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Other matters

**Conference room paper submitted by the Governments of Canada
and the Kingdom of the Netherlands: High-level Roundtable
Accomplishments on Anti-Corruption****

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Conference Room Paper submitted by the Governments of Canada and the Kingdom of the Netherlands: High-level Roundtable Accomplishments on Anti-Corruption

I. Issue Statement

There is a growing awareness and acknowledgement in the international community of the risk that corruption poses to developed and developing countries alike, and the need to develop new pathways and partnerships to strengthen the international anti-corruption architecture.

In this context, and since the last Conference of State Parties under the United Nations Convention against Corruption (UNCAC), Canada, Ecuador and the Netherlands organized a **High-Level Roundtable (HLRT)** in November 2022 that brought together valued partners to examine effective ways to strengthen the international anti-corruption architecture and to accelerate progress on combatting corruption in all its forms.

II. Context

Stemming from the first Summit for Democracy, the goal of the High-Level Roundtable (28-29 November 2022) was to help identify ways to **accelerate the international effort to prevent and combat 'grand corruption'**, i.e. activities that implicate higher ranking government officials and elected officials who exploit opportunities that are presented through government work.

Rich discussion at The Hague generated interest and momentum around some common principles and pathways to continue to advance the fight against corruption. We are pleased to share a **Co-Chairs' Summary** of the High-Level Roundtable, with you which captures common themes and diverse recommendations emerging from among the many valuable contributions and insights generated. Enclosed with the Summary are copies of the thematic briefs and Guiding Principles developed for the meeting, which provide more comprehensive suggestions and normative ideas from which to advance actions and more international coordination.

Outcomes from the HLRT confirmed that there is limited support for creating new institutions at this time. Nevertheless, there was positive and constructive acknowledgement of the benefit from working together, across jurisdictions and regions, to tackle the multifaceted and disruptive impacts of corruption on states, societies, and stability, and moreover that there is ample opportunity within the existing anti-corruption architecture to do so (e.g., UNCAC/ COSP, FATF, Egmont Group, G20, OECD, OAS, IFIs – World Bank, IMF). Overall, some 40 countries participated, as well as a wide variety of stakeholders, confirming the broad-based support for the anti-corruption architecture.

III. Follow up

The Roundtable meeting confirmed that preventing and combatting corruption is a multifaceted challenge, requiring a whole-of-society approach in order to better hold corrupt actors and their enablers to account.

Tackling corruption in all its forms is at the heart of overcoming some of the main challenges facing democracy, and key to building resilient societies that can contribute to and reap the benefits from a rules-based international system. To address the challenges, as an

international community, it is important to further develop and advance lines of effort and action to prevent and combat corruption.

To this effect, the meeting identified three areas where additional work can be undertaken to further tackle corruption:

- ***Strengthening the evidence base*** to better identify trends, target interventions, monitor impacts, and support evidence-based decision making.
- ***Identify, develop, and promote legal tools and common approaches*** to sharpen, strengthen, and better coordinate efforts to enforce and achieve compliance within the international anti-corruption architecture.
- ***Help build capacity*** to support more states in their own efforts to improve implementation of anti-corruption standards and guidelines and participate actively in the international anti-corruption architecture.

Through our existing multilateral engagements and initiatives, there is an opportunity to build on each of these themes, alongside existing partners and new friends in policy and practitioner communities.

Together, let us shine a light on crime and corruption, in partnership with a strong civil society and free and open media, so that fundamental freedoms and human rights are respected and protected.

Let us strengthen the social contract between citizens and states, in order to protect the democratic resilience of our institutions and societies from increasing risk.

Co-Chairs' Summary

High-Level Roundtable on Anti-Corruption World Forum, The Hague Nov. 28-29, 2022

On November 28-29, 2022, Canada, Ecuador and the Netherlands co-hosted a High-Level Roundtable on Anti-Corruption at the World Forum in The Hague. The Roundtable aimed to enhance the effectiveness and impact of the global fight against (grand) corruption, by examining the merits of a range of actions across the short, medium and long-term to close persistent gaps and strengthen international cooperation.

In the months leading up to the Roundtable, the co-hosts had conducted initial consultations with government officials, experts from civil society, international organisations, academics and other key stakeholders to facilitate the integration of a wide range of perspectives into the Roundtable. Key findings and recommendations resulting from these initial consultations were shared with the participants prior to the Roundtable in the form of three thematic Discussion Briefs and a draft Ministerial Statement of Principles. Building on these documents, the Roundtable provided a multi-stakeholder platform for dialogue, exchange and agenda setting and helped to build and maintain momentum to step up the fight against corruption.

