

出國報告（出國類別：出席國際會議）

赴俄羅斯參加 2012 年亞太經濟合作
會議第十四次反貪腐暨透明專家工
作團體會議

14th Anti-Corruption and
Transparency Experts' Working
Group Meeting

服務機關：法務部、法務部廉政署

姓名職稱：簡美慧 主任檢察官、周懷廉 主任檢察官

派赴國家：俄羅斯莫斯科

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壹、會議行程紀要

一、2012 年 2 月 2 日會議

(一) 開幕式

本次 APEC 反貪腐及透明化專家工作小組 (Anti-Corruption and Transparency Experts' Working Grouping, ACTEWG or ACT) 會議由俄羅斯外交部經濟合作司副司長 Timur Eivasov 擔任主席。主席於會議開始時先請各經濟體會員代表自我介紹，並於致詞中歡迎各經濟體會員代表遠道而來與會，並簡介本次會議於 2 月 2 日及 2 月 3 日召開的各項議程。

(二) 議程採認

- 1、ACT 會員通過第 14 屆 (即本屆) 會議議程(議程詳見附件 1)。
- 2、ACT 會員採認第 13 屆會議紀錄(會議紀錄詳見附件 2)。第 13 屆會議達成的成果甚多，諸如：
 - (1) ACT 已從臨時任務編組(Task Force)升級成正式之工作團體 (Working Group)。
 - (2) ACT 反貪腐及透明化報告格式之採認。
 - (3) 在 APEC 次級論壇舉辦多場研討會，討論如何更有效打擊貪腐及非法交易。

(三) APEC 秘書處報告

APEC 秘書處報告 APEC 於 2012 年之優先工作項目及 2011 年召開各項重要會議所達成之成果(報告詳見附件 3)。

1、APEC 於 2012 年的優先工作項目

APEC 就 2012 年所設立之主題為「整合成長、創新發展」(integrate to grow, innovate to prosper)，其優先之工作包括：

- (1) 加強食物安全。

(2) 貿易、投資自由化及擴張區域經濟整合。

(3) 建立可信賴的供應鏈。

(4) 提昇創新成長。

2、APEC 於 2011 年召開重要會議達成的成果

APEC 於 2011 年 11 月 8 日至 13 日在夏威夷舉行領袖高峰會、APEC 企業領袖高峰會、資深官員會議等重要會議，其等會議結論如下：

(1) APEC 領袖高峰會發布了「Honolulu 宣言－邁向無縫的經濟」，本宣言揭櫫了 APEC 未來的重要的目標，包括經濟成長、環境永續及能源安全等議題。

(2) APEC 企業領袖高峰會探討提昇貿易及經濟政策之措施，其具體議題包括全球化、泛太平洋戰略經濟夥伴關係協議 (TPP)、經濟穩定、健康、企業與政府在 21 世紀之合作等。

(3) 資深官員會議則聚焦於更緊密的區域整合、穩定成長及創造就業等議題。

(四) APEC 於 2012 年之工作方向

1、俄羅斯於 2012 年之優先工作事項

俄羅斯是本屆 APEC 會議之主辦國，其代表提出俄羅斯於 2012 年之優先工作事項，包括：

(1) 與世界貿易組織 (WTO) 接軌。

(2) 氣候變遷。

(3) 貿易及投資自由化。

(4) 糧食供應安全。

(5) 健全供應鏈。

(6) 縮小數位落差。

2、ACT 於 2012 年之工作計劃

ACT 預期於 2012 年辦理的活動包括如下：

- (1) ACT 將持續辦理 2010-2015 年之 5 年工作計畫，並促使各經濟體實踐現有之 APEC 承諾。另 ACT 也將持續鼓勵、協助各經濟體，在其各自之內國法制架構下，實踐聯合國反貪腐公約之精神。
- (2) ACT 將持續執行先前由美國及其他主席所發起的行動計畫，例如有效之財產揭露制度及打擊非法貿易等。其中也將特別探討如何整合打擊非法貿易與 2012 年俄羅斯發起的建立可信賴的供應鏈計畫。
- (3) 依據 ACT 之 5 年工作計畫，所有經濟體都應在 2012 年第 2 次 ACT 會議前，提出執行 APEC 反貪腐承諾的期中報告。俄羅斯並建議，除各經濟體各自準備之報告外，應該另準備一份彙整各經濟體打擊貪腐及確保透明化的摘要文件，此摘要屆時將提供給各經濟體之資深官員及領袖。
- (4) 為共同打擊貪腐，ACT 將持續與企業界討論如何建立政府與企業的合作管道，並將聚焦於更進一步強化 ACT 與商業諮詢委員會(ABAC)就打擊貪腐之對話與合作。下一次 ACT 與 ABAC 之對話將在 2012 年 5 月於俄羅斯 Kazan 舉行。
- (5) ACT 在反貪腐議題上，將持續與國際組織合作。ACT 將邀請諸如 UNODC, OECD, 世界銀行等地區性或國際性組織，擔任 ACT 會議與研討會的觀察員。因為 APEC 是一個經濟論壇，在商業交易的領域打擊貪腐是非常重要的，因為這種貪腐直接影響商業及投資環境，增加交易成本，並且扭曲競爭。2012 年 5 月在 Kazan 舉行的研討會，重點將置於在商業交易領域的打擊貪腐，此研討會尚有一個重點，就是討論 OECD 的禁止國際商業交易行賄外國公務員公約。

(6) ACT 將研究起草及通過反貪腐宣言的可行性。這個宣言將彙整 ACT 過去幾年所執行的各項成果。

(五) ACT 於 2011 年舉辦之活動及成果

因 2011 年之 APEC 主辦國是美國，所以由美國代表報告在 2011 年中，ACT 所舉辦之主要活動及成就。

1、ACT 與 ABAC 就打擊貪腐及行賄所進行之對話及夥伴關係

美國代表就本議題之發言重點如下（詳見附件 4）：

2011 年 11 月在夏威夷舉行之 APEC「公開治理及經濟成長」高階政策對話中，各經濟體及團體（如企業代表、學術界、非政府組織、勞工組織等）討論如何藉由打擊貪腐、承諾透明、公正、負責的治理，共同努力提昇公眾信任。與會者均強調好的治理能促進高品質的經濟成長。

上開政策對話中，與會者也再次承諾各經濟體應報告其等就 APEC 反貪腐及透明措施的執行情形。

參與 APEC 的資深官員均認為，有效的透明及反貪腐措施是 APEC 重要的目標，而公開治理則是達成此目標基本措施。公開治理除了可讓貪腐現形，也讓公眾有機會監督政府的政策及資源的使用。相反的，當一個政府對民眾隱匿其作為，將會導致公眾對政府信任的減損。

受到阿拉伯之春的影響，全球各地民眾都在要求政府的施政應該更透明化。政府可透過採取有效的反貪腐政策，展現支持最高程度廉潔的承諾。

APEC 提供的透明化標準及其他部門的標準，能幫助企業（特別是中小企業）有機會接觸到法令及行政裁決，這些資源能促進更深的區域經濟整合，擴張貿易及投資，以及創造就業機會。好的治理是長期、持續成長及支持區域成長、繁榮的關鍵。

此外，行為準則及財產揭露制度，也有助於促進廉潔及經濟成長。美國

歡迎 ACT 於去年所提出的 APEC 公職人員財產揭露原則，這些原則能有效防止貪腐，幫助各經濟體界定利益衝突及協助發覺及起訴那些獲得不法利益及其他形式貪腐之人。

透過與 APEC 與 ABAC 的合作，APEC 也開啟了一個新的公、私部門合作計畫，藉由與 ABAC 的合作，ACT 發覺貪腐將會增加從事商業成本，阻礙經濟表現，侵蝕競爭力，並使各經濟體吸引外資的能力降低。而資金只會流向支持公開治理、尊重法治的地方。

打擊貪腐及行賄、保護合法商業利益，須要集體行動及 APEC 各夥伴共同分擔責任，也須要透過相關的地區性或國際性組織達成緊密的協調。

在 2011 年，ACT 已採取了一個綜合性、全面性的方式打擊貪腐及非法交易，藉此保障繁榮及經濟競爭力，希望 ACT 在這部分能持續努力。

2、公職人員有效財產申報及揭露制度：預防、發現及訴追利益衝突及不法財富增加行為

美國代表就此議題甚為關切，認為財產揭露制度是預防貪腐的有效工具，其發言重點如下（詳見附件 5）：

APEC 領袖們已多次確認打擊貪腐及促進廉潔的承諾，並認為預防措施對打擊貪腐的重要性再怎麼被強調都不為過。APEC 領袖們持續敦促各經濟體採行及執行與聯合國反貪腐公約相符的公務倫理規範。

具體而言，APEC 於 2007 年在澳洲雪梨舉行的第 19 次部長會議中，通過「APEC 公職人員行為準則」，其中有若干規定，如其第 2 點規定：公職人員僅能在為了增進公眾利益時行使其職權，不能為了自己或他人不應獲得的利益而行使職權。另於第 7 點亦規定：公職人員應避免採取會影響其個人或家庭利益的公務行為；也不能為了獲得任何財務、商業等利益，而執行與其職位、職掌或責任有所衝突，或外觀上看起來有衝突

之行為。另其第 9 點復規定：公職人員應同意向適當機關報告其對外活動、雇傭、財務投資、負債、資產、所獲贈禮、利益等。

再者，APEC 打擊貪腐及確保透明化行動方案 (APEC Course of Action on Fighting Corruption and Ensuring Transparency) 第 2 點也提及：所有 APEC 經濟體同意藉由推薦及協助各經濟體發展、執行適當的財產揭露機制或高階公務員行為準則，以強化有效預防之措施、打擊貪腐及確保透明化。除此之外，聯合國反貪腐公約也有 3 個條文提到財產揭露，首先是第 8 條第 5 段規定，每一會員國應致力建立機制，要求公職人員向適當的主管機關揭露其等可能與其職務有利益衝突的對外活動、雇傭、財務投資、負債、資產、所獲贈禮、利益等。第 9 條第 1 (e) 段則規定：每一會員國應建立適當的採購體制，該體制應包括規範負責採購人員的措施，諸如在特定公共工程採購、審查程序及訓練上的利益申報。另外，第 52 條第 5 段復規定：每一會員國應考慮建立適當公職人員的財產揭露制度，且應有不遵守規定的適當制裁；每一會員國應採取適當措施，在有必要依本公約進行調查、主張及請求財產回復時，允許其主政機關與其他會員國的主政機關分享資訊。

綜合以上，美國代表認為成功而有活力的管理要防止不當行為，政府官員並應對貪腐行為負責。而預防貪腐及政府負責，均有賴於資訊的可得及獲得。

此外，財產揭露是一個有利的資訊及預防工具，可以幫助公職人員了解及避免因財務、家庭及商業利益而產生利益衝突。財產揭露也是一個重要的反貪腐措施，可以減少不適當的利益，也可以幫助發覺貪腐的影響力，以及幫助取得因不合法及不符倫理規範而獲得利益的資訊。

一個嚴格的財產揭露制度也可以創造一個比較穩定的公共環境。決策者

在這個比較穩定的環境中，會避免自己產生利益衝突；相對於在一個較不穩定的環境中，私人利益就容易被隱匿起來。

考慮到以上所提，以及聯合國反貪腐公約、APEC 公職人員行為準則、APEC 反貪腐及確保透明化行動等所提出的建議，APEC 反貪腐委員會建議各經濟體應建立、提昇、審視其各自有關對所有公職人員的財產揭露的立法及行政標準，以確保其要件符合下列標準：

公正：對公職人員及一般公眾而言，揭露的要件應清楚，且應與規範公職人員行為的法律、規章或行政準則整合，以建立對問責、透明的共同期望。揭露制度對打擊貪腐是必要的，但所須遞交的資料，仍應與規範公職人員行為的法律、規章或行政準則有合理、直接相關。

透明：揭露的資訊應讓政府及公眾儘可能取得。一方面應建立問責制度，但一方面仍應合理考量個人或家庭安全及隱私，並考量各經濟體的法律、行政要件及傳統。因管理揭露制度所涉及的訊息，包括揭露遵行比率及執行行為，應依可適用的法令及行政準則對公眾公開。

以資深領導人及高風險職務為主要規範對象：揭露制度應首先適用於資深領導人。如情況允許，再對那些與影響公眾信任有關的官員，或有較大利益衝突或潛在貪腐可能的官員為之。

有適當的資源支持：揭露制度的主政人員應有足夠的職權、專業、獨立性及資源，以執行本制度所欲達到的目的。

有效性：所揭露的資訊應容易取得，以用於預防、發現、調查、課以行政救濟及起訴與利益衝突、不法財富增加及其他形式的貪腐犯行。另為使揭露所獲得的資訊反應最新的情形，也應持續、定期辦理揭露措施。

可執行性：對所要求的揭露報告如有遲延、未履行或提供不實資料，應有有效、合比例及產生嚇阻效果的刑罰或行政制裁。

（六）其他國際論壇於 2011 年舉辦有關 ACT 之報告

- 1、透過跨境追縱財務流向、資產追償及反洗錢以有效打擊貪腐及非法貿易研討會：對降低貧窮及經濟成長之影響（泰國）。
- 2、APEC 商業行為準則之執行情形（菲律賓）。
- 3、泰國及智利提出的多年計畫：規畫起訴貪污及洗錢案例最佳模式研討會（泰國、及智利）。

（七）各經濟體報告其國內執行反貪腐公約之情形

本時段是開放給各會員國報告各經濟體實踐聯合國反貪腐公約(UNCAC)之情形。謹將其中泰國、馬來西亞、印尼及我國報告之內容摘述如下：

1、泰國

泰國提出執行聯合國反貪腐公約、OECD 禁止行賄外國公務員公約及其他有關反貪腐及透明計畫之執行近況，主要內容如下（詳見附件 6）：泰國反貪腐委員會（NACC）在 2011 年最後 3 個月及 2012 年初分別舉辦「第 7 屆東南亞反貪腐領袖會議」以及「外國賄賂與經濟合作發展組織公約研討會」，均已圓滿結束。

第 7 屆東南亞 9 國反貪腐領袖會議於 2011 年 12 月 20 日至 22 日在曼谷舉行。在 APEC 的 21 個經濟體會員中，有 7 個會員透過簽署一份多邊協議備忘錄，成為這個成立七年之地區組織之會員。這次的主題為「加強東南亞反貪腐之合作：面臨區域整合之挑戰」，該主題與即將於 2015 年建立之「東南亞經濟共同體（ASEAN Economics Community or AEC）」所追求區域間更佳經濟整合的趨勢相符。在此藍圖之下，這個單一市場與生產基地將使商品物資、服務、投資、資金與勞力等，得以在 10 個會員地區共將近 6 億人口之間自由流通。

整體來說，第 7 屆東南亞反貪腐領袖會議在為期一天半的議程中，促

進全體會員分享、交流彼此處理貪腐問題的成功經驗。此外，各會員尚達成組成「東南亞法律互助制度工作坊」之共識，該工作坊隨後將於 2012 年與第 8 屆東南亞反貪腐領袖會議同時舉行第一次會議。

第 7 屆東南亞反貪腐領袖會議之後，泰國反貪腐委員會隨即於 2012 年 1 月 19 至 20 日，與 OECD 反貪腐部門在曼谷共同舉辦「外國賄賂與經濟合作發展組織公約研討會」。在為期兩天的研討會中，針對在 OECD 禁止行賄外國公務員公約下，「如何斷絕外國官員賄賂之供給線」此一關鍵問題，提供各與會會員一個整體的認知。該會議獲得極佳的迴響，且有共計 150 位來自相關政府單位、私部門與公民團體之代表參加與會。

在該研討會當中，總共有 8 位來自 OECD 秘書處及德國、以色列、挪威、南韓及瑞士組成之「反賄賂工作小組」之專家與會，分享其處理外國賄賂及實踐 OECD 禁止行賄外國公務員公約的實務經驗。

2011 年 12 月 19 日在維也納舉辦之國際反貪腐協會（IACA）臨時委員會第一次會期中，選出該臨時委員會之主席與副主席。在這一年的任期當中，臨時委員會將受命採用確保國際反貪腐協會之財務資源及預算分配之策略、引導國際反貪腐協會政策之進行與管理，以及採用管理這個全球第一個反貪腐協會運作之策略。

除了上述活動，過去 3 個月以來，泰國反貪腐委員會在強化國際雙邊合作的議題上也特別活躍。在摩洛哥舉行的第 4 屆聯合國反貪腐公約會議，泰國反貪腐委員會與摩洛哥的「公部門現代化部（Ministry of Public Sector Modernization）」簽署了一份備忘錄。此外，泰國反貪腐委員會於今年 1 月初還與中國監察部簽署一份類似的合作協議，另一份將於今年 2 月中旬與越南簽署。上揭雙邊協議之主要目的，在針對

