



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

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## Implementation Review Group

### Tenth session

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Item 4 of the provisional agenda\*

### Technical assistance

## Technical assistance in support of the implementation of the United Nations Convention against Corruption, including analysis of technical assistance needs emerging from the country reviews

Note by the Secretariat

### I. Introduction

1. In accordance with the multi-year workplan for the analytical work of the Implementation Review Group, covering the period 2017–2019 ([CAC/COSP/IRG/2016/9/Add.1](#), annex I), the main focus of the Group's tenth session will be the analysis of information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of chapter V (Asset recovery) of the United Nations Convention against Corruption. However, as the two chapters under review (chapters II and V) are closely connected and as there is a need to compare the analysis of technical assistance needs across the two chapters, the present note includes information on technical assistance needs emerging from the country reviews of both chapters under the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. The information relating to technical assistance by the United Nations Office on Drugs and Crime (UNODC) focuses on support provided to States for the implementation of chapter V. The Group may also wish to refer to the report on the progress made in the implementation of the mandate of the Open-ended Intergovernmental Working Group on Asset Recovery ([CAC/COSP/WG.2/2019/2](#)), which contains additional information on technical assistance provided in support of the implementation of chapter V of the Convention.

2. 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 Implementation Review Mechanism. Also in that resolution, 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. Pursuant to paragraph 11 of the terms of reference, one of the goals of the Implementation Review Mechanism is to help States parties to identify and

\* [CAC/COSP/IRG/2019/1](#).



substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance. In accordance with paragraph 44 of the terms of reference, the Implementation Review Group is tasked with considering technical assistance requirements in order to ensure effective implementation of the Convention.

3. 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, 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 Implementation 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. Furthermore, in its resolution 7/3, the Conference reiterated the importance of the Group considering priority areas for the provision of technical assistance, as well as consolidated information on trends in technical assistance required and provided. Also in that resolution, the Conference encouraged States parties to continue to voluntarily provide the Implementation Review Group, consistent with the agreed terms of reference, with information on the current, anticipated and unmet technical assistance needs, including those needs identified through the review process, and also encouraged States parties to use that information to inform technical assistance programmes.

4. It should be noted that the provision of technical assistance is an integral part of the Convention, in particular with its chapter VI devoted to technical assistance and information exchange. States identified their technical assistance needs during the first review cycle, using pre-determined categories<sup>1</sup> in the comprehensive self-assessment checklist.

5. Prior to launching the second review cycle, at its sixth session, the Conference reconsidered how technical assistance needs should be identified in the second cycle (CAC/COSP/2015/10). How to reflect technical assistance needs in the self-assessment checklist was therefore discussed on numerous occasions during the deliberations that preceded and led to the adoption of the revised self-assessment checklist (CAC/COSP/IRG/2016/4). The revised checklist allows States to identify technical assistance needs in a less restrictive and pre-determined manner than during the first cycle. Nevertheless, the revised checklist provides examples of what type of assistance could be relevant.

6. The present note contains updated information on the technical assistance needs identified in the country reviews of the implementation of chapters II (Preventive measures) and V (Asset recovery) of the Convention by States parties under review in the second cycle of the Implementation Review Mechanism. It was based on information included in the 20 executive summaries that had been completed at the time of drafting.

## **II. Technical assistance needs: overall assessment**

7. By April 2019, 20 States parties had completed the executive summaries of their country reviews or were in the final stages of doing so. Among those, 10 States parties identified technical assistance needs, which amounted to 164 needs in total (89 in relation to chapter II and 75 in relation to chapter V).

8. As mentioned in the analysis of good practices, experiences and measures taken by States parties after completion of the country reviews during the first cycle

