***Roth-Arriaza, Naomi*: Fighting Grand Corruption: Transnational and Human Rights Approaches in Latin America and Beyond.** Cambridge: Cambridge University Press, 2025. ISBN 978-1-009-55061-1 (paperback). xxi, 272 pp. £24.99

Few topics have moved so swiftly from the margins of international legal scholarship to claim a recognised place within it as the study of corruption. For much of the twentieth century, the discipline was content to treat it as a domestic pathology, beyond the reach of treaty obligations and largely indifferent to the concerns of human rights lawyers. The picture today is markedly different. The proliferation of investigatory mechanisms, the expansion of 'smart' sanctions regimes, the slow but unmistakable willingness of regional human rights bodies to engage with corruption-related claims, and the calls for an International Anti-Corruption Court – all bear witness to a shift in both perception and practice. Against this background, Naomi Roht-Arriaza's *Fighting Grand Corruption* is a timely and ambitious intervention. It is also, in important respects, a personal one: the author, long associated with the transitional justice literature, here turns the analytical apparatus of human rights advocacy upon a problem whose dimensions she had come to consider as the principal obstacle to the very objectives that movement had set itself.

The book's central claim is at once descriptive and prescriptive. Descriptively, Roht-Arriaza argues that the corruption with which the international legal order must now contend bears little resemblance to the petty bribery that occupied much of the early anti-corruption literature. What she calls 'grand corruption' – she acknowledges the term is imperfect, and at times prefers 'state capture' or 'kleptocracy' – is qualitatively distinct. It is systemic; it co-opts the very institutions designed to constrain it; it weaves together public officials, private enterprise, and organised crime in shifting alliances whose precise contours defy conventional categorisation. Prescriptively, she contends that the existing legal architecture, organised around the United Nations Convention against Corruption (UNCAC) and a constellation of regional instruments, was built upon assumptions that no longer hold. That architecture presupposes a state genuinely committed to combating corruption; it presupposes that mutual legal assistance will flow between cooperating authorities; it treats the state itself as the principal victim of corrupt acts, with the consequence that the very persons responsible for the looting are placed in charge of seeking recovery of the stolen assets. Where corruption is not aberrational but systemic, these presuppositions collapse. The book is, in essence, a sustained argument for what should replace them.

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Roht-Arriaza proposes two interrelated responses. The first is internal: opening the respective state's domestic courts – criminal, civil, constitutional, and administrative – to the victims of corruption, whether as direct claimants or through civil society organisations whose mandate is to combat corrupt practices. The second is external: enlisting third-state courts, agencies, and institutions to act where domestic mechanisms have been captured, and thereby to catalyse domestic action. The two strands are presented as complementary, and the book's organisation reflects this: an analysis of the convergence between anti-corruption and human rights at the level of treaty law is followed by chapters examining international support for domestic prosecutions (with the Comisión Internacional contra la Impunidad en Guatemala as the central case study), the use of targeted financial and visa sanctions, and the role of extraterritorial prosecution, market-based incentives, and development bank scrutiny. The middle chapters then turn inward, exploring what it might mean to 'put victims at the centre' (p. 75) of anti-corruption work – an enquiry that occasions a careful, and to this reviewer's mind genuinely original, treatment of asset recovery, of the forms reparation might take in corruption cases, and of the evidentiary and causal problems that arise when one attempts to demonstrate a sufficient nexus between an illicit act and a diffuse harm.

