Davies was optimistic about the participation of business in broad anti-corruption efforts.[2]

4. Summary of the Discussion

- Some participants agreed that the approach to fighting corruption should be broad and interdisciplinary. It should not focus only on criminal law, but include good governance issues as well. The UN Convention should reflect this approach. Canada could play an important role internationally in promoting the link between good governance and combatting corruption.

- It was suggested that any anti-corruption instrument should include an incentive structure and robust enforcement and follow-up mechanisms. Moreover, all players must be included in all the stages of negotiations and implementation, including the criminal law sector, civil society, governments and businesses etc.

- While some argued that prosecution is a necessary check on corporations to avoid corruption, others said that fining companies for corruption transgressions is sufficient and in some instances even more effective than prosecution (Canadian criminal law provides unlimited fines on corrupt corporations.)

- Integrity pacts have been effective in deterring corruption in larger companies, including Shell. However, they have a lesser impact on smaller and medium size enterprises.

- The importance of international cooperation and adequate training of the police to properly collect evidence in corruption cases was emphasised.

- Some participants raised concerns that the UN Convention Against Transnational Organized Crime may duplicate existing legal instruments, especially if the UN adopts a criminal law approach. Others said that the issues covered by the UN Convention will not be included in the OECD Convention. Moreover, the UN Convention covers those countries (including China) not included in the regionally-specific conventions (like the OECD or OAS).

- Some pointed out that it is not yet clear whether the UN efforts will result in a convention (treaty) or just a declaration. There was a broad agreement among the participants that Canada should push for the former option and that a declaration would be merely a waste of time.

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[2] See: François Vincke, Fritz Heimann and Ron Katz, eds., Fighting Bribery (Paris: International Chamber of Commerce Publishing, 1999)