

AUTHOR	AUTHOR (URL)	TITLE	TITLE (URL)	CITATION	ABSTRACT (abridged)	DATE OF PUBLICATION	INSTITUTIONAL AFFILIATION (at time of publication)
--------	--------------	-------	-------------	----------	---------------------	---------------------	--

Adeyeye, Adefolake	http://law.smu.edu.sg/faculty/profile/77708/Adefolake-ADEYEYE	Foreign Bribery Gaps and Sealants: International Standards and Domestic Implementation	http://www.ibanet.org/Publications/business_law_international_sept_2014.aspx	Business Law International 15 No. 3 Bus. L. Int'l 169 (2014)	<p>Corruption is a crime that the international community seeks to curb for its detrimental effects on business and society. Many states focus on the demand side of corruption. With the adoption of a series of regional conventions in the 1990s mainly in the Americas and Europe, states began to consider the supply side of corruption. One exception to this rule is the United States, which, since the 1970s, has had foreign bribery laws addressing the supply side of corruption. States in the Asian region joined the fight against foreign bribery in the early 2000s when the Asian Development Bank (ADB) and the Organisation for Economic Cooperation and Development (OECD) devised an anti-corruption action plan for Asia and the Pacific. This article examines the laws in the United Kingdom, US and Singapore for effectively sealing foreign bribery gaps. It shows the willingness and extent states would reach to curb foreign bribery and concludes that states are increasingly going beyond international law requirements to fulfil their obligations to curb foreign bribery.</p>	2014	Singapore Management University School of Law: Adjunct Assistant Professor
--------------------	---	--	---	--	---	------	--

<p>Bean, Bruce W. & MacGuidwin, Emma H.</p>	<p>http://www.law.msu.edu/faculty_staff/profile.php?prof=420</p>	<p>Unscrewing the Inscrutable: The UK Bribery Act 2010</p>	<p>http://mcKinneylaw.iu.edu/iiclr/pdf/vol23p63.pdf</p>	<p>Indiana International & Comparative Law Review 23 Ind. Int'l & Comp. L. Rev. 63</p>	<p>Part I outlines the United Kingdom's leisurely pace of bringing its laws into compliance with the OECD Convention - a process that began on December 17, 1997 and was completed more than thirteen years later on July 1, 2011, when the Bribery Act finally became effective. Part II analyzes three offenses created by the Bribery Act - bribing another person,⁴ requesting or agreeing to receive a bribe, and bribery of a foreign public official. Part III explores what in our view is the most egregious aspect of the Bribery Act, the strict liability corporate crime of failing to prevent bribery, a crime that requires no mens rea and triggers unlimited fines. Parts I to III of this article draw on language from our previous article, <i>Expansive Reach - Useless Guidance: An Introduction to the UK Bribery Act 2010</i>. Part IV probes the expansive scope of what is deemed a "bribe" under the Bribery Act. Once a bribe is alleged, a non-UK business doing only a part of its business in the United Kingdom will be guilty of failing to prevent a bribe even when such bribe was paid by a non-employee or other person over whom the now automatically guilty company has no operational control. In such a case, the sole defense available to the presumptively guilty company is to satisfy the burden of proving that, despite the occurrence of the alleged bribe that it failed to prevent, that company had in place adequate procedures designed to prevent</p>	<p>2013</p>	<p>Michigan State University School of Law: Professor in Business Enterprises & Conductor of Global Law Colloquium & Honorable Russell G. Vineyard, U.S. Magistrate Judge for the N. District of Georgia: Former Law Clerk</p>
---	--	--	--	--	--	-------------	--

<p>Bonstead, Chad</p>	<p>http://www.andrewskurth.com/assets/pdf/bio_ChadBonstead.pdf</p>	<p>Removing the FCPA Facilitation Payments Exception: Enforcement Tools for a Cleaner Business as Usual (COMMENT)</p>	<p>http://www.hjil.org/articles/hji-36-2-bonstead.pdf</p>	<p>Houston Journal of International Law 36 Hous. J. Int'l L. 503</p>	<p>Section II of this comment will address and explain facilitation payments and why it is no longer acceptable to regard them as a normal part of doing business. Section III briefly compares the FCPA's facilitation payments exception with the conscious lack thereof in the U.K. Bribery Act 2010. It also reviews how the OECD has played a role in elevating this topic for debate with the Department of Justice and the public in general. Section IV looks at the current practical and theoretical arguments being made for and against allowing facilitation payments under the FCPA and advocates for prohibiting them. Most importantly, it analyzes the practical implications involved with enforcing a prohibition of facilitation payments under the FCPA and makes four recommendations which would aid in making a prohibition of facilitation payments under the FCPA more effective. Finally, the Conclusion to this Comment briefly compares the likely costs of anti-facilitation payment enforcement efforts with the benefits that stamping them out would achieve.</p>	<p>2014</p>	<p>Andrews Kurth: Associate [Student Comment]</p>
---------------------------	--	---	--	--	--	-------------	---

Brown, H. Lowell	http://maine.law.maine.edu/faculty/profiles/adjunct/brown.html	Extraterritorial Jurisdiction Under The 1998 Amendments To The Foreign Corrupt Practices Act: Does The Government's Reach Now Exceed Its Grasp?	https://www.next.westlaw.com/Link/Document/FullText?findType=Y&series=0283596636&pubNum=198&origin=NationContent=document&transitionType=DocumentItem&contextData=%28sc.DocLink%29	North Carolina Journal of International Law and Commercial Regulation 26 N.C. J. Int'l L. & Com. Reg. 239 (2001)	The 1998 amendments to the FCPA expanded the Act's substantive scope of the FCPA and extended the jurisdictional reach of the government's enforcement powers. This article analyzes the 1998 amendments. Part I of the article provides a historical overview of the FCPA. Part II of the article discusses the OECD Convention. Part III analyzes the United States' 1998 Amendments to the Foreign Corrupt Practices Act. Part IV of the article analyzes the applicability of the FCPA extraterritorially. Part V concludes that while the amendments' importance in conjunction with the OECD Convention largely remains to be seen, it is clear that the enlargement of the extraterritorial effect of the Act's antibribery provisions may prove to be the most significant and challenging foray by the United States into the regulation of international business, certainly since the FCPA was originally enacted.	2001	University of Maine School of Law: Professor of Law
------------------	---	---	---	--	---	------	---

Carr, Indira M.	http://www.surrey.ac.uk/law/people/indira_carr/	The OECD Anti-Bribery Convention Ten Years On	http://papers.ssrn.com/sol3/papers.cfm?abstract_id=140132 <u>6</u>	Manchester Journal of Economic Law 5 Manchester J. Econ. L. 3 (2008)	The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions was adopted in 1997. During the last ten years the OECD has been extremely busy monitoring the implementation of this Convention in contracting states. During this process a number of issues have emerged. This article examines some of these: (1) the role and impact of the functional equivalence approach, (2) the effect of gaps and flexibility surrounding international business transactions and corporate liability, and (3) Article 5 and the defence of necessity available to a State under customary international law in the context of the UK decision to end the BAE investigations.	2008	University of Surrey, UK: Professor of Law
--------------------	---	---	---	--	--	------	---

