



# The Conference of the State Parties to the United Nations Convention Against Corruption – Eighth Session

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# 1. Introduction

## Objectives of this Report

1. The **United Nations Convention Against Corruption (UNCAC)** is the sole, global, legally binding, instrument designed to promote measures to prevent and combat corruption. The Convention covers five main areas: preventive measures, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange. Sri Lanka signed the Convention on 15 March 2004 and ratified it on 31 March 2004. It entered into force for Sri Lanka on 14 December 2005. By virtue of Article 156A of the Constitution of the Democratic Socialist Republic of Sri Lanka the **Commission to Investigate Allegations of Bribery and Corruption (CIABOC)** is the institution which has the mandate to implement the obligations under UNCAC. Therefore, CIABOC works to support the government in their efforts to meet the requirements of UNCAC.
2. The **Conference of the States Parties (COSP)** is the main policy-making body of the UNCAC. It supports States parties and signatories in their implementation of the Convention. Therefore, the attendance at the COSP is of much value to Sri Lanka (SL) as the Anti-Corruption regime in SL is undergoing strategic transition after 20 years, taking into consideration the recommendations made by UNODC, upon completion of the 1<sup>st</sup> and 2<sup>nd</sup> review cycles of UNCAC as well. Accordingly, as it was identified that SL does not have a national policy on anti-corruption, the **National Action Plan for Combatting Bribery and Corruption in Sri Lanka 2019 – 2023 (NAP)** was formulated with the approval of the Cabinet of Ministers, together with four handbooks to assist the implementation of the NAP. Thus, in such a transitional period, the international cooperation the COSP afforded is highly regarded.

3. The main objective of attending the COSP was to collaborate with Anti-Corruption Agencies (ACAs) and to learn from counterparts around the globe, which would in turn assist us in fine tuning the anti-corruption strategy back in Sri Lanka.
4. On that account, upon the invitation of the United Nations Office on Drugs and Crime (UNODC), the Sri Lankan delegation comprising Commissioner of CIABOC Mr. Neville Guruge and Director General (DG) Mr. Sarath Jayammane PC, attended the Eighth Session of the COSP in Abu Dhabi from 16<sup>th</sup>-20<sup>th</sup> December 2019. The Sri Lankan delegation was fully supported by our Ambassador in UAE, His Excellency Majintha Jayasinghe and his competent staff. The main impetus of the Sri Lankan delegation was attending the COSP, nevertheless the delegation also attended several other Side Events and Pre-COSP events organized by UNODC and other subsidiary bodies.
5. Following the COSP deliberation, this report is penned not because public officials are obligated to put down their experiences in black and white, but rather to share our experiences as our delegation was limited to two officials. The scope of what we learnt reaches far beyond a few individuals.

## **Structure of the Report**

6. This report is primarily intended to be used by public officials to learn from the experience gained at COSP mainly on bribery, corruption, and integrity. This report reflects a variety of events attended and various activities carried out by the Sri Lankan delegation at the COSP. First it looks at the COSP meeting with reference to the plenary, working group, and implementation review group. Second, it discusses the launch of 'the Colombo Commentary on the Jakarta Principles' (Colombo Commentary) which provides guidance on how to promote and strengthen the independence and effectiveness of anti-corruption authorities in accordance with Article 6 and 36 of the UNCAC. Next it refers to the pre-COSP events which had a focus on strengthening Collaboration between ACAs and Supreme Audit Institutions (SAIs), followed by a discussion on bilateral meetings held with delegations from other countries. The Resolution of Mauritius on Enhancing the Effectiveness of Anti-Corruption Bodies in Fighting Corruption (Resolution of Mauritius) which was co-sponsored by Sri Lanka and other Side Events that were organized by the UNODC and the subsidiary bodies are discussed in chapters 5 and 6 respectively.



## 2. Conference Programme

Date	Time	Event
Friday, 13 December	The whole day	Task Force Meeting
Saturday, 14 December	The whole day	Pre-COSP Expert Panel Discussions on Anti-Corruption Strategies and Work Plans
Sunday, 15 December	The whole day	Pre-COSP event on ‘Strengthening Collaboration between Anti-Corruption Authorities and Supreme Audit Institutions towards Effective Prevention and Detection of Corruption Offences
Monday, 16 December	9:30 – 10:30	Bilateral Meeting with Bhutan
	13:00 – 13.30	Bilateral Meeting with South Korea
	13:30 – 14:00	Bilateral Meeting with Malaysia
	17:00 – 18:00	Launch of Colombo Commentary at the Side Event - ‘Ensuring protection of ACAs and their officers’

