



Conference of the States Parties to the United Nations Convention against Corruption

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Item 4 of the provisional agenda*

Technical assistance

Self-assessment of technical assistance needs for the implementation of the United Nations Convention against Corruption: report of the Secretariat

I. Introduction

A. The legislative framework

1. The Conference of the States Parties to the United Nations Convention against Corruption was established, in accordance with article 63, paragraph 1, of the Convention, to improve the capacity of and cooperation between States parties to achieve the objectives set forth in the Convention. Subparagraph 4 (g) of article 63 provides that the Conference shall consider technical assistance requirements of States parties with regard to the implementation of the Convention and recommend any action that may be necessary in that respect.

2. To promote the implementation of the Convention, States parties are called upon to consider affording one another the widest measure of technical assistance, especially for the benefit of developing countries (art. 60, para. 2). States parties are also asked to consider establishing voluntary mechanisms with a view to contributing financially to the efforts of developing countries to apply the Convention and making voluntary contributions to the United Nations Office on Drugs and Crime (UNODC) for the purpose of fostering programmes and projects aimed at implementing the Convention in developing countries (art. 60, paras. 7 and 8).

* CAC/COSP/2008/1.



B. Mandate of the Conference of the States Parties

3. At its first session, held in Jordan from 10 to 14 December 2006, the Conference emphasized the cross-cutting nature of technical assistance and its strong link with the implementation of the Convention. In its resolution 1/5, entitled "Technical assistance", the Conference decided to establish an interim open-ended intergovernmental working group to advise and assist the Conference in the implementation of its mandate on technical assistance. The Conference also decided that the working group should: (a) review technical assistance needs; (b) provide guidance on priorities, based on programmes approved by the Conference and its directives; (c) take into consideration information gathered through the self-assessment checklist approved by the Conference;¹ (d) consider information, as appropriate and readily available and in the areas covered by the Convention, on technical assistance activities of the Secretariat and States; and (e) promote the coordination of technical assistance in order to avoid duplication. The Conference further decided that the working group should report on its activities to the Conference at its second session.

C. Open-ended Intergovernmental Working Group on Technical Assistance

4. In accordance with resolution 1/5 of the Conference, the Open-ended Intergovernmental Working Group on Technical Assistance convened in Vienna on 1 and 2 October 2007 (see CAC/COSP/2008/5). The Working Group reiterated that technical assistance was an integral part of the Convention and recognized that a core priority should be to ensure that sufficient resources were available to provide technical assistance to States upon request. The Working Group also took note of the initial analysis of technical assistance needs prepared by the Secretariat based on responses to the self-assessment checklist and recognized that the analysis needed to be broadened and presented to the Conference at its second session. In that regard, the Working Group felt that, with respect to the demand side of technical assistance, a reasonably comprehensive picture could be produced for the Conference. However, information also needed to be gathered on the supply side of technical assistance. The Working Group further recommended that the Secretariat should share the report, presenting information on needs based on the responses to the self-assessment checklist, with multilateral and bilateral donors, with a view to ensuring that information on technical assistance that had been or was being provided or received was used for purposes of better coordination. The Working Group recommended that the Secretariat should begin work on the development of a comprehensive software-based information-gathering tool for consideration and approval by the Conference.

¹ In its decision 1/2 (see CAC/COSP/2006/12, chap. I), the Conference of the States Parties to the United Nations Convention against Corruption requested the Secretariat to finalize the self-assessment checklist based on a draft before the Conference at its first session and in consultation with States parties and signatories to the Convention.

D. Scope and structure of the report

5. The present report presents information on the efforts of the Secretariat to explore innovative means to collect and present information. It contains a summary of replies from States on their needs for technical assistance to implement selected articles of the Convention. The structure of the report follows the guidance received from the Conference and from States during the consultation process. The consultation process and the finalization of the self-assessment checklist are described in detail in document CAC/COSP/2008/2, paras. 5-17 and 24-29.

6. For each selected provision, information was elicited by asking States whether they had adopted the measures required by the Convention. The available answers were: (a) yes; (b) yes, in part; and (c) no. In case of partial compliance or non-compliance (“yes, in part” or “no”), States were requested to identify the type of technical assistance that, if available, would facilitate the adoption of the measures prescribed by the Convention. The types of assistance foreseen were model legislation, legislative drafting, legal advice, site visits by an anti-corruption expert and development of an action plan for implementation. States were also offered the opportunity to describe needs for forms of technical assistance other than those listed above, or to state that despite partial or non-compliance with the provision under review, no assistance was required. An overall view of the needs for technical assistance of 44 reporting parties can be seen in figure I.

7. As prescribed by resolution 1/5 of the Conference, the need to ensure coordination and avoid unnecessary duplication in the delivery of technical assistance was also taken into account when designing the self-assessment checklist. To that end, further information was elicited from those States which indicated needs for technical assistance. In particular, such States were asked whether technical assistance necessary to implement the Convention was already being or had been provided. In case of an affirmative answer, they were requested to specify by whom such assistance was provided and whether its extension or expansion would further facilitate the implementation of the provision under review.

8. In order to render the present report as reader-friendly as possible, thus enabling the Conference to identify implementation gaps promptly and make informed recommendations, an innovative approach has been adopted. The analysis of technical assistance needs for each of the 15 articles under review begins with a visual representation of the situation at the global level. The introduction of visual features has enabled the Secretariat to limit the narrative description of needs to those instances where a requesting State opted for “other assistance” and elaborated on that need. Requests for forms of assistance falling under one of the specific categories foreseen by the self-assessment checklist are reflected in the graphs and referred to, throughout the text of the report, as “qualified assistance”. To serve coordination purposes, when assistance was reported as already available to a State, a description of such assistance, the identification of the provider and information on the opportunity for such assistance to be extended to better comply with the Convention are provided.

9. The combination of visual features and narrative analysis in the present report has been made possible by the innovative information-gathering tool developed by the Secretariat (see CAC/COSP/2008/2, para. 10). The statistical function of the

software package in which the self-assessment checklist has been incorporated has greatly facilitated the analytical work of the Secretariat and it is hoped that it will provide the Conference with readily actionable information.

10. To analyse information provided by reporting States while taking full advantage of the potential offered by the new information-gathering tool, States parties were requested to fulfil the reporting obligation utilizing the designated software. A total of 36 States parties complied with this formal reporting requirement, while 8 did not. Information provided by the latter had to be entered into the database by the Secretariat. Regardless of the format, details of which States parties completed a self-assessment report and which States parties did not, can be found in document CAC/COSP/2008/2, paras. 18-23.

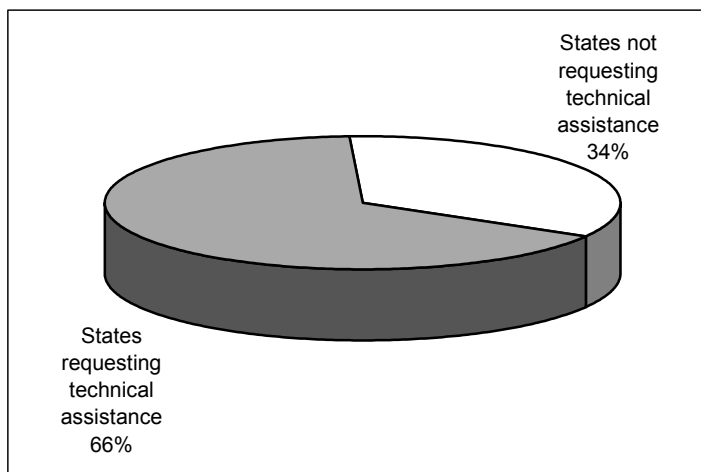
Box 1

Most frequent positive and negative comments on the self-assessment software

Three most frequent positive comments on the software	Three most frequent negative comments on the software or reasons for not using it
<ol style="list-style-type: none"> 1. Easy to use, pleasant 2. Short questions asked and basic answers allowed 3. Self-assessment report easy to submit 	<ol style="list-style-type: none"> 1. Technical problems to download it 2. Lack of information and coordination between Vienna-based permanent mission and capital city 3. Difficulties in merging different segments of the report; no focal points known or determined

Figure I

Overall needs for technical assistance (44 reporting parties)



11. The following 36 States parties completed the self-assessment checklist through the computer-based application, with or without requesting the assistance of the Secretariat: Algeria, Argentina, Austria, Belarus, Bolivia, Brazil, Burkina Faso,

Canada, Colombia, Costa Rica, Croatia, Dominican Republic, El Salvador, France, Indonesia, Jordan, Latvia, Lithuania, Montenegro, Namibia, Nigeria, Norway, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Slovakia, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

12. The following eight States parties did not report through the software owing to insurmountable technological problems in installing or operating it: Bangladesh, Chile, Finland, Kyrgyzstan, Mexico, Netherlands, Spain and Turkey.

