Methodology for Assessing the Capacities of Anti-Corruption Agencies to Perform Preventive Functions

UNDP Bratislava Regional Centre
December 2009

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I. INTRODUCTION

This Methodology has been developed by UNDP Bratislava Regional Centre (BRC) [1] building on best practices and lessons learned derived from support provided to anti-corruption agencies in the specific context of the Eastern European and the CIS countries, as well as on a series of analysis/researches regarding the same area. While the Methodology can be considered as a valid instrument for supporting anti-corruption agencies in different parts of the world, it has to be mentioned that the specificities of corruption as well as of the administrative systems of the region shaped some of the observations and recommendations contained in the document that may not fully apply or may have different application in other regions.

The Anti-Corruption Agencies (ACAs) that were subject to the mentioned research and analysis operate in an environment, in which levels of administrative corruption and state capture remain high after almost two decades of transition; it seems evident that, despite the distinctive characteristics of the different countries, some of their shared legacy from recent history has a bear on the degree and specifics of the corruption phenomenon across the region.

One of the features shaping the context of anti-corruption in many of the countries of the region is the persistent capacity deficit in their public administrations. From the previous regime, they inherited very hierarchical administrative structures, politically controlled, secretive and accountable much more to the vertical of power than to the citizens whom public institutions are supposed to serve. Several countries (especially in the CIS, but not only) present an administrative environment in which patronage, nepotism and decision-making through non-transparent channels of personal influence are an entrenched part of the public sector and of its relations with the citizens.

The communist past has also an impact on the structures and dynamics of the civil society. The long suppression of civil liberties, the impossibility of creating social structures outside the party's control, as well as the lack of independent media, annihilated or severely reduced the capacity of civil society to organize itself for promoting collective interests autonomously from the state. Partially the problem is related to the lack of organizational structure within the civil society itself.

To address the issue of corruption many governments in the region started, during the last decade, developing anti-corruption strategies and institutional arrangements for fighting corruption. It must be said that the international community played a fundamental role in this development through both political pressure and direct technical support. An inventory of the anti-corruption agencies existing in the region reveals a prevalence of specialized prevention of corruption agencies as well as the existence of specialized AC departments in prosecutors' offices and a general reluctance of the governments to introduce multi-functional, specialized and independent anticorruption agencies.

This Methodology has been developed by the UNDP BRC in order to provide UNDP Country Offices in the region, as well as other international actors, with a tool for assessing the capacity of institutional arrangements dealing with specific corruption

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prevention functions, irrespective of the type of agency that is being assessed (for more details see the following session : Defining the Target: Corruption Prevention Agencies).

UNDP BRC made the deliberate choice to focus this Methodology (as well as the other activities for capacity development of AC As) on the area of prevention of corruption. This decision was taken in consideration of UNDP's specific approach to fighting corruption: the phenomenon is seen by the Organization primarily as a symptom of governance deficiencies and of capacity shortages in the public sector. The anti -corruption activities of BRC are developed as part of the broader governance and public administration reform agenda. Support t o corruption preventi on activities is a legitimate entry point to promote and reinforce such reforms; prevention of corruption agencies are expected to play a key role for the development of a transparent, accountable and efficient administrative system, in line with the preve ntive Chapter of the UNCAC [2].

The choice of focusing on prevention of corruption was also dictated by the reality of institutional development to fight corruption in the Eastern European and the CIS region. In application of the UNCAC (Art 6) the majori ty of the countries of the region has introduced or is currently introducing agencies tasked with prevention of corruption. The analysis and research conducted by UNDP BRC as well as other organizations reveals that these agencies are facing significant capacity problems to become effective elements of the national integrity systems , due of shortages of the institutional framework and lack of capacities at the organizational and individual levels.

Developing the capacity of anti-corruption agencies requires, first of all, a careful assessment of all the factors contributing to their functioning. Capacity development has a long been part of the UNDP mandate, and over the years UNDP has gathered knowledge and resources on this issue. UNDP defines capacity as "the ability of individuals, organizations and societies to perform functions, solve problems, and set and achieve objectives in a sustainable manner ," and proposes a process through which capacities are obtained, strengthened, adapted and maintained over time.[3]

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[2]In 2008, a corporate review of UNDP's programming approach aimed at streamlining UN CAC implementation in UNDP activities for anti -corruption and materialized in a revised *Anti-corruption Practice Note* (http://www.undp.org/governance/docs/M ainstreaming_Anti-Corruption_in_Development.pdf) and a *Primer on Corruption and Development* (http://www.undp.org/governance/docs/Corruption_and_Development_Primer_2008.pdf).

These corporate policy documents firmly anchor the anti -corruption agenda to UNDP's human develop ment mandate; at the same time they clarify that UNDP's added value is mainly in the area of corruption prevention (corresponding to Chapter II of the UNCAC).

[3] UNDP Practice Note on Capacity Development, the document can be downloaded at :
http://www.capacity.undp.org/index.cfm?module=Library&page=Document&DocumentID=5599

The UNDP Capacity Development Process consists of five steps:
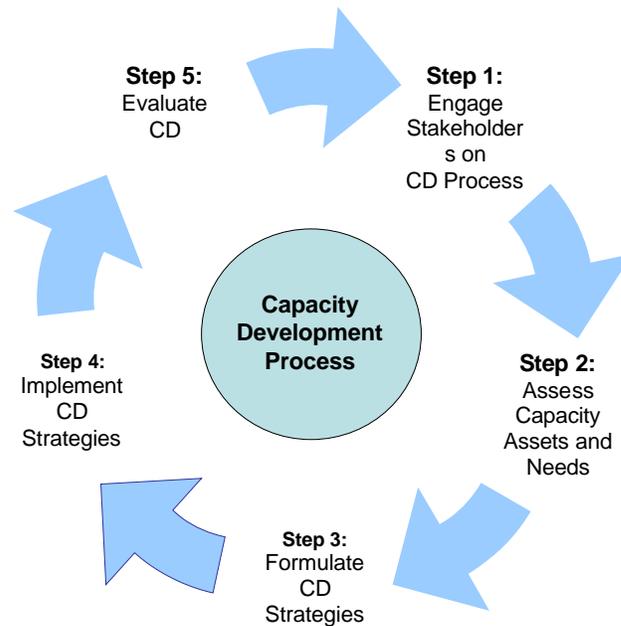
The methodology presented here aims to assist practitioners in designing quality programs to promote the capacities of anti-corruption agencies by guiding them through the first essential steps in doing so: the capacity assessment.

The assessment phase is critical to capacity development efforts as it lays the foundations for the design and implementation of informed, appropriate, and e ffective capacity development responses. It can also set the baseline for continuous monitoring and evaluation of progress , and thereby lay a solid foundation for long -term planning, implementation and sustainable results.

This methodology will:

- Present and explain the preventive anti -corruption functions most commonly performed by anti -corruption agencies;
- Adapt the key UNDP capacity development concepts to the specific context and particular challenges confronting anti - corruption agencies in performing these preventive functions;
- Provide guidelines for conducting capacity assessments of anti - corruption agencies that perform preventive functions.

II. DEFINING THE TARGET: CORRUPTION PREVENTION AGENCIES

> What does corruption prevention mean? Why are agencies that prevent corruption important? The United Nations Convention against Corruption (UNCAC) is the first international legal instrument to set the requirement of state institutions responsible for preventi ng corruption. Below we will review the role of such agencies and the capacity challenges

Corruption prevention agencies according to the UNCAC

Governments and development agencies have been grappling with the challenge of curbing corruption for decad es: it is a difficult task as corruption is a complex phenomenon, both affecting and compounded by deficiencies in broad range of sectors, institutions, and governance processes.

Law enforcement measures necessary to successfully fight against corrup tion appear to have received more attention over the years, and there exist quite clear legal and operational guidelines on how to best organize and strengthen law enforcement capacities in the fight against corruption. [4] Prevention, however, has been more difficult to conceptualize and codify, in part because it concerns a wide diversity of sectors, institutions, and regulatory systems, each requiring significantly different approaches and norms.

The United Nations Convention against Corruption (UNCAC)—the most far-reaching international instrument both geographically and substantively—is the first convention to codify the range of preventive issues that need to be addressed by states. Preventive measures are outlined Chapter II of the UNCAC, and include effective public financial management; streamlining of administrative procedures; transparency across the public sector; effective rules to monitor the financial situation of public officials and financing of political parties; conflict of interest provi sions—to name only a few. Standards and good practices on operationalizing each of the required preventive measures exist in a number of different sources.[5] The achievement of the UNCAC is to approach them comprehensively; to create the necessary link bet ween fighting corruption and promoting the principles of rule of law, proper management of public affairs and public property, integrity, transparency and accountability ; and to recognize the essential role of civil society in anti -corruption efforts.

The UNCAC emphasizes the importance of prevention by setting for participating states the obligation to ensure the existence of institution(s) responsible for corruption prevention.

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[4] For instance, in Europe there are two international conventions concerned primarily with the law enforcement aspect: the Council of Europe Criminal Law Convention against Corruption and the Civil Law Convention against Corruption.

[5] One useful set of guidelines is contained in the UN Anti-Corruption Toolkit, http://www.unodc.org/documents/corruption/publications_toolkit_sep04.pdf, but a number of additional sources also exist. Among the UN agencies, The UN Interregional Crime and Justice Research Institute in cooperation with UNODC is currently developing a technical guide for the implementation of the UNCAC that addresses the need to specify and narrow down to concrete activities some of the provisions of the Convention.

Article 6 of the UNCAC states:
1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:
(a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;
(b) Increasing and disseminating knowledge about the prevention of corruption.

The UNCAC is a relatively recent instrument, and its treatment of preventive functions and agencies required to perform those functions is unique. There are consequently few resources developed to date to assist governments, development partners, and civil society activists in implementing the obligations it sets out with regard to preventive functions in particular. Hence, this Toolkit.

The problem of creating prevention of corruption bodies

The UNCAC does not provide many explicit requirements for the body or bodies responsible for preventing corruption, recognizing the diversity of national institutional frameworks. Many, if not most, countries have in the course of their institutional development established implementing or oversight agencies to regulate or monitor public procurement, the merit-based recruitment of civil servants, or ethical conduct of officials. In other words, in most countries, a number of agencies performing certain preventive functions will be in existence. The UNCAC recognizes this reality and emphasizes preventive functions that must be performed, rather than to specify a specific institutional framework for performing those functions.

At the same time, anti-corruption practice around the world has given rise to a number of anti-corruption agencies and some trends in thinking about such bodies. The early successes of a select number of such bodies—most notably, the multi-purpose agencies of Hong Kong, Singapore, and Botswana—have given impetus to efforts to replicate their success, and a reflex to promote the formula of specialized multi-purpose agencies. The results, however, have been largely disappointing. Furthermore, the rash of activity has given rise to some serious misunderstandings about what precisely the UNCAC prescribes. The existence of multi-purpose bodies, and requirements for specialized law enforcement capacities (UNCAC Article 36) have sometimes been erroneously interpreted to also apply to agencies working on prevention. This is not the case. The bodies required by Article 6 need be neither multi-purpose, nor specialized, nor singular ("body or bodies, as appropriate, that prevent corruption") [6].

The distinction is important most of all for evaluating whether a national institutional framework (the totality of the agencies performing preventive functions) satisfies UNCAC obligations. It is also useful for analyzing the role of an anti-corruption agency within the overall national integrity system, which would be the starting point of any capacity development effort.

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[6] Of course, Article 36 of the UNCAC requires states to have "body or bodies or persons specialized in combating corruption through law enforcement," and these specialized body, bodies, or persons may function together or separately from bodies responsible for prevention, as appropriate to each national context.

