

The Anti-Corruption Commission



Institutional Development Plan 2011–2020

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ABBREVIATIONS

ADB	–	Asian Development Bank
ACA	–	Anti-Corruption Act
ACC	–	Anti-Corruption Commission
ADA	–	asset declaration administrator
BCSR	–	Bhutan Civil Service Rules and Regulations
CEC	–	Complaints Evaluation Committee
CoS	–	Committee of Secretaries
CPIB	–	Corrupt Practices Investigation Bureau
CRM	–	corruption risk management
CSA	–	Civil Service Act
CSO	–	civil society organization
HRD	–	human resource development
HRM	–	human resource management
ICAC	–	Independent Commission Against Corruption
ICT	–	information and communication technology
IDP	–	Institutional Development Plan
KPI	–	key performance indicator
KPK	–	Komisi Pemberantasan Korupsi (Corruption Eradication Commission)
NACSF	–	National Anti-Corruption Strategy Framework
OAG	–	Office of the Attorney General
RAA	–	Royal Audit Authority
RBP	–	Royal Bhutan Police
RCSC	–	Royal Civil Service Commission
RIA	–	regulatory impact assessment
SCM	–	standard cost model
UNCAC	–	United Nations Convention against Corruption



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ROYAL GOVERNMENT OF BHUTAN
ANTI-CORRUPTION COMMISSION

‘NATION’S CONSCIENCE’

“LEAD BY EXAMPLE”

“If you care, you will dare”



Foreword

I am pleased to present the Institutional Development Plan (Plan) of the Anti-Corruption Commission (Commission). The Plan is strategic, a road map for the Commission, a lead agency in combating corruption that is inextricably linked to governance and democracy. A road map that determines the milestones of a journey towards building strong institutions managed by dynamic and dedicated professionals and towards fostering an intolerant culture for corruption. A journey that has already begun and begun well!

The Commission since its establishment in January 2006 has been working hard towards building a strong, credible and effective institution that is nurtured by deep conviction, public trust and confidence. Modest achievements have been made in the past six and a half years. However, some fundamental challenges continue to fraught the Commission. Further, corruption is increasingly becoming sophisticated. The fight against it, therefore, has to be correspondingly sophisticated, intelligent and holistic, moving away from the existing basic processes that take much time and effort. The Plan endeavours to address such challenges and strengthen the organizational and operational capacity of the Commission sustainably.

In the process of developing the Plan, the existing capacity and future needs of the institutions were assessed and analyzed within the existing political, social and cultural milieu. It envisages review of policies and legal frameworks, building institutional capacity, developing and effectively managing a dynamic human resource development plan, and building strategic partnerships with and among stakeholders such as public organizations, civil society organizations, media fraternity, and private sector.

The Plan is already being implemented, directly by the Commission and also through a technical assistance (TA) of the Asian Development Bank (ADB). The short term recommendations are expected to be implemented over the next three

FIGHTING CORRUPTION IS A COLLECTIVE RESPONSIBILITY

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INTRODUCTION

The long-term vision and mission of the Anti-Corruption Commission (ACC) of Bhutan is to work toward a corruption-free society by leading by example, achieving excellence in partnerships, and mainstreaming anticorruption strategies in public and private organizations. To this end, the enforcement of law is important and the ACC actively investigates corruption cases and brings them to court, in addition to conducting preventive and educational activities. Ultimately, the ACC hopes to achieve a level of integrity in the country where only few corruption cases occur and require investigation, thus allowing the ACC to focus on strengthening preventive systems and educating citizens on ethical and anticorruption values. To achieve this, the ACC needs to transform the current environment, which unfortunately still allows corruption to take place, by conducting educational and awareness-raising activities and working with other public and private institutions in implementing integrity and preventive anticorruption systems.

The ACC needs to overcome two challenges to attain its vision and mission. First, the country is a young democracy with fledgling institutions. Integrity and accountability functions have yet to be fully absorbed by the public sector. At this stage, these functions remain primarily outsourced to the ACC and other dedicated agencies and have not yet been streamlined across the country's entire public sector and governance system. Second, the ACC is a very young institution and struggles with typical organizational and capacity constraints.

This Institutional Development Plan (IDP) provides guidance for strengthening the organizational and operational functions of the ACC to enable it to competently overcome these challenges and operate fearlessly and effectively. The IDP also meets the requirement of Article 26 (2) of the revised Anti-Corruption Act of Bhutan 2011 (ACA 2011), which commits the ACC to “prepare five year plans of the Commission, including mid-term and strategic plans,” a recommendation that ensures the commission continuously develops its organizational and operational capacity and operates in a sustainable manner toward long-term development goals.

Chapter 2 provides a brief overview of the ACC and the legal and institutional environment in which it operates. Chapter 3 analyzes the commission's current strategic, administrative, and operational strengths and weaknesses as well as external threats and opportunities, and formulates key institutional development goals and actions in response to these internal and external factors. Chapter 5 presents an action plan specifying activities, goals and expected outcomes, measurable outputs, time frames, responsibilities, and areas where applicable support is needed. By outlining expected outcomes and outputs, this plan will be a key tool to benchmark and evaluate the commission's progress toward achieving its short, medium, and long-term objectives both in terms of its own institutional and organizational capacity and its success in influencing the integrity of the public sector and society at large.

BACKGROUND

2.1 The Anti-Corruption Commission

2.1.1 Vision, Mission, and Functions

On 31 December 2005, His Majesty the King of Bhutan decreed that an Anti-Corruption Commission (ACC) be established. The Royal Decree states: *“With the rapid pace of economic development in our country, there have been changes in the thinking of the people with the influence of self-interest leading to corrupt practices taking place in both the government and the private sector. If appropriate steps are not taken now to stop this trend, it will lead [to] very serious problems in the future, for both the government and the people, in our country with a very small population. In this regard, it is the responsibility of every Bhutanese to act against corruption in our country. At a time when we are establishing parliamentary democracy in the country, it is very important to curb and root out corruption from the very beginning. Therefore, it is imperative to establish the Office of the Anti-Corruption Commission before the adoption of the Constitution and build a strong foundation for the Commission to effectively carry out its functions and responsibilities.”*

In response to this Royal decree, the ACC was established in 2006 and confirmed as an independent constitutional authority when the Constitution entered into force in 2008 (Article 27). To guide its operations, set standards, and build a strong foundation for its long-term development and operations, the ACC established its vision, mission, and set of values:

Vision: To strive toward building a happy, harmonious, and corruption-free society.

Mission: To eliminate corruption through leading by example, achieving excellence in partnerships, and mainstreaming anticorruption strategies or measures in public and private organizations.

To build an incorruptible society that upholds the values of the eight-fold noble path: right view, right intention, right speech, right action, right livelihood, right effort, right mindfulness, and right concentration.

Values: Leadership, teamwork, credibility, integrity, humility, transparency, fearlessness, impartiality, accountability, professionalism, expediency, creativity, tenacity of purpose and result-driven, and empathy.

Its primary operational objective, as derived from Article 27 (1) of the Constitution of Bhutan 2008, is to take the “necessary steps to prevent and combat corruption in the Kingdom.” As such, it is tasked with both taking measures to prevent the occurrence of corruption, and actively enforcing laws aimed at combating corruption where it occurs. The organizational structure of the ACC reflects this double mandate (section 2.1.2).

The Constitution (Article 27 [6]) further states that the mandate, powers, and functions of the ACC shall be guided by an anticorruption act. According to the new Anti-Corruption Act of Bhutan 2011 (ACA 2011), the mandate and powers of the commission are fairly broad, especially with paragraph (j) below:

24. Mandate and powers of the Commission

- (1) The principal mandates and powers of the Commission are as follows:
 - (a) Develop, maintain, revise and monitor the implementation of effective, coordinated anti-corruption policies and practices;
 - (b) Publish manuals of guidance and develop model codes of conduct and advise public or private bodies as to adoption of such codes as may be suited to such bodies;
 - (c) Make recommendations to Government for future legislative reform as it considers necessary to minimize corruption and on the adoption and ratification of international anti-corruption instruments;
 - (d) Commence an inquiry or investigation on its own motion even without a complaint and without informing any person or authority;
 - (e) Subpoena powers to obtain documentation, information, testimonies or other evidence;
 - (f) Exchange information with appropriate bodies, domestically and internationally, involved in anti-corruption work, including the relevant law enforcement agencies as may be required;
 - (g) Upon finding of a prima facie case of corruption, suspend a license, or prohibit an individual or entity whether national or foreign from participating in contractual relations with public agencies till pending the outcome of the case;
 - (h) Revoke work order, appointment, lease or contractual transaction that is obtained by corrupt means;
 - (i) Co-operate and collaborate with foreign Governments, regional and international institutions, agencies and organizations in the fight against corruption; and
 - (j) Take any necessary steps to prevent and combat corruption.

Source: Anti-Corruption Act of Bhutan 2011.

The broad mandate is translated into the following principal functions, with paragraph (h) again giving considerable leeway to the commission for defining its functions in accordance with its strategy to prevent and combat corruption:

25. Functions of the Commission

- (1) The principal functions of the Commission are as follows:
 - a) **Educate** the public on the dangers of corruption and the benefits of its eradication and to enlist and foster public support in combating corruption;
 - b) **Examine the practices, procedures and systems** of public or private sector entities to facilitate the discovery of offences under Chapter 4 of this Act and to secure the revision of such practices, procedures or systems which in the opinion of the Commission may be conducive to corruption;
 - c) **Advise and assist** any person, on the latter's request, on ways in which corruption may be eliminated by such person;
 - d) Advise heads of public or private entities of any changes in practices, procedures or systems compatible with the effective discharge of their duties as in the opinion of the Commission necessary to minimize or eliminate the occurrence of corruption;
 - e) Undertake **studies and research** to identify the trends, causes, types, pervasiveness and seriousness or impacts of corruption;
 - f) **Receive and consider any complaints** of the commission of an offence under this Act lodged with it by a person or authority and investigate such of the complaints as the Commission consider practicable;
 - g) **Detect and investigate** any suspected offence, suspected attempt or suspected conspiracy to commit a corruption offence under Chapter 4 of this Act; and
 - h) **Any other functions** which in the opinion of the Commission may be necessary for the prevention of, and fight against, corruption in the opinion of the Commission.

Source: Anti-Corruption Act of Bhutan 2011.

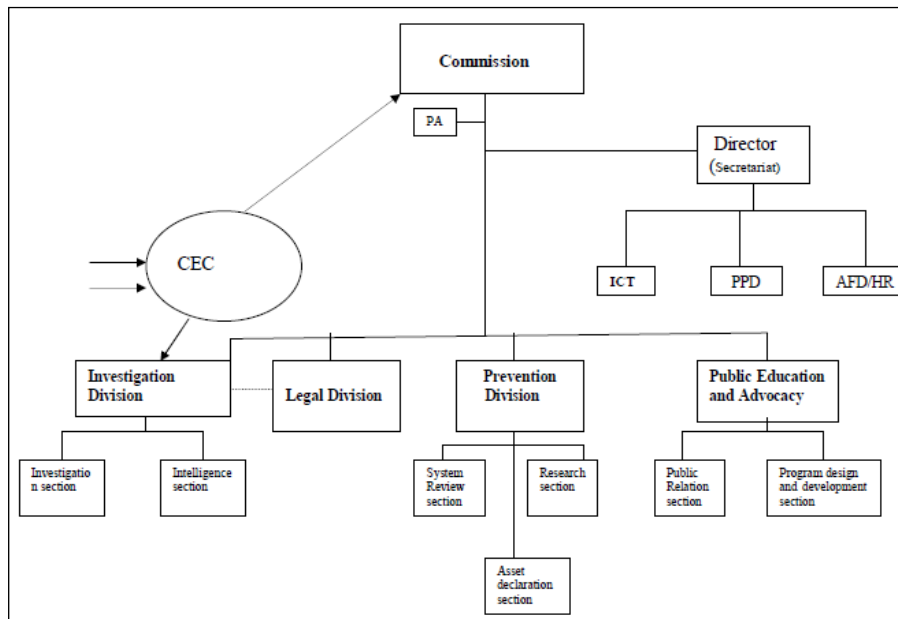
The functions defined in section 25 of the ACA 2011 reflect the mandate in Article 27 of the Constitution to distinguish between preventive and law enforcement functions. In addition, the preventive mandate of the commission is further specified to encompass public education and awareness-raising activities, as well as systems studies and research. As such, the ACC follows a model successfully implemented in Hong Kong,

China and other jurisdictions where multipurpose anticorruption agencies follow the so-called “three-pronged approach” consisting of public education, prevention, and investigation.¹ For example, in other countries such as Indonesia, Sierra Leone, and South Sudan, the ACC is further vested with prosecutorial powers. In Bhutan, prosecution of corruption cases remains under the authority of the Office of the Attorney General (OAG).

2.1.2 Organizational Structure and Human and Financial Resources

The present organizational structure (Figure 3.1) partially reflects the functions and mandate stipulated by the ACA 2011. It is divided into four operational divisions (investigations, legal, prevention, and public education), all of which are serviced by an administrative division, headed by the director, in charge of information and communication technology (ICT), human resource management and finances (AFD/HR), and the policy and planning division.

Figure 3.1: Organizational Structure of the Anti-Corruption Commission, September 2011



AFD/HR = administration and finance division/human resource, CEC = complaints evaluation committee, ICT = information and communication technology, PA= personal assistance, PPD = policy and planning division. Source: Anti-Corruption Commission of Bhutan.

The ACC receives funding from the regular state budget, which covers its staff and operational costs. According to the ACA 2011, the commission has “independence to decide and spend the allocated fund within the broad principles of the Financial Rules” (ACA 2011, Article 7 (4), ACA 2011). In addition, the ACC can accept funding from development partners. In the context of the Tenth Five-Year Plan, 2008–2013, key contributions have been provided by the Government of India for the construction of the new ACC office and by the Swiss Agency for Development and Cooperation (SDC) for human resource development and specified operational activities (major support to the ACC’s Tenth Five-Year Plan programs). The ACC also receives funding from the Danish International Development Agency (Danida), to support the development of a public sector integrity e-learning program conducted in collaboration with the Royal Civil Service Commission (RCSC), the Royal Institute of Management, and the Asian Development Bank (ADB) in preparing and implementing this document. In the past, the ACC also received funds from Danida for IT support, database management, capacity building, and public awareness activities; United Nations Development Programme (UNDP), which was the first development partner, for anticorruption strategy development and related areas; and the Anti-Corruption and Civil Right Commission of the Republic of Korea.

¹ At the Independent Anti-Corruption Commission of Hong Kong, China (ICAC Hong Kong), the three departments are the: (i) Operations Department, in charge of law enforcement; (ii) Corruption Prevention Department, in charge of prevention in the public and private sectors; and (iii) Community Relations Department, in charge of public education.

Since the enforcement of the Civil Service Act 2011, the commission's human resource management (HRM), including recruitment, retention, promotion and dismissal, and human resource development (HRD) fell under the scope of the Civil Service Act, as administered by the RCSC. This has brought with it significant changes and potential challenges to the independence of the ACC in its HRM and HRD practices. At the same time, the ACC's serious difficulties in recruitment and retention of staff remain, and as a consequence, constitute one key focus of this IDP.

2.2 Prevalence of Corruption

Corruption in Bhutan is perceived to be much less prevalent than in its neighboring countries. In 2011, Transparency International's Corruption Perceptions Index ranked Bhutan 38th out of 183 countries, ahead of its neighbors (Table 3.1). Bhutan was ranked 7th among the least corrupt economies in Asia and the Pacific, just behind New Zealand, Singapore, Australia, Hong Kong, Japan, and Taipei, China (Transparency International 2011).

Table 3.1: Transparency International 2011 Corruption Perceptions Index for Bhutan and Neighboring Countries

Country	Rank ^a	Score ^b	90% Confidence Interval		Surveys Used
			Lower Bound	Upper Bound	
Bhutan	38	5.7	5.3	6.1	4
People's Republic of China	75	3.6	3.2	4.1	12
India	95	3.1	2.9	3.3	13
Nepal	154	2.2	2.1	2.4	6

^a Out of 183 countries surveyed.

^b On a scale of 0 (highly corrupt) to 10 (clean).

Source: Transparency International. 2011.

It is also the only country in South Asia rated above the World Bank Institute's average governance score and the 50th percentile rank (Table 3.2), and has consistently been ranked so over the last decade (Table 3.3).

Table 3.2: Worldwide Governance Indicators, Control of Corruption for South Asia, 2009

Country	Percentile Rank 0–100	Governance Score (2.5) to 2.5	Standard Error	Sources
Afghanistan	1.4	(1.57)	0.20	9
Bangladesh	16.7	(0.96)	0.17	13
Bhutan	75.2	0.84	0.21	8
India	46.7	(0.33)	0.14	14
Maldives	29.5	(0.69)	0.29	4
Nepal	25.2	(0.75)	0.17	12
Pakistan	13.3	(1.1)	0.17	14
Sri Lanka	44.8	(0.36)	0.17	13

() = negative.

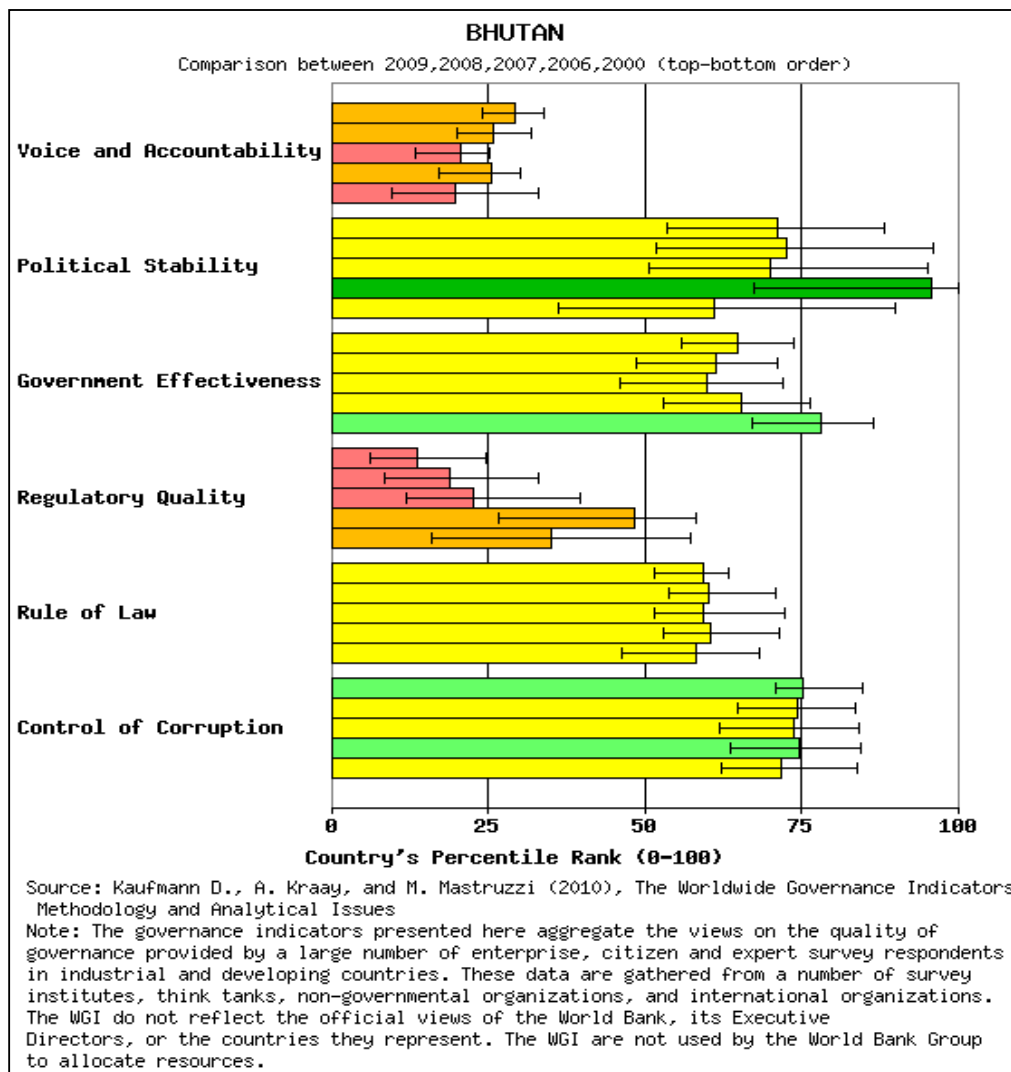
Source: World Bank Institute. 2011.

However, Bhutan's relatively positive rankings seem to only partially match the perceptions and experiences of her people. On one hand, the comparatively good ranking seems to contradict the results of the ACC's 2009 survey, People's Attitude Towards Corruption and the Anti-Corruption Commission, which found that 70% of the respondents consider corruption to be a major problem (ACC, 2009b: 5). On the other hand, only 23% of people report having been personally exposed to an incident of corruption in the 12 months prior to

the survey (ACC, 2009b: 9). This is corroborated by another 2009 survey of public services, the Integrity Assessment which found that “experienced corruption” scored high at 9.89 (on a scale of 0–10, with 10 being clean), indicating that very few respondents had ever paid a bribe. Only 2% of respondents reported having paid bribes at least twice in 2008, ranging from Nu5 to Nu300,000 (ACC, 2009a: 20). These findings seem to support Bhutan’s comparatively good ranking in international perception surveys. Taken together, the survey results suggest that while few respondents have ever paid a bribe personally, they are wary of rising corruption levels, and thus, subjectively perceive them as higher than they may actually be at the moment.

The integrity assessment also measured perceptions of structural factors that potentially contribute to corruption, such as working environment, administrative environment, and personal attitude. The perception of the quality of these factors scored lower than the actual perceived and experienced corruption in relation to these factors. Based on this, the survey concludes that there is potential for increased corruption in the future due to weaknesses in the working and administrative environment, and a potential of personal attitudes influencing behavior of public servants in the concerned agencies and across the public sector.

Table 3.3: World Bank Governance Indicators for Bhutan (2000, 2006–2009)



Source: World Bank Institute 2011.

Concerns that corruption may be on the rise, or has the potential to rise, were already expressed in the ACC’s Corruption Perception Survey 2007, which found that 43.8% of respondents felt that corruption had increased over the last 5 years (compared to “decreased” at 16.4%, “remained the same” at 16%, and “don’t know” at 23.8%) (ACC, 2007:44). In line with these findings, the Royal Audit Authority (RAA) has reported a recent

increase of irregularities. For example in 2010, total irregularities (Nu681,593) more than doubled compared to previous years (RAA, 2011: 8). Similarly, fraud, corruption, and embezzlement cases found by the RAA have increased considerably in terms of absolute amounts as well as (though less significantly) a percentage of overall irregularities (5.25% in 2008 to 6.7% in 2010) (Table 3.4).

Table 3.4: Summary of Audit Irregularities Found by the Royal Audit Authority, 2007–2009 (Nu million)

Irregularities	2010	2009	2008
Shortfalls, lapses, and deficiencies	381.580	225.617	88.516
Violation of laws and rules	204.428	66.317	8.188
Mismanagement	52.162	35.638	13.502
Fraud, corruption, and embezzlement	43.423	20.768	6.089
Total	681.593	348.340	116.295

Source: Royal Audit Authority. 2011, 2010, 2009.

2.3 Corruption Trends and Risks

2.3.1 Causes and Forms of Corruption

As regards the causes of corruption, the 2007 Public Perception Survey indicated that greed is by far the primary motive for people to become corrupt, followed by need, non-uniform application of rules and regulations, and lack of information and transparency on rules and procedures (ACC, 2007: 19). These findings would suggest that corruption in Bhutan needs to be tackled at two distinct levels: at the social level and at a technical regulatory level.

In terms of forms of corruption, the ACC's 2009 survey, People's Attitude towards Corruption and the Anti-Corruption Commission, found that favoritism, bribery, and embezzlement were the most prevalent forms of corruption in Bhutan, followed by self-dealing (giving advantage to oneself) and patronage. The rating was less important for extortion, shirking, and political corruption (ACC, 2009b: 6). The respondents to the 2009 Integrity Assessment stated that when they did pay a bribe, it was usually out of "gratitude for the received service" (56.3%). The survey also found that in most cases the bribe was initiated by the supply side; only in 2.5% of the cases had officials actually demanded a bribe (ACC, 2009a: 19–20). However, the conditions that the demand side creates compelling the supply side to bribe cannot be overlooked.

Table 3.5: Royal Audit Authority Findings 2010 for Fraud, Corruption, and Embezzlement (By sectors or institutions)

Institution	Amount(Nu million)
Ministries (MoAF, MoEA, MoF, MoFA, MoH, MoHCA, MoLHR)	20.237
Financial Institutions	13.887
Corporations	8.48
Nongovernment Organizations (Bhutan Chamber of Commerce and Industries)	0.308
Autonomous Bodies (Judiciary, the Office of the Attorney General, Gross National Happiness Commission, Royal University of Bhutan)	0.286
<i>Gewogs</i> (subdistricts): Gongdu (Mongar), Mongar (Mongar) and Dekiling (Sarpang)	0.141
<i>Dzongkhags</i> (districts): Gasa	0.084
Total	43.423

MoAF = Ministry of Agriculture and Forests, MoEA = Ministry of Economic Affairs, MoF = Ministry of Finance, MoFA = Ministry of Foreign Affairs, MoH = Ministry of Health, MoHCA = Ministry of Home and Cultural Affairs, MoLHR = Ministry of Labor and Human Resources.

