OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

The Convention is the first legally binding international instrument that aims at combating bribery and through this, protecting fair competitiveness in international transactions. It entered into force in 1999 and has been implemented in 40 countries, which includes 6 non-OECD member countries (Argentina, Brazil, Bulgaria, Colombia, Russian Federation and South Africa). The Convention focuses exclusively on the supply-side of the bribery of public foreign officials and sanctions for such activity. The evaluation system includes both self-evaluation (countries respond to a questionnaire) and mutual evaluation (each country is examined in turn by the Working Group, with teams made up of members from different participating countries.

UN Convention against Corruption

The UN Convention (UNCAC) came into force in 2005 and as of July 2012, UNCAC has 140 signatories and 161 Parties. The UNCAC seeks to prevent corruption and includes measures to this effect, including model preventive policies that are directed at both the public and private sectors. It further seeks to cover detection and sanctioning and also promotes transparency and technical assistance. As to prosecution, the Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law. The UNCAC covers a wide range of offences including bribery, domestic and foreign; embezzlement; trading in influence; concealment and laundering in the proceeds of corruption. A significant feature of the Convention is that it recognises the need for shared responsibilities between law enforcement agencies of countries in cases of cross-border corruption activities. Asset-recovery has been stated explicitly as a fundamental principle of the Convention. The Convention is a mixture of mandatory and discretionary provisions.

Inter-American Convention against Corruption

Adopted in 1996, the OAS Convention represents regional consensus about what states should do in the areas of prevention, criminalisation, international cooperation and asset recovery. It covers corruption in the public sector, both on demand and supply. It gives a wide and inclusive interpretation to what constitutes “corruption offences” including bribery, domestic and foreign; illicit enrichment; money laundering and concealment of property. Measures adopted to curb bribery include preventive measures (creating and enforcing codes of conduct), criminalisation and regional
assistance cooperation measures, as well as provisions on recovery of assets. Obligations towards the Convention are a mixture of mandatory and discretionary provisions. For monitoring, a committee of experts has been established that is to conduct technical analysis of the implementation of the Convention by parties.

**Council of Europe Conventions**

The EU has two binding policies against corruption. The Council of Europe Criminal Law Convention was adopted in 1998. It represents a European regional consensus on what states should do in the areas of criminalisation and international cooperation with respect to corruption. The Convention covers the public sector and private sector (private-to-private) corruption and covers a broad range of offences including bribery (domestic and foreign), trading in influence, money laundering and accounting offences. Penalty ranges from criminalisation to recovery of assets, with regional cooperation. The Council of Europe Civil Convention was adopted in 1998 and came into force in 2009. It is the first attempt to define common international rules in the field of civil law and corruption. In particular, it provides for compensation for damages as a result of acts of corruption. GRECO (Group of States against Corruption) is the monitoring mechanism that aims through a process of mutual evaluation and peer pressure at monitoring the compliance of states with their undertakings in the field of corruption, including the CoE Criminal and Civil Law Conventions. As of 2 April 2013, 49 states including the United States had joined.

**South African Development Protocol against Corruption (SADC)**

This protocol was adopted in 2001 by all 14 SADC members. It provides both preventive and enforcement mechanisms. The purpose of the Protocol is (a) to promote the development of anti-corruption mechanisms at the national level (b) to promote cooperation in the fight against corruption by state parties and (c) to harmonise anti-corruption national legislation in the region. Preventive measures include the development of a code of conduct for public officials, transparency, and establishment of anti-corruption agencies. In line with the OECD Convention, the Protocol criminalises the bribing of public foreign officials. It also addresses the issue of money laundering by allowing for seizure of the proceeds of the crime, thereby making it more difficult to benefit from proceeds of corruption. The Protocol also sets out an implementation mechanism.

**African Union Convention on Preventing and Combating Corruption**
Adopted in 2003, this legally binding convention has been ratified by 34 African countries. It covers the public and the private sector. Offences covered are bribery (domestic or foreign), diversion of property by public officials, trading in influence, illicit enrichment, money laundering and concealment of property. All provisions are mandatory including those on private to private corruption. The Convention provides for prevention, criminalisation, regional cooperation and mutual legal assistance as well as the recovery of assets. In addition it is required to submit a report to the Executive Council on a regular basis on the progress made by each State Party in complying with the provisions of the African Union Convention.