目前正進行中的反貪腐對話及共同研究，提供雙方一個策略性框架。

泰國反貪腐委員會也致力於國際層面之學術研究。今年 1 月 11 日至 12 日間，該委員會與世界銀行及國際透明組織泰國分會共同舉辦第 2 次反貪腐政策實證會議(2nd Conference on Evidence-Based Anti-Corruption Policies)。該會議獲得熱烈迴響，200 多名來自世界各地的學者及研究單位齊聚一堂，彼此分享在政府採購、公眾及公司治理、肅貪政策方面之經驗及研究成果。

最後同樣重要的是，在國內方面，內政部協助成立的「公部門反貪腐委員會辦公室 (Office of Public Sector Anti-Corruption Commission, PACC)」最近提出了一項新計畫，名為「國家好公民計畫 (Good Citizens of the Land)」。

該計畫之目的，係在獎勵具有極好人格、正直，且奉行不份外求取原則的傑出公務員。該獎項在獎勵各獲獎者積極、合乎道德的行為，同時也在鼓勵其他公務員跟進。此計畫係源於泰國對聯合國反貪腐公約第 8 條的忠實奉行，鼓勵公務員提升其廉潔、正直，及負責任的態度。

2、馬來西亞

馬來西亞書面及口頭提出之報告，其主要內容如下（詳見附件 7）：

（1）馬來西亞在打擊貪腐之努力及行動

— 廉政官員證照 (Certificate of the Integrity Officer, CeIO)

馬來西亞近期推出國家關鍵結果領域計畫 (the National Key Result Areas, NKRA)，透過 NKRA 最近採取之反貪腐行動，是完成廉政官員證照計畫，此一計畫係經由馬來西亞反貪腐協會舉辦為期 6 個月之廉政官員證照訓練課程。獲選參加訓練計畫之公務員或私部門人員，將透過一系列之訓練加強對於廉政議題、相關法律面之認識及

處理技巧，同時提升提供監督及參考建議之能力。經此訓練，這些廉政官員們將了解如何蒐集犯罪證據並提供予相應的權責機關，例如馬來西亞反貪腐委員會或警方。

—公私部門合作

為取得工商界之支持，馬來西亞反貪腐委員會積極提出兩項新方案：

- i) 廉政協定 (The Integrity Pact)。
- ii) 企業廉政誓約 (Corporate Integrity Pledge)。

上述方案與 APEC 反貪腐及透明化策略小組之行為方針一致，是透過公私部門之合作，進一步鼓勵經濟體採取適當行動以打擊貪腐，確保透明化並促進治理。

—企業廉政誓約 (Corporate Integrity Pledge)

馬來西亞企業廉政誓約是一份提供馬來西亞國內幾家主要大型企業承諾奉行反貪腐原則之文件。企業透過簽署該誓約，清楚聲明其不會從事任何助長貪腐之行為，且會致力於創造一個遠離貪腐的商業環境。這些企業與馬來西亞國內之所有其他企業往來，或與其商業夥伴及政府官員互動時，都將進一步奉行反貪腐之原則。

截至 2012 年 1 月 18 日，已經有 64 家公司簽署企業廉政誓約。這些公司包含一般的商業公司、銀行、製造業、政府關聯企業及跨國公司。目前已向馬來西亞反貪腐委員會許諾的公司及組織，有馬來西亞商業及工業協會 (National Chamber of Commerce and Industry of Malaysia)、馬來西亞銀行 (Maybank Berhad)、森那美集團 (Sime Darby Berhad) 及馬來西亞電力事業公司 (Tenaga Nasional Berhad)。

—廉政協定 (Integrity Pact)

廉政協定之簽署也是在透過雙方的合意，引進適當、必要之措施，以隨時協助當事人在其員工及代理人間建立打擊貪腐的認知。透過

廉政協定的簽署，能使其更致力於遵守反賄賂法及未來的相關立法。

一受廉政治理委員會（**Integrity Governance Committee**）監控之鉅型計畫

超過 500,000,000 令吉（RM）之治理計畫將受廉政治理委員會之保護，該委員會也將負責監控鉅型計畫之履行。馬來西亞反貪腐委員會承擔該委員會秘書處之責任。廉政治理委員會將確保鉅型計畫適當地履行，同時確保無任何貪腐情事存在、無權力之濫用或不法行為。其功能為：

一企業之道德規範－馬來西亞反貪腐委員會與馬來西亞中小企業協會間之合作（**Small and Medium Enterprise Corporation Malaysia, SME Corp. Malaysia**）

馬來西亞反貪腐委員會與馬來西亞中小企業協會提出中小企業機構的道德規範。該規範之目的在確保中小企業不會捲入貪腐、濫用權力或不法行為。

透過廉政觀念之加強，產品的品質也將提高。這些道德規範能消除中小企業捲入貪腐的根源，使其更透明化，藉由吸收廉政的價值觀以減少貪婪習性。此外，中小企業在未來的經營與交易上，也將有更好的治理能力。

（2）聯合國反貪腐公約（**United Nations Convention Against Corruption, UNCAC**）

一馬來西亞政府於 2003 年 12 月 9 日簽署聯合國反貪腐公約，並於 2008 年 9 月 24 日正式批准。迄今，大部分的公約條文已被遵循，並內化於國內法予以實現。惟事實上，早在聯合國反貪腐公約引進馬來西亞前，國內即有《刑事司法互助法》（2002）及《防制洗錢及資助恐怖主義條例》（**Anti-Money Laundering and Anti-Terrorism Financing Act**,

2001) 之立法。

- 目前在法制方面，國內有若干新法案的制定，諸如《證人保護法》、廉政委員會執行處 (Enforcement Agency Integrity Commission)、《內部舉發人保護法》(Whistleblower Protection Act)、因應政府採購而生之《財政部廉政協定》(the Finance Ministry's Integrity Pact) 及設立審理貪腐案件之專門法院，特別是打擊經濟領域之貪腐案件。
- 依照檢討機制 (Review Mechanism)，馬來西亞於 2012 年將與另一經濟體約旦，共同檢討伊拉克之反貪成效。就馬來西亞而言，目前正如火如荼地進行自我評估報告以供 2012 年度之檢討。馬來西亞自我評估報告預計於 2012 年 6 月前完成。

(3) 馬來西亞經由反貪腐協會在肅貪上之貢獻

- 馬來西亞反貪腐協會 (Malaysia Anti-Corruption Academy, MACA) 於 2011 年持續致力於協助國外反貪機構之人員提升及強化處理相關問題之能力及專業技巧。其中若干課程係與聯合國開發計劃馬來西亞辦事處 (United Nations Development Programme, UNDP)、聯合國毒品暨犯罪辦公室 (United Nations Office on Drugs and Crime, UNODC)、國際透明組織 (Transparency International, TI) 及馬來西亞技術合作計畫 (Malaysia Technical Co-operation Programme, MTCP) 底下之國家經濟策劃單位 (Economic Planning Unit, EPU) 等共同開設。此外，國際課程也由馬來西亞反貪腐協會自行設計。APEC 已有 25 個經濟會員體於 2011 年參加上開訓練課程。
- 馬來西亞反貪腐協會與聯合國毒品暨犯罪辦公室於 2011 年 7 月 26 日至 28 日，針對聯合國反貪腐公約之檢討機制，就聯合國反貪腐公約之焦點 (Focal Point) 及政府專家參與 (Governmental Experts Participating) 舉辦相關訓練課程。該訓練課程之目標，在建立參與

聯合國反貪腐公約檢討機制人員之專業能力。更特別的是，該訓練課程試圖（i）培養參與者對聯合國反貪腐公約之必要專業知識，使其有能力勝任該公約之檢討作業；（ii）培養參與者因應經濟層面檢討之方法論；（iii）使參與者有完全熟練的能力處理、使用綜合自我評估表；以及（iv）建立參與者在自己國內複製同樣訓練課程之能力。

汶萊、新加坡、印尼、馬爾地夫、不丹、斯里蘭卡、印度、巴基斯坦及澳門的人員參與上開訓練課程。

（4）馬來西亞反貪腐委員會之執行與運作

—2011 年，馬來西亞反貪腐委員會成功完成了幾件備受矚目的案件。

2011 年間總共有 916 人遭到逮捕，其中 323 人（35.5%）係公務員，其餘 593 人（64.7%）來自私部門，但也牽涉到其他公部門的人員或政治人物。

—貪腐案件的定罪率，從 2010 年的 70.0% 上升到 2011 年的 74.0%。

—前雪蘭莪州（Selangor）州長案

由於馬來西亞反貪腐委員會向來秉持公正之立場進行調查，因此目前為止已順利完成許多矚目案件；例如前雪蘭莪州州長 Dr. Mohd Khir Yoyo 案，其遭高等法院認定於 2007 年間，向一家公司的董事以 500,000 令吉之顯然低於原始價格賤價購入兩筆土地及一棟平房而獲有罪判決。法院諭知 Dr. Mohd Khir Yoyo 應處 1 年有期徒刑，並沒收系爭土地及平房。

—電信公司高階主管案

一位前電信公司的高階主管，遭法院認定於 3 至 4 年前總共收受 14 次高達 415,000 令吉之賄賂，而被判處 4 年有期徒刑，併科 2,075,000 令吉之罰金。

—國際足球組頭案

一位專營國際足球賽事賭博業者，遭指控分別賄賂 Terengganu 隊的六名球員，經起訴求處一罪一罰。檢察官認定前揭行為已違反馬來西亞反貪腐委員會法第 16 條第 b 項第 A 款之規定，依同法第 24 條最高可處 20 年有期徒刑，並就 5 倍以上賄賂金額或 10,000 令吉擇較高者科處罰金。

(5) 第六屆國際反貪腐聯合會領袖會議

—第六屆國際反貪腐聯合會領袖會議將於 2012 年 10 月 4 日至 7 日，在馬來西亞的 Kuala Lumpur 舉行。本次會議的主題係討論聯合國反貪腐公約之第六章「技術援助與資訊交流」。

—關於此次會議之進一步資訊，可參考馬來西亞反貪腐委員會或國際反貪腐聯合會之官方網站。

—邀請所有經濟體會員參與此次會議。

3、印尼

印尼書面及口頭提出之報告，其主要內容如下（詳見附件 8）：

(1) 聯合國反貪腐公約自我評估報告

2011 年間印尼反貪腐委員會（KPK）進行幾項與聯合國反貪腐公約有關之發展。身為聯合國反貪腐公約第一階段之評估檢討對象，印尼已於 2011 年 1 月 10 日提交自我評估報告予聯合國毒品暨犯罪辦公室（UNODC）及負責檢討之國家（英國及烏茲別克）。負責檢討的經濟體於 2011 年 3 月前往印尼蒐集進一步的資訊以便於檢討。印尼已於 2011 年 8 月 22 日收到評估報告（「聯合國反貪腐公約於印尼之實踐檢討」）之草稿，相信正式的評估報告即將完成。

(2) 研究與檢討

KPK 首次展開「反貪腐行動之研究」。該研究之目標在評估、檢討

國內肅貪行動及國營事業之執行結果。不久的將來，KPK 將計劃針對一般私人企業做類似之研究。在第一階段的前導計畫，4 家國營企業已於 2011 年完成評估。公務員利益衝突、內部舉發機制與行為準則規範均是此次研究評估之指標。

(3) 財物餽贈 (Gratuities)

為提高財務餽贈之申報率，KPK 首度展開「財物餽贈控制計畫」。研究結果令人相當印象深刻，KPK 於 2011 年收到超過 1300 件報告，相當於去年執行時之 3 倍。此外，6 個政府機關及國營事業與 KPK 簽署同意於內部開始實施打擊貪腐，並遵循內部行為規範。

(4) 財產申報統計

KPK 之「公務員財產申報登記暨檢查理事會 (Directorate of Registration and Examination of Public Officials' Wealth Report)」專職登記、檢查公務員申報之財產報告。該理事會於 2011 年收到約 45,900 份報告，較去年收到的 21,800 份成長逾兩倍之多。KPK 已計畫修正、強化相關規範，以擴張申報財產之公務員範圍。

(5) 資產回復

聯合國反貪腐公約第 31 條要求各締約國採取必要的措施以辨識、追查、凍結或扣押犯罪所得。根據公約之規定，反貪腐委員會 (Corruption Eradication Commission) 正竭盡一切努力將貪腐致生之國家財產損失予以回復，或自國外追回。

KPK 於 2011 年撥付給地方預算之總額為 65,000,000,000 印尼幣或約 7,200,000 美金。

在預防方面，總計減省了約 340,000 美金，其中大部分係歸功於反貪污之措施與計畫。

(6) 調查與追訴

去年 KPK 共調查了 144 起案件，並起訴其中之 45 件 —64%係賄賂案件，25%係政府採購之濫用。

4、我國

我國書面及口頭提出之報告，其主要內容如下（詳見附件 9）：

為落實聯合國「反貪腐公約」（UNCAC）第 6 條與第 36 條所要求成立專責肅貪與防貪之機構，中華台北已於 2011 年 7 月 20 日成立法務部廉政署，並採取多項反貪腐措施，以下謹將中華台北於 2011 年下半年，執行「反貪腐公約」之成效簡述如后。

為落實「反貪腐公約」第 5 條之規定，中華台北於廉政署成立後即擇定與全民權益相關，且易有貪腐傾向之高風險業務，例如警政、醫療、關務、中小學營養午餐及造林採購等業務，實施全面性、專案性稽核，一旦發現業務缺失，立即提列具體改善措施，並就行政違失或不法行為追究行政責任或移送偵辦。

又為有效預防貪瀆，符合「反貪腐公約」第 5 條之要求，中華台北已針對曾發生貪瀆弊案的機關，深入瞭解弊案發生原因，檢討分析案件違失類型，提出具體改善措施，同時將具有代表性之案件編成「防貪指引」，公布於網站，目前已有「不違背職務行賄罪」、「查緝賭博電玩弊端防制作為」及「醫療採購弊端防制作為」等指引，將陸續編撰其他各類貪瀆個案之防貪指引，作為反貪教育宣導之教材，並對公務員形成警示效果，達到預防貪瀆的目的。

中華台北了解民眾積極參與反貪活動能發揮反貪腐最大效益，為激勵民眾參與廉政工作，中華台北已擬定計畫推展廉政志工，希望藉由廉政志工的參與，能協助宣導反貪倡廉訊息，帶動社會廉潔風氣。

此外，為廣蒐民情需求、施政興革反映及宣揚反貪倡廉資訊，廉政署更建置村里廉政平臺，深入基層與民眾互動溝通聯繫，掌握民眾關心之權

益事項，並宣揚反貪倡廉資訊，藉以發掘民隱民瘼，有效落實「反腐敗」、「反浪費」、「除民怨」之廉能政策目標。

中華台北已在最近的一項重要工程中引進廉政志工及村里廉政平台制度。由於中華台北經常於夏季遭受颱風襲擊，使水庫遭受破壞，影響供水之穩定，中華台北乃特別編列新台幣 540 億元之經費，進行供水系統之改善工程。鑑於此一工程涉及龐大經費支出，民眾除擔心可能面臨之工程品質問題外，更憂心會出現貪腐、浪費之情形，法務部、經濟部、廉政署於是展開合作，充分運用廉政志工、村里廉政平臺制度，使全民參與督工，並結合非政府組織及民意機關之監督力量，共同提升此一重大工程的品質，並防止工程進行中出面貪腐、浪費。

除了防貪制度的建立及擴大社區參與外，中華台北也認知 APEC 近年來非常重視企業專業倫理及企業誠信。因此廉政署乃配合每年 12 月 9 日的國際反貪日，於 2011 年 11 月 25 日起至 12 月 9 日止，舉辦包括「醫事倫理論壇」、「企業誠信高峰論壇」等會議，邀請相關之政府機關、學界、公營事業機構、中小企業經理人、非營利組織、記者及一般公民共同參加，尋求共識。

在改善公職人員財產申報制度方面，為提供申報義務人多元申報管道，減少財產申報審查作業的人力及資源耗費，並符合節能省碳之無紙化目標，廉政署於成立後即積極推動、鼓勵公職人員利用網路申報財產申報網路系統。

在肅貪方面，為落實反貪腐公約第 20 條規定，並防制公務員貪污牟取不法財產，中華台北於 100 年 11 月 23 日修正貪污治罪條例關於「被告不說明財產來源罪」之規定，擴大犯罪主體之適用，同時將財產異常增加之認定，修正為「所增加之財產與其收入顯不相當」，以符合公約上

開規定之意旨及精神，並提高法定刑之最高刑度，增加法官於具體個案之裁判空間。此規定之修正，將能藉由舉證責任之轉換，有效發揮防堵貪污、嚴密肅貪法制之功能。中華台北除研修相關法令規定、健全肅貪組織功能外，更致力於精進偵查作為，提高貪瀆案件定罪率，目前已有顯著成效。