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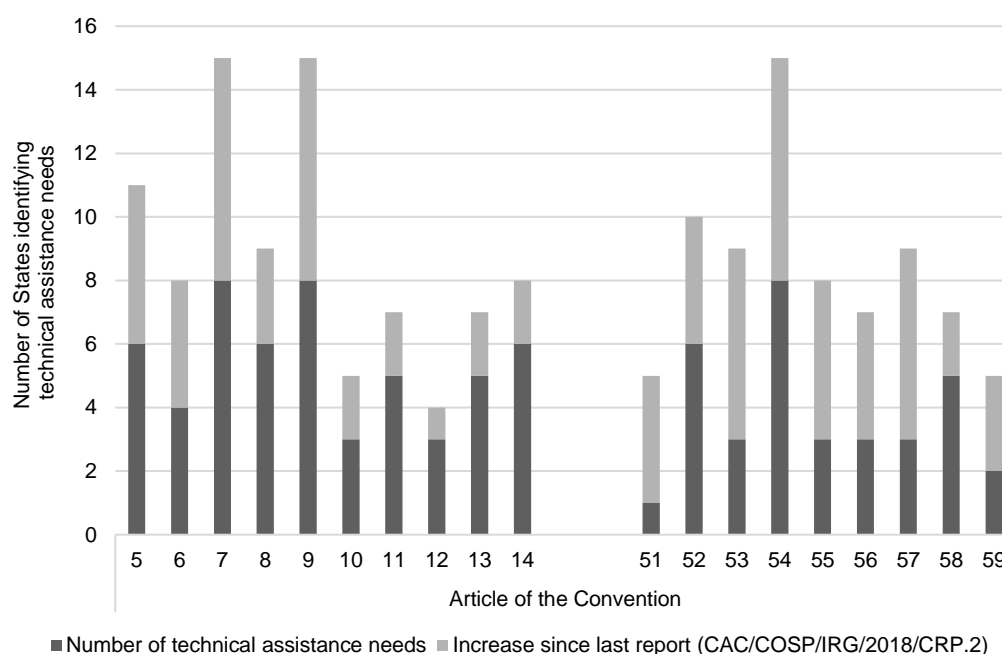
<sup>1</sup> Those predetermined categories were: (a) legislative drafting and legal advice; (b) model legislation; (c) development of an implementation action plan; (d) summary of good practices or lessons learned; (e) model treaties or agreements; (f) capacity-building programmes; (g) assistance by an on-site expert; (h) technological assistance; and (e) other assistance.

(CAC/COSP/2017/12), the majority of States parties found that the Mechanism had helped identify gaps and shortcomings related to both chapters III (Criminalization) and IV (International cooperation) of the Convention, as well as chapters II (Preventive measures) and V (Asset recovery). States parties indicated that the review process during the first cycle had served as a catalyst to start putting in place measures in areas that would be subject to the review during the second cycle.

9. UNODC has continued to receive an increasing number of requests for technical assistance to States that were taking measures in relation to chapters II and V, either as a direct outcome of the first cycle or in preparation for the second cycle. That trend continued in relation to the technical assistance requests received from States that have now finalized their review under the second cycle (see figure I).

Figure I

#### Technical assistance needs, by article



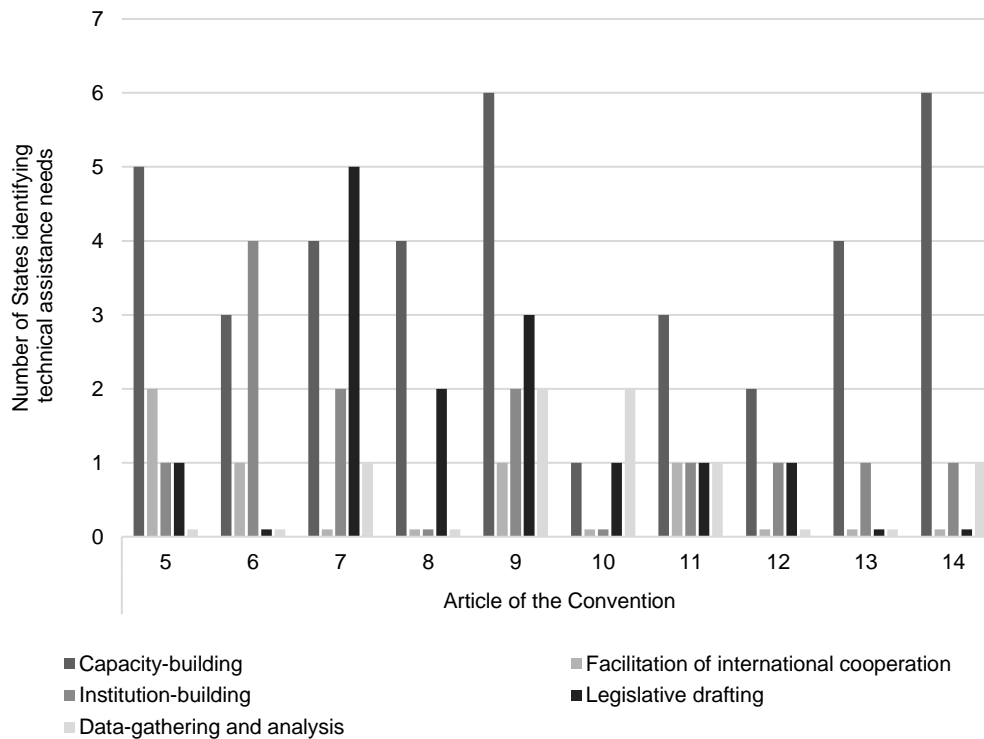
10. The majority of technical assistance needs identified in the executive summaries fell within the types of assistance exemplified in the checklist, which include: legislative drafting; institution-building; policymaking; capacity-building; research and data-gathering and analysis; and facilitation of cooperation with other countries. Most of the needs identified related to the category of “capacity-building”. In order to determine exactly what such technical assistance would entail, further analysis is presented below. While other categories were also identified, three States parties did not identify specific technical assistance needs linked to specific articles and instead indicated a general wish for technical assistance for the implementation of a certain chapter.

