城宣言」中之各項目標

本次會議經過多天的討論後，大會於最後一日公布了本次會議的結論：「漢城宣言」，本宣言包含的層面甚廣，從政治、國際合作體制、援助計畫、企業部門、政府部門、電子化政府、民間團體等均包括在內。顯見現今對抗貪污的行動，不僅只牽涉到政府部門，也包括了企業部門、民間團體；對抗貪污也不再僅限於一國之內部事務，更牽涉到了與他國間之互相合作及有關機制的建立。

為了真正有效對抗貪污，各國不僅應發揮國內的各種力量，從根本上改變民眾的觀念，將貪污視為不見容於社會的非法行為，而非一種可達成某種利益的權宜之策。此外，各國政府也應充分合以共同對抗貪污，畢竟如有一國不願加入全球共同打擊貪污的體系，將使該國成為各國貪污犯罪者之避難天堂，終將使全球共同對抗貪污的成果大打折扣。例如，秘魯前總統藤森因涉貪污案而為秘魯政府通緝，藤森逃往日本後，日本對秘魯政府一再提出引渡的要求均予以拒絕，使得秘魯政府迄今仍無法將藤森追緝到案，近幾屆的國際反貪污會議上，秘魯的與會代表均利用各種機會，大聲疾呼日本應將藤森引渡回秘魯發言，已成為國際反貪污會議的固定劇目。

最後，在各國均有共同對抗貪污之共識後，接下來應如何建立有效的全球反貪污機制將是往後各國努力的重點，我國在此議題上亦不應缺席。

附 件 一

附 件 一

CONFERENCE PROGRAM >> Workshops

The twelve workshop streams of the 11th IACC will contain workshops on most of the topics listed below. For greater details about each workshop stream, please click the stream title. If you wish to make a proposal for a workshop presentation, please contact [Gillian Dell](#)

Stream 1 Private Sector Governance

Topics:

- International business standards
- Professional failures (media, lawyers, accounting, investment advisers, auditors, bankers)
- Regulatory failures
- Lobbying and political links
- Offshore financial centers

Stream 2 Building Ethics in the Real World

Topics:

- Comparing governance value systems
- Role of media in promoting values
- Ethics for elected officials
- Judicial integrity
- Ethics in public services and service delivery
- Ethics education
- Building ethics in organizations
- International business standards

Stream 3 Public Sector Governance

Topics:

- Public procurement
- Parliamentary oversight
- Transparency and accountability systems
- Expenditure management in the executive
- Public expenditure tracking surveys
- Municipal approaches to internal corruption
- Corruption in customs

Stream 4 Law Enforcement

Topics:

- Different phases of a case from investigation to judgment (Lesotho case)
- Resources and effectiveness of investigations and prosecutions
- Political interference with investigations
- Integrity of the entire judicial system and, access to justice
- Blacklisting in procurement including adoption of findings of other agencies
- Legislation and will to enforce
- Corruption in the police how do you clean it up?
- Mutual legal assistance

Stream 5 Political Economy of Corruption

Topics:

- Political economy
- Donor policies and practices
- State capture/ fusion
- Networks
- Privatization
- Post-war reconstruction

Stream 6 International Corruption

Topics:

- High level political corruption
- State looting
- Recovery of assets
- Money laundering
- Military corruption and export credits
- Oil industry, arms industry, utilities
- Disclosure of loans and payments (publish what you pay)
- The role of donors
- Politicians incorporated
- Corruption and neo-colonialism.
- Human trafficking

Stream 7 International Instruments to Combat Corruption

Topics:

- OECD Convention-assessment
- OECD Convention-role of trade unions, civil society, South
- OAS and Council of Europe Conventions
- OECD-ADB Action Plan for Asia-Pacific
- Draft African Union Convention
- Draft UN Convention
- FATF Guidelines
- Peer review process

Stream 8 Civil Society against Corruption: From Voice to Action

Topics:

- What is civil society doing? where is it impacting? civil society monitoring
- Impact of corruption on poor
- Role of faith-based organisations.
- Access to information
- Role of investigative journalism

Stream 9 Curing Corruption : Healthcare and Pharmaceuticals

Topics:

- Corruption in the health sector (procurement & pricing, relations with health officials: waiting list and preferences, expenditure allocations)

- Corruption and organized crime in the health sector (trafficking in organs, cigarette issue)
- Interface between pharmaceuticals industry and health sector
- Techniques of corruption
- Crosscutting issues relating to regulation, self-regulation and lobbying, research and education, WHO

+ Stream 10 Capturing Corruption: the Power of Measurement

Topics:

- Assessing corruption: the cross-country approach
- Assessing corruption: in-depth, country approach
- Assessing corruption: new empirical frontiers
- Measuring effectiveness in fighting corruption (including indicators about integrity systems, corruption resistance, corruption risks)

+ Stream 11 Chipping Away at Corruption: Can We Rely on E-Governance?

Topics:

- Government to citizen
- Government to government
- Government to business
- Crosscutting issues including e-procurement, e-corruption, whether and how e-government is a solution, dangers of reduction in accountability and depersonalization
- Emerging technology and possibilities for corruption

+ Stream 12 Mixed Topics

Topics:

- Forestry (FIN)
- Corruption and human development in the Arab region

Stream 1 - Private Sector Governance

The war against corruption is global in scale and is being fought on many fronts. The premise of this stream is that companies' part in waging this war - basically their compliance efforts, internal management systems and their activities in business associations - are as important to its successful prosecution as government legislative and law enforcement activity. This stream will seek to shed light on:

- How companies define corruption
- What they do internally to fight against it
- How they act together via business associations (e.g. on sectoral corruption issues.)

The role of external standards - such as the OECD Guidelines for Multinational Enterprises, and private ratings on corporate governance - in helping to define corrupt practices and in establishing norms for management practices in the fight against corruption are also examined. Finally, government actions that help or hinder these private efforts are also examined.

The final output will be a synthesis document summarizing the key findings of the workshops and identifying future priorities for the business sector in enhancing its contribution to winning the war against bribery. It will also provide guidance for governments on how they can assist their business sectors in this endeavor. This document could perhaps be called to the attention of the GF III.

WS1.1 Defining the problem: Lessons from recent corporate governance failures

▸ 25 May Sunday 14:30-17:00

- Coordinator : John Bray Control Risks, USA
Karina Litvack Isis Asset Management, UK
- Chair : John Bray Control Risks, UK
- Rapporteur : Stian Christensen TI-Secretariat
- Panelists : Hyung Koo Moon Seoul National University
John Fitzgerald Government Accountability Project, USA
Ron Berenbeim The Conference Board, USA
Mark Latham The Corporate Monitoring Project, USA
Marie Bohata Institute for Governance and Leadership, Czech Republic

The purpose of this workshop is to ~~define~~ refine the problem ~~for~~ to set the stage for the more focused workshops that follow. These issues deal with corporate governance, business principles, accountant accountability, voluntary standards vs regulation, and the role of lawyers. To provide the basis for the subsequent workshops in this stream, this workshop will focus on the underlying theme of power and influence. How much power and influence do companies really have? Is the premise of this stream really justified? What are the limitations of whatever power they have? How can it best be exercised?

Topics:

1. Who has power within organisations and how do they exercise it?
2. Working with partners ? both within the commercial world and beyond it?
3. Companies and governments ? what scope is there for constructive engagement?

WS1.2 Corporate governance and the fight against corruption - emerging practices - 1

26 May Monday 11:00-13:00 / 26 May Monday 14:30-17:00

- Coordinator : John Sullivan Center for International Private Enterprise, USA
- Chair : Marie Bohata Institute for Governance and Leadership, Czech Republic
- Rapporteur : Stan Cutzach TI-Secretariat
- Panelists : Young Jae Lim Korean Development Institute, Corporate Affairs Division
Sung Wok Joh Korea University, College of Business Administration
Charles Adwan PAPER Lebanese Transparency Association
Stuart Gilman Ethics Resource Center, USA

Financial crises in Mexico, Asia, Russia, and U.S. corporations have drawn global attention to the need to curb corruption through corporate governance. Much attention has been focused on the OECD Principles of Corporate Governance, the creation of independent audit committees, the appointment of independent directors, the separation of the positions of chairman of the board and chief executive officer, and the type of legal system (civil as opposed to common law). Although important, resolving these issues will not go very far in instituting corporate governance and rooting out corruption in most regions of the world. This is because most developing, emerging, and transitional economies lack the necessary institutions that will make these reforms meaningful and minimize opportunities for corruption.

Topics:

1. The types of reforms necessary to institute corporate governance in developing, emerging and transitional economies
2. How private sector and civil society groups can design and implement corporate governance reforms
3. How these projects can effectively reduce corruption and business costs
4. How and why even former cronies, oligarchs, and grupos are jumping on the corporate governance bandwagon

WS1.3 International voluntary standards and pressures: agents for change or a waste of time?

26 May Monday 11:00-13:00 / 26 May Monday 14:30-17:00

- Coordinator : Kathryn Gordon OECD
Ron Berenbeim The Conference Board, USA
- Chair : Roy Jones Trade Union Advisory Council, France
- Rapporteur : Ron Berenbeim The Conference Board
- Panelists : Jermyn Brooks TI-Secretariat
Kathryn Gordon OECD ABSTRACT
Anil Chopra Tata Industries, India ABSTRACT PAPER

Written law and formal law enforcement are essential components of effective systems for combating corruption in all its forms. However, their importance should not be exaggerated -- they are part of a larger system. This workshop will explore how international standards and pressures help to reinforce two other components of this system -- values and expertise. If many people genuinely subscribe to the values underpinning anti-corruption rules, then this will promote voluntary compliance: a conviction-based, highly diffuse form of compliance that complements

more formal enforcement. The task of disseminating anti-corruption values (across countries, sectors and company sizes) is an ongoing one and international standards and pressures can help. Business expertise in deploying the various internal management tools and external services (audit, rating systems) is also an important element in the fight against corruption. The accumulation of expertise entails costs and management expertise is subject to innovation. International anti-corruption initiatives can help reduce the economic cost of acquiring expertise and can spread innovations more quickly. Understanding the contributions that international standards can make will also help us to understand their limitations – what it is reasonable to expect of them and, by implication, what cannot be expected (e.g. not a substitute for appropriate public policy).

Topics:

1. Standards of conduct in the anti-corruption area
2. External services – strengths and weaknesses
3. Internal management systems in the fight against corruption

WS 1.4 Accountant accountability: who audits the auditors?

▶ 27 May Tuesday 11:00-13:00

- ▶ Coordinator : Jermyn Brooks TI-Secretariat
 Marinilka Kimbro Hong Kong Polytechnic University
- ▶ Chair : Marinilka Kimbro Hong Kong Polytechnic University
- ▶ Rapporteur : John Bray Control Risks
- ▶ Panelists : Jeremy Brooks TI-Secretariat
 Mark Latham The Corporate Monitoring Project, USA

Recent financial scandals have created an enormous public and political uproar throughout the world. The auditing profession has been blamed, and reputable global firms like Arthur Andersen have been decimated. The world is demanding an explanation, and the auditing profession is now on the defensive. Are the auditors to blame? Is there a problem with the auditor's role? Are auditors truly independent? Can auditors certify that Financial Statements are accurate? How can we restore investors' confidence?

Topics:

1. The accountant's role in fighting corruption: What is the role of the auditor?
2. Conflicts of interest and auditor independence: Should audit firms provide non-auditing services?
3. Liability and disciplinary issues: Are regulatory bodies doing enough? Should accountants be liable?
4. The role of the CFO and CEO? Are they responsible for the accuracy of financial statements?
5. Sarbanes-Oxley: Knee-jerk reaction or appropriate solution?

WS 1.5 Corporate governance and the fight against corruption - emerging practices -2

▶ 27 May Tuesday 14:30-17:00

- ▶ Coordinator : Jermyn Brooks TI-Secretariat
 Susan Cote-Freeman TI-UK
- ▶ Chair : Jermyn Brooks TI-Secretariat

- ▶ Rapporteur : Susan Cote-Freeman TI-UK
- ▶ Panelists : Ronald Berenbeim The Conference Board, USA
- David Murray TI-UK
- Michael Wiehen TI-Germany
- Corene Crossin Global Witness, UK

A number of initiatives are now under way to address the issue of corruption in the private sector. They range from generic codes aimed at providing a framework for corporate anti-corruption policies and practices to industry-specific initiatives in sectors as diverse as oil and gas, banking and defence. In light of these initiatives the workshop will attempt to answer the following questions:

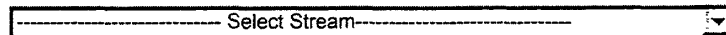
- What is presently being done within the private sector itself to reduce levels of corruption?
- How can one achieve synergies among such initiatives?
- How useful are they?
- In light of scarce resources should one prioritise in terms of where to put focus?

Topics:

1. The TI/SAI business principles for countering bribery
2. The Caspian Revenue Watch (CRW)
3. Transparency in corporate payments to governments: The Publish What You Pay Campaign (PWYP) and the Extractive Industries Transparency Initiative(EITI)
4. Developing sector-specific codes of conduct
5. Corruption in the official arms trade
6. The Wolfsberg Principles
7. Integrity Pacts
8. Dealing with Agents and Intermediaries: The TRACE standard

WS 1.6 Role of Lawyers in corporate governance

- ▶ 28 May Wednesday 09:00-11:30
- ▶ Coordinator : Marion Colombani TI-Secretariat Germany
- ▶ Chair : Jeremy Clifford Chance, UK
- ▶ Panelists : Jeremy Carver Clifford Chance, UK
- Young Moo Shin Shin and Kim, South Korea
- Robert Lerenthal American Bar Association



Stream 2 - Building Ethics in the Real World

Stream 2 will discuss comparative governance values derived from major value systems as well as the critical ethical issues faced by legislators, journalists and judges, with a focus on the best institutional means of improving their standards of conduct. Also to be examined is the value of ethics education at various levels and the means by which ethics can be integrated into existing institutions.

- Comparative Governance Values
- Judicial Ethics and accountability
- Legislative Ethics
- Educating for Ethics
- Media Ethics and Governance
- Building Ethics into organisations

WS2.1 Comparative Governance Values

▸ 25 May Sunday 14:30-17:00

- Coordinator : Charles Sampford International Institute for Public Ethics, Australia
Bong-Ho Sohn Seoul National University
- Chair : Charles Sampford International Institute for Public Ethics, Australia
- Rapporteur : Lynette Farquhar International Institute for Public Ethics, Australia
- Panelists : Charles Sampford International Institute for Public Ethics, Australia
Bong-Ho Sohn Seoul National University
Azyumardi Azra Universitas Islam Negeri, Indonesia
Robyn Lui World Buddhist University, Thailand

This workshop will compare governance values found in major value systems. The primary emphasis will focus on the positive values in each culture. However, the negative aspect of those values as well as the existence of contrary, negative values will be discussed.

Topics:

1. Western governance values
2. Confucianism and corruption
3. Islamic governance values
4. Corruption and governance from a Buddhist perspective

WS2.2 Media integrity and governance

▸ 26 Monday 11:00 - 13:00

- Coordinator : Jacqueline Park International Federation of Journalists, Australia
- Chair : Christopher Warren International Federation of Journalists, Australia
- Rapporteur : Kristjan Burgess Journalist, TI Contact in Iceland

- ▶ Panelists : Eddy Suprpto Alliance of Independent Journalists , Philippines
 PAPER
- Kunda Dixit Nepali Times ABSTRACT

The workshop will broadly look at the experience of building capacity among media professionals to combat corruption within the media industry and promote professional integrity and ethics in media.

Topics:

1. The experience of the anti-corruption campaign against envelope journalism in Indonesia
2. Media integrity and independence, transparency and accountability in senior media appointments and honesty in taxation from media corporations
3. The potential and limitations of investigative reporting for corruption and the implications of access to information restrictions

WS2.3 Ethics for elected officials

▶ 26 Monday 14:30 - 17:00

- ▶ Coordinator : Jongryn Mo Yonsei University S. Korea
Howard Whitton Organization for Economic Cooperation and Development, France
- ▶ Chair : Hyug Baeg Lim Korea University, South Korea
- ▶ Rapporteur : Howard Whitton OECD Secretariat
- ▶ Panelists : David Ondracka TI-Czech Republic
Yongju Jeon Dongeui University, South Korea
David Brady Stanford University, USA
Hon. Alan Demack The Conflict of Interest Commission, Australia

Elected officials are held in low esteem because they fail to satisfy high public expectations. To regain public trust, therefore, elected officials must maintain a standard of conduct much higher than that of legal compliance. The problem is that we have very little understanding of how ethical standards actually improve among elected officials. In this workshop, we propose to examine the historical evolution of ethics committees in legislatures and explore the conditions and strategies for successful ethical reform. It is possible that we will look at countries at different stages of the rule of law so that we can examine whether or not different conditions require different strategies.