此外，為有效追回貪污所得以杜絕貪瀆犯取得並享受不法利益，法務部於 100 年 5 月 19 日訂頒「檢察機關查扣犯罪所得專責機制試行要點」，建立查扣犯罪所得之標準作業流程，有效提高犯罪所得追繳率，澈底剝奪犯罪所得。

在中華台北採行多項反貪腐措施下，已有初步的成果。國際透明組織（Transparency International, TI）於 2011 年 12 月 1 日公布 2011 年「貪腐印象指數（Corruption Perception Index, CPI）」評比結果，在 183 個納入評比的國家及地區中，中華台北之分數首次達 6.1 分，為 1995 年公布該指數 17 年來的歷史新高，排名第 32 名，為全球進步分數最多的 5 個國家之一，雖顯示努力已有具體成效，但中華台北不會因此自滿，會更加努力提昇政府的廉潔度。

展望今年，中華台北除將繼續執行前開各項反貪腐措施外，並希望民眾勇於檢舉貪瀆不法，而為鼓勵民眾檢舉，中華台北並將檢視目前已有之法規是否已對檢舉人提供充份之保護。另因 APEC 去年度已陸續通過醫療器材、生物製藥及工程等行業之專業倫理準則，廉政署將於今年度結合各有關部門，積極落實該等專業倫理準則。此外，中華台北也將檢視現行之「公職人員財產申報法」及「公職人員利益衝突迴避法」，是否有不合時宜之處，並研議是否推動修法。

中華台北充分認同「反貪腐公約」於序言中所說：腐敗已經不再是局部

問題，而是一種影響所有社會和經濟的跨國現象，為有效的預防和打擊腐敗，需要採取綜合性的、多學科的辦法。因此，中華台北在廉政署成立後，已透過法務部、廉政署，並結合各相關政府機關、企業、非政府組織及一般民眾，採取多面向之各種反貪腐措施，務期徹底擊潰貪腐不法行為。

二、2012 年 2 月 3 日會議

(一) OECD 在反貪腐行動上與 ACT 的合作

本議程先由 OECD 出席代表報告該組織有關反貪行動之執行情形。另因 OECD 會員國已簽署反貪腐公約 (Anti-Bribery Convention)，雖 APEC 各經濟體並非全部皆為該公約之簽署國，但 OECD 仍呼籲各經濟體能落實該公約之精神。

(二) 2012 年 ACT 預定達到的成果

因 2012 年 ACT 之工作重點主要仍為執行 ACT 之 5 年工作計畫，故 ACT 將於 2012 年舉辦多項有關之會議及行動，包括打擊商業交易貪腐會議、打擊貪腐以促進經濟成長及競爭力會議、發布反貪腐宣言、在下次 ACT 會議 (第 15 次) 前提出反貪腐承諾執行成果期中報告等 (均詳前說明)。另印尼亦報告其將於 2013 年辦理調查貪污與洗錢防制會議。

(三) 其他事項

主席敦促各經濟體代表，本次在會中的所有發言，如果尚未提供書面資料者，仍宜於會後補提，以利 APEC 檔案資料之完整。另本次各經濟體所提出之文件，如有標示不公開者，仍請各與會代表注意保密之要求。

貳、心得與建議

一、APEC 為國際經貿論壇，其設立反貪腐及透明化工作團體 (ACT) 之目的，主要認為貪腐 (包括政府貪腐、企業貪腐) 及政府施政不透明，會對正常之

國際貿易及投資造成扭曲之效果，增加交易成本，並使經濟成長減緩，故在 APEC 領域中，反貪腐及增進透明化之目的，實係為了促進國際經貿及經濟發展。

因此，我國參與 ACT 舉辦之各項會議、活動時，即應掌握其核心，從國際經貿及經濟發展之觀點，闡述我國所實施之各項廉政措施對改善經貿環境、促進經濟發展有何正面之效應，如此才與 APEC 成立 ACT 之本質契合。另一方面，APEC 或 ACT 舉辦之各項會議、活動，也經常提出如何落實反貪腐及增進透明化之新觀點，我國如能切實掌握相關訊息，配合國內法令加以實施，亦可使我國之廉政績效往前邁進。

二、本次會議延續前一次 ACT 會議，仍持續關注「公職人員財產揭露」(Financial/Asset Disclosure by Public Officials) 議題。美國出席代表一再強調，透過財產揭露制度，將可預防、發現與追訴公職人員利用職務關係從事利益衝突、非法增加財富及其他形式貪腐的行為。

目前我國已有公職人員財產申報法及公職人員利益衝突迴避法，其規定之內容雖與其他經濟體施行之法規不盡相同，但整體而論，我國就有關財產申報與利益衝突迴避之制度設計，不論就申報的標的、申報主體與範圍、利益迴避的主體與事項、資訊公開、審查與查核機制與執行、違反之處罰等，尚屬制度較完整且頗為嚴格的國家。

另美國代表於報告中就公職人員財產揭露此一制度，要求各經濟體應建立、提昇、審視其各自有關對所有公職人員財產揭露之立法及行政標準，以確保其等法規符合公正、透明、以資深領導人及高風險職務為主要規範對象、有適當的資源支持、有效性及可執行性等標準。經檢視我國目前所訂定、公布之各項相關法規，我國在此領域尚屬符合前開所提出之標準。

三、ACT 目前之工作重點為其 5 年中程工作計畫，該計畫針對推動反貪、防貪

策略，定有每年應執行的具體目標與工作項目，並獲得各經濟體一致共識。在 5 年中期工作計畫各項目標中，其中一項為促進各經濟體落實聯合國反貪腐公約及 APEC 從 2004 年至 2009 年每年領袖會議之承諾事項(包括 Santiago Commitment to Fight Corruption and Ensure Transparency, 2004；APEC Course of Action on Fighting Corruption and Ensuring Transparency, 2004；APEC Anti-corruption Code of Conduct for Business Brochure, September 2007；Conduct Principles for Public Officials, 2007；Complementary Anti-Corruption Principles for the Public and Private Sectors, 2007；Fighting Corruption through Improved International Legal Cooperation, 2007；Singapore Declaration on Combating Corruption, Strengthening Governance and Enhancing institutional Integrity, 2009；APEC Guidelines on Enhancing Governance and Anti-Corruption, 2009 等)。

依據該 5 年中程工作計畫，所有經濟體都應在 2012 年第 2 次 ACT 會議前，提出執行 APEC 反貪腐承諾之期中報告。而本次 APEC 主辦國俄羅斯亦建議，除各經濟體各自準備的報告外，應另準備一份彙整各經濟體打擊貪腐及確保透明化之摘要文件，以提供給各經濟體之資深官員及領袖參考。依此，我國自應配合上開時程及要求，依規定提出期中報告，履行我國對 APEC 之承諾，並讓各經濟體了解我國執行反貪腐之確保透明化之成效。

四、ACT 每年所舉行之例行會議，其重點之一為各經濟體提出其履行聯合國反貪腐公約之成果報告。本次會議我國出席代表於會議召開前，即已將我國執行反貪腐公約之情形，以書面遞送 ACT 秘書單位，並列為本次會議資料 (2012/SOM1/ACT/005)，出席代表復於會議中提出口頭補充報告。

為使各經濟體充分、深入了解我國履行聯合國反貪腐公約之成效，未來我國出席該項會議，均宜循此模式，於事前提出書面報告，並於會議中提出

口頭補充報告，此對我國提升在國際間之廉政形象必有所助益。



**Asia-Pacific
Economic Cooperation**

2012/SOM1/ACT/001

Agenda Item: 2

Draft Agenda

Purpose: Consideration
Submitted by: ACT Chair



**14th Anti-Corruption and Transparency
Experts' Working Group Meeting
Moscow, Russia
2-3 February 2012**

DRAFT AGENDA

DAY 1

01 - Opening Remarks (09:30 – 09:45 am)

- Introductions by ACT Delegations
- Welcome by ACT Chair
- APEC Secretariat to make administrative announcements for the meeting

02 - Adoption of Agenda (09:45 – 10:00 am)

- ACT member economies to adopt the agenda of the 14th ACT Meeting
- Endorsement of the 13th ACT Meeting Summary Record

03 – APEC Secretariat Report (10:00 – 10:30 am)

- Update on APEC Project Management Issues
 - Project Proposal Submission - Session One 2012
 - MYO Initiative
 - Independent Assessment 2012
 - Strategic Planning Process for APEC Working Groups
- Independent Assessment plan by Mr. Michael Symons. Anti Corruption Consultants Australia.

[Coffee Break (10:30 - 10:45 am)]

04 – Direction of ACT Work during 2012 (10:45 – 11:45 am)

- Russia 2012 Priorities (Russia SOM Chair Representative)
- 2012 ACT Work Program, Discussion I
- ACT 5-year Mid-term Work Strategy
- Reporting Task during 2012

05 – Reports on 2011 ACT US activities and achievements (11:45 am – 12:30 pm)

- ACT/ABAC Dialogue and Partnership on Combating Corruption and Bribery: Ensuring Greater Integrity in APEC economies, Markets and Supplies Chains (US)
- ACT-IPEG workshop on investigating and prosecuting corruption and illicit trade: stemming the flows of counterfeits and dismantling illicit networks. (US)
- Effective Financial/asset Disclosure for public servants: anti-corruption tool to prevent and deter conflicts of interest, and to detect and prosecute illicit enrichment(US)

[Lunch 12:30 – 2:30 pm]

06 – Reports on Proposed 2011 ACT Initiatives and Related Synergies with Other Relevant International Fora (2:30 – 3:30 pm)

- Workshop on Effectively Combating Corruption and Illicit Trade through Tracking Cross-Border Financial Flows, International Asset Recovery and Anti-Money laundering Efforts: Its Impact on Poverty Reduction and Economic Growth (Thailand)
- Implementation of the APEC Code of Conduct for Business (Integrity and Transparency Principles for the Private Sector) (Philippines)
- MYP activities proposed by members
 - Thailand and Chile presentation on their Multi-year project, "Capacity-Building Workshops on Designing Best Models on Prosecuting Corruption and Money Laundering Cases Using Financial Flow Tracking Techniques and Investigative Intelligence for Effective Conviction and

Asset Recovery to Promote Regional Economic Growth".

[Integrate other proposed projects/initiatives by ACT Members in 2011]

[Coffee Break (3:30 -- 3:45 pm)]

07 – Members’ opportunity to report on development on implementing the UN Convention against Corruption (UNCAC) and other Initiatives related to Anti-corruption and Transparency (3:45 – 5:30 pm)

- Members to be invited to report on their economies’ progress to implement the UNCAC, the OECD Anti-Bribery Convention (where relevant), and other Initiatives relating to Anti-Corruption and Transparency
- 2011 AELM Commitment: Regular Reporting and Progress on Implementing APEC Commitments (US)

08 – Gala Dinner (6.00pm)

DAY 2 –

08 – Roundtable Discussion: Report from International Organizations on their Anti-Corruption activities and Synchronizing with ACT (09:30 – 10:30 am)

- Organization for Economic Cooperation and Development (OECD)

[Coffee Break (10:30 - 10:45 am)]

09 – Expected Outcomes and Deliverables for ACT 2012 (10:45 am – 12:00 pm)

- 2012 Work Program, Discussion II
- Expected APEC ACT Outcomes and Deliverables in 2012
- 2011 AELM Commitment: Regular Reporting and Progress on Implementing APEC Commitments: ACT Reporting Template (US)
- ACT 5-year Mid-term Strategy: 2011- 2015 ACT Chairs (US, Russia, Indonesia)

10 – Any Other Issues (12:00 – 12:30 pm)

- Documentation
- ACT Contact List (Circulate)
- Other Matters

11 – End of Meeting (12:30 pm)

[Lunch 12:30 – 2:30 pm]



**Asia-Pacific
Economic Cooperation**

2012/SOM1/ACT/007

Agenda Item: 2 & 5

Summary Record - 13th ACT Meeting and Related Workshops

Purpose: Information

Submitted by: United States



**14th Anti-Corruption and Transparency
Experts' Working Group Meeting
Moscow, Russia
2-3 February 2012**

SUMMARY RECORD OF THE 13th ACT MEETING AND RELATED WORKSHOPS
SAN FRANCISCO, UNITED STATES, SEPTEMBER 12-15, 2011 (SOM3)

INTRODUCTION

The Asia-Pacific Economic Cooperation (APEC) Anticorruption and Transparency Experts' Working Group (ACT) held its 13th meeting in San Francisco on 12-15 September 2011. The meeting was chaired by Mr. David M. Luna, Director, Transnational Criminal Threats and Illicit Networks, Office of Anticrime Programs, Bureau of International Narcotics and Law Enforcement Affairs (INL), U.S. Department of State.

The meetings were attended by 20 of the 21 APEC member economies as well as representatives from UNODC, OECD, Interpol, and Transparency International.

OPENING REMARKS

The Chair welcomed all participants to the meeting in San Francisco. He noted that the ACT was institutionalized as a permanent body within APEC during SOM I by being upgraded from a Task Force to a Working Group. This achievement enables the ACT to make and implement longer-term action plans that more effectively confront corruption.

The ACT Chair referred to the fruitful partnership of the ACT with other APEC sub-fora (IPEG and LSIF) during SOM I in hosting a dialogue on *Corruption and Illicit Trade: Combating Counterfeit (Falsified) Medicines and Strengthening Supply Chain Integrity*, and previewed that the ACT would continue working in partnership with ABAC, IPEG, and other APEC sub-fora during the 13th ACT meeting, co-sponsoring several workshops to ensure better cross-disciplinary and inter-regional cooperation among experts.

The ACT Chair also expressed appreciation for the growing partnerships and synergies with international organizations and civil society, including the Association of Southeast Asian Nations (ASEAN), United Nations Office on Drugs and Crime (UNODC), the World Bank, the Asian Development Bank (ADB), the Organization for Economic Cooperation and Development (OECD), the International Anticorruption Academy (IACA), the Organization of American States (OAS), INTERPOL, Transparency International (TI), and others.

The Chair also outlined the agenda and briefed the ACT on the achievements expected through the discussion.

ADOPTION OF THE AGENDA

ACT member economies agreed to adopt the agenda of the 13th ACT Meeting. (Doc. 2011/SOM3/ACT/001)

ACT member economies adopted the summary record of the 12th ACT Meeting.

APEC SECRETARIAT REPORT

The APEC Secretariat provided an update on APEC developments and also briefed the ACT on the APEC Project Management Plan, informing about the Group about project activities during 2011. The Secretariat detailed the Multiyear Project Initiative and expressed that it would be an excellent tool for working with other fora given the ACT's 2011 Work Plan and 5-Year Strategic Work Plan. (2011/SOM1/ACT/002).

Mr. Michael Chapnick, APEC Secretariat Public Affairs Director, informed members on APEC communications activities and different tools that could be used by the ACT to enhance its communication intersessionally.

AMBASSADOR KURT TONG REMARKS

U.S. APEC SOM Ambassador Kurt Tong attended the opening session and shared opening remarks,

reviewing APEC's priorities for this year. He affirmed that transparency and effective anti-corruption measures are critical for long-term, sustainable growth, and noted that in 2010, Leaders emphasized the importance of fighting corruption and promoting transparency in the APEC Growth Strategy and called for improved and regular reporting by member economies. He expressed that "this November, we will build upon the 2010 commitment by discussing the importance of transparent governance and strong anti-corruption measures to generating economic growth."

In this regard he mentioned that as host of APEC 2011, the United States plans to host a ministerial level 90-minute session in Honolulu that will focus on the critical role of open governance and transparency in ensuring sustained, long-term economic growth and investment in the Asia-Pacific region. Other stakeholders, including civil society representatives and private sector leaders, will also be invited to participate.

2011 DELIVERABLES AND THE 5-YEAR STRATEGIC WORK PLAN:

The ACT Chair reviewed the ACT's 2011 deliverables, which include: the upgrading of the ACT Task Force to a Working Group; the adoption of the ACT Anti-corruption and Transparency Reporting Template; the development of the Draft APEC Principles for Financial/Asset Disclosure by Public Officials; and collaborating more effectively across APEC sub-fora to combat corruption and illicit trade.

The ACT Chair noted that the 2011 ACT Work Plan promotes effective anticorruption measures to help create a cleaner and more vibrant business environment for businesses to trade and operate in, minimizing bureaucratic inefficiencies and market barriers. In this work plan, the ACT decided:

- To ensure that all the activities undertaken by ACT in 2011 be reported at the concluding SOM meeting and integrated into Summit outcomes;
- To develop Draft APEC Principles for Financial/Asset Disclosure by Public Officials;
- To develop a more robust reporting/mechanism on economies' progress in implementing APEC anti-corruption commitments, including UN Convention against Corruption (UNCAC) commitments;
- To synchronize and collaborate more effectively across APEC sub-fora to combat corruption and illicit trade;
- To explore regional synergies by coordinating more closely with other international organizations and by developing a public-private partnership and to support an informal "network of networks" to combat corruption and illicit trade and dismantle illicit networks across the Asia-Pacific region.

