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## **Technical Assistance in Support of the Implementation of the United Nations Convention against Corruption**


**Background paper prepared by the Secretariat**

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## **I. Introduction**

1. The delivery of technical assistance to meet identified needs is pivotal to the successful and consistent implementation of the United Nations Convention against Corruption (“UNCAC” or “the Convention”). In considering a global response to technical assistance needs, it is important to bear in mind Articles 60 and 62 of the Convention, under Chapter VI (“Technical assistance and information exchange”).
2. The present paper provides an overview of the response of the United Nations Office on Drugs and Crime (“UNODC”) to identified technical assistance needs since the third session of the Conference, and sets forth a general strategic approach for meeting the priority technical assistance needs identified through the mechanism for the review of implementation of UNCAC (“Implementation Review Mechanism”). The paper provides a description of activities carried out over the last biennium, as well as current planning for upcoming delivery of technical assistance by UNODC, which fully incorporates the fundamental principle, reiterated by the Conference in Resolution 3/4, to safeguard country-based and country-led, integrated and coordinated technical assistance delivery, and ensure that sufficient resources are available to meet the needs identified through the Implementation Review Mechanism.

## **II. From Doha to Marrakech**

### **A. Intergovernmental context**

3. In its Resolution 3/4 on technical assistance, the Conference welcomed the work of UNODC, in particular efforts to gather and analyse information through the self-assessment checklist, and the recommendations of the open-ended intergovernmental working group on technical assistance. The Secretariat was also, *inter alia*, tasked with further developing its database of anti-corruption experts and forging partnerships with assistance providers, including in both the public and private sectors. In view of its decision to establish the Implementation Review Mechanism, the Conference decided to fold the mandate of the working group on technical assistance into the work of the Implementation Review Group.
4. During the resumed first session of the Implementation Review Group, held in Vienna from 29 November to 1 December 2010, the Group recommended that States parties identify technical assistance requirements, preferably prioritized and related to the implementation of the provisions of the Convention examined during a given review cycle. It was also recommended that States parties provide information on ongoing technical assistance projects related to the implementation of the Convention. The Group decided, on the basis of the outcome of the review process and consistent with the terms of reference of the Mechanism, to consider priority areas for the provision of technical assistance, as well as consolidated information on broader trends in technical assistance needs (CAC/COSP/IRG/2010/7/Add.1). It was noted that technical assistance needs identified by individual States under each article of the Convention could be better formulated in terms of a thematic approach with a regional focus to identify trends and prioritize areas where assistance was most needed.

5. In addition, and more specifically, the Group requested the Secretariat to engage in the following activities: (a) Promote, with other bilateral and multilateral partners, the use of the Convention and its Implementation Review Mechanism as tools for anti-corruption assistance programming; (b) Establish partnerships with bilateral and multilateral actors to ensure effective and coordinated provision of technical assistance related to the implementation of the Convention; (c) Develop resources on experiences and lessons learned in the provision of technical assistance in anti-corruption; and (d) Include information on technical assistance aspects in the periodic training courses organized pursuant to paragraph 32 of the terms of reference of the Mechanism.

6. The Group reaffirmed the request in Resolution 3/4 of the Conference of the States Parties that UNODC continue to provide technical assistance for the implementation of the Convention, including by providing direct expertise on both policy and capacity-building activities through the UNODC thematic programme on action against corruption and economic crime and, where appropriate, through regional programmes, using its range of technical assistance tools.

7. During the second session of the Implementation Review Group that took place from 30 May to 2 June 2011, the Secretariat presented a note on integrating technical assistance in the review process (CAC/COSP/IRG/2011/3), which analysed the responses to the self-assessment checklist for Chapter III (Criminalization and Law Enforcement) and Chapter IV (International Cooperation), and highlighted the thematic trends identified as priority technical assistance needs. At this early stage of the review cycle, and based on this preliminary review, the need for certain types of assistance emerged: (i) Summaries of good practices and lessons learned; (ii) Model legislation, treaties, arrangements and agreements; (iii) On-site assistance by an anti-corruption or relevant expert; (iv) Legal advice; and (v) The development of an action plan for implementation. It was agreed by the Group that further detailed analysis of technical assistance needs identified through the review process was essential in order to make concrete recommendations on policy and operational issues related to technical assistance, and that this analysis would best be based on the final country reports, once they were completed.

8. Finally, it was noted that while the Group should focus on prioritizing and ensuring responses to the needs identified through the Implementation Review Mechanism, additional needs for technical assistance in areas outside the current review cycle, such as asset recovery and other emergent needs, should continue to be addressed, preferably in the context of existing regional and international activities and initiatives.

