



FIGHTING CORRUPTION

SDC Strategy



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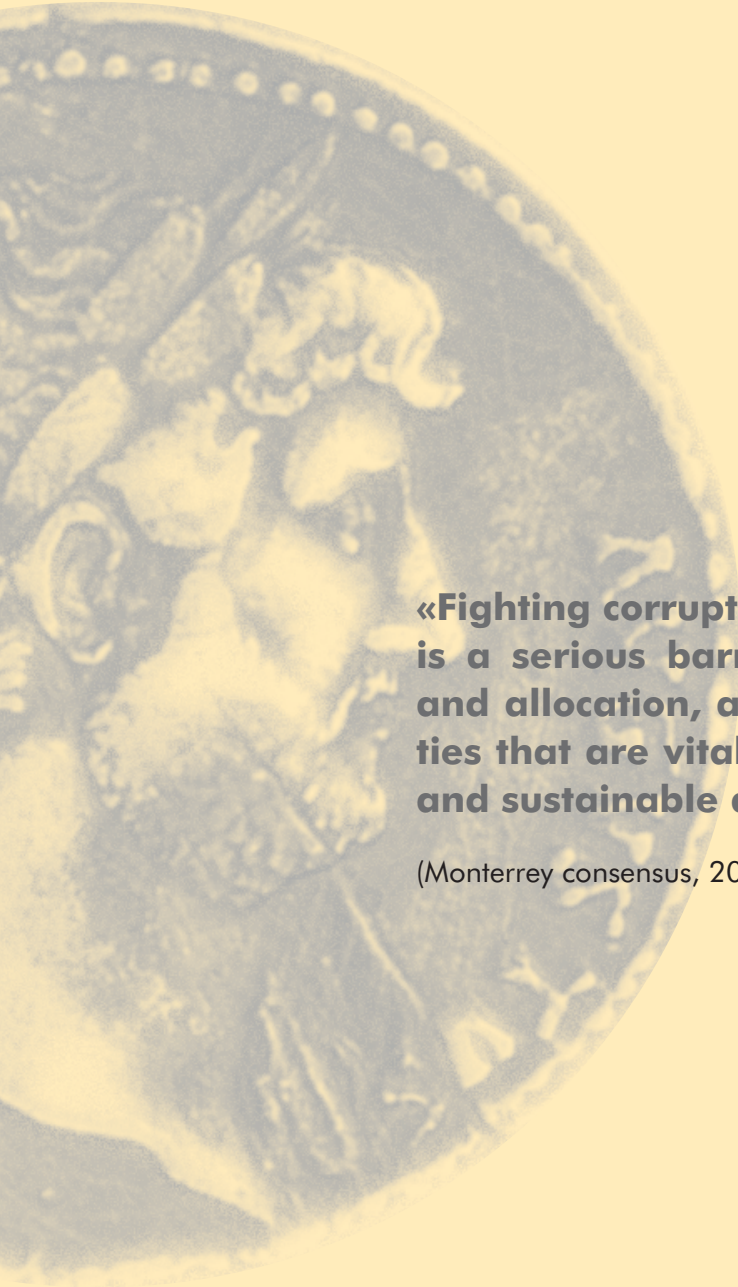
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«Fighting corruption at all levels is a priority. Corruption is a serious barrier to effective resource mobilization and allocation, and diverts resources away from activities that are vital for poverty eradication and economic and sustainable development.»

(Monterrey consensus, 2002)



1. Why an anti-corruption strategy? The international context

Corruption, as a worldwide phenomenon and a development problem, has been on the international agenda for more than a decade. In 1998, SDC issued guidelines stemming from the concern that corruption should be taken into account in its own activities and processes so as to ensure that Swiss funds not be diverted through corrupt channels. The ultimate goal of this strategy is to contribute to preventing corruption as a major obstacle towards development.