Today in the region Eastern Europe and the CIS, but also globally, there exists quite a range of agencies with anti-corruption mandates, including those that relate to corruption prevention. Many of them are relatively new bodies, established to undertake functions that were not addressed previously, and where it did not seem appropriate or effective to integrate the new functions into existing institutions. Often, the motivation to establish a new agency was a wish to signal a new beginning and demonstrate a new commitment. Whatever the reason, building a new institution is not an easy task: it requires the introduction of reforms and a financial investment that are sometimes obstructed for political reasons; the new agency may have problems in developing the necessary cooperation with the other bodies, which may create tensions and conflicts (over resources, powers, responsibilities); it may lack the administrative support and thus be prevented from carrying out much meaningful activity. In sum, the capacity challenges facing agencies with corruption-prevention responsibilities are many and diverse.

In view of the importance of these agencies in the overall national anti-corruption frameworks, it is critical that these capacity deficiencies be addressed. Significant national and/or donor resources have been invested in their establishment in the great majority of cases, and cost of their failure extends far beyond the financial investment that has been made. Unsuccessful or stagnant anti-corruption efforts can increase public disappointment in reforms and in the national political leadership more generally. It can breed public cynicism about the democratic process altogether, which is a serious threat for all countries in transition. For these reasons, assistance is essential.

> The purpose of this Toolkit is to assist practitioners in the capacity development of anti-corruption agencies to perform key corruption prevention functions.

III. MOST COMMON CORRUPTION PREVENTION FUNCTIONS

Considering the great number of anti-corruption agencies in the Eastern European and the CIS Region, their various functions and mandates, and given the specific national context of each country as well as the varying cultural, legal and administrative circumstances, it is virtually impossible to identify "best models" or functional and structural patterns for developing effective prevention of corruption agencies. For this reason, we decided to develop a methodology that would not refer to specific types or models of institutional arrangements but to agencies performing some specific functions which fall within the area of prevention of corruption.

For the identification of the functions to be analyzed, the main reference that we used is the framework for prevention of corruption contained in Chapter II of the UNCAC. According to the Convention, the body or bodies for prevention of corruption[7] shall be given the task of developing, maintaining, revising and monitoring the implementation of effective, coordinated anticorruption policies. Chapter II of the Convention frames the prevention of corruption policies in the areas of public sector transparency and accountability, introduction of codes of conduct, public procurement and management of public finances, public reporting and civil society participation in the fight against corruption.

The identification of the functions to be treated by the methodology was further refined by an analysis of the activities actually carried out by prevention of corruption bodies in the region. This analysis has been also enriched by surveys and interviews of prevention of corruption practitioners working in the region, conducted by the UND BRC during the last three years in the framework of its regional "Anti-Corruption Practitioners Network"[8].

Summary of most common preventive anti-corruption functions

1. Anti-Corruption Policy formulation
2. Conducting diagnostics and research on corruption
3. Development of implementation plans
4. Legislative drafting
5. Production of implementation guidelines
6. Monitoring the implementation of anti-corruption policies
7. Evaluating the effectiveness of anti-corruption policies
8. Coordinating the implementation of preventive policies
9. Promoting international cooperation
10. Disseminating knowledge
11. Enhancing civil society participation
12. Enforcement of preventive anti-corruption measures

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1. Anti-corruption policy formulation

One of the core preventive functions is to advise on and/or formulate anti-corruption policies. Expertise on anti-corruption approaches is quite specialized however, and generally lacking in most countries around the world. There is no dedicated academic discipline of "anti-corruption," while the totality of knowledge required spans many different disciplines (economics, finance, law, political science, statistics, etc.). Anti-

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[7] See above part II: *Defining the Target: Corruption Prevention Agencies*
[8] For more information: http://europeandcis.undp.org/anticorruption

corruption expertise typically develops as a focus area within a larger discipline, or through practice, e.g. through public administration reform efforts that seek to address the problem. It is unsurprising that many agencies experience capacity challenges in this respect.

This mandate typically also includes the responsibility to develop, or provide expert advice in developing, comprehensive national anti-corruption strategies. Comprehensive strategies are a special challenge, as their purpose is to bring together in a single comprehensive policy document the wide range of corruption-prevention measures required across the public sector as well as measures to strengthen law enforcement. They must furthermore note the links between many inter-related processes and set priorities, so that the totality of the challenge can be approached strategically and in a coordinated fashion, and resources be managed most efficiently. To accomplish all this, there must be expertise on the broad range of institutional regimes and public policy processes, including public financial management functions, public procurement, civil service management, service delivery systems (healthcare, pensions system), state-owned enterprises, and privatization processes, among numerous others. Developing such a document furthermore requires extensive consultation and coordination with the various institutions involved in order to obtain their support and ownership of the proposed reforms.

Anti-corruption policies are often developed or revised to meet international obligations. Even when no such obligation exists, the aim would be to align the national legal or regulatory framework with international best practices, which implies a close knowledge of international instruments and standards that apply both nationally and for specific sectors. Similarly, knowledge of remedies is required—the regulatory and procedural approaches and good practices that have been demonstrated as effective both domestically and in other countries. Of course, any potential remedies must be reviewed for applicability to the national context. Many anti-corruption interventions result in disappointments precisely because they are "imported" without sufficient analysis of their appropriateness in the different locality.

Anti-corruption policies are essentially reform responses. In order to arrive at an appropriate response, however, an assessment of the problem is needed first. Anti-corruption policy formulation necessarily entails diagnostic research in its numerous forms and requires related specialized expertise. We therefore treat diagnostic research as a separate function, below.

It is unlikely that any one agency can have the totality of the expertise enumerated here. It is far more likely that at least some of the expertise would have to be outsourced, which represents a key opportunity to engage civil society organizations and international partners. Civil society should be engaged even more broadly, however, including in the process of defining strategic priorities in sectoral and national anti-corruption policies.

Capacities to establish effective cooperation mechanisms with civil society organizations and other expertise providers are required, as well the capacity to manage and evaluate the quality of this external expertise. Regardless of the level of outsourcing, the agency will need to have strong analytical capacities to evaluate and integrate the various sources of information and advice into coherent national policies.

2. Conducting diagnostics and research

Effective anti-corruption policies cannot be designed without a thorough assessment of the problem: corruption is a symptom of any number of system gaps or failures. Proper

diagnostic research is needed to identify and understand the spread or concentration of corruption within a system, the specific forms it takes, and the vulnerability of systems and processes to corruption. Diagnostic methodologies encompass legislative analysis; analysis of specific systems and how they operate in practice (e.g. public procurement); various survey methodologies; analysis of statistical data to provide quantitative indicators on corruption; corruption risk assessments in institutional business processes or legislation; to name only the most common approaches. (As we will see in section 7 below, these approaches are also necessary for the evaluation of anti-corruption policies, with initial findings constituting a baseline against which change can be measured.) The various methodologies require a range of social science research methods, such as interviews, surveys, observation and field tests, as well as analytical skills to link the findings with systems and policies.

In addition to research and analytical capacities that are also needed for policy development, the diagnostic research function is treated separately because of additional expertise needed for applying the specific social science research methods. For instance, surveys require competencies related to sampling and processing of statistical data. Considering the likely scope of the research agenda and the range of required skills needed to undertake it, is probable that some portion of the work will be outsourced. The opportunity to collaborate with civil society in performing this function is particularly attractive, as domestic or international academic institutes, think tanks, and civil society organizations may already be involved in generating relevant data. In addition, Anti-corruption Agencies (ACAs) may wish to dedicate their internal diagnostic research capacities to processing classified information sources that are not open to external actors. With outsourcing, ACAs nevertheless need to have a minimum level of capacity for research design and analysis to manage and evaluate the quality of the received research, and to integrate the findings into the policy formulation process.

It should also be remembered that new methodologies are continually being developed, and part of the challenge lies in continued learning about the innovations. Staying abreast of resources and developments in the field of governance assessments (e.g. corruption, public administration, local governance assessments), including by sharing experiences with national and international assessment practitioners, is essential for enhancing and maintaining capacities.

3. Development of Implementation Plans

A final step of anti-corruption policy formulation—particularly in the case of comprehensive national anti-corruption strategies—is the elaboration of implementation plans that set specific deadlines, responsibilities, and benchmarks for evaluation, and provide cost estimates for the implementation of individual measures. We treat it as a different function because it requires a different set of capacities than do other elements of the policy development process. Implementation plans call for project management skills, particularly monitoring and evaluation skills required for formulating meaningful implementation indicators, and costing skills to ensure that sufficient resources are planned for implementation. Ideally, the development of implementation plans automatically implies elaborating the actual monitoring and evaluation procedures themselves.

This function requires extensive capacities for communication and coordination with all the institutions concerned, including civil society organizations that may have a role in implementing certain anti-corruption policy measures or in monitoring the efforts.

4. Legislative drafting

New or amended laws often represent an important step in implementing anti -corruption policies in that they provide the legal framework which underpins the desired policy changes. ACAs are often also mandated to perform legislative drafting, which is in fact only a technical function that translates policy decisions into legal form. Too often, legislative drafting takes place prematurely, with policy bein g shaped by the drafting process rather than the reverse. Furthermore, a key feature of actual legislative drafting is to ensure that there are no conflicts created with other legislation in existence. For this reason, the technical aspects of legislativ e drafting would be best left to the dedicated staff of ministries of justice who should have the overview and the explicit responsibility to ensure overall national legislative harmonization . Ideally, the role of the ACA in this process would rather be t o clearly formulate the desired policy outcomes and verify that the proposed legal language satisfies th ose policy objectives. If the function is the full responsibility of the ACA, however, at a minimum, extensive coordination with the relevant unit of t he ministry of justice will be required.

5. Production of Implementation guidelines

The effective implementation of any public policy often requires substantial changes in an institution's day-to-day operations, including new organizational arrangement s, procedures, instruments, and new knowledge/technical capacities, all of which may require significant financial resources.   Furthermore, institutions implementing new policies require support in c hange management , as few will have the tools and techniques needed to initiate and sustain organizational transformation .

Anti-corruption agencies are often mandated to guide and support institutions in implementing anti -corruption policies. If an ACA has led the process of policy development, it will have a m inimum level of the substantive technical knowledge about the issue being regulated , and may be able to participate in drafting policy implementation guidelines, including the definition of roles and responsibilities for all affected parties . Elaborating such guidelines should take place in close consultation with the implementing institutions and other stakeholders, in the same way that policy development took place. However, an ACA is unlikely to have the full range of specialized organizational manageme nt skills needed to operationaliz e policies and managing change.

To perform this function, an ACA should understand the complexity of the challenge and be able to advise institutions implementing the new policies on the kinds of support they need (organizational management) and where they may obtain it. It is probably unrealistic for an ACA to attempt to develop extensive organizational management capacities internally in view of the likely scope of their mandate. A far more valuable service it can ren der is to monitor the implementation (function 6, below) and evaluate the impact (function 7) of the policies in question , and provide the institutions with feedback on the results of their efforts. ACAs must have excellent communication and coordination c apacities, above all else, to effectively interact with the institutions in performing this function .

6. Monitoring the implementation of anti -corruption policies

Anti-corruption agencies are also frequently mandated to monitor the implementation of anti-corruption policies by other institutions , particularly elements of comprehensive

national strategies and the related implementation plans. To perform that task effectively, agencies would need strong organizational capacities to effectively communicate and coordinate with all concerned national institutions in collecting periodic status reports, as well as a correct positioning within a country's institutional set -up and leverage with counterpart institutions. Also, they need sufficient analytical capacities to formulate guidelines on reporting and perform quality control of the reports received from other institutions, review progress against set benchmarks and issue consolidated progress reports.

Closer monitoring of the implementation of specific policies is a more resource intensive prospect, requiring systematic collection of information over time, and systems for managing and analyzing data. Collaboration with CSOs is often invaluable for carrying out this level of monitoring, particularly as many of them may already engage in such activities, e.g. monitoring the procurement of public contracts, delivery of services, or compliance with political party and campaign finance rules, among others. Monitoring public service reforms can be done at points of interface between service suppliers and users, for instance, through the use of citizen report cards on municipal services. Such partnerships can enhance the legitimacy of results in addition to relieving some of the institutional burden of data collection, and contribute to awareness raising and mobilizing public support for ACAs.

