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United Nations Development Programme
democratic governance

Consolidated Reply: Cambodia/Comparative Experiences/ Standard Operating Procedures Manuals

& Asset Declaration Forms (En, Fr, Es)

January 2011; Prepared by DGP-Net Facilitation Team.

Query from: [Socheath Heng, UNDP Cambodia](#)

[English](#) | [Français](#) | [Español](#)

Dear colleagues,

Cambodia recently enacted an anti-corruption law and the government has now started setting up a new Anti-Corruption Agency. Tony Kwok (former director Hong Kong Independent Commission Against Corruption) is assisting in this process, and we would welcome any **standard operating procedures manuals**, you may have from other anti-corruption agencies around the world.

The law, inter alia, includes a provision on asset declaration by officials. The Cambodian authorities are now drafting an **asset declaration form** in order to implement this provision, and they would like to obtain similar forms from other countries.

If a form is available in your country, kindly share it as an electronic copy to ap-intact@groups.undp.org and dgp-net@groups.undp.org. This will be then shared with the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific and Cambodia's Anti-Corruption Unit, who initiated this request.

In addition, any lessons learned or best practices in terms of drafting asset declaration forms will also be most welcome.

Thank you in advance for your assistance and contribution.

Best regards,
Socheath



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Responses were received, with thanks, from:

- [Nandita Dutta](#), UNDP Bangladesh
- [Tek Tamata](#), UNDP Nepal
- [Dipa Bagai](#), UNDP Thailand

*With research by [Leena Kempainen](#), Consultant, and [Jin Choi](#), Intern, UNDP New York.
Further contributions are welcome!*

Summary Response

Asset declaration, or asset disclosure, requires public officials to declare their assets and income and, increasingly, that of their spouses and dependent children. Asset declaration by government officials has become more popular due to governments' efforts to tackle corruption, foster public confidence in government and encourage Foreign Direct Investment.

For more information, see Right2info.org: Asset Declarations.

According to network members:

- It is critical to have a carefully managed database where changes in government officials' asset declaration forms are recorded. This could include regular follow up provisions to ensure officials' accountability and transparency. Similarly clear incentives are useful to ensure correct reporting of assets by officials at all levels of government.
- Information technologies can be of use in reducing the burden of maintaining a database of declaration forms and processes. Also, online submission of the forms could be most convenient for records management. One could also consider linking asset declaration to the annual tax reporting process to ensure reconciliation and completeness of information submitted.
- Public officers should be aware of the anti-corruption laws and the code of conduct of public service employees.
- Administrative measures to enforce anti-corruption laws should be operational. In **Singapore**, these measures included a court with powers to confiscate the pecuniary resources which a person convicted of a corruption offence cannot satisfactorily account for; as well as a penalty equal to the amount of bribe received.
- It is useful to establish a body that is empowered to investigate and take measures against officials and civil servants who fail to report their assets or are unable to satisfactorily justify an increase in those assets. In **Bangladesh**, there appeared to be no follow up actions in a case of mismatch and also annual submission was irregular.

Country Experiences

- In **Bangladesh**, a provision in [Public Servant \(Conduct\) Rules 1979](#) for Asset Declaration (Rule 13(1),(2), Rule 14) requires officials to declare their assets when they join the Civil Service and annually thereafter. However, it is only in 2008 that the Ministry of Establishment developed [a matrix for asset declaration](#) (informal translation) and notified the officials to submit their annual declaration of assets.
- In **Nepal**, there is no separate form for asset declaration, but there is a provision in [the Commission for the Investigation of Abuse of Authority Act 1991](#) for asset declaration, empowering the commission to impose a fine if officials fail to submit their asset declaration in time and start an investigation if there is a reason to suspect that the official or a family member is withholding illegal property.
- In **Singapore**, the Corruption Practices Investigation Bureau (CPIB), established in 1952, performs three functions: receive and investigate complaints concerning corruption in public and private sectors; investigate malpractice and misconduct by public officers; and examine the practices and procedures in the public service to minimize opportunities for corrupt practices. There are also Instruction Manuals regulating the codes of conduct for the civil service, such as the [Public Service Regulations \(1970, revised in 1996\)](#), and the Public Service Rules (1970). These regulations are enforced through administrative measures, including disciplinary proceedings by [the Public Service Commission](#), close scrutiny of government expenditures by the Auditor-General's Department and the Public Accounts Committee of Parliament, and control of public spending by the Ministry of Finance.

For more country experiences, see [Right2info.org: Asset Declarations](#).

