

RESPONSES TO THE CONSULTATION PAPER ON THE REVIEW OF THE OECD ANTI-BRIBERY INSTRUMENTS

Comments from Global Organisation of Parliamentarians against Corruption (GOPAC)

General Impressions: The OECD initiative clearly is an essential part of the international effort to combat corruption and complements well the UNCAC. I suspect that Canadian practices for dealing with bribery of foreign officials by Canadian business firms are reasonably effective. I also believe a Monitoring and Follow-up regime that actively engaged parliamentarians would strengthen parliamentary oversight of this important area of public policy. This would lead to greater public attention and therefore greater assurance that government is acting promptly on recommended improvements. Perhaps more importantly, it would provide greater confidence that lack of investigations and prosecutions reflect low incidence of such bribery, rather than weak implementation. This would help greatly in responding to the aforementioned challenges that OECD countries are only aggressive in pursuing corruption elsewhere

Commentary: I will limit my comments to the Monitoring and Follow-up issue.

1. Some members of GOPAC from the less developed world have questioned the sincerity of the OECD member countries in implementing the OECD anti-bribery convention, since the number of cases prosecuted seem small relative to what they perceive as the scale of international bribery that includes OECD countries.
2. In almost fifteen years in Parliament, serving continuously on Canadian Public Accounts Committee, including Chair for eight years, and also as Chair of GOPAC, I was not until quite recently aware of a Canadian self-evaluation report or the peer review report on Canada. I am certain that the vast majority of my Canadian parliamentary colleagues are similarly unaware. More needs to be done to engage parliamentarians on the importance of this international endeavor. There are many competing and conflicting pressures on governments who may decide that other agendas are more important to pursue. I think of the allegations of bribery against British Aerospace that cannot be pursued by virtue of the Government of the UK classifying the contracts as national security. But there is no agenda more important to a nation in the long term than a policy of good governance delivered with honesty and integrity, and unless parliament can be an effective institution of oversight on behalf of the public that agenda will be beyond its grasp.
3. Although I have not personally read your entire consultation paper, my staff tell me that parliament is not mentioned in the report. It is not an unusual complaint to find parliament ignored. Yet virtually every prosperous country that respects the rule of law has a healthy democracy and a parliament that exercises oversight of the executive. If we want to improve the effectiveness of the convention it is imperative that we engage parliaments. They are the only institutions with the constitutional authority to hold their executives accountable. Little progress can be made when a corrupt government, or indeed any government, can pay lip service to the convention while blithely ignoring its implementation; all because the oversight bodies (parliaments) have neither the capacity nor the information with which to act.

Corrupt governance is the greatest hindrance to the development of prosperity in the world yet too little emphasis is placed in strengthening and engaging parliaments that have the potential to rein in the gross excesses of corruption that go on every day in government.

Possible Actions: If your review process sees potential merit in examining further the idea of engaging parliamentarians in Monitoring and Review, GOPAC would be prepared to put together a small consultative team of its members to serve as a sounding board. Membership could be limited to members from OECD countries or more broadly represented.

I thank you for the opportunity to comment on this very important convention which has the capacity to demonstrate to the world that substantive progress can be made in the fight against corruption.