



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

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Prevention

Russian Federation: draft resolution

St. Petersburg declaration 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 Corruption¹ is the responsibility of States parties, corruption not only affects Governments, but can also have a significant negative impact on the private sector, 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, 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 in 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,²

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

* CAC/COSP/2015/1.

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

² CAC/COSP/2015/9.



Taking into consideration all relevant documents of the United Nations and other organizations that, inter alia, stress 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 partnerships 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 the posts of commissioners for entrepreneurs' rights,

Taking note of the initiatives undertaken by States parties and the United Nations Office on Drugs and Crime to promote sustainable partnerships 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 by 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 entitled "Anti-Corruption Partnership of the State and Business", 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 Corruption¹ 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, inter alia, to 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 promotion of 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

national law, to promote the active participation of individuals and groups outside the public sector, including the private sector, 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 government authorities and the private sector on anti-corruption and to engage a wide range of private sector representatives in efforts to prevent corruption;

4. *Encourages* States parties, in accordance with the fundamental principles of their legal systems, to foster increased dialogue and cooperation between the public and private sectors with regard to involvement in the alignment of public procurement systems, in accordance with the requirements of article 9 of the Convention;

5. *Recommends* that States parties take comprehensive measures to prevent crimes and offences that have a negative impact on the business climate;

6. *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;

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

8. *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 compliance systems, whistle-blower protection programmes and effective witness protection measures, in line with articles 32 and 33 of the Convention;

9. *Calls upon* States parties to foster public-private partnerships in the prevention of corruption by, inter alia, 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;

10. *Also calls upon* States parties to review excessive regulations and simplify administrative procedures, where appropriate, with a view to reducing opportunities for the solicitation of bribes from companies;

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

12. *Draws the attention* of States parties to the necessity of keeping the public informed about cases of corruption and the measures taken to prosecute the perpetrators;

13. *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;

14. *Calls upon* States parties to encourage the representatives of the public and private sectors to provide their expertise and share their experience within the framework 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;

15. *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 platforms for the exchange of relevant experience and good practices in this field;

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

17. *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.