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Technical assistance

Technical assistance in support of the implementation of the United Nations Convention against Corruption

Background paper prepared by the Secretariat

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. 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 background paper provides an overview of the delivery by the United Nations Office on Drugs and Crime (UNODC) of technical assistance needs identified since the third session of the United Nations Conference of the States Parties to the United Nations Convention against Corruption and sets forth a strategic approach to meeting the priority technical assistance needs identified through the mechanism for the review of implementation of the Convention (the Implementation Review Mechanism). The paper also provides a description of activities carried out during the past biennium, as well as current planning for the delivery of technical assistance by UNODC, which, pursuant to Conference resolution 3/4, fully incorporate the fundamental principle of safeguarding country-led and country-based, integrated and coordinated technical assistance programme delivery and ensuring that sufficient resources are available to meet the needs identified through the Implementation Review Mechanism.

* CAC/COSP/2011/1.



II. From Doha to Marrakech

A. Intergovernmental context

3. In its resolution 3/4, the Conference welcomed the efforts of UNODC to analyse the technical assistance needs identified by States parties and signatories to the Convention in their responses to the self-assessment checklist; took note of the recommendations of the Open-ended Intergovernmental Working Group on Technical Assistance (CAC/COSP/2009/8); encouraged States parties and signatories to continue to communicate to UNODC information about anti-corruption experts; and encouraged States and UNODC to develop coordinated partnerships, including between the public and private sectors, in order to leverage resources for advancing technical assistance efforts. In its resolution 3/1, the Conference decided that the Implementation Review Mechanism would be in charge of following up and continuing the work of the Working Group.

4. At its resumed first session, held in Vienna from 29 November to 1 December 2010, the Implementation Review 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 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 Review 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, paras. 29-31).

5. In addition, the Implementation Review Group recommended that the Secretariat should (CAC/COSP/IRG/2010/7/Add.1, para. 34):

(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) Gather information on experiences and lessons learned in the provision of technical assistance in anti-corruption efforts;

(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 Conference resolution 3/4 for UNODC to 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 (CAC/COSP/IRG/2010/7/Add.1, para. 35).

7. The Implementation Review Group, at its second session, held in Vienna from 30 May to 2 June 2011, considered a note on integrating technical assistance in the review process (CAC/COSP/IRG/2011/3), which contained an analysis of 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 that early stage of the review cycle, taking into account the preliminary review, the need for certain types of assistance emerged: (a) summaries of good practices and lessons learned; (b) model legislation, treaties, arrangements and agreements; (c) on-site assistance by an anti-corruption or relevant expert; (d) legal advice; and (e) 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 to making concrete recommendations on policy and operational issues related to technical assistance (CAC/COSP/IRG/2011/4, para. 41) and that that analysis should 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, including in the context of existing regional and international activities and initiatives (CAC/COSP/IRG/2011/4, para. 45).

B. Assistance provided for the identification of technical assistance needs

9. As detailed in a conference room paper prepared by the Secretariat for the meeting of the Open-ended Intergovernmental Working Group on Technical Assistance held in Vienna on 3 and 4 September 2009, 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, it 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 then putting them into effect. It 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, 26 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 workshops¹ 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. Several ad hoc training programmes were implemented for States parties upon request. During the second year of the review, 41 States parties will undergo the same process and UNODC will organize similar training workshops. In addition, assistance has been provided to several States 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 the application of the self-assessment checklist. Such a review can also be expanded to include chapters II and V of the Convention in order to take a comprehensive approach to the identification of technical assistance needs for the implementation of the entire Convention. Several technical assistance providers have begun using the Convention as a framework for targeted work at the country level. In line with that perspective, the United Nations Development Programme (UNDP) and UNODC, together with the Deutsche Gesellschaft fuer Internationale Zusammenarbeit, the Basel Institute on Governance and the Institute of Governance Studies (Bangladesh), developed in 2010 the “Guidance note on UNCAC self-assessments: going beyond the minimum”, which provides a methodology for the comprehensive analysis of anti-corruption systems by engaging 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 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 use of 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 that number is expected to increase. As recommended by the Working Group on Technical Assistance, the Secretariat prepared a template for curriculum vitae 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