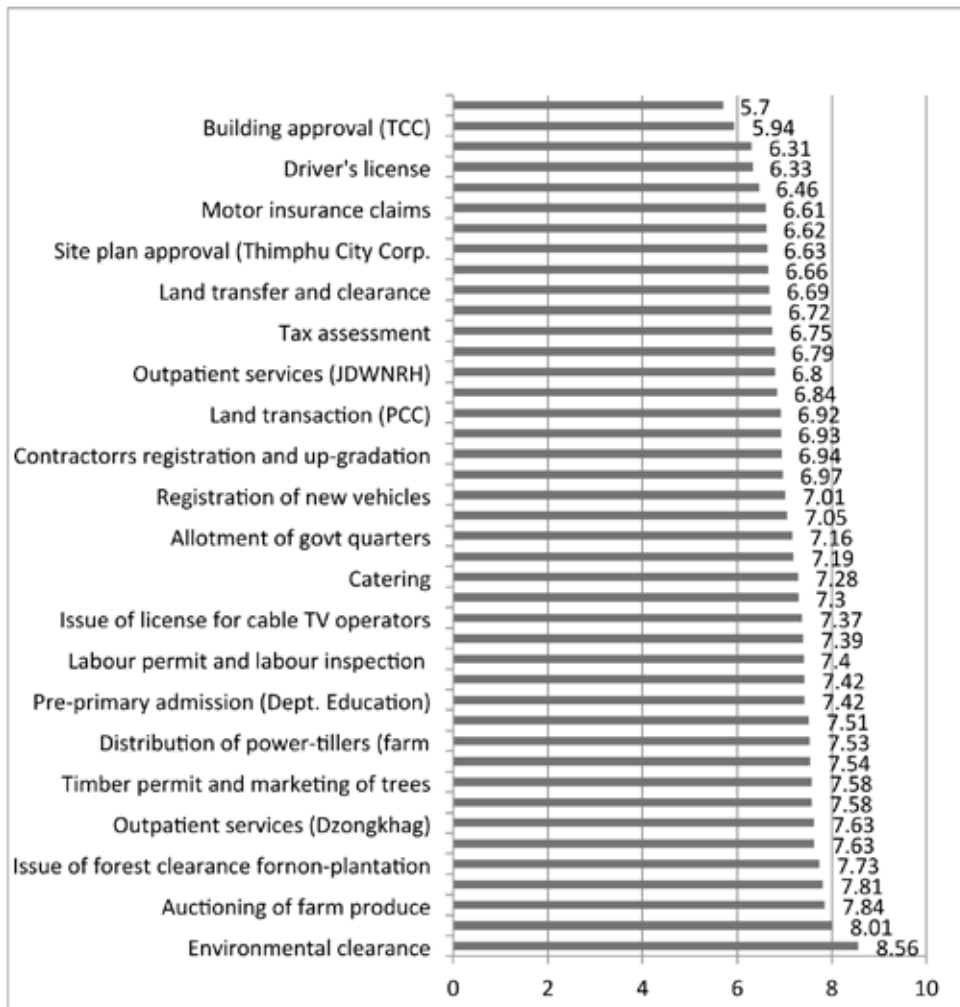
Source: Compiled from Royal Audit Authority. 2011b: 9, 13.

For 2010, the RAA reported incidents of fraud, corruption, and embezzlement amounting to Nu43.423 million. Of this total, more than a quarter (Nu12.345 million) was misused in the Ministry of Health (RAA 2011a) (see Table 3.5 for a breakdown by sectors and/or institutions). While this may indicate a particular weakness in the Ministry of Health, the figures would have to be compared against the size of the respective departments to draw such a conclusion. Also, the higher propensity of corruption and other forms of misuse of public funds in this particular ministry may be related to its handling of a particularly high volume of procurement processes compared to other agencies.

2.3.2 Corruption Risk Areas

The 2009 Integrity Assessment conducted by the ACC in collaboration with the National Statistics Bureau surveyed 42 services in 8 ministries, 6 *dzongkhags* (districts), 20 *gewogs* (subdistricts), 3 autonomous agencies, and 2 corporations. Government procurement was considered a separate agency for the purpose of this study (ACC, 2009a: 4). Based on a fully structured questionnaire, 3,547 users of services of these entities were interviewed about their perceptions and experiences in 2008. The services were selected based on results of a Corruption Perception Survey conducted in 2007, which identified sectors particularly prone to corruption; and on theoretical considerations such as each service’s economic and social impact on clients and its level of monopolization (ACC, 2009a: 3).

Table 3.6: Integrity: Comparison of Services, 2009



JDWNRH = Jigme Dorji Wangchuck National Referral Hospital, PCC = Paro City Corporation, TCC= Thimphu City Corporation.

Source: Anti-Corruption Commission. 2009a: 24.

The survey found that “perceived integrity” in overall services received is relatively high with a score of 7.28. In terms of the public organizations whose services were assessed, the *gewogs* were perceived to have the highest integrity (7.56), followed by *dzongkhags* (7.4), ministries (7.34), and autonomous bodies (7.19). General procurement was rated to have the lowest integrity (6.66) (ACC, 2009: 22). When it comes to the services delivered by government agencies, the National Environment Commission’s services obtained the highest score of 8.56 (Table 3.6). The worst scores were obtained by General Procurement ticketing (5.7), followed by building approvals in Thimphu City Corporation (5.94) and ticketing by Druk Air Corporation (6.31) (ACC, 2009a: 24–5).

The RAA points out that despite tighter regulation since 2008, “irregularities in procurement and construction works continue to represent major irregularities pointed out in the audited agencies during 2010” (RAA, 2011b: 132). This is corroborated to some degree by the ACC’s Annual Report 2010, which finds that the complaints the ACC receives against local public servants largely relate to procurement (ACC, 2011: 38).

2.3.3 Trends and Developments

The apparent disconnection between public perception of corruption risk and experienced corruption, the public perception of a rising level of corruption, and the practically observed rising level of misuse according to RAA reports deserves particular attention. These may indeed point to a trend that could exacerbate the relatively low level of corruption currently in Bhutan.

In this regard, it is worth noting the assessment made in a 2010 report by United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC), which evaluated the capacity of the ACC. The report concurred that the current levels and volume of corruption were not significant but that potential risks for a rising level of corruption loom in a number of social, political, and economic nature factors (UNDP/UNODC, 2010: 15).

Economically, the gradual opening of Bhutan to foreign investment, particularly from countries where corruption is more prevalent, coupled with Bhutan’s relative dependency on a few industry sectors, of which two (energy and construction) are known worldwide to be corruption-prone, may expose Bhutan to more “imported” corruption. Also, Bhutan’s small, still-developing, and thus exposed banking sector may increasingly attract financial transit crimes linked to aforementioned investment activities.

Politically and socially, the democratization of the country and the decentralization of political decision making, while highly laudable and an important step toward better governance, citizen participation, transparency, and accountability, bear certain corruption risks as has been found in other countries. For Bhutan, this is reflected in the Worldwide Governance Indicators (Table 3.3), which show that although the country has remained stable or slightly improved its position on most governance aspects, the voice and accountability indicator, while improving, remains very low. This indicator captures citizens’ perceptions of the extent to which they are able to participate in selecting their government, the extent to which they have freedom of expression, association, and the media. It is not unusual for a young democracy to score comparatively low in these areas, and the upward trend is encouraging. However, as these are critical elements for the fight against corruption, a substantial potential arises in strengthening Bhutan’s standards in these respects. Civil society and media, essential stakeholders in a comprehensive anticorruption strategy, are only able to thrive in their reporting and oversight functions if they have the freedom from and are protected against retaliation for associating and speaking up freely.

Chapter 3 will analyze these external factors in more depth, and in Chapter 5 strategic ways forward are outlined for the ACC, sometimes in collaboration with its domestic and potential regional or international partners.

2.4 Accountability and Anticorruption Framework

2.4.1 Legal Framework

Bhutan became a constitutional democratic monarchy in 2008. Article 8 (9) of the Constitution states, “Every person shall have the duty to uphold the justice and to act against corruption.” Article 27 provides the constitutional foundation of the ACC, which is regulated in detail by the Anti-Corruption Act. The Anti-Corruption Act of 2006, which first established the ACC by law prior to the Constitution (prior to the act, the ACC was established under a Royal Decree), was replaced by a substantially revised and expanded Anti-Corruption Act in July 2011. Other key legislations include, notably, the Penal Code of Bhutan 2004 (amended 2011), the Civil and Criminal Procedure Code 2001, the Audit Act 2006, the Financial Institutions Act of Bhutan 1992, the Civil Service Act 2010, Bhutan Civil Service Rules and Regulations 2010, and the Procurement Rules and Regulations 2009.

The Anti-Corruption Act 2011 (ACA 2011), among others, defines the following corruption offenses and their penalties:

- Art. 42–5: Active and passive bribery of public servant and foreign public servant
- Art. 46–51: Active and passive bribery in relation to auctions, bids, and contracts
- Art. 52–3: Embezzlement of funds or securities and property by public servant
- Art. 54 and 56: Active and passive trading in influence
- Art. 55 and 57: Active and passive trading in influence involving public servant
- Art. 58–9: Commission and omission amounting to abuse of functions
- Art. 60: Possession of unexplained wealth
- Art. 61: Protection of public property and revenue
- Art. 62: False claims by public servants
- Art. 63: Failure to declare conflict of interest
- Art. 64: False declarations with a view to conceal
- Art. 65: Abuse of privileged information
- Art. 66–7: Active and passive commercial bribery
- Art. 68–9: Embezzlement of fund or securities and property in the private sector
- Art. 70–2: Money laundering by converting or transferring, concealing or disguising, acquiring, possessing or using, and corruption proceeds
- Art. 73: Concealment of corruption proceeds
- Art. 74: Offenses relating to witnesses
- Art. 75: Participation in an offense

The new ACA was based on the findings of the ACC’s self-assessment conducted in 2010 with regards to the nation’s compliance with the United Nations Convention against Corruption (UNCAC). The new ACA has brought major improvements to the legal framework, addressing a range of weaknesses and gaps identified during the self-assessment (Table 3.7). Overall, therefore, Bhutan’s legislative anticorruption framework is comparatively comprehensive. Its remaining weaknesses and gaps relate primarily to matters of right to information and the statutes of limitation for corruption offenses, although respective legislation is currently being drafted. Provisions on mutual legal assistance are still limited to corruption practices. For more details, see Table 3.7, the UNCAC self-assessment report (2010), and section 2.3.2 on practical implementation.

Table 3.7: United Nations Convention against Corruption Update on 2010 Self-Assessment

No legislation or legal provisions on:	
2010 UNCAC Self-Assessment	Accommodated
o Right to information	Government is preparing a bill that is expected to be tabled in the 2012 parliamentary session
o Mutual legal assistance	Chapter 9, Anti-Corruption Act (ACA), 2011
o Foreign bribery	Art. 44–5, ACA 2011: active and passive bribery of foreign officials

○ Trading in influence	Art. 54–7, ACA 2011: active and passive trading in influence
○ Transfer of sentenced persons to foreign jurisdictions	Art. 158, ACA 2011: transfer of sentenced persons
○ Transfer of criminal proceedings to foreign jurisdictions	Art. 155, ACA 2011: asset sharing
○ Cooperation with foreign law enforcement agencies and creation of joint investigative bodies with other states	Art. 157, ACA 2011: creation of joint investigative body
Unclear, limited, or insufficient provisions on:	
2010 UNCAC Self-Assessment	Accommodated
○ Domestic bribery (promise and solicitation of bribery not covered)	Art. 42–3, ACA 2011: active and passive bribery, incl. promises
○ Money laundering	Art. 70–2, ACA 2011: money laundering by converting or transferring, concealing or disguising, acquiring, possessing or using, corruption proceeds Art. 141–49, Financial Service Act 2011: Establishment of a Financial Intelligence Unit (FIU), Anti-Money Laundering and Combating Financing of Terrorism (AML and CFT) Regulation 2011
○ International cooperation for the recovery of stolen assets	Art. 141–48, ACA 2011: request by foreign state, power of the Anti-Corruption Commission (ACC) to obtain search warrant, property tracking for foreign state, freezing and confiscation of property in international cooperation, evidence order, request to foreign state, evidence order by foreign state, refusal, evidence order against person resident in foreign state Art. 149–54, ACA 2011: on request formalities Art. 155, ACA 2011: asset sharing
○ Witness protection and whistle blower protection	Art. 74, 115–19, ACA 2011: offenses relating to witnesses, protection of complainants or informers, protection of witnesses, physical protection of complainants, informer and witnesses, procedural protection of witnesses, and protection for assisting the ACC
○ Corruption prevention and sanctioning, auditing and accounting in the private sector	Art. 66–7, ACA 2011: active and passive commercial bribery
○ Obstruction of justice	Art. 113, 156, ACA 2011: obstruction of justice, offense of interference with international cooperation orders
○ Liability of legal persons (only legal persons using public funds are covered by the ACA)	Art. 165, ACA 2011: liability of legal persons not limited to public funds

○ Statute of limitation	The Office of the Attorney General is drafting a statute of limitation, which will include a limitation period for corruption offenses
○ Compensation for damage	Art. 130, ACA 2011: compensation for loss
Restricted or insufficient enforcement mechanisms, notably regarding:	
2010 UNCAC Self-Assessment	Accommodated
○ Authority of the ACC to lift bank secrecy swiftly	The ACC has power to examine accounts based on Art. 94(2), ACA 2011 invoking section 98 (1) (a) in the event of imminent danger of destroying evidence
○ Use of special investigation techniques	Art. 86, ACA 2011 on special investigative techniques (Video recording and use of interception devices subject to judicial order) Art. 87, ACA 2011 on interception of communications
○ Harmonization and consolidation of legal provisions on abuse of functions	Art. 58–9, ACA 2011: Commission and omission amounting to abuse of functions
○ No FIU	FIU established under Royal Monetary Authority in line with Art. 141–9, Financial Services Act 2011 and the AML and CFT Regulation. Bhutan applied for membership with the Egmont Group.

UNCAC = United Nations Convention against Corruption.
Source: UNCAC Self-Assessment Report 2010.

2.4.2 Institutional Framework and Implementation in Practice

The ACC is the country’s focal point for preventing and combating corruption. However, the commission is by no means able to or should be in charge of this endeavor on its own. Indeed, numerous other public and nongovernment institutions are critical in strengthening integrity, sustaining ethics, and preventing and combating corruption in Bhutan. Among these are the legislature (National Assembly and National Council), the executive, and the judiciary, the RAA, the Office of the Attorney General (OAG), the Royal Monetary Authority, the Election Commission of Bhutan, and the Royal Civil Service Commission (RCSC). They are in charge of enforcing many critical elements of the legal anticorruption framework.

Beyond these accountability and law enforcement institutions, integrity must be further understood as the responsibility and concern of all components of the public sector. As such, all ministries and agencies of the public sector and their staff have a key role to play in fighting corruption. Similarly, outside the public sector and government, civil society, the media, and the private sector can make a significant contribution to preventing and combating corruption.

The implementation of legislation and policies (see National Anti-Corruption Strategy Framework (NACSF) in section 2.4.3) still requires strengthening. In this regard, the UNCAC’s 2010 self-assessment report states that while the country’s anticorruption legislation and policy framework is comparatively comprehensive, the country lacks effective and efficient implementation and enforcement (UNCAC self-assessment report 2010: 26). The 2007 Corruption Perception Survey found that 41% of respondents identify discriminatory and non-uniform application of laws and rules as the major cause of corruption in the country (ACC, 2007: 19; see section 2.3.1).

With regard to enforcement of relevant legislation, the UNCAC self-assessment report finds that cooperation between law enforcement authorities could be improved through the establishment of formal protocols and agreements for cooperation and sharing of information. Also, clearer rules may be required to enable cooperation between law enforcement and private sector entities in detecting and investigating corruption.

Finally, implementation of legislation is impeded by a severe shortage of qualified staff, lawyers in particular (section 3.1.2).

Implementation shortages are also noted in relation to codes of conduct for civil servants and provisions on illicit enrichment. The NACSF also lacks systematic implementation and monitoring so far. The UNCAC self-assessment report finds that cooperation could also be improved, noting in particular, a lack of clarity with regard to mechanisms and the mandate of the ACC to seek cooperation from public agencies and ministries in implementing its policies and program of work (UNCAC self-assessment 2010). Chapter 3.2 of this Institutional Development Plan (IDP) deals with the collaboration among these stakeholders and how their respective contributions to the country's fight against corruption can be further strengthened.

2.4.3 National Anti-Corruption Strategy Framework

The 2009 NACSF is the country's principal anticorruption policy document. It is the first time that such a comprehensive policy framework has been endorsed. It thus represents a significant statement by political leaders to prevent and eradicate corruption. Drafted by the ACC, it was formulated in consultation with other stakeholders and experts. It is divided into seven key areas, dealing with:

- a) promotion of quality leadership,
- b) ensuring sustained political will,
- c) review of legislation,
- d) review and strengthening of institutional capacity,
- e) review and refinement of systems (e.g., procurement, public financial management, administrative systems, regulatory reform, discretionary decision-making powers, transparency on policy and rule making, codes of conduct, and conflicts of interest),
- f) long-term educational and awareness strategy, and
- g) partnership with key stakeholders such as the media, the private sector, civil society and spiritual institutions, as well as foreign jurisdictions, regional, and international initiatives.

The NACSF applies to all government agencies (three branches), with implementation expected to occur through these agencies' programs and projects. It is also applicable to the armed forces, private sector, corporate bodies, media, and civil society. It is hoped that all stakeholders take ownership of the framework. A short implementation plan further indicates how each of the seven key areas should be translated into practice, which institution should take the lead in doing so, and within what time frame. So far, the NACSF's implementation has had little uptake across the public sector, and systematic monitoring, which is the responsibility of the Committee of Secretaries (CoS), has yet to be established.

ANTI-CORRUPTION COMMISSION— A SITUATIONAL ANALYSIS AND KEY INSTITUTIONAL DEVELOPMENT GOALS

The following chapter will describe the strengths and weaknesses of the Anti-Corruption Commission (ACC) with regards to strategic organizational and operational issues, and the opportunities and threats in the environment in which it operates. These are summarized in the form of a Strengths, Weaknesses, Opportunities, and Threats (SWOT) table (Table 4.1) with integrated P.E.S.T. (Political, Economic, Social and Technological), analysis for the external factors. Concrete proposals are made to further solidify these strengths and opportunities, and cope and remedy weaknesses and threats. These action points and recommendations are also summarized in section 5.

Table 4.1: Anti-Corruption Commission Strengths, Weaknesses, Opportunities, and Threats, 2011

	STRENGTHS	WEAKNESSES
INTERNAL	<p>Strategic organizational:</p> <ul style="list-style-type: none"> • Independence constitutionally guaranteed • Flat hierarchy/organizational structure • Stable finances • Different recruitment options • High behavioral standards within the Anti-Corruption Commission (ACC) <p>Operational:</p> <ul style="list-style-type: none"> • ACC established in early stages of democratization • Good operational performance in all divisions • Comprehensive new Anti-Corruption Act, 2011 	<p>Strategic organizational:</p> <ul style="list-style-type: none"> • Practical realization of independence at risk • Continuity beyond commissioners • Organizational effectiveness • Partially donor-dependent • Low recruitment and retention rates • Lack of skilled labor <p>Operational:</p> <ul style="list-style-type: none"> • Lack of skills in all divisions • Increasing case and work backlog in all divisions • Technology update needed • Infrastructure

	OPPORTUNITIES	THREATS
EXTERNAL	<p>Political/institutional:</p> <ul style="list-style-type: none"> • Support by King and no open political obstruction • Nascent democracy • Relatively clean law enforcement and other oversight institutions • Civil Service Act 2011 • Civil society emerging • Media and citizens voice <p>Economic:</p> <ul style="list-style-type: none"> • Solid economic growth • (Still) relatively low levels of corruption <p>Social/cultural:</p> <ul style="list-style-type: none"> • ACC respected by public or society • Public awareness about the ACC's work <p>Technological:</p> <ul style="list-style-type: none"> • Rapid technological development in Bhutan 	<p>Political/institutional:</p> <ul style="list-style-type: none"> • Democratic institutions and leadership still developing • Limited accountability for integrity by senior civil servants • No ownership and take-up by public sector • Media quality and focus • Young civil society <p>Economic:</p> <ul style="list-style-type: none"> • Economic growth and opening brings along increasing levels, new forms, and new risks of corruption • High dependency on few economic sectors • Private sector competition for skilled labor force <p>Social/cultural:</p> <ul style="list-style-type: none"> • High tolerance level for corruption • Social pressure or reputation of working with the ACC • High public expectations on ACC • Limited public demand for anticorruption or accountability <p>Technological:</p> <ul style="list-style-type: none"> • Modus operandi of corruption changes with new technologies

3.1 Internal

3.1.1 Strategic and Organizational

The ACC and especially its commissioners are facing or may face in the coming years key strategic challenges that may reduce its ability to fulfill its mandate and achieve its organizational and operational goals. These relate to the institution's independence, the continuity of its strategy and operations, its organizational effectiveness, and funding. First and foremost, however, the commission's mandate and objectives are under severe threat due to the ACC's great difficulty in recruiting and retaining qualified staff. If these current problems, emanating from administrative and bureaucratic as well as from social and other external hurdles, are not resolved swiftly, the ACC is at great risk of failing to fulfill the tasks it was set up to complete. This in turn jeopardizes the country's nascent democracy, its social and economic development, and ultimately the realization of the Gross National Happiness goal.

a. Recruitment and Retention

From its inception in 2006, one of the ACC's main challenges has been the recruitment and retention of qualified staff (Crown Agent Report 2007, UNDP/UNODC Assessment 2010; and the ACC's annual reports). Current staffing strength for the secretariat, as planned in the Tenth Five-Year Plan, is 55. Under the present organizational structure, 17 of these would be allocated to the investigation division, 8 to the prevention division, 6 to public education, 2 to planning, 3 to legal, and 19 to support services, including administration, finance, and information and communication technology (ICT). Of these 55 positions, 23 or 42% of the total ACC positions, were vacant as of August 2011. This is not a new phenomenon. Based on the staffing plan, the ACC has consistently been understaffed for the last 5 years. Of the total

75 persons who were recruited between January 2006 and October 2011, including support staff such as drivers and cleaning personnel, 24 (32%) have already left the ACC, often after only 1 year in office. For the ACC, 2010 was particularly severe with 10 resignations affecting all divisions and work units. Table 4.2 lists the ACC appointments and resignations from 2006 to October 2011.

Table 4.2: Anti-Corruption Commission Appointments and Resignations, 2006–October 2011

Year	Appointments	Resignations
2006	20	1
2007	12	4
2008	9	2
2009	13	3
2010	12	10
2011	9	4
Total	75	24

The reasons for the low recruitment and high attrition rate are manifold. Internally, work overload and performance pressure, high behavioral standards, perceived inequalities, a weakened corporate culture, and career opportunities have been mentioned as causes for low recruitment and retention rates. Administratively, the internal recruitment and human resource management processes are still new and need strengthening; an effort that comes timely with the rules that apply to the human resource management (HRM) function of the ACC since the entry into force of the new Anti-Corruption Act in July 2011. This new legal situation is a critical external factor, which affects the status of ACC staff and needs to be assessed for its potential to strengthen or further jeopardize the commission’s ability to effectively and independently recruit and retain staff. In addition, lack of skilled labor and certain socio-cultural factors have played a crucial role in the ACC’s understaffing. All these elements are discussed in detail in sections (i) to (v) below:

(i) Status of Anti-Corruption Commission Staff under the Civil Service Rules (Bhutan Civil Service Rules and Regulations and Civil Service Act) 2010 and the Anti-Corruption Act 2011 (External Factor)

A lack of clarity about the position of constitutional offices, such as the ACC in relation to the civil service scheme, left the ACC in a considerable vacuum in the recruitment, promotion, and long-term development of its staff. Considerations to de-link from the civil service are also pending and proposals have been submitted to the parliament and the government. Although the Anti-Corruption Act 2006 gave structural determination, rule making, and HRM powers to the commission, the act’s implementation may have been hindered by practical coordination and cooperation challenges.

One of the main advantages of de-linking from the civil service scheme would be that, in line with its constitutionally guaranteed independence, the ACC could set its own terms and conditions for appointment and service. On the other hand, a full de-linking from the civil service under the current rules and regulations would mean that ACC staff, once they leave the civil service to join the ACC, cannot later reenter the civil service, thus considerably limiting their career opportunities.

As long as the current rules prevail therefore, de-linking is not an optimal solution. It has also, for the time being, been rejected by parliament. Instead, under the new ACA, the ACC has been put clearly within the remit of the 2010 Civil Service Act (CSA). The commission is highly concerned about the impact this may have on its independence and has notified and will continue to raise its concerns to relevant authorities. These limitations to the ACC’s independence in relation to HRM are caused by weaknesses in the Bhutan Civil Service Rules and Regulations (BCSR) 2010 pertaining to the following HRM factors that studies have found to be particularly important in determining the probability of the ACA’s success or failure (U4 2011):

- Regulations applicable to appointments, promotions and dismissals (this section and section [iv])
- Integrity of staff (section (iv) on corporate culture)
- Expertise and continuous training (section (iii) on scarcity of specialized labor)
- Adequate salary levels (this section and section [iv])

Table 4.3 provides a detailed discussion of the impact of the BCSR 2010 on these matters and gives an explanation in the paragraphs that follow.

In summary, the ACC is left with two choices, which are not mutually exclusive but may rather be consecutive steps. On the one hand, while the commission still considers de-linking from the civil service to be the best long-term option to preserve its independence and as provisioned in the Constitution, under the current BCSR this is not a viable short-term alternative. Therefore, measures have to be taken to enhance the commission's ability to recruit and retain staff within the given regulatory framework. At the same time, the commission should work toward encouraging changes to the BCSR to achieve greater independence, with the ultimate long-term goal being that of de-linking from the civil service, provided that current disadvantages resulting from such a de-linking have been resolved. In the pursuit of such a partial or full de-linking under improved conditions, the models used by the Anti-Corruption Agencies of Hong Kong, China and Indonesia (Boxes 4.1 and 4.2) provide useful good practice examples.

