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Technical assistance

Strengthening the implementation of the United Nations Convention against Corruption in small island developing States

Report of the Secretariat

I. Introduction

1. In its resolution 7/7, entitled “Strengthening the implementation of the United Nations Convention against Corruption in small island developing States,” the Conference of the States Parties to the United Nations Convention against Corruption requested the Secretariat to submit to it a report on the progress made and the challenges encountered in the implementation of the resolution.

2. In accordance with that request, the present report has been prepared on the basis of information provided by Governments in response to the Secretary-General’s note verbale of 29 April 2019. As at 20 September 2019, submissions from the following 19 States parties and signatories contained information relating to their efforts to strengthen the implementation of the United Nations Convention against Corruption in small island developing States: Australia, China, Cook Islands, Comoros, Fiji, Guinea-Bissau, Haiti, Mauritius, Micronesia (Federated States of), Nauru, Norway, Palau, Papua New Guinea, Russian Federation, Samoa, Seychelles, Sweden, Trinidad and Tobago and Tuvalu. The report also contains an update on technical assistance provided to small island developing States by United Nations entities.

II. Analysis of submissions from States parties and signatories

A. Ratification of or accession to the United Nations Convention against Corruption by small island developing States

3. The ratification of or accession to the Convention against Corruption is a key element of Conference resolution 7/7. There are currently 186 parties to the Convention. The process of ratification by and accession of small island developing States has been supported by bilateral and multilateral technical assistance providers. The United Nations Office on Drugs and Crime (UNODC) continued to promote ratification of and accession to the Convention by providing targeted awareness-
raising and advocacy at the political and legislative levels, as well as technical assistance, including pre-ratification workshops, to those small island developing States that are not yet parties to the Convention.

4. Since the adoption of resolution 7/7, one small island developing State, Samoa, has acceded to the Convention. Most small island developing States have now become parties to the Convention, with the exception of Barbados, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, St. Lucia, St. Vincent and the Grenadines, Suriname, and Tonga. The Cook Islands and Niue are not States Members of the United Nations but acceded to the Convention in October 2011 and October 2017, respectively.

5. Small island developing States reported that, in general, the ratification of the Convention was positively perceived by Government, parliament and society at large. Samoa noted that the accession process itself was simple and that there had been strong political will in the country to accede to the Convention. National consultations, including pre-ratification workshops and the national assessment conducted in Samoa before accession, were deemed important.

6. Samoa reported having received assistance during the accession process, in particular from UNODC and the United Nations Development Programme (UNDP), through the United Nations Pacific Regional Anti-Corruption Project. That assistance included training on the Convention, pre-ratification workshops, bilateral advisory meetings, information-sharing and general support.

B. Participation of small island developing States in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

7. Small island developing States actively participated in the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and provided valuable contributions to the operation of the Mechanism. Haiti completed its first cycle review in February 2018 and Niue in June 2019; Belize completed its executive summary in May 2019. Solomon Islands completed its executive summary for the second review cycle in February 2018 and Mauritius completed it in September 2018. Other small island developing States are in the process of completing their second review cycle; Samoa, as a new State party, is completing its first review cycle and a country visit was held in September 2019.

8. The Implementation Review Mechanism was seen as an effective means of strengthening the implementation of the Convention by identifying gaps in legislative and institutional frameworks and in the enforcement of those frameworks. Small island developing States reported that the Mechanism provided a valuable opportunity to review existing anti-corruption frameworks and to assess whether reforms were needed to existing laws and policies and whether capacity-building was required to meet the obligations under the Convention. Micronesia (Federated States of) and Samoa observed that the Implementation Review Mechanism provided a forum to discuss national anti-corruption efforts more broadly with a range of different stakeholders.

9. The review process was reported to have helped strengthen coordination among stakeholders, internally and externally. Fiji and Palau reported how inter-agency coordination from the outset had made their review processes easier to coordinate and complete. The Federated States of Micronesia highlighted how that coordination had extended to the private sector and state governments. Other small island developing States, including the Cook Islands, Papua New Guinea and Tuvalu, noted that their ad hoc or established national anti-corruption committees played an important role not only in the review process, but also in coordinating their national anti-corruption efforts.

