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

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Technical assistance

Work of the Open-ended Intergovernmental Working Group on Technical Assistance

Report of the Secretariat**

I. Introduction

1.   In its resolution 1/5, the Conference of the States Parties to the United Nations Convention against Corruption decided to establish an interim open-ended intergovernmental working group, in accordance with article 63, paragraph 4, of the United Nations Convention against Corruption[1] and with rule 2, paragraph 2, of the rules of procedure of the Conference, to advise and assist the Conference in the implementation of its mandate on technical assistance.

2.   In the same resolution, the Conference also decided that the working group should perform the following functions:

(a)   Review the needs for technical assistance in order to assist the Conference on the basis of the information provided by States to the Conference;

(b)   Provide guidance on priorities, based on programmes approved by the Conference and its directives;

(c)   Consider information gathered through the self-assessment checklist approved by the Conference;

(d)   Consider information, as appropriate and readily available and in the areas covered by the Convention, on technical assistance activities of the Secretariat

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* CAC/COSP/2009/1.
** The submission of the present report was delayed owing to the decision to allow Member States to comment until 18 September 2009 on the final report of the meeting of the Open-ended Intergovernmental Working Group on Technical Assistance held on 3 and 4 September 2009.
[1] United Nations, *Treaty Series*, vol. 2349, No. 42146.

and States, including successful practices, as well as on projects and priorities of States, other entities of the United Nations system and international organizations;

(e) Promote the coordination of technical assistance in order to avoid duplication.

3. In its resolution 2/4, the Conference decided that the Open-ended Intergovernmental Working Group on Technical Assistance should continue its work to advise and assist the Conference in the implementation of its mandate on technical assistance and that it should hold at least two intersessional meetings prior to the third session of the Conference. In accordance with Conference resolution 2/4, the Working Group met on 18 and 19 December 2008 and on 3 and 4 September 2009.

4. The present report has been prepared in order to inform the Conference of the outcome of the two intersessional meetings of the Working Group and to provide an account of the action taken to implement its recommendations. It aims to assist the Conference in its deliberations and in providing policy guidance on technical assistance in support of the implementation of the Convention.

II. Overview of the discussions of the Working Group at its second and third meetings

A. Review of needs for technical assistance

5. The Working Group stressed the crucial role of technical assistance in promoting the implementation of the Convention and reiterated that delivery of such assistance had to be based on needs identified by the recipient State. In addition, it reaffirmed that the delivery of technical assistance had to be informed by the guiding principles on aid effectiveness contained in the Paris Declaration on Aid Effectiveness. Those principles included flexibility, transparency and respect for priorities identified by recipient States. The Working Group recognized that technical assistance need not always be delivered between donors and recipient countries, but could also be delivered, for instance, by exchanging experiences and expertise among States from the same region.

6. The Working Group based its deliberations on regularly updated information provided by the secretariat of the Conference on global compliance with the Convention and on technical assistance needs. The latest information provided to the Working Group was based on the self-assessment reports submitted by 77 States parties and compiled by the Secretariat in a background paper (CAC/COSP/WG.3/2009/2), which contained information on compliance with the 15 articles covered by the self-assessment checklist mandated by the Conference in its resolution 1/2. In addition to containing a global overview of compliance and information on the forms of technical assistance needed by States, the Secretariat presented the data by regional group.

7. The information made available to the Working Group in that report was greatly appreciated, as was the way in which it had been presented. However, the Working Group observed that the checklist elicited information only on the demand for technical assistance and requested that similar information be collected and

disseminated in relation to the supply of such assistance. The Working Group expressed appreciation for the work carried out by the Secretariat to implement some of the preliminary proposals for technical assistance activities to meet identified needs, as described in a discussion paper prepared by the Secretariat (CAC/COSP/WG.3/2008/CRP.1). In particular, the Secretariat was commended for its analysis of technical assistance needs, for having identified and compared regional trends and for having made progress on the development of a database of anti-corruption experts.

B.   Guidance on priorities for technical assistance

8.   With a view to facilitating its deliberations on ways to identify and prioritize needs for technical assistance, the Working Group welcomed the presentations made by representatives of Indonesia, Kenya, Nigeria and Peru, as well as on behalf of the German Agency for Technical Cooperation (GTZ) and the Network on Governance of the Development Assistance Committee of the Organization for Economic Cooperation and Development. Overviews of those presentations are contained in CAC/COSP/WG.3/2008/CRP.2 and CAC/COSP/WG.3/2009/3.

9.   The Working Group recognized that compliance or gap analyses were viable tools for identifying needs and priorities with a view to implementing the Convention. However, the Working Group also recognized that such tools were means to an end, stressing the importance of establishing mechanisms to follow up on the findings of such analyses. The Working Group also stressed that gap analyses had to be country-driven, supported by political commitment and capable of involving national institutional and non-institutional entities in order to ensure ownership of and accountability for the findings.

