



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

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Item 4 of the provisional agenda\*

### Prevention

## Status of implementation of Conference resolution 5/6, entitled “Private sector”

### Report of the Secretariat

#### I. Introduction

1. The Conference of the States Parties to the United Nations Convention against Corruption, at its fifth session, held in Panama from 25 to 29 November 2013, widely recognized that corruption has a significant impact on the private sector and that the private sector has a vital role to play in the fight against corruption. The Conference adopted resolution 5/6, entitled “Private sector”, marking the first time that the private sector had been the focus of a separate resolution of the Conference. The resolution urged States parties to take prevention measures, including by strongly encouraging them to raise awareness within the whole private sector on the need to establish and implement appropriate anti-corruption ethics and compliance programmes, calling upon them to promote the engagement of the business community in the prevention of corruption, and urging them to foster increased dialogue and cooperation between the public and the private sector in anti-corruption efforts.

2. The importance of private sector participation in the prevention of corruption was also underlined in resolution 5/4, entitled “Follow-up to the Marrakech declaration on the prevention of corruption”, in which the Conference requested States parties to promote, where appropriate, training and education for the private sector in the prevention of corruption and to promote the transparency of legal persons, including by exchanging best practices in the identification of beneficial owners of legal structures used to commit crimes of corruption or to hide or transfer their proceeds.

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\* CAC/COSP/2015/1.



3. The United Nations Office on Drugs and Crime (UNODC) seeks to enable the private sector to adopt anti-corruption policies that are aligned with the Convention and to put in place the checks and balances needed to strengthen transparency and accountability. In that context, UNODC, the Organization for Economic Cooperation and Development (OECD) and the World Bank published the *Anti-Corruption Ethics and Compliance Handbook for Business*, available in English and Spanish. As a complement to this Handbook, UNODC also finalized *An Anti-Corruption Ethics and Compliance Programme for Business: a Practical Guide* that was launched in Panama at the fifth session of the Conference. The *Practical Guide* is available in English, French, Russian and Spanish.

4. In September 2014, UNODC participated in a webcast entitled “Importance of anti-corruption ethics and compliance: new tools from UNODC, OECD, and the World Bank”. The webcast was organized by the KPMG Advisory Institute. It offered attendees an opportunity to learn about the value of best practices in anti-corruption and ethics compliance and how they can be used to enhance programmes.

5. UNODC published a handbook and accompanying corruption prevention checklist, entitled *A Strategy for Safeguarding against Corruption in Major Public Events*. These are being adapted as a training programme that will provide all stakeholders with the knowledge and tools necessary to address the threat of corruption in the organization of a major public event, in line with international good practices.

#### *United Nations Global Compact*

6. UNODC maintains its partnership with the United Nations Global Compact with a view to promoting the implementation of the tenth principle of the Global Compact, which states: “Businesses should work against corruption in all its forms, including extortion and bribery”.

7. UNODC and the Global Compact continue to cooperate on the interactive e-learning tool for the private sector called “The fight against corruption”. Since its launch in February 2012, the tool has had almost 200,000 online users. In March 2013, a certificate programme was added to the e-learning tool, and since that time over 25,000 persons have registered and received their certificate after completion of the online course.

8. The tool has been translated with in-house resources and the support of the private sector, and is now available in a large number of languages, including Arabic, Bulgarian, Chinese, Danish, English, Finnish, French, German, Greek, Indonesian, Korean, Norwegian, Portuguese, Russian, Spanish, Swedish, Turkish and Ukrainian. Versions in a number of other languages, including Czech, Estonian, Hungarian, Italian, Latvian, and Lithuanian, will be forthcoming.

9. Complementing UNODC efforts towards the identification of good practices in the organization of major public events, UNODC has been a member of the Global Compact sub-working group on sports sponsorship and sports-related hospitality. The Working Group has developed a guide entitled “Fighting corruption in sport sponsorship and hospitality: a practical guide for companies” in order to help companies address risks of corruption associated with those areas.

10. UNODC participated in a panel on facilitation payments: small bribes, big challenges during the 15th meeting of the Global Compact Working Group on the Tenth Principle against Corruption, held in New York, on 9 December 2014.

11. In December 2014, UNODC presented its work with the private sector during an event on human rights and anti-corruption organized by the Global Compact Network Hellas.

