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Technical assistance

**Report on the International Cooperation Workshop on
Technical Assistance for the Implementation of the United
Nations Convention against Corruption, held in Montevideo
from 30 May to 1 June 2007**

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I. Introduction

1. At its first session, held in Amman from 10 to 14 December 2006, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 1/6, in which it recommended that a workshop for relevant practitioners and experts, including from multilateral and bilateral donor agencies and recipient countries, be held within the following six months to bring together, inter alia, development and legal expertise related to anti-corruption policies. The main purpose of the workshop would be to contribute to mutual understanding among experts in that field through discussions on, inter alia, issues related to best practices and coordination.

2. In the same resolution, the Conference requested the Secretariat to facilitate, in close collaboration with interested parties and subject to the availability of extrabudgetary resources, the organization of the workshop. Pursuant to that resolution and thanks to the contributions from Finland, France, Germany, Norway and the United Kingdom of Great Britain and Northern Ireland and to the offer of the Government of Uruguay to act as host, the International Cooperation Workshop on Technical Assistance for the Implementation of the United Nations Convention against Corruption was held in Montevideo from 30 May to 1 June 2007. The Workshop was attended by 75 experts from 37 countries and 14 experts from international and non-governmental organizations. Eugenio María Curia (Argentina), in his capacity as Vice-President of the Conference, chaired the workshop.

3. The present report provides an account of the discussion during the Workshop and includes a summarization of two background papers that analysed the United Nations Convention against Corruption (General Assembly resolution 58/4, annex) as a framework for development assistance, focusing on the implementation of the Convention as an essential element of sustainable development and on the issues of consistency and coherence in the delivery of technical assistance. The report compiles lessons learned, best practices and strategies for promoting mutual understanding among development and legal experts and for improving the coordination of technical assistance and maximizing its impact. The Chairman's summary is contained in annex I and a note from donors is contained in annex II.

Background

4. The successful conclusion in 2003 of the negotiation of the Convention against Corruption was heralded as perhaps the most significant achievement of the international community in action against corruption in recent years. Not only was the international community now equipped with a truly global, comprehensive and ground-breaking instrument of international law, but the new convention was moreover the product of a transparent process grounded in broad consensus.

5. In its preamble, the Convention recognizes unequivocally that corruption jeopardizes sustainable development and the rule of law. It highlights the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and foster a culture of rejection of corrupt practices. Those preambular pronouncements, which embody

the basic tenets of democracy and good governance, permeate the entire text of the Convention.

6. One of the three purposes of the Convention, as stated in its article 1, is to promote integrity, accountability and proper management of public affairs and public property. In pursuit of those objectives, the Convention includes a comprehensive chapter on prevention that contains what has been recognized as a broad range of state-of-the-art measures, thus making prevention one of its fundamental principles. The Convention also includes detailed provisions on technical assistance and emphasizes the central role of providing technical assistance to developing countries and countries with economies in transition in support of their efforts to implement the Convention.

7. The chapter on technical assistance and information exchange covers each of the components of the partnership between developed and developing countries as found in the ongoing debate on development assistance: capacity-building, with special emphasis on skills development; information as the underpinning of situational analysis, policy development and assessment of progress; and the sharing and transfer of knowledge and material assistance to foster achievement of the aims of the Convention.

8. Article 62 is of special importance in that regard as it affirms the importance to sustainable development of preventing and controlling corruption and of implementing the Convention and calls for broad partnerships between developed countries, as well as international and regional organizations with developing countries.¹ The implementation of the Convention is thus a key component of development assistance.

9. The unprecedented speed of the entry into force of the Convention confirmed its broad support, raised awareness of its innovative features and accentuated its role as the principal instrument in the area of preventing corruption. That in turn reinforced the momentum to look seriously into how it could be implemented in the most effective and efficient way. The strong support from developing countries – in the form of their expeditious ratification of or accession to the Convention – led to a firm call that special attention be paid to technical assistance requirements for implementation.

10. Those factors played an important role in shaping the deliberations of the Conference. Predictably, technical assistance rose to the top of the agenda of the Conference and became one of the three priority areas for which the Conference decided to establish working groups, the other two areas being asset recovery and review of implementation. It was perhaps not coincidental that the three topics have common features and emerge clearly as the areas where action needs to be carefully coordinated to achieve concurrent and tangible results.

¹ The ratification by many developing countries contributed significantly to the rapid entry into force of the Convention, illustrating that the Convention serves as a bridge connecting the desires and goals of donors and partners.

II. Relevance of anti-corruption initiatives to development efforts

11. No country, regardless of its stage of development, has a monopoly on corruption, be it on the supply or on the demand side. Nonetheless, the effects of corruption are more devastating in fragile or developing countries, as the proportionate damage and costs are often much higher there. Corruption has come to be regarded as one of the most important factors underlying poverty and underdevelopment. Multilateral institutions and donors have moved towards the consensus that corruption is one of the most important obstacles to growth and development. In fact, the anti-poverty strategies of many donors contain anti-corruption projects. Research by the World Bank suggesting that, when countries improve controls on corruption and the rule of law, they can expect in the long run a fourfold increase in income per capita is often cited in support of such strategies.

12. A common language has been evolving in recent years through a series of major conferences, declarations and also experiences linking the issues of corruption, good governance and development.

13. The United Nations Development Programme (UNDP), for example, produced a corporate policy paper entitled "Fighting corruption to improve governance" in 1998, in which it noted the importance of dealing with corruption as a development issue. The accountability, transparency and integrity programmes of UNDP aimed at strengthening democratic governance date back to 1997. The link between governance and anti-corruption featured prominently in the "cancer of corruption" speech given by the president of the World Bank at the 1996 annual meetings of the World Bank and the International Monetary Fund and in the 1997 report entitled *Helping Countries Combat Corruption: the Role of the World Bank*.² In the 1998 World Bank publication entitled *Assessing Aid*,³ it was noted that poverty could hardly be addressed effectively if Governments did not commit to acting against corruption and weak governance.

14. One of the most significant milestones was the United Nations Millennium Declaration (General Assembly resolution 55/2). Even though neither the Declaration nor the Millennium Development Goals refer specifically to the problem of corruption, the Goals formed the basis for many anti-corruption programmes. The Declaration noted the central challenge of ensuring that globalization became a positive force for all people, with benefits and costs more evenly distributed. It recognized the special difficulties faced by developing countries and countries with economies in transition in dealing with that challenge and called for a global and consensus-based approach to developing policies and measures responsive to the needs of developing countries.

15. In response to the call by many developing countries for changes in international financial relations, the International Conference on Financing for Development, held in Monterrey, Mexico, in 2002, concluded that greater

² World Bank, *Helping Countries Combat Corruption: the Role of the World Bank* (September 1997).

³ World Bank, *Assessing Aid: What Works, What Doesn't, and Why* (New York, Oxford University Press, 1998).

cooperation between public and private actors was necessary to offset shortfalls in development finance and to achieve the Goals. The Monterrey Consensus of the International Conference on Financing for Development⁴ represents a valuable framework for thinking about how the international community could mobilize the necessary resources for that purpose. It contains principles, guidelines, policies and actions in six general areas: mobilization of domestic resources; mobilization of international private resources for development; international trade; international financial and technical cooperation for development; external debt; and systemic issues. Affirming that fighting corruption at all levels was a priority and that corruption was a serious barrier to effective resource mobilization and allocation, and diverted resources away from activities that were vital for poverty eradication and economic and sustainable development, the participants at the Conference committed themselves to negotiating and finalizing as soon as possible a United Nations convention against corruption in all its aspects, including the question of repatriation of illicitly acquired funds to countries of origin, and also to promoting stronger cooperation to eliminate money-laundering.

