UNITED NATIONS

Student Guide
Global Corruption, Good Governance and the UNCAC

A New UNODC Model Multi-Disciplinary Syllabus for All Students and University Departments

Course Overview:

Course Name:	Global Corruption, Good Governance and the UNCAC	Credits:	3 to 5 (semester)
Method:	Seminar or Course: Face-to-Face/Paper or On-Line/Blackboard Optional	Hours:	3 to 5 (weekly)
Assessment:	Class and on-line participation, reading assignments, real case studies, research papers, videos, documentaries, on-line games & quizzes	Duration:	13 to 26 Weeks (optional)
Lecturer:	University Full-time or Adjunct Professors and Guest Speakers	Period:	Spring/Fall 2013
Office Hours:	By appointment/on-line/e-mail	Prerequisites:	None
Course Name:	Global Corruption, Good Governance and the UNCAC	Credits:	3 to 5 (semester)

Course Purpose and Scope	The main purpose of this course is to give students a futuristic snapshot of the emerging 21st-century legal and governance global landscape for purposes of analyzing the forms, causes, cost, risks and prevention and law enforcement remedies associated with the global phenomenon of public and private sector bribery and corruption. Another important purpose is to spark discussion, debate and more academic and applied research on a set of inextricably-linked topics that affects all people and all countries.
	Recent passage and ratification of the United Nations Convention Against Corruption UNCAC) by 155 countries, and counting, means that we now have a consensus that preventing and addressing corruption is a high global priority and that we now know what can and should be done to minimize and manage it by various stakeholders in different country contexts.
	The UNCAC is unique in that it embraces the first global legal and good governance framework for undertaking this complex task through new mechanisms, policies, laws and governance practices that are mutually supportive and practical in nature. At its core, this holistic framework promotes both well-tested transparency and accountability principles that are of equal importance to the public and private sectors and civil society alike.
	Students will learn to how to identify and concretely analyze the new risks and higher costs of both public and private sector corruption being driven by the UNCAC and how to use its framework for purposes of promoting the rule of law and good governance practices and principles. For purposes of this course "corruption" will include those criminal laws mandated or recommended in the United Nations Convention Against Corruption (UNCAC). "Good governance practices" will include reform mandates and recommendations related to a range of governance practices, institutions and processes for both the public and private sector.
	The Scope will primarily focus on key provisions of the UNCAC related to high priority corruption crimes and key institutional corruption problems common to the 155 plus countries that have now ratified the UNCAC. This includes universal corruption crimes such as bribery, extortion, theft, trading in influence, embezzlement, conflict of interest and money laundering. It also includes open government laws such as income and asset disclosure, access to information and whistle blowing and institutional integrity issues such as justice and law enforcement sector corruption.
	International law enforcement cooperation issues such as asset recovery and a range of emerging laws and best practices designed to promote more transparency, accountability and oversight within the public and private

| Course Design and Description | **Multiple goals - multiple stakeholders - multi-jurisdictional:** This two-tiered adaptable curriculum is primarily designed for university students studying varied disciplines, but it can also be easily adapted and used by key stakeholders in both the public and private sectors and civil society organizations. The course attempts to fill a serious education and training gap by merging the world of anti-corruption theory with the real world experience of anti-corruption practice, as seen through the collective eyes of different stakeholders in diverse country contextual settings. Special emphasis is placed on analyzing these issues through the eyes of developing and emerging markets and democracies around the world.

Towards that end, the prevention and compliance-oriented provisions of the UNCAC will be highlighted as well as the practical tools and reforms that can lead to universal norm setting and collective action. The aim of this practical but forward looking perspective is to give university students and stakeholders a common vision and the knowledge base and networks, best practices tools and analytical skills, to help them collectively promote and capitalize on the UNCAC's application in practice.

The proposed course is designed so that even developing and transition countries and stakeholders somewhat unfamiliar with many of the laws and governance principles covered are digestible, practical and implementable. At the same time, it includes key research references and cutting-edge issues for university students and stakeholders in the developed world, with emphasis on the BRICS countries: Brazil, Russia, India, China and South Korea.

Its development is an acknowledgement that the United Nations Convention Against Corruption is the internationally recognized and accepted instrument in fighting corruption with 160 State parties (and counting) and that anti-corruption research, law enforcement and good governance practices are going global. |

This first-of-its-kind course is geared towards providing the next generation, as well as public and private sector professionals, a clear 21st century snapshot of the UNCAC's potential impact on the emerging global corruption, governance, rule of law and doing business landscape. It wraps UNCAC public and private sector mandates and good governance recommendations around consensus-bound 21st century universal anti-corruption principles, including: Transparency, Accountability, Integrity, Justice and Cooperation.

This issue-oriented, problem-solving approach is geared towards teaching black-letter law, policy and theory as well as provoking discussion and promoting collective action around a set of common principles, tools, frameworks and best practices.

While the course includes a summary overview of all eight UNCAC chapters, primary emphasis is placed on the Conventions mandated criminal laws and the unique international law enforcement cooperation and asset recovery provisions. The substance of these chapters relate most directly and concretely to both the private and public sectors and it is where the cost, benefits and risks of corruption are perhaps most quantifiable.

Each module has both "required" and "recommended" readings. The required readings were selected to provide all students and stakeholders a fundamental foundational understanding of the UNCAC from the least to the most developed country. The recommended readings mainly delve into key UNCAC issues more deeply or they explore related additional issues raised in the first or remaining four chapters. The required readings in the first twelve models were selected, more-so than the recommended optional readings, from the perspective of the least developed countries, since they usually have limited access to information and limited financial and resource capacity to implement anti-corruption reforms.

The recommended readings are geared towards allowing the student to gain a deeper understanding of key issues of particular concern to them and to learning and exploring these and other key issues through more real-world case studies and emerging reform models within the private and public sectors. Both the required and recommended readings are developed so that the themes and issues covered within each module relate to and are discussed within public and private sector comparative context. The latter will hopefully help link-up and promote the actual implementation of a common set of anti-corruption values and best practices within both sectors.

Course Requirements	**Attendance and Participation Rules (xx Points)**
	Your participation and engagement are critical for meeting this course's objectives. Each week you are encouraged to participate with your classroom colleagues either in class or through an on-line discussion board or blog-page.
	Required and Suggested Readings
	For this course, there are Required Readings and Recommended Readings in each class module and additional readings may be assigned depending on class interest and the scandal of the day. It is your responsibility to download these readings. This course is designed to be either taught in a class-room setting or on-line through Blackboard or both. [For example, we are going to use Blackboard at: https://blackboard.american.edu. The course website, for purposes of accessing virtually all reading materials, search engines and internal communication, is: https://sites.google.com/site/globalcorruption21stcentury/].

Required Readings	The following readings are required for this course:
	Core reading materials for this course will be read as you move through each module, although you would greatly benefit from having at least skimmed these materials at the very beginning.
	(i) Contextual Choices in Fighting Corruption: Lessons Learned, Pippidi A.M. et al., Hertie School of Governance (Berlin -- 2011); (ii) **The Many Faces of Corruption** (World Bank -- 2007); **(iii) The Global Corruption Report 2007: Corruption in Judicial Systems** (Transparency International); **(iv) Doing Business 2011** (The World Bank); **(v) The United Nations Convention Against Corruption** (United Nations -- 2003); **(vi) the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions** (OECD - 1999); **(vii) the Inter-American Convention Against Corruption** (1996); **(viii) the African Union Convention on Preventing and Controlling Corruption** (2003); **(ix) the CoE Convention Against Corruption** (CoE -- 1997); **(x) the Recommendations of the Council for Furthering Combating Bribery of Foreign Public Officials in International Business Transactions** (OECD -- 2009); **(xi) the ADB/OECD Anti-Corruption Initiative for APEC** (ADB -- 2000) and **(xii) the U.S. Foreign Corrupt Practices Act** (1977 -- as amended).
	These books, articles or treaties can all be accessed on-line (See the citations for each in the UNCAC Bibliography for this course).

Recommended Books	The following books are for you to select from depending on your interest and time. If you do not have the time to read them during the course itself save these titles to expand your knowledge base later. These books are all worth reading and they can be purchased on-line (note that some may be down-loadable for free and some are available in various languages): **(i) Controlling Corruption**, Klitgarrd (Berkeley University Press-- 1991); *Law and Capitalism, What Corporate Crises Reveal About Legal Systems and Economic Development Around the World*, Curtis Milhaupt and Katharina Pistor (University of Chicago Press 2008); **(ii) The Mystery of Capital,** by Hernando De Soto, (Basic Books -- 2000); **(iii) Corruption and Government: Causes, Consequences and Reforms** (Ackerman - 1999); (iv) Bribery and Extortion (Wrage – 2007); **(v) How the Scots Created the Modern World**, Arthur Herman (2007); **(vi) Corruption and Misuse of Public Office**, 2nd Ed., Nicholls, Daniel, Bacarese and Hatchard, Oxford University Press (2011); **(vii) The Prosecution and Defense of Public Corruption**, Henning and Radek, Oxford University Press (2011); *(viii) The Bottom Billion,* Paul Collier (1999); **(ix)** *Development as Freedom,* Amartya Sen (Knoff --1999); *(x) Many Roads to Justice: The Law Related Work of Ford Foundation Grantees Around the World* (1994); *(xi) Corruption and Organized Crime in Europe,* Gounev and Ruggiero (Routledge – 2012); *(xii) Corruption and Post Conflict Peacebuilding*, Zaum and Cheng (Routeledge – 2011); **(xiii)** *How Russia Really Works: The Informal Practices that Shaped Post-Soviet Policy and Business*, Ledenova (Cornell University Press - - 2006).
Course Points and Grading Scale	The following table is the course points and grading scale (options for the professor to decide)

Assignment/Project	Points Value
Attendance and Participation	xx points
Blog or Wiki for your Classroom	xx Points
Discussion Board	xx Points
Quizzes	xx Points
Case Studies	xx Points
Final Project	xx Points
Total Points	xxx

Course Grade = %Value

Letter Grade	%
A	100 – 95
A-	94.9 – 90
B+	89.9 – 87
B	86.9 – 84
B-	83.9 – 80
C+	79.9 – 77
C	76.9 – 74
C-	73.9 – 70
D	69 – 60
F	Below 60

General Information about the University	Here is some general information about American University (example): **Blackboard Help**: blackboard@american.edu or 202.885.3904 (and link for AU BB) **Help Desk**: help@american.edu **Plagiarism: Academic Regulations (80.00.00 Academic Integrity Code)** Plagiarism is the representation of someone else's words, ideas, or work as one's own without attribution. Plagiarism may involve using someone else's wording without using quotation marks—a distinctive name, a phrase, a sentence, or an entire passage or essay. Misrepresenting sources is another form of plagiarism. The issue of plagiarism applies to any type of work, including exams, papers, or other writing, computer programs, art, music, photography, video, and other media. More information can be found at http://www.american.edu/provost/ registrar/regulations/reg80.cfm

Course Outline Module I	**Introduction to the United Nations Convention Against Corruption (UNCAC) and the Syllabus**
	Key Issues: Governance overview of the present and future through a UNCAC implementation lens
	UNCAC Articles: Chapters 1-8: Summary Overview of Articles 1-71
	Main Topics: Some of the main topics covered are:
	• UNCAC's unique legal and institutional framework for addressing and preventing corruption (A1)
	• UNCAC's Purpose, Terms and Scope
	• UNCAC's terminology and definitions of civil and criminal corruption offenses (A2)
	• Corruption risks and opportunities for key stakeholders in the public and private sector
	• UNCAC implementation and enforcement issues
	Emerging/breaking topics, issues and scandals are openly discussed and debated

Module II	Prevention: Rule of Law and Good Governance (Chapter 2: Articles 1-14)
	Key Issues: Rule of law; open government practices; transparency and accountability; E-governance and integrity in the civil service and justice sector.
	UNCAC Articles: Chapter 2: Prevention Articles 1-14 (summary overview)
	Main Topics: prevention, rule of law; open government practices; transparency and accountability; E-governance and integrity in the civil service and justice sector
	Some of the key articles and topics covered include: • Prioritizing mandated prevention-oriented measures, including access to information and protecting corruption reporting and freedom of expression rights (A10) • Public and private sector anti-corruption policy and internal and external compliance reporting • Codes of conduct, ethics disclosure and conflict of interest laws (A8, 9)) • Public financial management (transparent revenues and expenditures) (A9) • Civil service reform (A7, 8) • Justice sector integrity (A11) • Independent audits, private sector auditing and accounting standards and professional codes of conduct (A12) **Emerging/breaking topics, issues and scandals are openly discussed and debated**

Module III	**Prevention: Public Awareness and Open Government**
	Key Issues: Public Awareness Open Government; Financial Disclosure; Systematic Monitoring & Reporting
	UNCAC Articles: Chapter 2: Articles 8, 9, 12 and 63
	Main Topics: Public Awareness; Public Participation; Public and Private Financial Disclosure and Accounting and Auditing Standards; Monitoring and Reporting
	Key issues discussed include the following:
	• Public awareness and public education (A13)
	• Public sector budgets and expenditures (A8)
	• Public and private sector accounting and auditing standards and financial disclosure mandates (A12)
	Emerging/breaking topics, issues and scandals are openly discussed and debated

Module IV	**Transparency, Public Participation, Access to Information and Whistleblowing**
	Key Issues: transparency, access to information, whistleblowing and anti-corruption reporting protection, civil society participation and justice systems with integrity
	UNCAC Articles: 8, 10, 12, 13 and 32
	Main Topics:
	• Access to public and private sector information
	• Public participation public trust
	• Anonymous, internal and external whistleblowing
	• Systematic monitoring and reporting and implementation and enforcement of the law
	Emerging/breaking topics, issues and scandals are openly discussed and debated

Module V	**Prevention: Justice Sector Corruption and Human Rights**
	Key Issues: Judicial corruption; law enforcement corruption; judicial independence; justice sector transparency; justice sector accountability; judicial enforcement; anti-corruption institution/authority corruption; international and national judicial cooperation
	UNCAC Articles: Chapter 2: Article 11 (and how this crosscutting article relates and supports many articles throughout all chapters of the UNCAC, including those related to prevention, law enforcement, cooperation, technical assistance, asset recovery, implementation and universal human rights)
	Some of the main topics covered include:
	• The scope and nature of justice sector corruption from both an UNCAC implementation and rule of law perspective (A11&UDHR)
	• Linkages between the need to address justice sector corruption in the UNCAC and the fair, effective and efficient enforcement of universal human rights in the UDHR (A11&UDHR)
	• The causal connection between human rights prevention and enforcement and justice sector corruption (A11&UDHR)
	• Links between the implementation and enforcement of the UNCAC's corruption prevention and criminal law mandates and it's justice sector corruption mandate (A11&A5-42)
	• Links between justice sector corruption and international cooperation mandates and asset recovery mandates (A11&46-63)
	• Links between issues related to judicial, law enforcement and anti-corruption authority independence and justice sector corruption under the UNCAC and UDHR (A6&11&UDHR)
	Emerging/breaking topics/issues/scandals are openly discussed and debated

Module VI	**Prevention: Public Procurement**
	Key Issues: public and private sector corruption, civil service integrity, transparency, accountability, justice sector integrity
	UNCAC Articles: Chapter 2: Article 5 - 13
	Some of the main topics covered include:
	• Transparency in the public procurement process (A9)
	• Integrity in the civil service and public officials (A7&8)
	• Accountability in the public procurement process (A9, A6&11)
	• E-government (A9)
	• Total cost of public procurement corruption to governments, businesses, society and citizens
	• Methodologies to analyze corruption and its risks within the public procurement process step-by-step through a value chain & best practices (A9)
	• Civil Society monitoring and reporting and public/private partnerships (A5, 9,10,11&13)
	Emerging/breaking topics, issues and scandals openly discussed and debated
Module VII	**Prevention: Money Laundering (Chapter 2: Articles 14)**
	Key Issues: Addressing and Preventing Money Laundering; money laundering/corruption and criminal predicate offenses
	UNCAC Articles: Chapter 2: Articles 14, 15, 16, 23, 37, 40, 46, 51, 52, 58
	Some of the main topics covered include:
	• Suspicious Transactions -- Internal and External Reporting (A14)
	• Money laundering prevention and money laundering as a predicate offense (A14&23)
	• National and International Cooperation (A39,43, 44, 46&48)
	• Fair and Effective Enforcement With Integrity (A11)
	Emerging/breaking topics, issues and scandals openly discussed and debated

Module VIII	**Key Criminalized Offenses and Enforcement**
	Key Issues: active and passive public sector bribery; private sector bribery; embezzlement; illicit enrichment; justice sector entegrity and enforcement.
	UNCAC Articles: Chapter 3: Articles 15 - 42
	Some of the main topics covered include:
	• How to prevent and address public and private sector Bribery within national and international context (A15, 16, 20)
	• How to calculate and minimize your legal criminal and civil risks for violating a country's foreign Bribery law (A63)
	• How to prevent and address Embezzlement and Illicit Enrichment (A17, 20, 22)
	• How to calculate and minimize legal criminal and civil risks for Embezzlement and Illicit Enrichment
	• How to prevent and address Money Laundering Issues related to Bribery, Embezzlement and Illicit Enrichment (A14, 15)
	• How to link-up the crimes of Bribery, Embezzlement and Illicit Enrichment with Asset Seizure and Confiscation laws (A31)
	• Why preventing and addressing corruption in the justice sector is key to UNCAC implementation and enforcement success (A11)
	• What the scope of the US Foreign Corrupt Practices Act is (A16)
	Emerging/breaking topics, issues and scandals openly discussed and debated

Module IX	**Criminalized Offenses, Corruption Offenses and Human Rights (Chapter 3: Articles 25, 32, 33, 34, 36, 37 & 39 and related Articles 5, 6, 8, 10, 11 & 13 & the UDHR)**
	Key Issues: protection for victims, witnesses, reporting persons, whistleblowers, justice system officials, journalists and bloggers and the fair and effective enforcement of human rights through independent anti-corruption authorities and justice systems with integrity
	UNCAC Articles: Chapter 3: Articles 32, 33, 34, 36, 39 (and related Articles 5,10, 11 & 13)
	Some of the main topics covered include:
	• Human rights related laws, policies and good governance practices in the UNCAC, including many that relate to the universal right to freedom of expression, whistleblowing, access to information and transparency (A 8, 10, 13, 25, 32, 33)
	• Independent Justice systems/Anti-Corruption authorities with integrity (A5, 6, 11&36)
	• Fair and effective enforcement of human rights and anti-crime/ anti-corruption conventions, laws, regulations and policies (A11, 30, 34&35)
	Emerging/breaking topics, issues and scandals openly discussed and debated

Module X	**National Law Enforcement and Private Sector Cooperation**
	Key Issues: Mutual legal assistance; extradition; bank secrecy, national law enforcement and public/private sector cooperation
	UNCAC Articles: Chapters 3 & 4: Articles 38, 39, 40, 43, 46, 48 (and closely related Articles 11, 12 & 13)
	Some of the main topics covered include:
	• Formal and informal coordination and good governance mechanisms to promote national cooperation and public/private sector cooperation (A39, 48 & 11, 12, 13&14)
	• Formal and informal coordination and good governance mechanisms to promote international cooperation and public/ private sector cooperation (A43-50 &11,12 &13)
	• Scaling bank secrecy walls through enhanced law enforcement cooperation, mutual legal assistance, whistleblowing and information networking (A39, 40, 46, & 11,12 &13)
	Emerging/breaking topics, issues and scandals openly discussed and debated

