



UNITED NATIONS
Office on Drugs and Crime

**United Nations Convention against Corruption
Priorities for the provision of technical assistance**

Global Programme against Corruption

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The adoption of the Convention against Corruption provides the opportunity for a global response to the problem. The level of support it has received, measured by the number of countries that have already signed (over 100), indicates both an acute awareness of the severity of the problem, as well as a remarkable political commitment to tackle it. This commitment must be harnessed. UNODC has limited resources: building on the framework of the Convention, it must leverage change in areas where it has acquired expertise and experience and in societies where the problem is most severe. And, critically, it must work with others to ensure a unified response that maximises the impact of international assistance.

The challenge

The greatest impact of corruption is on the poor – those least able to absorb its costs. By illegally diverting state funds corruption undercuts services, such as health, education, public transportation or local policing, that those with few resources are dependent upon. Petty corruption provides additional costs for citizens – not only are service provision inadequate, but ‘payment’ is required for the delivery of even the most basic government activity, such as the issuing of official documentation.

Most fundamentally, corruption undermines the prospects for economic investment. Few foreign firms wish to invest in societies where there is an additional level of ‘taxation’. National and international companies too by offering bribes to secure business, undercut legitimate economic competition, distort economic growth and reinforce inequalities. In many societies widespread public suspicion that judicial systems are corrupt and that criminal acts are committed by elites in both the private and public spheres undercuts government legitimacy and undermines the rule of law.

Corruption fuels and thrives on conflict. Where legal systems fail to protect the rights of groups and individuals, the risk of (violent) conflict increases. At the same time, where institutions are weakened as a consequence of conflict, corruption and related forms of crime tend to perpetuate humanitarian crises and impede efforts at peacekeeping. Fighting corruption is, therefore, an integral part of both the prevention of conflict and of post-conflict management.

Corruption therefore strikes at the core of the priority concerns of the United Nations. The links between corruption and organized crime, terrorism, conflict, human rights abuses, environmental degradation and poverty and now universally recognised. Preventing and combating corruption must be seen as part of an overall effort to create the foundation for democracy, development, justice and effective governance.

The response

The primary focus of UNODC must be to ensure that the Convention enters into force – this being achieved when thirty States have ratified it. However, in parallel and with the aim of reinforcing this work, it is essential to expand our programme of technical assistance – in line with the provisions of the Convention – in specific focus areas and to those countries whose needs are the greatest.

A critical focus of the Convention (Chapter 2) is prevention – providing the institutional and regulatory framework to reduce the likelihood of corrupt practices in

the first instance. *Ensuring that this preventive framework is in place in societies severely affected by corruption constitutes the foundation for all other technical assistance activities.* Assistance will be aimed at those States that face notably high levels of corruption, or that have shown themselves to be particularly vulnerable to corrupt practices, yet where the authorities demonstrate a clear commitment to addressing the problem in a serious and comprehensive manner.

Interventions by UNODC on its own can achieve little. Several other international organisations, some of them far larger than UNODC, e.g. the World Bank, UNDP, the OECD, as well as bilateral development agencies are already active in assisting States in the fight against corruption. What is required is an integrated and multi-disciplinary approach, drawing on the resources and expertise of all agencies involved in the fight against corruption. UNODC, as the custodian of the Convention, will contribute to their efforts by guiding policy making and providing substantive expertise. The International Group for Anti-Corruption Cooperation (IGAC), an initiative of UNODC, will continue to enhance coordination and ensure the development of relevant joint projects, in particular the IGAC database of past, current and future anti-corruption projects and activities. Cooperation with the World Bank, EU, OECD, UNDP, ADB and other international as well as bilateral agencies, is essential.

Promoting a global response ensures that resources are maximised, duplication avoided, comparative areas of expertise developed and as many relevant stakeholders as possible are mobilised in integrated, creative and constructive ways.