16. Adopted on 4 September 2002, the Johannesburg Declaration on Sustainable Development⁵ underscored collective responsibility to advance economic development, social development and environmental protection and the need to devise a practical plan for poverty eradication and human development. Recognizing the interconnections between development and criminal justice issues, it noted the challenge posed by the deep fault line that divided human society between the rich and the poor and the ever-increasing gap between the developed and developing worlds, which represented a major threat to global prosperity, security and stability. Acknowledging corruption as a severe threat to sustainable development, the Declaration called on the private sector to make a contribution to the effort and to enforce corporate responsibility within a transparent and stable regulatory environment.

17. In 2004, UNDP published an Anti-Corruption Practice Note that pointed out that the negative impact of corruption on development was no longer questioned as evidence from across the globe confirmed that corruption impacted the poor disproportionately. According to the note, corruption hindered economic development, reduced social services, diverted investments in infrastructure, institutions and social services and undermined efforts to achieve the Millennium Development Goals; corruption therefore reflected a democracy, human rights and governance deficit that negatively impacted poverty and human security.

18. With their endorsement on 2 March 2005 of the Paris Declaration on Aid Effectiveness: Ownership, Harmonization, Alignment, Results and Mutual Accountability, ministers from developed and developing countries built on the Monterrey Consensus and reaffirmed the commitment of donors and partners to increased and more effective aid in support of partner country efforts to strengthen governance and improve development performance. The Declaration outlined five

⁴ *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

⁵ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 1, annex.

primary commitments (ownership, alignment, harmonization, management for results and mutual accountability) and described progress indicators, time targets and monitoring provisions.⁶ In particular, the ministers committed themselves to taking concrete and effective action to address the remaining challenges, including corruption and the lack of transparency, which eroded public support, impeded effective resource mobilization and allocation and diverted resources away from activities vital to poverty reduction and sustainable economic development, bearing in mind that where corruption existed, it inhibited donors from relying on partner country systems.⁷

19. Also in 2005, a joint statement by the Council of the European Union and the representatives of the Governments of the member States meeting within the Council, the European Parliament and the European Commission was issued – under the title “European Consensus on Development” – and provides a vision to guide development cooperation at the level of the European Union and its member States.⁸ Consistent with the United Nations Millennium Declaration, the joint statement set out objectives and principles for development cooperation, while reaffirming the commitment of the European Union to poverty eradication, ownership, partnership, the delivery of increased and better aid and the promotion of policy coherence for development. The statement commits the European Union to promoting democracy, human rights, good governance and respect for international law, with special attention to transparency and anti-corruption.

20. Following up on that statement, the European Union reaffirmed, in the Petersburg communiqué of 2007, that development was a goal in itself and that sustainable development included good governance, human rights and political, economic, social and environmental aspects. A subsequent report of the European Parliament⁹ called on the European Commission to focus more specifically on transparency and accountability in development programmes. Reflecting many of the provisions of the Convention, the report stressed the role of civil society, a free press, strong legal systems and independent watchdogs. A more recent report of the European Parliament¹⁰ called on the private sector to adopt corporate codes of conduct and called on the European Commission to monitor the effectiveness of the code of conduct for European enterprises operating in developing countries,

⁶ The significance of the Declaration and of later statements on aid effectiveness is illustrated by the findings of a study by the non-governmental organization ActionAid International: “Failure to target aid at the poorest countries, runaway spending on overpriced technical assistance from international consultants, tying aid to purchases from donor country’s own firms, cumbersome and ill-coordinated planning, implementation, monitoring and reporting requirements, excessive administrative costs, late and partial disbursements, double counting of debt relief, and aid spending on immigration services all deflate the value of aid” (ActionAid International, “Real Aid: an Agenda for Making Aid Work”, 2005 (available at: www.actionaid.org/assets/pdf%5Creal_aid_192005_153541.pdf)).

⁷ In that connection, partner countries also committed to make progress towards building institutions and establishing governance structures that delivered effective governance, public safety, security and equitable access to basic social services for their citizens.

⁸ *Official Journal of the European Union*, C 46, 24 February 2006.

⁹ European Parliament, Committee on Development, *Report on Aid Effectiveness and Corruption in Developing Countries (2005/2141(INI))*, report A6-0048/2006 (27 February 2006).

¹⁰ European Parliament, Committee on Development, *Report on Mainstreaming Sustainability in Development Cooperation Policies (2006/2246(INI))*, report A6-0474/2006 (21 December 2006).

particularly with regard to the implementation of sustainable development requirements. The report also called for an analysis of corruption in fiduciary risk assessments in relation to aid provided directly to national budgets. Finally, it urged countries where corruption-related assets were to be found to take the necessary asset-recovery measures.

21. In 2003, the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development began developing guidelines for ways in which member States could prevent corruption in the framework of their development cooperation. DAC had already been promoting donor coordination and aid effectiveness since the early 1990s through its Principles for Effective Aid; and the DAC Network on Governance (GOVNET) serves as a forum where practitioners from bilateral and multilateral organizations can exchange experiences and views towards the improvement of development cooperation. DAC has been active in the area of anti-corruption work and has published a number of relevant documents. The most recent one, a policy paper on anti-corruption entitled "Setting an agenda for collective action," argues that, in the changing context in which anti-corruption efforts are situated, risks associated with piecemeal and uncoordinated approaches can be expected to arise. The paper notes that, to be consistent with the spirit of the Paris Declaration and the GOVNET Draft Principles for Donor Action in Anti-Corruption, action on corruption needs to centre on more comprehensive initiatives at the country level. That, however, calls for an approach that views corruption in the context of the wider political economy of public-sector governance in each country.

22. Former Secretary-General Kofi Annan summarized many of the above points in a statement delivered on 31 October 2003, on the occasion of the adoption of the Convention against Corruption by the General Assembly. In his statement, the Secretary-General affirmed that corruption hurt the poor disproportionately – by diverting funds intended for development, undermining a government's ability to provide basic services, feeding inequality and injustice, and discouraging foreign aid and investment; corruption was a key element in economic underperformance and a major obstacle to poverty alleviation and development.

III. The United Nations Convention against Corruption in the context of development assistance

23. The entry into force of the Convention against Corruption and the rapid increase in the number of States parties from the developing world have resulted in fresh demand for technical assistance to support implementation. That demand has in turn heightened the already formidable challenge for donor countries and agencies to be coherent and to coordinate their efforts efficiently and effectively.

24. A review of the broad range of measures contained in the Convention brings into full view the fact that technical assistance efforts to promote governance and strengthen action against corruption may have been lacking in context, coherence and long-term sustainability and that a much more consistent, coherent and comprehensive approach is needed. The situation also calls for establishing the role that implementation of the Convention should play in broader governance reform

and strengthening efforts, together with a clear determination of the resources required to achieve those goals.

