



International Chamber of Commerce

The world business organization

Letter to seventh session of UN Ad Hoc Committee for the Negotiation of a Convention against Corruption

29 September - 1 October 2003

Dear Delegate,

As the Ad Hoc Committee meets for the last time to complete its Convention against Corruption for consideration and action by the General Assembly during its fifty-eighth session, ICC submits further remarks to the Committee on the draft Convention.

ICC welcomes the action proposed to be taken by the United Nations on issues of global importance such as mutual legal assistance and asset recovery, as well as promoting the need for action on the problems of solicitation and on private sector bribery. ICC, however, remains concerned at the inclusion of many articles of a discretionary nature and reiterates its previous comments that, in ICC's opinion, the mixture of binding and non-binding provisions has a diluting effect on this international treaty. In particular, ICC is concerned that the article prohibiting bribery in the private sector is not mandatory (article 31). Furthermore, the discretionary nature of many articles is likely to result in multinational companies being faced with varying regulations in different countries.

Global business recognizes its role in cooperation with prosecuting authorities for offences covered by this convention (article 48bis). ICC recalls its previous comments that the participation of business is also important, and should be clarified in the Convention, in the promotion of anti-corruption policies and in the prevention of and fight against corruption, as well as in the raising of public awareness of the issue (articles 5 and 13). Not only should business or its national representative organizations established within a country be consulted (travaux préparatoires, article 13) but also the participation of international business organizations should be considered. Furthermore, input should be received from the business sector as well as non-governmental organizations in any monitoring system decided upon by the Conference of the States Parties. (article 76).

Finally, ICC is seriously concerned at the lack of confirmed monitoring system for this Convention. In order to be effective, global business believes, UN-led verification of national implementation is necessary. This has proven to be a very competent mechanism for verifying enforcement of the OECD Convention on Combating Bribery of Officials in International Business Transactions and has, in ICC's opinion, been beneficial in making a strong and effective instrument.

ICC puts forwards these recommendations to ensure the UN Convention against Corruption is as effective as possible and enables a global standard that all signatories can meet satisfactorily.

Yours faithfully,

François Vincke
Chair
ICC Commission on Anti-Corruption

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