Français

Query from: [Socheath Heng, UNDP Cambodia](#)

[English](#) | [Español](#)

Chers collègues,

Comme vous le savez peut-être, le Cambodge a récemment promulgué une loi contre la corruption et le gouvernement a commencé à mettre en place une nouvelle agence anti-corruption. Tony Kwok (ancien directeur de la Commission indépendante contre la corruption de Hong-Kong) participe à ce processus, et nous apprécierions que vous lui communiquiez les **manuels des procédures opérationnelles**, que vous avez pu recevoir d'autres agences anti-corruption internationales.

La loi prévoit, entre autres, une disposition sur la déclaration des biens des fonctionnaires. Les autorités cambodgiennes rédigent actuellement un **formulaire de déclaration de biens** pour appliquer cette disposition, et elles souhaiteraient obtenir des formulaires similaires d'autres pays.

Si un formulaire est disponible dans votre pays, nous vous serions reconnaissants de bien vouloir nous en envoyer une copie électronique aux adresses ap-intact@groups.undp.org et dgp-net@groups.undp.org. Ces documents seront communiqués à l'Initiative BAD/OCDE de lutte contre

la corruption pour l'Asie et à l'Unité cambodgienne de lutte contre la corruption, qui a introduit cette demande.

En outre, nous aimerions connaître **les enseignements tirés ou les meilleures pratiques en termes de rédaction de formulaires de déclaration de biens.**

Merci d'avance pour votre aide et votre contribution.

Meilleures salutations,

Socheath



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Résumé des réponses

Ces dernières années, la déclaration de patrimoine par des agents de l'État est très en vogue grâce aux efforts faits par des gouvernements en vue de lutter contre la corruption, renforcer la confiance du public dans les institutions gouvernementales et pour encourager des investissements directs étrangers. En substance, la déclaration de patrimoine, ou la divulgation de patrimoine, exige que des agents de l'État déclarent leur patrimoine et leurs revenus et, de plus en plus, ceux de leurs conjoints et personnes à charge.

Pour avoir plus d'informations, voir Right2info.org: Asset Declarations.

D'après les membres du réseau, des processus et formulaires de déclaration de patrimoine en eux-mêmes sont insuffisants. Pour parvenir au bon aboutissement de ces processus et à une réduction de la corruption chez des agents de l'État, on devrait également tenir compte du fait que :

- Il est crucial de disposer d'une base de données gérée avec soin dans laquelle des modifications des formulaires de déclaration de patrimoine des agents de l'État sont enregistrées.
- Des technologies de l'information peuvent être très utiles pour réduire la charge de tenir à jour une base de données des formulaires et processus de déclaration. En outre, lorsque les déclarations de patrimoine sont faites sur papier, la gestion d'une masse de documents peut constituer une charge supplémentaire pour l'administration. Afin de réduire le plus possible la paperasserie nécessaire, il faudrait étudier la façon de relier la déclaration d'impôt annuelle, présentée par des fonctionnaires, le rapport de déclaration de patrimoine et le processus de mise à jour. Cela garantit également le rapprochement et l'exhaustivité des informations transmises.
- Par ailleurs, la transmission en ligne de ces formulaires pourrait constituer une mesure pratique pour la gestion des dossiers.
- Il faudra prendre des dispositions relatives au suivi régulier pour s'assurer de la responsabilité et de la transparence des fonctionnaires. De même, des incitations claires sont indispensables pour assurer une déclaration correcte et fréquente de patrimoine par des fonctionnaires à tous les niveaux de l'État.
- Des fonctionnaires doivent être au courant des lois anti-corruption et du code de conduite des agents de l'État.
- Des mesures administratives pour faire respecter la législation anti-corruption doivent être opérationnelles. À **Singapour**, ces mesures comprenaient un tribunal ayant le pouvoir de confisquer des ressources pécuniaires dont une personne reconnue coupable d'une infraction de corruption ne peut rendre compte de manière satisfaisante; ainsi qu'une pénalité égale au montant du pot-de-vin reçu.
- Il est indispensable de mettre en place un organe qui est habilité à mener des enquêtes sur des cas de corruption et prendre des mesures contre des fonctionnaires et des agents de l'État qui ne déclarent pas leur patrimoine ou ne sont pas en mesure de justifier de façon satisfaisante une augmentation de ce patrimoine. Au **Bangladesh**, des mesures de suivi en cas d'inadéquation du patrimoine déclaré n'étaient pas claires, et les déclarations de patrimoine annuelles étaient irrégulières.

