

# CONTROLLING CORRUPTION IN INTERNATIONAL BUSINESS: THE INTERNATIONAL LEGAL FRAMEWORK

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## Summary

Since 1995, the anti-corruption movement has had success in developing a global legal framework to combat transnational bribery and corruption. A distinguishing feature of the current anti-corruption movement is its emphasis on the economic cost of corruption and the involvement of the international financial institutions such as the World Bank, the International Monetary Fund and regional development banks, in the efforts to combat corruption. As part of their efforts to combat corruption, international financial institutions have made effective anti-corruption reforms a prerequisite for future allocation of funds. The current anti-corruption movement has also been successful in enlisting the participation of sectors of international and domestic civil society, as well as the business community, through integrity pacts and codes of conduct.

Notwithstanding its relative success, the current anti-corruption movement faces serious hurdles as incidences of transnational corruption keep rising. On a philosophical level, the economic repackaging of the problem of corruption has made the anti-corruption effort more acceptable by excluding any explicit moral judgments that may lead to charges of moral or legal imperialism; however, the re-packaging is proving to be inadequate given the irrefutable moral and ethical dimension of corruption. Increasingly, scholars of international business ethics, as well as anti-corruption advocates, are emphasizing a "virtues" approach to combating corruption. The failure of the anti-corruption movement may also contribute to the de-legitimization of the "science" of economics. On a more

practical level is the difficulty of distinguishing among different categories of illicit payments, such as a facilitation payment that can be legal; a bribe, which is illegal, and maintaining a favorable climate payment, which may be legal or illegal.

Finally, the current anti-corruption movement must address the legacy of colonialism and its impact on how developing countries view anti-corruption efforts. For centuries, corruption has been associated with the East and anti-corruption with the West. Making free markets, rule of law, and democratic reforms a part of the anti-corruption campaign may lead to the perpetuation of the rule of geographical morality and the imposition of Western values. To some, this approach opens the anti-corruption movement to charges of neo-colonialism.

## **1. Introduction**

Corruption has existed from the beginning of time. Globalization, however, seems to have increased the magnitude and impact of such corruption. The end of the Cold War in the early 1990s removed certain incentives for unqualified support of corrupt regimes by the West. It also resulted in universal application of free market reforms by donor governments and International Financial Institutions (IFIs). These reforms have, in turn, increased opportunities for corruption. Since 1995, recognition of the detrimental effects of corruption on economic development has increased. As a result, IFIs have recognized the relevance of corruption to their economic mandate, have agreed to control corruption if associated with development projects they fund; and are linking anti-corruption reforms to the future allocation of funds.

The success of anti-corruption efforts is largely attributable to the repackaging of the problem of corruption as an *economic* rather than a *political* or *moral* problem. Anti-corruption advocates have convincingly argued that corruption impedes economic development by distorting public sector choices towards “wrong” public projects that benefit corrupt government officials while producing inefficient and inequitable spending. This argument has allowed anti-corruption advocates to overcome the East-West and North-South divisions that dominated the U.N. initiatives against corruption and bribery in the late 1970s, i.e., the First International Anti-Corruption Movement.

## **2. The First International Anti-Corruption Movement (1975-1980)**

On December 15, 1975, the U.N. General Assembly passed Resolution 3514, entitled “Measures against Corrupt Practices of Transnational and Other Corporations, their Intermediaries and Others Involved.” The Resolution condemned “all corrupt practices, including bribery, by transnational and other corporations, their intermediaries and others involved, in violation of the laws and regulations of host countries.” The Resolution directed the U.N. Economic and Social Council (ECOSOC) to make further recommendations for eliminating corrupt practices, including bribery. The ECOSOC responded by forming an Ad Hoc Intergovernmental Working Group on Corrupt Practices (U.N. Working Group) which met regularly between 1976 and 1980 and submitted reports of its discussions. The U.N. Working Group concluded that in order to successfully combat corruption and bribery, “international action” was necessary and, as a result, drafted the *International Agreement on Illicit Payments* (IAIP). IAIP sought to criminalize the

“offering, promising, or giving” of illicit payments to public officials in connection with international commercial transactions. In addition, it criminalized the “soliciting, demanding, accepting or receiving, directly or indirectly, of any illicit payments” in connection with an international commercial transaction. IAIP recognized that not all countries attribute criminal culpability to legal persons, such as corporations, and therefore imposed the requirement of “comparable deterrent effects.” IAIP also addressed mutual legal assistance, record keeping, and accounting and extradition.

The IAIP was adopted by the ECOSOC and forwarded to the U.N. General Assembly for consideration in 1980. That year, however, the G-77 also introduced a decision requiring that the U.N. Conference on IAIP be convened *only after* completion of the U.N. Conference on the *Code of Conduct for Transnational Corporations* (TNC Code of Conduct). This Code, however, was strongly opposed by many developed nations. Therefore, neither the IAIP nor the TNC Code of Conduct was adopted by the General Assembly. The U.N. initiatives to combat corruption failed as a result of political disagreements between the developed and developing states and succeeded in turning the problem of illicit payments into a divisive political issue. The developed states blamed the problem on political corruption in the developing world, and the former colonies placed the responsibility on transnational corporations (TNCs) that provide the illicit payments.

Until the mid 1990s, the IFIs avoided addressing the corruption problem by arguing that corruption is a political issue and therefore outside their economic mandate. The IFIs are limited by their charters from interfering in the political affairs of their member states. Throughout the 1980s and early 1990s, the problem of corruption was marginalized in international forums. The only notable exception was the United States, which continued to advocate criminalizing transnational bribery.

In 1977, the United States enacted the Foreign Corrupt Practices Act (FCPA) that prohibited U.S. domestic concerns and issuers from bribing foreign public officials or political party candidates and officials. From 1977 to 1996, the FCPA was the *only* domestic legislation that prohibited bribery of foreign public officials by domestic firms. Throughout this time, the FCPA was criticized for its extra-territorial reach and its attempt at “moral imperialism.” In practice, the anti-bribery provisions of the FCPA were rarely enforced. From 1977 to 2000, only 30 FCPA criminal cases were brought against U.S. corporations for violations of the anti-bribery provisions. Notwithstanding the lack of enforcement, the U.S. business sector remained highly critical of the FCPA, arguing that the law had created an uneven playing field for U.S. companies that had to compete with non-U.S. multinationals that were not prohibited from paying bribes to foreign officials and, in some instances, were even able to deduct the cost of such bribes under the tax laws of their country of origin.

