

A Guidance Note for Development Partners

Partnering in Anti-Corruption Knowledge

Using the United Nations Convention against Corruption (UNCAC)
for Technical Assistance and Anti-Corruption Programming



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UNODC

United Nations Office on Drugs and Crime

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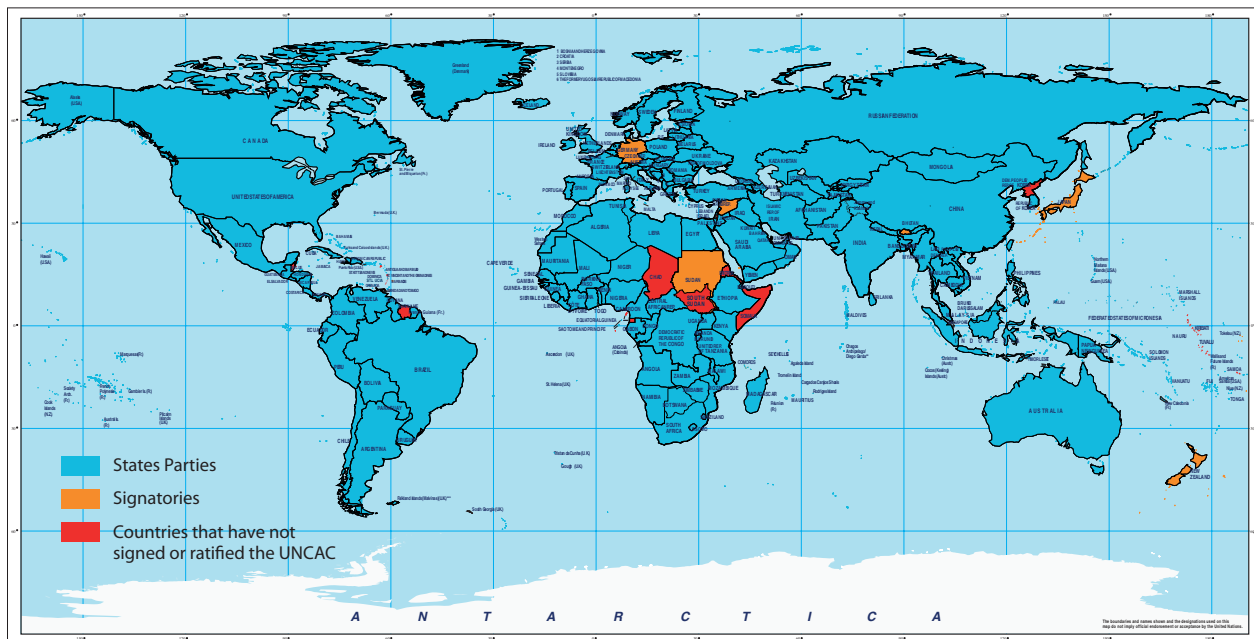
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UNCAC Signature and Ratification Status as of 15 January 2014¹

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Within the United Nations family, the United Nations Office on Drugs and Crime (UNODC) and the United Nations Development Programme (UNDP) are the two primary technical assistance providers in the area of anti-corruption. UNODC is also the guardian of UNCAC and supports the

implementation review process at its headquarters in Vienna, Austria. UNODC and UNDP signed a memorandum of understanding in 2007 on cooperation in the area of anti-corruption as well as criminal justice reform. UNODC and UNDP work closely with each other on the ground, as well as with the development assistance recipient countries where they operate, on combating corruption and supporting the implementation of UNCAC.

¹ For updated information, please consult: <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>.

PREFACE

Corruption is a global problem. It is found in rich and poor, developing and developed countries alike, albeit in different forms and magnitude. However, it is the poor and vulnerable groups of the population, who bear the brunt of corruption as it diverts funds intended for development, undermines a government's ability to provide basic services, feeding inequality and injustice and discouraging foreign investment². Tackling corruption is important for both donor and recipient countries to make sure that development resources are used for their intended purpose.

The discourse on anti-corruption has evolved over the last two decades, prior to which corruption was hardly part of the development agenda including the Millennium Development Goals (MDGs) and other internationally agreed development goals. Corruption is now at the forefront of demands by citizens for greater accountability and efficient utilization of resources and has become one of the key topics during the various consultations on post-2015 development agenda.

More importantly, the United Nations Convention Against Corruption (UNCAC), which came into force in December 2005, has created a global momentum in fighting corruption as it has nearly universal ratification (170 States parties as of 15 January 2014)³. UNCAC provides a comprehensive and multi-disciplinary framework for the prevention of and fight against corruption at the national level, as well as for effective regional and international cooperation. This has recently been reiterated by the G20 commitment to supporting a common approach to an effective global anti-corruption regime as enshrined in UNCAC.

UNODC and UNDP consider it important for development partners, both bilateral and multilateral, to focus on anti-corruption as part of the response to development challenges. UNCAC provides a framework to countries in reducing the occurrence of corruption and its negative impact on their economic, political and social development as the basic tenets of democratic governance principles permeate through UNCAC by giving an opportunity to establish an effective set of benchmarks for anti-corruption strategies. Moreover, UNCAC could guide development partners in the design of technical assistance programmes because the implementation review of UNCAC could play an important role in identifying gaps and needs and ultimately providing the basis for technical assistance for anti-corruption programming.

More specifically, in line with the Paris Declaration and the Accra Agenda of Action, the Convention provides a platform for dialogue, coordination and harmonisation among development partners by emphasizing on the national ownership as Member States are obliged to implement UNCAC when they ratify it or accede to it.

Therefore, there is a need for development partners, in particular for their field staff, to become more familiar with UNCAC and its provisions as well as with the functioning of the review mechanism and the potential of the outcomes of the implementation reviews as a programming framework.

As such the Convention opens multiple opportunities for enhancing the effectiveness of development assistance in the areas of accountability, transparency and integrity, particularly in the management of public finances and public affairs.

2 Kofi Annan, former UN Secretary-General, on the adoption of the United Nations Convention against Corruption (UNCAC), 31 October 2003.

3 <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>.

This Note provides some guidance on what the UNCAC can mean for the work of various development partners and practitioners. The aim is to raise awareness about UNCAC and provide some guidance on how UNCAC could be used as a framework for technical assistance and anti-corruption programming.



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We hope that this guidance note will serve as an important tool for dialogue among development partners and with governments on how we can effectively coordinate development assistance on anti-corruption.



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ACRONYMS AND ABBREVIATIONS

CoSP	Conference of States Parties
GBM	Going Beyond the Minimum
IRG	Implementation Review Group
IRM	Implementation Review Mechanism
UNCAC	United Nations Convention against Corruption
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime

INTRODUCTION

This Guidance Note aims to provide development cooperation partners⁴ with suggestions and examples on how to support the implementation of the United Nations Convention against Corruption (UNCAC). It explains the process surrounding the Implementation Review Mechanism (IRM) and the findings from the review. It also makes suggestions on how UNCAC can be used as a framework for technical assistance and anti-corruption programming.

Development partners have a wide range of options to pursue in support of the implementation of UNCAC; however it should be noted that an exhaustive and detailed list of options is difficult to produce, given the fact that the circumstances and contexts differ from one country to another. Certain partners may have stronger relationships and greater leverage than others. Some may have limited resources or restrictions on using funds or diplomatic channels. This means that proposals and recommendations provided in this Guidance Note are suggestive and not prescriptive.

Preventing and combating corruption is a major development challenge and thus of direct relevance for any development initiative. Corruption not only undermines the effectiveness of national institutions, but also hinders development programmes from reaching their full potential and having their expected impact on the ground.⁵

National ownership⁶ in identifying development priorities is a critical element of successful development cooperation. It is equally important, however, that national accountability and transparency is maintained in the use of funds—both those allocated in the national budget and those given by donors to support efforts to achieve various development goals.

A number of links and references to additional resources annexed to this Guidance Note and interspersed throughout the document in the text and footnotes are aimed to provide information on UNCAC and anti-corruption for those interested in further reading.

4 The term “development partners” in this context includes diplomatic missions, national and international donors, as well as technical cooperation agencies and international organizations and financial institutions.

5 See UNDP (2008). ‘Corruption and development: anti-corruption interventions for poverty reduction, realization of the MDGs, and promoting sustainable development’.

6 National ownership is defined as the effective exercise of a government’s authority over development policies and activities, including those that rely—entirely or partially—on external resources. For governments, this means articulating the national development agenda and establishing authoritative policies and strategies.

1. THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC): AN OBLIGATION UNDER INTERNATIONAL LAW TO PREVENT AND COMBAT CORRUPTION

1.1. CORRUPTION: A MAJOR BOTTLENECK TO DEVELOPMENT EFFECTIVENESS

To be truly effective, any development initiative must ensure that it is not vulnerable to the risks and consequences of corruption.

Corruption undermines democracy and the rule of law, leads to violations of human rights and erodes public trust in the government.⁷ Corruption also hurts the poor disproportionately by diverting funds intended for development, undermining the government's ability to provide basic services, feeding inequality and injustice and discouraging foreign investment and aid.⁸

The UN Convention against Corruption is the only legally binding global anti-corruption instrument.

Corruption, therefore, is an obvious concern for development practitioners. From the perspective of economic development and growth, corruption contributes to an ineffective allocation of resources because the expected benefits from free and fair competition only occur to a limited extent (if at all). Objective competitive criteria that ensure value for money are circumvented where bribes or kickbacks determine the outcomes of competitions for contracts. Moreover, corruption may increase the operating costs of infrastructure due to the use of substandard materials in the construction of infrastructure.

On the following page is an overview of some of the most harmful effects that corruption may have on development. The most common detrimental effect is that **corruption puts the full attainment of human development at risk**.

As is clear from the table, corruption is a central concern where development effectiveness is a priority. That important observation was also stated in the final declaration of the Fourth High Level Forum on Aid Effectiveness, held in Busan, Korea in 2011.⁹ A globally agreed instrument, such as UNCAC, can therefore be invaluable in creating a reference framework to address these risks. By integrating the UNCAC approach to anti-corruption, development cooperation can achieve two goals: improve the ability of recipient States to meet their obligations under UNCAC and secure the domestic ownership and accountability that are necessary for effective development cooperation.

1.2. UNCAC: A GLOBAL STANDARD IN THE FIGHT AGAINST CORRUPTION

UNCAC was adopted by UN General Assembly resolution 58/4 of 31 October 2003 and entered into force on 14 December 2005. It is the first global agreement that **legally binds States parties, on an equal footing**, to implement a full framework of anti-corruption measures.

UNCAC sets **a global standard for fighting corruption** and mitigating corruption risks that undermine development effectiveness. It encompasses a comprehensive array of measures and approaches that can be seen as mutually reinforcing the effectiveness of the provisions to prevent and combat corruption. The almost universal adoption of UNCAC¹⁰ by Mem-

7 Ban Ki-moon, United Nations Secretary-General (2007 to the present), in his statement at the launch of the Stolen Asset Recovery (StAR) Initiative on 17 September 2007.

8 Kofi Annan, United Nations Secretary-General (1997-2006), in his statement on the adoption of UNCAC by the General Assembly on 31 October 2003.