Expériences de pays

- Au **Bangladesh**, une disposition du règlement [Public Servant \(Conduct\) Rules 1979](#) pour la Déclaration de patrimoine (Article 13(1), (2), Article 14) exige que des fonctionnaires déclarent leur patrimoine au moment de leur entrée dans la fonction publique et tous les ans par la suite. Toutefois, ce n'est qu'en 2008 que le Ministère de la Fonction publique a élaboré [une matrice de déclaration de patrimoine](#) (traduction non officielle), et a invité des fonctionnaires à présenter leur déclaration d'impôt annuelle.
- Au **Népal**, il n'existe pas de formulaire distinct pour la déclaration de patrimoine, mais il y a une disposition de la loi [the Commission for the Investigation of Abuse of Authority Act 1991](#) pour la déclaration de patrimoine, donnant pouvoir à la Commission d'infliger aux fonctionnaires des amendes lorsqu'ils ne présentent pas leur déclaration de patrimoine à temps et d'ouvrir une enquête si l'on peut suspecter qu'un fonctionnaire ou un membre de sa famille dissimule des biens illicites.
- À **Singapour**, le Bureau d'enquête sur les pratiques de corruption (CPIB en sigle anglais), créé en 1952, remplit trois fonctions, à savoir recevoir et examiner des plaintes pour corruption dans le secteur public et le secteur privé; enquêter sur des pratiques frauduleuses commises par des agents de l'État, et examiner des pratiques et procédures de la fonction publique pour réduire le plus possible des possibilités de pratiques frauduleuses. Il existe également des Notices d'instructions réglementant des codes de conduite pour la fonction publique, tels que le [Règlement de la fonction publique \(1970, révisé en 1996\)](#), et le Statut de la fonction publique (1970). Ces règlements sont mis en œuvre par des mesures administratives, notamment des procédures disciplinaires engagées par [la Commission de la fonction publique](#), un examen approfondi des dépenses publiques effectué par le Bureau du vérificateur général et le Comité des comptes publics du Parlement, et le contrôle des dépenses publiques fait par le Ministère des Finances.

Pour plus d'expériences de pays, voir Right2info.org: Asset Declarations

Español

Query from: [Socheath Heng, UNDP Cambodia](#)

[English](#) | [Français](#)

Estimados Colegas,

Como sabrán, Camboya acaba de promulgar una ley anticorrupción y el gobierno ha comenzado a establecer una nueva Agencia Anti-Corrupción. Tony Kwok (anteriormente el director de la Comisión Independiente contra la Corrupción en Hong Kong) está asistiendo el proceso. El grupo agradecería cualquier **manual de procedimientos estándar de funcionamiento** que Uds. pudieran tener de otras agencias anti-corrupción en el mundo.

La ley, entre otras cosas, incluye una provisión sobre la declaración de bienes por parte de funcionarios. Las autoridades de Camboya están ahora elaborando un borrador de **formulario de declaración de bienes** para poder implementar esta provisión, y les gustaría conseguir formularios similares de otros países.

Si existen formularios en sus países, sean tan amables de compartirlos como copia electrónica enviándola a ap-intact@groups.undp.org y dgp-net@groups.undp.org. Esto luego se compartirá con la Iniciativa Anti-Corrupción para Asia y el Pacífico del BAD (Banco Asiático de Desarrollo)/OCDE y con la Unidad Anti-Corrupción de Camboya, quien iniciara este pedido.

Además, **agradeceríamos lecciones aprendidas y prácticas óptimas relacionadas con la elaboración de formularios de declaración de bienes.**

Desde ya, gracias por su ayuda y aportes.

Con los mejores saludos,
Socheath



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Resumen des Respuestas

En los últimos años, la declaración de bienes patrimoniales de los cargos gubernamentales ha logrado una mayor resonancia debido a los esfuerzos de los gobiernos por erradicar la corrupción, fomentar la confianza de la sociedad en su gobierno y fomentar la Inversión Extranjera Directa. En esencia, la declaración patrimonial o declaración de bienes supone que los cargos públicos declaren sus patrimonio e ingresos y, cada vez más, el de sus cónyuges y dependientes.