### **3. The Second International Anti-Corruption Movement (1995-Present)**

#### **3.1. Overview**

In view of the political nature of the failure of the IAIP, the new anti-corruption movement addressed the corruption problem as an *economic* rather than a *moral* or *political* problem. By 1995, economists, lawyers, and political scientists, among others, were focused on the

detrimental effects of corruption on economic development. This detrimental economic effect was particularly evident in the selection and construction of large infrastructure projects in the developing world, where corruption resulted in selection of the “wrong” kind of public projects and inefficient and inequitable spending. The packaging of corruption as an economic problem allowed the IFIs to address bribery and corruption of government officials. The IFIs created anti-corruption task forces and amended their procurement and consultant guidelines to include anti-corruption or anti-bribery provisions.

This Second International Anti-Corruption Movement (the current movement) has been successful in concluding two multilateral conventions against bribery and corruption: The *Inter-American Convention against Corruption* (OAS Convention) in 1996 and the *Organization for Economic Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* (OECD Convention) in 1997. In 1996, the U.N. General Assembly adopted its *Declaration against Corruption and Bribery in International Commercial Transactions* (Anti-Corruption Declaration). At the same time, multinational corporations began to voluntarily adopt codes of conduct and internal controls to combat bribery. Finally, the current movement enlisted the support of civil society groups in mobilizing grass root support for its anti-corruption initiatives.

### **3.2. International Legal Framework against Corruption and Bribery**

Every country has its own domestic legislation that prohibits corruption or bribery of public officials and acceptance of bribes by such officials. In some instances, countries have created special units within the government to coordinate anti-corruption activities. The discussion of specific domestic anti-corruption law and efforts is outside the scope of this short article. The focus is solely on the international legal framework and those who affect that framework, including IFIs, multinational corporations, and international civil society.

#### **3.2.1. The Inter-American Convention against Corruption (OAS Convention)**

In 1996, the 34 members of the Organization of American States approved the OAS Convention, which is aimed at eliminating bribery and corruption of government officials. The OAS Convention was the first international legal framework that criminalized bribery of *foreign* government officials. Generally, the signatories to the OAS Convention are required to develop and strengthen legal mechanisms to “prevent, detect, punish and eradicate” official corruption. The OAS Convention requires a signatory state to prohibit not only “Transnational Bribery” but also “Illicit Enrichment,” “subject to its Constitution and the fundamental principles of its legal system.” Should a signatory state decide to criminalize both Transnational Bribery and Illicit Enrichment as offenses under domestic laws, offenses shall be deemed to be “Acts of Corruption” under the Convention. The OAS Convention specifically identifies the following “Acts of Corruption”: (1) the solicitation and acceptance of any article of monetary value or other benefit, such as a gift, by a government official; (2) the offering or granting of any such article or benefit; (3) any act or omission by a government official in the discharge of his or her official duties for the purpose of illicitly obtaining benefits for him or herself or for a third party; (4) the fraudulent use or concealment of property derived from any of the Acts of Corruption; and (5) participating or conspiring to commit any of the Acts of Corruption. Should a signatory state decide not to criminalize either transnational bribery or illicit enrichment, the

Convention requires that such a state provide assistance and cooperation to other states in their prosecution of the offense “insofar as the laws permit.”

On June 5, 2001, the OAS adopted AG/Resolution 1785 (xxxi-o/01), *Enhancement of Probity in the Hemisphere and Follow Up on the Inter-American Program for Cooperation in the Fight against Corruption* (Resolution 1785) which sought to encourage the ratification of the OAS Convention. The United States finally ratified the Convention on September 15, 2000. Resolution 1785 adopted Resolution 1723, which led to the creation of the *Working Group on Probity and Public Ethics* (the OAS Working Group). The OAS Working Group is responsible for integrating the various international models against corruption with the aim of recommending the most appropriate model for state adoption. The OAS Working Group has also proposed the creation of an institutional follow-up mechanism to ensure effective implementation of the OAS Convention.

The OAS has also created the *Inter-American Program for Cooperation in the Fight against Corruption* (OAS Program). The Program calls for, among other things, reforms in laws, such as codes of conduct for public officials, as well as institutional reform, including establishment of a support system for government institutions charged with fighting corruption and helping states develop education programs in the area of ethics and other matters dealing with corruption. From April 20 to 22, 2001, the OAS held the Third Summit of the Americas in Quebec City, Canada, where the States produced the “Fight against Corruption” Declaration, which reiterates many of the common anti-corruption themes.

### **3.2.2. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention)**

In 1994, the OECD adopted a *Recommendation on Bribery in International Business Transactions* (Recommendation), which called upon member countries to take “effective measures to deter, prevent and combat bribery of foreign public officials in connection with international business transactions” and instructed the OECD Committee on International and Multilateral Enterprises (CIME) and its Working Group on Bribery in International Business Transactions to monitor the implementation of the Recommendation. On May 23, 1997, the CIME proposed, and the OECD adopted, a Revised Recommendation. The Revised Recommendation preserved the general undertaking of the 1994 text to combat bribery of foreign public officials and elaborated on specific commitments to the criminalization of the bribery of foreign public officials, accounting, and public procurement. Eventually, on December 17, 1997, the 29 members of the OECD, along with 5 non-members, signed the OECD Convention. The Convention came into effect on February 15, 1999. The OECD Convention is not self-executing, and it does not include a model law. Rather, it provides only rough guidelines for its implementing legislation. The aim is that the signatories, by national implementation, will provide clear and detailed rules that are *functionally equivalent* to one another in punishing and deterring bribery in international business. Notwithstanding the functional equivalency rule, the OECD Convention contains *five* mandatory provisions: First, legislation must criminalize “active bribery.” Second, legislation must make not only the amount of the bribe but also proceeds or property derived from the bribe subject to seizure or sanctions of comparable effect. Third, legislation must establish jurisdiction over an offense of bribery of foreign public

officials when the offense is committed in whole or in part in that nation's territory. If possible under the domestic legal system, legislation must recognize national jurisdiction with regard to bribery of foreign public officials. Fourth, the OECD Convention also serves as an extradition treaty allowing for extradition for violations of the anti-bribery provisions. Finally, penalties must be comparable to those applicable to bribery of domestic officials and such penalties must be "effective, proportionate and dissuasive."

