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Anti-Corruption

Ann Sultan

Nicole Gokcebay

Uche Ewelukwa Ofodile

Frank Fariello

Dmitri Lohvinski

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Anti-Corruption

ANN SULTAN, NICOLE GOKCEBAY, UCHE EWELUKWA OFODILE,
FRANK FARIELLO, AND DMITRI LOHVINSKI*

This article highlights significant developments in the area of Anti-Corruption Law in the United States and abroad that took place in 2019.

I. Anti-Corruption Developments in the United States

A. SIGNIFICANT POLICY DEVELOPMENTS IN THE UNITED STATES

1. U.S. Department of Justice (DOJ) Updated Guidance on Evaluating Corporate Compliance Programs

On April 30, 2019, the DOJ's Criminal Division issued updated guidance on the "Evaluation of Corporate Compliance Programs" (Evaluation Guidance),¹ which is intended to guide prosecutors in making determinations regarding the effectiveness of a corporation's compliance program. Consistent with past DOJ guidance, the Evaluation Guidance does not establish a "rigid formula," but rather sets forth a framework grouped around three basic questions: is the compliance program (1) well-designed, (2) implemented effectively, and (3) working well in practice?²

B. SIGNIFICANT ENFORCEMENT ACTIONS

1. Cognizant Technology Solutions Corporation (Cognizant)

On February 13, 2018, the DOJ entered into a Letter Agreement in which it declined to prosecute New Jersey-based technology services company Cognizant for violations of the anti-bribery provisions of the FCPA but required Cognizant to disgorge \$19 million, credited against disgorgement paid to the SEC.³ On February 15, 2019, the SEC entered a Cease-and-Desist Order against Cognizant for violations of anti-bribery, books and

* Ann Sultan (Committee Editor) is Counsel with Miller & Chevalier Chartered; Nicole Gokcebay (Part I) is an Associate with Miller & Chevalier Chartered; Professor Uche Ewelukwa Ofodile (Part II) is the E. J. Ball Professor of Law at the University of Arkansas School of Law; Frank Fariello (Part III) is Lead Counsel, Legal Vice Presidency for The World Bank; and Dmitri Lohvinski (Part IV) is an investigation attorney with Consilio LLC.

1. U.S. Dep't of Just., Evaluation of Corporate Compliance Programs (Apr. 2019), <https://www.justice.gov/criminal-fraud/page/file/937501/download>.

2. *Id.* at 1.

3. U.S. Dep't of Justice, Letter Agreement Between U.S. Dep't of Just. & Cognizant Tech. Solutions Corp. (Feb. 13, 2019), <https://www.justice.gov/criminal-fraud/file/1132666/download>.

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records, and internal accounting controls of the FCPA, resulting in a \$6 million civil penalty, approximately \$16 million in disgorgement, and approximately \$2.8 million in prejudgment interest.⁴ The charges arose out of allegations that Cognizant authorized and then reimbursed a construction company to pay approximately \$2 million in bribes to Indian government officials for assistance in securing permits for an office park in India.⁵

2. *Mobile TeleSystems PJSC (MTS)*

On March 7, 2019, the DOJ announced a Deferred Prosecution Agreement (DPA)⁶ and the SEC announced a Cease-and-Desist Order⁷ with Russian telecommunications provider MTS and its Uzbek subsidiary Kolorit Dizayn Ink LLC (Kolorit). MTS agreed to pay total penalties and forfeiture of \$850 million.⁸ According to the DOJ, MTS and Kolorit conspired to violate the criminal anti-bribery and books and records provisions of the FCPA.⁹ According to the SEC, MTS violated the civil anti-bribery, books and records, and internal accounting control provisions of the FCPA.¹⁰ The charges against MTS arose out of alleged payments to Gulnara Karimova, a daughter of the former President of Uzbekistan, in exchange for her support for business operations in Uzbekistan.¹¹

3. *Fresenius SE & Co. KGaA (Fresenius)*

On March 29, 2019, the DOJ announced a Non-Prosecution Agreement (NPA)¹² and the SEC announced a Cease-and-Desist Order¹³ with German healthcare company Fresenius. According to the DOJ, Fresenius offered or paid bribes to publicly employed healthcare providers and government officials and knowingly and willfully failed to implement reasonable internal

4. Cognizant Tech. Solutions Corp., Exchange Act Release No. 85149, 2019 WL 653711 (Feb. 15, 2019).

5. *Id.* at 3–4.

6. U.S. Dep't of Justice, Deferred Prosecution Agreement Between U.S. Dep't of Just. & Mobile TeleSystems PJSC (Feb. 22, 2019), <https://www.justice.gov/opa/press-release/file/1141631/download>.

7. Mobile TeleSystems PJSC, Exchange Act Release No. 85261, 2019 WL 1074540 (Mar. 6, 2019).

8. Deferred Prosecution Agreement Between U.S. Dep't of Just. & Mobile TeleSystems PJSC, *supra* note 6, at 10.

9. *Id.* at 2.

10. Sec. & Exch. Comm., *Order Instituting Cease-and-Desist Proceedings Pursuant to Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order*, U.S. SEC. & EXCH. COMM. 2 (Mar. 6, 2019), <https://www.sec.gov/litigation/admin/2019/34-85261.pdf>.

11. *Id.*

12. U.S. Dep't of Just., Non-Prosecution Agreement Between U.S. Dep't of Just. & Fresenius Med. Care AG & Co. KGaA (Feb. 25, 2019), <https://www.justice.gov/opa/press-release/file/1148951/download>.

13. Mobile TeleSystems PJSC, 2019 WL 1074540, at *1.

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accounting controls and maintain adequate books and records.¹⁴ According to the SEC, Fresenius violated the anti-bribery, books and records, and internal accounting controls provisions of the FCPA by, for example, failing to take basic anti-corruption steps, such as training of employees or conducting due diligence on agents.¹⁵

4. *Telefônica Brasil S.A. (Telefônica Brasil)*

On May 9, 2019, the SEC announced a Cease-and-Desist Order¹⁶ with Brazilian telecommunications company Telefônica Brasil, a subsidiary of Spanish multinational broadband and telecommunications provider Telefônica S.A. According to the Order, Telefônica Brasil violated the books and records and internal accounting control provisions of the FCPA when it provided tickets to the 2014 World Cup and 2013 Confederations Cup to numerous government officials, including mayors, senators, federal congressmen, and one ambassador.¹⁷ Telefônica Brasil agreed to pay a civil money penalty of \$4.13 million to settle the charges.¹⁸

5. *Walmart Inc. (Walmart)*

On June 20, 2019, the U.S.-based retailer Walmart announced the resolution of a long-standing DOJ and SEC investigation. As part of the settlement, Walmart reached an NPA¹⁹ with the DOJ and consented to a Cease-and-Desist Order²⁰ with the SEC to resolve charges that it had violated the books and records and internal accounting controls provisions of the FCPA. The alleged misconduct involved payments to government officials in Brazil, China, India, and Mexico to obtain store operating permits and licenses, often through local third-party intermediaries. To resolve the FCPA charges, Walmart agreed to pay a total of \$282 million, to engage an independent compliance monitor for two years under the NPA, and to self-report to the SEC, also for a two-year period.²¹

14. Non-Prosecution Agreement Between U.S. Dep't of Just. & Fresenius Med. Care AG & Co. KGaA, *supra* note 12, at A-2.

15. Mobile TeleSystems PJSC, 2019 WL 1074540, at *1.

16. Telefônica Brasil S.A., Exchange Act Release No. 85819, 2019 WL 2053575 (May 9, 2019).

17. *Id.* at *1.

