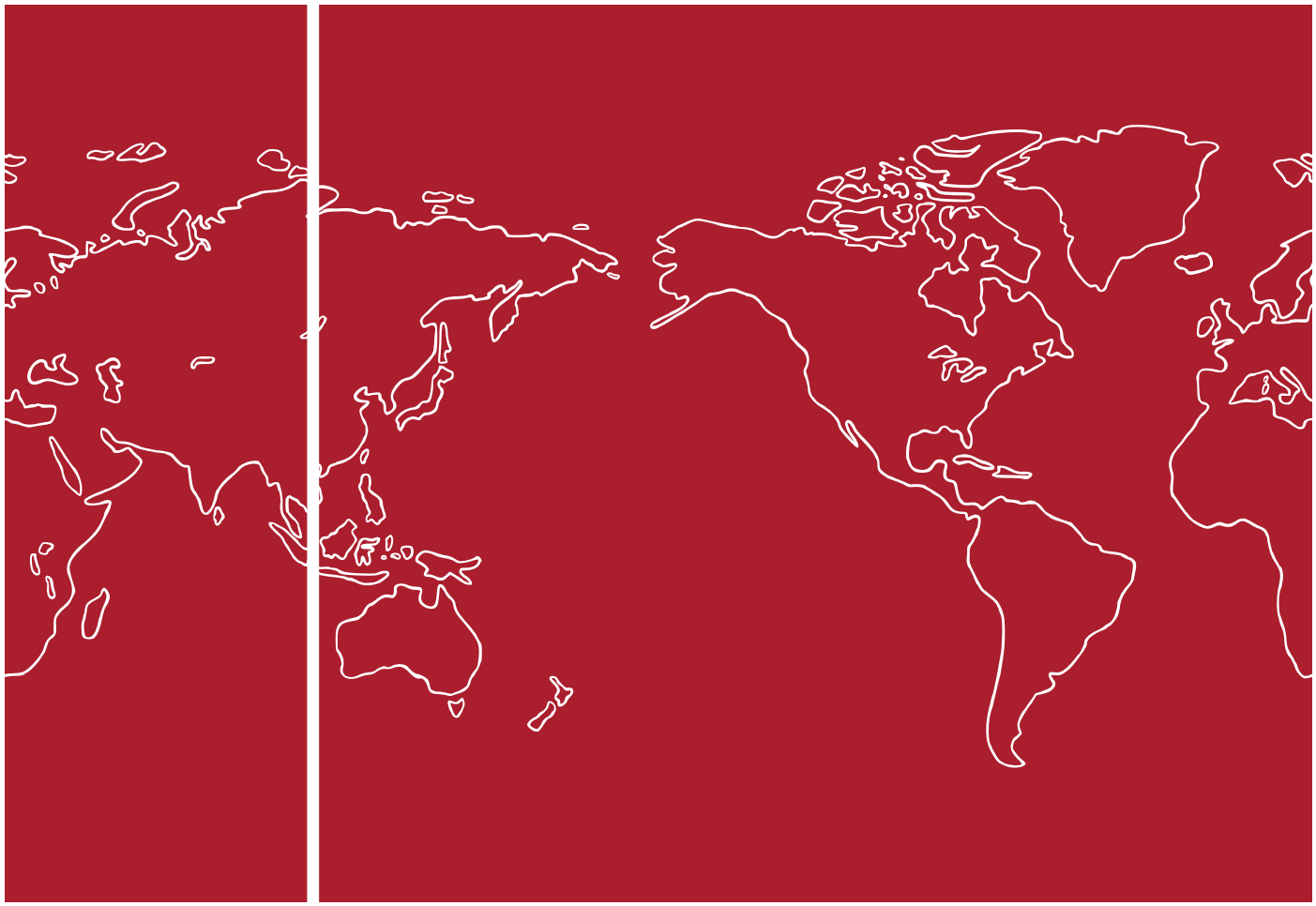
Secretariat

FCPA Enforcement: Where the Bribery Actually Happened

A Geographic Analysis of 82 Criminal FCPA Enforcement Actions | April 2016–January 2025

by Ralph Stobwasser, Anna Bleazard, Arnold Castillo, Greg Hallahan, Rongcheng Chen, and Ed Westerman



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Executive Summary

The debate over the Foreign Corrupt Practices Act of 1977 (FCPA) has long been shaped by competing national narratives. The 2019 Gauvain Report, commissioned by the French government, accused the United States of wielding the FCPA as an instrument of economic warfare against primarily European companies. Six years later, President Trump's February 2025 Executive Order took precisely the opposite view, arguing that FCPA enforcement had become excessive and was damaging American competitiveness.

