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Working Group on Bribery in International Business Transactions

ANTI-CORRUPTION GLOBAL RELATIONS NEWSLETTER
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ANTI-CORRUPTION GLOBAL RELATIONS NEWSLETTER

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Highlights

OECD Brings Foreign Bribery to the Fore at 14th IACC

From 10-13 November, Transparency International organized the 14th International Anti-Corruption Conference, hosted by the Royal Thai Government and the Thai National Anti-Corruption Commission (NACC). OECD Deputy Secretary-General Richard Boucher participated in a plenary discussion on “strengthening global action for an accountable corporate world”, highlighting OECD instruments to combat bribery and corruption. The plenary panel also included: Alan Boeckmann, CEO of Fluor Corporation; Minister Idris Jala, Minister in the Malaysian Prime Minister’s Office and CEO of the Performance Management and Delivery Unit; Homer Moyer, Chair of the International Bar Association’s Anti-Corruption Committee; and Mark F. Mendelsohn, former Deputy Chief, Fraud Section, Criminal Division, U.S. Department of Justice.

The OECD Secretariat also organized a workshop entitled, “Integrated Solutions for Fighting Transnational Bribery in Asia”. The workshop canvassed the challenges and successes of law enforcement, the private sector and civil society working together to combat transnational bribery in Asia and included a discussion on recent cases that have occurred in the region. Participants included Andrew Boname, chief of party for the East-West Management Institute Program on Rights and Justice in Cambodia and former anti-corruption adviser for the Asia Division of the American Bar Association; Kathleen Hamann of the Fraud Section of the Criminal Division of the U.S. Department of Justice; Professor Pakdee Pothisiri, commissioner of the NACC; and Peter Rooke, member of Transparency International’s Advisory Council and senior adviser to TI’s International Group.

The conference’s ‘Bangkok Declaration’ recognises ‘the usefulness of the OECD Good Practice Guidance on Internal Controls, Ethics and Compliance within companies.’

Dialogue with Major Emerging Economies

India

Second OECD Mission to India

Representatives of the OECD Secretariat undertook a second mission to India, 24-25 June 2010. The main purpose of the mission to New Delhi was to further strengthen cooperation between the OECD and India and to raise awareness of the OECD Anti-Bribery Convention and the Working Group on Bribery (WGB). Meetings were held with various government bodies involved in anti-corruption, including the Central Vigilance Commission, the Central Bureau of Investigation and the Ministry of Personnel, Department of Personnel and Training.
The Secretariat also held meetings with other relevant government Ministries that it did not meet during its first mission to India in September 2009, including with the Ministry of External Affairs, the Ministry of Law and Justice and the Ministry of Corporate Affairs. The Secretariat also held meetings with the Federation of Indian Chambers of Commerce and Industry (FICCI) and discussed possible means of future cooperation in raising awareness of the OECD Anti-Bribery Convention within the Indian private sector.

- India and the WGB

Since late 2009, there has been closer cooperation between India and the OECD. India—represented at WGB meetings by the Central Bureau of Investigation (CBI), the Central Vigilance Commission (CVC) and the Ministry of Personnel, Department of Personnel and Training—attends WGB meetings as an 

- China

**Technical Seminar on Bribery of Foreign Public Officials Held in Beijing**

From 20-21 October 2011, the OECD Secretariat organised a technical seminar establishing a foreign bribery offence in Beijing with WGB experts from Finland, Japan and the UK, as well as Chinese government officials from the Foreign Affairs, Laws and Regulations, and Corruption Prevention Departments of the Ministry of Supervision (MoS); the Commission of Legislative Affairs from the Standing Committee of China’s National People Congress; and the Ministry of Finance. The seminar focused on issues related to the establishment of a foreign bribery offence, including countries’ experiences implementing the Anti-Bribery Convention. The seminar also offered China the opportunity to share its progress in fighting bribery in business, notably draft legislation introducing an offence of bribery of foreign public officials.

In his concluding remarks, Director General Kong of the Foreign Affairs Department, MoS, positively noted that relations between China and the WGB have strengthened and that the seminar ensured future cooperation. Director General Kong also noted that, once China’s anti-bribery legislation is adopted, there will be a need for more technical seminars with the WGB.

