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to the United Nations
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**Review of the implementation of the
United Nations Convention against Corruption**

**Translating commitment into results: impact of the
Mechanism for the Review of Implementation of the
United Nations Convention against Corruption**

Note by the Secretariat

Summary

The present note draws on the experience gained and information gathered to date through the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and assesses the impact the Mechanism has had in relation to the goals set out at its establishment.

* CAC/COSP/2013/1.



I. Introduction

1. The present note seeks to provide a summary of the impact the Mechanism for the Review of Implementation of the United Nations Convention against Corruption has had to date in translating words into action and transforming the global landscape in the fight against corruption. It provides an overview of outputs that are measurable in hard figures. It also summarizes achievements where the impact of the Mechanism has gone beyond the obvious expectations. The report draws on experiences from finalized and ongoing reviews as a means of showing how the Mechanism, both at the global and the country level, has come to embody the very spirit of the Charter of the United Nations.

Box 1

Article 1 of the Charter of the United Nations

“The Purposes of the United Nations are:

...

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples ... ;
3. To achieve international cooperation in solving international problems of an economic, social [or] cultural character ... ;
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.”

2. With the Review Mechanism in operation for over three years, the exercise of taking stock of its reach and impact has revealed that, apart from achieving its primary purpose in terms of the conduct of country reviews and the analysis of trends at the regional and global levels, the Mechanism has also had less obvious impacts in other areas. At the crux of this impact is the dialogue and momentum the Mechanism has generated. There is now evidence of how issues dealt with during the reviews and originally fraught with hesitance have been dispelled and allayed. We see today how a global community of anti-corruption practitioners is being created.

3. Through its mandated work in support of the Review Mechanism, the United Nations Office on Drugs and Crime (UNODC) has to date trained over 1,400 anti-corruption practitioners in preparation for their own country reviews, as well as training them to participate as experts and peer reviewers. The professional, respectful and objective operation of the Mechanism has borne fruit through an abundant exchange of ideas and sharing of information, advice and good practices among governmental experts. This has contributed directly to desensitizing and depoliticizing the issue of corruption, transforming it into the subject of a frank and constructive global dialogue among regions and legal systems.

4. The launch of the Mechanism has created renewed momentum for States to ratify or accede to the United Nations Convention against Corruption. After its opening for signature in December 2003, the Convention initially enjoyed a fast pace of ratification, gaining 140 States parties in five years; but then in 2009, only two States acceded. However, since the launch of the Mechanism in June 2010,

23 new States parties have come on board. Out of those, 17 requested assistance with the pre-ratification process and/or immediately after ratification, stating the goal of successfully participating in the review process.

5. On the basis of challenges identified through the self-assessment and review process, States have sought assistance in improving their domestic legislation to prevent and fight corruption in line with the Convention. Since the launch of the Review Mechanism, over 35 States, mostly in the context of their implementation review processes, have sought assistance from UNODC in drafting new legislation or, more frequently, have requested comments on draft bills for the implementation of the Convention. In the same context, wide-ranging support was provided for measures to improve States parties' capacity to prevent, detect, investigate and prosecute corruption, including for the development of national anti-corruption strategies, for the establishment and strengthening of relevant institutional frameworks, structures, policies, processes and procedures and for the strengthening of the preventive, investigative and prosecutorial capacities of relevant institutions, through both national and regional activities.

6. After the launch of the Mechanism, many States started early preparation of the self-assessments or undertook a gap analysis ahead of the formal review, recognizing that the quality of the self-assessment was an important driver of the quality of the review and its ultimate utility domestically. Almost 30 States parties have been assisted in this respect since the launch of the Mechanism. Assistance has also been provided to several countries in their efforts to assess the capacities of national bodies and institutions in charge of anti-corruption work. The assistance provided by UNODC in these preparatory stages resulted in more comprehensive information, being included in the self-assessment and in a better-substantiated information base for the reviews, and eventually for preparing future domestic anti-corruption action plans and strategies. In providing assistance, an effort was made to ensure that the processes were country-led, with a view to having the expertise remain available beyond the formal review process and allowing States to develop their own capacity to monitor existing gaps, review progress and reassess compliance with the Convention on a regular basis.

7. The information gathered during the country reviews was collated and further analysed in order to make it available to the global anti-corruption community in the online legal library accessible through the Tools and Resources for Anti-Corruption Knowledge (TRACK) web portal. The full-text laws, regulations, policies and other measures, as well as information on national institutions engaged in the fight against corruption, of over 175 jurisdictions will, through the reviews, be validated and updated. Statistics show that the portal has a growing community of users, which today stands at some 26,000. Furthermore, the Secretariat frequently receives telephone enquiries from experts seeking to contact others, as the establishment of an informal channel of communication has been facilitated through the dialogue of the review process.

