



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

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Technical assistance

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Note by the Secretariat**

I. Introduction

1. In its resolution 2005/18 of 22 July 2005, entitled “Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption”, the Economic and Social Council called upon Member States to continue to make adequate voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund to provide developing countries and countries with economies in transition with the technical assistance necessary to implement the United Nations Convention against Corruption (General Assembly resolution 58/4, annex); and requested the Secretary-General to provide the United Nations Office on Drugs and Crime (UNODC) with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention, inter alia through the provision of assistance to developing countries and countries with economies in transition for building capacity in the areas covered by the Convention.

2. In its resolution 60/175 of 16 December 2005, entitled “Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity”, the General Assembly reaffirmed the role of UNODC in providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the area of prevention and control of corruption; encouraged relevant entities of the United

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** Submission of this document was delayed because of the need to reflect the latest developments and take into account informal consultations.



Nations system and invited the international financial institutions and regional and national funding agencies to increase further their interaction with UNODC in order to benefit from synergies and avoid duplication of effort; and encouraged States to make adequate and regular voluntary contributions for the implementation of the Convention, through the UNODC Global Programme against Corruption or in direct support of implementation activities and initiatives.

3. In its resolution 60/207 of 16 March 2006, entitled “Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption”, the General Assembly encouraged UNODC to give high priority to technical cooperation, upon request, inter alia, to promote and facilitate the ratification and implementation of the Convention.

4. In its resolution 2006/24 of 27 July 2006, entitled “International cooperation in the fight against corruption”, the Economic and Social Council requested the Secretary-General to continue to provide UNODC with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention; requested UNODC within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office, and in particular through its Global Programme against Corruption, to continue to assist States, upon request, with sustainable capacity-building focused on the promotion of the implementation of the Convention; and invited relevant entities of the United Nations system and international financial institutions and regional and national funding agencies to increase their support to and their interaction with UNODC in order to benefit from synergies and avoid duplication of effort and to ensure that, as appropriate, activities aimed at preventing and combating corruption were considered in their sustainable development agenda and that the expertise of the Office was fully utilized.

II. Promotion of the ratification and implementation of the United Nations Convention against Corruption

A. Legislative guide and other tools for the implementation of the United Nations Convention against Corruption

5. Drawing on the experience gained in the preparation of the *Legislative Guides for the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*,¹ UNODC, in cooperation with the United Nations Interregional Crime and Criminal Justice Institute, has developed a legislative guide for the ratification and implementation of the United Nations Convention against Corruption, which will be made available to Member States at the first session of the Conference of the States Parties to the United Nations Convention against Corruption and subsequently disseminated widely through the UNODC field office network and within the framework of projects, programmes and activities aimed to support States in their efforts to ratify and implement the Convention against Corruption.

¹ United Nations publication, Sales No. E.05.V.2.

6. As the United Nations Convention against Corruption, particularly with regard to prevention, law enforcement measures and asset recovery, poses significant challenges to States parties in terms of setting up the required institutional framework and developing policies, procedures and mechanisms, UNODC, in collaboration with the United Nations Interregional Crime and Criminal Justice Institute, has launched a project for the development of a technical guide for the implementation of the Convention, to complement the legislative guide. The objective of the project is to create a repository of good practices in building institutional and operational capacities needed to implement the provisions of the Convention.

B. High-level regional seminars

7. Using as models the successful regional and subregional seminars held to promote the ratification and implementation of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), UNODC, with the support of contributions received from a number of donors, organized seven high-level regional seminars in the last quarter of 2005 and the beginning of 2006 to promote the ratification and implementation of the United Nations Convention against Corruption; the seven seminars were attended by representatives from more than 130 Member States. UNODC involved a range of institutional partners in organizing and conducting the seminars.

8. The seminars brought together policymakers and practitioners and provided participating countries with a platform for sharing experiences, good practices and innovative initiatives with other countries in the various regions and with UNODC.

