Index

accountability institutional governance, supervision and regulation 158–9, 168 public officials and lack of accountability 21–2 shortcomings, international framework emergence 252–3, 260 see also transparency accounting and auditing standards financial markets, politically-connected firms 104, 105, 111 preventive and non-criminal-related measures 421–3, 427–9 sanctions and corporate liability 355 adjudication versus international supervision see follow-up procedures as specific cases of international supervision, international supervision versus adjudication Africa microfinance institutions (MFIs) 129, 131, 132–3, 139, 144–6 Nigeria see Nigeria Nyanga Declaration on the Recovery and Repatriation of the African Wealth 479 African Charter on Human and Peoples’ Rights 248, 253 African Union Convention on Preventing and Combating Corruption see AU Convention agency model, firms and markets 20–25 Aggarwal, R. 105–6 Aidt, T. 15, 16 AIG 100 Akehurst, M. 379 Akerlof, G. 18, 49, 85, 86 Alam, M. 316–17 Alcoa World Alumina 183 Alesina, A. 52 Alter Ego or Identification Theory, criminal liability of legal persons 369–70 Alvarez, J. 275 Anechiárico, F. 268 Argentina, capital returns, adverse effect on SMEs 48 Aronoff, A. 215 Asia microfinance institutions (MFIs) 131, 133–8, 139, 144–6 see also individual countries asset recovery 479–523 banks with no physical presence in territory and not affiliated to a financial group 491–2 capacity-building programs 493 capital that originates from crime 485–6 civil claims and burden of proof 496–7 civil procedures and mutual legal assistance requirements 495–6 confiscation tools and international cooperation 497–9 contingency fee arrangements 496 cultural objects, possessor in good faith of stolen cultural objects 484 cultural objects, return of 481–3, 486, 501 freezing or redistribution of assets 504 freezing and seizure of property on specific order issued by State Party 497 illegal transfer of funds, prevention of 485–6
IMF estimate of global money laundering 479–80
information disclosure requirements 492, 500–501
international framework emergence 237, 257, 266–9
legal grounds for international restitution of proceeds from illicit activity 479–84
legal value and interpretation 487–9
mandatory repatriation, early proposals 480
mutual legal assistance and extradition 397
national legal systems, differences between 499–500
ordre public 499–500
public officials, financial information disclosure 492
reciprocal judicial assistance 499–500
return of assets to requesting State Party 489–90
return and disposal of assets 489–90, 501–3, 504
return and disposal of assets, prior ownership cases 502
technical experts for developing countries 504
transparency and due diligence of bank intermediaries 490–91
UNCAC see UNCAC, asset recovery
see also confiscation
asset recovery, Stolen Asset Recovery Initiative (StAR) 183, 389–90, 413, 507–23
activities and organization 508–11
challenges and priorities 511–23
and Extractive Industries Transparency Initiative (EITI) 303
global knowledge sharing and advocacy 509–10
governance structure 511
legal framework and UNCAC 508, 516
national capacity building 510
partnership between the UNODC and World Bank 509
recovery assistance 508, 510
technical assistance 391, 508, 510, 513–14
Trust Fund support 508, 509
asset recovery, Stolen Asset Recovery Initiative (StAR), legal barriers 514–19
bank secrecy 519
conflict of interests within financial system 518
lack of transparency in settlements of foreign bribery cases 515–17
legal requirement recommendations 518–19
misuse of corporate vehicles 517–18
non-conviction based asset forfeitures 515
political immunities 518
asset recovery, Stolen Asset Recovery Initiative (StAR), operational barriers 519–23
INTERPOL joint initiative, Global Focal Point Platform 520–21
management of returned assets, insufficient guidance 521–2
technical difficulties in identifying and quantifying proceeds of corruption, OECD joint study 522–3
asset recovery, Stolen Asset Recovery Initiative (StAR), political will, dealing with lack of 507, 511–14
inadequate monitoring of politically exposed persons and due diligence requirements 512–13
non-compliance with anti-money laundering measures 511–12
public officials and ineffective systems of income and asset disclosure 513–14, 521
AU Convention
accountability shortcomings 252–3, 260
approaches to counteracting corruption 250–51
bank secrecy 406
bribery of foreign public officials 322, 323, 324, 325, 331, 337
civil society groups’ involvement 249
claw-back clauses, limiting nature of 252
fair trials and treatment of the accused 252
follow-up procedures as specific cases of international supervision 466–7
good governance approach and development 250
human rights obligations 249–50, 251–3, 260, 406
illicit enrichment provision 253, 260
investigative powers, lack of 467
jurisdictional provisions 385
mutual legal assistance and extradition 405–6
political parties, illicit funding 346
preventive and non-criminal-related measures 424–6
public official definition 332
ratification problems 253–4
seizure and confiscation of goods 359–60, 363, 366
selected provisions of convention into national law, enactment of 249
AU Convention, preventive and non-criminal-related measures 424–6
accounting, auditing, and follow-up systems, maintenance of internal 425
civil society and media involvement 425
private sector involvement in the fight against unfair competition 425
public officials, declaration of assets 424–5
whistleblower protection 425–6
Australia, corporations’ tendency to bribe public officials 64
Austria
 corporations’ tendency to bribe public officials 64
market capitalization 117, 120
Bai, J. 95
Balmelli, T. 487, 504
bank secrecy
 mutual legal assistance and
extradition 396–7, 398, 402–3, 406–7, 409
preventive and non-criminal-related measures 419
Stolen Asset Recovery Initiative (StAR), legal barriers 519
banking
 banks with no physical presence in territory and not affiliated to a financial group 491–2
central bank independence 166
intermediaries, transparency and due diligence 490–91
supervision 160–61
Bardhan, P. 25, 56
Barron, G. 31
Basdevant, J. 487
Bassiouni, M. 395, 396
Baumann, T. 130
bearer shares and bearer-share warrants 391
see also jurisdictional issues, treaty-based mechanisms
Beck, M. 368
Beck, P. 15
Becker, G. 24, 82
behavioral economics 49, 85–6, 87–8
Belgium
 corporations’ tendency to bribe public officials 64
liability for legal persons 376
market capitalization 117, 120
Berman, F. 380
Bernasconi, P. 494
Berthod, A. 398, 399, 403, 404
Bertrand, M. 105–6
Bhagwati, J. 13
Bhargava, V. 13
bilateral agreements, conclusion consideration 413
Bogdandy, A. 275
bond issues in developing countries 95–6
Bonucci, N. 225–6, 454, 455
borrowing costs 95–7
see also financial markets
Brau, J. 130
Brazil
 Mensalão scandal 410–11
monetary authority corruption 74
politically-connected firms 105
bribery
contractual relationship, underlying 362
and corrupt officials, comparable treatment 356
costs to firms, effects of 57–8
criminalization of offense see criminalization of offense, bribery
decentralization effects 2
definition 339
and demand side of corruption 221
efficiency implications 15–16
lightening of regulatory load 23
“offering” “promising” and “giving” a bribe 322–3, 325
proceeds, sanctions and confiscation 358–63
and public spending 3–4
punishment probability effect 4
red-tape requirements 41
seizure and confiscation of bribery proceeds, mutual legal assistance and extradition 399
bribery of public officials
AU Convention 322, 323, 324, 325, 331, 337
follow-up procedures as specific cases of international supervision 456–7, 476
foreign 233–4, 322–6, 328–32, 336–40
international framework emergence 233–4, 322–6, 328–32, 336–40
multinationals, corporations’ tendency to bribe public officials 63–4
payments qualifying as bribes, supranational anti-bribery regulation 211–12
preventive and non-criminal-related measures 420–22
as tax-deductible expense 216, 230, 420–21, 436
Brun, J. 493, 509
Buergenthal, T. 275
burden of proof
Civil Law Convention on Corruption (Council of Europe) see Council

Cultural objects, possessor in good faith of stolen cultural objects 484
business advantage, foreign public officials and bribery 328–9
environment index 50
interests, politically-connected firms see financial markets, politically-connected firms
obstacles to 40–41
talents 48–9, 172–3
see also corporate liability; firms and markets

Calderoni, F. 239
Campos, J. 13
Canada
corporations’ tendency to bribe public officials 64
tax revenues and corruption 76
capital costs, effects of, on firms and markets 39
flows, multinationals and macroeconomic performance 63–6, 67
originating from crime 485–6
returns, adverse effect on SMEs 48
see also financial markets
Carino, L. 102
Carrington, P. 172, 496
Cartier-Bresson, J. 20–22
Cassani, U. 393
Cassese, A. 443, 444, 445–7, 448
Cassin, R. 203
Chalmers, D. 240
Chen, C. 105–6
Chen, D. 104
Cheng, T.-M. 36
China
corporations’ tendency to bribe public officials 64
politically-connected firms 103
Chiu, M. 103
Ciocchini, F. 95–6
Civil Law Convention on Corruption (Council of Europe) see Council
Index

