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From Bali to Doha and beyond

Highlights

1. Review mechanism
2. Leveraging knowledge: leading innovations
3. Asset recovery
4. Technical assistance
5. Related initiatives
6. Road to Doha: deliverables
7. Road to Doha: logistics

Contact task manager:
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1. Review mechanism

I. Working Group on the Review of Implementation

II. Pilot review programme

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I. Working Group on Review of Implementation

- CoSP2 called for proposals for TORs
  - 33 States proposed TORs
  - UNODC consolidated proposals

- Working Group on Review of Implementation: Sept. and Dec. 08, May 09

- TORs' further consolidation: from 60 pages in September 2008 to 11 to-date

- Informal meeting held on 26 and 27 February 2009

- Working Group completed first reading of TORs on 13 May – second reading up to paragraph 11

- Next meeting: 25 August-2 September 2009

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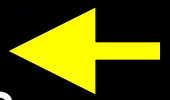
Provisional headings

I. Composition
II. Guiding Principles
III. Relationship with the Conference of the States Parties
IV. The Review Process
    A. Goals
    B. Conduct of the Review
    C. Outcome of the review Process
V. Implementation Review Group
VI. Secretariat
VII. Funding



Current negotiations (2nd reading)

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The mechanism: main elements under discussion

- Peer review process
- Desk review of self-assessment reports Vs. desk review + country visits by review team
- Composition of review team
- Sources of information
- Outcome of review process (report)
- Implementation/monitoring of recommendations
- Role of the Secretariat
- Funding

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II. Pilot review programme

- Membership and budget
- Mandate and methodology
- Lessons learned and role of UNODC

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Membership and budget

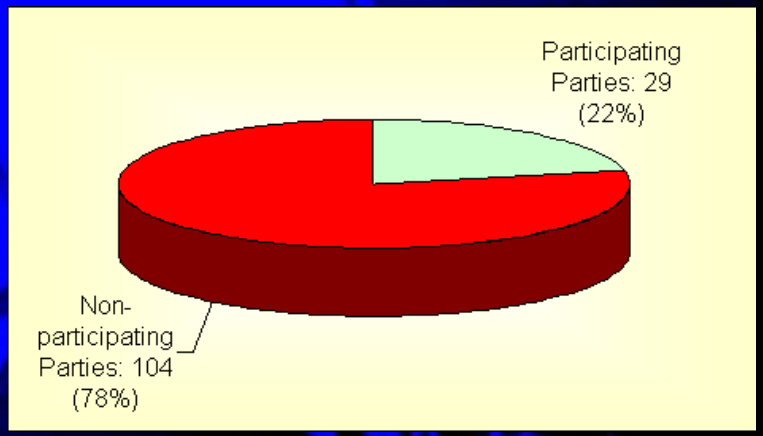
Phase I: March 07-Jan. 08
16 volunteer States

- Argentina
- Austria
- Finland
- France
- Greece
- Indonesia
- Jordan
- Netherlands
- Norway
- Peru
- Poland
- Romania
- Sweden
- United Kingdom
- Tanzania
- United States

Phase II: March 08-August 09
13 additional States

- Bolivia
- Burkina Faso
- Colombia
- Croatia
- Dominican Republic
- Fiji
- Mexico
- Mongolia
- Pakistan
- Panama
- Philippines
- Serbia
- Rwanda

29 participating States
over 1/5 of all States Parties



Budget: $2.4M by

- Austria
- Finland
- France
- Greece
- Netherlands
- Norway
- Sweden
- United Kingdom
- United States

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Mandate and methodology

- **Mandate**
  - assist participating States in assessing and reviewing compliance with UNCAC
  - test effectiveness and efficiency of the approach
  - suggest possible elements of a full-fledged review mechanisms
  - share lessons learnt and experience gained with CoSP
  - facilitate decision on the review mechanism at CoSP3
- **Methodology**
  - combined self-assessment / group / expert review method
  - identify implementation gaps and needs for technical assistance
  - recommend concrete measures to implement the Convention

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Lessons learned and role of UNODC

- Active dialogue triggered by self-assessment checklist as a basis for the review
- Country visits foster dialogue between reviewing experts and countries under review
- Good practices and common challenges exchanged
- In-country coordination and among reviewing experts, country under review and UNODC
- Role of UNODC: fully participating party, facilitate dialogue and coordination, plan activities and country visits, quality control and time management

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2. Leveraging knowledge: leading innovations

