International efforts to combat corruption

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Abstract

Attempts to improve the domestic quality of government often involve international arrangements and the fight against corruption is a prominent example. Since the 1990s, anti-corruption pledges, international treaties, soft law arrangements, transnational advocacy campaigns and other commitments have proliferated to control bribery and corruption in a range of contexts. This chapter surveys the literature on the emergence and characteristics of these various initiatives and provides an overview of what is known about their impacts on policy and discourse, law, and behavior. While empirical evidence on the impact of international anti-corruption efforts is mixed, existing studies and directions for future research suggest that the quality of government in highly developed states is crucial when it comes to controlling transnational business bribery, money laundering, and other illicit financial flows.

Keywords: corruption, international anti-corruption treaties, norm diffusion, OECD, United Nations Convention Against Corruption, Organization of American States, African Union, Foreign Corrupt Practices Act, peer review, transnational bribery, money laundering, illicit financial flows, non-state actors as activists

Introduction

Attempts to improve the domestic quality of government often involve international actors. The fight against corruption is no exception. Such efforts are often labeled as matters of good governance. In other instances, corruption has been linked to standards of democracy, to more procedural concerns about the rule of law, and (by some) as a matter of human rights. Irrespective of the framing in individual cases, fighting corruption can be seen as a necessary condition for quality of government: Impartial governance, the gold standard of QoG, is impossible under conditions of systematic corruption, which is always about providing benefits to some at the expense of others (Rothstein and Teorell 2008; Kurer 2005).

After early efforts to address the global challenge of corruption during the 1970s had failed, the issue rapidly gathered momentum during the 1990s. Today, the United Nations Convention against Corruption (UNCAC) has been ratified by 186 states and laws to curb corruption are commonplace around the world. At the same time, however, there is no evidence that quality of government has improved across the board. Corruption remains a crucial challenge for domestic governance as well as international cooperation. This chapter provides an overview of international efforts to combat corruption. It is guided by two broad questions: First, what is known about the emergence and characteristics of the various types of anti-corruption efforts? Second, how do they affect the quality of government?

The remainder of this chapter is divided into two parts. First, the following section surveys global and regional anti-corruption initiatives. This includes non-binding initiatives, such as high-level declarations resulting from regional or global summits. Moreover, anti-corruption is codified in various international treaties as well as in the rules of multilateral institutions. These commitments are briefly described to provide a bird's-eye view. Second, several issues are discussed in more detail: the linkage between international law and domestic implementation; the roles played by international mechanisms to prod governments towards

compliance; and matters relating to the quality of government in OECD countries, which are the only ones that can effectively curtail bribe payments and money laundering. The chapter concludes with a summary and future directions for international anti-corruption research and policy.

What is international about the fight against corruption?

As a prerequisite, one needs to clarify why corruption necessitates an international response in the first place. Most corrupt practices, after all, likely occur within national boundaries. So, what is international about the fight against corruption? This agenda gained momentum in the 1990s in response to a number of global developments (George, Lacey, and Birmele 1999; McCoy and Heckel 2001). Two main factors are often named: the end of the Cold War and the global trend towards democratization. As competition between the blocs ceased to be the primary concern of foreign policy, it was no longer necessary for the major powers to protect allied but deeply corrupt regimes at all costs. The spread of democratic forms of government, at the same time, put pressure on political elites. Freedom of speech and other political rights translated into demands for more accountability, which prompted newly democratic governments to express their commitment to anti-corruption measures. These two trends thus allowed anti-corruption to take hold on the global stage.

In addition to the structural changes, the literature points to several political dynamics. In Europe, the end of the Cold War translated into efforts to admit new members into regional institutions. Seeing a need for harmonization before and during accession, the Council of Europe and the European Union (EC at the time) promoted reforms in the neighborhood. Some authors also point to the role of corruption scandals in Europe and other developed countries triggering public outrage and demands for reform. In the meantime, the United States emerged as a powerful government advocate for anti-corruption in the field of transnational business. US exporters were bound by the 1977 Foreign Corrupt Practices Act (FCPA), which made it

illegal to bribe foreign officials. For competitors from the rest of the OECD world, such practices were legal and/or even tax-deductible. As globalization led to more competition for global market shares, US negotiators sought to level the playing field through an international agreement (Abbott and Snidal 2002). Finally, expert opinions on corruption shifted during the early 1990s. While previous works had speculated that corrupt practices might be useful to grease the wheels of commerce and bypass inefficient bureaucrats, new methods and evidence pointed to the detrimental effects of corruption on social and economic development. The famous "cancer of corruption" speech by World Bank president Wolfensohn illustrates this change of hearts among academics and policy experts. Since then, anti-corruption has become a key objective for multilateral institutions and bilateral donors.

