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Technical assistance

Technical assistance in support of the implementation of the United Nations Convention against Corruption

Note by the Secretariat

I. Introduction

1. The present document provides an overview of the response of the United Nations Office on Drugs and Crime (UNODC) to identified technical assistance needs since the time of the drafting of the note by the Secretariat on selected highlights from two years of technical assistance in support of the implementation of the Convention (CAC/COSP/2013/4) for the fifth session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Panama City from 25 to 29 November 2013.

2. The present document also provides an assessment of challenges and contains suggestions for a possible way forward towards a strategic approach to meeting technical assistance needs identified through the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

II. Delivery framework and resources

3. The United Nations Office on Drugs and Crime has continued to provide a broad set of tailored technical assistance activities at the global, regional and national levels and to develop tools covering the breadth of the Convention to meet the growing demands of Member States. The assistance provided related not only to aspects covered in chapter III (Criminalization and law enforcement) and chapter IV (International cooperation) of the Convention, which are currently under review, but also to chapter II (Preventive measures) and chapter V (Asset recovery).

* CAC/COSP/IRG/2014/1.



4. In line with resolutions 3/4 and 4/1 of the Conference of the States Parties to the Convention, technical assistance delivered by UNODC for the implementation of the Convention takes into account the importance of country-based and country-led integrated and coordinated technical assistance delivery, and follows a three-tiered approach (global, regional and national) to ensure synergies and efficiency.
5. Assistance has been provided within the framework of the thematic programme on action against corruption, economic fraud and identity-related crime for the period 2012-2015 and through several global projects managed from UNODC headquarters, including the project on incentives for corporate integrity and cooperation in accordance with the Convention and the projects “Towards an effective global regime against corruption” and “Joint action towards a global regime against corruption”, as well as the Public-Private Partnership for Probity in Public Procurement, the Anti-Corruption Mentor Programme, the Outreach and Communication Programme for the Convention, and the Stolen Asset Recovery (StAR) Initiative.
6. A key part of the technical assistance provided by UNODC has been delivered through the Anti-Corruption Mentors Programme, which was revived in 2011 through the placement of both national and regional advisers. Currently, national advisers are deployed in Maputo and Juba, and regional advisers are responsible for South-East Asia, South Asia, West Africa, East and Southern Africa, Central America, the Pacific region, small island developing States, and the Middle East and North Africa. Those advisers have been providing rapidly deployable professional expertise at both the country and regional levels to facilitate the delivery of on-site guidance and advice to States parties requesting assistance in strengthening legislation and institutions in furtherance of their implementation of the Convention. The advisers have also participated in numerous anti-corruption events, training workshops and conferences organized by other technical assistance providers.
7. The UNODC field office network has also continued implementing comprehensive anti-corruption projects in specific countries, including Afghanistan, Colombia, Egypt, Indonesia, Iraq, Libya, Nigeria and Panama.
8. UNODC technical assistance activities in support of the implementation of the Convention, including the work of many of the professional experts required for their delivery, are financed through extrabudgetary contributions. The support of donor countries has remained stable, reflecting confidence in effective programme delivery. During the period from January 2013 to December 2013, a total of approximately \$7.85 million in voluntary contributions was made available to UNODC for technical assistance activities managed from headquarters in the area of combating corruption. In particular, contributions were received from Australia, Austria, France, Italy, Japan, Libya, Luxembourg, Morocco, Norway, Qatar, the Russian Federation, Saudi Arabia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the “One United Nations” fund, the World Bank, the International Olympic Committee and the Siemens Integrity Initiative. That figure does not include the contributions made available to UNODC field offices to implement country-based projects and regional programmes. It also does not include the voluntary contributions made available for the functioning of the Implementation Review Mechanism during the same period (approximately \$2.05 million).