Since 1998, several major initiatives have shaped the global fight against corruption at international and national levels:

- Switzerland ratified the OECD Convention against Bribery of Foreign Public Officials in 2000 with new legal provisions for Swiss companies operating abroad.
- In 2003, 103 countries including Switzerland, signed the UN Convention against Corruption. This new Convention encompasses a wide range of issues, such as active and passive corruption and asset recovery.
- The Council of Europe's Penal and Civil Conventions on Corruption are also in the pipeline for ratification by Switzerland.

These conventions support policy coherence between domestic and foreign anti-corruption measures and demonstrate the need to take into account the responsibility of all countries.

Several recent international prognoses concerning the future of the development agenda (Blue Ribbon Panel Report «A more secure World: Our shared Responsibility», Sachs Report, «Investing in Development», Kofi Annan's report «In larger Freedom: towards Security, Development and Human Rights for All») also emphasize the need to address corruption in order to eradicate poverty, promote human rights, and ensure security. The Millennium Declaration gives governance issues a prominent role in achieving the Millennium Development Goals (MDG)s.

In addition to this, the new aid effectiveness and harmonization agenda also goes hand in hand with a reinforcement of anti-corruption efforts, as specified in the Paris Declaration on Aid Effectiveness (2005).

Since 1998, the state-of-the-art in anti-corruption has thus changed significantly. This Strategy reflects new areas of intervention and sets priorities for SDC's staff and partners from bilateral, multilateral and humanitarian domains.



2. What is corruption?

For development partners, corruption is referred to as the abuse of a public power for private benefit.¹ Corruption, although clearly described in the international legal framework, can take many forms and have many dimensions, sometimes depending on the local culture and context. Even if no one is immune to corruption in whatever country, petty corruption is a rampant problem in many developing countries, making the every day life of the poor very difficult, sometimes even endangering their lives. Grand corruption usually involves high-ranking officials diverting public resources or plundering natural resources for their own interest. Political corruption refers to state capture and political party financing.²

Corruption is principally a governance problem that translates into a failure of institutions and a lack of capacity to manage society by means of a framework of social, judicial, political and economic checks and balances. When these formal and informal systems break down, it becomes harder to implement and enforce laws and policies that ensure accountability and transparency. The entire process runs counter to the rule of law.

1 This definition comprises cases of public corruption only (namely, between public officials and private companies or individuals). It is assumed that donors have no impact on private-to-private corruption.

2 For an extensive description of corruption problems, forms, and impact on developing countries, refer to the Issue Paper «la corruption et les moyens d'intervention», SDC, 2004.





3. Why is SDC committed to the fight against corruption?



Poverty eradication and related MDGs

Poverty alleviation is the overarching goal of SDC's work; corruption, however, kills development. Because of the misuse of public funds and the ensuing reduced productivity of public investment, corruption is a major impediment in the achievement of MDG 1 and of certain sectoral MDGs such as health and education. Corruption also undermines all governance reforms that are advocated for in the Millennium Declaration to sustain the MDGs. SDC shall undertake all efforts to avoid corruption as being a threat to the MDGs, and shall also advocate for more policy coherence to sustain MDG8.

Human rights and the rule of law

SDC is committed to ensuring the fulfilment of all human rights as stated in «SDC's Human Rights Policy: Towards a Life in Dignity – Realising Rights for Poor People». The implementation of this anti-corruption strategy will contribute to reducing the risk of corruption undermining a government's responsibility to respect, protect and defend human rights, the functioning of impartial and equitable justice systems, the freedom of expression and the right to participate in public affairs.

Efficient and proper use of funds

SDC has an obligation towards its own constituency and Parliament to ensure an efficient and proper use of funds. This is achieved via internal measures to fight corruption (SDC's Corporate Services Department) and the promotion of a corruption-free environment in partner countries, to which this Strategy contributes directly. Humanitarian aid, implying large sums of money, may be particularly vulnerable in this regard.