8. One significant enabling factor for the inclusiveness of the Mechanism has been the participation of least developed countries and developing countries in the review process. This has proved critical to the Mechanism's success, as each State party participates on an equal footing in the context of the country reviews and during the sessions of the Implementation Review Group, thus creating a sense of ownership and involvement.

9. In contrast to questionnaires, which might generate at best a 50 per cent response rate, based on current expectations, the Review Mechanism will by the end of its first cycle have reached nearly all States Members of the United Nations. The outcomes of the reviews will constitute an unprecedented knowledge base on anti-corruption measures in place in at least 167 States parties in all regions. The thematic and regional analysis of the country reports will present a global assessment of the state of anti-corruption efforts with regard to the implementation of the two chapters under review. It will provide the first global benchmark against which trends can be assessed and progress can be measured.

10. Indeed, the extensive reach of the Review Mechanism, involving those 167 States parties, civil society and non-governmental organizations (NGOs), academia and the private sector, is a testament to the Mechanism as the only mechanism of truly global reach and cross-cutting scope, with the country reports becoming a benchmark against which progress can be measured. As emphasized in the Secretary-General's recent report on advancing the United Nations development agenda beyond 2015, "transparency and accountability are powerful tools for ensuring citizens' involvement in policymaking and their oversight of the use of public resources, including to prevent waste and corruption" (A/68/202, para. 95). Ultimately, the Review Mechanism has provided the opportunity to desensitize anti-corruption work and turn it into a genuinely collective effort by proving that no country or sector is exempt from corruption.

II. Background

11. The importance of ensuring that the United Nations Convention against Corruption would be an effective tool for combating corruption was at the centre of discussions throughout the negotiations on the terms of reference of a mechanism for reviewing the implementation of the Convention. It was considered essential that the Convention be an instrument that would add value to the efforts of Member States in preventing and fighting corruption, including by supporting countries through technical assistance, enhanced international cooperation and data collection.

12. Such discussions had already taken place at the early stages of negotiating the Convention. During the meetings of the Intergovernmental Open-ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption, many delegations emphasized the importance of effective mechanisms for monitoring the implementation of a new convention. As can be discerned from the *Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Corruption*, the discussions on reviewing implementation eventually resulted in article 63 of the Convention, in particular paragraph 7: "Pursuant to paragraphs 4 to 6 of this article, the Conference of the States Parties shall establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention".

13. From the outset, there was a special focus on establishing a mechanism that would assist States parties in fully implementing the Convention and would support their efforts in measuring progress towards that end. In preparation for the discussions on a mechanism and in a bid to support such a process, several

comparisons to other corruption-related implementation review mechanisms were prepared, both by the Secretariat and by other organizations.

14. Following extensive deliberations during the first and second sessions of the Conference of the States Parties to the Convention, resolution 3/1 was adopted at its third session, in November 2009, annexed to which were the terms of reference of the Mechanism for the Review of Implementation of the Convention. In the same resolution the Conference decided that the Implementation Review Group would be established to be in charge of following up on and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance.

III. Impact of the Review Mechanism: going beyond expectations

Review process

15. The Review Mechanism commenced its work in July 2010. Owing to the comprehensive nature of the Convention, which covers in four substantive chapters measures to prevent and criminalize corruption, as well as provisions on international cooperation and asset recovery, it was decided to establish two review cycles: the first review cycle (2010-2015) covers chapters III (Criminalization and law enforcement) and IV (International cooperation), while the second cycle (2015-2020) will cover chapters II (Preventive measures) and V (Asset recovery). In contrast to other corruption-related review mechanisms, which are regional or sectoral, the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, which has 167 States and the European Union (as of September 2013) as parties, not only covers the anti-corruption framework comprehensively but also has a global reach.

Box 2

Impact of the global, cross-cutting character of the Mechanism

While there are several other convention-related review mechanisms of a regional or sectoral character, the Mechanism for the Review of Implementation of the United Nations Convention against Corruption is the only one that is truly global, with 167 countries in its remit, and is cross-cutting and comprehensive in its scope. This creates an enabling environment allowing for a comprehensive global picture of the state of efforts against corruption.

16. The peer review process is aimed at further enhancing the potential of the Convention by providing the means for countries to assess progress in implementation, identify challenges and develop action plans to strengthen its implementation domestically. The ability to fund the participation of least developed countries and developing countries in the review process has proved critical to its success, as it ensures that each State party has an equal opportunity to participate both as reviewer and country to be reviewed and to engage in discussions on an equal footing at the sessions of the Implementation Review Group, thus creating a sense of ownership and involvement.

