

Working Group on Bribery: Enforcement is the key!

Summary of the side event held 3 June 2021

The Chair of the OECD Working Group on Bribery (WGB), in coordination with Member countries Colombia, Republic of Korea, South Africa, United Kingdom and United States, convened a side event entitled “**Working Group on Bribery: Enforcement is the key!**”, which took place on Thursday 3 June 2021 as a side event at the [Special Session of the United Nations General Assembly Against Corruption 2021 \(UNGASS\)](#).

The WGB was established in 1994 and is currently composed of 44 Member countries. The Group is engaged in rigorous monitoring of the implementation and enforcement of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Convention), the 2009 Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions (2009 Recommendation) and related instruments. The WGB evaluates the implementation by its Member countries of the above-mentioned legal instruments, assesses their institutional anti-bribery framework and places a special emphasis on monitoring of the enforcement of their domestic legal framework to implement the Anti-Bribery Convention and related instruments.

Moderator **Drago Kos, Chair of the Working Group on Bribery**

Speakers

- **South Africa:** Lebo Baloyi, Advocate and Special Director of Public Prosecutions, Specialised Commercial Crime Unit
- **Republic of Korea:** Jin Hee Lee, Prosecutor, Ministry of Justice
- **Colombia:** Luis Miguel Martínez, Specialist in Economic Criminal Law and Former Director against Money Laundering at Prosecutor General's Office
- **United Kingdom:** Sean Byrne, Interim Chief Investigator, Serious Fraud Office
- **United States:** Daniel Kahn, Acting Chief, Fraud Section, Department of Justice

This event showcased the WGB's work along the lines of its contribution to UNGASS provided in 2020, highlighting the state of implementation of the Anti-Bribery Convention and enforcement efforts by members. Speakers discussed how membership in the Anti-Bribery Convention and its robust monitoring mechanism had promoted domestic reforms and international cooperation while staying abreast of developments by reviewing and updating standards.

South Africa's representative explained how South Africa came to join the Convention and how the WGB had enhanced South Africa's anti-bribery efforts, including specific benefits related to awareness

and strengthening of policies and legislation. The WGB in particular, improved coordination amongst parties to the Convention in practice and assisted South Africa in improving its mutual legal assistance regime.

The representative of the Republic of Korea reported on their experience with the WGB evaluation process, and in particular Korea's criminalisation of foreign bribery. He mentioned specific benefits of joining the Convention and the WGB, i.e. increasing of mutual legal assistance and enacting of legislation on liability of legal persons.

The UK representative discussed the unique nature of the Serious Fraud Office and highlighted the use of non-trial resolutions to conclude foreign bribery cases. He also noted the value of being part of the WGB, in particular as it relates to Law Enforcement Officials meeting and the possibility to increase informal cooperation with different jurisdictions.

The representative of the United States praised the role of the WGB as it relates to legislative changes in the last years based on peer reviews and how the WGB and the OECD increased communication between colleagues and dissemination of international good practices. One key aspect highlighted in the presentation was the WGB impact on coordination and cooperation in specific cases.

Finally, Colombia discussed how the WGB has improved Colombia's fight against foreign bribery and also domestic corruption, in particular its corporate liability regime. Since the Convention does not require a specific type of liability, but encourages sanctions that are proportionate and dissuasive, Colombia decided to have an administrative system whilst also allowing a criminal judge to debar a legal person.