UNODC
United Nations Office on Drugs and Crime

Regional Training of Governmental Experts in Arab Countries on the Mechanism for the Review of the Implementation of the UN Convention against Corruption

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DRAFT PROGRAMME

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I. BACKGROUND

1. Since its entry into force on 14 December 2005, the United Nations Convention against Corruption (UNCAC) emerged as a rallying point in the global fight against corruption. By providing an internationally-agreed framework of standards for preventing and combating corruption, the Convention helped create a common language for anti-corruption stakeholders across the world, and provided a solid platform for regional and international cooperation in this area. Indeed, the advent of the UNCAC has played a critical role in invigorating anti-corruption efforts in the Arab region, where only a few years ago, corruption was treated as a taboo-issue, nearly banned from public debate. In 2008, Arab countries established the Arab Anti-Corruption and Integrity Network (ACINET), which rapidly transformed into a unique regional mechanism for capacity development, knowledge networking and policy dialogue in this area.[1] Today, 16 Arab countries have committed themselves to implement the UNCAC,[2] and many of them have already embarked on concrete implementation steps.

2. The Mechanism for the Review of the Implementation of the UNCAC, hereinafter the "Review Mechanism", was adopted at the third session of the Conference of States Parties (CoSP), in Doha (Qatar) on 13 November 2009.[3] As a result, countries will be increasingly required to closely examine the progress of their implementation efforts and take more concrete steps in the fight against corruption. In the words of the UN Secretary General, "from now on, States will be judged by the actions they take to fight corruption, not just the promises

[1] For information on ACINET please contact info@arabacinet.org and visit http://www.pogar.org/resources/ac/.

[2] Arab countries that are State Parties to UNCAC are Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Qatar, Tunisia, United Arab Emirates, and Yemen. Comoros, KSA, Sudan, and Syria have only signed the Convention and are yet to become State Parties. Oman and Somalia have not signed the Convention yet (http://www.unodc.org/unodc/en/treaties/CAC/signatories.html). The Palestinian National Authority has also committed to implement the UNCAC in a statement addressed to the UN Secretary General in 2005 (http://www.aman-palestine.org/uncac/palestine.htm).

[3] Please see http://www.unodc.org/documents/treaties/UNCAC/COSP/session3/V0988538e.pdf.

they make".[4] The Review Mechanism is an intergovernmental process whose overall goal is to assist States Parties in the implementation of the Convention. It is expected to promote and facilitate the provision of technical assistance by enabling States Parties to identify and substantiate specific needs in this regard. It is also expected to provide the CoSP with information on successes, good practices and challenges related to UNCAC implementation, thus promoting a more sustainable knowledge exchange among States Parties. Each review phase is composed of two review cycles of five years. The first cycle will review chapters III (Criminalization and law enforcement) and IV (International cooperation), and the second cycle will review chapters II (Preventive measures) and V (Asset recovery). Each cycle includes four annual rounds with one fourth of the States Parties selected, by the drawing of lots, to be reviewed during each round. The review process starts with a self-assessment exercise conducted by each country, using the comprehensive UNCAC Self-Assessment Checklist (Checklist)[5]. Afterwards, the self-assessment report is analyzed by two other States Parties, which are also selected by drawing of lots. The reviewing States Parties may request additional information through dialogue with the State under review and possibly direct means of information gathering such as a country visit or joint meeting as agreed. The findings of the process are then developed into a country review report, based on a blueprint to ensure consistency, and submitted to the CoSP. The executive summary of this report is made public.

3. Prior to the establishment of the Review Mechanism, States parties had to report on their implementation of the Convention using the limited self-assessment checklist on certain provisions of the UNCAC. In addition, many countries engaged in various types of UNCAC assessment exercises, most commonly referred to as "UNCAC Gap Analyses".[6] The German Technical Cooperation Agency (GTZ), the United Nations Development Programme (UNDP), the UN Office on Drugs and Crime (UNODC), the United States Agency for International Development (USAID), the World Bank and other agencies worked with governments and non-governmental actors to support such exercises. UNODC also supported a Pilot Review

[4] The UN Secretary General, message on the occasion of "International Anti-Corruption Day", 9 December 2009 (http:/www.un.org/en/events/anticorruptionday/sgmessages.shtml).