Box 3

Impact of inclusiveness

The inclusive nature of the Review Mechanism has allowed countries that, because of resource constraints, do not always sit at the same table with other countries to participate actively in the peer reviews and intergovernmental processes, thus enriching the discussions with their experience and providing an opportunity to learn from others.

17. In its resolution 3/1, the Conference decided on the use of a self-assessment checklist (now also referred to as the omnibus software) as the tool for gathering information for the reviews. In accordance with paragraph 32 of the terms of reference of the Mechanism, focal points and governmental experts are trained in the use of the self-assessment checklist, as well as on the substantive provisions of the Convention and the procedural aspects of the reviews. Since the launch of the Mechanism, UNODC has trained over 1,400 anti-corruption practitioners from 150 States parties. Furthermore, UNODC has trained anti-corruption colleagues from the United Nations Development Programme (UNDP), thus extending the reach of training beyond the UNODC network. A large number of ad hoc national workshops, in most cases to assist in drafting responses to the comprehensive self-assessment checklist, were also conducted.

Box 4

Impact of training activities

By training over 1,400 anti-corruption practitioners for the Review Mechanism in preparation for country reviews, as well as training them to participate as experts and peer reviewers, a global community of anti-corruption practitioners is being created. The Secretariat is regularly approached for information by anti-corruption practitioners seeking to make contact with others in that growing community.

18. Of the growing number of States parties involved in the review process, many, in sharing their experiences as States under review and as reviewing States, have highlighted how useful it was to serve first as reviewers before undergoing their own review. It was an opportunity to gain understanding of and expertise on the provisions of the Convention, as well as to analyse another country's system in that light. The exercise enabled them to share lessons learned with the other reviewers and with their own colleagues at the national level. To date as many as 32 States parties have each already performed or agreed to perform three reviews, which is the maximum number of reviews a State should undertake during one cycle.

Box 5

Impact of participation

As the same individuals often participate as reviewers in more than one country review, as well as in their own country review, their enhanced understanding of the Convention is often shared with other anti-corruption practitioners nationally, creating a powerful multiplier effect. The comprehensive self-assessment checklist and the training provide the basis for a better and deeper understanding of the provisions of the Convention.

Strengthened implementation of the Convention globally

19. The launch of the Mechanism in June 2012 created renewed momentum for States to ratify or accede to the Convention (see para. 4 above); The increased number of Asian States parties is particularly noteworthy, as their region lacks both a regional anti-corruption instrument and a regional body that is able to take into consideration or support work to fight corruption.

Box 6

Impact on ratification and accession

The Review Mechanism has created renewed momentum for the ratification of and accession to the Convention. While the ratification pace was high from 2003 to 2008, with 140 ratifications, a lull followed in 2009; but then the pace was reinvigorated by the Review Mechanism, which became operational in 2010. Since then, another 23 States parties have ratified and acceded to the Convention, making a total of 167 States parties to date.

20. The reports prepared by the Secretariat on the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention¹ provide States parties with valuable information on successes, good practices and challenges, but also on specific substantive issues and on the most salient technical assistance needs, where possible with a regional breakdown. Such information has proved useful when countries decide to draft action plans or to launch specific reforms. The thematic reports are also a solid basis for the Implementation Review Group's analytical work, in particular in identifying specific areas that deserve more attention.

21. By the end of its first cycle the Review Mechanism will have reached nearly all States Members of the United Nations. The outcomes of the reviews will constitute a knowledge base on anti-corruption measures in place in all regions. The analysis of the country reports will present a global assessment of the state of anti-corruption efforts and will provide a global benchmark for trends and progress (see para. 9 above).

¹ The latest reports carry the symbols CAC/COSP/IRG/2013/6-11. Reports from all sessions of the Implementation Review Group can be found at www.unodc.org/unodc/en/treaties/CAC/IRG-sessions.html.

Box 7

Impact on dialogue

The exceptionally high response rate to the self-assessment checklist is proof of the value that States parties attribute to the Mechanism and to the implementation of the Convention. It is also proof of the fact that the professional, respectful and objective operation of the Mechanism has allayed initial hesitation or concerns that some countries may have harboured regarding the Mechanism. Instead, the abundance of ideas exchanged and information, advice and good practices shared among governmental experts has contributed to opening up the issue of corruption to a frank and constructive global dialogue across regions and legal systems.

