Opening Remarks

at

The Regional Meeting on Curbing Foreign Bribery in ASEAN Economic Community

by

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H.E. Tom Som, President of the National Council Against Corruption

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Excellencies, Distinguished participants,

Arun suor sdei and a very Good morning.

On behalf of the United Nations in Cambodia, let me warmly welcome you to the Regional Meeting on Curbing Foreign Bribery in ASEAN Economic Community.

Excellencies, Distinguished participants,

US$ 1 trillion! This is the figure that World Bank Institute released in 2004 as a conservative estimate of the amount of bribers paid annually around the globe. Put differently, US$1 trillion is amount of lost opportunities, health, education, water sanitation, social support and development projects that could have been implemented around the globe. Just to put things in perspective, a small fraction of that amount would have covered the total immunization costs for the 72 poorest countries of the World from 2006 to 2015, according to WHO-UNICEF strategy.

It’s not surprising that the current debates on the new (post-2015) sustainable development goals include indicators related to rule of law, including reducing bribery. The global anti-corruption discourse has, indeed, come a long way during the past two decades.

While, a few decades ago companies from developed countries could claim bribe payments as tax deductible expenses, today the bribery of foreign public officials is no longer be regarded as “just the way business is done”—at least according to international conventions. However, we still face a climate of impunity for the bribe receiver and the bribe giver that is no longer acceptable. There is increasing awareness that corruption and bribery undermine justice, fair and open competitiveness, economic development and ultimately human rights. Because of the greed and graft of some, public contracts go to the highest bribe payer, not to the best proposal, impacting the quality of infrastructure, and raising the costs of goods and services, resulting in higher inequalities. Because of the greed and graft of some, countries are deprived of fair and open markets divert investments and the chances of a growing prosperity. Because of the greed and graft of some, the rule of law is disrespected, good governance is undermined, justice is not served and citizens’ confidence in their institutions is shaken. Because of the greed and graft of some, the chance for a brighter future for all and the realization of an inclusive growth is stolen away. In other words, the greed and graft of some undermines whole institutions, even whole governments.
For all these reasons, foreign bribery MUST be outlawed. Of course criminalization and thorough legislations on foreign bribery is the essential precondition, but it won’t be enough to curb this corrosive practice. What it takes is a vigorous enforcement, giving a clear message to the firms tempted to bribe and to the public officials who receive the bribe that they will not get away with it, that they cannot enrich themselves to the detriment of the citizens, economic development and rule of law. What it takes is international cooperation and hand-in-hand investigative, prosecutorial and judicial work, which are essential to deter a phenomenon that is by definition transnational. What it takes is the active participation of all stakeholders in the fight against corruption: private sector, civil society, media and academia, all share the responsibility with governments to make a change.

Paving the way to the realization of these requirements is all what this meeting is about. During two days, participants will engage in exchanges and discuss the main challenges faced in the region to effectively fight foreign bribery. Joining us in this meeting are representatives from national Anti-Corruption Authorities of Southeast Asia, Australia, Japan, Switzerland and USA as well as officials working in the area of mutual legal assistance. International organizations and regional fora, civil society groups, multinational companies and law firms, together with international experts from around the world are all gathered here to collaborate and share experiences and good practices on Curbing Foreign Bribery in the ASEAN Economic Community.

I invite you to share your expertise and reflect on the four main themes of this meeting:
1. on the development of comprehensive foreign bribery legislation;
2. on the enforcement of foreign bribery laws through investigation and prosecution;
3. on international cooperation and a mutual legal assistance framework;
4. on the prevention of foreign bribery and corporate compliance.

Given the wealth of knowledge and expertise that is available in this region, we hope that the format of this meeting, mixing plenary sessions and break-out discussions, will provide an opportunity for the active participation of all experts and practitioners including effective South-South exchange. The final aim of the meeting is to agree on a set of recommendations on the development of effective bribery legislation and a mutual legal assistance framework.

All the States in Southeast Asia have ratified the United Nations Convention against Corruption that specifically criminalizes foreign bribery and calls for effective mutual legal assistance frameworks. Yet, a lot remains to be done to build comprehensive laws against bribery and put in place efficient techniques and processes to implement them.

However, I would like to underscore the aim is NOT to have companies behave differently abroad. An effective anti-bribery regime in the region requires each State to
establish an effective anti-bribery regime at home. Each State putting in place domestic anti-bribery norms and mechanisms must promote compliance among its corporations doing business at home and abroad.

Tackling bribery is a growing concern in the region as intra-ASEAN trade and investment are increasing and as companies from the region are more and more present in international markets. There is increasing awareness that businesses and foreign direct investment are reluctant to enter into markets affected by weak governance and corruption.

As ASEAN embarks on developing an Economic Community by 2015, it is more than ever time to find solutions to protect market stability and fair playing field. It is time for us to take our responsibility and act in this area. Without properly addressing foreign bribery in ASEAN region, the economic integration is doomed to fail.

One certainty must accompany our efforts during these two days: that it is not only possible to muster the financial, human, technical resources demanded to curb foreign bribery, but the efforts that this challenging struggle requires are worthwhile and indeed, imperative. When will is behind it, the rest will follow. Economically, politically, and above all, from a human development and human rights perspective, our investment can yield a high interest.

Ladies and Gentlemen,

In closing allow me to thank our host, the Anti-Corruption Unit of the Kingdom of Cambodia for their warm hospitality, the United Nations Office on Drugs and Crime for Southeast Asia for co-organizing this event and the Government of Japan for their kind financial support to this event. I’d also like to thank YOU all: the distinguished delegates, regional and international experts from anti-corruption agencies, central authorities for MLA, international organizations, private sector, civil society, and criminal justice sector for taking the time to join and share your knowledge and experience.

I wish you a fruitful two days, and I hope that we can all contribute to a brighter future for the ASEAN region.

Thank you.