**World Bank Anti-Corruption Strategies**

The Bank views corruption as an outcome of poor governance aims to help develop capable and accountable states and institutions that can devise and implement sound policies, provide public services, set the rules governing markets, and combat corruption, thereby helping to reduce poverty. Bank Group activities in the areas of governance and anti-corruption fall into three main areas: preventing fraud and corruption within bank-financed projects, helping countries in their efforts to reduce corruption by advising on economic policy and other reforms and strengthening institutional capability; and adding voice and support to international efforts, including OECD’s efforts, to reduce bribery and corruption. Information about the World Bank’s sanctions management can be found on the World Bank’s website.

**ADB/OECD Anti-Corruption Initiative for Asia-Pacific**

Under the joint leadership of the Asian Development Bank (ADB) and the OECD, 31 countries and economies of the Asia-Pacific region have committed to fight against corruption by developing and implementing the Anti-Corruption Action Plan for Asia and the Pacific.

**Anti-Corruption Network for Eastern Europe and Central Asia**

The Anti-Corruption Network for Eastern Europe and Central Asia supports the countries of Eastern Europe and Central Asia by providing a regional forum for the promotion of anti-corruption activities, exchange of information, elaboration of best practices and donor coordination.

**OECD/AfDB Initiative to Support Business Integrity and Anti-bribery Efforts in Africa**
The OECD and the African Development Bank (AfDB) initiative aims to assist African countries in their fight against bribery of public officials in business transactions and to improve corporate integrity and accountability, while sustaining growth through an environment conducive to attracting investment.

**OECD-Latin America Anti-Corruption Programme**

This programme is designed to strengthen implementation and enforcement of regional anti-corruption conventions and to promote integrity in Latin America. Latin American parties to the Anti-Bribery Convention – Argentina, Brazil, Chile, Colombia and Mexico - play a leading role as a natural bridge between the OECD and the Organization of American States.

**Middle East and North Africa (MENA)**

The OECD conducts a structured policy dialogue with MENA countries on issues related to corruption and public and private sector integrity within the framework of the MENA-OECD Initiative on Governance and Investment for Development. The Regional Task Force on Responsible Business Conduct promotes responsible business conduct in the MENA region, focusing particularly on fighting corruption, education and employment standards, environment and health.

**SIGMA - Support for Improvement in Governance and Management**

Sigma, a joint initiative of the European Union (EU) and the OECD, supports around 30 countries in the Central and Eastern European and Mediterranean regions by assessing reform progress and identifying priorities for reform; assisting in the process of institution-building and setting up legal frameworks; and facilitating assistance from the EU and other donors by helping to design projects and implement action plans.

**CleanGovBiz**

The CleanGovBiz initiative is a strategic priority for the OECD, responding to a global political momentum to improve integrity and fight corruption. It was launched by the OECD working with the UNODC, the World Bank, the FATF, Transparency International, EITI, etc. and aims at supporting governments, business and civil society in reinforcing the fight against corruption and improving integrity. Since early 2011, experts from various OECD directorates and partner organizations have been working together to assemble a “Toolkit for Integrity” that provides a unique resource for
fighting corruption in multiple areas such as tax, public procurement, public financial management, private sector integrity, lobbying etc. For each policy area covered by the Toolkit, OECD with support from partner organizations developed a set of priority policy measures, user-friendly guidance on their implementation, examples of good practices and references to relevant existing tools.
OECD Guidelines for Multinational Enterprises

The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas provides management recommendations for global responsible supply chains of minerals to help companies to respect human rights and avoid contributing to conflict through their mineral or metal purchasing decisions and practices. The Due Diligence Guidance is for use by any company potentially sourcing minerals or metals from conflict-affected and high-risk areas.

OECD Recommendation of the Council on Tax Measures for Further Combating Bribery of Foreign Public Officials in International Business Transactions

The OECD Council adopted on 25 May 2009 a new Recommendation to strengthen the role of tax authorities in the combat against bribery that succeeds to the former 1996 Recommendation. The 2009 Recommendation builds on the powerful impact of the non-deductibility of bribes to foreign officials by requiring legislation or any other binding means to prohibit the tax deductibility of bribes to foreign public officials.