Areas of intervention

Since UNODC first launched the Global Programme against Corruption (GPAC) in 1999, it has been active in four main areas, namely (1) providing technical assistance to Member States in strengthening their legal and institutional anti-corruption framework; (2) strengthening judicial integrity; (3) developing and disseminating anti-corruption policies and tools; and (4) enhancing interagency anti-corruption coordination. More specifically, the Programme provided technical assistance to Lebanon, Hungary, South Africa, Colombia, Romania and Nigeria, launched new projects in Indonesia, Mozambique and Iran, and developed further technical assistance initiatives for Afghanistan, and the West Bank/Gaza. The independent evaluation of these activities (e.g. Romania, Nigeria and Hungary) have been positive, confirming, despite relatively small budgets, that UNODC through its technical expertise can make an important contribution to the fight against corruption.

Until such time as the Convention enters into force, the Office will provide technical assistance to Member States, through legal advisory services for the ratification of the Convention, and through technical cooperation projects focusing on preventive measures for which no international legal mandate is required. The latter will essentially cover four areas which, if tackled correctly, will provide critical building blocks towards achieving corruption-free societies.

1. National anti-corruption policies and mechanisms

Critical to effectively countering corruption is the development of national policies strategies and action plans. The Convention provides clear guidance in this regard:

- Article 5 stipulates that State Parties shall develop and implement effective and coordinated anti-corruption policies, which promote the participation of society

and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

- Article 6 concerns the establishment of preventive anti-corruption bodies aimed at implementing the policies outlined in Article 5 and increasing and disseminating knowledge about the prevention of corruption.
- Article 13 aims to promote the active participation of individuals and groups outside the public sector in the prevention of and fight against corruption, and to raise public awareness regarding the existence, causes and gravity of the threat corruption poses. Such participation should be strengthened, *inter alia*, by enhancing transparency and promoting the public contribution to the decision-making process, ensuring public access to information, undertaking public information activities and educational programmes, and promoting and facilitating the reporting of incidents of corruption.

UNODC has worked in several countries to develop anti-corruption strategies, building consensus as to the best ways to tackle the problem. In order to ensure delivery and to promote accountability amongst those involved these interventions have included the development of concrete plans with measurable objectives.

Work has already been conducted in Hungary, Romania and Lebanon. Projects are planned in Afghanistan, Central Asia, Central America, Nigeria (where assistance has already been provided in other sectors) and the Middle East. An assessment mission to the Southern Caucasus (Azerbaijan, Armenia and Georgia) will shortly determine priority areas for intervention.

2. *Strengthening judicial integrity and capacity*

If judges are corrupt, there can be little prospect that free and fair justice will be delivered to ordinary citizens. The Convention recognizes integrity of the justice system as a central component of any strategy to counter corruption, and calls upon Member States to strengthen integrity and prevent opportunities for corruption among members of the judiciary and the prosecution service (Article 11 of the Convention).

In most states too, the judiciary constitutes a relatively small group of individuals (as opposed to other institutions of criminal justice such as the police) who can be effectively targeted. Promoting judicial integrity therefore constitutes a clearly targeted intervention with a potentially high impact.

Judicial integrity and capacity projects have already been implemented in Nigeria, and are ongoing in Indonesia, Kenya, Mozambique and South Africa. In these countries, the aim of UNODC interventions is to bring judicial officials together with all other key stakeholders, to agree on strategies for integrity and capacity building, with clear measurable objectives and indicators identified for effective monitoring. Important lessons have been learnt.*

3. *Promoting integrity in the public and private sectors*

Building a culture that is adverse to corruption is central to the integrity of both the private and public sectors. Strategies to achieve this can never be short term – they

* These are documented on UNODC's webpage: www.unodc.org

rely on awareness raising and the securing of commitment from those working in both the public and commercial sectors. This is recognised by the Convention:

