

**Statement by Gillian Dell, Transparency International
UNCAC Implementation Review Group Briefing for NGOs
Vienna, Austria, 22 June 2017**

Chair, distinguished delegates:
Good morning.

My name is Gillian Dell and I am speaking on behalf of Transparency International, the global civil society organisation dedicated to the fight against corruption.

I would like to thank the UNCAC Implementation Review Group for the opportunity to speak to you today. Thanks also to UNODC for its informative presentation this morning and for facilitating the meeting today. I'd also like to extend special thanks to all the representatives of the States Parties present here. Finally, we also appreciate the opportunity to make formal submissions to this meeting. Transparency International has made two.

At the same time, I would like to express Transparency International's regret that some States insist that we NGOs must remain on the margins of the IRG meeting instead of participating as observers in your meeting this week. If we could participate as observers it would enable us to interact better with delegates, to understand the proceedings in a more straightforward way and would bring the IRG's meetings in line with international standards on transparency and participation. TI has conducted a comparative study of several review mechanisms and has clear-cut conclusions regarding this body's compliance with international standards. I'll have an opportunity to say more about that on a panel later this morning.

Transparency International has been mobilising civil society actors against corruption for 24 years now, building coalitions, advocating for reforms, uncovering evidence and monitoring country performance. We've also contributed to the development, adoption and monitoring of international standards including UNCAC. And I think it's fair to claim that TI played a key role in catalysing the discussions that led to the adoption of the UNCAC review mechanism.

However, during that 24-year period of time, despite our own efforts and those of many other organisations and individuals, we have seen more and more instances of grand corruption – the abuse of high-level power that benefits the few at the expense of the many and causes serious and widespread harm to individuals and society – including violations of fundamental human rights.

Grand corruption frequently takes the form of corrupt networks, sometimes family-based, capturing key organs of the state. We can all cite examples of resource-rich countries where a single family controls the stream of resource revenues and the people of the country live in abject poverty. One of those countries has the highest infant mortality rate in the world. In other cases, it is an organised network of business associates that gains control of the state – or parts of it - and plunders it.



Addressing this capture by grand corruption is a huge challenge for individual countries and for the international community. We know of one country in South America where a courageous judiciary and prosecution service has pierced to the heart of corrupt networks of political and private sector actors that for years have fed off state institutions, especially the state oil company, with reported payoffs in the billions, all at the expense of the people of that country. The scandal has also revealed high-level corruption in many other countries in the region. The investigating judges' pursuit of one single major construction and engineering company - Odebrecht - has opened up the astonishing geographical reach of that company's corruption. And many of the corrupt actors have been facing consequences.

But now – and we should not be surprised - the corrupt elite targeted by the investigations is fighting back, trying to disarm and disable the justice system and its admirable investigating judges - and this is going on even as we speak here.

The IRG is doing a laudable job, step-by-step, to help the international community address the tangled web of institutions, laws and policies that need to be reformed in order to have an impact on corruption. It is doing so in a context of globalisation and conflict that makes the task all the more complex. Its work is all the more commendable taking into account the limitations and constraints on this institution, the United Nations, that we are all aware of. And of course, UNODC also deserves great praise for its role in that.

And yet we believe you could do better, that you must find a way to censure and deal more robustly with grand corruption because it is undermining our societies, impeding development, creating intolerable inequality, destroying trust in government and breeding strife and conflict.

We propose that the Conference of States Parties make grand corruption the subject of discussions, studies and decision-making, with a view to recognising grand corruption as an international crime.

We propose also that the Conference of States Parties encourage States Parties to introduce a criminal offence of grand corruption with specific procedural consequences, taking into account each country's legal system. Those legal consequences could include such measures as extraterritorial jurisdiction, increased sanctions, extended statutes of limitation, lifting of immunities, possibility of trial in absentia, possibility of private prosecution, special remedies and arrangements for victims of corruption, and special measures in connection with the return of the proceeds of corruption.

We also urge serious treatment of the glaring problems of shell companies and addressing the urgent need for better regulation and oversight of facilitators of grand corruption and related illicit financial flows, including facilitators in the luxury goods and real estate sectors.

Thank you for the opportunity to speak to you today.