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English only

**Open-ended Intergovernmental Working
Group on Technical Assistance**
Vienna, 18 and 19 December 2008

**Preliminary proposals for possible technical assistance
activities to respond to needs identified by Member States
through the self assessment reports**

Discussion paper prepared by the Secretariat

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I. Introduction

1. In its resolution 1/5, the Conference of the States Parties to the United Nations Convention against Corruption decided that the interim open-ended intergovernmental working group on technical assistance shall, inter alia, (i) review the needs for technical assistance in order to assist the Conference of the States Parties on the basis of the information provided by States to the Conference; (ii) Consider information, as appropriate and readily available and in the areas covered by the Convention, on technical assistance activities of the Secretariat and States, including successful practices, as well as on projects and priorities of States, other entities of the United Nations system and international organizations; and (iii) Promote the coordination of technical assistance in order to avoid duplication.

2. The present paper is aimed at supplementing the data analysis contained in document CAC/COSP/WG.3/2008/2 entitled "Compliance with the United Nations Convention against Corruption and the technical assistance needed to implement the Convention". Consequently, the data used in order to compile the statistical information in the present paper is based on the same information contained in the self-assessment reports submitted to the Secretariat by 66 States parties.

3. The present paper provides preliminary proposals for addressing the technical assistance needs identified by Member States, including by way of bringing them together with technical assistance activities that are either ongoing or planned. In this respect the paper contains a proposal for a global initiative which could address the requirements in the area of legal assistance in a way so as to ensure quality and consistency with the text and principles of the Convention, as well as the decisions of the Conference and the Working Group. The paper further makes a proposal on a possible method for facilitating a better coordination of technical assistance needs and available technical assistance at the country level.

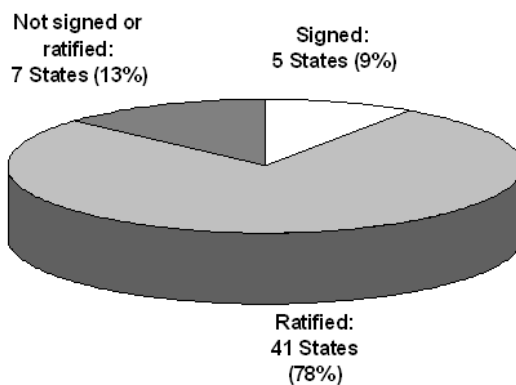
II. Regional breakdown of technical assistance needs based on responses received to the technical assistance checklist

4. The following graphics are illustrating the ratification rate in the respective regional groups, the rate of responses within the regional group, as well as the percentage of the different types of assistance as identified by the countries in their self-assessment reports.

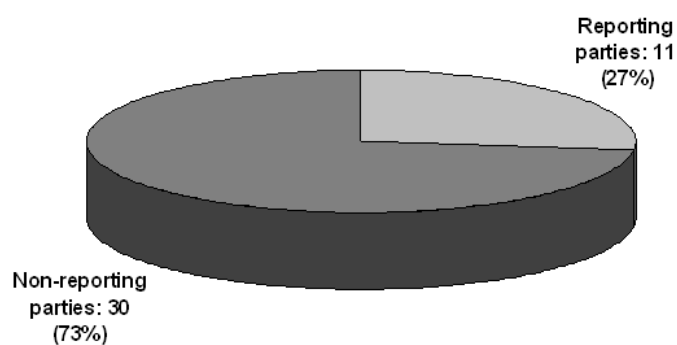
5. At the outset it should be noted that the types of technical assistance needs was limited to the categories that were included in the self-assessment checklist, as well as to the articles that had been selected to form part of the initial review through the checklist. The priority need expressed by many countries for what could be summarized as legislative assistance in the broader sense, is in part due to the scope of the self assessment checklist. However, it is also based on the fact that the United Nations Convention against Corruption is a new global treaty and for many States the review and amendment of existing legislation in order to ensure compliance with its requirements is one of the initial measures to domesticate the treaty.