OECD Recommendation for Further Combating Bribery of Foreign Public Officials

The Recommendation for Further Combating Bribery of Foreign Public Officials was released on 9 December 2009, when the OECD marked the 10th anniversary of the entry into force of the OECD Anti-Bribery Convention. The Recommendation was adopted by the OECD in order to enhance the ability of the 40 States Parties to the Anti-Bribery Convention to prevent, detect and investigate allegations of foreign bribery and includes the Good Practice Guidance on Internal Controls, Ethics and Compliance. This Good Practice Guidance, contained in the Annex 2 of the Recommendation calls on companies to protect themselves against the risks of foreign bribery by putting in place strict internal controls and establishing ethics and compliance programmes.

OECD Guidelines for Managing Conflict of Interest in the Public Service

The Guidelines set a comprehensive benchmark for modernising governance structures to identify and manage conflict of interest situations. To help governments apply the Guidelines, a practical Toolkit has been developed to put policy into practice. Since the adoption of the 2003 Recommendation, 23 of the OECD’s 30 member countries have enhanced the standards in their
laws and codes of conduct and strengthened implementation measures to prevent conflict of interest. The OECD has recently reviewed arrangements for promoting integrity in lobbying and post-public employment.

**OECD Action Statement on Bribery and Officially Supported Export Credits**

Under the OECD Anti-Bribery Convention, governments are obliged to take action to deter and sanction bribery of foreign public officials in international business transactions supported by official export credits. This general requirement has been reinforced by a set of specific common undertakings agreed by the OECD in its 2000 Action Statement on Bribery and Officially Supported Export Credits which was revised in 2006. The 2006 Action Statement contains a number of specific recommendations that countries are asked to take into account regarding the provision of officially supported export credits.

**Principles for Donor Action in Anti-Corruption**

The Principles were developed by OECD countries in their capacity as donors. In these principles donors resolve to harmonise their efforts to support developing countries’ anti-corruption work and to address the supply side of corruption. Goals set out in the principles include strengthening civil society in aid recipient countries and their capacity to demand reform and transparency in the fight against corruption, and progress in donor countries on issues such as money laundering and recuperating assets lost through corruption.

**OECD Recommendation on Principles for Transparency and Integrity in Lobbying**

The Principles provide decision makers with directions and guidance to foster transparency and integrity in lobbying. The 10 Principles focus on 4 main areas that are; building an effective and fair framework for openness and access, enhancing transparency, fostering a culture of integrity and mechanisms for effective implementation, compliance and review.

**2008 Recommendation on Enhancing Integrity in Public Procurement**

The Principles provide governments with guidance in order to achieve value for money, increase transparency and prevent corruption in public procurement. The Principles emphasise good governance throughout the entire procurement cycle; from needs assessment to tender evaluation and post-award contract management. The 10 Principles for Enhancing Integrity
in Public Procurement are anchored around 4 pillars: Transparency, Good management, Prevention of misconduct, compliance and monitoring and Accountability and control.

**Public Sector Integrity: A Framework for Assessment**

This Assessment Framework provides policy makers and managers with a pioneering roadmap to design and organise sound assessments in specific public organisations and sectors. It includes practical checklists, decision-making tools and options for methodologies based on good practices.

**OECD Principles for Integrity in Public Procurement**

The OECD approach aims to enhance integrity in public procurement by mapping risks throughout the entire procurement cycle. It takes a holistic view of the public procurement cycle: from needs assessment, bid evaluation and contract award, as well as contract management and payment.

**Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences**

The OECD Guidelines for Managing Conflict of Interest in the Public Service provide the first international benchmark in this field. They help governments review and modernise their conflict-of-interest policies in the public sector. The report highlights trends, approaches and models across OECD countries in a comparative overview that also presents examples of innovative and recent solutions. Selected country case studies give more details on the implementation of policies in national contexts and on key elements of legal and institutional frameworks.

**Checklist for Enhancing Integrity in Public Procurement**

The Checklist is designed to guide policy makers at the central government level in instilling a culture of integrity in the entire procurement cycle, from needs assessment to contract management and payment.

**OECD Bribery Awareness Handbook for Tax Examiners**

The OECD has designed a handbook to provide tax examiners with information on the various bribery techniques used and the tools to detect and identify bribes. The OECD Bribery Awareness Handbook for Tax
Examiners is now available in 18 languages. The recommendation requires countries to explicitly prohibit the tax deductibility of bribes to foreign public officials and promotes enhanced co-operation between tax authorities and law enforcement agencies both at home and abroad to counter corruption.