10. Several small island developing States reported that the peer review process had contributed positively to enhancing their understanding of good practices and on how
provisions of the Convention had been implemented in different contexts. In several cases, the participating countries had continued their dialogue after the review.

11. Pacific island countries reported on the support that they had received through the United Nations Pacific Regional Anti-Corruption Project in compiling information to complete their self-assessment checklists, workshops held in-country on the Mechanism and tailored support throughout the review process, to help them both as States under review and as reviewers.

12. All of the small island developing States that made submissions had hosted country visits as part of the Implementation Review Mechanism. Such visits were deemed invaluable as they allowed the review teams to meet the relevant stakeholders and appreciate the specific context of small island developing States. The Cook Islands referred to the visit as an excellent tool for the Government to focus its attention on the topic. Trinidad and Tobago added that the visit had allowed the reviewers to objectively determine how the anti-corruption system operated.

13. Small island developing States highlighted how the Implementation Review Mechanism had allowed them to prioritize and focus their anti-corruption efforts. Post-review workshops on the findings of the review process that highlighted the findings, successes and recommendations were commended and deemed beneficial.

14. Some States, including Comoros, Micronesia (Federated States of), Papua New Guinea and Tuvalu, highlighted that they were in the process of strengthening their anti-corruption policy frameworks through the development of national anti-corruption strategies and implementation plans as a result of recommendations stemming from the reviews.

15. Most small island developing States reported ongoing or planned legislative, policy and institutional reforms to address the review recommendations. Many States reported undertaking legislative reforms in preparation for, or as a follow-up to, the findings and recommendations of the review. In particular, the Cook Islands, Guinea-Bissau, Haiti, Mauritius, Micronesia (Federated States of), Nauru, Papua New Guinea, Seychelles and Trinidad and Tobago reported the introduction of new legislation and significant amendments to existing legislation.

16. Several small island developing States referred to the positive experience of participating in the Mechanism as a reviewing State party, noting that they had learned from the exchange with other States parties and the Secretariat, including from the best practices and challenges of States parties under review. Fiji, Micronesia (Federated States of), Nauru and Samoa highlighted that their participation in the Mechanism as reviewing States had been beneficial and helpful in the preparation for their own reviews.

17. While the implementation review process was universally seen as useful, there were some challenges associated with it in small island developing States. Within government agencies, the lack of staff and resources dedicated to anti-corruption matters had led to those issues being dealt with mostly in an ad hoc manner. It was reported that it had been difficult at first to understand what information to include in the self-assessment checklist, but the support of UNODC was deemed invaluable in that regard. Nauru also reported on delays in the review process and the Cook Islands on translation-related issues. Samoa and Trinidad and Tobago stated that it had been challenging to compile information as part of the preparation for the review process owing to a lack of available statistics and capacity constraints in compiling the data.

18. Many States reported receiving technical assistance from UNODC and UNDP to support both the preparation for the review and the follow-up to the outcomes of the review. That assistance had included the strategic prioritization of review recommendations and technical assistance needs.
C. **Anti-corruption reforms undertaken by small island developing States to implement the Convention and achieve Sustainable Development Goal 16**

19. Small island developing States recognized the importance of the 2030 Agenda for Sustainable Development and, in particular, the need to address Sustainable Development Goal 16 (Peace, justice and strong institutions) and its targets. To that end, many small island developing States reported implementing an array of preventive and enforcement-related measures to combat corruption.

20. Several small island developing States reported incorporating many of the targets contained in Goal 16 into their national policies, including national development plans, national visions and anti-corruption strategies. Some of those policies included specific implementation plans, as well as monitoring and evaluation frameworks.

21. No small island developing State reported on any specific anti-corruption frameworks that had been developed to enhance good governance in the area of land and ocean resources management. The Federated States of Micronesia made a general mention of its tuna resource management system and Nauru mentioned its focus on climate change and deep seabed mining. The Cook Islands referred to the Marae Moana Act 2017, in which the Cook Islands Exclusive Economic Zone was declared a multiple-use marine-protected area and which provided for transparency requirements in decision-making.