13. The present report does not purport to be comprehensive or complete, as it reflects the situation in only 42 per cent of the States parties to the Convention.

II. Analysis of technical assistance needs for the implementation of selected articles of the Convention

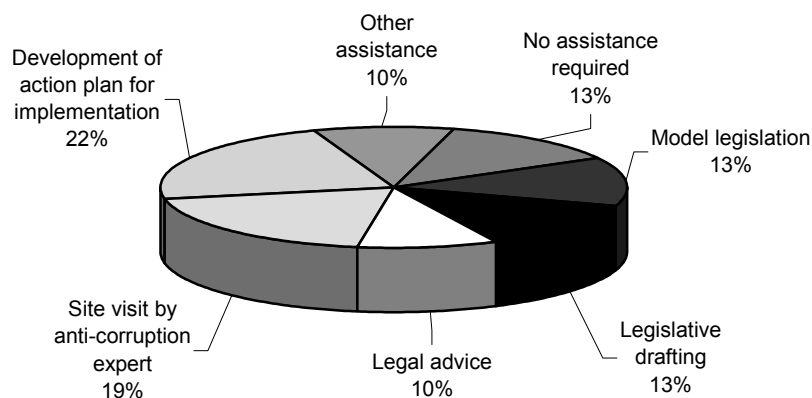
A. Preventive measures (chapter II of the Convention)

1. Preventive anti-corruption policies and practices (article 5)

14. The technical assistance needs of parties reporting partial or no implementation of article 5 of the Convention are shown in figure II. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure II

Technical assistance needs of the 12 parties that reported partial or no implementation of article 5



(a) Group of African States

15. Out of the five reporting States parties, namely Algeria, Burkina Faso, Namibia, Nigeria and the United Republic of Tanzania, Burkina Faso indicated partial compliance with the article under review and requested qualified technical assistance presently not available.

(b) Group of Asian and Pacific States

16. Bangladesh and Jordan, reporting partial compliance with the article under review, indicated that the expansion of assistance presently being provided by the World Bank and the Asian Development Bank (Bangladesh), the Organization for Economic Cooperation and Development (OECD), the European Commission and the United Nations Development Programme (UNDP) (Jordan) would enable them to adopt more effective anti-corruption policies.

(c) Group of Eastern European States

17. While reporting that anti-corruption policies had been adopted, Latvia indicated that the expansion of assistance provided by the World Bank would strengthen such policies and that a study visit to or by other States would enable an assessment of their effectiveness. Montenegro reported that the expansion of assistance presently being provided by the Council of Europe would further facilitate the adoption of effective anti-corruption policies. The Russian Federation, reporting partial compliance with the article under review, stated that no assistance was needed to achieve full compliance.

(d) Group of Latin American and Caribbean States

18. Argentina, Brazil, El Salvador and Peru reported partial compliance with the article under review. Argentina indicated that the expansion of assistance provided by the Canadian International Development Agency (CIDA), the Organization of American States (OAS), the United Kingdom, UNDP and the Inter-American Development Bank would enable it to adopt more effective policies to prevent corruption. Brazil stated that the extension or expansion of assistance provided by UNODC and the United Kingdom would facilitate the adoption of more effective anti-corruption policies. El Salvador reported that in addition to the assistance provided by the United States Agency for International Development (USAID), OAS, the United Nations and the World Bank, further support would be needed to strengthen systems of accounting, improve transparency and expand the participation of civil society. Peru indicated that the expansion of assistance provided by UNDP would assist it in strengthening its anti-corruption policies.

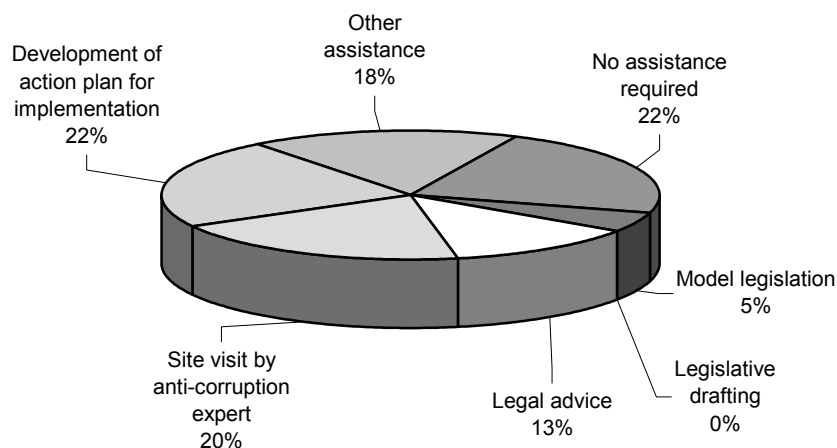
(e) Group of Western European and Other States

19. Out of the 12 reporting parties, namely Austria, Canada, Finland, France, the Netherlands, Norway, Portugal, Spain, Sweden, Turkey, the United Kingdom and the United States, Turkey reported that its anti-corruption policies were in partial compliance with the Convention. Turkey also indicated that the expansion of assistance presently being provided by the Council of Europe and the World Bank would facilitate the adoption of more effective policies to prevent corruption.

2. Preventive anti-corruption body or bodies (article 6)

20. The technical assistance needs of parties reporting partial or no implementation of article 6 of the Convention are shown in figure III. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure III
Technical assistance needs of the 17 parties that reported partial or no implementation of article 6



(a) Group of African States

21. Out of the five reporting parties, the United Republic of Tanzania stated that the resources available to its Preventing and Combating of Corruption Bureau were inadequate to ensure the effectiveness of the body. The State indicated that financial assistance and equipment were being received from USAID and UNDP. The expansion of such assistance through the provision of specialized training for staff and additional operational funds would strengthen the effectiveness of the Bureau.

(b) Group of Asian and Pacific States

22. To ensure the necessary independence of its Anti-Corruption Commission, Bangladesh deemed it appropriate to extend technical assistance presently being provided by the World Bank and the Asian Development Bank. Kyrgyzstan, reporting that no measures had been adopted to ensure independence and adequacy of human and financial resources of the National Agency for Preventing Corruption, did not furnish information on technical assistance needs (an obligatory reporting requirement).

(c) Group of Eastern European States

23. Montenegro reported that the effectiveness of its Directorate for Anti-Corruption Initiatives would be reinforced by the provision of expert and financial support necessary to conduct awareness-raising campaigns and by the introduction of electronic systems to collect and analyse information on corruption. To that end, Montenegro called for the expansion of assistance provided by the Council of Europe, OECD and UNDP. Romania indicated that no assistance was required to ensure full independence and adequacy of resources (art. 6, para. 2) of its Council for the Coordination of the Implementation of the National Anti-Corruption Strategy 2005-2007. No assistance was requested by the Russian Federation to achieve full compliance with the article under review.

(d) Group of Latin American and Caribbean States

24. Out of the 12 reporting countries, 9 indicated partial compliance with the article under review. Argentina reported that in addition to support received through bilateral and multilateral channels, further assistance in the form of capacity-building programmes would strengthen the independence of its anti-corruption authority (art. 6, para. 2). Similarly, Bolivia indicated that the independence of its anti-corruption authority would be enhanced by extending assistance presently being provided by Denmark, the Netherlands, Sweden, the German Agency for Technical Cooperation (GTZ), UNODC and the Inter-American Development Bank, which had developed capacity-building programmes for civil society. Brazil indicated that the expansion of assistance provided by UNODC and the United Kingdom would strengthen the independence of its anti-corruption authority. Chile reported that greater compliance with the article under review would be facilitated by the provision of qualified technical assistance presently not available. Costa Rica, reporting partial compliance with the article under review, did not provide information on technical assistance needs (an obligatory reporting requirement). The Dominican Republic reported that no assistance was needed to overcome the reported partial compliance. El Salvador indicated that the effectiveness of its anti-corruption authority would be enhanced by expanding assistance provided by USAID and the United Nations. Paraguay reported that the effectiveness of measures adopted to comply with the article under review would benefit from the expansion of the assistance provided by OAS under the auspices of CIDA, the World Bank, the Inter-American Development Bank, USAID and the Millennium Challenge Corporation. Peru reported that assistance provided by UNDP to the Anti-Corruption Commission and the anti-corruption prosecutors' offices should be extended to the Anti-Corruption Council, which was equally responsible for the implementation of national anti-corruption polices.

