

Mainstreaming Collective Action

Establishing a baseline

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Acronyms and abbreviations

EITI	Extractive Industries Transparency Initiative
EU	European Union
HLRM	High Level Reporting Mechanisms
IFBEC	International Forum on Business Ethical Conduct
IRM	Implementation Review Mechanism (UNCAC)
MACN	Maritime Anti-Corruption Network
NACS	National Anti-Corruption Strategy
NCPA	Network of Corruption Prevention Agencies
OECD	Organisation for Economic Co-operation and Development
SADC	Southern African Development Community
SDG	Sustainable Development Goal
SME	Small and Medium-sized Enterprise
SOE	State-Owned Enterprise
UN	United Nations
UNCAC	UN Convention Against Corruption
UNGC	United Nations Global Compact
UNIC	Ukrainian Network of Integrity and Compliance
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization
WEF	World Economic Forum

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1 Executive summary

The concept of multi-stakeholder anti-corruption Collective Action to address corruption has existed since the mid-1990s. Its tools enable the private sector to engage with peers, government, civil society and other stakeholders to address systemic corruption. It also fosters fair competition, transparency and a level playing field.

The uptake of Collective Action as a useful tool to address certain forms of bribery and corruption has been piecemeal, sporadic and often optional for companies. This is despite direct and indirect references in a wide range of legal and guidance instruments that target the private sector.

Collective Action needs to be mainstreamed as a norm so that it becomes obligatory for the private sector to actively include it within an anti-corruption compliance programme. Primarily, this means including Collective Action in standards that address anti-corruption programmes at the international and national levels (such as National Anti-Corruption Strategies (NACS)), as well as through other influential guidance documents.

This report establishes a baseline of endorsements of Collective Action in these documents. Although this report does not contain an exhaustive list, it is clear that the baseline is rather low.

At the international level, forms of anti-corruption Collective Action are advocated in standards, guidance and, for example, through activities supported by the United Nations Office on Drugs and Crime (UNODC), Organisation for Economic Co-operation and Development (OECD), European Union (EU) and United Nations Global Compact (UNGC).

At the national level, there are currently around 17 endorsements of Collective Action in NACS identified by our research. The lack of precision is an acknowledgement of the incompleteness of the available data relating to NACS, and also the quality of the endorsements or adoption of Collective Action. These range from explicit references to Collective Action tools through to rather vague statements about multi-stakeholder dialogue or approaches to tackle corruption.

There are endorsements in a range of publications by other standard-setting organisations that are directly relevant to the private sector, such as the World Bank in its Integrity Compliance Guidelines, or which are indirectly relevant, such as the World Customs Organization (WCO). The fact that the influential GRI Standards invite companies to share details about their involvement in anti-corruption Collective Action also indicates growing interest by investors in its potential to address corruption.

Quantifying the impact that the inclusion of Collective Action in policy documents has had so far on the uptake of Collective Action by the private sector is challenging. Encouraging Collective Action in certain environments can contribute to reducing or preventing bribery and fostering new investment. It is, however, only one element in an often complex wider context.

The Basel Institute's advocacy efforts at a global level will include engaging in review processes of the main anti-corruption instruments where possible and appropriate to do so. It will also be important to continue working with influential international forums at the non-State level where those organisations target the private sector, directly or indirectly.

At the national level, efforts will focus on NACS, which are government policy tools that set forth their priorities and plans to counter corruption. This could include working directly with government bodies in countries developing or reviewing their NACS, as well as with relevant associations such as the Network of Corruption Prevention Agencies (NCPA), Southern African Development Community (SADC) and other similar bodies.

We hope that our efforts will help to create a critical mass of standard setters that will influence companies to such an extent that anti-corruption Collective Action becomes an integral element in a standard compliance programme. This will not mean that companies have to engage with Collective Action tools everywhere and always. Applying a risk-based approach, it will mean actively considering how to tackle the corruption challenges in the wider environments where the company operates and giving careful thought to whether Collective Action has a role to play.

2 Introduction

Corruption is a complex issue, as the preamble of the UN Convention Against Corruption (UNCAC) describes and as is illustrated by the array of corruption-related literature in many fields of research and policy. The strategy set out in this paper is – in a small way – a response to that complexity. Corruption is also a persistent problem that seemingly decreases only to re-emerge and fill gaps and opportunities despite laws and sanctions. Even once complexity is unpicked, there’s still the persistency of the problem. This includes the need to change human behaviour, not only at an individual level but more particularly within the wider corporate context.

Human behaviour is hard to change, but not impossible. This paper sets out our strategy to chisel away at that challenge. It focuses on a top-down approach to put Collective Action into compliance programmes as a risk mitigation tool to analyse and address persistent problems of corruption.

The strategy is directed towards standard-setters precisely because corruption is complex, and voluntary approaches to engaging in Collective Action have had limited success. This new approach aims to create momentum to broaden the scope of anti-corruption compliance programmes. This means it has to be driven by international standard-setters, governments, investors and law enforcement agencies. The result should make Collective Action an integral part of corporate anti-corruption compliance programmes, just as compliance training or due diligence are always considered as risk mitigation measures.

Mainstreaming anti-corruption Collective Action is about getting private firms (and state-owned enterprises and other public-sector entities too) to include Collective Action in their anti-corruption compliance programmes. This will mean considering Collective Action as a tool to be deployed when the risks of corruption go beyond the scope of the internal compliance programme.

The report is structured as follows:

- Section 3 describes anti-corruption Collective Action.
- Section 4 sets out what “mainstreaming” and “creating norms” mean in this context.
- Section 5 contains research by the Basel Institute on the current state of endorsements of anti-corruption Collective Action by relevant bodies, including a selection of NACS in various countries.
- Section 6 gives a brief description of the strategy to expand the take-up of Collective Action in such documents and standards.

3 What is anti-corruption Collective Action?

Since its emergence over 25 years ago, anti-corruption Collective Action has developed into a broad concept. For the purposes of this strategy and evaluating current and future endorsements, we consider anti-corruption Collective Action as an overarching concept, or umbrella term, that includes a wide range of tools and measures. These instruments are developed through multi-stakeholder approaches to address fair competition, bribery and corruption or combinations of these issues.

What they all have in common is that they are developed and implemented by collaborative activities with the explicit support of the various stakeholders. The level of active engagement by the stakeholders may vary according to the type of initiative and the context. In every case, though, the aim is to work towards solutions to a specific problem, identify best practices, or address an agreed set of issues.

Other forms of anti-corruption Collective Action such as those involving activism, pressure groups, social audits or other similar approaches are all valid forms of action, but they are not within the scope of this definition. They are excluded because they lack the element of an explicit agreement or commitment to the goal of finding solution(s) to the identified issue(s).

Key elements of anti-corruption Collective Action

- Multi-stakeholder collaboration
- Explicit joint commitment
- Addressing specific issue(s) of fair competition, bribery, corruption

Our strategy ultimately targets the private sector. We are looking to improve companies' engagement in the development of Collective Action initiatives that prevent or reduce bribery at the domestic level, internationally or both. Examples of anti-corruption Collective Action tools where the private sector plays a key role include:

- Procurement-related Collective Action tools and mechanisms, such as the [Integrity Pact](#) or [High Level Reporting Mechanism](#) (HLRM).
- Industry sector-specific standards such as those of the [Maritime Anti-Corruption Network](#) (MACN, shipping industry), the [CoST Infrastructure Transparency Initiative](#) (construction), [Extractive Industries Transparency Initiative](#) (EITI, natural resources), the [International Forum on Business Ethical Conduct for the Aerospace](#)

[and Defence Industry](#) (IFBEC, aerospace and defence) and the [Wolfsberg Principles](#) (banking).

- Public-private partnerships to foster legal incentives for integrity and ethical business in specific countries, such as the UNODC's [On the Level – Hacia la Integridad](#) project in Colombia.
- Local certifying or labelling of businesses' anti-corruption standards developed through multi-stakeholder approaches such as the [Clear Wave](#) initiative (Lithuania), the [Ukrainian Network of Integrity and Compliance](#) (UNIC, Ukraine) and the [Thai Collective Action Coalition Against Corruption](#) (Thai CAC).
- Codes of Conduct or Business Ethics addressing bribery risks, developed in a multi-stakeholder initiative.

This is by no means an exhaustive list of the tools that come within the ambit of anti-corruption Collective Action. The list does however include the most common examples currently found in existing NACS and other standards, or which can be attributed to one or other of these descriptions. These joint activities can be initiated by the private sector, civil society, government, or through combinations or coalitions of these various sectors of society.

4 From mainstreaming to private sector implementation of Collective Action

The term “mainstreaming” has been used – and even overused – as a way to achieve public policy and development goals, including in connection with improving the effectiveness of anti-corruption policies and initiatives. Even if it is a well-worn term, it remains appropriate to encapsulate the aim of this strategy. This is to bring about a fundamental shift in how anti-corruption Collective Action is viewed and evaluated.

Well-implemented anti-corruption compliance programmes are increasingly acknowledged as essential for the private sector in order to address their corruption risks. Governments, international organisations, multilateral development banks and representatives of the private sector have all recognised this responsibility, as described below.

Yet anti-corruption compliance programmes – no matter how well implemented – may have limited effects on corruption risks in certain markets and environments where corruption is systemic. In these markets, not only individual companies but entire sectors are challenged to conduct business with integrity.