I. 2007 UNCAC self-assessment tool

II. UNCAC, UNTOC self-assessment tool in the making

III. UNCAC Legal Library

IV. Anti-Corruption Knowledge Management Consortium

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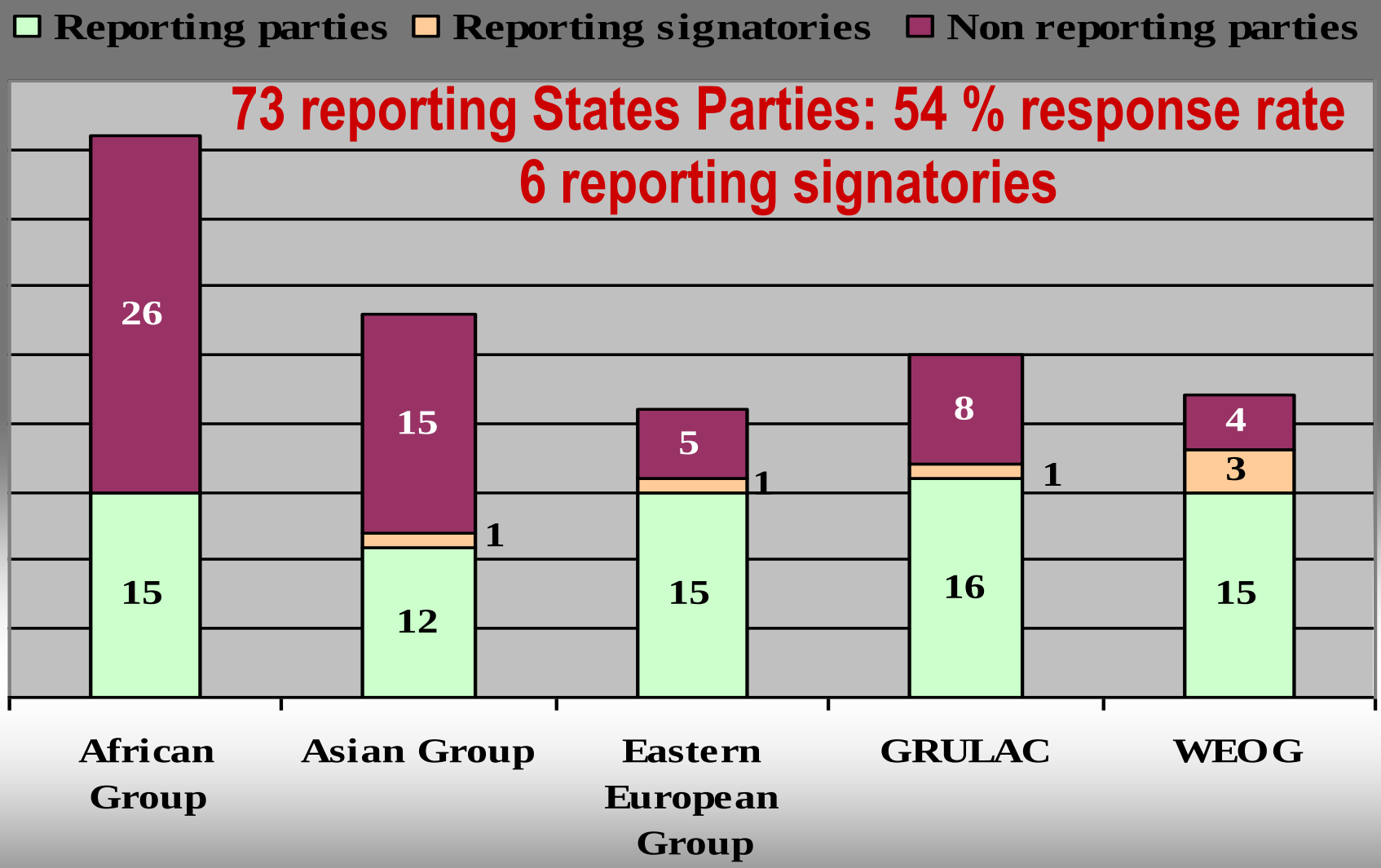
Response to the UNCAC self-assessment checklist



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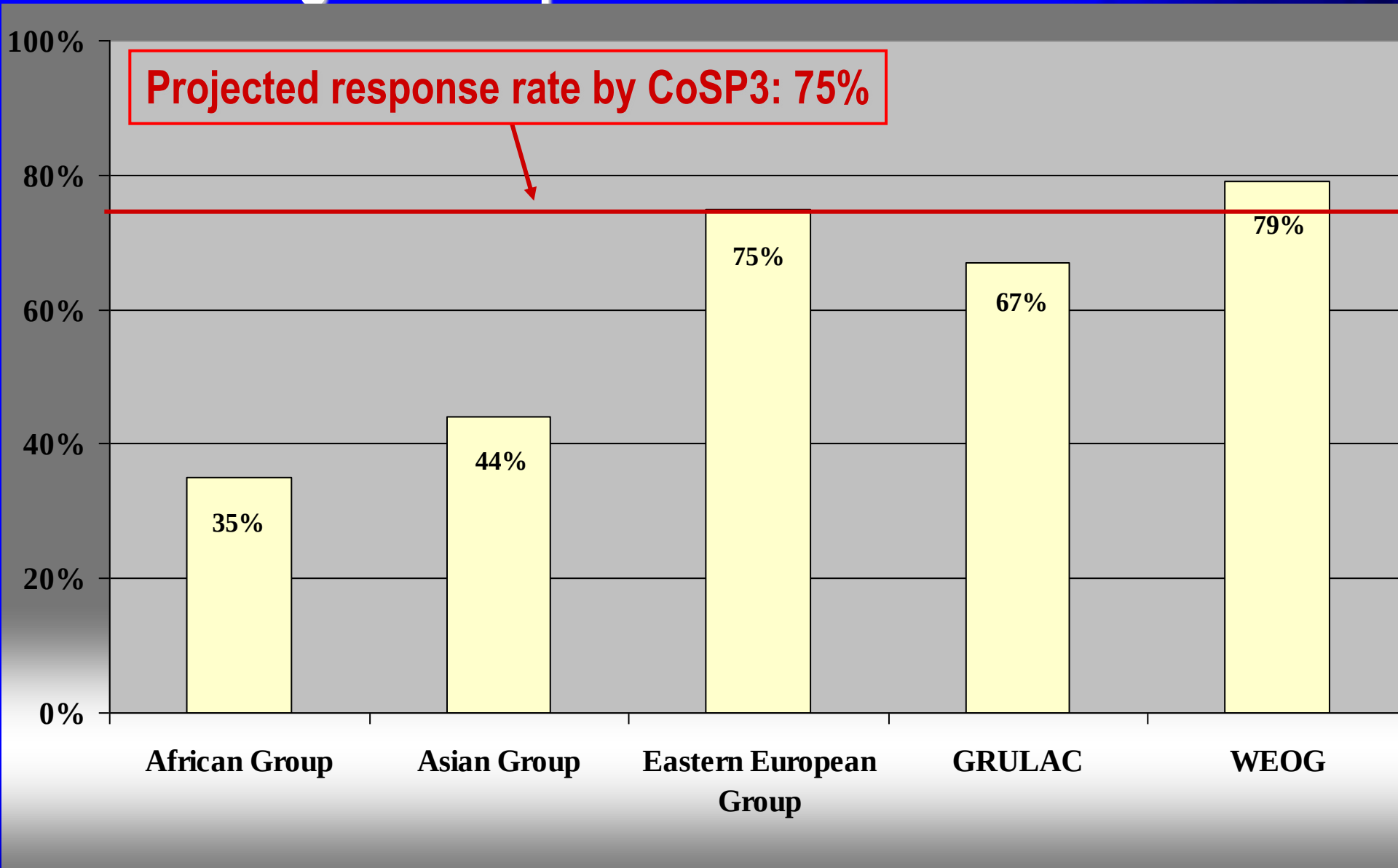
Regional response rate as at 2 June 09



