

**FINAL PROJECT REPORT**

**for  
Policy Options Project 2009-01**

**Strengthening the Anti-Corruption Legal Framework to Promote Clean Local  
Governments**

**by  
*Transparency International Canada Inc.***

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**Strengthening the Anti-Corruption Legal Framework to promote Clean Local Governments**

**1.0 EXECUTIVE SUMMARY**

Integrity of civil servants is among the characteristics of a healthy society. At present, the Chinese economy is at a stage where GDP per capita has reached more than USD 2000 and where social transformation and restructuring are accelerating. This is a stage that can be highly prone to government corruption. While the Chinese government is concentrating on establishing clean local governments and putting in place a series of policies to transform the functions of these governments, there remains disparities among income, and between urban and rural economic development, as well as room for further development regarding the democratic and legal regulation of the market. Some local officials have been found to be corrupt both on behalf of themselves and of their local governments.

Shanghai is one of the leading cities in China's reform and the engine for the relatively developed eastern areas of China. It has been accelerating its modernizations procedures, and, as a result, is exploring how to establish a long-term anti-corruption framework to ensure clean local governments. This framework is expected to result in greater local government efficiency, integrity and the enhancement of administrative capacities, based on democratic and scientific decision-making.

Anti-corruption has become an issue of concern globally. In recent years, tackling corruption has been a priority for the Shanghai Municipal Government. Remarkable progress has been made in anti-corruption, due to a series of measures aimed at strengthening governance, giving the general public wider access to government information, strengthening administrative supervision, handling illegal and disciplinary cases and cracking down on corruption. At a time when China is still reforming its institutions, restructuring its economy and advancing its market economy, corruption is likely to occur. Thus governments at all levels are still facing a daunting challenge in tackling corruption.

The Policy Options Project in China is a Canadian International Development Agency (CIDA) and Chinese Ministry of Commerce (MOFCOM) project initiative whose purpose is to support the Chinese policy-makers in formulating and implementing policies by enabling the exchange of ideas, experiences and expertise with Canadian experts, analysts and policy makers. This research project aims at addressing problems related to corruption, which have emerged from recent anti-corruption activity in China.

Clean and efficient local government is essential for the continuation of an administrative system that is fair and just. With the gradual completion of the national legal system, the ways of carrying out anti-corruption through the strengthening of an anti-corruption legal framework is of significant importance. In early 2007, the

government of China promulgated the “Outline for Establishing and Strengthening a Punishment and Prevention System against Corruption through Education, Institutionalization and Supervision.” Further anti-corruption legislation was promulgated in 2008. Local governments have put in place the “Outline” and have started to crack down on corruption and to build clean governments.

China finds itself at a crossroads of old and new, where local officials are open to committing or enabling bribery and other forms of corruption. Shanghai Municipality found it urgent and necessary to set itself as a model for the rest of the country by establishing an anti-corruption legal framework to ensure clean local governments.

The purpose of this project was to strengthen the anti-corruption legal framework, through effective and impartial enforcement of legislation and policies related to corruption.

There was a focus on the development of an effective anti-corruption legal framework, which addresses both the symptoms and the root causes of corruption, resulting in clean government.

The following organizations were the partners of the Project:

- Development Research Center of Shanghai Municipality
  1. Leadership of the Center
  2. Reform Research Section
  3. Social Culture Section;
- Shanghai Municipal People’s Congress Legal System Committee;
- Shanghai Bureau of Justice;
- Shanghai Anticorruption Bureau;
- The Development and Reform Commission of the Shanghai Municipal People’s Government
- Shanghai Academy of Social Sciences, Law Institute
- Transparency International Canada Inc. (TI-Canada)

The Development Research Center of Shanghai Municipality, the Chinese implementing partner (ChIP) for 2009-01, is a very influential policy consulting and research organization that reports directly to the Municipality and is mainly responsible for research on macro, foresight and strategic major issues, regarding the economic development of Shanghai and the nearby areas. For POP 2009-01, ChIP created a Project Research Team, made up of the following individuals:

**General Project Manager:**

**Zhou Zhenhua**, Director of Development Research Centre, Shanghai Municipal Government, researcher

**Executive Project Manager:**

**Gu Xingquan**, Deputy Bureau Chief, Development Research Centre of Shanghai Municipal Government, senior economist

**Head of Research Team:**

**Gu Xingquan**, (as above)

**Chen Qunmin**, Head, Division of Reform, Development Research Centre of Shanghai Municipal Government, Dr.

**Liaison and Communications:**

**Jiang Yongkun**, Division Researcher, Development Research Centre of Shanghai Municipal Government (Project Manager)

**Zhou Shixun**, Deputy Chief Division of Secretariat, Development Research Centre of Shanghai Municipal Government

The Canadian Partner (CIP) was Transparency International Canada Inc. (TI-Canada). TI-Canada is a voluntary not-for-profit organization affiliated with approximately 90 other National Chapters around the world. Its purpose is to be an informed voice that promotes anti-corruption practices and transparency in Canada's governments, businesses and society at large.

The project consisted of a Work Plan mission by the CIP to Shanghai, to work with the ChIP to outline the key activities that would be completed from July 2009 to September 2010 as well as budget allocations of CIDA contributions and the in-kind and cash contributions by the Chinese and Canadian partners. Two study tours by the ChIP to Canada took place in November 2009 and April 2010. A Final Symposium was held in Shanghai, attended by both sets of partners, in September 2010. The Final Symposium was an afternoon session, where the ChIP presented their final report, on the project and three representatives of the CIP provided comments on the report and its recommendations. In their Final Report, the ChIP reviewed the various anti-corruption efforts Shanghai had already taken to date, what problems were still apparent, and Canadian anti-corruption law and mechanisms that are in place, and then presented proposals for Shanghai to enhance its anti-corruption efforts and promote the building of a legal framework based on what it had learned from Canada. When the project first began, ChIP emphasized investigation and punishment. Through the carrying out of the project, the greatest lesson learned was the emphasis Canada places on prevention, i.e., intervening before corruption can take place, thus allowing for more effective maintenance of a clean government, with investigation and punishment being carried out only when necessary.

Direct benefits were received by 30 members of ChIP and its partner organizations, who were able to meet with a number of Canadian experts, from all three levels of government, academia and NGOs, who provided advice on working towards clean local governments. The recommendations for an efficient anti-corruption legal framework in the final report are intended to be implemented by the Shanghai Municipal Government and to serve as a model for the rest of China. As well, TI-Canada was able to strengthen its links with a number of Canadian experts working in the anti-corruption field.

This report presents an overview of each of the activities conducted and provides a review of the various outputs achieved.

## 2.0 DESCRIPTION OF PROJECT ACTIVITIES

### 2.1 Activity 1 - Preparation of the Work Plan

After the approval of the sub-project by CIDA and Agriteam, a two-person team made up of Ms. Bronwyn Best, Executive Director, and Mr. David J. Simpson, Senior Advisor (Governance and Anti-Corruption Tools and Measures), served as the representatives of Transparency International Canada and traveled to Shanghai 5 - 9 July 2009 to conduct meetings and consultations with the Chinese Implementing Partner (ChIP) representatives to develop the work plan and budget for the implementation of the sub-project.

From 5 – 9 July 2009, meetings were held to:

- understand the current situation of the research into judicial anti-corruption punishment, prevention and supervision;
- set out the specific project activities and objectives;
- prepare the project budget; and work together with local counterparts in preparing the project work plan.

Senior staff from various governmental departments participated in the discussions including: Dr. Zhou Zhenhua, Mr. Gu Xingqun, Dr. Chen Qunmin, Mr. Zhou Jinwei, Mr. Yang Hengjin, Mr. Zhang Ming, Mr. Jiang Yongkun, Mr. Zhou Shixun, Mr. Wu Yebai, Mr. Li Xianbo, Ms. Shi Xiaochen, Ms. Chen Fang, Ms. Bi Hongjing, Ms. Yu Sun and Mr. Zhu Jinhai.

Ms. Janet Lai, Project Team Leader of the POP from the Canadian Embassy in Beijing, and Mr. Li Delai, Senior Field Manager of POP, also participated in the discussions and provided advice on the objectives and procedures of the POP sub-project. At the end of the planning mission, the ChIP and Transparency International Canada representatives prepared and agreed to the draft work plan and budget allocations.

Activities	Outputs	Outcomes
<ul style="list-style-type: none"><li>• Partners prepare project work plan and budget</li></ul>	<ul style="list-style-type: none"><li>• Defined project activities and objectives</li><li>• Completed work plan of activities, project team members and key milestones</li><li>• Established CIDA budget allocations</li><li>• Established ChIP and CIP financial contributions</li></ul>	<ul style="list-style-type: none"><li>• Shared understanding between project partners and CIDA</li><li>• Clear understanding by project team of rationale for POP</li></ul>

**Outputs Achieved:** The Work Plan mission served to define the project activities and objectives, determine the team members and key milestones, establish CIDA budget allocation, as well as established CIP and ChIP financial contributions.

## 2.2 Activity 2 – First Study Tour in Canada

The First Study Tour in Canada targeted 12 people from the various ChIP participants, including the Development Research Centre, the Shanghai Municipal People’s Congress, the Anti-Corruption Bureau, the Shanghai Municipal Government Legal Affairs Office and an interpreter. It took place in Canada, 15 – 24 November 2009, covering Ottawa, Montreal and Toronto. Transparency International Canada was responsible for the meeting arrangements and coordination of the study tour.

The purpose of the study tour was to enable participants to gain a better knowledge of the anti-corruption legal framework in Canada, at the federal, provincial and municipal levels. In order to accomplish this, the senior officials and experts visited twelve different institutions and experts in the federal, provincial and municipal governments, as well as an academic and an NGO.

For an overview of the twelve organizations, with whom the participants met, on this First Study Tour, as well as their descriptions, please visit Appendix A. For a summary of the evaluations of the participants of the First Study Tour, please visit Appendix B.

Ms. Bronwyn Best of Transparency International Canada coordinated this study tour. She is experienced in organizing study tours in Canada and other countries including delegations from China and other countries. Ms. Best made a presentation on Transparency International tools, which can contribute towards an anti-corruption legal framework. Prior to the study tour, she also provided ChIP with links to various documents and some research papers pertaining to Canada’s anti-corruption legal framework.

Tasks	Outputs	Outcome
<ul style="list-style-type: none"> <li>• ChIP selected 12 senior officials and experts, including an interpreter, for the study tour in Canada, including appropriate representation of women</li> <li>• CIP prepared a program schedule in consultation with ChIP</li> <li>• CIP arranged meetings and other logistics for the study tour</li> </ul>	<ul style="list-style-type: none"> <li>• Increased knowledge of relevant Canadian experiences, policies and programs and how they may apply to China</li> <li>• Better understanding of Canadian policies and practices related to anti-corruption legal framework</li> <li>• Study tour report prepared by the ChIP</li> </ul>	<ul style="list-style-type: none"> <li>• New contacts created with Canadian officials and experts and the relationship of the ChIP and TI-Canada strengthened</li> <li>• Knowledge and information obtained from the Canadian study tour, including overview of anti-corruption legal framework</li> <li>• Completed report: <i>Canada’s Management</i></li> </ul>

<ul style="list-style-type: none"> <li>• CIP conducted the study tour according to the schedule</li> <li>• ChIP prepared the study tour report</li> <li>• CIP prepared a study tour operational report</li> </ul>	<p>with summary of Canadian experiences and recommendations for China</p> <p><b>Performance Indicators</b></p> <ul style="list-style-type: none"> <li>• Quality of information received from the study tour</li> <li>• Quality of the study tour reports</li> <li>• Gender issues taken into consideration in study tour</li> </ul>	<p><i>Mechanism and Basic Operation Method for Corruption Fighting through Legal Means</i></p>
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**Outputs achieved:**

Study Tour #1 provided understanding on behalf of ChIP of Canadian Anti-Corruption Legal Framework at all three levels of government. New contacts were created with Canadian officials and experts, and the relationship between ChIP and CIP was strengthened. An excellent tour report was prepared by ChIP.

**2.3 Activity 3 – Second Study Tour in Canada**

The Second Study Tour in Canada targeted 12 (one participant was unable to attend, at the last moment, due to a broken leg, so the final number was 11) people from the various ChIP participants, including the Development Research Centre, the Shanghai Supervision Bureau, the CPC Shanghai Committee and an interpreter. It took place in Canada, 18 – 27 April 2010, covering Vancouver, Ottawa and Toronto. Transparency International Canada was responsible for the meeting arrangements and coordination of the study tour.

The purpose of the study tour was to enable participants to look at specific anti-corruption issues and challenges faced by governments in Canada. The senior officials and experts visited and heard from fourteen different institutions and experts in the federal, provincial and municipal governments, as well as academics and NGOs.

For an overview of the fourteen organizations, with whom the participants met, on this Second Study Tour, as well as their descriptions, please visit Appendix C. For a summary of the evaluations of the participants of the First Study Tour, please visit Appendix D.

As with the First Study Tour, Ms. Bronwyn Best of Transparency International Canada coordinated and presented to the Second Study Tour.



Tasks	Outputs	Outcome
<ul style="list-style-type: none"> <li>• ChIP selected 12 officials and experts, including an interpreter, for the second study tour in Canada, with appropriate representation of women</li> <li>• CIP prepared a program schedule in consultation with ChIP</li> <li>• CIP arranged meetings and other logistics for the study tour</li> <li>• CIP conducted the study tour according to the schedule</li> <li>• ChIP ensured the study tour report prepared with the Chinese delegation collectively</li> <li>• CIP prepared a study tour completion report</li> </ul>	<ul style="list-style-type: none"> <li>• Increased knowledge of relevant Canadian anti-corruption issues and challenges</li> <li>• Study tour report prepared with summary of Canadian experiences and recommendations for China</li> </ul> <p><b>Performance Indicators</b></p> <ul style="list-style-type: none"> <li>• Quality of information received from the study tour</li> <li>• Quality of the study tour reports</li> <li>• Gender issues taken into consideration in study tour</li> </ul>	<ul style="list-style-type: none"> <li>• New contacts created with Canadian institutions and individuals in the area</li> <li>• Knowledge and best practices learned from Canada adapted, as applicable, to strengthen anti-corruption framework in China</li> <li>• Completed report: <i>Report on Canada's Experiences in Fighting Corruption through Legal Means</i></li> <li>• Final suggestions created for Shanghai Municipal Government for new corruption prevention and punishment mechanism</li> </ul>

**Outputs achieved:** Through a number of cases, in particular, that were presented, Study Tour #2 served to increase the knowledge of CHiP with regard to Canadian anti-corruption issues and challenges, including some in common with CHiP; a tour report was prepared by ChIP.

## 2.4 Final Symposium

The Final Symposium, organized by ChIP, was held in September 2010, with an audience of 32. The Final Report, which was prepared in Chinese and translated into English for submission to POP, as well as printed in both languages, was introduced to all relevant stakeholders (please visit Appendix E for the Final Report by ChIP), through a detailed verbal presentation and PowerPoint summary of the project, by the Development Research Centre. Three representatives of TI-Canada attended the Final Seminar and provided their feedback on the report (please visit Appendix F for a review of the comments provided by CIP). Experts from the others ChIP partners and other interested parties were then asked to provide comments. The general atmosphere was one of a “brand new beginning” for the anti-corruption system in Shanghai, where it is important

to pay more attention to the prevention of corruption and not just to legislation and punishment. It was noted that a lot is expected of the participants, and they responded that they were ready and willing to play their part.

Activities	Outputs	Outcomes
<ul style="list-style-type: none"> <li>• Final report prepared by ChIP</li> <li>• Report translated and submitted to POP</li> <li>• Final Symposium presentation of project by ChIP; including identification and invitation of participants</li> <li>• CIP participants invited</li> <li>• CIP evaluated final achievement of project</li> </ul>	<ul style="list-style-type: none"> <li>• Report written, translated</li> <li>• Presentation and final symposium for project</li> <li>• Evaluation of project by third party</li> </ul> <p style="text-align: center;"><b>Performance Indicators</b></p> <ul style="list-style-type: none"> <li>• Report submitted to POP</li> <li>• DRC report to leaders of Shanghai Municipality includes both research and policy suggestions for anti-corruption legal decision making</li> <li>• DRC publish selective research results for media to distribute to general public</li> </ul>	<ul style="list-style-type: none"> <li>• Exposed government officials to latest issues and expertise suggestions, so as to update ongoing situation</li> <li>• Timely policies can be created by said informed government officials</li> <li>• Anti-corruption legal reform in Shanghai</li> <li>• Results of research released and published</li> </ul>

**Outputs achieved:** CHiP produced a final report, in English and Chinese, which was presented at the Final Symposium; CIP, as well as Experts from the other organizations present at the Final Symposium, provided evaluations of the final report.

### **3.0 Environmental and Gender Considerations**

Environment and gender equality are cross-cutting issues of CIDA in the planning and implementation of any international development projects. POP 2009-01 focused on the design of policy for effective governance which has implications for both the environment and gender.