Topics:

1. Legislation on conflicts of interest in post-communist states
2. The institutionalisation of ethics in the U.S. Congress
3. Ethics and the role of the Conflict of Interest Commission

WS2.4 Judicial Integrity

▶ 26 Monday 14:30 - 17:00

- ▶ Coordinator : Keith Henderson International Foundation for Election Systems. USA
 ABSTRACT
- ▶ Chair : Keith Henderson International Foundation for Election Systems, USA
- ▶ Rapporteur : Sara Morante TI Secretariat

- Panelists : Sandra Oxner Commonwealth Judicial Education Institute, Canada
▼ ABSTRACT
- Laura Alonso Poder Ciudadano, Argentina ▼ ABSTRACT
- Petter Langseth United Nations Office for Drugs and Crime (UNODC)
▼ ABSTRACT ▼ PAPER
- Robert Laverthal ▼ ABSTRACT ▼ PAPER
- Clifford Wallace

- Discussant : Manuel Lezertua Council of Europe
- Judge Clifford Wallace
- Robert Leventhal ABA-CEELI

This workshop will feature an informal roundtable panel with a focus on issues related to holistic but high priority judicial reform strategies, judicial transparency and accountability, civil society leadership, public-private partnerships, judicial and public access to information, implementation of constitutional and international norms and how to possibly incorporate emerging anti-corruption and rule of law indicators of progress, such as those proposed in the newly proposed \$5 billion U.S. Millennium Challenge Fund (MC Fund), into monitoring and reporting frameworks

Topics:

1. Institutional mechanisms to support judicial integrity
2. The role of civil society in monitoring the judicial system: Poder Ciudadano's experience at the Argentine Consejo de la Magistratura
3. Strengthening judicial integrity and capacity in Nigeria, a progress report
4. A strategic monitoring and reporting framework for promoting judicial integrity and high priority reforms across regions: A global survey of best practices

WS2.5 Professional and business ethics education

- Coordinator : Wes Cragg York University, Canada
Yoon-Bae Lee Soounchunhyang University, Korea

- Chair : Wesley Cragg York University, Canada

- Rapporteur : Lynette Farquhar Griffith University, Australia

- Panelists : Adriana Krnacova TI-Czech Republic ▼ PAPER
Robledo Korea Research Institute for Vocational Education &
Training ▼ PAPER
- Wesley Cragg York University, Canada
- David Murray TI-UK
- Alma Rocia Balcazar TI-Colombia

Ethics education has emerged as a key tool in both the professional and business arena. This workshop aims to provide a roundtable forum in which to share experiences in ethics and anti-corruption education from around the world. Participants will discuss the foundations needed to initiate and implement ethics education as well as develop an agenda for developing tools and cases for anti-corruption education for professionals and for business people.

Topics:

1. The need for ethics and anti-corruption education from the perspective of a transition economy
2. The need for ethics and anti-corruption education seen from the perspective of a teacher and leader in addressing the challenge of corruption in a Former Soviet Republic and a newly

independent country.

3. Ethics chair in a Colombian University and teaching of the relationship between business ethics and public interest

WS2.6 Building ethics into organizations

▸ 28 May Wednesday 9:00 - 11:30

- | | | |
|------------------|--|---|
| ▸ Coordinators : | <u>Janos Bertok</u>
Alan Demack | OECD
The Conflict of Interest Commission, Australia |
| ▸ Rapporteur : | Howard Whitton | OECD Secretariat |
| ▸ Panelists : | Geun-Joo Lee
Faik Mostapha
Jane Ley
Hyun-Sun Hong | Korean Institute of Public Administration
Ministry of Fisheries, Morocco
Office of Government Ethics, USA
Korean Independent Commission Against Corruption |

This workshop focuses on the key elements that build ethics into organizations in both the public and private sectors. Speakers from different continents will outline their experiences on selected elements of the ethics infrastructure and explain how these key elements can build ethics into organizations in a particular context. Participants are invited to analyze the presented solutions, compare them with other practices used in differing jurisdictions. Finally, the workshop will also explore the possibilities to identify "good practices" that can fundamentally support "building an ethical culture into organizations".

Topics:

1. Changing organizational culture: the potential of new information and communication technologies in improving transparency and accountability
2. Strengthening the internal control function to build an ethical culture in public organizations
3. Role of a central agency to co-ordinate policy design and implementation in building an ethical culture in public organizations

Stream 3 - Public Sector Governance

To provide an overview of recent developments in reforms that help enhance transparency and accountability and reduce corruption in the delivery of public services at the national and local government levels. On the one hand, the Stream will look at reforms in internal mechanisms governing public administration (including central management systems and oversight mechanisms) and, on the other, innovative arrangements involving external actors (civil society, media) to combat corruption in the delivery of public services.

WS 3.1 Making Oversight Effective

▶ 25 May Sunday 14:30-17:00

- ▶ Coordinator : Fredrick Stapenhurst World Bank Institute
Poul Engberg- World Bank
Pedersen.
- ▶ Chair : Gavin Woods South Africa - MP
 Poul Engberg-Pedersen World Bank, USA
- ▶ Rapporteur : Poul Engberg-Pedersen World Bank
 Gavin Woods
 South Africa - MP
- ▶ Panelists : Gavin Woods South Africa - MP
 Hon. Justin B.N Muturi Public Investment Committee, Kenya
 Keekok Song Board of Audit and Inspection, Korea
 Derek Elliot Audit Commission, UK
 William Woodley Office of Auditor General, Canada

The workshop aims to identify policies, institutions, incentives and processes that enhance the effectiveness of legislatures and supreme audit institutions (SAIs), including state auditors and ombudsmen, in exercising oversight functions over the Executive branch at central and local levels of government. While the workshop will focus on accountability for the disbursement of public funds, it will also explore other performance-enhancing avenues and tools available to oversight bodies: legislation, policy-making, codes of conduct for public officials, mobilization of public opinion through information disclosure and public hearings, as well as legal and judiciary measures. Political, legal and institutional constraints on oversight will be explored in the search for incentives and instruments to make oversight bodies more effective and for an appropriate division of responsibilities between the Legislature (including its Committees) and various Supreme Audit Institutions. The workshop will explore the systems requirements for enhanced performance within the Executive branch and in the external oversight of the Executive branch.

Topics:

1. Oversight of the Executive branch: Constitutional and systems requirements for different oversight bodies and their interaction
2. Enhancing the effectiveness of oversight by legislatures: Policies, institutions, incentives and processes
3. Enhancing the effectiveness of oversight by supreme audit institutions: Policies, institutions, incentives and processes
4. Oversight and public sector performance: The politics and instruments of results-focused

management in the Executive branch and its implications for oversight

5. Recommendations on policies, institutions, incentives and processes to make oversight more effective

WS 3.2 Follow the money - fighting corruption in public expenditure management and service delivery

▸ 26 May Monday 11:00-13:00

- Coordinator : Warren Krafchik Center on Budget and Policy Priorities, USA
Magnus Lindelow World Bank
- Chair : Sanjay Pradhan World Bank
- Rapporteur : Mallika Krishnamurthy World Bank
- Panelists : Warren Krafchik Center on Budget and Policy Priorities, USA
Magnus Lindelow World Bank
Xolisa Vitsha Public Service Accountability Monitor, South Africa
Anton Opdebeke IMF

In many developing countries, funds allocated to public services as formulated and approved in the national budget are frittered away throughout the disbursement/execution process so that the actual funds that reach local communities are far less than indicated. At local level, service delivery may be poor, including problems of inefficiency, low quality, and a lack of integrity. This workshop will discuss how empirical tools (e.g. public expenditure tracking surveys), institutional and organizational interventions, and civil society activism can be used to strengthen transparency and accountability in budget execution and service delivery.

The workshop will aim to draw some conclusions about the appropriateness of different approaches to promoting transparency and accountability in different contexts, and about the strategies that can be adopted by different actors to promote effectiveness and impact.

Topics:

1. An overview of work to promote transparency and accountability in budget execution and service delivery
2. Public expenditure tracking and service delivery surveys: Conceptual and practical challenges
3. Promoting accountability: The experience of Public Service Accountability Monitor in South Africa

WS 3.3 Municipal approaches to internal corruption

▸ 26 May Monday 14:30-16:30

- Coordinator : Maria Gonzalez de Asis World Bank Institute
Jairo Acuna-Alfaro World Bank Institute
Claudia Buentjen Asian Development Bank
- Chair : Kim Cuenco World Bank Institute
- Rapporteur : Maria Gonzalez de Asis World Bank Institute
Victor Vergara World Bank Institute

- Panelists : Daniel Kaufmann World Bank Institute
- Maria Gonzalez de Asis World Bank Institute
- Victor Vergara
- Elena Paniflova World Bank Institute
- Jaime Fresnedi TI-Russia
- Maria Ines Garza Orta Mayor, Muntinlupa City, The Philippines
- Juan Carlos Elvir Comptrollership and Administrative Modernization
- Enrique Martinez Secretariat, Coahuila State, Mexico
- John Lubuva Santa Rosa de Copan, Honduras
- Bitarabeho Johnson Governor, Coahuila, Mexico
- Laura Ruiz Ilala Municipality, Tanzania
- George Matovu CAO, Bushenyi District, Uganda
- Dean Henedina R. Instituto Tecnologico y de Estudios Superiores de Monterrey, Mexico
- Abad Municipal Development Program, Zimbabwe
- Ronald MacLean Ateneo School of Government, Philippines
- World Bank Institute

Through fiscal and political decentralization, local governments are becoming strategic and vital agents of development. However, municipal officials often lack crucial insight and incentives to meet their objectives as effective, efficient and honest providers of local services. This lack of insight, knowledge and incentives has a negative impact on municipal administrations and limits reform-minded municipalities that simply do not have technical support to conceive and undertake reforms.

This workshop is planned based on the lessons learned and the successes achieved with the municipal governance and anti-corruption action-learning capacity building programs in Latin America, Anglophone Africa and Asia. These programs, carried out by the World Bank Institute have had the valuable partnership of the Instituto Tecnologico y de Estudios Superiores de Monterrey (ITESM) in Latin America (see details in Spanish at <http://www.ruv.itesm.mx/programas/gap>), the Municipal Development Program for Eastern and Southern Africa (MDPESA), in Anglophone Africa (see details at http://worldbank.org/wbi/governance/gap_africa.htm) and the Ateneo School of Government (ASG) in The Philippines.

To consolidate knowledge gained, this workshop brings together stakeholders to share and disseminate their experiences in anti-corruption and good governance at the municipal level and to provide a structured platform for municipal officials and citizens to learn specific anti-corruption strategies which can be adapted and applied to their municipalities.

Topics:

1. New empirical perspectives for governance at the local level
2. General strategy: Participatory methodology for better governance
3. Access to information and citizen participation
4. Diagnostics and monitoring

WS 3.4 De-politicizing the Civil Service

27 May Tuesday 11:00-13:00

- Coordinator : Elia Armstrong United Nations
- Yasuhiko Matsuda World Bank
- Shabbir Cheema UNDESA

- Chair :
- Rapporteur : Elia Yi Armstrong United Nations
 Yasuhiko Matsuda World Bank
- Panelists : Stuart Gilman Ethics Resource Center, USA ABSTRACT
 Geoffrey Shepherd USA ABSTRACT
 Adel Abdellatif UNDP

The politicisation of the civil service, due to the institution of a "spoils system" and the practice of appointments based on ascriptive traits or political affiliations over merit and professional competence, has serious consequences for its integrity and performance. This workshop will focus on case studies of managing the process of de-politicising the civil service, contextualizing these examples in the historical, administrative and cultural traditions of the countries involved. The objective of the workshop is to share experiences and identify critical elements for success, bearing in mind the particular situations of individual countries.

Topics:

1. Manifestations of politicisation of the civil service in a "career" versus "political appointment" systems
2. The impact of New Public Management reforms in politicisation and de-politicisation of civil services
3. Case studies of managing the de-politicisation process in the US, Latin American, and African countries, with a focus on South Africa
4. Common strategies and differing conditions

WS 3.5 Combating Inefficiency and Corruption in Public Procurement

▸ 27 May Tuesday 14:30-17:00

Procurement is one major area in which corruption is prevalent and extensive. This workshop will present a variety of instruments through which inefficiency and corruption in public procurement can be addressed. The discussions will include arrangements that take existing procurement procedures as given, such as market based mechanisms (price comparison surveys) and civil society based mechanisms (integrity pacts, public hearings, community level monitoring of public bidding processes), as well as changes in the fundamental (internal) rules of the game that govern public procurement (legislation, the use of IT).

- Coordinator : Juanita Olaya TI-Secretariat
 Ed Campos World Bank
- Chair : Juanita Olaya TI-Secretariat
- Rapporteur : Marta Michalska World Bank
- Panelists : Rosa Ines Ospina TI-Colombia
 Eduardo Bohorquez TI-Mexico
 Jose Edgardo Campos World Bank
 Kristina Pimentel Procurement Watch, Philippines
 Jacinto Gavino Asian Institute of Management, Philippines

Procurement is one major area in which corruption is prevalent and extensive. This workshop will present a variety of instruments through which inefficiency and corruption in public procurement can be addressed. The workshop will focus on how change can be effectively introduced. Specifically, it will present two complementary approaches: changing the rules of the game (legislation) and introducing change within existing rules (monitoring contracting processes,

inducing efficiency). The workshop aims to discuss the possibility, means and timing of change in public procurement and the role of civil society in supporting and demanding such change. A considerable amount of time will be allotted for question and answer and general discussion.

Topics:

1. Monitoring instruments to combat corruption - A catalyst for change
 - Colombia: Monitoring procurement processes and measuring efficiency
 - Argentina: Innovative approaches
 - Paraguay: Partnerships for monitoring
2. Changing the rules of the game: The Philippine experience
 - Laying the groundwork for legislation
 - Engaging civil society: Coalition building and advocacy
 - Using IT to support and fortify reforms

WS 3.6 Attacking Opportunities and Incentives for Corruption in Customs

▸ 28 May Wednesday 09:00-11:30

- Coordinator : Shahid Seikh World Customs Organization
Michel Engelschalk World Bank
- Chair : Kunio Mikuriya World Customs Organization
- Rapporteur : Michel Zarnowiecki World Bank
- Panelists : Boris Begovic Center for Liberal Democratic Studies, Serbia
Herve Loriod Center for the Prevention of Corruption, France

Stream 4 - Law Enforcement

The discussion will focus on the practical issues of anti-corruption law enforcement, highlighting some contemporary challenges. Moreover, a look at innovative ways of supporting law enforcement outside the executive and judicial realm will be included (i.e. Parliament, Lawyers' Assoc.). The workshop will also examine the role of civil society in law enforcement and the efficiency of institutional reform and case management.

- 🌐 Prevention of corruption in law enforcement institutions
- 🌐 Options for institutional design in countries of endemic corruption
- 🌐 Role of CSO in the law enforcement process
- 🌐 Case mgmt of corruption cases from citizens' complaint to verdict

WS 4.1 The role of international organizations in multi-jurisdictional corruption investigations

▸ 25 May Sunday 14:30-17:00

- ✦ Coordinator : Barbara Dixon United Nations, USA
- ✦ Chair : Barbara Dixon United Nations, USA
- ✦ Rapporteur : Francis Montil United Nations
- ✦ Panelists : Franz Bruener European Commission
Paul Lachel Roberts European Commission
Mark Gough World Bank
Ekkehart Carl Center for the Prevention of Corruption, France Bochum, Germany
Francis Montil United Nations
Jay Gomez

The workshop, entitled "the role of international organizations in multijurisdictional corruption investigations," is intended to address by way of two case studies the following themes: first, how to solve problems in multijurisdictional corruption cases so that the all interests are reconciled and the cases resolved; and second, the role of international organizations in facilitating complex corruption cases and providing assistance in resolving problems in multijurisdictional investigations to allow for successful prosecutions and recoveries. By presenting actual case studies, it is anticipated that workshop participants will have received several problem solutions that multijurisdictional cases present which the participants will be able to utilize in their home countries. Participants will also be made aware of how they may call upon international and multinational organizations to assist.