of Europe Civil Law Convention on Corruption (CoECivLCC)
civil procedures
asset recovery and burden of proof 496–7
and mutual legal assistance requirements 495–6
national level, sanctions and confiscation 365
politically interconnected firms taking over media 204–6
preventive and non-criminal-related measures 436–42
sanctions and corporate liability 355
civil society involvement
follow-up procedures as specific cases of international supervision 450, 470, 476
interest groups, economic cycles, influence during 88
international framework emergence 249
non-governmental organizations (NGOs) 335
preventive and non-criminal-related measures 425, 427
Claessens, S. 105–6
Clark, K. 368
Clark, N. 196
claw-back clauses 252, 258
CoECivLCC see Council of Europe Civil Law Convention on Corruption
CoECLCC see Council of Europe Criminal Law Convention on Corruption
Coffee, J. 368
collective action on global governance, support for 302–3
see also harmonization
company registries, information limitations 389–91
see also firms
competitiveness
effects 5, 14–15, 24, 28
free competition, limited 29, 34, 36–7
market functionality 28, 30–31, 34, 40–44
market sector impact 45–6
regulated competition 42–4
SMES and cost of corruption 46–8
US competitive disadvantage as result of FCPA 216
see also firms and markets
confiscation
mutual legal assistance and extradition 405
and sanctions see sanctions and corporate liability, confiscation tools and international cooperation 497–9
see also asset recovery
conglomerates, hybrid (legal and illegal markets) 29–30
consumer sovereignty and freedom principle 30–33
contingency fee arrangements 496
see also asset recovery
Cooper, M. 106
corporate liability
corporate entities, corrupt offenses committed through 388
and sanctions see sanctions and corporate liability
see also business; firms and markets
corruption, definitions and characteristics 1–6, 27
behavioural definition 1
criminalization of offense see criminalization of offense, corruption definition
governance 4–6
legal perspective 1
preconditions 3–4
Transparency International (TI) definition 1
World Bank definition 2
corruption indicator control 168, 173–5
corruption measurement problems 14
Costanzo, P. 306
Council of Europe Civil Law Convention on Corruption (CoECivLCC), preventive and non-criminal-related measures 437–9, 496
damages compensation 437–8, 439
government agencies, control reduction 439
international cooperation, encouragement of 438–9
international framework emergence 246
territoriality principle 384–5
victim empowerment 439
see also EU Convention against Corruption
Council of Europe Criminal Law Convention on Corruption (CoECLCC) 244–6
bribery definition 339
bribery of officials of international organizations 324, 325, 326, 332, 336–7
confiscation of proceeds 405
criminal liability of legal persons 371, 372, 373–4
international framework emergence 233–4
jurisdictional provisions and territoriality principle 384–5
Multidisciplinary Group on Corruption (GMC) 244–6
mutual legal assistance and extradition 404–5
political parties, illicit funding 345–6
sanctioning standards 351, 359, 366, 371, 372, 373–4
seizure and confiscation of goods 359, 366
Council of Europe, GRECO (anti-corruption body), follow-up supervision procedures 460, 461–6
evaluation process 464–5
evaluation reports 462–3
harmonization extent, publication of 466
lessons learned from 465–6
on-site visits 465–6
Situation Report 464–5
whistleblowing 433–4
Craig, P. 239
Craufurd Smith, R. 358
credit strength of legal rights 38, 39–40
see also firms and markets
criminal liability of legal persons
international framework emergence 371, 372, 373–4
and sanctions see sanctions and corporate liability, criminal liability of legal persons
criminal matters
capital that originates from crime, asset recovery 485–6
criminal organizations, firms belonging to 35
criminality and threats, firms and markets 29, 41–2
integration in, international framework emergence 229–32, 238–9
mandatory criminalization requirements, mutual legal assistance and extradition 396
penalties, effective, proportionate and dissuasive 398
criminalization of offense 311–49
mens rea and criminal intention 341–3
and national criminal law 325, 326, 327, 330, 331–2, 341–2
non-governmental organizations (NGOs) 335
objective elements of corruption offenses 321–40
offender as any person 321
sovereign equality principle 330
subjective element of corruption offenses 341–4
criminalization of offense, actus reus
bribery of foreign public officials of international public organizations 327–31
bribery of foreign public officials of international public organizations, limitation to business advantage 328–9
bribes to national public officials 322–7
national public officials, requesting or soliciting bribes by 327
criminalization of offense, bribery acts and omissions by official 326–7
bribe as any undue pecuniary or other advantages 339–40
bribe as any undue pecuniary or other advantages, immaterial benefits 340
Index

direct and indirect forms 325
of foreign public officials
of international public
organizations 327–31
of foreign public officials
of international public
organizations, limitation to
business advantage 328–9
of national public officials 322–7
“offering” “promising” and “giving”
a bribe, differences between
322–3, 325
criminalization of offense, corruption
definition 314–21
broad (lato sensu) and restricted
(stricto senso), dichotomy
between 320–21
economic studies 315–18
economic studies and legal standard
317–21
economic studies and legal standard,
public interest and public
opinion approaches 319–20
legal analysis of the main
international anti-corruption
treaties 319
references in history and different
cultures 314–15
criminalization of offense, illicit
funding of political parties
344–9
campaign financing 346–7
elections 346
regional anti-corruption agreements
345–6
criminalization of offense, public
official definition 331–9
delegation of powers 333–4
officials acting in the name of
organized foreign area or entity
334
public functions 332–3
public international organizations
definition 334–5
Cull, R. 103, 130
Cullen, P. 356, 357
cultural objects, return of
asset recovery 481–3, 486, 501
possessor in good faith, burden of
proof of ownership 484
Daams, C. 361
Dabla-Norris, E. 49
damages compensation 437–8, 439
see also preventive and non-criminal-
related measures
Daniel, T. 500
Davigo, P. 18, 86, 87, 88
Davoodi, R. 46, 47, 48, 49, 56, 61, 69,
75, 76, 77, 79, 81, 85
De Búrca, G. 239
De Soto, H. 16, 102, 104
De Speville, B. 262
debarment, international financial
institution (IFI) initiatives 280–81,
286–7, 288–9, 301
conditional non-debarment 294–5,
300
conditional release 292–4
mutual recognition (cross-
debarment) 292, 301–2
see also international financial
institution (IFI) initiatives
debt
financing and leverage 105
relief in heavily indebted developing
countries 98–9
see also financial markets
Della Porta, D. 26–7, 35, 318
Delmas-Marty, M. 371
Deming, S. 338
democratic legitimacy 172
Depaak, L. 102
developing countries
aid provision 84–5
bond issues 95–6
corruption costs for small firms 48
debt relief in heavily indebted
countries 98–9
FDI as percentage of GDP 61, 62–3
foreign debt, effects of corruption
on 199
framework implementation
resources, concerns over 266–8
human rights-based approach to
development 171
Oil-for-Food Programme see
transnational corruption,
economic and institutional
textures of States, corruption’s
effect, Oil-for-Food Programme
state intervention intentions 26

tactical assistance 202–3

Dinç, I. 103
disposal of assets 489–90, 501–3, 504
see also asset recovery

Donahue, J. 102
double jeopardy principle (ne bis in idem doctrine), transnational corruption 201–2

Draetta, U. 392
drug-trafficking 220, 361–2

see also UNODC (United Nations Office on Drugs and Crime)

dual criminality 401, 402, 404, 407–8
see also mutual legal assistance and extradition

Dubois, P. 275, 282, 287

Dupuy, P. 448

Dworkin, R. 33

Easterly, W. 2
economic analysis 5–6, 13–18
arguments on benefits of corruption 15, 16–17
credit access and economic growth 16

criminalization of offense 315–18
economic cycles and future research 85–8

economic development and corruption 49–51

economic and social inequality 84–5
growth and corruption, causal relationships 56–73

rent-seeking, impact on growth and talent 172–3

transnational corruption see transnational corruption, economic and institutional textures of States, corruption’s effect

weak governance effects 14–15, 25
economies of scale, microfinance institutions (MFIs) 133, 134, 136, 138–9, 140, 142, 144
education

and governance quality, correlation between 71, 78
investment, effects on 5

and literacy levels as indirect causation on macroeconomic performance 69–73
and public spending levels 69–71, 80
effective, proportionate and dissuasive principles 356–7, 358, 372, 398

efficiency implications 15–17, 34, 35, 44, 427

Egmont Group 493

Ehrlich, I. 15, 17

Eiras, A. 16

EITI (Extractive Industries Transparency Initiative), and StAR see asset recovery, Stolen Asset Recovery Initiative (StAR)

emerging countries see developing countries

EU Convention against Corruption criminalizing corruption of public officials of the Community 330, 336

