

# International Anti-Corruption Norms

*Their Creation and Influence on  
Domestic Legal Systems*

CECILY ROSE

*Leiden University*

**OXFORD**  
UNIVERSITY PRESS

**OXFORD**  
UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,  
United Kingdom

Oxford University Press is a department of the University of Oxford.  
It furthers the University's objective of excellence in research, scholarship,  
and education by publishing worldwide. Oxford is a registered trade mark of  
Oxford University Press in the UK and in certain other countries

© Cecily Rose 2015

The moral rights of the author have been asserted

First Edition published in 2015

Impression: 1

All rights reserved. No part of this publication may be reproduced, stored in  
a retrieval system, or transmitted, in any form or by any means, without the  
prior permission in writing of Oxford University Press, or as expressly permitted  
by law, by licence or under terms agreed with the appropriate reprographics  
rights organization. Enquiries concerning reproduction outside the scope of the  
above should be sent to the Rights Department, Oxford University Press, at the  
address above

You must not circulate this work in any other form  
and you must impose this same condition on any acquirer

Crown copyright material is reproduced under Class Licence  
Number C01P0000148 with the permission of OPSI  
and the Queen's Printer for Scotland

Published in the United States of America by Oxford University Press  
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data  
Data available

Library of Congress Control Number: 2015944918

ISBN 978-0-19-873721-6

Printed and bound by  
CPI Group (UK) Ltd, Croydon, CR0 4YY

Links to third party websites are provided by Oxford in good faith and  
for information only. Oxford disclaims any responsibility for the materials  
contained in any third party website referenced in this work.

# *Contents*

<i>List of Abbreviations</i>	xiii
<b>Introduction</b>	1
I. Corruption's Politically Destabilizing and Economically Harmful Effects	4
II. Corruption as an Umbrella Concept Rather than a Legal Term of Art	7
III. The Structure and Focus of this Book	10
<b>1. International Anti-Corruption Instruments Viewed through the Lenses of Soft Law and Legitimacy</b>	13
I. Introduction	13
II. International Anti-Corruption Norms as 'Soft Law'	15
III. The Lens of Legitimacy	27
IV. Conclusion	56
<b>2. The Domestic Influence of the OECD Anti-Bribery Convention and the Working Group on Bribery</b>	59
I. Introduction	59
II. An Introduction to the OECD Anti-Bribery Convention	63
III. The Domestic Influence of OECD Recommendations and Guidance	69
IV. The Domestic Influence of the Convention's Monitoring Mechanism	83
V. Conclusion	94
<b>3. The Limitations of the United Nations Convention against Corruption</b>	97
I. Introduction	97
II. An Introduction to the United Nations Convention against Corruption	99
III. UNCAC's Non-Mandatory, Qualified, and Vague Provisions	106
IV. The Horizontal Implications of UNCAC's Non-Mandatory and Vague Provisions	116
V. The Vertical Implications of UNCAC's Non-Mandatory and Qualified Provisions	124
VI. Conclusion	131

<b>4. The Extractive Industries Transparency Initiative: Targeting Corruption through Revenue Transparency Norms</b>	<b>133</b>
I. Introduction	133
II. An Introduction to EITI	135
III. The Substance and Form of the EITI Standard	144
IV. Participation in EITI	162
V. Anticipating and Measuring EITI's Impact	169
VI. Conclusion	174
<b>5. The Financial Action Task Force as the Norm-Creator in the Anti-Money Laundering Field</b>	<b>177</b>
I. Introduction	177
II. An Introduction to the Financial Action Task Force	179
III. The Substance and Form of the 40 Recommendations	186
IV. FATF's Membership Policy	196
V. FATF's Enforcement Policies	199
VI. Conclusion	214
<b>Conclusion</b>	<b>217</b>
<i>Appendix I: Participation in Anti-Corruption Instruments and Organizations</i>	<i>223</i>
<i>Appendix II: Comparison of Transparency and Participation with respect to the OECD Anti-Bribery Convention, the UN Convention against Corruption, the EITI Standard, and the FATF 40 Recommendations</i>	<i>233</i>
<i>Bibliography</i>	<i>239</i>
<i>Index</i>	<i>265</i>