Related policy reform will exert significant influence on the environment in China, since infrastructure development projects that improve and protect the environment are all related to social public good and sustainable social and economic development and require huge investment from the government. As local officials responsible for these projects, a clean government will observe laws and regulations, reject corruption and bribery and take due responsibility. Therefore, the reforms recommended in the final report will define the professional ethics and behaviour of government officials, with regard to anti-corruption. In turn, this directly relates to the progress and quality of projects and so to the protection of the environment.

POP 2009-01 also focused on the importance of the role anti-corruption plays in creating a social environment where the whole society, women and men and the environment, can benefit from open and clean governance.

As core members of each family, women are the most important factor and driver of social harmony and progress in China. The protection of women's rights is an important component of human rights. Once legal anti-corruption reforms are put in place, women will have greater respect both at home and in society. Therefore, related policy reform will have a significant and crucial impact on the existence and development of women in China.

In addition, this policy study focused on upgrading legal administrative capacity and efficiency, as well as enhancing services, rendering the public protection from corrupt local government officials. These officials will also benefit through education concerning the prevention of corruption, thus saving them from committing crimes. Finally, the family of government officials will benefit as a result of law-abiding officials guaranteeing the stability of their families.

#### **3.1 Environmental**

**Outcomes Achieved:** As for the environment, proposed recommendations, when implemented, will ultimately result in safer, corruption-free infrastructure development projects, protecting both the environment and the public.

#### **3.2 Gender**

**Outcomes Achieved:** Almost 30% of the participants in the four project activities were women. A number of the staff of the Development Research Centre, who played a significant role in the study tours and the creation of the final reports, are women. It is anticipated that women will benefit, to a great degree, from a clean, local government, in Shanghai.

**Attached as Appendix G is the overall Participants Database Input Sheet**

## APPENDIX A

### Schedule of Activities, Study Tour #1

Date	Time	Organization	Description of Org.	Relevance
<b>Sunday, Nov. 15</b>	21:10	Arrive Ottawa; Airport Shuttle to Hotel	The Business Inn, 180 MacLaren Street, 1-800-363-1777/613-232-1121; Megan MacDonald, General Manager; Julie Belanger	
<b>Monday, Nov. 16</b>	10:00 - 12:00	Royal Canadian Mounted Police (RCMP)	Inspector Gord Drayton, Office in Charge of Sensitive Investigations and International Corruption and Municipal Corruption, Commercial Crime Branch, Federal & International Operations Directorate	Canada's national police service. They also provide local services in some areas.
	lunch			
	13:30 - 14:45 15:00 - 16:00	FJA (Commissioner for Judicial Affairs)	Claude Provencher, Commissioner for Federal Judicial Affairs; the Commissioner for Federal Judicial Affairs reports directly to the Minister of Justice. The Office of the Commissioner was established in 1978 to safeguard the independence of the judiciary and provide federally appointed judges with administrative services independent of the Department of Justice.	Some of the Commissioner's duties and responsibilities include administering Part I of the Judges Act, which deals with eligibility for appointment, retirement age, and salaries of federally appointed judges; managing the Judicial Appointments Secretariat, which administers 17 advisory committees responsible for evaluating candidates for federal judicial appointment, as well as administering the process for the most recent appointments to the Supreme Court of Canada; coordinating initiatives related to the Canadian judiciary's role in international cooperation
	14:45 - 15:00 (coffee)			

	15:00 - 16:00	CJC (Canadian Judicial Council)	Julie Durette, General Counsel, Judicial Conduct; the Canadian Judicial Council was established to help promote efficiency, uniformity, and accountability, and to improve the quality of judicial service in the superior courts of Canada. It has authority over all federally appointed judges in Canada, including the power to investigate complaints about judges' conduct	Parliament created the Canadian Judicial Council in 1971. The objectives of the Council, as mandated by the Judges Act, are to promote efficiency, uniformity, and accountability, and to improve the quality of judicial service in all superior courts of Canada. The Council has authority over the work of more than 1,100 federally appointed judges.
	evening	free time		
<b>Tuesday, Nov. 17</b>	10:00 - 12:00	University of Ottawa - Stephane Emard-Chabot	Mr. Emard-Chabot is the Assistant Dean, University of Ottawa Law School, since 2001	Works with local media as a municipal affairs columnist; former City Councillor for Ottawa, 1994 - 2000
	lunch			
	14:00 - 15:30	PSIC - Public Sector Integrity Commissioner	Ms. Emilia Pech, Registrar/Lawyer, and Mr. Brian Radford, Counsel; The Commissioner and her office provide for a means and mechanism for public servants to make disclosures concerning potential wrongdoing in their workplace, and to be protected from reprisal for making such disclosures, by accepting disclosures of wrongdoing in or relating to the public sector made by public servants and other Canadians; investigating these disclosures and report findings to the chief executive concerned and making recommendations to the chief executive on corrective measures to be taken; enforcing the prohibition against reprisal by receiving all reprisal complaints from public servants; investigating complaints of reprisal; reporting to Parliament.	As the disclosure of wrongdoing in the public sector is a courageous and commendable act of service, the Office of the Public Sector Integrity Commissioner provides an external review of disclosures in a timely, equitable and confidential manner; they also ensure public sector employees who make good-faith disclosures are protected from job reprisal.
	evening	free time		

<b>Wed., Nov. 18</b>	8:30	Ottawa/Gatineau City Tour/to airport	417 Bus Line	
	12:35	fly to Montreal; AC8980 (12:35)		
	13:20	pick-up by 417 Bus Line	Delta Montreal; 475 President Kennedy Avenue	
	15:00 - 16:30	Ministry of Municipal Affairs	M. Jean Séguin, Assistant Deputy Minister; the Ministry is the provincial agency responsible for municipal affairs and regional development; it advises the Government and ensures interdepartmental coordination in matters related to municipal affairs	The Ministry's mission is to promote, in partnership with the municipal and regional development actors, the establishment and maintenance of quality municipal services for all citizens; the development of regions and rural areas; the progress and effect of metropolitan areas
	evening	free time		
<b>Thurs., Nov. 19</b>	8:30	pick-up by 417 Bus Line	Tour of Biodome, Botanical Gardens, and Montreal	The Botanical Gardens are part of the city sister relationship between Shanghai and Montreal
		lunch		
	13:30 - 15:30	Ombudsman de Montréal	The Ombudsman, Ms. Johanne M. Savard, intervenes when necessary to ensure that the municipal rights of citizens are respected and that their cases are treated fairly and with respect. When he deems it appropriate, he becomes a privileged representative to intercede on the citizen's behalf with city representatives; in 2003, Ms. Savard left the private practice of law and became the first Ombudsman of Ville de Montréal	Citizens address the Ombudsman, if they feel their rights have been or will be adversely affected; the office provides free and accessible independent assessment of their situation
	15:45	pick-up by 417 Bus Line; transfer to Montreal Airport		
	19:00	fly to Toronto; AC425		
	20:28	Transfer to Hotel; LM Transport	Delta Chelsea Hotel; 33 Gerrard Street West; Michelle Hall	

<b>Friday, Nov. 20</b>	9:30		pick-up by LM Transport at Delta Chelsea	
	10:00 - 12:00	City of Toronto Integrity Commissioner/Tour of City Hall	Janet Leiper was appointed the Integrity Commissioner on 8 Sept. 2009; she is a lawyer and adjudicator, and has practiced administrative and criminal law since her call to the Bar in 1987	The Integrity Commissioner provides advice, complaint resolution and education to Council members and appointees of most of the City's agencies, boards and commissions (ABCs) on the application of the City's Code of Conduct and other bylaws, policies and legislation governing ethical behaviour.
	12:10 transfer to 2 Bloor Street for lunch	pick-up by LM Transport		
	14:00 - 16:00	Office of Integrity Commissioner of Ontario	Lynn Morrison was appointed the Acting Integrity Commissioner on 31 July 2007	The establishment of the Office of the Integrity Commissioner in 1989 reflected the need to maintain high standards of ethical conduct in the public service without unduly inhibiting people of outstanding ability in the private sector from seeking public office. Under the Members' Integrity Act, 1994, (formerly the Conflict of Interest Act, 1988), the Integrity Commissioner assists Members of Provincial Parliament in keeping the public interest in the forefront against which the individual's right to privacy must be weighed.
	evening	free time		
<b>Saturday, Nov. 21</b>	09:30 - 19:30	Trip to Niagara Falls; winery; Niagara-on-the-Lake	Pick up by LM Charter at Delta Chelsea	
<b>Sunday, Nov. 22</b>	morning/ afternoon	free time		
	17:45	Asian Legend Restaurant	pick-up by LM Transport at Delta Chelsea	

<b>Monday, Nov. 23</b>	9:30		Pick up by LM Charter at Delta Chelsea	
	10:00 - 12:00	City of Toronto Ombudsman Office	Ms. Fiona Crean was appointed the Ombudsman of the City of Toronto, when it opened its office on 6 April 2009	The Office addresses concerns about the service citizens receive from the City of Toronto, and investigates complaints of administrative unfairness. The Office is independent from the city, impartial, and its services are both confidential and free of charge; it is an office of "last resort" – not the first stop; citizens must try to work out issues with the city division before presenting their case to the Ombudsman; the Office intends to be responsive and accountable to the citizens and the City.
	13:30 - 15:30	Ministry of Municipal Affairs and Housing	Greetings by Mr. Ralph Walton, Acting Assistant Deputy Minister, Local Government and Planning Policy Division; presentation by Mr. Peter John Sidebottom, Manager, Local Government and Planning Policy Division on "Local Government in Ontario and Transparency and Openness"	The ministry promotes accountable local governments that are able to plan, manage and invest for the future.
	3:45 - 5:30	Transparency International Canada	Purpose of TI-Canada is to inform businesses, government and the general public of the effects of corruption in national and international marketplaces, and to provide support and resources for public and private sector initiatives to prevent corrupt business practices; presentation by Ms. Bronwyn Best, Executive Director, TI-Canada; TI-Canada Board Member, Mr. Tom Marshall, former General Counsel to the Attorney General of Ontario	Presentation by Ms. Best of the concept of anti-corruption and the Integrity Pact as a tool to ensure bribery does not enter into government procurement contracts; Mr. Marshall is available to answer any outstanding questions from the study tour.
	evening	free time		
<b>Tuesday, Nov. 24</b>	8:30	AC87 12:30	pick-up by LM Charter at Delta Chelsea	



## APPENDIX B

**POP Study Tour # 1 – 2009-01  
Strengthening the Anti-Corruption Legal Framework to Promote Clean Local Governments**

### EVALUATION FORM SUMMARY

**1. How would you rate each of the following sections and how useful did you find each of them?**

Sections	Presentation (Please check one below)					Content (Please check one below)			
	Very good	Good	Fair	Poor		Very useful	Somewhat useful	Not so useful	Not at all useful
<b>OTTAWA:</b>									
1. Royal Canadian Mounted Police	3	9				2	10		
2. FJA (Commissioner for Judicial Affairs)	3	9				3	9		
3. CJC (Canadian Judicial Council)	3	8	1			2	10		
4. Stephane Emard-Chabot, University of Ottawa	5	7				5	7		
5. PSIC (Public Sector Integrity Commissioner)	1	11				2	10		
<b>MONTREAL:</b>									
6. Ministry of Municipal Affairs	5	7				3	9		
7. Ombudsman de Montréal	6	5	1			4	8		
<b>TORONTO:</b>									
8. City of Toronto Integrity Commissioner	3	6	3			2	8	2	
9. Office of Integrity Commissioner of Ontario	4	8				3	9		
10. City of Toronto Ombudsman Office	2	9	1			4	7	1	
11. Ministry of Municipal Affairs and Housing	3	9				4	8		
12. Transparency International Canada	5	7				2	9		

**2. How would you rate each of the following?**

	Please check one			
	Very good	Good	Fair	Poor
a. Study tour format	4	8		
b. Schedule/timing	3	8	1	
c. Materials received	1	5	6	
d. Hotel facilities - Ottawa	6	6		
e. Hotel facilities - Montreal	3	7	2	
f. Hotel facilities – Toronto	4	8		
g. Banquet - Toronto	2	6	3	

**3. Overall, how satisfied were you with the study tour? (Please check one box only)**

- |                                       |    |                      |
|---------------------------------------|----|----------------------|
| 1. Very satisfied                     | 2  | 4. Dissatisfied      |
| 2. Satisfied                          | 10 | 5. Very dissatisfied |
| 3. Neither satisfied nor dissatisfied |    |                      |

**4. What was the *most useful* part of the study tour for you?**

Now have better understanding of Anti-Corruption Legal Framework – policy, procedure, legislation (4); good discussion with Ombudsmen, because more practical not just theoretical (3); legislation and cases re. three levels of government (3); learned that supervision means independence from government; Anti-Corruption Legal Framework well organized in Canada, with a number of different elements, particularly the four different ethics offices in city of Toronto; presentation by RCMP and Integrity Commissioners; Ministry of Municipal Affairs and Housing (2); protection of public servants very important; touched by how serious officials in anti-corruption work are and how they love their work – this participant’s work is mainly with anti-corruption, as result of Study tour, has resolved to continue to do better in his work

**5. What was the *least useful* part of the study tour for you?**

All discussions very useful but some not deep/not long enough (2), so want to learn more re. anti-corruption in future; some cases could be more relevant to the legislation; there was no least useful part; some presenters have been in their position only a short time, so work experience limited; presentation by Ministry of

Municipal Affairs and Housing; Ministry of Municipal Affairs (Quebec) (2); too much description of political framework in Canada; some parts of meeting not closely related to anti-corruption activities/abstract (2)

**6. Thinking about future study tours, what improvements would you recommend, if any?**

Less presentation and more discussion time (3); meetings and discussion too short; more time for lunch/schedule more reasonable (2); more materials (3) – want description of organizations/mechanisms/procedure for anti-corruption at different levels of Canadian government, so have systematic understanding; would like to go to scene of work/office and learn how they carry out daily work/investigate cases (4); would like to have discussion with the Auditor General (2) and prosecutors' office; more cases (3); discussion more closely related to anti-corruption

**7. Did you find the study tour to be...**

- |              |   |                          |   |
|--------------|---|--------------------------|---|
| a) Too short | 7 | b) Just the right length | 5 |
| c) Too long  |   |                          |   |

**8. To date, how useful has the study tour been for your own work?**

- |                    |   |                      |   |
|--------------------|---|----------------------|---|
| 1. Very useful     | 6 | 3. Slightly useful   | 1 |
| 2. Somewhat useful | 5 | 4. Not useful at all |   |

If useful, in what way?

Came to Canada and learned a lot/deep understanding of international (aka Canadian) practice (4) – good for Shanghai (2), which wants to be international city; Ombudsman in Toronto very useful – provided lots of instruction; very useful for future, lots of things in common can learn from each other; learning way of thinking/practice = useful; the independence of the Integrity Commissioner and Ombudsmen (2); the ethics of education prevention is more important than investigation and prosecution; has opened his mind (the participant who works mainly in anti-corruption)

**9. Any other comments/suggestions?**

If there is a chance, would like to cooperate in future

**Thank you for taking the time to complete this evaluation!**

## APPENDIX C

### Schedule of Activities, Study Tour #2

City	Date	Time	Organization	Description of Org.	Relevance	Meeting Address
Vancouver	Sunday, April 18	12:00	Arrive AC 30; met by Ms. Bronwyn Best, Executive Director, Transparency International Canada (TI-Canada); Wescan Tours to Hotel	Sunset Inn & Suites, 1111 Burnaby Street, Vancouver, B. C., Tel: 604-688-2474; 1-800-786-1997		
		14:00 - 16:00	Vancouver City Tour	Wescan Tours to pick-up at hotel		
		evening	free time			
	Monday, April 19	9:00	Travel to University of British Columbia	Wescan Tours to pick-up at hotel		
		09:30 - 12:00	International Centre for Criminal Law Reform & Criminal Justice Policy; Ms. Eileen Skinnider, Associate; Ms. Yuli Yang, China Programme Coordinator; Mr. Monty Carstairs, QC, Deputy Director (Commercial Crime), Criminal Appeals and Special Prosecutions, and Mr. Trevor Shaw, Ministry of Attorney General of British Columbia	Founded in 1991, the Vancouver-based International Centre is a joint initiative of the University of British Columbia, Simon Fraser University and the International Society for the Reform of Criminal Law with contributions from the Government of Canada and the province of British Columbia. Through its activities, the Centre contributes to the priorities of Canada and the United Nations in the field of criminal law and criminal justice. The Ministry of the Attorney General is responsible for independent prosecution of criminal matters & provision of legal services to government.	The International Centre's mission is to improve the quality of justice through reform of criminal law, policy, and practice. The Centre promotes democratic principles, the rule of law and respect for human rights in criminal law and the administration of criminal justice, domestically, regionally and globally. The primary role of the Centre is to provide advice, information, research and proposals for policy development and legislation. The Ministry has dealt with a number of corruption related issues.	6020 Walter Gage Road
		lunch				

