Towards a more focused knowledge and learning network for preventing corruption and enhancing anti-corruption law enforcement in Asia-Pacific

For the past 17 years, the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific (the Initiative) has built a solid track record of providing learning and networking activities for its 31 member countries and jurisdictions. During regional conferences, seminars, and Steering Group meetings, many anti-corruption topics have been discussed. These exchanges have helped to advance the anti-corruption agenda in Asia-Pacific and strengthen cooperation and dialogue among participating institutions.

Preparation of the Initiative’s next programme of work in 2018-2020 comes at a time when corruption continues to make headlines around the world. Meanwhile, the latest Transparency International Corruption Perceptions Index, released in January 2016, found there is significant room for reducing the perceived levels of public sector corruption in Asia and the Pacific. It prompted the questions: what are the key challenges for Asia-Pacific countries in their efforts to fight corruption? Can the Initiative provide a more effective support to the countries in the region?

The purpose of this paper is to help the Initiative’s members answer these questions as it engages in a first discussion of the Initiative’s work programme for 2018-2020. The paper describes the key issues facing the Initiative’s members in anti-corruption prevention as well as enforcement, and proposes questions for the Initiative’s reflection.

The changing international agenda

World leaders recently met at the Anti-Corruption Summit in London to renew their pledges to tackle corruption, both at home and abroad. They acknowledged the centrality of the United Nations Convention against Corruption (UNCAC), which is a foundation for cooperation and support under the Initiative. They also encouraged international institutions
to strengthen their individual and collective contributions to the fight against corruption, as well as their own transparency and integrity standards.

At the summit, the OECD reinforced its commitment to be a front-runner in the global fight against corruption, addressing both the international bribery in business transactions and integrity of public administration. Further, in March 2016, justice ministers and other high-level officials from around the world launched a ministerial declaration committing to a stronger era of enforcement of anti-bribery laws. The Asian Development Bank (ADB), which already has a zero tolerance policy towards fraud and corruption in its activities, has recently widened its integrity due diligence advisory function and increased its support for tax integrity issues in its developing member countries.

The Sustainable Development Goals (SDGs) adopted in 2015 elevate global attention to anti-corruption efforts. Goal 16 includes specific targets to substantially reduce corruption and bribery in all their forms. International coordination is also gathering momentum through mechanisms like the Financial Action Task Force (FATF) Recommendation on Transparency and Beneficial Ownership of Legal Persons and Arrangements, which is driving collective action on access to beneficial ownership information and transparency. Others include the Global Forum on Transparency and Exchange of Information for Tax Purposes, Global Initiative for Fiscal Transparency (GIFT), Global Network on Law Enforcement Practitioners, and Open Government Partnership (OGP).

How can the Initiative best support its member countries in their fight against corruption?

Over the years the Initiative has covered a range of topics extending across the preventative, investigative and prosecutorial functions of government. Topics have included public procurement, internal controls, ethics, conflicts of interest, corporate compliance measures to prevent and detect corruption, criminalisation of bribery, whistleblower protection, illicit financial flows, asset recovery and asset disclosure, mutual legal assistance, engaging with business and civil society, the political economy of corruption, and corruption in development projects.

The discussions about these subjects were conducted at annual meetings and targeted at the general policy level. For the most part, these discussions have not been followed up with further, complementary activities with experts at the practitioner level in between the annual meetings. There is perhaps scope to introduce more practical assistance through a targeted approach in addition to annual policy discussions.

The Initiative’s members may wish to consider: Should the Initiative focus on a narrower and more coherent range of topics? Should the Initiative provide targeted follow-up on particular issues to complement the general annual discussions?

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Prevention

Anti-corruption agencies in the region often have a preventive function in their mandate. They may be responsible for developing and monitoring anti-corruption strategies, preventing conflicts of interests, awareness raising, educating, training, and other tasks. However, their resources and capacity are not always sufficient and they cannot necessarily ensure effective corruption prevention alone without cooperation and support from other state bodies and broader society.

Many of the corruption cases in Asia-Pacific point to weaknesses in policies and systems that intend to prevent corruption. They articulate the challenge of mainstreaming anti-corruption in government and society. How can internal control mechanisms in public institutions be strengthened to detect abuse in a timely manner and to promote integrity and accountability? How can the policy cycle be protected from undue influence and capture by lobbyists, political interference or bribery? What role does the private sector play in prevention? Empowering the integrity system from a risk-based perspective, increasing government accountability, and cultivating a culture of integrity are interdependent challenges.