III. Highlights of technical assistance delivered

A. Assistance with regard to the process for ratifying and acceding to the Convention

9. Of the countries that have ratified the Convention since September 2013, two have been assisted by UNODC with the pre-ratification process and/or immediately after ratification (Kiribati and Oman). In the case of Kiribati, detailed briefings were provided to a range of Government stakeholders, a workshop was delivered for over half of the country's parliamentarians and a second workshop was delivered for senior officials from the Office of the President, the Ministry of Foreign Affairs and Immigration, the Office of the Attorney-General, the Ministry of Finance and Economic Development, the police service, the Kiribati National Audit Office, the Ministry of Fisheries and Marine Resources Development, the Ministry of Education and the Public Service Commission.

B. Assistance provided for the identification of gaps in the implementation of the Convention and of technical assistance needs

10. During the reporting period, UNODC conducted several national workshops and provided ad hoc advisory services, in most cases to assist with drafting responses to the comprehensive self-assessment checklist as part of the current review cycle (2010-2015). Detailed information on those training activities is available in document CAC/COSP/IRG/2014/4.

11. Assistance was also provided in several cases to prepare for the review of implementation of chapter II and chapter V of the Convention, which will take place during the period 2015-2020.

C. Legislative assistance to incorporate provisions of the Convention into national legislation

12. During the reporting period, legislative drafting assistance and legal advice continued to be provided to States seeking to adopt or amend domestic legislation to implement the Convention. Such advice and assistance was provided in relation to both pieces of legislation addressing corruption in a comprehensive manner and laws covering specific aspects such as conflicts of interest, the acceptance and giving of bribes by companies or on behalf of them, public procurement, extradition and non-conviction-based confiscation. Where relevant, examples and good practices from other States were shared with the authorities.

D. Assistance in strengthening national institutional and policy frameworks and the capacity of national authorities to effectively prevent and combat corruption

13. The Office continued to provide broad-ranging support to Member States to improve their capacity to prevent, detect, investigate and prosecute corruption. While support was often provided on an ad hoc basis, specific country projects were also developed and implemented to address the capacity-building needs of countries in a broad manner. Where feasible, technical assistance needs identified in country review reports were taken into account when developing new activities and projects.

14. During the reporting period, the capacities of the Central Office for Combating Corruption of Mozambique, the Anti-Corruption Association of Niger and the South Sudan Anti-Corruption Commission were assessed. UNODC also supported the development of a national anti-corruption strategy in Egypt and contributed to the development of a set of guidelines for anti-corruption strategies and to the Kuala Lumpur statement on anti-corruption strategies.

15. With regard to the establishment and strengthening of relevant institutional frameworks, structures, policies, processes and procedures, the first two parts of a three-module training course on leadership were delivered to 15 heads of anti-corruption authorities that are members of the Association of Anti-Corruption Agencies in Commonwealth Africa. Assistance was provided to Panama and Paraguay and to Minas Gerais State in Brazil for the development of a code of ethics and an initial training session for prison officers. UNODC also supported Kiribati and Vanuatu in developing a freedom of information policy and a related implementation plan. South Sudan was also assisted in upgrading its income and asset declaration system.

16. Advisory services were also provided, with a view to strengthening the preventive, investigative and prosecutorial capacities of relevant institutions. Workshops and training sessions on the prevention and fight against corruption, or on specific aspects such as special investigation techniques, illicit enrichment and financial oversight, were delivered through national activities, including in Albania, Côte d'Ivoire, Kiribati, Mozambique, Paraguay, Samoa, Solomon Islands and South Sudan. Those issues were also addressed during regional workshops for the East African Community and the Asian Ombudsman Association.

17. UNODC also provided assistance to strengthen the accountability, integrity, transparency and oversight of criminal justice institutions (including police, prosecution and judiciary), in particular through mock trials in Botswana, Uganda and the United Republic of Tanzania, the development of the Plan of Integrity of the Ministry of the Interior of Cabo Verde and the organization of a study tour to demonstrate good practices on police oversight and accountability in Hong Kong, China, to high-level officials from key law enforcement and justice authorities in Viet Nam.

