Evaluating the effevtiveness of the OECD anti-bribery convention:between commitments and enforcement

تقييم فعالية اتفاقية منظمة التعاون والتنمية الاقتصادية

لمكافحة الرشوة: بين الالتزامات والتنفيذ

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Abstract:

This Research Aims To Evaluate The Effectiveness Of The OECD Anti-Bribery Convention, The First Legally Binding International Instrument Addressing The Supply Side Of Foreign Bribery.

It Examines The Convention's Achievements In Harmonizing National Legal Frameworks, Expanding Corporate Liability, And Promoting Transparency And Accountability, While Also Identifying Persistent Gaps In Enforcement. Drawing On Recent International Reports (2024–2025), The Study Highlights Challenges Such As Weak Political Will, Uneven Implementation, And Limited Resources.

The Research Seeks To Provide A Comprehensive Assessment Of The Convention's Impact And Explore Prospects For Strengthening Its Deterrent Effect.

Key words: OECD Anti-Bribery Convention; Foreign Bribery; Working Group On Bribery; Peer-Review Mechanism; Corporate Accountability

Introduction:

Corruption, particularly in the form of bribery of foreign public officials, remains a persistent challenge to global economic integrity and institutional governance. The OECD Anti-Bribery Convention, adopted in 1997 and enforced from 1999, represents the first legally binding international instrument specifically addressing the "supply side" of foreign bribery. It obliges signatory states to criminalize bribery of foreign public officials, extend liability to both individuals and corporations, and ensure effective enforcement mechanisms, while promoting transparency and accountability in international business transactions.

Despite these commitments, transnational bribery continues to undermine fair competition, distort markets, and weaken public trust in institutions. The research problem addressed in this study concerns the effectiveness of the OECD Anti-Bribery Convention in achieving its objectives, especially given the varying levels of enforcement, political will, and resource allocation among member states. While the Convention has contributed to legal harmonization and corporate accountability, gaps in practical implementation and enforcement remain, raising questions about its real-world impact.

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This study assumes that: (1) the OECD Anti-Bribery Convention has helped reduce foreign bribery among signatory countries; (2) persistent enforcement gaps and uneven political commitment limit the Convention's deterrent effect; and (3) strengthening monitoring mechanisms and expanding global participation could enhance its overall effectiveness.

To examine these assumptions, the research relies on analysis of official documents, international reports, and relevant national case studies to provide a comprehensive assessment of both the Convention's framework and its practical application

1- THE OECD ANTI-BRIBERY CONVENTION FRAMEWORK AND GENERAL EVALUATION

The topic includes an introduction that briefly presents the Convention's framework, its core principles, achievements, and challenges

1-1:The fundamental principles of the convention

This requirement introduces the Convention's key principles, obligations for signatory states, and the foundation for its enforcement mechanisms

Firstly: Definition And Objectives Of The Convention

The OECD Convention On Combating Bribery Of Foreign Public Officials In International Business Transactions, Adopted In December1997 And Entering Into Force In 1999, Represents The First Legally Binding International Instrument That Focuses Specifically On The "Supply-side" Of Bribery, Namely The Person Or Entity That Offers Or Gives A Bribe. Today, Forty-Four Countries Have Joined The Convention, Including All OECD Members And Eight Non-Member States, Collectively Accounting For Around 81% Of Global Outward Foreign Direct Investment And Two-Thirds Of Worldwide Exports.

Under The Convention, Participating States Are Required To Criminalize The Bribery Of Foreign Public Officials In Their Domestic Legislation, Regardless Of Whether The Bribe Is Accepted, Offered Through Intermediaries, Or Directed To Third Parties Such As Family Members, Political Parties, Or Charities. The Agreement Obliges Parties To Hold Both Individuals And Corporations Liable, To Criminalize False Accounting And Money Laundering Linked To Bribes, To Deny Tax Deductibility Of Such Payments, And To Apply Effective And Dissuasive Sanctions. It Further Requires That Public Funds, Development Aid, And State-Backed Loans Remain Free From Corruption.

Implementation Is Overseen By The OECD Working Group On Bribery, Which Operates One Of The Most Rigorous Peer-Review Mechanisms In International Law. This Process Unfolds In Four Stages: The Initial Review Of The Legal Framework, The Evaluation Of Practical Implementation, A Third Stage Dedicated To Enforcement And Cross-Cutting Issues, And Since 2016, A Fourth Stage That Addresses Unresolved Matters And Conducts In-Depth Analysis Of Enforcement. Review Reports Are Publicly Available, And The Country Under Examination Cannot Veto The Findings. More Than 200 Recommendations Have Been Issued, Most Of Which Have Been Fully Or Partially Adopted, While Those Unimplemented Remain Subject To Ongoing Scrutiny.[1]

Secondly: General AchievementsAnd Remaining Challenges

Over Two Decades, The Convention Has Led To Tangible Progress. All 44 Signatories Have Criminalized Foreign Bribery, 18 Countries Abolished The Practice Of Deducting Bribes From Taxes, And Every Party Has Either Introduced Or Reinforced Corporate Liability Legislation. Whistleblower Protection Frameworks Have Also Been Created Or Expanded. Between1999 And 2015, At Least 560 Individuals And 184 Companies Were Sanctioned For Foreign Bribery, In Addition To 102 Persons And 23 Entities Convicted Of Related Offences Such As Money Laundering Or Fraudulent Accounting. As Of 2015, Approximately 500 Investigations Were

Ongoing In 30 Different Jurisdictions, Although 21 Countries Had Not Yet Concluded A Single Enforcement Action.

