

7/6 Aaly Tokombaev, 720060,

Bishkek, Kyrgyzstan

инн 01407199310022 | 999 УККН

www.auca.kg

**Enter the course title here** Business Integrity and Global Fight Against Corruption

**Enter the course code** LLM/MBA 583

**Enter the number of credits**  3

**Enter information on when the course is offered** Fall, 2019

**Instructor:** Khachik Harutyunyan

**Class Schedule**: November 11- 15, 2019  
 17.10-19.30

**Office Hours**: By appointment

**Contact Information**: khachik.harutyunyan@gmail.com

1. **GENERAL DESCRIPTION AND OBJECTIVES OF THE COURSE**

This course is a … credit course covering the main role of ‘Business Integrity’ in overall fight against corruption. Before 1990-s, some practitioners and scholars were claiming that corruption is good not only for the development of the state but also for the business. Nevertheless, later on, when data was generated, it became clear that corruption does not induce to the development of neither business nor state.  
  
But what is Business Integrity? Why it is important? These are the main questions that will be answered during the course. The course will provide distinct answers to different roles that business plays in overall fight against corruption and also in ‘flourishing’ of corruption. The notions of ‘Beneficial ownership’ and ‘Collective action’ will also be discussed in great details.   
  
Contemporary problem which exists in all countries ‘Business and Politics’ will be one of the cornerstones of this course. The course is designed based on the logic of not only ‘What is the problem?’ but also ‘How to address the problem? What can be done and what is being done?’.   
  
We will empower students to have comprehensive and concrete knowledge about the issues presented above. The course will engage students in Socratic spirit of dialogues and will strive to left unanswered 0 question.  
  
Objectives:   
  
1. Students will have practical and theoretical knowledge on what constitutes ‘Business Integrity’, its importance and benefits;   
2. Students will have thorough understanding about the role of business in various configurations in corruption and anti-corruption;  
3. Students will have practical knowledge in regard to contemporary problems (e.g. beneficial Ownership) and responses (e.g. collective action initiatives) designed by international community and non-state actors to the question of private sector corruption;   
4. Students will have knowledge on the dynamics of business and politics and main international hard and soft law instruments connected to the ‘Business Integrity’.

1. **PROGRAM AND COURSE LEARNING OUTCOMES**

**PROGRAM LEARNING OUTCOMES**

Graduates of the Law Program should have the following competencies:

1. carry out professional activities in good faith on the basis of developed   
   legal consciousness, legal thinking, and legal culture and with observation of ethical principles of the legal profession;
2. apply professional judgment, perform quality legal analysis, conduct legal research, and solve legal problems;
3. be able to speak and write in an argumentative, logical, and clear way in the legal context, have skills necessary to draft legal documents, be fluent in the English language at the level of professional communication;
4. draft normative legal acts and carry out their legal expertise in the field of professional activity;
5. interpret and apply substantive and procedural norms, provide qualified legal opinions and consultations in concrete types of legal activity;
6. demonstrate leadership qualities, active citizenship, take and develop initiatives aimed at promotion of civil society and welfare state;
7. understand the essence and significance of information in the development of modern society and law, master the basic methods of working with information and information technologies in the professional sphere.

**COURSE LEARNING OUTCOMES**

Please, list your course learning outcomes and indicate which learning outcomes of the LL.M. Program they help achieve. Each course should have 5-6 learning outcomes.

|  |  |
| --- | --- |
| Upon successful completion of the course students will be able to: | Law Program Learning Outcomes |
| Differentiate between different concepts such as ‘Business Integrity’ and notions important and relevant to it ‘Beneficial Ownership’ and ‘Collective Action’. | 1,2,3,5,6,7 |
| Detect most common and trending schemes pertaining to the role of business in illegal party funding | 1,2,3,5,6,7 |
| Sort different international tools related to the topic | 2,7 |
| Critically argue about the role of business in the overall fight against corruption and detect various configurations of business in corruption | 3,5,6,7 |
| Analyze practical scenarios related to red flags of business involvement with external actors and red flags for business conducted within its own structure | 2,3,5,7 |

1. **TEACHING METHODS**

Lecture method; Socratic discussion; Brainstorming.

