

Expert meeting on

**GOVERNMENT INCENTIVES AND ASSESSMENTS FOR
PROMOTING CORPORATE ANTI-CORRUPTION
COMPLIANCE**

DRAFT AGENDA

22 May 2023, 13:30 – 17:30 CET

With the support of

*The United States Global Initiative to Galvanize the Private Sector as
Partners to Combat Corruption*



Objectives and Context

The objective of this expert meeting is to discuss the challenges faced when governments assess corporate anti-corruption compliance programmes and to identify good practices for governments to incentivise corporate compliance efforts.

Recognising the crucial role that businesses play in the fight against corruption, States have in recent years developed various anti-corruption compliance standards, guidelines and tools aimed at shaping businesses' behaviour with a view to deterring, detecting, and sanctioning corrupt business practices such as the offering of bribes. Moreover, States are increasingly recognising that government incentives may constitute a powerful tool to foster effective anti-corruption compliance by businesses.

Over the last 25 years, an international legal framework has been developed to tackle corruption. This framework includes the United Nations Convention against Corruption (UNCAC) and the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention). Countries that are parties to these Conventions are expected to meet certain minimum standards when implementing their commitments, in particular concerning sanctions for violations by legal persons, which must be effective, proportionate, and dissuasive.

The 2013 publication "[The United Nations Convention against Corruption: A Resource Guide on State Measures for Strengthening Corporate Integrity](#)" provides governments with an overview of possible sanctions and incentives that can be implemented to strengthen business integrity.

The [2021 OECD Anti-Bribery Recommendation](#) emphasises that government agencies may consider encouraging companies to prevent and detect foreign bribery by using incentives for corporate compliance in connection with decisions to grant public advantages, including public subsidies, licences, public procurement contracts, contracts funded by official development assistance, and officially supported export credits as well as in connection with law enforcement actions to enforce foreign bribery and related offences. Crucially, the 2021 Recommendation also encourages countries to ensure that the authorities making the decisions provide sufficient guidance and training to officials to ensure that the companies benefitting from incentives have genuine and effective internal controls and compliance measures in practice.

This expert meeting is part of the OECD [Business Integrity Roundtable](#) series that was initiated in 2021. This meeting will be held under the auspices of the US-funded Global Initiative to Galvanize the Private Sector as Partners to Combat Corruption (GPS project) by the OECD Anti-Corruption Division in cooperation with the OECD Trust in Business Initiative. This meeting is co-organised by the United Nations Office on Drugs and Crime (UNODC) under its [Global Action for Business Integrity](#) project funded by the Siemens Integrity Initiative.

The anticipated expert discussion will be a first step towards identifying good practices that governments can use to incentivise corporate compliance efforts more effectively. This will inform the updating of the publication "[The United Nations Convention against Corruption: A Resource Guide on State Measures for Strengthening Corporate Integrity](#)", issued by UNODC in 2013. The update will be undertaken jointly by UNODC, the UN Global Compact and the OECD in the course of 2023.

Participants

The discussion in the afternoon of 22 May will bring together government representatives, including officials from law enforcement authorities and other governmental agencies. Participants will also include selected experts from academia, civil society, and international organisations, such as OECD, UNODC, the World Bank, and the IFC.

As a continuation of this event, a **public-private dialogue** will be held **in the morning of 23 May**, which will be open to companies and other members of the private sector to foster a dialogue on the business perspective on government incentives for anti-corruption compliance and the challenges faced when authorities seek to award incentives based on corporate compliance efforts. The public-private dialogue is part of a wider effort to mobilise the private sector as critical actors in the fight against corruption, help level the playing field and promote a rules-based international business climate. In the context of the GPS Project, the OECD has launched the "Anti-Corruption Leaders Hub", a c-suite multi-stakeholder community committed to promoting

anti-corruption efforts through the exchange of strategic insights and the implementation of the initiative's activities.

Practical information

The meeting will take place in **Room CC9**, at **OECD Headquarters**: 2, rue André Pascal, 16th arrondissement, Paris.

You are encouraged to **arrive 20 minutes in advance**.

This expert event will be an **invitation-only session**.

The event will be held in **English with French interpretation**.

The session will be held under Chatham House rules.