9 The full version of the declaration can be accessed at www.oecd.org/dac/effectiveness/49650173.pdf.

10 As of 15 January 2014, there were 170 States parties to UNCAC.

AREA OF DEVELOPMENT	IMPACT OF CORRUPTION
Inclusive economic growth	<ul style="list-style-type: none"> • Discourages investment and aid • Adds unpredictability to the business environment • Distorts economic policies
Poverty/inequality	<ul style="list-style-type: none"> • Undermines efforts to achieve the Millennium Development Goals (MDGs) • Increases the cost of public services and lowers their quality • Worsens income, income distribution and other inequalities • Reduces the tax base and access to capital by enabling illicit financial flows
Governance	<ul style="list-style-type: none"> • Undermines the rule of law and weakens equal access to justice • Undermines the effectiveness of government policies • Undermines government legitimacy by reducing public trust in government • Reduces the benefits of economic competition • Undermines professionalism by subverting meritocracy • Facilitates organised crime and the laundering of proceeds of crime • Distorts government policies
Human rights	<ul style="list-style-type: none"> • Perpetuates discrimination • Obstructs access to social services • Undermines the realisation of human rights
Gender	<ul style="list-style-type: none"> • Increases sexual extortions • Affects women disproportionately in terms of access to essential public services (including access to justice)
Environment	<ul style="list-style-type: none"> • Worsens environmental governance and reduces the stringency and effectiveness of environmental regulations
Conflict	<ul style="list-style-type: none"> • Fuels war when, in the absence of a legitimate political regime, certain social groups are favoured in the allocation of resources and land, thus creating grievances among marginalized groups

Source: UNDP, *Corruption and development* (December 2008); UNODC, *The globalization of crime* (Vienna: UNODC, 2010); Stephenson, K.M. et al.; *Barriers to asset recovery* (Washington, DC: The World Bank, 2011); Reuter, P. (ed.), *Draining development* (Washington DC: The World Bank, 2012); Rothstein, B., *The quality of government: corruption, social trust, and inequality in international perspective* (Chicago: University of Chicago Press, 2011), etc.

ber States has confirmed not only that corruption is a globally recognized problem across developed and developing nations, but also that States are placing anti-corruption firmly on their agendas.

UNCAC offers a unique opportunity to share experiences and to cooperate on issues directly related to its implementation. Given the many international factors and issues often associated with corruption, no single country can claim to ensure effective implementation of UNCAC on its own. In addition to the need for cooperation at the international level, the contextual challenges for States parties vary considerably. Although States parties have an

equal legal obligation to implement UNCAC under international law, approaches to ensure effective domestic implementation will be unique to each of them. Nevertheless, most can and should seek to learn lessons from other States in terms of what works, what does not work, and why.

UNCAC recognizes the importance of being proactive—preventing corruption systematically—in addition to using punitive measures reactively. UNCAC also addresses many of the international aspects of corruption through its provisions on strengthening international cooperation. For example, it focuses on asset recovery by obligating

the return of proceeds of corruption to the country of origin. Furthermore, corruption—or the risk of corruption—is considered in regard to all sectors of society: government and non-government, public and private, formal and informal institutions. No policy area is exempt.

UNCAC's scope is far-reaching and thus can easily be used as a comprehensive framework for designing development cooperation. With UNCAC, ***the previously sensitive topic of corruption has been redefined as a global problem of equal concern*** and an obligation under international law, which is binding on all sovereign States parties in the international community.

1.3. UNCAC: AN OPPORTUNITY TO SUPPORT TECHNICAL ASSISTANCE AND INFORMATION EXCHANGE

Chapter VI of UNCAC urges States parties to provide developing countries and those with economies in transition the widest possible support. From this perspective, ***the effective implementation of UNCAC can, as a whole, be understood as a joint responsibility.***

Development cooperation partners and donors have an important role to play in helping to identify

the right channels and official contacts to enable such support and cooperation. Many development partners already have been engaged in various aspects of governance reform that are critical in this respect, such as: supporting or strengthening national anti-corruption agencies; providing support for rule of law, public administration reform, judicial integrity, elections and electoral reform; building parliamentary capacity and oversight ability; and strengthening civil society participation.

1.4. UNDERSTANDING THE MAIN COMPONENTS OF UNCAC

1.4.1. The structure of UNCAC

UNCAC obliges States parties to implement a wide and detailed range of anti-corruption measures affecting their laws, institutions and practices. These measures aim to promote the prevention, detection and sanctioning of corruption, as well as the cooperation among States parties on these matters. UNCAC is divided into eight chapters, of which the four substantive chapters (numbers II-V) are subject to an implementation review process. These chapters address preventive measures, criminalization and law enforcement, international cooperation, and asset recovery.

IMPLEMENTATION OF UNCAC THROUGH ECONOMIC DEVELOPMENT AND TECHNICAL ASSISTANCE

Article 62 of UNCAC:

1. States parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation, taking into account the negative effects of corruption on society in general, in particular on sustainable development.
2. States parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organisations:
 - (a) To **enhance their cooperation** at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat corruption;
 - (b) To enhance **financial and material assistance** to support the efforts of developing countries to prevent and fight corruption effectively and to help them implement this Convention successfully;
 - (c) To provide **technical assistance** to developing countries and countries with economies in transition to assist them in meeting their needs for the implementation of this Convention

Note: The text is verbatim, but the emphasis is added for the purposes of this Guidance Note.

To ensure effective implementation of UNCAC, the Conference of States Parties (CoSP) was established pursuant to article 63 of UNCAC.¹¹ It seeks to improve the capacity of, and cooperation between, States parties to achieve the objectives set forth in UNCAC and to promote and review its implementation. The United Nations Office on Drugs and Crime (UNODC) is the secretariat to the CoSP and its subsidiary bodies (e.g., the Implementation Review Group and open-ended intergovernmental working groups focused on different chapters and priorities).

1.4.2. UNCAC Implementation Review Mechanism (IRM)

During its 3rd session held in 2009, the Conference established in its resolution 3/1 the **Implementation Review Mechanism (IRM)**.¹² The IRM is an intergovernmental peer review process whereby all States parties are to be reviewed by two peers, other States parties identified through drawing of lots. The review process, as decided by the Conference, is divided into two cycles of five years each:

- the first cycle (2010-2015) focuses on the implementation of Chapters III and IV (Criminalization and Law Enforcement; and International Cooperation), and
- the second cycle (2015-2020) focuses on the implementation of Chapters II and V (Preventive Measures and Asset Recovery).

The IRM is an impartial process and does not result in any form of ranking. The aim of the review process is to assist States parties in their implementation of UNCAC by identifying difficulties encountered and good practices adopted by States parties when implementing it.

Political sensitivities that can arise when domestic corruption matters are identified and highlighted in an international context are mitigated and defused by the IRM being a peer-based review. Its work and approach are based on principles such as **transparency, efficiency, non-intrusiveness, inclusiveness and impartiality**.

The IRM also recognizes the importance of considering contextual circumstances such as the levels of development of States parties.¹³ In that respect, the implementation of UNCAC must be understood as an ongoing and gradual process in regards to which the implementation review process has adopted a progressive and comprehensive view.¹⁴

GOALS OF THE IMPLEMENTATION REVIEW PROCESS

- (a) **Promote the purposes of UNCAC** as set out in its article 1;
- (b) Provide the Conference with **information on the measures taken** by States parties in implementing UNCAC and the **difficulties encountered** by them in doing so;
- (c) Help States parties to **identify and substantiate specific needs for technical assistance and to** promote and facilitate the provision of technical assistance;
- (d) **Promote and facilitate international cooperation** in the prevention of and the fight against corruption, including in the area of asset recovery;
- (e) Provide the Conference with **information on successes, good practices and challenges** of States parties in implementing and using UNCAC;
- (f) **Promote and facilitate the exchange of information, practices and experiences** gained in the implementation of UNCAC.

Source: Section IV, paragraph 11 of the terms of reference of the Mechanism for the Review of Implementation of UNCAC. The text is presented verbatim here, but emphasis is added for the purposes of this Guidance Note.

11 Reference to Article 63 can be found at: <http://www.unodc.org/unodc/en/treaties/CAC/>.

12 The Terms of Reference of the IRM are available at: <http://www.unodc.org/unodc/en/treaties/CAC/IRG.html>.

13 Implementation Review Mechanism, Section II, paragraph 8.

14 Implementation Review Mechanism, Section II, paragraph 9.

1.4.3. The review process

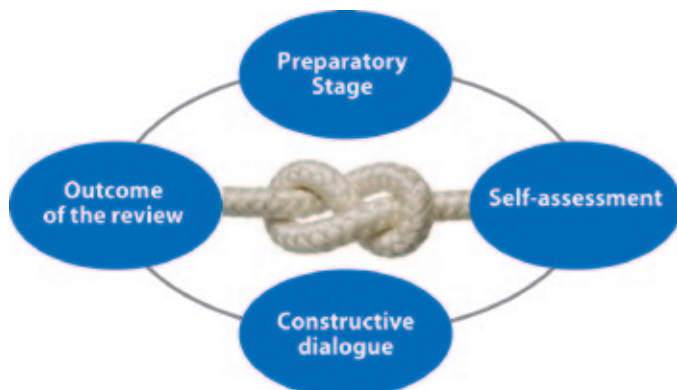
The review process is overseen by an Implementation Review Group (IRG). The IRG was given the responsibility to continue work on technical assistance, which had previously been undertaken by the open-ended intergovernmental working group on technical assistance.

The IRM shall:

- a) be transparent, efficient, non-intrusive, inclusive and impartial;
- b) not produce any form of ranking;
- c) provide opportunities to share good practices and challenges; [and]
- d) assist States parties in the effective implementation of UNCAC; (...)

As mentioned earlier, the IRM is an *intergovernmental peer review process*. Each State party under review is reviewed by two other States parties, one of which is from the same regional group as the State party under review. The country pairings for the review are determined through the drawing of lots. Each State party appoints up to 15 governmental experts to carry out the reviews of other States and appoints a focal point to coordinate its own review.

The standard requirements for the implementation review process consist of four stages. The graph below indicates how they are connected and conceptualized:



The first is the **preparatory stage** during which the State party under review appoints the focal point for the review process. The focal point is the channel for all communications related to the review. The focal point is often an official from the anti-corruption body, the Ministry of Justice or Foreign Affairs, or any other governmental body with capacity for horizontal government coordination.

The second stage consists of filling out the **UNCAC self-assessment checklist**, using a computer-based application. This requires the State party under review to gather and collate the necessary information on the implementation of the Convention and to provide answers to the checklist questions on the two chapters under review in the relevant cycle. The checklist is then submitted to the Secretariat (UNODC) for processing and forwarding to the reviewing experts of the two other States (those conducting the peer review).

The third stage of the implementation review process is the constructive dialogue, or **peer review process per se**. This starts with a desk review of the self-assessment by the reviewing governmental experts, the results of which are presented to the State party under review and discussed through exchanges of emails, teleconferences, etc. The State party under review may also request a country visit or joint meeting in Vienna to engage in direct dialogue with the reviewing experts. At this stage, should the authorities of the State under review be willing, a larger meeting can be used to engage local donors.

The final stage, the outcome of the review, concerns the **drafting and finalization of the country review report and the executive summary**. The country review report and the executive summary of the report are agreed to by the reviewers and the State party under review. The full report remains confidential unless the State party decides to publish it, as it is encouraged to do under the terms of reference. The executive summary of the report includes the main findings of the review and is made available to the IRG as an official United Nations document in all six UN languages.

As an overarching outcome of the review process, thematic implementation reports with regional addenda are prepared on the basis of all of the coun-

try review reports to reflect trends in implementation of UNCAC, as well as challenges, successes and good practices, and technical assistance needs.

