FIGHTING FOREIGN BRIBERY: THE OECD STANDARDS AND INTER AGENCY COORDINATION

OECD Anti-Corruption Division

The views expressed in this presentation do not necessarily represent those of the OECD Member countries or States Parties to the OECD Anti-Bribery Convention.
The OECD Anti-Bribery Convention...

- First and only international instrument addressing the active side of bribery (1999)
- 46 Parties: the 38 OECD countries + 8 other non-OECD members
- **South Africa** a member of the Convention since 2007
- **Mauritius** has Participant status to the Working Group on Bribery since February 2023
- Peer review by the Working Group on Bribery on the implementation of the Convention and related instruments.
Obligations under the OECD Convention

- Foreign bribery offence (Art. 1)
- Corporate liability (Art. 2)
- Sanctions and confiscation of the proceeds (Art. 3)
- Territorial and nationality based jurisdiction (Art. 4)
- Enforcement and statute of limitations (Art. 5 & 6)
- Related offences: money laundering and false accounting (Art. 7 & 8)
- International cooperation (Art. 9 & 10)
- Monitoring (Art. 12)
A broader toolkit: the related instruments to the OECD Convention

• The 2021 OECD Anti-Bribery Recommendation
  – Prevention
  – Detection
  – Enforcement…

• The Recommendation on Tax Measures for Further Combating Bribery: non deductibility of bribes
Inter-Agency Coordination and Cooperation

• 2021 OECD Anti-Bribery Recommendation
  – XI. Member countries permit and promote effective and timely cooperation and information sharing among and within national competent authorities to improve detection, investigation and prosecution of foreign bribery.
  – Adequate methods and tools for facilitating such cooperation
  – XIX.B. enhancing international cooperation

• Enhancing cooperation – exchange of financial intelligence by FIUs; exchange of tax information (tax authorities); exchange of information with financial regulators; cooperation, as appropriate, within relevant international and regional networks
Inter-Agency Coordination – case practices

Takeaways from concrete case studies:
• Legal mechanisms to enable information sharing
  – Inter-agency task forces
  – Signing Memoranda of Understanding
  – Collaboration on a case-by-case basis

Case examples from OECD study:
• South Africa Fusion Centre
• UK, Fusion Cell led by the National Economic Crime Centre
• Kenya – KEMSA case (inter-agency stakeholders)
OECD – Law enforcement networks and anti-corruption initiatives in Africa

• Global and Regional Law Enforcement Networks
  – OECD/ACD Africa Law Enforcement Meeting (AFR LEN)
  – 2nd AFR LEN meeting to be held in 2024 for law enforcement officials

• Global Dialogue between WGB members and non-members

• OECD/AfDB Joint Initiative to Support Business Integrity and Anti-Bribery Efforts in Africa
Thank you

For more information:  
www.oecd.org/bribery