

ADB/OECD Anti-Corruption Initiative for Asia and the Pacific

5th regional anti-corruption conference
Hotel Nikko New Century Beijing
Beijing, People's Republic of China

5th regional anti-corruption conference for Asia and the Pacific Reducing Inequality and Promoting Growth – Driving Down Corruption

Hotel Nikko New Century Beijing
Beijing, People's Republic of China
28-30 September 2005

DRAFT AGENDA

Organized by the
ADB/OECD Anti-Corruption Initiative for Asia and the Pacific
in cooperation with the
Ministry of Supervision of the People's Republic of China



Conference description

The Beijing anti-corruption conference for Asia and the Pacific is the fifth in a series of regional conferences organized by the ADB/OECD Anti-Corruption Initiative. Since its inception in 1999, the ADB/OECD Initiative has been a pioneer in the fight against corruption in the Asia-Pacific region and continues to take a leading role in supporting countries' efforts to formulate and implement effective, sustainable anti-corruption measures. Its biennial anti-corruption conferences provide a valuable forum for exchange among concerned governments, citizens, business representatives and the donor community; catalyze innovative anti-corruption strategies and reform tailored to the Asian and Pacific countries' needs; and allow for evaluation of achievements.

■ Objectives and expected outcomes

The ADB/OECD Initiative's 5th regional anti-corruption conference for Asia and the Pacific aims to strengthen regional cooperation, foster the exchange of knowledge and experience, and build synergies and networks among concerned stakeholders. The conference will provide countries with an opportunity to evaluate progress and discuss difficulties in curbing corruption. Participants will both share and reinforce their knowledge on key anti-corruption themes and identify and discuss concrete anti-corruption tools.

Conference attendees will gain a clearer understanding of the most pressing challenges currently faced in the fight against corruption in the region through technical discussions and a comparative overview of recent policy developments. They will also identify relevant counter-measures to meet these challenges and benchmarks to help evaluate the success and progress of future efforts under the Action Plan.

In this aim, the conference will provide capacity building workshops on selected anti-corruption themes, identified by member countries of the ADB/OECD Initiative as being of particular concern to the Asia-Pacific region.

■ Conference structure

The two-and-a-half day conference is composed of two plenary sessions on the mornings of September 28 and September 30, and six capacity building workshops in the afternoon of September 28 and on September 29.

During the first plenary session, Initiative's member countries and jurisdictions will report on their progress in implementing the Anti-Corruption Action Plan for Asia-Pacific since the last anti-corruption conference in December 2003.

The workshops are designed to give participants an opportunity to enhance their practical knowledge in applying anti-corruption tools and mechanisms and learn about tested methods to combat corruption in specific areas. They will address the Asia-Pacific region's specific challenges as identified by the Initiative's member countries, using concrete examples of selected countries' individual experiences.

To this aim, the workshops will explore ways to ensure that domestic anti-corruption strategies are designed on the basis of sound situation assessments (A: public opinion surveys), and that where external assistance is provided, this assistance is delivered in line with recipient countries' needs and in coordination with other potential donors (B: effective donor support). To support member countries in addressing their most pressing concerns, the workshops will seek to identify innovative tools and discuss proven solutions to combat corruption in sectors particularly exposed to corruption (C: humanitarian relief operations; D: conflict of interest typologies). Finally, the workshops will build on the well-established inter-governmental and inter-sectoral cooperation of the ADB/OECD Initiative to further advance regional and worldwide judicial cooperation (E: seizure, confiscation and asset recovery) and to foster supportive measures by governments to strengthen private sector ethics (F: private sector ethics).

The closing plenary will recap the main findings of the conference's capacity building workshops and formulate recommendations for future action to be considered by relevant stakeholders from the region.

