



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

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Agenda item 4

Prevention

Brazil, Norway and Saudi Arabia: revised draft resolution

Providing incentives for the private sector to adopt integrity measures to prevent and combat corruption

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

Highlighting the prominence that the United Nations Convention against Corruption¹ has given to the prevention of corruption, as the entirety of chapter II of the Convention is devoted to measures to prevent corruption in both the public and private sectors,

Stressing the importance of implementing article 12 of the Convention, in which States parties agreed to take measures to prevent corruption involving the private sector, in accordance with the fundamental principles of their domestic law,

Noting the importance of the contributions of the private sector to actions to prevent bribery of national public officials, foreign public officials and officials of public international organizations,

Reiterating the importance of measures taken by States parties, consistent with article 12 of the Convention, to prevent corruption involving the private sector, including by promoting integrity, transparency and accountability,

Recalling its resolution 5/6 of 29 November 2013, entitled “Private sector”, in which it requested States parties to promote anti-corruption measures among the business community with a view to reinforcing the role of the private sector in combating corruption,

Recalling also its resolution 6/5 of 6 November 2015, in which it reiterated the importance of efforts by States parties to take measures to prevent corruption involving the private sector, including codes of conduct, the prevention of conflicts of interest and the promotion of good commercial practices in the contractual relations of businesses with the State,

Recalling further the political declaration adopted by the General Assembly at its special session against corruption,² in which Member States committed to taking measures to prevent corruption involving the private sector and mitigating corruption

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

² General Assembly resolution S-32/1, annex.



risks when granting subsidies, contracts and licences, as well as setting high standards regarding anti-corruption policies,

Recognizing that corruption is a local and a transnational phenomenon that affects all societies and undermines economic development, social justice and the rule of law, making international cooperation to prevent and combat it essential,

Recognizing also the importance of the prevention of corruption in the broader development agenda, including through the implementation of Sustainable Development Goal 16, aimed at promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels, and other relevant goals of the 2030 Agenda for Sustainable Development,³

Concerned about the negative impact that all forms of corruption, including the solicitation of undue advantages, can have on access to basic services and the enjoyment of all human rights, and recognizing that it can exacerbate poverty and inequality and may disproportionately affect women, girls and the most disadvantaged individuals in society,

Reiterating the commitment of States parties to promoting the empowerment of women, in particular in the private sector,

Acknowledging the importance of States parties fostering a conducive environment for the private sector to adopt and implement effective integrity measures to prevent and combat corruption, while safeguarding economic activity and promoting sustainable development, including by addressing social and economic inequalities,

Recalling its resolution 8/3 of 20 December 2019, in which it encouraged States parties to engage the private sector in the promotion of integrity in its relations with the public sector, including, as appropriate, by encouraging the business community to develop and implement integrity programmes and policies that set standards of ethics and rules of conduct,

Recalling also its resolution 8/6 of 20 December 2019, in which it strongly encouraged States parties to raise awareness within the private sector of the need to establish and implement appropriate anti-corruption ethics and compliance programmes or measures, and invites States parties to consider, in accordance with their domestic law, providing appropriate incentives for the effective implementation of such programmes or measures,

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

Noting the importance of partnerships and cooperation between the public and private sectors in the implementation of anti-corruption measures, including when devising and assessing the effectiveness of integrity policies and procedures in the private sector,

Noting also the call to action from business to government on the twentieth anniversary of the Convention, aimed at intensifying efforts to tackle corruption involving the private sector,

Acknowledging the relevance of the Private Sector Forum, co-organized by the United Nations Office on Drugs and Crime and the United Nations Global Compact during the tenth session of the Conference of the States Parties to the United Nations Convention against Corruption, with a view to, inter alia, determining effective measures that States can adopt to provide incentives for compliance, and how the private sector can contribute to this endeavour,

³ General Assembly resolution 70/1.

