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Knowing About ASEAN-PAC

ASEAN-PAC

ASEAN PARTIES AGAINST CORRUPTION



ASEAN-PAC

ASEAN Parties Against Corruption

Introduction

Anti-corruption has been illustrated in the ASEAN agenda in 2004 with its inclusion in the Political-Security Blueprint under the 2004 Memorandum of Understanding (MoU). This MoU was named back then as the South East Asia Parties Against Corruption or SEA-PAC. The SEA-PAC has gradually become a channel of cooperation among anti-corruption agencies in ASEAN in preventing and combating corruption. Gradually, the SEA-PAC has been evolving itself from previously known as the SEA-PAC to become more structured and strengthened as an Entity Associated with ASEAN under its current name of ASEAN Parties Against Corruption (ASEAN-PAC).

Yet how well the ASEAN-PAC's existence is known to the people within the region itself and outside the ASEAN region? And how many are aware of how ASEAN-PAC came about, what mandates and functions it holds and what is its relations with the ASEAN? This E-booklet is intended to give the quick facts regarding the existence of the ASEAN itself and then the ASEAN-PAC and its evolutionary process as an overarching anti-corruption body in the ASEAN. The E-Booklet "Knowing about ASEAN-PAC" was initiated during the ASEAN-PAC Cambodian Chairmanship in 2022 and launched at the Indonesian Chairmanship in 2024.

Anti-Corruption on the ASEAN Agenda

The ASEAN Charter enforced since 2008, provides legal status and the institutional framework for ASEAN. The Charter codifies ASEAN norms, rules and values, presents accountability and compliance and sets clear targets for ASEAN.

The ASEAN Charter provides the establishment of ASEAN Community Councils which comprise as follows:



Anti-Corruption is also included under the ASEAN Political-Security Community (APSC) Blueprint 2025¹, section A.2.3. (Instil the culture of integrity and anti-corruption and mainstream the principles thereof into the policies and practices of the ASEAN Community), with the following action lines.

- i. Fully implement the Memorandum of Understanding (MoU) on Cooperation for Preventing and Combating Corruption signed on 15 December 2004;
- ii. Promote ASEAN cooperation to prevent and combat corruption, among others, by utilising the Treaty on Mutual Legal Assistance in Criminal Matters 2004 (MLAT);
- iii. Promote ASEAN cooperation in implementing the United Nations Convention against Corruption;

¹Amended from the Blueprint 2009

iv. Strengthen the implementation of domestic laws and regulations against corruption and of anti-corruption practices in both the public and private sectors within ASEAN, including through capacity building programmes;

v. Intensify cooperation, in the framework of applicable national and international laws to combat corruption, in the area of asset recovery and in denying safe havens to those found guilty of corruption;

vi. Encourage the strengthening of the South East Asia Parties Against Corruption network to enhance regional cooperation on anti-corruption and at the national level through relevant bodies or agencies;

vii. Promote the sharing of experiences, best practices and exchange of views on ethics, values and the culture of integrity to strengthen anti-corruption activities, including through the ASEAN Integrity Dialogue; and

viii. Enhance and encourage cooperation among financial intelligence/authorised units of ASEAN Member States in the areas of collection, analysis and dissemination of information regarding potential money laundering.

The South East Asia Parties against Corruption (SEA-PAC) was established by the 2004 MoU by four founding anti-corruption agencies/commissions of four ASEAN countries namely Brunei Darussalam, the Republic of Indonesia, Malaysia, the Republic of Singapore.

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In 2007, four more anti-corruption agencies/commissions of four ASEAN countries signed an instrument to become parties of the SEA-PAC namely the Kingdom of Cambodia, the Republic of the Philippines, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

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In 2010 and 2013 two more anti-corruption agencies/commissions respectively signed the instruments to become a party of the SEA-PAC namely the Lao People's Democratic Republic and the Republic of the Union of Myanmar making the SEA-PAC composed of all anti-corruption agencies/commissions of the ASEAN countries namely the Anti-Corruption Bureau of Brunei Darussalam, the Anti-Corruption of the Kingdom of Cambodia, the Corruption Eradication Commission of the Republic of Indonesia, the State Inspection Authority of Lao People's Democratic Republic, the Malaysian Anti-Corruption Commission, the Anti-Corruption Commission of the Republic of the Union of Myanmar, the Office of the Ombudsman of the Republic of the Philippines, the Corrupt Practices Investigation Bureau of the Republic of Singapore, the National Anti-Corruption Commission of the Kingdom of Thailand and the Government Inspectorate of the Socialist Republic of Viet Nam.