<b>Tuesday, 17 December</b>	9:00 – 12:30	Side Event on Stolen Asset Recovery
	13:00 – 13:30	Bilateral Meeting with Hong Kong
	15: 00 – 16:00	Bilateral Meeting with Singapore
	17:00 – 17:30	DG’s speech on ‘collaboration between ACAs and other related agencies’
	18:00 – 18:45	Bilateral Meeting with Japan
<b>Wednesday, 18 December</b>	09:00 – 10:00	Side Event - Parliament Role in Enhancing Holistic Governance
	10:30	DG Statement on Prevention
	14:00 – 15:00	Side Event -Technological Solutions in the Prevention and Detection of Corruption
	16:30 – 17:30	Bilateral Meeting with Australia
	17:30 – 18:15	Bilateral Meeting with Rwanda
	20:00 – 21:30	Presentation to the Sri Lankan Community held at the SL Embassy in UAE
<b>Thursday, 19 December</b>	09:00 – 10:00	Side Event International cooperation in detecting corruption offences with Non-Criminal tools
	13:00 – 14:00	Side Event - Protecting Whistle-blowers
	17:00 – 18:00	Bilateral Meeting with Thailand
<b>Friday, 20 December</b>	09:00 – 10:00	Side Event - International Cooperation and Mutual Legal Assistance
	10:0 – 11:00	Bilateral Meeting with UNODC representative in Bangkok on Future Collaborations
	11:30 – 12:00	Bilateral meeting with a Whistle-blower Expert from Implementation Support Section of UNODC on Whistle blower protection
	19:30 – 21:00	Mauritius Resolution on Enhancing the Effectiveness of Anti-Corruption Bodies in Fighting Corruption



### 3. Meeting of the Conference of State Parties (COSP) to the United Nations Convention Against Corruption (UNCAC)

7. The COSP is the main decision-making body of the UNCAC. All states that have ratified the UNCAC are automatically part of the COSP. Other states (signatories and non-signatories), intergovernmental organisations, and non-governmental organisations can apply for observer status at COSP sessions. The COSP meets every two years and adopts resolutions and decisions in furtherance of its mandate. As per article 63 of the Convention, the Conference was established:

- To improve the capacity of States to implement the Convention;
- To enhance cooperation among States in achieving the objectives of the Convention;
- To promote and review the implementation of the Convention.

#### **Plenary**

8. The Conference brought together Member States, parliaments, inter-governmental organizations, civil society, the private sector, and the media. At the plenary, the State Parties reviewed the implementation of the UNCAC and mainly discussed preventing corruption, international cooperation to better tackle corruption, and asset recovery. Fifteen resolutions were adopted during the week-long session, addressing the work of anti-corruption and audit bodies, financial intelligence units and parliaments, as well as issues including public sector integrity and public awareness, challenges of small island developing states, prevention, asset recovery, bribery, measuring corruption, environmental crime, and corruption in sports. The following topics were given special attention:

- Technical assistance
- Asset recovery
- International cooperation

9. The Conference also agreed to continue the work under the second cycle of the Convention's implementation review mechanism covering prevention and asset recovery. The ninth session of COSP is scheduled to take place in 2021 in Egypt. Further, the Conference discussed the outcome document containing strong and clear commitments to be adopted at the special session of the 2021 United Nations General Assembly keeping in line with the Sustainable Development Goal 16 and in accordance with commitments under international law.

10. Whilst taking part in the plenary session of the COSP on 17<sup>th</sup> December 2019, the DG emphasized the need to have collaboration between ACAs and other related agencies. He stressed the need to have collaboration between SAIs, asset recovery agencies, civil society, other law enforcement agencies,



mutual legal assistant experts etc. Having stressed the collaboration, he briefly gave an outline of the proposed composite law comprising the content of The Bribery Act, CIABOC Act, and the Declaration of Assets and Liabilities Law of Sri Lanka. The following points were highlighted by the DG in his speech;

Corruption is a global problem that requires global solutions.

- Successful anti-corruption efforts are often led by a 'coalition of concerned' – politicians and senior government officials, the private sector, and by citizens, communities, and civil society organizations. Increasingly, successfully addressing corruption will require the concerted attention of both governments and businesses, as well as the use of the latest advanced technologies to capture, analyse, and share data to prevent, detect, and deter corrupt behaviour.
- Initially, every effort must be made to meet corruption at the gate, putting in place institutional systems and incentives to prevent corruption from occurring in the first place. This includes mitigating and detecting potential risks, as well as addressing weaknesses in the institutions critical to this effort.