Module XI	**International Law Enforcement Cooperation**
	Key Issues: international law enforcement cooperation, private sector cooperation; public access to information from law enforcement and international organizations; corruption reporting; law enforcement community integrity
	UNCAC Articles: Chapters III & IV: Articles 36, 37, 39, 43, 47, 48 & 54 (and related Articles 11 and 13)
	Some of the main topics covered include:
	• International cooperation, mutual legal assistance and information sharing with public and private sector institutions, organizations, legal procedures and mechanisms, including extradition, FIUs, MOUs, confiscation, and asset recovery (A14, 43-50 & 54 & 11&13)
	• Civil society and private sector access to information from the international law enforcement community and international organizations (A10, 11, 12, 13, 43)
	• Reporting crime and corruption and whistleblowing to the national and international law enforcement community and relevant government authorities safely (A32, 33, 38, 39, 43 & 11)
	• Justice sector integrity and international law enforcement cooperation.
	Emerging/breaking topics, issues and scandals openly discussed and debated

Module XII	**Chapter V: Asset Recovery**
	Key Issues: International cooperation; civil forfeiture; FIU's; corruption reporting to other State parties; return and disposal of stolen State assets
	UNCAC Articles: Chapter V: Articles 50 - 58 and related Articles 11, 13, 31, 38, 40 and 43
	Main Topics:
	• UNCAC prevention related mandates for financial institutions, including customer identification, beneficial ownership identification and and advisory lists of the names of people to be highly scrutinized and reported and illegal "shell banks" (A52)
	• UNCAC mandated related laws that allow for civil forfeiture (A53)
	• Requests to assist in the recovery of stolen assets of another UNCAC State (A55)
	• UNCAC mandated laws that allow for the return of State assets (A57)
	• UNCAC policy recommendations related to the creation of financial intelligence units (FIUs -- A58)
	Emerging/breaking topics, issues and scandals openly discussed and debated

Module XIII	**An UNCAC Overview**
	Key Issues: Corruption prevention; criminal law; national international law enforcement cooperation; asset recovery; corruption in the justice/ enforcement community and universal human rights
	UNCAC Articles: Chapters I - VIII -- Articles 1-71
	Main Topics:
	• UNCAC issues related to corruption prevention;
	• UNCAC laws related to corruption and criminal law;
	• UNCAC issues related to national and international law enforcement cooperation
	• UNCAC articles related to asset recovery
	• UNCAC articles related to justice and fair, effective and efficient enforcement
	• Growing career opportunities in the corruption sphere
	Written/online Exam/Research Paper/Certificate (options)
	Course evaluation

Global Corruption, Good Governance and the UNCAC

Student Guide

(Modules 1 – 13)

Course Name:	Global Corruption, Good Governance and the UNCAC	Credits:	3 to 5
Lecturer:	Keith Henderson	Hours:	3-5 weekly
Method:	Online/Blackboard and face to face	Duration:	13 Weeks
Assessment/ Grade:	Class participation, assignments, quizzes	Period:	Spring 2013

Module I. Introduction to the United Nations Convention against Corruption (UNCAC), Chapters 1-8: Summary Overview of Articles 1 - 71

Module Introduction/ Thesis for Class Discussion and Debate	The main purpose of this module is to introduce the new legal and governance 21st Century global framework for addressing and preventing corruption under the United Nations Convention Against Corruption (UNCAC) and the methodology that can be used to identify and concretely analyze the increased risks and costs of both public and private sector corruption.

Recent passage of the UNCAC has for the first time established new minimal legal and governance anti-corruption norms and transparency and accountability principles for virtually all countries. Understanding the potential impact these new universal norms and principles will have on key public and private governance and corruption issues within country, sectoral and institutional context will be very important for all stakeholders. Hopefully this module will plant the seeds for a longer fertile discussion.

The Scope of this module will primarily focus on key UNCAC Articles related to corruption crimes under the UNCAC and key institutional corruption problems common to the 150+ countries that have ratified the Convention. For purposes of this module, as well as this course, "corruption" will be defined to include all of the crimes the UNCAC requires signatory countries to pass and enforce right now, as well as those it recommends for serious consideration.

Corruption crimes in all UNCAC countries now includes: (i) bribery; (i)extortion; (iii)theft; (iv) trading in influence: (v) embezzlement(vi) conflict of interest and (vii)money laundering. Good governance practices now includes: (i)open government laws --such as income and asset disclosure access to information and whistleblowing; (ii) institutional integrity issues -- such as justice sector and anti-corruption commission corruption and (iii) international law enforcement cooperation issues -- such as money laundering and asset recovery.

The Module and the course will also include discussion and analysis of a range of emerging laws, policies, principles and best practices referenced in the UNCAC. These are all geared towards promoting more transparency, accountability and oversight across the public and private sectors, including the regulatory and contract procurement processes, as well as more public dialogue, participation and access to information.

Finally, in this module and throughout the course, it is important for students to try and analyze all of issues discussed through the lens of multiple stakeholders and disciplines, including business enterprises, human rights groups, government officials, justice and law enforcement officials, donors, international organizations, NGOs/CSOs, the media, the |

Key Issues	Introduction to the UNCAC.
UNCAC Articles	Chapters 1-8: Summary Overview of Articles 1-71
Main Topics	The main topics covered are: Purpose, Terms and Scope (A1-4) • UNCAC's unique legal and institutional framework for addressing and preventing corruption (A1) • UNCAC terminology and definitions of civil and criminal corruption offenses (A2) • Risks and opportunities for key stakeholders in the public and private sector • Implementation and enforcement issues • Emerging topics and issues open discussion
Key Lessons	• Seeing and understanding the overall implementation picture of the substance and potential of the UNCAC strategic framework is of up-most importance to the public and private sectors, the international community and to multiple civil society stakeholders. • o The challenges of implementing the UNCAC within different country contexts, including knowing how many of its Articles are closely-linked and cross-cutting, as well as which ones serve as the foundation for others, is key to understanding and reducing the risks and cost of corruption and to enforcing universal human rights and good governance practices.

Learning Goals	The learning goals are as follows: • To have a global summary overview of key criminal and good governance provisions of the UNCAC as they relate to both the private and public sectors. • To have critical knowledge of the scope and cost of global corruption • To have critical knowledge of key sources to turn to for purposes of analyzing UNCAC Articles and their potential impact on both the public and private sector.

Class Assignment/ Main Tasks	The class assignment in the main tasks are the following:
	1. Additional to the Required reading and selected Recommended readings of interest, do your own independent research with an eye towards developing a systematic research methodology for on-going research in this course and work in this field. Be able to identify key research resources that include best practices frameworks, country compliance reports and empirical data and surveys from various stakeholders. Be able to articulate, step-by-step, the general research methodology you would employ for country and sectoral research.
	2. After you have completed Task 1 and 2 be able to identify the key resources you would turn to for purposes of: (i) analyzing country compliance with the UNCAC; (ii) the scope and nature of corruption in a specific country and (iii) the costs and risks of corruption from both a public and private sector sectoral perspective.
	3. Develop a 3 to 5 page Power Point presentation for the CEO of BAE noting all of the UNCAC related issues raised in the BAE case.

Required Reading	The required reading for this module is the following:
	Please review key provisions in the following treaties and frameworks with an eye focused on identifying the kinds of crimes and misbehavior criminalized and the array of good governance practices mandated or recommended for the public and private sectors. Also note which treaties provide a defense to paying a small facilitations fee (to the crime of bribery) and how that term is defined. Is it a form of bribery?
	Half-Way Home But a Long Way to Go: Reflections of an Development and Business Practitioner Through a Rule of Law and Anti-Corruption Lens, APEC (Viet Nam - -2006) -- The UNCAC is painting a new global legal and governance landscape for addressing corruption and promoting best practices within both the public and private sectors and represents an emerging global consensus on what actions constitute corruption: http://dspace.cigilibrary.org/jspui/bitstream/123456789/12665/1/Half%20Way%20Home%But%20a%%Long%20Way%20to%20Go%20Reflections%20of%20an%International%20Development%20%20Business%20Practioner%20Through%20a%20Rule%20of%20Law%20and%20Anti%20Corruption%20Lens.pdf
	Contextual Choices in Fighting Corruption: Lessons Learned (NORAD 2011) -- Lessons learned over the last 15 years: Corruption issues must be analyzed and addressed within country political, economic, cultural and legal holistic context: http://www.norad.no/en/tools-and-publications/publication?key=383808
	A Wake-Up Call to the Human Rights and Anti-Corruption Communities TI Athens Conference --2008) -- Addressing Corruption is key to promoting and addressing fundamental human rights guaranteed under the Universal Declaration of Human Rights. http://web2.qedgroupllc.net/images/stories/newsa%20wake-up%20call%20to%%20the%human%%20rights%20and%20anti-corruption%20communities.pdf
	The Council of Europe Multi-District Group on Corruption (GMC) -- Corruption is defined as Bribery and other misbehaviors by those entrusted with power in the public and private sectors: http://conventions.coe/int/Treaty/EN/Reports/Html/173.htm
	The World-Wide Banning of Schmiergeld: A Look at the Foreign Corrupt Practices Act on its Twentieth Birthday, Judge Stanley Sporkin (1998) -- one of the Fathers of the FCPA: 18 N.W.J.Int'l L.and Bus.269
	Conventions: the African Union Convention on Preventing and Controlling Corruption and the Asian Development Bank/Organization of Economic Development and Cooperation Asian/Pacific and Economic Development Cooperation Initiative (OECD/APEC) and the Universal

Recommended Reading	**OECD Guidelines for Multinational Enterprises (2012**): Chapter VI. www.oecd.org/daf/investment guidelines and http/www.oecd.org/daf/internationinvestment/guidelinesformultinationalenterprises/ **International Chamber of Commerce Rules of Conduct and Recommendations on Combating Extortion and Bribery (2011)**: www.iccwbo.org/policy/anticorruption/iccfccd/index.html and http://www.u4.no/recommended-reading/combatting-extortion-and-bribery-icc-rules-of-conduct-and recommendations
Case Studies	The case studies are to be prepared in class and they are the following: BAE: www.pbs.wgbh/pages.frontline/blackmoney
Videos	View the video documentary on the BAE/Siemens scandal and be able to identify the potential violations of and issues related to the UNCAC: www.pbs.wgbh/pages.frontline/blackmoney

Useful Websites/ Tools	http://transparency.org/publications/publications/other/plain_language_guide -- includes definitions of many crimes, various forms of corruption and governance and legal terminology -- The Anti-Corruption Plain Language Guide (Transparency International) www.oecd.org/goverance http://unodc.org/unodc/en/treaties/CAC/index.html http://whitehouse.gov/the_press_office/ TransparencyandOpenGovernment/ www.worldbank.org/governance http://www.u4.no http://www.transparency.org http://www.oecd.org http://www.undp.org www.globalintegrity.org See: Useful Websites in Bibliography

Quiz	The following are quiz and questions for class discussion: 1. How many criminal laws are mandated in the UNCAC? 2. How many criminal laws are recommended in the UNCAC but not mandated? 3. How many UNCAC Articles relate to transparency? 4. How many UNCAC Articles relate to accountability? 5. How many UNCAC Articles relate to integrity? 6. How many UNCAC-related criminal laws were potentially violated in the BAE case study? 7. What were the key barriers to international cooperation in the BAE case study?

Module II. Prevention: Rule of Law and Good Governance,
Chapter 2 (Articles 1-14)

Module Introduction/ Thesis for Class Discussion and Debate	**Underlying Thesis for Class Discussion and Debate.** Lessons learned from all regions and all countries over the last twenty years or so since the global anti-corruption movement was launched make it clear that preventing and addressing corruption effectively requires transparent and accountable decision-making process in both the public and private sectors.
	These lessons also tell us that most if not all of the countries that have made the most progress in addressing corruption are those that have also supported the development of a rule of law culture, public engagement and public access to information.
	The UNCAC framework includes important inter-related legal and good governance mandates and recommendations that encompass all of these transparency and accountability elements. It promotes a holistic approach to addressing and preventing corruption that when implemented will ultimately reduce the multi-dimensional cost of corruption to societies, businesses and citizens alike.
	One of the main goals of this module is to introduce the concepts of transparency and accountability from both a theoretical and practical perspective through an UNCAC implementation prism. This means these concepts need to be explored country-by-country, sector-by-sector and institution-by-institution through real-world examples and case studies.
	It also means that these issues need to be explored from the perspective of all key stakeholders and through a technological lens, including large and small businesses and corporate officials, entrepreneurs, different professions and sectors, key public institutions and officials, civil servants, civil society at large and the rich, poor and disenfranchised.
	If these two joined-at-the-hip cross-cutting concepts can be explained and understood after this module and course, then the essential and universal theoretical and practical foundation for thinking about how to evaluate the risks and costs of corruption and how to address and prevent it is forever intellectually in place.

Key Issues	Rule of law; open government practices; transparency and accountability; E-governance and integrity in the civil service and justice sector
UNCAC Articles	Chapter 2: Articles 1 -14

Main Topics	The main topics covered are:
	- Prioritizing mandated prevention-oriented measures, including access to information and protecting corruption reporting and freedom of expression rights (A10) - Public and private sector anti-corruption policy and internal and external compliance reporting - Codes of conduct, ethics disclosure and conflict of interest laws (A8, 9)) - Public financial management (transparent revenues and expenditures) - Civil service reform (A7, 8) - Justice sector integrity (A11) - Independent audits, private sector auditing and accounting standards and professional codes of conduct (A12) - Emerging topics and issues discussed
Key Lesson	The key lessons are the following: - A justice system with integrity is key to the universal right to fair, effective and efficient enforcement of anti-corruption laws and universal human rights, including contract and property rights. - An open government built around transparency and accountability good governance principles, is key to anti-corruption success and to promoting a rule of law culture. - Meaningful civil society participation and public access to information, has proven to be one of the best prescriptions for preventing and reducing corruption and to promoting public trust in democratic government and free market institutions.

Learning Goals	The learning goals for this module follows: • To be able to visualize the UNCAC as a global framework or guidepost for preventing and addressing corruption in a holistic manner. • To be able to identify and critically analyze transparency and accountability concepts within country, sectoral and institutional UNCAC context. • To see the UNCAC as a potential global guidepost for promoting many key elements of a rule of law culture. • To see the UNCAC as a potential global guidepost for promoting the enforcement of key human rights, such as the right to free expression and justice with integrity, fairly, effectively and efficiently. • To see the upsides and downsides to the use of IT to prevent and address corruption in a range of public and private sector areas.
Class Assignment/ Main Tasks	Please read the Required readings and select Recommended readings and think about the issues raised in each from both a private and public sector perspective. 1. Be able to define a rule of law society in one sentence and then identify provisions of the UNCAC relevant to promoting one. 2. Be able to identify at least five key lessons learned from rule of law and anti-corruption promotion in the developing world over the last 10 years. 3. Be able to articulate on one page the relevance of the rule of law to sustainable economic and political development and preventing and addressing corruption. 4. Be able to list three challenges related to the implementation of e-government and open government laws, such as those related to access to information, income and asset disclosure, whistle blowing, codes of conduct and conflict of interest. 5. Be able to identify the sources to turn to for good governance IT practices and successful case studies related to the procurement and regulatory process

| Required Reading | **Barriers to Preventing Corruption: What do Businesses Say (2012)? -- (TI survey of 3000 businesses in 30 diverse countries): http:// blogtransparency.org/2012/09/18/barriers-to-preventing-corruption-what-do-businesspeople-say/r**

Shining a Light on the World's Biggest Companies (2012) -- a look at companies' transparency footprints (corporate disclosure of key business information for investors and the public) in 105 companies in 177 countries): http://transparency.org/news/feature/shining-a-light-on-the-worlds-biggest-companies

Corruption Prevention - The Hong Kong Experience, Chan T. (Director Corruption Prevention, Independent Commission Against Corruption, Hong Kong): http://info/http://www.unafei.or.jp/english/pdf/_rms/no56/56-26.pdf

The Rule of Law Revival in Promoting the Rule of Law Abroad: In Search of Knowledge, Carothers T, Carnegie Paper No. 34 (January 2003): http://www.carnegieendowment.org/files/CarothersChapter11.pdf

Public Office, Private Interests: Accountability through Income and Asset Disclosure (2012): www.worldbank.org/star (available in English, Spanish, Arabic and French)

The Social Media Revolution: Asian Perspectives on New Media (2012), Nazakat S: http://www.kas.de/wf/doc/kas_31322-1522-2-30.pdf?1206150615060656

Good Practice in Whistleblowing Protection Legislation: http://www.u4.no/publications/good-practice-in-whistleblowing-protection-wpl/downloadasset/404

Understanding the Private Side of Corruption: New Kinds of Transparency, New Roles for Donors (2007), Michael Johnston, U4 Brief: http://www.u4.no/publications/understanding-the-private-side-of-corruption-new-kinds-of-transparency-new-roles-for-donors/ |
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Recommended Reading	*Please quickly review or skim some of the following references for more information on a given subject or issue or for a deeper understanding of how these issues play-out in practice in different country contexts. These materials will provide you with more theoretical and practical background information, more case studies and more how-to tools. They will also deepen your knowledge and understanding of how many of the subjects and issues raised relate to each other.* **The Impact of Business Regulatory Reforms on Economic Growth, Haidar JI (2012)** - -investigates the link between business regulatory reforms and economic growth in 172 countries (from the Worldbank's Doing Business Reports), Journal of Japanese and International Economies (forthcoming -- for paper contact JHaidar@worldbank.org) **Transparency, Incentives and Prevention (TIP) for Corruption Control and Good Governance: Empirical Findings, Practical Lessons, and Strategies for Action based on International Experience**: http://info.worldbank.org/etools/docs/library/18380/quinghua_paper.pdf **The Committee to Protect Journalists Security Guide**: http://cpj.org/reports/2012/04/journalist-security-guide.php **The Global Explosion of Freedom of Information Laws**, John Ackerman, Administrative Law Review, Volume 58, No 1 (2006). www.wcl.american.edu/journal/ **Globalizing the Rule of Law Through Cooperation and Implementation of the UNCAC,** Henderson K, Biennial Conference on the Law of the World, Beijing 2005: http://www.worldjuristassociation.org/Beijing/Henderson **The Internet Changes Everything: Revolutionizing Public Participation and Access to Government Information Through the Internet**, Johnson S, Administrative Law Review, Volume 50, No 2 (1998). www.wcl.american.edu/journal **Guide to international Freedom of Information laws (2012)** -- Guide to FoI laws and procedures in over 160 countries (and how to file FoI requests): http://www.icij.org/resources/2012/04/freedom-of-information **Sources and Failures of Whistle Blower Laws** (forth-coming book Fall 2012): Vaughn R., Edgar Elgar Press

Case Studies	The case studies are to be prepared in class and they are the following: Murdoch's Scandal/UK -- Examines the scope and impact of bribery among the media and the law enforcement community (police). www.guardian.org -- The Full House of Commons Parliamentary Report (July 19, 2011). PBS Video: http/www.pbs.org/wgbh/pagesfrontline/ murdochs-scandal/
Videos	Accounts and Accountability: Right to Information Empowers Citizens of Rajasthan **(India)**. www.unesco.org/new/en/communication-and-information-/freedom-of-expression/freedom-of-information/resources/videos/ Youtube.com/watch/openbudgets

Useful Websites/ Tools	The following are useful websites:
	www.cpj.org/blog -- Committee to Protect Journalists
	www.cpj.org/toolsandresources/
	www.icij.org -- International Consortium of Investigative Journalists
	www.icc.org - -International Chamber of Commerce
	www.oecd.org/govt/ethics/
	www.unglobalcompact.org
	www.oecd.org/gov -- Managing Conflict of Interest in the Public Sector: A Tool Kit (2005)
	www.biac.org/pubs -- Anti-Bribery Resource Guide
	www.business-anticorruption.com -- Business-Anti-Corruption Business Portal -- 64 country profiles including a free e-learning course and a country risk tool
	The following are useful tools/frameworks:
	TI Corruption Perception Index
	Guidance for Promoting Judicial Independence and Impartiality (2002)
	The TI Sourcebook (Country specific)
	The TI Annual Global Corruption Report
	TI Bribe Payers Index
	The Open Budget Initiative
	OECD Ethics and Corruption in the Public Sector
	OECD Principles for Integrity in Public Procurement (2009)
	DoingBusiness (Annual) -- annual country rankings of the ease or difficulty of the regulatory process country-by-country
	The OECD Good Practice Guidance on Internal Controls, Ethics and Compliance
	The OECD Recommendation of the Council for Furthering Combatting Bribery of Foreign Government Officials in International Business Transactions

Quiz and Questions for Class Discussion	The following are quiz and questions for class discussions:
	1. How many UNCAC legislative and prevention mandates relate to promoting the right to freedom of expression?
	2. How many UNCAC "shall or may consider" provisions (recommended laws or good governance practices) relate to promoting access to information?
	3. Has your country passed all of the UNCAC mandated and recommended anti-corruption laws and policies?
	4. Does your country have an access to information law that includes well defined exceptions?
	5. Does your country require a whistleblower system that includes an anonymous reporting mechanism for both the public and private sector?
	6. Does your country make income and asset disclosure statements of high level public officials accessible to the public and media?
	7. Does your country's public procurement code conform to international best practices?