18. *Id.* at *5.

19. U.S. Dep't of Just., Non-Prosecution Agreement Between U.S. Dep't of Just. & Walmart Inc (June 20, 2019), <https://www.justice.gov/opa/press-release/file/1175791/download>.

20. Walmart Inc., Exchange Act Release No. 86159, 2019 WL 2552354 (June 20, 2019).

21. Non-Prosecution Agreement Between U.S. Dep't of Just. & Walmart Inc., *supra* note 19, at 5–6.

6. *TechnipFMC Plc (TFMC)*

On June 25, 2019, the DOJ announced a DPA²² with TFMC, a U.K.-based offshore energy services company formed in 2017 from the merger of Technip S.A. and FMC Technologies, Inc. (FMC). The DOJ's charges arose out of alleged separate misconduct by both Technip S.A. and FMC prior to the merger. Specifically, Technip S.A. owned a joint venture with Keppel Offshore & Marine Ltd. (Keppel), which, during 2003–2014, allegedly paid \$69 million to a third-party intermediary and a Brazilian political party, knowing that a portion would be used to pay bribes to officials at Brazilian state-owned energy company Petroleo Brasileiro S.A.²³ In addition, FMC Technologies allegedly made improper payments to government officials from 2008 to 2013 in connection with contracts to provide oil and gas production measurement technologies to the Government of Iraq.²⁴ TFMC agreed to pay a criminal fine of \$296 million to resolve these allegations, with \$81 million to be paid to U.S. authorities and \$214 million to Brazilian authorities.²⁵

On September 23, 2019, the SEC issued a Cease-and-Desist-Order (Order) against TFMC.²⁶ The SEC resolution tracks the facts in TFMC's June 2019 resolution with the DOJ. Pursuant to the Order, TFMC agreed to pay more than \$5 million in disgorgement and prejudgment interest and to self-report to the SEC on its compliance program for three years.²⁷

7. *Microsoft Corporation (Microsoft)*

On July 22, 2019, the SEC announced that Microsoft consented to a Cease-and-Desist Order and agreed to pay more than \$16 million to resolve charges that it had violated the books and records and internal accounting controls provisions of the FCPA with improper conduct by the company's wholly-owned subsidiaries in Hungary, Saudi Arabia, Thailand, and Turkey.²⁸ On the same day, the DOJ announced that a Hungarian subsidiary entered into an NPA for willingly and knowingly causing Microsoft to falsely record and maintain inaccurate books and records and accounts by incorrectly recording as discounts amounts that were used to fund improper payments under the FCPA.²⁹ Under the terms of the NPA, Microsoft's Hungarian subsidiary agreed to pay a penalty of \$8.7 million,

22. U.S. Dep't of Just., Deferred Prosecution Agreement Between U.S. Dep't of Just. & TechnipFMC plc (June 25, 2019), <https://www.justice.gov/opa/press-release/file/1177316/download>.

23. *Id.* at A–5.

24. *Id.* at A–15.

25. *Id.* at 8–10.

26. TechnipFMC plc, Exchange Act Release No. 87055, 2019 WL 4596717 (Sept. 23, 2019).

27. *Id.* at 13–14.

28. Microsoft Corp., Exchange Act Release No. 86421, 2019 WL 3284693 (July 22, 2019).

29. U.S. Dep't of Just., Non-Prosecution Agreement Between U.S. Dep't of Just. & Microsoft Hungary (July 22, 2019), at A–2, <https://www.justice.gov/opa/press-release/file/1185686/download>.

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bringing the combined total payments to the DOJ and SEC to \$25.3 million.³⁰

8. *Deutsche Bank, AG (Deutsche Bank)*

On August 22, 2019, the SEC announced that it had entered a Cease-and-Desist Order against Deutsche Bank, making it, along with the Barclays resolution (discussed below), the latest enforcement actions arising out of the SEC's investigations into the hiring of so-called "princelings" (i.e., relatives of senior government officials) by financial services companies.³¹ Focusing on the bank's efforts to win business in the Asia Pacific region and Russia, the SEC found that Deutsche Bank had violated the books and records and internal accounting controls provisions of the FCPA. Deutsche Bank agreed to pay disgorgement of almost \$11 million, prejudgment interest of \$2.4 million, and a \$3 million civil penalty.³²

9. *Juniper Networks, Inc. (Juniper)*

On August 29, 2019, the SEC announced that it had entered a Cease-and-Desist Order against Juniper, a California-based networking and cybersecurity solutions provider, in connection with violations of the internal accounting controls and books and records provisions of the FCPA.³³ According to the Order, during 2008 to 2013, Juniper's subsidiary in Russia secretly agreed with third party distributors to fund leisure trips for customers, including government officials, through the use of off-book account; Juniper's initial efforts to remediate the situation were ineffective.³⁴ In addition, 2009–2013, sales employees of Juniper's subsidiaries in China allegedly falsified trip and meeting agendas for customer events to understate the true amount of entertainment involved in the trips, which Juniper's Legal Department approved without adequate review and after-the-fact, all in contravention of Juniper's travel policies.³⁵ Pursuant to the Order, Juniper agreed to pay more than \$11.7 million, including \$4 million in disgorgement, \$1.25 million in prejudgment interest, and a \$6.5 million civil penalty.³⁶

10. *Quad/Graphics, Inc. (Quad)*

On September 26, 2019, the SEC announced that it had entered a Cease-and-Desist Order against Quad, a Wisconsin-based provider of digital and print marketing services, to resolve charges that it had violated the anti-

30. *Id.* at 5.

31. Deutsche Bank AG, Exchange Act Release No. 86740, 2019 WL 3976124 (Aug. 22, 2019).

32. *Id.* at 2, 12–13.

33. Juniper Networks, Inc., Exchange Act Release No. 86812, 2019 WL 4134764 (Aug. 29, 2019).

34. *Id.*

35. *Id.*

36. *Id.* at 6–7.