- Second, prevention must be built on the shoulders of credible deterrence, relying on accountability and enforcement mechanisms sufficiently strong to send a message to potential wrongdoers of the potential cost of their misconduct. Deterrence can take many forms beyond criminal consequences, including administrative and civil penalties.
  - Finally, it is critical to understand and influence the evolution of norms and standards that can change incentives, strengthen public institutions, and thus move the needle towards positive perceptions of government which are necessary for longer-term and sustainable efforts to combat corruption.
- Recognizing that bribery and corruption cannot be combatted alone, Sri Lanka has had many **collaborations** with countries around the world in tackling the issue. With the assistance of the **UNODC**, in partnership with **UNDP**, Sri Lanka convened The Global Expert Group Meeting (EGM) on the Jakarta Principles from 25-27 July 2018 in Colombo, Sri Lanka. The Expert Group Meeting was convened to develop a “Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies”. The meeting brought together more than 30 international experts, including representatives from ACAs from around the world. Furthermore, Sri Lanka with assistance from the **World Bank**, made inroads to root out corruption by developing an online asset declaration form along with necessary amendments to the Asset Declaration Law. Sri Lanka also joined hands with **USAID** in enacting and launching its NAP. The launch of the NAP was attended by representatives of over 50 countries. Most importantly, Sri Lanka has welcomed delegations from around the world including **Bhutan, Slovenia, Mauritius and Bangladesh**. Sri Lanka has also sent official delegations to the **Malaysian** Anti-Corruption Commission (MACC), Hong Kong, Bhutan, and Indonesia. Thereby Sri Lanka has made significant efforts in complying with Article 5(4) of UNCAC.<sup>1</sup>
11. On 18<sup>th</sup> December 2019 the DG made a statement on prevention during the prevention segment of the plenary. In his statement, the DG highlighted the importance of prevention. The 4 pillars of the NAP namely, ‘Prevention’, ‘Value Based Education’, ‘Institutional Strengthening’, and ‘Law and Policy reforms’ were explained. Furthermore,

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<sup>1</sup> Article 5(4), UN General Assembly, United Nations Convention Against Corruption, 31 October 2003, A/58/422, <https://www.refworld.org/docid/4374b9524.html>

*“States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.”*

steps taken through the Secretary to the President on furtherance of the NAP was presented to the audience. DG also provided a brief overview of the proposed Anti-Corruption Act. He listed out the new offences contemplated as follows;

- private sector bribery,
- conflict of interest,
- Foreign Officials Bribery,
- Trading in Influence,
- whistle-blower protection related offences etc.



12. Further the importance of having an online asset declaration was also highlighted. The four handbooks that were introduced as supplements to the NAP were also presented to the audience. Namely,

- handbook on gift rules,
- handbook on conflict of Interest rules,
- handbook on integrity and
- handbook on policy suggestions for proposed legislative amendments

13. Furthermore, it was brought to the attention of the audience that in Sri Lanka it has been proposed that one central agency would be set up for the collection and verification of asset declarations under the proposed amendments. The steps already taken by the government of Sri Lanka on prevention of bribery and corruption was also highlighted. These were:

- introduction of the National Audit Act,
- Right to Information Act and
- CIABOC initiations to introduce manuals to prosecutors.

14. He also highlighted that CIABOC has already taken measures with the National Institute of Education to incorporate concepts on anti-corruption into school and university curricula, thus opening a gateway to value-based education for children from early stages of education. As part of the public outreach of CIABOC, the international community was requested to go through the CIABOC website which gained recognition as one of the five

best websites in the public service in Sri Lanka. Finally, he highlighted how a Public Outreach Campaign was carried out on 09<sup>th</sup> December 2019, targeting 350,000 commuters at the main railway station i.e. Fort, Colombo and other railway stations in the neighbourhood in commemoration of the International Anti-Corruption Day.

## Implementation Review Group

15. On 19<sup>th</sup> December 2019, making a statement at the Implementation Review Group, the Commissioner Mr. Neville Guruge brought to the notice of the member states that the anti-corruption regime in SL is undergoing strategic transition after 20 years, as the government of Sri Lanka have taken several vital steps to fulfil the gaps identified through the 1<sup>st</sup> and 2<sup>nd</sup> review cycles of UNCAC. Accordingly, the following areas were highlighted:



The Commissioner Mr. Neville Guruge, making a statement at the Implementation Review Group.