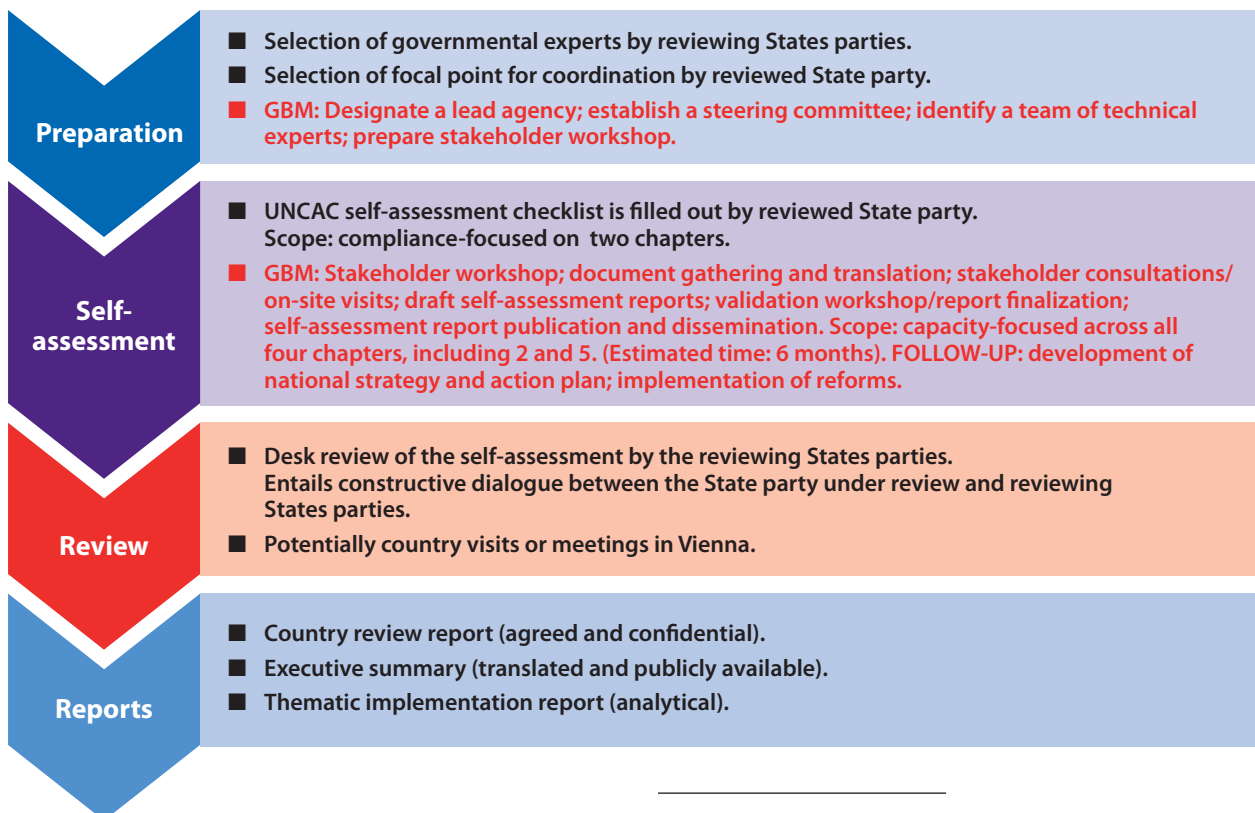
1.4.4. UNCAC self-assessment: Going Beyond the Minimum

Going Beyond the Minimum (GBM) is a methodology developed by UNODC and United Nations Development Programme (UNDP)¹⁵ that promotes a comprehensive and participatory self-assessment process. It offers reviewed States parties a broad spectrum of options to maximize the opportunities of the review to catalyse further legal and policy reforms. For example, a State party can choose to include additional chapters under review (Chapters 2 and 5, which are meant to be reviewed in the second cycle) in the self-assessment. GBM also encourages States parties to engage other stakeholders (academia, civil society organisations, private sector, donors) in the self-assessment process. States can use this methodology to analyse gaps, strengths and weaknesses of their legal systems and institutional arrangements to prepare for the UNCAC review.

The more inclusive approach encouraged through GBM helps users achieve a wider reach across society, which can be important in building and sustaining support for changes required to reduce corruption. Moreover, multiple stakeholders must be part of the solution even in contexts where the problem of corruption is limited to certain sectors.

In sum, the GBM methodology is flexible and promotes national anti-corruption reform while helping to prepare States for the UNCAC review mechanism. Its development has helped strengthen the quality of the self-assessment in several countries. Donors and diplomatic missions can support States parties in the application of this methodology by making available financial and technical assistance for its use.

The graph below illustrates the implementation review process in both the mandated version as well as the more inclusive and comprehensive version proposed in the Going Beyond the Minimum approach.



15 UNDP (2010). 'Guidance Note – UNCAC self-assessments: Going Beyond the Minimum'. Available at: <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/guidance-note---uncac-self-assessments-going-beyond-the-minimum/>.

2. UNCAC: A FRAMEWORK FOR TECHNICAL ASSISTANCE AND PROGRAMMING ON ANTI-CORRUPTION

As a global standard, UNCAC provides multiple opportunities for cooperation partners to strengthen their development programming and to support anti-corruption interventions in a more coherent and coordinated manner. This section provides guidelines on how UNCAC can be utilized as a framework for technical assistance and enhanced anti-corruption programming in development assistance recipient countries.

2.1. UNCAC AS AN ENTRY POINT FOR TECHNICAL ASSISTANCE

2.1.1. *UNCAC enables political dialogue with development assistance recipient countries*

The near universal ratification of UNCAC by States around the world has assisted in increasing the political will to deal with the issue of corruption in a more open and transparent manner. Dialogue has followed, with and among States parties, on the needs for technical assistance to implement UNCAC.

One of the main contributions of UNCAC as an international instrument is that it serves as a platform to engage with States on anti-corruption at the national level. UNCAC encompasses a number of mandatory requirements as well as multiple options to go beyond these minimum requirements. UNCAC touches all aspects of anti-corruption and can therefore be used as a framework and practical guidance for all anti-corruption and governance initiatives, including those that address preventive measures within a particular sector or very specific aspects of law enforcement.

The Convention provides a valuable framework for development programming even in countries that have not yet ratified UNCAC. In such contexts, UNCAC can be used as an entry point to provide support to countries to conduct gap analyses and other preparatory work before they ratify or accede to UNCAC.

SUPPORT TO PREPARE COUNTRIES TO RATIFY UNCAC: MYANMAR EXAMPLE

In 2012, Myanmar embarked on its transition period to democratic rule. UNDP and UNODC supported the first-ever workshop on anti-corruption in Myanmar. At this pre-ratification workshop, government officials expressed their commitment towards ratifying UNCAC and also ensured the country's legislation would be in line with UNCAC.

The UNODC and UNDP workshop resulted in a significant step forward for the region, when Myanmar became a State party to the UN anti-corruption framework on 20 December 2012 by ratifying UNCAC. The Convention entered into force for Myanmar on 19 January 2013.

The review process in general is useful in many ways for States that have ratified UNCAC and are undergoing or have already undergone the implementation review. As noted in the following section, the review process can serve as an entry point for dialogue on technical assistance that is vital to help ensure successful implementation.

2.1.2. *UNCAC review process opens up opportunities for donor support*

As outlined in Section 1.4.3, the implementation review process consists of a number of steps. States parties scheduled for review can benefit greatly from support to prepare for the process. Support to this end can easily be afforded by making use of regular dialogues between government representatives and development cooperation partners or donor coordination groups.

Each stage of the review process opens up opportunities for critical assistance from donors and diplomatic missions. Such opportunities include support for policy and legal reform in preparation of or as a result of the review, capacity development of the focal points or institutions responsible for coordinating the self-assessment or facilitating a participatory

dialogue at this stage, and coordination and facilitation of the peer review stage.

There are at least three areas of support in which cooperation partners can support development assistance recipient countries during the implementation review. The guidelines presented below are not exhaustive. They are instead intended to promote further consideration of what could be useful in relation to the needs and priorities of a State party given the particular context.

a) Identification of readiness and capacities for the UNCAC self-assessment

The drawing of lots of the States parties to UNCAC to be reviewed in a given year of the review cycle takes place at the beginning of that cycle and, hence, each country knows when it will be reviewed. The drawing of lots for the countries that conduct peer reviews occurs every year at the IRG. The updated country pairing table is available on the UNODC website¹⁶ and can be checked as part of an approach to initiate early dialogue. Support at this stage can be provided on how best to structure the preparatory steps such as the nomination of a focal point and encouraging dissemination of the nomination process as widely as possible to enhance data collection. Development cooperation partners can seek to use their contacts in both the

SUPPORT TO THE IMPLEMENTATION REVIEW PROCESS: HOW AN AGENCY MIGHT BE INVOLVED

In country X a development cooperation agency was invited by the X government to remain engaged and liaise closely with national counterparts throughout the review process. To this end, the agency offered support throughout the self-assessment and helped facilitate the country visit by the reviewers. The agency's involvement focused on facilitation while staying clear of providing any substantive input. The financial support to **arrange for a venue** of the sharing of ideas and other **logistical backing** was perceived to be invaluable in driving the process forward.

donor community and in government to highlight the benefits of the process.

Support options at this stage may therefore include:

- identify the existing readiness and capacities of the country to participate in the implementation review process,
- mobilize donor preparedness and support to the implementation review process, and
- establish a donor coordination platform for UNCAC implementation support.

b) Support for internal coordination and dialogue during the review process

Effective implementation of UNCAC requires persistent efforts not only by governments but also among stakeholders across society. This can be difficult to obtain and sustain. For instance, in the context of endemic corruption, engagement in supporting the implementation of UNCAC may have high personal costs for certain stakeholders. Without governmental assurances of strong political will for positive change, societal cooperation may be difficult to secure because of a lack of trust that there is a desire for change.

An inclusive self-assessment process, using the Going Beyond the Minimum methodology, is a good first step to build upon and re-affirm the trust required for effective implementation. The engagement of all stakeholders—notably national agencies and departments, parliament, media, the private sector, civil society, academia and development partners—from the very start is fundamental to ensuring a successful UNCAC self-assessment process. The strength, integrity and credibility of the final UNCAC review report largely depend upon such multistakeholder participation. A wide level of engagement is equally, if not more, important in taking forward the implementation of any action plan that arises from the self-assessment. Development partners can play an important role in facilitating and coordinating stakeholder consultations to complete the self-assessment and review process.¹⁷

¹⁶ Available at: www.unodc.org/unodc/en/treaties/CAC/IRG-country-pairings.html.

¹⁷ See UNDP (2010). 'Guidance Note UNCAC self-assessments. Going Beyond the Minimum'.

In addition, having **sufficient government communication capacities** to signal this strong commitment is also fundamental to encouraging cooperation in the self-assessment process. That trust later needs to be reaffirmed in the follow-up action to implement UNCAC.

Strong cooperation and coordination among institutions remain key because both formal reporting lines and informal hierarchies can often prove divisive and obstructive in regards to building the coordination capacity required not only for the review, but the successful implementation of UNCAC more broadly. Partners can consider ways to support and strengthen coordination capacities, which could include providing improved resources and addressing other capacity constraints for all relevant parties to contribute to the self-assessment process. A typical challenge that countries face is a bottleneck within a national institution.

Options for support at this stage may therefore include efforts to:

- strengthen government capacities to communicate the importance of a comprehensive and inclusive self-assessment process and then ensure it is implemented,
- strengthen inter-institutional cooperation and coordination capacities,
- build on the self-assessment process to establish a sustainable comprehensive national assessment system for UNCAC implementation, and
- communicate a continuous willingness to support UNCAC implementation.

HOSTING AN UNCAC WORKSHOP: EXAMPLE FROM THE FIELD

Prior to the country visit, an anti-corruption resource centre of the country Z organised a workshop on UNCAC and the fight against corruption. The workshop was attended by international development cooperation partners as well as government agencies. The workshop helped clarify the implementation review process as well as the potential role all participants could play in response to the findings of that process.