■ Participation

Experts from the 25 member countries of the ADB/OECD Anti-Corruption Initiative for Asia-Pacific¹ will be invited to participate in the conference. Representatives from other ADB member countries and members of the OECD Working Group on Bribery from outside the region will also attend the conference. Delegates will include:

- Senior government representatives of the ADB/OECD Initiative's member countries and jurisdictions nominated by their respective governments;
- Senior government representatives from other Asian and Pacific countries with strong expertise and policy making responsibilities in the fight against corruption;
- Representatives from non-governmental institutions and organizations actively involved in combating corruption in the Asia-Pacific region, including from the private sector, anti-corruption NGOs, trade unions and the media, invited by ADB and OECD in cooperation with members of the Initiative's Advisory Group and their regional networks and contacts;
- Senior representatives from international organizations and donor agencies actively supporting the fight against corruption in the Asia-Pacific region; and
- Internationally recognized experts from ADB member countries and members of the OECD Working Group on Bribery invited to share experience on topics relevant to the conference's theme.

Participation is on invitation only. Individuals interested in attending the conference may request an invitation from the ADB/OECD Secretariat.

■ Registration

Invited participants should confirm their participation by completing and returning the attached registration card to ADB and OECD before August 15, 2005.

■ Dates, venue and accommodation

The conference will be held on 28-30 September 2005 at *Hotel Nikko New Century* in Beijing, People's Republic of China. Arrangements for hotel accommodation should be made through the ADB/OECD Secretariat by using the official conference registration card in order to avail of the conference's negotiated room rate of USD 80 per standard room per night including breakfast. Hotel rooms can only be reserved upon receipt by the Secretariat of the completed registration card, including flight details.

¹ Australia; Bangladesh; Cambodia; PR China; Cook Islands; Fiji; Hong Kong, China; India; Indonesia; Japan; Kazakhstan; Republic of Korea; Kyrgyz Republic; Malaysia; Mongolia; Nepal; Pakistan; Palau; Papua New Guinea; Philippines; Samoa; Singapore; Thailand; Vanuatu; Vietnam.

Tuesday, 27 September 2005

16.00 – 18.15 **Registration of conference participants (Century Hall)**

Participants will receive basic orientation documents, including background papers, the list of participants, the final conference program, badges etc. (*Participants that have already registered for the Steering Group meeting do not need to register again*)

17.00 – 18.00 **Preparatory meeting for chairs, speakers and panelists [on invitation only] – Shandong Hall**

This session brings together chairs, speakers and panelists to review issues to be addressed during the conference's plenary sessions and workshops. This briefing aims to clarify expected outcomes of the conference and provide the latest information on relevant organizational arrangements.

18.20 **Departure for dinner**

19.00 **Flavor dinner hosted by the Government of PR China (Golden Hall of Hepingmen Roast Duck Restaurant, 4th floor)**

Wednesday, 28 September 2005

08.00 – 09.00 Registration of conference participants (Century Hall)

09.00 – 09.45 Plenary 1 – Opening (Century Hall)

Chair: Mr. Lu Zhilun, Minister of Supervision, PR China
Welcoming remarks: State leader, Government of PR China
Opening remarks: Mr. Geert van der Linden, Vice President, ADB
Opening remarks: Mr. Richard Hecklinger, Deputy Secretary-General, OECD

09.45 – 10.30 Coffee break

10.30 – 12.30 Plenary 2 – Recent policy developments in Asia and the Pacific (Century Hall, 3rd floor)

Co-chair: Mr. Jak Jabes, Director, Governance and Regional Cooperation Division, ADB
Mrs. Carolyn Ervin, Deputy Director, Directorate for Financial and Enterprise Affairs, OECD
Speakers: Ms. Gretta Fenner, ADB/OECD Secretariat: Overview on recent policy developments in the Asia-Pacific region
Mr. Huang Shuxian, Vice Minister, Ministry of Supervision, PR China
Ms. Janet Grace Maki, Solicitor General, Cook Islands
H.E. Mr. Tran Quoc Truong, First Vice Minister, Deputy Inspector General, Government Inspectorate of Vietnam
Mr. Patrick Keuleers, Policy Advisor, Public Administration Reform and Anti-Corruption, UNDP Regional Center Bangkok

Recent policy developments in the Asia-Pacific region were assessed in the 2005 edition of the stocktaking report on anti-corruption policies in 25 Asian and Pacific countries and the Initiative's first comparative overview on legal and institutional measures to combat corruption in public procurement in the Asia-Pacific region. These developments will be introduced by the Secretariat, followed by country-specific presentations highlighting the latest and most innovative anti-corruption reform policies undertaken by Initiative's member countries. Such reforms often require external support to supplement domestic resources. Consequently, donor strategies in support of such efforts in the Asia-Pacific region are important and will also be presented in this session.

