

**KINGDOM OF BHUTAN**

**THE ANTI CORRUPTION COMMISSION**

**REVIEW OF THE ANTI CORRUPTION  
COMMISSION AND PROGRESS ON THE  
DEVELOPMENT OF A NATIONAL  
ANTI CORRUPTION STRATEGY**

**REPORT**

**CROWN AGENTS REFERENCE N<sup>o</sup>: T25171**

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- ❖ Engineering*

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## ACRONYMS AND ABBREVIATIONS

<b>ACC</b>	Anti corruption commission
<b>CA</b>	Crown Agents
<b>CBI</b>	Central Bureau of Investigation, India
<b>CEO</b>	Chief Education Officer
<b>CIO</b>	Chief Investigations Officer
<b>CMC</b>	Complaints Management Committee
<b>CPI</b>	Corruption Prevention Index
<b>CPIB</b>	Corrupt Practices Investigation Bureau, Singapore
<b>CPO</b>	Chief Prevention Officer
<b>HRD</b>	Human Resource Development
<b>HRM</b>	Human Resource Management
<b>ICAC</b>	Independent Commission Against Corruption, Hong Kong
<b>NACS</b>	National Anticorruption Strategy
<b>PPC</b>	Policy and Planning Coordinating Committee
<b>TCC</b>	Tasking and Coordination Committee
<b>UNDP</b>	United Nations Development Programme

## EXECUTIVE SUMMARY

The Anti Corruption Act of Bhutan was enacted on 3<sup>rd</sup> July 2006. This created the Anti Corruption Commission, the establishment of which was a positive step in addressing the problems and threats posed by corruption on the stability of Bhutanese society especially as the country moved towards a new form of political dispensation in 2008. The Act provided for a Commission and a Secretariat that would provide support to the Commission in the discharge of its functions.

The ACC commenced operations in January 2006 and rapidly started to make a positive impact on the lives of the people of Bhutan. Since its creation, the ACC has enjoyed a high level of political commitment and support.

The ACC recognises that its establishment will not be the panacea or miracle cure for the elimination of corruption in Bhutan and that it cannot alone win the war against corruption. To succeed, it will need the active support of the community. Enforcement is the area where the ACC has been most exposed to public sentiment and scrutiny and it is in this area where the ACC must be seen to be correct, effective and responsive.

The policies and procedures adopted by the ACC in the way that it gathers and processes information it receives and the way it conducts the investigation of suspected corruption offences are vital to its effectiveness. Equally vital is the public's perception of how these matters are done in practice. The community must feel sure that their reports of corruption are properly handled.

Investigating every corruption report *capable of being investigated* is the central tenet of a sound investigation policy. The community must not believe that the ACC picks and chooses who to investigate, that it targets certain people but not others, and that it does so for political or corrupt reasons. If that suspicion is allowed to develop and spread in the community, the ACC will fail because it will have lost the trust and support of the community.

There must be a positive relationship between the ACC, its Strategy and the wider governance programmes in Bhutan generally. The ACC must itself be an essential and integral component of an all-embracing National Anti Corruption Strategy that it will lead. To do all these things the ACC must be organisationally mature with a clear policy of consistent and sustained organisational development. In addition, for the ACC to be effective and efficient, and to retain to a large degree its independence, it must also have in place the essential key instruments or "building blocks" that allow it to run smoothly.

As at 30 November 2007 there were 29 people employed in the Secretariat all employed on Civil Service Terms and Conditions.

The Review has highlighted a number of weaknesses in the way that the ACC operates. Because of difficulties in recruiting staff to the Secretariat, the two Commissioners found it necessary to take on the role of "*line managers*" with both *directly* involved in the day to day operations of the ACC.

This has resulted in the Director becoming detached from operational activities. To put this right, the two Commissioners should detach themselves from being involved directly in the day to day operations of the Secretariat and should concentrate on management, supervisory and oversight matters that affect the ACC so that they can measure the performance of the Secretariat and ensure that it is delivering on its core business objectives. This means that a new structure is needed for the ACC which better reflects reporting lines and line relationships.

Although all staff of the ACC expressed positive views about the role of the ACC, many expressed concern about recruitment and staff retention. The conventional methods of interviewing and selection have been met with limited success only and the ACC thus resorted to “handpicking” staff. Many key posts remained unfilled for many months.

Turnover of staff in the ACC has been high. Because the ACC is bound by the Civil Service Regulations there is very little incentive for people to join the ACC.

ACC should engage with the Royal Civil Service Commission to get some form of “responsibility” allowance that will recognise and be a fitting reward for the long hours to which ACC officers are subjected. In the longer term consideration ought to be given for the ACC to break away from the Civil Service and become an entirely autonomous institution with its own Conditions of Service. That will encourage Staff to remain loyal to the ACA and be corruption free.

All incoming complaints are handled by a **Complaints Management Committee (CMC)**. The main purpose of the CMC is to decide on what is to be done on each complaint.

There is concern expressed both from within the ACC Staff and without, that the ACC is not handling complaints well. The cause for this appears to be that there is no “feed back” mechanism in place for the ACC to let a complainant know what is being done about his or her complaint. Complainants expect that *every* complaint they make is investigated and that the problem contained within the complaint is addressed immediately.

From January 2006 to 16 October 2007, the ACC received 803 complaints. Of these, 191 (ca 25%) were not pursuable and were closed immediately. 346 were shared with other agencies and 568 complaints were anonymous. Only 21 complaints were capable of being investigated by the ACC. This means that only 2.6% of the complaints that came to the ACC were investigated.

Since much of what the ACC does is in response to the information that the ACC gets, often by way of complaints, proper management of complaints and proper attention to complainants is essential if the ACC is to retain community support.

Decisions made by the CMC are based on an Investigation Manual with each member applying his knowledge and the experience he has to decision making. This is limited at present. There are no clear cut criteria used to determine how a complaint should be dealt with.

A new arrangement is called for and this can be achieved by the establishment of a **Tasking and Coordinating Committee (TCC)** which will replace the CMC. The TCC will be **more representative of all divisions**.

The TCC’s task will be not only to define what should be investigated but *to examine the themes and patterns of complaints and decide how cases can be prioritised. Through this medium, Divisions can share knowledge, monitor performances and develop a unified strategy on the way that it handles complaints and coordinates its activities.*

The TCC will ensure that resources are devoted to addressing the issue of educating the public on what the ACC can and cannot do. This will lead to an improvement in the *quality* of complaints that the ACC receives, which will allow the ACC to be better able to deal with them.

*A well-organised and managed TCC will contribute to a strong collegiate management process whereby issues of importance that come to the attention of one Division are shared with other Divisions.*

A monthly **Policy and Planning Coordination Meeting (PPC)** provides for a flow of information within the ACC although, despite its nomenclature, it does not set policies. It is in fact a monthly **Staff Meeting** and needs to be renamed so as to avoid confusion with the TCC

The Review finds that the management structure of the ACC needs refinement and this can be done by the establishment of a formal **ACC Management Board** comprising the Chairperson, the two Commissioners and the Director with Heads of Division being co-opted as ex-officio members. The ACC Management Board will be the supreme management authority in the ACC. The Board will oversee the Internal Strategic Plan and the National Anti-Corruption Strategy (NACS).

A **HRD/Promotion Committee** and a **Procurement/Tender Committee** meet regularly on an as needed basis.

All Divisions and Sections prepared weekly work plans and reviewed progress within their respective areas of responsibility. This system works well.

Budgeting and financial arrangements are sound and normal Financial Regulations are followed.

A clearer system to ensure that all Divisions do achieve the outputs and targets that they have agreed in their work plans needs to be in place and this can be achieved by regular checks by the TCC with overall supervision by the ACC Management Board. Special allocation of funds is not made to individual Divisions. All Divisions draw from the common fund. There is no provision for Divisions to manage their own budget.

The ACC needs to develop a Communications Policy especially in regard to the media, particularly the print media. The vacant post of Public Relations Officer needs to be filled.

The ACC reports annually to His Majesty the King, the Prime Minister and Parliament. Provided the Commission remains detached from the direct day to day operations of the Secretariat, it will be able to provide an objective and adequate internal oversight function. .

If the ACC is to retain the confidence of the community it should establish a formal **“Oversight Advisory Committee”** comprising well-respected people drawn from appropriate Government, Civil Society Organisations and the private sector. They would need to be organised with clear Terms of Reference and Guidelines that facilitate effective review and supervision processes. Such a Committee would be in a position to provide valuable advice to the ACC itself and would do much to promote community trust in the ACC.

Concrete plans for decentralization are not an immediate priority; it should feature in the longer term.

None of the officers in the Investigations Division have received any formal training in investigations. There is an urgent need for officers to immediately receive training in the mandatory competencies.

Some training has been provided with officers attending courses, workshops, seminars and study visits in Singapore, Hong Kong, Malaysia and India. These have been *ad hoc*



basis and there has been no planning attached to these training initiatives. As a result, there is a huge gap in knowledge and skills in this Division.

The Investigations Division currently operates exclusively in a re-active way, driven almost entirely by the nature of complaints that are received through the front door of the Commission. The ACC needs to adopt a more pro-active approach that reflects and responds to the ACC's own understanding of where the body of corruption lies in Bhutan. This calls for closer relationships between the Investigations Division and the Prevention Division and stronger and improved training and capacity development in areas such as forensic investigation and other specialist areas of investigation.

An Intelligence Section of the ACC remains unstaffed. The Section will need to be proactive in gathering intelligence pertaining to corruption and establish, manage and maintain an Intelligence Data Base which will be useful in profiling corruption and helping to drive investigations forward.

The Intelligence Section must be an integral part of the investigative process and not separate from it. Intelligence is a supportive part of the investigation and prosecution process. A clear sense of corporate unity and shared endeavour through the medium of the TCC will ensure that information and intelligence is utilised effectively.

Although the ACC structure provides for a Legal Section it remains without staff. The relationship between the ACC and the Attorney General is sound.

Despite these difficulties the ACC has performed well on its enforcement function. There is at present some concern over whether or not the ACC has the legal mandate to operate on matters retroactive to the date it became a legal entity. This has resulted in a number of acquittals based on that technicality. All these have gone to appeal. The ACC will need to perform a "post mortem" on these cases when all the appeals have been exhausted, as there may be a need for an amendment to the Act, or a change in the way the ACC operates.

Consideration might be given to declaring an "amnesty" to all those apparently involved in corruption before the Act became law. Because the Act does criminalise a number of acts that were not considered, at least in the eyes of the public, as offences before the promulgation of the Act, people may feel victimised. If such an amnesty was to be declared, it would then be necessary to declare "Zero tolerance to corruption" for offences *only* committed after 3 July 2006.

Officers employed in the Prevention Division understand the role that the ACC must play in preventing corruption and recognises and accepts that it cannot be *operationally* responsible for undertaking preventive measures in all public and private institutions in Bhutan. The Prevention Division will thus focus a great deal on taking the lead in developing the NACS.

There is an urgent need to supplement quickly the existing staff numbers in this Division, especially as it takes on the task of developing the National Anti Corruption Strategy.

The Public Education and Advocacy Division has started to forge linkages with civil society and NGOs and will facilitate on activities within this sector especially with those which already have the advocacy competencies.

There is at present a huge gap in the knowledge of the population as to what constitutes corruption and this is reflected in the type of complaints the ACC receives. The ACC must provide guidance to the community on how to report corruption.

Draft internal rules for the ACC are at the discussion stage and these need to be finalised. Sound operating procedures allow officers to perform their duties in a responsible way.

The recruitment of a Human Resource Development Officer is urgently called for. The ACC Strategic Plan will need to set out a comprehensive approach to staff development including both induction and in-service training. At an early stage, a training needs assessment needs to be conducted as part of this planning exercise. A Staff Development Plan will need to be developed subsequently, and a clear timeframe for its completion and implementation will need to be incorporated into the Strategic Plan. The Staff Development Plan will also need to address explicitly, issues of staff retention and motivation, and career progression.

The ACC is accommodated in rented property. This will be inadequate as the ACC expands and plans are in hand for the ACC to have new specially built premises intended to be situated appropriately.

The ACC is reasonably well equipped, but some specialist equipment is needed. This includes software for a Data Bank.

#### **SUMMARY OF RECOMMENDATIONS:**

1. That the ACC develops a Single Internal Strategic Plan (ISP) which should be developed, completed and published on or before 31st January 2008. The ISP should cover a five year period (2008-2012) and contain a corresponding Business Plan.
2. That the Commission takes on responsibility to ensure that the NACS is developed, completed, published and delivered on or before 31st. March 2008 with implementation beginning 1st April 2008.
3. That as part of the NACS the Commission engages with the Prime Minister to discuss the creation of a National NACS Oversight Committee
4. That an ACC Management Board comprising the Chairperson, the two Commissioners and the Director, be created. This will be the Supreme Management Authority within the ACC.
5. That the Complaints Management Committee be dissolved immediately and replaced by a Tasking and Coordinating Committee comprising the Director as Chair, and the Heads of Divisions.
6. That both Commissioners disengage themselves as soon as it is practical to do so from direct involvement in the day to day activities of the Secretariat and concentrate on management issues including the development of the ISP and the NACS.
7. That as soon as it is practical to do so the Director assumes full line management for all operations within the Secretariat and reports directly to the Commission.
8. That the number of Divisions in the Secretariat is reduced from five to three to allow for better human and resource management and oversight. The three divisions to be Administration Division, Enforcement Division (comprising Investigations, Intelligence and Legal Section) and Prevention and Education Division (comprising Prevention and Education Sections)
9. That a new Organisational Chart be approved to reflect the new structure of the ACC.

10. That the position of Human Resource Development Officer (HRDO) be filled immediately by the transfer of a qualified HRDO Officer from the Prevention Division to HRMD so that a Staff Development Policy can be developed leading to the filling of all vacant posts.
11. That all future recruiting of staff be merit based and by open competition.
12. That training henceforth be specifically allied to the training needs of personnel identified from a Training Needs Analysis
13. That all ACC operational staff undergo training in Mandatory Competencies, the course being a bespoke model designed specifically for ACC staff and officers drawn from the Chambers of the Attorney General and other interested parties, such as the Police, who may benefit from such a course.
14. That in order to improve on recruiting suitable staff to the ACC and to retain staff, the Commission opens a dialogue with the Royal Civil Service Commission to discuss the possibility of Government providing all ACC with a responsibility allowance and to consider the ACC being permitted to institute its own Conditions of Service.
15. That the present Planning and Coordinating Meeting be renamed the ACC Monthly Staff Meeting
16. That a Public Relations Officer be recruited urgently to develop and institute a clear communications strategy that will provide for a professional relationship and sound lines of communications with the Media
17. That the ACC liaises with the Chief Justice and the Attorney General in relation to Appeals currently on-going and that a dialogue is initiated to consider the merit of declaring an Amnesty for all crimes of corruption before the 3 July 2006.
18. That if an Amnesty is promulgated the public are made clear that there will be “zero tolerance to corruption” post 3rd. July 2006.
19. That the Commission becomes actively proactive in developing relationships with all its principal clients, partners and stakeholders
20. That the Commission coordinates with the Ministry of Finance in seeking continued donor support for continued technical assistance both directly to the ACC in regard to meet Staff Development Plans, but also to the implementation of the National Anti Corruption strategy, with special reference to providing support to those particular stakeholders affected and part of NACS.
21. That the Commission promotes a “round table” Conference of Government and the donor Community to discuss support so that there is consensus on funding and application.
22. That the Commission ensures that the ISP pays particular attention to the need for the creation and deployment of an Oversight Committee drawn from all sectors of Bhutanese Society which can oversee, monitor and evaluate ACC performance.
23. That the Commission, having discussed and decided upon the foregoing recommendations, decides on them quickly and that those accepted are applied in a logical sequence.

## 1. INTRODUCTION

### 1.1. BACKGROUND

The Anti-Corruption Commission (ACC) is established in accordance with Article 27 of the Constitution of the Kingdom of Bhutan and came into force under the Anti-Corruption Act of Bhutan on the 3rd. July 2006. Its creation was part of the move towards democratisation in Bhutan, initiated by His Majesty the King.

Following a visit to the United Kingdom by officials from the ACC in March 2007, Crown Agents was contracted to undertake a review of current strategy and operations in order to develop a Programme of Action for the efficient Operationalisation of the ACC.

Mr. Paul Russell *OBE* was commissioned by Crown Agents to conduct this assignment which was undertaken from 16<sup>th</sup> to 30<sup>th</sup> November 2007.

### 1.2. SCOPE OF WORK

The Review had two objectives. The principal aim was, by examining closely the way that the ACC operates since it became operational, to assess its weaknesses and strengths and then to provide advice to the ACC on the way that it can develop a single Internal Strategic Plan (ISP). An ISP that does evolve in due course from this Review will set out clearly the main tasks and key result areas, information about targets and timescales and human and material resources that will be required by the ACC so that it will be more effective and efficient in meeting its key Core Business Objectives.

The secondary aim was to provide a framework that the ACC can use in the development of a National Anti Corruption Strategy.

Specifically, the Review addressed the following broad issues:

- Corporate Strategic Issues. These included:
  - Decentralisation Roles of Leadership posts in the ACC
  - Corporate planning mechanisms
  - Presentation and Public Relations Policy
  - Oversight Obligations
  - Communications Strategy and Coalition Building
  - Structure of the ACC
  - Provincial
- Operational Strategic issues-Investigations
- Operational Strategic Issues-Prevention
- Operational Strategic Issues-Community Education
- Human Resource Management

The outcome from this Review has been the formulation of a Programme of Action that was developed in close association with the ACC Management.

### **1.3. METHOD OF APPROACH**

The Crown Agents and ACC provided the Consultant with a number of documents both before his arrival in Bhutan and whilst in-country. These documents are listed in Annex 6.

In Bhutan, the Consultant met the Chairperson, Commissioners and Director of the ACC, all Heads of Divisions and members of staff. Outside the Commission the Consultant met senior members of the Government and the Public Service. These included the Chief Justice, the Secretary to the Planning Commission, the Auditor General, the Deputy Attorney General and the Officiating Secretary to the Royal Civil Service Commission. He also met representatives of the private business community, civil society organizations and the media.

During the visit, the Consultant was able to reach a number of conclusions which he presented first to the Chairperson, Commissioners and Director and later to all members of Staff. Before leaving Bhutan, he also briefed the Deputy Representative of UNDP and representatives of the Planning Commission on his findings and recommendations.

### **1.4. ORGANISATION OF THE REPORT**

There are Seven Parts to this Report. After the Introduction at Part 1, Part 2 examines briefly the issues that need to be out in the open so that the reader has a clear picture on what exactly is involved in establishing an institution of this nature.

Part 3 is an overview of the present organisation and management of the ACC and analyses the Core Business Objectives, and the structure of the ACC now and in the future. Part 4 moves on to the operations of the ACC and Part 5 provides information and advice on what action needs to be taken to get a National anti Corruption Strategy developed and implemented.

Part 6 examines some of the issues, challenges and possible problems that might exist now or in the future as well as looking at opportunities and likely threats.

Part 7 provides a Programme of Action for the ACC over the next 4 months.

### **1.5. ACKNOWLEDGEMENTS**

The consultant acknowledges the valuable support and encouragement provided by the Chairperson of the Commission and all the members in her highly professional and respected team.

## 2. STATEMENT ON IMPORTANT ISSUES

### 2.1. THE FUNDAMENTAL PRINCIPLES IN FIGHTING CORRUPTION

The ACC has been operational since 4<sup>th</sup> January 2006 when the Chairperson took up her post. Since then, the ACC has made good progress in getting the ACC operational.

