REGIONAL ROADMAP TO REINVIGORATE THE PLATFORM TO FAST-TRACK THE IMPLEMENTATION OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION IN SOUTHEAST ASIA

(2024-2027)

Bangkok, Thailand
on 29 February 2024

Introduction

Corruption remains a significant obstacle to development globally and throughout the Southeast Asian region. It undermines the rule of law and ability of governments to deliver essential services, distorting markets, discouraging investment, and allowing organized crime and other threats to human security to flourish. Corruption significantly impacts the most vulnerable populations, such as low-income population and women, impeding social inclusion, fostering inequality, and inhibiting prosperity.

The international community has recognized that tackling corruption is vital to sustaining stability and economic growth, maintaining the security of society, protecting human rights, reducing poverty, preserving the environment, and combating organized crime. This is reflected in the 2030 Agenda for Sustainable Development (SDGs), whose Goal 16 requires States to promote peaceful and inclusive societies for sustainable development and build effective, accountable, and inclusive institutions at all levels by reducing illicit financial flows and corruption and developing effective, accountable and transparent institutions at all levels.

Recognizing the global nature of the challenges posed by corruption, which require an international and multidisciplinary approach, the General Assembly adopted the United Nations Convention against Corruption (UNCAC) in 2003. UNCAC represents a globally accepted framework, with most of its provisions being binding, making it a unique tool for a worldwide response to a global problem. The UNCAC approach is also echoed in initiatives at the regional level, such as the Association of Southeast Asian Nations (ASEAN) Political Security Community (APSC)'s specific commitments to anti-corruption efforts in the region.

With a view to contributing to these efforts, over the past few years, the United Nations Office on Drugs and Crime (UNODC) has been supporting the establishment of regional platforms to fast-track UNCAC implementation. The regional platform approach is catalytic, as it seeks to identify gaps in existing anti-corruption efforts, and to coordinate and leverage the work of technical assistance providers while promoting better regional coordination and collaboration. Based on the success demonstrated worldwide, the regional platforms approach has been recognized by the Conference of the States Parties to UNCAC with the adoption of resolution 9/4 in December 2021.

Building on regional capacities and expertise to identify feasible and practical reform priorities, the regional anti-corruption platform for Southeast Asia provides a forum for States parties and development partners to create and foster partnerships, and design actions to achieve tangible results in advancing countries' efforts to implement UNCAC.

UNODC supports this work through its Regional Anti-Corruption Hub in Bangkok, building on and evolving from UNODC's network of field-based advisors. Established in 2023, the Hub comprises of an anti-corruption team with diverse and complementary expertise that is consistent with the anti-corruption priorities identified by countries within Southeast Asia and the Pacific to bring technical assistance closer to the point of delivery and support States parties' anti-corruption efforts.

On 27 - 29 February 2024, delegates from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Mongolia, the Philippines, Thailand, Timor-Leste and Viet Nam gathered in Bangkok, Thailand for the Conference to Reinvigorate the Regional Platform to Fast-Track the Implementation of UNCAC in Southeast Asia. Delegates deemed the identification of gaps concerning international standards as a necessary step. Countries therefore assessed their implementation of UNCAC, including the identification of successes and challenges, as well as reform needs to progress implementation. The cross-cutting themes of international cooperation and peer learning, human rights and gender equality, the use of technology and data, and the role of non-State actors were considered and linked with the thematic themes identified in this roadmap. There were also specific panel and group discussions on the integration of human rights and gender, and the use and impact of technology and data. As emphasized in the Political Declaration adopted in June 2021 by the UN General Assembly at its first special session on corruption, the effective implementation of UNCAC requires action by State actors in cooperation with other non-State stakeholders, such as the private sector, civil society, media, academia and the general public.

Under resolution 9/4 of the Conference of the States Parties to UNCAC and pursuant to the regional platform for Southeast Asia, the following thematic areas serve as a guiding framework to advance our anti-corruption action:

THEMATIC AREA 1: Strengthen institutions to prevent and combat corruption

OBJECTIVE 1: **Enhance transparency and accountability through greater access to information and better reporting channels**

Action point 1.1: Promote awareness-raising and education on right to information.

Action point 1.2: Develop policies on right to information in the public and private sectors through an inclusive, consultative process – including a greater understanding of secrecy laws and other exceptions – based on UNCAC and UN Human Rights Instruments.

Action point 1.3: Develop legislation and implementation plans on right to information in line with international good practice.

Action point 1.4: Encourage institutions to proactively disclose information for greater accessibility through better use of technology and e-systems.

