

Transparency International and the UNCAC Coalition
Special Event during the UNCAC Implementation Review Group

Grand corruption cases – what schemes and what consequences?
Tuesday 3 September 2019, 13:30 – 15:00, M building, Room M3

Background: Grand corruption, involving high level officials, has serious and often global effects, including egregious violations of human rights. It is often aided and abetted by networks of major financial institutions and shell companies, supported by legions of lawyers and accountants. Furthermore, in grand corruption cases, domestic authorities are often unable or unwilling to bring the perpetrators and their accomplices to justice, despite having a legal framework to combat corruption. High-level actors are able to vitiate their national judicial systems and shield themselves from the rule of law. These challenges may mean the perpetrators are never held to account. A recent report from the Egmont Group of Financial Intelligence Units observes that: "In some countries, it is difficult to investigate and prosecute high-ranking politicians, and such cases may illustrate the actual level of autonomy and operational independence of the FIU."¹ In such cases, combatting grand corruption must be the responsibility of the international community.

Objectives of the special event: This special event aims to advance UNCAC States Parties' discussions on grand corruption by reflecting on the lessons learned from several major cases of grand corruption, including with respect to the role of the financial sector and shell companies. It will also present and seek feedback on the elements of a definition of the criminal offence of grand corruption.

Topics: Questions to be addressed by panelists will include –

- What kind of scheme or schemes was/ were used?
- What types of high level officials were involved?
- Were shell companies used as a getaway vehicle?
- What was the role of financial institutions and other intermediaries?
- What kind of harm or human rights violations resulted?
- What kinds of consequences for the public officials? For the companies? For the financial institutions?
- How were fines and prison sentences calculated?
- What recommendations do you have for improving accountability?

Panelists:

Fabiano Angelico, Transparencia Brasil on Lava Jato

Cynthia Gabriel, C4, Malaysia on 1MDB

Andrew Feinstein, Corruption Watch UK on BAE weapons sales

Gladwell Otieno, Africa Centre for Open Governance (AfriCOG) in Kenya on their recent report on state capture and the difficulties of fighting corruption in an East African country.

Moderator: Gillian Dell, Transparency International Secretariat

¹ <https://egmontgroup.org/en/content/new-publication-fiu-tools-and-practices-investigating-laundering-proceeds-corruption-public>

Notes on the panelists

Andrew Feinstein is the Executive Director of Corruption Watch UK, based in London. He is the author of, amongst others, “The Shadow World: Inside the Global Arms Trade” and the writer of the award-winning documentary feature film of the same title. Andrew was an ANC Member of Parliament in South Africa, where he chaired the committee that drafted the key public sector financial management legislation and served as the ranking ANC member on the main financial oversight committee, the Standing Committee on Public Accounts. He was also appointed by the President as Deputy Chair of the country’s Audit Commission. Andrew resigned from Parliament when his own ruling party stopped his committee from investigating a massive arms deal, characterised by significant, high-level corruption. Andrew has been named amongst South Africa’s Whistleblowing Heroes of the Year, and the country’s Anti-Corruption Hero of the Year. He has also been named as one of the hundred most influential people globally working against armed conflict.

Cynthia Gabriel is the co-founder and Executive Director of the Centre to Combat Corruption and Cronyism (C4) in Malaysia. She is also a member of the UNCAC Coalition Coordination Committee. She is a key advocate for human rights and good governance in Malaysia and has spent most of her professional life in the field of advancing democratic freedoms, reforms and policy change in the country and region. She has received the prestigious democracy award from the National Endowment for Democracy. After the political change that followed the May 2018 general election, Cynthia was appointed into the powerful 1MDB special committee by the Council of Eminent Persons, as well as to the council to develop a national anti-corruption plan, that reports directly to the Prime Minister.

Fabiano Angelico is a Brazilian consultant and researcher, with over 10 years of hands-on experience in the areas of transparency and anticorruption and works with Transparencia Brasil. He is a PhD candidate and holds a master's degree in Public Administration at FGV in Brazil, with post-graduation studies in Transparency, Accountability and Anticorruption at the Human Rights Center, Law School, University of Chile, and a B.A. in Communications. Author of a book and many book chapters, articles and op-eds, he has led or participated in research studies on access to information, money laundering, asset recovery, anticorruption compensation funds amongst other corruption-related themes. Besides his substantial international experience as a researcher, consultant and lecturer, he has a three-year experience as a civil servant -- he has served as the Head of the Integrity Promotion Office at the City Government of São Paulo.

Gladwell Otieno is the founder and Executive Director of the Africa Centre for Open Governance (AfriCOG), an anti-corruption civil society organization based in Kenya. She is a member of the UNCAC Coalition Coordination Committee and is also on the boards of the Global Initiative against Transnational Organized Crime and the Partnership for Transparency Fund. She is a founding member of the Open Government Partnership and Vice Chairperson of the Board of Trustees of the African Leadership Centre. Through AfriCOG, she convenes the influential network, Kenyans for Peace with Truth and Justice, that advocates and monitors progress on the implementation of the 2008 post-election crisis agreement. Gladwell was the Executive Director of Transparency International- Kenya, and prior to that worked at Transparency International’s International Secretariat in Berlin and at the Institute for Security Studies in South Africa. Gladwell studied political science and French at the University of Massachusetts, Boston, and the Free University of Berlin.