Foreign bribery : South Africa should take a more proactive stance, says OECD

OECD

19/7/2010 - South Africa should step up its efforts to detect, investigate and prosecute cases of bribery in international business deals, according to a new report by the OECD's Working Group on Bribery.

The 38-country OECD Working Group on Bribery, in the context of its regular cycle of reviews, has just completed a review of South Africa's [1] enforcement of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and related instruments.

Other main recommendations of the Group are that South Africa should:
• Raise awareness of the fight against foreign bribery in both the public and private sector;
• Boost existing law enforcement resources and training dedicated to fighting complex economic crimes, including foreign bribery offences, and enhance coordination among the police and prosecution authorities to combat foreign bribery more effectively;
• Ensure that companies engaging in foreign bribery are duly held liable; and
• Ensure that Article 5 of the Convention, which prohibits considerations of national economic interest, relations with another state, and the identity of individuals or companies when prosecuting foreign bribery, applies effectively to all investigative and prosecutorial decisions in foreign bribery cases.

The Working Group also highlighted positive aspects of South Africa's efforts to fight foreign bribery, including a strong legislative framework for combating foreign bribery under the Prevention and Combating of Corrupt Activities Act. The reporting obligation of suspected foreign bribery imposed on a broad range of persons under this Act, could be a useful tool in uncovering foreign bribery instances. South Africa's legislation regarding the prevention and detection of money laundering should also help detect attempts to launder funds related to foreign bribery.

The report, available at www.oecd.org/daf/nocorruption [2], lists all the recommendations of the Working Group on pages 74-78, and includes an overview of enforcement actions and specific legal and policy features in South Africa for combating the bribery of foreign public officials. As with all other OECD Working Group members, South Africa will orally report to the Working Group on its actions to implement the Working Group's recommendations after one year.

South Africa will submit a written report to the Working Group within two years,

which will be the basis of a publicly-available Working Group evaluation of South Africa's implementation of the recommendations. The Working Group will monitor South Africa under Phase 3 in 2013.

For further information, journalists are invited to contact Mary Crane of the OECD's Anti-Corruption division (tel. + 33 1 45 24 97 04) or mary.crane@oecd.org [3].

For more information on OECD's work to fight corruption, visit www.oecd.org/daf/nocorruption [2].

SOURCE [4]

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