In a way, the meeting was the message, as the Roundtable saw an excellent turnout. Twelve states were represented at the ministerial-level meeting on 28 November, namely: Bulgaria, Canada, Croatia, Ecuador, Georgia, the Netherlands, North Macedonia, Romania, Senegal, Singapore, Timor-Leste and Zambia. In addition, Norway's State Secretary for Foreign Affairs and the US Coordinator on Global Anti-Corruption also participated in this meeting. The non-ministerial meeting in the morning of November 29 was attended by national delegations representing some 40 countries, joined in the afternoon by a wide variety of stakeholders, including multilateral organisations and national and international NGO's. Discussions were lively and frank, largely thanks to and stimulated by the invaluable contributions of a number of distinguished speakers.

During the rich discussions, participants pointed out the following priority concerns, among others:

- the undermining effect of grand corruption on democratic institutions and its interconnectedness with other forms of transnational crime;
- the self-reinforcing vicious cycle of grand corruption and impunity;
- the shrinkage of civic space and threats to journalists;
- the risk of corruption in procurement;
- ultimate beneficial ownership secrecy and vulnerabilities in the global financial system, including the continued existence of safe havens for proceeds of corruption crimes;
- the role of financial, legal and accounting intermediaries or service providers and enablers of corruption and tax evasion;
- insufficient asset recovery and return;

Complementary to other important work, participants highlighted a number of priorities for redoubled individual and joint action, among others:

- raising awareness of the need to jointly address grand corruption and the ecosystem that supports it, based on solid evidence and a holistic approach that combines preventive measures, criminal justice responses, sanction regimes and asset recovery measures;

- strengthening political will and creating ownership of the problem among private companies;
- protection of civic space and media freedom and active promotion of a culture of integrity, including through education;
- promoting greater coordination and synergy among existing anti-corruption frameworks, institutions and initiatives;
- strengthening the effective implementation of existing instruments and existing commitments, including through the continuation and strengthening of review mechanisms;
- supporting and ensuring meaningful stakeholder participation in multilateral anti-corruption forums and efforts, including by creating or strengthening partnerships with the private sector and civil society;
- investing in specialized anti-corruption capacity and providing resources to respond to the large number of outstanding requests for technical assistance;
- enhancing international cooperation – in particular by and with developing countries – including through harmonizing domestic legislation, revitalizing underutilized international networks and improving information exchange;
- increasing the transparency of beneficial ownership and dismantling offshore jurisdictions and shell companies.

Main lines of discussion

- *Grand Corruption*

Participants highlighted the organized, sophisticated, and increasingly transnational nature of grand corruption, typically enabled and supported by a global network of actors, participants and enablers. This networked transnational crime benefits from an ecosystem through which dirty money can move around the world in seconds, to be hidden behind multiple layers of complex company structures and beneficiaries, laundered across jurisdictions and converted into real estate, yachts, jewelry and art.

Participants noted that grand corruption is holding us back on our path towards a more equitable and sustainable world, as it robs citizens of vital public resources and undermines SDGs, as well as the global action needed to face climate change. It was also stated that grand corruption is a threat to democracy and the values we defend, as it enables corrupt elites to consolidate their grip on power, to manipulate elections and intensify the repression of journalists and civil society organizations. Grand corruption can even destabilize entire regions and create breeding grounds for war and refugee flows.

In this light, it was argued that the fight against grand corruption should be a fundamental part of both the international anti-corruption agenda and national foreign policy and national security agendas. Participants agreed that there is no silver bullet for tackling grand corruption and stressed the need for a holistic and integrated approach combining preventive measures, criminal justice responses, sanction regimes and asset recovery measures. Many also stressed the importance of a solid evidence base, more hard data and comprehensive corruption indicators.

- *Implementation gaps, review mechanisms and capacity building*

Participants agreed that the incomplete and/or ineffective implementation of existing instruments and commitments remains one of the main obstacles in the fight against corruption. Although the objectives of the existing international anti-corruption architecture are sound, more must be done

to ensure adherence to the spirit and letter of these instruments and commitments. In this regard, participants noted that review mechanisms are important tools for identifying implementation gaps and technical assistance needs.

