

## **CHAIR'S SUMMARY**

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### **Eleventh Regional Seminar on Good Governance for Southeast Asian Countries Hanoi, Viet Nam 17 – 19 October 2017**

#### **GENERAL**

1. The Eleventh Regional Seminar on Good Governance for Southeast Asian Countries, co-hosted by the Supreme People's Procuracy of Viet Nam (SPP) and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) was held at the Melia Hotel in Hanoi, Viet Nam from 17 to 19 October 2017. Mr. Keisuke Senta, Director of UNAFEI, served as the Chair of the Seminar.
2. Officials and experts from the following jurisdictions attended the seminar: the Kingdom of Cambodia, the Republic of Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

#### **OPENING CEREMONY**

3. Mr. KEISUKE SENTA, Director of UNAFEI and Dr. TRAN CONG PHAN, Deputy Procurator General delivered opening addresses, welcoming the participants to the Eleventh Good Governance Seminar, focused on the theme of *Best Practices in Anti-Corruption: A Decade of Institutional and Practical Development in Southeast Asia*, and emphasizing the importance of reviewing and recognizing advancements in anti-corruption practices through the sharing of knowledge, skills and strategies from the ASEAN region and beyond.
4. His Excellency, KUNIO UMEDA, Ambassador Extraordinary and Plenipotentiary of Japan to the Socialist Republic of Viet Nam, delivered a special address welcoming the participants and expressing his gratitude to the SPP and UNAFEI for holding this important seminar, noting that the rule of law and good governance contribute directly to the development, prosperity and stability of the ASEAN region. Ambassador Umeda concluded by observing that this Eleventh Good Governance Seminar is an excellent opportunity to review developments in anti-corruption practices over the past 10 years and to establish a roadmap for the future.

#### **KEYNOTE ADDRESS**

5. DIRECTOR SENTA delivered his keynote address, extending his thanks to all of the participants and visiting experts who have contributed to the success of the Good Governance Seminar since 2007 and to the SPP for their support in hosting this year's Seminar. Director Senta also reported the untimely passing of former UNAFEI director, Mr. Keiichi Aizawa, the founder of the Good Governance Seminar and chair of the first Seminar in 2007, extending his condolences to Mr. Aizawa's family and all those who knew him. Yet Director Senta also had

some very positive news to report—Japan’s acceptance of the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime earlier this year. Since it was first held in Thailand in 2007, the Good Governance series has reflected the issues and trends facing anti-corruption practitioners in Southeast Asia. Director Senta summarized each seminar, noting the overall themes addressed: controlling corruption in the judiciary and prosecution (first), public procurement (second), asset recovery (third), witness and whistle-blower protection (fourth), prevention (fifth), mutual legal assistance and extradition (sixth), investigation (seventh), adjudication (eighth), anti-corruption case studies (ninth), and international cooperation (tenth). Describing the past ten years as the “UNCAC decade”, Director Senta noted that this period has been particularly significant in Southeast Asia, as all countries in the region became parties to UNCAC. In turn, the adoption of UNCAC facilitated efforts to enact legislation criminalizing corruption and setting national strategies and administrative mechanisms to counter corruption, such as the establishment of dedicated anti-corruption agencies in many countries. Other developments include enhancements in mutual legal assistance, witness and whistle-blower protection, rules pertaining to public officers, and private sector corruption and corporate liability, as well as the wealth of practical experience gained by all countries in combating corruption. Despite the tremendous efforts in the region, much more work remains to be done. Grand corruption crimes are being committed in more skillful ways than ever before. The transnational dimensions of corruption coupled with the use of modern technology has made detection, investigation and prosecution even more difficult. Further challenges to combating corruption include insufficient investigation skills, insufficient legal and physical tools to collect admissible evidence, poor interaction between intelligence and criminal justice officials, differences in systems and practices in cases involving international elements requiring mutual legal assistance, and low levels of public understanding and uncooperative attitudes. As these and other challenges remain, the Good Governance Seminar remains an important forum for anti-corruption practitioners to share best practices and explore solutions to the challenges that hinder anti-corruption efforts.

