

BRIBE
PAYERS
INDEX 2011

Transparency International is the global civil society organisation leading the fight against corruption. Through more than 90 chapters worldwide and an international secretariat in Berlin, we raise awareness of the damaging effects of corruption and work with partners in government, business and civil society to develop and implement effective measures to tackle it.

www.transparency.org

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1. INTRODUCTION

This report presents the fifth Transparency International *Bribe Payers Index*. The index ranks 28 of the world's largest economies according to the perceived likelihood of companies from these countries to pay bribes abroad. It is based on the views of business executives as captured by Transparency International's 2011 *Bribe Payers Survey*. The countries and territories ranked in the Index cover all regions of the world and represent almost 80 per cent of the total world outflow of goods, services and investments.¹

The *Bribe Payers Survey* also captures perceptions of bribery across business sectors. This report examines different types of bribery across sectors – including, for the first time, bribery among companies ('private-to-private' bribery).

Foreign bribery has significant adverse effects on public well-being around the world. It distorts the fair awarding of contracts, reduces the quality of basic public services, limits opportunities to develop a competitive private sector and undermines trust in public institutions. Engaging in bribery also creates instability for companies themselves and presents ever-growing reputational and financial risks. This is particularly relevant in light of recent anti-bribery reforms in a number of key countries around the world, such as in China and the United Kingdom.

This report draws attention to the role that both the private and public sectors can play in tackling this issue. It also makes a number of actionable recommendations, for both businesses and governments, on how they could strengthen their efforts to make substantial progress in reducing the prevalence of foreign bribery around the world.



2. KEY FINDINGS

- **Clear evidence of bribery between private companies**

Bribery between companies across different sectors is seen as just as common as bribery between firms and public officials

- **No improvement over time**

Perceptions of the frequency of foreign bribery by country and business sector have on average seen no improvement since the last *Bribe Payers Index* published in 2008

- **Business integrity matters**

The perceived likelihood of companies from a given country to bribe abroad is closely related to views on the level of business integrity at home

- **Home country governance matters**

The perceived likelihood of companies from a given country to bribe abroad is strongly related to perceptions of corruption in the public sector of that country

- **China and Russia: weak performance, high impact**

Companies from China and Russia were viewed as the most likely to pay bribes. The growing importance of China and Russia in international trade and investment flows makes the need for them to address foreign bribery and corruption globally an urgent one

- **Bribery prevalent across business sectors**

Bribery is perceived to occur in all business sectors, but is seen as most common in the public works contracts and construction sector.

3. FOREIGN BRIBERY BY COUNTRY OF ORIGIN

BRIBE PAYERS INDEX 2011

Transparency International's 2011 *Bribe Payers Survey* asked more than 3,000 business executives worldwide about their views on the extent to which companies from 28 of the world's leading economies engage in bribery when doing business abroad (Appendix A). The score for each country is based on the views of the business executives who had come into contact with companies from that country.

The 28 countries and territories in the *Bribe Payers Index* were selected based on the value of their Foreign Direct Investment (FDI) outflows, the value of their exports and their regional significance;² the index includes all G20 countries. It scores and ranks countries on a scale of 0 to 10, where a maximum score of 10 corresponds with a view that companies from that country never engage in bribery when doing business abroad (see Figure 1).

The index shows that there is no country among the 28 major economies whose companies are perceived to be wholly clean and that do not engage in bribery. The Netherlands and Switzerland top the table with scores of 8.8, with Belgium, Germany and Japan following closely behind. Companies from these countries are seen as less likely to engage in bribery than the other countries ranked, but there is still room for improvement.

At the bottom of the table, companies from China and Russia are perceived to be most likely to engage in bribery abroad. The business people surveyed perceived bribery by companies from these countries to be most widespread, resulting in scores for China and Russia which are substantially lower than the other surveyed countries.

FOREIGN BRIBERY OVER TIME

Of the 28 countries included in the 2011 *Bribe Payers Index*, 22 were also ranked in the previous edition, published in 2008. This allows for some comparison over time, but disappointingly the index shows no significant improvement in the scores between 2008 and 2011.

In 2008 the average score across the 22 countries was 7.8, which is not significantly different from the score of 7.9 for the same 22 countries in 2011 (see Appendix C). The six countries entering the index for the first time were Argentina, Indonesia, Malaysia, Saudi Arabia, Turkey and the United Arab Emirates. These countries were all in the bottom half of countries scored.

When looking at changes on a country-by-country basis, no country has seen a change in score of more than one point on the index. India's score improved the most with an increase of 0.7, but it still remains near the bottom of the table. Canada and the United Kingdom saw the most significant deterioration in their scores with a drop of -0.3, which moved their country rankings in the table down five and three places respectively.

Figure 1: Bribe Payers Index 2011

Business executives were asked for each of the 28 countries with which they have a business relationship with (for example as supplier, client, partner or competitor), 'how often do firms headquartered in that country engage in bribery in this country?'

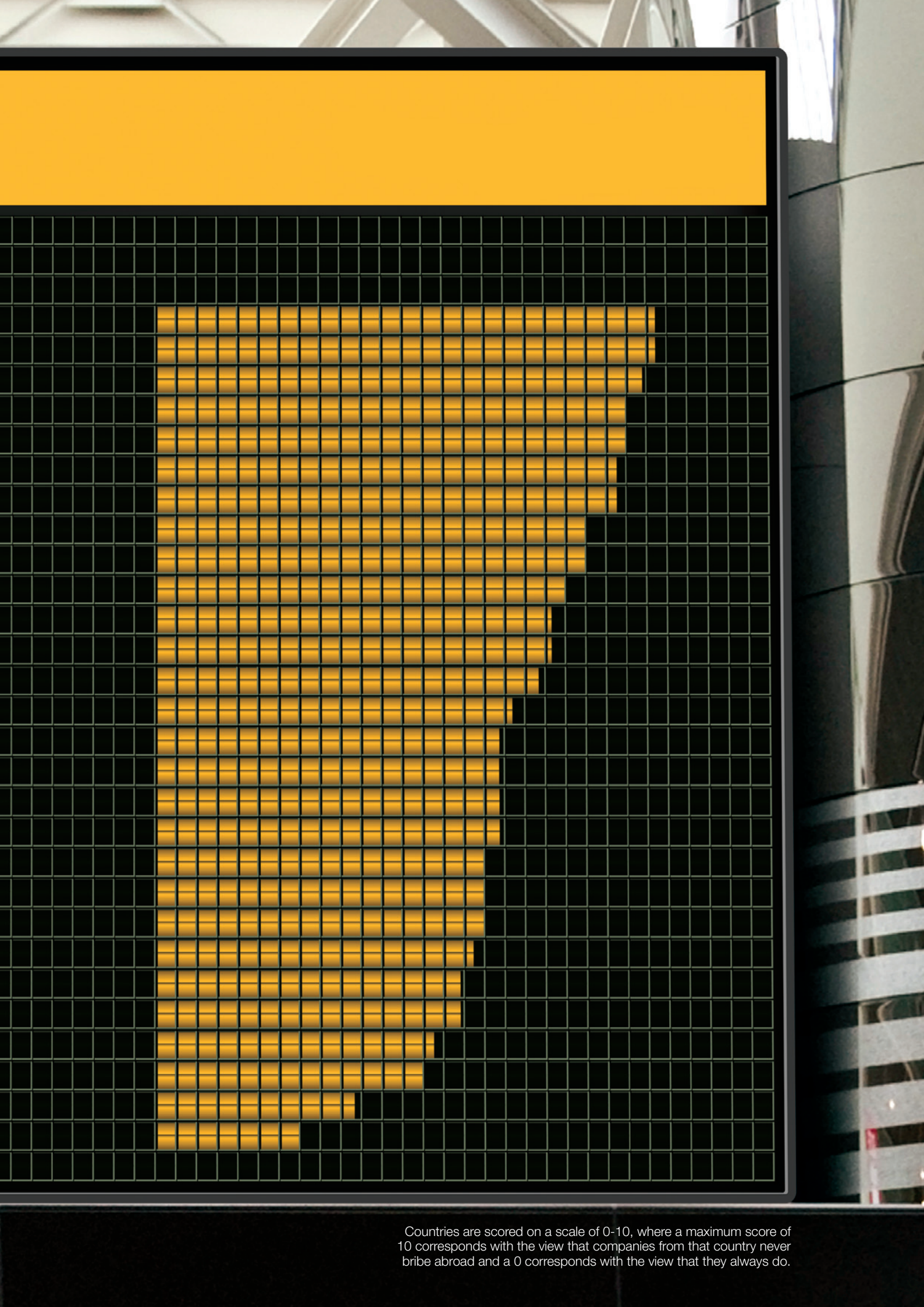
Countries are scored on a scale of 0-10, where a maximum score of 10 corresponds with the view that companies from that country *never* bribe abroad and a 0 corresponds with the view that they *always* do.

