

Short WORKSHOP REPORT FORM

Number and title of workshop: WS 4.4 Integrated Solutions for Fighting Transnational Bribery in Asia'

Coordinator: Ms. Christine Uriarte, Anti-Corruption General Counsel, OECD Anti-Corruption Division

Date and time of workshop: 11 November 2010, 17.30-19.30

Moderator: Mr. Patrick Moulette, Head, OECD Anti-Corruption Division

Rapporteur: Ms. Christine Uriarte, Anti-Corruption General Counsel, OECD Anti-Corruption Division

Panellists:

1. Prof. Pakdee Pothisiri, Commissioner, National Anti-Corruption Commission (NACC), Thailand
2. Ms. Kathleen Hamann, Anti-Corruption Policy Counsel and Trial Attorney, Fraud Section, Criminal Division, United States Department of Justice
3. Mr. Andrew Boname, Chief of Party, East-West Management Institute Program on Rights and Justice (PRAJ)
4. Mr. Peter Rooke, Advisory Council and Senior Advisor, International Group, Transparency International
5. Ms. Christine Uriarte, Anti-Corruption General Counsel, OECD Anti-Corruption Division

Main Issues Covered

- Evolution of Mutual Legal Assistance and remaining challenges to law enforcement in Asia and globally.
- Role of civil society and business in promoting adoption of laws and policies against transnational bribery and raising awareness of the risks of violating these laws.
- Role of multi-lateral institutions as standard setters on fighting transnational corruption in Asia, including through engagement with major stakeholders.

Main Outcomes

1. Successful law enforcement in transnational bribery cases requires effective information sharing between the relevant jurisdictions. There is significant potential both in Asia and at a global level to strengthen such cooperation, including in parallel law enforcement actions and by using informal assistance channels in early stages of investigations.
2. Grassroots civil society organizations have knowledge of transnational corruption

that occurs in their locations, but they need safe and effective communication channels for sharing this information with law enforcement authorities. Moreover, NGOs themselves are sometimes implicated in bribery when they disburse funds for local projects.

3. The OECD Good Practice Guidance on Internal Controls, Ethics and Compliance could provide significant assistance to companies in Asia, including SMEs, on preventing and detecting transnational corruption in their operations.
4. The recent thematic review of the criminalization of the main bribery offences in the UNCAC, including transnational bribery, by countries and economies in Asia-Pacific, conducted by the ADB/OECD Anti-Corruption Initiative for Asia-Pacific, could provide useful information for technical assistance supporting UNCAC implementation in the region.

Main Outputs

1. Strategies for strengthening Mutual Legal Assistance in transnational bribery cases in Asia and globally.
2. Insights into the potential for civil society organizations in Asia to increase the risk of companies being prosecuted for transnational bribery.
3. Awareness that the 2009 OECD Good Practice Guidance on Internal Controls, Ethics and Compliance provides valuable guidance to companies of all sizes and sectors of operation in Asia on how to effectively prevent and detect transnational bribery in their overseas operations.
4. Awareness of the practical use of the recent thematic review of criminalization of the main UNCAC bribery offences conducted by the ADB/OECD Anti-Corruption Initiative by Asia-Pacific.

Recommendations, Follow-up Actions

In order to strengthen efforts in the Asia-Pacific to prevent transnational bribery, as in other regions, the risk of detection and prosecution must be tangible and the means for reducing the risk of prosecution must be available and accessible to companies of all sizes and sectors. This requires a concerted effort involving national governments, civil society, the private sector and multi-lateral institutions in the following areas:

1. Further strengthening the global framework for Mutual Legal Assistance in transnational corruption cases, including through the development of new, more efficient methods.
2. Providing civil society organizations in Asia with effective and safe channels for sharing information that they possess about transnational bribery cases.
3. Broadly disseminating information about the 2009 OECD Good Practice Guidance on Internal Controls, Ethics and Compliance to companies of all sizes in all sectors of operation in Asia, to help them minimize the risk of transnational bribery in their overseas operations.

4. Consideration of the thematic review of the criminalization of the bribery offences in the UNCAC, conducted by the ADB/OECD Anti-Corruption Initiative for Asia-Pacific (including transnational bribery), in the provision of technical assistance for UNCAC implementation to the countries and economies in the region.

Workshop Highlights (including interesting quotes)

Awareness of the new OECD Good Practice Guidance on Internal Controls, Ethics and Compliance, and how it provides straightforward and flexible guidance to companies in Asia and at a global level on how to prevent and detect transnational bribery in their overseas operations.