Nevertheless, it is useful when conducting a review of this nature, to restate some of the fundamental principles of fighting corruption. Because these principles affect the structure and personnel of the ACC, the requirement for human and material resources and the development and implementation of a national strategy against corruption, the ACC can use these as a *check list* against its progress so far. A clear understanding of these principles has been the key to success in those places in the world where corruption has been tackled effectively.

By adhering to these principles, the ACC will be better able to make a positive impact on the lives of the people of Bhutan and be well prepared to meet the challenges that it will face over the coming years, especially as the country moves towards a new political dispensation in 2008.

Briefly, these fundamental principles are as follows:

- The establishment of the ACC will not become the panacea or a miracle cure for the elimination of corruption in Bhutan.
- The ACC cannot alone win the war against corruption. The active support of the community is essential.
- Everything that the ACC does and says must be done and said with the need for community support in mind.
- The orthodox strategy for fighting corruption, now universally accepted and clearly understood by the ACC is the coordinated implementation of its Core Business Objectives. These are recognised as enforcement, prevention and education.
- Enforcement is the area where the ACC will be most exposed to public sentiment and scrutiny. It is in this area where the ACC must be seen to be correct, effective and responsive. Fairness and impartiality are the two characteristics the public will expect from the ACC if it is to respond with its trust and support.
- That there is a separation in the enforcement function of the ACC whereby the ACC will only be concerned with investigation and that any prosecution lies with the Attorney General.
- That an investigation will normally only begin upon specific information being received by the ACC, such information generally coming from the community in various ways and forms. For this reason, community trust and support in the ACC to be an effective institution are essential for success.

- The policies and procedures adopted by the ACC in the way that it gathers and processes information it receives and regarding the investigation of suspected corruption offences are vital to its effectiveness.
- Equally vital is the public's perception of how these matters are done in practice. The community must feel sure that their reports of corruption are properly handled.
- Investigating every corruption report *capable of being investigated* is the central tenet of a sound investigation policy. If the ACC does not do this, then the public will be suspicious that it picks and chooses what to investigate and what not to investigate, that it targets certain people but not others, and that it does so for political or corrupt reasons. If that suspicion is allowed to develop and spread in the community, the ACC will fail because it will have lost the trust and support of the community.
- There must be a positive relationship between the ACC, its Strategy and the wider governance programmes in Bhutan generally. The ACC must itself be an essential and integral component of an all-embracing National Anti Corruption Strategy that it will lead.
- The ACC must be organisationally mature with a clear policy of consistent and sustained organisational development.

## 2.2. THE ESSENTIAL PREREQUISITES FOR AN EFFECTIVE ACC

In order for the ACC to be effective and efficient, and to retain to a large degree its independence it must have in place certain essential key instruments or “building blocks” that allow it to run smoothly. These include:

- Appropriate enabling Legislation that provides the legal basis for the ACC to do its work properly.
- A Single Strategic Plan (that flows from the Legislation) that is realistic and achievable with appropriate performance measurement indicators.
- Formal Internal Rules and Regulations (or Standing Orders)
- An internal Code of Conduct
- A sound financial system
- Its own Conditions of Service

Ensuring that such a proper sequencing regime is in place provides the ACC with the legal authority and infrastructural and management capacity to deliver its Core Business Objectives in a timely and effective manner.

Guaranteed core funding of the ACC by the Royal Government of Bhutan is essential. The ACC will need to continue to engage with the International Donor Community to solicit support for the ACC in providing some resources, especially in staff development.

The ACC must recognise that it will not be able to take on a wide range of roles for which it does not yet possess the organisational competency to do so.

Accordingly, the ACC should stick to what it will be able to do in terms of technical and professional capability with the resources that are made available to it. The ACC must be fully focused on what it believes it will be good at doing and be confident that it has the capacity to do it. The way that the ACC is organised must reflect this.

### **2.3. ENVIRONMENTAL ANALYSIS**

In 1999, the Royal Government of Bhutan presented to the people of Bhutan its “*Vision for Peace, Prosperity and Happiness*” covering the twenty year period until 2020. The document comprehensively articulates what the Royal Government of Bhutan hopes to achieve to improve the lives of its people.

It is particularly clear on Governance issues the central tenet of which is that “*Institutional development must embody a commitment to the principles of morality in government and of ethical behaviour in the conduct of public affairs. It must also promote transparency and accountability, and be supported by the force of law that, while embodying a commitment to universal values, gives tangible expression to the distinctive features of Bhutanese culture and society*”

To meet the challenges articulated in the Vision 2020 Document and to be prepared for the coming events in 2008, the ACC must be an effective and professional organisation that employs staff of the highest calibre. All must be prepared to comply with the ACC Internal Code of Conduct and be prepared to submit themselves to personal probity checks which include declaring what assets they have. There can be no exception to this.

Team work is essential and staff must perform their duties with the highest degree of integrity, objectivity, professionalism, honesty, competence and commitment and due diligence.

In order to achieve and maintain such high standards, staff must be provided with comprehensive training and a remuneration package that will allow them to discharge their duties competently and professionally and encourage them to remain in the ACC. By so doing, the accountability of the ACC will be enhanced and will contribute to it becoming a model of efficiency and effectiveness that can be emulated by other public institutions.

## **3. OVERVIEW OF PRESENT ORGANISATION AND MANAGEMENT OF THE ACC**

### **3.1. THE CORE BUSINESS OBJECTIVES OF THE ACC**

The powers and functions of the ACC are contained in Chapter 4 of the Act. The three pillars around which the ACC functions and which determine its three Core Business Objectives are:

- a. Enforcement, which includes Investigation and Prosecution
- b. Corruption Prevention, which includes taking the lead on NACS
- c. Public Education and Advocacy



All ACC Staff are thus aligned to these three Core Business Objectives.

### 3.2. THE COMMISSION AND ITS RELATIONSHIP WITH THE SECRETARIAT

At the apex of the ACC is the “Commission” which comprises the Chairperson and two Members, known as “Commissioners”. These are Constitutional appointments.

All powers and functions of the Commission are vested in the Commission under Section 45 of the Act.

The Chairperson is accountable to His Majesty and Parliament. The two Commissioners are accountable to and give support to the Chairperson. The Chairperson took up her post on 1<sup>st</sup> January 2006. One Commissioner was appointed to and joined the ACC on 15<sup>th</sup> February 2006 and the other was handpicked and joined the ACC on 4<sup>th</sup> October 2007. The Chairperson and the two Commissioners operate as a “body corporate” with collective responsibility.

The Commission is supported by a Secretariat headed by a Secretary<sup>1</sup> (Director) who is accountable to the Chairperson. The Director joined the ACC on 8<sup>th</sup> October 2007.

The Director is supported by the Head of Administration and Finance who was handpicked from the Royal Civil Service Commission and joined the ACC on 18<sup>th</sup> January 2006.

As at 30<sup>th</sup> November 2007 there were 29 people employed in the Secretariat<sup>2</sup>. Everyone in the ACC is employed on Civil Service Terms and Conditions and hold Civil Service Grades.

The Secretariat is responsible for the efficient discharge of the Commission’s powers and functions and renders technical, professional, administrative and clerical assistance and support to the Commission. The present structure provides for five Divisions, Investigations, Legal, Prevention, Public Education and Advocacy and Administration and Finance each headed by line managers.

From the time that the ACC became operational, it has not been possible to recruit the number of staff to the Secretariat that had been hoped. This is for a number of reasons that are explained later in the Report.

It was found necessary therefore for the two Commissioners to take on the role of “*line managers*”, with one Commissioner being *operationally* responsible for the Investigation and Legal Divisions and the other for the Prevention and Education Divisions. The current position is that both Commissioners are therefore *directly* involved in the day to day operations of the ACC. They report directly to the Chairperson.

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<sup>1</sup> Although the composition of the ACC requires the Secretariat to be headed by a “Secretary”, the post is in fact held by a Director. This reason for this is to avoid a possible conflict between the position of a “Secretary” at this level, which is a senior civil service post and the actual position of the “Secretary to the ACC Secretariat”. In functional terms this does not make any material difference as to how the Secretariat is managed

<sup>2</sup> A list of all ACC Staff is at Annex 1

The present structure of the ACC which is conventional in organizational terms reflects this. This has resulted in the link between the Secretariat and the Commission becoming blurred.<sup>3</sup>

### 3.3. A PROPOSED NEW STRUCTURE FOR THE ACC

The comprehensive powers and functions that are contained in Chapter 4 of the Anti Corruption Act of Bhutan reside exclusively with the Chairperson and Commissioners acting jointly as the “Commission”. They are read in conjunction with Section 33 of the Act whereby the Chairperson of the Commission has a duty to “*account for and be held accountable for the policy, decisions and action of the Commission*”.

In practical terms the three members forming the Commission are not able to discharge the functions or exercise the powers contained in the Act *without* the support of the Secretariat. It is for this reason that the Act allows these powers and functions to be delegated to the Secretariat.<sup>4</sup>

It follows therefore that, the Commission having delegated its powers and functions, the Secretariat should be allowed to get on with its job. It would be better therefore if the Members of the Commission were to detach themselves from being involved directly in the day to day operations of the Secretariat and concentrate on management, supervisory and oversight matters that affect the overall efficiency of the ACC. By retaining a sound rapport with the staff in the Secretariat without being involved directly in day to day operations, Members of the Commission will be better able to objectively measure the performance of the Secretariat and ensure that it is delivering on its Core Business Objectives.

Doing this will provide time for Members of the Commission to concentrate on developing an Internal Strategic Plan and managing its implementation as well as seeing that a National Anti Corruption Strategy is developed. These are important management issues that the Members of the Commission need to focus on, rather than being directly involved in the minutiae of day-to-day operations.

They will also have more time to concentrate on developing strategic relationships between the ACC and other sectors in Government, civil society, NGOs, the private sector and development partners on the basis of collaboration, constructive partnerships and in line with the National Anti Corruption Strategy. This will contribute to creating and retaining an environment in Bhutan whereby there is a strong commitment at all levels to fight corruption.

If members of the Commission agree to this, then the position of the Director will be clear. As head of the Secretariat he will have direct control over all aspects of operations within the Secretariat reporting directly to the Commission.

This recommendation is made by the Consultant in the knowledge that it does conflict with resolutions made by the ACC at a one-day Organisational Management Initiative Meeting held on 16<sup>th</sup>. October 2007. The Initiative envisaged Divisions being

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<sup>3</sup> An Organogram of the ACC as it is presently structured is at Annex 2

<sup>4</sup> Section 57 of the Anti Corruption Act of Bhutan

accountable *functionally* to the Commission and *administratively* to the Secretariat. As mentioned above, this is confusing and impractical and needs to be revisited.

The Chairperson and the two Commissioners have agreed that the proposed structure should remain as a temporary measure and will continue with the present structure until the ISP is complete and more staff inducted. The Consultant recommends however that in due course consideration be given to reducing the number of Divisions to three.

These would be Enforcement Division which would combine Investigations Section and Legal Section; Prevention and Public Education Division, which would combine Prevention Section and Public Education and Advocacy Section, and Administration Division which would combine Finance Section, Human Resource Management and Development Section<sup>5</sup>

### 3.4. MANAGEMENT ARRANGEMENTS AND COMMITTEE STRUCTURES

Formal arrangements to ensure that a sound decision-making process, which is based on corporate and collective managerial accountability within the ACC is in place, is essential if the ACC is to be operationally strong.

A considerable part of the ACC's activities emanates from incoming complaints. These are currently handled by a **Complaints Management Committee (CMC)**. It meets once a week and comprises the Commissioner in charge of investigations, the Director, Chief Investigations Officer and the Complaints Registration Officer, who is an Assistant Investigations Officer in the Investigations Division. The main purpose of the CMC is to decide how to deal with each complaint.

From interviews with ACC Staff and with people outside the ACC, including the media, the Consultant is clear that a strong body of public opinion exists that suggests that the ACC is not handling complaints as well as it might and that complainants are not being properly heard. The cause for this appears to be that there is no "feed back" mechanism in place for the ACC to let a complainant know what is being done about his or her complaint.

It is also clear that Complainants themselves expect and to a large extent demand that *every* complaint they make is investigated and that the problem contained within the complaint is addressed immediately. This is of course neither practical nor feasible.

This is a dilemma for the ACC. In many instances, much of the substance contained within the complaint lies outside the purview of the Anti Corruption Act and thus precludes the ACC from investigating. In addition a large percentage of complaints are anonymous which makes feed-back impossible anyway.

Statistics on complaints were made available to the Consultant by the ACC at his request. From January 2006 to 16<sup>th</sup> October 2007, the ACC received 803 complaints. Of these, 191 (ca 25%) were not able to be pursued and were closed immediately. Some 346 were shared with other agencies and 568 complaints were anonymous. Only 21 complaints were capable of being investigated by the ACC. This means that only 2.6%

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<sup>5</sup> A draft Organogram showing the Proposed new Structure of the ACC is at Annex 3.

of the complaints that came to the ACC were investigated.<sup>6</sup> The consequences of this are discussed later in this Report.

As mentioned in Part 2.1 of this Report much of what the ACC does is in response to the information that the ACC gets, often by way of complaints. Therefore proper management of complaints and proper attention to complainants is essential if the ACC is to retain community support.

At present the decisions made by the CMC are based on an Investigation Manual with each member applying his knowledge and his experience (which at the moment is quite limited) to the decision-making process. The Consultant is not entirely satisfied that clear cut criteria exist that are used to determine how a complaint should be dealt with. An absence of clear-cut criteria could become an issue if any complainant should ever challenge the decision and demand to know how the CMC came to its decision. The ACC needs to be better prepared for this eventuality.

It would be better if the responsibility for examining and deciding on complaints were to be left entirely to the Secretariat without the need for a Commissioner to be involved. Members of the Secretariat are acquiring the professional knowledge and competencies which they can apply in assessing the merits of a complaint.

It is for this reason that the Consultant recommends a better way to handle complaints. This would be to establish a **Tasking and Coordinating Committee (TCC)** which would be chaired by the Director and comprise Heads of all Divisions. The Complaints Registration Officer would attend the TCC but would not be involved in decision making.

There is no need for an Investigations Officer to be the Complaints Report Officer (CRO). It is the wrong application of manpower to have a trained Investigations Officer carrying out the function of the Complaints Registration Officer. At present the CRO is an Assistant Investigation Officer who has just completed a one week course on Cyber Crime in India. He spends some 60 per cent of his time on attending to complaints and the rest of the time carrying out investigations.

There is a need to create a dedicated **Report Centre** with a **Report Centre Manager** in charge. Such a person can be at the same level as an Investigations Officer, but trained in communication skills, statistics and document processing. The Report Centre Manager will thus devote *all* his time for that purpose.

The creation of a TCC will provide for better *management* of complaints moving away from simply *dealing* with them. The TCC can meet weekly not only to define what should or should not be investigated but *to examine the themes and patterns of complaints and decide how cases can be prioritised. Through this medium, Divisions can share knowledge, monitor performances and develop a unified strategy on the way that it manages complaints and coordinates Divisional activities.*

It is clear from an examination of the complaints that the public do not have a clear understanding of corruption, do not know exactly what the ACC can and cannot do and believe that by providing information to the ACC, often anonymously, their problems

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<sup>6</sup> Source: ACC Complaints Register November 2007

will disappear. This suggests that there is a large gap in the ACC Educational and Outreach programme. The TCC will clarify this and ensure that resources are devoted to addressing this issue. By doing this, there will be an improvement in the *quality* of complaints that the ACC receives, which will allow the ACC to be better able to deal with them.

*A well-organised and managed TCC will contribute to strong collegiate management process whereby issues of importance that come to the attention of one Division are shared with other Divisions.*

The Consultant was informed that a system originally employed in the ACC for Complaint Management did include representation from all Divisions but was discontinued as it was felt that not all Divisional Staff “*needed to know*” about complaints. The “need to know” principle is good practice but in this instance it is not justified or even necessary. There really is a *need to know* by all Divisional Heads for the reasons given earlier. However, not all ACC staff will see the Complaints, only senior Secretariat staff, so confidentiality can be preserved.

It is therefore recommended that the TCC replaces the CMC immediately.

The ACC has established a communication system which allows a flow of instruction, information and knowledge from top to bottom. This is good management practice and is exercised through the medium of a **Policy and Planning Coordination Meeting (PPC)** which meets once a month and is chaired by the Chairperson.

A meeting of this nature between members of the Commission and all ACC Staff on a regular basis is useful as it allows a flow of information and suggestions from the bottom to the top too. It provides a medium whereby everyone in the ACC is informed about any change in policy and provides feedback on relevant issues and encourages the entire ACC to become involved in contributing to decision-making. It is also a useful medium to discuss and educate staff on external controls, for example on Government instructions, laws and policies and ensures that all members of staff know the limits these laws and instructions impose on their operations and to continuously review and update operational instructions and guidelines so as not to make them inapplicable or inoperable.

However, having a policy and planning meeting gives the impression that it is at the PPC that *Policies* and *Plans* are made. The Consultant was informed that in practice this is not the case. The PPC exists for the Commission and Secretariat staff to meet regularly to exchange and share ideas. Thus, the PPC is in reality a **Staff Meeting** and it would serve the ACC better if it were to be thus called, thereby making its purpose clear.

Members of the Commission currently meet as frequently as necessary. However, it would be good management practice if the Commission were to establish a formal and recognised instrument for meeting on a regular basis.

The Consultant recommends that Members of the Commission meet formally and regularly under the auspices of a formal and newly created **ACC Management Board** comprising the Chairperson, the two Commissioners and the Director. Heads of Division could be co-opted as ex-officio members. The ACC Management Board would be the *supreme management authority within the entire ACC* that would set policies and

determine strategies. Decisions taken by the ACC Management Board would be communicated to all staff via the regular Staff Meeting.

Two other committees exist in the ACC. They are the **HRD/Promotion Committee and a Procurement/Tender Committee both** chaired by the Director and attended by all heads of Divisions. They meet on an “*as needed*” basis”. These were created by the Chairperson by an office order in October 2007 following an Organisational and Management Initiative meeting held earlier in the month. The issue of Human Resource development is discussed later in this Report.

The Consultant observed that all Divisions and Sections prepared weekly work plans and reviewed progress within their respective areas of responsibility. The system employed appears sound and is effective

### 3.5. PLANNING AND BUDGETARY CONTROL PROCEDURES

The ACC receives its funding from the Ministry of Finance. The financial year is from 1<sup>st</sup> July to 30<sup>th</sup> June and the ACC submits its Budget proposals to the Ministry of Finance by the end of February every year.

At present, deciding on what funds are needed is a collective exercise whereby all Division Heads are requested to submit their requests with forecasts to the Director on time. These are then considered by the Chairperson and Commissioners in consultation with the Director and Heads of Divisions.

The consultative process that is employed within the ACC in determining financial requirements is sound. It is based on Government Financial Regulations. It is recommended that the process be formalised by making the new ACC Management Board responsible for approving the proposed Budget.

It is important for the ACC Management Board to ensure that all Divisions do achieve the outputs and targets that they have agreed in their work plans. This can be achieved by regular checks by the TCC with overall supervision by the ACC Management Board.

Special allocation of funds is not made to individual Divisions. All Divisions draw from the common fund. There is no provision for Divisions to manage their own budget. Provided that Divisional expenditure matches outputs then there is no reason at this stage for the ACC to change its budgetary processes.

### 3.6. PUBLIC RELATIONS

How the ACC performs and meets public expectations is likely to be judged in the “Court of Public Opinion”. Already Bhutan has the appearance of increased corruption, indicated by the Transparency International Corruption Perception Index placing Bhutan at number 46 in 2007, a slip from 32 in 2006. This is more the product of an increasingly transparent society where corruption is now openly discussed than an indication of an actual increase in corruption. However, it is a wake-up call not to be complacent.