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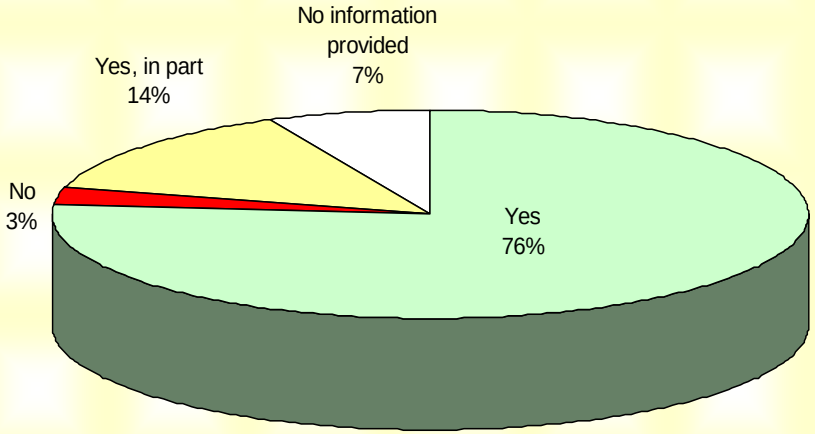
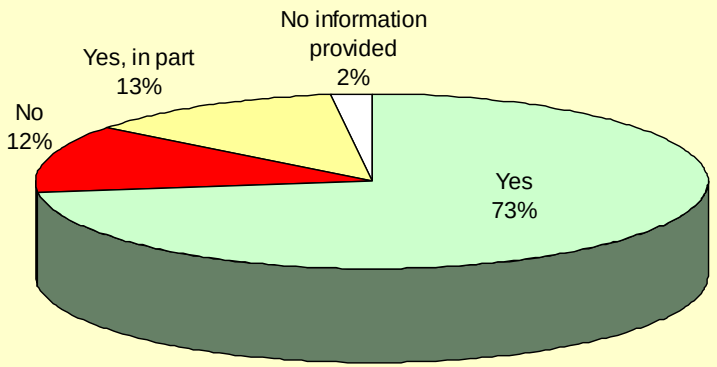
Examples of analysis enabled by self-assessment tool

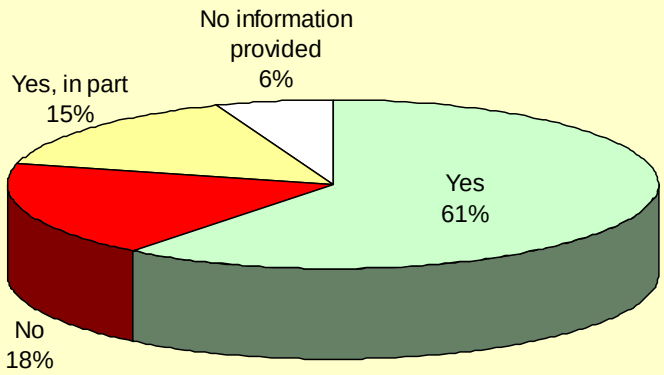
Global implementation of chapter II (Prevention of corruption)



Global implementation of chapter III (Criminalization of corruption)



Global implementation of chapter V (Asset recovery)



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II. UNCAC, UNTOC self-assessment tool in the making

Live demonstration available

Self-assessment checklist



UNCAC

Start Self-Assessment



UNTOC

Start Self-Assessment

Start Self-Assessment Trafficking Protocol

Start Self-Assessment Smuggling Protocol

Start Self-Assessment Firearms Protocol

Budget: $0.6M by

- Canada
- Germany
- United States

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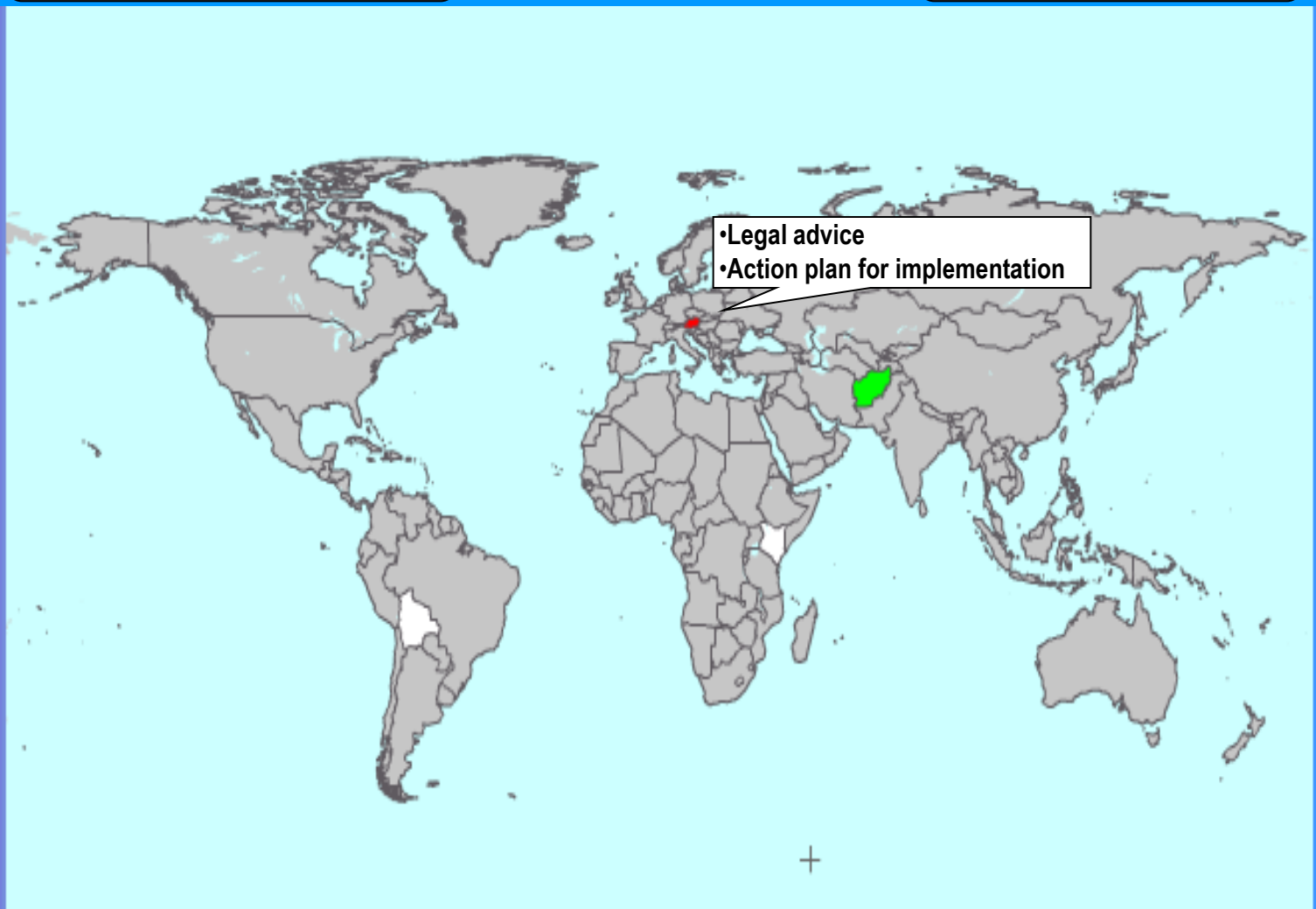
Overview of compliance and technical assistance needs in a click