11. The sample size remains relatively small, which limits the depth of the analysis contained in the present report, but the number of executive summaries nearing finalization at the time of drafting will allow for a more thorough analysis for consideration by the Group at the time of the eighth session of the Conference of the States parties, scheduled for December 2019. Nevertheless, some initial trends can be identified in relation to the types of assistance identified and the articles involved, as well as correlations with the types of technical assistance requests received by UNODC.

12. Despite chapter II containing a wider range of substantive provisions than chapter V, the number of technical assistance needs identified in relation to chapter II only amounted to 54 per cent of the total needs identified. In the previous assessment prepared by the Secretariat on measures taken after the completion of the reviews

during the first cycle (CAC/COSP/2017/12), it was noted that over half of the States indicated having taken measures in relation to chapter II, while one third had taken measures in relation to chapter V. Another difference between the two chapters related to the type of needs identified, with a wider variety of needs identified for chapter II (see figure II).

Figure II  
**Technical assistance needs by category, chapter II**



## Chapter II (Preventive measures)

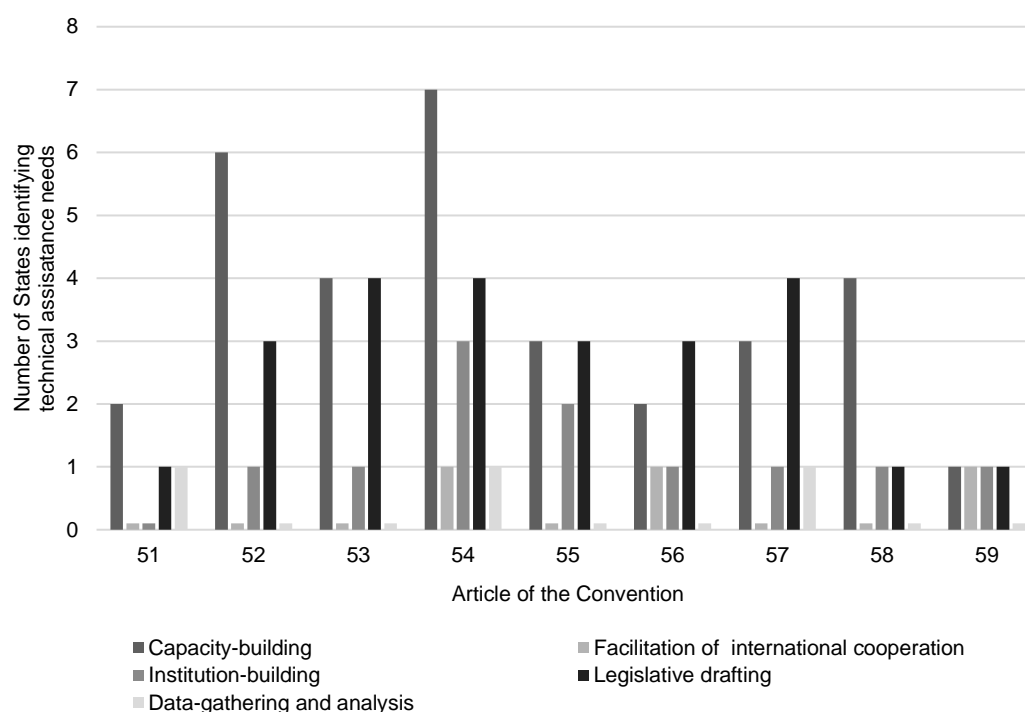
13. While the most commonly identified need, capacity-building, is discussed in-depth below, it can be noted that the need to establish or enhance various types of national systems continued to appear among the most commonly identified needs. The need for such systems was identified by 6 of the 10 States reviewed and included the establishment of asset declaration and conflict-of-interest reporting and verification systems (arts. 7 and 8), as well as in relation to chapter II as a whole. One State highlighted a link to their review during the first cycle and provided information on their continued need for technical assistance in relation to declarations of interests, assets and gifts (art.7).