Accordingly, the ACC needs to give thought as to how it will handle the media, especially the print media. Regular press releases and conferences are useful provided they are managed well.

A Public Relations Section exists at present in the Public Education and Advocacy Division although the post of Public Relations Officer is not filled. At present, one of the Commissioners acts as the official ACC spokesperson. It is recommended that the ACC recruits a professional Public Relations Officer as soon as possible. The ACC must be prepared to welcome constructive criticism from the media. With the likelihood of a Freedom of Information law being passed into law in 2008, early preparations are strongly recommended.

### **3.7. OVERSIGHT: MONITORING AND EVALUATION (“QUI CUSTODIET IPSOS CUSTODES” (WHO WATCHES THE WATCHMEN))**

Oversight, monitoring and evaluation are important if the ACC is to be an effective institution and not simply a drain on resources.

There needs to be two levels of oversight for the ACC, internal and external. Internally, the Act provides for the Commission to report annually to His Majesty, the Prime Minister and to Parliament. The Chairperson and Commissioners have the statutory responsibility to oversee the operations of the Secretariat, and this is further reason for members of the Commission to be detached from Operations. They will be more objective in their deliberations and better able to monitor performance of the Secretariat if they remain, as far as possible, independent from the day to day operations of the Secretariat.

But if the ACC is to retain the confidence of all parties (His Majesty, the Government, Civil Society, the private sector and the donor community) it must be able to demonstrate that it is effective in the delivery on its objectives. It will need to establish indicators for measuring its performance and not be afraid to have these assessed regularly by the parties.

To make this possible, it is recommended that the Commission consider a formal Oversight Advisory Committee comprising well-respected people drawn from appropriate Government, Civil Society Organisations and the private sector. They would need to be organised with clear Terms of Reference and Guidelines that facilitate an effective review and supervision processes. Such a Committee would be in a position to provide valuable advice to the ACC itself and would do much to promote community trust in the ACC. The establishment of this Committee will need to be embedded in the ISP.

### **3.8. DECENTRALISATION**

The Vision 2020 Document recognises the importance of decentralisation and declares *“decentralisation to be further developed, with highest priority being accorded to.....further strengthening the autonomy and capacity of the Dzongkhags...”*

Although the Decentralisation of the ACC is not an immediate priority, it will need to be included in its long term strategy. In discussions with external groups both in Thimpu and in the Districts, the question of having ACC offices in places away from Thimpu was raised and is something that the people of Bhutan will expect in the future.

### 3.9. CAPACITY BUILDING: HUMAN AND LOGISTICAL

#### 3.9.1. Recruitment and staff retention

One of the issues that came out very strongly during the Review was the question of recruitment and staff retention. The ACC has had considerable difficulty in getting staff to join the Secretariat and conventional methods of interviewing and selection have been met with limited success only. As a result, the ACC was compelled to resort to “handpicking” staff. This meant that a number of key posts remained unfilled for many months. Efforts to fill the crucial post of Director, for example, proved fruitless as there was no response to advertisements for this post. Eventually he had to be handpicked and only joined on 8<sup>th</sup> October 2007. Of the 29 people in the ACC only seven were employed following a selection and interview process. All the rest were nominated or handpicked.

The Chairperson wants the ACC to be staffed by competent personnel and wishes to have an efficient institution that will be a model for others to emulate. This is not going to be possible if the way that staff vacancies are currently filled continues.

Anti corruption work is a specialist and demanding field. Those employed in the ACC need to feel that they have not simply been handpicked to fill a post, which appears to be the case at present, but chosen because they are the *right* people for the *right* job.

Turnover of staff in the ACC has been high. If the ACC is to retain staff there must be some thought given as to how they can be better compensated. As long as the ACC is bound by the Civil Service Regulations, difficulties in recruiting and retaining staff will continue.

The ACC is an Independent institution in accordance with the Constitution and the Anti Corruption Act. In operational terms, in the sense that the ACC can discharge its functions without interference from any quarter, it *is* independent. But as long as it is tied to the Civil Service it is no more than just another Government Institution.

The Consultant therefore recommends that in the first instance all Officers receive some form of “responsibility” allowance that will be recognition and a reward for the arduous and often unsociable working conditions to which staff members are often subjected. In discussions with the Royal Civil Service Commission, it appears that there is scope for this possibility. ACC Management should explore this urgently.

The Consultant further recommends that in the longer term consideration be given for the ACC to detach itself from the Royal Civil Service and become an entirely autonomous institution with its own Conditions of Service. This will encourage Staff to remain loyal to the ACC and be corruption free.

The Consultant understands that it is established policy for no Member of the Commission or Member of Staff to remain in the ACC for the whole of their career. The principal reason for this is that no one should become so entrenched in the ACC that he or she can become lacklustre or even corrupt. In addition, since the ACC is never likely to become a large Department it follows that an officer’s career path will be limited.



Much thought needs to be given to this. The Commission must recognise that for continuity and efficiency, and for getting rewards on its investment in training and development, the ACC should expect that Staff in the Secretariat remain in the ACC for at least five years. This length of time will allow staff to become specialists in their field. Should they then leave, they will carry with them to their new area of endeavour, whether in the public or private sector, the expertise and force of character that will contribute to the overall well-being of the country.

The ACC has already developed Terms of Reference for Job Holders in the ACC. These should be used to ensure that the right people are recruited for the right job. There needs to be an improvement and more focus placed on the way staff are recruited and all new recruiting and subsequent appointments should be done in logical sequence, by open competition and in a transparent manner.

### 3.9.2. Staff Development.

There has been little planning for Staff Development. As mentioned elsewhere in this Report, all training to date has been on an “ad hoc” basis with very little planning. At present there is an Officer in the Prevention Division who has the right qualifications to head the HRMDO Unit and, in the consultant’s opinion it would make sense to transfer him to the HRMDO Unit immediately.

There is a need for a Training Needs Assessment (TNA) to be conducted as soon as possible which would lead to a Staff Development Plan being developed which has in it a clear timeframe for its completion and implementation. This would be incorporated into the ISP. Such development would include provision for:

#### ■ Induction and Orientation Course

Every person who joins the ACC at every level should undergo a short induction and orientation course. This acquaints them with the Anti Corruption Act, the ACC internal Code of Conduct and Standing Orders and Conditions of Service. This is an essential first stage in staff development. Necessary preparations for Induction training should be made. This relates especially to the design and delivery of the Course itself.

#### ■ Post induction in-service training

Administration and Support Services Staff are unlikely to need any immediate training other than the Induction Training.

However in the case of Operational Officers there is an *urgent* need for specialist training in Mandatory Competencies and Training in Investigation and interviewing skills.

It is recommended that an International Training Consultant be contracted to design a bespoke **Mandatory Competency Course** for all Operational staff to be delivered in-country. It is further recommended that some personalities in the Attorney General’s Chambers who work with the ACC be invited to attend. The Deputy Attorney General did mention to the Consultant that he would value such consideration.

The ACC might also consider inviting Officers from other law enforcement institutions to attend. Doing it this way will be a cost-effective method of improving the capacity of the entire law enforcement fraternity.

Details of the technical international assistance that may be required are shown at Annex 4. This covers possible assistance in the compilation of Commission Standing Orders and Mutual Legal Assistance and Asset Tracing.

Study tours and attachments to other anti corruption institutions are useful provided they fit in with the overall training policy and meet identified staff development needs.

#### ■ An Internal ACC Code of Conduct

The ACC does have a Code of Conduct. This is sufficient to inform people that the ACC recognises it must work and does work to a recognised standard. However, in the Consultant's opinion, the current Code of Conduct serves more as a "Statement of Common Purposes and Values". A more comprehensive Code of Conduct whereby conduct is codified would be more appropriate. The Consultant did discuss this with the ACC and left samples of a more applicable document that the ACC might wish to consider.

#### ■ Commission "Standing Orders"

At present, a number of Rules and Orders exist in the ACC but these are mainly in the form of loose papers. An Investigation Manual has been prepared, and draft Rules and Regulations are in circulation. Another document on "Operationalising the ACC" also exists. All these need to be combined to have one complete comprehensive and easily understood document that comprises all ACC "Standing Orders and Operating Instructions". This will allow all ACC staff to perform their duties in a responsible way and will remove the opportunity for discretion.

#### ■ Infrastructure Capacity

The ACC is currently situated in a rented building although plans are in hand for the construction of its own premises. The ACC ought to consider having' in any new building, dedicated space for a Reporting and Reception Centre, and a dedicated Interview Room (s), Exhibits and Documentary Rooms.

The ACC is reasonably well equipped at present. There will be need for additional IT Equipment and especially software for a Data Bank. Technical international advice will need to be sought to meet this need. In any event, the rationale for equipment should, in each case, make a clear link to the intended outputs of the Strategic Plan.

**3.10. TEXT BOX 1: STRATEGIC GOAL LOGICAL FRAMEWORK****ORGANISATION AND MANAGEMENT OF THE ACC: Strategic Goal: *To have in place an effective management structure in the ACC.***

Function	Broad Activities	Deliverables and Output indicators	Method of Verification
<p>DEVELOP INTERNAL ACC THEMATIC STRATEGIC PLAN THAT WILL ENCOMPASS:</p> <ul style="list-style-type: none"> <li>▪ CORPORATE STRATEGIC ISSUES</li> <li>▪ OPERATIONAL STRATEGIC ISSUES- ENFORCEMENT</li> <li>▪ OPERATIONAL STRATEGIC ISSUES- PREVENTION</li> <li>▪ OPERATIONAL STRATEGIC ISSUES- HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT</li> <li>▪ DEVELOPMENT OF NACS</li> </ul>	<ul style="list-style-type: none"> <li>▪ NEW ACC STRUCTURE DEVELOPED</li> <li>▪ DISCUSS WITH RCSC PLANS FOR IMPROVED CONDITIONS OF SERVICE FOR ACC</li> <li>▪ INTRODUCE REVISED CODE OF CONDUCT</li> <li>▪ INTRODUCE NEW COMPOSITE COMMISSION STANDING ORDERS</li> <li>▪ CONDUCT TNA</li> <li>▪ INTRODUCE A TRAINING AND STAFF DEVELOPMENT PLAN INCLUDING A PERFORMANCE APPRAISAL SYSTEM</li> <li>▪ ESTABLISH OVERSIGHT AND MONITORING COMMITTEE</li> <li>▪ RECRUIT PUBLIC RELATIONS OFFICER</li> <li>▪ ESTABLISH DATA BANK</li> <li>▪ ESTABLISH REPORT CENTRE</li> <li>▪ HOLD NACS STAKEHOLDERS CONFERENCE</li> </ul>	<ul style="list-style-type: none"> <li>▪ INTERNAL ACC STRATEGIC PLAN FINALISED AND READY FOR IMPLEMENTATION BY 31 JANUARY 2008 AND COVERING SHORT AND MEDIUM TERM</li> <li>▪ IMMEDIATE ESTABLISHMENT OF AN ACC MANAGEMENT BOARD PROVIDING FOR BETTER OVERALL MANAGEMENT, OVERSIGHT AND SUPERVISION</li> <li>▪ IMMEDIATE ESTABLISHMENT OF A TCC PROVIDING FOR BETTER COMPLAINT MANAGEMENT AND IMPROVED INTER DIVISIONAL COORDINATION, DISSOLUTION OF CMC</li> <li>▪ RENAMING PCC AS STAFF MEETING ENSURING NO CONFUSION BETWEEN RESPONSIBILITIES</li> <li>▪ TRAINING POLICY AND STAFF DEVELOPMENT PLAN IN PLACE LEADING TO BETTER TRAINING AND SKILLS</li> <li>▪ PROFESSIONAL STAFF EMPLOYED WITH CORE OBJECTIVES BEING TACKLED EFFICIENTLY AND EFFECTIVELY</li> <li>▪ INTERNAL COMMISSION STANDING ORDERS PUBLISHED WHICH WILL ENHANCE THE EFFICIENCY OF THE ACC</li> <li>▪ COMMUNICATIONS STRATEGY IN PLACE AND EFFECTIVE LEADING TO IMPROVED MEDIA/PUBLIC UNDERSTANDING OF THE ACC</li> <li>▪ OVERSIGHT COMMITTEES ESTABLISHED ENHANCING ACCOUNTABILITY AND TRANSPARENCY OF ACC</li> <li>▪ NACS WORKING GROUP APPOINTED LEADING TO A NATIONAL ANTI CORRUPTION STRATEGY DOCUMENTED AND PUBLISHED BY 31 MARCH 2008</li> </ul>	<ul style="list-style-type: none"> <li>▪ ACC ANNUAL REPORT</li> <li>▪ MEDIA REPORTS</li> <li>▪ OVERSIGHT AND MONITORING COMMITTEE REPORTS</li> </ul>

## 4. OPERATIONS OF THE ACC

### 4.1. INVESTIGATIONS AND LEGAL DIVISIONS

Efficient investigations followed by successful prosecutions will send out a very strong message that corruption will not be tolerated and convictions will act as a deterrent. In the early stages, Investigators should try to avoid getting bogged down in lengthy investigations, but try to concentrate on cases that can be investigated quickly and have a reasonable chance of success at prosecution level. Early successes will be important.

The responsibility for this lies with Investigation Division with support from the Legal Division. The Investigation Division comprises two Sections: the Investigations Section and an Intelligence Section.

Currently, there are eight Officers employed in the Investigations Division. The Legal Division is vacant. The Division is supervised at present by a Commissioner who has hands-on direct supervisory responsibility. The Commissioner, who joined the ACC on 15<sup>th</sup> February 2006, has no formal investigative experience or training and was appointed after being transferred from the University of Bhutan. He is supported by a Chief Investigations Officer who was handpicked from the Ministry of Health and joined the ACC on 25<sup>th</sup> October 2007. He has no experience in investigations and holds a Bachelors Degree in Pharmacy.

In regard to the Investigation and Assistant Investigation Officers, they joined the ACC as follows

- One has a post graduate diploma in Quantity Surveying and was handpicked from the Ministry of education and joined the ACC on 2<sup>nd</sup> October 2007
- One has a Diploma in forestry and was formerly employed in the Thimpu City Corporation. He joined the ACC on 1<sup>st</sup> September 2006 by a selection/interview process
- Two have Masters Degrees in Business Administration and were handpicked from the Ministry of Finance and joined the ACC on 9<sup>th</sup> October and 29<sup>th</sup> October 2007
- Two have a Diploma from the Royal Institute of Management. One was handpicked from the Ministry of Finance and joined the ACC on 22<sup>nd</sup> October 2007 and the other was previously with the Ministry of Finance and joined the ACC on 1<sup>st</sup> September 2006 by a selection/interview process.
- One was freshly recruited and joined the ACC after a selection/interview process. He holds a B-Coms (Hon) and joined the ACC on 15<sup>th</sup> March 2007

In accordance with Chapter 4 sections 35 to 55 of the Act the functions of the Investigations Division are as follows:

- Receive any complaint of corruption and investigate such a complaint as provided under this Act

- Investigate on its own initiative any suspected attempt or conspiracy to commit any act of corruption or whenever there is evidence of corruption
- Investigate against a person abroad accused of corruption in Bhutan or non-Bhutanese residing in Bhutan charged in their countries of origin for corruption
- Visit for the purpose of inspection, with or without notice, any place, examine any document and ask for such information and document, original or a copy, as it deems fit
- Conduct or request to conduct an inquiry, comprehensive investigation or any other measure aimed at examining the legality of administrative act and proceeding with regard to relations between a public or private entity and a person
- Examine the legality and the administrative correctness of acts which involve property entitlement;
- Request the Court for an order or judgment cancelling or revoking a right or document of title in respect of which a public servant has given approval or granted permission conferring rights or benefit or issued the document of title to a person in contravention of law or regulation or against the interest of the government
- Freeze the asset including financial account of a person under investigation or seize and impound travel document to prevent the person from fleeing the country
- Collaborate with other countries and international and regional organizations, in facilitating and supporting international effort in the prevention of and fight against corruption including asset recovery, assistance in investigation and sharing of information in accordance with the law and established procedure of the government.

None of the officers in the Investigations Division have received any formal training to equip them to tackle the responsibilities outlined above. Without exception, Officers interviewed by the Consultant expressed the desire to receive as a matter of utmost priority training in the mandatory competencies (statement taking, report writing, dealing with suspects, investigation and interviewing techniques for example).

There has been some *ad hoc* training provided with officers attending courses, workshops, seminars and study visits in Singapore, Hong Kong, Malaysia and India but there is a huge gap in knowledge and skills in this Division<sup>7</sup>.

Currently, the Investigations Division operates in a reactive way driven almost entirely by the nature of complaints that are received through the front door of the Commission via the Report Centre.

There is a need to move beyond merely dealing with many of the low level cases that prevail at present to a more pro-active approach that reflects and responds to the ACC's

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<sup>7</sup> Details of Training received is shown at Annex 5

own understanding of where the body of corruption lies in Bhutan. This implies much closer relationships between the Investigations Division and the Prevention Division and stronger and improved training and capacity development in areas such as forensic investigation and other specialist areas of investigation.

#### 4.2. INTELLIGENCE SECTION

The ACC recognises that because of the very nature of corruption, the inner workings of both public and private sector enterprises will not come through easily. It is for this reason that the gathering and the effective utilisation of Intelligence should feature prominently in ACC operations.

An Intelligence Section has been provided for in the Structure of the ACC. The Section will need to be proactive in gathering intelligence pertaining to corruption. It should establish, manage and maintain an Intelligence Data Base. This is important because a Data Base that is effective and productive will be useful in profiling corruption and helping to drive investigations forward. The Data Base will capture all information from the time a complaint is received as well as extensive information collected during the investigation process. This includes capturing intelligence during the life of an investigation, and not just after a case is closed.

The Intelligence Section must be an integral part of the investigative process and not separate from it. Intelligence is a supportive part of the investigation and prosecution process. A clear sense of corporate unity and shared endeavour through the medium of the TCC will ensure that information and intelligence is utilised effectively.

Officers recruited to this Section and employed in information and intelligence gathering in the ACC will need to receive training in intelligence gathering and management.

#### 4.3. LEGAL SECTION

The ACC structure provides for a Legal Section although at present it remains without staff.<sup>8</sup> Legal officers embedded in the ACC will serve the dual purpose of providing on-going support and advice to investigators, as well as scrutinising all Investigation Reports and give advice on the merits of a prosecution and providing legal advice on mutual legal assistance.

The principal aim of a prosecution (apart from the obvious deterrent effect of a prison sentence) is to get the offender convicted and to recover the assets and proceeds of crime.

To do this effectively, the ACC must develop a prosecution policy that will aim to ensure that an investigation does, where the evidence exists, lead to a successful prosecution.

For this to work, the relationship between the ACC and the Attorney General must be sound. At present, the ACC and the Office of the Attorney General enjoy a close and harmonious relationship. If there should be at any stage different opinions between the ACC and Attorney General over a prosecution these should not spill over into the press. An Examination of Complaints Received

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<sup>8</sup> A Chief Legal Officer who was employed resigned

The ACC started to receive complaints from January 2006. In hindsight, the decision to proceed to receive complaints and to start on investigations before the ACC was adequately staffed was probably a mistake. The ACC did not have *de jure* authority until the Act came into effect on 8<sup>th</sup> July 2006, but complaints were received before then.

The effect of this was that the ACC received a large number of complaints many of which it was not able to pursue or which were anonymous. With the public getting to know that the ACC had started to employ staff, public expectations were high. The results therefore have been mixed.

