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Political Corruption Affects Real People

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Every year, political corruption kills as many as 140,000 children worldwide, by depriving them of medical care, food, and water.

Yet, far too often, the perpetrators of the most outrageous acts of corruption are able to use their illicit wealth and power to pervert the very laws and institutions that should call them to account. As a result, the worst offenders are the least likely to face domestic justice.

In such cases, when national authorities are unwilling or unable to act, the international community has a responsibility to step forward.

In February, seven hundred parliamentarians from across the world came together in Manila, and voted unanimously to seek to establish "grand corruption" as a crime at international law, to enable international institutions to pursue, apprehend, prosecute, judge, and ultimately sentence the guilty.

Our alliance of parliamentarians believes that there are some forms of corruption so grave, whose effects on human life, human dignity, and human rights are so catastrophic, that they should shock the conscience of the international community and mobilize the will of nations to act across borders.

To give effect to this belief, we are presenting four options to the global community of parliamentarians at this week's Conference of States Parties to the UN Convention Against Corruption, being held in Panama City. Each option has its advantages and its disadvantages, and each strikes a different balance between the ideal and the possible.



The first option is to expand the ability of national courts to assert universal jurisdiction over grand corruption. The doctrine of universality asserts that some crimes are so egregious that they are an affront to all humanity and are therefore prosecutable by any state, irrespective of where the crime was committed and irrespective of the accused's nationality or place of residence. The Spanish courts' indictment of the Chilean dictator Augusto Pinochet demonstrated universal

jurisdiction's powerful reach; their inability to bring him to trial exposed the doctrine's frequently feeble grasp.

The second option is to make use of existing regional courts in Africa, Europe, and Latin America to prosecute grand corruption. Regional courts tend to enjoy greater credibility and standing in their subscribing states than do global institutions; they also tend to be derided for a timorous unwillingness to apply the powers at their disposal.

The third option is to argue for an expansive interpretation of the jurisdiction of the International Criminal Court (ICC), and to deem grand corruption to be a Crime Against Humanity. The symbolism of the ICC as a global court of last resort and ultimate justice has captured public imagination; the reality of its resources and its record have never soared to equal heights.

The fourth option is a series of legal innovations, involving both criminal and civil instruments, many of which focus on undoing damages to victims rather than on punishing wrongdoers. Making victims whole is one of the key objectives of any system of justice, but victims are unlikely to feel that justice has been served while their victimizers walk free.

Each option is imperfect, but in an imperfect world, success must be measured not by our ability to attain perfection, but instead by our ability to make tomorrow better than yesterday.

The response of the world's legislators and governments to these options will help decide how our global alliance of parliamentarians will move forward against grand corruption. The journey will be long; the path will be hard. But we would never reach the end if we allowed ourselves to be cowed by the start.

The world is littered with women and men who feed on the misery of entire societies, who have grown fat in their spoils and comfortable in their impunity, sheltering behind national jurisdictions and national institutions that they have been able to twist to their benefit.

But there is a higher law. There is a deeper justice. And we have a responsibility to stand up for it.

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It has been my belief for a long time that the International Criminal Court should be granted special powers, namely the international power to arrest individuals where there is compelling evidence that these individuals have committed crimes against humanity or have acted in a corrupt manner but who use their power within their own nations to avoid arrest. The arresting ICC judge would be given the authority by the UN to arrest an international criminal in any international jurisdiction. Therefore individuals like Robert Mugabe could be arrested inside Zimbabwe or any time he would attend an international event or visit another country. The ICC would also be given the power to demand a nation to hand over a national criminal to stand trial at the ICC. Refusal to hand over a national criminal could result in ICC/UN sanctions against the country in question. This power of arrest could be used to arrest political leaders such as Syria's President Assad who has committed grievous crimes the Syrian people. It would also open up the possibility of arresting political leaders like President George W. Bush, for ordering the invasion of Iraq based on false pretenses that led to more than 600,000 civilian deaths.

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It is an ambitious list of powers, but I think that it is important to bear in mind that these are powers that go not only beyond the ICC's current mandate, but also its current capacities.

In the eleven years since the ICC's enabling treaty -- the Rome Statute -- came into force, the court has only managed to secure a single conviction, even with its current more modest mandate.

This is not to say that your list of hopes are not worthy, just that expanding the ICC in the manner you describe would be a tremendous practical, as well as political, undertaking.