



ANNEX C: UNCAC AS AN ANTI-CORRUPTION FRAMEWORK FOR ADAPTATION

The table below provide an example of UNCAC might be used as an anti-corruption framework to guide anti-corruption measures in adaptation.¹³³

UNCAC		Implications for adaptation planning
Article	Obligation on State	
Chapter II - Preventive measures		
Article 5: Anti-corruption policies	To develop, implement and maintain effective and coordinated anti-corruption policies that promote participation, transparency and accountability	<p>Is the country a party to UNCAC and if it is a dualist country has it implemented anti-corruption legislation?</p> <p>Does adaptation planning consider the country's anti-corruption legislation, policies and guidelines?</p> <p>Does adaptation planning at the national and local level involve participation of climate change affected communities?</p> <p>Is the adaptation planning process transparent and is it done by a range of government bodies or departments (eg water, fisheries, planning, coastal, health departments)? Is there a central body that reviews national adaptation plans before they are sent out to the UNFCCC?</p> <p>Can local communities review or comment on government decisions at each of the adaptation planning stages?</p> <p>How is adaptation financing and ODA administered by the government and are there anti-corruption policies dealing with this? Which government department is held accountable to international funding bodies for use of the adaptation funds?</p>
Article 6: Preventive anti-corruption bodies	To establish an independent body or bodies (eg corruption commissions, Corruption Court) to implement anti-corruption policies and to disseminate knowledge on corruption prevention	<p>Is there an independent corruption body established? If so, do adaptation planning activities and adaptation financing fall within the remit of relevant corruption bodies?</p> <p>Do these bodies consider that climate change adaptation is an area that could be ripe for corruption in such country and are they aware of the risks?</p> <p>Can the corruption bodies review the administration of adaptation planning and financing by the relevant government bodies?</p>
Article 7: Public sector	To adopt, maintain and strengthen systems for the recruitment, hiring, retention promotion and retirement of civil servants ... that include training of individuals for public positions considered especially vulnerable to corruption to enhance their awareness of the risks of corruption.	<p>Are civil servants that undertake adaptation assessment and planning required to undergo training and does this training include anti-corruption training?</p> <p>Are there any civil servants currently involved in adaptation planning that have a history of corrupt activities?</p> <p>Are civil servants experienced in the administration of ODA?</p>

133 The idea for this table was drawn from UNDP Anti-corruption Guidance Note (2008), p 9, Table 3 which contains a table setting out "UNCAC as a democratic governance and development framework".

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Article	Obligation on State	Implications for adaptation planning
Article 8: Codes of conduct for public officials	To apply codes or standards of conduct to encourage the proper performance of public functions, to facilitate reporting by public officials of acts of corruption, and to require public officials to declare conflicts of interest	<p>Does the country have any codes or legislation in place dealing with corruption? Is there whistle-blowing legislation in place or a culture of whistle-blowing for acts of corruption?</p> <p>Are there any conflicts of interest between public officials' private interests (eg company shareholdings, family businesses) and the public adaptation planning? Further, is there training on conflicts of interest and procedures in place for dealing with conflicts of interest when they arise?</p>
Article 9: Public procurement and management of public finance	To take steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria. To take measure to promote transparency and accountability in the management of public finances.	<p>Is there a process in place to deal with the procurement of contracts for infrastructure projects and delivery of public services?</p> <p>Is there a transparent bidding process for infrastructure projects and delivery of public services?</p> <p>Are the public able to review decisions made for procurement and are state finances audited and available for public review and comment?</p>
Article 10: Public reporting	To take measures to adopt procedures or regulations allowing members of the public to obtain information on the organization, functioning and decision-making processes of public administration. Publishing information on the risks of corruption in public administration.	<p>Are adaptation planning processes transparent, allowing local communities to participate and raise concerns at relevant stages of the decision-making process (eg coastal adaptation planning should consult coastal communities)?</p> <p>Can communities obtain public information on adaptation planning and are they provided with information and education regarding the process (including in non-internet based formats as many poor communities may not have internet access)?</p> <p>Are any publications on the risks of corruption in the public sector provided to local communities?</p>
Article 11: Judiciary and prosecution services	To take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary, e.g. through rules of conduct	<p>Is there corruption within the judiciary and are there possible conflicts of interest between members of the judiciary and adaptation planning projects (eg where a member of the judiciary may have businesses/ contacts in adaptation infrastructure projects)?</p> <p>Are adaptation planning decisions subject to judicial review and if so, are there guidelines for review?</p> <p>Are the judiciary educated about the corruption risks involved with adaptation planning?</p>
Article 12: Private sector	To take measures to prevent corruption involving the private sector.	<p>Are there codes and/or legislation developed to ensure adaptation planning is not subject to corrupt practices at both the international, national and local levels?</p> <p>Do companies and contractors operating within the country have internal codes of conduct that prevent corrupt practices and if so, are these codes enforced?</p> <p>Are foreign companies and contractors that may be involved in adaptation activities (e.g. instalment of infrastructure) parties to UNCAC and do they have adequate and enforceable codes and/or legislation?</p>



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Article	Obligation on State	Implications for adaptation planning
Article 13: Civil society	To promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption, e.g. by ensuring that the public has effective access to information.	<p>Can the public freely participate in adaptation planning decisions and is there capacity-building for NGOs?</p> <p>Are NGOs and the press able to freely voice concerns over any adaptation planning decisions?</p> <p>Is there adequate, accurate and timely information regarding adaptation planning disseminated to the public and the press?</p> <p>Are NGOs and community-based organizations free from corruption?</p>
Chapter III – Criminalization and law enforcement		
Article 15: Bribery of national public officials	To adopt legislation making it a criminal offence to bribe a public official to induce the official to act or refrain from acting in the exercise of his or her official duties.	Is there national legislation that makes bribery or such inducement of a public official illegal? If so, is such legislation adequately monitored and enforced?
Article 16: Bribery of foreign public officials and officials of public international organisations	To adopt legislation making it a criminal offence to bribe a foreign public official or an official of a public international organization to induce the official to act or refrain from acting in accordance with their duties.	Is there national legislation that makes bribery or such inducement of a foreign public official or public international organization illegal? If so, is such legislation adequately monitored and enforced?
Article 17: Embezzlement, misappropriation of property by public official	To adopt legislation establishing as criminal offences, the embezzlement, misappropriation or other diversion by a public official for his or her own benefit of property or funds entrusted to the public official.	Is there national legislation that makes it illegal for public officials to embezzle or misappropriate public funds? Also, is it clear that any adaptation funding is public funding and hence subject to this legislation?