4.1 Shifting the needle

Anti-corruption Collective Action has the potential to transform this limitation. The potential of Collective Action tools to support business integrity is increasingly recognised by governments in policy and law enforcement guidance, and standards set by a range of international initiatives. But for Collective Action to achieve its full potential to catalyse systemic progress in raising integrity across industries, it needs a critical mass of companies to engage.

Until now, most efforts to encourage companies to consider including Collective Action in their compliance programmes have been piecemeal, with various regulators or government guidance documents referencing the approach in general terms. While this has raised companies' awareness of the business case and incentives for Collective Action, which was undoubtedly necessary, it is not sufficient to achieve a critical mass. It is also slow.

Incentives from the top can help shift the needle. Corporate anti-corruption compliance programmes are often modelled on policies and guidance issued by governments, international organisations, multilateral development banks and business associations, as well as other sources such as judicial rulings and non-conviction based resolutions by law enforcement authorities.

The inclusion of Collective Action in these policy and standard-setting documents can therefore incentivise private firms to integrate Collective Action tools into their compliance programmes to address systemic corruption risks.

4.2 The view from business

Observations from businesses underscore the rationale for this strategy.

First, there is a **lack of visible or tangible support** for businesses that are committed to anti-corruption Collective Action by governments and law enforcement. This in turn means there is little to incentivise other companies to engage in Collective Action. The result can mean a failure to bring about impactful change in a market, business sector or procurement process.

Second, there is **high demand for innovative solutions** to address two issues in particular that challenge companies as they seek to address corruption risks:

- a) Bribery solicitation by public officials, which remains problematic. Apart from the obvious risks this raises, it also deters companies from entering or remaining in certain markets.
- b) Companies struggle to align and maintain best practices in their compliance programmes to prevent bribery when seeking to implement ever evolving technical

solutions. This may sound paradoxical, and technical solutions can be essential, but in some cases the expectations of regulators and the pressures to react in real time based on comprehensive risk-relevant data can be daunting.

Mitigating systemic risks in certain markets and sectors may be achieved through less high-tech solutions, such as Collective Action, which ultimately may be as effective, pragmatic and less costly. The range of tools and approaches that Collective Action offers allows companies to tailor them together with their stakeholders to strengthen corporate efforts to prevent corruption and also other related obligations such as green corruption or human rights.

Third, it remains the case that some companies still fail to observe anti-corruption laws and regulations and the result is **unfair competition** in some markets. Companies that miss out on business opportunities want practical redress, especially where legal remedies are simply not a viable alternative.

4.3 What is a “norm”?

The strategy envisages mainstreaming anti-corruption Collective Action as a ‘norm’. In legal contexts, norms are discussed in connection with concepts ranging across moral, social and ethical issues, as well as being applied more specifically in international law, thereby covering the range of non-binding norms or ‘soft’ law, through to black-letter or ‘hard’ law.¹ The influence of ‘soft law’ in the fight against corruption is apparent in the OECD’s 1994 and 1997 Recommendations related to the OECD Convention. The 1994 Recommendation has been characterised as having “*all the advantages and disadvantages of genuine ‘soft-law’. Bold statements could be made without immediate obligations to act. It contained a ‘shopping list’ of items for further examination. Its real value, in fact, lay in its initiation of a dynamic process of close-up examination of these items...*”²

At the risk of over-simplification, the term ‘norm’ is used here to cover both soft-law instruments as well as hard law: international standards, domestic laws, regulations and government policy documents and certain instruments such as guidance, recommendations and standards. This is warranted because of the nature of soft-law having compelling force, depending on the context and type of document. Sometimes Collective Action is addressed in a domestic law by way of a reference to a specific tool, such as Integrity Pacts, or it is included in a national strategy as government policy with

¹ In Rose, C. (2015). *International anti-corruption norms: their creation and influence on domestic legal systems*. Oxford University Press ff, Cecily Rose reviews and analyses the concept of “soft law” as a “norm”. She notes that the OECD and UN have allowed for ongoing normative developments on corruption through non-binding instruments.

² See Pieth, M. (2000). From Ideal to Reality: Making the New Global Standard Stick. In OECD (2000), *No Longer Business as Usual: Fighting Bribery and Corruption*. OECD Publishing.

implementation options left open. In other cases, it is simply the use of the phrase ‘collective action’ as a generic description, for example in a recommendation from a B20 anti-corruption taskforce. The direct influence on the private sector therefore varies, but a soft-law approach could equate to a binding effect if it were advocated under OECD Guidance for the private sector in the 1999 Recommendation that is under review at the time of writing.

Even non-binding guidance or recommendations that may not appear to have the teeth of binding regulations can exert a high level of pressure, such as the UK’s [Ministry of Justice Guidance on the Bribery Act](#).³ In most cases they are also quicker to take effect and they may help to nudge the rules in the right direction. Pressure from non-binding standards can arise where recommendations and guidance are akin to a binding regulation. This may be due to their provenance, or their relevance being acknowledged by law enforcement, or the fact that an international organisation includes them in its monitoring process.

In the baseline survey described below we therefore focus on:

- International treaties such as the UNCAC and OECD Anti-Bribery Convention and their advisory documents, Recommendations and monitoring processes.
- Domestic laws and anti-corruption policies as articulated in NACS or their equivalents.
- Government guidance to the private sector on compliance programmes such as the UK Ministry of Justice Guidance on the Bribery Act.
- Other standard setters such as multilateral development banks, for example the World Bank’s Integrity Compliance Guidelines.

5 Establishing the baseline

Collective Action began to emerge as a concept (though not under this name) in corruption prevention in the late 1990s, around the same time that the OECD Anti-Bribery Convention was being drafted. The scope of the OECD Convention, with its focus on the supply side of bribery, highlighted the significant role that businesses play in paying bribes to foreign public officials. It also highlighted their corresponding obligation to prevent bribery in their operations.

³ See section on High Level Principles.

Since then, the Basel Institute has pioneered the Collective Action approach to anti-corruption, including in collaboration with key partners such as the B20, OECD, Transparency International and the World Economic Forum (WEF). Other organisations have followed suit during the same period. One example is the World Bank, which was the first global policy institution to endorse private sector anti-corruption Collective Action in its Integrity Compliance Guidelines.

The baseline for this strategy comprises endorsements or recommendations set out in international and regional legal instruments; national anti-corruption strategies; and other relevant documents that influence the private sector's take-up of anti-corruption Collective Action. In some cases, the references are admittedly quite tenuous and therefore provide a basis for further articulation of the concept.

5.1 International endorsements

5.1.1 United Nations Convention Against Corruption (UNCAC)

The [UNCAC](#) is the most comprehensive, legally binding international treaty addressing corruption. Almost all countries have ratified it. As this treaty predates the term “collective action” in connection with fighting corruption, this may account for it not being found in the text. There are, however, references to the elements of Collective Action in UNCAC. The Preamble notes that States are:

“convinced that a comprehensive and multidisciplinary approach is required to prevent and combat corruption effectively.”

It continues, that it is necessary to:

“bear in mind that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organisations and community-based organisations, if their efforts in this area are to be effective.”

The importance of preventive measures for the private sector is primarily dealt with in UNCAC Art. 12, which calls on States parties to provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures. As such, this is a rather far cry from suggesting Collective Action as a preventive measure, which – as stated above – the UNCAC does not explicitly mention.

Collective Action is, however, advocated in the UNODC's 2013 [An Anti-Corruption Ethics and Compliance Programme for Business: A Practical Guide](#), which is based on the UNCAC. References and suggestions as to when Collective Action may be useful for the private sector are sprinkled throughout the text, including its relevance for small and

medium-sized enterprises. At the end of the Guide, there is a very short chapter with the promising title “From organizational change to collective action”. The UNODC’s support for Collective Action is also apparent in its active participation in various initiatives around the world. This engagement at a country level with multi-stakeholder approaches to build capacity and support the implementation of the UNCAC provides further examples of Collective Action initiatives in countries where such support is needed.⁴

UNCAC Art. 13 references the role of society in the fight against corruption, without going so far as to suggest explicitly that these groups also collaborate with each other:

“...to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.”

UNCAC implementation is monitored through the Implementation Review Mechanism (IRM), which is a dual peer review process between States parties.⁵ For the current (second) round of monitoring, which focuses on preventive measures and asset recovery, the guidance document states that a “broad consultation at the national level” must include “the private sector, individuals and groups outside the public sector.”⁶ This is a general, non-specific requirement in terms of the mode or scope of engagement. However, the objective of the review process is to assist States parties in their national anti-corruption efforts,⁷ and can help to identify where technical capacity assistance is needed. These objectives are therefore not comparable with the mutual evaluation mechanism deployed in respect of the OECD Convention and referenced in section 5.1.4.

⁴ Such as the [Hacia la Integridad initiative](#) in Colombia.

⁵ See the [UNODC web page on the IRM](#). The UNODC is the Secretariat of the IRM.

⁶ Item 28 in the UNODC guidance document of the [Mechanism for the Review of Implementation of the UNCAC](#).

⁷ In a [December 2019 press release of the UN Information Service](#), the Mechanism is stated to have ‘contributed to the desensitization of corruption by reviewing all States parties using the same methodology and holding them to the same standards set by the Convention, while not producing any ranking of either a qualitative or quantitative nature. The process is inclusive, impartial and objective, as well as non-intrusive and non-adversarial. It takes a positive approach designed to bring out good practices and identify areas to improve and agreement is reached by consensus.’