Trying to assess the relative importance of different explanatory factors seems moot at this point. One way or the other, anti-corruption rapidly gained prominence, causing some to speak of a "corruption eruption" (Glynn, Kobrin, and Naím 1997). Critics refer to an "industry" or "gospel" of anti-corruption (Sampson 2010; Wedel 2015). In any case, the mushrooming of initiatives (see below) stands in dramatic contrast to the situation up until 1995, when no international organization had yet adopted binding anti-corruption commitments. Now almost every sovereign state in the international system has ratified at least one international treaty designed to combat corruption; some have joined five global and regional conventions (Lohaus 2019b, 3).

Overview of international law and other initiatives
Following the eruption during the 1990s and early 2000s, anti-corruption is now well established on the global political agenda. This section surveys the literature regarding the emergence and characteristics of four types of initiatives: political declarations adopted at high-level international summits; international treaties and protocols with some degree of legal obligation; anti-corruption provisions in multilateral frameworks for development cooperation;

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and transnational initiatives involving non-state actors. Research on their effects on the quality of government will be considered in the subsequent sections.

High-level political declarations

For decades, government representatives have used international gatherings to declare their intention to combat corruption. One of the earliest cases is the 1975 UN General Assembly Resolution 3514 on corrupt practices of transnational corporations. In this brief declaration, the General Assembly urged corporations to respect local laws while calling on governments to adopt anti-bribery legislation and gather data on corrupt practices. Several months earlier, a similar statement had been issued by the Organization of American States (OAS), in which the thirty-five members declared that transnational enterprises ought to act in accordance with the economic and social development goals of host countries. However, these early proposals regarding anti-corruption were split between different interpretations of the problem. Among G-77 members, for instance, the view was that anti-corruption policies were needed to constrain corporate conduct generally and to prevent the political interference of multinational corporations in democratic processes. In contrast, the United States emphasized a focus on illicit payments and corporate bribery as isolated transactions to be controlled (Katzarova 2019). As no coalition was able to sustain diplomatic efforts, the early initiatives fizzled out.

At the 1994 Summit of the Americas, corruption again appeared as a concern for heads of state. Seeking to energize the OAS and pave the way for closer cooperation across the Americas, the US government provided organizational leadership for a new "hemispheric approach" to anti-corruption. The summit's declaration recognized corruption as a challenge to democracy and multiple Latin American states backed the new agenda. Leaders in other regions issued similar declarations, for instance the 1999 "Principles for Combating Corruption in Africa" (Marong 2002).

Further high-level declarations have been made in the context of the G7/G8 and G20 meetings of powerful states. Participants of the G20 created an "anti-corruption working group" at the Toronto summit in 2010, followed by an "action plan" at the Seoul summit later that year. Since then, the G20 declarations have regularly mentioned corruption, and the action plan was recently updated for the 2019-2021 period. Individual members have complemented this agenda. The British government, for instance, invited heads of state and other representatives from more than 40 countries to a 2016 anti-corruption summit in London. While Transparency International (TI) deemed the meeting a success, other observers were less positive and demanded more concrete steps (Transparency International 2016).

With the establishment of the 2015 Sustainable Development Goals (SDGs), anti-corruption took center stage in international development cooperation, too. With SDG 16.5, UN members vouch to "substantially reduce corruption and bribery in all their forms." Importantly from a QoG perspective, this commitment is linked to a benchmark. Success regarding SDG 16.5 is measured by how often public officials are bribed or ask for a bribe. This data is to be collected for two groups: the general public on the one hand, business actors on the other. Corruption has thus been established as a priority for development cooperation under the UN umbrella – albeit as one item among many.

International treaties and protocols

The most widely ratified international treaty to curb corruption is the 2003 United Nations Convention against Corruption, which has 186 state parties at the time of writing. In addition to its unparalleled reach, UNCAC stands out because it is very broad. The treaty encompasses 71 articles with provisions on preventive measures, rules regarding criminalization and jurisdiction, domestic standards of enforcement, and international cooperation (UNODC 2012). In 2009, a few years after UNCAC had been ratified, member states agreed to create a peer-review system. The Implementation Review Mechanism (IRM) is meant to assess how member

states implement different parts of UNCAC, with the current (second) cycle focused on prevention and asset recovery. The IRM employs a combination of self-assessment and (optional) country visits. Each country under review works to produce a consensus report with delegates from two peer states at similar levels of government performance. The consensus requirement means that countries under review can modify or even block publication of their IRM report. Other aspects of the IRM process also permit states to exploit lenient procedures and potentially manipulate the review process, which has lessened the perceived authority of the IRM among some parties (Jongen 2018). Regardless of these limitations, the IRM remains an active and vital component of the UNCAC and a significant accomplishment among international anti-corruption efforts; its very creation surprised experts at the time, who had not expected the diverse UN membership to agree on such a mechanism (Chaikin and Sharman 2009, 41–42; Joutsen and Graycar 2012).