Agenda Item 5—Updates and reports on remaining 2011 ACT workshops, initiatives, and related synergies with other relevant international fora

• Preview of *ACT/ABAC Dialogue and Partnership on Combating Corruption and Bribery: Ensuring Greater Integrity in APEC economies, Markets and Supplies Chains* (September 13th).

The representative for ABAC, Mr. Alex Parle, expressed that this workshop looked to further enhance a common ACT-ABAC interest in combating corruption and discuss the importance of reporting in mitigating the negative impact of corruption. He informed the ACT that there would be two panels: The first to focus on how the private sector can help on APEC anti-corruption activities and the second to identify next steps.

• Preview of September 14th *Workshop on Investigating and Prosecuting Corruption and Illicit Trade: Stemming the Flows of Counterfeits and Dismantling Illicit Networks*, focusing on developing best practices and strengthening cooperation among all market actors to ensure greater supply chain integrity and public safety.

The ACT Chair noted that this workshop is a continuation of the work in various APEC sub-fora over the years, including the work done at SOM I in March 2011, to build a common agenda on combating corruption, illicit trade, counterfeits—including counterfeit medicines—and other cross-border illicit

threats that impact our economies, including with respect to human health and safety.

- Preview of September 15th *Workshop on Effective Financial/Asset Disclosures Systems: Preventing, Detecting and Prosecuting Conflicts of Interest and Illicit Enrichment*, using financial disclosure to ensure transparency and as a prevention tool. The ACT Chair expressed that this workshop is based on APEC Leaders' commitments that have affirmed the importance of preventive measures and integrity systems in the fight against corruption. In this line, he said, Leaders continue to urge member economies to adopt and implement codes or norms of official conduct that are aligned with the UNCAC.

- Philippines reported on the project "Implementing the APEC Anti-Corruption Code of Conduct for Business" (February 2012) co-sponsored by the anti-corruption agencies of Australia, Chile, Vietnam, Thailand, and Brunei. It was approved on 11 July 2011, with a grant of USD 95,000. The project is being steered by a multi-sectoral committee consisting of representatives from key government agencies, business, and civil society, specifically the academia. The project will use a simple baseline tool to gather data and information on how each provision of the Code was implemented by the member economies since its introduction in 2009.

- Update: Trans-Pacific III Network to Dismantle Transnational Illicit Networks: The U.S. gave an update on the agenda of this symposium on combating corruption and illicit trade that will take place in Phuket, Thailand, 27-29 October.

- The ACT Chair reported on potential ACT synergies with the Asian Development Bank (ADB)/OECD Anti-Corruption Initiative for Asia and the Pacific and informed the ACT that he would speak at the next ADB/OECD Steering Group meeting on September 27th to update the ADB/OECD about the ACT's activities.

- Thailand reported on the planned *Workshop on Effectively Combating Corruption and Illicit Trade through Tracking Cross-Border Financial Flows, International Asset Recovery and Anti-Money Laundering Efforts: Its Impact on Poverty Reduction and Economic Growth*, which is co-sponsored by Australia, Hong Kong, China, and the U.S. This 2-day workshop is tentatively scheduled to be held in 2012 in Phuket. Currently, it is in the "pre-workshop stage," according to the project timeline. The project work plan has been devised and managed utilizing the region-wide network formed during the previous APEC-funded Capacity-Building Workshop on Combating Corruption Related to Money Laundering in 2007 and 2009.

- The U.S. informed members about a new project proposal on "Leveraging our Networks to Combat Corruption and Money Laundering in the Gaming Sector," that the U.S. plans to submit. This conference aims to enhance international cooperation on identifying threats and vulnerabilities related to gaming, money laundering, and illicit networks.

Agenda Item 6—Members' opportunity to report on development on implementing the UN Convention against Corruption (UNCAC) and other initiatives related to anti-corruption and transparency (2:00 – 3:15 pm)

Thailand provided a summary on its implementation of the UNCAC and other initiatives related to anti-corruption and transparency. (2011/SOM3/ACT/009)

Australia noted its commitment to assist developing economies in implementing the UNCAC under the G20 Anti-Corruption Action Plan and its strong support for the UNCAC Implementation Review Mechanism (including through funding international organizations such as the UNODC). Australia is currently undergoing the first stage of review under the UNCAC review mechanism and noted that it will be reviewed by a team from the U.S. and Turkey; Australia is currently working on the response to the self-assessment questionnaire and anticipates that its review and review report will be completed by mid-2012.

Malaysia made a presentation on the Malaysian Anti-Corruption Commission (MACC) and its anti-corruption efforts (2011/SOM3/ACT/004).

Indonesia shared that a report on its progress in implementing the UNCAC will be finalized soon and presented its new anticorruption legislation.

Korea presented its Whistleblower Protection Act, which was enacted and promulgated in March 2011. The purpose of this act is to contribute to a more transparent and ethical social climate by protecting and supporting both public and private sector whistleblowers who report violations of the public interest.

China presented on its amendment of its criminal law and the white paper on anticorruption. China also shared about the recent meetings between China and the US in Beijing and fruitful discussions on government integrity. China also reiterated its interest in enhancing its cooperation with other APEC economies and its desire to learn from the experience of other APEC economies.

Russia presented on legislative steps it taken to combat bribery and about the new and stricter penalties it contemplates.

Chinese Taipei presented on its new agency against corruption (AAC), which will be in charge of establishing a mechanism to eradicate corruption and formulating a strategy to prevent corruption at all level of society.

Agenda Item 7—2010 AELM Commitment: Regular reporting and progress on implementing APEC commitments via the ACT reporting template (U.S.)

The ACT Chair expressed that the ACT is moving forward in meeting the Yokohama commitment where Leaders committed to combat corruption and illicit trade through improved and regular reporting. The Assistant to the Chair reviewed the reporting template agreed upon by ACT members intersessionally and shared the U.S.' experience in completing the template. Some members expressed that they felt it was important to have flexibility and to be able to take into consideration translation delays and information requested in other fora. The Chair expressed that the ACT will be sensitive to those problems, but that it must fulfill the Yokohama commitments.

Some economies noted that information in economies' respective OECD and UNCAC evaluations could be very helpful in completing the template, and encouraged coordinating deadlines for APEC reporting with economies' respective UNCAC reviews.

Agenda Item 8—Roundtable Discussion: Report from international organizations on their anti-corruption activities and potential for synchronization with ACT

The UNODC informed the ACT about the UNCAC review mechanisms, lessons learnt from the first year of reviews, and challenges encountered. Some members shared about their own experiences and challenges in completing the UNCAC self assessment, including the time and resources required by the process.

The OECD informed the ACT about the ADB/OECD's Anti-Corruption Action Plan for Asia and the Pacific and its evaluation process and future activities in APEC economies. The OECD shared that it has the ability to partner with the ACT on joint workshops, for example, on illicit trade, financial disclosures, thematic reviews, etc. The ADB/OECD could also provide cooperation in the area of asset disclosure. The OECD also referred to activities in the region, such as the recent Indonesia KPK-OECD Conference on Combating Foreign Bribery in International Business Transactions in Bali, and noted that Thailand agreed to host a workshop with the OECD on the Anti-Bribery Convention in 2012. In addition, the OECD extended an invitation to all APEC economies to attend the 5th Regional Anticorruption Conference for Asia and the Pacific (New Delhi, 27-29 September).

Transparency International (TI) gave a description of TI activities in the APEC region, where there are independent chapters in 18 of the 21 APEC economies.

ACT 2012: Overview from Russia for 2012 ACT Work Program

Russia reported that it is preparing to host APEC next year and that its main priorities for 2012 are to advance the Bogor Goals, food security, transport, and cooperation in science and technology and aviation, in the Asia-Pacific Region. Russia stated that it intends to provide as much continuity as

possible within the ACT and that it looks forward to partnering together with other APEC economies. Russia also shared that it has upgraded its contribution to APEC so that more projects can be implemented.

NEXT MEETING

The next ACT Meeting will be held in Moscow, Russia, in February 2011. The ACT will work intersessionally in the meantime, mainly with respect to completing the Draft APEC Principles for Financial/Asset Disclosure by Public Officials.

Summaries of the ACT SOM III September 13-14 Workshops in San Francisco follow below.

ABAC-ACT DIALOGUE AND PARTNERSHIP ON COMBATING CORRUPTION, BRIBERY: ENSURING GREATER INTEGRITY IN APEC ECONOMIES, MARKETS AND SUPPLIES CHAINS

The ACT Chair expressed gratitude to ABAC for co-sponsoring this dialogue on enhancing APEC partnership to combat corruption and bribery and to ensure cleaner forms of public and private governance for more transparent markets across the Asia-Pacific region.

He mentioned that ACT and ABAC have contributed positively to APEC's open and transparent framework, including through the Santiago Commitment and Course of Action to Fight Corruption and Ensure Transparency, the APEC Code of Conduct for Business, the Conduct Principles for Public Officials, and the Complementary Anti-Corruption Principles for the Public and Private Sectors.

ABAC representative Alex Parle stated that the ongoing ABAC-ACT Dialogue on Anti-Corruption is in the best tradition of APEC's long history of seeking success through the partnership of government and business, and emphasized that the Dialogue is an important step towards generating action and developing a coalition of public and private sector leaders that will address this issue. He said that APEC anti-corruption reporting will be an important tool in increasing transparency and promoting the certainty needed to increase trade and investment in the region, and that the private sector is eager to engage economies in the reporting process. He concluded by stating that actively involving the private sector in the reporting process will not only ensure high quality reports, but will also create a legacy of public private collaboration.

First Panel—APEC anti-corruption activities: what is being done and how the private sector can help

Panelists: Ms Laurie Sherman (Senior Legal Advisor, Transparency International), Rebecca Li (Director of Investigation of the Operations Department, Independent Commission Against Corruption, Hong Kong, China) Wendy Hallgren (Vice President, Corporate Compliance, Fluor Corporation), Jose Carlos Ugaz (Lawyer, Peru)

Ms. Hallgren noted not only the costs of corruption to businesses, but made the argument that acting ethically is good for business. She also expressed that the private sector supports the Yokohama vision to collectively fight corruption and regular reporting on meeting APEC Leaders' commitments on anti-corruption and transparency.

Ms. Li provided an overview of the Independent Commission Against Corruption (ICAC)'s history and strategy, sharing examples of the ICAC's work with the private sector and how the ICAC has cultivated support from the business community.

Mr. Ugaz spoke on the importance of monitoring commitments adopted by governments in order to ensure satisfactory implementation. He emphasized that civil society can increase political will to act by applying pressure and provided some examples of civil society involvement under the MESICIC, the mechanism that oversees the implementation of the Inter-American Convention against Corruption. Lessons learned include the need to build trust between the public and private sectors; the need for partnership with the private sector; and the need to address reporting fatigue.

Ms. Sherman expressed that there are gaps in the implementation of laws, especially with respect to implementing public procurement standards. She stated that more needs to be done with respect to in training and publicizing areas where the private sector can help.

This panel was followed by a dynamic discussion in which several economies asked the panelists and one another questions. Topics of discussion included: how to ensure that clean companies are not penalized in the procurement process; how to ensure that companies are aware of the rules, regulations, and codes of conduct that they should follow; how to respond to irregularities or allegations of corruption in the bidding process; and ways to build trust among various sectors to combat corruption.

Several economies gave examples of their respective experiences in collaborating with the private sector to fight corruption. Thailand, for example, shared that it has launched a "Collective action against corruption initiative" in which the 50 largest companies in Thailand have pledged to follow good corporate compliance practices. Chile shared about ChileCompra, its online procurement and

contracting system for the public sector. Australia shared that it has tried to enhance trust between the public and private sectors by bringing business and civil society into its UNCAC review process. Other tools for promoting transparency mentioned by panelists and economies included the use of whistleblower systems, integrity pacts, and “white lists” or “preferred provider” lists, as well as the dissemination of codes of conduct.

Second Panel-- Public – Private Cooperation and next steps

Panelists: Mr. David Dodwell (ABAC Hong Kong, China CEO, Strategic Access Limited); Ms. Therese Lee (Global Ethics & Compliance Counsel, Google), Penny Morton (Sanctions and Transnational Crime Section, Australian Department of Foreign Affairs and Trade); Ms. Nancy Travis (VP, Global Strategy Advanced Medical Technology (AdvaMed)).

Mr. Dodwell noted that open competition, regulatory coherence, and anti-corruption measures that are practical and cost-effective are the keys to fighting corruption in the private sector. He suggested that ABAC and the ACT think about what initiatives would be most helpful to APEC specifically, as well as what APEC is best placed to prioritize.

Ms. Lee shared that Google’s compliance programs take cues from bodies like APEC and the OECD and that consistent anti-corruption regulations across jurisdictions help companies to comply with these regulations.

Ms. Morton spoke on the roles of the public and private sectors in fighting corruption and on how governments can work with the private sector. Ms. Morton noted that the Australian government has pursued a strategy of prevention through education via national “road shows” to all states, focusing on educating specific sectors, and has sought to provide training within educational programs organized by the business community itself. Meanwhile, she noted that the private sector has an important role to play by detecting and reporting suspicious financial transactions to government officials.

Ms. Travis spoke on why ethical practices make good business sense, highlighting both the costs of corruption and the benefits of ethical behavior. She shared AdvaMed’s experiences in launching a code of ethics and in focusing on a few principles, namely integrity, independence, appropriateness, transparency, and advancement, and stressed that the private sector also needs support from governments.

This panel was also followed by a dynamic discussion focused on topics, including: whether businesses would welcome laws that apply to bribe recipients, as well as donors; how governments provide guidance to companies; and what it means for companies to prioritize anti-corruption. Common themes included the need for more education, especially for small and medium-sized enterprises (SMEs) and in specific sectors, and the need to balance enforcement and education efforts.

The ACT Chair thanked the panelists and APEC economies for their ideas and promised to continue this important dialogue in APEC in the years to come. The ABAC Chair similarly thanked panelists and APEC economies for the thoughtful exchange of ideas and experiences and expressed that there is room for more work and cooperation between the two groups, especially with regard to continuing this dialogue in 2012 in Russia.

ACT-IPEG WORKSHOP ON INVESTIGATING AND PROSECUTING CORRUPTION AND ILLICIT TRADE: STEMMING THE FLOWS OF COUNTERFEITS AND DISMANTLING ILLICIT NETWORKS

The ACT Chair expressed that ACT and IPEG, and other APEC sub-fora have been pathfinders in developing innovative cross-fora approaches to addressing numerous illicit trade issues that are important to APEC economies. He mentioned that at the APEC SOM I meetings, ACT and IPEG partnered to advance a dialogue on combating counterfeit medicines and other cross-border illicit threats that impact our economies, especially in areas where they threaten human health and safety. He underlined that corruption and illicit trade are not only barriers to the integrated commercial, transportation, and transactional systems that facilitate free trade and the movement of people throughout legitimate markets, but that they also weaken the entrepreneurial spirit that nurtures innovation, openness, and competitiveness and contributes to prosperous economies.

IPEG Chair Mr. Rodrigo Roque expressed in his welcoming remarks that members would have a chance to strengthen their networks to tackle this relevant issue during this workshop. He mentioned that greater cooperation between economies should include developing common strategies, increasing information-sharing, and adopting common measures to prevent the increase of counterfeit goods. Mr. Roque also noted that only a few APEC economies have enacted specific legislation to address the issue of counterfeits and piracy.

Ms. Ilisa Bernstein (FDA) expressed that the safety and quality of medical products is a critical challenge in the current era as counterfeit medicines undermine the trust people have in modern medicine. She noted that drug resistance resulting from substandard medications is a particular threat in the developing world and emphasized the importance of minimizing risks along the supply chain continuum given that globalization has made the pharmaceutical supply chain a complex path with opportunities for contamination or adulteration at every step of the process. She also observed that the Internet has introduced more layers into the system, and more opportunities for criminals to reach consumers.

Ms. Bernstein also noted that it is necessary to increase vigilance over many aspects of product supply chains, including tougher and more universal standards, greater corporate accountability, and enhanced collaboration with both domestic and foreign counterparts.

Session 1

Combating Corruption and Illicit Trade: Counterfeits and Illicit Networks

Elliot Harbin (Homeland Security Investigations (HSI)) explained that in the U.S., different agencies (ICE, FBI, Port Authorities, etc.) have different enforcement authorities and that the numerous entities involved in fighting IP crimes need to break-down barriers to become more efficient. He also noted the importance of fostering partnerships with global organizations and private industry given that timely information from the private sector is crucial to getting information. Mr. Harbin outlined the U.S. experience in reaching-out to industry and the relevance of the Internet in fostering this relationship. Finally, he mentioned the presence of attachés in different economies in the Asia-Pacific region that can help in any kind of IP investigation.

