

**EU Grant Agreement number: 290529**

**Project acronym: ANTICORRP**

**Project title: Anti-Corruption Policies Revisited**

Work Package: WP1. Social, legal, anthropological and political approaches to theory of corruption

**Title of deliverable:** D1.1 State-of-the-art report on theories and harmonised concepts of corruption

## **International Anti-corruption Normative Framework: the State of the Art**

Due date of deliverable: 28 February, 2014

Actual submission date: 28 February, 2014

Second submission date: 10 October, 2014

Author: **Aram Khaghaghordyan**

Hertie School of Governance

Organization name of lead beneficiary for this deliverable: Quality of Government Institute

<b>Project co-funded by the European Commission within the Seventh Framework Programme</b>		
<b>Dissemination Level</b>		
<b>PU</b>	Public	X
<b>PP</b>	Restricted to other programme participants (including the Commission Services)	
<b>RE</b>	Restricted to a group specified by the consortium (including the Commission Services)	
<b>Co</b>	Confidential, only for members of the consortium (including the Commission Services)	

*The information and views set out in this publication are those of the author(s) only and do not reflect any collective opinion of the ANTICORRP consortium, nor do they reflect the official opinion of the European Commission. Neither the European Commission nor any person acting on behalf of the European Commission is responsible for the use which might be made of the following information.*

# **International Anti-corruption Normative Framework: the State of the Art**

Aram Khaghaghordyan  
Hertie School of Governance  
Friedrichstraße 180  
10117 Berlin, Germany



## Introduction

During the last fifteen years we have witnessed rapid development in the effort to combat corruption in the field of international law and corruption became a focus of global governance (Brademas & Heiman 1998; McCoy & Heckel 2001; Wang & Rosenau 2001). In 1996, Former World Bank President, James Wolfensohn, in his famous speech, identified corruption as the governance ‘cancer’ which “diverts resources from the poor to the rich, increases the cost of running businesses, distorts public expenditures, and deters foreign investors. [...] it erodes the constituency for aid programs and humanitarian relief” (Wolfensohn 1996: 10).

Major international organisations joined regional, local, private sector and non-governmental organizations and produced a series of conventions, recommendations, policy statements, codes of conduct and research dedicated to fight corruption (Brademas & Heimann 1998; Camdessus 1998; Rose-Ackerman 1999). The World Bank, the International Monetary Fund, the United Nations, the European Union, the Council of Europe and the Organization of American States were all active in this movement.

More support started to be given to legislative and institutional means of fighting corruption and various regional instruments have been adopted, including the *Inter-American Convention against Corruption* (1996), *Southern African Development Community Protocol against Corruption* (2001), and the *African Union Convention on Preventing and Combating Corruption* (2003). *The Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* has been in force since 1999. Corruption, as a tool of organized crime, was addressed by the *United Nations Convention against Transnational Organised Crime* (UNTOC) and first global agreement comprehensively addressing corruption, i.e. the *United Nations Convention against Corruption* (UNCAC) entered into force on 14 December 2005.

Some authors even argue about the existence of International anti-corruption regime(s) (Von Rosenvinge 2009; Wolf & Schmidt-Pfister 2010), Erkkilä and Piironen speak of “anti-corruption global governance” (2009: 129), while Sampson suggests that we deal with an ‘anti-corruption industry’ or ‘anti-corruptionism’ (2010). Despite these developments and

raised awareness, recent reports show that international instruments are largely ineffective and very few countries are able to control corruption (NORAD 2009, 2011; World Bank 2011).

This Chapter paves the way for the empirical research that will be conducted in WP 10 (Monitoring anticorruption legislation and enforcement in Europe). While WP10 mainly focuses on monitoring and enforcement of anti-corruption legislation in Europe, for the scope of this project, it is necessary to present the global anti-corruption framework. First we look into the main debates in International Relations on norm compliance. We look at the three causal factors that help us explain the origins of norms in relation to anti-corruption introduced by McCoy and Heckel (2001): (1) post-Cold War era; (2) social process, i.e. interaction among actors and diffusion of information; and (3) internal process where 'cognitive and motivational processes of individuals' may contribute to the generation of norms. Using the model developed by Finnemore and Sikkink (1998) on norm's life cycle, we show how international anti-corruption norms took root by tracing the development of various regional and international legal instruments. Finally, the UNCAC is analysed in more detail, as it has been recognised as a reference framework for the fight against corruption, due to which many countries formally adopted ethical universalism as a norm. However, it is a very implementation-heavy document, and requires a strong follow-up monitoring program. We argue that international actors must put in place such a monitoring mechanism; otherwise implementation of *UNCAC* could become an end in itself. However, it is not possible to have significant progress without domestic demand for new rules of the game and public participation in a sustainable mechanism which would prevent the eternal reproduction of privilege.

