

Anti-Corruption Priorities in the Asia-Pacific Region

UNCAC Coalition Statement to the 9th Session of the UNCAC Conference of the States Parties

26 November 2021

The UNCAC Coalition member civil society organizations from the Asia-Pacific welcome that, for the ninth time, the States Parties to the United Nations Convention against Corruption (UNCAC) are meeting to advance efforts in the fight against corruption worldwide. We herewith submit to the delegates a statement, developed through an open consultation process with civil society organizations (CSOs) in our Asia-Pacific network, outlining our recommendations according to the priorities of the fight against corruption in our region.

Tracking UNCAC implementation and review

- States Parties should conduct a more inclusive and independent review process, involving all relevant stakeholders, in particular civil society. The effectiveness and implementation of anti-corruption measures in countries should be assessed in an impartial manner for documenting weaknesses as well as best practices.
- The Conference of the States Parties (CoSP) should ensure adequate resources and promptly adopt a work plan for the next phase of the Implementation Review Mechanism, focusing on follow-up measures to the first two review cycles.
- States Parties should designate clear entities to track and report publicly on UNCAC implementation.
- States Parties should follow through on country-specific UNCAC commitments made at the London Anti-Corruption Summit in 2016.¹
- UNODC should create regional mechanisms to ensure closer monitoring of UNCAC implementation, or collaborate with existing regional bodies in this regard.

Participation and engagement of civil society

- States Parties should promote an enabling environment for effective participation of all relevant

¹ UK Government website, Anti-Corruption Summit: country statements, 12 May 2016:
<https://www.gov.uk/government/publications/anti-corruption-summit-country-statements>.

stakeholders including individuals, CSOs, media and the private sector to promote participation and collaboration in the fight against corruption.

- States Parties should establish partnerships with civil society and publicize their commitments under the UNCAC as well as the progress made on those commitments for the benefit of a wider array of stakeholders within the respective countries.
- States Parties should prioritize and implement the Open Government Partnership National Action Plans in collaboration with CSOs to enhance civic participation in governance.

Awareness-raising

- States Parties should promote awareness about the UNCAC and anti-corruption laws among government officials as well as citizens. Such efforts should be done comprehensively and in collaboration with all relevant stakeholders.

Strengthening transparency and access to information

- Countries in the region are urged to ensure greater transparency and people's access to information on official functions, especially in relation to recruitments, procurements (including those of defense and development projects), subsidies, concessions, allotments or lease of public properties and award of licenses, permits, contracts or other benefits; to promote open, regularly updated and digitalized public procurement procedures including at the implementation stage.
- States Parties, regional and international development agencies should allocate adequate resources for promoting transparency and the people's right to information in matters of governance and for strengthening mechanisms whereby the occurrence of corruption could be averted or countered.
- States Parties should promote and mainstream proactive disclosure of information among public authorities under their domestic access to information laws, including for asset declarations filed by public officials.
- States Parties should introduce open, freely accessible beneficial ownership registers; establish central online public registers of the direct owners and beneficial owners of companies, foundations, trusts and all other legal entities along with timely and accurate information. States Parties should undertake and publicize risk management on legal arrangements such as trusts, and clarify current use, risks, and gaps in data and regulation.
- States Parties should take measures to ensure adequate transparency and accountability in the financing of political parties, candidates for public office and electoral campaigns.
- We call on the Asia-Pacific countries to join the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, also known as the Aarhus Convention.
- We call on States Parties to review their secrecy laws and bring them in conformity with the requirements of transparent governance.

- States Parties should strengthen institutional transparency and accountability in the management and use of emergency public finances, including those allocated for humanitarian assistance for handling the COVID-19 pandemic and refugee crises, where huge amounts of funds are being disbursed by donors.

Reporting corruption and protection of whistleblowers

- We urge the Asia-Pacific countries to ensure whistleblower protection in the public and private sectors, create confidential and secure reporting channels within entities and anti-corruption authorities, and provide adequate protection from retribution to all whistleblowers, including those reporting to CSOs and the media, in law and practice.
- States Parties should enhance the protection of witnesses of corruption incidents, investigative journalists and human rights defenders.

Strengthening anti-corruption institutions and laws

- States Parties should endorse the Jakarta Statement on Principles for Anti-Corruption Agencies² and the Colombo Commentary³ on the Jakarta Principles. In particular, States Parties should ensure that anti-corruption bodies and agencies have legal and actual independence, are credible and neutral, are provided with adequate monetary, material and specialized human resources and conform to certain minimum standards in the process of their investigations and prosecutions. These institutions should be able to operate effectively without any undue interference, including for partisan political advantage.
- States Parties and relevant stakeholders should implement commitments set forth in the Sustainable Development Goal 16 to promote peaceful and inclusive societies, ensure access to justice for all, and strengthen accountable institutions at all levels.
- States Parties should ensure adequate public services including independent judicial systems which are critical to the guarantee of rights and freedoms, peace, and rule of law.
- States Parties should perform periodical reviews and evaluation of the existing domestic anti-corruption frameworks for improvements, in order to fully implement UNCAC in domestic legislation.

Law enforcement, institutional and legal reforms

- States Parties should implement appropriate institutional and legal reforms to promote integrity and good governance, including by improving the content and quality of key public services at the service delivery levels, in particular in the field of public procurement.

² Jakarta Statement on Principles for Anti-Corruption Agencies, 27 November 2012: <https://www.acauthorities.org/news/principles-anti-corruption-agencies-conference>.

³ UNODC, Colombo Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies, 2020: <https://www.unodc.org/unodc/en/frontpage/2020/August/unodc-launches-the-colombo-commentary--a-guide-to-strengthen-the-independence-of-national-anti-corruption-agencies.html>.

- States Parties should recognize and take effective action against grand corruption, including by the introduction of grand corruption as a criminal offence. State capacity and law enforcement agencies should be strengthened to systematically prevent and investigate crimes of grand corruption.
- States Parties should strengthen domestic election campaign financing regulatory frameworks for candidates and political parties.
- States Parties should strengthen the capacity of law enforcement to track illicit financial flows.
- States Parties should recognize and adequately provide for safeguards of private sector bribery and corruption in domestic anti-corruption legislation.

Victims of corruption and reparation

- States Parties should take effective measures to address the consequences of corruption and to ensure compensation for victims, both individual and collective, including those of marginalized groups. States Parties should step up their efforts to identify and compensate victims in corruption cases, including by strengthening provisions for compensation of victims of corruption in domestic legal mechanisms, and by sharing and promoting best practice examples.

International Cooperation to combat money laundering and asset recovery

- States Parties should enhance international cooperation between countries of origin and destination for purposes of combating money laundering and terrorist financing, and for the effective recovery of assets.
- States Parties should strengthen domestic and global asset recovery mechanisms through the establishment of mechanisms for investigation into laundering of proceeds of crime, effective asset recovery and recovered asset management, including victim compensation at the domestic level.
- States Parties should commit to publicly reporting on the flow of illicit funds and activities through, into, and out of the Asia Pacific region, and include in such reporting information on countries that play a facilitating role in the flow of illicit funds into and out of the region, enabling professions and business advisor networks.