follow-up procedures as specific cases of international supervision 460–61

illicit funding of political parties 345–6

jurisdictional provisions 384
legal person definition 372

seizure and confiscation of goods 358–9, 363

see also Council of Europe headings

EU Convention against Corruption, mutual legal assistance and extradition 414–17

European Arrest Warrant (EAW) 415–17

and national legal provisions 414

EU Convention on Mutual Legal Assistance 400, 401, 412


EU, international framework emergence 229–44

accession to international instruments 233–4

Action Program on organized crime 230–31
Anti-Corruption Report 237–8
asset recovery and money-laundering 237
binding instruments to curb corruption 231
bribery of foreign public officials 233–4
comprehensive anti-corruption policy 234
Convention on the Protection of the European Communities’ Financial Interests (PFI Convention) 231–2, 235–6
corruption amongst European Community officials 232–3, 236
Council of Europe Criminal Law Convention on Corruption and the Convention 233–4
criminal law, protection of financial interests through 231–2
criminal matters, integration in 229–30, 238–9
distinguishing features 229–30
ECJ and preliminary ruling mechanism 236–7
Euro-crimes 239–40
European Anti-Fraud Office (OLAF) 230, 238
European Arrest Warrant (EAW) 230–31, 240–41
European Public Prosecutor’s Office (EPPO) proposal 241
freezing or confiscation orders within the territory of a different EU country 241
judicial cooperation tools 235–6, 240–41
Lisbon Treaty and cooperation in criminal matters 238–9
Millennium Strategy on the Prevention and Control of Organized Crime 230
principle of assimilation 236
private sector corruption, Framework Directive, liability of natural persons 235
private sector corruption, judicial cooperation between states 235–6
public procurement directives 242–4
supranational anti-bribery regulation objections 216
tax deductibility of bribes, banning 230
transferring convicted prisoners back to their EU country of nationality 241
United Nations Convention against Corruption (UNCAC) signing 234
Vienna Action Plan 230
European Anti-Fraud Office (OLAF) 230, 238
European Bank for Reconstruction and Development (EBRD) 36–7
European Court of Human Rights (ECtHR)
Doorson v. The Netherlands 431
Guja v. Moldovia 434
Kokkinakis v. Greece 262
principle of presumption of innocence 261–2
Salabiaku v. France 262
European Court of Justice
Buitoni v. Fonds 357
Donatella Calfa 358
Fisheries Jurisdiction (Spain v. Canada) 373
Krombach v. Bamberski and ordre public 500
preliminary ruling mechanism 236–7
sanctions and corporate liability 357, 358, 373
Evans, M. 248
evidence collection problems 263–4
extradition, and mutual legal assistance 355, 408–9, 410–11
Faccio, M. 103, 104–5, 106, 111
Fama, E. 102
Fariello, F. 275, 277, 279, 282, 283, 285, 287–8, 292, 293, 297, 298, 299, 300, 301
‘Financial markets: bonds, stocks, and politically-connected firms’ (written by Laura Pellegrini) 95–114
financial markets 95–114
bond issues in developing countries 95–6
borrowing costs 95–7
corporate governance and stock prices 97–8
debt financing and leverage 105
debt relief in heavily indebted developing countries 98–9
foreign investor behaviour and stock prices 98
incentives, capture and politically-connected firms 99–101
public connections and stock prices 97
stock prices 97–8
systemic reforms needed 100
see also capital
financial markets, politically-connected firms 101–14
accounting performance 104, 105, 111
connection types 106–7, 109
global distribution 104–5
and incentives and capture 99–101
and income distribution 101–2
Italian 101–2, 103, 106–12
Italian, empirical analysis 108–12
Italian, methodology and definition 106–8
literature review 103–6
market share 114
performance levels 104, 111–13
preferential treatment by governments 103–4
size of firm 111
systemic reforms needed 100
financial system
banking supervision and transparency 160–61
conflict of interests within 518
financial access, firms and markets 39
governance and effects on institutions 159–64
information disclosure, public officials 492, 513–14, 521
insurance market supervision 162–4, 165
intermediaries and financial intelligence unit, UNCAC 492–5
international financial institution (IFI) initiatives see international financial institution (IFI) initiatives
microfinance institutions (MFIs) see microfinance institutions (MFIs), political stability and operational efficiency
securities market supervision 162, 163
see also monetary policy
fines and confiscation of equivalent value 363–6
see also sanctions and corporate liability, confiscation
Finland, market capitalization 117, 120
firms
bribery costs, effects of 57–8
company registries, information limitations 389–91
euro-listed industrial firms see euro-listed industrial firms, shares’ return impact
parent companies see parent companies
shell companies 390, 391, 517–18
firms and markets 19–52
access to services, limitations on 39
agency model 20–25
anti-monopoly rules 42, 43
behavioural, non-economic motives 49
bribery and red-tape requirements 41
bribery to lighten regulatory load 23
business environment index 50
capital costs, effects of 39
capital returns, adverse effect on SMEs 48
competitive market functionality 28, 30–31, 34, 40–44
competitive market functionality, market sector impact 45–6
competitive market functionality, regulated competition 42–4
competitive market functionality, SMES and cost of corruption 46–8
contract enforcement, government role in 34–5
credit strength of legal rights 38, 39–40
criminal organizations, firms belonging to 35
criminality and threats 29, 41–2
customs payoffs 23
dangers and costs for firms 41–2
developing countries, corruption costs for small firms 48
developing countries, state intervention intentions 26
economic development and corruption 49–51
efficiency losses 34, 35, 44
exclusion of rivals 34
financial access 39
free competition, limited 29, 34, 36–7
freedom and choices’ limitations 34
freedom principle and consumer sovereignty 30–33
government activities as incentive for corruption 22
hybrid conglomerates (legal and illegal markets) 29–30
“illicit” artificial barriers, and public officials 40
insider information 22
market distortion 33–48
market distortion, new market entrants, impact on 36–40
market sector impact 45–6, 47
market segmentation 35
markets and rules 27–33
obstacles to business 40–41
ownership rights 28–9
penalty levels, effects of 21–2
politically-connected firms and financial markets see financial markets, politically-connected firms
power delegation 21
privatization of state-owned enterprises as incentive for corruption 22, 24
property rights’ protection, government role in 34
public officials and conflict of interest 3, 21, 24
public officials and lack of accountability 21–2
public projects and services, corruption affecting quality of 34–5
public sector monopoly power 21
reform considerations 22
regulatory supervision, need for 44
rent control 21, 28, 46, 49
resource allocation and domestic product distribution 33–4, 36
risks and division of gains 23–5
rule of law (ROL) concept 30, 31–3
state capture by sector 45
state capture costs 41
state regulation, discriminatory nature of 36
subsidies and benefits, low rate of 22
talents, allocation of, and effects on growth 48–9
taxation see taxation
terrorism 41–2
white elephant projects 24, 82
see also business; competitiveness; corporate liability
Fishman, M. 95, 97
Fisman, R. 103
Fitzmaurice, G. 488
follow-up procedures
international framework emergence 218, 448–52, 466–7, 467–78
money-laundering strategies and Financial Action Task Force (FATF) 307
see also monitoring mechanisms; supervision
follow-up procedures as specific cases of international supervision 443–78
AU Convention 466–7
AU Convention, investigative powers, lack of 467
bribery of foreign officials 456–7, 476
civil society involvement 450, 470, 476
disciplinary penalties, lack of 452
EU Convention against Corruption 460–61
GRECO procedures see Council of Europe, GRECO, follow-up supervision procedures
group evaluation of each country’s performance 453–5
harmonization extent, publication of 466
international supervision against corruption 447–8
media attention 478
non-compliance, dealing with 470
non-criminal law aspects 54–5
OAS Convention procedures see OAS Convention, follow-up supervision procedures
OECD Convention procedures see OECD Convention, follow-up supervision procedures
on-site visits 455–6, 458–9, 465–6, 476, 478
peer review 448–9, 452–5, 457–9, 473, 475–6
ratification reservations 253–4, 452
reciprocal evaluation process 449, 450–52
supervisory mechanisms and procedures 446–7
technical assistance to countries requiring legal assistance 471, 472, 476
technical cooperation activities and exchange of information 449
Transparency International (TI) recommendations for strengthening monitoring process 457–8
transparency issues 475–6, 477–8
UNCAC procedures see UNCAC follow-up supervision procedures
follow-up procedures as specific cases of international supervision, international supervision versus adjudication 444–6
judicial bodies, hearings of 445–6
monitoring body composition 444
overseeing procedure, forms of outcome 445
supervisory provision initiative 444–5
foreign direct investment and growth
FDI as percentage of GDP, developing countries 61, 62–3
investor behaviour and stock prices 98
macroeconomic performance, effects of corruption on 60–63, 89
Forti, G. 2
France
anti-bribery regulation 378
fraudulent corporations’ tendency to bribe public officials 64
Dumez Nigeria Ltd 378
liability for legal persons 376
market capitalization 117, 120
Oil-for-Food Programme, Banque Nationale de Paris (BNP) role and letters of credit 187, 191–2, 195
politically-connected firms 105
TSKJ investigations and outcomes 196, 197, 198
Freddie Mac and Fannie Mae 100
freedom principle and consumer sovereignty 30–33
Freeman, K. 33, 266, 268
freezing or redistribution of assets 497, 504
Frigo, M. 481
Fumagalli, C. 34
Gaeta, P. 380
Gaines, L. 323
Gambini, A. 160–61
Gelos, R. 98
George, B. 196, 197
Gerlagh, R. 56, 57, 67, 71, 72–3, 153
Germany
market capitalization 117, 120
TSKJ investigations and outcomes 198–9
Giavazzi, F. 52
Gilmore, W. 396
Giuliano, M. 379
Glaeser, L. 71
global cartels see transnational
corruption, economic and
institutional textures of States,
corruption's effect, TSKJ
consortium as global cartel
global distribution, politically-
connected firms 104–5
Global Focal Point Platform,
INTERPOL joint initiative 520–21
global knowledge sharing and
advocacy
Stolen Asset Recovery Initiative
(StAR) 509–10
see also international cooperation
Gobert, J. 368
Goldman, E. 103–4
governance 4–6
bureaucratic procedures, lengthy,
effects of 37–9
cause and effect variables 4
costitutional structures and voting
rules 25
corporate governance and stock
prices 97–8
decentralization and accountability
25–6
developing countries, state
intervention intentions 26
distortions and inefficiencies
resulting from lack of 4–5
education and governance quality,
correlation between 71, 78
good governance approach,
international framework
emergence 250
government activities as incentive for
corruption 22
government agencies, control
reduction 439
government effectiveness indicator
168, 175–6

Index
607

government role, contract
enforcement 34–5
indicators, microfinance institutions
(MFIs) 132, 134, 136, 140, 142,
145–7
institutional system of public
governance 26–7
public sector size and governance
quality 82–3
reforms, promotion of, international
financial institution (IFI)
initiatives 304
strategy, World Bank see World
Bank's Governance and Anti-
Corruption Strategy (GAC)
structure, Stolen Asset Recovery
Initiative (StAR) 511
weak, effects of 14–15, 25

governance and effects on institutions,
corruption and governance
167–76
corruption indicator control 168,
173–5
democratic legitimacy 172
government effectiveness indicator
168, 175–6
and human rights 170–71
institutional accountability indicator
154, 169–70
media freedom and independence
173
political stability and absence of
violence indicator 168
regulatory quality indicator 168–9
rent-seeking, impact on growth and
talent 172–3
rent-seeking, social programs, effects
on 173
rule of law indicator 168, 170–73,
174
rule of law indicator, uncertainty
issues 173
tax system, undermining of 172
voice and accountability indicator
168
wealth distribution effects 172–3