Group of African States

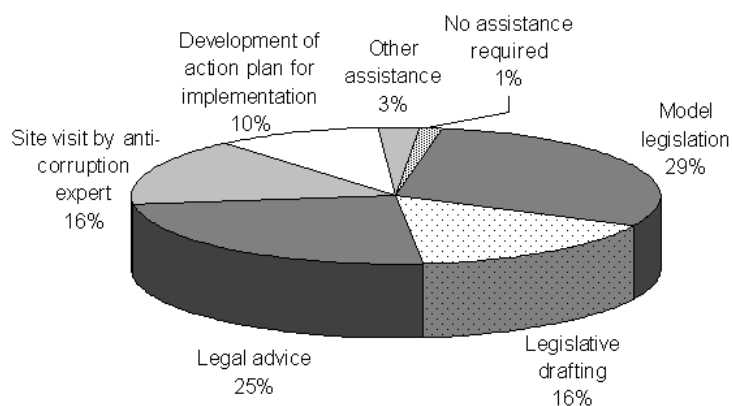
African Group ratification status of UNCAC



African Group reporting on UNCAC

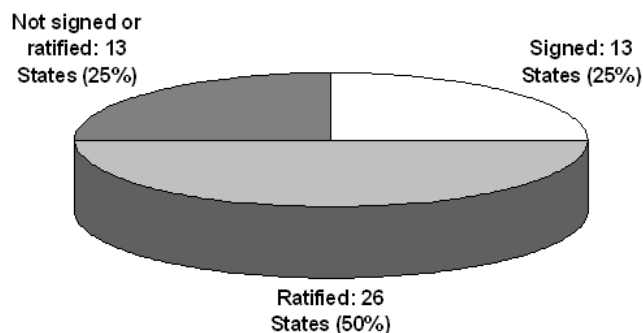


Technical assistance needs of reporting African Group parties

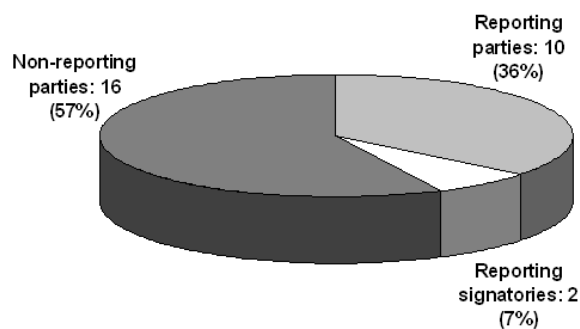


Group of Asian and Pacific States

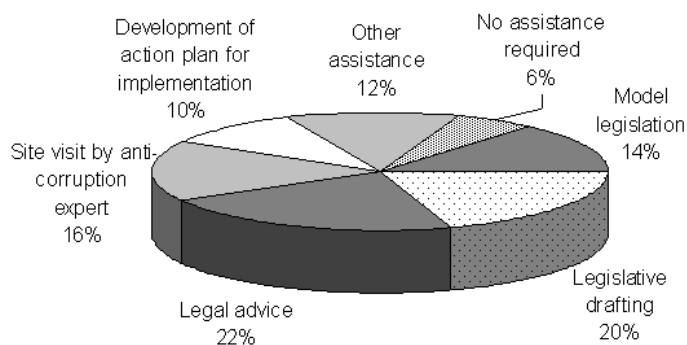
Asian Group ratification status of UNCAC



