COMBATTING CORRUPTION – THE USE, MISUNDERSTANDING AND MISUSE OF THE ACC APPROACH

ALAN DOIG

MOROCCO, 2011



CORRUPTION - UNIQUE CRIME, UNIQUE PROBLEMS?

- Suspects with no Means or Complainant?
- Witnesses, Evidence, Actions and Offences
- Influence, In-Kind, In-sequence and Causality
- Resource-Intensive/Financial Crime Scene
- Legislation/Points to prove
- Low Value Benefits - High Impact/High Value Benefits – Low Impact
- Power, Politics and Money

ACCs AND THE EXTERNAL CONTEXT – UNIQUE SOLUTION, UNIQUE PROBLEMS?

- Donor Agendas/Donor Expertise
- Why ACCs?
- Types and Functions
- What are ACCs?

ACCS AND THE INTERNAL CONTEXT – UNIQUE SOLUTION, UNIQUE PROBLEMS?

- Size
- Strategy
- Focus and Functions
- Sanctions
- Competences
- Coordination and Cooperation
- Culture
- Organisational Development and Maturity

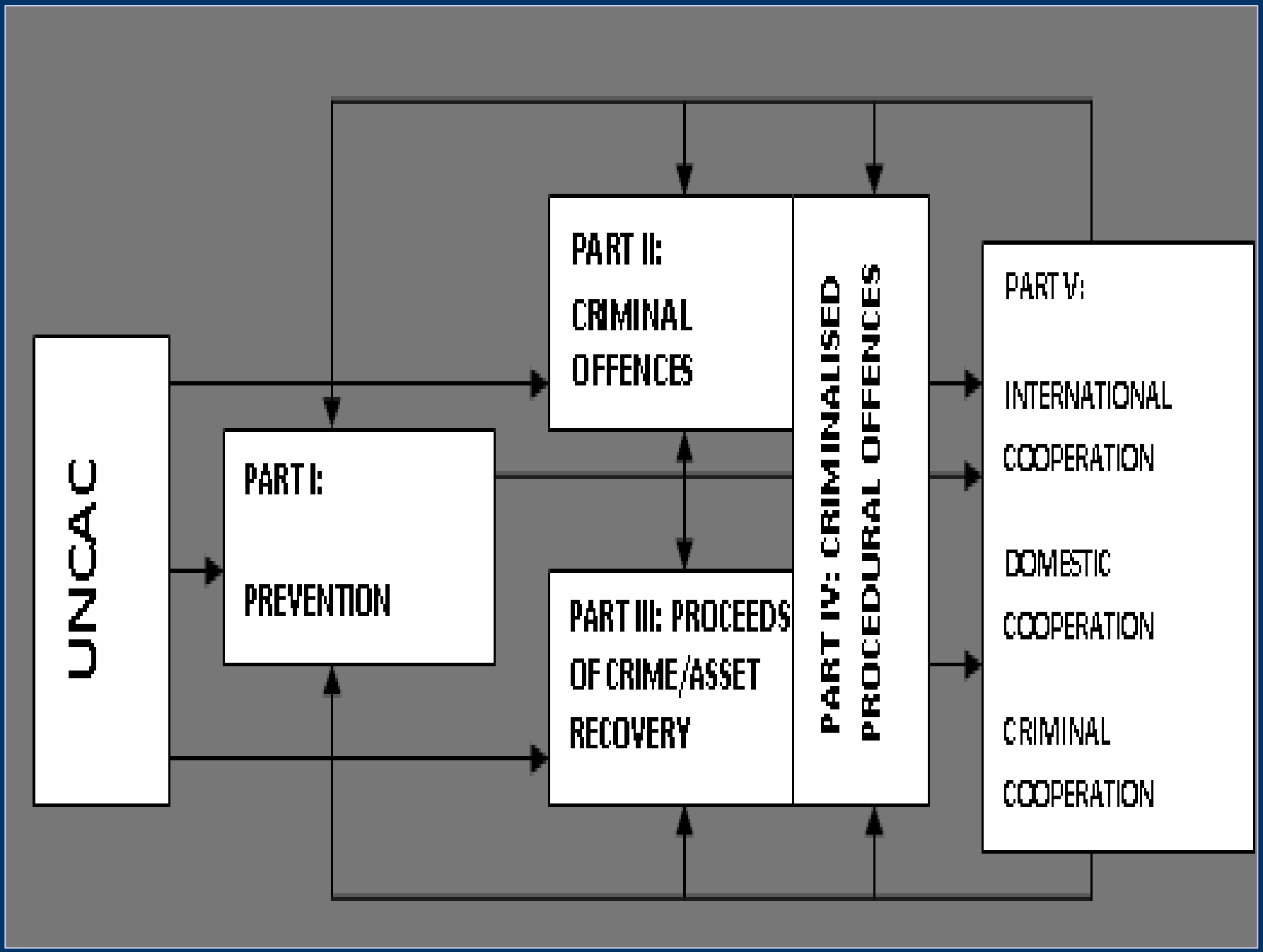
ACCs AND UNCAC – HELPING OR HINDERING?

