

Public-Private Dialogue on

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

DRAFT AGENDA

23 May 2023, 09:00 – 12:30 CET

With the support of

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



Objectives and Context

Companies around the globe have made significant investments in the development of internal controls, ethics, and compliance programmes in the last decade. In many countries, this trend has been largely driven by incentives provided by law enforcement agencies and public authorities as they increasingly evaluate compliance programmes as a potential mitigating or exonerating factor for foreign bribery or related offences. In addition, government agencies sometimes consider compliance programmes when deciding whether to grant public advantages, such as public subsidies, public licenses, procurement contracts, official development assistance, and export credits.

The objective of this public-private dialogue is to start a conversation between the private sector and government officials about the different ways that governments can incentivise corporate anti-corruption compliance and business integrity. The dialogue will also provide the private sector with an opportunity to share views on methodologies and tools that governments could consider for assessing corporate compliance measures when offering incentives.

Policymakers have long recognised the crucial role that business play in the fight against corruption. As a result, anti-corruption policy has evolved from its initial focus on regulating business behaviour through the criminal law to encompass anti-corruption compliance standards, guidelines and tools aimed at fostering companies' ability to deter, detect, and remediate bribery. In this context, governments increasingly recognise that government incentives may constitute a powerful tool for fostering effective corporate compliance.

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). States 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](#) recognises the various ways in which governments can promote business integrity and compliance by using incentives in law enforcement or in connection with decisions to grant public advantages, including public procurement, export credits, and official development assistance. Crucially, if such incentives are provided, the 2021 OECD Anti-Bribery Recommendation encourages countries to ensure that the authorities deciding whether to grant the incentives provide sufficient guidance and training to officials to ensure that the companies benefitting from incentives have genuine and effective internal controls, ethics and compliance programmes or measures in place.

This public-private dialogue is 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. Building on the 2021 [United States Strategy on Countering Corruption](#), the GPS project aims 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. To support the GPS, the OECD has launched the "Anti-Corruption Leaders Hub", a c-suite multi-stakeholder community that committed to promoting anti-corruption efforts through the exchange of strategic insights and the implementation of the initiative's activities.

The United Nations Office on Drugs and Crime (UNODC) is co-organising the dialogue under its [Global Action for Business Integrity](#) project funded by the Siemens Integrity Initiative. UNODC's work in the area of business integrity aims to prevent and fight corruption by strengthening legal frameworks, helping small businesses identify corruption risks, and involving youth, civil society, and academia in developing anti-corruption responses.

By bringing together government experts with their counterparts from the private sector and other relevant stakeholders, this public-private dialogue kickstarts an effort to build a peer-learning community to:

1. discuss the challenges faced when governments incentivise and assess corporate anti-corruption compliance programmes,
2. identify insights and good practices to help governments provide effective incentives for corporate compliance efforts, and
3. create momentum with c-suite executives from global enterprises, civil society and government leaders by engaging the "Anti-Corruption Leaders Hub".

The event will provide inputs for updating 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 participants in this public-private dialogue will include government officials, including representatives of law enforcement and other government authorities, as well as private sector companies, legal and compliance professionals, civil society, academia, and various international organisations.

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 public-private dialogue 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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09:00 – 09:15	Welcome coffee
09:15 – 9:30	<p>Opening remarks</p> <p>The opening session will set the context for the discussion by highlighting the aims of the OECD GPS project to promote public-private dialogue in fighting corruption. Specifically, this public-private dialogue will focus on designing and granting government incentives for promoting corporate anti-corruption compliance. The session will also briefly introduce the update by UNODC, the UN Global Compact and the OECD of "The United Nations Convention against Corruption: A Resource Guide on State Measures for Strengthening Corporate Integrity".</p> <p>Moderator: Ms. Gretta Fenner, Managing Director of the Basel Institute on Governance and Director of its International Centre for Asset Recovery</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Ms. Elodie Beth, Senior Manager, Anti-Corruption, Global Relations, Anti-Corruption Division, Directorate for Financial and Enterprise Affairs, OECD • Ms. Julia Pilgrim, Crime Prevention and Criminal Justice Officer, Corruption and Economic Crime Branch, UNODC • Ms. April Snedeker, Anti-Corruption Program Advisor, Department of State Bureau of International Narcotics and Law Enforcement Affairs, United States
09:30 – 10:45	<p>Part 1: Incentivising corporate anti-corruption compliance: Great expectations - significant challenges</p> <p>In this session, business and government stakeholders will explore the types of incentives that governments can use, in the context of law enforcement actions and when granting public advantages, to promote business integrity and anti-corruption compliance. They will also exchange views on the expectations that governments have for corporate compliance and the challenges faced by companies in particular when operating in multiple jurisdictions.</p> <p>All participants will be invited to share their views and experiences.</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Mr. Frank Brown, Director of the Anti-Corruption & Governance Center, Center for International Private Enterprise (CIPE), United States • Ms. Ana Luiza Aranha, Senior Manager, UN Global Compact Brazil • Mr. Fernando Fraile, Compliance Strategy & Global Coordination, Iberdrola, Spain • Mr. Sam Eastwood, Partner, Mayer Brown, United Kingdom <p>Moderator: Ms. Gretta Fenner, Managing Director of the Basel Institute on Governance and Director of its International Centre for Asset Recovery</p>
10:45 – 11:00	Coffee break
11:00 – 12:15	<p>Part 2: Methodologies and tools for assessing corporate anti-corruption compliance programmes: Public-private peer learning</p>

In this session, private sector and government stakeholders will exchange views on methodologies and tools for government assessments of corporate compliance efforts when deciding whether to grant incentives to businesses. As part of this discussion, the private sector stakeholders will be able to share their own experiences conducting anti-corruption due diligence or otherwise assessing the compliance efforts of their partners, contractors, and other business relationships.

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

Speakers:

- **Ms. Lauren Kootman**, Assistant Chief, Fraud Section, Criminal Division, Department of Justice, United States
- **Ms. Stéphanie Bigas-Reboul**, Head of the inspection division, French Anticorruption Agency, France
- **Mr. Arnaud Collombet**, Director, Forensic Risk Alliance, France
- **Mr. Rauno Hoffmann**, Global Head Corporate Compliance Systems, Novartis International AG, Switzerland

Moderator: Ms. Gretta Fenner, Managing Director of the Basel Institute on Governance and Director of its International Centre for Asset Recovery

12:15 – 12:30

Conclusions and call for a continued dialogue

The session will elaborate on the relevance of this discussion for fostering a continued public-private dialogue on government incentives for promoting corporate anti-corruption compliance. Finally, this session will outline next steps for the activity under the GPS Project.

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Join the 2023 Global Anti-Corruption and
Integrity Forum (GACIF):

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Global Initiative to Galvanize the Private Sector as Partners to Combat Corruption

Engage in the Anti-Corruption Leaders Hub by providing your information [here](#)

Visit the OECD Trust in Business Initiative website: <https://www.oecd.org/daf/ca/trust-business.htm>