This paper takes no position on which of those narratives is correct, or on whether any particular country or company has been advantaged or disadvantaged by FCPA enforcement. Instead, it offers a different lens: a geographic one. Looking across the nine years from April 2016 to January 2025, where in the world did the underlying bribery conduct actually occur? Which regions and jurisdictions feature most prominently in the enforcement record? What structural or sectoral factors explain those patterns? And what might they tell us about the future trajectory of enforcement and compliance risk?

Drawing on the dataset compiled by Luskin and Vuona in their March 2026 article in the American Criminal Law Review Online ("the Luskin Study"), we mapped all 82 criminal FCPA enforcement actions against 11 global regions in which the bribes were paid:

- **South America was the single most cited region**, appearing in 30 of 82 enforcement actions. Brazil alone accounted for 25 cases—a direct consequence of Operation Lava Jato and its sprawling network of multinational enforcement consequences.
- **Sub-Saharan Africa (22 cases) and Middle East and North Africa (MENA) (21 cases),** together accounted for over half of all regional appearances, concentrated in extractive industries, infrastructure, and bribery involving sovereign wealth funds and state-owned enterprises.
- **Asia accounted for 41 cases across three sub-regions**—East Asia (18, driven by China), South Asia (13, driven by India), and South-East Asia (10, driven by Indonesia and Vietnam)—reflecting a distinct bribery typology centred on market access, licensing, and the blurred boundaries between public and private sectors.
- **41% of cases involved bribery across multiple regions simultaneously,** a pattern concentrated in oil and gas, commodities trading, aerospace and defence, and large-scale EPC contracting—sectors defined by global operating footprints and repeated interaction with state-owned counterparties.
- **Europe appeared in only 4 cases (5%),** a finding that sits in notable tension with the volume of European-headquartered companies among the most prominent FCPA defendants—suggesting that where a company is based and where its corrupt conduct occurs are frequently different questions.

The geographic picture that emerges is unlikely to shift materially in the near term. The commercial and governance conditions that drive FCPA exposure—state-owned enterprises, resource extraction, large-scale public procurement, and weak institutional controls—remain present across South America, Sub-Saharan Africa, MENA, and Asia. Whatever the policy direction in Washington, companies operating in these markets face enduring bribery risk. The compliance and investigative implications of that risk are the subject of this paper.

The FCPA targets bribery of foreign officials wherever it occurs. The data confirms that those officials are overwhelmingly in the Global South—not in Europe, and not in North America.

Background and Methodology

The Luskin Study and Its Dataset

In March 2026, Robert Luskin and Bridget Vuona published "Pattern or Paranoia: Do U.S. Prosecutors Enforce the Foreign Corrupt Practices Act Differently Based on the Nationality of the Defendant?" in the American Criminal Law Review Online. Their analysis examined 82 criminal FCPA enforcement actions resolved between 5 April 2016—the date the U.S. Department of Justice (DOJ) launched its FCPA Pilot Program—and 31 January 2025, just prior to President Trump's Executive Order pausing new FCPA investigations.

The dataset covers 42 U.S.-parent companies and 40 foreign-parent companies resolved through guilty pleas, deferred prosecution agreements (DPAs), non-prosecution agreements (NPAs), and declinations. The Luskin Study's central conclusion was that the DOJ applies the Sentencing Guidelines and its own enforcement policies neutrally regardless of defendant nationality, and that apparent disparities in outcome are attributable principally to differences in voluntary self-disclosure rates and recidivism—not national origin.

That analysis is persuasive and well-grounded. This paper does not dispute its findings. What it adds is the missing geographic dimension that the Luskin Study does not explore: a systematic mapping of where, in the world, the underlying bribery conduct occurred.

Our Methodology

For each of the 82 enforcement actions in the dataset, we reviewed DOJ press releases, prosecution and deferred prosecution agreements, declination letters, court filings, and U.S. Securities and Exchange Commission (SEC) disclosures to identify the specific countries and territories where bribery payments were alleged or admitted to having been made. Where bribery spanned multiple countries, all relevant countries were recorded.

Each country was assigned to one of 11 global regions: Europe; Russia and Commonwealth of Independant States (CIS); Middle East and North Africa (MENA); Sub-Saharan Africa (SSA); North America; Central America and the Caribbean; South America; Australia and Oceania; South Asia; South-East Asia and East Asia.

Where an enforcement action involved bribery in more than one region, it was counted once per region—meaning a single case may appear in multiple regional tallies and the sum of regional counts exceeds 82. All regional attributions were applied independently of defendant nationality. Geographic attributions are based on enforcement documents as supplemented by publicly reported case details; all research was conducted as of April 2026.

