



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



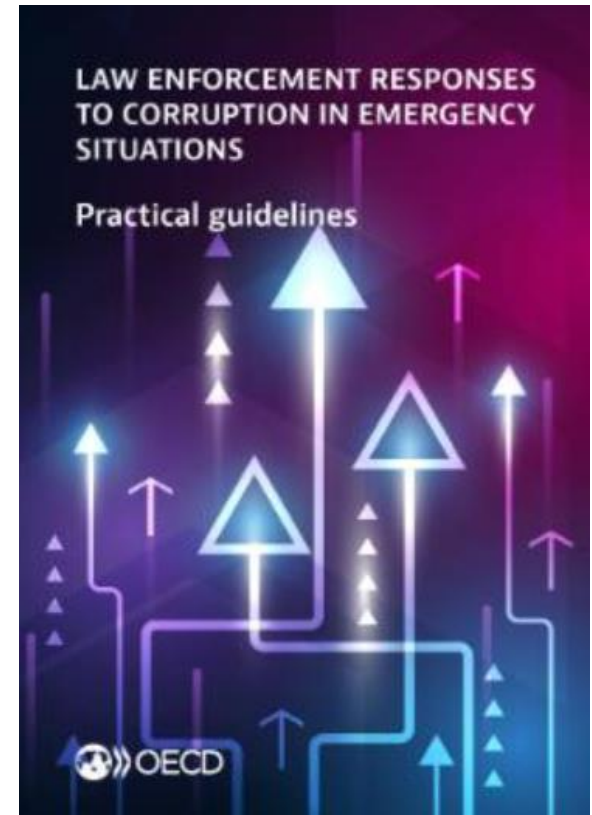
Inter-Agency Coordination – case practices

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:

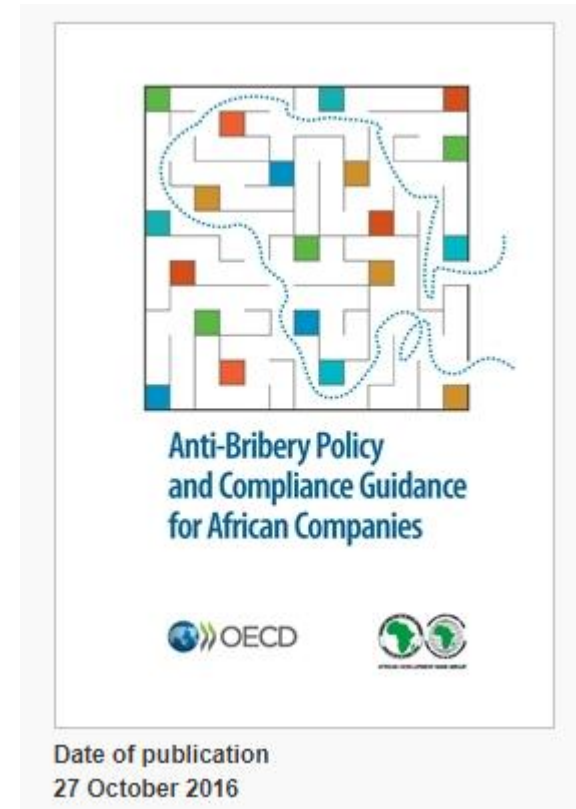
- South Africa Fusion Centre
- UK, Fusion Cell led by the National Economic Crime Centre
- Kenya – KEMSA case (inter-agency stakeholders)





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