<p>Celentani, Marco et al</p>	<p>http://www.eco.uc3m.es/english/staff/contact_info/celentani.html</p>	<p>Combating Corruption in International Business Transactions</p>	<p>http://papers.ssrn.com/sol3/papers.cfm?abstract_id=428163</p>	<p>UPF Economic and Business Working Paper No. 670</p>	<p>We analyze the impact of different types of international conventions that require signatory countries to penalize domestic firms that are found to have bribed foreign public officials. We analyze enforcement of penalties under a convention styled after the OECD's 'Convention on Combating Bribery of Foreign Public Officials in International Business Transactions', in which signatory countries commit to prosecuting firms that have bribed public officials of any foreign country. We compare the results with the case in which the convention requires signatory countries to commit to prosecuting firms that have bribed public officials of signatory countries only. We argue that the second type of convention is more likely to ensure enforcement of penalties on firms found to have bribed foreign public officials.</p>	<p>2003</p>	<p>Universidad Carlos III de Madrid: Professor of Economics</p>
-------------------------------	--	--	--	--	--	-------------	---

Chaffee, Eric C.	http://www.utoledo.edu/law/faculty/fulltime/chaffee.html	The Role of the Foreign Corrupt Practices Act and Other Transnational Anti-Corruption Laws in Preventing or Lessening Future Financial Crises	http://moritzlaw.osu.edu/students/groups/oslj/files/2013/02/73.5.Chaffee.pdf	Ohio State Law Journal; 73 Ohio St. L.J. 1283	The most recent global financial crisis resulted in part from a failure of international law. Politicians and other regulators in the United States and abroad failed to effectively work together to create a consistent and proper level of regulation for the financial institutions, the mortgage-backed securities, and the credit default swaps that were at the heart of the crisis. As evidenced by the crisis, the globalization of financial markets within the past few decades has created new systemic risk in which national crises can quickly and easily spread across national borders. In the absence of greater coordination by politicians and other regulators in the United States and abroad, global financial crises are likely to occur with greater regularity and severity as the world continues to become more interconnected. Even if a cohesive web of international financial regulation can be developed, enforcement of the various strands of that web of regulation remains a concern. Remarkably, anti-corruption law has largely been ignored as a necessary component of financial regulatory reform. In the voluminous body of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the term "corruption" is not mentioned once, which is extraordinarily troubling. A robust and comprehensive system of transnational anti-corruption law is required to create stable global financial markets. The realities of an	2012	University of Dayton: Professor of Law
---------------------	---	---	---	---	--	------	--

<p>Corr, Christoph er F. & Lawler, Judd</p>	<p>http://www.whitecase.com/correspondence/</p>	<p>Damned if you Do, Damned if you Don't? The OECD Convention and the Globalization of Anti-Bribery Measures</p>	<p>https://www.nextwestlaw.com/Link/Document/FullText?findType=Y&series=0113417302&pubNum=1276&originConvention=document&transitionType=DocumentItem&contextData=%28sc.DocLink%29</p>	<p>Vanderbilt Journal of Transnational Law 32 Vand. J. Transnat'l L. 1249 (1999)</p>	<p>This article explores the efforts of the international community to battle corruption by focusing on the recently promulgated Organization of Economic and Cooperative Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The authors begin by examining the U.S. Foreign Corrupt Practices Act (FCPA), the precursor to the OECD Convention, and by describing all cases initiated by the government pursuant to the FCPA. The authors then discuss multinational anti-bribery efforts that ultimately led to the adoption of the Convention. The article focuses on the provisions of the Convention as well as the implementing legislation of various signatories. Finally, the authors explains compliance measures that multinational U.S. corporations have adopted to protect themselves from FCPA violations and outlines measures that such corporations can take to ensure compliance with implementing legislation under the OECD Convention.</p>	<p>1999</p>	<p>White & Case: Partner & White & Case: Associate</p>
---	--	--	--	--	--	-------------	--

Cuervo-Cazurra, Alvaro	http://www.cuervo-cazurra.com/	The Effectiveness of Laws against Bribery Abroad	http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1059001	Journal of International Business Studies, 39 J. Int'l Bus. Studies 634 (2008)	I analyze the effectiveness of laws against bribery abroad in inducing foreign investors to reduce their investment in corrupt countries. The laws are designed to reduce the supply of bribes by foreign investors by increasing the costs of bribing abroad. Such increase in costs will make foreign investors more sensitive to corruption and induce them to reduce their investments in corrupt countries. However, I argue that these laws need to be implemented and coordinated in multiple countries to become effective. Otherwise, investors in a country will have incentives to bypass them when competitors from other countries are not bound by similar legal constraints. The empirical analysis shows that investors from countries that implemented the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transaction of 1997 reduced their investments in corrupt countries. Investors from the US, which were bound by the Foreign Corrupt Practices Act of 1977, also reduced investments in corrupt countries, but only after the OECD Anti-Bribery Convention was in place.	2008	Northeastern University: Professor of International Business and Strategy
------------------------	---	--	---	--	---	------	---

Cuervo-Cazurra, Alvaro	http://www.cuervo-cazurra.com/	Who Cares about Corruption?	http://papers.ssrn.com/sol3/papers.cfm?abstract_id=106022 <u>1</u>	Journal of International Business Studies, 37 J. Int'l Bus. Studies 803 (2006)	<p>This paper examines the impact of corruption on foreign direct investment (FDI). It argues that corruption results not only in a reduction in FDI, but also in a change in the composition of country of origin of FDI. It presents two key findings. First, corruption results in relatively lower FDI from countries that have signed the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. This suggests that laws against bribery abroad may act as a deterrent against engaging in corruption in foreign countries. Second, corruption results in relatively higher FDI from countries with high levels of corruption. This suggests that investors that have been exposed to bribery at home may not be deterred by corruption abroad and instead seek countries where corruption is prevalent.</p>	2006	Northeastern University: Professor of International Business and Strategy
------------------------	---	-----------------------------	---	--	---	------	---

<p>D'souza, Anne E.</p>	<p>http://papers.ssrn.com/sol3/cfdev/AbstractByAuth.cfm?per_id=1440366</p>	<p>The OECD Anti-Bribery Convention: Changing the currents of trade</p>	<p>http://papers.ssrn.com/sol3/papers.cfm?abstract_id=158142 <u>9</u></p>	<p>Journal of Development Economics, 97 J. Dev. Econ. 73 (2012)</p>	<p>This paper examines the effects of a watershed anti-corruption initiative – the 1997 OECD Anti-Bribery Convention – on international trade flows. I exploit variation in the timing of implementation by exporters and in the level of corruption of importers to quantify the Convention's effects on bilateral exports. Using a large panel of country pairs to control for confounding global and national trends and shocks, I find that, on average, the Convention caused a reduction in exports from signatory countries to high corruption importers relative to low corruption importers. This suggests that by creating large penalties for foreign bribery, the Convention indirectly increased transaction costs between signatory countries and high corruption importers. I also find evidence that the Convention's effects differed across product categories.</p>	<p>2012</p>	<p>U.S. Department of Agriculture (USDA) - Economic Research Service (ERS): Research Economist</p>
-----------------------------	--	---	---	---	---	-------------	--

