Domestic Sources of State Compliance with International Law: Evidence from the
International Regime of Anti-Corruption

Ellen Gutterman
Department of Political Science, Glendon College
York University
2275 Bayview Avenue, Toronto, Ontario, Canada M4N 3M6
egutterman@glendon.yorku.ca

Norms rather than interests sometimes drive states to comply with international regulatory agreements. Depending on factors in the domestic political context, norm-driven reasons for state compliance can outweigh countervailing material and strategic interests. This article demonstrates that compliance with costly regulatory agreements depends on four domestic factors: the perceived *legitimacy* of domestic advocates for compliance ("norm entrepreneurs"), the *access* of domestic norm entrepreneurs to relevant decision makers, the *framing* of the international norm within the domestic policy context, and the *resonance* of the international norm within the domestic political context. The central proposition is that where an international treaty embodies a norm that will proscribe existing behavior, states will comply – regardless of the impact on strategic interests – when a domestic advocate is able to articulate the proscribed behavior in such a way that the state must address it and yet cannot publicly justify non-compliance. This happens when the norm *resonates* – meets a high level of public sensitivity – in the domestic political context.

The argument is that international norms constrain the range of choices available to policy makers much like judicial precedents constrain the range of acceptable decisions in the process of legal adjudication. Although judges are not bound by the earlier pronouncements of other jurists, their decisions usually may depart from precedent only when they can provide good reasons for doing so. Similarly, states in the international social context of norms and rules can be pressured to provide justifiable reasons for departures from a widely accepted global norm. When publicly acceptable reasons for non-compliance cannot be mustered, norm-transgressing policies, though they might be both materially preferable and of longstanding practice, may nevertheless be difficult to maintain. As the legal theorist Bruce Chapman has put it, such norm-transgressing policies can be "more easily done than said."[1]

The key to compliance, therefore, is the effective articulation of the norm in question by an advocate for compliance in a fashion that impels the state to produce reasons for non-compliance. Where a compliance advocate effectively articulates the norm (via legitimacy, access, and framing) and where non-compliance is difficult to justify publicly under the terms of shared norms and principles (due to resonance), compliance is a more likely outcome.

Understanding why, and under what conditions, states comply with international rules and norms is the central problem of an established and increasingly diverse body of scholarship in International Relations and International Law.[2] Using a variety of empirical techniques across a range of issue areas, scholars have identified numerous factors at the systemic and domestic levels of analysis to explain observed patterns of compliance in world politics. Studies in both the Rationalist and Constructivist research programs have sought to explain at least two different types of variation in state compliance. First, some studies ask: Why are certain types of states more likely than others to comply with specific international norms and rules? These studies seek to

---

[1] Chapman 1998, 293.

[2] Important contributions to this literature include Young 1979; Fisher 1981; Mitchell 1994; Chayes and Chayes 1995; Downs, Rocke, and Barsoom 1996; Koh 1997; Kingsbury 1998; Brown Weiss and Jacobson 1998; Underdal 1998; Simmons 2000; Haas 2000; Checkel 2001; Luck and Doyle 2004; Dai 2005. For an excellent overview, see Bradford 2004-2005.
For reviews, see Simmons 1998; Raustiala and Slaughter 2002.

explain variation in compliance across different kinds of states, i.e. democratic versus non-democratic regime types or high-capacity, advanced industrialized states versus lower-capacity developing states.[3] A second set of studies asks: Why do states comply with certain regimes but not others? These studies examine variation across different international regimes, highlighting such variables as regime design or particular kinds and features of norms and rules such as hard law versus soft law, the degree of legalization, or a norm's legitimacy, concordance, or clarity.[4]

The literature has thus far failed to address a third significant type of variation in compliance behaviour: What explains why certain relatively similar states, but not others, comply with a given international agreement? Explaining variation in compliance behaviour across similar states is a crucial step in isolating important domestic sources of compliance and advancing mid-range theorizing about the reasons for state compliance with international legal commitments.

This article addresses this question through an empirical investigation of state compliance in the international regime of anti-corruption. The regime emerged in the 1990s as international actors began to regulate the practice of large-scale transnational bribery. Such bribery is pervasive in important sectors of international trade and is damaging both to efficiency in the liberal international economic order and to poverty reduction in the developing world. In response to growing concerns about such costs, an array of states, multilateral organizations, multinational corporations, and international civil society groups publicly committed themselves to new initiatives to control corrupt practices in business, government, development, and international trade.[5] In 1997, the United States, Germany, France and the United Kingdom together with 30 other highly industrialized states in the Organization for Economic Cooperation and Development (OECD) adopted a binding international convention to control bribery and corruption in the global economy. The *Convention on Combating the Bribery of Foreign Public Officials in International Business Transactions* (and its related documents) required signatories to enact domestic legislation criminalizing the bribery of foreign public officials in international business transactions, end the tax-deductibility of foreign bribes (a theretofore standard practice in Germany, France, and several other countries), and participate in an ongoing process of peer-review monitoring for compliance. Previously, only the United States had criminalized foreign bribery, in its *Foreign Corrupt Practices Act* of 1977.

These four leading OECD states occupy similar positions in the international economy, have similarly significant export economies, compete for many of the same global markets, and play important roles in the sectors of international trade most susceptible to bribery, including arms and defense exports and construction and public works.[6] All, at the time of the Convention's adoption, had similar interests in allowing firms to exploit bribery to capture contracts in foreign countries. Considering that all agreed to cooperate to control the rising costs of foreign bribery by adopting a binding

---

[3] Brown Weiss and Jacobson 1998; Slaughter 1995; Sikkink 1993; Moravcsik 2000; Dixon 1993; Simmons 2000; Haas 2000.

[4] Mitchell 1994; Chayes and Chayes 1995; Koh 1997; Shelton 2000; Legro 1997; Keck and Sikkink 1998; Slaughter, Tulumello, and Wood 1998; Franck 1990; Goldstein et al 2000. A related question is to inquire about the varying compliance rates across regimes; see, for example, Tallberg 2002; Luck 2004.

[5] Naim 1995; Elliot 1997; Windsor and Getz 1999; McCoy and Heckel 2001; Wang and Rosenau 2001.

[6] Transparency International 1999b and 2002.

legal instrument on criminalization, one would expect the four states to react to the Convention in a similar way. Yet a puzzle emerges: these states exhibited markedly different patterns of compliance with the Convention in the three years immediately following its adoption. Both the United States and Germany ratified the Convention and fully implemented its provisions within one year. France, in contrast, delayed taking steps towards ratification and implementation, and its implementing legislation itself raised important questions about the extent of eventual French compliance. The United Kingdom implemented no new legislation under the Convention, and failed to comply with its terms.[7] Why did some states comply while others did not? What explains this variation?

A comparative study of the anti-corruption politics in each of these states provides insight into the sources of compliance within a shared international context that holds constant many important explanatory variables. A range of system-level variables (treaty design, institutional change, international norm context, and distribution of power) and domestic-level variables (regime type, pattern of state-society relations, administrative capacity, norm consonance, macroeconomic factors, common law vs. civil law legal tradition, and the effects of European Union politics) are controlled. While literature on the domestic impacts of international norms identifies other domestic factors for compliance, these also do not explain the puzzle.[8] This literature identifies the domestic legitimacy of an international norm, measured by the norm's presence in national discourse, institutions, or politics, and the "fit", "salience", "resonance", or "cultural match" of a new international norm with pre-existing domestic norms as key factors for compliance.[9] The international norm of anti-corruption, however, is consonant with many fundamental liberal-democratic norms and ought to present a "cultural match" with each of the four states; indeed, this consonance is consistent with the initial decision by each state to proscribe foreign bribery through the Convention. And while the legitimacy in domestic institutions of the norm against foreign bribery varied across the cases, this variation did not predict the observed variations in compliance: Germany previously allowed the tax-deductibility of foreign bribes and the U.K. did not, yet Germany did comply with the OECD Convention while the UK failed to do so. The analysis in this paper therefore delinks the concept of "resonance" from notions of "legitimacy" and offers a new concept to explain domestic sources of compliance.

The literature on the domestic impacts of international norms also identifies the role of norm advocacy groups operating though transnational or domestic networks as a key source of compliance.[10] This factor offers weak explanatory power in the case of the OECD Convention, on at least four counts. First, in contrast to the expectation that transnational advocacy networks assist enforcement and compliance by monitoring and reporting norm violations in domestic regimes where such information may be otherwise difficult to access, the OECD Convention includes liberal-democratic, industrialized, high capacity states in a binding legal agreement that includes detailed verification procedures – so advocacy networks are not crucial for monitoring and enforcement. Second, although transnational advocacy is highly relevant in the international regime of

---

[7] OECD 2000a, b, and c; OECD 2001.
[8] Cortell and Davis 1996 and 2000; Checkel 1999; Risse, Ropp, and Sikkink 1999.
[9] Cortell and Davis 2000; Checkel 1999.
[10] Keck and Sikkink 1998; Risse, Ropp, and Sikkink 1999.

anti-corruption, evidence shows that in at least one case (France) the linkage of the domestic advocate to the transnational advocacy network mitigated *against* the effectiveness of norm articulation and compliance. Third, contrary to the expectations of models of transnational advocacy where such networks tend to operate in highly politicized public fora, anti-corruption advocates have tended to work through direct, elite channels in the absence of social contestation. Fourth, the analysis demonstrates that the persuasion strategies adopted by compliance advocates can have varying effects across different political contexts. In the case of the OECD Convention, different persuasion strategies adopted by domestic advocates in their respective domestic political contexts made the difference for compliance, rather than transnational advocacy networking.

The international regime of anti-corruption is an especially fertile testing ground for theories of state behaviour that argue for the primacy of either interests or norms. Powerful material incentives support the use of bribery in foreign contract competition, particularly in such economic sectors closely identified with the "national interest" as arms and defense exports, international construction and public works, and natural resource extraction. Policy makers view these sectors as strategic to the national economy and understand policies to control bribery within them as having a strategic impact on states. In this context strategic trade theory offers clear expectations for state behaviour and is a strong, rationalist, candidate theory to explain variations in state compliance with the OECD Convention.[11] At the same time, at the centre of the OECD Convention lies a powerful international norm of anti-corruption that has recast the limits of appropriate states policies in the conduct of international trade. This norm is conceived in explicitly neoliberal terms, in accordance with the dominant international policy norms and ideologies of the leading OECD states to encourage economic growth through international trade, "fair" economic competitiveness, and the spread of efficient private markets.[12] It is also a strongly constitutive norm, in that adherence to this norm helps to define the identities of liberal democratic states in the post Cold War era, prescribing a particular normative view of the appropriate relationship between markets, bureaucracies, and political power. As an important system-level "push factor" for compliance, the presence of this widely accepted and powerful international norm accentuates the compliance puzzle.