The OECD has enacted a number of mechanisms to ensure that signatories of the Convention are taking appropriate steps to implement its provisions. The OECD Anti-Corruption Division (ACD) serves as the focal point within the OECD Secretariat to respond to the fight against corruption in international business. In early June 1999, the ACD launched the OECD Anti-Corruption Ring Online (ANCORR WEB), a comprehensive online information and resource center on corruption, bribery, money laundering, and related issues that provide governments, businesses, civil society, international organizations, and individuals with information they need to implement better policies and actions to fight corruption. In addition to the ACD, OECD Public Management Service (PUMA) helps member countries develop and maintain a framework for promoting integrity and high standards in public officials. PUMA primarily functions by creating country reviews, comparative analyses, evaluative bench marking, and producing guidelines that can be used to evaluate and design policies, e.g., the *OECD Principles for Managing Ethics in the Public Service*. PUMA has also launched the *OECD Journal on Budgeting*, which is intended to make modernizing budgetary practices available to a wide community. Finally, on June 27, 2000, the 20 member countries and 4 non-member countries also adopted the *OECD Guidelines for Multinational Enterprises*.

The OECD Convention is significant in that it is an acknowledgement that investors from the OECD countries bear responsibility for spreading corruption in the developing countries. The extent to which a multinational is dissuaded from engaging in active bribery, however, depends upon the implementation and enforcement of the Convention by each signatory state. Enforcement of the OECD Convention has proved to be difficult, because of the inefficiency of national criminal and evidentiary rules in the context of transnational bribery and the fact that the same companies who engage in acts of bribery and corruption in the developing world often are the most respected and law-abiding companies in their home jurisdiction.

### **3.2.3. Initiatives by the United Nations**

In December 1996, the U.N. General Assembly adopted its Anti-Corruption Declaration (See Section 3.1 above) and Resolution 51/59 (Action against Corruption) that had annexed thereto the *International Code of Conduct for Public Officials* (U.N. Code of Conduct for Public Officials) that targeting passive bribery. The Declaration is non-binding and calls on states to "take effective and concrete action to combat all forms of corruption, bribery and related illicit practices in international commercial transactions." In particular, it calls for "effective enforcement of existing laws prohibiting bribery," encourages Member States to criminalize bribery of foreign public officials "in an effective and coordinated manner," and recommends many of the provisions found in the OAS and OECD Conventions. The U.N. Code of Conduct for Public Officials sets forth guidelines and recommendations to be used as tools by states in their efforts against corruption. The Code of Conduct also adopts

the principle that a public office is a position of trust, which implies a duty to act in the public interest: the “ultimate loyalty of public officials should be to the public interests of their country as expressed through democratic institutions of government.” Under the Code, furthermore, public officials may not use their official capacities for improper advancement of their family’s personal or financial interests, nor may they improperly use public monies, services, or property.

From July 30 to August 3, 2001, the *Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption* (the Inter-Governmental Expert Group), comprising 95 Member States met in Vienna and agreed to the Terms of Reference for a *United Nations Convention against Corruption* (the UN Convention). The Inter-Governmental Expert Group set up a committee to draft a convention by the end of 2003. The Report indicates that the participants hope that the U.N. Convention addresses the issue of prevention, including the necessity of dealing with the “economic and social” factors associated with corruption.

#### **3.2.4. Initiatives by the Council of Europe**

In 1994, European Ministers of Justice called upon the Council to address the threat of corruption. The Council immediately set up a Multi-disciplinary Group on Corruption (GMC) and instructed it to examine potential measures for an international program against corruption. The GMC submitted a draft Program of Action against Corruption to the Council of Europe (COE) Committee of Ministers, which approved the program and instructed the GMC to implement it before December 31, 2000.

On November 6, 1997, the COE adopted Resolution (97)21 on 20 guiding principles for the fight against corruption (Guiding Principles). On May 5, 1998, the COE adopted Resolution (98)7, which established the Group of States against Corruption (GRECO). GRECO was initially established set up by 17 states; since 1998 its membership has grown to 34 member states. GRECO functions as a monitoring mechanism that aims to improve the capacity of its members to fight corruption by following up on their activities through a dynamic process of mutual evaluation and peer pressure. GRECO is responsible for monitoring observance of the Guiding Principles and implementation of international legal instruments. To date, three instruments have been adopted: (1) the *Criminal Law Convention on Corruption* (Criminal Law Convention), opened for signature on January 27 1999; (2) the *Civil Law Convention on Corruption* (Civil Law Convention), adopted in September 1999 and opened for signature on November 4, 1999; and (3) the *Recommendation on Codes of Conduct for Public Officials* (Recommendation), adopted on May 11, 2000. The Criminal Law Convention is an “instrument aimed at the coordinated criminalization of a large number of corrupt practices.” It deals with both active and passive bribery of foreign and domestic officials, in both the private and public sector. Under the Criminal Law Convention signatory states are required to provide sanctions for violations of the anti-bribery provisions and allow for extradition. The Civil Law Convention requires that States provide “for effective remedies for persons who have suffered damage as a result of acts of corruption, to enable them to defend their rights and interests, including the possibility of obtaining compensation for damage.” It also provides protection for whistle blowers. The Recommendation sets out a Model Code of Conduct for Public Officials in the Appendix. The Model Code of Conduct recommends how to deal

with real situations frequently faced by public officials, such as, the receipt of gifts.

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### **Bibliography**

Abueva J.V. (1966). The Contribution of Nepotism, Spoils, and Graft to Political Development. *East West Center Review* Vol. 3. 45. [This essay advocates the Functional-Integrationist Revisionist approach to corruption arguing that corruption may contribute positively to development when it allows the integration of various groups to the political process who would otherwise not be able to participate]

African Development Bank Group, *Standard Bidding Documents: Procurement of Small Goods*. (2000). [This document offers the definitions of “fraudulent practice” and “corrupt practice” in procurement of goods funded by the African Development Bank Group]

Ala'i, P. (2000). The Legacy of Geographical Morality and Colonialism: A Historical Assessment of the Current Crusade against Corruption. *Vanderbilt Journal of Transnational Law* Vol. 33. 877-932. [This article addresses the fundamental approaches to corruption and the value of a functional anti-corruption mechanism]

Almond, M. and Syfert, S. (1997). Beyond Compliance: Corruption, Corporate Responsibility and Ethical Standards in the New Global Economy. *North Carolina Journal of International and Commercial Regulation* Vol. 22. 389-447. [This article examines the trends of corporations and laws in fighting corruption]

Anderson, D. (1999). The Aggregate Burden of Crime. *The Journal of Law and Economics* Vol. 42 October. 611-638. [This article examines corporate fraud in comparison to general crime statistics]

Asian Development Bank (1999). *Combating Corruption in the Asian and Pacific Economies*. [This book assembles the papers presented during the Joint ADB-OECD Workshop on Combating Corruption in the Asian and Pacific Economies held in Manila on 29 September to 1 October 1999]