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bribery, books and records, and internal controls provisions of the FCPA.³⁷ The SEC found that from at least 2011 to 2016, Quad's Peruvian subsidiary paid or promised to pay bribes to Peruvian government officials to secure sales contracts and tried to improperly influence the outcome of a dispute with the Peruvian tax authorities, which had imposed over \$12 million in value-added tax, interest, penalties, and fines.³⁸ Earlier, on September 19, 2019, Quad received a letter from the DOJ, in which the DOJ stated that, consistent with the FCPA Corporate Enforcement Policy, it declined prosecution of the company for violations of the FCPA.³⁹

11. *Barclays Plc. (Barclays)*

On September 27, 2019, the SEC announced that Barclays agreed to settle charges that it had violated the FCPA's books and records and internal accounting controls provisions, when Barclays' Asia Pacific (APAC) region hired relatives and friends of foreign government officials to improperly influence them in connection with Barclays' investment banking business in the APAC region.⁴⁰ According to the SEC's Cease-and-Desist Order, between 2009 and 2013, Barclays' APAC hired approximately 117 job candidates referred by or connected to government officials or executives of Barclays' non-government clients, with some of the employment offers made as a personal benefit to those officials and executives with the expectation that Barclays would obtain or retain investment banking business.⁴¹ Pursuant to the Order, Barclays agreed to pay over \$6 million in disgorgement, prejudgment interest, and a civil penalty.⁴²

12. *Westport Fuels Systems, Inc. (Westport)*

On September 27, 2019, the SEC announced that Westport, a Canada-based clean fuel technology company, and Nancy Gougarty, its former CEO, had agreed to pay more than \$4.1 million combined to resolve charges that they had violated the anti-bribery, books and records, and internal controls provisions of the FCPA.⁴³ According to the SEC's Cease-and-Desist Order, Westport, acting through Gougarty and others, engaged in a scheme to bribe a Chinese government official to obtain business by a cash dividend payment from a joint venture between Westport and the state-owned enterprise that employed the official.⁴⁴ Westport agreed to pay \$2.5

37. Quad/Graphics, Inc., Exchange Act Release No. 87128, 2019 WL 4727257 (Sept. 26, 2019).

38. *Id.*

39. U.S. Dep't of Just., Letter Agreement Between U.S. Dep't of Just. & Quad/Graphics Inc. (Sept. 19, 2019), <https://www.justice.gov/criminal-fraud/file/1205341/download>.

40. Barclays PLC, Exchange Act Release No. 87132, 2019 WL 4738053 (Sept. 27, 2019).

41. *Id.*

42. *Id.* at 9–10.

43. Westport Fuel Systems, Inc., Exchange Act Release No. 87138, 2019 WL 4738055 (Sept. 27, 2019).

44. *Id.*

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million in disgorgement and prejudgment interest and a civil penalty of \$1.5.⁴⁵

13. *Samsung Heavy Industries Company Ltd. (Samsung)*

On November 22, 2019, the DOJ announced that it had entered into a three-year DPA with South Korea-based engineering company Samsung in connection with a bribery scheme in which Samsung paid millions of dollars in bribes to officials at Petrobras, Brazil's state-owned energy company.⁴⁶ The criminal information filed by the DOJ in the Eastern District of Virginia charged Samsung with conspiracy to commit anti-bribery violations of the FCPA.⁴⁷ Under the terms of the DPA, Samsung must pay a total criminal penalty of \$75.5 million to the DOJ and Brazilian authorities.⁴⁸

14. *Telefonaktiebolaget LM Ericsson (Ericsson)*

On December 6, 2019, the DOJ announced that it had entered into a DPA with Ericsson, a Swedish multinational telecommunications company, in connection with a scheme to pay and improperly record millions of dollars in bribes in Djibouti, China, Vietnam, Indonesia, and Kuwait.⁴⁹ On the same day, the SEC also charged the company with violating the anti-bribery, books and records, and internal control provisions of the FCPA.⁵⁰ According to the DOJ's press release, the company agreed to pay a combined penalty of over \$1 billion to the DOJ and SEC to resolve the matter and retain an independent compliance monitor for a period of three years.⁵¹

45. *Id.* at 9–10.

46. *Samsung Heavy Industries Company Ltd Agrees to Pay \$75 Million in Global Penalties to Resolve Foreign Bribery Case*, U.S. DEP'T OF JUST. (Nov. 22, 2019), <https://www.justice.gov/opa/pr/samsung-heavy-industries-company-ltd-agrees-pay-75-million-global-penalties-resolve-foreign>.

47. Criminal Information, *United States v. Samsung Heavy Indus. Co.*, No. 1:19-CR-00328 (E.D. Va. Nov. 22, 2019), ECF No. 14, <https://www.justice.gov/opa/press-release/file/1219896/download>.

48. U.S. Dep't of Just., *Deferred Prosecution Agreement Between U.S. Dep't of Just. & Samsung Heavy Indus. Co. Ltd.* (Nov. 22, 2019), <https://www.justice.gov/criminal-fraud/file/1220766/download>.

49. *Ericsson Agrees to Pay Over \$1 Billion to Resolve FCPA Case*, U.S. DEP'T OF JUST. (Dec. 6, 2019), <https://www.justice.gov/opa/pr/ericsson-agrees-pay-over-1-billion-resolve-fcpa-case> (last visited May 20, 2020).

50. *SEC Charges Multinational Telecommunications Company With FCPA Violations*, U.S. SEC. & EXCH. COMM'N (Dec. 6, 2019), <https://www.sec.gov/news/press-release/2019-254> (last visited May 20, 2020).

51. *Id.*; *Ericsson Agrees to Pay Over \$1 Billion to Resolve FCPA Case*, *supra* note 49.

II. Anti-Corruption Developments Abroad

A. ANTI-CORRUPTION LEGISLATION AND INITIATIVES

1. *El Salvador*

In September 2019, El Salvador launched a new anti-corruption watchdog, the International Commission Against Impunity in El Salvador (CICIES), in collaboration with the Organization of American States (OAS).⁵² Modeled after Guatemala's International Commission Against Impunity, CICIES fulfills a campaign promise of El Salvador's President, Nayib Bukele, who took office in June 2019.

2. *Guatemala*

In January 2019, Guatemalan President Jimmy Morales terminated an agreement between the United Nations (U.N.) and Guatemala that established the anti-corruption watchdog, the International Commission Against Impunity in Guatemala, citing abuse of authority and acts against the constitution.⁵³ The Commission's trouble started in 2017, when it decided to investigate Morales and certain members of his family for embezzlement and campaign finance violations. Although Guatemala's constitutional court subsequently invalidated Morales's decision to terminate the agreement with the U.N., the Commission closed on September 3, 2019.⁵⁴

3. *Honduras*

In December 2019, Honduras lawmakers voted in favor of a petition to end the mandate of Mission to Fight Corruption and Impunity in Honduras (MACCIH).⁵⁵ The mandate is thus set to expire in January 2020, and it is unclear if the mandate will be renewed.⁵⁶ Established in 2016 through an agreement between Honduras and the OAS, MACCIH has investigated several high-profile corruption cases, incurring the wrath of many powerful individuals in Honduras.

52. *The OAS and El Salvador Create International Commission Against Impunity (CICIES)*, OAS (Sept. 20, 2019), https://www.oas.org/en/media_center/phonews.asp?sCodigo=FNE-97545.