The following analysis clearly demonstrates that the observed variation in compliance with the Convention can only be explained with reference to the domestic sources of compliance and the novel, norm-driven theoretical argument introduced here. The study of variation in state compliance with the OECD Convention reveals that where a domestic norm entrepreneur was perceived as legitimate, had direct access to relevant policy makers, framed the international norm of anti-corruption in high priority policy contexts and operated in a domestic political context of anti-corruption norm resonance, the state complied, regardless of countervailing material strategic trade interests – and counter to the expectations of strategic trade theory. Crucially, where norm articulation was weak (due to weak legitimacy, access, and/or framing) and/or norm resonance was low, compliance was delayed, restrained, or did not occur at all. Rationalist strategic

---

[11] Hirschman 1969; Krugman 1994; Walzenbach 1998; Busch 1999.
[12] Williams and Beare 1999; Bukovansky 2002, Hindess 2004.

trade theory, an important alternative explanation for policies concerning bribery in international business, cannot explain this outcome.

The paper is organized in seven parts. The next section discusses the practice of bribery in international business, arguing that the structure of incentives is such that the problem to control this practice is characterized by a prisoner's dilemma. Part 3 briefly discusses the concept and measure of compliance employed and presents an overview of observed levels of compliance in each of the United States, France, Germany, and the United Kingdom. Part 4 demonstrates the failure of strategic trade theory to explain the observed variations in compliance, while Part 5 elaborates the theoretical framework and central argument of the paper. Evidence from the cases is presented in Part 6. The paper concludes in Part 7 with a discussion of theoretical implications and an agenda for further research.

2. Controlling Bribery in International Business

International anti-corruption became a focus of global governance in the decade of the 1990s.[13] Every major international institution with a political or financial mandate, plus a diverse array regional, local, private sector and non-governmental organizations produced a series of conventions, recommendations, policy statements, codes of conduct, and new research dedicated to curbing corruption in the global economy.[14] The World Bank, the International Monetary Fund, the United Nations, the European Union, the Council of Europe, the Organization of American States, and the International Chamber of Commerce all participated in this movement. Dozens of states signed multiple international anti-corruption treaties.[15] Multinational corporations produced anti-corruption codes of ethics.[16] Addressing the problem for the first time in 1996, the World Bank committed itself to fighting the "cancer of corruption" and identified corruption as "the single greatest obstacle to economic and social development."[17] During this period Transparency International, emerged as the leading international non-governmental organization (NGO) devoted to combating global corruption, with 85 chapters world-wide working to raise awareness about corruption and devising anti-corruption strategies for business and government.[18]

The OECD *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* was a signal event of this new regime, representing a clear turning point in the anti-corruption policies of major OECD states.[19] While bribery of domestic public officials has long been outlawed in the industrialized countries, bribery across borders has not. Prior to 1997 paying bribes to foreign public officials as a means to obtain contracts was a normal business practice in many OECD countries, to the

---

[13] Brademas and Heiman 1998; Wang and Rosenau 2001; McCoy and Heckel 2001.

[14] World Bank 1997; Brademas and Heimann 1998; Camdessus 1998; Ofosu-Omaah et al. 1999; Rose-Ackerman 1999; OECD 2000a; Windsor and Getz 1999. For research on the costs of corruption in developing countries and in the global economy in general, see Harriss-White and White 1996; Mauro 1996; Ades and Di Tella 1996 and 1997; Hutchcroft 1997; Nesbit 1998; Cartier-Bresson 2000; Elliot 1997 and 2002; Jain 2001.

[15] Add cites: OAS Convention, OECD Convention, Council of Europe, UN Convention.

[16] Vincke et al. 1999. Prominent examples are General Electric and BP.

[17] World Bank 2001.

[18] Galtung and Pope 1999; Galtung 2000; Wang and Rosenau 2001.

[19] George, Lacey, and Birmele 2000; Heidenheimer and Moroff 2002;

extent that France, Germany, and others legitimized overseas bribes as tax-deductible business expenses.[20] While it is difficult to know the precise extent of bribery in international business, a variety of evidence indicates the general prevalence of this practice. American, German, French, British, and other sources estimated the extent of such bribery in the 1990s to be in the tens of billions of dollars annually, particularly in foreign arms and construction contracts, where such illicit sums often reached as high as 30 to 45 percent of a contract's value.[21]

Both states and firms in OECD countries supported the practice of transnational bribery. State support for bribery in international business transactions is a strategic trade practice, a form of protectionism that a number of key states have been (and remain) reluctant to control.[22] While firms employ foreign bribery to secure contracts in the pursuit of market-share growth and profit, states support transnational bribery by allowing its tax-deductibility, providing financial support to bribe-paying firms through export-credit arrangements, and by characterizing bribery abroad as a normal business practice. In such industries as arms and defence and public works and construction, firm profits from international contracts are closely identified with the national interest, in both economic competitiveness and national security.[23] States therefore use various export financing arrangements, including support for foreign bribery, as part of a beggar-thy-neighbour competitive strategy to help firms in these industries to win contracts. The national benefits of a policy supporting transnational bribery tend to be measurably specific (in the form of success for national champions in international contract procurement competitions) and concentrated within important national industries. In contrast, the costs of foreign bribery — general economic inefficiency in the global economy, problems of development in the global South, the spread of illicit global financial activity — tend to be diffuse and less identifiably immediate to the domestic political context. Therefore, a range of material incentives favours state support for bribery in international contract procurement. Especially with respect to strategic trade competition in economic sectors with close ties to the state, support for bribery is a rational strategic trade policy.

From the point of view of firm preferences, the use of bribery in international business transactions presents a prisoner's dilemma. Faced with a choice to bribe (or not) in pursuit of foreign contracts, every firm's dominant strategy is to bribe. If competitors bribe, then a firm will secure more contracts and higher profits by bribing than by not bribing. If competitors do not bribe, then a firm will secure more contracts and higher profits by bribing than by not bribing. In particular, less efficient firms prefer bribery as this will be their source of advantage in contract procurement.[24] As well, even firms that are more efficient prefer to bribe rather than lose contracts to less efficient firms that

---

[20] Milliet-Einbinder 2000.

[21] This figure cited in Orange 1999. See also Fiddler 1999; *Economist* 2002; and, for a comprehensive report, Hawley 2000. Past (and recent) scandals also reveal the prevalence of bribery and corruption in international business: discuss and insert cites of major cases: GE, Siemens, BAE Systems, Raytheon, Thales, etc.

[22] For a similar discussion in the context of Eastern European states, see Krastev 1998.

[23] For a thoroughgoing analysis, see Walzenbach 1998.

[24] Where there is widespread resort to bribery in international commercial transactions, "the playing field is tilted toward unscrupulous but less efficient firms that would not fare as well in an honest system." Rose-Ackerman 1997, 53. See also Elliot 2002.

bribe. Hence, the dominant strategy is to bribe. At the same time, where two or more unscrupulous firms compete for the same contract, such competition raises the cost of the bribes required to win the contract. In addition, if all firms bribe, the less efficient firms lose the advantage sought by the bribe. So, if none bribed, efficient firms will be better off and less efficient firms will be no worse off. This is the hallmark of a prisoner's dilemma: players have dominant strategies that yield sub-optimal results.

This is the dilemma that states attempted to solve with the OECD Convention. By binding all states to criminalize their firms' use of bribery, states hoped to reduce a perceived hindrance to free trade and create a "level playing field" for more efficient international competition.[25] In their effort to do so they included in the Convention an innovative feature that exemplifies the "management model" of treaty compliance advocated by scholars of compliance in international law: peer-review measures to monitor and enforce compliance with the treaty rules.[26] Carried out under the framework of the OECD Working Group on Bribery in International Business Transactions (hereafter referred to as the Working Group), the Convention's monitoring and enforcement mechanism consists of a two-phase peer review of the implementation steps taken by participating countries. Phase 1 monitoring evaluates whether the legal texts through which participants implement the Convention meet the required standard. The purpose of Phase 2 is to study the structures put in place to enforce the implementing laws and rules, and to assess their application in practice. The outcome of the process in each phase is the adoption of a report on the performance of every examined country. These country assessments are published annually in a report to the spring meeting of the OECD Council at Ministerial Level, and posted for public access on the OECD website.[27] The Working Group completed its Phase 1 reviews of the four leading OECD states in 2001. The observation of compliance in this analysis draws on the reports of the OECD Convention's Working Group.[28]

3. Observed Levels of Compliance

Compliance here means "to act in accordance with, and fulfillment of the obligations accepted by signing and ratifying the agreement."[29] This definition is consistent with that of Oran Young, whereby compliance occurs "when the actual behavior of a given subject conforms to prescribed behavior, and non-compliance or violation occurs when actual behavior departs significantly from prescribed behavior."[30] It is, furthermore, akin to Roger Fisher's conception of "first-order compliance," that is, compliance with standing, substantive rules embodied in treaty arrangements.[31] The explicit concern is the compliance of states, rather than firms, with the requirements of

---

[25] A full account of the negotiations leading to the conclusion of the Convention is beyond the scope of this paper, but is interesting in its own right. For complementary analyses, see Abbott and Snidal [date] and Metcalfe 2000. For an interesting critique of the "level playing field" rhetoric in US trade policy, see Behboodi

[26] Chayes and Chayes 1995; Aiolfi and Pieth 2002.

[27] OECD Website, <http://www.oecd.org/topic/0,3373,en_2649_37447_1_1_1_1_37447,00.html>

[28] The relevant reports are OECD 2000b, 2000c, 2000d, and 2001.

[29] Underdal 1998, 6, citing *Oxford English Dictionary*.

[30] Young 1979, 2.

[31] Fisher 1981; Simmons 1998.

the OECD Convention, as measured by states themselves during the Phase 1 peer-review monitoring period, from roughly April 1999 to June 2001[32].