**Participants of the Technical Seminar on Bribery of Foreign Public Officials, held in Beijing, 20-21 October 2010**

- China and the WGB
Since 2007, there has been closer cooperation between China and the OECD. China—represented at WGB meetings by the Ministry of Supervision—attends WGB meetings as an *ad hoc* observer and was invited by the WGB to continue engaging with the Group and to continue attending its meetings.

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

**Highlights**

*Istanbul Anti-Corruption Action Plan: Assessment of Tajikistan, Ukraine and Uzbekistan*

As part of the Istanbul Action Plan (IAP), which was launched in 2003 to support anti-corruption reform efforts in member countries in Eastern Europe and Central Asia, monitoring teams have conducted assessments of Ukraine, Tajikistan, and Uzbekistan. In July 2010, a monitoring team composed of experts from Slovenia, Kazakhstan, Latvia, Georgia and the U.S. conducted an on-site visit to Ukraine to review Ukraine’s anti-corruption efforts. A separate monitoring team, made up of experts from Switzerland, Lithuania and Azerbaijan conducted a similar on-site visit to Tajikistan in September 2010. And, Uzbekistan submitted its report on its own anti-corruption framework and activities in September 2010, to be reviewed by a team of experts from Armenia, Serbia and the United Nations Office on Drugs and Crime (UNODC), which participates in ACN activities.

IAP member countries will meet in Paris in December for their 9th Monitoring Meeting, where they are expected to adopt the monitoring reports on Ukraine and Tajikistan and to move forward with the review of Uzbekistan. Other IAP members to provide progress reports at the meeting include: Armenia, Azerbaijan, Georgia, Kazakhstan and Kyrgyzstan. All country reports are available on the ACN website, [www.oecd.org/corruption/acn](http://www.oecd.org/corruption/acn).

**On-site visit to Ukraine, July 2010**

*11th ACN Steering Group Meeting*

The 11th ACN Steering Group Meeting, will take place 6-8 December 2010, organized back-to-back with the 9th Monitoring Meeting of the Istanbul Action Plan. At the meeting, the ACN Steering Group—which includes representatives from IAP member countries, OECD countries, international organisations, and international financial institutions—will adopt the 2011 ACN Work Plan. The Plan includes completing the second round of monitoring under the Istanbul Action Plan, ACN Peer Learning activities, and a pilot project that will look into corruption in public education. The Steering Group Meeting will also include an informal meeting with international organisations and donors to share information and coordinate future activities in the ACN region.
Study on Asset Declarations for Public Officials Published

In December, ACN, together with the OECD-EU SIGMA Programme\(^1\) and in coordination with the World Bank, published a study entitled, *Asset Declarations for Public Officials: A Tool to Prevent Corruption*. The study includes a comparative analysis of asset declaration systems in ACN countries, as well as several OECD countries, and provides policy recommendations for ensuring the effectiveness of such systems for preventing corruption.

Expert Seminar Held in Romania on Investigating and Prosecuting Corruption

An expert seminar entitled, ‘Effective Means of Investigation and Prosecution of Corruption,’ was held in Bucharest, Romania, on 20–22 October 2010 and hosted by the National Anticorruption Directorate of Romania. Approximately 50 investigators and prosecutors from ACN and OECD countries participated in this peer-learning exercise, which used specific corruption cases to highlight key issues related to the investigation and prosecution of corruption cases, such as the independence and specialization of the police and prosecutors and tracing and confiscating the proceeds of corruption.

![A working group from the ACN seminar, Effective Means of Investigation and Prosecution of Corruption, 20-22 October 2010, Bucharest, Romania](image)

Special Anti-Corruption Roundtable Held in Ukraine

As part of the ACN project to strengthen the capacity for investigating and prosecuting corruption in Ukraine, the ACN organized a roundtable on anti-corruption legislation in Kiev, Ukraine, on 23 September 2010. Organised in cooperation with the Ukrainian Parliament Committee on Combating Organized Crime and Corruption and the Government Agent on Anti-Corruption Policy, the roundtable focused on the need in Ukraine to implement key anti-corruption legislation that would strengthen Ukraine’s ability to investigate and prosecute corruption cases. The roundtable included approximately 40 participants from the Ukrainian government, international organisations, academics and other experts in the field. Proceedings from the Roundtable will be published by ACN and distributed by Ukraine’s Parliament Committee on Combating Organized Crime and Corruption.

