

October 31, 2018



## Recommendation 6 Network: Transmittal Memorandum

To: Drago Kos – Chair: The Working Group on Bribery

From: the Undersigned

### International Guidelines for Non-trial resolutions of Foreign Bribery Cases

Following the presentation of the March 2017 *Report of the Recommendations of the Secretary General's High Level Advisory Group*, a group of academics, lawyers, corporate officers, NGOs and others discussed means by which Recommendation 6 of that Report might be implemented. You will recall that Tina Søreide and Peter Solmssen made a presentation to the Working Group regarding a possible approach at your meeting of June 14, 2017.

Since then that informal group has worked collaboratively to write a set of materials that might aid your own discussions regarding the complex issue of non-trial resolutions of foreign bribery cases. We are very pleased to have been able to consider a widely divergent set of viewpoints, and believe that we have been able to present you with a set of proposals that represent a reasonable accommodation of all of them. With this Memorandum we are today delivering to you the following:

1. A form of Recommendation to enact the proposals we are making
2. Annex III – Principles: A proposed Annex III to the existing 2009 Recommendation
3. Explanatory Notes: A discussion of the issues raised by the constituent parts of our proposed Annex III.

Each of the undersigned has participated in the drafting of the three documents, but many of the undersigned may have individual or organizational positions that differ in some way from the positions articulated in these documents, so by participating we do so in an individual capacity and do not speak for the organizations with which we are associated. In the spirit of moving forward and promoting the international suppression of corruption, we believed it was important to make common cause and to compromise on a generally acceptable principles and practices. In particular, we expect to continue work on the Explanatory Notes, converting them into a form of commentary that will be posted online and available for comment generally. As this discussion continues, we will continue our separate work and will support the Working Group in any manner, jointly or individually, that it may decide is welcome.

Sincerely,

Tina Søreide and Peter Solmssen - Reporters

The Undersigned, members of the Recommendation 6 Network:<sup>i</sup>

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<sup>i</sup> The Recommendation 6 Network thanks several people who contributed substantially to this work: Marianne Djupesland, Pascale Dubois, Jamieson Smith, Kasper Vagle and Michelle Austin.