22. At the resumed third session of the Implementation Review Group, in November 2012, there was a discussion on particular substantive provisions of the Convention, including in areas where the requirements of the Convention, both mandatory and non-mandatory, were deemed not to have been adequately fulfilled. These included illicit enrichment, misappropriation of public funds, bribery of foreign public officials and officials of public international organizations, bribery in the private sector, the liability of legal persons and their principals, and privileges and immunities. States parties discussed specific challenges regarding the different topics and shared their experiences. Similar discussions are expected to remain high on the agenda of upcoming sessions of the Implementation Review Group and the Conference of the States Parties. In order to further promote such discussions, UNODC expects to release every two years, at the Conference of the States Parties, a publication that provides a detailed analysis of the outcomes of the reviews, including special chapters on priority issues emerging in the context of the reviews.

Box 8

Impact of the Implementation Review Group

The Implementation Review Group has rapidly evolved into an important global forum where the 500-plus participating anti-corruption experts and practitioners can exchange ideas freely twice a year.

23. The Review Mechanism has also proved to be an important forum for all States parties to engage on practical anti-corruption issues in a positive and constructive spirit, both as States parties under review and reviewing States parties. The transparent, efficient, non-intrusive, inclusive and impartial nature of the Mechanism, as well as its multilingualism, have emerged as assets of great value in this regard. Trilateral meetings and other informal consultations in the margins of sessions of the Implementation Review Group and other meetings are proving particularly valuable.

Box 9

Impact of communication

The substantive exchange of experiences and the establishment of informal channels of communication among States have been highlighted as key factors for international cooperation, including direct contacts between central authorities, law enforcement agencies and financial intelligence units. Most countries under review have reported that the dialogue between reviewing experts and focal points in the framework of the Review Mechanism facilitates such informal contacts.

Improved inter-institutional cooperation and coordination

24. The review exercise has enabled States parties to enhance internal inter-agency dialogue, cooperation and coordination through the establishment of dedicated steering committees and the holding of workshops for the validation of the information shared through the self-assessment checklists, country reports and executive summaries. Institutions involved in reviews have so far included, apart from the dedicated anti-corruption agencies, supreme audit institutions, public administration authorities, government departments, law enforcement, the judiciary, and parliaments and their committees. This inclusiveness of the process has facilitated and frequently set in motion an informed national policy dialogue about reform requirements.

25. In many instances, the country reports have been beneficial for efforts to institute domestic reforms and address implementation challenges at the national level in response to the outcomes of the reviews. In several cases, a broad national dialogue has taken place to fill the gaps identified during the review process and to establish action plans. In other cases, specific legislative, institutional and capacity-building activities have been undertaken to address the recommendations in the review report, with the support of UNODC and other technical assistance providers on an ad hoc basis.

26. Also witnessed in several countries has been the extra effort made to draft and adopt legislation prior to the country review in order to expedite compliance. This has been the case particularly in relation to article 32 of the Convention and to the enactment of whistle-blower protection.

Box 10

Impact within countries

Through the Review Mechanism and its process States parties have dedicated time and effort to reflecting on the interaction among national stakeholders. This has enabled a comprehensive analysis of deficiencies, gaps and bottlenecks, as well as the identification of good practices, and has in a number of countries led to the establishment of new channels of communication among the stakeholders, as well as the creation of specialized, dedicated anti-corruption bodies and services.

Reinforced national data-collection systems

27. The self-assessment process has offered new opportunities for refining and enhancing national data collection in areas directly relevant to national policy development. Indeed, the self-assessment process makes use of existing national research, assessments and statistics, while at the same time seeking to identify how these can be improved and complemented. In cases where data were scattered, there was a clear opportunity to develop a more sustainable data-collection system, in particular with regard to the time and resources national authorities generally spend on the self-assessment. Some States parties have consequently built their continuous data collection on the initial data-collection team that was formed for the review process, while others (approximately a quarter of States parties to date) have indicated databases and tracking systems as a priority technical assistance need. Many States parties have also indicated that they will use the outcome of the review process as a yardstick against which they will continue to measure progress domestically.

Box 11

Impact of quantification

<p>In analysing the finalized country reviews, UNODC has identified technical assistance in setting up databases as a frequently recurring need. This indicates not only that there is a desire to maintain and keep up to date the statistics that have been generated, but also that there is value in the quantification itself.</p>

Strengthened implementation of the Convention domestically

28. UNODC has noted that States parties have found it very useful to receive ad hoc targeted technical assistance in the form of training or advisory services throughout the Review Mechanism cycle, i.e. not only in response to the findings of the review but also during the initial preparatory stages, to help gain momentum. This has shown that there is an increase in trust and confidence in the Mechanism and has also encouraged State's parties under review to focus on what they consider to be the most pressing needs emerging from the review and to address at an early stage lacunae that might otherwise hamper the success of the review.