governance and effects on institutions,
monetary policy and transparency
164–7
central bank independence 166
corruption and governance, institutions and governance factors 168–9
fiscal policy transparency, connections between 166–7
public sector accountability 166
governance and effects on institutions, supervision and regulation 155–64
banking supervision and transparency 160–61
financial supervision 159–64
insurance market supervision 162–4, 165
regulatory quality 155–7
regulatory quality over time 156–7
regulatory quality and quantity, relationship between 157–8
regulatory quality, supervisory agencies, accountability and transparency 158–9
securities market supervision 162, 163
supervisory agencies’ autonomy 154, 159
Goy, R. 481
GRECO see Council of Europe, GRECO (anti-corruption body)
Greece, market capitalization 117, 120
Grindle, M. 474
Grossman, S. 102
Grote, R. 32
Gupta, S. 78, 79
Gutierrez-Nieto, B. 130
Hajredini, H. 448
Harari, M. 398, 399, 403, 404
harmonization
collective action on global governance, support for 302–3
criminal matters, integration in 229–32, 238–9
follow-up procedures 466
international harmonization, limited, sanctions and corporate liability 358
national level reforms, sanctions and corporate liability 375–6
need for, international framework emergence 217–19, 258–9, 260, 265–6
see also international cooperation
Harms, B. 480
Hart, O. 102
Hartmann, J. 480, 481
Hatchard, J. 378
Hausmann, R. 99
Hayek, F. 27, 33
healthcare spending reduction 79
Herkenrath, M. 518
Heritage Foundation/Wall Street Journal research 16
Hirschman, A. 430
Hong Kong, corporations’ tendency to bribe public officials 64
Huber, B. 1
Huet, A. 396
human rights and effects on institutions, corruption and governance 170–71
European Court see European Court of Human Rights (ECtHR) obligations, international framework emergence 249–50, 251–3, 260, 406
violations and public looting, transnational corruption 200
humanitarian imports, Oil-for-Food Programme see transnational corruption, economic and institutional textures of States, corruption’s effect, Oil-for-Food Programme
Huntington, S. 15
Hurt, L. 441
hybrid conglomerates (legal and illegal markets) 29–30
Identification or Alter Ego Theory, criminal liability of legal persons 369–70
Ige, B. 493
Iliopoulos, E. 17, 18, 19, 20, 21, 25, 26, 35, 50, 52, 153, 272, 308
illicit enrichment provision, international framework emergence 253, 260–64
IMF
Basel core principles for banking supervision 160–61, 162
estimate of global money laundering 479–80
financial sector assessment program (FSAP) 164
Special Recommendations on Terrorist Financing 490–91
IMF and international financial institution (IFI) initiatives 303–8
anti-corruption issues arising in other international conventions 304–5
collaboration on international monetary problems 303–4
countries characterized by weak financial sector, support for 307–8
governance reforms, promotion of 304
Guidelines on Conditionality 304
money-laundering strategies and Financial Action Task Force (FATF) 305–7, 391
money-laundering strategies and Financial Action Task Force (FATF), follow-up monitoring 307
money-laundering strategies and Financial Action Task Force (FATF), politically exposed persons (PEPs), identification of 307
technical assistance and donor-supported funds to boost capacity building 305
immaterial benefits 340
income disclosure, public officials 418, 424–5, 492, 513–14, 521
see also financial disclosure
Indonesia
bureaucratic procedure length and corruption 39
corruption costs for small firms 48
stock prices and public connections 97
inflation rate effects 73–4, 75
information disclosure requirements
asset recovery 492, 500–501
public officials 492, 513–14, 521
infrastructure maintenance operations, lower spending 79, 82
insider information see whistleblowers
institutional accountability indicator 154, 169–70
institutional analysis, transnational corruption see transnational corruption, economic and institutional textures of States, corruption’s effect
insurance market supervision 162–4, 165
interest groups
economic cycles, influence during 88
see also civil society involvement
interest rates, and macroeconomic performance 57–66
international cooperation
combating corruption role 65–6, 67
confiscation tools 497–9
encouragement of, preventive and non-criminal-related measures 438–9
follow-up procedures see follow-up procedures as specific cases of international supervision
importance of, mutual legal assistance and extradition 412–13
joint investigations, mutual legal assistance and extradition 395, 396, 409, 411–12
see also harmonization
International Country Risk Guide (ICRG) 58
International Court of Justice (ICJ)
criminal jurisdiction under international law 380
Lotus 380
international financial institution (IFI) initiatives 270–308
anti-corruption issues arising in other international conventions 304–5
capacity building 305
collaboration on international monetary problems 303–4
collective action on global governance, support for 302–3
debarment 280–81, 286–7, 288–9, 301
debarment, conditional non-debarment 294–5, 300
debarment with conditional release 292–4
deferral agreements and freezing of sanctions 299
governance reforms, promotion of 304
IMF see IMF and international financial institution (IFI) initiatives
legal consistency 282–3
loan amount cancellation 278
money-laundering strategies 305–7, 391
mutual recognition (cross-debarment) 292, 301–2
partial risk guarantees (PRGs) 279
sanctions cases, negotiated resolution 297–300
“smart project design” 279
technical assistance and donor-supported funds to boost capacity building 305
voluntary disclosure 281–2
World Bank Strategy see World Bank’s Governance and Anti-Corruption Strategy (GAC)
WTO and the revised Government Procurement Agreement (GPA) 308
see also financial system; microfinance institutions (MFIs), political stability and operational efficiency
international framework emergence 217–310
accountability shortcomings 252–3, 260
African Charter on Human and Peoples’ Rights 248, 253
asset recovery provisions 237, 257, 266–9
AU Convention see AU Convention
bank secrecy 402–3, 406
bribery definition 339
bribery and demand side of corruption 221
bribery of foreign public officials 233–4, 322–6, 328–32, 336–40
civil society groups’ involvement 249
claw-back clauses 252, 258
CoECLCC see Council of Europe Criminal Law Convention on Corruption
constitutionalization and political development considerations 218–19
criminal liability of legal persons 371, 372, 373–4
criminal matters, integration in 229–32, 238–9
developing countries’ implementation resources, concerns over 266–8
dual criminality 402
EU see EU, international framework emergence
evidence collection problems 263–4
follow-up procedures 218, 448–52, 466–7, 467–78
freezing or confiscation orders within the territory of a different EU country 241
good governance approach and development 250
harmonization, need for 217–19, 258–9, 260, 265–6
human rights obligations 249–50, 251–3, 260, 406
illicit enrichment provision 253, 260–64
illicit narcotics trafficking 220
international financial institution (IFI) initiatives see international financial institution (IFI) initiatives
interpretation problems 258, 264–5
judicial cooperation tools 235–6, 240–41
jurisdiction provisions 381–3, 384–5, 389
legal flexibility concerns 258–9, 260, 262
monitoring mechanisms 268, 269
mutual legal assistance and extradition 394–7, 404–14
national laws of participating countries, implementation through 257–8, 259, 260, 264, 265–6
non-criminal provisions 224–5
non-mandatory provisions 258, 259, 260
OAS Convention see OAS Convention
OECD see OECD Convention, international framework emergence
political parties, illicit funding of 345, 346–9
presumption of innocence principle 260, 261, 263
preventive and non-criminal-related measures 418–20, 424–36
preventive and non-criminal-related measures, civil remedies 439–42
private sector corruption 233, 234–6
public official definition 332, 338–40
public officials, corruption amongst 232–3, 236
public procurement directives 242–4
ratification problems 253–4
seizure and confiscation of goods 359–60, 360–61, 363, 364–5, 366
tax deductibility of bribes, banning 230
technical assistance and information exchange 267, 268–9
treaties and other initiatives 219–308
UNCTOC see UNCTOC
Vienna Convention 223–4, 230, 352, 371, 487
International Institute for the Unification of Private Law (UNIROIT), and cultural objects 482–3
International Organization of Securities Commissions (IOSCO) 162, 164
international public organizations, criminalization of bribery offense 327–31
international trade and development issues 66–8
INTERPOL joint initiative, Global Focal Point Platform 520–21
interpretation problems 211, 258, 264–5
investment risks 57–66
see also macroeconomic performance, effects of corruption
Iraq, Oil-for-Food Programme see transnational corruption, economic and institutional textures of States, corruption’s effect, Oil-for-Food Programme
Ireland, market capitalization 117, 120
Italy
civil remedies and politically interconnected firms taking over media, CIR v. Fininvest 204–6, 436
“Clean Hands” case 478
corporations’ tendency to bribe public officials 64
corruption ranking 50–51
economic dynamics and political crime detection 86–7
liability for legal persons 376
market capitalization 117, 120
politically-connected firms 101–2, 103, 106–12
TSKJ investigations and outcomes 198
Wildenstein v. Pazzaglia and return of cultural objects 483
Jacobs, J. 268
Japan, corporations’ tendency to bribe public officials 64
Jayawickrama, N. 262, 263, 484
Jennings, R. 379
Jensen, M. 102
Joering-Joulin, R. 396
Joh, S. 103
Johnson, D. 319
Johnson, R. 318
Johnson, S. 103
joint investigations, mutual legal assistance and extradition 395, 396, 409, 411–12
Jorge, G. 493
judicial assistance
asset recovery 499–500
cooperation tools 235–6, 240–41
international supervision and judicial bodies, hearings of 445–6
jurisdiction provisions
international framework emergence 381–3, 384–5, 389
supranational anti-bribery regulation 213–14
jurisdictional issues 377–93
active nationality principle 382
CoECLCC and territoriality principle 384–5
conduct committed both inside and outside their territory by one of their nationals 382
coordination of efforts by more than one State 382
EU Convention 384
internationalization of crime, challenge to traditional jurisdictional regimes 377–9
jurisdiction definition 379–80
jurisdiction over corporations 382–3
jurisdictional gaps and safe havens for fugitives 378
mandatory provisions 381
multilateral treaties to establish binding jurisdictional criteria 380
national authority under international law 379–80
OAS Convention 383
OECD Convention 383–4
provisions on jurisdiction 381–5
UNCTOC and the UNCAC provisions 381–3
UNCTOC and the UNCAC provisions, optional criteria 382–3
jurisdictional issues, treaty-based mechanisms 385–93
active nationality criteria 387–8
alternative solutions in respect of jurisdiction for corporate entities 391–2
bearer shares and bearer-share warrants 391
company registries, information limitations 389–91
company registries, investigator skills on use of corporate vehicles 391
coordinated enforcement activities, need for 393
corporate entities, corrupt offenses committed through 388
extraterritorial attempts 386
nationality as head of criminal jurisdiction 387–8
non-mandatory nature 386–7
shell companies 390, 391
subsidiaries, crimes committed in interest or to benefit of parent 392
supervision and monitoring mechanism 392
territoriality imposition 386, 387
transparency, need for increased 389–91
unilateral actions by single States 388–9
Kaufmann, D. 15, 25, 40, 41–2, 43, 85, 100, 155, 156, 157, 168, 169, 174, 176
Khan, M. 26
Khwaja, K. 103
kickbacks and surcharges 186, 187, 188, 190–92
Kidane, W. 251–2, 262, 322, 385
Kindiki, K. 248
Kingsbury, B. 275
Kip Viscusi, W. 34
Klitgaard, R. 21, 27
Kofele Kale, N. 480
Koskenniemi, M. 275
Kroszner, R. 105–6
Krueger, A. 13, 17
Krugman, P. 34
Kuníčová, J. 25
Lacey, K. 196, 197
Lambsdorff, J. 21, 25, 74
Landers, J. 197
Latin America
microfinance institutions (MFIs) 131, 133, 138–9, 144–6
Organization of American States see OAS Convention
see also individual countries
Laurens, B. 73, 166
Lee, C. 95, 97
Leff, N. 15
legal issues
analysis of the main international treaties 319
asset recovery, international restitution of proceeds from illicit activity 479–84
asset recovery, legal value and interpretation 487–9
assistance, provision of prompt and effective 398–9
barriers, Stolen Asset Recovery Initiative (StAR) see asset recovery, Stolen Asset Recovery Initiative (StAR), legal barriers
consistency, international financial institution (IFI) initiatives 282–3
cooperation, mutual legal assistance and extradition 399–403
credit strength of legal rights 38, 39–40
economic studies and legal standard 317–21
flexibility concerns, international framework emergence 258–9, 260, 262
supranational anti-bribery regulation 210–16
transnational corruption, economic and institutional textures of States, corruption's effect, Oil-for-Food Programme 193–5
transnational corruption, TSKJ consortium as global cartel 199–203
Leino, P. 275
Leite, C. 57
Lelieur, J. 401, 456–7
Leroy, A. 275, 277, 279, 282, 283, 285, 287–8, 292, 293, 297, 298, 299, 300
Lien, D. 15
Low, L. 256, 258, 265, 409–11, 413, 420, 440, 441, 471
Lowe, V. 379
Lowell Brown, H. 210
Lucchini, R. 170
Lui, F. 15, 16, 17
McCLean, D. 352, 361, 395, 396, 409, 411
McCord, J. and S. 323
macroeconomic indicators, microfinance institutions (MFIs) 132, 133, 134, 136, 140, 142, 144–5, 148
macroeconomic performance, effects of corruption 52–90
behavioral economics and economic cycles 85–6, 87–8
bribery costs to firms, effects of 57–8
capital flows and exported corruption 63–6
developing countries, aid provision and corruption 84–5
domestic and exported corruption, relationship between 65
domestic product 53–6
economic cycles and future research 85–8
economic cycles, interest group influence during 88
economic growth and corruption, causal relationships 56–73
economic and social inequality 84–5
education and governance quality, correlation between 71, 78
education and literacy levels as indirect causation 69–73
education and literacy levels as indirect causation, public spending levels 69–71
emerging countries, high FDI as percentage of GDP 61, 62–3
foreign direct investment and growth 60–63, 89
GDP per capita in cross-country data set 53–4
GDP per capita in emerging economies 54–6
GNP per capita in advanced economies 54
Corruption