Module III. Prevention: Public Awareness and Open Government,
Chapter 2: Articles 8, 9, 12, 13 and 63

Module Introduction/ Thesis for Class Discussion and Debate	Real-world experience tells us that public awareness is key to preventing corruption. This important point is embraced and highlighted both directly and indirectly throughout the UNCAC. This module builds on some of the key open government and rule of law issues discussed in Module II. It attempts to deepen the discussion on UNCAC articles related to the public and private sector engagement through case studies and lessons learned country and comparative research.
	While there is still much knowledge that has yet to be fully captured and much harder work to be done on the public engagement and monitoring and reporting fronts, this module is mainly geared towards making students aware of some of the most successful tools, models and good governance practices that have been used in various country, sector and institutional contexts. It is also geared towards helping the student think creatively and innovatively, since the idea of how to raise public awareness through mechanisms like public-private partnerships is still novel in many country and corporate contexts.
	UNCAC articles 8, 10, 12, 13 and 63 promote public awareness and they are mutually supportive. Indeed, experience has taught us that the successful implementation of one is much more likely if the other related articles are likewise successfully implemented. Of course, as we have discussed and will debate in this and future modules, this is an implementation truism throughout much of the UNCAC. That is why it is important to constantly ask ourselves the question, in this module and all others, how various articles of the UNCAC relate to each other and how should they be analyzed, linked, prioritized or sequenced.
	Within the inquisitorial parameters of this question, many see implementation of Article 13 as one of the most important building blocks for raising public awareness, promoting transparency and preventing corruption. Some believe that until Article 13 is implemented other UNCAC related articles, such as those that recommend that officials publicly disclose through declarations their outside activities, income and assets (Article 8), will likely have little impact on either preventing or addressing corruption.
	As you read through the readings in this module and think about the UNCAC articles related to public awareness, please give a critical eye towards thinking about how these issues relate to the next module (Module IV) and how the public awareness and access to information issue relates to public participation, and for that matter the rule of law issues in Module II.

Key Issues	public awareness; open government; financial disclosure; systematic monitoring & reporting
UNCAC Articles	Chapter 2: Articles 8, 9, 12, 13 and 63
Main Topics	- Public awareness and public education (A13) - Public sector budgets and expenditures (A8) - Public and private sector accounting and auditing standards and financial disclosure mandates (A12) - Public and private financial disclosure - Emerging topics and issues and open discussion

Key Lessons	• Global experience tells us that governments of all political stripes cannot effectively address or prevent corruption without public awareness and strong support from non-governmental stakeholders.
	• Global Experience tells us that the right to freedom of expression and the right to report on corruption without fear or retribution must accompany those who possess and act on this knowledge. Otherwise, its positive impact on corruption may be minimal and its negative impact on the universal human rights of the public may be great.
	• Global experience reminds us that it is important for a broad spectrum of society to be aware of the costs and risks of corruption or the demand for change will not be enough to overcome the powers-that-be who are currently benefiting from the corruption. This includes citizens, businesses, advocacy groups, the media, think tanks and academia, as well as whistleblowers, defense lawyers, prosecutors, judges and anti-corruption fighters.
	• Global experience teaches us that systematic monitoring and reporting frameworks designed to promote public awareness in targeted institutions and key government decision-making processes is key to success.
	• Experience tells us that governments of all political stripes cannot effectively address or prevent corruption without strong support from non-governmental stakeholders.
	• Experience also tells us that the right to freedom of expression, including being able to report on corruption without fear of retribution is critical to anti-corruption success. Stakeholders include citizens, businesses, advocacy groups, the media, think tanks and academia, as well as whistleblowers, defense lawyers, prosecutors, judges and anti-corruption fighters.
	• Experience has also taught us that systematic monitoring and reporting frameworks designed to promote key anti-corruption reforms in targeted institutions and key government decision-making processes is key.

Learning Goals	The following are the learning goals for this module: • To help students think more strategically and inclusively in targeted UNCAC reform areas related to institutions, laws and treaties, processes, decision making and citizen participation; • To help students see the interrelationship and co-dependency of many anti-corruption laws, policies and issues; • To show students how to access and effectively utilize some of the best participatory monitoring and reporting frameworks and methodologies for engaging policymakers, citizens and businesses and promoting targeted UNCAC reforms.
Class Assignment/ Main Tasks	The class assignment in the main tasks are the following: · After your required reading do your own independent research on the global movement to pass and implement open government and access to information laws. Be able to identify how many countries have such laws or regulations and about how many are actually being successfully implemented in practice. · Also do your own research on the number of countries that have passed laws requiring public officials to publicly disclose their income and assets? Are these disclosures actually accessible publicly? · Be able to identify some of the best sources to turn to for information related to public awareness in the UNCAC and other international and regional conventions with similar mandates. · Be able to discuss the scope of the global criminal defamation problem in terms of the number of countries that still use these or similar laws to inhibit reporting or promote self-censorship on issues related to corruption. · Choose a case study of your choice and write a 3 to 5 page White Paper outlining the key public awareness, transparency and access to information issues touched upon and include a section noting which UNCAC articles are most relevant to these issues.

| Required Reading | **The Future of Government Lessons Learned from around the World (2011)** -- a global report on challenges facing open government in a world of social media, the fight against corruption and enforcing accountability -- see Video cite below): www.weforum.org/reports/future-government

A Wake-Up Call to the Human Rights and Anti-Corruption Communities: Addressing and Preventing Judicial Corruption and Promoting Civil Society Empowerment Through Systematic Monitoring and Reporting is Key to Implementing Key Provisions of the UDHR and the UNCAC (2008) -- TI Annual Conference Athens), Henderson K: http://web2.qedgroupllc.net/images/stories/news/a%20wake-up%20call%20to%20human%20rights%20and%20anti-corruption%communities.pdf

Doing Business 2012: http://www.doingbusiness.org/about.us (annual global report monitoring and reporting country progress on making the regulatory process more efficient). Please review the methodology section and review the last five years of any one country's report cards (your choice).

OECD Anti-Bribery Convention PHASE 3 (2011) -- lessons learned from 37 country compliance reports: www. oecd.org/daf/briberyininternationalbusiness/anti-briberyconvention/phase3countrymonitoringoftheocedanti-briberyconvention.htm

Comparative assessment of anti-corruption convention's review mechanisms (2008):http://www.u4.no/publications/comparative-assessment-of-anti-corruption-conventions-review-mechanisms/downloadasset/369

The role of civil society in the fight against corruption (2012), Labelle H., Dominican Republic (February 15, 2012 conference): http://transparency.org/news/speeches/top/93

Transparency in Reporting on Anti-Corruption: A Report on Corporate Practices: http://ec.europa/eu/enterprise/policies/sustainable-business/corporate-social-responsibility/reporting-disclosure/swedish-presidency/files/surveys_and_reports/transparency_on_anticorruption_en.pdf

Reporting Guidance on the 10th Principle Against Corruption (2009): http://www.unglobalcompact.un.org/Issues/transparency_anti-corruption/Anti-corruption_Guidance-Material.html |

Recommended Reading	**Compendium of Country Examples and Lessons Learned from Applying the Methodology for Assessment of National Procurement Systems (2008)**: 22 countries in Africa, Latin America and Asia), www.oecd.org/development/aideffectiveness/42107830.pdf
	Fighting corruption in the public sector: Integrity in Public Procurement (tool box 2006): http://www.oecd.org/gov/ fightingcorruptioninthepublicsector/integrityinpublicprocurement.html
	'Is Transparency the Key to Reducing Corruption in Resource-Rich Countries?' (2009), Kolstad, I. and Wiig, A., World Development 37 (3): 521-532
	"Budget Transparency, Fiscal Performance, and Political Turnout: An International Approach' (2009), Benito, B. and Bastida, F. , Public Administration Review 69 (3): 403-417
	International Budget Partnership (2008) 'Our Money, Our Responsibility: A Citizen's Guide to Monitoring Government Expenditures (case studies), http://internationalbudget.org/library/ publications/guides/our-money-our-responsibility
	Change Agents and Changing Attitudes: CORRUPTION AND RISKS -- Anti-Corruption: the indirect 'big bang' approach (2011), Rothstein B., Review of International Political Economy18:2 May 2011: 228-250
	UNCAC: Doha deal creates corruption monitoring mechanism (2009), www.unodc.org/unodc/en/frontpage/2009/November/doha-deal-creates-corruption-monitoring-mechanism-.html

Case Studies	The case studies are to be prepared to discuss in class and prepare a one page outline /list noting key corruption prevention issues raised in each case study and the relevant UNCAC article:
	Public/Private Partnerships/Coalition Building (Bulgaria): Anti-Corruption Reforms in Bulgaria (2005) -- Case studies on reforms related to privatization, public procurement and law enforcement. www.csd.bg/files/en_Full.pdf
	Gender Participation/Equality (Timor Leste): The Best Practices and Lessons Learned on The "MDF-F Joint Programme: Supporting Gender Equality and Women's Rights in Timor Leste" (July 2012) -- 7 case studies focused on participation, budgets, outreach, referral mechanisms and the police): http://www.erc.undp.org/evaluationadmin/downloaddocument.html?docid=5972
	Social Accountability (Turkey, Philippines and Indonesia): Supporting Social Accountability in MENA and NA: Lessons Learned from Past Political and Economic Transitions (2011), http://siteresources.worldbank/INTMENA/resources/supporting_social-accountability-MENA/ENG.pdf - Case studies on transparency, accountability and participation (Turkey, Philippines and Indonesia)
	Access to Information (Jamaica): Transparency/Access to Information/Conflicts of Interest/Role of Citizens (Jamaica)" Fostering Corruption and Preventing Corruption in Jamaica, The Carter Center (2002), www.cartercenter.org/documents/1038.pdf
	Budgetary Information/Education (Uganda): Putting the Power of Transparency in Context: Information's Role in Reducing Corruption in Uganda's Education Sector' (2007), Hubbard P., Center for Global Development Working Paper 136, www.cgd.org
Videos	The Future of Government Lessons Learned from around the World: Europe and Central Asia(2011) -- a global report on challenges facing open government in a world of social media, the fight against corruption and enforcing accountability): www.weforum.org/reports/future-government, www.weforum.org/video/europe-and-central-asia-2011-carina-larsfalten
Useful Websites/ Tools	See Bibliography

Quiz and Questions for Class Discussion	1. Which anti-corruption treaty monitoring and reporting methodology has proven to be most effective in promoting reforms? 2. What are some of the key open government reforms promoted under the UNCAC? 3. What three areas does your country rank the lowest in regionally in the 2012 Doing Business Report? 4. How many principles against corruption are found in the 10th Principle Against Corruption? 5. The vast majority of countries that have ratified the UNCAC still criminalize libel, slander, defamation and insult laws. 6. Less than half of the countries that have ratified the UNCAC have access to information laws. 7. Among various international anti-corruption treaties, the OECD Anti-Bribery Convention's monitoring and reporting methodology is most effective.

Module IV, Transparency, Public Participation, Access to Information and Whistleblowing
UNCAC Articles 8, 10, 12, 13 and 32

Module Introduction/ Thesis for Class Discussion and Debate	The main focus of this module is on UNCAC mandates and good governance practices that together promote more transparency and accountability across institutions and sectors within both the public and private sectors. This includes public participation, systematic monitoring and reporting, access to information and E-governance practices. These UNCAC articles collectively embrace the universal good governance principles of transparency, open government, access to information and the universal right of freedom of expression -- which underpins the right and civic if not legal duty to report on and blow the whistle on bribery and corruption. These articles and the time-tested universal principles they are built upon are the fundamental building blocks to preventing and addressing corruption. They are also essential to public private anti-corruption partnerships and to meaningful public and private sector participation in the government decision-making process across sectors and institutions. This includes executive, legislative, judicial and independent agencies, such as anti-corruption commissions. They are also key to promoting universal human rights guaranteed under the UDHR and country constitutions, including access to justice. Experience has taught us that without them, accountability to either the law or to the public is either weak, unpredictable, arbitrary or non-existent, and democratic governance is illusory. Perhaps the most important crosscutting door opening tools to breaking the secret backbone of corruption and to promoting good governance and the rule of law is to implement an access to information law. Over the last two decades over 70 countries have now passed such a law. New and emerging information technologies have recently enhanced opportunities to make implementation practical and far-reaching. The challenge now is how to implement these new laws and open government systems fairly, efficiently and effectively within different country contexts. One of the best ways to do this is to link-up implementation of the UDHR's universal right to freedom of expression with implementation of the UNCAC's open government laws, policies and good governance best practices. This kind of "open" marriage will serve to simultaneously promote access to information, public awareness and participation and open government, alongside universal rights.
Key Issues	Access to information; public participation; public trust; systematic monitoring and reporting and whistleblowing

UNCAC Articles	Articles 8, 10, 12, 13 and 32
Main Topics	• Access to public and private sector information • Public participation public trust • Anonymous, internal and external whistleblowing • Systematic monitoring and reporting and implementation and enforcement of the law
Key Lessons	• Public access to government information and public participation in governance are the foundational stepping stones to preventing and addressing corruption fairly, effectively and efficiently. • Without these kind of laws, practices and governance principles there are virtually no opportunities for meaningful public private anti-corruption partnerships and virtually no opportunities to promote public trust in government or free markets. • Recent global multi-disciplinary empirical research spanning the last 15 years indicates a number of countries may have achieved some success on the anti-corruption front because they made passage and implementation of access to information and open government laws a high priority. • Promoting transparent budgets and independent audits and financial information, and promoting public access to information, in terms of both revenues and expenditures in high priority areas, such health, education and natural resources, is key to anti-corruption success. • Public and private systematic monitoring and reporting of reforms and the public decision-making process is key to anti-corruption success and to fair and effective implementation and enforcement.

Learning Goals	• Learn and understand key UNCAC mandates, good governance practices and their relationship to emerging global good governance principles;
	• Learn how to identify, access and use transparency tools to promote public participation and whistleblowing;
	• Learn how key UNCAC transparency-oriented mandates, good governance practices and principles mutually support and interact with each other in the UNCAC and promote accountability;
	• Learn how to access and creatively use a number of assessment tools and monitoring and reporting mechanisms to calculate the risk, prevent, reduce and address corruption in various sectors, institutions and country contexts and
	• Be able to articulate some of the key elements that led some of the contemporary anti-corruption achievers to be somewhat successful in preventing and addressing corruption.

Class Assignment/ Main Tasks	• Please read the relevant provisions of the UNCAC and required articles below, including the case studies and videos, with an eye towards being able to identify key transparency, access to information and freedom of expression issues, good governance practices and monitoring and reporting mechanisms. List as many as you can. Whoever has the longest list in each category will win their own personal whistle. • Be able to identify key transparency-oriented provisions of the UNCAC and how they relate to each other and the right to access to information, including provisions related to law enforcement cooperation, fair and effective enforcement of the criminal laws and whistleblower protection rights. • Be able to identify at least 3 important gaps in the EITI Initiative in the case of Nigeria or at least one other natural resource rich country (see Nigeria case study or you choose another country from the readings). Also list on one page key provisions of the UNCAC that relate to the transparency principles and important gaps related to EITI monitoring and reporting. • Be able to identify all of the corruption victims in the video "Victims of corruption in Nigeria" (see Videos). • Be able to identify which contemporary achieving countries on the anti-corruption front had an access to information law (Contextual Choices) • How many E-governance/E-government tools does South Korea employ to address and prevent corruption (see Contextual Choices and the Korea case study readings)?

Required Reading	**'Making the Law Work: The Challenges of Implementation and the Right to Know -- Transparency for an Open World' (2007)**, Ed. Florini A., Columbia University Press, A, P.179-213: On-Line: http://www.cartercenter.org/resources/pdfs/peace/americas/making/the/law/work.pdf
	'China Adopts First Nationwide Open Government Information Regulations' , On-line: http://www.law.yale.edu/documents/pdf/Intellectual_Life/CL-OGI-Toward_More_Open-English.pdf
	A Great and Revolutionary Law? The First Four Years of India's Right to Information Act (2010), Public Administration Review: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1527858
	Conceptual Choices in Fighting Corruption: Lessons Learned (2010): pp 71-83 (impact evaluation and access to Information and other tools) and pp. 112-122 (Lessons Learned): http://norad.no/en/tools-and-publications/publications/publication?key=383808
	Open Budget Survey (2010): http://internalbudget.org/what-we-do/open-budget-survey/

	A Wake-Up Call to the Human Rights and Anti-Corruption Communities: Addressing and Preventing Judicial Corruption and Promoting Civil Society Empowerment Through Systematic Monitoring and Reporting is Key to Implementing Key Provisions of the UDHR and the UNCAC (Athens -- 2008), Henderson K: http://web2.qedgroupllc.net/images/stories/news/a%20wake-up%20call%20to%20the%20human%20rights%20and%20anti-corruption%20communities.pdf **Oil Corruption Menaces Angola, Nigeria, Global Witness Says (2009)**: http://mobile.businessweek.com/news/20-12-09/oil-corruption-menaces-angola-nigeria-global-witness-says.html **Open Budget Survey (2010)**: http://internalbudget.org/what-we-do/open-budget-survey/ **A Wake-Up Call to the Human Rights and Anti-Corruption Communities: Addressing and Preventing Judicial Corruption and Promoting Civil Society Empowerment Through Systematic Monitoring and Reporting is Key to Implementing Key Provisions of the UDHR and the UNCAC (Athens -- 2008)**, Henderson K., www.transparency.org Oil Corruption Menaces **Angola, Nigeria**, Global Witness Says: http://mobile.businessweek.com/news/20-12-09/oil-corruption-menaces-angola-nigeria-global-witness-says.html
Recommended Reading	**Freedom of Information Around the World in 2006: A Global Survey of Access to Government Records laws**, Banisar, D: http://www.privacyinternational.org/article.shtml?cmd[347]=x-347-543400 (updated cite) **Coalition of Journalists for Open Government (USA - 2007)** -- An in-depth analysis of FOIA performance from 1998 to 2007: http://cjog.net/documents/Part_1_2007_FOIA_Report.pdf **A Comparative Report on the State of the Media in Egypt, Jordan, Lebanon and Morocco, Assaf S. & Henderson K., Arab Centre for the Development of the Rule of Law and Integrity (2007)**: http://ifes.org/~/media/Files/Publications/White%PaperReport/2007/677/Media%20Comparative%20Report%20FINAL.pdf

UK: Government promises defamation reform but backslides on expression and surveillance (2011): http://www.article19.org/ resources.php/resource/3164/en/uk:-government-promises

Improving Transparency and Accountability in the Budget Process: An Assessment of Recent Initiatives (2010), Carlitz R: www.dfid.gov/uk/ R4D/PDF/Outputs/Mis_SPC/60827_DPRCarlitz_preprint.pdf