Asian Group reporting on UNCAC

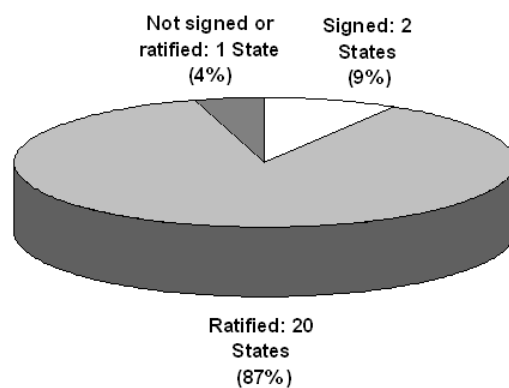


Technical assistance needs of the reporting Asian Group parties

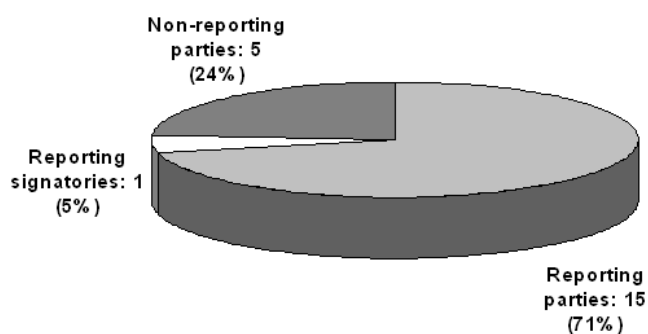


Group of Eastern European States

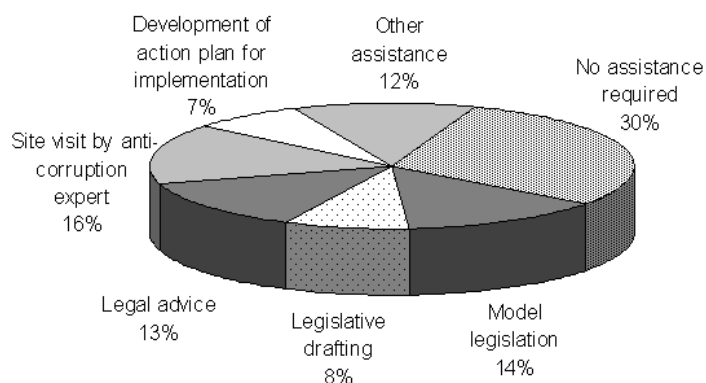
Eastern European Group ratification status of UNCAC



