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Poverty, corruption, trade, or terrorism? Strategic framing in the politics of UK anti-bribery compliance

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Abstract

What explains longstanding UK non-compliance with international anti-bribery norms? Drawing on evidence from a comparative study of state compliance with the Organization for Economic Cooperation and Development (OECD) anti-bribery Convention and building on the literature on 'framing' in Sociology and International Relations, this article identifies and illustrates the impact of strategic policy framing on UK anti-bribery policy in the years following the United Kingdom's commitment to criminalize transnational business bribes, in 1997. The research examines the way in which anti-bribery proponents and opponents framed the practice of transnational bribery differently across four distinct policy contexts in the United Kingdom: international development and poverty reduction, domestic anti-corruption, strategic trade, and—following 11 September 2001—international anti-terrorism. The analysis shows that: (a) policy advocates' choice of frame crucially affected the timing and scope of UK anti-bribery legislation and the extent of UK (non)compliance with international anti-corruption law; and (b) the expedient frame was not necessarily the most conducive to full compliance.

Keywords

anti-corruption, compliance, framing, global governance, policy advocacy, transnational bribery

Introduction

The UK anti-bribery act of 2010 is today among the most stringent national laws aiming to control bribery and corruption in the global economy (*thebriberyact.com*, 2014; Transparency International UK (TI-UK), 2015). For more than a decade prior to its enactment, however, the United Kingdom largely failed to uphold its international legal commitments to control the supply-side of transnational bribery. Although in 1997 the United Kingdom had agreed, alongside its partners in the Organization for Economic Cooperation and Development (OECD), on a binding international convention to criminalize the bribery

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of foreign public officials in international business transactions and to participate in peer review processes to monitor and enforce compliance, OECD peer reviewers recurrently found UK anti-bribery law deficient. The OECD's Working Group on International Bribery (Working Group), its Directorate of Fiscal and Financial affairs, the NGO Transparency International, and the United Kingdom's own sovereign allies sharply criticized the United Kingdom for inadequate implementation and enforcement of the anti-bribery convention. The OECD repeatedly urged the United Kingdom to 'enact appropriate legislation and to do so as a matter of priority' (Working Group on Bribery, 1999: 24, 2003).

Why didn't the United Kingdom comply? From the point of view of both Rationalist and Constructivist theories of compliance—which identify such explanatory variables as power or coercion, national interest, institutional design, domestic regime type, administrative capacity, legitimacy, and norms (Hafner-Burton et al., 2012; Simmons, 2010; Von Stein, 2013)—UK non-compliance with international anti-bribery law presents a genuine puzzle. Signatory states intended the OECD anti-bribery Convention to solve the costly prisoner's dilemma of bribery in international business and to support fair and efficient trade in the liberal international economic order, consistent with UK interests and those of its trading partners and competitors alike (Elliott, 1996). The OECD effort to control corruption in the global economy also aligned with the United Kingdom's avowed liberal-democratic norms and 'ethical foreign policy' objectives (*The Guardian*, 1997). Unlike Germany, France, and other signatories that had openly permitted the tax deductibility of foreign bribes prior to implementing the Convention, the United Kingdom required no explicit shift in its policy in order to comply. The Convention's rigorous system of peer review also ensured that failures to comply would be detected. Moreover, international cooperation to control transnational bribery was a high-priority for the United States, a close and powerful ally.

Drawing on evidence from a comparative study of state compliance with the OECD Convention during the first phase of peer review (1998–2002), and building on the literature on 'framing' in Sociology and International Relations (IR) (Autesserre, 2009; Benford and Snow, 2000; Keck and Sikkink, 1998), this article identifies and illustrates the impact of strategic policy framing on UK anti-bribery policy and compliance with the OECD Convention. The research reveals, first, four distinct frames—identified by the different policy contexts in which domestic advocates and opponents situated their arguments for and against UK compliance with international anti-bribery rules: international development and poverty reduction, domestic anti-corruption reform, strategic trade competition, and anti-terrorism. Second, a key finding is that policy advocates' choice of frame crucially affected the timing, scope, and enforcement of UK anti-bribery legislation. Proponents of the Convention initially framed the issue of transnational bribery in the low-priority policy contexts of international development and the reform of domestic corruption law, neither of which lent any urgency to the Convention in UK politics and were therefore 'weak' frames. In contrast, opponents of anti-bribery legislation in business and government framed the Convention in the powerful context of strategic trade—a high-priority policy context and thus a 'strong' frame—which promoted non-compliance for reasons of competitive advantage in global commerce. After the terrorist attacks of 2001, UK proponents of the Convention seized upon an even more powerful policy frame: anti-terrorism. This frame facilitated the initial implementation of the Convention in UK law notwithstanding strategic trade concerns. Even then, however, analysts and observers later noted that, although the United Kingdom appears to comply with the letter of international law, it 'fails to give effect to its spirit' (Arnell and Quiroz-Onate, 2010: 184); the anti-terrorism frame, though expedient for implementation, still did not promote full compliance.

