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High-Level Principles on Strengthening Law Enforcement related International Cooperation and Information Sharing for Combatting Corruption



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In today's globalized world, the prevention, detection, investigation, and prosecution of corruption offences need to adapt to the changing nature of the cross-border dimensions of crime. Law Enforcement Agencies (LEAs) play a crucial role in combatting corruption. LEAs have specific mandates and powers that can be limited by jurisdictional boundaries. This necessitates inter-agency cooperation as well as international cooperation and information sharing amongst agencies and countries, through cooperation mechanisms. This cooperation is crucial for timely and effective action for preventing, detecting, and investigating corruption offences, as well as for prosecuting offenders, and recovering the proceeds of crimes.

Article 48 of the United Nations Convention against Corruption (UNCAC) on law enforcement cooperation requires State Parties to cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by the Convention.

In addition, various multilateral conventions, such as the United Nations Convention against Transnational Organized Crime (UNTOC), the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions 1997 (OECD Anti-Bribery Convention) and the Makkah Al-Mukarramah Convention of the Member States of the Organization of Islamic Cooperation on Anti-Corruption Law Enforcement Cooperation (2023); and regional conventions such as the Arab Anti-Corruption Convention 2010, Inter-American Convention against Corruption 1996, African Union Convention on Preventing and Combating Corruption 2003 and others, as applicable, also contain provisions for international cooperation and sharing of information to strengthen fight against corruption.

International cooperation between LEAs, including sharing of information that can be used as evidence in relation to corruption cases, is usually based on bilateral Mutual Legal Assistance (MLA) treaties, multilateral conventions, agreements, and arrangements. Continuous efforts are being made to improve the efficacy of existing mechanisms by exploring ways and taking measures to strengthen cooperation among LEAs towards more effective prevention, detection, investigation, and prosecution of corruption.

G20 countries agreed in the Anti-Corruption Action Plan 2022-2024 to convene technical experts and relevant multilateral fora and networks to exchange good practices on legislation, cross-border information sharing and operational procedures to better enable countries to engage in international cooperation and to explore ways to increase digitalization and interoperability of these processes.



Further, the G20 ACWG has been engaging with the issue of information sharing¹. In addition, multilateral agreements² recognize the importance of effective sharing of information among competent authorities. Furthermore, the 2021 Think Pieces on ‘Law Enforcement Cooperation’ and ‘Strengthening Information Sharing Processes’ commissioned by the ACWG Chair also highlighted various challenges in effective law enforcement cooperation and proposed initiatives to address these challenges, including through more effective information sharing.

Building on the previous work of the G20 ACWG, these High-Level Principles are framed to underline the commitment of G20 countries towards strengthening cooperation among LEAs including through effective and efficient sharing of information, in accordance with and without prejudice to the fundamental principles of domestic frameworks, legal systems and law. For the purpose of these High-Level Principles, “corruption” encompasses the offences established under UNCAC.

Principle 1: Establishing or maintaining effective frameworks enabling international law enforcement cooperation in combatting corruption

There is a need to have in place robust legal and institutional frameworks to enable and facilitate international law enforcement cooperation to combat corruption. The mechanisms for cooperation between LEAs of different jurisdictions need to be established, maintained, and/or strengthened, as applicable.

G20 countries can achieve this principle by:

- i. Taking measures, including through legislation, if required, to enable their LEAs to cooperate with the LEAs of other States.
- ii. Developing mechanisms to improve coordination amongst LEAs and other relevant authorities to enable timely and effective international cooperation on corruption matters.
- iii. Considering developing model agreements or arrangements for LEAs to enter into, for the effective exchange of information between LEAs, as needed and appropriate, through agreed upon communication channels.
- iv. Considering, in the absence of agreement for direct cooperation, using UNCAC to be the basis for mutual law enforcement cooperation in corruption cases.

¹ 2013 G20 High-Level Principles on Mutual Legal Assistance (MLA), 2014 G20 High-Level Principles on Beneficial Ownership Transparency, 2016 G20 High-Level Principles on Cooperation on Persons Sought for Corruption and Asset Recovery, 2020 G20 Action on International Cooperation on Corruption and Economic Crimes, Offenders and Recovery of Stolen Assets.

² For example, Articles 46 (Mutual Legal Assistance), 48 (Law Enforcement Cooperation), 56 (Special Cooperation) of UNCAC and Article 9 (Mutual Legal Assistance) of OECD’s Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.