Eastern European Group reporting on UNCAC

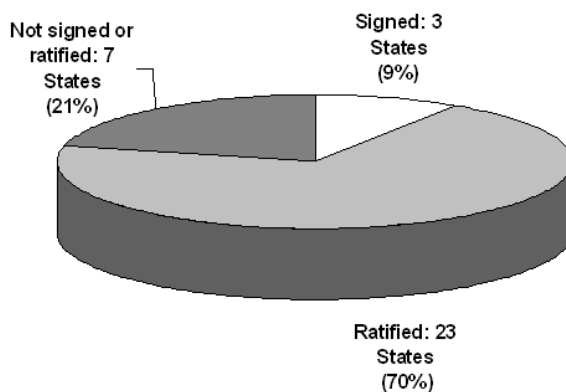


Technical assistance needs of reporting Eastern European Group parties

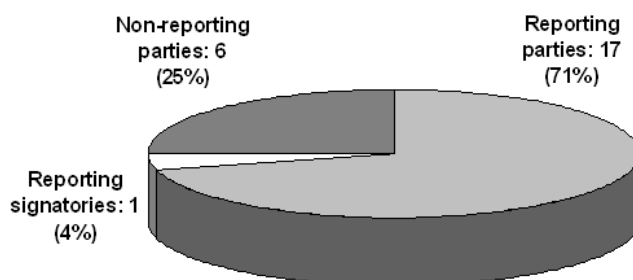


Group of Latin American and Caribbean States

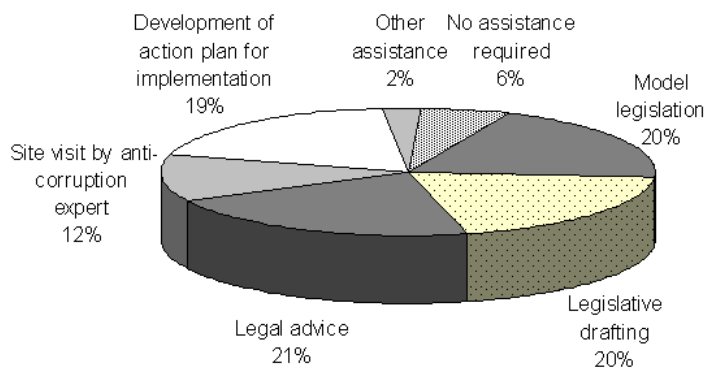
GRULAC ratification status of UNCAC



GRULAC reporting on UNCAC

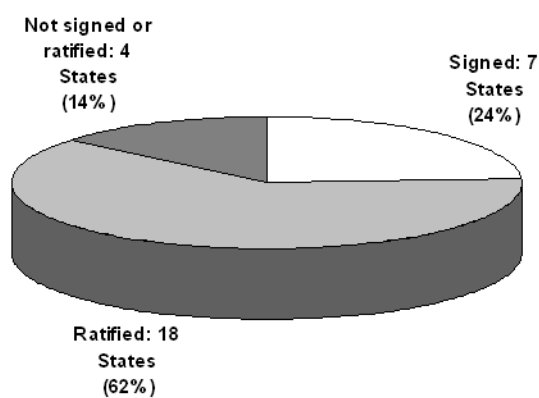


Technical assistance needs of reporting GRULAC parties

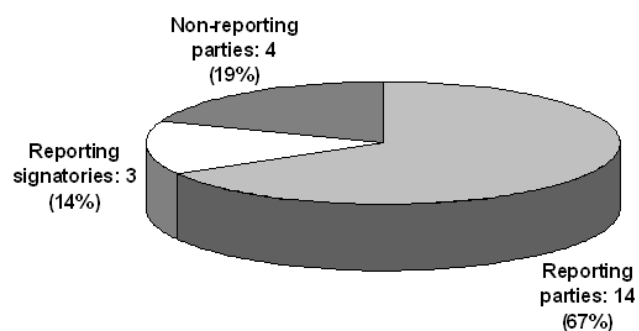


Group of Western European and Other States

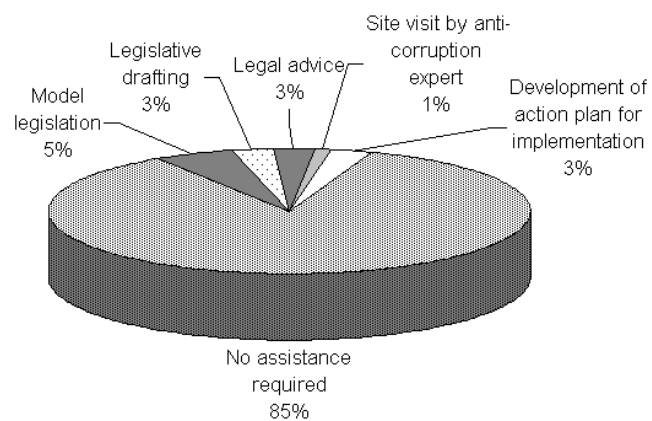
WEOG ratification status of UNCAC



WEOG reporting on UNCAC

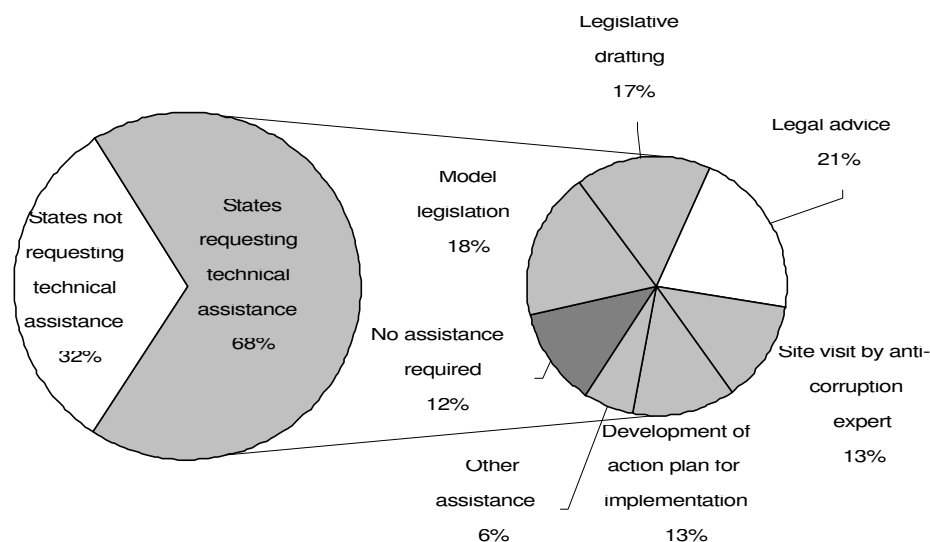


Technical assistance needs of reporting WEOG parties



Global Technical assistance needs

6. The following figure illustrates the breakdown of the different categories of technical assistance needs on a global scale (see also paragraph 52 and figure 32 of CAC/COSP/WG.3/2008/2).