'Weak' policy framing by anti-bribery advocates, therefore, and 'strong' framing by anti-bribery opponents are necessary—though not sufficient—components of any explanation for the United Kingdom's failure to comply in this case. While similar framing effects have been found to be decisive in other subfields of political science and in sociology, they remain somewhat understudied in IR. This article contributes to the study of framing in IR, foreign policy analysis, and transnational advocacy studies by showing how policy framing can be a critical mechanism through which policy advocates articulate norms and interests and through which international norms and rules impact state policies: state interests become identified and prioritized through framing and advocates should pay particular attention to policy context as a crucial component of framing. Since some frames are more persuasive than others, this article emphasizes the need for further research on how policy advocates might identify ex ante what makes a strong frame, and how best strategically to choose the most effective policy context in which to frame their policy goals. In addition, this study's finding that the policy context of greatest expediency, the 'strong' frame, nevertheless may not be the frame most conducive to full compliance is especially important. Although a 'strong' frame in such a high-priority policy context as anti-terrorism may lead to law formation—as scholars of securitization have shown (Balzacq, 2011; Buzan et al., 1998)—the strong frame is not always the most conducive to fulfilling a group's initial aims, nor to the promotion of the norm that is purportedly at stake (Carpenter, 2005). Policy advocates engaged in the strategic framing of anti-corruption (and other) messages need to be aware of these trade-offs.

This study's examination of UK anti-bribery policy also contributes to the literature on the global governance of corruption, of growing importance within IR (Hindess, 2005; Jakobi, 2013; Jakobi and Wolf, 2013). Since the 1990s corruption has emerged as a primary item on the global governance agenda. Although the subject of extensive interest in political science, economics, law, and global policy generally (Johnston, 2005; Rose-Ackerman, 1999), the global governance aspects of this trend—including the evolution of global anti-corruption norms, their domestic impacts, and the conditions under which states may be more or less likely to comply with them—remain understudied. This article's focus on strategic framing in anti-corruption advocacy in the United Kingdom argues for the relevance and importance of framing in anti-corruption politics at all levels as well as in transnational political advocacy, generally.

The article proceeds in four sections. The section on 'Frames and framing in the international politics of transnational bribery and corruption' situates the study's concept of frames within the broader literature and describes the qualitative methods used to identify frames in UK anti-bribery politics. The next section describes UK non-compliance with international anti-bribery law in the period 1998–2002 and examines an important alternative explanation for this non-compliance: that it was simply unintentional. The main analysis comes in the section on 'Anti-bribery policy in the United Kingdom: Four frames', which identifies four distinct policy frames and discusses the impact of each on UK anti-bribery policy. The article's conclusion offers broader observations on policy framing in IR and foreign policy and provides directions for further research.

Frames and framing in the international politics of transnational bribery and corruption

The concepts of frames, framing, and frame analysis animate distinct conversations in sociology (Benford and Snow, 2000; Goffman, 1975), political science and public policy

(Rose and Baumgartner, 2013), media studies and mass communication (Reese et al., 2001), decision-making theory (Tversky and Kahneman, 1981), public opinion research (Chong and Druckman, 2007), and IR (Autesserre, 2009; Barnett, 1999; Carpenter, 2005; Keck and Sikkink, 1998). Diverse in its definitions, theories, methods, and purposes, this voluminous scholarship offers no single theory of frames or framing. Rather, different approaches variously highlight the psychological, sociological, cultural, and political dimensions of frames and framing as sources of social and political meaning and action.

Generally speaking, 'frames' are the collective, intersubjective understandings and structures of meaning found in any culture and 'framing' is 'the construction and use of frames within a society' (Autesserre, 2009; Hertog and McLeod, 2001: 141). In the sociological IR literature, frames are particularly important as sources of social and political action. They are the sets of symbolic representations, metaphors, and cognitive cues that social movements and groups use to define issue areas, suggest solutions, and attract members and resources. In other words, they are *collective action frames*: action-oriented sets of beliefs and meanings that inspire and legitimate the activities of social organizations (Benford and Snow, 2000: 614; Snow and Benford, 1992; Snow and Corrigall-Brown, 2005: 222). *Framing* is the strategic marshalling of key rhetorical tools to create support for normative ideas—a central task of transnational advocacy aiming at state adoption or implementation of preferred policies (Keck and Sikkink, 1998). Actors strategically frame problems and events—and compete in doing so—because the ways in which an issue is understood will have important consequences for mobilizing action and achieving goals (Barnett, 1999: 15). In short, frames generate interests, suggest alternative modes of action, structure constraints and opportunities, and explain patterns of behaviour (Autesserre, 2009; Barnett, 1999).

Importantly, a single issue can be framed differently by different actors within a single context (and across contexts), and certain frames can be more powerful than others within or across contexts. For example, abortion rights activists in Germany frame their arguments in terms of 'women's self-determination', whereas abortion rights activists in the United States use a 'right to privacy' frame (Ferree et al., 2002). In the United States, a powerful 'innocence frame' that arose in the 1990s succeeded in dramatically reducing executions, death sentences, and public support for capital punishment where 'morality' and 'constitutionality' frames had not (Baumgartner et al., 2008). Transnational women's rights campaigns opposing violence against women grew rapidly in strength once they re-framed the issue of violence against women as a human rights issue, rather than focusing on suffrage, discrimination, or equality (Keck and Sikkink, 1998: chapter 5).