Darrough, Masako N.	http://zicklin.baruch.cuny.edu/faculty/programs doctoral/abstract-out-us/profiles/darrough.html	The FCPA and the OECD Convention: Some Lessons from the U.S. Experience	http://papers.ssrn.com/sol3/papers.cfm?abstract_id=555643	Journal of Business Ethics, 93 J. Bus. Ethics 255 (2004)	Although corruption is ubiquitous, attitudes toward it differ among countries. The U.S. had been the only country, until 1997 OECD Convention, with an explicit extraterritorial anti-bribery law. The Foreign Corrupt Practices Act of 1977 employs a two-pronged approach to control the supply side of corruption: (1) anti-bribery provisions and (2) accounting (internal control) provisions. I offer indirect evidence that shows that the FCPA had limited success. The OECD Convention adopts the same two-pronged approach, but is likely to be more successful since it is a multilateral treaty: the signatory nations can effectively form a cartel to reduce the cost of doing business. As with any cartel, however, each multinational corporation has an incentive to deviate. I argue that the main lesson to be drawn from the U.S. experience is that we need, in addition to internal controls, stronger and more effective corporate governance within an appropriate regulatory framework.	2004	City University of New York, Zicklin School of Business: Professor of Accountancy
------------------------	---	---	---	--	---	------	---

<p>Earle, Beverley & Cava, Anita</p>	<p>https://faculty.bentley.edu/details.asp?urlname=beaule</p>	<p>The Penumbra of the United States' Foreign Corrupt Practices Act: Brazil's Clean Companies Act and Implications for the Pharmaceutical Industry</p>	<p>http://srn.com/abstract=2520441</p>	<p>Richmond Journal of Global Law and Business; 13 Rich. J. Global L. & Bus. 439</p>	<p>The Foreign Corrupt Practices Act (FCPA), enacted in 1977, signaled a major philosophical shift in the United States regarding the acceptability of the common business practice of bribing foreign officials. Nonetheless, the reality of such business dealings worldwide did not change until very recently, when the consequences of ignoring the law became subject to enormous fines levied by the Department of Justice (DOJ). No doubt, the FCPA has inspired international efforts to eradicate corruption, national efforts to enshrine anti-bribery concepts in law, and serious efforts to enforce those laws. The Organization for Economic Cooperation and Development (OECD) Convention and the recent U.K. Anti-Bribery law reflect this trend, albeit with mixed success. Not surprisingly, many observers have remained cynical and doubt whether countries with an entrenched culture of corruption would ever change. This article examines Brazil's surprising decision to enact its Clean Companies Law, thereby ending the country's official tolerance of corruption and adding its name to the short list of countries that have taken major steps to change the business culture. It looks at this through the lens of the pharmaceutical industry, considering the preliminary groundwork for the law as established through industry and country codes. Finally this article concludes with some assessments of the efficacy of</p>	<p>Fall 2014</p>	<p>Bentley University; Professor of Law</p>
--	--	--	--	--	--	------------------	---

Engle, Eric	http://humboldt-berlin.academia.edu/EricEngle	<p>I Get by with a Little Help from My Friends? Understanding the UK Anti-Bribery Statute, by Reference to the OECD Convention, and the Foreign Corrupt Practices Act</p>	http://papers.ssrn.com/sol3/papers.cfm?abstract_id=170247	<p>The International Lawyer 44 Int'l Law. 1173 (2011)</p>	<p>The UK Anti-Bribery Act makes both bribery of a public official and private-to-private commercial bribery illegal; it imposes a (strict liability) offense for commercial organizations which fail to prevent bribery by persons associated with them. The Act has extraterritorial effect and applies to transactions of British subjects or on British territory. Commercial organizations may raise the statutory defense of adequate procedures in place to prevent bribery which, if proven, exonerates the commercial organization from the strict liability for bribery by their associated persons. Unlike the FCPA, the UK Act does Not exempt facilitation payments (grease) from coverage. The Act meets and exceeds Britain's obligations under the OECD Anti-Bribery Convention, itself too an outgrowth of the U.S. FCPA and seeks to raise international standards and relies on soft law to do so in tandem with hard law.</p>	2010	<p>Humboldt University of Berlin: Professor of Law</p>
-------------	---	---	---	---	---	------	--

Frecka, Thomas J., et al.	http://business.nd.edu/thomasfrecka/	Trends in the International Fight Against Bribery and Corruption	http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1527470	Working Paper	<p>Over the past decade we have witnessed some early signs of progress in the battle against international bribery and corruption, a problem that throughout the history of commerce had previously been ignored. We begin by summarizing the literature that convincingly argues that bribery is an immoral and unethical practice and that the economic harm it causes falls most heavily on those least able to absorb it. The next section summarizes the main provisions of anti-bribery legislation including the FCPA, the OECD, and the United Nations Convention Against Corruption and the laws of selected countries. We conclude this section with a discussion of the "moral imperialism" argument for not imposing Western laws and values on other cultures. The next section focuses on the roles played by NGOs including Transparency International, the World Economic Forum and the International Chamber of Commerce. We review trends in enforcement and prosecution, including a review of United States' enforcement processes, mechanisms for cross-border legal assistance, a discussion of the distinctive nature of FCPA cases and an assessment of what the future holds for enforcement. The final section focuses on compliance processes for corporations aimed at reducing the risk of FCPA and related violations. This section also addresses the ethics of gift giving and</p>	2009	Notre Dame: Professor of Accountancy
---------------------------	---	--	---	---------------	--	------	--------------------------------------

<p>Gantz, David A.</p>	<p>http://www.law.arizona.edu/faculty/getprofile.cfm?facultyid=41</p>	<p>Globalizing Sanctions Against Foreign Bribery: The Emergence of a New International Legal Consensus</p>	<p>https://a.next.westlaw.com/Document/I586211b15ac911dbbe1cf2d29fe2afe6/Vew/FullText.html?navigationPath=%2FRelatedInfo%2Fv4%2Fkeycite%2Fnav%2F%3Fguid%3DI586211b15ac911dbbe1cf2d29fe2afe6%26ss%3D0106531861&listSource=RelatedInfo&list=CitingReference</p>	<p>Northwestern Journal of International Law and Business 18 Nw. J. Int'l L. & Bus. 457 (1998)</p> <p>This article focuses on the Inter-American Convention Against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Part I of the article begins with a review of the rationale and key legal elements of the U.S. Foreign Corrupt Practices Act. Part II describes recent efforts by the United States to convince other governments and firms of the need for binding, enforceable and universally accepted rules against corrupt payments to foreign public officials. Parts III and IV survey the activities of various governmental organizations and major private sector groups that support international efforts to effectively discourage foreign bribery, respectively. The key sections, Parts V and VI, describe, analyze and critique the two major international conventions, the Inter-American Convention Against Corruption, and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Finally, Part VII discusses the further steps that must be taken to be sure that this recent progress becomes a significant and effective deterrence to foreign bribery.</p>	<p>1998</p>	<p>University of Arizona College of Law: Professor of Law</p>
----------------------------	--	--	---	--	-------------	---