25. The comprehensive nature of the Convention has challenged ideas about and approaches to the broader development agenda, especially concerning which institutions qualified as relevant to development. In the past, “governance” and “rule of law” were used as broad, all-encompassing terms that reassured development assistance providers reluctant to accept the reality of the criminal justice system being a central pillar of development. That reluctance has an historical explanation. The criminal justice system was viewed as a set of institutions that were important but not directly related to development in the traditional sense. Furthermore, assistance to strengthen institutions key to the criminal justice system, such as in the law enforcement area, raised concerns about the protection and promotion of human rights. The result was that, for many years, a number of development assistance providers dealt with the dilemma of allaying those concerns while devoting attention to the criminal justice system by folding such assistance into broader programmes labelled as “governance” or “rule of law” work. Although those programmes have made significant achievements, the maxim that the first step to solving a problem is to confront it holds true also here. The Convention has brought to centre stage the need to engage with the criminal justice system in a holistic manner and with a long-term sustained commitment and to make serious investments in the development of that system.

26. The Convention has emerged as an instrument of unity of purpose between the developing and developed worlds. The product of an open, transparent and comprehensive process, it built consensus by combining the interests of the broad constituencies involved in its development. That consensus must be reflected in the way the Convention is used and implemented. Its potential as a point of convergence and commonality of purpose must be fully realized and exploited. Flowing from this would be a process whereby the Convention is used as the common and agreed standard in determining joint goals and priorities and in designing programmes to achieve its objectives. Without impinging on established decision-making processes, using the Convention as the common basis for setting pragmatic objectives and developing ways to achieve those objectives is bound to foster better understanding, dispel preconceived notions and sharpen the focus on measurable results. The overall goal of making inroads against corruption and achieving a clearly identifiable impact is shared by both developed and developing countries. All agree that such an impact is a sine qua non to achieving development and growth. It is also a given that development priorities must be determined by the developing countries concerned. The Convention has been identified as the means to move forward in the fight against corruption and it lends itself to setting goals for the future, monitoring progress through implementation and measuring impact.

IV. Challenges for technical assistance¹¹

A. The complex web of donor country agendas

27. Over the past ten years a certain international consensus has emerged among donor organizations about key issues to be addressed in the fight against corruption. At the same time, the various bilateral and multilateral donor organizations have their own institutional mandates and objectives, which are determined by their home countries or management boards in line with national political interests, their respective visions of priorities in an interdependent world order, concern for making good use of national taxpayers' money and varying approaches to how best to achieve development in poor countries.¹²

28. Consequently, there are at times important differences between donor organizations regarding the motivations, focus, final goals and practical modalities of their anti-corruption cooperation. Some donor organizations, for example, focus their anti-corruption cooperation on issues related to the fight against other forms of international crime considered a threat to national and international security. Others place greater emphasis on national ownership of country-level anti-corruption policies. Some, in particular the larger donor organizations, try to exert political pressure on reform-resistant governments (sometimes together with attractive financial incentives), while others prefer to engage in dialogue with governments or support local actors in exerting pressure on the ground.^{13, 14}

29. Efforts to harmonize and align international cooperation within the framework of the DAC Draft Principles for Donor Action in Anti-corruption are important to promoting dialogue on the various interests and objectives and to finding common ground. The challenges lie less in dealing with a variety of approaches than in recognizing them, making them explicit and strengthening transparency and coordination mechanisms in order to make the best use of the interests and capacities of each donor organization.

¹¹ As used herein, the term "technical assistance" refers broadly to the provision of technical, material, financial and political support by donor countries to developing countries to help the latter prevent and prosecute corruption, as required for the implementation of the Convention against Corruption.

¹² In that regard, in a working paper of the Swedish International Development Agency entitled "Anti-corruption strategies in development cooperation", it was observed in 2004 that donor organizations were partly political organizations with the assignment of implementing their nation's political agenda, partly supervisory agencies with the assignment of ensuring that taxpayers' funds are administered well, and partly knowledge organizations with the assignment of transferring know-how to – and acquiring know-how from – recipient countries.

¹³ B. Hamm and B. Ludermann, "Bestandaufnahme und Empfehlungen zur Strategie eines geplanten 'Kompetenzkerns Korruptionsbekämpfung'" (Overview and recommendations for a strategy of a planned focus issue on the fight against corruption) (Eschborn, Germany, German Agency for Technical Cooperation, 2006).

¹⁴ J. Anger, *Anti-Corruption Strategies in Development Cooperation*, Corruption Working Paper No. 3 (Stockholm, Swedish International Development Cooperation Agency, 2004).

B. Implementation realities

30. The implementation of the Convention at the country level will undoubtedly involve a number of national actors, each of which may potentially be a recipient of technical assistance. For example, criminal prosecution cases require that a series of administrative and criminal procedures be carried out satisfactorily by a variety of public agencies. Hence, anti-corruption efforts focused on building the capacity of the attorney general's office would have limited chances of success if the other institutions involved, such as internal and external control organs, the police and the courts, were not strengthened, too. First and foremost, technical assistance should target the various state agents, although the private sector, civil society and media are also critical. Thus, the majority of anti-corruption measures require the confluence of multiple interests in a common direction over a period of several years.¹⁵

31. It is important to highlight that some public players may be open to cooperation in their work to attain national anti-corruption goals. However, they may at the same time also compete for financial resources. In such a complex context, international cooperation and political support from donors can be a relevant incentive to enhance the viability of specific initiatives. However, caution is required in order not to generate unintended adverse effects by distorting or skewing a country's policy framework. For example, donor support to temporary anti-corruption units attached to the executive branch may be an effective approach to creating momentum for anti-corruption policies in one country, but in others it may result in only short-term effects because those units may disappear with the Government that set them up. Accordingly, diagnostics, information and assessments that are shared between donors can enhance the effectiveness of their decisions. The coordination of efforts is important for taking advantage of the dynamics of natural competition and collaboration between national players that are potential recipients of anti-corruption support.

32. Article 5 of the Convention stipulates that States parties should have an effective and coordinated anti-corruption policy framework. That is a crucial article as it emphasizes that anti-corruption initiatives should cut across the different sectors of a country's governance system and its multiple institutions, and can be promoted by a variety of public and private players with multiple, often conflicting and at times changing political objectives. As mentioned above, such policies and measures may complement, strengthen or even compete with each other and their dynamics and strengths depend on the broader governance context, an often changing political agenda and the capacities, will and power of the players involved.

33. To date, considerable effort has been devoted to developing practical advice and methodological guidance on what anti-corruption strategies, programmes and policies should consist of. However, those orientations have been largely prescriptive and some of the underlying assumptions have recently been

¹⁵ For example, cooperation between public agencies and private-sector companies has been crucial for the success of procurement reform, while the association between civil society, the media and academia has been an important factor in improving access to information in several developing countries.

questioned.¹⁶ Also, much attention has centred on the design stage of anti-corruption policies and mechanisms. Given the importance of implementation, not enough attention seems to be paid to this phase. Often inter-institutional coordination is difficult, political incentives for implementing partners change and institutional capacities require considerable financial and technical resources.¹⁷ It is important not to lose sight of the dynamics of the multiplicity of players, the influence of the political environment and the identification of new needs for capacity development.