It was noted in this regard that for UNODC, the Implementation Review Mechanism of UNCAC is a technical and non-political entry point to work with States Parties. Gaps identified during the review are often the basis for further programs, at both the national and regional levels. Based on the gaps identified, countries prepare action plans and form taskforces, but often subsequently lack the financial and operational capacity to implement these plans, because assistance is not available. Currently, UNODC is confronted with 4,500-5,000 requests for technical assistance from 170 States that cannot be addressed. These include legislative, institutional and operational problems in all the areas of anti-corruption. Various participants called on the international community to continue to provide tailor-made and sustainable technical assistance, so that all countries can make the adjustments and transitions they want to make. The involvement of national development assistance departments was also suggested.

Many participants argued in favor of the continued and more effective use of review mechanisms. In this regard, it was suggested that review mechanisms should focus less on the content of laws and statutes and more on actual enforcement, that they should take into account the political and socio-economic dynamics surrounding anti-corruption reform, and that they should lead to recommendations that are embedded in the larger reform agenda for better governance of the country under review. It was also stated that review mechanisms should be made more transparent by ensuring greater involvement from civil society and the private sector.

Many participants also stressed the importance of adequate funding for national and international anti-corruption authorities, and in this regard, the role of multilateral organizations, international financial institutions and UNODC's regional coordination centers was highlighted. It was stated that the sophisticated nature of grand corruption schemes and new developments, such as the rise of cryptocurrencies and emerging forms of illicit financial flows, call for investments in specialized anti-corruption skills, including investments in specialized law enforcement capabilities and new tools, such as fintech, big data and risk analytics. Training and learning should not be limited to the classroom, but should continue in practice through mentoring and the regular exchange of best practices with international colleagues.

- *International cooperation and asset recovery*

Participants agreed that regional and global cooperation must be enhanced to address the increasingly transnational nature of high-level corruption involving vast quantities of assets. National laws and well-trained experts are very important, but their influence stops at the border. A major problem for prosecutors is that they often do not have access to relevant information in other countries. They are confronted with the limited enforcement capacity in some countries, cumbersome mutual legal assistance procedures and the complexity of the financial system.

It was noted in this regard that international bodies and networks, such as the International Anti-Corruption Coordination Centre (IACCC) or the Asset Recovery Inter-Agency Networks (ARINs), provide platforms for effective cooperation and coordination among law enforcement agencies working on transnational corruption cases and also contribute to the trust and personal relationships that are important for smooth international cooperation. However, since these networks are often underutilized, several participants called for more resources to promote these networks in countries that lack the capacity or understanding to use them effectively. To improve

international cooperation, participants also suggested removing legal barriers in MLA relationships – such as the lack of dual criminality or differences in statutes of limitations – and referred to Interpol's e-MLA initiative.

With regard to asset recovery and return, several participants emphasized the relevance of non-conviction based forfeiture. It was also observed that there is room for further normative development in this field, as there is a growing gap between the asset recovery provisions in the UNCAC, on the one hand, and the various good practices identified by the UNCAC Implementation Review Mechanism and current state practice, as evidenced by recently concluded MoU's. Recent MoUs', for example, often contain provisions on the use of the assets, transparency and monitoring, while UNCAC barely addresses these issues. It was also noted that there might be room for institution building in this field, for example, by creating an institution that can collect and share information, that can organize bi- or multilateral meetings and conferences and that can possibly also provide mediation.

- *Impunity*

It was observed that roughly two decades after the adoption of the UNCAC, many kleptocrats and their cronies continue to enjoy impunity, because domestic criminal justice systems often face serious challenges in their fight against impunity. Cross-border financial investigations are extremely complex and costly, and in some countries there is very limited human, technical and material capacity. With this in mind, a number of participants expressed support for the proposal to create a pool of rapidly deployable international investigators, prosecutors and judges specialized in anti-corruption cases, who can assist national authorities on an *ad hoc* basis, at the invitation of a state. Such a mechanism could consist of a list of experts and adequate funding.

A second challenge is that corrupt elites can sometimes frustrate the enforcement of domestic criminal law, when directed against themselves or their relatives. In light of these two sides of the enforcement gap, several participants also expressed support for the long-term option of establishing an International Anti-Corruption Court, functioning on the principle of complementarity, which can support states to close the enforcement gap for corruption crimes rising to the level of grand corruption and to hold the corrupt actors to account. Other participants spoke out against this proposal, citing resource competition, the limited success of the ICC to date, the danger of bias or a preference for regional institutions. If domestic enforcement is not possible due to corruption, particularly in kleptocracies, then third states should resort to corruption-related financial sanctions and visa restrictions or cooperate through related or parallel prosecutions to ensure that corrupt leaders are brought to justice in their jurisdictions.