Art. 5: Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

Art. 6: Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as: (a) Implementing the policies referred to in Article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies; (b) Increasing and disseminating knowledge about the prevention of corruption.

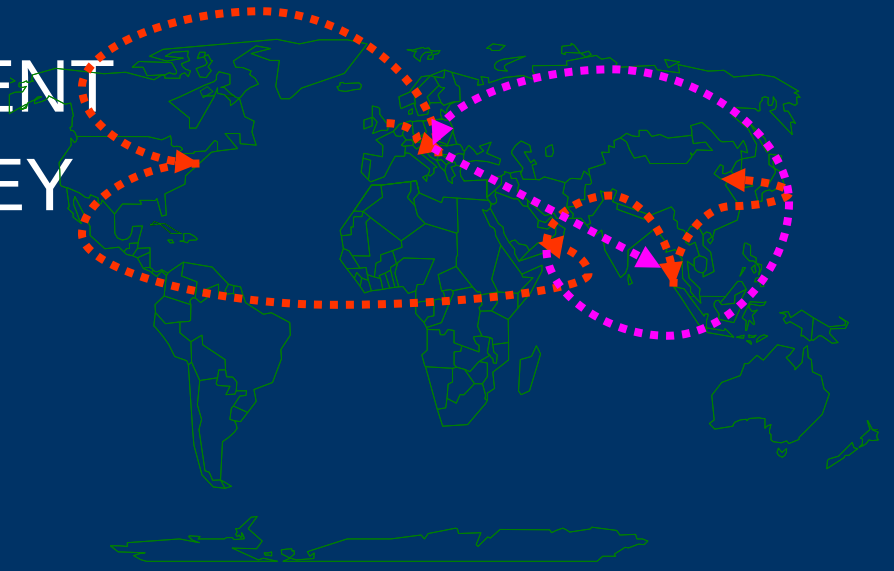
Art. 36: Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement.

Art. 58: States Parties shall cooperate with one another for the purpose of preventing and combating the transfer of proceeds of offences established in accordance with this Convention and of promoting ways and means of recovering such proceeds and, to that end, shall consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating to the competent authorities reports of suspicious financial transactions.


UNCAC
PART I:
PREVENTION
PART II:
CRIMINAL
OFFENCES
PART III: PROCEEDS
OF CRIME/ASSET
RECOVERY
PART IV: CRIMINALISED
PROCEDURAL OFFENCES
PART V:
INTERNATIONAL
COOPERATION
DOMESTIC
COOPERATION
CRIMINAL
COOPERATION

THE FUTURE OF ACCs, DERIVATIVES and ALTERNATIVES

- NO ACTION
- ACC REFORM – Capacity, Priority, Sequence and Timing
- OTHER AGENCIES
- JOINED UP WORKING
- GOVERNANCE
- INTEGRITY MANAGEMENT
- FOLLOWING THE MONEY



THE END