What makes a strong frame? Despite providing evidence that policy advocates are more likely to succeed by strategically framing their goals to resonate with relevant audiences, IR scholars have not identified ex ante factors that might make a frame powerful, persuasive, or resonant in any specific context. One important aspect of framing that deserves greater attention is the domestic policy agenda. Since certain policy areas have greater prominence in some political contexts than in others, the choice of policy context within which to situate new normative ideas and policies is crucial. IR scholars have persuasively argued that normative 'fit' and 'cultural match' (Checkel, 2001) are important variables to explain the domestic impacts of international norms and rules; while paying attention to domestic political structures and context, however, they have overlooked the more specific variable of policy context. The practical strategies of policy framing require that advocates adopt a high-priority policy context in which to situate calls for new measures. If an advocate fails to frame the desired outcome in a policy

context of sufficiently high-priority to the government, other political actors with competing interests (and possibly more powerful policy frames) can potentially shape the process in a different direction.

Policy context is especially relevant in the case of framing transnational bribery and corruption. Corruption, the abuse of entrusted power for private gain (Transparency International, 2013b), can be systematic and organized at high levels or diffuse and decentralized at low levels. Virtually all forms of corruption are proscribed by virtually all countries, yet corruption remains endemic in most parts of the world. In the 1990s, a so-called 'corruption eruption' raised the topic of corruption in the global economy to the forefront of international politics (Naím, 1995). Reflecting the complexity of local and transnational corruption, global anti-corruption statements and initiatives arose across a variety of policy areas. Policies and frames germane to anti-corruption efforts included the promotion of free markets and fair competition in international trade (World Economic Forum, 2013); monitoring and supporting transition economies and democratization (Regional Cooperation Council, 2014); implementing international development policies and efforts to promote the effectiveness of foreign aid (The World Bank, 2000); promoting corporate social responsibility, ethical business practices, and the regulation of multinational corporations (UN Global Compact, 2013); and, after 2001, controlling terrorist financing, transnational crime, and the illicit global economy (Andreas, 2011; Shelley, 2005). The challenge for anti-bribery advocates seeking a strong frame is to identify which of these policy contexts is of highest priority to a given target audience.

Research design and methods

How did anti-bribery advocates and opponents in the United Kingdom frame their arguments concerning compliance with the OECD Convention in the period 1998–2002? Using a case study, and recognizing that 'the most important frame may not be the most frequent' (Reese, 2001: 8), this study employs a qualitative and interpretive approach to identify four distinct policy frames: international development and poverty reduction, domestic anti-corruption reform, strategic trade competition, and anti-terrorism. The analysis follows a Constructivist methodology, which works 'upwards' from the details of the case 'to construct theoretically-informed claims that capture relevant patterns and relationships' (Dessler and Owen, 2005: 599). The impact of framing on UK anti-bribery policy in this analysis is constitutive, in the sense that the framing effects in question 'constitute certain behavioural possibilities and, in that sense, cause them' (Finnemore, 2003: 15; Wendt, 1998; Lebow, 2009). In this article, framing is a cause of the pattern of UK anti-bribery policy in the sense that framing is a background condition—a '*permissive* cause' (Finnemore, 2003; Kratochwil, 1989).

Data for the analysis are drawn from government documents and policy reports, legislative debate transcripts, official publications of the OECD, newspaper articles, secondary scholarly sources, and interviews with policy advocates and government officials. The analytic framework distinguishes between 'strong frames' and 'weak frames', identified by the level of priority granted by the government to the policy context in which the frame is situated. This study identifies a strong frame as one that implicates a high-priority policy area. Clearly, governments and decision-makers within states grant varying levels of priority to different policy areas at different times. Policy priorities are revealed through resource expenditures, legislative debates, public statements, and policy outputs.

For reasons stated above, the UK case is an especially puzzling instance of non-compliance with international anti-bribery law. In light of the United Kingdom's status as an allegedly prominent source of transnational bribery, particularly in economic sectors known to be susceptible to corrupt practices (such as arms and defence and natural resource extraction), UK non-compliance with the Convention carries significant ramifications for global anti-corruption efforts (Atkinson, 2000a; Transparency International, 2013a). Transnational bribery—the practice of sending corrupt payments from one national jurisdiction into another to secure influence in the recipient jurisdiction—directly implicates the material and strategic trade interests of states and firms. Therefore, it poses a significant challenge for norm-driven policy advocacy and presents an instructive context in which to assess the capacity of transnational advocacy to influence state policy. To the extent that strategic policy framing is central to persuasion and/or more coercive forms of pressure (Payne, 2001), this case study offers rich potential to explore how 'policy framing' can be a critical mechanism through which international norms and rules impact state policies, generally, as well as in anti-corruption efforts in particular.

UK anti-bribery policy, 1998–2002: Non-compliance

The United Kingdom signed the OECD Convention together with its trading partners on 17 December 1997. After one year, on 14 December 1998, the United Kingdom deposited its instruments of ratification and submitted its implementing legislation to the Working Group for peer review. The implementing legislation consisted of the Public Bodies Corrupt Practices Act of 1889, the 1906 Prevention of Corruption Act, and the Prevention of Corruption Act of 1916, which UK officials argued made the United Kingdom fully compliant with its Convention obligations.

During their review of this legislation, however, the Working Group disagreed. The Group found that the 1906 Act neither specifically mentioned the bribery of foreign public officials nor extended beyond the jurisdiction of the United Kingdom to acts of corruption committed abroad. Therefore, it did not comply with the fundamental requirement of the OECD Convention to criminalize the bribery of foreign public officials in international business transactions. The peer review report stated that the Working Group 'is not in a position to determine that the U.K. laws are in compliance with the standards under the Convention'. The Working Group urged the United Kingdom 'to enact appropriate legislation and to do so as a matter of priority', and noted that it would re-examine UK legislation the following year (Working Group on Bribery, 1999: 24).

