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We need an international anti-corruption tribunal

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Corruption is not a new phenomenon.

It has even been argued, at times, that some degree of corruption may be unavoidable and even healthy for the economic engine. In times of heightened political scrutiny and disillusionment, however, its persistence under all kinds of political systems has made it a pressing social problem that must be tackled head-on.

With an estimated cost to the global economy of around \$2.6 trillion a year, or 5% of global gross domestic product, corruption takes many forms and no country is immune. Thus, addressing the challenge adequately will require the establishment of an

international mechanism, which recognizes that corruption is not just a local crime.

Kleptocracy, or the abuse of public power for private gain by a nation's leaders, stagnates the potential for growth and development and erodes citizens' trust in democracy, contributing to the bewildering rise of social polarization, which threatens the foundations of many liberal democracies both old and new.

This scourge, which respects neither borders nor laws, can bankrupt nations, governments, communities and individuals, destroy the environment and undermine our trust in public institutions. It is a crime that further exacerbates inequality, poverty and social division.

Alas, corruption is also difficult to solve, and in recent decades most countries have not made much progress in this regard. Despite the fact that there are 189 parties – including 181 countries – to the United Nations Convention against Corruption (UNCAC), which requires laws criminalizing corruption, embezzlement, money laundering and other forms of corrupt conduct, kleptocracy still thrives. And because they control the administration of justice in the countries they rule, kleptocrats enjoy impunity in too many places.

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However, thanks to the work of courageous journalists, recent leaks of major documents like the Pandora Papers and previous releases of financial documents like the Panama Papers have highlighted the enormous scale of these crimes. And while it produced plenty of evidence of corrupt transnational schemes, few of the top officials exposed by the reports faced political consequences – even fewer faced the prospect of losing their property and their freedom.

Citizens rightly wonder how these crimes can continue to go unpunished, while the middle classes stagnate and are tired of dealing with the consequences of crisis after crisis.

So far, impunity and the transnational nature of corruption have led to a variety of calls proposing different solutions that could cross borders and apply laws that other countries cannot – or will not – apply. themselves.

In this sense, sanctions are sometimes used against corrupt leaders and are an important short-term accountability mechanism, but they are only a political response to the problem of grand corruption. To fundamentally alter the calculations of kleptocrats and their

professional enablers, the world needs a comprehensive and impartial rule of law response to the problem, embodied in a new international institution – an International Anti-Corruption Court. (IACC).

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The IACC could be a mechanism that fills a critical gap in the international legal framework to fight corruption and improve transparency in governance structures.

Through its agreed terms of reference, if the country ruled by the kleptocrat is unwilling or unable to prosecute a case itself, the court should have jurisdiction to prosecute the crimes committed by the kleptocrats and their transnational networks of collaborators that are already criminalized under the UNCAC.

And like the International Criminal Court, the IACC should have the power to prosecute crimes committed by nationals of member countries and nationals of other countries on the territory of a member country. It should be a court of last resort with the ability to prosecute and imprison kleptocrats and thereby create opportunities for the democratic process to replace them with honest leaders. The court should also have – in both civil and criminal cases – the power to recover, repatriate and reallocate illicit assets to victims of grand corruption.

Since the declaration calling for the creation of the IACC was first issued in June 2021, more than 250 luminaries – including 43 former presidents and prime ministers and 32 Nobel laureates – from more than 75 countries I have now signed, and the governments of Canada and the Netherlands have committed to work with international partners to establish the tribunal. Two successive presidential administrations in Colombia and the newly elected president of Timor-Leste have also endorsed the IACC.

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I am keenly aware of and concerned about the huge negative impact grand corruption has on societies, from tackling climate change and pandemics to strengthening international peace and security, and the very pillars of democracy. To help address its devastating consequences, it is essential that more countries join the emerging coalition committed to creating an IACC.

Recognizing that creating a new international tribunal can be a long-term endeavor, Canada, the Netherlands, Ecuador and other partners will convene a ministerial conference in late 2022 to analyze gaps in the legal framework international anti-corruption policy and potential solutions. It will place particular emphasis on creating a receptive environment for the proposal within the international community.

Corruption is not inevitable, and it is not unstoppable.

However, this requires a collective commitment to long-term efforts to put in place ambitious anti-corruption solutions at the international level. Only then can we create an effective institution that will help ensure a more just and rules-based global order.

The need for action has never been greater. Democracies have a unique mandate to act and show that they can achieve something as essential to their very nature as the rule of law. We all need to get up.

The post We Need an International Anti-Corruption Tribunal appeared first on Politico.

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