### **Norm Compliance in International Relations**

By ratifying treaties, states make an explicit and legally binding commitment to abide by and give effect to the normative principles espoused in them. However, there is no guarantee that states will institute the legal protections necessary to secure their international obligations, especially because the institutional characteristics, monitoring mechanisms and substantive content of these treaties vary greatly. International law and international relations literature over the past fifteen years has explored the extent to which states comply with treaties, especially human rights related, and reform their domestic laws and practices in conformity with the norms contained in these (See Abbott 1999; Slaughter et al. 1998). Some scholars

challenged the view that human rights treaties have any demonstrable effect in improving state practices (Hathaway 2002).

A theoretical debate has grown over the efficacy of human rights. This debate is commonly played out between two theoretical extremes – realism and liberalism (Drost 1965: 12). When it comes to the consideration of human rights principles, supporters of realism or liberalism differ in their response to the question of whether human rights principles have a significant influence on decision-making in the political sphere. The realist tradition (See Morgenthau 1948; Waltz 1979) holds that human rights concerns are spurious in the context of political decision-making, or at least subservient to concerns of power and survival (Donnelly 2000: 9-11). Without an overarching authority to check the pursuit of power, the international system is in a perpetual state of anarchy, which cannot be changed (Krasner 1992: 50; Roy 1993: 452). Whereas liberalism (Keohane & Nye 1977; Keohane & Martin 1995) postulates that human rights principles can and do make significant contributions in the field of politics (Falk 2000: 4).

By the late 1990s, constructivism had become the “third debate” in the field and began penetrating most subfields of the discipline, including the study of international human rights (Ruggie 1999; Sterling-Folker 2000; Kubalkova et al. 1998). Alexander Wendt was one of the first influential international relations theorists to take up a constructivist approach. According to Wendt:

“...states do not have conceptions of self and other, and thus security interests, apart from or prior to interaction... [Rationalist] claims presuppose a history of interaction in which actors have acquired “selfish” identities and interests; before interaction...they would have no experience upon which to base such definitions of self and other. To assume otherwise is to attribute to states in the state of nature qualities that they can only possess in society” (Wendt 1992: 401-2).

Greenhill argues, that “an alternative and perhaps more subtle way in which inter-governmental organisations might influence states’ human rights performance is through a socialization effect” (2010: 129). According to Jeffrey Checkel “[r]ecent constructivist work on socialization by international institutions and norms marks a considerable advance” in the study of international relations and that this body of research has moved well beyond the neorealist and neoliberal debate over power and interests (1999). Further, “constructivism argues and empirically documents that the effects of socialization reach deeper” than simply agents’ strategies, penetrating down to “underlying identities and interests” (1999).

Socialization effects refer to behavioural changes that presumably come about through changes in the actors' interests. States might therefore come to respect human rights because they follow a "logic of appropriateness," rather than a "logic of consequences" (March & Olsen 1998). As a result, compliance with human rights norms starts to take on a taken-for-granted quality that is no longer about simply satisfying the demands of the more powerful states in the system (Greenhill 2010: 129). According to Finnemore "[t]he international system can change what states *want*" and, thus, international institutions change state action, "not by constraining states with a given set of preferences from acting, but by changing their preferences" (1996: 5).

Finnemore and Sikkink provide a useful model of what is described as a norm's life cycle that has significant implications for the study of compliance. The life cycle of a norm is said to consist of three-stages, norm emergence, norm cascade and norm internalization (Finnemore & Sikkink 1998: 887-917). The first stage, norm emergence, is characterized by norm entrepreneurs attempting to convince a critical mass of states to adopt a given norm. The second stage, norm cascade, describes a process by which certain states, norm leaders, attempt to convince other states, norm followers, to accept the new norm. The agents of socialisation are states, trans-national advocacy networks, and international organisations (Finnemore & Sikkink 1998: 902). In order to gain acceptance, an international norm must reach a threshold or tipping point, to become "institutionalised in specific sets of international rules and organisations" (Finnemore & Sikkink 1998: 900). The tipping point usually occurs after two conditions are met: Two thirds of all states in the system must have adopted the norm and/or, key states must adopt the norm (Finnemore & Sikkink 1998: 901). The final stage, internalization, is marked by a new norm being 'taken for- granted' and no longer being the subject of debate (Finnemore & Sikkink 1998: 895).