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Using ICTs to create a culture of transparency: E-government and social media as openness and anti-corruption tools for societies (2010), Bertot JC., Jaeger PT & Grimes JM, Government Information Quarterly, Vol 27, Issue 3, July 2010, pp 264-271: http://dx.doiorg/10.10.1016/j.giq.2010.03.001

The Internet Changes Everything: Revolutionizing Public Participation and Access to Government Information Through the Internet (1998), Johnson, S., Vol 50, Adm. Law Review No 2

The Global Explosion of Freedom of Information Laws (2006), Ackerman J. & Sandoval-Balleseros I., 58 Admin.L. Rev., pp 85 -123

The WTO and the Anti-Corruption Movement (2008), Ala'I P., Loyola University Chicago International Law Review 6, no 1, pp. 259-278

Guide for Civil Society on the 2011 EITI Rules: www.revenuewatch.org/publications/guide-civil-society-2011-eiti-rules

A Short Guide to Parliamentary Oversight of the Oil and Gas Sector for the Parliament of Ghana (2012), Myers K. & Mohammed A., www.revenuewatch.org/training/resource_center/short-guide-

Case Studies	**State Capture under Good Governance: The Challenge of the Republic of Korea's Experience: Challenging Corruption in Asia -- Case Studies and a Framework for Action**, Bhargava V. & Bolongaita E, pp.135-171 (Putting E-Governance and Access to Information, Monitoring and Reporting and Whistleblowing into country development context).
	Understanding contemporary achievers -- Contextual Choices in Fighting Corruption - - Lessons Learned, pp 83-100 (**Chile, Uruguay, Estonia, Botswana, Taiwan, South Korea, Ghana and Georgia): http://norad.no/en/tools-and-publications/publications/publication?key=383808**
	Confronting the Resource Curse: The Nigeria Extractive Industries Transparency Initiative in Perspective (2011), Abutudu M. & Garuba D., Civil Society Legislative Advocacy Centre (CISLAC) -- see www.cislacnigeria.org

Videos	**Spotlight: The Victims of Corruption:** http://www.pbs.org/frontlineworld/stories/bribe/2009/04/niger-delta-more-coverage-on-the-region/html (Nigeria -- 2009)
	The Halliburton Case and Corruption in Nigeria: http://youtube.com/watch?v=lhcmwcPf4PY&feature=related
	Extractive Industries:http://www.globalwitness/org/about-us -- (view YouTube video on extractive industries accessed on website)
	Portrait of a Whistleblower: How one man decided to expose the truth (Siemens - 2009): http://www.pbs.org/frontlineworld/stories/briber/2009/02/portrait-of-a-

Useful Websites/ Tools	www.article19.org (Excellent UK global website on access to information laws and issues)
	www.FOIAnet.org (Selective biography of academic literature, overviews and comparative analysis regarding freedom of information law and practice
	http://www.wcl.american.edu/lawandgov/cgs/ (Collaboration on Government Secrecy, **USA)**
	www.pefa.org (Public Expenditure and Financial Accountability Program of the World Bank -- assessing country public expenditure, procurement and financial accountability mechanisms)
	http://www.imf.org/external/np/exr/facts/fiscal.htm (IMF Code of Good Practices for Financial Transparency)
	http://www.palermo.edu/derecho/centros/cele-ing/AI-Home-ing.html, Bertoni E., Center for Studies on Freedom of Expression and Access to Information at Palermo University School of Law (**Argentina)**
	www.undp.org/oslocentre/citzpart.html
	www.Wikileaks.org
	www.transparency.org (TI Sourcebook -- the Right to Information)
	http://fs.huntingdon.edu/ljlewis/FOIA/FOIAlinks.html (many useful sites for academics and student researchers)

Quiz and Questions for Class Discussion	1. How many UNCAC articles relate to right to access to information?
	2. What kind of whistleblowing mechanisms need to be accessible to the public and private sector?
	3. How many e-government tools does South Korea employ in its anti-corruption arsenal?
	4. How many victims of corruption are there in the Nigeria case study?
	5. How many different public and private sector actors were involved in the Siemen's case in Germany?
	6. What are some of the key barriers to implementing the new access to information regulations in China?
	7. What are some of the key barriers to implementing the new access to information law in India?

Module V. Prevention: Justice Sector Corruption and Human Rights
Chapter 2: Article 11

Module Introduction/ Thesis for Class Discussion and Debate	The module is focused on the crosscutting underrated and under-researched issue of justice sector corruption. This includes corruption within the law enforcement community and anti-corruption institutions. The UNCAC is the first global treaty to expressly acknowledge this global problem and the first to require countries to make it a high priority reform. While the Universal Declaration of Human Rights (1948) made human rights and an an independent judiciary universal rights, it did not acknowledge justice sector corruption as a high barrier to the fair and effective implementation and enforcement of these universal rights. The UNCAC does just that. One of the most important historical and contemporary lessons learned from a political, economic, human rights or anti-corruption perspective, is that a justice system with integrity is key to addressing corruption and promoting human rights and sustainable economic development. From 18th century Scotland, 19th century America and Denmark, 20th century Hong Kong, Singapore and Poland to 21st century Georgia and South Korea, countries that have had or made promoting a rule of law culture one of their highest priorities have generally had the most overall success. This is an important international values-oriented development that makes globalizing the rule of law and the actual implementation and enforcement of universal human rights and anti-crime and anti-corruption laws possible for the first time. It presents a 21st Century opportunity to marry the forces of the human rights and anti-corruption communities in a public ceremony that shines their collective sights on a prevention-oriented institution-building agenda. To a large extent, the fair and equitable implementation of these two global treaties, as well as various regional anti-corruption, human rights and economic-oriented treaties, all depend on the existence of an independent justice system with integrity. This module attempts to introduce the student to just a small dose of some of the key issues and topics related to justice sector corruption raised in the UNCAC, and to a lesser degree the UDHR and other international treaties. Students are also briefly exposed to how this issue relates to and impacts UNCAC articles and issues related to national and international cooperation. However, as students analyze and reflect on these closely related issues, it will be important to broaden the discussion to include other important treaties, laws, policies and governance issues in the critical thinking mix. At the end of this lesson students should see this issue as a crosscutting global phenomenon that is complex, as well as one that transcends institutions, sectors, governance processes and intra-country and international borders.

Key Issues	judicial corruption; law enforcement corruption; judicial independence; justice sector transparency; justice sector accountability; judicial enforcement; anti-corruption institution/authority corruption; international and national judicial cooperation
UNCAC Articles	Article 11
Main Topics	• The scope and nature of justice sector corruption from both an UNCAC implementation and rule of law perspective • Linkages between the need to address justice sector corruption in the UNCAC and the fair, effective and efficient enforcement of universal human rights in the UDHR • The causal connection between human rights abuses and justice sector corruption • Links between the implementation and enforcement of the UNCAC's corruption prevention and criminal laws and UNCAC's justice sector corruption mandate • Links between issues related to judicial independence and justice sector corruption under the UNCAC and UDHR

| Key Lessons | • This issue is still almost a taboo topic in many countries.

• Addressing and preventing justice sector corruption is only a recently acknowledged global phenomenon that has been rarely discussed or researched and rarely addressed in many UNCAC and UDHR countries.

• This issue needs to be seriously factored into the strategic thinking and plans of all key stakeholders, including businesses, government officials, justice sector and law enforcement officials, human rights organizations/activists, country risk analysts and compliance officers and good government practitioners.

• This issue also needs to become a higher priority on the global policy reform agenda. |

Learning Goals	• To help students learn how to research, analyze and quantify the cost and crosscutting multiple impacts of justice sector corruption on fundamental human rights, including property and human rights, freedom of expression and fair and equitable justice, good governance and law enforcement cooperation
	• To provide students the knowledge, tools and methodological skills necessary to analyze, address and prevent corruption within key components of the justice system, including among judges, prosecutors, police, investigators, ministers of justice and anti-corruption commissions
	• To arm students with the analytical skills and some of the key global resources and governmental and non-governmental civil society oversight monitoring and reporting mechanisms needed to promote implementation of Article 13 of the UNCAC
	• To provoke debate on how to best promote an independent justice system and a rule of law culture within implementation context of the UNCAC and different country contexts.

Class Assignment/ Main Tasks	1. Please read the articles below with an eye towards understanding the difference that endemic justice sector corruption has on **(i)** both socio-economic and political development **(ii)** the ability of a country to address and prevent corruption and hold corrupt actors accountable; **(iii)** the ability of governments, individuals, civil society groups and businesses to protect and prevent their fundamental rights under the UDHR and to access fair and effective justice and **(iv)** the ability of a country to promote a rule of law culture.
	2. You should be able to identify at least 5 historical and contemporary anti-corruption country achievers and at least 5 country failures during the 20th century. You should also be able to identify at least 3 reasons why each successful or achiever country and why each failed country succeeded or failed in addressing and preventing corruption.
	3. You should be able to identify at least one anti-corruption framework for analyzing the causes, cost and depth of corruption within a country's justice system and one framework for promoting high priority justice sector reforms. Choose the country of your choice from the GCR 2007 Report and try to apply this framework to the analysis in the Report.
	4. Choose any three country reports in the GCR 2007 Report and write a one page paper summarizing, in your opinion, the 3 most important corruption problems these judiciaries shared in common.
	5. **Fujimori.** Please see the assignment in the Fujimori case study below. Please focus on identifying key issues related to corruption within the Peruvian judiciary and law enforcement community and international cooperation.

Required Reading	**Contextual Choices in Fighting Corruption: Lessons Learned (2011**): www.norad.no/en/tools-and-publications/publications -- identifies global lessons learned over the last 15 years of the growing anti-corruption movement and elements of anti-corruption progress, success and failure:http://www.norad.no/en/tools-and-publications/publications/publication?key=383808
	Independence, Accountability and the Judiciary, Canivet G, Andenas M and Fairgrieve D, Chapter 12 - 'Global Lessons and Best Practices, Corruption and Judicial Independence', Henderson K. , The British Institute of International and Comparative Law (2007), pps. 439-492
	2007 Global Corruption Report on the Judiciary (pp xxi - 25): http://archive.transparency.org/publications/gcr/gcr_2007
	2007 Global Corruption Report on the Judiciary, 'Judicial corruption and the broader justice system', Buscaglia E: http://archive.transparency.org/publications/gcr/gcr_2007
	The "Production" of Corruption in China's courts: The politics of judicial decision-making and its consequences in a one-Party state (2011), Ling Li, 2011 Journal of Law & Social Inquiry and http://ssrn.com/abstract=188041
	The UNCAC and Judicial Corruption: Requirements and Avenues for Reform, U4 Brief No 8 (September 2008): http://u4.no/publications/the-uncac-and-judicial-corruption-requirements-and-avenues-for-reform/downloadasset/152
	Global Integrity Report (2012) -- assesses the accountability mechanisms and transparency measures in place in over 90 country governments, including the justice system: http://www.globalintegrity.org/node/1046
	Corruption and Human Rights: Making the Connection (2009):http://www.ichrp.org/files/reports/40/131_web.pdf
	A Wake-Up Call to the Human Rights and Anti-Corruption Communities: Addressing and Preventing Judicial Corruption and Promoting Civil Society Empowerment Through Systematic Monitoring and Reporting is Key to Implementing Key Provisions of the UDHR and the UNCAC (2008), Henderson K. (TI Annual 2008 Conference in Athens): http://web2.qedgroupllc.net/images/stories/news/a

Recommended Reading	**The Impact of Corruption on the Human Rights Based Approach to Development (2004):** http://www.albacharia.ma/xmlui/bitstream/handle/123456789/30538/0284The_Impact_of_Corruption_on_the_Human_Rights_Approach_to_Development(2005)r.pdf?sequence=1
	Reducing Corruption in the Judiciary: A USAID Program Brief (2009) -- includes a judicial corruption checklist, indicators and bibliography: http://transition.usaid.gov/our_work/democracy_and_governance/publications/pdfs/Reducing_Corruption_Judiciary_June09.pdf
	AntiCorruption Agencies: USAID Anticorruption Program Brief, www.slideshare-net/jatar/anti-corruption-agencies-purpose-pitfalls-success
	Global Best Practices: Income and Asset Disclosure Requirements for Judges: Lessons Learned from Eastern Europe and Latin America (2004), Elena S et al: www.ifes.org
	Role of the Rule of Law and Judiciary Independence in Combatting Corruption and Protecting Development Programs (2001), Wahed, MA., Comprehensive Legal and Judicial Development: Toward an Agenda for a Just and Equitable Society in the 21st Century, Puymbroeck, The World Bank (pgs. 157-184) -- Attorney General Egypt.
	<u>Many Roads to Justice</u>, McClymont, M. & Golub S., The Ford Foundation (2000): Introduction, Golub (pgs. 1-15): Global case studies from South America to China illustrating how to promote human rights and improve the lives of poor people through non-governmental organizations.
	Global Guidance on Promoting Judicial Independence and Accountability, http://transition.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacm007.pdf (also available in French and Spanish).
	Global Best Practices: A Strategic Tool for Promoting and Reporting on Judicial Integrity Reforms (2004), Autheman, V. & Henderson K: http://www.ifes.org/publication/20ef1c5bb97b3a464dc4d8bb4da18bac/WhitePaper_6_FINAL.pdf
	Regional Best Practices: Enforcement of Court Judgments - - Lessons Learned from Eastern Europe and Latin America (2004), Henderson K: http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/

Case Studies	Fujimori/Peru (see cite Videos below). Also undertake your own independent research and prepare a 3 to 5 page Lessons Learned Memorandum for the current Prosecutor General of Peru. Include a one page Addendum outlining your research methodology. "Khodorkovsky" movie documentary (2011), Tuschi C., www.onlinemovieshd.net (in Russian, German and English) and http://alturl.com/7ydu9
Videos	"The Fall of Fujimori and The Curse of Inca Gold" (Peru -- 2006): www.pbs.org/pov/falloffujimori/ and www.pbs.org/frontline/stories/peru404/thestory.html - - systematic bribery and corruption among a range of actors within the justice, executive and legislative branches during the Fujimori presidency (1990 - 2000) The Future of Government Lessons Learned from around the World: Europe and Central Asia (an introduction to the 2011 World Economic Forum Report above), www.weforum.org/video/europe-and-central-asia-2011-carina-larsfalten
Useful Websites/ Tools	See Bibliography

Quiz and Questions for Class Discussion	1. How many universal crimes and good governance reforms under the UNCAC, including international law enforcement cooperation, can be fairly and effectively implemented without an independent judiciary and justice system with integrity?

2. How many rights guaranteed under the UDHR, including the right to freedom of expression, can be fairly and effectively implemented without an independent judiciary and justice system with integrity?

3. Does your country have a governmental or non-governmental systematic monitoring and reporting mechanism to promote an independent judiciary or address and prevent systematic corruption in the justice sector?

4. Does your country's laws, including income and asset disclosure, and your judicial code of ethics, conform to the laws and ethics rules for judges and prosecutors recommended in the UNCAC?

5. How many judges and prosecutors have been convicted of bribery in your country in the last five years?

6. How many historical and contemporary anti-corruption achieving countries in "Contextual Choices" have or are promoting a rule of law culture?

7. According to Global Integrity's 2012 country report, what are the key reasons why a country's anti-corruption agency fails to enforce their anti-corruption laws or fulfill the public's expectations? |

Module VI. Prevention: Public and Private Sector Procurement
Chapter 2: Articles 5, 6, 7, 8, 9, 11, 12 and 14

Module Introduction/ Thesis for Class Discussion and Debate	Research and experience tells us that corruption in the public procurement process is one of the biggest drivers of corruption in virtually every country in the world. The apparent and hidden costs of this form of corruption should be a high priority concern for all stakeholders. Bribery in government procurement is estimated to be adding at least 10-20% to the value of the contract by some. Others estimate it to add as much as 30% in some sectors, such as defense, construction, natural resources.
	Whatever the right numbers are, no country can afford not to take action, particularly in high priority sectors, such as health, education and natural resources. The full impact corruption has on the quality of services and products delivered, including public health and safety, makes the human cost potentially much higher than any bribe.
	This module is focused mainly on how to make the public procurement process more transparent, competitive and objective through the implementation of model laws and good governance practices related to public procurement mandated and recommended in UNCAC Articles 5, 6, 7, 8, 9, 11, 12 and 14.
	While the UNCAC mandate relates to the public sector, it also includes a number of transparency recommendations that hit the procurement process purely within or more closely related to the private sector. Students should therefore note that many of the same issues and good governance practices raised in this module also relate to the procurement process within the private-to-private and non-profit sectors, which is similarly subject to corruption. However, because of time limitations, that important area will necessarily have to be explored more deeply through independent research.
	Addressing and preventing corruption in the public procurement process should be a high priority in virtually any country context for mriad reasons, including: (i) the amount of public money and degree of corruption involved (by some estimates public procurement represents 15% to 20% of the world's GDP -- or at least $4 trillion per year); (ii) it is crosscutting across sectors and public agencies; (iii) it has a negative impact on economic growth and trade and investment (including small, medium and large national and international business enterprises, as well as women, minorities and the poor); (iv) it increases the price for and reduces the quantity and quality of public goods and services and (v) it is one of the main vehicles used to perpetuate corrupt networks and a culture of bribery.
	As implementation of the UNCAC progresses in countries around the world, public and private sector actors engaging in public procurement

Key Issues	Transparency in the public procurement process; accountability in the process; E-government; the cost of public procurement corruption to governments, businesses and society and analyzing corruption and its risks within the pubic procurement process step-by-step
UNCAC Articles	Chapter 2: Articles 5, 6, 7, 8, 9, 11, 12 and 14
Main Topics	The main topics covered are: Public and Private Corruption, Transparency and Accountability.
Key Lesson	The key lesson are the following: • Making reducing corruption within the public procurement process a high priority for both the public and private sectors is key to addressing high level and low level corruption and promoting a culture of integrity, establishing a competitive economic playing field and reducing corruption risks under the UNCAC. • Now that good legal procurement laws, criminal bribery and corruption laws are now emerging globally, the challenge is how to implement and enforce them fairly and effectively. • Other key lessons are that more transparency and accountability, including E-Governance, access to information and open government systems, as well as civil society organizations and the media, are also playing an increasingly important role in preventing and reducing corruption in this area. • Both governmental and non-governmental oversight and public-private partnerships are key to anti-corruption success and accurate risk analysis.