**OECD Principles of Corporate Governance**

First released in May 1999 and revised in 2004, the OECD Principles are one of the 12 key standards for international financial stability of the Financial Stability Board and form the basis for the corporate governance component of the Report on the Observance of Standards and Codes of the World Bank Group.

**Paris Declaration on Aid Effectiveness**

The Declaration goes beyond previous agreements among donors and defines a clear, practical plan to help improve the quality and positive impact of development aid. Within this framework donors have committed to giving greater support to developing countries’ anti-corruption efforts, aligning with country-led initiatives and promoting local ownership of anti-corruption reforms. Specific areas of focus are developing countries’ programs to strengthen procurement systems and financial management systems.

**Basel Committee Guidelines on Customer Due Diligence for Banks**

The 13 member Basel Committee, established by the Bank for International Settlements (BIS), formulates broad supervisory standards and guidelines and recommends best practices in the expectation that individual authorities will implement them through detailed and tailor made arrangements. The aim is a move towards common approaches and common standards without attempting detailed harmonisation of member countries' supervisory techniques. One of its initiatives of the Basel Committee is to benchmark know-your-customer (KYC) policies for banks, most closely associated with the fight against money-laundering. Sound KYC policies and procedures are critical in protecting the safety and soundness of banks and the integrity of banking systems, thereby reducing risks. [See also, The Joint Forum Initiatives with International Organization of Securities Commissions, International Association of Insurance Supervisors to combat money laundering and the financing of terrorism: http://www.bis.org/publ/joint05.pdf and Prevention of criminal use of the
banking system for the purpose of money-laundering: http://www.bis.org/publ/bcbsc137.pdf]

Financial Action Task Force

The FATF is an inter-governmental body whose purpose is the development and promotion of national and international policies to combat money laundering and terrorist financing. The FATF has published recommendations addressed to countries in order to meet the objective with respect to money laundering. These cover the criminal justice system and law enforcement, the financial system and its regulation, and international co-operation. Though not a binding international convention, many countries have made a political commitment to implement the FATF Recommendations.
Anti-Corruption and Transparency Working Group (APEC)

APEC members instituted the Anti-Corruption and Transparency Expert Task Force's (ACT) in 2005 tasked with the implementation of international corruption instruments in the region. In 2007, the ACT developed a Code of Conduct for Business; Conduct Principles for Public Officials; and Complementary Anti-Corruption Principles for the Public and Private Sectors. APEC Leaders endorsed these codes, as well as the 2007 Statement on Actions for Fighting Corruption through Improved International Legal Cooperation. These codes are being implemented through the provision of capacity building seminars to government and law enforcement officials, civil society representatives, chambers of commerce and small and medium sized enterprises (SMEs).

Avoid Corruption – A Guide for Companies

The guide has been developed by the BIAC member Confederation of Danish Industries (DI) and updated in 2007. It provides definitions and information about the occurrence of corruption as well as information about the legal environment for fighting corruption in Denmark and internationally. The DI guide also provides thoughts and concrete suggestions concerning the development of corporate strategies, anti-bribery codes of conduct and the implementation of anti-bribery policies in companies.

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The report Avoid Corruption in International Business (Korruption bei Auslandsgeschäften vermeiden), which was produced by ICC Austria in co-operation with the Austrian Federal Economic Chamber (AWO), is only available in German. It informs companies about legal provisions, definitions, reasons for the occurrence corruption and what to do in certain situations. The report also discusses special issues such as problems concerning SMEs and certain sectors, public procurement, doing business with government owned companies, dealing with agents and consultants, and dealing with suppliers.

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With the aim of supporting in particular the SME’s in avoiding and fighting corruption, this portal offers information about corruption in a number of developing countries. So far, country profiles exist for 70 countries. These profiles comprise detailed information about corruption categorized according to sectors and levels as well as facts about public and private anti-corruption initiatives and ratification status on international conventions. The Business Anti-Corruption Portal also offers due diligence tools for identifying and avoiding corruption risks in typical business situations, integrity system on how to integrate anti-corruption policies and practices in the existing company procedures, a contact network which serves as entry point to public and private organisations in the countries, information on relevant legislation
and initiatives, links to business relevant national and international organizations and training modules.