Para obtener más información, consúltese Right2info.org: Asset Declarations

Según los miembros de la red, los procesos y las vías de declaración patrimonial son, por sí solos, insuficientes. Para que estos procesos tengan éxito y se pueda lograr reducir la corrupción de los cargos gubernamentales, habría que considerar las siguientes cuestiones:

- Es imprescindible contar con una base de datos cuidadosamente gestionada donde se registren los cambios en las declaraciones patrimoniales de los cargos gubernamentales. Las tecnologías de la información pueden ayudar a reducir la carga que conlleva mantener una base de datos en la que se incluyan los formularios y los procesos de declaración. Además, cuando estas declaraciones patrimoniales se presentan en papel, la gestión documental puede suponer una carga adicional para la administración. Para poder minimizar el papeleo necesario, habría que sopesar la posibilidad de vincular la declaración de impuestos anual presentada por los cargos al informe de declaración patrimonial y los procesos de actualización. Así, se garantizaría la reconciliación y la exactitud de la información presentada.
- Asimismo, la presentación telemática de los formularios podría ser una medida más cómoda para la gestión de los registros.
- Debería implementarse un seguimiento periódico para así garantizar la rendición de cuentas y transparencia de los cargos oficiales. De forma semejante, es necesario contar con incentivos bien definidos para lograr un mecanismo de reporte correcto y habitual por parte de los oficiales a todos los niveles gubernamentales.
- Los cargos oficiales deberían estar al tanto de las leyes anticorrupción y de los códigos de conducta de los funcionarios.
- Deberían tomarse medidas para aplicar la legislación anticorrupción. En **Singapur**, estas medidas incluyen un tribunal con poderes para confiscar los recursos económicos que una persona condenada por un delito de corrupción no pueda justificar debidamente, así como una sanción igual al monto del soborno recibido.
- Es útil establecer un órgano que tenga poder para investigar y tomar medidas contra los oficiales y funcionarios que no cumplan con su deber de declarar sus bienes o no puedan justificar debidamente un aumento en su patrimonio. En **Bangladesh**, las acciones de seguimiento en caso de desajuste en el patrimonio declarado no estaban bien determinadas y las declaraciones patrimoniales anuales eran irregulares.

Experiencias de país

- En **Bangladesh**, una disposición incluida en la [Normativa \(de conducta\) del Funcionariado de 1979](#) para la Declaración de Bienes Patrimoniales (Norma 13(1),(2) y Norma 14) exige que los cargos oficiales declaren sus bienes cuando toman posesión de su cargo público y, posteriormente, de forma anual. Sin embargo, no fue hasta 2008 cuando el Ministerio de la Administración Pública (*Ministry of Establishment*) desarrolló [una matriz para la declaración de bienes](#) (traducción informal) y notificó a los cargos públicos su obligación de remitir la declaración anual de bienes patrimoniales.
- En **Nepal**, no existe un formulario independiente para la declaración patrimonial, aunque exista una disposición en la [Ley de 1991 por la que se establece la Commission for the Investigation of Abuse of Authority](#) para la declaración patrimonial, en la que se empoderar a dicha comisión para imponer una multa en caso de que los cargos oficiales no cumplan con su deber de declarar sus

bienes patrimoniales a tiempo y para iniciar una investigación en caso de que exista alguna sospecha de que los oficiales o sus familiares poseen propiedades ilícitas.

- En **Singapur**, la *Corruption Practices Investigation Bureau* (CPIB), creada en 1952, tienen tres funciones principales: recibir e investigar las denuncias concernientes a la corrupción en los sectores público y privado; investigar las malas prácticas y conductas impropias de los cargos oficiales; y examinar las prácticas y los procedimientos del funcionariado para minimizar la posibilidad de que existan prácticas corruptas. También existen Manuales que regulan los códigos de conducta de los funcionarios, como [Public Service Regulations \(1970, revised in 1996\)](#), y *Public Service Rules* (1970). Estas normativas se aplican a través de medidas administrativas, incluyendo los procedimientos disciplinarios aplicados por la [Comisión del Funcionariado](#), una estrecha vigilancia de los gastos gubernamentales por parte del Departamento del Auditor General y del Comité de Cuentas Públicas del Parlamento, y el control de los gastos públicos llevado a cabo por el Ministerio de Economía.