Learning Goals	The learning goals for this module follows: • To introduce and help students analyze the three key steps in the public procurement process and the opportunities for corruption from a transparency, E-governance, accountability and high priority sectoral perspective; • To provide students with some of the cutting-edge tools, resources and country success stories related to how to calculate the cost of and reduce corruption in each stage of the public procurement process and • To help students analyze UNCAC public procurement mandates, obligations and issues within broader country and UNCAC good governance implementation context.

| Class Assignment/ Main Tasks | The class assignment in the main tasks are the following:

• Be able to identify key resource organizations and materials for purposes of analyzing corruption risks in the public procurement process. (For purposes of this analysis use the process outlined in the UN model procurement law).
• Be able to identify key reports and research outlining key issues, case studies, tools, lessons learned reports, model E-governance programs and best public procurement practices guidelines.
• Be able to identify among the top ten corruption scandals, in terms of dollars bribed or fined, how many related to the public procurement process (in whole or in part) and which issues related to issues raised in the UNCAC.
• In the BAE scandal, how many country's public procurement and anti-bribery/corruption laws were broken and what was the total cost of the BAE corruption case (to the country in question and to the company/subsidiary, the bribers, the bribees and citizens)? |

Required Reading	The required reading for this module is the following:
	Anti-Corruption and Public Procurement (2012) -- Excellent Power Point presentation/overview for students, teachers, trainers and others, including relevant UNCAC articles and other conventions. Passas N. & Claro J: **http://ccac.org/mo/popup/20anniv/ppt/05.pdf**
	The Many Faces of Corruption (2007), Campos JE. & Pradhan,S., Chapter 9: Corruption in Public Procurement, pp. 295-334 -- a must read guide with sectoral case studies, assessment/risk frameworks and good governance practices and lessons learned from numerous countries: http://www.u4.no/recommended-reading/the-many-faces-of-corruption-tracking-vulnerabilities-at-the-sector-level/downloadasset/2424
	Corruption Control in Public Procurement: Measures under the UNCAC and Possible Cooperation with UNODC (2008), Senta K. Rapporteur's Report & Final Recommendations: Second Regional Seminar on Good Governance for **Southeast Asian Countries**: http://www.unafei.or.jp/english/pdf/kensyu/No14_Corruption_Com_E.pdf
	Corruption in the Procurement Process/Outsourcing Government Functions: Issues, Case Studies, Implications (2007 - Iraq), Passas, N., Report to Institute for Fraud Prevention: http://www.theifp.org/research-grants/procurement_final_edited.pdf
	E:Procurement: Towards Transparency and Efficiency in Public Service Delivery (2012), E-Government Working Group), ST/ESA/PAD/SER.E/171 **--** 8 regional and global experts from around the world have developed a an E-government Knowledge Guide that includes E-Government procurement principles, regional surveys, potential private sector partners and an on-line discussion platform: http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan049132.pdf
	E-Government and access to information (2003), Bhatnagar, S., 2003 Global Corruption Report, pp 24-32 (**South Korea, India, Chile**): http://unpan1.org.intradoc/groups/public/documents/apcity/unpan008435.pdf
	Implementation of article 9 UNCAC: the contribution of electronic public procurement (Yemen - 2010): http//www.pogar.org/publication/ac/2010/yemen/luca-en.pdf
	Public-Private Partnerships for Probity in Public Procurement (India - 2011): http://www.unodc.org/southasia.en/frontpage/2012/April/**India**_strengthening-transparency-and-accountability-in-procurement-procedures.html
	Spotlight on Publications: Public Procurement and Disclosure of Public Officials' Personal Assets, Evidence and Lessons from Latin

Recommended Reading	The recommended reading for this module is the following: **UNICTRAL Model Law on Procurement of Goods, Construction and Services, with Guide to Enactment (2011):** http://uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure/2011Model.html **OECD Principles for Enhancing Integrity in Public Procurement (2009)**: http://www.oecd.org/governance/fightcorruptioninthepublicsector/oecdprinciplesforenhancingintegrityinpublicprocurement.htm **Public Procurement Training for IPA Beneficiaries: Review and remedies: Student Pack -- Combating corruption (Module F - OECD/EU - 2009)** -- comprehensive global training manual that includes case studies, good governance practices and all key corruption issues spanning numerous countries: http://oecd.org/site/sigma/publicationsdocuments/46189707.pdf **OECD 2010 Survey on Public Procurement** -- survey of **34 OECD member countries** and **Brazil, Egypt and Ukraine** using E-procurement: http://www.oecd-library.org/sites/gov_glance-2011-en/-0/03/index/html?content -- **Public Procurement As An Industrial Policy Tool: An Option for Developing Countries (Fall 2010)?** Kattel R. & Lember V., Vol. 10, Journal of Public Procurement Issue 3, pp 368-404 **WTO Government Procurement Rules and the Local Dynamics of Procurement Policies: A Malaysian Case Study (2006)**, McCrudden C. & Gross S., 17 (1) Eur J Int Law 151-185: http://ejil.org/pdfs/17/1/67.pdf **Integrity in Public Procurement: Good Practice from A-Z (2007)**: http://www.ocedbookshop.org/oecd/display.asp?LANG=EN&SF1=DI&ST1=55LTHPTQ6LLTH **Bribery in Public Procurement: Actors, Measures and Countermeasures (2007):** http://www.oecd.org/daf/briberyinternationalbusiness/anti-briberyconvention/44956834.pdf

Case Studies	The case studies are to be prepared in class and they are the following:
	Bangladesh: Public procurement and corruption in Bangladesh: confronting the challenges and opportunities (2010), Mahmood, S.A.I: Vol. 2(6) Journal of Public Administration and Policy Research, pp. 103-111 and on-line at: www.acadmeicjournals.org/jpapr
	Iraq: "Custer Battles" case and the False Claims Act (2007- Iraq): Report to Institute for Fraud Prevention, Passas, N. .pp. 14-29: http://thifp.org/research-grants/procurement_final-edited.pdf
	Iraq: Improving Transparency within Government Procurement Procedures in Iraq: OECD-MENA Benchmark Report (2010): http://www.oecd.org/gov/fightingcorruptioninthepublicsector/44736006.pdf
	Malawi: Procurement Capacity Assessment and Strategy Formulation in Malawi: A Case Study (2008), www.oecd.org -- examines strategies for aid effectiveness and how to mainstream and strengthen public procurement, procurement capacity development and use baseline indicators tools for assessment of a national public procurement system.
Videos	**Black Money**: www.pbs.org/wgbh/pages/frontline/blackmoney/view/ -- (BAE Systems bribery in the public procurement process)
Useful Websites/ Tools	The following are useful websites: www.oecd.org/governance/procurement/toolbox/indexoftoolsbyprocurement www.planpublicprocurement.network (procurement law academic network) -- Index of tools [for each phase] of the procurement cycle (2012): a permanent global multi-university consortium/network of academics and researchers who welcomes members working in any discipline www.wto.org/english/tratop_e/gproc_e/overview_e.html -- General Overview of WTO work on government procurement: -- only 40 countries have actually joined the WTO Government Procurement Agreement (GPA) www.nottingham.ac.uk/pprg/documentsarchive/bibliographies/comprehensivepublicprocurementbibliography.pdf -- Bibliography on Public Procurement Law and Regulation -- country-by-country laws and regulations

Quiz and Questions for Class Discussion	The following are quiz and questions for class discussion: 1. How many mandated UNCAC and the OECD Anti-Bribery Convention criminal laws was BAE potentially charged with violating in Black Money? 2. How much in country criminal fines related to these laws is BAE potentially liable for in the countries where BAE was bribing country officials for contract awards? 3. How many other key provisions of the UNCAC are relevant to the BAE scandal? 4. How many prevention-oriented warning indicators or yellow flags in the bidding process could help you identify opportunities for corruption in a typical public procurement transaction (Many Faces of Corruption)? 5. How many prevention-oriented warning indicators or yellow flags in the contract administration process could help you identify opportunities for corruption in a typical public procurement transaction (Many Faces of Corruption)? 6. What are some of the key lessons learned and good governance practices to prevent or reduce bribery and corruption in the public procurement process? 7. In which countries has E-Procurement been most successful in reducing bribery and corruption?

Module VII. Prevention of Money Laundering, Chapter 2: Article 14

Module Introduction/ Thesis for Class Discussion and Debate	At the beginning of the 21st century addressing and preventing money laundering through enhanced enforcement and international cooperation has finally become a high global priority for countries, businesses and the international law enforcement community. New conventions, laws, institutions and reporting requirements, coupled with new forms of technology and enhanced international law enforcement cooperation policies and procedures mandated by the UNCAC, provides new opportunities to tackle many forms of crime and corruption by cutting off the flow of dirty money through money laundering.
	The UNCAC's Articles aimed at fighting money laundering are all-important in the global fight against crime and corruption and cut across countries, sectors, treaties, laws and regulations related to both the public and private sectors as well as international organizations. Together they collectively enhance public and private sector financial disclosure and reporting as well as international cooperation within and between the public and private sectors. They are all-important anti-corruption tools because virtually every criminal and corrupt activity involves hiding and turning dirty money into clean money.
	Some estimate that around $500 billion of this amount is laundered from the poorer and less developed countries through fraud, corruption or trafficking (and estimates are that $20 to $40 billion of this amount is literally stolen or embezzled by high level public officials and laundered across country borders). Another $500 billion or so is laundered by transnational organized crime networks (although the funds of these groups are often linked).
	As will be seen in some of the readings, case studies, documentaries and videos, many of the poorer countries, which suffer from capital flight the most, are ironically actually rich in natural resources; however, the vast majority suffer from the "natural resource curse" (extractive sectors account for $3.5 trillion in revenues or about 5% of total Global GDP).
	Money laundering undermines and distorts government budgets and free and competitive markets and it exacerbates poverty. It also gives criminal networks undue economic and political power, particularly in small economies, and makes financing for terrorism easy. Money laundering also undermines confidence in democratic governance and the international financial community, including important international institutions.

Key Issues	Addressing and Preventing Money Laundering; money laundering/ corruption and criminal predicate offenses
UNCAC Articles	Articles 14, 15, 16, 23, 37, 40, 46, 51, 52, 58
Main Topics and Key Issues Covered	suspicious transactions; internal and external reporting, national and international cooperation and fair and effective enforcement with integrity
Key Lessons	The key lessons are the following: 1. Preventing and addressing money laundering will prevent and help address a wide range of crime and corruption activities. 2. Preventing and addressing money laundering will also promote confidence in democratic governance, financial and business markets. 3. Preventing and addressing money laundering will also enhance law enforcement cooperation on a wide range of fronts -- including bribery, embezzlement, asset recovery, illicit enrichment, transnational crime, human rights, trade and investment, national security and terrorism.
Learning Goals	• To help students understand the strong links between money laundering and the commission, implementation and enforcement of the crime and corruption laws, policies and good governance practices under the UNCAC, including high level bribery in international business transactions. • To help students see that both corruptors and corrupted, including money launderers, maintain or expand their wealth, power and influence by seeking to undermine systems of justice. • To give students a clear picture of the key international legal frameworks and institutions involved in the battle against money laundering. • To give students the knowledge and analytical tools needed to analyze and articulate the impact of money laundering on various stakeholders within country context, including countries rich in natural resources.

Class Assignment/ Main Tasks	1. As you read through the recommended readings and case studies and as you watch the videos and documentaries be able to identify the various mechanisms and institutions used to launder money and the underlying criminal source (s) from which it came. 2. You should be able to cite all of the UNCAC articles that come into play, directly or indirectly, including criminal laws, institutions, mechanisms and policies, in a case study of your choice. 3. In that or another case study be able to identify at least three money laundering global best practices sources and three barriers to fair and effective international law enforcement cooperation on the money laundering front. 4. Review Annex 1 in the FATF Report (2011) and identify the number of source and destination countries, the typical government official involved and the most frequent nature of corruption or crime committed. Please also be able to identify how many cases involved corporate vehicles, shell companies and foreign accounts. 5. Kazakhgate case study: Please do your own Internet research and find the judge's final decision in this case and the way in which the bribery money from the secret Swiss bank account was ultimately distributed. Do you agree with the judges's decision and what were the issues in the litigation? What laws under the UNCAC were broken (theoretically)? Did or would implementation of the EITI initiative made a difference? What are the key issues now in terms of the way the bribery money is being spent?

Required Reading	**FATF Report: Laundering the Proceeds of Corruption (2011)**: http://www.faft-gafi.org/media/fatfdocuments/reorts/Laundering%20th%20Proceeds%20of%20Corruption.pdf
	Politically Exposed Persons: A Policy Paper on Strengthening Preventive Measures (2009), Greenburg, et al, World Bank: http://siteresources.worldbank.org/EXTSARI/Resources/5570284-125712052492/PEPs-ful.pdf?resourceurlname=PEPS-ful.pdf
	Corruption and Illicit financial flows (2011), Reed Q. and Fontana A., U4 Issue 2011:2: http://www.u4.no/publications/corruption-and-illicit-financial-flows-the-limits-and-possibilities-of-current-approaches-2/
	Profiting from corruption: The role and responsibility of financial institutions, Palmer, (U4 Anti-Corruption Resource Centre: http://www.u4.no/publications/profiting-from-corruption-the-role-and-responsibility-of-financial-institutions-2/
	International anti-money laundering laws: Improving external accountability of political leaders (2010), Chalkin, D., U4 Brief 2010:4: http://www.u4.no/publlications/international-anti-money-laundering-laws-improving-external-accountability-of-political-leaders-2/downloadasset/2396
	Mutual legal assistance and money laundering, U4 Expert Answer: http://www.u4.no/publications/mutual-legal-assistance-treaties-and-money-laundering/downloadasset/378
	Extractive sectors and illicit financial flows: What role for revenue governance initiatives? (2011), Billon P., U4 Anti-Corruption Resource Centre, November 2011 No 13:
	Tallying-Up U.S. Regulators' Money-Laundering Fines (2012): http://blogs.wsj.com/deals/2012/08/15/tallying-up-u-s-regulators-money-laundering-fines/
	Bank Settles Iran Money Case (2012): http://online.wsj.com/article/SB10000872396390444318045775893804227559426.html
	Do whistleblower provisions cover money laundering?, A Dodd-Frank Act Special Report, Carney J.& Harker F, The National Law Journal, February 7, 2011: http://www.bakerlaw.com/the-national-law-journal-do-whistleblower-provisions-cover-money-laundering-2-9-2011/

Recommended Reading	**Model legislation on money laundering and financing of terrorism (2005)**: http://www.unodc.org/unodc/en/money-laundering/index.html **FATF 40 + 9 Money Laundering Recommendations:** http://fatf.-gafi.org/dataoecd/7/40/34849567.pdf **FATF-- Special Recommendations on Terrorist Financing**: http://www.fatf-gafi.org/dataoecd/8/17/34849466.pdf **Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990**): http://www.conventions.coe.int/Treaty/EN/Treaties/Html/141/htm **SAR Activity Review, Trends, Tips and Issues (2011)**, Financial Crimes Enforcement Network, Issue 19, In Focus: Foreign Corruption **The Misuse of Corporate Vehicles, Including Trust and Company Service Providers (2006**), FATF: http://www.fatf-gafi.org/documents/repository/themisuseofcorporatevehiclesincludingtrustandcompanyserviceproviders.html **Legislative Guide for the Implementation of the UNCAC (relevant Articles -- 2006**): http://www.unodc.org/pdf/corruption/CoC_LegistativeGuide.pdf
Case Studies	**Grand Corruption Case Inventory** (from 1965-2011), Annex 1, FATF Report (2011- see above site in Required readings). (See Tasks above). **Kazakhgate - - The Giffen Case** (See: The Many Faces of Corruption, p. 203.).
Videos	**Filthy Rich**: http://globalwitness.orgfr/node/8019 (see CNBC video link footnote 6)

Useful Websites/ Tools	http://unodc.org/unodc/en/organized-crime/tools-and-publications.html (includes model laws on cooperation, MLA Writer Tool, Handbook on Legal Extradition, Digest of organized crime cases See Bibliography

Quiz and Questions for Class Discussion	1. How many successful PEPs cases have there been since 1965 (successful prosecutions)? 2. How many PEPs cases involved crimes now mandated under the UNCAC? 3. How many treaties and official recommendations or guidelines deal with money laundering in whole or in part? 4. Are whistleblowers reporting on money laundering protected under the UNCAC mandates or recommendations? 5. What are three key gaps that have hampered EITI's effectiveness the most? 6. What other international NGO's have been most engaged on issues related to revenues and expenditures in the natural resource sector? 7. How many countries have implemented the FAFT Recommendations effectively?

Module VIII. Key Criminalized Offenses and Enforcement
Chapter 3: Articles 15 - 42

Module Introduction/ Thesis for Class Discussion and Debate	Bribery and crime and corruption within the public and private sectors go hand-in-hand. Recent research indicates that it is probably the most common mechanism or tool used to engage in corruption in the most sectors, institutions and decisionmaking processes.
	While the UNCAC articles on this subject build on a wealth of important experience with the OECD Anti-Bribery Convention and the U.S. Foreign Corrupt Practices Act, which also makes bribing public officials in international business transactions a crime, the UNCAC is the first global treaty to tackle this high priority crime from both a demand and supply side perspective.
	It is also the first to have a worldwide georgraphic reach -- now over 150 developing and developed countries and counting. This makes the bribery of public offiicals, a broadly defined concept in the UNCAC, a universal crime for the first time in history.
	The amount of global bribery just from the private to the public sector is conservatively estimated to be about $1 trillion by the World Bank. This does not include bribery purely within the private sector or embezzlement or theft by public officials, and a range of other forms of corruption within both the public and private sectors. (Of this amount as much as $200 billion relates to bribes within the public procurement process).
	Bribery and corruption acts like a regressive tax and it disproportionately impacts smaller enterprises. Generally, recent research indicates that reducing corruption and improving the rule of law can make make a difference in about 3% per year in the annual growth for enterprises and it can increase the between 2 and 4% of per annum in a country's annual growth rate.
	Since 2003 over 150 countries have ratified the UNCAC. For the first time, bribery of foreign officials and a number of other high priority corruption related mandated crimes in the UNCAC are now considered crimes virtually everywhere. This is an important legal and ethical norm setting development with global socio-economic and political ramifications.
	This values-setting global trend makes knowledge of and legal compliance with a range of laws and good governance policies more important because the legal and civil risks are higher virtually everywhere for businesses, governments and civil society.
	Globalizing these laws and enshrining good governance and business practices into law and policy will help promote competition and it will help equalize risks. Tackling bribery as a high priority will also help prevent and address crime and corruption in many countries.

Key Issues	Active and Passive Public Sector Bribery; Private Sector Bribery; Embezzlement; Illicit Enrichment; Justice Sector Integrity and Enforcement.
UNCAC Articles	Chapter 3: Articles 15, 16, 17, 20, 22, 31, 39 (& related Articles 11, 13, 14)
Main Topics	1. How to prevent and address public and private sector Bribery within national and international context (A15, 16, 20). 2. How to calculate and minimize your legal criminal and civil risks for violating a country's foreign Bribery law. 3. How to prevent and address Embezzlement and Illicit Enrichment (A17, 20, 22). 4. How to calculate and minimize legal criminal and civil risks for Embezzlement and Illicit Enrichment. 5. How to prevent and address Money Laundering Issues related to Bribery, Embezzlement and Illicit Enrichment (A14, 15). 6. How to link-up the crimes of Bribery, Embezzlement and Illicit Enrichment with Asset Seizure and Confiscation laws (A31). 7. Why preventing and addressing corruption in the justice sector is key to UNCAC implementation and enforcement success (A11). 8. What the scope of the US Foreign Corrupt Practices Act is (A16)

Key Lessons	• There are new risks, costs and new opportunities related to the crime of bribery and corruption, including holding both bribers and bribe-takers criminally responsible for engaging in both public or private sector corruption. • This means there is increased demand to hold bribers and bribe-takers fairly and effectively accountable, which requires justice systems with integrity. • It also means new and more comprehensive monitoring, reporting and compliance systems for governments, businesses and civil society are the future and well worth the cost for all key stakeholders. • Corruption acts as an unofficial tax on consumers and producers and those living in poverty and those with the least economic and political power. There is a growing body of research that shows it also reduces the level of investment and growth, including direct foreign investment by adding costs and creating uncertainty and that it reduces the amount of government funding for core programs, such as health, education and the environment. • In dynamic economies with strong institutions, bribery and corruption is minimized and manageable, in fragile countries with weak or corrupt institutions it is insupportable and unmanageable.

Learning Goals	• To give students a panoramic and analytic picture of the scope, depth and relationship of key laws and good governance practices embedded in the UNCAC. • To help students see the potential the UNCAC has, if implemented in practice, to change the global landscape for doing business, promoting public and private sector integrity, reducing crime and corruption and promoting a rule of law culture. • To show students how to access and use the tools, mechanisms and good governance practices necessary to prevent and address bribery and other key crimes and to minimize risk through compliance programs. • To show students how to access and use the tools, resources and methodologies needed to calculate the short and long-term costs and risks of bribery and other forms of crime and corruption. • To illustrate through case studies how bribery and other forms of corruption addressed by the UNCAC occurs in the real world -- across sectors, borders and countries.