III. A global response to identified legal assistance needs

7. Notwithstanding the limitations of the analysis due to the restricted scope of the self-assessment checklist, the technical assistance needs identified by States are primarily related to different forms of legal assistance to implement the provisions of the United Nations Convention against Corruption. Thus, there is a clear priority need identified in this field.

8. In order to address these needs, there are good arguments for developing a global response. While the required financial investment in the field of legislative assistance is comparatively low, the advantages of a coordinated approach to legal assistance are many, including quality control to ensure compliance with the provisions of the Convention, consistency in interpretation of the Convention and a common methodology.

9. Following are proposals for activities aimed at providing such legal assistance to requesting States for the implementation of the Convention. These activities are designed to provide effective and timely responses to technical assistance needs, while mainstreaming maximum flexibility and efficient use of resources.

10. The main activities consist of: support for the ratification of the United Nations Convention against Corruption; the provision of expert legislative advice for the purpose of securing full implementation of domestic legislation in compliance with the Convention; and, strengthened national capacity to apply such legislation. The anticipated results of the proposed activities are progress in relevant legislative development and in national capacity to implement the legislation.

A. Providing legal advice and legislative drafting assistance for implementing the Convention

11. In order to respond to the identified needs for legal advisory services and legislative drafting assistance, it is proposed to supplement UNODC's resident expertise through the establishment of a pool of experts. The experts would be identified and vetted on the basis of their recognized knowledge of the Convention against Corruption or certain aspects of the Convention. Ideally, the experts would have experience, preferably as legal drafters and/or combine such experience with an academic background. In addition, when deciding on the composition of the pool due consideration would be given to the various legal systems, as well as the principle of equitable geographical distribution. The services of the individual experts to form part of this pool would be obtained on a retainer basis and would only be drawn upon when specific needs arise. All interventions would be based on clear guidelines and a common methodology, while taking into account country-specific needs and requirements.

12. The pool of experts together with resident UNODC experts would assist countries, upon request, in the process of identifying the required legislative steps towards the full implementation of the United Nations Convention against Corruption. This would include carrying out initial legal advisory services and needs assessment activities for reviewing existing legislation relevant to the implementation of the Convention, discussing possible gaps and together with the relevant authorities proposing changes, assisting government stakeholders in the development of national plans and comprehensive checklists on the required legislative steps, as well as the development of concrete benchmarks towards the full implementation of national plans and implementation measures.

13. Other proposed activities include the organization of national, sub-regional and regional workshops focusing on increasing knowledge, as well as policy level awareness of the obligations arising from the Convention.

B. Strengthening domestic capacity to apply legislation

14. Tailored to the needs identified by Governments, national training seminars for relevant criminal justice practitioners in charge of the implementation of domestic legislation could be foreseen. Depending on the specific needs, seminars and workshops could focus on introducing new legal provisions, as well as on ways to enhance international cooperation. Specifically in the area of asset recovery specialized training seminars could focus on the implementation of new measures including on asset tracing, confiscation, mutual legal assistance and return of confiscated assets.

15. Throughout, activities would also aim at facilitating opportunities for relevant national officials to learn from the experiences and practices of other countries. This is in part intended to be addressed through the pool of experts which would be regionally representative, as well as take into account the different legal systems. However, in addition, activities under the programme would include study visits and fellowships. The programme would also facilitate the provision of longer-term targeted activities, through the pool of experts, for countries requiring in-depth assistance on the implementation of the new legislation.

C. Developing knowledge for the legislative implementation of the Convention

16. A range of tools for the legislative implementation of the United Nations Convention against Corruption have already been developed and should be widely disseminated, such as the Legislative Guide, relevant studies, recommendations, policy decisions and good practices. The Travaux Préparatoires of the Convention are being finalized and will similarly be disseminated widely.

17. In addition, UNODC has been mandated to develop a range of practical tools to assist countries in better meeting their obligations under the Convention. These include the development of a range of model provisions based on the requirements of the Convention to assist countries in drafting implementing legislation based on common law, civil law and mixed legal systems, as well as step-by-step guides on how to implement certain aspects of the Convention. The development of manuals, training materials and curricula aimed at enhancing the knowledge and capacity of relevant stakeholders could be further envisaged. Where feasible, these would be developed in cooperation with other organisations and institutions. All material would be published and disseminated widely in hard-copy and electronically through the internet.