AREAS OF SUPPORT TO ADDRESS THE IDENTIFIED TECHNICAL ASSISTANCE NEEDS:

- Follow-up of the country review findings through dialogue
- Use identified needs as a reference for donor dialogue on possible support, coordination and harmonisation
- Develop new or complementary programme support to meet identified technical assistance needs
- Support civil society to monitor progress on addressing prioritised findings
- Support various stakeholders required to participate in reform implementation
- Facilitate international contacts and cooperation

c) **Support the momentum provided by the review to catalyse policy and legal reforms**

The UNCAC review process results in the identification of specific implementation gaps and challenges as well as recommendations which lend themselves to partner support. An inclusive dialogue with different stakeholders in relation to the self-assessment report and the country review report or executive summary may serve as an opportunity to discuss the priorities for a national anti-corruption strategy or an UNCAC implementation action plan.

Making a full country review report public is at the discretion of the State party under review. They are encouraged to do so, however. A country may agree to release the full report on a confidential basis for discussion on how to support the reviewed State's efforts. A number of States have provided their reports to other States and development partners either in regular bilateral dialogues or in donor coordination groups.

Donor support and engagement in this context can be helpful. The following are among the approaches donors might take that are conducive to fostering policy or legal reform:¹⁸

- **Broaden the political dialogue.** Follow-up to the reports can be expected to identify reforms

18 Hechler, H. (2010). 'An ambassador's guide to the United Nations Convention against Corruption'. U4 Anti-Corruption Resource Centre. Bergen, Norway: Chr. Michelsen Institute.

that are required. Therefore, assistance can be offered in winning wide support and demand for effective reforms. This can be achieved through the inclusion of a wide spectrum of stakeholders.

- **Strategize political dialogue.** This can be done by seeking to discuss the government's strategic implementation priorities while considering how to align these priorities with those demanded by other stakeholders.
- **Follow-up political dialogue.** Donors could consult with stakeholders in the partner country as to how to align existing development cooperation to the priorities for UNCAC implementation.
- **Regionalize political dialogue.** Overall anti-corruption efforts could be enhanced by bringing the implementation reforms into a wider regional context. This strategy, which donors are often well-placed to develop and support, can offer an opportunity to share useful and similar experiences as well as expertise regarding how to enhance approaches to reform.

In addition, the review process offers opportunities to foster a multistakeholder approach. The box on the right hand side highlights some recommendations for development partners focused on supporting civil society engagement in the implementation of UNCAC and the review process.¹⁹

2.1.3. UNCAC provides an opportunity for donor coordination and support on anti-corruption

As stated in UNCAC²⁰ and CoSP resolution 3/4 on technical assistance,²¹ donors have committed to coordinate their actions in support of UNCAC

DEVELOPMENT PARTNERS

- Development partners should support IRM awareness-raising and related capacity development efforts, particularly at the national level, including both civil society and relevant state institutions.
- Development partners in-country should continue to stress the importance and value of civil society participation in anti-corruption interventions in general and the IRM process in particular.
- Development partners should provide support and, where necessary, funding for capacity development of relevant civil society actors to allow them to play an active and meaningful role in the country review process. This includes, but is not limited to, the elaboration of parallel reports and initiations to foster broad-based public participation in the country review process.
- Capacity development support should also be provided to relevant government institutions to facilitate civil society participation.
- Development partners should encourage government counterparts to integrate the IRM processes into their overall national anti-corruption initiatives and reduce potential duplication of efforts.
- Development partners should support the UNCAC Secretariat and other actors in the development of policies and advise on how to maximise the value of UNCAC, including by integrating the IRM with national anti-corruption efforts and aligning it with regional anti-corruption instruments.
- Where relevant, development partners should consider the transparency of the IRM process (including access to information required to produce parallel reports) and meaningful civil society participation in the process as part of anti-corruption performance indicators.

implementation. Some of the findings in the outcomes of the implementation review process are likely to intersect with or be closely related to existing donor programmes. A donor dialogue on how to meet identified needs can be undertaken in relation to potential programme extensions, expansions, complementary approaches as well as joint funding possibilities and new programme support.

19 Trivunovic, M. (2013). 'The role of civil society in the UNCAC review process: moving beyond compliance?' U4 Anti-Corruption Resource Centre. Bergen, Norway: Chr. Michelsen Institute. Available at: www.u4.no/publications/the-role-of-civil-society-in-the-uncac-review-process-moving-beyond-compliance/#sthash.JMeUsQE.dpuf.

20 UNCAC, article 62.2.

21 See article 5 of resolution 3/4 – Technical assistance to implement the United Nations Convention against Corruption. Available at: www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session3-resolutions.html

While there are already coordination groups in many countries in relation to development cooperation sectors, this is not the case everywhere. Even where they exist, anti-corruption is not necessarily deemed to be a priority compared with other issues seen as more pressing. However, given that corruption has an impact on all areas of development cooperation that require policy implementation, there is merit in presenting UNCAC implementation as a cross-cutting issue that should be addressed. When there is a review, the conclusions present an opportunity to facilitate donor dialogue on anti-corruption activities and programming—with the dialogue findings and priorities thereafter taken forward through some form of communication mechanism or information-sharing system.

In contexts where reviews have not occurred or are not ongoing, donors can still incorporate anti-corruption as a cross-cutting matter in their programming. Guidance should be given regarding coordination, engagement, communication, etc., in the context of anti-corruption work.

By viewing anti-corruption, along with the UNCAC implementation process, as a cross-cutting issue, donors can better prepare themselves to offer timely and coordinated support if and when it is requested. Furthermore, donors that conceptualize corruption in this broad-based way have a greater likelihood to provide comprehensive support. They are aware that all areas of development cooperation have an influence on corruption when it affects the strength and integrity of the national governance system. Such donors' awareness and preparedness can help pave the way for them to align their development cooperation programmes to the outcomes of both the self-assessment report and the country review report (see Section 2.2.4 below on aligning development programmes in support of UNCAC).

When the donor community prepares the ground for implementation support early on, States parties are given a reassuring signal that daunting implementation needs can be met with the backing of the international community. That signal may also pave the way for closer cooperation earlier, during the implementation review process, thereby giving

donors a better opportunity to adjust, coordinate and prepare their support to meet identified implementation needs.

One good practice that has emerged from the country reviews is the engagement of donor-coordination platforms. Some countries have gone so far as to allow donors to participate in government dialogue with the reviewers and UNODC during the country visits. These platforms provide donors and development partners with a better understanding of the technical assistance needs identified during the review process. Donors and partners can support the focal point of the country under review by providing updated and complete information on donor interventions that have already taken place or are underway in the country (e.g., a donor mapping exercise of activities relevant to the UNCAC chapters under review). Such an exercise also provides donors with a clear indication on how they can align their development cooperation support with the implementation needs identified.

This type of development cooperation platform corresponds not only to the principle of donor coordination, as stated in the Busan Partnership for Effective Development Cooperation, but also as

DONOR ROUNDTABLE: EXAMPLE HIGHLIGHTING BENEFITS

The close cooperation between UNODC and UNDP at the self-assessment stage in country Z was continued during the subsequent review stage. A donor roundtable was arranged during the reviewers' country visit to brief donors on the process and initial findings. The donor roundtable ensured that:

- donors were aware of the priority areas emerging from the review, helping to identify potential entry points for development cooperation programming involving technical assistance;
- coordination was strengthened amongst donors and technical assistance providers in light of the technical assistance needs identified during the review; and
- donor input into the identification of technical assistance needs was secured.

directly required in UNCAC²² and its resolution 3/4 on technical assistance.²³ The proposed platform can be used as a means to respond to the Organisation for Economic Co-operation and Development’s (OECD) Development Assistance Committee (DAC) statement that the “UNCAC framework should play a central role in framing country-level dialogue, implementation and monitoring of anti-corruption work.”²⁴

2.2. USING UNCAC TO ENHANCE ANTI-CORRUPTION PROGRAMMING

2.2.1. Supporting corruption prevention, criminalization and law enforcement

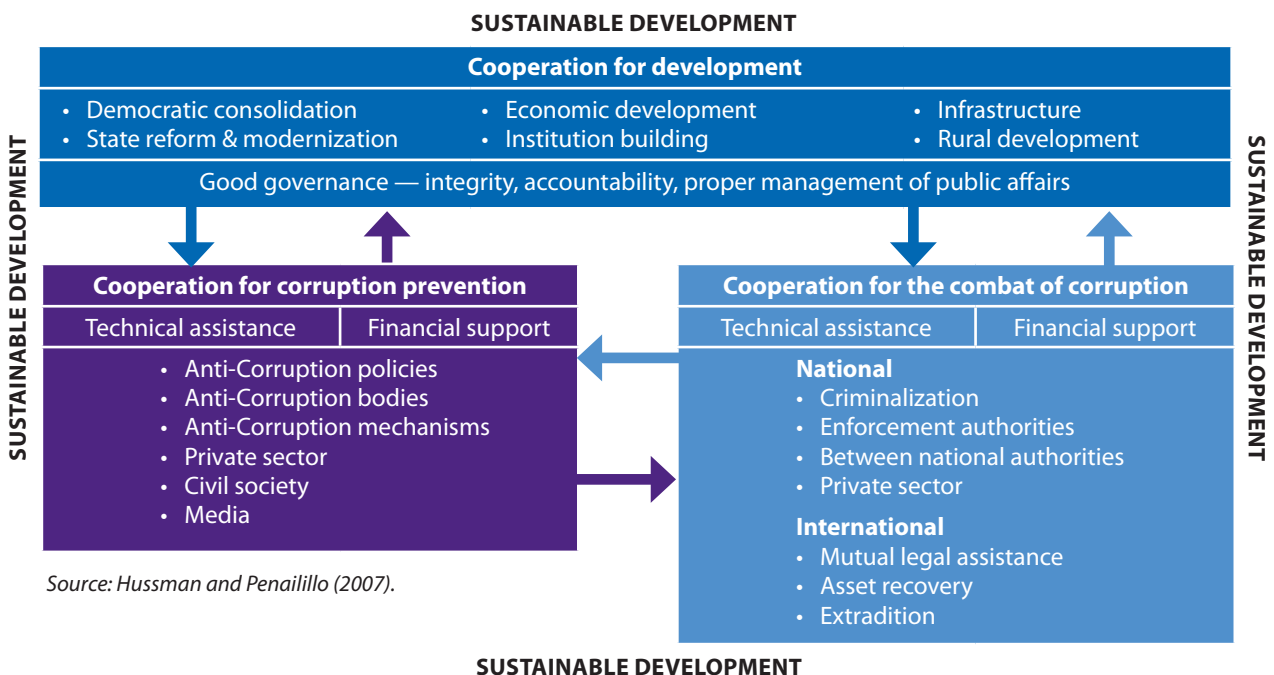
UNCAC contains a comprehensive set of provisions on corruption prevention, criminalization and law enforcement, international cooperation, and asset recovery. These provisions emphasize institutional, legal and operational frameworks necessary to prevent, detect, deter and sanction—

all necessary priorities to minimize the occurrence of corruption. In their efforts to undertake anti-corruption reforms, States parties can rely on the comprehensive guidance developed to assist countries to comply with UNCAC provisions.

The figure below (“Sustainable Development”) illustrates the areas of cooperation that donors and diplomatic missions can use as a reference for anti-corruption programming aimed at preventing and combating corruption. The graphic reflects the importance of a complementary approach involving both prevention and enforcement mechanisms to achieve maximum impact, including compliance with good governance principles and development effectiveness.

The IRM asks States under review to consider and outline any resource and capacity constraints and challenges that may hamper the full

INTERNATIONAL COOPERATION TO PREVENT AND COMBAT CORRUPTION



Source: Hussman and Penailillo (2007).

22 UNCAC, article 62.2.

23 See article 5 of resolution 3/4 –Technical assistance to implement the United Nations Convention against Corruption. Available at: www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session3-resolutions.html.

