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Technical assistance

Technical Assistance in Support of the Implementation of the United Nations Convention against Corruption, including an Analysis of the Responses to the Technical Assistance Needs Identified through the Implementation Review Mechanism

Note by the Secretariat

Summary

In line with previous notes prepared by the secretariat focussing on the analysis of the needs for technical assistance identified under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (the Mechanism), the present note considers States parties' experiences and perspectives in addressing such needs emerging from their own country reviews, as well as in providing assistance to meet the needs identified in the reviews of other States parties. It is based on the responses received by 16 States parties to a short questionnaire prepared by the Secretariat by which States were invited to share their experiences in formulating and addressing the technical assistance needs identified in the context of the country reviews. The note followed the structure of the questionnaire as a means also to inspire further States parties to submit responses in order for their efforts also to be shared and reflected. The questionnaire also appears as an annex hereto.

* CAC/COSP/IRG/2021/1.



I. Introduction

1. In its resolution 3/1, the Conference of the States Parties to the United Nations Convention against Corruption adopted the terms of reference of the Mechanism for the Review of Implementation of the Convention (the Mechanism). The Conference decided that the Implementation Review Group would be in charge of following up and continuing the work of the Open-ended Intergovernmental Working Group on Technical Assistance. One of the goals of the Mechanism is to help States parties identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance, pursuant to paragraph 11 of the terms of reference. Further, and in accordance with paragraph 44 of the terms of reference of the Mechanism, the Implementation Review Group was tasked with considering technical assistance requirements in order to ensure effective implementation of the Convention.
2. In its resolution 4/1, the Conference recommended that all States parties, where applicable, in their responses to the comprehensive self-assessment checklists and in the country reports, should identify technical assistance requirements, preferably prioritized and related to the implementation of the provisions of the Convention examined during a given review cycle. In the same resolution, the Conference decided that the Review Group should consider, on the basis of the outcome of the review process and consistent with the terms of reference of the Implementation Review Mechanism, priority areas for the provision of technical assistance.
3. Moreover, in resolution 7/3 the Conference encouraged States parties, *inter alia*, to continue voluntarily sharing information on the provision of technical assistance and their needs for such assistance, including those needs identified through the review process, and to consider providing such information to the Secretariat for publication on its website. The resolution also encouraged States parties to use that information to inform technical assistance programmes.
4. On 2 June 2021, the General Assembly Special Session against Corruption adopted the Political Declaration [A/S-32/2/Add.1] entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”. Through the adoption of the Declaration, States “pledge[d] to continue sharing information on the provision of technical assistance and needs for such assistance, including those needs identified through the Implementation Review Mechanism [...].”
5. The current note is based on the responses received to a short questionnaire prepared by the Secretariat¹ and seeking States’ experiences in identifying and addressing the technical assistance needs emerging from the country reviews conducted under the Mechanism. By 31 May 2021, 16 States parties² submitted responses, and these have been included in the analysis below. By this date 173 executive summaries had been finalized under the first review cycle of the Mechanism and 53 executive summaries for the second cycle, with a total of 4,038 needs identified over both cycles.

¹ Note verbale CU 2021/98/DTA/CEB/CSS was sent out to all States parties of the Convention on 21 February 2021.

² Albania, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Ecuador, Germany, Iraq, Myanmar, Panama, Poland, Qatar, Saudi Arabia, Senegal, Serbia, Slovakia, and Timor-Leste.

II. Approaches of States parties in addressing the technical assistance needs identified in the outcomes of their own country reviews

1. States' views on the new format of identifying needs in the country reviews

6. During the first cycle of the Mechanism, States identified technical assistance needs in predetermined categories in the comprehensive self-assessment checklist, albeit with a catch-all category labelled “other” which allowed States to elaborate further detail.³ For cycle two, the revised self-assessment checklist ([CAC/COSP/IRG/2016/4](#)) allowed States to identify technical assistance needs in a more open format. States agreed in their responses that the new open format of identifying needs had indeed added value to the exercise of identifying technical assistance needs. While a few States noted the improvement in terms of providing more breadth in the identification of needs, most States indicated appreciating the precision in formulating needs enabled by this new format. In terms of breadth, it was noted that in allowing for a comprehensive overview of the required assistance, the new format potentially served as a useful guidance for the design and delivery of assistance for an effective implementation of the Convention, yet specific to each national context.