		14:00 - 14:45	Tour of Institute of Asian Research, University of British Columbia, by Dr. Paul Evans, Director and Professor, IAR	The Institute of Asian Research (IAR) provides innovative perspectives on policy research on Asia. It focuses on both the generation of interdisciplinary knowledge about the different regions of Asia, and the integration of local knowledge to form new perspectives on contemporary policies.	The Institute is an eco-friendly building. The Institute provides a window on Asia fostering cultural exchanges, understanding and dialogue among communities of the Asia Pacific.	C.K. Choi Building, 251 - 1855 The West Mall
		14:45 - 17:00	Mr. Stephen Owen, Vice President, External, Legal and Community Relations, University of British Columbia	Responsibilities include government relations, University legal counsel, public affairs and communications	Mr. Owen will draw upon his own experiences as Ombudsman for BC and President of the International Ombudsman Institute, Deputy Attorney General of BC, Inquiry Commissioner on the Discretion to Prosecute, particularly regarding political crises, Chair of the Inquiry into Organized Crimes in BC, Vice-President of the Law Commission of Canada, Professor of Law and Public Policy, Parliamentary Secretary to the Minister of Justice of Canada, Minister of Public Works of Canada, Official Opposition Critic for Democratic Reform, Parliament of Canada, and an investigation of security force killings in Apartheid South Africa, Cambodia, Northern Ireland/Gibraltar, Somalia and Kosovo.	Board & Senate Room, President's Office, 2nd Fl, Old Administration Building, 6328 Memorial Road

		17:00	pick-up by Wescan Tours; return to hotel			
		evening	free time			
	<b>Tuesday, April 20</b>	6:30	pick-up by Wescan Tours; fly to Ottawa; AC 166Y 08:55			
<b>Ottawa</b>		16:29	Arrive in Ottawa; pick up by Airport Shuttle	The Business Inn, 180 MacLaren Street		
		evening	free time			
	<b>Wednesday, April 21</b>	8:30	pick-up by 417 transport	417 Bus Line		
		09:00 - 11:00	Public Works and Government Services Canada (PWGSC): Acquisitions Branch, Strategic Governance & International Affairs; Office of the Procurement Ombudsman (OPO)	PWGSC is responsible for providing and managing a broad range of services to the Government of Canada, Canadians, and internally to the department. Each year it buys about \$20 billion in goods and services on behalf of government departments and agencies — everything from vehicles to staplers to military uniforms; The OPO is an independent organization with a government-wide mandate.	PWGSC is responsible for the procurement activities of most government departments; The OPO's mandate is to: Review the practices of departments for acquiring materials and services to assess their fairness, openness and transparency and make any appropriate recommendations to the relevant department for the improvement of those practices; review any complaint respecting the award of a contract for the acquisition of goods below the value of \$25,000 and services below the value of \$100,000; review any complaint respecting the administration of a contract for the acquisition of materials or services by a department, regardless of dollar value; ensure that an alternative dispute resolution process is provided, if both parties agree to participate.	Portage III, 11 Laurier, Gatineau
		lunch				

		14:00 - 16:00	Canadians for Accountability; Allan Cutler, President	Mr. Cutler is a senior procurement manager with a record of over 30 years in contracting and has managed multi-million dollar complex and sensitive procurements. He spent much his career at Public Works and Government Services Canada and is now an independent consultant. He is well known for exposing the abuses of the Sponsorship Scandal.	The objectives of Canadians for Accountability are: To educate Canadians on the subject of whistleblowing, healthy workplaces and ethics through counselling, education and assistance in accordance with the law; to promote an understanding of whistleblowing: what it is, the dynamics, the culture, mechanisms and solutions; to promote public awareness of the importance and value of whistleblowing in the Canadian context, including labour unions, senior management and employees, and; to promote a culture of truth, transparency and integrity in Canada's public and private sector institutions and Canadian society in general.	Elgin Room (306), The Business Inn
		evening	free time			
	<b>Thursday, April 22</b>	09:00 - 11:00	University of Ottawa - Stephane Emard-Chabot	Mr. Emard-Chabot is the Assistant Dean, University of Ottawa Law School, since 2001	Mr. Emard-Chabot works with local media as a municipal affairs columnist; former City Councillor for Ottawa, 1994 - 2000, and can report on several cases of corruption, at the municipal level	The Business Inn, Elgin Room, Suite 306
		11:15 - 12:15	Ms. Bronwyn Best, Transparency International Canada (TI-Canada)	The purpose of Transparency International Canada Inc. (TI-Canada) is to be an informed voice that promotes anti-corruption practices and transparency in Canada's governments, businesses and society at large.	Ms. Best will review TI's Integrity Pact tool, used to ensure corruption-free government procurement projects	The Business Inn, Elgin Room, Suite 306

		lunch				
		13:30	Ottawa/Gatineau City Tour/to airport	417 Bus Line		
			fly to Toronto; AC 463Y; 18:00			
<b>Toronto</b>		19:00	Transfer to Hotel; Ontario Coach	Delta Chelsea Hotel; 33 Gerrard Street West; Michelle Hall		
	<b>Friday, April 23</b>	8:00		pick-up by Ontario Coach at Delta Chelsea		
		8:25 - 10:55	Ms. Linda Gerke, Lobbyist-Registrar, City of Toronto; Mr. Jeffrey Griffiths, Auditor-General, City of Toronto	The Lobbyist Registrar's office promotes and enhances the transparency and integrity of City government decision making through public disclosure of lobbying activities and regulation of lobbyists' conduct. Under the City of Toronto Act, 2006, the Auditor General is responsible for assisting City Council in holding itself and City administrators accountable for the quality of stewardship over public funds and for achievement of value for money in City operations.	The Lobbyist Registrar's Office serves three groups of people: Lobbyists, who must comply with the Lobbying By-law and may require our help registering; public office holders, who may wish information about the Lobbying By-law or our help when searching the Registry; members of the public, who may have questions about lobbying and need our help when searching the Registry. The Auditor General oversees the work of the external auditor and manages the process for awarding the contract for the City's external audit. The City of Toronto Act, 2006 requires that the financial statement/attest audit of the City and its agencies, boards and commissions be carried out by an external auditor who is not an employee of the City.	Meet Ms. Annette Velho-Pereira, Protocol, City Hall Rotunda
		10:55	Met by Ms. Annette Velho-Pereira for City Hall Tour			



		12:05	lunch; Eaton Centre			
		13:30	pick-up by Ontario Coach			
		14:00 - 16:00	Ontario Municipal Board; Mr. Stan Floras, Solicitor; Mr. Michael Gottheil, Chair, Environment and Land Tribunals Ontario	The OMB is an independent tribunal subject to the rules of natural justice and the requirements of the Statutory Powers Procedures Act.	The OMB hears applications and appeals on: Land use planning under the Planning Act and other legislation; financial issues related to development charges, land expropriation, municipal finance and other legislated financial areas; municipal issues as legislated under the OMB Act and other legislation; other issues assigned to the Board by Provincial Statute.	15th Floor, 655 Bay Street
		17:45	Asian Legend Restaurant	Pick-up by Ontario Coach at Delta Chelsea		418 Dundas West
	<b>Saturday, April 24</b>	09:30 - 19:30	Trip to Niagara Falls; winery; Niagara-on-the-Lake	Pick up by Ontario Coach at Delta Chelsea		
	<b>Sunday, April 25</b>	all day	free time			
	<b>Monday, April 26</b>	8:30		Subway to Ontario Bar Association		

		9:00 - 10:00	The Honourable Madam Justice Denise Bellamy, Ontario Superior Court of Justice, appointed April 1997, member of the Advisory Committee on Judicial Ethics, an advisory committee for judges of superior courts across Canada	Justice Bellamy was the Commissioner for "The Toronto Computer Leasing Inquiry" and "The Toronto External Contracts Inquiry"	The <b>Toronto Computer Leasing Inquiry</b> was a judicial inquiry into allegations of conflict of interest, bribery and misappropriation of funds around computer leasing contracts entered into by Toronto, Ontario's municipal government in 1998 and 1999. It was held concurrently with the Toronto External Contracts Inquiry. The External Contracts Inquiry was established by Toronto City Council on October 1, 2002, as an expansion of the Computer Leasing Inquiry. It began hearings on October 18, 2004, after the Computer Leasing Inquiry ended. The presentation will cover why Canada uses Commissions of Inquiry.	Ontario Bar Association , Suite 300, 20 Toronto Street
		10:10 - 10:15	Break			
		10:15 - 12:15	Dr. Wesley Cragg, Project Director and Principal Investigator, Canadian Business Ethics Research Network (CBERN); Founding Chair and President (1993-2006), Transparency International Canada	Dr. Cragg has written a case study on the Toronto Computer Leasing scandal, "MFP Computer Scandal: The Case of the Expensive Computer Leasing Contract"	Dr. Cragg will present the Case Study to the Group	
		12:15 - 13:45	Lunch - Eaton Centre			
		14:00 - 16:00	Dr. Wesley Cragg, MFP Case Study (cont'd)			

		16:00 - 17:00	Mr. Tom Marshall, Director, Transparency International Canada	Mr. Marshall is the former General Counsel, Office of Attorney General of Ontario	Mr. Marshall will discuss the "City of Toronto Act 2006," which requires the establishment of an effective integrity and accountability regime including: a lobbyist registry, integrity commissioner, auditor general and ombudsman	
		evening	free time			
	<b>Tuesday, April 27</b>	8:30	AC87 12:30 to Shanghai	pick-up by Ontario Coach at Delta Chelsea		

## APPENDIX D

**POP Study Tour # 2 – 2009-01  
Strengthening the Anti-Corruption Legal Framework to Promote Clean Local Governments**

### EVALUATION SUMMARY

**1. How would you rate each of the following sections and how useful did you find each of them?**

Sections	Presentation (Please check one below)					Content (Please check one below)			
	Very good	Good	Fair	Poor		Very useful	Somewhat useful	Not so useful	Not at all useful
<b>VANCOUVER:</b>									
1. International Centre for Criminal Law Reform and Criminal Justice Policy	1	10				3	8		
2. Ministry of Attorney General of British Columbia	4	7				9	2		
3. Mr. Stephen Owen, University of British Columbia		10	1				10	1	

<b>OTTAWA:</b>									
4. Public Works and Government Services Canada	4	7				5	6		
5. Office of the Procurement Ombudsman	5	6				6	5		
<b>6. Canadians for Accountability</b>	1	8	2			2	7	2	
7. Mr. Stephane Emard-Chabot, University of Ottawa	1	10				1	10		
8. Transparency International Canada	6	5				4	7		
<b>TORONTO:</b>									
9. Lobbyist-Registrar, City of Toronto	4	7				3	8		
10. Auditor General, City of Toronto	3	8				5	6		
11. Ontario Municipal Board	1	10				5	6		
12. The Honourable Madam Justice Denise Bellamy, Ontario Superior Court of Justice	5	6				6	5		
13. Dr. Wesley Cragg, Canadian Business Ethics Research Network	2	9				2	9		
14. Mr. Tom Marshall, Transparency International Canada	1	10				1	10		

**2. How would you rate each of the following?**

	<b>Please check one</b>			
	<b>Very good</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>
h. Study tour format	5	5		
i. Schedule/timing	1	8	1	
j. Materials received	2	6	2	
k. Hotel facilities - Vancouver	5	5		
	<b>Very good</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>
l. Hotel facilities – Ottawa	8	3		
m. Hotel facilities – Toronto	3	8		
g. Banquet - Toronto	2	9		

**3. Overall, how satisfied were you with the study tour? (Please check one box only)**

- |                                       |    |                      |
|---------------------------------------|----|----------------------|
| 4. Very satisfied                     |    | 4. Dissatisfied      |
| 5. Satisfied                          | 11 | 5. Very dissatisfied |
| 6. Neither satisfied nor dissatisfied |    |                      |

**4. What was the *most useful* part of the study tour for you?**

Specific measures/tools for exchange with executive departments; Justice Bellamy; Public Works (2); exchanges with officials and executives (3); exchanges with members of the OMB; lots of cases

**5. What was the *least useful* part of the study tour for you?**

Nothing (3); Stephen Owen, UBC (2); the presentation by the Univ. of Ottawa, because no comparison with present situation in China (NB: These were Canadian cases, as requested); only presentations; Canadians For Accountability (3); Auditor General, City of Toronto; Lobbyist-Registrar of Toronto

**6. Thinking about future study tours, what improvements would you recommend, if any?**

Actual experiences and short comings in operation of fighting corruption (NB: There were a number of these – translator wasn't quite sure what this meant); talk with more officials and councilors; talk with people who have experiences; to have those who have evidences in corruption/crime meet the Study Tour and listen to their lessons; Study Tour should be longer, so can meet more people and learn more; not only meeting with people but also engaging in the activities; more places to take a look; tools of anti-corruption

**7. Did you find the study tour to be...**

- a) Too short 5      b) Just the right length 6      c) Too long

**8. To date, how useful has the study tour been for your own work?**

- |                    |   |                      |
|--------------------|---|----------------------|
| 1. Very useful     | 2 | 3. Slightly useful   |
| 2. Somewhat useful | 9 | 4. Not useful at all |

**If useful, in what way?**

Ideas and practices; experiences and ways of thinking as well as instituting; we learn lots about the anti-corruption legal framework and practices in Canada – it is very useful to help us to promote clean local government; to have learned what

is the situation in fighting corruption; it's helpful to do my research work; can emulate some of the tools we've learned; ideologies and tools we can borrow.

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**9. Any other comments/suggestions?**

Thank you for accompanying us these days! Time should be more suitable (the translator didn't understand this one and thought maybe more suitable for fitting into this person's schedule).

**Thank you for taking the time to complete this evaluation!**

## APPENDIX E

**Sino-Canadian——**

### **Strengthening the Anti-Corruption Legal Framework to Promote Clean Local Government**

At the very forefront of China's reform and opening-up, Shanghai has always been focusing on the fight against corruption and the development of a clean government. The city has been enhancing its anti-corruption efforts in recent years, providing a better environment for city governance and operation. To further enhance the institutional foundation of Shanghai's anti-corruption work and to "foster a clean government dedicated to responsibilities and the rule of law", the Shanghai Development Research Center cooperated with Canadian experts on an international collaborative program "**Strengthening the Anti-Corruption Legal Framework to Promote a Clean Local Government**", one of the Policy Option Projects (POP) approved by China's Ministry of Commerce and Canadian International Development Agency (CIDA) for 2008/2009. Based on the experience of Canada and other developed countries, we explored legal approaches to corruption prevention and punishment, as well as the improvement of scientific, democratic and legal governance. All these measures will contribute to the building of a clean culture and a harmonious society, and the healthy and sustainable development of the society and economy. And this is the purpose of the study.

The Transparency International Canada (TIC) was appointed by the Canadian government as the Canadian partner of this project. Meanwhile, headed by the Shanghai Development Research Center, a Chinese POP Research Team (referred to hereinafter as the Team) consisting of eleven agencies including the Discipline Inspection Commission of Shanghai and the Shanghai Municipal People's Prosecution Service has made great efforts in domestic and foreign survey and research. According to the research arrangement confirmed by both sides, the Study Tour to Canada (referred to hereinafter as the Tour) was conducted twice in November 2009 and April 2010. The first Tour focused on Canada's anti-corruption promoting macro-institutional framework such as the laws, enforcement institutions, and management practices, while the second highlighted the operational specifics of Canada's anti-corruption experience.

Through various forms of study such as study tour, domestic survey and research, discussion and idea exchange, information analysis and so on, the Team has made complete and detailed research on the anti-corruption history of Shanghai and China as well as the effective anti-corruption legal system and advanced practices of Canada. All these efforts help to deepen our theoretical and practical understanding of the anti-corruption work. Based on systematic comparison of the anti-corruption work of Canada and China, the Team has come up with some worthy ideas for development and policy formulation. All these will further contribute to the fight against corruption, the



development of a clean culture and the building of anti-corruption legal system as well as the corruption prevention and punishment system of Shanghai.

## **I. New situation for anti-corruption work in Shanghai**

### **1. Anti-corruption: A mission for the whole world**

Corruption as a common phenomenon is an invisible disease eroding the human society. Researches by the Transparency International (TI) show that the endless corruption crimes widespread in the world are seriously threatening the stability and development of countries and regions. It has become a major obstacle to poverty elimination and economy development for many countries, especially for the underdeveloped countries. Seeing increasing corruption and accelerating integration of global economy in recent years, it becomes an international consensus to fight against corruption in worldwide and build a transparent, open and clean governance environment. In this respect, the *United Nations Convention against Corruption* (UNCAC) was ratified in 2003 by the United Nations for the purpose of promoting national anti-corruption efforts and international cooperation. It should be said that corruption punishment and elimination has become an important mission for all countries as well as the international society. Considering that corruption is a cross-border and cross-system problem which is fairly intractable, the fight against corruption in Shanghai would be updated in a greater stage and a more complicated background as the result of the further opening up. Therefore, Shanghai has to enhance its communication and cooperation with the international society in anti-corruption work and accelerate its integration with international conventions and criterions.