9. A range of key issues emerged during the seminars including the importance of developing national anti-corruption strategies, the central role of civil society and the media in raising public awareness on corruption, the establishment of anti-corruption bodies with adequate political, functional and budgetary independence and the development of a methodology for assessing progress in the implementation of the United Nations Convention against Corruption. The need to further promote existing mechanisms of international cooperation, especially in the field of extradition and mutual legal assistance, and to develop and strengthen mechanisms for asset recovery was emphasized in all the seminars. Participants stressed the importance of the technical assistance provided by UNODC.

C. Provision of assistance

1. Provision of legal advisory services

10. UNODC has provided legal advisory services in response, upon request, to the following States: Benin, Chile, Costa Rica, Bolivia, Cambodia, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Guinea, Lithuania, Mongolia, Montenegro, Panama, Pakistan, Philippines, Romania, Serbia, Viet Nam and Yemen. In an effort to bring the domestic laws of those countries in compliance with the provisions of the United Nations Convention against Corruption, reviews of national laws were conducted and amendments proposed. In national workshops, UNODC worked with the officials in charge of ratifying and implementing the Convention to brief them on

the requirements of the Convention and offer support in the preparation of new laws. In some cases, UNODC provided assistance in seeing the laws through parliament.

11. Extensive emphasis was placed on providing advisory services on international cooperation in corruption-related matters. UNODC, through its work in supporting the ratification and implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988² and the Organized Crime Convention, has established itself as a centre of expertise in international cooperation in criminal matters, especially in the areas of extradition and mutual legal assistance. The tools developed in those areas, such as the Model Treaty on Extradition (General Assembly resolution 45/116, annex), the Model Treaty on Mutual Assistance in Criminal Matters (Assembly resolution 45/117, annex), the Manual on the Model Treaty on Extradition,³ and the Manual on the Model Treaty on Mutual Assistance in Criminal Matters⁴ are extremely useful when assisting countries in successfully cooperating with each other in order to avoid creating safe havens for corruption offenders. In addition, UNODC has developed a practical electronic tool for requesting mutual legal assistance, the Mutual Legal Assistance Request Writer Tool. It guides countries, step by step, through the process of drafting a request for mutual legal assistance. A well-formulated request, which is in accordance with procedural requirements, is a prerequisite to seeking the seizure, the freezing and ultimately the return of stolen assets in another country.

2. Provision of assistance in capacity-building

12. For many years, UNODC has been addressing key aspects of corruption and the global response to it. The Global Programme against Corruption was first launched in 1999 as a vehicle to provide technical assistance to Member States in preventing and controlling corruption. In line with the requirements of the United Nations Convention against Corruption, the technical assistance activities provided under the Global Programme against Corruption focus in particular on supporting individual countries through long-term technical assistance projects aimed at the following (references are to articles in the Convention):

(a) Establishing or strengthening anti-corruption bodies and policies (arts. 5 and 6),

(b) Strengthening integrity and the capacity of criminal justice institutions to prevent corruption within those institutions (arts. 7, 8 and 11);

(c) Enhancing the capacity and effectiveness of criminal justice institutions and professionals in detecting, investigating, prosecuting and sanctioning corrupt practices (arts. 30-34, 36-39 and 60);

(d) Improving institutional capacities to cooperate at the international level, including in preventing the transfer of proceeds of corruption and in the identification, tracing, seizing, confiscation and return of such assets (arts. 14, 31, 43-55, 57 and 60).

² United Nations, *Treaty Series*, vol. 1582, No. 27627.

³ *International Review of Criminal Policy*, Nos. 45-46, 1995 (United Nations publication, Sales No. E.96.IV.2), part one.

⁴ *Ibid.*, part two.

13. In that context, the Global Programme against Corruption focuses in particular on conducting missions to countries, upon request, with the aim of assessing their needs for technical assistance, formulating projects and programmes addressing those needs and providing technical backstopping, including expert guidance and other specialized advisory services to the UNODC field office network. The Global Programme facilitates the development, identification, collection and dissemination of anti-corruption standards, policies and practical tools, as well as the development of indicators and methodologies for assessing corruption, and conducts such assessments of corruption and anti-corruption capacities with a view to guiding Member States in the establishment of policies, tools and practices required to implement the provisions of the United Nations Convention against Corruption. Anti-corruption projects, programmes and other ad hoc activities also support the development of model training programmes and the provision of anti-corruption mentors and long-term advisers who provide hands-on and day-to-day support to anti-corruption bodies within a country or region.