<p>George, Barbara Crutchfield, et al.</p>	<p>http://blj.ucdavis.edu/authors/Barbara-George.html</p>	<p>The 1998 OECD Convention: An Impetus for Worldwide Changes in Attitudes Toward Corruption in Business Transactions</p>	<p>http://papers.ssrn.com/sol3/papers.cfm?abstract_id=235453</p>	<p>American Business Law Journal 37 Am. Bus. L.J. 485 (2000)</p>	<p>The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, as formulated by the Organization for Economic Cooperation and Development (OECD), provides an impetus for worldwide changes in legislation governing international business transactions. The Convention obligates signatory countries to adopt domestic legislation making bribery of foreign public officials a criminal act. Additionally, the Convention emulates the corporate accountability approach of the U.S. Foreign Corrupt Practices Act to detect corrupt payments. The Convention alone is not enough, however, to address other corrosive aspects of corruption. This article examines the strengths of the Convention, analyzes its shortcomings, and recommends that the OECD pursue a multi-faceted strategy to tackle corruption. The strategy should include alliances with other multilateral organizations, international financial institutions, and civil society to develop additional initiatives for educating relevant parties and changing their attitudes about corruption, so that it will be significantly diminished.</p>	<p>2000</p>	<p>California State University, Long Beach - College of Business Administration: Professor of Business Administration</p>
--	--	---	--	--	---	-------------	---

Graves, Courtney		Beyond Good Intentions: The OECD Anti- Bribery Conventio n's Pursuit of Prescriptiv e Enforcem ent (NOTE)	https://www.suffolk.edu/documents/LawJournal/s/Graves.pdf	Suffolk Transnatio nal Law Review; 38 Suffolk Transnat'l L. Rev. 419	Forty nations signed an agreement to internationally combat bribery by foreign public officials under uniformed terms and conditions enforced by the Organisation for Economic Co-Operation and Development (OECD). Unfortunately, the OECD pursued unviable goals of establishing harmony and leveling the playing field because their agreement lacked the power to demand performance. This Note analyzes the Anti-Bribery Convention's implementation and enforcement methods and attempts to indicate the primary causes of its impediments. Specifically, this Note will evaluate the Anti-Bribery Convention's effectiveness and conclude by proposing prescriptive enforcement methods to resolve complications.	Summer 2015	Suffolk University Law School (Student Note)
---------------------	--	---	---	---	--	----------------	---

Harrington , Alexandra R.		Conflicting Trends: Lessons from Current Evaluative Mechanisms in International and Regional Anti- Corruption Systems Regarding Conflicts of Interest	https://a.next.westlaw.com/Document/I6b89fa7cc1d711e28578f7ccc38dcbee/View/FullText.html?navigationPath=2FFoldering%2Fv1%2Fkelly.gibson%2Fcontentainers%2Fuser%2Fe57fbfc460ed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-	George Mason Journal of International Commercial Law 4 Geo. Mason J. Int'l Com. L. 186	<p>The goal of this article is to gain a more robust understanding of how conflicts of interest are treated in international and regional anti-corruption treaty regimes, as well as the trends that can be discerned from evaluations of regime member practices regarding these conflicts of interest measures. At present, only the IACAC, GRECO, the OECD, and the ADB/OECD have significant member state compliance procedures in place, although, as previously noted, the UNCAC and the EU have created mechanisms to undertake member state compliance procedures in the future. The evaluations used by the IACAC, GRECO, the OECD, and the ADB/OECD have gone through several phases to date, and examination of such existing procedures will help to provide an understanding of the conflict of interest situations in individual member states, as well as the collective situation within each regime overall. As such, the evaluation procedures offer important lessons for each of their respective regimes. Furthermore, the lessons and trends from these existing mechanisms offer additional insights and lessons for those regimes that are in the process of implementing review mechanisms in the future.</p>	2013	Albany Law School of Union University: Visiting Assistant Professor
------------------------------------	--	---	---	---	--	------	--

Heifetz, David L.		<p>Japan's Implementation of the OECD Anti-Bribery Convention: Weaker and Less Effective than the U.S. Foreign Corrupt Practices Act (COMMENT)</p>	<p>https://a.next.westlaw.com/Document/1cc7256814a8611db99a18fc28eb0d9ae/View/FullText.html?navigationPath=%2FFoldering%2Fv1%2Fkelly.gibson%2Fcontentainers%2Fuser%2F57fbfc460ed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-</p>	<p>Pacific Rim Law & Policy Journal 11 Pac. Rim. L. & Pol'y J. 209</p> <p>In November 1997, the Organization for Economic Cooperation and Development ("OECD") adopted the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions ("OECD Convention"). The preamble of the OECD Convention states that "bribery is a widespread phenomenon in international business transactions, . . . which raises serious moral and political concerns, undermines good governance and economic development, and distorts international competitive conditions." All member countries signed the OECD Convention and thus were committed to implement it via the passage of domestic legislation by December 31, 1999. The Japanese promulgated new anti-bribery provisions to satisfy the mandates of the OECD Convention. However, when compared to the U.S. Foreign Corrupt Practices Act, the new Japanese provisions continue to put U.S. companies at a disadvantage when competing with Japanese companies in foreign markets. Additionally, the Japanese legislative efforts to date are not in keeping with the spirit of the OECD Convention and are probably insufficient to meet the Convention's standards.</p>	2002	<p>Ars Quanta: Consultant & Director of Operations</p>
-------------------	--	--	--	--	------	--

<p>Henning, Peter J.</p>	<p>http://law.wayne.edu/profile/peter.henning2/?utm_source=poster&utm_medium=campaign=faculty_poster&utm_content=</p>	<p>Public Corruption : a Comparative Analysis of International Corruption Conventions and United States Law</p>	<p>http://papers.ssrn.com/sol3/papers.cfm?abstract_id=298089</p>	<p>Arizona Journal of International and Comparative Law, Forthcoming</p>	<p>The Article compares United States law with three international conventions designed to strengthen significantly domestic laws against public corruption among the signatory nations. It undertakes a detailed analysis of the three conventions adopted by the European Union, the Organization for Economic Co-operation and Development (OECD), and the Organization of American States, and reviews how the conventions seek to define what constitutes corruption. The Article discusses how the three conventions use bribery as the paradigm form of corruption, without considering fully other forms of corruption involving misuse of authority resulting in personal enrichment. The Article then looks at United States law, noting that while federal law on the topic is not entirely consistent and contains no single provision on corruption, the United States has developed a strong anti-corruption law that provides the means to address different forms of corruption. Among the issues that American law deals with that are largely ignored by the international conventions are: (1) whether gratuities that do not meet the requirements of a bribe should also be punished as corrupt; (2) the role of campaign contributions in anti-corruption law; and, (3) how the federal mail fraud statute, which prohibits fraud depriving another of the right of honest services, should be adopted by countries seeking to expand their corruption</p>	<p>2012</p>	<p>Wayne State University Law School: Professor of Law</p>
------------------------------	--	---	--	--	--	-------------	--

