GIACC

Global Infrastructure Anti-Corruption Centre

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Implementing the Anti-Corruption Programme

This section provides guidance in relation to the overall principles applicable to the implementation by an organisation of an anti-corruption programme (Measure 2 of the Anti-Corruption Programme for Organisations (https://giaccentre.org/programme-organisations/)).

Programme requirements

Under Measure 1 (Anti-Corruption Policy (https://giaccentre.org/policy/)), the organisation makes a declaration of principle: that the organisation prohibits corruption, and will implement a programme of measures to prevent, detect and deal with corruption.

This Measure 2 (Implementing the Anti-Corruption Programme) sets out the overall parameters for the programme that is to be implemented.

The specific programme measures to be implemented are specified in Measures 3 to 20 of the Anti-Corruption Programme (https://giaccentre.org/programme-organisations/).

Measures 1 to 20 have been written by GIACC in such a way that the organisation can adopt the wording of these measures as the core wording of its programme. Some amendment to the wording may be necessary to suit the organisation's specific requirements.

Note that these measures are the core requirements of the programme. The organisation will need to implement supporting procedures to put into effect the measure requirements. GIACC has provided specific guidance and some templates for these supporting procedures which the organisation can amend and adopt as appropriate.

Reasonable and proportionate

The design and implementation of the anti-corruption programme should be reasonable and proportionate having regard to the nature and extent of corruption risks which the organisation faces.

It is not possible entirely to eliminate the risk of corruption. No policies, procedures or controls are capable of detecting and preventing all corruption. However, the board of an organisation must have a genuine commitment to prevent and detect corruption in relation to the organisation's business or activities and must, with genuine intent, design and implement measures in the organisation which are intended to be effective in preventing and detecting corruption. These measures should not be so expensive, burdensome and bureaucratic that they are unaffordable or bring the business to a halt. Nor should they be so simple and ineffective that corruption can easily take place. While the types of anti-corruption measures that need to be designed and implemented are reasonably well recognised by international good practice, and are reflected in this anti-corruption programme, the actual detail and extent of the measures differ widely according to the relevant circumstances. It is impossible to prescribe exactly what an organisation should do in any particular circumstance. Therefore, the reasonable and proportionate qualification has been introduced into the programme, so that every circumstance can be judged on its own merit. This is a judgment that ultimately lies with the organisation.

Factors

The following factors should be taken into account by an organisation in assessing its corruption risk and in designing its anti-corruption programme. Some guidance is provided below on how the reasonable and proportionate qualification may apply in relation to differing circumstances:

- **Size of the organisation:** A large multi-national organisation needs to deal with multiple layers of organisations and management, and many personnel. Its anti-corruption programme will therefore need to be more extensive than that of a small organisation with only a few personnel.

- **Countries and sectors in which the organisation operates:** An organisation which has activities in a high-risk location will need a more extensive risk assessment and a higher level of anti-corruption control over its business transactions in that location than an organisation which only has activities in a low-risk location.
- **Nature, scale and complexity of the organisation's activities and operations:** The anti-corruption controls implemented by an organisation involved in a large, high value transaction or in activities involving a wide range of business associates are likely to be more comprehensive than those implemented by an organisation in relation to a business which involves selling small value items direct to consumers. Although corruption risk exists in relation to all transactions and activities, however large or small, an organisation should implement a higher level of anti-corruption control over higher-risk transactions or activities.
- **Type of business associate:** Different categories of business associate can pose different degrees of corruption risk. For example, an agent which helps procure contracts for the organisation on a success fee basis is likely to pose a higher corruption risk and require a higher level of control than retail customers which may be purchasing low value items from the organisation.
- **Applicable statutory, regulatory, contractual and professional obligations and duties:** These must be taken into account in designing and implementing an anti-corruption programme. For example, local laws or contract obligations may prohibit the entertainment of public officials, require the disclosure of conflicts of interest, or require reporting of suspicious activities.

Further guidance, which takes into account these factors, is given in relation to specific programme requirements in Measures 3 to 20 of the Anti-Corruption Programme. (https://giaccentre.org/programme-organisations/)

Separate or integrated anti-corruption programme

The organisation may choose to implement this anti-corruption programme:

- as a separate anti-corruption programme, or
- as an integrated part of an overall compliance management programme which also includes other compliance issues (e.g. health and safety, quality, environment etc.)

All measures should as far as possible be integrated into the organisation's management processes, so that they become an embedded part of the organisation's activities.

Board commitment to implement programme

There should be a commitment by the organisation to implement the programme. This could be by way of a board resolution in the case of an organisation with a board, or, in the case of an organisation owned and controlled by one person, by a signed resolution by that person. This commitment should be recorded.

See sample Board Resolution (https://giaccentre.org/chess_info/uploads/2019/10/GIACC.WEBSITE.BOARDRESOLUTION.docx) (paragraph 2).

Implementation checklist for Measure 2

1. The Board (or the organisation's equivalent top management body or person) should agree to implement an anti-corruption programme.

2. The Board should pass a resolution (at a meeting or by a signed resolution) (see paragraph 2 of above sample Resolution) which agrees and records that the organisation will implement an anti-corruption programme. [Note: This board resolution can deal with Measures 1, 2, 3 and 5 of the anti-corruption programme, or separate resolutions can be passed]. See sample Board Resolution (https://giaccentre.org/chess_info/uploads/2019/10/GIACC.WEBSITE.BOARDRESOLUTION.docx) (paragraph 2).
3. The organisation should implement the anti-corruption programme in accordance with the requirements and implementation guidance given in Measures 3 to 20 of the Anti-Corruption Programme. (https://giaccentre.org/programme-organisations/)

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