Fighting Grand Corruption Through Existing International Institutions and Conventions

Global Organization of Parliamentarians Against Corruption
UNCAC Conference of States Parties
04 November 2015
About GOPAC

• Members in most countries of the world
• 58 national chapters
• Regional offices
  – Africa: Accra, Ghana
  – Arab: Beirut, Lebanon
  – SE Asia: Jakarta, Indonesia
  – Sth Asia: Kathmandu, Nepal
  – Latin America: Mexico City
  – Oceania: Suva, Fiji; Perth, Australia
Impact of Corruption

- Developing world loses $10 through corruption for every $1 in aid (UNDP)
- $1 trillion in bribes per year (World Bank)
- $2.1 trillion of assets illegally moved across borders (UNODC)
- $3.1 trillion lost through tax havens and other evasion (TJN)
The UNCAC has been the single most effective international treaty against corruption;

GOPAC Parliamentarians are the lawmakers of the world, and have been working with national governments to ensure that states are meaningfully applying UNCAC principles, and genuinely meeting their UNCAC commitments.
for parliamentarians in emerging democracies, the UNCAC has become a Magna Carta of anti-corruption;

the standing of the UNCAC is undermined when its large number of quiet achievements are overshadowed by the obvious impunity of those who commit Grand Corruption
International Prosecutions

• The worst offenders are the least likely to face domestic justice.
• When national justice falls back, the international community must step forward
Global Parliamentary Conferences

- Conference of States Parties to the UN Convention Against Corruption, Panama, Dec 2013; St Petersburg, November 2015
GOPAC 2015 Declaration

• ...Recommend that the United Nations consider the establishment of a new UNCAC protocol to establish an international court on corruption for the prosecution of perpetrators and collaborators of grand corruption...

• Full declaration at www.gopacnetwork.org
GOPAC’s four tracks

• The first is to expand the number of national courts asserting universal jurisdiction over Grand Corruption.

• The second is to make use of regional courts in Africa, Europe, and Latin America. We are particularly focusing on the creation of COPLA, a new regional anti-corruption court in Latin America.

• The third is the use of civil actions, to deprive kleptocrats of the proceeds of Grand Corruption, and to restore those funds to the people whom they have exploited. We are specifically working with the Vance Centre in New York to identify and pursue kleptocrat who have stored their illicit funds in Manhattan real estate.

• The fourth is to press for an expansion of the role or jurisdiction of international institutions.
Regional Courts

- Well-established in Africa, Europe, New World
- Often more credibility than global institutions

- 2010 Socio-Economic Rights and Accountability Project case, against Nigeria in the Economic Community of West African States Community Court of Justice, on education corruption

- Often criticised as toothless: 60% non-compliance in ECOWAS
- Most of the world’s population not covered
Civil Remedies

- Shifts focus away from punishing the criminal, towards making victims whole
- Often easier to pursue money than a person
- Helps to undo the damage of corruption
- Prohibitively expensive
- Criminals go free
Universal Jurisdiction

• Some crimes are so egregious, that they are an affront to all humanity and are therefore prosecutable by any state.

• Established war crimes precedents in 78 states

• Only 15 countries have ever applied universal jurisdiction over war crimes

• Its reach exceeds its grasp: Pinochet case
International Instrument

• ICC
  – 2 convictions in 12 years
  – Rome Statute makes no explicit mention of corruption

• Wolf proposal
  – New anti-corruption court

• Optional Protocol to the UNCAC
SDG Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Goal 16 TARGETS:

16.4 by 2030 significantly reduce illicit financial and arms flows, **strengthen recovery and return of stolen assets**, and combat all forms of organized crime

16.5 **substantially reduce corruption and bribery in all its forms**

16.6 develop effective, accountable and transparent institutions at all levels

The Myworld survey with 7.4m responses found that `an honest and responsive government’ is among the top four priorities of ordinary people.
For More Information

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6th Forum of Parliamentarians at CoSP 6, St
Petersburg, Russia. November 5, 2015