Table 4.3: Selected Rules in the Bhutan Civil Service Rules and Regulations 2010 and Civil Service Act 2010 that Affect the Anti-Corruption Commission

Issue	Stipulation in Bhutan Civil Service Rules and Regulations 2010	Impact on Anti-Corruption Commission
Recruitment	<p>Chapter 4: Recruitment, selection, and appointment—regular civil service</p> <p>3. Recruitment Planning Process</p> <p>3.1 The Royal Civil Service Commission (RCSC) in consultation with the agency shall determine the staffing pattern and strength required for the Agency for the plan period.</p> <p>3.2 The agency concerned shall initiate annual human resource recruitment plan and carry out recruitment as per the approved staffing pattern and strength, and delegation of authority.</p> <p>3.3 The agency shall identify recruitment needs against vacant positions in consultation with the divisions/sections; obtain approval from the Human Resources Committee. The agency shall submit graduate requisition to the RCSC as per section 8.1 of Chapter 7 on Bhutan Civil Service Examination (BCSE).</p> <p>3.4 The RCSC in consultation with the agency shall determine the vacant positions and recruitment needs for the executive and specialist category in the civil service.</p> <p>3.5 The recruitment against a vacant position shall be made either by direct recruitment of a new employee or in-service recruitment through promotion and/or transfer of a civil servant.</p> <p>4. Authority for Recruitment, Selection, and Appointment of New Employee</p>	<ul style="list-style-type: none"> • The recruitment procedure is outlined in some detail by the Bhutan Civil Service Rules and Regulations (BCSR) but to be implemented by the Anti-Corruption Commission (ACC) itself for supervisory, support, and operational positions. • Limited ability to adjust staffing pattern to changing needs • Limited ability to recruit (including outside the civil service)

Issue	Stipulation in Bhutan Civil Service Rules and Regulations 2010	Impact on Anti-Corruption Commission								
	<p>4.1 The RCSC shall be the central personnel agency for recruitment and selection of a candidate in collaboration with the employing agency, and for approving the appointment against a position</p> <p>4.2 The recruitment of university graduates to professional and management position category shall be conducted by the RCSC through the Bhutan Civil Service Examination.</p> <p>4.3 The authority to recruit, select, and appoint new civil servants at the entry position level shall be as follows:</p> <table border="0" data-bbox="331 634 1054 938"> <thead> <tr> <th data-bbox="331 634 719 668">Position Category</th> <th data-bbox="719 634 1054 668">Authority</th> </tr> </thead> <tbody> <tr> <td data-bbox="331 668 719 740">Professional and Management</td> <td data-bbox="719 668 1054 740">RCSC</td> </tr> <tr> <td data-bbox="331 740 719 838">Supervisory and Support</td> <td data-bbox="719 740 1054 838">Agency except Dzongkhag/Gewog/Dzongkhag and Yenlag Thromdeys/ Statutory Bodies</td> </tr> <tr> <td data-bbox="331 838 719 938">Operational</td> <td data-bbox="719 838 1054 938">Agency except Dzongkhag Thromdeys, Yenlag Thromdeys, and Gewog</td> </tr> </tbody> </table> <p>7. Guidelines on Recruitment and Appointment Procedure</p> <p>7.1.1 As per the delegation of authority, the agency shall advertise the approved vacant positions through media with sufficient time of at least 2 weeks for registration.</p> <p>7.4.1 The agency shall appoint successful candidates against approved vacant positions in the order of merit ranking of the selection result, placement preference of the candidates, and fulfillment of other requirements.</p> <p>7.4.4 The RCSC shall verify details of recruitment carried out by the agency and allot employee identity (EID) numbers.</p>	Position Category	Authority	Professional and Management	RCSC	Supervisory and Support	Agency except Dzongkhag/Gewog/Dzongkhag and Yenlag Thromdeys/ Statutory Bodies	Operational	Agency except Dzongkhag Thromdeys, Yenlag Thromdeys, and Gewog	
Position Category	Authority									
Professional and Management	RCSC									
Supervisory and Support	Agency except Dzongkhag/Gewog/Dzongkhag and Yenlag Thromdeys/ Statutory Bodies									
Operational	Agency except Dzongkhag Thromdeys, Yenlag Thromdeys, and Gewog									
Transfers	<p>7. Guidelines on Recruitment and Appointment Procedure</p> <p>7.4.7 If in-service candidates from agencies are selected, the authority to issue the inter-agency transfer order shall vest with the RCSC for which, the following documents shall be submitted by recruiting agency;</p> <ul style="list-style-type: none"> • a copy of the vacancy announcement, • compiled selection result, and • a No Objection Certificate. <p>Chapter 14: Transfers</p> <p>3. Authority to Transfer</p> <p>3.2 Any transfer to and from constitutional offices shall be made by the RCSC in consultation with such offices.</p>	Deputation requires a No Objection Certificate from current employer and RCSC approval.								

Issue	Stipulation in Bhutan Civil Service Rules and Regulations 2010	Impact on Anti-Corruption Commission
Contract Appointments	<p>Chapter 5: Contract Appointments</p> <p>1. Policy</p> <p>1.1 Recruit and retain personnel with the requisite qualifications, experience, and skills for the following:</p> <p>1.1.1 Time-bound projects and programs;</p> <p>1.1.2 Meeting short-term HR requirements in the Civil Service; and</p> <p>1.1.3 Long-term positions, where there is an acute shortage of human resources.</p> <p>4. Recruitment Procedure</p> <p>4.1 Agency shall process recruitment only against a post approved by the RCSC;</p> <p>4.2 Agency shall obtain prior approval of RCSC for recruitment;</p> <p>6. General Terms of Contract A contract employee shall:</p> <p>6.1 Initially be appointed for a maximum period of 2 years. However, initial appointment for a longer term, subject to a maximum of 5 years, may be considered, if necessary.</p> <p>Contract staff are:</p> <p>6.7 Not be eligible for any formal training.</p> <p>8. Remuneration and benefits</p> <p>8.1.1 A contract employee shall normally be appointed in the entry position and be paid the basic salary of the position to which he is recruited and contract allowance and any other allowances attached to the position at the rates approved by the government, unless specified otherwise through separate orders.</p>	<ul style="list-style-type: none"> • ACC can only contract non-civil servants for positions previously approved by RCSC. • Recruitment is only against posts previously approved by RCSC. • Special contract allowances can be an important incentive to recruit non-civil servants. • The non-eligibility for formal training seriously restricts the professional development prospects of potential direct recruits and thus makes such directly recruited posts less attractive, though in-house training may be an option to alleviate some of this negative consequence.
Remuneration	<p>Regulated in Chapter 11</p> <p>Salary range for all civil service ranks is detailed in Annexure 11/1 (page 195, BCSR, 2010).</p>	<p>The ACC has no authority in determining pay scales or allowances (except indirectly through regular promotions).</p>
Performance Management	<p>Regulated in Chapter 12</p>	<p>While the performance appraisal is to be conducted by the ACC itself, it has to follow the guidelines outlined in this chapter of the BCSR and use the prescribed forms. Combined with the restrictions relating to remuneration and promotion, this severely reduces the ability to pursue a</p>

Issue	Stipulation in Bhutan Civil Service Rules and Regulations 2010	Impact on Anti-Corruption Commission								
		performance-based human resource management system.								
Promotions	<p>Chapter 13: Promotion</p> <p>4.1 Authority to grant promotion Promotions of (EX1) and (ES1) positions and all the meritorious and fast tract promotions need to be administered by RCSC.</p> <p>ACC has some authority over promotions of (EX2-3) and (ES2-3) positions. The regular promotions over broad-banded positions and promotion through open competition can be administered by the ACC.</p>	For out-of-term promotions, RCSC approval is needed. This has in the past caused considerable delays in out-of-term promotions.								
Discipline	<p>Chapter 19: Administrative Discipline</p> <p>2. Jurisdiction and power 2.5 ACC has the power to impose a minor penalty on all positions and major penalty on all positions except for EX1-3/ ES1-3 which is dealt with by the RCSC.</p> <p>11. Suspension</p> <p>1.1 The agency may, except secretaries to the government, other officers of secretary rank and heads of autonomous agencies, place a civil servant under suspension pending an investigation when:</p> <p>11.1.1 The civil servant is charged with dishonesty, grave misconduct, neglect of duty, or abuse of official authority and power;</p> <p>11.1.2 There are justifiable reasons and the evidence of strong guilt; and</p> <p>11.1.3 The civil servant faces criminal charges in a Court of Law.</p>	Most positions in the ACC are under the disciplinary authority of the ACC.								
Resignation	<p>Chapter 20: Separation from the Civil Service</p> <p>2.2. Resignation 2.2.1 The powers to accept voluntary resignation submitted by a civil servant shall be vested with the following authorities respectively, based on the position category of the civil servant:</p> <table border="0" data-bbox="331 1676 1050 1879"> <thead> <tr> <th data-bbox="331 1676 715 1708">Position Category</th> <th data-bbox="715 1676 1050 1708">Authority</th> </tr> </thead> <tbody> <tr> <td data-bbox="331 1708 715 1747">Executive and Specialist</td> <td data-bbox="715 1708 1050 1747">RCSC</td> </tr> <tr> <td data-bbox="331 1747 715 1815">Professional and Management</td> <td data-bbox="715 1747 1050 1815">Human Resource Committee of the Agency</td> </tr> <tr> <td data-bbox="331 1815 715 1879">Supervisory and Support and Operational</td> <td data-bbox="715 1815 1050 1879">Human Resource Committee of the Agency</td> </tr> </tbody> </table>	Position Category	Authority	Executive and Specialist	RCSC	Professional and Management	Human Resource Committee of the Agency	Supervisory and Support and Operational	Human Resource Committee of the Agency	The ACC has the power to accept resignations by most of its staff and can dismiss staff for severe misconduct (except executive and specialists).
Position Category	Authority									
Executive and Specialist	RCSC									
Professional and Management	Human Resource Committee of the Agency									
Supervisory and Support and Operational	Human Resource Committee of the Agency									

Source: Bhutan Civil Service Rules and Regulations 2010.

Key Restrictions under the Bhutan Civil Service Rules and Regulations and the Civil Service Act

The ACC does not have influence over staff salaries; these are determined by the Pay Commission. A special allowance (45% for investigation staff and 20% for all other staff) has been granted to the ACC staff in 2009. As such, there is limited leeway for the commission to influence salary levels. Other legitimate benefits, such as government housing, are however also available to civil servants, and the ACC could explore these further to make working at the ACC more attractive from a rewards perspective.

- ✎ *The ACC will again aim at obtaining additional legitimate pecuniary and non-pecuniary benefits for its staff in the next 1–3 years. Notably, it will reiterate its need for access for its staff to government housing and similar benefits; in addition and in due course, it will evaluate the need for applying for additional (performance rather than function-based) monetary allowances for all its staff members. A survey among civil servants and/or graduates about conditions under which they would be willing to join the ACC may be conducted to assess which of these benefits will have the most impact on the recruitment levels; the survey results can be used to support the requests to government.*

With regard to appointments and dismissals, the ACC under the CSA has a degree of autonomy within the parameters drawn by the Royal Civil Service Commission (RCSC). Notably, the ACC has authority to write its own job descriptions (Table 4.3), which has to be endorsed by the RCSC. The ACC can also dismiss staff, following BCSR procedure. It also conducts its own job interviews and exams within the decentralized policy and selection framework of the RCSC.

However, when it comes to fresh university graduates, only the RCSC has the authority to recruit and allocate to agencies, including the ACC. When it comes to secondment or hiring from within the civil service, civil servants wishing to be transferred or deputized to the ACC require a No Objection Certificate from their previous employer, which is a considerable hurdle especially for highly qualified staff whose superiors will be reluctant to let them go, and such transfers require the RCSC's approval. The CSA 2010 further restricts the independence of the ACC with regard to staff management and development. The ACC has no freedom in determining out-of-term and meritorious promotions, as these are regulated and controlled by the RCSC.

- ✎ *The commissioners will endeavor to meet and share information with RCSC regularly so as to swiftly and promptly resolve any potential barriers encountered by the ACC in its HRM processes and to ensure that all possible avenues under applicable laws and regulations can be fully exploited to alleviate the ACC's recruitment and retention challenges.*
- ✎ *As long as its recruitment practice continues to be ruled by the CSA and the BCSR, the ACC will seek exemption from certain aspects of the BCSR that are particularly restricting its freedom to independently manage, recruit, promote, and develop its staff. These areas are highlighted in Table 4.3.*
- ✎ *The ACC is committed to participate actively in any future efforts to revise and reform the BCSR, with a view to contributing to a modern, flexible, and performance-enhancing HRM and human resource development (HRD) system in the civil service that will benefit both the ACC and the general civil service. Examples from Hong Kong, China and Indonesia may be used as guidance.*

Opportunities under the Bhutan Civil Service Rules and Regulations and the Civil Service Act

Being under the remit of the CSA on the other hand increases the ACC's options for recruitment, as it gives access to a pool of approximately 23,000 civil servants. It also allows for lateral movement between the ACC and the civil service and offers its staff the opportunity to pursue upward career movements in the bureaucracy.

The CSA also gives the ACC access to deputized staff, provided they receive clearance (No Objection Certificate) to temporarily leave their current place of employment. In other ACAs, deputation has been successfully used. Botswana's Directorate for Corruption and Economic Crime, for example, was originally

staffed with a combination of officers seconded from the country's other law enforcement agencies (notably the police and customs) and expatriate experts. The Corrupt Practices Investigation Bureau (CPIB) of Singapore has also originally relied heavily on staff secondments from the national police force (U4 2011). Finally, the Corruption Eradication Commission (KPK) in Indonesia is obliged to employ prosecutors from the Attorney General's Office to fill its prosecution related positions (see Box 4.2; Indonesia's KPK has prosecutorial powers in addition to prevention and investigation mandates). Deputation presents the advantage of institutional flexibility and facilitates the exchange of specialist knowledge and expertise. However, they should be devised carefully so as not to disrupt the building of sustainable institutional expertise. It can also be expected that the fear of social isolation as a result of working for the ACC (see section 3.2.3 on social pressure) and worries about high work load will be considerably lower when deputized staff know that a return to their previous workplace is guaranteed. To date, there have been no deputations from other agencies to the ACC, but this is an option for the ACC to pursue actively in the immediate future. Deputation arrangements with agencies of comparable work, such as the Royal Audit Authority (RAA) and the Department of Revenue and Customs (for work related to investigations), or the Ministry of Education (for prevention and public education work), should be pursued with serious effort. Despite the present difficulty of deputizing ACC staff to these and other agencies given the extreme staff shortage, this option should be actively promoted in the medium to long-term as it can enrich jobs and enhance career opportunities for ACC staff.

Finally, the ACC under the CSA 2010 can still appoint non-civil service staff members who have not reached superannuation age on contract to meet specialized or short-term human resource needs in accordance with the BCSR (Art. 54, CSA). These contracts, normally for 3–5 years, are financially advantageous as contractors receive 35% extra allowance in addition to the ACC special allowances of 20% or 45%. It must be noted, however, that non-civil service appointments are restricted to certain job categories such as supervisory, support, and operational positions (up to entry level P5). Non-civil servants have no access to training and professional development opportunities administered through the RCSC. They will also not receive a pension. Typical target groups for such out-of-service contract employment, therefore, are young graduates that have not entered the civil service, or corporate and private employees.

- ✎ *The ACC will actively explore deputation arrangements with thematically related agencies such as the RAA, the Ministry for Education, and the Department of Revenue and Customs.*
- ✎ *The ACC will explore the option of advertising positions on contract, explicitly exploiting the financial advantages offered for these positions to attract candidates.*

Long-Term Goal: De-linking from the Civil Service with Lateral Movement Opportunities

While the ACC will thus take all these steps to use the opportunities available under the CSA 2010 to increase recruitment and retention rates, de-linking the ACC from the civil service continues to be a viable option for the ACC as, under more flexible regulatory circumstances, it is better suited to preserving the commission's constitutionally guaranteed independence. It should, however, not come at a cost (no return to civil service) for its current or future staff, as this would further hamper recruitment. The most appropriate solution for the ACC with regard to de-linking at this stage appears to be the model chosen by the Independent Commission Against Corruption in Hong Kong, China and the KPK in Indonesia (Boxes 4.1 and 4.2).

Box 4.1: De-Linked Staff Management at the Independent Commission against Corruption Hong Kong, China

“Personnel were selected by the Commission by open recruitment and were employed on limited period, renewable contracts. The period was 2 1/2 years for junior officers, 3 years for directorate officers. The contract was renewable indefinitely.

Those who came from the civil service were given the option of remaining on public service terms, namely permanent and pensionable, or of coming on contract. If they chose to come on contract, the administration guaranteed their return to the civil service after the first or second contract. If they chose to stay on for a third contract or more, the guaranteed return no longer applied.

An important advantage of contract terms was that the contract attracted an end-of-contract lump sum gratuity of 25% of gross salary. The gratuity was paid in lieu of pension on satisfactory completion of the contract. [...]

The advantages of these contract terms of employment soon became clear. They allowed a public servant to join the Commission on a trial basis without compelling him to abandon his secure career in the civil service, an important consideration when the long-term future of the Commission was uncertain. They gave him a lump sum gratuity to be spent as he chose—children’s education, home purchase, anything. They allowed him to leave the Commission at the end of a contract without having to resign.

From management’s perspective, the contract attracted high calibre officers, officers who proved less than satisfactory could be moved out by non-renewal rather than dismissal, and the Commission did not have to establish a special pension scheme of its own.

But perhaps the most significant advantage of the Commission’s contract of employment was that it allowed the Commission to be its own employer. When public servants came to the Commission, they were truly officers of the commission, not employees whose salaries, disciplinary procedures and prospect of advancement depended on the civil service employer. Their loyalty lay only to the Commission. This was, and was seen as, an important separation of the anticorruption body from the civil service.

The concern, at first, was that fixed term contracts of employment would result in a high turnover of staff. That proved not to be the case. Renewal became the norm. Management had invested in training and had every incentive therefore to retain good officers of growing expertise. Officers working in favourable conditions with attractive terms of employment chose to renew time after time. For many, service with the Commission became a long-term career.”

Source: De Speville, 2010.

Box 4.2: De-Linked Staff Management at the Corruption Eradication Commission, Indonesia

The Indonesian Corruption Eradication Commission (KPK) has a mandate in prevention, public education and law enforcement, the latter including both investigative and prosecutorial function. Under the prosecutorial function and the current understanding of ‘public prosecutor’, the KPK has to employ public prosecutors seconded from the Attorney General’s Office. In regards to other functions, the Law establishes the right of the commission to recruit and employ qualified non-civil servants as “KPK officers” based on their expertise (Art. 24, 1 and Art. 25, KPK Law). The law contains no provisions regarding remuneration of the commissioners and the employees. [...] The KPK can determine its own terms of employment, including remuneration, performance management and promotions, trainings and dismissals within an overall human resources budget agreed by the Department of Finance.

Individual vacancies as well as several general recruitment rounds since 2004 with the slogan “Indonesia calls...” were publicly advertised. The slogan “Indonesia calls...” is meant to evoke a sense of vocation to serve the country. The KPK has received tens of thousands of applications for the general recruitment rounds.

Unlike the remuneration system in the civil service which has very low, compressed base salaries and a maze of allowances that lack transparency and help disguise corruption, the KPK developed a de-compressed, performance-based system similar to the corporate sector. Every KPK employee receives a monthly, single

salary payment as take home pay that includes a transport allowances linked to actual office attendance and the submission of a timesheet. Unlike civil servants, KPK staff is not allowed to receive any further payments or benefits, such a seminar honoraria.

The remuneration system takes into account position, personal qualifications (competency) and performance to determine salary grades. All positions have been graded by a point system on a scale ranging from 5 to 22. Grade 1 to 4 positions, such as cleaning and building security personnel are outsourced to third parties. Each grade has five sub-divisions, depending on individual competencies. This sets a great incentive to participate in training and take on new job assignments to increase individual competencies and hence the salary.

Civil servants have to undergo the same recruitment tests as other KPK employees. They are also graded in the same remuneration system. Their base salary continues to be paid by the sending agency and the KPK provides a topping up where needed to reach KPK salary levels. Deputation is for four years and can be extended once, after which the civil servants have to return to their original agency or leave the civil service and become KPK officers.

Source: Adapted from Schuette, S. 2011. Triggering Institutional Change: The Indonesian Corruption Eradication Commission. Doctoral Dissertation. (Not to be quoted without consent from author.)

Both anticorruption agencies are de-linked from the civil service and enjoy full autonomy over their human resources. Nevertheless, their staff can be hired from the pool of both civil servants and non-civil servants, and movement of staff out of and back into the civil service is possible under clearly defined circumstances. To achieve this in Bhutan, a number of provisions of the BCSR would need to be changed or the ACC would need to be exempted from them notably in the areas of promotion, employment conditions for seconded and contracted staff, and remuneration and decisions on staff patterns as outlined in detail above and highlighted in Table 4.3. Consideration of case-by-case basis by the RCSC without the actual amendment of its rules to accommodate the special needs of the ACC will be unsustainable as such arrangement will be subjected to relations and personalities.

☞ *The ACC will continue to lobby for independence when it comes to the management of its human resources, as per previous recommendations. Ultimately, it is its goal to adopt a model similar to that of the anticorruption agencies of Hong Kong, China and Indonesia (see Boxes 4.1 and 4.2), which allows a partial de-linking without implying the disadvantages of a complete de-linking that have been discussed in the earlier sections.*

(ii) **Social Pressure (External Factor)**

While the work of the ACC is widely respected in the country, it is also considered difficult both technically and socially. In a small society where everyone knows everyone, investigations may easily implicate relatives or friends. As a consequence, there is a fear of social ostracism and isolation associated with working in and with the ACC. The impact of this on recruitment and retention rates has not decreased despite the introduction in 2010 of additional remuneration benefits. This indicates that the sociopolitical factors contributing to this negative image of working with the ACC lie to a considerable extent outside the realm of influence of the commission; however, certain elements may be influenced.

Notably, public perception of the ACC is mainly focused on the commission's investigative work. People are less aware of its prevention and public education activities. This distorted public image is partly due to the media's focus (section 3.2.1) on corruption scandals and partly a result of the dynamics and sensitivities of complaints management causing the ACC's initial focus on investigations rather than on prevention and public education. This strategy is in line with the practices of other anticorruption agencies (e.g., Independent Commission against Corruption [ICAC] in Hong Kong, China, and the CPIB in Singapore) but might in the case of Bhutan need to be reviewed as it negatively impacts recruitment and retention rates. Society perceives the ACC's important work in prevention and public education as more constructive and less socially disruptive. If these activities are better known in public, ACC staff would likely be seen less as a threat. Such rebalancing between the enforcement, prevention, and public education activities is also in line with this report's findings regarding organizational efficiency (section 3.1.1).

Secondly, society's negative image about working for the ACC could also indicate that at this point, there is still limited "demand" for anticorruption and accountability. This is partly a result of the prevailing perception of relatively low levels of corruption in the country; partly, it may also be typical for a young democracy. Yet, public support for the ACC's work is important not only to increase recruitment and retention rates, as experience in other countries (see Box 4.4 on Indonesia in section 3.2.3) has shown. Through more public education work, including in conjunction with civil society organizations (see 3.1.2.c), the ACC will be able to enhance demand for anticorruption and accountability, which in turn will positively influence the perception of those working at the ACC. In other countries anticorruption commission staff are seen as national heroes.

- ✎ *The ACC will seek to establish a more balanced public image of the commission with a view to reducing the social pressure on its staff that comes from a previous perceived imbalance between investigative, preventive, and educative work.*
- ✎ *The ACC will work actively on its media and public communications strategy with a view to making its work more accessible to society, and thus generate greater public understanding and demand for anticorruption measures and accountability.*

(iii) **Scarcity of Specialized Labor (External Factor)**

Another external factor affecting the ACC's recruitment and retention rate is scarcity of people with appropriate experience or professional training. For example, there is a broadly acknowledged scarcity of lawyers in Bhutan, with only around 100 lawyers in the country at the moment. This situation is expected to improve somewhat as at least 40 law graduates are expected to return in the next few years. In addition, the newly established Bhutan National Legal Institute provides in-service training for judges and prosecutors. A law college is being planned, which should, in the mid- to long-term, reduce the need for students to attend law school overseas and thus considerably increase the number of qualified lawyers in the country. However, key institutions including the ACC and the Office of the Attorney General (OAG), as well as ministries that have a need for in-house legal services, are concerned that the need cannot be met in the short and medium term. The ACC will thus have to further strengthen its own short and long-term human resource and training measures to overcome at least some shortage in legal skills.

In addition, the ACC also suffers from a scarcity of candidates with specialist skills in the ACC's other non-legal tasks. As corruption can be a highly complex crime and the ACC's type of work is new to the country, there is little expertise in the country in these matters. As a consequence, many ACC employees join the organization as career changers. Continuous training and human resource development is critical to make up for the country's present lack of available qualified staff. In this context, many ACC staff members have attended short-term courses, mostly abroad; two staff members are currently undergoing long-term graduate training overseas. However, a more strategic and systematic approach to HRD is necessary to cope with the ACC's long-term skills and staff development needs. This has also been recognized by the Crown Agent Report (2007) and the UNDP/UNODC capacity assessment report (2010), which recommended that a comprehensive and targeted training needs assessment be conducted. In this training needs analysis, the ACC will carefully consider the advantages and disadvantages of overseas versus in-country training, of theoretical versus practitioner-led on-the-job in-house trainings, as well as training opportunities already provided by other institutions in the country, for example the RAA or the Royal Institute of Management. Finally, the training needs analysis will also consider the possibility of joint trainings with related accountability agencies, such as the RAA, the Royal Bhutan Police (RBP), and the OAG, with a view to sharing costs and using the training to further strengthen collaboration of the ACC across the Bhutanese public sector.

- ✎ *The ACC will conduct a comprehensive training needs analysis and seek to obtain targeted funding and partnerships for implementing the related HRD program.*
- ✎ *The ACC will aim at coordinating the currently dispersed efforts of establishing institutions of higher learning (focusing on ensuring qualitative and quantitative human resource supply).*
- ✎ *As a long-term measure, the ACC will also explore the feasibility of capturing students after year 12 and sending them for training with the condition that they work in the ACC after graduation.*

(iv) Human Resource Management Capacity and Processes (Internal Factor)

The internal recruitment and HRM function has recently been strengthened with the appointment, in early 2011, of a designated Assistant Human Resource officer in charge of administering recruitment, performance appraisals, promotion, leave, training, and payroll. The Assistant HR is also secretary of the ACC's Human Resource Committee (HRC), which is composed of the division chiefs and chaired by the director. The HRC meets whenever required and decides on all matters relating to human resources, including vacancies and their advertisement. The Assistant HR has considerably helped in managing the ACC's recruitment process. However, delays still occur in the advertising and filling of posts and there is scope to further strengthen and professionalize HRM and improve cooperation with the RCSC, as follows:

- ✎ *Within the coming 12 months, the ACC will develop and implement a strategic human resource plan. A human resource plan is developed by (i) determining the positions required to fulfill the commission's mandate and plan; (ii) developing a profile and skills requirements for each of these positions; (iii) matching existing staff with positions and identifying remaining needs for hiring new staff and/or for up-skilling existing staff; (iv) identifying positions that are particularly vulnerable in the event of a staff resigning and developing succession plans for these positions; (v) planning recruitment needs in view of the results from (iii); and (vi) linking the findings, from (iii) with regard to up-skilling needs and from (iv) with regard to succession planning needs, to the training needs assessment as discussed.*
- ✎ *The ACC will seek to review and streamline routine recruitment processes through such measures as standardizing and categorizing interview exam questions and developing standard job interview questionnaires and template letters to cover the various correspondence needs in the course of a recruitment process, with a view to enhance efficiency in this function. It may also explore possibilities of outsourcing the recruitment process.*
- ✎ *To further professionalize recruitment, human resource professionals ideally from Bhutan will train or coach staff members that are regularly deployed to interview job candidates. If these professionals are not available in Bhutan, an international human resource professional experienced in working with anticorruption agencies with similar challenges or government agencies in countries with similar characteristics will be tapped.*
- ✎ *The ACC will review current entry level standards (recently lowered from 60% to 50%) and exam questions for adequacy. System of integrity checks will also have to be put in place.*
- ✎ *To further strengthen the smooth functioning of the ACC's critical human resource function, efforts shall be made to institutionalize regular and open communication between the ACC's human resource function and the RCSC.*

(v) Corporate Culture (Internal Factor)

Work overload, performance pressure, high behavioral and professional standards, and perceived inequalities among staff and teams affect the ACC's recruitment and retention rate. Indeed, the 2009 UNDP/UNODC survey found that the work volume weighed heavily on a majority of staff across all divisions and was a key reason for the low retention rate. The heavy workload is primarily a result of the continual understaffing as well as of the generally difficult and complex nature of the ACC's work. This situation can be expected to improve as the recruitment rate increases following the implementation of the measures described above. In addition, the ACC will continue to ensure that performance expectations and work plans are in line with actual staff strength and skills.