Until the late 1990s, both Germany and France allowed the tax-deductibility of bribes paid to foreign public officials. The U.S. and the U.K. did not, though only the United States had in place legislation that criminalized this type of transnational bribery. For two decades the United States had attempted to internationalize its 1977 *Foreign Corrupt Practices Act* (FCPA), while France and Germany were among the main opponents to this effort. When anti-corruption efforts at the OECD came to a head in the mid 1990s, France and Germany remained reluctant.[33]

Ultimately, in the spring of 1997, concerned that an eventual agreement would not bind all states equally, France and Germany proposed a legally-binding anti-bribery treaty with transparent monitoring procedures. Although the United States preferred a non-binding Recommendation to a treaty that might never be ratified and enforced, American officials finally agreed to a binding Convention and, within one year, signed, ratified, and amended the FCPA to comply with the new OECD Convention on bribery.[34] Germany and the U.K., too, quickly signed on to the Convention, each ratifying within 12 months. Germany implemented new criminal legislation outlawing foreign bribery upon ratification, but the U.K. did not.[35] Instead, it offered the Convention's peer review Working Group the argument that a little-used British law from 1906 sufficiently met the U.K.'s commitment under the Convention; the Working Group disagreed.[36]

---

[32] In focusing on state compliance during the Working Group's Phase 1 monitoring period, I somewhat collapse the separate concepts of "implementation" and "compliance" (contra Simmons 1998, 77-78). Limiting the analysis to this period, however, affords a tractable way of explaining the observed variations at a given point in an continuing process. Phase 1 is, in a sense, a logical "break point," and the implementation process is legitimately part of the compliance story. This is consistent with the approach of Peter Haas, that "national compliance could be measured in terms of state resources committed to the specified goal after ratification, i.e. whether a state changes its policy, laws, organizational routines, and practices in accordance with international commitments." (Haas 2000, 45). This article is expressly not concerned with "effectiveness," nor with the conceptualization of domestic compliance advanced in the literature on compliance with environmental agreements – that is, the compliance of private actors with the treaty norms and rules. While compliance by private actors is necessary for the OECD Convention to be effective (indeed this is the focus of the Phase 2 monitoring process), this aspect is beyond the scope of the study reported here. This self-limitation is desirable and necessary, among other reasons, to overcome insurmountable problems of empirical research related to bribery and corruption by firms and other actors.

[33] George, Lacey, and Birmele 2000; Metcalfe 2000; Heidenheimer and Moroff 2002

[34] It bears emphasis that the United States initially *opposed* the French-German proposal and, indeed, Metcalfe (2000) shows that the United States was among the states *least* satisfied with the outcome of negotiations. Therefore, the speed with which the entire compliance process unfolded in the United States is noteworthy, particularly given that this occurred through the spring, summer, and fall of 1998, a period of high tension between the Clinton White House and the Republican-dominated Congress (coincident, too, with the Monica Lewinsky scandal), during which Congress chose *not* to ratify the Kyoto Protocol on Climate Change, another prominent international treaty signed by the Clinton administration.

[35] Germany complied with the new Convention through two initiatives, each of which represented a significant shift in policy. First, Parliament enacted new legislation criminalizing bribery of foreign public officials in international business, in September 1998. Second, in March 1999, Parliament amended German tax law to abolish the tax-deductibility of German bribes. These amendments also created new reporting obligations that were unprecedented in German tax policy. See George, Lacey and Birmele 2000, 513-14.

[36] The Working Group's report stated that the Group "is not in a position to determine that the U.K. laws are in compliance with the standards under the Convention. The Working Group urges the U.K. to enact appropriate legislation and to do so as a matter of priority…" OECD 2000c, 24.

France, meanwhile, delayed both in ratifying the Convention and in its legislative process to implement new anti-bribery rules. Whereas the Convention entered into force for all Parties on February 15, 1999, in France the initial legislative bill for implementation was only first proposed in January 1999. That bill included a controversial non-retroactivity clause which became the subject of lengthy and intense political debate in France, as well as of international criticism.[37] The non-retroactivity clause explicitly exempted from the purview of the proposed legislation foreign bribes that would be paid out in relation to contracts concluded prior to the effective date of the new legislation – even when these bribes would be disbursed *after* the legislation's entry into force. Ultimately, however, France enacted implementing legislation without this non-retroactivity clause, and ratified the Convention at the end of July 2000.[38] In short, the U.S. and Germany implemented new anti-bribery legislation and complied with the Convention quickly and satisfactorily. France is a late and 'moderate' complier in this study. Though the U.K. was among the first to ratify the Convention, it failed to implement the Convention in its domestic legislation and did not comply at all.

4. The Strategic Trade Puzzle

Strategic trade theory offers clear expectations to explain these variations. The theory posits that materialist values (whether national economic competitiveness, the overall "national interest," and/or exporter-firm profits) and instrumental rationality in the context of strategic competition in international trade explain the policy choices of major OECD states to comply or not with the OECD Convention. There are two variants of the theory. One of these asserts that states behave as unitary, rational actors, seeking to maximize national welfare gains in their strategic interactions with other states.[39] According to this theory, the degrees of compliance exhibited in the four cases ought to be explained by the states' national calculations of material interest. The other variant of strategic trade theory, drawn from the "second-image reversed" school, relaxes the unitary rational actor model to posit that state preferences reflect interest-group dynamics at the domestic level of analysis.[40] This endogenous trade theory leads to the expectation that the degrees of compliance in the four cases reflect the preferences of dominant domestic political and economic actors with strong interests at stake, rather than reflecting the "national interest."[41] Both theories fail to account for the variation in state compliance in this study. (See Table 1, below.)

At the level of unitary state interests, strategic trade theory expects all advanced economies to adopt similar strategic policies in the search for competitive advantage. If support for bribery is competitively advantageous for one state, it should be so for all others. In this case the theory predicts continued state support for foreign bribery. There

---

[37] Malingre 1999a; 1999b; 1999c.

[38] The Convention entered into force in France together with the implementation law in September, 2000 – a full year and a half later than Germany and the United States, and close to three years following signature of the Convention. On completing its review of the French implementing legislation, the Working Group decided that while the French anti-bribery law "generally conforms" to the requirements of the Convention, certain aspects that may affect the implementation of the Convention in France raised concerns and "shall require careful examination" in Phase 2. OECD 2001, 30.

[39] Busch 1999.

[40] Milner 1988; Gourevitch 1986.

[41] Milner 1988 and 1993; Busch 1999.

is another option. Having concluded that transnational bribery is a costly practice, states might rationally cooperate to maximize joint gains through collective efforts to curtail it. This second possibility is satisfied, in many ways, by the existence of the OECD Convention itself. With its robust peer-review monitoring system, intended to promote compliance and deter defection, this legally binding international agreement to curb bribery in international business represents collective state action to address a perceived problem and liberalize trade.

In light of this analysis, however, the observed variation in compliance across the four leading signatory states is especially surprising. At the level of deductive theory, once having signed on, it is in every signatory state's interest to comply with the requirements of the Convention. Particularly in light of the Convention's built-in compliance monitoring system, the increased risk of detection, and the reputational cost of failure to comply, this theoretical approach does not explain why some states complied and others did not. In addition, the initial, unilateral U.S. Foreign Corrupt Practices Act (FCPA) of 1977 poses a particularly difficult challenge to this theory. At a time when most states accepted bribery in the competition for foreign contracts, the FCPA was perceived to have placed American companies at a competitive disadvantage to their French, German, and British competitors, who remained unconstrained.

Endogenous strategic trade theory posits firm preferences as an important determinant of trade policy.[42] This theory also predicts a similar response to a given set of market conditions from similarly situated industries in different countries. In the case of the OECD Convention, however, we see patterns of firm behaviour that are not consistent across the cases. Evidence suggests that in the United Kingdom and France major exporters — particularly defence-industry firms — opposed state compliance with the Convention, while in the United States and Germany exporter firms supported prompt and full compliance.[43] Whereas strategic trade theory predicts similar calculations of material interests across these cases, this pattern of variation suggests varying interests at work.[44]

Two further points challenge endogenous strategic trade theory. Despite opposition from defence firms, France ultimately did implement new anti-bribery legislation in order to comply with the Convention within the Phase 1 time frame, while the United Kingdom did not. This, even though the French government arguably is more protectionist of its defence industry than is the U.K.[45] In addition, exporters in Germany and the United States did not always favour anti-bribery rules. Prior to the conclusion of the OECD Convention, the German government took no steps to implement earlier, non-binding OECD recommendations on bribery, and German business also opposed such efforts. In the United States, exporters had lobbied the government for more than ten years to *repeal* the FCPA, with no success. In each case, therefore, the attitude of business groups toward international anti-bribery rules started out the same: opposition. What the evidence shows is that, where states complied quickly and satisfactorily with

---

[42] Milner 1988.

[43] Further discussion of the evidence here (?).

[44] It is interesting to note that endogenous trade theory does not account for the existence of the Convention itself. This theory posits that domestic firms pressure governments to adopt strategic trade policies that achieve competitive advantage for them, not merely competitive parity. The convention provides parity only.

[45] Brzoska 1998, 82.

the OECD Convention, industry had undergone a shift in interest calculation over time. In both the United States and Germany this shift occurred prior to the ratification of the Convention. In France and the U.K., on the other hand, no similar shift is in evidence.

In sum, rationalist, strategic trade analysis does not account for the variation in the way that important business actors in the four countries calculated the interests at stake with the new anti-bribery rules. This analysis also does not explain state policy formulation independent of the expressed material interests of powerful business groups.

Rather, the strategic trade analysis of state compliance with the OECD Convention raises further puzzles: What explains the change in Germany from business opposition to support for international anti-bribery rules prior to the conclusion of the OECD Convention? Why did the French government ultimately enact anti-foreign bribery legislation in France, despite opposition by industry? In the United Kingdom, why did neither industry nor government reformulate its interests and support compliance with the Convention, even after signing the treaty? Finally, why did the United States unilaterally enact the 1977 Foreign Corrupt Practices Act in the first place? Although strategic trade theory is a strong candidate theory to explain state policy with respect to bribery in international business, it does not answer these remaining questions. Strategic trade theory provides an incomplete explanation for the variations in state compliance observed in this study.