4. What types of interventions shall SDC support?

To ensure the above-mentioned objectives, a four-pronged approach shall be followed. The entire range of instruments and reforms is given for overview. At the end, priorities are set out using SDC's comparative advantage at best.

A. Working with the Executive, the Legislative and the Judiciary

1. **A public service administration reform is designed to decrease opportunities for corruption through:** simplification of procedures and regulations, minimization of discretionary powers of decision-makers by introducing rotation mechanisms, and promotion of meritocracy within the civil service and of government responsiveness towards citizens. Sensitizing and providing incentives for the police, the tax officials, the health system employees, and the schools staff for more integrity in their daily jobs is also important.
2. **ICT increases government transparency.** The introduction of Information and Communication Technologies in public transactions, services, and especially in public procurement processes helps administrations to be more open and accountable.
3. **Strengthening the public financial management system at national or local level is key in tackling leakages of funds and rent-seeking behaviour.** These opportunities will be minimized through transparency in public accounts; competition and incentives in the public sector; better accountancy competencies; and the reinforcement of internal control mechanisms. This is especially valid for new aid modalities, such as SWAPs and budget support.
4. **Independent public audit institutions must be strengthened** and their credibility vis-à-vis the executive power and the parliament must be ensured.



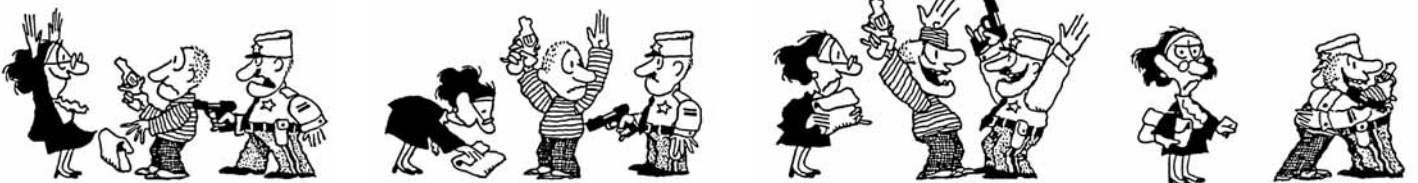
5. **Reinforcing the checks-and-balances role of the parliament is an indirect contribution to the fight against corruption.** Parliamentary committees can play an important role as they receive auditor-general reports that are discussed within parliamentary assemblies.

6. **An Ombudsperson provides a mechanism for the public to air their complaints,** and files cases of maladministration. The person is also responsible for developing codes of conduct and other standards applicable within the administration. The Ombudsperson is independent and reports to the parliament.

7. **Technical assistance provided to draft criminal codes and laws** foreseeing the definition, the enactment, and the enforcement of criminal procedures against corrupt behaviour is key in the fight against corruption. These legal provisions have to comply with the requirements of the UN Convention against Corruption and the regional conventions against corruption that most of the partner countries have signed and sometimes even already ratified.

8. **Money laundering, organized crime and trafficking in goods and human beings shall also be tackled and sanctions applied.** Illegal proceeds sent abroad shall be frozen and recovered through mutual legal assistance. These measures require targeted capacity building in countries and collaboration with Northern countries.

9. **The independence of the Judiciary and the means at its disposal for operating efficiently and impartially are key to stopping the vicious circle of impunity.** Trying to avoid corruption within the justice sector by establishing independent investigators, prosecutors, and arbitrators, providing adequate powers of investigation and prosecution, and developing effective complaint mechanisms and procedures for appeals are all important steps.





B. Working with non-state actors: reinforcing external control mechanisms

10. **Civil society can challenge authorities by requiring proof of their actions with several «social and financial accountability» mechanisms.**

Participatory budgeting processes, gender-responsive budgets, citizens juries, public expenditure tracking systems, and performance monitoring are all ways in which citizens can control government actions at different steps of the budget cycle. For SDC, this works best at decentralised level where participation and local control mechanisms are more easy to establish.