A measure that would help staff in dealing with high work pressure and work expectations is a more performance-based human resource management. However, as noted earlier, the ACC is currently constrained in implementing such a system due to the rigidity of the BCSR and the available remuneration and promotion structures. Nonetheless, the ACC could consider the introduction of a performance management tool such as

the balanced scorecard in addition to the existing basic performance evaluation under the BCSR. In Indonesia, such a system has entailed the development of key performance indicators (KPIs), on the one hand for the organization as a whole, and on the other hand cascaded down to the levels of individual departments, directorates, teams, and the individual staff. Each staff ends up having to meet 5 to 8 KPIs. By linking the individual level KPIs upward through the different organizational levels to the highest level organizational goals, these staff KPIs steer individual awareness and performance toward the fulfillment of strategic organizational goals and give staff a sense of their importance to the organization's achievements. Progress toward achieving the KPI should be assessed and possibly adjusted on a quarterly basis, and evaluated on an annual basis. Where feasible, individual KPIs could become part of the performance evaluation required by BCSR. In addition, performance management should ideally be linked to remuneration to reward staff for outstanding performance, although this remains difficult at present as the ACC is under the remit of the Civil Service Act 2010 and the BCSR. Therefore, while the ACC is under the BCSR, performance under the proposed KPI scheme could be linked to other perks for outstanding performance such as additional days of leave or access to additional or overseas training.

In addition to high performance standards, the high behavioral standards at the ACC also put considerable pressure on the team. There is no doubt that the ACC's professional behavior must be beyond reproach, and the commission has no leeway to alleviate this burden. Rather, the ACC's high ethical and integrity standards should be a source of pride for the staff. However, it is clear that these standards must be well explained to staff and must be supported by a corporate culture that motivates staff and encourages them to identify with the ACC and take pride in their team's distinctive features.

Efforts to strengthen corporate culture and pride have been somewhat compromised in recent years due to the ACC's high work load. The move to the new facilities, which will reunite the different divisions under one roof, can be expected to help instill greater corporate identity. The facilities will be a more enabling environment both for formal team activities and for informal staff contact. It is also expected that perceived inequalities among the different divisions, currently exacerbated by the geographical separation of the divisions, will partially be reduced. However, facilities alone are no magic potion. To strengthen corporate culture, the ACC will have to make other conscious measures, typically including social, non-work related joint activities, team building events, and possibly the availability of staff and team coaches.

Finally, job enrichment measures, required to enhance staff motivation and corporate culture, aim at allowing employees to use a range of their abilities, potentially working horizontally as well as vertically on a series of tasks and projects, although one has to be mindful not to increase but rather add variety to a given employee's tasks. In the context of the ACC, job enrichment measures could typically include short or long-term job rotations within the organization as well as a more systematic implementation of joint operations between two or more divisions (there were traces of this in the past). Job enrichment should also be a factor to consider in the context of deciding on the commission's future organizational structure (section 3.1.1.d).

- ✎ *To reduce the extensive pressure on staff, the ACC has to be mindful to carefully reflect the reality of its staffing situation in the annual work plan and work expectations toward staff, and to manage the planning of the annual work program professionally, including monthly and quarterly reviews of goals achieved and potential adjustments to work plans.*
- ✎ *In the same vein, the ACC will consider reducing the number of (currently weekly) work plan meetings (e.g., to 2 per month), and manage these more professionally. For example, rather than using the meetings to simply report about past activities, they should be used constructively to discuss and jointly find solutions to difficulties encountered in the achievement of work plan goals with a view to ensuring that (i) the work plan stays on track, (ii) all staff take responsibility for the overall achievement of the ACC work plan goals, and (iii) cross-divisional solutions are sought and coordinated to difficulties in individual division as well as across the organization.*
- ✎ *The high behavioral standards expected within the ACC need to be strengthened by: (i) addressing these standards during recruitment with a view to preparing staff to and testing their readiness to meet them;*

(ii) having new staff sign the ACC's Code of Conduct as part of the oath of affirmation and allegiance ceremony; and (iii) regularly working with staff through integrity dilemma case studies, for example, during work plan meetings or monthly integrity meetings.

- ✎ *The ACC will reinstate regular team building efforts of formal and informal nature. A series of monthly talks could include a mix of job related technical presentations by senior external (local and international) experts and values based talks and presentations of inspirational nature.*
- ✎ *The ACC will seek to link individual performance goals (or key performance indicators) to organizational goals and obtain authority to grant special perks such as additional days of leave or training for outstanding performance.*
- ✎ *The ACC will seek to establish a system for occasional job rotation as a practical job enrichment measure.*

a. Independence

The chairperson and the two other members of the commission are appointed by His Majesty the King from a list of names recommended jointly by the Prime Minister, the Chief Justice of Bhutan, the Speaker, the Chairperson of the National Council, and the Leader of the Opposition Party (Constitution of 2008, Art. 27 [2]). As a consequence, the three members of the commission can rely on bipartisan support, which strengthens its constitutionally guaranteed independence. The commission reports to the Parliament and is thus autonomous of the executive arm of the government. As such, the ACC is different from and enjoys greater political independence than, for example, Hong Kong, China's ICAC, which reports to the Chief Executive of the Hong Kong Special Administrative Region, and Singapore's CPIB, which reports to the Prime Minister. It is more comparable to the New South Wales Independent Commission against Corruption in Australia (NSW ICAC), which also reports directly to Parliament.

Article 6 (1) of the Anti-Corruption Act 2011 stipulates the operational independence of the ACC: "the Commission shall act independently, impartially, fairly and in the public interest." This is partly qualified in the subsequent paragraph, which states, "Subject to the provision of the Act, the Commission shall not, in exercising its powers or functions, be subject to the direction or control of any person or authority."

At present, there are no signs that political parties, members of government, or other politically or economically influential figures are trying to exert undue influence over the ACC. However, in the future, as the ACC continues in its important task of investigating corruption cases, including cases that potentially involve high-level political or business executives or influential citizens, such attempts could potentially occur. The ACC has considerable independence and also in comparison to international agencies, constant efforts to maintain this independence and further strengthen it are justified. Recent legislative changes, the Civil Service Act 2010, and the Anti-Corruption Act 2011 in particular, have introduced legal provisions with the potential to significantly challenge this independence. The ACC is no longer able to independently determine its own organizational structure but it is now obliged to do so "in consultation with the Royal Civil Service Commission" (Anti-Corruption Act 2011, Article 8 [1]). Similarly, the appointment, management, and dismissal of the commission's staff are now regulated by the Civil Service Act 2010 and the Bhutan Civil Service Rules and Regulations 2010. On this last point, the independence of ACC Bhutan indeed lags behind those of Hong Kong, China's ICAC, Singapore's CPIB, NSW's ICAC, Indonesia's KPK, and others.

- ✎ *The ACC's mid-term goal is to reinstate independence with respect to determining its organizational structure and the appointment, management, and dismissal of its own staff. As indicated earlier, this can be achieved either by seeking to be exempted from certain provisions of the BCSR relating to these matters; to achieve this constant negotiation with the RCSC is required as well as coordinating with key institutions that determine the nature and shape of the civil service, particularly the Parliament and the Committee of Secretaries (CoS). Alternatively, the ACC can achieve this by working toward complete de-linking from the civil service, as this would reinstate its independence in determining its own organizational structure, determining and independently managing the appointment, management,*

remuneration, and dismissal of staff and in building corporate identity and culture. In doing so, however, it is strongly recommended that the ACC follows the models used by Hong Kong, China's ICAC or Indonesia's KPK, as these institutions have achieved an efficient and largely ideal balance between independence from and attachment to the civil service.

- ✎ *In the same vein, efforts will be made to obtain further funding security from government, if necessary by legislative means (see more on this under "Funding").*

b. Continuity

The three members of the commission are appointed for a term of 5 years (or shorter, if attaining the age of 65 years before the end of the 5-year term) (Constitution of 2008, Art. 27 [3]). This comparatively short tenure is in line with that of members of other constitutional bodies (i.e., the Election Commission, the RAA, and the Royal Civil Service Commission [RCSC]), and is an important safeguard against misuse of position, and as such, a necessary counterpart to the aforementioned elements of independence. At the same time, it can also be a constraint to the sustainable functioning of the ACC. To ensure continuity and long-term orientation beyond the 5-year terms of the commissioners, adequate strategies and systems, work protocols, and cooperation agreements have to be in place.

- ✎ *The implementation of this Institutional Development Plan (IDP) will help ensure continuity and sustainability of the ACC's operations. The plan shall be reviewed and, where appropriate, revised periodically. The plan shall also provide the framework for formulating the agency's annual work plans, such as ensuring the consistency of action across the divisions with the commission's long-term goals.*
- ✎ *It is a 1–3 year goal of the commission to establish agreements for cooperation with key partner agencies, notably, the RAA, OAG, RCSC, and key agencies of the public sector to institutionalize current informal cooperation arrangements.*

c. Organizational Effectiveness

The current organizational structure is comparatively flat (Figure 3.1), which has both positive and negative implications for the organization. On the positive side, the flat hierarchy has been noted by staff and outside observers as supporting a sense of equality and openness, and strengthening corporate identity and culture. It is considered good practice for small organizations to refrain from having overly complex and steep hierarchies. On the negative side, the currently flat hierarchy sets natural limits to in-house career opportunities (vertical movement). This can be discouraging especially for younger staff with career ambitions. This is especially a problem at the moment when lateral movement between the ACC and the civil service, which could allow for career advancement both in and outside the ACC, is not established as standard practice due to civil servants' reluctance to join the ACC. As a consequence, the ACC should consider the potentially beneficial impact of adding one or two levels of hierarchy as an incentive for career-seeking staff members. Proposals A and B below should be considered in this light. At the same time, there is clearly a limit to the number of hierarchy levels that can reasonably be instated in a small agency like the ACC without creating unnecessary bureaucracy and administration. Therefore, alternative ways of strengthening career advancement, such as horizontal movements must also be considered, and proposals C and D below may offer such opportunities. Further, shifting of mindset that views career advancement as just a hierarchical movement to professional growth, space for skills and knowledge application in fulfilling individual and organizational goals, and being remunerated based on one's worth may also be considered as options.

The flat hierarchy has also led to a considerable blurring, as already noted in a Crown Agents report commissioned by the ACC in 2007 (Crown Agents Report 2007), of the lines between the commission with its strategic leadership and oversight functions on the one hand, and the secretariat with its operational and administrative functions on the other hand. Although staff shortage is largely responsible for this situation, the Crown Agents report sees the cause of this blurring of functions mainly in the current organizational structure. The report notes that the distinction between functional reporting (to the commissioners) and administrative reporting (to the Director of the Secretariat) is confusing and leads to duplication of reporting and lack of clarity in the authority structures because the commissioners have had insufficient capacity to concentrate and

move forward on key leadership issues, such as long-term strategic planning for operations, media and external communication, institutional partnerships, and the nurturing of support and ownership for ethics and integrity among the political leadership. As a result of this double burden on the commissioners, not enough time could be dedicated to prevention and public education activities compared to case investigations, a situation that needs to be urgently rectified as it not only affects organizational effectiveness but also public perception, long-term efficiency, staff motivation, and retention rates.

Success in increasing the recruitment and retention rate will partially alleviate this dilemma. In addition, the commission has to analyze, possibly adjusting its organizational structure with these primary goals in mind:

- Detach commissioners from operations and administration and enable them to focus on strategic and leadership tasks by:
 - ★ clearly distinguishing between strategic leadership tasks and operational work,
 - ★ establishing clearer authorities and reporting responsibilities, and
 - ★ strengthening the administrative and/or support services section.
- Achieve better balance between operational activities (prevention and public education work on the one hand, corruption investigation work on the other hand).
- Enhance opportunities for cooperation between divisions.
- Enhance efficiency in investigation division.
- Increase lateral and/or horizontal career opportunities within the ACC.
- Allow the development of specialized positions and skills.

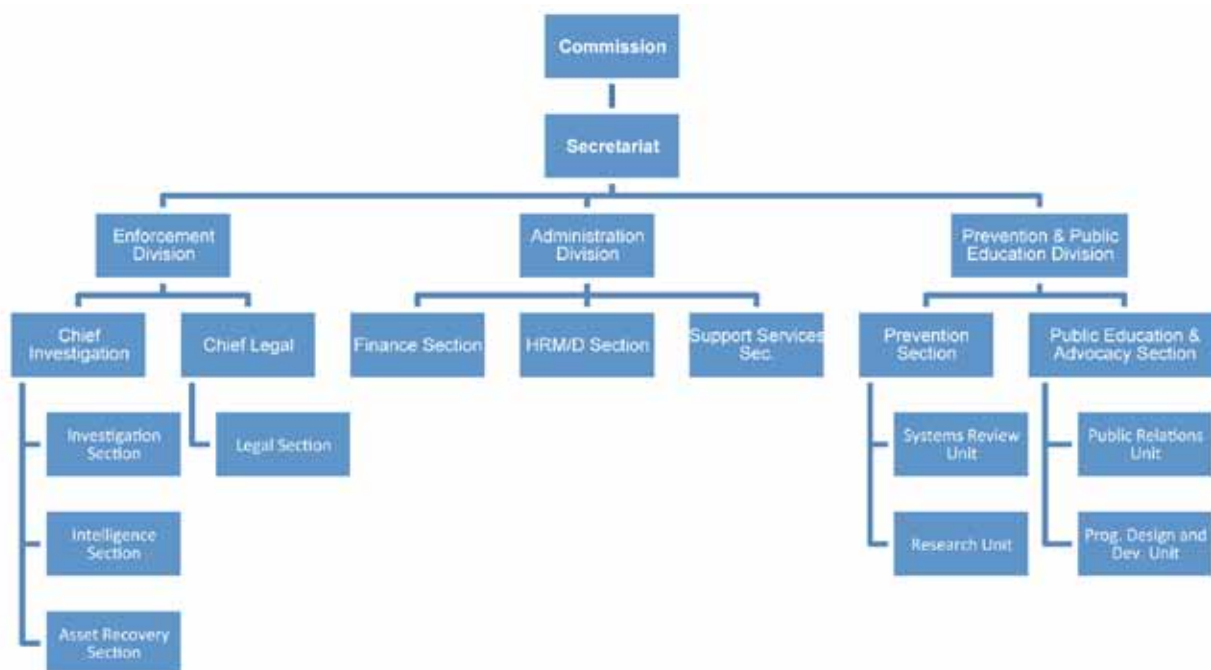
To achieve these goals, different options have been discussed. These include: (i) a structure composed of three operational divisions headed by the Head of the Secretariat (Proposal A) as the Crown Agents proposed in 2007; (ii) a structure with three operational divisions all reporting directly to the commissioners (Proposal B) developed in 2010 by the ACC Secretariat; and (iii) a structure composed of multidisciplinary teams (Proposal C), and a matrix structure (Proposal D), two options that evolved during discussions leading up to the drafting of this IDP.

Proposal A: Three Departments Reporting to the Head of Secretariat

(Source: Crown Agents Report 2007)

Main features and/or distinctions from current model:

- Creation of a Head of Secretariat position
- Creation of a Head of Administration position (Note: can initially be merged with Head of Secretariat position, but doing so will burden the Head of Secretariat/Administration Division with a large work load, hence s/he will likely have to neglect some tasks in relation to supervising the operational divisions, and as a consequence shift these responsibilities up toward the commissioners again which, as discussed earlier, is not ideal)
- Merger of Prevention Division and Public Education Division (PED)
- Merger of legal unit into Investigation Division



HRM/D = Human Resource Management/Division.

Advantages:

- Clarifies reporting lines by unifying functional and administrative reporting
- Enables commissioners to be more detached from day-to-day operations and administrative functions while still maintaining oversight and supervision of all operations
- Better balance between investigation/law enforcement and prevention/public education
- Investigation work strengthened and opportunities for specialist skills development created through the establishment of separate divisions for investigation, surveillance/intelligence, and asset recovery
- Geared toward future need for asset recovery capacity through creation of asset recovery unit
- Offers considerable lateral career moves due to the greater number of sections/units

Disadvantages, risks, and necessary preconditions:

- Overburdening of investigation section with investigations, intelligence, and asset recovery
- Comparatively steep hierarchy for a small organization

Proposal B: Three Departments Reporting to Commissioners

(Source: ACC Secretariat in 2010)

Main features or distinctions from current model:

- Merger of Prevention Division and Public Education Division
- Merger of legal unit into support services
- Current divisions upgraded to departments
- All departments (including Support Services) report directly to commissioners
- Investigations Division is renamed Operations Department and composed of two units, one for investigation and one (new) for surveillance and intelligence
- Organizational structure similar to Indonesia's Corruption Eradication Commission (KPK)



ICT = information and communication technology.

Advantages:

- Relatively flat hierarchy offering
- Two new Executive Level 3 (EX3) positions offer more career opportunities than present structure
- Investigation work strengthened and opportunities for specialist skills development created through the establishment of separate divisions for investigation and surveillance/intelligence
- Enhanced opportunities for synergies between prevention and public education by merging these functions into one department
- Administrative sections strengthened and more sustainable
- Authorities and reporting responsibilities are streamlined (notably: head of support services no longer involved in operations but able to focus on administrative, financial, IT, planning, and legal issues)
- Better balance between investigation/law enforcement and prevention/public education

Disadvantages, risks, and necessary preconditions:

- Risk that commissioners remain too involved in day-to-day operations (rather than only strategic operational issues) due to direct reporting of departments to commissioners. Elaboration of clear Terms of References and well-defined authorities vested in the different departments will be critical to safeguard against this risk, although in practice, much also relies on the discipline of concerned staff members and commissioners in respecting these Terms of References and vested authorities
- Filling heads of department positions may be challenging in the short run considering the ACC’s current difficulties in recruiting suitable candidates for senior positions

Proposal C: Multidisciplinary teams

Main features:

- Thematic rather than functional organization, composed of (a theoretically unlimited number of thematic teams reporting to the Head of Secretariat (or, alternatively, directly to the commissioners)
- Each thematic team is coordinated by a head of team who possesses an investigation, prevention, or public education background. Each team is further composed of 2 to 4 investigation officers and 2 to 4 prevention and/or public education specialists.

**Advantages:**

- Relatively flat hierarchy
- Considerable synergies between investigation, prevention, and public education
- Underlines the nonthreatening image of the ACC as an agency that works holistically on the corruption issue and not primarily through law enforcement
- Facilitates job succession within teams, as specialized knowledge is available and transferrable
- Creates opportunities for thematic specialist skills development, and thus enhances long-term (non-ACC) career opportunities for ACC staff as well as transferability of in-civil service staff to the ACC

Disadvantages, risks and preconditions:

- Requires (at the minimum) full staff numbers to ensure that each team is adequately staffed and that advantages such as job succession can be fully exploited
- Requires ability to hire skilled staff
- Requires careful and skilled management of facilities and resources shared across teams (e.g., investigation equipment)
- Upward career opportunities are limited (especially compared to Proposal B)

Proposal D: Matrix Organization**Main features:**

- Two-dimensional organization structure based on two levels of allocating tasks and responsibilities: one level is functional, one level is thematic/sectoral

Advantages:

- Elevates both the functional and the thematic/sectoral issues to first level management responsibility and, hence, operational focus
- Facilitates job succession and allows flexible and quick reallocation of staff resources
- Allows easy readjustment to new themes and changing operational focus
- Offers job enrichment potential for staff
- Provides a system of checks and balances between different operational foci; thus assists in enhancing consistency and coordination between functions and thematic foci

Disadvantages, risks and preconditions:

- Requires considerable senior and middle management expertise and experience
- Requires a solid and efficient internal dispute resolution system to solve any disagreements between horizontal and vertical managers
- Commissioners risk remaining highly involved in day-to-day management and operations

A challenge likely to be faced with any of the above structures relates to the fact that under the Civil Service

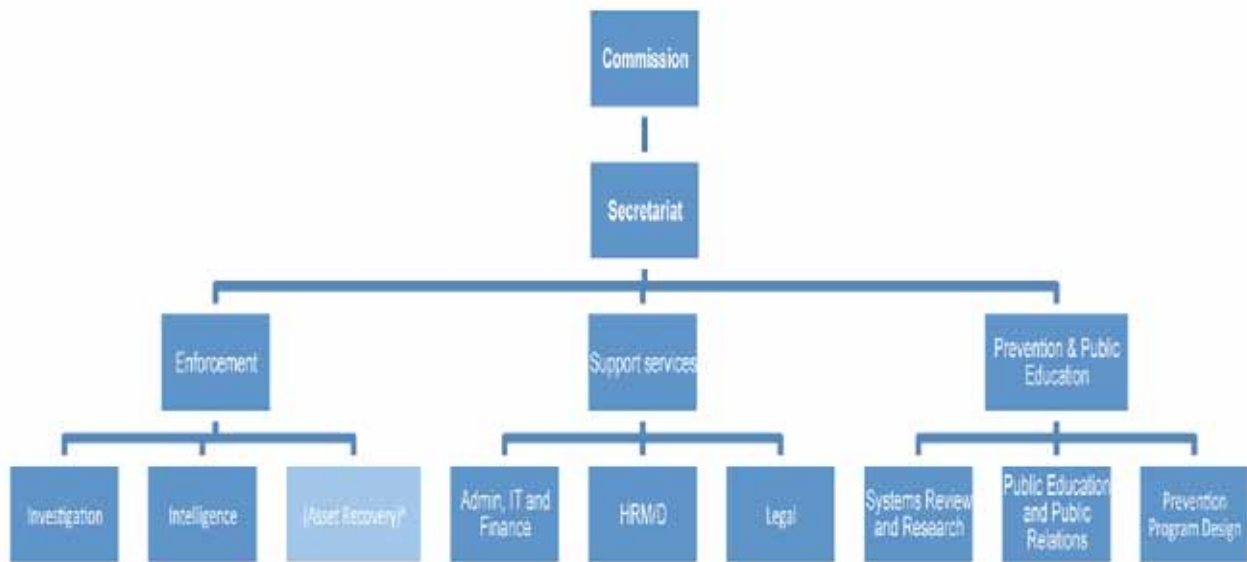
Act, the ACC is obliged to consult with the Royal Civil Service Commission (RCSC) on any changes to the organizational structure. This requirement may complicate and potentially delay the process, especially if the restructuring has implications on the staffing pattern and categorization of certain positions, or if the proposed organizational structure is atypical for the civil service.

- *Using these four models, the ACC should review and potentially revise the existing organizational structure, with the following key objectives:*
 - ★ *enable the commissioners to detach themselves from the operations and administration of the divisions/departments,*
 - ★ *strengthen and create synergies and a better balance between the divisions, and*
 - ★ *create in-house career opportunities.*

Recommendations:

Based on available knowledge and information, the following options are recommended:

1. Options C and D require considerable management expertise and experience, such as (i) excellent skills in organizational planning and processes, (ii) a high capacity to absorb and deal with conflicting priorities, pressures, and potential conflicts among management, and (iii) a multiskilled team and a cultural background of staff that is non-hierarchical and highly flexible. These are skills and cultural aspects not presently widely spread in Bhutan and it is thus recommended that while C and D are highly desirable options, these should be considered as mid- to long-term options only.
2. The organizational structure proposed in the Crown Agents report in 2007 (model A) in combination with aspects of model B as proposed by the ACC would seem a suitable model (short or long-term) to achieve the identified goals and reduce to the extent possible the inherent disadvantages on any organizational structure while strengthening the particular advantages of these models, thus limiting the burden which an organizational restructuring invariably causes, and taking into account the human resource constraints facing the ACC in the short term. The following organizational structure is recommended for the short to mid-term:



^a Note: Asset Recovery Unit can be established in the course of the next 2 to 3 years, ideally following intense training of dedicated individuals, and once respective cases have been identified for investigation.

d. Decentralization

Since the Fifth Five-Year Plan in 1981, Bhutan has undergone a process of decentralization that is the devolution of resources and decision-making powers to the local level. Although local administrative autonomy has already been enhanced and the principles of democratic and decentralized governance are formally enshrined under Article 22 of the Constitution, the decentralization process continues. The Tenth Five-Year Plan supports greater autonomy in the way local governments plan and manage their development programs (GNHC, 2008: 67–70). Data on corruption related to decentralization is not conclusive. On the one hand, only a relatively small portion of irregularities reported by the RAA were found in the administration of *gewogs* and *dzongkhags* (Table 3.5). *Gewogs* and *dzongkhags* were also rated as the public organizations with the highest level of integrity in the ACC's 2009 Integrity Assessment (see section 2.3.2). Moreover, since the ACC started operations in 2006, the trend of corruption cases involving local administrations (*gewog* and *dzongkag*) has been negative (ACC, 2011: 60). On the other hand, corruption complaints against local administrations continue to constitute a considerable 26% of overall complaints filed with the ACC (ACC, 2011: 59; Table 4.4).

Table 4.4: Complaints against Local Administrations, 2006–2011

Complaints 2006–November 2011								
	2006	2007	2008	2009	2010	2011	Total	Percentage of Overall Complaints
Total Complaints Received	498	791	366	418	375	434	2882	100%
No. of complaints from gewogs	64	175	72	25	51	100	487	16.90%
No. of complaints from dzongkhags	51	94	31	9	49	38	272	9.44%

Source: Anti-Corruption Commission, 14 November 2011.

The ACC finds that as more and more power and funds are decentralized to the local governments coupled with lack of capacity and proper financial and regulatory systems, local administration remains potentially vulnerable to corruption. The ACC is therefore engaged in an advocacy and awareness-raising program at the *gewog* level (see section 3.1.2). At the same time, the small size (geographically and in population) of Bhutan does not require decentralizing the ACC itself (i.e., establishing permanent ACC offices at local level).

The strategy to remain focused on strengthening the existing central level organization rather than adding decentralized units to the organizational structure of the ACC is also warranted by the need to further strengthen the ACC's operations at this level. Additionally, from a practical point of view, finding personnel for local assignments might prove even more difficult than at central level, as graduates generally prefer placements in the capital. Finally, expanding the organization would not be in line with the overall government policy on "compact and efficient government services." At this stage, it remains the ACC's strategy to strengthen centralized operations rather than decentralizing, and to concentrate on mainstreaming integrity, ethics, and the anticorruption activities across the different levels of government (central and local) rather than acting on its own in this function at all levels.

- ✎ *It remains the ACC's strategy to refrain from setting up decentralized units, and instead, focus on mainstreaming integrity, ethics, and anticorruption functions across all of government, at central and local level, rather than acting in this function itself.*

e. Funding

Regarding the funding situation of the ACC, there are two main concerns that need to be addressed over time: (i) the ACC has to increase its capacity to absorb the funding it receives from government and donors, and (ii) it has to ensure long-term security of funding levels.

The funding situation of the ACC so far has been satisfactory (Table 4.5). Core government funding ensures the continuity of key operations while donor funding has assisted the further development of the ACC through technical assistance. The key challenge for the ACC is to absorb the funding it receives from the government and donors. This problem is primarily caused by the lack of sufficient and adequate human resources as discussed earlier, which in turn affects the number of activities that the ACC can implement. Although actual expenditure has grown, it is still well below the allocated budget. Overcoming human resource constraints is therefore critical to secure continuous and adequate funding both from the government and from donors. Only if the ACC can achieve a higher ratio of expenditure versus the allocated budget will government and donors be willing to allocate additional resources, which will ultimately be necessary to further strengthen the ACC's operations.