In contrast to the broad UNCAC, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions is focused on transnational bribery. It was adopted in 1997 and has since been ratified by all OECD states as well as several non-members. As already mentioned, the origins of this agreement can be traced to lobbying by the United States, which sought to internationalize domestic legislation against the payment of bribes to secure business deals. In the absence of a global standard, governments would always be tempted to allow their businesses to pay bribes to gain a competitive advantage. That is why the OECD, whose members compete for the exports of goods and services, was seen as the optimal venue to solve this cooperation problem (Pieth 1997; Abbott and Snidal 2002; Gutterman 2015).

While UNCAC and the OECD convention receive the most academic and political attention, anti-corruption was addressed in regional forums first. The OAS was the pioneer among regional organizations, adopting its anti-corruption convention in 1996. The Council of

Europe and European Union both adopted regional conventions, which focused mostly on harmonizing criminal law.[1] On the African continent, the Economic Commission for West Africa (ECOWAS) and the Southern African Development Community (SADC) adopted anti-corruption protocols in 2001, shortly before the African Union (AU) finalized its anti-corruption convention in 2003. Asia appears to be an outlier, although some regional groups cooperate with the OECD in non-binding forums. Including the 2010 Arab anti-corruption convention, largely ignored in the literature, at least nine international and regional organizations have thus adopted treaties to combat corruption.

While these documents share many elements, they are not identical in how they cover prevention, criminalization, enforcement, and international cooperation (Arnone and Borlini 2014; Lohaus 2019b; Snider and Kidane 2007; Wouters, Ryngaert, and Cloots 2013). Some organizations focus on a narrow range of corruption offenses. The OECD is primarily concerned with transnational bribery of foreign public officials related to business transactions, while the European Union initially created a treaty to ban bribery of its own officials. Enforcement cooperation in these cases relies on monitoring and peer pressure mechanisms to supervise member state compliance. Other cases combine binding language on a few core commitments with many optional clauses. The OAS convention, for instance, obliges members to ban a narrow range of corrupt behavior. It also allows states to establish illicit enrichment as a corruption offense – but leaves this as purely optional, because the concept was contested among member states. In contrast, the African anti-corruption agreements stand out because

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[1] The European Union stands out among regional organizations. Its dedicated anti-corruption agreements are relatively narrow; at the same time, many rules concerning procurement and other standards of public administration and good governance are regulated in other parts of EU legislation.

they include many provisions with seemingly obligatory language. Not just far-reaching criminalization but also preventive measures, such as standards of procurement and public-sector hiring, are mandatory in these cases. However, the high proportion of mandatory clauses is undermined by a lack of monitoring and enforcement, which arguably turns the African regional agreements into "illusionary giants" (Lohaus 2019b, chapter 2).

What explains this multitude of agreements? US diplomats played a decisive role as advocates for the OAS, OECD, and UN conventions. As a result, Katzarova argues, the dominant American conception of corruption as transactional rather than systemic – that is, limited to bribery – has prevailed at the expense of alternative conceptions which may have otherwise challenged the rules of the international economic system, demanded curbs to the power of multinational corporations, and tackled networked aspects of corruption across the licit and illicit economic spheres (Katzarova 2019). In her book on the emergence of anti-corruption efforts, Rose also emphasizes the influence of US negotiators on the UNCAC and other initiatives (Rose 2015). Gutterman argues that international anti-corruption efforts unfold within an American-dominated regime of extraterritoriality, fundamentally grounded in U.S.-based social, legal, and political concepts and diffused through distinctly American legal norms and practices (Gutterman 2019b). In his account of the fight against kleptocratic "grand corruption", Sharman identifies a more decentralized, undirected, and coincidental process of change and responses to development policy failures (Sharman 2017). Jakobi places the fight against corruption in the context of a broader trend towards global governance to curb criminal behavior. In line with similar measures against money laundering and other "evils", corruption thus became institutionalized in world society (Jakobi 2013). Lohaus argues that diffusion processes, such as learning and emulation, influenced the drafting of anti-corruption treaties. The documents vary in content because they are designed to send signals to different audiences:

domestic constituents, states in the same organization, or external development partners (Lohaus 2019b).

Multilateral institutions

The World Bank has incorporated anti-corruption into its lending practices since the late 1990s when corruption was named as an obstacle to development. As with its policy on other issues of public administration and the rule of law, the Bank seeks to avoid inefficiencies or the misappropriation of funds. This was controversial at first, seeing how corruption was understood as a "political" concern. However, since the landmark "cancer of corruption" speech, the fight against corruption is established in the Bank's policy portfolio. The strongest enforcement mechanism, however, does not address the governments of recipient countries, but the behavior of companies competing for public tenders. When a company is found guilty of using bribery to win a procurement contract, it can be barred from future World Bank tenders. This debarment procedure was reformed multiple times during the 2000s and 2010s and is now managed by the Integrity Vice Presidency. Information on offenders is shared with regional development banks in Europe, Asia, Africa, and Latin America. This virtually always leads to cross-debarment since 2010 (Leroy and Fariello 2012; Søreide, Gröning, and Wandall 2016).