12. In September 2015, UNODC acted as an organizing partner for the United Nations Private Sector Forum 2015, which focused on the role of the private sector in implementing the sustainable development goals. Convened in the context of organization of the United Nations summit for the adoption of the post-2015 development agenda, the interactive forum was designed to increase understanding of the efforts undertaken by the private sector and by civil society, and provided a platform for the private sector to announce long-term goals and partnerships that will make an important contribution towards achieving sustainable development for all.

13. Throughout the reporting period, UNODC supported various activities of the Alliance for Integrity, a business-driven, multi-stakeholder initiative by multinational companies, civil society, political organizations and international institutions, coordinated by the Global Compact Network Germany, with support from the Ministry for Economic Cooperation and Development of Germany.

#### *Group of Twenty and Business-20*

14. As an observer to the Group of Twenty (G-20), UNODC raised awareness of the importance and benefits of ratifying the Convention against Corruption at the meetings of the G-20 Anti-Corruption Working Group as well as at the fourth and fifth meetings of the Annual High-Level Anti-Corruption Conference for G-20 Governments and Business. UNODC also provided input to the 2015-2016 G-20 Anti-Corruption Action Plan, in which the leaders of the G-20 reiterated their commitment to ratify and implement the Convention against Corruption, criminalize foreign bribery, and cooperate with other countries to investigate, prosecute and return the proceeds of corruption. In addition, UNODC provided input to the 2015-2016 G-20 Anti-Corruption Implementation Plan, setting out actions to be taken and anticipated deliverables. Moreover, UNODC actively contributed to the development of the G-20 principles for promoting integrity in public procurement, the G-20 high-level principles on beneficial ownership transparency and others.

15. Within the Business-20 (B-20) Anti-Corruption Working Group, UNODC contributed to the identification of B-20 priority areas and the development of key recommendations for individual and collective action by Governments and businesses from the members of the G-20 and beyond. Business has asked the G-20 Anti-Corruption Working Group to focus on beneficial ownership, public procurement, voluntary self-reporting, and capacity-building in public office.

16. To discuss a draft of the preliminary study of the B-20 on possible regulatory developments to enhance the role of the private sector in the fight against corruption in a global business context, a special event was held in Panama during the fifth session of the Conference, on 27 November 2013. The discussions focused on the main themes of self-policing, self-reporting and cooperation. The participants discussed ways to give recognition to companies for their efforts in self-reporting

and explored the issue of coordinating settlements in different countries. They underlined that the fight against corruption required a close relationship between companies and States and that there was a need to explore further the range of tools that could help States and companies to work more closely together in the prevention and control of corruption.

#### *World Economic Forum*

17. UNODC has a strong relationship with the World Economic Forum, in particular its Partnering against Corruption Initiative (PACI), through participation in the PACI task force meetings and by providing presentations on UNODC work with the private sector. UNODC provided substantive expertise to the Global Agenda Council on Transparency and Anti-Corruption and the Meta-Council on the Illicit Economy. UNODC also participated in all working sessions of the PACI principles review working group. The working group reviewed and reaffirmed the PACI global principles for countering bribery (created in 2004) and explored how those principles could help companies to strengthen their commitment to compliance and anti-corruption initiatives with the engagement of corporate executive officers at the highest level.

18. UNODC and PACI launched a global survey to further explore the views of the millennial generation on transparency and corruption and gain a deeper understanding of the impact of corruption on the lives of millennials and their communities. The survey, developed in collaboration with the company APCO Worldwide, was conducted between 18 September and 22 October 2014. In total, 1,089 people from 102 countries participated in the survey, which was entitled “The impact of corruption: perspectives from millennial voices”. The results were released on 9 December 2014.

#### *Siemens Integrity Initiative*

19. With the support of the Siemens Integrity Initiative, UNODC has implemented three projects relating to public-private partnerships. The first project, an outreach and communication programme addressing the private sector, was developed to promote the Convention and anti-corruption measures by better informing the corporate community about the Convention’s value and benefits for businesses. As part of the project, UNODC has created a website that acts as a clearing house for information and resources on the Convention that are relevant to the business community.<sup>1</sup>

20. The second project, entitled “Incentives to corporate integrity and cooperation in accordance with the United Nations Convention against Corruption”, was developed to create systems of legal incentives for individuals and companies to come forward and report corruption. Technical working groups reviewed legislation in India and Mexico for compliance with the Convention, and solicited feedback from the public and the private sector by conducting baseline surveys on strengthening corporate integrity. A tailor-made training and sensitization programme was developed in both countries. UNODC also published a reference tool entitled “The United Nations Convention against Corruption: a resource guide

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<sup>1</sup> For more information, see [www.track.unodc.org](http://www.track.unodc.org).

on State measures for strengthening corporate integrity”, which is available in English, Spanish and Russian.

