



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

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## Implementation Review Group

### First meeting

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Item 5 of the provisional agenda\*

### Technical assistance

## Integrating technical assistance in the work of the Implementation Review Group

### Note by the Secretariat

#### I. Introduction

1. The importance of technical assistance for the successful implementation of the United Nations Convention against Corruption<sup>1</sup> has been reflected in the terms of reference of the newly established Mechanism for the Review of Implementation of the Convention (resolution 3/1, annex).
2. In its resolution 3/1, entitled “Review mechanism”, the Conference of the States Parties to the United Nations Convention against Corruption decided that the Implementation Review Group should be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance. In its resolution 3/4, entitled “Technical assistance to implement the United Nations Convention against Corruption”, the Conference welcomed the recommendations contained in the reports on the work of that Working Group.<sup>2</sup>
3. Pursuant to the terms of reference of the Mechanism, the purpose of the review process is to assist States parties in their implementation of the Convention. In that regard, the review process, inter alia, should: help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance; provide the Conference with information on successes, good practices and challenges of States parties in implementing and using

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\* CAC/COSP/IRG/2010/1.

<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>2</sup> CAC/COSP/WG.3/2008/3 and CAC/COSP/2009/8.



the Convention; and promote the exchange of information on practices and experiences gained in the implementation of the Convention. In the terms of reference it is specified that the functions of the Implementation Review Group shall be to have an overview of the review process in order to identify challenges and good practices, as well as to consider technical assistance requirements in order to ensure effective implementation of the Convention.

4. The present note aims to provide the Implementation Review Group with an outline of the technical assistance mandate of and information on the efforts made by the Secretariat in implementing the recommendations of the Working Group on Technical Assistance. It provides information on how technical assistance needs can be identified and proposals on ways of meeting such needs with a view to implementing the Convention.

## **II. Identifying technical assistance needs**

5. The Conference, in its resolution 3/4, welcomed the efforts of the Secretariat to analyse the technical assistance needs identified by States parties and signatories to the Convention in their responses to the self-assessment checklist and requested the United Nations Office on Drugs and Crime (UNODC) to continue to share with other possible technical assistance providers information on technical assistance needs compiled on the basis of responses to the self-assessment checklist and included in the matrix of technical assistance needs, in particular information on needs at the country level, in order to inform assistance activities in coordination with the beneficiary countries.

6. The matrix of technical assistance needs was based on the initial self-assessment checklist, which was limited due to the fact that it covered only 15 articles of the Convention and that it did not cover the full range of categories of technical assistance that might be required for the implementation of each of those articles. Notwithstanding the limitations inherited from the checklist, the matrix provided a good picture of the kinds of assistance needed by States to implement the Convention and made it possible to prioritize those needs.

7. Pursuant to Conference resolution 3/1, the Secretariat has finalized a comprehensive self-assessment checklist to be used as a tool for the provision of information on implementation of the Convention. In its resolution 3/4, the Conference welcomed the development of the self-assessment checklist, which it described as a computer-based information-gathering tool to produce statistics and visual aids, such as charts and other graphics, enabling the Conference to better identify technical assistance needs.

8. Thus, the Implementation Review Group will be able to base its review of technical assistance needs on a comprehensive matrix covering all the articles of the Convention and because it will include a wide range of technical assistance categories. The Implementation Review Group and the Conference will be able to analyse and prioritize the needs identified and donors will be able to take into account the needs identified through a comprehensive self-assessment process when programming anti-corruption assistance.

9. During the first cycle of the review process, the focus will be on the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention. This means that States will have to complete those parts of the self-assessment checklist. However, the checklist is also an excellent tool for States to conduct a comprehensive review of where they stand with regard to implementation of the entire Convention and to identify needs for technical assistance. Properly used, the checklist will allow States to create their own benchmarks for measuring progress in implementing the Convention. In addition, the self-assessment exercise can help establish a comprehensive domestic anti-corruption strategy where one does not already exist and provide additional input to an already existing strategy.

10. In accordance with the terms of reference of the Review Mechanism, UNODC stands ready to assist States parties, upon request, in completing the checklist. In addition, bilateral and multilateral discussions with several donor agencies are ongoing with a view to using the self-assessment checklist as the principal tool for conducting gap analyses and anti-corruption assistance programming.

11. Such a use of the self-assessment checklist would ensure that technical assistance is programmed in line with the priorities established in the checklist and the Review Mechanism and is targeted at helping requesting States to reach their goals as States party to the Convention, further complementing the review mechanism.

### **III. Responding to technical assistance needs**

12. Demand for technical assistance to implement the Convention has remained very high in recent years. In order to address that demand, the Conference, in its resolution 3/4, urged States parties and signatories and other donors to generate and disseminate knowledge on the substantive aspects of the Convention and provide technical assistance to requesting States. The Conference also urged States parties and signatories to exchange expertise, experiences and lessons learned with respect to providing technical assistance in the area of combating and preventing corruption.