The effectiveness of the World Bank's measures is debated in the literature (e.g., Bauhr and Nasiritousi 2012; Marquette 2003; Weaver 2008). The same is true for measures adopted by the International Monetary Fund as well as the development agencies in the United Nations system. Because development cooperation is covered elsewhere in this volume, we will not discuss these institutions further.

NGOs, professional associations, and business

Transparency International is arguably the leading transnational NGO in the field of anti-corruption (Wang and Rosenau 2001; Gutterman 2014). It was founded in 1993 by a group of experienced development professionals. According to one of the founding members, the group

was motivated by frustration with how development efforts were undermined by corruption (Vogl 2012, 61–63). While Transparency International's global headquarters – the TI Secretariat – are in Berlin, it has independent chapters at the national level. The chapters have country-specific priorities, but all parts of TI broadly follow three goals: raise public awareness about corruption, lobby governments and businesses, and keep track of developments around the globe. In 2006, TI started the UNCAC coalition together with other civil society actors. This loose network of NGOs now encompasses more than 300 partners. The coalition reflects TI's goal of organizing and exchanging ideas among anti-corruption activists, also driven by the desire to present a unified position vis-a-vis government and business actors.

TI's best-known initiative is the Corruption Perceptions Index (CPI). Since 1995, the organization publishes an annual ranking of countries meant to reflect the levels of corrupt behavior perceived by citizens and business actors. The CPI has been praised for its enormous awareness-raising effect and criticized for methodological shortcomings (Heywood and Rose 2014). In addition to the CPI, the organization has published multiple iterations of the Bribe Payers Index (BPI), asking corporate actors to report illicit payments. TI also publishes reports on country compliance with the OECD convention. Yet overall, Transparency International's approach has been characterized as "non-confrontational" (Gutterman 2014). Particularly in the early years of (successful) agenda-setting, the organization often relied on high-level contacts and the persuasion of key government officials rather than mass mobilization or 'naming and shaming' corrupt actors. Funding for TI mainly comes from government and multilateral development agencies.

Business actors have become active in international anti-corruption, too. Multiple industries with a high corruption risk have committed to codes of conduct and other non-binding principles. The International Chamber of Commerce (ICC) published its first anti-corruption rules in 1977; the document has been updated several times since, with the latest edition

published in 2011 (ICC 2011). Additionally, business actors cooperate with governments and civil society. The Publish What You Pay (PWYP) initiative asks its member firms to publicize the conditions of deals related to natural resources. If fees and profits were public, so it was thought, citizens would be better able to hold their officials accountable (Getz 2006). A similar logic is enshrined in the multi-stakeholder Extractive Industries Transparency Initiative (EITI), founded in 2003 (Eigen 2009). This group includes multinational corporations (MNCs) in the extractive industries, host governments in mineral-rich countries, and MNC home governments. Initially designed as a voluntary process of revenue disclosure for payments from companies to governments, EITI has evolved into a global standard for the management and accountability of extractive industries and their value chains in resource rich countries. EITI rules now encompass a wide range of practices relating to contract transparency, beneficial ownership, and commodity trading (Lujala, Rustad, and Le Billon 2017). However, critics argue that certain exclusions from the reporting requirements – for instance, states don't have to disclose line-by-line sums regarding licensing fees – limit the EITI's potential to create full transparency (Rose 2015, 133-175).

In recent years, other NGOs, government-sponsored groups and business-led initiatives have begun to champion anti-corruption policies and practices of various kinds. Some take a more confrontational stance towards North American and European governments and private actors. Global Witness, a founding member of both PWYP and EITI, has exposed US law firms that seemed all too willing to provide services to corrupt foreign officials seeking to hiding the proceeds of corruption in American investments (Global Witness 2016). Investigative-reporting collectives and organizations working with whistleblowers have highlighted the flows of corruption-related funds in reports such as the "Panama Papers" and "Paradise Papers" (AIPC 2017). The Tax Justice Network, a small transnational NGO, advocates for reforms to curtail "financial secrecy" (Tax Justice Network 2018). These efforts put the spotlight on OECD

member states, urging them to exclude ill-gotten gains from their financial systems. Integrity Initiatives International advocates the establishment of a permanent International Anti-Corruption Court to prosecute corrupt government leaders, on a jurisdictional basis akin to that of the International Criminal Court (Wolf 2018).

Increasingly, various organizations address corruption as part of their broader advocacy efforts.[2] The Open Government Partnership (OGP) has made anti-corruption a key policy area in its work to enhance governance and "democracy beyond the ballot box" among national and local level participants. OGP has teamed with the organization OpenOwnership to establish a peer learning network for the promotion of beneficial ownership transparency in line with open data principles. By making company records publicly accessible, activists hope to improve governments' and other actors' ability to track corruption and related illicit financial flows. On the business side, the B Team is a not-for-profit initiative founded by prominent global business leaders. In addition to anti-corruption initiatives and beneficial ownership transparency, the B Team encourages global business attention to broad social purposes including climate change and human rights. Under the umbrella of the World Economic Forum, corporate leaders have created the Partnering Against Corruption Initiative (PACI). By addressing corporate transparency and emerging market-risk, they seek to promote anti-corruption practices that improve the ease of doing business. In sum, a new generation of NGOs, public-private partnerships, and business groups is adding to the range of anti-corruption demands and policy proposals on the international scene.

