

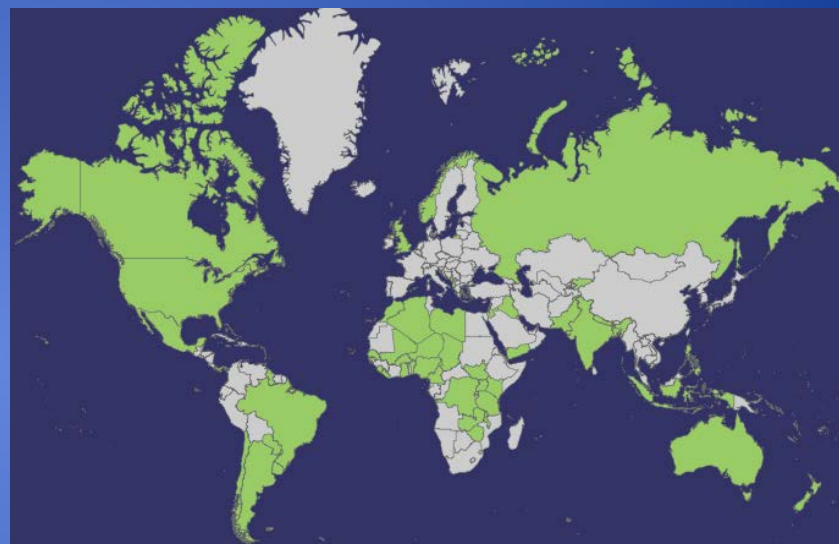
International Prosecution of Grand Corruption

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UNCAC IRG Special Measures Panel
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About GOPAC

- Members in most countries of the world
- 52 national chapters
- Regional offices
 - Africa: Accra, Ghana
 - Arab: Beirut, Lebanon
 - SE Asia: Jakarta, Indonesia
 - S Asia: Kathmandu, Nepal
 - Latin America: Mexico City
 - Oceania: Perth, Australia



Principles

- All free societies are democracies, but not all democracies are free
- Corruption is now the single greatest threat to democracy
- Parliamentarians can stand between our leaders and the levers of power



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)



UN Millennium Development Goals

- End extreme hunger & poverty
- Universal primary education
- Promote gender equality in schools and the workforce
- Reduce child mortality by two-thirds
- Reduce maternal mortality by three-quarters
- Halt the spread of HIV & malaria
- Promote environmental sustainability
- Halve proportion of people without access to clean water & sanitation
- **\$0.481 trillion**



International Prosecutions

- Corruption kills 140 000 children annually
- The worst offenders are the least likely to face domestic justice.
- When national justice falls back, the international community must step forward



Global Parliamentary Summits

- GOPAC Manila Conference, Feb 2013
 - 700 lawmakers & obs
 - 78 countries
 - 12 heads of Parliaments
- Conference of States Parties to the UN Convention Against Corruption, Dec 2013
 - Unanimous declaration



GOPAC Declaration

- ...AND WE FURTHER RESOLVE to encourage states, the United Nations, and international institutions to deem crimes of grand corruption as crimes against the common community of humanity in violation of peremptory norms and international law...
- *Full declaration at www.gopacnetwork.org*



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



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



International Court

- Symbolism of a global court captures public imagination
- ICC
 - 2 convictions in 12 years
 - Heavy burden, modest resources
 - Rome Statute makes no explicit mention of corruption
- Wolf proposal
 - New anti-corruption court
 - Great opportunity & hurdles



Crime Against Humanity

- “ ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:... (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”
— Rome Statute, Article 7



Crime Against Humanity

- Grand Corruption causes “great suffering, or serious injury to body or to mental or physical health.”
- Rarely “committed as part of a widespread or systematic attack directed against a civilian population” with an intent to eventually destroy part of a population



Civil Remedies

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



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