

**Statement by Dr. Matei Hoffmann
Ambassador, German Delegation to the OECD**

Rome, 21 November 2007

Ladies and Gentlemen,

It is certainly unusual to hold a grand ceremony to celebrate the anniversary of an international convention. And it is all the more unusual in the case of a convention which chiefly regulates matters of criminal law, and which may therefore appear to be rather technical in nature. But in view of the significance of the OECD Bribery Convention, a special ceremony is most appropriate, and we thank the Italian Government and the OECD Secretariat for making this event possible. After all, much has been achieved by the document we are celebrating:

The OECD Bribery Convention has made a substantial contribution towards ensuring that the bribery of foreign public officials is now being combated effectively at international level. Unfortunately, that does not mean that corruption has ceased to exist in international business. But the attitude towards bribery of foreign public officials has changed decisively – internationally and nationally, in commerce and in society as a whole.

More than ten years ago, as the idea of drawing up rules at OECD level on bribery of foreign public officials emerged, it was by no means certain that these rules should be cast in the form of a convention. Initially, the focus was on suggesting the creation of “soft law”, in other words merely making OECD recommendations on the subject. Germany doubted that this approach would suffice, and therefore advocated, right from the start, the establishment of “hard law” in the form of an international convention. So we hope you will excuse us if we say that in Germany we regard ourselves in some ways as the mothers and fathers – or at least as the “midwife” – of the OECD Bribery Convention. And we feel that the choice of this tool made it

particularly clear that the OECD states are serious about their battle against bribery of foreign public officials. We should also say that in Germany we hold the view that major changes or additions to the OECD Bribery Convention should take the form of an amendment to the Convention itself – not least in order to ensure sufficient transparency.

In Germany, the law implementing the OECD Bribery Convention in national law has been in force since February 1999. The new legal situation brought about significant changes: bribery of foreign public officials and parliamentarians – basically anywhere in the world – by German nationals was not previously punishable to such a degree. Everyone present here today knows, of course, that it usually takes a bit of time before changes in the law are really accepted by those applying it. In its country monitoring work, the OECD Working Group on Bribery attaches correspondingly great value to the aspect of awareness-raising. We think it can be said for Germany that the general level of awareness that bribery of foreign public officials is a punishable offence is now very high. The resolute prosecution of such cases has contributed to this: in the period from June 2006 to June 2007, there were a total of 88 criminal investigations or prosecutions in Germany, and eight of them resulted in guilty verdicts. Some of the cases have attracted a high level of media attention. This also reflects the very high level of sensitivity in our country about the matter.

Today, when prominent cases come to light – not least in Germany – in which there is a suspicion of bribery of foreign public officials, and which the state prosecutors investigate, we do not in any way regard that as a set-back in our joint efforts to fight corruption. On the contrary: our confidence in the efficiency of the efforts to prosecute corruption, and in the fact that the law actually works in practice, is strengthened. And we are convinced that growing public awareness that corruption is subject to prosecution helps to making more cases known, so that it is increasingly brought to the light of day.

Ladies and Gentlemen,

Today's ceremony is not just an occasion to celebrate the last ten years of our joint successes. It also offers an opportunity to reflect on the future direction of the OECD Working Group on Bribery. We are aware that the Group is currently working on a "third phase", in which the proper implementation of the OECD Bribery Convention by the Contracting States is to be

further monitored. Also, discussion is now focusing on whether changes or even additions to the OECD Bribery Convention are currently needed. Germany is very much involved in these considerations, and will constructively support the third evaluation round.

But we believe that this detailed work should not allow us to lose sight of the real significance of the OECD Bribery Convention: that is to say its – strictly monitored – implementation in a considerable number of countries with strong economies. The establishment of a “level playing field” was the basic idea which resulted in the drafting of the OECD Bribery Convention. This basic idea is just as valid today.

In business transactions in particular, corruption is international. That makes an internationally co-ordinated approach in fighting bribery in other countries so important. We think that this has to be the yardstick for the future orientation of our work. Certainly, we believe that the value of the work being done at OECD level lies less in ever more detailed debates about using criminal law to fight corruption. Rather, the most important aspect is to further broaden the scope of application around the world of this – very good – Bribery Convention. This means that our efforts in the near future should be particularly focused on gaining major emerging economic powers as contracting parties to the convention, so that a uniform level of measures to tackle corruption is achieved and maintained – if possible on all of the world’s markets.

This is no easy task, and it cannot be taken off our hands by other international bodies. It is true that the United Nations has drafted an important and broad-based anti-corruption convention, which aspires to set a global standard in the fight against corruption. But that will take time. And it is by no means certain that the implementation of the UN anti-corruption convention by the contracting states will be monitored as intensively as has been and will continue to be the case with the OECD Bribery Convention.

In this spirit, we wish us all that for the next ten years the success story of the OECD Bribery Convention continue and do so around the world with a global reach.

Thank you.