- v. Implementing measures to enable joint and/or parallel investigations³, in accordance with the fundamental principles of domestic framework, legal systems and law.
- vi. Raising awareness amongst domestic LEAs about the availability and utility of existing channels for cooperation and information exchange. Members may be encouraged to participate in and make full use of existing law enforcement networks⁴, as appropriate, such as those originating from the G20 ACWG, including G20 Denial of Entry Expert Network (DoEEN) and the Global Operational Network of Anti-Corruption Law Enforcement Authorities (Globe Network) taking into consideration that useful networks in this regard include INTERPOL, CARIN, regional ARINs, the Egmont Group, the FATF, the OECD Global Law Enforcement Network against Transnational Bribery (GLEN) and the OECD Working Group on Bribery Law Enforcement Official (LEOs).

Principle 2: Leveraging channels of cooperation amongst relevant authorities for providing assistance in combatting corruption

Cooperation among relevant authorities including LEAs and Financial Intelligence Units (FIUs) of different jurisdictions can facilitate more effective, efficient, and targeted action against individuals and legal persons suspected to be involved in corruption. In particular, pre-MLA consultation and support may result in better formulated, targeted, and well-supported MLA requests which can be efficiently and effectively executed by the requested country. Further, in situations where a MLA request is not required, it may be useful for relevant authorities to make use of other appropriate forms of assistance, wherever possible and appropriate.

G20 countries, in accordance with the fundamental principles of domestic frameworks, legal systems and law, can achieve this principle by, inter alia:

- i. Assisting in identifying, tracing and, where appropriate, accessing publicly available information concerning persons of interest including legal persons and proceeds of crime in an investigation involving corruption. Such publicly available information may include details on identity, whereabouts and activities of persons suspected of involvement in corruption.
- ii. Ascertaining information, including through Financial Intelligence Units (FIUs) cooperation, regarding the existence of bank accounts and other financial assets relating to persons of interest including legal persons in an investigation involving corruption.

³ Article 49 of UNCAC and Article 19 OECD's Anti Bribery Convention.

⁴ As noted in the G20 Anti-Corruption Action Plan 2022-2024.



- iii. Confirming the authenticity of government issued documents or assisting in verifying the information contained therein in an investigation involving corruption.
- iv. Conducting, in situations where a MLA request is not required, appropriate inquiries, through LEAs and Financial Intelligence Units (FIUs) cooperation, regarding movement of proceeds of crime⁵ and property, equipment or other instrumentalities used or intended for use in corruption offences.
- v. Actively requesting information from and engaging with, as appropriate, relevant foreign authorities, regarding format, wording, and additional domestic legal requirements, in advance of a MLA request, where assistance is to be sought urgently in matters of restraint of assets in an investigation related to corruption.

Principle 3: Ensuring effective mechanisms for maintaining and sharing beneficial ownership information

The G20 has emphasized the need for adequate, accurate and up-to-date beneficial ownership information in the 2014 High-Level Principles on Beneficial Ownership Transparency. The Financial Action Task Force (FATF) through its Recommendations 24 and 25 has already paved the way for its member countries on transparency and beneficial ownership of legal persons and arrangements. Further, the G20 ACWG Accountability Reports 2020 and 2021 identify the maintenance of adequate, accurate, and up-to-date beneficial ownership information as a challenge, and acknowledge the differences in regulatory regimes as an opportunity for corrupt actors to find jurisdictions in which they can remain anonymous. There is a need for G20 countries to further promote greater transparency in the availability and accessibility of beneficial ownership information.

G20 countries can achieve this principle by:

- i. Identifying and addressing challenges in the collection, maintenance, verification and sharing of adequate, accurate, and up-to-date beneficial ownership information.
- ii. Ensuring timely and efficient access to adequate, accurate, and up-to-date beneficial ownership information by competent domestic authorities, in line with FATF Standards.
- iii. Fostering efficient cross-border sharing of beneficial ownership information that is accessible to competent authorities, including through LEAs and Financial Intelligence Units (FIUs) cooperation, in accordance with domestic law.

⁵ "Proceeds of crime" as defined in Article 2(e) of UNCAC.



- iv. Increasing awareness about information available in the public domain and assisting other States in identifying publicly available information, such as sharing information about publicly available asset registers, company registries, or beneficial ownership registries, as applicable.

