

The International Anti-Corruption Court and the International Campaign to Establish It

THE PROBLEM

Grand corruption – the abuse of public power for private gain by a nation’s leaders (kleptocrats) – is a major barrier to responding effectively to pandemics, fighting climate change, mitigating refugee crises, promoting democracy and human rights, meeting the UN Sustainable Development Goals, establishing international peace and security, and securing a more just, rules-based global order.

Grand corruption does not endure due to a lack of laws. The 190 parties to the United Nations Convention against Corruption (UNCAC) each have laws criminalizing major forms of corrupt conduct. Yet kleptocrats enjoy impunity because they control the administration of justice in the countries that they rule. An [International Anti-Corruption Court](#) (IACC) would, therefore, fill the crucial enforcement gap in the international framework for combatting grand corruption.

THE IACC PROPOSAL IN BRIEF

Operating on the principle of complementarity, the IACC would be a court of last resort that can only act when national governments are unable or unwilling to do so. It would hold kleptocrats and their co-conspirators accountable when they commit corrupt acts that nearly all countries have agreed are crimes as parties to the UNCAC, including the bribery of public officials, the embezzlement and other misappropriation of public funds, and money laundering.

The IACC would:

- Provide a forum to fairly and effectively prosecute and punish kleptocrats and their transnational networks of co-conspirators, including individuals and companies that pay bribes and the so-called professional enablers who help them launder their illicit gains – lawyers, bankers, accountants, real estate agents, and other service providers.
- Deter future grand corruption by establishing a credible threat of prosecution where such a threat does not currently exist for most kleptocrats and their co-conspirators.
- Recover and then repatriate and/or repurpose stolen assets for the benefit of the victims of grand corruption through orders of restitution or disgorgement, in both criminal and civil proceedings.
- Make its expert investigators, prosecutors, and judges available to offer valuable advice and assistance to their counterparts in countries striving to improve their anti-corruption capacity.

AN EFFECTIVE AND EFFICIENT INSTITUTION

Is the creation of an IACC politically feasible?

The goal will be to attract as many member states as possible, but the IACC would not need countries ruled by kleptocrats to join for it to be effective. Grand corruption is transnational by nature and the IACC would have jurisdiction to prosecute nationals of member states and foreign nationals who commit all or part of a crime within the territory of a member state. The IACC could, therefore, be effective if initially established by a relatively small number of founding member states so long as they include key financial centers and other countries where kleptocrats launder, hide, and spend the proceeds of their criminal activity.

Why can't the existing International Criminal Court (ICC) address grand corruption?

The ICC Statute does not cover crimes of corruption and amending it would require a two-thirds vote by its 123 member states and then ratification by seven-eighths of them to come into effect. Even if the ICC Statute were amended, it is unlikely that the ICC prosecutor would prioritize crimes of corruption over the heinous war crimes and crimes against humanity that are the ICC's primary focus.

Would a new international court be too expensive?

The ICC cost about USD168 million in 2021. However, the IACC can be designed to be less costly than the ICC. Its jurisdiction should be more limited, and its procedures less complex and protracted. The IACC would not, for example, require pre-trial chambers. The number of judges on active and remunerated service could be made contingent on the caseload of the court. Fines imposed by the IACC could also be used to defray the costs of its operation. Therefore, an IACC can be cost-effective. In any event, the cost of court operations would be minor compared with the estimated trillions of dollars that are lost annually to grand corruption.



THE IACC MODEL TREATY DRAFTING PROJECT

In 2023, Integrity Initiatives International formed a group of leading international jurists, lawyers, scholars, and anti-corruption experts to draft a model treaty for the IACC. The first in-person expert group meeting was held in Hamburg, Germany at The New Institute in August 2023 (photo below).

The drafters emphasized that it is critical that the IACC be fit for purpose and serve all global regions. The IACC must not be a Western construct. The drafters closely examined lessons learned from the experiences of existing and previous international and hybrid courts, including the International Criminal Court and ad hoc international tribunals. Over the next year, the drafters will propose recommendations on how to address key questions regarding immunities, applicable law, evidence gathering, and asset recovery. They will reconvene at The New Institute in August 2024 to polish a zero draft of the model treaty for public consultation.



THE CAMPAIGN FOR THE IACC

Until recently, the most frequent criticism of the IACC has been that, no matter how compelling the concept, it is an ideal that is impossible to achieve. However, the rapidly growing support for the IACC is refuting this contention.

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I support the idea put forward by several judges to create an International Anti-Corruption Court. This is for situations where domestic reforms occur slowly, when the reformation process does not work properly, and when it takes a long time to build a strong and independent prosecutor's office at the national level.



MAIA SANDU
President of Moldova

Governments: In recent years, the governments of **Canada, Colombia, Ecuador, Moldova, the Netherlands** and **Nigeria** have made commitments to work with international partners towards the establishment of the IACC. In January 2023, the **European Parliament** passed a resolution calling for the creation of the Court. The **United Kingdom Labour Party** [will champion the IACC](#) if it wins elections.

The president of **Timor-Leste** has also signed the Declaration calling for the creation of the IACC. There is further high-level interest in the Court in a wide range of countries, including, **Côte d'Ivoire, Norway, Senegal, Slovakia, Spain, Zambia**, and more.

Public Opinion: The *Global Governance Survey 2023* found that substantial majorities of respondents in all twelve of the G7 and BRICS countries favor the creation of an IACC. According to a May 2022 [public opinion survey](#) by Integrity Initiatives International's partners in Canada – the Angus Reid Institute and the World Refugee and Migration Council – *7 out of 10* Canadians support the establishment of an IACC.

Civil Society: The International Coordinating Committee for the IACC campaign, which is staffed by [Integrity Initiatives International](#), is building a global coalition of civil society organizations to advocate for the IACC in their countries and regions. These organizations include the Club de Madrid, CIVICUS, the World Refugee and Migration Council, the Global Governance Forum, Partnership for Governance Reform in Indonesia (Kemitraan), Corruption Watch in South Africa, HEDA Resource Centre in Nigeria, Instituto Anticorrupción in Colombia, and many more.

World Leaders: First released in June 2021, the [Declaration in Support of the Creation of the IACC](#) has now been signed by over 300 notable figures from 80 countries, including more than 50 [former presidents and prime ministers](#) and over 30 [Nobel Laureates](#).

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Corruption is a great hindrance to building trusted institutions and a threat to social stability. Fighting corruption requires our strong collective commitments and efforts.



AMINATA TOURÉ
Prime Minister of Senegal (2013–2014)
Member of Club de Madrid

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Grand corruption has global dimensions and cannot be combatted by the affected countries alone. This is the main reason why an International Anti-Corruption Court is needed.



DANILO TÜRK
President of Slovenia (2007–2012)
President of Club de Madrid

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I am very happy that so many members of Club de Madrid – former Heads of State and former Heads of Government – support the idea to create the International Anti-Corruption Court.



HANNA SUCHOCKA
Prime Minister of Poland (1992–1993)
Member of Club de Madrid