22. Several small island developing States reported on the importance of adopting a whole-of-society approach to addressing corruption. It was noted that, in addition to supporting public sector institutions, the continued engagement of the private sector and civil society was important for maintaining the momentum for reforms promoting integrity, transparency and accountability. Mention was also made of the establishment of broad coalitions involving the private sector, civil society and the wider community to advocate for reforms that would strengthen the confidence of citizens in public institutions. Fiji and Tuvalu specifically mentioned the role of parliament and their work with the Global Organization of Parliamentarians Against Corruption. Several States noted the importance of leadership in setting and driving the anti-corruption agenda.

23. Some small island developing States reported taking steps to address corruption in both the public and the private sectors. Trinidad and Tobago adopted legislation in 2019 centred on the recovery of criminal property, prevention of abuse of public funding, and the recovery and identification of true owners of funds. Training sessions were conducted on new legislation in relation to beneficial ownership transparency and non-profit organizations. Fiji reported on how it had integrated anti-corruption into the education curriculum: the National Anti-Corruption Curriculum had been launched in July 2019. Papua New Guinea reported on the adoption of charters on the provision of quality services to clients.

D. **Sharing of information among small island developing States on the implementation of the Convention**

24. Peer learning and South-South exchange of anti-corruption measures reflecting local circumstances were highlighted as important for successful anti-corruption efforts in small island developing States. Those States often shared similar characteristics and would benefit from knowing how comparable problems were addressed by countries facing similar constraints. Fiji and Tuvalu noted the Pacific-to-Pacific links that had been made by the Fiji Financial Intelligence Unit with others in the region. Papua New Guinea and Samoa reported having benefited from the experience of Fiji on integrating anti-corruption into their education curricula.
25. Following the adoption of Conference of the States Parties resolution 6/9, in which the Conference encouraged States parties and other interested donors to support the setting up of a dedicated platform for anti-corruption reforms for small island developing States, the Independent Commission against Corruption of Mauritius, together with UNODC, established the Small Island Developing States (SIDS) Anti-Corruption Research Platform. The Federated States of Micronesia noted that it had signed up to the Platform.

E. Technical assistance from States parties and other donors

26. The importance of the technical assistance provided to small island developing States was underlined in all of the submissions. The diverse challenges faced by small island developing States and the limited capacity of their public bodies to respond to those challenges had led to a growing need for external support.

27. Most small island developing States that provided submissions indicated that they had received technical assistance, which had enhanced the implementation of the Convention and contributed to the implementation of Conference resolution 7/7.

28. Technical assistance had also been provided to small island developing States by regional organizations and entities. Some States referred to training provided by the Asia-Pacific Group on Money-Laundering and the World Bank. The Cook Islands, Nauru and Papua New Guinea referred to the work of the Environmental Crime and Corruption Working Group of the Pacific Islands Law Officers’ Network. Papua New Guinea also reported on the support received by the Attorney-General’s Department of Australia, and Samoa reported on the assistance provided by the Pacific Transnational Crime Coordination Centre. The Cook Islands reported on support provided through the UNODC Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism to bring its anti-money-laundering legislation into compliance with the recommendations of the Financial Action Task Force.

29. Several small island developing States reported on the training and capacity-building that they had received bilaterally from Australia, New Zealand and the United States of America. For example, Micronesia (Federated States of) and Palau referred to forensic investigative training for law enforcement officials and specific training for the judiciary provided by the United States.

30. Australia reported on its long-standing commitment to assisting countries in implementing the Convention through its funding of the United Nations Pacific Regional Anti-Corruption Project, a unique joint venture delivered by UNODC and UNDP, and its support to the UNODC Asia-Pacific Joint Action Towards a Global Regime against Corruption. Australia recognized the contribution and impact of the United Nations Pacific Regional Anti-Corruption Project and reported that a third phase of the Project would commence in 2020. That would complement its broader regional and bilateral contributions to support countries in the Pacific to strengthen public sector governance and improve accountability and transparency, in line with the Convention and Sustainable Development Goal 16.