This poor review attracted significant criticism. Over 20 countries had already ratified the Convention, wrote the *Guardian* in the spring of 2000, while 'Britain is the only one not to have adopted its legislation, despite U.K. firms featuring on the World Bank's list of companies banned from receiving contracts for violating its anti-fraud and corruption rules' (Atkinson, 2000b). The Chair of the Working Group, Mark Pieth, told the *Financial Times* that 'the UK has basically flunked the examination' and that its 'lack of progress' jeopardized the effectiveness of the Convention as a whole (Mason, 2000a).

Soon thereafter, despite resistance from civil servants (Atkinson, 2000c, 2000d; Elliott, 2000), the government reversed its position and issued a White Paper indicating that new anti-bribery legislation with extra-territorial jurisdiction would be enacted, in order to 'put beyond doubt' UK compliance (UK Home Office, 2000). Home Secretary Jack Straw declared, 'corruption is like a deadly virus. It has no boundaries' (quoted in Steele, 2000). The trade minister, Richard Carbon, remarked, 'the government believes

that bribery has no place in a modern economy. These proposals demonstrate our determination to be at the forefront of international efforts to stamp out bribery' (Steele, 2000: 2).

Despite these statements, however, the government took no action. In December 2000, the *Guardian* reported, legislation was 'delayed again, to the anger of the U.S., France, and other countries which feel Britain is trying to steal business through laxer standards' (Steele, 2000). In a special report on Corruption in March 2001, Parliament's Select Committee on International Development stated plainly as follows:

> The current legislation on corruption, which is over ninety years old, is inadequate to meet our responsibilities under the OECD Convention on the Bribery of Foreign Public Officials in International Business Transactions. New legislation is urgently needed to meet our international obligations but, incredibly, has yet to be introduced. We cannot understand why the Government has not yet introduced legislation to deal with this shameful situation, especially as the issue is unlikely to be controversial. The Government should introduce such legislation without delay. (Select Committee on International Development, 2001b: section 6)

By the summer of 2001, the chair of the Working Group launched a public campaign threatening sanctions, saying, 'I hate to use the words "trade war," but something must be done. British companies can bribe with impunity. [OECD] members … could say we are not prepared to give public procurement contracts to British firms' (quoted in Denny, 2001). US commerce secretary, Don Evans, wrote to the trade and industry secretary Patricia Hewitt to urge the United Kingdom 'to fulfill its commitment to strengthen its anti-bribery legislation', and initiated a meeting intended to send Britain 'the message to get their laws in order' (Evans and Hencke, 2000). At a conference on economic crime in London, a series of speakers 'attacked Britain's failure to comply' with the OECD Convention, and 'made uncomfortable listening for the government officials in attendance' (*Financial Times*, 2001).

By the end of the OECD Working Group's Phase 1 evaluations in August 2001, the United Kingdom still had not proposed new legislation to comply with the Convention. Why not?

The alternative explanation: Unintentional non-compliance

The official position of the UK government was that Britain's non-compliance throughout the period of the Working Group's Phase 1 review was unintentional. According to this explanation, when it ratified the Convention in December 1998, the government thought existing UK laws on corruption met the Convention's requirements. An official with the Department of Trade and Industry (DTI) argued, for example, that 'we were convinced that UK legislation did criminalise bribery of foreign officials and met the requirements of the Convention. We would not have ratified had we not been so convinced' (Drage, 2001). Similarly, another government official argued that 'the UK government ratified the Convention on the basis of a belief that our law was duly adequate' (Mason, 2002). Only following the Working Group's assessment did the government realize there was a problem with its position. Moreover, any further delay in rectifying the matter was due to difficulties of Parliamentary scheduling rather than reluctance to undertake proper implementation of the Convention.

This claim of unintentional non-compliance is unsatisfactory on several counts. The government's own statements from as early as 1997 recognized that existing legislation was likely insufficient to meet the country's international obligations on various anti-corruption

initiatives. A June 1997 discussion paper from the Home Office specifically doubted the extra-territorial application of existing UK corruption law (UK Home Office, 1997: 6–7). The Law Commission of England and Wales also concluded that corrupt conduct occurring abroad was beyond the jurisdiction of the British courts (UK Law Commission, 1998). In March 1999, the Secretary of State for International Development, Clare Short (1999), noted that 'there have been no prosecutions for bribery of foreign public officials … it [is] clear that U.K. law against corruption applies to offences committed in the U.K. but it is unlikely to apply to an offence committed overseas …'.

Close observers also doubted that the government truly could have thought its existing legislation was sufficient (Quinones, 2001; Select Committee on International Development, 2001c). On the contrary, evidence suggests that opponents in government resisted new anti-bribery legislation, even once it was absolutely clear that existing law was inadequate (Atkinson, 2000c, 2000d; Mason, 2000b). Others reported that the United Kingdom was also uncooperative within the OECD Working Group (Orange, 1999).

In sum, the explanation of unintentional non-compliance by the United Kingdom does not bear scrutiny. It is clear that, despite strong criticism within the country and internationally, legislating to criminalize foreign bribery was not on the government's agenda. In comparison with the sense of urgency and priority attached to this issue by the United Kingdom's key allies in the OECD—especially the United States, Germany, and France (Gutterman, 2014, 2015)—the United Kingdom did not engage politically on international corruption. Why not?