- Amendment was brought to the Judicature Act to setup a trial-at-bar, for speedy disposal of corruption cases.
- The Mutual Legal Assistance in Criminal Matters Act was amended widening its scope of application on Mutual Legal Assistance requests.
- Financial Transactions Reporting Act No. 6 of 2006, was also amended to fill the lacunas in the law on money laundering and related offences.
- In addition, suggestions have been made to amend the Companies Act to include beneficial ownership information.
- Another step taken by the Sri Lankan government was to amend the Presidential Commissions of Inquiry Act so that evidence led before these fact-finding commissions can be adopted by CIABOC without recalling these witnesses to CIABOC.
- Further CIABOC also played a significant role in preparing a policy paper on Proceeds of Crimes Act, which would be useful in the recovery of stolen assets from foreign jurisdictions.



## 4. The Launch of the ‘Colombo Commentary on the Jakarta Principles’

16. The Colombo Commentary was launched at the Side Event on **‘Ensuring protection of ACAs and their officers’ which was held on the 16<sup>th</sup> December 2019**. This event also presented the newly created International Anti-Corruption Champion Fund supporting officers of ACAs who have been physically attacked for carrying out their duties. It was discussed whether such a fund should be extended to family members as well. The DG and Mr. Samuel De Jaegere from UNODC made speeches at the launch of the Colombo Commentary. Mr. Samuel De Jaegere extended his gratitude to CIABOC for accommodating the Expert Group Meeting in Sri Lanka successfully.

17. In 2012, ACAs from around the world developed the Jakarta Statement on Principles for Anti-Corruption Agencies (Jakarta Principles) with support from the UNDP and the UNODC. The Jakarta Principles comprised 16 principles to ensure the independence and effectiveness of ACAs and provide a useful set of benchmarks for the establishments of ACAs. The Jakarta Principles are based on Article 6 and 36 of the UNCAC and provides a practical tool in implementing the Articles. Nevertheless, State Parties had requested further guidance to be developed by UNODC to support the implementation of their international obligations. To provide such guidance to States Parties, UNODC, in partnership with UNDP and CIABOC, Sri Lanka, organized an expert group meeting on these topics from 25-27 July 2018 in Colombo, Sri Lanka. The meeting brought together more than 30

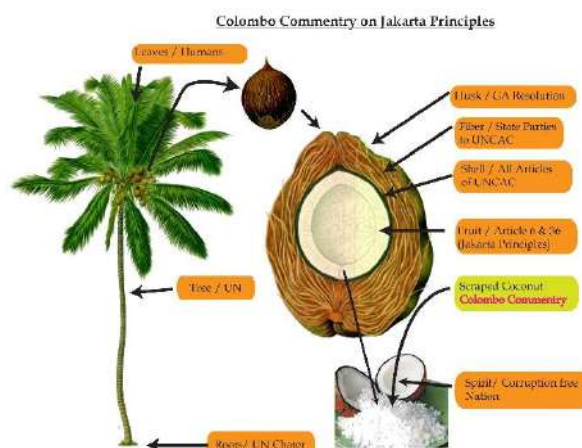


The launch of ‘Colombo Commentary on Jakarta Principles’, the Director General with Mr. Samuel from UNODC

international experts, including representatives from ACAs from around the world. At the meeting, experts discussed a draft of the ‘Colombo Commentary on the Jakarta Principles

of Anti-Corruption Agencies'. Subsequently, the finalized Colombo Commentary was launched at the COSP.

18. The DG made a presentation on the independence and efficiency of ACAs around the world. He highlighted the importance of having a mechanism for independence and efficiency and he explained the steps taken by Sri Lanka to achieve those objectives. The following key points were highlighted in his presentation.



The launch of 'Colombo Commentary on Jakarta Principles', the Director General explained the importance of Colombo Commentary by referring to a metaphor.

- In order for ACAs to be independent and efficient, the agencies must have financial autonomy as well as the freedom to recruit officials. If an ACA is to depend on a higher authority for financial support, that would diminish its independence.
  - Furthermore, ACAs must have the authority to decide the criteria of prospective recruits, as the world experience is such that, ACAs are more efficient when competent and experienced officers are picked at a market rate. The salary of investigators and prosecutors of ACAs should be higher than that of public officials and public prosecutors, which would incentivise competent individuals to join ACAs.
  - In allocating monetary funds, at least 0.1% of a national GDP must be allocated for ACAs. Further, allocation of funds must be made by the parliament based on necessity.
19. The Side Event of COSP on 'Ensuring protection of ACAs and their officers' was moderated by Dr. Navin Beekarry, Director-General, Independent Commission Against Corruption -(ICAC), Mauritius.