29. Priority actions may include the development of an action plan to meet the needs identified during the review; training courses on financial investigations; training courses on international cooperation to facilitate extradition and mutual legal assistance in cases of corruption; legal advice to ensure that offences criminalized in the Convention are incorporated into national legislation (some countries have requested comments on a draft bill that would address some of the shortcomings identified in current legislation); expert advice for the development of a case management system for the anti-corruption agency; and legal advice and training on the adoption and use of special investigative techniques. Requests have also been received regularly on ways to improve the detection of corruption cases, be it through the development of witness and whistle-blower protection programmes or through advisory services on how to structure systems of asset and income declaration.

30. Both the formal training sessions and the hands-on, in situ assistance have contributed to building the capacities of national authorities to assess their own legislative and institutional framework. As UNODC has sought to ensure that these processes are country-led, it is expected that the expertise will remain available beyond the formal review process and will allow States to develop their own capacity to monitor existing gaps, review progress and reassess compliance with the Convention on a regular basis.

31. In the margins of the in situ gap-analysis missions, UNODC has been able to advise on pressing matters such as asset recovery cases and on the structuring and operation of asset declaration and verification systems, most of which are newly established. As a result, not only does the gap analysis serve as the basis for self-assessment reports and allow countries to make timely submissions, but countries have also been able to address some needs and gaps prior to the review, thanks to the advice they received during the gap analysis.

Box 12

Impact of country reports

States parties have often seen the country reports and recommendations contained therein as an opportunity to galvanize efforts to reform and strengthen their domestic anti-corruption work, in particular in the area of legislative amendments and strengthening their institutional set-up by drafting national anti-corruption strategies, using the country report as a benchmarking tool.

32. While many countries have already adopted anti-corruption legislation in line with the Convention, UNODC has continued to receive requests from States seeking to improve their domestic legislation to prevent and fight corruption, in particular on the basis of the challenges identified through the country reviews. To this end, UNODC has provided legislative assistance mostly to address corruption in a comprehensive manner, but support has also been provided on several pieces of legislation covering specific aspects such as asset declarations, money-laundering, bribery of foreign public officials, mutual legal assistance, access to information, witness protection and corporate liability. In several cases, examples and good practices from other States were shared with the authorities.

Box 13

Impact on draft legislation

Since the launch of the Review Mechanism, over 35 States have sought assistance from UNODC in drafting new legislation or, more frequently, have asked for comments on draft laws to implement the Convention in the context of the implementation review process.

33. Along the same lines, UNODC has provided wide-ranging support to Member States to improve their capacity to prevent, detect, investigate and prosecute corruption. Assistance has been provided for the development of national anti-corruption strategies, for the establishment and strengthening of relevant institutional frameworks, structures, policies, processes and procedures and for the strengthening of the preventive, investigative and prosecutorial capacities of relevant institutions, through both national and regional activities.

Improved communication of validated technical assistance needs

34. The Review Mechanism provides a platform for identifying technical assistance needs and validating them on the basis of collected evidence and a peer review. The Mechanism also provides Governments with an opportunity to communicate technical assistance needs in a coordinated manner. A good practice from several country reviews has been that of inviting donors, or existing donor coordination platforms, to participate in the direct government dialogue during the country visits undertaken by the reviewing countries' experts and UNODC, where agreed by the State party under review. This has had the benefit of providing donors with a more in-depth perspective on the technical assistance needs identified during the review process, as well as an opportunity to bring their views and experiences to the attention of the review team. It has further presented an occasion for discussing ongoing technical assistance programmes that might be adjusted to take on board some of the needs identified through the reviews.

35. In addition, under the "Partnership for anti-corruption knowledge" initiative, UNODC and UNDP started developing a training manual aimed at providing development partners with knowledge of the potential of the Convention and of the Review Mechanism as a programming tool and framework.

Box 14

Impact of identifying technical assistance needs

The Review Mechanism allows States parties under review to identify and state their technical assistance needs and requests as part of a broader programme of reform. Donors, many of whom will have participated in the Mechanism, are thus able to view their possible entry points for support as part and parcel of a comprehensive programming and delivery effort that may take several years, thus often promoting a multi-year and multi-stakeholder engagement.