## **B. Assistance provided for the identification of technical assistance needs**

9. As detailed in CAC/COSP/WG.3/2009/CRP.1, the means of successfully providing technical assistance to States parties to support their efforts to comply with the Convention can be viewed as a three-step process. The first step is an analysis of the requirements that need to be met to ensure compliance. Under the Implementation Review Mechanism, this involves a systematic assessment of

anti-corruption laws, regulations and measures in relation to the articles of the Convention, and their institutional functionality. The self-assessment checklist developed by the Secretariat provides a broad and consultative tool, based on a country-led process, to review what is in place and to allow the country to determine whether its legislative and institutional framework are in compliance with the articles of the Convention. The second step involves the identification of priorities for adapting laws and administrative procedures to the requirements of the Convention, and thereafter putting them into effect. This involves both a legislative and a capacity-building component to ensure the compatibility of skills and mechanisms to achieve such results. The final step is to address the technical assistance needs identified by a given State party to make the applicable legislative and institutional framework operational in the fight against corruption.

10. During the first year of the first review cycle, and the operation of the Implementation Review Mechanism covering Chapters III and IV of the Convention, twenty-six States parties were under review. In preparation for the review process, UNODC organized and carried out training programmes for designated focal points and governmental experts through eight regional training workshops<sup>1</sup> that familiarized focal points of reviewed States and governmental experts of reviewing States with the relevant provisions of the Convention and the methodology of the review process. This also included several ad hoc training programmes that were provided to States parties upon special request. During the second year of the review, forty-one States parties will undergo the same process and UNODC will organize similar training workshops. In addition, assistance has been provided to several countries in the completion of the self-assessment checklist to ensure comprehensive responses. Finally, an updated version of the checklist software was developed and rolled out to address and resolve several technical issues, facilitate the review process, and enhance the user-friendliness and effectiveness of the software.

11. States parties to the Convention that are not scheduled for review in the given year are encouraged to undergo a voluntary review process through application of the self-assessment checklist. Such a review can also be expanded to include Chapters II and V in order to take a comprehensive approach to the identification of technical assistance needs to the implementation of the entire Convention. It is worth mentioning that several technical assistance providers have begun using the Convention as a framework for targeted work at the country level. In line with this perspective, UNDP and UNODC, together with the Deutsche Gesellschaft fuer Internationale Zusammenarbeit (GIZ), the Basel Institute on Governance and the Institute of Governance Studies (Bangladesh), developed in 2010 a “Guidance Note on UNCAC Self-Assessments: Going Beyond the Minimum”, which provides a methodology for the comprehensive analysis of anti-corruption systems through the engagement of a broad range of relevant stakeholders, and by reviewing legislation and operational capacity. The guidance note supports the implementation review process of the Convention, helps prepare a country for the Implementation Review

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<sup>1</sup> The regional training workshops were held as follows: Francophone Africa, Dakar, September 2010; Northern Africa and the Middle East, Rabat, September 2010; Latin America and the Caribbean, Panama, September-October 2010; Anglophone Africa, Pretoria, October 2010; Asia and the Pacific, Jakarta, October 2010; Russian-speaking countries, Moscow, October 2010; and two training sessions in Vienna in 2010.

Mechanism and contributes to national anti-corruption reform. UNODC is currently undertaking, upon request, comprehensive gap analyses, in Ecuador, Mali and Namibia, and a formal request for a similar analysis has been received from the United Republic of Tanzania.

### **C. Facilitation of technical assistance through the database of anti-corruption experts**

12. In order to respond to the technical assistance needs identified by States parties, a database of anti-corruption expertise for the delivery of technical assistance has been created. To date, over 162 anti-corruption experts have been nominated by States parties, and this number is expected to increase. As recommended by the Working Group on Technical Assistance, the Secretariat prepared a curriculum vitae template that was circulated to States parties to assist in the nomination process. Nominated experts must have experience in, and knowledge of, one or more aspects of the Convention. Due consideration is given to the global diversity of legal systems, as well as the principle of equitable geographical distribution.

13. At present, States parties and signatories to the Convention can submit information regarding national anti-corruption experts via the UNODC website for inclusion in the database. This allows countries to add or modify relevant details of their experts' information online. Only the Secretariat has access to all information provided through this mechanism so as to safeguard its confidentiality, and provides an overview of expert profiles in order to identify and categorize the specific expertise provided. Activities carried out by these experts are based on clear guidelines and a common methodology, while taking into account country-specific needs and requirements. The long-term sustainability of the database of anti-corruption experts will depend on the commitment of States parties to provide accurate and updated information on available experts, thus allowing the database to remain a useful tool.

14. Worth stressing in the context of UNODC's efforts to facilitate technical assistance is the growing emphasis on South-South cooperation, also referred to as South-South learning, which has emerged as an alternative or complement more traditional development assistance structures.

### **D. Delivery by UNODC of legislative and capacity-building technical assistance**

15. Since the third session of the Conference of the States Parties in Doha, UNODC has provided technical assistance to countries upon request, both through tailored legislative and capacity-building activities and through the development of tools, that facilitate assistance delivery on the ground. The assistance provided relates to issues covered in Chapter III and Chapter IV of the Convention, currently under review, but also to the Chapters on preventive measures and asset recovery.

16. The assistance was provided within the framework of the Thematic Programme on Action against Corruption and Economic Crime, based on the relevant elements of the UNODC Strategy for the period 2008-2011. This thematic

programme also refers to the anti-corruption activities carried out within the framework of the respective regional programmes.

