

Analysis of international sanctions regimes with a focus on international anti-corruption sanctions and their applicability in EU restrictive measures

Abstract

This thesis provides a comprehensive insight into existing anti-corruption regimes based on international conventions and anti-corruption sanctions regimes. Following an extensive analysis of existing anti-corruption regimes, the thesis examines a new proposal for an anti-corruption regime at the level of the European Union, providing its own proposal for the legal characteristics of a horizontal thematic EU sanctions regime.

The theoretical part introduces the thesis, in which the author focuses primarily on the notion of international sanctions and EU restrictive measures, distinguishes between different approaches to understanding the sanctions issue and presents two main approaches to the international fight against corruption – in the form of anti-corruption conventions and Magnitsky-type anti-corruption sanctions regimes. In order to understand the basis on which the various sanction regimes emerge, the thesis first needs to define the anti-corruption regimes created on the basis of multilateral treaties.

The analytical part of the thesis comes with a comparative study of the most important international anti-corruption regimes, focusing first on multilateral anti-corruption regimes and then on Magnitsky-type sanctions regimes. This section provides an overview of the entities that make up these regimes and analyses their approach to defining corrupt conduct. Emphasis is also placed on the implementation and monitoring mechanisms or the role of civil society in the design and implementation of each anti-corruption regime.

Finally, in the application section, the author uses the findings to present and evaluate the currently proposed EU anti-corruption regime. He first discusses the proposal for a Directive on combatting corruption, then comes up with his own proposal for the legal characteristics of the new anti-corruption sanction regime. Based on the study, the author concludes that, given current developments, the realistic path to EU anti-corruption sanctions appears to be one of modifying existing geographical regimes.

Keywords: international sanctions, corruption, anti-corruption regimes, EU Common Foreign and Security Policy