- Article 7 addresses the importance of systems for recruitment, hiring, retention, promotion and retirement of civil servants and non-elected public officials that are based on the principles of efficiency, transparency and objective criteria, such as merit, equity and aptitude.
- Article 8 stipulates the development and enforcement of codes or standards of conduct for the correct, honourable and proper performance of public functions and stresses the importance of measures and systems that facilitate the reporting by public officials of acts of corruption.
- Article 9 focuses on public procurement and management of public finances.
- Article 10 addresses the need for appropriate systems of procurement, based on transparency, competition, and objective criteria in decision-making that are effective in preventing corruption.
- Article 12 provides for the prevention of corruption in the private sector through the enhancement of accounting and auditing standards, as well as effective, proportionate and dissuasive civil, administrative or criminal penalties for failure of compliance, transparency regarding the identity of legal and natural persons involved in corporate entities, prevention of abuse of subsidies and licences, and preclusion of conflict of interest of public officials pursuing a career in the private sector.

In particular, the effective implementation of codes of conduct for the correct, honourable and proper performance of public functions is critical. Key to the enforcement of such codes must be ethics training, credible public complaints systems, public awareness about their rights and appropriate disciplinary measures.

Projects aimed at promoting integrity in public administration have been implemented in South Africa. A project in this regard is also underway in Colombia focusing on local government. In particularly weak and vulnerable states, such as Afghanistan and Iraq, urgent interventions are required to develop transparent procedures to prevent corruption, including the misuse of international development funds.

4. Denying the proceeds of corruption and facilitate the recovery of illicit assets

The Convention places emphasise on effective mechanisms to prevent the laundering of the proceeds of corrupt practices (Article 14) and on the recovery of assets diverted through corrupt practices. (Art. 51 - Art. 59). If there are few options for spending the illicit gains of corruption in the formal sector, or transferring them to other jurisdictions, the incentive for committing corrupt practices is itself undercut. Here, UNODC through its Global Programme against Money Laundering is already active.

Interventions will aim to assist countries in reaching compliance with international standards on the prevention of money laundering. This includes the drafting of necessary legislation and the development of new institutions. Field advisors are already in place and computer-based training modules have been developed. Specific projects on building local capacity in the asset recovery area are being designed in Kenya and Nigeria.

Conclusion: Promoting integrity

The Convention offers a unique opportunity to respond effectively to corruption – and by doing so, enhance the prospects for personal and societal development in many

countries where this is not possible in the current context. Critical to UNODC's intervention will be an initial focus on technical assistance in the four areas where its comparative experience is strongest – and our chances of making a positive and lasting impact are the highest.

Across all four areas outlined above and to ensure that UNODC's interventions have a wider impact, our work must also:

- Disseminate best practice to facilitate the implementation of the Convention.
- Develop a network of dedicated individuals in assisted countries committed to the objectives of ending corruption, prepared to sell this message to their societies and to others confronting similar challenges.
- Work with the IGAC initiative to enhance coordination and cooperation across all international and bilateral organizations involved in helping member states build integrity to fight corruption.
- Establish a closer link with NGO's, civil society and business groups who are already actively involved in preventing and combating corruption. In this regard, UNODC will continue to work with the Global Compact Initiative of the Secretary-General and the in order to secure the inclusion of corruption as a new tenth principle under this initiative.
- Build the knowledge base on the impact, nature and trends in corrupt practices, as well as the most effective means for tackling them.

In order to achieve these goals, UNODC will need to increase considerably its human and financial resources. While applying a more flexible funding mechanism for technical cooperation projects, including cost sharing and joint project implementation, for the core funding of the Global Programme against Corruption, UNODC will continue to rely on direct contributions by Member States.