Development of national anti-corruption strategies

36. The chances for identifying strategic priorities and developing an effective prioritized national anti-corruption strategy increase substantially on the basis of findings from a comprehensive review and a contextually relevant understanding of the corruption problem. The strategy benefits from having information from different stakeholder perspectives and from addressing anti-corruption efforts from the perspective of a whole government and beyond. A comprehensive and inclusive review process helps to ensure ownership of the review outcomes and of future reforms, and provides an important benchmark against which progress can be measured.

37. The needs identified in the country review may require more robust mid- and longer-term assistance (1-5 years). To ensure a successful reform process, a full chain of events and actions may be required. While certain countries have developed full-fledged national anti-corruption strategies on their own initiative and within already existing national capacities, UNODC and other partners are also called upon to support and assist States parties in such processes. Those strategies are often guided by the recommendations and gaps identified during the country review and provide a solid basis for further developing technical assistance

proposals, ranging from legislative, policy and technical advice to the enhancement of national capacities to conduct financial investigations, trace and freeze assets and recover the proceeds of corruption at the national level. Other elements of the strategies might include dedicated assistance to support international cooperation in the investigation and prosecution of corrupt practices; the provision of case management software; the full launching of witness protection programmes; or the embedding of an adviser in an anti-corruption agency.

Box 15

Impact of regional advisers

Given the relatively large number of Asian countries that have finalized their country reviews, the UNODC regional anti-corruption adviser in South-East Asia is in the process of organizing a series of workshops to support the development of national anti-corruption strategies taking into account the recommendations and outcomes of the country reviews. A similar initiative is being undertaken by the UNODC regional anti-corruption adviser for Southern and East Africa.

38. At its fourth session, the Conference of the States Parties specifically mandated UNODC to use the outcomes of the Review Mechanism to facilitate cooperation between those in need of technical assistance and the providers of such assistance.² Hence, UNODC will continue to play the role of honest broker and assist recipient countries in the identification of possible technical assistance available from bilateral and international donors at the regional and national levels.

Box 16

Impact of the legal library

The UNODC online legal library contains full-text laws, regulations, policies and other measures, as well as information on national institutions engaged in the fight against corruption, for over 175 jurisdictions, much of which was gathered during the implementation reviews.

Global anti-corruption knowledge, Tools and Resources for the Anti-Corruption Knowledge and the legal library

39. Another important dimension is the use of the body of knowledge and information generated through the Review Mechanism. It has been noted on several occasions that States parties, as well as their national and international counterparts, use the information gathered during the reviews as a basis to further their anti-corruption work. The wealth of information on laws, regulations, cases and statistics gathered through the Mechanism has been collated and made available online through the UNODC-managed Track portal.³ The portal hosts several sub-pages, including that of the legal library.

40. The data are organized by Convention provision and are searchable by country, legal system, government structure and level of human development. On the basis of

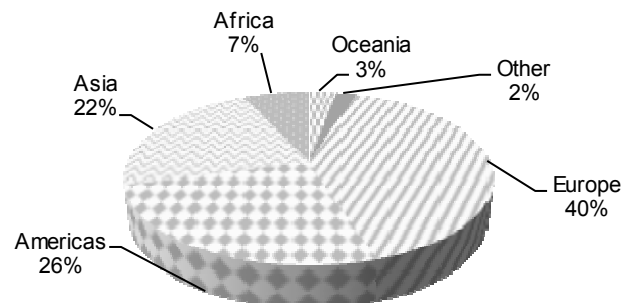
² See CAC/COSP/2011/14.

³ www.track.unodc.org/Pages/home.aspx.

the information gathered through the reviews, the legal library is continuously being updated and validated. This has been useful for States parties in preparing for the reviews and has been extremely valuable for countries wishing to draw on examples from other countries.

41. Furthermore, information on the competent authorities solicited through the implementation review (see article 46, para. 13, of the Convention) is also made publicly available through the portal. During the second cycle (2015-2020) the information on national asset recovery focal points will be added to the list. UNODC is at present considering ways in which the country profile pages can be further enhanced to expand this tool and the information already available. The figure illustrates the geographical distribution of visitors to the TRACK portal.

Geographical distribution of visitors to the Tools and Resources for Anti-Corruption Knowledge portal



42. From September 2011, when the TRACK portal was launched, until September 2013, it had nearly 26,000 users, and statistics show that the average time spent per visit has increased by 25 per cent over the past year. Some 25 per cent of visitors have specifically visited the legal library. While the aforementioned training activities on the Review Mechanism and the Convention have important advocacy aspects, awareness and understanding of the importance of the Convention in anti-corruption efforts is also enhanced through the TRACK portal.

Box 17

Impact of the Tools and Resources for Anti-Corruption Knowledge portal

To date 26,000 users have accessed the UNODC TRACK portal, and there are many returning users. Statistics show that the average time spent per visit has increased by 25 per cent over the past year.