- *Political will*

Many participants underlined the importance of generating and strengthening political will to tackle corruption. It was noted that one key to generating political will is to listen to the needs of states. Taking a contextual approach, looking at the specific needs of particular states, may in some cases work better than applying coercion. Political will at the top, however, can also be stimulated by horizontal diplomatic pressure, or by vertical pressure from transparency actors, such as journalists, and it is therefore important to encourage an open media culture in corrupt countries. Review mechanisms could also exert more pressure if civil society and the private sector played a greater role in them and if a greater proportion of their results were made public.

Annex

List of Participants

Ministerial session – 28 November

1. Bulgaria
 - H.E. Mr. Nikolay Milkov, *Minister of Foreign Affairs*
 - H.E. Mr. Ivan Demerdzhiev, *Deputy Prime Minister for Public Order and Security and Minister of the Interior*
 - H.E. Ms. Monika Dimitrova-Beecher, *Deputy Minister of the Interior*
2. Canada
 - H.E. Ms. Mélanie Joly, *Minister of Foreign Affairs*
 - Ms. Heidi Hulan, *Assistant Deputy Minister*
3. Croatia
 - H.E. Ms. Andreja Metelko-Zgombić, *State Secretary for Europe*
4. Ecuador
 - H.E. Mr. Juan Carlos Holguín Maldonado, *Minister of Foreign Affairs*
5. Georgia
 - H.E. Mr. Revaz Javelidze, *Head of Government Administration of and Chair of the Anti-Corruption Interagency Coordination Council*
6. Netherlands
 - H.E. Mr. Wopke Hoekstra, *Minister of Foreign Affairs*
7. North Macedonia
 - H.E. Ms. Fatmire Isaki, *Deputy Minister of Foreign Affairs*
8. Norway
 - H.E. Ms. Bjørg Sandkjær, *State Secretary for International Development*
9. Romania
 - H.E. Ms. Janina Sitaru, *Deputy Minister of Foreign Affairs*
10. Senegal
 - H.E. Ms. Aïssata Tall Sall, *Minister of Foreign Affairs*
11. Singapore
 - H.E. Mr. Maliki Osman, *Second Minister for Foreign Affairs, Second Minister for Education, and Minister in the Prime Minister's Office*
12. Timor-Leste
 - H.E. Fidelis Magalhães, *President of the Council of Ministers*
13. United States
 - Mr. Richard Nephew, *Coordinator on Global Anti-Corruption*
14. Zambia
 - H.E. Mulambo Hamakuni Haimbe, *Minister of Justice*

Non-ministerial session – 29 November (registered states)

1. Australia
2. Belgium
3. Bulgaria
4. Canada
5. Chile
6. Colombia

7. Costa Rica
8. Côte d'Ivoire
9. Croatia
10. Czech Republic
11. Ecuador
12. Estonia
13. France
14. Georgia
15. India
16. Indonesia
17. Ireland
18. Italy
19. Japan
20. Lithuania
21. Luxembourg
22. Malaysia
23. Netherlands
24. North Macedonia
25. Norway
26. Panama
27. Peru
28. Republic of Moldova
29. Romania
30. Singapore
31. Slovakia
32. Slovenia
33. South Africa
34. South Korea
35. Sweden
36. Switzerland
37. Tanzania
38. United Kingdom
39. United States
40. Uruguay
41. Zambia

Mixed session – 29 November (registered external stakeholders)

1. Basel Institute on Governance
2. Club de Madrid
3. Eurojust
4. Extractive Industries Transparency Initiative
5. Global Governance Forum
6. Integrity Initiatives International
7. International Anti-Corruption Academy
8. International Anti-Corruption Coordination Centre
9. International Development Law Organization
10. International Organization of Prosecutors
11. INTERPOL

12. Leiden University
 13. OSCE Parliamentary Association
 14. Transparency International
 15. Transparency International Macedonia
 16. Transparency international Netherlands
 17. UNCAC Coalition
 18. UNODC
 19. Utrecht University
 20. World Refugee & Migration Council
-