Anti-bribery policy in the United Kingdom: Four frames

Strategic policy framing by both proponents and opponents significantly shaped the impact of the OECD Convention in UK anti-bribery policy. Proponents of the OECD Convention in the United Kingdom used two principal policy frames for their arguments: international development and poverty reduction, and the reform of domestic corruption laws. Failing to engage a policy of any meaningful priority for the government, both frames were weak. Conversely, opponents of new anti-bribery legislation framed their resistance in the context of strategic trade competition in areas known to be prone to bribery and corruption, such as arms and defence, and other export sectors. In this frame, business and industry leaders argued that strict anti-bribery rules would hamper the competitiveness of UK firms abroad. This proved a sufficiently strong frame to promote non-compliance—even in the face of widespread criticism. As a result, compliance with the OECD Convention remained a low-priority for the government throughout the period of the Working Group's Phase 1 review. A fourth frame—anti-terrorism—ultimately proved more powerful than the strategic trade frame, enabling the passage of a new anti-bribery law, at long last to implement the OECD Convention in February 2002.

International development and poverty reduction

The leading advocates of the OECD Convention in the United Kingdom were members of the national chapter of the NGO Transparency International (TI-UK) and certain figures within the UK government. Both groups primarily framed the Convention within the policy context of international development and poverty reduction. TI-UK's first basic aim, articulated in its 1998 annual report, was 'to work for the reduction of poverty among vulnerable peoples through combating corruption' (TI-UK, 2002). In concert with this aim, TI-UK fostered a close relationship with the government's Department for

International Development (DfID), through which TI-UK had its greatest impact. Ultimately, DfID became the only British government department publicly to champion international anti-corruption efforts and the OECD Convention. In doing so, DfID, together with TI-UK, emphasized the benefits of the Convention for the government's goals of international poverty reduction. For example, in a memorandum submitted to Parliament's Committee on International Development, DfID noted the following:

> Across the world, the public, the private sector and governments are increasingly aware of the damage corruption brings to their economies, politics and to the lives of the people, especially the poor … Participatory poverty assessments in 23 developing countries consistently show that corruption reduces the access of the poor to basic services … it holds back economic development and perpetuates poverty. (Select Committee on International Development, 2001d)

In line with this framing, the government expressed its earliest support for the OECD Convention in its first White Paper on international development in 1997, entitled *Eliminating World Poverty*. Noting that 'bribery and corruption divert resources from poverty elimination and development', this White Paper established the government's commitment to 'support OECD initiatives to criminalise the bribery of foreign public officials in international business transactions' (Secretary of State for International Development, 1997: 68, 32). Then, in 1999, it was the House of Commons' Select Committee on International Development which called on the government to legislate 'in the next session of Parliament to criminalise the bribery of foreign public officials and cease the tax deductibility of such bribes' (Select Committee on International Development, 1999: para 115. See also Pallister, 1999; White, 1999).

The Select Committee on International Development also produced the government's only report on international corruption, in March 2001. That report voiced some of the strongest criticisms of the government's failure to comply with the OECD Convention (Select Committee on International Development, 2001b). Clare Short, the government's Secretary for International Development, was a 'tireless' advocate for anti-corruption in development policy (Steele, 2000).

Yet, the government's policy on international corruption received practically no parliamentary attention. Parliamentarians raised the Convention for debate only once, during consideration of a proposed international development bill, in the summer and fall of 2001. In these debates, Baroness Rawlings repeatedly moved in the House of Lords to amend the government's bill such that it did not become law before the 'Government have taken appropriate action to enforce the OECD Convention on bribery' (UK House of Lords, 2001a). Although moved three times at three separate readings of the bill, the motion failed (UK House of Lords, 2001a, 2001b, 2001c).

Not only was the Convention mostly ignored in Parliament, the government's own development White Papers received little, if any, attention. International development policy and foreign aid remained particularly low-priority issues (Olsen, 2001: 652–656). Following the 2001 White Paper on globalization, the Development Committee reported, '*We are concerned about the lack of parliamentary time allocated to debates on international development. We regret that there has still not been a debate on the Development White Paper, published in 1997*' (Select Committee on International Development, 2001a: para 10, emphasis in original).

In sum, international development was a low priority for the UK government, making international development and poverty reduction an especially weak policy context in which to frame the OECD Convention.

Domestic anti-corruption

The second policy frame evident in government documents was that of a general reform of Britain's domestic corruption laws. The Home Office had for years planned a general review of corruption legislation in the United Kingdom and treated any legislative project in connection with the OECD Convention as part of that broader plan. Government statements indicated it would 'consider carefully, in the context of the reform of UK legislation on corruption, how best to ensure that UK law is as effective as possible in the fight against corruption in international trade' (UK House of Lords, 2000).

This, too, was a weak domestic policy frame. The broad reforms contemplated focused on the consolidation of the laws dating from 1889, 1906, and 1916, and on the politically controversial topic of corruption among Members of Parliament (MPs), a question that had been ignored in British politics for decades (Neild, 2002). These reforms were not only a low-priority in the United Kingdom but also were only minimally connected with the international norm of anti-corruption and the OECD Convention. Perceiving this problem, one TI-UK official noted, 'I think it is all wrapped up at the moment in the minds of the Home Office and the DTI that it has got to be dealt with with corruption [sic] but it is actually just a financial crime' (Rodmell, 2001). This comment had no discernible impact on government policy. Due to its low-priority, the policy frame of domestic corruption legislation was weak and had no discernible impact on UK anti-bribery policy.