Class Assignment/ Main Tasks	1. Read and analyze UNCAC Articles 15,16 and 21 related articles in the UNCAC Legislative Guide and be able to distinguish between active and passive bribery and public sector bribery from private sector bribery done exclusively within the private sector. Also be able to give an example of each.
	2. Read all Articles from 15 to 25 and related articles in the UNCAC Legislative Guide and be able to identify all mandatory and all recommended crimes under the UNCAC. Be able to identify their links, if any, with the crime of money laundering as well as how and why effective enforcement of these crimes will require implementation of the UNCAC mandates related to the promotion of national and international law enforcement cooperation and justice systems with integrity.
	3. Identify the number of countries and companies (including subsidiaries and shell companies) involved in the Siemens case study and the total amount of bribes involved. Also be able to identify the main mechanisms used to transmit the bribes and the number of UNCAC-related laws and recommended good governance practices raised in the case.
	4. Be able to identify the top 10 US Foreign Corrupt Practices Act cases (highest fines), the longest prison sentence given in any FCPA case and how many of the top 10 cases were brought against non-US companies. (Do your own Internet research).
	5. Write a 4 to 6 page Corporate Alert for the CEO of Walmart, outlining the state of international law related to bribes, facilitation payments and gifts, including references to good corporate governance compliance practices. 6. In the four case studies below what common UNCAC criminal laws were violated in each case and what criminal laws were any prosecutions or final judgments based upon?

Required Reading	Six Questions on the cost of corruption in developing countries...(2004): http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20190295~menuPK:34457~pagePK:34370~piPK:34424~theSITEPK:4607,00.htm OECD Good Practice Guidance on Internal Controls, Ethics and Compliance (2010): http://www.oecd.org/investment/briberyinternationalbusiness/antibriberyconvention/44884389.pdf TI Bribe Payers Surveys (1999-2011): www.transparency.org/ Summaries of Literature on the Costs of Corruption (June 2007): www.U4.no/publications/summaries-of-the-costs-of-corruption/downloadasset/351 World Bank Enterprise Survey (2011): www.worldbank.or/governance/beeps/ UK Bribery Act: Prosecution Guidance Published (2011): http://www.sfo.gov.uk/media/167348/bribery%20act%20joint%20prosecution%20guidance.pdf Siemens Changes Its Culture: No More Bribes: http://m.npr.org/story/151745671?url=/2012/05/01/151745671/companies-can-recovery-from-bribery-scandals -- NPR Notebook/transcript (2012) Executive Summary: key judicial corruption problems: Global Corruption Report 2007, pp. xxi - xxviii: http://archive.transparency.org/content/download/18824/257028 Keeping the Answers, Changing the Questions: Corruption Definitions Revisited (2004), Johnston M: http://people.colgate.edu/mjohnston/Keeping%20the%20Answers%20Changing%20the%20Questions.pdf Tracking the progress of grand corruption cases: best practices and indicators, u4 Expert Answer (August 2009): http://www.u4.no/helpdesk/helpdesk/query.cfm?id=213 Open Season on the FCPA: Thanks to the DOJ's hyper-enforcement sine 2007, the FCPA is on its way to becoming one of the most famous laws in the world, Cassin R., Forbes (February 2012): http://.www.fcpablog.com/blog/2012/2/15/open-season-on-the-fcpa.html Enforcement of the FCPA continues to be a high priority area for the SEC: http://sec.gov/spotlight/fcpa/fcpa-cases.shtml

Recommended Reading	Use of mobile phones to detect and deter corruption: www.U4.no/publications/use-of-mobile-phones-to-detect-and-deter-corruption/downloadasset/2701 Corruption in the Petroleum Sector (2007), McPherson C. & MacSearraigh S., Chap. 6, The Many Faces of Corruption: pp. 191-220, https://openknowledge.worldbank.org/bitstream/handle/10986/6848/399850REPLACEM1010FFICIAL0USE0Only1.pdf?sequence=1 Anti-Corruption policy making in practice: Implications for implementing UNCAC, Hussman K.& Hechler, H., u4 Brief, January 2008: http://u4.no/publications/file/?2915=anti-corruption-policy-making-in-practice E.I.T.I. Factsheet: http://eitransparency.org/UserFiles/File/keydocuments/factsheet.pdf Country reports on implementation of the OECD Bribery Convention: http://www.oecd.org/documents/2410,2340,en_2649_34859_1933144_1_1_1_1,00.html

Case Studies	**BAE/UK**: Black Money: http://www.pbs.org/wgbh/pages/frontline/blackmoney/view/ **Siemens/Germany/Global**: At Siemens Bribery Was Just a Line Item: http://www.pbs.org/frontlineworld/stories/bribe/2009/02/at-siemens-bribery-was-just-a-line-item.html **Mobil/Kazakhstan**: Time for Transparency: Coming clean on oil, mining and gas revenues: http://www.globalwitness.org/sites/default/fiels/pdfs/oil_061.04.04.pdf; After Seven Years, 'Kazakhgate' Scandal Ends with Minor Indictment:http://rferl.org/content/After_Seven_Years_Kazakhgate_Scandal_Ends_With_Minor_Indictment_/2123800.html **Walmart/Mexico**: Vast Mexico Bribery Case Hushed Up by Wal-Mart After Top-Level Struggle (2012), Barstow D., http://www.nytimes.com/2012/04/22/business/at-wal-mart-in-mexico-a-bribe-inquiry-silenced.html?smid=tw-nytimes&seid=auto
Video	**BAE/UK**: Black Money: http://www.pbs.org/wgbh/pages/frontline/blackmoney/view/

Useful Websites/ Tools	blogs.wsj.com/corruption-currents (comprehensive survey of recent corruption developments)
	www.openairblog.com/ (text and video capturing a reasonable review of corruption issues)
	www.unodc.org/documents/corruption/TRACK/ 11-83315_flyer_Final_cb.pdf -- TRACK -- Tools and Resources on Anti-Corruption Knowledge (well organized library of local corruption laws linked to each article of the UNCAC)
	http://www.coe.int/t/dghl/monitoring/greco/evaluations/index_en.asp GRECO - Group of States Against Corruption -- Country monitoring reports on priority corruption issues in 48 States
	http://www.oas.org/juridico/english/fightcur.html -- OAS' Anti-Corruption Portal of the Americas - - model corruption laws, training programs and tools African Union Advisory Board on Corruption -- country strategic plans
	http://www.traceinternational.org/Diligence/TRAC.html --TRAC -- Trace International's free due diligence information platform that screens corporate registration documents against international watch-lists and shares due diligence business information
	Assurance Framework for Corporate Anti-Bribery Programs - - Building robust anti-bribery prevention programs (2012): http://www.transparency.org/ whatwedo/pub/assurance_framework-for-corporate_anti_bribery_programmes
	Business Principles for Countering Bribery Anti-Bribery Resource Guide - BIAC - - ICC Rules of Conduct and OECD Risk Awareness Tool for Multi-national Enterprises in Weak Governance Countries: http:// www.biac.org/pubs/anti-bribery_resource/section_3.htm
	http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/ 2011/ICC-Rules-on-Combatting--Corruption -- ICC Rules on Combatting Corruption (2011):
	UNODC Anti-Corruption Tool Kit: http://unodc.org/unodc/en/organized-crime/tools-and-publications.html
	Overview of Anti-Corruption Conventions: http://www.u4.no/themes/ conventions/intro/cfm
	www.fcpablog.com
	http://www.usdoj.gov/criminal/fraud/fcpa.html

Quiz and Question for Class Discussion	1. Are facilitation payments sanctioned under the US FCPA allowed under the UNCAC?
	2. What are some of the most common UNCAC-related criminal law mandates in the 4 case studies presented?
	3. What are some of the most common barriers to implementation and fair and effective enforcement of some of the key UNCAC prevention mandates?
	4. What are some of the most common barriers to the effective and fair enforcement of the criminal laws recommended under the UNCAC?
	5. What are some of the most common barriers to the effective and fair enforcement of key prevention good governance practices recommended in the UNCAC?
	6. What are some of the key gaps that need to be closed with regard to strengthening the EITI initiative ?
	7. Why should making corporate and individual compliance, as well as implementation and enforcement of the anti-bribery provisions, be a high priority in every UNCAC country?
	8. What is one of the most effective ways to reduce and prevent bribery and corruption and simultaneously promote implementation and enforcement of the UNCAC?

Module IX. Criminalized Offenses, Corruption Prevention and Human Rights
Chapter 3: Articles 32, 33, 34, 36 and 39

Module Introduction/ Thesis for Class Discussion and Debate	Global experience tells us that preventing and addressing corruption and enforcing the law fairly, effectively and efficiently is largely dependent on human rights Articles like these being implemented and closely linked-up at the time laws are being criminalized and or more effectively enforced. The UNCAC's holistic approach to addressing and corruption prevention also embraces a human rights based approach to fair and effective law enforcement.

One of the main goals of this module is to help students link-up issues of common interest to both the anti-corruption and human rights communities and to highlight human rights oriented provisions of the UNCAC. Another goal is to illustrate, through lessons learned, why the UNCAC's implementation is key to the fair and effective implementation of other important conventions related to corruption, crime, terrorism and human rights -- past and future. This module is integral to and builds on all previous and subsequent modules in this course.

UNCAC mandated and recomended laws and policies that are grounded in justice systems with integrity, universal human rights and democratic values (guaranteed under the 1948 Universal Declaration of Human Rights) are all discussed and analyzed together.

Specific UNCAC laws, policies and issues covered include legal protection for: (i) victims; (ii) witnesses; (iii) whistle blowers; (iv) people who report on corruption; (vi) experts; (vii) journalists, teachers, students, bloggers and others; (viii) defense lawyers; and (ix) prosecutors, judges and other officials in the justice system.

Other important UNCAC laws, policies and issues covered relate to those involved in obstructing justice, those who abuse their official functions and the cross-cutting all-important issue of independent anti-corruption and justice systems integrity. |
| **Key Issues** | Protection for victims, witnesses, reporting persons, whistleblowers, justice system officials, journalists and bloggers and the fair and effective enforcement of human rights through independent anti-corruption authorities and justice systems with integrity |
| **UNCAC Articles** | Articles 32, 33, 34, 36, 39 (and related Articles 11 & 13) |

Main Topics	• Human rights related laws, policies and good governance practices in the UNCAC, including many that relate to the universal right to freedom of expression. • Independent Anti-Corruption authorities with integrity. • Justice systems with independence and integrity. • Fair and effective enforcement of human rights and anti-crime and anti-corruption conventions, laws, regulations and policies.
Key Lessons	1. Fair and effective enforcement of many of the laws, policies, good governance practices and democratic values embedded in the UNCAC complement and support fair and effective enforcement of universal human rights and democratic values guaranteed in the UDHR, including freedom of expression, due process and a fair and impartial trial 2. Anti-corruption authorities and justice systems must be independent institutions governed by enforceable integrity principles and values.
Learning Goals	• To identify, discuss and analyze human rights related provisions of the UNCAC and their close links to other human rights and anti-corruption conventions (such as the UDHR, the African Union Convention on Combatting and Preventing Corruption and the Inter-American Convention Against Corruption). • To identify and discuss the common democratic and rule of law values and common enforcement problems relevant to the fair and effective implementation of key universal human rights embedded in both the UDHR and the UNCAC. • To learn where to find, undertake and analyze cutting-edge multi-disciplinary research and to prepare cross-country and cross-sectoral risk analyses on key corruption and human rights issues.

Class Assignment/ Main Tasks	• Read and be able to identify key human rights related provisions of the UNCAC, including legal and institutional mandates, laws and good governance practices.
	• Be able to articulate how implementation and enforcement of key mandates related to the independence and integrity of anti-corruption authorities and institutions in the justice sector are essential to the fair and effective enforcement of key human rights oriented provisions and rights in the UNCAC and the UDHR.
	• Be able to articulate how these independence and integrity institutional mandates relate to key prevention provisions of the UNCAC (such as public participation, access to information and whistle blowing).
	• Be able to identify at least 5 research resources and a research methodology for purposes of preparing a country (your choice) corruption assessment and risk analysis based on the UNCAC framework (such as enforcement and implementation issues related to key institutions, key laws, key good governance practices and law enforcement cooperation).

Required Reading	**Corruption and Human Rights, International Council on Human Rights: Making the Connection (2009)**: https://www.ichrp.org/files/reports/40/131_web.pdf
	A Wake-Up Call to the Human Rights and Anti-Corruption Communities: Addressing and Preventing Judicial Corruption and Promoting Effective Enforcement of the Law Alongside Civil Society Empowerment and Oversight is Key to Implementing the UDHR and the UNCAC (2008), Henderson K., Transparency International Annual Conference Athens: http://web2.qedgroupllc.net/images/stories/news/a%20wake-up%20call%20to%20the%20human20%rights%20and%20anti-corruption%20communities.pdf
	Overview of corruption in the justice sector and law enforcement agencies in Bangladesh (2011), u4 Expert Answer: http://www.u4.no/publications/overview-of-corruption-within-the-justice-sector-and-law-enforcement-agencies-in-bangladesh/downloadasset/2800
	Corruption Feeds Criminality, Fuels Public Distrust, UN Secretary General Ban Ki-moon (2012): http://www.un.org/News/Press/docs/2012/ecosoc6529.doc.htm
	World Report 2012: China: Defense lawyers representing defendants on corruption charges face prosecution themselves: http://www.hrw.org/sites/default/files/related_material/china_2012-0.pdf
	Victims and Witnesses: UN Rule of Law Guidance and Policy Material for Victims and Witnesses: http://www.unrol/org/document_browse.aspx?xd=l&eat_id=65
	Criminal Defamation (2012) -- libel, slander and insult laws related to reporting on corruption still on the books in over 150 countries: http://www.article19.org/pages/en/criminal-defamation.html
	A Regional Strategy for Promoting an Independent Media and Free Expression in the Middle East and North Africa (2004) -- decriminalize laws related to criminal penalties for reporting on corruption, Henderson K. (UNDP Regional Conference in Yemen 2005): http://www.ifes.org/publication/1157b03c64072655b2490a18963fae1a/WhitePaper_7_Freedom_of_press_MENA.pdf
	Independent journalists jailed in Azerbaijan (2012) -- reporting on corruption: http://www.unhrc.org/refworld/docid/5040b039c.html
	ELLA: An excellent on-line knowledge sharing/discussion platform for Latin America on a range of issues including human rights, access to information and governance (2012) -- http://ella.practicalaction.org/about

Recommended Reading	**Risks and threats of corruption and the legal profession (Survey 2010**): http://www.ibanet.org/PPID/Constituent/Anti-Corruption_Committee/AC_strategy_legal_profession.aspx
	Joint Recommendations to the United Nations Working Group on Business & Human Rights (2011): http://www.iccwbo.org/Data/Policies/2011/Joint-Recommedations-to-the-United-Nations-Working-Group-on-Business-Human-Rights-12/2011/
	The Corporate Responsibility to Respect Human Rights: An Interpretive Guide: http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf
	Human Rights and Corruption(2008): http://www.transparency.org/publications/working_papers/wp_2008_10_23_human_rights_corruption
	China Country Report, Corruption and Human Rights (2011): http://www.business-anti-corruption.com/en/country-profiles/east-asia-the-pacific/china/show-all/
	Understanding how corruption undermines access to justice and the rule of law: Find how to increase integrity in the justice sector (2011), u4 Brief: http://www.u4no/themes/justice-sector/?externalreadings_start=10
	Witness Protection in Countries Emerging from Post Conflict: http://www.improl.org/files/er07008-pdf
	Criminal Defamation - http://www.ifex.org/africa/2011/12/07/criminal_defamation_roundup/ -- The Declaration of Table Mountain (2007) identifies criminal defamation and insult laws as among the most severe obstacles to securing the future of the independent press in Africa and the Mexican Supreme Court rules that Freedom of Expression supersedes the right to protect one's honor.
	Wikileaks, Leaking and Anonymous Whistleblowers: http://theatlanticwire.com/feature/Julian-Assanges-Lawyers-Decry-Leak-of-Assanges-Information-2792
	The Application of Human Rights Law to Private Sector Complicity in Government Corruption (2003), Rose C.,Vol 24, Issue 03 Leiden J. of Intern. Law, pp 715-740 (2003)
	Gender and Corruption: How corruption affects women (2007): http://www.transparency.org/publications/working_papers/working_paper_no_03_2007_gender_and_corruption

Case Studies	**Georgia**: **An Anti-Corruption Success Story in Five Years (2003-2008)**? Georgia is seen by many scholars as one of the most successful contemporary anti-corruption achievers in terms of reducing administrative corruption and promoting human rights a key element in its anti-corruption strategy. For this assignment you are the Georgia Country Manager at the World Bank. You should begin by reading: Contextual Choices in Fighting Corruption: Lessons Learned (pp. 83-99) and then undertake your own independent research. Write a 5 - 7 page Country Action Memorandum for the new President of the World Bank -- either in support of or in opposition to this hypothesis. Include recommendations as to whether Georgia should receive more World Bank anti-corruption resources and if so what kind. Please include a section in the Introduction to the Action Memorandum your research methodology as well as a Resource Bibliography as an addendum (noting key research that you used for your analysis). **Philippines: Corrupt Justice (2012):** "The Fall of the Mighty and the Rise of Justice in the Philippines": http://www.huffingtonpost.com/daniel-wagner/the -fall-of-the-mighty-an=b-15156. You are the new Anti-Corruption Czar for the new President of the Philippines. Please read the above article and then do your own independent research. Identify key UNCAC provisions and issues raised and then prioritize them in terms of which ones should be of highest priority. This should be written in summary form in a 3 page Action Plan addressed to the new Filipino President and the new Chief Justice.

Videos	**Corporate Social Responsibility, Corruption and Human Rights: Multinational Corporations in China and Southeast Asia**, Hanlon R., Institute of Asian Research, University of British Columbia: http://vimeo.com/16446541 -- The nexus between corruption, bribery and human rights in **China, Thailand and Cambodia**
	Human Rights, Corruption & Oil (**Azerbaijan** - 2012): http://youtube.com/watch?v=E2wQK4n05jM&desktop_uri=%2Fwatch%3Fv%3DE2wQK4n05jM
	Human Rights Defenders and Journalists (**Azerbaijan** 2012): http://m.youtube.com/#/watch?v=E2wQK4n05jM&desktop_uri=%2Fwatch%3Fv%3DE2wQK4n05jM
	Witness Protection Law Launched to Protect Whistleblowers (**Kenya** 2009): http://m.youtube.com/#/watch/v=oj159V-G-YE&desktop_uri=%2Fwatch53Fv%3Doj159V-G-YE

Useful Websites/ Tools	http://www.amnestyusa.org/educate/about/page.co?id=1102103 -- (Training material for Human Rights Education)
	http://www.u4.no/themes/un-convention (a quick UNCAC guide for ambassadors and other high-level officials and an overview for other aid practitioners; using the UNCAC Gap analyses to identify reform priorities and analysis of UNCAC's relevance to justice sector reform).
	http://corruptionresearchnetwork.org/ -- Anti-Corruption Research Network - - (on-line platform for research community)
	www.hrw.org -- (Human Rights Watch)
	www.amnesty.org (Amnesty International)
	www.article19.org (Article 19 is a leading NGO promoting UDHR's freedom of expression rights including access to information)
	www.unglobalcompact.org/issues/human_rights/ tools_and_guidance_materials.html - - (Business and human rights tools and resources)
	http://www.igla-europe.org/home/how_we_work/developing/ resources_on_capacity_building/human_rights_documentation_tools (human rights documentation tools)
	http://www.derochos.net/links/edu/student.html -- (human rights tools for students and the 50th Anniversary of the UDHR)
	www.icfj.org/resources, International Center for Journalists -- (offers a number of relevant free downloadable tools and training materials on a range of topics including: (i) Follow the Money: A Guide to Tracking Corruption Ten Practices for Economic and Financial Journalists in Countries with Developing Economies (available in seven languages); (ii) 10 Steps to Investigative Reporting especially for reporters in emerging markets); (iii) Basic Journalism: Reporting, Writing and Editing Materials (guide for journalists working in the Former Soviet Union); (iv) Media and Freedom of Expression in the Americas and (v) Journalism Ethics: The Global Debate and Who's Running the Company?
	www.ohchr.org/EN/Issues/Business/Pages/BusinessIndex.aspx -- Business and Human Rights (Office of the UN High Commissioner for Human Rights)
	ELLA: An excellent on-line knowledge sharing/discussion platform for Latin America on a range of issues including human rights, access to information and governance (2012) -- http://ella.practicalaction.org/about

Quiz and Questions for Class Discussion	The following are quiz and questions for class discussion: 1. How many mandatory laws, policies or good governance recommendations in the UNCAC are related to either the right to freedom of expression under the UDHR? 2. How many mandatory laws, policies or good governance recommendations in the UNCAC are related to the right to fair and effective justice under the UDHR? 3. How many countries still have criminal defamation and insult laws that inhibit reporting on corruption? 4. How many countries allow for anonymous whistleblowing? 5. Is anonymous whistleblowing considered a good governance practice for countries and companies? 6. In which regions was corruption within the legal profession an issue by over 70% of the law firms surveyed (according to a 2009 global survey/ report of the International Bar Association -- Required reading: Risks and threats of corruption and the legal profession). 7. Which countries are considered contempory anti-corruption achievers (according to research in the Required reading: Contextual Choices)?