21. The third project, entitled “Public-private partnership for probity in public procurement”, was developed to enhance global knowledge and public-private dialogue on strengthening integrity in public procurement systems. As with the second project, technical working groups in India and Mexico reviewed legislation and conducted baseline surveys which led to the development of a training and sensitization programme. UNODC further developed the “Guidebook on anti-corruption in public procurement and the management of public finances: good practices in ensuring compliance with article 9 of the United Nations Convention against Corruption”, which is available in English, Spanish and Russian.

22. At the conference “Practices and key areas in combating corruption in public procurement”, held in Moscow on 9 December 2013, UNODC presented the “Guidebook on anti-corruption in public procurement and the management of public finances: good practices in ensuring compliance with article 9 of the United Nations Convention against Corruption”. The event was organized by the Moscow municipal government and the International Business Leaders Forum.

23. In June 2014, UNODC participated in the conference “Collective action: going further together to counter corruption”, organized by the International Centre for Collective Action of the Basel Institute on Governance, with the support from the Siemens Integrity Initiative. The event featured successful examples of collective action to combat corruption, lessons learned, practical advice, academic contributions and peer discussions on a variety of issues. Over 100 practitioners from business, government, international organizations, academia and civil society participated in the event and shared their experiences in order to help to set the agenda for future collective action and its role in the fight against corruption.

24. In the second funding round of the Siemens Integrity Initiative, for 2013, UNODC was awarded funding for a project in Colombia, entitled “On the level: business and government against corruption in Colombia”. The project aims at reducing opportunities for corruption by enhancing a dialogue between the public and the private sectors, at improving the Government’s anti-corruption frameworks and legislation, and at creating a culture of integrity in the private sector. The implementation of the three-year project is scheduled to start in the third quarter of 2015.

#### *Other private sector initiatives and activities*

25. Experts from two private sector organizations, namely the Corporate Social Responsibility Network of the Association of Southeast Asian Nations (ASEAN) and the Convention on Business Integrity Nigeria, delivered presentations at two multi-stakeholder workshops organized by UNODC, one held in Kuala Lumpur in February 2014 and the other at the International Anti-Corruption Academy in Austria in June 2014. The workshops brought together representatives from civil society and Governments to promote the Convention and its review mechanism. The private sector experts discussed how the private sector could be engaged in the implementation and monitoring of the Convention.

26. In the framework of the International Bar Association (IBA)/UNODC/OECD joint project on strengthening lawyers’ understanding of anti-corruption instruments

and tools, UNODC attended a workshop on risks and threats of corruption and the legal profession organized jointly by IBA, UNODC, and OECD, and held on 6 March 2014 in Dubai, United Arab Emirates. UNODC participated also in two similar IBA workshops, which were held in Uganda and Rwanda, on 24 and 25 September 2014, respectively.

27. UNODC participated in the conference held by Global Anti-Corruption and Compliance in Mining (ACCM) on 28 and 29 May 2014 in London. It is the only industry-specific conference focused entirely on the mining sector's unique legal and compliance issues in relation to corruption and bribery. The event brought together the industry's leading compliance and legal minds to pool thoughts and find solutions to the sector's most pressing corruption-related issues.

28. UNODC attended the Third Forum on Anti-Corruption, West Africa, hosted by the C5 Group on 10 and 11 June 2014 in Accra. At the event, general counsels, compliance officers, heads of audit departments, enforcers, lawyers, fraud examiners, forensic investigators and representatives of non-governmental organizations gathered for a discussion on the status of corruption in the region, and shared and benchmarked their proposed solutions to the obstacles posed by corruption in West Africa.

29. In August 2014, UNODC, together with several major brands such as Crocs, Montblanc, Procter and Gamble, and Tommy Hilfiger, hosted a training workshop in Panama on combating piracy, money-laundering and corruption aimed at law enforcement officers, tax officials, customs officials and prosecutors from Costa Rica, the Dominican Republic, Guatemala, Honduras, Nicaragua and Panama.

30. On 18 September 2014, after a year-long series of joint activities in Bangkok, Kuala Lumpur, Manila and Yangon, Myanmar, a regional working group on business integrity in ASEAN was established thanks to coordination by the ASEAN Corporate Social Responsibility Network and support from UNODC, the United Nations Global Compact and the Prosperity Fund programme of the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland. The working group aims at promoting private sector collective action against corruption in ASEAN member countries.

