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INVESTMENT COMMITTEE**

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**Working Group on Bribery in International Business Transactions**

**FOLLOW-UP PROPOSAL FOR ACTION BY THE WORKING GROUP ON BRIBERY TO PREVENT  
AND DETECT BRIBERY OF FOREIGN PUBLIC OFFICIALS IN RECONSTRUCTING HAITI**

**Paris, 15-17 June 2010**

*This document is for discussion at the meeting of the Working Group on Bribery to be held on 15-17 June 2010 under agenda item 9.*

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**FOLLOW-UP PROPOSAL FOR ACTION BY THE WORKING GROUP ON BRIBERY TO PREVENT AND DETECT BRIBERY OF FOREIGN PUBLIC OFFICIALS IN RECONSTRUCTING HAITI**

Note by Secretariat

(June 2010)

**Proposal for Assisting Haiti**

1. As discussed at the March 2010 Plenary of the Working Group on Bribery, the Group might be able to provide some assistance to the Haitian authorities in the event of credible allegations of the bribery of foreign public officials involving companies or nationals from Parties to the OECD Anti-Bribery Convention. This assistance could form part of the OECD institutional-wide efforts on Haiti.
2. Given that stemming the supply of bribes in international business transactions is an area in which the OECD has a significant comparative advantage, this could be an important area in which the OECD could make a difference in Haiti's reconstruction efforts. Conscious that any contribution by the Working Group should not put undue stress on scarce Haitian resources at this crucial moment, the Secretariat proposes the compilation of a reference guide solely for the purpose of assisting the Haitian authorities bring credible allegations and related information to the attention of relevant Parties to the Convention. Such a guide could be usefully adapted by the Working Group to respond to post-disaster situations in the future.
3. **The reference guide could provide the following information:**
  - a. **Names and contact information of appropriate authorities from Parties to the Convention to which credible allegations of the bribery of foreign public officials should be reported;**
  - b. **Names and contact information of the responsible authorities in Parties to the Convention on mutual legal assistance and extradition;**
  - c. **List of relevant criminal law treaties between Parties to the Convention and Haiti; and**
  - d. **French versions of Parties' offences of bribing foreign public officials.**
4. The reference guide could be shared with Parties' embassies to Haiti, as well as other multi-lateral government organisations involved in combating corruption in the Region, such as the United Nations, the Organization of American States, and the World Bank.
5. Since the reference guide could be made available eventually to other countries involved in similar post-disaster relief and reconstruction efforts, it could provide information on all the Parties to the Convention, not just those whose companies and nationals it appears at this stage are most likely to be

involved in Haitian reconstruction efforts. To ensure that the information in the reference guide is current, the Secretariat could update it annually.

6. The Secretariat could liaise with Working Group on Bribery delegations and prepare the reference guide for approval by written procedure by 31 August 2010, with the goal of sending it to the Haitian authorities in early September 2010.

7. The Secretariat would liaise with the OECD Haiti Task Force to determine the most effective way of transmitting the reference guide to the relevant authorities in Haiti.

8. Subject to the views of the Working Group, additional action could be taken in the longer term to address the steps outlined by the Working Group at its meeting in March 2010, and outlined below in paragraph 9.

## **Background**

### *Summary of Discussion at March 2010 Working Group on Bribery Meeting*

9. The Working Group on Bribery supported the overall goal in the Room Document tabled by the Secretariat at the March 2010 meeting on possible responses to the disaster in Haiti, and proposed certain steps that could be taken by its members (please refer to the Summary Record (DAF/INV/BR/M(2010)1) for a complete report of the discussions). The proposals put forward by the members of the Working Group on Bribery included the following:

- a. Coordination with anti-corruption efforts of other inter-governmental organisations involved in combating corruption, such as the United Nations and the Organization of American States;
- b. Possible coordination between embassies based on further discussion in the Working Group on Bribery;
- c. Raising awareness among enterprises of national and international frameworks criminalising the bribery of foreign public officials before engaging in business activities in Haiti;
- d. Where possible, adding a session on combating the bribery of foreign public officials to conferences and activities already planned or underway on Haiti; and
- e. Listing names and contacts of relevant law enforcement authorities and compiling relevant international cooperation agreements.

### *Summary of Developments on the OECD Institutional-Wide Response*

10. The institutional response by the OECD is led by the Development Assistance Committee (DAC). The main goal of the OECD response is to ensure that OECD principles and good practices are implemented by DAC donors<sup>1</sup> active in Haiti, together with their Haitian and international partners.

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<sup>1</sup> The DAC, one of the main committees of the OECD, has 24 members: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom, United States and the Commission of the European Communities.

Coordination of the OECD-wide response to Haiti's crisis is carried out by the OECD Haiti Task Force, which is led by the DAC Secretariat [the Development Co-operation Directorate (DCD)].<sup>2</sup>

11. In addition to the activities of the OECD Haiti Task Force, the OECD delivered an official statement outlining its support for the Government of Haiti at the International Donors' Conference Towards a new Future for Haiti, on 31 March 2010, at the United Nations in New York. The main thrust of the message, is the pledge by the OECD to: 1) recall good practices and commitments made by members' ministers and heads of agencies, which should be at the heart of the OECD response<sup>3</sup>; 2) monitor aid flows to Haiti over the next decade; 3) provide expertise and technical support in well-targeted areas based on the Haitian Government's National Recovery and Development Action Plan and its Post-Disaster Needs Assessment, and the OECD's areas of comparative advantage; and 4) play the role of an "honest broker", if considered useful, and host a progress meeting in six months to review the effectiveness, integrity and coherence of the collective response.

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<sup>2</sup> The OECD Haiti Task Force consists of representatives from the Centre for Co-Operation with Non-Members (CCNM), the Centre for Entrepreneurship (CFE), the Development Centre (DEV), the Directorate for Education (EDU), the Directorate for Financial and Enterprise Affairs (DAF), the Public Governance and Territorial Development Directorate (GOV), the Partnership for Democratic Governance (PDG), the Advisory Unit on Multidisciplinary Issues (SG/AU), and the Trade and Agriculture Directorate (TAD).

<sup>3</sup> These include the OECD Principles of Good Humanitarian Donorship and the Principles of Good International Engagement in Fragile States.