24 Organisation for Economic Co-operation and Development (OECD) 2008. 'Harnessing the potential of technical assistance to deliver UNCAC', open ended intergovernmental working group on technical assistance. Vienna: 18 and 19 December 2008, p. 8.

implementation of UNCAC.²⁵ The findings of this effort are likely to influence the type and scope of support requested and expected from donors.

Donors should prepare themselves in advance. They might consider doing the following, among other steps:²⁶

- state that they are prepared to use diplomatic channels to facilitate international cooperation for the implementation needs of UNCAC, including law enforcement cooperation and mutual legal assistance;
- indicate the willingness to identify potential donor country institutions to support investigations and prosecutions at home; and
- support awareness-raising among domestic companies of the demands relating to international and national anti-corruption and bribery laws, as well as how to engage these stakeholders in supporting reform.

2.2.2. Utilizing UNCAC as a basis for governance reforms

UNCAC is relevant to almost all areas of governance that have traditionally been promoted under the governance portfolio of the donor community. For example, strengthening public institutions and the formulation of public policies have long been a part of multilateral and bilateral country programming. UNCAC also provides guidance on a number of critical areas for governance and the delivery of public services, including civil service reform, public procurement and management of public finances, and administrative reform.

UNCAC sets out the systems and mechanisms that should be in place to ensure transparency, accountability and integrity within the civil service. It stresses the proper management of public finances and property and public procurement.

The Convention also requires States to enhance transparency in public administration and to simplify administrative procedures. States are required to approach these governance reforms in a coordinated way, as article 5 requires them to implement anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency, and accountability.²⁷

2.2.3. A multistakeholder approach to fighting corruption

UNCAC recognizes that anti-corruption interventions should include all sectors of society to be effective and successful in fighting corruption. The Convention provides guidelines to States parties to involve the private sector and promote the active participation of other individuals and groups outside the public sector, including from civil society.

Article 12: Private sector	Promotion of the prevention of corruption in the private sector, including through cooperation with national authorities, regulations on accounting and auditing standards, and measures to increase integrity and transparency in private entities
Article 13: Participation of society	Participation of civil society in efforts to prevent and combat corruption, education and awareness raising on anti-corruption and freedom and access to government information

More efforts are needed to enhance synergies among civil society, the private sector and the public sector in the fight against corruption on the basis of these provisions. Development partners can strengthen multistakeholder engagement when supporting Member States to implement UNCAC. In all such efforts, they should have an expansive approach so as to involve a broad range

25 Section II, paragraph 8 of the terms of reference of the mechanism for the review of implementation of UNCAC.

26 Hechler, H. (2010). 'An ambassador's guide to the United Nations Convention against Corruption'. U4 Anti-Corruption Resource Centre. Bergen, Norway: Chr. Michelsen Institute.

27 See UNDP (2008). 'Framework on corruption and development: Anti-corruption Guidance Note'.

of stakeholders including academic and research institutions, media, professional and business associations, unions, etc.

2.2.4. Aligning development programmes in support of UNCAC

Corruption can undermine development because it poses a threat to the successful implementation of programmes and activities in policy areas such as education, health, environmental protection, rule of law, democracy, gender issues, human rights, humanitarian aid, and climate adaptation.²⁸ If the risk of corruption is ignored in development programmes, the full potential of the effectiveness, efficiency and legitimacy of development cooperation cannot be achieved. Summarized below are three measures that development partners can consider integrating into their programmes to minimize corruption risks.

- **Conduct donor self-assessments on how and which corruption preventive measures have been incorporated in donor-supported development programmes**

A donor self-assessment should provide the same awareness and reflection as for a government conducting an UNCAC self-assessment. It offers an opportunity for a donor to identify coordination possibilities in relation to preventive anti-corruption measures in donor programmes across various sectors.

Recipient countries can benefit when any weaknesses of existing donor programmes, which are identified through a donor self-assessment, are recognized and responded to. Such increased knowledge can strengthen their capacity to fully implement UNCAC and better enable donor governments to report on these efforts.

Particular attention in donor self-assessments can be paid to aid-funded procurement, for instance, or to establishing frameworks for monitoring and accountability.

An important consequence of donor self-assessments is that they can help protect and enhance the legitimacy and relevancy of development cooperation budgets and policies. That impact is particularly likely when strengthening of national integrity systems in recipient countries is undertaken in response to the findings of a donor self-assessment and reinforced by the findings of the UNCAC review.

- **Identify specific corruption prevention risks in development programmes**

Chapter II of UNCAC on preventive measures applies across both the public and private sectors, as well as across various thematic policy areas, because it considers principles such as proper management of public affairs and property, accountability and the need to secure integrity across society. Donor programmes therefore have an opportunity to contribute to the implementation of UNCAC by incorporating measures that strengthen integrity. Donors can achieve that objective by adjusting their programming practices to address risks of corruption. Such adjustments typically require i) making use of political economy analysis and governance assessments to better understand the context, and ii) applying sector-specific corruption risk assessments (or corruption vulnerability assessments), which can identify where integrity should be strengthened in the particular programming area.²⁹ Efforts have been made to identify means of addressing corruption in specific sectors in which development is required to attain the Millennium Development Goals (MDGs).³⁰

28 Regarding the MDGs and corruption, see the Anti-Corruption Research Network (facilitated by Transparency International). Available at: <http://corruptionresearchnetwork.org/resources/frontpage-articles/corruption-as-an-obstacle-to-achieving-the-millennium-development-goals>.

29 See Transparency International's Corruption Risk Assessment Topic Guide. Available at: http://gateway.transparency.org/files/uploads/Corruption_Risk_Assessment_Topic_Guide.pdf

30 See Transparency International's Corruption Risk Assessment Topic Guide. Available at: http://gateway.transparency.org/files/uploads/Corruption_Risk_Assessment_Topic_Guide.pdf

Similar corruption risk assessments³¹ can be undertaken for programming relating to the private sector. Such assessments are useful in identifying how donor programming can include components designed to strengthen business integrity in the targeted sector.³²

■ Integrate anti-corruption measures in reconstruction and recovery programmes

Development cooperation in fragile or post-conflict environments presents particular challenges that are difficult for donors to address. Humanitarian needs are often pressing and require rapid action. At the same time, there may be limited timeframes for spending allocated budgets, despite the risks that may be involved in implementation.

Experience has demonstrated that one of the more serious risks in post-conflict and recovery that should be addressed is corruption, due to its negative effects on power distribution and longer-term stabilization. However, the discourse on post-conflict development cooperation has rarely addressed such impacts, focused as it is on the urgency of establishing peace and security.

Donors and diplomatic missions could consider aligning their approaches to development in post-conflict situations with a view to better addressing corruption from the outset.³³ This approach may require a more extensive donor coordination effort at the international level with the goal of developing an approach to peace and security that takes into account and clearly supports the objectives of UNCAC.

31 For a wide range of standards and tools, see: www.transparency-usa.org/what/PrivateSectorBestPractices.html. See the private sector corruption risk assessment approach at the Business Anti-Corruption Portal. Available at: www.business-anti-corruption.com/tools/integrity-system/map/.

32 For examples of industry sector and collective action initiatives that establish norms to assess against, see: www.transparency-usa.org/what/PrivateSectorIndustrySector.html.

33 UNDP (2010). 'Fighting corruption in post-conflict and recovery situations: learning from the past'. Available at: www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/fighting-corruption-in-post-conflict---recovery-situations.html.

2.2.5. Utilizing UNCAC to improve the results of development programmes

UNCAC and its review process can be used as a framework to formulate realistic targets and indicators for anti-corruption interventions from the donor community. The UNCAC self-assessment process aims to identify the extent to which a country's national anti-corruption systems and structures—including its laws, regulations, policies, institutions and programmes—comply with the requirements of UNCAC. The information gathered through this process is extremely useful in formulating consistent programming results framework for the following two reasons:

1. It provides a systematic assessment regarding challenges and opportunities of the governance system of the host country. The results can inform the design and formulation of further development and governance interventions from donors and diplomatic missions, thereby leading to more realistic expectations and impact.
2. It provides recommendations, agreed to by national authorities, which can be used to design indicators to monitor and evaluate results of governance-related interventions. For example, indicators such as baselines, targets and outcome and output indicators can be better designed when taking into account the data collected in preparation of and as a result of the UNCAC self-assessment.

In addition, the UNCAC self-assessment provides opportunities to refine and enhance national data collection in areas directly relevant for broader national policy development—thus having an impact well beyond the scope of UNCAC.³⁴ The self-assessment exercise may be used to **develop a more sustainable data collection and monitoring system**. Some States parties have based their long-term data collection on the initial data collection team that was put in place for the implementation review process. With this in mind, donors and other partners can stand ready to support a more sustain-

34 Compare with article 5.3 of UNCAC: Periodically evaluate legal and administrative measures to prevent and fight corruption.

able approach for data collection and monitoring. Achieving that goal is of vital importance for continuous policy effectiveness improvement.

2.2.6. *Busan principles and UNDAF framework*

Country-based and country-owned process with a focus on results

The implementation of UNCAC has a number of benefits for donors that pursue a diverse range of commitments. The Busan Partnership for Effective Development Co-operation, agreed to in 2011,³⁵ is the latest international non-binding declaration setting out common principles on development.³⁶ The Busan principles are intended to guide efforts towards increasingly effective development cooperation. The declaration also underlines the global commitment to intensify joint efforts to fight corruption and illicit financial flows.³⁷

The Busan principles resonate particularly well with the provisions of UNCAC and lessons learnt from successful anti-corruption programming. Effectively reducing corruption in a country often requires strong political will, including a willingness to persist with reform in the face of strong resistance. Having the political will to effectively fight corruption is not possible without taking **ownership** of the issue and making it a clear development priority. The implementation review process can be valuable in this regard, given that the foundation of the entire review process, from the self-assessment to the country report and follow-up, is the national ownership of the country under review.

The terms of reference of the UNCAC review mechanism³⁸ provide several alternatives for States parties wishing to adopt a broader and more inclusive approach in their implementation of UNCAC, specifically at the self-assessment stage and with direct peer review dialogue.

Ownership of development priorities.

by developing countries. Partnerships for development can only succeed if they are led by developing countries, implementing approaches that are tailored to country-specific situations and needs.

Focus on results.

Our investments and efforts must have a lasting impact on eradicating poverty and reducing inequality, on sustainable development, and on enhancing developing countries' capacities, aligned with the priorities and policies set out by developing countries themselves.

Inclusive development partnerships.

Openness, trust, and mutual respect and learning lie at the core of effective partnerships in support of development goals, recognising the different and complementary roles of all actors.

Transparency and accountability to each other.

Mutual accountability and accountability to the intended beneficiaries of our co-operation, as well as to our respective citizens, organisations, constituents and shareholders, is critical to delivering results. Transparent practices form the basis for enhanced accountability.

35 The full text of the declaration is available at www.oecd.org/dac/effectiveness/49650173.pdf.

36 See paragraph 11 of the Busan Partnership Declaration. The full text of the declaration is available at www.oecd.org/dac/effectiveness/49650173.pdf.

37 See paragraph 33 of the Busan Partnership Declaration. The full text of the declaration is available at www.oecd.org/dac/effectiveness/49650173.pdf.

38 UNODC (2011). 'Mechanism for the review of implementation of the United Nations Convention against Corruption basic documents'. Available at: www.unodc.org/unodc/en/treaties/CAC/IRG.html.

It is important that all development cooperation partnering ensure a broad-based and inclusive approach to partnerships in anti-corruption work. This is essential to mobilize support for anti-corruption work and reforms that may be required. An inclusive development partnership also creates mutual accountability for both donors and recipient governments as well as their respective constituents.