17. Regional programmes have been developed for Eastern Africa (2009-2012), East Asia and the Pacific (2009-2014), the Caribbean (2009-2012), the Arab States (2010-2014), South-Eastern Europe (2009-2012), West Africa (2010-2014) and additional regional programmes have recently been elaborated for Afghanistan and neighbouring countries (2011-2014) and for Southern Africa (2011-2014). Core objectives of the regional approach are to ensure: (a) full ownership by partner countries, through an alignment with regional and national policies and priorities; (b) an integrated conceptual and operational framework for transferring UNODC know-how and expertise at the regional and national levels; (c) a programme-based approach instead of a project-based approach; (d) more effective cooperation and planning with other United Nations entities; and (e) close coordination with other bilateral and multilateral donors and development assistance providers.

18. Both thematic and regional programmes are fully integrated with one another and mutually reinforcing. While the regional programmes are aimed at capturing the interconnected nature of UNODC work at the field level, the thematic programmes represent the whole range of UNODC activities in a specific field. While regional programmes operate as the means for implementation and partnership-building in the field, the thematic programme provides an overall architecture for use in the relevant components of country programmes. The thematic programme on corruption is carried out in conjunction with ongoing efforts in the field to ensure consistency and coherence in UNODC's programmatic approach.

#### **D.1. Tailored legislative and capacity-building assistance**

##### *(i) Implementation of the Global Programme: Towards an Effective Global Regime against Corruption*

19. During 2010-2011, numerous technical assistance needs to counter corruption have been — and continue to be — addressed through the Global Programme, “Towards an effective Global Regime against Corruption”, that enables UNODC to provide professional guidance, advice and expertise upon the request of States parties to the Convention.

20. From January 2010 to June 2011, UNODC provided expertise and technical assistance in line with the Convention to Afghanistan, Albania, Bolivia, Botswana, Brazil, Cape Verde, Chile, Colombia, the Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Ghana, Honduras, Indonesia, India, Iraq, Iran (Islamic Republic of), Jordan, Kazakhstan, Kenya, Lebanon, Liberia, the Libyan Arab Jamahiriya, the former Yugoslav Republic of Macedonia, Maldives, Mali, Mauritania, Montenegro, Morocco, Namibia, Nepal, Nigeria, Panama, Peru, Romania, Samoa, Senegal, Serbia, the Seychelles, Southern Sudan, Swaziland, Thailand, Timor-Leste, Turkmenistan, the United Arab Emirates, the United Republic of Tanzania, Uzbekistan, Vanuatu, Viet Nam, Yemen and Zambia. Technical assistance was also provided at the regional level for the Middle East and North Africa region; Eastern, Central and Southern Africa; Latin America and the Western Balkans.

21. Five countries receiving such assistance became State parties to the Convention during the period under review, namely, Botswana, the Democratic

Republic of the Congo, India, Nepal, Thailand and Vanuatu, and support was provided by UNODC to these countries, both during and after the ratification process.

22. Most technical assistance activities provided to countries requesting support are delivered through a multifaceted, comprehensive approach. When organizing an in-country workshop on legislative drafting, for example, assistance is also provided to build the capacities of the different institutions involved and to ensure that proper measures are in place to facilitate effective implementation, such as the elaboration of a national strategy or adoption of codes of conduct. For instance, in the Seychelles, UNODC, in close cooperation with UNDP, reviewed the existing draft codes of conduct for the judiciary and ensured that they were consistent with applicable international standards, including the Bangalore Principles of Judicial Conduct. In addition, UNODC assisted the national Working Group on Case Management in the Seychelles to identify and propose an effective case management system for deployment on a national basis.

23. A project sponsored by the United Nations Democracy Fund on Emerging Democracies in Africa was carried out in 2010, in which the Convention was used as a blueprint for action plans against corruption in Liberia, Mauritania and Togo, aiming to strengthen the normative and institutional capacity of domestic authorities to comply with the provisions of the Convention. In June 2010, a regional workshop was held, entitled “Strengthening the capacity of anti-corruption bodies in West Africa (ECOWAS and Mauritania) — Implementation of the United Nations Convention against Corruption”, and was attended by over 60 participants, including representatives from Morocco and Rwanda. During the workshop, a workplan for a regional network of anti-corruption bodies was adopted. In October 2010, a follow-up meeting of the Steering Committee of the regional network was held in Bamako during which the implementation of the workplan was further elaborated.

24. In addition, in follow up to the *Voluntary Pilot Programme — Review of the Implementation of the UNCAC*, seed funding was provided for the elaboration and launch of technical assistance activities to meet the needs identified during the pilot review programme (2007-2009), a precursor to the Implementation Review Mechanism. Activities in Bolivia focused on a review of national legislation and institutional settings related to witness protection in cases of corruption as well as on asset recovery. Activities in Peru included a detailed analysis of the challenges presented to curb corruption in the health sector.