RANK	COUNTRY/ TERRITORY	SCORE	NUMBER OF OBSERVATIONS	STANDARD DEVIATION	90% CONFIDENCE INTERVAL	
					LOWER BOUND	UPPER BOUND
1	Netherlands	8.8	273	2.0	8.6	9.0
1	Switzerland	8.8	244	2.2	8.5	9.0
3	Belgium	8.7	221	2.0	8.5	9.0
4	Germany	8.6	576	2.2	8.5	8.8
4	Japan	8.6	319	2.4	8.4	8.9
6	Australia	8.5	168	2.2	8.2	8.8
6	Canada	8.5	209	2.3	8.2	8.8
8	Singapore	8.3	256	2.3	8.1	8.6
8	United Kingdom	8.3	414	2.5	8.1	8.5
10	United States	8.1	651	2.7	7.9	8.3
11	France	8.0	435	2.6	7.8	8.2
11	Spain	8.0	326	2.6	7.7	8.2
13	South Korea	7.9	152	2.8	7.5	8.2
14	Brazil	7.7	163	3.0	7.3	8.1
15	Hong Kong	7.6	208	2.9	7.3	7.9
15	Italy	7.6	397	2.8	7.4	7.8
15	Malaysia	7.6	148	2.9	7.2	8.0
15	South Africa	7.6	191	2.8	7.2	7.9
19	Taiwan	7.5	193	3.0	7.2	7.9
19	India	7.5	168	3.0	7.1	7.9
19	Turkey	7.5	139	2.7	7.2	7.9
22	Saudi Arabia	7.4	138	3.0	7.0	7.8
23	Argentina	7.3	115	3.0	6.8	7.7
23	United Arab Emirates	7.3	156	2.9	6.9	7.7
25	Indonesia	7.1	153	3.4	6.6	7.5
26	Mexico	7.0	121	3.2	6.6	7.5
27	China	6.5	608	3.5	6.3	6.7
28	Russia	6.1	172	3.6	5.7	6.6
Average		7.8				



Bribe Payers Index 2011

RANK	COUNTRY / TERRITORY		SCORE
01	NETHERLANDS	NLD	8.8
01	SWITZERLAND	CHE	8.8
03	BELGIUM	BEL	8.7
04	GERMANY	DEU	8.6
04	JAPAN	JPN	8.6
06	AUSTRALIA	AUS	8.5
06	CANADA	CAN	8.5
08	SINGAPORE	SGP	8.3
08	UNITED KINGDOM	GBR	8.3
10	UNITED STATES	USA	8.1
11	FRANCE	FRA	8.0
11	SPAIN	ESP	8.0
13	SOUTH KOREA	KOR	7.9
14	BRAZIL	BRA	7.7
15	HONG KONG	HKG	7.6
15	ITALY	ITA	7.6
15	MALAYSIA	MYS	7.6
15	SOUTH AFRICA	ZAF	7.6
19	TAIWAN	TWN	7.5
19	INDIA	IND	7.5
19	TURKEY	TUR	7.5
22	SAUDI ARABIA	SAU	7.4
23	ARGENTINA	ARG	7.3
23	UNITED ARAB EMIRATES	ARE	7.3
25	INDONESIA	IDN	7.1
26	MEXICO	MEX	7.0
27	CHINA	CHN	6.5
28	RUSSIA	RUS	6.1



Countries are scored on a scale of 0-10, where a maximum score of 10 corresponds with the view that companies from that country never bribe abroad and a 0 corresponds with the view that they always do.

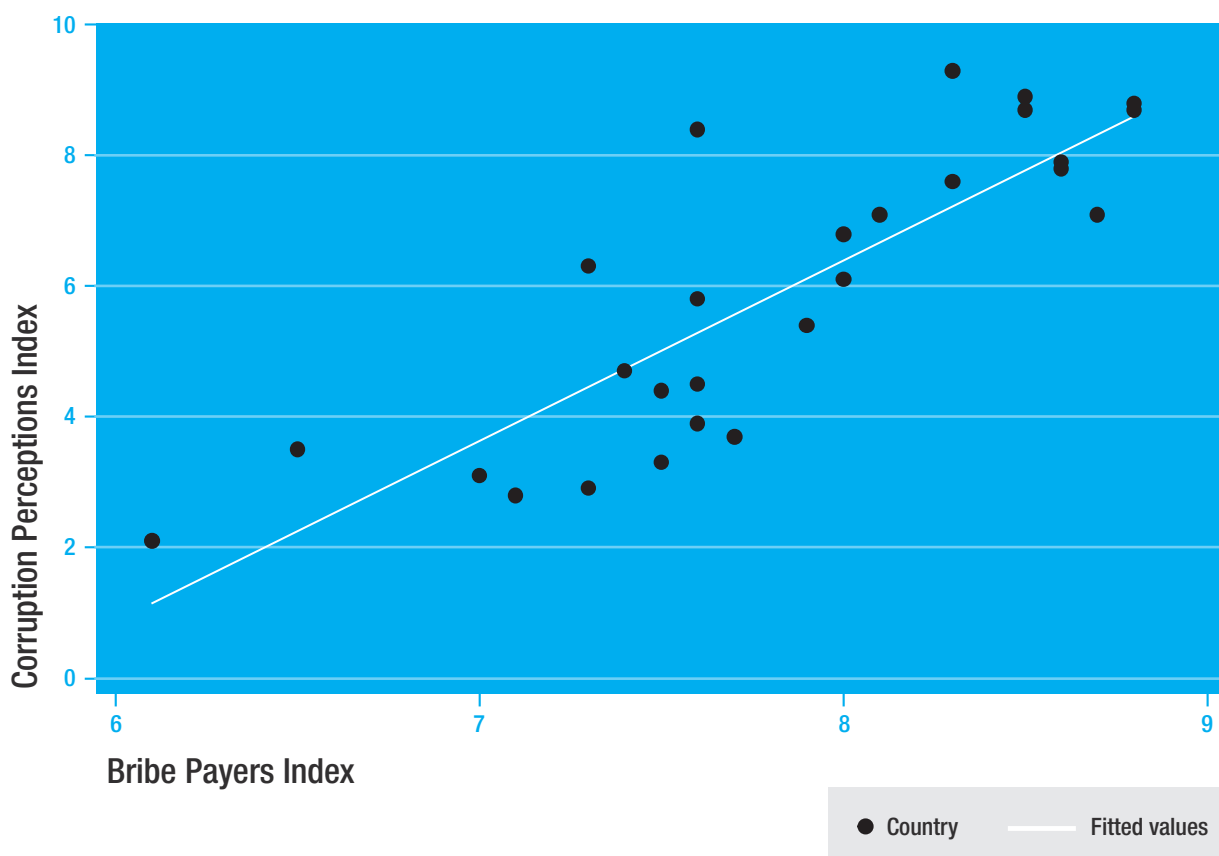
GOVERNMENT EFFECTIVENESS AND VIEWS ON FOREIGN BRIBERY

The 2011 *Bribe Payers Index* draws attention to foreign bribery carried out by companies from the world's leading economies. The governments of these countries and territories have a clear responsibility to address this problem, through both regulatory and legal means.