Action point 1.5: Establish systems for data collection and analysis – clean, accessible and readable data from the public and private sectors, including for public procurement and beneficial ownership transparency.

Action point 1.6: Review and strengthen existing reporting channels, including by enhancing accessibility and anonymity in line with UNCAC articles 8(4) and 13(2), and encourage the consideration of gender sensitive reporting.

OBJECTIVE 2: **Promoting transparency, accountability and inclusiveness in the private sector**

Action point 2.1: Enhance preventive awareness-raising and education about public sector governance issues in the private sector, including conflicts of interest.

Action point 2.2: Criminalize bribery in the private sector (UNCAC article 21) and liability of legal persons (UNCAC article 26).

Action point 2.3: Strengthen the independence of institutions for private sector regulation (e.g. Central Bank, Security and Exchange Commission).

Action point 2.4: Extend the scope of regulatory mechanisms to State-Owned Enterprises and multi-national firms.

Action point 2.5: Enhance collaboration and cooperation between private and public sectors through joint trainings, peer-to-peer learning and the sharing of information.

Action point 2.6: Enhance compliance systems and associated capacity-building in the private sector to ensure the necessary checks and balances.

OBJECTIVE 3: **Strengthen whistle-blower protection frameworks and mechanisms**

Action point 3.1: Build awareness and common understanding on the importance of whistle-blower protection in line with UNCAC article 33 and relevant UN Human Rights instruments, together with non-State actors.

Action point 3.2: Develop/ strengthen comprehensive frameworks and mechanisms on whistle-blower protection.

Action point 3.3: Ensure that existing and forthcoming frameworks identify and provide the relevant agencies responsible for whistle-blower protection with the necessary mandates, resources and capacities, including a monitoring and oversight mechanism. Such frameworks may wish to address simplified procedures, timely responses to reports and areas that may be considered especially vulnerable to corruption.

Action point 3.4: Strengthen the capacity of officials to implement whistle-blower protection, including through awareness-raising and peer-to-peer learning opportunities that take into account gender perspectives.

OBJECTIVE 4: Strengthening public institutions to prevent and address corruption

Action point 4.1: Identify legislation that could be amended to strengthen independence and effective institutions that investigate, prosecute and adjudicate corruption-related offences, based on UNCAC reviews and UN Human Rights Instruments (e.g. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)).

Action point 4.2: Capacity-building of institutions to investigate, prosecute and adjudicate corruption offences, including through the use of technology, digital tracing of cryptocurrencies and virtual assets.

Action point 4.3: Produce public materials to advocate for regional consistencies in immunities, sanctions, discretionary powers and the criminalization of corruption offences (i.e. dual criminality).

THEMATIC AREA 2: Enhance public procurement and greater beneficial ownership transparency

OBJECTIVE 1. Improve legal frameworks, public policies and capacity in public procurement

Action point 1.1: Map/ develop legal frameworks to allow for the availability of open and structured procurement data.

Action point 1.2: Review and develop policies on corruption risk, collusion, conflict of interest and the use of beneficial ownership in public procurement.

Action point 1.3: Develop/ review and strengthen policies and mechanisms on complaints and appeals in public procurement.

Action point 1.4: Consider policies that further strengthen competition in public procurement, through greater economic inclusion (e.g. women-owned, micro, and small enterprises).

Action point 1.5: Increase awareness and learning opportunities for public procurement officers and stakeholders on good practices in public procurement, such as open data, economic inclusion (e.g. women, micro and small enterprises), and the use of beneficial ownership information in procurement.

OBJECTIVE 2: Enhance transparency and data sharing through digitization and the use of technologies

Action point 2.1: Develop regional initiatives to allow for the exchange of good practices on procurement, including e-procurement.

Action point 2.2: Develop and improve the domestic exchange/sharing/integration of open data through the whole public procurement cycle (from planning to implementation), including beneficial ownership information and other relevant data.

Action point 2.3: Identify and develop risk management systems, including red flag indicators, to detect corruption risks, collusion and conflicts of interest.
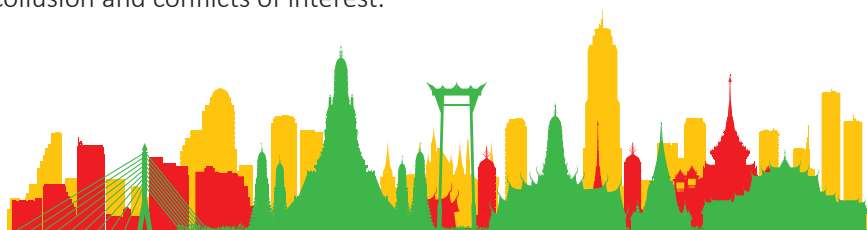
OBJECTIVE 3: Develop/strengthen legal frameworks on beneficial ownership transparency

Action point 3.1: Map existing legal frameworks on beneficial ownership transparency, and identify good practices and address gaps with effective measures.