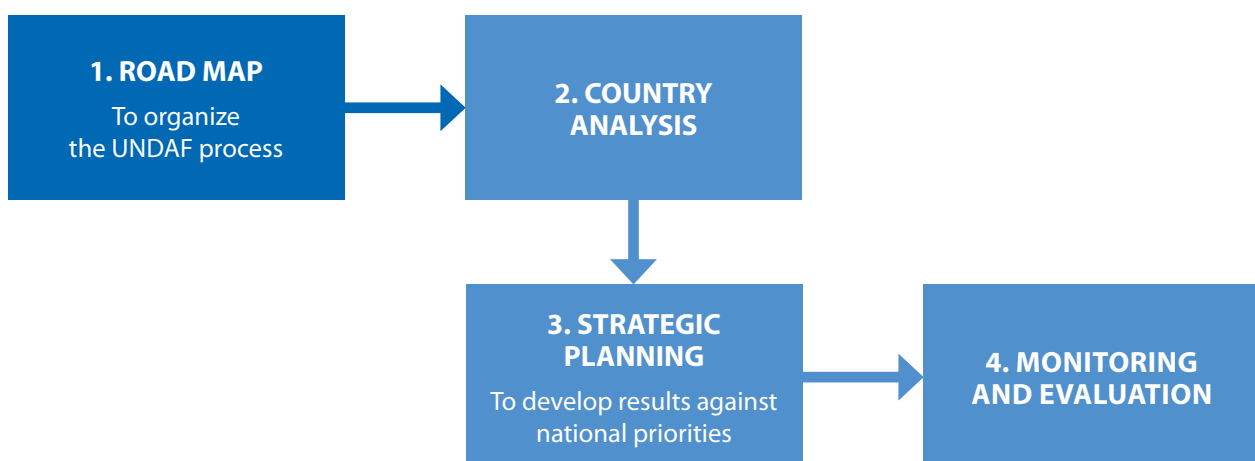
Donors can further reinforce and empower accountability by providing extensive information about, for example, cooperation agreements, conditions and responses that are foreseen in case of non-fulfilment. Such efforts help sharpen focus on results.³⁹ Measuring and evaluating the results of anti-corruption efforts and programmes are fundamental components of programming because of the value of learning from experiences and knowing how to improve policies. Donors may choose to respond positively to requests for conducting evaluations, studies and research relating to the types, causes, effects and costs of corruption.⁴⁰ In these ways, the development commitment of focusing on results can be strengthened through support to the implementation of UNCAC.

Anti-corruption in the United Nations Development Assistance Framework

Recently, the United Nations has begun to look at mainstreaming anti-corruption into UN-wide programming. The United Nations Development Assistance Framework (UNDAF) is the strategic country-specific programme framework that describes the collective response of the United Nations Country Team to national development priorities. In designing the framework, the United Nations is required to ensure greater alignment with national priorities and country systems; harmonization among development actors (including shared analysis); and simplification, transparency and accountability in aid management for development results.⁴¹

The UNDAF guidelines⁴² stress the importance of conducting a proper country analysis to determine high-quality development objectives and priorities within UNDAF. An accurate country analysis also forms the basis for capturing the extent and impact of corruption, thereby helping ensure that it is addressed adequately in the strategic planning and sectoral or cross-cutting programming. This approach reflects the recent interest in using political economy analysis and theories of change as the basis for realistic and effective approaches to programming.

UNDAF MANDATORY STEPS



39 Hechler, H. and Tostensen, A. (2012). 'Is mutual accountability feasible?'. U4 Anti-Corruption Resource Centre. Bergen, Norway: Chr. Michelsen Institute.

40 Article 60, paragraph 4 of UNCAC.

41 UNDAF Guidance and Support Package (2010). Available at: www.undg.org/index.cfm?P=1532.

42 Available at: <http://toolkit.undg.org/workstream/1-undaf-or-common-programming-tool.html>

ANNEX 1: OPPORTUNITIES AND CHALLENGES IN SUPPORTING UNCAC IMPLEMENTATION THROUGH THE SELF-ASSESSMENT PROCESS⁴³

- A comprehensive and inclusive self-assessment process can:
 - enhance the **quality and validation** of the assessment data;
 - help identify and **prioritize implementation needs** of UNCAC;
 - help bring about **inter-institutional dialogue and cooperation**, both of which are useful for implementation of anti-corruption policies; and
 - facilitate an informed **national policy dialogue** about reform needs.
 - Exposure to the technical sides of various articles may provide an entry point to developing **systematic assessment processes** to learn of the effectiveness of implementing various UNCAC provisions.
 - The checklist process and results can
 - **reinforce the positions taken by governmental reformers;**
 - provide governments with an opportunity to **communicate technical assistance needs in a coordinated manner;**
 - ensure **ownership** of the self-assessment report; and
 - help **mobilize support and cooperation amongst stakeholders.**
- Problems or concerns where donor assistance can be of particular value**
- **Data collection and validation capacity constraints.** The collection of data can be a daunting task, particularly in the face of limited capacities or resources. Lack of data or a limited number of data collectors who lack relevant knowledge may render the self-assessment of limited value. In addition, the quality of the self-assessment may suffer where data are widely available but not validated. This issue has been identified by several States that have been reviewed as an area requiring technical assistance, for instance in the collection and archiving of court cases and statistics.
 - **Weak coordination and cooperation capacities or leverage.** The designated focal point (institution or other) responsible for ensuring the completion of the self-assessment checklist may lack sufficient leverage horizontally in government to secure effective cooperation. When the designated review focal point is an independent institution, this independence may make the coordination of input from unassociated governmental entities more difficult. Reporting lines and informal hierarchies often have a decisive role to play in the eventual effectiveness of coordination capacity.
 - **Risk that reformers involved meet resistance.** There are many reasons why enthusiasm for cooperating in the self-assessment process may be inconsistent. The problem often can be addressed through communication efforts in contexts where it relates to lack of understanding of the process. Diplomatic channels and processes may be valuable in cases where the challenge stems from a lack of top political will in government.

43 Adapted from Repucci, S. (2009). 'Maximising the potential of UNCAC implementation: making use of the self-assessment checklist'. U4 Anti-Corruption Resource Centre. Bergen, Norway: Chr. Michelsen Institute.

- **Unreasonable expectations of the effects of UNCAC implementation.** The management of domestic expectations is important for several reasons. There is a risk that expectations can be set too low when the potential usefulness of the UNCAC implementation process is poorly understood. That can lead to difficulties in engaging the necessary stakeholders in implementation reviews, reform processes and monitoring. On

the other hand, there is a risk of disappointment when expectations are too high in terms of expected effects on the national prevalence of corruption. There is therefore a strong need for States parties to view the national implementation of UNCAC as a learning experience that contributes to gradual effectiveness and comprehensiveness in fighting corruption.

ANNEX 2: EXISTING TOOLS AND RESEARCH ON CHAPTER II (PREVENTIVE MEASURES)

The table below provides an overview of useful existing tools, research and guidelines that could be used to assess situations as they pertain to various articles in Chapter II on prevention. The tools and guidelines can be used to develop measurable indicators that are directly relevant

not only to the UNCAC checklist questions but also for elaborating research/surveys to assess the national situation on the prevention of corruption. It should be noted that this list is not comprehensive.⁴⁴

UNCAC provisions	Tools and guidelines
Article 5 Preventive anti-corruption policies and practices	<ul style="list-style-type: none"> • Transparency International's National Integrity System assessments • Global Integrity's scorecards • Transparency International UK's Government Defence Anti-Corruption Index • International Budget Partnership's Open Budget Survey • The World Justice Project's Rule of Law Index • The United Nations' Rule of Law Indicators • OECD: Key Components of a Sound Integrity Framework in Public Sector Organisations • OECD: Principles for Managing Ethics in the Public Service • Country Assessment in Accountability and Transparency (CONTACT) • Financial Secrecy Index • EBU: Core Values of Public Service Media • EBU: Editorial Principles
Article 6 Preventive anti-corruption body or bodies	<ul style="list-style-type: none"> • UNDP's Methodology for Assessing the Capacities of Anti-Corruption Agencies to Perform Preventive Functions • ANCORAGE-NET's National Assessment Survey on ACAs • Transparency International's National Integrity System Assessments
Article 7 Public sector	<ul style="list-style-type: none"> • World Bank Public Officials Survey Diagnostics • Transparency International's Crisis Project – Transparency and Accountability in Political Party and Campaign Financing • World Bank's Human Resources Management Diagnostic Survey
Article 8 Codes of conduct for public officials	<ul style="list-style-type: none"> • International Code of Conduct for Public Officials • Ethics Codes and Codes of Conduct in OECD Countries¹
Article 9 Public procurement and management of public finances	<ul style="list-style-type: none"> • Public Expenditure and Financial Accountability • Global Integrity's Scorecards • International Budget Partnership's Open Budget Survey • Country Assessment in Accountability and Transparency (CONTACT) • Public Procurement Due Diligence Tool • UNODC: Guidebook on anti-corruption in public procurement and the management of public finances

44 Further information can found at <http://www.unodc.org/unodc/en/corruption/publications.html>.

<p>Article 10 Public reporting</p>	<ul style="list-style-type: none"> • UNDP: Guide to Measuring the Impact of Right to Information Programmes • OSI: Transparency and Silence – Surveying Access to Information Laws and Practices • International Public Sector Accounting Standards • ISSAI 20: Principles of Transparency and Accountability for Supreme Audit Institutions • UNODC: Reporting on Corruption: a Resource Tool for Governments and Journalists
<p>Article 11 Measures relating to the judiciary and prosecution services</p>	<ul style="list-style-type: none"> • The World Justice Project’s Rule of Law Index • The United Nations’ Rule of Law Indicators • Criminal Justice Assessment Toolkit • Bangalore Principles of Judicial Conduct • UN Guidelines on the Role of Prosecutors • IAP Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors • Basic Principles on the Independence of the Judiciary • Basic Principles on the Role of Lawyers • UNODC: Guide on judicial and prosecutorial integrity
<p>Article 12 Private sector</p>	<ul style="list-style-type: none"> • Transparency International UK’s Defence Companies Anti-Corruption Index • Publish What You Pay • UN Global Compact • Business Environment and Enterprise Performance Survey (BEEPS) • Transparency International: Business Principles for Countering Bribery • UNODC: The United Nations Convention against Corruption: A Strategy for Safeguarding against Corruption in Major Public Events • UNODC: An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide
<p>Article 13 Participation of society</p>	<ul style="list-style-type: none"> • UNDP: Guide to Measuring the Impact of Right to Information Programmes • UNDP: Communication for Empowerment
<p>Article 14 Measures to prevent money-laundering</p>	<ul style="list-style-type: none"> • Model Legislation on Money-Laundering and Financing of Terrorism • Model Provisions for Common Law Legal Systems on Money-Laundering, Terrorist Financing, Preventive Measures and the Proceeds of Crime • FATF Recommendations 2012 • The Role of Financial Intelligence Units in Fighting Corruption and Recovering Stolen Assets • FATF: Money Laundering & Terrorist Financing Risk Assessment Strategies

Not all of the provisions of UNCAC on criminalization or on the legal and institutional framework are mandatory. Even where they are mandatory, there is considerable scope for States parties to develop approaches that best fit their particular national context. UNODC has produced two guides to assist countries in developing effective approaches to implement UNCAC:

The Legislative Guide⁴⁵ offers advice on how countries can prepare for the ratification and implementation of UNCAC by ensuring that

domestic laws and regulations incorporate UNCAC into the domestic legal framework.