<p>Hill, Jennifer G.</p>	<p>http://sydney.edu.au/law/about/staff/JenniferHill/</p>	<p>Prohibiting Bribery of Foreign Public Officials - Implications for Corporate Criminal Liability</p>	<p>http://papers.ssrn.com/sol3/papers.cfm?abstract_id=924150</p>	<p>Company and Securities Law Journal 16 Company & Sec. L.J. 384 (1998)</p>	<p>In the late 1990s, it was announced that Australia would introduce legislation to respond to an OECD Convention for criminalizing bribery of foreign public officials. This was part of a coordinated international OECD initiative. The US had already addressed such issues two decades earlier under the Foreign Corrupt Practices Act of 1977. This paper discusses the rationales for prohibiting bribery of foreign public officials and the scope of the draft Australian provisions, which were designed to enforce the OECD Convention. The paper specifically focuses on the broader implications of the bribery offence for corporate criminal liability. It discusses when payment of a bribe by an employee or officer to a foreign public official may result in corporate criminal liability, and the mechanisms through which corporations might protect themselves from such liability.</p>	<p>1998</p>	<p>University of Sydney (Australia) : Professor of Corporate Law</p>
----------------------------------	--	--	--	---	---	-------------	--

<p>Hills, Lindsey</p>		<p>Universal Anti- Bribery Legislation Can Save International Business: A Comparison of the FCPA and the UKBA in an Attempt to Create Universal Legislation to Combat Bribery around the Globe</p>	<p>http://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1101&context=law-student-publications</p>	<p>Richmond Journal of Global Law and Business; 13 Rich. J. Global L. & Bus. 469</p>	<p>we are facing an epidemic where bribery is infiltrating the international business realm in a way that demands immediate action. The United States has attempted to combat this via the Foreign Corrupt Practices Act ("FCPA") in conjunction with the Organization for Economic Co-Operation and Development ("OECD"). In addition, the OECD's peer-pressure influence resulted in the United Kingdom enacting the U.K. Bribery Act ("UKBA") in 2011. Taken together, these varying acts may have one believing that corruption is facing a solid wall of enforcement legislation. On the contrary, the UKBA and the FCPA contain a multitude of different standards, which require companies to create two separate compliance programs while spending millions of dollars to deal with these discrepancies. The unfair disadvantage to companies trying to comply, as well as the argued competitive disadvantage to companies from the U.K. and U.S. respectively, has led to the need for universal anti-bribery legislation. These two acts set up a solid foundation, however, there needs to be universal alignment in order to successfully combat corruption in the global realm, and achieve international anti-bribery success. In this Article, Part I will compare and contrast the similarities and differences in both acts based on their language, enforcement, and practices. Part II will then discuss the effects these differences in</p>	<p>Fall 2014</p>	<p>University of Richmond School of Law (Student Note)</p>
---------------------------	--	--	--	--	--	------------------	--

Hurst, Melissa Kelly		Eliminating Bribery in International Business Transactions	https://a.next.westlaw.com/Document/I867c5f315ae511dbbd2dfa5ce1d08a25/View/FullText.html?navigationPath=relatedInfo%2Fv4%2Fkeycite%2Fnav%2F%3Fguid%3DI867c5f315ae511dbbd2dfa5ce1d08a25%26ss%3D0106531861&listSource=RelatedInfo&list=CitingReference	<p>Bribery in international business disrupts the local economy, discourages foreign investment, destabilizes friendly foreign governments, and impairs the ability of American firms to compete with foreign firms that are permitted by law not only to pay bribes, but in many instances to deduct the cost of the bribe from their income taxes. Section Two of this paper describes the magnitude and scope of the problem of bribery in international business transactions. Section Three analyzes the application and enforcement of the Foreign Corrupt Practices Act, and provides a brief description of the scandals and investigations leading to its enactment. Section Four examines recent trends toward eliminating bribery and addressing the tax deductibility of bribes in international commercial transactions. Twenty years of U.S. pressure to persuade other countries to criminalize bribery of foreign public officials has resulted in the adoption of the OECD Convention. The OECD Convention represents significant progress toward eliminating bribery of foreign public officials. Regrettably, the OECD Convention fails to prevent foreign firms from deducting the cost of bribes paid from their income taxes. Accordingly, the United States should continue to urge the parties to the OECD Convention, as well as other countries that permit tax deductions for the cost of bribes paid to foreign public officials, to</p>	1997	?
----------------------	--	--	---	--	------	---

Jordan, Jon		<p>The OECD'S Call for an End to "Corrosive " Facilitation Payments and the International Focus on the Facilitation Payments Exception Under the Foreign Corrupt Practices Act</p>	<p>https://a.next.westlaw.com/Document/I8ad8bfdbea8711e08b05fdf15589d8e8/View/FullText.navigations?Path=%2FFoldering%2Fv1%2Fkelly.gibson%2Fcontentainers%2Fuser%2Ffed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-</p>	<p>University of Pennsylvania Journal of Business Law 13 U. Pa. J. Bus. L. 881</p> <p>This article will give a basic outline of the FCPA and the facilitation payments exception. The article will then explore the history behind the exception. The article will discuss the United States' pursuit of an international agreement prohibiting foreign bribery and the resulting OECD Anti-Bribery Convention. The article will then focus on international and domestic disdain over the issue of facilitation payments during the first decade of the Convention. Next, the article will consider the recent OECD Recommendation calling on the prohibition of facilitation payments and the OECD's recent criticisms of the United States with respect to its policies on facilitation payments. The author will then give his prediction that the facilitation payments exception will be eliminated. Finally, the author will provide his recommendation that domestic companies prohibit the use of facilitation payments in the current global anti-bribery environment.</p>	2011	<p>U.S. Securities and Exchange Commission, Foreign Corrupt Practices Unit: Senior Investigations Counsel</p>
----------------	--	--	--	--	------	---

Marshall, Garen S.		Increasing Accountability for Demand-Sides Bribery in International Business Transactions (NOTE)	https://advance.lexis.com/api/permalink/3e0aef4f-8923-4d11-ba45-2dead5e473b4/?context=1000516	New York University Journal of International Law and Policy; 46 N.Y.U. J. Int'l L. & Pol. 1283	<p>is rampant throughout the world, with estimates of \$ 1 trillion of bribes paid per year. Many countries, including the United States, have implemented legislation that attempts to limit such bribery, but the relevant laws generally only criminalize the acts of supply-side bribers (those who offer to pay or actually pay the bribes). In contrast, the conduct of foreign officials who solicit and accept bribes is generally not criminalized under these statutes. This paper argues that the current system of legislation is both ineffective because of its failure to address the actions of those who actively solicit bribes and inequitable because of the disparity in treatment of culpable parties to the bribery transactions. As a remedy for the deficiencies in the current system, I suggest that the Organisation for Economic Co-operation and Development's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention) should be amended to include the offense of soliciting or being bribed. Furthermore, even if the OECD Convention is not amended, OECD Convention signatories should individually amend their international bribery statutes to criminalize demand-side bribery. Principles of international law and current enforcement of OECD-related statutes show that OECD Convention signatories have ample jurisdictional bases</p>	Summer 2014	New York University School of Law (Student Note)
-----------------------	--	--	---	--	--	----------------	---