C.   Coordination on technical assistance activities

10.   The Working Group acknowledged that the implementation of the Convention at the country level should be a gradual and ongoing process, to be mainstreamed into the development agenda. That would allow for technical assistance needs to be addressed on a long-term basis and in a more coordinated and effective manner. Consideration of the means by which technical assistance could be coordinated was based on presentations delivered by representatives of the United Nations Development Programme, the Department for International Development of the United Kingdom of Great Britain and Northern Ireland, the U4 Anti-Corruption Resource Centre and the United Nations Office on Drugs and Crime (UNODC). An overview of those presentations is contained in document CAC/COSP/WG.3/2009/3.

11.   The Working Group recognized the need to establish or strengthen mechanisms to promote the coordination of technical assistance in support of States' efforts to implement the Convention. While recognizing the value of existing mechanisms, the Working Group stressed that for coordination to be effective, it had to be pursued at the national level and had to involve donors, partner States and UNODC. The Working Group supported the initiatives to further promote coordination contained in the discussion paper prepared by the Secretariat (CAC/COSP/WG.3/2008/CRP.1), in particular the use of a matrix to map needs

identified through the self-assessment checklist, and to facilitate the delivery of technical assistance to meet identified needs. Furthermore, the Working Group stressed the importance of the country-based approaches to programming and delivery that were integrated into existing coordination mechanisms. In that regard, the Working Group supported the testing of methods for improved in-country coordination in a small number of voluntarily participating States, with the full involvement of UNODC; the experiences and results of such testing would then be reported to the Conference.

12.   On the issue of coordination, the Secretary of the Conference noted that the effective implementation of the Convention was intrinsically related to the requirements of the criminal justice system of each State. In that regard, he observed that for technical assistance to be effective and generate sustainable results, coordination had to be accompanied by long-term programmes characterized by coherence, consistency and quality of delivery.

13.   The Working Group encouraged States that had conducted gap analyses to cooperate more closely with each other and with States that had not yet conducted similar exercises. It suggested that such forms of cooperation, to be pursued through already existing or yet to be established regional networks, should include the participation of assistance providers with a view to ensuring that identified needs were met in a coordinated manner.

14.   The Working Group emphasized that the identification of technical assistance needs and priorities, and the subsequent delivery of assistance, were directly linked to the mechanism to review the implementation of the Convention. It stressed that more emphasis should be placed on the implementation of the provisions contained in chapters II and IV of the Convention, on preventive measures and international cooperation respectively, and on the delivery of technical assistance to promote and facilitate such implementation, in addition to the priorities identified by the Conference at its first and second sessions.

D. Mobilization of resources

15.   The Working Group was apprised of the mechanisms adopted by some bilateral and multilateral assistance providers to mobilize and allocate resources in support of the implementation of the Convention. The Working Group referred to the decentralized manner in which the donor community delivered technical assistance, reiterating the importance of coordination at the country level. It recognized the active role that States requesting technical assistance had to play in the context of a dialogue that had to involve country-based assistance providers and relevant national stakeholders. Active participation in that dialogue was deemed essential to ensuring the concerted mobilization of resources and to maximizing the impact of those resources. It was suggested that the dialogue on coordination at the country-level should be guided by the findings of national self-assessment reports, in part because those findings could be included in a matrix of the technical assistance needed to deal with each area covered by the Convention.

III. Recommendations of the Working Group: status of implementation

A. Gathering and disseminating knowledge on the Convention and on ways of identifying needs and priorities for technical assistance

1. Recommendation

16. Recognizing the need to generate, manage and disseminate knowledge on substantive aspects of the Convention and on its potential, the Working Group recommended that technical assistance providers, especially those in the field, should be adequately informed of and trained in those aspects.

Action taken

17. Implementation of the recommendation requires consultation with and the agreement of technical assistance providers, as well as the allocation by them of the required resources. UNODC will be undertaking such consultations and involve its field office network to explore the readiness of field-based assistance providers to participate in the process.

2. Recommendation

18. Appreciating the need to accumulate knowledge and expertise in three specific areas covered by the Convention, namely prevention, criminalization and asset recovery, the Working Group recommended that panels of experts in the delivery of technical assistance in those areas should be convened before the third session of the Conference.

Action taken

19. Two panel discussions took place during the meeting of the Working Group held in Vienna on 3 and 4 September 2009. A detailed account of those discussions is contained in CAC/COSP/WG.3/2009/3. The feedback of the Working Group was positive. UNODC will replicate the initiative on future occasions.

3. Recommendation

20. Compliance reviews and gap analyses were identified as important ways of supporting implementation of the Convention. With a view to promoting the dissemination of knowledge and experience in conducting such reviews and analyses, the Working Group recommended that the Secretariat hold, upon request, national or regional workshops to bring together States that had already conducted such analyses, States that were about to do so and other interested States, as well as representatives of the donor community.

Action taken

21. That recommendation was adopted at the meeting of the Working Group held in September 2009. No requests to hold the aforementioned workshops had been received by UNODC at the time of writing the present report.

4. Recommendation

22.   The Working Group took note with appreciation of the high rate of response to the self-assessment checklist and acknowledged that developing countries might need technical assistance to fulfil their reporting obligations. The Working Group recommended that the Secretariat provide non-reporting States parties, upon request, with the necessary assistance to use and complete the self-assessment checklist.