(ii) *Implementation of the Anti-Corruption Mentors Programme*

25. Since 2006, under the framework of the Anti-Corruption Mentors Programme, advisors have been placed in Bolivia, Cape Verde, Jordan, Kenya, Tajikistan, Thailand and Southern Sudan. They have provided a broad range of policy and technical advice and day-to-day support for the implementation of the Convention, such as conducting gap assessments, establishing anti-corruption institutions and policies, providing training in investigation and prosecution of corruption, offering legislative guidance and advising on asset recovery strategies.

26. The Mentors programme was relaunched in summer 2011 through the placement of an advisor in the Democratic Republic of the Congo and the additional



placement of advisors with regional responsibilities in Bangkok (South East Asia), Kenya (East Africa) and Panama (Central America). This network of Anti-Corruption Mentors will provide rapidly deployable, professional expertise at both the country and regional levels to facilitate delivery of on-site guidance and advice to States parties requesting assistance in strengthening legislation and institutions in furtherance of the implementation of the Convention against Corruption.

(iii) *Implementation of comprehensive country-based, anti-corruption capacity-building programmes*

27. Comprehensive on-the-ground capacity-building programmes, which usually also include activities related to preventive measures and asset recovery were carried out in a number of countries, including the ones detailed below.

28. In Afghanistan, UNODC has been providing technical assistance to enhance the capacity of the Afghan Government in the implementation of the Convention. UNODC has been supporting the High Office of Oversight and Anti-Corruption (HOO) in the revision of the HOO law. Legislative assistance has also been provided for the revision of the draft Audit Law, a revision of the Penal Code, draft Criminal Procedure Code and the development of a new law on the Structure and Authorities of the Attorney General's Office, and an anti-corruption law. In addition, UNODC has been working closely with the Attorney General's Office in the development and implementation of a Code of Conduct for prosecutors. Following the official launch of the Code of Conduct, UNODC launched a nationwide training programme for Afghan prosecutors. As a result, more than 1,600 prosecutors from all over Afghanistan have been trained to date. Additional assistance has been delivered to the Ministry of Interior (MoI) for the revision of the Police Code of Conduct, and the draft Code is currently under review with the MoI. Furthermore, together with UNICRI, UNODC has been assisting in the development and finalization of a specialized manual on the handling of corruption cases for Afghan prosecutors and judges. To date, 301 justice officials, including judges, prosecutors and police have been trained from Kabul, Kandahar, Nangarhar, Mazar and Hirat. Moreover, UNODC released a study, in January 2010, in partnership with the High Office on the incidence and characteristics of bribery in Afghanistan. With support from UNDP, UNODC is undertaking research on corruption in Afghanistan with the goal of building the capacity of the HOO. During the period under review, Eureka Research, the HOO, and UNODC finalized the sector survey questionnaires and conducted the first local governance sector survey in 25 provinces, with the next sector survey to focus on education.

29. In Indonesia, UNODC continues to assist the Supreme Court and other institutions in strengthening judicial integrity, capacity and professionalism. UNODC also supports the Corruption Eradication Commission and other institutions through specialized training sessions, information technology assistance and support for the implementation of the national anti-corruption strategy. Support is being provided to 15 grass-roots non-governmental organizations to launch a national public anti-corruption campaign. With regard to corruption and the environment, UNODC is strengthening the capacity of Indonesian law enforcement and criminal justice officials to investigate, prosecute and adjudicate illegal logging cases and related corruption cases. UNODC is also working with Indonesian civil

society organizations to support “barefoot investigators”, who look for and expose forest crime in their local communities.

30. In Iraq, UNODC has been working jointly with UNDP to implement a comprehensive programme of assistance for the period 2008-2012. To date, a self-assessment process, a gap analysis and a good governance and integrity survey have been completed, and support has been provided for the adoption of the national anti-corruption strategy and anti-corruption legislation. Two new projects under the programme have been launched in 2011, which will support the Commission of Integrity and other relevant institutions in their interaction with the judiciary to, among other things, strengthen operational capacity in asset recovery and financial investigations.

31. In Nigeria, UNODC completed its largest anti-corruption project to date, which provided support to the Economic and Financial Crimes Commission and the Nigerian judiciary, in partnership with the European Union. Specific interventions with the Economic and Financial Crimes Commission involved the strengthening of its operational capacities, including specialized training for staff and management, the delivery of basic operational equipment, the establishment of the Commission’s Training and Research Institute, the creation of a forensic laboratory and the provision of a state-of-the-art information technology system and custom-made specialized database applications. The project also assisted the Nigerian judiciary and other justice sector stakeholders in strengthening the integrity and capacity of the justice system at the federal level and in 10 Nigerian states. A large-scale assessment of justice sector integrity and capacity provided baseline data that allowed for the measurement of progress, the identification of areas requiring further assistance and the development and implementation of action plans at the state level. The project also included corruption assessments, support for the development of a national anti-corruption strategy and the establishment of a national network of civil society organizations. In another ongoing assistance project, UNODC assists the Nigerian private sector in the development of principles for the ethical conduct of business, as well as the conduct of corruption risk assessments in the private-public sector interface.