34. The prevention, detection, investigation and sanctioning of corrupt acts require that institutional actors work in coordination with each other and have access to shared information flows. However, anti-corruption work often suffers from a “silo vision” approach that focuses on institutional capacity-building at the expense of inter-institutional cooperation and coordination. That situation is mirrored in the fact, for example, that one of the most common recommendations of the follow-up mechanism to the Inter-American Convention against Corruption (E/1996/99) was that Latin American States needed to strengthen their supreme control institutions by establishing inter-institutional coordination mechanisms.¹⁸

V. Considerations for delivering technical assistance

35. The United Nations Convention against Corruption reinforces existing donor initiatives in the area of anti-corruption work. The GOVNET Draft Principles for Donor Action in Anti-Corruption, for example, echo the holistic approach of the Convention, calling for attention to be given to both the supply and the demand sides of the problem. The agenda that emerged from the Paris Declaration is in line with the Convention, as the latter provides an agreed framework for support based on common international standards. The preventive measures of the Convention reflect generally accepted principles of the good governance agenda. At the same time, punitive measures and international legal assistance reinforce international agreements in areas such as money-laundering, transnational bribery and fraud; and they include the criminalization of such detrimental practices as the bribery of

¹⁶ Shah and Schachter point out that support for anti-corruption agencies or awareness-raising campaigns will have limited effects in a context of rampant corruption, where efforts should focus instead on broad underlying features of the governance environment (Anwar Shah and Mark Schachter, “Combating corruption: look before you leap”, *Finance and Development*, vol. 41, No. 4 (2004)). The focus on awareness-raising has been criticized as it may mainly help to create an atmosphere of public cynicism, and the creation of broad coalitions has been questioned owing to the limited success of their sustainability (Martin Tisné and Daniel Smilov, *From the Ground Up: Assessing the Record of Anticorruption Assistance in Southeastern Europe* (Budapest, Central European University, 2004)).

¹⁷ For example, political pressure often withers away with the passage of a new law or amendment. However, the practical implementation of such measures requires administrative rules and regulations, procedures and also capacity-building for the civil service in general and sometimes for citizens and economic players.

¹⁸ Organization of American States, *Hemispheric Report on the First Round of Review of the Committee of Experts of the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC)* (Washington, D.C., OAS, 31 March 2006).

officials of public international organizations and in the private sector and the establishment of the liability of legal persons.

36. The Convention obliges States parties to enhance their cooperation at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat corruption. The Convention itself provides an internationally agreed framework for organizing such efforts. As emphasized above, however, a framework should not be confused with a blueprint. There is no single model of reform; instead, the leadership in each country must determine priorities and the appropriate sequencing of steps towards implementation.

A. Aligning anti-corruption initiatives with broader governance reforms

37. Anti-corruption initiatives are crucial to the achievement of higher-level development objectives, such as properly functioning political systems, economic development, access to justice, the rule of law, health and education. Accordingly, and for the following reasons as well, it is critical to ensure that anti-corruption efforts are in line with broader governance reform.

38. First, opportunities for corruption are often an important risk factor in achieving the desired results of broader governance reform. It is therefore crucial to identify which types and forms of corrupt practices may jeopardize central reform efforts in a given country and to take appropriate risk management measures.

39. Second, anti-corruption initiatives are only one priority – often a secondary one – on the political agenda of governments and they compete with numerous other reforms and policies for attention and resources. Hence, linking anti-corruption efforts tightly to broader governance reforms may not only increase the effectiveness of the latter but also augment the chances of success of the former.

40. Third, responsibility and accountability for the implementation of anti-corruption efforts must lie necessarily with the competent agency or agencies having political-administrative authority over the reform in question. As many corruption prevention measures cut across the government structure, the implementation of codes of conduct, for example, needs to be part not only of civil service reform in general but also of each public agency involved.

41. Fourth, the resources available for allocating to anti-corruption work are limited. The development of anti-corruption strategies should thus take into consideration how best to create areas of synergy, tap the strength of existing priority policies and prevent anti-corruption efforts, as a fashionable topic, from diverting attention and resources from the higher-level objectives of state activity.

B. Developing a gradual implementation approach based on a strategic vision

42. As the Convention contains a broad spectrum of preventive and punitive anti-corruption provisions, full compliance by the States parties will pose a challenge for the vast majority of countries around the globe. The scope and depth of that challenge will vary widely from one country to the next depending on the extent to

which their normative systems are already in line with the provisions of the Convention and to what degree those norms are in fact being implemented.

43. Technical assistance should be provided to States parties with a view to helping them to develop a strategic vision on how to address country-specific corruption problems over time. Taking into account that quick fixes for corruption at the systemic and behavioural levels are virtually non-existent, the time horizon for such a strategic vision could extend over one to two decades. That does not mean that important changes and reforms are impossible in the short term; it is rather meant as a call for realism when addressing entrenched problems.

44. Donors should foster dialogue with Governments and civil society on the action required to meet the standards set forth in the Convention and they should assist in the development of firm plans indicating who should be responsible for the implementation and monitoring of anti-corruption programmes. National anti-corruption plans or strategies can provide direction to governmental departments and a common standard and strategy for donors to align their activities with.¹⁹ A built-in review mechanism to monitor priorities and sequencing in the light of changing public policy agenda is necessary in order to make adjustments and detect new opportunities.

C. Supporting national coordination mechanisms

45. Anti-corruption initiatives usually cut across a wide range of government activities, such as general governance, financial management, public-sector reform, justice reform, health and education. Inter-institutional coordination is indispensable to ensuring the success of such a broad spectrum of efforts with different institutional homes. In countries that have a clearly identified governmental anti-corruption body, the task often tends to be assigned to that institution. In other cases, ministerial committees or other inter-institutional coordination mechanisms may exist. Regardless of the model chosen, the vast majority of countries suffer from weak coordination capacity, owing in some cases to the design of the coordination approach and in others to a lack of human and financial resources.

46. International development partners should take such shortcomings seriously and look for creative ways to support existing national coordination mechanisms. While the form of support will vary widely from country to country, donors need to start thinking about such support and setting resources aside.

47. Finally, in a number of countries, in particular those having large development cooperation budgets, donor-government consultative groups have been established to foster policy dialogue and coordination and to facilitate joint funding initiatives. There does not yet seem to be a fixed model with regard to the location of anti-corruption coordination in such frameworks. However, there are some important questions that need to be raised at the country level with regard to the local political culture and existing institutions. Such questions include whether to form a separate

¹⁹ Lara Green, George Larbi and Michael Hubbard, *Cooperating against Corruption: a Review of In-country Donor Coordination in Africa against Corruption*, final report commissioned by the United Kingdom of Great Britain and Northern Ireland, Department for International Development, Policy Division Anti-Corruption Team (February 2005).

anti-corruption group or to mainstream anti-corruption into other sector consultative groups, such as for governance; how to make the group work; who should lead it; and whether there is scope for a division of labour among its members.²⁰ Considering the enormous breadth of activities and issues that an anti-corruption consultative group has to follow, donors should ensure that sufficient and competent human resources are available.

D. Profiling existing projects and analysing gaps

48. In many cases, anti-corruption initiatives can be embedded in development programmes, often implicitly. As a first step, donors could consider mapping the relevance of existing aid-funded programmes for the implementation of the Convention. By profiling the interface of current activities with the Convention, donors may strengthen the position of all reform advocates – not just themselves – in discussions vis-à-vis the state. Such an exercise would also provide an invaluable contribution to the coordination of efforts and avoidance of duplication.²¹

E. Building long-term institutional and human capacity

49. The main challenges facing anti-corruption efforts usually do not relate to amending laws or passing new ones but rather to the state's capacity to implement and enforce legislation effectively. A number of countries have cutting-edge anti-corruption legislation, often thanks to international technical assistance and sometimes to a strong legal culture, but their institutions have not been adapted accordingly; a multiplicity of norms dating from different periods may be in conflict with each other; and, above all, the organizational culture and individual behaviour within public institutions may not have changed. Furthermore, technical assistance has so far centred on training, policy advice and technical input into the design of specific anti-corruption measures, while support for the implementation phase, including indispensable capacity-building at public agencies, has been relatively limited.