The strategic trade frame

While proponents of new anti-bribery legislation failed to motivate the government to action due to weak framing, opponents adopted a strong frame: strategic trade competition. The Confederation of British Industries (CBI), which was 'very influential' in affecting UK anti-bribery policy, 'took a hostile line' to the Convention (Cockcroft, 2002), as did the Defence Exports Services Organisation (DESO), part of the Ministry of Defence (MOD). DESO was especially close to British Aerospace (now BAE Systems), a leading British defence exporter within the CBI, which was also opposed to any new anti-bribery legislation in Britain and which, it was later revealed, had been paying significant bribes in South Africa, Saudi Arabia, and elsewhere during this time (Feinstein et al., 2011; Holden and Van Vuuren, 2011; TI-UK, 2001: 44). The chairman of TI-UK, Laurence Cockcroft, noted the following:

> There was a small group in the CBI following the situation fairly closely. And their director of their international department … and the senior lawyer … were key players in taking a very hostile line to the introduction of the legislation, and were constantly arguing that the UK should adopt, if it adopted at all, should adopt it in a very low key way … there is little doubt that the international committee within the CBI was basically trying to put the brakes on this process. (Cockcroft, 2002)

The CBI's official position on the matter in 2002 conveys the concerns promoted by the strategic trade frame:

> The CBI welcomes attempts to eliminate the competitive distortions caused by extortion and bribery but is concerned about the potential for uneven application by signatory parties to the Convention. We are also against bribery, corruption and extortion but *by legislating more strictly than other countries U.K. companies risk being hindered in their daily operations in*

> *countries where corruption is perceived to be endemic.* (Confederation of British Industries, 2002, emphasis added)

Various news reports criticizing the UK government for its non-compliance also charged that the government, in failing to implement the Convention, was attempting to protect its arms firms (Atkinson, 2000a, 2000d; *BBC News*, 2001; Evans and Hencke, 2000). Mark Pieth argued that the United Kingdom had been slow to adopt laws to abide by the convention in order to protect their arms traders, for whom 30% commission payments to win contracts were common: 'It's a lot of money, billions of pounds' (quoted in Atkinson, 2000b). Other reports noted that 'the arms industry, with its long history of paying "commissions" to win contracts, is widely regarded as the sector that will have the most problems complying with the convention' (Mason, 2000a) and that leading European arms manufacturers were taking steps to circumvent laws preventing the bribery of foreign officials to win contracts. Pieth noted, 'many companies are building slush funds because they want to retain the option to bribe' (quoted in Mason, 2000a).

The importance of arms exports to Britain's defence industry, and, by extension, to national security, coupled with the noted prevalence at that time of bribery and corruption in international arms procurements, rendered strategic trade a strong frame with which to resist the implementation of new anti-bribery rules in the United Kingdom. The international arms industry, in general, is highly dependent on foreign sales. Arms exports enhance a state's international economic and military competitiveness and, by offsetting R&D costs and manufacturing overhead, support the domestic stability of a state's defence sector (Pattillo, 1998: 291). As the United Kingdom's armaments industry became more dependent on foreign sales during the period of general post-Cold War restructuring, the government became increasingly active in the promotion of the country's defence exports (Guay, 1998; International Institute for Strategic Studies, 2000; Stockholm International Peace Research Institute (SIPRI), 2001). In addition, over three-quarters of British arms exports went to developing countries where the practice of bribing to procure large-scale arms contracts was the norm. Defence procurement systems in general provide strong incentives to bribe, to exert improper influence, and to commit other breaches of ethics and integrity (Inbar and Zilberfarb, 1998; Pattillo, 1998: 371; Transparency International, 2001; TI-UK, 2001). Even though arms make up less than 1% of all trade, half of all bribes paid in international business relate to arms deals; the problem with arms exports is that 'they often go to unreliable governments in unstable parts of the world, with the deals smoothed by bribes' (*The Economist*, 2002).

Given the prevalence of foreign bribery in the international arms trade, firms in the industry braced themselves in the late 1990s to respond to the new anti-bribery rules emerging at the OECD. However, although states and firms anticipated that compliance with the OECD Convention would render contract competition for foreign arms sales more difficult, strategic trade interests did not decisively shape compliance with the Convention in all the major signatory states. In Germany, for instance, major exporters receptive to TI's policy framing lobbied in favour of strict new anti-bribery rules; in that case, corporations adopted a frame of 'enlightened self-interest' that promoted compliance. French arms exporters caused a delay in France's implementation of the Convention, yet the French government ultimately passed a new law to criminalize foreign bribes and comply with the OECD Convention (Gutterman, 2014). Although these states shared similar strategic trade interests, only in the United Kingdom did the strategic trade frame lead to non-compliance.

Anti-terrorism

The Working Group concluded its Phase 1 compliance reviews in September 2001. The United Kingdom continued its plan to produce new anti-bribery legislation in the context of a broader reform of its corruption laws. The Queen's Speech from the Throne in June 2001 had promised that the government would schedule legislation on corruption for parliamentary deliberation in the autumn of 2001 (UK House of Lords, 2001e). Although it mentioned neither international bribery nor the OECD Convention, observers understood that the government had at long last undertaken to enact the June 2000 recommendations of the Home Office on the reform of UK corruption laws, including a prohibition on overseas bribery (Cockcroft, 2002).