governance variables 56–7
inflation rate effects 73–4, 75
interest rates, effects of corruption on 59–60
international corruption as developmental and distributive problem 67–8
International Country Risk Guide (ICRG) 58
international organizations, combating corruption role 65–6, 67
international trade and development issues as indirect causation 66–8
investment risk, effects of corruption on 58–9
investments, risk and interest rates as indirect causation 57–66
mafia cases and economic cycles 87
market-oriented economies, global crisis and economic cycles 85–8
military spending and domestic corruption levels 78–9
monetary policy authorities as corrupt 73–4
multinationals and capital flows 63–6, 67
multinationals, corporations’ tendency to bribe public officials 63–4
national production and growth, distinction between 53–4
political crime detection 86–7
political instability as indirect causation 58, 69
private investment, lowering of 57
rent-seeking activities 78–9, 84–5
transparent fiscal policy, beneficial effects of 83
macroeconomic performance, effects of corruption, public sector 74–83
healthcare and education spending reduction 79, 80
maintenance operations, lower spending 79, 82
public investment projects 79–82, 84–5, 86–7
public procurements and “conspiracy of silence” 87–8
public revenues and domestic corruption 75–7
public spending and services 78–9
size and governance quality 82–3
tax revenues, tax types and corruption 75–7, 82
Madoff and Ponzi scheme 100
mafia cases and economic cycles 87
Maher, M. 15
Makinwa, A. 210, 309
Malaysia, corporations’ tendency to bribe public officials 64
Manacorda, S. 356
mandatory jurisdictional provisions 381, 396, 480
non-mandatory provisions 258, 259, 260, 386–7
Mann, F. 379, 380, 387
Mannonzzi, G. 86
Marcelo, S. 504
Mariani, P. 205, 206
Marques, S.A. 518
markets
financial see financial markets
and firms see firms and markets
market-oriented economies, global crisis and economic cycles 85–8
Mauro, P. 56, 69, 73, 79, 84
Meckling, W. 102
media
attention, and follow-up procedures of international supervision 478
freedom and independence 173
involvement, preventive and non-criminal-related measures 425
politically interconnected firms taking over media 204–6
Messick, R. xxiii, 521
Mian, A. 103
Michael, B. 448
microfinance institutions (MFIs), political stability and operational efficiency 129–49
Africa 131, 132–3, 139, 144–6
Asia 131, 133–8, 139, 144–6
economies of scale 133, 134, 136, 138–9, 140, 142, 144
governance indicators 132, 134, 136, 140, 142, 145–7
Latin America 131, 133, 138–9, 144–6
macroeconomic indicators 132, 133, 134, 136, 140, 142, 144–5, 148
operating costs 131–2, 133, 138, 139, 144
profitability 132, 133, 134, 136, 138, 139, 140, 142, 144, 147
research data and methodology 130, 131
see also financial system;
international financial institution (IFI) initiatives
military spending and domestic corruption levels 78–9
Miller, R. 323
Millet-Eindinber, M. 216
Mitsilegas, V. 239
Mitton, T. 103
monetary policy
governance see governance and effects on institutions, monetary policy and transparency
macroeconomic performance and authorities as corrupt 73–4
see also financial supervision
money-laundering strategies 305–7, 391
non-compliance 511–12
see also international financial institution (IFI) initiatives
Monfrini, E. 504
monitoring mechanisms
inadequate monitoring of politically exposed persons 512–13
international framework emergence 268, 269
jurisdictional issues, treaty-based mechanisms 392
mutual legal assistance and extradition 395–6
see also follow-up procedures; supervision
monopoly power 21, 42, 43
see also firms and markets
Mookherjee, D. 25
Morduch, J. 130
Motta, M. 34
multinationals and capital flows 63–6, 67
Muna, A. 247, 248, 254, 426
Murphy, K. 17, 49, 56, 256
Murray, R. 248
mutual legal assistance, and civil procedures 495–6
mutual legal assistance and extradition 394–417
asset recovery 397
AU Convention 405–6
bank secrecy 396–7, 398, 402, 406–7, 409
bilateral agreements, conclusion consideration 413
CoECLCC 404–5
confiscation of proceeds 405
criminal penalties, effective, proportionate and dissuasive 398
dual criminality 401, 402, 404, 407–8
EU Convention see EU Convention against Corruption, mutual legal assistance and extradition extradition refusals 408–9, 410–11
grounds for refusal 398
international cooperation, importance of 412–13
international framework emergence 394–7, 404–14
joint investigations and cooperation 395, 396, 409, 411–12
legal assistance, provision of prompt and effective 398–9
legal cooperation, international 399–403
mandatory criminalization requirements 396
monitoring 395–6
multiple proceedings and reciprocal consultations 411
national legal provisions 414
OAS Convention see OAS
Convention, mutual legal assistance and extradition
OED Convention see OECD
Convention, mutual legal assistance and extradition
political offense exception 396
sanctions and corporate liability 355
seizure and confiscation of bribery proceeds 399
seizure and confiscation of illegal proceeds from corruption-related offenses 398
seizure and confiscation of proceeds of corruption and national cooperation 408–11
special investigation techniques 414
UNCAC see UNCAC, mutual legal assistance and extradition
UNCTOC see UNCTOC, mutual legal assistance and extradition
Muzila, L. 261, 262, 263, 514

national level
asset recovery and legal systems, differences between 499–500
capacity building, Stolen Asset Recovery Initiative (StAR) 510
civil proceedings and confiscation 365
cooperation, mutual legal assistance and extradition 408–11
and criminalization of offense 322–7, 330, 331–2, 341–2
jurisdictional issues, treaty-based mechanisms 387–8
laws of participating countries, implementation through 257–8, 259, 260, 264, 265–6
legal provisions, mutual legal assistance and extradition 414
macroeconomic production and growth, distinction between 53–4
sanctions and criminal liability of legal persons 375–6
natural disasters, transnational corruption 200
natural resource extractive industries see transnational corruption, economic and institutional textures of States, corruption’s effect, TSKJ consortium as global cartel
Netherlands
 corporations’ tendency to bribe public officials 64
market capitalization 117, 120

new entrants
market distortion 36–40
see also SMEs
New Zealand, tax revenues and corruption 76
Ng, D. 95, 96, 97–8
Ng, S. 17, 95
NGOs see non-governmental organizations (NGOs)
Nigeria
Abacha case 504
TSKJ consortium see transnational corruption, economic and institutional textures of States, corruption’s effect, TSKJ consortium as global cartel
non-compliance
anti-money laundering measures 511–12
dealing with, follow-up procedures of international supervision 470
non-criminal provisions
follow-up procedures 454–5
international framework emergence 224–5
non-criminal-related measures see preventive and non-criminal-related measures
sanctions, transnational corruption 203–4
non-governmental organizations (NGOs) 335
see also civil society involvement
non-mandatory jurisdictional provisions 258, 259, 260, 386–7
mandatory provisions 381, 396, 480
Nowlan, A. 275, 282, 287
Nye, J. 316