[5] The UNCAC self-assessment checklist is a user-friendly computer-based application developed by UNODC, in consultation with States parties, to gather information on the state of compliance with the Convention in a given country. Taking advantage of statistical functions, the Checklist will provide the Conference of the States Parties with detailed information on compliance rates and technical assistance needs. The first version of the Checklist, which was developed in 2007, was only limited to the mandatory provisions of the Convention. It was subsequently improved and expanded in 2009 to include all the articles of the Convention, taking into consideration the inputs of experts and more than 37 countries, including members of the AGEG. For more information and to download the Checklist, please visit http://www.unodc.org/unodc/en/treaties/CAC/self-assessment.html.

[6] The UNCAC Gap Analyses, as pioneered by the German Technical Cooperation (GTZ) and with support from the Basel Institute on Governance (Switzerland) and the Institute of Governance Studies (Bangladesh) involved a three step process. Firstly, a systematic comparison of national legislation and practices with the UNCAC provisions through a broad national consultative process. Secondly, the investigation of the extent to which the legal framework and the institutional set-up, in practice, provide for the necessary implementation under the UNCAC. Thirdly, the identification by the country conducting the UNCAC Gap Analysis of reform priorities and technical assistance needs. The final report outlined the findings in narrative and matrix format, and included recommendations in order to bring the given country into full compliance with the Convention.

Programme in 2007-2009, in which 29 countries participated, to assist the CoSP in reaching a decision on the establishment of an appropriate UNCAC review mechanism.[7] Notwithstanding the different approaches used in conducting UNCAC assessment exercises, they all share one main objective, which is to undertake an analysis of the extent to which a country's national anti-corruption systems, including its policies, laws, regulations, institutions and programmes are complying with the requirements of UNCAC, both *de jure* and *de facto*, with a view to reaching conclusions on the existing compliance gaps and related technical assistance needs. The recently established Review Mechanism is not different in this respect, except that, by virtue of the CoSP Resolution 3/1, it has become the formal mechanism and the internationally-agreed framework of minimum requirements for assessing UNCAC implementation. Indeed, the Review Mechanism sets out a number of obligatory steps that States Parties are required to undertake in this regard, but also opens the door for willing countries to engage in more elaborate and inclusive assessment exercises, should they wish to increase the usefulness and reliability of the assessment exercise as a whole.

4. The experience of Arab countries in the area of UNCAC assessments is constantly developing, but is still considered to be limited. Algeria, Egypt, Iraq, Jordan, Tunisia, Morocco and Yemen have officially submitted UNCAC self-assessment reports to the CoSP using the older version of the Checklist.[8] A fewer number of countries supported additional engagement in UNCAC assessment exercises. Jordan participated in the UNCAC Pilot Review Programme, and benefited from its findings to request technical assistance and implement a number of anti-corruption measures. Iraq supported an inclusive in-depth UNCAC self-assessment exercise to inform the formulation of its national anti-corruption strategy. Morocco and Yemen are in the process of developing their own UNCAC Gap Analysis reports, while Kuwait has completed its own UNCAC gap analysis report without publishing the final results, as of August 2010. The involvement of non-governmental actors in UNCAC assessment exercises has also been very limited. Instead, separate non-governmental initiatives were launched in Egypt, Lebanon, Morocco and the occupied Palestinian territory, to produce UNCAC assessment reports.

5. The Arab countries' interest in engaging in UNCAC assessment exercises has been mainly fostered by the Arab Governmental Expert Group (AGEG) on UNCAC Self Assessment, which was established in December 2007, with the support of the UNDP's Programme on Governance in the Arab Region (POGAR), in cooperation with UNODC. The overall aim of the AGEG is to strengthen the capacity of Arab governments in the area of anti-corruption assessments, with a view to supporting a movement towards an evidence-based approach to UNCAC implementation, and enhancing reporting to the Conference of State Parties. The AGEG made very positive contributions, primarily focusing on popularizing the use of the Checklist and developing related capacities for governmental experts from more than 14 Arab countries.[9] In

[7] For more information about the UNCAC Pilot Review Programme, please visit http://www.unodc.org/documents/treaties/UNCAC/COSP/session3/V0987359e.pdf.

[8] http://www.unodc.org/documents/treaties/UNCAC/COSP/session3/V0987463e.pdf.

[9] REPUCCI Sarah, "Maximising the Potential of UNCAC Implementation: Making Use of the Self Assessment Checklist", U4 Anti-Corruption Resource Centre 2009 (www.cmi.no/publications/publication/?3484=maximising-the-potential-of-uncac-implementation).

March 2010, a similar group was established for non-governmental practitioners, under the name of the Arab Non-Governmental Expert Group on Anti-Corruption Assessments (ANEGA), with a view to supporting a more inclusive approach to the implementation of the UNCAC, in line with article 13, amongst others.