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**Clean Business Is Good Business**

This publication has been jointly developed by the International Chamber of Commerce, Transparency International, UN Global Compact, and the World Economic Forum Partnering Against Corruption Initiative. The document offers on three pages a brief summary of arguments against corruption, information on international law, an overview of sectors and countries most prone to the issue, and the business rationale for addressing corruption.

**Common Industry Standards for European Aerospace and Defence**

Developed by the members of the Aerospace and Defence Industries Associations of Europe (ASD), the Common Industry Standards cover issues which include compliance with laws and regulations; gifts and hospitality; political donations and contributions; and dealing with agents, consultants and intermediaries. The standards involve commitments to avoid all forms of direct and indirect corruption; encourage agents, consultants and business partners to comply with integrity standards; put in place integrity programs with a view to implementing the standards; and to apply sanctions for evidenced cases of non-compliance.

**Démarche export – Prévenir les risques de corruption**

The French BIAC member association MEDEF developed this information brochure with a particular focus on internationally active French SMEs. MEDEF explains
different forms of corruption and informs about the implications that the OECD Convention and the French anti-corruption have for companies.

**Extractive Industries Transparency Initiatives (EITI)**

EITI is a voluntary initiative that seeks to create transparency and accountability in countries dependent on revenues from oil, gas and mining. It is supported by a coalition of companies, governments, investors and civil society organizations from about 20 countries. There is a need for a mutually agreed set of EITI criteria required to be complied with by all countries wishing to implement the EITI. The Multi-Donor Trust Fund (MDTF) administered by the World Bank is currently disbursed to implementing countries to help meet the EITI criteria. In addition, extractive industries transparency is now being mainstreamed into World Bank country programs. The EITI Secretariat has developed an EITI Source Book that provides guidance for countries and companies wishing to implement the Initiative.

**Global Compact (10th Principle)**

The Global Compact is a voluntary international initiative that seeks to promote responsible corporate citizenship to ensure that business can be part of the solution to the challenges of globalisation. The tenth principle ("Businesses should work against corruption in all its forms, including extortion and bribery") commits UN Global Compact participants to not only avoid bribery, extortion and other forms of corruption, but also to develop policies and concrete programs to address corruption.

**International Association of Oil and Gas Producers’ Guidelines on Reputational Due Diligence**

The guidelines are designed as a resource for member companies of the Association, intending to establish and/or maintain effective anti-corruption practices. These include evaluation of the potential risks of doing business with associates and implementation of measures to reduce those risks.

**ICC Rules of Conduct**

The International Chamber of Commerce’s Rules of Conduct are intended as a method of voluntary self-regulation by business against the background of applicable national laws. The rules, which were revised in 2005, aim at assisting enterprises to comply with their legal obligations and with the numerous anti-corruption initiatives at international level. Further guidance regarding the implementation of these rules is provided by the ICC’s handbook “Fighting Corruption: A Corporate Practices Manual”.

**ICC Guidelines on Whistleblowing**

The International Chamber of Commerce’s Guidelines aim at helping companies to establish and implement internal whistleblowing programs, by setting forth practical indications, that can serve as a useful point of reference, while meeting, as much as
possible, the objections formulated in certain countries about some aspects of a whistleblowing system.

**ICC Resisting Extortion and Solicitation in international Transactions (RESIST)**

RESIST is based on real-life scenarios, and it is designed as a training tool to provide practical guidance for company employees on how to prevent and/or respond to an inappropriate demand by a client, business partner or public authority in the most efficient and ethical way.

**Pacific Basin Economic Council Charter**

The Pacific Basin Economic Council, an association of senior business leaders representing more than 1,200 businesses in 20 economies grouped around the Pacific Ocean, advocates transparent and honest transactions between business and government. The PBEC's Charter on Standards for Transactions Between Business and Government, a set of voluntary standards for its members released in 1997, tracks closely amongst others, the OECD Convention on Combating Bribery of Foreign Public Officials.

**Preventing Corruption – Recommendations by the Federation of German Industries**

The 3rd edition of “Preventing Corruption – BDI Recommendations” informs about the legal anti-corruption environment for companies. BDI recommends to prohibit all forms of corrupt behavior and – irrespective of any criminal law consequences – and to impose labor law and disciplinary sanctions. The business association suggests spelling these sanctions out in a general code of conduct, which could be made an integral part of employment contracts.