### **Anti-corruption Normative Framework**

In 2001 McCoy and Heckel in the article 'The emergence of a Global Anti-corruption norm', analysed the emergence and development of a global anti-corruption norm and its recognition during the 1990s. McCoy and Heckel (2001: 68), relying on Kowert and Legro (1996) and Finnemore & Sikkink (1998), describe three causal factors help us explain the origins of norms in relation to anti-corruption. McCoy and Heckel consider that the post-Cold War era as the first factor since it allowed better implementation of obligations under international

treaties and increased the demand for control of corruption (2001: 68). McCoy and Heckel argue that the second factor is the social process, i.e. interaction among actors and diffusion of information (information revolution, rising epistemic communities, explosion of new actors and conferences) (2001: 69). International and domestic actors put pressure on governments to make them more accountable and in addition to this states became concerned about their international image and started signing new international treaties against corruption. The third factor is an internal process where 'cognitive and motivational processes of individuals' may contribute to the generation of norms. According to McCoy and Heckel a vast amount of NGOs, and especially Transparency International, play an important role in this (2001: 69). They argue that international and domestic actors should demand and monitor the implementations of commitments, as international norms are largely ineffective without enforcement (2001: 69).

According to McCoy and Heckel, the global recognition of an anti-corruption norm by the year 2000 was primarily attributed to the pivotal role of the *OECD Convention*, while the emergence of the norm itself has been traced back to the 1970s and the domestic context of the United States in the post-Watergate era (McCoy & Heckel 2002). In 1977, the US Government enacted the Foreign Corrupt Practices Act (FCPA), which penalized US corporations for paying bribes in foreign transactions (Sampson 2010: 273). The FCPA amended the Securities and Exchange Act of 1934 and was the first national statute criminalizing bribery of foreign officials. The FCPA also established new accounting obligations as a result of the Securities and Exchange Commission's experience in the investigation of foreign illicit payments. The FCPA had two main components: 1) provisions that make bribing a foreign official a crime (the foreign corrupt practice); and, 2) provisions regarding accounting practices (McCoy & Heckel 2002).<sup>1</sup>

OECD work on international bribery began in 1989, at the initiative of the United States and eight years later OECD and five non-member state countries adopted the *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*.<sup>2</sup> Before the *OECD Convention* came into force in 1999, corruption internationally was

---

<sup>1</sup> The accounting provisions of the FCPA were established to address the concern that companies were concealing improper foreign payments through either off-the-book payments or deceptive accounting practices, such as the maintenance of dual sets of books.

<sup>2</sup> Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, Done at Paris, Dec. 18, 1997, 37 I.L.M. 1. The OECD Convention was signed on November 21, 1997 by the twenty-six member countries of the Organisation of Economic Co-operation and Development and by five non-member countries: Argentina, Brazil, Bulgaria, Chile and the Slovak Republic.

happening in a 'legal vacuum' (Galtung & Pope, 1999: 259). In order to show this point the SEC vs. Siemens case from 2008 can serve as a good example. According to the US Security and Exchange Committee (SEC) prior to 1999, bribery ('useful expenditure') at Siemens was widespread and tax deductible. Since the ratification of the *OECD Convention*, however, corrupt practices have been subject to increased international and domestic scrutiny. The bribery of foreign public officials was legal and tax deductible in Germany on the 14th of February 1999 and illegal and criminally persecuted from the following day illustrates why the *OECD Convention* represents a tipping point in attitudes against corruption in a global context (Katarova 2010).

Transparency International, founded in 1993, emerged as the leading international non-governmental organization (NGO) devoted to combating global corruption, with now more than 100 chapters worldwide working to raise awareness about corruption and devising anti-corruption strategies for business and government with its flagship Corruption Perceptions Index (CPI)<sup>3</sup> (Galtung & Pope 1999; Wang & Rosenau 2001).

Another relevant international development starting in 1994 was the decision of the Organization of American States (OAS) to address corruption and bribery. The *Inter-American Convention Against Corruption (IACAC)* was adopted and opened for signature at the Specialized Conference at Caracas, Venezuela on March 29, 1996.<sup>4</sup> The *IACAC* set itself the broader objective of fighting corruption in governmental affairs and deals with the passive and active aspects of bribery, both internal and external (Posadas 2000).

