International and Regional Anti-Corruption Instruments and Initiatives: OECD Contribution

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Summary

- OECD Anti-Bribery Convention
- Anti-Corruption Network for Eastern Europe and Central Asia
- Other work on anti-corruption and good governance
OECD Anti-Bribery Convention

- Entered into force 1999
- 39 States Parties
  - 2/3 world exports (2009)
  - 90% of global outward foreign direct investment
- Focus on active foreign bribery
- Monitoring mechanism

Focus on active foreign bribery

- **Article 1: Foreign bribery offence** (... to offer, promise or give any undue ... advantage... directly or through intermediaries, to a foreign public official... or for a third party...in order to obtain...improper advantage in ... international business)
- **Article 2: Responsibility of legal persons** (criminal, civil or administrative)
- **Article 5: Enforcement** (shall not be influenced by national economic interests, relations with another state or identity of persons involved)
- Other elements: sanctions, jurisdiction, statute of limitation, money laundering, accounting, MLA and extradition
- Related instruments: internal control, tax, export credit, MNEs, bilateral aid
Implementation and monitoring

- Article 12: Monitoring and Follow-up: **Working Group on Bribery**
- Mutual evaluations: peer reviews, functional equivalence and consensus-minus-one
- **Country reports** with recommendations: Phase 1 (legislation), Phase 2 (institutions), Phase 3 (practice)
- Other activities: tour de table, meetings of prosecutors, **global relations, typologies**: *Identification and Quantification of the Proceeds of Bribery; MLA; Intermediaries; Procurement*
Results

From entry into force of the Convention in 1999, to March 2011:

- Criminal sanction on 199 individuals and 91 entities in 13 Parties
- 54 prison sentences for individuals
- A record amount of EUR1.24 billion was imposed in combined fines on a single company
- 260 investigations are ongoing

Anti-Corruption Network for Eastern Europe and Central Asia (ACN)

Since 1998 for 23 countries plus OECD members, international organisations and civil society

ACN Steering Group
24 February 2012, Paris, France
## Peer Reviews and Monitoring

### Istanbul Action Plan:
- 8 countries, support to UNCAC
- 2 reviews (2003-2005)
- 1st monitoring round (2006-2008)
- 2nd monitoring round (2009-2012)
- 3rd round – to be launched in 2013

### Georgian 2nd round
- From 130th (2005) to 66th rank (2010)
- Strong sanctions, police reform
- Admin simplification, economic liberalisation
- Civil service reform
- Political party finance
- Judiciary
- Private sector

### Recommendations

<table>
<thead>
<tr>
<th>Recommendations</th>
<th>Implemented</th>
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<tr>
<td><strong>Pillar I. Anti-Corruption Policy</strong></td>
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<tr>
<td>1. Review and update of anti-corruption policy</td>
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<td>2. Coordination of anti-corruption policy</td>
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<td><strong>Pillar II. Criminalisation of corruption</strong></td>
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<td>3. Anti-corruption prosecution department</td>
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<td>4. Guidelines for exchange of information and cooperation between law enforcement bodies</td>
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<td>5. Harmonisation of criminal, admin. and disciplinary offences</td>
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<td>6. Active and passive bribery, gifts, sanctions, statute of limitation</td>
<td>+ (N)</td>
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<td>7. Definition of an official</td>
<td>+ (N)</td>
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<td>8. Bribery of international and foreign officials</td>
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<td>9. Confiscation, provisional measures, unexplained wealth</td>
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<td>10. Responsibility of legal persons</td>
<td>+ (N)</td>
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<td><strong>Pillar III. Prevention of corruption</strong></td>
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<td>11. Categories protection by immunity, functional immunity, risks for lifting immunity</td>
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<td>12. Mutual legal assistance</td>
<td>+</td>
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<td>13. Merit based appointments and promotion</td>
<td>+ (N)</td>
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<td>14. Practical guidelines, Code of Conduct</td>
<td>+ (N)</td>
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<td>15. Civil service regulations and standards, disciplinary actions</td>
<td>+</td>
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<td>16. Control of asset declarations</td>
<td>+ (N)</td>
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<td>17. Protection of whistleblowers</td>
<td>+ (N)</td>
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<td>18. Public procurement</td>
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<td>19. Access to information legislation</td>
<td>+ (N)</td>
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<td>20. Liberalisation of business environment</td>
<td>+</td>
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<td>21. Financial intelligence unit</td>
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### Peer Learning and Thematic Studies

- Addressing common challenges and helping implement international standards, e.g. *Glossary of international standards, Studies of Specialised anti-corruption institutions, and Asset declarations for public officials*

- Networking for practitioners, e.g. seminars for prosecutors, policy experts, judges, private sector consultations
Seminar on anti-corruption policies and ethics training organised jointly by the OSCE and ACN, and hosted by Lithuania, March 2011

follow-up study on ethics training, in cooperation with OSCE

Forthcoming ACN events

- Seminar on asset declarations for Central Asian countries, co-organised by the OSCE, UNODC and ACN in Bishkek on 14-15 May 2012
- Seminar on integrity and independence of the judiciary, co-organised by the ACN and GRECO and hosted by the Ministry of Justice of Turkey in Istanbul on 27-28 June 2012
- Seminar for investigators and prosecutors of corruption, hosted by Georgia in Batumi on 27-28 September 2012
- ACN Steering Group and High Level meeting, 21-23 November 2012, Paris
Public Sector Integrity: OECD principles and publications

1998: *Principles on Improving Ethical Conduct in the Public Service*

2003: *Guidelines on Managing Conflict of Interest in the Public Service and Toolkit*

2009: *Principles for Integrity in Public Procurement*

2010: *Principles for Transparency and Integrity in Lobbying*

- Integrity Review of Brazil, 2012
- Ministerial Advisors: role, influence and management, 2012
For more information, please visit:

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