¹ The regional training workshops were: for French-speaking countries in Africa, held in Dakar in September 2010; for countries in North Africa and the Middle East, held in Rabat in September 2010; for countries in Latin America and the Caribbean, held in Panama City in September and October 2010; for English-speaking countries in Africa, held in Pretoria in October 2010; for countries in Asia and the Pacific, held in Jakarta in October 2010; for Russian-speaking countries, held in Moscow in October 2010; and two training sessions held in Vienna in 2010.

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. That allows States to add or modify relevant details of their experts' information online. Only the Secretariat has access to all information provided through that mechanism; thus, confidentiality is ensured. The database provides an overview of the profiles of experts that enables their areas of expertise to be identified and categorized. Activities carried out by the 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 providing accurate and updated information on available experts, thus allowing the database to remain a useful tool.

14. In the context of UNODC efforts to facilitate technical assistance, there has been a growing emphasis on South-South cooperation, also referred to as South-South learning, which has emerged as an alternative or complement to more traditional development assistance structures.

D. Delivery of legislative and capacity-building technical assistance by the United Nations Office on Drugs and Crime

15. Since November 2009, when the third session of the Conference was held, UNODC has provided technical assistance to States upon request, both through tailored legislative and capacity-building activities and through the development of tools facilitating the delivery of assistance on the ground. The assistance provided relates to issues covered not only in chapter III and chapter IV of the Convention, currently under review, but also in chapter II (Preventive measures) and chapter V (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. The thematic programme also refers to the anti-corruption activities carried out within the framework of the respective regional programmes.

17. Programmes have been developed for East Africa (covering the period 2009-2012), East Asia and the Pacific (covering the period 2009-2014), the Caribbean (covering the period 2009-2012), the Arab States (covering the period 2010-2014), South-Eastern Europe (covering the period 2009-2012) and West Africa (covering the period 2010-2014), and have recently been elaborated for Afghanistan and neighbouring countries (covering the period 2011-2014) and for Southern Africa (covering the period 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 the programmatic approach of UNODC.

1. Tailored legislative and capacity-building assistance

(a) Implementation of the global programme “Towards an effective global regime against corruption”

19. During the period 2010-2011, numerous technical assistance needs for countering corruption have been — and continue to be — addressed through the global programme “Towards an effective global regime against corruption”, which enables UNODC to provide professional guidance, advice and expertise to States parties, upon request.

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

21. Six States receiving such assistance (Botswana, the Democratic Republic of the Congo, India, Nepal, Thailand and Vanuatu) became parties to the Convention during the period under review, and support was provided by UNODC to those States, both during and after the ratification process.

22. Most technical assistance activities provided to States 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 the adoption of codes of conduct. For instance, in 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 Seychelles in identifying and proposing an effective case management system for deployment at the national level.

23. In a project sponsored by the United Nations Democracy Fund on emerging democracies in Africa and carried out in 2010, the Convention was used as a blueprint for plans of action against corruption in Liberia, Mauritania and Togo, aimed at strengthening the normative and institutional capacity of domestic authorities to comply with the provisions of the Convention. A workshop entitled “Strengthening the Capacity of Anti-corruption Bodies in West Africa (ECOWAS and Mauritania): Implementation of the United Nations Convention against Corruption” was held in Dakar in June 2010. The workshop was attended by over 60 participants, including representatives from Morocco and Rwanda. During the workshop, a workplan for a network of anti-corruption bodies in West Africa was adopted. At a follow-up meeting of the steering committee of the network held in Bamako in October 2010, the implementation of the workplan was elaborated.