Event contacts

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13:30– 13:50	Opening remarks
	<p>The opening session will set the context for the discussion in the framework of the UN Convention against Corruption, OECD Anti-Bribery Convention and in particular the 2021 OECD Anti-bribery Recommendation, while outlining the plans to identify good practices to help implement relevant provisions of the Recommendation. It will inform the audience about the updating of the 2013 publication “The United Nations Convention against Corruption: A Resource Guide on State Measures for Strengthening Corporate Integrity”, to be undertaken jointly by UNODC, the UN Global Compact and the OECD in the course of 2023.</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Mr. Nicolas Pinaud, Deputy-Director, Acting Head, Anti-Corruption Division, Directorate for Financial and Enterprise Affairs, OECD • Mr. Brigitte Strobel-Shaw, Chief of the Corruption and Economic Crime Branch, UNODC <p>Moderator: Ms. Danielle Goudriaan, Chair of the OECD Working Group on Bribery</p>
13:50 – 15:15	Part 1: Compliance incentives in the law enforcement context
	<p>This session will explore how governments can promote business integrity and compliance by using incentives in the context of law enforcement. In particular, participants will be invited to examine and discuss:</p> <ul style="list-style-type: none"> • The types of incentives that governments use or could use in the law enforcement context. • The underlying objectives of such incentives. • The factors to consider when evaluating the adequacy of corporate compliance programmes with a view to granting incentives. • The need for appropriate conditions for granting incentives. • The effectiveness of compliance incentives in the law enforcement context. • The issue of harmonisation among national and foreign authorities. <p>Speakers:</p> <ul style="list-style-type: none"> • Mr. Noah Arshinoff, Adjunct Professor at the Faculty of Law at the University of Ottawa and independent expert for the UNODC/UNGC/OECD publication • Ms. Lauren Kootman, Assistant Chief, Fraud Section, Criminal Division, Department of Justice, United States • Mr. Amir Tabenkin, Deputy Director, Securities Department, State Attorney Office, Israel • Mr. Jorge Cabrera Jaramillo, Deputy Superintendent for Economic and Corporate Affairs, Superintendency of Corporations, Colombia <p>All participants will be invited to share their views and experiences.</p>
15:15 – 15:30	<i>Coffee break</i>

15:30 – 16:30

Part 2: Compliance incentives in other contexts, including in relation to public advantages

This session will explore how governments can promote business integrity and compliance by providing incentives either through the regulatory framework or in connection with granting public advantages, including public subsidies, licences, public procurement contracts, contracts funded by official development assistance, and officially supported export credits.

In particular, this session will cover the following topics:

- The types of incentives that governments use or could use outside the law enforcement context, in particular in relation to public advantages.
- The underlying objectives of such incentives.
- The factors to consider when evaluating the adequacy of corporate compliance programmes with a view to granting incentives.
- The need for appropriate conditions for granting incentives.
- The effectiveness of incentives outside the law enforcement context.
- The issue of harmonisation among national and foreign authorities.

Speakers:

- **Mr. Guillaume Nicaise**, Senior Advisor, U4, Norway
- **Mr. Till Wiesner**, Representative for anti-corruption, Head of unit, Competition register, Bundeskartellamt, Germany
- **Ms. Jessica Tillipman**, Assistant Dean for Government Procurement Law & Government Contracts Advisory Council Professorial, Lecturer in Government Contracts Law, George Washington University Law School, United States
- **Mr. Faisal Siddiqui**, Deputy Chief Compliance Officer, International Finance Corporation/World Bank Group

All participants will be invited to share their views and experiences.

16:30 – 17:15

Part 3: Ensuring capacity and expertise for assessing compliance

In accordance with the 2021 OECD Anti-Bribery Recommendation Section XXIII(D), governments that elect to offer compliance incentives need to ensure that the agencies making the decisions provide sufficient guidance and training to officials to ensure that the companies receiving incentives have genuine and effective internal controls and compliance programmes or measures in place.

In particular, this session will cover how law enforcement as well as other public agencies can:

- Ensure that adequate expertise and resources are available when authorities decide to grant incentives.
- Provide adequate training and guidance to officials involved in the decision to grant incentives.
- Develop and strengthen tools and methodologies for obtaining information from companies, other public agencies, or other relevant stakeholders to effectively assess corporate compliance programmes.

Speakers:

- **Mr. Joseph Carl Mauro**, Senior Counsel and Integrity Compliance Specialist, Integrity Compliance Unit, Integrity Vice Presidency, World Bank Group
- **Ms. Lauren Koolman**, Assistant Chief, Fraud Section, Criminal Division, Department of Justice, United States

All participants will be invited to share their views and experiences.

17:15 – 17:30

Concluding remarks

The concluding session will elaborate on the relevance of this discussion and invite participants to continue discussions during the public-private dialogue on government incentives for promoting corporate anti-corruption compliance, which will be held on 23 May.

Ms. Danielle Goudriaan, Chair of the OECD Working Group on Bribery

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