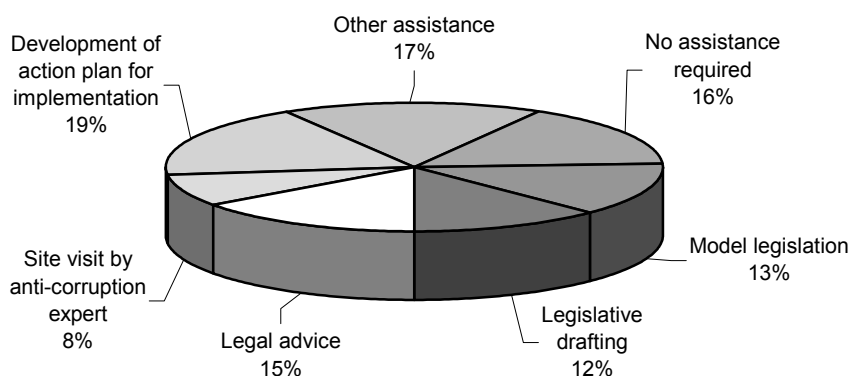
(e) Group of Western European and Other States

25. Assistance provided by the Council of Europe was regarded as sufficient for Turkey to strengthen the effectiveness of the ministerial committee responsible for the implementation of the national anti-corruption strategy and to guarantee independence and adequacy of resources of the body.

3. Public procurement and management of public finances (article 9)

26. The technical assistance needs of parties reporting partial or no implementation of article 9 of the Convention are shown in figure IV. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure IV
Technical assistance needs of the 16 parties that reported partial or no implementation of article 9



(a) Group of African States

27. Out of the five reporting parties, the United Republic of Tanzania reported partial implementation of the provision of the Convention providing for measures on public procurement personnel (art. 9, subpara. 1 (e)). In that regard, while some assistance was provided by USAID, the United Republic of Tanzania requested further specialized training for public procurement personnel.

(b) Group of Asian and Pacific States

28. Reporting partial implementation of systems of procurement based on transparency, competition and objective criteria, Bangladesh indicated that the improvement of such systems would benefit from the expansion of assistance presently being provided by the World Bank. Similarly, Jordan reported that the ability of its systems to prevent corruption in public procurement would be strengthened by expanding the assistance currently being provided by the World Bank and USAID. In particular, Jordan indicated that the provision of training to improve the efficiency of public procurement personnel, the introduction of and training on electronic tendering systems and training of personnel responsible for reviewing public procurement decisions would improve the efficiency and transparency of public procurement procedures. Reporting partial compliance with the provision of the Convention on measures for public dissemination of information on procurement procedures and contracts (art. 9, subpara. 1 (a)), Kyrgyzstan stated that Kazakhstan and Canada had shared their knowledge on the use of electronic public procurement systems with its specialized public procurement units and the extension of such assistance would further facilitate compliance with the provision under review. Reporting partial implementation of procedures compliant with the Convention for the adoption of the national budget (art. 9, subpara. 2 (a)), Bangladesh stated that no assistance was required to achieve full compliance. Jordan reported that by extending assistance provided by USAID, procedures for the adoption of the national budget (art. 9, subpara. 2 (a)) would be improved. Jordan further reported that the provision of specialized training programmes and other measures to build institutional capacity would promote full

compliance with measures under the Convention providing for timely reporting on revenue and expenditure (art. 9, subpara. 2 (b)), systems of accounting, auditing standards and related oversight (art. 9, subpara. 2 (c)), systems of risk management and internal control (art. 9, subpara. 2 (d)), corrective measures upon failure to comply (art. 9, subpara. 2 (e)), and measures to prevent the falsification of public expenditure records (art. 9, para. 3). No assistance has been received by Jordan in these areas.

(c) Group of Eastern European States

29. While reporting that measures had been adopted in compliance with the Convention to establish systems of public procurement based on transparency and competition (art. 9, subparas. 1 (a), (b) and (d)), Latvia indicated that the expansion of the assistance provided by the World Bank would reinforce such systems and that a study visit to or by other States would enable it to assess the effectiveness of such systems. Similarly, a study visit would be desirable to assess the effectiveness of procedures for the adoption of the national budget (art. 9, subpara. 2 (a)). No assistance was required for the Russian Federation to adopt measures for the public dissemination of information on procurement and related conditions (art. 9, subpara. 1 (a)) to achieve full compliance with the Convention.

(d) Group of Latin American and Caribbean States

30. Assessing measures for public dissemination of information on procurement procedures and contracts (art. 9, subpara. 1 (a)), Argentina reported that the expansion of assistance provided by the United Kingdom and UNDP would facilitate the adoption of such measures, and Bolivia requested qualified technical assistance. In relation to the establishment of criteria for public procurement decisions (art. 9, subpara. 1 (c)), Argentina requested qualified technical assistance currently unavailable. Assessing measures on public procurement personnel (art. 9, subpara. 1 (e)), Argentina, Bolivia, Brazil and the Dominican Republic requested qualified technical assistance currently not being received, while El Salvador stated that the extension of capacity-building activities carried out by the World Bank and the Inter-American Development Bank would strengthen the integrity of its procurement personnel. Peru reported that qualified technical assistance, presently not being provided, was necessary for the adoption of measures to establish systems of procurement based on transparency, competition and objective criteria in decision-making (art. 9, para. 1). Assessing measures to establish systems of risk management and internal control in order to promote transparency and accountability in the management of public finances (art. 9, subpara. 2 (d)), Argentina indicated that the expansion of assistance already being received would strengthen the effectiveness of such systems, Bolivia requested qualified technical assistance presently not available, Brazil reported that the expansion of support provided by UNODC and the United Kingdom would facilitate greater compliance with the provision under review, the Dominican Republic indicated that no assistance was needed to establish such systems, and Paraguay deemed it desirable to extend the assistance received from USAID. Argentina further reported that qualified technical assistance, currently not being received, was needed in order to adopt measures providing for corrective action in case of failure to comply with norms promoting transparency and accountability in the management of public finances (art. 9, subpara. 2 (e)).

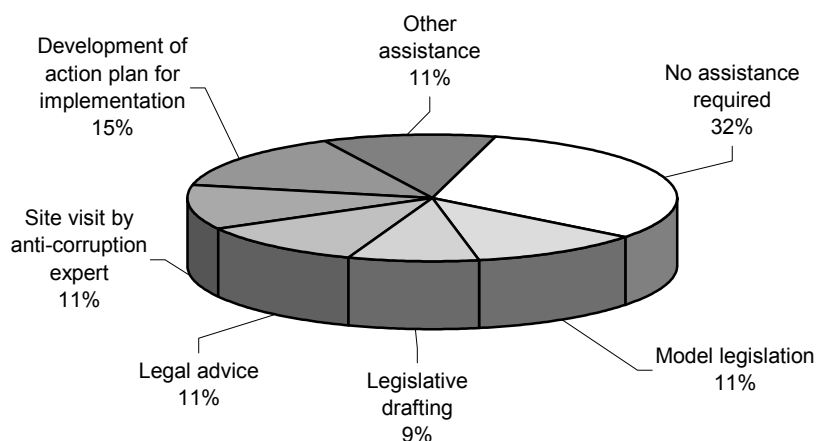
(e) Group of Western European and Other States

31. No assistance was requested by the States members of the Group of Western European and Other States that reported partial compliance with the article under review.

B. Criminalization and law enforcement (chapter III of the Convention)**1. Bribery of national public officials (article 15)**

32. The technical assistance needs of parties reporting partial or no implementation of article 15 of the Convention are shown in figure V. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure V

Technical assistance needs of the 10 parties that reported partial or no implementation of article 15**(a) Group of African States**

33. All five reporting States parties indicated compliance with the article under review, thus reporting no need for technical assistance.

(b) Group of Asian and Pacific States

34. While reporting the adoption of measures resulting in partial compliance with the provision of the Convention providing for the criminalization of active bribery of national public officials (art. 15, subpara. 2 (a)), Bangladesh stated that no assistance was required to achieve full compliance. Kyrgyzstan reported partial compliance with the entire article under review because the definition of “public official” adopted by its Penal Code was not as broad as prescribed by the Convention. Qualified technical assistance, currently not being received, was requested.

(c) Group of Eastern European States

35. While reporting that measures had been adopted in compliance with the Convention to criminalize active and passive bribery of national public officials (art. 15, subparas. (a) and (b)), Latvia stated that it would benefit from an exchange of information with other States concerning experience in the application of measures concerning investigations and court practices. To that end, the expansion of the assistance provided by the World Bank was deemed to be appropriate. The Russian Federation stated that no assistance was required to adopt measures to criminalize active bribery of national public officials for full compliance with the Convention (art. 15, subpara. (a)).

(d) Group of Latin American and Caribbean States

36. Reporting partial compliance with the article under review, Argentina indicated that no assistance was required to criminalize active and passive bribery of national public officials in accordance with the Convention. Peru reported that qualified technical assistance, currently not being received, was needed to rectify its reported partial compliance.

