



Part I: Shifting from High to Low Corruption and Reducing Corruption

Part II: Introduction to the International Anti-Corruption Treaties

Combating Corruption

Class 6

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NETFLIX

LINE OF DUTY



Another Good Anti-Corruption TV Series
--Line of Duty: a UK police unit dedicated to fighting corruption among police officers.



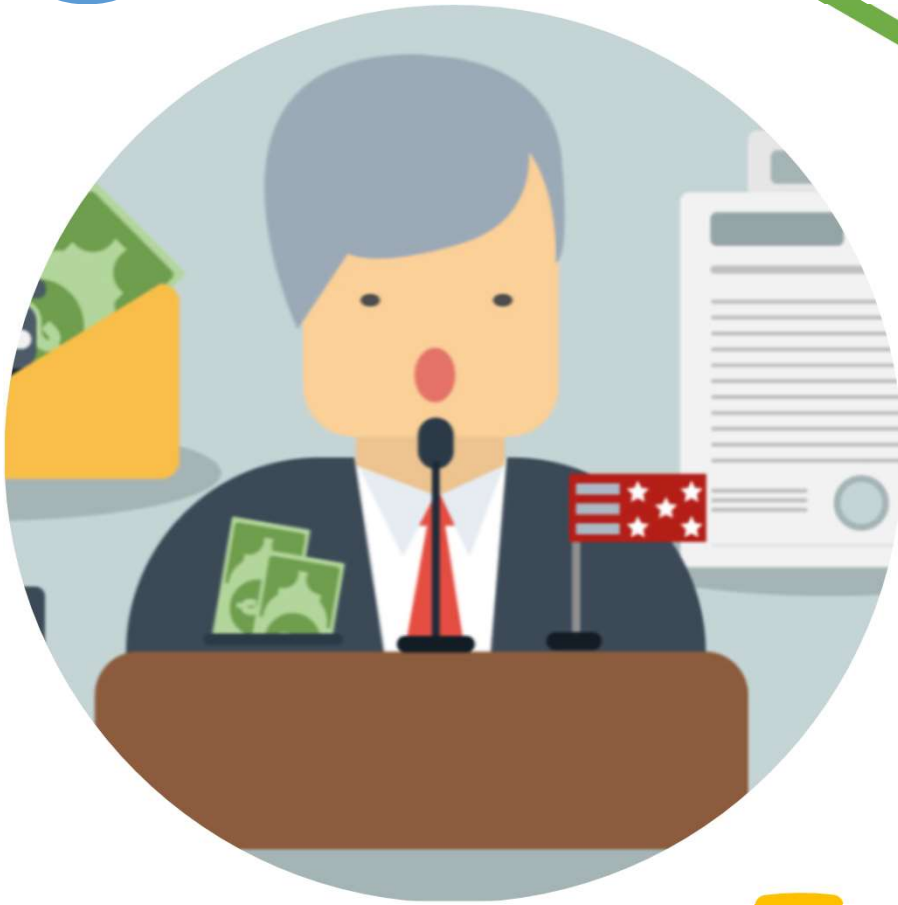
Chapter 8 of CORRUPTION: WHAT EVERYONE NEEDS TO KNOW.

How Do Countries Shift from High to Low Corruption?

Some Factors that Can Produce Change

- Disrupting the equilibrium or status quo of tolerance toward corruption.
- Voters may demand change.
- External actors may intervene & impose change.
- Political leaders may make changes themselves.





Why do voters
reelect corrupt
politicians?