50. For the prevention and control of corruption to be effective, the international community must convince itself that long-term institutional capacity development is one of the most crucial ingredients for success. Such an approach may not be as appealing as providing support for the design of anti-corruption measures or the training of relevant stakeholders inasmuch as the outputs there are clearly visible. However, the focus needs to shift towards creating outcomes and impacts and, for that, well-functioning institutions and a civil-service culture of probity and integrity are indispensable. An important condition for achieving that is a strengthened civil-service career system, including greater continuity in positions that require specialized knowledge.

²⁰ Ibid.

²¹ Databases for the systematic sharing of basic information concerning past, ongoing and future technical cooperation projects and programmes that focus on the prevention and control of corruption or, more broadly, work towards enhancing good governance could be a helpful tool for such a mapping exercise. The relevant work by the United Nations Office on Drugs and Crime on behalf of the members of the International Group for Anti-Corruption Coordination and the U4 Anti-Corruption Resource Centre could serve as an example.

51. Such capacity development must go beyond financial and technical support for anti-corruption bodies. More importance needs to be given to strengthening the integrity and institutional capacity of other key institutions in preventing, controlling and combating corruption in line with the national reform agenda. For example, if public financial management and justice sector reform are the central policy pillars of a country, the institutional development approach for the Ministry of Finance, supreme audit organizations, the Ministry of Justice, the Attorney General's Office and court system needs to have a strong integrity, transparency and accountability component with specific focus on eliminating opportunities for corruption. Support measures could include long-term advisers or mentors to provide hands-on technical support to governmental institutions, to link institutional development efforts more explicitly with internal integrity and accountability initiatives,²² and to dedicate more resources to the implementation and monitoring of codes of conduct and integrity standards. Finally, the establishment or strengthening of national training institutions, in particular to train and prepare career officials for the civil service, should be considered.

F. Using research and analysis for better policymaking

52. Research on and the analysis of corruption provide the foundation for sound policymaking and a benchmark for implementing reforms. That is widely acknowledged among development partners and has been reflected in practical advice published by them to guide the development of anti-corruption strategies. However, realities on the ground are still often characterized by the lack of a sound knowledge base.

53. Demand for research may easily exceed available or reasonable means or become an end in itself. A pragmatic approach to avoiding such pitfalls might be for development partners to support the Government, civil society organizations, the media, professional organizations and the private sector in creating broad agreement on a national research agenda.

G. Strengthening national monitoring and evaluation capacities

54. The lack of solid monitoring and evaluation capacity is a common problem. Data collection systems tend to be unreliable and erratic, national statistics offices can be weak and public agencies may not attach great value to processing, systematizing, preserving and disseminating the information they produce. That lack of institutional capacity negatively impacts on the quality and efficiency of public policies, and that is particularly true for anti-corruption policies.

55. That being said, development partners usually do have monitoring and evaluation mechanisms for the anti-corruption projects they support. However, those mechanisms are often based on indicators and criteria more relevant to headquarters than to actors on the ground involved in the implementation of broader policies into which those projects are supposed to feed. Furthermore, despite the efforts of

²² For instance, the development of internal accountability and oversight structures, codes of conduct, ethics training, service user charters, complaint reporting mechanisms, disciplinary actions and complaint analysis.

donors to make their monitoring and evaluation information more transparent, problems persist with accessing that information. Against such a backdrop, technical assistance for implementing the Convention should provide specific support to the strengthening of national monitoring and evaluation capacities.

H. Inducing commitment and action by a broader range of relevant actors

56. The opportunities for corruption in all countries are manifold and widely scattered throughout the national political system, decision-making processes and service delivery, and hence, they involve a broad variety of actors. The first wave of anti-corruption work largely concentrated on technocratic approaches to reforming the civil service and to strengthening civil society in its watchdog and advocacy functions. The private sector was recognized only later as a key partner. Recently, the political dimension of corruption has been acknowledged through increased work with legislatures and other political actors. Other stakeholders have undoubtedly participated or been encouraged to participate in anti-corruption work as well. However, there seems to be a need to strengthen and induce anti-corruption action among a broader range of relevant actors.

57. To date, cooperation in the anti-corruption area has placed strong emphasis on building coalitions to aggregate otherwise dispersed interest groups and stakeholders so that they might have more “political weight”. A complementary approach to all-encompassing anti-corruption coalitions would be to bundle interests and energy around more concrete, possibly sector-related anti-corruption goals.

I. Streamlining the Convention into education and training programmes

58. The prospects for effective and coherent implementation of the Convention will hinge largely on the commitment of the various actors in a given country to turn that legal obligation into a meaningful reality. For that, the Convention needs to be known to a far wider range of people.

59. International support for the development of user-friendly, practical and case-oriented training modules on the implementation of the Convention would be a useful step in that direction. The modules would need to be tailored to different target audiences, such as the staff of governmental agencies, justice institutions, supreme audit bodies, the legislature, civil society, the media and the private sector, and also the staff of international development partners. The training should aim not only at raising awareness but also at generating demand for and commitment to reform.

60. Awareness-raising and education are particularly important when it comes to mainstreaming the provisions of the Convention into general development-cooperation projects. For that to take place, education and training within the donor organizations themselves are crucial.

J. Promoting sector approaches: converging supply and demand for reform

61. More recently, cooperation in the anti-corruption area has started to look at corruption vulnerabilities in specific sectors, such as health, construction and justice. Addressing corruption vulnerabilities in specific sectors has the potential to generate new or additional benefits for anti-corruption work. Responsibility and accountability for sector anti-corruption initiatives would be concentrated more in the hands of sector-relevant public agencies. Cooperation and technical assistance should focus on public agencies of the sector in question and on interest groups, clients and civil society organizations with a stake in that sector. Activities could include the following: (a) conducting risk assessments of sector vulnerability to corruption and formulating the necessary risk management plans for whose implementation public agencies would be accountable; (b) carrying out agency-level internal integrity initiatives, including implementation and monitoring of codes of conduct, internal and external communication strategies, internal control frameworks and the development of a hierarchy of accountability from the highest to the lowest level of supervision; (c) encouraging private-sector involvement relevant for a particular sector; and (d) supporting professional organizations with a stake in the sector, civil society organizations and client groups with an eye to developing or strengthening advocacy, education and monitoring capacity.

K. Cooperation and coordination of development partners

62. As stated above, the Convention provides for a comprehensive framework within which international cooperation and technical assistance for anti-corruption initiatives can be organized more effectively, in particular if different underlying political agendas are made explicit and are fully considered. The DAC alignment and harmonization principles set a common agenda for Governments and development partners. Moreover, they focus on increasing the capacity of Governments by using governmental systems and reducing donor congestion around government through coordination among donors.

