

COMBATING GOVERNMENT CORRUPTION: ENSURING ACCOUNTABILITY FOR CLEAN GOVERNANCE

*How should private sector manage? / Judiciary is
the Last Resort!*

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Efforts to Fight against Corruption Tsutomu Hiraishi

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TOWARDS A CORRUPTION-FREE WORLD
ANTI-BRIBERY COMMITTEE JAPAN

About ABCJ

- The Anti-Bribery Committee Japan (ABCJ) is an **independent expert group**, established by **Japanese lawyers and researchers** who had drafted and supervised the “**Guidance on Prevention of Foreign Bribery**”, which was published by the **Japan Federation of Bar Associations (JFBA)** in July 2016. The Guidance is to help Japanese companies to establish **anti-bribery programs** and to **investigate bribery allegations**.
- Since its launch in September 2016, the ABCJ has been engaging in various **activities for strengthening anti-bribery measures**:
 - Collaboration with **UN Global Compact Network Japan** re the 10th Principle (Annual Forum)
 - Visits to Asian countries to meet with **anti-corruption enforcement agencies** (ex. KPK in Indonesia, NACC in Thailand), conduct trainings for Japanese companies operating in such countries, and listen to “real voice” from them
 - **Assistance to OECD’s audit** re implementation of the OECD Anti-Bribery Convention for Phase 4 Report (2019)

Visit to Asian countries



COURTESY VISIT TO KPK IN INDONESIA
July 17, 2018



COURTESY VISIT TO NACC IN THAILAND
August 02, 2019



COURTESY VISIT TO UNODC VIETNAM
September 06, 2023



With UN Global Compact Network Japan, ABCJ created “Tokyo Principles for Anti-Bribery” as collective actions.



**IMPLEMENTING
THE OECD
ANTI BRIBERY
CONVENTION**

**PHASE 4 REPORT:
Japan**

**ABCJ PARTICIPATED IN OECD'S ON-SITE VISIT FOR PHASE 4
EVALUATION.**

July 02, 2019

ABC-J's Aims and Activities



1. Empower companies and people to combat corruption



2. Shed light on the black box of bribery and corruption



3. Promote collective actions among stakeholders

Challenges:

- ❑ Japan is “relatively” clean inside, but Japanese companies operating outside Japan are often exposed to bribery requests.
- ❑ Bribery outside Japan will harm the rule of law and human rights in foreign countries and may be subject to the Unfair Competition Prevention Act of Japan, which prohibits foreign bribery.
- ❑ Foreign bribery enforcement by the Japanese government is very low: about 10 cases in 20 years. We promote the use of plea bargaining introduced in 2018.

Judiciary: Last Resort for Prevention and Punishment of Corruption

- Ambiguous laws / regulations -> large discretion of government officials -> corruption?
 - <- Judiciary can clarify them in court decisions
 - > Private entities/individuals can easily comply with regulations
- Giver and Recipient of Bribe -> Subject to Criminal Penalties
 - > Judiciary must ensure consequence of bribery on givers and recipients
 - > Judiciary itself must not be influenced by corruption and politics

Corruption-Clean Environment for Judiciary (in the Long Run)

- Clear and robust statutes
- Abundant judicial precedent and academic paper
- Detailed court decisions
- Publishing court decisions with value as new judicial precedent
- Criticism by academics on court decisions
- Evaluation/Promotion of judges
- Self-discipline in bar association
- Legal study at universities and mandatory training system for new judges/lawyers/prosecutors
- Smaller room of discretion by judges/lawyers/prosecutors and other government officials