18. The Office has continued to develop and disseminate guides, handbooks and other tools that address the needs of anti-corruption practitioners with regard to specific aspects, challenges, policies and good practices relating to the implementation of the Convention. Several manuals and technical tools were finalized and launched in the second half of 2013, including *Criminalization*

Approaches to Combat Match-fixing and Illegal/Irregular Betting: a Global Perspective; The United Nations Convention against Corruption: A Strategy for Safeguarding against Corruption in Major Public Events; Reporting on Corruption: A Resource Tool for Governments and Journalists; and United Nations Convention against Corruption: Article 11 Implementation Guide and Evaluative Framework. Work also started on a resource guide on public procurement and implementation of article 9 of the Convention for small island developing States. The UNODC *Resource Guide on Strengthening Judicial Integrity and Capacity* was also translated into and published in Vietnamese.

19. The Tools and Resources for Anti-Corruption Knowledge (TRACK) portal, developed by UNODC in 2012, continued to be successful. Based on internal records, 19,000 people visited the portal at least once during 2013, compared with 10,000 in 2012. In particular, the legal library, which is a part of the TRACK initiative and contains laws, jurisprudence and information on anti-corruption authorities from over 175 States, has fully benefited from the Review Mechanism, as its data has been validated or is in the process of being validated for a number of countries, using information from completed reviews or through official data submitted by Governments.

E. Assistance related to the prevention of corruption, including cooperation with and among civil society organizations, academia and the private sector

20. A report on the status of implementation of resolution 4/3 of the Conference of the States Parties to the Convention, entitled “Marrakech declaration on the prevention of corruption”, was presented to the fifth session of the Conference (CAC/COSP/2013/17-CAC/COSP/WG.4/2013/4).

21. After the drafting of the above-mentioned report, UNODC continued to support civil society organizations in order to facilitate their active participation in the effective implementation of the Convention, and in anti-corruption efforts in general. Several training sessions on the Convention, the review mechanism and entry points for civil society were delivered. In partnership with the United Nations Development Programme (UNDP), a new global campaign entitled “Zero Corruption. 100% Development” was launched on International Anti-Corruption Day 2013 (9 December) to highlight how corruption harms countries and ordinary citizens. Civil society organizations from across the globe were supported in implementing specific activities on 9 December, including through small grants awarded in West Africa and the Pacific. UNODC also continued to promote the implementation of the Convention among parliamentarians through its work with the Global Organization of Parliamentarians against Corruption.

22. An academic learning course on the Convention was developed and finalized in cooperation with academic partners, and eight universities, in Albania, Greece, Italy, Liberia, Serbia, the United Kingdom and the United States, have delivered or have initiated the process of delivering the course. A memorandum of understanding was signed between UNODC and Beijing Normal University and the course will be integrated into the programme of the Master’s in Anti-Corruption Studies of the International Anti-Corruption Academy as of 2014. The fourth annual meeting of

the Anti-Corruption Academic Initiative was held in November 2013, and an online menu of topics and a new website aimed at supporting professors and students interested in teaching and studying anti-corruption issues in higher education institutions worldwide was launched. Cooperation also continued with the Regional Anti-Corruption Academy for Central America and the Caribbean.

23. UNODC continued to foster increased dialogue and cooperation between the private and public sectors in anti-corruption efforts. Legislative assessments and recommendations on probity in public procurement and on corporate integrity were jointly prepared in India and Mexico, joint training courses were delivered and lessons learned were shared at the global level. Outreach materials for the private sector and a dedicated mini-site were finalized and disseminated. The publication *Anti-Corruption Ethics and Compliance Handbook for Business* was finalized as part of an initiative with the Organization for Economic Cooperation and Development and the World Bank and, as a complement to that Handbook, *An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide* was launched by UNODC. The *Guidebook on Anti-Corruption in Public Procurement and the Management of Public Finances: Good Practices in Ensuring Compliance with Article 9 of the United Nations Convention against Corruption* and “A resource guide on State measures for strengthening corporate integrity” were also launched. Work also continued on the joint UNODC and United Nations Global Compact e-learning tool for the private sector entitled “The fight against corruption”, which was made available in additional languages. The e-learning tool is now available in Arabic, Chinese, English, French, German, Korean, Russian, Spanish and Turkish.

