

CONFERENCE OF THE STATES PARTIES TO THE UNITED NATIONS CONVENTION AGAINST CORRUPTION, EIGHTH SESSION

**SIDE – EVENT
Organized by ANAC
Sponsored by AFA
Abu Dhabi 17 December 2019**

I. Program: ANAC’S MISSION

From Theory to Practice: What do Anti-Corruption Authorities really look like

INTRODUCTION

National anti-corruption authorities are instrumental in implementing UNCAC provisions on prevention of corruption.

Since the adoption of the UNCAC Convention, more and more anticorruption authorities and agencies were established by the Member States.

But beyond the apparent similarities and shared principles, national institutions are intrinsically diverse.

It is now time to look back over the different national examples to better understand specific needs, identify common challenges and explore concrete avenues for cooperation. To this end, the French Anti-Corruption Agency, in partnership with the Group of States against Corruption (GRECO) of the Council of Europe, the OECD, and the Network of Corruption Prevention Authorities conducted a global mapping of national authorities tasked with preventing and fighting corruption.

This event will provide a global picture of the various anti-corruption systems implemented around the world, based on the results of an international online survey.

- Welcoming by H.E. Mr. Xavier STICKER, Permanent Representative of France to the

United Nations and International Organisations in Vienna (moderator)

- Opening remarks by:

- o Mr. Jeffrey SCHLAGENHAUF, OECD Deputy Secretary-General (confirmed)
- o Mr. Marin MRČELA, President of the Council of Europe’s GRECO (confirmed)
- o Ms. Brigitte STROBEL-SHAW, Chief of the UNODC Corruption and Economic Crime Branch, Secretary of the UN Convention against Corruption (confirmed)
- o H.E. Mr. Jean-Claude BRUNET, Special Representative for the fight against

transnational criminal threats (confirmed)

- Expert panel discussion:

- o Mr. Charles DUCHAINE, Director of the French Anticorruption Agency (AFA) (confirmed)
- o Representative from Mexico or Colombia (TBC)
- o Representative from Burkina Faso (TBC)
- o Representative from Indonesia or Egypt (TBC)
- o Ms. Nicoletta PARISI, Council Member of the Italian Anticorruption Agency (ANAC) (TBC)

II. Concerning Codes of Conduct, by Nicoletta Parisi

1. Integrity of public administration (PA), on one hand, and anticorruption, on the other, are considered two closely intertwined topics under the first Italian systemic law on the prevention of corruption (namely Law no. 190 of 2012).

Code of conduct deals with integrity of the PA: it preserves legality at each level, both within the organization (through a risk-based strategy) and on the behavior of the individual civil servants. The Law considers the code of conduct an essential tool for regulating and guiding the behavior of civil servants, with a view of preventing corruption.

It is worth mentioning that, in accordance with the Italian legal system, codes of conduct contain binding rules: the breach is considered a violation of legal norm and, therefore, is sanctioned.

2. In Italy, the jurisdiction to regulate public employees' career is given to the Department of the Public Function, while some other competences are given to ANAC, in its quality of the governing body of administrative anti-corruption strategy.

2.1. About the ANAC's role, firstly, the Law (art. 54.5 decree law 165 of 2001) gives ANAC the competence to define uniform criteria, guidelines and/or models. They are addressed to all Italian public administrative bodies, which are almost eighteen thousand. Each of them has to adopt its own Code. The Law states that the guidelines must focus on single sectors of the Italian public administration (for example healthcare one), or to individual category of public bodies (for example small Municipalities, Port Authorities, Universities, etc.)

2.2. In 2015-2016, ANAC began to deal with the healthcare sector, which required for guidelines on codes of conduct, due to strong need to create or

improve integrity and to solve structural conflicts of interest. These guidelines have brought good results in term of the rate of substantial compliance.

Today, ANAC continues drafting guidelines, with a more intersectoral approach. This month (December 2019) the Board is assessing the Draft of the new guidelines, that could be operative next February.

3. ANAC must supervise on whether each public body has its own Code of Conduct. If that is not the case, ANAC has to issue pecuniary sanctions. Unfortunately, it is a weak power, because ANAC cannot assess the content of the code, and ascertain if it is effective. But this is another story!

