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Declaration on Zero Tolerance to Corruption in People-first Public-Private Partnerships

Document prepared by the Secretariat

Secretariat Note
<p>The following document consists of a summary of the UNECE Standard on a Zero Tolerance Approach to Corruption in PPP Procurement.</p> <p>Comments are welcome, especially on the proposed follow up, paras (15-19).</p>

We the undersigned, fully mindful of the challenges we face as public officials and stakeholders to the provision of public services and public good, acknowledge the:

- Magnitude of economic and social development that will be required, including the massive sum of financing and increased public sector capacity that will be needed, to meet the United Nations Sustainable Development Goals (UN SDGs),
- Unique contribution which PPP and people first PPP specifically can make to the achievement of these Goals,
- Risk that vile corruption left unchecked will demean our best efforts, compromise our officials and systems, and put in jeopardy all that we are striving for in SDG 16 and the ambitions of the SDGs as a whole,
- Importance of fully supporting a Zero Tolerance Approach to corruption in PPP procurement as outlined in the UNECE PPP standard and in this respect wish to make publicly and openly and solemnly 19 commitments that will guide our actions and help to put an end to corruptive practices once and for all.



We namely commit to:

Undertake a Competitive Tender

1. To Conduct for every project an open, transparent, and fair competitive tender;

Comply with Laws and a Code of Ethics

2. To Fully Comply with pertinent laws, avoid conflict of interests, and oblige bidders to do likewise and require all bidders to have their own code of ethics and internal anti-corruption procedures.

Avoid Conflicts of Interest

3. To Stop conflicts of interest and shed light on all types of ‘hidden’ relationships, connections, and shared interests that allow persons to exert improper influence and achieve personal gain from public projects.

Disclose full Information

4. To Fully Disclose clear and complete information on project opportunities and the award or denial of award of the same, and make use of all relevant modern technology to organize and disseminate project information, and be available and open and responsive to enquires by the media, auditors, and other stakeholders to the project.

Coordinate effectively and Improve Decision Taking within Governments

5. To Identify and Empower PPP units and administrative bodies such that clear chains of decision taking are established that are independent, delineated, and complement each other, providing efficiency, sufficient oversight, and approval and checks and balances on the PPP decision making process.

Hiring Consultants and Experts

6. To Prevent advisors on projects from exerting undue influence on project decisions and decisions that are biased towards their own commercial interest and not the principle of “People first”. Consultants should therefore be hired for their track record of providing unbiased professional advice. Payment to them must not affect the advisor’s independence and professional judgement. Advisors themselves should avoid situations that compromise their role. They should disclose any interests that might be in apparent conflict with their giving of independent professional advice.

Whistle-blowing

7. To Protect all persons who have the courage and forbearance to come forward with information about misappropriation of the process or abuse of their power of public authority.

Unsolicited Proposals

8. To Treat with caution all proposals that are not originating from within the public administration and to only go forward with the same using openness and fair competition.

Tender Notices and Bidding Document

9. To Encourage the maximum competition amongst bidders through sufficient and consistent information sharing, and require a minimum number of tenders to be received, otherwise abandoning the tender altogether.

Pre-Qualification Process

10. To Create fair and non-onerous conditions for potential bidders and being mindful of the risks to the competitive process arising from too many procedures that are complicated or costly and create unnecessary barriers to entry.

Dialogue-based PPP Procurement

11. To Maximise the benefit afforded by certain procurement approaches available to public entities while achieving the best possible deal for the public yet protecting against impropriety and opportunities for corruption and collusion arising from those approaches.

Confidentiality and Maintenance of Information

12. To Protect and Preserve the confidentiality, integrity and safe custody of information and documents and preserve the proprietary interests of bidders and the competitive environment of the tender.

Tender Evaluation Committee

13. To Appoint the right people to the Committee to evaluate submissions and commit each and every member to a code of ethics and standard of behaviour on the carrying out of their responsibilities and penalize and remove those that do not comply.

Integrity and Fairness Mechanisms

14. To Undertake a system and practice of full checks and balances and auditing of decisions that are taken with respect to the procurement such that it is seen to be fair and transparent and demonstrates that the Government is performing with integrity and the highest standards.

Concluding remarks and follow up

Our support for these above mentioned commitments is strong and ongoing and we wish further to pursue the following actions that will demonstrate, mobilize, and further our support for this instrument and its intents.

Demonstrating support

15. To Sign this declaration and send a signed copy to the UNECE that will list all adherents to the declaration on its website. This opportunity is open to all governmental agencies responsible for PPP procurement at national, regional and sub-regional levels.

Contributing materials to increase our knowledge

16. To Send to the UNECE information on experiences of corruption and the areas where there are special risks of corruption in PPP and procurement and contribute to the e-collection and incorporation of this information into a “typology of corruption in PPP” that can be used, *inter alia*, as a training module for further capacity building in this area.

Training and Capacity building

17. To Undertake the necessary training and capacity building within our systems to successfully take forward our intentions expressed herein and implement the recommendations of the Zero Tolerance Approach to corruption in PPP procurement as outlined in the UNECE PPP standard.

Implementation

18. To Consult with stakeholders on how best to implement the Declaration and UNECE ZTC Standard.

19. To Organize closed informal meeting for government officials, including from different countries to discuss corruption issues and how to overcome them effectively.