7. Evaluating the effectiveness of anti-corruption policies

As opposed to monitoring, which looks at progress in implementation, evaluation concerns itself with the outcomes (the impact) of anti -corruption measures. To do this, in addition to general knowledge of institutions and processes concerned, there is a need for competence in applying specific evaluation methodologies. These will resemble to a significant extent the diagnostic approaches noted above (section 2). In fact, there should be an explicit link between the initial diagnostic research and research undertaken subsequently for evaluation purposes: the initial findings should constitute a baseline for future measurements, and the same diagnostic methodologies need to be repeated under similar conditions in order to obtain comparable results. If it is to be meaningful, the evaluation needs to be widely regarded as impartial and objective, and in this respect, it is a function best outsourced to an independent (non-governmental) organization. If the function is carried out by an ACA, it would be imperative that the agency be recognized for its independence and impartiality, or that, at a minimum, independent and impartial stakeholders have a role in validating the findings.

8. Coordinating the implementation of preventive policies

Anti-corruption agencies are likewise typically mandated to coordinate the implementation of anti -corruption policies, including measures that strengthen law enforcement capacities within the framework of comprehensive national strategies. As we will have seen from the discussion above, coordination already takes place at many levels: at the stage of elaborating anti -corruption policies and implementation plans with concerned institutions, at the stage of monitoring progress on implementation, and when evaluating outcomes.

Additional coordination may be required nevertheless to ensure effective communication exchange among institutions that are responsible for related processes: for instance, between the body responsible for defining public procurement policy and the body receiving complaints from bidders on breaches of rules, or between the body receiving

complaints and the body responsible for sanctions (law enforcement). Additional formal mechanisms may need to be established, for instance inter-agency cooperation protocols. The extent to which the anti-corruption agency has the capacity to advise or otherwise serve as an intermediary for effective coordination, or even impose effective coordination, depends on its overall mandate, as well as institutional positioning and level of authority prescribed in its founding legislation.

9. Promoting international cooperation

Developing national anti-corruption policies, including legislation, that are harmonized with international standards and good practices implies a dimension of international cooperation. Recognizing this need, the UNCAC provides for international coopera tion in several articles, e.g. art. 5.4 (on corruption prevention), art.60 , and the full Chapter IV of UNCAC (the latter mostly concerned with international cooperation on law enforcement). Anti-corruption agencies are typically the national counterparts in initiatives to promote or verify compliance with such standards, for instance with UNCAC or relevant regional instruments. They are also typically the focal point for promoting and managing international cooperation on anti -corruption, and representing the country in international anti -corruption fora (in Central and Eastern Europe and CIS, these would primarily relate to Council of Europe GRECO and the OECD Anti-Corruption Network)/Stability Pact Anti -Corruption Initiative). Anti-corruption agencies may also serve a "clearing house" function for discussions with international organizations and bilateral donors on specific technical assistance initiatives in support of anti-corruption policies. (They do not, however, typically have the lead role in establishing law-enforcement related cooperation protocols such as mutual assistance in criminal matters and extradition treaties, or representing the country in sector -specific international regimes, such as the association of Supreme Audit Institutions -INTOSAI.) Nevertheless, anti-corruption agencies should have an overview of the various international anti -corruption related networks in which the country and individual institutions participate.

Specific capacities are required for facilitating international cooperation. These include capacities for communication and coordination with all relevant national counterparts, but also the capacity for international communication, starting with foreign language skills.

10. Disseminating knowledge on corruption p revention

Article 6 of the UNCAC explicitly identifies "increasing and disseminating knowledge on the prevention of corruption" as a key corruption prevention function. Anti-corruption agencies are nearly always mandated with this responsibility. Increasing and disseminating knowledge must be understood as two separate functions, however.

Increasing knowledge might be interpreted as generating and/or producing knowledge, which is arguably implicit in other functions: development of anti-corruption policies, diagnostic research, or evaluating the effectiveness of anti-corruption policies.

Disseminating knowledge, on the other hand, refers to efforts to extend this technical and specialized knowledge to different groups in society (thereby also increasin g knowledge, in a sense). As there are very few stakeholders who are able to engage on the expert/technical level, the materials produced need to be made more accessible to wider audiences that include state institutions and decision -makes, but also members of

society who would take an interest in such information. It is therefore essential that more technical reports and analyses be accompanied by short, easy-to-understand briefing summaries for decision-makers and the media.

Disseminating knowledge also concerns the production of easy-to-understand informative materials, including implementation guidelines, on the norms and guidelines that concern the staff of certain institutions or civil servants more generally (e.g. public procurement procedures or codes of conduct). Information that concerns the citizens' role in fighting corruption needs to be disseminated most broadly (e.g. causes and consequences of corruption, citizens' rights and obligations in specific administrative processes, public administration duties and procedures, mechanisms for reporting corruption, etc.).

Dissemination takes different forms as appropriate for the target audiences, each requiring different capacities. For instance, disseminating technical reports and analyses can be accomplished though simple distribution of electronic and printed copies to target audiences. Dissemination of analytical findings and policy recommendations, or other report summaries intended for less technical audiences, on the other hand, would require dedicated presentations to executive decision-makers or the parliament, and press briefings for the media, along with posting of the materials on the internet.

Other methods are more appropriate for the dissemination of knowledge about more complex sets of rules or policies, for instance codes of conduct. These may include approaches such as trainings, seminars, and workshops for civil servants and public officials.

Finally, while the media are an effective intermediary for disseminating knowledge to the general public, educational and awareness raising activities may also be useful at times.

The different objectives of knowledge dissemination noted above, and the approaches appropriate to reach those objectives require a number of capacities, the most important of which is the capacity to translate sometimes difficult technical concepts into more accessible form. Different instruments for knowledge dissemination also require different types of capacities ranging from effective communication abilities, to formal training skills, to public relations/mass communication competencies. Considering the extent of capacities needed to perform this function, at least partial outsourcing appears as an appropriate response. In practice, this is also a function where much cooperation with civil society organizations takes place.

11. Enhancing civil society participation in the fight against corruption

This function should be understood as including three separate components. The first component concerns developing systems and policies that promote transparency and accountability of the public sector, and citizen participation in decision-making processes. These objectives typically constitute part of preventive anti-corruption policies, however, and it is therefore more appropriate to consider them as part of the policy development function.

The second component consists of including civil society in the performance of preventive functions such as anti-corruption policy formulation, diagnostic research, monitoring the implementation of anti-corruption policies, and dissemination of knowledge on corruption prevention, as already discussed in the relevant sections, above.

The third component relates to receiving reports and complaints about corruption from the citizens.

This final component requires the elaboration of a reliable and trust-inspiring mechanisms for citizens to actively resist and report corruption. Anti-corruption agencies are often entrusted with this function in situations were traditional law enforcement institutions (e.g. police) do not enjoy the trust of citizens or have in place procedures that appear difficult or intimidating.

The capacities needed for this function are fairly specific and concern the effective receipt and management of potentially high volumes of contacts; customer service-related competencies; data and case management capabilities (including maintaining the confidentiality of personal information and protection of sources); analytical capacities to produce statistical and systems-related reports about the information received (which also constitute a form of diagnostic research and monitoring); and finally, communication and coordination capacities to provide feedback to relevant state institutions whom the citizen reports concern, on one hand, and to refer specific cases to law enforcement agencies for investigation and prosecution, on the other .

12. Enforcement of preventive anti-corruption measures

Anti-corruption agencies are further frequently mandated to implement and/or enforce the totality or elements of certain preventive regimes, particularly the following:
- conflict of interest provisions;
- codes of ethics;
- asset declaration regulations;
- rules governing gifts received by public officials;
- public procurement regulations;
- political party and campaign finance rules.

They are also sometimes mandated to conduct administrative investigations and possibly enact disciplinary actions against civil servants for breaches of the above rules.

It is not possible to talk about the capacities required for the performance of these functions in general terms. The regulatory frameworks for these preventive regimes differ significantly from country to country. There are many possible approaches to enforcement that imply very different levels of engagement and consequently, capacities. In one country, an anti-corruption agency may be mandated to enforce asset declaration rules only in terms of ensuring that declarations are filed in a timely manner; in another country, the agency may be responsible for verifying the accuracy of the declarations. The required capacities differ significantly in the two cases, and individual assessments would need to be tailored to the specific circumstances of each legislative and institutional context.

Additional topic-specific guidelines on capacity assessment for this function will be forthcoming from UNDP Bratislava Regional Center.

In the next section, we will review the key UNDP capacity development concepts before turning to a closer look at the capacities required for the effective performance of the above-enumerated preventive functions.
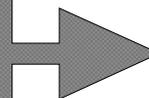
IV. CAPACITY DEVELOPMENT: KEY UNDP CONCEPTS

> The discussion of most common preventive anti-corruption functions in the previous sections noted the capacities needed to perform them. In this section, we will consider key concepts needed to support capacity

The UNDP has a considerable experience in promoting capacity development as part of its core mandate. In its Capacity Development Practice Note,[9] UNDP identifies three distinct dimensions that need to be considered in capacity development of institutions, framed as follows:

1) points of entry, or levels where capacity of institutions exists;
2) core issues, or domains where drivers of capacity change reside; and,
3) types of capacities that need to be addressed.

All the above dimensions are closely interrelated and must be approached in an integrated manner when designing capacity development programs. The relationship of these three dimensions is reflected in the UNDP capacity assessment framework, recognizing that a capacity assessment (essentially, a needs assessment) is the first crucial step in designing capacity development program s.

Let us briefly examine each of these dimension s in turn.

1. Levels where capacity exists

Capacity of institutions is identified to reside at three levels: the enabling environment, the organizational level, and the individual level. Capacity development efforts need to address each of these levels.
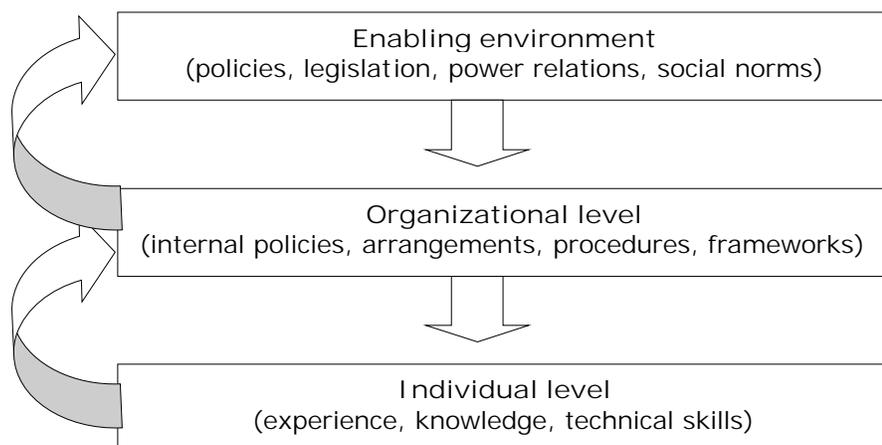
The enabling environment refers to the broader system within which individuals and organizations function, which facilitates or hampers their existence and performance. It includes policies, rules and norms, values, governing mandates, priorities, modes of operation, and civic engagement across different parts of society : in short, the 'rules of the game' for interaction between and among organizations.

The organizational level of capacity comprises the internal policies, arrangements, procedures and frameworks that allow an organization to operate and deliver on its mandate, and that enable the coming toge ther of individual capacities to work together and achieve goals. If these exist, are well-resourced and well-aligned, the capability of an organization to perform will be greater than that of the sum of its parts.