OAS Convention 220–21, 322, 323, 329–30, 332, 335
jurisdictional provisions 383
mutual legal assistance and extradition 396–7
political parties, illicit funding of 345
preventive and non-criminal-related measures 418–20
seizure and confiscation of goods 359, 363
OAS Convention, follow-up supervision procedures 448–52
civil society involvement 450
Committee of Experts 450
disciplinary penalties, lack of 452
impartiality and objectivity 449–50
Implementation Mechanism (MESICIC) 449–50
peer review system 448–9
ratification reservations 452
reciprocal evaluation process 449, 450–52
structural composition 450
technical cooperation activities and exchange of information 449
OAS Convention, mutual legal assistance and extradition 396–7
asset recovery 397
bank secrecy 396–7, 407
direct notifications between the designated competent authorities 397
political offense exception 396
OAS Convention, preventive and non-criminal-related measures 418–20
bank secrecy 419
private concerns, strengthening safeguards against corrupt practices 419
public officials, consideration of system for registering income and liabilities 418
public officials, ethics rules, strengthening 418
publicly-held companies, accounting controls 419
whistleblowers, protection of 419–20
O’Brien, M. 368
OECD Convention
accounting standards and sanctions 355
Anti-bribery Convention 200, 201, 203, 378
bribery definition 339
bribery, intentional element 343
Convention on Combating Bribery of Foreign Public Officials in International Business Transactions 194
corporate liability standards 368–9
corruption and offender as any person 321
criminal liability of legal persons 371, 372, 376
follow-up procedures as specific cases of international supervision 452–60
illicit funding of political parties 344–5, 347, 349
jurisdictional provisions 383–4
mutual legal assistance and extradition 398–404
non-governmental organizations (NGOs) definition 335
preventive and non-criminal-related measures 420–24
public international organizations definition 334–5
public official definition 331–2, 333–4
Recommendation for Further Combating Bribery of Foreign Public Officials 222, 322, 323–4, 325, 326, 328–9
Revised Recommendation of the Council against Bribery 221, 226, 229, 422–3
seizure and confiscation of goods 359, 362, 363–4, 365, 366
technical difficulties in identifying and quantifying proceeds of corruption, OECD joint study, asset recovery, Stolen Asset Recovery Initiative (StAR), operational barriers 522–3
OECD Convention, follow-up supervision procedures 452–60
bribery of foreign officials 456–7, 476
decision review process 456
group evaluation of each country’s performance 453–5
monitoring implementation 453, 477–8
non-criminal law aspects 454–5
on-site visits 455–6, 458–9, 478
peer-review process 452–3, 454–5, 457–9
preliminary reports assessing performance 456, 459
Transparency International (TI) recommendations for strengthening monitoring process 457–8
OECD Convention, international framework emergence 221–9
Commentaries, legal nature of 223–4
enlargement to non-OECD members 226–9
fair trade approach 222, 227
framework for participation in subsidiary bodies and activities 228–9
“functional equivalence” model 224
future accession policy 226, 228–9
Good Practice Guidance on Internal Controls, Ethics and Compliance 222
membership requirements of accession 225–6
multi-supervisory role of Working Group on Bribery (WGB) 225, 227–9, 340
penal law conventions 224
semi-openness problems 225, 228–9
OECD Convention, mutual legal assistance and extradition 398–404
bank secrecy 398, 402, 407
dual criminality test 401, 402, 404
effective, proportionate and dissuasive criminal penalties 398
grounds for refusal 398
legal assistance, provision of prompt and effective 398–9
legal cooperation, international 399–403
persons assisting in investigation or participating in proceedings 400–401
seizure and confiscation of bribery proceeds 399
seizure and confiscation of illegal proceeds from corruption-related offenses 398
States not party to Convention 402
and UNCAC ratification 402–3
OECD Convention, preventive and non-criminal-related measures 420–24
accounting and auditing standards 421–3
accounting and auditing standards, sanctions for violation 423
bribery of foreign officials 420–22
financial statements disclosing material contingent liabilities 422
tax deductibility of bribes to foreign public officials 420–21
whistleblowing 423–4, 436
Offe, C. 346
Oil-for-Food Programme see transnational corruption, economic and institutional textures of States, corruption’s effect, Oil-for-Food Programme
O’Keefe, D. 379, 380
Olaniyan, K. 251, 252, 253, 254
on-site visits, follow-up procedures 455–6, 458–9, 465–6, 476, 478
operational barriers, Stolen Asset Recovery Initiative (StAR) see asset recovery, Stolen Asset Recovery Initiative (StAR), operational barriers
‘Operational efficiency, corruption, and political stability in microfinance’ (written by Carlo Bellavite Pellegrini) 129–49
operational efficiency, microfinance institutions (MFIs) see microfinance institutions (MFIs), political stability and operational efficiency
ordre public, asset recovery 499–500
Organisation for Economic Cooperation and Development see OECD Convention
Organization of American States see OAS Convention
Osborne, D. 314
Oxman, B. 379

Padoan, P. 66, 159, 306
parent companies
  crimes committed in interest or to benefit of 392
  liability of 214
Parsley, D. 103
Passas, N. 217
peer review, follow-up procedures of international supervision 448–9, 452–5, 457–9, 473, 475–6
Peers, S. 240
Pellegrini, B. 115, 129
Pellegrini, L. 56, 57, 67, 71, 72–3, 95, 115, 153
penalty levels 21–2, 357
Pérdriel-Vaissière, M. 261, 262, 263
performance levels
  financial markets, politically-connected firms 104, 111–13
  macroeconomic performance see macroeconomic performance, effects of corruption
personal liability in addition to corporate liability 373, 374, 375
Pieth, M. 221, 222, 224, 361, 362, 363, 367, 384, 388, 392, 393, 401, 456–7, 477–8, 480, 489, 507
Pilapitiya, T. 171
Pillay, N. 171
Pirenne, H. 3
police crime detection 86–7
police immunities, Stolen Asset Recovery Initiative (StAR) 518
political instability, and macroeconomic performance 58, 69
political offense exception, mutual legal assistance and extradition 396
political party funding criminalization see criminalization of offense, illicit funding of political parties international framework emergence 345, 346–9
political stability and absence of violence indicator 168
microfinance institutions (MFIs) see microfinance institutions (MFIs), political stability and operational efficiency
political will, dealing with lack of see asset recovery, Stolen Asset Recovery Initiative (StAR), political will, dealing with lack of politically-connected firms, and financial markets see financial markets, politically-connected firms
politically-exposed persons, money-laundering strategies and Financial Action Task Force (FATF) 307
Pope, J. 172
Portugal, market capitalization 117, 120
preferential treatment by governments 103–4 see also financial markets, politically-connected firms
Presbitero, A. 98, 99
presumption of innocence principle 260, 261, 263
preventive and non-criminal-related measures 418–42
accounting and auditing standards 421–3, 427–9
AU Convention see AU Convention, preventive and non-criminal-related measures
bank secrecy 419
bribery of foreign officials 420–22
civil remedies 436–42
civil remedies, international framework emergence 439–42
civil society involvement 425, 427
CoECivLCC see Council of Europe Civil Law Convention on
Corruption, preventive and non-criminal-related measures damages compensation 437–8, 439
efficiency, transparency and accountability encouragement 427
government agencies, control reduction 439
international cooperation, encouragement of 438–9
international framework emergence 418–20, 424–36
media involvement 425
OAS Convention see OAS Convention, preventive and non-criminal-related measures
OECD Convention see OECD Convention, preventive and non-criminal-related measures
private concerns, strengthening safeguards against corrupt practices 419
private sector, accounting and auditing standards 427–8
private sector involvement in the fight against unfair competition 425
private sector and privatization, accounting and auditing standards 427–9
public officials, contract validity 438
public officials, declaration of assets 418, 424–5
public officials, ethics rules, strengthening 418
public officials, State responsibility for acts of corruption by 438
publicly-held companies, accounting controls 419
tax deductibility of bribes to foreign public officials 420–21, 436
UNCAC see UNCAC, preventive and non-criminal-related measures
victim empowerment 439
prior ownership cases, asset recovery 502

private sector
accounting and auditing standards 427–9
corruption, international framework emergence 233, 234–6
enforcement, supranational anti-bribery regulation 214–15
investment, lowering of, and macroeconomic performance 57
involvement in fight against unfair competition 425
privatization of state-owned enterprises as incentive for
profitability, microfinance institutions (MFIs) 132, 133, 134, 136, 138, 139, 140, 142, 144, 147
property rights’ protection, government role in 34
property-based system 364
Prost, K. 396
public interest and public opinion approaches, criminalization of offense 319–20
public officials bribery see bribery of public officials and conflict of interest 3, 21, 24
contract validity 438
corruption amongst, and international framework emergence 232–3, 236
ethics rules, strengthening 418
“illicit” artificial barriers 40
“illicit” artificial barriers, and public officials, firms and markets 40
income disclosure 418, 424–5, 492, 513–14, 521
and lack of accountability 21–2, 39
lack of accountability 21–2
multinationals, corporations’ tendency to bribe public officials, macroeconomic performance, effects of corruption 63–4
State responsibility for acts of corruption by 438
white elephant projects 24
public officials definition criminalization of offense see
criminalization of offense, public official definition international framework emergence 332, 338–40
public sector accountability, monetary policy and transparency 166
connections and stock prices 97
corruption and government intervention levels 21
criminalization of bribery offense 327–31
investment projects, and macroeconomic performance 79–82, 84–5, 86–7
macroeconomic performance effects see macroeconomic performance, effects of corruption, public sector
monopoly power 21
procurement directives 87–8, 242–4
projects and services, corruption affecting quality of 34–5
revenues and domestic corruption 75–7
size effects 17–18
spending levels 69–71, 78–9
Punch, M. 368