7. The responses also indicated how the revised, open format had allowed for the formulation of technical assistance needs reflecting the real institutional and legal challenges faced. States noted that this had greatly contributed to the ability to formulate their needs as they deemed appropriate, without having to fit within the pre-determined categories. The new format had enabled States to highlight the specific needs of each particular national situation. As an example, one State highlighted how this new format had allowed the identification of the need to establish a case management system and related capacity-building for practitioners, which had since received donor support.

8. Some States also noted that this format allowed the experts of the reviewing States parties to better assist in the formulation of needs of the State party under review. For example, one State indicated that its experts contributed to the formulation of needs based on the discussions held during the country visit. Although some States indicated that the stage of the review process had not yet allowed them to contribute to the formulation of needs, one State explained that in its experience as reviewing State it did not take a major role in formulating the needs of the States under review, as these States themselves were in the best position to know and express their needs.

2. South-South cooperation to address technical assistance needs

9. Several States indicated engaging in South-South cooperation to address the technical assistance needs identified through the Mechanism. Such cooperation, “based on equity, trust and collaboration, allowed for the exchange and development of technical capacities, experiences, and best practices”. One State underscored the importance of such cooperation in view of the general negative impact of corruption on all societies. The fact that national borders do not serve as obstacles for the international transfer of illicitly acquired assets meant that the success of one State party in the fight against corruption was dependent on the success of all the States in the region, and beyond. Therefore, efforts had been made to support other States in the same region to strengthen their capacity in the fight against corruption in view of making strides towards the goals of the Convention.

10. Other examples of South-South cooperation included the establishment of memorandums of understanding between States aimed at the provision of technical

³ “Integrating technical assistance in the work of the Implementation Review Group”, [CAC/COSP/IRG/2010/6](#).

assistance, conducting comparative studies on the investigation and prevention of corruption offences, and the organization of study visits, sometimes also held virtually, to share policies, regulations, experiences and best practices among States. States also cited financial assistance provided in conducting country visits, or hosting major international conferences and forums under the auspices of intergovernmental organizations as well as providing training courses and workshops on subjects such as financial investigations to bring States together in combating corruption.

3. Addressing technical assistance needs before the conclusion of the review

11. Many States indicated having addressed technical assistance needs before the conclusion of the review, something that had been witnessed by the secretariat on numerous occasions during country visits in the course of reviews. One State explained that it was continuously involved in addressing needs for the implementation of the Convention independently of the Mechanism. Another State similarly noted capacity-building as an ongoing process and that its Anti-corruption Commission was therefore always looking to enhance national capacity to combat corruption, e.g. through continuous learning, training and workshops provided by other States. Such training opportunities, it was noted, had helped the State adapt more effectively to address the new and fast evolving environment which could serve to facilitate corruption offences.

12. For example, one State reported that it had addressed numerous issues concerning international cooperation, obtaining evidence, and the protection of whistle-blowers and witnesses through domestic collaboration between governmental institutions and an academic institution prior to the identification of technical assistance needs in the self-assessment checklist.

13. The establishment of corruption prevention units in ministries and other government institutions was reported by another State that was also piloting a tool enabling service users to provide feedback on public service delivery.

4. Addressing additional technical assistance needs after the conclusion of the review

14. Although some States indicated not having identified and/or addressed any additional technical assistance needs emerging from the outcomes of the reviews, most responding States outlined how the findings of the Mechanism had prompted them to address new needs emerging from the recommendations issued by the reviewing States in addition to the needs identified in the course of their self-assessments. In a similar vein, another State indicated that the outcomes of its review had led to efforts to address the recommendations issued through the use of national resources which in turn led to the identification of further needs. Such efforts had included drafting of new legal provisions on topics such as anti-money-laundering, criminal investigations, the protection of witnesses and experts, and the creation of institutions such as a national institute of public administration. The support of development partners had enabled the establishment of key institutions such as the financial intelligence unit and the State expressed the hope that further exchanges with other development partners, such as UNODC, would result in addressing other needs emerging in the context of the development of its national anti-corruption framework.

15. Another State agreed that the recommendations issued in its country review under the Mechanism had allowed it to harness the support of both domestic and international donor funding to enhance the human, financial and technological resources for the authorities responsible for investigating corruption.

5. Continued relevance of the technical assistance needs after the completion of the review

16. There was broad agreement among States on the continued relevance of the technical assistance needs after the completion of the review. Commenting on the

needs identified in its first cycle review, one State noted that some of these had been partially or fully implemented, while others had not yet been implemented, but still remained relevant. Another State similarly indicated that although judicial reforms had led to the creation of specialized anti-corruption judiciary bodies and the development of courses to enhance capacities, technical assistance continued to be necessary to reinforce the functioning of these new bodies.

