

Hon. Ranil Wickremesinghe, M.P.
Prime Minister of Sri Lanka

5th May 2015

Dear Ranil,

UN Convention Against Corruption

Congratulations on having the Constitution meaningfully amended, at least up to this stage. *"A journey of a thousand miles must begin with a single step" – a Chinese Proverb !*

One of my main interests was the Constitutional Amendment, that Parliament shall provide for the establishment of a Commission, with laws providing for – *"measures to implement the United Nations Convention Against Corruption and any other international Convention relating to the prevention of corruption, to which Sri Lanka is a party."*

You are aware, the UN Convention Against Corruption (UNCAC), adopted by UN General Assembly Resolution on 31st October 2003, came into force on 14th December 2005, upon ratification by 30 State Parties. It was you, as then Prime Minister, who caused Sri Lanka to sign the UNCAC on 15th March 2004, and be the second country to ratify the same on 31st March 2004. Sri Lanka has also signed the UN Convention Against Transnational Organized Crime on 13th December 2000, and has ratified the same on 22nd September 2006.

To promote and facilitate the implementation of UNCAC globally, China, in collaboration with UNODC, (*Secretariat for the UNCAC*), took the initiative to inaugurate in October 2006, the International Association of Anti-Corruption Authorities (IAACA). The Prosecutor General of China was and is the President of IAACA, together with a global International Executive Committee.

I have been an Individual Member of IAACA, since its inauguration in October 2006 by President Hu Jintao of China, who was committed to combat fraud and corruption. The present President Xi Jinping of China is even more strongly committed to combat fraud and corruption. I have been dedicatedly interested in pursuing the implementation and giving effect to the UNCAC, *in the interest of humanity*.

IAACA has been conducting Annual Conferences and Seminars to promote the implementation of UNCAC. I was selected in January 2011 to be a Member of an Experts Panel of IAACA, to formulate the Work Plan of IAACA to achieve its objectives. IAACA today has a Membership of 170 countries and regions, and over 30 international agencies, and with about 25 Individual Members, such as me !

There are regular 'Conferences of State Parties' to review the implementation and progress of UNCAC. I have had the privilege of attending the last two 'Conferences of State Parties', but as a Member of the IAACA Delegation with 'Observer Status' only ! I have been really sad to see that the Sri Lanka Table at these 'Conferences of State Parties' to have been empty ! There has now developed a 'peer review system', among countries, to review the extent of implementation of the Articles of UNCAC, most of which are mandatory by the use of the word '*shall*'. This has been achieved due to the endeavours by IAACA.

In September 2010, the UN established an UN International Academy Against Corruption, offering Master's Degree Programs in Anti-Fraud and Corruption Studies. There is endeavour now to introduce Anti-Fraud and Corruption Studies in Universities, whilst propaganda work is undertaken to educate youth and the public of the harms of fraud and corruption. ICAC, Hong Kong has good publicity material.

To support the endeavours of IAACA, during 2010-2013, I published through a US Publisher, now a Penguin Company, for global distribution a series of 13 Books on real case studies in combatting fraud and corruption, including the enclosed Book on the UNCAC, together with a Flyer of all 13 Books.

These Books have been endorsed by Dr. Ye Feng, Secretary General, IAACA, who retired last year, Ms. Beatrice Edwards, International Director, Government Accountability Project, Washington, DC, Mr. James Ratley, President, Association of Certified Fraud Examiners, US, Mr. Jayantha Dhanapala and a colleague of mine in the US, Mr. K. Praba Chandran, MA (FM), CPA, now working with the Audit Division of NSA, US.

To my knowledge, these Books are available in some foreign Libraries, such as the Library of US Congress, Washington DC, US, Association of Certified Fraud Examiners, Texas, US, Government Accountability Project, Washington DC, US, UN Correspondents' Association, United Nations, New York, US, UN International Anti-Corruption Academy, Vienna, Austria, Malaysian Anti-Corruption Academy, Kuala Lumpur, Malaysia, Hamdard University, Karachi, Pakistan, Independent Commission Against Corruption, Hong Kong, Prosecutor General's Offices in Beijing, Shanghai, and Panama.

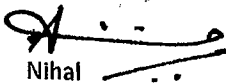
I attach a Concept Paper on Sri Lanka, which I presented at one of the IAACA Conferences. This would be relevant given the current focus and action in Sri Lanka in combatting fraud and corruption. It ought to be noted that UNCAC applies, **with equal force to both public and private sectors**, where public monies or resources are involved. UNCAC mandates State Parties to enact Legislation to give effect to its Articles. Sri Lanka needs a Consolidated Statute and a Multi-Disciplinary Agency to investigate and prosecute fraud and corruption, including training of the judiciary – obtaining foreign technical assistance and expertise therefor. FCID might be a useful 'nucleus' to be considered to be expanded on a planned basis.

Section 70 on 'corruption' introduced in October 1994 to the outdated Bribery Act of 1954 'does not fit with the rest of the Act', which focuses essentially on bribery in the public sector. UNCAC goes beyond that. Imagine if the Offences Against Public Property Act covers 'public funds managed by the private sector' ! Developing countries require the repatriation of foreign assets of the corrupt, whilst the G-20 countries require disclosure of the same to improve their tax revenues !

To my knowledge and exposure, China has developed the most advanced techniques in combatting fraud and corruption, with the Independent Commission Against Corruption, Hong Kong being one of the best institutions, training those from other countries. The Corrupt Practices Investigation Bureau of Singapore is also very effective and relevant. Since 2009, Malaysia, established a drive against fraud and corruption, establishing also the Malaysian Anti-Corruption Academy, and may be a good country to liaise with, whilst getting assistance from other countries. India also has a Central Vigilance Commission developing, so also Indonesia and Philippines, facing many challenges.

As an Associate Member of the American Bar Association, US, Certified Fraud Examiners, US and Director, International Consortium on Governmental Financial Management, US, I regularly receive reports on major fraud and corruption cases prosecuted. I am also aware of the endeavours by the World Bank, European Anti-Fraud Office, SFO, etc. I am only being sensitive to the socio-cultural attitudes of the West, which may not harmoniously blend with local socio-cultural attitudes, as with the Asian countries, in developing an Anti-Fraud & Corruption Unit in Sri Lanka.

Sincerely,


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PS: I also enclose 2 other Books of relevance :

- i. **On tracing of foreign assets hidden under secret corporates overseas.** (*Upali's Case – See Chapter 5*) *I travelled to Jersey and incorporated two companies for an UK Client, to get a first-hand understanding of how Offshore Companies are incorporated, operated and managed.*

Tracing assets is one challenge, but **recovering** them is another, with legal battles in those countries, ironically funded by the very stolen monies. *I have a suggestion to be considered.*

- ii. **On purported Oil Hedging Deals, actually 'betting transactions', disguisingly so described.**

I have given a copy of this Book to FCID to assist them with their investigations.