Action point 3.2: Identify and ensure that the relevant agencies responsible for implementing beneficial ownership transparency have sufficient mandates, resources and capacity.

Action point 3.3: Share different models on beneficial ownership transparency.

OBJECTIVE 4: Take measures to effectively implement beneficial ownership transparency

Action point 4.1: Build awareness of beneficial ownership requirements among stakeholders.

Action point 4.2: Adopt a multi-pronged approach to beneficial ownership transparency through appropriate identification and verification mechanisms, and take steps to facilitate compliance with beneficial ownership requirements by ensuring that such information is adequate, accurate and up-to-date, and adequate sanctions for non-compliance are provided for.

OBJECTIVE 5: Promote the sharing and exchange of beneficial ownership information

Action point 5.1: Develop and implement awareness and educational programmes to build a common understanding of beneficial ownership information and its uses.

Action point 5.2: Explore more efficient regional approaches to access and exchange beneficial ownership information.

Action point 5.3: Consider establishing or strengthening inter-agency collaboration with relevant institutions to share and exchange beneficial ownership information at the domestic level.

Action point 5.4: Increase visibility and awareness of progress on beneficial ownership transparency in the region.

THEMATIC AREA 3: Greater facilitation of asset recovery

OBJECTIVE 1: Strengthen asset recovery strategic, normative, and legislative frameworks

Action point 1.1. Ensure that the legislative framework/ measures in place provide for the return and disposal of assets in accordance with the provisions of paragraph 3 of article 57 of the Convention.

Action point 1.2. Ensure that the domestic framework provide for the enforcement of foreign confiscation orders, including, when appropriate, non-conviction-based forfeiture orders.

Action point 1.3. Endeavor to take measures which provide for non-conviction-based forfeiture.

Action point 1.4. Develop national strategies for asset recovery.

Action point 1.5. Develop country/ regional guides on asset recovery and international cooperation.

Action point 1.6. Establish/ strengthen measures or procedures for the efficient management of seized and confiscated assets.

OBJECTIVE 2: **Strengthen asset recovery institutional frameworks to enhance their effectiveness**

Action point 2.1. Assess the need to establish specialized asset recovery/ asset management units or offices, which are adequately staffed and resourced.

Action point 2.2. Consider establishing specialized funds for confiscated assets to be used for identified priority areas, such as for law enforcement, crime prevention, compensation for victims and whistle-blowers, sustainable development, the promotion of human rights, and youth and women empowerment.

Action point 2.3. Support capacity-building activities at the national and regional levels for practitioners engaged in asset recovery.

Action point 2.4. Develop regional initiatives to allow for the exchange of good practices on investigation and prosecution of complex corruption cases, international cooperation and the recovery of stolen assets.

Action point 2.5. Develop tools and mechanisms to improve data collection and expeditiously trace and freeze assets, such as digitalization, centre registers, and inter-agency communication channels following the good practices of cybersecurity.

Action point 2.6. Promote parallel financial investigations for the recovery of stolen assets.

Action point 2.7. Conduct gender sensitivity trainings among competent and law enforcement authorities.

Action point 2.8. Engage with regional entities and international bodies to facilitate trainings and the exchange of experience relevant to the use technology, such as digital forensic, data analytics, artificial intelligence, digital currencies and blockchain.

Action point 2.9. Consider establishing/ strengthening national databases for the ownership of assets, with a view to facilitating effective asset tracing and recovery, and the identification of beneficial ownership.

OBJECTIVE 3: **Strengthen regional and international cooperation, including for asset recovery**

Action point 3.1. Consider joining the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) established by UNODC.

Action point 3.2. Make full use of available direct cooperation channels, including in the framework of existing regional networks, particularly the Asset Recovery Interagency Network for Asia and the Pacific (ARIN-AP) and the ASEAN Parties Against Corruption (ASEAN-PAC), to facilitate dialogue between regional and international counterparts, and the exchange of information spontaneously/ upon request.

Action point 3.3. Consider making use of, where appropriate, the joint UNODC/World Bank Stolen Asset Recovery (StAR) Initiative, in particular to facilitate international cooperation.