### **2. A new stage for domestic anti-corruption efforts**

Chinese government has always been taking anti-corruption seriously. Through years of efforts, China has made great strides in developing legal settings, long-term education mechanism, power monitoring mechanism and other relevant mechanisms that support effective anti-corruption work. However, China is in an era of institutional transformation and structural readjustment. The national political, economic systems are not sound and complete enough. All these objective conditions provide a breeding ground for corruption, and that's why the general situation for anti-corruption work is still severe now. In the new stage, the fight against corruption has shown several new characteristics along with profound economic changes in recent years. (A) Corrupt activities are becoming increasingly covert. Other than the traditional power-for-money deal, more sorts of invisible corruption are on the rise presently. Anti-corruption work is entering a valley of invisible offenses. (B) Emerging economic sectors are under going pressure of corruption. More and more economic resources are allocated through market mechanism

in recent years with the further deepening of the reform of market economy, which leads to an explosion of economic activity in foreign investment, financial trade, intermediary service and other sectors. Corrupt activities involved in all these emerging economic sectors are diverse and interlaced. The anti-corruption work is seeing increasing difficulty at present due to absence of effective governance in these sectors. Considering that corruption relies on the transmission, infiltration and expansion of economic activities, Shanghai, as an economic, trade and financial center of China and an international metropolis, is seeing severe challenges due to the reasons above. It is therefore necessary for the city to build a more powerful anti-corruption system and strengthen efforts in corruption probe, especially in the emerging sectors, based on the full understanding of the long-term, complicated and difficult challenges. We must persist in fighting against corruption to implement the requirements of the central government, and to ensure the healthy development of the city.

### **3. New requirements for anti-corruption work in Shanghai's transition period**

Shanghai is presently in a critical period of transition to an international city, which imposes new and higher requirements for the anti-corruption work and institution building. (A) Build-up of government transparency. According to international experience, transparency is fairly important for attracting investment, trade and other economic resources. That's why all the major international cities emphasize the development of a clean culture. As an emerging international city, Shanghai is to move forward on its anti-corruption efforts for better governance with more transparency and legalization. (B) Formulation of regulations with international standards. With further transition and internationalization in recent years, Shanghai has been seeing frequent contacts with the outside world in the economic, trade, financial and other sectors. It is therefore necessary for the city to introduce international regulations into these sectors, such as government procurement, audit supervision and anti-commercial bribery, aiming to promote the city's opening-up for better integration with the international community. (C) Further democracy building. Through years of efforts in democracy building, Shanghai has developed public access to policy-making and corruption supervision at different levels. However, we must recognize that the public demand for democracy is on the rise. Shanghai has to put high emphasis on the public demand for democracy, protect the public's right to know, to participate, to express and to monitor and use democracy as an important arm against corruption.

## **II. Main experience and problems of Shanghai's anti-corruption efforts**

### **1. Three historical phases of Shanghai's anti-corruption work since the reform and opening up**

Seeing the great change of the whole economic and social development strategy since the reform and opening up, Shanghai has changed its anti-corruption strategy from short-term efforts work through political movements to long-term efforts work through systems and regulations. Over the past thirty years, Shanghai has achieved great accomplishments in the socialist modernization construction. At the same time, Shanghai citizens have been engaged in a persistent battle with all kinds of corruption conducts and made significant progress and achievements. In general, the anti-corruption efforts of Shanghai since the reform and opening up can be divided into three phases:

### **1.1 Phase I (from the late 1970s to the early 1990s): Overcoming unhealthy tendencies and fighting corruption through restoring laws and orders**

During the early years of China's reform and opening up, corrupt activities emerged and spread due to the changing of economic and social system. Although the corrupt activities were neither wide-spread nor severe, unhealthy tendencies<sup>1</sup> featured by cutting corners had showed up. As a result of the class-warfare during the Culture Revolution, the regular anti-corruption system of the party as well as the country was left to rust. Thus the necessity to rebuild a solid legal base to combat corruption was widely recognized according to the social development situation. Therefore, Shanghai government restored anti-corruption laws and codes of conduct to overcome unhealthy tendencies and fight against corruption. Since 1978, Shanghai has enacted a series of anti-corruption regulations to deal with the public officials' privileges, bureaucratic misconducts, tackle the unhealthy tendencies in the reform of economic system, and eliminate the companies established by CPC and government officials. The regulations are as follows: Announcement on Overcoming Unhealthy Tendencies in Violation of the Code of Conduct for Inner-party Political Life, Announcement on Carrying Out the Decisions of the Central Government and State Council on Forbidding Businesses by the Agencies and Officials of the Party and Government, Announcement on Compliance of Discipline for Organizations and Members of the Party in the Stabilizing of Economy and Deepening of Reform, Proposals on the Further Elimination and Rectification of Businesses and Administrative Institutions Engaging in Speculation, Four Nevers, Five Rules, etc. As a result of the establishment and implementation of anti-corruption codes of conduct, CPC members and officials who had corruption conducts were given party disciplinary punishment and administrative punishment; moreover, some of them were expelled from the Party and charged with criminal responsibility. Through the implementation of all these measures, Shanghai made progress in its anti-corruption efforts and transformed the social culture to a cleaner one.

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<sup>1</sup> The unhealthy tendencies include, for example, employing entrusted power to seek for private interest, collusion and nepotism, asking for and taking bribe, speculation, squandering state-owned or collective assets, etc.

## **1.2 Phase II (from the early 1990s to the early 21<sup>st</sup> century): Combating and restraining corruption through the establishment of particular rules and regime**

Deng Xiaoping's South Tour Speech and the 14th Party Congress in 1992 remarked on the beginning of a new development phase of the socialist market economy construction, the opening up and reform as well as the modernization construction of Shanghai. Seeing the accelerated economic development and the deepening reform and opening up, corruption conducts started to show up frequently and variably due to contradiction between the new system and old one. Facing the new situation and problems of the anti-corruption work, Shanghai government realized that it was impossible to rely on a single formula consisting of multiple and separate departments to restrain the corruption. It is particularly important to develop a complete and appropriate system. Therefore, Shanghai government decided to enact particular regulations and develop a special regime to combat corruption. A three-in-one system of institutions, mechanisms and regulations was developed as well as a full set of scientific and compact organizational and working systems. In this phase, Shanghai government enacted a number of goal-oriented basic regulations to build a clean government, including Several Regulations on Keeping to the Style of Hard Working and Plain Living for Bureau-level or Higher Ranking Officials, Regulations on Keeping Honest and Clean for the Party Members and Government Staff, Regulations on Income Declaration for County-level (Division) or Higher Ranking Officials of the Party and Government, Regulations on Keeping Honest and Clean in Land Lease, Real Estate Development and Project Procurement for Higher Ranking Officials of the Party and Government, Administrative Measures of Shanghai Municipality on Government Procurement. During 1992 to 1997, as many as 2,095 regulations had been developed by Shanghai government. The establishment and implementation of all these regulations played a significant role in the anti-corruption efforts, ensuring the steady promotion of the reform and opening up and the purification of social order. Seeing remarkable anti-corruption effects of the system, Shanghai became an example for other districts in the country.

## **1.3 Phase III (from the early 21<sup>st</sup> century to the present): Taking comprehensive measures against corruption through the establishment of the corruption punishment and prevention system**

Entering the 21st century, the process of China's industrialization, informatization, modernization, marketization and internationalization has been accelerated. China is rising up rapidly in the world. As the largest economic center in China, Shanghai is actively promoting the development of the international economy, finance, shipping and trade centers with a wide vision and a great mind at a high level. Meanwhile, profound and complicated changes are taking place in the economic, social

and other fields of Shanghai's city development. So does the anti-corruption situation. A more comprehensive and thorough control strategy is needed to handle the new objective reality. Therefore, responding actively to the central government, Shanghai government has established four guiding principles for anti-corruption work: seeking both temporary and permanent solutions, implementing comprehensive control, promoting both the punishment and the prevention, and emphasizing the prevention. Meanwhile, the local government is trying hard to stop corruption at its source. It combines the effects of reform, education, institution, supervision, correction and punishment together to establish a corruption prevention and punishment system emphasizing education, institution and supervision. Shanghai government implements actively the Implementation Outline for the Development of An Anti-corruption System Consisting of Education, Institution and Supervision released by the central government. Based on the Implementation Measures of the Work Plan for the Development of A Corruption Prevention and Punishment System (2008-2012) for Shanghai Municipality, the local government has taken several measures to keep the strength of anti-corruption work, which include promoting the anti-corruption education, completing the anti-corruption institutions and systems, enhancing the supervision to restraint corruption, deepening the reform of systems, institutions and mechanisms, and overcoming unhealthy tendencies harming the public interests. At present, Shanghai has already developed a basic framework of the system for punishing and preventing corruption and completed the implementation mechanism. The effects of the system are therefore strengthened; and the effects of comprehensive corruption control are obvious.

## **2. Experience and practices**

To ensure an efficient city governance and its smooth transition to an international metropolis, and to protect the city against fraudulent and corrupt activity, Shanghai has been dedicated to fighting corruption and building a clean local government for years, trying to develop an operating environment appropriate for the function and status of the city. Based on sufficient practice, Shanghai has developed a series of anti-corruption measures with local and national characteristics, which are summarized as follows:

### **2.1 Combat corruption actively backed up by strong leadership and organization**

Shanghai has been endeavoring to develop the leadership and organization of anti-corruption work. We have set up a special working team to promote the building of the corruption prevention and punishment system. With the party secretary as its head and the mayor as the first deputy head, the team works as the top leadership in anti-corruption efforts. As for the anti-corruption implementation, the Discipline Inspection Commission (the Supervision Bureau) works as the municipal coordination department and contributes as the special supervision sector of the Party as well as the administrative

system. The Prosecution Service (the Anti-Corruption Bureau) takes charge of the investigation and prosecution of abuse of authority, such as bribery and defalcation at each level of the city's organization. A joint conference system has been set up to improve the coordination and communication between the two agencies. Based on the *Several Opinions on Further Improving the Coordination in the Prevention, Investigation and Punishment of Corruption (for Trial Implementation)*, the two agencies cooperate efficiently in anti-corruption efforts.

## **2.2 Enhance the restraint and openness of the entrusted power and stop corruption at its source**

In the Implementation Outline for the Development of An Anti-corruption System Consisting of Education, Institution and Supervision, the central government requests for further power limitation and forbids power abuse. Shanghai government implements these requirements from three aspects: (A) Strengthen the development of institutions and procedures to ensure democratic, scientific and normative decision-making. Besides the implementation of relevant policies by the central government, Shanghai government has enacted the Working Rules of Shanghai Municipal People's Government and other documents to complete the decision-making system for major executive issues. In accordance with these rules, six systems including inquiry, hearing, legality checking, collective decision making, ex-post evaluation and accountability are needed to deal with major executive issues such as important investment projects, special fund arrangement, state-owned assets management, etc. (B) Complete the draft review system of local laws and regulations to limit the power of government departments. In order to prevent government departments from stipulating unfair rights and obligations when drafting local laws and regulations, Shanghai government emphasizes the prior review of laws and regulations and the inquiry of the opinions of the political consultative conference, courts, lawyers association and other relevant departments. Meanwhile, the legislative body is requested to disclose the draft to the public through the media and hold public hearings to ensure the public's right to know, to participate, to express and to monitor. Then, the administrative power of government departments could be restrained. (C) Improve information disclosure to raise the transparency of power use. Shanghai government released the Rules of Shanghai Municipality on Information Disclosure in 2004, clarifying four kinds of government information which should be disclosed initiatively. It improved the openness of power use in planning, construction, finance and other departments. Pudong District has built up an E-government platform named power open website which has multiple functions including disclosure, administration, service and supervision. Through this website, information about the authority, policies and standards, work process and decision-making procedures of government departments could be put on the internet. Thus, undercover activities would be eliminated.

### **2.3 Supervise particular corruption-prone sectors through building system and technologies**

Considering the relatively developed economy, intensified factors, active market and abundant resources possessed by officials, Shanghai government takes systems and technologies as the breakthrough to prevent corruption in some corruption-prone sectors. (A) Dynamic supervision in the government investment area. Shanghai Municipal Development and Reform Commission has established an information management system for fixed asset investment projects as the basis for project approval, inquiry and supervision to enhance the review of project operation. Changning District has started the reform pilot project of government investment supervision. The information in the whole investment process would be managed, including decision making, project approval, fund appropriation, operation, process control, assessment and acceptance as well as performance evaluation. With this system, it would be easy to supervise, control, review and inquire the projects. (B) Establish an integrated land market in the land lease sector. Shanghai established an integrated, normative and transparent land market in 2008. Since then, the usufruct of state-owned land for construction has been under unified management; and real time monitoring has been enhanced in the whole process of land transfer. (C) Improve the openness of operational procedures in government procurement. Shanghai is developing an integrated information management platform for government procurement, and the development of an electronic purchase module has been completed. Thus, Shanghai has reached the goals of complete coverage, process, net-access and openness in government procurement. (D) Strengthen internet supervision in public finance area. Shanghai has enacted Proposals on Further Enhancing the Supervision of Public Finance and summed up experience of real time finance surveillance in pilot departments to forewarn and monitor the abnormal capital flow.

### **2.4 Emphasize anti-corruption education and regular administration to strengthen the honest and self-discipline consciousness of civil servants**

As a significant part of anti-corruption construction, anti-corruption education and regular administration has been used to stop corruption before it occurs. Three measures have been implemented. (A) Strengthen anti-corruption education. Shanghai has made 157 videos on anti-corruption education in recent years. The local government has also built up educational centers and set up examples for the officials. At the same time, the social harm as well as the severe punishment to the criminals have been disclosed to the public especially to the public servants through live TV and online broadcasting of court hearing, inviting relevant personnel to attend the court hearing, and other approaches. Shanghai Municipal People's Prosecution Service has set up a particular department to prevent neglect of duty and educate the civil servants with real cases. In 2008, the Announcement on Overcoming Unhealthy Tendencies in Violation of the Code of

Conduct for Inner-party Political Life was sent to every sub-district to educate the public. (B) Educate through anti-corruption talk. In 2008, Shanghai Municipal Bureau of Supervision communicated with 118 newly appointed officials at bureau-level on the topic of anti-corruption. Besides, Discipline Inspection Commission organized 1197 educational talks and 265 letter inquiries at that year. (C) Enhance regular administration of officials. Shanghai has established personal affairs report system for officials and enacted the Proposals on Supervision on Chief Leaders at Bureau-level and Proposals on the Implementation of Group Decision-making System of Three Importance and One Great to enhance the regular supervision for officials especially at bureau-level or above.

## **2.5 Tighten up the detection and punishment of corruption**

The detection and prosecution of corruption cases is also a significant part of anti-corruption work. In the aspect of corruption detection, the prosecution services of Shanghai files hundreds of cases a year, including cases of defalcation, bribery, misappropriation of public funds, neglect of duty and other crimes. Prosecution services focus on three types of cases: (A) cases involving big entrusted power and attracting high attentions of the public; (B) major and serious cases involving large-amount of money and high-rank officials; (C) organized crime cases. Meanwhile, the Requirements for Evidence Collection on Misappropriation of Public Funds (for trial implementation), the Requirements for Evidence Collection on Bribery (for trial implementation), and the Requirements for Evidence Collection on Corruption (for trial implementation) have been set up to improve the norm and standard of corruption investigation and detection. In the aspect of corruption prosecution and punishment, Shanghai courts have focused on four kinds of crimes: (A) crimes involving government officials; (B) major and serious cases; (C) crimes involving entrusted power abuse; (D) cases related to public interest closely (i.e. reform of state-owned enterprises, construction, land lease, property trade, medicine purchase and resources exploitation.) Severe punishment has been made to maintain the high pressure on combating corruption.

## **2.6 Create an honest and clean social environment through the supervision of the public opinion**

Anti-corruption is a systematic work of the whole society. At the background of the waken of public consciousness and the development of the Internet, Shanghai government is trying hard to guide and use the public opinion as an important force to fight against corruption. On one hand, Shanghai government increases accesses to public opinions and wisdom. The discipline inspection and supervision departments of Shanghai have developed particular accesses to internet public tip-offs and ombudsman reception. Public opinion analysis mechanism as well as clue collection mechanism has also been built up. On the other hand, Shanghai government pays a lot of attention on positive



guidance of anti-corruption promotion. A clean culture has been fostered. And the media and the Internet have been employed to improve the recognition, support and participation of the civil society. Thus, all social power has been integrated to fight against corruption; and an honest and clean social environment has been created.

### **3. Major problems**

#### **3.1 The anti-corruption system is not sound enough.**

Despite major breakthroughs in this field, the anti-corruption system of Shanghai is in general not sound enough. (A) The regulation formulation could be more scientific, systematic and feasible. Most rules and regulations were made randomly to solve specific problems. These regulations issued by different agencies and sectors according to their own need are overlapping and disorganized. Besides, many regulations were developed sometimes without any connection with the reality. Some of them are unfeasible in complex circumstances. (B) The public awareness could be higher. The city has developed various anti-corruption regulations, most of which are simply accepted by officials without further understanding. The awareness of the rules and regulations is still low. (C) The enforcement could be improved. Inefficient enforcement of the rules and regulations is a major obstacle to the building of a clean government. Insufficient compliance, differential treatment and even active offence are another important reason why it's difficult to enforce the rules and regulations.