### VISITING EXPERTS’ LECTURES

6. MS. CANDICE WELSCH, Chief, Implementation Support Section, Corruption and Economic Crime Branch, United Nations Organization on Drugs and Crime, delivered her lecture on the topic of the *UNODC’s Anti-Corruption Work over the Last Decade*, introducing the United Nations Convention against Corruption, global efforts to implement the Convention, and the UNODC’s anti-corruption activities. On the global level, the adoption of the Sustainable Development Goals in 2016 is significant in that Goal 16 on “peace, justice and strong institutions” recognizes that anti-corruption efforts are necessary to achieve sustainable development, and Goal 16 firmly establishes anti-corruption as a global priority. UNCAC, with 183 States parties, remains the global standard in anti-corruption policy, and the Convention establishes binding legal principles to prevent corruption, harmonize corruption crimes, enhance international cooperation, and facilitate asset recovery. Among the many important provisions of the Convention, Chapter V on Asset Recovery is particularly significant in that it establishes the return of assets as a fundamental principle. UNCAC also establishes a number of bodies, including the Conference of the States Parties and working groups, that focus on implementation and overcoming challenges. Furthermore, the Implementation Review Mechanism is an inter-governmental peer-monitoring process whereby the status of implementation of the Convention in each member country is reviewed by two peers. Among other purposes, this process enables countries to make legislative and other improvements and to identify technical assistance needs. Ms. Welsch reported that in the first cycle of

implementation review, 3,583 needs for technical assistance have been identified, with the highest number of needs focusing on witness protection. Other key needs include mutual legal assistance, extradition, law enforcement cooperation, advanced investigation techniques, and whistle-blower protection. Seminars like the Good Governance Seminar are important opportunities for practitioners to identify challenges and propose solutions (South-South Cooperation). The UNODC is pursuing a number of initiatives to facilitate good governance, including the promotion of public-private partnership, combating wildlife crime, establishing integrity in the criminal justice system, and sports integrity. Another key initiative of the UNODC is to encourage appropriate anti-corruption education from primary school through university education to instil the understanding and adoption of values that promote a corruption free society. Ms. Welsch encouraged practitioners to utilize the UNODC's resources, including the MLA Request Writer Tool to facilitate the drafting of mutual legal assistance requests. The UNODC has partnered with the World Bank to establish the Stolen Asset Recovery Initiative (StAR) to provide assistance and training for asset recovery, and offers legal databases, e-learning tools, and publications which can be accessed at: <http://www.unodc.org/corruption> and <http://www.track.unodc.org>.

7. MR. GIRI SUPRAPDIONO, Director of Gratification, Corruption Eradication Commission (KPK) of Indonesia, delivered his lecture on the topic of the *KPK Indonesia: Experience, Achievements and Challenges in Combating Corruption for a Decade*. Corruption in Indonesia had been rampant for decades, and many problems persist as demonstrated by the prosecution of high-level officials. In response, the KPK was established in 2002, and it operates under the three-pronged approach of enforcement, prevention and public participation. The KPK's duties include coordination, supervision, monitoring, and prevention. Unlike the other anti-corruption agencies that preceded it, the KPK is independent from the executive branch of government. The KPK is authorized to conduct investigations into corruption crimes, but it also has the authority to prosecute certain cases before the special anti-corruption court. Indonesia is ranked 90th on Transparency International's Corruption Perception Index, but its score has increased steadily over the past decade. As of 30 June 2017, the KPK boasts a 100% conviction rate resulting in 670 convictions, including minister-level officials, members of parliament, ambassadors, governors, mayors, and so on. The most common crime prosecuted by the KPK is bribery, followed by crimes related to procurement and misappropriation of budget. In bribery cases, the KPK emphasizes the importance of catching offenders red handed, often using informants to generate leads. Pre-trial procedure in the criminal court, which is arguably not intended to address the substance of a case, is a significant challenge for the KPK, as enterprising defence lawyers have succeeded in persuading judges to dismiss some corruption cases prior to referral to the special anti-corruption court. The KPK uses its unique powers to investigate corruption, including intelligence-based investigations and search and seizure without the need for a court order, and suspects are obliged to provide information on their assets. At the same time, the KPK is prohibited from stopping an investigation mid-stream. To prevent corruption, the KPK is working on a number of initiatives, pursuing a holistic approach, which includes, among others, bureaucratic reforms and raising pay for government officials. To prevent bribery, the KPK has adopted an approach to engage youth, women and netizens, as well as promoting anti-bribery messaging through endorsements from pop stars. Mr. Suprapdiono introduced a number of cases that demonstrate the fierce resistance from those engaged in corruption, including the fabrication of false allegations of corruption against the KPK commissioner, faking hospitalization in order to avoid trial, and the threatening and assault of KPK investigators, including an acid attack which has left one investigator permanently disabled and disfigured. Despite these and many other serious challenges to anti-corruption enforcement in Indonesia, the KPK remains dedicated to leveraging its strengths with the goal

of eradicating corruption.