An important first step in the fight against foreign bribery is for a government to have an effective anti-corruption system in place at home. Governments must set an example to companies by prohibiting corruption within the public sector and upholding high standards of integrity with no impunity. The link between a government's fight against corruption at home and foreign bribery by its companies is made apparent by the strong correlation between Transparency International's *Bribe Payers Index* and *Corruption Perceptions Index*, which measures the levels of perceived corruption in the public sector (see Figure 2).

Figure 2: Perceptions of public-sector corruption at home and corporate bribery abroad

Graph plots 2011 *Bribe Payers Index* scores (scale of 0-10, where a maximum score of 10 corresponds with the view that companies from that country *never* bribe abroad and a 0 corresponds with the view that they *always* do) against 2010 *Corruption Perceptions Index* scores (scale of 0-10, where 0 means a country's public sector is perceived as being *highly corrupt* and 10 means *very clean*); n=28. (Correlation coefficient=0.85, $P<0.001$).



Governments define the regulatory environment for businesses, which includes legislation on foreign bribery. Important achievements have been made over the last decade in this respect, with foreign bribery outlawed in principle in many countries.

A number of key international conventions include anti-bribery provisions. The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-bribery Convention) requires that each of the 34 OECD member countries, plus Argentina, Brazil, Bulgaria and South Africa, who have also adopted this convention, make foreign bribery a crime.

The UN Convention against Corruption, which has been ratified by 154 countries, includes requirements for member states that cover both preventive measures and the criminalisation of a wide range of corrupt acts, including the bribery of foreign officials.

The Council of Europe's Criminal Law Convention on Corruption features comprehensive anti-bribery provisions, including a prohibition of private-to-private bribery. In this regard, concerns have been raised that the OECD convention does not cover bribery among businesses (private-to-private bribery) and that the UN convention's anti-bribery section on private-to-private bribery is not mandatory for member states to translate into national law and subsequently enforce.

These international legal frameworks must be transposed into national law and effectively enforced by governments. But this is where significant variations across countries become apparent. Three of the world's leading economies, Germany, Japan and Saudi Arabia have signed, but not yet ratified the UN convention. Enforcement of the OECD convention has also been insufficient. This is documented by Transparency International's *Progress Report 2011: Enforcement of the OECD Anti-bribery Convention*,³ which finds that 21 of the 38 state parties, including Australia, Brazil, Canada, Mexico, South Africa and Turkey, show little or no enforcement of the convention.

Governments need to step up their anti-bribery efforts, starting with the ratification of key international conventions. Ratification must be complemented by a commitment to enforcement that includes dedicating appropriate resources to the investigation of bribery-related offences, and mustering sufficient political will to prosecute corporate bribery.

BUSINESS INTEGRITY AND VIEWS ON FOREIGN BRIBERY

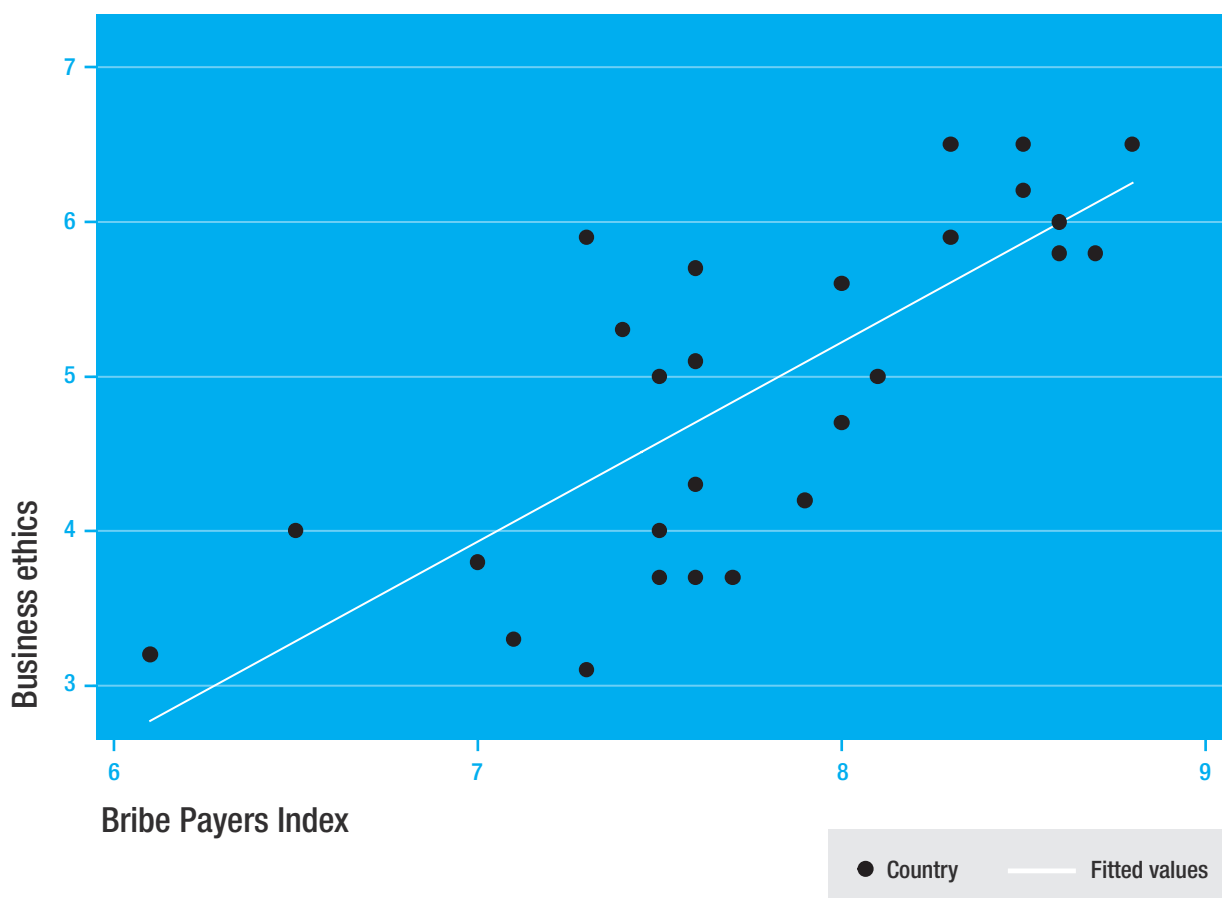
High standards of corporate integrity are essential to reducing foreign bribery. These standards require leadership and employee commitment to a business culture that does not tolerate bribery or corruption. In turn, this culture of integrity needs to be supported by anti-corruption policies and procedures that are implemented effectively and communicated to all stakeholders. In other words, the rejection of bribery and corruption as a means to do business must be an integral part of a company's broader business integrity approach.