#### **3.2 The supervision capability is not sufficient enough.**

(A) Difficulties to monitor and report corruption for the public. Public tip-offs are a main approach to corruption exposure currently in Shanghai. However, there are far less opportunities for the public to come into contact with corrupt practices in an increasingly complex economic environment, which provides corrupt officials with excellent concealment. (B) Inadequate information disclosure and supervision by public opinion. The information disclosure system is of special significance in the prevention and control of corruption in public sectors. Although the status of information disclosure in Shanghai has been greatly improved, it is still inadequate for effective public supervision. Meanwhile, the media is still in need of improvement when implement supervision by public opinion. (C) Insufficient monitoring of the personal finance position of officials. China has issued rules requiring officials at or above the county (division) level to report personal and family assets. The transparency of the income and property of public officials are therefore increased to a certain degree. However, the regulations have limited effects in anti-corruption practices. Hardly any of the country's corruption trials were uncovered due to the implementation of the regulations referenced above.

### **3.3 The anti-corruption coalition is not powerful enough.**

(A) Limited cooperation between the discipline commissions and the prosecution services. Restricted to the specialty, the discipline commissions, lacking necessary investigation method, cannot investigate into cases and collect evidences without the cooperation of the prosecution services. A joint conference system has been set up between the Discipline Inspection Commission of Shanghai and the Shanghai Municipal People's Prosecution Service. However, the system has not been extended to districts and counties, which are the front-line and the bases of corruption investigation and prevention. Therefore, a district-and-county-level anti-corruption coordination system should be developed to explore new types of cooperation and to ensure full coverage of all areas through extensive and in-depth cooperation among departments of the whole system. (B) No connection between the audit department and discipline inspection commission, supervision department. The audit department is mainly in charge of regulating the economic responsibility and efficiency by checking accounts, searching clues of corruption, while the discipline commission and supervision department have the right to determine the nature. However, the anti-corruption cases that audit department directly or indirectly provides clues are limited.

### **3.4 The detection capability is not efficient enough.**

(A) More hidden and complicated corrupt activities in the increasingly complex economic environment. The prosperous development of economy results in more diverse forms, more cunning methods and more comprehensive content of corruption, which leads to more difficulties in preventing and punishing corruption. (B) Fewer clues for corruption cases due to limited resources. The prosecution services mainly depend on voluntary reports from institutions and individuals for clues, which means passive acceptance of cases. It's a restraint to the efficiency of detection. (C) Organized corruption, a complicated social network which involves all kinds of people colluding with each other for economic interests, is becoming a new trend recently. It's more difficult to detect corrupt activities of this kind.

## **III. Canadian laws against corruption**

Canada has always been recognized internationally as a country with higher integrity. The 2009 Corruption Perceptions Index (CPI) released by TI ranked Canada the eighth least corrupt country out of 180 countries and regions. We should study and learn from its developed legal framework for anti-corruption.

## 1. Sound and complete anti-corruption legal system

Canada has developed a sound legal system against corruption. (A) There are comprehensive, detailed anti-corruption statutes at the municipal, provincial and federal levels. These statutes together cover every phase of the anti-corruption process, from prevention through to investigation and prosecution. They provide a firm legal foundation for combating corruption. (B) The responsibilities of every government department are defined by law. Each department bases its actions entirely on the relevant statutes, so all government actions are fully legally mandated. (C) Laws are amended quickly in response to newly emerging issues. The Canadian legal system is a highly developed, mature system, but Canada maintains an ongoing process of revision and amendment of laws. For example, after the emergence of a lobbying scandal, the government quickly passed the Lobbying Act to prevent similar problems from arising again. Below are eight acts that support the anti-corruption legal system:

**1.1 *Canada Elections Act.*** This act guarantees fair and clean elections. It increased levels of transparency in federal elections, helping to prevent corruption in the election process. The key feature of the *Elections Act* is the regulation of political contributions by individuals and companies, so that the finances of all parties and candidates are fair, public and open to scrutiny. Regulations include: gifts valued over 500 US dollars must be registered by the candidate; no political party or other organization can transfer funds to a candidate from a trust fund.

**1.2 *Conflict of Interest Act.*** This act is used in resolving conflicts of interests that arise between the public interest for which a public official is responsible, and the official's own private interest. In Canada, public officials must serve the interest of the state or the public without any reservation or exception. They must not make use of their authority for their own profit. The *Conflict of Interest Act* regulates the actions of public officials during and after their employment. It touches on all areas of public officials' interests: financial disclosure, disposal of assets, nondisclosure, gifts, etc. Compliance with this law is seen as one of the key preconditions for becoming a public official, and it applies to all public officials, both elected and appointed.

**1.3 *Lobbying Act.*** The aim of this act is to increase transparency in legislative and administrative decision making. In Canada, any attempt to influence the content of a law or an administrative decision is defined as lobbying. When lobbying occurs, there exists the possibility that the lobbyist will influence the decision-maker by providing some benefit. It is therefore necessary to impose a higher level of regulation on this kind of activity, in order to maintain transparency and public confidence in the fairness of government decision making. The *Lobbying Act* states that anyone who lobbies a legislator or government official must register with the Commissioner of Lobbying.

**1.4 *Financial Administration Act.*** This act regulates public expenditure by the government, and guarantees that the use of public funds is efficient and transparent. The

spending of every government department is strictly controlled. Every request for funding must be fully documented. Without appropriate documentation, no department can enter into contracts or make payments.

**1.5 Auditor General Act.** This act establishes the office of Auditor General as the auditor for the finances of the Federal Government. To prevent corruption and the misuse of public funds, the AG is also responsible for auditing bodies that receive government funding in terms of how the funding is used, as well as many organizations given grants, salaries and loans by the government.

**1.6 Access to Information Act.** The purpose of this Act is to increase government openness, reduce abuses of power, and guarantee that investigators can gain legal access to information. With the exceptions of national security issues and individuals' private information, the *Act* states that all government information must be made public, and that every citizen has the right to access information on the responsibilities, spending and plans of each government department. The government has a duty to do everything necessary to help citizens gain access to government information. This is an important part of the strategy for preventing major government errors and corruption.

**1.7 Public Servants Disclosure Protection Act.** This *Act* protects all Canadian citizens who disclose government errors or corruption. It not only protects whistleblowers themselves, it guarantees secrecy for all witnesses in whistleblowing cases. There are also provisions for rewards for whistleblowers and penalties for reprisals against them. The effect is to promote clean government by encouraging ethical conduct and the disclosure of wrongdoing.

**1.8 The Criminal Code of Canada.** The basic instrument used in dealing with incidents of criminal corruption. Articles 119-125 give definitions of corruption and bribery, and explicitly list the necessary conditions for convicting judges, members of Parliament, provincial legislators, police officers and other public officials of corruption. There are also definitions of other forms of criminal corruption, including: fraud, breach of public trust, corruption at the municipal level, sale or purchase of public office, interfering in the process of appointment, using public authority for personal gain.

## **2. Orderly anti-corruption mechanism**

Canada has developed a comprehensive organizational structure to ensure that anti-corruption laws are fully enforced. There are dedicated institutions for the prevention, investigation and prosecution of corruption (see Table 1). These institutions share three important features. (A) Clear, legally defined duties. (B) Limited powers. Each institution has well-defined responsibilities, and there are no conflicts over jurisdiction. This well-integrated system ensures that each institution can work effectively. (C) Strong cooperation among institutions. The institutions support and complement each other's work. They coordinate on all areas of their work – politics, economics, social issues, ethics, and public opinion – to ensure maximum effectiveness.

**Table 1 Anti-corruption institutions**

Federal		Provincial	Municipal
Prevention 1.	Integrity Commissioner 2. The Office of the Registrar of Lobbyists 3. Auditor General 4. Office of the Commissioner for Federal Judicial Affairs 5. Canadian Judicial Council	1. Integrity Commissioners 2. Ombudsmen 3. The Office of the Registrar of Lobbyists 4. Auditors General	1. Integrity Commissioners 2. Ombudsmen 3. The Office of the Registrar of Lobbyists 4. Auditors General
Investigation	RCMP Anti-Corruption Unit, the provincial police and the municipal police		
Prosecution	1. Supreme Court of Canada 2. Federal Courts 3. Tax Court of Canada 4. Military Courts	1. Superior-level Provincial Courts 2. Provincial Courts	Local Courts

## 2.1 Prevention

The institutions which are charged with monitoring public service integrity play a mostly consultative role, explaining and clarifying the relevant laws and standards of conduct. They will also contact public officials suspected of inappropriate conduct and give warnings and necessary instruction. They make enquiries after complaints by a public official or any citizen. They also organize seminars on integrity laws, ethical practice and standards of conduct. The regulators are funded by the government, but they operate independently. These institutions do not deal with reports of crimes, as defined in the *Criminal Code*. Their primary responsibility is to make clear to public officials which forms of conduct are acceptable, and which are not. They can hold hearings following a complaint by a member of the public, but their findings are non-binding. Their main purpose is to ensure that officials adhere to the ethical standards appropriate for those in public office.

**2.1.1 Integrity Commissioners.** The primary duties of Integrity Commissioners are to deal with complaints about the conduct of officials, and to ensure that those who make

complaints are protected from reprisals<sup>2</sup> (see Table 1). Integrity Commissioners are directly responsible to Parliament. The existence of the Integrity Commissioner ensures that there is an open and responsive system by which government workers can disclose internal problems, as a form of effective monitoring and regulation of the conduct of senior officials.

There are three important limits on the powers of Integrity Commissioners. First, they deal only with disclosures by government officials. When reports are made by other Canadians, they are dealt with by the police and the courts. Second, they deal only with disclosures concerning elected officials. Disclosures concerning ordinary government employees are dealt with by ombudsmen. Third, integrity Commissioners have a purely advisory role. Issues must be passed back to the relevant government department and dealt with internally. But an Integrity Commissioner can give information to the press in order to make a situation public and apply pressure to the department concerned.

**2.1.2 Ombudsmen.** Ombudsmen are responsible for dealing with complaints made by the public about a specific government institution. They also monitor the quality and fairness of the work of the institution to which they are attached. Ombudsmen are responsible directly to Parliament. They provide a mechanism for resolving disputes between government departments and citizens, companies or other groups. Ombudsmen are an important mechanism for public monitoring of government conduct.

Ombudsmen's responsibilities are defined in three ways. First, they are the final appeal authority. Members of the public must first take up their complaint with the department directly. Only if they are unsatisfied with the result can they appeal to an ombudsman. Second, ombudsmen have the authority to start investigations. They do not only investigate in response to a complaint. They can start an investigation any time government conduct is seen to be contrary to the public interest. Third, ombudsmen have only advisory powers, but they are independent. They can release information to the public without the need for government approval.

**2.1.3 The Office of the Registrar of Lobbyists.** The *Lobbying Act* defines lobbying as any actions which attempt to influence legislation or government decisions. The Office of the Registrar of Lobbyists is responsible for monitoring lobbying in Canada, and for making it a more transparent and public process. The setting of public policy is thus not subject to influence by any individual or interest group.

First, any organization or individual that wishes to lobby a Member of Parliament or government official must first file a return with the Office. The return must give details containing who the lobbyist is, by whom they are employed, which department they are lobbying, what area of their work it relates to, how they will be lobbying, and what their

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<sup>2</sup> This refers to the Federal Government Integrity Commissioner only. Provincial and Municipal Integrity Commissioners deal with reports on improper conduct, but have no authority to deal with issues relating to potential reprisals.

objective is. Second, those who are employed as lobbyists have to register to the office and be certified before they can start their work. They must then make monthly disclosures about their work, in particular, which officials they have had contact with. Third, if lobbyists break the rules, the Office will produce a report, talk to the people involved, inform them that they have transgressed, and pass the report on to Parliament. This is very damaging to the reputation of the concerned lobbyist. Monitoring by the Office of the Registrar of Lobbyists serves as an effective check on corruption among public officials and Members of Parliament.

**2.1.4 Auditor General.** The position of Auditor General was created by the *Financial Administration Act*. The AG is responsible for auditing all government and state spending. The AG reports directly to Parliament, which guarantees that audits are fully independent. Information about government operations must be made available to the AG on demand at any time, and personnel from the AG's office can be posted to any department to carry out checks. During the audit process, the AG exercises the full authority of the government of Canada.

Audit reporting is fully transparent, with every report being made available to the public, as a guarantee that government spending is both reasonable and legal. Auditing prevents the misuse of taxpayers' money, and so stops corrupt practices developing in government spending.

There are multiple ways in which members of the public can contact the AG's office, including a hotline for reporting fraud and waste, which members of the public can use to make anonymous complaints.

**2.1.5 Office of the Commissioner for Federal Judicial Affairs.** The Office is responsible for maintaining judicial independence, so that no citizen is treated unjustly by the courts. The Commissioner's duties are the monitoring and regulation of the judiciary. First, the Commissioner makes decisions on judicial spending, setting judges' salaries, bonuses, benefits, travel expenses, transfers, etc. Second, the Commissioner has overall responsibility for the process of appointing judges. Recommendations for positions on the bench are produced by the 17-member regional Judicial Advisory Committees<sup>3</sup>, and judges are appointed by the Ministry of Justice based on these recommendations. The Commissioner is responsible for monitoring the work of the regional committees. Third, the Commissioner publishes reports on the Federal Courts. A lawyer is appointed editor of the Federal Courts Reports, and publishes written reports to inform the public about the workings of the Federal Courts. Fourth, the Commissioner's Office provides language training to judges. Fifth, it provides support to the Federal Judicial Council. Sixth, it takes part in international cooperation initiatives. In short, the role of the Office of the

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<sup>3</sup> The 17-member Judicial Advisory Committees includes delegates from provincial law associations, the Canada Bar Association, Lord Chancellor, judicial departments as well as three from the public.

Commissioner for FJA is to ensure that federal judges are just, rational and follow the law; and to maintain the independence of the judiciary.

**2.1.6 Canadian Judicial Council.** A mechanism for scrutiny of the judiciary by the public, responsible for dealing with complaints from the public about the judiciary and raising standards in judicial services. It is a major approach to better judicial service and public supervision.

The Judicial Council only deals with complaints concerning the conduct of judges other than their legal decisions. It does not accept complaints about decisions in court cases. Council members work in one of nine committees: Judicial Conduct; Judicial Education; Judicial Independence; Judicial Salaries and Benefits; Nominating; Administration of Justice; Appeal Courts; Trial Courts; Public Information.

In case of a complaint, the Judicial Conduct Committee will first contact the judge concerned to gather more information. If a conclusion cannot be reached in this way, an independent lawyer will be invited to conduct an investigation. If this still does not produce a verdict, then the matter is referred to a five-person panel. The panel can advise the Council to hold public hearings. Public hearings are held by a committee assembled by the council, and are similar in form to a trial. There is a public representative, and the judge will also have representation. At the end of the process, the Council can recommend to the Ministry of Justice that the judge be removed from office, and the Ministry will pass the recommendation on to Parliament. This is also true at the provincial and municipal level.

## **2.2 Investigation**

The Royal Canadian Mounted Police (RCMP) is Canada's state police force. Detection of corruption is usually undertaken by the RCMP, as well as provincial and municipal police. Canada has passed rules and regulations to ensure its authority, independence, and therefore its efficiency. A witness protection system was developed to ensure the resource of information. The RCMP has set enforcement units to carry out corruption investigations.

**The Anti-Corruption Unit.** This unit bears the prime responsibility for investigating accusations of corruption against foreign government officials. Offences investigated include: breach of trust by public officer, obstruction of justice, misuse of data, disclosure of information for criminal purposes, bribery, etc.

**Integrated Market Enforcement Teams.** Integrated Market Enforcement Teams are groups of specialized investigators responsible for serious capital markets fraud offences.

**Proceeds of Crime Division.** Confirms, assesses, limits and confiscates assets obtained by criminal means.

**Commercial Crime Division.** Duties of this Branch include uncovering, investigating and prosecuting corruption both within Canada and overseas.



### 2.3 Prosecution

Corruption cases are tried in the courts in Canada. Canada has both provincial and federal court systems, and a case can go through three hearings: trial, appeal, and a Supreme Court hearing. The following institutions can serve as courts of first instance: provincial courts, provincial superior courts, Federal Court Trial Division, Tax Court of Canada, military courts. (A) Provincial courts. Provincial courts hear about 95% of court cases. They hear the majority of criminal proceedings, small claims civil proceedings (in some territories), and in some provinces there are specialist courts for family law and cases involving young people. (B) Provincial superior courts. These are the courts of first instance for serious criminal cases, such as homicide, treason, or piracy. They also hear civil cases where large sums of money are involved. The federal government has given sole jurisdiction over divorce to these courts. (C) Federal courts. Federal court jurisdiction includes matters such as patents, copyright, trademarks, commercial designs; they also hear cases on maritime or railway issues where these do not fall under the jurisdiction of a single province. (D) Tax court of Canada. This court hears proceedings on tax-related issues. (E) Military courts are responsible for military cases. Courts of the second instance, or appeal courts, are: provincial courts of appeal, the Federal Court of Appeal, and the Court Martial Appeal Court. The highest level in the judicial system of a province is the superior court's court of appeals. These courts hear appeals on civil and criminal cases from courts within the province (provincial courts and the superior court's trial division). The Federal Court of Appeal hears appeals on federal cases and from the Tax Court. Military appeals are heard by the Court Martial Appeal Court. The Supreme Court of Canada is the highest court in the country. It is the court of final appeal for cases from both the federal and provincial systems. The Supreme Court only hears cases after all appeals at other levels have been used up. Appeals to the Supreme Court may come from the Federal Court of Appeal, the Court Martial Appeal Court or provincial superior courts of appeal.