The choice of Latin America as the principal frame of reference is judiciously justified. The region offers, on the one hand, a regrettable abundance of paradigmatic cases: from Pinochet's Riggs accounts to the Fujimori-Montesinos partnership, from the Lava Jato investigation and its Odebrecht ramifications to the more recent erosion of judicial independence in Guatemala. It offers, on the other hand, a vibrant tradition of social mobilisation, a well-developed regional human rights system whose jurisprudence has migrated into domestic constitutional law, and a generation of lawyers and activists whose experience of fighting impunity for grave rights violations equips them, in many respects uniquely, to confront the impunity of the corrupt. The author is candid about the limits of this regional focus, and acknowledges that two of her transitional-justice case studies – South Africa and Tunisia – lie outside it. But the choice is more than autobiographical convenience. It allows her to demonstrate, with a degree of granularity that a global survey could not have achieved, how concepts forged in one area of legal practice migrate across to another: how doctrines developed for the victims of forced disappearance now inform standing rules in anti-corruption proceedings; how presumptions of state responsibility derived from patterns of paramilitary violence are pressed into service in cases involving organised criminal-political networks; how the language of diffuse harm, borrowed from consumer and

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environmental law, finds purchase in corruption cases involving thousands of indirect victims.

It is in this comparative and cross-doctrinal analysis that the book is at its strongest. Roht-Arriaza is a careful reader of jurisprudence and a still more careful interlocutor of the institutional actors – prosecutors, judges, civil society lawyers – whose practice she records. The chapters on reparation and on the use of plea bargains and non-conviction-based forfeiture are particularly accomplished; they navigate, with sure-footedness, the genuine tensions between the desire to recover stolen assets, the imperative of respecting due process, and the political risk that anti-corruption tools become instruments in the hands of the corrupt themselves. Her treatment of the Brazilian Lava Jato aftermath – where the annulment of Lula da Silva's conviction on grounds of judicial partiality cast a long shadow over a wider edifice of plea agreements that had themselves produced substantial evidence of wrongdoing – is exemplary in its refusal to collapse the analytical question into the political one. The same may be said of her treatment of the CICIG experience, where she gives due weight both to the Commission's spectacular record (over four hundred convictions, including those of presidents and judges) and to the political miscalculations that eventually delivered its enemies the leverage required to shut it down.

The discussion of the proposed International Anti-Corruption Court (IACC), to which the concluding chapter devotes considered attention, deserves particular notice. Roht-Arriaza is sympathetic to the project without being seduced by it. She rehearses, fairly, the principal objections – that kleptocrats will not allow their states to join; that international prosecutions are expensive and dependent on state cooperation; that criminal prosecution is not necessarily the most efficient response to grand corruption – and acknowledges that the experience of the International Criminal Court should chasten enthusiasm. She is alive to the deeper structural choice the proposal poses, between top-down institution-building and the more decentralised, networked approaches that have characterised much of the recent practice in anti-corruption and human rights work alike. Her own preference, prudently expressed, is for an '"all of the above" strategy' (p. 210) that combines the two, while drawing attention to less ambitious proposals (such as a Transnational Asset Recovery Mechanism) which may achieve much at lower cost. Readers will form their own views on whether the IACC is a project worth pursuing; but they will not find in this book the kind of unreflective advocacy that has sometimes characterised the literature.

If the book has weaknesses, they lie less in what it argues than in what it leaves implicit. Three observations may be ventured.

First, the treatment of attribution under the law of state responsibility, though astutely framed as a 'threshold question' distinct from causation, is somewhat schematic. The author rightly observes that the rules codified in the International Law Commission (ILC) Articles – the 'effective control' test of *Nicaragua*, the 'overall control' test of *Tadić* – were forged in disputes whose factual matrix differs significantly from that of grand corruption. She suggests, persuasively, that the change in the nature of the problem ought to 'allow for an evolution in doctrine' (p. 207). Yet the precise contours of that evolution remain to be drawn. Where political elites instigate schemes involving organised crime and private corporate actors, where armed groups exercise quasi-governmental functions over substantial territory, the conceptual challenge is not merely one of fact-finding but of doctrine. The book gestures towards Article 9 of the ILC Articles (private actors exercising elements of governmental authority in the absence or default of official authorities) but does not develop the argument with the rigour it merits. A more sustained engagement with the existing scholarship on attribution and complicity – and, perhaps, with the parallel debates in international criminal law concerning modes of liability for organisational criminality – would have strengthened a chapter that, as it stands, opens up more questions than it answers.