Geographic Distribution of Bribery Conduct

Regional Overview

The table below presents all 11 regions ranked by frequency of appearance along with the most frequently named individual countries within each region.

Region	Cases	% of 82	Key Countries Named
South America	30	37%	Brazil (25), Venezuela (5), Ecuador (5), Colombia (3)
Sub-Saharan Africa	22	27%	Angola (6), Nigeria (6), South Africa (4), DRC (3), Mozambique (3)
MENA	21	26%	Saudi Arabia (5), Libya (4), Algeria (3), Iraq (3)
East Asia	18	22%	China (13), South Korea (3), Japan (2)
Russia / CIS	14	17%	Russia (9), Uzbekistan (5), Kazakhstan (4), Azerbaijan (2)
South Asia	13	16%	India (10), Bangladesh (2), Nepal (2)
Central America & Caribbean	12	15%	Mexico (9), Dominican Republic (2), Panama (1)
South-East Asia	10	12%	Indonesia (6), Vietnam (4), Malaysia (2), Thailand (2)
Europe	4	5%	Greece (1), Hungary (1), Italy (1), Spain/Serbia (1)
North America	0	0%	— (FCPA targets foreign officials; not domestic bribery)
Australia & Oceania	0	0%	— (no enforcement actions in this dataset)

Note: *Cases spanning multiple regions are counted once per region. Percentages reflect share of the 82 total enforcement actions in the dataset.*

South America: The Lava Jato Effect

South America was the most commonly implicated region, appearing in 30 of 82 enforcement actions. Brazil alone accounted for 25, a figure that reflects the extraordinary reach of Operation Lava Jato (translated to "Operation Car Wash" in English) and its satellite enforcement actions. Originating in 2014, the probe uncovered a massive, multibillion-dollar bribery and embezzlement scheme involving the state-owned oil company, Petrobras, and top political and corporate figures. The Petrobras corruption ecosystem drew in companies across multiple sectors and nationalities, including construction, offshore engineering, oil and gas EPC, and oil and gas trading.

The significance of Lava Jato was not simply the scale of the bribery uncovered, but the emergence of a genuinely multinational enforcement environment involving Brazilian prosecutors, the DOJ, the SEC, and multiple foreign authorities operating through coordinated investigations, leniency agreements, and cross-border evidence sharing. The post-Lava Jato environment also accelerated demand for internal investigations, third-party due diligence, and compliance remediation work across the region.

Beyond Brazil, Venezuela (5 cases) and Ecuador (5 cases) generated FCPA enforcement activity, principally through state-owned energy company bribery schemes involving commodities traders and insurance brokers. Peru remains closely linked to the Odebrecht legacy, with ongoing investigations and judicial proceedings continuing to

generate evidence and international cooperation relevant to FCPA enforcement. Venezuela, despite reduced institutional transparency, continues to present significant corruption exposure in energy and telecommunications, particularly in matters pursued extraterritorially.

The future enforcement landscape involving Venezuela remains uncertain. With continued discussion in U.S. policy circles regarding political transition and governance reform, it remains unclear how future developments will affect transparency, international cooperation, sanctions enforcement, asset recovery efforts, and anti-corruption investigations involving Venezuelan state institutions and local actors. President Trump's appointment of Laura F. Dogu (former ambassador to Honduras and Nicaragua) signals that Washington views Venezuela as a strategic priority requiring sustained diplomatic engagement. Given Venezuela's significance in the energy sector, its history of state-linked corruption investigations, and the possibility that a political transition could unlock new evidence and cooperation opportunities, the country remains a jurisdiction that enforcement authorities likely will monitor closely.

The South American picture is one of systemic, state-adjacent corruption risk concentrated in extractive industries, infrastructure, and public procurement. Across the region, FCPA exposure is concentrated where multinational companies interact with state-owned enterprises, politically connected intermediaries, public procurement systems, customs authorities, and licensing regimes. The recurring pattern is not nationality-based. It is structural: capital-intensive sectors operating within governance environments characterised by extensive state participation, weak institutional controls, and high-value public contracting.

A central feature of the South American cases is the role of intermediaries. Bribery was rarely executed directly. In many of the cases reviewed, improper payments were channeled through agents, consultants, distributors, brokers, and other third parties who facilitated access, obscured beneficial ownership, and complicated detection efforts. This pattern has materially reshaped compliance expectations across the region, particularly in relation to third-party due diligence, continuous monitoring, and beneficial ownership analysis. In South America, effective third-party oversight is therefore central to any credible anti-corruption compliance framework.