Table 4.5: Anti-Corruption Commission Allocated Budget and Actual Expenditure, 2006–2012 (Nu million)

Year	Total Budget (Government and Donors)	Government Funds in Percentage of Total Allocated Budget (%)	Donor Funds in Percentage of Total Allocated Budget	Actual Expenditure
2006	11.547	92.28	7.72	8.138
2006–2007	18.588	55.21	44.79	10.926
2007–2008	22.376	53.72	46.28	18.194
2008–2009	62.818	28.14	71.86	31.417
2009–2010	59.56	39.91	60.09	40.932
2010–2011	76.507	34.96	65.04	53.599
2011–2012	72.091	46.78	53.22	14.763 (Sept. 2011)

Note: Low expenditure in some years is largely due to slow progress of construction works, challenges of HRM, and procurement of professional services.

Source: Anti-Corruption Commission.

The security and level of finances is a critical component of an anticorruption agency's independence. Although funding levels so far have not given rise to concern, this situation has to be continuously monitored. The ACC's budget, including budget as allocated by the Royal Government of Bhutan (RGoB) and donor funds for the current financial year, corresponds to 0.006% of the total RoGB budget. In terms of donor funds, the ACC has received funding from the Government of India, Danida, the Swiss Agency for Development and Cooperation, Asian Development Bank (ADB), the United Nations Development Programme (UNDP), and the Republic of Korea (Chapter 3).

It is the ACC's explicit strategy not to become overly donor dependent. To ensure long-term sustainability of its operations, the ACC needs the continuous and regular provision of adequate funding from government sources. Article 14 (13) of the Constitution provides that "the State shall make adequate financial provisions for the independent administration of constitutional bodies" and according to the Anti-Corruption Act 2011 (Art. 7 [1, 2]), the state is committed to making "adequate financial provisions for the independent administration of the Commission as part of the annual national budget." In the event of delayed Parliament decision on the budget, the commission is further assured of an interim fund, which is "at least equivalent to the previous year's budget on current expenses." This gives the ACC a certain guarantee of financial continuity. However, the interpretation of the notion of "adequacy" is dependent on the support of future governments and parliaments for the ACC's work. To reduce the level of discretion by governments and parliaments in allocating budgets to their anticorruption agencies, other countries have chosen the allocation of a fixed percentage of the annual government budget to their anticorruption agencies (e.g., Hong Kong, China which allocates 0.03% of its annual budget to the ICAC). The experts view this as a guarantee for the commissions' financial independence as well as an expression of political will in support of the commissions' work.

In addition, and as a key donor (Danida) is concluding their operations in Bhutan by 2013, the ACC will also continue to seek new donor assistance and extend existing funding arrangements, while maintaining its objective of not becoming donor dependent.

- ☞ *The ACC aims at further solidifying its financial stability and independence at three levels:*
 - ★ *Enhance the capacity to absorb existing funding levels by pursuing its efforts (see chapter 3.1.1 on human resource) to increase recruitment and retention rates and by identifying high-impact projects with low (internal) human resource requirements;*
 - ★ *Dialogue with government and Parliament to analyze the feasibility of further solidifying the ACC's long-term financial independence through such means as introducing a legal provision that guarantees the allocation to the ACC, of the greater of either a fixed percentage of total government budget or of the previous year's ACC budget allocation (inflation adjusted) (mid- to long-term goal); and*
 - ★ *Active fundraising and networking with existing and potential new donors, particularly for the implementation of specific activities and projects as outlined in this IDP (short-term goal).*

f. Infrastructure

The ACC currently works in two rented offices and suffers from space limitations as well as the consequences of geographical segregation of three operational divisions. The construction of the new ACC building is expected to be completed in 2012. This should largely remedy these difficulties as it will provide sufficient space for all divisions, allow all ACC personnel to have access to the same office infrastructure, technical facilities, and other items such as pool cars, and enable closer formal and informal collaboration across all divisions. The new office building will have interrogation rooms, a detention cell, an evidence storage room, case management rooms where all the material and planning for a case is located, and an investigation support services facility. This will further enhance the professionalism and efficiency of the concerned investigative operations. Finally, the new building further provides for recreational and spiritual facilities which will contribute to the quality of the work environment and corporate culture. The new office building is expected to contribute to improving the recruitment and retention rate, although it can only be seen as a supportive measure. Nonetheless, the attractiveness of the new ACC building should be advertised among new graduates and during recruitment campaigns.

- ☞ *The ACC will make use of the attractiveness of the new work environment to increase its reputation as employer of choice among Bhutan's graduates and civil servants.*

3.1.2 Operations

The operational challenges are to a considerable degree the result of human resources challenges, most importantly, a lack of staff and skilled labor, which has resulted in the divisions' struggle with workload. In addition, each division is faced with technical and other challenges that are specific to their operational responsibilities and modus operandi, as outlined in the following.

a. Investigations

(i) Capacity and Skills Shortage

With 16 officers, the Investigation Division has the highest number of staff in the commission and is currently only one position short of the RCSC-agreed team size (17). However, in view of the current workload faced by the division and the needed development of a surveillance and intelligence infrastructure as well as the anticipated increase in complex international cases, it would be necessary to double the current number of staff in the Investigation Division within 3 to 5 years.

The current members of the investigation division hold university degrees, mostly in business administration and financial management. However, most of them have had no previous experience in criminal investigations prior to joining the division. Despite the fundamentally legal nature of its work, the division does not have any lawyers at present. Legal services are provided by the legal division, which is currently managed by only two legal assistants. In other anticorruption agencies, such as the KPK in Indonesia, the ICAC in Hong Kong,

China, the Corrupt Practices Investigation Bureau (CPIB) in Singapore, or the ICAC in New South Wales, not only staff of the legal affairs unit, but many of the investigative (and in case of the KPK, prosecutors) hold law degrees or have undergone some legal training. This is also the case in other countries where the anticorruption investigation work is undertaken by specialized units of other law enforcement agencies. It is thus recommended that as a long-term perspective, the Investigation Division hire some staff with legal background.

In addition, and as indicated in earlier sections, it is likely that new and more complex forms of corruption will appear and gain importance over the coming years, including cases that involve complex and international financial schemes. The Investigation Division does not have the capacity to cope with these new forms of crimes. Skills development is thus a priority. In the short term, staff should be hired with skills in forensic accounting, cyber forensics, asset tracing, financial investigation, and procurement-related investigations. As most of these qualifications are not easily available in the domestic labor market and appropriate university level training is not (yet) available, up-skilling existing staff in these areas by way of in-house or international training will be required. Furthermore, due to a rise in worldwide corruption and the economic and political opening of Bhutan, the team (as well as other law enforcement agencies, notably the Attorney General's Office) needs to acquire capacity in Mutual Legal Assistance (MLA) and asset recovery.

A further challenge relating to the Investigation Division's lack of skills is that, at the moment, all officers are expected to be involved in all stages of an investigation—from evidence collection all the way to representation of the ACC in court and support to the Office of the Attorney General (OAG) during the trial. While this allows staff to get insight into the entire investigation process, it puts additional strain on them and their limited skills, and does not allow for specialization. A larger team, and the creation of subdivisions within the Investigation Division would allow officers to specialize in areas such as surveillance, intelligence, and cyber/computer forensics, and become more proficient in these areas rather than having to master too broad a range of skills. This would have considerable impact on the quality and effectiveness of the investigation work and is thus a recommended mid-term goal subject to availability of qualified and sufficient human resources (for changes to the organizational structure that could affect this situation, see section 3.1.1.d) on organizational effectiveness).

- ✎ *In the short and medium term, the ACC will seek to complement the expertise of its Investigation Division team by recruiting individuals with a background in law and/or accounting.*
- ✎ *The ACC will seek to remedy the current lack of skills in the Investigation Division by organizing in-country trainings on asset tracing, forensic accounting and financial investigations, computer and cyber forensics, corruption risks in procurement, banking/finance, and other key areas, and Mutual Legal Assistance (MLA) and asset recovery. Whenever possible a long-term training capacity through train-the-trainer modules, the organization of basic in-house training and the development of training manuals will be established to complement and possibly replace some of the externally provided trainings.*
- ✎ *The ACC will consider skills constraints and skills development needs of the Investigation Division when reviewing and possibly adjusting its organizational structure.*

(ii) **Case Backlog**

From 2006 to 2010, the division had investigated a total of 89 cases, of which 35 have been brought to court and 10 have received a final and binding verdict (Table 4.6). Of the 2,542 complaints received from 2006 to 2010, 312 qualified for investigation, although some complaints branched into multiple cases when investigated. While the absolute number of complaints has decreased over the past 5 years, the quality of complaints has increased together with the percentage of known complainants (as opposed to anonymous complainants). This can be interpreted as a result of the ACC's better information dissemination and the people's enhanced awareness of what constitutes corruption, how to file a complaint, and increasing trust in the ACC's handling of the cases (ACC 2010: 48–51).

Table 4.6: Cases in 2006–2011 (As of 14 November 2011)

Year	2006	2007	2008	2009	2010	2011	Total	Percentage
Registered with Court	8	9	9	6	3	1	36	35.29%
Final Verdict Passed	7	9	3	1	1	0	21	20.59%
Total Cases Assigned^a	9	20	35	16	12	10	102	

^a Offshoot and/or multiple cases branched from a single complaint are considered single.

Source: Investigation Division, Anti-Corruption Commission.

Despite these improvements, the ACC continues to struggle with a case backlog of around 300+ cases (status as of mid-2011). This is a constant source of concern and pressure for staff and can easily result in public disappointment with the ACC's work. In addition, the backlog has forced the ACC to conduct investigations "reactively" rather than proactively, leaving it unable to cover suspected but not publicly reported cases in high-risk areas. To address this problem, the division needs to increase the number of cases investigated each year, and be more selective of the cases that are added to the pile.

International practice shows that there will always be a certain number of cases in the queue. But even if staff numbers increase to about 30, it is unlikely that more than 40 investigations (20 investigations at current staff strength) are brought to prosecution each year. Therefore, besides increasing staff numbers and capacity, a new approach to managing the backlog is warranted. Notably, concerted mop-up operations as last conducted in 2008 could help reduce the backlog as efficiency can be increased by investigating geographically or thematically related cases jointly. The new Investigation Management System, which allows the grouping of cases by categories such as sector or geographic area, will help organize future mop-ups. In addition, the ACC will be able to swiftly conduct an assessment of complaints dating back to 2006 and 2007 upon which the complaints evaluation criteria have not yet been applied.

The commission estimates that the peak of incoming complaints qualifying for investigation has been reached and that numbers will drop in the coming years. Nonetheless, some measures are necessary to further reduce the growing backlog. For this purpose, the commission will make greater use of discreet enquiries and preliminary investigations, a technique used by the Independent Commission against Corruption of New South Wales, Australia, to sift and sort through cases.

Finally, it would help reduce the pressure on the ACC if, when handing over cases for investigation to other agencies, it could rely on these agencies' cooperation and swift action. At this point, there is considerable variation both in whether these agencies take such action and how they do so, which adds to the public's perception of randomness in corruption law enforcement. The ACC will seek to cooperate with the RCSC in establishing a framework to reduce this tendency and provide clearer guidance to agencies about their responsibility in taking up cases directed to them from the ACC, and stepping up their internal control systems to detect and control fraud and misconduct and promote integrity.

- ☞ *To reduce the case backlog, the ACC will (i) review and clean out cases from 2006 and 2007 using the evaluation criteria that have since been introduced; (ii) conduct regular mop-up operations using the Investigation Management System to group cases in the most efficient manner; and (ii) make more extensive use of discreet inquiries and preliminary investigations to sift and sort through cases with a view to evaluating adequacy of evidence and information.*
- ☞ *The ACC will cooperate with the RCSC to establish a framework to reduce the discretion by other agencies in pursuing cases referred to them by ACC.*

(iii) **Case Prioritization and Public Trust**

In addition to reducing the backlog of cases, the ACC will also have to design a system that guides the way the investigation of certain cases are prioritized over others. Justified causes for prioritizing cases can be manifold; for example, evidence might otherwise disappear or cases may be of heightened public interest. The existing

Complaints Evaluation Committee (CEC) already provides the basis for establishing such a system and may be used for that purpose. However, unless such selection criteria are properly explained and applied coherently across all cases, prioritization can lead to perceptions of partiality or randomness. To increase the public's understanding and appreciation about why certain cases are processed swiftly while others take longer, and to institutionalize the application of this procedure, this system and its rationale must be clearly documented and, most importantly, communicated proactively to the public. Finally, a more transparent and open approach to the ACC's investigation strategy also includes the establishment of a standardized feedback mechanism to complainants about the status of their case.

- ✎ *The ACC will design, document, and publicly communicate a clear strategy for prioritizing cases (using criteria already used by the CEC) and establish a standardized feedback mechanism to complainants to avoid public perception of randomness or partiality. The communication of the ACC investigations policies will become part of the ACC's comprehensive media and communication strategy.*

(iv) Technical Challenges

Another challenge of the Investigation Division relates to the collection of evidence, which can be particularly time consuming in Bhutan as documents are not always properly archived. Evidence collection also becomes more complex with criminals' ability to abuse information and communication technology (ICT) and the globalization of financial systems to transfer and hide corrupt funds. To cope with this double challenge, more specialization within the division is needed in surveillance and intelligence gathering, such as computer and cyber forensics.

The enactment of the new Anti-Corruption Act earlier this year is both a challenge and an opportunity. It is clearly an opportunity as the legal bases on which the ACC can investigate has been considerably expanded, and a much broader and more comprehensive range of corruption-related crimes are now criminalized (see section 2.4.1). At the same time, the division will need some time to get fully acquainted with and be able to operationalize the new legislation. At this stage (October 2011), the commission has not yet investigated a case in line with the 2011 ACA. To start investigation under the new act, as a matter of priority, a retreat will be held before the end of the year to analyze the implications of the new act for the ACC's operations and to update the divisions' procedures and operations manual accordingly.

Finally, investigations are also dependent on the ACC's collaboration with other law enforcement agencies and data repository agencies such as the National Land Commission, Department of Immigration, financial institutions, Department of Customs and Revenue, and the Road Safety and Transport Authority. While cooperation especially with the RAA has so far been largely satisfactory and generally efficient, law enforcement agencies have yet to establish more systematic procedures for collaboration, and arrange a shared repository of information. Much time is lost in obtaining information from the repository agencies. Lack of systematic cooperation and sharing of information among law enforcement agencies have been found in many countries to be a key challenge to the effectiveness of the fight against corruption (ADB/OECD 2003). The ACC has signed minutes with the RAA and drafted memorandums of understanding with the Royal Bhutan Police (RBP) and the Office of the Attorney General. However, these have not been signed by the ACC's counterparts.

- ✎ *An immediate goal of the ACC is to bring its operations manual in line with the provisions of the 2011 ACA and to sensitize all staff on the implications of the new legislation. For new staff, a short introductory course or training manual on the basics of all relevant legislation on corruption should be developed.*
- ✎ *The ACC should identify those areas of the administration where documentation loss most frequently occurs and seriously affects investigations, and directly address these matters with the relevant agencies and jointly develop ideas for improving record keeping. The skills and/or specializations listed in this section will help the ACC gather additional evidence and thus be less dependent on official documentation.*
- ✎ *A mid-term goal is the systemic collaboration, such as a shared repository of information, and notes of agreement with the RAA, the Police and the OAG to ensure consistent and timely processing of cases. Systemic collaboration could also include the secondment of staff from these agencies to the ACC (section on HRM).*

b. Prevention

The Prevention Division works to prevent corrupt activity before it occurs, through systemic and policy intervention and behavioral change, as opposed to the Investigation Division, which investigates and prepares the punishment of corrupt actions once they take place or have already taken place. Both activities are equally critical components of a comprehensive anticorruption strategy.

While there is no standard definition of what encompasses a corruption prevention strategy or program, Chapter II of the United Nations Convention against Corruption (UNCAC) provides a useful guide to understanding the basic components, and the activities of the Prevention Division already cover most of these, as they are also reflected in the Anti-Corruption Act 2011 and notably in its Articles 24 and 25.

At the core of most prevention strategies is the review of government systems for corruption risks, and the existence of policies and practices to protect against these risks and of a body or bodies that is/are mandated to prevent corruption (UNCAC Articles 5 and 6). As the core institution mandated with these functions, the Anti-Corruption Commission assisted in drafting the National Anti-Corruption Strategy Framework (NACSF) as the government's core anticorruption policy. The Prevention Division has also developed a corruption risk management (CRM) tool adapted to the local context based on a system used in the Republic of Korea. The CRM tool was first piloted in the ACC and later conducted in services in other agencies based on the vulnerability and upon the request of the agencies' internal auditors. So far, CRM has been conducted in 15 agencies including the ACC and one training of trainers workshop for internal auditors of 25 agencies. The recommendations from these CRM workshops were generally implemented by the concerned agencies. To ensure a fact-based understanding of the corruption situation in the country, the Prevention Division, in collaboration with the Royal University of Bhutan and the National Statistical Bureau, successfully conducted a number of perception surveys, including the Corruption Perception Survey (2007), the National Integrity Assessment (2009) (adapted from the Republic of Korea's Anti-Corruption Agency), and a survey on People's Opinion on the Anti-Corruption Commission (2009). The Prevention Division has benefited greatly from collaborating with external researchers on these surveys. Such outsourcing and collaboration is also a prudent way to ensure that gathered data is unbiased.

As regards the evaluation of the ACC itself, recent publications by donors provide useful guidelines: *How to Monitor and Evaluate Anti-corruption (Agencies: Guidelines for Agencies, Donors, and Evaluators)* (Johnsøn, Hechler, De Sousa, and Mathisen 2011) by the U4 Anti-Corruption Resource Centre, and *Practitioners Guide: Capacity Assessment of Anti-corruption Agencies* by UNDP (2011). A prerequisite for corruption prevention in the public sector is good management. Key aspects thereof are the management of public finances and related sectors, including those in corruption prone sectors, such as public procurement, and sufficient transparency in the public sector (UNCAC Arts. 9 and 10).

The regulatory impact assessment (RIA) and standard cost model (SCM) are tools used to ensure the quality of government regulations. The ACC applied the SCM, a tool developed by a group of European countries in 2003 to help ascertain administrative costs in three pilot studies: (1) driving license (RSTA); (2) micro, small, and medium enterprise, and business start-up process clearances (Ministry of Economic Affairs); and (3) building drawing clearance (Thimphu City Corporation). Regulations were consequently simplified, and the SCM was to become institutionalized and tied to budget allocation under the Ministry of Finance, but did not take off. The RIA was piloted in two services: micro, small, and medium enterprise and business start-up process in 2008 by the Ministry of Economic Affairs. The RIA is used to analyze the likely effects of a proposed new regulation or regulatory change. It involves a detailed analysis to ascertain whether the new regulation would have the desired impact.

With the institutionalization of the RIA in the government, the SCM has now become a part of RIA process. Using the SCM would not only help the agencies in drawing quantified results of analysis pertaining to administrative costs but also ensure that the analysis is more comprehensive. Using the SCM for preparing "normal RIA" is optional, but it is mandatory for all agencies to use the SCM for preparing "extended RIAs" for any regulation. Both the SCM and RIA are tools to ensure effective regulation.

The conduct of public officials as implementers of public policy is also a primary concern for any corruption prevention program, and this encompasses measures to ensure the integrity of public officials, elected officials, and specialized professions, and transparent, fair, and efficient human resource management (HRM) (UNCAC Arts. 7, 8 and 11). In this regard, the Prevention Division has adopted and applied a number of tools for reviewing and refining integrity systems in the public sector. These tools include CRM, SCM, and the development of service standards, management of conflict of interest and code of conduct, and ethics compliance regime. The Prevention Division has also made good progress in the collection and management of asset declarations in line with Article 38 of the ACA 2011: with an online system now in place, the asset declaration has now been decentralized in all the agencies. All declarants can now file their declaration to their respective asset declaration administrators (ADAs). The focus on strengthening the overall asset declaration system and sensitization on asset declaration led to a compliance rate of 86.86% in 2009 (ACC, 2010: 36). Finally, the Gift Rules 2008 also mandate public servants to report gifts received to designated gift disclosure administrators in their agencies. Sensitization on the gift rule by the commission and ownership and support of all agency heads in appointing gift disclosure administrators are crucial in ensuring a strengthened compliance of the overall gift rule. More work is needed in this area.

As corruption often takes place at the interface of the state and the private sector, the latter must be included in prevention programs (UNCAC Art. 12; Art. 25 and 35, ACA 2011), with particular attention being paid to sectors that are exposed to potential undue interaction between the private and public sectors. These sectors may vary from country to country, although some sectors have been found to be exposed to corruption risks in almost every country. These include construction, natural resource extraction, and mega projects. The ACC has conducted three reactive system studies based on the findings from case investigations and two proactive system studies in these sectors. The ACA 2011 requires the ACC to direct the private sector in developing “standards and procedures, including a code of conduct for correct, honourable and proper conduct of business and promotion of good commercial practice and in the contractual relations of business with government” (Art. 37, ACA 2011). The ACC has drafted the Debarment Rules in consultation with primary stakeholders and experts. It is in the process of being finalized.

Finally, prevention also encompasses the need for civil society and the media to be empowered to understand and monitor state action. They can be important partners to anticorruption agencies (UNCAC Arts. 12, 13 and 14). While collaboration with civil society and the media is largely covered by public education (see section 3.1.2 for further information), the Prevention Division’s activities could still be considerably expanded through the involvement of the private sector, to meet the recommendations of UNCAC and similar other international instruments and good practices. While the potential for this is currently restricted due to the limited number of viable partners in Bhutan, the rapid economic growth of Bhutan makes greater investment of the ACC in this sector extremely important.

- ✎ *In acknowledgment of the importance of the private sector in the prevention of corruption, the ACC through its Prevention Division will seek to develop new tools in collaboration with the private sector to prevent corruption in particularly exposed sectors of the Bhutanese economy. It is in particular a goal of the ACC to negotiate and sign Integrity Pacts with key actors and stakeholders in key sectors of the economy, such as energy, transport, urban development, health, education, or finance (as of now, except for mega projects, the Integrity Pacts is integrated into the procurement manual).*
- ✎ *The finalization of the draft Debarment Rules will be expedited in close consultation with stakeholders.*

In addition, the Prevention Division’s work is affected by the following challenges:

(i) Capacity and Skills Shortage

Lack of manpower and limited guidance from the ACC’s leadership due to its preoccupation with investigations are considerable challenges for the ACC’s prevention work. The Prevention Division has been without a chief for more than 1 year. As of September 2011, the division consisted of only two senior system analysts (one of whom is acting as division chief, and the other assigned to overseeing the construction of the new ACC building), one senior research officer, a system analyst, and an asset declaration administrator. To overcome

some of its current skills shortages, the Prevention Division has benefited greatly from collaborating with external researchers, particularly in the design and implementation of surveys.

Although the Prevention Division has managed to implement an impressive work program despite skills shortage, it is of utmost importance not only to vigorously pursue the goal of hiring additional staff, but also to enhance the skills of the existing team. When hiring new staff or seeking to identify the most appropriate training for existing (and future) staff, it is worth noting the recommendations of the UNDP Practitioner's Guide, *Capacity Assessment of Anti-Corruption Agencies* in Box 4.3 regarding ideal skills for diagnostic research, policy evaluation, and corruption risks assessments. The Practitioners Guide also lists relevant skills for managing specific corruption prevention regimes and legislative reform (UNDP 2011).

Box 4.3: Skills for Prevention Staff as Recommended by United Nations Development Programme

Corruption diagnostic research and policy evaluation skills:

- Ability to manage diagnostic research, including targeted research designs that link to specific policy objectives
- Knowledge of anticorruption international legal instruments
- Knowledge of international standards and good practices, adapted to the specific national context
- Ability to define a research objective that links to policy objectives and practical actions
- Ability to interpret and analyze data (quantitative and qualitative analysis), and generate actionable recommendations
- Ability to identify, review, and assess the quality of existing information sources (academic, nongovernment organization and donor reports and assessments, administrative data, etc.)
- Knowledge of various available diagnostic methodologies
- Competence in statistical and other social science methodologies (higher levels of expertise if undertaking in-house diagnostic research)
- Knowledge of the anticorruption policies that the ACA is mandated to evaluate, and of the specific sectors covered by the policies
- Ability to analyze data and information (quantitative and qualitative) and translate findings into actionable policy recommendations
- Monitoring and evaluation skills (definition of indicators, targets, design of contingency plans)
- Specific monitoring techniques appropriate for issues/sectors
- Report writing skills (good knowledge of English desirable)
- Public relations and communications skills, including working with internet and other digital media (including social media platforms)

For corruption risk assessments, the guide recommends the following skills:

- In-depth knowledge of the concepts of corruption indicators/red flags
- Capacity to identify risks and propose appropriate management responses
- Knowledge of integrity audit principles and practice
- Understanding of the concepts related to management, organizational psychology, and organizational dynamics
- Ability to train others to perform the assessment

Source: Compiled from UNDP, 2011: 69, 76.

☞ *In line with the relevant activities outlined in the forecasted section on human resource management and development, the ACC will vigorously pursue the goal of hiring additional staff for the Prevention Division and seek adequate training opportunities for the existing and future Prevention Division staff. For skills requirements, the recommendations of the UNDP Practitioner's Guide, Capacity Assessment of Anti-Corruption Agencies will be taken into consideration.*

(ii) Lack of Public Sector Ownership for Integrity

Although the ACC has explicitly been mandated with the prevention of corruption in Bhutan, it clearly cannot achieve this objective without the cooperation and support of all civil service agencies. As in any other

country, responsibility for integrity in the public sector resides primarily within the public sector itself; the ACC provides tools to support their effort. However, the public sector in Bhutan does not seem to live up to this task yet.

For example, despite having trained internal auditors in 25 agencies to conduct the CRM workshop in their agencies, the Prevention Division found that only the internal auditor of the Ministry of Economic Affairs has conducted the CRM workshop in all its departments, despite the ACC's recommendations to conduct it in all other remaining services after the ACC conducted the first CRM workshop. Only a few institutions, such as the Department of Geology and Mines, Construction Development Corporation Limited, and the National Land Commission have so far proactively engaged with the ACC's recommended prevention systems. To encourage public sector agencies to utilize the ACC's prevention tools more actively, the Prevention Division will seek close collaboration with the Investigation Division to use pending or ongoing investigations as an "incentive" for these agencies to conduct systems studies and CRM workshops. In this context, the Prevention Division might also have to consider introducing new tools, developed in collaboration with public sector agencies and departments, with a view to targeting particularly vulnerable areas. These include, notably, procurement, public finance management, and human resource management—three key elements of corruption prevention as identified by UNCAC in which the ACC has not yet been very active.

