

No. 49274

Multilateral

Convention on combating bribery of foreign public officials in international business transactions (with annex). Paris, 17 December 1997

Entry into force: *15 February 1999, in accordance with article 15*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *Organisation for Economic Co-operation and Development, 3 January 2012*

Multilatéral

Convention sur la lutte contre la corruption d'agents publics étrangers dans les transactions commerciales internationales (avec annexe). Paris, 17 décembre 1997

Entrée en vigueur : *15 février 1999, conformément à l'article 15*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat des Nations Unies : *Organisation de coopération et de développement économiques, 3 janvier 2012*

Participant	Ratification and Acceptance (A)		
Bulgaria	22 Dec	1998	
Canada (with declaration)	17 Dec	1998	
Finland	10 Dec	1998	A
Germany	10 Nov	1998	A
Greece	5 Feb	1999	
Hungary	4 Dec	1998	
Iceland	17 Aug	1998	
Japan	13 Oct	1998	A
Norway	18 Dec	1998	
Republic of Korea	4 Jan	1999	
United Kingdom of Great Britain and Northern Ireland	14 Dec	1998	
United States of America (with declaration)	8 Dec	1998	

Note: The texts of the declarations and reservations are published after the list of Parties. -- Les textes des déclarations et réserves sont reproduits après la liste des Parties.

Participant	Ratification et Acceptation (A)		
Allemagne	10 nov	1998	A
Bulgarie	22 déc	1998	
Canada (avec déclaration)	17 déc	1998	
États-Unis d'Amérique (avec déclaration)	8 déc	1998	
Finlande	10 déc	1998	A
Grèce	5 févr	1999	
Hongrie	4 déc	1998	
Islande	17 août	1998	
Japon	13 oct	1998	A
Norvège	18 déc	1998	
République de Corée	4 janv	1999	
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord	14 déc	1998	

Declaration made upon ratification

Déclaration faite lors de la ratification

CANADA

CANADA

[ENGLISH TEXT – TEXTE ANGLAIS]

As noted during the negotiations, in accepting the language of Article 5 of this Convention as written, Canada does so on the clear understanding that the obligation contained in this article is to ensure that investigation and prosecution of the bribery of foreign public official is not influenced by improper considerations of national economic interest, the potential effect on relations with another state, or the identity of the natural or legal entities involved.

[TRANSLATION – TRADUCTION]

Tel que déclaré lors des négociations, le Canada accepte le libellé de l'article 5 de la Convention dès lors qu'il est clairement entendu que l'obligation énoncée dans cet article est de faire en sorte que les enquêtes et les poursuites en cas de corruption d'un agent public étranger ne soient pas influencées par des considérations indues d'intérêt économique national, les effets possibles sur les relations avec un autre État ou l'identité des personnes physiques ou morales en cause.

Declaration made upon ratification

Déclaration faite lors de la ratification

UNITED STATES OF AMERICA

ÉTATS-UNIS D'AMÉRIQUE

[ENGLISH TEXT – TEXTE ANGLAIS]

Extradition -- The United States shall not consider this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force. In such cases where the United States does have a bilateral extradition treaty in force, that treaty shall serve as the legal basis for extradition for offenses covered under this Convention.

[TRANSLATION – TRADUCTION]

Extradition – Les États-Unis ne considèrent pas cette Convention comme base juridique pour l'extradition vers tout pays avec lequel les États-Unis n'ont pas de traité bilatéral d'extradition en vigueur. En pareils cas, lorsque les États-Unis ont effectivement un traité bilatéral d'extradition en vigueur, ce traité constitue la base juridique de l'extradition pour les infractions couvertes par cette Convention.

CONVENTION ON COMBATING BRIBERY OF FOREIGN PUBLIC OFFICIALS IN INTERNATIONAL BUSINESS TRANSACTIONS

Preamble

The Parties,

Considering that bribery is a widespread phenomenon in international business transactions, including trade and investment, which raises serious moral and political concerns, undermines good governance and economic development, and distorts international competitive conditions;

Considering that all countries share a responsibility to combat bribery in international business transactions;

Having regard to the Revised Recommendation on Combating Bribery in International Business Transactions, adopted by the Council of the Organisation for Economic Co-operation and Development (OECD) on 23 May 1997, C(97)123/FINAL, which, *inter alia*, called for effective measures to deter, prevent and combat the bribery of foreign public officials in connection with international business transactions, in particular the prompt criminalisation of such bribery in an effective and co-ordinated manner and in conformity with the agreed common elements set out in that Recommendation and with the jurisdictional and other basic legal principles of each country;

Welcoming other recent developments which further advance international understanding and co-operation in combating bribery of public officials, including actions of the United Nations, the World Bank, the International Monetary Fund, the World Trade Organisation, the Organisation of American States, the Council of Europe and the European Union;

Welcoming the efforts of companies, business organisations and trade unions as well as other non-governmental organisations to combat bribery;

Recognising the role of governments in the prevention of solicitation of bribes from individuals and enterprises in international business transactions;

Recognising that achieving progress in this field requires not only efforts on a national level but also multilateral co-operation, monitoring and follow-up;

Recognising that achieving equivalence among the measures to be taken by the Parties is an essential object and purpose of the Convention, which requires that the Convention be ratified without derogations affecting this equivalence;

Have agreed as follows:

Article 1

The Offence of Bribery of Foreign Public Officials

1. Each Party shall take such measures as may be necessary to establish that it is a criminal offence under its law for any person intentionally to offer, promise or give any undue pecuniary or other advantage, whether directly or through intermediaries, to a foreign public official, for that official or for a third party, in order that the official act or refrain 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.
2. Each Party shall take any measures necessary to establish that complicity in, including incitement, aiding and abetting, or authorisation of an act of bribery of a foreign public official shall be a criminal offence. Attempt and conspiracy to bribe a foreign public official shall be criminal offences to the same extent as attempt and conspiracy to bribe a public official of that Party.
3. The offences set out in paragraphs 1 and 2 above are hereinafter referred to as “bribery of a foreign public official”
4. For the purpose of this Convention:
 - a. “foreign public official” means 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;
 - b. “foreign country” includes all levels and subdivisions of government, from national to local;
 - c. “act or refrain from acting in relation to the performance of official duties” includes any use of the public official’s position, whether or not within the official’s authorised competence.