The two main objectives of the SEA-PAC are as follows:

- i. to establish and strengthen collaborative efforts against corruption among the parties, and
- ii. to increase capacity and institutional building among the parties in preventing and combating corruption.

While ASEAN as a regional grouping did not have a formal sectoral body that addresses anti-corruption matters, the Southeast Asia Parties Against Corruption (SEA-PAC) back then provides a cooperation platform of an informal anti-corruption network among the anti-corruption agencies/commissions to strengthen collaborative effort and acknowledged the importance of preventing and combating corruption.

However, its establishment in 2004, the SEA-PAC's operation was not under the framework of ASEAN Secretariat. It was until in 2013 that the SEA-PAC discussed among the 10 SEA-PAC members to begin to align itself to be aligned with ASEAN by making consideration to file an application to the ASEAN Secretariat for being accredited as the Entity Associated with ASEAN. From 2014 to 2016 the SEA-PAC began the process to apply for a status of an ASEAN entity.

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On 8 February 2017, SEA-PAC received confirmation and approval on our application to be an Entity Associated with ASEAN from the ASEAN Secretariat. The SEA-PAC is listed in the Annex 2 of the ASEAN Charter under the category "Other Stakeholders". As an accreditation entity, the SEA-PAC shall enjoy the privileges of and be bound by the obligations for accreditation.

By associating with ASEAN, SEA-PAC would be an entity in line with provision of Para A.1.7 (Prevent and Combat Corruption) of ASEAN-Political-Security Community Blueprint² , which has encouraged all ASEAN members states to sign MoU on Cooperation to preventing and Combating Corruption.

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On 2019, during the 15th Principals Meeting in Bangkok, Thailand, all parties reached a consensus to change the group's name from SEA-PAC to ASEAN-PAC in order to reflect the status as an entity associated with ASEAN.

Later from 2019 to 2022 the ASEAN-PAC has gone through several internal restructuring processes such as making adjustments to its major documents following its new name such as the Logo, TOR, Three Year Action Plan (2020-2022), and also revising its 2004 MoU and renaming it as ASEAN-PAC MoU, the drafting of a Three Year Action Plan (2023-2025) and ASEAN-PAC E-Booklet.



²ASEAN-Political-Security Community Blueprint, pg.5

Taking the rich history, it already has since 2004 the ASEAN-PAC still maintaining its previous two main objectives.

The methods are stated as those being best served to achieve these objectives are, for example, to exchange and share information and cooperate on anti-corruption activities; to cooperate on training and professional skill development; to exchange expertise and personnel in anti-corruption related fields; to host and participate in meetings, forums, workshops and conferences; and to provide technical assistance on operational matters.

The guiding principles of ASEAN-PAC are through consultation and consensus in its decision-making process. The working modalities of the ASEAN-PAC are guided by its Terms of Reference (TOR).

ASEAN-PAC holds two regular meetings a year which are the Principals Meeting and the Secretariat Meeting. The Principals Meeting of ASEAN-PAC is to decide on major issues pertaining to the functioning and operation of the ASEAN-PAC followed by the Secretariat Meeting as its preparatory meeting for its operational works and for the Principals Meeting. ASEAN-PAC may have additional meetings if and when necessary. They have produced and updated several foundation documents for strengthening their framework and operationalization on their Web Portal.

As an Entity Associated with ASEAN, the ASEAN-PAC has also been invited via the platform of the ASEAN Secretariat in Jakarta to participate in the ASEAN related events such as forum, workshop and meetings.

The participations provided the ASEAN-PAC with a timely opportunity to promote the ASEAN profile particularly about the mandate and function of the ASEAN-PAC for its being an accredited ASEAN's overarching anti-corruption entity.

ASEAN-PAC also meets with the anti-corruption capacity building partners upon their requests on their intention to extend assistance and cooperation focusing on capacity building programmes to the ASEAN-PAC.

The ASEAN-PAC MoU

Upon the consensus of the ASEAN-PAC to make a revision of its MoU 2004 in 2019, the ASEAN-PAC has finally agreed on the revised text of its MoU 2004 dated on 22 November 2022 with an update of the areas of cooperation.

Since 2017 and 2018 there were further developments within the SEA-PAC as the SEA-PAC began to develop its first phase three-year Action Plan (2017-2019) and a drafting process and the adoption of Terms Of Reference (TOR).

The Terms of Reference (TOR) of ASEAN-PAC lists out the modalities for the operation of the ASEAN-PAC.

The ASEAN-PAC shall convene two regular meetings per year which are the ASEAN-PAC Principals meeting and ASEAN-PAC Secretariat meeting. Each meeting shall be conducted for not more than three days.

The ASEAN-PAC Principals meeting and ASEAN-PAC Secretariat meeting shall be held on a rotational basis following the alphabetical order of the ASEAN Member States.

