Terms of Reference for the Commonwealth Lawyers Association (CLA) Anti-Corruption Sub-Committee of the Public and Administrative Law Committee (ACSC/PALC)

Introduction

The conversation about setting up an Anti-Corruption Subcommittee within the Public Administration Committee of the CLA started in 2021 in the Bahamas/2021. Since then, efforts have been made to introduce anti-corruption topics within the limited space of regulating lawyers under the global bribery and money laundering framework. It is heart-warming that the CLA has set up an anti-corruption subcommittee through its Public and Administrative Law Committee (PALC).

With Juliet Ibekaku-Nwagwu nominated as the first convenor, the ACSC is expected to develop a working document and engage CLA members within the Commonwealth. Your active participation and support are crucial to our success.

1. **Objectives of the ACSC:**

The ACSC is expected to work within the guidelines of the Commonwealth Charter, which commits member countries to adopt good governance and transparency policies to tackle the systemic roots of corruption. Through the PALC/ACSC, the CLA will raise awareness among legal professionals of their role in preventing and enforcing anti-corruption laws. The ACSC aims to support CLA members in understanding the core international bribery and money laundering laws and how to apply them. Additionally, it is aimed to:

- Serve as a learning platform for CLA members to learn from each other,
- Provide access to information that is relevant in overcoming regulatory challenges, particularly in an era of enhanced due diligence.
- Improve the Bar and Law Associations' capability to regulate the legal profession as "gate-keepers" within the anti-money laundering, financing of terrorism, and proliferation of financing (AML/CFT/PF) space.
- Train CLA members on how to set up AML/CFT/PF compliance systems.

2. **Methodology**

Within this framework, the ACSC will work with anti-corruption instruments established by the Commonwealth Secretariat, particularly the Commonwealth Anti-Corruption Benchmark issued in 2021. The Benchmarks seek to build on previous efforts by the Commonwealth to set standards based on the United Nations Convention Against Corruption (UNCAC, 2003). They are also aimed at helping governments, public sector organisations, and the private sector assess their anti-corruption laws, regulations, policies, and procedures and benchmark their practices against international best practices. Another relevant anti-corruption policy published by the Commonwealth that could serve as a reference document is the *"Framework for Commonwealth Principles on Promoting Good Governance and Combating Corruption, 2000."*

3. **Building the membership of the ACSC**

The engagement of CLA members will be done through the following platforms:

- Sharing of information through the CLA websites and social media platforms.
- Organisation of training webinars.
- Interactive and networking sessions at CLA events.
- Quarterly updates to share insights on issues affecting the legal sector in various countries, including findings from international or regulatory assessments and how to tackle them.
- Regular updates on in-country visits by international organisations, such as FATF or UNODC assessment visits.

The ACSC will establish thematic working groups to be led by experts from CLA members. Anticipated working groups include,

- bribery,
- anti-money laundering
- asset tracing and recovery initiatives,
- terrorism financing,
- compliance,
- white-collar crime,
- regulatory oversight, and sanctions
- training, and dissemination of knowledge
- research and publication.

Members are welcome to indicate interest in joining the ACSC and any working groups.

4. **Key Outcomes:**

It is expected that following the engagement with CLA members in the coming years, members will benefit from,

- Relevant training based on thematic issues is provided to all CLA members.
- Exposed to bribery laws and how to prevent, deal and manage the associated risks.
- Understand their roles within the AML/CFT/PF remits from FATF perspectives and be able to respond to in-country assessments and requests from their Bar Associations or regulators.
- Able to develop compliance systems that meet international benchmarks.
- Understand their roles as gatekeepers, why they are called “enablers”, and how to restore integrity within the legal sector.
- Overcome the challenging regulatory requirements for more regulatory oversights and the pitfalls of Bar Associations serving as self-regulatory bodies.