The Importance Of This Instrument Has Been Repeatedly Emphasized By OECD Leaders. Secretary-General Angel Gurría Described The Fight Against Bribery Of Foreign Officials As A Shared Value Uniting All Parties, While Drago Kos, Chair Of The Working Group, Stressed That Corruption Fuels Global Threats Ranging From Terrorism To Climate Change And Refugee Crises, Underscoring The Urgency Of Stronger Collective Action. Despite Remarkable Achievements, The Convention's Effectiveness Ultimately Depends On States' Willingness To Enforce It Consistently, Since Gaps In Implementation And Lack Of Political Will In Certain Jurisdictions Remain Major Obstacles To Eradicating Transnational Bribery.[2]

1-2: Evaluation of the convention in light of international reports

This requirement examines recent international reports to assess the Convention's practical effectiveness

Firstly: Transparency International Report 2024

In Its March 2024 Publication Marking Twenty-Five Years Since The OECD Anti-Bribery Convention Entered Into Force, Transparency International Underscores The Convention's Role As A Milestone In The Global Legal Framework Against Transnational Corruption. By Requiring States To Criminalize The "Supply-side" Of Bribery, It Closed A Major Legal Gap That Had Previously Allowed Some Industrialized Countries To Treat Foreign Bribe Payments As Tax-Deductible Expenses. The Report Notes That This Shift, Driven By Both The OECD Working Group's Peer-Review Mechanism And Civil Society Advocacy, Pushed Governments To Strengthen Corporate Accountability And Led To Landmark Measures Such As The UK Bribery Act Of 2010 And High-Profile Prosecutions Of Multinational Firms Like Siemens And BAE Systems.

At The Same Time, The Study Highlights A Decline In Enforcement Since 2018, With Only Two Countries Remaining "Active Enforcers" By 2022. This, It Argues, Reflects A Lack Of Political Will And Exposes Weaknesses In Holding Financial Institutions, Law Firms, And Auditors Accountable, Despite Their Central Role In Facilitating Bribery Schemes. Cases Involving Banks Such As HSBC And Credit Suisse Or Professional Firms Like Mossack Fonseca Illustrate Persistent Enforcement Gaps, Often Linked To Opaque Settlement Practices.

The Report Concludes That For The Convention To Remain Effective, States Must Strengthen The Independence And Resources Of Enforcement Bodies, Impose Clearer Obligations On Financial Intermediaries, And Ensure Greater Transparency And Victim Participation In Settlements. It Further Calls For Extending Commitments To Major Economies Outside The Convention — Such As China, India, And Singapore — To Reinforce Its Global Deterrent Effect..[3]

Secondly: OECD Integrity Outlook 2024

According To The OECD Integrity Outlook 2024, Which Evaluates The Effectiveness Of Integrity And Anti-Corruption Frameworks In Member States, Significant Progress Has Been Made In Developing Advanced Systems, Yet Implementation Challenges Persist. While Most OECD Countries Adopt Strategic Anti-Corruption Plans, Only About Two-Thirds Of Planned Activities Are Completed, Leaving One-Third Unimplemented. Risk Management And Internal Control Regulations Are Generally Robust, But Systematic Risk Assessments Are Still Rare. Similarly, Although Strong Conflict-Of-Interest Frameworks Exist, Only 40% Of Standard Practices Are Effectively Applied, And Sanctions For Violations Are Seldom Enforced. Overall, OECD Members Meet 61% Of Regulatory Standards, But Actual Implementation Falls To 44%, Creating A 17-Point Enforcement Gap.

Weaknesses In Data Collection And Monitoring Also Undermine Effectiveness. Many States Fail To Systematically Record National Budget Audits Or Follow Up On Internal Audit

Recommendations. Post-Employment Activities Of Officials, Including Cooling-Off Periods, Are Poorly Tracked, Weakening Revolving-Door Rules. Around 60% Of OECD Members Do Not Monitor The Implementation Of Their National Anti-Corruption Strategies. Although The OECD Public Integrity Indicators Help Fill Some Of These Gaps, Stronger National Monitoring And Evaluation Remain Essential.

The Report Further Shows That Integrating Quantitative Indicators Into Planning Improves Compliance, Though Results Vary Across Countries. Some Maintain Advanced Risk Management And Internal Audit Systems, While Others Conduct Them Only Sporadically. Likewise, Conflict-Of-Interest Declarations Are Inconsistently Verified, With Few States Checking More Than 60% Of Submissions.

Emerging Risks Also Require Expanded Attention. Collaboration Between Governments And Businesses During The Green Transition Increases Exposure To Corruption, While Artificial Intelligence Offers Opportunities For More Effective Detection And Prevention If Entrusted To Competent Authorities. Moreover, Addressing Foreign Interference And Strategic Corruption Risks Has Become Vital For Safeguarding Democratic Institutions.