The relationship between business integrity and foreign bribery is supported by empirical evidence. The assessment of the ethical behaviour of companies from a given country, as captured by the World Economic Forum's Executive Opinion Survey, correlates strongly with perceptions of foreign bribery from that country (see Figure 3). Companies from countries where corporate ethics are seen as strongly entrenched are perceived to be less likely to engage in foreign bribery.

Figure 3: Business ethics and foreign bribery

Graph plots 2011 *Bribe Payers Index* scores (on a scale of 0-10, where a maximum score of 10 corresponds with the view that companies from that country *never* bribe abroad and a 0 corresponds with the view that they *always* do) against data from the 2010/2011 World Economic Forum's Executive Opinion Survey⁴ on the following question:

(On a scale of 1-7, where 1 means among the *worst* in the world and 7 means among the *best*) 'How would you compare the corporate ethics (ethical behaviour in interactions with public officials, politicians and other enterprises) of firms in your country with those of other countries in the world?' (n=28). (Correlation coefficient=0.76, P<0.001).



Doing business within a comprehensive ethical framework is not only important to prevent foreign bribery and for companies to stay on the right side of the law, it is also good for business. For example, a Europe-wide business survey found that two-thirds of respondents agreed that a company's strong reputation for ethical behaviour translates into a commercial advantage.⁵

Many companies are committing time and resources to improving their governance and ethical standards, and important tools are available to help facilitate this. Our *Business Principles for Countering Bribery*⁶ are recognised as a benchmark code upon which firms should base their anti-bribery programmes. These principles cover the breadth of bribery risks and preventive actions that companies must address and are relevant to all business sectors and countries.

However, many companies must significantly improve their commitment to and implementation of anti-bribery policies and procedures. Respondents to the above mentioned Europe-wide business survey reported that, to help their company grow, more than a third were prepared to offer cash payments, gifts or hospitality to win business and that a quarter of respondents did not trust their management to behave ethically. The UN Global Compact 2010 *Annual Progress Report* also found that the majority of Global Compact companies fall short of enacting specific anti-corruption policies such as publicising political donations or limiting the value of gifts.⁷

Box 1: Transparency International's assessment of corporate disclosure of anti-corruption programmes

Transparency International has developed a framework for assessing the extent to which companies disclose their strategy, policies and processes for combating corruption. By analysing publicly disclosed data from over 500 companies worldwide, the 2009 *Transparency in Reporting on Anti-Corruption* (TRAC) report found that companies still have a long way to go to demonstrate that they are embedding anti-corruption practices into their organisations. Publicly available information about anti-corruption and anti-bribery management systems was found to be lagging significantly behind companies' stated policies in this area. (See: www.transparency.org)

Using a similar methodology, Transparency International's 2011 *Promoting Revenue Transparency* report assesses companies in the oil and gas sector. It found that many multinational oil companies scored well on their disclosure of anti-corruption programmes, but that many were severely lacking in their reporting of operations at the country level. This is a serious concern in the fight against foreign bribery, as country-level disclosure is necessary to identify the agents, opportunities and channels through which bribery can occur on a country-by-country basis. (See: www.transparency.org)

A new edition of TRAC, to be published in 2012, assesses public disclosure of anti-corruption programmes, organisational transparency and country by country reporting of 100 of the world's largest listed multinational corporations across a range of sectors. The research being conducted includes engagement with companies to promote issues of corporate anti-corruption systems and public reporting on them.

FOCUS ON CHINA AND RUSSIA

It is of particular concern that China and Russia are at the bottom of the index. Given the increasing global presence of businesses from these countries, bribery and corruption are likely to have a substantial impact on the societies in which they operate and on the ability of companies to compete fairly in these markets.

The economies of China and Russia have grown rapidly in the past decade. While much of the rest of the world continues to suffer from low to no growth, these economies are forecasted to grow by 9.6 per cent and 4.8 per cent respectively in 2011.⁸ China and Russia's sustained economic growth has implications well beyond their domestic economies, as their international trade and investment flows have also seen dramatic increases. Foreign Direct Investment (FDI) flows alone amounted to US\$120 billion in 2010 for both countries, more than five times the value of FDI outflows from Brazil and India combined.⁹

The countries at the receiving end of Chinese and Russian investment feel the effects not just of the financial flows, but also of the associated business operations and activities. For example, Russian companies are becoming increasingly present in the international oil and gas sector and China is investing heavily in infrastructure and mining, particularly in Africa.

Box 2: Focus on China

Earlier this year, China's National People's Congress, the country's parliament, passed the eighth amendment to the Criminal Law of the People's Republic of China. The amendment, which took effect on 1 May 2011, makes it a criminal offence for Chinese companies and nationals to bribe foreign government officials. Individuals may face criminal detention of between three and 10 years, while companies may receive fines, and managers directly responsible for an offence may also face criminal detention of up to 10 years. Previously, the country's anti-corruption laws had no extra-territorial element; it was only a criminal offence to bribe Chinese government officials. The new law applies to companies organised under Chinese law, which include international companies' representative offices, joint ventures and wholly foreign-owned enterprises in China, as well as Chinese companies overseas.

“The new amendment of the penal code marks the Chinese authority's commitment to combating corruption. However, there are tremendous challenges ahead and bottlenecks that need to be cleared. Not only does the appropriate legislation need to be put in place, but effective implementation of this provision also requires sufficient enforcement processes and resources, international cooperation and moreover, the continued willingness of the authorities to treat this issue as an important priority.”

*Ren Jianmin, Vice Chair,
Anti Corruption and Governance Research Center
Transparency International China*

Box 3: Focus on Russia

Since 2009, Russian officials have been working with the OECD Working Group on Bribery to strengthen Russia's legal framework against bribery of foreign public officials in international business transactions. Legislation passed in Russia in May 2011 criminalises foreign bribery with monetary sanctions for companies and individuals who bribe foreign public officials. Russia was formally invited to join the convention at the 50th anniversary of the OECD in May 2011.

“The position of Russian business in the 2011 *Bribe Payers Index* is not of any surprise since Russia in general is still struggling to find the proper way to confront systemic corruption. It would be strange to expect business to do better than public office does. Unfortunately, as far as the spread of corruption is concerned, there are no islands of integrity in Russian public and business life. But there is hope that the strict enforcement of new national anti-corruption legislation and compliance with international commitments will help to change this situation in the coming years.”

*Elena Panfilova, Director,
Center for Anti-Corruption Research and Initiative
Transparency International Russia*

4. BRIBERY WITHIN BUSINESS SECTORS

INDEX OF BRIBERY IN BUSINESS SECTORS 2011

The 2011 *Bribe Payers Survey* gathers business people's views on the likelihood of bribes being paid by companies in 19 different business sectors. The results indicate that bribery is perceived to be common across all sectors, with no sector scoring above 7.1 on a 10-point scale (see Figure 4).

Agriculture and light manufacturing are perceived to be the least bribery-prone sectors, followed by civilian aerospace and information technology. The public works contracts and construction sector ranks last, as it did in 2008. Other sectors ranked in the bottom quarter of the table include utilities; real estate, property, legal and business services; oil and gas; and mining. These sectors are all characterised by high-value investment and significant government interaction and regulation, both of which provide opportunities and incentives for corruption. These sectors are also particularly important from a development perspective, as they require decisions to be made with respect to the use and ownership of a country's core resources and infrastructure. These decisions have significant consequences for the well-being of future generations. With bribery seen as widespread in these sectors, countries working with foreign companies should be conscious of bribe paying and not tolerate unethical practices. In such instances, independent civil society organisations that monitor the deals between government and companies can play an important role in increasing transparency and accountability and reducing bribery and corruption risks.

