

THE CHALLENGES OF DEALING WITH CORRUPTION: THE EXPERIENCE OF THE OECD ANTI-BRIBERY CONVENTION

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Abstract

The 1997 Anti-Bribery Convention captured worldwide attention as the first global instrument to fight corruption in cross-border deals. It specifically targets the supply side of foreign bribery. Today, in the 36 countries that have enacted anti-bribery laws based on the OECD Convention, bribing a foreign public official is a crime.

The OECD regularly releases reports on the effectiveness of the enforcement of the laws and regulations in countries for implementing the Convention. These reports and their recommendations are part of the ongoing monitoring process of the OECD Working Group on Bribery, comprised of representatives of countries party to the Convention.

Several positive trends in the fight against foreign bribery by the parties to the Convention have emerged. The seriousness of countries' commitment to fighting foreign bribery has led to changes in many of their laws, following recommendations of the Working Group.

However, the fight against foreign bribery has been fraught with challenges, which have become increasingly pressing as international business deals are on the rise and new markets are developing at an unprecedented rate. The OECD Working Group has seen fewer foreign bribery convictions that it would like. Countries must be more proactive in investigating and prosecuting foreign bribery

Biography of Presenter

Mr. Patrick Moulette is the Head of the Anti-Corruption Division in the Directorate for Financial and Enterprise Affairs of the OECD (Organisation for Economic Cooperation and Development). Mr. Moulette's position involves the design and management of the work programme of the 36-country Working Group on Bribery in International Business Transactions. His responsibilities also include leading the process of evaluating the implementation of the OECD Convention and Recommendations and to develop and supervise outreach activities.

Mr Moulette began his professional career in 1985 in the Department of the Treasury of the French Ministry of Finance. After five years in the Monetary and Financial Affairs Division where he concentrated on financial market issues, he joined the International Affairs Division of the Treasury in 1990 to work on issues related to G-7 meetings, international trade, anti-money laundering and relationships with the IMF and the OECD.

Mr Moulette joined the OECD in 1991 as a member of the Financial Action Task Force (FATF) Secretariat. The FATF is the international body in charge of safeguarding the global financial system against money laundering and terrorist financing. In November 1995, he was promoted to Executive Secretary of the FATF. During his tenure as Executive Secretary, Mr Moulette identified and developed policies to combat money laundering and terrorist financing, including the elaboration and implementation of FATF's outreach activities.

Mr Moulette is a French citizen. He is a graduate of the Paris Institute of Political Studies ("Sciences-Po"). He also has a Master's degree in Public Law and a Master's degree in Corporate Law.

M. Patrick Moulette est le Chef de la Division Anti-Corruption de la Direction des affaires financières et des entreprises de l'OCDE (Organisation de Coopération et de Développement Economiques). La fonction de M. Moulette consiste à élaborer et à gérer le programme de travail des 36 pays membres du Groupe de travail dans les transactions commerciales internationales. Ses responsabilités comprennent aussi la direction des procédures d'évaluation de la mise en œuvre de la Convention et des Recommandations de l'OCDE, ainsi que de concevoir et superviser les activités de relations extérieures.

M. Moulette a commencé sa carrière professionnelle en 1985 à la Direction du Trésor du Ministère français des Finances. Après cinq années passées au Service des Affaires Monétaires et Financières sur un poste consacré aux marchés financiers, il est entré au Services des Affaires Internationales du Trésor en 1990 pour travailler sur les questions relatives aux réunions du G-7, au commerce international et à la lutte contre le blanchiment de capitaux ainsi qu'aux relations avec le FMI et l'OCDE.

M. Moulette est entré à l'OCDE en 1991 en tant que membre du Secrétariat du GAFI (Groupe d'action financière). Le GAFI est l'organisme international chargé de la protection du système financier mondial contre le blanchiment de capitaux et le financement du terrorisme. En novembre 1995, il a été promu au poste de Secrétaire exécutif du GAFI. Dans l'exercice des fonctions de Secrétaire exécutif du GAFI, M. Moulette a identifié et développé les politiques de lutte contre le blanchiment de capitaux et le financement du terrorisme, y compris les activités de relations extérieures du GAFI.

M. Moulette est de nationalité française. Il est diplômé de l'Institut d'Etudes Politiques de Paris et est titulaire de deux maîtrises, en droit public et en droit des affaires.