Examples From Specific States Illustrate These Gaps : Strong Conflict-Of-Interest Rules Often Lack Verification Mechanisms ; Cooling-Off Periods Are Adopted But Not Monitored ; And Implementation Of Internal Audit Recommendations Varies Widely. These Weaknesses Reduce The Reliability Of Risk Mitigation Processes.

In Conclusion, The OECD Integrity Outlook 2024 Stresses That Closing Implementation, Monitoring, And Enforcement Gaps Is Key to Strengthening the Convention's Effectiveness. This Includes Enhancing Compliance With Strategic Plans, Improving Data Collection And Follow-Up, And Expanding Measures To Address New Risks Such As The Green Transition, AI, And Foreign Interference. Updating Policies On Lobbying, Political Finance, And Conflict Of Interest, While Fostering A Culture Of Integrity Across The Public And Private Sectors, Is Essential For Ensuring The Long-Term Effectiveness Of Anti-Corruption Efforts.[4]

2- Practical Application And Supporting Initiatives Of The Convention

The topic includes an introduction that presents case studies, national experiences, peer-review processes, and global partnerships that support the Convention

2-1 Case Studies And National Experiences

This requirement explores how the Convention is applied in practice through national case studies and Phase Three of the peer-review process.

Firstly: Phase Three Of The Peer-Review Process And The Case Of Vietnam

The OECD Anti-Bribery Convention Is Enforced Through A Peer Review System Composed Of Four Phases. The First Assessed Whether Signatory States Had Incorporated The Convention Into Their National Laws, While The Second Examined The Actual Enforcement Of Those Laws Through Investigations And Prosecutions.

The Third Phase Proved The Most Decisive, As It Focused On Corporate Behavior And The Exercise Of Extraterritorial Jurisdiction.

Studies, Such As Jensen And Malesky(2018), Showed That Phase Three Was Crucial In Reducing The Incidence Of Bribery Among Signatory Companies, Decreasing From 21.1% To 11.0%. In Contrast, Bribery Rates Among Non-Signatory Companies Increased To 40.7%, Highlighting The Convention's Success In Reducing Bribery Among Signatories, But Also Pointing To Challenges Related To Non-Signatories.

The Researchers Relied On An Objective Assessment Methodology To Measure The Actual Behavior Of Companies, Aiming To Go Beyond Perception-Based Surveys Or Self-Disclosure, Which Could Be Biased. Companies Were Divided Into Two Groups : The Treatment Group, Presented With A List Of Sensitive Bribery-Related Activities, And The Control Group, Which

Was Not Presented With Such Activities. By Comparing The Results Between The Two Groups, The Extent To Which Companies Engaged In Bribery Behaviors Was Determined Accurately, Allowing A Legally Informed Evaluation Of The OECD Convention's Impact On Signatory Companies In Vietnam.[5]

The Detailed Results Indicate That The Effect Of The Convention Did Not Become Significant Until The Implementation Of Phase Three Of The Peer-Review Process, During Which The Signatory Countries Began Enforcing Strict Oversight And Imposing Sanctions On Non-Compliant Companies. Prior To This Phase, There Was No Notable Impact On The Behavior Of Companies, Whether They Were Signatories To The Convention Or Not.

Considering The Small Sample Size In Some Analyses, Some Anomalous Values Were Observed In The Bribery Data, With Certain Companies Reporting Negative Bribes, Which Slightly Increased The Average Bribe Amount. Nevertheless, The Overall Impact On The Results Remained Consistent.

Phase Three Demonstrates That The Convention Clearly Contributed To Reducing Bribery Behavior Among Managers And Signatory Companies, Whether During Business Registration, Bidding For Government Contracts, Or Procurement Processes. Companies From Signatory Countries, Particularly Those With Strong Anti-Corruption Laws, Exhibited Lower Levels Of Bribery Compared To Companies From Non-Signatory Countries, Reflecting The Convention's Effectiveness Within Its Direct Scope.

However, The Data Also Indicate That The Convention Did Not Completely Eliminate Bribery In Vietnam, As Some Companies Continued To Pay Bribes In Certain Cases. This Shows That The Convention Alone, Especially In The Absence Of Strict Monitoring During Phase Three, Is Insufficient To Fully Eradicate Bribery. It Requires Integration With Robust Enforcement Mechanisms And Continuous Oversight To Ensure Comprehensive Impact, As Well As Encouraging Non-Signatory Countries To Join In Order To Achieve A Truly Global Effect.[6]

Secondly: The Case Of South Korea

South Korea Became A Member Of The OECD In 1996, Signed The Anti-Bribery Convention In December1997, And Enacted Its Domestic Implementation Law The Following Year. This Legislation Introduced Provisions Previously Absent In Korean Criminal Law, Such As Liability For Legal Persons And Penalties For Individuals Offering Bribes To Foreign Officials. It Also Enabled The Confiscation Of Illicit Assets Through The Special Act On The Confiscation And Recovery Of Proceeds From Corrupt Practices And Extended Protection To Whistleblowers After A 2015 Amendment.

Despite These Advances, Korea's Experience Has Shown Persistent Challenges. Courts Adopted A Restrictive Interpretation Of "International Business Transactions," Excluding Payments For Licenses Or Permits From The Law's Scope. Until Amendments In 2016, Bribery Conducted Through Intermediaries Was Also Inadequately Addressed, Allowing Corporations To Evade Liability.

