Contemporary transnational criminals take advantage of globalization, trade liberalization, and emerging new technologies to commit a diverse range of crimes. By moving money, goods, services, and people instantaneously, they are able to serve purposes of pure economic gain or political violence. This book examines the rise of international economic crime and recent strategies to combat it in the United States and abroad. Focusing on the role of international relations, it draws from case studies in a diverse range of criminality from money laundering to tax evasion.

Newly revised and expanded, the second edition of *International White Collar Crime* incorporates recent developments and updated case studies. New chapters on environmental crimes and securities enforcement under the Dodd-Frank Act continue to make it an essential tool for practicing business, law, and law enforcement.

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International White Collar Crime

CASES AND MATERIALS

2nd Edition

Bruce Zagaris
Berliner, Corcoran & Rowe, Washington, DC
Contents

Preface

1 Introduction ................................................ 1
2 Taxation ....................................................... 17
3 Money Laundering and Counterterrorism Financial Enforcement .......... 62
4 Transnational Corruption .................................... 105
5 Transnational Organized Crime ............................... 168
6 Export Control and Economic Sanctions ......................... 212
7 International Environmental Crimes .......................... 252
8 International Securities Enforcement .......................... 283
9 Extraterritorial Jurisdiction ................................... 319
10 International Evidence Gathering ............................. 365
11 Extradition and Alternatives ................................ 413
12 International Prisoner Transfer ............................... 483
13 The United Nations ........................................... 521
14 The World Bank Group ....................................... 548
15 INTERPOL ..................................................... 586
16 Economic Integration and Business Crimes .................... 635

Index 675
Preface

Since 1975, I have spent a large part of my practice and academic career devoted to the field of international white collar crime, and hence it is my passion.

This book is intended as a survey and overview of international white collar crime. The book can be used by practitioners and policy makers, whether in government, international organizations, legislatures, nongovernmental organizations, trade associations, and businesses. The book can also be used for training of national and international law enforcement officials. While the discussions emphasize a legal perspective, they also draw on foreign policy, national security, and criminal justice perspectives. The book also discusses the international organization theory, namely the roles of developing international enforcement regimes and subregimes and international networks.

This book discusses the rise of international economic crime and recent U.S. and international strategies to combat such crime. A word on the organization of the book is in order. The book has three main parts. The first discusses substantive crimes, particularly tax, money laundering and counterterrorism financial enforcement, transnational corruption, transnational organized crime, export control and economic sanctions, international securities enforcement, and international environmental enforcement. The second part discusses procedural aspects of international white collar crime, namely extraterritorial jurisdiction, evidence gathering, extradition, and international prisoner transfer. The third part discusses the role of international organizations, including the United Nations, the World Bank Group, INTERPOL, and economic integration groups.

The book captures the phenomena of convergence enforcement, whereby law enforcement, on different levels, uses the convergence of different substantive areas, such as anticorruption, anti–money laundering, economic sanctions, and tax transparency, to start investigations and prosecutions, as well as to develop policies and enforcement regimes.

This second edition has two new chapters. One (Chapter 7) is on international environmental enforcement. It discusses the International Criminal Court jurisdiction for the environment, the Convention on International Trade in Endangered Species, the Convention on the Protection of the Environment through Criminal Law (Council of Europe), and State Responsibility Under Generally Recognized Principles of Law. It also discusses actions of international organizations, including the UN, Interpol, and the Group of 7. The chapter looks at environmental enforcement in the context of economic integration, especially the European Union, NAFTA, and other forms of environmental cooperation. A section depicts national enforcement efforts, especially in the United States as well as India's efforts to enforce alleged environmental crimes in the Bhopal case.
Chapter 8 discusses international securities enforcement, including U.S. law, especially unilateral extraterritorial enforcement, and conflict minerals under Dodd-Frank. International agreements and the regulation of securities are covered. In particular, the use of compulsory powers and confidentiality of information are explained. A section highlights mechanisms for information sharing in securities enforcement matters. This section tells how the Securities and Exchange Commission (SEC) engages in multilateral and bilateral information sharing arrangements on the basis of memoranda of understanding (MOU) between securities authorities. The same section sets forth the International Organization of Securities Commissions (IOSCO) Multilateral Memorandum of Understanding and bilateral MOUs for securities enforcement cooperation. In addition, Ad Hoc and Other Arrangements for Enforcement Cooperation are discussed as are foreign securities authorities’ requests for SEC assistance. The chapter looks at the work of international organizations, particularly the IOSCO. The section relates the different levels of membership in IOSCO, the resolutions on mutual assistance, money laundering, transnational securities and futures fraud, the resolution on enforcement powers, and the Model MOUs Concerning Consultation and Cooperation and the Exchange of Information, and IOSCO Objectives and Principles for Securities Regulation.

Given the dynamic nature of the challenges and responses to international white collar crime during the approximately five years between the two editions, each chapter has been updated. The book is written in the mode of a law school coursebook, combining statutes, regulations, treaties, examples of extradition and mutual assistance requests, hypotheticals, comments, and reference material.