12.30 – 14.00 Lunch hosted by the ADB/OECD Secretariat (Zhonghua Hall II, 2nd floor)

14.00 – 17.00 Capacity building workshops I – Setting the scene for effective anti-corruption reform

[15.45 – 16.00 Coffee break]

The experience of the Initiative's member countries in implementing the Anti-Corruption Action Plan shows that anti-corruption reform is most effective when it is the fruit of a strategic plan rather than the result of *ad hoc* decisions. Countries have also experienced that, ideally, an in-depth assessment of the nature and extent of corruption and the relative strengths and weaknesses of relevant governmental and societal elements should precede the development of a strategic plan. Such an assessment allows for the definition of stages and priorities in the reform process and helps ensure that the process remain focused and targeted. Early consultation with external partners, donors in particular, is also considered useful. Finally, donors themselves can contribute to enhancing the comprehensiveness of domestic anti-corruption strategies by ensuring a certain level of cooperation and coordination within the local donor community and by agreeing on a number of underlying principles for anti-corruption reform assistance.

Workshop A: How can public opinion surveys assist in preparing anti-corruption reform? (Century Hall, 3rd floor)

Chair: Mr. Jak Jabes, Director, Governance and Regional Cooperation Division, ADB

Speakers: Mr. David Zussman, Stephen Jarislowsky Chair of Public Management; Commissioner, Public Service Commission, Canada
Mr. Cobus de Swardt, Global Programs Director, Transparency International
Prof. Dr. Abdul Rahman Embong, Principal Fellow, Institute of Malaysian and International Studies (IKMAS), Malaysia

Public opinion surveys are tools that can be used to frame and advance administrative reforms and gauge perceptions of citizens as well as public servants. Data obtained through surveys from citizens or private sector participants on their perceptions can assist in raising awareness and foster public discussion about corruption, the need of which the Action Plan's pillar III strongly encourages. If surveys can motivate a discussion of the root causes and impacts of corruption as well as potential remedies, they serve the useful purpose of increasing public pressure for change and trigger reform. Governments commission surveys to seek opinions of those affected by them. Think tanks, NGOs and research institutions also administer surveys to assess the level of corruption across specific sectors of the administration and types of public-private interactions. Reliable data collected using established social science methodology can assist policymakers to prioritize and target anti-corruption reforms in response to citizens' concerns.

This session will introduce participants to public opinion surveys as information tools to be used by governments in designing and implementing reforms in general, and will then seek to present and evaluate different types of corruption surveys and their use and applicability, showcasing findings from a country level survey (Malaysia) as well as results from multi-country surveys of corruption (Transparency International's Corruption Perception Index).

Workshop B: Effective donor support for anti-corruption reform in developing countries (Zhonghua Hall II, 2nd floor)

Chair: Mr. Staffan Synnerstrom, Governance Advisor, ADB Indonesia Resident Mission

Speakers: Ms. Fiona Lappin, Team Leader, Financial Accountability and Anti-Corruption, UK Department for International Development
Mr. Amien Sunaryadi, Vice-Chairman, Corruption Eradication Commission, Indonesia
Mr. Xiaohui Wu, Programme Manager, UNDP Beijing

Donors' support to anti-corruption reforms in the Asia-Pacific region is sometimes perceived by recipient countries as limited in its effectiveness due to competing priorities within the donor community. Increasingly, weak cooperation and coordination among donors and piecemeal approaches have also been seen to undermine the effectiveness of aid. Donor groups such as the OECD Development Assistance Committee's Network on Governance (GOVNET) have identified principles for action to address these issues and react to the need for donors to be more effective within existing mechanisms. These principles outline how donors should work together to ensure that corruption is systematically addressed in partner countries including through the implementation of international conventions and principles, such as the ADB/OECD Initiative's Action Plan. This enhanced collective action should lead to a more effective use of financial resources with a view to increasing the chances of meeting development goals and enhancing the efficiency of domestic anti-corruption strategies.