14. As at 31 December 2005, the Programme had reached government representatives, individual experts, non-governmental organizations and entities in the private sector in more than 100 countries, including anti-corruption practitioners from 67 countries who received training on specific aspects of the Convention against Corruption. Fourteen countries have benefited or continue to benefit from long-term technical assistance, in some cases through multiple projects.⁵ All of those countries have received assistance in multiple areas and over a two- or three-year period, to ensure the sustained impact of the assistance provided. In addition, projects and programmes have been formulated for an additional seven countries.⁶ The Global Programme has also provided ad-hoc advisory services to individual countries, as well as groups of countries, through a number of regional, subregional and national workshops on a large variety of issues relating to the strengthening of anti-corruption capacities. The Global Programme has provided specialized substantive briefings or trainings for more than 1,000 national officials, in particular judges, prosecutors and investigators in charge of anti-corruption work. Moreover, through its outreach work, including civic forums, public service announcements, posters, flyers and radio and television shows in several countries, in particular in the context of International Anti-Corruption Day, UNODC has been able to raise the awareness of millions of citizens about the negative impact of corruption on their daily lives, encouraging them to take a more active stand against corruption. A number of technical assistance tools and publications have been developed and disseminated in hard copy and electronic format through the UNODC website.

D. Inter-agency coordination and cooperation

15. Since it was first launched in 1999, the Global Programme against Corruption has collaborated closely with international, regional and bilateral agencies and non-governmental organizations. In 2002, the Global Programme against Corruption went beyond ad-hoc collaboration and launched the International Group for Anti-

⁵ Brazil, Cape Verde, Colombia, Hungary, Indonesia, Iraq, Iran (Islamic Republic of), Lebanon, Kyrgyzstan, Mozambique, Nigeria, Romania, South Africa and Swaziland.

⁶ Afghanistan, Albania, Botswana, Bulgaria, Kenya, Montenegro and the former Yugoslav Republic of Macedonia.

Corruption Coordination to ensure improved impact through systematic and continuing coordination and cooperation among United Nations and other organizations engaged in anti-corruption work. UNODC organized and conducted eight inter-agency anti-corruption coordination meetings, which were attended by representatives of more than 40 international organizations involved in the fight against corruption, including the Office of Internal Oversight Services, the Department of Economic and Social Affairs of the Secretariat, the United Nations Development Programme (UNDP), the World Bank, the Council of Europe, various regional development banks, the European Commission, Interpol and the Organization for Economic Cooperation and Development. Over the years, the International Group for Anti-Corruption Coordination has provided a platform for open discussions concerning a variety of topics, including best practices in technical assistance, the prevention and control of corruption in international organizations and managing the risk of corruption in emergency disaster relief. The regular exchange among the members of the International Group for Anti-Corruption Coordination has resulted in an increased number of joint initiatives and improved collaboration, enhancing the effective use of limited resources and bringing to bear their comparative advantages and specialized regional and thematic expertise. As part of its secretariat function for the International Group for Anti-Corruption Coordination, UNODC is responsible for maintaining its website and the database of anti-corruption projects. A new version of the database will be launched in 2007. Meanwhile, the website is being updated on a monthly basis to promote the work of the group and to increase usage among members of the International Group for Anti-Corruption Coordination, as well as the general public.

E. The way forward

16. The United Nations Convention against Corruption provides a comprehensive framework for concerted action by Member States to prevent and control corruption at the national level and to cooperate at the international level. As such, it also guides international, regional and bilateral organizations in the design, conduct and evaluation of technical assistance programmes, projects and other activities geared towards supporting developing countries and countries with economies in transition in the implementation of the Convention. Moreover, in view of the Millennium Development Goals and the expected significant increase of development assistance, the Convention also serves as a framework for safeguarding such assistance against abuse, thereby enhancing its effectiveness.