Raffray, F. 515, 519
Rajan, R. 85, 103
Rajesh Babu, R. 256
Ramseyer, J. 25
Rasmussen, E. 25
ratification problems 253–4, 452
see also follow-up procedures
Recanatini, F. xxiii, 272
reciprocal evaluation process 449, 450–52
see also follow-up procedures
regulation competitive market functionality, regulated competition 42–4
and effects on institutions see governance and effects on institutions, supervision and regulation
regulatory supervision, need for 44
state regulation, discriminatory nature of 36
Reinhardt, U. 36
Reisman, W. 473, 480
rent-seeking activities impact on growth and talent 172–3
macroeconomic performance, effects of corruption 78–9, 84–5
market control 21, 28, 46, 49
social programs, effects on 173
resource allocation and domestic product distribution 33–4, 36
restitution emphasis 295, 364, 479–84, 489–90, 501–3, 504
Riahi-Belkaoui, A. 105–6
risk factors corruption-risk, monitoring and reducing 374, 375
and division of gains 23–5
International Country Risk Guide (ICRG) 58
investment risks 57–66
partial risk guarantees (PRGs) 279
World Bank Company Risk Profile Database (CRPD) 279–80
World Bank Operational Risk Management Framework (ORAF) 273
rivals, exclusion of 34
Roberts, B. 103
Rodrik, D. 67–8
Rooke, P. 268, 348
Rose-Ackerman, S. 4, 20–21, 22, 23, 474
Rosi, E. 377, 388, 393, 411
Rossi, G. 375
Roubini, N. 85, 91
rule of law indicator 30, 31–3, 168, 170–73, 174
Russia corporations’ tendency to bribe public officials 64
foreign trade offices, bribing of 89
Ruta, M. 34
Sacerdoti, G. 329, 333, 392, 398, 399, 422, 477
Saks, R. 71
Salbu, S. 212
Salvioni, S. 504
Sanchez, N. 13
sanctions
negotiated resolution, international financial institution (IFI) initiatives 297–300
non-criminal sanctions, transnational corruption 203–4
supranational anti-bribery regulation 215
World Bank regime see World Bank’s Governance and Anticorruption Strategy (GAC), Sanction Regime
sanctions and corporate liability 350–76
accounting violations 355
bribe, confiscation of proceeds limited to net profit 362
bribe and underlying contractual relationship, causal link between 362
bribers and corrupt officials, comparable treatment of 356
civil and administrative sanctions 355
effective, proportionate and dissuasive principles 356–7, 358, 372
extradition and mutual legal assistance 355
and gravity of offense 351, 352, 354–5, 356
international harmonization, limited 358
penalties determined by seriousness of crime 357
sanctioning standards 351–8
sanctions and corporate liability, confiscation 358–67
bribe and/or proceeds of bribery 358–63
civil proceedings at national level 365
concealment of proceeds within corporate vehicle or legal entity 365
converted proceeds and benefits deriving from proceeds 366
fines and confiscation of equivalent value 363–6
and illicit drug-trafficking 361–2
prevention of further crimes 364
proceeds definition 363
property-based system 364
restitution emphasis 364
from third persons 366–7
value-based system 364, 365–6
sanctions and corporate liability, criminal liability of legal persons 367–76
anti-corruption law 370–76
corporate liability models 368–70
corruption-risk, monitoring and reducing 374, 375
criteria for sanction imposition 372–3
Faulty Corporate Organization Theory and supervisory liability 370
forms of legal person 372
Identification or Alter Ego Theory 369–70
liability of natural persons in addition to corporate liability 373, 374, 375
national level reforms and harmonization 375–6
offenses committed by individual subordinate to person in leading position 373–4
Strict Liability Model (Causation Principle) 370
Schinke, M. 74
Schroth, P. 218, 252, 253, 258–60, 264, 267, 360, 397, 399, 426
Scott, J. 13
securities market supervision 162, 163
seizure and confiscation of proceeds international framework emergence 359–61, 363, 364–5, 366
mutual legal assistance and extradition 398, 399, 408–11
Senior, I. 315–16, 317–18, 320
Sharma, S. 318
Sharman, J. 390, 391, 518
Shaw, M. 373
shell companies 390, 391, 517–18
Shiller, R. 18, 49, 85, 86
Shleifer, A. 27, 78, 89, 102, 103
Siegel, D. 303, 304, 305, 307, 308
Index 623

Simpkins, E. 84
Singapore
corporations’ tendency to bribe public officials 64
tax revenues and corruption 76
“smart project design”, international financial institution (IFI) initiatives 279
SMEs
capital returns, adverse effect on 48
competitive market functionality, and cost of corruption 46–8
new entrants, market distortion 36–40
Snider, T. 251–2, 262, 322, 385
social inequality 84–5
social programs, rent-seeking effects 173
South Korea, corporations’ tendency to bribe public officials 64
sovereign equality principle 330
Spain
bureaucratic procedure length and corruption 39
corporations’ tendency to bribe public officials 64
market capitalization 117, 120
special investigation techniques 414
Speckbacher, C. 434
state capture 41, 45
state regulation, discriminatory nature of 36
see also regulation
state-owned enterprises, and privatization 22, 24
Stigler, G. 24
stock prices, and corporate governance 97–8
Stolen Asset Recovery Initiative (StAR) see asset recovery, Stolen Asset Recovery Initiative (StAR)
Stratmann, T. 105–6
subjective element of corruption offenses 341–4
subsidiaries
crimes committed in interest or to benefit of parent 392
foreign subsidiaries, and “any person” provision 213
framework for participation in subsidiary bodies and activities 228–9
parent company of foreign subsidiaries, liability of 214
subsides and benefits, low rate of 22
supervision
effects on institutions see governance and effects on institutions, supervision and regulation
Faulty Corporate Organization Theory and supervisory liability 370
follow-up procedures 444–7
jurisdictional issues, treaty-based mechanisms 392
see also follow-up procedures; monitoring mechanisms
supranational anti-bribery regulation, US FCPA as archetype 209–16
ambiguous language concerns 211
commercial context 210–11
European governments’ objections 216
foreign subsidiaries, and “any person” provision 213
historical background 209–10
jurisdiction over transnational corruption 213–14
legal aspects 210–16
parent company of foreign subsidiaries, liability of 214
payment exclusion categories 212
payments to foreign officials qualifying as bribes 211–12
private enforcement 214–15
rules applying to grand as opposed to petty corruption 212
sanctions 215
subjective scope of application 213
travel and lodging expenses 212
US competitive disadvantage as result of FCPA 216
voluntary disclosure program 209–10
and Watergate scandal 209
whistleblower provision 215–16
see also US, Foreign Corrupt Practices Act (FCCPA)
Sweden, corporations’ tendency to bribe public officials 64
Switzerland
central bank and insider trading 74
corporations’ tendency to bribe public officials 64
Montesinos corruption case 493–5
Philippines and Marcos case 502–3, 504
TSKJ investigations and outcomes 198
Szasz, P. 275
Taiwan, corporations’ tendency to bribe public officials 64
talents, business 48–9, 172–3
Talmon, S. 275
Tanzi, V. 3, 15, 17, 23, 40, 46, 47, 48, 49, 56, 61, 69, 75, 76, 77, 79, 81, 82, 85
taxation
bargaining power 4, 23
levels, and levels of corruption 16, 18, 23, 96
and regulatory clarity 23
revenues, tax types and macroeconomic performance 75–7, 82
system undermining 172
tax deductibility of bribes 216, 230, 420–21, 436
technical assistance
cooperation activities and exchange of information (OAS) 449
countries requiring legal assistance 471, 472, 476
developing countries, and transnational corruption 202–3
donor-supported funds to boost capacity building 305
experts for developing countries 504 and information exchange 267, 268–9, 449
Stolen Asset Recovery Initiative (StAR) 391, 508, 510, 513–14, 522–3
territoriality imposition, jurisdictional issues 386, 387
terrorism, firms and markets 41–2
terrorist financing 41–2, 490–91
‘The impact of corruption on shares’ returns of euro-area listed industrial firms’ (written by Carlo Bellavite Pellegrini and Laura Pellegrini) 115–128
Thomas, J. 474
Tobler, C. 358
transfer of funds, prevention of illegal 485–6
see also asset recovery
transnational corruption, economic and institutional textures of States, corruption’s effect 177–9, 183–206
civil remedies and politically interconnected firms taking over media 204–6
transnational corruption, economic and institutional textures of States, corruption’s effect, Oil-for-Food Programme 184–95
Banque Nationale de Paris (BNP) role and letters of credit 187, 191–2, 195
escrow accounts 187, 188, 191–2
and humanitarian imports 190–91, 193–4
Independent Inquiry Committee (IIC) on Programme Manipulation 186–92
Independent Inquiry Committee (IIC) on Programme Manipulation, proposed changes 188
kickbacks and surcharges earned through 186, 187, 188, 190–92
legal issues 193–5
secret oil vouchers 189–90
surcharge scheme on the selling of crude oil 190
UN involvement in scandal 186, 192–3, 194
US legal governance 189–90, 194
transnational corruption, economic and institutional textures of States, corruption’s effect, TSKJ consortium as global cartel 195–204
double jeopardy principle (ne bis in idem doctrine) 201–2
French investigation 196, 197
human rights violations and public
looting 200
international treaties and non-
criminal sanctions 203–4
investigations, finding and outcomes
197–9
legal resources, lack of 200
legal and systemic issues 199–203
lessons learned 203–4
members 195–6
natural disasters 200
and natural resource extractive
industries 195
scheme operation 196–7
transnational legal enforcement,
need for 200–201
UNCAC, provision on technical
assistance to developing
countries 202–3
transparency
asset recovery and due diligence of
bank intermediaries 490–91
fiscal policy, beneficial effects of 83
follow-up procedures 475–6, 477–8
lack of, in settlements of foreign
bribery cases 515–17
and monetary policy see governance
and effects on institutions,
monetary policy and
transparency
need for increased in jurisdictional
issues 389–91
and regulatory quality 158–9
see also accountability
Transparency International (TI)
corruption definition 1, 318
corruption perceptions index (CPI)
14
foreign bribery enforcement report
183–4
OECD Convention
recommendations on
monitoring 457–8
travel and lodging expenses 212
treaty-based mechanisms, jurisdictional
issues see jurisdictional issues,
treaty-based mechanisms
Treves, T. 379
TSKJ consortium see transnational
corruption, economic and
institutional textures of States,
corruption’s effect, TSKJ
consortium as global cartel
Uganda, corruption costs for small
firms 48
UK
Alter Ego Theory and Tesco
Supermarkets Ltd v. Natrass 369
Bribery Act 376, 477
corporations’ tendency to bribe
public officials 64
TSKJ investigations and outcomes
198
UN Convention Against Drug
Trafficking 361, 412
UN involvement Oil-for-Food
Programme 186, 192–3, 194
UNCAC (United Nations Convention
against Corruption) 255–70,
304–5, 309–10, 322
active nationality principle 382
Ad Hoc Committee 255, 256–7, 258,
260, 265–6
asset recovery provisions 257, 266–9
asset recovery provisions, training
and technical assistance 267,
268–9
bank secrecy 402–3
bribery of foreign public officials
322, 324–5, 328, 329, 330,
337–40
bribery, intentional element 343
claw-back clauses 258
comprehensiveness and universal
aspirations 256–7, 259–60
crime committed both inside and
outside their territory by one of
their nationals 382
coordination of efforts by more than
one State 382
corruption trends and circumstances,
monitoring and analysis
requests 268
criminal liability of legal persons
371, 372, 373
developing countries’
implementation resources,
concerns over 266–8
dual criminality 402