24. In addition, in following up the voluntary pilot programme for reviewing the implementation of the Convention, seed funding was provided for the elaboration and launch of technical assistance activities to meet the needs identified during the pilot review programme (covering the period 2007-2009), a precursor to the Implementation Review Mechanism. Activities in the Plurinational State of 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.

(b) Implementation of the anti-corruption mentors programme

25. Since 2006, under the framework of the anti-corruption mentors programme, advisers have been placed in Bolivia (Plurinational State of), Cape Verde, Jordan, Kenya, Tajikistan and Thailand, as well as in South 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 the investigation and prosecution of corruption, offering legislative guidance and advising on asset recovery strategies.

26. The mentors’ programme was relaunched in mid-2011 through the placement of an adviser in the Democratic Republic of the Congo and the additional placement of advisers with subregional responsibilities in Kenya (for East Africa), Panama (for Central America) and Thailand (for South-East Asia). The network of anti-corruption mentors will provide rapidly deployable, professional expertise at both the country and subregional levels to facilitate the delivery of on-site guidance and the provision of advice to States parties requesting assistance in strengthening legislation and institutions with a view to furthering the implementation of the Convention.

(c) 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.

28. In Afghanistan, UNODC has been providing technical assistance to enhance the capacity of the Government to implement the Convention. UNODC has been supporting the High Office of Oversight and Anti-Corruption. Legislative assistance has also been provided for the revision of the draft audit law, a revision of the Penal Code and the draft criminal procedure code, 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 adoption of the Code of Conduct, UNODC launched a nationwide training programme for Afghan prosecutors. More than 1,600 prosecutors from all over Afghanistan have been trained to date. Additional assistance has been provided to the Ministry of the Interior in the revision of the police code of conduct; the draft is currently being reviewed by the Ministry of the Interior. Furthermore, together with the United Nations Interregional Crime and Research Institute, UNODC has been assisting in the development and finalization of a manual for Afghan prosecutors and judges on the handling of corruption cases. To date, 301 justice officials have been trained, including judges, prosecutors and police officials from Kabul, Kandahar, Nangarhar, Mazar and Herat. In January 2010, UNODC, in partnership with the High Office of Oversight and Anti-Corruption, released a study on the incidence and characteristics of bribery in Afghanistan. With support from UNDP, UNODC is undertaking research on corruption in Afghanistan with a view to building the capacity of the High Office of Oversight and Anti-Corruption. During the period under review, Eureka Research, the High Office of Oversight and Anti-Corruption and UNODC finalized a sector survey questionnaire and conducted in 25 provinces the first sector survey of local governance. The next sector survey will 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, the provision of information technology assistance and the provision of support for the implementation of the national anti-corruption strategy. Support is being provided to 15 non-governmental organizations at the grass-roots level in launching a national anti-corruption campaign. With regard to corruption and the environment, UNODC is strengthening the capacity of Indonesian law enforcement and criminal justice authorities to investigate, prosecute and adjudicate illegal logging cases and related corruption cases. UNODC is also working with Indonesian civil society organizations to support so-called "barefoot investigators", who look for and expose cases involving 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 survey of good governance and integrity have been completed, and support has been provided for the adoption of a national

anti-corruption strategy and anti-corruption legislation. Two new projects under the programme were launched in 2011 to support the commission on integrity and other relevant institutions in interacting with the judiciary to, among other things, strengthen operational capacity in asset recovery and financial investigations.

31. In Nigeria, UNODC, in partnership with the European Union, completed its largest anti-corruption project to date, providing support to the Economic and Financial Crimes Commission and the Nigerian judiciary. The activities included strengthening the operational capacities of the Commission, for example by organizing specialized training for staff and management, providing basic operational equipment, establishing the Commission's Training and Research Institute, creating a forensic laboratory and providing a state-of-the-art information technology system and custom-made database applications. The project also resulted in assistance being provided to the Nigerian judiciary and other justice sector stakeholders in strengthening the integrity and capacity of the justice system at the national level and in 10 Nigerian states. A large-scale assessment of the integrity and capacity of the justice sector provided baseline data allowing 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 the carrying out of assessments of corruption, the provision of support for the development of a national anti-corruption strategy and the establishment of a national network of civil society organizations. In another ongoing project, UNODC is assisting the Nigerian private sector in developing principles of unethical business conduct, as well as in carrying out assessments of the risk of corruption in the private and public sector interface.