Select UNCAC article/provision:
➢Article 5, paragraph1

Select year of assessment
➢2008/2009



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- Yes
- Yes, in part
- No
- Info. not available
- No answer

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III. UNCAC Legal Library

- Collection, organization and online availability of:
  - Corruption-related laws
  - National anti-corruption plans/strategies
  - Anti-corruption bodies
  - Corruption-related cases

- Added benefits:
  - Practical implementation guide
  - Resource for national legislators, anti-corruption authorities, assistance providers
  - Support analytical efforts
  - Convertible into training and educational materials
  - Promote innovation

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Legal Library: logic and functionalities

- Full compatibility with self-assessment tool
- Listing of all UNCAC requirements (M, C, O)
- Listing of national provisions
- Linking the text of national provisions with specific UNCAC requirements
- Assessing national provisions' compliance with UNCAC
- Listing all cases related to these provisions

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UNCAC Legal Library: a preview



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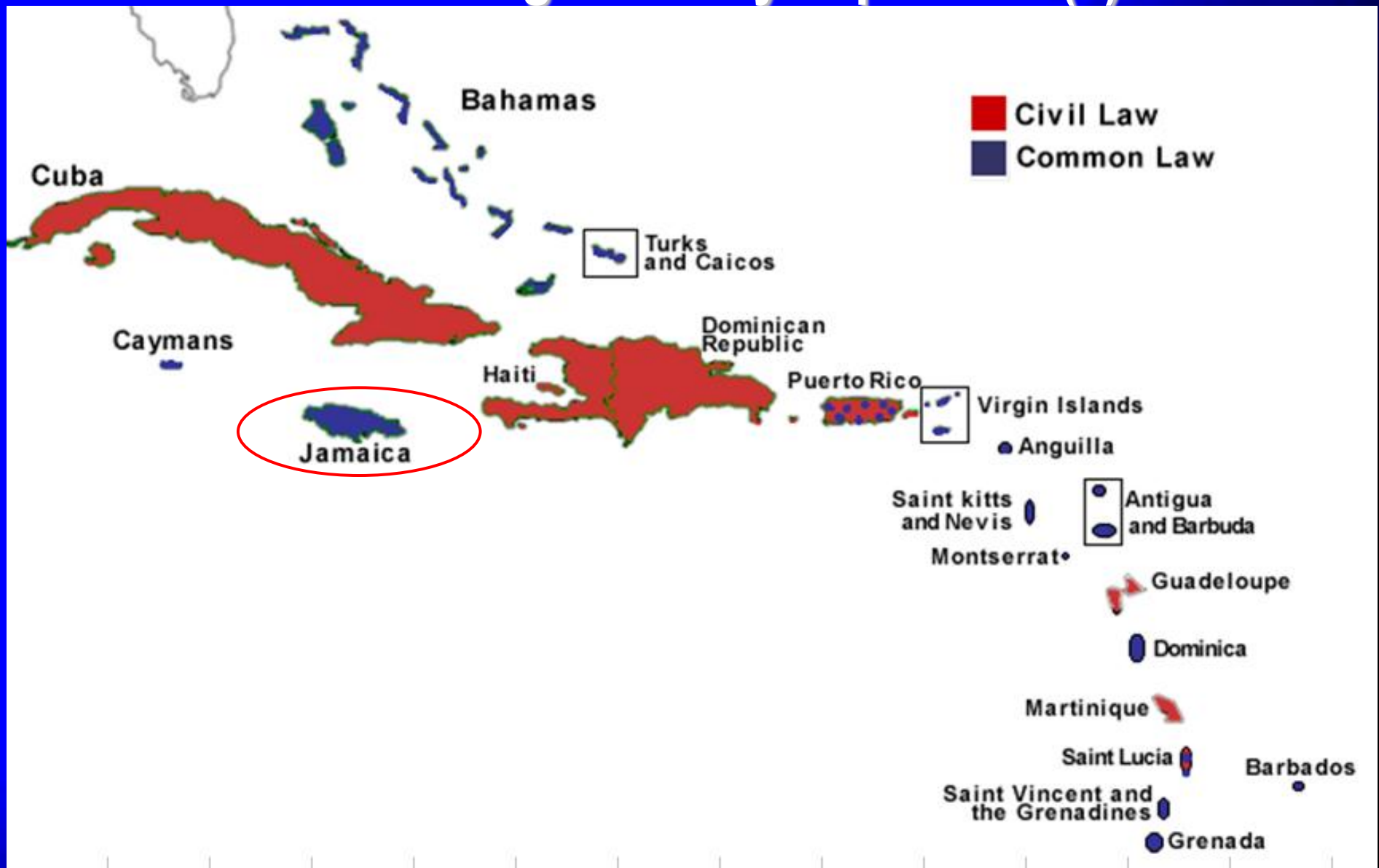
UNCAC Legal Library: a preview (II)



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UNCAC Legal Library: a preview (III)

UNCAC PROVISIONS	NATIONAL LAWS AND REGULATIONS	TEXT OF LAWS	COMPLIANCE WITH UNCAC	RELATED CASES
PREVENTIVE MEASURES				
Art. 2	Corruption (Prevention) Act	Art. 2(1): "public servant" means any person (a) employed (i) in the public, municipal or parochial service of Jamaica; (ii) in the service of a statutory body or authority or a government company; (b) who is an official of the State or any of its agencies; (c) appointed, elected, selected or otherwise engaged to		
Prevention of corruption				
Art. 5(1)(M)				
Art. 5(2)(O)	Corruption (Prevention) Act	Art. 13: Regulations		
Art. 5(3)(O)				
Art. 5(4)(M)				
Art. 11(1)(M)	Judiciary Act	Art. 4: Salaries of Judges; Art. 4A: Appointment of Commission; Art. 12: Regulations	Not in compliance: Does not account for anything specified in the UNCAC	
Art. 11(2)(M)				
Anti-corruption body or bodies				

UNCAC broken down in 297 provisions

(E.g.) Jamaica's laws related to given provision

Text of the law related to given provision

Assessment of compliance of law with given provision (compliance de jure)

Jurisprudence (to assess compliance de facto)

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IV. Anti-corruption knowledge management consortium

- Objective: to build a portal of anti-corruption knowledge (e.g. laws, reports, studies, policy analysis, assessments)

- Partners: World Bank, United Nations Development Programme, United Nations Inter-regional Crime Research Institute, U4 Institute, International Association of Anti-Corruption Authorities, International Center for Asset Recovery, others

- Technology: provided by Microsoft as in-kind contribution to the project

- Goal: to make corruption-related knowledge available from a single portal

- Proof of concept: to be launched in November 2009 – 3rd Conference of the States Parties to UN Convention against Corruption, Doha, Qatar, 9 -13 Nov.