Asian Development Bank (1999). *Governance, Corruption and Public Financial Management*. [This article provides assembles the major papers presented during the Seminar on Public Financial Management and Accountability, and the World Conference on Governance held in Manila in April and June 1999]

Baum, L. (1998). Foreign Corrupt Practices Act American Criminal Law Review Vol. 35. 823-840. [This article offers an overview of the major provisions of the Foreign Corrupt Practices Act and also recommends to create a compliance program to avoid the violation of the FCPA]

Bayley, D. (1966). The Effects of Corruption in a Developing Nation *Western Political Quarterly* Vol. 19. 719-732. [This paper advocates the Functional-Integrationist Revisionist view of corruption]

Ben-Dor, G. (1974). Corruption, Institutionalization and Political Development: The Revisionist Theses Revisited. *Comparative Political Studies* Vol. 62. 65-83. [This article explores the revisionist approach to corruption]

Brown, L. (1998). Parent-Subsidiary Liability Under the FCPA. *Baylor Law Review* Vol. 50. 1-63. [This article examines U.S. parent company's liability for act or omission of a foreign subsidiary under the FCPA and parental involvement in the management of the foreign subsidiary to ensure compliance with the FCPA]

Caiden, G. and Caiden, N. (1977). Administrative Corruption. *Public Administration Review* Vol. 37. 301-309. [This article explores the revisionist theory in administrative corruption]

Corr, C. and Lawler, J. (1999). Damned if you do, damned if you don't? The OECD Convention and the



Globalization of Anti-Bribery Measures. *Vanderbilt Journal of Transnational Law* Vol. 32. 1249-1344. [This article explores the U.S. statutory framework of anti-corruption as precursor to the OECD convention and examines cases prosecuted under the FCPA]

Council of Europe (1999). *Civil Law Convention on Corruption*. [This Convention provides for effective remedies for persons who have suffered damage as a result of acts of corruption, including the possibility of obtaining compensation for damages]

Council of Europe (1999). *Criminal Law Convention on Corruption*. [This Convention seeks to criminalize a large number of corrupt practices]

Crompton, R. (1998). *Doubts About Corruption*. *Korea Herald*. Dec. 25, 1998. [This article challenges modern perspectives about corruption and finding that they are a product of modern capitalistic and puritanical value systems]

Daly, H. & J. Cobb. (1989). *For the Common Good: Redirecting the Economy toward Community, the Environment, and a Sustainable Future*. 490 pp. Boston, Beacon Press. [This book discusses “the fallacy of misplaced concreteness” in economics, which successfully adopted scientific methodologies developed in physics]

Delener, N. (1995). *Ethical Issues in International Marketing*, 117 pp, New York, International Business Press. [This book contains articles dealing with transnational corporations and ethics in developing countries]

Dickerson, C. (1999). *Political Corruption: Free-Flowing Opportunism*, *Connecticut Journal of International Law* Vol. 14 Fall. 393-405. [This article discusses corruption from a normative perspective and argues that corruption is “a manifestation of opportunism”]

Donaldson, T. (1994). *Toward a Unified Conception of Business Ethics: Integrative Social Contracts Theory*. *Academy of Management Review* Vol. 19 252. [This article discusses the definitions behind ethical theories in business contracts]

Dugan, C. and Lechtman, V. (1997). *The FCPA in Russia and Other Former Communist Countries*. *American Journal of International Law* Vol. 91. 378-388. [This article deals with corrupt business practices under the FCPA in the specific context of Russia and other former communist countries, where peculiar economic and political conditions make officers prone to bribery]

Duncan, C. (2000). *The 1998 Foreign Corrupt Practices Act Amendments: Moral Empiricism or Moral Imperialism?* *Asian-Pacific Law & Policy Journal* Vol. 1 June. 14-47. [This article argues that the FCPA is an effort to assert U.S. values around the world and making suggestions for how to de-moralize the text of the Amendments]

Dunfee, T. and Donaldson, T. (1999). *Ties That Bind: A Social Contracts Approach to Business Ethics*, 306 pp. Boston, Harvard Business School Press. [This book describes the “hypernorms” approach to business ethics]

Dunfee, T. and Hess D. (2001). *Perspectives: Getting from Salbu to the “Tipping Point”: The Role of Corporate Action Within a Portfolio of Anti-Corruption Strategies*. *Journal of International Business* Vol. 21. 471-490. [This article applies the C2 Principles to anti-corruption efforts and discussing other corporate codes of conduct]

Dunfee, T. and Nagayasu, Y. (1993). *Business Ethics: Japan and the Global Economy*, 275 pp. Boston, Kluwer Academic Publishers. [This book highlights the effects of anti-corruption efforts on international corporations conducting business in Japan]

Earle, B. (1996). *The United States’ Foreign Corrupt Practices Act and the OECD Anti-Bribery Recommendation: When Moral Suasion Won’t Work, Try the Money Argument*. *Dickinson Journal of International Law and Business* Vol. 14. 207-242. [This article suggests that moral and ethical arguments have not persuaded other countries to adopt legislation similar to the FCPA]

Economic Development Institute of the World Bank (1997). *Working Paper: The Role of a National Integrity System in Fighting Corruption*. [This paper argues that while each country or region is unique in its own history and culture, its political systems, and its stage of economic and social development, similarities do exist and experience and lessons are often transferable]

Economic Development Institute of the World Bank (1998). *Governance: A Global Forum on Governance and*