Para obtener más información, consúltese Right2info.org: Asset Declarations

Related Resources

[Democratic Governance Knowledge Base \(DG K-Base\)](#)

Key Resources on Anti-corruption

- [Protecting the Public Purse: Anti-Corruption for MDGs](#) – UNDP 2011
- [Staying on Track : Tackling Corruption Risks in Climate Change](#) – UNDP 2011
- [Guidance Note - UNCAC Self-Assessments: Going Beyond the Minimum](#) – UNDP 2011
- [Fighting Corruption in Post Conflict & Recovery Situations](#) – UNDP 2010
- [Corruption and Development Primer](#) – UNDP 2009
- [UNDP Practice Note: Mainstreaming anti-corruption in Development](#) – UNDP 2008
- [A User's Guide to Measuring Corruption](#) – UNDP 2008
- [Technical Guide to the United Nations Convention Against Corruption](#) – UNODC 2009
- [UN Handbook on Practical Anti-corruption Measures for Prosecutors and Investigators](#) – UNODC 2004

Asset Declaration

- [UN Anti-Corruption Toolkit](#) – UNODC 2004
- [Sitting on the fence: conflicts of interest and how to regulate them](#) – U4 Issue Paper 2008
- [African experience of asset declarations](#) – U4 Expert Answer 2008
- [International experience with asset declarations](#) – U4 Expert Answer 2006
- [Income & Asset Disclosure Requirements for Heads of State & Governments World Bank Client Countries](#) - World Bank 2006
- [Public Service Ethics, Monitoring Assets and Integrity Testing](#) – U4 2000
- [Selected Issues Relating to Declaration of Interests and Avoidance of Conflicts of Interests by Senior Members of Government](#) - Legislative Council Secretariat 2002

Forms

- [Australian House of Representatives and Senate registry](#) - Australia
- [Declaration of Assets](#) –Bangladesh
- [Asset, Income and Liability Declaration Form](#) – Bhutan
- [Form: statutory declaration of assets, liabilities and income, corruption \(prevention\) act](#) - Jamaica
- [The Experience of Asset Declaration in the Philippines](#) - Philippines
- [The Philippine Center for Investigative Journalism](#) - Philippines
- [The National Counter Corruption Commission](#) – Thailand
- [Open Secrets – Centre for Responsive Politics \(US\)](#) - USA

Anti-Corruption Agencies – Analysis and operating manuals

- [Methodology for Capacity Assessment of Corruption Prevention Agencies](#) – UNDP 2006
- [Best Practices in Singapore Civil Service](#) – UNDP
- [An exception to the rule? Why Indonesia's Anti-Corruption Commission succeeds where others don't - a comparison with the Philippines' Ombudsman](#) - U4 2010
- [Operations Manual, Bank Policies: Anti-corruption](#) – Asian Development Bank 2010

- [Institutional arrangements for corruption prevention: Considerations for the implementation of the United Nations convention against corruption article 6](#) - Karen Hussmann, Hannes Hechler, Miguel Peñailillo, U4 2009
- [Does Performance Matter to Institutional Survival? The Method and Politics of Performance Measurement of Anti-corruption Agencies](#) – European University Institute Working Paper, 2009/09
- [Defying Institutional Failure: Learning from the Experiences of Anti-Corruption Agencies in Four Asian Countries](#) – Jon S.T. Quah, Anti-Corruption 2008
- [Achieving Success and Avoiding Failure in Anti-Corruption Commissions: Developing the Role of Donors](#) - U4 2007
- [Anticorruption Agencies \(ACAs\): Office of Democracy and Governance Anticorruption Program](#) – USAID 2006
- [Roundtable 2 Strengthening the Preventive Capacity of ACAS](#) – Vladimir Georgiev 2008
- [Fact Sheet: A Manager's Guide to Anti-Corruption Strategies](#) –Australia, 2008
- [Achieving Success and Avoiding Failure in Anti-Corruption Commissions: Developing the Role of Donors](#) - U4 2007
- [Anti-Corruption Policies in Asia and the Pacific, Progress in Legal and Institutional Reform in 25 Countries](#) – OECD/ ADB 2006
- [Measuring 'success' in five African Anti-Corruption Commissions - the cases of Ghana, Malawi, Tanzania, Uganda & Zambia](#) - U4, 2005
- [Implementing the Anti-Corruption Action Plan for Asia-Pacific Strategy and 2004-2006 Work Plan](#) – ABD/OECD Anti-Corruption Initiative for Asia and the Pacific 2004
- [Anti-Corruption Commissions Panacea or Real Medicine to Fight Corruption?](#) - World Bank Institute 2004
- [Sida's Anticorruption Regulation](#) – SIDA 2004
- [Corruption and Anti-Corruption Agencies in Eastern Europe and the CIS: a Practitioners' Experience](#) – Dan Dionise and Francesco Checchi 2009
- [Federal Government Directive concerning the prevention of corruption in the Federal Administration](#) – Government of Germany 1998
- [Pakistan's National Anti Corruption Strategy: Background, Status, Opportunities and Challenges](#) - Amjad Mahmood, U4 2007