Topics:

Role of the Antifraud Office of the European Commission in anticorruption investigation in Kosovo

Facilitation role in the coordination of multijurisdictional investigation

Facilitation role in the conduct of multijurisdictional investigation and the selection of prosecuting jurisdiction

Prosecution on offenses committed in another jurisdiction

Coordination of asset tracking and recovery of funds

Coordination of facilitation of an investigation of a multi-jurisdictional corruption case in Bolivia in cooperation with Bolivian officials

Prosecution of corrupt officials from several different jurisdictions in Bolivia

Proposed anti-corruption reforms engendered by the successful investigation into corruption that may serve as a model for other countries

WS 4.2 Law enforcement system- from investigation to judiciary reaction part 1

▸ 26 May Monday 11:00-13:00

- Coordinator : Fiona Darroch Barrister, UK
- Chair : Jeremy Pope TI-CIR
- Rapporteur : Hakobyan TI-CIR
- Panelists : Fine Maema Attorney General, Kingdom of Lesotho
Fiona Darroch Barrister, UK
Michael Wiehen TI-Germany

The workshops 4.2 and 4.3 aim to look at the mechanisms and methodologies by which prosecutions for bribery and corruption can be brought. The issues which have arisen during the trials in Lesotho will be examined, with reference made to the difficulties faced by both the prosecuting authorities and the defendants as they have each put their cases in court. A general analysis will be made of the implications of such trials, in particular aspects of the mutual legal assistance which have emerged. Specifically, the relationship between a transnational corporation and its use of the representation agreement will be examined.

Topics:

1. The investigative process: Prompting an investigation, gathering the evidence, the decision to prosecute
2. The prosecuting team membership
3. Issues for the defence ? burden of proof
4. Lesotho trials ? the preliminary issues: separation of defendants, citation, admissibility of evidence, sufficiency of evidence, jurisdiction
5. Judgments in the court of first instance (lower court)
6. Financial implications of bringing a prosecution: funding, etc
7. Support from the wider international community, banks and IFIs
8. Articulating possible new means and mechanisms of assistance in bringing a prosecution

WS 4.3 Law enforcement system ? from investigation to judiciary reaction part 2

▸ 26 May Monday 14:30-17:00

Decision to prosecute, role of Attorneys-General, selectivity of decision to prosecution, framing the writ, legal framework, burden of proof etc. Judicial reaction; what if judges are corrupt?, what type of penalties, confiscation etc.

- Coordinator : Fiona Darroch Barrister, UK
- Chair : John Makumbe TI-Zimbabwe
- Panelists : Fiona Darroch Barrister, UK
Fine Maema Attorney General, Kingdom of Lesotho
Jeremy Carver Clifford Chance, UK
John Gadney Eqed Solutions, UK

WS 4.4 Mutual Legal Assistance

▸ 27 May Tuesday 11:00-13:00

- Coordinator : Laurent Grosse Interpol
Ian McWalters Department of Justice, Hong Kong
- Chair : Ian McWalters Department of Justice, Hong Kong
- Panelists : Gilbert Chan Independent Commission Against Corruption, Hong Kong
Paul Lachel Roberts European Commission
Abdullahi Shehu Nigerian Government
Jose Ugaz Peru

WS 4.5 Corruption in the police - How do you clean it up?

▸ 27 May Tuesday 14:30-17:00

- Coordinator : Gilbert Chan Independent Commission Against Corruption - Hong Kong
- Chair : Ambrose Lee Independent Commission Against Corruption - Hong Kong
- Rapporteur : Jean Au-Yeung Independent Commission Against Corruption ?
Hong Kong
- Panelists : Tony Dawson Metropolitan Police, UK
Czeslaw Walek TI-Czech Republic
The Hon. Justice Barry Supreme Court of New South Wales, Australia
O'Keefe Independent Commission Against Corruption ?
Julie Mu Hong Kong

This workshop will examine the issues concerning police integrity and methods to combat this problem.

Topics:

1. Enforcing integrity and sanctions in police
2. Internal investigations v. independent agency approach
3. Conditional amnesty - a necessary evil?
4. Proactive strategies - integrity testing, U/C operators
5. The three prong attack - enforcement, prevention, education
6. Is there a problem of ethnicity in integrity enforcement in police?
7. Immunities and police privileges
8. Protecting whistleblowers and witnesses against police retaliation
9. Interpol's initiatives - IGEC

WS 4.6 Anti-corruption agencies versus institutional mainstreaming

▸ 28 May Wednesday 09:00-11:30

- Coordinator : Gergory Kisunko World Bank
Mechthild Ruenger GTZ, Germany
- Chair : Mechthild Ruenger GTZ, Germany

- Rapporteur : Gregory Kisunko World Bank
- Panelists : Surya Prasad Koirala Commission for the Investigation of Abuse of Authority, Nepal
- John Githongo Office of the President of Kenya / Malawi ACA
- Mechthild Ruenger GTZ, Germany
- Michael Stevens World Bank
- Discussant: Hon. Kiraitu Murungi Minister of Justice, Kenya

The workshop will attempt to take a critical look at the prerequisites for success or factors for failure of anti-corruption agencies. The main idea would be to tease out the persisting reasons for these failures (e.g. putting the anti-corruption responsibility in an single agency; need for an extremely motivated staff capable to withstand political, mafia and other pressures, feasibility of creation of autonomous institutions in any meaningful way in some societies, if corrupt networks are pervasive) and analyze them. The workshop will then address the issues of mainstreaming prevention of corruption - definitions, benefits and challenges, capacity building (training needs, qualifications), monitoring etc. and will provide some mainstreaming examples (e.g., in the justice sector, resource allocation sector(s), and political issues of anti-corruption mainstreaming (e.g., prevention of corruption and the PRSPs; budget financing, how to create conditions of donor acceptance of absorbing structures etc.). The workshop will look to the extent possible at the alternatives of mainstreaming in existing institutions.

Topics:

1. Proposal for the Kenyan Anti-Corruption Commission - a story of success or failure? Criteria of success and failure in countries of endemic corruption
2. The role and mandate of NGOs for mainstreaming prevention of corruption
3. Mainstreaming prevention of corruption - definitions, benefits and challenges, capacity building, and monitoring
4. Experiences in corruption control in a developing country: A case study of Nepal
5. Mainstreaming anti-corruption work in government management

----- Select Stream ----- ▾

Stream 5 - Political Economy of Corruption

The term political economy of corruption refers to the interactions between political processes and economic and other policies and their impact on the production and distribution of corruption. Globalization combined with a common pursuit of market liberalization economic policies and increased democratization has significantly changed these interactions with resulting impacts on the production and distribution of corruption. This new political economy is characterized by significantly changed roles for national and international actors: donors, national governments, the private sector and civil society. There is a sufficient body of empirical evidence by which to review the corruption impacts of the new political economy with a view to drawing out lessons for policy-making. Understanding these new interactions of political process and economic policies is vital for 1) those engaged in designing anti-corruption policies to counter corruption; 2) those responsible for designing economic and political reforms; 3) those involved in mobilizing constituencies in combating corruption. To contribute to a better understanding of how today's new political economy impacts on corruption with a view to identifying:

- 🌀 Key processes and policies that provide vehicles/arenas for corruption
- 🌀 Identify priority actions for national and international policy-makers
- 🌀 Strategies for mobilizing civil society to combat corruption

WS 5.1 Corruption in Post-war reconstruction

‣ 25 May Sunday 14:30-17:00

- Coordinator : Charles Adwan Lebanese Transparency Association
Fredrik Galtung TI-Center for Innovation and Research
Daniel Large School of Oriental and African Studies, UK
Pauline Tamesis UNDP
- Chair : Fredrik Galtung TI-Center for Innovation and Research
- Rapporteur : Daniel Large School of Oriental and African Studies, UK
- Panelists : Jeremy Carver Board member, International Rescue Committee (IRC), UK
Charles Adwan Lebanese Transparency Association
Kamel Hossain Kamal Hossain and Associates
Vera Gundel Anti-Corruption Network for Transition Economies, SPAI
Zainab Bangura Campaign for Good Governance, Sierra Leone
- Discussant : Jan Borgen TI-Norway

The workshop will address the multifarious nature and impact of corruption in post-war reconstruction, and effective post-war counter-corruption policies, mechanisms and means by which countries can escape endemic corruption. Goals: 1) analyse the nature, role and consequences of corruption in post-war reconstruction and development using case-studies; 2) examine anti-corruption policy in post-war reconstruction for the range of involved parties, including governments, donors, and aid agencies; 3) provide recommendations for policy

interventions; 4) identify areas worthy of further research and analysis, with a view to use the workshop as a foundation for further engagement of TI and other partners.

Topics:

1. Corruption in the aftermath of war, an historical overview
2. Afghanistan from the Soviet invasion through the fall of the Taliban
3. The costs and consequences of corruption in the post-war reconstruction process
4. Security sector reforms, judicial reconstruction and the strengthening of a national integrity framework
5. The Balkan Stability Pact Anti-Corruption Initiative (SPAI): An assessment of experiences
6. Civil society experiences in addressing corruption in the post-war reconstruction process

WS 5.2 Corruption and networks - 1 (Methodology)

▶ 26 May Monday 11:00-13:00, 14:30-17:00

- ▶ Coordinator : Ase Grodeland Norwegian Institute for Urban and Regional Research
Justin O'Brien Institute of Governance, Queen's University, Belfast
Luis Moreno Ocampo International Criminal Court
- ▶ Chair : Leslie Holmes University of Melbourne, Australia
- ▶ Rapporteur : Ase Grodeland Norwegian Institute for Urban and Regional Research
Leslie Holmes University of Melbourne, Australia
- ▶ Panelists : Ken Coghill Monash University, Australia
Ase Grodeland Norwegian Institute for Urban and Regional Research

The overall aim of the workshop is to examine the manner in which formal and informal networks become embedded in political systems. The aim of the workshop is first to define networks and address methodological problems linked to the study of networks; secondly to identify and locate corrupting processes at the local/national level through an exploration of the role and nature of networks in exerting (undue) influence over politics and economic allocations; and finally to provide potential strategies for tackling those influences and processes.

Topics:

1. An overview of the dynamic exchange between the various actors that contribute to modern governance
2. Methodological problems and difficulties with studying informal networks in Eastern Europe
3. Mafia transplantation from Russia to Italy

WS 5.3 Corruption and networks - 2 (Case studies)

▶ 26 May Monday 11:00-13:00, 14:30-17:00

- ▶ Coordinator : Ase Grodeland Norwegian Institute for Urban and Regional Research
Justin O'Brien Institute of Governance, Queen's University, Belfast
Luis Moreno Ocampo International Criminal Court, The Hague
- ▶ Chair : Leslie Holmes Melbourne University, Australia
- ▶ Rapporteur : Justin O'Brien Institute of Governance, Queen's University, Belfast
Leslie Holmes Melbourne University, Australia
- ▶ Panelists : Justin O'Brien Institute of Governance, Queen's University, Belfast
He Zengke  China Centre for Comparative Politics and Economics

	▼ ABSTRACT
Daryl Balia	TI-South Africa
Ase Grodeland	Norwegian Institute for Urban and Regional Research
Helen Sutch	World Bank
Roderick Davids	Public Service Commission, South Africa ▼ ABSTRACT

The overall aim of the workshop is to examine the manner in which formal and informal networks become embedded in political systems. The aim of the workshop is first to define networks and address methodological problems linked to the study of networks; secondly to identify and locate corrupting processes at the local/national level through an exploration of the role and nature of networks in exerting (undue) influence over politics and economic allocations; and finally to provide potential strategies for tackling those influences and processes.

Topics:

1. Corrupting networks: The causes and consequences of conflicts of interest on Wall Street
2. Fighting corruption through institutional innovations towards good governance: China case
3. Serbia
4. Corruption and democracy: The Peruvian case of Montesinos
5. The Elf scandal and informal networks

WS 5.4 Corruption and Economic Reforms : 1

▸ 27 May Tuesday 11:00-13:00, 14:30-17:00

- Coordinator : [Kirstine Drew](#) Public Services International Research Unit, UK
[David Hall](#) Public Services International Research Unit, UK
[Manzoor Hasan](#) TI-Secretariat
- Chair : Juree Vichit-Vadakan Center for Philanthropy and Civil Society, Thailand
Hans Engelbert Public Service International, Netherlands
- Rapporteur : Kirstine Drew Public Services International Research Unit, UK
- Panelists : Daniel Kaufmann World Bank
Kamal Hossain Kamal Hossain and Associates
Hon. Musikari Kombo M.P. Webuye Constituency, Kenya

WS 5.5 Corruption and Economic Reforms

▸ 27 May Tuesday 11:00-13:00, 14:30-17:00

- Coordinator : [Kirstine Drew](#) Public Services International Research Unit, UK
[David Hall](#) Public Services International Research Unit, UK
[Manzoor Hasan](#) TI-Secretariat
- Chair : Hans Engelbert Public Services International, The Netherlands
Manzoor Hasan TI-Secretariat
- Rapporteur : Kirstine Drew Public Services International Research Unit, UK
- Panelists : Abhay Mehta Author of Power Play - A Study of Enron in India
Nengah Sudja India [▼ ABSTRACT](#)
Violeta Corral NGO ADB Forum

The term political economy of corruption describes the interactions between political processes and economic policies and their resulting impact on the production and distribution of corruption. Globalisation, combined with today's market liberalisation policies, has significantly changed these interactions. The overall aim of workshops 5.4 and 5.5 is to analyse the impact of recent and current economic reforms on corruption with a view to identify the source of corrupt incentives and to make recommendations on the possible way of addressing corruption ? within the framework of existing or alternative reform models.

Topics:

1. Evidence and examination of the link between international state capture, fusion and internationally driven economic reforms
2. Lessons and options available to those involved in designing economic reforms as well as anti-corruption policies for freeing the captured state
3. Identifying the location of and conduits for corrupt incentives provided for privatisation and post-privatisation
4. Possible means of reducing corrupt incentives, increasing the chances of detection and raising the costs of corruption
5. Critical review of the content and sequencing of economic reforms in light of the impact on corruption
6. The role of national governments (developed, developing and transitional) as well as donors
7. Constraints on and potential action to be taken at the national level
8. Constraints on and potential of international measures aimed at deterring and detecting international capture/corruption

WS 5.6. Corruption and Donor Policies and Practices

‣ 28 May Wednesday 09:00-11:30

- | | | |
|-----------------|---|---|
| ‣ Coordinator : | <u>Brian Cooksey</u>
<u>Jazminda Lumang-Buncan</u> | TI-Tanzania
Reality of Aid, Philippines |
| ‣ Chair : | Antonio Tujan, Jr | IBON Foundation and Asia Pacific Research Network, Philippines |
| ‣ Rapporteur : | Lucy Koechlin | University of Basel |
| ‣ Panelists : | Brian Cooksey
Kathy Richards
Kavaljit Singh
Bruce Bailey | TADREG <input type="button" value="ABSTRACT"/> <input type="button" value="PAPER"/>
Australian Council for Overseas Aid <input type="button" value="ABSTRACT"/>
<input type="button" value="PAPER"/>
Public Interest Research Center, India <input type="button" value="ABSTRACT"/>
<input type="button" value="PAPER"/>
OECD-DAC <input type="button" value="ABSTRACT"/> <input type="button" value="PAPER"/> |

The workshop will focus on reforming governance and corruption systems in development cooperation. Its aim is to discuss issues of governance in the aid regime and how it relates to the questions of transparency and accountability

Topics:

1. Issues of transparency in both donor/recipient countries
2. Accountability in the aid regime in terms of responsibility taken by decision makers
3. Rights of citizens, especially in the global South, to demand responses to their problems and in the North, concerted action to tackle the roots of global poverty

4. Addressing the full realization of human rights as well as the principles and processes of democracy in aid relationships

----- Select Stream -----

Stream 6 - International Corruption

This workshop will focus on the various forms of international corruption and clarify the obstacles in combating such activities. Using a series of detailed case studies, the workshop will attempt to provide concrete insights into the forms that international corruption may take and how it can be addressed. These case studies will benefit from input by those in the forefront of the fight against international corruption, including investigating judges, lawyers, law enforcement agencies, journalists and civil society organizations. They will attempt to answer questions such as What could be proved? What information really made a difference to how a case progressed? What transnational cooperation exists? What institutional barriers exist?