In 1995, European Union indirectly addressed the issue of corruption in the *Convention on Protection of the European Communities' Financial Interests*.<sup>5</sup> In 1996 the *Protocol to the Convention on the Protection of the European Communities' Financial Interests* was adopted that specifically deals with corruption involving national and Community officials which damages, or is likely to damage, the European Communities' financial Interests, however it was narrow in scope, as corruption was defined exclusively for the purpose of protecting the financial interests of the European Communities. In May 1997 a *Second Protocol to the Convention on the Protection of the European Communities' Financial Interests* was adopted

---

<sup>3</sup> Transparency International's (TI) *Corruption Perceptions Index*, available at: <[http://www.transparency.org/policy\\_research/surveys\\_indices/cpi](http://www.transparency.org/policy_research/surveys_indices/cpi)>.

<sup>4</sup> The *IACAC* entered into force on 6 March 1997 and 33 States are Parties to this Convention.

<sup>5</sup> This Convention deals with fraud affecting Community revenue and expenditure and, as definition of fraud covers also the corrupt act of the embezzlement of the funds of the European Communities, says that Member State shall take the necessary and appropriate measures to transpose it into their national criminal law in such a way that this conduct constitutes criminal offence.

that intended to further supplement the Convention by requiring States to ensure that legal persons can be held liable and punished accordingly for fraud, active bribery and money laundering which damage or are likely to damage European Communities' financial Interests. In 1997, the Council of the EU adopted a very important *Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union*. It requires Parties to criminalize the request or receipt by a public official of any advantage or benefit in exchange for the official's action or omission in the exercise of his functions ("passive bribery"), as well as the promise or giving of any such advantage or benefit to a public official ("active bribery").

In 1998 the Council of Europe adopted the *Criminal Law Convention on Corruption* (entered into force 1 July 2002) and in 1999 the *Civil Law Convention on Corruption* (entered into force 1 November 2003), which was the first attempt to define common international rules in the field of civil law and corruption, i.e. civil action to obtain compensation can be initiated by persons who have suffered damage as a result of corruption. In 2003 an *Additional Protocol to the Criminal Law Convention* was adopted, which extended the scope of the *Criminal Law Convention* to arbitrators in commercial, civil and other matters, as well as jurors.

An important actor in the fight against corruption is the Group of States against Corruption (GRECO) that was established in 1999 by the Council of Europe to monitor States' compliance with the organisation's anti-corruption standards. Currently, GRECO comprises 49 member States (48 European States and the United States of America). GRECO's objective is to improve the capacity of its members to fight corruption by monitoring their compliance with Council of Europe anti-corruption standards through a process of mutual evaluation. It helps to identify deficiencies in national anti-corruption policies, prompting the necessary legislative, institutional and practical reforms. GRECO evaluation reports, which are examined and adopted by GRECO, contain recommendations to the evaluated countries in order to improve their level of compliance with the provisions under consideration.<sup>6</sup> Measures taken to implement recommendations are subsequently assessed by GRECO under a separate compliance procedure.<sup>7</sup> So far GRECO has launched four evaluation rounds dealing with

---

<sup>6</sup> The *evaluation process* follows a well-defined procedure, where a team of experts is appointed by GRECO for the evaluation of a particular member. The conclusions of evaluation reports may state that legislation and practice comply - or do not comply - with the provisions under scrutiny. The conclusions may lead to *recommendations* which require action within 18 months or to *observations* which members are supposed to take into account but are not formally required to report on in the subsequent compliance procedure.

<sup>7</sup> One of the strengths of GRECO's monitoring is that the implementation of recommendations is examined in the *compliance procedure*. The assessment of whether a recommendation has been implemented satisfactorily,

specific provisions of the Twenty Guiding Principles (and associated provisions of the *Criminal Law Convention*).

On the African Continent two anti-corruption treaties were adopted in 2001, namely the *SADC Protocol against Corruption* and the *ECOWAS Protocol on the fight against Corruption* and another one in 2003 – *AU Convention on Preventing and Combating Corruption*.

All conventions and international treaties mentioned above provide for measures to prevent corruption, e.g. calling on States to develop and maintain an anti-corruption body, standards for the recruitment of the public sector personal, codes of conduct for public officials, measures to prevent money laundering, means to promote civil society, and higher accounting and auditing standards in the private sector. They also require State Parties to criminalize corrupt practices in domestic jurisdictions. However many provision in these conventions are not obligations, but merely recommendations and many states are reluctant to follow those recommendations. That is why a discussion about ‘genuine effort’ by the states to meet their anti-corruption obligations arises quite often. According to Jorge ‘genuine effort’ should entail more than parliamentary debate and shall include the hearings of experts by Parliament, public hearings with broad representations of civil society and expert reports circulated among the legal community, or, if necessary, referendums (2007: 53).