Countries under the Action Plan are committed to and, by endorsing the Action Plan agree to cooperate with donors in their efforts to combat corruption. This session will consider different types of donor assistance strategies in the area of anti-corruption in response to Asian and Pacific countries' needs and priorities, as well as ways to enhance donor cohesion and efficiency of donor action.

17.45 – 18.45 *Welcome Banquet hosted by Li Zhilun, Minister of Supervision of PR China (Zhonghua Hall, 2nd floor)*

19.10 – 19.45 *Departure for Cultural show*

20.00 – 21.30 *Cultural show hosted by the Ministry of Supervision of PR China (Central National Band's Theater)*

Thursday, 29 September 2005

09.00 – 12.00 Capacity building workshops II – Developing targeted tools to address corruption risk zones

[10.45 – 11.00 Coffee break]

Depending on the degree of interaction between public and private actors, or the level of kickbacks and bribery potentially available, certain sectors, procedures, or actions within a public administration are by their very nature more vulnerable to corruption than others. The tsunami that hit South and Southeast Asia in December 2004, and the resulting large financial and in-kind assistance provided to affected communities has drawn public attention to risks for corruption inherent to humanitarian relief and reconstruction operations. Another area of growing concern in the region is the potential conflict between public officials' public obligations and responsibilities and his/her private interests. This conflict of interests has been observed in Asia-Pacific countries to bring about, directly or indirectly, many instances of corruption of public officials. Asian and Pacific countries have consequently engaged in developing strategies to address such particularly exposed areas.

Workshop C: Preventing corruption in humanitarian relief operations (Century Hall, 3rd floor)

Co-Chair: Mr. Peter Rooke, Director Asia-Pacific, Transparency International (confirmed); and Mr. Bart Edes, Head, NGO Center of ADB

Speakers: Ms. Helen Sutch, Regional Governance Adviser, East Asia and Pacific Region, World Bank
Mr. Nicholas Stockton, Director, Humanitarian Accountability Partnership International
Mr. Pramod Kumar Mishra, Member Secretary, National Capital Region Planning Board, Ministry of Urban Development, India
Mr. JC Weliamuna, Executive Director, TI Sri Lanka

The Indian Ocean tsunami in December 2004 was one of the worst natural calamities of recent times. As befits a disaster of such magnitude, the humanitarian response was massive. At the same time, concerns that corruption may undermine the effectiveness of reconstruction efforts were voiced. The important amounts of money involved and the urgent need for speedy assistance contributed to these widespread fears. To address these concerns, the ADB/OECD Anti-Corruption Initiative and Transparency International, together with the Government of Indonesia, organized an expert meeting on corruption prevention in tsunami relief in Jakarta in April 2005. At that meeting, representatives from all involved stakeholder groups identified several principles for action to be followed in relief and reconstruction efforts related to natural disasters, in order to heighten preparedness for the risk of corruption in humanitarian relief in the future. All three pillars of the Action Plan point to issues that need to be addressed when seeking to prevent and combat corruption in situations of emergency and humanitarian relief.

Participants in this session will discuss the main findings of the Jakarta Expert meeting from the perspective of governments, donors and NGOs with a view to contributing to the development of a set of guidelines and tools for preventing corruption in humanitarian relief and reconstruction. These guidelines and tools, as well as a roadmap for their implementation, will be prepared by the ADB/OECD Initiative and Transparency International in consultation with relevant humanitarian relief agencies, donor agencies, NGOs and governments.