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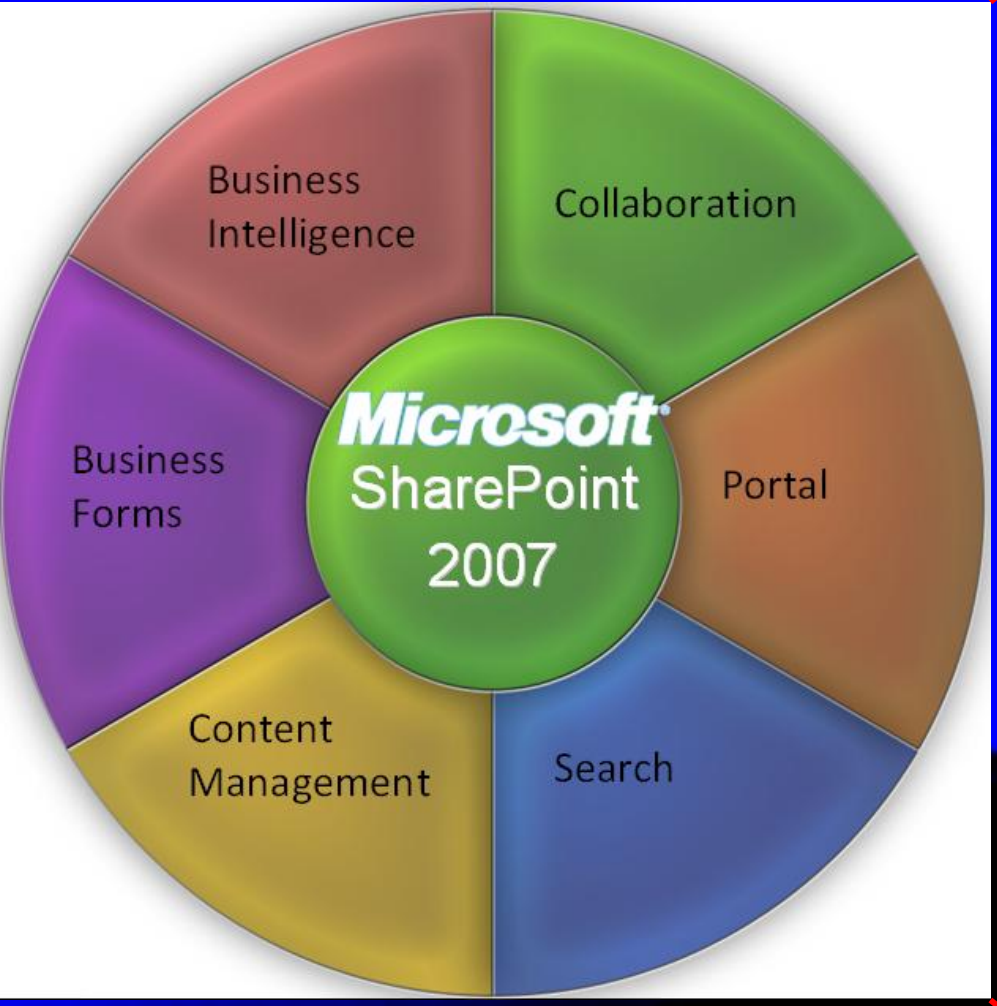
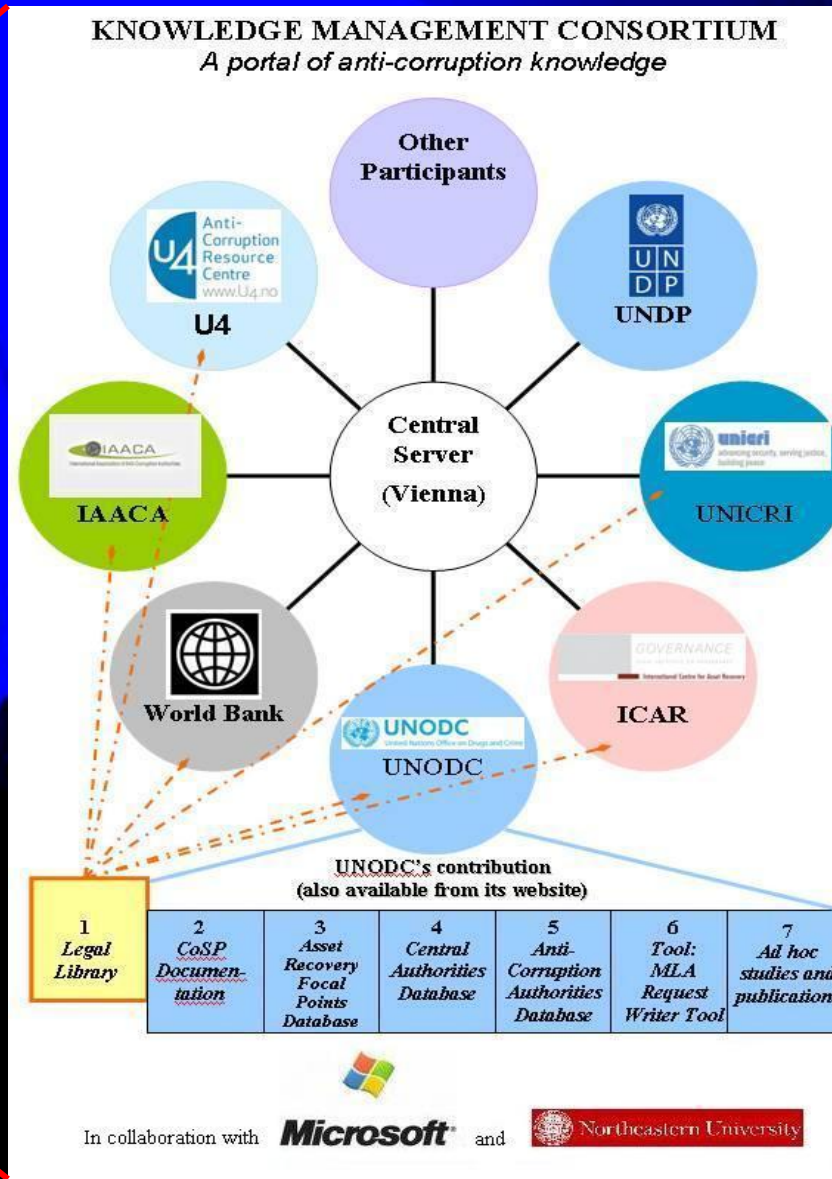
A partnership with Microsoft