Module X. Private and National Law Enforcement Cooperation
Chapters 3 & 4: Articles 38, 39, 40, 43, 46, 48 and related Articles 11 and 13

Module Introduction/ Thesis for Class Discussion and Debate	In the globalization and information technology age of the 21st Century, national and international law enforcement cooperation is more important than ever to civil society and the public and private sector. Without it, addressing and preventing terrorism and transnational crime and corruption is for all practical purposes almost impossible. The UNCAC is path breaking in that it is the first international treaty to mandate mechanisms and governance processes to promote national and international law enforcement cooperation and information sharing on a wide range of crime and corruption fronts, including extradition, bank secrecy and mutual legal assistance.

And as more and more countries implement key laws and provisions of the UNCAC within a globalizing rule of law framework demand for more transnational cooperation is only going to grow Indeed, countries that have ratified the UNCAC are obligated to afford one another the widest possible measure of assistance in investigations, prosecutions and judicial proceedings related to UNCAC offenses.

Another very important development is that the UNCAC can itself be used as the basis for mutual legal assistance even if a country does not have a formal bilateral mutual assistance treaty or memorandum of understanding in place with another country. This is an important law enforcement innovation since many countries still lack formal law enforcement treaties and agreements with many countries.

For the business sector enhanced law enforcement cooperation and information sharing will mean both national and international law will play a more important role in the legal, governance and business decision-making process. It follows then that institutions related to law enforcement, the judiciary, governance and anti-corruption, will also play a more important role. For both public and private sector officials, implementation of the UNCAC is going to make the cost of being caught or extradited by the law enforcement community for engaging in crime, corruption and terrorism higher and more risky.

This means new opportunities to engage in business and address and prevent public and private sector corruption are now firmly on the global reform table. It also means the age-old formula for calculating and minimizing risks of public and private officials who engage in crime, corruption or terrorism, or for doing business and resolving disputes, particularly in developing countries and emerging markets, will now need to be recalibrated -- country-by-country.

And for both countries and civil society, these and other UNCAC provisions, such as those related to the recovery of stolen state assets, mean that more stolen or embezzled state assets are likely to be returned to country budgets for essential government programs, such as those related to healthcare and education. |

Key Issues	Mutual legal assistance; extradition; bank secrecy, national law enforcement and public/private sector cooperation
UNCAC Articles	Chapters 3 & 4: Articles 38, 39, 40, 43, 46, 48 (and closely related Articles 11, 13)
Main Topics	• Formal and informal coordination and good governance mechanisms and processes to promote national cooperation and public/private sector cooperation • Formal and informal coordination and good governance mechanisms and processes to promote international cooperation and public/private sector cooperation • Scaling bank secrecy walls through enhanced law enforcement cooperation, mutual legal assistance, whistleblowing and information networking
Key Lessons	• National law enforcement cooperation and coordination is an essential ingredient for effective, efficient and fair enforcement of the law and anti-corruption success. • National law enforcement is also an essential ingredient for effective, efficient and fair international law enforcement cooperation on a range of UNCAC related fronts, including money laundering, extradition and mutual legal assistance. • Information networks, public/private sector information sharing partnerships and a national and international law enforcement and judicial community with integrity are also key to success.

Learning Goals	• To be able to identify, discuss, analyze and link-up UNCAC implementation and enforcement issues, such as extradition, money laundering, bank secrecy and mutual legal assistance, from a national and international law enforcement perspective. • To be able identify and discuss key legal developments and good governance innovations related to mutual legal assistance, information sharing and public-private sector networks under the UNCAC. • To be able to discuss key inter-related articles in Chapters 3 and 4 in terms of how they also support other related anti-crime, anti-corruption and human rights treaties, such as the UDHR, the OECD Anti-Bribery Convention or the UN Convention Against Transnational Crime. • To be able to explain why law enforcement and judicial institutions with integrity are key to fair and effective law enforcement, implementation of the UNCAC and to addressing and preventing crime and corruption.
Class Assignment/ Main Tasks	1. List key implementation and lessons learned issues related to investigations involving extradition, mutual legal assistance, money laundering and bank secrecy (are the lessons different or the same for these issues?) 2. List at least three key judicial enforcement and cooperation issues from a national law enforcement cooperation perspective (under the UNCAC). 3. List at least three key inter-related issues related to having a successful extradition and fair, efficient and effective mutual legal assistance from both a national and an international law enforcement cooperation perspective (under the UNCAC). 4. Identify at least three key issues related to national law enforcement cooperation and coordination with anti-corruption authorities. 5. Prepare a 3 to 5 page White Paper summarizing the co-dependency between successful law enforcement investigations and fair, effective and efficient judicial enforcement of key UNCAC crimes from a national law enforcement cooperation perspective.

Required Reading	**Cross-Cutting Issues: International Cooperation (2006)**: http://polis.osce.org/library/details?doc_id=2711&2Flibrary%2Fdetails%3Fdoc_id%3D2712
	Coordination Mechanisms of Anti-Corruption Institutions (2009): http://u4.no/publications/coordination-mechanisms-of-anti-corruption-institutions/
	The potential of UNCAC to combat illicit financial flows (2011): u4 Expert Answer, Chene M: http://www.u4.no/publications/the-potential-of-uncac-to-combat-illicit-financial-flows-2/downloadasset/455
	Undue diligence: how banks do business with corrupt regimes (2009), Global Witness: http://undue-diligence.org/Pdf/GW_DueDiligence_FULL_lowres.pdf
	56 New Extradition and Mutual Legal Assistance Treaties Take Effect Throughout Europe and the US (2010): http://ww.whitecase.com/alerts-02012010-1/
	Mutual Legal Assistance, Extradition and Recovery of Proceeds of Corruption in Asia and the Pacific (2007), http://www.oecd.org/corruption/asiapacific/publications (frameworks and practices in 27 countries and jurisdictions)
	Mutual legal assistance treaties and money laundering: The Abacha Case (2008), in Mark Pieth, ed., Recovering Stolen Assets, Lang P: http://www.mcswiss.law.com/pages_e/2008%20Monfrini$20-%20$The%Abacha%20C
	Abacha Case Timeline: ICC FraudNet (ICC Commercial Crime Service): http://www.icc-ccs.org/home/resources/118-leading-cases/697-abacha-case
	The Legacy of Alberto Fujimori: Is Now a Chance for the Vindication of Human Rights (2008)? http://www:coha.org/the-legacy-of-alberto-fujimori-is-now-a-chance-for-the-vindication-of-human-rights/
	Peru Spy Chief's Swiss millions frozen: key ally quits (2000) -- Montesinos $50 million money laundering: http://www.paradisfj.info/spip?php?article426&lang=fr
	National Information Networks and Coordination/Terrorism: Partnering with Domestic and International Counterparts - - Coordinating with Federal, State and Local Partners and Coordinating with International Counterparts (10 coordination and information mechanisms for the US law enforcement community): http://www.justice.gov/911/counterparts.html

Recommended Reading	**Cross-Cutting Issues: Crime prevention assessment tool (2009):** www.unodc.org/documents/justice-and-prison-reform/ 09-82502_Ebook.pdf
	Mutual legal assistance treaties and money laundering (2008): http:// www.u4.no/publications/mutual-legal-assistance-treaties-and-money-laundering/downloadasset/378
	FBI Information Sharing Report 2011 -- some of the key issues and mechanisms covered in this illuminating report, that might serve as information sharing/cooperation model for many countries, include: (i) optimizing information sharing with Partners to Enable Decision Advantage; (ii) maximizing and Integrating Information Sharing Capabilities; (iii) maximizing and Integrating Capabilities to Share Information; (iv) strengthening the Governance Framework; (v) law enforcement On-Line; (vi) law enforcement National Data Exchange; (vii) the eGuardian System and Suspicious Activity Reporting; (viii) the Terrorist Screening Center;)ix) Chief Information Sharing Officer; (x) Interagency Governance; (xi) CJIS Advisor Board; Promoting a Culture of Responsible Information Sharing and (xii) the FOIA: http://www.fbi.gov/ stats-services/publications/national-information-sharing-strategy/
	Retooling Law Enforcement To Investigate and Prosecute Entrenched Corruption: Key Criminal Procedure Reforms for Indonesia and Other Nations (2008), Wagner B. & Jacobs L., 30 U.Pa.J. Int'l Law 183-265 (Read pp. 188- 215 & 238 & 257 -- the problem of entrenched corruption and laws needed to require reporting to criminal justice authorities): http://www.law.upenn.edu/journals/jil/articles/volues30/ issue1/WagnerJacobs3OU.Pa.J.Int'IL.183(2008).pdf
	eJournal USA: Partnerships Against Corruption (2012 -- translated into Arabic, Russian, Spanish, Chinese and French) -- Illuminating journal including articles on Partners for Clean Business; Transnational Crime; Networks against Networks; No Place for Stash When Crime Fighters Cooperate; Anti-Corruption Partners Get Things Done; The Power of Business Collective Action; Reporters Band Together, or Not, to Uncover Corruption and When Corruption Meets Justice: http:// iipdigital.embassy.gov/st/english/publication/ 2012/04/201204133782.html#axzz27KuT1GMc
	The absorption of illicit financial flows from developing countries (2010), Financial Integrity Task Force, Kar, D: hppt:// www.financialtaskforce.org/2010/05/13/gfi-the-absorption-of-illicit-financial-flows-from-developing-countries-2002-2006
	UN Handbook on Practical Anti-Corruption Measures for Prosecutors and Investigators (2004), Chapter 14 - - MLA: http://www.unodc.org/pdf/

Case Studies	**Nigeria/Abacha** -- the recovery of $700 million stolen by former President Abacha and his family (President from 1993-1995). Please read the Required readings and be prepared to discuss the key national and international law enforcement cooperation, judicial cooperation and legal barriers to the recovery of Abacha's stolen assets then and today. Are the barriers different today than during the investigation? What UNCAC offenses were committed and which law enforcement cooperation and judicial integrity issues/articles are now addressed under the UNCAC? What was the role of the national courts in Nigeria with regard to the extradition of Abacha's sons and what did the courts in Germany rule with regard to the Swiss Government's request to extradite his son? What was the role of the court in Switzerland with regard to the return of over $700 million dollars to Nigeria? **P**eru/Fujimori/Montesinos** -- the extradition and criminal conviction of the former President of Peru, Fujimori, and his National Security Advisor, Montesinos, was a learning experience for everyone. Please do your own independent research on this case and identify at least three key extradition issues that arose during this case, including which countries, treaties, laws, prosecutors and courts were involved. Note how how these issues were ultimately resolved and by whom. Also note which provisions of the UNCAC are most relevant to all of the key issues raised in this case. What innovation does the UNCAC provide with respect to "double criminality"?

Videos	**The Fujimori and Montesinos Regime: A Case of State Capture,** Ugaz J: http://transparencyschool.org/wp-content/uploads/2011/02/9_July-Ugaz_The_Fujimori_and_Montesinos_Regime_a_Case_of_State_Capture.pdf **The Fall of Fujimori** (movie): http://m.you.tube.com/#watch?v=KXd6Aw8OP10&desktop_uri=2Fwatch%3Fv%DKXd6Aw8)P10
Useful Websites/ Tools	See Bibliography www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_4-2.pdf (extradition chapter 4.2) corruptionresearchnetwork.org www.unodc.org/anticorruptiontoolkit www.oas.rg/juridico/mia/en/en_link.html www.unodc.org/mia/index.html (mutual legal assistance request writer tool)

Quiz and Questions for Class Discussion	1. What subject areas in various UNCAC articles are closely related to extradition? 2. What subject areas in various UNCAC articles are closely related to bank secrecy? 3. What subject areas in various UNCAC articles are closely related to mutual legal assistance? 4. What UNCAC articles are relevant to both the Fujimori and Abacha cases? 5. What are some of the good governance mechanisms used to promote national law enforcement coordination? 6. What are some of the key barriers to fair, efficient and effective coordination within national law enforcement and anti-corruption authorities? 7. What are some of the good governance mechanisms used to promote information sharing between the public and private sectors?

Module XI. International Law Enforcement Cooperation
Chapters III & IV: Articles 36, 37, 39, 43 & 48 (and related Articles 11 and 13)

Module Introduction/ Thesis for Class Discussion and Debate	This module attempts to build upon some of the key law enforcement cooperation issues covered in Module X. This module focuses more on articles in the UNCAC related to international rather than national law enforcement cooperation issues, and on public-private information sharing partnerships, internal and external corruption reporting, public and business community access to information, global open government initiatives and emerging global issues related to information technology, cybercrime and privacy.
	However, one of the goals of this Module XI and Module X is to illustrate that many UNCAC articles can only be implemented fairly, effectively and efficiently if the justice system or players in question have integrity and only if the stakehholders in question have access to and share information at both the national and international levels.
	Readings in the this module and its the preceding module are also a reminder that law enforcement and justice sector integrity is key to promoting fair, effective and efficient law enforcement and judicial cooperation, trust within public-private partnerships and in reporting mechanisms and to protecting universal human rights, such as the right to access information.
	While all of these inter-related issues are really only touched upon in this module, they are all worth deeper study, analysis and policy and program development -- from a country, regional and global perspective.
	In the 21st Century, the increasing use of advanced technology and international banking in crime and corruption cases make it more important than ever to make cooperation within and between the law enforcement and judicial communities work, and for issues related to personal privacy to be addressed through global standards and mechanisms.

Key Issues	1. international law enforcement cooperation with international organizations and the private sector;
	2. international law enforcement cooperation with anti-corruption authorities;
	3. public access to information from law enforcement and international organizations;
	4. reporting on corruption to the national and international law enforcement community;
	5. cooperating with a law enforcement and justice sector community with integrity and access to information
UNCAC Articles	Chapters III & IV: Articles 36, 37, 39, 43 & 48 (and related Articles 11 and 13)
Main Topics	• Cooperation and information sharing mechanisms among law enforcement officials, international organizations and the private sector
	• Civil society access to information from the international law enforcement community and international organizations
	• Reporting crime and corruption and whistleblowing to the national and international law enforcement community
	• Justice sector integrity and international law enforcement cooperation.
Key Lessons	1. Civil society and private sector access to crime and corruption information from the law enforcement community and from international organizations is key to law enforcement cooperation, public/private partnerships, corruption reporting and whistleblowing and preventing and fighting corruption.
	2. Incentives, safeguards and anonymous mechanisms are needed to encourage those who engage, witness or have knowledge of corrupt activities to report or blow the whistle on corruption both internally and externally (in some cases to the law enforcement community)
	3. Justice sector integrity at the national level, including anti-corruption institutions, is key to fair, effective and efficient international law enforcement cooperation, promoting public-private partnerships, enforcing transnational and national enforcement of treaties and protecting universal rights (such as access to information).
	4. Fighting cybercrime and tackling corruption problems related to information technology and privacy are key global issues that need global solutions

Learning Goals	• To be able to identify, analyze and link-up key inter-related UNCAC mandates and recommended practices regarding international law enforcement cooperation and anti-corruption institutions/authorities.
	• To be able to identify, analyze and link-up UNCAC articles and key mechanisms, incentives, legal protections, as well as potential human rights issues, for those who attempt to access information, report on corruption (including through hotlines) or blow the whistle to the international law enforcement community or anti-corruption institutions/authorities.
	• To be able to identify, analyze and link-up law enforcement cooperation issues and the right to access information and the right to a fair trial (from a UNCAC framework/implementation perspective)

Class Assignment/ Main Tasks	1. Identify key UNCAC articles directly related to national and international law enforcement cooperation.
	2. List key UNCAC articles related indirectly related to national and international law enforcement cooperation and anti-corruption authorities.
	3. Identify five mechanisms that can be used by the law enforcement (including anti-corruption authorities) and business communities to share or report on information related to crime and corruption.
	4. Identify five mechanisms that can be used by civil society and the law enforcement community (including anti-corruption authorities) to share or report on information related to crime and corruption.
	5. Do your own independent research on the Salinas money laundering case in Mexico and write a 3 to 5 page Background Memorandum for the Assistant Secretary of the Criminal Division at the US Department of Justice that that focuses on identifying all of the key UNCAC related laws and issues touched upon in this case, including those that relate to law enforcement cooperation, bank secrecy, mutual legal assistance, extradition, corruption reporting, information technology, money laundering, access to information and justice system integrity.