The Technical Guide⁴⁶ is non-exhaustive, but offers advice on relevant policy issues, institutional aspects and operational frameworks that are believed to support the full and effective implementation of UNCAC. The Technical Guide also offers many suggestions and questions that can be used as a basis for discussion with potential donors.⁴⁷

45 Available at: www.unodc.org/unodc/en/treaties/CAC/legislative-guide.html

46 Available at: www.unodc.org/unodc/en/treaties/CAC/technical-guide.html

47 Compare with the call for development cooperation in articles 60 and 62 of UNCAC.

The table below provides illustrates how UNCAC can be utilized as part a framework for more

coherent and coordinated governance interventions from cooperation partners.

UNCAC articles	Demand for programming (in different sectors or throughout the public sector)
Chapter II – Preventive measures	
Article 5: Anti-corruption policies	Policy framework, legal framework/legislative drafting, national strategies, coordination and consultation processes, establishment and use of monitoring and evaluation system of anti-corruption measures
Article 6: Independence of anti-corruption bodies	Establishment and strengthening of the capacities and independence of anti-corruption bodies and dissemination of knowledge about the prevention of corruption
Article 7: Civil service capacity-building	Promotion of integrity, honesty and responsibility among public officials; introduction of codes of conduct; and systems such as asset declarations for the prevention of conflicts of interest
Article 8: Codes of conduct	Promotion of integrity, honesty and responsibility among public officials; introduction of codes of conduct; and systems such as asset declarations for the prevention of conflicts of interest
Article 9: Public procurement and management of public finances	Promotion of the introduction of a transparent, competitive and effective system of public procurement; promotion of transparent and accountable management of public finances
Article 10: Public reporting	Enhancement of transparency in public administration and simplification of administrative procedures (evaluation of processes and regulations on the provision of public services)
Article 11: Integrity in the judiciary and prosecution services	Strengthening of judicial and prosecutorial integrity and prevention of corruption in the justice system
Article 13:	Increasing demand for anti-corruption efforts, civil society empowerment: access to information, inclusive participation, awareness raising, efficient running of public institutions, role of media (capacity development for investigative journalism)
Article 14: Measures to prevent money-laundering	Strengthening of regulatory and supervisory regime for banks and financial institutions, reporting systems of suspicious transactions, collaboration with law enforcement institutions, etc.
Chapter III – Criminalization and law enforcement	
Articles 15-29, 41-42: Criminal offences and criminal law provisions	Support in legislative drafting and harmonization of laws, capacity building of criminal justice practitioners
Prosecution, adjudication and sanctions; cooperation with law enforcement (articles 30, 37); specialized authorities and inter-agency coordination (articles 36, 38, 39)	Strengthening of the capacities of law enforcement agencies, investigation techniques and facilities, specialisation, coordination and competencies of agencies in regard to corruption related offences (e.g. legal and institutional framework, case management, equipment, etc.)

ANNEX 3: ADDITIONAL RESOURCES

U4 –Anti-Corruption Resource Centre

U4 is a web-based resource centre for development practitioners who wish to effectively address corruption challenges in their work. U4 aims to provide users with relevant anti-corruption resources; including U4's applied research, publications, a helpdesk service and online training. The website contains sections covering certain themes of which one concerns UNCAC.

Available from: <http://www.u4.no/themes/un-convention-against-corruption/>

United Nations Office on Drugs and Crime (UNODC): Corruption

The "Corruption" section of the UNODC website is organized around specific topics directly relevant to the Convention, including documentation from the Implementation Review Mechanism as well as other resources to support Member States in the implementation of UNCAC.

Available from: <http://www.unodc.org/unodc/en/corruption/index.html>

UNODC: TRACK Portal and Anti-Corruption Legal Library

UNODC has launched a web-based anti-corruption portal known as TRACK (Tools and Resources for Anti-Corruption Knowledge). The portal features the Legal Library on the United Nations Convention against Corruption (UNCAC), providing a unique gateway to an electronic database of legislation and jurisprudence relevant to UNCAC from over 175 States systematized in accordance with the requirements of the Convention. The TRACK portal brings together legal and non-legal knowledge on anti-corruption and asset recovery enabling Member States, the anti-corruption community and the general public to access this information in a central location. An anti-corruption learning platform is also incorporated, providing a space where analytical tools generated by partner organizations can be searched and accessed by users worldwide. There is also

a section containing resources for academia and the private sector.

Available from: <http://www.track.unodc.org/Pages/home.aspx>

United Nations Development Program (UNDP)

The UNDP's website contains detailed information on its geographical and programmatic priorities. UNDP's Global Thematic Programme on Anti-Corruption for Development Effectiveness (PACDE) contributes to providing useful resources on various aspects of corruption from around the world and the activities supported.

Available from: <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/>

UNDP: The Global Anti-Corruption Portal

The Global Portal on Anti-Corruption for Development is a one-stop-shop for information and knowledge specialized on anti-corruption for sustainable development. It aims to support the work of development/governance practitioners, anti-corruption bodies, researchers, civil society organizations and the donor community by facilitating easy access to information, cutting-edge knowledge and practical tools on anti-corruption at the global, regional and country level. Users of the portal will find easy and free access to: training materials and multimedia resources; corruption risk mitigation tools and methodologies used in sectors; case studies and lessons learned from anti-corruption interventions and policy documents, including anti-corruption strategies, reports and evaluations, and advocacy resources. The web portal also connects to the extensive map of efforts and initiatives on anti-corruption with easily accessible links to other existing global anti-corruption networks and databases.

Available from: <http://www.anti-corruption.org/index.php/en/>

UNDP: The Governance Assessment Portal

The GAP Portal section on corruption seeks to provide guidance on new ways to measure corruption with particular focus on so called 'actionable measurements', i.e. nationally generated tools customized to a country's specific policy challenges that have the advantage of being designed to yield actionable data that informs local policy choices and priorities.

Available from: <http://www.gaportal.org/node/3357>

Integrity Action

Integrity Action's focus is on building a culture of integrity by supporting citizens and organisations to develop effective systems that promote integrity.

Integrity Action is an independent non-governmental organisation that works with governments, business and civil society to promote integrity. The website includes information and resources on integrity in the following thematic areas: education, elections, work, law, post-war reconstruction and pro-poor governance.

Available from: <http://www.integrityaction.org>

World Bank Institute (WBI): Governance & Anti-corruption

The WBI's Governance & Anti-corruption Programme provides policy and institutional advice to support countries in improving governance and controlling corruption. The website includes a large selection of research papers on corruption, interactive datasets for use as 'e-learning' tools, news, details of past and upcoming events, and information on capacity building and learning programmes.

Available from: <http://www.worldbank.org/wbi/governance>

Organisation for Economic Co-operation and Development (OECD): Fighting Corruption

OECD's focus on corruption includes prevention of bribery in international business transactions; strengthening integrity in various sectors; transparency and integrity in lobbying; promoting responsible business conduct and regional anti-

corruption programmes, etc. A broad range of public sector process standards and country data are also available.

Available from: <http://www.oecd.org/corruption/>

The Anti-Corruption Research Network (ACRN)

The Anti-Corruption Research Network (ACRN) is an online platform and the global meeting point for a research community that spans a wide range of disciplines and institutions. ACRN is a podium to present innovative findings and approaches in corruption / anti-corruption research, a sounding board to bounce off ideas and questions, a marketplace to announce jobs, events, courses and funding. The periodic spotlight section also looks at specific corruption issues and highlights key research insights and contributions on the selected topic.

Available from: <http://corruptionresearchnetwork.org/>

Global Integrity

Global Integrity is an independent, non-profit organisation tracking governance and corruption trends around the world. Global Integrity plays the unique role of innovator for the transparency and accountability community: working with a global community of local contributors, we produce innovative research and technologies to ensure that the field continues to evolve with better data and research tools. Among the resources available on the website are the Global Integrity Report, the Local Integrity Initiative, which is a collection of unique projects assessing anti-corruption and governance at the sub-national and sector levels.

Available from: <http://www.globalintegrity.org/>

International Anti-Corruption Academy (IACA)

IACA is a new joint initiative by UNODC, the Republic of Austria, the European Anti-Fraud Office (OLAF) and the Diplomatic Academy of Vienna aiming to reinforce the knowledge and practice in the field of anti-corruption. IACA conducts training programmes and offers a degree programme Master in Anti-Corruption Studies (MACS).

Available from: <http://www.iaca.int>

Transparency International (TI)

Transparency International is a well-established global network of stakeholders from several sectors and professions that promote various measures aimed at supporting the vision of corruption free societies. It is represented in many countries around the world through national chapters, and internationally through its Secretariat. The website hosts a number of surveys and indices on corruption, and provides access to various services and as well as access to research. TI publishes the bi-annual Global Corruption Report with special thematic focus, policy papers/briefs, as well as toolkits for civil society and others.

Available from: <http://www.transparency.org/>

The Asia Foundation

The Asia Foundation is a non-profit international development organization committed to improving lives across a dynamic and developing Asia. Informed by six decades of experience and deep local expertise, the Asia Foundation programmes address critical issues affecting Asia in the 21st century—governance and law, economic development, women's empowerment, environment, and regional cooperation. The Asia Foundation has developed particularly useful approaches to mapping interests and understanding political settlements, directly relevant to the analysis of the change factors necessary to develop effective anti-corruption strategies.

Available from: <http://asiafoundation.org>

Overseas Development Institute (ODI)

The mission of ODI is to inspire and inform policy and practice which lead to the reduction of poverty, the alleviation of suffering and the achievement of sustainable livelihoods in developing countries. This is done by locking together high quality applied research, practical policy advice, and policy-focused dissemination and debate. The applied research by ODI is renowned for its quality throughout the development community, much of which is directly concerned with corruption and related governance contexts.

Available from: <http://www.odi.org.uk>

Basel Institute of Governance

The Basel Institute on Governance is an independent not-for-profit competence centre specialised in corruption prevention and public governance, corporate governance and compliance, anti-money laundering, criminal law enforcement and the recovery of stolen assets. Activities encompass research, publications and provision of training in the respective competence areas.

Available from: <http://www.baselgovernance.org>

ANNEX 4: THE DIFFICULTY OF MEASURING CORRUPTION

The actual prevalence of corruption is difficult to determine due to the very nature of corruption as an illegal activity that often involves parties with no incentive to report. Identifying and reporting the number of investigations and prosecutions therefore provides an inadequate picture, particularly where the justice system is ineffective or itself prone to corruption. For this reason, the scope and scale of corruption can never be accurately measured. Nevertheless, various combined methodologies of perceptions and anonymous reporting methodologies can be used to provide a general impression of the overall situation in a certain entity, sector or geographical area.

An emerging consensus is the claim that corruption can be measured by using more easily measurable proxies for corruption that show a strong correlation to corruption.⁴⁸ A recent measurement of impartiality ('quality of government') is one such proxy. It has the benefit of accounting for any form of corruption, including when patronage undermines adherence to the rule of law by using public-sector authority in a partial manner while setting aside legally defined decision criteria.⁴⁹ This measure, however, does not capture legalized practices that in effect have an extractive nature: so-called legalized corruption.⁵⁰ Such extractive institutions do not necessarily depend on public services being distributed in an impartial manner, and are therefore not captured by impartiality nor by the

term 'abuse' in the classic definition of corruption as 'abuse of entrusted authority for private gain'.⁵¹

Extractive political institutions lead to extractive economic institutions, which enrich a few at the expense of many. Those who benefit from extractive institutions thus have the resources to build their (private) armies and mercenaries, to buy their judges, and to rig their elections in order to remain in power. They also have every interest in defending the system. Therefore, extractive economic institutions create the platform for extractive political institutions to persist [as economic wealth and power can leverage political power.