#### 4.3.1. Text Box 2: Complaints Status January 2006 to 16 October 2007<sup>9</sup>

Particulars	Number	Comments
Number of Complaints received	803	
Not pursued or closed	191	Insufficient information available
Shared or yet to be shared with other agencies	346	ACC makes some follow up on these.
Investigated by the ACC	21	
Anonymous	568	

#### 4.3.2. Text Box 3: Number of Complaints received by month

Month	Number of Complaints
Jan-June 2006	59
July 2006	26
August 2006	28
September 2006	50
October 2006	55
November 2006	51
December 2006	61
January 2007	46
February 2007	51
March 2007	67
April 2007	63
June 2007	32
July 2007	44
August 2007	46
September 2007	41
October 2007	30
Total	803
Average per month	37.35
Average per day	1.24
Number of Days	654

#### 4.3.3. Text Box 4: Results of Investigation

Particulars	Number	Comments
Number of investigations	21	

<sup>9</sup> Source ACC Complaints Register

conducted		
Number prosecuted	15	
Number awaiting completion of investigation	1	ACC makes some follow up on these.
Number of people charged	110	
Number of people convicted	16	On appeal
Number of people acquitted	77	On appeal, acquitted on technical grounds

Examination of these statistics reveals the following:

- 2.6% of the complaints resulted in an investigation
- 24% of the complaints were either closed or referred to other agencies
- 60% of the complaints were anonymous

#### 4.3.4. Trend of complaints

An examination of the complaints received since January 2006 show that there has been a fairly constant flow at roughly the same level, but with some highs in March and April 2007 then a decline since. It is not important for this Review to go in detail into the cause for this but the Consultant has included a Graph (below) showing the trend to highlight the importance of the TCC in determining the themes and patterns of complaints.

It is clear that the Public Education and Advocacy Division will need to concentrate on educating the population on what corruption is, and what the ACC can and cannot do. The fact that 24% of the complaints could not be pursued by the ACC suggests that the complaints did not fall within the purview of the ACC, although the ACC was able to achieve some results by referring these to other institutions for action. There needs to be some mechanism for determining what if anything those institutions did with the complaints, and what the outcome was. The TCC will need to see how this can be achieved.

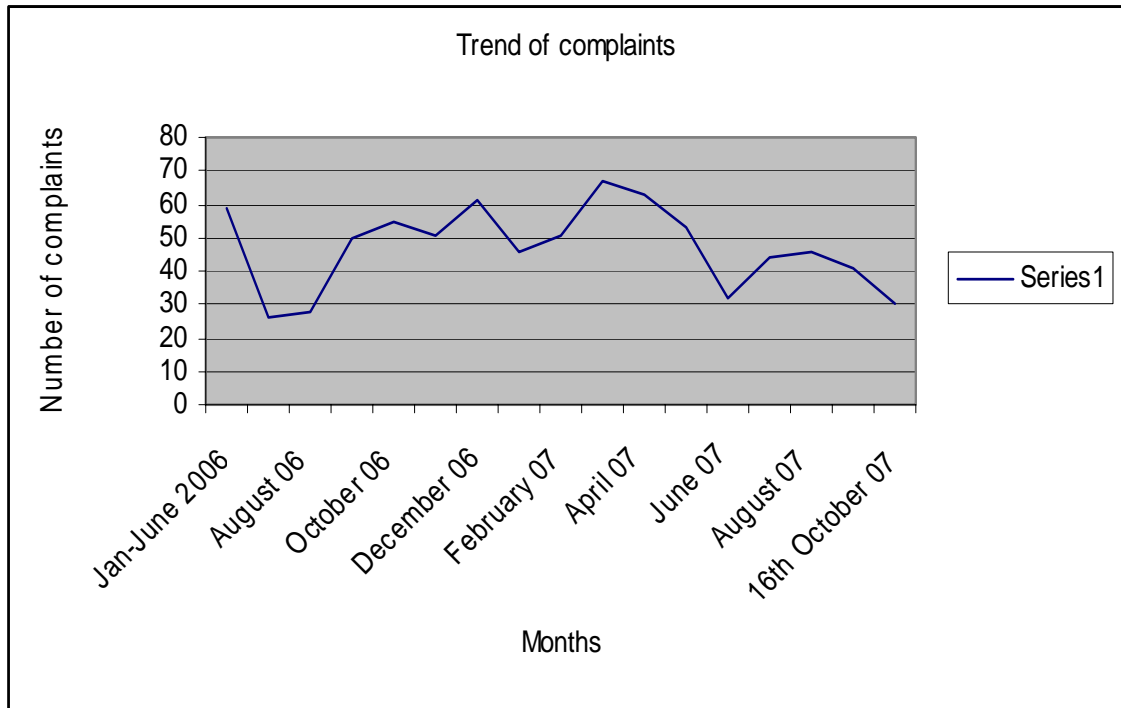
Similarly, the high level of anonymous complaints received again presupposes that a lot of education is needed to encourage complainants to be more specific in their complaints and give their particulars. The Consultant was told that many complainants follow up on their complaints and are not satisfied when told that little can be done if all the details are not known.

If this continues then the credibility of the ACC will be in doubt. Dealing with this is a serious challenge for the ACC and needs to have some special attention put to it. This is a clear job for the TCC to address.

However, a calculated guess for the slight decline in complaints over the past six months does suggest that the outreach educational programmes are having some effect which is encouraging. In any case, it will be useful for the TCC to employ a system such as this to determine trends so that resources can be better employed and targeted to get the best results.

#### 4.4.5 Graph-Trend of Complaints





## 4.4. TEXT BOX 5: LOGICAL FRAMEWORK

**CORE BUSINESS OBJECTIVE: ENFORCEMENT**

*“To have top quality intelligence-driven investigations carried out to international standards, bring offenders to Court and successfully prosecuted and recover the assets of the proceeds of crime”.*

Function	Broad Activities	Deliverables and Output indicators	Method of Verification
<ul style="list-style-type: none"> <li>▪ INVESTIGATE COMPLAINTS AND ACTS OF CORRUPTION.</li> <li>▪ INVESTIGATE THE CONDUCT OF A PERSON.</li> <li>▪ IDENTIFY, TRACE AND SECURE ASSETS.</li> <li>▪ MONITOR MOVEMENTS OF SUSPECTS.</li> <li>▪ GATHER INTELLIGENCE.</li> </ul>	<ul style="list-style-type: none"> <li>▪ PUBLISH STANDING ORDERS</li> <li>▪ RECRUIT INVESTIGATORS</li> <li>▪ TRAIN INVESTIGATORS</li> <li>▪ ESTABLISH REPORT CENTRE FOR COMPLAINTS</li> <li>▪ ESTABLISH INTERVIEW ROOM</li> <li>▪ ESTABLISH EXHIBITS ROOM</li> <li>▪ WRITE INVESTIGATION REPORTS</li> <li>▪ LIAISE WITH LEGAL TEAM</li> <li>▪ PARTICIPATE FULLY IN TCC</li> </ul>	<ul style="list-style-type: none"> <li>▪ SOUND OPERATING PROCEDURES IN PLACE</li> <li>▪ INVESTIGATIONS CONDUCTED PROFESSIONALLY AND ON TIME</li> <li>▪ PROCEEDS OF CRIME AND EVIDENCE MADE SAFE</li> <li>▪ COMPLAINANTS AND INFORMERS HANDLED WELL, WITNESSES CARED FOR AND PROPER RECORDS KEPT</li> <li>▪ GOOD WITNESS/ACCUSED STATEMENTS PRODUCED LEADING TO SOUND EVIDENCE IN COURT</li> <li>▪ GOOD INTELLIGENCE SECURED THAT ASSISTS IN INVESTIGATION AND PROFILES OF SUSPECTS BUILT UP</li> <li>▪ PROFESSIONALLY WRITTEN INVESTIGATION REPORTS PRODUCED</li> <li>▪ ALL EVIDENCE SECURED AND ACCEPTED IN COURT</li> <li>▪ INDEPENDENT AND PROFESSIONALLY WRITTEN REPORTS FACILITATES EASY DECISION MAKING ON RECOMMENDATIONS</li> <li>▪ HIGH CONVICTION RATE LEADING TO INCREASED PUBLIC IMAGE OF THE ACC AND BETTER REPORTS AND PUBLIC CONFIDENCE</li> <li>▪ TCC PROMOTES GOOD DIRECTION ON ACTIVITIES AND PROPER UTILISATION OF RESOURCES AND MONITORS “CLEAR UP” RATE ON INVESTIGATIONS</li> </ul>	<ul style="list-style-type: none"> <li>▪ ACC ANNUAL REPORT</li> <li>▪ REPORTS OF OVERSIGHT AND MONITORING COMMITTEE</li> </ul>
<ul style="list-style-type: none"> <li>▪ PROSECUTE OFFENDERS</li> </ul>	<ul style="list-style-type: none"> <li>▪ LEGAL TEAM LIAISES WITH INVESTIGATORS</li> <li>▪ PROSECUTION DOCKETS PREPARED</li> <li>▪ LIAISON WITH ATTORNEY GENERAL</li> </ul>	<ul style="list-style-type: none"> <li>▪ TEAM WORK AND LIAISON INVESTIGATORS/LEGAL OFFICERS ENSURES GOOD REPORTS BASED ON SOUND LEGAL ADVICE</li> <li>▪ HARMONISATION WITH ATTORNEY GENERAL AND THE COURTS</li> <li>▪ INVESTIGATION REPORT ACCEPTED BY ATTORNEY GENERAL AND NO CRITICISM ON QUALITY OF THE REPORTS</li> <li>▪ HIGH CONVICTION RATE</li> </ul>	<ul style="list-style-type: none"> <li>▪ COURT STATISTICS</li> <li>▪ ACC ANNUAL REPORT</li> </ul>
<ul style="list-style-type: none"> <li>▪ CONFISCATE ASSETS</li> </ul>	<ul style="list-style-type: none"> <li>▪ LEGAL TEAM LIAISES WITH ATTORNEY GENERAL AND COURTS TO OBTAIN CONFISCATION ORDERS</li> <li>▪ MUTUAL LEGAL ASSISTANCE WITH INTERNATIONAL AGENCIES</li> </ul>	<ul style="list-style-type: none"> <li>▪ MUTUAL LEGAL ASSISTANCE ARRANGEMENTS WELL ESTABLISHED AND INTERNATIONAL PROCEDURES RECOGNISED AND FOLLOWED</li> <li>▪ PROCEEDS OF CRIME RECOVERED AND PAID INTO NATIONAL EXCHEQUER</li> </ul>	<ul style="list-style-type: none"> <li>▪ COURT STATISTICS</li> <li>▪ ATTORNEY GENERAL</li> <li>▪ AUDITOR GENERAL</li> </ul>
<ul style="list-style-type: none"> <li>▪ COLLABORATE WITH OTHER AGENCIES</li> </ul>	<ul style="list-style-type: none"> <li>▪ MEET REGULARLY AND COORDINATE WITH THE MINISTRY OF JUSTICE</li> <li>▪ MEET BHUTAN ARMED FORCES</li> </ul>	<ul style="list-style-type: none"> <li>▪ GOOD RELATIONSHIPS BETWEEN ALL ORGANISATIONS, NO FRICTION, SHARING OF RESOURCES LEADING TO BETTER INVESTIGATIONS</li> </ul>	<ul style="list-style-type: none"> <li>▪ ANNUAL REPORTS OF ACC AND OTHER AGENCIES</li> </ul>

#### 4.5. PREVENTION DIVISION

There are three Officers in the Prevention Division. These are the Chief Prevention Officer, who holds a B.Tech degree and was handpicked from the Ministry of Labour and joined the ACC on 19<sup>th</sup> March 2006 and a Prevention Officer who holds a Masters Degree in HRD and was handpicked from the Ministry of Education and joined the ACC on 8<sup>th</sup> October 2007. There is an Assistant Research Officer who holds a BA (Economics) and was recruited to the ACC on 19th May 2006.

The Division comprises two Sections, a Systems Review Section and a Research Section. It is the aim of this Division to proactively promote and enhance best practices and service delivery across all Public and Private Sector Institutions.

The Consultant is satisfied that the Officers employed in the Prevention Division have a clear understanding of the role that the ACC should play in preventing corruption and recognises and accepts that it cannot be *operationally* responsible alone for undertaking preventive measures in all public and private institutions in Bhutan. To discharge its *preventive* role effectively, it needs to position itself as a facilitator to those institutions, ensuring that anti-corruption measures are introduced, monitored and maintained. It therefore must push for preventive action to be embedded within institutions and their management.

The Prevention Division will take the lead on developing a National Anti Corruption Strategy. Much work has already been done on this but the ACC now wishes to give this priority so that NACS is in place before 31st March 2008. More on this subject will appear later in this Report.

The Research Section is hoping to build up material accessed from specialist web-based resources analysing the effectiveness of such interventions and providing a variety of on-line tools and links<sup>10</sup> and surveys.

There is an urgent need to supplement quickly the existing staff numbers in this Division, especially as it takes on the task of developing the National Anti Corruption Strategy.

The ACC recognises that in taking the lead in formulating and implementing a National Anti Corruption Strategy it does need to promote the building of coalitions and partnerships among the government, civil society and importantly, the private sector.

Much has already been done by the ACC in moving towards this. An initiative by the ACC in conjunction with the Royal University of Bhutan and with funding from UNDP resulted in a comprehensive Corruption Perception Survey being conducted and a draft Report produced on 30th October 2007.

The draft Report is still under discussion and evaluation and is not yet available for public discussion. However, an early appreciation of the results has identified certain key corruption “*Hot Spots*”. This is an excellent development as it will allow the ACC to focus on these and contribute to focus on the development of a NACS. Effective

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<sup>10</sup> See for example, [www.gsdr.org](http://www.gsdr.org), [www.u4.no](http://www.u4.no).

preventive measures, accompanied by a comprehensive educational regime, backed by a sound enforcement policy successfully targeted on those “*Hot Spots*” will have a dramatic impact on corruption and will certainly enhance the credibility of the ACC in the eyes of the public. Prompt and effective action such as this will lie at the heart of the National Anti Corruption Strategy.

#### **4.6. PUBLIC EDUCATION AND ADVOCACY DIVISION**

The Public Education and Advocacy Division is headed at present by a Chief Public Education officer who holds a Masters Degree in Media Arts and Production. He was handpicked from the Ministry of Agriculture and joined the ACC on 8<sup>th</sup> October 2007. He is assisted by an Assistant Community Relations Officer. The Section has started to develop linkages with civil society and NGOs. The Section accepts that its job is to facilitate on activities within organisations which already have the competency to do these things.

The Section has already identified some NGOs that have advocacy skills that can be tapped into to get educational messages across. Such linkages must be well founded and solid and interaction must be consistent and organised. The Public Education and Advocacy Division must recognise that it will not have the exclusive right to conduct anti -corruption education. Indeed, it will not have the human and material resources to do so. So, it will need to become full partners with its stakeholders.

Efforts by this Section need to be focussed on not only sensitising the public on the establishment of the ACC, but getting citizens to know what corruption is all about. There is at present a huge gap in the knowledge of the population as to what constitutes corruption and this is reflected in the type of complaints the ACC receives. Providing guidance to the community on how, and what, to report will build up the confidence of the community in the ACC.

In the ACC Outreach activities must be planned so that they go beyond just telling people that “Corruption is Bad”, rather explaining the negative impact of corruption. People must clearly understand the relationship between corruption and development, or lack of. Thus they will have a clear understanding of the issues, become more empowered and more likely and confident to effect change. One special area of concern that needs to be focussed on is the question of “gifts”.

**4.7. TEXT BOX 6: LOGICAL FRAMEWORK**

**CORE BUSINESS OBJECTIVE: PREVENTION**

*“To proactively promote and enhance best practices and service delivery across all Public and Private Sector Institutions and to change attitudes by educating the public about the ills of corruption, to empower the people of Bhutan to stand up against corruption and to enhance the public image of and promote confidence in the ACC”.*

Function	Broad Activities	Deliverables and Output indicators	Method of Verification
<ul style="list-style-type: none"> <li>▪ LEAD ON THE NATIONAL ANTI CORRUPTION STRATEGY.</li> <li>▪ CONDUCT RESEARCH AND SURVEYS SO AS TO ASSIST HEADS OF PUBLIC AND PRIVATE INSTITUTIONS IN DESIGNING AND IMPLEMENTING APPROPRIATE PROCEDURES THAT CAN BE PRACTICED SO AS TO COMBAT, ERADICATE AND PREVENT CORRUPTION.</li> <li>▪ ENCOURAGE CIVIL SOCIETY AND THE ENTIRE NATION TO PARTICIPATE IN THE FIGHT AGAINST CORRUPTION.</li> </ul>	<ul style="list-style-type: none"> <li>▪ SUPPORT CIVIL SOCIETY TO INDEPENDENTLY MONITOR THE IMPLEMENTATION OF NATIONAL ANTI-CORRUPTION PROGRAMMES</li> <li>▪ FOCUS ON ACTIVITIES TO INCREASE CITIZENS’ DEMAND FOR GREATER ACCOUNTABILITY</li> <li>▪ SUPPORT CIVIL SOCIETY AND THE MEDIA</li> <li>▪ ENGAGE THE PRIVATE SECTOR TO REMOVE OBSTACLES TO INWARD INVESTMENT</li> <li>▪ INTRODUCE PREVENTION MEASURES INTO CIVIL SERVICE REFORMS (VETTING PROCEDURES)</li> <li>▪ CONDUCT NATIONAL SURVEYS/ANALYSES ON PERCEPTIONS OF CORRUPTION AND RESEARCH</li> <li>▪ DEVELOP DATA BANK</li> <li>▪ ENGAGE WITH LINE MINISTRIES TO PROMOTE REFORM THROUGH ETHICS AND ATTITUDE CHANGE</li> <li>▪ SHARE INFORMATION AND COORDINATE STRATEGIES WITH OTHER REFORM PROGRAMMES FUNDED BY DONORS;</li> <li>▪ INTRODUCE A BEST PRACTICE GUIDE TO MINISTRIES;</li> <li>▪ ENSURE THAT THE PUBLIC IS KEPT AWARE OF ALL ACTIVITIES TO ENCOURAGE EMPOWERMENT IN GENERAL;</li> <li>▪ PARTICIPATE FULLY IN TCC</li> </ul>	<ul style="list-style-type: none"> <li>▪ IMPROVED PUBLIC SERVICE DELIVERY</li> <li>▪ CODES OF BEST PRACTICES FOR GOVERNMENT INSTITUTIONS PUBLISHED</li> <li>▪ PUBLIC SYSTEMS AND PROCEDURES IMPROVED</li> <li>▪ REDUCTION IN CORRUPTION WILL LEAD TO INCREASE IN REVENUE</li> <li>▪ INCREASED AWARENESS LEVEL IN FIGHT AGAINST CORRUPTION, CONSEQUENCES OF CORRUPTION AWARENESS INCREASED ESPECIALLY NEGATIVE ASPECTS OF CORRUPTION ON DEVELOPMENT</li> <li>▪ PEOPLE BECOME MORE EMPOWERED</li> <li>▪ INVESTOR CONFIDENCE IN BHUTAN ENHANCED</li> <li>▪ IMPROVEMENT IN TI CORRUPTION PERCEPTION INDEX</li> <li>▪ IMPROVED DELIVERY OF SERVICES TO VULNERABLE GROUPS, GREATER PROTECTION, ENTITLEMENTS AND RIGHTS</li> <li>▪ GOOD RELATIONSHIPS WITH KEY STAKEHOLDERS LEADING TO GOOD COMMUNICATIONS</li> </ul>	<ul style="list-style-type: none"> <li>▪ STAKEHOLDER CONSULTATIONS</li> <li>▪ ANNUAL REPORTS OF MINISTRIES</li> <li>▪ TI CORRUPTION PERCEPTION SURVEYS</li> </ul>

## 5. DEVELOPING A NATIONAL ANTI CORRUPTION STRATEGY (NACS)

### 5.1. WHAT IS A NACS?

A National Anti-Corruption Strategy is a vital prerequisite in that it embodies strategic action plans that are developed in consultation with a cross section of society and stakeholders. Such a process begins with a National Consultative Stakeholders Group Meeting whose main objective will be to get a Working Group in place who will formulate the strategy. By drawing on the experiences and views of all facets of society the Working Group can examine the issue of corruption in the country and assess various strategies for its eradication.