### **United Nations Convention against Corruption**

The first global agreement comprehensively addressing corruption is the *United Nations Convention against Corruption (UNCAC)*. Previously, corruption, as a tool of organized crime, was addressed in 2000 by the *United Nations Convention against Transnational Organised Crime*. Within the General Assembly there emerged a common understanding that there was the need for an international legal instrument against corruption itself (Webb 2005). *UNCAC* was adopted by the United Nations General Assembly and opened for signatures at a conference in Mexico in December 2003. The ratification of the *UNCAC* has been high on the agenda of the global anti-corruption movement, representing “a crucial step in building a

---

partly or has not been implemented, is based on a situation report, accompanied by supporting documents submitted by the member under scrutiny 18 months after the adoption of the evaluation report.

worldwide framework to combat corruption” (Heimann & Dell 2006: 1). It entered into force on 14 December 2005, after 30 states had ratified it and as of 31 January 2014 has 169 parties.

The objective of the *UNCAC* is to promote and strengthen measures to combat corruption, both domestic and international. It is a very comprehensive and implementation-demanding document, encompassing the most advanced laws and procedures (Mungiu-Pippidi et al. 2011). It is not surprising that the Convention lacks an explicit definition of corruption. This was from one hand because of the fact the states could not agree on a single definition (Babu 2006), but on the other hand it was also thought to leave space for including future forms of corruption. *UNCAC* calls for a much wider range of offences than other anti-corruption conventions and goes well beyond defining corruption mainly as bribery.

*UNCAC* rests on four pillars: Prevention, Criminalization, International Cooperation and Asset Recovery. The majority of the *UNCAC* requirements are practical, however it is necessary to do quite a lot in the way of realising them. States, becoming party to the *UNCAC*, voice their willingness and desire to resist corruption, but the positive effects of such activity are lost quickly, if governments do not take the fulfilment of convention obligations seriously. It requires from the governments of the countries that they join to achieve at least the following:

- Adopt preventive anti-corruption policies and practices;
- Establish and operate preventive anti-corruption body or bodies;
- Establish and enforce Codes of conduct for public officials;
- Establish and operate appropriate systems of public procurement and management of public finances based on transparency, competition and objective criteria;
- Establish public reporting mechanisms; and
- Promote active participation of society in the prevention of and fight against corruption.

Most of the obligations require State Parties to enact new laws or incorporate/amend the existing laws. However, according to Rajesh Babu (2006), obligations, enlisted in different provisions of the Convention, do not carry the same level of power. Babu analyses those provisions and states that there are measures, which could be classified as ‘mandatory’, consisting of obligations to legislate; measures that State Parties ‘must consider applying or endeavour to adopt’; and measures that are ‘optional’. In case the phrase used in a specific provision is “each State party shall adopt”, the provision is mandatory in nature and the States are bound to legislate. On the other hand, if the phrase used is “shall consider adopting” or

“shall endeavour to”, the States are only urged to consider adopting a certain measure or to make a genuine effort to make its legal system compatible. Whereas in the case of optional provisions, the phrase used is “may adopt”. Several articles also contain safeguard clauses which limits the obligations of State parties in case of conflicting “constitutional or fundamental rules”.

While *UNCAC* provides new opportunities and guidance for national policies and anti-corruption measures, it also poses considerable new challenges, for instance the temptation to undertake too many anti-corruption measures at the same time. In order to address the multifaceted phenomenon of corruption, Article 5 of *UNCAC* stipulates, among other provisions, that “*Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.*” As a fundamental preventive provision, Article 5 puts emphasis on a strategic approach and is a gateway for the implementation of *UNCAC* provisions (Hussmann 2007). This article reflects the conviction of the States Parties that anti-corruption measures should be embedded in coordinated policies instead of being carried out in isolation or an ad hoc manner. It also recognises that anti-corruption approaches cannot be confined only to technocratic solutions aimed at fixing certain systemic problems. Rather, it places emphasis on the realm of public policy and thus acknowledges the inherently political nature of anti-corruption work (Hussmann, 2007: 15).

The adoption of the *UNCAC* marked a new era in the history of fight against international corruption. The Convention is the most comprehensive and far-reaching anti-corruption treaty ever adopted by the United Nations. The United Nations and its Member States by adopting the Convention within a short span of two year have proven that the international community means business in relation to its fight against corruption.

