

Terms of Reference

Legal Advisory Group – Prosecuting *Grand Corruption* Globally

February 2014

1. Background

The Global Organization of Parliamentarians Against Corruption (GOPAC) believes that there are some forms of corruption so grave, whose effect on human life, human rights, and human welfare are so catastrophic, that they should shock the conscience of the international community and mobilize the will of nations to act across borders.

At the February 2013 [Fifth Global Conference of Parliamentarians Against Corruption](#), the GOPAC membership unanimously mandated GOPAC to establish grand corruption as a crime of international law, to enable international institutions and alliances to apprehend, prosecute, judge, and sentence the guilty.

In the autumn of 2013, GOPAC released a [discussion paper](#) outlining options to press this mandate forward. The paper was widely circulated to the GOPAC membership, parliamentarians, observers, and partners across the world.

On 27 November 2013, GOPAC convened an in-depth discussion of these options at the [Forum of Parliamentarians](#), an event parallel to the Fifth Conference of States Parties to the United Nations Convention Against Corruption, held in Panama City, Panama. The assembled parliamentarians unanimously adopted a [Declaration](#) to:

- encourage states to enact and implement laws that place crimes of *grand corruption* under universal jurisdiction, within the responsibilities of their national law enforcement agencies, national prosecutors, and national courts;
- encourage regional courts to accept and enforce jurisdiction to adjudicate crimes of *grand corruption* committed in their respective geographic regions of responsibility;
- encourage states, the United Nations, and international institutions to deem crimes of *grand corruption* as crimes against the common community of humanity in violation of peremptory norms and international law;
- encourage states, the United Nations, and international institutions to recognise crimes of *grand corruption* as being crimes against humanity;
- encourage states, the United Nations, and international institutions to develop additional international mechanisms to apprehend, prosecute, judge, and sentence those who have committed crimes of *grand corruption*.

2. Implementation

Over the next two years, GOPAC will work to implement the Panama City declaration. We will publish and maintain details at [a dedicated project page at our web site](#).

We will identify exemplary instances of grand corruption, and create an international alliance of institutions committed to public integrity to pursue the offenders through civil remedies.

We will work with partner states, to enact domestic legislation to prosecute grand corruption through the exercise of universal jurisdiction.

We will work with partner regional courts and their subscribing states, to prosecute grand corruption on an international regional basis.

3. Role of the Legal Advisory Group

The Legal Advisory Group will provide expert guidance to the GOPAC Global Secretariat on legal, jurisdictional, and procedural issues towards the implementation of the Panama City declaration. It will also provide opinions and briefs necessary to support GOPAC's work with its project partners.

Where possible, the Legal Advisory Group will help cultivate relationships with the legal community, prosecutors, courts, states, international institutions, and other actors whose assistance will be necessary for implementation of the declaration.

The GOPAC Board of Directors, through the GOPAC Executive Committee, will retain final authority on the steps that GOPAC will take.

4. Members

A member of the GOPAC Board of Directors, to be named by the GOPAC Executive Committee, will chair the Legal Advisory Group.

The members of the Legal Advisory Group will include senior international lawyers and jurists, as well as experts in international law, governance, diplomacy, and anti-corruption. The GOPAC Global Secretariat will propose Legal Advisory Group members on an as-needed basis, to the GOPAC Management Committee.

The members of the Legal Advisory Group shall serve in their personal capacities, rather than as institutional representatives of organization.

The Chair of the Legal Advisory Group will ensure that the activities of the Group are reported to the GOPAC Executive Committee at least every six months.

Membership on the Legal Advisory Group is voluntary, with no salary or stipends attached.

5. Meetings and Activities

This Legal Advisory Group will conduct any meetings via conference calls on an as needed basis. In most instances, Legal Advisory Group members will provide advice on an individual basis and respond to direct inquiries and requests from the GOPAC Global Secretariat.

6. Contact

Mr. Akaash Maharaj
Executive Director
akaash.maharaj@gopacnetwork.org
+1-(613)-366-3164 ext. 301
+1 (416) 995 3275

Ms. Priya Sood
Global Task Force Advisor
priya.sood@gopacnetwork.org
+1 (613) 366 3164 ext. 306