14. Several States also identified the need to enhance the use of information and communications technologies or the need to establish computerized systems to prevent and combat corruption. Those needs could be seen as cross-cutting as they apply to chapters II and V. In the analysis under chapter II, information and communications technologies are often related not only to the enhanced effectiveness of domestic systems and organizations, but also to enhancing institutions' responsiveness to their end users, namely, persons outside of the administration. One State noted that information and communications technologies were also a way of enhancing coordination and communication among relevant national institutions. Public procurement (art. 9) was again one of the two articles under chapter II for which technical assistance needs were identified. This echoed measures already taken by States after their reviews during the first cycle, which included prioritizing the use of online procurement portals or full e-procurement systems.

## Chapter V (Asset recovery)

15. The majority of technical assistance needs identified in relation to chapter V also related to capacity-building (see figure III). However, several States noted that their needs under article 54 were connected to the management of assets pending confiscation. More specifically, States noted the need to create a body or authority responsible for asset management or to amend their legislation to take into account the management of assets, in particular when involving other States. Two States identified the need to share best practices in relation to the management of assets pending confiscation.

Figure III  
Technical assistance needs by category, chapter V



16. The need for technical assistance in relation to financial investigations and tracing and detecting ill-gotten assets and proceeds of crime was identified in relation to all the articles of chapter V. Some States also directly linked the needs identified under chapter V to those identified under chapter II, article 14, on measures to prevent money-laundering. Again, those needs related to technical assistance needs identified during the first cycle, in relation to chapter III (Criminalization and law enforcement), for the enhancement or building of capacity to investigate and trace proceeds of corruption.

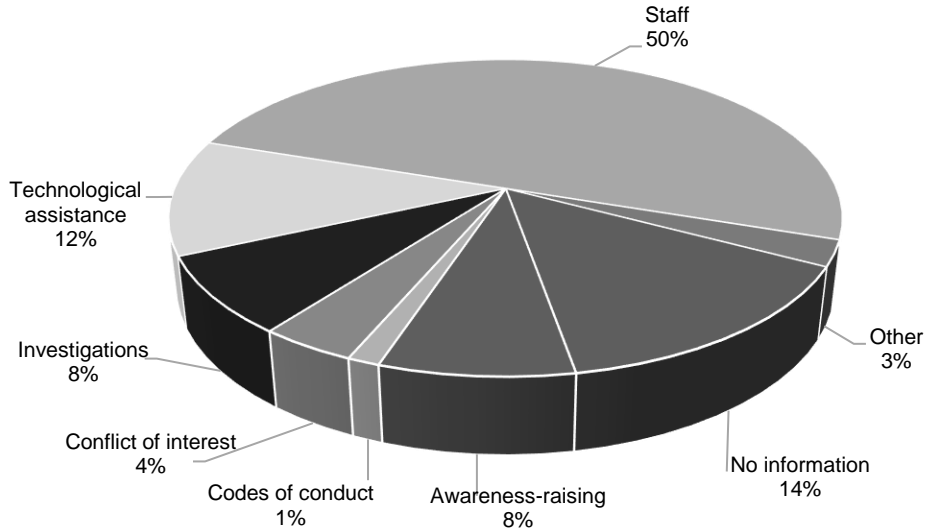
### Capacity-building technical assistance needs

17. Nearly half of the technical assistance needs identified in the finalized reviews under the second cycle on which the present analysis was based related to capacity-building. When delving deeper into the specificities of those needs, it is evident that capacity-building could be considered an umbrella category for many subcategories. The need for capacity-building was identified in relation to both chapters, with only slightly more needs identified for chapter II (54 per cent) than for chapter V (46 per cent). Capacity-building is also the type of need identified by 9 out of 10 States that have identified technical assistance needs to date.

