

Recommendations from the Regional Anti-Corruption Conference for Law Enforcement Professionals in Southeast Asia

Date: 29-31 August 2022
Location: Bangkok, Thailand

The high-level representatives and substantive experts in the Regional Anti-Corruption Conference for Law Enforcement Professionals in Southeast Asia representing government ministries, anti-corruption and law enforcement agencies, prosecution services 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) on *strengthening the implementation of the United Nations Convention against Corruption at regional levels* (Res 9/4) and on *Enhancing international anti-corruption law enforcement cooperation* (Res 9/5).

Underlining the importance of the ASEAN Political Security Community Blueprint 2015, which states that one of the key elements of the rules-based, people-oriented, people-centered community is to instill a 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 ASEAN Parties against Corruption (ASEAN-PAC);

Recalling the United Nations General Assembly Special Session against Corruption, held in New York in June 2021, which, in its political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation,”¹ highlighted the importance of close cooperation to combat and eradicate corruption, specifically from the law enforcement perspective;

¹ [14] General Assembly resolution [S-32/1](#), annex.

Recommend to the Governments and national authorities of countries in Southeast Asia, and the international community to consider undertaking the following initiatives:

Working group 1

Strengthening regional and international cooperation for investigating and prosecuting multi-jurisdictional corruption cases

Enhancing cooperation among FIUs

1. Enhance mechanisms for effective international cooperation, including by pursuing Egmont membership (for FIUs that have not done so yet) and entering into MOUs with the broadest possible range of foreign FIUs;
2. Organize regional networking meetings to facilitate contacts, share experiences and build trust to improve collection and sharing of information that may support corruption investigations;
3. Strengthen communication between FIUs in the region through spontaneous disclosure and sharing of information on suspicious financial transactions and other potential evidence of corruption and promoting any appropriate feedback of the STRs;
4. Encourage the sharing of best practices between FIUs, including through a regional analyst exchange programme;
5. Encourage opportunities for joint training to strengthen technical capacities among FIUs in the region

Investigating and prosecuting complex corruption cases in the region

1. Encourage the development of mechanisms at the national level that will improve financial intelligence sharing from FIUs to law enforcement agencies in charge of corruption investigation, subject to domestic laws;
2. Encourage the development of guidelines or Standard Operating Procedures (SOPs), including an AML component, if appropriate for national authorities investigating and prosecuting corruption;
3. Encourage the review of legislative and policy frameworks related to protection of witnesses and whistle-blowers, in the public and private sector, and revise legislation and policies, as appropriate;

4. Encourage the establishment of effective national inter-agency mechanisms (e.g., memoranda of understanding, taskforces or focal points within agencies) to strengthen information sharing and cooperation on corruption, money-laundering and asset recovery, while safeguarding information security;
5. Encourage the sharing of good practices in relation to national and regional cooperation;
6. Strengthen regional training programmes for criminal justice practitioners, including, where possible, interagency training;
7. Provide opportunities for training on technical topics that reflect the increased complexity and sophistication of corruption and financial investigations, such as digital forensics and forensic accounting, IT and computer crime, financial analyses, cryptocurrency and other digital assets forfeiture, and special investigative techniques;
8. Encourage the creation of specialized prosecution units for corruption cases and/or ensure sufficient specialized training on the prosecution of corruption cases;
9. Encourage the conclusion of bilateral or multilateral agreements to address transnational bribery cases and enhance cooperation at the international level in the investigation and prosecution of foreign bribery cases [see Abu Dhabi COSP Resolution 8/6];
10. Encourage the introduction or further development and implementation of legal frameworks establishing the liability of legal persons for corruption and bribery.

Improving Efficiency in Mutual Legal Assistance (MLA) and other forms of international cooperation

1. Encourage relevant anti-corruption law enforcement authorities to join, effectively participate in and make best use of the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) established by UNODC;
2. Encourage the use of UNCAC as well as other existing multilateral treaties, as applicable subject to domestic laws, as a legal basis for international cooperation including for extradition and MLA;
3. Establish the necessary legal and policy frameworks to facilitate and encourage joint investigations, subject to domestic law, at the regional and international level for multi-jurisdictional corruption cases;
4. Encourage informal cooperation among law enforcement authorities in the region, including the spontaneous exchange of information and consultations to support pre-MLA coordination.
5. Encourage the publication of domestic law relating to MLA, extradition, money laundering, and corruption
6. Encourage the sharing of special requirements in conducting a request for MLA and extradition such as required template, document, and special legal procedures
7. Ensure that central authorities are designated and resourced, that their personnel are trained, and that the UN is promptly notified of their respective designations.
8. Acknowledge the importance of SEAJust (South East Asia Justice Network) as a mechanism facilitating regional and international cooperation in criminal matters, including corruption and asset recovery;