Theme 1 – Mapping the Current Framework

Executive Summary

Grand corruption or kleptocracy violates human rights, increases inequalities, and dismantles social and economic structures, constituting one of the main risks to humanity, democracy, and sustainable development. Although there is no international legal definition of grand corruption, there are three generally accepted key characteristics: (1) misuse or abuse of high-level power; (2) large sums of money; and, (3) harmful consequences. In this sense, grand corruption configures an umbrella term for a set of crimes, including bribery (domestic and foreign), embezzlement, money-laundering, obstruction of justice, trading in influence, abuse of functions, illicit enrichment, private sector corruption offences, and concealment. Grand corruption provides kleptocrats with the means to manipulate elections, consolidate their grip on state power through legal reforms to dominate public investment and capture the judicial system, as well as intensify the repression of journalists and civil society. It is extraordinarily costly, it feeds the illegal and informal economies, and it also serves as an instrument for felonies of organized crime. As a consequence, it has modified coexistence and social mobility schemes, especially in developing countries. Recent transnational grand corruption scandals reveal that corruption can originate in every country, and that illicit profits may be destined for tax havens. However, these cases are not prosecuted nor punished in the same way in all states, due to differences in domestic legislations and the absence of dual criminality between some states. Moreover, new forms of transnational crime, in particular those related with cyber delinquency, are rapidly spreading, and neither the international framework nor domestic legislations are able to adapt fast enough to prevent associated corruption acts and its vast negative implications. In order to prevent grand corruption, it is crucial to analyze its traceability and value chains; its enablers, intermediates, gate keepers, and final beneficiaries; as well as capacity resources required to fight corruption at international and domestic levels. Understanding the current grand corruption ecosystem will allow to implement adequate preventive measures that can adapt to its rapid evolution.

The current legal framework against corruption is robust. It encompasses a range of international and regional instruments, with mandatory and non-mandatory provisions. The most comprehensive existing convention is the UNCAC, which contemplates provisions around prevention, criminalization, law enforcement, international cooperation, mutual legal assistance, extradition, asset recovery, technical assistance and information exchange. Amongst other international instruments are the UNTOC and the OECD Convention on combating foreign bribery. At the regional level, the Americas, Europe, Africa, and the League of Arab States, have anti-corruption conventions. Nevertheless, legal instruments, alone, are not enough to tackle grand corruption if there is a lack of adequate implementation at the domestic level, mainly due to the absence of normative commitments and a proper enforcement institutional architecture. Besides the legal framework, there is a number of novel measures, networks and initiatives to tackle grand corruption. These include autonomous economic measures, transparency initiatives (EITI), sector-based initiatives (Maritime Anti-Corruption Network), information exchange platforms (GlobE Network, G-7 24/7 Contact Network, Inter-American Portal for Cooperation on Cybercrime), money laundering prevention and stolen assets recovery initiatives and networks (StAR, FATF, GAFILAT, regional inter-agency networks -ARIN), police cooperation mechanisms (INTERPOL, EUROPOL), regional and international prosecutors' associations and judicial networks, and impunity partnerships or peer-based missions (CICIG, MACCIH, EULEX).

In order to structure the discussion, two key findings emerged:

- 1) *Accurate Problem Sizing and Building the Evidence Base* - The lack of clear legal and practitioner definitions, size, scale, scope and impacts of grand corruption has left implementation overly vulnerable to reinterpretation, inconsistent application, and incoherent policy decisions. A robust evidence base consisting of sound statistics, evidence, metrics, indicators, and benchmarks, as well as impact and success measurement, is needed.
- 2) *Enhance meaningful implementation of existing anti-corruption frameworks* - Anti-corruption conventions consist of binding and non-binding provisions, with a frequent use of qualified and vague language, resulting in a variety of interpretations and contextual implementation. Review mechanisms contain key incentives to foster implementation, and improve coordination and responsiveness between member states. Articulated initiatives and networks can help to bridge implementation gaps and better address grand corruption.

Recommendations

The following overview of the recommendations are designed to better understand the problem of grand corruption, avoid duplicating efforts, and reinforce the current framework.

1.0 Accurate Problem Sizing and Building the Evidence Base

Clear definitions, indicators and metrics of grand corruption need to be developed to illustrate grand corruption economic, social, environmental and political impacts, and thus establish correspondent preventive measures.

Measurement tools to evaluate the effectiveness of anti-corruption efforts should be developed and applied homogenously worldwide.

Gender responsive, and intersectional and human rights approaches should be implemented to build grand corruption's evidence base.

2.0 Enhance meaningful implementation of existing frameworks

Review mechanisms of anti-corruption conventions need to incentivize implementation, improve responsiveness, and better monitor recommendations' compliance, especially regarding judicial independence, foreign bribery, and prosecution, adjudication and sanctions.

UNCAC IRM should continue after June 2024, and advocate for a more inclusive, transparent and effective mechanism.

States should focus efforts in harmonizing domestic criminal law to avoid impunity.

Initiatives and networks that promote transparency, information and intelligence exchange, police cooperation, proper law enforcement, prosecution and judgment, international MLA, and asset recovery, need to be strengthened and articulate better.