13. Noting that during the meetings of the Working Group on Technical Assistance experts had stressed the importance of country-based approaches to programming and delivery, the Conference, in its resolution 3/4, also recognized the importance of coordination among donors, other technical assistance providers and recipient countries, based on the Paris Declaration on Aid Effectiveness, in order to leverage resources, increase efficiency, avoid duplication of efforts and meet the development needs of recipient countries. In that same resolution, the Conference encouraged States, donors and other assistance providers to use the Convention and, as appropriate, other relevant international instruments as a framework for country-level dialogue to facilitate programme delivery.

14. In order to fully integrate and coordinate the delivery of technical assistance, UNODC has developed regional and thematic programmes addressing various issues, including corruption and economic crime. The programmes are fully integrated with one another and mutually reinforcing. While the regional programmes are aimed at capturing the interconnected nature of the work that

UNODC does at the field level, the thematic programmes incorporate the whole range of UNODC activities in a specific area. The core objectives of adopting such an approach are to ensure: (a) a departure from a fragmented, project-based approach to a programme-based approach; (b) more effective cooperation and planning within UNODC and between UNODC and other United Nations entities and, to the extent possible, other bilateral and multilateral donors and development assistance providers; and (c) an integrated conceptual and operational framework for transferring UNODC know-how and expertise. The thematic programme on action against corruption and economic crime provides the framework for the anti-corruption work of UNODC for the period 2010-2011. It outlines the context, the problems addressed and the challenges faced in preventing and combating corruption. It describes the work done by UNODC to assist countries in developing strategies, policies, action plans, programmes and projects against corruption. It also outlines the mandates, services, strategic objectives, implementation strategies, partnerships and funding needed by UNODC to achieve the proposed objectives. The thematic programme builds on the comparative advantage of UNODC in the area of anti-corruption emanating from the Office's role as guardian of the Convention and the resident in-depth knowledge acquired by having supported the negotiation of the Convention.

15. UNODC has developed a range of technical assistance tools and products and has set in motion processes for sharing this knowledge. At its third session, the Conference was presented with, and expressed appreciation for, the blueprint of a legal library and the Knowledge Management Consortium. Building predominantly on information collected through the self-assessment checklist, the legal library is designed to gather, organize, analyse and disseminate updated and validated legal knowledge. As such, the library is being developed as an electronic repository of corruption-related information, including anti-corruption laws related to the provisions of the Convention, regulations, administrative practices and cases. The objective of the legal library is not only to collect pieces of national legislation, but also to demonstrate, in a practical and user-friendly way, how each State has implemented the provisions of the Convention. To date, UNODC has collected an initial data set of laws from 97 States, categorizing them according to how those laws relate to the provisions of the Convention. The legal library is expected to become available to the public in the last quarter of 2010.

16. The Knowledge Management Consortium is a web-based portal and collaborative forum for facilitating the collection and dissemination of knowledge related to the Convention. Administered by UNODC, the Consortium will be a platform for reputable regional and international institutions to exchange legal and non-legal knowledge on anti-corruption matters. The Consortium is a single site where anti-corruption knowledge, including case studies, best practices and policy analyses, can be accessed. UNODC is currently seeking funding for the Consortium, including by exploring the possibility of expanding its partnership with Microsoft so that Microsoft would develop the entire portal, which is expected to be launched in the last quarter of 2010.

17. At the recommendation of the Working Group on Technical Assistance, UNODC established a roster of anti-corruption experts that it and other technical assistance providers could consult. In order to include more names on the roster, the Working Group recommended that the Secretariat develop a curriculum vitae

template for the anti-corruption experts and encouraged States parties to recommend to it anti-corruption experts for inclusion in the database, keeping in mind the principle of balanced geographical representation. To date, over 100 experts representing all regional groups have been included in the roster and the Secretariat has prepared a guidance note on the use of the anti-corruption experts database (CAC/COSP/IRG/2010/CRP.2).

18. The Working Group identified compliance reviews and gap analyses to be important for supporting implementation of the Convention. With a view to promoting the dissemination of knowledge and experience in conducting such reviews and analyses, the Working Group recommended that the Secretariat hold, upon request, national or regional workshops to bring together States that had already conducted such analyses, States that were about to do so and other interested States, as well as representatives of the donor community. In the context of South-South cooperation, UNODC is supporting a range of activities, including the initiative of Kenya to organize a South-South caucus on compliance with the Convention and gap analyses. The caucus would aim at sharing experiences, challenges and means of providing continued assistance among countries conducting gap analyses. The caucus would also serve as a platform for providing information on the use of the comprehensive self-assessment checklist as a basis for such analyses.