32. In the Democratic Republic of the Congo, a justice programme has been developed jointly by 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 programme referred to in paragraph 25 above will be placed in the Ministry of Justice and Human Rights to provide on-site assistance in the implementation of the joint justice programme.

33. In addition, national programmes against corruption are currently being developed for several countries in the Middle East and North Africa, such as Egypt, Jordan and Tunisia. UNODC, in close cooperation with the League of Arab States and other international organizations and bilateral assistance providers, has provided assistance to anti-corruption efforts, including asset recovery, in countries throughout the Middle East and North Africa. Finally, UNODC has provided assistance to anti-corruption programmes under development in Albania and Serbia, as well as in Kosovo.² As issues related to asset recovery, international cooperation and mutual legal assistance continue to arise throughout those subregions, UNODC will provide assistance, guidance and support, as required.

² All references to Kosovo in the present background paper should be understood to be in compliance with Security Council resolution 1244 (1999).

2. Technical assistance tools facilitating assistance delivery on the ground

(a) Development of Tools and Resources for Anti-Corruption Knowledge and other tools and guidance materials

34. As a tool for fostering information-sharing and providing an accessible anti-corruption resource, UNODC has developed a library of national legislation and jurisprudence relevant to the Convention. The library currently contains entries from over 175 States. The key objective of the legal library is to collect, catalogue and disseminate updated and validated knowledge of anti-corruption legal efforts to help strengthen the implementation of the Convention and its ratification or accession by States. 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 of efforts in the areas of 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. Pursuant to Economic and Social Council resolution 2007/22, UNODC, in cooperation with the American Bar Association Rule of Law Initiative and the Research Institute on Judicial Systems of the National Research Council of Italy, has developed a guide on strengthening judicial integrity and capacity. The guide is intended to serve as a resource for judges, legal practitioners, legislators and policymakers involved in the development and strengthening of national judicial systems and the administration of justice.

36. Through a 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 the *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.

(b) 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, focusing on methodologies providing quantitative and experience-based assessments. The surveys have served 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, covering Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, as well as Kosovo). In Afghanistan, UNDP and UNODC jointly developed a comprehensive programme of surveys on corruption and the integrity of civil servants. In Iraq, UNODC and UNDP, in close collaboration with national anti-corruption bodies and the national statistic agency, developed a programme of surveys aimed at providing a comprehensive assessment of the integrity and working conditions of civil servants. Finally, within the framework of a study on

crime victims in Africa, UNODC is offering an analysis of the experience of bribery by the population, thus providing first-hand data on experiences involving corruption in 11 African countries.

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

(a) 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, focusing on the relevance of the Convention to the private sector. One project is aimed at developing a global outreach and communication programme for the Convention targeting the private sector, as well as an academic module on the Convention. Another project is to explore the idea of creating systems for providing legal incentives to companies' integrity efforts, thereby encouraging businesses to come forward and report internal incidents of corruption. The third project is aimed at reducing 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, which are being piloted in India and Mexico, and also involve the compilation and dissemination of good practices and lessons learned at the global level.

40. Together with the United Nations Global Compact, 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 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 about its potential for contributing to the fight against corruption. The tool was launched on 9 December 2010, International Anti-Corruption Day, and is available free of charge on the UNODC websites at <http://thefightagainstcorruption.unodc.org> (or <http://thefightagainstcorruption.unglobalcompact.org>).

(b) 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 in the framework of the StAR Initiative, which was developed jointly by UNODC and the World Bank. The StAR Initiative 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. The StAR Initiative has produced several practical tools and policy studies to support that effort, including a practitioners' handbook on asset recovery, a guide on income and asset declarations and a guide for non-conviction-based asset forfeiture. In addition, numerous basic and advanced training courses were conducted by StAR Initiative experts, and the StAR/International Criminal Police Organization (INTERPOL) database of asset recovery focal points was launched and further developed.