Theme 2 – Bridging the Gaps and Innovative Solutions

Executive Summary

Grand corruption's evasive, transnational, and systemic nature presents a unique challenge for the global anti-corruption community. Its networked complexity also affords multiple entry points to tackle this scourge and demonstrates the importance of a whole-of-society approach, incorporating a wide range of actors. The current international framework of anti-corruption conventions and institutions already provides a comprehensive and multidisciplinary framework for tackling grand corruption. However, the effectiveness of this international architecture often hinges on the meaningful implementation of obligations and opportunities contained therein, and various options can therefore be explored to enhance its implementation. As the current international anti-corruption framework is not the perfect expression of a single unified vision, but the product of a complex process of political and technical negotiations, there is also scope to consider whether the current framework can be improved, including by addressing enforcement gaps. Further, the possibility can also be explored to strengthen the current framework by linking it to related frameworks, such as UNTOC, human rights instruments, sanction regimes or global and national immigration regimes.

A number of draft recommendations have emerged from initial consultations on bridging the gaps and innovative solutions, which can be classified along the following lines.

1. Improve existing anti-corruption frameworks and strengthen their enforcement

UNCAC follows roughly three tracks in tackling corruption: (1) domestic preventive measures, (2) domestic criminal law, including a strengthened regime for international cooperation, and (3) asset recovery. UNCAC's provisions on preventive measures are very broad in character, and at present, they are best understood and implemented by reference to other instruments, such as the OECD guidance on public procurement. UNCAC's chapter on asset recovery also requires updating and supplementation. In addition to options for additional normative guidance, whether or not in binding instruments, there is also scope for strengthening operational capabilities, in particular with regard to criminal justice responses. For even though core corruption offences under UNCAC have been criminalized in a great majority of the 189 States Parties to UNCAC, corrupt leaders in many countries continue to enjoy impunity, because they can effectively frustrate the enforcement of domestic law, because of weak institutions or "state capture" dynamics.

2. Build bridges between anti-corruption frameworks and related frameworks

There is a clear nexus between transnational corruption and transnational organized crime. To develop a more comprehensive and effective anti-corruption approach, UNCAC measures could therefore be combined with those required under UNTOC. Human rights instruments also contain components that are relevant for addressing grand corruption, but missing from UNCAC, such as the right to a fair trial before an independent and impartial court or the protection of journalists. The current international anti-corruption framework could therefore be strengthened by building bridges with related frameworks.

Recommendations

1.0 Improve existing anti-corruption frameworks and strengthen their enforcement

Preventive Measures

Strengthen preventive anti-corruption measures by considering developing a detailed Protocol to UNCAC or a non-binding instrument, whether in association with or separate from UNCAC. Amplify or, where appropriate, develop model laws that are designed specifically for corruption prevention, for example on conflicts of interest, asset declaration, whistle-blowers, etc.

Domestic Law Enforcement

Promote the specialization of prosecutors and judges in corruption offenses and organized crime at the domestic level. Enhance state-to-state capacity building through funding, technical assistance, and law enforcement exchange programs, and the development of normative guidance as to how anti-corruption courts and prosecutors are best designed and protected from political interference.

International Cooperation

Consider building International Case Management systems to ensure better coordination between existing mechanisms. Strengthen international cooperation programs, networks, and mechanisms for technical assistance, information sharing and investigations.

State-to-State Criminal Justice Responses

Consider amending Article 42 of UNCAC by enshrining the principle of universal jurisdiction or by requiring States Parties to establish jurisdiction on all of the classical jurisdictional grounds, at least with regard to the acts of corruption that States Parties are required to criminalize. Advocate for a restrictive interpretation and application of the immunities enjoyed

under international law by perpetrators of grand corruption crimes.

International Accountability Mechanisms

Consider creating a pool of rapidly deployable international prosecutors and judges specialized in anti-corruption cases who can assist national authorities on an *ad hoc* basis at the invitation of a state. This mechanism may consist of a list of experts and adequate funding. Consider establishing an International Anti-Corruption Court, functioning on the basis of the principle of complementarity, which can close the domestic enforcement gap if states are either unable or unwilling to prosecute and adjudicate grand corruption crimes.

Proceeds of Corruption and Asset Recovery

Advance the establishment of comprehensive beneficial ownership registries, especially in offshore financial centres, as well as transparency and free public access to these registries. Utilize the private sector as an ally and partner, with specific emphasis on the banking sector, and sectors related to luxury goods, toward more rapid and accurate identification and seizure of assets and accounts.