18. When analysing the technical assistance needs for the present document, it was noted that the requirements under the different needs varied. For example, a need for

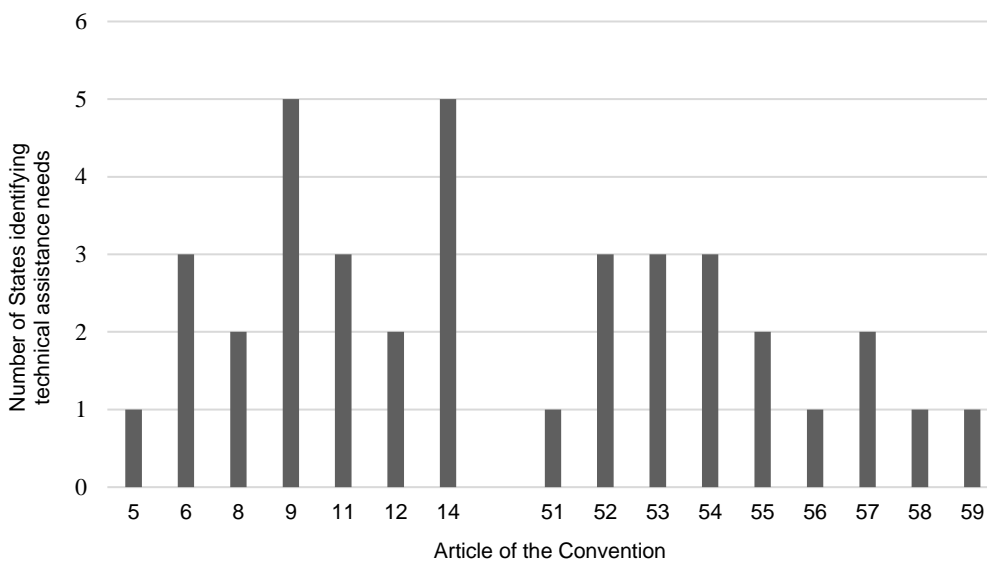
capacity-building could cover both training of the staff of a national institution and the development of an asset-declaration system. Hence, for the purpose of conducting the present analysis, the Secretariat has further divided some of the needs that were identified (see figure IV).

Figure IV  
**Subcategories of the technical assistance need for capacity-building**



19. Half of the technical assistance needs identified as capacity-building related to enhancing the capacity of staff and were distributed across all articles of both chapters, with the exception of articles 7, 10 and 13 of chapter II (see figure V). In relation to article 9 (Public procurement and management of public finances), the need for capacity-building was, interestingly, not related to public procurement but solely to enhancing the capacity of public auditors on auditing requirements. Three States also noted that the element of risk, i.e., risk-based auditing, risk management and internal control, would be the aim of such training and other assistance.

Figure V  
**Number of technical assistance needs related to staff**



20. Technical assistance needs related to conflict of interest were identified by three States under the category of capacity-building and in relation to article 7 (Public sector). Those needs related to help with strengthening the existing conflict-of-interest systems to make them more effective. However, a wider analysis

showed that assistance relating to conflict-of-interest systems, such as the management and verification of conflict-of-interest disclosure, had been identified by an additional three States. While the needs of those three States had been identified in relation to article 7, they could also be found in the technical assistance categories of institution-building, research and the catch-all category of “other”. One State that had identified technical assistance needs under chapter II in general had also identified conflict of interest specifically. A similar situation was found in relation to technical assistance needs for codes of conduct, with an additional two States noting the requirement for training of staff on codes of conduct.

21. The subcategory of technological assistance, under which six States had identified technical assistance needs, included a wide array of different uses of information and communications technology, ranging from a case-management system for court administration (art. 11) and systems to manage conflicts of interest (art. 7), to the detection of proceeds of crime (art. 52) and the analysis and organization of large data volumes through data mining (art. 58). One State noted the need for technical assistance in the form of support to audiovisual technicians to develop anti-corruption cartoons and other audiovisual messages (art. 13).

### **III. Technical assistance delivery in support of the implementation of chapter V (Asset recovery)**

22. Throughout the reporting period, the Secretariat continued to facilitate global, regional and national training sessions on the second review cycle for focal points and reviewing experts from all States parties under review and reviewing States.

#### **Asset recovery**

23. The Secretariat, including through the Stolen Asset Recovery (StAR) Initiative of UNODC and the World Bank, continued to provide demand-driven, country-specific assistance to States in their asset recovery efforts. In the reporting period, more than 20 countries and three regional networks received such assistance, and new requests were being received. In addition, UNODC and the StAR Initiative worked with a number of other jurisdictions and regional and/or international organizations in areas such as capacity-building and technical assistance. A multitude of training events were delivered at the international, regional, and national levels on topics such as domestic coordination, international cooperation, mutual legal assistance for asset recovery, financial investigations, including the effective use of open source data, the management and disposal of seized and confiscated assets and the prevention of illicit financial flows.