Besides reinforcement of conventional anti-corruption measures, the following two aspects are also important: (A) Set up specialized bodies to strengthen the capability of preventing and monitoring corruption in corruption-prone sectors. The Office of the Procurement Ombudsman (referred to hereinafter as the Office), for example, is such a department specially established by the Public Works and Government Services Canada (PWGSC), the procurement arm of the federal government, for efficient supervision on government procurement. The Procurement Ombudsman reports to the Minister of PWGSC, in which other officials and departments of PWGSC have no right to interfere. The Office as an independent department reviews and solves complaints and appeals from suppliers. And this turns to be a tremendous supervising pressure for the procurement sector and contributes substantially to the prevention and constraint of corruption in government procurement. Besides, Ontario Municipal Board (OMB) is another example. It's an independent adjudicative tribunal specially established by the

Province of Ontario for the corruption-prone land-use planning sector. OMB hears appeals on municipal and land use planning disputes. The agency prevents corruption through limiting government power effectively. It also uncovers and cracks down on corruption through independent adjudicative mechanism. (B) Enhance the role of civil society in anti-corruption work. In Canada, anti-corruption is a systematic work with full civil society participation. It's not only the responsibility of the government departments but also an important liability of civil society. (a) Civil society organizations have become an important force in anti-corruption work. Along with the maturity of Canadian civil society, the highly active, professional and organized social organizations, or the third sector, have been playing a more and more significant role in Canada's anti-corruption efforts and have become an important driving force in the anti-corruption work. (b) Media plays a significant role in anti-corruption work. As a social utility, media takes great responsibility to disclose information and facts to the public. Media is less interfered by the government power in Canada, which enables the public opinion to supervise freely and makes itself a major pressure and driving force for corruption prevention and punishment. Many large-scale corruption cases in Canada are uncovered by the force of the media. (c) The public contributes a lot in disclosure of corruption cases. They have a vehement hatred of corruption as well as the enthusiasm and initiative to fight against corruption. Meanwhile, Canada has designed appropriate legal settings to protect all whistleblowers. For example, if the employer threaten, punish or fire the employee who discloses corruption, he will be charged with a criminal offense. Besides fixed-term imprisonment and penalties, the employer will lose the opportunity to sign any contract with the government, if he is found guilty.

### 3. Highly valued corruption prevention work

Corruption prevention, which is critical for the whole anti-corruption system, is attached great importance in Canada. In practices, Canada endeavors to stop the breeding of corruption through proactive actions.

#### 3.1 Define corruption strictly in terms of professional ethics

In Canada, anti-corruption is not only about the criminal offence, but defining corruption in terms of professional ethics to regulate the conduct of public officials.

In the *Criminal Code* of Canada there are eight articles which give explicit definitions of corruption-related crimes (see Table 2), what constitutes evidence, and appropriate sentences.

**Table 2 Definitions of corruption in the *Criminal Code* of Canada**

Article	
119	Offering bribes to judges or Members of Parliament or provincial legislatures; judges or members of Parliament or provincial legislatures accepting bribes.

120	Offering bribes to police officers, court officers or anyone employed in the administration of criminal law; police officers, court officers or anyone employed in the administration of criminal law accepting bribes.
121	Offering bribes to government officials; government officials accepting bribes; federal or provincial officials using their influence in return for benefit of any kind.
122	Officials committing fraud or a breach of trust in connection with the duties of their office.
123	Influencing, threatening or deceiving a municipal official (member of a municipal council or municipal official); municipal officials voting, performing or not performing an official act for benefit of any kind.
124	Purchasing and selling of appointment to government office.
125	Influencing or negotiating with respect to appointments to government offices.
426	Giving or receiving secret payments, applicable to private and public organizations and their employees.

In the course of the Study Tour, we understood two definitions that reflect differing conceptions of corruption. (1) The abuse of entrusted power for private gain. This definition is widely accepted and is used by institutions including Transparency International and the World Bank. (2) However, the Canadian government uses a broader definition. RCMP believes that corruption is not simply a matter of the eight articles in the *Criminal Code*. Looked at as an issue of professional ethics, ***any use of authority which damages the public interest*** can be seen as corrupt conduct. This definition of corruption is actually much more widely.

In Canada, corruption is understood as a process. Once professional ethical standards are lost, an individual may become gradually enmeshed in criminal corruption. In its anti-corruption efforts, Canada therefore pays very careful attention to unethical conduct. Unethical conduct is seen as a form of corruption, and as such, it is appropriate for anti-corruption agencies to monitor it. For example, it is not a crime for public officials to use a publicly owned computer for private affairs; however, this does constitute unethical conduct, and as such falls under the broad definition of corruption.

### 3.2 Avoid conflict of interest

One essential aspect of corruption is the abuse of entrusted power for private gain which causes conflict of interest. Therefore, Canada has been taking the conflict of interest as an important target during the corruption monitoring and prevention. Under the guidance of the *Conflict of Interest Act*, Canada has developed a series of measures to avoid the conflict:

(A) Clear definition of conflict of interest has been established. The essential element of a conflict of interest is not the motivation of the officials involved, but the

sense of the public. The judgment is also founded on this principle. (B)The accountabilities which officials in conflict of interest shall undertake have been defined. A public office holder who has a conflict of interest in a matter shall: (a) disclose the conflict of interest before the matter is discussed; (b) withdraw from the discussion; (c) refrain at all times from attempting to influence the discussion result; (d) disclose the nature of the conflict in the minutes of the meeting. (C)The regulation for appeal and prosecution has been stated. Everyone has the right to appeal against a decision involving a conflict of interest within six years after the day on which it is made and proceed in respect of a violation within six weeks after he becomes aware of the subject-matter.

These measures were developed to solve the problem of conflict between the public interest for which the public officials represent and their private interests. Public officials must follow the related regulations strictly to split up the interest of the public and their own without any reservation or exception. This institutional arrangement prevents the officials from making use of their authority for their own benefit, ensures the independence of decisions the officials have made and cuts off the interest chain of corruption.

### **3.3 Enhance the public disclosure of government information**

According to *Access to Information Act* of Canada, every citizen has the right to access information on the responsibilities, expenses and plans of each government department, with the exceptions of national security issues and individuals' private information. Under this act, the government has a duty to open information on its own through websites, media and other public approaches and create a transparent working environment. All related government information on public affairs should be open to the public with no exception unless it is confidential. And without question the financial part among government information has been paid more attention to, such as budgets, expenditure and contracts. The efforts the government has made to make information public help citizens gain access to government information conveniently and monitor government conduct thoroughly. This is an important part of the strategy for avoiding the abuse of entrusted power and preventing major government mistakes and corruption. Through the approach of information access, Canada reduces the incidence of corrupt conduct and creates a transparent and reliable government.

### **3.4 Strengthen the monitoring efforts**

**3.4.1 Independent external monitoring.** The Canadian government believes that only independent regulators can be truly effective. The regulators are funded by the government, but they operate independently. Their independence is guaranteed in three ways. (A) Appointment of regulators is not controlled by the government. Canada's anti-corruption institutions are mandated by Parliament, and there are strict codes governing

their appointment, removal from office, term in office, and eligibility to work more than one term. It is impossible for the government to remove regulators from office without going through the correct procedures, and this is a significant factor in their operational independence. (B) Operational independence. Though regulators' budgets must be renewed by the government annually, in terms of operations, there is no interference. The government cannot place limits on or intervene in the substance of their investigations. (C) Reports and investigations can be made public without reference to any other body. Regulators are authorized to submit reports directly to Parliament, and they can make public the outcome of any investigation. They can also present recommendations to Parliament, and apply pressure to the government via Parliament or through public opinion.

**3.4.2 Effective internal monitoring.** (A) Encouraging internal reporting. The Canadian belief is that corruption is most likely to be discovered by people working in the department where the wrongdoing takes place. Therefore it is of the greatest importance that government employees are encouraged to disclose wrongdoing. Rules stipulate that the Deputy Head of every department must set up an internal system for dealing with disclosures of wrongdoing (similar to Chinese discipline commissions). Those who make disclosures are carefully protected so that they do not suffer any reprisals. (B) Encouraging paid leaves, job rotations and other institutional arrangements for public servants. Canada's experience shows that many public servants who have accepted bribes intend to cover up their illegal activities through overtime work, canceling holidays or other "active behaviors". And, the public servants staying too long in one position are more likely to commit corruption. Therefore, Canadian authorities encourage paid leaves, job rotations and other institutional arrangements for public servants and have achieved significant results in corruption prevention.

### **3.5 Emphasize the anti-corruption education and training**

**3.5.1 Training in professional ethics to increase awareness of clean government issues.** Canada emphasizes the training for newly appointed public officials and those newly promoted to senior positions before taking up their posts. Various anti-corruption training courses with a wealth of content are given in daily practice. What values should a public servant have? How does one correctly negotiate public and private interests? How do you avoid and resolve conflicts of interest? How do you reduce the incidence of corrupt conduct?

**3.5.2 Recommendations and consultation services provided for officials.** All of Canada's corruption prevention institutions have a duty to advise officials. When officials encounter a situation which may raise corruption issues, they can request a consultation

with the relevant regulator. This is an opportunity for timely education on corruption. The regulator can help the official deal with their situation, and further the cause of clean government.

**3.5.3 Accessibility to the public.** Maintaining open lines of communication with the public is taken very seriously in Canada. There are mechanisms for holding public hearings to assess public opinion. For example, crown counsel hold regular public meetings. In this way, they take the opportunity to publicize anti-corruption and public integrity policy, and explain to citizens how they can file complaints. They are also able to gauge public attitudes to government actions within a constituency, and to hear the requests of residents. At these meetings, they uncover leads to corruption and bribery.

4. Effective investigation and severe punishment of corruption

#### **4.1 Scientific and efficient investigation mechanism**

**4.1.1 Develop a strong legal mandate.** Corruption investigation is the jurisdiction of the RCMP, the provincial police and the municipal police. It is independent of any government department, so no conflicts of interest arise. In addition, a series of statutes have explicitly granted the RCMP the authority to investigate and collect evidence, so it has a strong legal basis for all of its investigation activities.

**4.1.2 Remove cases involving particular groups to courts in other regions or invite outsiders for investigation.** In Canada, to ensure the efficiency and justice of anti-corruption efforts and rebuild public confidence, the local corruption cases involving policemen, lawyers, prosecutors, judges or other legal practitioners could be investigated by relevant personnel in other regions or be removed to courts in other regions.

**4.1.3 Reinforce the legal settings conducive to the interests of the prosecution.** The elements of the corruption crime have been specified by the legislative body of Canada, aiming to avoid technical defense against corruption charges. Besides, the investigation and prosecution of corruption cases are more conducive to the interests of the prosecution. Section 121 of the *Criminal Code* applies to any official himself or any member of his family, or even a greater range of people. During the investigation process, the procurator may take cognizance of an offence of corruption if a benefit is accepted without the superior's permit or the gift exceeds the value limit (\$80 in Vancouver), dispensing with any specifics.

**4.1.4 Enhance the role of technology to make substantial improvements in anti-corruption performance.** (A) Application of modern financial surveillance and analysis technologies. In Canada, modern financial surveillance technologies have been used for

timely, accurate and efficient monitoring of the personal finance position of officials, including the situation that expenses obviously exceed the ability to pay, which has contributed a lot to the corruption exposure and restraint. (B) Utilization of modern information technologies. Information technologies have been widely used in Canada's anti-corruption system. More corruption clues are revealed with the help of the computer, internet and other information technologies, effectively promoting the comprehensive and in-depth implementation of anti-corruption work. (C) Introduction of modern image recognition technology. The government of Canada is introducing an advanced counter-terrorism technology into the anti-corruption work. There is a new application which can capture and analyse images of human faces and then build a large database with unique face data of different people. Supported by the image recognition technology, the government could probably dig out clues in corruption cases if one public official was found during comparison to have different names and identities.

#### **4.2 Judicial and severe punishment for corruption**

Canada imposes judicial but very severe punishment for corrupt activities. In accordance with the *Criminal Code* of Canada, criminal offences are classified as either summary conviction (less serious) or indictable (serious). All corruption and bribery offences are classified as indictable. Bribery of judges, members of Parliament, police officers and other law enforcement officers is considered an extremely serious offence and is therefore liable to imprisonment for up to fourteen years. Bribery or corruption of government officials (trading in influence) and corruption of public officials, including frauds, breach of trust, municipal corruption, selling or purchasing office, influencing or negotiating appointments or dealing in offices, and giving or accepting secret commissions (applies to both private and public employees or public agents), are less serious offences and are liable to imprisonment for a term not exceeding five years. The corruption of foreign public officials under the *Corruption of Foreign Public Officials Act* is also punishable by a maximum of five years imprisonment. Persons engaged in corruption and bribery may in some cases also be charged with extortion (maximum of life), fraud (maximum of 14 years), or theft (maximum of 10 years).

In addition to the general regulations, Canada also imposes severe punishment in some particular sectors. The *Conflict of Interest Act*, for example, stipulates that an offender will see the consequences as follows: (a) leave the position at once; (b) be forbidden to serve the government up to seven years (referred to those elected positions including the principal and other positions in Municipal Council, Committee, public companies etc.); (c) reimburse the economic benefit to relevant departments.

#### **5. A clean government culture**

With a political culture that fosters and rewards honesty, Canada has created a virtuous spiral of good ethical practice in government. Under these conditions, honesty becomes ingrained in the characters of officials, and ethical standards are raised for the entire

country. People believe that the only acceptable way to amass wealth is by one's own labor. Sincerity and honor are present in all areas of Canadian life, and this in turn is a powerful force for clean government. (A) Canadians are highly aware of the issue of integrity. Maintaining integrity is part of the Canadian lifestyle. Every Canadian has a SIN card which serves as an ID card for many purposes: going to school, getting a job, buying property, buying a car, taking out a bank loan, leaving the country, etc. If the applicant has a record of dishonesty, corruption, fraud, theft, unpaid debts, violence or racism, they will be denied many services. This social environment fully realizes the aspiration expressed in the Chinese slogan, "Honor in honesty, shame in corruption". A Canadian who loses their integrity is not only in danger of losing their job, but also much of their social standing and opportunities. (B) There is a high level of public and media scrutiny of corruption issues. Citizens commonly take the initiative to obtain and inspect all kinds of information from federal and other government organizations. They try to understand how government policy is formed, how it is implemented, and whether any problems arise in implementation. This makes it very difficult for the government to cover up major problems or corruption.

It's worth taking into consideration that some special institutional arrangements, for example, the public inquiry into big corruption cases, have been taken in Canada to promote the building of a clean culture. Public inquiry is a substantial element of the democratic culture of Canada. It can be launched independently to review any important event or issue in the society which arouses astonishment, panics or suspicions of the public. Public inquiry is also an important anti-corruption measure in Canada, which is playing an essential role in fighting against corruption. It contributes to expose corruption activities thoroughly through unraveling the facts, face down corruption and educate the public through serious investigation procedures, and promote the amendment and improvement of laws and regulations.

#### **IV. Proposals for Shanghai**

In the new period, Shanghai will enhance its anti-corruption efforts and promote the building of legal system based on learning from the experience of Canada. The city is to improve the prevention, detection and punishment of corruption guided by four principles: seeking both temporary and permanent solutions, implementing comprehensive control, promoting both the punishment and the prevention, and emphasizing the prevention. Aiming to build a transparent and clean local government, Shanghai will reinforce the legal settings, institutional framework, enforcement mechanism and political culture of the anti-corruption system, trying to build an environment in which public officials are "unwilling, unable, discouraged and unnecessary" to commit corruption.



## **1. Enhance the corruption prevention system**

The experience of Canada shows that a comprehensive and powerful corruption prevention system can stop the breeding of corruption through proactive actions. Therefore, Shanghai will endeavor to build a comprehensive and thorough corruption prevention system, which is particularly important in the anti-corruption efforts.

### **1.1 Strengthen professional ethics training**

(A) Strengthen the professional ethics education for public servants. In addition to carry out the Civil Servant Law, Shanghai government need to further strengthen the honesty and industriousness education and set up a view of professional ethics for public servants, awaking them that corruption does not only means bribery and seeking unlawful gains for others, but also inaction on the public interests. Train the public servants on practical capability, honest and hardworking style, and will to dedication. According to the Civil Servant Law, the professional ethics for public servants in every position should be further detailed and clear. (B) Provide special trainings and exams. Newly appointed public officials must all attend training before taking up their posts, as must those newly promoted to senior positions and those likely to rise to higher levels. The training is based on issues of values. What values should a public servant have? How does one correctly negotiate public and private interests? How do you avoid and resolve conflicts of interest? How do you reduce the incidence of corrupt conduct? Examine ethics of public servants and clarify the ethics requirements.