31. China reported that it had hosted the Second Belt and Road Forum for International Cooperation in April 2018. It had been attended by several small island developing States, including Grenada and Trinidad and Tobago. The Forum had been focused on how Governments could improve the business environment and how the international community could enhance cooperation on anti-corruption and the rule of law. China also reported that a conference on anti-corruption and law enforcement cooperation between China and Caribbean States had been held in Grenada in September 2018. It had been attended by representatives of Antigua and Barbuda, the Bahamas, Barbados, the Dominican Republic, Grenada, Guyana, Jamaica, Saint Lucia, Saint Kitts and Nevis, Suriname and Trinidad and Tobago. Participants had proposed a zero-tolerance policy on corruption and highlighted the importance of implementing the Convention and other anti-corruption commitments. They had also
agreed to promote and strengthen regional and international cooperation on anti-corruption matters and to take new steps in relation to anti-corruption exchanges and cooperation between China and the Caribbean States. China also reported that it had held anti-corruption and law enforcement training workshops, which had been attended by participants from Bahamas, Grenada and other small island developing States.

32. Norway reported having supported the UNODC programme on accelerating the implementation of the Convention against Corruption globally and the FishNET project. The objective of FishNET was to increase States’ capacities to prevent, identify, investigate, prosecute and adjudicate fisheries-related crimes, including corruption. With that support, Rotten Fish: A Guide on Addressing Corruption in the Fisheries Sector had been published in May 2019. Norway further reported on its support to the secretariat of the Alliance of Small Island States, including through structured cooperation with the Group of Pacific Small Island Developing States, led by Fiji, and the organization of a seminar on the topic “Ocean management: opportunities, challenges and experiences” on the margins of the Our Ocean 2019 Conference, to be held in Oslo on 23 and 24 October 2019.

33. Other initiatives reported by Norway on specific measures to strengthen governance systems in ocean and land resources management to protect the environment and livelihoods included: the Prime Minister of Norway launching the High-level Panel for a Sustainable Ocean Economy in 2018, of which the President of Palau and the Prime Minister of Fiji are also members; capacity-building for small island developing States on negotiations on the international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction; a workshop in the Federated States of Micronesia on fighting against unreported and unregulated fishing; the initiative to introduce an international declaration against fisheries crime, together with Kiribati, Palau and Solomon Islands; a programme with Fiji, Samoa and Vanuatu to combat marine litter and microplastics; and supporting the Plastic Waste-Free Islands initiative. Furthermore, Norway contributed to the World Bank’s new multi-donor trust fund, PROBLUE, to support healthy and productive oceans, with small island developing States being a target group. Norway also noted the visit of its Crown Prince to Fiji, Samoa and Tonga in April 2019, together with the Minister of International Development, and the invitation to the Minister of Foreign Affairs to attend the Pacific Islands Forum Leaders Meeting in Tuvalu in August 2019.

34. The Russian Federation reported having hosted several training workshops on the second cycle of the Implementation Review Mechanism. The Russian Federation had supported the participation of governmental experts and focal points from small island developing States including Jamaica, Maldives, Papua New Guinea and Seychelles.

35. Sweden reported having supported Mauritius and Seychelles to participate in a Financial Action Task Force training course in order to enhance their understanding of the Financial Action Task Force Standards on Anti-Money-Laundering and Combating the Financing of Terrorism and the implementation of effective measures.

F. Technical assistance provided by the United Nations Office on Drugs and Crime to support anti-corruption reform in small island developing States

36. Currently, UNODC provides technical assistance to small island developing States through a dedicated regional adviser based in Fiji. Other regional anti-corruption advisers, in particular, the regional adviser for Central America and the Caribbean, also provide technical assistance for small island developing States in their respective regions.
37. Most States mentioned the support provided by UNODC at all stages of participation in the Implementation Review Mechanism, including training provided to focal points and reviewing experts, and the support made available during the follow-up to the review. Technical assistance is provided by UNODC in multiple areas, including legislative drafting, support for policy development, capacity-building, participation of society and the implementation of country initiatives and the achievement of the Sustainable Development Goals.

38. UNODC delivered technical assistance to small island developing States at the national, regional and global levels.

39. At the national level, UNODC worked to facilitate accession to the Convention and to support effective participation in the Implementation Review Mechanism. For example, in Barbados, UNODC provided technical assistance in support of accession to the Convention.