24. An updated report on the actions taken to implement Conference resolution 4/3 will be presented to the fifth meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, to be held in Vienna from 8 to 10 September 2014.

F. Assistance for international cooperation in criminal matters pertaining to countering corruption

25. The Office continued to encourage cooperation among relevant competent authorities, anti-corruption bodies and practitioners involved in international cooperation in criminal matters pertaining to countering corruption (in particular mutual legal assistance and extradition). Capacity-building and advisory services were provided at the national level, in most cases in connection with asset recovery (see subsection G below). The Office also continued to actively participate, together with other stakeholders, in meetings aimed at coordinating international cooperation among requesting and requested States, including in the context of ongoing asset recovery efforts. At those meetings, delegations of States exchanged operational information, thus reinforcing communication and dialogue.

26. The Office continued to maintain a list of designated central authorities responsible for requests for mutual legal assistance in accordance with article 46, paragraph 13, of the Convention. That list currently contains the contact information for 105 authorities. Information on relevant authorities is available to competent authorities and Government agencies with a user account, through a secure online

directory. The same directory also contains information on the competent prevention authorities, in accordance with article 6 of the Convention, from 140 countries, as well as information on nominated asset recovery focal points from 57 countries.

27. A progress report on implementing the mandates of the experts convened to enhance international cooperation under the Convention was presented at the second meeting of the experts in November 2013 (CAC/COSP/EG.1/2013/2 and Corr.1) and an updated report will be presented at their third meeting in 2014.

G. Assistance related to asset recovery

28. A paper on selected highlights from two years of asset recovery work under the Convention was presented to the fifth session of the Conference (CAC/COSP/2013/2). That paper should be read in conjunction with the two progress reports submitted to the Open-ended Intergovernmental Working Group on Asset Recovery in 2012 and 2013 (CAC/COSP/WG.2/2012/3 and CAC/COSP/WG.2/2013/3) and the reports of the two intersessional meetings of the Working Group held in 2012 and 2013 (CAC/COSP/WG.2/2012/4 and CAC/COSP/WG.2/2013/4).

29. An updated progress report will be presented to the eighth meeting of the Working Group, to be held in September 2014.

H. Evidence-based assessments of corruption patterns and modalities

30. In the field of research on corruption and integrity, UNODC is engaged in developing statistical methodologies to assess modalities of corruption and vulnerabilities to it. The focus is on producing evidence-based assessments that can portray the main features of corruption on the basis of experience — and not perception — of corruption. Such assessments target the experience of corruption among the general population, the business sector or specific sectors of the public administration. By developing such methodologies, UNODC provides support to countries in their efforts to assess the nature and extent of corruption.

31. In 2013, direct assistance was provided in the conducting of studies on corruption and integrity, including to Afghanistan and Iraq and countries in the western Balkans (see paragraphs 37-40 of document CAC/COSP/2013/4).

32. In October 2013, the report *Corruption in Afghanistan: Recent Patterns and Integrity Challenges in the Public Sector*, which is an expanded version of “Corruption in Afghanistan: recent patterns and trends — summary findings”, was published. The report contains detailed sectoral analyses of bribery and integrity challenges in the local government, education, police and judicial sectors, in addition to a new analysis of bribery affecting the general population.

33. The launch of the regional report *Business, Corruption and Crime in the Western Balkans: The Impact of Bribery and Other Crime on Private Enterprise* took place in October 2013 at a public event in Brussels. The seven national reports were launched between October and December 2013 in the national capitals of the western Balkan countries. All reports are available in English and the national languages of the countries in question.