The individual level refers to the skills, experience and knowledge that are vested in people. Each person is endowed with a mix of capacities that allows them to perform, whether at home, at work or in society at large. Some of these are acquired through formal training and education, others t hrough learning by doing and experience.

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[9] The following section is adapted from the UNDP Capacity Development Practice Note, October 2008.

The three levels of capacity are mutually interactive and each level influences the other through complex co-dependency relationships, which can be visualized in the following manner:

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┌─────────────────────────────────────────┐
│         Enabling environment            │
│ (policies, legislation, power relations, │
│            social norms)                 │
└─────────────────────────────────────────┘
                    │
                    ▼
┌─────────────────────────────────────────┐
│          Organizational level           │
│ (internal policies, arrangements,       │
│        procedures, frameworks)          │
└─────────────────────────────────────────┘
                    │
                    ▼
┌─────────────────────────────────────────┐
│            Individual level             │
│ (experience, knowledge, technical       │
│              skills)                    │
└─────────────────────────────────────────┘
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Each of these levels needs to be considered when designing capacity development initiatives, and each of these levels can be the point of entry for a capacity assessment — the first step in designing capacity development programs.

2. Core issues/Drivers of capacity change

The following are the issues that UNDP has encountered most commonly across sectors and levels of capacity. In other words, the following are the domains where the bulk of changes in capacity take place:

- institutional arrangements;
- leadership;
- knowledge; and
- accountability.

Institutional arrangements refer to the policies, procedures and processes that countries have in place to legislate, plan and manage governance and development, measure change, and administer other state functions. Efficient and well-functioning institutional arrangements are relevant at both the national or inter-institutional level, and also at the level of the institution itself. At this level, human resources management is a particularly critical aspect, as are intra-institutional policies (mission and strategy) and business processes (including monitoring and evaluation procedures). Sub-optimal institutional arrangements can lead to inefficiencies and poor performance both at the organizational level and also more broadly across the public sector.

Leadership is the ability to influence, inspire and motivate people, organizations and societies to achieve and exceed their goals. An important characteristic of good leadership is the ability to anticipate and manage change to foster human development. Leadership is not synonymous with a position of authority; it can also be informal and manifest itself in many ways and at different levels. Although leadership is most commonly associated with an individual leader, it can equally reside within a government unit that takes the lead in implementing public administration reform, or in large social movements that bring about society-wide change.

Knowledge refers to the creation, absorption and diffusion of informat ion and expertise towards effective development solutions. What people know underpins their capacities. Knowledge needs can be addressed at different levels (national/local/sector, institution) and through different means (formal education, technical training, knowledge networks and informal learning). While the growth and sharing of knowledge is primarily fostered at the level of the individual, it can also be stimulated at the level of organizations, for example, through a knowledge management system or an organizational learning strategy.

Accountability exists when two parties adhere to a set of rules and procedures that govern their interactions and the way in which they deliver on their obligations. In a national institutional context, accountability also relates to a proportional relationship of powers and oversight of those powers to ensure that authority is wielded in the public interest (rather than for particular political or personal interests) and without undue discretion. Appropriate accountability systems provide legitimacy to decision - making, increase transparency, and help reduce the influence of vested interests.

3. Types of capacities:

UNDP distinguishes between two types of capacities: functional and technical.

Technical capacities are those associated with particular areas of expertise and practice in specific sectors or themes, such as climate change, HIV/AIDS, legal empowerment, elections or anti-corruption. They are closely related to the issues, sectors or organizations in focus.

Functional capacities are 'cross-cutting' capacities that are relevant across various levels and are not associated with one particular sector or theme. They are the management capacities needed to formulate, implement and review policies, strategies, programs and projects. Since they focus on 'getting things done', they are of key importance for successful capacity development regardless of the situation.

Both types of capacities are needed for the success of an institution, but it is often the technical capacities that receive attention, while the functional capacities are neglected. UNDP experience has identified the following functional capacities as key in all institutional contexts, regardless of the particular function an institution performs.

The five functional capacities that UNDP emphasizes are:

Capacity to engage stakeholders, including the capacity to:
- Identify, motivate and mobilize stakeholders;
- Create partnerships and networks;
- Promote engagement of civil society and the private sector;
- Manage large group processes and open dialogue;
- Mediate divergent interests;
- Establish collaborative mechanisms.

Capacity to assess a situation and define a vision and mandate, including the capacity to:
- Access, gather and disaggregate data and information;
- Analyze and synthesize data and information;
- Articulate capacity assets and needs;
- Translate information into a vision and/or a mandate.

Capacity to formulate policies and strategies, including the capacity to:
- Explore different perspectives;
- Set objectives;
- Elaborate sectoral and cross-sectoral policies;
- Manage priority-setting mechanisms.

Capacity to budget, manage and implement, including the capacity to:
- Formulate, plan, manage and implement projects and programs, including the capacity to prepare a budget and to estimate capacity development costs;
- Manage human and financial resources and procurement;
- Set indicators for monitoring and monitor progress.

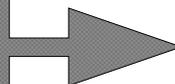Capacity to evaluate, including the capacity to:
- Measure results and collect feedback to adjust policies;
- Codify lessons and promote learning;
- Ensure accountability to all relevant stakeholders.

UNDP Capacity Development Practice Note p. 12

In developing countries, many state institutions are obliged to seek funding beyond the allocations from the national budgets to perform effectively. It could therefore be argued that fundraising capacity (capacity to design projects, formulate funding proposals, track and report on the achievements, etc.) should be considered as an additional functional capacity, particularly in the context of anti-corruption agencies under consideration here.

As we will see, the capacity to perform the most commonly-mandated corruption-prevention functions requires a significant level of functional capacities in addition to the technical ones.

In the next section, we consider how these general capacity development issues relate to anti-corruption agencies performing preventive functions.

Designing an appropriate capacity development response requires not only an understanding of the relevant concepts, but also the specific context where they are applied. This section translates the UNDP capacity development concepts to the specific challenges encount ered by anti-corruption agencies in performing preventive functions.

The UNDP Capacity Assessment F ramework

A capacity assessment is an analysis of desired capacities against existing capacities , which generates an understanding of the assets and needs that serves as a basis for formulating a capacity development response. A capacity assessment should integrate the key capacity development dimensions discussed in the previous section and adapt them to the specific needs of the institution or system under consideration.

UNDP Capacity Assessment Framework
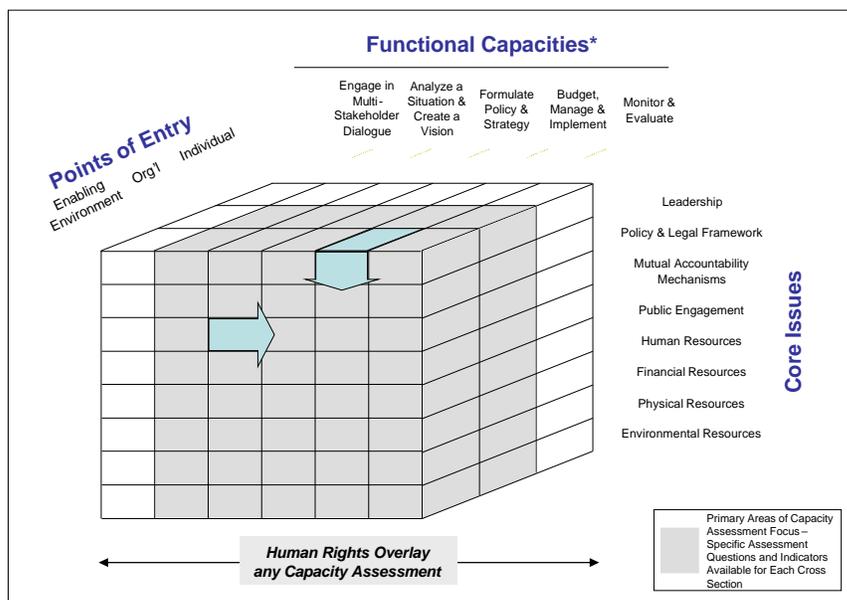
* Technical capacities complement the functional capacities.

Below is a discussion of how the key UNDP capacity development concepts relate to anti-corruption agencies performing preventive functions , and how they should be applied when conducting capacity assessments.

1. Enabling environment:

In the context of anti -corruption agencies' capacities to perform preventive functions, the enabling environment should be understood as the political context and the national institutional framework within which the agency operates. The capacity assessment should consider the extent to which the agency's constitutional definition, level of

independence, extent of oversight, and powers in relation to other state bodies is appropriate and sufficient for the functions it is mandated to perform. The key cross-cutting core issues that apply at this level are the (national) institutional arrangements and accountability.

The following issues should be given particular consideration.

The agency has to be integrated within a wider national integrity system. As evident from the range of necessary preventive functions (as outlined in UNCAC Chapter II), it is clear that a single agency cannot perform all the preventive functions that states are obligated to address. This means that other state bodies will be mandated to perform a number of functions that are closely related to the mandate of the anti-corruption agency, and upon which the effectiveness of the agency may depend. There will likely be a need for extensive interaction with other state bodies, including law enforcement institutions. Studies of anti-corruption agencies performing preventive functions in Eastern Europe and the CIS demonstrate that their effectiveness and capacity are often hindered because of inadequate positioning within the institutional system, duplication of competencies, and lack of authority, all of which can result in rivalries and poor coordination. The enabling environment must therefore be analyzed to verify whether the respective mandates of each of the institutions that are part of the national integrity system form a coherent institutional framework and whether there are effective coordination mechanisms in place.

The enabling environment must also be analyzed to verify whether the anti-corruption agency has the necessary authority to implement its mandate. This is particularly important in cases where the agency is responsible for implementing, overseeing or coordinating the implementation of preventive anti-corruption policies. Corruption-prevention reforms typically entail redesigning the structures and business processes of the public administration, and developing systems of control over the operation of state agencies. In some cases, anti-corruption agencies' preventive mandate also includes enforcement of certain regulations (e.g. concerning conflict of interest, acceptance of gifts, public procurement, asset declaration, etc.). These activities can be obstructed by corrupt economic and political interests. Without sufficient authority to impose particular measures, the impact of the anti-corruption agency remains at the level of recommendations. It is therefore essential that agencies with the mandate implement certain measures possess the necessary authority to do so.

An assessment of the enabling environment must further look to the level of independence that is required for an agency to perform its functions. Article 6 of the UNCAC states that "each State Party shall grant the body or bodies [that prevent corruption] the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence." But how to determine the necessary level of independence?[10]

Here, a distinction between various forms of independence is useful, and a systematization offered by the International Organization of Supreme Audit Institutions (INTOSAI) applies equally to agencies considered here. INTOSAI distinguishes between three types of independence, as follows:
  § Organizational independence refers to the least possible degree of government participation in the appointment of the agency's authorities, implementation of its functions, and its decision-making;

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[10] The guidelines presented here draw on a discussion of the issue in the U4 Issue Paper 2009:4 "Institutional arrangements for corruption prevention," www.cmi.no/publications/file/?3343=institutional-arrangements-for-corruption.

§ Functional independence refers to the agency's ability to can carry out its functions without the undue interference of any third party or the executive;

§ Financial independence refers to the impossibility of the government to impede or restrict the agency's activities by reducing its budget.

The level of each of these types of independence needs to be reviewed in line with the specific preventive functions the anti-corruption agency performs, as different functions will require different types and levels of independence. For instance, if an agency is mandated to implement preventive anti-corruption policies, its independence is unlikely to be organizational, simply because most implementing agencies form part of the executive and are therefore unlikely to be organizationally independent. However, that same agency should enjoy a level of functional independence so that another government body cannot unduly interfere with its initiatives. For instance, if an agency is responsible for implementing the national conflict of interest regime, it should be able to impose sanctions on all non-compliant officials. The agency would also require financial independence, so that it has predictable resources to perform this function.