- ☛ Corruption in the arms trade
- ☛ Options for institutional design in countries of endemic corruption
- ☛ Influence peddling
- ☛ Politicians incorporated: international perspectives
- ☛ Offshore financial centers & money laundering

WS 6.1 Politicians incorporated : Home

▸ 25 May Sunday 14:30-17:00

- Coordinator : Phillip van Niekerk International Consortium of Investigative Journalists
Kirstine Drew PSIRU
David Hall PSIRU
- Chair : Kirstine Drew PSIRU
- Rapporteur : Kirstine Drew PSIRU
- Panelists : Yulia Latynina Novaya Gazeta
Greg Palast Journalist, USA
Justin O'Brien Institute of Governance, Queen's University
Belfast [ABSTRACT](#) [PAPER](#)
Douglas Yates American University - Paris, France

The overall aim of the workshop is to present the techniques, legal and illegal, used by Multinational Companies (MNCs) to buy political influence and capture state institutions - at home and abroad.

The workshop focuses primarily, although not exclusively on the USA. It uses case studies to expose a common modus operandi. It also seeks to assess the impact of current reforms in the light of these techniques.

Topics:

1. Evidence of companies strategies to buy influence at home
2. Domestic state capture: A comparative view
3. Use of party political funding to influence government
4. Scrutiny of the role of national government in promoting private interests at home

WS 6.2 State Looting: Returning Abacha's Stolen Billions

▸ 26 May Monday 11:00-13:00

- Coordinator : David Ugolor African Network for Environmental and Economic Justice
- Chair : Jeremy Brooks TI-Secretariat
- Panelists : Timothy Daniel Kendall Freeman, UK
Jeremy Carver Clifford Chance, UK
Jose Ugaz Former special state attorney for the Montesinos Case, Peru

This workshop aims to identify the practical effect of the proposed UN Convention Against Corruption for the fight against corruption globally. During the workshop, a stock-taking exercise will first take place concerning the present state of the negotiations. Secondly, an attempt will be made to formulate a number of benchmarks which can be used to measure the potential effectiveness of the Convention, both from the perspective of State and of civil society. This discussion may address the following:

- What the future impact of the Convention beyond the negotiation phase might be
- How or by what means that impact might be fortified i.e. what stockholders, what resources, etc. would be required
- How to integrate the Convention with national anti-corruption strategies and to engender more effective cooperation through international organizations and agencies and mutual legal assistance arrangements

1. General introduction: State of play
2. Asset recovery: Civil society's role
3. Development of benchmarks

WS 6.3 Trafficking in Humans

▸ 26 May Monday 14:30-17:00

- Coordinator : Drago Kos Office for the Prevention of Corruption, Slovenia
Veronique Lerch TI-Secretariat
- Chair : Dragos Kos Office for the Prevention of Corruption, Slovenia
- Rapporteur : Veronique Lerch TI-Secretariat
- Panelists : Marija Andjelkovic ASTRA- Anti Sex Trafficking Action
Kenny Wai-Yan Tso Independent Commission Against Corruption ? Hong Kong

Manuel Lezertua Economic Crime Division, Council of Europe

Trafficking in human beings is nowadays dominated by highly organised criminal groups that are also involved in engaging government officials in dozens of countries to assist in the process. For traffickers the profits are high and risks are low. Until now the particular link between corruption and human trafficking has been given little attention and very few proposals for anti-corruption measures were made within the framework of human trafficking. This workshop aims at filling this gap and at highlighting the corruption angle of human trafficking. It will also attempt to determine how the anti-corruption organisations could support the work done to prevent human trafficking. Therefore, one of the central aims of this workshop is to raise awareness of anti-corruption

agencies and NGOs to the crime of human trafficking. The workshop should end by drafting of some recommendations for anti-corruption institutions in order to develop some activities in this field.

Topics

1. Opportunities for corruption in the trafficking chain (recruitment-transportation-border crossing-exploitation)
2. Opportunities for corruption in the criminal justice chain (legislation-investigation- search, seizure and confiscation- trial, □□)
3. Opportunities for corruption in the protection of and support to the victims of human trafficking
4. Risks of curbing corruption in human trafficking
5. Measures to curb corruption in human trafficking

WS 6.4 Corruption in Forestry

▸ 27 May Tuesday 11:00-13:00

- Coordinator : Luca Tacconi CIFOR, Indonesia
 Aled Williams TI-Secretariat
- Chair : Luca Tacconi CIFOR, Indonesia
- Rapporteur : Aled Williams TI-Secretariat
- Panelists : Ute Siebert Forestry Integrity Network
 Jason Patlis Environmental Law and Law Development Associates,
 Indonesia
 Juanita Olaya TI-Secretariat
- Discussant : Corene Crossin Global Witness, UK
 Michael Manning TI-Papua New Guinea
 Abigail Hansen Sherpa, France
 Bruce Bailey OECD

The workshop will, first and foremost, attempt to illuminate the nature and extent of the problem of forest corruption. Corruption in forestry occurs at different stages of exploitation and use of the forest resource base, including during allocation of forest concessions, through illegal logging, illegal log processing, illegal trade and finally, through the laundering of illicit proceeds, fraud and tax evasion. As such, actions needed to tackle the problem of forest sector corruption will vary and must be based on conceptual clarity about the various dimensions, nature and extent of the problem. The workshop will attempt to provide such clarity as a basis for future action. The workshop will also identify best practices in combating different kinds of corrupt activities, and in identifying criteria and indicators by which to measure progress, another critical need in the fight to reduce forest sector corruption. Topics:

1. The relevance of TI tools for fighting corruption in the forest sector.
2. Case study on illegal logging in Cameroon and/or analysis of the system of corruption in the forest sector.
3. Allocation of forest concessions
4. Laundering of illicit proceeds, fraud and tax evasion
5. Illegal trade
6. Illegal log processing

WS 6.5 Corruption and the arms trade : The South Africa case

▸ 27 May Tuesday 14:30-17:00

- Coordinator : Laurence Cockroft TI-UK
- Chair : Laurence Cockroft TI-UK
- Rapporteur : Colm Allan Public Service Accountability Monitor, South Africa
- Panelists : Richard Young CCI
 Gavin Woods South Africa - MP
 Stoffel Fourie Joint Investigating Team into the Arms Deal, South
 Africa
 Michael Wiehen TI-Germany

The arrangements surrounding the South African Arms Deal throw a clear light on practices which have become common in the global defence industry, in which forms of corruption are accepted as a norm. The workshop will review the nature of these as demonstrated in this case and discuss ways forward to avoid comparable corruption in other major sales, especially between companies based in the 'north', and governments in the 'south'. Particular attention will be paid to the scope for applying TI's Integrity Pact to arms purchases, with reference to opportunities in Colombia and India'.

Topics:

1. Parliamentary oversight of defence acquisitions in developing democracies
2. Strengthening procurement procedures in defence purchases
3. ~~Offset or Counter-trade~~ Investments and corruption in the arms trade
4. Arms trade corruption and the north/south divide
5. The application of integrity pacts within the arms trade

WS. 6.6 The Influence Peddlers

▸ 28 May Wednesday 09:00-11:30

- Coordinator : Phillip van Niekirk International Consortium of Investigative Journalists, USA
 David Hall Public Services International Research Unit, UK
 Kirstine Drew Public Services International Research Unit, UK
- Chair : Kirstine Drew Public Services International Research Unit, UK
- Rapporteur : Kristine Drew Public Service International Reserach Unit, UK
- Panelists : Jorge Cortes Collective of Applied Studies to Social Department, Bolivia
 Global Witness, UK
 Corene Crossin Sustainable Natural Energy and Economy Network, USA
 Jim Vallette

The overall aim of the workshop is to present the techniques, legal and illegal, used by Multinational Companies (MNCs) to buy political influence and capture state institutions - at home and abroad.

The workshop focuses primarily, although not exclusively on the USA. It uses case studies to expose a common modus operandi. It also seeks to assess the impact of current reforms in the light of these techniques.

Topics:

1. The business of war
2. Enron abroad: The view from Bolivia

CONFERENCE PROGRAM >> Workshops >> Stream 7

Select Stream

Stream 7 - International Instruments to Combat Corruption

In terms of its overall framework, Stream 7 aims to address the following questions:

Are Conventions able to deliver in terms of reducing corruption?

Do governments have the political will to enforce the Conventions?

What are the challenges posed by the multiplicity of instruments?

What is the role of non-governmental players, north and south, in supporting the Conventions?

What is the potential role to be played by governments outside the geographical scope of the respective instruments?

The objective of Stream 7 is to mobilize broad-based support for:

1. measures to make the existing instruments effective, by international organizations, governments, business, trade unions and civil society.
2. closing the more significant loopholes e.g. the role of foreign subsidiaries, political party financing and private-to-private bribery in the case of the OECD Convention.
3. effective new regional instruments and/or adherence to existing instruments in the case of countries not yet fully participating in the international processes as well as for an effective global UN instrument.

WS 7.1 OECD CONVENTION: Do Governments want it to work?

▸ 25 May Sunday 14:30-17:00

- Coordinator : Gwenaëlle Lecoustumer Organisation for Economic Cooperation and Development
Gillian Dell TI-Secretariat
- Chair : Mark Pieth Basel Institute on Governance, Switzerland
- Rapporteur : Gillian Dell TI-Secretariat
- Panelists : Enery Quinones Organisation for Economic Cooperation and Development
Hon. Jacek Gartska ABSTRACT Ministry of Justice, Poland ABSTRACT
Han-Su Kim Ministry of Justice, Republic of Korea ABSTRACT
Michael Wiehen TI-Germany
- Discussant : Laurence Cockroft TI-UK
Roy Jones Trade Union Advisory Committee, France
Mike Manning TI-PNG

The workshop aims to explore the level of commitment of signatory states to the OECD Convention with a view to identify key opportunities for, and obstacles to, improving the enforcement of the Convention.

The tool chosen by signatories to assess the level and effectiveness of implementation of the Convention among them is a monitoring process combining self and mutual evaluation. The monitoring not only helps identify deficiencies in legislation and on the effective enforcement of

implementing legislation but also a number of open issues under the Convention, such as its scope and territorial reach, where there is potential for possible future developments or amendments to the Convention.

Topics:

1. Implementation to date: Methods of assessment and overview of successes and constraints
2. National governments: What steps so far? Lessons from the peer review process
3. Closing the loopholes: Private to private, political party bribery, subsidiaries
4. Is commitment adequate? Is enforcement adequate?

WS 7.2 OECD CONVENTION: Non-government and North-South cooperation

▸ 26 May Monday 11:00-13:00

- Coordinator : Graham Rodmell TI-UK
Hennie van Vuuren Institute for Security Studies, South Africa
- Chair : Mwalimu Mathi TI-Kenya
- Rapporteur : Kirstine Drew Public Services International Research Unit, UK
- Panelists : Abigail Hansen Sherpa, France
Mark Pieth OECD Working Group and Basel Institute on Governance,
Switzerland
Rodney Whittaker Glaxo Smith Kline plc, UK
Devendra Raj Panday TI Advisory Council (Former Nepalese Minister of Finance)

Recognising the perception that the OECD Anti-bribery Convention has so far made little impact in combating bribery in international business and the low level of awareness of anti-bribery legislation in OECD signatory states and developing countries, this workshop aims to identify ways in which improved North-South co-operation, principally between non-governmental actors, can assist in ensuring that the implementation of the Convention is made more effective and the Convention is effectively monitored and enforced.

Panelists will be drawn from the OECD, civil society and other non-government stakeholders in the North and the South. However, as non-government action needs to complement that of government, recommendations may include action by OECD and other governments, where appropriate.

Topics:

1. Case study: Crimes in Cameroon and the role of North-South co-operation in seeking justice from a French court
1. Case study: Crimes in Cameroon and the role of North-South co-operation in seeking justice from a French court
2. The roles that civil society and other non-governmental actors can play in making the OECD Convention work: The OECD working group on bribery perspective
3. Lessons learned from the Jubilee 2000 campaign: How North- South co-operation around the OECD Convention could be made to work
4. North-South co-operation and business: Regulating subsidiaries and creating real global standards for integrity in industry
5. Developing real North -South non-governmental co-operation to increase awareness and enforce the OECD Convention:

WS 7.3 Peer Review in Practice: Techniques, Lessons and Recommendations

▸ 26 May Monday 14:30-17:00

- Coordinator : Nancy Zucker Boswell TI-USA
Christophe Council of Europe
Speckbacher
- Chair : Nancy Zucker Boswell TI-USA
- Rapporteur : Diane Kohn TI-USA
- Panelists : Joseph Gangloff Department of Justice, USA
Valeria Merino Dirani TI-Ecuador
Enery Quinones OECD
Manuel Lezertua Council of Europe
- Discussant : Robert Courtney Etica y Transparencia, Nicaragua

The workshop will review the experience and effectiveness of different peer review processes in promoting implementation of multilateral commitments. It will seek to draw lessons learned and develop recommendations that will contribute to strengthening existing processes and to creating effective new mechanisms for future agreements.

Topics:

1. OECD Anti-Bribery Convention
2. Inter-American Convention Against Corruption
3. GRECO
4. The Stability Pact, OAS and other mechanisms
5. FATF

WS 7.4 Asia Pacific and Africa: Regional cooperation

▸ 27 May Tuesday 11:00-13:00

- Coordinator : Gretta Fenner OECD
Akere Muna TI-Cameroon
Jak Jabes Asian Development Bank
- Chair : Gretta Fenner OECD
- Rapporteur : Andrew Nongogo TI-Zimbabwe
- Panelists : Jak Jabes Asian Development Bank
Euy-Whan Kim Korean Independent Commission Against Corruption
Daryl Balia TI-South Africa PAPER
Andrew Nongogo TI-Zimbabwe
Diane Kohn TI-USA

This workshop aims to discuss and compare different frameworks for regional co-operation on the fight against corruption. Two distinct yet comparable initiatives are proposed for this purpose, taken from two regions where no legally binding instrument applies to the entire region: The Anti-Corruption Action Plan for Asia-Pacific, developed in the framework of the ADB/OECD Anti-Corruption Initiative for Asia-Pacific, and the NEPAD Governance Initiative. In addition, the draft Anti-corruption Convention that has recently been adopted by the African Union shall be included

in the discussion.

At the time of the 11th IACC, the Action Plan for Asia-Pacific will have been endorsed roughly 1.5 years ago, and a number of action has been taken since then in order to implement it on a national level by the 18 endorsing countries. The NEPAD Governance Initiative and the AU Convention are fairly recent and concrete follow-up actions still need to be designed. Therefore, one of the objectives of this session will be to present experience made and lessons learned under the Asia-Pacific Action Plan, from which the African Initiatives could possibly draw conclusions on their own implementation mechanisms. In particular the Action Plan review exercise that will be under preparation at the time of the 11th IACC could contain certain interesting aspects for the initiatives in Africa. Furthermore, the involvement of non-governmental actors and the international donor community in the drafting as well as implementation process of the Asia-Pacific Action Plan could provide interesting points of reference for the NEPAD and AU initiatives.

Topics:

1. The three initiatives: Asia-Pacific Action Plan, NEPAD Governance Initiative, draft AU Anti-Corruption Convention
2. Possible mechanisms to ensure effective and efficient implementation of these instruments, both in a legally non-binding and legally binding context
3. The importance of involving non-governmental actors and the international community both in the drafting/development stage of such initiatives as well as the implementation processes

WS 7.5 United Nations: Global promise?