**United States Defence Industry Initiative (DII) on Business Ethics and Conduct**

A number of U.S. defense industry companies have signed the DII Principles of Business Ethics and Conduct acknowledging and expressing their federal-procurement-related corporate responsibilities to the Department of Defense, as well as to the public, the Government, and to each other.

**Wolfsberg Anti-Money Laundering Principles**

The Wolfsberg Group is an association of twelve global banks, which aims to develop financial services industry standards, and related products, for Know Your Customer, Anti-Money Laundering and Counter Terrorist Financing policies. In 2000, the group published its Anti-money Laundering Principles for Private Banking (revised in 2002) and in 2002, it also released the Wolfsberg Anti-Money Laundering Principles for Correspondent Banking. These guidelines lay down what acts may call on for due diligence and special attention and also provides monitoring mechanisms. In 2006, the Group published the paper, “Guidance on a Risk Based Approach for Managing Money Laundering Risks” to assist institutions in managing money laundering risks and to prevent the use of their institutions for criminal purposes. In 2007, the Group issued
its Statement against Corruption describing the role of the Wolfsberg Group and financial institutions more generally in support of international efforts to combat corruption.

**World Economic Forum Initiatives (PACI)**

The World Economic Forum Partnering against Corruption Initiative (PACI) was launched in January 2004. It aims at developing multi-industry principles and practices that will result in a competitive level playing field, based on integrity, fairness and ethical conduct. The PACI principles “Partnering against Corruption – Principles for Countering Bribery” were developed by a multinational Task Force of companies working with the World Economic Forum, Transparency International, and the Basel Institute on Governance. The aim of these principles is to provide a framework for good business practices and risk management strategies for countering Bribery.

**Transparency International Tools and Initiatives**

Transparency International is a civil society organisation with about 90 national local chapters whose objective is to lead the fight against corruption. It provides a number of initiatives and publications that companies may find helpful. These include the Business Principles for Countering Bribery (BPCB), introduced in December 2002, that provide a model for companies seeking to adopt a comprehensive anti-bribery programme which companies may consider using as a starting point for developing their own anti-bribery programmes or as a benchmark for existing ones. TI offers also a comprehensive Guidance Document which provides additional background and practical information for those wishing to implement the principles. The TI Six Step Implementation Process is a “how-to” guide for companies that are early on in the process of devising and implementing an anti-bribery programme. The Global Integrity Pact (IP) developed by TI is a tool aimed at preventing corruption in public contracting. It consists of a process that includes an agreement between a government or a government department and all bidders for a public contract.

**TRACE International**

TRACE is a non-profit membership association that specializes in anti-bribery due diligence reviews and compliance training for international commercial intermediaries (sales agents and representatives, consultants, distributors, and suppliers). TRACE has a model Code of Conduct, which specifically addresses local and foreign laws, bribery and facilitating payments, kickbacks, extortion, conflicts of interest, political and philanthropic contributions, gifts, hospitality and entertainment, accounting and reporting requirements, and communication of and training for the code. In July 2007 TRACE launched its Business Registry for International Bribery and Extortion (BRIBElite). The BRIBElite is a medium though which companies and individuals can safely and anonymously report demands for bribes by government officials worldwide.
OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas

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Good Practice Guidance on Internal Controls, Ethics, and Compliance

This Good Practice Guidance acknowledges the relevant findings and recommendations of the Working Group on Bribery in International Business Transactions in its programme of systematic follow-up to monitor and promote the full implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (hereinafter “OECD Anti-Bribery Convention”); contributions from the private sector and civil society through the Working Group on Bribery’s consultations on its review of the OECD anti-bribery instruments; and previous work on preventing and detecting bribery in business by the OECD as well as international private sector and civil society bodies.

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones

The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones was adopted by the OECD Council on 8 June 2006. It aims to help companies that invest in countries where governments are unwilling or unable to assume their responsibilities. It poses a range of questions addressing risks and ethical dilemmas that companies are likely to face in weak governance zones.