The following speakers took the floor:

- Tan Sri Abu Kassim Mohamed, Director General of GIACC, Malaysia,
- Mr. Novel Baswedan, Investigator, Komisi Pemberantasan Korupsi (KPK), Indonesia,



- Mr. Sarath Jayamanne, DG, CIABOC, Sri Lanka
- Mr. Dadang Trisasongko, Secretary General, Transparency International Indonesia, - Mr. Samuel De Jaegere, Anti-Corruption Advisor, Corruption and Economic Crime Branch, UNODC

## 5. Pre-COSP Events

### Task Force Meeting

20. The Task Force Meeting was held as a pre-COSP event on the 13<sup>th</sup> of December 2019. The DG was invited to serve as a task force member. The purpose of the meeting was to start an initiative between SAIs and ACAs. The State Parties gathered at the UAE Supreme Audit Office to discuss and elaborate upon the pre-established agenda for the 14<sup>th</sup> and 16<sup>th</sup> of December.
21. Generally, in most parts of the world these institutions work separately as there is a pre-conceived notion that collaboration of ACAs and SAIs would sacrifice their independence and autonomy. Nevertheless, this hinders the whole investigation process as these two institutions are two sides of the same coin.
22. In most jurisdictions, the audit authorities observe government agencies and their financial discrepancies. Upon unfolding such discrepancies, they make a report and submit to a parliament committee with oversight of the government. Nevertheless, the audit authorities do not have the mandate to conduct criminal investigations against civil servants who are responsible for irregularities. Therefore, the challenge is in a court of law, where it is necessary to identify the offender, to show criminal intention and demonstrate the exact nature of the offence. As the audit authorities are not competent in the investigation aspect, they are not willing to come before courts of law. Therefore, the experts who gathered at the UAE Supreme Audit Office were of the opinion that, if a country is to eradicate bribery and corruption ACAs and SAIs must come forward and get together.

## **‘Strengthening Collaboration between Anti-Corruption Authorities and Supreme Audit Institutions towards Effective Prevention and Detection of Corruption Offences**

23. On December 14 and 15 2019, the meeting on ‘Strengthening Collaboration between Anti-Corruption Authorities and Supreme Audit Institutions towards Effective Prevention and Detection of Corruption Offences’ was held in Abu Dhabi. It was organized by the State Audit Institution of the United Arab Emirates, as a Pre-Event of the Eight Session of the COSP. The meeting highlighted the importance of close and continuous cooperation between SAIs and ACAs as well as the beneficial effects of it. During the meeting the leading role of SAIs in deterring and fighting corruption was underlined; SAIs contribute to fostering transparency, evidencing risk areas, building robust and effective internal controls, specifically aimed at preventing corruption in line with the spirit of the UN COSP. Participants shared anticorruption strategies and reflected on risk assessments; they dealt with public procurement and public sector employment matters and discussed future workplans in combatting corruption.



Director General addressing the panel on Supreme Audit Agencies and Anti-Corruption Agencies

### **Expert Panel Discussions on Anti-Corruption Strategies and Work Plans**

24. The meeting was arranged to share anti-corruption strategies adopted around the world. Therefore, the DG was selected to speak at the panel and chair the session as Sri Lanka recently developed a very comprehensive anti-corruption strategy for the next five years. He highlighted the importance of having a national strategy and explained the four pillars of the recently launched 5-year National Action Plan of Sri Lanka, with the use of the metaphor of an owl. He also emphasized the key features of the handbooks that were distributed in implementation of the NAP. Similarly, the DG highlighted the importance of having civic engagement and civic awareness on bribery, corruption and integrity. He demonstrated CIABOC’s attempt to foster civic engagement by sharing a video clip of the

various activities carried out at the Fort, Colombo Railway Station and other railway stations on the International Anti-Corruption Day, that is 9<sup>th</sup> December 2019. The novel methods of explaining ideas were warmly welcome by the audience.

25. Subsequent to the DG's presentation, several experts from different jurisdictions from audit agencies and ACAs shared their experience, which session was chaired by the DG.

## 6. Bilateral Meetings

26. The opportunity to participate at the COSP was utilized productively by the CIABOC delegation. Accordingly, the Sri Lankan delegation was successful in attending eight bilateral meetings with delegations of other countries, in the sidelines of the COSP. Those countries are;

- Singapore
- Hong Kong
- Bhutan
- Malaysia
- South Korea
- Japan
- Australia
- Rwanda
- Thailand

27. In particular the Chief Commissioners of Hong Kong, Bhutan, Malaysia, South Korea, and Thailand, whose perception rankings in anti-corruption indices are high in the region, pledged their fullest cooperation and support to CIABOC with the promise of resource persons from their institutions when CIABOC absorbs the newly selected 200 graduate investigators and 50 prevention officers.



