



**International Chamber of Commerce**

*The world business organization*

## **Letter to sixth session of UN Ad Hoc Committee for the Negotiation of a Convention against Corruption**

21 July - 8 August 2003

Dear Delegate,

ICC congratulates the United Nation's Ad Hoc Committee on arriving at the concluding negotiations on the Convention against Corruption and I herewith resubmit comments from experts from ICC's Commission on Anti-Corruption of 9 January 2003, presented to delegates at the fourth session of the Committee on 13-24 January 2003.

ICC is pleased to see that many of our comments submitted in January have been included in the most recent revisions of the text. In particular, ICC is happy to note that the real threat of solicitation has been addressed in this Convention, along with the critical matter of private-to-private bribery.

However, ICC is concerned to see that the articles of the Convention combine aspects of criminal law, which are compulsory and restrictive, with non-prescriptive options. ICC is of the view that an international convention against corruption should prohibit the corrupt activities it covers rather than provide the opportunity for states to opt out. ICC is also of the opinion that the mixture of binding and non-binding provisions has a diluting effect. We would therefore hope to see the final version of this Convention concentrate on legal obligations.

Furthermore, ICC strongly urges consultation with business constituencies, as cited in a number of articles in the Convention text, most notably in articles 13 (Participation of Society) and 76 (Conference of the Parties).

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

Should you have any queries regarding ICC's comments or its work, please do not hesitate to contact Julian Kassum at ICC's International Secretariat ([Click here to send a mail](#) or +33 1 49 53 28 98).

Yours faithfully,

François Vincke  
Chair  
ICC Commission on Anti-Corruption

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