17. While significant efforts have been made by UNODC and other providers of technical assistance, using limited resources, to provide a range of services to Member States in support of their efforts to ratify and implement the provisions of the United Nations Convention against Corruption, the assistance provided so far can best be described as piecemeal. In view of the scope of the Convention and the rapidly growing number of ratifications, there is a need to provide technical assistance to a larger number of countries, as well as to offer a broader range of technical assistance to meet the growing demand of Member States. The types of technical assistance that could be offered include those described below.

1. Building a shared understanding of the challenges, risks, scope and nature of corruption

18. As the challenges posed by corruption, as well as by weaknesses in the legal, institutional and policy anti-corruption frameworks, differ significantly from country to country, well-targeted technical assistance requires profound knowledge and understanding of those factors. Assessments could be undertaken to develop a better understanding of the scope and nature of the problem, as well as its root causes and contributing factors. Such assessments could provide the basis for sound policy development, as well as benchmarks for the evaluation of progress. Technical assistance could involve not only the conduct of such assessments, but also the development of cost-effective methodologies and assessment tools and the strengthening of national capacities to carry out such assessments.

2. Legal Advisory Services

19. The United Nations Convention against Corruption addresses key issues in the fight against corruption, such as prevention, criminalization, asset recovery and international cooperation. In order to comply with the numerous innovative provisions in all those areas, countries will need to examine their domestic laws and institutional arrangements. Assistance in all those areas not only will require the review and where necessary establishment of the underlying normative and regulatory framework, but will also need to look at the criminal justice system as a whole. That will ensure that the recommended laws and regulations are supported by a well-functioning criminal justice system that respects the rule of law, including the independence of the judiciary and the existence of legal remedies. Those elements of the rule of law are essential to all measures that address corruption. This is of particular importance to developing countries and countries emerging from conflict, which often have limited resources and/or weak systems in place.

20. Legal advisory services need to be conducted in an integrated manner, viewing the text of the United Nations Convention against Corruption in the wider context of the country's criminal justice system, existing laws and institutions and other international commitments, particularly those emanating from other conventions for which UNODC is the custodian, such as the United Nations Convention against Transnational Organized Crime. UNODC may, in addition, provide support by developing legislative guides, model legislation, electronic libraries containing the relevant legislation of other countries.

3. Institution-building

21. The United Nations Convention against Corruption requires States parties to set up and strengthen the effectiveness of a number of institutions, including operationally and politically independent (and adequately staffed and resourced) anti-corruption bodies and units, financial intelligence units and central authorities responsible for mutual legal assistance. With regard to other institutions, such as the judiciary, the prosecution service and the civil service, the Convention requires States parties to take a series of measures to enhance their transparency and integrity and reduce their vulnerability to corrupt practices. Technical assistance should therefore focus on supporting States parties in setting up the institutional framework required by the Convention with a view to providing the basic capacity for further implementation of the provisions of the Convention. In addition to the

legislative and regulatory framework required for setting up new institutions, specific activities may include advisory services on the design of the terms of reference of such institutions, their mandate, powers and procedures, as well as the professional skills and operational and financial resources required to effectively carry out their functions. Once established, advisory services could be expanded to support the management of the institutions, including the development of operational policies, the setting of priorities and the development of human resources. Institution-building is a long-term endeavour, requiring continuous support throughout the process. Thus, the placing of anti-corruption mentors and long-term advisers who provide hands-on and day-to-day support to anti-corruption bodies and other institutions appears to respond most adequately to that need.

4. Policy and technical advisory services

22. In addition to the legal framework, effective implementation of the provisions of the United Nations Convention against Corruption requires States parties to design a wide range of policies, rules and procedures, including anti-corruption action plans, codes of conduct, asset declaration systems, conflict-of-interest policies and human resource management systems based on principles of efficiency, transparency and objective criteria. In many countries, the required expertise is not available or is only available at a high cost. Technical assistance could therefore focus on providing long-term and ad hoc advice and expertise to support the development and implementation of such policies, rules and procedures. Such advisory services could be supported by providing an online repository with various models and approaches adopted in other countries, as well as by creating a network of both government and independent experts who are readily available to provide policy advice and technical assistance.