Standing from left to right: official from Hong Kong, the DG of CIABOC, the Chief Commissioner of Hong Kong Independent Commission Against Corruption Mr. Simon Peh, the Chairperson of Bhutan Anti-Corruption Commission Ms. Neten Zangmo

## Singapore

28. The Singaporean delegation stated that the main reason for the success of Singapore was the political will of the leaders of the country. It was depicted that since Lee Kuan Yew days, the DNA of good values are so embedded in the people from their childhood and that their school syllabuses capture elements of gratitude and integrity. Accordingly,



With the Singapore Delegation

the following are lessons that could be learnt from Singapore:

- Singapore is a country that is under resourced, yet the citizens of the country are fully resourced with integrity.
- They distinguish between ordinary police officers and intelligence investigators. It is accepted that that ordinary police officers do not have the required high capability in conducting serious investigations on corruption offences, while the latter is capable of intelligent and analytical interrogation.
- Though their population is a mere 600,000, Singapore has 100 investigators and 15 prevention officers<sup>2</sup>
- Every lawyer in Singapore, regardless of their department, must familiar themselves with the anti-corruption and bribery laws of the country.
- The only basis for recruitments, promotion and other increments in the public service is the merit-based system. There exists a very robust performance evaluation of public officials. Not only the performance but also their integrity should be excellent.
- Thus, there is demand to join the public service, as talented youth would know if they perform well, they would go for better prospects in the public service. The mere joining in the public service would not be a license to automatically go up in the ladder. In Singapore there is no place for nepotism.

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<sup>2</sup> In Sri Lanka where we have a population of 22 million, we only possess 160 investigating officers with no prevention officers as of yet.

- One of the salient features of their investigation unit is that they possess lie detectors (polygraph experts), so that the investigators could learn the truthfulness or the otherwise of the statement given.
- Every law in the country should have elements of bribery, corruption and integrity. The judges and the lawyers are equally sensitive to the issue of bribery and corruption.
- Lawyers are exposed to rich jurisprudence as most of them are from law faculties around the globe i.e. United Kingdom, USA and Australia
- The civil servants are exposed to a training which includes components of bribery, corruption, and integrity.
- Corrupt Practices Investigation Bureau (CPIB) of Singapore, instead of recruiting police officers, has recruited accountants, engineers, digital and IT experts and psychologists to the positions of investigators.
- A voluntary confession made to an officer of CPIB is admissible in a court of law.
- Singapore being a country that cannot boast of any natural resources, they are aware of the fact that the only way they can attract investors are by having public officials with high levels of integrity. Equally, their judges and lawyers should possess the highest levels of integrity. The investors should be confident that they will be given fair treatment and the law and order of the country would be so robust that corrupt public officials including politicians cannot escape the reach of the law.

## Hong Kong

29. At the bilateral meeting held with the Hong Kong Delegation, the Hong Kong Chief Commissioner of the Independent Commission Against Corruption was keen to know whether CIABOC has already recruited the said officers and expressed his views on how such officers should be trained. He also expressed his willingness to send at least two resource persons for the



The DG and the Commissioner with the Chief Commissioner of Hong Kong Independent Commission Against Corruption Mr. Simon Peh

training. Furthermore, he stated that should the need arise, he would happily consider sending a resource person in advance to develop the syllabus for the trainees.

## Bhutan

30. At the bilateral meeting held with the Bhutan delegation, the DG profusely thanked the Chairperson of Bhutan Anti-Corruption Commission (ACC) for sending a high-powered delegation in the month of October to Sri Lanka, to have deliberations with senior public officials, academics in universities and higher education institutes, and CIABOC officials. The Chairperson extended her fullest corporation and suggested assigning two officers of CIABOC to the Anti-Corruption Commission of Bhutan to learn the profession effectively. She also expressed her preparedness to send experts on investigation and prevention to Sri Lanka to train the workforce. Bhutan ACC has already taken steps to develop a matrix for the evaluation of performances of its officials. The DG extended an invitation to the Chairperson to visit Sri Lanka to which the Chairperson gave a positive response.