On the other hand, if the anti-corruption agency is mandated to perform an oversight function, the level of independence required will depend on the type of oversight exercised. In the case where it oversees a comprehensive national anti-corruption strategy, both functional and financial independence would be necessary, while organizational independence would be useful to avoid undue interference. Of course, it must be borne in mind that both authority and independence require a proportional level of accountability.

Institutional arrangements protecting agency independence include:

- Clear and transparent procedures for appointing and dismissing the agency Director. Involvement in the selection process of the highest authorities of the judiciary and the legislature, civil society, and other relevant stakeholders has proven to be a useful approach.
- The position of the agency within the national institutional framework should be appropriate for its functions, with unambiguous accountability lines and cooperation protocols, especially in cases of shared competences.
- Its mandate and competencies should be defined by law.
- Some measure of financial independence should be in place.

Further, the arrangements for the institutional budget should be closely reviewed as financial resources have the most direct impact on institutional capacity. Indeed, many anti-corruption agencies have failed, or endured periods of decline, due to a lack of resources. The establishment and operation of a successful anti-corruption agency implies substantial costs that have to be borne by the government, sometimes at the expense of other items on the national budget. Strong political commitment is required to attribute to an anti-corruption agency the human and financial resources it requires.

Best practices for establishing the budgets of anti -corruption agencies:

- The agency should have either the ability to propose a budget directly to the legislature or a guarantee of budgetary stability.
- Ideally, performance-based budgeting should be employed: the budget might be based on the extent of corruption and the effectiveness of the agency (the higher is the level of corruption and the more effective the agency, the higher the budget).
- The agency should have the possibility to utilize extra funding which arises from its work, like the use of confiscated assets.

Most of the issues relevant for a positive enabling environment will be regulated by legislation through which the agency is established. In most cases, agencies should be created through a law adopted through a (normal) legislative procedure, rather than by decree or another type of act that can easily be changed or even abolished.

The law establishing an anti -corruption agency should:

- specify the competences and powers of the agency in detail;
- define relations with other institutions, accountability and reporting lines;
- describe clear procedures for the appointment and dismissal of the director, preferably giving the primary responsibility for the appointment to a broader-based structure such as the parliament rather than to an executive body;
- define the agency as accountable to the parliament or other structure that includes or represents a broad range of stakeholders ;
- provide for the agency to have its own budget line, and the authority to decide independently on the utilization of the funds.

One should however be cautious about uniform, "one size fits all" approaches. For example, the notion of independence of an ACA may vary in function of the overall set -up of the power structure in a country. Whether one deals with a pluralistic democracy with genuine separation of powers or with a mono -centric power structure dominated by the Executive, with competitive politics vs single party regimes, carries great significance for the meaning of independence of the agency. Proxy notions – such as various degrees of autonomy – may operate more meaningfully in specific cases.

Finally, the capacity assessment at this level should consider the informal powers and dynamics that may impact the operations of an anti -corruption agency. While many essential issues will be identified through the analysis of the overall political context, the assessment should also look into the informal relationships of key agency personnel. Personal or political affiliations and sympathies, even the professional profile (e.g. economists vs. lawyers) or background (e.g. former judges or ministers of finance) , can significantly enhance or undermine an agency's capacity to advance the national anti -corruption agenda.
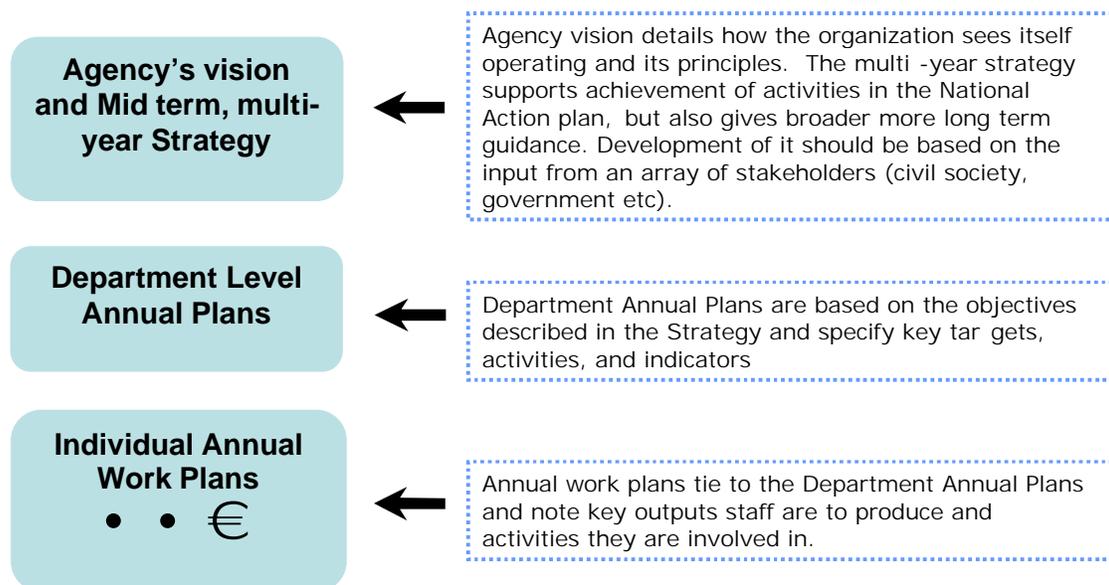
2. The organizational level

This level comprises the internal policies, procedures, and frameworks, as well as the infrastructure and technical capacities (ICT systems in particular) that allow an anti-corruption agency to deliver on its mandate. A number of core issues - internal institutional arrangements, leadership capacities, knowledge required to perform the mandated functions, and internally-driven accountability systems – must be considered here.

The organizational level frames the functional capacities outlined in section IV.3 that are essential for effective performance, no matter what the mandate.

The following key organizational management processes and tools must be considered:
- strategy, annual work plans, goals, targets;
- staff ownership of decision-making and planning processes;
- performance management, including a periodic review of progress toward targets; and,
- arrangements for organizational learning and institutional memory, including archiving practices.

The existence of clear linkages between Agency's vision and long term strategy and department level and individual level work plans is fundamental as explained in this scheme:

Agency's vision and Mid term, multi-year Strategy ←	Agency vision details how the organization sees itself operating and its principles. The multi-year strategy supports achievement of activities in the National Action plan, but also gives broader more long term guidance. Development of it should be based on the input from an array of stakeholders (civil society, government etc).
Department Level Annual Plans ←	Department Annual Plans are based on the objectives described in the Strategy and specify key targets, activities, and indicators
Individual Annual Work Plans • • € ←	Annual work plans tie to the Department Annual Plans and note key outputs staff are to produce and activities they are involved in.

Of particular importance to ACAs are also the internal policies and processes that help safeguard objectivity, professionalism, impartiality, integrity, honesty of the institution — the key qualities that will more than any other factors assure public trust and support for the agency (particularly agencies that perform enforcement functions).

Human resources management is a fundamentally relevant process for developing capacity at the organizational level. It is important that an agency have its own, dedicated staff for performing most preventive anti-corruption functions. Consideration

about the size and specialization of the staff will vary according to the functions to be carried out, however. Not all agencies recruit civil servants only : specialized functions may be best addressed by external experts and support staff engaged on a temporary basis. Secondment has also proven to be effective in many cases, provided that the same conditions and safeguards apply to seconded personnel as they do to regular staff. Secondments present the advantage of institutional flexibility, and facilitate the exchange of specialist knowledge and expertise, which can be a significant advantage given the complexities of the corruption phenomenon. It is crucial to ensure that this arrangement does not hamper the development and sustainability of internal institutional expertise, however, particularly in context of international secondments, a commonly applied form of European Union technical assistance ("twinning projects").

Additional factors are as important—if not more important—for anti-corruption agencies in particular. A capacity assessment should review the following elements:

Integrity: Integrity of staff is crucial to the credibility and effectiveness of an anti-corruption agency. Staff members at all levels should undergo some form of integrity checks, to minimize the risk of staff undermining the agency's role in curbing corruption. A system to promote integrity should be in place, including a code of conduct for employees. Some agencies have an internal oversight body to investigate breaches of its code of conduct, or a body that monitors and reviews all complaints made against agency staff.

Regulation of appointments and dismissals : Appointments and dismissals of anti-corruption agencies' non-executive staff should be safeguarded from interference of third parties. The hiring process should be merit-based, and performance reviews part of the reward and promotion system.

Recruiting, development, and retention processes: A number of elements should underpin these processes: interest of the management in general staff development; existence of well-thought out and targeted development plans for key positions; continuous training and other expertise-development provisions; job rotation; coaching/ feedback and performance appraisal; proactive initiatives to identify new talents.

Staffing Levels: Levels of vacancies of positions within and peripheral to the organization (e.g., staff, volunteers, board, senior management); problems in turnover or attendance.

Performance Management and Incentives: A performance management system should be in place that sets measurable performance targets for staff and ensures regular assessment and feedback on performance. Linked to that, an incentive system should be in place consisting of the following; competitive salary (partly performance-based); attractive career development options, opportunities for leadership. The system should motivate staff to excel at their job.

Staff competencies: Staff backgrounds and experiences; capability of the staff to undertake multiple roles, commitment both to mission/ strategy and continuous learning; staff willingness and ability to take on special projects and collaborate across division lines.

Management team and staff dependence on Director: Reliance but not dependence on Director; ability to continue operation during transition to new leader; capacity of members of management team to take on the director's role.

Organizational Leadership: Existence and effectiveness of activities promoting successful, win-win relationships with others, both within and outside the

organization; delivering of positive and reinforcing messages to motivate people; ability to let others make decisions and take charge (delegation of tasks, empowerment / delegation of authority).

Monitoring and evaluation is another key capacity at his level. This process is crucial for improving the performance of the agency (through result based management techniques) and for promoting its role and leadership in the fight against corruption. Anti-corruption agencies typically have the obligation to produce performance reports for oversight bodies and the general public as an element of institutional accountability. Progress reports should include performance benchmarks that are derived from organizational objectives and are linked to indicators against which achievement can be assessed.

The monitoring and evaluation system should track performance against three types of indicators:
- Output indicators (workload or unit produced): examples of quantitative data at the output level include the number of diagnostic studies performed, number of civil servants trained in anti-corruption measures, or the number of administrative investigations performed.
- Outcome indicators (effectiveness in meeting objectives): correlated with particular functions, examples include the quality and impact of developed policies, levels of compliance with regulations that the agency is responsible for enforcing, or levels of trust in the agency tracked in surveys. Outcomes should be also compared to studies and measurements conducted by other organizations.
- Efficiency and productivity indicators: cost-effectiveness, ratio of input to output, unit costs.

A crucial but often-underestimated set of capacities of anti-corruption agencies relates to coordination and cooperation with the stakeholders, particularly civil society. As we have seen from the discussion of functions in section III, most preventive functions require extensive cooperation with other state institutions, and civil society participation is likely indispensable for actually managing the high levels of expertise and extent of outputs required. In addition, cooperation with civil society organizations and sometimes citizens directly is essential in establishing the legitimacy of the agency as acting in the public interest, and in building credibility and public trust. There are a number of experiences of agencies managing to resist strong political attacks only thanks to public support (e.g. The Slovenian Commission for Corruption Prevention and the Latvian KNAB). Mechanisms for civil society participation in the work of the agencies are often poorly structured or non-existent, and cooperation rather takes place on an ad hoc basis. Sometimes, such cooperation is fictitious, or obstructed by political interests. Problems may also exist in poorly designed systems for reporting corruption cases. The proper functioning of all elements relating to civil society participation must be reviewed at the organizational level.

Finally, an anti-corruption agency—perhaps more than any other state institution—should be maximally transparent about its work and its decisions, and should have the capacities to inform the public about its work.