### **1.2 Enhance the supervision**

(A) Develop a reasonable intra-government supervision mechanism. Carry out measures including job rotation and forced paid leaves for particular positions in particular sectors of authority while improving the standardization and modernization of working system. Supervision and management of the appointment of officials and use of public funds should be reinforced based on avoiding rigid control of appointment procedure and capital flows. For state-owned enterprises, the internal corruption risk control mechanism should be strengthened. We will promote the enforcement and application of the integrated information management system for public servants' business trips abroad, set up the integrity information system for officials gradually, and develop an evaluation and early warning mechanism ob violations of law and discipline for Party members and officials. Shanghai government should implement all rules of the inner-Party supervision institution; carry out strictly the regulations on democratic life meeting, reporting duty and honesty, sending enquiry letters, personal affairs reports by Party members and officials. Enquiry methods of the Party committee members and discipline commission members, the inner-Party information reporting systems, and the enquiry system of Party representatives at basic level should also be improved. (B) Encourage the public to disclose corruption and provide supports and protection.

Learning from Canada, Shanghai will keep on developing the information collection network through all kinds of approaches and measures, trying to strengthen the public consciousness to combat corruption and the active and voluntary participation of the public. Meanwhile, policies and regulations which protect whistleblowers from reprisals should be enacted. (C) Enhance the role of media supervision. News media acts not only as an important tool to guarantee the public's right-to-know but also a powerful weapon to fight against corruption. Therefore, Shanghai will further enhance the positive role of the news media in the anti-corruption work and reinforce its objectivity, fairness and adequacy through effective institutional arrangements. (D) Encourage the development of social organizations and volunteers dedicated to the anti-corruption work. Appropriate institutional measures should be taken to provide those organizations and volunteers with platforms, opportunities and supports. Additionally, it is necessary to involve more volunteers into the anti-corruption work, make the most of their activity, flexibility and information accessibility to improve the efficiency of corruption monitoring.

### **1.3 Improve the public service and administration**

(A) Simplify the public service and administration procedures. Guided by the principles of complete process standardization and procedure optimization, Shanghai will improve the regulatory and transparent approaches as well as procedures of public service administration, accelerate the standardization of administrative examination and approval, and reduce unnecessary procedures. We will try the best to eliminate rent-seeking activities resulted from redundant and complicated procedures, trying to reduce the incidence of corruption through self-improvement. (B) Complete the organization and regulation of government departments. Shanghai is to define and coordinate the responsibilities and authorities properly, specify the operating requirements, methods and procedures of government departments. It is especially necessary to regulate and administrate activities which appeal for private interest to prevent corruption with full determination. (C) Encourage the interaction between government and the public. Based on the experience of Canada and the actual situation of the city, Shanghai is to reinforce its interaction measures including enquiry and dialogue, democratic consultation, information disclosure, open feedback, complaints hearing and so on. In the period of economic reforms, it is particularly important to complete the democratic decision-making structure, to listen to public opinions and suggestions, and to avoid concentration of authority in a few hands – a well known risk factor for corruption.

### **1.4 Disclose government information to the public**

(A) Clarify the range of information which should be public and enhance the disclosure of government information. The public has the right to access all kinds of government information, except the information involving state secrets, business secrets, individual privacy or other information that threatens the national defense security,

economy security and social stability. The procedure of accessing government information needs to be simplified. Except some meetings involving specific information which is confidential, government meetings could be broadcasted live on TV or online to increase transparency; and conference minutes should be kept for public inquiry. (B) Classify the government information accurately and enhance the efficiency of information disclosure. Abide by the idea of people oriented and zero obstacles, it is necessary to scientifically design and improve the procedure of information disclosure and access, minimize the cost of accessing government information through available technologies, channels and platforms to make it convenient for the public to obtain government information. Specific department to receive and handle the complaints related to government information disclosure is needed to be set up to meet the public's demands for information supervision. It is also necessary to clear local rules and regulations timely, and have the unusable ones informed to the public.

## **2. Enhance the investigation and punishment of corruption**

Besides a comprehensive and thorough corruption prevention system, an efficient investigation and punishment system is also critical for the ultimate victory of the fight against corruption. For this reason, Shanghai is to enhance the investigation and punishment of corruption to expose all corrupt activities and impose severe penalty.

### **2.1 Enhance the functions of investigation agencies**

(A) Improve the legislation to regulate the investigation of the prosecution services. The investigation of anti-corruption cases is the responsibility of some particular departments in Canada. The Prosecution Service (the Anti-Corruption Bureau) in Shanghai should be given greater investigation powers appropriately based on clear understanding of its subject position in corruption investigation. The city is to improve the legislation to regulate the investigation of prosecution services and grant the authority to acquire the evidence and information they need, creating a convenient environment for the investigation into corruption cases. (B) Greater use should be made of police expertise. The police have highly specialized and professional teams investigating economic crime. Where corruption cases involve economic crime, the police's expertise should be used. Police operations should be focused on economic crimes such as commercial bribery, paying close attention to corruption issues with businesses and officials involved.

### **2.2 Apply modern technologies to improve the efficiency of anti-corruption work**

Corruption is getting smarter. The application of advanced technologies in anti-corruption work should be further enhanced to improve the effectiveness and efficiency of technical detection. (A) Strengthen information monitor in major areas. In Canada's

anti-corruption framework, many clues of corruption cases are discovered from information monitoring. Shanghai can also enhance the information monitoring in corruption-prone sectors with the application of computers and internets in collecting information to control the progress of some official affairs and detect corruption clues. (B) Application of modern financial surveillance and analysis technologies. Seeking private gain is one of the core elements of corruption. It is therefore necessary to use modern financial surveillance technologies for timely, accurate and efficient monitoring of public servants, especially the personal finance position of high-ranking public officials and those in key positions. It's of great importance for Shanghai in the Information Era. (C) Introduction of modern image recognition technology. Shanghai should learn from the Canadian government to introduce advanced counter-terrorism technologies into the anti-corruption work. We will accelerate the development and application of the facial feature recognition software. Supported by the image recognition technology, a large database will be built with unique face data of public officials, which will contribute to the monitoring and evidence collection.

### **2.3 Develop qualified professional personnel for detection and punishment of corruption**

(A) Improve the comprehensive capacity of investigators. To this end, there must be a process of raising standards: their political consciousness, levels of professionalism, ethics, and understanding of the law. It's important to encourage learning of computer, internet and other modern technologies. There is also a need to develop new investigative practices, for example, the use of blacklists; or research into specific regulations and industries that generate clusters of corruption cases. Experience on clues analysis, public opinion analysis and other investigation methods should be summarized to develop effective and practical solutions. (B) Judges must be able to exercise the full authority of their position without constraint. It is vital that trials not be interfered with by government bodies, private groups or individuals. Local or departmental interests must not be allowed to intervene, nor must any other court officials. The judge or judges hearing a case have absolute authority to try and sentence defendants according to their understanding of the law. Judges' positions should also be protected. There is an existing system of regular transfers, but outside of this system, judges must not be subject to dismissal, demotion, or disciplinary action because of their legal decisions.

### **2.4 Strengthen punishment for corruption**

Local governments should coordinate with the central government positively in advancing the anti-corruption legislation to promote the formulation of a special anti-corruption law as soon as possible, which would provide legal support for the definition, classification and measurement of penalty. It would also reduce the flexibility of corruption punishment. Meanwhile, supporting policies and measures of anti-corruption

laws and regulations should also be set up quickly to enhance the accountability of the activities that hurt the public benefit. Relevant regulations on resignation, dismissal, demotion, pay cut, and appointment of civil servants should be looked into and improved. The regulation of forfeiture and reimbursement of illegal asset should be executed strictly.

### **3. Enhance the building of anti-corruption legal system**

The Canadian and international anti-corruption experience all indicates that complete legal system is an important foundation of anti-corruption. Therefore, we should learn from Canada to further improve the relative law and regulations of corruption prevention and punishment to provide a firm systematic guarantee for the legal fight against corruption.

#### **3.1 Anti-corruption policies should be supported with legislation.**

Explicit legislation underpins all of Canada's anti-corruption policies at the federal, provincial and municipal levels, which provides a solid legal and institutional background for the anti-corruption work. Shanghai should pass municipal-level legislation to lend greater authority to the current framework of working regulations, provisions and administrative measures. For example, the *Provisions of Shanghai Municipality on Open Government Information* could be upgraded to the higher legal status of *regulations*, which is more authoritative; improve the protection of internal whistleblowers and regulate the confidentiality procedures through the trial implementation of the *Public Servants Disclosure Protection Act*, providing a favorable environment for internal reporting.

#### **3.2 Anti-corruption legislation should be more systematic.**

Local legislation and regulations should be given a complete systemic overhaul, seeking consensus of all legal standards of the discipline commissions, administrative supervision departments as well as the justice and prosecution departments. A tripartite system should be developed encompassing prevention, investigation and prosecution. Legislation on corruption prevention is in the greatest need of improvement. Try hard to stop corruption at its source. The local government should enact local rules and codes of conducts to clarify the rights and duties of civil servants, the content and extent of conflict of interest and the punishment for violation of the conflict. Meanwhile, Shanghai should learn from the experience of the Office of the Registrar of Lobbyists of Canada, regulate and administrate activities which appeal for private interest and specify the rights and obligations of all parties.

### **3.3 Anti-corruption legislation should be more feasible.**

As a country with relatively developed legal system, Canada is still trying to complete its legal system at all times. Therefore, seeing the continuous development of socialist market economy, Shanghai should accelerate the development and amendment of anti-corruption regulations and rules for implementation based on practices. The rules and regulations should explicate not only the substance of the law, but also the procedures for implementation, with quantitative as well as qualitative regulations included. Some special rules should be set up to solve the difficulties in evidence collection. This would make the legislation easier to implement and enforce, and facilitate adherence to the law.

### **3.4 Enforcement of anti-corruption laws should be strengthened**

Compare with Canada, the implementation of the current anti-corruption legal system of China is still not complete enough. Therefore, we should develop a system to regulate the enforcement of laws and regulations, and further clarify the authority and obligation in the enforcement. To guarantee the seriousness of laws and regulations, we will restrict the power of law enforcement agencies to prevent them from using selectively enforcement. Meanwhile, we should further improve the accounting of under-enforcement in order to eliminate the randomization and formalization in enforcing law and regulations.

## **4. Complete the anti-corruption system framework**

Due to a completed framework, Canada's anti-corruption work is systematic, efficient and effective. Learning from this, Shanghai should promote the construction of anti-corruption system considering its own situations.

### **4.1 Develop an orderly division of labor within the anti-corruption system**

(A) Reinforce the independence of supervision institutions such as supervision bureau, audit bureau and anti-corruption bureau. Referring to the functions of the Commission for Federal Judicial Affairs and the Federal Judicial Council of Canada, Shanghai will take measures to guarantee the independence of anti-corruption bodies, to ensure each institution works within its own legal parameters, to ensure the judicial system is free from interference, and to promote the public trust in the courts. Discipline Inspection Commission (Supervision Bureau) must take more preventative action, e.g. training and raising awareness. Discipline Inspection Commissions (Supervision Bureau) should improve their ability to prevent corruption before corrupt conduct ever starts, by monitoring for warning signs, intervening early, solving the issue before it worsens. (B) Stipulate the responsibilities and functions of each organization. Based on the experience of Canada, Shanghai is to formulate and improve the rules and regulations to clarify the

scope and content of responsibilities, and to stipulate the working procedures and methods. Ensure that every institution involved in the prevention, investigation and punishment of corruption has only a limited set of responsibilities. Where a case exceeds their jurisdiction, they must pass it on to a separate institution. Improve the efficiency through orderly division of labor.

#### **4.2 Promote the function of anti-corruption institutions**

In Canada, strengthening the building of institutions and organizations is an important experience as well as a powerful weapon against corruption. Shanghai is to promote the function of anti-corruption bodies through various institutional arrangements based on the experience of Canada. (A) Eliminating the institutional barriers to the efficiency of anti-corruption bodies. Shanghai will try to eliminate these barriers through developing a positive working environment, improving the working procedures, and defining the roles of different agencies. (B) Enhancing the supervision capability of existing institutions. Considering the current situation that the supervision power in Shanghai is not strong enough, the city should keep on reinforcing the independence of supervision institutions such as supervision bureau, audit bureau and anti-corruption bureau, clear various structural and institutional obstacles to effective supervision and step up the status and level of supervision on corruption. (C) Tighten up the supervision on corruption-prone sectors. Shanghai government should further enhance public finance surveillance, complete the building of land market, accelerate the construction of information management platform for government procurement and apply information technology to increase the supervision level on tangible property market.

#### **4.3 Accelerate the development of an anti-corruption coalition**

(A) Normalize and systemize the coordination between the discipline commission and the prosecution service. The joint conference system between the two agencies should be further completed to expand the coordination from major cases to general ones. We will develop a sound routine communication system as well as some necessary normalized coordination measures. (B) Develop a work chain that effectively connects the audit, discipline commission, supervision and other departments. We will endeavor to search for evidences of corruption from functional departments, such as the audit, petition, public security, anti-money laundering and property administration agencies, all of which are important sources of clues. It's particularly important to share the annual audit reports and outgoing audit reports for key government positions with anti-corruption agencies. We will gradually develop an anti-corruption work chain from the evidence provided by functional departments to the case filing and investigation of supervisory bodies, and strengthen the investigation of suspicious items found in the audit process. (C) Highlight the general coordination function of Supervision Bureau. Make sure that Supervision Bureau of the city be responsible for organizing, coordinating

and unifying relative work of anti-corruption. If an agency received public tip-offs that beyond its authority, Supervision Bureau could step up and let relative supervision body intervene and deal with them. This is also helpful of avoiding unlimited expansion of power in some authority and guarantee the fully enforcement of anti-corruption laws and regulations.

## **5. Develop a clean culture for anti-corruption**

### **5.1 Vigorous promotion of the anti-corruption efforts of the Party and the government**

Shanghai will continue to publicize the achievement of anti-corruption policies and measures to erect a sound public image of a “clean government”. The praise of protruding individual and cases should be strengthened. Meanwhile, the abominable cases with big influence should be disclosed timely to further warn and educate other public servants and the public.

### **5.2 Active campaigns for a culture of clean government**

Integrating the ideological and compliance education with the education for social and family responsibility as well as professional ethics, Shanghai is to initiate a campaign for a clean culture to promote integrity in communities, families, schools, businesses and rural areas. The city should encourage active and creative participation from all sectors of society in the development of a culture of clean government. Campaigns should involve lively events and new media, creating a new sense of excitement: honor in honesty, shame in corruption, but also integrity as an ideal, integrity as fun.

### **5.3 Promote positive interaction between the public and the government**

With an anti-corruption consensus among the public, those guilty of corruption will have nowhere to go and nowhere to hide. Based on this experience of Canada and the actual situation of the city, Shanghai is to develop and implement gradually a public inquiry system with its own characteristics, promoting the positive interaction with the public through investigation of typical corruption cases. On one hand, unravel the facts completely to expose corruption; on the other hand, promote the building of a clean culture through anti-corruption promotion. In public inquiries, it’s necessary to listen to the public opinions and take the pertinent and practical parts for timely amendment and improvement of anti-corruption legislation.



## APPENDIX F

### TI-Canada Comments at Final Symposium for POP 2009-01

**Bronwyn Best, Executive Director, Transparency International Canada** (given before the presentation of the Final Report by ChIP)

Thank you very much. Mr. Tom Marshall, the CIP Expert for this Project, Mr. David Simpson, Senior Advisor, Governance and Anti-Corruption Tool & Measures, and I are pleased to have the opportunity to be here and share in the Final Symposium with you, as well as see all the familiar faces again.

Transparency International Canada was very honoured to be chosen by CIDA and the Chinese Ministry of Commerce to work together with the Development Research Center of Shanghai Municipality on the project, “Strengthening the Anti-Corruption Legal Framework to Promote Clean Local Government.”

While Shanghai Municipality has been fighting corruption for some time, when we met in July 2009, on our Work Planning Mission, Shanghai was finding itself in an era of institutional transition and structural readjustment, reflected, indeed, throughout China. Shanghai Municipality found it urgent and necessary to ensure a clean local government by establishing a legal framework which could be used as a model for the rest of China.

While the purpose of the Project was to strengthen the framework through effective and impartial enforcement, the emphasis, initially, was on investigation and punishment. In reading the Study Tour and Final reports, it is evident that you recognized early on that by focusing on professional ethics and prevention, Canada has shifted its target of anti-corruption from combating corruption to stopping it before it occurs. I see that the most significant lesson learned by the Development Research Center recognition of the importance of prevention, i.e., intervening before corruption can take place allows for more effective maintenance of clean government.

Another key lesson learned is, while there is certainly corruption in Canada, it is important to deal efficiently with corruption issues that arise, by closing loopholes, immediately.

As you have noted, anti-corruption is a long-term, complex project. With these and the other lessons learned, I have no doubt that Shanghai Municipality is well on the road to becoming a truly transparency, responsible, law-based government.

I congratulate you on the success of this Report. I hope we can maintain our relationship and very much look forward to our discussion, today, and to hearing how the Project advances.

