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Introduction

Each year, the Cornell International Law Journal (CILJ) holds a Symposium to address a current, important topic of international law. This issue contains a collection of addresses, articles, and essays stemming from the CILJ's 2000 Symposium, entitled Fighting International Corruption and Bribery in the 21st Century. International corruption is a continued concern that corporations and governments must face as national boundaries become increasingly blurred and transactions flow with little regard for the traditional boundaries of the state. We hope that the ideas and theories put forth at this Symposium may help modernize the perception and fight against corruption and bribery across national borders.

Panel Descriptions

First Panel: Extraterritorial Jurisdiction: The Expanding Scope of Anti-Corruption Law

This panel focused on the controversial issue of the extraterritorial jurisdiction imposed by supply-side anti-corruption laws. Participants discussed the legal theories propounded as justification for the assertion of jurisdiction over foreign companies and foreign nationals for violations of domestic criminal law and explored the implications of extraterritorial jurisdiction for traditional notions of state sovereignty. The panel also examined recent efforts by the United States Department of Justice and Securities Exchange Commission to expand the scope of the Foreign Corrupt Practices Act.

Participants: Beverly Earle, Timothy Fort, Kathleen Getz, Philip Nichols, Steven Salbu, Bill Shaw, Clyde Stoltenberg.

Luncheon Address

Miguel Schloss provided a brief overview of the issues stemming from international bribery. He outlined the commonly identified root causes of corruption and described the responses of various facets of the international community. Finally, Mr. Schloss detailed efforts of his organization, Transparency International, to facilitate debate and cooperation.

Second Panel: The Criminalization of Corporate Bribery: Effects, Justifications, and Alternatives

This panel considered the impact of anti-corruption regulation on transnational corporations. Participants discussed the propriety and effectiveness of criminalizing transnational bribery and the usefulness of alternative methods of combating corruption, such as increased transparency in international business.

accounting and voluntary codes of conduct. The panel also focused on the recent trend toward more stringent enforcement of the Foreign Corrupt Practices Act through increased penalties for violations and prosecution of top executives directly and indirectly involved in bribery. Other issues of note included whether the competitive disadvantage suffered by corporations subject to supply-side regulation is justified by the harmful effects of corruption and the extent to which market forces and globalization could effectively eradicate corruption.

Participants: Thomas Dunfee, Barbara Crutchfield George, Kathleen Getz, David Hess, Kathleen Lacey, Philip Nichols, Steven Salbu, Duane Windsor.

Third Panel: Globalization and Multilateralization: Combating Corruption into the 21st Century

This panel focused on the future of domestic and multilateral anti-corruption efforts. Participants considered the acceleration of global corruption despite heightened awareness of the deleterious effects of bribery and increased efforts to combat transnational corruption. The panel explored the relationship between globalization and corruption and the special problems presented by transitional and new market economies. In addition, participants investigated the interplay between demand-side and supply-side regulation and attempted to predict the effectiveness of the recently promulgated multilateral treaties of the Organization for Economic Cooperation and Development, the Organization of American States, and the European Union.

Participants: Thomas Dunfee, Beverly Earle, Timothy Fort, Barbara Crutchfield George, David Hess, Kathleen Lacey, Bill Shaw, Clyde Stoltenberg, Duane Windsor.
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