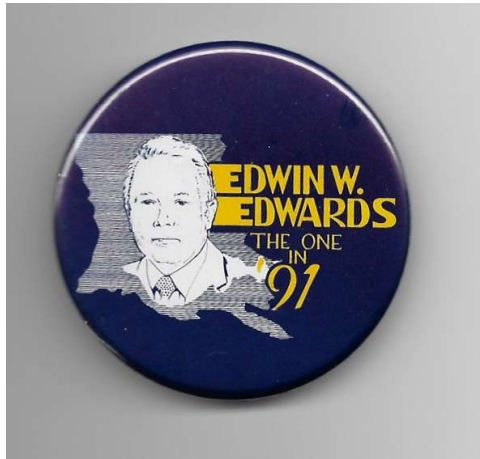


Explanations for High Rate of Reelection of Politicians with Corruption Problems

- Textbook examples from Italy, Japan, Brazil, Mexico.
- Left: U.S. Congressman William Jefferson was reelected after the FBI found US\$90,000 in bribery proceeds in Jefferson's freezer. He eventually pled guilty to 11 corruption counts.
- Perhaps voters have higher priorities than eliminating corruption?
 - If corrupt politician is seen as effective, voters may tolerate his/her legal problems.
- Clientelism & patronage. Some communities are "co-dependent system[s] based on close personal ties where concessions are traded in return for votes, bribes, or other kind of support." [Vuk Vuković, Corruption and re-election: how much can politicians steal before getting punished?, Journal of Comparative Economics Vol. 48, No. 1, March 2020, Pages 124-143.](#)
- Popular skepticism about allegations; suspicion that anti-corruption authorities work for elites & entrenched interests.



U.S. Marshals Service mugshot



Edwin Edwards for Governor Louisiana Campaign Button 1991 by Mpls55408, licensed under CC BY-NC 2.0 license.

Former Louisiana Governor Edwin Edwards

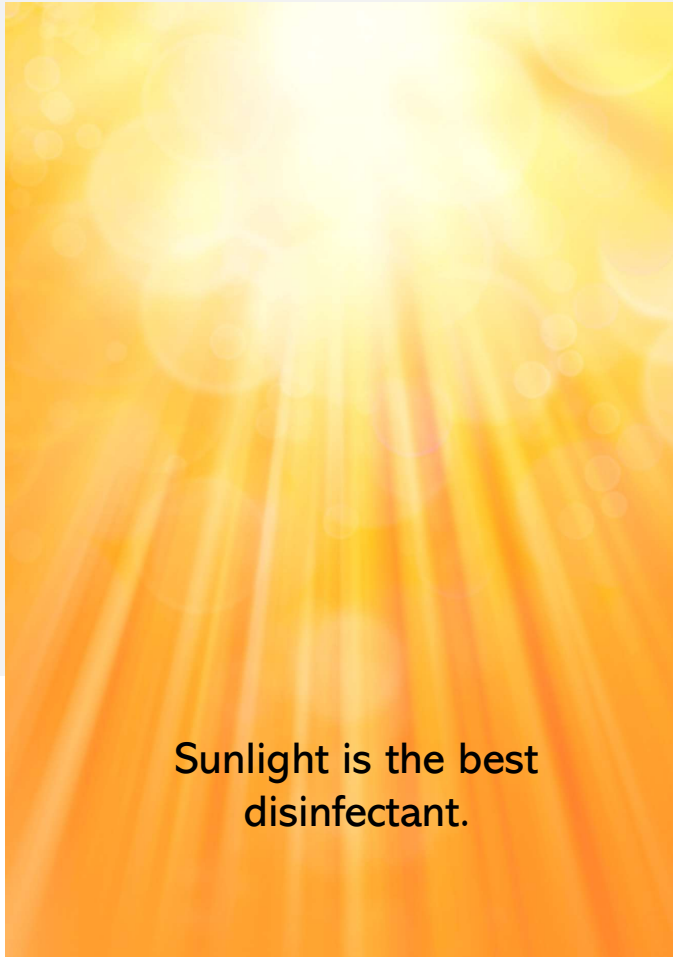
Loveable Rogue?

- 1965 to 1972 - U.S. Representative for Louisiana's 7th congressional district.
- 1972-1980 – Two terms as Louisiana governor.
- 1983 – Elected to 3rd term as Louisiana governor.
- 1985 indictment for alleged \$2 million bribe in exchange for granting preferential treatment to companies dealing with state hospitals. Acquitted.
- 1987 – Defeated in reelection bid.
- 1991 – Elected to 4th term as Louisiana governor.
- 2000 - Found guilty of racketeering & extortion of casino operators. Sentenced to 10 years in federal prison. Released after 8 years served.
- 2014 – Ran for Louisiana's 6th congressional district in the United States House of Representatives.
- Placed 1st in the nonpartisan primary election but was later defeated by Republican.