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3. Asset Recovery

I. Working Group on Asset Recovery

II. The Stolen Asset Recovery (StAR) Initiative

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I. Working Group on Asset Recovery

- Met on 25-26 September 08 and 14-15 May 09
  - Development of cumulative knowledge: knowledge management center and practical tools for asset recovery
  - Enhancement of confidence and trust through formal and informal networks of focal points
  - Tailor-made training and capacity-building for policy makers, legislators and practitioners

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StAR
World Bank and UNODC

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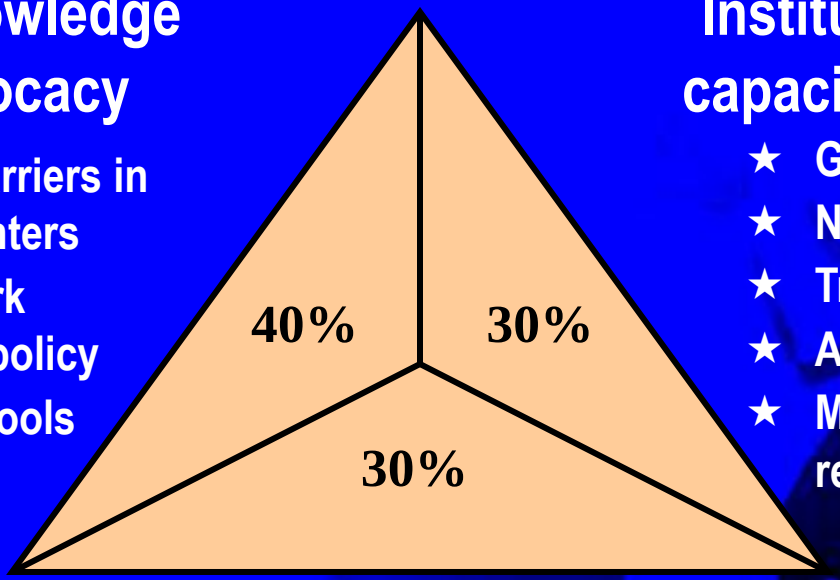
II. The Stolen Asset Recovery (StAR) Initiative

Global knowledge and advocacy

- ★ Lowering barriers in financial centers
- ★ Analytic work supporting policy
- ★ Diagnostic tools
- ★ Guides and handbooks



Institutions and capacity building

- ★ Gap Analysis
- ★ Networks
- ★ Training
- ★ Advisory services
- ★ Monitoring the use of returned assets

Country engagement: recovery of stolen assets

- ★ Sponsoring stakeholder meetings
- ★ Preparatory assistance: audits, financial analysis, legal research, mutual legal assistance

Budget: $6.2M by



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StAR's assistance to national asset recovery programs

- ☑ **Gap analysis, capacity building and training**
- ☑ **Help countries make informed decisions in their asset recovery programs**
- ☑ **Facilitate coordination between states parties through dialogue and Mutual Legal Assistance**
- ☑ **Support the preparation and analysis of information on asset recovery aspects of specific cases**

- ☒ Be involved in litigation or criminal proceedings
- ☒ Finance legal representation
- ☒ Be privy to confidential information shared by states
- ☒ Manage cases or make decisions on the conduct of cases

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4. Technical Assistance

I. Working Group on Technical Assistance

II. Technical assistance: a commitment to deliver

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I. Working Group on Technical Assistance

- Working Group on Technical Assistance met in December 2008
  - Legal advice and legislative drafting assistance for implementing UNCAC
  - Strengthening domestic capacity to apply legislation
  - Coordinate assistance needs and delivery at the country level: development of a matrix mapping technical assistance activities
  - Pool of anti-corruption experts
- Next meeting: Vienna, 3-4 September 2009

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Matrix mapping technical assistance activities

- Based on the information gathered through self-assessment tool
- Test country-level pooling of resources to meet identified needs
- Central role for UNODC in country-level coordination and decision-making also when only bilateral donors are involved
- Activities piloted in a small number of countries

Country	Article	Type of assistance needed	Is this assistance already provided? If so, by whom?
Country A	Article 23. Laundering of proceeds of crime	1. Legal advice 2. Site visit by an anti-corruption expert 3. Development of an action plan for implementation	Yes, in part. In cooperation with the United States of America, American experts have traveled to Algiers to conduct seminars on money laundering.
Country B	Article 52. Prevention and detection of transfers of proceeds of crime	1. Model legislation 2. Legal advice 3. Legislative drafting	No assistance provided
	Article 53. Measures for direct recovery of property	1. Model legislation 2. Legal advice Development of an action plan for implementation	No assistance provided
Country C	Article 5. Preventive anti-corruption policies and practices	1. Legislative drafting 2. Development of an action plan for implementation	Yes, in part Canadian Agency for International Development-OAS UNDP World Bank Inter-American Development Bank