I. Coordination and cooperation in the delivery of technical assistance

34. The Review Mechanism has provided a platform for identifying technical assistance needs and to validate them based on collected evidence and the peer reviews. More detailed information on technical assistance needs emerging from the country reviews will be available in the note by the secretariat on that topic (CAC/COSP/IRG/2014/3), which will present technical assistance needs identified to date in the finalized country reviews for the implementation of chapter III (Criminalization and law enforcement) and chapter IV (International cooperation) of the Convention.

35. In several cases, specific legislative, institutional and capacity-building activities have been undertaken on an ad hoc basis to address the recommendations in the country review reports, with the support of the reviewing experts and the secretariat in the context of the ongoing review process. National action plans, based on the outcomes of the reviews, have been drafted and are being used as the framework for the development of technical assistance programmes to combat corruption in several countries. A good practice from several country reviews has been to invite donors or existing donor coordination groups to participate in the direct dialogue during the country visits, or to set up meetings with such groups directly after the official visit. That has had the benefit of providing donors with a more in-depth perspective on the technical assistance needs identified during the review process and with an opportunity to bring their own activities to the attention of the review team. It has also presented an occasion for discussing ongoing technical assistance programmes, through which it may be possible to address some of the needs identified in the reviews.

36. In order to trigger the follow-up process, once a country review has been concluded and technical assistance needs have been identified, the secretariat sends a letter indicating readiness to take forward the outcome of the review process through, inter alia, assisting the State party under review in developing a prioritized action plan and discussing how to meet the needs identified, including through establishing a dialogue with potential donors. Follow-up has also been provided by the UNODC field office network, particularly by the field-based advisers of the Anti-Corruption Mentors Programme (see paragraph 6 above). For instance, technical assistance needs emerging from the reviews were included in country and regional programming, and efforts were made to encourage their inclusion in wider United Nations and bilateral programming, including through early incorporation in the United Nations Development Assistance Framework. The availability of seed funds allowing UNODC to offer follow-up advisory services to work with requesting countries on developing prioritized action plans, based on the needs identified in the reviews, has been crucial in that regard.

37. Efforts have continued to roll out the inter-agency training package on the integration of anti-corruption programming into the national level of the United Nations Development Assistance Framework. Initial training sessions on integrating anti-corruption into United Nations programming at the country level have been organized in Iraq and Kenya, and at the regional level for Latin America and the Caribbean. The roll-out of the UNODC-UNDP “Partnership for anti-corruption knowledge” initiative has also started, based on the manual finalized in 2013, and

national workshops for development partners have been organized in Zambia and Zimbabwe.

38. When developing and implementing its anti-corruption technical assistance projects and programmes, UNODC also strives to avoid duplication of effort and to build synergies with entities within and outside the United Nations system. Such coordination includes the partnership with the World Bank in the joint StAR Initiative and with the United Nations Global Compact, the Business-20 (B-20) and the World Economic Forum for activities related to the private sector. Similarly, in the framework of the memorandum of understanding signed between UNODC and UNDP, both entities continued to implement a joint anti-corruption project for the Pacific, as well as two complementary global projects, with parallel workplans, covering East Africa, North Africa and the Middle East, South Asia, South-East Asia, Southern Africa and small island developing States.

39. The Office has also continued to promote the Convention among other organizations and mechanisms at the international, regional and subregional levels, and to provide substantive input on matters related to the prevention of and fight against corruption to facilitate the inclusion of those aspects in the activities of other entities within and outside the United Nations system. A detailed list of regional and international organizations with which UNODC cooperates on a regular or ad hoc basis has been made available in previous reports.

IV. Recommendations for future assistance to be delivered, including as a follow-up to the findings and recommendations emerging from the review process

40. As highlighted during meetings of the Implementation Review Group, as well as during the fourth and fifth sessions of the Conference of the States Parties to the Convention, the delivery of technical assistance to meet identified needs is pivotal to the successful and consistent implementation of the Convention.

41. The Convention review process, as well as the identification of follow-up actions aimed at the full implementation of the Convention, must be country-led, country-owned and driven by national priorities; inclusive and comprehensive, involving all relevant actors in a systematic manner; and country-coordinated, as support for the implementation of remedial actions by the national authorities should be closely coordinated with international technical assistance providers, as deemed appropriate.