3. The individual level

In considering the capacities of anti-corruption agencies, the individual level (which refers to the skills, experience and knowledge that are vested in people) will be extremely important due to the high level of expertise that many of the common preventive anti-corruption functions require. The core issue of knowledge is inextricably linked to this level of capacity, as are the important distinctions between functional and technical capacities that comprise the third dimension of the UNDP capacity development

conceptual framework. As we will see in the following section, even functions that require high levels of technical expertise depend on functional capacities to operationalize them within wider public policy processes.

Capacity development efforts at the individual level must assess the agencies' capacities necessary and appropriate for fulfilling the particular preventive anti -corruption functions in their mandate. A set of key functional capacities can be identified.

> Summary of key functional capacities:
>
> - Engage with Stakeholders
> - Assess a Situation and Define a Vision and Mandate
> - Formulate Policies and Strategies
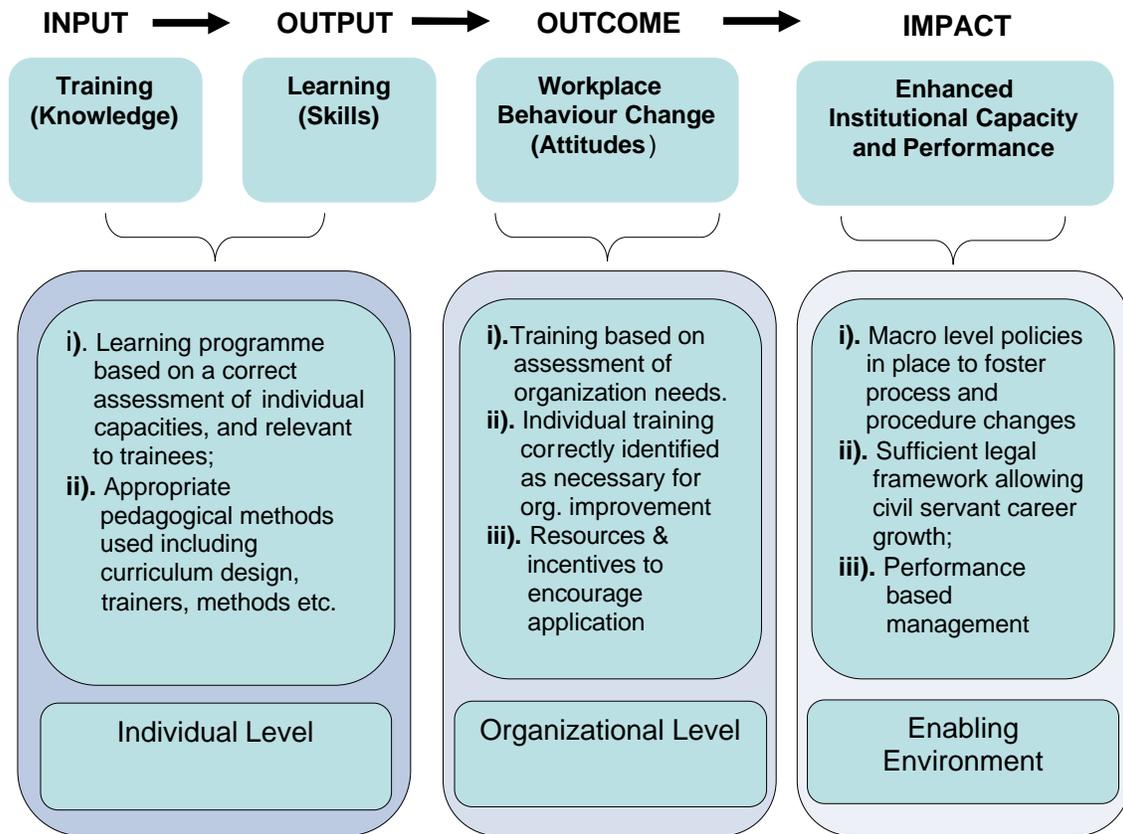> - Budget, Manage and Implement
> - Monitor and Evaluate .

A different category of capacities at the individual level refers to the technical skills needed to carry out the activities of the agency. This category is more specific and generally speaking is relevant for specialized (expert) staff more than the managerial one[11].

> Summary of key technical capacities:
>
> - design and carry out communication and public relations activities
> - conduct research and analysis of the corruption phenomenon and of the impact of the AC measures in place;
> - draft legislation and regulatory instruments (such as instructions or decrees);
> - provide consulting services to other executive agencies;
> - design and deliver training to public agenci es.

Concerning the design of recommendations for training of ACA staff, the assessment team may use the below diagram as a guide. Namely, all training should be provided based on the needs of the organization, with proper incentives in place to encourage application of the knowledge and skills, and in the mid term a performance based measurement system. Training is to be provided in various forms d epending on whether knowledge needs to be developed (in which case classroom training may suffice) or skills (in which case coaching and mentoring may be more relevant).

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[11] For a detailed overview of the technical capacities see below part VII. *Capacity Assessment Guidelines for Most Common Corruption Prevention Functions*

INPUT →	OUTPUT →	OUTCOME →	IMPACT
Training (Knowledge)	**Learning (Skills)**	**Workplace Behaviour Change (Attitudes)**	**Enhanced Institutional Capacity and Performance**

i). Learning programme based on a correct assessment of individual capacities, and relevant to trainees;
ii). Appropriate pedagogical methods used including curriculum design, trainers, methods etc.

Individual Level

i). Training based on assessment of organization needs.
ii). Individual training correctly identified as necessary for org. improvement
iii). Resources & incentives to encourage application

Organizational Level

i). Macro level policies in place to foster process and procedure changes
ii). Sufficient legal framework allowing civil servant career growth;
iii). Performance based management

Enabling Environment

Having reviewed the major UNDP capacity development concepts as they apply to agencies performing corruption prevention functions, we next turn to the steps necessary to undertake a capacity assessment.
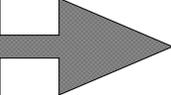
VI. DESIGNING AND CONDUCTING A CAPACITY ASSESSMENT

> This section will guide the practitioners through the steps of assessing of an anti -
> corruption agency's capacity to perform preventive functions.

1. Preparation

Conducting a capacity assessment requires a preparation phase in which the various aspects of the process should be reviewed. Preliminary research and analysis will be necessary in order to tailor the assessment to the functions that an agency is mandated to perform and the corresponding capacity requirements. The matrix of capacity assessment guidelines for most common preventive functions presented in the next section should be used to ensure that all relevant issues are considered.

Development practitioners should begin by collecting and analyzing information about the legal basis and mandate of the agency under consideration, as well as background on the creation of the agency, including the administrative and political environment in which the agency was introduced.

This preliminary set of considerations should allow the identification of the main enabling environment issues and function-related capacity challenges that need to be addressed by the assessment.

> The exercise will also likely result in an ascertainment of whether or not the agency is the fruit of a serious commitment to fight corruption. If it emerges that circumstances hampering its performance are of a political nature and cannot be altered through technical assistance, development support to the agency may need to be put on hold and alternative ways found to promote the fight against corruption.

2. Clarification of the objectives and expectations with primary clients

Anti-corruption is a very sensitive field of intervention; development agencies and donors should take into consideration that their activities could be exploited for political purposes or manipulated by powerful interests. Several issues will need to be discussed at this stage. First, the intentions of the promoters of the assessment will have to be established: it should be clear who wants the assessment and what are the long-term development objectives related to the exercise. Clients should also commit to provide all the data necessary for the assessment and to address the needs that the assessment will identify.

Several other concrete elements will have to be taken into consideration in this phase in order to identify the scale and scope of the assessment. The expertise, time, funds available will have to be taken into consideration : raising too high expectations for the assessment would be counter-productive. The possibility of implementing a development response (technical assistance) on the basis of the assessment should also be discussed, which may also imply an analysis of the political environment that would impact on such efforts.

3. Identification of stakeholders to be involved throughout the process

The involvement of all stakeholders is a key element for successful implementation of activities that promote transparency and integrity in the public sector. All state institutions that cooperate with the anti-corruption agency should participate in the assessment. Civil society organizations are among the most relevant stakeholders, especially considering their role in a number of most common preventive anti-corruption functions that agencies typically perform. The private sector will also need to be included if the agency performs functions relating to any sectors or issues that affect the private sector (e.g. public procurement, conflict of interest, licensing and inspections regulations, tax collection regime, etc.). Partners from international organizations or donors may also be involved.

The participation of all stakeholders in the capacity assessment exercise permits a broader basis for identifying the shortcomings in the communication and coordination mechanisms or the services delivered by the agency. As a general rule, the broader the consultation, the more extensive the information received, and the greater likelihood that key problems will be identified. At this stage, the terms of stakeholder input should be agreed.

> Participation of the civil society in the capacity assessment also provides the added value of demonstrating the openness of the agency to discuss not only its successes but also its capacity gaps and problems. This contributes to increasing public trust in the agency and provides arguments for receiving adequate resources and support.

4. Determining the data collection and analysis approach

The aim of collecting data at this level is, first, to identify and refine the needed capacities of an agency in a given country context (e.g. performance indicators), and second, to gather information, vis-à-vis these standards, on its current capacities.

The type of data to be gathered will correspond to the functions that an agency performs. While at one level, certain basic capacity needs will be common to most agencies regardless of the functions they perform, the full extent and range of capacities required will vary significantly. The matrix of capacity assessment guidelines related to functions presented in the next section, which was used to compile an overview of agency capacities in Step 1 above, can also guide the development of the data collection plan.

In principle, if an anti-corruption agency is successful, then one would expect to see lower levels of corruption, and estimated corruption levels over time can provide some indication of the effectiveness of the agency. For instance, if prevention efforts are focused on a specific sector, then information on known incidences and perceptions of corruption associated with that sector may reveal, over time, the (in)effectiveness of prevention strategies employed by the agency. Of course, high perceptions of corruption may simply indicate a lag in the impact of reforms and public awareness. Furthermore, levels of corruption may be explained by factors other than the effectiveness of the agency. In sum, data on corruption levels needs to be interpreted with care.

Certain capacities can be assessed from the legal or procedural frameworks that shape their development. For instance, the national law on civil servants - if such a law applies to the agency - will considerably influence the extent to which human resource capacities can developed. Qualitative assessments of capacities shaped by institutional

arrangements are best performed as expert analyses.   Other types of capacities are best assessed through performance reviews, however. For instance, if the agency operates a telephone hotline where citizens can report corruption, "customer fe edback" can provide valuable data on performance challenges , and in turn, capacity constraints .

Both quantitative and qualitative indicators will be needed to assess institutional capacities.   Ideally, some performance indicators should have already been identified and tracked in the organization's own monitoring and evaluation plan.   Statistical data (e.g. number of complaints responded to against total received, investigations completed, administrative orders, guidelines and advice issued, laws and reg ulation reviewed) constitute useful objective indicators of the capacities in place against the capacities required to undertake the volume of work mandated. They reveal little about the quality of the services provided or the results achieved, however. More qualitative data can be obtained through self-assessments, interviews with stakeholders or citizen feedback instruments. Relevant citizen experience or perceptions may already be tracked by other organizations' surveys.   Self-assessments that reflect the internal experiences and views of employees should ideally be cross -referenced with expert analysis, oversight bodies' reports, as well as outside perspectives of other agencies and the public.

The data collection and assessment plan should begin as broadly as possible but will likely require scaling down in line with available resources. It is unlikely that sufficient funds would be available to develop and apply new survey instruments, for instance. Existing measurements and assessments should be reviewed at the outset for the content of their analysis, as some may contain useful information about an ACAs capacities (e.g. Global Integrity Indicators and Reports, National Integrity Assessments by national chapters of Transparency Internationa l, reports of monitoring mechanisms like GRECO and OECD, etc.).

