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Prohibiting bribe payments to foreign political parties

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La Pietra Recommendations

A group of 28 individuals from nine countries from the private sector, public institutions and civil society met at the invitation of Transparency International (TI) at the Villa La Pietra, Florence, Italy, from 12-14 October 2000. The purpose of the meeting was to review issues relating to corruption and political party financing, particularly in the context of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

The participants are convinced that political party corruption is a major problem in most countries around the world - in industrialised countries as well as in developing countries and countries in transition. Bribe payments to party officials have played an important role in major bribery scandals around the world.

In the established democracies, political corruption contributes to a growing disillusionment with democratic processes, evidenced by declining levels of voter participation. In the emerging democracies and countries in transition, political corruption, often fed by corruption in international business transactions, poses an even greater threat to the sustainability of democratic institutions.

Participants agree that the present process of expansion of international business must be accompanied by the development of effective international standards of conducts. This is increasingly recognised in the fields of corporate governance, competition policy and rules for accounting and audit. Participants believe that expanding international trade must also be accompanied by effective measures against corruption, and they commended the OECD for its leadership role in the adoption of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

Concerns were expressed that the Convention's prohibition of bribe payments to foreign public officials does not fully prohibit bribe payments made to foreign political party officials. Participants recognise that payments to political parties may be used to circumvent the intended impact of the Convention.

Participants are also concerned to ensure that, with increasing privatisation of traditional government functions, the issue of bribery within the private sector requires attention.

Against this background the participants recommend the following actions to the OECD:

1. ***The OECD should ensure that bribe payments to foreign political parties and their officials are effectively prohibited through its instruments. Such a prohibition should cover bribe payments made "to obtain or retain business or other improper advantage" in order to have the same scope as the prohibition against the bribing of foreign public officials.***
2. ***Governments should take effective action to implement such a prohibition in a manner consistent with their legal systems. In some countries such action could include a prohibition against "trading in influence", as provided for in the Council of Europe's Criminal law Convention Against Corruption.***
3. ***In order to achieve greater transparency, political parties in states that have signed the OECD Convention should be required to make prompt***

and appropriate disclosure of contributions and expenditures. Corporations should also be required publicly to report political contributions and to comply with reporting and other requirements imposed by the countries where such contributions are made.

- 4. The states that have signed the OECD Convention should prohibit corporations based in their own countries from making political party contributions in violation of the laws of the foreign countries where the contributions are made.***
- 5. The development of effective mechanisms to deal with bribery within the private sector is a matter of growing urgency. Action in this area may also be a means by which to address aspects of political party corruption.***

The participants agreed that their proposals should be submitted formally to the OECD Working Group on Bribery. They also agreed to function as a continuing advisory group to assist Transparency International (TI) in promoting reform of political financing, at the OECD and in other national and international fora.

The participants requested their Co-Chairmen, Prof. Dr. Peter Eigen, Chairman of Transparency International, and the Hon. John Brademas, a member of the TI International Advisory Council, to issue a press statement on behalf of the meeting.

*La Pietra, Italy
14 October 2000*