Several Major Cases Illustrate These Shortcomings. Samsung Allegedly Transferred USD 20 Million In Bribes To Brazilian Officials Through An Intermediary, Yet Korean Authorities Did Not Prosecute. KT Corporation Made Unlawful Contributions In Korea And Vietnam, But Enforcement Came From U.S. Authorities Rather Than Domestic Prosecution. Similarly, DGB Financial Group Was Implicated In A USD 15 Million Bribery Case In Cambodia, But Korean Courts Declined To Hold The Parent Company Accountable, Citing The Legal Separation Of Its Subsidiary.

These Examples Highlight Weaknesses In Applying The Convention Domestically, Including Limited Judicial Interpretation, Insufficient Enforcement Against Large Corporations, And Cultural Factors Shaping The Distinction Between Giving And Receiving Bribes. OECD

Working Group Evaluations Have Repeatedly Emphasized These Gaps, Urging Korea To Strengthen Enforcement And Raise Awareness Of The Law.

In Summary, The OECD Anti-Bribery Convention Provided Korea With A Legal Framework To Criminalize Foreign Bribery, Extend Corporate Liability, Confiscate Illicit Assets, And Protect Whistleblowers—Achievements That Were Not Possible Before Ratification. However, Its Practical Impact Remains Constrained By Political Will, Judicial Attitudes, Corporate Influence, And Weak Enforcement Mechanisms. This Shows That While The Convention Is A Crucial Instrument, Its Effectiveness In Korea Ultimately Depends On Domestic Commitment, Clearer Judicial Interpretations, And Stronger Institutional Capacity To Ensure Consistent And Sustainable Enforcement.[7]

2-2 Advancing Implementation And Expanding Reach

This requirement discusses ongoing peer-review assessments and global/regional partnerships to strengthen anti-corruption measures.

Firstly: Progress Through Peer-Review Assessments(2024–2025)

The Convention Establishes A Mandatory Peer-Review Mechanism, Managed By The OECD Working Group On Bribery (WGB), To Ensure Countries Implement Their Anti-Bribery Obligations. Country Monitoring Reports, Developed Through Evaluations By Experts, Provide Recommendations That Are Discussed, Negotiated, And Adopted By Consensus. The Process Has Four Phases, With Phases 2–4 Involving Civil Society And Private Sector Input ; Phase 4 Started In 2016. Reports And Recommendations Are Published Publicly, And The WGB Continues To Monitor Implementation, Applying Additional Measures Or Issuing Public Statements If Countries Fail To Act Adequately.[8]

The Following Presents The Key Country Monitoring Reports For Phases 2–4 For 2024–2025, Highlighting The Progress Made By Countries In Implementing Anti-Bribery Recommendations:

- **Portugal – Phase 4 Follow-Up (2024)**

In October 2024, Portugal Submitted Its Phase 4 Follow-Up Report To The OECD Working Group On Bribery Regarding The Implementation Of The 2022 Review Recommendations. The Report Revealed That Only 5 Recommendations Had Been Fully Implemented, 20 Partially, While 20 Others Remained Unimplemented. This Raised Concerns Within The Working Group About The Lack Of Progress On Key Issues Such As Whistleblower Protection, Incentives For Self-Reporting, And Corporate Liability.

The Report Also Highlighted That Portugal Had Yet To Provide Regular And Specialized Training On Foreign Bribery For Public Officials, Had Not Addressed The Confiscation Of Proceeds In Bribery Cases Or The Issue Of Lenient Sanctions Against Natural And Legal Persons, And That Legal Loopholes Allowing Companies To Evade Liability Persisted. Moreover, Foreign Bribery Risks Had Not Been Integrated Into Corruption Risk Management Plans Of Public Bodies, And Institutions Such As The Camões Institute For Cooperation And Language (CICL) And The Development Finance Institution (SOFID) Were Not Required To Check International Exclusion Lists Before Granting Benefits.

Although The Report Was Published On The Ministry Of Justice Website And Covered In The Media, The Working Group Concluded That Progress Remained Limited, Converting Some Recommendations Into Follow-Up Issues And Requiring Portugal To Submit An Additional Report Within Two Years. The OECD Evaluates Follow-Up Actions Through A Structured And Transparent Process Based On Regular Written Reports, Classification Of Implementation Levels (Fully, Partially, Or Not Implemented), And Monitoring Of Investigations, Prosecutions, And Sanctions To Ensure Practical Enforcement. It Also Encourages States To Develop Indicators And Collect Data To Track Progress And Clarify Legal Interpretations, While Making Reports Public

To Enhance Transparency And Accountability. This Strict Monitoring Mechanism Aims To Foster Continuous Improvement And Ensure Portugal's Compliance With International Anti-Bribery Standards.[9]

- **Croatia – Phase 2 Evaluation (2024)**

The Phase 2 Evaluation Of Croatia's Compliance With The Anti-Bribery Convention Reveals That Its Legal Framework Allows For The Refusal Of Mutual Legal Assistance Requests If They Concern Political Or Tax Offenses, Or Issues Of Sovereignty. Refusal Is Also Permitted Under The Principle Of Ne Bis In Idem ("No Double Jeopardy"), Which Remains Broadly Interpreted, While The Lack Of Adequate Statistics And Resources Further Undermines Cooperation. Regarding Extradition, Although Foreign Bribery Is Classified As An Extraditable Offense, Croatia Does Not Extradite Its Nationals Except In Limited Cases, Preferring Instead To Prosecute Them Domestically ; However, Available Data In This Area Remain Insufficient.

