



TRANSPARENCY INTERNATIONAL - PAKISTAN

02 December 2022

Dr. Adnan Rafiq,
Member (Governance, Innovation & Reforms),
Planning Commission,
Ministry of Planning, Development and Reforms,
Islamabad.

Plot 72-F/2, 1st Floor, 9th Street, Jami Commercial,
Phase VII, Defence Housing Authority, Karachi
Phone: +92-21-35390408, 35311898
Fax: +92-21-35390410
Email: ti.pakistan@gmail.com
Website: www.transparency.org.pk
TIP2022/1202/1B

**Subject: Recommendations for Enhancing Transparency, Accountability and Good Governance
and Combatting Corruption in Pakistan**

Dear Dr. Adnan Rafiq,

In regard to your discussion with Mr. Kashif Ali, Acting Executive Director TI-Pakistan on good governance and enhancing transparency, Transparency International Pakistan believes that the menace of corruption can be eradicated effectively by ensuring compliance to the articles and the framework of the United Nations Convention Against Corruption (UNCAC).

Transparency International Pakistan had worked closely to assist the Government of Pakistan since 2006 in signing UNCAC (the "Convention") ratified in August 2007, thereby Pakistan became a state party to the convention (**Annex-A&B**).

Transparency International Pakistan recommends that the Articles 7-11 of the UNCAC may be implemented in the letter and spirit for enhancing transparency and good governance in Pakistan.

Article 7. Public sector

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:
 - a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;
 - b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;
 - c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;
 - d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.
2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.
3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.

A NON-PARTISAN, NON-PROFIT COALITION AGAINST CORRUPTION

Donations exempted from tax U/S 2 (36) (c) of I. Tax Ordinance 2001



4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

Article 8. Codes of conduct for public officials

1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.
2. In particular, each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.
3. For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.
4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance of their functions.
5. Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.
6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.

Article 9. Public procurement and management of public finances

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:
 - a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;
 - b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;
 - c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;
 - d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;



- e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.
2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:
 - a) Procedures for the adoption of the national budget;
 - b) Timely reporting on revenue and expenditure;
 - c) A system of accounting and auditing standards and related oversight;
 - d) Effective and efficient systems of risk management and internal control; and
 - e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.
3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.

Article 10. Public reporting

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decisionmaking processes, where appropriate. Such measures may include, inter alia:

- a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;
- b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and
- c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

Article 11. Measures relating to the judiciary and prosecution services

1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
2. Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve against Zero tolerance against corruption.



Note: There is an urgent need to enact Conflict of Interest for Public Officials in line with the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.

Best Regards,



Syed Adil Gilani
Co-Founder
Transparency International Pakistan

Copies forwarded for the information:

1. PSPM, PM House, Islamabad

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



THE PRESIDENT
Islamic Republic of Pakistan

INSTRUMENT OF RATIFICATION

TO ALL TO WHOM THESE PRESENTS SHALL COME GREETINGS

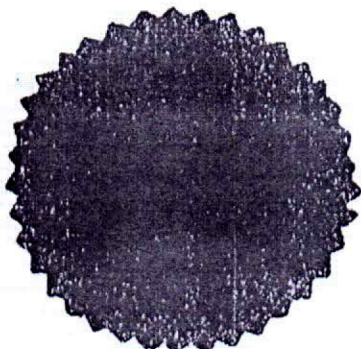
KNOW YE, that whereas, the Government of the Islamic Republic of Pakistan has signed the United Nations Convention Against Corruption on 9th December 2003.

AND, WHEREAS, the Government of the Islamic Republic of Pakistan has decided to ratify the said Convention with Reservations and Notifications, as annexed to this Instrument of Ratification and forming its integral part.

NOW, THEREFORE, be it known that I, General Pervez Musharraf, President of the Islamic Republic of Pakistan, do by this Instrument of Ratification, confirm that the Government of the Islamic Republic of Pakistan has ratified the said Convention subject to the contents of the Annex.

IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the Islamic Republic of Pakistan.

DONE at Islamabad this 11 day of August in the year two thousand and Seven.



(GENERAL PERVEZ MUSHARRAF)

RESERVATION AND NOTIFICATIONS

Reservations

Article 44. The Government of the Islamic Republic of Pakistan declares that pursuant to Article 44, Paragraph 6, of the Convention, it does not take this Convention as the legal basis for cooperation on extradition with other States Parties

Article 66. The Government of the Islamic Republic of Pakistan declares that, pursuant to Article 66, Paragraph 3 of the Convention, it does not consider itself bound by the provisions of paragraph 2 of this Article.