Workshop D: Identifying typologies for conflicts of interest (Zhonghua Hall I, 2nd floor)

Chair: Mr. Janos Bertok, Principal Administrator, Innovation and Integrity Division, OECD

Speaker: Mr. Thomas CS Chan, Hong Kong, China
Mr. Pou Darany, Under Secretary of State, Ministry of Relation with the National Assembly, the Senate and Inspection, Cambodia
Dr. Pairote Patharanarekul, Associate Dean, School of Public Administration, National Institute of Development Administration, Thailand)

Rapid changes in the public sector environment of Asian and Pacific countries, such as the emergence of new models of cooperation with the business sector, public-private partnerships and increased mobility of personnel between the two

sectors, have multiplied grey zones where public officials' private interests can improperly influence the way they carry their official duties. If not adequately identified and managed, conflict-of-interest situations can lead to corruption. Consequently, the Action Plan's pillar I promotes the establishment of "*ethical and administrative codes of conduct*" and the existence of "*prohibitions and restrictions governing conflicts of interest*". A growing number of countries have come to recognize the need to review what constitutes a clash of public and private interests. In some instances, it may also be necessary to develop new rules and practices for certain sectors, official positions or procedures that are particularly exposed to corruption. Appropriate policies regulating conflict of interest situations arising in post-public employment situations are also becoming a high priority issue.

Based on actual situations of conflict of interest in selected member countries and jurisdictions of the ADB/OECD Initiative, and with reference to the OECD Guidelines for Managing Conflict of Interest in the Public Service, the session will seek to define typologies of conflict of interest to assist countries in designing and implementing effective conflict-of-interest policies.

12.30 – 14.00 **Lunch hosted by the ADB/OECD Secretariat (Zhonghua Hall II, 2nd floor)**

14.00 – 17.00 **Capacity building workshops III – Working together for change**

[15.45 – 16.00 **Coffee break]**

Corruption has a direct impact on all groups of a society; it reduces the quality of public service, deviates public funds from their intended purpose, hinders business and undermines social welfare and economic growth. Consequently, all concerned stakeholders have a vested interest and a shared responsibility to fight corruption. Particular responsibility lies at national level, within governments and the private sector, as corruption often results directly from these actors behavior. As criminals increasingly exploit the systemic weaknesses in third countries to hide illegal transactions and escape prosecution at home, responsibility for combating corruption today reaches well beyond national borders. Consequently, international cooperation in the fight against corruption, and in particular in prosecuting corruption, becomes more and more important today.

Workshop E: Creating a supportive environment for business integrity (Zhonghua Hall II, 2nd floor)

Chair: Mr. Steven Olson, President, Pacific Basin Economic Council (PBEC) (tentative)

Speakers: Mr. Henry Parham, Coordinator, Publish What You Pay, and Ms. Vanessa Herringshaw, Head of Economic Policy, Save the Children UK
Senior private sector representative (name to be confirmed)
Ms. So-yeong YOON, Deputy Director, Policy Coordination Division, Korea Independent Commission against Corruption – KICAC

An increasing number of Asia-Pacific governments have acknowledged the fact that there is more to the fight against corruption than targeting corruption in the public sector. The Action Plan's Pillar II encourages countries to "*take effective measures to promote corporate responsibility and accountability, [...] the existence and implementation of legislation requiring transparent company accounts, [...] and the review of laws and regulations governing public licences and procurement [...]*". As part of their larger effort to combat corruption of their own public officials, a growing number of countries have begun to resort to the regulation of corporate accounting and auditing. Other solutions include the promotion of the development of business codes of conduct and/or public information activities on business ethics that aim to improve the integrity of business transactions in public contracts and other public-decision making. Such efforts are increasingly being complemented by business ethics initiatives in the private sector. This session will seek to identify measures, to be taken by governments in partnership with domestic and foreign companies doing business in their jurisdictions, to strengthen regulations, policies and practices with the view to promoting an environment that is more supportive of business ethics.