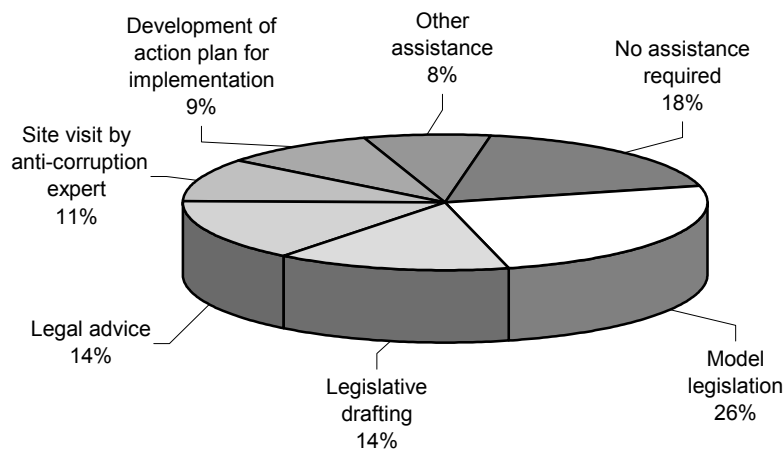
(e) Group of Western European and Other States

37. All 12 reporting parties indicated full compliance with the article under review.

2. Bribery of foreign public officials and officials of public international organizations (article 16)

38. The technical assistance needs of parties reporting partial or no implementation of article 16 of the Convention are shown in figure VI. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure VI

Technical assistance needs of the 22 parties that reported partial or no implementation of article 16

(a) Group of African States

39. Burkina Faso indicated that it did not comply with the mandatory provision of the article under review providing for the criminalization of active bribery of foreign public officials and officials of public international organizations (art. 16, para. 1) and requested qualified technical assistance, at present not being received. Reporting that no measures had been adopted to comply with the entire article under review, Nigeria indicated that no assistance was required to ensure compliance.

(b) Group of Asian and Pacific States

40. Reporting partial compliance with the entire article under review, Bangladesh indicated that qualified forms of technical assistance would contribute to the achievement of full compliance, adding that no such assistance was presently being received. Indonesia, Jordan and the Philippines reported no compliance with the article under review and stated that none of the forms of technical assistance that would enable the adoption of measures of compliance was presently available. Kyrgyzstan, reporting that no measures had been adopted to criminalize passive bribery of a foreign public official or an official of public international organizations (art. 16, para. 2), stated that all the forms of technical assistance foreseen by the self-assessment checklist were needed, and were currently not available, to adopt such measures.

(c) Group of Eastern European States

41. Reporting that no measures had been adopted to establish as a criminal offence active and passive bribery of a foreign public official or an official of a public international organization (art. 16, paras. 1 and 2), the Russian Federation stated that no assistance was required to adhere to the Convention.

(d) Group of Latin American and Caribbean States

42. Argentina, the Dominican Republic and El Salvador indicated that qualified assistance, presently not being received, was required to establish as a criminal offence passive bribery of a foreign public official or an official of a public international organization (art. 16, para. 2). Colombia, Paraguay and Peru reported that assistance was required, but was not being provided, for the full implementation of both provisions of the article under review. Bolivia indicated that the extension of assistance provided by UNODC and access to relevant legislation from other legal systems of the Andean region would further facilitate implementation of the entire article under review. No assistance was requested by Brazil and Chile to establish as a criminal offence passive bribery of a foreign public official or an official of a public international organization. For the full implementation of the article under review, Uruguay regarded as sufficient the assistance being received from OAS.

(e) Group of Western European and Other States

43. No assistance was required by France to achieve full compliance with the article under review. Portugal, reporting that no measures had been adopted to criminalize passive bribery of a foreign public official or an official of a public international organization (art. 16, para. 2), indicated that the extension or

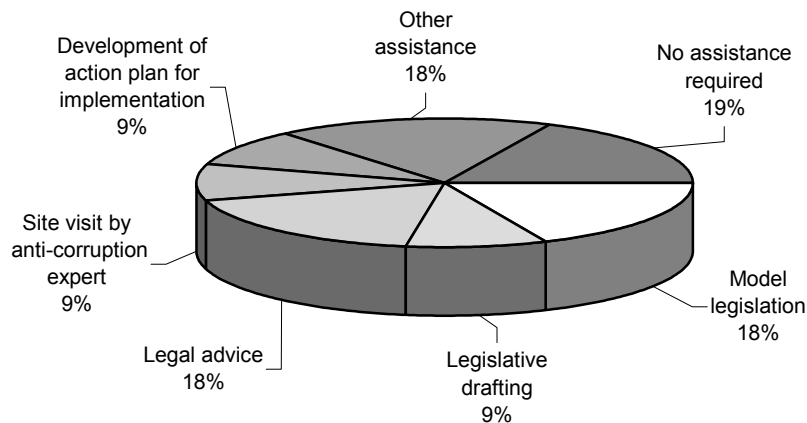
expansion of technical assistance presently being received in the form of site visits would facilitate the adoption of such measures.

3. Embezzlement, misappropriation or other diversion of property by a public official (article 17)

44. The technical assistance needs of parties reporting partial or no implementation of article 17 of the Convention are shown in figure VII. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure VII

Technical assistance needs of the 4 parties that reported partial or no implementation of article 17



(a) Group of African States

45. All five respondents reported implementation of the article under review, hence indicating no need for technical assistance.

(b) Group of Asian and Pacific States

46. To criminalize embezzlement, misappropriation or other diversion of property by a public official, Kyrgyzstan indicated that all the forms of technical assistance foreseen by the self-assessment checklist would be required and that no assistance was presently being received.

(c) Group of Eastern European States

47. Latvia, reporting compliance with the article under review, added that the application of measures criminalizing embezzlement, misappropriation or other diversion of property by a public official would benefit from study visits to or by other States.

(d) Group of Latin American and Caribbean States

48. Out of 12 reporting parties, Argentina and Bolivia reported partial compliance with the article under review. To achieve full compliance, Argentina requested

qualified technical assistance presently not available, while Bolivia assessed as sufficient the support being provided by UNODC.

(e) Group of Western European and Other States

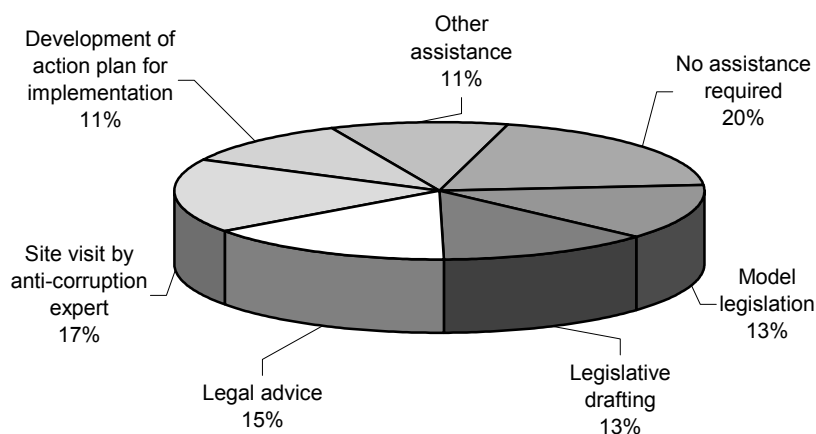
49. No assistance was required for Turkey to achieve full compliance with the article under review.

4. Laundering of proceeds of crime (article 23)

50. The technical assistance needs of parties reporting partial or no implementation of article 23 of the Convention are shown in figure VIII. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure VIII

Technical assistance needs of the 10 parties that reported partial or no implementation of article 23



(a) Group of African States

51. While reporting compliance with the article under review, Algeria stated that assistance would be required to better implement measures criminalizing the conversion, transfer, acquisition, possession or use of property proceeds of crime (art. 23, subparas. 1 (a) and (b)). To that end, the expansion of assistance being provided by the United States would further facilitate the implementation of the article under review.

(b) Group of Asian and Pacific States

52. Reporting partial implementation of measures providing for the criminalization of the conversion, transfer, acquisition, possession or use of property proceeds of crime (art. 23, subparas. 1 (a) and (b)), Bangladesh indicated that no assistance was required to ensure full implementation. Qualified technical assistance, presently not being provided, would instead be needed for Bangladesh to determine the range of predicate offences subject to anti-money-laundering

legislation (art. 23, subparas. 2 (a)-(c) and (e)). All forms of technical assistance foreseen by the self-assessment checklist were deemed necessary for Kyrgyzstan to criminalize the conversion, transfer, acquisition, possession or use of property proceeds of crime (art. 23, subparas. 1 (a) and (b)) and to establish the range of predicate offences subject to anti-money-laundering legislation (art. 23, subparas. 2 (a)-(c) and (e)). No such forms of assistance were presently being received by Kyrgyzstan.

(c) Group of Eastern European States

53. All 10 reporting States parties reported implementation of the article under review. Latvia, however, indicated that the European Commission had provided training on the implementation of measures criminalizing the conversion or transfer of property proceeds of crime (art. 23, subpara. 1 (a)) and on measures to determine the range of predicate offences subject to anti-money-laundering legislation (art. 23, subparas. 2 (a)-(c) and (e)). Study visits to or by other States would enable the exchange of experience on the implementation of such measures.