In Terms Of Criminalization, Article 294 Of The Criminal Code Prohibits The Bribery Of Foreign Public Officials, Yet Practice Shows An Overreliance On The Offense Of "Abuse Of Office," Which Does Not Extend To Foreign Officials. Further Shortcomings Include The Exclusion Of Members Of Foreign Legislative Bodies From The Scope Of The Law And The Availability Of A "Effective Regret" Defense, Which Allows Exemption From Liability In Cases Of Early Confession And May Undermine Deterrence. With Respect To Corporate Liability, The Law Requires Proof Of Intent Or Knowledge On The Part Of A Responsible Individual Within The Company, Creating Obstacles To Prosecution, While Gaps Persist Concerning Affiliated Or Dissolved Companies.

As For Jurisdiction, Croatian Law Does Not Cover Preparatory Acts, Such As Bribery Arrangements Sent By Email From Croatia To Another Country, Despite Recognizing Nationality-Based Jurisdiction And Certain Forms Of Universal Jurisdiction. Consequently, The OECD Report Recommends Legislative And Procedural Reforms To Expand Jurisdiction, Close Legal Loopholes, Review The Corporate Liability Framework, And Strengthen Resources And Statistical Reporting, All To Ensure Greater Transparency, Accountability, And Effective Enforcement Of Foreign Bribery Cases In Line With The Convention's Standards.[10]

- **Luxembourg – Phase 4 Follow-Up (2024)**

Since Its Phase 3 Evaluation In 2011, Luxembourg Has Undertaken Notable Legislative And Institutional Reforms To Enhance Its Compliance With The OECD Anti-Bribery Convention. Among These Reforms, The Constitutional Changes Effective From 1 July 2023 Are Particularly Significant, As They Aim To Strengthen And Modernize The Status And Independence Of Judges And Prosecutors. Despite These Advances, The Effectiveness Of The Reforms Is Constrained By Systemic Resource Limitations Across The Criminal Justice System. Although Luxembourg Has Achieved Its First Convictions Of Natural Persons For Foreign Bribery Since The Convention's Entry Into Force, Enforcement Of The Foreign Bribery Offence Remains Weak And Continues To Raise Concerns.

The Report Highlights That Luxembourg Needs To Improve Its Identification And Management Of Foreign Bribery Risks Facing Domestic Companies And Calls For A More Proactive Approach To Investigating And Prosecuting Bribery Of Foreign Public Officials, Both For Individuals And Corporate Entities. Recommendations Include Ensuring Sustainable Allocation Of Resources, Increasing Fines For Natural And Legal Persons To Enhance Deterrence, And Strengthening Detection Mechanisms, Including Through Anti-Money Laundering Channels.

Positive Developments Are Also Noted. Luxembourg Has Introduced An Ambitious Legal Framework For Whistleblower Protection, Aligning Closely With International Standards And Integrating Best Practices. The Adoption Of Plea-bargaining In The Form Of A "Judgment Upon Agreement" Is Expected To Facilitate The Resolution Of Complex Financial Cases. The Country

Has Also Made Significant Efforts To Improve Its Legislative Framework For Mutual Legal Assistance, Establishing Itself As A Reliable Partner For Executing MLA Requests From Convention Signatories. Legislative Amendments Have Further Extended And Clarified The Confiscation Regime And Established Corporate Liability Where Failures Of Supervision Or Control Allow Offences To Occur.

Luxembourg Is Scheduled To Submit A Comprehensive Written Report To The OECD Working Group On Bribery In March 2026 Detailing The Implementation Of All Recommendations And Its Enforcement Efforts.[11]

- **Türkiye– Phase 4 Follow-Up (2024)**

Since Its Phase 4 Evaluation, Türkiye Has Significantly Increased The Corporate Fines Applicable To Foreign Bribery And Extended Liability To State-Owned Enterprises. Despite These Legislative Measures, The Country Has Yet To Pursue Any Foreign Bribery Cases Effectively, With No Individuals Or Companies Held Accountable. Most Allegations Remain Uninvestigated. The Independence Of The Judiciary And Prosecutorial Authorities Has Weakened, Raising Concerns About The Enforcement Of Anti-Bribery Laws, Particularly As Turkish Companies Expand Into Sectors And Countries With High Corruption Risks, Including Defense And Construction.

The Report Highlights Additional Longstanding And Emerging Issues. For 17 Years, Türkiye Has Not Implemented A Recommendation To Protect Whistleblowers, And Almost All Media-Reported Foreign Bribery Allegations Have Gone Undetected. Press Censorship And Restrictions On Investigative Journalism May Further Hinder Detection. The Corporate Liability Framework Remains Unclear Regarding Whether Prosecution And Conviction Of A Natural Person Are Required, And Türkiye Lacks A Comprehensive National Strategy To Combat Foreign Bribery Despite Its Economic Significance And Export Activities.