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[2] See: www.opengovpartnership.org/policy-areas/, www.openownership.org/, www.bteam.org, and www.weforum.org/communities/partnering-against-corruption-initiative

The impact(s) of anti-corruption efforts

Since the 1990s, anti-corruption pledges, international treaties, and other commitments have proliferated. Assessing the impact of such efforts is no easy task given the breadth of the literature and the difficulty of obtaining empirical evidence; corrupt practices are hard to study. It seems more appropriate to speak of multiple impacts on a wide range of actors and outcomes including discourse, laws, and behavior. This section first discusses how international law shapes the conditions for domestic governance. Focusing on literature from International Relations, the next part addresses how governments can be influenced through peer pressure and reputational costs. This is followed by a section on an under-appreciated aspect of global anti-corruption: the quality of government in OECD countries. In contrast to the usual targets of anti-corruption reforms, the governments of highly developed states are crucial when it comes to controlling business-related bribery, money laundering, and illicit financial flows.

International treaties and domestic implementation

International agreements prescribing standards are one part of the equation; yet their implementation depends on laws and practices at the national level. Both legal scholars and political scientists have analyzed the contents of anti-corruption agreements, usually by comparing the range of issues addressed in the documents, their level of detail, and the degree of legal obligation for different provisions (Snider and Kidane 2007; Webb 2005; Wouters, Ryngaert, and Cloots 2013). Due to its importance as the only agreement with a global reach, UNCAC has received the lion's share of attention. The range of issues covered by the treaty is ambitiously broad. UNCAC features "no fewer than a dozen different levels of implementation obligations (…) from hard (mandatory requirements) to very soft" (Arnone and Borlini 2014, 258). In the words of one critic, the many escape clauses and concessions to domestic concerns work like "termites", undermining the potential of UNCAC as a serious commitment (Schroth 2005). Looking beyond UNCAC, some of the regional treaties and protocols have narrowly

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focused and obligatory clauses, while others resemble "illusionary giants" whose commitments seem less impressive upon closer inspection (Lohaus 2019b).

More fundamentally, some legal scholars debate whether international law can be expected to be an effective remedy against corruption (Davis 2012). Optimists would stress that international agreements indeed have made a mark. While certain aspects of corruption were illegal in many countries long before the 2000s, the adoption of UNCAC and regional treaties sparked further change. Many African states, for instance, introduced new anti-corruption laws and institutions to comply with treaty commitments (Hatchard 2014, 33). This effect becomes obvious when looking at national anti-corruption laws and authorities from Afghanistan to Zimbabwe, which often bear recent dates of adoption or amendment (UNODC 2019). One of the most wide-spread institutional reforms has been the creation of national anti-corruption agencies, although enthusiasm about such institutions has since dampened among academics and policy experts (de Sousa 2010).

This brings us to the skeptical perspective, according to which anti-corruption efforts are unlikely to systematically change incentives or serve as sources of moral persuasion. Critics contend that anti-corruption institutions might be captured by elites and that legal rules have little traction in the context of limited statehood or developing economies. In addition to such general concerns, skeptics argue that *international* (and thus: external) actors are often unable to effectively tackle corruption because of their limited willingness, power, knowledge, and/or legitimacy (Davis 2012, 333–35).

To be sure, no robust link between the ratification of anti-corruption treaties and subsequent improvements in the quality of government has been found (Mungiu-Pippidi et al. 2011). The overall consensus in the literature holds that three decades of international anti-corruption efforts have yielded few, if any, positive results (Heywood 2018; Johnston 2018). Clearly, the implementation of treaties in national law is no panacea: implementation guarantees

neither enforcement nor effectiveness, especially in states with a strong executive and weak judiciary. While countries often implemented new policies shortly after they ratified UNCAC, for example, these were not necessarily effective (Buscaglia 2011). One study based on data from over one hundred countries between 1984 and 2012 has even argued that the flurry of initiatives led to an *increase* in perceived corruption, simply because citizens and business actors became more sensitive to corrupt practices (Cole 2015). Another recent quantitative study suggests that international organizations with relatively corrupt member states are unlikely to enforce anti-corruption agreements. In other words, initiatives to address domestic corruption likely remain ineffective "cheap talk" in exactly those cases where they would be most useful (Hafner-Burton and Schneider 2019).

With respect to implementation of the OECD Convention to curb transnational bribery, the empirical evidence of impact is decidedly mixed. One study of foreign firms operating in Vietnam found that those from countries party to the Convention reduced their payments of certain kinds of illicit fees when the chances of discovery increased due to the Convention's monitoring and enforcement processes. However, the same study also observed an *increase* in corruption among firms from non-signatory states during the same period (Jensen and Malesky 2018). Even among the Convention's signatory states, only a few countries are active enforcers. Countervailing pressures and electoral incentives in wealthy democracies sometimes promote *non*-compliance with international anti-bribery rules (Gilbert and Sharman 2016; Gutterman 2017).

