

Information and Business Integrity – a Government's Perspective

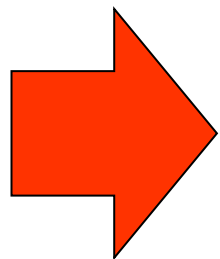
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Information integrity and the company



Wrong decisions ☹️

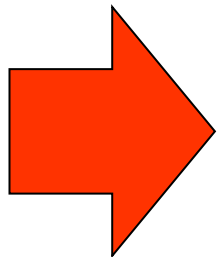
Information asymmetries ☹️

Uneven competition ☹️





Business integrity and the company




Companies: Distorted competitor

Governments: Resource loss

Societies: Crippled development



 **Some (major) corruption events**

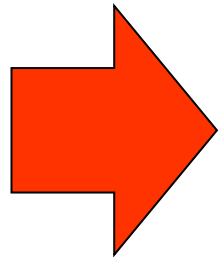
SIEMENS

Ingenuity for life





So what ?!



1. Corruption is unlawful
2. There are tools for avoiding corruption
3. The Swiss authorities can lend support



1. Corruption is unlawful !

OECD Anti-Bribery Convention: 44 member States (all 36 OECD+8) = 66% world exports, 81% FDI

The only **legally binding** instrument: translated into **art 322 septies Swiss Criminal Code: bribery of foreign public officials / Bestechung fremder Amtsträger**



- ✓ Level playing field for multinational enterprises
 - ✓ 2019: Bribery a crime in all **44 countries**;
560 individuals and **184 companies sanctioned**;
500 ongoing investigations.
-



2. There are tools for avoiding corruption

OECD 2010 Good Practice Guidance on internal controls, ethics and compliance:

- ✓ Explicit **support from senior management**;
- ✓ Clear and visible **anti-bribery policy** (website);
- ✓ Anti-corruption **training** for specific positions;
- ✓ Effective **internal controls, ethics and compliance programs** (risk assessment, gifts, hospitality, small facilitation payments etc.);
- ✓ Reporting mechanism (**whistleblowing**);
- ✓ More generally: Corporate Social Responsibility (**CSR**) systems are also good practices.





3. The Swiss authorities can lend support



Information and prevention:

- ✓ General awareness raising & information e.g. **SECO brochure** "Preventing Corruption"
- ✓ In CH: Information on the legal situation
- ✓ Abroad: Information on the local context (risks of corruption, legislation, institutions, etc.)

Who?

- ✓ In CH: SECO; professional associations (Economiesuisse, S-GE, ICC Switzerland)
- ✓ Abroad: Swiss Embassies



3. The Swiss authorities can lend support

Assistance and advice in cases of corruption:

- ✓ Counseling/Information on options for action
- ✓ Formal intervention with host country's authorities, possibly jointly with other States
- ✓ Informal contacts, information about local lawyers
- ✓ Whistleblowing: list of National Authorities against Corruption

Disclaimer: No "assessment" of concrete cases;
no "exoneration" from criminal liability!





Conclusions

How to prevent corruption?

- ✓ Take appropriate internal measures
- ✓ Inform yourself, in CH + abroad (**Swiss Embassy**)

What can be done if a bribe is solicited?

- Do not ever pay any money!
- Report it to **SECO** or the **Swiss Embassy**
- Evaluate possible actions (support by **Embassy**) :
 - Seizing a local court can be considered.
 - On request the **Embassy** may introduce informal contacts or a formal diplomatic approach.
- **Embassy** can grant contacts to lawyers & Anti-Corruption authorities.