

# IRISH AID STATEMENT on The OECD Foreign Bribery Convention

April 2008

1. The principal provisions of the [Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#), done at the OECD at Paris on 21 November 1997 (N<sup>o</sup> 2 in the Irish Treaty Series 2003) are as follows:
  - States Parties are obliged to make "bribery of a foreign public official" a criminal offence in their domestic laws. Such bribery may be direct or through an intermediary but must be done in return for the official concerned acting or refraining from acting in relation to the performance of official duties "in order to obtain or retain business or other improper advantage in the conduct of international business." Complicity in or authorisation of such an act is likewise to be a criminal offence (Article 1).
  - A foreign public official is "any person holding a legislative, administrative or judicial office of a foreign country, whether appointed or elected; any person exercising a public function for a foreign country, including for a public agency or public enterprise; and any official or agent of a public international organisation."
  - Each State Party shall take measures to enable prosecution in its own courts for bribery of a foreign public official when committed either within its own territory or by one of its own nationals abroad (Article 4).
  - Investigation and prosecution of offences "shall not be influenced by considerations of national economic interest, the potential effect upon relations with another State or the identity of the natural or legal persons involved" (Article 5).
  - States Parties shall co-operate in carrying out a programme of systematic follow-up to monitor and promote the full implementation of the Convention within the OECD Working Group on Bribery in International Business (Article 12).
2. Ireland ratified the Convention on 22 September 2003 and it entered into force on 21 November 2003. The full text of the Treaty is available on the Department of Foreign Affairs website at the following address:  
  
<http://www.dfa.ie/uploads/documents/treaties/docs/200302.pdf>
3. Ireland strongly supports good governance and will not tolerate efforts to bribe or corrupt foreign public officials. Poor governance is a problem in many developing countries, including some of Ireland's programme countries. Bribery greatly hinders development and reduces the effectiveness and impact of development assistance.
4. The **White Paper on Irish Aid**, which was approved by the Government and published in September 2006, sets out the guiding

principles of Ireland's overseas development aid programme. One such core principle provides that improving governance, reducing corruption and building democracy and accountability must be integral parts of Irish Aid's work.

5. The bribery of foreign public officials is a serious criminal offence under Irish law. The Oireachtas enacted the [Prevention of Corruption \(Amendment\) Act 2001](#) to make provision for the Convention in Irish law, including the creation of new offences. The penalty on summary conviction is a fine not exceeding €3,000 or imprisonment for a term not exceeding 12 months, or both, and on conviction on indictment is an unspecified fine or imprisonment for a term not exceeding 10 years, or both.
6. It is expected that [new legislation](#) will be enacted by the Oireachtas later this year to further strengthen our domestic law on bribery in relation to foreign public officials and to give fuller effect to certain provisions of the Convention.