(d) Group of Latin American and Caribbean States

54. To achieve full compliance with measures of the Convention establishing money-laundering as a criminal offence (art. 23, subparas. 1 (a) and (b)), Argentina required qualified technical assistance presently unavailable. No assistance was requested by Uruguay to achieve the same objective. Chile, reporting partial compliance with the provisions under review, did not provide information on its technical assistance requirements (an obligatory reporting requirement). Bolivia and Mexico reported that assistance was required, but was not being provided, for the criminalization of acquisition, possession or use of proceeds of crime (art. 23, subpara. 1 (b)). Assessing measures to establish the range of predicate offences subject to anti-money-laundering legislation (art. 23, subparas. 2 (a)-(c) and (e)), Argentina, the Dominican Republic and El Salvador indicated that no assistance was required to comply with the Convention. Peru indicated that the combination of capacity-building activities conducted by UNODC and other qualified forms of assistance would facilitate greater compliance with the entire article under review.

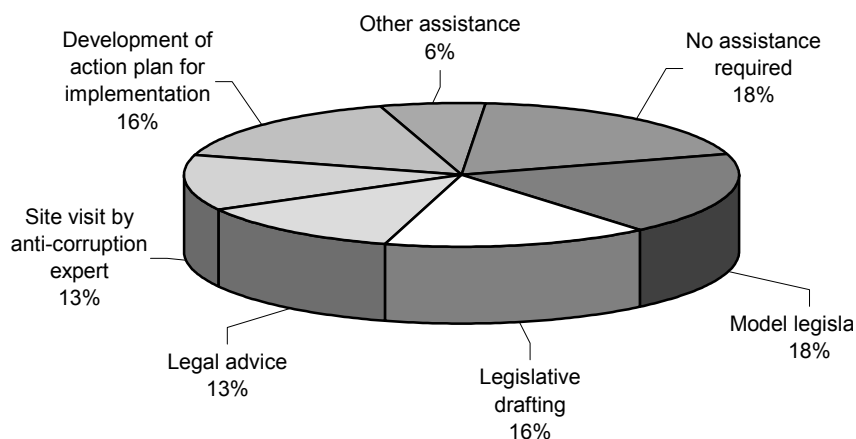
(e) Group of Western European and Other States

55. All 12 reporting parties indicated full compliance with the article under review.

5. Obstruction of justice (article 25)

56. The technical assistance needs of parties reporting partial or no implementation of article 25 of the Convention are shown in figure IX. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure IX
Technical assistance needs of the 10 parties that reported partial or no implementation of article 25



(a) Group of African States

57. Reporting partial compliance with the article under review, Nigeria requested qualified technical assistance currently not being received.

(b) Group of Asian and Pacific States

58. Qualified forms of technical assistance, presently not available, would enable Jordan to criminalize the use of inducement, threats or force to interfere with witnesses or officials in relation to criminal proceedings (art. 25, subpara. 1 (a)) and undue interference with actions of judicial or law enforcement officials in relation to criminal proceedings (art. 25, subpara. 1 (b)). All forms of technical assistance foreseen by the self-assessment checklist and presently unavailable would enable Kyrgyzstan to achieve the same objectives.

(c) Group of Eastern European States

59. All 10 respondents reported implementation of the article under review, thus indicating no need for technical assistance.

(d) Group of Latin American and Caribbean States

60. No assistance other than that already being provided by UNODC was requested by Bolivia in order to comply fully with the article under review. The Dominican Republic and Paraguay requested qualified technical assistance, presently not being received, to criminalize the use of inducement, threats or force to interfere with witnesses or officials in proceedings related to the commission of offences of corruption (art. 25, subpara. (a)). No assistance was requested by El Salvador to criminalize interference with actions of judicial or law enforcement officials in relation to the commission of offences of corruption (art. 25, subpara. (b)). To achieve full compliance with the entire article under review, Peru requested qualified technical assistance presently unavailable.

(e) Group of Western European and Other States

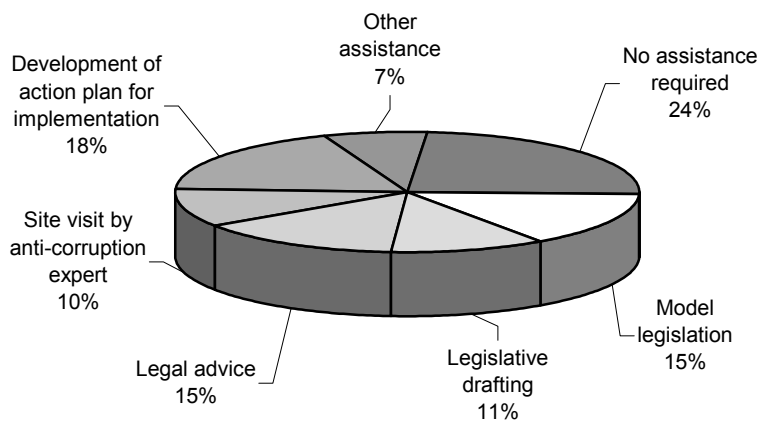
61. No assistance was requested by France and Turkey to achieve full compliance with the article under review.

D. Asset Recovery (chapter V of the Convention)**1. Prevention and detection of transfer of proceeds of crime (article 52)**

62. The technical assistance needs of parties reporting partial or no implementation of article 52 of the Convention are shown in figure X. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure X

Technical assistance needs of the 30 parties that reported partial or no implementation of article 52

**(a) Group of African States**

63. Reporting that no measures had been adopted to comply with the non-mandatory provision of the Convention prescribing that public officials should report on financial accounts maintained in a foreign country (art. 52, para. 6), Namibia requested qualified technical assistance presently not being received. Stating that no advisories had been issued to financial institutions on the type of natural or legal persons to whose accounts enhanced scrutiny is to be applied (art. 52, subpara. 2 (a)), Nigeria indicated that no assistance was required to comply with that provision. In relation to the same provision, the United Republic of Tanzania indicated partial implementation, stating that it would benefit from the expansion of assistance currently being provided by USAID Development. The extension of assistance received from USAID would also enable the United Republic of Tanzania to ensure full implementation of measures preventing the establishment of banks with no physical presence and no affiliation with regulated financial groups (art. 52, para. 4).

(b) Group of Asian and Pacific States

64. None of the specific forms of technical assistance necessary for Bangladesh and Jordan to introduce or strengthen systems to prevent and detect transfers of proceeds of crime was available. All of the forms of assistance listed by the self-assessment checklist were regarded as necessary for Kyrgyzstan to achieve full compliance with the article under review.

(c) Group of Eastern European States

65. Lithuania, Romania and the Russian Federation, reporting partial adoption of measures providing for the verification of identity and enhanced scrutiny of customers of financial institutions (art. 52, para. 1), stated that no assistance was needed to achieve full compliance. Lithuania, however, added that the extension of assistance received from the European Consultants Organisation between 2003 and 2005 would facilitate greater compliance with the provision under review. Assessing measures providing for the issuance of advisories to financial institutions on the types of natural or legal persons to whose accounts enhanced scrutiny is to be applied (art. 52, subpara. 2 (a)), Latvia reported full compliance with the Convention, but added that study visits to or by other States would enable it to assess the effectiveness of such measures. In that regard, Latvia regarded assistance being received from the Financial Action Task Force on Money Laundering as sufficient; Lithuania, reporting partial compliance and requesting no assistance, added that the extension of assistance received from the European Consultants Organisation between 2003 and 2005 would be beneficial. In relation to measures to notify financial institutions of the identity of account holders to whom enhanced scrutiny is to be applied (art. 52, subpara. 2 (b)), Lithuania, the Russian Federation and Slovakia reported partial compliance with the Convention. While Slovakia requested qualified assistance presently not being received, Lithuania and the Russian Federation stated that no assistance was needed. Lithuania reported that greater compliance with the above provisions would be achieved by implementing directive 2005/60/EC of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money-laundering and terrorism financing.² Assessing measures to establish financial disclosure systems for appropriate public officials and sanctions for non-compliance (art. 52, para. 5), Latvia, reporting compliance with the Convention, indicated that study visits to or by other States and the expansion of assistance presently being provided by the World Bank would ensure greater compliance, and Lithuania requested qualified technical assistance presently not available. In relation to measures to require public officials to report on financial accounts maintained in a foreign country (art. 52, para. 6), Lithuania and Slovakia requested qualified technical assistance presently not available, no assistance was requested by Poland to adopt such measures, and the former Yugoslav Republic of Macedonia, which reported no adoption of such measures, stated that no assistance was needed to comply with the Convention. However, the same States indicated that support to national experts active in this area would be desirable.

² *Official Journal of the European Union*, L 309 of 25 November 2005.