Twelve of the 30 South America cases were multi-regional—companies paying bribes in Brazil or Venezuela were simultaneously operating corrupt schemes in Sub-Saharan Africa, MENA, or Asia. This multi-regional pattern is characteristic of large EPC contractors and commodities traders operating on genuinely global footprints.

Sub-Saharan Africa and MENA: Resource States, Sovereign Capital and Sanctions-Adjacent Risk

Sub-Saharan Africa (22 cases) and MENA (21 cases) represent the second- and third-most frequently cited regions in the dataset. Sub-Saharan African cases are heavily concentrated in oil-producing and mining jurisdictions—Angola (6), Nigeria (6), the Democratic Republic of Congo (DRC) (3), Equatorial Guinea (3), and Mozambique (3)—reflecting the exposure of international extractive companies to bribery risk in resource-dependent states with weak governance frameworks. The underlying risk is not merely "country risk" in the abstract. It arises from the structure of resource economies, where government ministries, state-owned enterprises, licensing authorities, customs officials, tax authorities, and politically connected local partners exercise significant control over access to concessions, permits, infrastructure, export routes, and public contracts.

MENA presents a related but distinct pattern. Saudi Arabia (5) and Algeria (3) feature in conventional procurement and oil-sector schemes, while Libya (4) stands out as a sovereign wealth fund bribery hub through the Libyan Investment Authority. This sovereign-capital typology is important because it shows that corruption risk in the region is not confined to public procurement or extractive concessions. It can also arise in the competition for investment mandates, asset-management relationships, advisory roles, placement opportunities, and access to state-controlled pools of capital. As sovereign wealth funds and state-backed investment vehicles across the Gulf continue to expand in scale and global activity, this risk category is likely to remain highly relevant.

A further distinguishing feature of SSA and MENA cases is the overlap between anti-bribery risk and sanctions exposure. Several jurisdictions in or adjacent to the regional risk profile are subject to U.S., EU, U.K., or U.N. sanctions regimes, or contain sanctioned individuals, state entities, armed groups, shipping networks, financial institutions, or politically exposed actors. This is most obvious in relation to Iran, but the broader point extends to Libya, Sudan/Darfur, South Sudan, Yemen, Somalia, DRC, and other conflict-affected or sanctions-exposed markets. The same features that increase bribery risk—state control over strategic assets, opaque ownership, politically connected intermediaries, non-transparent procurement, reliance on local sponsors, and weak institutional controls—also increase the risk of sanctions evasion, blocked-party ownership, conflict financing, and improper payment routing.

The high multi-regional ratio in SSA and MENA is therefore analytically significant. Fifteen of the 22 SSA cases and 11 of the 21 MENA cases were multi-regional, suggesting that misconduct in these regions often forms part of wider operating models used by multinational contractors, commodities traders, oilfield-services companies, EPC firms, and logistics providers. In such cases, corruption risk is portable. The same agents, consultants, joint venture partners, local sponsors, customs brokers, and politically connected intermediaries may be used across multiple frontier or resource markets, allowing improper payment structures to migrate from one jurisdiction to another.

The compliance implication is that companies operating in SSA and MENA should not treat anti-corruption, sanctions, AML, and beneficial ownership review as separate exercises. In higher-risk markets, effective controls require integrated diligence on counterparties, intermediaries, state-linked customers, sovereign investment entities, local sponsors, payment flows, beneficial ownership, source of funds, and links to sanctioned persons or entities. In this region, a third party may present FCPA risk because of its relationship with a government official, sanctions risk because of its ownership or control structure, and AML risk because of the source or movement of funds. The risk is therefore cumulative rather than compartmentalised.

Asia: Market Access and State-Private Boundaries

The Asia region appears in half of the 82 cases comprising: 18 cases in East Asia; 13 cases in South Asia; and 10 cases in South-East Asia. These Asian cases reflect a different bribery typology from those noted in the preceding sections. In these three sub-regions, bribery risk is frequently concentrated at the market-entry and market growth stages and typically includes the payment of bribes to obtain licenses, secure product registrations, accelerate customs clearances, navigate official inspections, and win business from state-owned entities. The common mechanisms observed include:

(i) "penetration payments": modest to large payments, often recurring, made to break into new markets to accomplish goals like opening doors, being added to approved vendor lists, or speeding up regulatory interactions.

(ii) hiring and internship schemes used to confer something of value to government officials or employees of state-owned entities through the employment of relatives or other favoured candidates.

These practices are especially common in emerging economies where the state remains deeply embedded in the commercial ecosystem, public-private sector boundaries are complex and opaque, and where the same officials may have multiple functions such as regulator, customer, and gatekeeper.