These empirical findings are difficult to generalize and compare because of diverging theoretical assumptions, statistical techniques, and operationalizations of the notoriously slippery concept of corruption. All quantitative studies relying on country-level corruption data should be taken with a grain of salt given the questionable quality of comparative data (Heywood and Rose 2014; Knack 2007). Yet overall, the skeptical perspective seems to prevail.

In many countries, corruption does not appear to be a principal-agent problem amenable to legal-technical intervention. When the highest political elites are entrenched in corrupt networks, international commitments cannot change the fundamental incentives – even when they do lead to new implementing laws. The best bet for anti-corruption activists might then be to think of corruption as a collective-action problem. Seen through this lens, international instruments should not be expected to change the balance of power directly – but they might be useful to rally and empower domestic actors (Persson, Rothstein, and Teorell 2012; Mungiu-Pippidi 2015, 221–26).

In an alternative approach, "anti-corruption" and the pursuit of "good governance" from above might be reconsidered completely, in favor of an explicitly political and normative approach premised on the cultivation of "deep democratization" from below (Johnston 2005, ch. 8; Johnston 2014; see also Sparling 2018). Pushing past a focus on impartiality as a procedural norm, this approach entails the promotion of domestic processes to increase pluralism, to open political and economic space for people to pursue their own interests in "safe" activism, and to maintain accountability among those in power. The goal is to enable citizens to defend themselves and their interests by political means, with an emphasis on the aspirations and grievances *they* care about. Rather than an implementation of international rules or an outcome of political activity, therefore, anti-corruption is thus reconceived as a "continuing process of setting limits to power, building accountability, and establishing social and political foundations of support for reforms by bringing more voices and interests into the governing process" (Johnston 2013, 1238) This approach to "deep democratization" requires gradual reform over the long term, and it is difficult: it requires social and political actors to confront head-on what are real political disagreements about the nature of politics (Sparling 2018) – at base, questions about the appropriate relationships among states, markets, and bureaucracies – that international anti-corruption treaties elide.

The political dynamics of peer pressure, persuasion, and reputation

International efforts may have a limited potential to affect the domestic quality of government. But that does not mean they have no impact whatsoever. Membership conditionality might be the strongest mechanism available to international organizations. The most likely case for this mechanism to be effective is the European Union, where membership rights are tied to enormous economic benefits. The EU's policy towards candidates and neighboring countries is the most widely cited success story when it comes to the promotion of QoG norms by international organizations (Sandholtz and Gray 2003; Szarek-Mason 2010; Börzel, Stahn, and Pamuk 2010). However, the EU's policy toolkit loses its bite as soon as the target state has acquired membership rights, which can lead to a "backsliding" dynamic that undoes previous reforms (Kartal 2014; van Hüllen and Börzel 2015).

A softer form of international pressure is exerted by peer review mechanisms, which are used in the anti-corruption regimes of the Council of Europe, OECD, Organization of American States, and United Nations. In all four, member states periodically report on their efforts to implement the rules of the respective agreement, and other members of the organization provide their own assessments. While such reviews do not include sanctions, their effects as exchanges of information and venues for peer pressure are said to improve compliance with international standards. However, the existing anti-corruption peer reviews differ regarding transparency towards the public, the formal rules of procedure, and the informal rules of criticism among members. The widely lauded OECD model of peer review might be difficult to replicate in other contexts (Jongen 2018; Carraro, Conzelmann, and Jongen 2019).

In addition to monitoring among peers, international anti-corruption efforts routinely target the reputation of states that are found to violate global norms. In the field of anti-corruption, such measures can be grouped in two camps. On the one hand, there are some state-led initiatives to single out offending businesses or governments. This includes the World Bank

debarment measures and its rankings of good governance and the rule of law. The Financial Action Task Force (FATF)[3] and the European Union also publish "blacklists" to pressure governments into complying with standards against money laundering and tax evasion (Sharman 2010; Nance 2015). On the other hand, naming and shaming is often used by non-governmental actors, which have no other leverage over governments. In addition to raising public awareness, assessment tools such as the Corruption Perceptions Index or the Financial Secrecy Index are designed to push governments towards behavioral change (Urueña 2018; Seabrooke and Wigan 2015). Corruption is also seen as a risk to transnational business and thus assessed by commercial services like the Economist Intelligence Unit and the PRS Group.