## COUNTRY PRESENTATIONS

8. CAMBODIA: The Rectangular Strategy, Phase 3, of the Royal Government of Cambodia establishes good governance as a core national strategy, laying out Cambodia's political commitment to socio-economic development and to the fight against corruption. This strategy is supported by general and specific laws that comprehensively establish an anti-corruption framework through a series of laws such as the Code of Criminal Procedure 2007, the Criminal Code 2009, the Law on Anti-Corruption 2010, the Law on the Amendment to the Law on Anti-Corruption 2011 and the Law on Public Procurement 2012. The Law on Anti-Corruption established Cambodia's Anti-Corruption Institution (ACI), which has two bodies, the National Council against Corruption (NCAC) and the Anti-Corruption Unit (ACU). The NCAC is an advisory body that offers anti-corruption policies, recommendations and sets out strategies against corruption. The ACU is an implementing body that has exclusive authority to investigate corruption, send corruption cases to the court of law and operates under the state budget. Cambodia's intertwined approaches to combating corruption include Education; Prevention, Obstruction and Law Enforcement. The ACU has many enforcement tools which enable it to legally conduct its operations, including the power to arrest corruption-related suspects for investigation, obtain bank records, subpoena documents, conduct wiretapping, and freeze assets, among others. On the international and regional level, Cambodia has been involved in various forms of bilateral and multilateral cooperation. A Law on MLA is being drafted by the Ministry of Justice, and Cambodia is a party to extradition treaties with several countries. Cambodia is participating in the UNCAC Implementation Review Mechanism, which has led to the drafting of a code of conduct for public officials and laws on witness and whistle-blower protection. The presentation concluded with a factual corruption case study demonstrating the efficient investigation techniques of the ACU and which successfully resulted in the conviction of a public official for misappropriation of public funds. The official extorted money from a company which the official knew was not due to be paid, knowingly exceeding the amount due in order to provide a VAT exemption letter
9. INDONESIA: The presentation addressed the development of corporate criminal liability for corruption. Although corporate liability existed for some time under Indonesia's Corruption Law, very few convictions had been obtained. However, due to the promulgation of Supreme Court Regulation No. 13 in 2016, interest in corporate liability has been renewed. The regulation applies to criminal acts done by any person based on an employment or other relationship and applies equally to both local and foreign corporations. A corporation may be punished if it (1) obtains a benefit from the corruption offence, (2) allows the criminal offence to occur, and (3) fails to take necessary steps to prevent criminal offences. Sanctions can be imposed on the corporation, management or both, as well as the corrupt actors who directly committed the corruption crime. If a corporation is found guilty, fines are imposed, and failure to pay can result in confiscation and auctioning of corporate assets. When corporate assets are auctioned, they cannot be bought by those involved with the crime, and the proceeds are returned to the person who has the right to the property. Two case studies were introduced to highlight an enforcement action brought by the Attorney General's Office and an investigation by the KPK. The AGO case involved a company that deceived the government in a development project, resulting in financial loss to the municipal government. This case was the first in which a corporation was found guilty of corruption. In the case investigated by the KPK, an undercover operation resulted in the discovery that a bribe was paid by a corporation in

order to win a bid in the procurement of a development project.