19. In order to identify ways to fully meet the needs expressed by developing countries, the Working Group stressed the need for providers and recipients of technical assistance to coordinate more closely in implementing the Convention. To that end, the Working Group concluded that country-based integrated and coordinated programming and delivery should be promoted further, where it did not already exist, and recommended that UNODC should participate fully in such processes. The Conference reiterated this position in its resolution 3/4 by endorsing such programme delivery as an effective vehicle for furthering implementation of the Convention, and encouraging donors and other assistance providers to incorporate those concepts and capacity-building into their technical assistance programmes. The Conference also encouraged States, donors and other assistance providers to use the Convention and, as appropriate, other relevant international instruments as a framework for country-level dialogue to facilitate programme delivery. In response, a small number of countries volunteered to study, on a pilot basis, how tools used to assess implementation of the Convention could be used to identify and coordinate the provision of technical assistance. The purpose of the study was to improve the quality of the technical assistance provided to Member States by following up on key recommendations made by the Working Group and the Conference, as set out in resolution 3/4. In particular, the study aimed to assist participating States in developing an action plan for country-led and country-based, integrated and coordinated technical assistance that addresses the identified technical assistance needs and considers donor assistance in furthering implementation of the Convention. Preliminary findings of the study will be presented to the Implementation Review Group.

20. UNODC has invested in establishing partnerships aimed at promoting the implementation of the Convention. Reflecting the growing international commitment to recovering stolen assets, the joint Stolen Asset Recovery (StAR) Initiative of UNODC and the World Bank has made significant inroads since it was

launched two years ago. Using the Convention as its legal framework, the Initiative focuses on three core actions: (a) lowering the barriers to asset recovery by increasing the knowledge base about the problem and supporting practitioners' networks for asset recovery; (b) building national capacity for asset recovery; and (c) assisting States in collecting and sharing information to encourage progress in a country's specific asset recovery efforts.

21. UNODC has signed a memorandum of understanding with the United Nations Development Programme (UNDP) for joint programming and cooperation in the areas of anti-corruption and criminal justice reform. A working group has been established to develop and monitor implementation of a joint work programme. Specific activities include joint programming in relevant United Nations Development Assistance Framework roll-out countries, including by undertaking joint gap analyses of the Convention. Joint and strengthened anti-corruption efforts are already being implemented through the UNDP Programme on Governance in the Arab Region, as well as through country-level programmes in Iraq, Maldives and Seychelles. Further joint or complementary work is being discussed in several other countries.

22. Specifically in the crucial field of anti-corruption education and training, UNODC has entered into a partnership with the Government of Austria and the European Anti-Fraud Office to establish the International Anti-Corruption Academy as a centre of excellence for education, training and academic research. Based on the Convention, the Academy's curriculum will embrace diverse cultural traditions and focus on country-specific training.

23. The role of the private sector in the fight against corruption continues to be regarded as crucial. At its third session, the Conference adopted its resolution 3/2, entitled "Preventive measures", in which it recognized that the private sector has a role to play in preventing and fighting corruption. UNODC continued to contribute to the implementation of the Global Compact's tenth principle, on anti-corruption. In particular, UNODC contributed to a guide to facilitate companies' reporting on the tenth principle; a tool to prevent and fight corruption along the supply chain; and a campaign waged by top business leaders in support of the Convention that is expected to be endorsed at the third Global Compact Leaders Summit, due to take place in New York in June 2010. UNODC and the Global Compact Office are developing an anti-corruption e-learning tool aimed at disseminating information on anti-corruption matters, in particular on the Convention, at building capacity and at raising awareness in support of the corporate community. The tool is expected to be launched at the third Global Compact Leaders Summit, where it will be distributed to all participants. The tool will also be available, free of charge, from the UNODC and Global Compact websites.

#### **IV. Conclusions and recommendations**

24. In order for technical assistance to be considered in depth by the Implementation Review Group, it is recommended that two full days be dedicated to that issue during each session of the Group. That would allow for expert panel discussions to take place and provide an opportunity for recipient countries and technical assistance providers, including international organizations and bilateral

donors, to share experiences and good practices in the delivery of technical assistance.

25. Progressively broader use of the self-assessment checklist as the principal tool to assess technical assistance needs related to the implementation of the Convention should be promoted. Doing so could standardize needs assessments (and gap analyses) with the obvious benefit of avoiding duplication of effort and contributing further to the ability of States parties to participate in reviewing implementation.

26. The Implementation Review Group is encouraged to begin discussing ways of meeting the needs identified through the implementation of the Review Mechanism and the use of the self-assessment checklist. It would be useful for such a discussion to be held during the early stages of the roll-out of the Review Mechanism, in order to allow for a full understanding of policy decisions that might be required to ensure the ready availability of assistance and related resources.

27. States parties to the Convention are encouraged to submit to the Secretariat the names of additional anti-corruption experts for inclusion in the relevant database. It is also recommended that the Implementation Review Group endorse the guidance note on the use of the anti-corruption expert database and the role of UNODC as coordinator.

28. In order for UNODC to further help States to implement the Convention and continue to provide coordinated assistance, as well as to develop and promote partnerships and synergies with providers of assistance to combat crime, States and other donors are urged to continue to provide UNODC with the necessary resources.