GPAC Strategy for 2004-2006

COUNTRIES	STRATEGIC AREAS
Area 1	National Anti Corruption Policies and Mechanism (Articles 5,6,13)
Lebanon	Project Title: Support to the National Anti-corruption Strategy Plan. Focus: Elaboration and promotion of an Anti Corruption Youth Charter
Nigeria	Project Title: Strengthening the capacity of the anti corruption agencies Focus: development and implementation of a national integrity strategy and an AC action plan, including (i) establish measurable objectives, baseline, and indicators, (ii) conduct assessment, (iii) action planning meetings, (iv) implementation and (v) monitor progress
Afghanistan	Project Title: Preparatory Assistance to the institutional development of the National Anti-Corruption Commission and the development of a National Integrity Strategy
Kenya	Project Title: Strengthening the Institutional and Operational Capacity of the Department of Public Prosecution Focus: Strengthening legislation, policies, mandate, awareness, skills, systems and facilities
Area 2	Area 2; Strengthening Judicial Integrity and Capacity (Articles 11)
Nigeria	Project Title: Strengthening Judicial Integrity and Capacity Focus: (i) Federal Integrity Meeting to establish measurable objectives, baseline, and indicators, (ii) conduct assessment, (iii) action planning meetings in 4 pilot provinces, (iv) implementation in pilot courts..
Indonesia	Project Title: Strengthening Judicial Integrity and Capacity Focus: (i) establish measurable objectives, baseline, and indicators, (ii) conduct assessment, (iii) action planning meetings in 2 pilot provinces and 6 pilot courts , (iv) implementation in pilot courts;
Mozambique	Project Title: Strengthening the Integrity and Capacity of the Court System in Mozambique Focus: (i) establish measurable objectives, baseline, and indicators, (ii) conduct assessment, (iii) action planning meetings, (iv) action plan implementation.
South Africa	Project Title: Strengthening Integrity and Capacity of the Court System Focus: i) establish measurable objectives, baseline, and indicators, (ii) conduct assessment, (iii) action planning meetings in 2 pilot provinces, (iv) implementation in pilot courts.
Nigeria (phase2)	Project Title: Strengthening Judicial Integrity and Capacity in Nigeria, Phase 2 Focus: (i) based on 2 nd assessment roll out measures that works to all courts in the 3 pilot states, (ii) conduct assessment in 8 new pilot states, (iii) action planning meetings in 11 pilot states (iii) implementation in pilot courts (iv) monitor progress through second assessment, (v) identify best practices and lessons learned.
Iran	Project Title: Strengthening Judicial Capacity Focus: (i) study tours to Singapore and Austria, (ii) workshop on international best judicial practices relevant to the Iranian context (iii) designing and implementation of policy measures based on a needs-assessment (iv) develop a blueprint for the strengthening judicial capacity.
Iraq	Project Title: Strengthening Judicial Integrity and Capacity
Global	Project Title: International Judicial Group (14 Chief Judges from Asia and Africa) Focus: (i) judicial integrity (ii) facilitate a “safe” and productive learning environment, (iii) to raise awareness regarding judicial integrity and to develop, guide, and monitor judicial integrity and capacity pilot projects
Area 3	Promoting Integrity in the Public and Private Sector (Articles 7,8,9,10,12)
Colombia	Project Title: Strengthening Local Government Institutions in the Fights Against Corruption Focus: establishment of anti-corruption action plans covering the executive, legislative and judicial domains in the three local governments
South Africa	Project Title: Support to the South African National Anti-Corruption Programme. Focus: (i) preparation of a national AC strategy and action plan, (ii) drafting of AC legislation, (iii) the enhancement of the capacity for prevention, investigation and prosecution in public sector (iv) assisting specialized investigating and prosecutorial units; (v) comprehensive assessment,
Georgia	Project Title: To be determined
Global	Project Title: Interagency Anti-Corruption Coordination Mechanism Focus: (i) systematic and continuing coordination and cooperation across key donors, (ii) database, (iii) web page
Global	Development and Dissemination of Best Practise
Gaza/West Bank	Establishing effective and preventive anti-corruption regime in the Palestinian Autonomous Areas.
Area 4	Denying the Proceeds of Corruption and Facilitate the Recovery of Illicit Assets (Articles 51-58)
Kenya/Nigeria	Project Title: Capacity Building in Asset Recovery (FS/NIR/KEN/04/R83) Focus: comprehensive case assessment and prepare a comprehensive asset recovery strategy prepared.
Nigeria	Strengthen Nigeria’s Capacity to Recover Illicit Assets
Kenya	Strengthen Kenya’s Capacity to Recover Illicit Assets