Second, while nuanced and attentive to the politics of victimhood, the book's treatment of the obligations of 'enabler' states – those, predominantly Western, in which the proceeds of grand corruption are laundered, invested, or simply enjoyed – remains ultimately more persuasive at the level of policy and pragmatism than of fully elaborated doctrine. Roht-Arriaza correctly identifies the lawyers, accountants, real-estate brokers, and corporate service providers without whose ministrations grand corruption could not flourish at its current scale. She notes the recent efforts of certain jurisdictions to bring them within the perimeter of anti-money-laundering and beneficial-ownership disclosure regimes. What is less developed is the international-law analysis of the obligations that the home states of enablers may bear, whether under existing human rights treaties, under the UNCAC's provisions, or under broader principles concerning the duty not to permit one's territory to be used for acts contrary to the rights of other states. There is, here, a fertile field that the book opens but does not till.

Third, on the question of the 'human rights orientation' itself, the book's argument would have benefited from a more sustained engagement with the doctrinal objections that have been raised, most notably by those who fear that the indiscriminate extension of victim status to all those indirectly affected by corruption will dilute the specificity of human rights protection. Roht-Arriaza is alive to these concerns – her treatment of 'victimhood' in the

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concluding chapter is nuanced – but the discussion remains largely at the level of policy and pragmatism. The harder doctrinal question, whether the existing corpus of human rights law can accommodate corruption as a stand-alone violation without straining its analytical categories beyond endurance, is canvassed but not, in the end, fully resolved.

These observations should not be taken as detracting from what is a genuinely important contribution. *Fighting Grand Corruption* is the work of a scholar at the height of her powers, writing with the authority of long engagement, the discipline of careful empirical observation, and the moral seriousness that the subject demands. It is also, in a quality too often absent from legal scholarship of this register, an extraordinarily well-written book. The prose is unforced, the case studies are deployed with restraint and to effect, and the author resists throughout the temptation to allow indignation to substitute for analysis. The result is a volume that will be read with profit by international lawyers, by comparative criminal lawyers, by human rights practitioners, by transitional justice scholars, and by the growing community of activists and officials whose business is to give effect, in difficult institutional conditions, to the obligations that the international legal order has accumulated in this field.

It is fitting, in conclusion, to register a more general observation about the trajectory the book traces. The convergence of anti-corruption and human rights is no longer, as it might have been a decade ago, an exhortation; it is a fact of institutional and doctrinal life. The Inter-American Court has begun to engage with corruption-related claims; United Nations human rights mechanisms have integrated corruption into their reporting; targeted sanctions regimes increasingly treat human rights violations and grand corruption as cognate grounds for designation; the Organisation for Economic Co-operation and Development (OECD) Anti-Bribery Working Group has acknowledged the human rights dimensions of its remit. The challenge facing the discipline is no longer to argue for the convergence but to work out, with patience and precision, its doctrinal and institutional implications. Roht-Arriaza's book offers no comprehensive answer – no single volume could – but it provides a map of the terrain that is at once accurate, capacious, and unfailingly intelligent. It deserves to be read, and it will repay re-reading. Indeed, the book ultimately advocates what the author herself terms an 'everything, everywhere, all at once' (p. 215) strategy, combining legal, political, financial, environmental, and social-movement tools across jurisdictions.

One closes the book with the sense that the project it announces is far from complete. The author herself, in candid fashion, acknowledges as much: the responses she proposes are admittedly partial; the limitations she identifies in the existing UNCAC framework will require, on any view, 'a thorough revision' (p. 203) that her book maps rather than effects. That admission is, in its way, the highest recommendation. The most useful scholarly works are those that open enquiry rather than foreclose it. *Fighting Grand Corruption* opens an enquiry of considerable importance, and equips its readers – lawyers, advocates, and policymakers alike – with the conceptual tools they will need to carry it forward.

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