



Using the Guidelines to Support Business in the Fight Against Solicitation of Bribes

Bribe Solicitation – Basics

- Despite anti-bribery measures, businesses are frequently confronted with explicit or indirect solicitation of bribes in OECD and non-OECD countries.
- The BIAC Programme for Combating Solicitation of Bribes calls on OECD governments to focus on: public recognition of the problem and assistance in cases of solicitation.
- The OECD Guidelines clearly attribute to National Contact Points (NCPs) the task of helping companies in situations of bribe solicitation.

Bribe Solicitation - Context

- BIAC believes that governments should assist companies in situations of bribe solicitation instead of relying solely on ex-post prosecution.
- When confronted with demands for bribes, companies need a point of reference, independent from the prosecution authorities, to which they can report such instances. Until now, information about bribe solicitors in host countries is lost.
- BIAC urges NCPs to take on their responsibilities under the Guidelines and start dealing with instances of solicitation for bribe. NCPs should communicate these instances with other agencies of their own government or directly with counterparts in the respective host countries.
- Many instances of solicitations occur in areas of economic activity which are subject to complex, overlapping and non-transparent regulations. Deregulation and economic liberalisation help to reduce rent seeking opportunities.

*“We don’t have to wait to see the effects of corruption, we see it in the front door; it is a crime against humanity; thus, anti-corruption policies are key to the world.”
Justice Minister of Kenya (25 June 2003 Roundtable on Corporate Responsibility)*

Bribe Solicitation in Practice

- In many situations, companies are solicited to pay bribes and/or facilitating payments. Especially Small and Medium Sized Companies entering new markets and missing political leverage need governmental support in order to protect their interests.
- We encourage companies to raise such instances with their NCPs or via their business organisations in an anonymous form.

Bribe Solicitation – Text

*The OECD Guidelines For
Multinational Enterprises*

Chapter VI. Combating Bribery:

"Enterprises should not, directly or indirectly, offer, promise, give, or demand a bribe or other undue advantage to obtain or retain business or other improper advantage. Nor should enterprises be solicited or expected to render a bribe or other undue advantage."

*The OECD Guidelines for
Multinational Enterprises*

Commentary on Combating Bribery:

45. "To address the demand side of bribery, good governance practices are important elements to prevent companies from being asked to pay bribes. In addition, governments should assist companies confronted with solicitation of bribes."

*The OECD Guidelines for
Multinational Enterprises*

Procedural Guidance

"I. National Contact Points
The role of National Contact Points (NCP) is to further the effectiveness of the Guidelines."
"I C. The NCP will offer a forum for discussion and assist the business community, [...] to deal with the issues raised in an efficient and timely manner...."