Aline Plancon (Interpol) elaborated on how illicit trade relates to a number of other crimes such as terrorism and criminal networks, adding to the complexities at the national investigation level. She emphasized the importance of public-private partnership and interagency cooperation in information-sharing, capacity building, and awareness-raising with respect to IP crimes. She also suggested implementing harsher sentences to put criminals in jail.

Matthew Parella (Assistant U.S. Attorney) explained the America federal law enforcement system and how prosecutors organize IP cases. He explained the Computer Hacking and Intellectual Property Program (CHIP program) in California, namely in San Francisco and Silicon Valley, and the outreach activities of different agencies like ICE, FBI, and prosecuting offices. He underlined that outreach and education is critical to companies, especially start-up companies, given that victims of IP crime must prove they took steps to adequately protect trade secrets before a crime actually occurred.

William Ng (FBI, Cyber Squad in San Francisco) reinforced the necessity of international cooperation in light of the fact that more economies are now seeing the value of intellectual property rights (IPR).

He also noted that it is very important to develop good relationships with all working on law enforcement and international cooperation, including Interpol and legal attachés.

Session 2

Case Studies on Investigating Counterfeit Medicines

Tatum King (HSI Attache in Hong Kong, China) shared about the situation in Hong Kong, China and gave examples of cooperation across borders and the experience of joint operations with industry.

Stella Liu (Chinese Taipei Customs) shared about the main achievements of Chinese Taipei law enforcement at both national and international levels on corruption and counterfeit drug cases.

Mr. Lai (Hong Kong, China) shared the experience of Hong Kong, China as a transitional port and expressed that no single economy can stand alone to fight against IPR infringements and counterfeit medicines.

Patrick Ford (Pfizer) showed various images on how different medicines are counterfeited around the world. He proposed enacting and enforcing stronger laws; increasing penalties; regulating online sales; protecting IP holder rights; conducting awareness-raising campaigns; and educating patients about the danger of counterfeit medicines.

Session 3

Challenges related to stemming illicit and converging threats

Ms. Duangpom Teachakumtom (Public Prosecutor, Thailand) gave an overview of the Department of Intellectual Property and types of IPR infringements that affect public health and safety. She referred to challenges and trends like digital piracy and expressed that more cooperation among economies is needed as crime is borderless.

Philip Guentert (U.S. Department of Justice, Bangkok, Thailand) stated that criminal remedies are only a piece of the puzzle and that civil remedies must supplement them. He expressed that it is important to get public confidence in enforcement actions, especially when dealing with corruption cases.

Susan Ventura (Microsoft) expressed that companies that use unlicensed software have an unfair advantage over their competition. Customers now care about piracy because of the risks it poses, including data loss, systems failures, etc. It is not all about enforcement; it is necessary to have a holistic approach that includes education and investment in technology to protect software. She expressed that Microsoft is committed to taking a leadership role in fighting piracy and to collaborating with law enforcement and other partners around the world, including by sharing intelligence. She mentioned the importance that Microsoft gives to education on its website and how Microsoft partners with governments to promote education about intellectual property rights. She said that when industry and government are partners in combatting IPR crimes, the benefits flow to economies. One example is the partnership between the software industry and the Russian Government in 2007.

Angelo Mazza (IACC Foundation) gave a presentation on how IACC is helping law enforcement create tools that make it easier for them to find information on IPR violations (i.e. CDs and trainings all around the U.S.).

Session 4

Combating Corruption and Illicit Trade: Case Study and International Cooperation

This session focused on examples of international cooperation, highlighting case studies where economies have pursued criminals, created public private partnerships, provided capacity building, and shared information in different investigations.

Thomas Chadwick (FBI, International Corruption Unit) outlined the relationship between international crime and corruption and the importance of developing strong internal controls units within agencies,

including law enforcement agencies. He also shared how the FBI International Contract Corruption Task Force has provided specialized training for officers and prosecutors.

Closing remarks

Both ACT and IPEG Chairs noted that this workshop had deepened participants' knowledge and concurred that the cooperation of all market actors is necessary to eliminate corruption and illicit trade from the global market. They also underlined the importance of cooperation from businesses to governments to consumers, and the relevance of deterrence measures such as education and awareness-raising. Improving and coordination between across jurisdictions is also critical as counterfeiting and piracy are transnational crimes.

The IPEG Chair emphasized that economies can enhance cooperation by developing common strategies, constantly exchanging of information, and adopting common measures to prevent the increase of counterfeit products.

EFFECTIVE FINANCIAL/ASSET DISCLOSURE FOR PUBLIC SERVANTS: ANTI-CORRUPTION TOOL TO PREVENT AND DETER CONFLICTS OF INTEREST, AND TO DETECT AND PROSECUTE ILLICIT ENRICHMENT

Opening – The United States (Ms. Jane Ley) made welcoming remarks and handed the floor over to the first panel's moderator.

First Panel - Overview: Financial/Asset Disclosure within APEC economies & Around the World

Panelists: **Alexandra Habershon**, (Coordinator, International Corruption Hunters Alliance (ICHA), Integrity Vice Presidency, The World Bank; Consultant, Stolen Asset Recovery Initiative (StAR, World Bank/UNODC); **Ivana M. Rossi** (Coordinator, Transparency and Accountability Unit, Financial and Private Sector Development Network, The World Bank); **Eric D. Raile** (Intergovernmental Programs Advisor, U.S. Office of Government Ethics; Assistant Professor of Political Science, North Dakota State University); **YooJin Choi – Moderator** (Deputy Director, PH.D, International Relations Division, Anti-Corruption and Civil Rights Commission, Republic of Korea).

Ms. Habershon provided an overview of the research results and lessons learned from the World Bank/UNODC Stolen Asset Recovery (StAR) Initiative. Part of the StAR research analyzed the objective and function of income and asset disclosure systems.

Ms. Rossi compared implementation of asset/financial disclosure programs among the APEC economies against global trends. Areas of comparison included the age of disclosure laws, the content of disclosure forms, public access to disclosure, and verification of disclosure, among other elements.

Mr. Raile described the standards for financial/asset disclosure and information about current disclosure practices in APEC economies, including the results of a questionnaire about disclosure practices distributed to APEC economies.

Second Panel - Use of Financial/Asset Disclosure as a Prevention Tool

Panelists: **Prof. Medhi Krongkaew** (Commissioner, National Anti-Corruption Commission, Thailand), **Hansu Kim** (Director of Registered Property Examination Team, Ministry of Public Administration and Security, Republic of Korea), **Jane Ley** (U.S. Office of Government Ethics); **David Pimm – Moderator** (Senior Policy Research Analyst, International Crime and Terrorism Division, Foreign Affairs and International Trade, Canada).

Prof. Krongkaew described the financial/asset disclosure system in Thailand, including its strengths and weaknesses, and discussed proposed changes to the way asset disclosure and inspection is carried out.

Mr. Kim described three components of Korea's ethics program – property disclosure, blind trusts, and gift reporting – noting that the purpose is to prevent illegal accumulation of wealth and ensure that public duties are carried out in an unbiased way.

Ms. Ley described the U.S. public financial disclosure system. She particularly noted the process involved in reviewing disclosures of individuals who are being considered for a Presidential appointment in the executive branch and the ethics agreements signed by Presidential nominees.

Third Panel - Use of Financial/Asset Disclosure in Investigations & Prosecutions

Panelists: **Com. Datuk Hj. Mustafar Bin Hj. Ali** (Director of Investigation Division, Malaysian Anti-Corruption Commission); **Benjamin B. Wagner** (United States Attorney, Eastern District of California); **Bibit Samad Rianto** (Commissioner, Corruption Eradication Commission (CEC/KPK), Republic of Indonesia); **David E. Freel – Moderator** (Expert Consultant, U.S. Office of Government Ethics, Former Executive Director, Ohio Ethics Commission)

Com. Datuk Hj. Mustafar Bin Hj. Ali described how Malaysia's Anti-Corruption Commission uses financial/asset disclosure in investigations and prosecutions.

Mr. Wagner provided an overview of how disclosure systems work at the state level (as distinct from the federal disclosure system), noting particular examples from the state of California. Commissioner Rianto described how Indonesia's Corruption Eradication Commission uses wealth report as a detection tool and mentioned some of the methods used in examining the reports.

Mr. Freel talked described the state disclosure systems in the U.S. focusing on the state of Ohio's investigative process.

Fourth Panel - Roundtable: What's New

The economies were given an opportunity to describe specific developments in financial/asset disclosure systems. The following economies presented: Brunei, China, and Chile.

Fifth Panel Roundtable: Draft Disclosure Principles

Ms. Jane Ley (Deputy Director, U.S. Office of Government Ethics) moderated this roundtable. Economies were invited to comment on a set of draft financial/asset disclosure principles submitted by the United States. She noted that the principles were not to be adopted today; Economies would have time take the principles home for internal deliberation. Many economies had comments or questions related to principle number 7 ("Subject to international requests"). Other comments were directed at principles number 2 ("Transparent"), number 5 ("Useful"), and number 6 ("Enforceable"). Some economies suggested creating a supporting document or case studies to provide examples of best practices. Ms. Ley closed the roundtable, noting that next week the U.S. would circulate an annotated version of the principles, based on the workshop's discussions. If the economies found the Principles acceptable, there would be the option of adopting them intersessionally.

The ACT Chair closed the meeting.



**Asia-Pacific
Economic Cooperation**

2012/SOM1/ACT/011

Agenda Item: 3

APEC Secretariat Report on Key Developments

Purpose: Information
Submitted by: APEC Secretariat



**14th Anti-Corruption and Transparency
Experts' Working Group Meeting
Moscow, Russia
2-3 February 2012**

APEC Secretariat Report on Key Developments – February 2012

(a) APEC 2012 Priorities

In 2012, APEC's theme is "*integrate to grow, innovate to prosper*." The priority areas include:

- 1) Liberalizing trade and investment and expanding regional economic integration;
- 2) Strengthening food security;
- 3) Establishing reliable supply chains; and
- 4) Fostering innovative growth.

A more detailed description of the 2012 priorities can be found in the APEC Outcomes and Outlook 2011/2012, which is available online at publications.apec.org/publication-detail.php?pub_id=1247.

Further information on APEC Russia 2012 can be found at <http://www.apec2012.ru/>.

(b) Key Outcomes of Ministerial, Senior Officials and Committee Meetings

Ministerial Meetings

The **APEC Economic Leaders Meeting**, **APEC Ministerial Meeting**, **Finance Ministers' Meeting**, the **APEC CEO Summit**, and the **Concluding Senior Officials' Meeting** were held in Honolulu, Hawaii, between 8 – 13 November 2012.

APEC Economic Leaders Meeting issued the [Honolulu Declaration - Toward a Seamless Regional Economy](#) and four annexes:

- [Annex A - Promoting Effective, Non-Discriminatory, and Market-Drive Innovation Policy](#)
- [Annex B - Enhancing Small and Medium-Sized Enterprises Participation in Global Production Chains](#)
- [Annex C - Trade and Investment in Environmental Goods and Services](#)
- [Annex D - Strengthening Implementation of Good Regulatory Practices](#)

Addressing a range of critical objectives related to economic growth, environmental sustainability, and energy security including expanding access to advanced green automotive technologies, capturing the environmental benefits of trade in remanufactured goods and enhancing regulatory cooperation; a Ministerial Statement and a stand-alone statement on WTO Doha Development Agenda were released along with six annexes and additional statements on disaster resiliency and open governance. They can be found at:

- [Annex A - Pathfinder to enhance supply chain connectivity by establishing a baseline de minimis value](#)
- [Annex B - Actions to address barriers facing smes in trading in the region](#)
- [Annex C - Facilitating the diffusion of advanced technology and alternative-fueled demonstration motor vehicles](#)
- [Annex D - Pathfinder on facilitating trade in remanufactured goods](#)
- [Annex E - Emerging green technologies](#)
- [Annex F - APEC regulatory cooperation plan](#)
- [APEC High Level Policy Dialogue on Disaster Resiliency](#)
- [APEC High Level Policy Dialogue on Open Governance and Economic Growth](#)
- [APEC Ministers' Statement on the WTO, the Doha Development Agenda Negotiations, and Resisting Protectionism](#)

Meeting on 10 November, **Finance Ministers** released a [joint statement](#) covering: sources of growth; global rebalancing; and, the role of infrastructure in catalyzing growth. Financial developments and reforms were also covered, including strengthening regulatory frameworks and financial empowerment.

Meeting at the same time as APEC officials on 11 – 12 November in Honolulu under the theme "The Future: Redefined," business leaders discussed measures to advance trade and economic policy

partnerships for the future of the APEC region during the **APEC CEO Summit**. Topics included globalisation, the Trans-Pacific Partnership, economic stability, health, and business/government cooperation in the 21st Century”.

Senior officials met for their final meeting of 2011 in Honolulu, Hawaii on 8 – 9 November in preparation for the Ministers’ and Leaders’ Meeting, addressing issues related to deeper regional economic integration, promoting sustainable growth and facilitating job creation. The U.S. Deputy National Security Advisor for International Economic Affairs, Michael Froman, chaired the meeting.

Key points arising from the **Concluding Senior Officials Meeting** included:

- *Priority 1: Strengthening regional economic integration and expand trade*: Senior Officials addressed “next-generation” trade and investment issues, including promoting effective, non-discriminatory, and market-driven innovation policy.
- *Priority 2: Promoting green growth*: Senior Officials focused on liberalizing trade and investment in environmental goods and services, energy intensity targets, fossil fuel subsidy reforms and other green growth deliverables for 2011. Senior Officials also endorsed the terms of reference for a new APEC Experts Group on Illegal Logging and Associated Trade.
- *Priority 3: Advancing regulatory convergence and cooperation*: In addition to discussing strengthening the implementation of good regulatory practices, Senior Officials advanced discussions on proposals related to innovative agricultural technologies, liberalization of air cargo and passenger services, and travel facilitation. Additionally, there were discussions on SME business ethics, APEC institutional reform, food security and trade security.

Committees

The APEC Committee on Trade and Investment (CTI) last met on 22 – 23 September in San Francisco, California to advance its work program and identify outcomes to be delivered at the 2011 APEC Ministerial Meeting. Its key deliverables can be found in the [2011 CTI Annual Report to Ministers](#), which include amongst others:

- A set of guidelines for implementing recommendations/measures to track progress of APEC economies towards achieving Bogor Goals in 2010;
- Final assessment of the implementation of APEC’s Second Trade Facilitation Action Plan (TFAPII) with the assistance of the Policy Support Unit;
- Agreement on a methodology to use internal and external indicators for measuring progress towards the 10% improvement of supply-chain performance by 2015;
- Next generation trade and investment issues i.e. facilitating global supply chains; enhancing small and medium-sized enterprises (SMEs) participation in global production chains and promoting effective, non-discriminatory, and market-driven innovation policy and specific work to address these issues;
- Barriers that SMEs face in trading in the region, produced in collaboration with the SME Working Group. CTI worked with APEC economies to identify concrete actions to address those barriers related to TILF by AELM as instructed by MRT-SME Ministers at the meeting in Big Sky, Montana in May;
- Identified “interoperability standards for smart grid” as the first emerging regulatory issue to be worked on in 2011 under the APEC Regulatory Cooperation Advancement Mechanism on Trade Related Standards and Technical Regulations (ARCA) and agreed on a set of recommendations to promote interoperable standards for smart grid.
- Two new pathfinders: *Pathfinder to enhance Supply Chain Connectivity by Establishing a Baseline De Minimis Value* that seeks to exempt express and postal shipments from customs duties or taxes and from certain entry documentation requirements for shipments and *Pathfinder on Facilitating Trade in Remanufactured Goods* that ensures participating economies do not apply measures specifically concerning used goods to remanufactured goods.

The CTI will next meet Moscow from 14 – 15 February 2012, preceded by two Trade Policy Dialogues. The first on 12 February is working session with international organizations to help members to better understand the indicators to be suggested for inclusion in the IAP Dashboard and the second on 13 February is to follow up on APEC 2011 Leaders’ instructions “... to develop an APEC list of environment goods that directly and positively contribute to green growth and sustainable

development objectives...”

The **Economic Committee** (EC) met on 21 – 22 September. The EC considered the work plans of the Competition Policy and Law Group (CPLG) and its five FotCs including: competition policy, regulatory reform, corporate law and governance, public sector governance and ease of doing business. The EC also discussed its contributions to the APEC 2011 priorities, including ANSSR and the agenda on advancing regulatory coherence and convergence, the development of the annual high-level report on the EC’s structural reform and the APEC Economic Policy Reports for 2012 and 2013. The EC organised two policy discussions on “Improving Public Sector Transparency: Good Practices and Reform Experiences” and an ‘Interim Progress Assessment of the APEC EoDB Action Plan.”

Prior to the EC2 plenary, the [“Workshop on Approaches to Assessing Progress on Structural Reform”](#) was held on 19 – 20 September 2011 in San Francisco. The workshop was the final series of ANSSR activities held in 2011 that included the [“ANSSR Symposium”](#) in Big Sky, Montana in May 2011 as well as the [“Residential Workshop on Structural Reform”](#) held in Singapore in August 2011. The San Francisco workshop brought together ANSSR focal points, academia and experts and assisted members in their selection of assessment indicators for their domestic ANSSR priorities.