11. **Educating people on the rights and duties they hold will not only empower them,** but also make their needs known to state bodies. By educating the younger generations towards becoming a responsible citizenry, an incremental and long-term change in attitudes is fostered.

12. **Access to information is a powerful tool to uncovering corruption. The ability of the media to report on corruption cases in a professional way shall be strengthened.** Investigative skills development shall thus be supported. This will help civil society to act as whistle-blower. Professional unions, youth associations, religious organizations, pressure groups, and the academia are also important in coalition building and in fostering local diagnostic capacity.

13. **With the private sector, SDC shall promote codes of conduct** (e.g. Global Compact) to increase corporate transparency and integrity, and the tool «Integrity Pact» developed by Transparency International for transparent public procurement bidding processes. It is also by working on the efficiency and accountability of public administration that SDC can help small enterprises to avoid corrupt practices.



C. Acting in Switzerland

Besides supporting partner countries in fighting corruption, SDC shall also be more active in issues which involve all measures that have to be taken in Switzerland or within the Agency.³

14. Addressing corruption in SDC's own processes and programmes is a major task undertaken by the SDC's Corporate Services Department. Public procurement processes deserve careful attention and must be fully transparent. The level of tariffs given to consultants and mandated organisations must also be carefully assessed in order to prevent excessive prices from being charged.

15. Advocating for the respect of the OECD Convention against Corruption, and consequently enforcing the respect of legal provisions by the Swiss private sector operating in partner countries, especially in public-private partnerships. Seco has already published a tool kit on how to fight corruption internally and a brochure for Swiss companies operating in partner countries.

16. SDC shall also support ratification of other international conventions concerning corruption, organized crime and other security issues.

17. SDC has a role to play in bringing the issue of capital flight⁴ to the attention of the international community with the aim of addressing its root causes and impact on developing countries, as suggested by the OCDE-DAC peer review in 2005. Adopted in 1998, the Swiss Anti-Money Laundering Act and administrative apparatus is strong and can be a source of inspiration abroad. As concrete and decisive steps have already been taken by Switzerland to return illegally acquired funds to source countries, SDC can advocate for enhanced support to asset repatriation efforts.

18. SDC will also foster Swiss competencies in anti-corruption issues for use and promulgation abroad as well as in lobbying activities.

³ The OECD very much insists on these issues.

⁴ A distinction must be made here between capital flight from potentates, tax evasion and normal savings deposits in Switzerland. Paragraph 17 focuses only on the first category.





D. Working at the multilateral level

19. SDC supports many international institutions (World Bank, regional development banks, UN agencies, etc.) which have all put in place internal anti-corruption systems. **SDC shall continue to foster the adoption of adequate anti-corruption measures and programmes by multilateral institutions in order to improve the global governance system.**

20. **By contributing financially to these IFIs, SDC also supports anti-corruption programmes** which are very often core areas of governance reforms required by these institutions.

21. **Building strong alliances with partners is key in the fight against corruption.** Working with the Bretton Woods institutions, the UN system and the regional development banks is thus essential to achieving greater impact. SDC will also intensify contact with organisations from civil society active as anti-corruption advocacy bodies.

SDC's Priorities

- **Political dialogue** with authorities shall be a constant endeavour at SDC Cooperation offices. Tight monitoring of corruption diagnostics in the country shall build a base for discussion and action reorientation.
- In absence of political will, working only with **civil society** actors is probably a good option, but risks shall be assessed first. SDC will foster **media** empowerment (investigation skills), education, and support home-grown advocacy initiatives.
- SDC will systematically encourage the use of **social and financial accountability mechanisms in decentralization programmes**, as they foster governments to be more responsive and transparent.
- SDC will support **independent audit institutions** and their relation with parliament to reinforce internal control mechanisms. Support to Anti-corruption commissions might be an option only if they enjoy the necessary autonomy and political will to operate efficiently.
- SDC shall provide **technical expertise** in legal matters pertaining to corruption, money laundering and asset repatriation when needed.
- Vast public administration and justice reforms shall be supported via **joint efforts** with other donors.
- When engaging in new aid modalities, SDC shall pay particular attention to anti-corruption and governance indicators of partner countries and make decisions on the basis of **exhaustive fiduciary risk assessments**.
 - In the spirit of contributing to anti-corruption policy coherence in Switzerland, SDC shall principally work towards establishing **codes of conduct** for companies involved in **public-private partnerships** as well as **asset repatriation to partner countries**.