There is a wide range of other assessment tools available in management sciences that can be applied to generate data for a capacity assessment, time and resources permitting. One such tool is the capability maturity model (CMM), but many other instruments are available. The CMM is based on the notion that the predictability, effectiveness, and control of an organization's processes improve as an organization matures and translate into increased o rganizational effectiveness. It describes four levels of 'maturity' as follows:

Level	Focus	Description
1.	Ad-hoc Competent People and "heroics"	Typically undocumented processes, organization in a state of dynamic change, and reacts rather than plans. Limited information management structure (knowledge is scattered and hard to access).
2.	Repeatable Basic Project Management	Processes, procedures, systems are repeatable and known within staff from experience but not documented well. Discipline in follow ing processes is perhaps not rigorous, but the fact that they exist help in times of stress. Not always consistent results.
3.	Defined Process Standardization	Defined and documented processes and procedures with clear objectives. Organization aims to impr ove them over time through basic monitoring and evaluation.
4.	Managed Quantitative Management	Processes and procedures and monitored and measured using qualitative and quantitative indicators. Organization uses these metrics to improve over time to achie ve consistent quality of service provision/outputs. Not yet fully adaptive to change.

Many management tools are simple to understand and apply by non -specialists, but others require a certain level of expertise. It may therefore be sensible to include o n the assessment team an organizational management/assessment specialist, or at least obtain some specialized advice on the tools and approaches that might be applied.

The final selection of sources and uses of data should be agreed with the clients.

5. Defining how the assessment will be conducted

Depending on the scope and scale of the assessment, an appropriate and tailored work plan should be devised that takes into account the following considerations:
- Who should be a part of the assessment m anagement team?
- Who should participate in the assessment?
- Where will the assessment be conducted?
- How will the assessment be conducted?
    - steps/tasks of the assessment and their sequence
    - human and financial resources needed for each step/tasks
    - person(s) responsible for each step/task
    - timeline for each step/task
- How will the results be used?

Ideally, the assessment team should include a combination of expertise, specifically familiarity with (a) the national/local context; (b) the specific content or sect or under assessment (in the case of capacity assessment of prevention of corruption agencies, this should include expertise on Anti -corruption and Public Sector Reform) ; and (c) the capacity assessment methodology. The team might also be complemented with experts in organizational management, or in cross-cutting issues of human rights and gender equality. Regardless of approach, an assessment facilitator should be assigned to manage the adaptation of the capacity assessment guidelines to the context at hand ; the execution of the assessment, including quantitative and qualitative data collection; and the interpretation of assessment results which will lead to the formulation of capacity development response strategies.

ACA Capacity Assessment Step -by-Step

1. Preparation:
- review the legal basis of the agency   - analyze circumstances of the agency's creation   - identify the main enabling environment issues   - review the mandate (scope of preventive functions performed) and outline the main capacity issues that need to be assessed
2. Clarification of objectives and expectations with primary clients:
- clarify intentions of the promoters of the assessment   - who wants the assessment?   - what are the related long -term development objectives   - secure agreement to provide all th e necessary data   - obtain commitment that the identified needs will be addressed   - review the expertise, time, funds available, and clarify the scale and scope of the assessment
3. Identification and engagement of stakeholders:
- identify all relevant stakeh olders   - state institutions   - civil society   - private sector

o   other   • agree on terms of stakeholder input

4. Determining data collection and analysis approach
   • identify the types of data needed for evaluating the range of capacity issues identified in Step 1
   • correlate available data sources against data needs
   • review feasibility of generating needed data
   • compile overview of qualitative and quantitative data that will be collected or generated, and review data analysis requirements

5. Defining how the assessment will be conducted
   • define the assessment management team
   • determine participants
   • decide on location
   • define in detail the following:
      o   steps/tasks of the assessment and their sequence
      o   human and financial resources needed for each step/tasks
      o   person(s) responsible for each step/task
      o   timeline for each step/task
   • plan how the results will be used

The next section contains a matrix of guidelines for assessing the capacity of anti-corruption agencies according to the most common preventive anti-corruption functions.
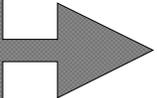
VII. CAPACITY ASSESSMENT GUIDELINES FOR MOST COMMON CORRUPTION PREVENTION FUNCTIONS

	Function	Guidelines for the capacity assessment		
		Enabling environment	Organizational level	Individual level
1	POLICY FORMULATION: The function of policy formulation requires: • cooperation with state agencies, civil society, and international organizations; • technical capacities (expertise); • functional capacities to manage extensive communication and coordination. Related functions: 2) diagnostic research 3) implementation plans 4) legislative drafting 7) evaluation of policies 9) international cooperation	The assessment should closely review the institutional arrangements in place (level of independence, authority) that may impact on the implementation of the agency's policy recommendations.	The institutional arrangements and business processes of the agency should be reviewed to assess its' capacity to: • consult with a range of stakeholders (state institution s, civil society, international community) to obtain broad input into the policy formulation process; • process inputs received from various sources; • promote consensus over the proposed measures. Human Resources: A well organized secretariat is needed to perform the function. In addition to the overall human resource management issues common to all functions, the capacity assessment should verify that a system is in place to recruit and retain staff having the nece ssary technical and functional capacities.	In order to develop recommendation for the sectoral or comprehensive national anti-corruption policies, the agency will need the technical capacities to: • conduct or manage diagnostic research, including to develop targeted research designs that link to specific policy objectives and lead to practical actions ; • assess the effectiveness of the measures currently in place ; • evaluate the level of compliance with international legal instruments; • propose remedies based on international standards and good practices, adapted to the specific national context. In addition, the agency will need the functional capacities to: • engage stakeholders; • assess a situation ; • formulate policies and strategies.

2	DIAGNOSTIC RESEARCH ACAs may conduct their own research, utilize external knowledge (including commissioning it), or combine the two approaches. The guidelines presented here primarily refer to situations where ACAs conduct research themselves through approaches such as: • corruption-related surveys; • generation and analysis of statistical data on corruption; • risk assessments of existing systems and legislation; • assessments of the levels of corruption. Related functions: 1) policy formulation 7) evaluation of policies 9) international cooperation	No special institutional arrangements (independence) are necessary to conduct corruption-related research as such, but a level of objectivity and impartiality is imperative if the research results are to be widely recognized as legitimate and valid. The role of the agency should be analyzed in view of various actors already involved in research on corruption at the national and international level. It is important to build on existing activities in order to exploit synergies, avoid duplication, and save resources usable for other functions. Ideally, provisions should be in place at this level to enable the use of information (including non-public / classified) gathered by investigative units or agencies, and to facilitate research collaboration between relevant government bodies. The key issue to consider is the extent and predictability of the agency's resources (human resources and budget). Research of this type can be a time- and personnel-intensive prospect requiring a significant level of financing, whether it is done in-house or outsourced.	The agency's institutional arrangements and business processes should be analyzed to determine its capacity to: • cooperate with international and national organizations working on assessing and monitoring corruption; • collaborate on research with investigative units and other state agencies; • create and maintain a pool of researchers and experts able to support the work of the agency; • develop performance indicators and monitoring systems (research is ideally conducted to establish baselines and then monitor and evaluate the effectiveness of anti-corruption measures). Human Resources To perform the research function, the agency should be able to rely on pool of researchers and experts. Research can be performed by the specialized staff of the agency or outsourced to other agencies or existing institutes, think tanks and NGOs already operating in the field. Where research is not performed internally, the agency should have sufficient staff capacity to manage, perform quality control, and apply the externally-commissioned research.	Technical capacities to: • define a research objective that links to policy objectives and practical actions; • interpret and analyze data and qualitative analysis, and to generate practical recommendations • identify, review, and assess the quality of existing information sources (academic, NGO and donor reports and assessments, administrative data, etc.); • conduct or manage diagnostic research, including: -knowledge of various diagnostic methodologies available; -competence in statistical and other social science methodologies necessary to evaluate the quality of the research undertaken/received (quality control); -higher levels of expertise in social science methodologies if undertaking diagnostic research internally. In addition, the agency will need the functional capacities to: • engage stakeholders; • assess a situation; • budget, manage and implement; • evaluate.

| 3 | DEVELOPMENT OF IMPLEMENTATION PLANS

Typically undertaken together with policy formulation (particularly when policies take the form of comprehensive national strategies), this function requires project management and evaluation - related methodologies to operationalize policy objectives.

Related functions:
1) policy formulation | No special institutional profile is required to perform this function; capacities are required at other levels. | A well organized secretariat is needed to perform the function, with processes in place to allow for effective coordination with other agencies. | Implementation plans, and the consultative process through which they are formulated, typically require the following functional capacities:
• engage stakeholders;
• budget, manage and implement;
• evaluate. |

| 4 | LEGISLATIVE DRAFTING

In many cases, new anti-corruption policies may require legislative changes. Anti-corruption conventions, for instance, are not self-enforcing, and national legislation is necessary for their implementation.

Legislative drafting, however, should be viewed as strictly a technical process that gives legal form to policy decisions. The requisite consultations and discussions of policy options should take place within the policy formulation process rather than within the legislative drafting function.

Related functions:
1) policy formulation | No special institutional profile is required to perform this function provided that it represents, as noted in the previous column, a purely technical process that gives the necessary legal form to policy decision reached through the policy formulation process (function 1). | Business processes
Coordination with various state agencies involved in the particular sector/issue area. In particular; coordination with the Ministry of Justice is essential to ensure that the proposed legislation is harmonized with the overall national legal framework and not in conflict with any other laws.

Human resources
As the category of corruption-related legislation and regulation is very diverse, the agency should also have the capacity to rely on external experts (domestic and foreign) and consultants. Procedures for contracting consultants should be assessed, along with the capacity to cooperate with international organizations. | Technical capacities:
• knowledge of international standards and good practices;
• comparative knowledge of legislative solutions;
• specialized legislative drafting skills.

Functional capacities:
• engage stakeholders. |

| 5 | IMPLEMENTATION GUIDELINES

Policy implementation can require substantial changes in an institution's operations, including new organizational arrangements and procedures, as well as change management capacities. Guiding other institutions through this process requires not only technical expertise on the policy in question, but also organizational management skills that ACAs are unlikely to possess and are impractical to develop. The most valuable practical role they can hope to play is advisory.

Related functions:
1) policy formulation
3) implementation plans
6) monitoring implementation
7) evaluation of policies | No special institutional profile is required if this is understood as an advisory function.

By contrast, if the ACA is also mandated to ensure that its guidance is followed, the institutional arrangements should be reviewed as to whether the ACA has the sufficient authority to impose its recommendations on other institutions or otherwise compel compliance. | The institutional arrangements and business processes of the agency should be reviewed to assess its capacity to:
• consult with a range of stakeholders to achieve broad input into the policy implementation guidelines;
• identify, engage, and supervise the necessary external expertise;
• manage the various sources of input and/or support;
• promote consensus over the proposed measures.

Human Resources
The agency should be able to engage external advisors to gather the range of expertise necessary for the development of operational guidelines and other implementation instruments, including specialists on organizational management. Internally, the agency should have sufficient staff to manage and supervise external expertise. | Technical capacities needed correspond to the specific policies that are being implemented.

A minimum level of internal technical capacities in organizational management would be useful to identify and assess the quality of external expertise received.

The full range of identified functional capacities is also necessary. These are the capacities to:
• engage stakeholders;
• assess a situation;
• formulate policies and strategies.
• budget, manage and implement;
• evaluate. |
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| 6 | MONITORING THE IMPLEMENTATION OF ANTI-CORRUPTION POLICIES

This function primarily requires extensive coordination. Capacities are also required to analyze and evaluate information received.

Related functions:
1) policy formulation
3) implementation plans
5) implementation guidelines | Due consideration should be given to the authority of the agency and its ability to:
• compel the reporting of agencies responsible for the implementation of AC policies, and
• influence the responsible agencies to respect their obligations regarding the implementation of AC policies.

Accountability lines and the independence of the relevant institutions should be analyzed. Tensions can arise from potential disagreements with other state agencies that enjoy a high degree of independence (e.g. courts).