The next EC meeting will be held on 14 – 15 February in Moscow, Russia. It will be preceded by the Stocktake on Ease of Doing Business Workshop (organised by the United States) on 12 – 13 February 2012.

As part of the **APEC Finance Ministers’ Process (FMP)** Senior Finance Officials met in Washington, D.C. in June 2011. In addition to receiving updates on the economic outlook and policy challenges for the APEC region, Senior Finance Officials discussed actions by the United States to reduce the fiscal deficit and debt, as well as APEC initiatives on green growth, financial inclusion and infrastructure financing.

APEC Finance Deputies met in Honolulu in November 2011 and discussed the economic outlook and policy challenges for the APEC region, and the APEC Financial Inclusion Initiative. Deputies also discussed ways to promote private financing for infrastructure at an event co-hosted by ABAC and the World Bank.

The next meeting in the FMP will be a Finance Deputies and Central Banks Deputy Governors’ Meeting and will be held in Yaroslavl, Russia on 16 – 17 February. The meeting will discuss: the global outlook and perspectives for the Asia-Pacific region; fiscal sustainability as a factor of long-term economic growth in APEC economies; developing treasury systems of APEC economies; national strategies for financial literacy; and, financial policy measures to address the impact of natural disasters.

The **SOM Steering Committee on ECOTECH** (SCE) met on 23 September. SCE’s key achievement in 2011 was its significant realignment of the organizational structure in order to ensure the work of APEC continues to match its overall goals and objectives in the context of an ever changing global economy. The realignments made in 2011 include the creation of three new groups: the Policy Partnership on Women and the Economy (PPWE), which combines the strengths of the former Gender Focal Point Network (GFPN) and the Women’s Leadership Network (WLN); the Ocean and Fisheries Working Group, which was formed as a result of a merger of the Fisheries Working Group (FWG) and the Marine Resources Conservation Working Group (MRCWG); and, the APEC Experts’ Group on Illegal Logging and Associated Trade (EGILAT). A new Policy Partnership on Food Security (PPFS) was also created by APEC Senior Officials in 2011.

SCE priorities for 2012 are: 1) Strategic planning; 2) Coordination on cross-cutting issues; 3) Improving public communications; and 4) Streamlining and independent assessments. The next SCE meeting will be held in Moscow Russia, on 16 February.

The **Budget and Management Committee** (BMC) last met on 7 September in San Francisco. Key priorities discussed at the meeting focussed on budget management and project management reforms.

BMC members noted that the Secretariat's expenditures for 2011 were in line with the approved budget endorsed by members at BMC 2 when they met in Singapore. BMC also approved the budget for the 2011 Administrative Account and savings that had been made over the course of the year. Issues relating to project management were also discussed at BMC3. A paper outlining the approach and methodology to conduct longer-term evaluations of APEC projects was endorsed at the meeting by members and consequently approved by SOM. The finalization of the work plan and methodology for this exercise will be completed in mid-2012. The Secretariat also sought members' approval for further improvements to the Project Guidebook— particularly in relation to contracting approaches and text on approving requests for the costs of simultaneous interpretation. An updated version of the Guidebook (Version 8) will be finalized in 2012 incorporating all of the policy and operational changes agreed by BMC in 2011.

The **APEC Business Advisory Council (ABAC)** held their 4th Meeting on 7-10 November 2011 and a dialogue with APEC Leaders on 11-12 November 2011 in Honolulu, Hawaii. Mr. Ziyavudin Magomedov officially assumed the position of ABAC Chair, succeeding Ms. Deborah Henretta from ABAC USA. Magomedov declared the theme for ABAC year 2012 as "Aspirations to Reality." In addition to the five working groups (SMMEWG, FEWG, REIWG, APAWG and SGWG), a new Working Group on Infrastructure Development was established and will be chaired by Mr. Richard Lavin from ABAC USA. In 2012, ABAC continues to prioritize enhancing its engagement with key APEC stakeholders, including FMP, SOM, CTI, EC, SCE, SMEWG, EWG and TPTWG.

The next ABAC meeting will be held in Hong Kong on Feb 21-24, 2012. More information on ABAC can be found at:

<http://www.apec.org/Groups/Other-Groups/APEC-Business-Advisory-Council.aspx>

(c) Developments within the Secretariat and Policy Support Unit (PSU)

Key Staff Movements and Appointments

There have been a number of staff movements in the Secretariat since September 2011. Mr Jaehoon Jeong (Korea) has been seconded as the new Information Technology Unit Director and Mr Roman Babushkin (Russia) has been seconded as the Host Economy Representative in November. There were changes among the Program Directors in December: Mr Sergio Narea (Chile) succeeded Mr Mauricio Hurtado; Mr Pangeran Ibrani Situmorang (Indonesia) succeeded Mr Toni Widhiastono; and Ms Ulla Saleh (United States) completed her term. Ms Shea Wing Man (Hong Kong) succeeded Ms Elisa Leung as Director of Finance in January 2012; and Ms Trudy Harris resigned as Media Manager on 27 January 2012. There have been a number of staffing updates in the PSU since CSOM. Ms Thai Quynh Le joined PSU as an Analyst in October 2011. The PSU is in the process of recruiting a Senior Analyst and a Researcher in an effort to build up research capacity and replace staff that had left in 2011.

Key dates

The first SOM meeting of 2012 and related meetings will be held in Moscow on 30 January - 19 February 2012. The APEC calendar of events can be found at

<http://www.apec.org/en/Events-Calendar.aspx>.

Projects

Project Approval Sessions

A total of 138 projects received funding in 2011 with an approximate value of \$14.3 million.

The last project approval session for 2011 was completed on 22 December 2011. A total of 63 Concept Notes (CN) were received, and based on funds availability, all CNs were granted in-principle approval to proceed by BMC. Out of this, 58 projects were approved for funding in Session 3 with a total value of \$6.7 million.

The first project approval session for 2012 commenced on 9 January 2012.

The Effectiveness Grant Fund, sponsored by the Australian Agency for International Development (AusAID), will continue to finance a full-time Project Management Unit Officer, dedicated to assisting members develop higher quality projects through providing advice, feedback and guidance in writing

project proposals.

Multi-year Project (MYP) pilot

Four MYPs Concept Notes were approved for funding in Session 3, 2011 with two proposals already being approved for implementation by BMC in December 2011. The two remaining proposals will be submitted to BMC for approval in January 2012. An independent review of the pilot will be conducted in early 2013.

Contributions

From 1 September 2011 to 31 December 2011, the Secretariat received a contribution of JPY331, 926,000 from Japan to the APEC Support Fund Sub Fund for Energy Efficiency and Low-Carbon Measures, as well as A\$1,500,000 from Australia to the APEC Support Fund.

Policy Support Unit

PSU is currently undertaking several projects to support the work of different APEC groups. Ongoing projects include:

- APEC Economic Trends Analysis report(s): The report(s) is a concise and succinct document that provides timely analysis on the recent economic performance of APEC economies and the APEC region. The report(s) would serve as a source of information for discussions among the EC members.
- Food Security Policies in APEC: This project examines the landscape of prevailing food security policies of each APEC member economy. The findings will provide an important foundation for APEC's Policy Partnership on Food Security (PPFS).
- Regulatory Reform – Case Studies on Green Investments: This project evaluates regulatory practices concerning the promotion of green investments in the renewable energy sector and energy-efficient technologies.
- Bogor Goals Progress Report – IAP Peer Review Process: PSU is assisting the CTI in assessing the progress by APEC in achieving the Bogor Goals by 2020. Supply Chain Connectivity Initiative: PSU is assisting CTI in identifying indicators that will be the basis to evaluate APEC's supply-chain performance in terms of time, cost and reduction of uncertainty.
- Ease of Doing Business Interim Assessment: PSU is conducting an assessment of APEC's progress towards the 5 percent interim improvement target by 2011 specified in the EoDB Action Plan. The findings would be incorporated in the APEC Economic Policy Report 2012 produced by the Economic Committee.
- Voluntary Reviews of Institutional Frameworks and Processes for Reforms: PSU is assisting the EC in examining the extent to which the key features for effective structural reform are present in an economy's institutions and government processes. Reviews are conducted on request by a participating economy.
- PSU Policy Brief series: The policy briefs provide APEC stakeholders with a concise analytical document covering pertinent policy relevant issues in the Asia-Pacific region. The second issue on Sovereign Debt Challenges in the Euro Area: Implications for APEC was published in November 2011.

On StatsAPEC, PSU conducted the second data update of the year in November 2011. A first update process was performed in May 2011.

PSU continued to collaborate with the World Trade Organization (WTO) and the Organization for Economic Co-operation and Development (OECD) to deliver a report at the AMM meeting in November 2011 on key trends and developments relating to trade and investment measures in the APEC region.

In the course of its work, the PSU has also built up linkages with researchers and other international organizations such as the World Bank, the WTO, OECD, the Asian Development Bank (ADB), the World Economic Forum (WEF), the ASEAN Secretariat and the United Nations Conference on Trade and Development (UNCTAD).

All of the PSU's work and the PSU work plan (which is updated monthly) are available on its website (<http://www.apec.org/en/About-Us/Policy-Support-Unit/PSU-Research.aspx>).

Media & Outreach

Implementing Phase 3 (Sustain) of the SOM FotC on Communications' Branding Strategy, the Communications and Public Affairs Unit (CPAU) carried out its operational plan for 2011.

APEC Secretariat Executive Director Ambassador Noor conducted significant outreach around the region in China, Malaysia, Mexico, Singapore, and the United States and delivered nine speeches to key stakeholders since September 2011.

Ambassador Noor was interviewed live during Leaders' Week in Honolulu via Skype on 'Newsday' on BBC World Television. Prior, Ambassador Noor participated in a pre-recorded interview, "*Leaders gear up for APEC summit*," with Channel NewsAsia. He contributed a video interview to the US Department of Education and US Department of State's coverage 12th International Education Week.

Three op-eds were published since September 2011. Ambassador Noor published an op-ed, "*Consistent regulations key to sustainable economic growth*," in the Honolulu Star-Advertiser during Leaders' Week. A follow-up op-ed on the outcomes of AELM, "*Sustainable growth in APEC*," was first published in Business World online in the Philippines. And following the Malaysia round of TPP negotiations, the New Straits Times in Malaysia published Ambassador Noor's op-ed, "*APEC and TPP work to integrate region*."

During CSOM, a concerted push was made to promote the final assessment of the implementation of APEC's TFAP II. The campaign achieved wide coverage of the report in the following publications, among others: the Sydney Morning Herald, Sky News Australia, Agence France Presse, Xinhua News Agency, Australian Associated Press, Bloomberg, Channel News Asia, Thai News Service and Business World – Philippines.

APEC got a special mention in The Economist blog, *Gulliver*, on coverage of the APEC Business Travel Card. An article on "[Economic Integration in the Asia-Pacific](#)" by Ambassador Noor was published in the December edition of International Trade Forum Magazine.

Since September, the APEC Secretariat has received delegation from the University of Notre Dame (United States); Chuo University (Japan); Nanyang Technological University's TFCTN Executive Program (Singapore); Xavier University (Philippines); George Mason University (United States); junior diplomats from Korea's Ministry of Foreign Affairs and Trade; and China's Youth Model APEC Committee.

The APEC Secretariat published [Outcomes and Outlook 2011/2012](#) and a new version of [APEC at a Glance](#). Winning photos from the APEC Photo Contest 2011 are featured in the publications.

From the time it was launched in March 2011 until 1 February, APEC's official Facebook page has grown to over 1,850 "likes" and its Twitter feed (@followAPEC) has attracted almost 700 followers. The photo contest attracted 10,000 "likes" by the time the contest closed and they continue to attract interest from users, producing an additional 3,000 "likes" between November and end-January.

CPAU launched the mobile version of the APEC website in November to enable users to access the latest APEC news content on their smart phones. CPAU has also launched the APEC Glossary mobile application in the Google Android store. Designed as a reference tool, users can access this application on their smart phones to look up unfamiliar terms.

The February 2012 edition of the APEC Bulletin will be published and highlight APEC Russia outlook; food safety in the APEC region; and APEC's innovation policy; and APEC US outcomes.

APEC Technical Assistance and Training Facility

The APEC Technical Assistance and Training Facility (APEC TATF) works closely with the APEC Secretariat to implement a range of activities designed to strengthen the APEC Secretariat as a customer-driven institution. Since September 2011, APEC TATF's accomplishments include:

- Upgrading the APEC Secretariat's Project Database (PDB), including requirements gathering, design and development. In mid-January, APEC TATF conducted the User Acceptance Testing (UAT) with the IT Unit and the Project Management Unit. Completion of PDB upgrade

is scheduled for February 2012;

- Digitizing the Guidebook on APEC Projects, 7th Ed. continued during this timeframe, focusing on the design and development and completing the preliminary UAT'. The launch of the digitized Guidebook will occur at the same time as the PDB;
- Developing a Strategic Planning Process Guide for SCE sub-fora to utilize during the development of their medium-term strategic plans to ensure that their goals and future work are in line with APEC's overall objectives;
- Facilitating a mapping exercise of key areas of overlap between the APEC Secretariat and the ASEAN Secretariat; and
- Supporting the APEC PSU and APEC Secretariat integration mapping exercise.



**Asia-Pacific
Economic Cooperation**

2012/SOM1/ACT/008

Agenda Item: 5

**Combating Corruption and Bribery in APEC:
Promoting Open Governance and Market Integrity to
Strengthen Economic Growth and Competitiveness**

Purpose: Information
Submitted by: United States



**14th Anti-Corruption and Transparency
Experts' Working Group Meeting
Moscow, Russia
2-3 February 2012**

Combating Corruption and Bribery in APEC: Promoting Open Governance and Market Integrity to Strengthen Economic Growth and Competitiveness

Statement of David M. Luna

Director for Anti-crime Programs

Bureau of International Narcotics and Law Enforcement Affairs

U.S. Department of State

Moscow, Russia

February 2, 2012

Good morning.

As we start the new APEC year under the leadership of the Government of the Russian Federation, let me thank all of the economies here and the international organizations that worked with the United States last year to ensure success during our chairmanship of APEC's Anti-Corruption and Transparency (ACT) Experts' Working Group.

In passing the baton as Chair to Timur Eyvazov, I would like to provide a brief summary of what the ACT achieved in 2011, and I hope that we will be able to build on this momentum during the Russian Chairmanship to continue implementing the actions outlined in the ACT's five-year strategy.

Last November in Honolulu, Hawaii, I joined Secretary of State Hillary R. Clinton and other ministers at the APEC High Level Policy Dialogue on Open Governance and Economic Growth to discuss how economies and communities – including representatives from business, academia, and non-governmental and labor organizations – from across the Asia-Pacific region can work to enhance public trust by combating corruption and by committing to transparent, fair, and accountable governance. Participants also underscored how good governance can spur high-quality economic growth by fostering and sustaining the entrepreneurial spirit that nurtures innovation, enhances competitiveness, reduces market distortions, and promotes trade and long-term investment.

The 2011 APEC High Level Policy Dialogue also reaffirmed and reinforced the commitment by economies to report on their implementation of previously-agreed APEC anti-corruption and transparency policies. We join our ACT colleagues in looking forward to seeing the first reports at SOM II and to learning more about economies' anti-corruption and transparency efforts.

It is clear that our senior officials have placed a high priority on including effective transparency and anti-corruption measures as part of the overall APEC agenda, and open governance is fundamental to our work in many ways as it shines a light on corruption and empowers communities to monitor and voice their perspectives on government policies and the use of resources. Conversely, when a government hides its work from the view of the public, the public's trust in the government erodes.

Good governance tools are critical to nurturing long-term, sustainable growth and to supporting the regional development and prosperity to which we all aspire. Working together with civil society, economies can harness greater innovation, efficiencies, and technologies that help shape a better future across communities.

Inspired by the Arab Spring, people around the world are demanding more transparency in government. Governments can demonstrate their commitment to uphold the highest levels of integrity by adopting effective anticorruption policies that put accountability front and center.

As Secretary Clinton has emphasized: Empowering citizens to fight corruption and harnessing new technologies to strengthen governance are also vital. Openness is not only good for governance, it is good for sustainable GDP growth.

Tools such as APEC's Transparency Standards and other sectoral standards can help provides businesses, especially small and medium-sized enterprises, with greater access to laws, regulations, procedures and administrative rulings. These resources will help to enable greater regional economic integration, expansion of trade and investment flows, and job creation. I applaud economies that are also encouraging ethical business practices and implementing codes of ethics in export sectors that are of vital interest to SMEs.