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1. SIGMA is a joint initiative of the OECD and the European Union (EU), which supports the three EU candidate countries, five EU potential candidate countries and 16 EU neighbours in their public administration reforms ([www.sigmaweb.org](http://www.sigmaweb.org)).
New Voluntary Contributions from the United Kingdom and the United States

In August 2010, the UK Department for International Development (DfID) provided a voluntary contribution to ACN to support monitoring and peer-learning activities with Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan. In September 2010, the US Department of State provided a voluntary contribution to support ACN’s peer learning and professional training activities, as well as the development of analytical and methodological tools for the detection, investigation and prosecution of corruption in Georgia, Ukraine, Azerbaijan and Moldova. The new voluntary contributions provide additional support to previous funding from Switzerland and the United States.

Upcoming events

Monitoring of Armenia, Kazakhstan, Tajikistan and Ukraine

In the first half of 2011, the ACN will organize return missions to Tajikistan and Ukraine to present the findings of their monitoring reports, which were adopted at the IAP Monitoring Meeting in December 2010. On-site IAP monitoring visits are also scheduled during this period to Armenia and Kazakhstan. Their reports will be up for review and adoption summer/autumn 2011.

Seminar for Investigators and Prosecutors on the Financial Investigation of Corruption Offences

Participants of the October 2010 seminar in Romania on the effective means of investigation and prosecution of corruption will hold a follow-up event focusing on the financial investigation of corruption offences. The seminar for investigators and prosecutors will include in-depth analysis of selected corruption cases and will allow for a further exchange of experience and expertise on investigating and prosecuting corruption cases. Seminar participants will also benefit from the forthcoming training manual entitled, ‘Investigation and Prosecution of Corruption Crimes,’ which was jointly developed by the ACN and the Basel Institute on Governance and will be published in early 2011.

Seminar on the Prevention of Corruption

Within the framework of ACN's peer learning programme, which was launched in 2010 to strengthen policy-makers’ and anti-corruption practitioners’ practical and analytical capacity to fight corruption, ACN plans to organise a seminar on methods for preventing corruption in the first half of 2011. The seminar will focus on issues such as promoting integrity in the public service and preventing and managing conflicts of interest. It will also draw on the 2010 ACN study, ‘Asset Declarations for Public Officials: A Tool to Prevent Corruption.’

For additional information about ACN activities, go to:

www.oecd.org/corruption/acn

Asian Development Bank / OECD Anti-Corruption Initiative for Asia and the Pacific (ADB/OECD Initiative)

Thematic Review on the Criminalisation of Bribery and Initiative Strategic Principles Adopted

On 24 September 2010, the Steering Group of the ADB/OECD Initiative adopted the Thematic Review on the Criminalisation of Bribery. The review analyses the implementation by all 28 ADB/OECD
Initiative members of the main international standards on fighting the bribery of domestic and foreign public officials. The Review also identifies trends and challenges that cut across the Asia-Pacific region.

The Review was adopted as part of the Initiative’s 15th Steering Group meeting, which took place 23-24 September 2010 and was hosted by the Malaysian Anti-Corruption Commission (MACC). During the meeting, the Initiative discussed proposals for implementing the recommendations of the 2009 Independent Review of the Initiative. This resulted in the adoption of the Strategic Principles and Future Activities of the ADB/OECD Anti-Corruption Initiative, which will now guide the Initiative as it moves forward into its second decade.

10th Regional Seminar on the Criminalisation of Bribery Held in Malaysia

Following the ADB/OECD Initiative Steering Group meeting, the Initiative organised its 10th Regional Seminar, which took place 24-25 September 2010 and was also hosted by the MACC. The theme of the seminar was the criminalisation of bribery and discussions drew from the Thematic Review. Speakers included the Hon. Tan Sri Dato’ Haji Muhyiddin bin Mohammed, Deputy Prime Minister of Malaysia; OECD Deputy Secretary-General Mario Amano; and Asian Development Bank Director General Kunio Senga.