Infamous ex-con, ex-governor running for Congress, https://youtu.be/V-fK_YviZ5w



Ignorance is bliss.



Sunlight is the best
disinfectant.



Does lack of
information
lead voters to
reelect corrupt
politicians?

- Non-transparent conduct of government fosters corruption.
- Inadequate protection of freedom to share information keeps people in the dark.

Why do voters need to coordinate to get rid of corrupt officials?

- Without collective action, it is very difficult to change the corruption equilibrium.
- Contingent behavior: One's decision about what action to take depends on what one thinks others will do.
- Common knowledge: Through communication & coordination, voters/citizens can reduce the danger & fear of retaliation when they know they are not alone in opposing corruption.
 - Use of social media in Arab Spring anti-government protests & uprisings in early 2010s.
 - Role of press in 1990s reactions of Italian voters to government corruption scandals.





How do external forces trigger the fight against corruption?

- Textbook: external influences can help to change the equilibrium.
- External: From outside the domestic political context.
 - Independent anti-corruption agencies.
 - NGOs.
 - International bodies, e.g., UN Human Rights Commission, International Criminal Court.
 - International sanctions imposed from outside the country.

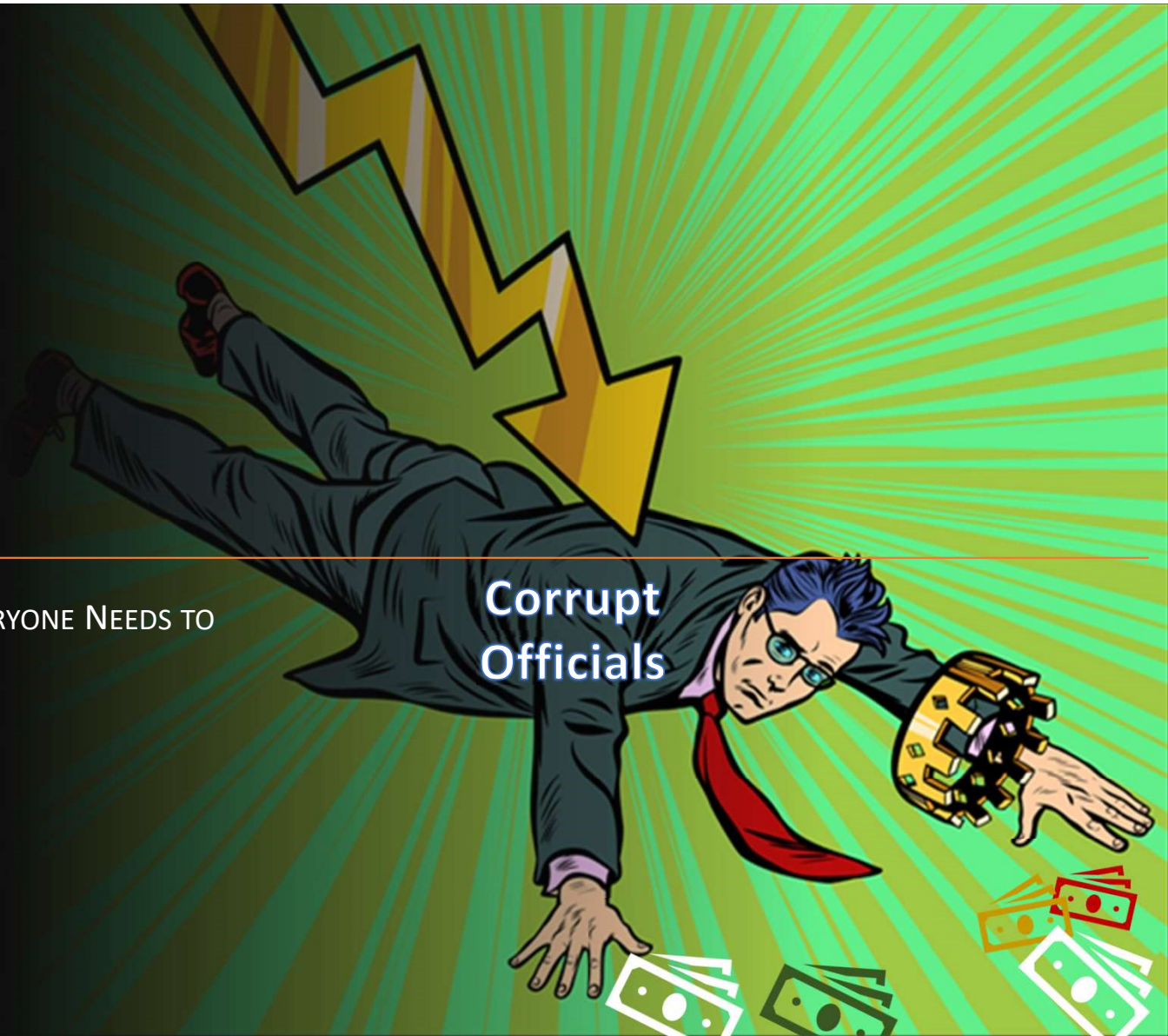


Political Leadership & Crackdowns on Corruption

- Civil servant pay increases.
- Opening files to inspection.
- Vigorous prosecution of corruption
 - Sometimes this happens in an effective and fair manner.
 - But sometimes this is a smokescreen for retaliation against political enemies.
- Sometimes the will to prosecute criminals is genuine, but it is pursued in disregard of the presumption of innocence, civil liberties, & the rule of law.
- Possible paper topic.

What Can Be Done to Reduce Corruption?

Chapter 9 of CORRUPTION: WHAT EVERYONE NEEDS TO KNOW.



**Corrupt
Officials**



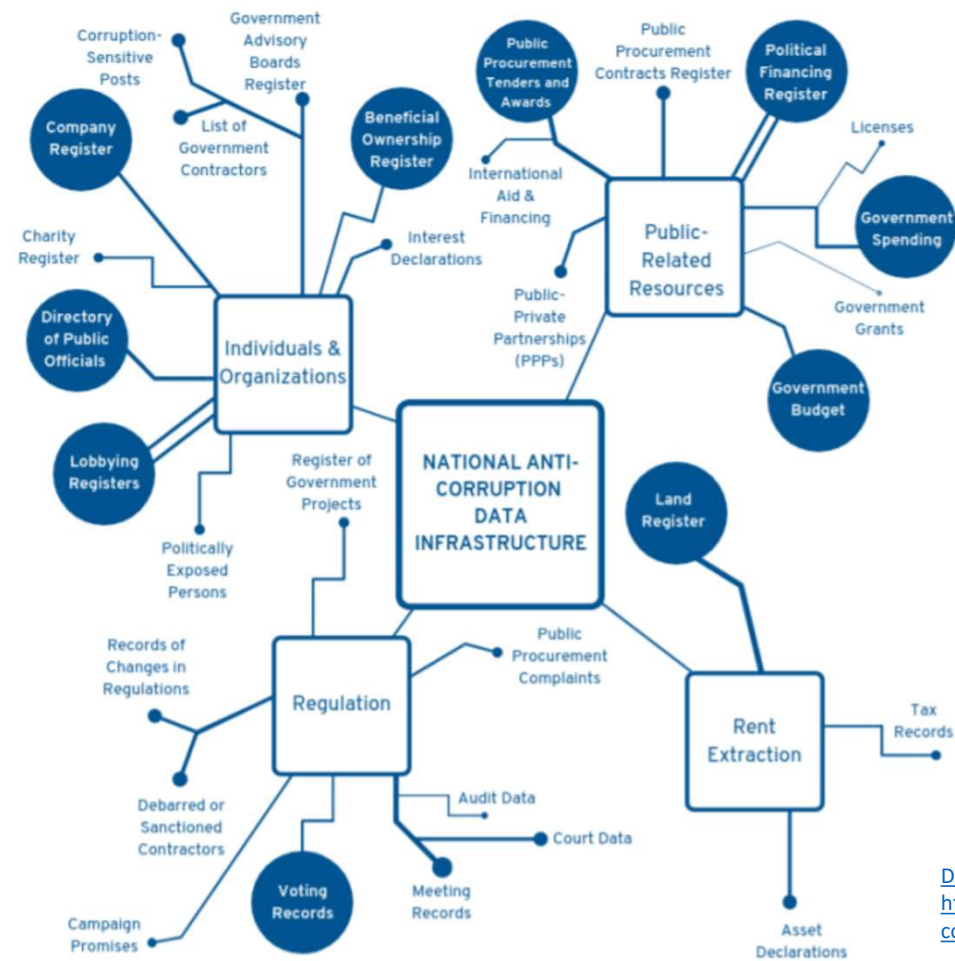
What government policies reduce corruption?