4. In order to be effective towards P.A. bodies, ANAC is going to use a result-oriented approach, instead of a pure formalistic one.

ANAC is trying to explain to the whole P.A. that values and competences are the two essential components of a good code of conduct.

In fact, the top-management of the public service tries to promote the organizational efficiency in the perspective of pursuing the public good.

However, technical skill and proficiency need a soul, a purpose. This purpose is the virtue: the competency must be exercised in the public interest. It is therefore necessary that in its guidelines ANAC is able to provide public administrations with clear and understandable values, so that public employee knows how to identify and act towards the public interest.

Here is but one example: to whom/to what does the civil servant give loyalty: To constitution, to laws, to the individual P.A. body, to the Government, or to the Country? No, the loyalty is towards citizens: only this way a responsible public administration can be built.

5. On the efficiency of codes of conducts, in my opinion this question has two possible solutions.

One could wonder how to draft an effective code of conduct. So we could wonder if is better an aspirational code or a compliance code. In principle, I am not able to choose between the two approaches. I think this choice depends on cultural and legal context of the given Country.

I also think that effectiveness depends on the contents of code of conduct itself.

6. Finally, we could wonder how to assure an effective implementation of a code of conduct.

Firstly, it needs continuous training activities, addressed to strengthening both technical and ethical competence.

Secondly, it requires that top management is actively involved on training: the top management has to demonstrate to hold on ethical values; it is the first to respect the content of the code of conduct.

Finally, it is necessary that training is not aimed at providing notions and legal rules, but at strengthening ethical competence of people. Training has to present ethical dilemmas, based for example on the role-playing game, so that the person is faced with the choices he/she will have to make (also not provided for on the code of conduct) having useful ethical reference points.



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FROM THEORY TO PRACTICE

**What do anti-corruption
authorities really look like?**

A special event at the Conference
to the States Parties to the United
Nations Convention against
Corruption

17 DECEMBER 2019

13:00 - 14:00

CR 5 (ROOM 2)

Interpretation English/French

From theory to practice: What do anti-corruption authorities really look like?

Since the adoption of the UNCAC, more and more anti-corruption authorities were created by Member States. But beyond the apparent similarities and shared principles, national institutions are intrinsically diverse. It is now time to look back over the different national examples to better explore concrete avenues for cooperation. This special event will provide a global picture of the various anti-corruption systems implemented around the world, based on the results of an international online survey.

Opening remarks by the UNODC, the Council of Europe's GRECO, the OECD and France.

Expert panel discussion with:

- Mr. Charles DUCHAINE, French Anti-Corruption Agency (AFA), France
- Ms. Nicoletta PARISI, National Anti-Corruption Authority (ANAC), Italy
- Ms. Camila COLARES, Office of the Comptroller General of the Union (CGU), Brazil
- Mr. Achmad Taufik, Corruption Eradication Commission (KPK), Indonesia

For inquiries, contact us at internationale@afa.gouv.fr





UNODC

United Nations Office on Drugs and Crime

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CONVENTION AGAINST CORRUPTION, EIGHTH SESSION
Abu Dhabi, United Arab Emirates 16-20 December 2019**

SPECIAL EVENT

Co-sponsored by France, Italy, Egypt, Vietnam, Burkina Faso, OECD, Council of Europe

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II. SPEAKERS

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 - Ms. Camila COLARES, Chief of International Relations, Office of the Comptroller General of the Union (CGU), Brazil
 - Mr. Achmad Taufik, Cooperation Specialist, Corruption Eradication Commission (KPK), Indonesia

III. FORMAT AND AGENDA

The side-event will present the results of the international online survey carried out by the French Anti-Corruption Agency in partnership with the Council of Europe's GRECO, the OECD and the members of the Network of Corruption Prevention Authorities.

Based on the data provided by 170 institutions from 113 countries and territories, a global picture of the various anti-corruption systems will be drawn for the first time, and concrete avenues for cooperation will be further explored.

Leaders of authorities and agencies from Europe, Latin America, Africa and Asia will discuss the main characteristics of their national systems and the challenges identified as a result of this first global mapping. High-level representatives of international organizations will also participate in this discussion aimed at finding solutions to enhance practical cooperation between peers.

IV. PUBLICATIONS

- Summary of the main findings of the global mapping of anti-corruption authorities (forthcoming)