63. Although the DAC Principles for Effective Aid are a symbol of joint political will, the dynamics can be quite complicated and they determine, to a large extent, whether and how donors really work together on anti-corruption. Coordinated donor activities are hindered when there are no significant government-led initiatives for donors to support collectively. Similarly, where collaboration is not a high priority for the headquarters of donor agencies, there is less motivation for in-country collaboration.²³

64. A starting point for increased cooperation could be to identify a small group of donors with shared priorities and good working relations. Such groups can provide an opportunity for engaging in joint programming, sharing information, resources and training, developing joint strategies and common procedures and taking common action.

²³ Green, Larbi and Hubbard, *op. cit.*

L. Developing a shared, country-focused anti-corruption approach

65. It is widely acknowledged that isolated or piecemeal anti-corruption activities do not bear fruit. What is needed are country-specific anti-corruption strategies that are tailored to national corruption issues and the political culture and are integrated into the overall national development plan. There is no doubt that technical assistance needs to be aligned with such national strategies or plans. In line with the DAC Draft Principles for Donor Action in Anti-Corruption, development partners should create a shared anti-corruption approach in agreement with the government and based on a commitment to implement the Convention. An anti-corruption approach largely agreed upon by the international community would increase both the efficiency and effectiveness of international cooperation. It would also help to avoid duplication, divide up responsibilities for support, focus interventions and convey a unified message to counterparts. In addition, it would reduce often wasteful competition for funds. As a start towards such shared country visions on the ground, development partners should engage in joint diagnostic tools or analytical work specific to the anti-corruption effort.

M. Promoting donor accountability through transparency in donor cooperation

66. Transparency in donor cooperation and technical assistance for anti-corruption initiatives is crucial for several reasons. Access to information about donor-funded anti-corruption projects, their objectives and available funds facilitates: (a) coordination between donors and partners; (b) equitable conditions for healthy competition for funds; (c) monitoring of implementation; and (d) evaluation of impact. Donors should act in a way that reflects the standards that they seek to instil in partner countries and lead by clear example.

67. Donors should thus ensure that the practices of their agencies are consistent with the standards of the Convention, in particular with regard to the transparency of information. Furthermore, information on decision-making processes and on decisions that concern members of the public should be published (art. 10). Other relevant provisions for improving the integrity and accountability of donor agencies address the need for a code of conduct, a transparent, merit-based hiring and promotion process, transparency in the administration and auditing of funds, whistleblower protection for those who report cases of corruption, and the encouragement of civil society participation in policymaking.

68. In recent years, several organizations have integrated a corruption perspective into programme and project support in all sectors of their development cooperation. Experience gained by the Norwegian Agency for Development Cooperation, the Department for International Development of the United Kingdom, the World Bank and the Inter-American Development Bank shows that the organization must allocate considerable resources to make it possible to integrate those issues in practice. There should, for example, be an autonomous group in the organization that has the specific mandate and political support to pursue the issues, both inside and outside the donor organization. The group should have its own budget and a strategy that covers several years and contains a workplan with specific and measurable goals.

N. Exploring collaborative financing

69. Despite the increased harmonization efforts of donors, international cooperation and technical assistance for anti-corruption is still often uncoordinated and fragmented, with many organizations working bilaterally in relative isolation from each other. The reasons for that situation are manifold and include the differences in orientations received from their respective headquarters, the various financing mechanisms involved, which range from budget and sector support to off-budget support, and the lack of coordination capacity.

70. One way to overcome those difficulties could be the creation of jointly financed “transparency funds”, which would be placed at the service of nationally determined anti-corruption work. The funds could be governed by an independent structure consisting of government and donor representatives and, where appropriate, with civil society participation. Financial commitments to the trust funds should last at least into the medium term in order to ensure the sustainability of anti-corruption activities. However, particular care is needed to ensure a government co-financing scheme wherein an increasing share of funds is provided by the national government as a sign of its political commitment to anti-corruption reform. The Joint Transparency Fund of Nicaragua and the Partnership for Governance Reform in Indonesia, for example, provide some experience to draw upon.

O. Ensuring long-term commitments to overcome challenges of government cycles

71. When a new administration comes into office, it can legitimately take up a new government programme and a specific agenda of priorities, which may or may not include an important focus on anti-corruption work. Hence, the political cycle naturally affects the continuity and orientation of a country’s anti-corruption policies. Inasmuch as anti-corruption efforts require a long-term approach if they are to generate lasting change, progress made during one Administration may be abandoned halfway down the road. The result is not just wasted money and human resources, but also increasing disillusionment on the part of those involved as they seek to adapt to changing priorities.

72. Cooperation should identify creative ways of resolving the dilemma of the political cycle, striking a balance between the legitimacy of change in government programmes and the need for sustained support to existing anti-corruption efforts. The above-mentioned transparency funds, if designed appropriately, may be one vehicle for achieving that.

P. Advocating for implementing the Convention “at home”

73. Donor organizations need to advocate the ratification and implementation of the Convention also “at home”, as it is impossible for them to engage in credible dialogue on corruption when their own Governments are complicit in the problem. Hence, the Convention should be used as a catalyst for greater coherency in anti-corruption policies among the development aid, law enforcement and foreign policy

areas of government. Development actors should liaise with colleagues from the relevant ministries in their own countries to ensure that compliance with the Convention is pursued in all branches. It is particularly important that donor countries address the international drivers of corruption, which means engaging proactively with the private sector both at home and in partner countries.

74. Therefore, international initiatives such as the Extractive Industries Transparency Initiative, the Water Integrity Network and the Global Compact Initiative merit particular support from donor agencies at the level both of international coordination and of the implementing country.

VI. Ensuring coherence and consistency: the role of the Conference

75. Over the past few years, the increased realization of the challenges facing development assistance providers in the area of governance and anti-corruption and the entry into force of the Convention have resulted in a significant effort to instil a new sense of consistency and coherence in the design and delivery of development assistance. Those efforts have been most prominent in the work of DAC and, more specifically, its Network on Governance (GOVNET) (see para. 21 above). The commendable work of GOVNET needs to be encouraged and sustained in order to conclude the ambitious agenda that the Network has set for itself. Those efforts can be enhanced by making sure that DAC and GOVNET become fully involved in the work of the Conference and that the Conference be given the opportunity to perform fully the coherence and consistency function entrusted to it by the Convention.

76. By its very nature and comprehensive mandate, the Conference is uniquely placed to serve as a forum for active dialogue among development partners. It provides the venue for development partners to consult and inform each other, to listen to problems and successes, to find common ground on determining and reviewing priorities and progress and to work together to ensure the success of common efforts. The Conference also offers another advantage. It enables longer-standing members of the donor community to engage in productive dialogue with newer donors that may not be members of established mechanisms such as DAC. That dialogue is an essential first step in establishing clear and pragmatic coordination objectives that are shared by all within a common, consensus-based framework such as the Convention. Such dialogue comes with significant added value, as it may go a long way towards averting the frustration of a development community that has worked within existing mechanisms to achieve coordination only to see the effects diluted by the action of emerging donors whose priorities are determined outside those mechanisms.

77. An equally important component of a coherent and consistent approach is internal coordination. Because of its broad coverage, the Conference lends itself to the achievement of such coordination as it is bound to bring together representatives of various areas of government. The interaction of those representatives, together with the inevitable need to formulate unified government positions, would contribute greatly to avoiding or discontinuing situations in which different government offices view issues in a completely different way. It may also encourage

the building of national consensus on the priorities and objectives of development assistance.