17. One State indicated that despite progress made in addressing the issues identified as technical assistance needs during its review, those needs were still considered relevant due to the complexity of issues arising from the development of new technologies and the COVID-19 pandemic.

6. Follow-up on the outcomes of the country reviews

18. The design and implementation of an action plan or strategy as a means to follow up on the recommendations and technical assistance needs arising from the country reviews was a common feature. One State reported that a domestic dialogue among government departments had served to populate an action plan mirroring a simplified Self-Assessment Checklist, with questions on implementation, examples of good practice, and areas requiring further improvement. The State explained that this had been done to ensure follow-up on the recommendations stemming from the review. Other States also exemplified how their national anti-corruption action plans had integrated outcomes of the country reviews, e.g. by incorporating and identifying actions to follow-up on recommendations, and by drawing up annual plans detailing the activities, activity indicators, means of verification and timetables for the fulfilment of the strategic actions by each responsible entity.

19. One State described how its national anti-corruption programme and policy had led to the implementation of key recommendations of its first cycle review, such as the enhanced protection of reporting persons, and the establishment of a specialized body responsible for the administration of frozen, seized or confiscated property. Another State explained that the technical assistance needs identified in its review had been subsumed in its national Competency-based Framework and Human Resource Development Programme.

7. Bilateral or multilateral support to address the technical assistance needs identified in the country reviews

20. Bilateral or multilateral support was a common occurrence to address the technical assistance needs identified through the Mechanism. One State explained how it had garnished support through the organization of various roundtables of consultation with both national and international experts and civil society organizations. The State highlighted that involving different types of stakeholders in the process, including governmental and non-governmental bodies, had been deemed a good practice as it had resulted in the commitment to provide the assistance required.

21. Another State had also involved multiple actors ranging from central governments, local governments, international organizations, academia, private sector organizations and civil society organizations to develop technical assistance that is evidence-based and prioritizes the most vulnerable people and social groups through the involvement of all economic and social actors.

22. While several replies indicated that States had not received bilateral or multilateral support to address the outcome of the country reviews, one State cited the high level of bureaucracy and insufficient speed of action in bilateral and multilateral relationships as a challenge which had significantly hampered the timely technical assistance delivery. Another State noted how multilateral and UNODC support for capacity-building and training of its law enforcement officials had been interrupted due to the COVID-19 pandemic.

23. States reported that their authorities had made reference to the technical assistance needs identified during the reviews in discussions with bilateral or multilateral donors, including in the margins of the meetings of the Implementation Review Group. By seeking to prioritize areas and actions in which technical assistance providers offered comparative advantages or a discernible added value, one State explained that this had helped in the overall goal of accountability vis-à-vis potential donors.

24. On the other hand, States also indicated having received support from or entered into bilateral or multilateral partnerships, including through technical assistance programmes, where the assistance provided did not match the needs identified through the review process. This was done as a way to address other gaps in the national anti-corruption framework. One State went as far as explaining that it had actively taken part in regional anti-corruption initiatives and entered into memoranda of understanding with regional anti-corruption initiatives to further the provision of technical assistance independent of the Mechanism. Another State reported identifying needs for assistance in addition to those formulated in the country reviews for the purpose of a mapping and definition phase of a regional platform project.

25. In order to build capacity, exchange experiences and good practices, trainings or awareness-raising activities with a broad perspective, one State noted that it had developed multilateral partnerships which reflected not only the technical assistance needs emerging from the Mechanism, but also shortfalls identified by evaluations of other international organizations or through domestic consultations.

IV. Approaches of States parties in the provision of technical assistance to address needs identified in the country reviews of other States parties

1. Use of technical assistance needs identified in the country reviews in anti-corruption programmes

26. States that responded to the questionnaire reported having taken note and made important use of technical assistance needs identified by beneficiary States when designing anti-corruption programmes, initiatives, and technical assistance delivery. One State explained that the country review reports contained useful information for conceptualizing technical assistance, and that these reports were therefore consulted alongside other sources in the planning of projects. The same State highlighted its support to the UNODC programme “Accelerating UNCAC Implementation in Africa”, which was flexible enough to be adapted to the specific needs of five beneficiary States based on gaps identified and needs for technical assistance as expressed through their country reviews and the accompanying processes.

