



# Conference of the States Parties to the United Nations Convention against Corruption

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## Sixth session

St. Petersburg, Russian Federation, 2-6 November 2015

Agenda item 4

## Prevention

### **Brazil, Gabon, Kuwait and Russian Federation: revised draft resolution**

### **St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Noting* that, while the implementation of the United Nations Convention against Corruption<sup>1</sup> is the responsibility of States parties, promoting integrity, transparency and accountability and preventing corruption are responsibilities to be shared by all sectors of society involved in the fight against corruption, as corruption not only affects Governments, but can also have a significant negative impact on the private sector and civil society, by impeding economic growth, harming consumers and businesses, distorting competition and presenting serious health, safety, legal and social risks,

*Recognizing* that the private sector plays an important role, together with Governments and other stakeholders, including civil society, in the prevention of and fight against corruption, and highlighting the necessity of taking concrete steps towards strengthening public-private partnership in the anti-corruption field,

*Underlining* the necessity of increasing the efforts of States parties, in accordance with article 12 of the Convention, to prevent and fight against corruption involving the private sector,

*Recalling* its resolution 5/6 of 29 November 2013, entitled “Private sector”, and taking note with appreciation of the report of the Secretariat on its implementation,<sup>2</sup>

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>2</sup> CAC/COSP/2015/9.



*Recalling also* its resolution 5/4 of 29 November 2013, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, in which it referred to the importance of private sector participation in the prevention of corruption,

*Taking into consideration* all relevant documents of the United Nations and other organizations that, inter alia, recognize that a culture of intolerance towards corruption will only be achieved if Governments work in partnership with businesses and civil society, and welcoming the business community’s initiatives to enhance collective anti-corruption actions and develop institutional arrangements to promote anti-corruption compliance in the private sector,

*Recalling* the impetus gained through relevant multi-stakeholder forums in which private sector entities committed to strengthening public-private partnership for combating corruption in business, to working towards the alignment of business principles with the fundamental values enshrined in the Convention against Corruption, to ensuring that anti-corruption policies and strategies include effective whistle-blower protection, due diligence in the selection of agents or intermediaries and the addressing of bribe payments and “facilitation payments”, and to developing mechanisms to review companies’ compliance with realigned business principles,

*Noting* the usefulness of sharing national experiences and good practices regarding public-private partnership in the implementation of the provisions of the Convention,

*Noting also* the positive experience in some countries of establishing official posts dedicated to advocating for the private sector with the Government (such as an ombudsperson),

*Taking note* of the initiatives undertaken by States parties and the United Nations Office on Drugs and Crime to promote sustainable partnership with the private sector on countering corruption, including in close cooperation with other relevant organizations,

*Taking note with appreciation* of the publications prepared by the United Nations Office on Drugs and Crime pertaining to capacity-building in preventing and fighting against corruption involving the private sector,

*Emphasizing* the importance of exchanging views and methods on increasing anti-corruption efforts between representatives of the public and private sectors, including through relevant national, regional and international forums,

*Taking note* of the report on the international conference on public-private partnership in the fight against corruption, held in Moscow on 26 and 27 March 2015, which was co-organized by the Chamber of Commerce and Industry of the Russian Federation, the United Nations Office on Drugs and Crime and the International Anti-Corruption Academy,

1. *Reiterates* the importance of efforts by States parties to take, consistent with article 12 of the United Nations Convention against Corruption<sup>1</sup> and in accordance with the fundamental principles of their domestic law, measures to prevent corruption involving the private sector, and to these ends invites States parties to, inter alia, promote the development of codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions, the prevention of conflict of interest and the use of good commercial

practices among businesses and in the contractual relations of businesses with the State;

2. *Calls upon* States parties to the Convention to take appropriate measures, within their means and in accordance with the fundamental principles of their domestic law, to promote the active participation of individuals and groups outside the public sector, such as the private sector and civil society, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;

3. *Invites* States parties to enhance cooperation between public authorities at the national, regional and local levels, where appropriate and consistent with their domestic legal systems, and the private sector on anti-corruption and to engage a wide range of private sector representatives in efforts to prevent corruption;

4. *Recommends* that States parties take comprehensive measures to prevent offences established in accordance with the Convention that have a negative impact on the business environment and society as a whole;

5. *Also recommends* that States parties promote transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities and measures to identify beneficial owners of funds, in line with article 12, paragraph 2 (c), and article 52, paragraph 2, of the Convention;

6. *Calls upon* States parties to support public-private partnership in order to strengthen the understanding of both public officials and private sector actors that bribery and solicitation are unacceptable;

7. *Invites* States parties to take measures as may be necessary to encourage, in accordance with their domestic law, the effective cooperation of the private sector with official investigations, in line with article 39 of the Convention, and recommends that States parties consider, in accordance with their domestic legal systems, establishing confidential complaint systems, effective witness and whistle-blower protection programmes and measures, consistent with articles 32 and 33 of the Convention;

8. *Calls upon* States parties, in accordance with the fundamental principles of their legal systems, to foster public-private partnership in the prevention of corruption by, inter alia, increasing dialogue and cooperation, developing initiatives to promote and implement appropriate public procurement reforms, addressing practices that generate vulnerability to corruption and promoting good practices and anti-corruption ethics and compliance programmes for private sector entities;

9. *Also calls upon* States parties to simplify administrative procedures, where appropriate, with a view to reducing opportunities for corruption;

10. *Encourages* States parties to share national experiences and good practices pertaining to partnership between the public and the private sectors in the prevention of and fight against corruption;

11. *Draws the attention* of States parties, in accordance with their domestic legislation, to the necessity of keeping the public informed about cases of corruption and the measures taken to sanction the perpetrators;

12. *Underlines* the importance of promoting public-private dialogue in order to facilitate the adoption by States parties, in accordance with domestic laws and regulations, of measures relating to the maintenance of books and records, financial statement disclosures and accounting and auditing standards to prohibit the acts specified in article 12, paragraph 3, of the Convention carried out for the purpose of committing any of the offences established in accordance with the Convention;

13. *Calls upon* States parties to encourage representatives of the public and private sectors to provide their expertise and share their experience within the frameworks of standardized and tailor-made training and educational programmes aimed at the implementation of the provisions of the Convention and to actively participate in the development and introduction of such programmes;

14. *Encourages* States parties, with the assistance of the Secretariat and in collaboration with relevant regional and international organizations, where appropriate, to continue strengthening public-private partnership in the prevention of and fight against corruption by, inter alia, organizing or encouraging the organization by the private sector of opportunities for the exchange of relevant experience and good practices in this field;

15. *Takes note with appreciation* of the initiatives taken by the Secretariat to promote partnership with the private sector against corruption, in close cooperation with relevant international and regional organizations, and requests the Secretariat to continue to assist in promoting awareness of the principles of the Convention within the private sector;

16. *Invites* States parties and donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.