EAST ASIA

China dominates the East Asian picture, accounting for 13 of the 18 cases. Cases span a range of sectors including financial services, technology/industrial, consumer goods, and casino operators. Across these industries, the underlying conduct tends to track a consistent "market access" dynamic, with companies operating in highly-regulated environments or selling to state-linked customers. In many cases, bribes were offered in order to build influence with officials and decision-makers who controlled licensing, inspections, approvals, procurement, and access to state-owned enterprises.

Several of the China cases involved the hiring or placement of relatives of government officials—the so-called "princelings" pattern—where internships, analyst roles, or other positions functioned as items of value rather than bona fide recruitment decisions. Other matters turned on payments to employees of state-owned enterprises (treated as "foreign officials" for FCPA purposes), often channeled through third parties or recorded as legitimate business expenses. A further recurring feature was the provision of gifts, travel, and entertainment to win tenders, secure renewals, expedite regulatory steps, or protect existing revenue streams in a relationship-driven contracting environment.

SOUTH ASIA

India leads South Asia with 10 of the 13 cases, making it the clear regional focal point, and further stands out for the breadth of sectors involved. The cases span pharmaceuticals, specialty chemicals , engineering and infrastructure, defence contractors, and technology services companies. This cross-sectoral exposure indicates that the risk is not isolated to a single industry, but is instead systemic and tied to the scale and structure of the Indian market itself. Large-scale public spending, complex regulatory regimes, and frequent interaction with state-owned entities create repeated touchpoints between companies and government officials, increasing vulnerability to compliance failures.

India's repeated appearance across multiple industries also reflects the heightened corruption and integrity risks associated with public-sector procurement and licensing processes, where discretion, delays, and opaque decision-making remain common. In parallel, the government's extensive employment of healthcare professionals, regulators, and technical specialists, particularly in pharmaceuticals, environmental oversight, and infrastructure approvals, raises the likelihood of conflicts of interest and improper influence. Together, these factors help explain why India features prominently across enforcement actions.

SOUTH-EAST ASIA

South-East Asia follows the same "market access / state-private boundary" typology seen across the other Asian regions. The South-East Asia region appears in 10 enforcement actions in the dataset, with Indonesia (6 cases) and Vietnam (4 cases) most frequently named, followed by Malaysia (2) and Thailand (2). The underlying conduct reflects recurring exposure in environments where commercial opportunities depend heavily on government permissions, licensing decisions, and state-linked counterparties. As in the rest of Asia, the bribery conduct often centres on obtaining or retaining business by influencing administrative or regulatory touchpoints that operate as practical gatekeepers for market entry, expansion, or continuity of operations.

The mechanics of the South-East Asia cases are also consistent with the broader Asian profile, including the use of third-party agents, consultants, or local intermediaries, payments characterised as commissions, "success fees", or consulting/marketing support; and benefits provided through travel, gifts, hospitality, or other items booked as legitimate expenses. A common compliance challenge is that intermediaries can simultaneously provide access, manage local relationships, and create deniability, thereby obscuring the ultimate recipient and weakening internal controls where due diligence and monitoring are not calibrated to the realities of the local sales channel.

Russia and CIS: Telecoms and Third-Party Channels

The Russia/CIS region (14 cases) is dominated by two sectors: telecoms and oil and gas. The Uzbekistan cluster arose from a single corrupt market-entry scheme orchestrated by Gulnara Karimova, daughter of the country's then-president, Islam Karimov. Companies seeking to enter or expand into Uzbekistan were required to make large payments disguised as legitimate commercial transactions to entities beneficially owned by Karimova. Common mechanisms included payments for sham consulting or lobbying services, payments characterised as licence acquisition fees and equity interests or options granted to shell companies controlled by Karimova.

The Uzbekistan cluster is significant, not just due to the scale of the bribes, but demonstrates how a single corrupt "gateway official" can generate multiple distinct FCPA enforcement actions across different companies and industries over an extended period. Two broader lessons which are also reflected elsewhere in the dataset are that:

(i) Country risk can be person-centric, not just institutional (i.e., a single powerful individual can generate systemic risk across an entire economy).

(ii) Multiple FCPA cases may reflect one corruption ecosystem, rather than repeated independent compliance failures.

The Uzbekistan matters are examples of how concentrated political power, weak formal institutions, and foreign capital intersect to produce long-running, multi-company enforcement cascades under the FCPA.

Russia itself appears in 9 cases, spanning pharmaceuticals, nuclear services, industrial supplies, medical devices, and technology. The consistent pattern across these cases is the use of distributors or resellers as intermediaries to make payments to government-employed customers or procurement officials, a third-party risk profile that compliance practitioners will recognise as endemic to post-Soviet markets.