42. In addition, during the reporting period, the StAR Initiative has responded to over 30 requests for technical assistance, and provided support at both the country and regional levels. For example, StAR Initiative experts participated in a workshop

on asset recovery hosted by the League of Arab States in Cairo 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, the focus is on policy dialogue and the facilitation of contact between national authorities and financial centres; in other cases, the focus is on capacity-building activities and providing advisory services to support specific asset recovery challenges.

4. Available resources

43. UNODC technical assistance activities in support of the implementation of the Convention, including many of the provision of professional experts required for the delivery of the assistance, 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 about US\$ 9 million in voluntary contributions was 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 from Australia, Austria, Canada, France, Germany, Luxembourg, Norway, Panama, Sweden and the United States of America, as well as from UNDP, the World Bank and Siemens. Contributions were also made available to UNODC field offices for the implementation of in-depth country-based capacity-building programmes.

E. Coordination and cooperation in the delivery of technical assistance

45. To avoid duplication of effort and to mutually reinforce the results of technical assistance projects and programmes, UNODC is partnering with many United Nations entities (including UNDP, the Department of Peacekeeping Operations of the Secretariat, the United Nations Global Compact, the United Nations Commission on International Trade Law, the United Nations Industrial Development Organization, the United Nations Children's Fund (UNICEF) and the Department of Economic and Social Affairs of the Secretariat), as well as other international organizations (the World Bank, the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee Network on Governance (GOVNET)). In addition, UNODC is involved in several regional initiatives (such as the Asian Development Bank/OECD Anti-Corruption Initiative for Asia and the Pacific) and regional mechanisms against corruption (such as the Group of States against Corruption, established by the Council of Europe) requiring strengthened coordination in technical assistance efforts involving various stakeholders.

46. Pursuant to 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 together organized a seminar for Pacific States on the pre-ratification of the Convention in Samoa in July 2010 and training workshops for government experts participating in the Implementation Review Mechanism. UNDP and UNODC are planning to streamline anti-corruption while developing country-specific United Nations

development assistance framework and are currently developing an anti-corruption training course to provide participants with essential knowledge, as well as analytical and practical skills and to facilitate the integration of anti-corruption elements into the development assistance frameworks.

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

48. UNODC has actively contributed to 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 preventing and countering corruption. The International Anti-Corruption Academy was established following a joint initiative by UNODC, 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 an anti-corruption academy for Central America and the Caribbean that will follow the same approach as the International Anti-Corruption Academy, 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 to ensure that its technical assistance delivery remains pertinent and fully aligned with the needs arising from the operation of the Implementation Review Mechanism, focusing on chapters III and IV of the Convention while continuing to support Member States in advancing the implementation of the provisions in chapters II and IV of the Convention prior to the review of those provisions during the second cycle of the Mechanism.

51. Guidance is required in terms of focus and implementation modalities for the 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 technical assistance activities in order to meet expectations and demands.

A. Enhancing the delivery of technical assistance by prioritizing and modalities that provide a 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 the recommendations of various working groups, it appears that meeting the technical assistance needs of States in connection with the implementation of the provision of chapters III and IV of the Convention is likely to be accomplished at three levels: the global level, the regional level and the country level. Such an approach would offer considerable opportunities for maximizing impact, effectiveness and coherence in programming and 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 requiring a broader perspective.

53. The current analysis of technical assistance needs identified through the Implementation 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, international cooperation could be strengthened by the establishment of a network of central authorities that would facilitate electronic communication, knowledge- and information-sharing and the provision of expertise at the national and international levels.