27. Another State shared that, in addition to making use of the country reports emerging from the country reviews, consideration was given to the most frequent thematic challenges encountered, so as to benefit the largest number of States. In the same vein, one State reported that it had developed an initiative aimed at addressing common needs arising for a large number of States resulting in the development of a Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network). The same State also laid out its efforts to provide technical assistance to States with insufficient human, financial and technical resources by organizing training programmes or regional workshops in partnership with international organizations such as UNODC and the World Bank.

28. Two States indicated that although they did not have the resources to devote to anti-corruption programmes in other States, they had instead sought to engage in supporting such efforts through the sharing of experiences and the provision of support in electoral processes.

29. Despite the responses provided in the previous section, where States reported receiving assistance not necessarily targeted at the outcomes of the reviews, none of

the responding States indicated having designed technical assistance programmes where the review outcome did not match the goal of the programme or technical assistance.

30. In order to facilitate the provision of technical assistance one State wished to encourage the needs for technical assistance identified under the Mechanism to include more detail so as to allow potential donors to better assess to what extent they could provide support while allowing them to effectively coordinate their efforts to ensure complementarity and synergies with other potential donors. In the same vein of openness, the State also encouraged the inclusion of external stakeholders within the review process. Finally, the integration of gender-responsive technical assistance into relevant responses to the Self-Assessment Checklist, was recommended and as suggested in the UNODC publication “The Time is Now – Addressing the Gender Dimensions of Corruption”.

2. Other criteria used when designing, prioritising and deciding on technical assistance delivery

31. One State noted that while the country reviews were used in designing, prioritizing and deciding on technical assistance delivery, the information provided in the reports did not always easily translate into detailed technical assistance needs. Moreover, in some cases the full reports were outdated or required further data to design a more holistic intervention. On other occasions, the reports were not made public, reason why the State urged national authorities to publish their full country reports. The State reported that it frequently resorted to additional studies, interviews, scoping missions and sectorial risk assessments to complement the information made available through the Mechanism. A gap analysis approach was at times used to compare existing policies with the requirements of the Convention to better inform or refine country-led efforts and strategies to address corruption. On the other hand, it was noted that national anti-corruption strategies were often useful as they were frequently based on diagnostic reports, up-to-date and described the State’s policies, priorities, the sequencing of reform steps, existing institutions and resources available for implementation. Similarly, another State explained its use of strategic and operational criteria to maximize the results of cooperation.

32. Many States reported using general criteria to determine how best to achieve capacity-building, integrity and accountability to most effectively and efficiently combat corruption. One State indicated deciding on technical assistance with the very broad goal of promoting good governance and strengthening the democratic system, while another State noted the use of criteria of grading corruptive behaviour by the extent of damage caused to society when designing and prioritizing technical assistance requirements. One State emphasized the importance of developing tools to enhance international cooperation and which, therefore, could support all States parties and the international community as a whole.

33. States also referred to the use of international obligations arising from membership in regional and international organizations, as well as international guidance and initiatives developed by civil society organizations. In this regard, reference to the OECD Principles for Donor Action on Anti-Corruption and the OECD-DAC evaluation criteria (relevance, coherence, effectiveness, efficiency, impact and sustainability) was made.

34. One State reported that the planning of projects was conducted on the basis of a “human-rights based approach”, referring to the inclusion of human rights reports and recommendations made by civil society. Therefore, it followed that enhanced levels of transparency, accountability, public participation, inclusive social and economic development and integrity/ethics often lead that State to contribute to existing anti-corruption strategies and action plans, even when it was implementing projects without an explicit focus on anti-corruption. At the same time, the State also highlighted how it sought to mainstream anti-corruption components into governance

programmes, projects for sustainable economic development as well as in other sectors as varied as education or health.

V. Conclusion

35. Despite a limited number of 16 responses, this first round of responses to the questionnaire has nevertheless demonstrated the value of providing the space for States to freely formulate the specific needs based on their expert knowledge and understanding of domestic system's priorities and gaps. As has been observed in previous notes prepared by the secretariat, the needs identified during the review process are led and driven by the States themselves and reflect each domestic context. On the other hand, the support and assistance of reviewing States of different political and legal systems and traditions allow for new perspectives and ideas to flourish, potentially leading to the identification of new needs and solutions that may otherwise not have been considered.

36. The assessment of technical assistance needs, particularly through the Implementation Review Mechanism and the availability of technical assistance by States parties upon request, remained essential to ensure that States parties have the support necessary to address gaps in the implementation of the Convention. Technical assistance spans the breadth of the Convention's substantive areas.