2.0 Build Bridges Between Anti-Corruption Frameworks and Related Frameworks

Ensure greater coordination between UNCAC and UNTOC, for example through joint working groups or joint meetings of their Conferences. Ensure greater coordination between anti-corruption law and institutions and human rights law institutions, for instance with regard to the principles of the rule of law, the protection of journalists and the right to an effective remedy. Recognize opportunities presented by sanctions coordination and explore ways to strengthen, scale up or reinforce these efforts, accordingly.

Theme 3 - Generating Political Will and the Path Forward

Executive Summary

Grand Corruption and the theft of public resources undermine the achievement of the Sustainable Development Goals and negatively impact peace, stability, security, the rule of law, good governance, public trust, gender equality, the environment and human rights. Generating political will, through commitment among key actors; sustained action by institutions; and dialogue toward a shared understanding of problems and solutions, remains a central component in generating and sustaining real change. Grand corruption and kleptocracy are not solitary acts; rather, they arise in environments which are conducive to corruption, and rely on a global system of levers and networks which enable corruption and allow kleptocrats to transfer, store, access and use their ill-gotten gains. Kleptocracy is housed and harboured globally, through an ecosystem of corruption driven by a wide variety of actors, participants, enablers, and profits. With strong political will motivating momentum behind this issue, significant, immediate, and effective action can be taken to dismantle this ecosystem of enablers, and accessible barriers can be set in place to cut off kleptocrats from their wealth and fresh avenues of profiting from corruption.

Through a comprehensive consultative investigation of the key aspects and challenges of the anti-corruption environment, five critical features emerged in establishing the path forward:

- 1) *Establish a Positive & Inclusive Narrative* - Engaging in positive and participatory narratives, which focus on alleviating the terrible cost of grand corruption, serve to make the issue more politically salient and palatable to governments and citizens around the world
- 2) *Expand and Enhance Engagement* - Grand corruption touches all countries, while implicating multiple sectors and actors, and leveraging networks around the globe. Solutions that adequately respond to the nature of such a multifaceted problem will require coordination, cooperation, and engagement across many areas and arenas.
- 3) *Aligning Capacities and Priorities* - Using an ecosystem approach while leveraging national, international, and non-governmental mechanisms should emphasize best-fit models for specific contexts and be based on identification of needs. Prioritizing multi-directional flows of technical expertise and experience, including south-south learning, peer learning, sharing and continuous learning, best practices, and symbiotic approaches to capacity building, as well as the institutional arrangements and cooperation required to facilitate such initiatives.
- 4) *Catalyze Results* - Bearing in mind an ecosystem understanding of the problem, solutions must also adopt a multi-sectoral, multi-vector approach to addressing anti-corruption, paired with clear and measurable objectives, and verifiable results.
- 5) *Remain Agile in Planning for the Future* - In order to remain responsive to changing global contexts, and new pathways of potential corruption flows, it is critical for international anti-corruption frameworks to remain forward-looking. Going forward, a more agile framework would account for currently emerging trends within digitally-driven systems as well as anticipate the trajectories of more sustained socially-driven trends and phenomena.

Recommendations

It is important to note that no anti-corruption initiative exists as a turn-key operation - without meaningful political will across the international community, the doors to implementation and enforcement remain locked. Additionally, in a context of scarce financial and human resources, it will remain critical to avoid duplicity of efforts and enable synergies and complementarity between legal instruments. Based on this understanding, the following overview of the recommendations are designed to *motivate*, *generate*, and *maintain* political will.

1.0 A Positive & Inclusive Narrative

While remaining mindful of the terrible cost of corruption, reorient the narrative around anti-corruption to focus on the identification of success stories and accruable benefits and reinforce positive norms and inclusive approaches by emphasizing and investing in integrity frameworks, increased transparency, and responsive assistance mechanisms, and learning journeys around accountability across all relevant sectors.

2.0 Expand and Enhance Engagement

Strengthen implementation of commitments related to the private sector's role and civil society's role as allies in the development of innovative solutions related to anti-corruption, as well as that of developing tangible actionable outcomes including within state efforts with a view toward driving and triggering political will, maintaining momentum, and reducing political fatigue related to combating corruption.

3.0 Aligning Capacities and Priorities

Expand the availability and accessibility of resources, protection, and assistance networks, while strategically aligning and coordinating the provision of applied, mutual, peer-driven capacity building, technical

The forthcoming discussion brief and policy brief act as further steps in the efforts to address and improve the conditions necessary for generating and sustaining political will, including the resources, capacity, context, and coalitions, with which political and key actors can seek to strengthen their efforts to combat grand corruption.

expertise, and technology transfer with established needs across those sectors which interact with anti-corruption efforts with an emphasis on existing success stories and cross-sectoral fertilization.