24. Country engagements constituted the majority of the activities of the StAR Initiative. They are designed as multi-year programmes to cover a range of diverse activities, including the establishment of asset recovery strategies and asset recovery and asset management offices, financial investigation techniques, asset disclosure, forensic audit preparation for cases, case management advice and the facilitation of contact with other jurisdictions.

25. In the area of legislative assistance, UNODC has continued to work with States to assess their implementation of the provisions of chapter V of the Convention. In addition, UNODC and the StAR Initiative have responded to several other requests from States with respect to conducting desk reviews of legislation or assisting in drafting legislation.

26. For further detail on technical assistance delivered in the area of asset recovery, the attention of the Implementation Review Group is drawn to document [CAC/COSP/WG.2/2019/2](#), which contains more information on technical assistance provided in support of the implementation of chapter V.

## **Regional platforms**

27. Regional platforms to fast-track implementation of the Convention have been established in East Africa and South-East Asia since 2017. The platform for South-East Asia comprises Association of Southeast Asian Nations member States and that for East Africa comprises members of the Eastern African Association of Anti-Corruption Authorities. On the basis of analysis of the outcomes of completed reviews and discussions with participating countries, key thematic areas have been identified. In both regions, capacity to undertake financial investigations remained one of the key thematic areas. Technical interventions have been designed in conjunction with subject experts from the regions. In South-East Asia, the focus has been on the Mekong delta, where a series of classroom-based financial investigation training modules have been delivered to anti-corruption investigators.

28. In East Africa, a three-pronged approach has been adopted, namely, strengthening standard operating procedures linked to financial investigations, sponsoring anti-corruption investigators to participate in online training courses on financial investigations and mentoring investigators to undertake specific investigations. Since June 2018, the participating States have been carrying out country-specific needs assessments and mapping exercises to identify domestic gaps in those areas.

29. Additional regional platforms were in the process of being established during 2019 in South America and Southern Africa, with more being planned, subject to the availability of voluntary contributions.

## **Enhancing financial investigation capacities**

30. Technical assistance needs in relation to enhancing States parties' capacity to carry out financial investigations were identified during both the first review cycle and the early stages of the second review cycle. In response to already identified needs and in anticipation of further needs to come, UNODC has initiated the development of a practical training course on financial investigations and is in the process of developing an advanced course. The courses are aimed at enhancing the financial investigation capacity of the participants (primarily investigators and prosecutors), through a series of practical scenarios.

31. Another gap, namely the lack of standard operating procedures for investigators, became evident when engaging in the above-mentioned first level of technical assistance delivery. Thus, as a complement to the above training courses, a methodology was being developed to help assess the existing standard operating procedures of anti-corruption investigative staff, with the goal of producing a publication in the form of a practical guide on anti-corruption investigations and prosecutions.

## **IV. Conclusion**

32. During the first cycle of the Implementation Review Mechanism, the peer-learning aspect of the Mechanism became increasingly important, often resulting in immediate responses to technical assistance needs and the establishment of contacts for future study tours and training opportunities. The Secretariat took note of and facilitated this on numerous occasions. As an example, a focal point who attended the training workshop on the Mechanism wished to learn more from the asset recovery processes presented by the focal point) from another State. Subsequent exchanges between the two led to the organization of a study tour. Another example involved a State that had acted as a reviewing State party and subsequently extended to the State party under review assistance in preparing for the second cycle. It was encouraging to note that this aspect continued to be of importance during the second cycle. For example, 6 of the 10 States parties under review that had identified technical



assistance needs highlighted the need for good practices from other States to address and inform their domestic efforts. One State identified the need for sharing good practices as the only technical assistance requirement.

33. It should be emphasized that the utility of identifying technical assistance needs through the implementation review process is greatly enhanced when additional detail is provided. In effect, contextualizing the need identified provides an outline for what type of assistance would be required to improve the State's implementation of the Convention. In the current sample of implementation review reports and executive summaries, some 8 per cent of the overall needs were identified only by their category and lacked further specification. In relation to the technical assistance need for capacity-building, 14 per cent lacked additional detail.

34. As evidenced above, technical assistance needs remain national priorities requiring the considerations of each State's domestic context. The Group may therefore wish to encourage all States parties to the Convention, regardless of whether they are acting in their capacity of State party under review or as a reviewing State party, to spend more time providing details on their technical assistance needs.

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