The Convention may not end corruption, nor is it perfect. It may also lack the power to enforce its provisions, but the Convention gives the UN the mandate to encourage civil society actions and to devote resources to strive to ensure that the fight against corruption is waged with vigour. The *UNCAC* has a broader mandate than any previous anti-corruption initiative. Unlike any of its predecessors, the Convention has the potential to create and disseminate a truly global anti-corruption movement that will affect governments and businesses in both developing and industrialised countries.

The TI set up a study group in 2006, which examined the implementation of the Convention and in its conclusions pointed to the need for a strong follow-up monitoring program (Heimann & Dell 2006). After slow progress of signatories developing a consensus about the nature of the review mechanism and its terms of reference, the deadlock was resolved in November 2009 at the State Parties meeting in Doha, where the international community called for the adoption of an “effective, transparent and inclusive mechanism for the review of implementation” and signed Resolution 3/1, titled ‘Review Mechanism’. In accordance with article 42 of the terms of reference of the Review Mechanism, there was established the Implementation Review Group as an open-ended intergovernmental group of States parties, which operates under the authority of and must report to the Conference. The functions of the Implementation Review Group are to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention.

*UNCAC* offers a comprehensive reference framework for anti-corruption work and it provides new opportunities to orient policies and anti-corruption measures at national levels. However, it also poses considerable new challenges. The temptation to undertake too many anti-corruption measures at the same time may be reinforced, and the drive to amend or pass ever new laws in line with high international standards might draw attention away from effective implementation of what is already in place (even if it does not live up to the highest standards). In short, implementation of *UNCAC* could become an end in itself instead of serving as a vehicle for strengthening governance systems, accountability and public integrity (Hussman 2007: 25).

## **Conclusion**

Practice shows that many countries ratify international treaties due to pressure of the international community when if not due to pressure from donors directly. Hence this does not mean that their governments and societies are in some state of transition or modernization. Most of them are fairly stable equilibriums. They are not fair societies, fully democratic political systems or mature markets: but they neither undergo a process of institutional change, nor have significant groups pushing for change. These States ratify international treaties following a “logic of appropriateness,” rather than a “logic of consequences.” The practice of modernization as a top down policy thus creates a gap between an official norm and the actual practices and rules of the game in a society. It is by no means certain that the

gap will be filled by the simple passage of time if certain conditions are not met (Mungiu-Pippidi 2012).

Due to the *UNCAC*, many countries formally adopted ethical universalism as a norm. However, *UNCAC* is a very implementation-demanding document, and it requires a strong follow-up monitoring program. What the international community should do to increase its impact is to conceive the *UNCAC* implementation and review as mechanisms to stir collective action. The *UNCAC* can have an impact only if the entire society contributes to a check on the government. Expecting the treaty itself to bring about change is not an option. Strategies must be adapted to needs accordingly: the *UNCAC* is a collection of institutional tools, not all similarly effective or useful, of which some have the potential to become effective weapons, depending on the context. This is true, however, only if local actors choose them and fight the long fight with them (NORAD 2011).

In conclusion, despite the fact that the amount of international anti-corruption norms increased, one can see the lack of academic attention to them, especially in comparison with other fields of corruption related research. There is a need for a comprehensive study that will systematically map and analyse all developments that took place in the international anti-corruption framework, especially in the field of monitoring and enforcement of anticorruption legislation.