(d) Group of Latin American and Caribbean States

66. To achieve full compliance with the article under review, Argentina, Bolivia, Colombia, Costa Rica, El Salvador, Mexico and Paraguay requested qualified technical assistance presently not available. Assessing measures providing for the verification of identity and enhanced scrutiny of customers of financial institutions (art. 52, para. 1), El Salvador reported that assistance, presently not available, to build institutional capacity and the development of information technology systems would further strengthen such measures, no assistance was requested by the Dominican Republic and Uruguay, and Peru reported that the expansion of assistance provided by the United States and by the Inter-American Development Bank would ensure greater compliance with the provision under review. To adopt measures fully compliant with the Convention to establish financial disclosure systems for appropriate public officials and sanctions for non-compliance (art. 52, para. 5), Argentina requested assistance, currently unavailable, to build institutional capacity, Bolivia found it beneficial to obtain access to relevant foreign legislation, especially of States from the Andean region, and the Dominican Republic requested the extension of assistance received from international consultants. The same type of assistance was requested by the Dominican Republic to adopt measures fully compliant with the Convention to require public officials to report on financial accounts maintained in a foreign country (art. 52, para. 6). In relation to the remainder of the article under review, Uruguay indicated that qualified technical assistance was required, while Chile provided no information (an obligatory reporting requirement).

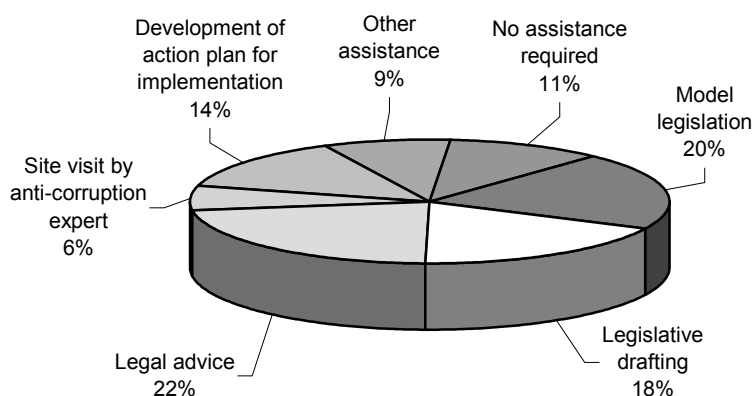
(e) Group of Western European and Other States

67. No assistance was required by Austria, Canada, France, Norway, Portugal, Spain, Sweden and Turkey to achieve full compliance with the article under review. Portugal, reporting that no measures had been adopted to require public officials to report on financial accounts maintained in a foreign country (art. 52, para. 6), stated that the provision of qualified technical assistance, presently not available, would facilitate the adoption of such measures.

2. Measures for direct recovery of property (article 53)

68. The technical assistance needs of parties reporting partial or no implementation of article 53 of the Convention are shown in figure XI. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure XI
Technical assistance needs of the 20 parties that reported partial or no implementation of article 53



(a) Group of African States

69. Nigeria reported that no measures had been adopted to permit another State party to initiate civil action in its courts in order to establish title or ownership of property acquired through the commission of an offence of corruption (art. 53, subpara. (a)). To comply with the provision under review, qualified assistance, currently not being received, was requested. The United Republic of Tanzania indicated partial adoption of measures to permit its courts to order those who had committed offences of corruption to pay compensation to another State party harmed by such offences (art. 53, subpara. (b)) and of measures to permit its courts to recognize another State party's claim as a legitimate owner of property acquired through the commission of an offence of corruption (art. 53, subpara. (c)). The extension of assistance presently being provided by USAID Development would enable the United Republic of Tanzania to achieve full compliance with the provisions under review.

(b) Group of Asian and Pacific States

70. None of the qualified forms of technical assistance necessary for Bangladesh, Jordan and the Philippines to adopt measures providing for the direct recovery of property were presently available. Kyrgyzstan reported that all of the forms of technical assistance foreseen in the self-assessment checklist would be required in order to strengthen the effectiveness of measures for the direct recovery of property. None of those forms of assistance was being received.

(c) Group of Eastern European States

71. In relation to measures to permit a State party to initiate civil action in foreign courts to establish title or ownership of property acquired through the commission of an offence of corruption (art. 53, subpara. (a)), Latvia reported full compliance with the Convention, but indicated that workshops for experts on the practical implementation of the provision would be beneficial, while Lithuania and the Russian Federation stated that no assistance was required to overcome their reported partial compliance. Assessing measures to permit domestic courts to order those

who had committed an offence of corruption to pay compensation or damages to another State party harmed by such offences (art. 53, subpara. (b)), Latvia reported full compliance with the Convention, but indicated that workshops for experts on the practical implementation of the provision would enable greater compliance, Montenegro reported that no such measures had been adopted and requested qualified technical assistance presently not being received, and the Russian Federation stated that no assistance was needed to overcome the reported partial compliance with the provision under review. In relation to measures to permit domestic courts to recognize another State party's claim as the legitimate owner of property acquired through the commission of an offence of corruption (art. 53, subpara. (c)), Latvia reported full compliance with the Convention, but indicated that workshops for experts on the practical implementation of the provision would promote greater compliance, the Russian Federation stated that no assistance was needed to overcome the reported partial compliance, and the former Yugoslav Republic of Macedonia reported that no such measures had been adopted and that the expansion of assistance received from OSCE and the United States Department of Justice would facilitate full compliance with the Convention.

(d) Group of Latin American and Caribbean States

72. To overcome their reported partial compliance with the article under review, Argentina, Colombia, Costa Rica, El Salvador and Uruguay stated that qualified forms of technical assistance were needed, but were not being received. Assessing measures to permit domestic courts to order those who had committed an offence of corruption to pay compensation or damages to another State party harmed by such offences (art. 53, subpara. (b)), Bolivia indicated that access to relevant foreign legislation and exchange of experience with other States would facilitate the adoption of such measures, while Mexico requested qualified assistance at present not being received. In relation to measures to permit domestic courts to recognize another State party's claim as the legitimate owner of property acquired through the commission of an offence of corruption (art. 53, subpara. (c)), Bolivia reported that full compliance with the Convention would be achieved by obtaining access to relevant foreign legislation and by extending assistance presently provided by UNODC and Brazil, and Mexico requested no assistance to adopt such measures for full compliance with the Convention. In relation to technical assistance needed to implement the entire article under review, the Dominican Republic requested qualified support, while Chile provided no information (an obligatory reporting requirement).

(e) Group of Western European and Other States

73. No assistance was requested by Turkey to adopt measures to permit its domestic courts to recognize another State party's claim as the legitimate owner of property acquired through the commission of an offence of corruption (art. 53, subpara. (c)).

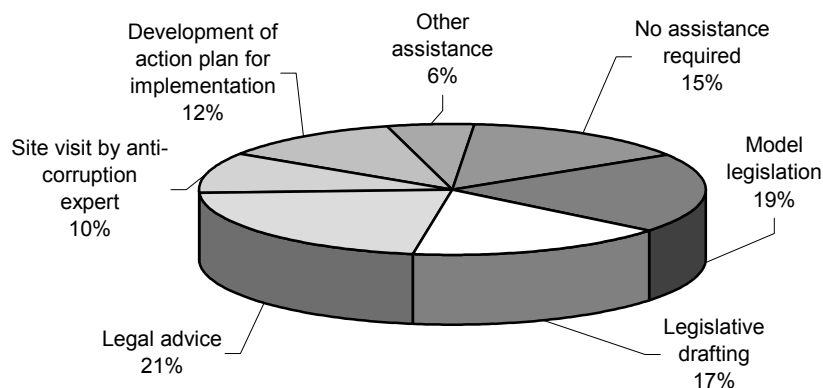
3. Mechanisms for recovery of property through international cooperation for the purposes of confiscation (article 54)

74. The technical assistance needs of parties reporting partial or no implementation of article 54 of the Convention are shown in figure XII. Details of

specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure XII

Technical assistance needs of the 24 parties that reported partial or no implementation of article 54



(a) Group of African States

75. The partial implementation by the United Republic of Tanzania of measures to permit its competent authorities to give effect to orders of confiscation issued by courts of another State party (art. 54, subpara. 1 (a)) and to freeze or seize property upon request by another party (art. 54, subpara. 2 (b)) would be overcome by extending the assistance being provided in these areas by USAID.

(b) Group of Asian and Pacific States

76. None of the qualified forms of technical assistance required for Bangladesh and Jordan to establish or strengthen mechanisms for the recovery of property through international cooperation in confiscation was being received. Indonesia, reporting that no measures had been adopted to enable confiscation of proceeds of crime without criminal conviction (art. 54, subpara. 1 (c)), stated that no technical assistance necessary to comply with the provision under review was available. The Philippines reported that no assistance necessary to introduce measures to preserve property for confiscation (art. 54, subpara. 2 (c)) was being provided. Kyrgyzstan reported that all of the forms of technical assistance foreseen in the self-assessment checklist would be required to strengthen mechanisms for the recovery of property through international cooperation. None of those forms of assistance was being received.