A Compliance & Ethics Programme on a Dollar a Day

The Society of Corporate Compliance and Ethics (SCCE) has made available the guide “A Compliance & Ethics Program on a Dollar a Day: How Small Companies Can Have Effective Programs”, written by Joseph E. Murphy, (CCEP), which is designed to help small businesses create effective compliance programmes. The 30-page document details where to start and the steps to take to help develop a diligent compliance and ethics programme.
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EITI is a voluntary initiative that seeks to create transparency and accountability in countries dependent on revenues from oil, gas and mining. It is supported by a coalition of companies, governments, investors and civil society organizations from about 20 countries. There is a need for a mutually agreed set of EITI criteria required to be complied with by all countries wishing to implement the EITI. The Multi-Donor Trust Fund (MDTF) administered by the World Bank is currently disbursed to implementing countries to help meet the EITI criteria. In addition, extractive industries transparency is now being mainstreamed into World Bank country programs. The EITI Secretariat has developed an EITI Source Book that provides guidance for countries and companies wishing to implement the Initiative.

**Global Compact (10th Principle)**

The Global Compact is a voluntary international initiative that seeks to promote responsible corporate citizenship to ensure that business can be part of the solution to the challenges of globalisation. The tenth principle ("Businesses should work against corruption in all its forms, including extortion and bribery") commits UN Global Compact participants to not only avoid bribery, extortion and other forms of corruption, but also to develop policies and concrete programs to address corruption.

**International Association of Oil and Gas Producers’ Guidelines on Reputational Due Diligence**

The guidelines are designed as a resource for member companies of the Association, intending to establish and/or maintain effective anti-corruption practices. These include evaluation of the potential risks of doing business with associates and implementation of measures to reduce those risks.

**ICC Rules of Conduct**

The International Chamber of Commerce’s Rules of Conduct are intended as a method of voluntary self-regulation by business against the background of applicable national laws. The rules, which were revised in 2005, aim at assisting enterprises to comply with their legal obligations and with the numerous anti-corruption initiatives at international level. Further guidance regarding the implementation of these rules is provided by the ICC’s handbook “Fighting Corruption: A Corporate Practices Manual”.

**ICC Guidelines on Whistleblowing**

The International Chamber of Commerce’s Guidelines aim at helping companies to establish and implement internal whistleblowing programs, by setting forth practical indications, that can serve as a useful point of reference, while meeting, as much as
possible, the objections formulated in certain countries about some aspects of a whistleblowing system.

**ICC Resisting Extortion and Solicitation in international Transactions (RESIST)**

RESIST is based on real-life scenarios, and it is designed as a training tool to provide practical guidance for company employees on how to prevent and/or respond to an inappropriate demand by a client, business partner or public authority in the most efficient and ethical way.

**Pacific Basin Economic Council Charter**

The Pacific Basin Economic Council, an association of senior business leaders representing more than 1,200 businesses in 20 economies grouped around the Pacific Ocean, advocates transparent and honest transactions between business and government. The PBEC's Charter on Standards for Transactions Between Business and Government, a set of voluntary standards for its members released in 1997, tracks closely amongst others, the OECD Convention on Combating Bribery of Foreign Public Officials.

**Preventing Corruption – Recommendations by the Federation of German Industries**

The 3rd edition of “Preventing Corruption – BDI Recommendations” informs about the legal anti-corruption environment for companies. BDI recommends to prohibit all forms of corrupt behavior and – irrespective of any criminal law consequences – and to impose labor law and disciplinary sanctions. The business association suggests spelling these sanctions out in a general code of conduct, which could be made an integral part of employment contracts.

**United States Defence Industry Initiative (DII) on Business Ethics and Conduct**

A number of U.S. defense industry companies have signed the DII Principles of Business Ethics and Conduct acknowledging and expressing their federal-procurement-related corporate responsibilities to the Department of Defense, as well as to the public, the Government, and to each other.

**Wolfsberg Anti-Money Laundering Principles**

The Wolfsberg Group is an association of twelve global banks, which aims to develop financial services industry standards, and related products, for Know Your Customer, Anti-Money Laundering and Counter Terrorist Financing policies. In 2000, the group published its Anti-money Laundering Principles for Private Banking (revised in 2002) and in 2002, it also released the Wolfsberg Anti-Money Laundering Principles for Correspondent Banking. These guidelines lay down what acts may call on for due diligence and special attention and also provides monitoring mechanisms. In 2006, the Group published the paper, “Guidance on a Risk Based Approach for Managing Money Laundering Risks” to assist institutions in managing money laundering risks and to prevent the use of their institutions for criminal purposes. In 2007, the Group issued
its Statement against Corruption describing the role of the Wolfsberg Group and financial institutions more generally in support of international efforts to combat corruption.