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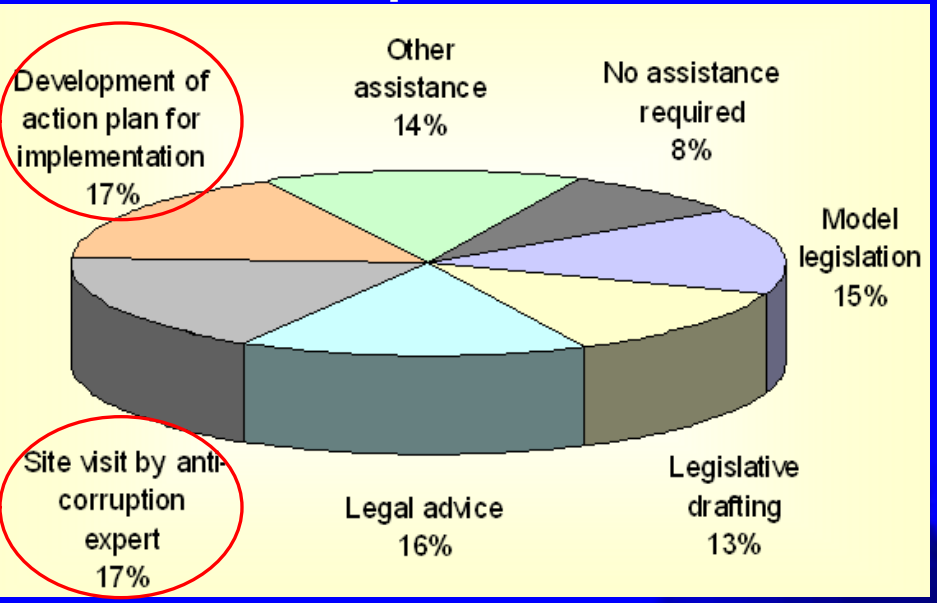
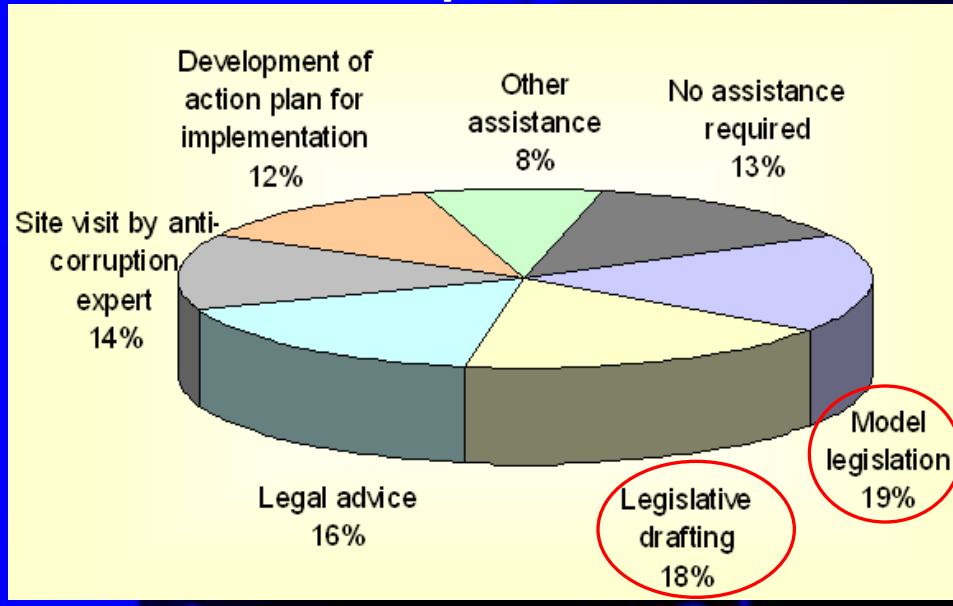
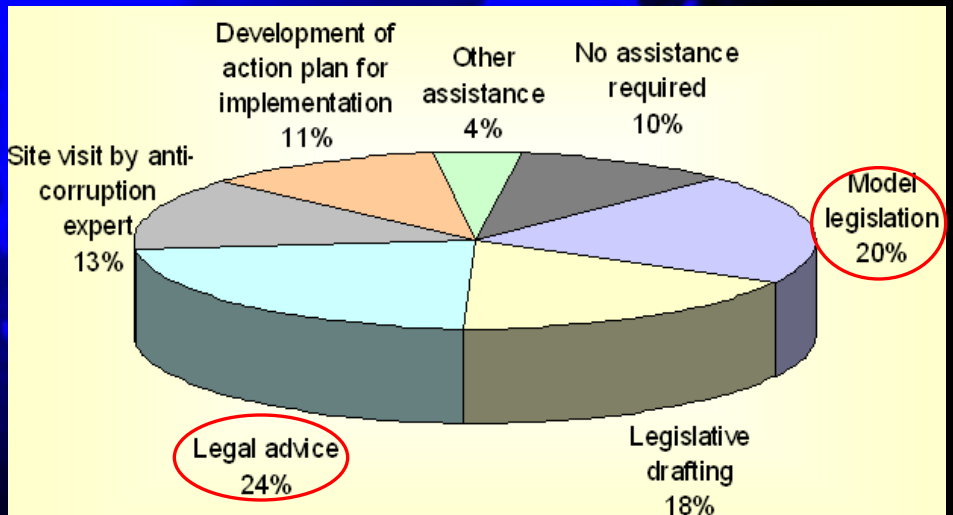
Global technical assistance needs – by chapter

Chapter II



Chapter III





Chapter V

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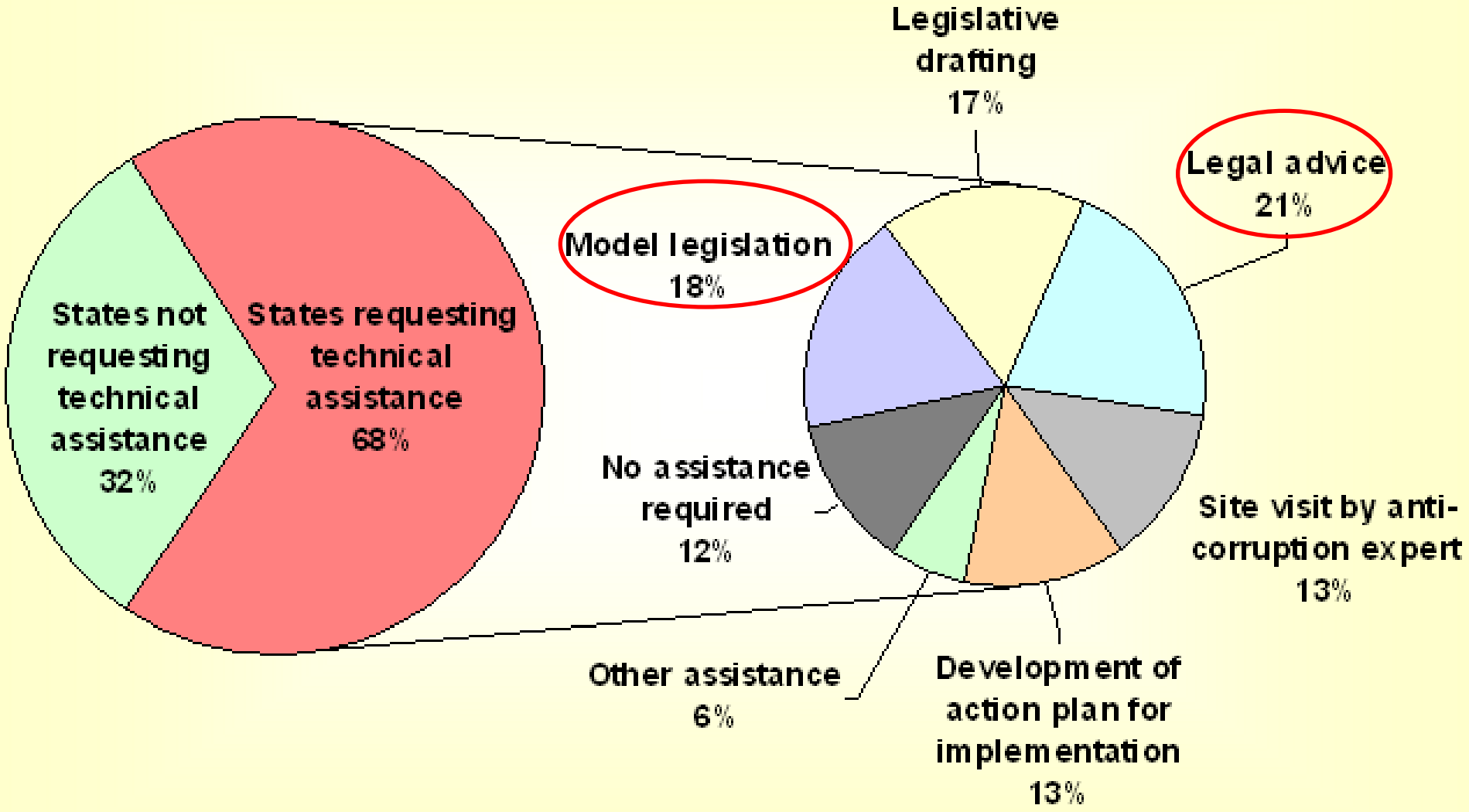
Global technical assistance needs