Then came the terrorist attacks on the United States on 11 September 2001. The government's legislative priorities shifted in response. The chairman of TI-UK noted, 'after September 11th, the whole thing got moved because the emphasis was then on putting through anti-terrorist legislation' (Cockcroft, 2002). In a significant shift in policy framing, TI-UK pushed the implementation of the OECD Convention as part of the government's planned emergency anti-terrorism legislation. According to Cockcroft, 'our lobbying energies at that stage went into trying to make sure that this anti-terrorist legislation included the anti-bribery provisions' (Cockcroft, 2002). Although the government was initially opposed to the suggestion, both Clare Short and Gordon Brown, Chancellor of the Exchequer, 'carried the argument in Cabinet' that the new anti-terrorism legislation should include anti-bribery provisions (Cockcroft, 2002).

The context of emergency anti-terrorism legislation was a powerful new policy frame for Britain's implementation of the OECD Convention. The government introduced its Anti-Terrorism, Crime and Security bill in November 2001, with measures to outlaw overseas bribes included. Announcing the bill, the Home Secretary David Blunkett said that 'corrupt and bad government can be a breeding ground for terrorism' and that efforts to fight corruption were a 'vital adjunct to military action' (quoted in Eaglesham, 2001). 'Suddenly', wrote one commentator, the United Kingdom's 'lamentable' foot-dragging on the Convention 'changed: it took September 11 to make it happen … After all the debate, the offence is incorporated in three short clauses' (Pallister, 2001). It appeared to many that the events of September 11 finally 'stirred' the government into action (Evans and Hencke, 2001). The new Act, including the ban on foreign bribes, became law on 14 February 2002.

Still, critics argued against introducing the corruption measures in such a 'hurried and piecemeal way', arguing that payments to 'many overseas officials … [have] long been recognized and accepted as a part of international trading protocol' and that outlawing foreign bribes would bring 'a radical sea change in the way the U.K. corruption laws operate' (Eaglesham, 2001). Others criticized the legislation as weak and only 'minimally' in compliance with the OECD Convention (UK House of Lords, 2001d: col. 204).

The OECD Working Group evaluated this new legislation in a second Phase 1 review in October 2002, this time concluding that the new legislation basically complied. However, the review found that the government's planned reform of its corruption laws would still be necessary. The Working Group's published report concluded as follows:

> The Working Group is of the opinion that the U.K. law now addresses the requirement set forth in the Convention. However, because the 2001 Act consists of amendments to the pre-existing law, it leaves unchanged some essential elements of the offence. Thus, some areas of uncertainty remain. (Working Group on Bribery, 2003: 16)

The government stayed committed to its long-planned reform of the domestic laws on corruption, intending to repeal the anti-bribery measures in the 2001 anti-terrorism act and replace them with more comprehensive anti-corruption legislation. The Working Group recommended 'that the U.K. proceed at the earliest opportunity to enact a comprehensive anti-corruption statute which will address the [remaining] issues …' (Working Group on Bribery, 2003: 17).

The government published its long-awaited draft legislation on corruption in March 2003. The parliamentary Joint Select Committee considering the draft produced a highly critical report (Joint Committee on the Draft Corruption Bill, 2003; see also Lawton and Macauley, 2004). The government rejected the committee's principal recommendations, stating its intention to 'continue the revision of the draft Bill with a view to introducing it in Parliament in due course' (UK Home Office, 2003). Upon seeing no further steps taken, the Working Group questioned whether the United Kingdom would be able to pass its Phase 2 evaluation of compliance with the Convention (*Financial Times*, 2004).

In May 2004, the government initiated efforts to curb foreign bribery by UK companies. The Export Credits Guarantee Department (ECGD) of the DTI introduced strict anti-bribery rules for its customers. Subsequently, evidence emerged of an intensive—and largely successful—industry campaign to weaken these new rules. Major ECGD customers, including BAE Systems, Rolls Royce, and Airbus, rejected the anti-bribery rules and directly lobbied the trade minister to overturn them. In October 2004, the Minister of Trade agreed to dilute the anti-bribery restrictions on UK exporters receiving government support (Eaglesham, 2004; Evans and Leigh, 2005).

This ongoing opposition to anti-bribery regulation by UK firms prompts a question: With the absence of the events of 11 September and the powerful new policy frame of anti-terrorism that advocates successfully deployed, would the United Kingdom have implemented the OECD Convention? On one hand, the United Kingdom likely would have proved susceptible to international pressure to comply with the norm of anti-corruption, to political pressure from the United States, and to peer pressure from the Working Group—all of which were important factors in the Convention's implementation in other countries. As the Chairman of TI-UK put it, 'the U.K. position was anomalous and couldn't be sustained' (Cockcroft, 2002).

On the other hand, the government persisted in its plan to implement the Convention in the context of its broader reform of Britain's corruption law and this policy context remained a low-priority for at least the next 5 years. In fact, the United Kingdom enacted no new anti-bribery legislation until 2010—after continued foot-dragging, indicated especially in the government's controversial decision in 2006 to stop a Serious Fraud Office investigation into bribery allegations surrounding BAE Systems' Al-Yamamah arms contract with Saudi Arabia (Jarrett and Taylor, 2010). The UK Bribery Act of 2010 now stands alongside the stringently enforced US Foreign Corrupt Practices Act as one of the most robust anti-bribery efforts in the global economy. Notwithstanding significant fanfare upon its enactment, however, up to at least 2013, the UK Bribery Act remained the source of criticism, as the government prosecuted not a single important case under it (Baker & McKenzie, 2013).