Figure 4: Perceptions of foreign bribery by sector

This Index is an average of the answers to three questions in the *Bribe Payers Survey*. Business executives around the world were asked ‘How often do firms in each sector: a) engage in bribery of low-level public officials, for example to speed up administrative processes and/or facilitate the granting of licenses?; b) use improper contributions to high-ranking politicians or political parties to achieve influence?; and c) pay or receive bribes from other private firms?’

Sectors are scored on a scale of 0-10, where a maximum score of 10 corresponds with the view that companies in that sector *never* bribe and a 0 corresponds with the view that they *always* do.

RANK	SECTOR	SCORE	NUMBER OF OBSERVATIONS	STANDARD DEVIATION	90% CONFIDENCE INTERVAL	
					LOWER BOUND	UPPER BOUND
1	Agriculture	7.1	270	2.6	6.8	7.4
1	Light manufacturing	7.1	652	2.4	7.0	7.3
3	Civilian aerospace	7.0	89	2.7	6.6	7.5
3	Information technology	7.0	677	2.5	6.8	7.1
5	Banking and finance	6.9	1409	2.7	6.8	7.0
5	Forestry	6.9	91	2.4	6.5	7.3
7	Consumer services	6.8	860	2.5	6.7	6.9
8	Telecommunications	6.7	529	2.6	6.5	6.9
8	Transportation and storage	6.7	717	2.6	6.5	6.9
10	Arms, defence and military	6.6	102	2.9	6.1	7.1
10	Fisheries	6.6	82	3.0	6.0	7.1
12	Heavy manufacturing	6.5	647	2.6	6.4	6.7
13	Pharmaceutical and healthcare	6.4	391	2.7	6.2	6.6
13	Power generation and transmission	6.4	303	2.8	6.1	6.6
15	Mining	6.3	154	2.7	5.9	6.6
16	Oil and gas	6.2	328	2.8	6.0	6.5
17	Real estate, property, legal and business services	6.1	674	2.8	5.9	6.3
17	Utilities	6.1	400	2.9	5.9	6.3
19	Public works contracts and construction	5.3	576	2.7	5.1	5.5
Average		6.6				

9

8

7

6

5

AGRICULTURE
LIGHT MANUFACTURING
CIVILIAN AEROSPACE
INFORMATION TECHNOLOGY
BANKING & FINANCE
FORESTRY
CONSUMER SERVICES
TELECOMMUNICATIONS
TRANSPORTATION & STORAGE
ARMS, DEFENCE & MILITARY

7.1

7.1

7.0

7.0

6.9

6.9

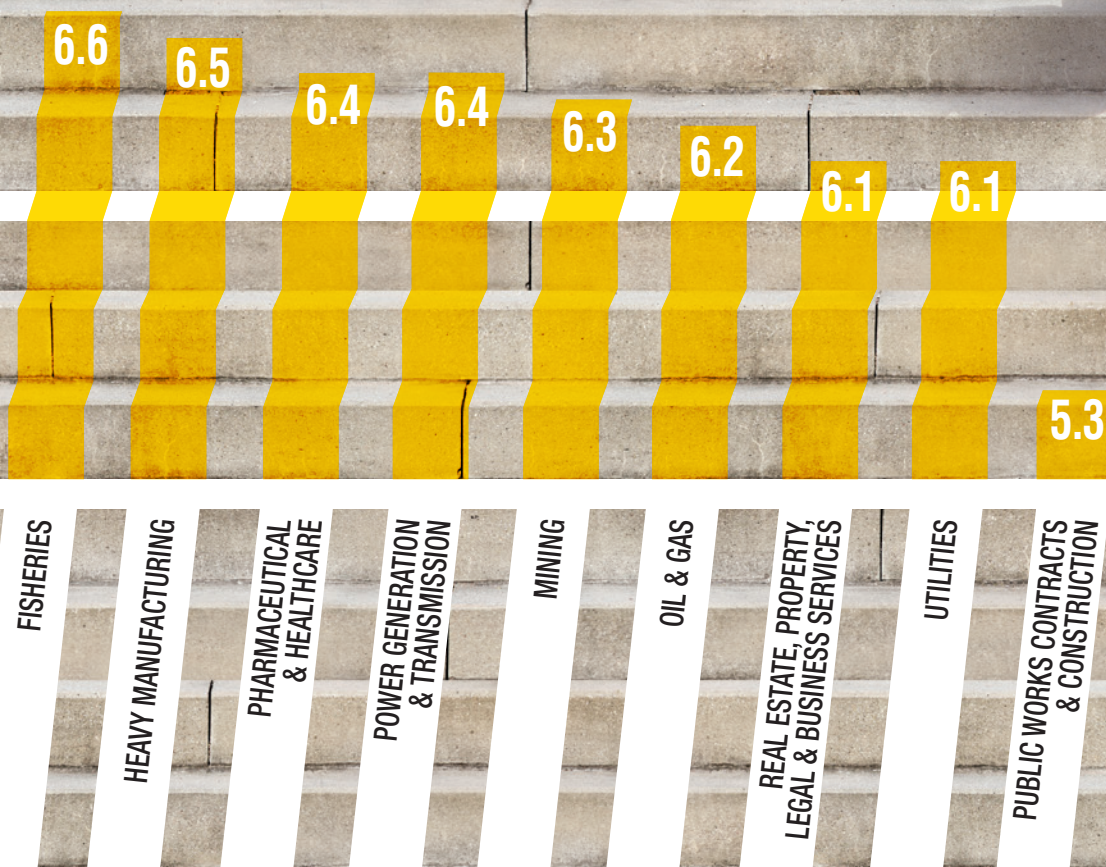
6.8

6.7

6.7

6.6

Likelihood of companies to bribe abroad, by sector



Sectors are scored on a scale of 0-10, where a maximum score of 10 corresponds with the view that companies in that sector never bribe and a 0 corresponds with the view that they always do.