Required Reading	**Principles for Anti-Corruption Agencies: A Game Changer (2012)**, De Jaegere S., Vol. 1 Jindal J. of Pub. Pol.1, pp 90-102 (operational independence or not and annual reporting to the public?): http://www.acauthorities.org/aca/publications/principles-anti-corruption-agencies-game-changer
	The UNCAC: An Overview With Special Focus on the Provisions Relevant to Criminal Justice Authorities, Chryssikos D., UNODC/Vienna, (including law enforcement cooperation, mutual legal assistance, joint investigations and asset recovery): www.unafei.or.jp/english/pdf/RS_No83_19VE_Demostenes1.pdf
	"Marrakech declaration on the prevention of corruption" (2011), Background paper prepared for the Secretariat, Recommendations of the Working Group -- (regional and international corruption prevention activities and stakeholder cooperation); : http://unodc.org/documents/treaties/UNCAC/COSP/session4/V1186630e.pdf
	Obama's Public-Private Cybersecurity Challenge (May 30, 2009), Hesseldahl A., Business Week: http://www.businessweek.com/technology/content/may2009/tc20090529_293
	"Korean company (NHN Corporation) partners with UNODC to fight cybercrime" -- creation of communication forum/communication/training centre for cybercrime experts (2007): http://www.unodc.org/unodc.en/press/releases/2007-12-03.html
	Combatting Terrorist Financing -- Are Transition Countries the Weak Link (2008) -- issues covered include interagency and international cooperation, use of technology, improve customer identification)?, Strauss K: www.baselgovernance.org/fileadmin/docs/Giessbach_II/Strauss_paper.pdf
	Raul Salinas De Gortari (Case Study/Independent Research): http://topics: nytimes.com/topics/reference/timestopics/people/s/raul/_salinas-de-gortari/index.html
	The Gatekeeper Initiative and the Risk-Based Approach to Client Due Diligence (2012), Shepard K., The Review of Banking Financial Services: htttp://anti-moneylaundering.org/Document/.aspx?DocumentUid=AA68758-C151-4E1B-909B-539BA0B35062
	Using the Right to Information as an Anti-Corruption Tool (2006): http://www.transpartnost.org.rs/aktivnosti/slobodan_prsitup_inf/TI2006_europe_acess_information.pdf
	Reporting Corruption: http://www.icac.nsw.goov.au/reporting-corruption/blowing-the-whistle/protections-for-public-officials/44
	Public-Private Partnerships Against Corruption in Russia (2007) --

Recommended Reading	**Anti-Corruption Policies and Measures of the Fortune Global 500 (2009):** http://www.unodc.org/unodc/en/corruption/private-sector.htm
	The Role of Preventive Anti-Corruption Bodies under the UNCAC (2008), UNDP Regional Conference in the Arab Region, Timilsina A: http://acauthorties.org/aca/publications/principles-anti-corruption-agencies-game-changer
	Measuring the Effectiveness of the National Anti-Corruption Hotline: Third Biennial Report (2011), South Africa Public Service Commission: http:www.acauthorities.org/aca/publications?page=1
	Institutional arrangements for corruption prevention: Considerations for implementation of the UNCAC Article 6, Hussman K., Hechler H. & Penailillo M., u4 Issue 2009:4: http://www.cmi.no/publications/file3343-institutional-arrangements-for-corruption-pdf (includes independence and public information dissemination standards and references)
	Code of Conduct for Law Enforcement Officials (1979): http.''www2.ohchr.org/english/law/codeofconduct.htm UNCAC Coalition (network of over 340 civil society organizations)
	Laundering the Proceeds of Corruption (2011): www.fatf-gafi.org/media
	The fight against corruption in public administration: Lessons Learned during GRECO's monitoring -- emphasizing ethical values, dialogue and corruption reporting: http://unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2011-August-22-24/Presentations/Laura-Levia_GRECO_-_Council-of-Europe.pdf
	UN Global Compact Working Group on the 10th Principle e-learning tool for the business community: http://thefightagainstcorruption.unodc.org and http:/thefightagainstcorruption.unglobalcompact.org and the
	10th Principle Sub-Working Group on "Sport Sponsoring and Hospitalities" (practical guidance for businesses): http://www.unglobalcompact.org/docs/issues_doc/Anti-Corruption/SWG_Overview.pdf
	Resource Guide on Strengthening Judicial Integrity and Capacity (2011): http://www.unodc.org/documents/treaties/UNCAC/Publications.ResourceGuideonStrengtheningJudicialIntegrityand Capacity/11-85709_ebook.pdf
	Mechanism for Review of Implementation of the UNCAC (Resolution 4/1 - 2011) -- international cooperation mechanisms:http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session4-resolutions.html

Case Studies	**The Calderon Fournier Case/Costa Rica:** An international law enforcement cooperation UNCAC success story/Costa Rica/USA (2011) - Using the UNCAC to undertake mutual legal assistance and use Letters Rogatory in a successful investigation and prosecution. Please outline the basic facts and identify how, why and which articles of the UNCAC were used to engage in mutual legal assistance between the Costa Rican prosecutor and prosecutors in the US DOJ. http://www.acauthorities.org/aca/successstory/calderon-case **The Salinas case/Mexico**: independent research (see Class Assignment).
Videos	The videos are the following: International Criminal Law Enforcement; Rule of Law, Anti-Corruption, and Beyond (2010), U.S. Assistant Attorney General Lanny Breuer: http://www.cfr.org/international-law/international-criminal-law-enforcement-rule-of-law.pdf Murder, Money & Mexico (Salinas scandal -- full transcript of 197 award winning video): http://www.pbs.org/wgbh/pages/frontline/shows/mexico/etc/script.html http://opengovernmentpartnership.org/ -- video noting importance of open government, access to information and the use of IT to report on crimes and problems

Useful Websites/ Tools	http://www.track.unodc.org/ACAuthorities/Pages/home/aspx (includes a legal UNCAC library; an anti-corruption learning and community information exchange platform) See Bibliography
Quiz and Questions for Class Discussion	1. Mark three of the most important barriers or challenges to national law enforcement cooperation mandates in the UNCAC. 2. Mark three of the most important barriers or challenges to international law enforcement cooperation mandates in the UNCAC. 3. Mark five good governance mechanisms that can be used to promote public-private partnerships between the business community, civil society and the law enforcement community. 4. What are three of the biggest law enforcement challenges related to cybercrime and technology? 5. What are three of the biggest personal risks related to reporting on corruption or whistleblowing? 6. What article(s) of the UNCAC were invoked to legally undertake mutual legal assistance in the Fournier case (case study)? 7. What were the three biggest barriers to international cooperation in the Salinas case (case study)?

Module XII. Chapter V: Asset Recovery
Articles 51-57 and related Articles 11, 13, 38, 40 & 43

Module Introduction/ Thesis for Class Discussion and Debate	This module focuses on one of the UNCAC's unique features among all other regional or global treaties -- legally binding laws, mechanisms and policies that form the new global framework to facilitate the tracing, freezing, seizing, forfeiture and return of assets stolen through corrupt practices and then hidden in foreign jurisdictions. Estimates are that high level public officials steal, through one means or another, $1 to $1.6 trillion dollars in state assets per year. The net impact of this theft is both devasting and demoralizing to many.

This global phenemenon smacks developing and poor countries and their citizens the hardest, since these countries often do not have the resources, judicial capacity or political will to pursue stolen State assets. They also weaken if not destroy the investment climate, the reputation of the financial sector and key social service delivery programs, such as those related to health and education, and make good governance and the rule of law seem illusory.

The return of assets is identified as a fundamental principle of the UNCAC, and State Parties are required to afford one another the widest measure of cooperation and assistance. For the first time, a global framework for international public and private sector cooperation on a host of issues related to asset recovery has been forged. The main challenge is now how to make these newly mandated laws, mechanisms and policies work fairly, effectively and efficiently -- country-by-country and institution-by-institution.

Understanding how these new laws, policies and procedures, as well as enhanced international law enforcement cooperation will impact both the public and private sector is important to all key stakeholders. This includes new legal risks and corporate governance responsibilities for the financial community, as well as new legal risks and public governance responsibilities of current and past public officials and their families or close associates.

Most importantly, the UNCAC, if implemented in practice, it will provide new hope for citizens who have suffered as a result of their leaders ' crimes against the State. There can be no provention, confidence in the rule of law or criminal justice processes, proper or efficient governance, official integrity or widespread sense of justice and faith that corrupt practices never pay, unless the fruits of the crime are taken away from the pertrtrators and returned to their rightful parties.

In the 21st Century, there is now a much clearer, hopeful global path to the recovery of identifiable stolen State assets, as well as to the rule of law. |

Key Issues	international cooperation; civil forfeiture; FIU's; corruption reporting to other State parties; return and disposal of stolen State assets
UNCAC Articles	Chapter V: Articles 50 - 58 and related Articles 11, 13, 31, 38, 40 and 43.
Main Topics	• UNCAC prevention related mandates for financial institutions, including customer identification, beneficial ownership identification and and advisory lists of the names of people to be highly scrutinized and reported and illegal "shell banks" (A52) • UNCAC mandated related laws that allow for civil forfeiture (A53) • Requests to assist in the recovery of stolen assets of another UNCAC State (A55) • UNCAC mandated laws that allow for the return of State assets (A57) • UNCAC policy recommendations related to the creation of financial intelligence units (FIUs -- A58)
Key Lessons	• Returning assets obtained through corruption is a complex costly global law enforcement goal and challenge. • It is a critically important goal to pursue for purposes of promoting justice and a rule of law anti-corruption culture. The UNCAC is the first global treaty to make this goal a high global priority and to make it practically possible through a rule of law lens. • The mechanisms, policies, networks and relationships forged through UNCAC implementation will have far-reaching impacts on other international priorities and the implementation and enforcement of other treaties, protocols, such as national security, organized crime, trade, human rights and the environment.

| Learning Goals | • To be able to identify key UNCAC mandated laws and policies related to asset recovery

• To be able to identify at least three barriers to the recovery of stolen assets and three lessons learned within different regional context

• To be able to identify at least one successful and one unsuccessful case study related to asset recovery and the reasons for its success or failure within UNCAC and different regional context

• To be able to identify new risks and potential costs for the financial community and politically exposed people (PEPs) related to implementation of the UNCAC |

Class Assignment/ Main Tasks	This class will be focused mainly on the case studies, although you should be prepared to discuss each of the Required readings and cases studies in class. Your main assignment is to tackle the following hypothetical: You are working for a Fortune 500 bank as a compliance officer in one of the countries mentioned in the case study of your choice (below). You have been asked by the CEO whether you should open a $50 million bank account for a 10 year family member of one of the PEPs prosecuted in the case study. For class discussion purposes, there is a $100 million forfeiture court order pending against the PEP relative, but no assets have yet been located. The CEO wants to know what UNCAC mandated laws and issues might be relevant to this question. Please prepare a three to five page Background Memorandum to the CEO.
Required Reading	The required reading for this module is the following: **The UNCAC and International Asset Recovery: International Standards and International Cooperation in the Fight Against Corruption (2011)**, Summer School for Magistrates from South Eastern Europe: http://rai-see.org/doc/ The_UNCAC_and_International_Asset_Recovery-Erik_Larson.pdf **Stolen Asset Recovery: A Good Practices Guide for Non-Conviction Based Asset Forfeiture(2009**), Greenburg, Samuel, Grant and Gray, pp 1-25: http:sitesources.worldbank.org/EXTSARI/Resources/ 5570284-1257172052492/PEPs-fuul.pdf?resourceurlname=PEPs-ful.pdf **Mutual Assistance, Extradition and Recovery of Proceeds of Corruption in Asia and the Pacific (2007)**: http://bvc.cgu.gov.br/ bitstream/123456789/1893/1/37900503.pdf Denying Safe Haven to the Corrupt and the Proceeds of Corruption (2004): http:www.oecd.org/ document/ 5/6/0,3343,en_34982156_34982156_34982460_3750418_1_1_1_1,00.html **International anti-money laundering laws: Improving external accountability of political leaders (2010)**, Chalkin D: http:www.u4.no/ publications/international-anti-money-laundering-laws-improving-external-accountability-of-political-leaders-2/ -- (includes references to know-your-customer rules (KYC); FATF standards for PEPs; bank and corporate secrecy and forfeiture). **Stolen Assets Recovery Resolution-- UNODC Marrakech (2011)** -- Conference of State Parties Resolution 4/4 on Asset Recovery: http:// www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session4-resolutions.html

Recommended Reading	**Requesting Mutual Legal Assistance in Criminal Matters from G20 Countries: A Step-by-Step Guide (2012)**: http://www.track.unodc.org/Documents/G20%20%Guide%20to20%Mutual%20Legal%20Assistance%202012.pdf **Illicit Enrichment: Theory and Practice in Colombia,** Garrido C., pp 189-192, in Stolen Asset Recovery (see site in Required readings above) **Mutual legal assistance treaties and money laundering (2008), u4 Expert Answer**: http://u4.no/publications/mutual-legal-assistance-treaties-and-money-laundering/ **The Nigerian Experience -- the Southern African Information Portal on Corruption**: http://www.ipocafrica.org/cases/assetrecovery/nigerianexperience/index/htm **Requesting mutual legal assistance in criminal matters from G8 countries: A Step-by-Step Guide (2011)**: http://www.coe.int/t/dghl/standardsetting/pc-oc/PCOC_documents/8_MLA%20step-by-step+CN152011+CRP.6+eV1182196.pdf
Case Studies	**Lazarenko/Ukraine/US:** Please read the articles cited below and conduct your own independent research. Then identify the key UNCAC Articles directly and indirectly related to the facts and the recovery of these stolen assets. Write a 3 to 5 page article for the International Chamber of Commerce Journal that summarizes the facts and the court's final decision on all key issues. Include a section explaining your agreement or disagreement with the Court's opinion and a Bibliography citing research references to support your position. Read: Case Study of Pavel Lazarenko: http://www.assetrecovery.org/kc/node/90e27141-bae1-11dd-98af-fd800f0af1a4.47 and U.S. v. Lazarenko: Filling in Gaps in Support and Regulation of Transnational Relationships (2007), Nichols, P., The Wharton School of the University of Pennsylvania: http://works.bepress.com/philip_nichols/1 **Moi/Kenya:** The Looting of Kenya Under President Moi, Wikileaks.org: http:wikileaks,org/wiki/The_looting_of_Kenya_under_President_Moi. Please undertake your own independent research, including the referenced Kroll Report, and identify key UNCAC issues touched upon in this case. What was the outcome? (Also see the Video cited below) **Governor Dariye/Nigeria/UK** - - Civil forfeiture action. Please see the following case study by Edmond Angell Palmer Dodge and do your own independent research: http://assetrecovery.org/kc/node/4710f64d-c5fb-11dd-b3f1-fd61180437d9.3

Videos	**President MOI/Kenya** -- stole billions during his 24 year reign. htpp://m.youtube.com/#/watch?v=AkRHJkgB7GE&desktop_uri=%Fwatch%3Fv%3DAkRHJkgB7GE
Useful Websites/ Tools	www.unodc.org/mla -- Mutual Legal Assistance Writer Tool http://www.assetrecovery.org - International Centre for Asset Recovery's Knowledge Center (includes daily news feed) http://siteresources.worldbank.org/EXTSARI/Resources/StAR_Bibliography_Final.pdf - -(StAR: excellent website with many references to many aspects of the asset recovery process, case-by-case and country-by-country) http://baselgovernance.org/icar,International -- Centre for Asset Recovery at the Basel Institute on Governance

| **Quiz and Questions for Class Discussion** | 1. Identify five major impediments to successful asset recovery within developing world context.
2. Identify three major impediments to assets being successfully returned to a developing country from a developed country context.
3. Name three of successful asset recovery PEPs cases.
4. How many Articles in the UNCAC relate directly or indirectly to asset recovery?
5. Identify five of the most important inter-related Articles related to asset recovery.
6. From a pure dollars and cents perspective, what is the scope of the assets looting problem in Africa?
7. Where does it appear most money is laundered after it has been looted by PEPs? |

Module 13. An UNCAC Overview
Chapters I - VIII -- Articles 1-71

Module Introduction/ Thesis for Class Discussion and Debate	The UNCAC unlocks the global door for the public and private sectors and civil society to work in partnership on a common anti-corruption agenda. It also opens the global door for more analytical research, knowledge and stakeholder debate, and perhaps presents the best opportunity so far to globalize a rule of law culture.

Throughout the course an effort was made to present implementation of the UNCAC as both a challenge and an opportunity. An effort was also made to focus one eye on learning how to identify key corruption issues within different country and sectoral contexts. This includes how to undertake the kind of multi-disciplinary research necessary to analyze its causes, costs and risks to different stakeholders.

The course also tried to strike a balance between issues related to both prevention and law enforcement, but to dissect them through a multi-faceted stakeholder prism. One analytical eye was focused on how to examine the issues from a public sector perspective while the other was more focused on the perspective of the private sector, civil society and the international community.

While all UNCAC issues could not be fully covered because of the time limitations for this course, many of the resource materials in both the Required and Recommended readings are there to take specific research issues to a deeper substantive and analytical level as well as more debate. Indeed, each module was designed so that the topics covered could be the subject of an entire week-long seminar or even a six hour credit course.

With all of that said, the main goal of this module is to try to make sure that by now the student knows the "how-why-and-when" of the UNCAC framework. That is, how, why and when the mandates, recommendations and good governance policies can and should be used by multiple stakeholders for multiple purposes. Students should also be able to see the UNCAC's potential for both changing and forecasting the future legal, business, political and socio-economic landscape, from a real-world perspective.

One more hopeful goal is that after taking this course some will be inspired to set his or her career sights on this emerging important field of cross-cutting study and practice. Indeed, the demand for more knowledge within and across disciplines and more individual and collective action within and between the public and private sector is on our global doorstep.

This work will require practitioners, specialists, experts and strategic thinkers of many stripes, including: (i) development practitioners; (ii) public officials; (ii) civil servants; (iii) business executives, (iv) |

Key Issues	corruption prevention; criminal law; international law enforcement cooperation; asset recovery; justice/enforcement and career opportunities
UNCAC Articles	Chapters I - VIII -- Articles 1-71
Main Topics	- UNCAC issues related to corruption prevention; - UNCAC laws related to corruption and criminal law; - UNCAC issues related to national and international law enforcement cooperation - UNCAC articles related to asset recovery - UNCAC articles related to justice and fair, effective and efficient enforcement

Key Lessons	- Researching and analyzing the causes, cost and risks of corruption, as well as how and when to implement and enforce anti-corruption laws, regulations, policies and good governance practices, is a complex strategic exercise that requires a holistic approach. - It should be done through the prism of many disciplines, including socio-economic, political, legal, historical and cultural, and through the eyes of various key stakeholders -- all within country, sectoral and institutional context. - The UNCAC provides the holistic global framework for this multi-disciplinary task.

Learning Goals	• To see and know how to use the UNCAC as a global framework for preventing and reducing corruption.
	• To see the UNCAC as a building block for globalizing good governance practices for governments and businesses and for globalizing the rule of law.
	• To be able to analyze and frame a set of UNCAC corruption and bribery prevention and law enforcement issues from a cost, risk, country, company, legal, political and socio-economic cultural context.
	• To know how to link-up and analyze crosscutting corruption prevention and law enforcement issues within different country, institutional and sectoral contexts.
	• To be able to impart knowledge on the dollars and cents and societal hidden cost of corruption to a range of stakeholders, including governments, businesses and the universal Rights of people everywhere.
	• To be able to identify the various career opportunities that work in this field provides.
	• To be able to write a college research paper of publishable quality (optional course requirement for grade or certificate)

Class Assignment/ Main Tasks	1. Read the articles assigned related to Kazakhgate and re-watch Black Money and review relevant Required reading materials from previous modules. Do your own independent research on the cases and issues raised.
	2. Outline key UNCAC related issues raised in both case studies and the note the relevant Article next to each issue (on one page for each case study).
	3. Writing a research paper of publishable quality (at the option of the professor)
	4. Open discussion and debate
Required Reading	See Case Studies Videos
Recommended Reading	Review personally selected Required readings from previous modules and do your own independent research

Case Studies	**Mobil Oil/Giffen/Kazakhgate** (see Assignment above), read:
	1. http://assetrecovery.org/kc/node/2c17144-fcfb-11dd-a6ca-f1120cbf9dd3.0;jsessionid=BD8A5D34A1D25792CBB478576BED9CEF; http://star.worldbank.org/corruption-cases/node/18529;
	2. Corruption in the Petroleum Sector, McPherson C. & MacSearraigh S., Chapter 6, pp 191- 220, The Many Faces of Corruption (see Bibliography) and (iii) James Giffen Update (2010);
	3. FCPA Professor: http://fcpaprofessor.blogspot.com/2010/06/james-giffen-update.html?m=1
	BAE/Siemens/Black Money (re-watch the Video movie and see the Assignment above): http://www.pbs.org/wgbh/pages/frontline/blackmoney/view
Videos	**Black Money:** http://www.pbs.org/wgbh/pages/frontline/blackmoney/view
	Research Paper How-To: http://youtube.com/watch?v=Lf1AV4axkSM&desktop_uri=%2Fwatch%3Fv%3DLf1AV4axkSM -- Youtube videos on how to write a college research paper

Useful Websites/ Tools	http://:www.fcpaprofessor/blogspot.com -- FCPA/bribery issues/cases
	http://star://worldbank.org/corruption-case -- Asset recovery cases/issues
	http://unodc.org/unodc/en/treaties/CAC - - UNCAC Summary
	www.bibme.org - - bibliography maker
	http://olinuris.library.cornell.edu/ref/research/skill28.html -- how to prepare an annotated bibliography
Quiz	Final take-home/Blackboard exam at the option of the professor and/or 25 page research paper on one or more Module topics (double-spaced and a bibliography)