10. JAPAN: The Japanese anti-corruption framework is somewhat different than the frameworks of many of the countries in Southeast Asia. Generally speaking, Japan has no special anti-corruption laws or enforcement agencies, and there are no special measures for investigating corruption cases, such as wiretapping and undercover operations. Corruption is investigated and prosecuted by public prosecutors applying Japan's general criminal laws and the Code of Criminal Procedure. This is because Japanese criminal justice institutions enjoy a fair degree of public trust, rendering special laws and agencies unnecessary. However, Japan has developed a number of legal tools over the past decade which can be applied to cases of corruption, including legislation that addresses bid-rigging, the control of political funds, and whistle-blower protection. Additionally, in 2018, public prosecutors will be able to enter into "cooperation agreements" with suspects and witnesses (similar to plea bargaining) in order to obtain statements and testimony for use at trial against other participants in corruption schemes. Leads on corruption cases are generated by Japan's financial intelligence unit, digital evidence and the statements of witnesses and suspects. Three case studies were introduced which identified challenges in assessing the credibility of witness statements, including judicial criticism of interrogation techniques and a case of evidence tampering by a public prosecutor. In response, Japan has introduced the practice of mandatory audio-visual recording of interrogations in cases where suspects are detained in order to avoid disputes over the credibility of witness statements. Moving forward, Japan will continue to enhance its practices for obtaining testimonial evidence, collecting and analysing evidence, and tracing the proceeds of corruption crimes.
11. LAOS: The anti-corruption framework in Laos is structured in four tiers, with enforcement at the national level through the State Inspection and Anti-Corruption Authority (SIAA), the ministry and agency level, the provincial level, and the district level. Over the past decade, the SIAA has coordinated corruption prevention and enforcement efforts, prioritizing prevention and encouraging public participation to counter corruption. Measures for prevention include incorporating anti-corruption education at all levels from kindergarten through university, promoting anti-corruption through the mass media, and requiring the declaration of assets and income by public officials. Regarding enforcement, after leads on corruption are received, the SIAA has authority to order an investigation, and where solid evidence exists, the case is summarized and referred to public prosecutors for prosecution in court. Over the past five years, over 734 targets were inspected, with some 1,800 civil servants found to have violated corruption laws and regulations. Laos is a party to multilateral and bilateral anti-corruption instruments and participates in a variety of international forums on anti-corruption. Regarding challenges, the participants from Laos reported that the country has no strong prevention campaign, lax law enforcement by competent authorities, a lack of modern equipment for revenue collection, and limited financial resources and skilled personnel for anti-corruption bodies. In addition to continued engagement on the international level, Laos will continue its efforts to mainstream anti-corruption training into formal education.
12. MALAYSIA: Over the past decade, Malaysia has undergone a number of legislative developments to criminalize specific corruption offences, introduce plea bargaining, strengthening asset forfeiture and recovery, and witness and whistle-blower protection. Asset recovery is important to do justice to the victimized parties, and the MACC is authorized to freeze, seize and confiscate illicit proceeds. It was noted that legislation is an important tool to fight corruption in order to give teeth to anti-corruption enforcement through criminalization of specific offences. In addition to these developments, the Malaysia Anti-Corruption

Commission has developed a number of best practices for anti-corruption investigation. One important practice has been the adoption of the PEACE technique for conducting witness interviews, and the establishment of the Malaysian Anti-Corruption Academy to provide training in advanced investigation techniques. Other best practices include the use of video technology during interviews and interrogations, the implementation of team-based investigation, private-sector investigation, intelligence-based investigation, introduction of a technology-based complaint management system, and enhancement of forensic-accounting skills. A case study was introduced in which USD 28 million in illicit proceeds of corruption were confiscated—the largest confiscation in Malaysian history. One of the MACC’s newest initiatives is the Anti-Corruption Revolution Movement (GERAH) 2017, which promotes public awareness of the dangers of corruption. This movement will engage roughly 2,000 MACC officers to meet with the public. To successfully combat corruption, cross-border and joint investigations are important, and thus maintaining good relationships between Central Authorities and law enforcement agencies is critical to overcoming the challenges of anti-corruption enforcement and asset recovery.

13. MYANMAR: Noting that corruption poses serious threats to the rule of law and socio-economic development in all countries, Myanmar has undertaken significant efforts over the past decade to enhance anti-corruption enforcement. In 2005, Myanmar ratified UNCAC, and adopted the Anti-Corruption Law in 2013 and the Anti-Money Laundering Law in 2014, respectively. Aggrieved persons may submit corruption complaints to the Anti-Corruption Commission, which has broad power to examine financial records, order prosecutions, order confiscation of money and property, and provide witness protection. The Commission has the power to conduct investigations and to take action against offenders who commit corruption. The commission vests investigation powers to an investigation board or an inspector, and the inspector or investigation board carries out the investigation under the law. The Commission is required to send reports, which contain matter on deciding to take action upon the accused person, to the President, respective Hluttaw Speaker, the complainant and also to the Union Government Office so that it can continue to take action against the accused person under the arrangement of the Union Attorney-General's Office. The Union Attorney General’s Office proceeds to tender legal advice on corruption cases and also the prosecution of the accused before the relevant court. The commission received 4,135 complaints during the period from 10 March 2014 to 30 September 2017. One of the challenges faced by Myanmar includes the lack of a whistle-blower protection law. Myanmar remains dedicated to addressing key challenges in anti-corruption enforcement, including improvement of the asset recovery process, enhancing whistle-blower protection, addressing cross-border corruption, and strengthening cooperation in the fight against corruption.
14. PHILIPPINES: The participants from the Philippines introduced the best practice of witness protection as an important law enforcement measure for combating corruption. Before introducing a corruption case that was discovered through key witnesses, the institutions responsible for anti-corruption enforcement in the Philippines, as well as the legal framework, were introduced, including the *Sandiganbayan* (a specialized anti-graft court), the Office of the Ombudsman, which is established under the Constitution of the Philippines, and the Department of Justice. The Philippines ratified UNCAC in 2006, and pursuant to UNCAC’s Implementation Review Mechanism, the Philippines is 59% compliant with UNCAC’s provisions on criminalization and law enforcement (Article III). Witness protection is an important tool for law enforcement. A witness protection law has been in place since 1991 to encourage those who have witnessed crime to testify in court by protecting such witnesses from reprisals and economic dislocation. This programme operates under the authority of the