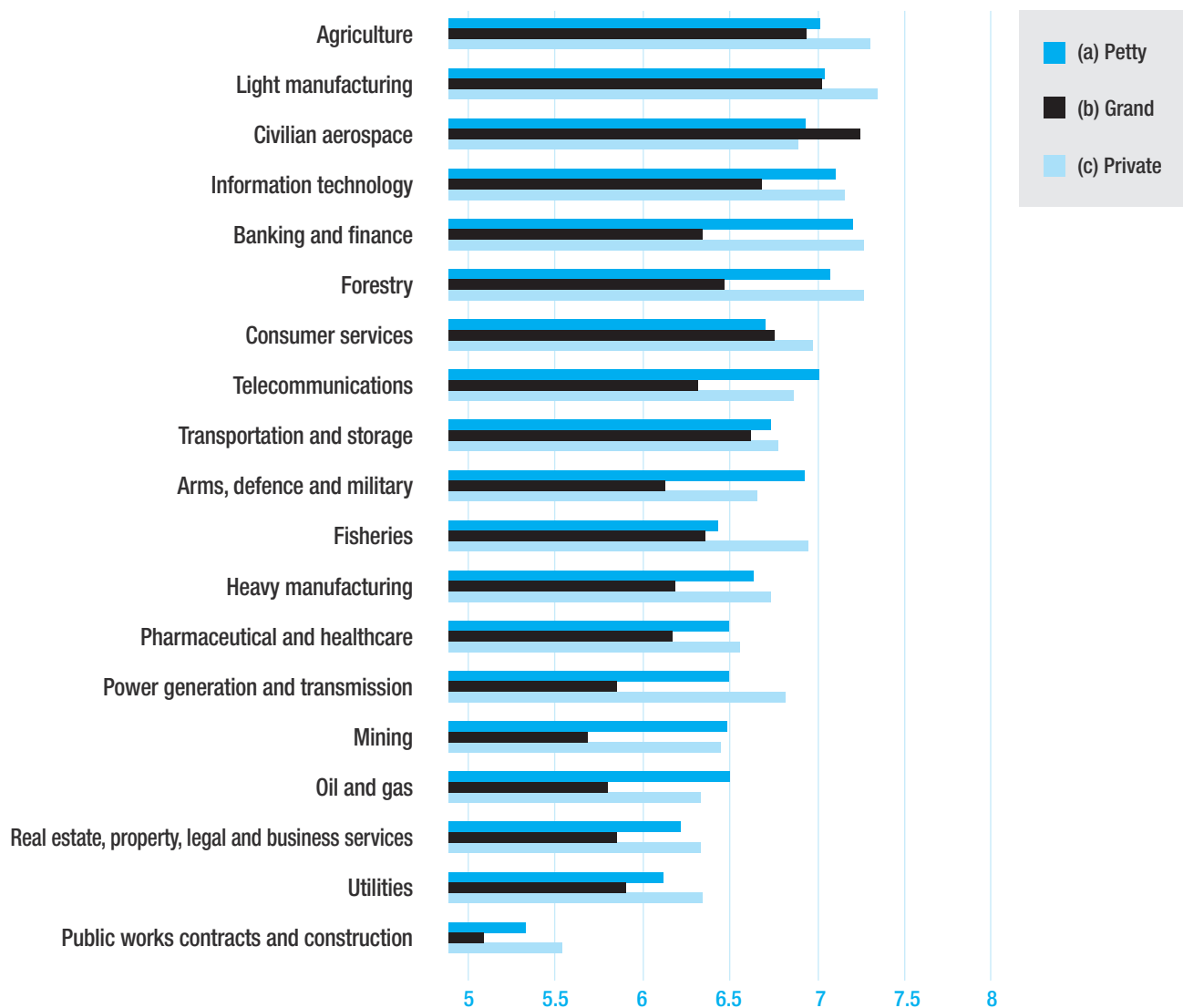
DIFFERENT TYPES OF BRIBERY ACROSS BUSINESS SECTORS

The 2011 *Bribe Payers Survey* asked respondents to distinguish between bribes paid to low-level public officials (petty corruption), improper contributions made to high-level public officials and politicians (grand corruption), and bribes paid to other companies in the private sector (private-to-private corruption). The survey found that the perceived frequency of different types of bribery varies across business sectors (see Figure 5).

Figure 5: Forms of bribery by sector

Business people in 30 countries around the world were asked, based on their business relationships (for example as a supplier, client, partner or competitor): 'How often do firms in each sector: a) engage in bribery of low-level public officials, for example to speed up administrative processes and/or facilitate the granting of licenses?; b) use improper contributions to high-ranking politicians or political parties to achieve influence?; and c) pay or receive bribes from other private firms?'

Sectors are scored on a scale of 0-10, where a maximum score of 10 corresponds with the view that companies in that sector *never* engage in that form of bribery and a 0 corresponds with the view that they *always* do.



The most common form of bribery of the three types surveyed, as indicated by lower scores in Figure 5, is perceived to be companies using improper contributions to high-ranking officials intended to secure influence over policy, regulatory and/or legislative decisions. This form of bribery is seen as more common than the other two in 17 of the 19 business sectors surveyed. Such improper contributions by companies can result in the development, passing and implementation of policies that are advantageous to those companies and detrimental to competitors, smaller companies, and the interests of society.

The banking and finance sector as well as forestry, oil and gas, and mining stand out as the four sectors for which improper contributions to high-ranking politicians to achieve influence is seen as noticeably more common than petty and private-to-private bribery. These sectors are especially vulnerable to this form of bribery, as they require highly specialised regulation and are typically dominated by large firms with significant financial resources.

Bribes paid to low-level public officials, for example to speed up administrative processes or to obtain licenses, were perceived as almost as common as payments made to high-level public officials. As described in the question, this form of bribery includes facilitation payments, which are small unofficial payments made to secure or expedite the performance of a routine or necessary action to which the payer of the facilitation payment has legal or other entitlements. Facilitation payments are an abuse of power and position on behalf of the public official demanding and/or accepting these payments. They also unfairly distort the provision of services, resulting in those companies that readily make the payments being granted the best access to services. The perceived likelihood of firms bribing low level public officials was fairly consistent across the 19 sectors surveyed.

For the first time this year, the *Bribe Payers Survey* also asked business executives about the frequency of bribes being paid from one private firm to another. Surprisingly, the perceived likelihood of this form of bribery is almost as high as bribery of public officials across all sectors. This provides evidence that corruption is not just a phenomenon that involves public servants abusing their positions, but it is also a practice within the business community.

Companies may engage in private-to-private bribery in order to secure business and facilitate the functioning of hidden business cartels. Employees from large companies can exploit their influence and buying power by demanding bribes or kickbacks from potential suppliers. Bribery can also be disguised through offering clients gifts and corporate hospitality that are inappropriate in value.

While this particular form of bribery remains largely overlooked by researchers and policy-makers, its impact is likely to be significant. Its effects can be felt through the entire supply chain, distorting markets and competition, increasing costs to firms, penalising the smaller companies that cannot afford to compete on these terms and those firms with high integrity that refuse to do so. This not only prevents a fair and efficient private sector but also reduces the quality of products and services to the consumer.

It is vital that bribery private-to-private bribery is not overlooked in anti-corruption legislation at the national level, particularly as the OECD Anti-bribery Convention currently does not require members to criminalise such offences. Importantly, the UK Bribery Act, which came into force on 1 July 2011, includes bribery between firms as an offence. Its clause on corporate liability extends this to any company incorporated overseas that carries out business or part of its business in the United Kingdom, and therefore sets a new global standard.¹⁰

FOCUS ON PUBLIC WORKS CONTRACTS AND CONSTRUCTION

The index of bribery in business sectors places the public works contracts and construction sector at the bottom, with the worst scores for all three types of bribery. The view that the public works contracts and construction sector is vulnerable to bribery is not new and is due to the particular characteristics of this sector. Contracts are usually large and construction projects are often unique and therefore difficult to benchmark for costs and time. This makes it easier to hide and inflate additional expenditure. It is also a fragmented industry, often involving contractors and sub-contractors, which makes the tracing of payments and the diffusion of standards of practice more complex.

The costs of bribery and corruption in this sector are also distinctively damaging. Poor procurement, contract and investment decisions effectively cheat taxpayers out of their money. They are detrimental to long-term growth prospects of countries, particularly in the developing world where sound and sustainable infrastructure is so important. Bribery and corruption can also affect the quality of the projects in question, resulting in the cutting of corners and failure to meet safety standards. In the context of the construction sector, this threatens the quality and safety standards of buildings and facilities used by the public every day, which, as witnessed by the many deaths from earthquakes in highly corrupt countries,¹¹ has a very real impact on human lives.

Box 4: Anti-corruption initiatives in public works contracts and construction

At the company level, leading construction companies are openly taking a stand against bribery and corruption. To date, 501 leading companies in the construction and materials sector are signed up to the UN Global Compact (with a total worldwide corporate membership of more than 6,000 companies), requiring their commitment to work against corruption. The International Federation of Consulting Engineers (FIDIC), a member of the Steering Committee of Transparency International's *Business Principles for Countering Bribery*, advocates zero tolerance of corruption and promotes integrity throughout the industry through its Government Procurement Integrity Management System and the FIDIC Integrity Management System for private-sector consulting firms.