A NACS is not a document aimed at naming and shaming corrupt people and institutions but is focussed on identifying and mitigating the opportunities for corruption within society.

A NACS is:

- an opportunity to work towards a corruption-free Bhutan with the involvement of all levels of society;
- a document that identifies the causes of and attitudes towards corruption and outlines the measures needed to reduce opportunities for corrupt acts to occur;
- a snapshot of where Bhutan is in the fight against corruption today. It is a dynamic document that will be constantly updated as measures are implemented and new possible threats are identified;
- a document that puts anti-corruption measures into the Bhutanese context.

A NACS is not:

- a list of corrupt people or corruption offenders
- a magical wand for solving all forms of bad governance
- a finished process. It must continuously be updated by the ACC

This Strategy is the manifestation of the political will and commitment initiated by His Majesty the King. The government cannot afford to be indifferent to the evil effects corruption has on the political, economic and social development of the country especially as Bhutan moves towards a new political dispensation in 2008.

### 5.2. NACS NATIONAL CONSULTATIVE MEETING OF STAKEHOLDERS

In order to move forward rapidly in getting a NACS developed, there will be a need a need to hold a National Consultative Meeting of stakeholders from which will evolve a **NACS Working Group (NWG)** whose objective will be to articulate clearly what the policy of the RGOB is in fighting corruption. When the policy is clear, the NWG will formulate a forward-looking strategy that must articulate the anti-corruption measures

that will be needed and implemented in accordance with the prevailing realities and the fundamental legal and political principles in Bhutan.

The function of the NWG will be to drive and coordinate the Royal Government of Bhutan's national anti-corruption effort, to prioritise and target it (including challenging policies and plans formulated by line Ministries and other agencies), to monitor its implementation and to hold Ministers accountable for progress in their departments, and provincial heads accountable for progress in their areas.

NWG will develop a *National Anti Corruption Strategy* that:

- must be driven by political will;
- must be informed by the inputs of the people, and is thus locally-owned and supported;
- must promote the empowerment of the Bhutanese people to participate meaningfully in all dimensions of governance (political, social, economic and especially cultural) and in sound management of public resources;
- must be needs-based and specific;
- can be measured;
- is realistically achievable;
- must be capable of being implemented effectively, efficiently and timely.

The NACS that emanates from this process must therefore become the key cornerstone of the Royal Government of Bhutan's efforts and determination to curb corruption. It must be a demonstration of the Royal Government of Bhutan's commitment to improving the lives of the people of Bhutan by reducing and controlling corruption. It must detail the specific, measurable reforms that each actor and institution of governance must undertake to curb corruption and promote a sustainable system of accountability and integrity.

The NACS will not be concerned directly in criminal investigations or prosecutions or cases and must be primarily directed towards the preventive, systems strengthening side, rather than the punitive side.

### 5.3. ELEMENTS OF A NATIONAL ANTI CORRUPTION STRATEGY FOR BHUTAN

A NACS for Bhutan must be predicated upon a category of measures that seek to develop a "*National Integrity System*" that comprises *standards in public life* that form "*Pillars of Integrity*" by which corruption is fought on many fronts.

In developing and promoting a national integrity system, the NACS must identify the specific range of institutional preventative measures that will be needed to identify the structural causes of corruption. It must identify measures to strengthen public institutions in order to expose and resist corrupt interventions. It must also identify the educational measures that must be taken to generate support and empower the Bhutanese people in the fight against corruption.

The NACS must promote the role of public education with particular emphasis on the role of the media and other civil society organisations in enhancing public awareness about corrupt practices and their effects on Bhutan's governance processes. The NACS must also underscore the need to *build coalitions and partnerships* among the government, civil society, non governmental organizations and the International Community. These *coalitions and partnerships* must work collaboratively to ensure that the people of Bhutan actively participate in the formulation and implementation of the NACS and in performing a valuable oversight function within the strategy. Such *coalitions and partnerships* must also help the people to recognise that supporting the fight against corruption is a *national endeavour* that must have direct and immediate benefits to the society as a whole.

The NACS must set out a sequencing regime to show the benefits and impact of simultaneous or phased implementation of priorities of the established and intended measures.

The magnitude and mobilisation of the financial, human and political resources that will be needed for successful implementation of the NACS must be recognised. The strategy must also discuss the role and support expected of Bhutan's development partners to ensure its successful implementation.

The NACS must set out an achievable timetable for implementation.

#### **5.4. AN ANTI CORRUPTION REGIMEN**

The content and range of the anti corruption measures that must be incorporated in the NACS must as far as possible be developed to comply with and conform to Bhutan's obligations under the UN Convention against Corruption which Bhutan has signed but not yet ratified.

Based on the foregoing, the NACS must comprise two distinct but reinforcing categories of measures:

- i. Comprehensive reforms and the strengthening of the rules, procedures and systems of governance, financial management, accountability and transparency at all institutions of government
- ii. The enactment and rigorous enforcement of adequate anti corruption laws.

#### **5.5. THE KEY MEASURES THAT MUST BE TAKEN IN DEVELOPING A NATIONAL ANTI CORRUPTION STRATEGY:**

- i. Ratification of the UN Convention Against Corruption
- ii. Promotion of a Code of Conduct for all Public Servants
- iii. Encouraging active and meaningful participation of Civil Society, and the Media, in governance, including the fight against corruption
- iv. Enhancing expenditure control in central and local government and in state-owned enterprises and public corporations



- v. Enhancing accountable and transparent financial management at all levels of government and in state-owned enterprises and public corporations
- vi. Promotion and insistence upon transparent public procurement and contracting practices
- vii. Supporting the Royal Audit Authority
- viii. Strengthening Public Accounts Committee and other related future Parliamentary Committees to provide oversight and ensure compliance
- ix. Encouraging and insisting upon sound corporate governance in the Private business Sector including introduction of a Code of Code of Business Ethics.
- x. Addressing human resource and other capacity constraints in the public sector and filling of recognised gaps in training and development requirements.
- xi. Strengthening and ensuring responsive and effective public institutions especially those considered among the Pillars of Integrity.
- xii. Improving the effectiveness of state-owned enterprises and public corporations.
- xiii. Encouraging the Private Sector to develop the Implementation of a fair and equitable tax system.
- xiv. Effective implementation of Declaration of Assets and Liabilities for all public officials.
- xv. Promotion of a “Values-Based” culture.

## 5.6. EFFECTIVE ENFORCEMENT OF THE LAWS ON CORRUPT PRACTICES

Although the NACS must be centred principally on preventative matters, the *effective investigation and prosecution of corrupt persons* must not be ignored and must become important elements in the Strategy. Without effective enforcement the proposed anti corruption measures will be nothing more than recommendations or appeals for honourable conduct. Enforcement serves an important preventative element as it acts as a deterrent to corrupt practices.

Enforcement must also include a regime of pre-prosecution and post-prosecution sanctions. These must include the dismissal and removal from office of public servants at any level who have been shown through investigations to be involved either in acts of corruption or to have acted in a manner that is conducive or connected to corrupt practices; and acts of “naming and shaming” among others. These pre-prosecution sanctions must include administrative, regulatory, financial and economic measures that comply with the fundamental legal principles and rules of Bhutan.

In pre-prosecution instances, persons appointed to *high political office* must understand that they are appointed because they have the trust of the appointing authority and that where they have lost that trust (by involving themselves in corrupt practices or their semblances); they will be removed from office. The hiring and dismissal of such officials must not be considered a *judicial* matter but a *political* act and the question of

whether or not such persons have broken the law must be irrelevant since the trust reposed in them must have disappeared. The appointing authority must then demonstrate the will to remove such persons from office. Action of this kind will promote credibility in the eyes of the public and sets good examples.

An effective enforcement regime will require human, material and legal resources. In the short term, whilst such resources are being put in place, enforcement must be concentrated around administrative sanctions of the kind mentioned herein.

## 5.7. PRIORITISING AND SEQUENCING THE DEVELOPMENT OF NACS

It is a *sine qua non* that no matter what the political commitment, the anti corruption strategy will fail unless first tier legal, administrative and management controls are established and functioning. The Royal Government of Bhutan must therefore establish and/or implement necessary first tier anti corruption measures which must include:

- i. Identifying and understanding the causes and factors that exacerbate corruption (especially the causes of poverty)
- ii. Addressing the question of capacity, processes and remuneration for the key government institutions of accountability that must underpin and reinforce all anti corruption measures. This must include the reorientation and retraining of public officers;
- iii. Building public support for the anti corruption campaign by establishing and defining the role that civil society must play in this process. The NACS must also concentrate on bringing victims of corruption, who are often socially marginalized individuals and groups, into this process. They are often the strongest critics of anti corruption efforts.

Based on the foregoing, the NACS must be implemented according to a phased schedule beginning with comprehensive governance reforms that are contemporaneous with activities leading to enacting any new anti corruption laws. *Governance reforms and enforcement of anti corruption measures must therefore run simultaneously.*

## 5.8. A WORK PLAN FOR DEVELOPING A NACS FOR BHUTAN

In developing the NACS the NWG must reach out to and involve all sectors of Society which will include Government, the Private Sector and civil society represented through District Development Committees and City Councils.

Implementation of the NACS must be carried out in phases. A work plan must be developed that must reflect the need for quick action and results as well as for long term outcomes. Implementation of the work plan must become a genuine national effort. All government ministries, departments and agencies and other national stakeholders must be expected and required to become involved by designing and implementing their own specific action plans against corruption consistent with this policy.

## 5.9. DISSEMINATION AND SENSITISATION OF THE NACS

The Government of Bhutan must ensure that the people of Bhutan understand exactly what the NACS is all about. During all stages of implementation, therefore, emphasis

must be placed on sensitising the public (especially the public servants) so that all stakeholders must feel a sense of purpose in the NACS and achieve a strong national ownership of it. By these means they will transform the NACS into a “living” initiative and participate enthusiastically in the process by providing feed back on progress.

The sensitisation process must include training of trainers’ courses and workshops and must involve young people, especially students. National radio and television must be used extensively and programmes must be organised in all provinces. Peoples committees and councils must be encouraged to assist with the development of the tools and methodologies needed to reach the widest number of people possible.

#### **5.10. MONITORING THE NATIONAL ANTI CORRUPTION STRATEGY**

Implementation of the NACS must be conducted in a transparent and timely manner. In monitoring and assessing the implementation process, civil society represented through District committees and City councils must play a role by providing an independent assessment of the implementation process. This will provide additional external oversight. In this way, the direct beneficiaries of this process, ordinary people in Bhutan, will be able provide an independent voice in the implementation of the NACS. A National Corruption Prevention Advisory Board established by Government under the chair of the Prime Minister could take the lead on this.

## 6. CHALLENGES, PROBLEMS OPPORTUNITIES AND THREATS

### 6.1. CHALLENGES/PROBLEMS AND INITIATIVES

Issue	Challenge/Problem	Current Initiative
The commitment of the incoming Government to fully support the ACC	To ensure that all political parties give support to the ACC To get the incoming Parliament to allocate adequate funding to ACC in order for ACC to acquire sufficient human, financial and capital resource support to achieve agreed objectives To develop ACC operations and support services alongside some uncertainty of sustaining donor funding.	Strong Political Will from His Majesty the King is a huge asset ACC is already in place and operational An Internal ISP will be in place before 31 January 2008 which will include budgetary requirements Donor Support, UNDP, promised
Recruitment and retention of ACC Staff	To find enough Graduates in the work pool who are available and willing to be recruited To get RCSC agree to give special allowances to ACC staff. To examine possibility of the ACC becoming autonomous with its own Conditions of Service	RCS has already indicated that it is willing to examine these issues.
Public relations and a sound communications strategy	To ensure public get feed back on ACC operations and development of a sound relationship with the Media	Plans by ACC to recruit a PRO
Oversight and Monitoring of the ACC	ACC Management Board to be clear on its responsibilities To get an external Oversight Committee in place	Plans to be included in ISP
In country training for ACC Staff and International Training needs	ACC Local staff will need to be trained especially in operational matters. TNA necessary and Staff Development Plan.	Will be included in ISP UNDP support likely for training
The Development and implementation of a National Anti Corruption Strategy	To get a NACS Working group in place on time. To encourage all Stakeholders to be totally committed to implementation To ensure Incoming government demonstrates commitment to NACS	NACS will be developed before General elections and will be de facto by 31 March 2008. Continued donor support, UNDP, promised
National NACS Oversight and monitoring Committee	To get the Prime Minister to find people who are willing and able to sit on the Committee	Government already has some plans for this. Will be included in NACS

**6.2. OPPORTUNITIES AND THREATS**

<b>Opportunities</b>	<b>Threats</b>
<p>There is immense Political will from his Majesty the King and current Government. Public support for the ACC is currently high. The incoming Government in 2008 is likely to be committed to fighting corruption</p>	<p>Expectation from the public is currently high. Delays in getting an ISP and NACS Document formulated on time may dampen enthusiasm. Will political parties have different approaches to Government? Will there be changes to ACC Management in 2008 that could affect continuity in operations of the ACC?</p>
<p>The donor community has expressed support for an anti corruption process.</p>	<p>Any dragging of feet by ACC may discourage donor support</p>
<p>Stakeholder's willingness and enthusiasm to be involved at all stages in the anti corruption process of developing NACS.</p>	<p>NACS consultations will be wide. Working Group must be prepared to devote time and energy to the process.</p>

## 7. A PROGRAMME OF ACTION (POA) FOR THE ACC DECEMBER 2007 TO MARCH 2008

### 7.1. DEVELOPMENT OF AN ACC INTERNAL STRATEGIC PLAN (ISP)

When the Review Report is received by the ACC it will need to be studied by ACC Management. All approved recommendations will then need to be circulated to all Divisional Heads so that they can be incorporated into the ISP. This will also apply to the development of NACS.

OBJECTIVE DEVELOP AN INTERNAL STRATEGIC PLAN (ISP) FOR THE ACC BHUTAN			DEC	JAN	FEB	MAR
Goal	Action by	Activity				
To manage and supervise the development of the ISP to ensure it is properly constructed, delivered and implementation starts on time.	<ul style="list-style-type: none"> <li>ACC Commission (ACC Management Board)</li> </ul>	<ul style="list-style-type: none"> <li>Commission delegates responsibility to one Commissioner (Investigations)</li> </ul>	1 day (24)			
<b>Planning</b>						
To ensure all ACC personnel are involved in the strategic planning process and that inputs are delivered accurately and on time.	<ul style="list-style-type: none"> <li>Director</li> </ul>	<ul style="list-style-type: none"> <li>Establish ISP Working Group comprising all Heads of Division</li> <li>Develop and set Work Plan for all Divisions</li> </ul>	2 days (26-27)			
<b>Strategic Plan Development</b>						
<ul style="list-style-type: none"> <li>To develop Divisional Work Plans</li> </ul>	<ul style="list-style-type: none"> <li>All Heads of Divisions</li> </ul>	<ul style="list-style-type: none"> <li>Each Head of Division will consult with Division Staff Members and will draw up a Divisional Work Plan which includes details on Divisional activities, equipment and resources, (human and material) needed, budget, time frame and output indicators</li> </ul>		3 days (2-5)		
<ul style="list-style-type: none"> <li>Coordinate all Divisional Work Plans</li> </ul>	<ul style="list-style-type: none"> <li>ISP Working Group under supervision of Director</li> </ul>	<ul style="list-style-type: none"> <li>ISP Working Group will study all Divisional Work Plans and consolidate them into one Single ISP and forward draft to Commission</li> </ul>		4 days (8-11)		

<b>OBJECTIVE DEVELOP AN INTERNAL STRATEGIC PLAN (ISP) FOR THE ACC BHUTAN</b>			<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>
<ul style="list-style-type: none"> <li>▪ Approval of draft ISP by Commission</li> <li>▪ External Consultations</li> <li>▪ Finalisation of Draft</li> </ul>	<ul style="list-style-type: none"> <li>▪ Commission</li> <li>▪ Civil Service Commission, Planning Commission and Ministry of Finance</li> <li>▪ Commission in consultation with ISP Working Group</li> </ul>	<ul style="list-style-type: none"> <li>▪ Commission will study draft ISP</li> <li>▪ Civil Service Commission, Planning Commission and Ministry of Finance will study the Draft Strategic plan and make inputs</li> <li>▪ Commission will fine tune and then approve Draft ISP</li> </ul>		2 days (15-16)  5 days (17-23)  1 day (24)		
<b>Publication of Strategic Plan</b>						
To inform the Community in general about the future plans of the ACC so that the public has confidence in and knowledge about the ACC	<ul style="list-style-type: none"> <li>▪ Commission</li> </ul>	<ul style="list-style-type: none"> <li>▪ ACC Public Education Division will ensure that the ISP is widely disseminated to the public using all media channels and then consolidate any feed back</li> </ul>		7 days (25-31)		
<b>Implementation</b>						
To begin implementation of the new strategic Plan	<ul style="list-style-type: none"> <li>▪ Commission</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Commission will issue appropriate instructions to Director and all Heads of Divisions to commence implementing the Strategic Plan</li> <li>▪ All Divisions under supervision of Director commence implementation</li> </ul>			1	

7.1.1. Divisional Work Plans will need to include proposals on Broad Activities, Output Indicators, material necessary, the skills and knowledge necessary (which will allow HRD to make Staff Development Plans), a clear time for implementation (short, medium and long term) and an indication of costs involved.

7.1.2. Target date for implementation will be 1 February 2008.

## **7.2. DEVELOPMENT OF A NATIONAL ANTI CORRUPTION STRATEGY**

It is the Policy of the RGOB to have in place a system of government that is transparent and accountable and which meets all the norms of a democratic society. A principal element in such a society is an absence of corruption. In order to achieve this, a National Anti Corruption Strategy needs to be developed in collaboration and involvement with all members of Bhutanese society

It is important that in developing NACS all the major issues that are contained in this Review Report are clearly understood by all Stakeholders. This implies that all stakeholders receive a comprehensive Information Pack before the planning process starts.