The DG with the chairperson of Bhutan Anti-Corruption Commission Ms. Neten Zangmo

## Malaysia

31. When the DG met the new Chairperson of the Malaysian Anti-Corruption Commission (MACC) at the bilateral meeting held with the Malaysian delegation, he expressed his congratulations on her appointment and both sides reiterated the collaboration they have had for the last three years.



The DG and the Commissioner with the Malaysian delegation Ms. Latheefa Koya



- MACC accommodated 45 CIABOC officials in 3 batches for training programs
- The Chairman of the National Centre for Governance, Integrity and Anti-Corruption visited Sri Lanka in 2002 to share his experience on bribery, corruption and integrity with senior officials of Sri Lanka
- In 2018 when the new building of the Commission was opened, the DG visited Malaysia and had a lengthy discussion on Malaysian anti-corruption strategies

32. The Chairperson highlighted that there is a new institute titled National Centre for Governance, Integrity and Anti-Corruption (GIACC) of Malaysia, whose Chairman is the former Chairman of the Malaysian Anti-Corruption Commission. The Chairperson took pride in apprising that in Malaysia, every government department must have an integrity officer and they have to comply with directions given by officials in the prevention unit of the MACC. It was informed that MACC even has the power to give opinions on adaptations to the higher-ups in the government, if the MACC is of the view that a policy would lead to corruption. Furthermore, it was voiced that they work on the notion “prevention is better than punishment”, mainly due to the cost effectiveness and the timeliness to dispose a case.

33. The most significant step taken by the MACC was the ability to recover the assets of former Prime Minister who had deposited these monies in US banks. For this, MACC had to collaborate with more than 18 jurisdictions and finally was able to recover these stolen assets of the government successfully.

## South Korea

34. The Chairperson of South Korean Anti-Corruption and Civil Rights Commission, who is a professor in law, stated that in law faculties in South Korea they teach bribery, corruption, and integrity related subjects. Nevertheless, it was also stated that their reliance on law enforcement and punishment to eradicate bribery and corruption is minimal. Instead they heavily place reliance on value systems and



The DG and the Commissioner with the Chairperson of South Korean Anti-Corruption and Civil Rights Commission Ms. Pak Un Jong

technology. Furthermore, it was stated that in South Korea, technology is used to the maximum level so that the general public could get their services/routine payments done through an online system. The Commission comprises 500 integrity officers for a population of 50 million. The Chairperson agreed to send a copy of the syllabus of law schools with regard to bribery, corruption, and integrity and to provide resource persons to train the newly recruited officers.

## Japan

35. At the bilateral meeting held with the Japanese delegation, it was stressed that they do not place full reliance on law enforcement or punishment. Instead they stated that from early school days the children are taught good manners, values including respect towards your neighbours,



With the Japanese Delegation

the necessity to queue up, expressing gratitude and apology, sharing with others and most importantly, punctuality. The DG made a kind request to increase the quota of officials who undergo JAICA training. Lessons we could learn from Japan include:

- their simplicity
- high discipline
- integrity embedded in the people
- sustainable lifestyles and saving of energy

## Australia

36. The Australian delegation comprising three investigators stressed on the power of prevention. Most importantly, the delegation stated that rather than relying too much on prosecutions they would refer the suspicious transaction for the disciplinary authorities to take disciplinary



With the Australian Delegation

action against public officials. In Australia every public official must undergo an ethics and

integrity training. They also appreciated the work of CIABOC and indicated their willingness to send resource persons should CIABOC make a request to that effect.

## Rwanda

37. The delegation of Rwanda comprised the Director of the Special Investigations on Corruption Unit (from the Office of Ombudsman) and the Chairperson of Transparency International of Rwanda, who is also a member of the Commission. Rwanda, whose conflict laden history is known to everyone has now turned a new leaf. Today the capital of Rwanda, Kigali is a highly developed city. It was mentioned that the secret behind their success story is the use of information technology.



With the Director of Special Investigation Unit on Corruption of Rwanda Mr. Birasa Fiscal and the Chairperson of Transparency International Rwanda Ms. Ingabire Marie Immaculee

Accordingly, the followings could be considered as merits of the system of Rwanda:

- The use of mobile phones to make payments by the general public, which makes all transactions cashless transactions.
- All procurements are done through an online system leaving no room for public officials to involve themselves in money laundering or other illicit modes of trafficking.
- Week-long residential deliberation programmes headed by the president of Rwanda, where the President meets experts on different areas.
- In Rwanda the population is 11 million and assets should be declared by 200,000 individuals.

## Thailand

38. Thailand delegation spoke with the assistance of an interpreter. They have 9 commissioners from different disciplines.