The Global Infrastructure Anti-Corruption Centre (GIACC) is an independent not-for-profit organisation established in order to provide resources and services to prevent corruption in the infrastructure, construction and engineering sectors. GIACC and Transparency International have developed a practical tool, the Project Anti-Corruption System (PACS), the first edition of which was published in 2008, to assist companies and other parties involved in major construction projects to reduce the risk of corruption.

The Construction Sector Transparency Initiative (CoST) was established in 2008 to explore how public sector construction can be made more transparent and accountable in order to reduce mismanagement, waste and corruption. CoST was piloted in eight countries between 2008 and 2011. Assurance teams have been sent as part of the initiative to obtain information about more than 80 publicly funded infrastructure projects and has released this information into the public domain. CoST demonstrates that greater transparency in this sector is possible and effectively establishes a process for achieving this at the project level.



5. RECOMMENDATIONS

This report has highlighted the extent to which business people believe foreign bribery occurs across major economies and business sectors. Both governments and businesses need to take responsibility. Governments are tasked with installing an effective regulatory framework, preventing as well as criminalising bribery, and, in particular, actively applying this framework through investigation and prosecution of bribery cases.

Governments need to require anti-bribery and anti-corruption standards of suppliers and contractors in public procurement, as well as loans and influencing bodies such as export credit agencies.

Companies also need to act. Business integrity codes are crucial but not enough. Companies must ensure effective implementation of anti-bribery policies and procedures and reporting publicly on the measures they are taking.

The 2011 *Bribe Payers Index* findings confirm and complement Transparency International's extensive research and experience on foreign bribery and support the following recommendations:

RECOMMENDATIONS TO COMPANIES

Strengthen the enforcement, monitoring and reporting of corporate anti-corruption policies and procedures, and transparency commitments:

- Corporate structures should be transparent, including the public and transparent disclosure of all subsidiaries
- Existing anti-corruption and transparency commitments should be verifiable by independent third party monitors
- Company reporting on anti-corruption programmes should meet international standards such as the UN Global Compact - Transparency International Reporting Guidance on the Compact's 10th Principle (anti-corruption)
- Full details of companies' fields of operations should be published as well as their profit and loss accounts, with transfers made to governments and local communities reported on a country-by-country basis
- Policies and decisions on political contributions should be decided by the company board and in consultation with its shareholders
- Political contributions and lobbying should be included in corporate reporting.

Advance the fight against bribery and ensure integrity across their broader sphere of influence:

- Bribery and corruption risks must be assessed across companies' entire supply chains
- Companies should undertake due diligence, as appropriate, in evaluating prospective contractors and suppliers to ensure that they have effective anti-bribery programmes
- Companies should make known their anti-bribery policies to contractors and suppliers and contractually require equivalent standards
- Companies should join and actively participate in collective anti-corruption initiatives and multi-stakeholder processes at the sectoral level
- Companies should empower whistleblowers who experience or witness bribery and corruption through effective whistleblower policies and procedures.

RECOMMENDATIONS TO GOVERNMENTS

Governments need to take effective action in the fight against international bribery both at the national level and through international groups including the G20, European Union, UN and the OECD.

Strengthen existing anti-bribery legislation:

- All national legislation and international instruments should provide for the prohibition of facilitation payments
- All national legislation should outlaw bribery between firms in the private sector.

Step up the enforcement of existing laws:

- All countries, including Germany, Japan and Saudi Arabia, must ratify the UN Convention against Corruption
- Countries that have demonstrated little or no enforcement of the OECD Anti-bribery Convention must enhance their efforts to investigate and prosecute foreign bribery
- International cooperation between regulators and enforcement agencies needs to be strengthened.

APPENDIX A:

BRIBE PAYERS INDEX METHODOLOGY

Country coverage: the countries ranked in the 2011 *Bribe Payers Index* were selected based on four criteria:

1. Their trade openness (measured by FDI outflow plus exports)
2. Whether or not they were ranked in 2008 (to enable comparison of performance over time)
3. G20 membership
4. Trade significance within region and/or continent.

Survey method: 3,016 business executives were surveyed across 30 countries around the world. A minimum of 100 people were surveyed in each country with the exception of China where 82 interviews were achieved during the fieldwork period. The surveyed countries replicated the survey sample of 26 countries from the 2008 *Bribe Payers Survey* and added an additional four countries with high levels of trade and investment inflows.

The survey questionnaire was developed by Transparency International's secretariat, in consultation with a number of internal and external stakeholders. Ipsos Mori, part of the Ipsos group, coordinated the global survey on behalf of Transparency International (www.ipsos-mori.com). Ipsos utilised their network of local offices to carry out the fieldwork in each of the 30 countries. All the fieldwork was conducted between 5 May 2011 and 8 July 2011. Further details of this fieldwork on a country-by-country basis can be found in the table below.

COUNTRY	FIELDWORK PROVIDER	SAMPLE SOURCE	BUSINESS EXECUTIVES SURVEYED, BY SIZE OF COMPANY (NUMBER OF EMPLOYEES)			
			5-49	50-99	100+	TOTAL
Argentina	Ipsos	Ipsos database, Yellow Pages	42	21	37	100
Austria	Ipsos	Dun & Bradstreet	49	24	27	100
Brazil	Kai Field	Fortune 1000 database, Ipsos database	61	22	31	114
Chile	Ipsos	Ipsos database	45	20	35	100
China	Research Pacific	Local third-party databases, Yellow Pages	9	12	31	82
Czech Republic	Ipsos	Albertina database, Ipsos database	54	28	18	100
Egypt	Ipsos	Kompass	49	25	28	102
France	Ipsos	Dun & Bradstreet	50	24	27	101
Germany	Ipsos	Dun & Bradstreet	50	25	26	101
Ghana	Ipsos	Yellow Pages & Blue Pages	52	25	25	102
Hong Kong	Research Pacific	Local third-party databases	50	25	25	100
Hungary	Ipsos	Hoppentstadt and Bonnier & Partners Ltd, Hungarian Central Statistical Office, Dun & Bradstreet	50	25	25	100
India	Research Pacific	Local third-party databases	51	24	25	100
Indonesia	Ipsos	Kompassindo Business Directory	25	50	25	100
Japan	Research Pacific	Local third-party databases	45	30	25	100
Malaysia	Ipsos	Kompass, Dun & Bradstreet, Yellow Pages, Malaysia Business White Pages, Ipsos database	49	24	28	101
Mexico	Ipsos	Ipsos database	51	24	25	100
Morocco	MDCS	Kerix, Yellow Pages and White Pages business section	48	25	27	100
Nigeria	Ipsos	Yellow Pages, Nigeria Galleria, Goldstar Directory	50	25	25	100
Pakistan	Research Pacific	Local third-party databases, Yellow Pages	50	25	25	100
Philippines	Ipsos	Local third-party databases, Yellow Pages	49	17	34	100
Poland	Ipsos	HBI, Internet	50	25	25	100
Russia	O+K	Yellow Pages, Internet	55	22	27	104
Senegal	Ipsos	Yellow Pages, Internet	50	25	25	100
Singapore	Research Pacific	Local third-party databases, Yellow Pages	50	25	25	100
South Africa	Ipsos	Matrix database	49	25	26	100
South Korea	Ipsos	Mae-kyeong SMT Business Directory, Mining Korea membership list	50	29	26	105
Turkey	Ipsos	Istanbul Chamber of Commerce, Ipsos database	48	25	27	100
United Kingdom	Ipsos	Dun & Bradstreet	50	25	25	100
United States	Research Now	Research Now	52	15	37	104
Total			1433	736	817	3016

APPENDIX B:

SURVEY QUESTIONNAIRE

Please answer the following two questions in relation to your business dealings in this country, with foreign firms:

1. In your principal lines of business in this country, do you have business relationships – for example as a supplier, client, partner or competitor – with companies whose headquarters are located in any of the following countries?