This is why, from a compliance perspective, Russia and other post-Soviet markets have long been treated as high-risk for third-party channel abuse: formal distribution arrangements can mask informal political access, beneficial ownership is not always transparent, counterparties may have undisclosed links to officials or politically exposed persons, and legitimate commercial justifications for using intermediaries can make improper payments difficult to distinguish from ordinary sales support.

The recurring lesson from the Russia cases is that anti-bribery controls must be calibrated not just to the end customer, but to the full economics of the channel, who the intermediary really is, why its margin is so high, what services it actually performs, and whether its role makes commercial sense, apart from its ability to influence state purchasing decisions.

Europe: Four Cases, a Critical Data Point

The most analytically significant finding in the geographic analysis is the number of FCPA enforcement actions in which the underlying bribery conduct occurred in Europe, just four representing 5% of the overall dataset. Those cases cover pharmaceuticals (Greece), financial services (Italy), technology (the European conduct was in Hungary, but it was a multi-regional case that also included Saudi Arabia, Turkey, Thailand), and healthcare (Spain and Serbia), and reveal a consistent pattern of relatively contained, transactional schemes involving payments to publicly-employed healthcare workers or individual procurement officials.

In the Greek case, the misconduct centred around bribing employees of state-owned and state-controlled hospitals and clinics in Greece with sponsored travel and payments disguised as conference attendance or research participation to induce prescriptions of specific drugs. The technology case involved the manipulation of pricing structures, whereby artificially inflated discounts to resellers created hidden margins that were used to fund improper payments to government officials in connection with public sector software contracts. In Italy, the financial services case-related conduct formed part of a broader intermediary-driven model, in which business development consultants, with connections to public officials, were retained and compensated under the guise of legitimate services to conceal bribes to win and retain lucrative business projects. The Spain and Serbia case relied on a more traditional healthcare bribery approach, using sham consulting agreements and third-party agents to channel payments to publicly employed medical professionals and procurement decision-makers.

What unites these European cases is not only their limited geographic scope, but also their operational character. They are discrete, locally-executed schemes typically involving individual hospitals, agencies, or counterparties, rather than large-scale, multi-jurisdictional efforts to secure strategic market access. The mechanisms are familiar, such as the engagement of third-party intermediaries, falsified books and records, and the use of ostensibly legitimate commercial structures such as discounts, consulting arrangements, or educational events, but their application is narrow and transactional rather than systemic.

This finding speaks directly to the Gauvain Report's central thesis, discussed in the next section of this report. European companies feature prominently as defendants across the dataset. Yet the conduct for which they were prosecuted occurred overwhelmingly in Africa, Latin America, Asia, and the CIS, where bribery schemes tend to be larger in scale, more structurally embedded, and often linked to major public procurement or extractive industry projects. Within Europe, enforcement is directed at complex, high-value schemes that shape market entry and long-term commercial position.

The implication is not that bribery risk is absent within the European business environment, but that the nature of that risk is different. The DOJ is not meaningfully extending its enforcement reach into systemic European market conduct. Rather, it is prosecuting European companies for misconduct in jurisdictions that European enforcement agencies historically declined to pursue.

Gauvain, Trump, and the Geography of the Argument

The Gauvain Report Thesis

The 2019 Gauvain Report opened with a declaration that the United States had "dragged the world into the era of judicial protectionism" and was wielding the rule of law as "a weapon of destruction in the United States' economic war against the rest of the world, including its traditional allies in Europe". Its primary empirical anchor was the composition of the 10 largest FCPA resolutions, the majority of which involved European companies. The Report argued that U.S. prosecutors were selectively targeting European firms to disable competitors of American corporations.

The Gauvain Report conflates the nationality of the defendant company with the location of the corrupt conduct. These are analytically distinct. The FCPA does not prohibit European companies from doing business in Europe or other areas. It prohibits the payment of bribes to foreign government officials, and those officials are, by definition, in jurisdictions other than the company's home country. For a French aerospace company or a Swedish telecoms group operating globally, those jurisdictions include the same high-risk markets where American companies also operate.

It is worth noting that the Gauvain Report was published in 2019, the same year Airbus initiated settlement discussions with the DOJ, the UK Serious Fraud Office, and the French Parquet National Financier—a coordination that ultimately produced the landmark 2020 multi-jurisdictional resolution. That resolution was precisely the kind of cooperative international enforcement that the OECD Convention was designed to produce, and which the Gauvain Report's proposed countermeasures would have obstructed.

The Gauvain Report conflates who was prosecuted with where the bribery happened. The geographic data shows these are entirely different questions—and the answer to the second question undermines the first.