40. UNODC directly supported national anti-corruption reforms in small island developing States. The Office provided legislative technical assistance and support for the development of three anti-corruption legislative reform bills in the Dominican Republic in 2018. It also supported the Financial Analysis Unit of the Dominican Republic through training on parallel investigations for the prevention of money-laundering. In Trinidad and Tobago, UNODC guided the integration of public procurement processes in line with international standards and best practices. In 2018, UNODC delivered specialized training on investigative techniques for corruption cases to the Integrity Commission of Jamaica. This resulted in further requests for inter-institutional workshops to foster national capacities and coordination. In Grenada, UNODC delivered specialized training on auditing techniques for the Integrity Commission, which led to key national investigations in collaboration with local law enforcement agencies. In Barbados, UNODC provided legislative advice on the revised Integrity in Public Life Act. In Timor-Leste, UNODC provided expert assistance in drafting the new law on the Anti-Corruption Commission and also on the asset-disclosure and conflict-of-interest system. It also supported the Commission in enhancing inter-agency cooperation with other specialized law enforcement entities to investigate and prosecute corruption offences by delivering tailored skills training.

41. Several small island developing States were supported by UNODC in the design and implementation of their national anti-corruption policies or strategies. In Barbados and Jamaica, UNODC provided ongoing technical assistance support in the development of their national anti-corruption strategies. In Haiti, UNODC supported the evaluation of the 2009 National Anti-Corruption Strategy, the preparation of a national analysis on corruption and governance and the drafting of a new anti-corruption strategy.

42. UNODC assisted Maldives in strengthening the integrity of the Anti-Corruption Commission by supporting it to develop the institutional anti-corruption strategic plan and by providing expertise to apply the corruption risks assessment and management methodology. UNODC also focused on building the investigative capacity of the Commission and other specialized law enforcement agencies to investigate and prosecute corruption cases involving financial transactions and illicit flows of assets, including money-laundering, by providing tailored, modular skills training.

43. Under the UNODC Global Judicial Integrity Network, which is aimed at enhancing judicial integrity in the implementation of article 11 of the Convention, the following countries were piloting the implementation of the Judicial Ethics Training Tools: Belize, Dominican Republic, Guinea Bissau, Haiti, Jamaica and Mauritius. All of these countries (except for the Dominican Republic) participated in train-the-trainers workshops that were based on those Tools. Several countries have already rolled out the national training, including Jamaica in August 2018 and January and July 2019, Belize in April 2019, Mauritius in May 2019 and Haiti in June 2019. A regional train-the-trainers workshop for the Caribbean region was also held in November 2018. In addition, UNODC developed a training package on judicial ethics.
44. At the regional level, UNODC supported the development of the Regional Agreement for the Return of Recovered Assets, the first of its kind worldwide, which was adopted in February 2019. Antigua and Barbuda, Barbados, Grenada, Saint Lucia and Saint Vincent and the Grenadines all signed the Agreement. In cooperation with the Implementation Agency for Crime and Security of the Caribbean Community, UNODC aims to support the implementation of the Agreement in the region through the provision of technical assistance on the return of recovered assets.

45. UNODC continued to provide technical assistance in the investigation, prosecution and adjudication of corruption offences, including by holding a regional workshop in Panama with participants from law enforcement entities in Barbados, Belize, Grenada, Jamaica and Trinidad and Tobago.

46. Australia provided information on its support to the United Nations Pacific Regional Anti-Corruption Project. The Project supported small island developing States in the Pacific to better prevent and combat corruption through effective implementation of the Convention and through the design and implementation of related anti-corruption reforms.

47. In particular, assistance had been provided through the United Nations Pacific Regional Anti-Corruption Project to enable States to accede to the Convention, legislative support had been provided, States in the Pacific region had been helped to better prepare for participation in the Implementation Review Mechanism and efforts to address recommendations stemming from the review and the sharing of good practices had been supported. The development and implementation of national anti-corruption reforms, including strategies, had also been facilitated. Under the Project, knowledge-sharing and capacity-building among States in the Pacific region had been supported by helping facilitate secondment and exchange programmes among relevant institutions, as well as providing other opportunities for South-South exchange. Moreover, regional and national training workshops on anti-corruption investigations and prosecutions focusing on money-laundering were organized with Fiji, the Marshall Islands, Micronesia (Federated States of), Palau and Papua New Guinea. Work was undertaken on integrating anti-corruption into the education curriculum with Fiji, Kiribati, Palau, Papua New Guinea, Samoa, Solomon Islands, Tuvalu and Vanuatu. A number of South-South knowledge exchanges were also held under the auspices of the Project and its annual secondment programme continued, connecting financial intelligence units in the region with the Fiji Financial Intelligence Unit. In addition, social accountability mechanisms and the role of non-State actors in combating corruption were promoted under the Project, including with parliaments, chambers of commerce and the media.

