

**Recommendations of the Regional Conference on Fast-Tracking the
Implementation of the United Nations Convention against Corruption in
Southeast Asia**

Bangkok, 31st January – 3rd February 2017

The high level representatives and substantive experts in the workshop “Fast-tracking Implementation of UNCAC for Economic and Social Development in Southeast Asia”: representing government ministries, anti-corruption and law enforcement agencies, prosecution services, state audit institutions, public procurement agencies and financial intelligence units from Southeast Asia,

Recalling the importance of fighting corruption for the achievement of social and economic prosperity as highlighted by the Sustainable Development Goals;

Committed to implementing the United Nations Convention against Corruption (UNCAC);

Recalling resolutions of the Conference of the States Parties (COSP) to UNCAC 4/1 of 28 October 2011 and 3/4 of 13 November 2009 endorsing country-led and country-based, integrated and coordinated delivery of technical assistance programmes and encouraging donors to accord high priority to technical assistance to implement the Convention;

Recalling resolution 6/1 of the COSP of 6 November 2015 which calls upon the States Parties to use the outcome of their country reviews to strengthen their anti-corruption framework, including through technical assistance, where requested;

Underlining the importance of the ASEAN Political Security Community Blueprint 2015 stating that one of the key elements of the rules-based, people-oriented, people centered community is to instill the culture of integrity and anti-corruption and mainstream the principles thereof into the policies and practices of the ASEAN Community;

Recalling that one of the strategic priorities of the ASEAN – UN Plan of Action is to support ASEAN Member States in the implementation of UNCAC and the Memorandum of Understanding on Cooperation for Preventing and Combating Corruption, including through collaboration with the Southeast Asia Parties against Corruption (SEA-PAC):

Recalling the commitments made at the International Anti-Corruption Summit held in London, United Kingdom, on 12 May 2016;

Highlighting the importance of strengthening anti-corruption efforts in the following priority areas;

Recommend to the Governments and National Authorities of countries in Southeast Asia to consider undertaking the following initiatives:

Strengthen the capacities for detecting, investigating and prosecuting corruption at the national and international level through:

Increased specialized knowledge

- Strengthen and institutionalize training programmes for national institutions;
- Share a calendar, coordinated by UNODC, of planned training courses in the region to facilitate participation and improve knowledge exchange;
- Encourage consistency in training programmes for different national criminal justice practitioners, including, where possible, interagency training;
- Provide support for advanced trainings to reflect the increased complexity and sophistication of corruption and financial investigations (e.g. forensic accounting, IT, specialized investigative techniques).

Specialized prosecutorial capacity

- Encourage the creation of specialized prosecution units for corruption cases or, as a minimum, ensure sufficient specialized training on the prosecution of corruption cases.

National cooperation

- Establish effective national inter-agency mechanisms (e.g. memoranda of understanding, taskforces, or focal points within other agencies) to strengthen information sharing and cooperation on corruption, money-laundering and asset recovery cases;
- Encourage the sharing of good practices in relation to national cooperation;
- Strengthen communication between FIUs and law enforcement agencies through regularly providing information on suspicious transactions.

Internal guidance

- Develop internal guidelines or Standard Operating Procedures (SOPs) for national authorities investigating and prosecuting corruption.

Protection of reporting persons and witnesses

- Encourage the review of legislative frameworks related to protection of witnesses and whistleblowers and revise legislation as appropriate;
- Develop a compendium of good practices linked to corruption reporting systems in public and private entities.

International cooperation

- Ensure that central authorities are properly designated, resourced and trained, and that the UN is promptly notified of their designation;
- Support the preparation of a practical guide for practitioners in the region including countries' legal requirements, templates and other relevant information;
- Encourage the use of UNCAC as well as other existing multilateral treaties, subject to domestic law, as a legal basis for extradition and MLA;
- Encourage informal cooperation including the spontaneous exchange of information
- Consider joining the Egmont Group to facilitate information exchange;
- Organize regular regional networking meetings to facilitate contacts, share experience and build trust Improve data collection on international cooperation and asset recovery cases.

Prevent money laundering, prevent and detect the transfer of proceeds of crime and recover stolen assets through:

Prevention of money laundering and transfer of proceeds of crime

- Strengthen preventive measures and implement the necessary systems against laundering and transferring proceeds of corruption, in line with UNCAC;
- Consider national risk assessment to identify and address money-laundering risks;
- Encourage public-private partnerships between governments, law enforcement, regulators and the financial sector to prevent, detect, and prosecute money-laundering, and to share information with other relevant countries;
- Encourage the full implementation of FATF Recommendation 30 on “responsibilities of law enforcement agencies and investigative authorities” on conducting parallel investigations including in cases in which the predicate offence occurred outside the respective jurisdictions.

Asset Recovery

- Demonstrate political will towards asset recovery, inter alia, by providing relevant national agencies with sufficient financial and human resources;
- Develop tools and mechanisms to expeditiously trace and freeze assets;
- Endeavour to develop sufficient capacity for ad-hoc asset recovery teams to work effectively;
- Encourage the establishment of a wide range of asset recovery mechanisms, in accordance with domestic law, including the recognition of non-conviction based proceedings, private law actions and administrative confiscation;
- Encourage active participation in asset recovery networks, including the Asset Recovery Interagency Network for Asia and the Pacific (ARIN-AP);
- Develop policies and structures for efficient management of recovered assets;
- Develop a mechanism to identify beneficial ownership, in accordance with recommendation 24 of FATF.

Prevent corruption and enhancing transparency and accountability of public services through:

Public procurement

- Build the capacity of all stakeholders involved in procurement to effectively implement procurement legislation and/or regulations, at all stages of the procurement process, including contract management and administration through targeted national training initiatives;
- Promote transparency and access to information, subject to domestic legislation, in order to strengthen accountability and participation of society using e-procurement portals or other information and communication technologies;
- Share audit findings among procuring entities, auditors and anti-corruption bodies, where relevant under domestic legislation for investigative purposes;
- Build the capacity of procuring entities and oversight bodies to prevent and detect irregularities and to periodically engage in procurement fraud and corruption risk assessments as well as to take mitigating actions on the identified risks;
- Strengthen the integrity standards in procurement and promote the participation of society through tools such as participative audits, integrity pacts and independent monitoring;
- Strengthen the accountability of private sector actors through measures such as debarment while ensuring due process;
- Promote responsibility, accountability and professionalization among procurement officers through introduction of strict ethical standards, provision of training and vigorous enforcement.

Conflict of Interest and Asset Disclosure

- Establish an effective procedure for immediate disclosure by public officials of conflicts of interest, using to the extent possible information and communications technologies, and publish guidelines for its implementation;
- Pursue a comprehensive approach to managing conflicts of interest, including for preventing risks, through, *inter alia*, the establishment of ethics committees, enhanced public scrutiny, clear procedures for recruitment, and an effective system of sanctions;
- Develop or establish an effective asset disclosure system, in which information on the assets and external interests of public officials will be sent promptly to anti-corruption bodies or other competent offices for further verification, using to the extent possible information and communications technologies;
- Promote regional exchange of experiences on managing conflicts of interest as well as on interest and asset disclosure systems.