Addressing this challenge requires a holistic and whole-of-government approach, combining efforts from different branches of government, including anti-corruption agencies (ACAs), central and line ministries, procurement bodies, supreme audit institutions (SAIs), statistics offices, and ombudsman offices. Business and civil society groups also play important roles.

The Initiative could respond to these challenges in several ways. It may weigh in on the anti-corruption debate with targeted policy research and exchange of good practices on corruption prevention issues. Focused topics could include risk management and internal controls, government accountability and the role of SAIs, risk-based HR policies, asset declaration systems, civic education, horizontal and vertical coordination, political party finance, lobbying, corruption proofing of public procurement, role of the private sector, business integrity and corruption prevention in public investment and large infrastructure projects.

On this prevention side, the current possibilities for regional exchange among public officials and integrity practitioners in Asia-Pacific could be enhanced. There is an opportunity for the Initiative to achieve this, recognising that many members of the Initiative have implemented components of anti-corruption mainstreaming strategies, reforms or programmes. Such experiences could be tapped for cross-country learning.

In order to foster inter-organisational and multi-disciplinary learning, practitioners and technical experts from various public and private institutions may be invited as part of the learning community, to share their perspective and experiences. The inclusion of anti-corruption partners that hold a specific technical role, responsibility or mandate for policy
implementation related to the topic may promote multi-faceted, in-depth and inspirational exchanges.

The Initiative's work on prevention could develop several work streams targeting various groups of practitioners. These streams may include anti-corruption policies based on risk assessment and stakeholder consultations; integrity of public administration, including professional merit-based civil service, conflict of interest and codes of ethics; business integrity; and other streams such as auditing, procurement, and access to information.

These work streams could be organised as a series of expert seminars and thematic studies, and could be organised back-to-back with the annual events of the Initiative, or between the annual events, as stand-alone meetings for specialised practitioners that can be hosted by member countries or international organisations.

The Initiative’s members may wish to consider: How could the Initiative better respond to the challenges of prevention? E.g., would members see value in putting stronger emphasis on a whole of government approach, conducting more targeted policy research and exchange of good practices on corruption prevention issues, fostering more exchanges among public officials and integrity practitioners in Asia-Pacific, developing specific work streams that target groups of practitioners, or holding expert seminars and thematic studies during and between the Initiative’s annual events?

**Enforcement**

On the law enforcement side, the Asia-Pacific Law Enforcement Practitioners Network (LEN) was successfully launched in 2015 in the margins of the Initiative’s meeting in Mongolia. It holds strong potential for boosting collaboration among the law enforcement community in the region. The LEN focuses on exchange of good practices in law enforcement, tracing illicit financial flows, and mutual legal assistance in the context of combatting corruption. In addition to its meetings, the LEN is adding value through typology work; presently an ongoing study on mutual legal assistance.

The LEN could be strengthened by connecting it with complementary regional or global initiatives. For example, other regional or global anti-corruption networks, or fields such as tax integrity and anti-money laundering. In Bhutan, preliminary steps will be taken to build relations between LEN participants and the Asia-Pacific Group on Money Laundering (AGP). Established in 1997, the AGP provides a regional platform on money laundering and financial crime for its 41 members, of which most are members of the Initiative, and 10 are also members of FATF. AGP’s activities include technical assistance, joint evaluations and thematic research; all of which are relevant to the LEN.
The LEN could also be strengthened by undertaking additional activities beyond its current annual meetings as part of the Initiative’s Regional Seminar and in addition to its typology work. For example, being involved in additional networking forums online or face to face, participation of law-enforcement practitioners from Asia-Pacific in other initiatives.

The Initiative’s members may wish to consider: how to strengthen the LEN, e.g. set up a contact list in law-enforcement bodies and enforcement parts of ACAs, set up an internet base for information exchange, organise stand-alone seminars of the LEN in addition to the back-to-back sessions during the annual events, associate Asia-Pacific LEN with other initiatives such as the Global Network of Law Enforcement Practitioners, the APG, and others.

**Multi-year approach**

The Initiative currently determines the priority topics for discussion at regional conferences, seminars, and Steering Group meetings by surveying members annually. The purpose of the survey is to ensure the members’ ownership of the Initiative. However, the selection of topics is often months before the events. While the Initiative can claim to be fully responsive to its members, an annual approach has downsides. It weakens the medium-term outlook of the Initiative and prevents it from being a more active and strategic participant in setting international agendas. The current approach also restricts the available time to conduct comparative research.

