

Specialty Session: Global and Regional Anti-Corruption Frameworks

February 25, 1999

Moderator: Alan P. Larson, Assistant Secretary of State for Economic and Business Affairs

Purpose: To review key global anti-corruption instruments, such as the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions ("OECD Anti-Bribery Convention"), and regional initiatives, including the Inter-American Convention against Corruption, and proposals for activities in Africa and Asia.

Findings:

Panelists described current international, regional, and domestic anti-corruption efforts. Mark Pieth discussed the value of the OECD Convention in limiting the supply-side of the bribery equation, including the importance of a strong monitoring mechanism. Judge William Heath described the problems of corruption on South Africa, and means, such as the creation of a special court and a special investigating unit to recover government assets, which have been successful in combating it. Jorge Garcia Gonzalez discussed progress in meaningful implementation of the OAS Convention to address corrupt business practices in the Western Hemisphere. Guy De Vel outlined the Council of Europe's goal to implement an ambitious and comprehensive program to counteract the spread of corruption, with focus on creating a network of cooperation for transition economies. Ramon Cardenas emphasized the importance of political will and concrete action in the Philippines' approach on these issues. Andrew Pincus said the U.S. Government's anti-corruption strategy has focused on implementation of the OECD Convention, as well as support for regional initiatives such as the OAS Convention, and initiatives in Africa and Asia. The group discussed the merits of global versus regional approaches, and the lack of an international mechanism was an obstacle to enforcement. There appeared to be consensus that progress at all levels -- international, regional, and national -- were critical to success.

Panel Participants:

Dr. Mark Pieth, Organization for Economic Cooperation and Development

Judge William Heath, South Africa

Jorge Garcia Gonzalez, Organization of American States

Guy De Vel, Council of Europe

Ramon Cardenas, Philippines

Andrew J. Pincus, United States

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3:30-6:30 PM, Loy Henderson Auditorium

Department of State

In recent years, there has been an increased recognition of the serious impact that corruption has on democratic institutions, economic development, and the international financial system. This has led to an effort to improve global and regional cooperation and to identify appropriate means to establish international standards.

This session will examine key global instruments, such as the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and progress in regional initiatives, including the OAS Inter-American Convention against Corruption, and other activities in Europe, Africa, and Asia.

In setting the stage for the panelists, moderator Alan P. Larson will briefly discuss the importance of anti-corruption efforts in the modern international political and economic environment.

Dr. Mark Pieth will describe the OECD Anti-Bribery Convention, including the Convention's monitoring procedure. He will also provide his views on next steps on the international anti-corruption agenda.

Jorge Garcia Gonzalez will describe the state of play of anti-corruption in the Americas, including the Inter-American Convention against Corruption.

Judge Willem Heath will give his views on the current situation in South Africa and regional anti-corruption initiatives in Africa.

Ramon Cardenas will discuss anti-corruption efforts in the Philippines and in the Asia regional context, including new dimensions that must be considered in formulating policies in these areas.

Guy De Vel will describe the Council of Europe's strategy against corruption, including the 20 Guiding Principles in the Fight against Corruption and the recently adopted Criminal Law Convention on Corruption.

Andrew J. Pincus will provide an overview of the U.S. Government's anti-corruption strategy, including the U.S. implementation of the OECD Anti-Bribery Convention, the U.S. position on ratifying the OAS Convention, as well as a summary of other international efforts, such as support for initiatives within the Asia Pacific Economic Cooperation (APEC) forum.

Panel Participants:

Alan P. Larson is the Assistant Secretary of State for Economic and Business Affairs. He was U.S. Ambassador to the OECD from 1990 to 1993, and has served with the Department of State in Jamaica, Sierra Leone, and Zaire. He has a Ph.D. in economics from the University of Iowa.

Dr. Mark Pieth is Professor of Criminal Law and Procedure at the University of Basel, and Chairman of the OECD Working Group on Bribery in International Business Transactions. Dr. Pieth also advises various international organizations on anti-corruption and other issues.

Jorge Garcia Gonzalez is the Director of the Department of Legal Cooperation of the Secretariat for Legal Affairs at the OAS. Previously, he served as a — Special Advisor to the Secretary General of the OAS. Dr. Garcia has served as Colombian Ambassador to Austria and Acting Minister of Internal Affairs. Dr. Garcia received his law degree from the Javerina University in Bogota. He has written widely on a variety of topics, including corruption, international law and the modernization of the state. Dr. Garcia was also a professor at the University of the Andes, where he taught law and political science.

Judge Willem Heath is Chair of the South African Commission Against Corruption. He received his law degree from the University of Pretoria in 1969. He served as a prosecutor in the Department of Justice and State Advocate, Office of the Attorney General, Pretoria, and part-time

President of Court Martials of the South African Defense Force. In 1988, he was appointed as judge of the Supreme Court of South Africa, and seconded to the Ciskei Supreme Court. From June 1995 to 1996 he was Chair of the Heath Commission, established to examine government corruption in the Eastern Cape region. In March 1997, he was appointed by President Nelson Mandela as Head of the Heath Special Investigating Unit mandated to investigate maladministration, corruption, fraud, theft, and misappropriation of State assets on the national level.

Ramon Cardenas is Senior Deputy Executive Secretary, Office of the President of the Republic of the Philippines, and Head of the Philippine Delegation to the Conference. His duties include coordination of anti-corruption efforts. He has served as Acting Minister of Economic Planning and Deputy Director General of the National Economic Development Authority. He has also held a number of positions in the private sector, including his Presidency of Xerox Philippines. He completed graduate studies at Cornell University in 1967.

Guy De Vel is Director of Legal Affairs for the Council of Europe. He received his Doctor of Law degree from the University of Leuven in 1966. Mr. De Vel has been with the Council of Europe since 1972, where he has been Administrator in the Private Office of the Secretary General, Principal Administrator for the Directorate of Human Rights, Deputy Director of Political Affairs, and other positions. He has published numerous articles on legal issues and the Council of Europe.

Andrew J. Pincus is the General Counsel for the United States Department of Commerce. Prior to his current position, he was a Partner at the law firm of Mayer, Brown & Platt, where he specialized in Appellate and Supreme Court litigation. He was the Assistant to the Solicitor General of the U.S. Department of Justice from 1984 to 1988. He has a law degree from Columbia University School of Law and a Bachelor of Arts from Yale College.