

1. Record Nr.	UNINA9910460342603321
Autore	Makinwa A (Abiola)
Titolo	Private remedies for corruption : towards an international framework / / Abiola O. Makinwa
Pubbl/distr/stampa	Hague, Netherlands : , : Eleven International Publishing, , 2013 Portland, Oregon : , : International Specialized Book Services, , [date of distribution not identified] ©2013
ISBN	94-6094-543-0
Descrizione fisica	1 online resource (543 p.)
Disciplina	364.1323
Soggetti	Corruption - Prevention Bribery - Prevention Misconduct in office - Prevention Electronic books.
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Cover; ACKNOWLEDGEMENTS; TABLE OF CONTENTS; LIST OF SELECTED ACRONYMS AND ABBREVIATIONS; TABLE OF CASES; PART I: THE FOUNDATION FOR PRIVATE REMEDIES; CHAPTER 1: INTRODUCTION; 1.1 THE CORRUPTION CONUNDRUM; 1.2 THE RESEARCH QUESTION; 1.3 CHOICE OF RESEARCH METHOD; 1.4 FUNCTIONAL COMPARISON; 1.5 EMPIRICAL CASE STUDY; 1.6 RELEVANCE OF RESEARCH; 1.7 OUTLINE OF THIS BOOK; CHAPTER 2: THE CHALLENGES OF FIGHTING CORRUPTION; 2.1 INTRODUCTION; 2.2 THE PROBLEM OF DEFINITION; 2.3 COMPROMISED PROCESSES OF GOVERNANCE; 2.4 CHALLENGE FACED BY BUSINESS OPERATORS; 2.5 CHALLENGE FACED BY JUDICIAL PROCESSES 2.6 NEW ORDERING OF INTERNATIONAL SOCIETY2.7 THE PATH AHEAD; 2.8 CONCLUSION; CHAPTER 3: FROM THE FCPA TO AN INTERNATIONAL STANDARD; 3.1 INTRODUCTION; 3.2 THE FOREIGN CORRUPT PRACTICES ACT - THE GENESIS; 3.3 THE FCPA: THE PROHIBITIONS; 3.4 FCPA PENALTIES; 3.5 FCPA GUIDANCE AND OPINIONS BY THE ATTORNEY GENERAL; 3.6 ENFORCEMENT OF THE FCPA; 3.7 EFFECT OF OTHER US LAWS AND PROVISIONS; 3.8 LOOPHOLES IN THE FCPA; 3.9

ENCOURAGING A PUBLIC-PRIVATE PARTNERSHIP; 3.10  
 INTERNATIONALIZATION OF THE FCPA STANDARD; 3.11 KEY ELEMENTS  
 OF INTERNATIONAL CORRUPTION; 3.12 SELF-REGULATION AND BEST  
 PRACTICES  
 3.13 OBSERVATIONS3.14 CONCLUSION; PART II: MODELS OF PRIVATE  
 REMEDIES; CHAPTER 4: PRIVATE REMEDIES IN THE UNITED STATES; 4.1  
 INTRODUCTION; 4.2 THE NORMATIVE FRAMEWORK; 4.3 THE PRIVATE  
 RIGHT OF ACTION; 4.4 TRANSACTION VALIDITY; 4.5 THE PRIVATE  
 CLAIM FOR CORRUPTION; 4.6 OBSERVATIONS; 4.7 CONCLUSION;  
 CHAPTER 5: PRIVATE REMEDIES IN ENGLAND; 5.1 INTRODUCTION; 5.2  
 THE NORMATIVE FRAMEWORK; 5.3 THE CIVIL LAW DEFINITION OF  
 CORRUPTION; 5.4 TRANSACTION VALIDITY; 5.5 THE PRIVATE CLAIM  
 FOR CORRUPTION; 5.6 OBSERVATIONS; 5.7 CONCLUSION; CHAPTER 6:  
 PRIVATE REMEDIES IN THE NETHERLANDS; 6.1 INTRODUCTION  
 6.2 THE NORMATIVE FRAMEWORK6.3 CONSEQUENCES OF BRIBERY ON  
 CONTRACTS; 6.4 RIGHT TO RETURN OF THE BRIBE OR OTHER  
 PERFORMANCE; 6.5 TORT CLAIMS; 6.6 COMPENSATION FOR DAMAGES;  
 6.7 DISMISSAL OF THE AGENT; 6.8 THE COLLECTIVE CLAIM; 6.9  
 OBSERVATIONS; 6.10 CONCLUSION; CHAPTER 7: THE ROLE OF  
 INTERNATIONAL ARBITRATION; 7.1 INTRODUCTION; 7.2 THE  
 ARBITRATION PANEL AND THE VICTIM OF CORRUPTION; 7.3  
 IMPLICATIONS OF CRIMINALIZATION; 7.4 THE PUBLIC/PRIVATE DIVIDE;  
 7.5 EFFECT OF MANDATORY NATURE OF ANTI-CORRUPTION RULES; 7.6  
 CONVERGENCE OF INTERNATIONAL PUBLIC POLICY ON CORRUPTION;  
 7.7 A MEDLEY OF ROLES  
 7.8 QUESTIONING THE ROLE OF THE ARBITRATION TRIBUNAL7.9 THE  
 SOCIALLY RESPONSIBLE ARBITRATION TRIBUNAL; 7.10 CONCLUSION;  
 PART III: TOWARDS AN INTERNATIONAL FRAMEWORK; CHAPTER 8:  
 TRANSACTION VALIDITY; 8.1 INTRODUCTION; 8.2 CONSEQUENCES OF  
 CORRUPTION UNDER THE UN CONVENTION; 8.3 THE PRIMARY  
 CONTRACT; 8.4 THE SECONDARY CONTRACT; 8.5 THE CONTRACT AS  
 AN INTERNATIONAL REGULATORY TOOL; 8.6 OBSERVATIONS; 8.7  
 CONCLUSION; CHAPTER 9: INSTITUTING PRIVATE LEGAL PROCEEDINGS;  
 9.1 INTRODUCTION; 9.2 CIVIL LIABILITY AS ENFORCEMENT MECHANISM;  
 9.3 ART. 35: THE CORNERSTONE OF A VICTIM-CENTERED APPROACH?  
 9.4 PRIVATE RIGHT OF ACTION UNDER ART. 35 UNCC

## Sommario/riassunto

Despite significant developments in anti-corruption law and policy over the last 20 years, corruption still remains a deep and pressing problem. The profoundly negative consequences of corruption in a global world make the need for effective mechanisms to combat it particularly urgent. This book presents private remedies as a necessary next step in the fight against corruption. It examines how the public role of the state and private actions by individuals intersect and complement each other in the fight against corruption. Taking a comparative and conceptual approach, the book explores the po