evidence collection problems 263–4

follow-up procedures as specific cases of international supervision 467–78

harmonization, need for 258–9, 260, 265–6

illicit enrichment provision 260–64

illicit enrichment provision, proportionate use 262–3

international governmental organizations as party to 270

interpretation problems 258, 264–5

jurisdiction over corporations 382–3

jurisdiction provisions 381–3, 389

legal flexibility concerns 258–9, 260, 262

Legislative Guide 256, 264

mandatory jurisdictional provisions 381

monitoring mechanisms 268, 269

mutual legal assistance and extradition 406–14

national laws of participating countries, implementation through 257–8, 259, 260, 264, 265–6

negotiation process and Interpretative Note 255–6

non-mandatory provisions 258, 259, 260

opt-out considerations 270

political parties, illicit funding of 346–9

presumption of innocence principle 260, 261, 263

preventive and non-criminal-related measures 426–36

preventive and non-criminal-related measures, civil remedies 439–42

public official definition 332, 338–40


scope 257, 321

seizure and confiscation of goods 360–61, 363, 364–5, 366

Settlement of Disputes 269–70

shortcomings, alleged 256, 257–8, 259–66

symbolic significance 259

technical assistance and information exchange 267, 268–9

technical assistance to developing countries 202–3

UNCAC (United Nations Convention against Corruption), asset recovery

Ad Hoc Committee 485–6, 490–91, 492

asset recovery procedure 487–507

asset recovery within Conference of States Parties (COSP) 505–7

balance between interest to recover funds and consideration of practical difficulties 500

banks with no physical presence in territory and not affiliated to a financial group 491–2

capacity-building programs 493

civil claims and burden of proof 496–7

civil procedures and mutual legal assistance requirements 495–6

confiscation tools and international cooperation 497–9

contingency fee arrangements 496

 Egmont Group 493

financial intermediaries and financial intelligence unit (FIU) 492–5

freezing or redistribution of assets 504

freezing and seizure of property on specific order issued by State Party 497

information disclosure requirements 500–501

legal value and interpretation 487–9

national legal systems, differences between 499–500

 ordre public 499–500

political will of States, importance of 507

public officials, financial information disclosure 492

reciprocal judicial assistance 499–500

return of assets to requesting State Party 489–90

return and disposal of assets 489–90, 501–3, 504
return and disposal of assets, prior ownership cases 502
Special Recommendations on Terrorist Financing 490–91
and STaR legal framework 508, 516
technical experts for developing countries 504
transparency and due diligence of bank intermediaries 490–91
UNCAC (United Nations Convention against Corruption) follow-up supervision procedures 467–78
civil society involvement 470, 476
formal review and Terms of Reference 471
implementation follow-up process, lack of 474–5
implementation review and Conference of States Parties (COSP) 468–72, 475
Implementation Review Group (IRG) 471–3, 474, 475
non-compliance, dealing with 470
on-site visits 476
peer review and self-assessment 473, 475–6
review procedure behind schedule 475
shortcomings, perceived 473–4
technical assistance to countries requiring legal assistance 471, 472, 476
transparency issues 475–6, 477–8
UNCAC (United Nations Convention against Corruption), mutual legal assistance and extradition 406–14
bank secrecy 406–7, 409
bilateral agreements, conclusion consideration 413
dual criminality 407–8
extradition refusals 408–9, 410–11
international cooperation, importance of 412–13
joint investigations 411–12
multiple proceedings and reciprocal consultations 411
OECD Convention ratification 402–3
seizure and confiscation of proceeds of corruption and national cooperation 408–11
special investigation techniques 414
UNCTOC cooperation and avoidance of overlap 413
UNCAC (United Nations Convention against Corruption), preventive and non-criminal-related measures 426–36
civil remedies 439–42
civil remedies, consequences of corruption, measures addressing 439–40
civil society involvement 427
efficiency, transparency and accountability encouragement 427
private sector, accounting and auditing standards 427–8
private sector and privatization, accounting and auditing standards 427–9
tax deductibility of expenses that constitute bribes, disallowance of 436
whistleblowers and witness protection 429–36
whistleblowers and witness protection, confidentiality concerns 434–5
whistleblowers and witness protection, US, Sarbanes-Oxley Act comparison 435–6
active nationality principle 382
conduct committed both inside and outside their territory by one of their nationals 382
coordination of efforts by more than one State 382
jurisdiction over corporations 382–3
jurisdiction provisions 381–3
mandatory jurisdictional provisions 381
mutual legal assistance and extradition 394–6
Index

Wells, C. 368, 369, 370
white elephant projects 24, 82
Whittle, R. 197
Wilsher, D. 262
Wise, E. 395
Woller, G. 130
World Bank
Business Environment and Enterprise Performance Survey 36–7
corruption data set 14
corruption obstructing activity of firms, study on 40
financial sector assessment program (FSAP) 164
Governance Indicators (GI) 168, 173–5
rule of law concept 31–3
securities market standards 162
Special Recommendations on Terrorist Financing 490–91
state capture and administrative corruption, distinction between 2
Stolen Asset Recovery (StAR) Initiative see asset recovery, Stolen Asset Recovery Initiative (StAR)
World Bank’s Governance and Anti-Corruption Strategy (GAC) 271–303
Anti-Corruption Guidelines 278–9
anti-corruption provisions in its legal agreements with borrowers 277–80
Country Assistance Strategy 272
Integrity Vice Presidency (INT) and prevention strategy 274–5
International Corruption Hunters Alliance 303
Operational Risk Management Framework (ORAF) 273
prevention strategy 274–5
Procurement and Consultant Guidelines 277–8
World Bank’s Governance and Anticorruption Strategy (GAC), Sanction Regime 275–303
affiliates of Respondents 296–7, 298
Bank Group-financed projects and debarment 280–81, 286–7, 288–9
Bank Group-financed projects, legal consistency 282–3
Bank Group-financed projects, Voluntary Disclosure Program (VDP) 281–2
collective action on global governance, support for 302–3
Company Risk Profile Database (CRPD) 279–80
conditional non-debarment 294–5, 300
debarment with conditional release 292–4
debarment effects 301
deferral agreements and freezing of sanctions 299
Early Temporary Suspension phase 287, 300
formal sanctions proceedings 288–301
INT Statement of Accusations and Evidence (SAE) 286–7
Integrity Compliance Guideline 293–4
Integrity Vice Presidency (INT) 274, 279, 281, 283, 284, 286–7, 288–92, 296–7, 301, 302
letter of reprimand 295
loan amount cancellation 278
“Macmillan” settlement 297–8
main elements 283–92
mechanism for the negotiated resolution of sanctions cases 297–300
mutual recognition (cross-debarment) 292, 301–2
non-legal tools 279–83
partial risk guarantees (PRGs) 279
“Plain Vanilla” debarment 294
practices and norms of other international bodies, comparison with 283–4
restitution 295
Sanctionable Practices 284–5, 286
Sanctioning Guideline, and reduction in minimum period of debarment 295–6, 298, 300
“smart project design” 279
Wraith, R. 84
WTO and revised Government Procurement Agreement (GPA) 308
Xu, L. 103
Zacharias, J. 129, 130, 147
Zagaris, B. 196
Zaire, monetary authority corruption 74
Zarin, D. 209, 215–16
Zeckhauser, R. 34
Zerbes, I. 321, 323, 326, 328, 331–2, 333, 340
Ziegler, J. 378
Zimmerman, S. 301
Zimring, F. 319
Zingales, L. 103