5.1.2 UN Global Compact (UNGC)

[Principle 10 of the UNGC on anti-corruption](#) asserts that businesses should work against corruption in all its forms, including extortion and bribery. Companies are challenged to join peers, governments, UN agencies and civil society to respect and support the promotion of accountable, transparent and inclusive institutions and ensure just and peaceful societies for all.⁸ The UNGC cites its work under the various Siemens Integrity Initiative funding rounds as examples of anti-corruption Collective Action.

The UNGC's work focuses on the delivery of the 17 Sustainable Development Goals (SDGs). The role of multi-stakeholder initiatives is mentioned in SDG 17 under "Multi-stakeholder partnerships":

"17.6: Enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries.

17.7: Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships."

The UNGC membership comprises some 12,000 companies from over 160 country members. The UNGC's anti-corruption Collective Action initiatives have been supported by all of the Siemens Integrity Initiative Funding Rounds, and have involved the private sector in numerous countries in a variety of projects.⁹

5.1.3 UNODC and the Belgrade Outcome Statement

The civil society team at the UNODC supported the non-governmental sector in South Eastern Europe to develop their participation in combating corruption through three proposed activities:

- Training and knowledge
-

⁸ See the UNGC progress report 2020: [Uniting Business in the Decade of Action](#).

⁹ See the [UNGC progress report 2020](#) and Siemens Integrity Initiative Annual Reports, available in the [B20 Collective Action Hub publications database](#).

- Country reviews
- Collective Action

The resulting commitments are set out in the [Belgrade Outcome Statement](#) published in August 2019.¹⁰ In the section addressing Collective Action, the Statement says that all signatories agree that:

“...joint efforts by the business community are a precondition for the effective fight against corruption. Working jointly together contributes towards achieving recognition and involvement in the review process, subsequent policy development and implementation of the (UNCAC) Convention by bringing together the expertise, legitimacy and capacity of the civil society, private and public sectors.”

The Collective Action proposal links to the other two activities by seeking to support them with practical suggestions to foster positive outcomes. This is however tempered by explanatory text on the website, which states:

“The Outcome Statement is not intended to have legal force and will not be legally binding on the individuals or their organizations, except to the extent voluntarily agreed to by the organizations or any other signatories or parties signing on to the Statement. Involvement in the creation, finalization, and implementation of the principles or action items of this Statement remain on a voluntarily basis.”

The Statement illustrates support for Collective Action, but civil society efforts are likely needed to get it up and running given that light-touch approach around commitment.

5.1.4 OECD 2009 Recommendation

[Annex II: Good Practice Guidance on Internal Controls, Ethics, and Compliance](#) of the OECD Recommendation on Further Combating Bribery of Foreign Public Officials in International Business Transactions ([2009 Recommendation](#)) sets out the elements of a corporate anti-corruption compliance programme. This Recommendation and its Annexes are included in the member states' mutual evaluation process, which has now reached Phase 4. The 2009 Recommendation was included in the country evaluation and review protocol¹¹ starting in Phase 3. It has therefore been highly influential in the development of corporate anti-corruption programmes as it is recognised as an example of international best practice guidance for companies.

¹⁰ See also the information on the [Week of Integrity website](#).

¹¹ See for example the Guidance on [Phase 3: Monitoring Information Resources](#).

In early 2019, one year before the baseline date set for this paper, the Basel Institute on Governance submitted a contribution to the OECD Working Group on Bribery review of the 2009 Recommendation. Our input explicitly and extensively addresses the inclusion of Collective Action as part of a compliance programme. See Appendix III.

The revised Recommendation is due in 2020. If Collective Action is included with an explicit link to compliance programmes, this will be a development that will inform our future approach. The OECD Anti-Bribery Convention is regarded as being highly effective due to its rigorous mutual evaluation procedure. The inclusion of Collective Action in an instrument of that review procedure would be a significant change to the status and importance of Collective Action.

5.1.5 B20 Anti-Corruption Taskforces 2011–2019

The B20 is the voice of the G20 business community. Its role is understood and mandated by the G20 to be the main dialogue platform between the business community and the G20 leadership. It aims to develop recommendations for the G20 in topic-specific taskforces or cross-thematic groups to support the G20 through a consolidated representation of interests, expertise and concrete policy proposals.

The B20 process also promotes and enables dialogue among policymakers, civil society, and business at the international level. There is no standing B20 Secretariat as the leadership rotates every year together with the G20 Presidency. Each hosting country decides on the structure and format of its B20 process. The focus areas and topics are usually determined through surveys of stakeholders participating in previous B20 cycles.

Between 2011 and 2019, the B20 has very often (but not every year) established an anti-corruption taskforce to develop recommendations that are submitted to the G20 for consideration in the final Leaders' Statement and/or the G20 Anti-Corruption Working Group. Over this period there have been many references to Collective Action and related tools in the final policy documents of the B20 Taskforces. Examples are:

- The HLRM appeared in the Cannes recommendations in 2011.
- The B20 Collective Action was proposed and agreed upon in 2012 under the Russian Presidency.
- In 2013 in Ottawa there was a call for the greater use of Integrity Pacts.

Although the final G20 documentation did not reflect these policy recommendations, the B20 final papers provide a source of inspiration and a reference for civil society and the private sector as they develop their anti-corruption strategies and priorities.

One example of this is the B20 Argentina Anti-Corruption Taskforce in 2018, which focused on state-owned enterprises among other topics. The idea to create a new Collective Action between the public and private sectors and civil society arose from the

recommendations in its final policy document. The outcome was the [Compliance without Borders](#) project, a collaboration between the Basel Institute on Governance and the OECD Trust in Business Initiative which envisages practical in-house mentoring for state-owned enterprises on compliance issues.

As the B20 process essentially begins afresh with every new Presidency, this offers a valuable possibility to reiterate, revise, expand or refocus the recommendations on anti-corruption. In the current round of discussion within the Saudi Arabia Presidency, the opportunity to include more examples of Collective Action and to advocate for the inclusion of Collective Action in NACS is, at the time of writing, under discussion in the Saudi Integrity and Compliance Taskforce.

5.2 National endorsements

There are scattered instances of specific Collective Action tools being included in national laws. Most notably, India, Mexico, Pakistan and Italy (at the municipal level) have mandated the use of Integrity Pacts or similar mechanisms for certain types of public procurement.¹²

Legislative measures provide one avenue for the implementation of Collective Action, including through tools that involve the private sector. These discrete approaches will not, however, lead to the widespread uptake of Collective Action as a bribery risk prevention measure within a company's anti-corruption compliance programme. There are multiple routes that can accelerate the inclusion of Collective Action in compliance programmes. Our strategy will include examining NACS as a suitable entry point for Collective Action involving the private sector. NACS are characterised by the UN as a "blueprint for a realistic, comprehensive and integrated plan for reducing corruption in that country."¹³

At one level, NACS offer a way for governments to publicly acknowledge their intent to counter corruption. They are also a platform to mobilise and harmonise governmental and non-governmental efforts in their fight against it. As corruption affects more than just government institutions, strategies that engage a wide array of stakeholders from different

¹² As described and analysed in the Integrity Pacts section of the B20 Collective Action Hub under ["Regulations and Policy"](#).

¹³ In UNODC (2015). [National Anti-Corruption Strategies: A Practical Guide for Development & Implementation](#). United Nations.

sectors – including business – are more likely to succeed than strategies that are narrowly focused on the government.¹⁴

The Basel Institute conducted a survey¹⁵ of NACS around the world in 2019 to identify references to the private sector’s role in addressing corruption and more specifically the endorsement of Collective Action approaches and tools in those strategies. The survey also identified endorsements of the use of HLRMs in public tender processes.

Out of the 78 NACS located and analysed, less than half had a significant focus on private-sector corruption and less than a third mentioned tools for Collective Action with the private sector. Of those strategies that mentioned Collective Action tools, only 17 endorsed these and signalled the government’s intent to implement them. This figure includes Malawi, whose NACS was published in December 2019 after a [review](#) that drew on support from the Basel Institute. It should be noted, though, that the strength of those endorsements varies markedly when it comes to just how explicit they are. Collective Action is sometimes to be inferred from an example of collaborative activity or is optional and worded accordingly.

For a narrative report and fuller descriptions of NACS’ endorsements of Collective Action tools, see Appendix I. For a list of countries with or in the process of developing a NACS, along with dates of the review cycle and links to the current document where available, please see Appendix II.

5.2.1 Types of Collective Action endorsed

Country	General			Procurement		Code
	Collective Action	Integrity Pact	HLRM	Unspecified	Code or Charter of Business Ethics	
Afghanistan			X			
Bhutan	X					
Denmark	X					
Ghana	X				X	

¹⁴ See the Kuala Lumpur Statement in the Annex of UNODC (2015). [National Anti-Corruption Strategies: A Practical Guide for Development & Implementation](#). United Nations.

¹⁵ The survey was conducted by Kyle Forness, independent consultant, during November–December 2019.