[Table 1 here]

5. Explaining the Puzzle: Norm-Driven Sources of Compliance in Domestic Politics

In a liberal-democratic state, the need publicly to justify state policies can be a crucial factor for compliance with international law. Within the international social structure of norms and ideas, some policies are more easily justified than others. Where action requires justification, the obligation to give reasons for choices makes some things hard to do. The presence of a widely shared international norm can exert a force on state policy choices much as a legal precedent constrains the range of available decisions in the process of adjudication.[46] Although a judge's ruling is autonomous from the earlier pronouncements of other jurists, legal precedents constrain the range of decisions available such that a judge may depart from precedent only when good reasons can be offered for doing so. Similarly, in the context of a widely accepted global norm, state compliance is neither automatic nor absolutely required. The presence of a global norm, however, can provide a social context in which states find themselves obliged to give reasons for departures from the norm (or for non-compliance.) Non-compliance can then become difficult where states are pressured to provide justifiable reasons for departure from the norm, regardless of countervailing interests. The legal theorist Bruce Chapman has put it thus:

> While there might be things we could 'do' if it was only a question of what we preferred, we might, nonetheless, not be able to do those things if we had to articulate a set of publicly accessible reasons, or justifications, for such a doing. After all, some things just do not bear thinking about, at least if they have to be thought about openly…they are more easily done than said.[47]

---

[46] This argument draws from and builds on Chapman 1998.
[47] Chapman 1998, 293.

Norms need not be internalized to exert pressure for compliance. Rather, norms constrain behaviour through a non-instrumental dynamic in light of given intersubjective beliefs about appropriate behaviour. Norm entrepreneurs spur this dynamic by calling on states to justify policies that are not in compliance with the state's avowed norms, or with widely accepted international norms. This is similar to the process Richard Price has identified as a transnational Socratic method, "whereby civil society's demands on states to publicly justify their positions reverse the burden of proof involved in contesting norms, thereby legitimizing political space for change."[48] The key to compliance, in other words, is an advocate's effective articulation of the norm at stake in the compliance choice in a manner that imposes a burden on the state to produce reasons for non-compliance. Where a norm entrepreneur effectively articulates the norm, and where non-compliance is difficult to justify under the terms of shared norms and principles, compliance is a more likely outcome.

Whether domestic norm entrepreneurs will be effective in this function depends on four variables.

The Domestic Norm Entrepreneur: Legitimacy and Access

Norm articulation — the way a norm is introduced, specified, and framed in different contexts — specifies the range of acceptable behaviour prescribed by a salient norm. The central actor involved in domestic norm articulation is the norm entrepreneur. In order to be effective in strategically framing the global norm in the domestic political context, the norm entrepreneur must be perceived as a legitimate actor with standing on the matter, and it must have some access to and/or visibility among the political elites responsible for the state's compliance policy. Legitimacy and access on the part of the domestic norm entrepreneur are key conditions for effective domestic norm articulation.

In order to be effective and significant in promoting state compliance with an international agreement, a norm entrepreneur must have access to both receive and transmit information to target audiences.[49] An elite advocacy network or norm entrepreneur with personal connections to policy leaders and state decision-makers can have a direct impact on government policy, through, for example, face-to-face meetings or participation in public/private policy fora. Non-elite groups can also have special access to important resources for monitoring and promoting compliance. For example, in some cases such groups can collect information that respondents might withhold from an official inquiry or have access to interested parties for whom a meeting with the government would be an "event" (e.g. unions, dissidents, or rival governments). Where no direct access is involved, norm entrepreneurs might yet access important policy networks through such indirect channels as the popular media. On the other hand, where a norm entrepreneur has limited access to its target audience, its norm articulation is unlikely to be effective in promoting norm compliance.

In addition to having access, a norm entrepreneur must be perceived by its target audience as a legitimate player in order to impact the compliance process. Measures of legitimacy vary from context to context and across different target audiences. The norm

---

[48] Price 1998, 617.

[49] This is in addition to its access to necessary general resources, including financial resources, experience, technical capacities, etc.

advocate's internal democracy, constituent accountability, operational transparency, and sources of financial support are all factors that can shape its perceived legitimacy. It should also be noted that legitimacy is contextual: the perception of a norm entrepreneur's legitimacy may vary significantly across target audiences.

In the case of the OECD Convention, the main international norm entrepreneur is Transparency International (TI). Founded by former World Bank executives in 1993, TI is the most prominent civil society organization devoted to combating corruption in the global economy. Transparency International functions as a transnational advocacy network.[50] Though a secretariat in Berlin helps to coordinate its international anti-corruption efforts, TI's organization consists of independent national chapters in approximately 85 countries. Each national chapter is indigenous, wholly locally owned, and responsible for determining national programs of action to suit national circumstances.[51] TI national chapters in the United States (TI-USA), Germany (TI-Germany), France (TI-France), and the United Kingdom (TI-UK) are the independent domestic norm entrepreneurs who most forcefully advocated for compliance with the OECD Convention in each case.

Policy Framing

Norm entrepreneurs seek to translate normative ideas into practice by persuading states to adopt them.[52] Issue framing — the strategic marshalling of key rhetorical tools by advocates to create support for normative ideas — is among the central tasks of norm entrepreneurs seeking to promote the emergence of, and compliance with, new norms.[53] Like other actors seeking political goals, norm entrepreneurs consciously frame their advocacy arguments for maximum rhetorical appeal. Successful norm entrepreneurs are those who are able to frame normative ideas in such a way that they resonate with relevant audiences.[54]

Scholars of social movements, likewise, emphasize the importance of strategic framing in the processes of social movement formation and consolidation. In this literature, "frames" are the symbolic representations, metaphors, and cognitive cues that groups use to define issue areas, suggest solutions, and attract members and resources.[55] Adopting a similar understanding of frames, Keck and Sikkink note that transnational norm advocates

> actively seek ways to bring issues to the public agenda by framing them in innovative ways and by seeking hospitable venues. Sometime they create issues by framing old problems in new ways; occasionally they help transform other actors' understandings of their identities and their interests.[56]

This study introduces another aspect of "framing", that is the *policy context* in which advocates situate new normative ideas and desired policy outcomes. In the case of international anti-corruption, relevant policies might fit within the contextual rubric of a

---

[50] Keck and Sikkink 1998.

[51] Transparency International web site: <http://www.tranparency.org/about_ti/organised.html>.

[52] Payne 2001, 40. See also Nadelmann 1990; Finnemore and Sikkink 1998, 893.

[53] Finnemore and Sikkink 1998; Payne 2001, 44.

[54] Nadelmann 1990, 482. See also Price 1998; Keck and Sikkink 1998; Payne 2001, 39.

[55] Tarrow 1994; McAdam, McCarthy and Zald 1996.

[56] Keck and Sikkink 1998, 17.

variety of policy areas. Examples of the different policy areas germane to anti-corruption include efforts to control transnational crime and the illicit global economy, controlling terrorist financing, monitoring and promoting transition economies and democratization, international development policies and efforts to promote the effectiveness of foreign aid, the promotion of free markets and fair competition in international trade, the promotion of corporate social responsibility and ethical business practices, or the regulation of multinational corporations.

Some of these policy contexts are more important, and the issues surrounding them more prominent, in some countries than in others. Governments and decision-makers within states also grant varying levels of priority to different policy areas. Governments reveal their policy priorities through their national budgets, legislative debate allocations, policy outcomes, resource expenditures, and public statements. In general, norm entrepreneurs seeking state compliance with an international agreement must strategically adopt a high priority policy area in which to frame their arguments. If a norm entrepreneur fails to frame its desired policy outcome in a policy context of sufficiently high priority to the government, other political actors with competing interests (and possibly more successful policy frames) can potentially shape the policy process in a different direction, including non-compliance.

In the case of the OECD Convention, actors in different domestic political contexts adopted varying policy frames to advocate for or against state compliance. Examples of the policy frames that actors have adopted include international development, international trade, and strategic trade. Within the policy frame of international development, for instance, anti-corruption advocates in Germany and the United Kingdom highlighted the negative impact of transnational bribery and corruption on the vulnerable economies and political institutions of developing countries. Advocates adopting this policy frame attached the urgency to comply with the OECD Convention to the state's moral responsibility to address the failure of development policies, curb wasteful spending, and ameliorate global poverty exacerbated by corruption. Advocates also argued that transnational corruption damages states' purported development goals and introduces corrupt kickback effects on states' domestic societies. In addition, advocates adopting this frame argued that it is wrong for developed states to export bribes to developing countries while forbidding them domestically.

Within the policy frame of liberal international trade, on the other hand, compliance advocates in the United States argued that transnational bribery distorts free markets, impinges on fair commercial competition, and generally inhibits an open global economy. In this policy frame, the objective of compliance with the OECD Convention was to create a "level playing field" for international trade competition. Within the strategic trade policy frame, by contrast, compliance arguments in France emphasized the impact of transnational commercial bribery on a state's strategic trade advantage against competitors. In the case of the United States, this policy frame was consistent with arguments supporting compliance with the Convention. In France, however, it encouraged arguments against full compliance.

The Resonance of the International Norm of Anti-Corruption
In addition to the legitimacy and access of the domestic norm entrepreneur and the domestic policy framing context, the fourth variable that explains the different

impacts of the international norm of anti-corruption on the states in this study is the resonance of the international norm of anti-corruption within the domestic political context. Resonance is a function of public sentiment and public sensitivity. Public sentiments are ideas that constrain the normative range of legitimate (publicly acceptable) solutions available to policy-makers.[57] Certain ideas resonate with higher levels of public sensitivity in some countries than in others. Public sentiments do not need to be institutionalized in the legal system, state institutions, or government policies to constrain government's policy choices in a liberal democratic state. Rather public sentiments form part of the political context in which state policies unfold. Public opinion polls, analyses of public discourse, and popular culture can reveal levels of public sensitivity to certain ideas.