- Public Sector Management. Vol.1. 1. [This periodical includes articles ranging from corruption in development assistance to Hong Kong's very successful experience in dealing with corruption]
- Economist (1995). Business Ethics: Hard Graft in Asia. May. 61. [This article differentiates gifts from corruption in Asia]
- Enderle, G. (1999). *International Business Ethics: Challenges and Approaches*, 440 pp. Indiana, University of Notre Dame Press. [This book provides arguments in favor of universal moral standards]
- European Bank for Reconstruction and Development. (1997). Sound Business Standards and Corporate Practices: A Set of Guidelines. 11 pp. [The guidelines purport to articulate desirable business standards for the borrowers of the EBRD]
- Fidler, D. (2001). "Geographic Morality" Revisited: International Relations, International Law, and the Controversy over Placebo-Controlled HIV Clinical Trials in Developing Countries. *Harvard International Law Journal* Vol. 42. 299-354. [This article looks at geographic morality from a philosophical standpoint]
- Foreign Corrupt Practices Act (1997). 15 U.S.C. 78m, dd-1, dd-2, dd-3, ff. [This Act criminalizes bribery of foreign public officials or political party candidates and officials]
- Gantz, D. (1998). Globalizing Sanctions against Foreign Bribery: The Emergence of a New International Legal Consensus. *Northwestern Journal of International Law and Business* Vol. 18. 457-497. [This article arguing that it is more advisable to work with foreign nations "to adopt and vigorously enforce laws that criminalize bribery within their own borders," while avoiding multilateral agreements]
- Garcia, F. (1998). The Nature of Judicial Reform in Latin America and Some Strategic Considerations. *American University International Law Review* Vol. 13. 1267-1325. [This article offers a brief description of Latin American anti-corruption initiatives by political branches, such as the recent impeachments of the Chief Justices in Bolivia and Chile]
- George, B. (1999). On the Threshold of the Adoption of Global Antibribery Legislation: A Critical Analysis of Current Domestic and International Efforts toward the Reduction of Business Corruption. *Vanderbilt Journal of Transnational Law* Vol. 32. 1-48. [This article examines factors causing changes in current international attitudes and policies toward business corruption]
- George, B. and Lacey, K. (2000). A Coalition of Industrialized Nations, Developing Nations, Multilateral Development Banks, and Non-Governmental Organizations: A Pivotal Component to Current Anti-Corruption Initiatives. *Cornell International Law Journal* Vol. 33. 547-592 [comparing the efforts of the OAS, OECD, and FCPA in fighting corruption and discussing the use of Transparency International's Integrity Pacts]
- Heidenheimer, A. *Political Corruption: Reading in Comparative Analysis*, 582 pp, New York, Holt Reinhart and Winston. [A good compilation of corruption topics and modernization]
- Henning, P. (2001). Public Corruption: A Comparative Analysis of International Corruption Conventions and United States Law. *Arizona Journal of International and Comparative Law* Vol. 18. 793-865. [This article examines U.S. domestic legislation to fight corruption and the lessons to be learned from international anti-corruption efforts]
- Hess, D. and Dunfee, T. (2000). Symposium: Fighting International Corruption & Bribery in the 21st Century: Fighting Corruption: A Principled Approach; The C-2 Principles (Combating Corruption). *Cornell International Law Journal* Vol. 33. 593-626. [This article explains the value of the "Sullivan Principles" for firms wishing to engage in international business]
- Hotchkiss, C. (1998). The Sleeping Dog Stirs: New Signs of Life in Efforts to End Corruption in International Business. *Journal of Public Policy and Marketing* Vol. 17. 108-115. [This article explains that the FCPA has been inactive until recently, when the U.S. has increased the number of prosecutions under the Act]
- Hudson, P. et al. (1995). Ethics and Transnational Corporations in Developing Countries: A Social Contract Perspective. *Ethical Issues in International Marketing* Vol. 4 No. 2. 38 [This article proposes a social contract approach to keep a balance between developing countries' socioeconomic needs and transnational corporations' concerns about profitability]
- Hustead, B. (1999). Wealth, Culture, and Corruption. *Journal of International Business Studies* Vol. 30. 339-359. [This article examines a statistical study conducted linking corruption to wealth, culture, income distribution, and government size]

- Institute for International Economics. (1997). *Corruption and the Global Economy*, (Kimberly Ann Elliot, ed.). [This book is a collection of articles that reflects current anti-corruption discourse and puts emphasis on economic consequences of corruption and international cooperation to combat corruption]
- Inter-American Juridical Committee (1998). Model Legislation on Illicit Enrichment and Transnational Bribery. [This legislation was prepared in order to help member States to implement the OAS Convention]
- International Chamber of Commerce - Rules of Conduct (1998). Extortion and Bribery in International Business Transactions. USIA Electronic Journal Vol. 3 No. 5. [These rules provide recommendations to governments and international organization, rules of conduct to combat extortion and bribery, and ICC follow-up and promotion of the rules]
- International Chamber of Commerce (2000). *Fighting Bribery: A Corporate Practice Manual*, ICC Publishing. [This manual provides guidance to corporations in order to better deal with corruption]
- International Monetary Fund (1997). *Good Governance: The IMF's Role*, <http://www.imf.org>. [This web site article describes how the IMF established policies in order to promote public sector transparency and accountability in the service of creating a framework for sustained growth]
- International Monetary Fund (1999). *Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles*, <http://www.imf.org>. [This web site article describes the Code advocates fiscal transparency as a means of reaching good governance, including efficient government activity and sound public finances]
- International Monetary Fund (2001). *Code of Good Practices on Fiscal Transparency*, <http://www.imf.org>. [This web site article advocates fiscal transparency as a means of reaching good governance]
- Jin-Wei, S. (1997). How Taxing is Corruption on International Investors. National Bureau of Economic Research Working Paper No. 6030. 22-23. [This article notes that corruption discourages foreign direct investment and imposes 20% "tax" on firms investing in countries with high corruption]
- Johnston, M. (1998). Cross-Border Corruption: Points of Vulnerability and Challenges for Reform, in *Corruption and Integrity Improvement Initiatives in Developing Countries*, <http://magnet.undp.org/Docs/efa/corruption/Chapter01.pdf>. [This article examines initiatives in developing countries]
- Kaufman D. (1997). Corruption: The Facts. Foreign Policy No. 116. [This paper discusses the future of dealing with corruption on various levels]
- Kennedy, D. (1999). The International Anti-Corruption Campaign. Connecticut Journal of International Law Vol. 14. 455-465. [This article argues that the anti-corruption movement is flawed in its systematic application of laws without regard to cultural differences and economic variances]
- Keobane, R. and Nye, J. (1998). Power and Interdependence in the Information Age. Foreign Affairs. Oct. 81-95. [This article discusses the use and manipulation of information in various sectors of the global economy]
- Klitgaard, R. (1998). *Controlling Corruption*, 220 pp, Berkeley, University of California Press. [This book rejects cultural relativism and explores an economic model of corruption from case studies of corruption involving public officers in Asian developing countries]
- Leff, N. (1964). Economic Development through Bureaucratic Corruption. American Behavioral Science No. 8. [This article advocates the amoral Economic-Market Revisionist approach which argues that corruption may introduce efficiency into a system where there is none]
- Luo, Y. (2000). *Guanxi and Business*, 341 pp. World Scientific [This book distinguishes practice of *guanxi* from corruption from the Chinese business perspective]
- Mauro, P. (1995). Corruption and Growth. Quarterly Journal of Economics Vol. 110. 681-712. [This article discusses the downturn that investment takes as corruption rises]
- Minus, P. (1993). *The Ethics of Business in a Global Economy*, 154 pp. Boston, Kluwer Academic Publishers. [This book examines the role that businesses and governments can jointly play in fighting corruption]
- Moody-Stuart, G. (1997). The Costs of Grand Corruption: How Business Bribes Damage Developing Countries, <http://www.cipe.org/ert/e22/mooE22.php3>. [This web site article examines grand corruption and the manner in which it affects Third World Development]