India		X		X	
Indonesia		X			
Italy		X			
Malawi	X	X	X		
Malaysia		X		X	
Moldova					X
Namibia	X				
Pakistan		X			X
Philippines	X				
Romania		X			
Rwanda					X
Serbia	X				X
United Kingdom	X		X		
Total	8	7	3	2	5

5.2.2 Selected quotations

For the full quotes and context, please see Appendix I. Note that some of the quotations are unofficial and/or automated translations of the original documents.

Country	Quotation
Afghanistan	"A new High-level Reporting Mechanism under the High Economic Council will increase the cost of engaging in corruption by responding to business complaints directly or referring them to the Attorney General's Office."
Bhutan	"The public and private sectors need to collaborate to initiate institutional integrity measures." "Further, collective action and greater preparedness is needed as the country prepares to graduate to Lower Middle Income Country (MIC) status...There is huge scope in reducing corruption if corporate governance principles are anchored comprehensively."

Denmark	<p>The 7th engagement of the plan "Alliance for Integrity: Improving Compliance in the Private Sector" is a Collective Action initiative that aims for the "[i]mprovement of internal corporate compliance and corruption prevention capability in partner countries and regions."</p> <p>"The Maritime Anti-Corruption Network is an example of an innovative business initiative that has successfully addressed corruption in the maritime sector through private sector collective action as well as in partnership with industry players, governments and civil society."</p>
Ghana	<p>"The NACAP enables collective action and sustained co-ordination of efforts, as well as the judicious application of resources of stakeholders to combat corruption. It constitutes the benchmark to assess the performance of stakeholders, especially government, in the fight against corruption. The NACAP will therefore guide stakeholders in their roles and responsibilities to combat corruption."</p>
India	<p>"Industry associations, chambers and bodies should also work on the specific time bound initiatives to enhance corporate governance standards... Collective action efforts and peer reviews among corporations or industries... Industry associations, chambers and other bodies should promote the use of Integrity Pacts in large public and private procurement."</p> <p>"One of the measures for enhancing trust in procurement could be collective action on implementing a standard and internally recognised procedure for transparency in public procurements."</p>
Indonesia	<p>"Make provisions of Integrity Pact legally enforceable to prevent companies with poor integrity records to bid in government contracts."</p>
Italy	<p>the strategy cites the legal authority supporting contracting authorities' discretion to use Integrity Pacts in public procurement and their effectiveness, citing the EU pilot Integrity Pacts project.</p>
Malawi	<p>As part of the objective "To decrease corruption in procurement", activities are "Monitoring the execution of public contracts by state and non-state stakeholders" and "Instituting a high level reporting mechanism". The former is described as being "through initiatives such as collective action by business actors and social audits by citizens and civil society groups".</p> <p>As part of the objective to "Empower citizens in general and users of public services in particular to identify, resist and denounce corruption", one activity is "Promoting collective action initiatives such as Integrity Pacts among private sector actors to prevent corruption in procurement".</p>
Malaysia	<p>"To strengthen the current Integrity Pact to be in line with international standards."</p> <p>"To establish procurement complaint mechanism for aggrieved parties."</p> <p>"To oblige the Statutory Bodies, State-Owned Enterprises (SOEs), Company Limited By Guarantee (CLBG) and private sector regulated by regulatory bodies to develop Organisational Anti-Corruption Plan (OACP) with the assistance of three agencies</p>

namely the Malaysian Anti- Corruption Commission, National Centre for Governance, Integrity and Anti-Corruption and Malaysian Institute of Integrity."

Moldova The third objective on "Ethics and integrity and public, private, and nongovernmental sectors" stipulates that: "Models of Codes of Ethics in business environment will be developed, and companies will be fostered by the State to adopt them."

The seventh pillar, "Private Sector", aims at "Promoting a competitive, fair business environment based on corporate integrity standards, transparency and professionalism in interaction with the public sector."

Namibia "Business associations are a means of engaging in collective action, providing a more powerful since unified voice and protecting the single firm from potential backlashes or competitive disadvantages while pursuing ethical business practices. Business associations can serve as a legitimate instruments to represent collective interests in the formulation of law and policy."

Pakistan Within the implementation strategy, the following measures are proposed to "Facilitate increased professional integrity" in the private sector:

"Encourage and pursue all trading and professional bodies to make members comply with code of ethics."

"Ensure compliance of Code of Corporate Governance by all corporate sector entities."

Philippines "Integrity Initiative: A private sector-spearheaded multi-sectoral campaign, it seeks to install integrity standards among various sectors of society - business, government, judiciary, academe, youth, civil society, church and media." The Integrity Initiative aims to "create a critical mass of ethically-conscious and self-regulating companies that have robust Integrity Management Systems in place, and are applying the principles of transparency and accountability in their dealings with other companies as well as government offices in the long term."

Romania Objective 3.6 refers to "Increasing integrity, reducing vulnerabilities and risks of corruption in the field of public procurement...Testing, in two public institutions, the institution of integrity pacts in public procurement."

Rwanda "The Private Sector Federation has elaborated a code of business ethics and excellence. However, the business community still needs to be sensitized to adhere to the code, and to encourage best practices in a number of key business dealings like transparency in financial matters, eliminating corruption, ensuring product quality, proper treatment of workers, compliance with business laws, etc. Hence, it is the responsibility of the Private Sector Federation to promote those ethical standards."

Serbia "The state will create a stimulating framework for the private sector to financially support anti-corruption projects of the civil sector. In addition, the Serbian Chamber of Commerce will support and promote good practice of those companies which adopt the Integrity Plan, rules of the Code of Business Ethics, Code of Corporate Governance of the International Chambers of Commerce for combating corruption, as well as rules of the Declaration on Combating Corruptions of the Global Compact Serbia."

United Kingdom	"Strengthened business-led collective action to reduce corruption...Support collective action, including promoting business-to-business initiatives..."
	"Encourage other countries to establish reporting mechanisms for high value tender processes, building on the experience of Colombia, Ukraine and Panama."

5.2.3 Government guidance on anti-corruption

The official guidance issued by the UK Ministry of Justice on what constitutes "adequate procedures" under the UK Bribery Act specifically references Collective Action as being evidence of top-level commitment by the company. "Top-level commitment" is the second of the six principles that the UK Guidance proposes to companies and states that:

"...effective formal statements that demonstrate top level commitment are likely to include... reference to the organisation's involvement in any collective action against bribery in, for example, the same business sector."

Interestingly, this Guidance specifically mentions Collective Action involving companies in the same business sector. The focus is on developing a level playing field for all competitors. The incentive for companies to engage is therefore implicit and complementary to the prevention of bribery.

5.3 Other endorsements

5.3.1 World Customs Organization (WCO)

In 2017, the WCO formally adopted Collective Action as an innovative approach to enhance integrity and combat corruption in Customs and Tax administrations.

The WCO Integrity Sub-Committee held its 16th Session on 9-10 March 2017 at the WCO headquarters in Brussels. Over 150 delegates representing WCO Member administrations and stakeholder organisations participated in discussions around this theme. During a joint session of the Capacity Building Committee and the Integrity sub-Committee, Collective Action to promote integrity was addressed with examples from the customs administrations that are actually implementing them. The WCO [Capacity Building Committee](#) has endorsed Collective Action in that it agreed to:

- encourage WCO Members to pursue innovative approaches, such as Collective Action, to enhance integrity and combat corruption in Customs and Tax administrations by sharing their progress and challenges;

- provide guidance to the WCO Secretariat and its Members as to the way forward with regard to Collective Action.

Since 2017, the WCO has pursued a programme of implementing Collective Action with its Members in several jurisdictions. The challenging issue of involving the private sector in those activities is yet to be addressed in the countries where [Anti-Corruption and Implementation Promotion Programmes](#) are being developed. Nevertheless, the WCO commitment to Collective Action is important because it addresses an area of corruption that is widespread throughout the world, and a source of risk for many companies that operate internationally.

5.3.2 World Bank Group Integrity Compliance Guidelines

The World Bank Group issued its [Integrity Compliance Guidelines](#) in 2010 for the private sector on the essential elements of an integrity compliance programme. The context for these guidelines is to help companies end a debarment sanction (conditional or non-conditional) or in the case of existing debarments, early termination of the debarment. The Guidelines include a paragraph on Collective Action. Interestingly, and in contrast to other references to Collective Action, the World Bank sees Collective Action as a useful tool for small and mid-sized organisations. The final paragraph 11 states:

“Collective action: Where appropriate—especially for SMEs and other entities without well-established Programs, and for those larger corporate entities with established Programs, trade associations and similar organizations acting on a voluntary basis—endeavor to engage with business organizations, industry groups, professional associations and civil society organizations to encourage and assist other entities to develop programs aimed at preventing Misconduct.”

The World Bank has worked with companies that have been subject to debarment to support the development of Collective Action and sees this as a useful tool for companies to deploy in certain situations.

5.3.3 Non-financial reporting standards

Sustainability reporting refers to the annual public information that companies issue describing the impacts their activities have on the environment and society. To prepare their sustainability reports, many companies use the [GRI Standards](#), which include a specific [section 205 on anti-corruption](#). Page 4 states:

“In this Standard, corruption is understood to include practices such as bribery, facilitation payments, fraud, extortion, collusion, and money laundering; the offer or receipt of gifts, loans, fees, rewards, or other advantages as an inducement to do something that is dishonest, illegal, or represents a breach of trust. It can also

include practices such as embezzlement, trading in influence, abuse of function, illicit enrichment, concealment, and obstructing justice.