In the case of international anti-corruption, public sensitivity to corruption has been an important factor in the advocacy work of Transparency International in several countries. In particular, the emergence of widely publicized corruption-related public scandals has been a key vehicle for raising public sensitivity about this issue. One TI leader noted, for instance, that anti-corruption laws "are not really effective if they are not supported by society" and that public scandals can serve to heighten public sensitivity and by extension mobilize policy-makers to act on such laws. According to TI's Hansjoerg Elshorst, anti-corruption laws

> can even be undercut in a functioning democratic system like in Germany, by lack of interest on the side of those who have to follow it up. It certainly is very much effective if a scandal, if corruption leads to a scandal in which companies are involved. Companies hate it, of course politicians hate it because they get kicked out of their jobs, they lose elections because of that, and so on. So if you ask me what is most effective, it is the sensitivity of the public. And that was of course a major objective of TI — to sensitize the public and public opinion, against corruption, to overcome the tolerance of corruption.[58]

Another TI leader noted, furthermore, that the prevalence of bribery scandals in OECD states in the 1990s helps in part to explain the rapid development of the anti-corruption regime. Fritz Heimann explained:

> ... frankly every one of these countries has had their own bribery scandal. If you kind of step back and compare what was, how did this whole field look in the early 90s and how does it look 10 years later, 10 years ago the whole international corruption issue was something that nobody was prepared to talk about. And it wasn't until the mid-90s that there was a gradual recognition that this issue simply had to be addressed … TI's role was to publicize how much damage corruption was doing, and also make the point that these kinds of facile explanations that were previously accepted that, well, all of this happens in some countries in Africa and Latin America and a few places in Asia, but that it was just a problem in those 'dirty' countries, I think the lessons of the early and mid-90s were that this simply wasn't true. That you had major bribery scandals in Italy, Germany, Japan, in practically every one of [the leading OECD states] and in the US. And

---

[57] Campbell 1998.
[58] Author's interview with Hansjoerg Elshorst, Berlin, July 2001.

so the argument that you didn't have to worry about this, that this was just a problem in the South — I think that was no longer tenable.[59]

In the case of state compliance with the OECD Convention, a history of troubling, high-level corruption scandals in the domestic politics of some states has produced a heightened level of public sensitivity to the international norm of anti-corruption. In these countries, state policies that support transnational bribery have become politically untenable regardless of the material interests that are served by such practices. Other states, however, have not experienced similar high-level scandals involving international corruption. Consequently, public sensitivity to the norm of anti-corruption is not as high and the domestic political risks of non-compliance with the OECD Convention are not as high. The evidence shows that in states where the international norm of anti-corruption is highly resonant due to the experience of high-level corruption scandals, domestic norm articulation by the norm entrepreneur was more effective in promoting state compliance.

6. The Case Studies

United States
In the US, support for international anti-bribery rules has been official policy since the enactment of the FCPA in 1977. Widespread opposition to these rules by American businesses, however, combined with failed early US attempts to bring other countries along, led to amendments to the Act in 1988 that were seen by some to have weakened its force.[60] Yet, despite ongoing complaints by American businesses – backed by figures from the Department of Commerce – that American companies were losing contracts worth billions of dollars to bribe-paying competitors, no repeal of the FCPA was ever proposed.[61] The high resonance of anti-corruption norms in the US, due to the Watergate scandal of the 1970s that had prompted the FCPA in the first place, made any proposal to repeal the FCPA politically untenable.[62] As the head of TI-USA put it, "you simply couldn't get representatives or senators to vote to repeal it…no congressman will want to run for reelection and have his opponent say that he had voted in favor of committing bribery."[63] Finally, in the 1990s American companies began to support US efforts to internationalize its anti-foreign bribery rules rather than oppose the FCPA. The General Electric Company, in particular, put resources into supporting the US national chapter of TI; it was a senior executive of GE who founded TI-USA and gave testimony at the Senate Foreign Relations Committee hearings in support of the OECD Convention. By the time the Convention was concluded in 1997, international anti-bribery rules were already a high priority in US policy, framed both in the context of international trade competition and the need to 'level the playing field' for US businesses operating abroad

---

[59] Author's interview with Fritz Heimann, by telephone, June 2, 2002.
[60] Morgan 1979; Salbu 1997.
[61] The U.S. commerce department claimed in 1997 that American firms lost $15 billion in orders to firms from countries that allowed bribes. One government study estimated that American firms lost about 100 deals worth $45 billion over two years in the mid 1990s, to less principled rivals. See *The Economist,* "A Global War Against Bribery," January 6, 1999, p22, and "Kicking the Kickbacks: Corruption," May 31, 1997. For a critical analysis of these claims, see Elliot 2002.
[62] On the origins of the FCPA against the backdrop of Watergate, see Morgan 1979.
[63] Interview with Fritz Heiman, Chairman of TI-USA, by telephone, June 11, 2002.

and in the context of American efforts to support democratic transitions and global economic development in the post Cold War era. TI-USA's efforts in this regard were fully in tune with pre-existing US policy and US national interests. US compliance with the OECD Convention is no surprise.

Germany

In contrast, in Germany the government resisted efforts within the OECD to outlaw foreign bribery; the legal system supported the tax-deductibility of foreign bribes as part of the "sacred German concept" of ethical neutrality in taxation; and the prevailing consensus among German companies up to the late 1990s was that bribery was an essential feature of international business.[64] TI-Germany and the German executives of TI's international secretariat in Berlin – comprised of elite members of the German establishment – played a direct role in changing this. In the mid 1990s TI's German leaders convened confidential meetings attended by leaders of large German companies and high level policy makers, and sometimes chaired by the former German president Richard Wiesacker, with the purpose of changing the status quo on German companies' role in international corruption. TI argued that international bribery by German companies contributed to domestic corruption in Germany through kickbacks; was increasingly risky for German companies in light of advances in new technology that made transnational bribery more difficult to hide; was damaging to both the reputations and profits of German companies; and was unnecessary. TI framed its articulation of the international norm of anti-corruption as being in German companies' 'enlightened self-interest.' According to TI founder Peter Eigen, as a result of these meetings and other TI initiatives, "we gradually led to a recognition by these people that what they were doing was corruption" and that this corruption ought to be eliminated. Ultimately, at TI's prompting, the leaders of major German companies including Siemens, Daimler-Chrysler, Lufthansa, Bosch, Deutsche Telecomm and others signed an open letter to the ministers in charge of the OECD negotiations, in support of a formal anti-corruption treaty.[65] During the same period of time, corruption scandals involving German companies and major corruption scandals in other European countries were coming to light, and overall sensitivity to the problem of corruption was heightening in Germany. The government initiated a short program of reform of domestic corruption laws in 1996 and initiated new anti-corruption rules at the level of the European Union that prohibited transnational bribe paying to public officials in European countries. In this context, the government could not sustain its opposition to outlawing bribery of public officials in countries outside Europe.[66] Thus by the time Germany ratified the OECD Convention it was ready to put in place new implementing legislation reflecting its changed policy on transnational bribery.

France

In France the role of Transparency International was quite different. Though TI-France's leadership includes prominent people possessing elite credentials and

---

[64] Interview with Peter Eigen, Chairman of Transparency International, Berlin, September 3, 2001. See also George et al 2000.
[65] Interview with Peter Eigen, Chairman of Transparency International, Berlin, September 3, 2001.
[66] Interview with Manfred Mohrenschlager, German Ministry of Justice, Berlin, July 25, 2001.

participating in elite social networks with potentially high-level access to policy makers, this groups lacks legitimacy as a domestic anticorruption norm entrepreneur.[67] In French intellectual, media, government, and business circles, TI-France is widely derided – and dismissed – for too closely representing American interests.[68] This, combined with a lack of visibility and activity, meant TI-France proved ineffective at articulating the international anti-corruption norm in France. Instead, French business groups managed to frame France's anti-bribery policy in the context of France's strategic trading interests. Arguing that the United States does not adequately enforce its own FCPA and that it employs its own unscrupulous methods of unfair competition (political pressure, foreign aid, etc.); that the OECD Convention is a deeply flawed instrument containing too many loopholes for US companies; and that it was not in the interests of France to cooperate with international rules so closely tied to US national interests, French businesses made a case for non-compliance with the OECD Convention. In tune with these arguments the government delayed its project to implement the Convention and included in its implementing bill the controversial non-retroactivity clause.

Two factors led to France's eventual dismissal of the non-retroactivity clause in its implementation and ratification of the Convention: sharp international criticism that effectively articulated the international anti-corruption norm in a way that the domestic norm entrepreneur had not; and the strong resonance of the international anti-corruption norm in French domestic politics. First, international criticism of France's proposed non-retroactivity clause had its greatest effects in the form of critical peer-pressure within the OECD Working Group on international bribery, the body responsible for monitoring and enforcing the Convention. In this forum, OECD partners together with the Working Group's much respected chairman Mark Pieth effectively framed France's potential non-compliance within the policy context of France's leadership position in global politics. It was France that had (along with Germany) initially proposed the legally-binding convention approach to coordinating international anti-corruption efforts at the OECD. And it was the French ministers of justice and international trade that had presided over the official ceremony in Paris at which the OECD states signed the Convention. In these steps France had displayed its commitment to the OECD Convention in the context of the French government's overall efforts to "manage" globalization and respond to US hegemony in the post Cold War world.[69] Once it was time to implement the Convention in domestic legislation, however, and in the absence of effective norm articulation in favour of the Convention by a domestic norm entrepreneur, business interests successfully shifted the policy context in which France's anti-bribery legislation was considered, in favour of non-compliance. International criticism and peer pressure at the OECD working group later *re-framed* the policy context back to the overriding interests in global politics that had led to France's initial commitment. In view of this policy,

---

[67] The founding president of TI-France was Michel Bon, the former CEO of France's major retail chain *Carrefour* and managing director of the French employment office ANPE, who went on to become Chairman and CEO of newly privatized France Telecom. His successor, Daniel Dommel, is an elite former bureaucrat holding the title "Inspecteur General des Finances Honoraire" and is described by a colleague as being part of the "aristocracie française…très au niveau." Both are members of the prestigious and exclusive French political club *La Fondation Saint-Simon*, as are a number of other members of TI-France.
[68] Interviews with various French government officials and TI members, Berlin and Paris, July-September 2001. For examples of derision in the press, see De Brie 2000 and Abramovici 2000.
[69] See Gordon and Meunier 2001.

France could not readily justify its reluctance to comply with the Convention that it had so fully supported at the outset.