The Working Group On Bribery(WGB) Recommends That Türkiye Take Concrete Steps To Detect, Investigate, And Prosecute Foreign Bribery, Designate A Dedicated Prosecutorial Unit For These Offences, Ensure Judicial And Prosecutorial Independence From Undue Influence, Enhance Corporate Liability Legislation And Its Enforcement, And Adopt Whistleblower Protection Legislation Along With A National Anti-Bribery Strategy.

Some Progress Has Been Noted. Türkiye Has Strengthened Its Framework For Mutual Legal Assistance And Extradition, Ratified An International Convention For The Exchange And Use Of Tax Information In Bribery Investigations, And Mandated Foreign Bribery Training For Staff In The Export Credit Agency And The Ministry Of Foreign Affairs. Anti-Money Laundering Regulations And Corporate Transparency Measures Have Also Been Reinforced.

Türkiye Is Expected To Submit A Written Report To The WGB In June2026 Detailing Its Implementation Of All Recommendations And The Results Of Its Enforcement Efforts.[12]

- **Spain – Phase 4 Follow-Up (2025)**

The Follow-Up Report Indicated That Spain Has Made Progress In Certain Institutional And Legislative Areas Since The Original Phase 4 Evaluation, Particularly In The Field Of Whistleblower Protection Through The Adoption Of A National Legal Framework (Law 2/2023), The Establishment Of Internal Reporting Channels, And The Provision Of Specialized Training For Certain Entities. In Addition, Accounting And Auditing Bodies Issued Practical Guidelines On Detecting Indicators Of Bribery In Financial Audits.

However, The Report Noted Shortcomings In The Pace Of Investigations And Prosecutions Related To Foreign Bribery Compared To The Scale Of Spain's International Engagement, Further Observing That The Number Of Cases Resulting In Final Convictions Remains Limited. It Also Highlighted Continuing Operational Gaps Concerning Corporate Liability, Procedures For International Cooperation, And Mechanisms For Monitoring Mutual Legal Assistance (MLA) And

Extradition Requests. Accordingly, The Working Group Recommended Continuing To Collect More Detailed Enforcement Data, Strengthening Prosecutorial And Investigative Capacities, And Tightening Compliance And Governance Measures Within The Private Sector To Ensure Effective Deterrence.[13]

- **Belgium – Phase 4 Follow-Up (2025)**

The Follow-Up Report On Belgium Highlighted Notable Developments In The National Framework Against The Bribery Of Foreign Public Officials. It Emphasized That Significant Legislative Reforms Had Been Undertaken, Including The Expansion Of Jurisdiction To Cover A Broader Range Of Cross-Border Acts And The Strengthening Of Whistleblower Protection Measures—Steps Considered Essential To Foster Trust And Encourage The Reporting Of Misconduct. The Report Further Noted That Amendments To Limitation Rules Represented A Positive Element In Reducing The Risk Of Impunity.

Nevertheless, The Assessment Underlined Persistent Shortcomings, Particularly The Insufficiency Of Human And Financial Resources Allocated To The Prosecution Services And Investigative Authorities, Which Undermines Their Capacity To Address Complex International Bribery Cases Effectively. Moreover, The Number Of Prosecutions And Final Convictions For Foreign Bribery Remains Low And Does Not Yet Reflect The Potential Of Belgium's Judicial System. In Addition, The Report Pointed To The Lack Of Effective Practical Enforcement Of Sanctions Against Legal Persons, Weakening The Deterrent Effect On Large Economic Actors. Consequently, The Working Group Recommended Enhancing Prosecutorial And Institutional Capacities, Improving The Tracking And Statistical Monitoring Of Mutual Legal Assistance (MLA) And Extradition Requests, And Encouraging The Private Sector To Adopt Stronger Compliance And Internal Control Programs To Ensure A Comprehensive Response To The Risks Of Foreign Bribery.[14]

- **Denmark – Phase 4 Follow-Up (2025)**

The OECD Phase 4 Two-Year Follow-Up Report On Denmark (2025) Indicates That Denmark Has Fully Implemented Only Six Out Of 55 Recommendations, Partially Implemented 12, And Left 37 Unimplemented, With One Recommendation Still Under Follow-Up. The Report Highlights Progress In Enforcement, Including The Imposition Of A DKK 10 Million (EUR 1.3 Million) Fine On A Danish Company In The "Power Plant" Case. However, Several Systemic Issues Remain, Particularly Concerning Corporate Liability, Enforcement Against Natural Persons, And The Protection And Incentivization Of Whistleblowers.

The OECD Stresses The Need For Denmark To Strengthen Oversight Mechanisms, Enhance The Collection Of Enforcement Statistics, Clarify Interpretations Of Legal Provisions, And Improve Coordination Between Public Authorities And Private Sector Compliance Programs. The Report Also Emphasizes The Necessity Of Consistent Monitoring Of Ongoing Foreign Bribery Cases To Ensure That Sanctions Are Proportionate, Effective, And Dissuasive, And That Corporate Accountability Is Not Dependent On The Prosecution Of Individual Employees.[15]

- **South Africa – Phase 4 Follow-Up (2025)**

The OECD Phase 4 Two-Year Follow-Up Report On South Africa(2025) Reveals That While South Africa Has Made Some Institutional And Legislative Improvements Since The Original Phase 4 Evaluation, Several Significant Gaps Remain. Positive Steps Include Legislative Amendments Clarifying Corporate Liability, Limited Enhancements In Whistleblower Protection, And Efforts To Strengthen Public Sector Compliance And Training. Despite These Measures, Enforcement Against Foreign Bribery Remains Inconsistent, With Few Cases Resulting In Convictions.