These political institutions provide few checks and balances against the abusive use of public office and ignore the needs of the public at large (the public interest), including policies that could make everybody better off. As a result, political and economic institutions that represent institutionalized corruption need to be measured differently compared with corrupt transactions defined either as partial or abusive in relation to formal requirements while providing a private benefit. That measurement needs to rely on accepted normative standards that represent the legitimate use of entrusted political authority and legitimate distribution of resources through the use of entrusted public authority.

Whereas no international agreement exists on how to define this, international standards have nevertheless emerged for public economic institutions with the Public Expenditure and Financial Accountability (PEFA) assessment framework.⁵²

48 Rothstein, B. and Holmberg, S. (2011). 'Correlates of corruption', Working Paper Series 2011:12. Gothenburg, Sweden: Quality of Government Institute.

49 Rothstein, B. (2011). 'The quality of government: corruption, social trust, and inequality in international perspective'. Chicago: University of Chicago Press.

50 Kaufmann, D. and Vicente, P. (2005). 'Legal corruption', a working paper. Available at SSRN: <http://ssrn.com/abstract=829844> or <http://dx.doi.org/10.2139/ssrn.829844>. In the working papers, the authors define legalized corruption as follows: "...we regard legal corruption as arising when the elite prefers to hide corruption from the population..."

51 Acemoglu, D. and Robinson, J. (2012). 'Why nations fail'. London: Profile Books Ltd, p. 343.

52 The assessment framework is available at: www.pefa.org.

By providing information on both power discretion and material resources available,⁵³ PEFA can help identify extractive institutions as well as corruption risks. It should be kept in mind, however, that the framework provides a measurement of something other than the level of corrupt transactions in a society or sector.

Using diagnostic tools that provide indicators to UNCAC review

The use of diagnostic tools to identify indicators that can capture change in reduction of corruption

risks may be particularly useful in assessing *de jure* changes. Such diagnostic tools are often based on what is believed to be good practices to reduce the risk of corruption by strengthening integrity.

An example of a diagnostic tool that contains a set of useful indicators to assess the overall integrity of public financial management is the PEFA assessment framework, as mentioned above. This type of diagnostic tool has the potential to contribute to how to measures *de jure* integrity in other sectors as well.

53 Mungiu-Pippidi, A. et al (2011). 'Contextual choices in fighting corruption: lessons learnt'. Oslo: Norad. See the Resources and Constraints Model for explaining control of corruption, which fits well with seeing extractive institutions as factors influencing the control of corruption.

BIBLIOGRAPHY

- Acemoglu, D. and J.A. Robinson (2012) *Why Nations Fail*. London, UK: Profile Books Ltd.
- Holmberg, S. and Rothstein, B. (2011) *Correlates of Corruption*. Gothenburg, Sweden: Gothenburg University (Quality of Government Institute), Working Paper Series 2011:12.
- Available from: http://www.pol.gu.se/digitalAssets/1357/1357840_2011_12_rothstein_holmberg.pdf [Accessed 12/11/13].
- Kaufmann, D. and Vicente, P. C. (2005) Legal Corruption. Unpublished paper. (November 24, 2005).
- Available from: <http://ssrn.com/abstract=829844> [Accessed 12/11/13].
- Leeuw, F. and Vaessen, J. (2009) *Impact Evaluations and Development: NONIE Guidance on Impact Evaluation*. Washington, DC, USA: NONIE—Network of Networks for Impact Evaluation.
- McLoughlin, C. (2012) *Topic Guide on Political Economy Analysis*. Birmingham, UK: University of Birmingham (GSDRC).
- Available from: <http://www.gsdr.org/docs/open/PEA.pdf> [Accessed 12/11/13].
- Norad (2008) *Anti-Corruption Approaches: A Literature Review*. Oslo, Norway: Norad, Study 2/2008.
- Available from: <http://www.norad.no/no/resultater/publikasjoner/publikasjon?key=119213> [Accessed 12/11/13].
- Norad (2011) *Contextual Choices in Fighting Corruption: Lessons Learnt*. Oslo: Norad, 2011, Evaluation Studies 4/2011.
- Available from: <http://www.norad.no/en/tools-and-publications/publications/publication?key=383808> [Accessed 12/11/13].
- Norad (2011) *Joint Evaluation of Support to Anti-Corruption Efforts 2002-2009*. Oslo, Norway: Norad, Evaluation reports 6/2011.
- Available from: <http://www.norad.no/en/tools-and-publications/publications/publication?key=384730> [Accessed 12/11/13].
- OECD (2008) *Harnessing the potential of technical assistance to deliver UNCAC*, Open ended Intergovernmental Working Group on Technical Assistance, Vienna, Austria, 18 and 19 December 2008. Vienna, Austria: OECD.
- Available from: <http://www.u4.no/recommended-reading/harnessing-the-potential-of-technical-assistance-to-deliver-uncac/> [Accessed 12/11/13].
- Panth, S. (2011) *Changing Norms is Key to Fighting Everyday Corruption*. Washington, DC: World Bank.
- Available from: <http://siteresources.worldbank.org/INTGOVACC/Resources/ChangingNormsAnnexFinal.pdf> [Accessed 12/11/13].
- Riddell, R.C. (2007) *Does Foreign Aid Really Work?* Oxford, UK: Oxford University Press.
- Rothstein, B. (2011) *The Quality of Government*. Chicago, USA: University of Chicago Press.
- Rothstein, B. and Teorell, J. (2008) What Is Quality of Government? A Theory of Impartial Government Institutions. *Governance: An International Journal of Policy, Administration, and Institutions*, 21(2), pp. 165–190.
- Available from: http://www.gu.se/digitalAssets/1358/1358049_what-is-quality-of-government.pdf [Accessed 12/11/13].
- Steer, L. et al (2009) *Mutual Accountability at the Country Level: A Concept and Emerging Good Practice Paper*. London, UK: Overseas Development Institute (Centre for Aid and Public Expenditure).
- Available from: <http://www.odi.org.uk/publications/3277-mutual-accountability-aid-developing-countries> [Accessed 12/11/13].

- Transparency International (2011) *Corruption Risk Assessment Topic Guide*. Berlin, Germany: Transparency International.
- Available from: http://gateway.transparency.org/files/uploads/Corruption_Risk_Assessment_Topic_Guide.pdf [Accessed 12/11/13].
- U4 (2010) *An Ambassadors Guide to the United Nations Convention Against Corruption*. Bergen, Norway: Chr. Michelsen Institute (U4 Anti-Corruption Resource Centre).
- Available from: <http://www.u4.no/publications/an-ambassador-s-guide-to-the-united-nations-convention-against-corruption/> [Accessed 12/11/13].
- U4 (2009) *Corruption and Fraud in International Aid Projects*. Bergen, Norway: Chr. Michelsen Institute (U4 Anti-Corruption Resource Centre), U4 Brief, 2007-4.
- Available from: <http://www.u4.no/publications/corruption-and-fraud-in-international-aid-projects/> [Accessed 12/11/13].
- U4 (2012) *Corruption indicators in Performance Assessment Frameworks for Budget Support*. Bergen, Norway: Chr. Michelsen Institute (U4 Anti-Corruption Resource Centre), U4 Issue 2012:1.
- Available from: <http://www.u4.no/publications/corruption-indicators-in-performance-assessment-frameworks-for-budget-support/> [Accessed 12/11/13].
- U4 (2012) *Is Mutual Accountability Feasible?* Bergen, Norway: Chr. Michelsen Institute (U4 Anti-Corruption Resource Centre), U4 Issue 2012:11.
- Available from: <http://www.u4.no/publications/is-mutual-accountability-feasible-a-conceptual-discussion-with-policy-implications/> [Accessed 12/11/13].
- U4 (2009) *Maximising the potential of UNCAC implementation: Making use of the self-assessment checklist*. Bergen, Norway: Chr. Michelsen Institute (U4 Anti-Corruption Resource Centre), U4 Issue 2009:13.
- Available from: <http://www.u4.no/publications/maximising-the-potential-of-uncac-implementation-making-use-of-the-self-assessment-checklist/> [Accessed 12/11/13].
- U4 (2012) *Theories of change in anti-corruption work: a tool for programme design and evaluation*. Bergen, Norway: Chr. Michelsen Institute (U4 Anti-Corruption Resource Centre), U4 Issue 2012:6, p. 39.
- Available from: <http://www.u4.no/publications/theories-of-change-in-anti-corruption-work-a-tool-for-programme-design-and-evaluation/> [Accessed 12/11/13].
- UNDG (2010) *UNDAF Guidance and Support Package*. New York, USA: UNDG.
- Available from: <http://www.undg.org/index.cfm?P=1532> [Accessed 12/11/13].
- UNDP (2008) *A User's Guide to Measuring Corruption*. New York, USA: UNDP.
- Available from: <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/a-users-guide-to-measuring-corruption/> [Accessed 12/11/13].
- UNDP (2010) *Fighting Corruption in Post Conflict and Recovery Situations: Learning from the Past*. New York, USA: UNDP.
- Available from: <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/fighting-corruption-in-post-conflict---recovery-situations.html> [Accessed 12/11/13].
- UNDP(2011) *Fighting Corruption in the Education Sector: Methods, Tools and Good Practices*. New York, USA: UNDP.
- Available from: http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/fighting_corruptionintheeducationsector/ [Accessed 12/11/13].
- UNDP (2011) *Fighting Corruption in the Health Sector: Methods, Tools and Good Practices*. New York, USA: UNDP.

Available from: http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/fighting_corruptioninthehealthsector/ [Accessed 12/11/13].

UNDP (2011) *Fighting Corruption in the Water Sector: Methods, Tools and Good Practices*. New York, USA: UNDP.

Available from: http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/fighting_corruptioninthewatersector/ [Accessed 12/11/13].

UNDP (2011) *Guidance Note –UNCAC Self-Assessments: Going Beyond the Minimum*. New York: UNDP.

Available from: <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/anti-corruption/guidance-note---uncac-self-assessments-going-beyond-the-minimum/> [Accessed 12/11/13].

UNDP (2012) *UNDP PACDE Mid-term Review*. Unpublished evaluation. UNDP Pacde.

World Bank (2011) *World Development Report 2011: Conflict, Security, and Development*. Washington, DC, USA: World Bank.

Available from: <http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTWDRS/0,,contentMDK:23252415~pagePK:478093~piPK:477627~theSitePK:477624,00.html> [Accessed 12/11/13].

Webpages

Global Advice Network (undisclosed year of publication) *Corruption Risk Assessment* [WWW] Global Advice Network.

Available from: <http://www.business-anti-corruption.com/tools/integrity-system/map/> [Accessed 12/11/13].

PEFA (undisclosed year of publication) *Public Expenditure and Financial Accountability* [WWW] PEFA. Available from: <http://www.pefa.org> [Accessed 12/11/13].

Transparency International USA (undisclosed year of publication) *Best Practices: Standards and Tools* [WWW] Transparency International USA.

Available from: <http://www.transparency-usa.org/what/PrivateSectorBestPractices.html> [Accessed 12/11/13].

Transparency International USA (undisclosed year of publication) *Industry Sector & Collective Action Initiatives* [WWW] Transparency International USA.

Available from: <http://www.transparency-usa.org/what/PrivateSectorIndustrySector.html> [Accessed 12/11/13].

UNODC (undisclosed year of publication) *PROACTIVE –Programme on Assessing Corruption Through Evidence-based Methods* [WWW] UNODC.

Available from: http://www.unodc.org/documents/data-and-analysis/statistics/corruption/Proactive-project_brief.pdf [Accessed 12/11/13].

Zinnbauer, D. (undisclosed year of publication) *Corruption and the MDGs* [WWW] Transparency International.

Available from: <http://corruptionresearchnetwork.org/resources/frontpage-articles/corruption-as-an-obstacle-to-achieving-the-millennium-development-goals> [Accessed 12/11/13].



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