32. In the Democratic Republic of the Congo, a joint justice programme has been developed among UNODC, UNDP and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), in close collaboration with national authorities. The programme addresses access to justice, judicial transparency and integrity, prison reform, judicial police and anti-corruption. The anti-corruption mentor discussed above will be placed in the Ministry of Justice and Human Rights to provide on-site assistance to the implementation of the joint justice programme.

33. In addition to the above activities, national programmes against corruption are currently being developed for several countries in the Middle East and North Africa region, including Egypt, Jordan and Tunisia. UNODC has provided assistance to anti-corruption efforts, including asset recovery, throughout the region, in close cooperation with the League of Arab States and other international organizations and bilateral assistance providers. Finally, UNODC has provided country-level and regional assistance to anti-corruption programmes under development in Albania, Kosovo and Serbia. As issues related to asset recovery, international cooperation

and mutual legal assistance continue to arise throughout these regions, UNODC will provide assistance, guidance and support, as required.

## **D.2. Technical assistance tools facilitating assistance delivery on the ground**

### *(i) Development of TRACK and other tools and guidance materials*

34. As a tool to foster information-sharing and provide an accessible anti-corruption resource, UNODC is developing a legal library of legislation and jurisprudence relevant to the Convention from over 175 States, systematized in accordance with its requirements. The key objective of the legal library is to collect, catalogue and disseminate updated and validated legal knowledge on anti-corruption to help strengthen implementation of the Convention and ratification or accession by non-States parties. The legal library is part of a broader project known as Tools and Resources for Anti-Corruption Knowledge (TRACK), a web-based portal and collaborative forum for practitioners and partner institutions that collects and disseminates legal and non-legal knowledge on anti-corruption and asset recovery, including case studies, best practices and policy analyses, and is supported by the Stolen Asset Recovery (StAR) Initiative, UNDP and other partner institutions.

35. In accordance with ECOSOC resolution 2007/22, UNODC has developed a general guide on strengthening judicial integrity and capacity, in cooperation with the American Bar Association Rule of Law Initiative and the Research Institute on Judicial Systems, National Research Council (IRSIG-CNR). The guide is intended to serve as a resource for judges, legal practitioners, legislators and policymakers in the development and strengthening of national judicial systems and the effective administration of justice.

36. Through its project on Action against Economic Fraud and Identity-related Crime, UNODC has developed tools to assist States parties in strengthening their legal, institutional and operational capacities in order to combat economic fraud and identity-related crime. UNODC recently finalized and published a Handbook on Identity-related Crime.

37. In addition to the resources noted above, UNODC is also finalizing a handbook on police accountability, oversight and integrity that is intended for use by policymakers and managers of police agencies.

### *(ii) Evidence-based assessments of corruption patterns and modalities*

38. After having reviewed existing methodologies, UNODC developed and improved methods to assess modalities of corruption and vulnerabilities, with a focus on methodologies providing quantitative and experience-based assessments. These surveys serve as a useful basis for the development of better anti-corruption policies and the elaboration of tailored anti-corruption technical assistance activities and programmes. In May 2011, for example, UNODC completed a programme of surveys on corruption in the western Balkans, including a regional report and national reports (Serbia, Croatia, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Montenegro, Albania and Kosovo). Moreover, in Afghanistan, a comprehensive programme of surveys on corruption and the integrity of civil servants was developed jointly by UNDP and UNODC. In Iraq, UNODC and UNDP developed a programme of surveys aimed at providing a comprehensive assessment of the integrity and working conditions of civil servants, in close

collaboration with national anti-corruption bodies and the national statistical agency. Finally, within the framework of a study on crime victimization in Africa, UNODC is offering an analysis of the experience of bribery by the population, thus providing first-hand data on the experience of corruption in 11 African countries.

### **D.3. Technical assistance delivery in the areas of prevention and asset recovery**

#### *(i) Assistance to prevent and counter corruption in the private sector*

39. In 2011, UNODC launched three anti-corruption projects with the support of the Siemens Integrity Initiative, which focus on the relevance of the Convention for the private sector. The “Outreach and Communication Programme” seeks to develop a global outreach and communication programme for UNCAC targeting the private sector, and an academic module on UNCAC. The second project, entitled “Incentives to Corporate Integrity and Cooperation in Accordance with the United Nations Convention against Corruption”, is intended to explore the creation of systems of legal incentives to companies’ integrity efforts, hence encouraging business to come forward and report internal incidents of corruption. The third project, entitled “Public-Private Partnership for Probity in Public Procurement”, aims to reduce vulnerabilities to corruption in public procurement systems by reviewing laws and procedures while bridging knowledge and communication gaps between public procurement administrations and the private sector. The two latter projects are being piloted in India and Mexico, and also encompass the compilation and dissemination of good practices and lessons learned at the global level.

40. Together with the United Nations Global Compact (“UNGC”), which functions as an interactive platform between the United Nations and the private sector, UNODC developed an anti-corruption e-learning tool for the private sector. Through six interactive modules based on real-life corruption scenarios, the tool provides concrete guidance to members of the corporate community on the practical application of anti-corruption principles, based on the Convention. It serves the dual objective of raising awareness about the risks of corruption and educating the private sector on its potential contributions to fight corruption. The tool was presented to the public on 9 December 2010 (International Anti-Corruption Day) and is available, free of charge, on the following websites: <http://thefightagainstcorruption.unodc.org> or <http://thefightagainstcorruption.unglobalcompact.org>.