48. Also under the United Nations Pacific Regional Anti-Corruption Project, pre-ratification workshops were held in Niue and Samoa, and all States parties from the Pacific region were supported in the self-assessment stage of the Implementation Review Mechanism. Post-review workshops were organized in 11 Pacific island countries to help countries prioritize the review recommendations and create action plans to implement them. Back to back with those, Kiribati, Micronesia (Federated States of), Papua New Guinea, Solomon Islands, Tuvalu and Vanuatu received support to develop and strengthen anti-corruption strategies and policies. Using its National Anti-Corruption Strategy as the basis, Solomon Islands developed the Transparency and Accountability Project, a spin-off of the United Nations Pacific Regional Anti-Corruption Project. Assistance was provided to Kiribati and Samoa in the establishment of national anti-corruption committees that coordinate the development of strategies and broader anti-corruption reform. Micronesia (Federated States of), Papua New Guinea and Solomon Islands also received legislative drafting assistance.

49. Under the United Nations Pacific Regional Anti-Corruption Project, extensive work has been done with young people and civil society, through holding anti-corruption workshops and the train-the-trainers programme. That programme was based on the Pacific Youth Anti-Corruption Advocate’s Toolkit and was designed to raise awareness among young people about corruption. Under the Project, support
has also been provided to civil society and young people through anti-corruption initiatives across the region. Examples include: the Transparency International citizen budget in Vanuatu; the anti-corruption awareness-raising campaign of the Kiribati Climate Action Network; the adoption of codes of conduct by the chambers of commerce of Niue, Tonga and Samoa; and the establishment of the Pacific Network of Anti-Corruption Journalists together with the Pacific Islands News Association. The Solomon Islands chapter of the Pacific Youth Forum Against Corruption also partnered with the Development Services Exchange of the Pacific Island Association of Non-Governmental Organisations to campaign for the Anti-Corruption Bill, which was adopted in 2018.

50. In partnership with the University of the South Pacific, an anti-corruption course is being designed under the auspices of the United Nations Pacific Regional Anti-Corruption Project. The course is to commence in 2020 and will form part of the Diploma in Leadership and Governance Programme. It is based on the UNODC Education for Justice initiative.

51. In enhancing transparency and accountability through the right to information, the United Nations Pacific Regional Anti-Corruption Project was instrumental in supporting the development of law and policy on right to information in Vanuatu, as well as in the establishment of the country’s Right to Information Unit. The Unit organized training at the Government and community levels, including on outer islands. Work was also undertaken under the Project with Micronesia (Federated States of), Kiribati and Solomon Islands on their right-to-information bills.

52. Further information on technical assistance provided to small island developing States is available in the report of the Secretariat on analysis of technical assistance needs emerging from country reviews and assistance delivered by UNODC (CAC/COSP/2019/14) and the report of the Secretariat on the status of implementation of Conference resolutions 7/5 and 7/6, on the prevention of corruption (CAC/COSP/2019/2).

III. Conclusions and recommendations

53. The small island developing States are a diverse group of countries that nevertheless face similar challenges in implementing the Convention owing to their small economies, small geographical size, small populations, limited public administration capacity and frequent conflicts of interest.

54. The Conference may wish to recognize the progress made and challenges faced in the implementation of Conference resolution 7/7 and propose future measures to be taken by both States parties and UNODC.

55. The Conference may wish to highlight the need for extrabudgetary resources to allow UNODC and other assistance providers to continue providing technical assistance to small island developing States. To that end, the Conference may wish to call upon States parties and other donors to reconfirm their commitment to anti-corruption reform in small island developing States, including through individual initiatives, collaboration and the provision of financial means, in particular in the form of multi-year, soft-earmarked extrabudgetary contributions.