1. **COURSE REQUIREMENTS AND POLICY**
2. The class will meet each day of the week November 11-15. Class sessions are a mixture of lectures and interactive student-focused activities. Students are expected to come to classes prepared and be ready to discuss the assigned materials.
3. Students must be ON TIME for classes. If a student comes to class late and the instructor has already marked him/her as absent, the student is considered to be absent for the whole class.
4. CLASS ATTENDANCE is required. If the student misses a class with an excuse, a document explaining the absence must be presented to the instructor no later than the next class following the class during which the student was absent. If the requirements mentioned above are not observed, the student’s absence is considered to be unexcused. If the student misses more than 2 classes without an excuse or 50% of the whole course (irrespective of the reason for absence), the student will be assigned an “F” grade for the course.
5. Each student is required to be enrolled in the e-course system ([www.e-course.auca.kg](http://www.e-course.auca.kg)). The purpose of the e-course system is to allow students to get access to course materials, upload their course assignments, and benefit from a variety of interactive learning opportunities.
6. WRITTEN ASSIGNMENTS must be submitted by the set deadline and by the means specified by the instructor. Late submissions are NOT allowed. ***This rule applies to any student who was aware or should have been aware of an assignment and the deadline no matter whether he was sick or had any other excuse on the date of the deadline***.
7. The student has to follow the AUCA Academic Honesty Code and the Law Division’s Policy on Plagiarism. All types of **cheating** (plagiarism, etc.) are strictly prohibited. If a student fails to observe this requirement, the instructor may assign an “F” grade for the work or an “F” grade for the whole course depending on the type of assignment and other circumstances.
8. CELL PHONES and any other electronic devices should be turned off or kept on a silent mode and are allowed to be used only for academic purposes unless restricted by the instructor.

**Please, note that this syllabus is subject to change. Any changes to the syllabus will be announced in class, and the updated version of the syllabus will be available in the e-course. It is students’ duty to stay informed of any adjustments made.**

1. **GRADING**

Grading will be based upon the following components:  
Attendance 15%  
Participation: 25%  
Exam: 60%

**Grading Scale of the LL.M. Program**

|  |  |  |  |
| --- | --- | --- | --- |
| A | 94-100% | C | 68-73% |
| А- | 90-93% | С- | 64-67% |
| В+ | 86-89% | D+ | 60-63% |
| B | 80-85% | D | 54-59% |
| В- | 77-79% | D- | 50-53% |
| С+ | 74-76% | F | below 50% |

1. **COURSE MATERIALS**

Please, provide a list of required and recommended reading materials (books, articles, etc.). You may also indicate normative legal acts to be used in the course. The list of course materials should be updated each year.

1. **Required Reading Materials**
2. Matthew Jenkins (2017). The relationship between business integrity and commercial success. U4.
3. OECD (2017). Corporate Governance And Business Integrity: A Stocktaking of Corporate Practices. OECD. P.19-29
4. Simon Robinson (2016). The practice of integrity in business. Palgrave Studies in Governance, Leadership and Responsibility. P.1-31
5. OECD (2016). Business Integrity in Eastern Europe and Central Asia.OECD. P.131-169
6. Maira Martini (2013). The role of business associations and chambers of commerce in the fight against corruption. U4
7. Jennifer Schöberlein (2019). Best practices in collective action for business integrity. TI
8. How to Protect Your Business in the Global Marketplace. John Wiley and Sons, Inc. P.143-157
9. Maira Martini (2019). Who is behind the wheel? Fixing the global standards on company ownership. TI
10. Emile van der Does de Willebois Emily M. Halter Robert A. Harrison Ji Won Park J. C. Sharman (2011). The puppet masters. STAR-WB, UNODC. P.69-109
11. Maira Martini, Maggie Murphy (2015). Just for show? Reviewing G20 promises on beneficial ownership. P.8-16
12. William P. Olsen (2010). The Anti-Corruption Handbook. How to Protect Your Business in the Global Marketplace. John Wiley and Sons, Inc. P.143-157
13. Jennifer Schöberlein (2019). Best practices in collective action for business integrity. TI
14. Maira Martini (2013). The role of business associations and chambers of commerce in the fight against corruption. U4
15. Matthew Jenkins and Suzane Mulcahy (2018). Businesses’ lobbying practices.TI.
16. Iñaki Albisu Ardigó (2019). Corporate transparency Overview of issues and literature review. TI
17. Elin Falguera, Samuel Jones and Magnus Ohman-*editors* (2014). Funding of Political Parties and Election Campaigns. International IDEA. P.172-202, 344-355
18. Mara Mendes (2013). Overview of corruption in the media in developing countries. TI-U4.
19. Wasil Schauseil (2019). Media and corruption. U4.
20. Agatino Camarda (2016). Good practices to ensure transparency and integrity of media companies. TI.
21. Berta van Schoor (2017). Fighting corruption collectively. How Successful are Sector-Specific Coordinated Governance Initiatives in Curbing Corruption? Springer. P.117-139
22. OECD (2015). Consequences of Corruption at the sector Level and implications for Economic Growth and Development. OECD. P.35-43
23. Roberto Martinez B. Kukutschka (2016). The potential role of EITI in fighting corruption and IFFs. U4
24. Compendium of soft and hard law instruments (to be provided)
25. **Recommended Reading Materials**