Conclusion

Policy framing can be a critical mechanism through which advocates articulate norms and interests and through which international norms and rules impact state policies. This

article has identified four policy frames through which domestic advocates and opponents marshalled their arguments for and against UK compliance with international anti-bribery rules: international development and poverty reduction, the reform of domestic anti-corruption law, strategic trade competition, and anti-terrorism. The article's Constructivist analysis shows the importance of policy advocates' choice of frames; in connection with other variables, weak framing by proponents and strong framing by opponents significantly shaped non-compliance by the United Kingdom, long after its trading partners in the United States, France, Germany, and elsewhere did comply.[1] In this analysis, weak frames are identified by the association with low-priority policy contexts and strong frames by high-priority policy contexts.

It is important to note the counterfactual proposition, that if proponents of the Convention had framed their arguments in higher-priority policy contexts from the outset, compliance would have been much more likely. The criminalization of transnational bribery did not fundamentally impinge on the United Kingdom's national interests, nor did it affect any objective strategic trade interests per se. Indeed, the government's commitment to the Convention in the first place stemmed from its recognition of the multiple interests to be served by jointly banning bribery in international business: resolving a persistent prisoner's dilemma in international trade (in which paying bribes is more costly to states and firms than not paying bribes, but only if there are no defectors seeking to secure unilateral advantage through bribes); increasing efficiency, productivity, and a 'level playing field' in the liberal international economic order; reducing the costs to producers and exporters of increasingly expensive bribes; engaging in a binding international treaty with a stringent enforcement mechanism; and others. In this sense, the strategic trade frame itself—if it had been seized upon by anti-bribery proponents rather than opponents, as happened in other countries (Gutterman, 2014, 2015)—could have promoted compliance rather than non-compliance. Thus, it was the framing of the anti-bribery rules by proponents and opponents and not an objective calculation of material interests that drove the pattern of UK policy in this case. The interests at stake became identified and prioritized through framing.

Although this case study has examined the specific puzzle of UK non-compliance with the OECD anti-bribery Convention, it also presents novel insights and advances the literature on policy framing in IR more generally. It demonstrates that framing in the politics of compliance is a critical factor in shaping the policy process through which states choose to comply (or not) with their international legal commitments.

Since frames are not mechanisms of pure persuasion (Payne, 2001), actors must take advantage of material and ideational resources—including political opportunity—to bring forward and shape policy issues (Joachim, 2003). Policy context is one such crucial opportunity resource. Advocates (or opponents) seeking a particular policy outcome must choose a policy context that is of sufficiently high-priority to the government in question to be relevant and command its attention. A high-priority policy context is a key component of a strong frame, particularly in cases like that of transnational bribery, where there is no widespread social movement engaged on the issue. In sum, this article suggests that policy contexts of high-priority to the government present the kind of frame that is more conducive to the domestic implementation of international commitments. Since government priorities vary over time and across space, advocates therefore must be canny in choosing the right frame for the right audience. This is an especially important lesson for transnational anti-corruption activists, whose advocacy arguments enjoy a range of possible policy contexts for framing.

At the same time, policy advocates need to be cautious: the most expedient policy context—the strong frame—is not always the most conducive to full compliance. In the United Kingdom, anti-bribery activists finally seized the government's attention through the policy context of anti-terrorism and national security, but the outcome was a single clause in the UK criminal law legislation that only minimally satisfied the Convention's peer reviewers. As scholars in the literature on securitization have shown, the transformation of policy issues into matters of national security can smooth the way for all kinds of policy innovation, even those that may run contrary to fundamental norms (Balzacq, 2011; Buzan et al., 1998). Security or anti-terrorism may not be the frame most conducive to the promotion of the norm that is purportedly at stake (Carpenter, 2005), to the establishment of a broad and nuanced regulatory regime, or to enforcement at a later point in time. Policy advocates need to be aware of these trade-offs.

The deliberately limited scope of this study suggests clear directions for further research on the ingredients of effective framing in transnational advocacy. What are the causal pathways through which frames impact policymakers? How are frames transmitted and how do they relate to other background conditions in accounts of policy change or stasis? In the realm of anti-corruption advocacy, in particular, studies are needed that can identify how different causal stories about corruption impact framing and policy outcomes (Stone, 2012). Other promising directions for research include attention to the legitimacy of the actors doing the framing, and the relationship between the senders and receivers of framing messages (Gutterman, 2014). As a body of scholarship emerges on the transnational and global governance dimensions of corruption and anti-corruption advocacy in world politics, IR scholars should continue to keep the lessons and problems of framing—and other tools of policy analysis—in their sights.

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Note

1. The framing explanation is a necessary, though not sufficient, explanation for UK non-compliance with the Organization for Economic Cooperation and Development (OECD) Convention. A full explanation implicates a more complex confluence of factors, such that framing combines with norm articulation by legitimate advocates within a political context shaped by norm resonance. This explanation emerges from a comparative analysis of state compliance with the OECD Convention and is beyond the scope of this article, which is specifically focused on the framing aspect of anti-corruption advocacy in the UK case.

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