Broadened engagement of non-State stakeholders

43. The review process provides States parties with the opportunity to establish new cooperative relationships with a wide range of non-State stakeholders as well, including the private sector, civil society and academia, an opportunity that many have seized.

44. Several countries have included representatives of civil society organizations, academia or the private sector in national steering committees for country reviews. In preparation for country visits, several countries have published press communications informing the public of the upcoming review and about how to share information with the national focal point; in other countries, the review process has been initiated by the holding of national consultations with an exceptionally wide range of actors.

Box 18

Impact on partnership

The Review Mechanism has helped to desensitize and depoliticize the issue of corruption at the national level, as it has allowed States parties to engage previously unlikely partners, such as civil society and non-governmental organizations, in one joint effort.

45. In the margins of the third session of the Implementation Review Group, in June 2012, the first briefing for NGOs was held, in line with Conference of the States Parties resolution 4/6, in order to provide an opportunity for contributions of NGOs to the work of the Mechanism. While it was highlighted that the Mechanism was an intergovernmental process, States pointed out that civil society could play a valuable role within the context of the Mechanism and more broadly in the implementation of the Convention at the national level. The participating organizations were also able to demonstrate their anti-corruption work in their home countries. The briefing showed potential as a forum for dialogue between governments and civil society with a view to promoting and enhancing global anti-corruption efforts.

46. During the fourth session of the Implementation Review Group, in May 2013, a second NGO briefing was held, again in accordance with Conference resolution 4/6. During the session, the organizations present reported on their activities and their role in supporting the implementation of the Convention. Their work in the area of awareness-raising was described as a way to involve the general public in the fight against corruption. The role of the private sector in the fight against corruption was also highlighted, as was the possibility of providing input for the development of draft legislation. Several speakers reported on their organizations' national and regional efforts to develop and implement legislation.

Strengthened inter-agency cooperation

47. Even before the Convention had entered into force, UNODC and UNDP had envisaged that there would be ample scope for cooperation between them. The entities had agreed early on that one of the priority areas of cooperation would be technical assistance in support of the Review Mechanism. One output of their early cooperation, was the joint development of the "going beyond the minimum" methodology, aimed at promoting a comprehensive and participatory self-assessment process. It offers States parties a broad spectrum of options to maximize the opportunities of the review to catalyse further legal and policy reforms. For example, a State party can choose to include additional chapters under review in the self-assessment. It also encourages States parties to engage other stakeholders (academia, civil society, private sector, donors) in the self-assessment

process. States can use this methodology to analyse the gaps, strengths and weaknesses of their legal systems and institutional arrangements to prepare for the review.

48. In a bid to further raise anti-corruption awareness among the United Nations family, a new training course on the integration of anti-corruption elements into United Nations programming at the national level, through the United Nations Development Assistance Framework, is now available to United Nations country teams. In April 2013, UNODC, in collaboration with UNDP and the United Nations System Staff College, conducted a training-of-trainers workshop with 26 participants from different United Nations agencies. The participants, who are now certified resource persons, are available to support United Nations country teams in their efforts to strengthen the prevention of and fight against corruption in various sectors. Pilot initiatives have already started in Kenya and Panama, and other country teams have also signalled their interest.

49. One of the latest joint UNODC/UNDP efforts is the initiative called “Partnerships for anti-corruption knowledge”, which provides a range of activities and possible ways for donors to engage with recipient countries in supporting the country review process and to align technical cooperation with the priorities of the beneficiaries; a platform for dialogue, coordination and harmonization among development partners; a strong basis for enhanced ownership of countries benefiting from technical cooperation; and a shared benchmark for monitoring and evaluation of anti-corruption programmes, projects and other initiatives, with the objective of enhancing the effectiveness and impact of development cooperation in the area of anti-corruption efforts and governance.

50. That initiative also looks at ways in which States parties can engage their counterparts in order to encourage and support their process towards ratification of the Convention. One example is a South-East Asian country that in 2012 embarked on a transition to democratic rule. UNDP and UNODC supported the first-ever anti-corruption workshop in the country, at which government officials expressed their commitment to ratifying the Convention. The pre-ratification workshop led to government officials formally expressing their commitment to ratify the Convention, as well as to ensuring that the country’s legislation would be in line with it.