OBJECTIVE: TO DEVELOP A NATIONAL ANTI CORRUPTION STRATEGY (NACS) FOR BHUTAN			DEC	JAN	FEB	MAR
Goal	Action by	Activity				
To develop and have in place a comprehensive NACS Document that sets out the Policies of the RGOB in fighting corruption and articulates clearly how that Policy will be implemented. .	<ul style="list-style-type: none"> <li>ACC Commission (ACC Management Board)</li> </ul>	Commission will delegate overall responsibility to one Commissioner (Prevention) and will appoint Chief Prevention Officer (CPO) as NACS Coordinator		7		
<b>Planning</b>						
To ensure all Personnel within the ACC and external stakeholders are well informed about NACS and are ready to contribute collectively.	<ul style="list-style-type: none"> <li>ACC Chief Prevention Officer (CPO)</li> </ul>	<ul style="list-style-type: none"> <li>CPO will prepare Information Pack on NACS and forward this to all Stakeholders drawn from:                             <ul style="list-style-type: none"> <li>➤ Audit Authority</li> <li>➤ Judiciary</li> <li>➤ Civil Society</li> <li>➤ Media</li> <li>➤ Private Sector</li> <li>➤ Citizens</li> <li>➤ Civil Service Commission</li> <li>➤ Government Departments</li> <li>➤ Political Parties</li> <li>➤ Parliament Secretariat</li> <li>➤ Regional Dzongkhags</li> <li>➤ Armed Forces</li> <li>➤ Youth</li> <li>➤ Religious groups</li> <li>➤ Donor Community</li> </ul> </li> </ul>		8-11		
<b>Strategic Plan Development</b>						
<ul style="list-style-type: none"> <li>Preparations for Stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>CPO</li> </ul>	<ul style="list-style-type: none"> <li>CPO will set date and</li> </ul>		25		

OBJECTIVE: TO DEVELOP A NATIONAL ANTI CORRUPTION STRATEGY (NACS) FOR BHUTAN			DEC	JAN	FEB	MAR
<p>Conference</p> <ul style="list-style-type: none"> <li>• Stakeholders Conference is held</li> <li>• Appoint NACS Working Group</li> </ul>	<ul style="list-style-type: none"> <li>• All stakeholders</li> <li>• NACS Working Group</li> </ul>	<p>venue for a one day NACS Stakeholders, ensure invitations are sent out, and any contributing key note speakers or presenters informed.</p> <ul style="list-style-type: none"> <li>▪ One day Stakeholders conference</li> <li>• Stakeholders will elect a NACS Working Group from the assembly</li> <li>• The Working Group will make arrangements for meeting and will draw up their own TORS under a Chairperson selected from among the Group</li> <li>• CPO and ACC will provide Technical expertise to the Working Group</li> <li>• Working Group will complete draft NACS and circulate it to all Stakeholders for comments</li> <li>• Draft NACS Document is completed</li> </ul>		<p>25</p> <p>25</p>	<p>By 15</p> <p>By 22</p>	

OBJECTIVE: TO DEVELOP A NATIONAL ANTI CORRUPTION STRATEGY (NACS) FOR BHUTAN			DEC	JAN	FEB	MAR
<b>Publication of NACS</b>						
To inform the Community in general about the NACS and to solicit any Comments and inputs	<ul style="list-style-type: none"> <li>NACS Working Group with assistance from CPO</li> </ul>	<ul style="list-style-type: none"> <li>ACC Public Education Division will assist in ensuring that NACS Document is widely disseminated to the public using all media channels and then consolidate any feed back and fine tune the document</li> </ul>			By 27	
To launch the final Document	<ul style="list-style-type: none"> <li>Prime Minister</li> </ul>	<ul style="list-style-type: none"> <li>Public launching of NACS</li> </ul>			29	
<b>Implementation</b>						
To begin implementation of the NACS	<ul style="list-style-type: none"> <li>All Stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>All stakeholder institutions appoint an internal NACS Implementing Supervisor who will ensure internal work Plans are drawn up by the Institution in conformity with the NACS Document and that institution begins implementing those internal plans.</li> </ul>				3
<b>Monitoring and Evaluation</b>						
The effective monitoring and evaluation of NACS Strategy	National Anti Corruption Advisory Board	<ul style="list-style-type: none"> <li>Oversight responsibility</li> <li>Ensure accurate Management</li> <li>Report</li> </ul>				

*ANNEX 1*

**CURRENT ANTI CORRUPTION COMMISSION STAFF LIST**

REVIEW OF THE ANTI CORRUPTION COMMISSION AND PROGRESS ON THE DEVELOPMENT OF A NATIONAL ANTI CORRUPTION STRATEGY  
CROWN AGENTS' REFERENCE N<sup>o</sup>: T25171

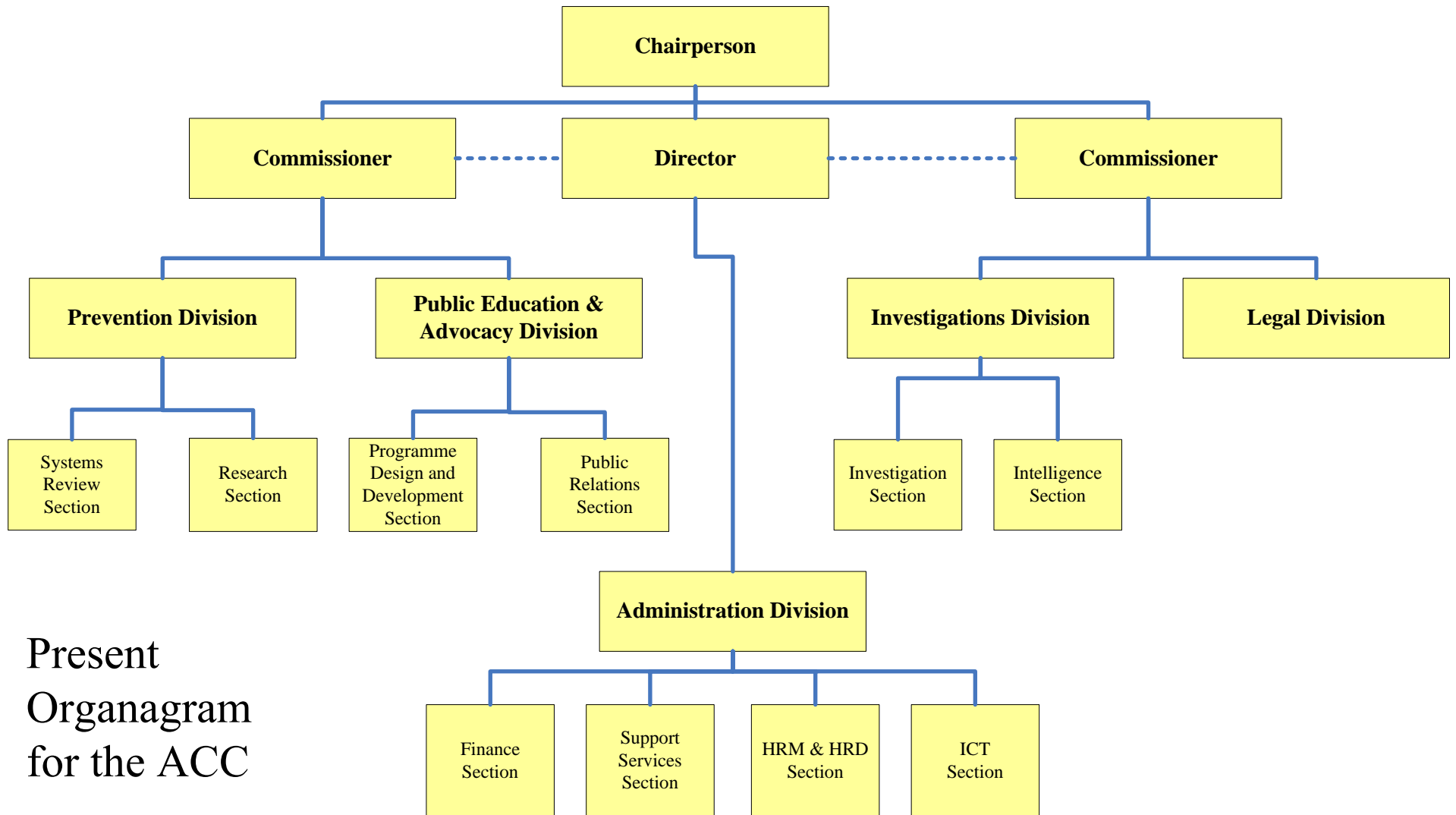
Sl. No.	Name	Designation	Qualifications	Date. Of Joining	Method of Joining	Civil Service Grade	Previous Agency
1	Neten Zangmo	Chairperson	Masters (Tech. Ed.), Victoria University of Manchester, UK	01/01/2006	Appointed	1	Ministry of Foreign Affairs
2	Thinlay Wangdi	Commissioner	M.Sc. Moray House College of Education, Edinburgh, Scotland, UK	15/02/2006	Appointed	2	Royal University of Bhutan
3	Kesang Jamtsho	Commissioner	M.Engg. (Irrigation Engineering and Management, Asian Institute of Technology, Bangkok, 1994-1996	04/10/2007	Handpicked	2	Ministry of Agriculture
4	Rinzin Dorji	Director	MPA - Virginia Commonwealth University, Richmond, USA	08/10/2007	Handpicked	4	Ministry of Trade
5	Dorji Thinlay	Chief Investigation Officer	Bachelor in Pharmacy	25/10/2007	Handpicked	6	Ministry Health
6	Karma Thinlay	Chief Prevention Officer	B.Tech. Regional Engineering College, Warrangal, India	19/03/2006	Handpicked	6	Ministry of Labour
7	Karma Wangdi	Head, AFD	Master in Professional Accountancy, Edith Cowan University, Australia	18/01/2006	Handpicked	6	Royal Civil Service Commission
8	Chhimi Dorji	Investigation Officer	Post Graduate Diploma in Quantity Surveying – Australia	02/10/2007	Handpicked	6	Ministry of Education
9	Tobgye	Chief Public Education Officer	Masters of Media Arts and Production University of Technology Sydney (UTS), Australia	08/10/2007	Handpicked	6	Ministry of Agriculture
10	Tshewang Dorji	Prevention Officer	Master in HRD	12/10/2007	Handpicked	6	Ministry of Education
15	Techoo Dorji	Investigation Officer	Diploma in Forestry	01/09/2006	Interviewed	6	Thimphu City Corporation
16	Rinzin Pem	Personal Assistant	Certificate, Royal Commercial Training Institute	01/01/2006	Handpicked	6	Ministry of Foreign Affairs
13	Gyeltshen	Investigation Officer	Master in Business Adm.	29/10/2007	Handpicked	7	Ministry of Finance
14	Loday Tsheten	Investigation Officer	Masters in Business Administration- Edith Cowan University, Perth, Australia	09/10/2007	Handpicked	7	Ministry of Finance
11	Tshering Penjor	Investigation Officer	PGCFM, Royal Institute of Management	22/10/2007	Handpicked	8	Ministry of Finance
17	Ugyen Tshering	Asstt. Edu. & Advocacy Officer	PGCE, NIE, Samtse	17/03/2006	Handpicked	8	Ministry of Education

REVIEW OF THE ANTI CORRUPTION COMMISSION AND PROGRESS ON THE DEVELOPMENT OF A NATIONAL ANTI CORRUPTION STRATEGY  
CROWN AGENTS' REFERENCE N<sup>o</sup>: T25171

Sl. No.	Name	Designation	Qualifications	Date. Of Joining	Method of Joining	Civil Service Grade	Previous Agency
18	Leki Dendup	Asstt. Investigation Officer	PGCFM, Royal Institute of Management	01/09/2006	Interviewed	8	Ministry of Finance
19	Tashi Phuntsho	Asstt. Investigation Officer	B.Com(Hons) Sherubste College.	15/03/2007	Interviewed	9	Fresh Recruitment
20	Chhimi Wangmo	Asstt. Research Officer	BA, Economic Honours, St. Joseph College Darjeeling	19/05/2006	Appointed	9	Fresh Recruitment
22	Yeozar Dolma	Asstt. ICT II	Diploma in Information Management System, Royal Institute of Management	01/07/2006	Appointed	10	Fresh Recruitment
23	Ugyen Tshomo	Asstt. Accountant II	Diploma in Financial Management, Royal Institute of Management	10/07/2006	Appointed	10	Fresh Recruitment
21	Yangzom	P.A.	ISC, Nima Higher Secondary School	05/05/2006	Appointed	13	Fresh Recruitment
26	Kelzang Norbu	Receptionist	ISC, Baylling Higher Secondary School	01/05/2006	Interviewed	13	Fresh Recruitment
25	Khankhu	Driver	Driver Training Institute, Phuntsholing	15/06/2006	Appointed	14	Ministry of Education
23	Langala	Driver I	Driver Training Institute, Phuntsholing	01/01/2006	Handpicked	15	Ministry of Foreign Affairs
24	Sangay Namgay	Driver II	Driver Training Institute, Phuntsholing	21/06/2006	Appointed	16	Ministry of Works & Housing
27	Thuktenla	Driver III	Driver Training Institute, Samthang	21/11/2007	Interviewed	17	Fresh Recruitment
28	Kinlay Penjor	Driver III	Driver Training Institute, Samthang	21/11/2007	Interviewed	17	Fresh Recruitment
29	Kelzang Dema	Dry Sweeper	Non Formal Education	01/03/2006	Interviewed	ESP	Fresh Recruitment

*ANNEX 2*

**PRESENT ORGANOGRAM FOR THE ANTI CORRUPTION COMMISSION**

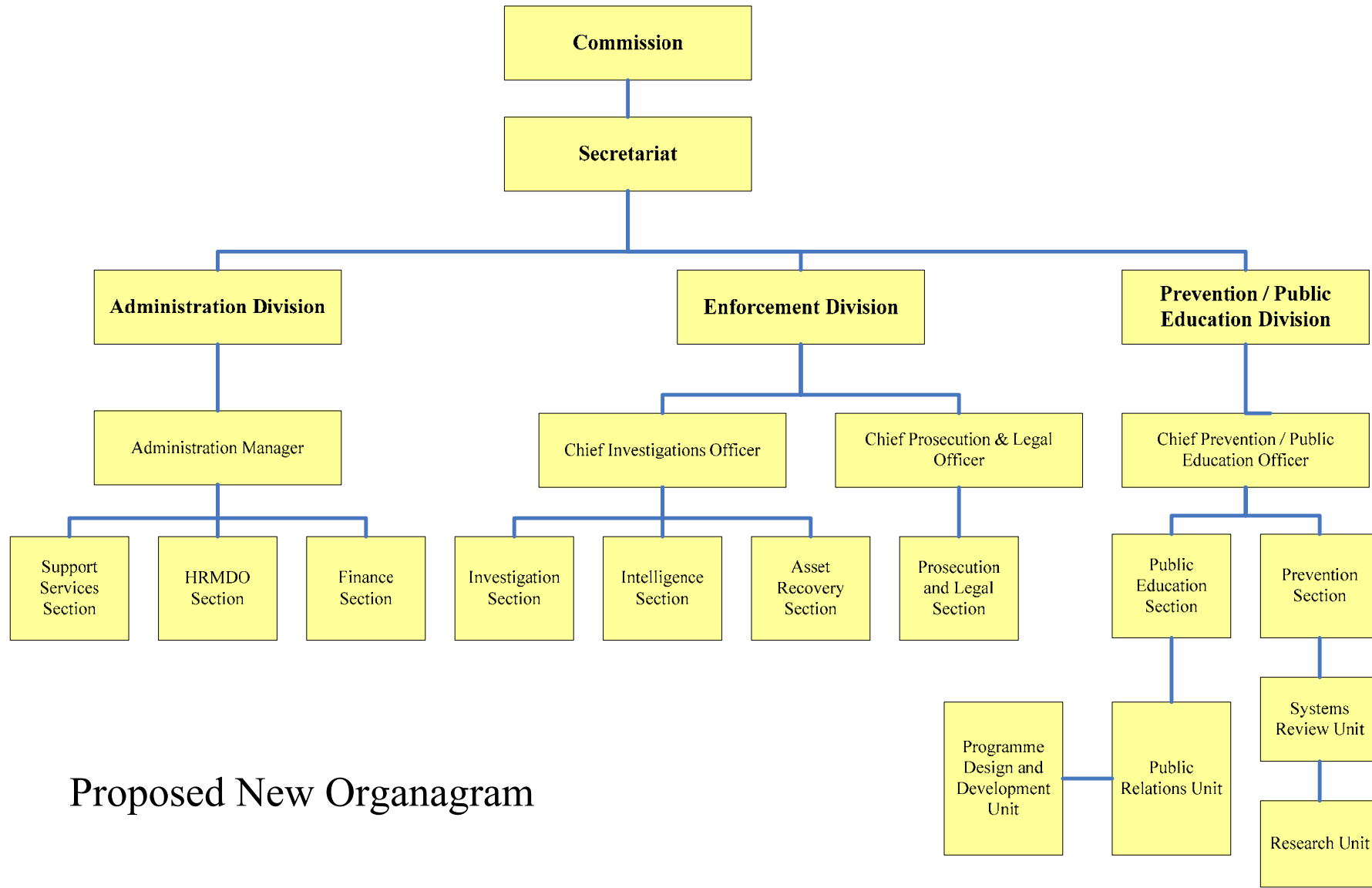


Present  
Organogram  
for the ACC



## *ANNEX 3*

### **PROPOSED NEW ORGANOGRAM**



Proposed New Organogram

*ANNEX 4*

**TECHNICAL ASSISTANCE NEEDS JANUARY TO APRIL 2008 (PHASE 2)**

Sector	Input	Provider	Location	Duration
<ul style="list-style-type: none"> <li>▪ Key Instruments</li> </ul>	<ul style="list-style-type: none"> <li>▪ Compilation of Commission Standing</li> <li>▪ Conditions of Service</li> <li>▪ TNA and Staff Development Manual</li> </ul>	<ul style="list-style-type: none"> <li>▪ One International Consultant</li> <li>▪ One Local Consultant</li> <li>▪ One International Consultant</li> </ul>	<ul style="list-style-type: none"> <li>▪ In country</li> <li>▪ In country</li> <li>▪ In country</li> </ul>	<ul style="list-style-type: none"> <li>▪ 2 weeks</li> <li>▪ 2 weeks</li> <li>▪ 2 weeks</li> </ul>
<ul style="list-style-type: none"> <li>▪ Staff Development</li> </ul>	<ul style="list-style-type: none"> <li>▪ Training in Mandatory Competencies</li> <li>▪ Training in Investigative Skills</li> <li>▪ Training in Forensic Investigation</li> <li>▪ Training in Mutual Legal assistance and asset Tracing</li> <li>▪ Mentoring</li> </ul>	<ul style="list-style-type: none"> <li>▪ One International Consultant</li> <li>▪ One International Consultant</li> <li>▪ One International Consultant</li> <li>▪ One International Consultant</li> <li>▪ One International Consultant</li> </ul>	<ul style="list-style-type: none"> <li>▪ In country</li> <li>▪ In country</li> <li>▪ In country</li> <li>▪ In country</li> <li>▪ In country</li> </ul>	<ul style="list-style-type: none"> <li>▪ 4 weeks</li> <li>▪ 2 weeks</li> <li>▪ 3 weeks</li> <li>▪ 2 weeks</li> <li>▪ One month</li> </ul>
<ul style="list-style-type: none"> <li>▪ ACC Strategy</li> </ul>	<ul style="list-style-type: none"> <li>▪ Assistance in Compilation of ACC Strategic Plan, short term and extension to 5 years and Development of Corporate plan</li> </ul>	<ul style="list-style-type: none"> <li>▪ One International Consultant</li> </ul>	<ul style="list-style-type: none"> <li>▪ In country</li> </ul>	<ul style="list-style-type: none"> <li>▪ 2 weeks</li> </ul>
<ul style="list-style-type: none"> <li>▪ NACS</li> </ul>	<ul style="list-style-type: none"> <li>▪ Assistance in compilation</li> <li>▪ Assistance in implementation, at early stages</li> </ul>	<ul style="list-style-type: none"> <li>▪ One International Consultant</li> <li>▪ One International Consultant</li> </ul>	<ul style="list-style-type: none"> <li>▪ In country</li> <li>▪ In country</li> </ul>	<ul style="list-style-type: none"> <li>▪ 2 weeks</li> <li>▪ 2 weeks (possibly ongoing)</li> </ul>