Principle 4: Strengthening spontaneous sharing of information in the fight against corruption

Proactive communication is important for carrying out timely investigations and enabling prosecutions. To facilitate mutual legal assistance, under Article 46(4) of UNCAC, States parties may transmit information, without a prior request, where the States believe that such information could assist in undertaking or successfully concluding inquiries and proceedings related to corruption. Without prejudice to domestic law, G20 countries should consider utilizing these provisions under UNCAC and similar provisions in other agreements for spontaneous exchange of information to a competent authority in another State.

G20 countries can achieve this principle by:

- i. Raising awareness among domestic LEAs about importance of spontaneous sharing of information along with enabling treaty provisions and the steps which may be followed to facilitate spontaneous sharing of information with foreign counterparts, as applicable.
- ii. Considering spontaneous transmission of information, without prior request, when appropriate and without prejudice to domestic laws or jeopardizing ongoing investigations, where it is believed that such information could assist the LEAs in relevant jurisdictions in undertaking or successfully concluding inquiries and proceedings related to corruption.
- iii. Sharing of good practices and case studies with other countries, with due regard to confidentiality and privacy, where the spontaneous exchange of information has supported corruption-related investigations, prosecutions, and related proceedings.

Principle 5: Improving the capacity of law enforcement authorities to cooperate with their counterparts in other States, including in responding to the challenges associated with new and emerging technologies

LEAs require adequate resources and capabilities, to ensure effective international cooperation in fighting corruption. States should share experiences and expertise in order to augment capacity to enhance cooperation with their counterparts. Such cooperation is also required to better understand and address new and emerging challenges.

G20 countries can achieve this principle by:



- i. Allocating adequate human, financial, material and technological resources, as appropriate, to enable effective cooperation in pre-MLA and MLA processes.
- ii. Organizing regular training programmes for law enforcement practitioners to enhance their institutional and operational capabilities when dealing with cross-border corruption matters, as applicable.
- iii. Considering providing technical assistance and capacity building support for this purpose to other States upon their request, to the extent resources are available.
- iv. Implementing practices to strengthen relationships and foster trust between relevant authorities across different States, such as facilitating regular engagement⁶ amongst practitioners involved in corruption investigations, including by considering concluding agreements and programmes of cooperation between LEAs and their counterparts.
- v. Undertaking enhanced efforts to develop an understanding of emerging technologies with a view toward assessing the risks involved in order to take mitigating measures to prevent their misuse.
- vi. Exploring the use of information and communications technology (ICT) in law enforcement cooperation to enhance the efficiency of these processes, including by considering transmission of outgoing mutual legal assistance requests in digital format, and receipt of information provided in response in a digital format, subject to domestic frameworks supporting the same.

Principle 6: Exploring ways to streamline the processes for LEAs to better utilize information, exchanged through bilateral treaties and multilateral conventions relating to cooperation, for investigation and prosecution of corruption

The existing bilateral MLA treaties and other multilateral conventions allow information sharing between countries for specified purposes. In the G20 Anti-Corruption Action Plan 2022-2024, G20 countries agreed to continuously promote information exchange among tax authorities as well as FIUs to support the activities of law enforcement and other relevant anti-corruption authorities in order to better combat corruption. Countries may also explore sharing best practices on use of treaty-exchanged information and related processes by interested jurisdictions, consistent with legal obligations under treaties, including limitations on use and confidentiality requirements.

G20 countries can achieve this principle by:

⁶ This may include engagement through other groups, regional and inter-agency networks such as the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network), INTERPOL, G20 Denial of Entry Experts Network (DoEEN), OECD Global Law Enforcement Network against Transnational Bribery (GLEN) and the OECD Working Group on Bribery Law Enforcement Officials (LEO), etc.



- i. Taking steps to ensure measures are in place that facilitate sharing of information and evidence received in response to MLA requests, among domestic LEAs, in line with any use limitations or conditions imposed on the information and evidence shared, where appropriate and in accordance with domestic law.
- ii. Using existing mechanisms such as the use limitation provisions available under applicable treaties and conventions for making requests for onward sharing of treaty exchanged information with other domestic LEAs, to the extent permitted in such treaties and conventions, domestic regulations and following approval from the source country.
- iii. Sharing good practices and case studies by interested jurisdictions where exchange of information by tax authorities under tax treaties and by FIUs, with due regard to confidentiality and privacy, supports the activities of LEAs in corruption proceedings.