Corruption is broadly linked to negative impacts, such as poverty in transition economies, damage to the environment, abuse of human rights, abuse of democracy, misallocation of investments, and undermining the rule of law. Organisations are expected by the marketplace, international norms, and stakeholders to demonstrate their adherence to integrity, governance, and responsible business practices.”

GRI invites specific and detailed information from companies as to:

“Whether the organization participates in collective action to combat corruption, including:

- the strategy for the collective action activities;*
- a list of the collective action initiatives in which the organisation participates;*
- a description of the main commitments of these initiatives.”*

GRI and similar agencies influence companies’ policy approaches to environmental, social, governance and anti-corruption measures through the reporting requirements set out in their standards. Given the current ongoing discussions about developing more harmonised approaches to this type of reporting, the inclusion of Collective Action as an example of a preventive measure that companies can report on is potentially significant. If all non-financial reporting standards included questions about anti-corruption Collective Action, this could encourage companies to consider Collective Action more actively, and report on it accordingly.

5.4 What impact have endorsements of Collective Action had so far?

The impacts of endorsements of Collective Action on corruption need to be considered in their specific contexts. These can relate to the country, market, sectors, supply chain or peer companies, or even combinations of these elements. As well as endorsements in relevant policies and guidance documents, there are many other factors at play in a company’s decision to include Collective Action in its compliance programme. This makes it extremely difficult to link cause and effect and to claim that a particular endorsement has led directly to an increased uptake in Collective Action approaches. A lack of data compounds this problem.

Similarly, the effect of Collective Action itself on reducing or preventing corruption is often extremely difficult to attribute solely to the implementation of Collective Action tools or approaches, because it is often only one of a range of measures within a given context. Policy makers experienced in implementing Collective Action say that the impacts will

likely take time to identify and quantify. They will invariably be intertwined with other anti-corruption measures and activities that may also have contributed to the incidence of the reductions of corruption. Nevertheless, Collective Action can be a powerful tool for tangible change. Results from initiatives have catalysed changes to laws, reductions in red-tap, changes in operating practices by government agencies and the reduction of demands for bribes. They have helped to shape the development of international regulatory standards in particular industry sectors.

The WCO's endorsement of Collective Action in 2017 (see section 5.3.1) is an example of a positive outcome. The endorsement was a "logical next step", as the Secretary General of the WCO stated at the time. He said that the organisation "has always advocated partnerships to combat corruption and enhance integrity, particularly with the private sector, as set out in Principle 10 of the Revised Arusha Declaration."¹⁶

The follow-up to this WCO decision has been to initiate an Anti-corruption Implementation Plan in a number of countries. What was previously virtually unthinkable (collaborative approaches that address integrity in customs) is gradually becoming a more open discourse. Admittedly, it remains a major challenge in many countries, but at least it has started.

In some industry sectors, the development of best practices to tackle corruption through Collective Action have resulted in fundamental changes to how business is developed, although much work still remains to be done. This is apparent in the pharmaceutical sector, where doctors and others involved in the development of treatments were once permitted to engage in conferences where the lavish hospitality outweighed the informative and educational aspects of those meetings. Collective Action approaches have reduced such excesses to the benefit of patients and those involved in the assessment of treatments.¹⁷

6 A strategy to mainstream Collective Action

The strategy to encourage the development and adoption of anti-corruption Collective Action as a norm in legally binding and non-binding instruments at the national, regional and international levels will require a concerted outreach effort of advisory and advocacy

¹⁶ See WCO News 83, June 2017: [Sweeping away corruption through collective action](#).

¹⁷ For examples of Collective Action initiatives in the healthcare sector that have contributed to this change and many other improved ethical practices, see a June 2020 blog by Andrew Blasi and Katherine Nunner of C&M International: [Pandemic highlights the potential of Collective Action for integrity in healthcare](#).

activities. In addition, our strategy will also involve interacting with other standard setters where it makes sense to do so to propagate awareness and uptake of Collective Action.

At the global level, our activities to encourage the inclusion of Collective Action as it involves the private sector will primarily focus on international instruments and related guidance and processes, in the event that they are opened for public consultations (such as was the case for the 2009 OECD Recommendation review). While possible examples include the UNCAC Implementation Review Process, the 2021 UNGASS on the private sector and related publications, the OECD Convention and relevant peer review monitoring mechanisms and other regional anti-corruption instruments, we note that these opportunities are infrequent, and comments are not always taken into a final version of a revised document.

The B20 Anti-Corruption Taskforce under the Presidency of Saudi Arabia (2020), the follow-on Presidency of Italy (2021), as well as subsequent years, will provide opportunities to advocate with the B20 Taskforces for the inclusion of Collective Action in NACS. The B20 process also provides a platform for discussion with the private sector to garner support for the tools that can help ensure fair competition and clean procurement.

At a national level, we will endeavour to engage with the Network of Corruption Prevention Agencies (NCPA), which as a relatively young organisation provides opportunities to propose relevant topics of interest to the membership. If NCPA members seek advice or embark on projects that are related to the implementation of their NACS, this could provide opportunities to raise discussions around the inclusion of Collective Action.

The Basel Institute on Governance's other divisions are engaged in a broad scope of anti-corruption work with field staff embedded in around seven countries. Our role as an advisor to governments and interacting with a wide range of government agencies may present entry points for our advocacy approach.

7 Appendix I: Endorsements in NACS

7.1 Introduction

This review of NACS is an edited version of a report produced by the Basel Institute on Governance between November to December 2019.¹⁸ The purpose is to identify instances

¹⁸ The Basel Institute on Governance is grateful to the consultant Kyle Forness, for his work on developing this data and the extracts included in this paper.

of endorsement of Collective Action and/or Collective Action tools in NACS around the world.

It is based on open-source information that was mostly gathered online following a procedure that allowed the consultant to identify, locate, verify, substantiate, and clarify the existence and content of countries' NACS or other documents outlining unified government-led anti-corruption policies. Nevertheless, the difficulty in obtaining current and reliable information on countries' anti-corruption strategies, coupled with the difficulties of translation, mean that we cannot guarantee the accuracy of all details and quotations included here. It is also acknowledged that in some instances the references to Collective Action are somewhat tenuous but may provide an entry point for further development of Collective Action in future.

7.2 Country summaries

For links to the current full texts and dates of the renewal cycles, please see the summary table in Appendix II.

7.2.1 Afghanistan

The Afghanistan National Strategy for Combatting Corruption (NSCC) was developed in 2017 after mounting public dissatisfaction with widespread institutional corruption in both public and private sectors. The legal basis for the strategy is set out in Article 75:2 of the constitution which stipulates that the government: *"[has an obligation to] maintain public law and order and eliminate administrative corruption"* (p. 1).

From there, the strategy sets six priorities (the sixth was added in 2018), they are: (i) provide political leadership and empower reformers; (ii) end security sector corruption, especially in the Ministry of Interior; (iii) replace patronage with merit in the civil service; (iv) prosecute the corrupt; (v) follow the money to make funding flows transparent, traceable, and subject to audit under a national charter of accounting (vi) improve economic institutions.

The strategy, out of "its constitutional obligation to improve the welfare of the people," places particular attention on private sector development and job creation. It also notes that one of the greatest impediments to this end has been the "lack of certainty about continued political stability and security [which] has put Afghan's in a continuous "survival" mode, where the lack of long term-stability [has put] a premium on short-term gains" (p.3).

The plan engages with the public in a commitment to restore public trust in government institutions. Various ministries and branches of the government are tasked with rooting out corruption and creating policies to make domestic activities more efficient, and fair. Guidelines and practices for the private sector are needed to make corruption and other

illegal activities more difficult to hide. The strategy does not, however, directly embrace a Collective Action or multi-stakeholder strategy to address corruption. It does mention Collective Action in a general sense of society's and government's obligation to join in the fight against corruption.

"While the immediate causes of corruption are government officials colluding to defraud the public interest, in our strategy the solution will come from collective action to build a domestic consensus that corruption will not be tolerated any longer" (p.5).

There is also a brief hint regarding interest in a HLRM under the strategy's "Helping the Private Sector" section. It states an intention to implement the *"new High-Level Reporting Mechanism under the High Economic Council [that] will increase the cost of engaging in corruption by responding to business complaints directly..."* (p.17).¹⁹

7.2.2 Bhutan

The National Integrity and Anti-Corruption Strategy of Bhutan 2019-2023 (NIACS) is the second iteration of the country's coordinated effort against corruption. The strategy, and its predecessor, stems from Bhutan's anti-corruption founding document, the National Anti-Corruption Strategy Framework, which was developed and endorsed starting in 2009. As part of Bhutan's recurring Five Year Plan program, *Corruption Reduced* was included as one of the "National Key Result Areas" and is thus seen as a mandatory directive, "enhanc[ing] mainstreaming integrity and anti-corruption measures..." (p.8)

Bhutan's NIACS focuses on three key objectives "that can contribute to the realization of the... *Corruption Reduced* goal of the Five Year Plan. They are as follows:

- Transparent, accountable and integrity culture strengthened;
- Integrity consciousness enhanced; and
- Credibility and effectiveness of law enforcement and regulatory agencies enhanced to strengthen the systems; foster ethical leadership, integrity and professionalism; forge strong alliances; promote active citizenry; and build institutional capacities.

