

Jakarta Statement on Principles for Anti-Corruption Agencies

Jakarta, 26-27 November 2012

On 26-27 November 2012, current and former heads of anti-corruption agencies (ACAs), anti-corruption practitioners and experts from around the world gathered in Jakarta at the invitation of the Corruption Eradication Commission (KPK) Indonesia, the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) to discuss a set of “Principles for Anti-Corruption Agencies” to promote and strengthen the independence and effectiveness of ACAs.

The participants included several heads of ACAs and representatives of regional networks, notably the Network of National Anti-Corruption Institutions in West Africa, the Southeast Asian Parties Against Corruption, the Arab Anti-Corruption and Integrity Network, the Southern African Forum Against Corruption, the East African Association of Anti-Corruption Authorities, and the European Partners Against Corruption/European anti-corruption contact point network (EPAC/EACN).

Representatives from the United Nations Development Programme, the United Nations Office on Drugs and Crime, the United Nations Office of the High Commissioner for Human Rights and Transparency International took part in the proceedings. The Organization for Economic Cooperation and Development and the World Bank also submitted contributions to the Conference.

The participants reviewed and discussed country experiences from around the world, challenges faced by ACAs, and key requirements to ensure the independence and effectiveness of ACAs.

Considering that the Conference sought to discuss and elaborate guidance for ACAs as to how to promote and strengthen the independence and effectiveness of ACAs;

Acknowledging the diversity of ACAs around the world in combating corruption with some ACAs mandated to prevent corruption, others focused on investigation or prosecution, or a combination of these functions;

Recalling the international commitments and obligations at the regional and global level, including the United Nations Convention against Corruption (UNCAC), to ensure independence of ACAs;

Recalling the Marrakech Declaration by the International Association of Anti-Corruption Authorities (IAACA) adopted at its Fifth Annual Conference and General Meeting, in particular, the pledge to “joint action and support [...] to ensure that anti-corruption authorities [...] are able to function with the necessary independence, secure and stable funding and specialized staff with professional training, in order to operate effectively and free from any undue influence, in accordance with articles 6 and 36 of the UNCAC”;

Recalling also Resolutions 3/2, 3/3 and 4/4 adopted by the Conference of the States Parties of the UNCAC at its third and fourth sessions that acknowledge the “vital importance of ensuring the independence and effectiveness” of ACAs.

Taking note with appreciation of the Anti-Corruption Authority Standards developed by the European Partners Against Corruption/European anti-corruption contact point network (EPAC/EACN) as welcomed by the 6th Annual Conference and General Meeting of the IAACA;

Taking note with appreciation of the G20's resolve to lead by example by "strengthen[ing] the effective functioning of anti-corruption bodies or enforcement authorities in the prevention and fight against corruption, [...] enabl[ing] these authorities to carry out their function free from undue influence";

Taking note with appreciation of Transparency International's efforts at the 15th International Anti-Corruption Conference in Brasilia to promote the independence and effectiveness of ACAs;

The participants:

1. ***Recommend*** the following principles to ensure the independence and effectiveness of ACAs:
 - **MANDATE:** ACAs shall have clear mandates to tackle corruption through prevention, education, awareness raising, investigation and prosecution, either through one agency or multiple coordinated agencies;
 - **COLLABORATION:** ACAs shall not operate in isolation. They shall foster good working relations with state agencies, civil society, the private sector and other stakeholders, including international cooperation;
 - **PERMANENCE:** ACAs shall, in accordance with the basic legal principles of their countries, be established by proper and stable legal framework, such as the Constitution or a special law to ensure continuity of the ACA;
 - **APPOINTMENT:** ACA heads shall be appointed through a process that ensures his or her apolitical stance, impartiality, neutrality, integrity and competence;
 - **CONTINUITY:** In the event of suspension, dismissal, resignation, retirement or end of tenure, all powers of the ACA head shall be delegated by law to an appropriate official in the ACA within a reasonable period of time until the appointment of the new ACA head;
 - **REMOVAL:** ACA heads shall have security of tenure and shall be removed only through a legally established procedure equivalent to the procedure for the removal of a key independent authority specially protected by law (such as the Chief Justice);
 - **ETHICAL CONDUCT:** ACAs shall adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime;
 - **IMMUNITY:** ACA heads and employees shall have immunity from civil and criminal proceedings for acts committed within the performance of their mandate. ACA heads and employees shall be protected from malicious civil and criminal proceedings.

- **REMUNERATION:** ACA employees shall be remunerated at a level that would allow for the employment of sufficient number of qualified staff;
 - **AUTHORITY OVER HUMAN RESOURCES:** ACAs shall have the power to recruit and dismiss their own staff according to internal clear and transparent procedures;
 - **ADEQUATE AND RELIABLE RESOURCES:** ACAs shall have sufficient financial resources to carry out their tasks, taking into account the country's budgetary resources, population size and land area. ACAs shall be entitled to timely, planned, reliable and adequate resources for the gradual capacity development and improvement of the ACA's operations and fulfillment of the ACA's mandate;
 - **FINANCIAL AUTONOMY:** ACAs shall receive a budgetary allocation over which ACAs have full management and control without prejudice to the appropriate accounting standards and auditing requirements;
 - **INTERNAL ACCOUNTABILITY:** ACAs shall develop and establish clear rules and standard operating procedures, including monitoring and disciplinary mechanisms, to minimize any misconduct and abuse of power by ACAs;
 - **EXTERNAL ACCOUNTABILITY:** ACAs shall strictly adhere to the rule of law and be accountable to mechanisms established to prevent any abuse of power;
 - **PUBLIC REPORTING:** ACAs shall formally report at least annually on their activities to the public.
 - **PUBLIC COMMUNICATION AND ENGAGEMENT:** ACAs shall communicate and engage with the public regularly in order to ensure public confidence in its independence, fairness and effectiveness.
2. **Encourage** ACAs to promote the above principles within their respective agencies, countries and regional networks of ACAs;
 3. **Encourage** ACAs to promote these principles to assist members of the executive and the legislature, criminal justice practitioners and the public in general, to better understand and support ACAs in carrying out their functions;
 4. **Call upon** ACAs to appeal to their respective Governments and other stakeholders to promote the above principles in international fora on anti-corruption.
 5. **Express** appreciation and gratitude to the Corruption Eradication Commission of Indonesia for hosting the International Conference "Principles for Anti-Corruption Agencies" with support from the United Nations Development Programme and the United Nations Office on Drugs and Crime to reflect and agree on principles for ACAs.