53. Tom Phillips, *Guatemalan president condemned after ejecting UN anti-corruption group*, THE GUARDIAN (Jan. 8, 2019, 1:09 PM), <https://www.theguardian.com/world/2019/jan/08/guatemalan-president-condemned-after-ejecting-un-anti-corruption-group>.

54. Tiziano Breda, *Curtain Falls on Guatemala's International Commission against Impunity*, INT'L CRISIS GROUP (Sept. 3, 2019), <https://d2071andvip0wj.cloudfront.net/3-sept-19-curtain-falls.pdf>.

55. Gustavo Palencia, *Honduras lawmakers urge president to shut down anti-corruption body*, REUTERS (Dec. 11, 2019, 4:33 PM), <https://www.reuters.com/article/us-honduras-corruption/honduras-lawmakers-urge-president-to-shut-down-anti-corruption-body-idUSKBN1YF2RA>.

56. *Mission to Support the Fight against Corruption and Impunity in Honduras*, OAS, www.oas.org/en/spa/dsdsm/maccih/new/mision.asp (last visited May 16, 2020).

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4. *Italy*

On January 31, 2019, Italy's new Law No. 3 of January 9, 2019 on "Measures to fight crimes against the public administration as well as on the matter of statute of limitations and transparency of political parties and movements"⁵⁷ entered into force. The new legislation introduces several amendments to the Italian Criminal Code and focuses particularly on corruption involving public agencies.

5. *Malaysia*

On January 29, 2019, the Malaysian government launched a new five-year Anti-Corruption Plan.⁵⁸ Pursuant to the plan, the Malaysian government will review the government-appointments system, require politicians and high-ranking civil servants to declare their assets, and introduce new laws on political funding.⁵⁹

6. *United Kingdom*

In February 2019, the Crime (Overseas Production Orders) Bill became law.⁶⁰ The law targets electronic data stored outside the U.K. by enabling law enforcement agencies and prosecutors in the U.K. "to apply for and obtain electronic data directly from service providers based outside the U.K. for the purposes of criminal investigations and prosecutions for serious crime, where a relevant international agreement is in place."⁶¹

B. GLOBAL ANTI-CORRUPTION ENFORCEMENT ACTIONS

1. *Canada*

Few trials and convictions have occurred so far under Canada's Corruption of Foreign Public Officials Act (CFPOA); however, this may be changing. On March 7, 2019, an Ontario Superior Court of Justice sentenced two individuals each to thirty months imprisonment for agreeing to bribe public officials in India to secure a biometrics contract for a U.S. company, Cryptometrics Inc., and its Canadian subsidiary.⁶² These convictions mark the third CFPOA conviction of an individual.

57. Legge 9 gennaio 2019, n.3, G.U. Jan. 16, 2019, n.13 (It.).

58. Rozanna Latiff, *After IMDB, Malaysia launches anti-graft plan to clean stables*, REUTERS (Jan. 28, 2019, 10:15 PM), <https://www.reuters.com/article/us-malaysia-corruption/after-1mdb-malaysia-launches-anti-graft-plan-to-clean-stables-idUSKCN1PN0BF>; See also Nadirah H. Rodzi, *Malaysia launches ambitious anti-corruption plan*, THE STRAITS TIMES (Jan. 29, 2019, 4:44 PM), <https://www.straitstimes.com/asia/se-asia/malaysia-launches-first-national-anti-corruption-plan>.

59. Latiff, *supra*, note 58.

60. Crime (Overseas Production Orders) Act 2019, c. 5 §§ 1–21 (U.K.).

61. Crime (Overseas Production Orders) Act 2019, c. 5, Bill Factsheet (U.K.), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720706/copo-factsheet.pdf.

62. R v. Barra, [2019] OJ No 1442, 2019 ONSC 1786 (Can. Ont.).

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2. *China*

On June 20, 2019, former chief of the International Criminal Police Organization (Interpol), Meng Hongwei, pleaded guilty in a Chinese court to charges of accepting \$2 million in bribes arising out of his activities as China's Vice Minister of Public Security.⁶³

3. *Honduras*

On August 20, 2019, Rosa Elena Bonilla de Lobo, former First Lady of Honduras, was sentenced to fifty-eight years in prison for embezzling approximately \$600,000 between 2010 and 2014, while her husband was President of Honduras.⁶⁴

4. *Kenya*

Henry Rotich, Kenya's current Finance Minister, and twenty-seven other government officials were indicted on various bribery and corruption charges. Rotich was arrested on July 22, 2019. The charges stem from the award of a controversial \$630 million hydro-electric dam project to an Italian firm.⁶⁵

5. *Israel*

On November 21, 2019, Israeli Prime Minister Benjamin Netanyahu was indicted on counts of bribery, fraud, and breach of trust.⁶⁶

6. *Pakistan*

In June 2019, Asif Ali Zardari, the former president of Pakistan and a member of the National Assembly, was arrested on various corruption charges.⁶⁷ In July 2019, former Prime Minister of Pakistan, Shahid Khaqan

63. Steven Jiang, *Meng Hongwei, former Interpol chief 'admits his crimes' of accepting \$2m bribes*, CNN (June 21, 2019, 2:02 AM), <https://www.cnn.com/2019/06/20/asia/meng-hongwei-former-interpol-chief-corruption-charges-intl/index.html>.

64. *Former first lady of Honduras sentenced to 58 years in jail*, REUTERS (Sept. 4, 2019, 7:19 PM), <https://www.reuters.com/article/us-honduras-corruption/former-first-lady-of-honduras-sentenced-to-58-years-in-jail-idUSKCN1VQ00Y>.

65. Pamela Boykoff & Eleni Giokos, *Henry Rotich, Kenya's finance minister arrested in corruption case*, CNN (July 22, 2019, 7:13 PM), <https://www.cnn.com/2019/07/22/africa/kenya-finance-minister-rotich-arrest-intl/index.html>; Patrick Gathara, *Is Kenya's anti-corruption drive working?*, AL JAZEERA (July 26, 2019), <https://www.aljazeera.com/indepth/opinion/kenya-anti-corruption-drive-working-190726122759955.html>; *Kenya's finance minister, top officials arrested for corruption*, AL JAZEERA (July 22, 2019), <https://www.aljazeera.com/news/2019/07/kenya-finance-minister-top-officials-arrested-corruption-190722103920663.html>.

66. Claire Hansen, *Israeli Prime Minister Netanyahu Indicted on Corruption Charges*, U.S. NEWS (Nov. 31, 2019), <https://www.usnews.com/news/world-report/articles/2019-11-21/israeli-prime-minister-benjamin-netanyahu-indicted-on-corruption-charges>.

67. Salman Masood, *Pakistan's Former President Arrested in a Money Laundering Case*, THE N.Y. TIMES (June 10, 2019), <https://www.nytimes.com/2019/06/10/world/asia/pakistan-zardari-corruption.html>.