Similar challenges of ownership exist with regard to the NACSF, which the ACC had assisted in drafting. The concerned public sector agencies and the government have so far shown little ownership and/or capacity in taking the NACS's recommendations forward, despite clearly assigned responsibilities and time frames (ACC, 2010: 23). A system for monitoring implementation entrusted to the Committee of Secretaries (CoS) has yet to be developed. To trigger public debate and possibly a sense of competitiveness in regards to the implementation progress of the NACSF and other integrity-enhancing measures, the ACC could facilitate an annual conference where agencies report on the process of implementing anticorruption and integrity measures, as has been done with some success by the KPK in Indonesia. This would be in line with the ACC's authority to request public agencies to report on the implementation status of their anticorruption policies (Art. 36 (2), ACA 2011). Similarly, the ACC could lobby for the inclusion of NACSF goals as part of the performance contracts (so called "compacts") between ministers and their secretaries. Finally, it is recommended that future strategies similar to the NACSF mirror more directly any relevant international commitments of Bhutan, so as to ensure that the strategies correspond to international best practice and to add an external evaluation element to the monitoring framework, which will assist in strengthening the level of compliance. The Prevention Division has developed an internal monitoring and evaluation tool, which is yet to be piloted.

The asset declaration rules still lack full implementation across the public sector. This is caused by the lack of designated ADAs, improper handing-taking of ADAs' responsibilities while being transferred or going for studies, ADAs' poor ownership of responsibilities especially with regards to education and training on asset declaration under their respective jurisdictions/agencies. It is thus important that additional asset declaration administrators are designated and trained to assist the declarants in their agencies. Another main challenge is the verification of declarations as records are not centralized and data is often not updated and spread across agencies, which can affect authentication. Territorialism and absence of policy in information sharing poses a serious challenge to verification. An asset declaration verification protocol has been developed but needs to be piloted and rolled out. The ACC is planning to devise a plan of action in collaboration with the Department of Information and Technology and other stakeholders to establish effective exchange of information for the verification of asset declarations.

There is also little awareness about the risk of conflicts of interest inherent in gifts received by public officials from the public or business entities. Moreover, only a few public servants are aware of the gift rules and their enforcement conditions and gift disclosure administrators have not yet been created or designated. The ACC will have to create a monitoring system for agencies to ensure implementation of gift disclosure rules. The advocacy of gift rules also needs to be enhanced.

☞ *To increase the degree of follow-up to its systems reviews and strengthen ownership of these studies and risk analysis tools, the ACC or Prevention Division will prioritize collaboration in this area with*

“willing agencies” and those that have been subject to the ACC’s corruption investigations, for which systematic and closer collaboration with the investigation team will be sought.

- ✎ *The ACC’s immediate goal is to engage and assist the Committee of Secretaries by developing an NACS implementation monitoring tool (monitoring and evaluation tool, and to consider other measures to strengthen NACS implementation (e.g., annual conference during which agencies report on progress made). The ACC’s monitoring and evaluation tool will need to be pilot tested.*
- ✎ *It is an immediate goal to review the regulation on asset declarations in line with the new ACA and collaborate with relevant stakeholders to develop an action plan for the implementation of the asset verification protocol. The placement of more asset declaration administrators will also be promulgated.*
- ✎ *It is the ACC’s short-term goal to raise awareness on gift rules and ensure that a monitoring system is established and gift disclosure administrators in all agencies are designated.*

c. Public Education

Broadly speaking, the Public Education Division (PED) serves two distinct audiences: the public, and the public sector and its agencies and institutions at all administrative levels in the country. The division distinguishes between two activity streams:

Under its Advocacy and Awareness Program, it has rolled out a well-received information and awareness-raising program to the *gewogs* (subdistricts), targeting local government officials in charge of service delivery, as well as the public, schools, and institutes. Thematic interactive sessions on contract administration and bid evaluation were conducted in 11 *dzongkhags*. The program aims to build an informed and awakened citizenry that acts against corruption. This work is in line with the recommendation of the National Council, in its 7th session in 2011, to conduct advocacy sessions for local governments in the proper utilization of state funds. The PED has organized a series of events to celebrate International Anticorruption Day and a National Corruption-Free Week, which was also well received by participants and the media and helped raise awareness about corruption and the ACC’s work.

- ✎ *It is a medium-term goal for the PED to focus on further developing this and similar products and continue its outreach activities with a view to covering wider audiences and enlisting public support in combating corruption.*

To foster an ethical culture and behavioral change in the public service, which is a key component of corruption prevention, an e-learning system on ethics and integrity management is being developed jointly by the Royal Civil Service Commission (RCSC), the Royal Institute of Management, and the ACC. The e-learning program is designed to convey basic information on integrity and rules of conduct to public servants. It has started in the second half of 2011 and will be rolled out initially to cover all civil servants, and later include judges and parliamentarians by the end of 2013. The program will be adapted for campus learning by school children and university students.

The PED has also piloted “Islands of Integrity” in few schools, yet capacity constraints and a lack of concern and willingness of partners to collaborate have prevented this program from being rolled-out across the country now. The “Islands of Integrity” program proposes systems for enhancing transparency, effectiveness, and accountability in the operations of targeted institutions. The long-term plan is to expand this program to as many institutions as possible to build ethics and integrity in the educational institutions. In its 7th session in 2011, the National Council also recommended that integrity development and values education should be incorporated in the school curriculum. Finally, the PED in collaboration with the Ministry of Finance has provided procurement training for government officials, using the bidding experience for the new ACC office facilities as training material.

- ✎ *The ACC will collaborate with the Government of Bhutan to ensure that the “Islands of Integrity” programs, procurement trainings, as well as similar integrity improvement initiatives become part of*

the government's overall governance programs and thus receive the necessary governmental policy and implementation support.

Despite having implemented this impressive work program, the PED faces the following main challenges:

(i) Capacity and Skills Shortage

The PED currently operates at 50% of its planned staff strength, which has impeded its performance on both product development and outreach. This is compounded by lack of technically qualified personnel. While certain PED work can easily be outsourced to specialized service providers, such as those relating to the production of radio, TV spots, or visuals for example, the PED team also requires its own education experts to produce the content for such products and devise the overall programs and deliver key educational activities. For this purpose, in the short to medium term, the PED team should be composed of individuals skilled in product development, public relations and public communication, teaching and pedagogy and capacity to use media of broad or general distribution, the internet, and other digital media, including social media platforms (UNDP, 2011: 86).

✎ *In line with the relevant activities on human resource management and development, the ACC will vigorously pursue the goal of hiring additional staff for the Public Education Division and seek adequate training opportunities for existing and future PED staff in areas such as public relations and public communication, teaching and pedagogy, and product development.*

(ii) Media Leverage to Disseminate the Anticorruption Message

The apparent reluctance of Bhutanese society to become actively involved in reducing corruption when this conflicts with tradition and notions of compassion requires the ACC to continuously enhance efforts to inform and educate about corruption issues and anticorruption measures. On the other hand, the general perception that the ACC is about investigations and punitive actions is exacerbated by the media's inclination to report on sensational stories rather than awareness-raising and preventive programs. To adjust this bias in public attention, it is important for the ACC to show more "face" in regards to its preventive and public educative tasks. It is also important to win the support and engagement of media houses to help the ACC raise awareness and educate the people of Bhutan about integrity and anticorruption values, rules, and measures toward the ultimate goal of a self-compliant society. However, previous efforts to engage in constructive dialogue with the media through a regular ACC media dialogue forum have not brought the expected results, and new strategies need to be devised. It is therefore suggested to engage media as follows:

✎ *Journalists' understanding of complex corruption cases needs to be increased to ensure accurate rather than scandal-driven reporting. This can be achieved by conducting media training and information sessions, focusing on responsible investigative journalism. Experience from countries with an active investigative journalism culture, such as the Philippines, could be used for inspiration.*

✎ *To trigger media interest in the ACC's prevention, awareness raising, and education mandate and convey anticorruption messages to large audiences, the ACC will collaborate with popular music groups, actors, or other persons of social interest (for an example in Indonesia, see Box 4.3 on Indonesian Civil Society Support for Anti-Corruption Agenda).*

✎ *These activities, as well as modern and proactive media communication strategies and programs will be coherently and professionally planned in the context of a comprehensive media and communications strategy, ultimately to encourage media houses to take up social responsibility in informing and educating the public about corruption and anticorruption measures (the public service media). To develop this strategy, the ACC will seek the assistance of specialized professional bodies. The media and communications strategy will also assess and make use of new social media, such as Facebook and Twitter, as a means of winning in particular the younger generation in Bhutan for the cause and work of the ACC.*

(iii) Cooperating with Civil Society Organizations

Civil society encompasses the domain outside the sphere of the government that advances the interest of their members (self-benefit organization) or the public (public benefit organization). It can encompass nongovernment organizations dedicated to promoting a specific societal goal, charitable organizations as well as spiritual organizations, with the key denominator being that they are outside the sphere of the government and the private sector. The emerging civil society in Bhutan is an important stakeholder for realizing the country's overall developmental and social objectives. This has been recognized with the enactment of the Civil Society Organizations Act, 2007 and the establishment of the Civil Society Authority. Civil society can play an advocacy role for anticorruption measures and educate the public about the existing anticorruption framework and the role of individuals as well as institutions in this framework. At the same time, civil society is a key oversight and accountability institution. Civil society is a valuable accountability partner to the ACC both as a source of information about suspicions of corruption as well as in a potentially official monitoring function, such as in independent public procurement monitoring mechanisms or assistance in organizing community score card projects.

Collaboration between the ACC and the emerging civil society is important to increase the demand for accountability and anticorruption in the Bhutanese society (see also section 3.2.3). Linking the anticorruption agenda with that of civil society organizations (CSOs) would thus help the ACC spread its anticorruption messages beyond the government channels and can provide important support should the ACC encounter political pressure. So far, collaboration with civil society has proven somewhat difficult due to the lack of a dedicated anticorruption nongovernment organization in the country (see also section 3.2.3), and connecting the anticorruption agenda to that of the existing, mostly sector-oriented CSOs in Bhutan has only progressed slowly. However, the recent signing of a Memorandum of Understanding between the ACC and six CSOs (Tarayana Foundation, Bhutan Centre for Media and Democracy, the Association of Bhutanese Tour Operators, Respect, Educate, Nurture and Empower Women, Guides Association of Bhutan, and Bhutan Association of Women Entrepreneurs) has brought a new dynamic into civil society engagement against corruption in the country.

- ✎ *In the absence of a dedicated anticorruption CSO and recognizing that anticorruption measures are integral to good governance, the ACC will pursue dialogue with its key civil society partners (most of which work by sector based on how corruption affects their sectors, and develop joint action programs that focus on corruption prevention in the concerned CSO sectors.*
- ✎ *The establishment of a dedicated anticorruption CSO in the country as an important ally for the ACC in promoting the fight against corruption across all sectors will be explored.*

3.2 External**3.2.1 Political or Institutional****a. Regulatory Environment**

The legislative framework to prevent and combat corruption, as noted in Chapter 2, is comparatively comprehensive. Nonetheless, a number of legal loopholes and gaps exist despite the entry into force of the new Anti-Corruption Act in 2011. Key pieces of legislation on access to information, whistleblower and witness protection, money laundering, and on mutual legal assistance and asset recovery are missing. More broadly, the Worldwide Governance Indicators (Table 3.3) indicate that the overall regulatory quality in Bhutan has considerably decreased since 2006. This gives cause for concern in relation to the fight against corruption, as low regulatory quality, and lack of or inconsistent regulations is known to potentially create opportunities for corruption.

- ✎ *The ACC will help coordinate the introduction of missing pieces of legislation, as identified in the UNCAC self-assessment report.*
- ✎ *The ACC will seek to work closely with the OAG, legislature, and other relevant bodies to ensure that future regulatory reform efforts will strengthen rather than weaken the country's efforts to prevent and reduce corruption.*

b. Government and Public Sector

The recent transformation of Bhutan into a constitutional democratic monarchy has so far been comparatively smooth, and key institutions are working effectively. However, its democratic institutions are still young. Democratization, while beneficial overall for good governance, has been found in other countries to foster increased corruption opportunities. When political processes are decentralized, and when political and administrative decision making is spread across a number of institutions, new opportunities for misuse arise. The financing of election campaigns puts pressure on parties and politicians to seek funding before and while in office, not always using legitimate means; appropriate safeguards are therefore required.

A critical aspect of these safeguards is the political will for enforcing high integrity and ethics standards demonstrated by political and civil service leaders at the highest level. The ACC enjoys the open support of His Majesty the King, and so far no open political obstruction to its work could be noticed. The CoS has initiated several programs that potentially support the country’s anticorruption drive. Among these, the most advanced seem to be the Government to Citizen (G2C) program to improve public service delivery and the regulatory impact assessments (RIA). Other initiatives in planning are a customer voice complaints automated system and an assessment of agency redundancy.

At the same time, there is still limited institutionalized accountability for integrity and anticorruption measures among the top political and civil service leadership of the country. For example, the Prime Minister has signed performance contracts (called “compacts”) with all ministers, who in turn have signed similar compacts with their secretaries. However, these compacts do not yet explicitly target performance in the areas of integrity and anticorruption measures. The CoS is in charge of monitoring the implementation progress of the National Anti-Corruption Strategy Framework (section 2.4.3), yet no action has been taken so far. Indeed, there is a degree of complacency across the public sector with regard to integrity and corruption prevention measures.

While the ACC can serve as the focal point for the government and the public sector to prevent and eradicate corruption, the key responsibility and ownership for integrity, ethics, and anticorruption in the public sector lies with the public sector itself. The NACS has been drafted in recognition of this fact, and the ACC’s prevention and public education divisions have developed a range of tools to enable the public sector to meet its responsibilities under the NACS. However, there has been only reluctant take-up from the public sector so far, which puts a considerable burden on the ACC and constitutes a fundamental risk to the country’s efforts to prevent and eradicate corruption.

- ☒ *The ACC will promote the introduction of more accountability for anticorruption measures and integrity performance at the highest political and civil service level, as part of the “compacts” for example, to ensure and further strengthen political leadership and support.*
- ☒ *The ACC will pursue different strategies to further engage all public sector agencies in implementing preventive anticorruption measures.*
- ☒ *The ACC will also help build the anticorruption capacity of CSOs and media.*

c. Accountability Institutions

Accountability institutions such as the Parliament, the Election Commission, the Royal Audit Authority (RAA), and the ACC play a key role in overseeing and enforcing integrity and ethics in the young democracy and across the public service.

The Parliament consists of the King and two houses, the National Council, and the National Assembly. The role of Parliament in curbing corruption consists of overseeing government affairs and holding government to account. The Parliament is often seen to be at the apex of a country’s accountability institutions by overseeing their work and reviewing their reports, as is the case in Bhutan. The fact that the ACC reports to Parliament rather than the executive government is, as mentioned earlier, a critical safeguard for its independence. Both the National Council’s Good Governance Committee and the National Assembly’s Ethics and Credentials Committee pass resolutions or make recommendations on institutional responsibilities relating to anticorruption

work. Most recently, during its 7th session, the National Council, for example, reminded the government of its obligation to become an active partner of the ACC and take ownership of the NACSF, while stating that it will also closely monitor the NACSF implementation. It further recommended the placement of internal auditors in all ministries and agencies and to align their allowances with that paid to RAA employees. The National Council further urged the government to support the RCSC and the ACC in implementing the code of conduct for civil servants, including fair and consistent action by all human resource committees of the ministries and agencies. It also recommended that promotion rules in the civil service be made more transparent. Finally, the National Council passed a resolution that the “judiciary must cooperate with the ACC” and that it must not delay corruption cases. Following the example of the ACC, the National Council discussed the need to conduct an in-house corruption risk management (CRM) assessment in November 2011, setting an example for other institutions. The National Assembly’s Ethics and Credentials Committee in its latest report, notably reminded concerned agencies to take administrative action against individuals involved in misconduct and, where necessary, report them to the OAG. It also reminded the RCSC to monitor this action and immediately report cases that contain elements of corruption to the ACC. It is suggested that the immediate supervisors of offenders also be held accountable for the actions of their subordinates. Finally, parliaments can also play a key role in promoting accountability and generating demand for governance and accountability, through constituency outreach, public hearings, and parliamentary commissions.

The RAA was recognized as a constitutional body in 2006 and confirmed in 2008 by the Constitution (Art. 25 [1]). Audit institutions play a key role in corruption detection as they are in charge of auditing the accounts of all departments and offices of the government. The RAA reports all fraud and corruption related irregularities in the course of its audit to the ACC, but also investigate these as part of its routine activity. In 2010, the RAA filed 19 audit reports containing significant indications of fraud and corruption to the ACC. To coordinate work and share case information, the RAA and the ACC chairperson and chief investigator hold biannual meetings. While no formal protocols or agreement about this coordination and cooperation are in place to date, the two organizations share signed minutes of the meetings. The RAA, the ACC, and internal auditor units have also been holding biannual tripartite meetings since 2006. This trilateral forum was initiated in 2006 by the ACC and managed to foster greater cooperation in mainstreaming anticorruption measures. Its management has been handed over to the Ministry of Finance, which is now responsible for the internal auditors.

Unlike in some other countries, Bhutan at this stage does not have a separate, dedicated institution responsible for overseeing the integrity of its public service. This function in the civil service is currently integrated within the RCSC, which is also the regulator and administrator of civil service. This leads to several consequences: first, the RCSC may be perceived as being in a position of conflict of interest, as it is both in charge of protecting and managing as well as overseeing public servants; consequently, the RCSC has been reluctant to enforce administrative sanctions within the public sector for misconduct under the Bhutan Civil Service Rules and Regulations (BCSR) and commit public sector agencies to take more ownership for integrity and anticorruption. Secondly, complaints about integrity in the public sector are mostly channeled to the ACC even when they relate to a minor misdemeanor entailing administrative rather than criminal sanctions. This, in turn, affects the ACC’s workload: (i) the ACC receives an unnecessarily high number of complaints; and (ii) due to a lack of ownership for integrity matters by RCSC and the public sector at large, the bulk of responsibility for instilling more integrity in the public sector lies with the ACC, while in reality this responsibility should lie primarily within the public sector. As a result, integrity in the public sector is seen as an external (ACC) responsibility and cases that warrant administrative action fail to be investigated and sanctioned.

- ✎ *The necessity of an establishment, separate from the RCSC, an independent accountability institution in charge of overseeing ethics and integrity in the public sector, something similar to the Ombudsman’s offices with powers to investigate complaints and decide on administrative sanctions may be studied.*
- ✎ *The ACC will seek to establish formal protocols and agreements of cooperation with all key accountability agencies to ensure continuity and sustainability of these crucial partnerships.*
- ✎ *The ACC will seek and facilitate agencies to implement policy recommendations passed by Parliament with regards to anticorruption.*

- ✎ *The ACC will continue its active dialogue with both houses of the Parliament and support their efforts to strengthen their internal integrity mechanisms. It is important that the accountability institutions are clean and accountable before they demand the same from other agencies. The ACC will facilitate the process.*
- ✎ *The ACC will assess opportunities to partner with Parliament in the context of constituency outreach to promote anticorruption messages across the country.*

d. Law Enforcement and the Judiciary

The law enforcement agencies and the judiciary play key roles in enforcing anticorruption rules and providing essential checks and balances in a country's governance system. In 2010, the OAG prosecuted 48 corruption cases. Of these, 25 led to criminal sanctions, 6 acquitted of charges, 12 cases have been appealed to the High Court. In one case, the defendant was found administratively liable only, and 4 cases await judgment though the hearing has been completed (OAG Annual Report, 2010). So far, the OAG has found plea bargain arrangements hardly necessary in corruption cases as the evidence provided by the ACC is usually sufficient to bring about successful prosecution. Collaboration between the investigating and prosecuting authority can be an important element to successfully bring a case to court. The investigating authority, the ACC in this case, may for example seek the advice of the prosecuting authority (i.e., OAG) on aspects of the investigation, with the purpose of ensuring that evidence will be admissible in court and that the prosecution receives all evidentiary elements necessary for successfully defending a case in court. Such cooperation between the ACC and the OAG at the moment is ad hoc and no formal procedures exist, although minutes of meetings are exchanged. To ensure a long-lasting, institutionalized cooperation going beyond personal connection and goodwill, and that any information shared between the two institutions meets the applicable legal provisions, it is important to formalize these relationships.

Currently most pressing concern for anticorruption is a constraint in prosecutors' expertise and understanding of technical matters such as procurement and financial management. Time lines and transparency in prosecution decision-making processes need to be clarified. Delays in prosecution and trial can have harmful impact on the fight against corruption.

It would also be important for the OAG to strengthen its expertise in matters of international legal assistance and asset recovery, despite the current absence of a legal framework for mutual legal assistance. In the last decade, corruption has increasingly become an international crime, as criminals explore and make use of the mobility of money and people across the continent. As a consequence, international legal assistance and asset recovery have now become necessary tools in combating corruption; it will be important for the OAG, as well as the ACC, to become more knowledgeable in these procedures.

The Judiciary is composed of a Supreme Court, a High Court, district courts, and subdistrict courts. The High Court and Supreme Court are appeal courts. Defendants in corruption cases have shown a tendency to appeal the court verdict, though predominantly not on technical grounds but claiming innocence. However, to date only one case has been overturned in response to an appeal, due to a procedural lapse. The ACC can also appeal court verdicts for its cases but so far has used this option only once. The average duration for a case to be processed and judged by the court system is between 200 and 370 days (ACC 2010, p. 68). At this point, the backlog of cases is not excessive at high court level; yet, some institutions have raised concerns that corruption cases have been delayed or not processed as fast as may be desirable (see National Council resolution on its 7th session). Also, current processes, such as registering court orders for accessing, searching, and freezing bank accounts, for example, are not tailored specifically to the sensitivity of corruption cases, often taking long and are not handled systematically. This makes them ineffective, as well as contestable and potentially vulnerable to abuse.

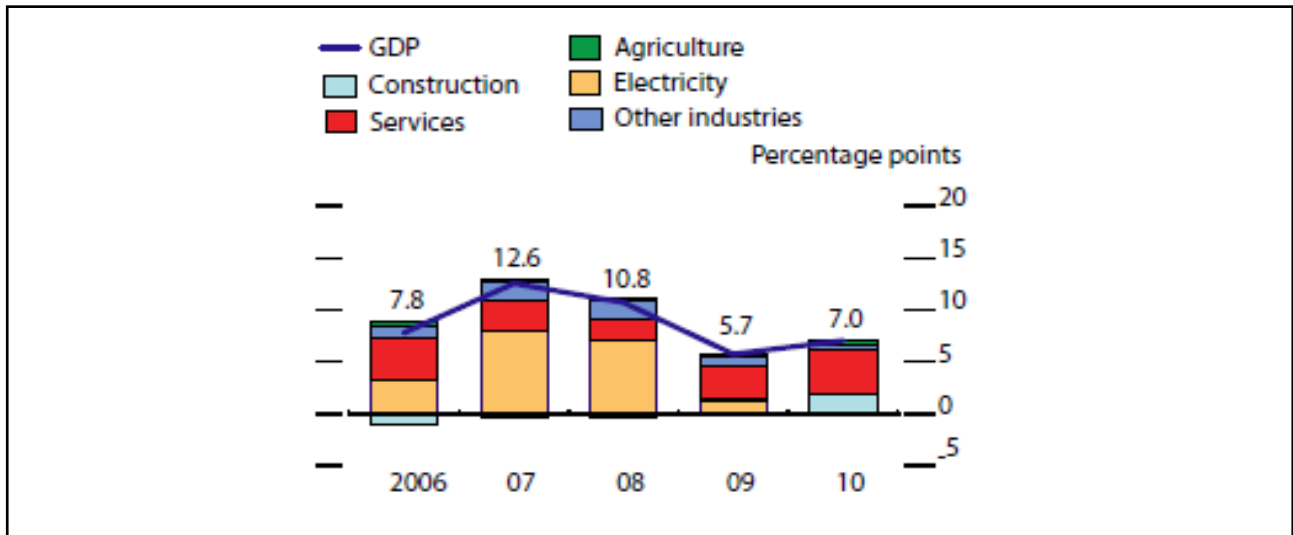
The current legal framework does not provide for the establishment of specialized anticorruption courts, which have been set up in other countries such as Indonesia, mostly as a response to inefficiency and high corruption levels in the judiciary. According to Article 21 (2) of the Constitution, special courts and tribunals may, however, be established from time to time by the King upon the recommendation of the National Judicial Commission.

At this stage, the ACC does not see a need for the establishment of such specialized courts, but will continue to assess this situation in the future. Other measures to enhance capacity and efficiency of courts in handling corruption cases, such as time limits for the hearing of a corruption case, training, and other capacity development efforts, however, should be implemented immediately. Capacity development is indeed necessary, as the judiciary, just as the ACC and law enforcement agencies, suffers from the limited number of lawyers and other qualified and trained staff currently available in Bhutan (section 3.1.2). Judges need knowledge in matters of money laundering, computer forensics, and an understanding of technical devices or interventions used in securing evidences in corruption cases. The commission can also support the courts and other accountability and law enforcement agencies by offering effective and close collaboration.

The law enforcement fraternity and the judiciary, as well as the accountability institutions including the ACC, are not free of corruption risks themselves. Judicial integrity is regulated by the Civil and Criminal Procedure Code (CCPC 2001), Bench Book 20, and a code of conduct for the judiciary. So far, the law enforcement, judiciary, and the accountability have been able to maintain a comparatively clean image, unlike in other countries where notably the police, public prosecutors, and the judiciary are sometimes found to be infested with corruption. Internal integrity measures in these institutions would be comparable to those in other private and public organizations, and would include codes of conduct and specialized policies on key matters such as gifts and conflicts of interest; internal checks and balances such as the 4-eye principle and other measures to restrict discretionary decision making; transparency and fair procedures for recruitment and other human resource management (HRM) related processes; and finally training and communications to ensure staff members are aware of respective measures. However, to date only few measures have been taken by the accountability and law institutions to assess their risk exposure and engage appropriate safeguards.

- ✎ *The ACC will seek to establish formal protocols and agreements of cooperation with all law enforcement agencies to ensure continuity and sustainability of these crucial partnerships.*
- ✎ *The ACC will continue to encourage and work actively with law enforcement agencies and the judiciary to strengthen the internal integrity measures of these institutions.*
- ✎ *The ACC recommends the introduction of more streamlined and tailor-made court processes for corruption cases to reduce the level of discretion currently inherent in the systems, and to enhance the efficiency of the process.*

Figure 4.2: Bhutan Gross Domestic Product Growth and Contributions (Supply) to Growth, 2006–2010



GDP= Gross Domestic Product
 Source: Royal Monetary Authority. 2011.

3.2.2 Economic

Bhutan has enjoyed solid economic growth (ADB 2011) in the past 5 years (Figure 4.2) and has recovered since the global financial crisis that had a direct impact on the economy in late 2008 and throughout 2009. This upward trend is expected to continue, with the Asian Development Bank (ADB) estimating gross domestic product (GDP) to grow by 7.5% in 2011 and 8 % in 2012 (ADB 2011). This is combined with relatively low levels of corruption if compared with the rest of the Asia and Pacific region (see also chapter 3.2.5).

