



STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

NINTH OPEN-ENDED INTERGOVERNMENTAL EXPERT MEETING TO ENHANCE INTERNATIONAL COOPERATION BEING, HELD JOINTLY WITH THE SECOND RESUMED ELEVENTH SESSION OF THE IMPLEMENTATION REVIEW GROUP AND THE FOURTEENTH MEETING OF THE OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP ON ASSET RECOVERY

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Mr. Chairman,

IDLO welcomes the focus of the Ninth Open-ended Intergovernmental Expert Group Meeting on international cooperation in the prevention of and fight against corruption during this period of resurgence of the COVID-19 pandemic, which has once again reemphasized the interconnectedness of the global community.

As the only global intergovernmental organization exclusively devoted to promoting the rule of law and sustainable development, IDLO has been supporting its partners in tackling corruption, including through support at the national level and through cross-border efforts focusing on prevention and prosecution of corruption and related offenses. This is in recognition of the fact that eradicating corruption is a critical component of not only achieving the targets of SDG 16, but all goals of Agenda 2030. Throughout the pandemic period, IDLO has continued providing technical assistance and support to government institutions tackling corruption, specialized anti-corruption bodies, and civil society organizations.

We note that the theme of international cooperation takes on particular significance in the current context. Pandemic containment measures have slowed down and complicated the routine functioning and responsiveness of state institutions, including those responsible for the execution of bilateral, regional, and other multilateral agreements governing cooperation in criminal matters, such as those under Chapter IV of the UN Convention against Corruption (UNCAC), namely Articles 44-50.

National commitments in combating corruption are further strained by the necessity of rapidly taking up large-scale emergency sanitary procurement measures, which may themselves

create further corruption risks—the World Justice Project has highlighted price gouging, nepotistic procurement processes, and fraudulent practices, to name just a few.¹

Innovative technological solutions have been helpful—digitalization of many justice sector functions has been key to ensuring that crime prevention and prosecution do not ground to a complete halt during periods of lockdown or as a consequence of resulting backlogs. Yet, the speed with which digital tools have been introduced and utilized has risked leaving behind considerations of the delicate balance between transparency and privacy, and the fair and just use of these systems. The rapid uptake of new and often unfamiliar digital technologies may further complicate the already complex and challenging investigation and prosecution of the crime of corruption and related offenses.

Shrinking budgets available to law enforcement and judicial bodies as a result of the redirection of financial resources towards the COVID-19 response and mitigation of the negative economic consequences of the pandemic, risks adding another layer of complication to the momentous tasks governments are facing in responding to their obligations under the UNCAC.

IDLO therefore believes that now, more than ever, a redoubling of international cooperation efforts—supported by technical assistance—are crucial inputs for an effective global response to the ongoing and new challenges of combating corruption. The engagement of all actors in a position to provide technical support—civil society, donors and development partners alike—is increasingly critical to meet these mounting challenges.

Based on its experience working with justice sector institutions in support of trans-border cooperation in combating corruption, IDLO reaffirms the importance of improving transnational coordination in addressing corruption matters, including through promoting cooperation and international information-exchange between law-enforcement, prosecutorial and judicial bodies. As part of its programmatic work, IDLO has supported magistrates in Tunisia in improving investigating techniques and mechanisms to deal with financial and economic crime-related cases—including on the practice of international mutual legal assistance, and strengthened civil society’s capacity to participate in the fight against these crimes. In Somalia, IDLO is strengthening the country’s Financial Reporting Center’s capacity to safeguard the financial system from money laundering, terrorist financing and other predicate offenses, in collaboration with law enforcement agencies, regulators, prosecutors and international counterparts. In Montenegro, we have supported the convening of a Regional Forum on “Implementation of Bilateral Agreements on Mutual Legal Assistance in Criminal Matters: Direct Cooperation between the Courts” for countries of the Western Balkans, to support and strengthen the capacity of institutions relevant to judicial cooperation in criminal matters, enhance the institutional framework, and enable direct cooperation between courts in the EU and in the Western Balkans.

¹ World Justice Project, “Corruption and the COVID-19 Pandemic,” available at: <https://worldjusticeproject.org/sites/default/files/documents/Corruption%20Design%20File%20V4.pdf>, accessed 4 November 2020.

Supporting anti-corruption efforts will remain a central component of IDLO's next Strategic Plan, and a crucial element of its commitment to the leave no one behind agenda. We have developed self-assessment tools for judiciaries and governments seeking to assess the impact of the COVID-19 pandemic on the functioning of the justice sector, which can be used as a solid basis for identifying critical needs and planning responses, including through technical cooperation. We welcome States Parties to the UNCAC taking advantage of these tools.

IDLO stands ready to support UNCAC Member Parties in their efforts to implement the provisions under Chapter IV of UNCAC through technical assistance, and the convening of multilateral, regional and bilateral dialogues among representatives of justice sector institutions, all towards the implementation of Mutual Legal Assistance Treaties (MLATs), extradition arrangements, and similar initiatives that remain ever more critical during this time of crisis.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.