Department of Justice. The participants introduced the Congressional Pork Barrel Scam, in which legislators conspired with other government officials and private individuals to divert public funds for their own use and benefit. This scheme operated for at least three years and was only exposed due to the reports of witnesses who were former employees of one of the principal players in the scam. Thus, the protection of these witnesses was crucial to the prosecution of this corruption case, and the dynamics between the Office of the Ombudsman and the Department of Justice, particularly in terms of providing for the safety and security of witnesses, proved to be an effective means in ensuring the availability of the key witnesses. Indeed, the collaboration of various government agencies and active cooperation of the witnesses are indispensable in the Philippine government's fight against corruption.

15. SINGAPORE: Singapore has transformed from a country rampant with corruption to one of the least corrupt countries in the world. From 1995 to 2016, Singapore has consistently been ranked as the least corrupt Asian country according to Transparency International's Corruption Perceptions Index, ranking 7th among 176 countries. The CPIB is a founding member of the new International Anti-Corruption Coordination Centre (IACCC) launched in July 2017, which serves to improve information sharing and coordinate law enforcement actions between law enforcement officers from member countries. Given the reality that criminal proceeds are difficult to trace and even harder to prove, Singapore's anti-corruption laws establish the presumption that "concealed property" held by the accused in an amount disproportionate to his known sources of income was derived from criminal conduct, providing effective deterrence against public sector corruption. When combined with a strict code of conduct and disclosure requirements applicable to all public servants, public sector corruption cases accounted for only 15% of all corruption cases investigated in Singapore in 2016. Accordingly, private sector corruption is viewed as a greater problem, and, while lawyers have been accustomed to the imposition of fines for private sector corruption, custodial sentences are now regularly sought and imposed in appropriate corruption cases. In terms of initiatives to address corruption in the private sector, CPIB and SPRING Singapore recently co-launched the Singapore Standard (SS) of the ISO 37001 on Anti-Bribery Management Systems, which is aimed at helping companies strengthen their anti-bribery systems and processes in reducing risks and costs relating to bribery. CPIB also developed "PACT", a practical guidebook for businesses in Singapore which sets out to guide business owners in Singapore in developing and implementing anti-corruption systems within their companies. Singapore will continually strive to uphold high standards of integrity in public administration as well as the marketplace. Investigators and prosecutors must work more closely than ever to effectively identify, investigate and prosecute corruption, and efforts at public outreach and community engagement must be maintained to preserve the zero-tolerance societal attitude towards both public and private sector corruption in Singapore.
16. THAILAND: Corruption is a serious problem in Thailand which occurs in both the public and private sectors. Among traditional forms of corruption, policy corruption was reported as a new type of corruption that involves making illegal plans or management mechanisms for certain beneficiaries. In response to the problem of corruption, the National Anti-Corruption Commission was established under the Constitution of the Kingdom of Thailand in 1997. In 2003, the Public Sector Anti-Corruption Commission was established to investigate corruption of lower-level officials. The Supreme Court has established a Criminal Division for Persons Holding Political positions to hear cases involving high-level public officials such as ministers, members of the House of Representatives, Senators, etc., and in 2016 another court was established to hear cases involving other public officials. Thailand requires public officials to disclose their assets, which may be confiscated if acquired by malfeasance or determined to be

unexplained wealth. It was also reported that Thailand has no statute of limitations for corruption offences and that conflict of interest rules are being implemented for public officials. The participants from Thailand introduced four case studies, demonstrating the successes and challenges faced in the increasingly complex field of anti-corruption enforcement. The cases presented addressed a variety of issues, including unexplained wealth, confiscation of corruption proceeds, conflicts of interest, outright fraud, and complex transnational corruption involving a scheme to defraud the government's rice-subsidy programme.