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Abbasi, was arrested on various corruption charges.⁶⁸ The charges are linked to a liquefied natural gas contract that Abbasi signed while he was in office.

In December 2019, Pakistan's anti-corruption agency the National Accountability Bureau issued orders to freeze various assets belonging the leader of the opposition party, Shehbaz Sharif, and his two sons.⁶⁹ Shehbaz Sharif is the brother of the former Prime Minister of Pakistan, Nawaz Sharif.⁷⁰ Nawaz Sharif was dismissed from office by the Pakistani Supreme Court and is currently serving a seven-year jail sentence for corruption.⁷¹

Also, in December of 2019, Pakistani real estate tycoon, Malik Riaz Hussain, paid approximately \$248 million to the National Crime Agency in the U.K. to settle a corruption probe.⁷² Hussain's business is one of the biggest private sector employers in Pakistan.⁷³ The settlement includes a U.K. property valued at approximately fifty million pounds and money held in numerous U.K. bank accounts.⁷⁴

7. *United Kingdom*

Acting pursuant to the forfeiture provisions established by the Criminal Finances Act 2017,⁷⁵ which allows appropriate authorities in the United Kingdom to confiscate funds connected to terrorist property and the proceeds of tax evasion, the National Crime Agency confiscated funds linked to several high-profile individuals around the world. In February of 2019, a district judge in London approved forfeiture orders for about \$466,322 held in three bank accounts in the U.K. that were linked to Vlad Luca Filat, son of former Moldova Prime Minister Vladimir Filat.⁷⁶ Vladimir Filat is currently serving a nine-year prison sentence for his role.⁷⁷

68. Mubasher Bukhari, *Former Pakistani PM Abbasi arrested by anti-graft agency*, REUTERS (July 18, 2019, 4:43 AM), <https://www.reuters.com/article/us-pakistan-politics/former-pakistani-pm-abbasi-arrested-anti-graft-body-idUSKCN1UD15Q>.

69. *Pakistan's Anti-Graft Body Orders to Freeze Assets Owned by Shehbaz Sharif and His Sons*, GULF NEWS (Dec. 3, 2019, 3:41 PM), <https://gulfnnews.com/world/asia/pakistan/pakistans-anti-graft-body-orders-to-freeze-assets-owned-by-shehbaz-sharif-and-his-sons-1.68228035>.

70. Haroon Janjua, *Pakistan Arrests Nawaz Sharif's Brother For Alleged Graft*, ORGANIZED CRIME AND CORRUPTION REPORTING PROJECT (Oct. 5, 2018, 6:43 PM), <https://www.occrp.org/en/daily/8702-pakistan-arrests-nawaz-sharif-s-brother-for-alleged-graft>.

71. *Id.*

72. *NCA Agrees £190m Settlement After Frozen Funds Investigation*, NATIONAL CRIME AGENCY (Dec. 3, 2019), <https://www.nationalcrimeagency.gov.uk/news/nca-agrees-190m-settlement-after-frozen-funds-investigation-3>.

73. *Id.*

74. *Id.*

75. Criminal Finances Act 2017, c.22 (U.K.).

76. David Pegg, *Court Orders Son of Moldova's Former PM To Pay £466,000*, THE GUARDIAN (Feb. 7, 2019, 10:20 PM), <https://www.theguardian.com/world/2019/feb/07/court-orders-son-moldova-former-pm-pay-466000>.

77. *Id.*

III. Treaties and International Organizations

A. TREATIES

1. *African Union Convention on Preventing and Combating Corruption (AUCPCC)*

Sao Tome & Principe became the forty-second signatory to ratify the AUCPCC Convention on May 28, 2019,⁷⁸ following Sudan in September 2018.⁷⁹ In October 2018, the African Union Advisory Board on Corruption (AUABC) signed a Memorandum of Understanding (MOU) with Transparency International (TI), renewing the entities' 2015 through 2018 partnership agreement.⁸⁰ The MOU's aim is to promote mutually beneficial cooperation in advocacy, research, capacity development, awareness-raising, and outreach.⁸¹

2. *Organization for Economic Co-Operation and Development (OECD) Anti-Bribery Convention*

There were no new signatories to the OECD Anti-Bribery Convention in 2019.⁸² In March of 2019, the OECD conducted a case study (Cutting the Risk of Corruption Out of Privatization) focusing on factors such as the impact of divestment proceeds, the nature of assets being privatized, and the complexity of privatization transactions that make SOE's prone to corruption.⁸³

The OECD has been active in its reporting:

- In December 2018, the OECD Working Group on Bribery launched a report on foreign bribery enforcement where it evaluated the “flip side” to enforcement actions that ended in sanctions by focusing on what happens at the receiving end of the transaction.⁸⁴

78. African Union, *African Union Convention on Preventing and Combating Corruption* (July 11, 2003), https://au.int/sites/default/files/treaties/36382-treaty-0028_-_african_union_convention_on_preventing_and_combating_corruption_e.pdf.

79. *Id.*

80. African Union Advisory Bd. on Corruption, *Press Release on Signing Ceremony of Memorandum of Understanding (MOU) on Cooperation between the African Union Advisory Board on Corruption and Transparency International* (Oct. 24, 2018), http://www.aumaticorruption.org/uploads/AUABC_and_TI_Joint_Press_Release.pdf.

81. *Id.*

82. Org. for Econ. Cooperation & Dev. [OECD], *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transaction: Ratification Status as of May 2018*, <http://www.oecd.org/daf/anti-bribery/WGBRatificationStatus.pdf>.

83. *Cutting the Risk of Corruption out of Privatisation*, OECD: ANTI-CORRUPTION & INTEGRITY HUB, <https://anticorruption-integrity.oecd.org/case-studies/cutting-the-risk-of-corruption-out-of-privatisation-aci.html> (last visited Dec. 8, 2019).

84. Org. for Econ. Cooperation & Dev. [OECD], *Foreign Bribery Enforcement: What Happens to the Public Officials on the Receiving End?* (2018), <http://www.oecd.org/corruption/Foreign-Bribery-Enforcement-What-Happens-to-the-Public-Officials-on-the-Receiving-End.pdf>.

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- A report on Combating Money Laundering and the Financing of Terrorism in Latvia (March 2019).⁸⁵ The report examined enhancing the supervisory and control mechanisms for preventing financial system abuse.⁸⁶
- A report on Resolving Foreign Bribery Cases with Non-Trial Resolutions, analyzing settlements and non-trial agreements by parties to the Convention (March 2019).⁸⁷
- A report on Fighting Corruption in Eastern Europe and Central Asia, focusing on anti-corruption reforms in Mongolia based on the fourth round of monitoring of the Istanbul Anti-Corruption Action Plan (April 2019).⁸⁸
- Continuing with its peer review process, the OECD Working Group on Bribery released Phase 1 reports on Ireland,⁸⁹ Peru,⁹⁰ and Argentina;⁹¹ a Phase 3 report on Latvia;⁹² and Phase 4 reports on Mexico,⁹³ Chile,⁹⁴ Korea,⁹⁵ Hungary,⁹⁶ and Japan,⁹⁷ which review the progress made by these countries and track outstanding issues from past reports.