D. Estimated Budget

18. The following table gives an indication of the estimated costs for these activities over a two year period.

Description	Year 1	Year 2	TOTAL
	2009	2010	
<i>Experts and Personnel</i>			
Pool of international Experts	240,000	240,000	480,000
Substantive & Administrative Support Personnel	200,000	200,000	400,000
Sub-Total	440,000	440,000	880,000
<i>Tool Development</i>			
Sub-Contracts & Grants	50,000	50,000	100,000
Translation & Printing	70,000	70,000	140,000
Sub-Total	120,000	120,000	240,000
<i>Capacity Development, Training & Study Tours</i>			
Study Tours	50,000	50,000	100,000
Group Training & Meetings	150,000	150,000	300,000
Sub-Total	200,000	200,000	400,000
<i>Travel of experts</i>			
	150,000	150,000	300,000
Sub-Total	150,000	150,000	300,000
<i>Equipment, Premises & Evaluation</i>			
Equipment & premises	10,000	6,000	16,000
Evaluation 3%	27,600	27,500	55,100
Sub-Total	37,600	33,500	71,100
Project Subtotal	947,600	943,500	1,891,100
Project Support Costs	123,200	122,700	245,900
Project Total	1,070,800	1,066,200	2,137,000

IV. Bringing together assistance needs and delivery at the country level

19. The responses received by Member States to the self assessment checklist contain valuable information on technical assistance needs and priorities. At this stage, the data is being analysed by the Secretariat in order to draw to the extent possible information on global priorities and trends. This is by itself important in order to enable the Working Group to carryout its mandated functions in assisting the Conference and providing guidance on priorities.

20. In addition, the Working Group has been mandated to consider information on technical assistance activities, as well as on projects and priorities and to promote the coordination of technical assistance in order to avoid duplication.

21. Previously, UNODC as the secretariat of the International Group for Anti-Corruption Coordination had been mandated and had attempted to create an electronic database of technical assistance projects conducted by its membership. Ideally, this database, if regularly updated by the various assistance providers, would have served as a tool for facilitating better coordination of technical assistance delivery and avoid duplication. However, due to the operational modalities of many assistance providers, the information on technical assistance activities is not readily available in one central repository, but is rather spread out in various locations, including in many cases in country offices. Therefore it is extremely difficult and in many cases virtually impossible for the assistance providers to draw this information together for inclusion in the database.

22. In this respect, the Working Group may wish to consider the following proposal for facilitating the delivery and coordination of technical assistance at the country level. On the basis of the information on technical assistance needs, as well as technical assistance that is already being provided, which is contained in the self assessment reports, the Secretariat could compile and keep up-to-date a technical assistance matrix (see annex for a possible structure of such a matrix, based on the type of information contained in the current self assessment checklist format.) The detail of information generated through the checklist could be further enhanced on the basis of the work in progress on developing an improved and comprehensive self-assessment checklist.

23. The matrix could be presented to the Working Group for its review and, where relevant, in the case of bilateral or multilateral donor agencies, for onward submission to country offices or technical assistance coordination groups, in order to elicit responses on already ongoing technical assistance programmes that could be adapted to address the needs identified by a given country, or for consideration of targeted technical assistance activities to address the needs identified.

V. Sharing experiences and successful practices

24. Furthermore, the Working group has been mandated to consider information, as appropriate and readily available and in the areas covered by the Convention, on technical assistance activities by the Secretariat and States, including successful practices.

25. In this context, the Group may wish to consider whether it would be feasible to focus discussions on successful practices during the next meeting of the Working Group on certain parts of the Convention, e.g. on prevention.

ANNEX

State	Technical Assistance required	Assistance already provided	Provider of assistance	Need for further assistance
Country A	Article 5: a) Model legislation b) Legal advice c) Site-visit by anti-corruption expert	No		
	Article 6: a) Model legislation b) Legal advice c) Site-visit by anti-corruption expert d) Development of action plan for implementation	No		
Country B	Article 9: a) Development of action plan for implementation	Yes	OAS	Yes, in part
Country C	Article 57: a) Legislative drafting	No		
Country D	Article 5: a) Development of action plan for implementation b) Other assistance: c) Capacity building programme for functionaries	Yes, in part	World Bank, CARE, USAID, Inter-American Development Bank	Yes