The plan identifies several high-risk areas of corruption mostly in relation to the public sector. However, there are two, albeit brief, sections on the role of the private sector in corruption. First, the "Corporate Governance" section (p.25 s.5.1.2.7) which describes the cost of corruption and 'crony capitalism' to the world and to Bhutan. The section

¹⁹ The Basel Institute followed up with the government of Afghanistan on working to develop a HLRM, but for security reasons was unable to progress it further.

mentions the need to “[Embed] ethics and integrity measures in businesses which will reduce corruption costs, as corruption can be costly to business.” (p.26). The second in “Private Sector” (p.27 s.5.1.3.3) describes a similar risk of corruption and unethical business practices in the face of rapid economic growth. The section goes on to call for:

“The public and private sectors need to collaborate to initiate institutional integrity measures.” (p.27/28). *“Further, collective action and greater preparedness is needed as the country prepares to graduate to Lower Middle Income Country (MIC) status... There is huge scope in reducing corruption if corporate governance principles are anchored comprehensively.”* (p.12/13).

These statements are relatively vague but gain traction as they are connected to several Collective Action tools mentioned only in the glossary and appendices. Examples include the Business Code of Conduct (BCoC), Business Integrity Initiative of Bhutan (BIIB), and Corporate Integrity Pledge (CIP) which are all to be implemented in the Implementation Action Plan (Appendix 1, p.42). These references are tenuous and there is a lack of information on the extent to which Collective Action was the method used to develop these tools.

7.2.3 Denmark

The Anti-Corruption Programme of Denmark was implemented in 2019 with the strategic objective of *“enhanc[ing] the effectiveness of anti-corruption through strengthened cooperation, advocacy, monitoring and research in key organisations and networks at [the] national and international level.”* (p.2). Denmark focused on its role in combating global corruption and corruption that flows across borders in its anti-corruption programme. It sets forth three clusters to combat corruption in this way:

- Support to governments in the South to domesticate UNCAC and the Sustainable Development Goal (SDG) 16. Key partners are UNODC and OECD.
- Support to four global civil society organisations to enable them to strengthen their watchdog role (Transparency International, Publish What You Pay and the Global Anti-Corruption Consortium) and to improve the coordination of the work of civil society in relation to UNCAC (UNCAC Coalition).
- Support to two global private sector-based initiatives: Alliance for Integrity and Maritime Anti-Corruption Network (MACN).

With regards specifically to the private sector, the programme holds that the private firms have *“a broader responsibility for improving the environment for doing business in the countries in which they operate by engaging in Collective Action and multi-stakeholder forums in line with the SDG agenda.”* (p.7).

7.2.4 Ghana

Developed in 2011 and implemented in 2012, Ghana's National Anti-Corruption Action Plan (NACAP) recognises the private sector's importance in the nationwide fight against corruption.

"Professional and regulatory bodies in the private sector can play a dynamic role in... inculcating best business practices in their work, establishing and implementing code of business practice... and promoting good corporate governance." (p.47).

The action plan charges several private-sector associations, such as the Association of Ghana Industries (AGI), the Ghana National Chamber of Commerce and Industry (GNCCI) and Ghana Employers' Association (GEA), with championing the fight against corruption within the private sector. One initiative, implemented by the three aforementioned associations that comprise the Private Enterprise Federation (PEF), is the Ghana Business Code which *"currently has 169 registered members that have ostensibly brought their operations in line with its principles."* (p.47). The NACAP further encourages the AGI, GNCCI and GEA to *"urgently promote and extend the acceptance and use of the [Ghana] Business Code in order to better contribute to the fight against corruption in the private sector."* (p.48).

In the NACAP's action plan annex (under Strategic Objective 1: To Build Public Capacity to Condemn and Fight Corruption and Make Corruption a High-Risk, Low-Gain Activity) the *"develop[ment] and implement[ation] of codes of conduct for corporate bodies..."* (Activity 26) and the *"Signing of Integrity Packs"* (Activity 28) was encouraged (p.63). Both activities were to be managed and implemented by the PEF. No further mention of these initiatives was found elsewhere in the plan nor could further details regarding these activities be obtained via the PEF website.

7.2.5 India

The National Anti-Corruption Strategy of India was drafted in 2010 and addresses several levels of corruption in both the public and private sector. The strategy works to substantiate punitive measures while also promoting preventive measures in the private sphere. India's strategy endorses Collective Action through its encouragement of the adoption of Integrity Pacts to be implemented in both the public and private sector.

Like many plans, India's strategy identifies public procurement as an area particularly vulnerable to corruption. To address corruption in public tenders, the strategy endorses the use of Integrity Pacts that contain *"provisions... [that are] legally enforceable to desist companies with poor integrity records to bid in government contracts."* (p.27).

The strategy addresses the private sector's role in the economy and the corollary to implement sound governance practices:

“The private sector, being a significant driver of the growth in the country, has a pivotal contribution to make in promoting good governance practices and hence needs to be given a significant role in the nation’s anti-corruption programs.” (p.33).

The NACS suggests the use of Collective Action on the part of the private sector such as the use of Integrity Pacts and ethics codes, stating:

“Industry associations, chambers and bodies should also work on the specific time bound initiatives to enhance corporate governance standards such as... Collective action efforts and peer reviews among corporations or industries... Industry associations, chambers and other bodies should promote the use of Integrity Pacts in large public and private procurement.” (p.33/34).

Additionally, although vague, the strategy appears to endorse the preconditions of what could become a HLRM. Within the subsection on ‘Creating a Culture of Trust’ specifically within procurement processes, the plan suggests:

“One of the measures for enhancing trust in procurement could be collective action on implementing a standard and internally recognised procedure for transparency in public procurements.” (p.34).

7.2.6 Italy

Italy’s public contracting law states that public administrations and contracting agencies should as a rule, prepare and use protocols of legality or Integrity Pacts when awarding contracts. Notices are inserted into the calls for tenders to ensure that the law is observed. The Anti-Corruption Law (190/2012) provides that *“contracting authorities may provide in the notices or letters of invitation, that non-compliance of the provisions contained in the protocols of legality or in integrity pacts is a cause for exclusion from the bid”*.

7.2.7 Kazakhstan

As part of the Kazakhstan 2050 strategy, the Kazakhstan Anti-Corruption Strategy was created in late 2014 to combat corruption as *“a direct threat to national security”*. With strong anti-corruption legislation already in place, the strategy focuses primarily on *“the elimination of corruption pre-conditions”* (p.5). As such, the strategy identifies areas where corruption still remains prevalent and outlines initiatives aimed at the prevention of corruption rather than its consequences. In support of its rapidly growing economy, Kazakhstan prioritizes policies to continue this trajectory with the reduction of red-tape, stating: *“In general, there should be a reduction of state participation in entrepreneurial activities”* and *“...measures for eliminating the administrative barriers in business development...”*

Nevertheless, the strategy identifies “*quasi-private and private sectors*” as areas in which corruption stills exists. To address those areas, in both public procurement and domestic enterprise, the strategy charges the National Chamber of Entrepreneurs, Atameken, with implementing the Anti-Corruption Charter for Entrepreneurship and Business and other “*measures to combat corruption in the corporate sector.*” (p.16). The strategy cautions still, that “[a]t the same time, combating corruption in the private sector should be conducted in the way that it is not detrimental to the investment climate and create risks for entrepreneurs.” There is no further mention of the Charter elsewhere in the strategy.

The OECD’s 4th round monitoring report of the Istanbul Anti-Corruption Action Plan does however provide an insight into the general content and aim of the Charter:

“On 16 June 2016, [the National Chamber of Entrepreneurs] adopted the Anticorruption Charter of Entrepreneurs of Kazakhstan which comprises fundamentals and postulates a concept of doing corruption-free business, as well as voluntary commitments aimed at introduction and implementation of additional mechanisms of prevention of corruption...It is envisaged that the Charter should form a basis for the development and adoption of three model Codes (Business Ethics Code; Procurement Good Practice Code; and Corporate Governance Code)...” (p.120).

Whether these codes were developed using a Collective Action methodology is not apparent in the NACS. However, as there is a relatively strong focus on the role of the private sector, the notion of Collective Action could be raised with the Chamber of Entrepreneurs in future.

7.2.8 Malawi

Malawi's NACS promotes Collective Action as a tool to achieve sustainable and strategic engagement of the private sector in the fight against corruption. In December 2019, the Malawi Anti-Corruption Bureau (ACB) presented the second edition of its NACS, which aims to guide and inform the country’s fight against corruption over the next five years (2019–2024).

In the strategy, the private sector is identified as an integral partner in the country’s fight against corruption. As such, the private sector is specifically encouraged to develop and support initiatives to fight corruption in procurement, and to work towards reducing corruption in the processing of permits and licensing.

The focus on procurement and permits/licensing of the private-sector pillar directly reflects the input given by companies during the NACS consultation process. The inclusive engagement of the wide variety of industry sectors that informed the NACS helped to ensure that the focus areas and proposed activities respond to the business reality of companies on the ground, and to secure buy-in from key industry leaders.

In the proposed activities for the private sector under the NACS, Collective Action tools such as the HLRM are highlighted as a best-practice approach to achieve sustainable and tangible commitments and engagement of the private sector. In order to translate the private-sector goals and activities of the strategy into action, discussions have been initiated in the infrastructure and construction sectors to identify what a HLRM could look like for those sectors in the Malawi context.