*ANNEX 5*

**TRAINING ACTIVITIES TO DATE**

Sl.No	Name	Training availed
1	Chairperson	Visit to Switzerland, UK, Hong Kong, Singapore, Malaysia & Thailand
2	Thinlay Wangdi, Karma Thinlay, Karma Wangdi & Ugyen Tshering	Visit to Central Vigilance Commission & Central Bureau of Investigation, Delhi
3	Thinlay Wangdi & Karma Thinlay	Attend workshop in excellence in Investigation & to study Investigation of CPIB Singapore
4	Leki Dendup	Advance Forensic Accounting Course, Malaysia
5	Thinlay Wangdi, Techoo Dorji	Training on "Investigation of Economic Offence" - CBI Academy, Ghaziabad(UP),India
6	Karma Wangdi	Training on "Investigation on Bank Fraud" - CBI Academy, Ghaziabad(UP),India
7	Karma Thinlay	Training on "Vigilance course for senior level" CBI Academy, Ghaziabad(UP),India
8	Chimi Wangmo	Training on "Vigilance course for junior level" CBI Academy, Ghaziabad
10	Thinlay Wangdi, Karma Thinley	Seminar on "Scientific Interrogation Techniques" at CBI
11	Yeozer Dolma & Tashi Phuntsho	Training on "Advanced Cyber Course" at CBI
12	Ugyen Wangdi	Regional Seminar on Conflict of Interest
13	Ugyen Tshering	Executive certificate course for strategic Management of Anti-Corruption Program
14	Dorji Thinlay,CIO	Postgraduate certificate in Corruption Studies
15	Tshewang Dorji	Regional Seminar on fighting bribery in Govt. procurement
16	Chhimi Dorji & Leki Dendup	Cyber Forensic
17	Tashi Phuntsho	Training on FTK software
18	Chimi Wangmo	Executive certificate course for strategic Management of Anti-Corruption Program
19	Chairperson & Karma Thinlay	11th ADB-OECD steering group meeting at Bali

***ANNEX 6***

**REFERENCES/  
PERSONS/GROUPS MET DURING THE MISSION**

**REFERENCES**

1. The Anti Corruption Act of Bhutan, 2006
2. The Constitution of the Kingdom of Bhutan
3. Annual Report of the Anti Corruption Commission, 2007
4. Draft Corruption Perception Survey report October 2007
5. Workshop Report on Preventing Corruption April 2007
6. Bhutan Civil service Regulations 2006
7. Code of Conduct for ACC Staff
8. Anti Corruption annual Bulletin December 2006
9. Paper "Organisational Management Initiative of ACC" October 2007
10. Investigation Manual
11. Operationalising the Anti Corruption Commission April 2006
12. Draft Conditions of Service for the ACC
13. Job Descriptions for Staff of the ACC
14. Draft Anti Corruption Rules and Regulations
15. Minutes of Anti Corruption Coordination Meeting with Home and Cultural Affairs and Dzongdas
16. ACC Activity Plan 2007
17. Organisational Development: towards excellence in the civil service April 2007
18. Enhancing Good Governance for Gross National Happiness
19. Position Classification System: a policy to enhance good governance December 2005
20. Workshop Report on Preventing Corruption: Adapting Standard Cost Model April 2005
21. The Audit Act of Bhutan 2006
22. The Office of the Attorney General Act 2006
23. Bhutan 2020: A Vision for Peace, Prosperity and Happiness
24. Task Workshop Report on 2006 April Workshop
25. Task workshop report on 2007 August Workshop

**PERSONS/GROUPS MET DURING THE MISSION**

1. Chief Justice of Bhutan
2. Secretary to the Planning Commission
3. Managing Director, Kuensel Corporation
4. Michael Rutland, Honorary Consul, United Kingdom
5. Auditor General of Bhutan
6. Assistant Attorney General
7. Public Prosecutor, Office of the Attorney General
8. Officiating Secretary to the Civil Service Commission
9. Association of Bhutanese tour operators
10. Construction Association of Bhutan
11. Bhutan Broadcasting Services
12. Tarayana Foundation
13. Punakha Dzonghag District Development Committee (Chairperson of the DDC)  
Nine Chairpersons of the Block Development Committee and 13 Section Heads
14. Deputy Head, UNDP Bhutan



*ANNEX 7*

**CROWN AGENTS TRAINING SCHEDULE**

## 2008 TRAINING PLANNER

UK COURSES	Venue	Dates	Non-residential fee
<b>PEOPLE &amp; ORGANISATIONAL DEVELOPMENT</b>			
<b>Human Resource Management &amp; Development</b>			
Human Resource Management Intensive	Worthing	2-20 June	£4,950
Effective Management of Training	Worthing	30 June - 11 July	£3,500
Human Resource Management - Skills & Techniques	Worthing	30 June - 11 July	£3,500
Computer Applications in Human Resource Management	Worthing	1-12 December	£3,500
<b>Management Development</b>			
Effective Management Skills	Worthing	12-23 May	£3,500
Management Development for Senior Executives – A New Approach	Worthing	1-12 September	£3,500
<b>NEW</b> Solutions for Change: An Introduction to Management Consultancy	Worthing	13-24 October	£3,500
Leadership & Teambuilding	Worthing	27 October - 7 November	£3,500
<b>Organisational Development</b>			
Strategic Planning & Finance <b>Includes a laptop computer</b>	London	9-20 June	£4,200
Modernising Public Sector Services	Worthing	11-22 August	£3,500
Delivering Change in the Workplace	Worthing	1-12 December	£3,500
<b>PUBLIC FINANCIAL MANAGEMENT</b>			
<b>Aid &amp; Debt Management</b>			
Loan Negotiation & Evaluation	Worthing	14-25 April	£3,500
<b>NEW</b> Managing Risk in Debt Portfolios	Worthing	19-23 May	£1,950
New Challenges in Debt Management	Worthing	23 June - 4 July	£3,500
Debt Reorganisation: Issues & Solutions	Worthing	8-19 September	£3,500
Comprehensive CS-DRMS 2000+ User Training	Worthing	6-24 October	£4,950
<b>Governance</b>			
Internal Audit: Risk & Controls	London	23 June - 4 July	£3,700
Advanced Audit Skills	London	15-26 September	£3,700
Internal Audit & IT <b>Includes a laptop computer</b>	London	29 September - 10 October	£4,200
Combating Corruption & the Misuse of Public Office	Worthing	6-17 October	£3,500
Combating Corruption in Procurement	Worthing	27 October - 7 November	£3,500
Investigation Management Strategies & Techniques	Worthing	24 November - 12 December	£4,950
<b>Programme &amp; Project Management</b>			
Financial Management of Development Projects <b>Includes a laptop computer</b>	London	1-12 September	£4,200
Planning Programmes & Projects	Worthing	3-7 November	£1,950
Project Cycle Management	Worthing	10-14 November	£1,950
Monitoring & Managing Programmes & Projects	Worthing	17-21 November	£1,950
Assessing Impact & Evaluating Programmes & Projects	Worthing	24-28 November	£1,950
<b>Public Finance Management</b>			
Public Finance Management: Issues & Solutions	Worthing	22 September - 3 October	£3,500
<b>Revenue</b>			
Computerised Tax Audit	Worthing	14 January - 1 February	£4,950
Risk Management: Enhancing Customs Operations	Worthing	7-11 July	£1,950
<b>NEW</b> Debt Recovery for Customs/Revenue Agencies	Worthing	14-18 July	£1,950

## 2008 TRAINING PLANNER

UK COURSES (continued)	Venue	Dates	Non-residential fee
<b>BANKING &amp; FINANCE</b>			
<b>Audit</b>			
Internal Audit: Risk & Controls	London	23 June – 4 July	£3,700
Advanced Audit Skills	London	15-26 September	£3,700
Internal Audit & IT <span style="color: red;">Includes a laptop computer</span>	London	29 September – 10 October	£4,200
<b>Banking</b>			
Developing Leaders for Banks	London	14-25 July	£3,700
Front, Middle & Back Office Operations	London	20-31 October	£3,700
Instruments of Financial Markets	London	3-14 November	£3,700
Risk Management & Basel II	London	17-28 November	£3,700
<b>Finance</b>			
Strategic Planning & Finance <span style="color: red;">Includes a laptop computer</span>	London	9-20 June	£4,200
Financial Skills for Executives <span style="color: red;">Includes a laptop computer</span>	London	18-29 August	£4,200
Financial Management of Development Projects <span style="color: red;">Includes a laptop computer</span>	London	1-12 September	£4,200
<span style="color: red;">NEW</span> Microfinance: Structures & Controls	London	1-12 September	£3,700
<span style="color: red;">NEW</span> Computer Applications in Finance <span style="color: red;">Includes a laptop computer</span>	London	20-31 October	£4,200
Essential Budgeting & Accounting <span style="color: red;">Includes a laptop computer</span>	London	1-12 December	£4,200
<b>Pensions</b>			
Pension Scheme Governance	London	6-17 October	£3,700
<b>PROCUREMENT &amp; SUPPLY CHAIN MANAGEMENT</b>			
<b>Procurement</b>			
Procurement for Senior Executives	Worthing	9-20 June	£3,500
<span style="color: red;">NEW</span> E-procurement: Strategies for Success	Worthing	7-18 July	£3,500
Monitoring & Evaluation of Procurement Performance	Worthing	4-15 August	£3,500
<span style="color: red;">NEW</span> Procurement of Works & Dispute Resolution	Worthing	1-12 September	£3,500
Effective Tender Design & Contract Management	Worthing	22 September – 3 October	£3,500
Combating Corruption in Procurement	Worthing	27 October – 7 November	£3,500
Procurement for Senior Executives	Worthing	17-28 November	£3,500
<b>Supply Chain Management</b>			
<span style="color: red;">NEW</span> Supply Chain Solutions in the Health Sector	Worthing	14-25 April	£3,500

**FEES:** The course fee for UK courses covers the cost of tuition, comprehensive training materials, certificate of attendance, lunch and refreshments on training days, course photograph, support and advice from your local Crown Agents office on the application and mobilisation process, membership of Crown Agents training alumni website, emergency medical insurance, advice and guidance on discounted accommodation, transport from the training venue to the airport at the end of the course, individual certificate presentation photograph, cultural activity on two-week courses, conference bag, course folder for collecting course material, stationery, sweatshirt or teeshirt and rainwear.

**TAX:** Fees for UK courses are quoted exclusive of UK Value Added Tax which is applied at the standard rate (currently 17.5%) to all non-exempt bodies as determined by UK HM Revenue & Customs.

## 2008 TRAINING PLANNER

WORLDWIDE COURSES	Venue	Dates	Non-residential fee
<b>PEOPLE &amp; ORGANISATIONAL DEVELOPMENT</b>			
<b>Management Development</b>			
<b>NEW</b> From Admin to Manager: Secrets of Management Success*	Dubai	23 July – 1 August	£1,500
<b>NEW</b> From Admin to Manager: Secrets of Management Success*	Ghana	5-14 November	£1,500
<b>Organisational Development</b>			
Practical Institutional & Organisational Development	Kenya	12-16 May	£975
<b>PUBLIC FINANCIAL MANAGEMENT</b>			
<b>Aid &amp; Debt Management</b>			
Loan Negotiation & Evaluation	St Kitts	14-25 January	£1,850
Effective Domestic Debt Management	Africa	10-14 November	£975
<b>Programme &amp; Project Management</b>			
Policy, Programmes & Projects	Dubai	14-18 July	£975
<b>Public Finance Management</b>			
<b>NEW</b> Planning & Budgeting: Managing the Medium Term Expenditure Framework	Kenya	TBA	£975
<b>BANKING &amp; FINANCE</b>			
<b>Audit</b>			
Public Sector Audit	Trinidad & Tobago	14-18 April	£1,400
<b>NEW</b> Internal Audit for Banks	Jamaica	7-11 July	£1,400
<b>NEW</b> Internal Audit for Banks	Cape Town, South Africa	20-24 October	£1,400
<b>Banking</b>			
Back Office Management	Netherlands Antilles	12-16 May	£1,400
Credit Risk Workshop	Antigua & Barbuda	23-27 June	£1,400
Developing Leaders for Banks	Mombasa, Kenya	15-19 September	£1,400
Back Office Management	Miami, USA	1-5 December	£1,400
<b>Pensions</b>			
Pension Governance Workshop	Zambia	3-7 March	£1,400
Pension Governance Workshop	Nigeria	7-11 April	£1,400
Pension Governance Workshop	Jamaica	2-6 June	£1,400
Pension Governance Workshop	Nairobi, Kenya	7-11 July	£1,400
Pension Governance Workshop	Trinidad & Tobago	10-14 November	£1,400
Pension Governance Workshop	Dubai	30 November – 4 December	£1,400

## 2008 TRAINING PLANNER

<b>WORLDWIDE COURSES (continued)</b>	<b>Venue</b>	<b>Dates</b>	<b>Non- residential fee</b>
<b>PROCUREMENT &amp; SUPPLY CHAIN MANAGEMENT</b>			
<b>Logistics</b>			
Carriage of Dangerous Goods by Air	Ghana	10-13 March	\$910
Air Cargo Security	Ghana	14 March	\$250
<b>Procurement</b>			
Managing Risk in Procurement	Kenya	10-13 March	£975
European Union Procurement Directives	Macedonia	26-29 May	£975
<b>NEW</b> Maximising Supplier Performance	Ghana	13-16 October	£975

\* Accredited by the Institute of Leadership & Management

**FEES:** The course fee for worldwide courses covers the cost of tuition, comprehensive training materials, certificate of attendance, lunch and refreshments on training days, course photograph, support and advice from your local Crown Agents office on the application and mobilisation process and membership of Crown Agents training alumni website.

**TAX:** Fees for worldwide courses are quoted exclusive of local taxes.

## 2008 TRAINING PLANNER

### **LOCATIONS AND FACILITIES**

#### **CROWN AGENTS INTERNATIONAL TRAINING CENTRE, WORTHING, UK**

Our International Training Centre situated in Worthing was opened in 2006. The Centre is designed to provide a dedicated training environment which supports and enhances our participants' learning experience. It has a range of fully equipped training rooms including a computer suite. All training rooms and the participants' lounge have free internet access to enable participants to undertake research to support their training and keep in touch with home and work.

Our experienced training and administration team are based at the Centre and are on hand to provide expert advice and support on a range of issues including:

- accommodation arrangements
- emergency medical insurance
- return flight confirmation and booking
- currency exchange facilities
- social and cultural activities
- places of worship
- communications including cost effective international telephone calls

Worthing is a large town on the south coast of England approximately 80 kilometres from London. It offers a wide range of shopping and entertainment facilities and has excellent transport links with central London and major airports.

[www.visitworthing.co.uk](http://www.visitworthing.co.uk)

#### **LONDON, UK**

Our banking and finance training courses are delivered in London so that we can draw upon the wide range of expertise that exists in one of the world's leading financial centres. Participants will benefit from exposure to a wide range of experts and from appropriate site visits to leading institutions in and around London. The venue for our London courses is the Blakemore Hotel located in the Bayswater area of central London. The hotel's warm and friendly atmosphere offers participants excellent training facilities with a relaxed, modern feel. The hotel is situated close to a wide variety of restaurants and shopping facilities that will meet the needs of all budgets and tastes. London's abundance of tourist attractions are within easy reach of the hotel enabling participants to experience the vibrant city. Travelling in and around London could not be easier with excellent bus and underground services as well as frequent and reliable train services to and from London airports and the surrounding areas.

[www.visitlondon.com](http://www.visitlondon.com)

#### **WORLDWIDE VENUES**

The venues for our worldwide courses are carefully chosen to provide a well equipped, comfortable and secure location with good transport links to airports and city centres. They are located in cities with excellent flight connections.

Our professional staff are on hand to advise and assist our participants, ensuring that they have a rewarding learning experience. We also provide advice on accommodation and travel issues.

This enables participants to concentrate on and gain maximum benefit from the training course.

## 2008 TRAINING PLANNER

### **ACCOMMODATION**

All our courses, both UK and worldwide, are priced on a non-residential basis to enable participants to choose accommodation to match their needs.

We offer advice on a range of accommodation options, wherever possible.

Please contact us for further information.

### **FURTHER INFORMATION**

To find out more about training or to book a place on a course please contact your local Crown Agents office or

Crown Agents Training  
St Nicholas House  
St Nicholas Road  
Sutton  
Surrey  
SM1 1EL  
United Kingdom

Tel: +44 (0)20 8643 3311  
Fax: +44 (0)20 8770 0479  
e-mail: [enquiries@crownagents.co.uk](mailto:enquiries@crownagents.co.uk)

[www.crownagents.com/training](http://www.crownagents.com/training)

*ANNEX 8*

**CROWN AGENTS INFORMATION**



# Tackling International Crime Investigation Training



## Crown Agents

Crown Agents is an internationally recognised leader in providing skill enhancement and capacity building to the public sector worldwide. We are highly experienced in the design and delivery of training solutions, both through individual courses and on-the-job training as part of reform, modernisation and capacity building projects. We draw on our wealth of in-house experience and international network of trusted consultants to meet the objectives and expectations of our clients.

Crown Agents has over 40 offices worldwide and currently works extensively in Africa, the Near and Middle East, Europe, Asia and the Caribbean. As a multi-disciplinary company we work in a number of areas including, governance and public administration, public finance management, banking, procurement and training. As part of our support to the governance and security agenda we actively support capacity development in:

- Customs and revenue collection and enforcement
- Border management
- Combating organised crime, including economic crime
- Investigations
- Intelligence led law enforcement
- Human resource management and development
- Good governance, anti-corruption and operational legislation
- Training

With a reputation for delivering excellence with integrity Crown Agents works in a number of sensitive political and operational environments, such as Iraq and Afghanistan.



## NI-CO

Northern Ireland Public Sector Enterprises (NI-CO) is a not-for-profit company which was established by the Government in 1992 to market overseas the unique skills and expertise of Northern Ireland.

Charged with the commercial representation of the Northern Ireland public service network, NI-CO can access a resource of over 200,000 skilled practitioners from within 11 regional Government Departments, 26 local government authorities, universities, the Police Service of Northern Ireland and a number of civil society organisations who have been at the forefront of creating effective, accountable and transparent government against a backdrop of civil unrest.

With headquarters in Belfast, Northern Ireland, NI-CO has built up a strong reputation for the successful management and delivery of projects in post conflict and politically sensitive areas. In Albania,

Afghanistan, Bosnia and Herzegovina, Serbia and Montenegro, Sri Lanka, Kosovo, Uzbekistan and Georgia, NI-CO practitioners have supported governments in a range of sectoral areas including good governance and public administration reform.

Over the last 6 years policing, security and justice has become an integral part of NI-CO's Governance portfolio. Capitalising upon Northern Ireland's highly specialised and unique experiences of policing within both a conflict and post conflict society, NI-CO has been successful in developing services which can be tailored to meet the demands of clients throughout Central and Eastern Europe.

Together, we are able to present a holistic approach to the programme, ensuring that all elements of the project are achieved and managed within budget and within prescribed timescales.

## Approach and Methodology

Crown Agents and NI-CO are highly experienced in the design and delivery of bespoke training courses, developing skills and knowledge. By working in partnership with our clients we ensure the courses are designed to:

- Meet the specific training objectives of the organisation
- Enable individuals to perform key activities effectively by developing skills and knowledge
- Create learning environments which teach, reinforce and develop confidence
- Obtain the highest quality and standards of excellence.

### Developing Training Programmes

Training programmes are developed to meet the learning objectives of the organisation and are placed within contexts of the operating environment and internationally recognised best practice.

An initial assessment enables the identification of training requirements highlighting any skills gaps and establishing learning objectives. The course is then designed to ensure, where possible, these learning objectives and gaps are addressed.

The training assessment also enables the particular operational context to be understood. For the specific section we are supporting, for example anti-narcotics, anti-corruption, counter organised crime, the data collection and analysis will typically include:

- A review of relevant background material within the region and the specific country
- Developing an understanding of current legislation in relation to the specific sector



- Familiarisation of legislation governing surveillance and intelligence gathering
- Understanding the everyday operational environment for officers working in the field.

