

PROPOSED TRAINING: Governance, Anti-Corruption And Accountability

推荐课程：治理/反腐败及问责制

承办单位：美国国际法学会（华盛顿）

中国培训渠道编号：120004

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TOPICS（课题）：

At the time of this submittal no specific topics has been defined by interested parties. ILI tenders here a general list of pertinent subject matter which can be further defined based on subsequent discussions of needs by stakeholders. ILI herein offers the following broad list of topics to consider:

鉴于提交本项目时，客户方尚未确定具体的培训课题，美国国际法学会在此提出一个相关题材的常规培训课程表，它可以根据需要在随后的讨论中做进一步调整与修改。下述课程仅供参考：

Overview

The course presents an in-depth survey of methods and best practices taken by governments, non-governmental organizations (“NGOs”), and other stakeholders to eradicate corruption and promote transparency. The course reviews elements in public sector management commonly known as “good governance,” the causes and effects of corruption, and undertakes a comparative study of domestic and multilateral efforts to eliminate corruption. Additionally, the course examines the history, foundation and main provisions of the United Nations Convention against Corruption and other international instruments designed to curb corruption and their implications for governance and transparency worldwide. Participants will be expected to fashion an anti-corruption strategy that fits their country’s individual needs and circumstances in recognition of the need to include the full range of stakeholders.

本课程介绍了各国政府、非政府组织或其他利益攸关方为了进行反腐败以及提高透明度所采取的深入调查方法和最佳的途径。该课程将重新研究公共部门管理中俗称“善治”的因素以及腐败形成的原因与影响，并对国内外根除腐败的方式进行比较性研究。此外，该课程还将深入探讨联合国反腐败公约以及其他国际法律文书的历史沿革、理论依据及主要条款，旨在遏制腐败及其对全球治理结构和透明度改革产生的影响。要求学员们认识到必须包括所有的利益相关者并据此制定出一项适合自己国家独特需要和具体情况（国情）的反腐败战略。

I. Governance, Anti-Corruption, Accountability 治理，反腐败，问责制

- A. Definition and measures of corruption: Analysis and Indicators
腐败的界定和处置办法：分析和指标
- B. Defining Corruption 确定腐败
- C. Establishing objective indicators and metrics of corruption and ineffective governance.
对于腐败的程度和无效治理建立客观的指标
- D. Codes of Conduct and Accountability 行为守则及问责制
 - 1.] National and International Mandatory and Voluntary Codes。国家和国际强制性和自愿性守则
 - a. The ASEAN Code 东盟守则
 - b. OCED Codes 经合组织守则
- E. The Role and Importance of Best Practices and Comparative Analysis of Public and Private Entities.
公共及私人实体的最佳做法和对比分析的作用及其重要性
 - a. Case Studies 案例分析

II. International, National, Sub-National, Regional and Local Anti-Corruption Mechanism 国际，国家，亚国家，区域和地方的反腐机制。

A. Review and analysis of: 回顾和分析

1. UN Convention Against Corruption [UNCAC] 联合国反腐败公约
2. US Foreign Corrupt Practices Act. 美国外国腐败行为法案
3. Inter-American convention Against Corruption 美洲反腐败公约
4. OECD Anti-Bribery Convention 经合组织反贿赂公约
5. UN Office of Drugs and Crime Legislative Guide 联合国毒品和犯罪问题的立法指南办公室
6. UK Bribery Act 英国反贿赂法

B. Review and analysis of State, Provincial, Regional and City Codes of Conduct and Accountability and comparisons to National and International Codes:

审查和分析国家、省、地区及城市的行为守则及问责制，国家和国际规范的比较

III. Private Sector Issues and Mechanisms 私营部门的问题及机制

- A. Review and analysis of Financial Integrity 审查和分析财务诚信
- B. Role of Accounting and Supreme Audit authorities and Internal Audits
财务和最高审计机关及内部审计机关的作用
- C. Code of Ethics for Employees and Managers 员工和管理人员的道德守则

