



**Asia-Pacific
Economic Cooperation**

2021/SOM3/SCE/016

Agenda Item: 3.2

Anti-Corruption Authorities and Law Enforcement Agencies Network Terms of Reference 2022-2025

Purpose: Information
Submitted by: ACTWG Chair



**Third SOM Steering Committee on
Economic and Technical Cooperation
Meeting
27 August 2021**

ANTI-CORRUPTION AUTHORITIES & LAW ENFORCEMENT

AGENCIES NETWORK (ACT-NET)

TERMS OF REFERENCE 2022-2025

Preface

The Terms of Reference of this network is established in accordance with agreed APEC rules and principles.

Background

Corruption erodes social integrity and fairness, undermines government accountability and public trust, and impedes healthy economic growth. By observing the urgent demand for enhancing joint efforts against transnational corruption, APEC economies have agreed to advance greater collaboration among anti-corruption authorities and law enforcement agencies in the Asia-Pacific region.

The Anti-Corruption and Transparency Working Group (ACTWG) agreed to establish a network of Anti-Corruption Authorities & Law Enforcement Agencies (ACT-NET) at the 17th APEC ACTWG Meeting in Indonesia in 2013.

As a mechanism under the auspices of the ACTWG, the ACT-NET is a collegiate body of anticorruption and law enforcement officials. The ACT-NET supplements existing cooperation programs and assists in implementing ACTWG's decisions and other international initiatives against corruption. Consistent with each economy's legal system, it will provide an informal platform for bilateral case cooperation, or multilateral if appropriate, in the areas of corruption, bribery, money laundering, and illicit trade subject to the purview of individual member organizations.

Strategic Focus

The ACT-NET's strategic focus is to:

- Maintain a network connecting anti-corruption and law enforcement officials to enhance informal cross-border cooperation between agencies responsible for investigations and prosecutions of corruption, bribery, money laundering, and illicit trade, and the identification and return of the proceeds of these crimes.
- Function as an informal platform for regional anti-corruption and law enforcement officials to consult, coordinate, and share effective practices with their counterparts from other economies to carry out these activities more efficiently and effectively.
- Share experiences, case studies, investigative techniques, investigative tools, and effective practices to help build more efficient cross-border cooperation in and enhance the capacity of economies' fight against corruption, bribery, money laundering, and illicit trade, and their identification and return of the proceeds of these crimes.

Objectives

- Provide an informal platform for bilateral or multilateral case cooperation in the areas of corruption, bribery, money laundering, and illicit trade, as well as in the identification and return of the proceeds of these crimes, subject to the purview of individual member organisations.
- To share experiences, techniques, tools and practices (as appropriate) within APEC

member economies and international organisations, institutions and projects, including by undertaking capacity building workshops.

- Advance individual economies' anti-corruption agencies implementation of:
 - APEC commitments; and
 - the United Nations Convention against Corruption (UNCAC).

Priorities

The ACT-NET's priorities and work streams are set out in the ACTWG Work Plan which is prepared by the Chair and endorsed by ACTWG members every year.

ACT-NET members may propose projects for ACTWG approval to meet ACT-NET objectives throughout the year. The ACTWG will submit project proposals on behalf of ACT-NET members.

Informal bilateral or multi-lateral co-operation between members will not form part of the work plan.

Membership

The ACT-NET will be open to governmental anti-corruption organisations and law enforcement agencies in related fields (or their representatives) from all interested APEC member economies under the guidance of the ACTWG.

Leadership

A Chair will manage the ACT-NET with support from the APEC Secretariat. Each year, the host APEC economy will become the Chair of the ACT-NET for the duration of the host year.

The announcement of the Chair designate will take place before the end of the calendar year to ensure the appropriate handover of the relevant information.

There is no requirement for the ACT-NET Chair to be the same individual as the ACTWG Chair.

Meeting arrangements

The ACT-NET will meet at least once a year during either SOM1 or SOM3. The holding of a second ACT-NET Meeting (either in person or virtual) within the same host year will be the Chair's decision.

The ACT-NET will set its agenda for its meetings and activities separate from the ACTWG but consistent with the ACTWG's Strategic Focus, Objectives and Priorities.

Structure of the Group

The ACT-NET will report to the ACTWG and endorsement decisions of the ACT-NET will be subject to the ACTWG's approval.

The ACTWG 'Friends of the Chair' ('FoTC') will serve as the FOTC for the ACT-NET, subject to the same mandate.

Engagement with Other Stakeholders

APEC Observers, representatives from the APEC Secretariat and other APEC sub-fora, and other interested organisations, anti-corruption and law enforcement networks, or parties,

including civil society and the private sector may attend ACT-NET meetings with the prior approval of ACT-NET members.

Reporting Structure

The ACT-NET will report on its activities and achievements against the yearly work plan to ACTWG plenary meetings. The ACTWG Chair will report on ACTWG and ACT-NET activities to the SOM Steering Committee on Economic and Technical Cooperation (SCE) as set out in the ACTWG Terms of Reference.

Fora Review

The fora review of the ACTWG will include the activities of the ACT-NET, as an ACTWG subsidiary network. Refer to the ACTWG Terms of Reference for further information about the fora review process.

The ACT-NET Terms of Reference shall be reviewed, when necessary, upon the consensus of all member economies.

Quorum

Quorum for ACT-NET meetings constitutes attendees from 14 economies. Recommendations can be made if quorum and consensus are reached. If the quorum is not reached, the meeting may continue, but recommendations must be put to the full membership for consideration.

Should the ACT-NET fail to meet quorum for one plenary meeting, the ACT-NET group must notify the ACTWG Chair. Should the ACT-NET fail to meet quorum for two consecutive plenary meetings, it will be referred to ACTWG to decide whether ACT-NET should continue to exist.

Sunset Clause

The ACTWG's sunset clause will apply to the ACT-NET. Refer to the ACTWG Terms of Reference for further information about the ACTWG's sunset clause.