Multinational Development Bank Coordinating Committee on Governance, Corruption and Capacity Building, *Master Bidding Documents: Procurement of Goods and User's Guide*, Revised July 2002. 151 pp. [This document offers a master bidding documents that can be used as a model by multinational development banks and the UNDP]

Nichols, P. (1999). *Regulating Transnational Bribery in Times of Globalization and Fragmentation*. Yale Journal of International Law Vol. 24. 257-303. [This article analyzes transnational bribery in the context of current global conditions and concludes that practical and moral considerations require prohibition of transnational bribery]

Noonan, J. (1984). *Bribes*, 839 pp, New York, Macmillan. [This book is an excellent chronicle of corruption from ancient Egypt to contemporary America, including a detailed description of the impeachment of Warren Hastings]

Nye, J. (1967). *Corruption and Political Development: A Cost-Benefit Analysis*. American Political Science Review Vol. 16. 417-427. [This article advocates the amoral Economic-Market Revisionist approach to corruption]

Ohnesorge, J. (1999). "Ratch"ing up the Anti-Corruption Drive: Could a Look at Recent History Cure a Case of Theory Determinism? Connecticut Journal of International Law Vol. 14 Fall. 393-405. [This article examines the interaction between corruption, governance, and economic growth in Northeast Asia and points out the inadequacy of "arms-length" principle definition of corruption espoused in international financial institutions]

Organisation of Economic Cooperation and Development. (1997). *Commentaries on the Convention on Combating Bribery of Officials in International Business Transactions Adopted by the Negotiating Conference on 21 November 1997*, [http://www.oecd.org/oe\\_cd/pages/home/displaygeneral/0,3380,EN-document-88-3-no-no-7441-88,00.html](http://www.oecd.org/oe_cd/pages/home/displaygeneral/0,3380,EN-document-88-3-no-no-7441-88,00.html). [This interpretative notes include the definitions of "active bribery," "passive bribery," and "facilitating payments" under the OECD Convention]

Organisation of Economic Cooperation and Development. (1998). *Principles for Managing Ethics in the Public Service: OECD Recommendation, PUMA Policy Brief No. 4*. pp. 6, <http://www.oecd.org/pdf/M00003000/M00003726.pdf>. [This Recommendation calls for the promotion of government action to support high standards of conduct and combat corruption in the public sector]

Organisation of Economic Cooperation and Development (1999). *Fighting Corruption in Developing Countries and Emerging Economies: The Role of the Private Sector*, 7 pp, Washington. [A briefing paper from a conference held in conjunction with the United States Agency for International Development]

Organization of American States (1996). *Inter-American Convention against Corruption*. International Legal Materials Vol. 35. 724-734. [This multi-lateral agreement is aimed at eliminating bribery and corruption in public officials]

Organization of American States (2001). *Resolution: Enhancement of Probity in the Hemisphere and Follow-up on the Inter-American Program for Cooperation in the Fight against Corruption*, <http://www.oas.org>. [This web site article resolves to continue to urge member states of the OAS to ratify the OAS Convention]

Organization of Economic Cooperation and Development. (1997). *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*, <http://www.oas.org>. [This web site article explains the extensive multi-lateral agreement on corruption that provides countries with guidelines for implementing legislation]

Organization of Economic Cooperation and Development (2000) *No Longer Business as Usual: Fighting Bribery and Corruption*, <http://www.oas.org>. [This web site article provides the key elements needed to build and preserve corruption-free institutes, systems, and private enterprises]

Organization of Economic Cooperation and Development (2000). *Anti-Corruption Web Online*, [http://www.oecd.org//daf/nocorruptionweb/Corruption/prev\\_ini.htm](http://www.oecd.org//daf/nocorruptionweb/Corruption/prev_ini.htm). [This web site provides governments, businesses, civil society, international organizations, and individuals with information they need to implement better policies and actions to fight corruption]

Organization of Economic Cooperation and Development (2000). *Guidelines for Multinational Enterprises*, <http://www.oas.org>. [This web site article provides recommendations addressed from governments to multinational enterprises]

- Pink, D. (1990). The Valdez Principles: Is What's Good for American Good for General Motors? *Yale Law and Policy Review* Vol. 8. 180-195. [This article explains the use of corporate codes of conduct to fight apartheid in South Africa]
- Posadas, A. (2000). Combating Corruption under International Law. *Duke Journal of Comparative and International Law* Vol. 10. 345-414. [This article revisits the history of international law's anti-corruption efforts in order to generate questions about the current status and future direction of the fight against corruption under international law]
- Rajagopal, B. (1999). Corruption, Legitimacy and Human Rights: The Dialectic of the Relationship. *Connecticut Journal of International Law* Vol. 14. 495-507. [This article looks at the process of development and democratization and the consequent effects on government legitimacy with respect to corruption]
- Rakesh, M. and Goswami, O. (1996). *Policy Reform in India*, Paris, France, OECD Development Centre Seminars. [These papers provide particular insight into external liberalization, public-sector restructuring and legal reform]
- Rider, B. (1997). *Corruption: The Enemy Within*, 363 pp., Boston, Kluwer Law International, The Hague. [This book is a compilation of articles regarding corruption]
- Rose-Ackerman, S. (1999). Political Corruption and Democracy, *Connecticut Journal of International Law* Vol. 14 Fall. 363-378. [This article asserts that democratic forms of government do not necessarily succeed in preventing corruption]
- Salbu S. (1999). The Foreign Corrupt Practices Act as a Threat to Global Harmony. *Michigan Journal of International Law* Vol. 20. 419-449. [This article argues that unilateral application of FCPA causes greater problems than benefits because it will be perceived as a new form of imperialism given considerable diversity across nations with regard to local and national cultural elements in corruption]
- Salbu, S. (2000). A Delicate Balance: Legislation, Institutional Change, and Transnational Bribery. *Cornell International Law Journal* Vol. 33. 657-688. [This article distinguishes anti-corruption efforts that focus on large-scale from those that focus on small-scale bribes and finding that the latter raise problems of cultural relativism]
- Salbu, S. (2001). Information Technology in the War against International Bribery and Corruption: The Next Frontier of Institutional Reform. *Harvard Journal of Legislation* Vol. 38. 67-102. [This article explains the value of increasing transparency through the use of expanded information technology access in the developing world]
- Schloss M. (2000). Symposium Fighting International Corruption and Bribery in the 21st Century, Luncheon Address. *Cornell International Law Journal*. Vol. 33, 469-X [This article argues that effective anti-corruption initiatives require the involvement of all parties concerned and "home-grown and tailor-made solutions"]
- Scott J. (1969). The Analysis of Corruption in Developing Nations. *Comparative Studies of Society and History* Vol. 11. 315-341. [This article advocates the revisionist view of corruption]
- Scott J. (1972). *Comparative Political Corruption*, 166 pp, Englewood Cliffs, NJ, Prentice Hall. [This book introduces the key theories and concepts of political corruption in the functional-integrationist revisionist approach].
- Seita, A. (1997). Globalization and the Convergence of Values. *Cornell Journal of International Law* Vol. 30. 429-491. [This article discusses the need for a leading role by the developed world in managing globalization efforts around the world]
- Sethi, S. and Williams, O. (2000). Creating and Implementing Global Codes of Conduct: An Assessment of the Sullivan Principles as a Role Model for Developing International Codes of Conduct – Lessons Learned and Unlearned. *Business and Society Review* Vol. 105. 169-200 [This article examines the Sullivan Principles in detail and suggesting practical monitoring tools for implementing the principles in modern corporate codes of conduct]
- Shaw, B. The Foreign Corrupt Practices Act and Progeny: Morally Unassailable. *Cornell International Law Journal* Vol. 33. 689-709. [This article looks at the business benefits of implementation of the FCPA and arguing that a less corrupt trading environment would benefit businesses generally]
- Shliefer, A. and Vishny, R. (1993). Corruption. *Quarterly Journal of Economics* Vol. 108. 599-617 [This