The ASEAN-PAC Principals meeting and ASEAN-PAC Secretariat meeting shall be held at the Member-State holding the Chair of the ASEAN-PAC Principals meeting.

The decision-making in the ASEAN-PAC meetings shall be based on consultation and consensus in accordance with the ASEAN-PAC MoU and Article 20 of the ASEAN Charter.

The ASEAN-PAC Action Plan

The Action Plan is developed based on the existing ASEAN-PAC MoU and the mandates of ASEAN-PAC contained in the TOR.

ASEAN-PAC's activities on anti-corruption are found in the three-year action plan starting from its first phase in 2017-2019, second phase 2020-2022, and third phase 2023-2025.

The ASEAN-PAC Action Plan is an outline steps of the ASEAN-PAC MoU in ensuring the transparency on its progress and achievement through capacity-building, information sharing and exchanges of personnel and experts.

General information about the meetings and the latest news updates about ASEAN-PAC, including the press releases of ASEAN-PAC, can be accessed at the ASEAN-PAC Portal (<http://www.asean-pac.org>).

ASEAN-PAC Portal

The Information of ASEAN-PAC Parties

The ASEAN-PAC consists of the Parties to the ASEAN-PAC MoU of the relevant national anti-corruption agencies/commissions of the Member-States of ASEAN. Each ASEAN-PAC Party shall be represented by the Head of the respective national anti-corruption agencies/commissions of the Member-States of ASEAN.



Brunei Darussalam

- Name of agency: Anti-Corruption Bureau
(www.acb.gov.bn)
- Head of agency: Director
- Date of establishment: 1st February 1982
- Anti-corruption laws and related legislation in brief:
www.acb.gov.bn/SitePages/Acts.aspx

Cambodia

- Name of agency : Anti-Corruption Unit (www.acu.gov.kh)
- Head of agency: President
- Date of establishment 17th April 2010
- Anti-corruption laws and related legislation in brief:
www.acu.gov.kh/en_sub_index.php?4a8a08f09d37b73795649038408b5f33=1&03c7c0ace395d80182db07ae2c30f034=19



Indonesia



- Name of agency: Komisi Pemberantasan Korupsi (KPK)
(www.kpk.go.id/en)
- Head of agency: Chairman
- Date of establishment: 27th December 2002
- Anti-corruption laws and related legislation in brief:
www.kpk.go.id/en/about-KPK/related-laws

Lao-PDR

Name of agency: State Inspection Authority •
(www.sia.gov.la)

Head of agency: President •

Date of establishment: 16th February, 1982 •

Anti-corruption laws and related legislation in brief: •

www.sia.gov.la/sia/backend/web/index.php?r=site/content&id=69



Malaysia

• Name of agency: Malaysian Anti-Corruption Commission (www.sprm.gov.my)

• Head of agency: Chief Commissioner

• Date of establishment: 1st October, 1967

• Anti-corruption laws and related legislation in brief:
www.sprm.gov.my/index.php?id=21&page_id=75&articleid=463

Myanmar

Name of agency: Anti-Corruption Commission •
Myanmar (www.accm.gov.mm)

Head of agency: Chairman •

Date of establishment: 25th February, 2014 •

Anti-corruption laws and related legislation in brief: •

www.accm.gov.mm/acc/index.php?route=product/category&path=59





Philippines

- Name of agency: Office of the Ombudsman
(www.ombudsman.gov.ph)
- Head of agency: Ombudsman
- Date of establishment: 12th May, 1988
- Anti-corruption laws and related legislation in brief:
www.ombudsman.gov.ph/docs/republicacts/Republic_Act_No_6770.pdf

Singapore

- Name of agency: Corrupt Practices Investigation Bureau (www.cpib.gov.sg)
- Head of agency: Director
- Date of establishment: September 1952
- Anti-corruption laws and related legislation in brief:
www.cpib.gov.sg/about-corruption/legislation-and-enforcement/prevention-of-corruption-act/



Thailand

- Name of Agency: National Anti-Corruption Commission
(www.nacc.go.th/english)
- Name of agency: President
- Date of establishment: 18th November 1999
- Anti-corruption laws and related legislation in brief:
www.nacc.go.th/category/20180831184638368/list?

Viet Nam

Name of agency: Government Inspectorate of Viet Nam •
(www.thanhtra.gov.vn) •

Title: Government Inspector General •

Date of establishment: 23rd November 1945 •

Anti-corruption laws and related legislation in brief:

www.vbpl.vn/TW/Pages/vbpqen.aspx



ASEAN-PAC PORTAL

www.asean-pac.org



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