17. VIET NAM: In recent years, the number of corruption cases has increased, resulting in the misappropriation of public funds and property at great cost to the public. Meanwhile, successful asset recovery has been limited. In part, this may be due to inconsistent interpretations of the concept of "corrupt proceeds" under the Anti-Corruption Law 2005 and the Criminal Code. To date, Viet Nam has not adopted specific laws on confiscation and recovery of corruption proceeds; however, the necessary measures include confiscating, freezing and distraining corrupt proceeds and imposing fines in order to recover proceeds of corruption provided in the criminal laws, and administrative and civil measures are provided in civil laws and are applied in different stages of the proceedings (investigation, prosecution and trial). Under the Criminal Code, the principal penalties for corruption should be the death penalty, life sentence or imprisonment, and imposition of fines is only applied as additional punishment. Both money and objects are subject to confiscation if they are directly related to the commission of the crime. In recent years, procurators have strictly supervised the investigation process for serious corruption crimes starting from the receipt of tips and reports of the crime to the conclusion of the investigation. From December 2012 to May 2016, 868 cases were prosecuted involving 1,868 accused persons. Nevertheless, shortcomings in the asset recovery process exist, as the total damages in corruption cases exceeds 5,335 billion VN dong, of which only 35.9% has been recovered. To improve the efficiency of asset recovery, a number of solutions were proposed including improvement of asset declaration requirements, enabling law enforcement agencies to take swifter action to distrain property to prevent the dissipation of illicit assets, and continuing the implementation of the provisions of UNCAC.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **18. DEVELOPMENTS**

The past ten years encompass the appropriately named "UNCAC decade", as the last remaining Southeast Asian non-member countries became parties to UNCAC during that period. With full regional participation in UNCAC, tremendous advances were made in the adoption of implementing legislation, including laws on the criminalization of specific corruption crimes, asset recovery, and mutual legal assistance and extradition. Furthermore, all countries have taken great strides toward the adoption of national anti-corruption strategies, establishing anti-corruption frameworks, and implementing robust anti-corruption enforcement. Almost all of the participating Southeast Asian countries have established specialized anti-corruption agencies to conduct investigation and prosecution, and all countries have gone to great lengths to eradicate corruption. Other developments include enhancements in mutual legal assistance, witness and whistle-blower protection, rules pertaining to public officers, and private sector corruption and corporate liability, as well as the wealth of practical experience gained by all countries in combating corruption.

### **19. CHALLENGES**

Despite the tremendous improvement in anti-corruption legislation, practices and enforcement over the past decade, the country presentations made it clear that many challenges remain, and

they are shared by many countries. These challenges include insufficient investigation skills, insufficient legal and physical tools to collect admissible evidence, assessing the credibility of witness statements, poor interaction between intelligence and criminal justice officials, differences in systems and practices in cases involving international elements, low levels of public understanding and uncooperative attitudes, fierce resistance from those engaged in corruption (including physical attacks on investigators), overcoming procedural challenges to corruption prosecutions raised during pretrial procedures, the lack of adequate prevention measures, lax law enforcement by competent authorities, the lack of modern equipment for revenue collection, limited financial resources, the lack of a whistle-blower protection laws in some countries, the lack of legal frameworks for special investigation techniques, dealing with underground banking systems, the dissipation of illicit assets prior to confiscation, and ongoing efforts to fully comply with UNCAC.

## 20. RECOMMENDATIONS

During the Seminar, many valuable practices were introduced by all of the participating countries. The following practices were among those that drew significant attention: pursuing private-sector corruption and exploring the concept of corporate criminal liability, implementing adequate witness and whistle-blower protections, establishing the legal presumption that disproportionate wealth was obtained from illicit sources, implementing codes of conduct for public employees and procedures requiring the declaration of assets, enhancing advanced investigation and interviewing techniques including forensic accounting skills, video-recording of witness and suspect interviews, maintaining working relationships with practitioners from other countries, engaging in joint investigations, raising or abrogating statutes of limitation for corruption crimes, engaging public support for anti-corruption including through anti-corruption education, and ensuring adequate pay for government officials. Each country may wish to consider adopting these practices or tailoring them to its unique legal and social circumstances. As described above, anti-corruption challenges abound, and all countries are encouraged to participate and learn from the UNCAC Implementation Review Mechanism and to participate in international forums with anti-corruption practitioners from other countries to exchange practices and ideas for overcoming challenges and breaking down barriers to the investigation and prosecution of cross-border corruption.

19 OCTOBER 2017  
HANOI, VIET NAM