article considers the structure of government institutions and the political processes significant in accounting for the level of corruption and explains that the distortionary effect of corruption deters development in less developed countries].

Surjuadinata, K. (1998). Revisiting Corrupt Practices from a Market Perspective. *Emory International Law Review* Vol. 12. 1021-1090. [This article describes the negative effects that corruption has on international investment and financial development]

Transparency International. (1999). Bribe Payers Survey 1999. [This bribe payers survey include the results from fourteen emerging market economies, that together account for more than three fifths of imports of all emerging market economies]

Transparency International. (2001). The Integrity Pact Status Report, 208 pp. Berlin. [This report applies anti-corruption agreements between States and corporations around the developing world and implementing monitoring and evaluation systems]

Transparency International. (2002). Bribe Payers Index 2002. [This bribe payers index summarizes results of surveys conducted in fifteen large emerging market countries engaged in trade and investment with multinational corporations]

Transparency International and Economic Development Institute of the World Bank. (1998). *New Perspectives on Combating Corruption*, Kuala Lumpur, Malaysia. [This book is a compilation of articles that reflect the recent international anti-corruption discourse with an emphasis on the impact of corruption on economic development]

Tronnes, R. (2000). Note: Ensuring Uniformity in the Implementation of the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. *George Washington International Law Review* Vol. 33. 97-130. [This article explains the “functional equivalence” standard by examining individual State application of anti-corruption rules]

United Nations. (1975). Measures against Corrupt Practices of Transnational and Other Corporations, Their Intermediaries and Others Involved. G.A. Res. 3514, U.N. GAOR, 13th Session, Supplement No. 34, U.N. Doc. A/RES/3514. [This resolution condemns “all corrupt practices” by transnational corporations and calls for the adoption of domestic legislation against corrupt practices by host and home states within their own jurisdiction]

United Nations. (1976). Corrupt Practices, Particularly Illicit Payments, in International Commercial Transactions. U.N. Doc. E/RES/2041. [This resolution decides to create an Ad Hoc Intergovernmental Working Group on the issue of corrupt practices]

United Nations. (1977). Corrupt Practices, Particularly Illicit Payments, in International Commercial Transactions, U.N. ESCOR, 63rd Session, U.N. Doc. E/RES/2122 (LXIII). [This resolution reaffirms the highest priority assigned to the formulation of a code of conduct on transnational corporations and requires the Ad Hoc Intergovernmental Working Group on the Problem of Corrupt Practices to submit its report on a draft international agreement for corruption prevention to the UNCTC as well as the ECOSOC]

United Nations. (1995). Action against Corruption. U.N. ESCOR, 49th Plenary. meeting, U.N. Doc. E/1995/14. [This resolution urges states to take comprehensive anti corruption measures and to promote international cooperation for corruption prevention]

United Nations. (1997). Declaration against Corruption and Bribery in International Commercial Transactions, 51st Session, 86th plenary meeting. [This report presents a basic model definition of the elements of bribery, in both its “passive” and “active” form]

United Nations. (1997). International Code of Conduct for Public Officials, 51st Session 82nd plenary meeting. [This report sets standards for public officials so they will not take advantage of their positions in order to make private profit]

United Nations. (1998). International Cooperation against Corruption and Bribery in International Commercial Transactions, 52nd session, 70th plenary meeting. [This report urges member states to adopt the 1996 Declaration, particularly the portions that deal with the criminalization of bribery practices]

United Nations. (2000). United Nations Convention against Transnational Organized Crime. 34pp. [Online] Available [http://www.uncjn.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_eng.pdf](http://www.uncjn.org/Documents/Conventions/dcatoc/final_documents_2/convention_eng.pdf). [This

convention includes provision that calls for the criminalization of corruption and the adoption of measures against corruption]

United Nations. (2001). *An Effective International Legal Instrument against Corruption*, 55th Session, 81st plenary meeting. [This resolution reiterates the request to establish an intergovernmental expert group for a draft terms of reference for the negotiation of an international convention against corruption and requests the Secretary-General to conduct an analysis of progress in national and international efforts to combat corruption]

United Nations. (2001). *Preventing and Combating Corrupt Practices and Illegal Transfer of funds and Repatriation of Such Funds to the Countries of Origin*, 55th Session, 87th plenary meeting. [This resolution seeks to establish an intergovernmental expert group to draft the terms of reference for the negotiation of a future international convention against corruption and has an attachment including a useful list of international legal instruments, documents, and recommendation against corruption]

United Nations Commission on Transnational Corporations. (1976). *Report on the Second Session*. ESCOR, 61st Session, Supplement No. 5, U.N. Doc. E/5782 & E/C.10/16 [This Report confirm that the formulation of a code of conduct on transnational corporations should be given “highest priority” while recognizing that the issue of corrupt practices should be addressed “on a priority basis”]