85. Org. for Econ. Cooperation & Dev. [OECD], *Combating Money Laundering and the Financing of Terrorism in Latvia: Enhancing Robustness of Supervisory and Control Mechanisms for Prevention of Financial System Abuse* (2019), <http://www.oecd.org/daf/fin/financial-markets/Combating-Money-Laundering-and-the-Financing-of-Terrorism-in-Latvia-Overview.pdf>.

86. *Id.*

87. Org. for Econ. Cooperation & Dev. [OECD], *Resolving Foreign Bribery Cases with Non-Trial Resolutions: Settlements and Non-Trial Agreements by Parties to the Anti-Bribery Convention* (2019), <http://www.oecd.org/daf/anti-bribery/Resolving-foreign-bribery-cases-with-non-trial-resolutions.pdf>.

88. Org. for Econ. Cooperation & Dev. [OECD], *Anti-Corruption reforms in Mongolia: 4th Round of Monitoring of the Istanbul Anti-Corruption Action Plan* (2019), <http://www.oecd.org/corruption/acn/OECD-ACN-Mongolia-4th-Round-Monitoring-Report-2019-ENG.pdf>.

89. Org. for Econ. Cooperation & Dev. [OECD], *Implementing the OECD Anti-Bribery Convention: Phase 1bis Report, Ireland* (Oct. 10, 2019), <http://www.oecd.org/corruption/anti-bribery/Ireland-Phase-1bis-Report-ENG.pdf>.

90. Org. for Econ. Cooperation & Dev. [OECD], *Implementing the OECD Anti-Bribery Convention: Phase 1 Report, Peru* (Mar. 6, 2019), <http://www.oecd.org/corruption/anti-bribery/OECD-Phase-1-Report-Peru-ENG.pdf>.

91. Org. for Econ. Cooperation & Dev. [OECD], *Implementing the OECD Anti-Bribery Convention: Phase 1bis Report, Argentina* (June 29, 2019), <http://www.oecd.org/corruption/anti-bribery/Argentina-Phase-1bis-Report-ENG.pdf>.

92. *Reforms in Latvia Must Result in Stronger Enforcement to Tackle Foreign Bribery and Subsequent Money Laundering Risks*, OECD (Oct. 16, 2019), <https://www.oecd.org/newsroom/reforms-in-latvia-must-result-in-stronger-enforcement-to-tackle-foreign-bribery-and-subsequent-money-laundering-risks.htm>.

93. *Mexico Must Increase Foreign Bribery Enforcement: Full Implementation of Anti-Corruption Reforms Could Help*, OECD (Oct. 19, 2018), <https://www.oecd.org/mexico/mexico-must-increase-foreign-bribery-enforcement-full-implementation-of-anti-corruption-reforms-could-help.htm>.

94. *Chile Ups Foreign Bribery Enforcement But Flawed Case Resolutions Are Insufficient to Ensure Transparency and Accountability*, OECD (Dec. 20, 2018), <https://www.oecd.org/newsroom/chile-ups-foreign-bribery-enforcement-but-flawed-case-resolutions-are-insufficient-to-ensure-transparency-and-accountability.htm>.

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- The OECD Working Group on Bribery held general consultations in December 2019 with stakeholders on issues such as enhancing and incentivizing compliance, beneficial ownership transparency and the assessment of harm in foreign cases.⁹⁸

To ensure the OECD Anti-Bribery Convention's continued effectiveness, the OECD launched a review of the 2009 Anti-Bribery Recommendation in December of 2018.⁹⁹ As part of this review, major stakeholders were invited to take part in an online public consultation between March 22 and May 6 of 2019, which revealed a variety of emerging issues over the last decade in connection with the implementation and enforcement of the OECD Anti-Bribery Convention.¹⁰⁰ The review by the Working Group is scheduled for completion in early 2020.¹⁰¹

3. *United Nations Convention Against Corruption (UNCAC)*

No new state parties acceded to the Convention in 2019.¹⁰² The eighth session of the Conference of the State Parties to the UNCAC (December 2019) focused on asset recovery, international cooperation, prevention, and technical assistance, as well as a review of the implementation of the Convention.¹⁰³

95. *Korea Must Enhance Detection and Reinforce Sanctions To Boost Foreign Bribery Enforcement*, OECD (Dec. 20, 2018), <http://www.oecd.org/corruption/korea-must-enhance-detection-and-reinforce-sanctions-to-boost-foreign-bribery-enforcement.htm>.

96. *Hungary Must Enforce Its Foreign Bribery Offence Against Companies, Including Foreign Subsidiaries*, OECD (Aug. 1, 2019), <http://www.oecd.org/corruption/hungary-must-enforce-its-foreign-bribery-offence-against-companies-including-foreign-subsidiaries.htm>.

97. *Japan Must Urgently Address Long-Standing Concerns Over Foreign Bribery Enforcement*, OECD (July 3, 2019), <http://www.oecd.org/corruption/japan-must-urgently-address-long-standing-concerns-over-foreign-bribery-enforcement.htm>.

98. *2019 OECD Consultation on Fighting Foreign Bribery*, OECD <https://www.oecd.org/corruption/2019-oecd-consultation-on-fighting-foreign-bribery.htm> (last visited Dec. 9, 2019).

99. Org. for Econ. Cooperation & Dev. [OECD] Working Group on Bribery, *Review of the 2009 OECD Anti-Bribery Recommendation* (2019), <http://www.oecd.org/corruption/anti-bribery/Public-Consultation-Review-OECD-Anti-Bribery-Recommendation.pdf>.

100. *Public Consultation: Review of the 2009 OECD Anti-Bribery Recommendation*, OECD, <http://www.oecd.org/corruption/2019-review-oecd-anti-bribery-recommendation.htm> (last visited Dec. 9, 2019).

101. *Id.*

102. Conference of the States Parties to the United Nations Convention against Corruption, U.N. Doc. CAC/COSP/2019/INF/1 (Sept. 26, 2019).

