



UNODC

United Nations Office on Drugs and Crime

17 March 2015

Dear Sir/Madam,

The United Nations Convention against Corruption (UNCAC) is the only global legally binding instrument in the fight against corruption. Having entered into force in 2005, it already has 174 States parties and is rapidly approaching universal adherence. In order to improve capacity and cooperation amongst Governments and to promote and review the implementation of the Convention, the Conference of the States Parties (CoSP) was established, with the United Nations Office on Drugs and Crime (UNODC) serving as the secretariat.

The fifth Session of the CoSP was held in Panama City in November 2013 and brought together over 150 States and international organizations, as well as civil society and private sector representatives. At this session, it was 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. Resolution 5/6 on the Private Sector was adopted, marking the first time that the private sector has been the focus of a resolution at the Conference. This resolution urges States, amongst other prevention measures, to raise awareness within the whole private sector on the need to establish and implement appropriate anti-corruption ethics and compliance programmes; promote the engagement of the business community in the prevention of corruption; and foster increased dialogue and cooperation between the public and the private sector in anti-corruption efforts. A copy of the resolution is attached for ease of reference.

At the CoSP, it was also decided in resolution 5/4, that the Intergovernmental Working Group on Prevention, a group which was established to advise and assist the CoSP on the prevention of corruption, should seek inputs from the private sector, in accordance with the Convention and its rules of procedure.

UNODC, therefore, requests the private sector to share relevant initiatives, practices, experiences and recommendations relating to the topics of discussion, both of importance to the private sector, for the next session of the Working Group on Prevention, to be held from 31 August to 2 September 2015 in Vienna. The topics will be:

- (a) Measures to prevent money-laundering (art. 14);
- (b) Integrity in public procurement processes and transparency and accountability in the management of public finances (arts. 9 and 10).

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UNODC also seeks the inputs of the private sector concerning resolution 5/6 on the Private Sector, as well as how the private sector can best contribute to the prevention of corruption and the work of the Conference of the States Parties.

UNODC would be grateful for any pertinent information that is provided to the Secretary of the Conference of the States Parties to the United Nations Convention against Corruption, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria, to Fax: +43 1 26060 6711 or to e-mail uncac.cop@unodc.org, **no later than 24 April 2015**.

Please note that contributions from the private sector will become part of the background materials prepared to assist in the deliberations of the next Working Group on Prevention.



Dimitri Vlassis
Officer-in-Charge
Division for Treaty Affairs

Resolutions and decisions adopted by the Conference of the States Parties to the United Nations Convention against Corruption

A. Resolutions

Resolution 5/6

Private sector

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

Recognizing the prominence that the United Nations Convention against Corruption¹ has given to the prevention of corruption by having its entire chapter II devoted to measures to prevent corruption in both the public and private sectors,

Stressing the importance of implementing article 12 of the Convention to prevent and fight corruption in the private sector,

Bearing in mind the importance of promoting and sharing best practices in the implementation of article 12 of the Convention,

Recognizing that, while the implementation of the Convention is the responsibility of States parties, corruption not only affects Governments, but has a significant impact on the private sector, impeding economic growth, distorting competition and presenting serious legal and reputational risks,

Recalling the momentum gathered through the Bali Business Declaration,² which contains the commitment of private sector entities, inter alia, to work towards the alignment of business principles with fundamental values enshrined in the Convention, to develop mechanisms to review company compliance and to strengthen public-private partnerships for combating corruption,

Noting that the private sector plays a significant role in the fight against corruption and stands to benefit greatly from proactive engagement in the fight against domestic and foreign bribery,

Taking note of the cooperation between the United Nations Office on Drugs and Crime and the Global Compact Office in terms of working with businesses to encourage the development of anti-corruption policies that strengthen transparency and accountability, in particular the joint development of the interactive e-learning tool for the private sector,

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

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

² Adopted at the special event entitled "Business coalition: the United Nations Convention against Corruption as a new market force", held at the second session of the Conference of the States Parties.

Recalling its resolution 1/8 of 14 December 2006, in which it decided to hold a meeting on best practices in the fight against corruption, and the subsequent meeting of experts held in Doha pursuant to that resolution,

1. *Requests* States parties to promote the United Nations Convention against Corruption¹² and anti-corruption measures among the business community with a view to reinforcing the role of the private sector in combating corruption and in ensuring a fair and level playing field for all;

2. *Strongly encourages* States parties to raise awareness within the whole private sector on the need to establish and implement appropriate anti-corruption ethics and compliance programmes;

3. *Encourages* States parties to consider assisting, where appropriate, companies in their compliance efforts, for example through the provision of specialized training and support for company compliance officers and procurement officers;

4. *Calls upon* States parties to mobilize business leaders to join integrity pacts, taking into account the relevant provisions of the Convention against Corruption, and to promote better adherence to internal codes of conduct and corporate and social responsibility standards;

5. *Also calls upon* States parties to promote the engagement of the business community in the prevention of corruption by encouraging the business community, inter alia, to develop and implement initiatives to prohibit any form of corruption, promote good corporate integrity practices, develop internal controls and codes of conduct, establish ethics committees, design specific training programmes, implement internal mechanisms to report acts of corruption and cooperate with official investigations;

6. *Invites* States parties, in accordance with domestic law, to consider the possibility of including in their legislation norms to provide incentives for effective cooperation with official investigations, such as reduced sentencing for crimes of corruption;

7. *Encourages* States parties to consider establishing confidential complaint systems, whistle-blower programmes and, where appropriate, effective witness protection measures, and to increase awareness among natural and legal persons of such measures;

8. *Urges* States parties to foster increased dialogue and cooperation between the public and the private sector in anti-corruption efforts and to strengthen, where appropriate, public-private partnerships for combating corruption in business;

9. *Invites* Member States to identify and share with States parties and other relevant stakeholders their good anti-corruption practices specifically addressing the needs of the private sector, such as in the area of prohibition of bribery of public officials, relations with intermediaries or the organization of such matters as public tenders, public procurement and major public events, including at the meetings of the Open-ended Intergovernmental Working Group on the Prevention of Corruption;

10. *Takes note with appreciation* of the United Nations Office on Drugs and Crime publication entitled *An Anti-Corruption Ethics and Compliance Programme for Business: a Practical Guide*;

11. *Invites* Member States to raise awareness in the private sector about the need for technical tools and resources to address risks in sectors that are more exposed or vulnerable to corruption;

12. *Encourages* Member States to make adequate voluntary contributions to the account referred to in article 62 of the Convention, operated within the United Nations Crime Prevention and Criminal Justice Fund,³ for the provision to developing countries and countries in transition of the technical assistance that they might require to build their capacities for the implementation of article 12 of the Convention;

13. *Requests* the Secretariat to submit a report to the Conference of the States Parties at its sixth session on the implementation of the present resolution;

14. *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.

³ See General Assembly resolution 58/4 of 31 October 2003, para. 4.