42. Ad hoc, short-term and targeted technical assistance should be available during the review process and offered as an initial response to needs identified during the country reviews. That could take the form of training or advisory services. The experience of UNODC in delivering such assistance so far has shown that it increases trust and confidence in the Review Mechanism and encourages the State party under review to prioritize what it considers the most pressing needs emerging from the review. Examples of possible actions include the development or revision of a comprehensive national anti-corruption strategy (including priorities, outputs, monitoring, evaluation and reporting) and a related action plan to address the needs identified during the review; a training course on financial investigations,

including fraud, money-laundering, asset tracing and confiscation; a training course on international cooperation in cases of corruption, including extradition and mutual legal assistance; legal advice to ensure that the shortcomings identified in current national legislation are addressed; expert advice for the development of a case management system for the national anti-corruption agency; and legal advice and training on the adoption and use of special investigative techniques. Regular requests have also been received by UNODC on ways to improve the detection of corruption through the development of witness and whistle-blower protection programmes or through advisory services relating to how to structure systems of asset and income declarations. In previous years, the availability of seed funding has allowed UNODC to offer such short-term follow-up assistance upon request.

43. In addition, and drawing notably on the thematic reports submitted to the Implementation Review Group, common needs have also been identified at the regional and subregional levels. Regional short-term assistance may take the form of regional training workshops or support for regional exchanges of good practices, and could include the following: regional training sessions on international cooperation to serve the purpose of both capacity-building and networking among practitioners in the region; workshops to discuss model agreements and arrangements for law enforcement cooperation and for joint investigations; regional workshops on good practices and lessons learned, as well as legal advice with regard to provisions related to foreign bribery and bribery in the private sector; and regional workshops to discuss model legislation to counter the laundering of proceeds of corruption. Again, seed funding to carry out such regional training workshops can greatly enhance the impact of the work of the Review Mechanism and may lead immediately to greater regional and international cooperation.

44. Such short-term assistance may be all that is required if needs are limited or if States parties are able to include the necessary measures in their national budgets over the medium and long term. However, in many cases, that initial support would also lead to a more sustained technical assistance programme.

45. Often, the needs identified in the country reviews require more robust multi-year assistance. In several cases, Governments will need to be assisted in developing fully fledged technical assistance projects, which could include the following: legislative, policy and technical advice components such as on the establishment and operational capacity-building of anti-corruption bodies; the development and operation of inter-agency coordination and cooperation mechanisms to fight corruption, supported by an appropriate secretariat; the strengthening of the investigative and prosecutorial capacities of national anti-corruption bodies; the enhancement of national capacities to conduct complex financial investigations, trace and freeze assets and recover the proceeds of corruption at the national and international levels; the provision of case management software; the full launching of witness protection programmes; and the organization of training workshops for non-State actors involved in the prevention of and fight against corruption.

46. In such cases, a strategic approach is needed to ensure that donors are willing to consider the outcome of the reviews for either new technical assistance programming or for incorporating those needs into programmes that are already ongoing, for example in the areas of governance and public administration, and justice reform. Training workshops under the “Partnership for anti-corruption

knowledge” initiative attempt to draw the attention of donors to the potential that the Convention and the Review Mechanism can have for informed programming. The role of UNODC in that process would be to facilitate dialogue between the national authorities and relevant development partners to seek support for the programme by, inter alia, ensuring that the activities are in line with the needs validated through the review process, without imposing itself as an implementing agency. That is in line with the mandates given to UNODC by the Conference, which has specified that the outcomes of the Review Mechanism should also be used to facilitate technical cooperation between those in need of technical assistance and the providers of such assistance. Such UNODC assistance normally includes the identification of possible technical assistance available from other bilateral and international donors present at the regional and national levels, a presentation of the review outcomes to relevant donors and the provision of technical advice to donors wishing to support remedial actions through their own technical assistance projects.
