The role of parliaments to advance the fight against corruption

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Paris, 10 October, 2019
OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

- 20 years since entering into force in 1999

- 44 State Parties (the last ones: Lithuania, Costa Rica, Peru)

- Provisions on: definition of the offence (including definitions of a »foreign public official«, »foreign country«, »act or refrain from acting in relation to the performance of official duties)”, liability of legal persons, sanctions (effective, proportionate, dissuasive + seizure and confiscation), jurisdiction (allowing double jeopardy), enforcement (shall not be influenced by considerations of national economic interest, the potential effect upon relations with another State or the identity of the natural or legal persons involved), statute of limitations, money laundering, accounting, mutual legal assistance, extradition, responsible authorities, monitoring and follow-up.
OECD Working Group on Bribery

- 44 members
- monitoring conducted through 2 peers from the group
- evaluations divided into four phases (the first one dealing with initial assessment of countries’ national legislation, the second one with the assessment of practical application and implementation of the OECD Convention and related documents, the third one with up-to-date assessment of the countries’ structures to implement the Convention and 2009 Recommendation, and the fourth – current one, with taylor-made approach on progress on recommendations from previous phases, detection of foreign bribery, enforcement of foreign bribery and engagement with legal persons)
- on-site visits are mandatory
- there is a rigorous follow-up on the implementation of recommendations and sanctions (mainly "blame and shame") are provided
- full texts of the reports are published (in French and English)
Exporting Corruption: Transparency International Progress Report 2018 on the enforcement of the OECD Anti-Bribery Convention

Since 1999*:

- 22 countries with 39,6% world exports with little or no enforcement (China, Japan, South Korea, Hong Kong, Singapore, India, Russia, Spain, Belgium, Mexico, Ireland, Poland, Turkey, Denmark, Czech Republic, Luxembourg, Argentina, Chile, Israel, Slovak Republic, Finland, Colombia, Slovenia, Bulgaria, Estonia)

- 11 countries with 12,3% world exports with limited enforcement (France, Netherlands, Canada, Austria, Hungary, South Africa, Chile, Greece, Argentina, New Zealand, Lithuania)

- 4 countries with 3,8% world exports with moderate enforcement (Brazil, Australia, Sweden, Portugal)

- 7 countries with 27% world exports with active enforcement (US, Germany, Israel, Italy, Norway, UK, Switzerland)

* Costa Rica, Iceland, Latvia and Peru are not listed
Consequences of growing anti-globalism?

- some developments in Central Europe are extremely worrying,

- those countries are stepping away from the already achieved international anti-corruption and rule-of-law standards under the pretext of national sovereignty,

- when confronted with pressure of international organisations, they support each other uncritically, sometimes blocking the whole decision-making process (invented in „normal“ times for „normally behaving“ countries) of those organisations,

- at a closer look it becomes very clear that referring to anti-globalism (“my country first“, „sovereignty above all“, „Sorosists are dangerous“,..) in the area of anti-corruption is nothing else but a cover up for very questionable, sometimes even corrupt practices of those governments.
What can parliaments do?

Everything –

in a positive but also in a negative direction!
THANK YOU!

Questions?

Suggestions?

Comments?
1. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions:
   http://www.oecd.org/corruption/oecddantibriberyconvention.htm
2. OECD Foreign Bribery Report:
3. OECD Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions:
4. OECD Working Group on Bribery, Country reports on the implementation of the OECD Anti-Bribery Convention:
   http://www.oecd.org/daf/anti-bribery/countryreportsontheimplementationoftheoecddanti-briberyconvention.htm
5. Transparency International Progress Report 2015:
   http://issuu.com/transparencyinternational/docs/2015_exportingcorruption_oecdprogre/1?e=2496456/14890701
7. TI Global Corruption Barometer (GCB) 2016, People and Corruption: Middle East & North Africa,
15. CELC 2012
16. 2013 Edelman Trust Barometer
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22. Evans, Bryan R., The cost of corruption, Tearfund –Christian action with the world’s poor, Teddington, UK,
23. Ivanchevich, John M., Konopaske, Robert, Gilbert, Jacqueline A. (2008), Formally shaming white-collar criminals, Business Horizons (2008) 51 (pp. 401 – 410), Kelley School of Business, Indiana University,
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