6. With the establishment of the UNCAC Review Mechanism and the increasing awareness in the Arab region, on the importance of assessments as a cornerstone for evidence-based anti-corruption reforms including the effective implementation of the UNCAC and sectoral reform initiatives, the demand for cooperation in the area of integrity and anti-corruption assessments is expected to increase significantly. In response, UNDP will work with its partners in the framework of the new regional anti-corruption initiative (2010-2014),[10] to strengthen the capacity of governmental and non-governmental practitioners, including members of the AGEG and ANEGA, to design, implement and use anti-corruption assessments in a contextualized manner, with a focus on reinforcing the UNCAC Review Mechanism and informing national anti-corruption policies and strategies. Furthermore, pursuant to the recommendations of the first meeting of the Implementation Review Group of the UNCAC,[11] UNDP and UNODC will also cooperate to provide governmental experts, who are nominated by their countries, with periodic training to support their effective participation in the Review Mechanism.

II. THEMATIC FOCUS

7. The thematic focus of this regional training is the UNCAC Review Mechanism, which is the official mandatory process that States Parties will use to share information with their peers on the progress of their UNCAC implementation efforts and related technical assistance needs. The Review Mechanism, however, is not only conceived as a mere reporting tool. If used properly, it may also serve as an innovative nationally-owned and nationally-driven reform mechanism. For this purpose, it is important to provide participants with the necessary knowledge and tools to engage effectively in the UNCAC Review Mechanism, while actively contributing to policy dialogue and actual implementation efforts at the national level.

III. OBJECTIVES

8. The overall objective of this training is to familiarize participants with the details of the UNCAC Review Mechanism and develop their capacity to participate in it more effectively. More specifically, the training seeks to:

- Equip participants with the requisite substantive expertise in UNCAC provisions to undergo and perform reviews.

[10] The initiative is expected to be launched in Jordan on 26-27 October 2010. For more information, please contact anti-corruption@undp-pogar.org.

[11] The meeting was held in Vienna on 28 June and 2 July 2010. For more information, you may download the final report http://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/28June-2July2010/Draft_report_web.pdf.

- Train the participants in the methodology for country reviews.
- Enable participants to become thoroughly proficient in the use of the comprehensive self-assessment checklist.
- Build capacity of participants to reproduce the training at the national level.

IV. PARTICIPANTS AND RESOURCE PERSONS

9. Participants include governmental experts and focal points that have been nominated by their countries to participate in the UNCAC Review Mechanism and members of the AGEG. Resource persons will include trainers from UNODC and UNDP.

V. METHODOLOGY AND DOCUMENTATION

10. The training is designed to deliver particular learning objectives in an interactive manner over a period of three days. It will include plenary presentations which will enable experts and stakeholders to provide presentations and engage in discussions with a view to exchanging information and clarifying key concepts. It will also include interactive exercises and practical applications based on mock scenarios to provide concrete learning opportunities for participants. The working languages will be English and Arabic. Simultaneous interpretation will be provided in both languages.

11. The following material will be made available for participants during the training:
- The UN Convention against Corruption.
- The Legislative Guide of the UN Convention against Corruption.
- The UNCAC Self Assessment Checklist.
- Resolution 3/1 on the Mechanism for the Review of the Implementation of the UNCAC.
- Terms of Reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
- Guidelines for Governmental Experts.
- The User's Guide on Measuring Corruption.
- Brochure on the UNDP's Anti-Corruption Work.
- Training Material (datasets for practical applications).
- Other related material submitted by the participants.

VI. AGENDA

Monday, 27 September 2010	
08.30 – 09.00	**Registration**
09.00 – 11.00	**First Session** **The UN Convention against Corruption: recent developments and implementation updates from the Arab region.** ***Session Objective:*** *Inform participants about the background, rationale and objectives of the training and enable them to share information about UNCAC implementation developments in their respective countries.*

- **Opening Statement**
  H.E. Mr. Mohamed Saad Alami, Minister Delegate to the Prime Minister in Charge of the Ministry of Public Sector Modernisation, Morocco.
- **Welcome Statements.**
  Ms. Alia AL DALLI, Resident Representative, a.i., UNDP Morocco.
  H.E. Mr. Abdesselam ABOUDRAR, President of the Central Instance for the Prevention of Corruption, Morocco.
  Mr. Giovanni GALLO, Crime Prevention Expert, Corruption and Economic Crime Section, Division for Treaty Affairs, UNODC.
- **Updates on UNCAC implementation efforts in Arab countries.**
  Tour de Table.