37. States outlined how the implementation of the Convention was an ongoing task requiring continuous attention and adaptation by States. They pointed to the emergence of technical assistance needs having to keep pace with the evolution and innovation of corrupt practices. However, they also underscored that the Mechanism for the Review of Implementation of the United Nations Convention against Corruption served as an important moment to pause, take stock of existing measures and consider more comprehensively the different needs arising in each particular national context.

38. Clearly formulated and identified needs serve as a helpful starting point for the development of assistance programming that directly targets the unique gaps, requirements and situation of each State party. The COVID-19 pandemic has resulted in scaling back the technical assistance delivery across the world while also bringing to the fore the importance of identifying and addressing corruption risks in crisis and in emergency responses. In the aftermath of the pandemic, technical assistance delivery efforts will have to be redoubled to address the needs, including newly identified challenges. The UNGASS Political Declaration recalls and highlights the importance of technical assistance in the fight against corruption.

39. The Secretariat encourages all States parties that have not yet submitted responses to the questionnaire to do so by mid-August 2021 to enable a broader analysis to be presented at the ninth session of the Conference of the States Parties to be held in Sharm El-Sheikh from 13 to 17 December 2021.

Annex I [NV Reference CU 2021/98/DTA/CEB/CSS]

Questionnaire regarding the provision of technical assistance and such needs deriving from the UNCAC Implementation Review Mechanism

In order to facilitate the provision of information on measures taken to address the technical assistance needs identified in the context of the country reviews, the secretariat has prepared the following questionnaire to guide and support States when preparing their submissions. Responding to the questionnaire will also facilitate the analysis of the responses.

A. For all States parties to the United Nations Convention against Corruption

1. During the first review cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (the IRM), States identified their technical assistance needs in predetermined categories in the comprehensive self-assessment checklist, whereas the revised self-assessment checklist ([CAC/COSP/IRG/2016/4](#)) used for the second cycle allowed States to identify technical assistance needs in an open format.

(a) Has your Government found this new format more helpful in expressing the specific needs required to address gaps in implementation of the Convention?

(b) In view of this new format, have the reviewing experts of your Government assisted in the formulation of technical assistance needs of another country?

2. Has your Government engaged in any South-South cooperation to address technical assistance needs identified through the IRM?

B. Questions relating to States parties' technical assistance needs as identified in the outcome of the country reviews (executive summary and full country report)

3. Did your Government address any of the issues identified as technical assistance needs in the self-assessment checklist before the UNCAC review process was concluded?

If so, please elaborate on what types of needs were addressed and how they were prioritized and met (e.g. did you address them within domestic resources or with development partner support?).

4. Did your Government address any additional technical assistance needs based on the findings of the IRM (such as the recommendations) after the completion of the review process?

If so, please elaborate on what types of needs were addressed and how they were prioritized and met (e.g. did you address them within domestic resources or with development partner support?).

5. Did the technical assistance needs identified in the self-assessment checklist remain relevant after the completion of the review process?

If not, please explain why and how such needs for assistance changed (for example, due to other changes in your national anti-corruption framework)?

6. How has your Government followed up on the recommendations and technical assistance needs arising from the IRM, e.g. through the design and implementation of an action plan or a strategy?

Please elaborate on how such an action plan or strategy was designed and implemented and what type of follow-up activities have been conducted by your Government.

7. Has your Government received any bilateral or multilateral support to address the technical assistance needs identified through the IRM?

(a) If no, what were the challenges that prevented the addressing of those needs?

(b) If yes, what would you consider as good practices that enabled this?

8. Has your Government made reference to the technical assistance needs identified through the IRM in discussions with bilateral or multilateral donors?

9. Has your Government received support from or entered into bilateral or multilateral partnerships, including through technical assistance programmes, where the assistance provided did not match the needs identified through the review process? Was your Government aware of this at the time of designing the programme? If so, please elaborate on the process leading to the establishment of the programme.

C. Questions relating to the provision of technical assistance to address needs identified in the Implementation Review Mechanism country reviews of other States parties

10. Does your Government take note and make use of technical assistance needs identified by States parties through the IRM when designing anti-corruption programmes, initiatives and technical assistance delivery?

If so, please share the relevant practices and provide examples of programmes that have been designed to support and address the outcomes of the IRM country reviews.

If not, what were the challenges that hindered this?

11. Has your Government designed any technical assistance programmes where the review outcome did not match the goal of the programme or technical assistance? Was your Government aware of this at the time of designing the programme?

12. What other criteria does your Government use when designing, prioritizing and deciding on technical assistance delivery?

Please add here any additional observations concerning the identification and addressing of technical assistance needs, programming and follow-up activities undertaken.