4.0 Catalyze Results

Advocate for the adoption of, and increased consistency surrounding, transparency and accountability practices, including those related to electronic government service and payment options, accessibility and user-friendliness of relevant data, audit and investigation agencies, and Open Government models as a way of enabling strong citizen participation in and ownership of anti-corruption pursuits.

5.0 Remain Agile in Planning for the Future

Recognize the importance of the international framework's: agility regarding anti-corruption response mechanisms; and consideration of new forms of transnational crime associated with corruption; novel digital finance and asset mechanisms; and future-looking trends on the trajectories of more sustained socially-driven phenomena, as a way to ensure continued relevance, and success of anticorruption tools and mechanisms.

High-Level Roundtable on Anti-Corruption

Guiding Principles

Corruption in all its forms is an existential threat to democracy and security, and to the institutions and values we strive to defend and uphold. The scale of this global problem, its persistence at the highest levels of power, and its devastating consequences worldwide are of deepest concern. While the clandestine nature of criminal acts makes them difficult to quantify, some estimates place the economic cost of corruption at more than US\$2.6 trillion annually. However, the costs of corruption and kleptocracy cannot be measured in dollars alone. They are reflected in the erosion of public trust in institutions and of transparency and accountability, in the undermining of good governance, independence and the rule of law, and in the decline of respect for human rights and space for civil society and independent media. Grand corruption and kleptocracy impoverish public institutions that advance social development and the well-being of citizens and hinder the achievement of the 2030 Sustainable Development Goals, while breeding inequality and sowing division. Insecurity and instability thrive in such environments, fueling proliferation of crime and terrorism.

Our societies and citizens expect engaged and committed leadership to create a more secure, stable and prosperous world. We are committed to upholding the values that matter most to citizens and to deliver on the democracy and safety they deserve. The objectives of the existing international anti-corruption architecture are sound; however, we must do more and we must do better to ensure the spirit and letter of our commitments are achieved. We must redouble our efforts towards effective implementation of existing global and regional anti-corruption conventions and the effective use of existing tools, networks, resources and bodies. We recognize that the challenges of grand corruption and kleptocracy are complex and rely on a complicit global ecosystem of levers and networks to transfer, store, access and use ill-gotten gains derived from corruption. Our response and our actions must be tailored accordingly. It is time for the global community to address the transnational nature of corruption by bolstering international cooperation and collaboration, pursuing a strengthened evidence base, and by offering meaningful support to states in the pursuit of justice and the rule of law to combat corruption. We recognize the importance of open dialogue and innovation, including the exploration of new tools to complement the existing architecture as we strive for continued improvement, increased efficiency and effectiveness. We recognize that only through political will, determination and persistence will we bring change. In support of the international anti-corruption architecture, it is time to take new and concrete action on these fronts and bring our fight against corruption forward.

Together, we pledge to:

- Lead by example, promoting and practicing a culture of prevention, awareness, accountability, integrity and transparency while advocating for positive and inclusive anti-corruption narratives showcasing good actors and best practices, human rights and gender equality;
- Strengthen the effective implementation of existing international instruments and commitments, including through the more effective use of review mechanisms;

- Reinforce international cooperation and interoperability between existing international, regional and sub-regional bodies by increasing collaboration, information and knowledge sharing;
- Explore new, innovative tools and instruments which could assist in closing criminal justice gaps in the existing anti-corruption architecture and support states in preventing and combating grand corruption;
- Foster agility, innovation, and future planning by supporting the development of diagnostic, preventive and responsive tools to better address current challenges, as well as to respond to new and emerging forms of grand corruption;
- Support the development of research, data and methodologies to scrutinize grand corruption's complexity, and to better inform, monitor, and evaluate our approaches and progress made in anti-corruption efforts;
- Strengthen the quality and accessibility of data on corruption by improving information sharing and engagement between both operational and non-operational departments across sectors, as well as by recommendations to improve review mechanism processes;
- Recognize and target the transnational ecosystem that facilitates and sustains grand corruption;
- Support, and more effectively engage participation by, a wide range of partners in multilateral anti-corruption efforts and forums including civil society, the private sector, media, and academia, and embody collaborative and inclusive approaches in our own policies and processes;
- Strengthen the political will and capacity required to respond accordingly, including in developing countries through the provision of technical assistance; and
- Inject new energy and direction into our shared fight against corruption.

Now, more than ever, is the time for action.