

## **OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions**

The Convention is the first legally binding international instrument that aims at combating bribery and through this, protecting fair competitiveness in international transactions. It entered into force in 1999 and has been implemented in 40 countries, which includes 6 non-OECD member countries (Argentina, Brazil, Bulgaria, Colombia, Russian Federation and South Africa). The Convention focuses exclusively on the supply-side of the bribery of public foreign officials and sanctions for such activity. The evaluation system includes both self-evaluation (countries respond to a questionnaire) and mutual evaluation (each country is examined in turn by the Working Group, with teams made up of members from different participating countries).

## **UN Convention against Corruption**

The UN Convention (UNCAC) came into force in 2005 and as of July 2012, UNCAC has 140 signatories and 161 Parties. The UNCAC seeks to prevent corruption and includes measures to this effect, including model preventive policies that are directed at both the public and private sectors. It further seeks to cover detection and sanctioning and also promotes transparency and technical assistance. As to prosecution, the Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law. The UNCAC covers a wide range of offences including bribery, domestic and foreign; embezzlement; trading in influence; concealment and laundering in the proceeds of corruption. A significant feature of the Convention is that it recognises the need for shared responsibilities between law enforcement agencies of countries in cases of cross-border corruption activities. Asset-recovery has been stated explicitly as a fundamental principle of the Convention. The Convention is a mixture of mandatory and discretionary provisions.

## **Inter-American Convention against Corruption**

Adopted in 1996, the OAS Convention represents regional consensus about what states should do in the areas of prevention, criminalisation, international cooperation and asset recovery. It covers corruption in the public sector, both on demand and supply. It gives a wide and inclusive interpretation to what constitutes “corruption offences” including bribery, domestic and foreign; illicit enrichment; money laundering and concealment of property. Measures adopted to curb bribery include preventive measures (creating and enforcing codes of conduct), criminalisation and regional assistance cooperation measures, as well as provisions on recovery of assets. Obligations towards the

Convention are a mixture of mandatory and discretionary provisions. For monitoring, a committee of experts has been established that is to conduct technical analysis of the implementation of the Convention by parties.

### **Council of Europe Conventions**

The EU has two binding policies against corruption. The [Council of Europe Criminal Law Convention](#) was adopted in 1998. It represents a European regional consensus on what states should do in the areas of criminalisation and international cooperation with respect to corruption. The Convention covers the public sector and private sector (private-to-private) corruption and covers a broad range of offences including bribery (domestic and foreign), trading in influence, money laundering and accounting offences. Penalty ranges from criminalisation to recovery of assets, with regional co-operation. The [Council of Europe Civil Convention](#) was adopted in 1998 and came into force in 2009. It is the first attempt to define common international rules in the field of civil law and corruption. In particular, it provides for compensation for damages as a result of acts of corruption. [GRECO](#) (Group of States against Corruption) is the monitoring mechanism that aims through a process of mutual evaluation and peer pressure at monitoring the compliance of states with their undertakings in the field of corruption, including the CoE Criminal and Civil Law Conventions. As of 2 April 2013, 49 states including the United States had joined.

### **South African Development Protocol against Corruption (SADC)**

This protocol was adopted in 2001 by all 14 SADC members. It provides both preventive and enforcement mechanisms. The purpose of the Protocol is (a) to promote the development of anti-corruption mechanisms at the national level (b) to promote cooperation in the fight against corruption by state parties and (c) to harmonise anti-corruption national legislation in the region. Preventive measures include the development of a code of conduct for public officials, transparency, and establishment of anti-corruption agencies. In line with the OECD Convention, the Protocol criminalises the bribing of public foreign officials. It also addresses the issue of money laundering by allowing for seizure of the proceeds of the crime, thereby making it more difficult to benefit from proceeds of corruption. The Protocol also sets out an implementation mechanism.

### **World Bank Anti-Corruption Strategies**

The Bank views corruption as an outcome of poor governance aims to help develop capable and accountable states and institutions that can devise and implement sound policies, provide public services, set the rules governing markets, and combat corruption, thereby helping to reduce poverty. Bank

Group activities in the areas of governance and anti-corruption fall into three main areas: preventing fraud and corruption within bank-financed projects, helping countries in their efforts to reduce corruption by advising on economic policy and other reforms and strengthening institutional capability; and adding voice and support to international efforts, including OECD's efforts, to reduce bribery and corruption. Information about the World Bank's sanctions management can be found on the [World Bank's website](#).

### **ADB/OECD Anti-Corruption Initiative for Asia-Pacific**

Under the joint leadership of the Asian Development Bank (ADB) and the OECD, 31 countries and economies of the Asia-Pacific region have committed to fight against corruption by developing and implementing the [Anti-Corruption Action Plan for Asia and the Pacific](#).

### **Anti-Corruption Network for Eastern Europe and Central Asia**

The Anti-Corruption Network for Eastern Europe and Central Asia supports the countries of Eastern Europe and Central Asia by providing a regional forum for the promotion of anti-corruption activities, exchange of information, elaboration of best practices and donor coordination.

### **OECD/AfDB Initiative to Support Business Integrity and Anti-bribery Efforts in Africa**

The OECD and the African Development Bank (AfDB) initiative aims to assist African countries in their fight against bribery of public officials in business transactions and to improve corporate integrity and accountability, while sustaining growth through an environment conducive to attracting investment.

### **OECD-Latin America Anti-Corruption Programme**

This programme is designed to strengthen implementation and enforcement of regional anti-corruption conventions and to promote integrity in Latin America. Latin American parties to the Anti-Bribery Convention – Argentina, Brazil, Chile, Colombia and Mexico - play a leading role as a natural bridge between the OECD and the Organization of American States.

### **Middle East and North Africa (MENA)**

The OECD conducts a structured policy dialogue with MENA countries on issues related to corruption and public and private sector integrity within the framework of the MENA-OECD Initiative on Governance and Investment for Development. The [Regional Task Force on Responsible Business Conduct](#) promotes responsible business conduct in the MENA region, focusing

particularly on fighting corruption, education and employment standards, environment and health.

### **SIGMA - Support for Improvement in Governance and Management**

Sigma, a joint initiative of the European Union (EU) and the OECD, supports around 30 countries in the Central and Eastern European and Mediterranean regions by assessing reform progress and identifying priorities for reform; assisting in the process of institution-building and setting up legal frameworks; and facilitating assistance from the EU and other donors by helping to design projects and implement action plans.

### **CleanGovBiz**

The CleanGovBiz initiative is a strategic priority for the OECD, responding to a global political momentum to improve integrity and fight corruption. It was launched by the OECD working with the UNODC, the World Bank, the FATF, Transparency International, EITI, etc. and aims at supporting governments, business and civil society in reinforcing the fight against corruption and improving integrity. Since early 2011, experts from various OECD directorates and partner organizations have been working together to assemble a “Toolkit for Integrity” that provides a unique resource for fighting corruption in multiple areas such as tax, public procurement, public financial management, private sector integrity, lobbying etc. For each policy area covered by the Toolkit, OECD with support from partner organizations developed a set of priority policy measures, user-friendly guidance on their implementation, examples of good practices and references to relevant existing tools.