       This re-framing occurred in large part due to the strong resonance of the issue of corruption among the French political elite. A history of deeply troubling scandals in recent decades has rocked the political elite and created a heightened sensitivity in France to the issue of corruption. In the late 1990s in particular, a surfeit of corruption scandals implicated large swaths of the French elite in major abuses involving foreign bribery, secret slush funds, illicit party financing and personal enrichment. Political actors at the highest levels have been implicated, lost their jobs, and in some cases been imprisoned due to corruption scandals. [70] Ironically, even the justice minister Dominique Strauss-Kahn, who had presided over the ceremony to sign the OECD Convention in Paris in 1997, was forced to resign amidst a corruption scandal in 1999. Indeed the frequency and longevity of perceived corruption in France has "conferred on the theme corruption a recognized status in society."[71] In this context of heightened public and elite sensitivity to corruption, policy makers could not reasonably justify nor sustain support for the non-retroactivity clause or for its apparent general laxity in compliance with the OECD Convention.[72] State support for bribery of foreign public officials had, in France, become a policy that was 'easier done than said.'[73]

United Kingdom

       In contrast to the case of France, in the UK the national chapter of Transparency International is received as a highly legitimate norm entrepreneur. TI-UK also enjoys potentially excellent access to and visibility among elite policy makers.[74] Yet, despite the elite nature of TI-UK's membership and its active lobbying program on international corruption issues, TI-UK has had little impact on the government's policy vis a vis the OECD Convention. TI-UK's domestic articulation of the international anticorruption norm in the UK was ineffective at provoking compliance with the Convention, for two reasons. First, both TI-UK and UK government actors consistently framed UK policy with respect to the Convention in the context of low priority policy areas. TI-UK, closely allied with the department for international development (DFID), framed the Convention in the context of international development and global poverty reduction.[75] The Department for International Trade (DTI), on the other hand, framed the Convention in

---

[70] Pujas and Rhodes 1999; Mény 2000; Fay 2000; Pujas 2001; Wolfreys 2001; and Evans 2003.

[71] Fay 2000, p. 664.

[72] Interviews conducted in Paris in September 2001 with officials at the French ministries of justice and of economics and trade support this analysis.

[73] Chapman 1998, for this phrase.

[74] TI-UK enjoys a close relationship with and funding from the UK government, in particular from the Department for International Development. Several of its advisors and board members are also members in the House of Lords, and have participated in parliamentary debates on behalf of TI.

[75] See, for example, the government's 1997 development white paper *Eliminating World Poverty: A Challenge for the 21st Century* and the international development committee's fourth report *Corruption*, March 2000. On the low priority in Parliament of development issues in general see the 2000 white paper on international development *Eliminating World Poverty: Making Globalisation Work for the Poor*, in which the committee notes: "We are concerned about the lack of parliamentary time allocated to debates on international development. We regret that there still has not been a debate on the development white paper published in 1997."

the context of a broader agenda on corporate social responsibility.[76] The Home Office, for their part, framed the Convention in the context of a long-planned (and forever delayed) general review and reform of the UK's domestic corruption laws.[77] None of these policy frames engaged any core state interest nor motivated any meaningful action on the criminalization of foreign bribery. Overall, the Convention remained a low priority issue in the UK.

Second, this 'weak' framing of the OECD Convention in the context of low-priority policy issues occurred against the backdrop of a low resonance in UK domestic politics of the international anti-corruption norm. Although, as in France, a string of corruption scandals in the UK has led to media frenzies, political inquiries, and in some cases political resignations, unlike the case in France the overall impact of these scandals on the British political system has been slight. Rather than cases of 'grand' political corruption, British scandals have tended to relate to politicians' sexual escapades and sleazy misdeeds.[78] Moreover, in contrast to France, in the UK "inquiries after scandals involving major public figures generally affirmed the view that there was nothing fundamentally wrong with the political or administrative culture."[79] In short, public sensitivity in the UK to the matter of bribery and corruption is relatively low. The resonance of the global anti-corruption norm, insofar as this relates to foreign bribery and corruption, is even lower. Despite a reputation for UK firms being among the most corrupt in international business, British officials promulgate a highly clean self-image.[80] Ruggiero observes that in official British rhetoric,

> "in part also supported by popular conviction, English integrity is naturally juxtaposed with foreign corruption…this conviction translates into a certain tolerance accorded to businessmen operating abroad, where, it is assumed, even

---

[76] House of Commons written answers, 20 July 1999 and 14 December 2000. Even within the already 'soft' CSR agenda, corruption has a relatively low profile.

[77] The contemplated reforms included consolidating laws dating from 1889, 1906, and 1916, and dealing with the politically controversial topic of corruption among MPs – a question that has been swept under the rug in UK politics for decades. See Neild 2002. These reforms not only have a low priority in the UK, but are also only minimally connected with the global anticorruption norm at stake in the OECD Convention.

[78] Scandals under Major's government, for instance, included stories of infidelity, illegitimate children, spousal suicide, death due to autoerotic asphyxiation, public housing scams, suggestions of homosexuality, insider trading, "cash for questions", and misuse of public funds. See *The Economist* "Comparative sleaze studies", January 2, 1999; and Wallace 1994.

[79] Doig 1996, p. 40. In general, Doig notes, the dominant attitude in Britain has been that isolated cases of corruption are politically and financially insignificant, particularly in the context of the general assumption of "faith in the high levels of personal conduct of those in public life."   See also Doig 2003.

[80] Of 53 firms blacklisted by the World Bank in February 2000 for paying bribes, 36 were UK companies. In addition, five British companies were among those recently found guilty in a Lesotho court of paying millions of pounds in bribes as part of the Lesotho Highland Water Development Project. Yet the British government cites TI's BPI and CPI to point out that Britain is ranked very highly on measures of corruption. A British foreign minister, Baroness Symons told a conference at the end of 2001 that "the UK has a strong reputation for honesty and integrity…we were one of the first countries in the world to introduce an anti-corruption law." And amidst some of the heaviest international criticism of the UK for its non-compliance with the Convention, in July 2001, the government was pleased to cite in Parliament that: "Although the United Kingdom has shifted from 10th to 13th out of 91 countries in the Transparency International Corruption Perceptions Index, it remains better placed than most other countries, including all but one of its G8 partners." See Atkinson 2000a; Foreign Office 2002; and Commons written answers, July 9, 2001, at Column 407W. For criticism of the UK's failure to comply see, for example, Steele 2000; Atkinson 2000b and c; and Denny 2001.

the English are forced to adapt. To be involved in corrupt exchange outside the national territory may, after all, be beneficial to the wealth of the nation."[81]

Even amidst widespread international criticism, the lack of public resonance of the global anticorruption norm lent little urgency among UK policy makers to take steps to comply with the OECD Convention. Material strategic trading interests held sway instead.[82]

7. Conclusion

      States sometimes will comply with international regulatory agreements even when these are costly to their material and strategic interests. Such compliance depends largely on domestic and norm-driven sources: the impact of international norms through norm resonance and the effect of norm articulation by domestic compliance advocates, which can make non-compliance an untenable policy regardless of countervailing interests. This article has demonstrated that reference to domestic and norm-driven sources of compliance is necessary to explain observed variations in compliance. In the international regime of anti-corruption, four leading states with relatively similar interests exhibited a puzzling variation in compliance with the OECD *Convention on Combating Bribery in International Business Transactions*. Where theories of strategic trade fail to explain this variance, a novel theory of domestic norm articulation and norm resonance readily explains why some relatively similar states complied with the same international treaty while others did not.

      Among the four states, the United States, Germany, and (to a lesser extent) France complied with the international norm of anti-corruption despite countervailing material interests. In the United States they did so because the Watergate corruption scandal had so heightened public sensitivity to the norm of anti-corruption that, despite arguments throughout the 1980s by leading exporter firms to repeal the earlier FCPA, policy makers could not publicly justify opposition to a ban on foreign bribes. Instead, they pursued a policy of internationalization, and eventually, compliance with the OECD Convention. In Germany, policy makers reversed a longstanding policy of supporting transnational bribery through its tax-deductibility. They did so largely because the norm entrepreneur Transparency International was particularly effective in strategically framing the international norm in persuasive policy contexts. Through its direct, elite-level lobbying, and in a context of growing norm resonance, TI in Germany was able to persuade policy makers and business leaders that, contrary to prior practice, transnational bribery was wrong and should be controlled, independently of strategic trade calculations. In France, where the norm entrepreneur TI-France was not considered a legitimate advocate and enjoyed very little access to elite decision makers, such norm articulation had no discernable impact on French policy. As a result, France complied with the Convention late and only to a moderate level. To the extent that France did comply, however, it did so because its history of troubling, high-level corruption scandals heightened the sensitivity of French policy makers to the international norm of anti-corruption. In this context of high norm resonance, international criticism of France's non-compliance

---

[81] Ruggiero 2000, p. 154.
[82] For analyses lending support to my argument that strategic trade interests – particularly relating to the arms industry – prevailed in this case, see Atkinson 2000a and b; TI-UK 2002; Leigh 2003; Leigh and Evans 2003a; and Leigh and Evans 2003b;

proved especially powerful. In the context of high norm resonance, French policy makers found they could not publicly justify policies that transgressed the international norm of anti-corruption. In the United Kingdom, in contrast, the international norm of anti-corruption did not resonate, the norm entrepreneur failed to framed the norm in sufficiently high priority policy context, and strategic trade interests held sway; therefore the UK did not comply with the Convention.

This analysis reveals several lessons for norm advocacy, policy framing, and the importance of norm resonance for compliance. A domestic norm advocate can be a crucial ingredient (Germany), but is neither necessary (France) nor sufficient (UK) for compliance. Rather, norm advocacy produces its effects in conjunction with both careful strategic framing and "resonance"; in combination these sources of pressure can push policy makers toward compliance, for norm-driven reasons.[83] As for framing, the case of the United Kingdom emphasizes that not all available policy frames within a country's domestic political context are equally persuasive. Moreover, as indicated by the evidence of the strategic trade frame in both France and the United States, similar policy frames will not necessarily lead to similar compliance outcomes in different states. Compliance advocates must be strategic and wise in choosing which policy frame to adopt.

Finally, strong resonance is not in itself sufficient to explain compliance. Rather, the key is that relevant actors be in a position where they face resonance when making their political choices. Resonance must be "activated", in a manner of speaking. Indeed, in the absence of norm articulation from domestic (Germany) and international (France) sources, it is rather likely that non-compliance with the OECD Convention would have prevailed in these cases regardless of norm resonance. If no advocates are pushing elites to explain and justify their policies, the pressure to comply for normative reasons is minimized.

