

APEC Anti-Corruption and Transparency (ACT) Experts Working Group

Terms of Reference (ToR)

Endorsed 26 February 2018

1. Introduction

In Los Cabos in 2002 and in Bangkok in 2003, APEC Leaders committed to implement general and area-specific APEC Transparency Standards. In November 2004, APEC Leaders met in Santiago, Chile, and further acknowledged that corruption was a serious threat to the APEC Agenda and priorities to sustainable economic growth, good governance, market integrity and enhanced trade and investment. They also agreed that APEC can make a difference by working together to fight corruption and ensure transparency, cutting the cost of corruption to their economies and create a culture of integrity and shared prosperity.

Accordingly, Leaders endorsed the *Santiago Commitment to Fight Corruption and Ensure Transparency* and the *APEC Course of Action on Fighting Corruption and Ensuring Transparency*, including the APEC anti-corruption initiative *From Santiago to Seoul*.

At SOM III in Santiago, Chile, Senior Officials approved a recommendation by APEC Anti-Corruption Experts and agreed to establish an Anti-Corruption Experts' Task Force to implement the *APEC Course of Action on Fighting Corruption and Ensuring Transparency*, which was endorsed by Leaders. The ACT has since been working towards implementing the Leaders' mandate to cooperate across the Asia Pacific region to effectively combat corruption.

Given the crosscutting nature of activities related to combating corruption and ensuring transparency there is a need for a procedural structure to promote and coordinate these activities within APEC. Furthermore, the global nature of corruption and the implementation of the punitive and preventive anticorruption policies and practices consistent with the United Nations Convention against Corruption require that APEC coordinate closely with other international activities where appropriate, for which the Task Force would provide the single point of contact to promote and facilitate such interaction. In executing diligently the Leader's mandate on anticorruption, the Task Force recommended in 2010 to Senior Officials that ACT need to institutionalize its work program by developing a long-term strategy and formalizing its work as a Working Group.

2. Purpose

The purpose of the Working Group is to:

- Coordinate the implementation of the *Santiago Commitment to Fight Corruption and Ensure Transparency*, the *APEC Course of Action on Fighting Corruption and Ensuring Transparency* and the *APEC Transparency Standards*; including promoting cooperation in areas such as extraditions, legal assistance and judicial and law enforcement, especially asset forfeiture and recovery.
- Elaborate more specifically on actions outlined in the APEC Course of Action, and subsequent actions in succeeding years called by Senior Officials, Ministers, and Leaders including, for example, combating corruption and illicit trade
- Promote the implementation of ACT initiatives such as the APEC Conduct Principles for Public Officials and the APEC Code of Conduct for Business
- Facilitate the implementation of the United Nations Convention against Corruption (UNCAC) by member economies where appropriate.
- Promote programs and initiatives to increase the participation of the private sector and civil society in the development of anti-corruption policies and/or measures within the economies, as well as to enhance the support by governments of efforts for greater integrity within the private sector
- Develop innovative training, targeted capacity building and results oriented technical assistance to fight corruption and ensure transparency, in conjunction with the APEC Anticorruption and Transparency (ACT) capacity-building program;
- Intensify individual and joint actions to fight corruption and ensure transparency, including cooperation with other multilateral and regional intergovernmental institutions where appropriate;

- Exchange information between anti-corruption experts on the implementation of domestic anti-corruption commitments and successful practices to fight corruption and enhance the transparency of public and private sectors.
- Cooperate with the international organizations, as appropriate, to implement the *APEC Course of Action on Fighting Corruption and Ensuring Transparency*;
- Facilitate cooperation between APEC fora, including the Finance Minister's Process and Committee on Trade and Investment and its relevant sub-fora on corruption issues and assist in making recommendations on proposals/projects to Senior Officials;

3. Structure

The Working Group will be open to anti-corruption experts or their representatives from all interested APEC member economies, APEC Observers, and representatives from the APEC Secretariat and ABAC.

The Working Group will be managed by a Chair and two Vice Chairs with support from the APEC Secretariat. The host APEC economy each year will become the Chair of the Working Group and the two Vice Chairs will be one from the following year's host economy and the other from the preceding host economy.

The announcement of the Chair designation will take place before the end of the calendar year to ensure the appropriate handover of the relevant information as well as a joint work plan proposal for the coming Chairmanship. The nomination of the Vice Chairs will rely on the Economy and this title is not attached to the person that the Economy will nominate or has nominated as ACT Chair in each host year.

A "Friends of the Chair" ('FoTC') group will be established to provide guidance and support at the working level. The FoTC will provide recommendations to the Chair of the Working Group and help develop a multi-year work program; and work intersessionally to support the Chair in developing a schedule of meetings, preparing the agenda for the meetings, giving frank advice on the discussion of issues, promote coordination of the capacity building initiatives and international collaboration of the Working Group and the elaboration on the APEC Anticorruption Course of Action.

The FoTC group will be composed by the Chair, the Vice Chairs, and any other interested economy may volunteer to participate in the work of the group, subject to the Chair's approval.

The meetings of the FoTC group may be organized by the current hosts on the margins of any SOM meeting of the ACT Working Group, to enable the group to have exchanges on the implementation of the annual Work Plan, Multi-year Strategic Plan, and to plan activities for the following year. The group may also determine other means to maintain communication intersessionally.

4. Administration

The Working Group will meet at least twice a year, in the margins of Senior Officials' Meetings. The Working Group will report progress on its commitments to the SCE, and where appropriate, to Ministers and Leaders.

The quorum for a meeting of the Working Group constitutes attendees from 14 economies. Should the Working Group fail to meet quorum for two consecutive meetings, it shall be referred to Senior Officials for a decision on whether it should continue to exist.

The Working Group will have a term of four years starting from 2018. At the expiration of this and any subsequent term, the mandate of the Working Group and its ToR shall be reviewed by the Working Group and SCE and a recommendation on renewal shall be put to Senior Officials for approval.