7.2.9 Malaysia

The Malaysian National Anti-Corruption Plan (NACP) is the fourth iteration of anti-corruption policy since 2004, when the first Malaysian National Integrity Plan was implemented. The NACP focuses on three broad areas to “create a corruption-free nation”:

- Accountability and Credibility of Judiciary, Prosecution and Law Enforcement Agencies;
- Efficiency and Responsiveness in Public Service Delivery; and
- Integrity in Business

According to the plan, 63% of corruption in Malaysia occurs in the public sector, compared to 17% in the private sector (p.4). Consequently, the NACP focuses primarily on strengthening public institutions and organisations. The plan identifies six “Priority Areas” in which corruption is rampant in Malaysian society, five of which address public sector related corruption. Each “Priority Area” has a corresponding strategy, the last of which is “Inculcating Good Governance in Corporate Entities.”

Beyond a very general call for a society-wide effort to root out corruption, the plan does not explicitly list Collective Action as a tool in its fight against corruption. With regards to the private sector, the NACP’s central aim is “to create a clean business environment” and it does so primarily through the encouragement of compliance and general corporate standards (p.33). In the “Strategy Priorities” set out in the appendices, Collective Action tools involving the private sector are referenced.

Within the public procurement “Priority Area” under “Strategy 3 - Increasing the Efficiency and Transparency in Public Procurement” the plan lists its initiative (3.1.3) “To strengthen the current Integrity Pact strategy to be in line with international standards” (p.46). The Integrity Pact strategy is not listed or articulated elsewhere in the plan. According to the [Malaysian Anti-Corruption Commission](#)’s website however, the Pact was developed by Transparency International and adopted as an anti-corruption measure as part of the Malaysian public procurement process in 2010.

Additionally, Strategy 3 also sets forth an initiative (3.2.5) “To establish [a] procurement complaints mechanism for aggrieved [bidding] parties” (p.47). Again, no further mention of this initiative appears anywhere in the report, however, according to a [UNODC report](#)

on [“Malaysia’s Government Procurement Regime”](#) the mechanism “offers bidders a multitude of channels of complaint.” Such channels allow:

“A failed bidder [to] complain to a procuring agency, which may cancel a tender if it finds irregularities. An aggrieved bidder may also complain to the Public Complaints Bureau, the Malaysian Anti-Corruption Commission, or the Public Accounts Committee. In addition, the Monitoring and Control Division of the Ministry of Finance...may also set up special task forces to investigate a complaint.”

Within the “Corporate Governance” priority area, under “Strategy 6 - Inculcating Corporate Governance in Corporate Entities” the plan mandates that individual sectors develop their own anti-corruption plan. Initiative 6.2.1 states:

“To oblige the Statutory Bodies, State-Owned Enterprises (SOEs), Company Limited By Guarantee (CLBG) and private sector regulated by regulatory bodies to develop Organisational Anti-Corruption Plan (OACP) with the assistance of three agencies namely the Malaysian Anti- Corruption Commission, National Centre for Governance, Integrity and Anti- Corruption and Malaysian Institute of Integrity” (p.53).

Further details of this initiative are not articulated elsewhere in the NACP.

7.2.10 Namibia

The NACS of Namibia was developed as a response to the need to do more to combat corruption, comprehensively and coherently. Namibia’s ‘Vision 2030’ mandates the eradication of corruption as a long-term goal, giving further weight to the country’s NACS. The strategy sets six objectives:

- Increase the level of political accountability
- Prevent corruption in government offices, ministries, agencies and state-owned enterprises
- Strengthen efforts to deter corruption
- Conduct extensive anti-corruption education
- Prevent corruption in the private sector
- Engage civil society and the media in combating corruption

As is reflected in these objectives, the strategy addresses corruption in the private sector and mandates the involvement of private sector organisations in its fight against corruption. Because the extractive and fishing industries in Namibia make up a significant portion of the economy, the plan focuses a significant portion of the ‘Preventing Corruption in the Private Sector’ section to preventing corruption specific to those industries. It also

addresses corruption in the private sector more broadly, emphasizing the importance of reshaping incentive structures through unified efforts:

"Business associations are a means of engaging in collective action, providing a more powerful since unified voice and protecting the single firm from potential backlashes or competitive disadvantages while pursuing ethical business practices." (p.26).

The strategy tasks the Namibia Chamber of Commerce and Industry (NCCI) with fighting private-sector corruption outside of the extractives and fishing industries. Specifically, it calls on the NCCI to "[a]ssist enterprises in the private sector to develop internal integrity systems, compliance procedures and ethics codes." (p.27).

7.2.11 Pakistan

The Pakistan NACS was one of the first unified, multi-sectorial plans to combat corruption when it was launched in 2002. Pakistan's plan is impressively comprehensive, addressing corruption at several levels of government as well as in the private sector. Since the country has a large informal economy and a relatively under-developed regulatory regime, corruption is seen as simply the cost of doing business in Pakistan's private sector. *"Corruption is largely socially accepted as a norm and regarded as inevitable."* (p.5). Consequently, the strategy focuses not only on punitive measures but also preventative measures, utilising such tools as integrity pledges and pacts to heighten the social stakes of involvement in corruption.

Having sapped an estimated Rs. 20 billion, corruption in public procurement is a significant issue in Pakistan. With a lack of transparency, frequent and normal use of favouritism in public tenders, and bribery, public procurement is vulnerable at almost every level. The strategy seeks to address this issue with a Collective Action solution, stating:

"Integrity pacts will be a useful tool in privatisation, satisfying the public of the transparency and integrity of the process, and ensuring that the privatisation agenda is not undermined by accusation of corruption in the process." (p.74).

The NACS identifies the menace of corruption in the private sector and its destructive effects on the economy and citizenry of Pakistan, however it does not invoke Collective Action measures. Rather, it describes broad goals of improving integrity and corporate management more generally without specifying solutions or measures that would plausibly lead to the achievement of those goals. The strategy does acknowledge that there is "scarce research, data, or action on private sector corruption" and, as a remedy in its implementation action plan, pledges to undertake a study on corruption within the private sector and eventually develop a private sector-specific NACS. The plan does not further specify what a private sector-specific NACS might look like.

Within the private-sector section of the implementation plan, the strategy endorses high level, non-binding recommendations such as “[e]ncourage and pursue all trading and professional bodies to make members comply with code of ethics” and “[g]ather coalition of concerned professionals in each profession to promote sound regulation and ethics management” (p.136).

These proposed measures perhaps create the preconditions for Collective Action, but it is not endorsed explicitly nor substantively. The language of Collective Action exists elsewhere in the implementation plan with regards to coalition building around integrity – in the form of pacts or commitments – however the parties to those pacts are not private bodies.

7.2.12 Philippines

The large majority of corruption in the Philippines remains within the public sector. The Good Governance and Anti-Corruption Cluster Action Plan (ACCAP) therefore focuses largely on the corruption within governmental institutions and building trust within the Philippines citizenry. Reflecting this, the plan is structured around three Pillars of Open Government:

- Transparency
- Accountability
- Citizens’ Engagement

The majority of the action plan describes different initiatives to tighten regulation in the public sector and increase government transparency, which are in line with many of the Open Government Partnership action plan initiatives.

Despite the plan listing “[the] business and economic environment is enhanced” as one of its three main objectives, very little of the private sector is described in the plan. No language mentioning Collective Action strategies are present in the plan except, in its final initiative under the third “Citizens’ Engagement” pillar, the action plan endorses the Integrity Initiative which it describes as:

“A private sector-spearheaded multi-sectoral campaign, it seeks to install integrity standards among various sectors of society - business, government, judiciary, academy, youth, civil society, church and media.” (p.18).

No mention of the initiative appears elsewhere in the ACCAP.

The [Integrity Initiative](#) is a non-profit organisation that promotes several private sector Collective Action initiatives in the Philippines. Specifically, it works to promote the adoption of a Unified Code of Conduct for Business and encourages the signing of an industry-wide Integrity Pledge. According to the About Us page on its website, its goal

more broadly is to: “*create a critical mass of ethically-conscious and self-regulating companies that have robust Integrity Management Systems in place, and are applying the principles of transparency and accountability in their dealings with other companies as well as government offices in the long term*”.

7.2.13 United Kingdom

The United Kingdom's Anti-Corruption Strategy comes as the second iteration of a national anti-corruption plan and is comprehensive and exhaustive both in its identification of areas prone to corruption and in its plan to address such vulnerable areas. The strategy also recognises its role in combatting corruption beyond its borders in the numerous countries its businesses operate in. To focus its five-year plan, the strategy identifies six priorities:

1. Reduce the insider threat in high risk domestic sectors
2. Strengthen the integrity of the UK as an international financial centre
3. Promote integrity across the public and private sectors
4. Reduce corruption in public procurement and grants
5. Improve the business environment globally
6. Work with other countries to combat corruption

The strategy employs several forms of Collective Action including Integrity Pacts and corporate governance codes. Under its fifth priority, the strategy sets goal 4 with the aim of “Strengthening business-led collective action to reduce corruption”. The strategy commits to:

“[I]ncreased inward investment by supporting business-led initiatives aimed at strengthening anti-corruption good practices/approaches...” and “[s]upporting collective action, including promoting business-to-business initiatives, action to strengthen supply chains, or to increase transparency, including sponsoring relevant ‘Business 20’ initiatives at the G20 Anti-Corruption Working Group.” (p.57).

