



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

Distr.: Limited
27 November 2013

Original: English

Fifth session

Panama City, 25-29 November 2013

Agenda item 4

Prevention

Panama: revised draft resolution

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 devoting its entire chapter II 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 private-public partnerships for combating corruption,

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

Recalling its resolution 1/8, 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 Corruption¹ 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 United Nations Convention against Corruption, 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 to 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 Working Group on the Prevention of Corruption;

10. *Takes note with appreciation* of the United Nations Office on Drugs and Crime practical guide entitled *An Anti-Corruption Ethics and Compliance Programme for Business*;

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] [stipulated] 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.