EUROPEAN INTER-UNIVERSITY CENTRE EUROPEAN MASTER'S PROGRAMME IN HUMAN RIGHTS AND DEMOCRATISATION

University of Maastricht Faculty of Law

FIGHTING CORRUPTION: THE ROLE OF THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES AND NATIONAL CONTACT POINTS

Master's Thesis

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Venice/Maastricht/Ljubljana 2013



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The Role of the OECD Guidelines for Multinational Enterprises and National Contact Points

Academic year: 2012/2013

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ABSTRACT

The purpose of the thesis is to determine the role of the Guidelines and National Contact Points (hereafter NCPs) in the fight against corruption. In order to achieve that purpose, three questions are posed, firstly, what the role of the Guidelines in the fight against corruption is, secondly, what the role of NCPs is, and lastly, what can be done to improve these two roles.

The thesis is divided into two parts. The first part forms the theoretical framework, and the second part forms the critical analysis.

The theoretical framework of the thesis focuses on defining the concept of corruption, by determining the forms in which corruption occurs, distinguishing between various types of corrupt acts, and highlighting the severity of its consequences. The rationale of this chapter lies in the understanding of the phenomenon dealt with by the thesis. Furthermore, the theoretical framework of the thesis touches upon the Organisation for Economic Development (hereafter the OECD). The understanding of the legal instruments of the OECD and its vital role in the fight against corruption is of upmost importance for the elaboration on the purpose of the thesis. In regard to the role of the OECD, an overview of the development and content of the Guidelines is also made.

The critical analysis encompasses the analysis of the seventh chapter of the Guidelines, which is made by comparing the scope of the anti-bribery chapter of the Guidelines to the Anti-Bribery Convention and by analysing a number of relevant specific instances that were brought up before NCPs. Next, the effectiveness of NCPs is determined with the help of the analysis of specific instances. The main sources for these two chapters were the Guidelines, the Anti-Bribery Convention, and specific instances.

Lastly, upon highlighting the remaining challenges regarding the Guidelines' and NCPs' fight against corruption are introduced, and recommendations are made.

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