(c) Group of Eastern European States

77. Assessing measures to permit competent domestic authorities to give effect to an order of confiscation issued by a court of another State party (art. 54, subpara. 1 (a)) and to permit competent domestic authorities to order confiscation of property of foreign origin by adjudication of an offence of money-laundering (art. 54, subpara. 1 (b)), Latvia reported compliance with the Convention, but

indicated that study visits to or by other States would be warranted in order to achieve greater compliance and that no assistance was being received in that area. In respect of those measures, the Russian Federation indicated that no assistance was required to overcome the reported partial compliance with the provision under review. Assessing measures to enable confiscation of proceeds of offences of corruption without criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence (art. 54, subpara. 1 (c)), Belarus stated that no assistance was needed to adopt such measures, Latvia reported compliance with the Convention, but indicated that study visits to or by other States would promote greater compliance and that no assistance was being received in that area, and Lithuania and the Russian Federation stated that no assistance was required to overcome the reported partial compliance (Lithuania) or non-compliance (the Russian Federation) with the Convention. Reporting on measures to permit competent domestic authorities to freeze or seize property upon a freezing or seizure order issued by a requesting party (art. 54, subpara. 2 (a)), Latvia reported compliance with the Convention, but requested qualified technical assistance, currently not available, to achieve greater compliance. Assessing additional measures to permit competent domestic authorities to preserve property for confiscation (art. 54, subpara. 2 (c)), Romania reported that no assistance was required to overcome the reported partial compliance with the provision under review, and Slovakia indicated that qualified technical assistance would be needed to adopt such measures.

(d) Group of Latin American and Caribbean States

78. To achieve full compliance with the article under review, Argentina, Bolivia, Costa Rica, the Dominican Republic, El Salvador, Peru and Uruguay reported that qualified assistance was needed, but was not being received. Mexico, reporting partial compliance with the article under review, requested qualified technical assistance only to establish measures to permit competent domestic authorities to order confiscation of property of foreign origin by adjudication of an offence of money-laundering (art. 54, subpara. 1 (b)). Chile, in relation to the provisions of the article under review that were partly implemented or not implemented, provided no information on its technical assistance requirements (an obligatory reporting requirement).

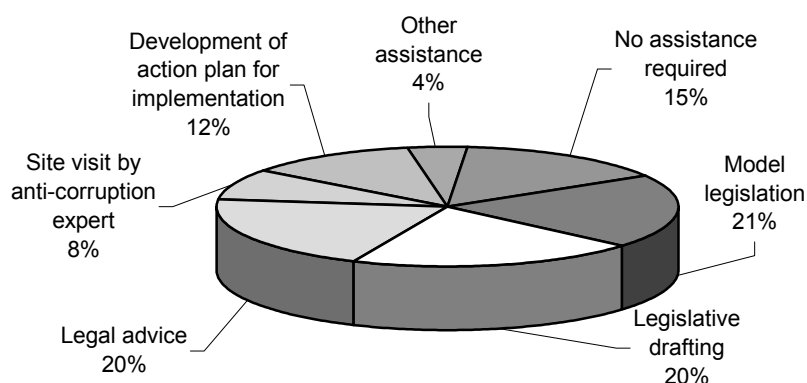
(e) Group of Western European and Other States

79. No assistance was requested by the States that reported partial compliance with the article under review.

4. International cooperation for purposes of confiscation (article 55)

80. The technical assistance needs of parties reporting partial or no implementation of article 55 of the Convention are shown in figure XIII. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure XIII
Technical assistance needs of the 12 parties that reported partial or no implementation of article 55



(a) Group of African States

81. All five reporting States parties indicated compliance with the article under review, hence stating that no assistance was needed.

(b) Group of Asian and Pacific States

82. Bangladesh and Jordan reported that none of the qualified forms of technical assistance required to foster international cooperation for the purposes of confiscation was presently available. Kyrgyzstan reported that all of the forms of technical assistance listed in the self-assessment checklist were unavailable, but were needed to comply with the article under review.

(c) Group of Eastern European States

83. No assistance was needed for Romania and the Russian Federation to achieve full compliance with the prescription of the Convention providing for foreign requests for confiscation to be submitted to domestic competent authorities for execution (art. 55, para. 1). No assistance was being received by either State in this area. Similarly, no assistance was requested by the Russian Federation to adopt measures in full compliance with the Convention to identify, trace and freeze proceeds of crime upon a request by another State party and to detail the content of a request for confiscation to be submitted to another State party (art. 55, paras. 2 and 3, respectively). In relation to the same provisions, while reporting no compliance with the Convention and no need for technical assistance, the former Yugoslav Republic of Macedonia stated that it would benefit from the expansion of assistance provided in these areas by OSCE and the United States Department of Justice.

(d) Group of Latin American and Caribbean States

84. Out of the 12 reporting parties, 6 indicated partial compliance with the article under review. Out of them, Argentina, Bolivia, Costa Rica and El Salvador stated that qualified assistance was needed to align their domestic systems to the

prescriptions of the Convention. Mexico, reporting partial compliance, requested no assistance, while Chile provided no information on assistance required to implement the article under review (an obligatory reporting requirement).

(e) Group of Western European and Other States

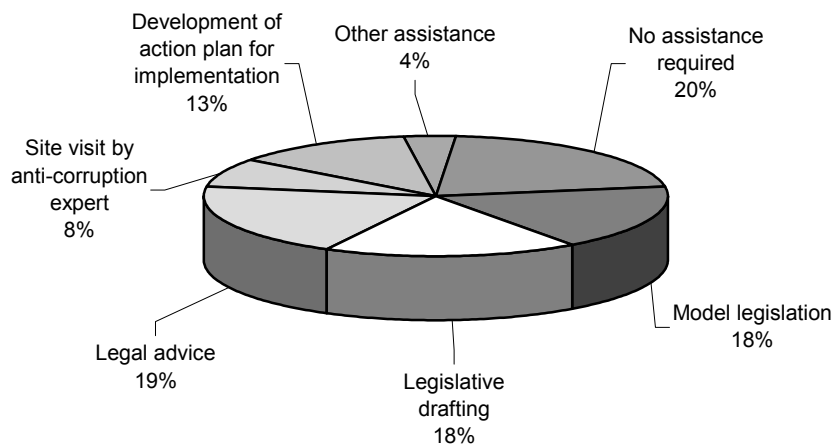
85. No assistance was requested by Turkey to achieve full compliance with the article under review.

5. Return and disposal of assets (article 57)

86. The technical assistance needs of parties reporting partial or no implementation of article 57 of the Convention are shown in figure XIV. Details of specific needs for technical assistance and of technical assistance already provided or currently being provided are presented, by region, in the subsequent paragraphs of the present section.

Figure XIV

Technical assistance needs of the 20 parties that reported partial or no implementation of article 57



(a) Group of African States

87. Nigeria indicated that no assistance was required to adopt measures providing for the deduction of expenses incurred in the return or disposal of confiscated property (art. 57, para. 4) and for the conclusion of agreements on final disposal of confiscated property (art. 57, para. 5). The United Republic of Tanzania reported partial compliance with the mandatory provision providing for the disposal, including by return to its prior legitimate owner, of confiscated property (art. 57, para. 1), stating that full compliance would be achieved by extending assistance presently being provided by USAID. The United Republic of Tanzania also reported that qualified technical assistance, currently unavailable, would facilitate the adoption of measures to provide for the deduction of expenses incurred in the return or disposal of confiscated property (art. 57, para. 4). The extension of assistance

provided by USAID would enable the same State to adopt measures for the conclusion of agreements on final disposal of confiscated property (art. 57, para. 5).

(b) Group of Asian and Pacific States

88. None of the qualified forms of technical assistance necessary for Bangladesh, Jordan, Kyrgyzstan and the Philippines to establish or strengthen measures for the return and disposal of assets was being provided. Kyrgyzstan, reporting partial implementation of measures providing for the disposal of confiscated property including by return to its prior legitimate owner (art. 57, para. 1), stated that no assistance was required to fully implement such measures.