5. Guiding principles in anti-corruption activities





A holistic approach based on a detailed context analysis

A detailed country context analysis is required in order to understand failures in the governance system that result in corruption in order to detect the best entry points. This context analysis must take place at programme level, as cooperation strategies and annual programmes often mention the problem without going into details. The very high sums of money engaged in humanitarian aid make the aid system in the wake of man-made or natural disasters particularly prone to mismanagement. Corruption is a complex phenomenon that involves a variety of actors and unfolds in various cultural and political contexts which must be carefully analysed and taken into account. It must, however, be acknowledged that international agreements signed by countries provide the basis for action.

Integrating corruption issues into SDC sector programmes and projects

Introducing the anti-corruption agenda into SDC sector programmes is recommended. SDC's local knowledge of contexts and partners in these programmes is clearly an advantage for designing anti-corruption tools (including monitoring) which are adapted to sector issues. Corruption prevention and sanction measures can be applied to sector programmes. Intervening in existing programmes also implies the utilization of less funds, and thus economies of scale. These measures are best implemented within a decentralisation programme. SDC can have a strong and measurable impact at this level.

Dealing with risks and choosing the actors adequately

Ideally, both government and civil society shall work towards less corruption within a comprehensive strategy. In reality, this will depend on the driving forces operating in a country, the political will, and an assessment of the level of risks. Denouncing acts of corruption in certain political contexts can be extremely risky for the people who do so. Alternatively, the fight against corruption can be instrumentalized by autocratic governments and result in a witch hunt. Therefore, SDC must always assess the level of freedom that is ensured in a country, the existent stage of democracy, and follow the pace of actions undertaken by locally wise and reputable actors.

Put donors into the picture

Donors, providing massive flows of funds, are not neutral in terms of incentives given to local partners. They are not merely outsiders, they can be «part of the problem». **SDC shall always analyse the impact of certain donor practices on the local context in terms of incentives and signals, and decide on their adequacy accordingly.**⁵

Within the harmonisation agenda and the move towards new aid modalities such as SWAPs and budget support, corruption risks may rise as money is fungible. This impedes traceability of funds often channelled through poor accounting mechanisms. SDC shall therefore pay close attention to this problem and build coalitions with other donors in order to consolidate external pressure for reforms, especially in public finance management systems.

Anti-corruption efforts have failed in cases where they were exclusively donor-driven. SDC shall therefore help nascent, home-grown initiatives to develop, thus providing impetus for reforms but avoiding the creation of artificial NGOs.

⁵ Refer to the OECD Development Partnership Forum «Improving donor effectiveness in combating corruption» (December 2004) special session «Assessing donor practices and aid modalities in a corruption perspective».





6. Who is responsible for implementing this strategy?

SDC's operational divisions are responsible for designing and implementing anti-corruption programmes when appropriate and needed, along with taking corruption problems into account in political dialogue.

SDC's multilateral divisions are responsible for contributing to better integration of corruption issues by international institutions.

The E-POL Division and the Governance Division shall work in close collaboration to improve policy coherence with other Federal administration departments dealing with corruption and money laundering issues.

SDC's Governance Division is responsible for providing advice and support to SDC operational staff concerning anti-corruption measures in partner countries.

Concerning internal corruption matters, the Corporate Services Department offers a hotline at its Compliance Office by phoning +41 31 325 92 54 or sending an e-mail to compliance@deza.admin.ch.

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