Challenges Highlighted Include Insufficient Investigative Resources, Delays In Mutual Legal Assistance (MLA) And Extradition Requests, Limited Data On Enforcement Outcomes,

And Operational Gaps In Holding Legal Persons Accountable. The OECD Report Calls For Improved Collection And Publication Of Enforcement Statistics, Enhanced Coordination Among Law Enforcement Agencies, And Stronger Private Sector Compliance Programs To Ensure That Anti-Bribery Measures Are Effective, Proportionate, And Dissuasive.[16]

Secondly : Global partnership and regional anti-corruption framework

- **OECD Anti-Corruption Network (ACN)**

The OECD Anti-Corruption Network For Eastern Europe And Central Asia (ACN) Was Created In 1998 To Promote Anti-Corruption Reforms, Strengthen Integrity, And Support International Cooperation. It Serves As The Main OECD Regional Forum On Corruption For Transition Economies.

Its Core Mechanism Is The Istanbul Anti-Corruption Action Plan (IAP), A Peer Review Program Covering 10 Countries. It Evaluates Legislation, Institutions, And Practices Against International Anti-Corruption Standards, With Strong Participation From Civil Society And Transparency Organizations.

The ACN Also Manages The Law Enforcement Network (LEN), Which Connects Investigators And Prosecutors Working On Complex Corruption Cases, Helping Them Exchange Best Practices And Improve Cooperation. In Parallel, The Business Integrity Group (BIG), Launched In 2021, Focuses On Strengthening Corporate Compliance, Responsible Business Conduct, And Anti-Bribery Measures In The Private Sector.

Beyond Regional Programs, The ACN Implements Country-Specific Projects, Tailored To National Needs—For Example, Reform Support In Ukraine, Kazakhstan, And Uzbekistan. These Projects Address Issues Like Prevention, Law Enforcement Capacity, And Business Transparency.

The ACN Works Closely With International Partners, Including The U.S. Department Of State, Liechtenstein, And The European Union, Which Provide Financial And Strategic Support. In 2024, The Network Advanced Its Role Through The "EU For Integrity Programme – Phase II," Aimed At Reinforcing Peer Reviews, Law Enforcement Cooperation, And Private Sector Integrity In Eastern Partnership Countries.[17]

- **Anti-Corruption Initiative For Asia And The Pacific**

The Anti-Corruption Action Plan For Asia And The Pacific, Launched By The OECD In Cooperation With The Asian Development Bank (ADB), Serves As A Regional Strategic Framework To Promote Integrity, Transparency, And Good Governance. Unlike General Principles, The Plan Outlines Concrete Measures Such As Reforming Legislation, Strengthening The Independence Of Anti-Corruption Bodies, Adopting Transparency Mechanisms In Procurement And Public Administration, And Protecting Whistleblowers. It Also Emphasizes The Use Of Modern Technologies For Oversight, The Engagement Of Civil Society And Media, And The Promotion Of International Cooperation Through Information Sharing And Asset Recovery.[18]

Within This Framework, The Anti-Corruption Initiative For Asia And The Pacific (ACI) Operates Under The Joint Secretariat Of The OECD And ADB, Fostering Regional Cooperation By Bringing Together Policymakers, Practitioners, Experts, And Private Sector Leaders To Exchange Experiences And Best Practices In Combating Corruption And Strengthening Business Integrity. Thanks To This Shared Reference Point, Countries Are Now Better Equipped To Measure Progress, Update Policies, And Build Institutional Capacity, Making The Initiative A Practical And Essential Tool In The Fight Against Corruption And A Cornerstone Of The OECD's Role In Advancing Good Governance And Sustainable Development In The Asia-Pacific Region.[19]

- **The Integrity And Anti-Corruption Action Plan For Latin America And The Caribbean (LAC)**

Was Launched As An Outcome Of The Third High-Level Meeting Of The OECD Latin America Regional Programme, Held In Lima, Peru, On 18–19 October2013, Under The Theme "Integrity For Good Governance : From Commitments To Action." The Meeting Brought Together Senior Officials From Argentina, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, The Czech Republic, The Dominican Republic, Ecuador, El Salvador, Germany, Guatemala, Honduras, Israel, Italy, Jamaica, Mexico, The Netherlands, Panama, Paraguay, Peru, Poland, Portugal, Spain, Sweden, Switzerland, The United Kingdom, The United States, And Uruguay, Alongside Representatives From The European Union, The Inter-American Development Bank (IDB), The Organization Of American States (OAS), The World Bank, The Development Bank Of Latin America(CAF), The UN Economic Commission For Latin America And The Caribbean (ECLAC), And Other Regional And International Organizations.

The Action Plan Aims To Support Latin American And Caribbean Countries In Designing And Implementing National Integrity And Anti-Corruption Strategies That Translate Political Commitments Into Concrete Actions, In Line With Pledges Made At The Summits Of The Americas. It Lays Out A Comprehensive Set Of Measures, Including : Political Dialogue Through Regional Networks That Bring Together Governments, International Organizations, And Civil Society Stakeholders To Exchange Knowledge And Experiences ; Policy Reviews And Evaluations That Provide Evidence-Based Recommendations ; Accession To Legal Instruments That Set Guiding Principles For Policymakers ; Implementation Support Through Technical Advice And Capacity-Building ; And The Preparation Of Policy Briefs And Regional Publications Summarizing Lessons Learned And Highlighting Regional Developments.