Anti-Corruption Laws

- [Public Service Regulations \(1970, revised in 1996\)](#), - Government of Singapore, 1996
- [The Government Servants\(Conduct\) Rules, 1979](#) – Bangladesh Government Press 1979
- [Commission for the Investigation of Abuse of Authority Act, 1991](#) – Nepal Government 1991
- [Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service](#) – OECD June 2003
- [Commission for the Investigation of Abuse of Authority Rules, 2002](#) – Nepal Government 2002
- [Law on Prevention of Conflict of Interest in Activities of Public Officials § 21](#) - May 2002
- [Codes of Conduct for Public Officials](#) – Council of Europe 2000
- [Anti-Corruption Commission Law of Ecuador](#) – Ecuador Government 1999

From the 9th International Anti-Corruption Conference (IACC) 1999

- [Ghana's National Anti-Corruption Strategy: Executive Summary](#) – Ghana 1999
- [Malawi's National Anti-Corruption Strategy Executive Summary](#) – Malawi 1999
- [Tanzania's National Anti-Corruption Strategy Executive Summary](#) – Tanzania 1999
- [Ethiopia's National Anti-Corruption Strategy Executive Summary](#) – 1999
- [Kenya's National Anti-Corruption Strategy Executive Summary](#) – 1999
- [The Fight Against Corruption in Latin America and the Caribbean: A World Bank View](#) – The World Bank Latin America and the Caribbean Region 1998
- [Guidelines on Official Conduct of Commonwealth Public Servants 64](#) - Public Service Commission, Australia 1995
- [Code of Conduct and Ethical Standards for Public Officials and Employees, Rep. Act. No. 6713, § 8](#) – Government of Philippines 1987

Websites

Anti Corruption

- [World Bank - Assets Disclosure by Public Officials](#)
- [Right2info.org: Asset Declarations](#)
- [UNDP Teamworks Space on Anti-corruption / Anti-corruption public website](#)
- [UNODC: UN Convention against Corruption](#)
- [Anti-Corruption Commission Bangladesh](#)
- [Right2information: Asset Declarations](#)
- [Transparency International](#)
- [Global Integrity](#)
- [World Bank – Governance and Anti-corruption](#)
- [U4 - Anti-corruption Resource Centre](#)
- [Global Anti Corruption Resource](#)
- [The Corruption Prevention and Combating Bureau \(KNAB\)](#)
- [Business Anti-Corruption Portal](#)
- [Singapore - Public Service Commission](#)
- [The National Counter Corruption Commission](#) – Thailand

Human Rights

- [National Human Rights Commission, Nepal](#)
- [International Council on Human Rights Policy](#)
- [National Human Rights Institutions Forum](#)
- [Irish Human Rights Commission \(IHRC\)](#)
- [The Danish Institute for Human Rights](#)

Peer support:

- [Nandita Dutta](#), Programme Analyst, UNDP Bangladesh
- [Tek Tamata](#), Programme Analyst, UNDP Nepal.
- [Dipa Bagai](#), Capacity Development Practice Leader, UNDP Thailand

Past Relevant Consolidated Replies

- [Consolidated Reply: Cambodia/ Non monetary incentives for civil servants](#) – April 2010
- Revised [Consolidated Reply: Afghanistan / Comparative Experiences / Establishing Anti-Corruption Bodies](#) – December 2008
- [Consolidated Reply: Bratislava Regional Center/Comparative Experiences/Anti-Corruption Regional Project for Capacity Development](#) – November 2007
- Revised [Consolidated Reply: Timor Leste/ Comparative Experiences/Building Coalitions to Fight Corruption](#) – November 2007
- [Consolidated Reply: Tajikistan/Comparative Experiences/National Anti-Corruption Strategy Paper](#) – August 2007
- [Consolidated Reply: ECIS/Comparative Experiences/Anti-corruption Methodologies and Impact Assessments](#) – May 2007

Responses in Full

[Nandita Dutta](#), UNDP Bangladesh

In Bangladesh, there has been a provision in Public Servant (Conduct) Rules 1979 for Asset Declaration and officials need to submit asset declaration while joining the Civil Service. Though Rules 1979 has provision for declaring the asset annually, it took place in recent past in 2008 that the Ministry of Establishment (parent ministry for civil service appointment, placement and promotion) notified all to submit the annual return of assets and accordingly it was duly responded by the government officials. The matrix was developed by the Ministry, which has been translated (*informal*) and [attached herewith](#) for your information. You can find the Conduct Rules 1979 in the following link; Rule **13 (1), (2)**, Rule **14** to be referred: <http://www1.worldbank.org/publicsector/civilservice/govservanrules.pdf>

It is critical to have a database where changes are recorded. In case of Bangladesh, we did not see any follow up actions or enquiry in any case of mismatch; and annual submission is not regular too. In addition, when this submission is made on paper, management of bulk of documents became another concern for the Ministry. Where to keep, how to manage and who would be responsible for managing becomes issues immediately after submission.