Notifications

Article 6: In accordance with Article 6, Paragraph 3, the Government of the Islamic Republic of Pakistan nominates National Accountability Bureau as the authority which will develop and implement specific anti-corruption measures in the country and cooperate at international level

Address:

National Accountability Bureau (NAB)
Ata Turk Avenue, G-5/2, Islamabad
www/nab.gov.pk
Telephone + 92-51-920 8165
Fax + 92-51 921 4502

Article 46: Pursuant to Article 46, Paragraph 13, the Government of the Islamic Republic of Pakistan designates National Accountability Bureau as a central authority to receive all requests for mutual legal assistance from other States Parties under the Convention. All such requests shall be in English or shall be accompanied by an official translation in English.

Article 55: Pursuant of Article 55, Paragraph 5, a copy of the National Accountability Ordinance 1999 is attached to this document. Section 21 of the said Ordinance, read with preamble (paragraph on international cooperation) covers the requirement of Article 55.



International Secretariat
 Alt Moabit 96
 10559 Berlin, Germany
 Tel: 49-30-3438 20-0
 Fax: 49-30-3470 3912
 Email: ti@transparency.org
 http://www.transparency.org

18 October 2006

His Excellency Shaukat Aziz,
 Prime Minister,
 Islamic Republic of Pakistan
 Islamabad
 Pakistan

Re: UN Convention against Corruption

Dear Prime Minister,

On 14 December 2005 the UN Convention against Corruption (UNCAC) entered into force and has now been ratified by 70 states. Pakistan is not thus far among those that have ratified. With this letter we would like to urge the Government of Pakistan to give the highest priority to ratification of the UNCAC ahead of the Conference of States Parties due to take place in December 2006. To participate fully in that Conference, the Government of Pakistan must deposit its instrument of ratification by 10 November 2006.

The UNCAC is a landmark global agreement, which calls for preventive measures and the criminalisation of the most prevalent forms of corruption in both the public and private sectors, as well as providing the framework for international cooperation so essential for addressing the corruption problem. It also makes a major breakthrough in establishing a better basis for asset recovery.

The first session of the Conference of States Parties for the UNCAC will take place at the Dead Sea in Jordan on 10-14 December 2006. The Conference in Jordan will shine a spotlight on the corruption problem and on which governments are making efforts to address it. Ratifying the UNCAC before December will demonstrate to the world that your Government is committed to the international fight against corruption. It will also ensure that your Government has a seat at the table when important decisions are made in December on UNCAC monitoring and technical assistance.

We would also like to encourage your Government to support prompt introduction of effective monitoring of UNCAC, combined with assistance to developing countries to enable them to live up to the standards the Convention sets. Monitoring provides a range of benefits to participating Governments, including guidance on how to implement, a forum for discussion of issues and sharing of good practice, assistance in addressing difficulties and public recognition of progress made. Given the importance of monitoring and technical assistance, TI has prepared the attached Report, drawing on advice from an international group of experts. The Report highlights the need for adequate resourcing of the process, for transparency in the process and for coordination with other monitoring systems. It suggests that the process should begin with government self-evaluation and a survey of implementation. We believe that the proposals in the Report provide a basis for building an international consensus on monitoring.

We would be very interested in hearing your Government's views on the above-mentioned proposals and look forward to hearing from you.

Sincerely,


 Huguette Labelle
 Chair of Transparency International


 Syed Adil Gilani
 Chairman of Transparency International-
 Pakistan

August 1st, 2007

Mr. Naveed Ahsan,
Chairman,
National Accountability Bureau,
Attaturk Avenue, G-5/2,
Islamabad.

Subject: Checklist for UNCAC

Dear Mr. Ahsan,

Recently we received an email from Ms. Huguette Labelle, Chairperson Transparency International emphasizing the importance of UNCAC Checklist which she had attached.

In our meeting with the Prime Minister Mr. Shaukat Aziz on July 14th, 2007 he had informed us that the cabinet had approved ratification of the UNCAC and directed the Additional Secretary (EA) Mr. Jaweed Akhtar to follow the ratification process. We contacted Mr. Akhtar regarding the UNCAC checklist, and he advised us to send it to you. A soft copy has to be forwarded to UNODC in Vienna on their software, which they say has been conveyed to GOP.

We request you to kindly get the document completed so as to reach UNODC within the stipulated time.

Best Regards,



✓ Saad Rashid
Executive Director
Transparency International – Pakistan