

7. Regional Initiatives

In addition to its direct participation in the Summit of the Americas initiative which led to the Inter-American Convention Against Corruption in the Western Hemisphere, the United States has supported a number of regional anticorruption initiatives in other regions of the world. In 1999, the United States will continue to support these regional anticorruption initiatives in regions other than our own. We will cooperate with and assist countries pursuing such initiatives, will favor and support the development of such initiatives in those regions where they are as yet less advanced, and will to the extent appropriate associate ourselves with initiatives that are compatible with our global strategy against corruption and our other policies, laws and interests.

A. The Council of Europe

On November 6, 1997, the Committee of Ministers of the Council of Europe adopted "20 Guiding Principles" against corruption (reprinted in the Vice President's conference "Source Book"). These recommended that governments should take a number of measures and practices that have been or were likely to be effective in fighting corruption. On May 4-5, 1998, the Committee of Ministers adopted the Agreement Establishing the Group of States Against Corruption (GRECO). Until completion of negotiations on the Criminal Law Convention (see below), the purpose of the GRECO is to carry out a procedure for mutual evaluation by governments that become members of the effectiveness of their implementation of the 20 Guiding Principles. A declaration of intention to observe those Guiding Principles is required of countries which become members of the GRECO. Governments that join the Criminal Law Convention (see below) automatically join GRECO. Governments that are not party to the Criminal Law Convention can join GRECO, but their participation in the evaluation of other states' implementation of the Criminal Law Convention is limited. The United States has been invited to participate in the GRECO, but has not yet responded to that invitation.

Over more than two years, the Council of Europe also negotiated a Criminal Law Convention on Corruption. This Convention was approved by the Council of Ministers in November 1998. It is the broadest of the multilateral conventions yet attempted in this field. It covers the giving, offer or promise ("active") and the acceptance or solicitation ("passive") of a bribe or other improper advantage, both internationally and domestically. It contains obligations to criminalize corruption offenses which extend well beyond commercial bribery of foreign government officials. It mandates national criminalization of the bribing of officials of international parliamentary assemblies (e.g. the European Parliament), and international courts. It would criminalize the giving and receiving of bribes to domestic public officials, as well as bribery which occurs in the private sector context. Unlike the OECD Convention, the Council of Europe Criminal Law Convention does not make securing a commercial advantage a necessary element of criminal offenses. The Convention elaborates a series of law enforcement tools for use in combating corruption, ranging from witness protection to extradition and mutual

assistance. Parties to the Convention agree to accept and participate in a mutual evaluation process also carried out separately in the GRECO. The Convention was opened for signature on January 27, 1999, and will enter into force when 14 states have become party to it.

The United States is a Council of Europe observer state, and representatives of the Departments of State and Justice participated in the negotiation of the Criminal Law Convention. Accordingly, the United States is eligible to sign the Convention. During 1999, the United States will consider whether or not to do this.

The United States considers this regional initiative significant. Substantively, it includes many valuable anticorruption principles and practices. Moreover, it exemplifies the growing international consensus that governments should assist each other by processes of mutual evaluation of their implementation of commitments to adopt measures and carry out practices that are effective to promote integrity and fight corruption. In 1999, the United States will encourage the countries of Europe to continue to develop and implement this regional initiative among countries in that area.

B. Africa

The Global Coalition for Africa (GCA) is an inter-governmental policy forum, which promotes dialogue between African policy makers and international partners on issues of political and economic development in Africa. It was founded following the 1990 Maastricht International Conference on African Development. The GCA holds a Plenary every five years. Its Policy Forum, Economic Committee and Political Committee meet on an annual basis, to discuss current developmental, governance or political issues with a view to arriving at consensus on actions to be taken by African countries and support to be provided by international partners.

The GCA has addressed corruption as an element of its focus on governance in Africa in a variety of ways. The GCA Policy Forum in 1997 in Maputo, attended by African heads of state and other world leaders, had as its topic *Corruption and Development in Africa*. During a frank discussion, participants discussed the negative impact of corruption on African development, and agreed on the need for concerted action at national, regional and international levels to combat it. GCA Co-Chairperson Emeritus Robert McNamara, former President of the World Bank, has visited six African countries (Benin, Ethiopia, Malawi, Mali, Tanzania, Uganda; a visit to Mozambique is scheduled) to encourage heads of state and government to adopt practices that are effective to counter bribery and corruption, particularly in the area of public procurement. The World Bank and other donors have expressed their support of requests from these heads of state for assistance.

Efforts against corruption were one of the themes of President Clinton's 1998 visit to Africa. As a part of the follow-up to this visit, as well as in furtherance of ongoing GCA work, in October 1998, the GCA and the Department of State convened a

meeting in Washington to discuss collaboration between African countries to address corruption. Countries invited included those visited by Mr. McNamara and those visited by President Clinton (countries that participated were: Benin, Botswana, Ethiopia, Malawi, Mali, Mozambique, Senegal, South Africa, Tanzania, Uganda).

In February 1999, on the margins of the Vice President's Global Forum on official corruption, the Department of State and the GCA sponsored a follow-up meeting. Ministers and senior policy makers from African countries, along with senior officials from some donor countries and organizations, were to specifically consider anticorruption principles that could facilitate greater cooperation among regional or subregional groups of African countries. Following this meeting, and further discussions in their countries, it was hoped that several African countries would agree to adopt anticorruption principles that would encourage implementation of common standards at national level, as well as joint action between and among countries. These principals could also form the basis of more formal cooperative frameworks at the subregional or regional levels.

Collaboration and cooperation among African countries would strengthen the capacity of individual countries to combat corruption, as well as complement international anticorruption initiatives. Collaborative arrangements would demonstrate African commitment to forcefully address corruption and support their efforts to attract foreign investment and promote private sector development.

During 1999, the United States will continue to support this GCA regional anticorruption initiative for Africa, as an important element contributing to attainment of the goals of its international strategy against corruption. The United States will urge that in elaborating this initiative, the countries concerned also consider the development of an appropriate mechanism for mutual evaluation of the effectiveness of implementation of such commitments, as an effective means to assist governments in implementing practices that will be effective to attain their common anticorruption goals..

C. Asia and the Pacific

The Asia-Pacific Economic Cooperation Forum (APEC) is developing a transparency initiative. This initiative, which also involves the business community, would include a focus on certain issues such as corporate governance, procurement and others that are also important to an effective anticorruption regime. During 1999, the United States will continue to promote its economic governance and reform agendas, and will encourage governments of the region, in appropriate regional fora, to consider how best to further develop a regional anticorruption regime that would complement those that exist or are taking shape in other regions.