The analysis of norm resonance as a function of public sensitivity introduces a concept of resonance that is different from the established concepts of "cultural match", salience, or legitimacy in the literature on the domestic impacts of international norms. Resonance here suggests a broader range of normative factors involved in the operation of international norms on compliance, including the domestic political risks of transgressing against the norm, the ease or difficulty of justifying non-compliance, and the effect of resonance on the impact of international sources of pressure. Further elaboration of the concept should develop these ideas more fully.

---

[83] The key assumption is that political actors respond to the logic of appropriateness rather than merely the logic of consequences.

Table 1

Alternative Explanations of State Compliance with the OECD Convention

Theory	Prediction	Observation	Explanation ?
State-level strategic trade theory (Unitary rational actor)	a. State support for bribery in international business Or b. Collective state effort to curtail bribery in international business	o *Variation* in state support for bribery in international business o *Variation* in state compliance with the OECD Convention	Does not explain the observed patterns of compliance across the leading OECD states.
Endogenous strategic trade theory (Firm preferences shape trade policy)	a. State compliance to follow firm preferences b. Similar firm preferences across the major OECD states	o State policies *contrary* to firm preferences o *Variation* in expressed firm preferences o Unexplained *shifts* in firm preferences	Does not explain the observed patterns of compliance across the leading OECD states.

References

Abbott, Kenneth W. and Duncan Snidal. 2001. Values and Interests: Rational Choice and the Use of International Legalization to Fight Corruption. Paper prepared for delivery at the American Political Science Association meetings, San Francisco.

Abramovici, Pierre. 2000. "Une ONG contestée," *Le Monde Diplomatique*. (November) p. 23.

Ades, Alberto and Rafael Di Tella. 1996. The Causes and Consequences of Corruption: A Review of Recent Empirical Contributions. *IDS Bulletin* 27 (2):6–11.

Ades, Alberto and Rafael Di Tella. 1997. The New Economics of Corruption: A Survey and Some Results. *Political Studies* 45: 496–515.

Aiolfi, Gemma and Mark Pieth. 2002. How to Make a Convention Work: The OECD Recommendation and Convention on Bribery as an Example of a New Horizon in International Law. OECD Working Group on Bribery in International Business, March 11.

Atkinson, Mark. 2000a. "UK tardy in bribery battle." *The Guardian*. March 30.

Atkinson, Mark. 2000b. "Whitehall war on bribery." *The Guardian.* May 23.

Atkinson, Mark. 2000c. "Bribery crackdown sought: OECD members say corrupt firms are shielded." *The Guardian*. June 1.

Behboodi, Rambod. 1994. *Industrial Subsidies and Friction in World Trade: Trade Policy or Trade Politics?* London and New York: Routledge.

Brademas, John and Fritz Heiman. 1998. Tackling International Corruption: No Longer Taboo. *Foreign Affairs* 77 (5):17–23.

Bradford, William C. 2004-2005. International Legal Compliance: An Annotated Bibliography. *N.C. J. Int'l L. & Com. Reg.* 30, 379-428.

Blyth, Mark M. 1997. "Any More Bright Ideas?" The Ideational Turn of Comparative Political Economy. *Comparative Politics* 29, 2, 229-250.

Brown Weiss, Edith and Harold K. Jacobson. 1998. *Engaging Countries: Strengthening Compliance with International Environmental Accords*. Cambridge, Mass: MIT Press.

Bukovansky, Mlada. 2002. Corruption is Bad: Normative Dimensions of the Anti-Corruption Movement. Working Paper 2002/5. Canberra: Department of International Relations, Australian National University.

Busch, Marc. L. 1999. *Trade Warriors: States, Firms, and Strategic Trade Policy in High-Technology Competition*. Cambridge: Cambridge University Press.

Camdessus, Michel. 1998. Address to Transparency International: Good Governance Has Become Essential in Promoting Growth and Stability. *IMF Survey* 27 (3):36–8.

Campbell, John. 1998. Institutional Analysis and the Role of Ideas in Political Economy. *Theory and Society* 27, 3, 377-409.

Cartier-Bresson, Jean. 2000. The Causes and Consequences of Corruption: Economic Analyses and Lessons Learnt. In OECD, *No Longer Business As Usual: Fighting Bribery and Corruption.* Paris: OECD.

Cattan, Thomas and Joshua Chaffin. 2003. Bribery Has Long Been Used to Land International Contracts: New laws will make that tougher. *Financial Times*, May 8.

Chapman, Bruce. 1998. "More easily done than said: rules, reason and rational choice." *Oxford Journal of Legal Studies*. 293-329.

Chayes, Abram and Antonia Handler Chayes. 1995. *The New Sovereignty: Compliance with International Regulatory Agreements*. Cambridge, Mass: Harvard University Press.

Checkel, Jeffrey T. 1998. The Constructivist Turn in International Relations Theory. *World Politics* 50:324-48.

Checkel, Jeffrey T. 2001. Why Comply? Social Learning and European Identity Change. *International Organization* 55, 3 (Summer): 553-588.

Cortell, A. and J. Davis. 2000. "Domestic Impact of International Norms." *International Studies Review* (Spring).

Cortell, A. and J. Davis. 1996. How do International Institutions Matter? The Domestic Impact of International Rules and Norms. *International Studies Quarterly* 40: 451-78.

De Brie, Christian. 2000. "Etats, mafias et transnationales," *Le Monde Diplomatique,* (April) p. 4.

Denny, Charlotte. 2001. "OECD targets UK corruption". *The Guardian.* June 7.

Doig, Alan. 1996. "From Lynsky to Nolan: The Corruption of British Politics and Public Service?" *Journal of Law and Society* 23, 1 (March), pp. 36-56.

Doig, Alan. 2003. "Political Corruption in the United Kingdom." In Martin J. Bull and James L. Newell, Eds. *Corruption in Contemporary Politics*. Houndmills, Basingstoke, Hampshire, UK: Palgrave MacMillan.

Elliot, Kimberly Ann, ed. 1997. *Corruption and the Global Economy*. Washington:
Institute for International Economics.

Elliot, Kimberley Ann. 2002. "Corruption as an International Policy Problem." In
Heidenheimer et al, Eds. *Political Corruption: Concepts and Contexts*. New
Brunswick, NJ: Transaction Publishers.

Evans, Jocelyn A.J. 2003. "Political Corruption in France." In Martin J. Bull and James
L. Newell, Eds. *Corruption in Contemporary Politics*. Houndmills, Basingstoke,
Hampshire, UK: Palgrave MacMillan.

Fay, Christophe. 2000. "Political Sleaze in France: Forms and Issues". In Robert
Williams, Jonathan Moran, and Rachel Flanary, Eds. *Corruption in the
Developed World*. Cheltenham, UK: Edward Elgar Pub.

Fiddler, S. 1999. Defence Contracts "Pervaded by Graft." *Financial Times*, July 7

Finnemore, Martha and Kathryn Sikkink. 2001. Taking Stock: The Constructivist
Research Program in International Relations and Comparative Politics. *Annual
Review of Political Science* 4: 391-416.

Finnemore, Martha and Kathryn Sikkink. 1998. International Norm Dynamics and
Political Change. *International Organization* 52 (4):887-917.

Galtung, Frederik. 2000. A Global Network to Curb Corruption: The Experience of
Transparency International. In *The Third Force: The Rise of Transnational Civil
Society,* edited by Ann M. Florini, 17–47. Tokyo: Japan Center for International
Exchange, and Washington, DC: Carnegie Endowment for International Peace.

Galtung, Frederik and Jeremy Pope. 1999. The Global Coalition Against Corruption:
Evaluating Transparency International. In *The Self-Restraining State*, edited by
Andreas Schedler, Larry Diamond, and Marc F. Plattner. London: Lynne Rienner.

George, Barbara Crutchfield, Kathleen A. Lacey and Jutta Birmele. 2000. The 1998
OECD Convention: An Impetus for Worldwide Changes in Attitudes Toward
Corruption in Business Transaction. *American Business Law Journal* 37, 3, pp.
485-525.

Goldstein, Judith, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter. 2000.
Legalization and World Politics. Special edition of *International Organization* 54
(3).

Gordon, Philip H. and Sophie Meunier. 2001. *The French Challenge: Adapting to
Globalization*. Washington, DC: Brookings Institution Press.

Haas, Peter M. 2000. Choosing to Comply: Theorizing from International Relations and
Comparative Politics. In *Commitment and Compliance: The Role of Non-*

Binding Norms in the International Legal System. Edited by Dinah Shelton. Oxford: Oxford University Press.

Harriss-White, Barbara and Gordon White. 1996. Corruption, Liberalization and Democracy: Editorial introduction. *IDS Bulletin* 27 (2):1–5.

Hawley, Sue. 2000. *Exporting Corruption: Privatisation, Multinationals and Bribery*. Briefing 19 (June). Sturminster Newton, Dorset, U.K.: CornerHouse.

Heidenheimer, Arnold J. and Holger Moroff. 2002. Controlling Business Payoffs to Foreign Officials: The 1998 OECD Anti-Bribery Convention. In Arnold J. Heidenheimer and Michael Johnston, eds. *Political Corruption: Concepts and Contexts.* 3d ed. New Brunswick, NJ: Transaction.

Hindess, Barry. 2004. International Anticorruption as a Program of Normalisation. Paper presented at the Annual Meeting of the International Studies Association, Montreal.

Hirschman, Albert O., ed. 1969. National Power and the Structure of Foreign Trade. Berkeley: University of California Press.

Hutchcroft, Paul D. 1997. The Politics of Privilege: Assessing the Impact of Rents, Corruption, and Clientelism on Third World Development. *Political Studies* 45:639–58.

Jain, Arvind K, ed. 2001. *The Political Economy of Corruption*. London: Routledge.

Keck, Margaret E. and Kathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics.* Ithaca, NY: Cornell University Press.

Kingsbury, Benedict. 1998. The Concept of Compliance as a Function of Competing Conceptions of International Law. *Michigan Journal of International Law* 19 (2):345–72.

Koh, Harold. 1997. Why do Nations Obey International Law? *Yale Law Journal* 2599.

Krastev, Ivan. 1998. Dancing with Anticorruption: Is Government Complicity in Corruption a Form of Economic Protectionism? *East European Constitutional Review* 7 (3):56 <www.law.nyu.edu/eecr/>.