The Trump Executive Order Thesis

President Trump's 10 February 2025 Executive Order directed the DOJ to pause new FCPA investigations on the grounds that enforcement had become "excessive" and was making American companies less competitive. The accompanying White House fact sheet cited the average number of enforcement actions per year as evidence of overreach—without reference to defendant nationality, the geography of underlying conduct, or any specific examples of competitive harm to U.S. businesses.

The geographic data is no more supportive of this framing than it is of Gauvain. The 42 U.S.-parent companies in the dataset were prosecuted for paying bribes in Brazil, China, Mexico, India, Russia, and across Sub-Saharan Africa—precisely the markets where U.S. companies with global operations are most exposed. These enforcement actions are not the product of prosecutorial overreach; they reflect the reality that U.S. companies operate in the same high-risk jurisdictions as their European and Asian counterparts, and pay bribes in those markets for the same commercial reasons.

The timeline of enforcement is also relevant here. The dataset shows consistent annual volumes of eight to 11 enforcement actions per year throughout the review period—2016 through 2024. There is no surge, no dramatic escalation, no evidence of the "excessive, unpredictable" enforcement the Executive Order invokes. On any reasonable reading, the data shows a steady, proportionate enforcement programme applied consistently over nine years.

What the Geography Actually Shows

The geographic picture that emerges from the data shows that FCPA enforcement is concentrated in the Global South because that is where bribery is happening. The officials receiving bribes are employed by state-owned enterprises in the oil, gas, mining, telecoms, and infrastructure sectors. They are in Brazil, Angola, Nigeria, China, Indonesia, Uzbekistan—not in France, Germany, or the United States.

The countries most frequently appearing in the dataset are, broadly, those with three structural characteristics: high concentrations of state-owned enterprises in capital-intensive sectors; weak rule-of-law and public procurement governance environments; and large inflows of foreign direct investment from multinational companies headquartered in the U.S., Europe, and Asia simultaneously. With the exception of China, these are not countries targeted by the U.S. for competitive advantage—they are countries where the intersection of state ownership, resource wealth, and weak enforcement creates endemic bribery risk for all foreign operators regardless of nationality.

Both the Gauvain Report and the Trump Executive Order implicitly treat the FCPA as a bilateral U.S.-versus-others dynamic. The geographic data reveals something more uncomfortable: a multilateral corruption ecosystem in which companies headquartered across the U.S., Europe, Brazil, and Asia are all paying bribes in the same jurisdictions, to officials in the same state-owned industries, to win the same contracts.

The Luskin Study's conclusion—that the DOJ applies its policies neutrally regardless of defendant nationality—reinforces this picture. The data does not show American prosecutors targeting Europeans. It shows American prosecutors enforcing an international norm in the jurisdictions where that norm is most systematically violated, against whatever company happens to have violated it.

The debate about who is being prosecuted matters. The debate about where the bribery is happening matters more—and the answer points squarely at the quality of governance in the markets where global business is done.

Implications for Practitioners and Corporate Counsel

Sector-Geography Risk Intersections

The question for compliance practitioners is not whether FCPA risk exists in certain markets—clearly it does—but whether the company's third-party due diligence processes, internal controls, and compliance programmes are adequately designed for the specific sector-geography risk profile. A generic global anti-bribery policy is insufficient where the risk is concentrated and structurally predictable.

Multi-Regional Schemes and Third-Party Risk

The 41% of cases involving bribery across multiple regions simultaneously is significant for both corporate investigations and compliance programme design. Multi-regional bribery schemes are almost invariably facilitated by third-party intermediaries—agents, distributors, consultants, and joint venture partners—who operate across jurisdictions and create compliance blind spots that single-country due diligence fails to detect.

The Rolls-Royce, Airbus, Amec Foster Wheeler, and Ericsson cases all exemplify this pattern: systematic bribery facilitated through global intermediary networks, operating across six or more countries, over five to 15 years. In each case, the enforcement action encompassed multiple regions, suggesting that internal compliance mechanisms were either absent, ineffective, or deliberately circumvented at senior levels. The geographic breadth of the underlying conduct was itself a factor in the scale of the resulting penalties.

The Voluntary Disclosure Window

The Luskin Study's most important practical finding—that voluntary self-disclosure is the primary driver of favourable resolution outcomes—takes on added significance in the context of the geographic concentration identified in this paper. Companies operating in the high-risk jurisdictions (Brazil, Angola, China, Uzbekistan) are precisely those most likely to discover legacy compliance failures during M&A due diligence, through whistleblower complaints, or through proactive compliance reviews triggered by changes in local enforcement activity.