#### *(ii) Assistance with regard to asset recovery*

41. Technical assistance to support the implementation of provisions of the Convention related to asset recovery is carried out through the framework of UNODC-World Bank Stolen Asset Recovery (StAR) Initiative. StAR has played a central role in pushing asset recovery to the top of the international agenda and bringing international organizations together to promote international cooperation and mutual legal assistance. StAR has produced several practical tools and policy studies to support this effort, including an Asset Recovery Handbook, a Best Practices Guide on Income and Asset Declarations, and a Good Practices Guide for Non-conviction-based Asset Forfeiture. In addition, numerous basic and advanced training courses were conducted by StAR experts, and the StAR/INTERPOL Asset Recovery Focal Points Platform was launched and further developed.

42. In addition, during the reporting period, StAR has responded to over 30 requests for technical assistance, and has provided support at both the country and regional levels, including experts who participated in a regional workshop on asset recovery, hosted by the League of Arab States in June 2011. In all cases, the nature of the assistance is closely tailored to the specific needs of the requesting State: in some cases, assistance is targeted towards policy dialogue and facilitation of contacts between national authorities and financial centres; in other cases, assistance has focused on capacity-building activities and on providing advisory services to support specific asset recovery challenges.

#### **D.4. Resources available**

43. Technical assistance activities of UNODC in support of the implementation of the Convention, including many of the professional experts required for their delivery, are financed through extrabudgetary contributions. The support of donor countries has been steadily increasing, reflecting growing confidence in effective programme delivery.

44. During the period January 2010-July 2011, a total of approximately USD 9 million in voluntary contributions have been made available to the United Nations Crime Prevention and Criminal Justice Fund for technical assistance activities managed from UNODC headquarters in the area of anti-corruption. Contributions were received in particular from Australia, Austria, Canada, France, Germany, Luxembourg, Norway, Panama, Sweden, the United States of America, the United Nations Development Programme (UNDP), Siemens and the World Bank. This does not include the contributions made available to UNODC field offices to implement in-depth country-based capacity-building programmes.

#### **E. Coordination and cooperation in the delivery of technical assistance**

45. In order to avoid duplication of efforts and to mutually reinforce the results of technical assistance projects and programmes, UNODC is partnering with many United Nations entities (including UNDP, the Department for Peacekeeping Operations, the UNGC, the United Nations Commission on International Trade Law, the United Nations Industrial Development Organization, the United Nations Children's Fund, the United Nations Department for Economic and Social Affairs, etc.), as well as other international organizations (the World Bank, the Organization for Economic Cooperation and Development/Development Assistance Committee Network on Governance). In addition, UNODC engages with several regional initiatives (e.g., the Asian Development Bank and the Organization for Economic Cooperation and Development Anti-Corruption Initiative), and regional mechanisms against corruption (e.g., the Group of States against Corruption, established by the Council of Europe) in order to join efforts to strengthen coordination in technical assistance among various stakeholders.

46. In furtherance of a Memorandum of Understanding, signed on 15 December 2008, UNODC and UNDP have been working closely together with regard to the delivery of technical assistance in the area of governance and anti-corruption in support of national anti-corruption efforts. For example, UNDP and UNODC joined

forces to organize an UNCAC pre-ratification seminar for Pacific States, held in Samoa in July 2010 and also jointly organized training workshops for governmental experts participating in the UNCAC Implementation Review Mechanism. UNDP and UNODC are also aiming to streamline anti-corruption in the process to develop country-specific United Nations Development Assistance Frameworks (“UNDAF”) and are currently jointly developing an Anti-Corruption Training Course, together with the United Nations Staff Training Institute. The overall objective of the course is to provide participants with essential knowledge as well as analytical and practical skills on anti-corruption and its programming to facilitate integration of anti-corruption elements into the UNDAF mechanism.

47. In addition, UNDP and UNODC are working towards the organization of forums to facilitate anti-corruption knowledge exchange, targeting officials from bilateral and multilateral organizations, in order to promote a general understanding of UNCAC and how sound knowledge of UNCAC’s articles and principles as an international anti-corruption framework can assist them in their day-to-day work. One of the issues to be addressed will be donor support to addressing technical assistance needs that arise as a result of the review process; namely, how this process could be arranged and coordinated in the broader framework for aid coordination and donor funding models to ensure adequate prioritization, proper sequencing and effective implementation.

48. UNODC has also actively contributed towards the establishment of anti-corruption academies, which offer many opportunities for cooperation in the area of capacity-building programmes for practitioners working in various sectors involved in the prevention and countering of terrorism. The International Anti-Corruption Academy (“IACA”) was established following a joint initiative by UNODC, the Republic of Austria, the European Anti-Fraud Office (OLAF) and other stakeholders, and became an independent international organization on 8 March 2011. It is designed to function as an independent centre of excellence in the field of anti-corruption education, training, networking and cooperation, as well as academic research.