## References

- Abbott, Kenneth W. 1999: "International Relations Theory, International Law, and the Regime Governing Atrocities in Internal Conflicts", *93 American Journal of International Law* 361
- Babu, Rajesh 2006: "The United Nations Convention Against Corruption: A Critical Overview", available at SSRN: <<http://ssrn.com/abstract=891898>>
- Brademas, John & Heiman, Fritz 1998: "Tackling International Corruption: No Longer Taboo", *Foreign Affairs* 77 (5): 17–23
- Burgerman, S. D. 1998: "Mobilizing Principles: The Role of Transnational Activists in Promoting Human Rights Principles", *Human Rights Quarterly* 20: 905-923
- Camdessus, Michel 1998: "Address to Transparency International: Good Governance Has Become Essential in Promoting Growth and Stability", *IMF Survey* 27 (3): 36-8
- Checkel, Jeffrey T. 1998: "International Institutions and Socialization 1", ARENA Working Paper Series, Paper No. 99/5
- Donnelly, J. 2000: *Realism in International Relations*, Cambridge University Press, Cambridge
- Drost, P. N. 1965: *Human Rights as Legal Rights: The Realization of Individual Human Rights in Positive International Law*, Leyden: A.W. Sijthoff
- Erkkilä, Tero & Piironen Ossi 2009: "Politics and Numbers. The Iron Cage of Governance Indices", in Cox, Raymond W. (ed.) *Ethics and integrity in public administration. Concepts and cases*, 125–145, Armonk, N.Y: M.E. Sharpe
- Falk, R. A. 2000: *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*, New York: Routledge
- Finnemore, M. 1996: *National Interests in International Society*, Cornell University Press
- Finnemore, M. & Sikkink, K. 1998: "International Norm Dynamics and Political Change", *International Organization*, Vol. 52, No. 4: 887-917
- Galtung, Frederik & Pope, Jeremy 1999: "The Global Coalition Against Corruption: Evaluating Transparency International", in Schedler, Andreas; Diamond, Larry & Plattner, Marc F. (eds.) *The Self-Restraining State*, London: Lynne Rienner
- Greenhill, Brian 2010: "The Company You Keep: International Socialization and the Diffusion of Human Rights", *International Studies Quarterly* 54: 127–145
- Hathaway, Oona A. 2002: "Do Human Rights Treaties Make a Difference?" *Yale Law Journal*, Vol. 111: 1935-2042.
- Hechler, Hannes; Zinkernagel, Gretta Fenner; Koechlin, Lucy & Morris, Dominic 2011: "Can UNCAC address grand corruption? A political economy analysis of the UN Convention against Corruption and its implementation in three countries", U4 Report 2011:2,

available at: <<http://www.cmi.no/publications/file/4226-can-uncac-address-grand-corruption.pdf>>

Heimann, F. & Dell, G. 2006: *Report of TI Study on follow-up process for UN Convention against corruption*, Transparency International Report

Hussmann, Karen (ed.) 2007: "Anti-corruption policy making in practice: What can be learned for implementing Article 5 of UNCAC? Report of six country case studies: Georgia, Indonesia, Nicaragua, Pakistan, Tanzania and Zambia", Anti-Corruption Resource CentreU4 report 1:2007, available at: <<http://www.cmi.no/publications/file/3551-anti-corruption-policy-making-in-practice.pdf>>

Jorge, Guillermo 2007: "The Romanian Legal Framework on Illicit Enrichment", American Bar Association Central European and Eurasian Law Initiative, July 2007

Katzarova, Elitza 2010: "The Emergence of an International Anti-Corruption Regime: The Hidden Hand of Domestic Politics", PhD Program in International Studies, University of Trento, available at: <<http://www.unitn.it/files/download/11108/e.katzarova.pdf>>

Kaufmann, Daniel; Kraay, Aart & Mastruzzi, Massimo 2009: "Governance Matters VIII: Governance Indicators for 1996-2008", *World Bank Policy Research Working Paper* No. 4978

Keohane, Robert O., & Nye Joseph 1977: *Power and interdependence: World politics in transition*, Boston: Little Brown

Keohane, Robert O., (ed.) 1986: *Neorealism and Its Critics*, New York: Columbia University Press

Kowert, Paul & Legro, Jeffrey 1996: "Norms, Identity, and Their Limits: A Theoretical Reprise", in Katzenstein, Peter J. (ed.), *The Culture of National Security: Norms and Identity in World Politics*, New York: Columbia University Press, 451–97

Krasner, S. D. 1992: "Realism, Imperialism, and Democracy", *Political Theory*, Vol. 20, No. 1: 38-52

Kubalkova, Vendulka; Onuf, Nicholas; Kowert, Paul (eds.) 1998: *International Relations in a Constructed World*, M.E. Sharpe

March, James G. & Olsen, Johan P. 1998: "The Institutional Dynamics of International Political Orders", *International Organization* 52 (4): 943-969

McCoy, Jennifer & Heckel, Heather 2001: "The Emergence of a global anti-corruption norm", *International Politics* 38: 65-90

Morgenthau, Hans J. 1948: *Politics Among Nations: The Struggle for Power and Peace*, New York: Alfred A. Knopf

Moroffa, Holger & Diana Schmidt-Pfister 2010: "Anti-corruption movements, mechanisms, and machines – an introduction", *Global Crime* Vol. 11, No. 2: 89–98

Mungiu-Pippidi, Alina 2006: "Corruption: Diagnosis and Treatment", *Journal of Democracy*, vol. 17, no. 3: 86-99

