

Statement by Mr. Achille Serra,
High Commissioner Against Corruption, Italy

Rome, 21 November 2007

Authorities, ladies and gentlemen,

It is a great honour for me to conclude the Ministerial session of this important celebration that has provided a unique opportunity for the States Parties to the OECD Convention to meet and exchange experiences at the time of its tenth anniversary.

Presentation of the Office

The Office of the High Commissioner Against Corruption (HC) was established recently (2003). Its mission is to co-ordinate and develop anti-corruption strategies, in co-operation with the judicial authorities and the Court of Auditors, which deals with misappropriation of public funds.

The HC's mandate is to prevent corruption in the public administration by analysing possible legislative measures and conducting investigations.

The HC also plays a key role at the international level. In this regard, I should mention the Italian Government's recent accession to GRECO, the Council of Europe's anti-corruption group, and the pending immediate ratification of the UN Convention against Corruption currently being discussed in Parliament that will hopefully be approved soon, in which the HC is designated as the national anti-corruption authority in accordance with Article 6 of the Convention.

I would also like to mention that the HC participates with its own representatives in GRECO and in the OECD Working Group on Bribery.

Analysis of the nature of corruption

It has been often pointed out that corruption is multifaceted and is frequently so pervasive as to be considered as a normal practice. In our experience, the problem of corruption is so diverse and insidious that it is hard to distinguish it from other types of illegal acts or even from behaviour that is considered to be legal, but ethically unacceptable.

But corruption also means loss of competitiveness. Corrupt markets do not attract international capital flows and are therefore characterised by low growth. If it is not combated, corruption can undermine the foundations of the international trading system, also imposing enormous costs on the countries involved and destabilising the rule of law and the free market system.

Implementation of the Convention

The Convention, ratified by the 30 OECD Member countries and by seven non-Member countries, has provided over the past ten years a unique opportunity for the signatory countries to adapt their legislation and raise their domestic anti-corruption standards. With regard to the Member countries' efforts to adapt their legislative frameworks to the principles of the Convention, I believe that I can affirm that, ten years after it was signed, this objective has largely been met.

It now remains to tackle the most difficult and ambitious challenge, which is to enforce the legislation in the different States. In this regard, there are four topics that I would like to discuss here today: prosecution of corruption cases, co-operation among States, the role of the private sector and, lastly, prevention.

Prosecution of corruption cases

With regard to the topic of prosecution, I believe that it is the real test of the Convention's success, which can only be measured by an increase in the number of trials and convictions for the crime of international bribery. In fact, despite a significant increase in the number of investigations, the number of trials and convictions still remains very small.

Co-operation among States

Another key component is more effective judicial co-operation. It is well known that international corruption investigations are by nature long and complex, often involving the judicial and governmental authorities of “third” countries, i.e. that are not signatories to the Convention.

The procedures for co-operation and mutual legal assistance between States will no doubt be improved through partnership programmes between the various police forces and judiciaries of signatory countries. Nor can we neglect the training of police forces and prosecutors in less developed and developing countries, which are often not signatories to the Convention but represent the markets where the international business transactions that we are discussing today traditionally take place (such as the Middle East, Eurasia and Africa).

The activity of the Working Group on Bribery has shown the need to develop a common strategy to be implemented by promoting best practices. I think that the important work known as the “mid-term review” developed by the OECD Secretariat and the Working Group on Bribery in 2006 is no doubt a step in this direction.

Lastly, I believe that the opportunity that this conference has given prosecutors from the signatory countries of the OECD Convention to sit around the same table to discuss how to strengthen investigative action and criminal prosecution in the field of international bribery is the best approach to be followed in the coming years.

The role of the private sector

However, enforcement alone is insufficient to combat corruption, for prevention strategies are also needed, which means that the private sector has a role to play.

More specifically, companies that do business in the international sector must adopt codes of conduct that meet minimum standards, for example by adopting appropriate procedures to identify and prevent illegal behaviour, setting up staff training programmes in this field and

promoting a greater and more credible commitment on the part of corporate management. In short, concrete action must be taken to establish strict policies regarding corrupt practices.

Corruption prevention through awareness-raising

Lastly, with regard to prevention, there is a need to raise awareness of the Convention and of the crime of bribery in international transactions. As has been shown repeatedly, there is still an inadequate knowledge of the Convention and its principles among police forces, public officials, public and private companies, accountants and civil society in the Member countries.

If they have insufficient knowledge in this field, police forces are less able to identify, investigate and prosecute cases of international bribery. Similarly, public officials and the employees of companies or agencies directly or indirectly involved in implementing the Convention (internal revenues, customs, export credit agencies, diplomats, accountants, etc.) are often poorly prepared to identify and report cases of bribery to police forces and prosecutors. A commitment must therefore be made to ensuring that all players have adequate knowledge in this field.

Importance of peer review

I would like to say a few words about the peer review process developed by the Working Group on Bribery. The Working Group's recommendations during Phase 1 and Phase 2 have in fact led to many legislative changes and occasionally to structural reforms of the criminal systems of signatory States. I am convinced that the Working Group's action must by all means continue with the development of Phase 3.

Lastly, it is of special concern to me to point out that one can only play an international role and thus be useful to other countries to the extent that one's own country provides one with concrete powers of action to combat corruption. I firmly believe that the HC would be strengthened by the ratification of the UN Convention. The HC's jurisdiction at the national level is currently exercised with instruments that are very weak for combating the problem of corruption effectively, particularly if we consider that Italy ranks 41st on the Transparency International index. The HC needs new and more appropriate legislative instruments and a

larger staff, since its current staff of 50 are responsible for combating and preventing corruption throughout all of Italy and in all sectors of government activity.

I would like to mention the role of the police, who are so overburdened by their day-to-day work, by sometimes tragic events and by the need to respond immediately, as the community rightly expects them to, that they are unable devote as much time as it deserves to combating a hidden disease that operates out of sight, but which ultimately exacts a heavy price in the relations between citizens and institutions.

The courts then intervene after the corruption has come to light to judge those responsible, but can do nothing to eradicate the causes. Consequently, if prevention is really fundamental, then it is essential to strengthen this office, which I hope will be raised to the status of a national authority as soon as possible.

Conclusion

I would like to thank Prime Minister Prodi for being here this morning, Minister Mastella for organising this meeting and the Secretary-General of the OECD and everyone who has contributed to making this event possible. I would like to give special thanks to the Head of the Police who made available this venue. Thank you all for your attention and participation and best wishes for a good trip home.