51. Another important inter-agency venture is the UNODC/World Bank Stolen Asset Recovery (StAR) Initiative. The objectives of the StAR Initiative, launched in 2007, are threefold: (a) to assist countries in specific asset recovery cases by drafting mutual legal assistance requests or responses to such requests, and in developing capacity for the management of their asset recovery cases and for the various stages of asset recovery, such as the tracing, freezing, seizing and return of assets; (b) to help countries to develop and put in place the necessary legislative and regulatory framework for full implementation of chapter V of the Convention and successful asset recovery, as well as to build the necessary capacity to implement the legal framework; and (c) to lower barriers to international cooperation for asset recovery. The StAR Initiative and the knowledge gained are already being used in preparation for the second review cycle, which will include the review of implementation of chapter V (Asset recovery) of the Convention.

Box 19

Impact of inter-agency cooperation

The Review Mechanism has led to the creation of several inter-agency initiatives to support the implementation of the Convention, including work with UNDP on the implementation of the UNODC/UNDP “going beyond the minimum” methodology; the “Partnership for anti-corruption knowledge” initiative; judicial integrity; programming through United Nations country teams); and work with the World Bank on the UNODC/World Bank StAR Initiative. Specifically for the review of implementation of chapter II of the Convention, enhanced cooperation will be crucial for effectively assessing the wide range of prevention measures included in that chapter.

IV. The Review Mechanism as a learning process: areas for improvement

52. Many States parties have recognized that the quality of the self-assessment is an important driver of the quality of the review and its ultimate utility. In that regard, and on the basis of the assistance UNODC has provided to date to assess the capacities of national bodies and institutions in charge of awareness-raising and the prevention, detection and prosecution of corruption (in particular anti-corruption agencies), it is highly likely that UNODC will continue to receive an increasing number of requests for gap analyses and early-preparation assistance. UNODC assistance will be particularly important to ensure a well-substantiated information base with regard to the two chapters under review in the second cycle. Chapter V (Asset recovery) contains highly technical provisions that are new for many countries. Chapter II (Preventive measures), which is very far-reaching, is also likely to require national consultations among many departments and agencies.

Box 20

Impact of preparation assistance

To date UNODC has assisted some 30 States parties by undertaking a gap analysis or other forms of early-preparation assistance before the self-assessment and implementation review, resulting in more comprehensive information being included in the self-assessment and in a better-substantiated information base for the reviews and, eventually, for preparing future action plans and strategies.

53. UNODC has sought to feed lessons learned back into the process in order to improve the Review Mechanism as much as possible, thereby creating a learning loop. It is acknowledged that a certain number of teething problems have been encountered, in particular during the first couple of years of the operation of the Mechanism; the examples below show how they have been or are being addressed.

- (a) *The time taken to set the reviews in motion and to finalize the reports: most reviews last more than a year and thus are still ongoing when the next year starts*

54. UNODC and States parties share responsibility on this point, as neither knew exactly what to expect at the outset of the reviews. Today, UNODC and many States

parties have gained knowledge of what the review process entails, and therefore, as a matter of practice, UNODC prepares a timeline that is shared with the States parties involved when it first contacts them. Also, during the first teleconference, UNODC asks the State party under review to indicate when it intends to finalize and share the self-assessment checklist with the reviewing experts. In this way, the experts can allow time in their schedules for the desk review.

(b) *The length of the self-assessment checklist*

55. The current question flow is labour-intensive for focal points and results in lengthy responses. In the first to third years, the average length of the self-assessment reports received has ranged from 100 to 1,000 pages, which has been a contributing factor to the aforementioned delays. In learning from this, preparations have begun for the refinement of the self-assessment checklist in order to render it more user-friendly and give it a shortened, more targeted question flow to solicit the information required for reviewing the implementation of the chapters, but without compromising quality or depth.

(c) *Compliance with the provision in the terms of reference, paragraph 8, that “the Mechanism shall take into account ... differences in legal traditions”*

56. During the drawing of lots and country pairings at the meetings of the Implementation Review Group, the reaction of several States parties has initially been to shy away from reviews relating to legal systems other than their own. However, those having been reviewed and served as reviewers in such circumstances have continued to underscore the positive aspects of this sharing of experiences and have rarely encountered difficulties. UNODC has also witnessed how anti-corruption experts and reviewers have been enriched with experiences and ideas from other legal systems that they otherwise might not have encountered.

Box 21

Wider impact of the review process

While the Review Mechanism cannot resolve all issues related to the implementation of the Convention, it has proved to be an important entry point for many other dimensions of the fight against corruption and above all has raised awareness and understanding of the Convention. The peer review aspect of the Mechanism has embodied the spirit of the United Nations Charter and the Convention against Corruption not only by opening a dialogue among States parties but also by desensitizing the issue of corruption in general, by demonstrating that no country is exempt from it.