<p>Morgan, Katherine M.</p>		<p>The Foreign Corrupt Practices Act: Toward a Definition of "Foreign Official" (NOTE)</p>	<p>https://a.next.westlaw.com/Document/Ie0d28093642711e28578f7ccc38dcbee/View/FullText.html?navigationPath=%2FFoldering%2Fv1%2Fkelly.gibson%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-</p>	<p>Brooklyn Journal of International Law 38 Brook. J. Int'l L. 415</p>	<p>Part I of this Note will propose three analytical lenses through which one may examine anti-corruption legislation. Part II will use those lenses to survey comparative anti-bribery measures developed by the Organization for Economic Cooperation and Development ("OECD") Convention on Combating Bribery of Foreign Public Officials in International Business Transactions ("Convention") and also the United Kingdom. Part III will then focus those lenses on the FCPA itself, exploring its history and judicial interpretation. Part IV will examine the specific matter of "foreign official" in light of the general discussion of anti-corruption legislation and consider a definition using the three analytical lenses offered at the beginning of this Note.</p>	<p>2012</p>	<p>Brooklyn Law School [Student Note]</p>
-----------------------------	--	--	--	--	--	-------------	---

<p>Nadipura m, Abhay M.</p>	<p>http://www.lwclawyers.com/abhay-m-nadipura.html</p>	<p>Is the OECD the Answer? It's Only Part of the Solution (NOTE)</p>	<p>https://a.next.westlaw.com/Document/I684c8435bc7b11e28578f7ccc38dcbee/View/FullText.html?navigationPath=%2FFoldering%2Fv1%2Fkelly.gibson%2Fcontentainers%2Fuser%2Ffe57fbfc460ed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-</p>	<p>Journal of Corporatio n Law 38 J. Corp. L. 635</p>	<p>This Note argues that while the Convention may be an integral element in abolishing bribery of foreign public officials, it is only part of the solution due to the inability of the OECD to convince all major economies to sign and implement the Convention. Part II of this Note provides a general overview of bribery in the international context, includes a brief description of the relevant provisions of the Convention, and outlines the success many partycountries--such as the United Kingdom and the United States--have had with implementing the Convention. Part III analyzes various other avenues and methods of international law that the international community can use to persuade RIC to implement the Convention. Finally, Part IV recommends that the international community, as a whole, use alternative methods of international law to pressure RIC into condemning bribery of foreign public officials and explains ways the OECD can alter its practices to allow countries to more easily become parties to the Convention.</p>	<p>2013</p>	<p>Lederer Weston Craig PLC: Attorney [Student Note]</p>
-------------------------------------	--	--	--	---	---	-------------	--

<p>Pacini, Carl & Rogers, Hudson</p>	<p>http://rub.y.fgcu.edu/courses/cpacini/bio.html</p>	<p>The Role of the OECD and EU Conventions in Combating Bribery of Foreign Public Officials</p>	<p>http://www.mendel.ey.com/research/the-oecd-and-eu-conventions-in-combating-bribery-of-foreign-public-officials-1/</p>	<p>Journal of Business Ethics 37 J. Bus. Ethics 385 (2002)</p>	<p>The purposes of this article are to: describe the nature and consequences of bribery (specifically, the undermining of respect for human rights); outline the major provisions of the OECD Convention, and; analyze its role in promoting transparency and accountability in international business. While the OECD Convention is not expected to totally eliminate the seeking or taking of bribes, there are hopes that a uniform set of rules will curtail corrupt behavior, as long as those rules are both enforceable and enforced.</p>	<p>2002</p>	<p>Florida Gulf Coast University (FGCU): Professor of Business & FGCU: Dean, Lutgert College of Business</p>
--	--	---	--	--	--	-------------	--

Rolo, Tanya		Retaking the Helm Against Internation al Bribery: The Facilitating Payments Exception and Sovereign Dominanc e (NOTE)	https://a.next.westlaw.com/Document/1c0761753db011e28578f7ccc38dcbee/View/FullText.html?navigationPath=%2FFoldering%2Fv1%2Fkelly.gibson%2Fcontentainers%2Fuser%2Ffed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-	Fordham Internation al Law Journal 35 Fordham Int'l L.J. 1884	<p>Recently, there has been considerable debate and scholarship regarding the FCPA's provisions. Numerous blogs dedicated to studying FCPA reform and Securities and Exchange Commission ("SEC") enforcement actions under the FCPA have sprung up. Some commentators have proposed amending the statute to remedy the provisions that create a perceived competitive disadvantage. Others have countered this position by arguing that a more permissive statute would destroy US efforts in curbing corruption. This Note evaluates two approaches to amending the FCPA: 1) one to create a more aggressive statute and 2) to establish a more business friendly statute. In this discussion of the FCPA, many scholars and practitioners have centered their criticism and discussion on the usefulness of the Exception. This Note argues that the United States should repeal the Exception, thus creating a more aggressive anti-corruption statute. It emphasizes the disadvantages of employing the Exception, and in light of the Bribery Act, urges the United States to once again lead the fight to curb global corruption. Part I discusses the history and specific provisions of both the FCPA and Bribery Act while highlighting the United States' historical lead in enacting anti-bribery legislation by encouraging the creation of the OECD Convention. Part II details two different</p>	2012	Fordham University School of Law [Student Note]
----------------	--	---	---	---	--	------	--

<p>Rose-Ackerman, Susan & Hunt, Sinead</p>	<p>http://www.law.yale.edu/faculty/roseackermanbio.htm</p>	<p>Transparency And Business Advantage : The Impact Of International Anti-Corruption Policies On The United States National Interest</p>	<p>https://a.next.westlaw.com/Document/16c074799936d11e18b05fdf15589d8e8/View/FullText.html?navigationPath=%2FRelatedInfo%2Fv4%2Fkeycite%2Fnav%2F%3Fguiid%3DI17b21351135011dca59cd37d95b0846e%26cat</p>	<p>New York University Annual Survey of American Law 67 N.Y.U. Ann. Surv. Am. L. 433 (2012)</p> <p>In Part I, the authors introduce the basic legal framework that seeks to constrain corruption in international business. There are three basic sources of legal constraints. The first source derives its authority from the FCPA and its generalization, the OECD Anti-Bribery Convention. The second is the United Nations Convention Against Corruption, which covers a broader range of countries and corrupt activities. Finally, one section of the Dodd-Frank Act requires firms in extractive industries to report payments under rules similar to those governing the Extractive Industries Transparency Initiative, a voluntary effort. In Part II, the authors make their basic argument concerning the proper way to compute the costs for the U.S. economy, as opposed to the costs only to U.S. firms. In Part III, the authors discuss the potential long-term benefits of vigorous enforcement and of ongoing soft-law initiatives. Finally, the authors conclude in Part IV with a return to the Chamber's claims.</p>	<p>2012</p>	<p>Yale Law School: Professor of Law Political Science & Yale Law School: Class of 2013</p>
--	--	--	--	--	-------------	---