- Mungiu-Pippidi, Alina; Loncaric, Masa & Weinhardt, Michael 2011: "Beyond Good Governance. How Is the International Anti-corruption Legal Framework Performing and Why?" Paper presented at the conference in York 'Rethinking Development in an Age of Scarcity and Uncertainty New values, voices and alliances for increased resilience', available at: <<http://eadi.org/gc2011/mungiu-pippidi-503.pdf>>
- NORAD 2009: "Anti-Corruption Approaches: A Literature Review, Oslo: NORAD, available at: <<http://www.norad.no/en/tools-and-publications/publications/publication?key=119213>>
- NORAD 2011: Contextual Choices in Fighting Corruption: Lessons Learned, NORAD, Report 4/2011, available at: <http://www.norad.no/en/tools-and-publications/publications/publication?key=383808>
- Posadas, Alejandro 2000: "Combating Corruption Under International Law", *Duke Journal Of Comparative & International Law*: 346-413
- Repucci, S 2009: "Maximising the potential of UNCAC implementation: Making use of the self-assessment checklist", Bergen: Chr. Michelsen Institute, U4 Issue 2009:13, available at: <<http://www.cmi.no/publications/file/3484-maximising-the-potential-of-uncac-implementation.pdf>>
- Risse, T.; Ropp, S. C. & Sikkink K. (eds.) *The Power of Human Rights: International Norms and Domestic Change*, Cambridge: Cambridge University Press
- Risse, T. & Sikkink, K. 1999: "The Socialization of International Human Rights Norms into Domestic Practices: Introduction", in Risse, T.; Ropp, S. C. & Sikkink K. (eds.) *The Power of Human Rights: International Norms and Domestic Change*, Cambridge: Cambridge University Press
- Rose-Ackerman, Susan 1999: *Corruption and government: Causes, consequences, and reform*, London: Cambridge University Press
- Roy, D. 1993: "Neorealism and Kant: No Pacific Union", *Journal of Peace Research*, Vol. 30, No. 4: 451-454
- Ruggie, John Gerard 1998: "What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge", *52 International Organisation* 855
- Sampson, Steven 2010: "The anti-corruption industry: from movement to institution", *Global Crime* Vol. 11, No. 2: 261-278
- Slaughter, Anne-Marie et al. 1998: "International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship", *92 American Journal of International Law* 367
- Sterling-Folker, Jennifer 2000: "Competing Paradigms or Birds of a Feather? Constructivism and Neoliberal Institutionalism Compared", *44 International Studies Quarterly* 97
- von Rosenvinge, Alison 2009: "*Global Anti-Corruption Regimes: Why Law Schools may want to take a Multi-Jurisdiction Approach*", *10 German Law Journal* 785-802
- Waltz, Kenneth N. 1979: *Theory of International Politics*, McGraw-Hill

- Wang, H. & Rosenau, J. N. 2001: "Transparency International and corruption as an issue of global governance", *Global Governance*, July: 25-49
- Webb, P. 2005: "The United States Convention Against Corruption: Global Achievement or Missed Opportunity?" *Journal of International Economic Law* 8 (1): 191–229
- Wendt, A. 1992: "Anarchy is what States Make of it: The Social Construction of Power Politics", *International Organization* Vol. 46, No. 2: 391-425
- Wolf, Sebastian & Schmidt-Pfister, Diana (eds.) 2010: *International Anti-Corruption Regimes in Europe. Between Corruption, Integration, and Culture*, Baden-Baden: Nomos
- Wolfensohn, James D. 1996: On Strategic Issues of the World Bank Group, *Transition*, Vol. 7, No. 9-10
- World Bank 2011: "Country-Level Engagement on Governance and Anti-corruption: An Evaluation of the 2007 Strategy and Implementation Plan", Washington, DC: Independent Evaluation Group, The World Bank Group



This project is co-funded by the Seventh  
Framework Programme for Research and  
Technological Development of the  
European Union



## **Project profile**

ANTICORRP is a large-scale research project funded by the European Commission's Seventh Framework Programme. The full name of the project is "Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption". The project started in March 2012 and will last for five years. The research is conducted by 21 research groups in sixteen countries.

The fundamental purpose of ANTICORRP is to investigate and explain the factors that promote or hinder the development of effective anti-corruption policies and impartial government institutions. A central issue is how policy responses can be tailored to deal effectively with various forms of corruption. Through this approach ANTICORRP seeks to advance the knowledge on how corruption can be curbed in Europe and elsewhere. Special emphasis is laid on the agency of different state and non-state actors to contribute to building good governance.

Project acronym: ANTICORRP

Project full title: Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption

Project duration: March 2012 – February 2017

EU funding: Approx. 8 million Euros

Theme: FP7-SSH.2011.5.1-1

Grant agreement number: 290529

Project website: <http://anticorpp.eu/>