54. At the regional level, technical assistance needs could be met and coordinated by, among other things, building on the established UNODC network of anti-corruption advisers, which has deployed four advisers to regional offices thus far, plans to deploy one additional adviser in the coming months. The deployment of anti-corruption experts on a regional basis helps to foster cooperation and coordination based on geographical location, better addresses issues that arise at the regional level and provides rapidly deployable technical assistance 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. The experts would also organize and deliver subregional workshops that bring practitioners and sector leaders together for capacity-building activities in core areas where technical assistance needs have been identified.

55. At the country level, specific technical assistance needs would be identified through the Implementation Review Mechanism, and delivery would be adapted to suit the country-specific context where such 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 focus on a three-stage approach consisting of basic training programmes, advanced training modules and the training of trainers to ensure sustainability of national capacity in the long term. In general, institutions that would benefit would include law enforcement units, 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 ensure the 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 know-how. 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, taking into account 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 countries. Forming a cadre of specialists responsible for introducing reforms and taking them forward at the national level must be made one of the highest priorities. Concurrently, adequate resources must be devoted to building capacity in order to turn out a new generation of practitioners well versed in the full implementation of the measures foreseen by the Convention.

57. 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; it can also draw on its operational capacity and field presence and on programmatic synergies with efforts in the areas of drug control and the prevention of transnational organized crime, money-laundering and terrorism. Its presence in the field enables UNODC to work closely with local officials in designing and implementing activities. The full integration of corruption-specific activities in UNODC regional and country programmes should enable UNODC to meet the demand for more comprehensive packages of assistance that encompass criminal justice reform in general and activities aimed at strengthening anti-corruption efforts by addressing related criminal activities.

58. UNODC will further facilitate technical assistance delivery by others through joint partnerships and the elaboration of its database of anti-corruption experts. The long-term sustainability of the database will depend on the commitment of States parties to providing accurate and updated information on available experts.

B. Strengthening cooperation and coordination among technical assistance providers

59. UNODC is only one of many technical assistance providers at the bilateral and multilateral levels. Coordination and cooperation among such providers is essential

to ensuring that resources are maximized. It is necessary to obtain an accurate and complete picture of who the providers are and what type of assistance is already being provided. States parties and technical assistance providers have been requested by the Implementation Review Group to share information with the Secretariat on assistance that is being or has been provided.

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

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 in 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, donors and other technical assistance providers should consider exploring whether development funds could increasingly be drawn on to meet the needs identified through the Implementation Review Mechanism.

62. Successfully mainstreaming the implementation of the Convention in development assistance might require time. Therefore, the sustainability of efforts and unwavering commitment are essential. However, to have such sustainability and commitment, it is crucial that taking action against corruption continues to be high on the political agenda at the national, regional and international levels. 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 taking action against corruption. For donors and technical assistance providers, it is important to ensure that there are broad political and social buy-in and support for institutional and structural reforms, strengthening compliance with the provisions of the Convention, with a view to reaching the overall goal of effectively reducing corruption.

IV. Conclusions and recommendations

63. The first results emerging from the Implementation Review Mechanism demonstrate a need for technical assistance to advance the full and effective implementation of the Convention. Moreover, as underlined by the Implementation Review Group, while the focus should be 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 advisers and the organization of regional and subregional capacity-building workshops and tailored legal support and capacity-building programmes at the national level.

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

66. UNODC will 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 to maximize consultation, coordination and cooperation in the delivery of anti-corruption assistance.

67. **The Conference may wish to consider inviting all providers of assistance in the area of anti-corruption to enhance their coordination 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 using 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 overall 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 should 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 for the ratification and implementation of the Convention have stretched the operational capacity and the limited resources available to UNODC. Additional voluntary contributions and cost-sharing arrangements with assisted countries are essential if the Office is to fulfil its mandates in the area of technical assistance.

72. **The Conference may wish to express its gratitude to the donor countries for their voluntary contributions to UNODC and to consider inviting States parties to increase the level of financial contributions provided to UNODC in order to facilitate the delivery of technical assistance to requesting Member States for the effective implementation of the Convention.**