### Field Exercises

Investigation, intelligence and surveillance exercises have been designed to reinforce learning through the practical application of skills. These exercises will be tailored to reflect the local operational environment and possible scenarios which will be faced by surveillance and intelligence teams.

It is assumed that all relevant government permissions for undertaking field exercises will be granted.

### Training Materials

As part of the training programme attendees will be provided with notes of presentations and other course materials for future reference.

### Assessment & Future Development

If requested training can include an assessment of the performance of participants through the detailed observation of exercises and an evaluation of training logs. These can be useful in the production of individual development plans to identify longer-term areas for skill enhancement in-line with organisational objectives.





## PEN PORTRAITS

In partnership Crown Agents and NI-CO are able to draw on a wealth of relevant expertise from experienced staff and trusted consultants, supported by quality management systems, to ensure delivery to meet the expectations of our clients. Below is a selection of the consultants available to provide training and advisory services to meet the requirements of counter narcotics intelligence and surveillance:

### Kevin Atkinson

Kevin is a senior customs and border management advisor with Crown Agents. He is fully trained in investigations methodology and surveillance, with experience in overt and covert surveillance through providing operational and advisory services in the UK, Mozambique and Angola. Kevin is fully conversant in the Regulation of Investigation Powers Act in the UK which governs the operational procedures and requirements of investigations and surveillance.

As an experienced trainer Kevin is an accredited trainer with Her Majesty's Revenue and Customs (formally Customs and Excise) in excise fraud and anti-smuggling of prohibited goods, including drugs. Kevin also designs and delivers training in risk management and customs management for Crown Agents as part of our commercial and specialised training courses. He also an accredited trainer for the Foreign and Commonwealth Office in project management.

### Terence Burton

Terence has over thirty years experience working for the police in the UK. He is highly experienced in intelligence-led policing having worked in Special Operations and the National Criminal Intelligence Service, handling informants and undertaking surveillance. Terence is highly experienced in working in serious and organised crime, including multi-



agency approaches to drug enforcement.

Since retiring from the police force he has been worked as senior investigation and security advisor for British Airways investigating corruption and criminal activity predominately in Africa. Within this capacity Terence has worked extensively with law enforcement agencies in several countries, including training for the Miami Dade Police Force. He is currently a highly respected industry participant on a UK government initiative with the police, customs and business to improve intelligence and security to reduce the movement of illicit goods.

He has experience of working in Angola, Argentina, Bangladesh, Cote D'Ivoire Djibouti, Ethiopia, Germany, Ghana, Jamaica, Kenya, Madagascar, Malawi, Nigeria, Pakistan, South Africa, Spain, Tanzania, Uganda, UK, USA, Zambia and Zimbabwe.

### Maurice Campbell

Maurice is a principal advisor specialising in customs, border

management and policing with Crown Agents. He has over 30 years experience in providing operational and advisory services in intelligence led law enforcement, investigations and risk management, including in the UK, Afghanistan, Bulgaria, Cyprus, Ireland, Macedonia, Poland, Romania, Russia, Nigeria, Tanzania and Turkey.

As a qualified senior specialist investigator and criminal intelligence analyst with Her Majesty's Customs and Excise in the UK and having had Military Liaison responsibilities in the Royal Ulster Constabulary, Maurice has excellent experience in multi-agency approaches to law enforcement, national security and anti-terrorist operations. This includes drug control and other serious and organised crime.

Maurice has held long term advisory positions providing strategic policy advice direct to Ministers on modernisation and reform of Ministry of Interior and other law enforcement agencies. He is an experienced facilitator of policy workshops and management trainer.



### Richard Cloke

With over 30 years working for the Police Service of Northern Ireland Richard reached the rank of Detective Superintendent. He is a trained investigator and career detective with unique experience across a wide range of investigative disciplines including major enquiries, financial crime, technical support, internal investigations and intelligence led policing. With a broad understanding of organised crime Richard has developed a cross-border and multi-agency perspective within the UK an internationally with the An Garda Síochána in the Republic of Ireland and the Federal Bureau of Investigations in the US.

As an officer in charge of the Operational Intelligence Branch for over 5 years he was responsible for the technical infrastructure for management of Lawful Interception (LI) of Communications and Eavesdropping Operations (EO). He has managed LI and EO from bespoke covert monitoring posts against terrorist, serious and organised crime targets. Richard was responsible for policy, training and supervision of staff working within the covert monitoring posts.

Richard holds a BA in Arts, Public Sector Administration from the University of Ulster, a Higher National Certificate in Policing Studies and is a PRINCE2 practitioner in project management.

### Christopher Kenneth Johnson

Christopher has over 27 years operational and advisory experience with the Police Service of Northern Ireland, liaising and assisting other agencies such as Customs, the Metropolitan Police, British Security Services, the US Federal Bureau of Investigation, National Criminal Intelligence Service and the Asset Recovery Agency.

Since retiring from the police in 2005 Christopher has been working as a special investigative consultant for a British National Intelligence Service on counter terrorism and organised crime. Prior to retiring, he was the head of Strategic Operations, Special Branch, managing the intelligence unit and two surveillance teams comprising of more than 70 staff. Christopher was responsible for the identification of targets for investigations and exploitation

through the tasking agents, surveillance teams, special branch detectives, telephone intercepts, and eavesdropping operations. Between 2002 and 2004 Christopher was a member of the Home Office Committee on Domestic and International Terrorism Financing.

### Henry Patterson

Henry is a detective with the Police Service of Northern Ireland who is a covert observation and intelligence gathering specialist in relation to terrorism, National Security and serious organised crime. With over 20 years operational experience he currently works in the Intelligence Skills Training Team in the Special Operations Branch. This role includes training operational source handlers in anti and counter surveillance techniques, assessing mentoring and developing operational source handlers; designing developing and training situational awareness for the Security Service in Northern Ireland.

Henry manages the training for the Drugs Squad, and the Criminal Investigation Department, National Security officers at enhanced and advanced level dealing with serious organised crime and terrorism. He also provides tuition to the Metropolitan Police Services' national ports course and informative tuition to the National Training Event conducted by the UK Security Service. Henry has worked in the UK, Ireland, Germany, Canada, Czech Republic, Malta, Hungary and Iceland.



## Peter Reay

Peter Reay is a former Detective Chief Superintendent commanding the criminal investigation arm of Devon and Cornwall Constabulary in the United Kingdom. He has been involved in large-scale investigations including homicide, terrorism, kidnapping, fraud, corruption, extortion and narcotics.

He was a member of UK National Working Groups on Major Crime Investigation and Offender Profiling, and a Charter Member of the International Association of Homicide Investigators under the auspices of the FBI Academy, Quantico, Virginia, USA. He is currently a member of the International Professional Security Association and an Associate Member of the Association of Certified Fraud Examiners.

Peter has been Lead Training Adviser on Economic Crimes to Crown Agents for sixteen years and designs and directs many of their specialised programmes on a global basis. Much of his work has involved the training of anti corruption agency officers and investigation units.

## William James Wilson

With over 30 years experience working for the Police Service of Northern Ireland William is a surveillance and Covert Human Information Sources (CHIS) operations protection training expert. He has vast operational experience within terrorist, organised and serious crime situations, including drug law enforcement.

Within his role in operational CHIS management William has been responsible for the assessment, profiling, control and management of human intelligence assets directed to protect national security and combat serious and organised crime. He also assesses, develops and mentors junior handlers as well as appraising internal and external agencies in intelligence related issues.



William has been actively engaged in training other police forces / agencies in covert skills, human asset recruitment, counter and anti surveillance. He has worked in the UK, Ireland, France and Germany.

## Douglas Brand

Douglas is a senior consultant and trainer in international conflict, security and policing. He was recently head of the European Union Police Support Action to the African Union Mission in Darfur, Sudan. Within this capacity Douglas was responsible for 50 international senior police advisors and trainers providing advice, mentoring and training support to 1500 African Union Police in Sudan.

For the UK Foreign and Commonwealth Office Douglas advised on developing police reforms in Afghanistan, peace support missions to Sudan and cross government Strategic Task Force on restructuring the UK response to international policing demands. He is also a regular mentor and advisor to the UN Senior Leadership Program.

In Iraq Douglas was the Chief Police Advisor to the Coalition Provisional Authority and Ministry of Interior. One of his responsibilities was the establishment of a police training site with command of the international police advisors and trainers.

With over 30 years experience in the UK police force Douglas reached the rank of Assistant Chief Constable. He is highly experienced in major crime investigation, training and performance development, drug enforcement and international cooperation on cross border access and intelligence.



## RECENT TRACK RECORD

Below are examples of track record which highlight our relevant experience in training, policing, law enforcement and the broader counter-narcotics / drug control frameworks.

### Libyan Postal Enforcement Study Tour, UK

Police officers, senior postal workers and private fast parcel and courier employees attended a study tour to the UK to develop an understanding of new technologies and practical applications in increasing effectiveness in Libya's law enforcement community. A major focus of the tour was implementing risk management strategies within the postal system using profiling and technological equipment.

### Support to the Counter Narcotics Programme, including the Counter Narcotics Police and Central Poppy Eradication force, Afghanistan

Crown Agents provided support to the Counter Narcotics Directorate and subsequently the Ministry of Counter Narcotics in conjunction with the British Embassy Drugs Team. This also extended to supporting the Ministry of Interior Counter Narcotics Police (CNPA) and the Central Poppy Eradication Force (CPEF). Activities included:

- Support of the deployment of the Central Police Reserve Force (CRF)
- Procurement of general and specialised equipment required by the CNPA and CPEF

Crown Agents also provided similar support to the newly instigated and rapidly expanding Criminal Justice Task Force (CJTF). This also included the locating and refurbishing a suitable location within the CNPA Headquarters and Training Centre.

### Management Training for the Counter-Narcotics Directorate, Afghanistan

Crown Agents delivered a two week management training programme in Kabul for key personnel at the Counter Narcotics Directorate. The training covered the areas of planning, performance, time and resource management designed to meet the operational requirements of the directorate. The training focused on the practical application of the skills learned to enhance the effectiveness and efficiency of managers in the roles.



### Support to the Office of the National Security Advisor, Afghanistan

As part of broader project undertaken by Crown Agents provided institutional development support to the Office of the National Security Advisor. This included a gap analysis of human resource competencies and skills, analysing training needs against operational targets, and establishing systems and procedures to ensure the effective management of staff. The project also supported the higher level strategy and inter-agency cooperation on matters of security, counter-narcotics and crime.

### Improving Investigation Involving Digital Evidence, Estonia

To strengthen the capacity of law enforcement agencies in the fight against organised crime, money laundering, drugs and cyber-crime NI-CO provided training to improve capacity of investigators to find, collect, secure and analyse digital evidence. Training was provided to over 40 staff in digital evidence handling and the acquisition and forensic examination of digital evidence. The project also provided a systems analysis and development plan for the IT Crime Unit. The development of the curriculum for handling digital evidence in the Public Service Academy and for the 200 investigators in the Central Criminal Police and Police Prefectures.

### Police Services for the Ministry of Justice and Home Affairs, Poland

In support of Poland complying with European Accession criteria NI-CO supported the capacity to improve public security and increase detection of crime, particularly in relation to economic and organised crime. The project included:

- Increasing capacity to detect, investigate and combat corruption and money laundering
- Enhancing knowledge on the production, recognition, distribution and trafficking in illicit synthetic drugs
- Improved capacity of forensic scientists in conducting advanced analysis of psychotropic substances
- Enhanced capacity of the Polish Police to protect intellectual property rights at the strategic and operational level.

### Enhancement of the Professionalism of the Turkish Gendarmerie and its Law Enforcement Activities, Turkey

NI-CO provided services to enhance the accountability, efficiency and effectiveness of the Turkish Gendarmerie in its law enforcement activities, in accordance with European Union (EU) policing standards, procedures and best practices. These included reviewing the current organisational and institutional structure as well as developing an action plan to meet the desired outcome of an enhanced professional service. The plan encompassed training needs and requirements to ensure an effective staff with skills including investigation and intelligence to combat serious and organised crime.

### Support to Border Security Controls, Poland

NI-CO provided two security advisors in border policy and technical implementation to an EU project reviewing border security issues between Germany and Poland, within the framework of the EU Third Pillar objectives for internal border controls. Polish police, military and government officials were trained in the Schengen Information System and how to reduce drug and human trafficking.



## Management of the Crime Scene Investigation Unit, Afghanistan

Crown Agents managed the Police Crime Scene Investigation Unit, including the establishment of a training centre staffed by former British police personnel. The project required the procurement of general and specialist equipment, the support of the training facility and payments of staff.

### Training: Economic Crime Scene

The course aims to raise levels of performance and deliver sustainable improvements in the knowledge and skills base capability for combating economic crime, including fraud, corruption and money laundering. The course addresses:

- Effective strategies to combat corruption, fraud and other economic crimes
- Current strategies to investigate economic crimes
- Combating money laundering
- Asset recovery
- International cooperation
- Combating cyber crime

### Training: Combating Corruption and Misuse in Public Office

Building on international and national legislative frameworks such as the United Nations Convention Against Corruption (UNCAC) and those of the OECD, EU and African Union, this course covers standards in public office: the investigation and prosecution of corruption and preventive measures. The course specifically addresses:

- Law and practice in relation to anti-corruption and the misuse of public office
- Development of individual action plans for the implementation of anti-corruption instruments appropriate to different country contexts
- A practical guide to UNCAC
- Development of the regulations for declaration of interests

### Assistance for improving Management Decisions in the Police, Estonia

The project assisted efficiency improvements in police management by enhancing data capture and analysis. The initial phase was to analyse the current situation and understanding the data requirements of the



Estonian police. A strategy was then developed to increase efficiency, which included recommendations on institutional mechanism, planning and incorporating analytic work into everyday operations.

### Training: Investigation Management Strategies and Techniques

The course includes the latest techniques and best practice in investigating economic crime and also features a seven-day exercise providing practical experience in the management and coordination of a major economic crime investigation. The course addresses:

- New approaches to investigating serious and complex cases
- Managing and planning investigations of large-scale economic crimes
- Preparing comprehensive operational orders using IIMARCH. format
- Adopting a computerised approach to investigation
- Applying best practice to the investigation of economic crimes

### Inter-Agency Cooperation in the Fight Against Organised Crime, Poland

NI-CO provided support to strengthen inter-agency cooperation, including the police, customs, border guards and the prosecution service in combating organised crime and terrorism. This project included:

- Working out new methods and techniques of fighting organised economic crime
- Familiarisation with new acquis relating to organised crime
- Implementation of the recommendations and standards of the EU in the field of recruiting, evaluation and training of personnel who will be involved in fighting organised crime
- Develop an effective model for recruitment, training, co-ordination and the supervision of liaison officers
- Examination of tactics and techniques for combating international terrorism such as bomb disposal, use of snipers, negotiation techniques, planning and commanding anti-terrorist operations.

### Assistance to Strengthen Prevention and Community Policing, Czech Republic

Focusing on improving efficiency and service delivery by the police, including the investigation service, with a change of philosophy from mainly reactive orientation to proactive and client focused policing. This project involved:

- Assisting the Czech police to acquire and apply methods and procedures of community policing, crime prevention and victim care
- Defining the priorities - new mission, vision and strategy of the Czech Police resulting from the conclusions of the first self-evaluation report of the Czech Police
- The formal adoption of the Code of Ethics into the daily police practice
- Establishing new management priorities in the form of action plans
- Contribute to the definition of the internal and external communication strategy of the Czech Police
- Establishing a Steering Committee of the Project chaired by the Czech Minister of the Interior



### Support to the Establishment of Security Infrastructure for the Judiciary, Bulgaria

As part of Bulgaria's accession to the European Union NI-CO supported the Bulgarian Government and Judicial System in implementing a reform strategy in line with European standards in justice, and updating the judicial infrastructure. As part of this project a training needs analysis was undertaken and training curricula established, incorporating specialist training in the use of technical equipment, bomb scare management and threat analysis. A training unit within the Ministry of Justice was founded and train-the-trainer courses conducted for over 30 staff.

### Improving the Cooperation between the Financial Intelligence Agency and the Obligated Entities Enlisted by the Law on Measure Against Money Laundering, Bulgaria

In line with meeting the EU levels of compliance in the reporting entities with the anti-money laundry and anti-terrorism legislation the Government of Bulgaria was supported in enhancing capabilities to prevent, detect and prosecute money laundering and terrorism financing. A training programme was developed including:

- The identification of weaknesses in the field of interaction
- Acquaintance with EU standards for co-operation with reporting entities in consideration of their specificities
- The Financial Action Task Force's and other institutions instruments' in updating the distinguishing of money laundering techniques and typologies
- Train-the trainer to enable the sustainable internal management of training

### Reform of the Ministry of Interior, Iraq

Crown Agents are providing technical assistance to support security sector reform in Iraq by addressing institutional weaknesses within the Iraqi Interior Ministry. We have established a long-term delivery unit in Baghdad which works closely with different parts of the Ministry and other international stakeholders supporting security sector reform to deliver targeted technical assistance and training in a number of areas by short-term specialists.



### Customs Reform and Modernisation, Bulgaria

As part of a comprehensive customs reform and modernisation programme Crown Agents assisted the Government of Bulgaria to develop its risk management, intelligence and investigation capabilities within the customs service. Through delivering training course and supporting investigation and intelligence operations knowledge and applications of techniques and technology enabled increased detection and prevention of the trafficking of illegal goods, including narcotics, and supporting trade facilitation.

### Customs Reform and Modernisation, Angola

Crown Agents in partnership with the Government of Angola have undertaken a major reform and modernisation of customs. As part of this project and investigation and intelligence unit has been established to combat corruption, illegal trafficking of goods along with supporting compliance and trade facilitation. Risk management techniques are being implemented in combination with new technologies. Comprehensive training forms part of the wider reform and modernisation of the customs services with courses in risk management, surveillance, intelligence and investigation.

### Customs Reform and Modernisation, Mozambique

Crown Agents was appointed to undertake the operational management of Mozambique Customs, developing an

effective, efficient and modern service. Enhancing local capacity was central to ensure Mozambique ownership and the development of operational control for long-term sustainability. One key achievement of this broad based project was the establishment of risk based management, intelligence and investigation capacities within the customs service. Training was provided to build capacity to ensure the effective control of goods, compliance and law enforcement.

### Investigation Units and Flexible Anti-Smuggling Teams, Latvia

Crown Agents established Flexible Anti-Smuggling Teams and Investigation Units within the Latvian State Revenue Service / Customs Department, aimed at combating duty evasion on transit goods and importations. The project also included the provision of the Crown Agents designed Trade Information Management System (TIMS©) to collect data, provide statistical information and assist risk profiling.

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## The Crown Agents

Crown Agents is an international development company providing direct assistance, consultancy and training for public sector modernisation, particularly in financial management, procurement and logistics.

We work for clients in more than 110 countries, and supply a comprehensive portfolio of services to multilateral agencies such as the World Bank, European Commission, United Nations agencies and regional development banks, and to bilateral donors such as DFID, KfW, SIDA, CIDA and the Danish, Japanese and US governments.

Our clients are public and private sector organisations, both donor-funded and those seeking best value for their own resources.

For many years Crown Agents was a British public corporation. In 1997 we transferred to the private sector as a limited company owned by a new entity, The Crown Agents Foundation. Members of the Foundation are companies and other international organisations with a keen interest in our activities.

We operate at all times to the highest standards of integrity and transparency.

**Our mission is to be internationally recognised by our clients as a leading partner in their development..**



Map showing location of Crown Agents principal offices

## Further information

For additional information on this proposal contact:

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