▸ 27 May Tuesday 14:30-17:00

- Coordinator : Dennis de Jong Global Forum II
Lisa Prevenslik-Takeda TI-Secretariat
- Chair : Jeremy Pope TI-Center for Innovation and Research
- Rapporteur : Lisa Prevenslik-Takeda TI-Secretariat
- Panelists : Dennis de Jong Global Forum II
Petter Langseth UNCICP
Kate Dawson UK Department for International Development
Emmy Hafid TI-Indonesia
- Discussant : Lisa Prevenslik-Takeda TI-Secretariat

This workshop aims to identify the practical effect of the proposed UN Convention Against Corruption for the fight against corruption globally. During the workshop, a stock-taking exercise will first take place concerning the present state of the negotiations. Secondly, an attempt will be made to formulate a number of benchmarks which can be used to measure the potential effectiveness of the Convention, both from the perspective of the State and of civil society. This discussion may address the following:

- what the future impact of the Convention beyond the negotiation phase might be
- how or by what means that impact might be fortified i.e. which stakeholders, what resources, etc. would be required
- how to integrate the Convention with national anti-corruption strategies and to engender more effective cooperation through international organisations and agencies and mutual legal assistance arrangements

1. General introduction : State of play
2. Asset recovery : Civil society's role
3. Development of benchmarks

WS 7.6 INTERNATIONAL INSTRUMENTS: the Way Forward

▸ 28 May Wednesday 09:00-11:30

- Coordinator : Gemma Aiolfi Basel Institute on Governance, Switzerland
- Chair : Mark Pieth Basel Institute on Governance, Switzerland
- Rapporteur : Gemma Aiolfi Basel Institute on Governance, Switzerland
- Panelists : Jeremy Pope TI-Center for Innovation and Research
 Quentin Reed Open Society Institute, Czech Republic
 Pauline Tamesis UNDP
 Veronique Wright Commonwealth Secretariat, Australia
- Discussant : Dennis de Jong Global Forum II

The objective is to assess the effects and effectiveness of the various international legal instruments that deal with the problem of corruption. In addition, the workshop would seek to identify ways to improve the efficacy of these instruments not only in terms of implementation but also in terms of the possibilities of drawing the instruments together coherently.

This workshop aims to identify the practical effect of the proposed UN Convention Against Corruption for the fight against corruption globally. During the workshop, a stock-taking exercise will first take place concerning the present state of the negotiations. Secondly, an attempt will be made to formulate a number of benchmarks which can be used to measure the potential effectiveness of the Convention, both from the perspective of State and of civil society. This discussion may address the following:

- What the future impact of the Convention beyond the negotiation phase might be
- How or by what means that impact might be fortified i.e. what stockholders, what resources, etc. would be required
- How to integrate the Convention with national anti-corruption strategies and to engender more effective cooperation through international organizations and agencies and mutual legal assistance arrangements

1. General introduction: State of play
2. Asset recovery: Civil society's role
3. Development of benchmarks

----- Select Stream -----

Stream 8 - Civil Society against Corruption: From Voice to Action

Civil society is extremely diverse comprising anti-corruption organizations, development, environmental and human rights NGOs, faith-based NGOs, women's groups, trade unions as well as grassroots and community based organizations in northern, southern and transitional states. CSOs engaged in combating corruption have an enormous amount to gain from listening to one another, learning from one another and building action orientated alliances that seek to exploit synergies whilst recognizing varying roles and demands. The overall aim of this workshop is to enhance the effectiveness of CSOs as agents for combating corruption and specifically to:

- Map out the range and activities of CSO involved in combating corruption
 - Identify and strengthen the grassroots agenda
 - Learn the lessons of past successes and identify evolving new tactics
 - Identifying new potential strategies and alliances
1. Potency of value-based anti corruption strategies to inform and mobilize civil society
 2. Exploring the impact of Corruption on gender concerns
 3. Civil society initiatives in monitoring political party financing and curbing electoral corruption
 4. Civil society as an effective watchdog ? Tools & Strategies
 5. Access to information as a potent aid to civil society initiatives to fight corruption

WS 8.1 From Voice to Action: Mapping CSOs

▸ 25 May Sunday 14:30-17:00

- Coordinator : Richard Holloway UNDP
Phil Matsheza SAHRIT, Zimbabwe
- Chair : Alfred Chanda University of Zambia
- Rapporteur : Richard Holloway UNDP
- Panelists : Richard Holloway UNDP
Lilian Ekeanyanwu TI-Nigeria [PAPER]
You Yong Sung Harvard University
Roxana Salazar TI-Costa Rica
- Discussant : Antonio Tujan Jr. IBON Foundation & Asia Pacific Research Network
Alejandro Bendana Centro Estudios Internacionales de Nicaragua

The aim of the workshop is to identify the range and activities of civil society organisations and the role they currently play or the opportunities they could bring to combatting corruption. The workshop will be structured around first a number of presentations by panellists that represent

different types of CSOs and then a moderated discussion.

Topics:

1. Overview of the kinds of CSOs which work on anti-corruption and their comparative advantages/disadvantages
2. Zero Corruption Coalition in Nigeria
3. The citizens organisations that fight corruption in Korea
4. Mechanisms to promote corporate social responsibility

WS 8.2 Mobilizing the margins: How the poor & the vulnerable can fight corruption

▸ 26 May Monday 11:00-13:00

- Coordinator : Richard Holloway UNDP
Lucy Koechlin University of Basel, Switzerland
- Chair : Lucy Koechlin University of Basel, Switzerland
- Rapporteur : Richard Holloway UNDP
- Panelists : Manzoor Hasan TI-Secretariat
Madsudan Mistry DISHA, India
Stefanie Teggeman World Bank
Daisy Owomugasho Uganda Debt Network

This workshop will highlight the impact of corruption on the poor and vulnerable, and also illustrate how organized efforts and strategic partnerships and coalitions are giving more voice and inclusiveness to anti-corruption programmes. A particular highlight of the workshop will be the emphasis on participatory monitoring tools like budgeting, monitoring public utilities, evaluating entitlements etc.

Topics

1. Citizens Report Cards and their evolution as a way that citizens can influence and change corrupt practices
2. Disha methods of enabling citizens to have a voice in the budgeting process through education
3. The Indonesian experience: Methods of raising awareness of corruption in citizens lives and devising participatory solutions

WS 8.3 Monitoring political party financing & curbing electoral corruption - The role of civil society.

▸ 26 May Monday 14:30-17:00

- Coordinator : Bruno Wilhelm Speck State University Campinas and Transparencia Brasil
Laura Thornton National Democratic Institute, USA
- Panelists : Arnaud Miguet London School of Economics [ABSTRACT](#)
Smita Notosusanto Center for Electoral Reform, Indonesia
Marijana Trivunovic Open Society Justice Initiative, Serbia [ABSTRACT](#)
Wilson Tien Democratic Progressive Party of Taiwan
Victor Andres Manhit Laban Party Institute (LDP), Philippines

- Discussant : Gillian Dell TI-Secretariat

The overall objective of the workshop is to present an overview on norms and practices in party and election finance, today. Academic research to be included will refer to regional comparison rather than to individual country studies. A second source of information is practical experience from two different viewpoints. While watchdog organizations report on their methods to trace the money trail from donation to influence, party representatives give a picture of the difficult task to fund electoral competition without falling into the trap of corruption. The closing session will deal with a proposal for global principles and standards for party finance.

1. Comparative overview of political party finance structures in Europe and Latin America
2. Watchdog investigation and documentation tactics.
3. Political party finance reform ? an internal approach

WS 8.4 Access to information as an aid to civic action

▸ 27 May Tuesday 11:00-13:00

- Coordinator : Ann Florini The Brookings Institution, USA
- Chair : Ann Florini The Brookings Institution, USA
- Rapporteur : Andrew Eggers The Brookings Institution, USA
- Panelists : Tom Blanton The National Security Archive, USA
 Elena Petkova World Resources Institute, USA
 Antonio Tujan Jr. IBON Foundation, Philippines
 Nikhil Day MKSS
 Arvind Kejriwal Parivartan, on leave from Indian Income Tax Dept.

WS 8.5 Strengthening values and morals in combating corruption: Role of education & religious faith

▸ 27 May Tuesday 14:30-17:00

- Coordinator : Ulf Fredricksson Education International, Belgium
 Christoph
 Stueckelberger Bread for All
- Chair : Katherine Marshall World Bank
- Rapporteur : Lene Moller-Jensen TI-Secretariat
- Panelists : Philippe Levy TI-Switzerland
 Ulf Fredricksson Education International, Belgium
 Muriel Poisson International Institute for Educational Planning
 Jacques Hallak International Institute for Educational Planning

There is an interesting spectrum of anti-corruption initiatives by civil society organisations that shows a great potential for replication and adaptation. However, there is an increasingly felt need to network more effectively, identify potent tactics and strategies and create an enabling forum for sustained interactions and exchange of concepts and practices. The aim of this workshop is to identify new alliances and new strategies for CSOs in their work in combating corruption.

Topics.

1. Locating the actors and actions - who is working, where and on what?
2. Need Assessment - what are the diverse and common demands of different groups?
3. Mapping Progress - what are the obstacles to meeting these demands?
4. Looking Back - what lessons can be learnt from past success stories?
5. Exploring Options - what new tactics and strategies are open to CSOs?
6. Evaluating Options - do these new methods help respond to the obstacles?

WS 8.6 Way Forward: Evolving Tactics & New Alliances

▸ 28 May Wednesday 09:00-11:30

- Coordinator : Gopakumar Krishnan TI-Secretariat
- Chair : David Nussbaum TI-Secretariat
- Rapporteur : Kristina Spaar TI-Secretariat
- Panelists : Robert Courtney Etica y Transparencia, Nicaragua
 Rita Baua Plunderwatch
 Hans Engelbert Public Services International, Netherlands
 Colm Allan PSAM, South Africa
- Discussant : William Nyarko Ghana Integrity Initiative

There is an interesting spectrum of anti-corruption initiatives by civil society organisations that shows a great potential for replication and adaptation. However, there is an increasingly felt need to network more effectively, identify potent tactics and strategies and create an enabling forum for sustained interactions and exchange of concepts and practices. The aim of this workshop is to identify new alliances and new strategies for CSOs in their work in combating corruption.

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5. Exploring Options - what new tactics and strategies are open to CSOs?
6. Evaluating Options - do these new methods help respond to the obstacles?

Stream 9 - Curing Corruption : Healthcare and Pharmaceuticals

To provide a better understanding of how corruption works in the health sector, in the pharmaceuticals industry and at the interface between them, what its impact has been, and to explore development of tools to combat it.

WS 9.1 Corruption in the health sector

▸ 25 May Sunday 14:30 - 17:00

- Coordinator : Maureen Lewis World Bank, USA
Dan Wikler Harvard School of Government, USA
- Chair : Helen Sutch TI-Germany
- Rapporteur : Marta Michalska World Bank
- Panelists : Malcolm Sparrow Harvard University
Grazyna Kopinska Against Corruption Campaign, Poland
Maureen Lewis World Bank

WS 9.2 Corruption and Organized Crime in the Health Sector

▸ 26 May Monday 14:30 - 17:00

- Coordinator : Djillali Hadjai TI-Algeria
Anke Martiny TI-Germany
- Chair : Anke Martiny TI-Germany
- Rapporteur : Roslyn Hees Canada
- Panelists : Ruth-Gaby Parliamentary and Delegation to Council of European
Vermot-Mangold Europe, Switzerland
Chawki Acheuk Youcef TI-Algeria
Dora Akunyili Nigeria

This workshop will deal with how criminal networks impact on the health sector and industry. It will discuss links between mafias and industries, and how they affect the consumers, as well as political corruption in procurement mechanisms. The specific impact on the poorest will also be taken into account, as they are those suffering the most from the alliance between mafias and corrupt medical institutions.

1. Counterfeiting of medicines
2. Blackmarket structures in the international pharmaceutical trade business
3. Illicit organ trade in Europe ? Moldova as an example
4. Smuggling of anabolic steroids and related hormone substances - big business. big crime
5. Counterfeit drugs and drug control in India

WS 9.3 Tackling of Corruption in the Pharmaceutical Industry

▸ 27 May Tuesday 14:30 - 17:00

- › Coordinator : Mark Pieth Basel Institute on Governance
- › Chair : Mark Pieth Basel Institute on Governance, Switzerland
- › Rapporteur : Gemma Aiolfi Basel Institute on Governance, Switzerland
- › Panelists : Rodney Whittaker GlaxoSmithKline, UK
 Peter Tobler Novartis, Switzerland
 Susan Cote-Freeman TI-UK
 Jillian Cohen University of Toronto, Canada

Over the last decade international and national rules have been amended to develop a tough stance against transnational bribery, and as a result legal and reputational risks for the pharmaceutical industry - as for other sectors - have risen considerably. Specifically in the pharmaceutical sector several areas appear particularly problematic: There have been cases of manipulated research, of undue influence on licensing and listing: corruption has been noticed in the context of production and logistics and finally the pressure to exert undue influence is certainly strong in promotional activities.

Changing "the rules of the game" is, however, not exclusively a matter for the public sector. The private sector is well placed to develop the details of how to conduct business with third parties (agents, subsidiaries, joint venture partners) without running the risk of being misused.

In many areas of the world corruption is still endemic and the pharmaceutical industry has not been left untouched by the issue. Over the last decade international and national rules have been amended to develop a tough stance, especially against transnational bribery.

Topics:

1. Putting the problems on the table: How does corruption manifest itself in this industry?
2. A risk analysis of the issues at stake.
3. The feasibility of a common standard for the pharmaceutical industry.
4. Next steps to realising an industry standard

WS 9.4 The interface between the Pharmaceutical Industry and the Health sector

› 28 May Wednesday 9:00 - 11:30

- › Coordinator : Carin Norberg TI-Secretariat
 Peter Schoenhoefler Arznei-telegramm
- › Chair : Carin Norberg TI-Secretariat
- › Rapporteur : Nic Duncan East Anglia University
- › Panelists : Dr. Graham Dukes World Health Organization, Drugs and Money, Editor
 James Cercone
 Peter Schoenhoefler Sanigest Internacional
 Arznei-telegramm, Germany

Relations between pharmaceutical firms, health officials, and health practitioners can potentially involve corrupt deals. This workshop will look at specific areas where possibilities for corrupt deals to occur are as well as the interface between industry and health officials: When does promotional activity end and corruption begin? How to establish a code of conduct for all partners and what to what extend? What is the role of the legislator to establish a legal framework for obligatory declaration of conflict of interest and sanctions as to failure to adhere to the standards?

Topics:

1. Marketing strategies that directly influence the patient
2. Sponsorship of research and correlating activities to dominate the scientific debate
3. Manipulation of independent, third-party sources of information on drugs
4. Lobbying efforts of the pharmaceutical industry
5. Supporting self-help groups to exploit their political influence
6. Conflicts of interest
7. The importance of codes of conduct
8. Case studies: Dipyrrone, hormone replacement therapy and disease mongering

----- Select Stream -----

Stream 11 - Chipping Away at Corruption: Can We Rely on E-Governance?

To increase the understanding of various roles and impacts of information and communication technology (ICT) on transparency and accountability by 1) sharing experiences and lessons learned from early e-government initiatives, 2) identifying potential elements of technology that may increase corruption and presenting several practical treatment against them and 3) exploring how private sector, NGOs, community and citizens can benefit from IT and create more transparent environment where business and other daily activities are performed.

WS 11.1 Road Trip: Practical Lessons from Early Implementers

▸ 26 May Monday 11:30-13:00

- Coordinator : Junghun Cho World Bank
- Chair : Subhash Bhatnagar Indian Institute of Management
- Rapporteur : Junghun Cho World Bank
- Panelists : Jae Hyun Yum Korean Public Procurement Service
Bruce Lazenby
William Leslie Free Balance, Inc., Canada
Dorotinsky World Bank

Not many governments' eGovernment reforms have been successful in transforming organizations into more transparent and accountable ones and the challenge from invested interest seems much stronger for anti-corruption-focused eGovernance projects. This workshop will try to share the lessons learned from early implementers of eGovernment applications. This workshop will consists of three presentations analyzing three main eGovernment application, eProcurement, Government financial management information system, and nation-wide eGovernment strategy and implementation.

Topics:

1. Why so many eGovernance projects have failed?
2. What went wrong?
3. What we ignored?
4. When can eGovernment be a good solution to anti-corruption?
5. Under what circumstances can ICT be used to reduce accountability?

WS 11.2 Corruption and Unmanaged Risk

▸ 26 May Monday 11:30-13:00

- Coordinator : Narelle George Corruption Prevention Network, Australia
Gopakumar Krishnan TI-Secretariat
- Chair : Hon. Alan Demack The Conflict of Interest Commission, Australia
T.T. Sreekumar Hong Kong University of Science & Technology

Panelists : Narelle George Corruption Prevention Network, Australia

While the introduction of Information Technology-led interventions in the public sector is widely seen today as a key enabler of management control to fight corruption, disquieting trends are appearing on the downside of eGovernance. Emerging cases of eCorruption and eCrime point to the reality that IT-based systems are facilitating new corruption opportunities for public servants. In the developing world, where there is a fast diffusion of IT-led public sector reform initiatives, a new form of exclusion is being highlighted wherein the poor and the marginalised are often victimised by the new technology. Moreover, unmanaged risks that transcend nationality and experience are those that surround ePrivacy and the exploitation of personal information gained through the use and misuse of the new technology. This workshop attempts to highlight these issues and stimulate thinking based on enabling experiences to effectively combat unmanaged risks associated with IT-led public sector initiatives.