IV. Public Sector Issues and Mechanisms 公共部门的问题和机制

- A. Government Ethics and Integrity and role of Codes of Ethics.
政府道德诚信及道德的规范作用
- B. Role of the Whistle Blower” protection Statues “举报者”保护规约的作用
- C. Protection of employees to report corrupt practices 保护雇员举报腐败行为
- D. US Model: US Office of Government Ethics 美国模式：美国政府伦理办公室
- E. Operations, Effectiveness, Authorities, Training, Enforcement Mechanisms, Limitations
运作，效用，主管部门，培训，执法机制，局限。
- F. The Inspector General system of review of official actions at National and Sub National Levels
审查国家和地方各级公务行为的监察长系统
- G. Government oversight of and transparency in Procurement. Maintaining free flow of information on decision making and procurement.
政府采购的监督及透明度。保持决策和采购信息的自由流动。
- H. Analysis of government financial regulatory mechanisms. 政府金融监管机制的分析
 - 1.] Jurisdiction of public prosecutor (Ministry of Justice) 公诉人的管辖权（司法部）
 - 2.] Securities and financial regulation (Ministry of Finance) 证券和金融监管（财政部）
 - 3.] Treaty enforcement (Ministry of Foreign Affairs). 条约的执行（外交部）
 - 4.] Issues related to foreign asset recovery and money laundering.
国外追回资产和洗钱有关问题。

V. Civil Society Mechanisms 公民社会机制

- A. Role and activities of NGOs, stakeholders and access to judges, parliamentarians.
非政府组织，利益攸关方，接触法官、国会议员的作用和活动。
- B. Procedure and Policies for access to Information — US Freedom of Information ACT as a model.
获取信息的程序和策略的方法—作为一种模式的美国信息自由法。
- C. The role of media [social media, print, TV, radio, internet].
媒体（包括社会化媒体，印刷，电视，广播，互联网）的作用。

VI. Designing and Implementing the United Nations Convention against Corruption 联合国反腐败公约的酝酿和实施

- A. Analysis of the UNCAC provisions. Overview of negotiation history; major areas of Focus; relationship with laws of other countries; other International Agreements. International cooperation on asset recovery. 联合国反腐败公约条款的分析。谈判历史的概况；重点领域；与其它国家的法律关系，其它国际协议，资产追回的国际合作。
- B. Implementation of UNCAC with best practices, strategies and model and multilateral (UN) and bi-lateral (USAID, DFD) programs.
“联合国反腐败公约”实施中的最佳做法，策略和范例，及多边（联合国），双边（美国国际开发署、DFD）的方案。
- C. Review and analysis of UNODC Implementation tool kit. 联合国毒品和犯罪问题办公室执行工具包的回顾与分析。
- D. Cost and source of funding for implementation and training. Effective utilization of multilateral and regional banks (IE Asian Development Bank)
实施和培训工作的成本及资金来源。有效利用多边和区域银行（例如：亚洲开发银行）
- E. Practical, political and legal barriers to implementation. 执行过程中所遇到实际的问题及政治和法律上的障碍。

Course Advisors

● Timothy L. Dickinson

Timothy L. Dickinson is a partner in the Washington D.C. office of Paul, Hastings LLP. His practice is devoted primarily to international commercial matters, including counseling on the U.S. Foreign Corrupt Practices Act, and the design and implementation of special investigations and compliance programs. Mr. Dickinson is also a member of the ILI Board of Directors.

蒂莫西 L 狄金森是保罗-黑斯廷斯律师事务所华盛顿特区办公室的合伙人。他主要致力于处理国际商务事务，包括对美国的“反海外腐败法”进行咨询，以及对特别调查和合规计划的设计与实施。他也是美国国际法协会董事会的成员。

● H. Stephen Halloway

H. Stephen Halloway is the Director of ILI's Center for Comparative Legislative Management. He has over 35 years of experience in senior legal and policy positions in the U.S. Government, the U.S. Senate, State legislatures, the United Nations and the Inter-American Development Bank. He was Chief Regulatory Officer for the U.S. Department of Commerce and a civil rights attorney in the U.S. Department of Justice. He serves on the Private Advisory Council to the State Legislative Leaders Foundation.

H. 斯蒂芬 哈洛维是美国国际法协会比较立法管理中心的总监，他在美国政府，美国国会参议院、州议会、联合国和美洲开发银行有着 35 年以上的法律和政策高级顾问工作经验。他曾任美国商务部首席监管官和美国司法部的一名民权律师。他现任职于国家立法领袖基金会的私人咨询委员会。