There is a possibility to maintain members’ input into priority topics while also developing a multi-year approach, concentrating efforts around one specific focus topic per year aligned to agreed medium-term thematic priorities and objectives up to 2020. A multi-year perspective would yield benefits in terms of more targeted research and mobilization of experts, and better initiative management. It would provide clarity and predictability for members and potential funding partners, with better chances to secure multi-year funding. It would make it easier to identify and mobilize specific institutions, experts and anti-corruption partners that hold a specific role or mandate related to the topic, resulting in an inclusive and multi-faceted debate. Events, missions and budgets can be better planned, and members will have sufficient time to identify participants they see most suited for the focus topic.

The Initiative’s members may wish to consider: When asked to decide the Initiative’s work programme, should the Initiative’s members focus on a set of related issues over several years?

**Stronger evidence-base.** A medium-term outlook facilitates the development of the evidence-base of a chosen topic, for example, through comparative analysis. A stronger evidence-base would better inform policymaking and underpin the discussions and debate in regional events that aspire to be a platform for knowledge exchange and peer-to-peer learning. These research activities could result in an annual thematic study, similar to the...
major Thematic Reviews published currently under the Initiative about every three years, but more targeted, shorter, and potentially more user-friendly. The Initiative could also look at e-platforms for knowledge exchange and to showcase good practices, and consider ways to strengthen the virtual dimensions on the network.

The Initiative’s members may wish to consider: How could the evidence base for a chosen topic be strengthened? How can the Initiative support this process?

**Partnerships**

Through the Advisory Group, the Initiative has reached out to prospective partners and supporters over the years. Connections have been made using survey instruments and regional and international datasets from ADB, OECD, UNDP/UNODC, Transparency International, and other stakeholders, to bring in international insights and perspectives. There are possibilities to take these connections further. For example, developing and delivering common guidance and assessment tools, or presenting the Initiative’s work on the world stage through mechanisms like the International Anti-Corruption Conference (IACC).

The Initiative’s members may wish to consider: Could the Initiative develop more partnerships or further leverage existing partnerships, to develop relevant guidance and tools and to increase the profile of the Initiative? Are there any additional stakeholders who should be invited to attend the annual Steering Group meetings or other events?

**Conclusions**

This paper suggests a more focused knowledge and learning network for tackling corruption in Asia-Pacific. It proposes two streams of thematic focus for the Initiative’s next programme of work in 2018-2020: prevention and enforcement. A multi-year approach is also proposed so the Initiative can be more strategic and forward looking, in turn, giving rise to possibilities to strengthen the evidence-base for anti-corruption efforts in the region, as well as deepen and broaden knowledge and financing partnerships. Implementation of the proposals would be subject to the availability of resources.
The table below summarises the proposals, which are subject to demand by the Initiative’s members, and available resources.

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<tr>
<td><strong>Format</strong></td>
<td>Annual Steering Committee meeting and regional seminar or conference, which has included an annual LEN meeting on enforcement since 2015</td>
<td>Annual Steering Committee meeting and regional seminar on Prevention, LEN meeting on Enforcement and more learning events in partnership with other networks</td>
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<tr>
<td><strong>Thematic priorities</strong></td>
<td>Diverse</td>
<td>Dual streams, on prevention and enforcement</td>
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<td><strong>Focus topics</strong></td>
<td>Various focus topics combined each year</td>
<td>One major thematic focus per year for the prevention stream, identified for three consecutive years; Concurrent focus on enforcement with annual LEN meetings and additional events</td>
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<tr>
<td><strong>Comparative research</strong></td>
<td>Limited LEN is undertaking a study on mutual legal assistance.</td>
<td>One survey/study per year on the focus topic, underpinning the seminar discussions for the prevention stream. One further survey/study per year or biennium underpinning the LEN discussions.</td>
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<tr>
<td><strong>Publications</strong></td>
<td>Major thematic review published about every three years</td>
<td>Annual study on the focus topic for the prevention stream</td>
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<td><strong>Participants</strong></td>
<td>Government institutions; in practice mostly ACAs LEN - law enforcement officials with anti-corruption expertise</td>
<td>For the prevention stream: ACAs and other relevant institutions and experts, depending on the topic, including non-state actors For the LEN: continued focus on law enforcement officials with anti-corruption expertise, including from investigative and prosecutorial agencies such as anti-corruption authorities and police, as well as financial and other relevant investigators.</td>
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<td><strong>Fundraising</strong></td>
<td>Annually</td>
<td>For three years</td>
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