<p>Saloufakos-Parsons, Angela</p>	<p>http://lawyers.justia.com/lawyer/angela-saloufakos-parsons-193337</p>	<p>Going for the "Gold": An Application of the OECD Bribery Convention to the Olympic Games Scandal (COMMENT)</p>	<p>https://a.next.westlaw.com/Document/I34cbf08123f211dbb-ab99dfb880c57ae/View/FullText.html?ext.html?navigationPath=%2FFoldering%2Fv1%2Fkelly.gibson%2Fcontentainers%2Fuser%2Ffed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-</p>	<p>California Western International Law Journal 31 Cal. W. Int'l L.J. 297</p>	<p>This Comment examines the scope of the OECD Bribery Convention through an application of the treaty's terms to the Olympic Games Bribery Scandal. Part I provides an overview of the Olympic Bribery Scandal. This section briefly discusses the economic advantages of being a host city. It also provides an overview of the Olympic Games site selection process and describes why this process gives rise to corrupt acts such as the Olympic Games Bribery Scandal. Part II introduces the OECD Bribery Convention, its history and its current status. Part III examines the Olympic Bribery Scandal in light of the OECD Convention. This part explains that, although the OECD Bribery Convention is applicable to the Olympics, there are unresolved issues that call into question the scope of this Convention. Part IV examines the implementation process of the Convention and further discusses how broadening the scope of the Convention will effect its implementation. Part V concludes with a summary of the application of the OECD Bribery Convention to the Olympic Bribery Scandal.</p>	<p>2001</p>	<p>California Western School of Law [Student Comment]</p>
-----------------------------------	--	---	--	---	--	-------------	---

Schroth, Peter W.		The United States and the International Bribery Conventions	https://www.nextwestlaw.com/Link/Document/FullText?findType=Y&serNum=0289654366&pubNum=1433&originContent&transitionType=DocumentItem&contextData=%28sc.Search%29#cop_psp_1433593	American Journal of Comparative Law 50 Am. J. Comp. L. 593 (2001)	<p>This article outlines the history of the United States' relationship with anti-corruption and anti-bribery legislation, specifically the FCPA. The article tracks the development of the FCPA, its ratification and implementation, as well as the international response to the Act. This article ends with the conclusion that the beneficial effect in developing nations of implementation of the OECD and OAS Conventions will not be an immediate reduction of local corruption, or even an immediate increase in foreign investment, but rather perhaps a lowering of the world level of corruption over a longer period, influencing the more corrupt countries by the visible association of reduced corruption and increased wealth.</p>	2001	Rensselaer Polytechnic Institute: Professor of International Finance
----------------------	--	---	---	--	---	------	--

Spahn, Elizabeth	http://www.nesl.edu/faculty/full_time.cfm?facid=38	Multijurisdictional Bribery Law Enforcement: The OECD Anti-Bribery Convention	https://a.next.westlaw.com/Document/140c399798b9e11e28578f7ccc38dcbee/View/FullText.html?navigationPath=%2FFoldering%2Fv1%2Fkelly.gibson%2Fcontentainers%2Fuser%2F57fbfc460ed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-	Virginia Journal of International Law 53 Va. J. Int'l L. 1	Four landmark cases involving OECD Convention enforcement cooperation and competition prosecuting powerful multinational corporations are discussed in this Article. In the BAE case, both enforcement competition and eventually cooperation facilitated prosecutions in both the United Kingdom and the United States. The Siemens case involved enforcement cooperation between Germany and the United States. A series of cases known as TSKJ, involving five multinational corporations and potentially twelve jurisdictions, were referred to the United States by French magistrates, and ultimately involved cooperation between the French, Italian, Swiss, U.K., and U.S. authorities. The Innospec cases were highly coordinated between the United States and the United Kingdom including cooperation in sentencing, with some enforcement competition as the U.K. judge publically criticized the United States for "wholly inadequate" fines given the severity of the crimes.	2012	New England Law School: Professor of Law
------------------	---	---	---	--	---	------	--

Sutherland , Ewan	http://papers.ssrn.com/sol3/cfdev/AbstractByAuth.cfm?per_id=927092	Bribery and Corruption In Telecommunications- Prosecutions Under the Foreign Corrupt Practices Act	http://papers.ssrn.com/sol3/papers.cfm?abstract_id=199513 3	TPRC Conference	<p>This paper reviews bribery and corruption cases in the telecommunications sector where they have been violations of the Foreign Corrupt Practices Act (FCPA). The Act applies to a very broad class of payments, both in money and in kind, made to officials of foreign governments, including the directors and employees of regulatory agencies and state-owned entities (e.g., manufacturers and carriers). The FCPA is explicitly extraterritorial in scope and expansive in its application, including any transaction that involves a US citizen, any company registered in or trading on a stock exchange in the USA or where funds pass through a bank or agent in the USA. The effectiveness of the FCPA has recently been reviewed by the US Senate. In addition to use of the FCPA, there have been some related executive orders and administrative actions. Given the very high value of privatizations and operating licenses (especially for oligopolistic cellular wireless network services) there are obvious temptations to solicit and to offer bribes in cash or in kind. The Organisation for Economic Cooperation and Development (OECD) has identified certain economic sectors in which the public procurement of supply contracts is "particularly prone to corruption", these include armaments, mining and telecommunications. Additionally, the rates charged by some carriers for the termination</p>	2011	University of Witwatersrand, LINK Centre; University of Namur, CRIDS
----------------------	---	--	--	-----------------	---	------	--

Swanson, Todd		<p>Greasing the Wheels: British Deficiencies in Relation to American Clarity in International Anti-Corruption Law (NOTE)</p>	<p>https://a.next.westlaw.com/Document/17b21351135011dca59cd37d95b0846e/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresult%2Fnavigation%2Fid6040600001389fb89419f634b6b6%3FNav%3DANALYTICAL%26fragmentIdentifier%3DI17b21351135011</p>	<p>Georgia Journal of International and Comparative Law 35 Ga. J. Int'l & Comp. L. 397 (2007)</p> <p>This Note demonstrates that Britain's complex and ambiguous statutory language creates doubt as to the enforceability of anti-bribery law on British companies, which may concern competing U.S. companies. Part II of this Note entertains a discussion of the history in international bribery law, including a recounting of the American-led creation of the OECD Convention. Part III contains an in-depth look at each states' implementing legislation, the U.S.'s Foreign Corrupt Practices Act and the U.K.'s corresponding corruption laws. Part IV discusses the adequacy of both the American and British implementations of the OECD Convention, as well as the differences between American and British anti-bribery law. Part V concludes with a recommendation of what actions Britain should take with regard to satisfying its international obligation, including a look at the proposed Draft Corruption Bill that may in fact be a sound implementation of the OECD Convention.</p>	2007	University of Georgia [Student Note]
---------------	--	--	--	---	------	--------------------------------------