A number of economic factors may have a direct negative impact on the ACC’s work. In particular, Bhutan’s economy is highly dependent on a limited number of economic sectors, most importantly the hydropower sector (which contributes to a quarter of the country’s GDP) (ADB 2011), and on external assistance (World Bank, 2009). In addition, construction is increasingly contributing to the country’s economic growth. This is expected to continue as investment in infrastructure will be critical to broaden the country’s portfolio of economic activity and reduce the current dependency on few sectors. Hydropower and construction are two sectors known to be particularly prone to corruption, with construction ranking as the most corruption-prone sector in Transparency International’s Bribe Payers Index in 2008 (Transparency International 2008). In addition, both sectors involve large volumes of procurement, an activity which the RAA has identified as bearing considerable corruption risks too. As such, the prospect of continuous economic growth and expansion also brings with it additional corruption risks, which the ACC and the public sector at large both have to be mindful of.

As Bhutan is further opening up to increasing volumes of foreign direct investment, new forms (and possibly volumes) of corruption may occur. Notably, foreign bribery may become more prevalent as well as corruption-related money laundering. A final factor to consider in view of the country’s economic expansion is the active private sector promotion strategy pursued by the government. While the public sector presently remains as the preferred employer for most people, in particular young graduates, private sector employment is gaining in attractiveness and increasingly competing with the public sector for skilled and experienced labor.

While the ACC has no influence over the macroeconomic developments of the country, it must observe and regularly evaluate these trends carefully and respond by adjusting its operational focus.

- ✎ *The ACC will work toward enhancing private sector awareness about corruption risks and seek cooperation with the private sector in developing corruption prevention tools for companies operating in Bhutan.*

- ✎ *The ACC will continuously train its officers, particularly in the investigation division, about new forms of corruption and suitable investigation techniques. This will notably involve training in financial investigation and forensic accounting, and in mutual legal assistance and asset recovery.*

3.2.3 Social and/or Cultural

In what may at first sound like a contradiction to the section about recruitment and the social pressure on ACC staff, the ACC benefits from considerable public awareness and attention to its work. The perception of the commission's work portfolio may be somewhat biased toward its investigative mandate. However, it is clear that through media reporting and the high volume of work produced by the commission during its first few years of existence, the ACC has rapidly built a name for itself. The downside of this high level of awareness about the ACC is that it can potentially generate exaggerated expectations toward what the ACC can possibly achieve. People may expect that the ACC alone can overcome the country's corruption problem, while in fact the ACC should only be the focal point of anticorruption work and in cases where corrupt practices have occurred, the solution of last resort. For a country to successfully combat and reduce the level of corruption, this responsibility has to be shared among all public and private institutions, and virtually among all citizens alike. Without this broad public support and responsibility for the fight against corruption, the ACC's work will always seem like a drop in the ocean, and the fundamental social changes needed to reduce corruption will not happen. Support from civil society organizations can also be crucial in situations where an anticorruption agency comes under attack of vested interests (Box 4.4 describes what happened in Indonesia in 2009).

In addition to the needed cooperation with civil society organizations (section 3.2.1), media, as an external accountability institution, can make an important contribution in the fight against corruption. Both civil society and media are important watchdog institutions, critical in raising awareness and contributing to public education about corruption. They can also be partners in implementing anticorruption and governance reform. This is recognized by the ACC and acknowledged in the National Anti-Corruption Strategy Framework (NACSF), where the roles of spiritual institutions and the private sector are highlighted.

The media has grown rapidly over the past few years, with an increasing number of daily and weekly newspapers being published. They report eagerly on corruption cases. However, reporting tends to be sensationalist and the number of journalists who have the necessary skills in economic and budgetary reporting is still very limited. As in other countries, media interest focuses on criminal cases and little if any attention is paid to the ACC's prevention and public education activities. A greater effort to communicate with and inform the media about anticorruption-related matters is required (Chapter 3).

Box 4.4: Indonesian Civil Society Support for Anticorruption Agenda

Most of the prominent anticorruption civil society organizations in Indonesia today were established within the first 2 years of Soeharto's fall from power. Probably the first was Indonesia Corruption Watch (ICW), founded in June 1998; ICW conducts its own informal investigations into corruption cases based on reports from the public. It was quickly followed by a number of other organizations such as the Indonesian Society for Transparency in 1999 (MTI) and the Indonesian branch of Transparency International (TI-I) in 2000. Some of the commissioners of KPK came from these organizations. Together with more general legal advocacy organizations, such as the Organization for Research and Advocacy for Judicial Independence (LeIP) established in 1999, and the Indonesian Centre for the Study of Law and Policies (PSHK) established in 1998, they use a cooperative approach to convince government and the legislature of reform. Some more specialized organizations have evolved, such as the Indonesian Procurement Watch (IPW) established in 2002, and the Justice Watch Society (MAPPI), a campus organization set up in 2000 at the Law Faculty of the University of Indonesia. There are dozens of smaller local organizations. The initial concerns of these organizations may not have been corruption per se, but since corruption affects many aspects of life, many of them developed corruption-focused activities to complement their specific fields. These nongovernment organizations (NGOs) are well-networked and group together in coalitions when issues of particular concern emerge.

These NGOs have supported the establishment of the Indonesian Corruption Eradication Commission (KPK), by lobbying the government, organizing seminars, and actively engaging in the legal drafting of the KPK Law. Once the KPK was established, NGOs became important although often very critical partners of the KPK. The KPK itself also engaged directly with a number of universities and student bodies across Indonesia and the popular Indonesian rock band Slank. In its songs, Slank had been critical of corruption, bureaucratic inefficiency, and political self-enrichment for more than a decade. Occasional performances in cooperation with the KPK made the anticorruption message particularly acceptable to the audience. These loose alliances with civil society proved to be very important when KPK came under increasing attack in 2009. When obviously fabricated charges were brought against its commissioners, NGOs formed together into a coalition called CICAk. The KPK had been likened to a *cicak*—a common Indonesian household gecko—picking a fight with a much bigger crocodile (in this case the Indonesian Police). CICAk was quickly turned into an acronym, **Cintai Indonesia, Cintai Anti-Korupsi**—Love Indonesia, Love Anti-Corruption—and became the slogan for a support movement to the KPK and two of its commissioners who had been falsely charged by the police. More than a million Facebookers expressed their support for the commissioners and thousands went to the streets to protest their arrest. The massive public support eventually led to an intervention by the President and the dismissal of the case by the Attorney General. Public support has been the biggest counterbalance to resistance to the anticorruption efforts from vested interests in Indonesia. It does come with the condition, however, that the KPK itself stays free of corruption. If it loses public trust in its integrity, it will lose its most important support base.

Source: Schuette 2008, 2010.

The ACC should also consider targeting its outreach and awareness-raising activities to those segments of society that are likely to be more open-minded and receptive toward the ACC’s work, such as the younger generation. Activities in schools, therefore, make a critical contribution to the long-term sustainability of ACC as these can influence how the new generations judge the ACC’s work.

- ✎ *The ACC will aim at generating broad public support and a feeling of shared responsibility for the fight against corruption across the Bhutanese society.*
- ✎ *The ACC will continue to engage actively with non-state actors, notably civil society, the media, the private sector, and spiritual institutions. This is a critical strategy to facilitate its own work by establishing a broad social coalition against corruption. This is also expected to generate greater social acceptance of the ACC as a valuable public institution, thereby also enhancing its attractiveness as an employer.*
- ✎ *The ACC will continue to intensify its efforts to reach out to the young generation, through school activities, by using the internet and social media as a communication platform, and through other innovative public awareness- raising events tuned toward youth’s interests (ideas include anticorruption cartoon contests, collaboration with enlightened leaders, youth icons, popular music bands, or TV, among others).*

3.2.4 Technological

In 1999, the country took a major leap into the information age with the formal introduction of television and the internet. The launching of mobile phones in 2003 has further revolutionized the information and media sector and brought big changes to the way information is shared (Dendup 2010, see also Table 4.7).

Table 4.7: Basic Information and Communication Technology Statistics as of December 2010

Sector	Data
Internet Subscribers	94,285 (408% increase from 18,542 in 2009)
Fixed Line Telephone Subscribers	26,292 (2% decrease from 26,346 in 2009)
Mobile Phone Subscribers	394,316 (20.6% increase from 327,052 in 2009)
Percentage of Population Covered by Mobile Phone Network	56.7%

Source: Adapted from Ministry of Information and Communication. 2011.

The introduction of these new technologies and their rapid growth to the remotest areas of Bhutan brings both enormous opportunities and challenges for the ACC. The ACC has already made good use of these opportunities: it maintains a daily updated website, which provides information on the mandate and tasks of the ACC, new anticorruption initiatives, and access to online reporting of complaints and asset declarations. The ACC also makes use of the auto-didactical opportunities of e-learning together with the RCSC and the Royal Institute of Management.

Information and communication technology (ICT) has the potential to enable both the government and citizens to interact more easily, and in rural areas, avoiding days of travel to access public services. The Total Solution (Chiphen Rigphel), a project that builds a knowledge-based society, funded by the Government of India, supports capacity building in ICT by providing various training to high government officials, members of parliament, local leaders, as well as teachers of schools and colleges. It will also establish computer labs in schools, colleges, and training institutes (Dendup 2010). While the information and communication infrastructure is rapidly improving and the Bhutanese population is getting more technology-savvy every day, the legislation that would allow optimal use of the increased accessibility of government is still lagging behind. The Right to Information Bill, which would guarantee better access to information and more transparency of government action, is still under review by the government. During its 7th session in 2011, the National Council remarked on the importance of transparency and suggested the Right to Information Bill to be included in the 2012 parliamentary session. It is in the interest of the ACC to support the increased ability of citizens and media to study and monitor government action with the right to do so.

Rapid technology development also brings challenges for the ACC's investigative operations, notably in two ways. First, the ACC needs the skills, procedures, and equipment to access and record electronically transmitted information. While the Anti-Corruption Act 2011 provides the ACC with the legal power to intercept communication and use it as evidence in court, the ACC has yet to develop the capacity, including the installation of necessary equipment, to do so. Under the suggested new organizational structure, a special division would be dedicated to establishing this capacity, including surveillance and forensics facilities intended to be built as a national facility and shared with law enforcement agencies. It also needs to constantly monitor loopholes and changes in patterns in the way corruption is carried out, and how changes in technology lead to new modes of corruption and conceal its proceeds. In this context, the capacity to conduct forensic accounting and computer forensics will become increasingly important, yet this is mostly lacking in the country in terms of both human capacity as well as technical infrastructure.

- ✎ *The ACC will continue to develop its internet portal and online applications, and provide citizens with access to news about the ACC and its services.*
- ✎ *It is a continuous goal of the ACC to stay up to date with new technological developments and ensure that all its staff are able to make best use of available ICT facilities when implementing their tasks, and identify emerging ICT needs at the ACC.*
- ✎ *It is a medium to long-term goal of the ACC to build surveillance and intelligence capacities under a special division, including the development of skills, procedures, and equipment. As part of this, the ACC plans to establish a national surveillance and forensics laboratory. External assistance and funding support will be needed and potential donors have to be identified.*
- ✎ *The ACC supports the establishment of infrastructure, for joint use by the ACC and law enforcement agencies that enable forensic investigations, including computer forensics.*

3.2.5 International

International (including regional) cooperation is a critical component of a successful fight against corruption and thus essential to the proper functioning of an agency such as the ACC. Cooperation with foreign jurisdictions is important in at least two respects: (i) sharing of experience, and (ii) international legal and/or judicial cooperation. With the advent of international standards against corruption, and notably the UN Convention against Corruption (UNCAC), both matters have been intensely promoted internationally. As regards sharing

of experience, the ACC has actively participated in a range of related activities. These include representing Bhutan in the Asian Development Bank/Organisation for Economic Co-operation and Development (ADB/OECD) Anti-Corruption Initiative for Asia and the Pacific, forging bilateral contacts with other ACAs in the Asia and Pacific region, and leading Bhutan's efforts to voluntarily conduct a self-assessment under the UNCAC. These efforts have all been highly beneficial to the ACC and Bhutan to effectively combat corruption, and will therefore be continued. The ACC will continue to participate actively in relevant international and regional fora. To make the most of these opportunities to share information and knowledge, and learn from the experiences of other countries while also limiting the strain of international travel on the already limited human resources of the ACC, it is recommended that the current number of international networks in which the ACC participates is sufficient, although broadening the network more actively beyond Asia and the Pacific can be considered in the long term. In addition, the delegations that are sent to these events are to be carefully composed. For administrative and communication purposes, one person should act as permanent liaison person for international and regional cooperation efforts. S/he will report directly to the commissioners. In addition, whenever possible, one (and usually the same) commissioner should attend the international or regional cooperation events to benefit from the mostly policy dimension of many of these networks. In addition, and depending on the thematic orientation of the network or event, a staff member with expertise and work responsibilities in the given thematic area should be selected to join the delegation.

- ✎ *The ACC will continue to actively participate in the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific and other relevant regional networks.*
- ✎ *In the long term, and subject to adequate human and financial resources, the ACC will seek to expand its international network beyond the Asia and Pacific region with a view to sharing its own and learning from others' experiences more widely.*
- ✎ *International networking and capacity building opportunities will be made available to staff members on a rotational basis and based on thematic relevance and merit.*

With regard to international legal and judicial cooperation, the capacity in Bhutan is generally low in relation to the ACC's own investigation division as well as other law enforcement agencies, notably the OAG. However, the need to increase capacity in this area is further intensified by the growing international exposure of Bhutan's economy and, consequently, the likelihood of corruption and related crimes becoming an international affair (e.g., bribing of Bhutanese public officials through representatives of foreign companies, or vice versa; laundering of proceeds of corruption in banks in foreign jurisdictions, or of proceeds of corruption from foreign jurisdictions through the Bhutanese banking system, etc.). Three measures are recommended to ensure that Bhutan is well prepared to cope with this development:

- ✎ *Ratify the UN Convention against Corruption: International (legal and judicial) cooperation, including those relating to the return of stolen assets, as well as international cooperation for the purpose of information sharing (see above), are essential components of the UNCAC. The UNCAC itself can be used as an instrument for requesting mutual legal assistance in relation to cases that fall under any of the offenses covered by UNCAC, and the technical working group of the UNCAC on asset recovery as well as subgroups on mutual legal assistance and related topics are highly useful forums for ACC staff (as well as other law enforcement agencies) to enhance their capacity in this area.*
- ✎ *Strengthen the capacity of the ACC and the OAG in relation to mutual legal assistance, (international) asset tracing, and recovery of stolen assets through dedicated capacity building efforts.*
- ✎ *Clearly assigning responsibilities in relation to mutual legal assistance in corruption cases.*

CONCLUSION

The Anti-Corruption Commission (ACC) plays an essential role in the country's young democracy. It is a critical oversight institution and has achieved much by way of instilling integrity and controlling corruption in the system. However, integrity and accountability functions and standards have yet to be fully absorbed not only by specialized agencies but by the public sector and executive government at large. Furthermore, surveys seem to indicate that the corruption risk is increasing in the country and new forms of corruption are appearing, primarily due to the economic, political, and international opening up of the country. This calls for more work in raising awareness of the public and key stakeholders in government and the private sector to these new risks, primarily through public education work, putting additional burden on the ACC. The ACC, already struggling with a large case load and limited capacity and skills, will need to acquire additional expertise in dealing with new forms of corruption, including international corruption. Finally, probably the single most important obstacle to the ACC's work is the great difficulty in hiring and retaining qualified staff. This seriously jeopardizes existing operations as well as the further development and expansion of operations to cope with new challenges. Causes for these human resource concerns are manifold and relate both to internal organizational as well as external factors.

To overcome these key challenges and the numerous related issues, the ACC will work at five levels as illustrated in Chapter 5:

1. Organizational strengthening and development
2. Recruitment, retention, and human resource development
3. Strengthening of investigative capacity
4. Enhancing of prevention and public education function
5. Engaging in strategic partnerships

To strengthen and further develop the ACC institutionally: (1) priority measures relate to the review and possibly adjustment of the ACC's organizational structure, the entry into negotiations with RCSC for more independence with regard to the organizational structure and the human resource management (HRM) function of the ACC, and the strengthening of team spirit and corporate culture through coaching and team building events. To enhance the ACC's capacity to recruit, retain, and develop its human resources: (2) priority will be placed on exploring certain exemptions from the Bhutan Civil Service Rules and Regulations that currently restrict the ACC's HRM autonomy, applying for benefits for the ACC staff that are available within the realm of the Bhutanese civil service, to (i) institute and further enhance cooperation and consultation with RCSC on specific matters identified in this Institutional Development Plan (IDP), (ii) explore deputation arrangements and out-of-service contract employment as short- to mid-term measures to cope with the lack of staff, and (iii) develop professional human resource and human resource development (HRD) plans and to undertake a training needs assessment. To strengthen the ACC's investigative capacity: (3) the ACC will put emphasis on quickly updating operations manuals and other processes and procedures in line with the latest legislation (ACA 2011), undertaking specialized training for investigators in areas of particular concern to the ACC's current and future case load, reducing the case backlog by reviewing and adjusting the Complaints Evaluation Committee (CEC) criteria, reviewing backlog cases from pre-CEC periods and making greater use of discreet enquiries and preliminary investigations, and designing (and publicly communicating) a clear ACC investigation policy. To strengthen the ACC's prevention and public education function: (4) priority will be put on conducting

systems reviews and implementing similar tools in either “willing agencies” or agencies that have been subject to ACC investigation, promoting integrity and accountability mechanisms at the highest political and civil service levels, engaging the media through the implementation of a professional media and communication strategy, and strengthening cooperation with civil society, in particular with regard to monitoring NACSF implementation and developing nongovernment specialized anticorruption capacity in Bhutan. Finally, the ACC will engage in a series of strategic partnerships: (5) notably, with both chambers of Parliament, key partners from the law enforcement and accountability community (Office of the Attorney General, Royal Audit Authority, and Royal Bhutan Police), with the Royal Civil Service Commission, key civil society actors and prominent citizens, to spread the anticorruption message across the country and strengthen both national and international strategic alliances.

The implementation of these and supporting measures will be reviewed regularly in the context of the ACC’s monitoring of its annual work plan which is linked to this IDP. It is expected that a broader review of the ACC’s organizational capacity within 3 years from the adoption of this plan will yield significant improvements for the benefit of the Bhutanese society and economy, and ultimately, the efforts to further enhance the Gross National Happiness (GHN). Ultimately, the long-term goals of the ACC are to operate effectively across the country, with an adequately staffed team of skilled investigators and prevention and public education specialists, to limit and further reduce corruption and to promote and further enhance integrity in the civil service and society at large. For this, the ACC needs sufficient institutional capacity, operational independence and human and financial resources, areas for which the IDP proposes numerous short- and mid-term measures. Above and beyond that, however, it is the ultimate goal of the ACC to spread the anticorruption spirit and message and to transfer the ownership for integrity to the entire civil service and the society at large.

5. Institutional Development—Short, Medium, and Long-Term Plans

5.1 Way Forward 1: Organizational Strengthening and Development

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Review the organizational structure	<ul style="list-style-type: none"> • Enable commissioners to focus on strategic issues • Strengthen and establish balance between divisions in terms of leadership and operations • Create in-house career opportunities • Promote more balanced public image/perception of the ACC 	<ul style="list-style-type: none"> • Internal consultation followed by decision on preferred structure • Consultation with RCSC • Adoption of new structure 	Mid-term (4–5 years)	Commissioners, Director	RCSC, NPPF, MOF
Enter into negotiations for independence with respect to organizational structure and human resource management (as part of overall negotiations with RCSC for exemptions from elements of BSCR)	<ul style="list-style-type: none"> • Independence • General effectiveness of the ACC 	<ul style="list-style-type: none"> • Adjusted organizational structure (see below) • (More) autonomous human resource management (see Way Forward 2) 	Mid-term (4–5 years)	Commissioners Director	Parliament Committee of Secretaries RCSC
Regularly review achievements under the Institutional Development Plan (IDP)	<ul style="list-style-type: none"> • Continuity and sustainability of the ACC's operations 	<ul style="list-style-type: none"> • Official adoption of 2012 IDP by the ACC • Annual monitoring of implementation status • Regular and documented review (and adjustment) of the IDP 	Short-term (1–3 years) Annually Continuous (biennial/every 1 years)	Commissioners	IDP Advisor (t.b.c.)

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Develop and review annual work plan based on IDP and staffing situation	<ul style="list-style-type: none"> Consistency of action across all operations with the ACC's long-term goals Integration of strategic goals and reality of staffing situation Higher motivation of staff and identification with the ACC's achievements 	<ul style="list-style-type: none"> IDP basis for 2012 (and future) work plan(s) Monthly and quarterly reviews of goals achieved and potential adjustment to work plan 	Annually	Commissioners, Chiefs of Divisions	IDP Advisor (t.b.c.)
Review the adequacy of agenda and number of work plan meetings	<ul style="list-style-type: none"> Reduce perceived performance pressure on staff More time for staff to perform their tasks Cross-divisional coordination 	<ul style="list-style-type: none"> Work plan meetings every 2 weeks (as compared to current weekly) Future- and coordination-oriented (rather than for reporting on last week's activities) 	Immediately	Commissioners Director (Corporate Service)	
Strengthen corporate standards	<ul style="list-style-type: none"> Strong corporate culture Highest degree of integrity among ACC staff 	<ul style="list-style-type: none"> Address the ACC behavioral standards in recruitment interviews/ tests New staff sign the ACC's Code of Conduct during special ceremony Case studies on integrity dilemmas discussed during work plan or monthly integrity meetings 	Short-term (1-2 years)	Commissioners	

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Hold regular team building events	<ul style="list-style-type: none"> Strong corporate culture Increased retention rate and job satisfaction 	<ul style="list-style-type: none"> Regular joint on-site leisure activity (Friday tea, yoga, lunch time sports, etc.) Monthly talk series with inspirational leader or high-level experts 6- monthly teambuilding events for all ACC staff 	Immediate, continuous Immediate, continuous Short term (1 year)	Directors	Speakers (inspirational leaders and experts) Team building organizers/specialists
Consider team and senior management coaching	<ul style="list-style-type: none"> Strong corporate culture Enhance management efficiency 	<ul style="list-style-type: none"> Discuss expectations in management meeting Identification and contracting of external coach 	Short term (1–2 years)	Commissioners Directors Division Chiefs	External Coach
Secure continuous and adequate government funding for the ACC's general operations	<ul style="list-style-type: none"> Autonomy and continuity of the ACC's operations 	<ul style="list-style-type: none"> ACC guaranteed by law a certain percentage of annual budget (either fixed percentage or based on previous year's ACC budget) 	Mid-term (4–5 years)	Commissioners	Government Parliament
Secure continuous and adequate funding for the implementation of the IDP and targeted programs from external donors	<ul style="list-style-type: none"> The ACC's organizational development and capacity considerably strengthened High-impact programs with low internal human resource requirements 	<ul style="list-style-type: none"> Presentation of IDP and assistance needs to existing and interested donors Program or project-specific funding agreements signed 	Short-term (1 years) (funding agreements ideally longer and in line with project/ program objectives)	Commissioners Directors Division Chiefs on particular programs	Donor community
Monitor trends of corruption at national and local level and evaluate mainstreaming anticorruption measure.	<ul style="list-style-type: none"> The ACC presence in line with corruption reality 	<ul style="list-style-type: none"> Review of geographical and administrative distribution of corruption and the ACC capacity 	Long-term (3–5 years)	Commissioners	--

ACC = Anti-Corruption Commission, BCSR = Bhutan Civil Service Rules and Regulations, IDP = Institutional Development Plan, MoF = Ministry of Finance, NPPF = National Pensions and Provident Fund, RCSC = Royal Civil Service Commission, t.b.c. = to be confirmed.