Argentina	1
Australia	2
Belgium	3
Brazil	4
Canada	5
China	6
France	7
Germany	8
Hong Kong	9
India	10
Indonesia	11
Italy	12
Japan	13
Malaysia	14
Mexico	15
Netherlands	16
Russia	17
Saudi Arabia	18
Singapore	19
South Africa	20
South Korea	21
Spain	22
Switzerland	23
Taiwan	24
Turkey	25
United Arab Emirates	26
United Kingdom	27
United States	28

2. For each of the countries you have selected, could you please tell us, using a scale of 1 to 5 where 1 means never and 5 means almost always, how often do firms headquartered in that country engage in bribery in this country?

Never				Almost Always
1	2	3	4	5

Don't know 6
No answer 7

Please answer these questions in relation to the sectors you have business relationships with, in this country or abroad:

3. In your principal line of business, with which of the following sectors do you have business relationships, for example as a supplier, client, partner or competitor?

Banking and finance	1
Real estate, property, legal and business services	2
Heavy manufacturing (including industrial machinery, vehicles and building materials)	3
Arms, defence and military	4
Civilian aerospace	5
Public works contracts and construction	6
Information technology (computers and software)	7
Consumer services (retail, hotels, restaurants and leisure)	8
Light manufacturing (including food and beverage products and household goods)	9
Mining	10
Agriculture	11
Fisheries	12
Forestry	13
Pharmaceutical and healthcare	14
Oil and gas	15
Utilities	16
Power generation and transmission	17
Telecommunications and equipment	18
Transportation and storage	19

4. For each of the sectors you have a relationship with, in your experience, how often do firms in each of these sectors engage in bribery? Please use a scale of 1-5 where 1 means never and 5 means almost always.

Never				Almost Always
1	2	3	4	5

Don't know 6
No answer 7

5. Using the same scale, in your experience, how often do firms in each sector engage in bribery of low-level public officials, for example to speed up administrative processes and/or facilitate the granting of licenses?

Never				Almost Always
1	2	3	4	5

Don't know 6
No answer 7

6. Using the same scale, in your experience, how often do firms in each sector use improper contributions to high-ranking politicians or political parties to achieve influence?

Never				Almost Always
1	2	3	4	5

Don't know 6
No answer 7

7. Using the same scale, in your experience, how often do firms in each sector pay or receive bribes from other private firms?

Never				Almost Always
1	2	3	4	5

Don't know 6
No answer 7

APPENDIX C:

BRIBE PAYERS INDEX SCORES 2008–2011

Appendix C: Change in Bribe Payers Index scores 2008–2011

A positive value demonstrates an improvement in the country score, while a negative score represents an increase in perceptions of the likelihood of firms from those countries to bribe abroad over the three years.

COUNTRY/TERRITORY	BRIBE PAYERS INDEX SCORE		
	2011	2008	CHANGE
Netherlands	8.8	8.7	0.1
Switzerland	8.8	8.7	0.1
Belgium	8.7	8.8	-0.1
Germany	8.6	8.6	0.0
Japan	8.6	8.6	0.0
Australia	8.5	8.5	0.0
Canada	8.5	8.8	-0.3
Singapore	8.3	8.1	0.2
United Kingdom	8.3	8.6	-0.3
United States	8.1	8.1	0.0
France	8.0	8.1	-0.1
Spain	8.0	7.9	0.1
South Korea	7.9	7.5	0.4
Brazil	7.7	7.4	0.3
Hong Kong	7.6	7.6	0.0
Italy	7.6	7.4	0.2
South Africa	7.6	7.5	0.1
Taiwan	7.5	7.5	0.0
India	7.5	6.8	0.7
Mexico	7.0	6.6	0.4
China	6.5	6.5	0.0
Russia	6.1	5.9	0.2
Average	7.9	7.8	

BRIBE PAYERS INDEX RANK		
2011	2008	CHANGE
1	3	2
1	3	2
3	1	-2
4	5	1
4	5	1
6	8	2
6	1	-5
8	9	1
8	5	-3
10	9	-1
11	9	-2
11	12	1
13	14	1
14	17	3
15	13	-2
15	17	2
15	14	-1
18	14	-4
18	19	1
20	20	0
21	21	0
22	22	0

END NOTES

¹Total exports plus foreign direct investment (FDI) outflows from the 28 countries ranked in the 2011 Bribe Payers Index amounted to US\$ 15,800 billion in 2010. This is 78 per cent of total global exports and FDI. Source: UNCTAD data, downloaded from: http://unctadstat.unctad.org/ReportFolders/reportFolders.aspx?sCS_referer=&sCS_ChosenLang=en.

²For the full methodology see Appendix 1.

³Transparency International, 'Progress Report 2011: Enforcement of the OECD Anti-Bribery Convention', Berlin: Transparency International, 2011.

⁴The World Economic Forum's (WEF) Executive Opinion Survey was conducted in 139 countries worldwide between January and May 2011. Question 10.07 asks (on a scale of 1-7) 'How would you compare the corporate ethics (ethical behaviour in interactions with public officials, politicians and other enterprises) of firms in your country with those of other countries in the world?' The results of this question are weighted by sector within each country surveyed and the results for Saudi Arabia are from the 2010 survey. When the WEF survey results are plotted against the Bribe Payers Index scores from the 28 countries ranked, the correlation coefficient = 0.76, with $P < 0.001$.

⁵Ernst and Young, 'European Fraud Survey 2011: Recovery, regulation and integrity', London: Ernst and Young, 2011. This report surveyed more than 2,300 business people in 25 countries in Europe capturing their perceptions towards fraud risks and how management and board members were responding to these challenges. See: www.ey.com/GL/en/Services/Assurance/Fraud-Investigation---Dispute-Services/European-fraud-survey-2011--recovery--regulation-and-integrity

⁶Transparency International, 'Business Principles for Countering Bribery', Berlin: Transparency International, 2009. The Business Principles were developed through a multi-stakeholder exercise led by Transparency International and undertaken with the co-operation and support of a Steering Committee drawn from international business, academia, trade unions and other non-governmental bodies. They have been used by leading companies around the world to benchmark their own anti-bribery policies and procedures and have served as the basis for the development of many other anti-bribery codes and voluntary initiatives. See: www.transparency.org

⁷Global Compact, 'United Nations Global Compact Annual Review 2010', New York: UN Global Compact Office, 2011. The Annual Review is a comprehensive annual study that assesses how – and to what extent – participating companies are implementing the ten principles; taking action in support of broader UN goals and issues; and engaging with the Global Compact locally and globally. At the centre of the review are the findings from the Annual Global Compact Implementation Survey. See: www.unglobalcompact.org/AboutTheGC/annual_review.html

⁸International Monetary Fund, 'World Economic Outlook Update', Washington: International Monetary Fund, June 2011.

⁹In 2010 Russia made US \$52,000 million worth of foreign direct investment and China US \$68,000 million. In India, the figure was US \$15,000 million and Brazil US \$12,000 million (UNCTAD data).

¹⁰The UK Bribery Act came into force on 1 July 2011 and provides the most comprehensive anti-bribery legislation to date. This act sends a clear message to any businesses operating within the UK government's jurisdiction, that bribery is unacceptable. Transparency International UK has published guidance on the Act and on good practice and adequate anti-bribery procedures. See: www.transparency.org.uk/working-with-companies/adequate-procedures

¹¹Nicolas Ambraseys and Roger Bilham, 'Corruption Kills', *Nature* 469, 13 January 2011, 153-155.

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