49. In close cooperation with the Government of Panama, UNODC is assisting in the establishment of a Regional Anti-Corruption Academy for Central America and the Caribbean (“RAACA”). The RAACA will follow the same approach as the IACA, by offering a standardized academic programme and tailor-made workshops addressing various topics relevant to anti-corruption efforts and emerging regional issues and challenges.

### **III. Beyond Marrakech**

50. UNODC is relying on the guidance of the Conference of the States Parties to ensure that its technical assistance delivery remains pertinent and fully aligned with the actual and emerging needs emerging from the operation of the Implementation Review Mechanism, focusing on Chapters III and IV of the Convention, while also continuing to support Member States with advancing the implementation of Chapters II and IV of the Convention before the review of those provisions during the second cycle of the Implementation Review Mechanism.

51. Guidance is required in terms of substantive focus and implementation modalities for the actual delivery of technical assistance activities as well as in terms of ways to further enhance coordination and cooperation with other bilateral and multilateral assistance providers. It will also be necessary to mobilize increased financial support for UNODC's technical assistance activities in order to meet expectations and demands.

**A. Enhancing the delivery of technical assistance through prioritization and modalities that provide a conducive response to the needs of States parties.**

52. With regard to priority areas of technical assistance, it should be noted that multiple areas have emerged during the first year of the operation of the Implementation Review Mechanism. Based on a preliminary analysis of the technical assistance needs of States parties, and recommendations of the various working groups, it appears that meeting the technical assistance needs of States in connection with the implementation of Chapters 3 and 4 is likely to be accomplished through a three-tiered approach: at the global level; at the regional level; and at the country level. Such an approach offers considerable opportunity to maximize impact, effectiveness and coherence in programming. This approach would be in line with the endorsement by the Conference of a country-led and country-based technical assistance strategy, while taking into full account global and regional trends that require a broader perspective.

53. The current analysis of technical assistance needs identified through the Review Mechanism suggests that there is an overarching need for the development of tools and guides that could be adapted to a particular regional or country context or request. The development of such tools and guides would form the backbone of a global approach. Practical guides and training tools to facilitate capacity-building programmes for practitioners and sector leaders could be developed in targeted areas, including bribery in the private sector, protection of whistleblowers and reporting persons, international cooperation, and joint law enforcement investigations. Finally, at the global level, international cooperation could be strengthened by the establishment of a platform of central authorities that would facilitate electronic communication, knowledge and information sharing, and the provision of expertise at both the national and international levels.

54. At the regional level, technical assistance needs could be met and coordinated, among other ways, by building on the established UNODC regional anti-corruption advisors network, which has deployed four advisors to regional offices thus far, with immediate plans to deploy one additional advisor in the coming months. The deployment of anti-corruption experts on a regional basis helps to foster geographical-based cooperation and coordination, better addresses issues that arise on a regional level, and provides rapidly deployable technical assistance capacity to States parties. In addition, the placement of anti-corruption experts at the regional level could assist in the establishment and facilitation of regional anti-corruption coordination mechanisms for national authorities that would engage in international cooperation activities, joint investigations and data-sharing. These experts would also organize and deliver subregional workshops that bring practitioners and sector

leaders together for capacity-building activities in core areas identified as technical assistance needs.

55. At the country level, specific technical assistance needs would be identified through the Implementation Review Mechanism, and delivery would be adapted to the country-specific context where assistance is required. The implementation of technical assistance could be shaped by a post-review process to determine the priorities of the national authorities on a structural and contextual basis, resulting in the development of an action plan for implementation. Depending on the identified priorities, technical assistance at the country level could be delivered through a combination of both legislative support and capacity-building activities. Expert-level guidance to the drafting of relevant legislation compliant with the Convention could be delivered by national and regional expertise to ensure incorporation of a regional perspective and account for particularities unique to the relevant legal system. Capacity-building activities could centre around a three-stage approach consisting of basic training programmes, advanced training modules, and a training of trainers to ensure sustainability of national capacity over the long term. In general, institutions which would benefit could include law enforcement, financial intelligence units, anti-corruption agencies with enforcement mandates, prosecutors, the judiciary and central authorities involved in national and international cooperation activities. Such assistance would be country-led and country-driven to promote maximum impact and meet the technical assistance needs identified through the Implementation Review Mechanism.

56. Technical assistance often involves more than technological advice and the transfer of expertise. In many instances, it entails supporting structural changes and cultural shifts. The strategic planning, prioritization, sequencing and timing of reforms need to be done methodically and with due account for local specificities. A conscious effort must be made to guarantee consistency and accuracy in the development of methods, tools and solutions, and to ensure that they conform to the individual characteristics, requirements and traditions of States. Forming a cadre of specialists charged with instituting reforms and taking them forward at the national level must become one of the highest priorities. Concurrently, adequate resources must be devoted to capacity-building in order to turn out a new generation of practitioners versed in the full implementation of the measures foreseen by the Convention.