The geographic concentration of FCPA risk in markets with active local anti-corruption enforcement means that the risk of parallel disclosure—a whistleblower or local authority triggering a U.S. investigation before the company self-discloses—is significant and growing. The optionality to self-disclose on favourable terms under the CEP is not indefinitely available in markets where concurrent local enforcement is active.

Conclusion

The geographic analysis presented in this paper adds an empirical dimension to the FCPA enforcement debate that has been largely absent from both the Gauvain Report and the Trump Executive Order. The FCPA is not an instrument directed at European business activity in Europe, nor a mechanism that disproportionately burdens American companies relative to their global peers. It is a statute that responds to a real and geographically concentrated phenomenon: the payment of bribes, by companies of many nationalities, to officials in state-owned enterprises and government agencies across the Global South—predominantly in South America, Sub-Saharan Africa, MENA, and Asia.

The Luskin Study demonstrates that the DOJ applies its enforcement policies consistently regardless of defendant nationality. This paper demonstrates that the conduct being enforced against is itself concentrated in specific regions and sectors—regions and sectors that are, in many cases, developing their own enforcement frameworks. The trajectory of global anti-bribery enforcement points not toward U.S. exceptionalism or protectionism, but toward the gradual convergence that the OECD Convention was designed to produce.

Top 15 Most Frequently Named Bribery Jurisdictions

The 15 countries listed below were most frequently identified as bribery locations across the 82 enforcement actions reviewed, ranked by frequency.

Rank	Country	# of Cases	Region	Primary Sectors
1	Brazil	25	South America	Oil and gas, EPC, aviation, commodities
2	China	13	East Asia	Technology, finance, gaming, pharma
3	India	10	South Asia	Pharma, chemicals, engineering, IT
4	Russia	9	Russia / CIS	Pharma, nuclear services, technology
5	Mexico	9	C. America & Caribbean	Retail, finance, waste management
6	Angola	6	Sub-Saharan Africa	Oil and gas
7	Nigeria	6	Sub-Saharan Africa	Oil and gas, EPC
8	Indonesia	6	South-East Asia	Telecoms, aerospace, EPC
9	Uzbekistan	5	Russia / CIS	Telecoms (market access)
10	Saudi Arabia	5	MENA	Defence, oil services, technology
11	Ecuador	5	South America	Oil trading, insurance broking
12	Venezuela	5	South America	Oil trading, telecoms
13	South Africa	4	Sub-Saharan Africa	Consulting, power infrastructure
14	Kazakhstan	4	Russia / CIS	Oil services, aerospace, pharma
15	Vietnam	4	South-East Asia	Telecoms, chemicals, aerospace

Endnotes

1 Robert Luskin & Bridget Vuona, "Pattern or Paranoia: Do U.S. Prosecutors Enforce the Foreign Corrupt Practices Act Differently Based on the Nationality of the Defendant?", American Criminal Law Review Online (March 2026). The underlying dataset—Appendix A: FCPA Enforcement Actions Data (April 2016 – January 2025)—formed the basis for both the Luskin Study's analysis and the geographic mapping in this paper.

2 Raphael Gauvain et al., "Retablir la souverainete de la France et de l'Europe et proteger nos entreprises des lois et mesures a portee extraterritoriale", Assemblee Nationale (26 June 2019).

3 Executive Order No. 14209, 90 Fed. Reg. 9587 (10 February 2025).

4 Deferred Prosecution Agreement, United States v. Airbus SE, No. 20-cr-00021 (D.D.C. Jan. 28, 2020).

5 Geographic attributions in this paper are based on review of DOJ press releases, prosecution agreements, declination letters, court filings, and SEC disclosures. Where documents did not specify countries explicitly, attributions were drawn from publicly reported case details and enforcement-related publications. All research as of April 2026.

6 Cases involving bribery in multiple countries are counted once per region; a single case may therefore appear in multiple regional tallies, and the sum of regional case counts exceeds 82.

7 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, Dec. 17, 1997; UK Bribery Act 2010, c. 23; Loi Sapin II, n° 2016-1691, 9 December 2016.

AUTHORS

Ralph Stobwasser
MANAGING DIRECTOR
rstobwasser@secretariat-intl.com

Anna Bleazard
MANAGING DIRECTOR
ableazard@secretariat-intl.com

Arnold Castillo
MANAGING DIRECTOR
acastillo@secretariat-intl.com

Greg Hallahan
MANAGING DIRECTOR
ghallahan@secretariat-intl.com

Rongcheng Chen
DIRECTOR
rchen@secretariat-intl.com

Ed Westerman
MANAGING DIRECTOR
ewesterman@secretariat-intl.com