**World Economic Forum Initiatives (PACI)**

The World Economic Forum Partnering against Corruption Initiative (PACI) was launched in January 2004. It aims at developing multi-industry principles and practices that will result in a competitive level playing field, based on integrity, fairness and ethical conduct. The PACI principles “Partnering against Corruption – Principles for Countering Bribery” were developed by a multinational Task Force of companies working with the World Economic Forum, Transparency International, and the Basel Institute on Governance. The aim of these principles is to provide a framework for good business practices and risk management strategies for countering Bribery.

**Transparency International Tools and Initiatives**

Transparency International is a civil society organisation with about 90 national local chapters whose objective is to lead the fight against corruption. It provides a number of initiatives and publications that companies may find helpful. These include the Business Principles for Countering Bribery (BPCB), introduced in December 2002, that provide a model for companies seeking to adopt a comprehensive anti-bribery programme which companies may consider using as a starting point for developing their own anti-bribery programmes or as a benchmark for existing ones. TI offers also a comprehensive Guidance Document which provides additional background and practical information for those wishing to implement the principles. The TI Six Step Implementation Process is a “how-to” guide for companies that are early on in the process of devising and implementing an anti-bribery programme. The Global Integrity Pact (IP) developed by TI is a tool aimed at preventing corruption in public contracting. It consists of a process that includes an agreement between a government or a government department and all bidders for a public contract.

**TRACE International**

TRACE is a non-profit membership association that specializes in anti-bribery due diligence reviews and compliance training for international commercial intermediaries (sales agents and representatives, consultants, distributors, and suppliers). TRACE has a model Code of Conduct, which specifically addresses local and foreign laws, bribery and facilitating payments, kickbacks, extortion, conflicts of interest, political and philanthropic contributions, gifts, hospitality and entertainment, accounting and reporting requirements, and communication of and training for the code. In July 2007 TRACE launched its Business Registry for International Bribery and Extortion (BRIBEline). The BRIBEline is a medium through which companies and individuals can safely and anonymously report demands for bribes by government officials worldwide.
**OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas**

The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas provides management recommendations for global responsible supply chains of minerals to help companies to respect human rights and avoid contributing to conflict through their mineral or metal purchasing decisions and practices. The Due Diligence Guidance is for use by any company potentially sourcing minerals or metals from conflict-affected and high-risk areas.

**Good Practice Guidance on Internal Controls, Ethics, and Compliance**

This Good Practice Guidance acknowledges the relevant findings and recommendations of the Working Group on Bribery in International Business Transactions in its programme of systematic follow-up to monitor and promote the full implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (hereinafter “OECD Anti-Bribery Convention”); contributions from the private sector and civil society through the Working Group on Bribery’s consultations on its review of the OECD anti-bribery instruments; and previous work on preventing and detecting bribery in business by the OECD as well as international private sector and civil society bodies.

**OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones**

The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones was adopted by the OECD Council on 8 June 2006. It aims to help companies that invest in countries where governments are unwilling or unable to assume their responsibilities. It poses a range of questions addressing risks and ethical dilemmas that companies are likely to face in weak governance zones.

**A Compliance & Ethics Programme on a Dollar a Day**

The Society of Corporate Compliance and Ethics (SCCE) has made available the guide “A Compliance & Ethics Program on a Dollar a Day: How Small Companies Can Have Effective Programs”, written by Joseph E. Murphy, (CCEP), which is designed to help small businesses create effective compliance programmes. The 30-page document details where to start and the steps to take to help develop a diligent compliance and ethics programme.
Section V: Recent Contributions from BIAC

- BIAC Background Paper for Panel 2: Carrots or Sticks, of the High-Level Anti-Corruption Conference for G20 Governments and Business - April 2013
- The Impact of the OECD Anti-Bribery Convention 15 Years on - BIAC key messages - December 2013
- BIAC article in BUSINESS COMPLIANCE - January 2014
- Summary of Discussion Points Presented by BIAC to the Global Forum on Competition - Roundtable on Fighting Corruption and Promoting Competition - February 2014