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II. Technical assistance: a commitment to deliver

Assistance in drafting national laws consistent with UNCAC

- Afghanistan
- Montenegro
- The Former Yugoslav Republic of Macedonia
- Timor-Leste

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Anti-corruption projects run in:

- Joint Project with UNDP Programme on Governance in the Arab Region (POGAR, 21 States)
- Afghanistan
- Brazil
- Cape Verde
- Indonesia
- Iraq
- Nigeria
- Peru

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Anti-corruption mentors based in:

- Cape Verde
- Jordan
- Sudan
- Thailand

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5. Related initiatives

I. Corruption prevention initiative

II. Private sector

III. Parliamentarians

IV. The International Anti-Corruption Academy

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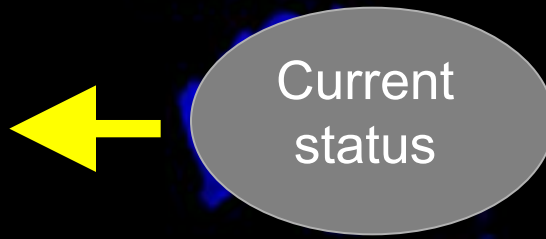
I. Corruption prevention initiative

- CoSP2's call for greater emphasis on the prevention of corruption (Minister Touq's proposal)
- Meeting of experts held in Doha (February 2009)
- Concept paper drafted and circulated to experts for comments



- Goal: turn concept paper into draft resolution for adoption by CoSP3

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II. Private sector: what has changed, and why?

From: **UNODC**?
drugs, crime,
terrorism?
not my business!
Corruption?
my company is clean!
I am the victim of public corruption!

towards

UNODC and UNCAC can help reduce corruption both in my company and in the countries where I do business

Global Compact
10th Principle adopted
June 04

CoSP1
Dec. 06
companies calling only for review mechanism

CoSP2
Jan./Feb. 08
Bali Business Declaration
4 commitments made

UNCAC open for signature
Dec. 03

UNCAC enters into force
Dec. 05

2nd GC's Leaders' Summit July 07
UNODC presenting 4 proposals

Today: partnerships and joint projects

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Private sector: partnerships and joint projects

- "Corporate anti-corruption policies strategies: A Global Compendium of Good Practices" – to be launched in Sept. 2009 with PricewaterhouseCoopers
- Knowledge Management Consortium and Legal Library supported by Microsoft

Private sector initiatives such as…

The Global Compact · World Economic Forum · Transparency International – the global coalition against corruption · International Chamber of Commerce – The world business organization

…have asked UNODC to help:

- develop guide for reporting on implementation of GC's 10th Principle
- align existing business principles to UNCAC
- bring support to UNCAC by 24 top business leader to attention of CoSP

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Why CEOs should come to Doha

Global Forum VI on Fighting Corruption and Safeguarding Integrity
Doha, 7-8 Nov - more agile structure, no rules of procedure

Jan 09: OECD/GOVNET, TI, ICC, UNODC and others
CoSP3 event "Private sector and donor community against corruption"
Follow-up to Bali *Business Coalition: UNCAC as a New Market Force*

8 Feb 09: Meeting of International Organizing Committee of GF:
UNODC, Qatar, previous organizers, OECD, WEF/PACI, TI and others

GF VI "Strength in Unity: Private-Public Partnerships to Fight Corruption"
2-day event: 2 plenaries, 8 roundtables, including OECD event
Opportunity to report on implementation of Bali Business Declaration
Outcome of GF VI to feed into CoSP

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III. Parliamentarians

- Supporting GOPAC
  GLOBAL ORGANISATION OF PARLIAMENTARIANS AGAINST CORRUPTION

- Participation in 3rd Global Conference (Kuwait, November 08)

- Assistance in articulating a position for CoSP (ongoing)

  E.g.
  - National self-assessment reports to be tabled in parliaments
  - Reviewing experts to consult with MPs during country visits

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IV. The International Anti-Corruption Academy

- World's first institute of higher learning to fighting corruption
- Centre of excellence in anti-corruption education, research and professional training
- Partnership with Interpol, Government of Austria, European Anti-Fraud Office and others
- Expected to open in December 2009

Prevention of corruption

Curricula based on UNCAC

Law enforcement measures and cooperation

Asset tracing and recovery

Money laundering and international cooperation

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6. Road to Doha: deliverables



- Review mechanism
- Comprehensive self-assessment tool
- Blueprint of knowledge products (Legal Library and KMC)
- Asset recovery
- Technical assistance
- Corruption prevention as new priority (GF VI)
- Draft business principles aligned to UNCAC

New business coalition (PPP) based on commitments (possibly time-bound)

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7. Road to Doha: logistics



- Host Country Agreement signed on 16 April 09
- Note Verbale to Permanent Missions sent next day
- Planning mission conducted on 7 and 8 February
- Likelihood of SG attending opening of Global Forum VI and CoSP