Additionally, having identified public procurement as an area particularly vulnerable to corruption in developing countries, the strategy alludes to the endorsement of a HLRM in public tenders both within and outside of the UK, stating that it would:

“Encourage other countries to establish reporting mechanisms for high value tender processes, building on the experience of Colombia, Ukraine and Panama.” (p.57).

8 Appendix II: NACS country list

Below is a full list of countries reviewed, including their NACS review cycles and links to the current NACS.

Country	NACS cycle	Strategy title and link	Useful external reports
Afghanistan	2017-2021	National Strategy for Combatting Corruption	
Albania	2008-2013 2015-2020	The Inter-sectoral Strategy against Corruption	
Algeria	2014-	National Anti-Corruption Plan	
Argentina	2019-2023	National Anti-Corruption Plan	
Armenia	2001-	Anti-Corruption Strategy and Implementation Action Plan	OECD: Istanbul Anti-Corruption Action Plan country reports
Australia	2011-	National Anti-Corruption Plan	
Austria	2018-2020	National Anti-Corruption Strategy	
Azerbaijan	2007-2011 2012-2015	National Anti-Corruption Action Plan	OECD: Istanbul Anti-Corruption Action Plan country reports
Bahrain	2015-	National Anti-Corruption Strategy	
Bhutan	2013-2018 2019-2023	National Integrity and Anti-Corruption Strategy	Transparency International: Assessment of the Bhutan Anti-Corruption Commission
Bosnia-Herzegovina	2015-2019	Anti-Corruption Strategy	Council of Europe - Action Plan for Bosnia-Herzegovina
Brazil	2003-2014 (end date unclear)	National Strategy for Combatting Corruption and Money Laundering	
Bulgaria	2015-2020	National Strategy for the Prevention of Corruption	

Burkina Faso	2013	Strategy and Action Plan against Corruption	UNODC: Rapport de pays du Burkina Faso
Burundi	2018-2023	National Anti-Corruption Strategy	
Cameroon	2010-2015	National Anti-Corruption Strategy	
Comoros	2012-	National Anti-Corruption Strategy and Action Plan	
Croatia	2002-2015-2020	National Anti-Corruption Strategy	
Denmark	2019-2022	Anti-Corruption Policy	
Egypt	2019-2022	National Anti-Corruption Strategy	
Estonia	2013-2020	Anti-Corruption Plan	
Finland	2015-2030	Anti-Corruption Strategy (draft)	
Georgia	2017-2018	Anti-Corruption Strategy	U4: Anti-Corruption Progress in Georgia; Liberia; Rwanda
Ghana	2012-2021	National Anti-Corruption Action Plan	
Greece	2015-2018 2018-2021	National Anti-Corruption Action Plan	
Haiti	2008-2018	National Anti-Corruption Plan	
Hungary	2015-2018	National Anti-Corruption Programme	
India	2010-	National Anti-Corruption Strategy	
Indonesia	2012-2025	National Strategy for Corruption Prevention and Eradication	
Iraq	Under development	National Strategy to Combat Corruption	
Italy	2012-	National Anti-Corruption Plan	

Jordan	2017-2025	National Integrity and Anti-Corruption Strategy	
Kazakhstan	2015-2025	Anti-Corruption Strategy	OECD: Anti-Corruption Reforms in Kazakhstan
Kenya	2015-2019	Integrity Plan	
Kyrgyzstan	2004-2007 2008-2012 2012-2016	Anti-Corruption Action Plan	OECD: Anti-Corruption Reforms in Kyrgyzstan
Latvia	2004-2008 2009-2013 2015-2020	Strategy of Corruption Prevention and Combatting	
Lesotho	2014-2019	National Anti-Corruption Strategy	
Liberia	2014-2017 2017-2020	National Action Plan	U4: Anti-Corruption Progress in Georgia; Liberia; Rwanda
Lithuania	2015-2025	National Anti-Corruption Programme	UNODC: Effective Anti-Corruption System in Lithuania
Madagascar	2015-2025	National Anti-Corruption Strategy	Transparency International: Overview of Corruption and Anti-Corruption in Madagascar
Malawi	2019-2024	National Anti-Corruption Strategy II	
Malaysia	2004-2010 2010-2012 2019-2023	National Anti-Corruption Plan	Transparency International: Business Integrity Country Agenda
Mauritania		Anti-Corruption Strategy	
Mexico	2018-	National Anti-Corruption System	WOLA: The future of Mexico's Anti-Corruption System
Moldova	2011-2016 2017-2020	National Integrity and Anti-Corruption Strategy	
Mongolia	2002-2010 2016-2022	National Anti-Corruption Strategy	Transparency International: Business Integrity Country Agenda Mongolia

Montenegro	2006-2014	Programme of the Fight Against Corruption and Organised Crime	
Morocco	2015-2025	National Anti-Corruption Strategy	-
Namibia	2016-2019	National Anti-Corruption Strategy and Action Plan	
Nepal	2014-2019	Strategy and Action Plan against Corruption	
Nigeria	2017-2021	National Anti-Corruption Strategy	
North Macedonia	2011-2015 2016-2019	State Programme for the Prevention and Repression of Corruption and Reduction of Conflicts of Interest	OSCE: Promoting Cooperation Through Good Governance in the Anti-Corruption Policy Implementation
Pakistan	2002-2006	National Anti-Corruption Strategy	
Palestine	2015-2018	National Anti-Corruption Strategy	
Papua New Guinea	2010-2030	National Anti-Corruption Strategy	National Anti-Corruption Strategy Technical Working Group
Paraguay	2016-	National Anti-Corruption Plan	Transparency International: Overview of Corruption and Anti-Corruption in Paraguay
Peru	2018-2021	National Integrity and Anti-Corruption Plan	
Philippines	2012-2016	Good Governance and Anti-Corruption Action Plan Cluster	Integrity Initiative
Poland	2018-2020	Government Programme for Counteracting Corruption	
Romania	2012-2015 2016-2020	National Anti-Corruption Strategy	
Russia	Adopted in 2008 Timeframe	National Anti-Corruption Plan	

	of plan not Indicated		
Rwanda	Under developmen t	Anti-Corruption Policy	Transparency International: Rwanda 2015-2019 Strategic Action Plan
Saudi Arabia	2012-	National Strategy for Maintaining Integrity and Combatting Corruption	
Senegal	2017-2021	National Strategy to Combat Fraud and Corruption	
Serbia	2005-2012 2013-2018	National Anti-Corruption Strategy	SELDI: Corruption Assessment Report
Sierra Leone	2008-2013 2014-2018	National Anti-Corruption Strategy	
Solomon Islands	2017-2019	National Anti-Corruption Strategy	
South Africa	2017-	National Anti-Corruption Strategy	Corruption Watch: Towards a National Anti-Corruption Strategy
Taiwan	2009-	National Integrity Building Action Plan	
Tanzania	2008-2011	National Anti-Corruption Strategy and Action Plan	SIDA: Joint Evaluation of Support to Anti-Corruption Efforts
Thailand	2007-2012 2017-2021	National Anti-Corruption Strategy	
Tunisia	2016-2020	National Good Governance and Anti- Corruption Strategy	
Turkey	2016-2019	National Action Plan in Combatting Corruption	British Chamber of Commerce Turkey
Uganda	2008-2013	Anti-Corruption Strategy	
Ukraine	2014-2017	Anti-Corruption Strategy	OECD: Istanbul Anti-Corruption Action Plan country reports
United Kingdom	2014-2017 2017-2022	Anti-Corruption Strategy	

Vietnam	2010-2020	National Strategy for Prevention and Combating Corruption towards 2020
Yemen	2008-	National Anti-Corruption Action Plan

9 Appendix III: Submission to review of 2009 Recommendations by the OECD Working Group on Bribery

The full text of the public consultation can be found on the OECD Working Group on Bribery's report on [Public Comments: Review of the 2009 Anti-Bribery Recommendation](#). The Basel Institute's comments are to be found on page 46 through to page 50 (the Basel Institute has been inadvertently omitted from the table of contents).

Selected extracts from the submission:

"We offer the following suggestions as to where references to Collective Action could be included in the existing provisions in the Recommendation and Annex II.

New text is underlined:

2009 Recommendation - X.C. Member countries should encourage:

(ii) business organisations and professional associations, where appropriate, in their efforts to encourage and assist companies, in particular small and medium size enterprises, in developing internal controls, ethics and compliance programmes or measures such as anti-corruption Collective Action for the purpose of preventing and detecting foreign bribery...',

(iii) company management to make statements in their annual reports or otherwise publicly disclose their internal controls, ethics and compliance programmes or measures and involvement in Collective Action, including those which contribute to preventing and detecting bribery;

(iv) foster, initiate, support and engage in multi-stakeholder approaches to address bribery through Collective Action initiatives, including tools specifically addressing corruption risks in public procurement such as Integrity Pacts and High Level Reporting Mechanisms, as appropriate;

.....

A) Good Practice Guidance for Companies

New text to be inserted after §6 to add a new section:

7. a system to assess the opportunities and suitability to address bribery risks through Collective Action and to engage in such initiatives where appropriate."