Topics:

1. Managing eCorruption risks with the NSW public sector
2. eGovernance and exclusion: Evidence from the field
3. Electronic theft of personal information

WS 11.3 e Society and beyond: What citizen, civil society and business can do

28 May Wednesday 9:30-11:00

- Coordinator : Basheerhamad Shadrach TI-Secretariat
- Chair : Valeria Merino Dirani Transparencia Ecuador
- Rapporteur : Basheerhamad Shadrach TI-Secretariat
- Panelists : Subhash Bhatnagar Indian Institute of Management
Basheerhamad TI-Secretariat
Shadrach
Lilian Ekeanyanwu TI-Nigeria
Clay Wescott Asian Development Bank
Peter Ahn Institute of Transparency, University of Seoul

Building an equitable information society demands participation by all stakeholders. Such a process can enhance governmental transparency, progressive democracy, people's participation and the fight against corruption. Governments and multilateral agencies have started to recognise the importance of private sector participation together with the civil society in the formation of information societies. This workshop will explore whether and how partnerships between the citizens, civil society, governments and business enhance people's participation in the democratic process and promote equitable access to information by all people, including women, children, the youth, and the marginalised.

Topics:

1. The need for public-private partnerships
2. The need for partnership and transparency to close the digital divide
3. Improving the transparency, quality and effectiveness of pro-poor public services using the ICTs: An attempt by Transparency International
4. The role of the Asian Development Bank in building public-private partnerships for developing

eSocieties

5. A critical look at the OPEN System: Lessons learned in Korea

----- Select Stream -----

Stream 12 - Mixed Topics

WS 12.1 Political Immunity in Central America

- 27 May Tuesday 11:30-13:00

- Coordinator : Alfredo Calderon UNDP
 Maria del Carmen Center for National Economic Investigation, Guatemala
 Acena

- Chair : Maria del Carmen Center for National Economic Investigation, Guatemala
 Acena

- Rapporteur : Alfredo Calderon UNDP

- Panelists : German Espinal Anti Corruption National Council, Honduras
 Jorge Loisiaga La Prensa, Nicaragua
 Violeta Mazariegos Citizen Action, Guatemala

- Discussant : Alejandro Bendana Nicaragua
 Roberto Courtney Nicaragua

A Central American anti-corruption seminar was held in Tegucigalpa between the 4th and 6th of September, 2002. The agenda is being pushed through by an alliance called Alianza Centroamericana Anticorrupcion, an initiative that pursues dialog, reflection, mutual support, coordination and information exchange concerning common needs, challenges and topics in the subject of fighting corruption.

The minimum Central American agenda in anti-corruption is grouped in four subjects:

- 1. Mechanisms of popular participation for fighting corruption
- 2. Free access to public information
- 3. Immunity
- 4. Corruption, privatization, international financial institutions and free trade agreements.

The workshop will focus on the problematic issue of immunity from prosecution for politicians in Central America, and where this allows for corruption of large dimensions and privileges convert themselves into impunity. The workshop will consist of a regional perspective on this issue, illustrated by the case of ex-president Arnaldo Aleman in Nicaragua and further question the status of the Central American Parliament as a safe-haven for politicians who seek to maintain their privilege of impunity.

WS 12.2 Corruption and Human Development in Arab Region

▸ 27 May Tuesday 11:30-13:00
 CANCELLED

- Coordinator : Charles Adwan Lebanese Transparency Association
 Paul Salem The Fares Foundation, Lebanon
 Adel Abdellatif UNDP

restricted in other cases, levels of political participation are uneven, and the transfer of power through the ballot box is not a common phenomenon in the Arab world.

This workshop aims at drawing the link between corruption and human development in the Arab world and stressing the importance of democratic practices in fighting corruption and sustaining human development. The Lebanese Transparency Association and UNDP plan on achieving these results through this workshop, which will feature representatives from across sectors in the Middle East North Africa (MENA) region.

Topics:

1. The Impact of corruption on human development in the Arab region
2. The new concept of reform: Cooperation between the government and NGOs
3. Democracy as a safety-net: Participation and representation in Arab parliaments
4. Civil society, social development and corruption
5. Corruption, private sector competitiveness and the challenges to economic growth

附 件 二

Fighting Against Corruption Globally

—A Promise From Taiwan

I. Preface

For a long time, Taiwan was often criticized that its politics operated under the influence of corruption. In the Asian league table of Corruption Perception Indexes (CPI) compiled by Transparency International, the rank of Taiwan's public servants has moved up a little over the last few years, but still slower than those of their counterparts.

The factors causing grave corruption in the past in Taiwan were complex. Among other things, the lack of the sense of the rule of law might be the most important one. Next, because some politicians served as public officials through defective elections, in particular the vote-buying, it can be easily imagined that those winning election by vote-buying will pilfer national wealth by the use of political power. Such money-chased politics have become the breeding ground of all social evils, from the manipulation by the privileged class, to the collusion between officials and businessmen, and to the widening gap between rich and poor.

After President Chen came to power in 2000, the new government has clearly cited that the elimination of corruption is one of its primary goals. To achieve this objective, the Ministry of Justice (MOJ) mapped out an "Action Plan for the Elimination of Corruption and Organized Crimes" in July 2000. This Action Plan was designed to fight against the corrupted government officials as well as gangsters hiding behind the shield of politics. The new government has repeatedly stressed that only both administrative reform and governmental reinvention can establish a clean, competent, and service-oriented administration and provide the public with a fair and just society.

In addition to improving its political environment through this Action Plan, Taiwan also made efforts to further its international image. Since Taiwan is one of the major trading countries, it deeply understands that bribery used in international business will twist the normal transactions and have adverse effect on the stream of international commerce. Taiwan, therefore, refers to the "Convention on Combating Bribery of Foreign Public Officials in International Transactions", proposed by OECD, to amend its Anti-Corruption Penal Statutes, which came into force on 8 February 2003. According to the new Statutes, any conduct of bribery of foreign public officials in international transactions shall be punished.

For the purpose of giving a general idea that how the current anti-corruption mechanisms are working in Taiwan, the following report is presented by the MOJ.

II. The Current Framework of Anti-Corruption Work

1. Legal System

(1) Anti-Corruption Penal Statutes

A. Major offenses

- a. Those who directly or indirectly conspire for private illegal gain in matters they are in charge of or supervising shall be punishable by a prison term of not less than five years, and may also incur a fine with the maximum of NT 30 million (\$857,142).
- b. Those who demand, agree to accept bribes, or accept bribes or other unlawful benefits in order to carry out official duties shall be punishable by a prison term of not less than seven years, and may also incur a fine with the maximum of NT 60 million (\$1.71m).
- c. Those who demand, agree to accept bribes, accept bribes or other unlawful benefits in order to breach official duties shall be punishable by life imprisonment or at least a prison term of ten years, and may also incur a fine with the maximum of NT100 million (\$2.85m).
- d. Those who offer, agree to give bribes, or give bribes or other unlawful benefits to government officials in order to breach their official duties shall be subject to a prison term of between one and seven years; and may be fined with the maximum of NT 3 million (\$85,714).
- e. Those who bribe public official in order that the official act or refrain from acting in relation to the performance of official duties, in order to obtain or retain business or other improper advantage in the conduct of cross-border trade, investment or other international business, shall be punishable by a prison term of not more than five years, or incur a fine with the maximum of NT 1 million (\$28,571).

B. Encouraging confession

Those who voluntarily surrender after committing bribery and voluntarily repay illicit gains shall have their sentence reduced or suspended; and if their joint offenders are apprehended as a result, the informants' sentences shall be suspended.

(2) Witness Protection Law

This law was especially instituted to protect the witness of criminal cases. Witnesses are encouraged to come forward and testify for purposes of criminal investigations, trials, identification and examination, to protect the rights of the accused or the one being trailed by law. Furthermore, the informant of corruption can apply for rewards ranging from NT 200,000 (\$5714) to NT 6,000,000 (\$171,428) after the defendant he informed of is found guilty according to the subsidiary regulation.

(3) Compulsory Financial Disclosure for Government Officials Bill

According to this Bill which became effective in 1993, government officials above the director level, military generals, senior officials, elected officials, high school principals, university presidents, judges, prosecutors, as well as the chiefs or directors whose tasks involve in taxation, budget, land zoning, customs, police, school and hospital procurement, securities exchange, large purchases, construction management, etc would have duties to disclose their financial situations. The Bill is also commonly referred to as the "Sunshine Bill". Persons belonging to one of the above mentioned categories are required to declare their properties, vehicles, vessels, planes, deposits in local and foreign currencies and valuable items, as well as debts and investments. A report on the assets of their spouses and dependents is also required. An official must provide the above details within three months of beginning work. Furthermore, the assets of the President, Vice President, Premier, Ministers and other very high-level officials must be published regularly.

(4) Law for Public Servants on the Avoidance of Conflict of Interests

This Law was promulgated on July 12, 2000, formulated in order to promote uncorrupted and efficient politics, and to well form politics ethic by establishing norms preventing government officials from obtaining improper interests, so that corruption and conveyance of unjust interests can be efficiently eliminated. The term "interests" referred to in this Law includes property interests and non-property interests. The non-property interests means the appointment, promotion, transfer and other personnel measures in favor of a government official or his related persons serving in the government organ, public school or state enterprises. The primary aim of this Law is to prevent public servants from acquiring undue interests by making use of his power, opportunities or any method in his official duty.

(5) Money Laundering Control Act

This Act, which was promulgated in 1996 and amended on 13 January 2003, was the first comprehensive anti-money laundering law in Asia. It is especially enacted for the purpose of controlling money laundering and pursuing severe crimes. For currency transactions reaching more than NT 1 million (\$28,571), the financial institutions shall have to ascertain the identity of customers, keep the transaction records as evidence, and report the suspected money laundering to the Money Laundering Control Center.

Besides, any person who launders money shall be punished with imprisonment of not more than five years and a fine with the maximum of NT 3 million (\$85,714). The authorities are also given the power to temporarily freeze the suspect's assets, if necessary. Additionally, for the purpose of preventing criminals from transnational money laundering and effectively fighting against such crimes, this Act also provides bases for the government to sign mutual cooperation agreement with foreign governments and to set up a system to share forfeiture assets with them.

What is more, in order to create a mechanism to trace the flow of criminal proceeds in and out of banks or other financial institutions, The MOJ held several meetings with the Ministry of Finance to study the establishment of a "financial account integration system". This system, officially beginning on November 24, 2001, is a computerized database system for identifying those who have bank accounts and where those accounts locate.

2. Organizations

(1) Prosecutors Office

Like the court system, the Prosecutors Offices are attached to the courts at corresponding levels. There is one Supreme Prosecutors Office, six High Prosecutors Offices and twenty District Prosecutors Offices. Because of the unified prosecutorial system, the Prosecutor General of the Supreme Prosecutors Office directs and supervises the prosecutors of his office and the Prosecutors Offices attached to the lower courts. This direction and supervision is provided in the areas of criminal investigations, public prosecutions, the execution of criminal judgments and other functions prescribed by law.

(2) Special Task Units

An Action Center for investigating corruption and organized crimes was

created to screen the clues and coordinate the investigations. The Center in particular handles corruption cases involving in cross-jurisdiction investigations and actions that are better to be taken by the Center itself. Moreover, four Special Investigation Task Forces (SITFs), subordinate to the Center, were respectively established at Taipei, Taichung, Tainan and Kaohsiung to prosecute corruption cases within their jurisdiction. Each SITF is staffed with prosecutors selected from District Prosecutors Office and High Prosecutors Office, investigators from the Investigation Bureau (Taiwan's FBI), and other government officials with particular knowledge and experience on finance, customs or tax.

(3) Investigation Bureau

The principal duties of the Investigation Bureau of the MOJ is to conduct investigations and take precautionary measures in order to uphold the peace and protect national interests and welfare of the people. The Department of Anti-corruption, one of six Departments under the Investigation Bureau, is responsible for investigation of corruption.

(4) Department of Government Ethics

The Department of Government Ethics of the MOJ is the central authority for supervising matters concerning government ethics at various levels. The total members supervised by this Department are over 27,000, who are settled in all levels of government organs. To recognize the importance that "prevention is stressed over investigation, and investigation serves to prevent", and to unite the whole government ethics systems and resources, the Department of Government Ethics has being planned to upgrade into an independent anti-corruption administration (see below "The Establishment of Anti-Corruption Agency").

III. Future Anti-Corruption Measures

1. The Establishment of "Anti-Corruption" Agency

Inspired by Singapore and Hong Kong's successful examples, the MOJ proposed to establish an independent anti-corruption administration under the Ministry. Though there are some barriers resulting from different opinions among the ruling Party and opposition Parties, the MOJ continues to make efforts through communications and believes that the establishment of this Agency will never be too late.

2. The Amendment of the "Compulsory Financial Disclosure for

Government Officials Bill”

Now, the amendment of this Bill has been discussed in the Legislative Yuan (Taiwan’s Parliament). The main issue of the amendment is to expand the scope of the government officials having duties to disclose their properties. The new draft in particular provides that public officials failing to account for their unreasonable resource of money and assets should be given criminal sanctions and may also incur a fine.

IV. Achievements of Wiping Out Corruption and Vote-Buying

1. Cracking down on Corruption

Since the beginning of the mentioned Action Plan in July, 2000, the various Prosecutors Offices had, by March 31, 2003, dealt with 1,678 corruption cases and indicted 4,293 people, involving a total amount of NT 16.765 billion. These indicted people consisted of 240 (5.59 percent) high-level government officials. Besides, 355 (8.27 percent) elected representatives, 893(20.8 percent) middle-level government officials, 1,362 (31.73 percent) base-level government officials, and 1,443 (33.61 percent) common people were included on the list of indictment. As the officials above the middle-level officials and elected representatives accounted for 34.66 percent of the indicted persons, it is evident that the axe befell on officials at the middle and higher levels as well as on those at the base level.

With a comparison of the cases dealt with in the 33 months before and after the Action Plan was launched, it is clear that both the numbers of indicted cases and indicted persons have increased remarkably after the enforcement of the Action Plan. These facts show that the MOJ’s newly adopted collective approach to the crackdown on corruption has indeed enhanced the efficiency and yielded apparent results.

2. Combating Voting-Buying

Taiwan has established a free and democratic electoral system after decades of continuous transformation and reforms. Now, most of its public officials, including the post of President, are elected directly by people. It is widely recognized that fair and clean elections not only lay the groundwork for a democracy, but also prevent the winning candidates from corrupting after they assume office. As mentioned above, Taiwan has long suffered from defective

elections in the past decades. For this reason, the top mission for the incumbent government is to build up fair, impartial and open elections. Among other things, cracking down on vote-buying with inter-agency efforts has been a determined responsibility for the MOJ. From President Chen's inauguration in May 2000 to April 2003, a total of 3,763 people in 1,326 voting-buying cases were indicted, which were over two times the number during the period of 1997 to 2000. It is plain that if Taiwan continuously spares no effort to sweep vote-buying away, the eradication of vote-buying and improvement of the quality of its democracy will be more than just a dream.

V. Conclusion—Calling for International Cooperation

In accordance with the above-mentioned description, it is obviously that Taiwan has endeavored to eliminate corruption in recent years. However, Taiwan faces a difficult position when it strives to combat corruption. With more and more cross-border crimes rising, a country often cannot effectively investigate such transnational crimes without assistance from other countries. Since only a handful of nations keep formal diplomatic ties with Taiwan, very few judicial mutual assistance agreements, formal or informal, exist between Taiwan and foreign governments. As a matter of fact, so far, only the USA signed formal mutual legal assistance agreement with Taiwan in March 2002. Due to this situation, it is extremely difficult for Taiwan authorities to track down serious bribery cases with cross-board characteristics. For example, former French foreign minister Roland Dumas has admitted that as much as US\$ 760 million in kickback was paid to officers and officials in France, China and Taiwan for the sale of Lafayette frigates to Taiwan. However, because some of related evidence located in France, much illicit money obtained from this transaction was deposited in Swiss bank, and some asserted suspects fled to the UK and other countries, it goes without saying that Taiwan authorities can hardly give criminals sanctions without other countries' help.