With the Thailand Delegation

They informed that they have prepared an education curricular on integrity and have forwarded it to the cabinet for approval, henceforth the education ministry is bound to carry out the regulations. It was stated that every public official must undergo an 8-month long training at an academy on anti-corruption, bribery and integrity. The delegation highlighted the following points:



- In Thailand, every investigation officer should possess a degree in law or accountancy.
- Law schools teach bribery, corruption, and integrity.
- Bribery and corruption offences are included in the Penal Code of Thailand.
- Corruption cases can only be heard in special courts where judges have experience in bribery and corruption. They should have minimum 10 years' experience as judges.
- The commission acts as a central point for the collection, evaluation, relitigation for asset declarations.
- Though they have a population of 60 million there are only 200 officials in the anti-corruption commission as they do not place heavy reliance on investigations.

## 7. The Resolution of Mauritius on Enhancing the Effectiveness of Anti-Corruption Bodies in Fighting Corruption

39. The Resolution of Mauritius is mainly aimed at enhancing the effectiveness of ACAs. It recognizes the Colombo Commentary and further strengthens the principles enunciated in the Commentary.
40. The resolution of Mauritius recalls the implementation of the Convention under Chapter VIII which states that each State party shall take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under the Convention.
41. The following strategic points are highlighted in the Mauritius Resolution
- promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
  - promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; and
  - promote integrity, accountability and proper management of public affairs and public property,
42. The Resolution of Mauritius urges States parties to the Convention to give adequate consideration and resources to enhance the effectiveness of ACAs to meet the emerging challenges in fighting financial crimes. Furthermore, it calls on States parties to undertake every effort to implement the recommendations arising from the Mechanism for the Review of Implementation of the UNCAC.<sup>I</sup> It also requests UNODC, as the Secretariat of the Conference, to organise an Expert Group to carry out an independent study on ways and means to enhance the effectiveness of ACAs.

## 8. Side Events of COSP

### Side Event on Stolen Asset Recovery

43. This is a vital topic as most rulers have taken assets from their respective countries to other jurisdictions. Unless there is an asset recovery law, it becomes a cumbersome procedure to bring those assets back to the country without a strong political will demonstrated by both countries. Merely having laws will not be sufficient. It requires the involvement of top-quality experts in the process.
44. During the panel discussion on 17<sup>th</sup> December 2019, experts from various professions covering different regions made presentations. One such presentation that attracted the audience was the recovery of assets siphoned out by former Prime Minister of Malaysia Najib Razek. Former Chief Commissioner of the Anti-Corruption Commission of Malaysia, Mr. Abu Kassim Mohamed and the present Chief Commissioner Ms. Lathifa made presentations during the panel discussion. It was brought to the audience that 681 US million dollars went to the account of the former prime minister, held in a bank in the USA. when the Prime Minister was in power, the Anti-Corruption Commission commenced investigations. However, the investigations were stalled and Mr. Abu Kassim Mohamed then Chief Commissioner had to resign under trying circumstances. When the Prime Minister lost his election the former Prime Minister Honourable Seri Dato Dr. **Mahathir bin Mohammad** came back into power, and gave leadership for the investigation relating to former Prime Minister Najib Razek.
45. Investigations revealed that there were more than 18 jurisdictions involved in the incident. As such collaboration for investigations were done at the highest levels. Lawyers, accountants (both from the government and the private sector), auditors formed the team of the investigators. Finally, Malaysia was able to recover the major parts of assets that were siphoned out from Malaysia. The two presenters explained in detail the nature of collaboration that was required in successfully recovering the assets.

## **Side Event -Technological Solutions in the Prevention and Detection of Corruption**

46. On the 18<sup>th</sup> December 29019 the chairperson of the south Korean Anti-Corruption and Civil Rights Commission explained the experience of South Korea with regard to the use of technology. They have set databases in South Korea so that any transaction can be monitored. The identification numbers of persons are linked to the database so that movements of money and other transactions can be closely monitored. Furthermore, People are not required to physically be present in government institutions to get any work done, instead they can remain at home and get the work done through online systems.

## **General Conference of the International Partnership Against Corruption in Sports**

47. Preventing corruption in sport is key in order to protecting and strengthening its integrity. This was recognized by the States parties when resolution 7/8 on corruption in sport was adopted in November 2017 at the 7th Conference of the States parties to the UNCAC. The side event highlighted recent initiatives and activities taken by governments, sports organizations, and international organizations to promote implementation of the resolution and serve to promote partnerships and joint actions in this area.