(c) Group of Eastern European States

89. Assessing measures providing for the disposal, including by return to its prior legitimate owner, of confiscated proceeds of offences of corruption (art. 57, para. 1), Latvia reported full compliance with the Convention, but indicated that the implementation of the provision under review would further benefit from study visits to or by other States and that assistance received from the European Commission in this area was sufficient to ensure adherence with the Convention, while Romania and the Russian Federation indicated that no assistance was required to overcome their reported partial compliance. In relation to measures enabling competent national authorities to return confiscated property upon request by another State party (art. 57, para. 2), Latvia reported full compliance with the Convention, but indicated that effective implementation of the provision under review would benefit from study visits to or by other States and that no assistance was being received in that area, while the Russian Federation indicated that no assistance was required to overcome its reported partial compliance. Assessing compliance with the provision of the Convention introducing a three-tier regime for the return of confiscated property depending on the nature of the underlying offence, i.e. embezzlement, other offences of corruption and other unspecified criminal offences (art. 57, subparas. 3 (a)-(c)), Latvia reported that greater adherence with the Convention would be facilitated by the provision of qualified technical assistance presently unavailable and by study visits to or by other States, while Romania and the Russian Federation indicated that no assistance was required to overcome their reported partial compliance. In relation to measures providing for the deduction of expenses incurred in the disposal or return of confiscated property (art. 57, para. 4), Latvia reported full compliance with the Convention, but indicated that implementation of the provision under review would benefit from study visits and that no assistance was being received in that area, while the Russian Federation and Slovakia indicated that no assistance was required to overcome their reported partial compliance (the former) or non-compliance (the latter). Assessing measures for the conclusion of agreements on the final disposal of confiscated property (art. 57, para. 5), Latvia reported full compliance with the Convention but indicated that implementation of the provision under review would benefit from study visits and that no assistance was being received in that area, Romania and the Russian Federation indicated that no assistance was required to overcome their reported partial compliance (Romania) or non-compliance (the Russian Federation), and Slovakia, reporting non-compliance, indicated that qualified technical assistance, currently not available, would facilitate the adoption of such measures. While reporting that no measures had been adopted to comply with the entire article under

review and that no assistance was needed, the former Yugoslav Republic of Macedonia indicated that it would benefit from the extension or expansion of assistance received from OSCE and the United States Department of Justice.

(d) Group of Latin American and Caribbean States

90. Reporting partial compliance with the article under review, Argentina, Bolivia, Colombia, Costa Rica, the Dominican Republic, Peru and Uruguay indicated that qualified technical assistance, at present not available, was needed to ensure full compliance with the Convention. No assistance was requested by El Salvador to adopt measures providing for the disposal, including by return to its prior legitimate owner, of confiscated proceeds of offences of corruption (art. 57, para. 1). Chile provided no information on assistance required to implement the article under review (an obligatory reporting requirement).

(e) Group of Western European and Other States

91. No assistance was requested by Finland, the Netherlands and Turkey to achieve full compliance with the article under review.

III. Conclusions and recommendations

92. The present report leads to two sets of conclusions. The first relates to the means utilized to gather and analyse information on technical assistance, while the second pertains to the substantive findings of the exercise.

93. In relation to the first aspect, the structure of the self-assessment checklist has been instrumental in enabling the identification of specific needs for technical assistance and in meeting the equally essential requirement of promoting better coordination of delivery of such assistance. The Open-ended Intergovernmental Working Group on Technical Assistance recommended (see CAC/COSP/2008/5) that, in relation to the demand side of technical assistance, a reasonably comprehensive picture should be prepared by the Secretariat and presented to the Conference at its second session. It is hoped that the present report provides such a picture, even though it does not cover all States parties. The Working Group, however, recognized that information was also needed on the supply side of technical assistance. To meet that challenge, the Conference may wish to endorse the relevant recommendations of the Working Group on Technical Assistance and of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption (see CAC/COSP/2008/3). Both Working Groups regarded the self-assessment checklist, the instrument designated by the Conference at its first session (see CAC/COSP/2006/12, chap. I, decision 1/2) to gather information on the implementation of the Convention, as a useful information-gathering tool, while recognizing the need for further development. When deciding on such development, the Conference may wish to consider means to enable States that provide technical assistance to mention to whom such assistance has been or is being provided. Furthermore, information could also be elicited on the plans and strategies of assistance providers, in order to identify thematic or geographic areas that are likely to attract the interest of donors in the short-, medium- and long-term.

94. The collection of information on the supply side of technical assistance, coupled with the enhancement of the features of the computer-assisted information-gathering tool, would enable the Secretariat to build and provide to the Conference a comprehensive knowledge of technical assistance provided and received. Such knowledge would be shared with multilateral assistance providers, further fostering complementarity between demand and supply. This course of action would represent an operational extension of the recommendation of the Working Group on Technical Assistance, which requested the Secretariat to share the present report with multilateral and bilateral donors with a view to ensuring that such information was used for purposes of better coordination.

95. Logically related to the above is the recommendation of the Working Group on Technical Assistance that the Secretariat should begin work on the development of a comprehensive software-based information-gathering tool. The Conference may wish to endorse this recommendation, appreciating the usefulness of a tool that would enable the Secretariat to present an actionable picture of the status of compliance with the Convention, compounded by information on good implementing practices and on implementation gaps, requirements to fill such gaps and assistance received, provided and likely to be made available. In this respect, the Conference may also wish to take note of the recommendations of the Open-ended Interim Working Group of Government Experts on Technical Assistance (see CTOC/COP/2008/7) established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. That Working Group recommended the development of comprehensive software-based information-gathering tools for the Organized Crime Convention and each of its Protocols.

96. The innovative layout of the present report and the utilization of visual representations have been made possible by exploiting solutions offered by modern information technology applications. The software-based self-assessment checklist distributed to States parties and signatories to the Convention on 15 June 2007 was realized by UNODC at a cost of \$15,000 relying on skeleton in-house expertise, i.e. one software development expert, one substantive staff member and one volunteer. Should further development of the information-gathering tool be recommended, the Conference may wish to call for adequate human and financial resources to be made available to the Secretariat in order to fulfil its mandate. This would include not only the technical enhancement of the tool, but also the possibility of rendering assistance necessary for some States to operate it, thus further contributing to a rise in the overall response rate.

97. In relation to the substantive findings of the analytical exercise captured by the present report, the conclusions presented in box 2 may be drawn.

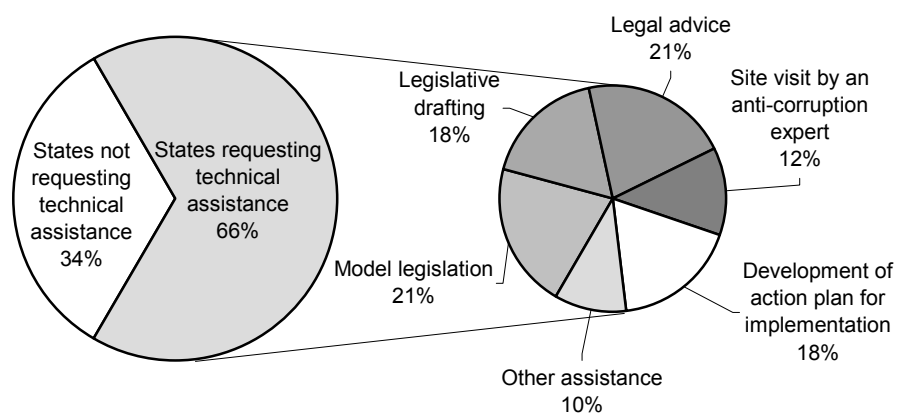
Box 2

Substantive conclusions drawn from the responses of States to the self-assessment checklist

- Preventive measures (chapter II). Of the States that reported partial compliance with chapter II, 83 per cent requested technical assistance. The development of an action plan for implementation was the type of assistance most frequently requested (21 per cent), followed by requests for site visits by anti-corruption experts (15 per cent) and legal advice (13 per cent).
- Criminalization and law enforcement (chapter III). Of the States that reported partial or non-compliance with chapter III, 79 per cent requested technical assistance. The provision of model legislation was the form of technical assistance most frequently requested (17 per cent), followed by the provision of legal advice (14 per cent), assistance in legislative drafting (12 per cent) and requests for on-site visits by anti-corruption experts (12 per cent).
- Asset recovery (chapter V). Of the States that reported partial or non-compliance with chapter V, 83 per cent requested technical assistance. The provision of legal advice (19 per cent), model legislation (18 per cent) and support in legislative drafting (17 per cent) were the forms of assistance most frequently requested.

98. The overall analysis of technical assistance needs, depicted in figure XV, shows that legal advice and model legislation (21 per cent each) are the forms of technical assistance most needed to implement the 15 articles of the Convention covered by the first round of review of implementation. This is followed by assistance in legislative drafting and in the formulation of action plans for implementation (18 per cent each). Site visits by anti-corruption experts (12 per cent), followed by other country-specific forms of assistance (10 per cent), are the least requested.

Figure XV
Global technical assistance needs (44 States parties)



99. In conclusion, normative assistance, in the form of legal advice, model legislation and legislative drafting, is the most needed at this early stage of implementation of the Convention. Only the application of measures to prevent corruption recorded a high demand for assistance in the formulation of action plans for implementation. In accordance with its resolution 1/5, the Conference may wish to act upon these findings by providing guidance for the Secretariat to develop a programme of work and project proposals to address the needs identified and by recommending the mobilization of resources necessary for technical assistance to be provided.