**Mr. Tom Marshall, Vice Chair, Transparency International Canada, CIP Expert, POP 2009-01** (given after the presentation of the Final Report)

## NOTES

-Remark on the sophistication of the Chinese report and the language of commitment to the application of lessons learned to the Chinese circumstances. Compliment them all for their hard work. Note that the Chinese considered the POP process to be very successful and met their needs. They recognize the importance of the rule of law. They stress the need for legislation that is clear and unambiguous that will replace a multitude of dense and sometimes conflicting regulations. They recognize that more needs to be done in the form of education.

-What issues will be discussed depends on the summary comments of our Chinese hosts and indications from them as to what areas of implementation may interest them. It is implicit, I think, that the Chinese delegation considers their conclusions and recommendations to be realistic and that their report represents something of a preliminary action plan. Governance structures will not change but one can anticipate greater collaboration among members of the bureaucracy to encourage anti-corrupt practices vigilance.

-Stress that as a fundamental matter a professional public service committed to a culture that does not tolerate bribery is essential. Recognition of the role of education, leadership and fostering pride in public service. In preparation for this symposium there was some discussion of salary levels as a matter to review. There should be particular care given to hiring procedures and endeavoring to keep that process as far as possible free of political interference.

-There are a number of factual issues in the report that might be clarified. They are not matters of particular consequence but for accuracy might be mentioned, e.g. the RCMP is not the only police force in Canada engaged in the investigation and charging in relation to major fraud and corruption charges. The provincial police forces (where that function is not assumed by the RCMP) are perhaps even more important.

However the general description of how the RCMP functions applies to these other forces. The appeal process as described in the final report could use some elaboration but again that is not essential to the conclusions reached by the Study Tour. In examining the Canadian context it is useful to understand that Canada is a Federation and that actions by the federal Government in addressing corruption and developing anti-corruption measures are only a part of the picture. To obtain a complete picture requires an understanding of what happens at the provincial (where the provinces are autonomous in many areas) and at the Municipal level. However the Study Tour was exposed to not only Federal institutions and agencies they met with both provincial and municipal officials- so in consequence they received a fairly broad exposure to different aspects of “anti-corruption” activity.

Shanghai is a “County City” with very broad powers but subject to the authority of Beijing.

-In terms of the investigation and prosecution of corruption cases in Canada-it may be useful to discuss the respective roles of the investigators and the prosecutors. The police investigate and charge. The prosecution is responsible for reviewing the police case and making a determination that on all the evidence then known there is a reasonable prospect of conviction. This role is independent and may lead to a decision being made not to proceed. Cases may be very complicated and proof very difficult. There is a need to ensure that the best advice is available. There is a need for personnel who are as “smart” as the “criminals” Special training is required and particular regard should be had to the forensic requirements for these professionals to participate in a direct way with the court process. I appreciate that the Justice structure in China is in many ways quite different from that in Canada but increasingly with developing trade relationships and encouragement to meet international standards in the presentation of proof in criminal cases the justice systems are undergoing change. There might be some discussion about the need for adequate budgets and specialist personnel to fund these activities.

-The press. The final report speaks to greater recognition of the activity of the press in identifying and reporting on corruption. This is quite liberalizing but seems to have approval from the highest levels. The press as whistleblowers will be very useful. To foster this development access to information will be essential and care will have to be taken when legislation is developed to ensure that greater transparency is achieved. Greater transparency may also lead to greater inclination by the press, if permitted, to question policy initiatives in a wide range of government activity. But there is no need to be overly concerned. If there is interest here we can discuss how greater interaction with the press and indeed civil society at large can be accommodated within and strengthen public administration.

-The devil is in the details!

-Freedom of Information presents discrete challenges. What categories of information will be disclosed? What will not be disclosed? Will there be an application process available for specific information to be disclosed? Will there be an appeal process if the decision is not to disclose the requested information? It is more likely that the government will direct what information will be disclosed in relation to particular public projects for example. However there are issues that can be discussed.

-It is unlikely that there will be any detailed discussion of implementation issues.

- Again thank the leadership for the opportunity to have participated with them in this process and wish them well.

**Mr. David Simpson, Senior Advisor, Governance and Anti-Corruption Tools & Measures, Transparency International Canada** (given after the presentation of the Final Report)

### **Public Service – Anti-Corruption and Yang Jisheng**

Born in 1516 in a village about 120 km south of Beijing, Yang Jisheng led a hard life as a young man. He managed to acquire a Confucian education in the village school, passed the entry level Confucian examinations and attended the National University in the capital. In 1547 he passed the highest examination and began his official career. After a promising start at the secondary capital in Nanjing, he was called to Beijing in 1551. However, he then submitted a memorial criticizing the policy of trading with Mongol raiders on the northern frontier supported by the chief grand secretary Yan Song. Because of this he was arrested, beaten in prison, demoted, and banished to a remote posting on the frontier of the Ming Empire, in what is today Gansu province. He served there for one year, during which time he became popular with both the local elite and the commoners. He founded a school for local children with funds raised by selling his horse and his wife's jewels.

By the beginning of 1552 the political tide in Beijing had turned against trade with the Mongols, and Yang's career got a fresh start. Yan Song sought to recruit Yang to his own ranks of followers. Yang received a series of promotions, and was finally recalled to the capital. But when he arrived in January 1553 he immediately submitted a new memorial, attacking Yan Song directly for ten crimes and five kinds of corruption. Three days later he was arrested again. This time he was beaten much more severely, and kept in prison for over two years. Finally, he was executed in November 1555.

Shortly thereafter, during the next emperor's reign and especially during the early years of the Qing Dynasty, he was rehabilitated as a model of Confucian virtue. He is remembered now also as an educator as well as a city god of Beijing.

What does this have to do with corruption and our project? Yang Jisheng today stand as an example for public officials throughout China – and his memory is frequently invoked – to demonstrate the importance of contributing to a new China of law, order and public morality.

Mr. Marshall has already discussed some of the details around the legal aspects of combating corruption which are identified in the paper. I would now like to turn our attention to the 'softer' areas of how we create a culture within government to promote transparency and anti-corruption.

The final report mentions in a number of places the need for training of public officials (Sec. 3.5 and Sec. 4, Paragraph 1.1) and I wanted to elaborate on some of the training efforts in Canada in this regard.

One of the major initiatives of the federal government over the last while has been to develop a roll out a Public Service Values and Ethics Initiative.

Enhancing and maintaining public trust in the institutions of government is fundamental to the work of the Public Service of Canada. All employees must ensure their actions and decisions uphold the values of the public service and conform to high ethical standards as expressed in the Values and Ethics Code.

The *Values and Ethics Code for the Public Service* sets forth the values and ethics of public service to guide and support public servants in all their professional activities. It will serve to maintain and enhance public confidence in the integrity of the Public Service. The Code will also serve to strengthen respect for, and appreciation of, the role played by the Public Service within Canadian democracy.

The Code sets out Public Service values as well as Conflict of Interest and Post-Employment Measures.

### **1) democratic values**

These are based on the democratic mission of the Public Service, which is defined as “helping Ministers, under law and the constitution, to serve the common good”.

These foundational values of public service include:

- professional loyalty to the government of the day,
- nonpartisanship,
- equity
- candour toward Ministers
- discretion
- service to the people of Canada

2) the second category of values is termed “**professional values**”, some of which are unique to the public service and some of which are not. These professional values include a commitment to:

- excellence, economy and effectiveness
- objectivity and impartiality in advice
- telling truth to power
- fidelity to the public trust

3) a third group of values is called “**ethical values**” – these include integrity, honesty, impartiality, probity, trustworthiness, respect for law and due process, and “the careful stewardship of public resources”

4) and finally, “**people values**” – courage, moderation, decency, humanity, civility, tolerance, courtesy – the list is a lengthy one.

Now these are not formal rules and regulations (although many of them are supported by regulation) but they stand by themselves as the aspirational values all Canadian public

officials. Unlike rules they can be open to some degree of interpretation because circumstances change quickly and there may not be particular rule.

For example – let's say that a supplier to the government has a deal for all it's customers that if you buy 3 boxes it will give you a free base ball cap? What is it is a set of baseball tickets?

Public officials are professionals and should be supported to make the right decisions. This doesn't always mean there has to be a rule or regulation for everything – or you may become a strictly compliance culture – where public officials are not paid to think but to follow orders from above. With the right culture you can empower public officials to make the right decisions – whether it's based on a set of public sector values and ethics or whether it reaches back to the teachings and examples of Yang Jisheng.

**Bronwyn Best** (wrap-up comments)

A great deal is expected from the ChIP participants, in this Project. I can sense a real excitement in the room, as many are poised to play a part. The challenge will be to translate the theoretical into practice by elected officials. However, in Canada, we see that there is evidence of improvement through on-going education. We wish you well.

## APPENDIX G

### Participants Database Input Sheet

Sub-Project #	2009-01					
Sub-Project Name	Strengthening the Anti-Corruption Legal Framework to Promote Clean Local Governments					
CIP Information	Transparency International Canada					
ChIP Information	Development Research Center of Shanghai Municipality; Shanghai Municipal People's Congress Legal System Committee; Shanghai Bureau of Justice; Shanghai Anticorruption Bureau; The Development and Reform Commission of the Shanghai Municipal People's Government; Shanghai Academy of Social Sciences, Law Institute					
Participants Information	Name	Gender	Employer	Position	Ethnicity	Province
Work Plan Mission	Zhou Zhenhua	M	Development Research Centre	Director	Chinese Shanghai	i
	Gu Xingquan	M	Development Research Centre	Deputy Bureau Chief		
	Chen Qunmin	M	Development Research Centre	Head, Division of Reform		
	Zhou Jinwei	M	Shanghai Mun. People's Cong.	Member, Legal Affairs Commission		
	Yang Hengjin	M	Anti-Corruption Bureau	Vice Bureau Chief		
	Zhang Ming	M	Development Research Centre	Deputy Head, Div. of Reform		
	Jiang Yongkun	M	Development Research Centre	Division Researcher		
	Zhou Shixun	M	Development Research Centre	Deputy Chief, Division of Secretariat		
	Wu Yebai	M	Development Research Centre	Division of Reform		
	Li Xianbo	M	Development Research Centre	Division of Culture		
	Shi Xiaochen	F	Development Research Centre	Researcher, Division of Reform		
	Chen Fang	F	Development Research Centre	Researcher, Division of Reform		

	Sun Yu Wang Yonggang  Zhu Jinhai	F M  M	Development Research Centre  Development Research Centre	Interpreter Research, Division of Reform Deputy Director		
Study Tour #1	Gu Xingquan  Chen Qunmin  Zhou Jinwei  Wei Yuqi  Yang Hengjin  Zhu Hongchuan  Luo Yongfu  Wang Yonggang  Shi Xiaochen  Ni Yingyue  Yao Zhi  Zhou Hairong	M  M  M  M  M  M  F  F  F  F	Development Research Centre  Development Research Centre Shanghai Mun. People's Cong. Shang. Mun. Bureau of Justice Anti-Corruption Bureau Shanghai Mun. Government Development Research Centre Development Research Centre Development Research Centre Development Research Centre Development Research Centre Development Research Centre	Deputy Bureau Chief  Head, Division of Reform Member, Legal Affairs Commission Sec. Gen, Discipline Inspection Comm. Vice Bureau Chief  Section Chief, Legislative Affairs Off. Chief of Secretariat Section Researcher, Division of Reform Researcher, Division of Reform Research, Administrative Div. Researcher, Division of Information Interpreter, Researcher, Div. of Information	Chinese Shangha	i
Study Tour #2	Zhou Zhenhua  Zhao Zenghui  Chen Qunmin  Zhou Zhengqing	M  M  M  M	Development Research Centre Shang. Supervision Bureau Development Research Centre CPC Shanghai Committee	Director  Deputy Director  Head, Division of Reform Section Chief, Political Science and Law	Chinese Shangha	i



	Zhou Shixun	M	Development Research Centre	Dpty Chief, Secretariat Section		
	Bi Hongjing	F	Development Research Centre	Research, Development Res. Div.		
	Fan Xing	M	Development Research Centre	Researcher, Opening-up Division		
	Tang Yong	M	Shanghai Supervision Bureau	Researcher		
	Li Xianbo	M	Development Research Centre	Researcher, Social & Cultural Division		
	Wang Xiangshuang	F	Development Research Centre	Researcher, Information Division		
	Chen Fang	F	Development Research Centre	Researcher, Social & Cultural Division		
Final Seminar	Zhou Zhenhua	M	Development Research Centre	Director	Chinese Shanghai	i
	Zhao Zenghui	M	Shang. Supervision Bureau	Deputy Director		
	Chen Qunmin	M	Development Research Centre	Head, Division of Reform		
	Zhou Zhengqing	M	CPC Shanghai Committee	Section Chief, Political Science and Law		
	Zhou Shixun	M	Development Research Centre	Dpty Chief, Secretariat Section		
	Fan Xing	M	Development Research Centre	Researcher, Opening-up Division		
	Tang Yong	M	Shanghai Supervision Bureau	Researcher		
	Li Xianbo	M	Development Research Centre	Researcher, Social & Cultural Division		
	Wang Xiangshuang	F	Development Research Centre	Researcher, Information Division		
	Chen Fang	F	Development Research Centre	Researcher, Social & Cultural Division		

Gu Xingquan	M	Development Research Centre	Deputy Bureau Chief
Zhou Jinwei	M	Shanghai Mun. People's Cong.	Member, Legal Affairs Commission
Yang Hengjin	M	Anti-Corruption Bureau	Vice Bureau Chief
Wang Yonggang	M	Development Research Centre	Researcher, Division of Reform
Shi Xiaochen	F	Development Research Centre	Researcher, Division of Reform
Ni Yingyue	F	Development Research Centre	Research, Administrative Div.
Yao Zhi	F	Development Research Centre	Researcher, Division of Information
Zhou Hairong	F	Development Research Centre	Interpreter, Researcher, Div. of Information
Lu Dingfang	M	Shang. Mun. Comm. of Politics & Law	Head, Discipline Inspection Division
Yang Hengjin	M	Shang. Mun. People's Proc.	Vice Bureau Chief, Anti-Corr. Bureau
Zhang Ming	M	Shan. Mun. Dis. Inspec. Comm & Shang. Mun. Sup. Bureau	Dpty. Dir, Research Office
Zhou Jingqing	F	Shang. Mun. Comm. Party School	Professor
Wu Haihong	F	Shang. Mun. Comm. Party School	Professor
Du Wenjun	M	Shang. Acad. of Social Sciences	Dpty. Researcher, Institute of Law
Zhou Guoping	M	Development Research Centre	Deputy Director
Jiang Yongkun	M	Development Research Centre	Division Researcher
Xiang Mingxun	M	Development Research Centre	Dpty. Head, Division of Reform

	Wu Yebai			M	Development Research Centre			Division of Culture						
	Qian Jie			M	Development Research Centre			Division of Culture						
Participants Information	MM	DD	YY	To	MM	DD	YY	Total Days	No. Male	No. Female	Total People	Person Days	Location	Knowledge Outcome
Work Plan Mission	07	03	2009		07	09	2009	7	12	3	15	105	Shanghai	
Study Tour #1	11	15	2009		11	24	2009	10	8	4	12	120	Canada	
Study Tour #2	04	18	2010		04	27	2010	10	8	3	11	110	Canada	
Final Seminar	09	12	2010		09	18	2010	7	21	8	29	203	Shanghai	
Participating Stakeholders	<p>Write a description of the stakeholders. The main stakeholders are:</p> <ul style="list-style-type: none"> <li>- Transparency International Canada (TI-Canada): The purpose of TI-Canada is to inform businesses, government, and the general public of the effects of corruption in national and international marketplaces, and to provide support and resources for public and private sector initiatives to prevent corrupt business practices.</li> <li>- Development Research Center of Shanghai Municipality (DRC). The DRC is a very influential policy consulting and research organization that reports directly to the Municipality and is mainly responsible for research on macro, foresight and strategic major issues, regarding the economic development of Shanghai and the nearby areas.</li> </ul>													
Beneficiaries	Direct	30 members of CHiP and its partner organizations were able to meet with a number of Canadian experts, from all 3 levels of government, academia and NGOs, who provided advice on working towards clean local governments												
	Indirect	The recommendations for an efficient anti-corruption legal framework in the final report are intended to be implemented by the Shanghai Municipal Government and to serve as a model for the rest of China												
Activity contributed to which of the project output(s)?													Mark an X	
1. The Work Plan mission served to define the project activities and objectives; determine team members and key milestones; establish CIDA budget allocations; establish CIP and ChIP financial contributions													X	
2. ST #1 provided understanding on behalf of ChIP of Canadian Anti-Corruption Legal Framework at all three levels of government; new contacts were created with Canadian officials and experts and relationship of ChIP and CIP was strengthened													X	
3. Through a number of cases, in particular, that were presented, ST #2 served to increase the knowledge of CHiP with regard to Canadian anti-corruption issues and challenges, including some in common with CHiP													X	
4. CHiP produced a final report, in English and Chinese, which was presented at the Final Symposium; CIP, as well as Experts from the other organizations present at the Final Symposium, provided evaluations of the final report													X	