Codes of conduct and financial disclosure systems also help promote public integrity and economic growth, and the United States welcomes the *APEC Principles for Financial/Asset Disclosure by Public Officials* that the ACT developed last year. These Principles will serve as a useful tool to prevent corruption, as they will help APEC economies identify conflicts of interest and assist in detection and prosecution of those who engage in illicit enrichment and other forms of corruption.

Through our continued cooperation with the private sector, we are leveling the playing field for businesses across APEC economies. In working with the APEC Business Advisory Council (ABAC) and other partners, we ushered in a new era of cooperation between the public and private sectors that will help forge a more connected, innovative, and dynamic Asia Pacific region.

Working with ABAC, the ACT advanced the importance of how corruption increases the costs of doing business, hinders economic performance, undermines competitiveness, and hampers the ability of economies to attract foreign direct investment. Capital flows gravitate to markets with open governance systems within a framework that respects the rule of law, while markets with poor governance and high levels of perceived corruption tend to have lower levels of portfolio investment.

Combating corruption and bribery and protecting legitimate business revenues by dismantling illicit markets and networks also require collective action and shared responsibility among APEC partners, as well as close coordination with relevant regional and international organizations that have expertise and capacities to help improve the overall governance climate in the Asia-Pacific region. The United States is proud that the ACT, in partnership with ABAC, also advanced anti-bribery as a core area of cooperation in 2011.

The United States would like to congratulate Russia for joining the OECD Working Group on Bribery. We hope that Russia's active leadership in APEC and engagement at the OECD will inspire more of our partners to intensify their efforts against foreign bribery. Russia should also be commended for volunteering to host the Conference of States Parties of the UN Convention against Corruption in 2015.

In 2011, the ACT also took a more comprehensive and holistic approach to combating corruption and illicit trade to ensure integrity in global markets and supply chains, thereby helping to protect our shared prosperity and economic competitiveness. I hope that the ACT will continue to confront criminal entrepreneurs and market actors that navigate between licit and illicit worlds, tainting supply chains and threatening the integrity of our markets.

As we learned in the two ACT workshops in 2011 in San Francisco and Washington, DC, broken supply chains, compromised markets, and the corruption that both facilitates and is financed by illicit trade poses serious threats to our legitimate businesses. We agreed that the proliferation of counterfeit, pirated, and gray-market goods diminishes brand identities, company reputations, and returns on research and innovation and increases operating costs and investment risks for all market investors. We must continue working together to fight the corruption that greases illicit value chains and enables transnational networks.

As we strengthen our partnerships with other international organizations, APEC ACT members can, in fact, translate and advance our principles and commitments in a variety of other fora. Our call for strengthening anticorruption measures and transparency should continue to ring out around the world. In UNCAC, we should take the lessons and principles we have developed in APEC and lead by example on transparent, inclusive reviews; on the inclusion of stakeholders outside of government; and on developing practical measures to cooperate on asset recovery, such as the global Focal Points initiative supported by INTERPOL and StAR. The voices of members of our group are already heard in the G20, the OECD Working Group on Bribery, the ADB-OECD Anticorruption Initiative for Asia and the Pacific, the Open Government Partnership, and in the proposed Trans-Pacific Partnership that will include robust anticorruption elements. We should continue to work together to multiply our efforts here through our leadership in these and other relevant fora.

Through our continued cooperation with international partners and our heightened commitment to responsible governance, we can build a firm foundation to invest and reap integrity dividends for future generations.

From Tokyo to New York to Beijing and Moscow, the ACT is developing innovative partnerships and capacities to tackle corruption and bribery. When both the public and private sectors lead and partner together, we can create a culture of integrity that has a lasting impact. We can create a better future by uniting in our support of accountability and good governance against corruption.

Again, I wish Russia a great and successful year in APEC 2012 and applaud my ACT colleagues for developing a vibrant course of action, a long-term strategy to combat corruption in our economies and a new path towards economic progress that nurtures open and cleaner governments and enhances integrity in markets and supply chains.



**Asia-Pacific
Economic Cooperation**

2012/SOM1/ACT/002

Agenda Item: 5

**APEC Principles for Financial / Asset Disclosure by
Public Officials: Fundamentals for an Effective Tool
to Prevent, Detect, and Prosecute Conflicts of
Interest, Illicit Enrichment, and Other Forms of
Corruption**

Purpose: Information
Submitted by: United States



**14th Anti-Corruption and Transparency
Experts' Working Group Meeting
Moscow, Russia
2-3 February 2012**

**APEC Principles for Financial/Asset Disclosure by Public Officials:
Fundamentals for an effective tool to prevent, detect, and prosecute conflicts of interest, illicit
enrichment, and other forms of corruption**

APEC leaders have repeatedly affirmed their high commitment to combating corruption and to fostering an APEC community founded upon integrity. The importance of preventive measures and integrity systems in the fight against corruption cannot be overstated. Leaders continue to urge member Economies to adopt and implement codes or norms of official conduct that are aligned, as appropriate, with the United Nations Convention Against Corruption.

More specifically, the APEC Conduct Principles for Public Officials adopted at the 19th APEC Ministerial Meeting in 2007 in Sydney, Australia, state:

“2. A public official shall use his or her public position only in furtherance of the public interest and not for purposes of gaining an unwarranted advantage for him- or herself or for others.”

“7. A public official shall avoid taking any official actions that will affect his or her personal or family financial interests, or acquire any position or function or have any financial, commercial, fiduciary or other comparable interest that conflicts or may reasonably appear to conflict with his or her office, functions and duties.”

“9. *A public official shall adhere to all requirements for reporting to appropriate authorities his or her outside activities, employment, financial investments and liabilities, assets and gifts or benefits.*” [Emphasis added]

In addition, Article II of the APEC Course of Action on Fighting Corruption and Ensuring Transparency states that the APEC Economies agree to:

“Strengthen Measures to Effectively Prevent and Fight Corruption and Ensure Transparency by Recommending and Assisting Member Economies to: ... Develop and implement appropriate *public financial disclosure mechanisms* or codes of conduct for senior-level public officials.” [Emphasis added]

Further, the UN Convention Against Corruption contains three provisions addressing financial/asset disclosure—

“Each State party shall endeavor . . . to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.” (Article 8, paragraph 5);

“Each State Party shall . . . establish appropriate systems of procurement” and that such systems shall address “[w]here appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.” (Article 9, Paragraph 1(e)); and

“Each State Party shall consider establishing . . . effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance. Each State Party shall also consider taking such measures as may be necessary to permit its competent authorities to share that information with the competent authorities in other States Parties when necessary to investigate, claim and recover proceeds of offences established in accordance with this Convention.” (Article 52, paragraph 5).

Successful and vibrant governance looks to prevent misconduct and endeavors to hold government officials accountable for corruption. Corruption prevention and government accountability both depend on the availability of information and on access to information.

Financial/asset disclosure is a powerful informational and preventive tool that assists public officials in recognizing and avoiding conflicts of interest posed by financial, family, or business interests. Financial/asset disclosure serves as a significant anti-corruption measure that discourages improper interests, aids in detecting corrupt influences, and provides documentation of discrepancies related to illicit and unethical gain.

A rigorous system of financial/asset disclosure also creates a more stable public environment characterized by improved trust and participation by both citizens and businesses. Decision makers openly avoid or divest themselves of conflicting interests in this more stable environment, as opposed to the more uncertain and unstable environment in which self-interest remains hidden.

Taking into consideration such concerns, as well as the recommendations of the United Nations Convention Against Corruption, the APEC Conduct Principles for Public Officials, and the APEC Course of Action on Fighting Corruption and Ensuring Transparency, the APEC Anti-Corruption Working Group recommends that member Economies establish, enhance, or review their legislative and/or administrative standards of financial/asset disclosure for all public officials, as defined by national and international law, to ensure that the requirements and the oversight systems are:

1. Fair

-- Disclosure requirements should be set forth clearly for the public official and for the general public and should be an integral component of laws, regulations and/or administrative guidelines, as appropriate, governing the conduct of public officials in order to establish shared expectations for accountability and transparency.

-- Disclosure systems should be as comprehensive as necessary to combat corruption but should require only the submission of information reasonably and directly related to the implementation of laws, regulations, and administrative guidelines, as appropriate, governing the conduct of public officials.

2. Transparent

-- Disclosed information should be made as widely available as possible, both within the government and to the general public, in order to facilitate accountability while still taking into consideration reasonable concerns for personal and family safety and privacy and for the laws, administrative requirements and traditions of the Economy.

-- Information about the overall administration of the disclosure system, including information about disclosure compliance rates and enforcement activities, should be made available to the public, in accordance with applicable law, regulation and/or administrative guidelines.

3. Targeted at senior leaders and those in at-risk positions

-- Disclosure should first be required of those in senior leadership positions and then, as capacity permits, of those in positions most influencing public trust or in positions having a greater risk of conflict of interest or potential corruption.

4. Supported with adequate resources

-- Disclosure system administrators should have sufficient authority, expertise, independence, and resources to carry out the purpose of the system as designed.

5. Useful

-- Disclosed information should be readily available for use in preventing, detecting, investigating, imposing administrative remedies for and/or prosecuting corruption offenses regarding conflicts of interest, illicit enrichment, and/or other forms of corruption.

-- Disclosure should be required on a consistent and periodic basis so that the information reflects reasonably current circumstances.

6. Enforceable

-- Penalties and/or administrative sanctions for late submission of, failure to submit, and submitting false information on a required disclosure report should be effective, proportionate, and dissuasive.



**Asia-Pacific
Economic Cooperation**

2012/SOM1/ACT/014

Agenda Item: 7

Thailand's Report on Development of Implementation of the UNCAC and Other Related Anti-Corruption Initiatives

Purpose: Information
Submitted by: Thailand



**14th Anti-Corruption and Transparency
Experts' Working Group Meeting
Moscow, Russia
2-3 February 2012**

**14th APEC Anti-Corruption and Transparency Experts
Working Group Meeting
Professor Pakdee Pothisiri
Commissioner, NACC Thailand
Moscow, February 2nd, 2012**

Agenda 07: “Thailand’s Report on Development of Implementation of the UNCAC and other related anti-corruption initiatives”

Mr. Timur EYVASOV, APEC ACT Chair
Distinguished members of the APEC ACT Experts Working Group,
Ladies and Gentlemen,

It gives me great pleasure and privilege to update all fellow APEC-ACT Experts Working Group members on Thailand’s development of its implementation of the United Nations Convention against Corruption (UNCAC) and OECD Anti-Bribery Convention as well as other initiatives related to anti-corruption and transparency. I will first report on the Thailand’s key regional and international anti-corruption-related activities since our last meeting and I will conclude by reporting on major activities on domestic front.

In our previous meeting in San Francisco, I reported that the NACC will be hosting two major events in the final quarter of 2011 and early 2012. Both events – the 7th General Meeting of the South-East Asia Parties Against Corruption and the Seminar on Foreign Bribery and OECD Convention – have been completed with satisfactory outcomes.

The 7th General Meeting of the nine-member South East Asian Parties against Corruption or **7th SEA-PAC Meeting** was held during 20-22 December 2011 in Bangkok. Seven of the 21 member economies of APEC are parties to this 7-year-old regional group created by the signing of a multi-lateral Memorandum of Understanding. The theme of this year’s meeting was “Strengthening Anti-Corruption Cooperation in South East Asia: Meeting the Challenges of Regional Integration”, which is in correspondence with the trend of greater economic integration in the region with the impending establishment of the ASEAN Economic Community or AEC in 2015. Under this blueprint, a single market and production base will be created to allow the free movement of goods, services, investment, capital and labor throughout the 10 member region which has a combined population close to 600 million.

All in all, the 7th SEA-PAC facilitated and stimulated the sharing of experiences among fellow SEA-PAC members through its one-and-a-half-day plenary session, which is followed by a half-day forum in which all 9 South-East Asian member economies shared their successful experiences and effective tools and techniques in tackling corruption in their economies. The members also agreed to arrange its first ever joint capacity-building ‘Workshop on the South East Asia Mutual Legal Assistance Regime’, which will be tentatively held back-to-back with the 8th Annual Meeting in Yogyakarta, Indonesia in September 2012.

And very shortly after the conclusion of the 7th SEA-PAC Meeting, the NACC together with the OECD Anti-Corruption Division co-hosted the “**Seminar on Foreign Bribery and OECD Convention**” during January 19-20, 2012 in Bangkok. The 2-day seminar was organized to provide participants with a general understanding of the key issues for combating the supply side of the bribery of foreign public officials under the OECD Anti-Bribery Convention. The event was very well received and was attended 150 representatives of relevant public agencies, private sector and civil society organizations.

A total of eight experts from the OECD Secretariat and Working Group on Bribery including Germany, Israel, Norway, South Korea and Switzerland shared their practical experiences on dealing with foreign bribery and their effectiveness of the OECD Anti-Bribery Convention. You may find more information about the event in the press release before you.

Now moving on to other major initiatives and developments on anti-corruption carried out by Thailand over the past quarter. At the first session of the Provisional Commission of the International Anti-Corruption Academy (IACA) held at the United Nations Office in Vienna on 19 December 2011, the officers of the provisional commission were elected. Ambassador Eugenio Curia of Argentina was elected President along with me as Vice-President representing the Asian Group of State Parties and Signatories. During this one year tenure, the Provisional Commission is mandated with adopting strategies for ensuring IACA’s financial resources and budget allocation, guiding IACA’s policies and management, and adopting strategic rules governing the operations of the world’s first international anti-corruption academy. More information on the academy can be found the press release before you.

Aside from the above-mentioned activities, the NACC was also particularly active in strengthening international cooperation on the bilateral level in the past quarter. At the 4th Conference

of State Parties to the UN Convention against Corruption held in Morocco, the NACC signed a Memorandum of Understanding with the Ministry of Public Sector Modernization of Morocco. A similar cooperative agreement was signed with the Ministry of Supervision of the People's Republic of China early January of this year and another will be signed with the Government Inspectorate of Vietnam in mid-February. The key purpose of these bilateral agreements is to provide a strategic framework for ongoing dialogue and collaboration between the NACC and its foreign counterparts on matters of common interest in the field of anti-corruption.

The NACC has also been active in academic research at the international level. During January 11-12 this year, the NACC organized the 2nd Conference on Evidence-Based Anti-Corruption Policies, together with the World Bank and Transparency International-Thailand Chapter. The well-received conference brought together over 200 academia and researchers from around the world to share their experiences and findings on the topics of corruption in public procurement, public and corporate governance, policy corruption and state capture, among others. The conference proceeding will be made available on the NACC's official website, that is www.nacc.go.th, very soon.

Last but not least, on the domestic front, the Office of Public Sector Anti-Corruption Commission (PACC), under the auspices of the Thai Ministry of Interior, has recently initiated a project entitled 'Good Citizens of the Land'. This primary objective of this project is to honor outstanding public officials who possess good characters, honesty and live their lives according to the self-sufficiency principle. The award aims to reward its recipients for their positive and ethical behaviors and also to inspire fellow public officials to follow suit. This ongoing event will contribute to Thailand's adherence to Article 8 of the UNCAC, which encourages state parties to promote integrity, honesty and responsibility among its public officials,

Mr. Chairman,

I think I've provided quite a comprehensive summary of the many new and exciting domestic and international developments that have taken place in Thailand since our last meeting. I look forward to hearing from the positive experiences of our fellow ACT members and welcome any collaboration and exchanges on this matter. Thank you very much for your kind attention.

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**Asia-Pacific
Economic Cooperation**

2012/SOM1/ACT/006

Agenda Item: 7

Anti-Corruption Initiatives in Malaysia

Purpose: Information
Submitted by: Malaysia



**14th Anti-Corruption and Transparency
Experts' Working Group Meeting
Moscow, Russia
2-3 February 2012**

ANTI –CORRUPTION INITIATIVES IN MALAYSIA

1. INTRODUCTION

The Malaysian Government who is currently under the leadership of the current Prime Minister Dato' Sri Mohd Najib Tun Abdul Razak intends to create an economy free from the scourge of corruption through the National Key Result Areas (NKRA). The NKRA Corruption which had so far listed 26 initiatives and studies, had in depth, selected the most effective strategies and tactics in combating corruption and seen through the enhancement of integrity.

2 MALAYSIAN EFFORT AND INITIATIVES IN FIGHT CORRUPTION

2.1. Certificate of the Integrity Officer (CeIO)

The recent initiative took up by the NKRA Corruption was through its implementation of the Certificate of Integrity Officer (CeIO) Programme carried out by the Malaysia Anti Corruption Academy to government officials and private sectors for a duration of 6-month. Those selected for the training programme will be trained to develop their skills and knowledge on integrity issues and legal aspects, as well as provide oversight and referrals. The CeIO Officers will then know how to gather evidence of crimes and refer it to the relevant authorities like the MACC or police

2.2. The Public Private Partnership

In order to gain the support from the business communities in private sectors, the Malaysian Anti-Corruption Commission had launched two initiatives;

- i) The Integrity Pact and
- ii) The Corporate Integrity Pledge.