For additional information about ADB/OECD Initiative activities, go to:

www.oecd.org/corruption/asiapacific

Joint OECD / African Development Bank Initiative to Support Business Integrity and Anti-Bribery Efforts in Africa (OECD/AfDB Initiative)

First Regional Anti-Corruption Experts’ Meeting to be held in January 2011

Preparations for the First Regional Anti-Corruption Experts’ Meeting of the Joint AfDB/OECD Initiative are underway. The meeting will be held in Lilongwe, Malawi, 13-14 January 2011. The meeting will include representatives from the countries studied in the recently completed Stocktaking Report on Business Integrity and Anti-Bribery Legislation, Policies and Practices in Twenty African Countries, as well as representatives from key international and regional organisations, civil society and business and industry groups.

The purpose of this inaugural regional experts’ meeting of the Joint AfDB/OECD Initiative will be to: introduce the background and basis of the establishment of the Joint Initiative; review, discuss and adopt the Stocktaking Report; discuss country priority areas and develop the Anti-Bribery and Business Integrity Course of Action for Africa, which will underpin the work of Joint Initiative; and to identify next steps for implementing of the Initiative and the Course of Action.

For additional information about joint AfDB/OECD Initiative activities, go to:

www.oecd.org/corruption/africa
OECD – Latin American Anti-Corruption Programme

Latin America Conference: Corporate Responsibility for Promoting Integrity and Fighting Corruption

Brazil and the OECD co-hosted the Latin America Conference on Corporate Responsibility for Promoting Integrity and Fighting Corruption in São Paulo from 21-23 July 2010. Speakers included OECD Deputy Secretary-General Richard Boucher, Head of the Office of the Comptroller General of Brazil Jorge Hage Sobrinho, Colombian Vice President Francisco Santos Calderón, and Mexican Secretary of Public Administration Salvador Vega-Casillas.

Session topics included: Corruption risks in the Latin American context; the price companies pay for corruption; anti-corruption legislation for corporate liability and related enforcement challenges; the costs and benefits of anti-corruption compliance programmes; designing and implementing an integrity programme; challenges and solutions for small- to medium-sized enterprises; and detecting bribery through account and audit procedures.

There were 500 conference participants from Latin America and the Caribbean (Argentina, Brazil, Chile, Colombia, Dominican Republic, Ecuador, Jamaica, Mexico, Peru, Uruguay, US, Venezuela) and beyond from the public and private sectors, civil society and academia to discuss the role of corporations in combating corruption. International organisations and international nongovernmental organisations with an anti-corruption mandate represented at the conference included the Organisation of American States, Inter-American Development Bank, UN Office on Drugs and Crime, UN Global Compact, Transparency International and the World Economic Forum Partnering Against Corruption Initiative. Senior representatives from the private sector included AREVA, Banco Itaú-Unibanco, Banco Santander, Citibank, General Electric, Hewlett-Packard, Johnson & Johnson, Mitsubishi, Monsanto, Nokia, Petrobrás, Philips, Siemens, TAM and Walmart, as well as SME organisations. The main accounting firms were also represented, including Deloitte, Ernst & Young, KPMG and PriceWaterhouseCoopers.

Opening Ceremony of the Latin America Conference on Corporate Responsibility for Promoting Integrity and Fighting Corruption, 21 July 2010, São Paulo, Brazil

Pilot seminars for the legal profession: International Bar Association (IBA) / OECD / UN Office on Drugs and Crime Anti-Corruption Strategy for the Legal Profession

Under the joint IBA/OECD/UNODC Anti-Corruption Strategy for the Legal Profession, Latin America hosted a pilot series of in-country training sessions for senior-level private practitioners of law firms highly involved in business transactions. The trainings focus on the risks that corruption poses to the legal profession and how to contain these risks. The pilot programme was launched with seminars in Buenos Aires and Santiago in early September, followed by a seminar in Mexico City in October, and in Bogota and Lima in November.
To date, the seminars have included international and local experts from national government agencies, bar associations, the IBA, OECD, KPMG and Mayer Brown. The seminars aim to train legal practitioners at senior and management positions in major law firms, who will then in turn train other legal practitioners in the jurisdiction.

For additional information about the OECD-Latin America Anti-Corruption Programme, go to:

www.oecd.org/corruption/latinamerica