The International Relations literature discusses such mechanisms under the terms "naming and shaming", "ranking", "benchmarking", and the "politics of numbers" (Busby and Greenhill 2015; Broome and Quirk 2015; Kelley and Simmons 2015; Merry 2018; Cooley and Snyder 2015; Merry, Davis, and Kingsbury 2015). Several effects of such rankings and benchmarks can be distinguished. Some researchers stress that governments accused of corruption might enact new policies because they genuinely seek the approval of their peers and the public; they are persuaded and socialized into tackling corruption. Other authors argue that rankings and blacklists constitute pressure rather than persuasion. When a government is labelled as corrupt, it will scramble to pay lip service to global norms with the goal of appeasing constituents, donors, and/or investors. Critics of the various rankings thus emphasize the power relations hidden behind seemingly technical indicators. Examinees are taken to be *responsible*

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[3] The FATF was created in 1989 following a G-7 initiative to address money laundering. Its mandate has since been expanded to include measures against terrorist financing (Kahler 2018).

for a negative classification in the rankings, and for future improvement under the guidance of those who wield the power to set the standards in the first place (Löwenheim 2008).

At the same time, rankings obscure the responsibility of the multiplicity of actors and systems implicated in *transnational* (as opposed to purely domestic) corrupt practices and illicit financial flows. Rankings may thus de-politicize the problems they purport to measure (Merry, Davis, and Kingsbury 2015). The premise of country-level corruption rankings, furthermore, entails a methodological nationalism that is incompatible with transnational notions of corruption. They hardly account for the globalized networks of professionals and elites which facilitate corruption via cross-border illicit finance and offshore transactions (Cooley and Sharman 2017; Cooley 2018). In sum, the emphasis on country-level measures and rankings in analyses of corruption is not in line with how many forms of corruption operate in practice (Heywood 2017).

Transnational corruption and quality of government within the OECD

The most widely discussed element of transnational corruption is bribery in the context of cross-border trade and investment. All parties to the 1997 OECD Convention declared their willingness to stop corporations based in their territory from offering and paying bribes abroad. By curtailing the supply of bribery payments, quality of government can be improved to the extent that politicians in the receiving countries have fewer incentives to deviate from the public good. However, it is worth noting that the OECD agreement is not designed to address regulation in countries with low QoG scores (as much of development policy does). Instead, rules against foreign bribery concern law enforcement *in the exporting countries* – which are not normally worried about their own quality of government.

Based on the long history of the US Foreign Corruption Practices Act, US government agencies have become the most stringent enforcers of such laws, with the frequency of enforcement increasing over time (Gutterman 2019a). Due to the importance of US markets,

they also have the furthest reach, paired with enormous sanctioning power. No matter where multinational businesses are domiciled, they can be subject to US enforcement actions because of the extraterritoriality doctrine: If a firm has ties to American markets, for instance via stock listings or dollar-denominated assets, or even simply makes use of financial instruments and communications that pass through the U.S, it can be prosecuted. By contrast, many other OECD member states seem to enforce their rules only infrequently. Half of them, in fact, had not ordered criminal sanctions once during the first twenty years of the Convention (OECD 2017). According to Transparency International, just a handful of OECD states can be considered "active enforcers" (Heimann, Földes, and Coles 2015).

How can this variation be explained? For the German case, local state attorneys appear to be crucial – which stands in contrast to the US, which has centralized enforcement at the federal level (Hoven 2018). Moreover, there seems to be a domino effect. Quantitative evidence suggests that countries are more likely to start enforcing their laws against foreign bribery once a company from their own jurisdiction has been targeted by enforcement from elsewhere (Kaczmarek and Newman 2011). While extraterritoriality is highly contested, it thus seems to have had a positive effect in the eyes of some anti-corruption activists. However, relying on unilateral, extraterritorial action might become more difficult to stomach once other actors begin to play a more active role. Chinese foreign policy and legal doctrine, for instance, is increasingly assertive with regard to pursuing disgraced officials and businesspeople abroad (Lang 2018; Quah 2018). The line between so-called "political" prosecutions and straightforward application of (international) law will remain contentious.

Money laundering, illicit financial flows, and international asset recovery all resemble transnational bribery: effective regulation can only occur when OECD countries implement the respective standards, because that is where banks and financial intermediaries are concentrated. Another similarity is that unilateral actions by the US government have been instrumental in

triggering global change (e.g., Bean 2018). Driven by anti-drug and anti-terrorism demands, the US has strongly promoted the FATF, which has become the de-facto standard setter on anti-money laundering (Kahler 2018). Together with the UN Office on Drugs and Crime, the World Bank has launched the Stolen Assets Recovery Initiative, which aims to help governments recover funds that (former) corrupt officials have stashed in financial centers abroad. Yet success has been limited due to the difficulties of acquiring evidence and building solid transnational cases (Pieth 2008; Fenner Zinkernagel, Monteith, and Gomes Pereira 2013; Gray, et al. 2014; Sharman 2017; Lohaus 2019a).