United Nations Conference on Trade and Development: Division on Transnational Corporations and Investment (1996). *Transnational Corporations and World Development*, ITB Business Press. [This volume brings together the introductions from the twenty-volume “United Nations Library on Transnational Corporations” in order to provide a state-of –the-art overview of the whole range of issues related to transnational corporations, especially in developing countries]

United Nations Development Programme. (1997). *Corruption and Good Governance*. Discussion Paper No. 3. [This paper studies corruption, isolating its underlying economic causes in the industrial and developing world, and assesses options for combating corruption]

United Nations Development Programme. (1997). *Corruption and Integrity Improvement Initiatives in Developing Countries*, New York. [This report describes methods by which corruption can be addressed other than through democratic strengthening]

United Nations Development Programme. (1999). *Fighting Corruption to Improve Governance*, New York. [This paper defines corruption as the misuse of public power and links corruption to poor governance and weak institutions]

United Nations Economic and Social Council. (1980). *Transnational Corporations, India: draft Decision*. 2nd Session, Agenda Item 12, U.N. Doc. E/1980/C.1/L.22 [This draft decision calls for the adoption of a code of conduct on transnational corporations before concluding an international agreement on illicit payments]

United Nations Economic and Social Council. (1997). *Corrupt Practices, Particularly illicit Payments in International Commercial Transactions: Concepts and Issues Related to the Formulation of an International Agreement*. Ad Hoc Intergovernmental Working Group on Corrupt Practices 2nd Session. U.N. Doc. E/AC.64/3. [This document discusses the following three types of illicit payment, (1) expediting payments (2) payment to alter decision-making, and (3) payments to maintaining a favorable climate]

United Nations Economic and Social Council. (1998). *Action against Corruption*, Economic and Social Council 44th plenary meeting. [The resolution updates the U.N. International Review of Criminal law to include recent multilateral anti-corruption initiatives, particularly, the practical impact of recent international initiatives and decides to convene a meeting of governmental experts to examine the appropriateness and effectiveness of the international strategies to combat corruption]

United Nations Economic and Social Council Commission on Crime Prevention and Criminal Justice. (2001). *Existing International Legal Instruments, recommendations and Other Documents Addressing Corruption: Report of the Secretary General*, 10th Session Agenda Item 4. [This report analyzes the current state of international anti-corruption laws]

United Nations Interregional Crime and Justice Research Institute. (2000). *Responding to the Challenges of Corruption: Act of the International Conference*, No. 63, Rome/Milan. [This Conference addressed the relationship between the business world and corruption, as well as its distorting effects on competition]

United Nations Interregional Crime and Justice Research Institute. (2000). <http://www.unicri.it/index.htm>.

[This web site provides a report of the Conference on Responding to the Challenges of Corruption in November 1999, including articles that discuss anti-corruption initiatives in various nations and in international organizations]

United States Department of Commerce. (2000) *Addressing the Challenge of International Bribery and Fair Competition*, July 2000 (Second Annual Report to Congress on the OECD Convention). 136 pp, [http://www.mac.doc.gov/tcc/anti\\_b/oecd20\\_00/](http://www.mac.doc.gov/tcc/anti_b/oecd20_00/) [This report includes the review of enforcement measures under the FCPA as of June 2000]

Vogelson, J. (1996). *Corrupt Practices in the Conduct of International Business*. *International Lawyer* Vol. 30. 193. [This article provides the recommendations and report of the American Bar Association to the House of Delegates, which summarizes U.S. experiences and international initiatives of anti-corruption efforts and recommends the creation of a mechanism for the effective enforcement of these efforts both at the international and the national levels]

Williamson, O. (1997) *The Economic Institutions of Capitalism*, 450 pp, New York, Collier Macmillan Publishers, London. [This book explains the psychological analysis of “contractual man” and the inherent desire to seek opportunity]

Windsor, D. and Getz, K. (2000). *Symposium: Fighting International Corruption & Bribery in the 21st Century: Multilateral Cooperation to Combat Corruption: Normative Regimes Despite Mixed Motives and Diverse Values*. *Cornell International Law Journal* Vol. 33. 731-772. [This article discusses the value of using a “normative regime” to fight corruption]

World Bank. (1995). *Guidelines: Procurement Under International Bank for Reconstruction and Development Loans and International Development Association Credits*, <http://www.worldbank.org>. [This web site article provides the guidelines that inform those carrying out a project that is financed in whole or in part by a loan from the IBRD or credit from the IDA of the arrangements to be made for procuring the goods and works required for the project]

World Bank. (1997). *Guidelines: Selection and Employment of Consultants by World Bank Borrowers*, <http://www.worldbank.org/html/opr/consult/contents.html>. [This guideline include provision prohibiting fraudulent practices and corrupt practices in the use of consultants]

World Bank. (1997). *Helping Countries Combat Corruption: The Role of the World Bank, Poverty Reduction and economic Management*, New York: Oxford University Press. [This report purport to establish a framework to combat corruption in Bank-financed project and to assist developing countries and the international community to curtail corruption]

### **Biographical Sketch**

**Padideh Ala'i** is an Associate Professor of Law at American University Washington College of Law where she specializes in international trade law with particular emphasis on WTO/GATT law. A graduate of Harvard Law School, Professor Ala'i has practiced international trade and business law at Jones, Day, Reavis, & Pogue and Reichler, Milton, & Medel in Washington D.C. Prior to joining the faculty of American University, she represented developing country governments, including, Guyana, Nicaragua, Uganda, China and the Philippines, in negotiations with multinational corporations, foreign investors, and lending institutions, such as the World Bank, the Inter-American Development Bank, OPIC and U.S. Export/Import Bank, as well as in international arbitrations and before a WTO dispute settlement body. Similarly, Professor Ala'i has represented multinational corporations in international business transactions. Professor Ala'i has co-authored a book published by Research Center of the State Council of the People's Republic of China entitled: *Role of Law in a Market Economy: The US Legal System as a Case Study* (1993). Professor Ala'i's recent publications have concentrated on issues relating to the WTO and include “*Free Trade or Sustainable Development: An Analysis of the WTO Appellate Body's Shift to a more Balanced approach to Trade Liberalization*”, 14 *American University International Law Review* 4 (1999); “*Judicial Lobbying at the WTO: The Debate over the use of amicus curiae briefs and the U.S. Experience*”, 24 *Fordham Journal of International Law* (Nov-Dec. 2000); “*A Human Rights Critique of the WTO: Some Preliminary Observations*”, 33 *George Washington University International Law Review* 3 & 4 (2001).