Combating corruption is a global responsibility shared by all civilized society. All countries should cooperate closely to eradicate corruption without distinction of their status in international politics because this distinction is profitless for rooting corruption out. Taiwan, therefore, sincerely calls upon to build more mutual assistance ties with your countries. It is our deep belief that cooperation in fighting corruption among countries will in turn benefit all taking part in the effort.

附 件 三

Is “Profits with Integrity” a Viable International Business Strategy?

Yong-Sung Park
Vice-Chairman, International Chamber of Commerce

Good morning. Thank you very much, Mr. Chairman. I would like to express my gratitude to the Transparency International for inviting me here this morning.

The topic for this session is "profits with integrity." As you all may know, it is now one of the primary global concerns to curb bribery and fraudulent accounting in the corporate sector. As the Vice Chairman of the International Chamber of Commerce, I will speak about whether “the profits with integrity” can be a viable international business strategy.

The first point of my speech is that corporations blamed for corruption are difficult to survive in the global business environment. We remember the Lockheed bribery scandal occurred in Japan in the 1970’s. The scandal led to the resignation of the then-Japanese Prime Minister Tanaka and triggered a management crisis at Lockheed.

Unfortunately, rumor of bribery practices in the corporate sector continues today. Recently, there were press reports alleging possible involvement of U.S. companies, such as Halliburton and Exxon Mobil, in overseas bribery incidents.

To the public, it might be viewed that bribery may be prevalent in the entire business community. At the government level, I have heard that discussions are under way in the United States to regulate corporate crimes through the introduction of a three-strike out system.

However, I believe that it is not desirable for the government or civic activists to attempt to regulate the entire business community to fight against the corruption. I am concerned that such across-the-board regulation might in effect hamper and discourage business activities of companies conducting business in a fair and lawful manner.

Also, It is the corporations themselves that suffer directly from acts of corruption

committed by competitors in the same industry. Therefore, the private sector has regarded corruption as the worst virtue and has steadily engaged in anti-corruption activities. For the time being, I believe that it is necessary for the public and the government to observe the business sector's self-regulating efforts to uproot corruption in the corporate world and encourage such efforts.

Let me introduce to you the efforts of the International Chamber of Commerce or the ICC, as is often called, to regulate the bribery practices in the business sector. The ICC was one of the world's first international organizations to warn that corruption harms the economy and free trade and fair competition. The ICC has actively devised relevant countermeasures to eliminate bribery in the business community.

As early as in 1975, the ICC called on the United Nations to hold an anti-corruption convention. In 1977, the ICC published its own code of conduct, called the "ICC Rules on Extortion and Bribery in International Business Transactions." ICC's such anti-corruption efforts eventually led to the implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in 1997. As a result, Korea and other member states of the OECD have made laws combating corruption in international commercial deals.

Lately, the ICC is paying particular attention to the corporate-level anti-corruption campaign. The ICC imposes a rigid anti-bribery system on its member companies. The ICC Commission on Anti-Corruption requires its member companies to collect and report instances of bribery.

In addition, the ICC has published a corporate practices manual titled "Fighting Corruption." The manual proposes that corporations prepare a code of ethics and build an internal control system because employees could be easily tempted to commit a corruptive act in an increasingly competitive work environment.

Corporations are also asked to systematically encourage whistle-blowing. Employees should be encouraged to report unfair instructions from their bosses and the management without fear of retaliation.

Further, the ICC is making its efforts to fight against corruption on a global scale. Currently, discussions are under way with the OECD to apply its bribery ban to

the private sector. The ICC is also discussing with the United Nations to hold a UN convention against corruption.

I am convinced that strengthening supervision in the global society and the private sector's strenuous anti-corruption efforts will gradually put corporate corruption on a path to distinction. As you see, the ICC is at the forefront of this global fight against corruption.

The second point of "profits with integrity" is that businesses will now have to enforce law-abiding management in all corporate activities, including protection of consumers and investors, environmental preservation for their own survival.

A number of corporations that have been managed unethically have gone bankrupt or suffered a fatal management crisis, as a result of their blind pursuit of momentary profits and failure to abide by the law. The following instances offer lessons to all of us.

Japanese automaker Mitsubishi Motors was ordered to pay \$34 million in damages in connection with a sexual harassment case at its U.S. plant. U.S. subsidiary of Daiwa Bank of Japan was imposed a heavy fine of \$340 million, due to its failure to observe law-abiding programs. A Japanese milk producer, named Yukijirushi, went bankrupt after a cover-up of a massive food poisoning incident was disclosed.

Another important factor for ethical management is to ensure transparency in accounting. It is needless to say how deeply the international community was shocked by fraudulent accounting scandals of Enron and WorldCom.

At this point, I will briefly speak about Korea's experiences in accounting transparency. Prior to the outbreak of an economic crisis in 1997, accounting transparency was of little interest to the business and public in Korea. There was no systematic control of accounting frauds which are also known as window-dressing accounting. As a result, a number of Korean corporations manipulated their accounting books to borrow money from banks. Domestic banks made loans, relying upon the manipulated accounting books.

According to a study, lack of accounting transparency was largely responsible for the outbreak of the economic crisis in Korea and bankruptcy of 17 of the nation's 30

the second largest sales revenues, only next to Daimler-Chrysler.

Besides Shell, numerous other corporations across the world, including General Electric and Hewlett Packard, today are pursuing the "profits with integrity" philosophy. Corporations are well aware that they are not isolated from the society. As a member of the civic society, corporations should set enhancing corporate ethics as one of its management goals.

What is noteworthy is that such exemplary practices exhibited by the world's corporate leaders are spreading across the international business community. In Korea, for example, Samsung Electronics, Yuhan Kimberley, Shinsegae Department Store and many other corporations are interested in ethical management and are earnestly putting it into practice.

It has been reported that approximately 50 percent of Korea's 300 largest corporations have adopted a code of ethics and about 40 percent of them are operating independent departments devoted to ethical management. The "best practices" of ethically-advanced enterprises are rapidly spreading in the Korean business community.

My last point is that there sometimes is an elusive dilemma between profits and integrity. For example, how can we define the ethical management of a cigarette manufacturer? What would be the ethical management of a life-science company?

I do not think that it is appropriate for us to jump to some immediate conclusion today. Instead, I propose we hold more discussions and take a gradual approach to resolve this dilemma.

In today's world, trade liberalization and free capital movement are taking place rapidly. Civic activism intended to promote social good is gaining strength. In keeping with the trend, the corporate sector is rapidly pursuing global standards and adopting ethical management as a survival strategy.

I wish the nations and civic society would encourage business community to adopt ethical management to pursue "profits with integrity." Closer unity among corporations, civic society and the government will further enhance integrity in corporate management. Thank you very much for your attention.

附 件 四

THE SEOUL FINDINGS

We, some 900 people from 108 countries, drawn from governments, civil society and the private sector, assembled in our individual capacities in Seoul, capital city of the Republic of Korea, from 25 – 28 May 2003, for the 11th International Anti-Corruption Conference to address the theme “Different Cultures, Common Values”. Our earlier gatherings have taken place in all five continents. Our proceedings were chaired by the Hon. Justice Barry O’Keefe, Chair of the Council of the International Anti-Corruption Conference.

We were delighted to join in the recognition and applause for the three worthy recipients of Transparency International’s Integrity Awards. We also saluted the winner of the award for Latin American investigative journalists. Their personal efforts and commitment serve as an inspiration to us all.

We were honoured to have our proceedings opened by H.E. President Roh Moo-hyun, President of the Republic of Korea. He described the approaches his government has been adopting in carrying out its promises to his people of a participatory and corruption-free society following the cleanest and fairest election in the country’s history. “The financial crisis in 1997 caused Koreans to realise that transparency and fairness are as important as growth itself,” he reflected.

From the outset we addressed the theme of our conference, “Different Cultures, Common Values”. Our insights were enriched by profound addresses from the Hon. Ms Kang Kum-Sil (Minister of Justice, Korea), Professor Hans Kung (President of the Foundation for a Global Ethic), Sri Sri Ravi Shankar (Chairman of the International Association for Human Values) and the Hon. Kiraitu Murungi MP, (Minister of Justice, Kenya). H.R.H Prince El Hassan bin Talal of Jordan, unable to attend, shared his thoughtful insights with us.

In opening our working sessions, the Hon. Ms Kang declared our goal to be the realisation of a “clean, accountable and fair society”. We dedicate ourselves to that end.

The Hon. Murungi argued cogently that large-scale corruption should be designated a crime against humanity, as for many around the world it falls into the same category as torture, genocide and other crimes against humanity that rob us of our human dignity. In supporting his call, we condemn corruption as immoral, unjust and repugnant to the ideals of humanity enshrined in the Universal Declaration of Human Rights and we confirm our conviction that all human beings have a basic human right to live in a corruption-free society.

In a wide-ranging analysis, H.R.H. Prince El Hassan observed that the peace of nations partly arises and is sustained through the cumulative efforts of society, including the peaceful and just behaviour of at least an aggregate of individuals. It can first be realised, he said, when we have confidence in the inherent ability of humans “to see good, to do good and to be good.” We declare our own confidence in this belief.

Sri Sri Ravi Shankar, in a moving address, pointed out that corruption is at its lowest levels in the village, where people connect with each other, and at its highest

where people lack self-esteem and confidence in their own ability to provide for themselves in an insecure world. He decried a world that was globalised in all respects, except that of wisdom.

Professor Kung's detailed analysis of cross-cultural ethical values and standards covered the Koran, the Hebrew Bible, the Buddhist Canon, and the New Testament as well as the religions and philosophies of Indian and Chinese origins as well as humanist philosophies not rooted in any religion. His conclusions reaffirmed our own intuitive belief that "do not lie" and "do not steal" are common core values and standards, and that the principle of reciprocity – "Do not do to others what you would not wish to be done to you" - lies at the heart of all traditions.

We state our strong conviction that there is absolutely no substance in the myth that corruption is a matter of culture. Rather, it offends the beliefs and traditions of us all.

We met against the background of strenuous efforts being made to strengthen controls to counter money-laundering in order to counter the threat of terrorism present in many parts of the world, and in the immediate aftermath of a series of scandals in the private sector in the United States of America and across the globe. The scandals expose the bankruptcy of the new financial theory that the value of a corporation is what the market is willing to pay for it rather than that of its net assets.

As well, our world has been witnessing a failure of markets, a failure of institutions and a failure of moral norms. The tasks we face have become even more urgent and the more challenging, and the need for success even more compelling.

A crisis in ethics lies at the heart of recent **failures in self-regulation**, and underlines the necessity for appropriate government regulation, especially in areas vulnerable to corruption. There is a place for self-regulation, but the processes involved call for independent monitoring and verification.

We renew our commitment to a global international order that protects the weak and the vulnerable; that builds confidence among nations; that provides for sustainable development, particularly for the poor; and that serves as a dependable infrastructure for international commerce.

The view was expressed to us that the promises of the new globalised economic system will not be fulfilled, even if global companies and markets, national governments, national institutions and intermediate organisations work efficiently, for today it is the ethical framework on which they are based which is being increasingly questioned. This must be redressed.

Since we last met, work has begun on the drafting of the **United Nations Convention Against Corruption**, a development we whole-heartedly support and which we look to as providing a framework for future international cooperation. If our efforts are to succeed, significant change has to be effected in countries in all parts of the globe, those of the rich no less than those of the poor.

We look to the new Convention, scheduled for completion and signature at the end of this year, to significantly enhance the levels of international legal assistance so as greatly to reduce the ability of the corrupt to hide themselves and their looted assets

across international boundaries, and for the recovery and repatriation of assets to be addressed so as to ensure effective measures in this area.

We again stress the supreme importance of the prevention of corruption. Prosecutions are frequently the consequence of failures in prevention. It will greatly assist the reduction of levels of corruption if the new Convention contains mandatory prevention measures. Monitoring and international assistance provisions in particular must be adequately funded so that countries in the developing world can also fulfil their obligations. There is clearly scope for the monitoring elements to take advantage of those of existing regional bodies.

Corruption in the private sector is of increasing importance to the public as essential utilities and services are privatised: it is important that private-to-private corruption be included in the final document. Likewise it is essential that the role of civil society in helping to combat corruption be recognised. We believe, too, that effective monitoring with civil society participation will be essential if the final Convention is to achieve its goals.

We recognise, too, the strain that can be placed on the limited resources of poor countries in their pursuit of **cases with an international dimension**. We applaud the courage and determination of the government of Lesotho in its principled pursuit of alleged bribe-givers, as graphically described by the Hon. Fine Maema, Attorney General of Lesotho, and detailed in the excellent case study before us.

We record, too, the tributes paid by the Attorney General to the Swiss authorities in assisting to trace the bribes paid to the Lesotho public servant involved.

However, it is clear that much greater levels of support must be available for countries such as this who are confronted by corruption allegations in major undertakings. We believe that the World Bank should consider developing a facility for the funding of forensic audits (which are by their nature neutral as between the parties involved).

We would also invite the World Bank to consider the possibility of its advancing moneys to victim governments when large sums of looted cash looted by their former officials are likely to be frozen for years in foreign bank accounts.

We also call upon the international community to examine the establishment of a trust fund to provide legal aid in appropriate cases such as those in Lesotho, and to create a network of legal and forensic accounting experts that can be made available to governments on a *pro bono* (i.e. free) basis.

We call as well on the international financial institutions to develop a common policy towards debarment of corrupt contractors and to recognise and enforce the penalties any of them impose. Likewise it is essential that funding agencies recognise and allow the debarment of contractors imposed by developing countries after due process.

We cannot leave the question of international cooperation without recalling the fact that in our closing statement at our last meeting, in Prague two years ago, we recorded a strong call for the immediate return of the disgraced former president, Alberto Fujimori from Japan to Peru, the country which he governed as Peruvian for ten years and to whose people he has yet to account for his stewardship. We heard a renewed call for cooperation, and were saddened to learn that no progress has been made in this regard.

We appreciate that a claim is made on his behalf for **immunity** from extradition by virtue of his claim to a second citizenship. This highlights a concern, expressed repeatedly throughout our proceedings, that immunities are afforded to far too many people and in a needlessly wide and general fashion.

These are widely exploited by corrupt politicians in particular, and foster a contempt for the Rule of Law by rendering thousands of people around the world beyond the reach of investigators and the courts. There are only very restricted areas in which immunity can be justified.

We believe that governments must review the scope of any immunities as a matter of urgency, and then take any action necessary to restrict these to legitimate and justifiable limits.

Our discussions were again wide-ranging. Containing corruption is a continuing process, and it involves institutions across government, the judiciary, the private sector and civil society. All are part of the problem, and all have an active part to play in achieving solutions. Without the active support and involvement of civil society, a government is unlikely to succeed in its reform efforts.

Among the conclusions we reached in our workshops were the following:

Politics

- In our review of **political party financing and electoral corruption** it was apparent that political parties cannot be ignored in finance reform. Parties must themselves engage in internal reform efforts, practice transparency and demonstrate commitment to ethical standards. We recognised, too, that politicians face increasing difficulty in funding campaigns, and that reform efforts are unlikely to be successful until the costs of elections are reduced.
- To avoid **state capture** we need new preventative mechanisms, including stronger oversight and enforcement of broader and more extensive conflict-of-interest laws. Steps should be taken to ensure that there are appropriate time limits imposed before senior public officials can take up employment in the private sector in sensitive areas. Governments must be shielded from falling under corporate control. Appropriate provisions to regulate political party financing should be incorporated into both the UN and the OECD Conventions.
- Corruption operates through **networks** large and small. We recognise the value of “good networks”, as well as the existence of ambiguous and “bad” networks, and that the “bad” must be replaced by the “good”, not simply eradicated. Strong regulatory frameworks can assist in containing and disrupting “bad” networks, as can a functioning judicial system. However, the attitude of society as a whole to networks and to the role of law require examination in any given context to determine the informal rules that appear to guide mass and elite behaviour. Networks unquestionably often influence policy decision-making.