57. In this regard, it should be recalled that for the delivery of technical assistance in the area of countering corruption, UNODC is able to draw on a wealth of specialized technical competence in crime prevention, law enforcement, criminal justice and rule of law issues, including also international cooperation in criminal matters; as well as on operational capacity and field presence and on programmatic synergies with efforts for dealing with drug control, transnational organized crime, money-laundering and terrorism prevention. UNODC's field presence enables it to work closely with local officials for the design and implementation of activities. Full integration of corruption-specific activities in UNODC's regional and country programmes respond to the demand for more comprehensive packages of assistance that encompass criminal justice reform in general, and activities aiming at strengthening anti-corruption efforts by addressing related criminal activities.

58. Moreover, it should be mentioned that UNODC will further facilitate technical assistance delivery by others through joint partnerships and the elaboration of its



anti-corruption expert database. As already mentioned, the long-term sustainability of the database will depend on the commitment of States parties to provide accurate and updated information on available experts, thus allowing the database to remain a useful tool.

## **B. Strengthening cooperation and coordination among technical assistance providers**

59. UNODC is only one among many assistance providers, both at the bilateral and multilateral levels. Coordination and cooperation among assistance providers is essential to ensure that resources are maximized. It is necessary to obtain an accurate and complete picture of who these providers are and what type of assistance is already provided. It is worth recalling in this regard that States parties and technical assistance providers have been requested by the Review Group to share information with the Secretariat on assistance that is being or has been provided.

60. Examples have been given of initiatives that have been undertaken by UNODC to further joint programming and delivery with other assistance providers, in particular with UNDP. These types of collaboration efforts are to be further maximized.

## **C. Mobilizing increased financial support for technical assistance delivery**

61. There is a need for predictable, multi-year funding to conduct technical assistance activities needed to support States parties with the implementation of the Convention. Bearing in mind the importance of addressing corruption for attaining good governance, and sustainable economic and social development in recipient countries, it is worthwhile for donors and other technical assistance providers to explore whether development funds could increasingly be drawn on to meet the needs identified through the Implementation Review Mechanism.

62. Successfully mainstreaming implementation of the Convention in development assistance might require time. Therefore, sustainability of effort and unwavering commitment are essential. However, to have such sustainability and commitment, it is crucial that the political priority of taking action against corruption remain high on the domestic, regional and international agendas. For donors and other technical assistance providers, it is important to make sure — through the appropriate mechanisms — that emerging issues do not overshadow that commitment or absorb resources that need to be devoted to it. For donors and technical assistance providers, it is important to ensure that there be broad political and societal buy-in and support for institutional and structural reforms, strengthening compliance with the Convention, and for the overall goal of effective reduction of corruption.

## IV. Conclusions and recommendations

63. The first results emerging from the Implementation Review Mechanism are demonstrating a need for technical assistance to advance the full and effective implementation of the Convention. Moreover, as was underlined by the Implementation Review Group, while it should focus on prioritizing and ensuring responses to the needs identified through the Mechanism, additional needs for technical assistance in areas outside the current review cycle, such as prevention and asset recovery, should continue to be addressed.

64. The strategic approach suggested to meet identified technical assistance needs entails action at the global level, in particular through the elaboration of technical tools and guides; action at the regional level, including through the placement of regional advisors and the organization of regional and subregional capacity-building workshops and tailored legal support and capacity-building programmes at the domestic level.

**65. The Conference may wish to consider providing further guidance regarding UNODC's work in meeting technical assistance needs in the area of countering corruption, both in terms of content as well as in terms of delivery mechanisms.**

66. UNODC will further continue to explore synergies with other bilateral and multilateral assistance providers and continue to work with partner entities at the international, regional and subregional levels to enhance efforts towards maximizing consultation, coordination and cooperation in anti-corruption assistance delivery.

**67. The Conference may wish to consider inviting all assistance providers in the anti-corruption field to enhance their consultation and cooperation in order to maximize impact and avoid duplication.**

**68. In addition, the Conference may wish to consider calling upon States parties to ensure that assistance provided directly at the country level on a bilateral basis is framed around the Convention, thus multiplying the impact of the assistance provided.**

69. In order to assist States parties with their technical assistance needs, it is necessary to ensure that adequate resources are available to meet those needs and thereby strengthen global compliance with the Convention to the benefit of all States parties.

70. According to article 62, paragraph 2 (c) of the Convention, in order to assist States Parties with their technical assistance needs for the review of implementation of the Convention "States Parties shall endeavour to make adequate and regular voluntary contributions to an account specifically designated for that purpose in a United Nations funding mechanism."

71. The growth of operational activities, ongoing requests for assistance and the continued support provided to the ratification and implementation of the Convention stretch the operational capacity and limited resources available to the Office. Additional voluntary contributions and cost-sharing arrangements with assisted countries are essential if the Office is to fulfil its challenging mandates in the area of technical assistance.

72. In this respect, the Conference may wish to express gratitude to the donor countries for their voluntary contributions made available to the Office and also consider inviting States parties to increase the level of financial contributions to UNODC in order to facilitate the delivery of technical assistance to requesting Member States for the effective implementation of the Convention.

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