78. The Conference also provides a meeting point for bilateral and multilateral donors and can help them to build a common platform for action. The nature of the Conference and the fact that its priorities will in all likelihood revolve around the review of implementation and the delivery of technical assistance for the foreseeable future offer a unique opportunity for building that platform in a setting where the purpose is clearly identified and agreed upon and where the sole desire is to ensure that the resources and efforts necessary to achieve those common objectives are channelled appropriately and efficiently.

79. Finally, the interaction and active dialogue between different sets of experts in the context of the Conference are likely to promote approaches that will lead the development community away from the views that have prevailed in the past. In that scenario, the anti-corruption components or potential impact of anti-corruption measures in broader development programmes will be properly recognized, recorded and addressed in their full dimensions, using appropriate expertise as necessary.

VII. Recommendations

80. Success in implementing the Convention and mainstreaming it in development assistance will be achievable only in the long term. Therefore, sustainability of effort and unwavering commitment are essential. However, to have such sustainability and commitment, it is crucial that the political priority of taking action against corruption remain high on the domestic and international agenda. For donors, it is important to make sure – through the appropriate mechanisms and safety valves – that emerging issues do not overshadow that commitment or absorb resources that need to be devoted to it. For development partners, it is important to ensure that there be broad political and societal buy-in and support for institutional and structural reforms and for the overall goal of effective reduction of corruption.

81. In short, the full implementation of the Convention by both developing and developed countries holds great promise for improving governance nationally and globally, while making for a more level playing field for the private sector. Areas of synergy and incentives for deeper implementation of the Convention will increase as more countries ratify the Convention and implement its provisions.

82. The challenge facing those who will implement the Convention and provide technical assistance is summarized in article 1, which states the purpose of the Convention and the scope of the work lying ahead as follows: (a) to promote and strengthen measures to prevent and combat corruption more efficiently and effectively; (b) to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; and (c) to promote integrity, accountability and proper management of public affairs and public property.

83. The Convention reflects a number of best practices and lessons learned from anti-corruption initiatives over the years: without a comprehensive approach to which the international community, donor organizations, all parts of government,

the private sector and society are fully committed, the task cannot be accomplished. The challenge for many countries will be to carry out fundamental reform and the reorganization of public and private governance. Without good governance, corruption can be expected to persist as a serious problem even in a country that has good money-laundering laws or effective confiscation mechanisms.

84. The challenges involved in implementing the Convention have been amply recognized in public statements and documents, but not always in practice. Although the need for technical assistance and support is widely acknowledged and is also required by the Convention, current and anticipated demand exceed existing capacity. Yet, high-quality technical assistance and a good understanding of national specificities is a precondition for the success of the entire enterprise.

85. The necessary long-term investment in the implementation of the Convention and in mainstreaming it into broader efforts to pursue development and growth means devoting significant attention to building up skills and expertise. A conscious effort must be made to guarantee consistency and accuracy in the development of methods, tools and solutions and to ensure that they conform to the individual characteristics, requirements and traditions of States. Forming a cadre of specialists charged with instituting reforms and taking them forward at the national level must become one of the highest priorities. Concurrently, adequate resources must be devoted to education in order to turn out a new generation of experts and practitioners versed in the full implementation of the measures foreseen by the Convention.

86. Technical assistance involves more than technological advice and the transfer of expertise. In many instances it entails supporting structural changes and cultural shifts. The strategic planning, prioritization, sequencing and timing of reforms must be done methodically and with due account for local specificities. Knowledge, experience and the sharing of information are more important now than ever before: such an opportunity to interlink the desires and goals of the global North with those of the global South does not arise often. In that context, the role of non-state actors, civil society, scholars and think tanks cannot be underestimated in the global effort to gain distance from immediate realities in order to understand and link issues, seek sustainable solutions through consensual knowledge, and apply and participate in those solutions. Academics are called upon to articulate problems, inspire and educate their “students”, and train and learn from practitioners in support of the good governance and anti-corruption endeavour.

87. Developing countries may seek technical assistance from various organizations simultaneously. Coordination and quality controls are essential for success in such cases. The risks of not doing so include lost momentum for anti-corruption programmes, immunity for serious offenders, wasted resources, general and private-sector disenchantment, the emergence of dysfunctional institutions, constitutional challenges, the need for further legal amendments, and an inability to coordinate and cooperate internationally. The issues of prevention, legislation, procedure, institutional frameworks and international cooperation coupled with the provisions relating to the private sector, civil society and asset return pertain to so many facets of society as to provide an excellent opportunity for assisting countries in moving towards broad-based reforms conducive to good governance, respect for the rule of law and justice, economic growth and democracy. However, if that is not done well, serious setbacks in all those regards can be expected. Limiting resources

or underestimating the significance of the implementation of the Convention therefore can be counterproductive.

88. When a government grows dependent on aid donors, there may be no national ownership of the policy agenda to reduce poverty and no democratic mandate for such an agenda. Legitimacy and a commitment to good governance can only flow from collaborative efforts that draw on and consolidate local support and societal initiatives.

89. While reviewing work under way is vital, the exercise needs to go beyond prescriptive box-ticking regimes and questionnaires to processes based on agreed principles and an active environment in which actors are committed to doing the right thing and doing it well.

90. International cooperation and technical assistance are key factors for the successful implementation of the Convention at the country level. At the same time, cooperation and coordination between the providers of technical assistance need to be improved. To assist States parties in improving cooperation, support the provision and exchange of information and facilitate coordination with relevant international and regional organizations (in accordance with article 64), the secretariat should:

(a) Disseminate information, with a particular focus on bringing the supply and demand sides of anti-corruption efforts closer together. That could include the establishment of a central information clearing house with data on, as a minimum, donor strategies on anti-corruption work (headquarters-level strategies); donor-supported anti-corruption programmes and projects at the country level (including governance projects with anti-corruption components relevant for the Convention); national anti-corruption strategies, plans or programmes; and specific national anti-corruption policies and measures. Not all of those areas would need to be researched from scratch, as relevant links to existing material can often be easily established. The United Nations Office on Drugs and Crime has already started collecting information on specific projects as part of the database of the International Group for Anti-Corruption Coordination, accessible through their website (www.igac.net);

(b) Facilitate coordination between the various international and regional players involved in the implementation of the Convention in order to detect opportunities for synergy or partnership and to avoid duplication. The provision of relevant information, as noted earlier, is a prerequisite. However, the secretariat should also identify gaps in cooperation and technical assistance, build bridges between the two areas of anti-corruption cooperation, as pointed out above, and organize forums where donor organizations can discuss, align and harmonize their efforts, such as in the Open-ended Intergovernmental Working Group on Technical Assistance.