Krugman, Paul and Alasdair Smith, eds. 1994. *Empirical Studies of Strategic Trade Policy*. Chicago and London: University of Chicago Press.

Krugman, Paul R. 1990. *Rethinking International Trade*. Cambridge, Mass: The MIT Press.

Luck, Edward C. and Michael W. Doyle, eds. 2004. *International Law and Organization: Closing the Compliance Gap.* Landham, MD: Rowman & Littlefield Publishers, Inc.

Malingre, Virginie. 1999a. Polémique sur l'application en France de la convention de l'OCDE contre la corruption. *Le Monde*, 5 December.

Malingre, Virginie. 1999b. Les députés souhaitent de renforcer le contrôle sur les contrats à l'étranger. *Le Monde*, 11 December.

Malingre, Virginie. 1999c. Polémique autour du projet de loi sur la corruption. *Le Monde*, 15 December.

Mauro, Paolo. 1996. The Effects of Corruption on Growth, Investment, and Government Expenditure. *IMF Working Paper 96/98.* Washington, DC: IMF.

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

McAdam, Doug, John D. McCarthy and Mayer N. Zald, eds. 1996. *Comparative Perspectives on Social Movements, Political Opportunities, Mobilizing Structures, and Cultural Framings.* New York: Cambridge University Press.

Mény, Yves. 2000. "France: The End of the Republican Ethic?" In Robert Williams, Jonathan Moran, and Rachel Flanary, Eds. *Corruption in the Developed World*. Cheltenham, UK: Edward Elgar Pub

Metcalfe, David. 2000. The OECD agreement to criminalize bribery: A negotiation analytic perspective. *International Negotiation* 5: 129-155.

Milliet-Einbinder, Martine. 2000. "Writing off tax deductibility," *OECD Observer*, May 26. <http://www.oecdobserver.org/news/fullstory.php/aid/245> Printed 21 May 2001.

Milner, Helen V. 1986. *Resisting Protectionism: Global Industries and the Politics of International Trade*. Princeton, N.J.: Princeton University Press.

Mitchell, Ronald B. 1994. Regime design matters: intentional oil pollution and treaty compliance. *International Organization* 48, 3 (Summer): 425-58.

Moravscik, Andrew. 2000. The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe. *International Organization* 54 (2):217–52.

Morgan, Steven M. 1979. "In search of an international solution to bribery: The impact of the foreign corrupt practices act of 1977 on corporate behavior." *Vanderbilt Journal of Transnational Law* 12 (Spring), pp. 359-392.

Nadelmann, Ethan A. 1990. Global Prohibition Regimes: The Evolution of Norms in International Society. *International Organization* 44 (4):480-526.

Naim, Moises. 1995. The Corruption Eruption. *Brown Journal of World Affairs* 2 (2):245–59.

Neild, Robert. 2002. *Public Corruption: The Dark Side of Social Evolution*. London: Anthem Press.

Nesbit, Julie B. 1998. Transnational Bribery of Foreign Officials: A New Threat to the Future of Democracy. *Vanderbilt Journal of Transnational Law* 31 (5):1273–93.

Neu, Jean-Pierre. 1999. "Les industriels de l'armement montent au créneau contre la future loi anticorruption" *Les Echos* 10 February.

OECD. 1997. *OECD Action to Fight Corruption*. OECD Working Papers Vol. V, No. 79. Paris: OECD.

OECD. 1998. *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*. Paris: OECD.

OECD. 2000a. *No Longer Business as Usual: Fighting Bribery and Corruption*. Paris: OECD.

OECD. 2000b. *Germany: Review of Implementation of the Convention and 1997 Recommendation*. Report issued at the 2000 Ministerial Council on the Implementation of the OECD Anti-Bribery Convention in Germany, June 27.

OECD. 2000c. *United Kingdom: Review of Implementation of the Convention and 1997 Recommendation*. Report issued at the 2000 Ministerial Council on the Implementation of the OECD Anti-Bribery Convention in the United Kingdom, June 27.

OECD. 2000d. *United States: Review of Implementation of the Convention and 1997 Recommendation*. Report issued at the 2000 Ministerial Council on the Implementation of the OECD Anti-Bribery Convention in the United States, June 27.

OECD. 2001. *France: Review of Implementation of the Convention and 1997 Recommendation*. Report issued at the 2001 Ministerial Council on the Implementation of the OECD Anti-Bribery Convention in France, May 16.

Ofosu-Omaah, Paatii W., Raj Soopramanien, and Kishor Uprety. 1999. *Combating Corruption: A Comparative Review of Selected Legal Aspects of State Practice and Major International Initiatives*. Washington, DC: World Bank.

Orange, Martine. 1999. "Les enterprises craignent les effets pervers de la convention de l'OCDE" *Le Monde* 16 February, p. 6.

Payne, Rodger A.. 2001. Persuasion, Frames and Norm Construction. *European Journal of International Relations* 7 (1): 37-61.

Pieth, Mark. 1999. "The Harmonization of Law Against Economic Crime." *European Journal of Law Reform*, vol. 1, No. 4, pp. 527-545.

Price, Richard. 1998. Reversing the Gun Sights: Transnational Civil Society Targets Land Mines. *International Organization* 52 (3):613-644.

Pujas, Veronique and Martin Rhodes. 1999. "Party Finance and Political Scandal in Italy, Spain, and France." *West European Politics* 22,3, p. 41-

Pujas, Véronique. 2001. "Corruption: From 'Scandals' to Affairs". In Alain Guyomarch, Howard Machin, Peter A. Hall, and Jack Hayward, Eds. *Developments in French Politics 2*. Houndsmills, Basingstoke, Hampshire, UK: Palgrave. Pp. 244-256.

Raustiala, Kal and Anne-Marie Slaughter. 2002. International Law, International Relations and Compliance. In *Handbook of International Relations*, edited by Walter Carlsnaes, Thomas Risse, and Beth A. Simmons. London: Sage Publications.

Risse, Thomas et al, eds. 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.

Risse, Thomas. 1995. *Bringing Transnational Relations Back In*. Cambridge: Cambridge University Press.

Rogowski, Ronald. 1989. *Commerce and Coalitions: How Trade Affects Domestic Political Alignments*. Princeton: Princeton University Press.

Rose-Ackerman, Susan. 1997. "Involving Multinational Lenders and Firms." In Kimberley Ann Elliot, Ed. *Corruption and the Global Economy*. Washington: Institute for International Economics.

Ruggiero, Vincenzo. 2000. *Crime and Markets: Essays in Anti-Criminology*. Clarendon Studies in Criminology. Oxford: Oxford University Press.

Salbu, Steven R. 1997. "Bribery in the Global Market: A Critical Analysis of the Foreign Corrupt Practices Act." *Washington & Lee Law Review* 149, pp. 229-287.

Scott, Shirley V. 1994. International Law as Ideology: Theorizing the Relations between International Law and International Politics. *European Journal of International Law* 5 (3):313–25.

Seringhaus, F.H. Rolf and Philip J. Rosson. 1990. *Government Export Promotion: A Global Perspective*. London and New York: Routledge.

Shelton, Dinah, ed. 2000. *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System.* Oxford: Oxford University Press.

Sikkink, Kathryn. 1993. Human Rights, Principled Issue-Networks, and Sovereignty in Latin America. *International Organization* 47 (3):411–41.

Simmons, Beth. 1998. Compliance with International Agreements. In *Annual Review of Political Science, Vol. 1,* edited by Nelson Polsby, 75–94. Palo Alto, CA: Annual Reviews, Inc.

Simmons, Beth. 2000a. International Efforts against Money Laundering. In *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System*, edited by Dinah Shelton. Oxford: Oxford University Press.

Simmons, Beth. 2000b. International Law and State Behavior: Commitment and Compliance in International Monetary Affairs. *American Political Science Review* 94 (4):819–35.

Simmons, Beth. 2000c. Money and the Law: Why Comply with the Public International Law of Money? *Yale Journal of International Law* 25:323.

Slaughter, Anne-Marie, Anthony Tulumello, and Stepan Wood. 1998. International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship. *American Journal of International Law* 92.

Slaughter, Anne-Marie. 1995. International Law in a World of Liberal States. *European Journal of International Law* 6 (4):503–38.

Steele, Jonathan. 2000. "Corruption in the third world is our problem: Britain is slow to punish businessmen who offer bribes abroad." *Guardian*. December 13.

Tarrow, Sidney. 1994. *Power in Movement: Social Movements, Collective Action and Politics*. New York: Cambridge University Press.

Tallberg, Jonas. 2002. Paths to Compliance: Enforcement, Management, and the European Union. *International Organization* 56, 3, 609-643.

The Economist. 2002. "Bribery and business: The short arm of the law." 28 February.

Transparency International. 2001a. "Preliminary Report on Conference on Corruption in the Official Arms Trade." Conference held in Cambridge, England, 6-7 April. www.transparency.org.au/documents/arms1.html

Transparency International. 2001b. "The challenge of corruption in the arms trade: Experience to date and prospects for action." Workshop summary, 10th annual International Anti-Corruption Conference, Prague, Czech Republic, 8 October. http://www.10iacc.org/workshops/w39.html

Underdal, Arild. 1998. Explaining Compliance and Defection: Three Models. *European Journal of International Relations* 4, 5-30.

Vincke, François, Fritz Heimann, and Ron Katz, eds. 1999. *Fighting Bribery: A Corporate Practices Manual*. Paris: International Chamber of Commerce.

Wallace, Bruce. 1994. "The Year of Sleaze." *Maclean's.* vol 107, no 46, (November 14) pp. 80-82.

Walzenbach, G.P.E. 1998. *Co-ordination in Context: Institutional Choices to Promote Exports.* Aldershot, UK: Ashgate.

Williams, James and Margaret Beare. 1999. The Business of Bribery: Globalization, Economic Liberalization, and the Problem of Corruption. *Crime, Law and Social Change* 32:115–46.

Windsor, Duane and Kathleen A. Getz. 1999. Regional Market Integration and the Development of Global Norms for Enterprise Conduct: The Case of International Bribery. *Business and Society* 38 (4):415–49.

Wolfreys, J. 2001. "Shoes, lies and videotape: Corruption and the French State." *Modern and Contemporary France 2*: 127-37.

Yarbrough, Beth V. and Robert M. Yarbrough. 1992. *Cooperation and Governance in International Trade*. Princeton, NJ: Princeton University Press.