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The global coalition against corruption

## The end of limitless impunity

Carl Dolan · Tuesday, October 31st, 2017

*This article originally appeared in [Europe's World](#).*

Will 2017 be remembered as a turning point in the global fight against corruption? Given the scale of the challenge – more than half of the 176 countries ranked in Transparency International's [Corruption Perceptions Index](#) could be classified as having endemically corrupt public administrations – the question may appear touchingly naive. But there are good grounds for believing the answer is 'yes'.

In the past year we have seen current and former heads of state face formal corruption investigations and charges in Argentina, Israel, Pakistan, France, South Korea, Brazil and Peru. These include such political titans as former Brazilian president Lula da Silva, three-time prime minister of Pakistan Nawaz Sharif, and Benjamin Netanyahu, one of Israel's longest serving prime ministers. Park Geun-Hye, the daughter of South Korea's former dictator, has gone from the presidential palace to sleeping on a mattress on the floor of a Seoul detention centre in less than six months.

This represents a striking and sustained challenge to the impunity for corruption offences that the powerful normally enjoy. Just as significant is the source of this challenge. For the most part it is the work of independent investigators and judges enforcing one of the most basic tenets of justice – that no-one is above the law.

This is important. Kleptocrats such as [Ukraine's Viktor Yanukovych](#) and [Tunisia's Zine El Abidine Ben Ali](#) have seen their reigns abruptly terminated by the rough justice of the street, but they have not faced personal consequences for their crimes in a court of law. Mostly they continue to enjoy their impunity, not to mention their ill-gotten wealth, in exile. That is why the extradition trial of former president Ricardo Martinelli of Panama from the United States, after years of hiding in plain sight, is another welcome sign that the era of limitless impunity is coming to an end.

Martinelli's extradition is an example of the success of the global anti-corruption movement over the last two decades. That movement – a combination of civil society groups, international institutions, academics and activists – has relentlessly called for the legal conventions, institutional space and resources that allow the police and judiciary to do the job that the public expects them to do. Campaigning to reduce the statute of limitations for corruption offences or for laws to make public officials publish their incomes is an unglamorous and sometimes thankless task, but it is beginning to reap dividends.

The ‘Lava Jato’ or ‘Carwash’ operation in Brazil is a prime example. What started out as a small-scale local money-laundering probe has, by dint of the perseverance and courage of a small team, become a sprawling international investigation that has uncovered a network of collusion and kickbacks between politicians and companies spanning 20 countries. In Brazil alone there have been more than 240 criminal charges and 118 convictions of high-profile figures, including that of Lula.

Active law enforcement and an independent judiciary were instrumental, but the media has also played a vital role here, as it has elsewhere. Sharif’s fall from grace was precipitated by the ‘[Panama Papers](#)’ revelations of hidden wealth, a game-changing collaboration by investigative journalists acting on the tip-off of an anonymous [whistleblower](#).

It is tempting to read into this a magic formula for success: expose corruption through the actions of witnesses and dogged journalists and let a robust legal system do the rest. The simplicity of this formula, however, disguises so much else that needs to be in place. Journalists need to be free of legal restrictions and political interference and the laws protecting sources need to be respected, with legal guarantees for whistle-blowers that they will not be victimised and harassed if they are brave enough to put their necks on the line. A flourishing civil society is also essential. It is activists and watchdog NGOs that furnish journalists with much of their information, and provide a much-needed safety net for whistleblowers who are all too often hounded out of employment and physically threatened.

It is one of the ironies of recent years that just as this formula is being discovered and applied in countries where corruption has been most entrenched, it is coming under increasing pressure in Europe, traditionally regarded as one of the world’s better-governed regions. In Hungary and Poland, the independence of the judiciary and the media have been systematically undermined as their governments try to co-opt them as arms of the dominant political ideology.

Viktor Orbán’s government in Hungary, taking inspiration from Vladimir Putin’s Russia, has passed a law that brands NGOs in receipt of funds from overseas as ‘foreign agents’ as part of a campaign of intimidation. And the prosecution and conviction of ‘LuxLeaks’ whistle-blowers and journalists [Antoine Détour](#) and [Edouard Perrin](#) showed just how quickly principles of good governance are abandoned when inconvenient truths are exposed.

This should be a timely reminder how fragile progress is. The fight against corruption is not a series of skirmishes or rear-guard actions. All of this needs to be put on a much more sustainable footing if we are to see an end to situations where, in countries where bribery is commonplace, you are ten times more likely to die in childbirth or five times more likely not to finish school.

At least two further measures are necessary, both of which are fortunately within grasp. The first is that corruption should not be seen simply as a crime, and anti-corruption policy only as a law enforcement issue. Corruption is one of the major impediments to sustainable development, whether through environmental goals (witness the Volkswagen scandal, for example) or addressing the growing inequality of wealth and opportunity (we know that corruption is closely correlated with social exclusion). This much has been recognised with the inclusion of specific anti-corruption targets as part of the UN’s Sustainable Development Goals. The trick now is to ensure that these targets are taken seriously by all countries – and the European Union – that have committed to them.

The second is that corruption's quintessentially transnational nature should be at the heart of how it is tackled. The best example of this is the way that the proceeds of corruption can be transferred to low-tax, high-secrecy jurisdictions at the click of a pliant accountant's mouse, with the beneficiary disguised beneath layers of shell companies and trusts. Quite simply, the existence of the offshore world makes a mockery of all the attempts to reform domestic institutions like the courts and the media. If either the scale or impact of this was in doubt, the 200,000 offshore accounts revealed by the Panama Papers put paid to that. We need to redouble our efforts to make the global financial system more transparent, starting by making secret company or trust ownership a thing of the past.

Corruption is a global governance problem that requires a multilateral approach, and progress has undoubtedly been made. Perhaps the biggest challenge now is the nationalist movements that have set out to upend the international rules based system. Their rise, ironically, is often propelled by promises to fight corruption or 'drain the swamp'. The contradictions here should be plain to see. Sadly, that is no guarantee that their appeal will wane. The fight goes on.

This entry was posted on Tuesday, October 31st, 2017 at 8:00 am