11.00 – 11.30	**Break**
11.30 – 13.00	**Second Session** **The UNCAC Review Mechanism: An Overview** ***Session Objective:*** *To familiarize participants with review methodology, including guiding principles, characteristics, and the relationship with the Conference of the States Parties; and present the checklist and its features and functionalities and train them on how to utilize it in the framework of the Review Mechanism.*

- **Explaining the UNCAC review methodology.**
- **Presenting the UNCAC Self Assessment Checklist.**
- **Q&As.**

13.00 – 14.00	**Lunch**

14.00 – 15.45	**Third Session** **The UNCAC Review Mechanism: Revisiting the Substantive Provisions under Review.** ***Session Objective**: to enable the in-depth exploration of the substantive requirements for implementing chapter III of the UNCAC (Criminalization and law enforcement).*

- **Overview on the "criminalization and law enforcement" provisions under the UNCAC.**
- **Interactive exercise: examining and explaining selected articles.**
- **Checklist application on one article.**

15.45 – 16.00	**Break**

16.00 – 17.30	**Fourth Session** **The UNCAC Review Mechanism: Revisiting the Substantive Provisions under Review (continued).** ***Session Objective**: to enable the in-depth exploration of the substantive requirements for implementing chapter IV of the UNCAC (International cooperation).*

- **Overview on the "international cooperation" provisions under the UNCAC.**
- **Interactive exercise: examining and explaining selected articles.**
- **Checklist application on one article.**

Tuesday, 28 September 2010	
09.00 – 10.00	**Fifth Session** **The UNCAC Review Mechanism: The Role of Governmental Experts.** ***Session Objective:** To provide the participants with specific guidance on the role of governmental experts during the different stages of the review mechanism (preparatory stage, constructive dialogue between the reviewers and the State under review, the finalization on the country report), and to*

	enable a detailed understanding of the different components of the blueprint for country review.

- **Outlining the role of governmental experts under the UNCAC Review Mechanism.**
- **Q&As.**
- **Forming the teams for the practical applications.**

10.00 – 10.15	**Break**
10.15 – 13.00	**Sixth Session** **Practical Applications: the Self Assessment Stage.** ***Session Objective:*** *to develop the capacity of participants in undertaking the self assessment exercise which is the first stage in the Review Mechanism.*

- **Introduction and general remarks.**
- **Small-group exercises.**
- **Summary of process to be followed.**

13.00 – 14.00	**Lunch**
14.00 – 15.45	**Seventh Session** **Practical Applications: the Peer Review Stage.** ***Session Objective:*** *to develop the capacity of participants in reviewing self assessment reports that are submitted by the countries under review, and inform them about the various available means of collecting additional information.*

- **Small-group exercises.**
- **Conduct of review process.**

15.45 – 16.00	**Break**
16.00 – 17.30	**Eighth Session** **Practical Applications: the Reporting Stage.** ***Session Objective:*** *to develop the capacity of participants in drafting the country reports using the blueprint.*

- **Introduction and general remarks.**
- **Small-group exercises.**

Wednesday, 29 September 2010	
09.00 – 10.30	**Ninth Session** **Presenting the Final Results of the Practical Applications.** ***Session Objective:*** *To present the final result of the practical applications and enable participants to negotiate the findings with their peers and provide feedback to the trainers.*

- **Small-group presentations.**
- **Feedback on practical applications.**

10.30 – 11.00	**Break**
11.00 – 13.00	**Tenth Session** **Reinforcing Concepts and Skills: Revisiting the Different Stages of the UNCAC Review Mechanism.** ***Session Objective:*** *To provide the participants with an opportunity to revisit the main components of the training, using an additional UNCAC article, and present the final result to their peers.*

- **Introduction and general remarks.**
- **Small-group exercises.**

13.00 – 14.00	**Lunch**
14.00 – 16.00	**Eleventh Session** **Maximizing the Potential of the UNCAC Review Mechanism: Concepts and Experiences.** ***Session Objective:*** *To promote knowledge sharing on ways to maximize the potential of the Review Mechanism in support of national-level dialogue and UNCAC implementation efforts.*

- **Presenting the ways to maximize the utility of UNCAC Self Assessment at the country level.**

- **Experiences from the region and outside the region.**
- **Complementing the UNCAC assessments with targeted country-led assessments.**
- **Open discussion.**

16.00 – 16.30	**Break**

16.30 – 17.30	**Twelfth Session** ***Session Objective:*** *To enable participants to share their feedback on the training and outline ideas for follow up and further cooperation.*

- **Participants' feedback.**
- **Concluding statements.**

19.30	**Dinner**