It is important to note that most of the officials who submitted the asset declaration, have also been responsible for submitting Tax Return annually that includes description of all kinds of properties. However, any convenient mechanism for linking this kind of submission could have added value for minimizing paper works and manually handling of records.

The initiatives that Cambodia has undertaken might have kept the provision for updating, recording differences and management of records. On line submission could be one of the most convenient measures. Regular follow up provisions needs to be there to ensure individual official's accountability and transparency and to have any impact of the whole process of strengthening an anti-corruption agency. The following link <http://www.acc.org.bd/> is for Bangladesh Anti-Corruption Commission, may be useful.

Tek Tamata, UNDP Nepal

We do not have a separate form for the asset declaration so far. However we have the provision in the Commission or the Investigation of Abuse of Authority Act 1991. The commission has been working as a constitutional body to deal with the issues of corruption. Please find below the provisions for your reference. Hope the provision would be helpful for you.

Regards,

Commission for the Investigation of Abuse of Authority Act, 1991

31a. **Provision relating to property details:** (1) A person holding a public post from the date of holding of such post, and a person who is in the public post from the date of commencement of this Section shall submit an updated statement of their property which is in their own or in their relatives name with source of it and proof thereof within sixty days and each year within sixty days of the expiry of every fiscal year before the body or authority prescribed by the Government of Nepal by a notification in the Nepal Gazette.

(2) In case a person holding a public fails to submit a statement of his/her property within the stipulated sixty days pursuant to Sub-Section (1), the Commission shall impose a fine of five thousand Rupees and ask to submit the statement of the property within the next 30 days. If again the person holding the public post does not submit the statement of property within the extended timeframe, the body or authority under Sub-Section (1) may initiate an investigation against him/her by assuming that the property in his/her own name or his/her family member's name is illegal.

(3) The property statement so submitted under this Section shall be kept confidential. Provided that, the statement may be given to the concerned authority on demand in course of initiating investigation and inquiry under this Act.

Commission for the Investigation of Abuse of Authority Rules, 2002

31. **Details of those not submitting statement of property to be made available:** (1) Details of the person assuming public office who does not submit statement of property within the time limit pursuant to Sub-section (1) of section 31A. of the Act shall be made available to the Commission by the agency or official prescribed for the purpose of the same Sub-section within thirty five days.

(2) The agency or official prescribed for the purpose of Subsection (2) of section 31A. of the Act shall conduct Investigation with regard to the person not submitting the statement of property even within the time limit extended pursuant to section 31A, (2) of the Act on the presumption of amassing g unlawful property and shall make available report thereof to the Commission within thirty days.

(3) While conducting Investigation by the Commission for abuse of authority against the person assuming public office, the record of statement of property may be sought from the concerned agency or official or such person may be asked to submit statement of property up to a prescribed time having given him/her a reasonable time.

Dipa Bagai, UNDP Thailand

Dear Colleagues,

The Singaporean context, while not easily replicable, is a best practice example which shows that in order to work, anti-corruption policies and practices must be standardized and implemented at all levels (the enabling environment, the organizational level, and the individual level).

Widely regarded as one of the most disciplined and accountable civil service in the world, the Singapore Civil Service continues to practice a high standard of efficiency and transparency. The success of Singapore is strongly driven by a government that is heavily involved in a number of key sectors, such as housing, education, and industries through its bureaucracy, which is adjudged as one of the least corrupt in the whole world, ranking fourth only behind. To propel its development objectives, rooted in accountability, the government introduced several innovations, such as filling the senior positions based on ability rather than seniority. Other measures for an accountable and transparent civil service included: devolution of personnel management, autonomy to government agencies by setting up functional Boards, broadening and enhancing quality of the Administrative Service, curbing corruption, competitive pay for high-flyers, selective recruitment of the best and the brightest, utilization of information technology, and institutionalizing change in order to improve productivity.