This is in line with the objectives of the APEC ACT Course of Action (COA), to further encourage members of the economy to take appropriate actions in order to fight corruption, to ensure transparency and to promote good governance through the Public and Private partnership.

2.2.1 The Corporate Integrity Pledge (CIP)

The Corporate Integrity Pledge is a document that allows a company to make a commitment to uphold the Anti-Corruption Principles for major corporations in Malaysia. By signing the pledge, a company is making a clear declaration that it will not commit to corrupt acts and will work towards creating a business environment that is free from corruption. They will further uphold the Anti-Corruption Principles for all corporations in Malaysia in the conduct of its businesses and in its interactions with its business partners and Government officials.

As of 18th January 2012 a total of 64 companies have signed the Corporate Integrity Pledge. The companies represent a different sector ranging from business community, banking, manufacturing, government link company (GLCs) and multi national company (MNC). Companies and organization who has pledge to MACC so far is National Chamber Of Commerce And Industry Of Malaysia , Maybank Berhad, Sime Darby Berhad and Tenaga Nasional Berhad.

2.2.2 Integrity Pact

Integrity Pact was also introduced between a project owner and contractor agreeing to introduce appropriate measures necessary from time to time to assist the Parties in creating awareness amongst their employees and agents in the fight against corruption. This would further enhance their efforts to comply with anti-bribery laws and legislation in future too.

2.2.3 Mega Projects Monitored by the Integrity Governance Committee.

Government projects that are worth more than RM500 million and above will be under the umbrella of the Integrity Governance Committee for Mega Projects. They will also be responsible in monitoring the implementation of mega projects in future. The Malaysian Anti Corruption Commission undertakes the responsibility of secretariat for this committee. The committee works will ensure that the projects are implemented properly without any presence of corruption, abuse of powers and malpractices. Their functions are as below:

2.2.4 Codes of Ethics in Business - Collaboration between Malaysian Anti Corruption Commission, Small and Medium Enterprise Corporation Malaysia (SME Corp. Malaysia)

MACC and SME Corp are coming up with SME Code of Ethics for SMEs. The purpose of the code is to ensure all SMEs will not be involved in corruption, abuse of power and malpractices.

By strengthening the integrity in those sectors, it would increase the quality of the products. The codes of ethics in those sectors will eliminate the source of corruption in which the parties are involved. They would be more transparent and absorb values of high integrity and become less greedy. Furthermore, the sectors would also be able to implement good governance in their future businesses and transactions.

3.0. THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)

- 3.1. The Malaysian government signed up the United Nations Convention against Corruption (UNCAC) on 9th December 2003 and ratified it on 24th September 2008. To date, most of the articles of the Convention had been complied with and embedded into domestic legislations. In fact, the Mutual Assistance in Criminal Matters Act 2002, Anti-Money Laundering and Anti-Terrorism Financing Act 2001 were (put in place) proposed before the introduction of UNCAC.
- 3.2. At present, on the legal side, new laws such as Witness Protection Act, Enforcement Agency Integrity Commission, Whistle Blower Protection Act, the Finance Ministry's Integrity Pact for government procurement and the establishment of special corruption courts were introduced amongst other to combat corruption in the economy.
- 3.4. In accordance with Review Mechanism, in year 2012 Malaysia, together with another joint economy Jordan will review Iraq. Back in Malaysia, we are still in the midst of finalizing the self-assessment checklist report as to be reviewed by the year 2012. We will finalize the self-assessment checklist by June 2012.

4.0 MALAYSIA'S GLOBAL COMMITMENT TOWARDS ANTI-CORRUPTION

CAPACITY BUILDING THROUGH THE MALAYSIAN ANTI CORRUPTION ACADEMY

- 4.1. In year 2011, the Malaysia Anti Corruption Academy (MACA) continued its role to enhance and strengthen the capabilities and technical knowledge of the officers from the anti-corruption agencies abroad. Several courses were conducted with the cooperation from the United Nations Development Programme (UNDP) Malaysia, United Nations Office on Drugs and Crime (UNODC), Transparency International (TI) and the Economic Planning Unit (EPU) under the Malaysian Technical Co-operation Programme (MTCP). In addition, international courses were also organized by the MACA itself.

For the year 2011, 25 participants from APEC members economies had been attended training courses in MACA.

Training for Focal Point and Governmental Experts Participating in the Review Mechanism for the United Nations Convention against Corruption at MACA from 26th to 28th July 2011.

- 4.2. MACA and United Nations Office on Drugs and Crime (UNODC) had conducted Training for UNCAC Focal Point and Governmental Experts Participating in the Review Mechanism for the United Nations Convention against Corruption at MACA from 26th to 28th July 2011.

The objectives of the training are to develop the participants' capacity to participate in the UNCAC Review Mechanism. More specifically, the training seeks (i) to equip participants with the requisite substantive expertise in UNCAC provision to undergo and perform reviews (ii) to train the participants in the methodology for economy reviews (iii) enable participants to become thoroughly proficient in the use of the comprehensive self-assessment checklist; and (iv) to build the capacity of the participants to reproduce training at the national level.

Some of the participants attended the training are from Brunei, Singapore, Indonesia, Maldives, Bhutan, Sri Lanka, India, Pakistan and Macau.

5.0 THE MACC ENFORCEMENT AND OPERATIONS

- 5.1. In the year 2011, the Malaysian Anti Corruption Commission had successfully completed several high profile cases. Throughout the year 2011, a total of 916 people had been arrested. From that total, 323 (35.3%) arrests involved public officials, 593 (64.7%) of those from private sectors, involving members of the public and politicians.

- 5.2. The conviction rate of cases for the year 2011 had risen from 70.0% in 2010 to 74.0%

The case of Former Chief Minister of Selangor State

- 5.3. MACC has conducted investigation with fear and favour and as the results of that we have completed many high profile cases in Malaysia such as the case of the former Chief Minister of Selangor State, Dr. Mohd Khir Yoyo found guilty by the High Court for knowingly

purchasing RM3.5million of two pieces of land and a bungalow in Section 7 at a much lower price than its original value from a company director in 2007. He was sentenced to one year jail and ordered his land and bungalow to be forfeited.

The case of a high-ranking officer of a telecommunications company

- 5.4. A former high-ranking officer of a telecommunications company was sentenced by the Sessions court in Malaysia to four years jail and fined RM2.075mil after he was convicted of 14 counts of accepting bribes worth RM415,000, between three and four years ago.

The International football bookie

- 5.5. An International football bookie was charged under the counts of six charges for bribing six players of the state of Terengganu Team. The charge was under Section 16(b)(A) of the Malaysian Anti-Corruption Commission Act 2009 and punishable under Section 24 of the same Act, which carries a maximum 20 years' jail or fine of not less than five times the bribery amount or RM10,000 whichever is higher.

6.0 THE SIXTH ANNUAL CONFERENCE AND GENERAL MEETING OF THE INTERNATIONAL ASSOCIATION OF ANTI-CORRUPTION AUTHORITIES

- 6.1. The Sixth Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA) will be held in Kuala Lumpur, Malaysia, from 4th to 7th October 2012. The theme of this conference is [*UNCAC Chapter VI: "Technical Assistance and Information Exchange"*]
- 6.2. For more information about the conference, kindly visit the conference website of MACC: <http://www.sprm.gov.my> or the website of IAACA: <http://www.iaaca.org>.
- 6.3. All Members economies are invited to join the conference. Your contribution as speakers, modérate, rapporteurs are most welcome.

**Malaysian Anti- Corruption Commission
Malaysia
February 2nd – 3rd , 2012**



**Asia-Pacific
Economic Cooperation**

2012/SOM1/ACT/009

Agenda Item: 7

Indonesia Progress on UNCAC Implementation

Purpose: Information
Submitted by: Indonesia



**14th Anti-Corruption and Transparency
Experts' Working Group Meeting
Moscow, Russia
2-3 February 2012**

INDONESIA PROGRESS ON UNCAC IMPLEMENTATION

Anti-Corruption and Transparency Working Group SOM 1, APEC RUSSIA Feb 2-3, 2012

UNCAC Self-Assessment Report

Along 2011, KPK has made some progress in relation to the implementation of the UNCAC. As one of the reviewed state parties for the 1st cycle, Indonesia has completed and submitted UNCAC Self-Assessment Checklist Report to UNODC and reviewing state parties (UK and Uzbekistan) on 10 January 2011. The reviewing economies also visited Indonesia in March to get additional data concerning the review. Draft of the economy report on "Indonesia UNCAC Implementation Review" received by Indonesia on 22 August 2011. It is expected that the report will be finalized soon.

Research and Review

For the first time, KPK has started the "Anti-Corruption Initiative Study". The study is intended to measure and review anti-corruption initiatives and efforts conducted in state-owned companies. Later, KPK planned to conduct the similar study for private companies. For the pilot project, four state-owned companies has being assessed in 2011. Conflict of interest, whistle-blower system and code of conducts are part of the indicators being assessed in this survey.

Gratuities

To increase compliance rate of the gratuity reports, KPK has initiated "Gratuities Controlling Program". The result was impressive, as KPK received more than 1,300 reports in 2011. A threefold increase compare to last year performance. Furthermore, six government agencies and companies has signed agreements with KPK to start implementing the system in their office as part of their participation to combat corruption and to comply with the internal code of conducts.

Wealth Reporting Statistics

KPK's Directorate of Registration and Examination of Public Officials' Wealth Report is obliged to manage registration and to examine government officials' wealth report. KPK has received around 45,900 reports in 2011 or increase to more than double from 21,800 reports last year. KPK planned to amend and strengthen the respective regulation intended to widen the coverage of public officials who are obliged to report his/her wealth to KPK.

Asset Recovery

Article thirty one of the United Nations Convention against Corruption (UNCAC) requires each state party to implement measures to enable "the identification, tracing, freezing or seizure" of proceeds of crime and property used in crime. Pursuant to the Convention, Corruption Eradication Corruption has undertaken eminent efforts to recover and repatriate state assets loss derived from corruption.

The total amount of funds that KPK successfully sent to regional budget in 2011 is Rp 65 billion or around USD 7.2 million.

From the prevention side, a total of around USD 340,000 has been saved mostly from the anti-graft measures and program.

Investigation and Prosecution

KPK has been investigated 144 cases and prosecuted 45 cases last year, with around 64 % and 25% involving bribery case and misuse in procurement.



**Asia-Pacific
Economic Cooperation**

2012/SOM1/ACT/005

Agenda Item: 7

Chinese Taipei's Progress on Implementation of the UNCAC

Purpose: Information
Submitted by: Chinese Taipei



**14th Anti-Corruption and Transparency
Experts' Working Group Meeting
Moscow, Russia
2-3 February 2012**

Chinese Taipei's Progress on Implementation of the UNCAC

On July 20, 2011, Chinese Taipei created the Agency Against Corruption (AAC) in line with Articles 6 and 36 of the United Nations Convention against Corruption (UNCAC). Since then, Chinese Taipei has already taken a number of anti-corruption measures and wishes to avail itself of this opportunity to present its progress on implementation of the UNCAC.

It is recalled that Article 5 of the UNCAC requires establishing and promoting effective practices aimed at the prevention of corruption. As soon as its establishment, the AAC first identified certain areas with high corruption-prone, including public construction, police, drug procurement, medical device procurement, destruction of expired food, forestry management, and the procurement of lunches at elementary and junior high school. Through paying special attention to these areas, Chinese Taipei would like to find out different types of corruption and, more importantly, therefore providing with effective ways with an objective at the prevention of further corruption in these areas. Having widely analyzed the reasons causing corruption in some of these areas, Chinese Taipei issued anti-corruption guidelines with respect to the areas of police and medical device procurement. These guidelines not only provide with the reasons causing corruption, but also including ways to prevent further corruption. By way of publishing these guidelines, including on the internet, they will certainly create a warning effect for civil servants.

Chinese Taipei understood that Article 5 of the UNCAC also emphasizes the importance of participation of society. It follows that the citizens' awareness and participation play a vital role in anti-corruption work. For the purpose of arising the citizens' awareness and encouraging them to participate, Chinese Taipei has drawn up plans inviting the citizens as volunteers to actively take part in anti-corruption activities with a hope that these volunteers can help advocate anti-corruption concept, monitor civil servants' integrity, and lead the society to a morally clean atmosphere. Even more, Chinese Taipei also built the so-called "village platform" mechanism setting up a forum for continuous dialogues between civil servants and the public. Through widely-built village platforms across this economy, it is expected that more anti-corruption information could be exchanged and the public's awareness on fighting corruption would be arose. With more and more understanding and participation from the public, Chinese Taipei believes that the goal bringing this economy to a high level of cleanliness could be achieved.

The mechanisms establishing the volunteers' participation and village platforms were recently introduced into a significant public construction in Chinese Taipei. As Chinese Taipei in the summer often suffers from typhoons that may seriously damage the reservoirs and affect the stability of the water supply, it specifically passed a bill offering 1.46 billion US dollars (or 54 billion NT dollars) for an improvement project of the water supply system. Since this project involved a huge expenditure, the public's concerns would not only be the project's quality, but also the possible corruption or waste arising from this project. Therefore, in addition to strengthening cross-departmental collaboration and combining with relevant NGOs, Chinese Taipei, through the mechanisms of the volunteers' participation and village platforms, introduced the public to help monitor this project from the very beginning. With all of these efforts, Chinese Taipei hoped that the quality of this project would be assured and no corruption could be found in it.

In addition to expanding the participation of society, Chinese Taipei acknowledged that the APEC in recent years paid great attention to business ethics in private sectors. In particular, the APEC last year passed voluntary codes of business ethics in the sectors of the medical device, biopharmaceutical, and construction. Accordingly, Chinese Taipei planned to follow the APEC's steps to write down its own codes in these sectors. To this end, the AAC organized a number of activities around December 9, 2011 (International Anti-Corruption Day). Among the activities were "Medical Ethics Forum" and "Enterprise Integrity Summit Forum". Thanks to active participation from relevant agencies, academia,

enterprise managers, non-profit organizations, journalists and the public, Chinese Taipei trusted a consensus regarding the importance of ethics codes, both in public and private sectors, was reached.

With respect to improving civil servants' property declaration system, Chinese Taipei has established multiple channels to declare. However, in consideration of reducing manpower and resources consumption, Chinese Taipei strongly encouraged its civil servants to use the internet to complete declaration.

Recently, Chinese Taipei made some progress on the prevention of civil servants from obtaining illegal profits through corruption. First, in order for implementing Article 20 of the UNCAC, Chinese Taipei revised its Anti-Corruption Law on November 23, 2011. According to the amendment, a civil servant charged with designated crimes and having abnormal increased property shall face up to 5 years in prison, if failing to explain its source. Next, Chinese Taipei also recalled that Article 3 of the UNCAC puts stress on the freezing, seizure, confiscation and return of the proceeds of relevant offences. In line with this provision, Chinese Taipei last year issued a guideline instructing prosecutors to actively take actions to freeze, seize, confiscate any illegal gains at the proceedings of criminal cases, in particular those in respect of corruption. By means of depriving of any illegal gains, together with imposing criminal liability on illegal increase of property, Chinese Taipei was confident that these measures should be effective to the prevention of civil servants from corruption.

Chinese Taipei has achieved success with its efforts to establish an environment of integrity in this economy. According to the ranking results of the 2011 Corruption Perception Index (CPI), conducted by Transparency International (TI), on December 1, 2011, it is the first time that Chinese Taipei has scored 6.1 (a perfect score is 10), ranking it in 32nd place among the 183 economies surveyed. In 2010 the score was 5.8, and thus became one of the five economies with the highest number of improvement points. This score was recognition that Chinese Taipei was moving in the right direction in terms of fighting corruption. Chinese Taipei, however, was not self-satisfactory and was the view that there was still much room for it to improve.

Apart from continuously carrying out the aforementioned measures, Chinese Taipei in this year has some plans furthering its implementation of the UNCAC. First of all, although the existing laws has encouraged the whistleblowers to inform of any corruption and illegal behaviors, Chinese Taipei will check if the prevailing laws have offered sufficient protection to the whistleblowers and then make necessary amendment. Next, as mentioned above, APEC last year passed three voluntary codes of business ethics in certain private sectors. Chinese Taipei is determined to establish ethics codes in these fields by its own. In addition, while having enacted "Act on Property-Declaration by Public Servants" and "Act on Recusal of Public Servants Due to Conflicts of Interest" years ago, Chinese Taipei will conduct a wide-range review on the current versions of these two Acts and amend them accordingly.

Chinese Taipei fully agrees with the foreword of the UNCAC which states that corruption is an insidious plague that has a wide range of corrosive effects on societies. Although Chinese Taipei is not a signatory member of the UNCAC, its determination on fighting corruption is indifferent from other economies signing this Convention. In this regard, Chinese Taipei sincerely hopes to cooperate with all other economies on the issue of combating corruption.