Working group 2

Addressing the link between corruption and other crimes

1. Conduct analysis and research at the sectoral and/or national and regional level on the role of corruption in facilitating organized crime such as human trafficking and migrant smuggling, falsified medical products, drug trafficking, wildlife, timber, cultural property trafficking and other types of transnational crimes.
2. Promote common understanding on the link between corruption and organized crime, including by ensuring that legislation on serious crimes and organized crimes incorporate clear provisions addressing corruption and provides for sanctions that are appropriate in consideration of the gravity of the offences;
3. Strengthen National Strategies and activities to prevent corruption within relevant regulatory and other agencies as well as law enforcement authorities tasked with addressing organized crimes as well as within border management agencies (e.g. customs and immigration authorities) including:
 - a. good governance practices;
 - b. corruption risk assessments and mitigation;
 - c. conflict of interest management;
 - d. codes of ethics and disciplinary mechanism;
4. Incorporate measures to prevent and detect corruption, as appropriate, into strategies and mechanisms to counter crime and trafficking of illegal goods, including policies, procedures and training;
5. Establish effective national inter-agency mechanisms (e.g., memoranda of understanding, taskforces or focal points within agencies) to strengthen information sharing and cooperation among anti-corruption agencies, audit bodies, and relevant regulatory and administrative bodies working in the field of environmental protection, fighting trafficking, food and drug administration, and others, while safeguarding information security;
6. Enhance systems for sharing intelligence and information on corrupt activities related to crimes among law enforcement authorities at the national, regional and international level, including to address high risk points for international trafficking and smuggling (such as border crossings);
7. Conduct corruption risk assessments at the sectoral and/or national level in the private sector and public service that are particularly prone to corruption, such as but not limited to the health sector, infrastructure development, and waste management [~~and other sectors~~];

8. Promote the role of the private sector in fighting corruption related to organized crimes, including through engagement with business associations, chambers of commerce and industry bodies;
9. Improve the capacity of the law enforcement authorities of conducting financial crime analysis and investigations, including utilizing innovation technology, to detect and take actions on corruption related to organized crimes;
10. Increase public awareness and participation, including engagement with local communities to prevent and detect corruption related to crimes;
11. Promote sharing of best practices in addressing the links between corruption and organized crimes among countries in the region;
12. Informing the Senior Official Meetings on Transnational Crimes of ASEAN as well as ASEAN PAC annual meeting on the relevance of addressing corruption to fight organized crime and on the recommendations produced by this conference;
13. Review the policies, legal and institutional frameworks to ensure that relevant authorities have appropriate mandates and sufficient capacity to conduct effective investigations and prosecutions in response to the emerging typologies of crimes including linkages to corruption;
14. Promote exchange and discussion at the international level and international communities to obtain support and funding to implement the recommendations included under this part of the outcome document;

Working Group 3

Enhancing legal and institutional frameworks for the recovery of stolen assets

Preventing money-laundering and the transfer of proceeds of crime

1. Strengthen preventive measures and implement the necessary systems against money-laundering and transferring proceeds of corruption, in line with UNCAC and FATF recommendations;
2. Conduct national risk assessments to identify and address money-laundering risks;
3. Encourage public-private partnerships between governments, law enforcement, regulatory and supervisory authorities and the financial sector to prevent, detect and prosecute money-laundering, and to appropriately share information with other relevant countries;
4. Develop mechanisms to identify beneficial ownership, in accordance with UNCAC (art. 12(2)(c), 14(1)(a), and 52(1)) and recommendation 24 of FATF, and consider establishing beneficial ownership registers;

5. Take the necessary measures to prevent the exploitation of virtual assets for money-laundering and other criminal purposes.

Promoting international cooperation to recover stolen assets

1. Promote the full implementation of UNCAC, in particular its Chapter V on asset recovery;
2. 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;
3. Demonstrate political will towards asset recovery, *inter alia*, by providing relevant national agencies with sufficient financial and human resources;
4. Develop tools and mechanisms to expeditiously trace, freeze, seize and confiscate criminal assets;
5. Endeavour to develop sufficient capacity for *ad hoc* asset recovery teams to work more effectively;
6. Encourage the establishment of a wide range of asset recovery mechanisms, in accordance with domestic law, including the recognition of non-conviction-based proceedings, direct recovery through civil actions, and administrative confiscation;
7. Encourage reaching out to the joint World Bank/UNODC StAR Initiative for support with asset recovery, when needed;
8. Encourage active participation in international cooperation and asset recovery networks, including the Asset Recovery Interagency Network for Asia and the Pacific (ARIN-AP) and the GlobE Network;
9. Encourage the active sharing of good practices in the recovery of assets with other States parties;
10. Take measures to enhance and foster international cooperation, including direct/informal cooperation between competent authorities;
11. Encourage the establishment of mechanisms to allow for the collection of data on international cooperation and asset recovery requests;
12. Develop and publish guidelines on international cooperation and asset recovery.

Seizing, confiscating and managing stolen assets

1. Take such measures as may be necessary to permit another State Party to initiate civil action in its courts, subject to domestic law, to establish title to or ownership of property acquired through the commission of an offence established in accordance with UNCAC;
2. Establish regulatory frameworks for non-conviction-based confiscation and forfeiture;

3. Establish or enhance the regulatory, procedural and institutional frameworks, if necessary, for the enforcement of foreign confiscation orders, including non-conviction-based confiscation and forfeiture, when receiving another country's claim as a legitimate owner of property acquired through the commission of an offence established in accordance with UNCAC;
4. Ensure that law enforcement authorities are equipped with sufficient capacity to trace, seize and confiscate virtual assets;
5. Establish or enhance regulatory and institutional frameworks, and develop adequate standard operating procedures (SOPs) for the management of confiscated property and arrangements for coordinating seizure and confiscation proceedings, which should include the return of confiscated assets, in line with article 57 of UNCAC.