Action taken

23.   At its first meeting, held on 18 and 19 December 2008, the Working Group could rely on information on technical assistance requirements provided by 66 States parties (equal to 52 per cent of the 126 States parties). At its second meeting, held on 3 and 4 September 2009, the Working Group had before it information provided by 77 States parties (equal to 57 per cent of the 137 States parties). In parallel to all the meetings of the working groups established by the Conference, UNODC had made available UNODC staff members and set up a room equipped with work stations (the so-called "self-assessment clinic") to assist States parties in familiarizing themselves with the self-assessment application and completing their self-assessment reports. Assistance was also rendered, on a continuing basis, via e-mail, telephone and ad hoc meetings to facilitate States parties' fulfilment of their reporting obligation.

B.   Identifying anti-corruption expertise to meet technical assistance requirements

Recommendations

24.   The Working Group welcomed the proposal to establish a pool of anti-corruption experts and recommended that the pool be regarded as a directory of experts and that it be developed by UNODC in such a way as to allow the Office and other technical assistance providers to consult it for the identification of expertise appropriate to the activity at hand. The Working Group tasked UNODC with reporting on the development of such a pool of experts at the following meeting of the Working Group and requested UNODC to seek the required voluntary funding for that activity, following established procedures.

25.   Pursuant to the conclusions of its second meeting, the Working Group expressed appreciation for the efforts made by the Secretariat to set up a database of anti-corruption experts with a view to meeting the needs for technical assistance identified by requesting States. To ensure that the database included the names of experts capable of meeting the specific needs of States, the Working Group recommended that the Secretariat develop a curriculum vitae template to be used by States recommending anti-corruption experts. The Working Group also encouraged States parties to recommend to the Secretariat additional anti-corruption experts for inclusion in the database, keeping in mind the principle of balanced geographical representation.

Action taken

26. A detailed account of action taken by UNODC to comply with the above-mentioned recommendation is contained in CAC/COSP/WG.3/2009/CRP.1, CAC/COSP/WG.3/2009/3 and CAC/COSP/2009/5.

C. Promoting coordination on technical assistance

1. Recommendation

27. The Working Group endorsed the other proposals for technical assistance contained in CAC/COSP/WG.3/2008/CRP.1 and recommended that the proposed matrix for mapping technical assistance activities at the bilateral, regional and global levels should be developed and further expanded in order to provide an overview of the needs identified and of the supply of technical assistance.

Action taken

28. A detailed account of action taken by UNODC to comply with the above-mentioned recommendation is contained in CAC/COSP/WG.3/2009/CRP.1, CAC/COSP/WG.3/2009/3 and CAC/COSP/2009/5.

2. Recommendation

29. The Working Group reiterated the importance of enhanced coordination among providers and recipients of technical assistance in implementing the Convention and stressed the necessity of identifying ways to fully meet the needs expressed by recipients. To that end, the Working Group concluded that country-based integrated and coordinated programming and delivery should be promoted further, where it did not already exist, and recommended that UNODC should participate fully in such processes.

Action taken

30. A detailed account of action taken by UNODC to comply with the above-mentioned recommendation is contained in CAC/COSP/2009/5.

3. Recommendation

31. In order to facilitate coordination of technical assistance delivery, the Working Group recommended that the Secretariat gather information on existing coordination networks and efforts. The Working Group further recommended that such information be made available to States parties and signatories to the Convention.

Action taken

32. The recommendation was adopted at the meeting of the Working Group held in September 2009. Its implementation is currently under way.

4. Recommendation

33. The Working Group expressed support for the work of the Secretariat on collecting country-level experiences in identifying needs and priorities in implementing the Convention and meeting such needs through the coordinated delivery of assistance. The Working Group recommended that the Secretariat continue to collect and disseminate such experiences.

Action taken

34. Implementation of the recommendation is under way.

D. Identifying technical assistance needs for the implementation of other measures of the Convention

1. Recommendation

35. The Working Group recommended that the Conference consider according higher priority to the implementation of the provisions of the Convention on international cooperation and that efforts be made to identify the forms of technical assistance that would be needed for such implementation, in order to develop technical assistance programmes that would be appropriate for meeting those needs.

Action taken

36. Pursuant to Conference resolution 2/1, UNODC started developing a comprehensive, computer-based information gathering tool to enable States parties to assess efforts to implement and identify technical assistance needs in relation to the entire Convention, including its provisions on international cooperation. That tool will be presented to the Conference at its third session for its consideration. A detailed account of the procedure adopted to develop the comprehensive self-assessment tool is contained in CAC/COSP/2009/CRP.3.

2. Recommendation

37. In line with the emphasis placed by the Conference at its second session on preventing corruption, the Working Group recommended that the Conference consider proposals on the matter to be submitted to it at its third session by the Secretariat.

Action taken

38. With the support of the Government of Finland and the Government of Qatar, a meeting of experts in the prevention of corruption took place in Doha on 8 February 2008. The outcome of that meeting, including proposals and recommendations, is contained in CAC/COSP/2009/12.