1. Stefan Heissner (2015). Managing Business Integrity: Prevent, Detect, and Investigate White-collar Crime and Corruption. P.52-66

2. Inaki Ardigo (2018). Best practices in business integrity support provided by investment promotion agencies. U4.

3. Krist Lee-Jones (2014). Regulating private sector corruption. TI

4. Sofia Wickberg (2012). Business case for fighting corruption. TI

5. Maira Martini (2014).Regulating private-to-private corruption. TI

6. Indira Carr and Opi Outhwaite (2009). Corruption and Business Integrity: Law, Policy and Company Practices. Manchester Journal of International Economic Law Volume 6, Issue 3. P. 16-64

1. **COURSE OUTLINE**

|  |  |  |
| --- | --- | --- |
| **Week** | **Class topics** | **Assignments, materials to be read[[1]](#footnote-1)** |
| Day 1 | The concept of ‘Business Integrity’: General Introduction and Various Roles of Business. | 1. Matthew Jenkins (2017). The relationship between business integrity and commercial success. U4. 2. OECD (2017). Corporate Governance And Business Integrity: A Stocktaking of Corporate Practices. OECD. P.19-29 3. Simon Robinson (2016). The practice of integrity in business. Palgrave Studies in Governance, Leadership and Responsibility. P.1-31 4. OECD (2016). Business Integrity in Eastern Europe and Central Asia.OECD. P.131-169 5. Compendium of soft and hard law instruments (provided) |
| Day 2 | The main ‘headache’ for the states: Beneficiary Ownership | 1. Maira Martini (2019). Who is behind the wheel? Fixing the global standards on company ownership. TI 2. Emile van der Does de Willebois Emily M. Halter Robert A. Harrison Ji Won Park J. C. Sharman (2011). The puppet masters. STAR-WB, UNODC. P.69-109 3. Maira Martini, Maggie Murphy (2015). Just for show? Reviewing G20 promises on beneficial ownership. P.8-16 |
| Day 3 | Business-Media-Politics: Powerful triangle | 1. Mara Mendes (2013). Overview of corruption in the media in developing countries. TI-U4. 2. Wasil Schauseil (2019). Media and corruption. U4. 3. Agatino Camarda (2016). Good practices to ensure transparency and integrity of media companies. TI. 4. Matthew Jenkins and Suzane Mulcahy (2018). Businesses’ lobbying practices.TI. 5. Iñaki Albisu Ardigó (2019). Corporate transparency Overview of issues and literature review. TI 6. Elin Falguera, Samuel Jones and Magnus Ohman-editors (2014). Funding of Political Parties and Election Campaigns. International IDEA. P.172-202, 344-355 |
| Day 4 | Collective Action: Theory and Practice | 1. Maira Martini (2013). The role of business associations and chambers of commerce in the fight against corruption. U4 2. Jennifer Schöberlein (2019). Best practices in collective action for business integrity. TI 3. William P. Olsen (2010). The Anti-Corruption Handbook How to Protect Your Business in the Global Marketplace. John Wiley and Sons, Inc. P.143-157 |
| Day 5 | Part 1. Extractive Industries Transparency Initiative |(EITI)-Champion as a champion?  Part 2. Wrap-up of the course followed by exam | 1. Berta van Schoor (2017). Fighting corruption collectively. How Successful are Sector-Specific Coordinated Governance Initiatives in Curbing Corruption? Springer. P.117-139 2. OECD (2015). Consequences of Corruption at the sector Level and implications for Economic Growth and Development. OECD. P.35-43 3. Roberto Martinez B. Kukutschka (2016). The potential role of EITI in fighting corruption and IFFs. U4 |

1. This information may be provided either in the syllabus or in the e-course. [↑](#footnote-ref-1)