Increase civil servant compensation.
Increase monitoring & enforcement.
Who watches the watchers?
Greater transparency.
Technology will never “solve” the problem, but there are tools (e.g., biometrics) that make it more difficult for government officials to cheat.

Improving the Flow of Information



- Investigative journalists.
- Role of watchdog organizations.
- Freedom of information laws.
- Open data.
 - Availability and Access: the data must be available as a whole and at no more than a reasonable reproduction cost, preferably by downloading over the internet. The data must also be available in a convenient and modifiable form.
 - Re-use and Redistribution: the data must be provided under terms that permit re-use and redistribution including the intermixing with other datasets.
 - Universal Participation: everyone must be able to use, re-use and redistribute - there should be no discrimination against fields of endeavour or against persons or groups. For example, 'non-commercial' restrictions that would prevent 'commercial' use, or restrictions of use for certain purposes (e.g. only in education), are not allowed.
- International Open Data Charter (IODC): A collaboration of >70 governments & organizations has identified 30 key datasets national anticorruption data infrastructure



Delna, "Open Data and the Fight against Corruption."
https://delna.lv/wp-content/uploads/2018/11/OD4AC_LV_Final7.pdf



Does gradual reform work as well as a “big bang” approach?


- Textbook authors suggest that simultaneously moving on multiple fronts is more likely to produce deep and lasting change.

How does norm change occur?

- “To reform a culture of corruption, ... we need somehow to change *everyone’s* beliefs about how to behave all at once.”

Chapter 9, Corruption: What Everyone Needs to Know.



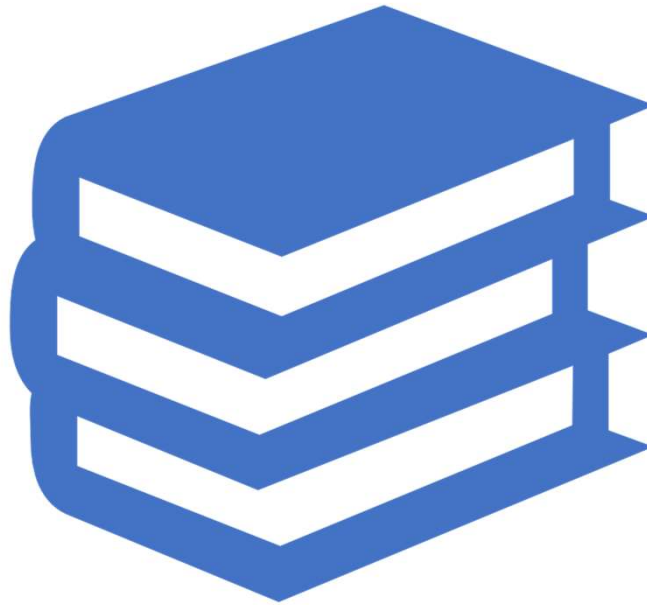


Can political corruption ever be entirely eradicated?

Don't count on it!!
Build structures that
assume that sometimes
bad people will be in
positions of authority.