The agency should have sufficient independence to be able to impartially and objectively assess the performance of institutions responsible for implementing specific AC policies in question. | Business processes
Monitoring the implementation of specific anti-corruption policies or the comprehensive national strategy (and its implementation plan) requires close cooperation with other state agencies and high capacities in this area.

Processes should be in place to ensure that communication is regular and timely, particularly if the ACA mandate is to receive regular periodic reporting on the implementation of the assigned measures from other institutions. Also, the ACA should be able to perform a quality check on reports received and, if needed, require improvements.

Independent monitoring requires additional data management processes (e.g. supporting IT infrastructure, databases, etc.)

Human resources
The agency will require sufficient staff to process the potentially significant volume of reporting from various state agencies, and to consolidate/summarize these individual reports. A single consolidated report is needed to inform about progress the executive, the legislature and the general public. | Technical capacities:
• knowledge of each specific sector covered by the anti-corruption policies it is mandated to monitor;
• knowledge of the anti-corruption policies is mandated to monitor;
• if conducting independent monitoring, specific monitoring techniques appropriate for issue/sector;
• ability to analyze data and translate findings into actionable policy recommendations.

Functional capacities:
• engage stakeholders;
• assess a situation (in particular, the capacity to analyze and synthesize data and information);
• evaluate. |

| 7 | EVALUATION OF EFFECTIVENESS OF ANTI-CORRUPTION POLICIES

Different from above, the evaluation function focuses on assessing the outcomes (results) of anti-corruption measures rather than only progress on implementation (activities undertaken).

Related functions:
2) diagnostic research | If it is to be meaningful, evaluation of the outcomes of anti-corruption policies should be impartial and objective. In this respect, it is essential that the function be performed by a state agency with a very high degree of functional (and ideally organizational) independence, if it is not outsourced to a non-state actor altogether. | For this function, the capacities inherent in the agency's institutional framework and business processes should resemble to those required to conduct research more generally. There should be adequate capacity to:
• engage expertise as necessary to support the work of the agency;
• produce evaluation reports to be presented to the executive, the legislature, and the public.

Human Resources
In addition to specialized internal expertise, the agency will likely need to engage external expertise to undertake specific evaluations. These methodologies will be consistent with, if not identical, to the diagnostic methodologies required for assessing needs and establishing baselines during the policy formulation process. Where research is not performed internally, the agency should have sufficient human resources to manage, perform quality control, and apply the external research. | Technical capacities:
Capacity to conduct or manage diagnostic research on national institutional and regulatory systems:
• knowledge of various diagnostic methodologies available;
• competence with various statistical and other technical approaches;
• evaluation of the quality of the research undertaken/received (quality control).

In addition, the agency will need the functional capacities to:
• engage stakeholders;
• assess a situation;
• budget, manage and implement;
• evaluate. |

| 8 | COORDINATING THE IMPLEMENTATION OF PREVENTIVE POLICIES

Coordinating anti-corruption activities is one of the most vital yet problematic functions of prevention of corruption agencies. Any one ACA can perform only a limited set of anti-corruption functions, and will have to rely of other agencies for the remaining preventive and law enforcement functions as enumerated in the UNCAC.

Related functions:
3) implementation plans
4) implementation guidelin es
6) monitoring implementation | The capacity to perform this function will depend significantly on the agency's authority and positioning within the national integrity system. Areas of shared competences and possible overlapping should be identified. Accountability lines and the independence of the various institutions should be analyzed. Tensions can arise from unclear or duplicated competencies, and from potential conflict with other independent bodies (e.g. courts). Coordination protocols (memoranda of understanding or similar mechanism) may be useful in preventing potential inter - institutional conflicts. | A well organized secretariat is needed to perform the function. Capacities and resources for timely and effective communication are essential. In some cases, the presence of staff seconded from other agencies can help to facilitate cooperation. | Technical capacities :
• knowledge of each specific sector having a role in anti-corruption policies implementation, and of the policies themselves.

Functional capacities:
• engage stakeholders;
• manage and implement . |

| 9 | INTERNATIONAL COOPERATION

Anti-corruption treaties (e.g. Council of Europe Conventions) often require the member states' participation in the relevant monitoring mechanisms (e.g. GRECO). ACAs are often mandated to represent the country in the various activities involved.

Another form of international cooperation may involve a "clearing-house" role for donors' technical assistance initiatives.

Not least, a common form of international cooperation consists of liaising with various external expertise that may be required for other functions.

Related functions:
1) policy formulation
2) diagnostic research
3) implementation plans
4) legislative drafting | The assessment should examine the authority and the functional independence of the agency to represent the country in international fora, and the availability of resources (budget) to do so effectively.

Where mandated to perform a "clearing house" role, the agency's institutional relationships should be review to enable effective communication with other state institutions and donors about the needs for technical assistance. | Business processes
The agency should have the capacities to:
• participate to international meetings, trainings, monitoring mechanisms;
• represent the national anti-corruption activities at the international level;
• share anti-corruption expertise with specialists in other countries;
• organize staff exchanges and visits to promote learning;
• strengthen bilateral co-operation with anti-corruption bodies in other countries.

The second aspect of this function requires the capacities to:
• coordinate with state institutions having a role in the fight against corruption;
• represent their needs to international organizations and donors;
• assess the quality and suitability of the technical assistance offered.

Human resources management
The agency should have specialized staff for international relations who possess the language skills required to communicate directly with their foreign counterparts. Participation in international trainings should be routinely followed by debriefings and intra-agency knowledge sharing. | Technical capacities:
• foreign language skills;
• knowledge of the range of national anti-corruption policies;
• public speaking and presentation skills;
• knowledge of international good practices and anti-corruption approaches and remedies.

Functional capacities:
• engage stakeholders;
• assess a situation, including to identify assets and needs. |

| 10 | DISSEMINATING KNOWLEDGE:

This function consists of two components:
• trainings, seminars, workshops and other forms for public officials and civil service;
• promotional and educational campaigns for increasing of the level of public awareness of corruption problem (causes and consequences), or the rights and responsibilities of citizens in administrative processes.

Related to functions:
2) diagnostic research
9) international cooperation
11) enhancing civil society participation | No special institutional arrangements are required to perform this function other than a predictable flow of resources (budget) that permits the realization of planned activities.

However, as a great number of such activities either are or can be undertaken by national NGOs or international organizations, and are financed by donors, the assessment should review any potential institutional obstacles for coordination and cooperation with such organizations. As with research, it is important to build on existing activities in order to exploit synergies, avoid duplication, and save resources usable for other functions. | Business processes
Both training and mass education activities should form part of a broader institutional sustainability strategy that is rooted in strategic national anti-corruption policy objectives.

Training programs, in particular, require cooperation and joint planning with state institutions that are the "clients" for training activities (and/or with public institutions that regulate or deliver such training themselves).

Coordination with potential partners (national and international organizations and donors) is essential to avoid duplication and securing the needed resources.

Human Resources
The agency requires the capacity to involve and contract expertise present at the national and international level, and to develop, implement, and manage educational activities. If training is to be performed by agency staff, a trainers' development process should be in place. | Technical capacities:
• training skills and methodologies;
• public speaking and presentation skills;
• public relations skills;
• capacity to use the following tools:
-media of broad or general distribution;
-internet and other digital media.

Functional capacities:
• engage stakeholders;
• budget, manage and implement;
• evaluate. |

| 11 | ENHANCING CIVIL SOCIETY PARTICIPATION

This function has three components:
- promoting public sector transparency and accountability, and citizen participation;
- engaging civil society in corruption prevention efforts (e.g. policy formulation, research, monitoring, dissemination of knowledge);
- receiving reports and complaints on corruption from citizens.
The latter function is frequently assigned to ACAs and we will mostly concentrate on it here, since the other components are covered above.

Related functions:
1) policy formulation
2) diagnostic research
10) disseminating knowledge | Two factors are essential in achieving the profile needed for citizens to turn to an ACA to report corruption. One is the perceived independence of the agency, and its ability to resist potential political pressures to ignore the misconduct of particular officials. A level of functional independence is the minimum needed, while organizational independence would be desirable in resisting potential political influence. Second, the agency must also have a predictable flow of resources (budget) that permits the consistent operation of mechanisms to receive citizen complaints (e.g. telephone hotlines) and to respond to citizen reports in a timely manner.

Where reports of corruption are then forwarded to agencies for investigation and prosecution, the position of the ACA vis-à-vis law enforcement bodies should also be examined. Special protocols may be needed to ensure the necessary levels of cooperation and feedback on the reported cases, and to prevent potential inter-institutional conflicts. | Business processes
Related to the question of independence is the public perception of the agency's integrity and its determination to act on behalf of the citizens rather than protect state officials. Maximum transparency and public reporting on activities is essential to promote these commitments (information that may compromise investigations or data protected by privacy laws must be withheld). Some agencies have introduced citizens' oversight boards to promote this kind of profile.

Equally important is the existence of a system for reporting corruption that is simple and accessible. Use of information technologies is invaluable in this respect, but cannot substitute for good customer service practices (courteous, responsive, and clear communication of the relevant laws, procedures, rights and obligations).

There should also be strong data management processes to protect sensitive data, analyze the information received and integrate the information on most commonly encountered types of corruption, as well as law enforcement responses, into the overall anti-corruption policy process.

Human resources:
Sufficient staffing levels and training are essential. | Technical capacities:
- public relations skills;
- customer service skills;
- data management and analysis.

Functional capacities:
- engage stakeholders;
- manage and implement programs;
- evaluate. |
|---|---|---|---|

| 12 | ENFORCING REGULATIONS

Typical regulation enforcement functions concern the following:

- public officials' compliance with conflict of interest rules;
- public officials' compliance with codes of ethics;
- public officials' compliance with asset declaration rules;
- gifts received by public officials;
- state institutions' compliance with public procurement rules;
- political parties' compliance with campaign finance rules.

It is beyond the scope of this document to provide a detailed list of the capacities required for the performance of these functions. Specific national regulatory frameworks for these preventive regimes differ significantly from country to country, and the role of the ACAs in their enforcement will vary significantly. Additional guidance on this topic will be produced by UNDP BRC in the future. | The role of the agency should be carefully analyzed, in particular the relations with other agencies that may have a role in the implementation of the given regulatory regime. Coordination with law enforcement agencies is likely to be important, as the line between administrative and criminal offenses may not be clear. Other likely partner is the tax authority. The capacity of the agency will also depend on the extent to which the relevant legislation permits clear and coherent interpretation and enforcement.

The authority of the agency should be proportionate to the mandate (e.g., access to bank accounts). Any special powers should be accompanied by a proportional accountability framework.

Independence may be critical in the performance of some of these functions. Measures may be required to protect staff responsible for these functions from undue interference or intimidation.

The budget of the agency should be reviewed for both predictability and sufficiency to effectively perform. | Business processes

Many of these functions require considerable administrative effort, and the sensitive nature of some of the information potentially reviewed requires strong data management and confidentiality protocols. Advanced IT systems and archiving may be needed.

Cooperation and coordination with other agencies will be necessary, and extraordinarily close cooperation may be essential in certain institutional frameworks.

Human resources management

Many of the functions outlined in Column 1 may imply extraordinary staffing requirements, including special protection from pressure or harassment (e.g. if performing investigations). Training and pay grades need to be reviewed for proportionality to the level of specialized knowledge required or responsibility undertaken.

Involvement of staff seconded from prosecutors and investigative agencies may be helpful for the cooperation with law enforcement agencies. | Technical capacities may vary considerably depending on the exact function performed. Certainly, extensive knowledge of the given regulatory regime will be required.

The full range of identified functional capacities is also necessary. These are the capacities to:
- engage stakeholders;
- assess a situation;
- formulate policies and strategies.
- budget, manage and implement;
- evaluate. |