<p>Turk, Matthew C.</p>		<p>A Political Economy Approach to Reforming the Foreign Corrupt Practices Act</p>	<p>https://a.next.westlaw.com/Document/1fdd79fdcb83511e28578f7ccc38dcbee/View/FullText.html?navigationPath=%2F%2Foldder%2Fv1%2Fkelly.gibson%2Fcontent%2Fusers%2Fuser%2F57fbfc460ed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-</p>	<p>Northwestern Journal of International Law and Business 33 Nw. J. Int'l L. & Bus. 325</p>	<p>Prohibitions against transnational bribery suffer from a paradoxical problem of simultaneous over- and under-enforcement. On the "supply-side," U.S. enforcement against bribery through the Foreign Corrupt Practices Act (FCPA) is increasingly over-aggressive, while enforcement by other developed economies is nearly non-existent. On the "demand-side," governments of developing economies where bribes take place often have neither an interest in nor the capacity to rein in their corrupt officials. In light of these shortcomings, this Article proposes reforming the FCPA as follows. First, the SEC should cease paying profits disgorged by corporate defendants into the U.S. Treasury. Second, disgorgements should instead be transferred to the Host country where bribery took place, conditional on the Host government's cooperation with the FCPA investigation. And third, if cooperation is not forthcoming, disgorgement proceeds should be transferred to the Organisation for Economic Co-operation and Development (OECD) Working Group--an international organization designed to facilitate the enforcement of the OECD Convention on Combating Bribery. Reforming FCPA enforcement in this manner would re-allocate the proceeds from anti-bribery regulation on a global scale so as to properly align the incentives of the parties involved and provide greater access to the information</p>	<p>2013</p>	<p>?</p>
-------------------------	--	--	--	---	--	-------------	----------

<p>Turk, Matthew C.</p>	<p>http://www.sullcrom.com/lawyers/MatthewC-Turk/</p>	<p>Reforming the Foreign Corrupt Practices Act to Reduce Rent Seeking and Better Deter Transnational Bribery (NOTE)</p>	<p>http://papers.ssrn.com/sol3/papers.cfm?abstract_id=202569</p>	<p>Working Paper</p>	<p>Prohibitions against transnational bribery suffer from a paradoxical problem of simultaneous over- and under-enforcement. This article presents a solution that resolves the political economy dysfunctions of the current enforcement regime and proposes reforming the FCPA as follows: (1) the SEC should cease retaining profits disgorged by corporate defendants; (2) disgorgements should be transferred to the Host country where the bribe took place, conditional on the Host government's cooperation with the FCPA investigation; and (3) if cooperation is not forthcoming, disgorgement proceeds should be transferred to the OECD Working Group</p>	<p>2012</p>	<p>Sullivan & Cromwell, LLP: Associate [Student Note]</p>
---------------------------------	--	---	--	----------------------	---	-------------	---

Tyler, Andrew		<p>Enforcing Enforcement: Is the OECD Anti-Bribery Convention's Peer Review Effective? (NOTE)</p> <p>https://a.next.westlaw.com/Document/Ib055dd70214611e18b05fdf15589d8e8/View/FullText.html?navigationPath=%2FFoldering%2Fv1%2Fkelly.gibson%2Fcontentainers%2Fuser%2Ffed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-</p>	<p>George Washington International Law Review 43 Geo. Wash. Int'l L. Rev. 137</p>	<p>This Note will evaluate the OECD's success in achieving uniform implementation and effective application of its anti-bribery provisions through enforcement in the countries who are party to the Convention. It will argue that after ten years the Convention boasts significant successes in implementation through its peer-review process, but that there are considerable challenges remaining to achieving full compliance.</p>	2011	<p>The George Washington University Law School [Student Note]</p>
------------------	--	--	---	---	------	---

<p>Van Alstine, Michael P.</p>	<p>http://www.law.umaryland.edu/faculty/profiles/faculty.html?facultyname=130</p>	<p>Treaty Double Jeopardy: The OECD Anti-Bribery Convention and the FCPA</p>	<p>https://a.next.westlaw.com/Document/14fdcf5b5f8411e28578f7ccc38dcbee/View/FullText.html?navigationPath=%2F%2Foldering%2Fv1%2Fkelly.gibson%2Fcontentainers%2Fuser%2F57fbfc460ed469b9f381590f431e113%2Fcontents%2FdocumentNavigation%2Fd08e9158-73d5-</p>	<p>Ohio State Law Journal 73 Ohio St. L.J. 1321</p>	<p>My goal here is to explore the effect, if any, of the OECD Convention on the long-standing “dual sovereignty” exception to the prohibition against double jeopardy. The dual sovereignty doctrine is founded in the notion that the establishment of a particular crime arises out of the independent authority of each sovereign—that is, from the bottom up and within the silo of domestic law. At a minimum, this rationale becomes distorted when countries establish a specifically described crime pursuant to an obligation that emanates “downward” from international law, and in specific from a formal international treaty.</p>	<p>2012</p>	<p>University of Maryland Francis King Carey School of Law: Professor of Law</p>
--------------------------------	--	--	--	---	---	-------------	--

<p>Windsor, Duane & Getz, Kathleen A.</p>	<p>http://business.rice.edu/OnlineDirectory/PersonnelDetail.aspx?id=3408</p>	<p>Multilateral Cooperation to Combat Corruption : Normative Regimes Despite Mixed Motives and Diverse Values</p>	<p>https://a.next.westlaw.com/Document/Ib1ca2dc15ad611dbbe1cf2d29fe2afe6/View/FullText.html?navigationPath=Search%2Fv3%2Fsearch%2Fresults%2Fnavigation%2Fi0ad70525000013820254d2e8954efc6%3FNav%3DANALYTICAL%26fragmentIdentifier%3Dib1ca2dc15ad611d</p>	<p>Cornell International Law Journal, 33 Cornell Int'l L.J. 731 (2000)</p> <p>The present anti-corruption conventions may blossom into much broader initiatives, aimed at much more than merely suppressing business bribery of foreign public officials. Indeed, the anti-corruption campaign is gradually becoming, as was always implicit in the FCPA, a campaign for democracy and market-oriented development. Concern includes the effects of domestic corruption in OECD countries; the costs of endemic foreign corruption to OECD multinational enterprises; and the reportedly now epidemic nature of corruption in developing, emergent, and transition economies.</p>	<p>2000</p>	<p>Rice University: Professor of Management & American University: Professor of Management</p>
---	--	---	--	---	-------------	--

<p>Zaheer, Sonia</p>		<p>Brazil's Landmark Clean Company Act: Comparis on to the OECD Anti- Bribery Conventio n and Issues (COMME NT)</p>	<p>https://adv ance.lexi s.com/api /permalin k/6b1dcf1 a-f849- 4b4c-a43d 92c69965 9c51/?con text=1000 516</p>	<p>Pacific McGeorge Global Business & Developm ent Law Journal; 28 Pac. McGeorge Global Bus. & Dev. L.J. 457</p>	<p>In August 2013, Brazil enacted the Clean Company Act, placing administrative and civil liability on legal entities engaging in bribery of public officials. Brazil's enactment of the Clean Company Act is a landmark development with global significance. Despite historically prevalent corruption in Brazil, before the enactment of the Clean Company Act, Brazil's express laws only held individuals liable for engaging in bribery of public officials, not legal entities. This Comment argues that the Clean Company Act generally conforms to, and in several respects, even exceeds the requirements of the OECD Anti-Bribery Convention. However, whether Brazil will successfully meet the expectations of the OECD and those of its people hinges upon Brazil's proper enforcement of the Clean Company Act.</p>	<p>2015</p>	<p>University of the Pacific, McGeorge School of Law (Student Comment)</p>
--------------------------	--	---	---	--	--	-------------	--