

Summary and Recommendations

Day 1, Working Group 6: OECD Countries: Meaningful preventive and repressive steps against corruption The European perspective

Claire A. Daams

Law Faculty, Basel University

Email: daams@ubaclu.unibas.ch

Peter Csonka

Directorate of Legal Affairs, Council of Europe

Email: Peter.Csonka@coe.int

I. Report of the Working Group

The purpose of this working group was to take stock of the various instruments to combat corruption, drawn up by three international organisations: the Council of Europe, the European Union and the OECD. The approach and methods used by these organisations were presented.

- a. The Council of Europe's anti-corruption initiative was launched in 1994 at the Malta ministerial conference. The Multidisciplinary Group on Corruption (GMC), which was set up in September 1994 and started its work in March 1995, prepared *inter alia* a "Programme of Action against Corruption". This programme covers a wide range of aspects of the international fight against corruption. It defines areas in which it is necessary to take action and provides a number of measures which are necessary for a global, multidisciplinary and comprehensive approach in combating corruption.

In pursuance of the Programme of Action against Corruption the GMC developed various international instruments against corruption in the fields of criminal, administrative and civil law. Among them are the 20 Guiding Principles for the Fight against Corruption, the Criminal Law Convention on Corruption, the Model Code of Conduct for Public Officers and the Civil Law Convention on Corruption. Furthermore a follow up mechanism has been created, under the name "Group of States against corruption –GRECO".

- b. Regarding the European Union first of all a brief overview of the organisational framework was given. This was followed by a presentation of the main initiatives taken by the EU. These are: The Convention on the protection of the EU's financial interests, the First Protocol, the Second Protocol and the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the EU.

The EU started its initiatives against corruption in the context of the protection of its financial interests on the one hand and the fight against organised crime on the other.

- c. The final presentation was on the 1997 OECD Convention. It can be considered as the approach of the industrialised world towards the fight against corruption. It focuses on the supply side, and intends to reduce the influx of corrupt payments into relevant markets by sanctioning active bribers and their accomplices in international business transactions. The concept also applies to the bribery of officials of non participant countries. The OECD established a monitoring system which already started working.

After the presentations a lively discussion took place. Points that were addressed are: the necessity of a multidisciplinary approach to deal with corruption, the role international and national NGO's could play, the fact that conventions not only need to be signed but that the process of ratification should be speeded up as much as possible.

II. Recommendations

1. **Participation of civil society.**
NGO's should be associated, as far as possible and to the extent that it does not slow down the procedure, with the anti-corruption efforts of international organisations, from the early stage of drafting instruments until the monitoring of their implementation. Such involvement should be made possible for NGO's at the international, national and domestic level.
2. **Signature and ratification**
Governments that have signed international treaties such as the OECD and Council of Europe Conventions should make all efforts to have these treaties ratified by national parliament as quickly as practicable. When such treaties are open for signature by States not having participated in their elaboration or not belonging to the organisation in the framework of which they have been adopted, such governments should be encouraged to sign and implement them in accordance with the applicable procedures.
3. **Multidisciplinarity**
Governments should promote a multidisciplinary approach to deal with corruption by using a variety of legal and non legal measures.
4. **Information**
Governments should ensure publicity for international anti-corruption efforts; they should make sure that all sections of society have easy access to these treaties and are informed about their implications.