The Plan Seeks To Foster Tangible Progress By Engaging OECD Member Countries, States From The LAC Region, And The Broader International Community In A Coordinated Effort To Strengthen Public Trust In Institutions, Enhance Government Accountability, And Promote A Culture Of Integrity Across The Public Sector, Private Sector, And Society At Large. The OECD Latin America And Caribbean Regional Programme (LACRP) Serves As A Key Platform For Monitoring The Implementation Of This Plan, Sharing Good Practices, And Developing Both National And Regional Projects Aimed At Strengthening Governance And Institutions, Including Support For The Implementation Of The Inter-American Convention Against Corruption And Other Relevant International Frameworks.[20]

- **African Law Enforcement Network (AFR LEN)**

The African Law Enforcement Network (AFR LEN) Is A Regional Initiative Officially Launched In April 2024 During Its Inaugural Meeting Hosted By The Mauritius Financial Crimes Commission, In Collaboration With The Organization For Economic Co-Operation And Development(OECD) And The African Development Bank. The Launch Followed A Successful Pilot Meeting Held In South Africa In 2022. The Network Is Co-Chaired By Mauritius, Represented By Dr. NavinBeekarry, Director-General Of The Financial Crimes Commission, And South Africa, Represented By Major General John Matroos Of The South African Police Service.

AFR LEN's Main Objective Is To Strengthen Informal Cooperation Among African Law Enforcement Authorities And Members Of The OECD Working Group On Bribery(WGB), Especially Given That South Africa Is Currently The Only African Member Of The WGB, With Mauritius Expected To Join Soon. The Network Provides A Platform For Peer-To-Peer Exchanges, Capacity Building, And Confidential Discussions Among Investigators And Prosecutors On Complex And Cross-Border Corruption Cases.

Its Inaugural Meeting Brought Together Representatives From 22 Countries, Creating An Opportunity To Enhance Collaboration, Share Experiences, And Define The Network's Work Programme Priorities. AFR LEN Is Designed To Equip African Law Enforcement Bodies With

Professional Contacts Across The Continent And With International Partners, And To Launch A Practical Platform For Cooperation On Transnational Corruption Cases. This Makes It An Important Milestone In Promoting Business Integrity And Combating Bribery And Financial Crimes Across Africa.[21]

Conclution

The OECD Anti-Bribery Convention Has Achieved Significant Legislative And Institutional Successes, Yet It Continues To Face Persistent Challenges In Practical Enforcement. Since Its Entry Into Force, The Convention Has Established An Advanced International Legal Framework For Criminalizing Cross-Border Bribery, Prompting Member States To Align National Laws, Criminalize Foreign Bribery, Enhance Corporate Responsibility, And Integrate Whistleblower Protection Systems. The Third Phase Of The Peer Review Mechanism Showed A Tangible Reduction In Bribery Rates Among Companies In Signatory States, As Evidenced By The Case Of Vietnam.

However, Recent Evaluation Reports (2024–2025) Indicate A Clear Gap Between The Legal Framework And Practical Enforcement. TransparencyInternational's25th-Anniversary Report Highlighted A Decline In Political Will, Fewer Active Enforcers, And Weak Accountability Among Financial And Professional Institutions That Facilitate Bribery And Money Laundering. The OECD Integrity Outlook 2024 Report Confirmed A 17-Point Implementation Gap Between Legislative Commitments And Practical Enforcement, Citing Shortcomings In Monitoring And Follow-Up Systems, Limited Resources For Law Enforcement Agencies, And Local Factors Such As Narrow Judicial Interpretation Of International Transactions And Weak Political Will In Confronting Corporate Influence, As Seen In South Korea.

Fourth-Phase Follow-Up Reports Revealed Disparities Among Countries : Luxembourg, Spain, And Belgium Achieved Legislative And Institutional Progress Through Reforms In Whistleblower Protection And Expanded Criminal Liability, While Other Countries, Such As Turkey And Portugal, Lagged In Implementing Recommendations.

The OECD Has Also Strengthened The Convention's Effectiveness Through Regional Initiatives, Including The ACN Network For Eastern Europe And Central Asia, The Asia-Pacific Initiative In Cooperation With The Asian Development Bank, The Integrity Plan In Latin America And The Caribbean, And The African Law Enforcement Network (AFR LEN) In 2024. These Initiatives Expanded The Convention's Reach Beyond Traditional OECD Membership And Provided Platforms For Cooperation And Best-Practice Exchange, Although Their Impact Depends On The Commitment Of Local States To Implement Recommendations.

In Conclusion, The Convention Has Significantly Reshaped The International Legal Framework Against Foreign Bribery And Led To Important Legislative And Institutional Changes. However, It Still Faces Practical Enforcement Gaps, Disparities Between Countries, And Weak Accountability Among Key Actors. Its Full Effectiveness Therefore Remains Contingent On Stronger Political Will, Sufficient Resources, And Stricter Monitoring Mechanisms To Achieve Its Full Deterrent Impact.

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