103. *Id.*

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4. *Organization of American States (OAS) Inter-American Convention Against Corruption (IACAC)*

No new members acceded to or ratified the IACAC in 2019.¹⁰⁴ The Committee of Experts of the Follow-up Mechanism for Implementation of IACAC (MESICIC) met in September of 2019 to enable countries to learn first-hand about practices.¹⁰⁵ MESICIC later published reports on Belize, the Bahamas, and Suriname following investigations into the implementation of recommendations.¹⁰⁶

Additionally, the Technical Secretariat, as part of MESICIC, implemented a new Anti-Corruption Portal which will provide information about the work done at the OAS and its members to combat corruption.¹⁰⁷

B. INTERNATIONAL ORGANIZATIONS

1. *African Development Bank (AfDB)*

The African Development Bank joined the OECD in December of 2018 to launch the Anti-Bribery and Business Integrity in Africa Initiative to help African countries design and implement policies and practical measures to address bribery by public officials in connection with business transactions.¹⁰⁸ The collaboration will focus on improving Africa's private sector competitiveness based on anti-bribery and business integrity standards and tools such as the United Nations Convention against Corruption, the African Union Convention on Combating Fraud and Corruption, and sub-regional protocols.¹⁰⁹

2. *Asian Development Bank (ADB)*

In April 2019, the ADB's Office of Anticorruption and Integrity released its annual report for 2018. According to the report, the OAI's Investigation Division (AIID) reinforced its complaint assessment function and widened its use of remedial actions beyond debarment. AIID opened 246 complaints, 32 of which pertained to integrity violations by ADB staff in 2018.¹¹⁰ The

104. Org. of Am. States [OAS], *Inter-American Convention Against Corruption (B-58): Signatories and Ratifications* (Mar. 29, 1996), http://www.oas.org/en/sla/dil/inter_american_treaties_B-58_against_Corruption_signatories.asp.

105. *MESICIC Experts Meet to Advance International Cooperation For Joint Efforts to Combat Corruption*, OAS, http://www.oas.org/en/sla/dlc/actividades.html?nN°ta_2 (last visited Dec. 9, 2019).

106. *Id.*

107. *Anticorruption Portal of the Americas: The Mesicic in Documents*, OAS, <http://www.oas.org/en/sla/dlc/mesicic/documentos.html> (last visited Dec. 9, 2019).

108. *OECD and AfDB Join Forces in the Fight against Corruption*, AFRICAN DEV. BANK GRP. (Dec. 10, 2018), <https://www.afdb.org/en/news-and-events/oecd-and-afdb-join-forces-in-the-fight-against-corruption-2357>.

109. *Id.*

110. Asian Dev. Bank [ADB], *Office of Anticorruption and Integrity: 2018 Annual Report*, at 2–3 (2018), <https://www.adb.org/sites/default/files/institutional-document/492256/oai-annual->

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ADB sanctioned eighty firms and twenty-five individuals (both record numbers). Additionally, the OAI issued reprimands to sixteen firms and fourteen individuals and cautioned thirteen firms and three individuals. Notably, the ADB also cross-debarred 272 firms and 48 individuals.¹¹¹

3. *European Bank for Reconstruction and Development (EBRD)*

In April 2019, EBRD's Office of the Chief Compliance Officer (OCCO) released its annual report for 2018. The report discussed the policies, rules, procedures, and processes governing the ethical behavior of the Board members, management, and staff of the EBRD, and the standards of integrity the EBRD expects from its clients, project sponsors, and other counterparties.¹¹²

According to the 2018 report, 609 potential projects were referred to the Project Integrity team responsible for providing advice on Integrity Due Diligence (IDD), compared to 470 referrals in 2017.¹¹³ Additionally, the OCCO received 120 Notices of Debarment Decisions from the co-signatories of the AMEDD and cross-debarred 66 individuals and 387 entities.¹¹⁴ Finally, the OCCO helped implement twenty-one client-specific anti-corruption or compliance action plans in 2018.¹¹⁵

4. *European Investment Bank (EIB)*

The Fraud Investigations Division of the EIB (IG/IN) registered 184 new allegations and worked on 379 cases (including cases from the previous year).¹¹⁶ In addition, IG/IN reviewed the EIB and EIF Anti-Fraud Policies and updated them according to relevant changes in EU legislation, developments in the EIB Group's operations and activities, and the evolution of international best practices.¹¹⁷

report-2018.pdf (noting that the Office of Anticorruption and Integrity (OAI) leads the integrity initiatives of the Asian Development Bank through investigations, project procurement-related reviews, integrity due diligence and knowledge-sharing with ADB's stakeholders. The OAI also plays a key role in supporting the implementation of Strategy 2030 which was set up to enable the ADB to respond effectively to the region's evolving needs, particularly in strengthening governance and institutional capacity and implementing anticorruption measures in all ADB projects and programs).

111. *Id.* at 3.

112. European Bank for Reconstruction and Dev. [EBRD], *Integrity and Anti-Corruption Report*, at 3 (Aug. 2019), <https://www.ebrd.com/documents/occo/anticorruption-report-2018.pdf?blobnocache=true>.

113. *Id.* at 5.

114. *Id.* at 25.

115. *Id.* at 5.

116. European Inv. Bank [EIB], *Fraud Investigations Activity Report 2018*, at 10 (2019), https://www.eib.org/attachments/general/reports/ig_fraud_investigations_activity_report_2018_en.pdf.

117. *Id.* at 24.

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5. *Inter-American Development Bank (IDB)*

The IDB's Office of Institutional Integrity (OII) issued its annual report for 2018.¹¹⁸ According to the Report, the number of high-impact, complex investigations by the OII significantly increased.¹¹⁹ In October 2018, OII President Luis Alberto Moreno announced that the IDB would work with governments to better understand the economic impacts of investigations into corruption in the region and to address gaps in public accountability through preventive and remedial responses.¹²⁰ The OII and Sanctions System also participated in a benchmarking study conducted by the AfDB's Independent Development Evaluation unit on MDB integrity offices and sanctions systems.¹²¹

6. *International Monetary Fund (IMF)*

In April 2019, the IMF released a report on "Curbing Corruption," drawing from new data regarding a large set of fiscal institutions and individual country experiences, that assessed the fiscal costs of corruption and explored the practices and institutional structures that reduced incentives and opportunities for corruption.¹²²

7. *World Bank Group (WBG)*

In October 2019, the WBG's Integrity Vice Presidency (INT), Office of Suspension and Disbarment (OSD), and Sanctions Board (SB) jointly released the second World Bank Group Sanctions System Annual Report for the 2019 fiscal year.¹²³ According to the report, the Integrity Compliance Office (ICO) actively engaged with more than ninety sanctioned firms and individuals, releasing twenty-three from sanction.¹²⁴ The ICO also provided training opportunities for businesses, often at the request of the World Bank's client governments.¹²⁵ According to the 2019 Report, there were sixty-three active external investigations, of which forty-nine were opened and forty-seven were completed in the 2019 fiscal year.¹²⁶ Finally, thirty-four firms and individuals were temporarily suspended; nineteen sanctions

118. Inter-Am. Dev. Bank [IBD], *Office of Institutional Integrity and Sanction System Annual Report 2018* (2019), <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=EZSHARE-1138756496-257>.

119. *Id.* at 6.

120. *Id.* at 5.

121. *Id.* at 11.

122. Int'l Monetary Fund [IMF], *Fiscal Monitor: Curbing Corruption* (Apr. 2019), https://www.elibrary.imf.org/doc/LMF089/25735-9781498302180/25735-9781498302180/Other_formats/Source_PDF/25735-9781498302227.pdf.

123. World Bank Group [WBG], *Sanctions System Annual Report FY19*, at 3 (2019), <http://documents.worldbank.org/curated/en/782941570732184391/pdf/World-Bank-Group-Sanctions-System-Annual-Report-FY19.pdf>.