These aspects of illicit transnational finance are connected by two common threads. First, they are intimately connected to domestic corruption, which is often the predicate offense and the source of the funds channeled abroad (Chaikin and Sharman 2009) as well as a key driver of illicit trade in drugs, people, natural resources, and counterfeit goods (Shelley 2018). Second, the success of international efforts to curb these practices depends on governance and political will in highly developed states home to sophisticated financial institutions. It may not be feasible to completely alter incentives so that large-scale corruption simply becomes unattractive; but improved money-laundering prevention and asset recovery mechanisms could contribute to justice and improved funding for development initiatives (Lohaus 2019a). Several scholars are advocating for this *transnational* view on anti-corruption – either in addition to or instead of the predominant focus on improving QoG in developing countries (Cooley and Sharman 2017; Forstater 2018; Sharman 2017; Reuter 2012). Put differently, opposing corruption might require a look beyond the "usual suspects".

Conclusion

International efforts against corruption come in many shapes and forms not limited to intergovernmental treaties. They include soft law, self-regulation, naming and shaming, and hard law under other headings, like in parts of broader EU regulations. Thus, many international

standards and tools are available to those willing to use them. However, enforcement remains selective. This is true even for the OECD anti-bribery rules, which can be considered the "gold standard" in terms of rule precision and the efficacy of peer review.

Some authors emphasize how anti-corruption constitutes a success of non-state activism, norm entrepreneurs, and moral arguments (Wang and Rosenau 2001; McCoy and Heckel 2001). Others focus on the success of foreign-policy interests, most notably US efforts to internationalize domestic norms against foreign bribery and, more recently, money laundering (Abbott and Snidal 2002; Kahler 2018; Katzarova 2019). Another perspective is centered on diffusion processes, with some authors emphasizing agents and mechanisms (Lohaus 2019b) and others choosing a structural lens, arguing that anti-corruption conforms to broader (neoliberal) ideas (Bukovansky 2006; Jakobi 2013).

How do these international efforts affect the quality of government? So far, the debate between optimists and skeptics has yielded some empirical evidence in both directions: it seems that international measures led to legal and policy changes around the world but failed to trigger fundamental improvements in practice. At the same time, there is a lack of reliable and comparable data on corruption, money laundering, and other illicit financial flows. A first promising research agenda thus concerns measures of corruption. New and carefully calibrated expert assessments allow for methodologically sound comparisons over time (McMann et al. 2016). However, measures based on expert perceptions are no panacea. Empirical research can also benefit from creative ways to leverage objective and direct measures of corrupt behavior (for a special issue on this topic, see Mungiu-Pippidi 2016). Measurement is crucial not least because the Sustainable Development Goals include illicit financial flows as a phenomenon to be addressed.

Second, researchers trying to assess the impact of international efforts on the domestic quality of government should consider replicating and refining previous quantitative studies.

This literature would benefit tremendously from a careful (meta-)analysis of how effects are conditioned by the choice of dependent variable, statistical techniques, range of covariates, timeframe under analysis, and regional variations. This call for careful (re-) analysis is closely linked to a third research objective: Qualitative case-study evidence is necessary to probe the causal mechanisms driving statistical correlations. The effects of international anti-corruption agreements most likely vary depending on the context, as illustrated by statistical analyses suggesting that pre-existing corruption levels shape how governments respond to international commitments (Hafner-Burton and Schneider 2019). To explore the scope conditions for different causal arguments, case studies should be designed to complement previous research.

Fourth, corruption is closely connected to other dimensions of the quality of government. It thus seems logical to draw parallels when it comes to the politics of implementation. Conceptually, anti-corruption measures resemble international democracy promotion and human rights treaties, which also seek to shape domestic governance and legal structures in pursuit of universalist standards. Political scientists and legal scholars have studied the effects of these international regimes – including unintended consequences and shortcomings – for decades. Given that democracy and human rights precede anti-corruption on the global agenda, they may provide inspiration for successful strategies (e.g., Sikkink 2018). At the same time, corruption is linked to international political economy. Curbing money-laundering, for instance, is not that different from other types of financial standard-setting, while transnational bribery poses challenges of monitoring and enforcement similar to other unwanted business practices. Anti-corruption research could benefit from exploring these conceptual and methodological parallels more systematically by drawing on multiple streams of literature.

Finally, future research could broaden the scope of inquiry by investigating how global and regional debates on anti-corruption evolve. Overall, the quantity of commitments and the

institutional support for initiatives like UNCAC suggests that anti-corruption has become a robust international norm, although some aspects remain contested (Gutterman and Lohaus 2018). International efforts were propelled by the concerns of domestic actors – specifically American ones – and domestic enforcement, often including an element of extraterritoriality (Gutterman 2019b). Impending shifts in global leadership, most notably the rise of China and other emerging powers paired with the decline of US hegemony, might thus alter the international anti-corruption agenda. Assertive rising powers could seek to use anti-corruption measures to crack down on political unrest triggered by activists insisting on democratic procedures. At the same time, critics of the status quo may hope that future initiatives change the long-standing notions of what is inside and outside of definitional boundaries. A shift in the discourse might, for example, put more emphasis on political corruption within the OECD world. Analyzing interference in elections, the influence of lobby groups, executive overreach, or the involvement of financial institutions in illicit transnational flows would open new avenues for considering the quality of government in the 21st century.

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