The government also relied on other methods for changing the civil servants' attitudes and behaviour:

- 'Voluntary' participation by civil servants in mass civic projects during the weekends to enable them to get better acquainted with the political leaders and to expose them to other values;
- Recruitment of non-English-educated graduates from the former Nanyang University to reduce the predominance of the English-educated civil servants. Scholarships were awarded to the most promising 18- year-olds to attend the best universities in the world and they were bonded to work for the government for at least eight years;
- Tougher disciplinary measures were introduced to deal with those civil servants found guilty of misbehaviour; and
- Reliance upon seniority as the basis for promotion was eliminated in favour of efficiency and performance criteria.

Promotions are based on an appraisal system and wages are based on the principle of paying public servants competitive wages. The strong performance and potential-driven elements ensure that talented individuals rise quickly through the ranks, to reach their peak in their mid to late 30s.

At the enabling environment, or policy level, other measures to curb corruption include, the Prevention of Corruption Act (PCA) in June 1960 to ensure the more effective prevention of corruption by remedying various weaknesses and defects which experience had revealed in the existing law

The anti-corruption law has since been reviewed regularly to ensure that offenders do not escape legal punishment and that corruption does not pay. The amendments to the law so far included:

- empowering the court to order offenders to pay a penalty equal to the amount of bribe received apart from punishment in the form of fines and/or imprisonment term
- empowering investigators with wider powers, and replacing seconded police officers with permanent civilian investigators
- rendering it unnecessary to prove that a person who accepted a bribe was in the position to carry out the required favour
- empowering the public prosecutor to obtain information from the comptroller of income tax
- empowering the court to admit wealth disproportionate to income as corroborative evidence
- rendering it a legal obligation to provide information required by investigators of the bureau
- rendering Singapore citizens to be liable for punishment for corrupt offences committed outside Singapore and to be dealt with as if the offences had been committed in Singapore

The principle that corruption does not pay was further fortified by the enactment of the Corruption (Confiscation of Benefits) Act of 1989. This provides the court with powers to confiscate the pecuniary resources and property which a person convicted of a corruption offence cannot satisfactorily account for.

The Singapore judicial system has also adopted a stern punishment policy against corruption offenders to serve as deterrence; the present conviction rate of cases brought before the court is 99

per cent, and only 10 per cent cases are now public servants, the rest are private persons. Singapore has the highest proportion of registered cases (53 per cent) being found accurate and 30 per cent cases receiving severe punishment.

IN addition, the Corruption Practices Investigation Bureau (CPIB), established in 1952, performs three functions:

- to receive and investigate complaints concerning corruption in the public and private sectors;
- to investigate malpractices and misconduct by public officers; and
- to examine the practices and procedures in the public service to minimise opportunities for corrupt practices (CPIB 2001).

Equally important in controlling corruption are the administrative measures by various government agencies and regulations that regulate the official behaviour of the bureaucrats. The agencies under this category are the various Ministries, the Public Service Commission, Budget Division of the Ministry of Finance, the Audit Department, and the Central Complaints Bureau. They prescribe regulations in the various Instruction Manuals laying down codes of conduct for the civil service, such as the Public Service Regulations (1970), and the Public Service Rules (1970). The administrative measures can include disciplinary proceedings by the Public Service Commission, close scrutiny of government expenditures by the Auditor-General's Department and the Public Accounts Committee of Parliament, and control of public spending by the Ministry of Finance.

Finally, at the individual level, regular talks are given to public officers, especially those in the law enforcement agencies, on the pitfalls of corruption. Advice is also given to them on how to avoid getting involved in corruption. Public officers are made aware of the Prevention of Corruption Act through the incorporation of the relevant provisions of the Act in the Government Instruction Manuals. In addition, CPIB also conducts 'Learning Journey' briefing for students from Junior Colleges.

Hope you find the experience useful. The Capacity Development Team is available for further information.

Best regards,
Dipa

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Thanks to all contributors! If you have more information that you would like to share with the network on this topic, please send it to: dgp-net@groups.undp.org

DGP-Net K-Base: [http://sdnhq.undp.org/undpwiki/Consolidated Replies and Country Experiences](http://sdnhq.undp.org/undpwiki/Consolidated_Replies_and_Country_Experiences)

Democratic Governance Practice Workspace: <http://practices.undp.org/democratic-governance/>

About DG K-Base (past queries and CRs): [http://sdnhq.undp.org/undpwiki/Consolidated Replies and Country Experiences](http://sdnhq.undp.org/undpwiki/Consolidated_Replies_and_Country_Experiences)

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