

**Octopus Interface Conference on
Corruption and Democracy**

Opening session (20 November 2006, 9h30)

Opening speech by Mr Guy DE VEL
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Ladies and gentlemen,

I would like to welcome you to this conference on corruption and democracy.

I appreciate that we do not only have representatives from member States and parliaments but also from other international organisations, non-governmental organisations, business associations and the media. Effective measures against corruption require a cooperative effort; and the level of participation in this event is a clear reflection of this need. I am sure that the conference will help foster our partnership.

I am particularly grateful to the European Commission, the OECD and the United Nations Office for Drugs and Crime for the active role which they are prepared to play in the organisation of the workshops.

This conference covers two themes which are of highest relevance to societies not only in Europe but anywhere in the world, namely corruption and democracy. We hope that the discussions today and tomorrow will provide us with food for thought and answers to a number of questions:

What is the impact of corruption on democracy in Europe? Does corruption pose a serious threat to the future of democracy?

What measures can be taken to prevent corruption from undermining democracy?

What experience and good practices are available and can be shared between countries and organisations?

What should be the role of international organisations? Are the existing international anti-corruption standards sufficient or is additional work required by organisations such as the Council of Europe and others?

The promotion of democracy has been a core objective of the Council of Europe since the creation of the organisation 57 years ago, and has been reconfirmed at the 3rd Summit of Heads of State and Government in Warsaw last year. The fact that today almost all countries in Europe can be considered to be democratic is a major achievement.

Comme l'a dit Alexis de Tocqueville : "La démocratie est toujours menacée". La démocratie n'est jamais acquise ; c'est une plante fragile qui nécessite beaucoup de soins.

Throughout history, a concern of all democratic societies has been the question of accountability. Holding rulers and elected representatives accountable and

preventing the abuse of power, that is, preventing corruption, has always been and still is a key principle of democracy.

This is one of the reasons why the prevention and control of corruption plays such an important role in the work of the Council of Europe.

During the past ten years, the Council of Europe has developed and implemented a comprehensive strategy against corruption:

In terms of setting European standards, two binding treaties have been adopted, namely the Criminal Law and the Civil Law Conventions on Corruption. Both have been ratified by a large number of European countries. In addition, a Protocol and several soft law instruments have been elaborated, including the 20 Guiding Principles against Corruption, the Model Code of Conduct for Public Officials and – particularly important for this conference – the Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns.

Compliance with these standards is monitored by the Group of States against Corruption, GRECO, which currently counts 42 members. I am pleased to note that the Russian Federation, after having ratified the Criminal Law Convention on Corruption a few weeks ago, will join GRECO early next year. I would also like to underline that the financing of political parties will be one of the topics which GRECO will evaluate during its third evaluation round, starting in 2007.

Finally, the Council of Europe is supporting countries through capacity building programmes in the strengthening of their legislative and institutional framework against corruption. In fact the present conference is a child of the Octopus Programme against Corruption and Organised Crime in Europe which dates back to 1996. We have since expanded the scope of our programmes. Currently a range of anti-corruption projects is being implemented by our Organisation in cooperation with different partners and with co-financing from donor countries and the European Commission.

Considering also the important work of other international organisations, such as the United Nations, the OECD and the European Commission, and of non-governmental organisations, and considering in particular the many anti-corruption measures carried out in different European countries we can conclude that much has been achieved during the past ten years:

Corruption is no longer a subject that is taboo. Throughout Europe, States have taken measures to criminalise corruption.

Criminal justice bodies are investigating and prosecuting corruption offences.

Measures are being taken to prevent corruption in the public administration and in the private sector.

Civil society organisations are monitoring state bodies, and the media report extensively on corruption.

And, at least sometimes, voters hold governments accountable for corruption scandals on election day.

The question is whether this is sufficient. Is enough being done to prevent corruption from undermining democracy?

In this respect, there are four areas which appear to be of particular concern:

The first one is the issue of political finances, including the financing of political parties and electoral campaigns. Unregulated political finances risk to distort the basic principles of democracy. This is particularly true for corrupt political finances, that is, improper financial operations for political gain.

The second one is the question of conflicts of interest of governmental and elected representatives. This includes problems of compatibility of elected office with private sector employment and other interests, but also the problem of post-service employment, the so-called revolving doors.

The third one is the issue of lobbying. Lobbying may be legitimate – as long as it does not involve undue advantages, kick backs or other illegal benefit. However, as long as lobbying is not fully transparent, the public at large will associate lobbying with undue influence and corruption.

The fourth area is related to the independence of justice, which is a key principle of democracy and the rule of law. The problem is that this independence may be threatened by undue political influence on judges, prosecutors or law enforcement officers, in particular when it comes to the investigation of corruption cases.

With regard to most of these areas, steps have been taken by states, private sector institutions and the international community. Most countries have adopted regulations on political finances, and in most countries conflicts of interest are regulated in one way or the other. The independence of justice is enshrined in national constitutions, in the European Convention of Human Rights and in international standards. Lobbying, on the other hand, is regulated only to a very limited extent – at least in Europe.

Nevertheless – in spite of measures already taken – all these issues are believed to pose particular risks not only in terms of corruption but also in terms of their impact on democracy. Corruption in connection with political finances, conflicts of interest, lobbying and undue influence on justice is a threat to principles of democracy and further weakens trust and participation in democratic institutions and processes.

This conference will provide an opportunity to discuss these problems in depth. It will allow us to analyse the effectiveness of measures taken and to identify good practices that can be shared and inspire action in other countries.

It may also provide ideas for further activities that can be undertaken by the Council of Europe and other international organisations. For example: Would it be useful to elaborate a model code of conduct for elected representatives? Or would it be useful to develop European instruments on lobbying and conflicts of interest?

You may want to discuss these and other questions in detail in the workshops today and tomorrow. In any case, I look very much forward to the results of these debates.

I have no doubt that the topics that on the agenda and the quality of the speakers and participants constitute the necessary ingredients for a fruitful and constructive discussion.

Thank you for your attention.