Workshop F: Denying safe havens through regional and worldwide judicial cooperation (Century Hall, 3rd floor)

Chair: Mr. Huang Shuxian, Vice Minister, Ministry of Supervision, PR China

Speakers: Mr. Ian McCartney, Senior Liaison Officer Beijing, Superintendent, Australian Federal Police
Mr. Simeon Marcelo, Ombudsman, Philippines
Mr. Jean-Bernard Schmid, Investigating Magistrate, Switzerland

Corruption that affects Asia-Pacific countries has increasingly become a problem that knows no boundaries. Criminals have been exploiting systemic weaknesses (e.g. lagging law enforcement, complex or lax mutual legal assistance regulations) to disguise corrupt funds abroad and escape prosecution. Leaving criminal groups with no place to benefit from corruption is therefore a major challenge. The Action Plan in its second pillar promotes in this regard the “*strengthening of bilateral and multilateral cooperation in investigation and other legal proceedings by developing systems which enhance effective exchange of information and evidence, extradition where expedient, and cooperation in searching and discovering of forfeitable assets as well as prompt international seizure and repatriation of these assets*”. Effective international judicial assistance, in particular effective procedures for seizure, confiscation and return of proceeds of corruption as well as for extradition, is increasingly seen as both an effective deterrent to corruption as well as a crucial pre-condition for effective law enforcement. Responsibility for ensuring the effective functioning of such procedures on an international scale is shared between developing countries, where proceeds of corruption often originate, and developed countries, many of which continue to provide safe havens for both criminals and the deposit of their illegally-gained assets.

This session will discuss weak elements in existing arrangements for mutual legal assistance in the above areas and will seek to identify measures that could help close the avenue of corruption.

17.00 – 18.00: Drafting of meeting conclusions (for workshop chairs only)

The meeting will allow session chairs to collect and discuss the main findings of the capacity building workshops. In preparation for this meeting, workshop chairs and speakers are expected to reflect on the most critical issues identified during their respective workshops and on measures to be taken in the future, both at the national and regional level. These points will constitute the key elements of the conference conclusions to be presented on the last day of the conference.

18.15 Leaving for Xianghe in Hebei Province

19.30 Dinner hosted by the Supreme People’s Procuratorate of PR China

Friday, 30 September 2005 (morning)

09.00 – 10.30 Plenary 3 – Defining the avenues for future anti-corruption reforms in the Asia-Pacific region (Century Hall, 3rd floor)

Co-Chairs: Mr. Jak Jabes, Director, Governance and Regional Cooperation Division, ADB
Mr. Patrick Moulette, Head, Anti-Corruption Division, OECD

Speakers: Chairs from capacity building workshops A-F

The final session will provide an overview of the critical issues identified by participants in relation to the six themes addressed during the capacity building workshops in order to help define possible future steps to be taken at the national, regional and international level. Results from this panel discussion will be included in the draft conference conclusions and recommendations to be presented in the final session to guide future anti-corruption work as it relates to the Asia and Pacific region.

10.30 – 11.00 Coffee break

10.30 – 11.00 Chinese leaders will receive heads of delegations and other distinguished foreign guests (Zhonghua Hall, 2nd floor)

11.15 – 12.15 Plenary 4 – Presentation of draft conference recommendations and conclusions (Century Hall, 3rd floor)

Draft recommendations: Mr. Jak Jabes, Director, Governance and Regional Cooperation Division, ADB
Mrs. Carolyn Ervin, Deputy Director, Directorate for Financial and Enterprise Affairs, OECD

Closing remarks: Huang Shuxian, Vice minister of Ministry of Supervision of PR China

12.15 – 12.40 Joint press conference by the ADB/OECD Initiative and the Ministry of Supervision of PR China

12.40 – 13.40 Lunch hosted by the Ministry of Supervision of PR China (Zhonghua Hall II, 2nd floor)

14.30 – 17.00: Departure and Sightseeing to the Great Wall (Badaling)

18.00 – 19.00 Dinner hosted by the People's Government of Beijing (Beijing Conference Center)