End of Textbook



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INTERNATIONAL CONVENTIONS ON COMBATING CORRUPTION



- [1996 Organization of American States – Inter-American Convention against Corruption](#)
- [1997 European Union—Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union](#)
- [1997 Organization for Economic Co-operation and Development \(OECD\)—Convention on Combating Bribery of Foreign Public Officials in International Business Transactions](#)
- [1999 Council of Europe—Criminal Law Convention on Corruption](#)
- [1999 Council of Europe—Civil Law Convention against Corruption](#)
- [2003 United Nations—Convention against Corruption](#)

International Treaties to Prohibit Bribery & other Forms of Corruption

- United Nations Convention against Corruption (2003/2005)
- United Nations Convention against Transnational Organized Crime
- OECD Anti-Bribery Convention (1997/1999)
- African Union Convention on Preventing and Combating Corruption (2003/2006)
- SADC Protocol Against Corruption (2001/2005)
- ECOWAS Protocol on the Fight Against Corruption(2001/?)



Treaties (continued)

- OAS Inter-American Convention Against Corruption (1996/1997)
- Arab Convention to Fight Corruption (2010)
- COE Criminal Convention on Corruption (1999/2002)
- Civil Law Convention on Corruption (1999/2003)
- EU Convention Against Corruption Involving Officials (197/2005) and Convention on the Protection of the EC Financial Interests (1995/2002)



OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997)

- Art. 1(1): Each signatory state agrees to make it a crime “to offer, promise or give any undue pecuniary or other advantage, whether directly or through intermediaries, to a foreign public official, for that official or for a third party, in order that the official act or refrain from acting in relation to the performance of official duties, in order to obtain or retain business or other improper advantage in the conduct of international business.”





OECD Convention on Combating Bribery of Foreign
Public Officials in International Business Transactions
(1997)

- Art. 2: “Each Party shall take such measures as may be necessary, in accordance with its legal principles, to establish the liability of legal persons for the bribery of a foreign public official.”



OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997)

Art. 3: Signatory states must make
available both criminal and civil sanctions
against violators.

OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997)

- Art. 7: “Each Party which has made bribery of its own public official a predicate offence for the purpose of the application of its money laundering legislation shall do so on the same terms for the bribery of a foreign public official, without regard to the place where the bribery occurred.”





United Nations Convention against Corruption



UNITED NATIONS
Office on Drugs and Crime

UNITED NATIONS CONVENTION AGAINST CORRUPTION



UNITED NATIONS

Preventive anti-corruption policies and practices (Article 5)

- A general provision requiring States to take an effective and coordinated approach to the prevention of corruption.
- Anti-Corruption Policies must **promote the participation of society**, reflect the rule of law and promote the proper management of public affairs.

Preventive anti-corruption body or bodies (Article 6)

- States must ensure the existence of a body or bodies that prevent corruption with sufficient independence, resources and staff to carry out their functions.
- Measures they may take include implementing anti-corruption policies and increasing and disseminating knowledge about prevention of corruption.



Office on Drugs and Crime

UNITED NATIONS CONVENTION AGAINST CORRUPTION



Recruitment, Management and Training of Public Officials (UNCAC Article 7)

- Adequate procedures for selection and training of officials working in “high-risk” areas.
- Adequate remuneration and equitable pay scales.
- Education and training programmes, including specialized **anti-corruption training**.
- Consider taking measures to enhance transparency in funding of political parties and candidates.

Office on Drugs and Crime

UNITED NATIONS CONVENTION
AGAINST CORRUPTION



Conflicts of Interest, Codes of Conduct and Asset Declarations (UNCAC Articles 7 and 8)

National Implementation

- Application of prohibitions and restrictions to public officials.
- Specialised codes of conduct for “high risk” areas.
- Proactive measures to resolve conflict of interests.
- Centralised bodies for the enforcement of conflict of interests and asset declaration standards.



Public Procurement and Management of Public Finances (UNCAC Article 9)

UNCAC Requirements

- Public distribution of information so potential tenderers can prepare and submit applications.
- Use objective and predetermined rules and criteria for public procurement systems.
- Effective system of domestic review, appeal and remedies where rules not followed.
- Specialised training and declaration requirements for staff responsible for public procurement.



Reading for Next Week

Please read the website materials about the U.S. Foreign Corrupt practices Act.

[https://corruptioncourse
.online/us-fcpa-foreign-
corrupt](https://corruptioncourse.online/us-fcpa-foreign-corrupt)