Annex I

Chairman's summary

1. The following summary of the discussions was presented by the Chairman to the International Cooperation Workshop on Technical Assistance for the Implementation of the United Nations Convention against Corruption, held in Montevideo from 30 May to 1 June 2007. While discussion on the content took place at the workshop and some concrete suggestions made there are included in the text, the summary should not be considered as a negotiated text of the participants.
2. Various issues were discussed, including the United Nations Convention against Corruption as a framework for development assistance, implementing the Convention as an essential element of sustainable development and ensuring consistency and coherence in the delivery of technical assistance. As most of the discussions on the items and the various sub-items were interrelated, the present summary does not reflect the organization of work followed by the Workshop.
3. Participants shared experiences in the areas of development assistance, coordination and cooperation. Contributions were made on mainstreaming the Convention as a safeguard to development and promoting governance through its effective implementation. Considerable emphasis was placed on how technical assistance could best respond to the needs and priorities of requesting States and how the impact of technical assistance could be maximized through improved coordination. Several presentations and statements were made on existing initiatives and how to best utilize them.
4. The discussions revealed a considerable evolution in thinking since the time of the negotiation of the Convention. Some common denominators were found but discussions also led to the realization that, in some areas, views diverged and more thought was necessary. The workshop served as an important forum for exchanging views and developing ideas to be presented to the Intergovernmental Working Group on Technical Assistance and to the Conference of the States Parties to the United Nations Convention against Corruption at its second session. Participants would in the meantime further discuss the various proposals made at the Workshop within their Governments or agencies and in other regional forums as appropriate.
5. The discussions addressed the question of how the Convention fit into the broader context of governance and development. The Convention highlights a range of issues of great importance for development, including the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and foster a culture of rejection of corrupt practices. Improving governance, strengthening institutions and reducing vulnerability to corruption are core development challenges. In view of its potential to function as a consensus framework to address those challenges, the implementation of the Convention should form an integral part of development assistance.
6. There was discussion about the potential of the Convention to function as a conceptual framework or platform and as an instrument that would bring consistency to decision-making on the programming of development assistance and dedicated technical assistance for the implementation of the Convention, without

compromising the discretion built into activities financed through voluntary means. The Convention is a consensus-based instrument that sets common standards for determining needs, setting goals and assessing progress in implementation and can thus provide a framework for the programming and implementation of assistance, both for the recipient country and for the donor.

7. The workshop identified the pressing need to enhance knowledge of the Convention among development practitioners, particularly at the country level where the institutional knowledge base was often weak and where practitioners were “reinventing the wheel”. The Convention was not widely known, although many projects held potential to contribute to its implementation.

8. At the same time, there was a need to align assistance efforts on the ground through increased donor coordination, cooperation and coherence. The Workshop confirmed that that was in keeping with the Paris Declaration for Aid Effectiveness. Such activities could include developing shared, country-focused anti-corruption approaches and joint country assessments among development partners as a starting point. There was also the question of which coordination modalities between donor organizations on the ground could be used as good practice. Various ideas on how the Convention could form the basis for such a coordination process were discussed, including through extending the mandates of existing groups to include the Convention, such as in the mini-Dublin groups and in the Asian Development Bank and Organization for Economic Cooperation and Development Anti-Corruption Initiative for Asia and the Pacific. The possibility of forming a special-purpose group (which could be called the Montevideo Group) drawing inspiration from the existing coordination mechanisms was also discussed. The role of the U4 Anti-Corruption Resource Centre as a platform for partner agencies to share lessons and experiences and to facilitate cooperation on anti-corruption strategies was noted, as was the role of the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development with respect to joint corruption assessments and principles on harmonized donor responses. Strong links had already been created between the Convention and DAC. The role of the International Group for Anti-Corruption Coordination in the effort to coordinate international and bilateral aid for anti-corruption work was also noted. Many of those coordination activities were carried out with the awareness that the resources available for technical assistance were not unlimited and that the use of available resources needed to be optimized.

9. There was agreement that there was no “best practice” anti-corruption reform that could be uniformly applied to all countries. In other words, assistance needed to avoid the “one size fits all” approach. Local economic conditions, institutional constraints, administrative capacity, culture and history were important factors that must be taken into consideration when designing and implementing anti-corruption reforms. Context matters.

10. Participants discussed the prerequisites for effective technical assistance. For many, the existence of a political will to fight corruption was of great importance. Many highlighted the need for technical assistance requirements to be determined by the recipient country. In order to ensure that priorities were properly integrated into donor programmes, the dialogue between donors and recipients needed to be strengthened, resulting in a jointly agreed road map. Effective programmes are those that respond to the needs expressed by the recipients. The need to ensure ownership

by recipients was underlined as a fundamental principle of technical assistance. While there was a legitimate concern for donors to ensure the efficiency and positive results of development projects, the Convention allowed no scope for imposing conditions on the provision of technical assistance.

11. The Workshop also emphasized the importance of identifying and disseminating expertise. There was a surfeit of information, and quality control needed to be improved. In addition, expertise on the various areas covered by the Convention, especially the newer and more innovative ones such as asset recovery, was very scarce and in high demand, and as a result quite costly. The Workshop agreed that that was a matter of priority that needed to be addressed in order to ensure good-quality assistance, accurate advice and consistency in implementation efforts. The role of the United Nations Office on Drugs and Crime as a broker to link those who have expertise with countries in need was discussed. The specific modalities needed to be further examined, and there was discussion of the possibility of establishing a pool of experts who would go through a specially developed intensive training programme and then function both as trainers and experts to offer advice and assistance, on request, as part of technical assistance programmes.

12. The Conference could address some of the concerns in the development assistance area by facilitating donor coordination and cooperation in the anti-corruption efforts of the development agencies involved, including the sharing of lessons and experiences. Coordination could be summarized as consisting of coherence, efficiency, delivery, reliability, impact and consistency. In striving towards those characteristics, the Conference held great potential as a forum to bring together all existing mechanisms and also other emerging donors. Dialogue between those two groups was essential. At the same time, the Conference could function as a forum for dialogue between the recipients and the providers of assistance and could play a facilitating role to enable spreading all needs for assistance among the pool of donors.

13. In summary, the Convention could be an important framework for improving technical assistance and coordination. Principles on development assistance and the Convention are mutually reinforcing. The ideas raised at the Workshop could easily be integrated into ongoing work on coordination and development assistance. The key challenge remains how to engage all Member States and how to integrate the Convention as a common tool.

Annex II

Note from donors: linkages between the United Nations Convention against Corruption and the development agenda

As a contribution to the record, the donor countries and agencies of Finland, France, Germany, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America, together with the World Bank, Asian Development Bank and United Nations Development Programme, present at the International Cooperation Workshop on Technical Assistance for the Implementation of the United Nations Convention against Corruption, held in Montevideo from 30 May to 1 June 2007, offer a summary of ideas about assistance as a means to implement the United Nations Convention against Corruption and about the linkages between the Convention and broader development assistance. The following statements are the opinion of the delegates of the aforementioned donors and are subject to discussion with and the agreement of their respective headquarters:

(a) The Convention against Corruption is welcomed as a statement of shared commitment by all development partners to promote the fight against corruption as one of the central elements of sustainable development. The Convention is a valuable guiding framework for the range of activities that promote effective anti-corruption efforts;

(b) Recognizing that chapter VI of the Convention contains a number of provisions for technical assistance, it is understood that a wider range of development assistance activities helps to promote the overall objectives of the Convention;

(c) In keeping with the Paris Declaration for Aid Effectiveness, it is understood that effective assistance for the implementation of the Convention and achievement of its objectives require country-specific approaches that reflect local ownership. There is no single model for an effective anti-corruption programme, and achieving results requires ongoing dialogue between development partners in every country. In this regard, the Paris Declaration represents principles that support the Convention and the achievement of its goals;

(d) Given the breadth of ongoing and new activities related to the Convention and the fight against corruption, it is important to ensure consistency and coherence. In this regard, it is recognized that, while existing coordination mechanisms may need to incorporate the Convention more effectively, there is a need to make the best possible use of those mechanisms before considering new coordinating structures. The United Nations Office on Drugs and Crime, in conjunction with the States parties, should reach out to existing networks to improve understanding of the Convention and its inclusion in development dialogue.