5.2 Way Forward 2: Recruitment, Retention, and Human Resource Development

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Explore feasibility of exemption from parts of the BCSR that restrict the ACC's HRM autonomy	<ul style="list-style-type: none"> More HRM autonomy of the ACC in recruitment, promotions, performance-based perks, and terminal benefits 	<ul style="list-style-type: none"> Necessary changes identified by the ACC (see Table 4.3) Consultation with RCSC Changes part of review of BCSR Changed CSA, BSCR, or special rules for ACC 	Short-term (1-3 years)	Commissioners Director Assistant human resource officer	RCSC, NPPF, MOF
Assess and apply for additional benefits for ACC staff as available to all civil servants	<ul style="list-style-type: none"> Increased recruitment and retention rate Improved job satisfaction 	<ul style="list-style-type: none"> Survey among civil servants and/or graduates about conditions under which they were willing to join ACC Agreement with RCSC and Ministry of Finance 	Mid-term (1-3 years)	Commissioners Director Assistant human resource officer	RCSC Ministry of Finance
Apply for additional and equal, performance-based salary benefits for all ACC staff	<ul style="list-style-type: none"> Increased recruitment and retention rate Improved job satisfaction 	<ul style="list-style-type: none"> Additional benefits linked to performance not function Agreement with RCSC and Ministry of Finance 	Mid-term (1-3 years)	Commissioners	RCSC Ministry of Finance Government (political will) Parliament
Consider introducing aspects of performance management	<ul style="list-style-type: none"> Individual staff performance contributes to organizational goals Higher motivation of staff and identification with the ACC's achievements 	<ul style="list-style-type: none"> Goals (key performance indicators) for every division are broken down into performance indicators for individual staff Performance indicators are linked to annual evaluation Outstanding performance is rewarded with special perks 	Mid-term (2-5 years)	Commissioners Director Chiefs of Divisions	Possibly performance management consultant RCSC

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Institutionalize regular consultation with RCSC	<ul style="list-style-type: none"> Enhanced speed and efficiency of HRM processes Recruitment levels increased 	<ul style="list-style-type: none"> Senior level meetings with RCSC at least 3 times/yr Working level meetings with RCSC at least 6 times/yr 	Short-term (1 year)	Commissioners Director Assistant human resource officer	RCSC
Explore deputation arrangements and out-of-service contract employment	<ul style="list-style-type: none"> Increased recruitment and retention rate Increased collaboration with other agencies (“ACC ambassadors”) Targeted extension of available expertise in the ACC 	<ul style="list-style-type: none"> Agreement with RCSC on deputation arrangements Based on identification of staffing needs, agreement with heads of key agencies (e.g. RAA, DRC, Ministry of Education) Advertisement of deputation posts across key agencies Advertisement of contract positions 	Short-term (1–3 years)	Commissioners Director Assistant human resource officer	RCSC Agencies with expertise of interest
Work closely with RIM to enhance recruitment rates among new graduates	<ul style="list-style-type: none"> Increased profile and awareness of training and career opportunities makes the ACC a first choice for graduates Increased recruitment rate 	<ul style="list-style-type: none"> ACC guest lectures and/or seminars as part of RIM curriculum ACC presence at annual RIM employer fair 	Short-term (1–3 years)	Commissioners Assistant human resource officer possibly supported by staff to represent ACC at “marketing” events	RIM
Explore feasibility of capturing students after year 12 and sending them overseas for training	<ul style="list-style-type: none"> Increased recruitment rate in the long term Qualification tailored to ACC needs 	<ul style="list-style-type: none"> Agreement with Ministry of Education and RCSC on modus of student selection, overseas training, and terms of contract 	Mid-term (4–5 years)	Commissioners Director Assistant human resource officer	RCSC and MOE

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Review entry level standards	<ul style="list-style-type: none"> Increased recruitment rate 	<ul style="list-style-type: none"> Entry level standards reviewed, and where applicable, adjusted 	Short-term (1–3 years)	HRC	
Develop and implement human resource plan	<ul style="list-style-type: none"> Clear understanding of staffing needs Improved match between staffing needs and recruitment More precise recruitment advertisements 	<ul style="list-style-type: none"> Positions determined Job descriptions for all positions Match existing staff with positions (possible re-assignment of staff to different positions) Succession plans for vulnerable positions Identify positions that can be contracted (most likely positions that do not require extensive initial training) Recruitment for empty positions initiated Identified training needs fed into TNA 	Short-term (1 year)	Assistant human resource officer	Human resource coach/consultant (donor funded?) RCSC
Adjust annual work plans in line with actual work force	<ul style="list-style-type: none"> Reduced pressure on staff Increased retention rate Increased job satisfaction 	<ul style="list-style-type: none"> 2011–2012 work plan adjusted to actual workforce 2012–2013 work plan in line with actual workforce Monthly and quarterly reviews of achieved goals fed into adjustment of work plans 	Short-term (1–3 years)	Commissioners Director Division Chiefs	--

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Review and standardize routine actions in HRM	<ul style="list-style-type: none"> Enhanced speed and efficiency of HRM processes 	<ul style="list-style-type: none"> HRM manual Standardized recruitment interview questions Standardized job interview questionnaires Template letters 	Short-term (1-3 years)	Assistant human resource officer	Human resource coach/consultant (donor funded?)
Training for staff who undertake regular interviewing of candidates	<ul style="list-style-type: none"> Enhanced speed and quality of recruitment 	<ul style="list-style-type: none"> Relevant staff trained in interviewing (subject to completion of HRM manual and job description) 	Short-term (1-3 years)	HRC	Human resource coach/consultant RCSC (?)
Conduct a comprehensive TNA and establish a human resource development (HRD) plan	<ul style="list-style-type: none"> Fair, systematic allocation of training for all staff Increases performance, job satisfaction, and retention rates 	<ul style="list-style-type: none"> TNA HRD plan (including identification of training providers (in-country and external) and training modes (in-house, coaching, external, on-the-job, etc.)) 	Short-term (1-3 years)	Director Assistant human resource officer Division Chiefs	Human resource coach/consultant (donor funded?)
Fundraising to support TNA and implementation of corresponding HRD plan	<ul style="list-style-type: none"> Funding for long-term capacity building secured 	<ul style="list-style-type: none"> Presentation of identified training and development needs to donors Funding agreement with donor(s) 	Short-term (1-3 years)	Commissioners	Donors and RGOB
Develop a system of occasional in-house job rotation where appropriate	<ul style="list-style-type: none"> Job satisfaction rate increased Retention rate increased Better knowledge exchange and cooperation between divisions 	<ul style="list-style-type: none"> 2-3 short term (1-2 months) job rotations per year between divisions 	Mid-term (4-5 years)	HRC	Human resource coach/ consultant

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Evaluate advantages and disadvantages of de-linking the ACC from civil service considering the models of the Indonesia's KPK or Hong Kong, China's ICAC	<ul style="list-style-type: none"> Highest degree of HRM autonomy of ACC Retention and recruitment rates increased Career opportunities for ACC staff enhanced Performance-based HRM 	<ul style="list-style-type: none"> Suggest necessary changes to the ACA and the CSA that would allow to de-link without disadvantages to the ACC and its staff Discuss proposal with RCSC, government, and Parliament 	Mid-term (4-5 years)	Commissioners Director	Government Parliament Advice from KPK Indonesia and/or ICAC Hong Kong, China

ACC = Anti-Corruption Commission; BCSR = Bhutan Civil Service Rules and Regulations; CSA = Civil Service Act; DRC = Department of Revenue and Customs; HRC = Human Resource Committee; HRD = human resource development; HRM = human resource management; ICAC = Independent Commission Against Corruption, Hong Kong, China; KPK = Corruption Eradication Commission, Indonesia; MoE = Ministry of Education; MoF = Ministry of Finance; NPPF = National Pensions and Provident Fund; RCSC = Royal Civil Service Commission; RGoB = Royal Government of Bhutan; RIM = Royal Institute of Management; TNA = training needs assessment.

5.3 Way Forward 3: Investigative Capacity

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Update operations manual in line with provisions of the 2011 ACA, and conduct staff training/sensitization on implications of new ACA on operations	<ul style="list-style-type: none"> All operations in line with ACA 2011 	<ul style="list-style-type: none"> Updated operations manual Staff aware of implications of ACA for work (informal test) 	Short-term (1–3 years)	Chief of Investigation Division	--
Specialized training for investigators on: <ul style="list-style-type: none"> forensic accounting, financial investigations and asset tracing, computer and cyber forensics corruption risks in procurement, banking/finance MLA and asset recovery 	<ul style="list-style-type: none"> Increased capacity of investigators to : <ul style="list-style-type: none"> search, identify, and seize electronic evidence handle specialized corruption cases (procurement) handle international corruption cases 	<ul style="list-style-type: none"> Needs reflected in TNA In-house and offsite/overseas training opportunities identified Training attendance, certification/test results 	Short- to mid-term (1–5 years), pending TNA	Chief of Investigation Division Assistant human resource officer	Donors
Develop in-house training capacity	<ul style="list-style-type: none"> Cost and time efficiency Training tailored to ACC needs 	Train-the-trainer modules Training manuals Basic in-house trainings	Long-term (7–10 years)	Assistant Human resource officer Chief of Investigation Division	--
Review backlog cases of 2006–2007 based on CEC criteria	<ul style="list-style-type: none"> Reduced case backlog 	Special CEC session to review 2006–2007 cases	Short-term (1 year)	CEC	--
Annual (thematic) mop-up operations	<ul style="list-style-type: none"> Reduced case backlog 	Annual mop-up operations conducted, using thematic criteria for grouping cases	Short-term (1–3 years), continuous	Chief of Investigation Division CEC	--

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
<p>Seek to reduce number of new cases admitted for investigation by</p> <ul style="list-style-type: none"> (a) reviewing and possibly adjusting the complaints evaluation criteria, and (b) making greater use of discreet enquiries and preliminary investigations to determine value of evidence 	<p>Reduced number of new cases admitted for investigation</p>	<ul style="list-style-type: none"> • Adjusted rules for CEC • Preliminary investigations part of operations manual 	<p>Short-term (1–3 years)</p>	<p>CEC</p>	<p>--</p>
<p>Cooperate with RCSC to reduce discretion by other agencies in following up on cases</p>	<p>Timely and consistent follow-up action of cases</p>		<p>Medium-term (4–6 years)</p>	<p>Commissioners Chief of Investigation Division</p>	<p>RCSC</p>
<p>Design and publicly communicate ACC investigations policy to public</p>	<ul style="list-style-type: none"> • Enhanced understanding of public about ACC's choice of investigations • Enhanced public trust in independence and quality of ACC's work 	<ul style="list-style-type: none"> • Determine and document ACC investigation policy, in particular with regard to prioritization of investigations • Communicate concise information about investigation policy, as part of the ACC's media and communications strategy, to the public (incl. public presentations, media coverage, brochures, website) 	<p>Short-term (1–3 years), continuous</p>	<p>Commissioners Chief of Investigation Division Chief of PED</p>	<p>BCMD? Donors?</p>
<p>Establish (online) system to report on status of complaints</p>	<ul style="list-style-type: none"> • Maintaining public trust, especially among complainants • Consistency of treatment of complainants 	<ul style="list-style-type: none"> • Blueprint for (online) system • (Online) System active 	<p>Mid-term (4–6 years)</p>	<p>Chief of Investigation Division</p>	<p>--</p>

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Improve access to official documentation (evidence)	<ul style="list-style-type: none"> Faster and more reliable access to official evidence 	<ul style="list-style-type: none"> Identify areas of administration affected by documentation loss and reasons for loss Jointly develop actions steps to enhance record keeping 	Short to mid-term (2–5 years)	Chief of Investigation Division Chief of Prevention Division	Concerned agencies in administration
Establish national surveillance and forensics laboratory (skills, equipment, procedures)	<ul style="list-style-type: none"> Increased capacity to investigate complex crime involving electronic evidence Improved relations with the Police 	<ul style="list-style-type: none"> MoU with Police Blueprint for laboratory Promotion meeting to donors Funding and Technical Assistance secured 	Mid- to long-term (5–10 years)	Chief of Investigation Division	Telcos, BICMA Donor funding

ACA = Anti-Corruption Act 2011, ACC = Anti-Corruption Commission, BICMA = Bhutan InfoComm and Media Authority, BCMD = Bhutan Centre for Media and Democracy, CEC = Complaints Evaluations Committee, MoU = memorandum of understanding, PED = Public Education Division, RCSC = Royal Civil Service Commission, TNA = training needs assessment.

5.4 Way Forward 4: Public Education and Prevention Capacity

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Priority system reviews of (a) “willing agencies,” (b) agencies that have been subject to ACC investigations	<ul style="list-style-type: none"> Enhanced cooperation with Investigation Division Better follow-up and compliance with ACC recommendations Enhanced integrity systems in the public sector 	<ul style="list-style-type: none"> A minimum of 3 systems reviews conducted annually in “willing agencies” and/or agencies that are/were the subject of investigations List of “willing agencies” and agencies under investigation (continuously updated) 	Short-term (1–3 years)	Chief of Prevention Division Chief of Investigation Division	Concerned agencies
Continue and further develop outreach program to <i>gewogs</i> , schools, and other agencies	<ul style="list-style-type: none"> Increased awareness of impact of corruption and anticorruption measures 	<ul style="list-style-type: none"> Number of events conducted with <i>gewogs</i> Number of events conducted at schools Number of events conducted at other agencies 	Continuous	Chief of PED	Concerned agencies
Encourage and assist law enforcement agencies and judiciary in strengthening internal integrity	<ul style="list-style-type: none"> Due process of law enforcement Consistent follow-up of corruption cases 	<ul style="list-style-type: none"> CRM in law enforcement agencies and judiciary 	Mid-term (4–5 years)	Commissioners Chief of Prevention Division	--
Review asset declaration rules in line with ACA 2011	<ul style="list-style-type: none"> Maximize opportunities provided by ACA 2011 to strengthen asset declarations as a tool to prevent and trace corruption 	<ul style="list-style-type: none"> Updated asset declaration rules 	Short-term (1–3 years)	Chief of Prevention Division	--
Develop action plan on asset authentication system and protocol and connect to electronic	<ul style="list-style-type: none"> Reliable authentication of asset declarations 	<ul style="list-style-type: none"> Action plan endorsed by Department of Information and Technology 	Short-term (1–3 years)	Chief of Prevention Division	Department of Information and Technology Other agencies with

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
sources of data as available in relevant agencies/ministries		<ul style="list-style-type: none"> Action plan implemented by pilot agencies Action plan implemented by all agencies 	Short-term (1-3 years) Mid-term (4-5 years)		access to key data (tax, land, customs, RCSC, etc.) High-level support for ensuring access to data from other agencies Donor funding
Promote placement of asset declaration administrators	<ul style="list-style-type: none"> Increased reporting of asset declarations 	<ul style="list-style-type: none"> Asset declaration awareness meetings conducted with all relevant agencies Asset declaration administrators trained 	Continuous	Chief of Prevention Division	
Promulgate placement of gift disclosure administrators and raise awareness of Gift Rules	<ul style="list-style-type: none"> Increased integrity and transparency with regard to gifts 	<ul style="list-style-type: none"> Gift rules awareness meetings conducted with all relevant agencies Gift rules part of media and communication strategy (i.e., public service announcements) 	Mid-term (4-5 years)	Commissioners Chief of Prevention Division	
Establish a monitoring system for Gift Rules	<ul style="list-style-type: none"> Increased integrity and transparency with regard to gifts 	<ul style="list-style-type: none"> Blueprint for Monitoring of Gift rules Implementation of Monitoring Rules 	Mid-term (4-5 years)	Chief of Prevention Division	Minor donor funding, e.g., for studying other countries systems
Promote the introduction of mechanism to enforce accountability for anticorruption and integrity performance at highest political/civil service level	<ul style="list-style-type: none"> Increased awareness of their role in enforcing anticorruption and integrity measures in government and civil service among senior leaders 	<ul style="list-style-type: none"> Integrity and anticorruption measures part of Ministers' "compacts" 	Short-term (1-3 years)	Commissioners Chief of Prevention Division	Committee of Secretaries

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
<p>Increase research skills of Prevention Division staff as recommended by UNDP Practitioner's Guide</p>	<ul style="list-style-type: none"> Increased capacity to conduct research in-house Competent collaboration with third-party researchers 	<ul style="list-style-type: none"> Needs reflected in TNA In-house and offsite/overseas training opportunities identified Training attendance, certification/test results 	<p>Short-term (1–3 years), pending TNA</p>	<p>Chief of Prevention Division Assistant human Resource officer</p>	<p>Donor funding</p>
<p>Increase skills of PED staff in product development, public relations and public communication, teaching and pedagogy</p>	<ul style="list-style-type: none"> Increased in-house capacity in designing and overseeing production of awareness-raising brochures and other materials Increased capacity in public relations and communication 	<ul style="list-style-type: none"> Needs reflected in TNA In-house and offsite/overseas training opportunities identified Training attendance, certification/test results 	<p>Short-term (1–3 years), pending TNA</p>	<p>HRC Chief of PED</p>	<p>Donor funding</p>
<p>Devise a proactive media and communication strategy</p>	<ul style="list-style-type: none"> Accurate analysis and reporting on corruption cases Enhanced coverage of prevention and awareness-raising programs More accurate public image of ACC's work Greater public understanding and demand for anti-corruption measures and accountability 	<ul style="list-style-type: none"> Media and communication strategy document, including an assessment of the possible use of new social media, such as Facebook and Twitter 	<p>Short-term (1–3 years)</p>	<p>Chief of PED</p>	<p>Public relations consultant/BCMD</p>
<p>Enhance corporate sector awareness about corruption risks and develop prevention tools for companies operating in key sectors</p>	<ul style="list-style-type: none"> Greater awareness in corporate sector on what constitutes corruption, its risks, and ways to prevent it 	<ul style="list-style-type: none"> Awareness-raising seminars Prevention tools such as integrity pacts introduced with key actors 	<p>Mid-term (3–6 years)</p>	<p>Chiefs of PED, Prevention Division</p>	<p>Companies in key sectors such as energy, transport, urban development, health, education, and finance</p>

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Continue to develop the internet portal and online applications Engage and assist the CoS in developing NACSF implementation monitoring tool	<ul style="list-style-type: none"> • Accessibility of Bhutanese citizens to information on ACC and its work • Progress in implementation of NACSF 	<ul style="list-style-type: none"> • Up-to-date website • Compulsory (annual) reporting to CoS • Annual conference on progress in implementation 	Continuous Short-term (1–3 years)	ICT staff Commissioners Chief of Prevention Division	CoS
Collaborate with government in mainstreaming successful programs such as “islands of integrity” and procurement trainings	<ul style="list-style-type: none"> • Replication and mainstreaming of successful ACC programs • Government ownership of anticorruption programs 	<ul style="list-style-type: none"> • Successful pilot projects presented at annual conference for NACSF • Replication of successful programs in revision of NACSF and other government planning included 	Mid-term (3–6 years)	Commissioners Chiefs of PED, Prevention Division	Government, CoS

ACA = Anti-Corruption Act 2011, ACC = Anti-Corruption Commission, BCMD = Bhutan Centre for Media and Democracy, CoS = Committee of Secretaries, CRM = Corruption Risk Management, HRC = Human Resource Committee, ICT = information and communication technology, NACSF = National Anti-Corruption Strategy Framework, PED = Public Education Division, RCSC = Royal Civil Service Commission, TNA = training needs assessment, UNDP = United Nations Development Programme.

5.5 Way Forward 5: Strategic Partnerships

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Engage in active dialogue with both chambers of Parliament on internal and external anticorruption measures	<ul style="list-style-type: none"> Improved internal integrity mechanisms in parliament 	<ul style="list-style-type: none"> CRM workshops conducted by both National Assembly and National Council 	Short- to mid-term	Commissioners Chief of Prevention Division	National Assembly and National Council
Sign notes of agreement with the RAA, OAG, RBP, National Land Commission, financial institutions, etc.	<ul style="list-style-type: none"> Consistent and timely handling of ACC cases Continuity of existing cooperation beyond term of specific individuals 	<ul style="list-style-type: none"> Identification of standard processes Notes of agreement with RAA, Police, and OAG signed Shared repository of information established Mutual secondment of personnel 	Mid-term (3–6 years)	Commissioners Chief of Investigation Division	RAA, OAG, and partners
Explore for engaging in the introduction of LLB and LLM program in the country	<ul style="list-style-type: none"> More human capacity in law available for judiciary and law enforcement agencies, incl. ACC 	<ul style="list-style-type: none"> Dialogue with planning committee on possible ACC engagement ACC contribution to curriculum Law graduates employed by ACC 	Short-term (1–3 years) Mid-term (4–5 years) Long-term (6–10 years)	Commissioners	Judiciary, Ministry of Education GNHC other government agencies
Seek RCSC cooperation to enforce follow-up action on corruption cases by affected agencies	<ul style="list-style-type: none"> Increased accountability by agencies affected by corruption cases Enhanced public sector integrity 	<ul style="list-style-type: none"> Agreement with RCSC on policy framework Enforcement of policy framework by RCSC 	Mid-term (4–5 years)	Commissioners Chief of Investigation Division Chief of Prevention Division	RCSC
Participate in efforts to reform the BCSR	<ul style="list-style-type: none"> Modern, flexible, and performance enhancing HRM and HRD system in the civil service 	<ul style="list-style-type: none"> Necessary changes identified Consultation with other affected agencies and RCSC Changed BCSR 	Mid-term (4–5 years)	Commissioners Chief of Prevention Division	RCSC

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Engage CSOs in discussion about corruption in their sectors and develop joint programs	<ul style="list-style-type: none"> Broad support base for ACC and greater social acceptance Increased capacity of CSOs to monitor and respond to corruption 	<ul style="list-style-type: none"> Joint anticorruption related programs and projects 	Mid-term (4–5 years)	Chief of PED	CSOs Donors
Study the establishment of an independent accountability institution for overseeing ethics and integrity in the public sector	<ul style="list-style-type: none"> Reduction of (administrative) complaints to ACC Improved integrity and follow-up of integrity breaches in administration 	<ul style="list-style-type: none"> Evaluate institutional set-up of similar agencies in other countries Policy recommendation formulated and discussed with government and Parliament (National Assembly and National Council) 	Long-term (6–10 years)	Commissioners Chief of Prevention Division	Government Parliament
Explore the need for an established of dedicated anticorruption NGOs	<ul style="list-style-type: none"> Competent and vigorous civil society partner(s) 	<ul style="list-style-type: none"> Interested individuals and groups identified and encouraged Initial cooperation/projects 	Mid- to long-term (4–5 years)	Commissioners Chief of PED	CSOs
Engage persons of public interest (enlightened leaders, youth icons, actors, musicians, etc.) in conveying anticorruption message	<ul style="list-style-type: none"> Anticorruption message heard by a large audience Broad support base for and greater social acceptance of ACC 	<ul style="list-style-type: none"> Suitable person(s) identified Formal/informal agreement Anticorruption message conveyed by person of interest Joint events 	Short-term (1–3 years)	Chief of PED	
Increase editors' and journalists understanding of corruption	<ul style="list-style-type: none"> Relationship of trust and openness with media Accurate analysis and reporting on corruption cases Enhanced coverage of prevention and awareness-raising programs 	<ul style="list-style-type: none"> Six-monthly (or ad hoc when needed) meetings with editors Media training and informative sessions for journalists 	Pending media and communication strategy	Commissioners Chief of PED	

ACTIVITY/IES	GOAL OR EXPECTED OUTCOME	MEASURABLE OUTPUT	TIME FRAME(S)	RESPONSIBILITY	SUPPORT NEEDS (EXTERNAL)
Help coordinate the introduction of missing pieces of legislation as identified in UNCAC self-assessment, in particular RTI, MLA, statute of limitation	<ul style="list-style-type: none"> Comprehensive and consistent legislative framework allows for swift and consistent action 	<ul style="list-style-type: none"> RTI, MLA, statute of limitation legislation in line with UNCAC recommendations 	Mid-term (3–6 years)	Commissioners	
Continue participating in relevant regional fora, such as the ADB/OECD Initiative, and expand international network beyond the Asia and Pacific region	<ul style="list-style-type: none"> Sharing of knowledge and expertise, benefiting from other countries expertise and experience 	<ul style="list-style-type: none"> Regular and very active attendance of relevant regional and, increasingly, international networking events by appropriate staff subject to availability of resources 	Continuous	Commissioners, other appropriate staff	Regional and international partners Funding
Promote the ratification of UNCAC	<ul style="list-style-type: none"> Enhance the capacity of Bhutan to cooperate (in legal and judicial matters as well as otherwise) with other countries 	<ul style="list-style-type: none"> Full integration of Bhutan in international anticorruption community Access to tool for efficient international judicial and legal cooperation 	Short-term (1–3 years)	Commissioners	Executive Government Parliament

ACC = Anti-Corruption Commission, ADB/OECD = Asian Development Bank/Organisation for Economic Co-operation and Development, BCSR = Bhutan Civil Service Rules and Regulations, CSO = civil society organization, GNHC = Gross National Happiness Commission, HRD = human resource development, HRM = human resource management, MLA = mutual legal assistance, NGO = nongovernmental organization, OAG = Office of the Attorney General, RAA = Royal Audit Authority, RCSC = Royal Civil Service Commission, RTI = right to information.

6. References

- Asian Development Bank. 2011. *Asian Development Outlook: South–South Economic Links*. Manila: ADB.
- Asian Development Bank/Organisation for Economic Co-operation and Development. 2003. *Effective Prosecution of Corruption*. Manila: ADB. <http://beta.adb.org/publications/effective-prosecution-corruption>
- Dendup, T. 2010. Country Report on Information Access and Media and Information Literacy: Bhutan. *Global Media Journal: Indian Edition*. pp. 1–7.
- De Speville, B. 2010. Anticorruption Commissions: The “Hong Kong Model” Revisited. *Asia-Pacific Review*. 17(1). Pp. 47–71.
- Government of Bhutan, Anti-Corruption Commission. 2007. *Corruption Perception Survey 2007*. <http://www.anti-corruption.org.bt/pdf/cpsr.pdf>
- Government of Bhutan, Anti-Corruption Commission. 2009a. *National Integrity Assessment Report*. <http://www.anti-corruption.org.bt/pdf/ACC.pdf>
- Government of Bhutan, Office of the Anti-Corruption Commission. 2009b. *People’s Attitude Towards Corruption and Anti-Corruption Commission*. <http://www.anti-corruption.org.bt/pdf/pac.pdf>
- Government of Bhutan, Anti-Corruption Commission. 2011. 2010 Annual Report. http://www.anti-corruption.org.bt/pdf/2011/Annual%20report%202010/Final%20AR2010_Inside.pdf
- Government of Bhutan. Bhutan Civil Service Rules and Regulations. 2010.
- Government of Bhutan. Constitution of the Kingdom of Bhutan. 2008. [http://www.constitution.bt/TsaThrim%20Eng%20\(A5\).pdf](http://www.constitution.bt/TsaThrim%20Eng%20(A5).pdf)
- Government of Bhutan, Gross National Happiness Commission. 2008. Tenth Five-Year Plan 2008–2013. Volume1: Main Document. http://planipolis.iiep.unesco.org/upload/Bhutan/Bhutan_TenthPlan_Vol1_Web.pdf
- Government of Bhutan, Ministry of Information and Communications. 2011. Annual Info-Comm and Transport Statistical Bulletin. March.
- Johnsøn, J., H. Hechler, L. De Sousa, and H. Mathisen. 2011. *How to Monitor and Evaluate Anti-corruption Agencies: Guidelines for Agencies, Donors, and Evaluators*. Bergen: Anti-Corruption Resource Centre U4.
- Royal Audit Authority. 2009. Annual Audit Report 2008. <http://www.bhutanaudit.gov.bt/contents/aar/aar2008/index.php>
- Royal Audit Authority. 2010. *Annual Report 2009*. Bhutan.
- Royal Audit Authority. 2011a. *Highlights of the Annual Audit Report 2010*. Bhutan.
- Royal Audit Authority. 2011b. *Annual Report 2010*. Main report. Bhutan.
- Royal Monetary Authority. 2011. *Annual Report 2009/2010*. Bhutan. <http://www.rma.gov.bt>
- Schuette, S. A. 2008. Government Policies and Civil Society Initiatives against Corruption. In M. Buente and A. Ufen, eds. *Democratization in Post-Suharto Indonesia*. London: Routledge. pp. 81–101.
- Schuette, S. A. 2010. Gecko vs. Krokodil: Der Kampf gegen Korruption in Indonesien. In G. Findeisen, K. Großmann & N. Weydmann, eds. *Herausforderungen für Indonesiens Demokratie - Bilanz und Perspektiven*. Berlin: Regiospectra.
- Transparency International. 2008. *Bribe Payers Index 2008*. Berlin: Transparency International. http://www.transparency.org/policy_research/surveys_indices/bpi/bpi_2008
- Transparency International. 2011. *Corruption Perceptions Index 2011*. http://cpi.transparency.org/cpi2011/in_detail/ (accessed 17 December 2011).
- U4 Anti-Corruption Resource Centre. 2011. *Helpdesk Query. Anti-Corruption Agencies: Staffing and Management Issues*. <http://www.u4.no/helpdesk/helpdesk/query.cfm?id=9>
- United Nations Convention Against Corruption (UNCAC) Self-Assessment Report. Unpublished.
- United Nations Development Programme/United Nations Office on Drugs and Crime. Bhutan Capacity Assessment of the Anti-Corruption Commission. Unpublished.
- United Nations Development Programme. 2011. *Practitioners Guide: Capacity Assessment of Anti-corruption Agencies*. New York: UNDP.
- World Bank. 2009. *Bhutan Economic Update*. Washington, DC: World Bank. <http://go.worldbank.org/JZLF8VE2E0>
- World Bank Institute. 2011. Worldwide Governance Indicators. http://info.worldbank.org/governance/wgi/sc_chart.asp#