124. *Id.* at 12.

125. *Id.*

126. *Id.* at 60.

were imposed pursuant to OSD Determinations; fourteen sanctions were imposed pursuant to SB decisions; and twenty sanctions were imposed pursuant to Settlement Agreements.¹²⁷

IV. Civil Society Efforts

A. TRANSPARENCY INTERNATIONAL (TI)

In January 2019, TI released its Corruption Perception Index (CPI) for 2018¹²⁸ The CPI measures perceived levels of public sector corruption based on a survey of businesspeople and experts.¹²⁹ For 2018, TI once again declared little worldwide progress in ranking, reporting “most countries are failing to make serious inroads against corruption.”¹³⁰ Overall, the results at the top and the bottom of the ranking remained unchanged from preceding years: Denmark and New Zealand sit at the top of the ranking while Somalia, Syria, and Sudan are at the bottom.¹³¹

TI indicated that its analysis demonstrates a “disturbing link between corruption and the health of democracies, where countries with higher rates of corruption also have weaker democratic institutions and political rights.”¹³² TI further found that, in 2018, no full democracy (as defined by TI) scored below the fifty-point mark.¹³³ At the other side of the spectrum, are countries with autocratic characteristics.¹³⁴ In fact, very few countries exhibiting autocratic characteristics scored above the fifty-point mark. TI concluded that the analysis “makes a clear link between having a healthy democracy and successfully fighting public sector corruption.”¹³⁵ But TI cautioned that even top scoring countries are not immune to corruption, and a number of them were rocked by recent scandals exposing large-scale money laundering and corruption schemes.¹³⁶

127. *Id.* at 61.

128. *How Corruption Weakens Democracy*, TRANSPARENCY INT’L (Jan. 29, 2019), <https://www.transparency.org/en/news/cpi-2018-global-analysis#>.

129. *Id.*

130. *Id.*

131. *Id.*

132. *Id.*

133. *Id.*

134. *How Corruption Weakens Democracy*, *supra* note 128.

135. *Id.*

136. *Trouble at the Top: Why High-Scoring Countries Aren’t Corruption-Free*, TRANSPARENCY INT’L (Jan. 29, 2019), https://www.transparency.org/news/feature/trouble_at_the_top_why_high_scoring_countries_arent_corruption_free.

B. EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE (EITI)

In October 2019, EITI released its revised global standard for the good governance of oil, gas, and mineral resources.¹³⁷ The 2019 global standard contains several key changes from its 2016 predecessor dealing with systematic disclosures, project-level reporting, contract transparency, sale of the state-owned share of mineral resources, gender equality, and others.¹³⁸ The global standard sets forth the requirements that must be adhered to by the countries implementing the EITI. There are currently fifty-two implementing countries, with Argentina added in February 2019.¹³⁹ Ecuador announced in September 2019 that it intended to become an EITI-implementing country.¹⁴⁰

At EITI's 2019 Global Conference, EITI's outgoing Chair launched the 2019 Progress Report.¹⁴¹ This report highlights the advances made in transparency and accountability in the oil, gas, and mining sectors as well as noting the active contributions to the revised EITI Standard from all constituencies.¹⁴² The Report emphasizes the need for increased focus on peer-to-peer learning and best-practice sharing.¹⁴³

At the March 2019 Beneficial Ownership Workshop in Manila, improving beneficial ownership transparency in the Asia Pacific region was a key objective for addressing corruption risks in the region's extractive sector.¹⁴⁴

C. WORLD JUSTICE PROJECT (WJP)

The WJP released its annual report, the Rule of Law Index 2018–2019.¹⁴⁵ The report provides “an evaluation of rule of law adherence worldwide” based on the experiences and perceptions of the general public in 126 countries and jurisdictions.¹⁴⁶ The new WJP Rule of Law Index scores show that more countries declined than improved in the overall rule of law

137. Extractive Industries Transparency Initiative [EITI], *2019 EITI Standard Overview of Key Changes* (Aug. 2019), <https://eiti.org/document/presentation-on-changes-to-eiti-standard-2016-to-2019>.

138. *Id.*

139. *EITI Board Approves Argentina's Application to Join the Extractive Industries Transparency Initiative*, EITI (Feb. 27, 2019), <https://eiti.org/news/eiti-board-approves-argentinas-application-to-join-extractive-industries-transparency>.

140. *Ecuador Commits to Join the EITI*, EITI (Sept. 13, 2019), <https://eiti.org/news/ecuador-commits-to-join-eiti>.

141. Extractive Industries Transparency Initiative [EITI], *Transparency Initiative Progress Report 2019*, at 1 (2019), https://eiti.org/sites/default/files/documents/eiti_progress_report_2019_en.pdf.

142. *Id.*

143. *Id.* at 5.

144. *Beneficial ownership regional workshop in Manila*, EITI, <https://eiti.org/event/beneficial-ownership-regional-workshop-in-manila> (last visited Dec. 8, 2019).

145. World Justice Project [WJP], *Rule of Law Continues Negative Slide Worldwide* (Feb. 28, 2019), https://worldjusticeproject.org/sites/default/files/documents/2019%20WJP%20Rule%20of%20Law%20Index%20-%20Global%20PR_final.pdf.

146. *Id.*

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performance for the second year in a row with a continuing trend to a negative slide toward a weaker rule of law around the world.¹⁴⁷ The authors of the report see signs “suggesting rising authoritarianism” is driven, in part, by receding governmental and non-governmental checks such as an independent judiciary, a free press, and legislative oversight.¹⁴⁸

The top performers in the latest WJP Rule of Law Index were Denmark, Norway, and Finland.¹⁴⁹ The Democratic Republic of the Congo, Cambodia, and Venezuela ranked the lowest.¹⁵⁰

D. NATURAL RESOURCE GOVERNANCE INSTITUTE (NRGI)

In April 2019, NRGi launched the National Oil Company Database (the “Database”).¹⁵¹ In its accompanying report, NRGi noted that national oil companies (NOCs) produce fifty-five percent of the world’s oil and gas and control up to ninety percent of global supply of these natural resources.¹⁵² But many NOCs struggle to generate fiscal revenue contributions to the national treasury and have been beset by corruption. The Database is designed to fill the gap in publicly available data to assess the NOC’s performance and hold them accountable to generate returns on public investment.¹⁵³

At the time of its launch in 2019, the National Oil Company Database covered seventy-one NOC’s from sixty-one countries, providing data across topics such as NOC production, revenue generation, fiscal transfers to government and operational and financial performance, covering 2011 to 2017.¹⁵⁴

147. *Id.*

148. *Id.*

149. *Id.*

150. *Id.*

151. Nat. Res. Governance Inst., *The National Oil Company Database*, at 1 (Apr. 2019), https://resourcegovernance.org/sites/default/files/documents/national_oil_company_database.pdf.

152. *Id.* at 2.

153. *Id.* at 2.

154. *Id.*