International Systems

- The future contribution the UN Convention Against Corruption will make to global anti-corruption efforts will be of critical significance. The recovery and repatriation of assets must be strengthened by this Convention and adequate resources made available to ensure that local judicial and law enforcement officials are trained so that mutual legal assistance is viable. The monitoring mechanism envisaged by the UN Convention could make use of, and draw on, existing models whereby regional bodies—such as GRECO—could be used to conduct monitoring on the UN’s behalf.
- We are concerned at a continuing widespread ignorance of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions as shown by the recent Transparency International Bribe Payers’ Survey. We urge all governments to engage in effective awareness raising campaigns in their own countries to ensure that the private sector is aware of its responsibilities; to encourage their publics to report instances of violations; to compile public information on prosecutions; and to take steps to include civil society in the monitoring processes. We are concerned, too, to see that relevant governments ensure that the monitoring processes under the Convention are adequately resourced.
- We acknowledge the critical importance of peer-review mechanisms to bring about the reforms necessary to comply with international legal instruments and note with satisfaction the consolidation of these mechanisms in the OECD and in the Council of Europe (GRECO). We call for an intensification of their actions to ensure a more complete and effective implementation of standards in the anti-corruption area.
- In reviewing peer review under the OECD Convention (against the bribing of foreign public officials), we saw it as critical for civil society and the private sector to be involved at all stages of the peer review processes provided for under the Convention, and for peer review mechanisms to be designed with a clear focus on ensuring that the goals of the Convention are met. NGOs should monitor national implementation of the Convention and call their governments to account. An “international hotline” should be established by the OECD as an aid to enforcement. As a medium to long term objective, consideration should be given to the establishment of an “international prosecutor” for major international corruption cases. There is a window of opportunity open to ensure that governments take the Convention seriously, but it will not last long.
- In considering regional cooperation in Asia and in Africa, we call upon all concerned to recognise the role that civil society can and should play in monitoring their countries’ adherence to the Conventions they sign, and we urge donor agencies to ensure that relevant civil society groups are funded sufficiently so as to enable them to discharge this essential task. Funds flowing into African governments through NEPAD should be conditional upon those governments ratifying the African Union Convention Against Corruption. We also encourage the international community to support efforts being made to strengthen arrangements for the repatriation of stolen assets and the proceeds of corruption.

- Arrangements for **international mutual legal assistance** in corruption investigations and prosecutions were reviewed. We examined case studies including tobacco smuggling based in Hong Kong, the case of ex-president Fujimori of Peru and of ex-president Abacha of Nigeria. The complexities of cases involving numerous countries are considerable. Legal assistance can be sought and refused, for reasons that are not always apparent or understandable. Yet mutual legal assistance is increasingly necessary in a globalised world. This can be facilitated through international conventions (and we look to the UN Convention Against Corruption to be concluded later this year to advance matters in this area in particular).
- We addressed the topic of combating the **trafficking in human beings**. Many people – but especially women and children - are put at risk when countries' preventive measures are inadequate. Among our conclusions was the need for multi-disciplinary groups to be established at national levels so as to ensure coordinated action against corruption and such trafficking.

Development Assistance

- **Cooperation between existing international agencies** addressing corruption must be enhanced, either through the creation of a new institution for this purpose or by making the existing agency established by the UNDP more effective.
- There is still considerable **corruption in development projects**. Information made available to the poor and vulnerable can greatly enhance their ability for them to assert their rights. There is a particular role for non-governmental organisations carrying information to those who need it. It would greatly assist our efforts if development agencies were seen to be applying the same standards of transparency and accountability in their own operations that they require of their development partners. Similarly, the operations of lending agencies would benefit were they to be open to effective external review.
- Our discussion of **corruption in aid** convinced us of the need for human rights and good governance practices to be integrated into the practices of donor agencies, which in turn should be subject to oversight by groups of independent citizens. Conditionality appears to have largely failed and other, more creative approaches must be developed to encourage appropriate reforms.
- We recommend that international financial institutions (IFIs) and donors should end the practice of insisting on **privatisation** as a condition of loans and allow for the consideration of the full range of public and private sector models.
- We recognise that **post-war reconstruction** poses particular challenges in devastated environments that lack the rule of law and requiring the rehabilitation of institutions, communities and infrastructure and in which massive aid interventions flow very quickly but whose effectiveness is not always maximized. The complex issues involved call for further conceptual consideration and empirical investigation with a view to developing deployable anti-corruption systems and tools to contain corruption in post-war reconstruction.

Industry Sectors

- We believe that **water and energy resources** should be considered public goods, access to which is a fundamental human right. If privatized, the decision-making processes should be fully transparent, and strict conditions must be applied. These include a cap on profiteering, strict performance standards, and so-called ‘take-or-pay’ contracts prohibited. When it appears likely that officials in privatised water or energy utilities may have engaged in corrupt practices, an independent commission should investigate them together with any public agencies – including international financial institutions and export credit agencies – that may have financed the transactions. When international agencies are found to have financed such corrupt transactions, they – not the consumers – must bear appropriate responsibility for outstanding loans and credits.
- Corruption is endemic in the **health and pharmaceuticals** sectors from which no country is exempt. Research is manipulated, undue influence distorts licensing and listing, bribery is strong in promotional activities, counterfeit medicines and relabelled expired drugs are all having a devastating impact on patients and the costs of health services alike. In addition, standards should be developed by and between companies in the pharmaceutical industry, dealing with issues such as, inter alia, political and charitable donations, sales representatives and distributors. Case studies illustrated unambiguous instances of severe health and financial losses. Black markets abound in illegal organ sales and the use of ineffectual medical supplies, leading to ill-health and deaths. Organized crime networks have become involved in the corrupt trade in body parts and privatisation and unregulated competition in the provision of medical supplies have accelerated levels of corruption and fraud. The black market in health products requires much stronger regulation in the developed (consumer) countries, and greater attention paid by all countries to the ratification and implementation of relevant international convention. Governments must ensure that the patient, not the suppliers, is the focus and beneficiary of health care provision; that doctors and other health professionals adopt codes of conduct requiring them to disclose gifts and benefits received from the pharmaceutical industry; and that there is transparency in decisions concerning the acquisition of equipment and pharmaceuticals.
- Corruption in **forestry** calls for a wide range of responses, both legislative and non-legislative and addressing all aspects of the timber production and marketing chain. There has been an over-reliance on civil society to perform a monitoring role in a situation which can be extremely dangerous for them and for which groups are often ill-equipped. There is a need to work on a broad front as there is no single effective approach to containing corruption in the forestry sector.

Public Sector

- In the absence of a just, honest and independent **judiciary** and so the absence of the Rule of Law, much to which we aspire will lie beyond our reach, and many

potential reforms will be frustrated. The needs of the judiciary must be met. We welcome efforts being made to strengthen the independence and integrity of the judiciary.

- In our review of **depoliticising the civil service** we were concerned at an apparent lack of tangible outcomes of past civil service reform exercises and stress the need to go beyond merely looking at reducing wage bills to focus on essential political, social and economic aspects. There is also a need to focus on the civil service as a whole, rather than on just separate parts of the service.
- Our review of the effectiveness of **anti-corruption agencies versus institutional mainstreaming** led us to conclude that controlling corruption is an issue of governance and of the quality of government policies, and it cannot be solved simply by the creation of an anti-corruption agency. These agencies can constitute an inefficient use of resources where a country has weak capacity or a hostile policy environment. In countries with a better developed governance framework there is a whole web of anti-corruption agencies and accountability strands so that an agency, if created, has to work closely with all of them if it is to be effective. Most importantly, it is essential not to view the creation of an agency as a single “quick fix” but as only one aspect of an approach that has to address the whole spectrum of the problems that breed corruption. Even then, no agency can be successful without building a strong bond with civil society and gaining its cooperation.
- We reviewed the role being played by civil society in monitoring **public procurement** and identified its participation are being critical for the development and enforcement of anti-corruption strategies, transparency, the raising of awareness and the facilitation of change. Change is possible and has been achieved in some countries with considerable savings flowing to the public good from clean public procurement practices.
- It was recognized that **customs** administrations are particularly vulnerable to corruption as their officials have direct, real time, discretionary access to tangible wealth while they are also often underpaid. As a consequence, corruption in Customs damages legitimacy and image, and is a major obstacle to international trade and development. A review of the available tools to counter corruption in Customs shows that the tools are available to enhance integrity and that what is now needed is their effective use in implementation. Case studies show that significant results can be achieved within a short time-frame were proper appeal channels are created, officers are made proud of their jobs, integrated border management (making Customs regulate cross-border movements of people as well as goods) can help; and IT offers solutions, but is not always foolproof. The World Customs Organization has developed useful tools, including a “road map” for assessing corruption in administration and performance indicators. There was some support for the development of an ISO standard for Customs administration.
- Corruption in the **police** is a common problem, and one best addressed by having it addressed by an independent institution rather than an internal police unit (although the latter may need to be chosen for reasons of resources or for social and political considerations). Leadership within the police force is critical, backed by strong political will within the government. Proper laws must enable graft

fighters to take effective action against corrupt police officers. We welcome the initiative of Interpol in forming its International Group of Experts on Corruption (IEGC) and the global standards and best practices which it is promulgating. However, to fight corruption effectively within the police force the support of the community must be won through a combination of education and publicity.

- We again emphasize the importance of **protecting whistle-blowers** from reprisals and of providing witness protection where necessary. No anti-corruption campaign can succeed if employees, both in the public and the private sector, are fearful of reporting acts of corruption. We are aware that key witnesses have been unwilling to identify current influential politicians by name because of the inability of the judicial system in their countries to provide them with adequate security. Dependable complaints mechanisms form a vital strand in any effective anti-corruption framework.

E-government

- We recognised the potential for **e-government** to impact positively on corruption levels by increasing accessibility, and transparency, but these need to be aligned with wider public sector reform. Many governments are still at an early stage and need to initiate reforms on a small scale, and scale up as and when the utility of these is proven. Computerisation requires significant process re-engineering before it is undertaken to avoid the danger of simply modernising existing processes that already lack transparency and efficiency.
- We saw value in civil society organizations taking a much closer interest in the potential that **e-government** may offer for the reduction of corruption and the introduction of more open systems of administration. The OPEN system adopted in Seoul attracted particular interest. Participants registered a broad concern regarding the potential for corruption in the area of e-government, particularly as in many countries one cannot assume equal access to technology to that the process has the potential to actually widen the gap between rich and poor.

Private Sector

- **Professional and business ethics and education** require the implementation of codes of ethics and ethics training from the top of an organisation down to the most junior staff. We reviewed a number of tools that have been developed for this purpose, including specific case studies and survey software. We believe that the use of examples drawn from real life best demonstrate the dilemmas which can occur, rather than subjecting staff to ethics courses which are overly theoretical.
- In examining the role of **corporate governance** in the fight against corruption we reviewed a series of initiatives, among them the TI Integrity Pacts, the TI Business Principles, the Wolfsberg principles, the Public What You Pay campaign, the Caspian Revenue Watch initiative and the United Kingdom government's Extractive Industries Initiative. It was clear that there is no one specific area on which civil society should focus but that all can contribute to

enhanced accountability across a broad range of approaches. In examining the **role of lawyers in corporate governance** we noted that lawyers are often perceived as conspiring with corrupt actors so that the lawyer's image ranking somewhere between businessmen and politicians is therefore not surprising. We decided that when it comes to the lawyer employed by a business it is not a question of "either - or" - of "hired gun" or of "gate keeper". A business lawyer is to some extent a "hired gun" but he also has a professional duty to warn and restrict his client to legality. The mere adoption of ethics codes does not stop corruption, but helps build institutions and confidence - and of particular importance is the development and enforcement of professional codes of conduct to ensure that lawyers stay within the bounds of the permissible.

- We discussed the lessons to be learned the recent scandals involving the **accountancy profession** in the United States and elsewhere. It was clear that a nature of the relationship between auditor and client would change if the auditor were required to be an investigator and that auditors are not presently qualified or trained to conduct to discharge a forensic role. We recognized that the profession itself has still not come to terms with the implications of the recent scandals. The profession, and individual corporations, face enormous reputational risks. Many felt that auditors need to be changed more frequently to disrupt the "network" that can otherwise develop between auditor and client; some felt that shareholders, not boards of directors, should appoint the auditors. Above all it is essential to restore public confidence in companies' financial statements or investors will stay away and capital markets will continue to languish.
- Needs in the **media** include both a diversity of ownership and addressing problems of corruption within the journalists' profession.

Civil Society

- We recognise the need to raise standards of transparency and accountability within **civil society** itself, in particular the need for effective codes of conduct including principles for the selection and recruitment of their staff as well as high standards of financial accountability. There is also an urgent need for civil society to pool resources and to work collectively and in a broader coalition in order to re-open the debate over international regulatory structures.
- We declare our commitment to continue to **deepen and broaden our coalition** and to work with a wider and more diverse range of citizen groups, consumer groups, environmentalists and trade unions on the basis of links first established at the 11th IACC.
- In addressing the central theme of our conference, we call upon **faith-based institutions** to raise the level of their involvement in addressing ethical and corruption issues, and identified a need for them to ensure that their own institutions live up to the practices they rightly advocate for others.
- Finally, we discussed **the way forward for civil society** and exchanged experience as between different civil society organizations who are working on the corruption issue. The need is clear for civil society organizations to build alliances of the widest possible kind, drawing in organizations and people from all

walks of life and of all political persuasion. In particular, we concluded that coalitions between civil society organizations and parliaments as well as with political parties deserve further exploration. The clear need was identified for civil society to monitor the performance of their governments in implementing their international obligations under the anti-corruption conventions to which they are party. In this context, Transparency International should consider broadening its scope and changing its emphasis from being on “transparency” to being on “accountability”, as the aim is to hold people accountable. Above all, to maintain their own credibility and legitimacy, civil society organizations must foster and adhere to the highest internal ethical standards.

Measurement

- The ability to **measure corruption levels** and to track levels of progress provides an essential tool for our work. Methodological approaches need to be further developed with an emphasis on policy development.
- In examining the **measurement of corruption** it was apparent from World Bank Institute data that trends in governance are not getting any better. Cross-country measurement tools have come a long way, but remain imperfect: they must be complemented by sound country work which in turn yields achievable anti-corruption strategies.

Many of our findings can be addressed by governments assembled at the Global Forum on Fighting Corruption Safeguarding Integrity to be held in Seoul shortly after our own proceedings conclude. To these we would add the observation that we would all greatly benefit if the commitments made at Global Forum I and Global Forum II could be reviewed and reported on publicly.

It is now 20 years since the first International Anti-Corruption Conference was held in Washington (1983), but since then the environment in which we live and work has changed dramatically.

New threats have emerged and new challenges posed to us. In a world of accelerated change, the one constant has been our common values. Our Conference has grown from a handful of committed organisations to a coalition that spans the globe. A subject once taboo can now be discussed openly, and by nations rich and poor.

The nexus between corrupt exporters in industrialised countries and political elites elsewhere has been exposed and is being addressed, which 20 years ago was unimaginable.

The regular return of assets looted by officials in developing countries and sheltered in the developed world, once but a dream is now within our grasp. Corruption is now rightly seen not simply as an economic problem, but one with equally strong social and political dimensions.

There is, too, now widespread recognition that the fight against corruption can only be waged successfully if all are involved, both within and outside government.

Chief Justices around the world have developed the Bangalore Statement of Global Principles on Judiciary Integrity, noted by the recent session of the U.N. Human Rights Commission, which will serve as a global benchmark.

At the United Nations itself there is the prospect of governments reaching a consensus on the steps to fight corruption that if achieved will be truly historic.

Youth are now organising with the vision of “A World Without Corruption”, and at our gathering the Youth Network Against Corruption (www.ynac.org) developed an imaginative action plan.

Increasingly, too, governments are recognising their people’s right to information and starting to appreciate both the positive benefits to governance of more open and participatory approaches and the beneficial impact this can have for citizens, and especially the poor.

We have passed from mere words and into the sphere of concrete and concerted action. As we continue in our efforts, we will do so in the conviction that the values we all share will stand us in good stead throughout the years ahead.

We express our thanks to the Chairman and members of the International Anti-Corruption Council and to the members of the Korean Organising Committee. We are deeply grateful to the Korean Ministry of Justice, which hosted the conference, and to the Korean Organising Office, in particular to Mr. Sang-ok Park, Mr. Keon-joo Lee, Mr. Jong-sang Lee, Mr. Lyun-sup Shin, and Ms Eun-jeong Kim. We are also greatly indebted to Ms Gillian Dell and her committed team at Transparency International who have worked so diligently, so effectively and to such excellent effect on preparing the conference programme.

In closing, we express our gratitude to the government and people of the Republic of Korea, to the Mayor and citizens of Seoul and to Transparency International-Korea. Many of us experienced numerous acts of kindness and integrity from ordinary citizens as we have moved about their city. This must bode well for their society achieving its corruption-free goal.

We depart, saddened to leave but with a renewed sense of determination and purpose.

Seoul
28 May 2003