5. Training and enhancement of professional skills

23. For the effective implementation of the United Nations Convention against Corruption, countries need a wide range of skills in various areas, including: the development and strategic planning of anti-corruption policies; the investigation, control and punishment of corruption; the preparation of requests for mutual legal assistance; the tracing, seizing, confiscation and return of the proceeds of corruption; the evaluation and strengthening of institutions; public service management; the management of public finances; and the protection of victims and witnesses. Technical assistance should focus on building local training capacities and programmes in those areas, including the development of training curricula, training manuals, the training of trainers and the design of cost-effective methods and tools for use in training, including computer-based training. Some of the planned training institutions, such as the Interpol Anti-Corruption Academy and the International Centre for Asset Recovery, may play an important role in this context. Complimenting this type of institution-building will be coalitions such as the Global Integrity Alliance, which is developing critical leadership skills and networks to guide organizations by emphasizing effective governance and integrity.

6. Guides, handbooks and other tools

24. Several provisions of the United Nations Convention against Corruption call for the establishment of broad principles and provide options for implementation

without prescribing any particular course of action. In such instances, States parties may require further guidance on technical details, practicalities and their implications, as well as on the advantages and disadvantages of certain approaches and models. Most of the currently available guides, handbooks and other technical publications were produced prior to the adoption of the Convention. Thus there is a need for the development of a new generation of guides, handbooks and other tools that follow the structure and logic of the Convention. The UNODC legislative guide responds to this need as far as the legislative drafting is concerned. The UNODC technical guide will provide a primer for policymakers and practitioners.

7. Information exchange and partnership-building

25. With the growing number of ratifications, there is also a growing number of countries that require information and support on the various specialized fields covered by the Convention. Countries should learn from each other, from good practices, when designing their institutions, laws, procedures and policies. In particular, newly created institutions can benefit from the experiences and lessons of their counterparts in other countries, with a view to replicating successful approaches and avoiding pitfalls. Technical assistance should therefore focus on facilitating such exchange, including by supporting the newly created International Association of Anti-Corruption Authorities; as well as by organizing regional and subregional workshops, meetings and training.

8. Coordination of technical assistance

26. Technical assistance has been made a key component of the United Nations Convention against Corruption, and a strong link has been established between it and the implementation of the Convention. Coordination of technical assistance is important in ensuring that overlapping is avoided and resources are used effectively. The creation of the International Group for Anti-Corruption Coordination is a first step towards enhancing consistency, coherence, coordination and cooperation among international, regional and bilateral providers of technical assistance. So far, it has mainly improved cooperation at the international level and resulted in an increased number of ad hoc cooperative efforts. Such coordination needs to be achieved at the national level as well. The first step towards coordination consists in regular and structured sharing of information, to avoid duplication of effort and to allow opportunities for cooperation and synergy to be taken advantage of. Thus, the database developed by UNODC for the International Group for Anti-Corruption Coordination is a useful source of information on past, ongoing and planned anti-corruption efforts.

27. Coordination alone is not enough. Coordination should ultimately result in assistance providers mainstreaming the provisions of the Convention into their anti-corruption and governance programmes. The Convention should be the universal framework for action against corruption. As the Secretary-General noted in his introductory statement before the plenary of the General Assembly prior to the adoption of the Convention on 31 October 2003, if fully enforced, the Convention could make a real difference to the quality of life of millions of people around the world. Used as a backbone for technical assistance, the Convention provides a structure that was previously not available to the international community. As an example, UNODC and UNDP began an integrated exercise by devoting to the

Convention special sessions of the “Community of Practice”, an interactive dialogue with UNDP field representatives and governance advisers. More of this needs to be done so that technical assistance is consistent and coherent and makes the Convention the global tool it was conceived to be.