1. *Calls upon* States parties to develop effective frameworks, in accordance with the fundamental principles of their domestic law, to provide incentives for the private sector to adopt integrity measures, including codes of conduct, to prevent and combat corruption and promote transparency in its relations with national public officials, foreign public officials and officials of public international organizations;
2. *Also calls upon* States parties to provide incentives for the private sector to implement robust internal governance and risk management systems for preventing acts of corruption and detecting illicit activities connected to corruption;
3. *Encourages* States parties to consider establishing regulatory frameworks, in accordance with the fundamental principles of their legal systems, that provide incentives for the private sector to develop and implement effective integrity measures to prevent and combat corruption by taking such measures into account in decisions relating to participation in public programmes, such as those related to subsidies, licences, procurement contracts and export credits, while also considering the structure and size of private enterprises;
4. *Also encourages* States parties to take measures, in accordance with the fundamental principles of their domestic law, to prevent corruption involving the private sector, by taking action to prevent the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;
5. *Further encourages* States parties to promote the meaningful participation, leadership and representation of women and girls in anti-corruption activities, programmes and initiatives, and in private sector integrity programmes;
6. *Encourages* States parties, in accordance with their domestic law, to take into account, when holding private sector entities liable for corruption, whether or not they have taken or are implementing effective integrity measures;
7. *Invites* States parties, in accordance with the fundamental principles of their domestic law, to consider the possibility of providing incentives for private sector entities for the voluntary self-disclosure of corruption and for effective cooperation with national law enforcement authorities;
8. *Also invites* States parties, in accordance with their domestic law, when employing alternative legal mechanisms and non-trial resolutions, including settlements, to consider providing appropriate incentives for private sector entities that enter into such procedures in order to commit to developing or strengthening integrity measures to prevent corruption;
9. *Encourages* States parties, in accordance with the fundamental principles of their domestic law, to consider, in the context of providing incentives for the adoption of integrity measures in the private sector, the adoption of laws, regulations and public policies to adequately evaluate compliance programmes, including by developing and making publicly available guidelines, methodologies and other evaluation tools;
10. *Reiterates* the need to prevent and combat corruption in all its forms, based on a comprehensive and multidisciplinary approach, and in this regard encourages States parties, where appropriate and in accordance with the fundamental principles of their domestic law, to promote the adoption of comprehensive integrity programmes in the private sector that may take into account, inter alia, sustainable development;
11. *Encourages* States parties to ensure that comprehensive integrity systems do not create undue burdens on businesses and take into account their specific characteristics in different sectors, including their risk profiles, sizes, industries and financial capacities, so as to promote economic development;
12. *Acknowledges* that the adoption of integrity measures to prevent and combat corruption can provide tangible benefits to the private sector through the establishment of legal frameworks on private sector integrity that, inter alia, offer

public recognition of integrity efforts, reduce the potential impact of sanctions, offer facilitated access to public policies and programmes, and increase access to financing and investment opportunities;

13. *Encourages* States parties to consider establishing industry-specific incentives for the adoption of integrity and anti-corruption programmes by private sector entities;

14. *Invites* States parties to publicly recognize, where appropriate, private sector entities that demonstrate a strong commitment to integrity, transparency and ethical conduct, in accordance with their domestic law;

15. *Calls upon* States parties to make concrete efforts, within their means, to provide technical assistance and exchange best practices on matters related to the present resolution;

16. *Also calls upon* States parties to provide the United Nations Office on Drugs and Crime, on a voluntary basis, with information on best practices and challenges related to incentives for the private sector to adopt integrity measures to prevent and combat corruption, and requests the Office, within its mandate and available resources, to collect and make such information available to all States parties and to report on the matter to the Conference of the States Parties to the Convention and the Open-ended Intergovernmental Working Group on the Prevention of Corruption;

17. *Directs* the Open-ended Intergovernmental Working Group on the Prevention of Corruption to include incentives for the private sector to adopt integrity measures to prevent and combat corruption as a topic for discussion at its future meetings;

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