31. On 29 October 2014, UNODC observed for the second consecutive year the National Day of the Prevention of Money-Laundering in Panama in cooperation with the Chamber of Commerce and the Bank Association. The awareness-raising event was aimed at the private and public sectors in an effort to bring them together in the fight against the laundering of the proceeds of crime.

32. In 2014, UNODC also contributed a chapter to the book *Corruzione nazionale e internazionale*, under the title "The United Nations Convention against Corruption: a framework for addressing common challenges in identifying incentives for private sector integrity".

33. On 26 and 27 March 2015, the Chamber of Commerce and Industry of the Russian Federation, with the support of UNODC and the International Anti-Corruption Academy, hosted a conference on fostering public-private dialogue in the fight against corruption. More than 300 experts from the business community, public institutions, and academia came together in Moscow to identify the key challenges faced by the public and private sectors in preventing and combating

corruption. The results will be presented at a special event at the sixth session of the Conference of the States Parties in Saint Petersburg, Russian Federation.

34. UNODC provided perspectives on key international trends shaping business integrity work at the cross-regional business integrity workshop held from 24 to 26 March 2015 in Berlin. The workshop was organized by Business Integrity Programme of Transparency International. UNODC also delivered a presentation entitled “Anti-corruption, business ethics, innovations and partnerships: a government perspective” at the annual Global MedTech Compliance Conference held in Athens from 19 to 21 May 2015. The conference is one of the largest initiatives focused on the global compliance issues confronting the medical device and diagnostics industry.

35. Throughout 2014, UNODC participated in a series of workshops organized by Deutsche Gesellschaft für Internationale Zusammenarbeit and Bertelsmann Stiftung on perspectives on and prospects for multi-stakeholder collaboration. The participants discussed how to put in place the right structures, processes and actors for a successful multi-stakeholder collaboration.

36. In February 2015, in Honduras, the United Nations Development Programme (UNDP) and UNODC jointly facilitated a workshop on corruption and the private sector in which an integrity pact was signed by Honduran entrepreneurs and the President of Honduras. The pact contains, among other measures, a promise to promote a culture of ethics in private companies, to enhance internal controls to prevent and detect corruption, to support the generation of a culture of reporting corruption, and to prevent conflicts of interest.

37. On 6 February 2015, in Bali, Indonesia, UNODC attended the second meeting of the Regional Working Group for Business Integrity in ASEAN. The objective of the event was to pave the way for a formalized regional cooperation and the creation of a common strategy against corruption in the ASEAN business community. The Working Group discussed the essential elements for a regional private sector framework for collective action, as well as the priority actions for the Working Group.

38. Since May 2015, within the context of the United Nations Pacific Regional Anti-Corruption Project and the Pacific Islands Private Sector Organization (PIPSO), UNODC and UNDP have been working closely together not only to raise awareness of efforts to combat corruption in the private sector, but also to enable the project to take on board the concerns of private sector representatives who may face corruption. A first private sector workshop was held with the PIPSO member organization in Tonga in June 2015. This was the first event that enabled local business people to become aware of corruption-reporting avenues available to them in Tonga.

39. In July 2015, in Panama, UNODC participated in a workshop on the protection of intellectual property to highlight the links between corruption, the trafficking of counterfeit goods and organized crime. The workshop was organized by the Centre for the Study of Telecommunications Development and Access to the Information Society in Latin America, and was aimed at prosecutors, judges, law enforcement officers and private lawyers specialized in the field.

40. In October 2015, UNODC attended the third meeting of the Working Group on Business Integrity in ASEAN, held in Malaysia. UNODC gave a presentation on good practices for establishing an effective programme for ethics and anti-corruption compliance. Throughout 2015, UNODC continued to support the Working Group in designing a common integrity compliance and certification system for its members. The system is expected to be rolled out in early 2016.

41. During the reporting period, UNODC implemented two rounds of small grants for African civil society organizations. The aim of the grants was to promote civil society organizations' engagement with the private sector so as to raise awareness of the Convention and its review mechanism. Altogether, 16 grants of up to \$5,000 were awarded to civil society organizations for implementing a variety of innovative projects targeting small and medium-sized enterprises at the local level. The projects focused on assessing national anti-corruption laws, conducting participatory studies on the conformity of national laws with those provisions of the Convention that relate to the private sector, sensitizing sector-specific small and medium-sized enterprises and business students to the Convention, creating codes of conduct for small and medium-sized enterprises at the sectoral or company level, lobbying for the adoption of new laws, organizing media campaigns, and creating local anti-corruption coalitions and other activities.

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